

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426  
August 11, 2017

OFFICE OF ENERGY PROJECTS

Project No. 12966-004—Utah and Arizona  
Lake Powell Pipeline Project  
Utah Board of Natural Resources

Mr. Eric Millis  
Utah Board of Water Resources  
1594 W. North Temple, Suite 310  
P.O. Box 146201  
Salt Lake City, Utah 84116

**Reference: Lake Powell Pipeline Project—Request for Additional Information**

Dear Mr. Millis:

After reviewing your license application for the proposed Lake Powell Pipeline Project (project), filed on May 2, 2016, and supplemented on June 2, 2016; your October 24, 2016, response to our request for Clarification and Additional Information; and your June 30, 2017, draft HPMP and Ethnographic reports, we find we need additional information before we can complete our analysis. Under 18 Code of Federal Regulations § 4.32(g) of the Federal Energy Regulatory Commission's (Commission's) regulations, please file the additional information (schedule A) within 60 days from the date of this letter.

If the submission of any additional information causes any other part of the application to be inaccurate, please revise that part and refile it by the due date. Also, please be aware that further requests for additional information may be sent to you at any time before final action on your application is taken.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket number, Project No. 12966-004, on the first page of your response.

If you have any questions regarding this letter or the contents of your final license application, please contact Jim Fargo at (202) 502-6095 or at [james.fargo@ferc.gov](mailto:james.fargo@ferc.gov).

Sincerely,

Timothy Konnert, Chief  
West Branch  
Division of Hydropower Licensing

Enclosures:

Schedule A—Additional Information

cc: Mailing List  
Public Files

Schedule A  
Project No. 12966-004

### **ADDITIONAL INFORMATION**

The following is a list of additional information needs that we have identified. Please file the requested information within 60 days of the date of this letter.

#### **Socioeconomics**

Study plan 10 identifies several key issues related to the proposed project that were not included in the Exhibit E of the license application or in Final Study Report 10. These include the likely cost of water to the participating water districts and their new and existing customers and the estimated financial feasibility of the project. Therefore, please provide the following:

- a) An estimate of the cost that would be allocated to each District and how that cost would be allocated among existing and new water users; including the likely impacts on user costs.
- b) An estimate of the financial feasibility of the project—including potential fiscal impacts on the State of Utah for funding the project.

In item 26 of our July 26, 2016 Request for Clarification and Additional Information, we requested electronic copies of any spreadsheet files that you used to calculate National Economic Development benefits (NED) benefits of the project. In your response, you included copies of the output from your NED calculations, which appear to be done by a spreadsheet. Please file a copy of the electronic files for your NED calculations.

In item 17 of our July 26, 2016 Request for Clarification and Additional Information, you provide the total per capita water for 2000-2010 broken down for each year into the water use components shown in Figure 3-1 of your Water Needs Assessment. If available, please provide the same data for the years 2011 to 2016.

#### **Cultural**

##### Final Draft Study Report 3

Item 22b of our July 26, 2016 Request for Clarification and Additional Information, asked that your final Class III report include “a description of any visual, audible, or air quality types of effects on known historic properties and other culturally important sites” that were identified within the broader 2-mile APE defined in our May 7, 2009, study plan clarification letter. Section 6.4.3 of the Lake Powell Pipeline Final Draft Study Report 3, January 2017, lacks this information for ethnographic sites under the heading, “Two-Mile Study Area for Indirect Impacts.” Therefore, please revise

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Section 6.4.3 to include any indirect impacts on ethnographic sites, especially those that have been described and mapped in the Southern Paiute, Hopi, Hualapai, and Zuni ethnographic studies.<sup>1</sup>

Historic Properties Management Plans

Though we understood that the draft historic properties management plans (HPMPs) that you filed in July 2016 would require further revision, in accordance with our Additional Information Request (AIR),<sup>2</sup> we expected that the draft HPMPs you filed on June 30, 2017, would describe all identified resources and the project-related effects to each site. Additionally, while subsequent historic properties treatment plans (HPTPs) would provide details regarding specific measures for each affected site, our AIR requested that the draft HPMPs discuss the types of general measures (e.g. avoidance, monitoring, data recovery, etc.) that would be used at each site to resolve effects that were determined to be adverse. The June 2017 draft HPMPs do not contain this information. Though we understand that these documents are still in draft form, we require the HPMPs to be complete enough for us to adequately analyze project effects to historic properties and resolve adverse effects. Therefore, we need you to revise the HPMPs based on both our original July 2016 AIR comments (Comment 23, parts a-e) and our further comments below.

Response to AIR Comment 23, part a: Appendix B, Table B-2 provides a summary of all previously recorded resources located within the 2-mile-wide project APE for indirect effects. The information in this table enumerates and describes the National Register of Historic Places (National Register) status of a total of 880 archaeological resources within this wider APE. Please identify and describe in detail which specific sites in this APE would be subject to indirect effects associated with the proposed project.

Also provide a second comprehensive table that identifies both the sites located within the project APE for direct effects and the above affected sites within the 2-mile-wide APE for indirect effects. Please specify each site's National Register eligibility (including the National Register criteria under which they were considered eligible), and provide a site description (prehistoric, historic, multi-component, and other descriptive information as provided in Table B-3), and any known correlations with traditional

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<sup>1</sup> Integrate the needed information from the Ethnographic Report into this section of the Class III report.

<sup>2</sup> See Commission's letter, "Lake Powell Pipeline Project—Request for Clarification and Additional Information," issued July 26, 2016.

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cultural properties (TCPs). If any sites have not yet been evaluated for listing on the National Register, please provide a plan and schedule to complete these evaluations.

Please ensure that the site counts in the text of both HPMPs are consistent with the information provided in your tables. For example, in the Utah HPMP, the text in section 4.2.1 states that 158 eligible archaeological sites could be affected by the project, but the text provided in the paragraph following Table B-2 states that 178 sites have the potential to be affected. Additionally, in the last paragraph on page A-8, the text states that 21 historic-period archaeological sites are recommended as eligible for listing on the National Register while Table B-3 states that there are 22 eligible historic sites within the APE.

Response to AIR Comment 23, part c: Your HPMPs do not adequately address our request. For the Commission to analyze the potential project-related effects to individual historic properties located within a project APE, details regarding these effects need to be provided. While Section 4.2 of your HPMPs provide a count of the number of potentially-affected eligible archeological sites, your HPMPs do not identify the specific effects to each eligible archaeological resource within the APEs for direct effects nor do they provide the same information for unevaluated sites. The HPMPs also do not provide a description of any visual, audible, or air quality type of project-related indirect effects to specific resources identified within the larger 2-mile-wide APE as requested in our AIR. Please include in the new table requested in our Response to AIR Comment 23, part a. above, a new column that briefly describes specific-project-related effects to each identified archaeological site (e.g. “direct effect: pipeline,” “direct effect: access road,” “direct effect: transmission line,” “indirect effect: visual” “no effects,” etc.), and whether or not those effects have been determined to be adverse.

Response AIR Comment 23, part d: Section 3.0, Management Objectives, briefly describes four strategies to resolve effects to historic properties within the project APE: avoidance, monitoring, physical protection, and mitigation. Additionally, Appendix A briefly mentions the number of eligible sites that can be avoided, would be monitored, or “would require some level of mitigation.” However, more detail is needed on the decision-making process behind each strategy and the guidelines under which the strategy would be implemented. Specifically, please describe: (a) how sites would be avoided, and if avoidance would require a shift in the project corridor or approved plan, describe any additional cultural resource surveys that may be required, as well as how and when these surveys would be conducted and reported and how consultation would occur; (b) the circumstances under which monitoring an archaeological site would be conducted (e.g. sites within a specified distance from ground-disturbing work) and provide a full monitoring plan detailing who would conduct the monitoring, how it would be conducted both during construction and over any new license term, and how monitoring results would be reported; and (c) details on the various “levels of mitigation”

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proposed, how determination of the appropriate mitigation for each site was determined, and how implementation would be conducted.

No specific information or description of the treatment for each eligible or unevaluated site is provided. While specific details for each site may be contained within a subsequent HPTP (e.g. number of archaeological excavation units, etc.), a general description of specific measures to resolve adverse effects to historic properties needs to be included in the HPMP. Please include in the new table requested in our Response to AIR Comment 23, part a above, a new column that briefly describes which strategy would be used to resolve adverse effects at each eligible or unevaluated archaeological resource within the APE for direct effects (e.g. “site would be avoided,” “monitoring,” “data recovery,” “no treatment”). Also, include measures to resolve any indirect effects. Additionally, please provide a set of maps depicting all site locations within the APE for direct effects and affected resources within the 2-mile-wide APE for indirect effects with resources color-coded by the type of treatment received (see our original comment in part d. about color coding various sites).

Response to AIR Comment 23, part e: Although you have been consulting with the BLM, SHPOs, and other regarding the HPMPs, documentation of this consultation is not provided in either HPMP. Please provide an appendix with all requested consultation records.

In addition to our AIR responses above, we note some other aspects in your draft HPMPs that need to be addressed. Please address the following items:

- Section 2.2. Verify if the map provided in Figure 1-1 constitutes the project area of potential effects (APE) or if the pending maps to be included in Appendix A, Figure 1 (as specified in Section 3.1) will depict the APE.
- Section 2.4: Include a more in-depth summary description (3-6 pages) of the prehistoric, historic, and ethnographic context of the project area, particularly as it relates to eligible resources documented within the APE. This description does not, however, need to be as detailed as the description provided in the Class III or ethnographic reports.
- Section 5.5.2: Include a detailed description of inadvertent discovery procedures instead of a proposing a plan to develop these procedures.
- Include activities that will be considered exempt from further review (those activities possessing little or no chance of affecting historic properties) under the HPMP (both during construction and over any license term).
- Include provisions for public interpretation.

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- Include a schedule (i.e., in weeks/months after license issuance) for completion of all actions required in the HPMP.

**Ethnographic Report**

A few outstanding items remain to be addressed based on our original July 2016 AIR comments (see Comment 24, parts a-e). Please modify the Ethnographic Report based on our responses below.

Response to AIR Comment 24, part b: Please provide a column in Table B-1, Summary of TCPs within the APE, that contains information regarding National Register eligibility of each identified TCP. If specific TCPs have not been evaluated at the request of Native American Tribes, please identify those resources.<sup>3</sup>

Response to AIR Comment 24, part c: Please provide a column in Table B-1, Summary of Traditional Cultural Properties within the APE, that describes specific project-related effects to each identified TCP. (See comment on AIR 23, part d. above.)

Response to AIR Comment 24, part d: Please provide a column in Table B-1, Summary of Traditional Cultural Properties within the APE, that describes specific treatment measures for each identified TCP. (See comment on AIR 23, part d. above.)

Response to AIR Comment 24, part e: See response to AIR Comment 23, part e. above.

In addition to our AIR responses above, we note some other aspects in your draft Ethnographic Report that need to be addressed. Please address the following items:

- After section 1.0 (Introduction) add another section on how this particular ethnographic report was compiled, what written and oral sources were used (including references and dates), and who (including all contractors, ethnographers, and tribal informants) contributed and worked on the report.

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<sup>3</sup> Please note that a cultural resource site that is not an eligible archaeological property using the National Register criteria may be eligible as a TCP, and vice versa. Also, it is not necessary that sacred areas and other tribally identified cultural resources meet National Register criteria for us to address any project effects on them under NEPA.

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- In section 5.1.8 (Hopi Tribe), you state that ASM Affiliates<sup>4</sup> were contracted to complete the ethnographic work with the Hopi. Please summarize/update this work, including the site visits in 2012 and 2013 with Hopi representatives (see pages 5-31, 5-34). Also make sure that in the related sections under 5.1 that all communications, contacts, and field visits are current/up to date with the other involved tribes.
- In sections 5.3.1 (Hualapai Study), 5.3.2 (Hopi Study), 5.3.3 (Pueblo of Zuni Study), and 5.3.4 (Kaibab Band of Indians, PITU, and San Juan Southern Paiute Study) make sure to cite all related ethnographic reports, authors, and dates. Also give more narrative on how information was gathered within the beginning of each section. Use a similar “methods” section as you did with the Kaibab/SPAC (see page 5-68). Within the body of each section, use adequate citations so the reader has enough of an understanding of where and when specific information was gathered relative to the report it was originally provided in.
- The location maps provided in the draft ethnographic report need to match (in both detail and scale) the Utah-Arizona interpolation maps provided in the Class III report filed in January 2017 (Appendix B). All ethnographic areas and sites (including TCPs and TCDs), as detailed and discussed in the draft ethnographic report need to be plotted on these particular maps that detail what they are and the extent of their boundaries. Corresponding tables (as in Table A-1) should also be provided. Note that there were a number sites (as in, 42KA3054) and site type (as in, Navajo Well) that were not on the corresponding maps. Also, in Table A-1, “Kanab Creek Crossing” should be “Kanab River Crossing” as labeled on the corresponding map. In the location maps, also add to the key what “(EL)”, “(MT)”, and “(ASM)” mean. Make sure all information between the corresponding tables and maps are consistent.

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<sup>4</sup> Please clarify why ASM Affiliates is not listed in the title page, along with Commonwealth, Sagebrush, and Stantec. It appears that they had input into the ethnographic report.



Document Content(s)

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