



rPlus Hydro, LLLP
201 S Main St, Suite 2100
Salt Lake City, UT 84111

June 12, 2023

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Via Electronic Filing

***Re: White Pine Waterpower, LLC Response to License Application Deficiencies;
White Pine Pumped Storage Project (FERC Project No. 14851-003).***

Dear Secretary Bose:

On April 28, 2023, FERC submitted a letter to White Pine Waterpower, LLC outlining fifteen (15) deficiencies pertaining to its license application for the White Pine Pumped Storage Project.

Please find attached the following responses and corrections to those deficiencies.

If you have any further questions please contact Greg Copeland, Program Manager for rPlus Hydro, LLLP, at (801) 759-2223.

Sincerely,

A handwritten signature in black ink that reads "Luigi Resta". The signature is fluid and cursive, with the first name "Luigi" and last name "Resta" clearly distinguishable.

Luigi Resta
President
rPlus Hydro, LLLP

Cc: Tim Konnert, FERC

White Pine Waterpower, LLC FERC Project No. 14851-003

Deficiencies Responses

FERC Deficiency No. 1:

Section 4.32(a)(2)(i) of the Commission's regulations requires that an applicant identify (providing names and mailing addresses) every county in which any part of the project, and any federal facilities that would be used by the project, would be located. The FLA states that no federal facilities would be used by the project. However, this appears to be incorrect because the proposed project would almost entirely be located within Bureau of Land Management (BLM) -administered land. Therefore, please correct the application in accordance with the Commission's regulations to (a) identify that the project would use BLM-administered land and (b) provide a name and mailing address for the administrator of this BLM land.

Response:

The project will not utilize any government dams or any other federal facilities as those terms are used in the Federal Power Act and Commission regulations. As reflected in Exhibits A and G and throughout the FLA, the project will occupy BLM administered federal land, as that term is used in the Federal Power Act and the Commission's regulations. The name and mailing address for the administrator of the BLM land that the project will occupy is:

Jared Bybee
Field Manager
Bristlecone Field Office
Bureau of Land Management, Ely District

702 North Industrial Way Office
Ely, NV 89301
(775) 289-1800
jbybee@blm.gov

FERC Deficiency No. 2:

Section 4.32(a)(2)(iii) of the Commission's regulations requires that an applicant identify (providing names and mailing addresses) every irrigation district, drainage district, or similar special purpose political subdivision, (A) in which any part of the project, and any Federal facilities that would be used by the project, would be located, and (B) that owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project. Although comments were previously filed in response to the draft license application by the McGill Ruth Consolidated Sewer and Water District (the District),¹ that indicate the District has water supply sources near the location of the proposed project area, the FLA fails to identify this entity and any other irrigation district, drainage district, or similar special purpose political subdivision. Therefore, please revise the FLA to include a contact name and mailing address for the McGill Ruth Consolidated Sewer and Water District and any other irrigation district, drainage district, or similar special purpose political subdivision (A) in which any part of the project, and any Federal facilities that would be used by the project, would be located, and (B) that owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project.

Response:

No part of the project will be located in or will use any facilities or lands owned, operated, or maintained by any irrigation district, drainage district, or similar special purpose political subdivision. In addition, the project will not utilize any government dams or any other federal facilities as those terms are used in the Federal Power Act and Commission regulations. However, the McGill Ruth Consolidated Sewer and Water District (McGill Ruth District) has expressed an interest in the project, even though no part of the project will be located in or will use any facilities or lands owned, operated, or maintained by the McGill Ruth District. As such, a contact name and mailing address for the McGill Ruth District is as follows:

McGill Ruth Consolidated Sewer and Water District
Kurt Carson
Kcarson@mcgillruthwater.com
29 Fourth Street
P.O. Box 1376
McGill, NV 89318

FERC Deficiency No. 3:

Section 4.32(a)(3)(i) of the Commission's regulations requires that an applicant state that the applicant has made, either at the time of or before filing the application, a good faith effort to give notification by certified mail of the filing of the application to: (A) Every property owner of record of any interest in the property within the bounds of the project, or in the case of the project without a specific boundary, each such owner of property which would underlie or be adjacent to any project works including any impoundments; and (B) The entities identified in paragraph (a)(2) of this section, as well as any other Federal, state, municipal or other local government agencies that there is reason to believe would likely be interested in or affected by such application. The FLA fails to state that White Pine has made, either at the time of or before filing the application, a good faith effort to give notification by certified mail of the filing of the application to every property owner of record of any interest in the property within the bounds of the project, or in the case of the project without a specific boundary, each such owner of property which would underlie or be adjacent to any project works including any impoundments. Therefore, please give notification by certified mail of the filing of the application to every property owner of record of any interest in the property within the bounds of the project, or in the case of the project without a specific boundary, each such owner of property which would underlie or be adjacent to any project works including any impoundments and revise the FLA to state that a good faith effort was made to give notification by certified mail of the filing of the application to those parties. Additionally, please file proof of the certified mailings to each of the parties.

Response:

The applicant made a good faith effort, at the time of the filing of the application, to provide notification by certified mail of the filing of the application to all property owners of record within the bounds of the project. Existing landowners or their designated agents were sent notification of the filing of the application and a copy of Exhibit G by certified mail by February 28, 2023. Proof of compliance is provided in Attachment A.

The applicant notes that one notification letter and copy of Exhibit G that was mailed by certified mail to a private landowner was returned to applicant's office undelivered. The applicant made additional efforts to inform that private landowner by email and by phone. Proof of the additional outreach is provided in Attachment A.

The project boundary is defined in the application, and the maps included in Exhibit G identify the project boundary. The applicant made a good faith effort to notify by certified mail the existing landowners within the bounds of the project. The applicant did not send notification to landowners adjacent to the project boundary at the time of filing of the application.

Nonetheless, the applicant has identified eight additional landowners who have lands adjacent to the defined project boundary. For completeness, on May 26, 2023, the applicant sent notification via certified mail to these eight additional landowners of the filing of the application and a copy of Exhibit G. Proof of notification of these additional landowners is provided in Attachment A. Not all certified mail Domestic Return Receipts have been received at the time of this response filing.

FERC Deficiency No. 4:

Section 4.38(f)(2) of the Commission's regulations requires that an application must include any letters from the public containing comments and recommendations. However, the FLA fails to document in Exhibit E, Appendix A, *Consultation Record*, numerous comments filed with the Commission in May and June 2022 by individuals in response to the DLA. Therefore, please correct the FLA in accordance with the Commission's regulations, to include all letters from the public containing comments and recommendations.

Response:

The applicant has added individual letters filed with FERC in May and June 2022 to the Consultation Record. The revised Consultation Record is attached to this filing as Attachment B. For clarity, all pages added to the Consultation Record have been annotated with a red border.

FERC Deficiency No. 5:

Section 4.38(f)(5) of the Commission's regulations requires that an application provide evidence of all attempts to consult with a resource agency or Indian tribe, copies of related documents showing the attempts, and documents showing the conclusion of the second stage of consultation. Although Exhibit E, Appendix A, Consultation Record includes a list of consultation efforts and documentary evidence of many of those efforts, evidence for numerous listed efforts is not provided in Appendix A. Therefore, please correct the FLA in accordance with the Commission's regulations, to include documentary evidence of the consultations for which no evidence is provided; if the consultation type is "For the Record" or "Meeting" please provide all notes for this consultation.

Response:

The applicant has revised the Consultation Record as requested and it is attached to this filing as Attachment B. Entries with a FERC accession number listed are not included as documentary evidence as these filings are publicly available on FERC's e-Library system. For clarity, all pages added to the Consultation Record have been annotated with a red border.

FERC Deficiency No. 6:

Section 4.38(f)(6) of the Commission's regulations requires that an application provide an explanation of how and why the project would, would not, or should not, comply with any relevant comprehensive plan as defined in Section 2.19 of this chapter and a description of any relevant resource agency or Indian tribe determination regarding the consistency of the project with any such comprehensive plan. Section 2.2.4, Summary of Proposed Environmental Measures, states that White Pine understands that an exception or variance of certain requirements in the BLM Ely District Resource Management Plan would be required to facilitate construction of the project. Additionally, Section 5.3 Consistency with Comprehensive Plans, states that the project, as currently designed, is inconsistent with two of the plans – Bureau of Land Management. 2015. Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah. Washington, D.C. September 2015, and Bureau of Land Management. 2019. Nevada and Northeastern California Greater Sage-grouse Record of Decision and Approved Resource Management Plan Amendment. March 2019. Section 5.3 lists eleven other comprehensive plans that are, or could be, applicable to the project. However, the FLA provides no explanation to describe how and why the project would, would not, or should not, comply with any of the listed resource management plans. Additionally, the FLA does not appear to include descriptions of relevant resource agency or Indian tribe determinations regarding the consistency of the project with any of the listed comprehensive plans. Therefore, please correct the FLA in accordance with the Commission's regulations, for all resource management plans relevant to the project.

Response:

In the application, the applicant reviewed the 16 federal and state comprehensive plans listed in FERC's List of Comprehensive Plans for Nevada. The applicant determined that nine of the plans were potentially applicable to the project and initially ruled out the other seven. Upon additional analysis the applicant has determined that of those nine comprehensive plans only one directly guides the use of the project lands: BLM 2015 Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA).

Table 6-2 below explains how and why the other identified comprehensive plans that were reviewed were determined to not be applicable to the project.

Separately, the BLM Ely District Resource Management Plan (BLM Ely District RMP), as amended (2008) incorporated several comprehensive plans including the Egan Resource Area Management Plan (1987). While the BLM Ely District RMP is not included in the list of the 16 federal and state comprehensive plans identified in FERC's List of Comprehensive Plans for Nevada, the BLM Ely District RMP has also been identified as an applicable comprehensive plan. Furthermore, the BLM Ely District RMP includes a renewable energy goal to provide opportunities for development of renewable energy sources such as wind, solar, biomass, and other alternative energy sources while minimizing adverse impacts to other resources." The project complies with this renewable energy goal as it will provide an opportunity for significant energy storage capability for these alternative energy sources.

Table 6-1 summarizes how and why the project would comply with the ARMPA and the BLM Ely District RMP and explains the process to address issues of non-compliance. The applicant has consulted with the BLM, NDOW, and Tribes as listed in the consultation record with respect to the project and its consistency

with the relevant comprehensive plans. For the project to proceed, the BLM will need to issue a right of way (ROW) grant on BLM administered federal lands for project use. The project's compliance with relevant comprehensive plans is part of the BLM ROW authorization process that will follow the FERC NEPA review.

Table 6-1: Summary of Consistency with Comprehensive Plans

Comprehensive Management Plan	FLA Reference Section	Resource	Management Plan Limitation	Why Deviation is Required	Path Forward
BLM Ely District Record of Decision and Approved Resource Management Plan, as amended. 2008	Exhibit E Section 3.7.1.9	Sage Grouse	No surface activity would be allowed within two miles of a sage grouse lek from March 1 through May 15 (June 15) No surface activity would be allowed within winter range for sage grouse from November 1 through March 31. NOTE: The BLM 2015 Nevada and Northeastern California Greater Sage-Grouse ARMPA supersedes these 2008 limitations	Portions of the project footprint are within winter and summer range and cannot be constructed without use of this land. Construction would need to proceed year-round to efficiently develop the project	The applicant is coordinating with the BLM to form a technical working group that will include NDOW and other stakeholders, to develop mitigation strategies that would in part provide a conservation gain to GRSG whereupon the BLM could grant an exception ¹
Introduced in Exhibit E Section 1.2.2	Exhibit E Section 3.7.1.6	Elk/mule deer/pronghorn crucial summer range Seasonal Limitations	No surface activity would be allowed within big game calving/fawning/kidding/lambing grounds from April 15 through June 30	Portions of the project are located within the elk/mule deer/pronghorn crucial summer range and cannot be constructed without use of this land. Construction would need to proceed year-round to efficiently develop the project	The applicant is coordinating with the BLM to form a technical working group to develop mitigation strategies for ungulates (in addition to the GRSG) ¹ The applicant will request an exception for this seasonal limitation from the BLM

Comprehensive Management Plan	FLA Reference Section	Resource	Management Plan Limitation	Why Deviation is Required	Path Forward
	Exhibit E Section 3.7.1.6	Elk/mule deer/pronghorn crucial winter range limitations	No surface activity would be allowed within big game crucial winter range from November 1 through March 31	Portions of the project are located within the elk/mule deer/pronghorn crucial winter range and cannot be constructed without use of this land. Construction would need to proceed year-round to develop the project	The applicant is coordinating with the BLM to form a technical working group to develop mitigation strategies for ungulates (in addition to the GRSG) ¹ . The applicant will request an exception for this seasonal limitation from the BLM
	Exhibit E Section 3.7.1.7	Active raptor nest sites	No surface activity will be allowed from May 1 through July 15 within 0.5 mile of a raptor nest site that has been active within the past 5 years. Note that FLA Table 3.7-10 lists a March 1 – July 31 raptor limitation. May 1 – July 15 is a correction to the FLA	Construction would need to proceed year-round to develop the project	The applicant will conduct pre-construction surveys for raptors and migratory bird nests. Construction activities that can be delayed until the young have fledged will be scheduled as such. In areas where the construction activities cannot be temporarily halted, the applicant will coordinate with BLM and NDOW to develop appropriate mitigation and request an exception for this seasonal limitation from the BLM

Comprehensive Management Plan	FLA Reference Section	Resource	Management Plan Limitation	Why Deviation is Required	Path Forward
BLM 2015 Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA)	Exhibit E Section 3.7.1.9	Sage Grouse Priority Habitat Management Area (PHMA)	PHMAs are subject to no surface occupancies (NSOs), with no waivers or modifications. Exceptions would be granted under two circumstances: if the proposed action would not have direct, indirect, or cumulative effects on GRSG or its habitat; or if the action is proposed to be undertaken as an alternative to a similar action occurring on a nearby parcel, and it would provide a clear conservation gain to GRSG.	Both temporary and permanent disturbance are within PHMA and the project cannot be constructed without use of this land	The applicant is coordinating with the BLM to form a technical working group to develop mitigation strategies that would provide a conservation gain to GRSG whereupon the BLM could grant an exception ¹
Introduced in Exhibit E Section 1.2.2	Exhibit E Section 3.7.1.9	Sage Grouse General Habitat Management Area (GHMA)	2015 ARMPA Section 1.4 Table 1-4 Restrictions on development in GHMAs are intended to allow disturbance but minimize adverse effects of disturbance with restrictions. Disturbance is subject to a controlled surface use and timing limitation stipulation and subject to mitigation, with the objective of first avoiding and minimizing potential impacts on GRSG or its habitat and then compensating for unavoidable impacts on GRSG or its habitat	Both temporary and permanent disturbance are within GHMA and the project cannot be constructed without use of this land	The applicant is coordinating with the BLM to form a technical working group to develop mitigation strategies that would provide a conservation gain to GRSG whereupon the BLM could grant an exception ¹

Comprehensive Management Plan	FLA Reference Section	Resource	Management Plan Limitation	Why Deviation is Required	Path Forward
	Exhibit E Section 3.7.1.9	PHMA, GHMA Seasonal Timing Limitations	Greater Sage-grouse breeding habitat within 4 miles of active/pending leks: March 1 – June 30 Greater Sage-grouse brood-rearing habitat: May 15 – September 15 Greater Sage-grouse winter habitat: November 1 – February 28	Construction would need to proceed year-round to develop the project. Note that without relief from seasonal limitations there is only a 6-week open period to construct (September 15 – November 1)	The applicant is coordinating with the BLM to form a technical working group to develop mitigation strategies that would provide a conservation gain to GrSG whereupon the BLM and NDOW could grant an exception ¹

BLM Nevada and Northeastern California Greater Sage-grouse Record of Decision and ARMPA Amendment March 2019

In October 2019, an injunction was granted to prevent the BLM from implementing the 2019 ARMPA and as a result the BLM reverted to the 2015 ARMPA guidance.

¹ In mid-2022, the applicant requested the BLM convene a multi-stakeholder technical working group (TWG) to consider various minimization and mitigation measures to address concerns with Greater Sage Grouse (GrSG) habitat within the project area boundary. These measures would then support a potential site-specific amendment to the GrSG - Approved Resource Management Plan Amendment (ARMPA). The BLM indicated in response that pursuit of a site-specific amendment to the GrSG ARMPA would likely conflict with the national policy review of a GrSG Resource Management Plan Amendment that is currently underway.

Subsequent consultation with BLM led the applicant to submit in early 2023 a request to BLM – Bristlecone Field Office, Ely District for BLM to convene a GrSG TWG to facilitate discussion and assist in defining acceptable and achievable mitigation measures to help frame a project-specific exception to the current GrSG ARMPA that will result in clear net conservation gain for GrSG population and habitat.

Further discussions with BLM have resulted in broadening the scope of the TWG to discuss and consider mitigation measures for both GrSG and Ungulates. The BLM invited via letter for several federal, state, and local agencies to participate in a TWG and numerous responses were received. Seven individuals over four organizations (NDOW, BLM, WPC, and NV-SETT) have formed the TWG, and a kick-off meeting is currently being scheduled for June 2023. The applicant will actively collaborate with the TWG on comprehensive mitigation plans that will be incorporated into the environmental review process for the BLM and inform the project-specific exception to the comprehensive plans to facilitate construction and operation of the project.

The project is not subject to the Nevada Statewide Comprehensive Outdoor Recreation Plan, the Humboldt National Forest Land and Resource Management Plan, or the Toiyabe National Forest Land and Resource Management Plan, as the principal project features are located entirely on land managed by the BLM Ely District Office. The transmission line right-of-way is approximately 25 miles and will cross both public and private lands consisting primarily of BLM land and 13 parcels of private land. The line traverses near USFS lands and through lands subject to White Pine County planning. However, the transmission line will be constructed within an existing designated energy corridor (Corridor 110-114) established under Section 368(a) of the Energy Policy Act of 2005, and parallel to an existing NV Energy transmission line. Section 368 corridors are thoughtfully sited by the DOE and other cooperating agencies to provide maximum utility and minimum impact on the environment and community. Compliance with applicable federal and local management plans were considered during the Section 368 corridor siting and planning processes.

Greater Sage-grouse are managed under the BLM 2015 Nevada and Northeastern California Greater Sage-Grouse ARMPA and not under the USFWS Greater Sage-grouse Conservation Objectives. The storage component of the project area also does not contain recreational fisheries and is not subject to the USFWS recreational fisheries policy or the USFWS North American waterfowl management plan.

The applicant reviewed three plans that were suggested by stakeholders: a) White Pine County Public Lands Policy Plan (October 2018), b) Approval of Resolution 2020-051 Adopting White Pine County Water Resource Plan Element to the White Pine County Master Plan (2019), c) White Pine County Open Space Plan (September 2005). The applicant further analyzed and determined that these suggested plans do not meet FERC's definition of "comprehensive plan" per 18 CFR 2.19. Furthermore, it has been determined that the White Pine County plans do not have jurisdiction over the federal lands administered by the BLM Ely District office, however, they can be utilized as an advisory tool.

Table 6-2: Summary of Not Applicable Comprehensive Plans

Comprehensive Plan	Applicability (Y/N)	Justification	Compliance
BLM Egan RAMP (1987)	N	The BLM Ely District RMP (2008) consolidated the Egan RMAP and now supersedes this plan. The BLM Ely District RMP is an applicable comprehensive plan and is included in Table 6-1.	N/A
BLM Lahontan Resource Area Management Plan (1986)	N	The project footprint is not within the area covered by this BLM RMP.	N/A
BLM Walker Resource Area Management Plan (1986)	N	The project footprint is not within the area covered by this BLM RMP.	N/A
BLM Shoshone Resource Area Management Plan (1986)	N	The project footprint is not within the area covered by this BLM RMP.	N/A
BLM Esmeralda - Southern Nye Resource Area Management Plan (1987)	N	The project footprint is not within the area covered by this BLM RMP.	N/A
BLM Elko Resource Area Management Plan (1987)	N	The project footprint is not within the area covered by this BLM RMP.	N/A
Department of Conservation and Natural Resources. Nevada SCORP. 2022-2026.	N	The SCORP evaluates the supply and demand of outdoor recreation resources and facilities across all jurisdictions, including lands managed by BLM, and provides recommendations for distribution of Land and Water Conservation Fund (LWCF) monies. The SCORP provides goals, strategic objectives, and recommendations, and does not provide prescriptive land management practices.	N/A
*The FLA referred to the 2008 SCORP, however after further review the applicant determined the 2022 SCORP is not relevant.			
Forest Service. 1986. HNFLRMP. Department of Agriculture, Elko, Nevada.	N	The project footprint does not overlap with lands managed by the Forest Service.	N/A
Forest Service. 1986. TNFLRMP. Department of Agriculture, Sparks, Nevada.	N	The project footprint does not overlap with lands managed by the Forest Service.	N/A
NPS. 1993. The Nationwide Rivers Inventory. DOI, Washington, D.C. 1993.	N	The project footprint does not overlap with lands managed by NPS.	N/A
USFWS Service. 2013. GrSG (Centrocercus urophasianus) Conservation Objectives: Final Report. Denver, Colorado.	N	Greater Sage-grouse are managed under the BLM 2015 Nevada and Northeastern California GSG ARMPA. This comprehensive plan is included in Table 6-1.	N/A
USFWS. Undated. Fisheries USA: the recreational fisheries policy of the USFWS. Washington, D.C.	N	This storage portion of the project also does not include waters within the Nationwide Rivers Inventory.	N/A

USFWS and Canadian Wildlife Service. 1986. North American waterfowl management plan. DOI. Environment Canada.	N	N/A
*The FLA referred to the 1986 NAWMA Plan, however after further review the applicant determined the 2018 NAWMA is not relevant.		

FERC Deficiency No. 7:

Section 4.38(f)(8) of the Commission's regulations requires that an application provide a list containing the name and address of every federal, state, and interstate resource agency and Indian tribe with which the applicant consulted pursuant to paragraph (a)(1) of this section. The FLA does not appear to include this list; therefore, please correct the FLA in accordance with the Commission's regulations to include a list containing the name and address of every federal, state, and interstate resource agency and Indian tribe with which the applicant consulted pursuant to paragraph (a)(1) of this section.

Response:

The applicant clarifies that the distribution list filed with the cover letter of the application includes the name and address of every federal, state, and interstate resource agency and Indian tribe with which the applicant consulted. The applicant has attached this list, with minor modifications, to this filing as Attachment C. Additional consultation information was also included in Appendix A of the FLA.

FERC Deficiency No. 8:

Section 4.41(f)(5)(iv) of the Commission's regulations requires the FLA to include on-site manpower requirements and payroll during and after project construction, including a projection of total on-site employment and construction payroll provided by month. However, the FLA does not appear to include any of this information; therefore, please correct the FLA in accordance with the Commission's regulations to provide the on-site manpower requirements and payroll during and after project construction, including a projection of total on-site employment and construction payroll provided by month.

Response:

The applicant anticipates on-site manpower to consist of a total of 4,963 job-years for the duration of the 7 years of construction (see Table 9 of Appendix I of Exhibit E of the FLA).

Post-construction, the applicant anticipates 38 full time employees (see Table 14 of Appendix I of Exhibit E of the FLA).

The applicant anticipates a total payroll of \$303,600,000 of the years of construction (see Table 9 of Appendix I of Exhibit E of the FLA).

Post-construction, the applicant anticipates station staffing to consist of 38 employees and an associated annual payroll of approximately \$7,600,000, or \$633,333 per month (see Table 14 of Appendix I of Exhibit E of the FLA).

Projections of total on-site employment and construction payroll per month, adjusted for work scope activities per year of construction, are provided in Tables 8-1 and 8-2; respectively. Calculations of total on-site employment and payroll during construction assume an average annual salary of \$61,173 per construction worker per year in 2022 dollars. The on-site construction staff projections included in Tables 8-1 and 8-2 are based on the applicant's industry knowledge of previously completed pumped storage project construction experience. The estimates provided are subject to change based on Engineering, Procurement, and Construction (EPC) contract specific costs and contracting strategies associated with the project.

Table 8-1: Estimated On-Site Manpower Per Month, Per Year of Construction

Month	Estimated Monthly On-Site Manpower per Year of Project Construction						
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
	-2025	-2026	-2027	-2028	-2029	-2030	-2031
January	122	502	553	1045	1322	1104	670
February	196	502	572	770	1280	1035	670
March	241	502	885	1070	1280	1035	414
April	256	563	808	965	1280	1007	390
May	243	553	818	680	1287	993	390
June	258	553	751	875	1330	993	390
July	267	553	744	875	1224	993	26
August	225	507	845	1160	1203	993	26
September	236	458	757	991	1287	993	0
October	265	447	655	1123	1161	993	0
November	308	406	757	1135	1119	924	0
December	358	406	783	1227	1119	855	0
Average Annual Jobs per Year	248	496	744	993	1241	993	248

Table 8-2: Estimated Construction Payroll Per Month, Per Year of Construction

Month	Estimated Construction Payroll Per Month Per Year of Project Construction						
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
	-2025	-2026	-2027	-2028	-2029	-2030	-2031
January	\$624,499	\$2,559,196	\$2,819,194	\$5,327,410	\$6,739,556	\$5,626,753	\$3,415,660
February	\$1,001,035	\$2,559,196	\$2,916,056	\$3,925,460	\$6,525,440	\$5,273,979	\$3,415,660
March	\$1,230,630	\$2,559,196	\$4,511,730	\$5,454,860	\$6,525,440	\$5,273,979	\$2,110,572
April	\$1,304,100	\$2,870,174	\$4,119,184	\$4,919,570	\$6,525,440	\$5,132,869	\$1,988,220
May	\$1,239,814	\$2,819,194	\$4,170,164	\$3,466,640	\$6,561,126	\$5,062,314	\$1,988,220
June	\$1,313,284	\$2,819,194	\$3,828,598	\$4,460,750	\$6,780,340	\$5,062,314	\$1,988,220
July	\$1,359,203	\$2,819,194	\$3,792,912	\$4,460,750	\$6,239,952	\$5,062,314	\$132,548
August	\$1,147,976	\$2,584,686	\$4,307,810	\$5,913,680	\$6,132,894	\$5,062,314	\$132,548
September	\$1,203,079	\$2,334,884	\$3,859,186	\$5,052,118	\$6,561,126	\$5,062,314	\$0
October	\$1,350,020	\$2,278,806	\$3,339,190	\$5,725,054	\$5,918,778	\$5,062,314	\$0
November	\$1,570,431	\$2,069,788	\$3,859,186	\$5,786,230	\$5,704,662	\$4,709,540	\$0
December	\$1,827,577	\$2,069,788	\$3,991,734	\$6,255,246	\$5,704,662	\$4,356,765	\$0
Annual Total	\$ 15,171,648	\$ 30,343,296	\$ 45,514,944	\$ 60,747,768	\$ 75,919,416	\$ 60,747,768	\$15,171,648

FERC Deficiency No. 9:

Sections 4.41(f)(5)(v)(A) – 4.41(f)(5)(v)(C) of the Commission's regulations requires the FLA to include the number of construction personnel who currently reside within the project's affected area, would commute daily to the construction site from places outside of the project area, and would relocate on a temporary basis within the project area. Although the FLA indicates the number of non-resident construction workers expected during the construction period, it fails to indicate the number of construction workers who currently reside in the affected area, would commute daily, and would relocate temporarily. Therefore, please correct the FLA in accordance with the Commission's regulations to include the number of construction workers who currently reside in the project area, would commute daily, and would relocate temporarily.

Response:

The construction of the project will require skilled and non-skilled craft personnel to install the specialized equipment and complete the project facilities. The engineering, procurement, and construction management (EPCM) contractor (or contractors) selected to perform the final engineering design and construction management for the project will be encouraged to hire as many local construction contractors and personnel as possible. One of the contractor selection criteria will be the commitment by prospective EPCM contractors to hire a percentage of the construction workforce from the local area.

The applicant defines the local construction workforce as residing in the City of Ely, or the Townships of McGill and Ruth. Local construction employment opportunities within the City of Ely are 4.7 percent (184 workers) (U.S. Census Bureau, Undated(a)), and within McGill is 7.6 percent (87 workers) (U.S. Census Bureau, Undated (b)). There is no construction workforce in Ruth. It is unknown how many of the U.S. Census reported construction workforce will pursue short-term construction opportunities at the project versus maintaining other full-time employment in the area.

The daily commuting distance is defined as approximately 50 miles from the project. Construction workers within a 50 miles radius will largely reside in White Pine County and commute to the project daily. The construction employment within White Pine County is approximately 6 percent (545 workers) (U.S. Census Bureau, Undated(c)). Like the local construction workforce, it is unknown how many of the U.S. Census reported construction workforce within the defined commuting distance will pursue short term construction opportunities at the project versus maintaining other full-time employment in the area.

The applicant estimates that more than 900 on-site workers annually (up to a projected peak of 1,241 workers), residing more than 50 miles away from the project, will relocate on a temporary basis to reside near the project. It is unknown what percentage of local and commutable construction workforce will accept short-term, temporary construction opportunities at the project. At the time of the analysis there were approximately 1,000 vacant housing units in White Pine County. This is potentially sufficient to accommodate most of the non-resident workers during the construction phase of the project. However, the condition, size, pricing, and market availability of the housing needed at the start of each phase of construction are not known at this time. The applicant anticipates that the EPCM contractor selected for a large infrastructure construction project such as the White Pine Pumped Storage project would work with the local communities to update or expand existing RV parks or other temporary housing infrastructure for their non-resident workers.

Citations

- U.S. Census Bureau. Undated(a). Ely City, Nevada. Online [URL]: https://data.census.gov/profile/Ely_city;_Nevada?g=160XX00US3223500. Accessed: May 2023
- U.S. Census Bureau. Undated(b). McGill CCD, Nevada. Online [URL]: https://data.census.gov/profile/McGill_CCD;_White_Pine_County;_Nevada?g=060XX00US3203394560. Accessed: May 2023.
- U.S. Census Bureau. Undated(c). White Pine County, Nevada. Online [URL]: https://data.census.gov/profile/White_Pine_County...?g=050XX00US32033. Accessed: May 2023.

FERC Deficiency No. 10:

Section 4.41(f)(5)(viii) of the Commission's regulations requires the FLA to include a fiscal impact analysis evaluating the incremental local government expenditures in relation to the incremental local government revenues that would result from the construction of the proposed project; incremental expenditures may include, but are not limited to, school operating costs, road maintenance and repair, public safety, and public utility costs. The FLA does not appear to include this type of analysis; therefore, please correct the FLA in accordance with the Commission's regulations to include a fiscal impact analysis evaluating the incremental local government expenditures in relation to the incremental local government revenues that would result from the construction of the proposed project.

Response:

A fiscal impact analysis was conducted as part of the 2022 Socioeconomic Study that evaluated local government revenues and projected government expenditures that would result from construction of the proposed project (included in the FLA as Appendix I to Exhibit E). Government expenditures resulting from the proposed project are anticipated to be minimal, as discussed in Section 3.0. The towns in the project vicinity (Ely, McGill, and Ruth) have been developed as mining communities and over the years have experienced a boom-and-bust pattern of development related to the business cycle of mineral extraction. Based on publicly available information, there is sufficient existing infrastructure near the project, such as schools, public safety, utilities, hospitals, and housing that has the capacity to support the project. Therefore, it is anticipated that no additional government expenditures resulting from construction of the project would be needed for these elements.

Section 2.4.1.2 discusses the estimated government tax revenue from project construction expenditures by level of government (i.e., local, state, federal) and geography (i.e., White Pine County and Nevada State). Across Nevada, the project is expected to generate approximately \$164.3 million in various tax revenues to local, state, and federal governments. Tax revenues generated in White Pine County are estimated at \$66.4 million (to all levels of government) over the entire construction period.

The applicant anticipates that non-resident workers will not typically bring family members to the area for the construction period, thus not requiring additional demand for local education services or an increase in school operating costs. Resident workers with families will already be part of the existing school system and will not contribute to additional operating costs.

The applicant anticipates an increase in local traffic due to the construction workforce and the amount of equipment and material deliveries for the project. Subsequently local roads will need increased maintenance and repairs during project construction, with potential replacement post-construction. The applicant will work with local transportation agencies to coordinate any road repairs or maintenance activities. It is anticipated that this will be further detailed in a Traffic Management Plan to be developed by the EPCM contractor for the project, as described in Table 2.2-3 of Exhibit E.

As of a 2019 health care assessment there were 14 licensed physicians in White Pine County. The William Bee Ririe Hospital in Ely is looking to expand its telehealth services to provide care for additional patients. White Pine County's emergency services (medical and fire protection) appear to have the capacity to serve existing County needs. The applicant also anticipates that the selected EPCM contractor will have on-site health and safety facilities and it is expected that project construction would not put an additional strain

on these services. The applicant does not anticipate a significant amount of local government expenditure related to health care, public education, or emergency services.

At the time of the analysis there were approximately 1,000 vacant housing units in White Pine County. The applicant believes this is sufficient to accommodate most of the non-resident workers during the construction phase of the project. However, the condition, size, pricing, and market availability of the housing needed at the start of each phase of construction are not known at this time. The applicant anticipates that non-resident workers will not typically bring family members to the area for the construction period. Many construction trades will not be required for the entire duration of construction; therefore, most non-resident workers are expected to reside in temporary housing units such as hotels, existing RV parks, or temporary RV parks established for project construction. Within a daily commuting distance of 50 miles of the project, there are 10 RV parks/campgrounds. Based on publicly available information, there are 23 lodging establishments near the project. The applicant does not anticipate a significant amount of local government expenditure related to housing and associated public utility costs.

Job generation during post-construction project operations is estimated at 38 direct jobs which is much smaller in magnitude than jobs needed for project construction. Many of these jobs may be filled locally resulting in limited, if any, noticeable population impacts. The applicant does not anticipate any incremental local government expenditures during project operation. Operations of the project are estimated to generate in White Pine County \$7.6 million labor income, \$21.4 million value added, and \$38 million of output (see Table 14 of Appendix I of Exhibit E of the FLA).

FERC Deficiency No. 11:

Section 4.41(f)(7)(i)(C) of the Commission's regulations require that a report on recreation provide a description of any areas within or in the vicinity of the proposed project boundary that are included in, or have been designated for study for inclusion in, a wilderness area designated under the Wilderness Act (see 16 U.S.C. 1132). Section 3.8.2 Direct and Indirect Environmental Effects – Recreation, states there are no designated Wilderness Areas within 10 miles of the project. However, this appears to be incorrect because the proposed project upper reservoir would be approximately 4 miles from the High Schells Wilderness and the proposed project transmission line would be approximately 1.2 miles from the Bristlecone Wilderness, at its closest point where the transmission line right-of-way (ROW) would be located just south of the Hercules Gap. Therefore, please correct the FLA in accordance with the Commission's regulations to provide a description of any areas within or in the vicinity of the proposed project boundary that are included in, or have been designated for study for inclusion in, a wilderness area designated under the Wilderness Act.

Response:

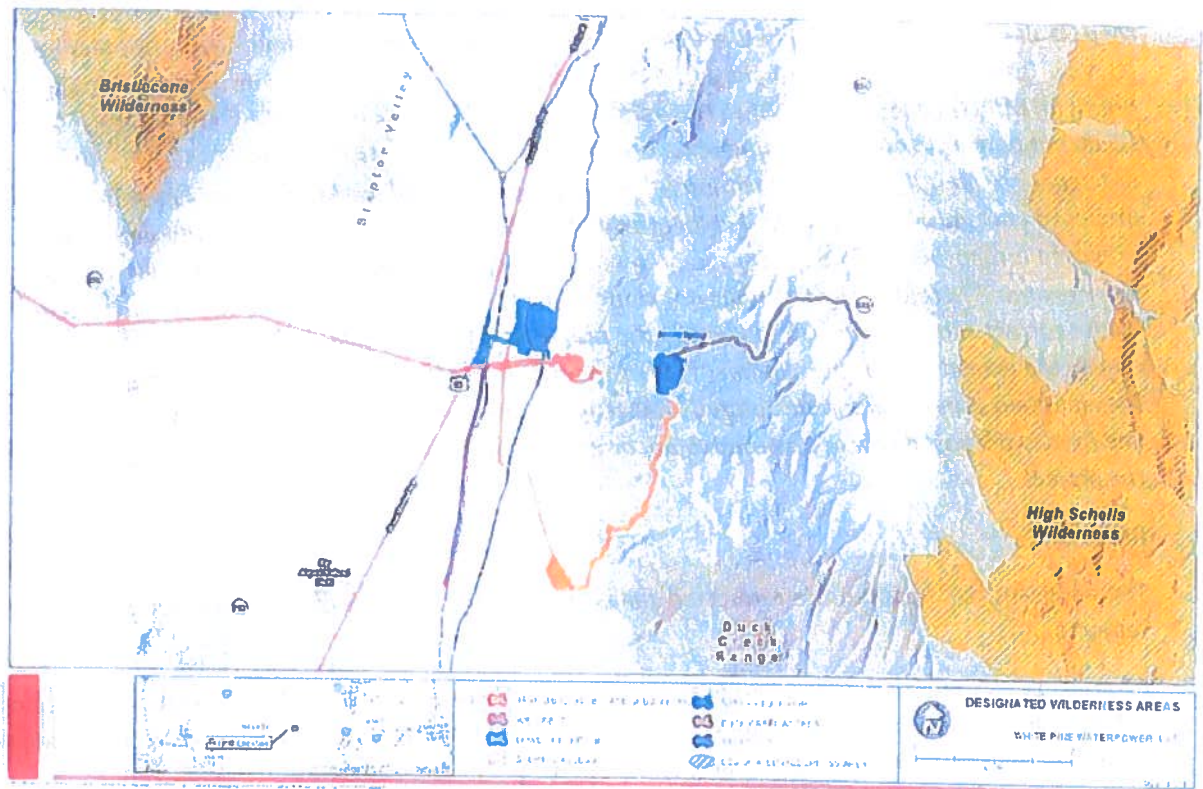
The High Schells Wilderness was designated as a wilderness area under the Wilderness Act in 2006 and consists of 121,497 acres in White Pine County, 10 miles northeast of Ely. The eastern portion has canyons that lead down into Spring Valley, a vertical mile below. The east-side canyons are deeply incised and heavily wooded, with riparian thickets along stream banks. Wheeler Park and the South Snake Range, a mountain island surrounded by desert valleys, are to the southeast. Bristlecone Pines and Limber Pines are present in the higher elevation forests. Popular recreation activities include hiking, horseback riding, backcountry skiing, fishing, big game and upland game bird hunting (USFS, Undated). The High Schells Wilderness is discussed in Section 3.8.1.5 of Exhibit E of the FLA as a part of the Humboldt-Toiyabe National Forest. It is approximately 4 miles east of the project's proposed Upper Reservoir and east of White Pine County Road 486 as shown on the figure below. The Recreation Study Report (Appendix F of Exhibit E of the FLA) also describes the Berry Creek Campground, which supports recreation access to the High Schells Wilderness.

The Bristlecone Wilderness was designated as a wilderness area under the Wilderness Act in 2006 and consists of 14,095 acres in White Pine County near Ely. The Bristlecone Wilderness contains diverse landforms and vegetation types, including sage, grass, and juniper at lower elevations, mixed with aspen stands in the middle elevations, and bristlecone pine and fir stands mixed with grasses and forbs at the upper elevations. It ranges in elevation from 7,400 feet to 9,800 feet in the central Egan Range. Hiking to the summit of Heusser Mountain, the prominent landmark of the Bristlecone Wilderness, is a current recreational activity in the Bristlecone Wilderness. Other recreational opportunities include hunting, camping, scenic viewing and photography (BLM, 2014). The Bristlecone Wilderness is approximately 1.2 miles north of the proposed project transmission line. The project's transmission lines are proposed to be located adjacent to an existing transmission line and within an existing, permitted Section 368 energy corridor already designated to support connectivity to multiple energy generation sources.

Potential project related visual impacts to the Bristlecone Wilderness were evaluated as part of the applicant's environmental analysis. As described in Section 3.11.2.3 of Exhibit E of the FLA, key observation point (KOP) 2 (County Road 28) was selected to be representative of views from the Bristlecone Wilderness. From this mid-elevation position across the Steptoe Valley (to the east, southeast),

unobstructed middle-ground views of the project vicinity, Schell Creek Range, and agricultural land within the valley are present. The view represented by this KOP is typical of this desert region.

The High Schells Wilderness and the Bristlecone Wilderness are shown on the figure below in relation to the project¹.



Citations

Bureau of Land Management (BLM). 2014. Bristlecone and Goshute Canyon Wilderness Preliminary Wilderness Management Plan. BLM Ely District Office. DOI-BLM-NV-L000-2014-0001-EA.

U.S. Forest Service (USFS). Undated. High Schells Wilderness. Online [URL]: <https://www.fs.usda.gov/detailfull/htnf/home/?cid=stelprdb5238646>. Accessed: June 2023.

¹ The applicant created this figure in response to FERC Deficiency No. 11. It has not been included in previous FERC filings.

FERC Deficiency No. 12:

Section 4.41(h)(1) of the Commission's regulation requires that Exhibit G maps show the location of all project works and principle features. Although Exhibit G, Maps G5 and G6 appear to show that the project boundary encompasses the project's cable, main access, and tailrace tunnels, neither is identified in the maps. Additionally: (a) Map G5 appears to show the switchyard access road, but it is not identified; (b) Map G5 does not appear to show the lower reservoir perimeter road and lower reservoir laydown areas; (c) Map G6 does not appear to show the upper reservoir perimeter road and upper reservoir laydown areas; (d) Map G5 does not appear to show the wellfield conveyance access road; and (e) Maps G1 through G5 do not appear to identify existing access roads and tracks proposed to be utilized by the project and do not appear to identify proposed locations of new access roads and tracks that would provide access to the proposed transmission line ROW. Further, Exhibit G maps do not appear to identify the location of the proposed temporary explosives storage area and the existing roads proposed to be utilized to access the storage area. Therefore, the FLA does not conform to 18 CFR 4.41(h)(1) of the Commission's regulations. Please correct Maps G5 and G6 to identify the project facilities. To aide staff's review of Exhibit G, please modify the exhibit so that the alignments of proposed project facilities and the proposed project boundary are identified using appropriate colored lines (e.g., dashed, red line for the project boundary; solid, green line for any proposed new access road; bold, orange line for any existing access roads proposed for use by the project.

Response:

The applicant has updated the requested maps to show the location of all project works and principal features.

All principle underground works within the project boundary are now shown and identified including the cable, main access and tailrace tunnels. To facilitate additional labels and facility linework, the applicant has increased the scale and number of maps to allow for additional detail.

Specific FERC requests have been addressed as follows:

- a. The switchyard access road is shown and labeled as the "Western Access Road" (See Attachment D - Map G10).
- b. The lower reservoir perimeter road is shown and labeled (See Attachment D – Map G10). As noted in the FERC letter on May 25, 2023 the lower reservoir laydown area is not intended to be utilized permanently and is not shown in these updates.
- c. The upper reservoir perimeter road is shown and labeled (See Attachment D - Map G10). As noted in the FERC letter on May 25, 2023 the upper reservoir laydown area is not intended to be utilized permanently and is not shown in these updates.
- d. The wellfield conveyance road is shown and labeled (See Attachment D - Map G9 and G12)
- e. Updated Maps G1 through G9 now show all roads and existing two track trails that the project proposes to utilize to provide access to the transmission line ROW.

As noted in the FERC letter on May 25, 2023 the applicant confirms that the proposed temporary explosives storage area and existing roads proposed to be utilized to access the storage area are for temporary use during project construction and are not shown in updated Attachment D - Map G10.

To aid FERC staff's review, the applicant has colored the alignments of the proposed facilities and the proposed project boundary. The following colors have been utilized:

- Project Boundary: Red / Dashed
- New Access Roads: Green / Solid
- Existing Access Roads Utilized by project: Orange / Solid (not used as all permanent access roads are new construction)

FERC Deficiency No. 13:

Section 4.41(h)(2) of the Commission's regulations requires that the project boundary enclose all project features. Because Exhibit G does not appear to show all proposed project features, including the soil disposal area and the features listed above, enclosed by the project boundary, please correct Exhibit G maps to enclose all proposed project facilities and features within the proposed project boundary.

Response:

The applicant confirms that the project boundary encloses all permanent project features. However, as discussed in FERC letter dated May 25 2023, there are laydown and staging areas that are temporary in nature, used only during project construction, and will be restored and reclaimed after project construction is complete. These areas are not included within the project boundary or identified within the updated Exhibit G Maps.

FERC Deficiency No. 14:

Section 4.41(h)(4) of the Commission's regulations requires that the maps identify by legal subdivision (i) lands owned in fee by the applicant and lands that the applicant plans to acquire in fee and (ii) lands over which the applicant has acquired or plans to acquire rights to occupancy and use other than fee title, including rights acquired or to be acquired by easement or lease. Exhibit G maps identify non-federal lands that would be encompassed by the project boundary. However, the maps don't indicate: (a) which lands are currently owned in fee by the applicant; (b) which lands the applicant plans to acquire in fee; and (c) the lands over which the applicant has acquired or plans to acquire rights to occupancy and use other than fee title, including rights acquired or to be acquired by easement of lease. Therefore, please correct Exhibit G to identify these types of lands.

Response:

Exhibit G Maps are updated to reflect lands the applicant plans to purchase or acquire rights to occupy. Please see Attachment D.

Land Parcel rights are identified with hatching as follows:

- Lands that do not intersect the project are not hatched.
- Federal lands intersected by the project boundary are all Bureau of Land Management and have a diagonal line hatch.
- Non-Federal Lands that the applicant plans to acquire in fee have a vertical line hatch.
- Non-Federal Lands that the applicant plans to acquire rights other than fee title have a horizontal line hatch.

For the majority of Non-Federal lands, a decision on fee or other rights has not been finalized and the parcels have both vertical and horizontal hatching. No lands are currently owned in fee by the applicant. Non-Federal parcels and the applicant's intent for acquisition in fee or intent to acquire rights other than fee, are listed below in Table 14-1

Table 14-1: Applicant intent for Non-Federal Land Rights

Parcel	Map (original Exhibit G)	Attachment D Map Number	Lands currently owned in fee by the applicant	Lands the applicant plans to acquire in fee	Lands over which the applicant has acquired or plans to acquire rights to occupancy and use other than fee title, including rights acquired or to be acquired by easement of lease
005-620-17	G4, G3	G7		x	x
005-610-27	G4	G7		x	x
010-800-04	G4	G8		x	x
010-880-05	G4	G8		x	
010-880-06	G4	G8		x	x
010-270-09	G4	G8		x	x
010-800-01	G4	G8		x	x
010-300-14	G6	G11		x	x
010-300-13	G6	G11		x	x
010-350-12	G6	G11		x	x

FERC Deficiency No. 15:

Section 4.61(a)(2) of the Commission's regulations requires that Exhibit G drawings must have identifying title blocks and bear the following certification: "This drawing is a part of the application for license made by the undersigned this day of _____, 20__." Please revise the drawings to include this information.

Response:

FERC confirmed on January 18, 2023 that CFR Section 4.61 applies to projects with a total installed generating capacity of 5 MW or less. The project has a capacity of 1,000 MW, as such CFR 4.61 does not apply.

ANIMAL CONTROL MONTHLY REPORT – June, 2023

	CALLS	CITATIONS		CALLS	CITATIONS
ELY	10		CROSS TIMBERS		
			McGILL	4	
			RUTH	3	
			LUND	2	
			BAKER		
			MISC.COUNTY	4	
TOTAL ELY	10		TOTAL COUNTY CALLS	13	

ELY STATS	NUMBER
# OF CATS IMPOUNDED	2
# OF DOGS IMPOUNDED	3
# OF CATS EUTHANIZE	
# OF DOGS EUTHANIZE	
DOG BITE	2
TOTAL ACTIVITY - CITY	7

COUNTY STATS	NUMBER
# OF CATS IMPOUNDED	
# OF DOGS IMPOUNDED	2
# OF CATS EUTHANIZE	
# OF DOGS EUTHANIZE	
DOG BITE	1
TOTAL ACTIVITY - COUNTY	3

FEES	ACTUAL	TOTAL	FEES	ACTUAL	TOTAL
DOG ADOPTIONS \$60.00			DOG ADOPTIONS \$60.00		
CAT ADOPTIONS \$5.00			CAT ADOPTIONS \$5.00		
OWNER SURRENDER \$10.00	1	10	OWNER SURRENDER \$10.00	10	100
IMPOUND FEE DOG			IMPOUND FEE DOG		
1st Offense \$50.00	1	50	1ST OFFENSE* \$50.00	1	50
2nd Offense \$100.00			2ND OFFENSE* \$100.00	1	100
3rd Offense \$150.00			3RD OFFENSE* \$150.00		
IMPOUND FEE CAT \$10.00			IMPOUND FEE CAT \$10.00		
plus \$10.00 per day after first 24 hours			plus \$10.00 per day after first 24 hours		
QUARANTINE @ \$25.00 per day			QUARANTINE @ \$25.00 per day		
TOTAL COLLECTED - CITY			TOTAL COLLECTED - COUNTY		

CITATION ISSUED ANIMAL CONTROL -June, 2023

City		County	
Violation and Code	Fine Amount # Issued	Violation and Code	Fine Amount # Issued
Keeping Livestock in City - 5-3A-1(B)	\$25.00	Livestock Running at Large - 8.04.030(f)*	\$25.00
Livestock Running at Large - 5-3A-3*	\$25.00	Too Many Dogs - 8.04.030(f)*	\$250.00
Cruelty to Animals - 5-3A-4*	\$25.00	Failure to License - 8.04.040 *	\$125.00
No rabies Vaccination - 5-3A-6 (C) *	\$25.00	Running at Large - 8.04.060*	\$100.00
Failure to Permit - Trapping - 5-3A-7 *	\$25.00	Dog Trespassing - 8.04.070*	\$25.00
Interference with Animal Control Officer - 5-3B-3(B) or (C)	\$250.00	Dogs In County Park - failure to clean up - 8.04.075(d) (civil penalty only)	\$25.00
Unlawful Removal of Animal from Animal Control Facility - 5-3B-3(D)	\$250.00	Dangerous Dog - 8.04.120*	\$25.00
Exceeds Number of Animals - 5-3B-4 (E)	\$250.00	Barking Dog - 8.04.130*	\$25.00
Licensed Required - 5-3B-5 (per animal)	\$125.00	Unlawful use of License - 8.04.170*	\$25.00
Dog Running At Large - 5-3B-6(C) (1st Offense - per animal)	\$100.00	Cruelty to Animal - 8.04.180*	\$25.00
Dog Running at Large - 5-3B-6(C) (2nd Offense - per animal)	\$200.00	County tickets issued to Justice Court for adjudication	
Dog Trespassing - 5-3B-7*	\$25.00		
Dangerous Dog - 5-3B-12 *	\$300.00		
Barking Dog - 5-3B-13 (B)	\$25.00		
Cruelty to Animals - 5-3B-16*	\$25.00		

* indicates a misdemeanor punishable by up to \$1,000.00 fine plus assessments and up to 180 days in jail - 5-3B-22

* indicates a misdemeanor punishable by up to \$1,000.00 fine plus assessments and up to 180 days in jail - 8.04.250

Sheet2

Odd Events

Donations
bag cat food
flat of wet cat food

EXHIBIT A

July 12, 2023

Annex Legal Description

A tract of land as shown on Map of Divisions of Large Parcels for Norman L. Goeringer, recorded in White Pine County Records under File No. 283268, Map No. 450, being Lots "B" through "M" and a Portion of Lot "A". A tract of land as shown on Parcel Map No. 80 for Carry B. and Elizabeth I. Baker, recorded in White Pine County Records under File No. 278311, Map No. 414, being Parcel No. 2 and a portion Parcel No. 3. A tract of land as shown on Parcel Map for Jackson B. and Terry K. Taylor, recorded in White Pine County Records under File No. 0374640, Map No. 1214, Parcel 3A. A tract of land shown on Parcel Map No. 44 for Robert Scott Price and Debra Anne March, recorded under File No. 252820, Map No. 322, being Parcel No. 3 and Parcel No. 4, located in a portion of Sections 22 and 27, Township 16 North, Range 63 East, MDBM, White Pine County, Ely, Nevada, more particularly described as follows:

Commencing at the west one-quarter corner of said Section 27, thence North 88°56'52" East, 1,329.68 feet more or less to the most southwesterly corner of said Lot "K" and the Point of Beginning:

Thence North 00°26'57" West, 417.02 feet;

Thence North 31°26'26" East, 823.80 feet;

Thence North 26°37'54" East, 780.30 feet;

Thence North 23°25'11" East, 799.70 feet more or less to the northerly line of the northwest one-quarter of said Section 27;

Thence Along said northerly line, North 87°27'03" East, 223.36 feet more or less to the north one-quarter corner of said Section 27;

Thence departing said northerly line, along the north-south centerline of said Section 22, North 01°19'08" West, 886.47 feet more or less to the most southwesterly corner of "Common Area" of the Final Map of Mineral Heights, recorded in White Pine County Records under File no. 291379, Map No. 509;

Thence along the southerly line of said "Common Area", North 67°34'47" East, 169.33 feet;

Thence North 78°35'34" East, 137.95 feet to the most southeasterly corner of said "Common Area";

Thence departing said southerly line, along the easterly line of said "Common Area", North 03°10'52" East, 363.98 feet;

Thence departing said easterly line, North 87°53'15" East, 1,559.15 feet more or less to the westerly right of way line of Highway 50/93;

Thence along said right of way line South 22°14'37" East, 1,393.79 feet;

Thence South 87°22'39" West, 30.62 feet;

Thence continuing along said right of way line, South 22°15'14" East, 691.43 feet more or less to the southerly boundary line of Parcel No. 4 of said Parcel Map for Robert Scott Price and Debra Anne March;

Thence departing from said right of way line, South 87°45'49" West, 607.20 feet more or less to the southwesterly corner of Parcel No. 4;

Thence North 00°12'27" 647.72 feet more or less to the southerly boundary line of said Lot "M";

Thence along said southerly boundary line, South 87°22'39" West, 666.96 feet;

Thence South 00°12'42" East, 643.18 feet;

Thence South 40°51'27" West, 557.77 feet;

Thence South 50°53'19" West, 384.83 feet;

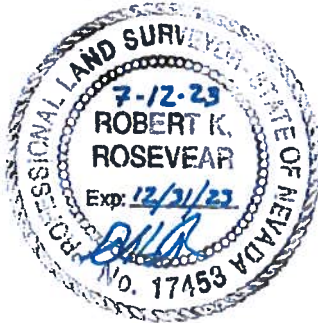
Thence South 88°09'17" West, 666.21 feet;

Thence South 00°16'48" East, 1,268.17 feet;
Thence South 88°55'50" West, 664.84 feet more or less to the northeasterly corner of Parcel No. 2 of said Parcel Map for Carry B. and Elizabeth I. Baker;
Thence South 00°18'28" East, 1,587.65 feet more or less to the southeasterly corner of Parcel No. 3A of said Parcel Map for Jackson B. and Terry K. Taylor;
Thence South 89°40'21" West, 664.42 feet more or less to the southwesterly corner of said Parcel No. 3A;
Thence North 00°19'03" West, 1,579.27 feet more or less to the Point of Beginning.

Containing 176 acres of land more or less.

Basis of Bearings: per Map of Divisions of Large Parcels for Norman L. Goeringer, recorded in White Pine County Records under File No. 283268, Map No. 450.

Prepared by:
Robert K. Rosevear, PLS
Basin Engineering
1070 E. Aultman Street
Ely, NV 89301



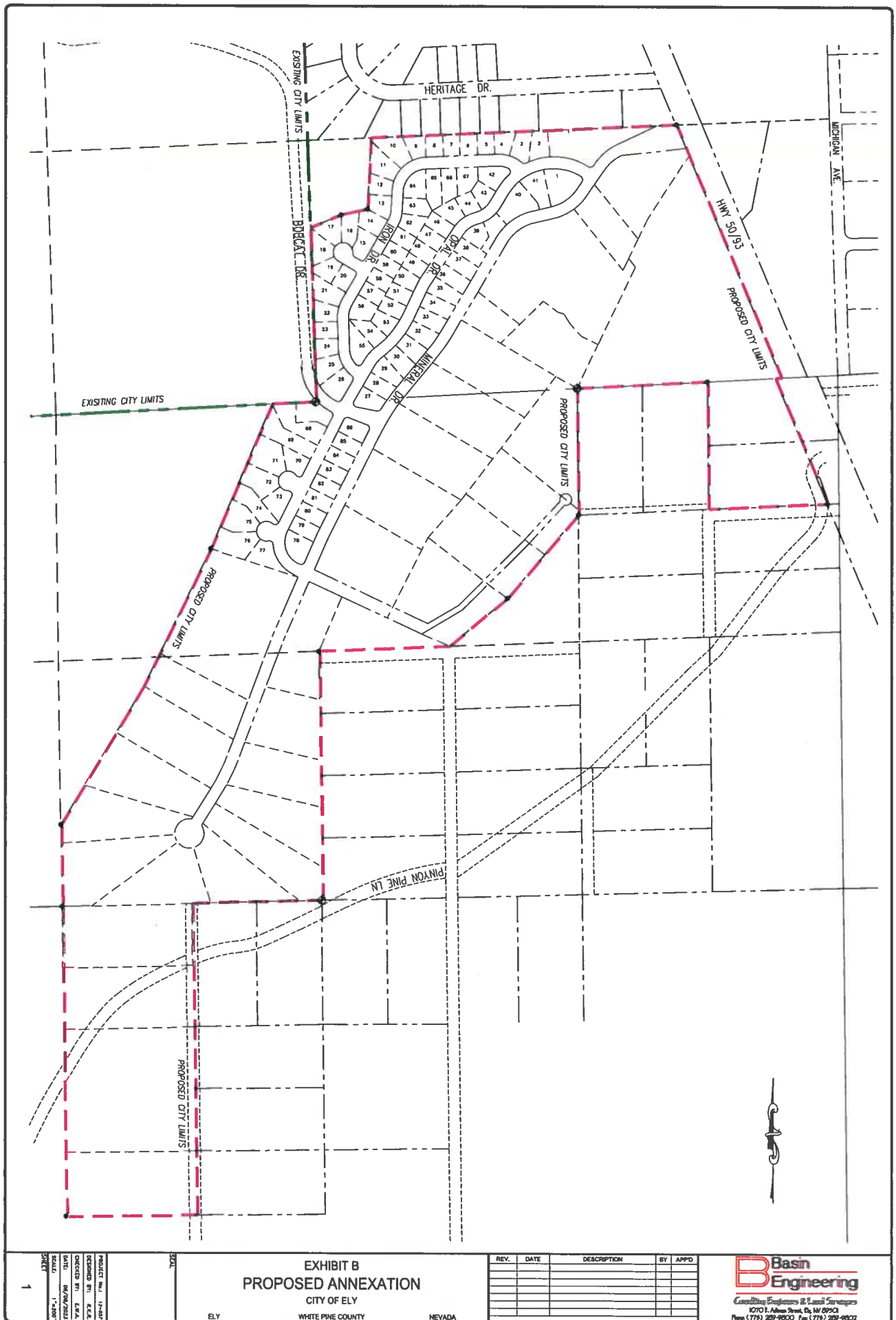


EXHIBIT B
PROPOSED ANNEXATION
 CITY OF ELY

ELY WHITE PINE COUNTY NEVADA

REV.	DATE	DESCRIPTION	BY	APPD

B Basin
 Engineering
 Consulting Engineers & Land Surveyors
 10701 Adams Street, Ste. 100
 Reno, NV 89521
 Phone: (775) 229-9800 Fax: (775) 229-9802

PROJECT No. 12-04-01
 DRAWING No. 12-04-01
 SHEET No. 12-04-01
 DATE: 06/04/2013
 SCALE: 1"=400'

INDUSTRIAL PARK PUMP STATION SUMMARY – 7/13/23

The following is a time line and cost summary to date of the industrial park pump station failure and repair. From the information that we have been able to gather the pump and motors were originally installed in January of 1981.

- October 1, 2022 – Pump Station Breaks Down
- October 3, 2022 – City begins having pumping contractor pump and maintain effluent level in the vault.
- Week of October 9th, City delivers pump and motors to Mountain Land in Cedar City to repair and rebuild existing pumps and motor.
 - Failure was caused by moisture in the motors.
 - Received rebuilt pump and motor week of February 19, 2023.
 - Delay was caused by supply chain issues and outdated pump and motors that parts were not readily available.
 - Salvaged parts from one pump and motor to repair the other pump and motor.
 - Seals were outdated and had to be custom made.
 - Cost was \$7,000.
- Week of February 19th, Local Contractor works with City Employees to set rebuilt pump and motor.
 - Unable to get the pump to seat and seal.
 - Cost was \$1,475.
- Week of March 12th, Local Contractor works with City Employees to set rebuilt pump and motor.
 - This time the vault was pumped all the way down to the bottom of the vault to expose and clean the seals to help the pump seat.
 - Unable to get the pump to seat and seal.
 - Cost \$45,000 in two days to pump the vault down to the seals. This was completed with both a local pump contractor and an out-of-town pump contractor.
 - Waiting on invoice from local contractor, anticipated cost +/- \$1,400.
- Local Pumping Contractor has continued to pump effluent weekly from the vault to maintain effluent levels.
 - The pumping costs through June have totaled \$212,000.
 - This includes the \$45,000 cost above.
- The City is currently looking into two possible options of reducing the monthly pumping costs.
 - We are still working through the details and will expand on our options as we work through the details.
- Week of April 16th, began advertising for bid on new pump and motor.
 - New pump and motor ordered on May 31, 2023.
 - Anticipated delivery of new pump, motor, and associated equipment is the week of September 3rd.
 - Cost \$133,000
- Week June 18th, City of Ely sends invitation to bid out to contractors for the installation of the new pump, motors, and associated equipment.
 - Cost quotes due back the first week in August.
 - Work to begin within one week of arrival of new pump, motors, and associated equipment. Anticipated the week of September 10th.
- The City has budgeted this year \$320,000 for this project.
 - This is to cover the costs of the pumps, installation, and the monthly pumping costs.

[Thompson Hine Letterhead]

July [@@], 2023

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

RE: Comments on June 12, 2023, Response and Corrections (Response) of White Pine Waterpower, LLC (Applicant or WPW) to April 18, 2023, Federal Energy Regulatory Commission (FERC or Commission) Letter of Deficiencies and Additional Information Requests (Deficiency Letter) and May 25, 2023, Additional Information Request (Additional Request) Concerning Final License Application (FLA) for the White Pine Pumped Storage Project (P-14851-003) (Project)

Dear Secretary Bose:

The City of Ely, Nevada, (City or Ely) and Nevada Northern Railway Foundation (NNR) (collectively ELY/NNR), jointly submit the following comments in this proceeding on Applicant's Response to the Commission's Deficiency Letter and Additional Request concerning the FLA that WPW filed February 27, 2023, with the Federal Energy Regulatory Commission (FERC or Commission). As shown herein, WPW has failed to correct the deficiencies with its application by the June 12th deadline imposed by the Commission in its Deficiency Letter.

Introduction

ELY/NNR respectfully submit that the additional information supplied by Applicant continues to be insufficient on critical foundational Project matters. In ELY/NNR's April 28, 2023, submission with FERC (Document Accession # 20230501-5051; referred to hereafter as FLA Comments), which are hereby incorporated by reference, ELY/NNR explained why from their unique perspective better usable data consistent with these Commission's deficiency requests is essential.

At pages 18-22 of additional Study Request #2, ELY/NNR explained that reliable and robust data is necessary to show the impact of the Project on short- and long-term economic impacts on Ely's tourist industry. ELY/NNR described that the number of workers needed for the construction and post-construction phases of the project will have an impact on the area's tourism, recreational hunting enthusiasts, traffic, and businesses serving the recreation industry and the local resident population. "The entire spectrum of recreational economic loss," explained ELY/NNR, "must be analyzed and studied to determine how this massive project will affect the recreation industry in Ely." FLA Comments at p. 20.

In additional Study Request #3, ELY/NNR described the need for reliable data to gain a better understanding of short- and long-term impacts of the Project on Ely apart from impacts on the tourist industry. FLA Comments at pages 22-27. ELY/NNR explained that this data is needed for a fulsome understanding of the wide range of Project impacts on Ely's housing, employment, and population; public and social services; healthcare; cultural character; transportation, traffic, property

values, economy, and taxes; social services; infrastructure; and on its municipal services (e.g., police, fire, water, sanitation, roads).

Applicant's Response is inadequate. As discussed herein, its Response too frequently is comprised of a series of "expectations" and "anticipated" outcomes rather than the additional reliable data and analysis the Commission directed Applicant to supply. This information was and is not optional. There are many reasons Applicant should supply this information is needed. Apart from the fact that the information is required under the Commission's regulations, and was required to be filed by June 12th pursuant to the Commission's Deficiency Letter, the data and analysis is necessary to address the range of areas under the Project that can adversely affect the Ely and White Pine County communities from top to bottom.

Comments on Specific WPW Responses

Deficiency No. 2

This deficiency addresses WPW's failure to identify in the FLA the McGill Ruth Consolidated Sewer and Water District (McGill Ruth District) and any other irrigation district, drainage district, or similar special purpose political subdivision that has water supply sources near the location of the proposed project area.

In its response to this deficiency request, Applicant provides little additional information regarding entities – McGill Ruth District or others – whose water interests could be affected by the Project. Indeed, WPW downplays McGill Ruth District's water concerns, claiming that McGill Ruth District merely "expressed . . . interest in the project." WPW's characterization contrasts sharply with McGill Ruth District's April 26, 2023, Comment and Protest (McGill Ruth District Comments) in which it raised several serious concerns regarding the potential adverse impacts of the Project on McGill Ruth District's water interests.

ELY/NNR agree with McGill Ruth District that further analysis is required to "ensure there is no potential degradation to the water quality of ground and surface water sources related to project construction, water pumping, electrical generation facilities, and any discharge of water." McGill Ruth District Comments at p. 1. ELY/NNR also agree with McGill Ruth District that Project construction and reservoir fill and maintenance needs "may not allow the aquifer the ability to recharge and stabilize for multiple years. . . [and that] in an already over appropriated basin will likely have detrimental effects on the groundwater basin as a whole." *Id.* at p. 2. The District's section III comment also resonates with the City that communication between the WPW and the District involving Steptoe Basin water usage by the Project has been poor. Ely too has generally been kept in the dark regarding Project plans that could have major adverse impacts on the City's water supply.

The issues raised by McGill Ruth District are similar to the water issue concerns Ely discussed in ELY/NNR's April 28, 2023, Comments submitted in their FLA Comments. At pages 24-25 of the FLA Comments, Ely specifically raised concerns that the Project could draw water from the same subsurface aquifer on which the City depends. Ely explained that this could lead to a host of serious problems for the City. For this reason, Ely asserted that there is a critical need for additional hydrological studies to get a "complete understanding of the Project's impact on Ely's water supply."

Id. at p. 25. To be sure, WPW's terse response to Deficiency No. 2 provides little information to allay these serious concerns.

Deficiency Nos. 8, 9, 10

Deficiency No. 8 involves WPW's failure "to include on-site manpower requirements and payroll during and after project construction" required under Section 4.41(f)(5)(iv) of the Commission's regulations. The Commission directed WPW to correct the FLA and provide the missing information.

WPW's Response is not in compliance with the Commission's directive. Applicant has not derived its data through reliable study and analysis. Applicant itself describes the additional information it has supplied as "estimates" only of what the Applicant "anticipates." WPW concedes that the new information it has provided in certain key areas is based on nothing more than "applicant's industry knowledge of previously completed pumped storage project construction experience." It recognizes that even this basis is wobbly, however. According to WPW, the "estimates provided are subject to change." Response at p. 16. Firmer foundations exist in a house of cards. WPW's information should be deemed inadequate and unacceptable.

Deficiency No. 9 involves WPW's FLA shortcomings under Sections 4.41(f)(5)(v)(A) – 4.41(f)(5)(v)(C) of the Commission's regulations requiring specific Project data on construction personnel who currently reside within the project's affected area, would commute daily to the construction site from places outside of the project area, and would relocate on a temporary basis within the project area. The Commission directed Applicant to "correct the FLA in accordance with the Commission's regulations to include the number of construction workers who currently reside in the project area, would commute daily, and would relocate temporarily."

WPW's additional information supplied to Deficiency No. 9 is deeply flawed. This is clear from Applicant's assertions about available housing stock for projected Project construction workers. WPW claims that there were "approximately 1,000 vacant housing units in White Pine County [(County)] . . . [which are] potentially sufficient to accommodate most of the non-resident workers during the construction phase of the project." Response at pp. 19, 22. Applicant itself recognizes its housing information is of questionable reliability over the minimum seven-year Project construction period when it acknowledges that "the condition, size, pricing, and market availability of the housing needed at the start of each phase of construction are not known at this time." *Id.*

Notably, WPW's housing information is also at odds with Ely's understanding represented in the FLA Comments that "White Pine County is currently facing a housing shortage" and that the County "needs at least 450 new residential units built **right now.**" FLA Comments at p. 24 (emphasis added). The area's current hotel room inventory cannot be viewed as a solution to Project construction worker needs as hotel accommodations presently cannot fully meet the demands of tourist visitors on many days of the year. *Id.*

Applicant "anticipates" that its "EPCW contractor" – who has not even been selected – will solve the housing shortage through "expan[sions of] existing RV parks or other temporary housing infrastructure." Response at p. 21. But this information is little more than a "Field of Dreams" deflection to a current housing shortage that will be exponentially more complex under the Project.

Ely rejects any notion that the Project should be allowed if it would entail “man-camps erected by Applicant in an unidentified location to meet the immediate housing needs of hundreds of new workers.” FLA Comments at p. 24. Robust analysis and reliable data is needed to enable meaningful long-term planning to arrive at proper solutions to a critical gating issue raised by the Project. The Commission’s regulations compel nothing less.

Deficiency No. 10 involves Section 4.41(f)(5)(viii) of the Commission’s regulations. FERC directed WPW to “correct the FLA in accordance with the Commission’s regulations to include a fiscal impact analysis evaluating the incremental local government expenditures in relation to the incremental local government revenues that would result from the construction of the proposed project.”

Once again, Applicant has not provided the information required under the Commission’s regulations: In lieu of providing the necessary data and analysis, WPW oddly relies instead on the extreme economic gyrations that have rocked the City and area. WPW’s response to the Commission is essentially that because the local communities “developed as mining communities and over the years have experienced a boom-and-bust pattern of development related to the business cycle of mineral extraction . . . there is sufficient existing infrastructure near the project, such as schools, public safety, utilities, hospitals, and housing that has the capacity to support the project.” Response at p. 21. Hence, without providing any further supporting analysis, WPW “anticipates” all community impact issues can be adequately addressed. According to Applicant, all of this will be easily handled and will not burden the local communities. WPW states that it “expects” there will only be positive tax revenue gains at all levels of government, conceding however that the bulk of tax revenues will not remain locally. *Id.*

Ely, for one, is not convinced. In the FLA Comments, Ely identified the various areas under the Project that require further data and analysis. *See generally* FLA Comments at pp. 18-27. Ely cites one example alone involving potential impact on the City’s landfill needs that would cost the City in excess of \$10 million. WPW has not addressed this issue at all in its Response. Nor is there any discussion of likely increased municipal water costs. Likewise, there is no analysis on cost impact on traffic and degradation of City streets. Instead, WPW’s Response is comprised of a series of “expectations” and “anticipated” outcomes rather than the additional reliable data and analysis required by the Commission. This information should have been supplied as directed.

Deficiency Nos. 12 and 13

These deficiencies involve information required by the Commission that Applicant failed to include on the FLA Exhibit G maps. ELY/NNR in their FLA Comments discussed many of these same inaccuracies, but also included several others involving the NNR, whose tracks and railway tourist operations would be expected to pass through the construction and location of most of the Project’s principal works and features.

Deficiency No. 12 requires Applicant to show the location of all project works and principal features pursuant to Section 4.41(h)(1) of the Commission’s regulations. In its Deficiency Letter, the Commission identified a series of items needing to be corrected in the Exhibit G maps included in the FLA. One important problem with the maps not discussed by the Commission in its Deficiency Letter, however, involves a proper showing of the NNR’s Mainline and HiLine.

In their FLA Comments filed over a month ago at the time the Commission issued the Deficiency Letter, ELY/NNR explained that:

In the Project area, the City of Ely owns the land that the jointly owned [M]ainline railroad track is on. On the HiLine, the City and the Foundation jointly own the railroad tracks but not the land on which the track is located.

In their FLA Comments, ELY/NNR also stated that:

the G-5 Map presenting the Project Boundary currently does not, *but should*, accurately depict the train track right-of-way and the City of Ely's property on the Mainline. Doing so will likely reveal more Project Boundary overlap exposing the need for still further information and possible studies. (FLA Comments at p. 11)

The revised maps filed with WPW's Response continue to display the Mainline incorrectly – as residing on BLM property – and still do not properly show the full extent of the HiLine right-of-way. Even though WPW has known about these inaccuracies in their FLA Exhibit G maps since the time ELY/NNR filed their FLA Comments, WPW has chosen not to correct these mistakes. Hence, serious deficiencies in the maps remain with the depiction of the NNR railroad facilities that are located in and traverse through the heart of the Project.

In their FLA Comments, ELY/NNR raised the concern that the inaccuracies involving the Mainline depiction, among other things, relate directly to important Project water issues. ELY/NNR explained that the Applicant's planned groundwater well drilling plans might constitute an unauthorized interference with Railway operations. ELY/NNR also explained that the Applicant's wellfield conveyance access road location raises Project Boundary overlap issues with the Mainline track and right-of-way and could adversely affect the NNR's Mainline passengers' ridership experience.¹ See FLA Comments at p. 11.

Another highly troublesome mistake that persists under the revised Exhibit G maps involves WPW's treatment of the spoil disposal site. Without explanation, this Project feature now seems to have vanished entirely!

In the FLA, WPW represented that the spoil disposal site would serve as a permanent Project feature:

4.1 Spoil Disposal A permanent spoil disposal site shown on drawings in Exhibit F[] will allow the storage of approximately 1,005,000 cubic yards of spoil arising from the lower reservoir and underground excavations that cannot be reused as fill material. Additional areas adjacent to the spoil disposal location have been identified, should the

¹ In its response to Deficiency No. 6 involving compliance with any relevant comprehensive plan under Section 4.38(f)(6) of the Commission's regulations, Applicant says "[t]he project is not subject to the Nevada Statewide Comprehensive Outdoor Recreation Plan [Nevada Recreation Plan]." Response, p. 12. WPW reasons that this is because "the principal project features are located entirely on land managed by the BLM Ely District Office." *Id.* As discussed above, it is highly likely that properly drawn maps will show interference with NNR's property and rights-of-way. In any event, ELY/NNR question whether WPW can justify its total avoidance of compliance with the Nevada Recreation Plan given the substantial impact the Project will have on the NNR, a major recreational and tourist attraction in the state.

spoil area requirements grow through the development of the design. (FLA, Exhibit A, section 4, p. 20)

In Deficiency No. 13, the Commission called out WPW's Exhibit G maps under Section 4.41(h)(2) of the Commission's regulations because "Exhibit G does not appear to show all proposed project features, including the soil disposal area . . . enclosed by the project boundary."² The Commission directed WPW to "correct Exhibit G maps to enclose all proposed project facilities and features within the proposed project boundary."

Rather than correcting the maps as directed, WPW's revised maps and additional information submitted in its Response raise new questions. In its response to Deficiency No. 13, Applicant "confirms that the project boundary encloses all permanent project features." ELY/NNR wonder how that can be. If the spoil disposal site is a permanent feature area as represented in the FLA, Exhibit A, and as shown on Exhibit G, Map G-5, of the FLA, then it should be discussed or shown somewhere in WPW's Response consistent with its confirmation. Has the proposed spoil disposal site location changed? If so, where will it be located? Applicant has completely failed to address this deficiency as required.

Other Matters

In its response to Deficiency No. 6, WPW discusses Project impacts on the Greater Sage Grouse, ungulates, and raptors. WPW states that a technical working group (TWG) has been formed to discuss mitigation measures. Ely has a significant interest in protecting the area's native wildlife. The City asks that it be apprised of future TWG meetings so that it can **[INCLUDE?: participate in and]** be apprised of these mitigation measures developments.

Yours truly,
City of Ely, Nevada
Nevada Northern Railway Foundation

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² ELY/NNR also questioned the accuracy of the FLA Exhibit G maps involving the spoil disposal site for similar reasons. See FLA Comments at p. 9.

*Privileged and confidential
Attorney-client communication
7-13 Draft*

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