

PRELIMINARY DRAFT
ENVIRONMENTAL COMPLIANCE MONITORING PLAN
BLUE LAKE HYDROELECTRIC PROJECT EXPANSION

FERC No. P-2230

Prepared By:

City and Borough of Sitka Electric Department

Sitka, Alaska

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INTRODUCTION and BACKGROUND

The City and Borough of Sitka, Alaska ("City"), owns and operates the Blue Lake Hydroelectric Project ("Project, FERC No. 2230) located near Sitka, Alaska. The 6.5 megawatt project is located approximately 5 miles southeast of Sitka.

For the past 3 years, the City has conducted engineering and environmental studies to support issuance of a capacity related amendment to the Project's FERC license to modify the Project including but not limited to the following:

- Raise the Project dam by as much as 83 feet to increase reservoir capacity and generating head;
- Construct a new and larger powerhouse and install new turbine generators;
- Construct a new surge chamber near the powerhouse; and
- Construct a new water intake in Blue Lake at a different location from the existing intake.

NEED for THIS DRAFT PLAN

The City submitted Draft and Final Amendment Applications (the DAA and FAA, respectively) to the Federal Energy Regulatory Commission (FERC) in Washington D.C. In response to the FAA, the FERC sent the following request for additional information, necessary before the Commission could continue with its issuance of the requested amendment:

"Your application does not describe any proposed protection, mitigation and enhancement (PM&E) measures that may be needed to mitigate the project effects. Please provide the details of any PM&E measure that may be needed for (1) wetland affected by the proposed project; (2) salmonid species (pink, chum, and coho salmon) and their essential fish habitat identified in Sawmill Creek that may be affected by the proposed project; and (3) any other environmental resources including fish, wildlife, water quality, and vegetation affected by the proposed project. All PM&E measures should be developed in consultation with federal and state resource agencies. Your filing should include documentation consultation including agency comments and recommendations and your response to any recommendations."

To respond to the Schedule B item, the City has prepared drafts related to certain PM&E measures, according to those normally required by consulting state and federal resource agencies during construction of recent hydro projects in southeast Alaska. In all cases involving significant construction, Stakeholders required an Environmental Compliance Monitor (ECM) to oversee compliance with other plans and procedures. This plan uses language from recent, accepted plans as the basis for early review.

EXISTING PLAN REQUIREMENTS

Below is language from a recent FERC license in southeast Alaska describing plan requirements and describing ECM duties:

“At minimum, the plan shall include: (1) provisions to employ a qualified environmental compliance monitor to be on-site during construction with authority to: (a) ensure strict compliance with the conditions of this license, (b) cease work and change orders in the field, as deemed necessary, and (c) make pertinent and necessary field notes on monitoring compliance by the licensee; (2) the position description of the compliance monitor, including qualifications, duties, and responsibilities; (3) provisions to hold a meeting between the licensee and the U.S. Forest Service (Forest Service), National Marine Fishery Service (NMFS), U.S. Fish & Wildlife Service (FWS), and Alaska Department of Fish & Game (ADF&G) once annually for each year of compliance monitoring to: (a) review and evaluate the results of all compliance monitoring activities and reports, (b) make necessary adjustments of compliance monitoring to meet resource needs, and (c) decide on continuation of compliance monitoring; and (4) a provision to file with the Commission by December 31 of each year of compliance monitoring, a report that summarizes the past year’s compliance monitoring activities and any planned future monitoring activities.

“The licensee shall prepare the plan after consultation with the Forest Service, NMFS, FWS, and ADF&G. The licensee shall include with the plan, documentation of consultation and copies of comments and recommendations on the completed plan after it has been prepared and provided to the agencies, and specific descriptions of how the agencies’ comments are accommodated by the plan...”

PROPOSED PLAN ELEMENTS

The City has adopted language from the existing plan in the following text:

EMPLOYMENT OF ENVIRONMENTAL MONITOR

Authority

The ECM will have the authority to:

- Issue stop work orders to the Contractor if the ECM observes construction activity that is not in compliance with the approved environmental plans and is causing or is likely to cause an adverse impact. Stop work orders will be issued for all non-compliance violations pertaining to fish, wildlife, habitat, water quality, toxic substances and erosion control. If there are questions or concerns, the ECM will be consulted prior to beginning the activity. Stop work orders will remain in effect until the issue is resolved in accordance with plans and permits. The ECM will report minor violations, judged not significant enough to warrant stop work orders, immediately to the Contractor and weekly to the resource agencies. Repeated minor

violations of approved environmental plans or permits will also be sufficient cause to issue a stop work order. Stop work orders will be applicable to those parts of the construction not in compliance with plans or permits and also to those construction activities closely related to the non-compliance problem. Stop work orders, along with a summary of the incident and remedial actions or resolution, shall be reported weekly to the resource agencies.

- Issue change orders to the Contractor if the ECM observes that the provisions of the approved environmental plans or permits are less than required to protect the intended resources. A “change order” is required to adequately define a modification to the Environmental Plans developed and approved under the stipulations of the (permits):_____. Change orders would be authorized only after consideration and evaluations of the effectiveness of measures in the Plans. Any change orders, along with a summary of the incident and remedial actions or resolution, will be reported to the resource agencies or any oversight team representing the resource agencies.
- The ECM would report potential violations of environmental laws, other than AS 16.05, to the appropriate agency(ies) However, the ECM does not represent or act for any specific agency, but represents all resource agencies and the licensee.

Term of Duty

The ECM will be available for on-site inspection during all periods when construction of a land-disturbing nature is taking place that had the potential to affect water quality of surface waters in the project area. Prior to and during construction, the Contractor will inform the ECM of the schedule for construction activities so that the ECM can schedule inspections.

QUALIFICATIONS, DUTIES, AND RESPONSIBILITIES

Qualifications

The ECM will have the following qualifications:

- Knowledge of environmental laws (statutes and regulations) in the State of Alaska.
- Experience with field construction techniques and environmental oversight.
- A thorough and current knowledge of sediment and erosion control techniques, water quality testing, and sound construction practices.
- Able to identify historical/cultural resources (USFS will train, if necessary).

Duties and Responsibilities

The duties and responsibilities of the ECM will be as follows:

- Review and be familiar with the approved environmental plans, permits, and the proposed construction.

Observe all construction and provide guidance to the Contractor to ensure that all activities are planned, conducted, and maintained in compliance with approved environmental plans and all permits; and to monitor maintenance effectiveness, and functionality of the mitigation measures and permit stipulations.

- Meet with the Contractor, the Licensee/Permittee, and the agencies to discuss compliance issues, including attending the monthly construction meetings held by the Contractor.
- Report all violations to the Contractor's construction superintendent and require immediate remedial action. The ECM shall maintain a written log of all violations, including all pertinent information. All violations shall be reported, in writing, to the appropriate resource agencies in a weekly report, and a copy of this report will always be given to the Contractor.
- Issue stop work orders to the Contractor as necessary to ensure compliance with all environmental plans and permits, but for minor violations, judged not significant enough to warrant stop work orders, immediately notify the Contractor to modify compliance methods. On a weekly basis, issue a report to the resource agencies, copying the Contractor, with information about any stop work orders.
- Issue change orders to the Contractor as necessary to comply with the intent of all environmental plans and permits; and will be noted in the weekly report to the agencies. Specific agency notification, related to the specific type of change order, will occur at time of evaluation of change work order, if deemed necessary by the ECM.
- Make and keep diligent field notes regarding observations, discussions with the Contractor, compliance issues, recommendations, diagrams, and photographs. Prepare a monthly report detailing all violations, incidences, situations, and other activities relative to environmental plans and permit compliance. The monthly report shall be completed and made available to the public, the agencies, and the Contractor by the 5th of the month following the month the report covers.
- The ECM shall be the main point of contact for agency personnel on matters concerning construction compliance, site conditions, and inspections. The ECM should make all reasonable efforts to accommodate agency requests for inspections on-site.

Weekly reports should also include any incidental observations of fish or wildlife, their location, number, behavior and any apparent effects the project construction may be having on them.

COMMUNICATIONS

Materials to be Provided to Environmental Compliance Monitor

The ECM will be provided with the following documents before construction begins:

- Erosion and Sediment Control Plan;
- Heritage Resource Protection;
- Solid Waste and Waste Water Plan;
- Hazardous Substance Plan;
- Compliance Monitoring Plan;
- Bear Safety Plan;
- Design Drawings and Specifications;
- Construction Schedule;
- Copies of All Permits, including periodic updates; and
- A contacts list providing names and phone numbers of relevant agency, Licensee/Permittee, and the Contractor personnel, including periodic updates.

Pre-Construction Meeting

A meeting will be held in Sitka prior to the start of construction to be attended by the ECM, other Licensee/Permittee representatives, the Contractor's construction superintendent and other senior Contractor representatives, and, at their discretion agency personnel. The meeting will be held to acquaint all of the parties with each other and with the proposed construction and to provide a forum for discussing the respective expectations for the construction and compliance monitoring. The ECM will prepare meeting notes that will be shared with all attendees.

Weekly Meetings

The ECM will meet on a regular weekly basis with the Contractor's construction superintendent to discuss compliance-monitoring issues. If the ECM is unable to attend, he/she may attend via teleconference. The ECM will prepare notes of the weekly meetings or phone conversations and include, as necessary, in the monthly reports.

Annual Meeting

The Licensee/Permittee will arrange for an annual meeting at a time and location suitable to all participating parties to:

- Review and evaluate results of all monitoring activities during the relevant time period;
- Make necessary adjustments to the construction and/or monitoring programs; and,
- Decide on the need for continuation of monitoring.

The ECM will record or otherwise transcribe the meeting and distribute draft meeting minutes to the attendees and other participating parties on request.

Other Communications

It is the intent of the Licensee/Permittee that there be open, respectful, and cooperative communication between the ECM, the Licensee/Permittee, and the Contractor's personnel on a routine basis. The Licensee/Permittee believes such a relationship between all of the parties will minimize construction difficulties and environmental impacts.