

**From:** [Barrett, Tom R \(DNR\)](#)  
**To:** [Owen, Samantha](#)  
**Cc:** [Wagner, Ben J \(DNR\)](#); [Brooks, Henry C \(DNR\)](#); [Sager, Kimberly R \(DNR\)](#)  
**Subject:** RE: Eklutna Draft Fish and Wildlife Program  
**Date:** Monday, November 27, 2023 5:44:32 PM  
**Attachments:** [image001.png](#)

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Hi Samantha;

DNR's Division of Mining Land and Water reviewed the Draft Fish and Wildlife Program and have just a couple comments to offer. The report is nicely written.

**Section 1.1.1.9-** I suggest a couple changes to the second paragraph on page 11. Though AWWU's permit term expires, they will apply for a certificate of appropriation by submitting a statement of beneficial use. Alaska uses a two step program for high volume water rights where applicants are issued an initial permit for a limited term, then they submit a statement of beneficial use claiming their actual water use. After that they are issued a "certificate of appropriation." I suggest we replace "license" with "permit" and add to the sentence after "LAS 2569 expires..." to make it clear that AWWU will have a water right.

"Further, MOA and APA worked with Congress to amend the Eklutna Project Act to reflect the additional public water usage of the Eklutna Lake which was otherwise reserved for the purposes of the Project.<sup>9</sup> MOA also obtained a 40-year **license permit to appropriate water** from the State of Alaska to utilize water from Eklutna Lake, referred to as "LAS 2569." LAS 2569 expires on December 31, 2025 **and will be replaced with a certificate of appropriation**. In addition, the original 1950 federal legislation authorizing construction of the project was amended to "grant the appropriation of water for the purposes of public water supply in accordance with the same compensation agreement."<sup>10</sup>

#### **Dam Safety general comments-**

The State Dam Safety Engineer participated in the alternatives analysis discussions hosted by the project owner between April and August 2023. This involvement included providing input regarding the Alaska Dam Safety Program regulatory requirements for the proposed alternatives but did not involve expressing a preferred alternative for the use of the water.

The Project Owner's Draft Program would create an Eklutna River Release facility adjacent to the existing AWWU portal valve approximately one mile downstream from the dam. As the concept is described in the draft program, the infrastructure modification may not require a Certificate of Approval from the Alaska Dam Safety Program. It would utilize existing outlet works from the reservoir to the AWWU facility downstream. Additional development of the option would be required to make a definitive determination.

This proposed alternative would require revisions to the operations and maintenance management of the Eklutna Lake Dam and appurtenant works which would require approval from the ADNDR to

maintain compliance with the state dam safety regulations. These proposed changes would require the installation of additional monitoring instruments and equipment automation. Depending on the scope and location of these modifications, an application for Certificate of Approval to Modify a Dam may be required.

Thanks,  
Tom

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**From:** Sam Owen <info@eklutnahydro.com>  
**Sent:** Tuesday, October 31, 2023 11:08 AM  
**To:** Owen, Samantha <owen@mcmillen.com>  
**Subject:** Eklutna Draft Fish and Wildlife Program

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Hello all,

The purpose of this email to inform the broader stakeholder group that the Draft Fish and Wildlife Program for the Eklutna Hydroelectric Project was distributed to the Parties to the 1991 Agreement and the Native Village of Eklutna on Friday, October 27 for review and comment. It is also publicly available on the Project website and be accessed using the below link.

[https://eklutnahydro.com/wp-content/uploads/2023/10/2023-10-27-Eklutna-Draft-Fish-and-Wildlife-Program\\_with-Appendices.pdf](https://eklutnahydro.com/wp-content/uploads/2023/10/2023-10-27-Eklutna-Draft-Fish-and-Wildlife-Program_with-Appendices.pdf)

Regards,

**Samantha Owen**  
Senior Regulatory Consultant

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