825 N.E. Multnomah, Suite 1500
Portland, Oregon 97232
(503) 813-5000

ORIGINAL

PACIFICORP
PACIFIC POWER UTAH POWER

May 13, 2003

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Subject: **Decommissioning of the American Fork Hydroelectric Project, (FERC Project No. 696 – Additional Information Request**

Dear Ms. Salas:

PacifiCorp is in receipt of the March 19, 2003 letter from Lon Crow, FERC Office of Energy Projects, requesting additional information regarding our filing of the surrender application for the American Fork Hydroelectric Project (FERC Project No. 696). As required by that letter, a copy of the Additional Information Request was provided to all agencies to be consulted regarding the requested information within 5 days of receiving the letter. Consultation with the agencies was requested in writing at least 30 days prior to the date required to file the additional information with the Commission (Attachment A). Enclosed is an original and eight copies of PacifiCorp's response to this Additional Information Request. The items from the March 19 request are restated below in bold, followed by PacifiCorp's response. Letters from agencies consulted are included in Attachment B.

Item #1

By letter dated February 12, 2003, you transmitted the Settlement Agreement (SA or Settlement) Concerning the Decommissioning of the American Fork Project. In an attachment to the letter, entitled "Explanatory Statement for the Settlement" (explanatory statement), you identify the parties to the Settlement and their missions and responsibilities with regard to protecting, conserving, and or preserving environmental resources. These parties have agreed in the Settlement that implementing the Settlement, if approved unmodified by the FERC, would satisfy its obligations and concerns. For example, you indicate that the Forest Service (USFS) administers National Forest Lands and portions of the National Wilderness Preservation System where this project is located. The National Park Service (NPS) administers the Timpanogos National Monument which is located near the project area. The USFS and NPS manage land in the project area and surrounding canyon land with the objective of retaining its natural beauty. The USFS manages the Lone Wilderness Area with the visual quality objective of "preservation". The USFS and NPS have agreed in the Settlement that implementing the unmodified Settlement would satisfy their land management obligations and concerns with respect to these lands.

The SA or associated documents do not specifically explain how implementation the SA will protect, on a short term and long term basis, the environmental resources of the Uinta National Forest (particularly the Lone Peak Wilderness), the National Park Service Timpanogos National Monument, and the project's "Power Plant Historic District" (listed on the National Register of Historic Places). We need this information in order to complete our environmental analysis of your proposed action. Therefore, in the same format that you provided the affected environment information in your explanatory statement (pages 5 through 12), provide us with a detailed statement of how you believe implementing the SA will mitigate or avoid any adverse effects resulting from the proposed decommissioning activities on recreational, aesthetic, and land resources. In addition, identify any enhancements to these resources as a result of decommissioning activities and implementing the SA.

Response:
The Timpanogos Cave National Monument indicates in their response that removal of the American Fork hydroelectric project will eliminate numerous safety risks within the monument and greatly improve the natural aesthetics of the monument. The State of Utah Division of State History responded that the transferal of the power plant to federal ownership will provide a level of protection beyond what is currently provided and reduce hazards to public safety. The Uinta National Forest (NFS) states in their response that implementation of the Settlement Agreement will result in substantial resource benefits to National Forest System lands managed by the Forest. The response submitted by the NFS follows the same format provided in the affected environment information in the explanatory statement (see Attachment B).

Item #2

You indicate that the project area receives dispersed recreational use such as hiking and fishing. The USFS indicates that the canyon where the project is located receives the heaviest visitor use in comparison to other canyon areas in the Uinta National Forest. These recreationists are presently able to hike and fish along the stream and cross the stream by using the flow line crossings. Describe what short and long-term mitigation you propose to accommodate this recreational activity during and after decommissioning. For example, explain how you will redirect the recreationists during the decommissioning and restoration activities including your plans, if any, to provide advance notice to visitors of the planned activities.

Response:
The NFS stated in their response that short-term mitigation will involve minimizing public disruptions by providing advance notification of construction activities and scheduling construction activities to non-peak periods. Further, the NFS and other agency partners to the Agreement will develop a communication plan to keep the public apprised of the process moving forward. No mitigation for effects on recreation will be necessary because flows will not be shut off during decommissioning activities. Long-term mitigation will consist of installing toilet and bridge at the powerhouse.

Item #3

You indicate that from several vantage points in the canyon surrounding the project (including Highway 92), the flowline, powerhouse and other project structures are visible to recreationists. Describe what demolition and restoration activity (such as rip rap placement and flow line removal/temporary storage) will be visible and for what period of time. Describe what portions of the project will remain visible from these vantage points after decommissioning and restoration.

Response:
The Timpanogos Cave National Monument states in their response that deconstruction activities will only be visible to recreationists during a limited time of the year from the cave trail, and suggests that the work could be utilized as an educational/interpretive opportunity for Monument staff. The NFS states in their response that the spatially and temporally limited period of the work should not compromise the visual quality objectives of the Lone Peak Wilderness or aesthetic values of the Forest. The response submitted by the NFS follows the same format provided in the affected environment information in the explanatory statement (see Attachment B).

Item #4

You indicate that a new parking area and access pathways will be constructed to allow the public to view the restored powerhouse. If you propose to install these recreational facilities prior to August 2006, provide a conceptual drawing of the facilities showing their relationship with the project boundary and a schedule for constructing the facilities. Also provide an explanation of who will be monitoring and maintaining these facilities in a safe condition for public use.

Response:
As indicated in the Settlement Agreement, the parking area and pathway to the restored powerhouse will not be constructed prior to 2006, and conceptual drawings and schedule for such actions will be developed commencing in January 2006 as part of the permitting process. In addition, the NFS indicates that the agency will work with the SHPO to determine long-term use and maintenance of the facilities.

Item #5

Explain how you intend to monitor and control ingress and egress of construction related traffic to minimize or avoid conflicts with visitor traffic.

Response:
The State of Utah Department of Transportation (UDOT) indicates in its response that it opposes a road closure during construction activities associated with project decommissioning, but will require a traffic plan as part of permitting necessary to conduct this work, and NPS and NFS concurrence will be required for approval. The NFS states that measures must be taken to ensure decommissioning actions do not result in impacts on public safety, including traffic on SR92. A list of specific requirements are included in their response (see Attachment B).

Item #6

On page 6 of the explanatory statement for the Settlement Agreement, location and types of wetlands were noted. Further, it was noted that these wetlands were formed "...because of the Project's impoundment of American Fork Creek". However, there is no discussion regarding the potential impacts to these wetlands upon the decommissioning of the project and subsequent removal of the impoundment. In order for us to have a complete understanding of what wetlands might possibly be affected by this project, please provide a description of the wetlands within the project boundary along with a discussion of any short-term or long-term impact to those wetlands upon the removal of the impoundment.

Response:
The Utah Division of Wildlife Resources responded to this Additional Information Request with two site visits, accompanied by NFS staff, to inspect wetlands that may be potentially affected by removal of the American Fork project (see Attachment B). Two wetlands located immediately upstream of the diversion dam occupy less than ¼ acre. Although the diversion dam may have created part of these wetlands, a spring flowing into one wetland maintains this "perched" wetland when water levels behind the diversion dam are low. As part of stream restoration associated with removing the project, a properly constructed berm will help to maintain wetland functions in this area. The response submitted by the NFS recommends a revision to the Affected Environment section of the explanatory statement regarding Wetlands (see Attachment B).

Item #7

A review of the Surrender Application and the Settlement Agreement, filed on December 31, 2002 and February 13, 2003, did not result in our finding of your request for a 401 water quality certificate. Because in-stream construction or demolition, as in the case of the proposed dam removal, is an activity that may result in a discharge, a 401 water quality certificate is required pursuant to 4.38(f)(7). Please submit a copy of your 401 water quality certificate, or your application to the State of Utah for a 401 water quality certificate, with your response to this Schedule A. If you do not feel that a 401 water quality certificate is necessary for this proposed action, please file with the Commission, within 20 days from the date of this letter, your reasons why you believe a 401 water quality certificate is not appropriate.

Response:
Consultation with the Utah Division of Environmental Quality indicated that work included in the decommissioning of the American Fork project will not require 401 certification, because discharge is not anticipated (Gayle Smith, Utah Division of Environmental Quality, April 4, 2003). However, following telephone conversations with Shawn Zinszer, U.S. Army Corps of Engineers, and Chuck Williamson, Utah Division of Water Rights, it was determined that a Stream Alteration Permit would be necessary to accomplish objectives outlined in the settlement agreement. In written communication dated April 9, 2003, the Utah Division of Water Rights stated that a Stream Alteration Permit acquired prior to beginning the decommissioning project will satisfy the requirements of Section 404 of the Clean Water Act as well as those of the Division of Water Rights (see Attachment B).

If you have any questions regarding the information contained within this Additional Information Request response, please contact me at (503) 813-6629.

Sincerely,

Monte Garrett
PacifiCorp Project Manager

cc: Lon Crow – FERC, DC
Ken Hogan – FERC, DC
FERC Service List

bc: D. Humphreys - Pioneer
B. Eaquinto – 1500 LCT
J. Sample – 1500 LCT
R. Landolt – 1500 LCT
M. Sturtevant – 1500 LCT

File:

Attachment A

825 N.E. Multnomah, Suite 1500
Portland, Oregon 97232
(503) 813-5000

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April 4, 2003

Chuck Williamson
Department of Natural Resources
Division of Water Rights
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114

Shawn Zinszer
Project Manager
Utah Regulatory Office
533 West 2600 South
Suite 150
Bountiful, UT 84010

Subject: **Permitting for instream work pursuant to the American Fork Hydroelectric Project Decommissioning**

PacifiCorp (d.b.a. Utah Power & Light) filed with the Federal Energy Regulatory Commission (FERC) on February 13, 2003, an Offer of Settlement to decommission and remove the American Fork Hydroelectric Project, Utah County, Utah. The Settlement Agreement for decommissioning of the American Fork project was reached with numerous intervenors to the ongoing relicensing process, including state and federal agencies and several non-governmental organizations. The Settlement Agreement is enclosed with this mailing for your review.

The FERC accepted the Offer of Settlement as a surrender application by letter dated March 19, 2003, but included an Additional Information Request (AIR) for information necessary to conduct its environmental analysis of the proposed action (see attached). Included in the AIR was an inquiry regarding the need for a 401 water quality certificate authorizing the instream work included in proposed project removal and stream restoration.

I understand that a Stream Alteration Permit may be necessary to remove the hydro project and accomplish the objectives of the Settlement Agreement. With this letter, PacifiCorp requests guidance regarding the need for a Stream Alteration Permit and, if so, steps necessary to acquire this permit or any other regulatory authorization.

Your prompt attention to this matter is appreciated. I look forward to hearing from you soon.

Sincerely,

Monte Garrett
PacifiCorp Licensing Project Manager

Enclosures

Cc w/o enclosures: FERC Service List
K. Hogan – FERC

AF\MG\04.04.03

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

MAR 19 2003

OFFICE OF ENERGY PROJECTS

Project No.696-013 – Utah
American Fork Hydroelectric Project
PacifiCorp

Mr. Monte Garrett
PacifiCorp Licensing Project Manager
825 N.E. Multnomah, Suite 1500
Portland, OR 97232

RE: Acceptance of Surrender Application and Additional Information Request

Dear Mr. Garret:

On January 29, 2003, the Commission sent you a letter confirming our receipt of your request for withdrawal of your pending license application and the enclosed decommissioning plan, filed on December 31, 2002. In that letter, we requested clarification as to whether or not the decommissioning plan was actually a surrender application. The letter stated that if you did not respond within 15 days, we would consider the decommissioning plan to be an application to surrender the license for the American Fork Project. On February 13, 2003, you filed a settlement agreement, supplementing the December 31, 2002 filing. In your cover letter, of the February 13th filing, you stated that you did not object to the Commission's consideration of the decommissioning plan to be an application for surrender of the American Fork Project. On February 21, 2003, we noticed the surrender application for the American Fork Project.

By copy of this letter, we wish to inform you that your surrender application for the American Fork Hydroelectric Project has been accepted by the Commission for filing as of December 31, 2002, but is not ready for environmental analysis at this time.

To support and assist our environmental review, in the near future we will initiate a public scoping process to solicit comments to ensure that all pertinent issues are identified and analyzed.

Our review of the surrender application has raised several questions that we will need additional information from you to complete our review of the surrender application. A listing of the information needed is enclosed in Schedule A.

Under Section 4.32(g) of the Commission's regulations, please file within 60 days from the date of this letter the information requested in the enclosed Schedule A. If the submission of additional information causes any other part of the application to be inaccurate, that part should also be revised and refiled by the due date.

Within 5 days of receipt of this letter, please provide a copy of this letter and the attached schedule to all agencies you will consult in response to this additional information request. Then, when you file the requested information with the Commission, provide a complete copy of the information to each agency and other entity consulted, and to all parties on the service list.

Specific questions included in this request for additional information require your consultation with various entities. Where appropriate, you should request consultation in writing. Allow the entities consulted at least 30 days to respond before filing the additional information with the Commission. In your filing, you should include copies of all responses received from the entities you consulted, and tell us how you addressed any comments and recommendations made. If the entities you attempted to consult with do not reply, you should provide us dated copies of your letters requesting consultation.

Please file an original and 8 copies of the information with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Please feel free to contact Kenneth Hogan at (202) 502-8434, if you have any questions concerning this additional information request.

Sincerely,

Lon Crow
Hydro West Branch 2, Chief

Enclosure: Schedule A

cc: Mailing List
Service List
Public Files

Project No. 696-013
Schedule A

ADDITIONAL INFORMATION REQUEST

Please file within 60 days from the date of this letter the following additional information. When you file this additional information with the Commission, you should at the same time serve exact copies of the filings on the agencies that you consulted during the preparation of the application, as appropriate.

Recreational Resources, Land Use Management, Aesthetics, and Cultural Resources:

1) By letter dated February 12, 2003, you transmitted the Settlement Agreement (SA or Settlement) Concerning the Decommissioning of the American Fork Project. In an attachment to the letter, entitled "Explanatory Statement for the Settlement" (explanatory statement), you identify the parties to the Settlement and their missions and responsibilities with regard to protecting, conserving, and or preserving environmental resources. These parties have agreed in the Settlement that implementing the Settlement, if approved unmodified by the FERC, would satisfy its obligations and concerns. For example, you indicate that the Forest Service (USFS) administers National Forest Lands and portions of the National Wilderness Preservation System where this project is located. The National Park Service (NPS) administers the Timpanogos National Monument which is located near the project area. The USFS and NPS manage land in the project area and surrounding canyon land with the objective of retaining its natural beauty. The USFS manages the Lone Wilderness Area with the visual quality objective of "preservation". The USFS and NPS have agreed in the Settlement that implementing the unmodified Settlement would satisfy their land management obligations and concerns with respect to these lands.

The SA or associated documents do not specifically explain how implementing the SA will protect, on a short-term and long-term basis, the environmental resources of the Uinta National Forest (particularly the Lone Peak Wilderness), the National Park Service Timpanogos National Monument, and the project's "Power Plant Historic District" (listed on the National Register of Historic Places). We need this information in order to complete our environmental analysis of your proposed action. Therefore, in the same format that you provided the affected environment information in your explanatory statement (pages 5 through 12), provide us with a detailed statement of how you believe implementing the SA will mitigate or avoid any adverse effects resulting from the proposed decommissioning activities on recreational, aesthetic, and land resources. In addition, identify any enhancements to these resources as a result of decommissioning activities and implementing the SA.

2) You indicate that the project area receives dispersed recreational use such as hiking and fishing. The USFS indicates that the canyon where the project is located receives the heaviest visitor use in comparison to other canyon areas in the Unita National Forest. These recreationists are presently able to hike and fish along the stream and cross the stream by using the flow line crossings. Describe what short and long-term mitigation you propose to accommodate this recreational activity during and after decommissioning. For example, explain how you will redirect the recreationists during the decommissioning and restoration activities including your plans, if any, to provide advance notice to visitors of the planned activities.

3) You indicate that from several vantage points in the canyon surrounding the project (including Highway 92), the flow line, powerhouse and other project structures are visible to recreationists. Describe what demolition and restoration activity (such as rip rap placement and flow line removal/ temporary storage) will be visible and for what period of time. Describe what portions of the project will remain visible from these vantage points after decommissioning and restoration.

4) You indicate that a new parking area and access pathways will be constructed to allow the public to view the restored powerhouse. If you propose to install these recreational facilities prior to August 2006, provide a conceptual drawing of the facilities showing their relationship with the project boundary and a schedule for constructing the facilities. Also, provide an explanation of who will be monitoring and maintaining these facilities in a safe condition for public use.

5) Explain how you intend to monitor and control the ingress and egress of construction-related traffic to minimize or avoid conflicts with visitor traffic.

Terrestrial Resources:

6) On page 6 of the Explanatory Statement for the Settlement Agreement, location and types of wetlands were noted. Further, it was noted that these wetlands were formed "...because of the Project's impoundment of American Fork Creek". However, there is no discussion regarding the potential impacts to these wetlands upon the decommissioning of the project and subsequent removal of the impoundment. In order for us to have a complete understanding of what wetlands might possibly be affected by this project, please provide a description of the wetlands within the project boundary along with a discussion of any short-term or long-term impacts to those wetlands upon the removal of the impoundment (See18 CFR § 4.51(f)(6)(iii).

Water Quality and Quantity:

7) A review of the Surrender Application and the Settlement Agreement, filed on December 31, 2002 and February 13, 2003, respectively, did not result in our finding of your request for a 401 water quality certificate. Because in-stream construction or demolition, as in the case of the proposed dam removal, is an activity that may result in a discharge, a 401 water quality certificate is required pursuant to § 4.38(f)(7). Please submit a copy of your 401 water quality certificate, or your application to the State of Utah for a 401 water quality certificate, with your response to this Schedule A. If you do not feel that a 401 water quality certificate is necessary for this proposed action, please file with the Commission, within 20 days from the date of this letter, your reasons why you believe a 401 water quality certificate is not appropriate.

CERTIFICATE OF SERVICE

I certify that I have served, by U.S. Mail the foregoing document(s) upon each person designated on the official service list compiled by the Secretary of this proceeding.

In addition to the service list I also served the following:

Ken Hogan, FERC, 888 First Street NE, Rm 63-16, Washington, DC 20426

Dated at Portland, Oregon this 4th day of April, 2003.

Arianne Poindexter
Licensing Project Coordinator
PacifiCorp

Service List for P-696

PacifiCorp

Principal/Party Name/Address	Representative Name/Address
John T Gangemi Conservation Director American Whitewater 482 Electric Ave Bigfork , MT 59911-3641	Richard Roos-Collins Director of Litigation Natural Heritage Institute 2140 Shattuck Ave Fl 5 Berkeley, CA 94704-1210
Mark White Director American Whitewater Affiliation 2034 Hubbard Ave Salt Lake City , UT 84108-1306	
Department of the Interior	GLORIA T SMITH LEGAL TECHNICIAN (OFFICE AUTOM Department of the Interior 888 First Street, N.E. LJ1 Washington, DC 20426
Wallace F. Tillman General Counsel National Rural Electric Cooperative Assn 4301 Wilson Blvd Arlington , VA 22203-1867	
Monte Garrett Project Manager PacifiCorp 825 NE Multnomah St Ste 1500 Portland , OR 97232-2135	Michael A Swiger Van Ness Feldman, P.C. 1050 Thomas Jefferson St NW Fl 7 Washington, DC 20007-3837
William Eaquinto Vice President PacifiCorp 825 NE Multnomah St Ste 1500 Portland , OR 97232-2135	Thomas H. Nelson Thomas H. Nelson & Associates 825 NE Multnomah St Ste 925 Portland, OR 97232-2150
Trout Unlimited	Alan A Matheson Director, Utah Water Project Trout Unlimited PO Box 900054 Sandy, UT 84090-0054
Alan Matheson Trout Unlimited 8667 Snow Mountain Dr Sandy , UT 84093-1756	
G. Kevin Jones US Department of the Interior OFFICE OF THE SOLICITOR 125 S State St Suite 6201 Salt Lake City , UT 84138-1102	KIT MULLEN US Department of the Interior TIMPANOGOS CAVE NATIONAL MONUMENT RR 3 Box 200 American Fork, UT 84003-9803
USDA Forest Service-Intermountan Region	Bert Kuleza Acting Regional Forester USDA Forest Service-Intermountan Region 324 25th Street

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April 7, 2003

Reese Pope
Uinta National Forest
88 West 100 North
Provo, UT 84601

Kit Mullen
Timpanogos Cave National Monument
RR3, Box 200
American Fork, UT 84003

Laura Berglund
U.S. Fish and Wildlife Service
145 East 1300 South, Suite 404
Salt Lake City, UT 84115

Doug Sakaguchi
Utah Division of Wildlife Resources
1115 North Main St.
Springville, UT 84663

Tracy Conti
Utah Department of Transportation
658 North 1500 West
Orem, UT 84057

Roger Roper
State Historic Preservation Office
300 South Rio Grande
Salt Lake City, UT 84101

Subject: **Federal Energy Regulatory Commission Additional Information Request pursuant to the American Fork Hydroelectric Project Decommissioning**

PacifiCorp filed with the Federal Energy Regulatory Commission (FERC) on February 13, 2003, an Offer of Settlement to decommission and remove the American Fork Hydroelectric Project, Utah County, Utah. As you know, the Settlement Agreement for decommissioning the project was reached following nearly 2 years of meetings and negotiation of measures necessary to ensure that the action would be completed for the long-term benefit of natural resources on public lands in American Fork Canyon.

The FERC accepted the Offer of Settlement as a surrender application by letter dated March 19, 2003, but included an Additional Information Request (AIR) in order to conduct its environmental analysis of the proposed action. PacifiCorp intends to provide this information to the FERC on schedule (by May 16) to facilitate our receipt of the surrender order authorizing project removal. As partners with PacifiCorp in this endeavor, with this letter I request your input regarding the following questions. The numbers follow requests included in Schedule A of the FERC AIR (see attached).

1) The USFS and NPS have indicated that the Settlement Agreement would satisfy their land management obligations and concerns regarding the American Fork project. Explain specifically how implementation of the Agreement will protect the long-term and short-term welfare of resources on these public lands. In addition, the SHPO should explain how the "Power Plant Historic District" will be safeguarded by such implementation. What enhancement of these resources will result from decommissioning?

2) What short and long-term mitigation is proposed to accommodate recreational activity during and after decommissioning? What advance notice of the decommissioning activities will be provided to visitors?

3) For what period of time will demolition and restoration activity be visible to recreationists in the project vicinity? Will any portions of the project be visible after decommissioning and restoration?

4) As indicated in the Settlement Agreement, the parking area and pathway to the restored powerhouse will not be constructed prior to 2006, and conceptual drawings and schedule for such actions will be developed commencing in January 2006 as part of the permitting process. PacifiCorp will provide this information to the FERC in our May 16 AIR response.

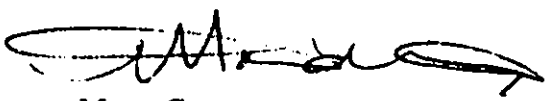
5) The UDOT should provide recommendations regarding traffic safety and control along roads affected by decommissioning activities. The USFS and NPS may also have recommendations in this matter.

6) The license application alludes to wetlands formed by project impoundment (slack-water areas) of American Fork Creek. The UDWR, and perhaps USFS and NPS, should provide input regarding the description and potential impacts to these wetlands from decommissioning of the project.

7) In a separate letter and in direct communications, PacifiCorp is consulting with Utah Division of Environmental Quality, DNR Division of Water Rights, and U.S. Army Corps of Engineers regarding permitting needs necessary for the instream work necessary to decommission the American Fork project.

As indicated above, PacifiCorp will provide a response to the FERC on May 16, 2003. It is our desire that this AIR response represents the needs of all the parties to the Settlement Agreement. The information you provide is necessary and appreciated. I look forward to hearing from you soon.

Sincerely,



Monte Garrett
PacifiCorp Licensing Project Manager

Attachment

Cc w/o attachment: FERC Service List
K. Hogan – FERC

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

MAR 19 2003

OFFICE OF ENERGY PROJECTS

Project No.696-013 – Utah
American Fork Hydroelectric Project
PacifiCorp

Mr. Monte Garrett
PacifiCorp Licensing Project Manager
825 N.E. Multnomah, Suite 1500
Portland, OR 97232

RE: Acceptance of Surrender Application and Additional Information Request

Dear Mr. Garret:

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By copy of this letter, we wish to inform you that your surrender application for the American Fork Hydroelectric Project has been accepted by the Commission for filing as of December 31, 2002, but is not ready for environmental analysis at this time.

To support and assist our environmental review, in the near future we will initiate a public scoping process to solicit comments to ensure that all pertinent issues are identified and analyzed.

Our review of the surrender application has raised several questions that we will need additional information from you to complete our review of the surrender application. A listing of the information needed is enclosed in Schedule A.

Under Section 4.32(g) of the Commission's regulations, please file within 60 days from the date of this letter the information requested in the enclosed Schedule A. If the submission of additional information causes any other part of the application to be inaccurate, that part should also be revised and refiled by the due date.

Within 5 days of receipt of this letter, please provide a copy of this letter and the attached schedule to all agencies you will consult in response to this additional information request. Then, when you file the requested information with the Commission, provide a complete copy of the information to each agency and other entity consulted, and to all parties on the service list.

Specific questions included in this request for additional information require your consultation with various entities. Where appropriate, you should request consultation in writing. Allow the entities consulted at least 30 days to respond before filing the additional information with the Commission. In your filing, you should include copies of all responses received from the entities you consulted, and tell us how you addressed any comments and recommendations made. If the entities you attempted to consult with do not reply, you should provide us dated copies of your letters requesting consultation.

Please file an original and 8 copies of the information with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

Please feel free to contact Kenneth Hogan at (202) 502-8434, if you have any questions concerning this additional information request.

Sincerely,

Lon Crow
Hydro West Branch 2, Chief

Enclosure: Schedule A

cc: Mailing List
Service List
Public Files

Project No. 696-013
Schedule A

ADDITIONAL INFORMATION REQUEST

Please file within 60 days from the date of this letter the following additional information. When you file this additional information with the Commission, you should at the same time serve exact copies of the filings on the agencies that you consulted during the preparation of the application, as appropriate.

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The SA or associated documents do not specifically explain how implementing the SA will protect, on a short-term and long-term basis, the environmental resources of the Uinta National Forest (particularly the Lone Peak Wilderness), the National Park Service Timpanogos National Monument, and the project's "Power Plant Historic District" (listed on the National Register of Historic Places). We need this information in order to complete our environmental analysis of your proposed action. Therefore, in the same format that you provided the affected environment information in your explanatory statement (pages 5 through 12), provide us with a detailed statement of how you believe implementing the SA will mitigate or avoid any adverse effects resulting from the proposed decommissioning activities on recreational, aesthetic, and land resources. In addition, identify any enhancements to these resources as a result of decommissioning activities and implementing the SA.

2) You indicate that the project area receives dispersed recreational use such as hiking and fishing. The USFS indicates that the canyon where the project is located receives the heaviest visitor use in comparison to other canyon areas in the Unita National Forest. These recreationists are presently able to hike and fish along the stream and cross the stream by using the flow line crossings. Describe what short and long-term mitigation you propose to accommodate this recreational activity during and after decommissioning. For example, explain how you will redirect the recreationists during the decommissioning and restoration activities including your plans, if any, to provide advance notice to visitors of the planned activities.

3) You indicate that from several vantage points in the canyon surrounding the project (including Highway 92), the flow line, powerhouse and other project structures are visible to recreationists. Describe what demolition and restoration activity (such as rip rap placement and flow line removal/ temporary storage) will be visible and for what period of time. Describe what portions of the project will remain visible from these vantage points after decommissioning and restoration.

4) You indicate that a new parking area and access pathways will be constructed to allow the public to view the restored powerhouse. If you propose to install these recreational facilities prior to August 2006, provide a conceptual drawing of the facilities showing their relationship with the project boundary and a schedule for constructing the facilities. Also, provide an explanation of who will be monitoring and maintaining these facilities in a safe condition for public use.

5) Explain how you intend to monitor and control the ingress and egress of construction-related traffic to minimize or avoid conflicts with visitor traffic.

Terrestrial Resources:

6) On page 6 of the Explanatory Statement for the Settlement Agreement, location and types of wetlands were noted. Further, it was noted that these wetlands were formed "...because of the Project's impoundment of American Fork Creek". However, there is no discussion regarding the potential impacts to these wetlands upon the decommissioning of the project and subsequent removal of the impoundment. In order for us to have a complete understanding of what wetlands might possibly be affected by this project, please provide a description of the wetlands within the project boundary along with a discussion of any short-term or long-term impacts to those wetlands upon the removal of the impoundment (See18 CFR § 4.51(f)(6)(iii).

Water Quality and Quantity:

7) A review of the Surrender Application and the Settlement Agreement, filed on December 31, 2002 and February 13, 2003, respectively, did not result in our finding of your request for a 401 water quality certificate. Because in-stream construction or demolition, as in the case of the proposed dam removal, is an activity that may result in a discharge, a 401 water quality certificate is required pursuant to § 4.38(f)(7). Please submit a copy of your 401 water quality certificate, or your application to the State of Utah for a 401 water quality certificate, with your response to this Schedule A. If you do not feel that a 401 water quality certificate is necessary for this proposed action, please file with the Commission, within 20 days from the date of this letter, your reasons why you believe a 401 water quality certificate is not appropriate.

Bc: B. Eaquinto – LCT 1500
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D. Humphreys – Pioneer
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Attachment B

United States Department of Agriculture **Forest Service** **Uinta National Forest**
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801 342-5100

File Code: 2770
Date: May 7, 2003

Monte Garrett
PacifiCorp Licensing Project Manager
PacifiCorp
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Dear Monte:

Enclosed is the Forest Service response to the Additional Information Request (AIR) from the Federal Energy Regulatory Commission. I hope the information is helpful to you in order to meet the requirements of the AIR as you prepare your responses. If you have questions or need any additional help contact either Reese Pope @ 801-342-5104 or John Logan @ 801-342-5193.

Sincerely,

/s/ Peter W Karp
PETER W KARP
Forest Supervisor

Enclosure

USFS Response to American Fork Hydro AIR

1) **FERC's March 19, 2003 request for additional information notes: "The SA or associated documents do not specifically explain how implementation the SA will protect, on a short term and long term basis, the environmental resources of the Uinta National Forest (particularly the Lone Peak Wilderness), the National Park Service Timpanogos National Monument, and the project's "Power Plant Historic District" (listed on the National Register of Historic Places). We need this information in order to complete our environmental analysis of your proposed action. Therefore, in the same format that you provided the affected environment information in your explanatory statement (pages 5 through 12), provide us with a detailed statement of how you believe implementing the SA will mitigate or avoid any adverse effects resulting from the proposed decommissioning activities on recreational, aesthetic, and land resources. In addition, identify any enhancements to these resources as a result of decommissioning activities and implementing the SA.**

In your April 7, 2003, letter to us you note: "The USFS and NPS have indicated that the Settlement Agreement would satisfy their land management obligations and concerns regarding the American Fork project. Explain specifically how implementing of the Agreement will protect, on a short-term and long-term welfare of resources on these public lands. In addition, the SHPO should explain how the "Power Plant History District" will be safeguarded by such implementation. What enhancement of these resources will result from decommissioning?"

Implementation of the Settlement Agreement will result in substantial resource benefits to the National Forest System (NFS) lands managed by the Uinta National Forest. This includes NFS lands within the Lone Peak Wilderness Area. The effects of implementing the settlement agreement are described below:

III. The Affected Environment
  A. Description of the Locale
    B. Topography

The existing flowline is located on very steep, rocky slopes, which have a lot of natural landslide and rock movement. Though some of the flowline is completely buried, the above-ground portions are exposed to rockfall, and the entire flowline could be affected by seismic activity and mass movement events. In the past these factors have contributed to flowline breakages and these breakages have resulted in flooding, significant erosion, sedimentation in American Fork River, and other impacts to the environment. Given the past history, it is not unlikely similar breakages could occur in future years.

4. Vegetative Cover

In the short- and long-term, reduction and/or elimination in soil and vegetative disturbance caused by breakages, repair, and/or maintenance activities will allow areas disturbed by past flowline

maintenance/repair activities to heal and return to desired conditions as described in the 2003[1/] Revised Uinta National Forest Land and Resource Management Plan (LRMP).

5. Land Development

With decommissioning, the project facilities on NFS lands would no longer be needed by PacifiCorp or its customers. The Forest Service has also determined that these structures are not needed by the government. Removal of these would eliminate unnecessary structures constructed by the licensee, and would allow restoration of these lands to more naturally functioning ecosystems.

C. Fish, Wildlife and Botanical Resources

The 2003 Revised LRMP contains considerable direction pertinent to stream flows (e.g. see Forest-wide goals on pages 2-2 and 2-3 and description of desired future condition on pages 5-2 and 5-3). Elimination of the diversion will allow the American Fork River to return to more natural flows above the current regulated flow of 4 cfs in the bypass segment. The restoration of flows would improve fisheries habitat conditions, particularly by increasing water depth and security cover during low flow periods in the late summer and winter. This is consistent with achievement of 2003 LRMP Forest-wide goals outlined on pages 2-2 thru 2-11, and Desired Future Conditions (DFC) for aquatic resources described on pages 5-2 and 5-3.

Though downstream fish passage through the project is not a major problem, the diversion dam and powerhouse tailrace block upstream passage of fish. Removal of diversion dam and powerhouse tailrace would remove barriers to fish movement, thereby reconnecting 3 segments into one (as it pertains to fish movement). This would facilitate improved access to spawning and other important habitats, and allow better population movement and genetic interchange in this river. These benefits would facilitate the long-term restoration of Bonneville cutthroat trout in American Fork River. This is consistent with Bonneville cutthroat recovery efforts and the Forest Plan's Forest-wide goals for Bonneville cutthroat trout restoration and DFC for aquatic resources (see 2003 Revised LRMP, G-2-20, Pages 2-7 to 2-8; and Pages 5-2 to 5-3).

Restoration of flows will also benefit stream side flora and fauna as their habitat conditions will return to a natural cycle not subject to diversion levels of water. Wetted areas will increase thus enhancing the micro biota.

Installation of the emergency valve will reduce the destruction of soil and vegetation resources, erosion, sedimentation, and associated impacts to aquatic and terrestrial habitats caused by potential flowline breakages and repairs. This will benefit water quality and fisheries habitat. American

Fork River has been listed as having a confirmed population of Bonneville cutthroat trout, a species listed as sensitive by the Intermountain Region of the Forest Service, in the rangewide conservation agreement and strategy for this species. The valve will reduce potential impacts breakages and repairs might have on this population and its habitat.

D. Historical and Archeological Properties

According to the SHPO and Uinta National Forest Archeologist, the powerhouse is an important historical resource associated with historical power development. Although such power structures were once fairly common in northern Utah, almost all of these have been modified, destroyed, or in a state of abandoned disrepair. Consequently, the powerhouse is one of the few historical powerhouse structures still remaining and available for historical interpretation and benefit. The 2003 Revised Forest Plan contains a goal (G-9-6, Page 2-24) to provide interpretation and education opportunities, including of heritage resources, at strategic locations throughout the Forest. Repair of the powerhouse and removal of the power-generating equipment, would restore the structure to its historical condition and retain its value as a potential interpretation and education opportunity. According to PacifiCorp and the SHPO, the generators in the building have largely been updated and/or replaced over time and are of minimal historical value. Their removal would allow the building to be used of a variety of purposes, while maintaining the historical value of the building. Retention and future management of this facility as provided for in the agreement is consistent with the DFC for heritage resources described in the 2003 Revised LRMP (Pg. 5-5 to 5-6).

E. Recreational Resources

American Fork Canyon receives an estimated 1,000,000 recreation visitors annually. Many of these visitors recreate in and along American Fork River downhill and/or downstream of the flowline. In the immediate future and prior to decommissioning, installation of the emergency valve will reduce the magnitude and duration of flows resulting from any breakages. This will reduce the risks potential breakages pose to the public.

Public safety will be improved with removal of the diversion structure and powerhouse tailrace. These structures are attractive nuisances that are potential hazard areas for the public.

The natural flow rates will greatly favorable scenic and recreational values in American Fork Canyon, especially during the late summer and fall. Optimum flow rates will be achieved as the flow rate reaches and exceeds 12 cfs between the highest visitor use periods, May 1st through October 30th. The less regulated flows will also support favorable scenic and recreational values during the moderate to high use period of November 1st through April 30th in American Fork Canyon.

The visual quality objective (VQO) established in the 2003 Revised LRMP (Page 5-25) for the Lone Peak Wilderness Area is preservation. A preservation VQO "allows for ecological changes only. Management activities, except for very low visual impact recreation facilities, are prohibited." (2003 Revised LRMP, Page Glossary-33) Removal of the above-ground portions of the flowline would return the area to a condition consistent with the established VQO.

Over the long-term, removal of exposed portions of the flowline will result in a landscape more compatible with the goals of wilderness management. In Wilderness, the "management emphasis is on maintaining wilderness attributes, including natural appearance, natural integrity, opportunities for solitude, opportunities for primitive recreation, naturally functioning ecosystems, ecological preserves, and any identified special features" (2003 Revised Uinta National Forest Land and Resource Management Plan, Page 4-1). Exposed portions of the flowline detract from the natural appearance in the wilderness. This may also pose a minor barrier to wildlife movement which degrades naturally functioning ecosystems. Repair and maintenance activities, especially major repairs such as occurred due to past breakages, detract from the natural appearance (i.e. until soil and vegetation disturbed recover), opportunities for solitude and primitive recreation, and naturally functioning ecosystems that the Lone Peak Wilderness area provides and is valued for.

Public safety will be improved with the removal of the flowline crossings of ravines and canyons north of Highway 92. These provide access to the tunnels within the Timpanogos Cave National Monument and Lone Peak Wilderness Area and are attractive nuisances, creating potential hazards for the public.

The bridge accessing the powerhouse and associated abutments will be destroyed during removal of the tailrace and reconstruction of the channel. The existing bridge does not meet ADA accessibility standards and its continued presence would limit future use of the powerhouse. Replacement of the bridge is necessary to access the powerhouse and comply with ADA standards.

Similarly, removal of the powerhouse operator house will remove the only restroom for the site. A restroom is essential for future use of the powerhouse. Without it, human waste from visitors to or users of the powerhouse would be a nuisance and would also likely contaminate the adjacent American Fork River and impair its water quality.

Removal of the substandard flowline bridges that span the American Fork River will have mixed effects. These bridges do not meet standards for public use and pose attractive nuisances. However, they also provide a potentially safer means for climbers and other recreationists to cross the

American Fork River, especially during high flow periods, than is otherwise available in some reaches.

Due to the continuing flowline failures and subsequent repairs, there have been many mechanical intrusions into the wilderness. Installation of the emergency valve will reduce the magnitude and duration of breakage flows, and likely will reduce breakage related repair/restoration activities. This would result in fewer disturbances to the bio-physical and social (including wilderness) environment associated with any necessary repair/restoration activities.

2) **FERC's March 19, 2003 request for additional information notes: "You indicate that the project area receives dispersed recreational use such as hiking and fishing. The USFS indicates that the canyon where the project is located receives the heaviest visitor use in comparison to other canyon areas in the Uinta National Forest. These recreationists are presently able to hike and fish along the stream and cross the stream by using the flow line crossings. Describe what short and long-term mitigation you propose to accommodate this recreational activity during and after decommissioning. For example, explain how you will redirect the recreationists during the decommissioning and restoration activities including your plans, if any, to provide advance notice to visitors of the planned activities."**

In your April 7, 2003, letter to us you ask: What short and long-term mitigation is proposed to accommodate recreational activity during and after decommissioning? What advance notice of the decommissioning activities will be provided to visitors?

Short-term mitigation should primarily consist of minimizing public disruptions by providing advance notification to users of ongoing construction activities, and scheduling key construction activities to non-peak periods (e.g. not on weekends, holidays, and late Friday afternoons). The public has generally been warned of upcoming activity via news releases about the settlement agreement. In addition, key partners in managing resources in this area were partners at the settlement agreement, and/or have been notified by the Forest Service about the agreement and proposed removal work. Prior to the onset of construction activities a communication plan should be developed by FERC, NPS, USFS, and PacifiCorp. During construction, flows will not be shut off (they will be bypassed) and therefore, no mitigation for effects on recreation from this will be necessary.

Long-term mitigation consists of installing toilet and bridge at the powerhouse. No other long-term mitigation is needed.

3) **FERC's March 19, 2003 request for additional information notes: "You indicate that from several vantage points in the canyon surrounding the project (including Highway 92), the flowline, powerhouse and other project structures are visible to recreationists. Describe what demolition and restoration activity (such as rip rap placement and flow line removal/temporary storage) will be visible and for what**

period of time. Describe what portions of the project will remain visible from these vantage points after decommissioning and restoration."

In your April 7, 2003, letter to us you ask: "For what period of time will demolition and restoration activity be visible to recreationists in the project vicinity? Will any portion of the project be visible after decommissioning and restoration?"

III. The Affected Environment

F. Aesthetics

The portion of the project area within Lone Peak Wilderness has an assigned visual quality objective (VQO) of preservation, and the portions of the project area outside of the wilderness have an assigned VQO of retention. (Revised Uinta National Forest Land and Resource Management Plan, 5-25). Although American Fork Canyon has highly sensitive VQOs, the canyon contains many human features (e.g. buildings, campgrounds, roads, dams, etc.) and has been subject to a series of human uses and visual impacts over the last 150 years.

Parts of the existing project are very visible from SR92. The diversion dam and associated appurtenances, powerhouse and associated appurtenances, and some sections of the flowline and penstock are in the foreground from this travel route. This travel route is part of a scenic backway, and accesses numerous recreational developments/areas including Timpanogos Cave National Monument. Consequently, this route is considered a sensitivity class 1. Visual diversity in American Fork Canyon is good to outstanding in most areas (variety class A or B).

Actions to remove the project will be visible during and for some time following their removal. Temporary storage and construction will result in noticeable localized negative impacts to the viewshed condition. These impacts will mostly be in the foreground and will not be avoidable. The SA and seasonal weather constraints will limit these impacts to one full (2007) and one partial (fall 2006) season. During part of the 2006-2007 winter, any disturbed areas will be snow-covered and visual impacts minimal. Other impacts on aesthetics are discussed below:

Installation of the emergency valve resulted in reclearing of vegetation along a few hundred feet of the flowline. This occurred in the immediate foreground from SR92, in an area with a retention VQO. The alignment of the flowline here leaves SR92 at a slight angle, largely paralleling the highway. Consequently, other than from the point on the highway where one can view directly down the corridor, this clearing is not highly apparent to the casual observer. The cleared vegetation will resprout and evidence of disturbance will fade within the next 1-3 years. The installation also involved construction of a cement box for the valve. This is also visible when directly adjacent to the site on SR92. As with the access route to the valve, resprouting and new growth should largely screen this valve within the next 3 years. Collectively, these features are only visible from a very short reach of SR92, and their visibility will diminish rapidly over the next 2-3 years.

The stream flow aesthetics AIR documented that optimum aesthetic values were reached when instream flows exceeded the current 4 cfs minimum flows. During late summer, winter, and early spring flows within the project area are less than that level. Restoration of flows will provide optimum flows (>12 cfs) most days, thereby improving aesthetic values during these periods in both the short- and long-term.

Removal of the diversion dam and powerhouse tailrace will result in obvious human-disturbance directly adjacent to SR92. Construction operations will result in noticeable areas of disturbance; however, the areas of disturbance will only be visible for a short section of SR92, as curves, canyon walls and vegetation will screen them from viewers more than a few hundred yards away. The disturbed areas, while highly visible, will quickly start to recover upon completion of construction activity. The SA calls for restoring the channel to approximately its current alignment at the diversion dam, thereby minimizing the area of disturbance. The bypass channel here will be located across the river and in an inferior viewing position somewhat screened by existing trees. Therefore, this will not be as highly noticeable. The SA also calls for the use of native riprap with soil and establishment of vegetative covering along the banks of the stream. These features will mitigate the visual impacts of the construction, and aid in its visual recovery. The use of native plants will also aid in the area's visual recovery. The construction at the diversion will be highly apparent during and shortly after construction, but this will diminish and within 3 years will not be obvious to most common viewers. After vegetation is reestablished, these stream reaches will appear natural to most Forest visitors. It is expected this will occur within 3-5 years following construction.

Removal of the exposed portions of the flowline will also result in some visual impacts. Some segments of the flowline are visible from SR92 and Timpanogos Cave National Monument. Removal of these obvious human-made features will improve the naturalness of the wilderness ecosystem, and be consistent with the preservation VQO for the Lone Peak Wilderness. Removal of the portions outside the wilderness will result in a more natural-appearing landscape, which is the goal of the retention VQO. Demolition and removal of the flowline will result in some soil and vegetation disturbance. No road construction will be permitted, but the removal of the flowline will result in limited disturbance in some areas. Disturbed areas should sufficiently revegetate within 1-3 years to not be apparent to most casual viewers. In a few more extreme sites, and more heavily disturbed areas this could take up to 5 or more years. Retention of the buried portions of the flowline will mitigate the more noticeable impacts to aesthetics that would have occurred from removal of the flowline.

The powerhouse, penstock, buildings, and associated structures are directly adjacent to SR92. Though directly adjacent to SR92, these structures are visible only while directly adjacent to them due to twists and turns in the canyon and screening vegetation, screened to some degree by trees along the

water way. Removal of the tender's house and garage and restoration of this area will result in a more natural appearing landscape. The penstock, which is dark rusted iron, will continue to be visible but its color does not contrast greatly with surrounding soil, rocks and vegetation and therefore it does not stand out visually. Construction effects will be similar to that described previously for removal of the tailrace. Following decommissioning, the powerhouse, associated restroom and bridge, and penstock going directly up the canyon wall behind it will be in the foreground, and visible. The bridge and restroom to be installed are similar to others in the canyon and are designed to reduce their visual impact.

Much of American Fork Canyon has been modified by human activity in the past (e.g. campground and picnic area construction, road maintenance, etc.) and the disturbances will be limited to relatively small reaches of the canyon, and not greatly out-of-character with other activities occurring in the viewshed. In the long run the removal will result in a more natural appearing and aesthetically pleasing landscape. In addition, with removal of the system there will not be additional disturbances associated with repair and maintenance of the project. In the past, some of these visual intrusions have had noticeable short-term (1-5 years) impacts on the aesthetics in the canyon.

4) **FERC's March 19, 2003 request for additional information notes: "You indicate that a new parking area and access pathways will be constructed to allow the public to view the restored powerhouse. If you propose to install these recreational facilities prior to August 2006, provide a conceptual drawing of the facilities showing their relationship with the project boundary and a schedule for constructing the facilities. Also provide an explanation of who will be monitoring and maintaining these facilities in a safe condition for public use."**

In your April 7, 2003, letter to us you note: "As indicated in the settlement agreement, the parking area and pathway to the restored powerhouse will not be constructed prior to 2006, and conceptual drawings and schedule for such actions will be developed commencing in January 2006 as part of the permitting process. PacifiCorp will provide this information to FERC in our May 16 AIR response."

The Forest Service concurs with this, with one clarification. The parking area and pathway will be constructed to allow public, administrative, and/or other authorized users to access the powerhouse. The long-term use of the powerhouse has not yet been determined, and its future use may or may not be as a museum (e.g. for public viewing). The Settlement Agreement notes that the Forest Service will work with the SHPO and others to find and determine the long-term use of this building. Irregardless of future use, appropriate access will be needed and the parking lot, trail and bridge are intended to replace access that will be lost with realignment and restoration of the river channel through this area.

5) **FERC's March 19, 2003 request for additional information states: "Explain how you intend to monitor and control ingress and egress of construction related traffic to minimize or avoid conflicts with visitor traffic."**

In your April 7, 2003, letter to us you note: "The UDOT should provide recommendations regarding traffic safety and control along roads affected by decommissioning activities. The USFS and NPS may also have recommendations in this matter."

At present and in the past (dam and campground construction, removal of abandoned mine land wastes, etc.), this issue has arisen in American Fork Canyon. Due to the heavy recreational use in the canyon, measures must be taken to ensure decommissioning actions do not result in impacts on public safety, including traffic on SR92. Below are measures we believe should be applied to protect public safety. These measures do not conflict with terms of the Settlement Agreement.

- The lack of suitable areas within the canyon, major construction staging areas will need to be located outside of American Fork Canyon. Suitable sites can be found just below the mouth of the Canyon, just a few miles below the project area.
- Highway 92 should be avoided or, in the likely event that this is not feasible, traffic managed during helicopter overflights with materials (e.g. during removal of the flowline). This could likely be done with flag persons.
- Signs should be placed at the American Fork Canyon and Aspen Grove fee booths advising the public of construction operations in the area.
- Helicopter flight paths should avoid areas of human concentration such as buildings and developed recreation areas.
- Traffic control (e.g. flag person or lights) at the diversion structure and powerhouse area will be necessary during construction operations.
- Construction operations near or impacting SR92 should avoid heavy public use periods (weekends, holidays, and late Friday afternoons).
- Public safety issues should be monitored and if necessary a Forest Supervisor's order issued temporarily closing construction areas to all public use.
- Daily operations should be provided to the fee booths so that the public can be informed as to expected delays and other road impacts that might occur.

6) **The license application alluded to wetlands formed by project impoundment (slack-water areas) of American Fork Creek. The UDWR, and perhaps USFS and NPS, should provide input regarding the description and potential impacts to these wetlands from decommissioning the project.**

The Forest Service recommends the Explanatory Statement be modified as shown below. The text in italics represents proposed additions to the existing Explanatory Statement.

III. The Affected Environment
  A. Description of the Locale
    3. Wetlands

National Wetland Inventory maps (USFWS 1990) indicate minimal wetlands in the Project area. The most significant wetland type is a palustrine, forested, temporarily-flooded wetland. Immediately above the diversion structure, USFWS (1990) identified a palustrine, intermittently-exposed aquatic bed and a palustrine, seasonally-

flooded scrub-shrub wetland, both of which formed because of the Project's impoundment of American Fork Creek. *These wetlands encompass an estimated total of about 0.25 acres. The aquatic bed is a depression extending from a spring down-canyon about 100-150 feet to the impoundment. This aquatic bed supports and other seasonally-submerged vegetation.*

The palustrine scrub-shrub wetland borders the edge of the depression and also borders part of the edge of the impoundment. Predominant vegetation consists of boxelder, cottonwood, various willow species, and dogwood. Water to support these wetlands comes from 2 sources: (1) subsurface irrigation and surface flow from a spring(s), and (2) the impounded water backed up by the project's diversion dam.

The subsurface irrigation comes from water percolating from American Fork Creek (not the impoundment) through the alluvial and colluvial canyon-bottom stream-side deposits. This water emerges as a spring(s) just up-canyon of the impoundment. The spring flows through a shallow depression for about 100-150 feet until it joins water from the impoundment. When impoundment levels are high, water from the impoundment backs up the depression nearly to the spring. Because water levels in the impoundment fluctuate, the areas inundated by the impoundment fluctuate somewhat (i.e. the classification of "temporary or seasonally-flooded").

Removal of the diversion dam will eliminate the impoundment and result in some downcutting of the channel through the impoundment area. However, the degree of downcutting will be limited by bedrock underlying the river channel just upstream of the impoundment. Because of this, the water supply responsible for the subsurface and spring flows will not be affected and this irrigation source for the wetlands will be perpetuated. With removal of the diversion dam, the wetland will no longer be periodically flooded by the impoundment. However, a water supply for the wetland will still remain due to the subsurface irrigation and spring flow. Mitigation in the SA includes provisions for channel shaping, revegetation, and rock placement. With the required rock placement and channel shaping, drainage from the spring through the depression can be controlled, and this will maintain the water supply for much of this wetland. As a result, most of the aquatic bed and palustrine wetland here will largely or entirely be preserved. In addition, implementation of the floodplain shaping and revegetation requirements in the agreement will allow new riparian and wetland vegetation to develop along the margins of the stream course. This will include the short reaches of the stream presently occupied by the cement diversion dam and powerhouse tailrace structures, areas with no riparian or wetland margins. Overall, removal of the diversion structure and impoundment are expected to result in less than 0.1 acre loss in aquatic bed and/or palustrine, temporarily flooded, shrub/forested wetlands.

7) **FERC's March 19, 2003 request for additional information notes: "A review of the Surrender Application and the Settlement Agreement"... "did not result in our finding of your request for a 401 water quality certification. Because in-stream construction or demolition, as in the case of the proposed dam removal, is an activity that may result in a discharge, a 401 water quality certificate is required..." "Please submit a copy of your 401 water quality certificate, or your application to the State of Utah for a 401 water quality certificate..." If you do not feel that a 401 water quality certificate is necessary for this proposed action, please file with the Commission" ... "your reasons why you believe a 401 water quality certificate is not appropriate."**

In your April 7, 2003, letter to us you comment: "In a separate letter and in direct communications, PacifiCorp is consulting with Utah Division of Environmental Quality, DNR Division of Water Rights, and U.S. Army Corps of Engineering regarding permitting needs necessary for the instream work necessary to decommission the American Fork project."

No Forest Service response required.

If you have any questions regarding this information, please contact Reese Pope at (801) 342-5100.

United States Department of the Interior

NATIONAL PARK SERVICE
Timpanogos Cave National Monument
Rural Route 3, Box 200
American Fork, Utah 84003

IN REPLY REFER TO:

L7617

April 23, 2003

Mr. Monte Garrett
PacifiCorp Licensing Project Manager
825 N.E. Mulnomah, Suite 1500
Portland, OR 97232

Dear Mr. Garrett:

This letter serves to provide you with the additional information requested by FERC on March 19, 2003.

Information Request 1.

To expand on item 1.1.6 (page 7 of SA): Timpanogos Cave National Monument is one of 386 units of the national park system administered by the National Park Service, U.S. Department of the Interior. The national park system preserves nationally significant natural, cultural and recreational resources. These resources constitute an important part of America's heritage, character, and future. Timpanogos Cave National Monument is a vital part of the national system of resources protected for their many inherent and social values.

Timpanogos Cave National Monument was established by Presidential Proclamation No. 1540, signed by President Warren G. Harding on October 14, 1922. The Proclamation reserved Timpanogos Cave and "as much land as may be necessary for the proper protection" of the cave because the cave "is of unusual scientific interest and importance" and the "proper protection" of the cave serves the "public interests". At the time of the Proclamation, Timpanogos Cave was within the Wasatch National Forest managed by the U.S. Forest Service. The Proclamation further states that the reservation of land for the National Monument was "not intended to prevent the use of the lands for National Forest purposes under the proclamation establishing the Wasatch National Forest, and the two reservations shall both be effective on the land withdrawn but the National Monument . . . shall be the dominant reservation".

By Executive Order No. 6166, dated June 10, 1933, all national monuments were placed under the jurisdiction of the Department of the Interior. On July 1, 1934 Timpanogos Cave National Monument was transferred to the National Park Service. In so doing, the lands within Timpanogos Cave National Monument fell under the provisions of the National Park Service Organic Act of 1916. The Organic Act requires that national park units be managed in a manner that will conserve the natural and cultural resources and provide for public use and enjoyment. The Organic Act provides additional purpose to Timpanogos Cave National Monument but the Proclamation of 1922 remains the dominant purpose of the monument reservation.

We do not believe that the proposed decommissioning will have any adverse effects on the recreational, aesthetic or land resources of Timpanogos Cave National Monument. It will in fact eliminate numerous safety risks within the monument including:

- The hazard of pipeline breakage washing rock, soil and debris into the river.
- Outdated pipeline engineering without seismic or rockfall protection.
- Public facilities, offices and residences directly under pipeline.

The removal of exposed pipe and revegetation of disturbed areas as outlined in the SA will greatly improve the natural aesthetics of the monument, especially the view from the trail to the Cave.

Information Request 3.

The only demolition and restoration activity that will be visible to the public within the National Monument will be the removal of exposed pipe and the restoration of the disturbed areas. This will only be visible from visitors hiking on the cave trail from May to October each year. The trail is closed during the rest of the year and work in this area would not be visible. If work was done in this section outside the visitor season, then there would be no impact on recreationists. However, the work could be utilized as an educational/interpretive opportunity by monument interpreters and a temporary exhibit could be displayed about the project in the visitor center.

I hope that this meets your needs. Please do not hesitate to contact me if you have any questions or need more information.

Thank you very much for your work on this project.

Sincerely,

Diane Chung

Diane Chung
Acting Superintendent

Cc: Reese Pope, District Ranger, Pleasant Grove Ranger District, USFS

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE RESOURCES

Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Kevin Conway
Division Director

Central Region
1115 North Main Street
Springville, Utah 84663-1055
(801) 491-5678 telephone
(801) 491-5646 fax
www.nr.utah.gov

May 6, 2003

PacifiCorp
825 N.E. Multnomah, Suite 1500
Portland, Oregon 97232

Attention: Monte Garrett, PacifiCorp Licensing Project Manager

Subject: UDWR observations and comments on wetlands at American Fork Hydroplant diversion dam

Dear ~~Mr. Garrett~~ Monte:

I have made two site visits to wetlands at the American Fork hydroplant diversion pond.

On Wednesday, April 16, 2003, Nettie Sittingup, biologist for Uinta National Forest, and I went to look at the wetlands above the American Fork hydroplant diversion pond. At that time, the diversion dam was not keeping the pond at maximum capacity, so water was flowing out of the marsh wetland into the pond.

The second visit was on May 1, 2003 with Reece Pope, Ranger for the Pleasant Grove Ranger District, Bob Gecy, USFS hydrologist, and Denise VanKuren, USFS botanist. At this time, the pond was at maximum capacity and the wetlands were acting as a backwater of the pond.

In the Explanatory Statement, two wetland types were described: 1) the palustrine, intermittently-exposed aquatic bed, and 2) the palustrine, seasonally-flooded scrub-shrub (willows, box elder, red osier dogwood, and river birch) wetland. Together, the wetlands occupy less than ¼ acre. For simplicity's sake, in this discussion, the first wetland type will be referred to as *'marsh/backwater'*, and the second type will be referred to as *'the shrub wetland'*. Both of these wetlands are located upstream of the diversion dam impoundment and between the highway and the stream (Figure 1).

The marsh/backwater is approximately 5-8 feet wide and 120 feet long, with a depth of 6-12 inches, and is located essentially just off the shoulder of the road (there is a row of box-elder and river birch trees between the road and the marsh). The shrub wetland is approximately 20 to 30 feet wide and 80+ feet long, and located immediately south of the marsh, and between the marsh and American Fork Creek.

High water levels from the diversion dam pond appeared to create the partial backwater in the marsh/backwater. However, we also noted that at the upper end of this marsh, that a "spring" was flowing into the wetland, helping to form the marsh portion of the marsh/backwater (Figure 2). It appears that upstream of the diversion pond, fill material was placed within the floodplain of the stream many years ago (large cottonwoods,

estimated to be 40-50 years old, are growing in this area). Water is flowing out from under the fill, in a spring-like fashion, at a low rate of flow (estimated 0.5 to 3 gallons per minute) into the marsh.

It appears that when water levels in the diversion basin are low, this marsh (intermittently-exposed) then becomes a perched marsh area before flowing into American Fork Creek. After the diversion dam is removed, and the stream is allowed to flow naturally through this area, the marsh/backwater are will also be left as a perched marsh. In my opinion (as a non-engineer) and based on the marsh's location in relation to Channel Restoration of the Settlement Agreement Removal Plan (Figure 3) and the topography, a properly designed berm could be constructed from the existing gabion wall to the downstream end of the shrubby wetland (30-50 feet long), to maintain the marsh/backwater portion of the wetland. Water from the impounded marsh/backwater would continue to hydrate the shrub wetland. Such a structure, if properly designed, would result in preserving the two wetland types with minimal loss associated with the removal of the Project's diversion dam.

Figure 1. American Fork Canyon wetlands upstream of diversion dam, looking up-canyon. Road is at bottom left; "marsh/backwater" is shown as 'wetland', "shrub wetland" is in right half of photo; American Fork Ck is just out of the photo at the right. Existing gabion wall is just off the bottom of the photo. On this date, water is not backed up into the "marsh/backwater", but is flowing out to the right of the photo.

Figure 2. Upper end of "marsh/backwater" (at low water level), looking downstream. "Spring" is flowing out from bottom of the rock fill material, from the bottom right of the photo.

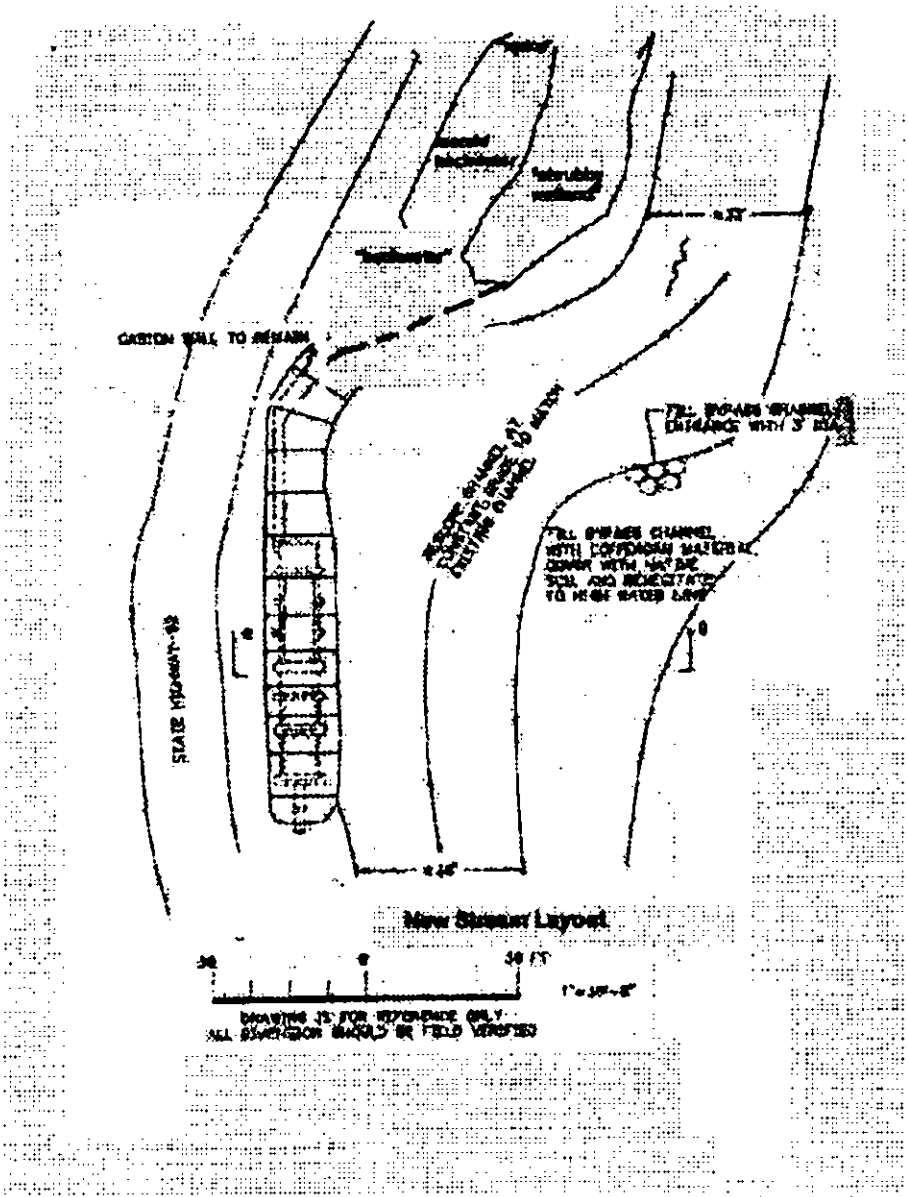


Figure 3. (Modification of Figure 5—American Fork Hydro Project, Dam Removal and Channel Restoration—Removal Plan) . Location of "marsh", "backwater", and "shrub wetlands", in relation to new stream layout diagram. The broken line between the end of the existing gabion wall and the end of the "shrubby wetland" is the berm alignment for preserving the open water of the "marsh/backwater" wetlands.

Please contact our Habitat Manager, Doug Sakaguchi, at our Central Region Office in Springville, UT at 801-491-5654, if you have any questions.

Sincerely,

Doug Sakaguchi

for David N. Hintze
Regional Supervisor

Michael O. Leavitt
Governor

State of Utah
Department of Transportation

John R. Njord, P.E.
Executive Director

DATE: April 25, 2003

TO: Monte Garrett
PacificCorp Licensing Project Manager
9825 Northeast Multnomah Suite 1500
Portland Oregon 97232

SUBJECT: Traffic Control on Sr-92 American Fork Canyon decommissioning of hydroelectric project

Your letter dated April 7th requested a response to UDOT's traffic control needs during this project. We will require that the contractor submit a traffic plan that will reflect their needs. UDOT is opposed to having a road closure on this highway. The contractor must be able to provide one way traffic thru the canyon by using a flagging operation. Details of which can be specified when the contractor comes in for a permit. We have attached a standard lane closure for a two lane road for a guideline. Prior to UDOT approval we will require NPS and USFS concurrence.

If you have any questions please call me at 801-227-8018.

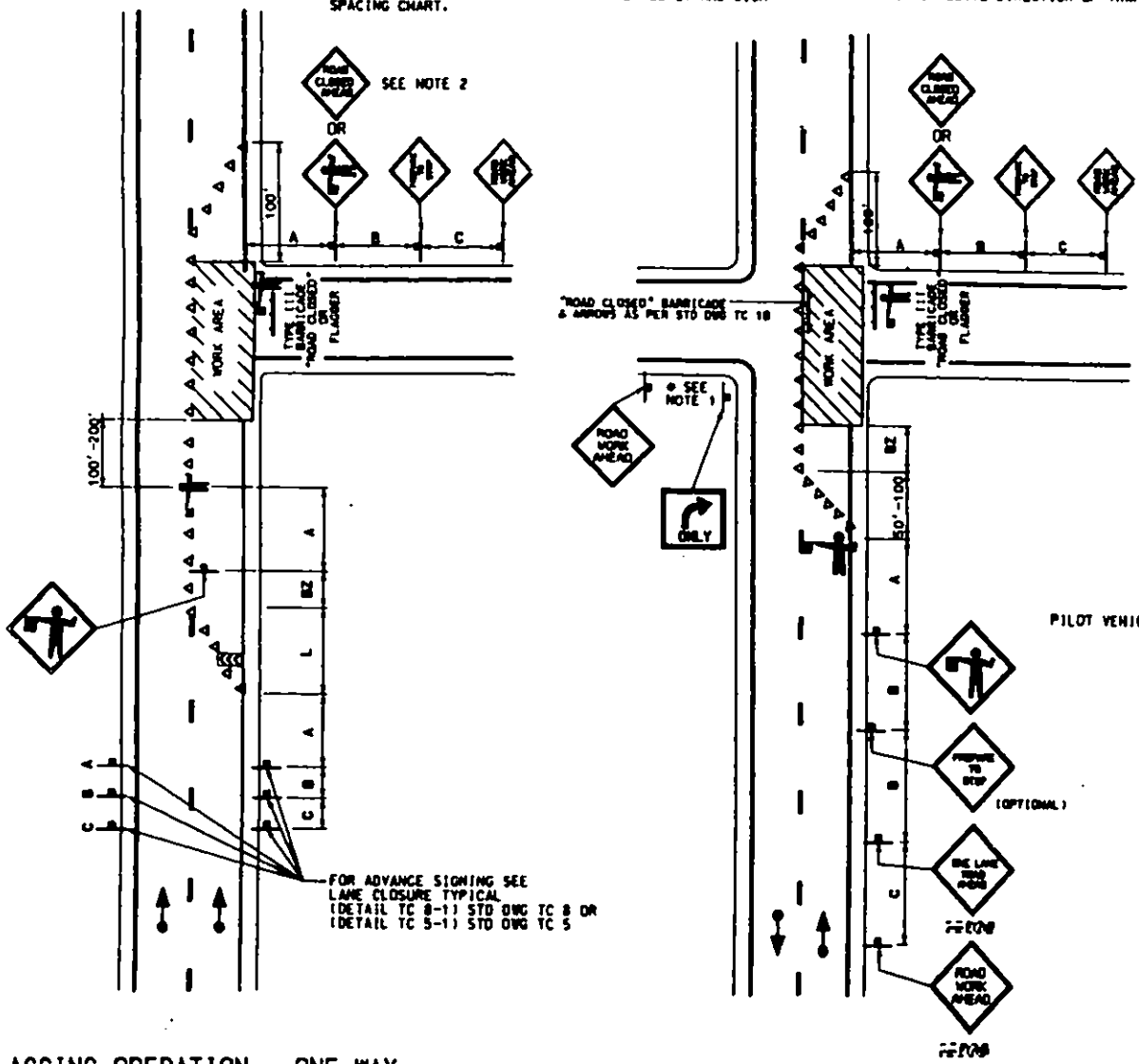
Barry F. Sawsak

BARRY F. SAWSAK
REGION THREE RIGHT OF WAY COORDINATOR
UTAH DEPARTMENT OF TRANSPORTATION

cc: Stu Hoff, Station 323 Lehi
General Correspondence

NOTES:

1. USE A FLAGGER AT ALL INTERSECTING ROADWAYS. REFER TO STANDARD SPECIFICATION 01554, ARTICLE 3.5 A. FOR REQUIREMENT AT OPERATING TRAFFIC SIGNALS.
2. PROVIDE FLAGGING IF TURNING TRAFFIC CONFLICTS WITH ONE WAY TRAFFIC.
3. PROVIDE A DETOUR WHEN ROAD CLOSURE EXCEEDS 24 HOURS.
4. SEE STD DWG TC 20 FOR TAPER, BUFFER ZONE, AND SIGN SPACING CHART.

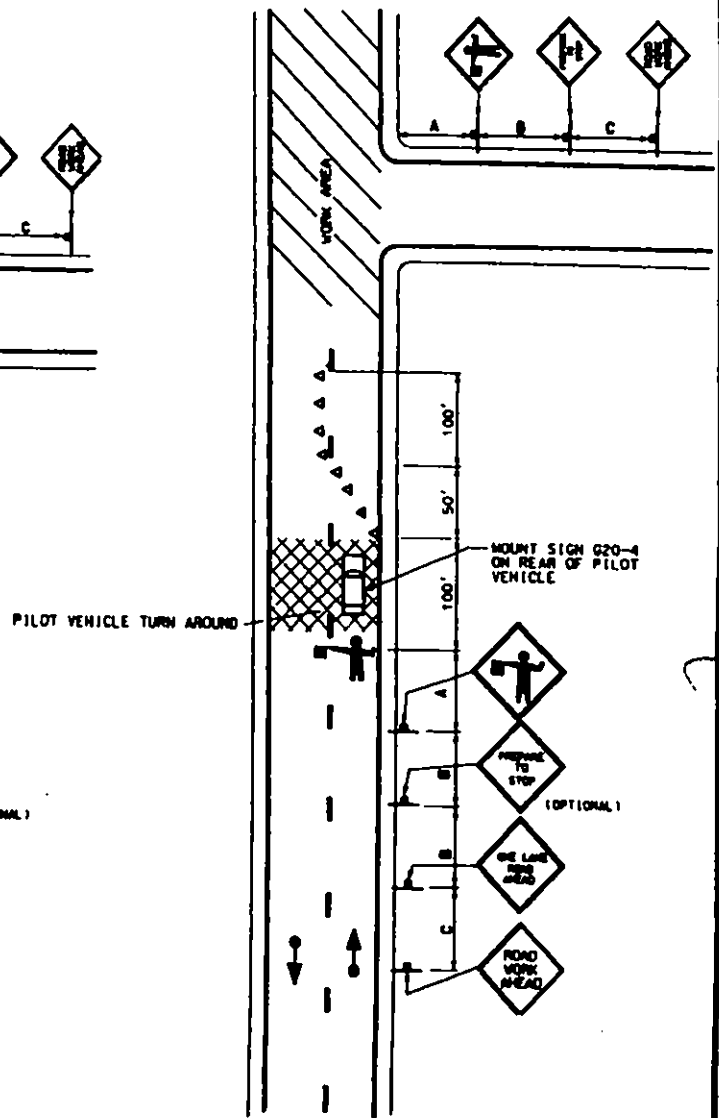


FLAGGING OPERATION - ONE WAY WITH POTENTIAL ENCROACHMENT BY WORK VEHICLE
(DETAIL TC 14-1)

USE SAME SIGN SEQUENCE, SPACING, & FLAGGER FOR OPPOSITE DIRECTION OF TRAFFIC.

FLAGGING OPERATION - TWO WAY WITH ONE LANE CLOSED
(DETAIL TC 14-2)

USE SAME SIGN SEQUENCE, SPACING, & FLAGGER FOR OPPOSITE DIRECTION OF TRAFFIC.



FLAGGING OPERATIONS WITH USE OF PILOT VEHICLE
(DETAIL TC 14-3)

UTAH DEPARTMENT OF TRANSPORTATION

TRAFFIC CONTROL FLAGGING OPERATION

STD DWG TC 14

State of Utah

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

Department of Community and Economic Development
DAVID HARMER
Executive Director

Division of State History / Utah State Historical Society
PHILIP F. NOTARIANNI
Division Director

April 23, 2003

Mr. Monte Garrett
PacifiCorp Licensing Project Manager
825 N.E. Multnomah, Suite 1500
Portland, OR 97232

RE: American Fork Hydroelectric Project

Dear Mr. Garrett:

I am writing in response to the March 19, 2003, request from Lon Crow with FERC, which you forwarded to our office for a response. Specifically, he asked how the Settlement Agreement (SA) would protect, on a short-term and long-term basis, the "Power Plant Historic District."

We feel that the transferal of the power plant to federal ownership, which the Settlement Agreement stipulates, will provide a level of protection beyond what it currently enjoys in private ownership. Under federal ownership it will be subject to federal laws and agency procedures designed to protect cultural resources. This federal oversight will provide long-term protection for the building.

The SA specifies that the power plant be maintained in the short run by PacifiCorp according to the Secretary of the Interior's Standards for Rehabiliation, thereby preserving its historic integrity up to the point of transferal to federal hands. The SA also calls for the installation of an ADA-compatible bridge and toilet facilities so the power plant will have the potential to serve other uses after it is decommissioned. Continued use of the building, rather than abandonment, is very critical to its preservation. These provisions in the SA are very helpful in trying to ensure that the historic power plant will be protected and used after it no longer serves its original purpose.

Some loss of historic features will also occur as a result of the SA. The diversion dam and the flow line will be removed, but these are secondary historic features that pose severe public safety hazards, so they would likely have to be removed or heavily modified even if the power plant were to continue in operation.

Overall, we feel that the SA provides very good protection for the primary historic structures and we are very comfortable with its provisions. Please feel free to contact me (801 533-3552) or Roger Roper (801 533-3561) if you have further questions.

Sincerely,

Wilson G. Martin
State Historic Preservation Officer

300 South Rio Grande, Salt Lake City, UT 84101 • telephone (801) 533-3500 • facsimile (801) 533-3503 • www.history.utah.gov

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor
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Executive Director
Jerry D. Olds
State Engineer

1594 West North Temple, Suite 220
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(801) 538-7467 fax
www.nr.utah.gov

April 9, 2003

Monte Garrett
PacifiCorp Licensing Project Manager
825 N.E. Multnomah, Suite 1500
Portland, Oregon 97232

Re: Permitting for Instream Work Pursuant to the American Fork Hydorelectric Project Decommissioning.

Dear Mr. Garrett:

Material pertaining to the above referenced project was received by our office on April 7, 2003. After discussions with Shawn Zinszer of the U.S. Army Corps of Engineers, we have determined that a State Stream Alteration Permit will need to be obtained prior to beginning the decommissioning project. This permit will satisfy the requirements of section 404 of the Clean Water Act as well as well as those of the Division of Water Rights.

Blank applications can be obtained from the Division of Water Rights homepage at http://waterrights.utah.gov. If you have any questions or require further information, please contact me at (801) 538-7404.

Sincerely,

Chuck Williamson, P.G.
Stream Alteration Specialist

cc: Shawn Zinszer - COE

CERTIFICATE OF SERVICE

I certify that I have served, by U.S. Mail the foregoing document(s) upon each person designated on the official service list compiled by the Secretary of this proceeding.

In addition to the service list I also served the following:

Ken Hogan, FERC, 888 First Street NE, Rm 63-16, Washington, DC 20426
Lon Crow, FERC, 888 First Street NE, Washington, DC 20426

Dated at Portland, Oregon this 12th day of May, 2003.

Arianne Poindexter
Licensing Project Coordinator
PacifiCorp