

**MUNICIPALITY OF ANCHORAGE**

**Assembly Memorandum**

**No. AM 557-2024 (A)**

**Meeting Date: July 19, 2024**



1 **From: MAYOR**

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3 **Subject:** Comments to the Governor from the Municipality of Anchorage, in  
4 response to stakeholder comments to the Eklutna Hydroelectric  
5 Project's Proposed Final Fish and Wildlife Program put forth on  
6 April 25, 2024.  
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8 Attached are the Mayor's **updated** comments for submittal to the Governor from the  
9 Municipality of Anchorage, the majority owner of the Eklutna Hydroelectric Project,  
10 in response to stakeholder comments to the Proposed Final Fish and Wildlife  
11 Program put forth on April 25, 2024. Pursuant to AMC 26.30.025B.2., as amended  
12 by AO 2024-28, these comments are put forth for approval by the Anchorage  
13 Assembly before the comment deadline on July 24, 2024.  
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15 **Updates have been made to pp. 2-3 of the mayor's July 15 letter to the**  
16 **governor. The updated version, dated July 19, clarifies the Municipality's**  
17 **request to the governor to establish a final program that requires the owners**  
18 **to use two years of the three-year implementation period to identify an**  
19 **alternative infrastructure and engineering solution to ensure continuous water**  
20 **flow to all 12 miles of the Eklutna River.**  
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22 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

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24 Prepared by: Katie Scovic, Chief of Staff  
25 Approved by: Lance Wilber, Acting Municipal Manager  
26 Concur: Mark Corsentino, Anchorage Hydropower Director  
27 Concur: Eva Gardner, Municipal Attorney  
28 Respectfully submitted: Suzanne LaFrance, Mayor



**Municipality of Anchorage**  
*Mayor Suzanne LaFrance*

July 19, 2024

The Honorable Mike Dunleavy  
Governor of Alaska  
Office of the Governor  
P.O. Box 110001  
Juneau, AK 99811

Governor Dunleavy:

I write to you on behalf of the Municipality of Anchorage (MOA), the majority owner of the Eklutna Hydroelectric Project. On April 25, 2024, Chugach Electric Association and Matanuska Electric Association, on behalf of the Eklutna Hydroelectric Project Owners, submitted to you a Proposed Final Fish and Wildlife Program.

Stakeholders subsequently provided comments on the proposed Program. This letter represents the MOA's formal response to the stakeholder comments received.

Under prior mayoral administrations, the MOA lost its right to vote on the Owners' Council and thus did not have the option to approve or disapprove the proposed Program; but my Administration is working to regain the MOA's vote, which reflects a majority ownership.<sup>1</sup>

The MOA has, by law, adopted an official position on Eklutna River restoration:

It is the policy of the Municipality of Anchorage and the Anchorage Hydropower utility to restore the continuous water flow of the Eklutna River and the fish populations of the River and Eklutna Lake, to the greatest extent possible, subject to all provisions of the 1991 Fish and Wildlife Agreement.<sup>2</sup>

It is also a priority of my Administration to protect our local water supply and ensure a reliable energy future for Anchorage residents.

In this, the MOA is aligned with the Native Village of Eklutna (NVE). In its comments, NVE notes that it, like the MOA, "seek[s] a fair balance of energy production, drinking water protection, river conservation, public recreation, and cultural restoration."

Of note, the majority of comments submitted by stakeholders express doubt about whether the optimal "balance" between these interests would actually be achieved by the alternative advanced

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<sup>1</sup> As part of the 2018 sale of Municipal Light & Power to Chugach Electric, Inc., the Regulatory Commission of Alaska (RCA) required the Municipality to temporarily surrender its vote on all matters regarding the implementation of the 1991 Fish and Wildlife Agreement until the Municipality hired a qualified manager for the Anchorage Hydropower utility. The Anchorage Assembly currently has a challenge to the legality of the RCA's order pending in Alaska Superior Court (Case No. 3AN-24-06001CI), and, additionally, the Municipality has placed Mark Corsentino in that role and filed with the RCA to regain its vote (Notice and Request for Acknowledgement of Anchorage Hydropower's Acquisition of Expertise Required to Participate as a Voting Member of the Eklutna Operating Committee, submitted to the RCA on July 18, 2024).

<sup>2</sup> Anchorage Municipal Code 26.30.025A.

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by the proposed Program.

The current Proposed Final Fish and Wildlife Program would not result in a “continuous water flow of the Eklutna River,” or restoration of “fish populations...to Eklutna Lake.”<sup>3</sup> The agencies that submitted stakeholder comments recognized that the proposed Program therefore “has limitations”<sup>4</sup> and “does not meet the goal of full ecosystem connectivity.”<sup>5</sup> They expressed preferences for an alternative that would “re-water[] the river with staged implementation of meaningful mitigation measures to support restoration and resilience of salmon runs in the Eklutna River watershed,”<sup>6</sup> and “[return] flows to the river that provide wetland connectivity, both instream and off-channel spawning and rearing habitats, and the return of salmon runs and marine derived nutrients into the entire river, lake, and its tributaries.”<sup>7</sup>

Alternatives that would preserve power production while also resulting in this majority-preferred “continuous water flow” were proposed. As a result of time pressures, at least one received only an “initial analysis.”<sup>8</sup>

My Administration believes that all practical alternatives to the proposed Program should be fully developed. Some of these alternatives have already been identified. The best alternative may not yet be discovered.

It is incumbent upon us to take the time to convene the necessary stakeholders and seriously consider practical alternatives to the proposed Program—including those, as yet generally undeveloped, that could lead to better outcomes.

The 1991 Agreement gives you the authority to establish the final program, which could incorporate and include further process. The 1991 Agreement also states: “The Governor shall attempt to reconcile any differences between the parties.”<sup>9</sup>

The Municipality respectfully requests that you consider its position and reconcile the Parties’ differences by establishing a final program that requires the owners to use two years of the three-year pre-implementation period to identify an alternative infrastructure and engineering solution to ensure continuous water flow to all 12 miles of the Eklutna River. This will enable the owners to define and develop a practical alternative that will:

- Ensure continuous water flow to all 12 miles of the Eklutna River,
- Protect drinking water supply for Anchorage residents, and
- Further contribute to a reliable, affordable energy future for Southcentral Alaska.

In addition, the “limited reopeners” in the proposed final Program are unnecessary, as under the existing 1991 Agreement, the Owners can and should remain open on an ongoing basis to additional river restoration solutions as technology and conditions evolve. We propose you

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<sup>3</sup> *Id.*

<sup>4</sup> Comments of the National Oceanic and Atmospheric Association at (June 21, 2024) 2.

<sup>5</sup> Comments of the United States Fish and Wildlife Service (June 24, 2024) at 1.

<sup>6</sup> Comments of the NOAA at 2.

<sup>7</sup> Comments of the FWS at 1.

<sup>8</sup> See Chugach Electric Association, Letter to the Anchorage Assembly (May 23, 2024) at 9.

<sup>9</sup> 1991 Fish and Wildlife Agreement, Section 5

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remove the limited reopeners from the final program to ensure clarity on this point.

Ultimately, the Proposed Final Program should reflect the will of Anchorage residents, who will bear significant financial, social, and environmental costs of the final restoration plan for the next several decades.

MOA welcomes the opportunity to collaborate with your administration and stakeholders to identify a productive path forward.

Respectfully,

A handwritten signature in black ink, appearing to read 'Suzanne LaFrance', with a stylized flourish at the end.

Mayor Suzanne LaFrance