



FROM THE DESK OF

# ASSEMBLY LEADERSHIP

April 11, 2024

**Re: Request to Regulatory Commission of Alaska to Reinstate Municipal Voting Rights Under the 1991 Fish and Wildlife Agreement**

Dear Messrs. Laughlin and Zellers,

Since 2017 the Anchorage Assembly through official action establishing public policy has consistently called for efforts to restore the Eklutna River and ensure continuous water flow in the Eklutna River to the greatest extent possible. The current proposed Fish and Wildlife Program, as created by the Eklutna Hydroelectric Project minority owners, Chugach Electric Association and Matanuska Electric Association, is inconsistent with official Municipal policy and has not yet followed the procedures for approval required by municipal law. See AO 2023-131, As Amended ("The Proposed Final Fish and Wildlife Program to protect, mitigate, and enhance fish and wildlife resources in the Eklutna River shall be submitted to the Assembly with a proposed resolution in support for action, prior to its submission to the Governor of Alaska.").

This letter provides notice that on Friday, April 12, 2024, on behalf of the Anchorage Assembly we intend to file a petition motion with the Regulatory Commission of Alaska ("RCA"), requesting reinstatement of the Municipality's voting rights on matters regarding implementation of the 1991 Fish and Wildlife Agreement. The Municipality is the Project's majority owner and may be bound and obligated to fund and implement the program as adopted by the governor pursuant to the Agreement. Thus, it is vital that Anchorage's elected legislature, which must approve funding and implementation plans, have a meaningful voice and a vote in the policy decisions that will control the Eklutna River's future for decades to come.

Because you have indicated that you intend to submit the proposed Fish and Wildlife Program to the governor by the end of this month, time is of the essence in resolving this legal matter. The Assembly Leadership requests that you consent to expedited consideration of this issue at the RCA. Please let us know no later than Friday, April 12 at 12 noon whether you will agree to non-oppose the Assembly's:



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1. *Petition to Intervene* in RCA No. U-18-102/U-19-020/U-19-021U,
2. *Motion to Reopen Docket and Modify Order No. 39* dated May 28, 2020, And
3. *Motion for Expedited Consideration* (requesting any oppositions be filed by Wednesday, April 17; replies by Thursday, April 18; and a decision by Friday, April 19).

You may direct any inquiries regarding this matter to the Assembly's contracted counsel for this matter, Andy Erickson and Leslie Need of Landye Bennett Blumstein LLP at [leslien@lbblawyers.com](mailto:leslien@lbblawyers.com) and to [andy@lbblawyers.com](mailto:andy@lbblawyers.com). Thank you for your consideration.

Sincerely,

Christopher Constant, Assembly Chair  
Meg Zaletel, Assembly Vice Chair

CC: Mayor  
Municipal Attorney  
Assembly Counsel's Office LBB