



ASSEMBLY LEADERSHIP

CHRISTOPHER CONSTANT | CHAIR

MEG ZALETEL | VICE CHAIR

June 26, 2024

sent via email

RE: Municipality of Anchorage Party Comments Including Public Comments Received by the Anchorage Assembly on the Eklutna Hydroelectric Project, Proposed Fish and Wildlife Program

Dear Governor Dunleavy:

The Anchorage Assembly submits the attached resolution AR No. 2024-182(S-1) which contains the Municipality of Anchorage's comments as a party to the 1991 Fish and Wildlife Agreement for the Eklutna Project ("1991 Agreement"), including public comments received by the Municipality of Anchorage Assembly on the Proposed Final Fish and Wildlife Program ("Proposed Final Program"). As the elected representatives of Anchorage residents, the Assembly submits these comments to you on behalf of Anchorage residents and as a concerned stakeholder and party to the 1991 Agreement. The Assembly will submit separate comments and its reply to these and any other public comments in its capacity as the Eklutna Hydroelectric Project's majority interest Project Owner before July 24, 2024.¹

All comments transmitted herein were received by the Assembly on or before June 24, 2024. The Assembly held a public hearing on June 11, 2024, which provided the opportunity for the public to testify and comment on the Proposed Final Program. On June 25, 2024, the Assembly met and unanimously adopted the attached resolution, which compiles and summarizes the public comments received in person and by email through June 24, 2024. A full record of comments is available online.² A copy of the resolution will also be provided to the other Project Owners.

The public comments are wide-ranging and critical of the Proposed Final Program's chosen Portal Valve Alternative. For example, commenters expressed concern with the

¹ Pursuant to Anchorage Municipal Code 3.20.070, the Assembly has exclusive authority to make and approve decisions for the Municipality of Anchorage concerning the 1991 Agreement and the Proposed Program. See AO No. 2024-28 § 2 (Feb. 2, 2024) (as amended).

² The full record of public testimony can be accessed online, including the video-recorded in person testimony and an Information Memorandum of testimony received by email.

See <https://meetings.muni.org/AgendaOnline/Meetings/ViewMeeting?id=5409&doctype=1>.



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Proposed Final Program's process, technical analysis, potential adverse effects on drinking water, the significant use of public funds without Assembly approval, and the Proposed Final Program's compliance with the 1991 Agreement. Commenters rejected the Proposed Final Programs' Portal Valve Alternative, which leaves one mile of the Eklutna River without water, as insufficient to achieve the 1991 Agreement's goals to "protect, mitigate damages to, and enhance fish and wildlife."

The comments reflect the public's concern with both the Proposed Final Program and the evaluation process. The public sentiment aligns with the Assembly's position as a party and stakeholder on the Proposed Final Program and we encourage you to seriously consider these comments when you evaluate the Program.

Sincerely,

Assembly Chair Christopher Constant
District 1, North Anchorage

Assembly Vice Chair Meg Zaletel
District 4, Midtown

Attachment:

1. AR No. 2024-182(S-1)

CC: Tyson Gallagher, Chief of Staff to Governor Dunleavy
Andrew Jensen
Arthur Miller, Chugach Electric Association, Inc.
Tony Izzo, Matanuska Electric Association
Aaron Leggett, Native Village of Eklutna

Municipal Clerk's Office

Approved

Date: June 25, 2024

Submitted by: Assembly Vice Chair Zaletel

Assembly Chair Constant

Prepared by: Legislative Services

Reviewed by: Assembly Counsel's Office

(S) For reading: June 25, 2024

ANCHORAGE, ALASKA
AR No. 2024-182(S-1)

1 **A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE SUBMITTING**
2 **PUBLIC COMMENT ON THE PROPOSED FINAL FISH AND WILDLIFE**
3 **PROGRAM FOR THE EKLUTNA HYDROELECTRIC PROJECT AS**
4 **TRANSMITTED TO THE GOVERNOR.**

5
6 **WHEREAS**, the Municipality of Anchorage, Chugach Electric Association (CEA),
7 and Matanuska Electric Association (MEA) (collectively “the Hydroelectric Project
8 Owners”) jointly own the Eklutna Hydroelectric Project and are parties to the 1991
9 Fish and Wildlife Agreement (the “1991 Agreement”) with the State of Alaska, the
10 U.S. Fish and Wildlife Service and the National Marine Fisheries Service, an
11 agreement that notably excludes a key stakeholder, the Native Village of Eklutna,
12 the federally recognized tribe whose ancestral homelands encompass this project;
13 to fund studies to examine and quantify the impacts of the Eklutna Power Project on
14 fish and wildlife; examine and develop proposals for the protection, mitigation, and
15 enhancement of fish and wildlife affected by such hydroelectric development; and
16 prepare a Proposed Final Fish and Wildlife Program for approval by the Governor;
17 and

18
19 **WHEREAS**, once approved by the Governor, the Fish and Wildlife Program
20 proposes to contractually bind operations of the Eklutna Hydroelectric Project and
21 Anchorage Water and Wastewater Utility (“AWWU”) for the next 35 years; and

22
23 **WHEREAS**, in their Proposed Final Fish and Wildlife Program to mitigate their
24 impacts to fish and wildlife pursuant to the 1991 Agreement, the Hydroelectric
25 Project Owners propose to utilize AWWU infrastructure to deliver water into the
26 Eklutna River via a Portal Valve (the “Portal Valve Alternative”) one mile
27 downstream of Eklutna Lake; and

28
29 **WHEREAS**, the policy of the Municipality of Anchorage has been to support
30 restoration of the Eklutna River since the Anchorage Assembly adopted AR 2017-
31 324(S), “A Resolution in Support of Efforts to Restore the Eklutna River,” and AR
32 2022-262, As Amended, “A Resolution of the Anchorage Municipal Assembly in
33 Support of Efforts to Restore the Eklutna River”; and

34
35 **WHEREAS**, further, through the passage of AO 2023-131, As Amended, the
36 Assembly, through the creation of a specific law, reinforced and declared that it is
37 the official policy of the Municipality of Anchorage, inclusive of the Anchorage
38 Hydropower Utility Department, to restore the continuous water flow of the Eklutna
39 River and the fish populations of the River and Eklutna Lake, to the greatest extent
40 possible, subject to all provisions of the 1991 Agreement; and

1 **WHEREAS**, any changes to the Eklutna Hydroelectric Project will impact not only
2 hydroelectric power and drinking water, but also fish and wildlife; and

3 **WHEREAS**, Eklutna Lake is the primary source of Municipality's drinking water for
4 which AWWU currently pays approximately \$1.2 Million annually to the Eklutna
5 Hydroelectric Project to ensure access to the Municipality's drinking water and any
6 binding agreement relating to the purchase price of water and volumes available to
7 AWWU may impact property rights of AWWU and the regulated price of water to its
8 customers; and

9 **WHEREAS**, under the Anchorage Municipal Charter § 10.01, the Assembly is the
10 sole municipal body with authority to approve acquisition, conveyance, lease, or
11 transfer of property and other rights; without Assembly approval, the inclusion of
12 predetermined water rights into the Proposed Final Fish and Wildlife Program
13 violates separation of powers and is litigable; and

14 **WHEREAS**, the Anchorage Assembly was recently briefed about the changing
15 regulatory environment for drinking water, and while the effects of the regulatory
16 changes are currently unknown, concern has been raised about the availability of
17 drinking water from ground wells under the new regulations; and

18 **WHEREAS**, the Anchorage Assembly hired an expert engineer, Don Spiegel, who
19 originally designed the Eklutna AWWU system, to evaluate the Portal Valve
20 alternative as it relates to AWWU's operation of the Eklutna Water Treatment Facility
21 and the effectiveness of the Portal Valve Alternative in delivering water to the river
22 to support the restoration of fish species; and

23 **WHEREAS**, the initial conclusions of Mr. Spiegel, which were submitted to the
24 Assembly through AIM 2024-11 on January 23, 2024, raise significant doubts as to
25 whether the Portal Valve Alternative will meet the stated mitigation objectives; raise
26 numerous concerns about potential harms to AWWU infrastructure and the Portal
27 Valve limiting AWWU expansion in the future; and identifies that planned and
28 unplanned maintenance shutdowns could result in AWWU and the Municipality
29 being culpable and liable for the death of any aquatic species; and

30 **WHEREAS**, the Assembly submitted public comment to the Hydroelectric Project
31 Owners via resolution AR 2024-40, As Amended, dated February 2, 2024; and

32 **WHEREAS**, following the public comment period is an opportunity for the
33 Hydroelectric Project Owners to review the comments and resolve any
34 disagreements prior to submitting a final proposal to the Governor; and

35 **WHEREAS**, the Native Village of Eklutna has put forward an alternative for removal
36 of the dam at Eklutna Lake once replacement renewable power is secured, which is
37 supported by the Municipal policy stated in AO 2023-131, As Amended, and codified
38 at AMC 26.30.025A., but was never fully and equitably analyzed by the
39 Hydroelectric Project Owners; and

1 **WHEREAS**, in addition to the stated policy and support for dam removal, the
2 Anchorage Assembly has evaluated the Portal Valve Alternative and has concerns
3 about that alternative; and
4

5 **WHEREAS**, the Native Village of Eklutna put forward an additional alternative
6 solution transporting water for release at the existing dam spillway that would
7 achieve much more than the proposed Portal Valve Alternative would do, rewatering
8 all 12 miles of the river below the dam but not be connected to AWWU's
9 infrastructure and address the concerns about sufficient flow into the river during
10 low water availability or shut down and maintenance events; and
11

12 **WHEREAS**, on February 12, 2024, the Hydroelectric Project Owners responded to
13 the Assembly's submission of public comments rejecting its two primary stated
14 requests – to delay and to fully evaluate any impacts through the RCA on AWWU
15 rates; and
16

17 **WHEREAS**, on April 25, 2024 the Hydroelectric Project Owners transmitted their
18 Proposed Final Fish and Wildlife Program to the Governor, which kicked off a
19 process that first allows for stakeholder comments and then a response to those
20 comments by the Hydroelectric Project Owners before the Governor takes any
21 action; and
22

23 **WHEREAS**, on June 11, 2024, the Anchorage Assembly held a public hearing to
24 receive public testimony on the Proposed Final Fish and Wildlife Program, providing
25 the public its first opportunity to directly weigh in through testimony that was
26 recorded since the Proposed Final Fish and Wildlife Program was made available
27 by the Hydroelectric Project Owners; and
28

29 **WHEREAS**, in light of the public testimony received and in the interest of protecting
30 the future of the Municipal water supply as well as the interests of its residents and
31 municipal taxpayers, the Municipality of Anchorage submits the following comments
32 on the Proposed Final Fish and Wildlife Program regarding the Portal Valve
33 Alternative as transmitted to the Governor;
34

35 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES** and submits
36 the following as its comments on the Proposed Final Fish and Wildlife
37 Program:
38

39 **Section 1.** The following stakeholder comments are process and technical
40 concerns particular to the Portal Valve Alternative put forward to the Governor as
41 the Proposed Final Fish and Wildlife Program by the Hydroelectric Project Owners
42 for public comment:
43

44 A. **Non-Compliant Process**. The August 7, 1991 Fish and Wildlife
45 Agreement (1991 Agreement) sets forth a process for addressing the
46 Eklutna Hydroelectric Project's impacts on fish and wildlife similar to
47 that for Federal Energy Regulatory Commission ("FERC") licensed
48 projects. The process set forth in the 1991 Agreement was intended
49 to be at least as robust as a normal FERC license process, which is
50 subject to all the provisions of National Environmental Policy Act

1 ("NEPA") and all the authorities typically granted to the federal
2 agencies. The process engaged by the Hydroelectric Project Owners
3 falls short of the FERC standard of analysis. No NEPA equivalent
4 analysis was done, the federal agencies were denied the authorities
5 they normally would have, such as to prescribe fish passage, and the
6 public wasn't presented any alternatives to choose from. Moreover,
7 the process engaged in does not appear comparable to the NEPA
8 requirements to consult with Native Tribes impacted by the project (18.
9 C.F.R. 5.7), nor have a dispute resolution process allowing agencies
10 to mandate conditions (18 C.F.R. 5.8 and 5.15).

11 **Previous** comment letters from these state and federal resource
12 agencies raise questions around the process engaged by the
13 Hydroelectric Project Owners, the data inputs used in modeling to
14 develop the Proposed Final Fish and Wildlife Program, and the
15 viability of the Portal Valve Alternative to achieve the stated goals of
16 the 1991 Agreement. These questions are unresolved.

17 Similarly, the process under the 1991 Agreement diverges
18 substantially from the type of alternatives analysis the Municipality
19 uses on its own capital projects. Often the Municipality's own large
20 capital projects, such as the Port of Alaska Modernization Program
21 ("PAMP") or projects co-funded through the Anchorage Metropolitan
22 Area Transportation Solutions ("AMATS") design alternatives, are
23 evaluated by experts and relevant stakeholders and the Assembly is
24 briefed and able to weigh in on the proposed alternatives, particularly
25 where Municipal resources are required to fund the projects. Based
26 on the information the Assembly has been provided to date, only one
27 alternative was seriously evaluated by the Hydroelectric Project
28 Owners and put forward for consideration even though a Municipal
29 contribution is expected through a property tax assessment.

30 B. **Potential Impacts to Anchorage Drinking Water.** Throughout this
31 process, there has been very little discussion about any implications
32 on AWWU and the Municipality's access to drinking water now and
33 into the foreseeable future (the next 35 years). The week of January
34 22, 2024, well after the Proposed Final Fish and Wildlife Program was
35 released and after years of discussion and presentation by the Eklutna
36 Hydroelectric Project owners, we learned that the Hydroelectric
37 Project Owners and AWWU, all public utilities regulated by the
38 Regulatory Commission of Alaska (RCA), had signed a binding
39 agreement in early October 2023, prior to submitting the Proposed
40 Final Fish and Wildlife Program for public comment. We learned this
41 agreement is based on the Portal Valve Alternative and no other
42 alternative; an alternative that may have significant impacts to the
43 project outcome as well as to regulated rates authorized by the RCA.
44 After the signed agreement was made public with transmittal of the
45 program to the Governor, it was clear that AWWU was prohibited from
46 raising any concerns publicly about the Portal Valve option pursuant
47 to the terms of the agreement. This was and continues to be a
48
49
50

1 significant hinderance on the Anchorage Assembly, and the public, to
2 provide complete comments on the Portal Valve Alternative as related
3 to AWWU operations, potential impacts to Municipal growth and
4 strategic investments for AWWU and the Municipality. Significant legal
5 questions also remain whether a binding agreement can be signed
6 relating to future Municipal utility assets, revenues, and expenditures
7 without Assembly approval.

8
9 Before learning of that agreement, the Anchorage Assembly hired an
10 expert to analyze the effectiveness of the Portal Valve option in
11 relation to AWWU's operation at Eklutna. That analysis by engineer
12 Don Spiegel, who designed the Eklutna AWWU system, concluded
13 that the Portal Valve "cannot provide adequate Eklutna River
14 restoration flows, nor can it provide year-round water without
15 interruption. Thus, it is the Author's opinion that the Portal Valve as
16 currently configured is fatally flawed and other Eklutna River
17 restoration alternatives should be studied further."

18
19 Furthermore, AWWU continues to brief the Assembly on new
20 developments concerning drinking water regulation through federal
21 and local entities. The impacts of the new drinking water regulations
22 are yet to be determined, but AWWU leadership has expressed
23 concerns about potential impacts to the Municipality from limitations
24 of retaining full ground well capacity. Until the new regulatory
25 landscape is better understood, particularly any reductions in access
26 to drinking water from sources other than Eklutna, any future
27 limitations on drinking water capacity at Eklutna should be held in
28 abeyance.

29
30 C. **Misrepresentation of data, Incomplete Analysis and Insufficient**
31 **Mitigation.** The Proposed Final Fish and Wildlife Program does not
32 meet the requirements of the 1991 Agreement regarding "the
33 protection, mitigation of damages to, and enhancement of fish and
34 wildlife affected by hydroelectric development of the Eklutna
35 Hydroelectric Project." There are a number of variables related to lake
36 level that can render the Portal Valve Alternative inoperable.
37 Additionally, regular and unexpected maintenance at the AWWU
38 water facility will also stop the flow of water into the Portal Valve.
39 Discontinuous water flows will result in fish kills in Eklutna River. The
40 state and federal signatories to the 1991 Agreement have raised
41 questions about the analysis and process used to develop the
42 Proposed Final Fish and Wildlife Program. The Hydroelectric Project
43 Owners failed to adequately and equitably consider all reasonable
44 alternatives, including the dam removal and siphon alternatives
45 proposed by the Native Village of Eklutna. The Hydroelectric Project
46 Owners failed to present the public with a full range of alternatives as
47 would typically occur in similar situations.

48
49 D. **Poor Coordination and Questionable Use of Public Funds.** The
50 Hydroelectric Project Owners and AWWU are regulated utilities and

1 need to demonstrate benefit to their rate payers. Additionally, the
2 Assembly, as the steward of taxpayer funds, must demonstrate benefit
3 to the residents of the Municipality through the expenditure of public
4 funds. Treating the Portal Valve Alternative as a singular stand-alone
5 project is short sighted and does not maximize various opportunities
6 to meet the goals and objectives of 1991 Agreement across various
7 entities nor does it meet the requirements of these entities to benefit
8 the public. The Portal Valve Alternative brought forward by the
9 Hydroelectric Project Owners is self-serving and fails to protect the
10 broader public interests of the Municipality of Anchorage. Given the
11 \$57 million price tag of the Portal Valve Alternative, its potential
12 impacts to AWWU operations, and the financial implications to
13 ratepayers and taxpayers for the next 35 years, we find this is a poor
14 use of public funds and lacked public coordination.
15

16 E. Concerns from the Public. The public testimony received in person
17 and via email to the Anchorage Assembly concerning the Proposed
18 Final Fish and Wildlife Program overwhelmingly raised concerns with
19 the proposal. Those concerns are summarized below.¹ The public,
20 including utility ratepayers and taxpayers, are stakeholders in this
21 process and to date have not had a meaningful opportunity to weigh
22 in.
23

24 1. **Commitment to full river restoration.** Several members of the
25 public provided testimony supporting full river restoration.
26

27 "Please help and restore the Eklutna River to its original habitat."
28

29 "The portal valve option for the Eklutna Dam is not acceptable. An
30 acceptable option must RESTORE, not replace, what was viable in
31 the past for the fish in the river. Theories of alternative water flow rates
32 are not acceptable. Any section of dry river is not acceptable. Not
33 allowing fish to pass into the lake is not acceptable."
34

35 "It fails because it leaves a mile of river completely dry and does not
36 provide adequate flows to restore fish and natural processes below
37 the dam. It also does not provide for any fish passage above the
38 dam[n] into Eklutna Lake and the upper tributaries." "I'm writing in
39 support of the Native Village of Eklutna's vision for restoring the full
40 length of the Eklutna River. 80% of Alaskans who commented want
41 the Eklutna River restored."
42

43 "The Proposed Final Program does not meet the intent of the 1991
44 purchase agreement. It leaves a mile of the river dry, with inadequate
45 flows down the remaining river. It also does not provide fish passage
46 to Eklutna Lake and its upstream tributaries. It falls far short of

¹ The full public record accessible through the Assembly's Public Portal via Assembly Information Memorandum (AIM) submitted for testimony received for the June 11, 2025 meeting and the Assembly's agenda page where video recordings of past meetings may be viewed.

1 mitigating the harm done by the dam to fish and wildlife. Significantly,
2 the Final Program goes against what 80% of Alaskans who
3 commented want for their river. During the comment period this winter,
4 4 out of 5 Alaskans asked the utilities to provide fish passage between
5 the river and the lake, which also requires flows throughout the entire
6 river. 53.7% of Alaskans who commented specifically want the dam
7 removed.”

8
9 “Championing Eklutna River restoration calls for visionary leadership.
10 Native Movement acknowledges the Assembly's commitment to
11 restoring the Eklutna River. Eklutna River restoration is a visionary
12 step that simply is the right thing to do. The Draft Fish and Wildlife
13 Program submitted to the Governor continues business as usual and
14 ignores the pleas of the Native Village of Eklutna and a majority of the
15 public. The Anchorage Assembly's vision for preserving the natural
16 ecosystem of the Eklutna watershed and Indigenous heritage is a
17 pivotal step toward righting the wrongs of the past.|Endorsing
18 responsible stewardship of the Eklutna watershed necessitates
19 rejecting the Draft Fish and Wildlife Program. ... The proposal does
20 not meet the requirements of the 1991 Agreement and fails to ensure
21 sufficient water flow for river restoration. Acknowledging the
22 inadequacies of the Draft Fish and Wildlife Program is paramount.
23 Under the utilities' Draft Fish and Wildlife Program, there will be no
24 connection to Eklutna Lake or upper tributaries leaving the most
25 significant portion of the river dry. Without provisions for fish passage,
26 the program will fail to restore the ecosystem as intended by the 1991
27 Agreement. The resolution's critique underscores the necessity of a
28 more comprehensive and ecologically sound solution.”

29
30 “The current plan submitted to the Governor does not go far enough
31 to return salmon to the Eklutna River and has ignored the Native
32 Village of Eklutna, who has asked for an alternative path forward that
33 connects the river to the lake and returns historic water flows to the
34 river so fish can spawn. |I ask the assembly to submit comments in
35 support of the Native Village of Eklutna and the return of the river to
36 its natural state.”

37
38 **2. Compliance with the 1991 Agreement.** Public comment received
39 specifically called out concerns that the Portal Valve option in the
40 Proposed Final Fish and Wildlife Program does not meet the intent
41 of the 1991 Agreement.

42
43 “We appreciate the Assembly's support of the removal of the Eklutna
44 Lake Dam because it is the only alternative to meet the purpose of the
45 Purchase Agreement. The Purchase Agreement requires that the
46 utilities work with key federal agencies to develop a Fish and Wildlife
47 Plan with the purpose of developing and implementing measures to
48 ““protect, mitigate damages to, and enhance fish and wildlife
49 (including related spawning grounds and habitat).”” The inadequacy
50 of the AWWU Portal Valve Alternative to achieve the intent of the

1 Purchase Agreement should make it a nonresponsive option for the
2 Fish and Wildlife Plan.”
3

4 “The [1991] Agreement was meant to provide a deregulatory
5 alternative that was better suited to Alaska than a ‘one size fits all’
6 FERC process. It’s fair to say the power companies took advantage of
7 this loose framework and applied a literal legal interpretation that
8 benefited only them. The power companies claim they were inclusive,
9 but their inclusivity (sic) was highly performative. Other than the initial
10 flushing flow, I am not aware of any case where they altered their
11 practice or plans based on input from anybody else, including NVE,
12 the public, the feds. The power companies claim they only have to
13 mitigate, for their impacts, not restore the Eklutna River. ‘Restoration’
14 is the highest and preferred form of mitigation, according to the EPA
15 and US Army Corps of Engineers. … I think it likely that the 40 cfs of
16 instream flow will be insufficient to attract salmon, at which point they
17 will say ‘We told you so.’ 40 cfs is a trickle compared to normal historic
18 flows of 1,000 cfs. We were promised increased operating efficiencies
19 when CEA acquired ML&P. Those promised efficiencies should have
20 been sufficient to offset any loss of power production from Eklutna. To
21 understand why the power companies have gone to the mat over
22 Eklutna, follow the money.”
23

24 “Their contractor was paid to support only one proposal that didn’t
25 affect their operations, one iota. The Proposed Final Program does
26 not meet the intent or requirements of the 1991 Agreement. It leaves
27 a mile of the river completely dry and does not provide adequate flows
28 to restore fish and natural processes below the dam. It also provides
29 no fish passage above the dam into Eklutna Lake and the resource-
30 rich upper tributaries. I was aghast at some of the tactics the
31 contractor used to manipulate input. At one point, they told the group
32 that the AWWU portal option was off the table, only to find out they
33 were secretly meeting on an agreement with the water utility to solidify
34 the portal option.”
35

36 **3. Concerns about the fish and wildlife analysis.** Several public
37 comments raised concerns about the disconnection between the
38 Hydroelectric Owners analysis and other state and federal
39 agencies written feedback.
40

41 “The owners propose flows that all resource agencies (AK Dept of Fish
42 and Game, U.S. Fish and Wildlife Service, and National Marine
43 Fisheries Service) found inadequate to support salmon.” “As a
44 fisheries biologist for the USFWS for 8 years, I studied sockeye
45 salmon in waterways on Joint Base Elmendorf Richardson, nearby
46 Eklutna River. Sockeye strays naturally colonized a man-made lake,
47 Sixmile Lake; genetics show these colonizers are related to sockeye
48 from the Big Lake area. The Owners and occasionally ADFG have
49 questioned if sockeye would come back if the Eklutna River was
50 reconnected to Eklutna Lake, using this perceived uncertainty as a

1 reason for selecting the AWWU portal alternative. There is strong
2 evidence from a proximate system that sockeye will naturally
3 repopulate, the timing of return and carrying capacity of the lake can
4 be debated but the notion that they will not come back is not
5 scientifically supported."

6
7 According to one of the coauthors of the research, the Owners
8 misrepresented and downplayed their findings by equating the
9 potential sockeye salmon run that may have spawned in the lake (up
10 to 15,000) with all the salmon historically present in the entire system,
11 including those harvested annually at the mouth of the river and in
12 Knik Arm by the Dena'ina, and by failing to mention documented
13 concerns from the 1992 divestiture summary report on the sale of the
14 Eklutna hydroelectric project that the "complete loss" of Eklutna Lake's
15 sockeye salmon run "undoubtedly occurred with construction of the
16 1929 dam."

17
18 **4. Cost.** "The [Hydroelectric Utility Owners] propose to tap into
19 Anchorage's drinking water supply pipeline and spend \$57 million
20 in taxpayer and ratepayer money to put a trickle of water into the
21 river that won't meaningfully restore anything. The Assembly has
22 said that it will not provide funding or authorizations for this
23 program and should make that clear to the owners and the
24 Governor."

25
26 **5. Respecting Recognized Government to Government**
27 **Relationships.** Several comments received stated concerns
28 about the lack of official role the Native Village of Eklutna had in
29 the process and acknowledging the cultural significance of the
30 Eklutna River.

31
32 "I remember hearing stories from Grandpa Leo about how big the
33 kings were. You'd have to carry them on your back. Another one kind
34 of made me laugh, was that the bears would be picky with their food,
35 as you could walk on the backs of the salmon in the Eklutna River.
36 There's a reason our people, the Dena'ina Athabascans, settled in
37 Eklutna and the surrounding areas. The land sustains life and with the
38 blessings of the Lord, our families are fed. ... The Eklutna dam was
39 not something the tribe of Eklutna wanted. We are the landowners.
40 How is that right? The outcome of the dam, resulted in the river turning
41 into a creek, the flourishing salmon turning into none, our people
42 without our food source and NOW, our people are in the fight of our
43 lives to get back what was stolen from us. ... As a Dena'ina
44 Athabascan woman, who HURTS from what was stolen from us as a
45 tribe, I SINCERELY, thank you for helping to fight for myself, for my 5
46 children, for my tribe of Native Village of Eklutna and the communities
47 of Alaska to make this wrong a right. Chin'an."

48
49 "This is truly a generational opportunity to restore once-abundant
50 salmon runs, which will benefit the Anchorage community and bring a

1 modicum of justice to the Native Village of Eklutna, which settled near
2 the Eklutna River and was never consulted or asked about the idea of
3 dewatering the river and decimating its salmon runs.”
4

5 “As we live on colonized lands, restoring the full length of the Eklutna
6 River is one of many steps towards healing from the legacy of settler
7 colonialism and building a world in which all of us have everything we
8 need.”
9

10 “This [the Proposed Final Fish and Wildlife Program] does not address
11 the ecological and cultural needs of the region and community; we
12 must put forth an option that fully restores the river so that fish can
13 once again thrive in the area.||I believe that fully restoring the Eklutna
14 River is best for our community. It will provide renewed cultural
15 connection for the Native Village of Eklutna and Indigenous Alaskans
16 who want to see their river full of fish again. It will allow for more
17 recreational opportunities for our growing communities who are still
18 seeking outdoor opportunities and more places to fish- something that
19 makes Alaska, and Southcentral in particular, so unique. I applaud the
20 Assembly's resolution to support the Native Village of Eklutna's
21 proposal, returning autonomy and ownership to people whose land
22 was stolen from them. They are the original stewards of this resource
23 and we owe it to them to let their vision lead what restoration looks like
24 at Eklutna.”
25

26 “Most importantly, restoration of the Eklutna River would be a long
27 overdue opportunity to address the injustice against the Native Village
28 of Eklutna, upon whose land the dam was constructed without their
29 consent or involvement. Thank you, assembly members, for your
30 support of Eklutna River restoration.”
31

32 “Advocating for Indigenous alternatives upholds Indigenous rights and
33 recognizes their environmental stewardship. The Native Village of
34 Eklutna and other commenters have proposed meaningful and
35 carefully-considered alternatives that represent a compromise
36 between the utilities' concerns and stronger alternatives proposed in
37 previous engagements. Their alternatives, such as the Eklutna River
38 Release Facility and dam removal, offer more effective means of
39 restoring the river while respecting Indigenous sovereignty and
40 environmental sustainability. But even those thoughtful alternatives
41 have been overlooked repeatedly. It is not hard to imagine based upon
42 the history of the Eklutna people that for many generations, their
43 ancestors embraced the river's abundance while a major city would
44 engulf them and their lands taken from them. It is clear the Eklutna
45 River once thrived with the presence of salmon, despite the hydro
46 project owners' denial of this profound legacy. The utilities may be
47 attempting to obscure the truth, but they cannot extinguish the
48 collective memory that has been noted in studies and in public
49 comments.”
50

1 "They would hold meetings with the Native Village of Eklutna to tell
2 people they had met with the tribe, but they never listened to a word
3 they said. It was horribly disrespectful and disingenuous."
4

5 **6. The NVE Alternative.** The Native Village of Eklutna's alternative
6 received public comment as well.
7

8 "The current mitigation plan for the Eklutna Hydroelectric Project that
9 was submitted to the Governor is insufficient. It does not truly address
10 and mitigate the harm the hydroelectric dam causes to fish and
11 wildlife. It would not allow for sufficient, year-round water flow to
12 restore fish passage above the dam, leaving a mile of the riverbed dry.
13 ||The Municipality has an amazing opportunity to restore all 5 species
14 of salmon through the Eklutna River and up to Eklutna Lake by
15 removing the hydroelectric dam AFTER other renewable energy
16 projects are constructed. This would create access to salmon that
17 would benefit the plants and animals along the river, as well as families
18 like my own in the Anchorage area who could have easier to access
19 to sustainable, nearby salmon runs."
20

21 "[T]he Native Village of Eklutna and its partners have provided
22 alternatives that meet the intent and requirements of the 1991
23 Agreement, which was to right the historical wrong of destroying the
24 Eklutna watershed and restore the Eklutna River from its headwaters
25 to Cook Inlet. These alternatives include an alternative Eklutna River
26 Release Facility using a siphon pump that would take water directly
27 from the lake and put it right into the river, avoiding any use of AWWU
28 infrastructure, and dam removal once replacement renewable energy
29 is secured, which we believe is feasible within the next decade."
30

31 "I appreciate the Assembly's commitment to a full river restoration.
32 However the proposed plan leaves a mile of river completely dry and
33 doesn't provide adequate flow to restore fish and natural processes.
34 There is also no fish passage to above the dam. There are alternatives
35 that do these things until the dam can be removed, that seem feasible.
36 I would like to support the Native Village of Eklutna's alternatives that
37 protect Anchorage's drinking water and restore the Eklutna river."
38

39 **For all the above reasons, the Municipality of Anchorage cannot**
40 **endorse and thus opposes the Proposed Final Fish and Wildlife**
41 **Program.**

42 **Section 2.** The Municipality of Anchorage does not intend to issue
43 authorizations or provide funds or any other form of support of the Proposed Final
44 Fish and Wildlife Program or any alternative that doesn't work toward the restoration
45 of the full length of the Eklutna River and comply with policy of the Municipality, as
46 recently enacted by AO 2023-131, As Amended, and codified at AMC 26.30.025A.,
47 as well as AR 2022-262, As Amended, and AR 2017-324(S).
48

Section 3. The Regulatory Commission of Alaska (RCA), under its statutory powers to initiate investigation into practices and facilities of a public utility, should review the Proposed Final Fish and Wildlife Program and examine any impacts on any of the regulated utilities, including but not limited Chugach Electric, Matanuska Electric, Anchorage Hydropower and AWWU, particularly about impacts to rate payers and their access to uninterrupted service, **before** any option for a Final Fish and Wildlife Program is approved by the Governor.

Section 4. The Anchorage Assembly requests the Hydroelectric Project Owners to seek a two-year extension of the 1991 Agreement from the signatories, of which the Municipality is one through the Anchorage Hydropower Utility, to perform additional analysis, consultation, and coordination with affected parties, including the Anchorage Assembly and the Native Village of Eklutna, and utilize a public process to ensure adequate opportunity for ratepayers, taxpayers and residents to weigh in. The issues at play are too significant to our community to rush to judgment or exclude key stakeholders. The residents of the Municipality deserve a measured and comprehensive approach guided by respectful coordination to reach a solution that enjoys broad consensus among the affected parties.

Section 5: The Municipality of Anchorage's intent and purpose is to authorize litigation to protect the Municipality's interests and established policy to the fullest extent allowed under law to ensure the concerns raised in this Resolution are addressed.

Section 6. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 25th day of June, 2024.

Barry Conner

Chair

ATTEST:

Jasmine Acres

Municipal Clerk