

## MEMORANDUM

To: Shannon Ames

From: Patricia McIlvaine

Date: September 15, 2021

### **Subject: Recertification Recommendation – Black Bear Lake Hydropower Project, LIHI #22**

This memo contains my recommendation for recertification of the Black Bear Lake Hydropower Project (P-10440) (the “Project”), a 4.5 MW facility located on the Alaska Panhandle on Prince of Wales Island, Klawock, Alaska. A portion of the Project is in the Tongass National Forest. The Black Bear Lake Project is located on the Black Bear Creek. The Project is owned by BBL Hydro, Inc; a wholly owned subsidiary of Alaska Power and Telephone Company (AP&T). It was originally certified under the 1<sup>st</sup> Edition LIHI Handbook in 2006 and recertified in 2011, again under the same Handbook edition. The Project was recertified under the 2<sup>nd</sup> Edition LIHI Handbook for a five-year period May 19, 2016 - May 19, 2021, extended to August 31, 2021.

#### **1. Recertification Standards**

This Project is being reviewed for recertification for the second time under the 2<sup>nd</sup> Edition Handbook. LIHI developed a streamlined application format for such projects to facilitate review in accordance with Handbook Section 6.1. Similar to the recertification process that was used in the 1<sup>st</sup> Edition Handbook, the current review verifies the information submitted, considers any public comments received, and assesses whether there have been any material changes at the facility or in the LIHI Handbook that affect compliance with the LIHI Criteria.

##### **a) Adequacy of the Recertification Application Package**

The application package was submitted on June 28, 2021. The initial review found the application to be complete, although minor clarification with the Applicant was sought on a schedule for potential repairs to the outlet drainage erosion, design of which was submitted to the Federal Energy Regulatory Commission (FERC) in July 2020 and discussed further below. No material changes have occurred in the Handbook or facility operation since the Project was last recertified by LIHI, thus only a Stage I review is required. The application was posted on July 16, 2021 for the 60-day public comment which closed on September 14, 2021. No public comments were received.

Given the lack of any past or scheduled changes to the facility and its operations, and the lack of non-compliance issues included in the FERC records, I determined there were no questions requiring my outreach to any state and federal agencies or other stakeholders. In my opinion, the materials now in LIHI’s possession are sufficient to make a recertification

recommendation and no Stage II review is needed.

**b) There have been no “material changes” at the facility that would affect the certification.**

In accordance with the recertification standards, “material changes” mean non-compliance, operational changes, and/or new or renewed issues of concern relevant to the LIHI Criteria. The description of the Project as noted on LIHI’s website remains accurate. Document review showed that repair activities are needed due to erosion discovered at the outlet channel that drains Black Bear Lake. A gradual decline in the normal maximum water level (i.e., the level at which the lake begins uncontrolled spill) was observed. AP&T stated the decline is due to erosion of the gravel and cobble substrate in the outlet channel. The Applicant’s August 6, 2021 response to my inquiry (attached at end of this report) indicated that as the erosion has stabilized, having reached the rocky substrate of the outlet stream bed, combined with new hydropower generation in the area starting in January 20, 2021, the priority of the repair is low. Thus, new action would not likely occur until at least 2022. However, a Condition is recommended to address this potential future change at the Project.

Compliance Status

My assessment of the Project included review of the recertification materials, the last recertification reviewer report, annual compliance statements, FERC's public records during the past five years and follow-up with the Applicant.

There were no conditions on the most recent (2016) LIHI Certificate. That 2016 review confirmed that the single 2011 condition had been satisfied.

A search of the FERC elibrary from September 1, 2017 to September 15, 2021 revealed no reports of flow deviations or non-compliance with environmental aspects of the Project. As no stakeholder comments were received during the public comment period, it appears that there are no compliance concerns at the Project.

New/Renewed Issues of Concern

No other changes have occurred at the facility which affect the LIHI Criteria and no issues of concern were identified. The application included the following updated information:

- On June 2, 2021, the Applicant filed an application for a CWA §401 Water Quality Certification to the Alaska Department of Environmental Conservation (ADEC). That filing indicated the application was made based on ADEC staff interpretation of an EPA 2020 guidance change requiring ADEC certification review of an existing ADEC

certified project--AK920505-03J. In 2011 and 2016, letters from the ADEC they indicated they would be waiving their right to issue Certificates of Reasonable Assurance under 401 Authority. ADEC issued a new WQC waiver on June 7, 2021.

**c) LIHI's certification criteria have not materially changed since the previous certification was issued in 2016.**

The LIHI Criteria have not materially changed from the original 2<sup>nd</sup> Edition Handbook issued in 2016 to the current Revision 2.04 issued April 1, 2020.

**2. Conclusion**

In light of the above, I recommend recertification of the Project for a standard five (5)-year term with the following condition:

Condition 1. In the Annual Compliance Statements, the facility Owner shall provide LIHI with a status report on the potential repairs to the outlet drainage, along with copies of any submissions to and correspondence from FERC. LIHI reserves the right to review this information for possible impacts on LIHI certification.

From: "James Baumgartner" <james.b@aptalaska.com>  
To: "PBMwork@maine.rr.com" <PBMwork@maine.rr.com>  
Cc:  
Bcc:  
Priority: Normal  
Date: Friday August 6 2021 7:23:49PM  
RE: Status of repair of outlet channel erosion

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Pat,

Good afternoon.

The Black Bear Lake Hydroelectric Project is a Lake siphon project that is generally operated below spill level. We believe that the erosion has stabilized because the outlet stream bed consists of a rocky substrate and that the outlet stream channel is typically dewatered. The elevation change due to the erosion was estimated at 1.3 feet.

In the FERC response, FERC indicated the proposed repair may be classified as a dam and as such may require a license amendment. We plan to redesign the repairs to avoid the need for a license amendment to effect these repairs. As a new hydroelectric project recently came on line in January 2021 and the project provides additional renewable power to the Prince of Wales Island distribution system, this repair project is a relatively low priority. Therefore, the licensee has no plan to proceed with the work in 2021. Provided that the redesigned project is FERC approved without a license amendment, we would conduct the repairs at the earliest in summer 2022 when the channel is de-watered.

Best,

Jim Baumgartner,

Manager of Permitting, Licensing, and Compliance

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**From:** PBMwork@maine.rr.com <PBMwork@maine.rr.com>

**Sent:** Tuesday, August 3, 2021 7:37 AM

**To:** James Baumgartner <james.b@aptalaska.com>

**Subject:** Status of repair of outlet channel erosion

Hi James

I am the person assigned by the Low Impact Hydropower Institute to review your application for recertification for your Black Bear Lake Project. The application stated that in late July 2020 you had notified FERC of plans to repair the erosion at your outlet channel, but have since decided to not move forward given the comments raised by FERC. Can you tell me what your current plans are for remedying this situation? Do you plan on making any repairs within the next few years?

Thanks for your quick response.

Pat McIlvaine