



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

November 4, 2003

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 1<sup>st</sup> Street NE  
Washington, D.C. 20426

Subject: National Marine Fisheries Service scoping comments for the Chignik Hydroelectric Project (FERC Project # 620-000)

Dear Secretary Salas:

Norquest Seafoods has filed an Application for License and a Draft Environmental Assessment (DEA) for relicensing the Chignik Hydropower Project on the Indian Creek in Chignik, Alaska (Project No. 620-000). Scoping meetings for this project were held on October 6, 2003 and October 8, 2003. Prior to the scoping meetings, the National Marine Fisheries Service (NMFS) filed comments on the draft Application for License and a Preliminary Draft Environmental Assessment (PDEA). NMFS files these additional comments based on information discussed at the scoping meeting and changes between the PDEA and the DEA.

Water for the project comes from a 20-acre reservoir created by a timber dam across Indian Creek. A 7,700 ft. pipeline carries water from the reservoir to a 60kW generating unit located in the Norquest Plant. In addition to power generation, some of the water is used in the processing plant and some is used for the municipal water supply.

Section 10(j) of the Federal Power Act (16 U.S.C. 803(j)) authorizes the National Marine Fisheries Service (NMFS) to recommend license conditions necessary to protect, mitigate damage to, and enhance fish and wildlife (including spawning habitat) affected by the development, operation and management of a project. NMFS' interest in the protection of marine, estuarine, and anadromous fishery resources also derives from the Anadromous Fish Conservation Act 16 U.S.C. 757(a), the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, and the Pacific Salmon Treaty Act of 1985, 16 U.S.C. 3631-3644.

### **NMFS COMMENTS ON THE SCOPING MEETING**

Comments by Chignik residents at the scoping meeting revealed that an estimated 2,500 pink salmon were observed in Indian Creek in 2003. This information contradicts Norquest's contention that few, if any, pink salmon were produced in Indian Creek. Most visual observations tend to underestimate actual salmon spawning numbers. It is possible that the number of pink salmon in Indian Creek in 2003 was much higher than estimated.



Additional comments by Chignik residents implied that coho salmon were also present in Indian Creek in 2003. This is new information and, if true, further contradicts Norquest's contention that little salmon production occurs in Indian Creek.

### **NMFS COMMENTS ON THE DEA**

Most of NMFS' previous comments were considered by Norquest and are reflected by changes in the DEA. The DEA contains proposed environmental measures were not included in the PDEA. NMFS supports the environmental measures proposed by the applicant, and may request additional measures once more information from ongoing studies are completed.

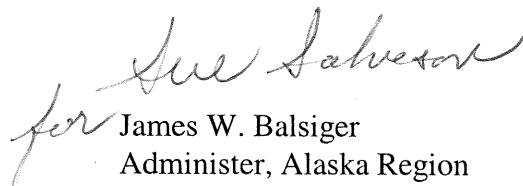
Page 37 of the DEA clearly states "Without further quantification of stream flows it is not possible to assess the project's impacts to the salmon population during significant low water events during the winter and spring. It is likely that, with the exception poorly executed maintenance activities, that the project has little impact during the summer and fall." Based on this statement, NMFS finds it difficult to support the Finding of No Significant Impact (FONSI) at the end of the DEA. Without knowing the impact of the project on salmon production in Indian Creek, it is premature to issue a FONSI.

### **RECOMMENDATIONS**

NMFS requests that the Federal Energy Regulatory Commission (FERC) work with the applicant, agencies and other interested parties to develop well defined operational protocols for this project that adequately protect the salmon populations in Indian Creek and allow for continued project operation. Unfortunately, this will be difficult until additional data from ongoing studies is collected and analyzed. NMFS recommends that FERC refrain from issuing a FONSI for the Chignik Hydroelectric Project until studies are complete. Issuance of a FONSI for the Chignik Hydroelectric Project may be possible once studies are complete and operational protocols are better refined.

NMFS looks forward to working with Norquest Seafoods, FERC and other interested parties as the licensing process moves forward. If you have any questions, please contact Larry Peltz at (907)271-1332.

Sincerely,

  
for James W. Balsiger  
Administer, Alaska Region

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