

## CHAPTER 9 CITIZEN PARTICIPATION

### 9.1 INTRODUCTION

The participation or involvement processes associated to the Environmental Impact Assessment System (SEIA, according to its Spanish acronym) consist of three major moments during the project lifecycle: before, during and after. Due to the Law # 19,300 on General Environmental Principles, the only required process is the one related to the Formal Citizen Involvement developed during the assessment of an Environmental Impact Survey. However, the institutional guidelines of the environmental authority are clear to promote that submitters should voluntarily conduct Citizen Involvement activities before entering into the system, as well as, once the Environmental Approval Resolution has been obtained.

On this matter, CONAMA indicates that citizen involvement is a bilateral communication process between the submitter, the community and the authorities. The objective of this process is that natural persons and legal entities have the necessary information on a specific project and its possible impacts, so every part can have an informed opinion on the project and is able to express it to the authorities, in order to consider it in the environmental approval process.

The citizen involvement level can include the simple release or exchange of information, on one end of the scale, going through consultation up to bargaining processes or voluntary agreements, on the other end<sup>1</sup>.

Under the above mentioned perspective, the activities conducted and projected by GENER are described below, in order to facilitate citizen involvement regarding this Project, therefore including citizen involvement activities before entering into the SEIA, as well as, other activities to facilitate and strengthen the compliance of requirements from the Law # 19,300 during the assessment.

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<sup>1</sup> Early Citizen Participation in SEIA framework. Guideline for investment project encumbents. CONAMA 1999.

## 9.2 THE EARLY CITIZEN INVOLVEMENT MOMENTS

Although this moment of the involvement process is not regulated by the Law on Environmental Principles, it is part of the guidelines promoted by the environmental authority. In this regard, it corresponds to the citizen involvement and consultation activities that occur before an investment project enters into the Environmental Impact Assessment System and the submitter conducts on a voluntary basis, in order to incorporate the observations from citizens based on the local experience into the project design and EIA, which helps the project to be more appropriate, improves the communication between the community and the submitter, and allows to respond adequately to potential environmental conflicts.

The incumbent acknowledges the above mentioned aspect, and during the PHAM environmental consultation process presented before SEIA and along with environmental pre-feasibility studies in 2005, has conducted an early consultation of sensible environmental aspects with some public services and the community, which has allowed to identify specific concerns and incorporate them into the project as design measures that allow to strengthen the protection of environmental components. This action is aligned with AES Gener S.A. Policy on the insertion of the Project into the community. Thus, during the EIA early citizen involvement, a series of meetings has been held with different interest groups, represented by a variety of authorities and members of the local municipality.

The incumbent has used communications procedures that allow reaching a large number of people and groups directly or indirectly related to PHAM. This tight collaboration has fostered the creation of a contact network at local level, and the generation of mutual convenience and collaboration bonds. Thus, up to date, a total of 76 activities such as, consultation/presentation meetings and other activities to bring the community closer (for more information, see Annex 44 attached to this EIA).

Considering the above-mentioned, regarding this EIA, Early Citizen Involvement has been considered through a series of meetings summoned by GENER, with different interest groups in the community, represented by the different authorities and local members of the municipality. The methodology used considers the Project description and reception of concerns and observation from the audience.

### 9.2.1 Meetings with authorities and public services

Within the EIA framework presented previously, GENER has held different meetings with representatives from public bodies with environmental competence related to the project and local institutions and organizations. These encounters are described below:

- Meeting on August 21, 2006, with representatives from the Municipality: Víctor Cáceres, Mayor of San José de Maipo Municipality, Germán Molina Chávez, Municipality Councilor, and Cristián Sobrazo, Head of Cabinet.
- Meeting on August 26, 2006, with Sara Larraín, Director of Chile Sustentable and Kathy Navarrete, Santiago Andino executive.
- Meeting on December 5, 2006, with Minister of Housing.
- Meeting on January 3, 2007, with Minister of Agriculture.
- Meeting on January 15, 2007, with Director of CONAMA and Minister of Secretary General of Presidency.

- Meeting on January 23, 2007, Head of SEREMI Urban Development for MR Housing.
- Meeting with CONAF at central level.
- Meetings with Head of Environmental Impact Department and Head of Citizen Involvement Department, both MR CONAMA members.

With this perspective, the table below summarizes the concerns expressed on these meetings and the clarifications or considerations included on the Project, apart from the EIA section where they are described:

**Table 9.1**  
**Summary of Authority Concerns and Incumbent Clarifications**

<b>Concerns</b>	<b>Clarifications</b>
Location of project in an Ecologic Conservation Area defined by Metropolitan Master Plan in Santiago (PRMS).	The Project is adjusted to current territory planning and complies with the requisites indicated on PRMS as required on Item 8.1.3 of the same territory planning instrument (see Chapter 3, sections 3.1.4 and 3.1.5)
The location of muck disposal sites without affecting the basins	Regarding the muck disposal sites, their location has been determined based on a series of environmental criteria that do not affect hydrographic basins. These location criteria are indicated on Section 2.3.2.6, Chapter 2 from this EIA.
Effect on protected species of flora and fauna	If it becomes necessary, and in order to avoid effects on flora and fauna protected by special laws, Gener will conduct rescue and transportation plans under the technical supervision of qualified professionals and will implement an environmental follow-up plan to ensure the survival of the species. With this intention, Gener will request the respective permits both to SAG and CONAF. This can be verified on Chapter 3, Section 3.2.6, and Chapter 6, section 6.4.1.6.
Maintenance of meadow zones and ecologic streams during the Project operation stage	The Project will ensure the characteristics of humidity and drainage continuity in the most sensible meadow sector of the project, through the adaptation of the work, in order to allow the superficial draining and sub-superficial of the water that irrigate the vegetation layer of Andean scrubland.  On the other hand, the flow availability for the Project operation stage, considers the maintenance of ecologic streams in stream collection points (see Chapter 2, section 2.3.3, and Chapter 6, section 6.4.2.1).
Effect on El Morado Natural Monument	The Project will not affect El Morado Natural Monument as El Volcán tunnel layout is at 600 meters of depth and does not consider windows, roads or other works that can affect this protected area.
Utilization of local labor	The Project will prioritize the utilization of local labor during the construction of the Project (see Chapter, Section 6.4.1.8).

## 9.2.2 Meetings with local community

Simultaneously to the formulation of EIA, GENER has conducted a series of approaches to the local community interested in the Project. These sessions consist of open meetings and interviews, which have allowed creating a detailed register of the concerns raised by the communities.

On Annex 44 there is a consolidated report of the early citizen participation and a register of the participants.

As a summary, the table below sums up the main observations and/or concerns from the community regarding environmental issues associated to the Project. Clarifications are detailed as well as the sections where they have been addressed on EIA.

**Table 9.2**  
**Main concerns from the community and clarifications from the Incumbent**

Concerns	Clarifications
Avalanche danger existence.	The project incorporated as criteria the location of works and facilities, the possibility of avalanche risks (see Section 7.2.1.3, Chapter 7).
Tourism exploitation	No significant adverse effects on tourism activities are expected. However, the Project considers compensation measures to favor tourism development. These measures are indicated in Section 6.4.1.9, Chapter 6.
Encumbrance of water rights from third parties and necessity of ecologic water flows	The Project will respect rights from third parties and ecologic water flows validated by the Authority (see Section 2.3.3, Chapter 2).
Contractor control	The Incumbent will establish contractual demands to its contractors regarding the compliance of the environmental regulation and other commitments that rise from the EIA assessment on COREMA RM. The above mentioned is described on Chapters 2, 3, 6 and 7 in the EIA and Annex 33.
Location of high tension lines	The Incumbent notifies that these works are not defined and will be part of an independent environmental assessment.
Muck location	14 sites for collection will be enabled. Their definitive location has considered the distance to populated areas or permanent or definitive housing units, low visual impact zones, integrated into natural slopes; low edaphologic value zones and sites without any botanic or cultural value (see Section 2.3.2.6 of Chapter 2, and Sections 6.4.1.5, 6.4.1.9 and 6.4.1.10 of Chapter 6, apart from Annex 6).
Blasting effects	According to the description on Section 6.4.1.3, the EIA concludes that Blasting will have no adverse effect on its immediate surrounding area (also see Annex 30).
Nuisance due to truck transit	The Project considers a series of airborne emission mitigation measures and effects on highway administration, associates to transit of trucks, which are described on Section 6.4.1.1 of Chapter 6.
Nuisance due to electrical substation.	The Project considers a series of visual impact measures due to the presence of an electrical substation, indicated in sections 6.4.1.10 and 6.4.2.5 of Chapter 6.
Loss of animals due to theft or run over	The Incumbent will establish contractual demands on its contractors regarding the local community.
Effects of summer	The Project will have no significant adverse effects on summer pastures

<b>Concerns</b>	<b>Clarifications</b>
pastures and animal drivers	nor will it hamper productive activities developed in these areas according to the established on Sections 6.4.1.5 and 6.4.2.2 of Chapter 6. However, the Company has proposed itself a vegetation monitoring described on Chapter 8.
Availability of water on Aucayes stream	The Project will respect rights belonging to third parties and ecologic streams validated by the Authority
Environmental impact of the construction of roads	The EIA has addressed in detail the impact of routes from new roads considered in the Project. The above mentioned consists of the definition of environmental control measures for air, noise, soil, flora and fauna components associated to the routes and construction of roads, which are indicated on Chapters 2 and 7 from the present EIA.
Respect of third party rights	The Project will respect rights belonging to third parties and ecologic streams validated by the Authority
Effects on archeological sites	The Project will not affect any archeological site. However, action measures will be proposed in case that during construction works any impact of this kind is detected (see Section 7.2.3, Chapter 7).
Decrease of streams and interference with other activities	According to the analysis described on Section 6.4.2.3 from Chapter 6, the transfer of streams to the basin will not be a significant variation.
Effects on third party water intakes	The Incumbent will conduct necessary changes to the collection from third parties in case that there is an adverse effect in their functionality associated to the Project.

GENER has made, through citizen participation, an important effort to adequate PHAM works and activities in order minimize the possible environmental impact for a Project of this size and nature. Thus, based on the results from boring and advanced engineering surveys, it is possible to evaluate relocation alternatives for the powerhouses in Las Lajas Facility, and consequently, the electric substation and control building, this emplacement was initially foreseen in El Manzano sector as well as the elimination of the tunnel access window located originally in this same sector, which eliminates the working face and, therefore, the expected vehicle traffic. In effect, the change has been developed as a response to concerns presented by El Manzano sector community, which has expressed disagreement with the presence of Project facilities in the area, even when it is expected that these facilities comply with environmental regulations and important control or mitigation measures will be proposed.

The adaptation of the Project to environmental sensibility in El Manzano sector (essentially in its social component), has meant for engineering the challenge to find viable alternatives from a building and technical perspective and also has required new environmental studies that ensure the minimum environmental impact.

It is worth to mention that the environmental optimization process for the Project not only attended the concerns of the neighbors in El Manzano sector, but also, established a series of other modifications intended to decrease the environmental impact levels that PHAM can generate. In this regard, it is advisable to refer to Chapter 6.

The adaptation described considers the rectification of routes from tunnels Las Lajas and Alfalfa II, and the relocation of some access Windows, which will involve the relocation of certain road segments and muck disposal sites. The Project layout included for environmental optimization is indicated on Annex 6.

### **9.2.3 Register, analysis and systematization of the citizen observations**

In order to clarify concerns and inquiries from community members and consolidate the adherence to the Project, the Incumbent has decided to attend any request on an individual basis. With this objective, a computer tool has been developed to allow register, process and dispatch. Details are described on Annex 44, Item III.3. Also, a public attention office has been installed; a description of it is included below.

### **9.2.4 Municipality Information Office**

On the other hand, a PHAM office or information center for the community is in implementation stage, which will be located at San José de Maipo Square, offering information on the Project, the citizen observations subscribed along the period and the respective responses from the Incumbent.

Also, in response to the approaches raised by San José de Maipo Municipality regarding the necessity of work in the zone and the request to prioritize local labor, this office the receive inscriptions and collect data on people interested in working on the Project for the creation of a public and transparent register, detailed according to the skills of applicants, which will be available for contractor companies, with an incentive to prioritize the utilization of workers who reside in the municipality.

### **9.2.5 Other commitments assumed by AES Gener**

#### **A. Employment**

AES Gener has the conviction that the contribution to work training for young people and adults is to show real employment possibilities. With this objective, on a preliminary stage the resources necessary for the elaboration of an education improvement project in the municipality have already been dedicated and will contribute to establish an educational management that considers restructuring the school curriculum and the professional technical offer and jobs, due to the abilities necessary to favor local employment.

In consistency with its local integration and collaboration with community development policy, at the moment of developing the Alto Maipo Project, AES Gener assumed the commitment of making a concrete contribution to the education for local employment through the assignment of resources for the elaboration of an education improvement project considering the professional technical offer and jobs in the municipality. With this purpose, AES Gener will provide Fundación Maitenes with US\$ 80,000 since 2010, on a 10 year timeframe.

## **B. Tourism**

From the natural vocation perspective in San José de Maipo Municipality, tourism represents a high potential for growth, which must be addressed from an integral and long-term point of view. As specified on the baseline, there are small tourism operators that provide services with limited resources, at low scale with a completely informal method.

Similarly, the Company will promote a Tourism Fostering Program and especially on Ecotourism by financing local entrepreneurs dedicated to this sector. The Company will create an annual fund of US\$ 120.000 on a 10 year timeframe since 2010, the money will be provided through contest funds and evaluations will be developed according to merit.

These two activities, from AES Gener perspective, and due to the insights from the citizen participation process, are fundamental for growth in the municipality and the development of its inhabitants at medium and long term. This commitment will be conditioned to the execution of Alto Maipo Project. In this regard, it is advisable to refer to Chapter 6.

## **C. Fund entailment and applicability**

The initiatives implemented by Fundación Maitenes can be entailed to projects being developed by public services or institutions that operate in the municipality, on the two work activities compromised. This entailment would allow strengthening the initiatives carried out by the Government and foster sustainability at the time of the actions being developed by the Foundation, during the program application process.

It must be considered that the committed funds are complementary among the one another, reaching a total of US\$ 200.000 on an annual basis. On this regard, the Foundation Board will be able to decide annually if it is necessary to prioritize a specific program, adjusting the individual amounts, but without decreasing the total amount agreed.

### 9.3 FORMAL CITIZEN INVOLVEMENT

Based on the guidelines proposed on Law # 19,300 relative to citizen involvement and the content of Paragraph 1 from Title V on SEIA Regulations (D.S. 30/97<sup>2</sup>), GENER will conduct the following activities or actions during the Project assessment period in SEIA:

- Publication of a Project abstract in the Official Journal and a national circulation journal. This publication will take place within ten days after the EIA presentation and must be previously approved by the authority. The abstract content must be adjusted to Article 50 of D.S. N°30/1997. In order to facilitate comprehension of this document by the citizenship, the submitter must have special care to write it in a pedagogical language maintaining the technical quality.
- Abstract exhibition in public access places in San José de Maipo Municipality offices and the social venues in the Municipality.
- Meeting with CONAMA in order to address the completion of citizen involvement activities during the 60 day period established by the Law # 19,300. These activities consisted of meetings and/or Project and EIA presentations to the communities directly involved.
- Attendance to meetings and other citizen participation activities defined along with CONAMA. In these meetings, GENER will present in detail the Project characteristics and the eventual impacts that will generate. Similarly, consultations and concerns from the audience were attended, detailing the environmental management measures considered by the Project.

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<sup>2</sup> Modified by D.S N°95/2002, from MINSEGPRES, which amends the Environmental Impact Assessment System Regulations.