



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

November 7, 2008

Cordova Electrical Cooperative, Inc.
P.O. Box 20
705 2nd St.
Cordova, AK 99574 – 0020

RE: Humpback Creek project, FERC number 8889
Draft Application for Non--- Capacity Amendment

Dear Clay Koplin:

The National Marine Fisheries Service has reviewed the Draft Application for Non-Capacity Amendment to the Federal Energy Regulatory Commission (FERC) license for the Humpback Creek Project. The purpose and need for the license amendment is to complete project rehabilitation and return to service the upper project features that were damaged in a severe flood event in October 2006 including:

1. new, relocated intake/diversion structure including intake trash rack and intake spillway gate
2. new conveyance tunnel and penstock to replace existing conveyance wood flume and upper penstock
3. connection of new penstock to existing lower in stock
4. appurtenant features

The Draft Environmental Assessment thoroughly describes the importance of Humpback Creek to anadromous salmonids including pink salmon, Dolly Varden char, and chum salmon. All construction proposed in the rehabilitation of this damaged project will occur above the anadromous reach of Humpback Creek. Any adverse effects to salmon which spawn in Humpback Creek's lower reaches would occur only during the construction phases, which would require construction of a coffer dam to divert streamflow away from the construction. All flows would reenter Humpback Creek downstream of the powerhouse through the tailrace. During the six-month construction phase of the new intake/diversion and upper conveyance structures the applicant proposes using BMPs for sediment and erosion control to protect upstream water quality so that the downstream salmon fishery remains unaffected.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make EFH Conservation Recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The information contained in the draft EA is sufficient for NMFS to complete our EFH consultation. NMFS agrees that the sediment and



erosion control BMPs during construction are protective of EFH, and we offer no additional conservation recommendations for this project at this time.

NMFS will consult with FERC during the re-licensing process per our responsibilities under both the Magnuson-Stevens Fishery Conservation and Management Act and the Federal Power Act; we will closely coordinate our review with the applicant and the other reviewing state and federal agencies but do not anticipate developing any additional conservation recommendations.

Please contact Susan Walker (Susan.Walker@noaa.gov) or 586-7646 with any questions regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Mecum". The signature is fluid and cursive, written over a white background.

Robert D. Mecum
Acting Administrator, Alaska Region

Cc: Leslie Smythe
Megan Marie@alaska.gov