Eklutna River Restoration Update, July 2023

The Alaska Center

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Executive Summary:

The Anchorage Assembly has twice endorsed (2017 and 2022) the restoration of the Eklutna River to benefit the Native Village of Eklutna. Despite overwhelming public and political support expressed repeatedly over the past decade, the process underway to restore the Eklutna River is headed towards failure. The electric utilities' (MOA/CEA/MEA) preferred alternative will leave a segment of the Eklutna River dry and will prevent salmon from reaching their spawning grounds in Eklutna Lake. This alternative is not supported by the Native Village of Eklutna, Eklutna Inc, NOAA-Fisheries, US Fish and Wildlife Service, Trout Unlimited, The Alaska Center, and The Conservation Fund. Alternatives that connect the Eklutna River to Eklutna Lake and allow salmon to reach their spawning grounds have been rejected by the electric utilities.

History:
The Native Village of Eklutna represents the oldest continuously inhabited site in Southcentral Alaska. Along the Eklutna watershed, Dena'ina people have lived and harvested for over 1500 years. As with countless rivers waiting on restoration efforts, oral histories tell of the Eklutna River being so thick with salmon that one could walk across their backs. Still today, the river contains all five species of Pacific salmon. Field studies have found that the Eklutna River Chinook salmon are the largest in Upper Cook Inlet, and Army Corps geologic studies have confirmed the presence of sockeye as remembered by the Eklutna people.

As American settlers first reached the Anchorage bowl, Eklutna people were faced with a deadly Influenza epidemic, and what would come to be a decades-long battle over claims to the land they've inhabited for millennia. In the midst of this turmoil, a young Anchorage turned to the Eklutna River to provide power for the growing city. Without consulting the Native Village of Eklutna, early entrepreneur Frank Reed built a 60 foot high dam four miles from the mouth of the Eklutna River. All upstream migration of salmon stopped beyond this point, blocking eight river miles of high quality habitat, and effectively ending the sockeye fishery that depends on lake habitat to spawn. In 1955 the U.S. Bureau of Reclamation built a second hydroelectric project on the Eklutna River, entirely diverting the river and leaving a dry riverbed.

It took another twenty years before the Alaska Native Claims and Settlement Act was passed in 1975, and the Eklutna People were formally recognized as Eklutna Incorporated, and regained ownership of the lower river and the lower dam accordingly. The Native Village of Eklutna was federally recognized as a tribe not long after, with the passage of the Indian Tribal Governmental Tax Status Act of 1982.

Another fifteen years on, the late Representative Don Young worked to see the Eklutna project turned from federal hands to local ones. The hydroelectric project was valued at $66 million, but through an act of congress colloquially referred to as the 1991 Agreement, congress sold the project for $6 million. The purchasers included the Municipality of Anchorage at 53.3% ownership, and Municipal Light and Power, Chugach Electric Association, and Matanuska Electric Association each owning 15.7% respectively. Following CEA's acquisition of ML&P, their share grew to 64%.

Background:

The first major step in restoring the Eklutna River was taken in 2018. Through a broad public and private effort, Eklutna Inc. and Native Village of Eklutna formed a coalition to fundraise $7 million dollars to successfully remove the Lower Eklutna River dam in 2018. This success established a close working relationship between Eklutna Inc., NVE, The Conservation Fund, Trout Unlimited, and the Alaska Center, who have since collaborated as the Eklutna River Restoration Coalition to ensure a successful river restoration is completed.

The removal of the Lower Dam still left a dry riverbed, since all the water is diverted by the federally-built Eklutna hydro project. Traditionally, federally managed hydroelectric projects are subject to a 30-year relicensing process under the Federal Energy Regulatory Commission (FERC). The 1991 Fish and Wildlife Agreement accompanying the transfer of the Eklutna hydro project to the local utilities sidestepped FERC and failed to include either the Native Village of

Eklutna or Eklutna Inc. Nonetheless, the 1991 Agreement mandates that the utilities must mitigate their impacts to sockeye salmon and their spawning grounds.

Despite the glaring absence of either NVE or Eklutna Inc. as parties to the 1991 Agreement, the owners did involve the Native Village of Eklutna on the required river study program. The study process was completed in fall of 2022, the electric utilities and their consultants have been developing their preferred alternative for public review and comment in October 2023. Following incorporation of public input, the program will be submitted to the Governor's office, with additional opportunity for stakeholder input, before a final decision will be made by Governor Dunleavy in October of 2024.

The study process and alternatives analysis has not been fraught with contention between the electric utilities and their consultants, signatories to the 1991 Agreement, the Native Village of Eklutna and member groups in the Eklutna Coalition. Trout Unlimited's Eklutna Project Manager, Eric Booton, expressed as much to the owners' recently; "The instream flow and habitat models fail to accurately account for potential habitat gains or losses from the various alternatives. For example, the models show that 99% of available coho spawning habitat is achieved with less than 10% of historic stream flow. This result defies logic and, as comments from USFWS detail, cannot be relied upon to predict potential habitat gains."

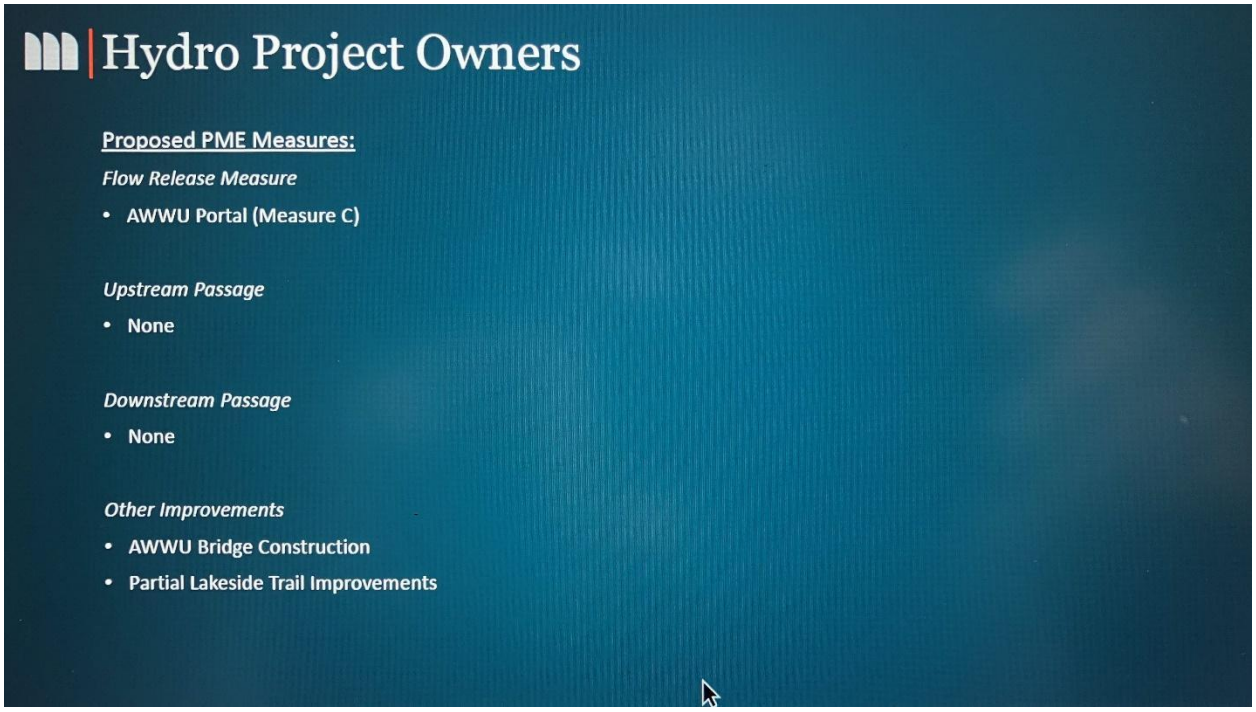
1. He goes on to say "While we have had many positive interactions with the utilities and their consultants during the mitigation process, several recent actions by the utilities have caused alarm. First, the utilities and their consultants refused to complete a robust instream flow study in the second year of study plans as was requested by the NVE, USFWS, NOAA, and Trout Unlimited—which ultimately resulted in the USFWS and NOAA refusing to consent to the study plans.
2. Second, the utilities have stood in the way of efforts by NVE and others to secure funding that might help supplement mitigation efforts undertaken by the utilities.
3. Third, and most recently, every alternative proposed by the utilities through the Technical Working Group failed to provide water along at least some portion of the Eklutna River and failed to provide salmon access to Eklutna Lake or its upstream habitat—meaning the utilities failed to propose even one alternative capable of returning sockeye salmon. Moving forward, the utilities should recommit themselves to meaningful mitigation by only considering alternatives that provide water the entire length of the Eklutna River and provide volitional fish passage into and out of Eklutna Lake."

We are further concerned that the will of the Anchorage Assembly is being thwarted in the 1991 Agreement process. The MOA representative has sided with the electric utilities on a preferred alternative that will leave a segment of the Eklutna River dry and prevent salmon from reaching their spawning grounds in Eklutna Lake. This contravenes the 2022 directive from the MOA Assembly "to provide fish passage the length of the Eklutna River and into Eklutna Lake."

We encourage the Anchorage Assembly to be more directly involved in the 1991 Agreement Process to secure a successful outcome for river restoration. As the policy-making body for the

municipality, the Assembly holds a position of potential power in determining the future of the river. A fully restored river could result in a thriving sockeye fishery in the municipality, the vulnerable and heavily impacted Cook Inlet King Salmon would have another home to return to, and would be a major stride in healing for the Native Village of Eklutna.

The current alternative proposed by the Eklutna hydropower owners, which includes the MOA, does not provide for upstream or downstream fish passage.



Key terms and issues:

Mandatory consultation/concurrence - None of the below measures would be in question if the Native Village of Eklutna had real decision making power in this project. When it has come to key issues of difference, NVE's perspectives have not been enough to change the outcome. We hope that the Anchorage Assembly can continue their legacy of allyship with Native Village of Eklutna by requiring NVE's full agreement to a Fish and Wildlife program before it can be submitted to the Governor's office in April of 2024. An equivalent request has been made to the utilities involved in the project, and has been requested by U.S. Representative Mary Peltola as well.

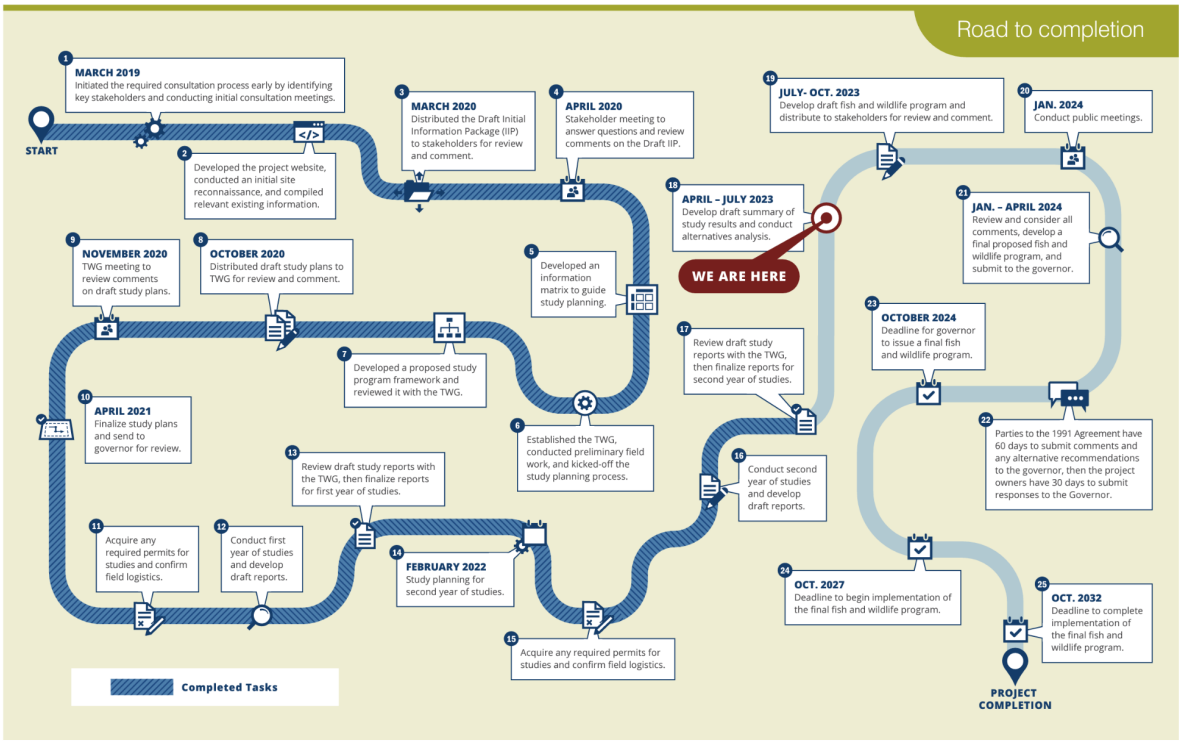
Lake connectivity - Sockeye salmon, or red salmon, depend on lake habitat to spawn. The first and most crucial step in creating opportunity for sockeye to return to Eklutna is to ensure that the river restoration results in the Eklutna Lake being continuously connected to the Eklutna River, following its' historic path to Cook Inlet.

Volitional fish passage - One crucial characteristic of successful restoration is volitional fish passage - meaning that the fish make it past the dam under their own power. This is accomplished most often using a salmon ladder - a stepped row of channels, which fish can jump between to access the habitat beyond the dam. When we connect Eklutna Lake back to the river, it will be critical to ensure that the salmon can travel between the two under their own power

Natural hydrograph - With the lake reconnected to the river, and fish free to pass between them, there's one last piece to the puzzle - we need to return water to the Eklutna River. Summer tends to raise the level of our rivers by several feet. With this huge swell in habitat, salmon are able to make their way upstream, and access all the nooks and crannies of the river to spawn in. It's for this same reason that it will be critically important to release water from the upper Eklutna dam in a way that reflects this natural push and pull on a seasonal basis, so that spawning adults can access the pools and ponds that are the right home for young salmon to rear in. Then, as the spring melt floods the river, these juveniles can follow the flow out to the inlet and mature to become the full size salmon we all know and love.

Implementation of a phased funding approach - Thus far, CEA and MEA have made it clear that they will be deciding the outcome by the cost brought back to their ratepayers. Accordingly, they have been quite skeptical about the restoration measures that include a potentially larger price tag; however, there is a greater pool of federal funding to support river restoration projects now than there ever has been before. Rep. Peltola has agreed to assist in expediting any federal grant applications, and the agencies involved in the project have already begun work to support these kind of grants as well. In order to make full use of this opportunity, the utilities need to be willing to agree to a more expensive solution. We believe that the best way to achieve this without leaving ratepayers on the hook is to implement a phased funding approach - a fish and wildlife program that would, for example, pursue a more aggressive restoration should sufficient funding be secured by december of 2025. If funding were not secured, then the program could revert to a more moderate restoration that the ratepayers could absorb.

Timeline:



Links to more information:

https://www.eklutnariver.org/

https://eklutnahydro.com/

https://youtu.be/dvGtiM-r7V8