UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

September 27, 2004

Burke Wick
Project Engineer
Chugach Electric Association, Inc.
5601 Minnesota Drive
P.O. Box 196300
Anchorage, AK 99519-6300

Dear Mr. Wick,

The National Marine Fisheries Service (NMFS) has reviewed the Draft License Application (DLA) prepared by Chugach Electric Association (CEA) for relicensing of the Cooper Lake Project (FERC No. 2170). Section 10(j) of the Federal Power Act (16 U.S.C. 803(j)) authorizes 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 RESOURCE GOALS AND OBJECTIVES

NMFS stated the following resource goals and objectives in comments on the Initial Consultation Package submitted by Chugach Electric Association for this project:

Resource Goals

1. Protect, conserve, enhance and recover native anadromous salmonids and their habitats by providing access to historic habitats and by restoring fully functioning habitat conditions.

2. Identify and implement measures to protect, mitigate or minimize direct, indirect, and cumulative impacts to native anadromous salmonid resources, including related spawning, rearing, and migration habitats and adjoining riparian habitats.

Resource Objectives

1. ***Flows*** - Obtain guaranteed minimum water flow from Cooper Lake into Cooper Creek to benefit native anadromous salmonids and their habitats. A range or schedule of flows should: a) optimize suitable habitat; b) stabilize flows during spawning and incubation of ingravel forms;

c) provide flows necessary to facilitate the efficient migration of spawning adults, safe and timely emigration of smolts, and movement of rearing juveniles between feeding and sheltering areas; d) provide flows necessary to ensure redd placement in viable areas; and e) provide flows necessary for channel forming processes, riparian habitat protection and maintenance of forage communities.

2. ***Water Quality*** **-** Modify project structures or operations as necessary to mitigate direct, indirect, or cumulative water temperature and quality impacts associated with project structures and operations, or to enhance water temperature and quality conditions in salmonid habitat.

3. ***Fish Passage*** **-** Provide access to historic spawning, rearing and migration habitats necessary for salmonids to complete their life cycles and utilize seasonal habitats. Options may include modifications to project facilities and operations necessary to ensure the safe, timely and efficient passage of upstream migrating adults, downstream passage of emigrating juveniles, and passage necessary for juveniles to disperse and access habitat necessary for seasonal movement to feeding and sheltering habitats.

NMFS COMMENTS

The project overview fisheries sections of the DLA are well written and informative. The DLA does a good job of describing project impacts to fish habitat in Cooper Creek. Reduced water flows and stream temperatures in Cooper Creek have created an environment that is not favorable for salmon production. NMFS is pleased that CEA has put forth potential Protection, Mitigation and Enhancement Measures (PME) for fish resources that address water flows and stream temperatures. NMFS recognizes that more work is needed on these measures before detailed discussions on the PME can begin. As stated in the DLA, "The ultimate goal is a solid, well-supported PME package for the new license term that provides for both continued operation of this important regional source of electricity as well as protection of the environmental resources associated with the Project." NMFS supports this goal. In pursuit of this goal, CEA will "use the results of its alternatives analysis, in conjunction with the results of the 2004 study efforts and consultation with relicensing participants on this draft application, to develop the relicensing proposal that ultimately will be included in the final license application." NMFS will continue to participate in this process and work toward acceptable relicensing terms that address our stated goals and objectives.

Sincerely,

For James W. Balsiger
Administrator, Alaska Region