



February 7, 2024

Sent via email

Eklutna Hydro Program Development Team /
McMillen Corp.
2607 Western Ave, Unit 360
Seattle, WA 98121

Re: Public comment on Eklutna River Fish and Wildlife Program

Eklutna Hydro Project Development Team,

On behalf of Cook Inlet Region, Inc. (CIRI), I am submitting comments about the Eklutna River Fish and Wildlife Program (the Plan) released in October 2023.

I. Introduction

CIRI is one of twelve land-based Alaska Native Regional Corporations formed under the Alaska Native Claims Settlement Act of 1971 (ANCSA), 43 U.S.C. 1601. CIRI is comprised of over 9,200 Shareholders who live in Alaska and worldwide.

With 529,500 acres of surface estate and 1.6 million acres of subsurface estate, CIRI is one of the largest private landowners in Southcentral Alaska. CIRI's regional boundary and landholdings extend from the Matanuska-Susitna Borough, through the Municipality of Anchorage and the Kenai Peninsula Borough. Within CIRI's regional boundary are eight federally recognized Tribes and seven Alaska Native village corporations formed under ANCSA. CIRI and its affiliated Tribes and Village corporations are leaders in Alaska and collectively work for the benefit of our mutual stakeholders.

CIRI prioritizes the use of its land by Shareholders and Descendants for cultural, subsistence and recreational activities. CIRI regularly provides access opportunities on CIRI's privately owned land to the public.

CIRI manages a diverse and strategic investment portfolio for the long-term benefit of CIRI Shareholders and Descendants. CIRI has investments in energy and infrastructure, with a focus on renewable and green energy, along with significant Anchorage real estate investments. Notably, Fire Island Wind LLC, a CIRI company, owns and operates the 17.6-megawatt Fire Island Wind Project, located three miles off the coast of Anchorage. The project began delivering clean, renewable energy to Anchorage homes and businesses in the fall of 2012.

II. Comments on the Eklutna Draft Fish and Wildlife Program

The Eklutna Draft Fish and Wildlife Program is a requirement of the 1991 agreement (the Agreement) between the project owners and intended to be a substitute for the Eklutna Purchasers to obtain required licenses from the Federal Energy Regulatory Commission (FERC) at the time. The Agreement required the parties involved to study and understand the impacts over time of the Eklutna Dam (the Project) on fish and wildlife and develop proposals for the protection, mitigation, and enhancement of fish and wildlife affected by the Project.

Considering the region’s energy and drinking water needs, the Plan does not adequately protect the Eklutna River or mitigate damage to the ecosystem caused by a river with years of no outflow. CIRI recommends the Plan be modified, or an alternative plan be adopted, to restore water flow to the full length of the Eklutna River.

The 1991 Agreement requires the project owners to mitigate the damage to fish and wildlife along the river due to the Project, and the Plan, as currently drafted, fails to provide adequate mitigations. The Plan leaves a section of the Eklutna River dry, and thus does not allow salmon access to spawning habitat and does not remedy the harm caused by the Project as required by the 1991 agreement.

The Agreement was intended to work “at least as well as Federal regulation for the intended purpose of mitigation and enhancement of affected fish and wildlife resources.” The intent of highlighting mitigation efforts in the Agreement was impacted ecosystem restoration. Addressing the Project’s impacts on fish and wildlife resources would be a requirement of the Project, were it to operate under FERC permits, and any mitigation or enhancement efforts that do not restore flow to the full length of the Eklutna River fall short of the Agreement.

While the actions taken, and engagement in the public process follow the requirements outlined in the Agreement, the recommendations made in the Plan do not. The lack of flow to the entire river, as outlined in the Plan, is defended with the specter that attempts to restore flow to the entire Eklutna River would result in ratepayer increases and impacts on the region’s drinking water supply.

III. Conclusion

CIRI urges Eklutna Hydro and the Project owners to consider a Fish and Wildlife Plan that suitably balances the community's needs with their responsibility to adhere to the Agreement: mitigation and protection efforts that truly address the damage caused to the Eklutna River ecosystem and salmon runs.

Thank you for your consideration and the opportunity to provide comments on the Draft Eklutna Hydro Fish and Wildlife Program. Please contact me at (907) 274-8638 or slukin@ciri.com to discuss CIRI's comments further.

Sincerely,



Sarah Lukin
President

CC: Governor Michael J. Dunleavy
Christopher Constant, Anchorage Assembly Chair
Aaron Leggett, Native Village of Eklutna
Kyle Foster, Eklutna, Inc.
Tony Izzo, Matanuska Electric Association
Arthur Miller, Chugach Electric Association