

To: Ahmed Mohsen[amohsen@blm.gov]; Harry Barber[hbarber@blm.gov]; Matthew J Betenson[mbetenso@blm.gov]
From: Staszak, Cynthia
Sent: 2017-12-25T22:24:07-05:00
Importance: Normal
Subject: Fwd: FW: Formal Notice issued in FERC P-12966-004
Received: 2017-12-25T22:24:49-05:00
[20171211-3022\(32569079\) REA.docx](#)

FYI...the formal FERC REA filing for the LPP. I see they reference 2 locations on GSENM that are no longer on GSENM. As you work through the EIS process with FERC on this Project, you'll need to get language from the solicitor on how to address the "lands formerly known as GSENM" in this document.

***Cindy Staszak
Monument Manager
Grand Staircase-Escalante National Monument
669 S. Hwy 89-A
Kanab, UT 84741
Office: 435 644-1240
Cell: 435 691-4340
Fax: 435 644-1250***

----- Forwarded message -----

From: Ellen Hopp <ellen.hopp@galileoaz.com>
Date: Mon, Dec 11, 2017 at 12:34 PM
Subject: FW: Formal Notice issued in FERC P-12966-004
To: "Incardine, Joseph (jincardi@blm.gov)" <jincardi@blm.gov>, "cstaszak@blm.gov" <cstaszak@blm.gov>, "Christian, Lorraine" <lmchrist@blm.gov>, "Amanda Harrington (asharrin@blm.gov)" <asharrin@blm.gov>, "ahughes@blm.gov" <ahughes@blm.gov>
Cc: Maria Martin <maria.martin@galileoaz.com>, Meredith Griffin <meredith.griffin@galileoaz.com>

FYI - the file is attached.

-----Original Message-----

From: 'FERC eSubscription' [<mailto:eSubscription@ferc.gov>]
Sent: Monday, December 11, 2017 12:31 PM
Subject: Formal Notice issued in FERC P-12966-004

On 12/11/2017, the Federal Energy Regulatory Commission (FERC), Washington D.C., issued this document:

Docket(s): P-12966-004
Lead Applicant: Utah Board of Water Resources
Filing Type: Formal Notice
Description: Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions re Utah Board of Water Resources under P-12966.

To view the document for this Issuance, click here
http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20171211-3022

To modify your subscriptions, click here: <https://ferconline.ferc.gov/eSubscription.aspx>

Please do not respond to this email.
Online help is available here:
<http://www.ferc.gov/efiling-help.asp>
or for phone support, call 866-208-3676.
Comments and Suggestions can be sent to this email address:
<mailto:FERCOnlineSupport@Ferc.gov>

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Utah Board of Water Resources

Project No. 12966-004

NOTICE OF APPLICATION ACCEPTED FOR FILING, SOLICITING MOTIONS TO
INTERVENE AND PROTESTS, READY FOR ENVIRONMENTAL ANALYSIS,
AND SOLICITING COMMENTS, RECOMMENDATIONS, TERMS AND
CONDITIONS, AND PRESCRIPTIONS

(December 11, 2017)

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Type of Application: Major Unconstructed Project
- b. Project No.: 12966-004
- c. Date Filed: May 2, 2016
- d. Applicant: Utah Board of Water Resources
- e. Name of Project: Lake Powell Pipeline Project
- f. Location: The proposed project would be located in Washington and Kane counties, Utah, and in Coconino and Mohave counties, Arizona. The project would occupy 449 acres of federal land managed by the Bureau of Land Management (BLM).
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)
- h. Applicant Contact: Applicant Contact: Joel Williams, Project Manager, Utah Division of Water Resources; Telephone (801)- 538-7249 or joelwilliams@utah.gov
- i. FERC Contact: Jim Fargo, (202) 502-6095 or james.fargo@ferc.gov
- j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and

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prescriptions using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at 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, DC 20426. The first page of any filing should include docket number P-12966-004.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now is ready for environmental analysis.

l. The proposed 140-mile-long Lake Powell Pipeline Project would convey water from the Bureau of Reclamation's Lake Powell through a buried 69-inch diameter pipeline up to a high point within the Grand Staircase-Escalante National Monument, after which it would flow for about 87.5 miles through a series of hydroelectric turbines, ending at Sand Hollow reservoir, near St. George, Utah.

The proposed hydro facilities subject to the Federal Energy Regulatory Commission's jurisdiction under Part I of the Federal Power Act include: (1) an inline single-unit, 1-megawatt (MW) facility at Hydro Station 1 in the Grand Staircase-Escalante National Monument; (2) an inline single-unit, 1.7-MW facility at Hydro Station 2 east of Colorado City, Arizona; (3) an inline single-unit, 1-MW facility in Hildale City, Utah; (4) an inline single-unit, 1.7-MW facility above the Hurricane Cliffs forebay reservoir; (5) a 2-unit, 300-MW (150-MW each unit) hydroelectric pumped storage development at Hurricane Cliffs, with the forebay and afterbay sized to provide ten hours of continuous 300-MW output; (6) a single-unit, 35-MW conventional energy recovery generation unit built within the Hurricane Cliffs development; (7) a single-unit, 5-MW facility at the existing Sand Hollow Reservoir and (8) related transmission lines.

In its application, the applicant proposes to define the FERC-licensed hydro system to include not only the power-generating facilities noted above, but also approximately 89 miles of water delivery pipelines that connect these facilities. The Commission has not yet determined whether these water delivery pipelines will be

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included as part of the licensed hydro facilities. If the Commission licenses only the power generating facilities and excludes the intervening pipelines, federal land-managing agencies will be responsible for issuing rights-of-way permits for those parts of the pipelines that are located on federal lands. If the Commission determines that it should also license the intervening pipelines, federal land-managing agencies may also be permitted to file conditions under section 4(e) of the Federal Power Act for the protection and utilization of any federal reservations that the pipelines will occupy, depending on which pipeline route is selected.

In particular, the applicant proposes to use the south alternative route for the pipeline, which does not cross the Kaibab Reservation. In Scoping Document 2, Commission staff stated that the environmental impact statement for the Lake Powell Pipeline Project will include an alternative pipeline route across the Kaibab Reservation. Depending on the scope of the FERC-licensed hydro system, this alternative may or may not be subject to section 4(e) of the Federal Power Act. To cover both possibilities, Interior should provide preliminary section 4(e) conditions for the Kaibab Reservation alternative, and should also provide any proposed rights-of-way conditions for that route if those conditions would differ from the section 4(e) conditions, in the event that the Commission determines not to include the pipelines as part of the licensed Hydro System. The applicant included unsigned rights-of-way permit applications to the BLM, Bureau of Reclamation, and National Park Service in its final license application.

In compliance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the BLM, Arizona Strip Field Office, St. George, Utah, intends to consider amending a portion of the Arizona Strip Field Office Resource Management Plan (RMP) to allow development of the Lake Powell Pipeline within the Kanab Creek Area of Critical Environmental Concern. The EIS will analyze both the proposed Lake Powell Pipeline Project and the proposed RMP amendment. The BLM will conduct its own scoping process to solicit public comments and identify issues.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or

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other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Kimberly D. Bose,
Secretary.

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DEPARTMENT OF THE INTERIOR Mail FOIA from FOE on Zinke Activities on Escalante/Grand Staircase NM



OS, OS FOIA <osfoia@ios.doi.gov>

FOIA from FOE on Zinke Activities on Escalante/Grand Staircase NM

1 message

Carolyn Johnson (b) (6)
To: DOI Secretary office FOIA <OSFOIA@ios.doi.gov>

Wed, Nov 29, 2017 at 4:28 PM

FOIA Request Form

Fields marked with an asterisk (*) are required.

Please note that the complexity of your request will affect the order in which your request is processed. For more information on multitrack processing and how it affects your request, please see section 2.15 of our regulations.

Your Contact Information:

Marcie Kever, Legal Director

Friends of the Earth

David Brower Center,

2150 Allston Way, Suite 360

Berkeley, CA 94704

510-900-3144 (phone) 510-900-3155 (fax)

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Washington

11/30/2017

DEPARTMENT OF THE INTERIOR Mail FOIA from FOE on Zinke Activities on Escalante/Grand Staircase NM

D.C.

20005

202-783-7400 (phone) 202-783-0444 (fax)

(b) (6)

(Providing an email address allows DOI and its bureaus/offices to communicate with you electronically when appropriate. It will also ensure that you receive an email confirmation of our receipt of your request.)

Confirm E-mail Address (b) (6)

Your Organization **Friends of the Earth**

Are you filing the request on behalf of another party? *

* **No**☐ Yes

If so, who are you filing the request on behalf of?

Contact Information Certification

* I Certify That The Above Statement(S) Concerning Who I Am Filing The Request On Behalf Of Are True And Correct To The Best Of My Knowledge And Belief. If I Want To Receive Greater Access To Records About A Person I Represent, I Will Submit Proof That The Person Consents To The Release Of The Records To Me, As Discussed In 43 C.F.R. § 2.9.

Your Request:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart B.

Bureau/Office *

Please select which bureau or office you would like to receive your request.

Relevant park, refuge, site or other location: **Office of the Secretary (OS)**

Please describe the information you are seeking so that an employee familiar with the subject area of the request may locate existing record(s) with a reasonable amount of effort. Include descriptive information, time frame to be searched, etc. In order for a record to be considered subject to your FOIA request, it must be in the bureau's or office's possession and control at the time the bureau or office begins its search for responsive records.

Request Description *

Friends of the Earth requests that the Department of the Interior produce the following records within 20 business days regarding Escalante/Grand Staircase National Monument for: All visits, trips, meetings, briefings, discussions, listening session, and other activities by Secretary Ryan Zinke. The records we request would answer the

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questions of what Secretary Zinke did, who took part, who paid for what, and what did the activity and its components cost. The records we seek include:

- a. All expense and reimbursement forms for each activity including any expenses incurred by the Department of the Interior or any agency or office within the Department for or including any person who participated or attended the activity and is not employed by the Department.
- b. Any federal expenses of meals, transportation, lodging, materials, use of equipment or services or other costs related to the activity that were covered by any non-federal guest or entity and the identity of that guest or entity.
- c. All materials, supplies, and resources provided by other government agencies or private entities such as horses, livery, helicopters, planes, vehicles, food, security, photography, videography, and telecommunications, and the identity of those agencies or entities.
- d. All authorizations, approvals, and requests, both approved and rejected, for all materials, supplies, and resources provided by other government agencies or private entities such as horses, livery, helicopters, planes, vehicles, food, security, photography, videography, and telecommunications.
- e. Who took part or attended the activity and their affiliation.

The documents and records we request include any written or typed, recorded, graphic, printed, or audio material of any kind. We are looking for all material including electronic records, audiotapes, videotapes, and photographs, notes, minutes or transcripts, attendance lists, sign-up sheets, messages on voice mail, emails, faxes, telephone messages, telephone logs, and letters. This material includes any meetings or communications initiated, received, or attended by Mr. Zinke, or initiated, received or attended on his behalf.

Please search all records regarding agency business and do not exclude searches of files, documents, records, emails or communications in the personal custody of Departmental employees, such as personal email, texts, Instagram, Twitter or other accounts. The courts have found that records of official business conducted using unofficial systems or stored outside of official sites are subject to the Federal Records Act and FOIA. [See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016)]

Further, according to National Archives and Records Administration (NARA) Bulletin 2015-02, "Electronic messages created or received in the course of agency business are Federal records." As such, a satisfactory search for responsive records should include a search for records created using any of the following services: instant messaging/chat function of Bison Connect, Google Chat, Skype for Business, IBM Sametime, Novell GroupWise Messenger, Facebook Messaging, iMessage; Short Message Service and Multimedia Messaging Service on devices,

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such as Blackberry, Windows, Apple or Android devices; Google Voice, Twitter Direct Message, Slack, Snapchat, WhatsApp, Pigeon, Yammer, Jive, or other internal collaboration networks."

Our request covers the period when he first entered the Department in January 2017 to the date the search is conducted.

Requester's Communication Preferences * **Electronic communication via email**

Please indicate your communication preferences

Document Disclosure Preferences * **Electronic copies via email**

Please indicate your document disclosure preferences

Expedited Processing:

Note: This section corresponds with 43 C.F.R. § 2.10 and § 2.20.

Friends of the Earth is not requesting expedited processing; we reserve the right to appeal any delay in providing the requested records.

Fees and Waivers:

Note: This section corresponds with 43 C.F.R. Part 2, Subpart G.

Please be advised that by making a FOIA request, it shall be considered an agreement by you to pay all fees unless you have been granted a fee waiver or specify your willingness to pay fees up to a particular amount. We will confirm this agreement in our acknowledgement letter.

Please select the appropriate statement * **I am requesting a waiver or reduction of fees.**

If the bureau processing your request finds that the actual cost will exceed the amount you specified above, the bureau will stop processing the request and consult with you (see 43 C.F.R. 2.49(d)).

To assist in determining my requester category to assess fees, you should know that I am

Affiliated with an educational or noncommercial scientific institution and this request is made for a scholarly or scientific purpose and not for commercial use.

If You are Making This Request in Affiliation with a News Media/Educational or Noncommercial Scientific Institution Please List That Affiliation.

Affiliated Organization: **Friends of the Earth**

If you are seeking a fee waiver, it is your responsibility to provide detailed information to support your request by addressing all the criteria outlined in 43 C.F.R. 2.48. If you do not submit sufficient justification, your fee waiver request will be denied (see 43 C.F.R. 2.45).

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Check the boxes to the right to confirm that you meet the Department's fee waiver criteria

☒ Disclosure Of The Information Is In The Public Interest Because It Is Likely To Contribute Significantly To Public Understanding Of The Operations Or Activities Of The Government.

☒ Disclosure Of The Information Is Not Primarily In My Commercial Interest.

Please explain why your request for a waiver of fees or a reduction in fees is justified.

As a non-profit organization, Friends of the Earth requests a waiver of all fees incurred in providing these records. Disclosure of the requested information "is in the public interest because it is likely to contribute significantly to the public understanding of the activities of the government regarding the management of public lands and is not primarily in the commercial interest of the requester." 5 U.S.C. 552(a)(4)(A)(iii).

The documents requested "concern the operations or activities of the federal government" because they provide documentation of the high-profile, unprecedented and controversial issues Secretary Zinke is involved in.

The disclosure is "likely to lead to public understanding of those operations or activities" because these materials will directly show the activities of Secretary Zinke during his service at the Department of the Interior. Friends of the Earth will work to disseminate this information broadly. Friends of the Earth is a non-profit organization with a membership and activist list of approximately 1 million people across all 50 states. Friends of the Earth is primarily engaged in information dissemination, public education and advocacy on environmental issues. Friends of the Earth will be taking numerous steps to disseminate the requested information to the public, and has a demonstrated and longstanding capacity to do so. We typically disseminate similar information through direct communication to journalists and other members of the media, through press releases, through newsletters and email alerts to all of our members, through our web site, through public meetings, and through other legislative and executive fora.

"Disclosure is likely to significantly contribute to the understanding of a reasonably broad audience of persons interested in the subject" because the information being requested is new and it has not been publicly reported on. The information being requested will allow the public to understand the Secretary's role and activities at the Department of Interior as a public employee.

"The public's understanding of the subject in question will be enhanced to a significant extent by the disclosure" because it will provide the public with knowledge of how the Department of Interior is structured, and the parties and entities Secretary Zinke interacts with on the high-profile and controversial policy initiatives regarding the National Monuments.

Friends of the Earth has no commercial interest that will be furthered by this request.

If our request for a fee waiver is denied and any expenses associated with this request are in excess of \$25.00, please obtain our approval before any such charges are incurred. Disclosure of the requested information would inform the public of governmental activities affecting their safety, health and environment. Friends of the Earth is a not-for-profit charitable organization with no commercial interest in the information requested and has relevant expertise in the areas of environment and human health and environmental law.

You will receive an e-mail shortly after this form has been submitted. This e-mail confirms that your request was submitted successfully and that the selected FOIA office can begin review of your request. If you do not receive a

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confirmation e-mail and would like to confirm your submission, please contact the bureau FOIA office through the information located on our **Contact** page.

Note: Privacy Act requests must be submitted in writing in accordance with instructions in the Privacy Act notice. The Privacy Act Officer may require you to submit a signed and notarized statement indicating that you are the individual to whom the records pertain and that you understand it is a misdemeanor punishable by a fine up to \$5,000 to knowingly and willfully seek or obtain records about another individual under false pretenses.