145 FERC ¶ 62,124
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Copper Valley Electric Association, Inc. Project No. 13124-005, -006

ORDER AMENDING LICENSE, APPROVING TEMPORARY PENSTOCK ACCESS ROUTE PLAN, AND DELETING ARTICLE 415

(Issued November 20, 2013)

1. On September 27, 2013, Copper Valley Electric Association, Inc., licensee for the Allison Creek Project No. 13124, filed an application to modify the penstock design, adjust the temporary access road route, and construct a new penstock/access tunnel. The unconstructed project would be located on Allison Creek in Valdez, Alaska and does not occupy federal lands.

Background

2. The Commission issued an original license for the Allison Creek Project on August 1, 2013.[1] The unconstructed project consists of: (a) a 16-foot-high, 130-foot-long diversion dam including a 50-foot-long overflow spillway section located 10,000 feet (about 1.9 miles) upstream of the mouth of Allison Creek and 2,350 feet downstream from the outlet of Allison Lake; (b) a screened intake in the spillway section; (c) a 42-inch-diameter, 500-foot-long buried and 7,200-foot-long above-ground steel penstock traversing the existing grade; (d) an approximately 4,000-foot-long temporary construction access road; (e) a 65-foot-wide, 43-foot-long, 48-foot-high powerhouse containing two horizontal Pelton turbine/generator units with a total installed capacity of 6.5 megawatts; (f) a 120-foot-long tailrace extending from the west side of the powerhouse to Allison Creek via a concrete channel and the existing creek bed; (g) a 550-foot-long, 24-foot-wide permanent access road to the powerhouse; (h) a parking area; (i) a transformer located in a switchyard adjacent to the parking area; (j) a 3.8-mile-long, 34.5 kilovolt transmission line connecting to an existing substation; and (k) appurtenant facilities.

Proposed Amendment

3. In order to improve safety, access, and operational conditions of the project, the licensee proposes to modify the design of the penstock and the methods by which construction access would be provided. The licensee now intends to bury the penstock

[1] *Copper Valley Electric Association, Inc.,* 144 FERC ¶ 62,089 (2013).

for its entire length (instead of a partial burial as licensed), construct a 2,700-foot-long lower temporary construction access road, construct a 4,700-foot-long upper temporary construction access road, and drill and blast a 700-foot-long, 16-foot-diameter access tunnel through which a segment of the penstock would be routed.[2]

4. The 2,700-foot-long, 16-foot-wide lower temporary construction access road would be constructed in a similar fashion as the currently licensed access road. The new road would begin in the same location as planned; however, the road would follow the base of a prominent ridge rather than traveling over it as previously designed. Therefore, the proposed road would avoid steep grades and switchbacks and would be safer to construct and travel on. The licensee proposes to abandon and revegetate this road once construction is finished as was intended for the road as licensed.

5. The lower access road would lead to the downstream entrance of the proposed tunnel. The licensee would first remove overburden from the entrance area and construct a laydown area. The licensee would then use drill and blast methods to construct the approximately 700-foot-long, 16-foot-diameter, horseshoe-shaped tunnel. Construction of the tunnel would require rock bolts at the entrances and rock bolts and shotcrete where fractured rock is encountered within the tunnel itself. The lower entrance would include a ventilation louver, a door to allow pedestrian and small vehicle access, and wing walls to help restrain the adjacent hillside. At the upper entrance, equipment flown in by helicopter would be used to remove overburden, construct a laydown area, and reinforce the rock face before being breached by the tunnel. The licensee expects construction of the tunnel to produce approximately 10,900 cubic yards of spoils which would primarily be used to construct the permanent access road to the project's powerhouse.

6. Between the upper entrance of the proposed tunnel and diversion structure, the licensee proposes to construct a 4,700-foot-long, 16-foot-wide upper temporary construction access road. This road would follow the penstock route for approximately 3,100 feet before encountering a steep hill requiring the road to follow natural contours before returning to the penstock right-of-way at the diversion structure. As is the case with the lower temporary access road, this road would be abandoned and revegetated once construction activities are complete.

[2] The upper temporary construction access road was contemplated during the licensing process as an access road for small all-terrain vehicles. However, the Temporary Penstock Access Route Plan filed on October 1, 2013, and included in the amendment application, describes the upper road in more detail. The proposed road is more substantive than previously considered with some changes to the route of the access road, therefore we are considering it as part of the amendment proposal.

7. The proposed changes to the penstock include burying it for its entire length and slightly modifying its design and route. The upper 5,500 feet of penstock would be a 42-inch-diameter steel pipe as licensed. However, the licensee now proposes to bury it for its entire length by placing the penstock at least 3 feet deep in a trench and backfilling. Upon reaching the upper tunnel entrance, the diameter of the penstock would be reduced to 36 inches and it would travel through the proposed tunnel, mounted 1.5 to 2 feet above the floor on a concrete anchor. The penstock, as well as electrical and communications conduits, would run along one side of the tunnel, allowing vehicles to use the other half of the tunnel. Upon passing through the lower tunnel entrance, the penstock would continue downslope in a backfilled trench to the powerhouse.

8. The proposal would not change the hydraulic or authorized installed capacities of the project.

Pre-Filing Consultation

9. Prior to filing its application with the Commission, the licensee consulted with the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (FWS), and the Alaska Department of Fish and Game (Alaska DF&G). By email dated September 25, 2013, the FWS stated it lacks the personnel to review the tunnel plans, but otherwise does not object to the tunnel feature. By emails dated September 24, and 26, 2013, Alaska DF&G and NMFS, respectively, stated that they support the proposed amendment and believe it will likely reduce the environmental impacts of the project. Alyeska Pipeline Service Company, which owns and operates the Valdez terminal of the Alaska pipeline immediately adjacent to the project, approved of the tunnel construction in a letter filed November 20, 2013.

Public Notice

10. On October 2, 2013, the Commission issued public notice that the amendment application was accepted for filing and soliciting comments, motions to intervene, and protests. The Alaska Department of Fish and Game filed comments stating that it supports the licensee's proposal and requests that it be approved by the Commission.

Temporary Penstock Access

11. On October 1, 2013, the licensee filed a Temporary Penstock Access Route Plan required by license Article 306 to describe the design and precise location of the temporary construction access roads. We have reviewed this plan and found it to comply with the conditions of the license. This plan is approved and required to be implemented by the licensee in ordering paragraph (C). If the licensee decides to maintain the access roads as a permanent feature, which the licensee is contemplating as a possibility in the plan, the licensee must file an application to amend its license and receive Commission approval in order to incorporate the roads into the Exhibits A, F, and G for the project.

Administrative Conditions

A. Penstock Location and Grade Plan

12. License Article 415 requires the licensee to develop and file a Penstock Location and Grade Plan which would detail efforts to allow wildlife to safely pass under the project penstock. As the penstock would now be buried and would no longer obstruct the safe passage of wildlife, we will delete Article 415 from the license in ordering paragraph (D).

B. Project Description

13. In its September 27, 2013 amendment application, the licensee included suggested changes to ordering paragraph (B) of the license and labeled it as a revised Exhibit A. The licensee's proposed Exhibit A does not describe the new project features in sufficient detail to comply with the Commission's regulations and will not be approved. Ordering paragraph (E) requires the licensee to revise the existing Exhibit A for the project and file it for Commission approval.

C. Exhibit Drawings

14. The licensee filed three revised Exhibit F drawings with the application. These drawings show the modifications to the penstock and new tunnel. We have reviewed the Exhibit F drawings and found that they conform to the Commission's rules and regulations and will be approved by this order. Ordering paragraph (F) approves the three drawings and the licensee is required to file them in aperture card and electronic formats as shown in ordering paragraph (G).

15. The licensee filed one revised Exhibit G drawing showing the new penstock route. However, this drawing also depicts a revised transmission line route, for which the licensee has not filed an amendment request. Therefore, in ordering paragraph (H) we require the licensee to revise the Exhibit G to show the project as currently authorized and file it for Commission approval.

D. Construction Related Articles

16. The obligations set forth under the license articles, including the requirements that the licensee file plans and specifications with the Commission's Division of Dam Safety and Inspections (D2SI) – Portland Regional Engineer, are applicable to this amendment. The licensee may not begin construction until the D2SI – Portland Regional Engineer has reviewed and commented on the plans and specifications, determined that all preconstruction requirements have been satisfied, and authorizes start of construction.

Environmental Analysis

17. Commission staff prepared an environmental assessment (EA) for the licensee's amendment application. The EA, which is being issued concurrently with this order, contains background information and analysis of impacts. In the EA, Commission staff concluded that the licensee's proposal would not constitute a major federal action significantly affecting the quality of the human environment.

Conclusion

18. We have reviewed the licensee's application to amend its license in order to modify the penstock route and construct a new tunnel. We conclude that the licensee's proposal would improve safety during construction and operation of the project while adequately protecting wildlife resources. Therefore, the amendment application will be approved, as considered herein.

The Director orders:

(A) Copper Valley Electric Association, Inc.'s request for amendment of license for the Allison Creek Project No. 13124, filed September 27, 2013, is approved as provided by this order, effective the day this order is issued.

(B) Ordering paragraph (B)(2) of the license is revised, in part, to read as follows:

> (2) Project works consisting of:…(b) a 42 to 36-inch-diameter, 6,900-foot-long buried steel penstock including a 700-foot-long tunnel section…

(C) The Temporary Penstock Access Route Plan filed on October 1, 2013, is approved and shall be implemented.

(D) Article 415 is deleted from the license.

(E) Within 60 days of the date of issuance of this order, the licensee shall file, for Commission approval, a revised Exhibit A describing the new penstock design and tunnel. The revised Exhibit A shall comply with section 4.41(b) of the Commission's regulations.

(F) The following exhibit drawings filed on September 27, 2013, for the Allison Creek Project conform to the Commission's rules and regulations, and are approved and made part of the license, as labeled and numbered below. The superseded drawings are deleted from the license.

EXHIBIT	FERC DRAWING No.	SUPERSEDED FERC DRAWING No.	FERC DRAWING TITLE
F-1	13124-15	13124-1	Project Site Plan
F-6	13124-16	13124-6	Penstock Plan & Profile
F-7	13124-17	13124-7	Penstock Sections & Details

(G) Within 45 days of the date of issuance of this order, the licensee shall file the approved exhibit drawings in aperture card and electronic file formats.

a) Three sets of the approved exhibit drawings shall be reproduced on silver or gelatin 35mm microfilm. All microfilm shall be mounted on type D (3-1/4" X 7-3/8") aperture cards. Prior to microfilming, the FERC Project-Drawing Number (i.e., P-13124-15) shall be shown in the margin below the title block of the approved drawing. After mounting, the FERC Drawing Number shall be typed on the upper right corner of each aperture card. Additionally, the Project Number, FERC Exhibit (F-1, etc.), Drawing Title, and date of this order shall be typed on the upper left corner of each aperture card. See Figure 1.

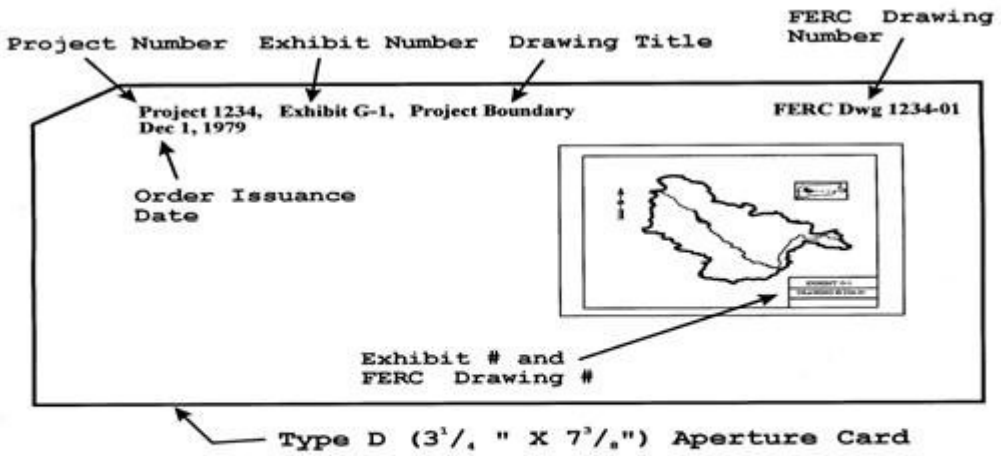

Figure 1 Sample Aperture Card Format

Two of the sets of aperture cards shall be filed with the Secretary of the Commission, ATTN: OEP/DHAC. The third set shall be filed with the Commission's Division of Dam Safety and Inspections Portland Regional Office.

b) The licensee shall file two separate sets of exhibit drawings in electronic raster format with the Secretary of the Commission, ATTN: OEP/DHAC. A third set shall be filed with the Commission's Division of Dam Safety and Inspections

Portland Regional Office. Each drawing must be a separate electronic file, and the file name shall include: FERC Project-Drawing Number, FERC Exhibit, Drawing Title, date of this order, and file extension in the following format [P-13124-15, F-1, Project Site Plan, MM-DD-YYYY.TIF]. Electronic drawings shall meet the following format specification:

IMAGERY - black & white raster file
FILE TYPE – Tagged Image File Format, (TIFF) CCITT Group 4
RESOLUTION – 300 dpi desired, (200 dpi min)
DRAWING SIZE FORMAT – 24" X 36" (min), 28" X 40" (max)
FILE SIZE – less than 1 MB desired

(H) Within 60 days of the date of issuance of this order, the licensee shall file, for Commission approval, a revised Exhibit G that shows the project boundary as currently authorized. The drawing shall comply with sections 4.39 and 4.41(h) of the Commission's regulations.

(I) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825*l* (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2013). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Steve Hocking
Chief, Environmental Review Branch
Division of Hydropower Administration
and Compliance

Document Content(s)