

February 15, 2024

Samantha Owen, Senior Regulatory Consultant
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Submitted via email Owen@mcmillen.com

Re: National Tribal Water Council Letter of Support Regarding the Native Village of Eklutna's Resolution 2022-4: "łiq'a nagh qinqtudeł - We are hopeful the salmon will return to us."

Dear Ms. Owen:

In 2008, the National Tribal Water Council (NTWC/Council) was formed by the U.S. Environmental Protection Agency (EPA) to provide EPA with technical input from Indian country, to strengthen EPA's coordination with Indian tribes, and to work with EPA to better understand issues and challenges faced by tribal governments and Alaska Native Villages as they relate to EPA water programs and initiatives. The NTWC provides tribes, tribal communities, and tribal organizations with research and information for decision-making regarding water issues and water-related concerns. Furthermore, the NTWC advocates for the best interests of federally-recognized Indian and Alaska Native tribes and tribally-authorized organizations in water-related matters. The NTWC advocates for the health and sustainability of clean and safe water, and the productive use of water for the health and well-being of Indian country. The NTWC takes its role seriously and has provided input to EPA on many water issues since the Council's inception.

Many of the environmentally related matters that impact tribal sovereignty and sustainability are important to discuss and ensures tribes' ability to ensure water-life ways are protected for generations and generations. One water-life ways concern has come to our attention by the Native Village of Eklutna relating to their longstanding efforts to restore salmon passage at the Eklutna Lake dam that would restore access to over two thirds of historic salmon habitat in the Eklutna River system.

The Eklutna River watershed is north of Anchorage and encompasses nearly 174 square miles. The Eklutna River is a tributary to the Knik Arm of Cook Inlet¹. Please see Figure 1. For nearly 95 years, sockeye salmon migration in the Eklutna River has been blocked as a result of two hydroelectric diversion dams. The first diversion dam, the Lower Eklutna Diversion Dam, was completed in 1929 and

diverted up to 500 cfs of the Eklutna River flow, which benefited the City of Anchorage’s electrical need. Please see Figure 2. Since 1929 when the lower dam was completed, the majority of the Eklutna River’s sockeye salmon spawning and rearing habitat has been blocked. Additionally, the river flow below the lower dam was greatly attenuated beginning in 1929. Chinook and Coho migration to the upper two thirds of their Eklutna habitat were also blocked.

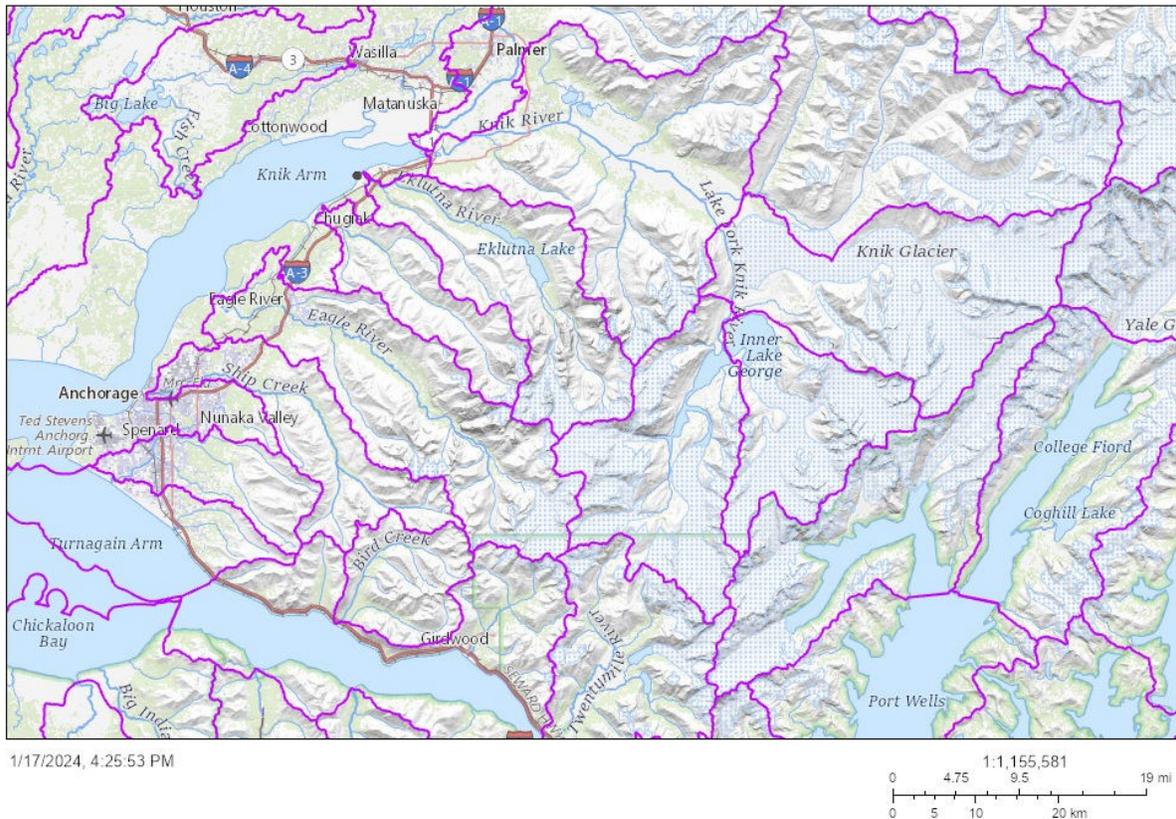


Figure 1. Map of watersheds in the vicinity of Anchorage, Alaska. The Eklutna River watershed is located near the upper center of this map and fully encloses Eklutna Lake, which along with the Eklutna River, are identified on the map. Source: EPA Waters GeoViewer 2.0 web mapping tool.

In 1955, the Eklutna Hydroelectric Project Diversion Dam, the upper dam, was completed considerably further up in the watershed at the outlet of Eklutna Lake, which was formed because of glacial moraine deposition that resulted in a natural dam across the valley² (see Figure 2). The upper dam has a considerably larger footprint than the lower dam, which was already blocking salmon migration and greatly diminishing river flow in the river reach below the location of the lower dam. In the nearly 70 years since 1955, most of the mean annual Eklutna River flow, which is estimated at 345 cfs using streamflow gaging data acquired at the Eklutna Lake outlet between 1947 to 1954¹, has been diverted from the river channel below the upper dam. Peak monthly flows of roughly 1,000 cfs occur in July and August¹. An estimated 90%¹ of water diverted at the upper dam flows into a 4.5-mile tunnel that conveys the water from the lake to a hydroelectric power plant located to the north, on the Knik River, which flows into the Knik Arm of Cook Inlet. The tunnel has a flow capacity of 640 cfs³. The power production at the project hydroelectric plant amounts to about 3% of the total power available from the grid, which encompasses Anchorage and outlying areas.

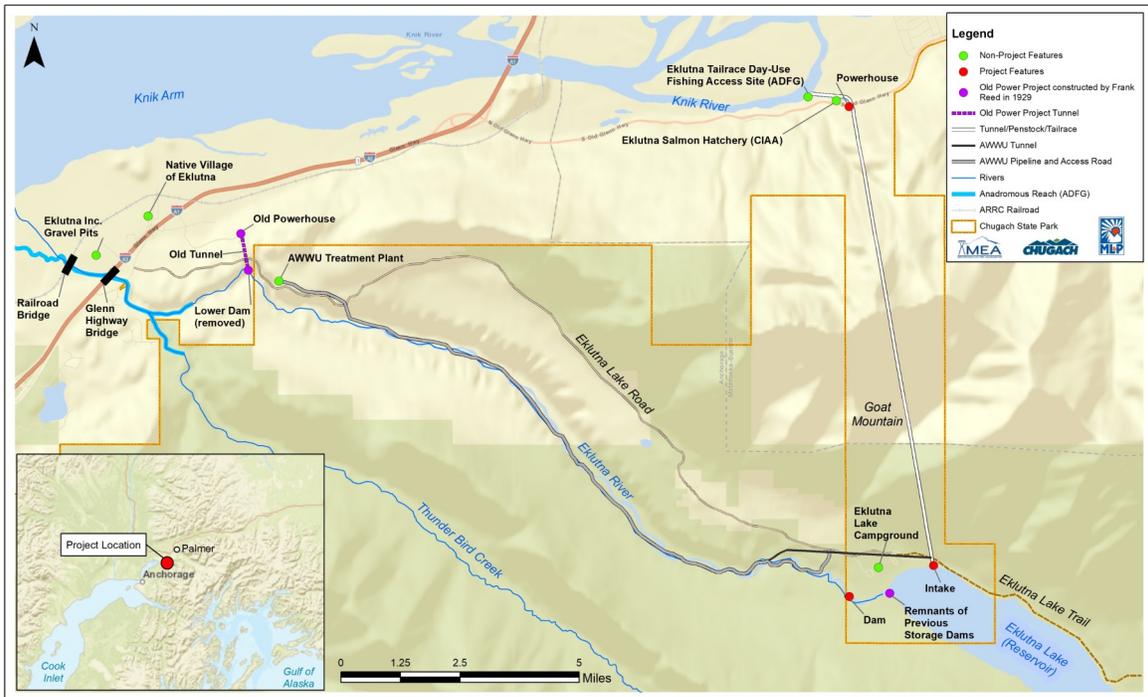


Figure 2. Detail map of the Eklutna River below Eklutna Lake with key dam, diversion, and hydroelectric power generation infrastructure. Source: https://eklutnahydro.com/wp-content/uploads/2019/07/Project_Features_NHD_Tunnel_07-03-2019.pdf

The remaining 10% of Eklutna River inflow to Lake Eklutna is diverted at the upper dam and conveyed via pipeline to the Municipality of Anchorage, supplying roughly 90% of the potable water supply for the Municipality of Anchorage¹.

Thus, since 1955, essentially no flow from Eklutna Lake has been allocated to the 14 miles of river below the Eklutna Hydroelectric River Project Diversion Dam. Note that there was a brief period of river flow during major facility reconstruction in 1965, necessitated by damage resulting from the 1964 Alaska earthquake¹. In addition, low-frequency, short-duration, high-magnitude flood flows on the Eklutna River are passed by the upper dam spillway when Eklutna Lake has insufficient capacity to store the floods. However, even if sockeye salmon could migrate up the Eklutna River to the top of the upper diversion dam, which is in principle possible after the 2018 removal of the lower dam, there has since 1955 in general been no continuous flow of sufficient magnitude and duration in the Eklutna River to sustain sockeye salmon migration, let alone spawning.

The nearly complete removal of sockeye salmon from the Eklutna River and its watershed has for nearly 95 years, deprived many tribal members and the natural wildlife of the salmon on which they interdepend.

Additionally, it is reported⁴ that:

The Eklutna River is a vital subsistence fishery that once supported thriving populations of all five North American Pacific salmon species. While each of these fishes remain present in the lower portions of the Eklutna River, and there are anecdotal reports of landlocked sockeye (kokanee) persisting in Eklutna Lake, today's populations are greatly reduced and limited in distribution.*

*Note: Since the above paragraph was written, reports of Kokanee in Eklutna Lake have been verified⁵.

With the above in mind, the National Tribal Water Council wrote this letter specifically in support of the Native Village of Eklutna's (Village of Eklutna/NVE) intention and efforts to accomplish in full the goals of their Eklutna River flow and sockeye, Chinook and Coho salmon restoration, as articulated in NVE Resolution 2022-4; "łiq'a nagh qinqtudeł - We are hopeful the salmon will return to us." A copy of the resolution is attached.

Subsistence traditions and practices are vital goals of the Eklutna River flow and sockeye salmon restoration. The restoration of sockeye salmon cannot occur without restoration of river flow. The following is an excerpt from the NVE's December 4, 2023, comment letter on the Eklutna Hydroelectric Project's Draft Fish and Wildlife Program.

Our elders tell us that Eklutna (Idlughet) is an old, old village located by the Eklutna River, which was once an abundant salmon system. The Eklutna River (Idluytnu) has provided nutritional and cultural benefits to Eklutna Dena'ina throughout time immemorial, but hydroelectric dams have severely degraded its productivity. NVE has adopted a vision for fully restoring the Eklutna River for fish and wildlife habitat, traditional subsistence uses, and sustainable natural resource development from the top of the watershed to Cook Inlet.^a

NVE has broad support for this vision. Eklutna Inc. recently remarked that "[c]onnecting Eklutna Lake to Cook Inlet will benefit not just the adjacent landowner but our collective community," including all of Southcentral Alaska.^b The Alaska Federation of Natives, the largest statewide Native organization in Alaska, passed a resolution in 2020 proclaiming that "[AFN] supports efforts to restore traditional rivers and streams for fish and wildlife habitat, traditional subsistence uses, and sustainable natural resources development, and in particular, supports tribes like Native Village of Eklutna [...] to restore the Eklutna River for salmon habitat."^c

^a Native Village of Eklutna, "Our Vision for the Eklutna River" (accessed Jan. 15, 2024) <https://static1.squarespace.com/static/5f52cd19995bf84b22653379/t/642742b42454b574f1be304f/1680294580774/>.

^b Eklutna, Inc., Letter to Anchorage Assembly Re: Eklutna Draft Fish and Wildlife Program (Nov. 21, 2023).

^c Alaska Federation of Natives, Restoration of Traditional Salmon Habitat Resolution 20-7 (2020).

The key elements of NVE Resolution 2022-04 include:

1) Restoration of continuous flows in the Eklutna River below Eklutna Lake sufficient and necessary to support thriving sockeye salmon populations and their passage with intermittent higher

flows that will result in habitat maintenance and recreation opportunities along the Eklutna River between its confluence with the Knik Arm of Cook Inlet and the Eklutna River headwaters above Eklutna Lake; and

2) Management of Eklutna Lake level variability in a manner that facilitates and sustains sockeye spawning in the Eklutna River, from its confluence with the Knik Arm of Cook Inlet to its headwaters above Eklutna Lake. There are published reports of landlocked sockeye salmon living in the Eklutna Lake⁵. These very small, landlocked sockeye salmon are known as kokanee and are likely descendants of Eklutna River sockeye salmon that nearly 70 years ago were isolated in Eklutna Lake and headwaters above the lake, due to the construction and commissioning of the Eklutna Hydroelectric Project. Since they cannot go to the sea, their life cycle nutrition is compromised, and they never grow to mature size, though they do spawn and reproduce.

Given the above situation, brought about by the uncompromising placement of not one but two hydroelectric power and water supply dams on the Eklutna River, the Native Village of Eklutna and its inhabitants have worked since 2000 to restore flows and healthy salmon populations, including sockeye salmon migration and spawning to the Eklutna River.

Recommendations

The National Tribal Water Council (“Council”) commends the Village of Eklutna leaders, the Village members, and allied organizations for their efforts to restore Eklutna River flows and sockeye salmon.

The Council recommends that the owners of the Eklutna Hydroelectric Project, which consists of the Chugach Electric Association, Matanuska Electric Association, and the Municipality of Anchorage, work with the Village of Eklutna to craft an Eklutna Hydroelectric Project Fish and Wildlife Program that satisfies the Village’s objectives as articulated in the Village of Eklutna Resolution 2022 – 04.

Further, the Council encourages the hydroelectric project owners to work in good faith with the Eklutna Village leaders to manage Eklutna Lake levels and all aspects of the Eklutna Hydroelectric Project, and the Municipality of Anchorage water diversions, in a way that will sustain Eklutna River flows salmon habitat into the future. This will ensure traditional subsistence practices, together with cultural and traditional practices, that rely on Eklutna River flows and thriving salmon populations in the Eklutna River continue indefinitely into the future.

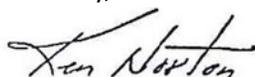
The Council notes that Alaska Natives have suffered a long history of voting rights suppression that continues into the present time (<https://www.azcentral.com/in-depth/news/politics/elections/2022/08/23/alaska-voting-rights-history/10238579002/>). Thus, it is probable that Alaska Natives in general, and Eklutna Village inhabitants in particular, had no role in decision-making related to the placement and operation of these dams, or the election of representatives responsible for the ultimate approval of such decisions. This history should be taken into consideration when facility owners, agencies, and government representatives negotiate with the Eklutna Village and tribal organization representatives, concerning flow and sockeye salmon restoration for the Eklutna River.

NTWC supports restoring salmon passage at the Eklutna Lake dam that would restore access to over two thirds of historic salmon habitat, by stream miles, in the Eklutna River system. We note findings of abundant potential sockeye spawning habitat around Eklutna Lake, contingent on restoring fish passage at the lake dam and maintaining sufficient lake levels. In addition, NVE habitat assessments found abundant Chinook and Coho habitat in the Eklutna Lake tributaries, which only await restored fish passage to facilitate restored runs. NTWC supports the release of sufficient flows from the lake to restore multiple channels and off-channel habitat for the full length of the Eklutna River below Eklutna Lake.

The installations of the Lower Eklutna Diversion Dam in 1929 and the Eklutna Hydroelectric Project Diversion Dam in 1955, predates the National Environmental Policy Act (1973) whereby all federal projects are required to ensure the review of a proposed project consider environmental impact statements, environmental assessments, and other systematic interdisciplinary considerations. Identifying endangered and threatened species of plants and animals should have been conducted, but these dams were built before environmental review, endangered/threatened species and environmental justice were required. There needs to be a good faith effort to consider the culture and lifeways of salmon on behalf of the Alaskan Native people. Further, there needs to be a good faith effort to address endangered/threatened species and to develop policies that address returning these areas to historic conditions for all species to thrive.

The NTWC appreciates the opportunity to support the Native Village of Eklutna's longstanding efforts in restoring salmon passage at the Eklutna Lake dam that would restore access to over two thirds of historic salmon habitat in the Eklutna River system. Should you have any questions regarding the letter, you may contact me at KenPNorton@gmail.com, or Elaine Wilson, NTWC Project Manager, at Elaine.Wilson@nau.edu.

Sincerely,



Ken Norton, Chair
National Tribal Water Council

Cc: Holly Galavotti, EPA Office of Water
Marc Lamoreaux, Native Village of Eklutna

Attachment: Native Village of Eklutna Resolution 2022-04 (Addendum to Resolution 2019-11)

Footnotes

¹ McMillan Jacobs Associates, 2020, Eklutna Hydroelectric Project 1991 Fish & Wildlife Agreement Implementation FINAL Initial Information Package.

² Section 905(b) (WRDA 86) Analysis, Eklutna Watershed Study, Eklutna, Alaska

³ Eklutna Hydroelectric Project, Palmer, Alaska, Alaska Power Administration, 1999.

⁴ Eklutna River Workshop – Summary of Outcomes, Recommendations, and Future Needs, June 27-29, 2018. <https://www.tu.org/wp-content/uploads/2019/06/Eklutna-Workshop-Report-20181005-Final.pdf> accessed January 16, 2024.

⁵ Eklutna Hydroelectric Project Lake Aquatic Habitat and Fish Utilization Study – Draft Interim Report, Year 1, 2022. Accessed January 18, 2024. https://eklutnahydro.com/wp-content/uploads/2022/06/2022-2-11-Eklutna-Year-1-Interim-Report_Lake-Fish_DRAFT.pdf

References/Resources

<https://www.justice.gov/archive/enrd/ejguide.html>

https://www.doi.gov/sites/doi.gov/files/uploads/doi_ej_strategic_plan_final_nov2016.pdf

<https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>

https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-DOE-greenbook.pdf



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