

From: [Mel Langdon](#)
To: [Sam Owen](#)
Subject: comment on the draft Fish and Wildlife Program
Date: Monday, February 19, 2024 7:21:29 PM

Dear Project Owners,

Thank you for the opportunity to comment on the draft Fish and Wildlife Program, prepared in response to the 1991 agreement, when you became co-owners of the Eklutna Project.

I do not believe this draft Program accords with the terms of the agreement and I urge you to expand the suite of considered alternatives and reevaluate the adequacy of the draft Program. It does not fully quantify the impacts of the project on fish and therefore the mitigation measures do not fully address these impacts.

1. Need for a FERC license. The 1991 agreement was put in place to "...obviate the need for the Eklutna Purchaser and AEA to obtain FERC licenses." This implies that the fish and wildlife protections should accord at least what a FERC license would require. The federal owner got out of its obligation and shifted it to you, the co-owners. We, who have benefited from the project, got a sweet deal for 35 years. Now the piper needs to be paid. That is, proper measures that would be required under a FERC license for this project must be put in place.

The Eklutna hydropower project has dried up 11 miles of Eklutna River for at least 60 years. Apparently there is no baseline for conditions before the dam(s) were built. This does not mean that the present situation serves as baseline or even that the condition with the lower dam (since removed) in place served as baseline. The agreement says the Fish and Wildlife Program shall consist of measures for the protection, mitigation of damages to, and enhancement of fish (including relating to spawning grounds). You should **look seriously at the comments from NOAA and USFWS for guidance on changes to the Fish and Wildlife Program that will satisfy the FERC requirements** for hydropower project licensing.

In parts of the lower 48 states, hydroelectric dams have been removed because satisfying the FERC relicensing requirements is too onerous. That seems to be exactly the case here.

2. Condition of the hydropower plant itself. The draft Program proposes a \$44 million investment at the intake to the penstock to continue hydropower production at the 60-year old plant. The plant supplies a minor percentage of electricity for Chugach and MEA customers. Given that Eklutna hydropower only accounts for 3% of the power supplied by Chugach Electric, this project does not represent a large share of the power supply. **What is the condition of the power plant and does it warrant such an investment for the small percentage of power it supplies?** Does the plant itself need improvements and, if so, what is the price tag for those? Can that money be better spent on renewable sources that do not depend on continued dewatering of formerly productive salmon habitat?

3. Anchorage's potable water supply. Recent comments by AWWU and by the Assembly's consultant indicated that effects of the draft Program on Anchorage's water supply from Eklutna Lake have not been fully considered. It appears that AWWU built its water treatment plant intake pipeline in the river bed, sometime in the same time period that the sale of the power plant to the owners was being negotiated (1988-1989, according to the timeline in the January public meeting presentation). If this pipeline was not constructed to consider different future conditions (e.g., protection for scour from streamflows and at-grade crossing rather than bridges), then what kind of agreement was actually made with the owner and AWWU? Even if restoring flows in the riverbed where the pipeline was buried was not considered in the design, that does not seem to be an adequate reason not to consider rewatering the river bed. The geomorphologist consultant at the Public Meeting in Anchorage specifically told me that they were only asked to evaluate the geomorphic effects of certain (those currently proposed) flows (e.g. not historic or higher flows) and also that they did not evaluate potential depth of scour for any flows. This suggests that the full range of flows or impacts on the pipeline has not been considered, even though there was a comment on an earlier study from a former AWWU general manager specifically addressing a concern about the effects of scour. Apparently we can only wring our hands and say the pipeline will be washed out, without evaluating the likelihood of and costs to prevent this. Finally, **what are the content and conditions of the most recent agreement between the owners and AWWU** that has not been made public and was the subject of a recent executive session of the Municipal assembly?

4. Obligations to Indigenous peoples and complicity with past injustices. I have been a rate payer to ML&P, and subsequently a Chugach Electric member, since 1994. **I have benefited from low electricity rates and I deeply resent being complicit in this project.**

Touting the Eklutna hydropower plant as an example of Chugach's renewable energy sources disregards the detrimental effects of the plant on the environment. It completely ignores the fact that the federal government has not adequately compensated the Eklutna tribe and gave the benefit of the stolen goods to the current owners and their customers. As a rate payer and member of the Chugach Electric cooperative, as well as a rate payer and consumer of water supplied by AWWU, I believe that the owners have an obligation to the inhabitants at the time the dam was constructed and the water diverted, and to their descendents, to correct 90 years of benefiting from trespass.

5. Take a pause. **Seriously consider and honor the proposition offered by The Native Village of Eklutna** in its December 4, 2023, letter commenting on the draft Program. This is a generous deal to the owners, allowing them time to develop alternative electric power sources and better evaluate the best use of the \$44 million of investment suggested by the draft Program. Given the looming gas shortage for electrical generation and the urgent need to develop new energy sources for generating facilities, this has to happen anyway.

Sincerely,

Margaret Langdon