

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

ACMP Consistency Evaluation & Certification Statement

Pursuant to [11 AAC 112.215 \(a\)\(1\)\(c\)](#), the applicant shall submit an evaluation of how the proposed project is consistent with the statewide standards at 11 AAC 112.200 - 11 AAC 112.990 and with the applicable district enforceable policies, sufficient to support the consistency certification. Evaluate your project against each section of the state standards and applicable district enforceable policies using the template below or by submitting a narrative description in letter or report form. District enforceable policies are available on the ACMP website at <http://www.alaskacoast.state.ak.us>. Definitions of key terms can be found at: [11 AAC 110.990](#), [11 AAC 112.990](#) and [11 AAC 114.990](#).

If you need more space for an adequate explanation of any of the applicable standards, please attach additional pages to the end of this document. Be sure to include references to the specific sections and subsections that you are evaluating.

STATEWIDE STANDARDS

11 AAC 112.200. Coastal Development

Standard:

- (a) In planning for and approving development in or adjacent to coastal waters, districts and state agencies shall manage coastal land and water uses in such a manner that those uses that are economically or physically dependent on a coastal location are given higher priority when compared to uses that do not economically or physically require a coastal location.
- (b) Districts and state agencies shall give, in the following order, priority to
 - (1) water-dependent uses and activities;
 - (2) water-related uses and activities; and
 - (3) uses and activities that are neither water-dependent nor water-related for which there is no practicable inland alternative to meet the public need for the use or activity.
- (c) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in [33 CFR Parts 320 - 323](#), revised as of July 1, 2003.

Evaluation:

- (a) How is your project economically or physically dependent on a coastal location? Why are you proposing to place the project at the selected location?

The proposed Whitman Lake Hydroelectric Project is located at the existing Whitman Lake Dam near the southeast end of Revillagigedo Island. KPU purchased the dam and related facilities that formerly generated hydroelectric power from the New England Fish Company in 1957 and that original generating facility was retired from service. The Southern Southeast Regional Aquaculture Association (SSRAA) installed the Whitman Hatchery in 1978 – 79. KPU continued to maintain the dam for use by SSRAA. KPU filed its Application for License to reinstall hydropower generation at Whitman Lake in September 2004. KPU will use power generated at the Whitman Lake Hydroelectric Project to serve its customers and offset expensive diesel generation currently required to serve load.

- (b) Evaluation of development priority.
 - (1) How is the proposed project water-dependent? Explain. **Water is required to generate hydroelectric power.**
 - (2) How is the proposed project water-related? Explain. **Water is required to generate hydroelectric power**
 - (3) If the proposed project is neither water-dependent nor water-related, please explain why there is not a practicable inland alternative that meets the public need for the use or activity. Explain. **Not Applicable.**
- (c) *DCOM defers to the United States Corps of Engineers (USACE) to interpret compliance with the referenced standards.* If you plan to discharge or fill waters of the US, have you applied to the Corps of Engineers for the appropriate authorization? **YES. See Attachment 9 to this CPQ**

11 AAC 112.210. Natural hazard areas.

Standard:

- (a) In addition to those identified in [11 AAC 112.990](#), the department, or a district in a district plan, may designate other

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

natural processes or adverse conditions that present a threat to life or property in the coastal area as natural hazards. Such designations must provide the scientific basis for designating the natural process or adverse condition as a natural hazard in the coastal area, along with supporting scientific evidence for the designation.

(b) Areas likely to be affected by the occurrence of a natural hazard may be designated as natural hazard areas by a state agency or, under 11 AAC 114.250(b), by a district.

(c) Development in a natural hazard area may not be found consistent unless the applicant has taken appropriate measures in the siting, design, construction, and operation of the proposed activity to protect public safety, services, and the environment from potential damage caused by known natural hazards.

(d) For purposes of (c) of this section, "appropriate measures in the siting, design, construction, and operation of the proposed activity" means those measures that, in the judgment of the coordinating agency, in consultation with the department's division of geological and geophysical surveys, the Department of Community and Economic Development as state coordinating agency for the National Flood Insurance Program under 44 C.F.R. 60.25, and other local and state agencies with expertise,

(1) satisfy relevant codes and safety standards; or

(2) in the absence of such codes and standards;

(A) the project plans are approved by an engineer who is registered in the state and has engineering experience concerning the specific natural hazard; or

(B) the level of risk presented by the design of the project is low and appropriately addressed by the project plans.

Evaluation:

(a) Describe the natural hazards designated in the district plan as they affect this site.

None. The area is not classified to be a natural hazard area.

(b) Describe how the proposed project is designed to accommodate the designated hazards. How will you use site design and operate the proposed activity to protect public safety, services and the environment from potential damaged caused by known natural hazards? **Not Applicable**

(d)(1) Describe the measures you will take to meet relevant codes and safety standards in the siting, design, construction and operation of the proposed activity.

(d)(2)(A) If your project is located in an area without codes and safety standards, how is your project engineered for the specific natural hazard? Give the name of the appropriately qualified registered engineer who will approve the plans for protecting public safety, services, and the environment from damage caused by hazards OR

(d)(2)(B) If the level of risk presented by the design of the project is low, how do the project plans and project design address the potential natural hazard?

11 AAC 112.220. Coastal access.

Standard:

Districts and state agencies shall ensure that projects maintain and, where appropriate, increase public access to, from, and along coastal water.

Evaluation:

Please explain how the proposed project will maintain and, where appropriate, increase public access to, from and along coastal water.

The Project Powerhouse and Tailrace are located near Herring Cove (see Permitting Figure 2 – Site Plan provided in this filing) These Project facilities are not available to public access as they are categorized Critical Energy Infrastructure by the FERC and access is restricted to KPU personnel and the FERC Regional Engineer. None of the other Project facilities are located along coastal water.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

11 AAC 112.230. Energy facilities.

Standard:

(a) The siting and approval of [major energy facilities](#) by districts and state agencies must be based, to the [extent practicable](#), on the following standards:

- (1) site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;
 - (2) site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;
 - (3) consolidate facilities;
 - (4) consider the concurrent use of facilities for public or economic reasons;
 - (5) cooperate with landowners, developers, and federal agencies in the development of facilities;
 - (6) select sites with sufficient acreage to allow for reasonable expansion of facilities;
 - (7) site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
 - (8) select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
 - (9) encourage the use of vessel traffic control and collision avoidance systems;
 - (10) select sites where development will require minimal site clearing, dredging, and construction;
 - (11) site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination that would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
 - (12) site facilities so that design and construction of those facilities and support infrastructures in coastal areas will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns;
 - (13) site facilities so that areas of particular scenic, recreational, environmental, or cultural value, identified in district plans, will be protected;
 - (14) site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents and spills can be controlled or contained;
 - (15) site facilities where winds and air currents disperse airborne emissions that cannot be captured before escape into the atmosphere;
 - (16) site facilities so that associated vessel operations or activities will not result in overcrowded harbors or interfere with fishing operations and equipment.
- (b) The uses authorized by the issuance of state and federal leases, easements, contracts, rights-of-way, or permits for mineral and petroleum resource extraction are [uses of state concern](#).

Evaluation:

(a) If this standard applies to your project, please describe in detail how the proposed project is designed to meet each applicable section of this standard:

- (1) The Project is located at the existing Whitman Dam (Please Also see Attachment 2 “Land Use Conversions”). The powerhouse, tailrace, valve house, head tank, and a portion of the lower penstock are located in a previously disturbed area used by the Whitman Hatchery for storage of old pipe and other miscellaneous materials associated with Hatchery operations. The Ketchikan Gateway Borough classifies the area a Heavy Industrial Zone.**

The mid and upper portion of penstocks, Whitman Dam, Whitman Lake, Achilles Creek diversion and pipeline are located on lands classified by the KGB as “Future Development Zone.” Hydroelectric generation is considered a permitted use. Terms and conditions of the FERC License require that KPU prepare and submit plans regarding environmental protection and public safety following issuance of the FERC License.

KPU will implement the following measures:

General

- **Provide state and federal resource agency personnel access to project facilities and lands upon adequate notice.**
- **Coordinate and consult with fish and wildlife agencies on the need for an annual project review meeting and file with the Commission evidence of the consultation and any recommendations made by the agencies.**

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

- Notify ADFG, the Forest Service, ADNDR, FWS, NMFS, and the Commission as soon as possible, but within 12 hours, of the beginning or detection of a non-compliance event.

Geological Resources

- Minimize the clearing width and disturbance to vegetation within existing and new pipeline corridors, and revegetate disturbed areas.
- Develop for Commission approval, after consultation with Alaska Department of Fish and Game (ADFG), U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), Alaska Department of Natural Resources (ADNR), and the U.S. Forest Service (Forest Service), an Erosion and Sedimentation Control Plan (ESCP) with Best Management Practices that includes turbidity monitoring on a daily basis, upstream and downstream of all construction and discharge points from the commencement of construction until there is no risk of turbid runoff resulting from project construction, in Whitman and Achilles creeks.
- Implement a Spoil Disposal Plan. KPU proposes to implement the Spoil Disposal Plan filed on November 11, 2005. Consistent with Forest Service 4(e) condition no. 17, this plan identifies spoil areas, addresses the contouring of spoils piles to conform to adjacent landforms, addresses measures to prevent erosion and sedimentation at these spoils piles, identifies methods to stabilize and revegetate spoil areas, and includes a schedule and maintenance program for this plan.

Water and Aquatic Resources

- Provide the following continuous minimum instream flows of between 6 and 11 cfs to lower Whitman Creek during normal hydrologic conditions:

Date	Flow (cfs)
November 16-April 30	6
May 1-September 15	8
September 16-November 15	11

- Provide the following continuous minimum instream flows of between 2 and 7 cfs to lower Whitman Creek.
- Implement ramping rates of no greater than 2 inches per hour from June 1 to February 28/29 for minimum instream flows in lower Whitman Creek.
- Provide an annual channel and riparian maintenance flow of 150 cfs to lower Whitman Creek for a continuous 24-hour period between June 1 and August 15.
- Implement ramping rates of no greater than 2 inches per hour for channel maintenance flows in lower Whitman Creek.
- Allow flows in excess of 20 cfs to overtop the Achilles Creek diversion.
- Provide a year-round minimum instream flow of 1.5 cfs, or inflow, whichever is less, downstream of the Achilles Creek diversion.
- Operate Unit 1 within the range of reservoir El. 379.8 to 370 msl.
- Implement a Dry Conditions/Low Reservoir Protocol, containing the provisions described below, that would undergo a performance assessment after five years to determine the need for any necessary modifications.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

Reservoir Status Code	Reservoir Level	Lower Whitman Creek Minimum Instream Flows	Unit 1	Reservoir Action Team Convened
Green	Above El. 367 msl	Normal flows of between 6 to 11 cfs	On-line	No
Yellow	Between El. 367 and 363 msl	Normal flows of between 6 to 11 cfs, unless reservoir action team decides modifications are necessary to protect hatchery flows	Off-line	Yes
Red	Below El. 363 msl, operating in siphon mode	Reduced as necessary by reservoir action team to protect hatchery flows, or flows of between 2 to 7 cfs are released if consensus is not reached	Off-line	Yes

- **Modify the existing deep water intake to include a siphon and vacuum pump to allow reservoir levels to be drawn down to El. 343 msl during dry conditions and operate Unit 2 year-round to supply Southern Southeast Aquaculture with water needed for hatchery operations.**
- **Construct a new intake for Unit 1 that is screened to meet juvenile fish criteria as specified by NMFS.**
- **Replace the existing variable intake, if necessary, with a new variable intake.**
- **Upon request from the agencies, provide stream flow data, within 30 days of the request.**
- **Provide reservoir level readings at both the Whitman Lake powerhouse and the KPU control center with reports being made available to ADFG, ADNR, Southern Southeast Aquaculture, and the Forest Service, upon request.**
- **Install a new valve house at the base of Whitman dam to control flow to Unit 2 and the Whitman Hatchery's 12-inch incubation water supply pipeline.**
- **Develop a plan after consultation with Southern Southeast Aquaculture to determine how water temperature requirements at the Whitman Fish Hatchery will be met using a mix of water withdrawals from the variable and deep water intakes. This plan should be filed with the Commission for approval and should clearly describe how KPU and Southern Southeast Aquaculture will work in conjunction with each other to ensure water temperature will be maintained at the hatchery utilizing the valve house and how the volume of flows provided to Unit 2 will remain within the sole control and discretion of KPU.**
- **Install a head tank to collect Unit 2 discharge that would provide the Whitman Fish Hatchery with the water pressure needed for hatchery operations.**
- **Install a pressure reduction valve that is capable of accommodating flows up to 32 cfs, allowing Unit 2 penstock flows to bypass Unit 2, and flow directly to the head tank**
- **Install water flow recording devices at the Unit 1 and 2 penstocks, the Whitman Hatchery's 12-inch incubation water supply line, and the primary hatchery supply line from the head tank.**
- **Minimize fish attraction flow velocities from the proposed powerhouse and create a physical barrier to fish by constructing a concrete weir at El. 18 msl, a baffle wall and smooth-finished bars with one-inch openings along the bottom of the baffle wall.**
- **Develop and implement a Hazardous Substance Plan that includes treating and removing oil and contaminants from project discharge.**
- **Develop and implement a Biotic Monitoring Plan that includes monitoring adult salmonid behavior from August 1 to November 30, annually, at the location of the proposed tailrace discharge, commencing at project start-up, for a period of two years.**
- **Implement the Whitman Lake Dam and Reservoir Operations and Maintenance Plan.**
- **Implement the Achilles Creek Diversion Operations and Maintenance Plan.**
- **Periodically sluice sediments from above the Achilles Creek diversion during high flows and complete this measure on an annual basis, sluicing sediments for a continuous 24 hour period from behind the**

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

Achilles Creek diversion when instream flows are at least 34 cfs.

- Obtain Forest Service approval prior to using pesticides on Forest Service lands.
- Provide an Environmental Compliance Monitor during project construction.
- File a report with the Commission detailing the five year review of the Dry Conditions/Low Reservoir Protocol.
- Notify the Commission within 10 days of a change in the RSC code or upon any modification to project operations such as minimum instream flows based on decisions made by the Reservoir Action Team.
- Construct, operate, and maintain two stream gages that meet USGS standards, have real-time capability, and record at no less than 15-minute intervals, including: one stream gage immediately downstream of the Achilles Creek diversion and one immediately downstream of the instream flow release valve from the Unit 2 penstock in lower Whitman Creek.
- Upon construction of the stream gages, file a report with the Commission detailing the gaging equipment installed, drawings of the gage, and exact locations of the gages.
- Install a valve at the base of Whitman dam, and when reservoir elevations are above El. 364 msl, release minimum instream flows to lower Whitman Creek directly below Whitman dam.
- Install adjustable valves to allow for any necessary adjustments needed to release minimum instream flows or channel maintenance flows to Whitman or Achilles creeks.
- Upon transferring minimum instream flows from being released at Whitman dam to 700 feet downstream, from the Unit 2 penstock, or vice versa, ramp flows in the 700-foot bypassed reach at rate no greater than 1 inch per hour from March 1 to May 31, and 2 inches per hour from June 1 to February 28 /29.
- Provide a minimum instream flow downstream of the mouth of Achilles Creek of 0.77 cfs as measured by summing the Achilles and Whitman Creek stream gages, to provide Ketchikan Gateway Borough with 0.77 cfs for consumptive purposes.
- Perform, at a minimum, weekly inspections and cleanings of the new Unit 1 intake screen for the first two years of project operations (absent when Whitman Lake is frozen over), and file a report detailing monitoring results after two years proposing a recommended cleaning schedule based on the results.

Terrestrial Resources

- Develop and implement a Terrestrial Species Connectivity Plan that includes site-specific plans for wildlife crossings along the Achilles Creek pipeline and wildlife crossing effectiveness monitoring.
- Develop and implement a Vegetation Management Plan that includes identifying areas needed for revegetation, a list of native species to be used, and methods to control and monitor noxious weeds.
- Develop and implement a Nesting Survey Plan to include surveying for any newly constructed marbled murrelet, goshawk, and bald eagle nests prior to construction.
- Avoid any large trees, boulders, rock outcrops, and any sensitive vegetated areas during construction of the proposed diversion pipeline from Achilles Creek.
- Develop and implement a Fire Prevention Plan

Recreation Resources

- Develop a trail plan in conjunction with the Forest Service that avoids the pipeline and penstock corridor.
- Develop and implement a trail plan and obtain any necessary easements

Land Use and Aesthetic Resources

- Develop and implement a Scenery Management Plan.

Cultural Resources

- Revise and Implement the Historic Properties Management Plan (HPMP) and conduct a HABS/HAER for the NRHP eligible shed.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

- (2) As noted above in Item (1), the Whitman Lake Hydroelectric Project is located at an existing dam owned and maintained by KPU. The Project facilities are all located in lands classified as Heavy Industrial Zone or Future Development Zone by the Ketchikan Gateway Borough. The Project will continue to provide water to the existing Whitman Lake Hatchery owned and operated by the Southern Southeast Aquaculture Association (SSRAA). As part of the Settlement Agreement, KPU and SSRAA will work together to design and construct improvements to the current Hatchery operations (See February 8, 2008, Settlement Agreement provided by e-mail to Erin Allee on June 23, 2008) The Hatchery is a major economic contribution to the entire Southern Southeast Alaska community – the Hatchery is a source of brood stock for the SSRAA system of hatcheries.
- (3) The Whitman Lake Hydroelectric Project is a consolidated facility.
- (4) The Whitman Lake Hydroelectric Project delivers water to the SSRAA Whitman Lake Hatchery. Project “facilities” – e.g. powerhouse and switchyard are restricted areas and not appropriate for concurrent use.
- (5) KPU has consulted with all landowners (ADNR, BLM, AHMT, and the US Forest Service) Please see Attachment 2 “Land Conversions” for a map showing land ownership and Table A-2 presenting a detailed description of lands, lot#, land use designation, project use, and notes regarding Project use of lands.
- (6) The FERC License will include a Project Boundary showing areas authorized for use as a hydroelectric facility. If KPU decides in the future to expand the Project, KPU must prepare and file an Application for Amendment to the License to expand the licensed Project facilities.
- (7) Access to the Project is the Tongass Highway
- (8) Project does not include harbors and shipping routes
- (9) Project does not involve “vessel traffic”
- (10) See Item 1 above at Terrestrial Resources. Project facilities are sited in areas classified as Heavy Industrial Zone and Future Development Zone KPU proposes to minimize the clearing width and disturbance to vegetation within the existing and new pipeline corridors, and to revegetate disturbed areas to minimize erosion and sedimentation caused from project construction and operation.
- (11) Project is not located along shipping routes
- (12) See Item 1 above at Aquatic Resources
- (13) See Item 1 above at Aquatic, Terrestrial, Recreational, and Cultural resources sections
- (14) See Item 1 above at Aquatic and Terrestrial resources sections. KPU will implement a Spill Prevention and Containment Control Plan.
- (15) There are no airborne emissions associated with hydroelectric generation
- (16) Project does not involve “associated vessel operations” or harbors. The Project delivers water to the existing SSRAA Whitman Lake Hatchery.

(b) The uses authorized by the issuance of state and federal leases, easements, contracts, rights-of-way, or permits for mineral and petroleum resource extraction are uses of state concern.

NOTE: Paragraph (b) of 11 AAC 112.230 Energy facilities does not apply to the Whitman Lake Hydroelectric Project

(b) List the authorizations for state and federal leases, easements, contracts, rights-of-way, water rights, or permits for mineral and petroleum resource extraction you have applied for or received.

Not applicable.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

11 AAC 112.240. Utility routes and facilities.

Standard:

- (a) Utility routes and facilities must be sited inland from beaches and shorelines unless
 - (1) the route or facility is water-dependent or water related; or
 - (2) no practicable inland alternative exists to meet the public need for the route or facility.
- (b) Utility routes and facilities along the coast must avoid, minimize, or mitigate
 - (1) alterations in surface and ground water drainage patterns;
 - (2) disruption in known or reasonably foreseeable wildlife transit;
 - (3) blockage of existing or traditional access.

Evaluation:

- (a) If the proposed utility route or facility is sited adjacent to beaches or shorelines, explain how the route or facility is water dependent water related or why no practical inland alternative exists.

The “utility route” associated with the Whitman Lake Hydroelectric Project is the existing KPU transmission line from the Beaver Falls Project to Ketchikan. KPU will reconductor 1300 feet of existing 34.5 kV line and add a new 200-foot distribution extension from the Whitman Lake Hydroelectric Project powerhouse to the existing line. The Project is a water-dependent hydroelectric facility.

- (b) If the proposed utility route or facility is sited along the coast, explain how you will avoid, minimize or mitigate:
 - (1) alterations in surface and ground water drainage patterns;
 - (2) disruption in known or reasonably foreseeable wildlife transit;
 - (3) blockage of existing or traditional access.

NOTE: The electric transmission line is an existing facility. KPU will connect the Whitman Lake Hydroelectric Project to this existing transmission line.

11 AAC 112.250. Timber harvest and processing.

Standard:

[AS 41.17](#) (Forest Resources and Practices Act) and the regulations adopted under that chapter with respect to the harvest and processing of timber are incorporated into the program and constitute the components of the program with respect to those purposes.

Evaluation:

Does your activity involve harvesting or processing of timber? Yes _____ No

If yes, please explain how your proposed project meets the standards of the State Forest Resources and Practices Act.

11 AAC 112.260. Sand and gravel extraction.

Standard:

Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits if there is no practicable alternative to coastal extraction that will meet the public need for the sand or gravel.

Evaluation:

If your proposed project includes extracting sand or gravel from [coastal waters](#), intertidal areas, barrier islands or spits, please explain why there is no practicable alternative to coastal extraction that meets the public need for sand or gravel.

The Whitman Lake Hydroelectric Project does not involve extraction of sand or gravel.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

11 AAC 112.270. Subsistence.

Standard:

- (a) A project within a subsistence use area designated by the department or under 11 AAC 114.250(g) must avoid or minimize impacts to subsistence uses of coastal resources.
- (b) For a project within a subsistence use area designated under 11 AAC 114.250(g), the applicant shall submit an analysis or evaluation of reasonably foreseeable adverse impacts of the project on subsistence use as part of
 - (1) a consistency review packet submitted under 11 AAC 110.215; and
 - (2) a consistency evaluation under 15 C.F.R. 930.39, 15 C.F.R. 930.58, or 15 C.F.R. 930.76.
- (c) Repealed 10/29/2004, Register 172.
- (d) Except in nonsubsistence areas identified under AS 16.05.258, the department may, after consultation with the appropriate district, federally recognized Indian tribes, Native corporations, and other appropriate persons or groups, designate areas in which a subsistence use is an important use of coastal resources as demonstrated by local usage.
- (e) For purposes of this section, "federally recognized Indian tribe," "local usage", and "Native corporation" have the meanings given in 11 AAC 114.990.

Evaluation:

- (a) Is your proposed project located within a subsistence use area designated by a coastal district?

Yes _____ No

If yes, please describe how the proposed project is designed to "avoid or minimize impacts to subsistence uses of coastal resources:"

- (b) If your project is located in a subsistence use area designated by the coastal district, provide an analysis or evaluation of its reasonably foreseeable adverse impacts to the subsistence uses.

- (c) No response required.

- (d) If your project is not located in a designated subsistence use area, please describe any subsistence uses of coastal resources within the project area. Please be advised that subsistence use areas may be designated by the department during a review.

NOTE: No subsistence use of coastal resources within the project area.

- (e) No response required.

11 AAC 112.280. Transportation routes and facilities.

Standard:

- [Transportation routes and facilities](#) must avoid, minimize, or mitigate
- (1) alterations in surface and ground water drainage patterns;
 - (2) disruption in known or reasonably foreseeable wildlife transit; and
 - (3) blockage of existing or traditional access.

NOTE: Project does not include transportation routes or facilities

Evaluation:

If your proposed project includes transportation routes or facilities, describe how it avoids, minimizes, or mitigates

- (1) alterations in surface and ground water drainage patterns;

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

(2) disruption in known or reasonably foreseeable wildlife transit; and

(3) blockage of existing or traditional access.

11 AAC 112.300. Habitats.

Standard:

(a) Habitats in the coastal area that are subject to the program are

- (1) offshore areas;
- (2) estuaries;
- (3) wetlands;
- (4) tideflats;
- (5) rocky islands and sea cliffs;
- (6) barrier islands and lagoons;
- (7) exposed high-energy coasts;
- (8) rivers, streams, and lakes and the active floodplains and riparian management areas of those rivers, streams, and lakes; and
- (9) important habitat.

(b) The following standards apply to the management of the habitats identified in (a) of this section:

- (1) offshore areas must be managed to avoid, minimize, or mitigate significant adverse impacts to competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
- (2) estuaries must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) adequate water flow and natural water circulation patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence fishing, to the extent that those uses are determined to be in competition with the proposed use;
- (3) wetlands must be managed to avoid, minimize, or mitigate significant adverse impacts to water flow and natural drainage patterns;
- (4) tideflats must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) water flow and natural drainage patterns; and
 - (B) competing uses such as commercial, recreational, or subsistence uses, to the extent that those uses are determined to be in competition with the proposed use;
- (5) rocky islands and sea cliffs must be managed to
 - (A) avoid, minimize, or mitigate significant adverse impacts to habitat used by coastal species; and
 - (B) avoid the introduction of competing or destructive species and predators;
- (6) barrier islands and lagoons must be managed to avoid, minimize, or mitigate significant adverse impacts (A) to flows of sediments and water;
 - (B) from the alteration or redirection of wave energy or marine currents that would lead to the filling in of lagoons or the erosion of barrier islands; and
 - (C) from activities that would decrease the use of barrier islands by coastal species, including polar bears and nesting birds;
- (7) exposed high-energy coasts must be managed to avoid, minimize, or mitigate significant adverse impacts

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

- (A) to the mix and transport of sediments; and
- (B) from redirection of transport processes and wave energy;
- (8) rivers, streams, and lakes must be managed to avoid, minimize, or mitigate significant adverse impacts to
 - (A) natural water flow;
 - (B) active floodplains; and
 - (C) natural vegetation within riparian management areas; and
- (9) important habitat
 - (A) designated under 11 AAC 114.250(h) must be managed for the special productivity of the habitat in accordance with district enforceable policies adopted under 11 AAC 114.270(g); or
 - (B) identified under (c)(1)(B) or
 - (C) of this section must be managed to avoid, minimize, or mitigate significant adverse impacts to the special productivity of the habitat.
- (c) For purposes of this section,
 - (1) "important habitat" means habitats listed in (a)(1) – (8) of this section and other habitats in the coastal area that are
 - (A) designated under 11 AAC 114.250(h);
 - (B) identified by the department as a habitat
 - (i) the use of which has a direct and significant impact on coastal water; and
 - (ii) that is shown by written scientific evidence to be biologically and significantly productive; or
 - (C) identified as state game refuges, state game sanctuaries, state range areas, or fish and game critical habitat areas under AS 16.20;
 - (2) "riparian management area" means the area along or around a waterbody within the following distances, measured from the outermost extent of the ordinary high water mark of the waterbody:
 - (A) for the braided portions of a river or stream, 500 feet on either side of the waterbody;
 - (B) for split channel portions of a river or stream, 200 feet on either side of the waterbody;
 - (C) for single channel portions of a river or stream, 100 feet on either side of the waterbody;
 - (D) for a lake, 100 feet of the waterbody.

Evaluation:

(a) List the habitats from (a) above that are within your proposed project area or that could be affected by your proposed project.

- (a) (3) **Wetlands – See Attachment 9 – Request to USACE for Nation-Wide Permit (NWP) for a copy of the Jurisdictional Wetlands Delineation Report. The NWP will include conditions regarding the wetlands during Project construction and operation.**

KPU will work with the USACE and landowners during construction to avoid the identified wetlands, and if required to develop and implement a plan regarding future activities in the vicinity of the jurisdictional wetlands.

- (a) (8) **Rivers, streams, and lakes etc.**

Whitman Lake - The proposed Whitman Lake Hydroelectric Project (Project) is located near the southeast end of Revillagigedo Island, approximately four miles east of the City of Ketchikan, Alaska, as shown on Exhibit F-1. The 148 acre lake is naturally formed, but the normal water surface elevation was raised about 8 feet in 1908 when New England Fish Company (NEFCO) constructed a timber crib dam for generating hydroelectric power. The maximum regulated water surface elevation of the lake was raised to its current level in 1927 when NEFCO constructed the existing 39-foot high concrete gravity arch dam at the lake outlet.

The concrete arch Whitman Lake Dam, constructed in 1927, inundated a timber crib dam located immediately upstream. Remnants of the timber crib dam are at times still visible below the water surface. Based on photos taken in 1978 and a 1926 sketch showing the location of both dams, the spillway crest of the timber crib dam was set at about El. 365. The timber crib dam is not expected to cause any restrictions to flow or construction. KPU understands that a portion of the timber crib dam was removed by SSRAA in 1978 in order to install a deep water intake pipe for hatchery deliveries. The adequacy of flow conditions near the proposed intake will be further investigated during the final design phase.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

The Ketchikan Utilities Board purchased the project in 1957 and the plant was retired from service shortly thereafter. The original penstock and powerhouse were removed from the site, but the Whitman Lake Dam remains in service providing water supply to the Whitman Fish Hatchery, owned and operated by the Southern Southeast Regional Aquaculture Association, Inc. (SSRAA), and to the Ketchikan Gateway Borough (KGB) for domestic water use. KGB owns and maintains a small concrete diversion structure on Whitman Creek about 2,800 feet downstream of Whitman Dam to supply water for domestic use to homeowners in the Herring Cove area.

Existing facilities currently in operation include the dam and two parallel above-ground steel pipelines supplying water to the hatchery since 1978. Both pipelines are 2,260 feet in length. The larger pipeline is 24 inches in diameter at the dam, and reduces to 18 inches diameter over the lower 900 feet. The smaller pipeline is 11 inches in diameter at the dam, and reduces to 8 inches over the lower 900 feet. KPU proposes to replace these existing facilities.

Whitman Creek - Whitman Creek exits Whitman Lake at the dam and continues for 4,000-feet until its mouth at George Inlet. The 900-foot reach of lower Whitman Creek immediately downstream of Whitman dam to its confluence with Achilles Creek typically becomes dewatered (<1 cfs) approximately 35 percent of the time. This dewatering occurs when water diverted to the Whitman Fish Hatchery is greater than inflow to Whitman Lake, resulting in the water levels in the lake falling below the spillway crest. During these times, the only flow present in this reach of Whitman Creek results from leakage from the dam or accretion, and is typically less than 1 cfs. Alternatively, if inflow to Whitman Lake is greater than the flows being diverted to the hatchery, water levels in the lake will rise, and may result in spill flows over the spillway crest.

Achilles Creek - Achilles Creek originates northeast of Whitman Lake and enters Whitman Creek approximately 900-feet downstream from Whitman dam. The 0.92 square mile Achilles Creek watershed provides an average annual flow of 17 cfs.

(b) Describe how the proposed project avoids, minimizes, or mitigates impacts to each of the identified habitat(s) in section (a) above.

All Areas - KPU proposes to prepare and implement an Erosion and Sedimentation Control Plan (ESCP) that would minimize erosion and sedimentation in construction areas. KPU proposes the plan would describe Best Management Practices (BMP's) to be employed at construction areas and would address measures to control erosion, sedimentation, and dust and soil mass movement as specified by the U.S. Forest Service (Forest Service) in their 4(e) condition no. 16. As recommended by the Alaska Department of Fish and Game (ADFG) in 10(j) recommendation no. 1, KPU also proposes to prepare the ESCP after consultation with ADFG, the United States Fish and Wildlife Service (FWS), the National Marine Fisheries Service (NMFS), the Alaska Department of Natural Resources (ADNR), and the Forest Service.

KPU further proposes to implement the Spoil Disposal Plan filed on November 11, 2005. Consistent with Forest Service 4(e) condition no. 17, this plan identifies spoil areas, addresses the contouring of spoils piles to conform to adjacent landforms, addresses measures to prevent erosion and sedimentation at these spoils piles, identifies methods to stabilize and revegetate spoil areas, and includes a schedule and maintenance program for this plan.

KPU proposes to minimize the clearing width and disturbance to vegetation within the existing and new pipeline corridors, and to revegetate disturbed areas to minimize erosion and sedimentation caused from project construction and operation.

Whitman Lake – KPU does not propose any modifications to the lake level. Whitman Lake will continue to be used to supply water to the SSRAA Whitman Lake Hatchery.

Achilles Creek - KPU proposes to implement the Achilles Creek Diversion and Operations Maintenance Plan, consistent with Forest Service 4(e) no. 15, and the Whitman dam and Reservoir Operations and Maintenance

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

Plan. Both of these plans were filed with the Commission on November 11, 2005. KPU proposes in these plans that debris would be removed from the Whitman Lake dam spillway and the Achilles Creek diversion to ensure no clogging occurs. KPU proposes to implement these plans every three months within two weeks of January 1, April 1, July 1, and October 1 of each year, with special inspections to occur at the Achilles Creek diversion during high precipitation events.

Whitman and Achilles Creeks

Minimum Instream Flows for Lower Whitman and Achilles Creeks

KPU proposes up to 20 cfs would be diverted from Achilles Creek and discharged into Whitman Lake via the proposed Achilles Creek diversion to provide additional water to meet the needs of generating hydropower, minimum instream flows, and hatchery flows.

KPU has proposed minimum instream flows for lower Whitman Creek ranging from 6 to 11 cfs, depending upon the time of year

During low run runoff periods, KPU proposes that the project would be operated according to the Dry Conditions/Low Reservoir Protocol Plan, as identified in the Settlement.

Table 6: Proposed minimum instream flow releases from Whitman dam for lower Whitman Creek during normal hydrological conditions. (Source: ADFG, 2006, as modified by staff)

Period	Flow (cfs)	Rationale
November 16 – April 30	6	To protect Dolly Varden overwintering, incubation, and passage to overwintering habitat.
May 1 – September 15	8	To protect Dolly Varden for rearing and passage to feeding and rearing areas.
September 16 – November 15	11	To protect Dolly Varden for spawning, incubation, and spawning passage

The Dry Conditions/Low Reservoir Protocol Plan provides for performance monitoring of the protocol during the first 5 years of project operation. Following the 5 years of monitoring, the protocol performance would be evaluated and may be revised based on monitoring results.

The Dry Conditions/Low Reservoir Protocol Plan defines three Reservoir Status Codes (RSC): Green, Yellow, and Red. Table 7 illustrates the frequency of RSC codes under proposed project operations. A RSC of Green would occur when reservoir levels are at or above El. 367 msl, indicating normal operating conditions. The instream flow releases prescribed for normal hydrologic conditions in table 6 would be made to lower Whitman Creek. A RSC of Yellow would occur when reservoir levels are below El. 367 msl, but greater than El. 363 msl. Because KPU proposes to cease operation of Unit 1 once reservoir levels drop below El. 370 msl, under RSC of Yellow, Unit 1 would be offline and an immediate e-mail notification advising that reservoir storage is at risk would be sent to the Reservoir Action Team and followed by a meeting(s) with the team.¹ Again, under a RSC of Yellow, instream flow releases prescribed for normal hydrologic conditions would be made and reservoir operations would be maintained. However, in this situation, the Reservoir Action Team could decide to modify the minimum flows identified in table 6 as they deem necessary in order to preserve reservoir storage to protect hatchery operations. A RSC of Red would occur when reservoir levels are below El. 363 msl and siphon operation is being used to supply water to Unit 2 and the Whitman Hatchery.² Under a RSC of Red, Unit 1 would remain offline and instream flows would be reduced as

¹ Pursuant to the Settlement, the Reservoir Action Team would be composed of representatives from KPU, ADFG, ADNR, the Forest Service, and Southern Southeast Aquaculture.

² When reservoir levels are below El. 363 msl, the deep water intake may act as a siphon. This occurs when the crown of the pipe is above the pressure line, which results in a vacuum or some negative pressure within the pipe.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

necessary as determined by the Reservoir Action Team. However, if the Reservoir Action Team is unable to reach consensus on the instream flow reduction, the flows would be reduced to the flows specified in table 8, until reservoir elevation returns to El. 367 msl and normal project operations resume.

Table 7. Frequency (percent of time) of daily water levels within RSC levels (Source: KPU, 2008b)

Month	RSC Level		
	Green WL > 367	Yellow 363 < WL < 367	Red WL < 363
January	98.3	1.7	0.0
February	89.6	4.7	5.7
March	79.6	6.9	13.5
April	82.0	5.7	12.3
May	97.7	1.8	0.5
June	100.0	0.0	0.0
July	100.0	0.0	0.0
August	100.0	0.0	0.0
September	97.4	2.6	0.0
October	97.9	1.7	0.3
November	100.0	0.0	0.0
December	100.0	0.0	0.0

Table 8. Minimum instream flow releases for lower Whitman Creek when Whitman Lake levels are below El. 363 msl. (Source: KPU, 2008)

Period	Flow (cfs)
November 16-April 30	2
May 1-September 15	4
September 16-November 15	7

KPU proposes to release annual channel maintenance flows of 150 cfs for a continuous 24-hour period between June 1 and August 15 from Whitman dam, which is discussed in section V.C.3, Aquatic Resources. The proposed minimum instream flows for normal hydrologic conditions (table 6) and channel maintenance flows for Whitman Creek are consistent with Alaska Department of Fish and Game’s (ADFG) revised 10(j) recommendation no. 6.3

Consistent with ADFG revised 10(j) recommendation no. 6 and Forest Service 4(e) condition no. 20, KPU proposes to release a minimum instream flow of 1.5 cfs, or inflow, which ever is less, downstream of the proposed Achilles Creek diversion and to allow flows in excess of 20 cfs to overtop the diversion to flush sediments and maintain ecological functions in Achilles Creek.

KPU proposes to install a remotely-operated 8-inch diameter throttling valve from Unit 2 penstock to provide the instream flow releases to Whitman Creek. This valve would be located approximately 700 feet downstream of Whitman dam. KPU proposes to make minimum instream flow releases at this location as the elevation of the release point must be lower than the minimum expected elevation of the reservoir to ensure sufficient pressure to physically discharge the required flow.

ADFG recommends that both the Whitman Creek and Achilles Creek bypasses include adjustable valves. The Forest Service in 4(e) condition no. 20 requires that KPU maintain a priority stream flow device as part of the Achilles Creek diversion structure that would automatically release the 1.5 minimum instream flow through this device prior to diverting any flow into the diversion.

3 On April 23, 2008, ADFG revised its 10(j) recommendation no. 6 to be consistent with Articles A401 and A402 of the February 8, 2008, Settlement.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

KPU will consult with SSRAA, ADF&G and the Forest Service during final design to determine the appropriate valves.

KPU proposes to release the minimum instream flows described below to lower Whitman Creek at a location 700 feet downstream of Whitman dam from a valve on the Unit 2 penstock. KPU states that the design of the minimum instream flow release point must be at a lower elevation than the minimum expected elevation of the reservoir so as not to break the vacuum necessary for siphon system operations of the deep water intake at reservoir elevations of 363 msl or lower. As a result, under KPU's proposal, any minimum instream flow releases to Whitman Creek would only affect the reach downstream of this instream flow release point.

Consistent with ADFG revised 10(j) recommendation no. 6, KPU proposes to release minimum instream flows between 6 and 11 cfs to lower Whitman Creek depending upon the time of year, as indicated in table 6, during normal hydrologic conditions. Under KPU's proposal, these minimum flows would prevent the dewatering of a 200-foot reach of lower Whitman Creek immediately upstream of the confluence with Achilles Creek during normal runoff periods. However, in KPU's October 26, 2007, letter in response to FERC's clarifying questions, KPU states that providing the proposed minimum instream flows in table 6, during dry conditions, which they define as occurring January 1 to April 15, may prevent the Whitman Fish Hatchery from obtaining the amount of water needed for hatchery operations during this same period.

To ensure that the Whitman Fish Hatchery receives the flow necessary for operations during dry periods, KPU proposed the Dry Conditions/Low Reservoir Protocol Plan described in detail below. This plan included in the Settlement would monitor project operations for a period of five years after project start-up. Specifically, this plan would identify any necessary changes to project operations and minimum instream flows for lower Whitman Creek that would occur during dry conditions, when reservoir levels fall below El. 367 msl. This plan would ensure a protocol is in place and necessary stakeholders (the Reservoir Action Team) would be informed of dry conditions and included on discussing changes to project operations and minimum flows during these times. Operating the project such that Unit 1 would be shut down when reservoir levels are below El. 370 msl would ensure water is being drawn from Whitman Lake only to meet minimum instream flows in lower Whitman Creek and to supply the Whitman Fish Hatchery with water. Further, modifying the instream flows (RSC Red) as proposed by KPU, when reservoir levels drop below El. 363 msl, would reduce the rate in which the reservoir is drafted, conserving Whitman Lake water to allow for its use by the Whitman Fish Hatchery. These minimum instream flows of 2 to 7 cfs (see table 8) would provide less flow than under KPU's proposed minimum instream flows during normal conditions but would continue to ensure the reach downstream of the instream flow release point in lower Whitman Creek does not go dry. This alternative flow regime during dry conditions is consistent with ADFG's revised 10(j) recommendation no. 6, in which ADFG adopted the terms of the Settlement.

Under dry conditions, KPU proposes that the project would be operated based upon the Dry Conditions/Low Reservoir Protocol Plan provided in the Settlement, possibly resulting in a decrease in lower Whitman Creek proposed minimum instream flows (table 8). However, implementing the Dry Conditions/Low Reservoir Protocol Plan would be done to conserve storage in Whitman Lake to ensure an adequate supply of water to meet the Whitman Fish Hatchery's water needs. As discussed above, the Dry Conditions/Low Reservoir Protocol Plan could reduce the minimum instream flows from 6, 8 and 11 cfs, to 2, 4 and 7 cfs (table 8), depending upon the time of year or even lower if determined appropriate upon the consensus of the Reservoir Action Team.

Based upon the Settlement Agreement, it is possible that during dry conditions, the Reservoir Action Team may decide to cease minimum instream flows to lower Whitman Creek to conserve water for the Whitman Fish Hatchery. Therefore, under such conditions, the only flows available to meet KGB's 0.77 cfs consumptive water needs in lower Whitman Creek would be originating from Achilles Creek, from leakage at Whitman dam, or accretion flows.

Consistent with ADFG revised 10(j) recommendation no. 6 and the Forest Service 4(e) condition no. 20, KPU proposes to provide a 1.5 cfs minimum instream flow, or inflow, which ever is less, to Achilles Creek below the

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

proposed diversion. Achilles Creek has a mean annual flow of 17 cfs. Table 9 demonstrates that flows above the proposed 1.5 cfs minimum flow would occur approximately 26 percent of the time.

ADFG's recommendation for adjustable valves at both the Whitman Creek and Achilles Creek bypasses would allow for any necessary adjustments needed to release minimum instream flows or channel maintenance flows to both of these creeks. Also, the Forest Service 4(e) condition no. 20 that requires KPU to maintain a priority stream flow device as part of the Achilles Creek diversion would ensure the 1.5 minimum instream flow release would be made below the diversion prior to any flows being diverted to Whitman Lake.

(c) No response required.

11 AAC 112.310. Air, land and water quality

Standard:

Notwithstanding any other provision of this chapter, the statutes and regulations of the Department of Environmental Conservation with respect to the protection of air, land, and water quality identified in AS 46.40.040(b) are incorporated into the program and, as administered by that department, constitute the exclusive components of the program with respect to those purposes.

Evaluation: No response required.

11 AAC 112.320. Historic, prehistoric, and archeological resources.

Standard:

(a) The department will designate areas of the coastal zone that are important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes.

(b) A project within an area designated under (a) of this section shall comply with the applicable requirements of AS 41.35.010 – 41.35.240 and 11 AAC 16.010 – 11 AAC 16.900.

Evaluation:

(a) Have you contacted the State Historic Preservation Office (SHPO) to see if your project is in a designated area of the coastal zone that is important to the study, understanding, or illustration of national, state, or local history or prehistory, including natural processes?

Yes. KPU has contacted Judith Bittner, SHPO.

(b) If your project is within an area designated under (a) of this section, how will you comply with the applicable requirements in the statutes and regulations listed in (b)?

KPU will revise and implement the Historic Properties Management Plan (HPMP) (filed with the FERC on November 15, 2005) and conduct a HABS/HAER for an adversely affected NRHP eligible shed. NOTE: KPU's proposed plan to site penstocks, as described in KPU's filings with FERC, will avoid the area occupied by the NRHP eligible shed.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

Affected Coastal District Enforceable Policies

Evaluate each applicable district enforceable policy using a format similar to the one you completed above for the State Standards. District enforceable policies are available at <http://alaskacoast.state.ak.us/>. If you need more space for an adequate explanation of any of the applicable district enforceable policies, please attach additional pages to the end of this document.

Applicable District Plan(s):

***Ketchikan Coastal Management Plan Volume 2
Final Plan Amendment 152 November 2007***

Enforceable Policies:

Coastal Development

CD-1: Prioritization of Waterfront Land Use

A. Water-dependent uses include: fish hatcheries; mariculture activities; fish processing; log storage and transfer; float plane bases, boat harbors, freight, fuel, or other docks; marinebased tourism facilities; boat repair, haul outs, marine ways, and accessory attached housing; remote recreational cabins dependent on water access; and facilities that serve as inter-modal transportation links for the transfer of goods and services between the marine transportation system and the road system.

B. Water-related activities include: marine retail stores and commercial activities such as hotels, restaurants, and other similar uses that provide views and access to the waterfront. C. Uses and activities that are neither water dependent or water related for which there is not practicable inland alternative shall be located in sites where water-dependent or water related uses or activities are not practicable due to shallow bathymetry or unusual lot characteristics such as substandard size, frontage, or steep topography.

KPU Response:

Hydroelectric power generation is also water-dependent and the Whitman Lake Hydroelectric Project provides the water supply to the Whitman Lake Hatchery identified at CD-1.A. as a water-dependent use.

CD-2: Structures Placed in Navigable Waters

Placement of piling-supported or floating structures in coastal waters shall be subject to the following standards:

A. Use of structures shall be consistent with the allowable uses on the adjacent uplands to the maximum extent practicable.

B. Structures shall not be treated with exteriorly applied creosote preservative coatings.

KPU Response:

KPU does not propose structures in Navigable Waters.

CD-3: Tideland Fill Below Mean High Water

Piling supported or floating structures shall be used for construction below mean high water unless clear and convincing evidence shows that all of the following conditions exist. For the following conditions, "reasonable use" means consistent with local zoning and special areas plans. "Reasonable use" does not mean developed to the maximum extent practicable.

A. There is a documented public need for the proposed activity as expressed in locally adopted plans, studies, policies, standards, public opinion surveys and public testimony.

B. There are no practicable inland alternatives that would meet the public need and allow development away from the waterfront.

C. Denial of the fill would prevent the applicant from making a reasonable use of the property.

D. The fill is placed in a manner that minimizes impacts on adjacent uses, public access easements along the shoreline and water views as identified on Map Figure 3.35;

E. The fill is the minimum amount necessary to establish a reasonable use of the property; and

F. Development of the property would support a water dependent use.

KPU Response:

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

KPU does not propose tideland fill below mean high water

Recreation and Coastal Access

Designations are mapped and described in detail on pp 19-29 and 52-60. Federal lands are excluded from the designated areas.

RCA-1: Management of Designated Recreational Areas

Proposed uses or activities in the Designated Recreational Areas as depicted on the maps titled Areas Designated for Recreation Use (Figures 3.2-3.33) shall avoid or minimize direct and significant impacts upon the existing activities and the physical, biological, visual or cultural features upon which the recreation depends (shown as protected features in the table 4.2 of Designated Recreational Areas.)

KPU Response:

KPU does not propose development in Designated Recreational Areas.

RCA-2: Visually Important Backdrops and Visual Point of Interest within the Clover Pass Area

Designated Visually Important Backdrops and Points of Interest are depicted on Map Figures 3.2, 3.7-3.13, 3.27 and 3.33 for the Clover Pass area. Scenic impacts to important backdrops and points of interest within the Clover Pass Area shall be avoided or minimized through use of coastal development best management practices included in volume 1. Site clearing and re-grading of important backdrops and points of interest within the Clover Pass Area shall be minimized to the extent practicable.

KPU Response:

KPI does not propose development within the Clover Pass Area

RCA-3: Recreation Buffers

Designated sites for lodges, resorts and marinas in the designated recreational use areas are depicted on Map Figures 3.10, 3.12, 3.21, 3.24, 3.27, 3.28, 3.31 and 3.33. Natural or vegetative buffers shall be required on these sites to avoid or minimize conflicts and protect views. Requirements for the size and extent of buffers shall be determined on a case by case basis and shall be commensurate with the reasonably foreseeable impacts of the development on adjacent uses and activities.

KPU Response

KPU does not propose development within the above noted recreation buffers.

RCA-4: Whitman Creek

As depicted on the map titled Areas Designated for Recreation Use (Map Figure 3.25), George Inlet near Whitman Creek is designated as a Recreation Use Area for the Tongass Coast Aquarium. Uses and activities within the designated area shall be sited to avoid, minimize, or mitigate impacts to operations and public access.

KPU Response:

KPU does not propose any activities that would conflict with the future development of the Tongass Coast Aquarium.

RCA-5: Public Access to Coastal Water

Within designated recreational use areas that are adjacent to coastal water (map figures 3.2-3.16, 3.20-3.30, 3.32 and 3.33), it shall be considered appropriate to increase public access from the uplands within the designated recreational use area to, from, and along coastal water through easements, dedications, or other means of conveyance, except where human health or safety would be at risk.

KPU Response:

KPU does not propose any actions that would affect recreational use adjacent to coastal water noted in RCA-5.

RCA-6: Public Access in Designated Areas

Within designated recreational use areas (map figures 3.2-3.33), water access to, from and along lakeshores, streams, shorelines, tidelands, estuaries and saltwater wetlands for recreational use shall be increased, through easements, dedications, or other means of conveyance, except where human health or safety would be at risk.

State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

KPU Response

KPU does not propose siting any facilities that would affect public access in designated areas.

RCA -7: Waterfront Access

In accordance with 11 AAC 112.220, capital improvements on or adjacent to publicly owned waterfront property shall be designed to maximize pedestrian access, views to and along coastal waters, and to facilitate public enjoyment of coastal waters. These improvements shall incorporate to the extent practicable promenades, shelters, viewing platforms bike lanes, rest-stops, cultural and geographic interpretive signage, picnic facilities, landscaping and other amenities to enhance public enjoyment of coastal resources. The following types of capital improvements are exempt from this policy: utility transmission lines, and utility pipelines.

KPU Response:

KPU does not propose to restrict any access to publicly owned waterfront property.

Energy Facilities

Designations are mapped and described in detail on pp 61-63. Federal lands are excluded from the designated areas.

EF-1 Designated Energy Improvements

The following sites suitable for development of major energy facilities are shown on Map Figure 4.1 titled: Areas Designated for the development of major energy facilities. Preservation of transmission corridors, power generation site uses, and related activities shall be considered the primary uses in the following areas. These areas shall be managed and developed with the recognition that power generation uses will be maintained and expanded.

- A. Hydroelectric facilities at Swan Lake, Beaver Falls, Silvis Lake, the Ketchikan Power House, Upper Mahoney Lake and Upper Mahoney Creek near Ketchikan.
- B. Diesel power generation at the Bailey Diesel Plant.
- C. The Swan Lake-Lake Tyee Intertie consisting of a transmission line from Ketchikan to the Petersburg/Wrangell area including the proposed rightof- way.
- D. A new transmission line to Annette and Gravina Islands.
- E. Connell Lake Dam, pipeline, and generating facilities at Ward Cove.

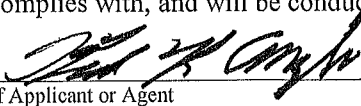
KPU Response:

KPU proposes to re-install hydropower generation at Whitman Lake. Whitman Lake is shown on Map Figure 4.1 as a site for suitable for development of an energy facility. Lands to be occupied by the Project facilities are designated by the Borough as “Heavy Industrial Zone” and “Future Development Zone” and Hydroelectric generation is considered a permitted use.

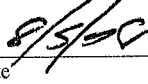
State of Alaska, Department of Natural Resources, Division of Coastal & Ocean Management

Certification Statement

The information contained herein is true and complete to the best of my knowledge. I certify that the proposed activity complies with, and will be conducted in a manner consistent with, the Alaska Coastal Management Program.



Signature of Applicant or Agent



Date

Note: Federal agencies conducting an activity that will affect the coastal zone are required to submit a federal consistency determination, per 15 CFR 930, Subpart C, rather than this certification statement. ACMP has developed a guide to assist federal agencies with this requirement. Contact ACMP to obtain a copy.

This certification statement will not be complete until all required State and federal authorization requests have been submitted to the appropriate agencies.

COASTAL PROJECT QUESTIONNAIRE & CERTIFICATION STATEMENT
Whitman Lake Hydroelectric Project
FERC No. 11841-002

LIST OF ATTACHMENTS

ATTACHMENT 1

- Project Description: Item #2 – “a detailed project description”

ATTACHMENT 2

- Project Description: Item #2 – “Land Use Conversions”

ATTACHMENT 3

- Project Description: Item #3 – “Project Timeline”

ATTACHMENT 4

- Project Description: Item #4 Site Plan

ATTACHMENT 5

- Project Description: List of Reference Material - Other Supporting Documentation

ATTACHMENT 6

- Project Location: Item #1 – Topographical and Vicinity Map

ATTACHMENT 7 - Department of Fish and Game (DFG) Approvals

- Item #1 – Title 16 Fish Habitat Permit – June 2008

ATTACHMENT 8 - Department of Natural Resources (DNR) Approvals

- ADNR APPLICATION FOR EASEMENT - LOT 107 – ADL 10751
- ADNR WATER RIGHTS – WHITMAN LAKE & ACHILLES CREEK
 - Table showing Whitman Lake and Creek Water Allocations – 9/21/2007
 - Application for Water Right – Achilles Creek – LAS #23223 – CID#126292
 - Application for Water Right – Whitman Lake – LAS #23223 – CID#126292

ATTACHMENT 9 - U.S. ARMY CORPS OF ENGINEERS (USACE)

- NATIONWIDE PERMIT
 - PRECONSTRUCTION NOTIFICATION FORM

ATTACHMENT 10 – FERC Hydropower Licensing Program Requirements

- September 8, 2004 Application filed September 2004 – *NOTE: copy of Volume 1 sent by e-mail to Erin Allee – 7-23-2008 Volume 2 is too large to e-mail (23382 K) Hard copy was provided by KPU to ADNR Coastal Program Review in September 2004* **NOTE TO REVIEWER: The Project Description was modified by terms of the February 2008 Settlement Agreement. Please use the Project Description and discussions regarding the Project Operation as presented in the Settlement Agreement and KPU’s April Response to FERC AIR**
- October 10, 2005 - KPU response to deficiencies identified by FERC Staff
- November 14, 2004 - KPU response to FERC request for Additional Information
- February 2008 Settlement Agreement
- April 2008 - KPU Response to FERC request for additional information
- July 2, 2008 - FERC FEA

Please contact Jennifer Soderstrom, KPU (jenns@city.ketchikan.ak.us or 907-228-4733) if you do not have the Original September 2004 Application. The document may be downloaded from the FERC website (size of file 23382 K is too large to transmit electronically). They have all been served on ADNR and the OCMF predecessor to DCOM.