

# **DRAFT COMMUNICATIONS PROTOCOL**

## **Blue Lake Hydroelectric Project FERC No. 2230**

### **City and Borough of Sitka Electric Department**

**May, 2003**

## **INTRODUCTION**

The following protocol provides a framework for documenting consultation and coordination among participants (parties) in the relicensing of the Blue Lake Hydroelectric Project (“Project”, FERC No. 2230), located near Sitka, Alaska. The Project is a 7.7 megawatt generating facility owned and operated by the City and Borough of Sitka, Alaska (“City”). The Project was originally licensed by the Federal Energy Regulatory Commission (FERC, “the Commission”) in 1959.

This Communications Protocol is a requirement under the “Alternative Licensing Procedure” (ALP), a recently approved process for hydroelectric project licensing and relicensing intended to streamline the process (CFR 18, Section 4.34(i)). Under these new regulations, licensees may elect to use the “Traditional Licensing Approach”, the ALP, or other approaches as described in recent FERC documents. Under the Traditional Approach, all activities and documents required under the National Environmental Policy Act (NEPA) are conducted by the FERC or their contractor after acceptance of the final application for original license or new license.

Under the ALP, the licensee may, with FERC direction and approval, conduct NEPA Scoping (the public participation process to solicit comments on environmental issues) and prepare a Preliminary Draft Environmental Assessment (PDEA) and Draft Environmental Assessment (DEA) prior to submittal of the Final Application for a new license. The Final EA, which will serve as the basis for conditions of the new license, will be prepared by the FERC after their independent review of the PDEA and other documents prepared by the licensee and the FERC.

The communication procedures described in this document will be in effect until the Order Issuing New License is issued by the Commission.

## **PARTICIPATING in the RELICENSING PROCESS**

Under the ALP, the relicensing process is open to the general public and their participation is encouraged. A Participant List (Attachment 1) will be compiled and maintained by the City. The Participant List will be expanded as new parties request inclusion in the ALP.

The ALP affords participants the opportunity to interact with the relicensing process at several distinct points, including: 1) public meetings; 2) coordinated meetings 3) document review and comment; and 4) access to general information regarding process, schedule, and status. The City will use several means to assure access to relicensing material, as described in the following sections.

### **Public Reference Files**

There will be two public reference files, one in Sitka and the other at the Commission offices in Washington D.C.. The reference files will be maintained on a monthly basis and will include, but not be limited to: monthly progress reports (described below), study plans and reports, preliminary data files, meeting announcements, agendas and summaries, draft and final technical reports, draft and final EA's and license applications, written correspondence and telephone discussion notes. The addresses of the Public Reference Files are:

City and Borough of Sitka Electric Department  
105 Jarvis Street  
Sitka, Alaska, 99835

and

Federal Energy Regulatory Commission  
Public Reference Room, Room 2-A  
Attn: Secretary  
888 First Street, N.E.  
Washington, D.C. 20426

All materials in the reference files will be available for review and copying by request.

### **The Blue Lake Project Website**

The City will develop and maintain a Blue Lake Project Relicensing Website at which most Project material relative to the above interactions will be made available. The Website will contain:

- Project Description and History;
- Description of the Relicensing Process and ALP;
- Relicensing Schedule;
- Notices of Public and Coordinated Meetings;
- Notices of Availability of Documents for Participant Review;
- Other Features, as deemed necessary.

### **Need for Timely Notification and Review**

For this process to succeed, it is important that the interaction opportunities are announced to the participants, and that the participants provide timely comment and information at each opportunity. It is also important that participants have efficient access to general information. In the following, we describe the protocols to address these needs.

### **Public Meetings and Site Visits**

Meeting events (Scoping and others) to present information and obtain comments from the public and stakeholders will be held at various points during the relicensing. Two public meetings will be held during the Project relicensing. The first event, consisting of two "Initial Stage Consultation" meetings and a site visit, was held in Sitka and at the Project site on December 14<sup>th</sup> and 15<sup>th</sup>, 2002. This event preceded the City's decision to utilize the ALP. Notice of the meetings and site visit was placed in the Sitka Sentinel and the Juneau Empire newspapers more than 15 days prior to the events. The City prepared a summary of the Initial Consultation meetings, and circulated it among attendees for approval. A final summary was distributed to members of the existing mailing list on 3/13/03.

The other scheduled relicensing meeting event will be the Scoping meeting and site visit, to be held during early fall, 2003. Notice of the Scoping meeting and site visit will be posted on the Blue Lake Project Relicensing Website (described above), on the Sitka Electric Department and City Administration Building Bulletin Boards and published in local newspapers, specifically the Juneau Empire and the Sitka Sentinel and the Anchorage Daily News. All notices will be posted at least 15 calendar days in advance of the meeting date. The City will also serve notification of the Scoping meeting and site visit via e-mail to all those on the Project's Participant List.

When the City solicits verbal comments during meetings, those comments reflected in the approved meeting summary will be considered the speaker's formal comments if they choose not to provide written comments.

### **Coordinated Meetings**

Meetings between and among relicensing parties may occur on an "as needed" basis. In such meetings, a FERC representative will normally be invited to participate by teleconference or onsite. If a City representative is present at the meeting, the City will prepare a detailed summary of the meeting. If the City is not present at the meeting, the person that requested the meeting will prepare the meeting summary.

Draft Meeting summaries will be circulated to all meeting participants for review and comment. Comments will be incorporated into a final meeting summary, with the goal of agreement among all participants on the content of the meeting summary. Deadlines for preparation of drafts, returning comments, and submittal of a final summary will be agreed upon by participants at each meeting. Final meeting summaries should be mailed to the City at the contact address on page 6, of inclusion in City's Project record and

relicensing website.

All meeting summaries will be available on the website and in hard copy by request.

## **Document Availability**

### ***Major Documents.***

Throughout the relicensing process, Participants will be afforded opportunity to review and comment on documents prepared in the course of the relicensing process. While it is not possible to envision an exact list of documents for review, the City expects the major documents shown in Table 1 to be made available prior to issuance of the new license.

Consistent with federal and state paper-reduction policies, most relicensing-related written material will be available in electronic format and will be distributed directly to Participants using the electronic means, primarily via CD-ROM in the form of pdf. files. Much of the same material will be available through the City's Blue Lake Project relicensing website. Participants are encouraged to review major documents and provide comments in pdf. format. In all cases, however, Participants may request hard-copies of major documents.

**Table 1.** Major documents to be made available for review during Blue Lake Project relicensing.

<b>Document Name</b>	<b>Expected Date of Issue</b>	<b>Description</b>
<b>Scoping Document I (SD1)</b>	Fall, 2003	A document describing the Project, relicensing process, and environmental and economic issues related to relicensing
<b>Draft Application for License</b>	Fall, 2005	Documents describing various design and operation aspects of the project, as proposed for relicensing
<b>Preliminary Draft EA</b>	Fall, 2005	Accompanies Draft Application, describes existing environment, relicensing impacts and mitigation proposals.
<b>Study Plans</b>	Spring, 2003, Spring 2004	Describe detailed objectives, methods and required reporting for various environmental field and office studies

<b>Study Reports</b>	2003-2008	Present results of the environmental studies, usually on an annual basis
<b>FERC Draft EA</b>	2006-7	FERC-prepared EA noting issues, impacts, mitigation and recommendations.
<b>FERC Order Issuing New License</b>	2008, on expiration of existing license.	Contains FERC's final EA and Licensing Order as well as License Articles and other Conditions.

***Minor Documents and Correspondence.***

Throughout the relicensing process, the City will communicate frequently with Participants, individually and collectively. These communications may include written material such as meeting notices and summaries or other small documents relevant to the communications. These communications will be primarily in the form of e-mail, often with attached files (Table 2).

**Table 2.** Document Transfer and Availability

<b>Document Type</b>	<b>Primary Source</b>	<b>Backup Source</b>
Meeting Notices	Web and e-mail with Attachment	Hard-copy*
Meeting Summaries	Web and e-mail with Attachment	Hard-copy
Correspondence**	Web or e-mail with Attachment	Hard-copy
Status Reports	Web or e-mail with Attachment	Hard-copy

\*Hard-copies of all documents will be available by request.

\*\*The City will maintain a Tracking File to document all Project-related incoming and outgoing correspondence and other communications. The Tracking File will be updated monthly and will be available on the Project website.

**COMMUNICATIONS PROTOCOLS**

In this section, we describe conditions governing communications among relicensing Participants. The Protocols are intended to assure that interactions are appropriate, effective and properly documented .

**Written Communications.**

All written communications that need to be part of the public record, including comment letters, progress reports, fax communications, meeting summaries, and teleconference summaries, or in which any party intends to become part of the formal record, should be mailed to:

City and Borough of Sitka Electric Department  
Attn: Dean Orbison, Engineering Manager  
105 Jarvis Street  
Sitka, Alaska, 99835  
Phone: 907-747-6633  
Fax: 907-747-3208  
Email: [dean@cityofsitka.com](mailto:dean@cityofsitka.com)

All written communications must have the following clearly displayed on the first page, preferably in the “Subject” line of the correspondence:

**Blue Lake Hydroelectric Project (FERC No. 2230)**

Written communications must display deadlines for comments or other actions (when applicable) and should reference the corresponding activity of the relicensing process associated with the written communication (for example., “Comments on Scoping Document I”, “Summary of study planning meeting”, etc.). Communications must indicate where to submit responses, when applicable. Copies of all written communications will be distributed to the Public Reference File.

The Commission will from time to time advance the number following the Project number to indicate a different relicensing action phase (for example, FERC No. 2230-001, 2230-002, etc.) Participants should check Commission and City correspondence closely to assure that the proper Project numbers are identified when referencing a particular document.

**Teleconference Communications**

Periodic teleconference calls among relicensing participants may occur on an “as-needed basis”. If the communication is between an agency and either the City or the Commission, the party initiating the call will forward a written summary of the call to Mr. Orbison at the City’s 105 Jarvis Street office to be included with the Public Reference File(s). Documentation of teleconference calls between the City and the Commission will be included in the Public Reference File, with a summary written by the party initiating the call.

**Inter/Intra Resource Agency Staff Communications.**

Written communications, meetings, telephone conversations, or other types of communications within or between State or Federal resource agency staff concerning the Blue Lake Project relicensing are not subject to the scheduling, notification, and

documentation requirements of previous sections this Communications Protocol. It is understood that such communications will not be part of the licensing record unless they are submitted to the Commission by a participating agency.

### **Communication With Commission Staff**

The Commission recently revised its ex-parte rules (88 FERC para. 61,225) and determined that the rule prohibiting off-the-record communications does not apply to interactions during the ALP. This is because all actions under ALP occur before a license application is filed, prior to the Noticed “licensing procedure” at the Commission. Therefore, any participant may communicate with FERC staff during the prefiling period without any special notice prior to or documentation after the communication.

### **Contact Logs**

Contact log sheets will be utilized to document all verbal communications among the participants, if between an agency and the City or the Commission. A contact log sheet will also be kept of communications between the Commission and the City. Contact log sheets will include all information pertinent to the communication, (i.e., individual(s) involved, title(s), date of communication, subject of communication, issues discussed, action to be taken). The City requests that all substantive communications be summarized via e-mail or letter, to the extent practicable. A sample contact log sheet used by the City is provided as an attachment to this document.

### **MONTHLY PROGRESS REPORTS**

The City will file with the Commission by the 15th of each month, a progress report that summarizes the project status as of the end of the previous month. Each report will include the following:

1. An updated log of oral and written communications.
2. Descriptions of all action taken on the project during the previous month.
3. Copies of all comment letters and other written correspondence received that month, including those with the Commission staff.
4. Copies of all meeting summaries and teleconferences call summaries that month, including those with Commission staff.
5. Any other information pertinent to the project.

Each monthly progress report will be placed in each of the public reference files for this project. Each of the participants will receive a copy of the cover letter submitting the progress report to the Commission along with a log of all communications filed for that period. Any of the participants may request a copy of any item on the log from the City.

**COMMUNICATIONS PROTOCOL APPROVAL**

**BLUE LAKE HYDROELECTRIC PROJECT**

**FERC No. 2230**

I have read and agree to follow this Communications Protocol proposed by the City and Borough of Sitka Electric Department to guide communications and information exchange between the participants in the ALP for the Project .

SIGNATURE:

AGENCY/ORGANIZATION:

DATE:

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\_\_\_\_\_

I accept the conditions of this communication protocol

I do not accept the conditions of this communication protocol

Reasons, if any: \_\_\_\_\_

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Please mail to:

Mr. Dean Orbison  
Engineering Manger  
City and Borough of Sitka Electric Department  
105 Jarvis St. Sitka, AK, 99835