

To the Governor:

A corporation. A corporation builds an operation that diverts an entire river to use the water for its own benefit, destroying the area's ecosystem, more effective than if the company were producing chemical waste that poisoned both soil and water. People far and wide would decry those responsible, but this story is about a public utility, or collectively speaking, the State.

The State. Government should never be allowed to take assets from its citizens, with impunity. A government that exerts eminent domain over a landowner's property or assets, compensates the landowner for what they intend to take, have taken or destroyed. Anything less, is government overreach and a Socialist approach to governing. For example, the State exerts domain over a farmer's 12-mile apple orchard, the State takes from the landowner the land and the apple trees on the land, or worse, the State diverts the water that supplied the Apple Orchard, and the 12-mile Apple Orchard dies. Never mind the Apple Orchard is literally a farmer's way of Life and the most important asset to the farmer, as much as is say a Fishery.

A Fishery. A salmon producing river is an asset. A salmon producing river, that includes Sockeye, within a half an hour of the most populous city in Alaska is a major economic asset, to landowners near and including Anchorage, relatively speaking, with those who's lands the river should run through being the most affected economically. The exposure to the public to any potential civil liability shouldn't be overlooked because of an agreement.

An agreement. The 1991 Agreement, can be summarized as the owners group agreed to purchase a hydroelectric power plant operation, a "Generational Asset", a term used by a utility representative, for approximately 10 cents on the dollar, 6 million on a then 66-million-dollar asset. Successfully negotiating an agreement that gave them an exemption from federal licensing and uncommon, if unprecedented 30-plus year moratorium on actually paying for the asset. A balloon payment. The agreement was summarily shelved, not one dollar saved for three decades. Public none the wiser. If the intent of the 1991 Agreement wasn't to legally bind the utilities to eventually spend a large amount of money to pay to mitigate the ecological damage the Hydro Electric Power Plant operations have caused, then I don't know why there would be a need for the agreement to begin with. And let's be honest, the only people thus far who have paid and continue to pay for an operation they never asked for, are the Eklutna people, the landowners; those most affected by the water diverted from their land. Compound those civil damages by 95 years.

95 years. 1929 the first Eklutna dam and hydroelectric power plant project was completed. The first dam was built under the color of law, using the Federal Power Act as legal justification to dam a river to supply electricity for around 2000 people who resided in the Anchorage borough.

"Anchorage's early electricity sources are an often overlooked topic in the city's history. Yet power was extremely important in establishing Anchorage as a permanent town. Without a reliable and economical supply of electricity it would have been very difficult for the young city to maintain any level of growth." - Kristy Hollinger, from a paper written about Anchorage's electricity.

No regard or compensation was afforded to the affected landowners. None. The lower dam, built by a corporation and subsequently purchased by the government. A second dam was later authorized by the government to be built, acquired by the owner's group who also represent the

government. Two operations operated by government entities, the most recent asset owner's currently attempting to evade responsibility for the damage their operation continues to do to the landowners and ecosystem, despite the intent of the 1991 agreement. If the utility companies will not mitigate damage to 100% of the ecosystem or make the landowner's whole, reasonably so, there should be stiff repercussions or penalties levied by our judicial system, on behalf and for the people.

The people. I think the Dena'ina people have been more than patient with this process. There is a debt owed that has never been paid. No one wants to take financial responsibility, the utility's position pointing out that the lower dam operation caused ecological damage. Both operations are owned by the government. Government cannot, should not be able to take assets from its citizens without just compensation.

Compensation. What does compensation look like? The Eklutna Hydroelectric Power Plant operation is now worth approximately 18 million dollars annually. The initial 6-million-dollar investment having already been repaid decades ago, the Eklutna power project will continue to be profitable in perpetuity. The utilities could agree to allocate 100's of millions of dollars to local companies, money for shovel ready jobs, to replace the existing dam with one that would allow for fish passage into the lake, and after 30 years when the tab to do what's ethically and morally right has been taken care of, they would still have their asset and the people would have a Sockeye fishery.

Sockeye fishery. As much as the proverbial line in the sand for the utilities is to protect their asset, the same can be said for fish access from the inlet to the lake. Sockeye salmon are one of the most prolific reproducers and would significantly aid in the other salmon species recovering faster. Without them, this doesn't work in the end.

The end. On behalf of the Tribe, the people I represent, living and deceased, help us get back the water that was taken. We want to be made whole.

My Regards,

Dustin Lorah

Grandson of Leo and Alberta Stephan

Direct lineal descendant of Simeon Esia (Chief Ezi)

Native Village of Eklutna, Council Trustee

Eklutna, Inc., Board Director

Eklutna Tribal Member

Dena'ina Athabascan

Alaskan

American