

ATTACHMENT 4

MITIGATION MEASURES AND PROJECT CONDITIONS

ATTACHMENT 4

MITIGATION MEASURES AND PROJECT CONDITIONS

This attachment to the Site Certification Agreement (SCA) incorporates mitigation measures included in the SCA Application, as well as agreements made with the Washington Department of Ecology (Ecology) and Washington Department of Fish and Wildlife (WDFW). The attachment is organized into five parts: Part I - General Conditions; Part II - Construction Methodology; Part III - Construction Mitigation; Part IV - Operation Mitigation; and Part V - Further Mitigation Measures.

PART I GENERAL CONDITIONS

A. General Statement of Commitments

The Sponsor will take the following actions as described more fully below: 1) develop a detailed construction management plan for the primary construction at the generating facility site; 2) develop a number of identified plans (erosion and sediment control, right-of-way management, etc.), which shall indirectly protect fish and wildlife resources; 3) provide mitigation pursuant to the specific terms or general formulas and methodologies provided herein; and 4) commit to principles of impact assessment and a formula for mitigation replacement for those impacts, if any, that are not identified until construction or operation, or that result from impacts that are unavoidable or not susceptible to restoration by other action.

The generating facility site has been previously disturbed in its entirety by the cultivation of agricultural crops. During the fall of 1998, the entire site was graded, and temporary erosion control measures were installed. Accordingly, the value of the habitat that will be affected by construction and operation of the CGF is lower than it would have been if the habitat had never been disturbed. The commitments made by the Sponsor in this Attachment 4 and in Attachment 3 to the SCA are intended to generally protect and improve habitat for fish and wildlife resources.

B. Flood Hazards

The Sponsor shall assure that measures are taken during construction and operations at the project site that will protect public health and safety from flood hazards. Such measures include minimizing impacts upon areas within the 100-year floodplain and floodway, as identified by Federal Emergency Management Agency maps, to provide for adequate conveyance of flood waters, including the assurance of no significant rise in base flood elevations.

C. Unanticipated Impacts

The principles of impact assessment that shall be applied to all unanticipated impacts are, in descending order of importance, 1) avoid the impact wherever possible; 2) minimize the impact; 3) provide on-site, in-kind mitigation; and 4) provide off-site compensatory mitigation.

D. Plans to be Submitted Prior to Construction

The Sponsor shall develop the following plans, maps, and studies for submittal to EFSEC:

1. A Notice of Intent to be covered by Ecology's General Baseline Permit for Stormwater Discharges; and a Stormwater Pollution Prevention Plan.
2. A detailed map showing right-of-way acquisition and land uses impacted within the right-of-way.
3. Construction Management Plan

The Sponsor shall develop and submit for the Council's review and approval a detailed construction management plan, which shall encompass the primary construction phases (excavation, filling or regrading) of the facility development. The construction plan shall be generally based on the mitigation measures contained in the following sections of this Attachment 4 and in Attachment 3, which are incorporated into the SCA as binding commitments. The Sponsor agrees that the special construction provisions set out in this Attachment 4 and in Attachment 3 shall be incorporated into the construction management plan and to the extent in conflict, shall supersede directions or commitments contained in the Application for SCA. This construction management plan shall be completed six (6) months prior to the start of on site construction.

4. Transportation Study and Construction Traffic Management Plan

Prior to the commencement of construction of the CGF, a transportation study and construction traffic management plan shall be submitted to EFSEC for its review and approval . The transportation study and traffic management plan shall include, but not be limited to, the following:

- a. Existing weekday traffic volumes on Bishop Road, Rush Road, Maurin Road, LaBree Road and the Jackson Highway.

- b. Projected increases in background traffic volumes for the period of CGF construction, considering known and expected new traffic generators or routing alterations.
- c. Existing Levels of Service (LOS) at the intersections of Bishop Road with Rush Road, Maurin Road, LaBree Road and the Jackson Highway.
- d. Projected LOS, without the CGF's construction traffic, but including increases in background traffic predicted during the period of construction.
- e. Projected traffic volumes, in daily trips, resulting from the construction of the CGF, including truck volumes, time and duration of peak construction periods, and peak hours of construction traffic impact.
- f. Impact of construction traffic, expressed as a percentage of increase to existing and predicted background traffic volumes.
- g. LOS of evaluated intersections with construction traffic and including the intersection of the site access road and Bishop Road.
- h. Available accident data at affected roads and intersections and identification of areas of unusually high accident rates.
- i. Estimated number of rail trips on the Chehalis Western Rail line resulting from construction activities and identification of rail crossings which may be impacted by construction-related rail traffic.
- j. A traffic control plan indicating the methods to be used to implement necessary traffic rerouting, means of assuring access to impacted properties, and methods of providing temporary traffic control for safety.
- k. A program which will facilitate the exchange of commuting information among construction workers and encourage ride sharing.
- l. A parking plan showing available parking areas for construction workers and a means of shuttling workers from parking to job site, if necessary.

- m. Recommended mitigation measures which reduce impacts to a level of insignificance and are commensurate to the level of impacts attributable to the construction of the CGF.
- n. This traffic control plan shall be submitted to the Council six (6) months prior to the start of on site construction.

In addition, the Sponsor shall submit the following plans to EFSEC for its review and approval and shall consult with WDFW and Ecology during the development and review of these plans:

- 5. Environmental Protection Control Plan/Construction Management Plan. In developing this plan, the Sponsor shall work with EFSEC, in consultation with WDFW and Ecology, to ensure that construction activities are designed to minimize impacts to wetland habitat, consistent with this Agreement.
- 6. Erosion and sediment control plan, including stormwater control plan during construction.
- 7. Blasting plan.
- 8. Restoration of construction area plan, including restoration, revegetation and maintenance practices, schedules, monitoring methods, contingencies, and noxious weed control measures.
- 9. Construction water use and control plan.
- 10. A Fish and Wildlife Resource Survey, specifically updating the surveys for bald eagles, red-legged frogs and other candidate and listed species may be required by EFSEC, in consultation with WDFW, if construction begins more than two years following the issuance of the SCA or if state resource agencies identify new information regarding these species.
- 11. These plans must be submitted to the EFSEC at least 6 months before construction of either turbine.

E. Plans to be Submitted Prior to Operation

Six months prior to commencement of operation, the Sponsor will submit to EFSEC the following plans for its review and approval:

1. An emergency response plan including details on training, education, and equipment (SCA, Article VII, Section B).
2. A Spill Prevention, Control and Countermeasure Plan (SCA, Article VII, Section G).

WDFW and Ecology shall be provided with a copy of the Spill Prevention, Control and Countermeasure Plan, and the long-term stormwater control plan (SCA, Article V, Section C).

F. Consolidation of Plans

Any plans required by this Agreement may be consolidated with other such plans, if such consolidation is approved by EFSEC.

PART II CONSTRUCTION METHODOLOGY

A. General Construction Procedures

The Sponsor shall provide an independent environmental monitor (EM) with "stop-work" authority that reports to EFSEC.

1. The EM shall be under the supervision and employ of the Sponsor and independent from any construction contractor party utilized. The EM shall report independently to EFSEC regarding the specific environmental protection criteria set out in this Agreement.
2. Standard environmental monitoring criteria shall be developed for EFSEC, in consultation with WDFW and Ecology, prior to initiation of Project construction.
3. The Sponsor shall identify EM "stop-work" implementation criteria for EFSEC, in consultation with WDFW and Ecology.
4. No excavation, filling or regrading work shall be performed at any time unless there is full, concurrent independent environmental monitoring.

5. All EM reports are to be submitted to EFSEC at the same time that they are submitted to the Sponsor's Project Engineer.
6. EFSEC, WDFW, and Ecology are to be promptly notified by facsimile (fax) or in person of any emergency response or any work stoppage requested by the EM.

B. Erosion Control

See Attachment 3.

C. Wetland and Aquatic Standards

Site wetlands have been filled. No additional construction within wetlands or crossing of aquatic resources are proposed or permitted by this Agreement.

D. Specific Stream and River Crossing Methods

No stream and river crossings are proposed by the Sponsor.

E. Raptors

To minimize the potential hazard of raptor electrocution, the transmission lines will be designed and constructed consistent with the recommendations of Olendorff et al. (1981).

PART III CONSTRUCTION MITIGATION

A. Generating Facility Site Wetlands

To mitigate for wetlands filled and lost, and for the loss of agricultural lands at the generating facility site, the Sponsor shall do the following:

1. Enhance Stormwater Detention Areas
 - a. The primary purpose of the stormwater detention areas is to collect stormwater on site to control water quality/quantity, and to prevent flooding and erosion on site and downstream of the site.

- b. To the extent that the functioning of the stormwater detention areas are not degraded from their primary purpose, features such as natural shoreline embankments, shore-edge vegetation, perching areas, and large woody debris shall be added to enhance use of the detention areas by aquatic and wildlife species.

2. On Site Landscaping

All site areas not needed for CGF activities at the generation facility site shall be planted with trees and shrubs, including native species to the maximum extent feasible, to provide feeding, foraging and nesting opportunities for wildlife species known to occur in the project vicinity. This provision does not preclude the planting of lawn around CGF facilities.

- B. Fugitive Dust

To control fugitive dust during construction, water will be applied as necessary, and access roads will be gravelled or paved as practical.

- C. Cultural and Archeological Resources

1. Archaeological studies of the CGF project area did not identify any National Register-eligible cultural resources. Because construction and operation of the facility is not expected to impact cultural resources, no site-specific mitigation measures are required.
2. Because construction of the facility could expose previously unknown cultural resources, the Sponsor shall monitor construction to ensure that any cultural resources are properly identified, evaluated, and, if necessary, impacts are mitigated. Monitoring will be directed by an experienced archaeologist. If cultural resources are discovered during construction monitoring, the archaeologist will request a halt to work in the affected area and contact the Washington State Office of Archaeology and Historic Preservation (OAHP). If a discovered site contains one or more Native American burials, the monitor will notify the appropriate Tribe and discuss mitigation measures with the Sponsor, Tribal representatives and the OAHP.

D. Public Services and Utilities

1. Construction activities shall be coordinated with local police and fire departments, and emergency medical service providers to ensure access to all locations in the project site vicinity in the case of an emergency.
2. To help mitigate loss of access and other traffic related impacts, adequate traffic control and signage, indicating closures and alternate routes, shall be provided during construction.
3. Construction vehicle trips in and out of the immediate construction zone shall be coordinated and scheduled away from "rush-hour" periods, to minimize general traffic disruption.
4. During construction, precautions shall be used to ensure that excavations do not damage underground utilities, including communications cables.

PART IV OPERATION MITIGATION**A. Noise**

The CGF will be designed to meet acceptable State and local noise standards. Following commencement of plant operation, noise monitoring will be conducted to verify the model-predicted levels at the residential areas where increased noise was predicted. If the State and local standards are exceeded, additional noise mitigation measures will be developed.

PART V FURTHER MITIGATION MEASURES**A. Further Mitigation for Generating Facility Site Impacts**

1. To further mitigate the impacts caused by the loss of agricultural land on the generating facility site, the Sponsor shall undertake a project or projects valued at \$40,000 (1995 dollars, adjusted by the applicable Consumer Price Index) in funds, materials or services. The purpose of such project or projects shall be to implement fish and wildlife habitat improvements. Such improvements may include but are not limited to plantings designed to conserve waters in local creeks and to lower water temperatures; work designed to return the creeks to their natural stream courses; and other restoration measures. Individual projects shall be subject to review and approval by the Sponsor and shall be completed within two years of beginning

facility construction, or within such time as mutually agreed upon by the Sponsor and WDFW.