



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

December 13, 2006

Magalie R. Salas, Secretary
Office of the Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Subject: Cooper Lake Hydroelectric Project (FERC No. 2170-029),
Comments on Environmental Assessment

Dear Secretary Salas:

The National Marine Fisheries Service (NMFS) has reviewed the Environmental Assessment (EA) for the Cooper Lake Hydroelectric Project (FERC No. 2170). Similar to those previously provided by the U.S. Fish and Wildlife Service, we recommend the following comments and recommendations to clarify the document and corresponding license articles:

General comment on the FERC Staff Alternative:

We commend FERC for adopting the license articles proposed by the Settlement Working Group. We also support including the six items developed by the Commission (summarized on pages 144-145) in the license.

Page ix, last paragraph (Staff Alternative, item (2)): The EA states, “file ... within one year of releasing flows, a gaging plan that describes how Chugach Electric will ensure that the instream flows are met;” We recommend replacing the phrase “within one year of” with “at least one year prior to.” The proposed wording states unambiguously that the plan should be filed at least a year before the flow releases occur. This phrase “within one year of” also occurs on pages 13 and 144. We recommend the same change in wording at these locations in the EA.

Page 6, Last paragraph (“3. Project Boundary”): In explaining the proposed land additions to the project area boundary by the Licensee, the EA states “...the existing Forest Service access road from the Forest Service Cooper Creek campground to the Cooper Lake dam...” This explanation is incorrect and should be corrected. The errors are: 1) the Cooper Lake dam access road does not start from the Cooper Creek campground, but rather from the Sterling Highway, starting to the east of the Cooper Creek campground; and 2) while most of the access road is on lands administered by the Forest Service, the first approximately one mile of the road is on Kenai Borough Lands.

Page 13, Item (2) under B. Staff’s Alternative: See discussion of **Page ix**, above.

Page 17, Last sentence on page: Correct typo: “...would also require the license to pay...” Change “license” to “licensee”.



Page 17, Last sentence on page: Correct typo: "...would also require the license to pay..."
Change "license" to "licensee."

Page 20, Last paragraph ("8. Essential Fish Habitat"): The EA states that FERC concludes that the Proposed Action would not adversely affect EFH. NMFS concurs with this determination, provided the operational and enhancement measures outlined in the EA are included in the license.

Page 23, Footnote 9: Correct typo: Skilak Lake

Page 36, Second paragraph under Cooper Creek: Correct typo: "...through the early 1900s,"

Page 48, Third paragraph, second sentence: The EA states, "During the first five years of any new license, Chugach would report quarterly to the Interagency Committee and the Commission on the amount of water released." The EA should state "Once flows are initiated through the Stetson Creek Diversion and/or from the Cooper Lake Dam outlet, and throughout the term of the license ..." instead of "During the first five years of any new license." The initiation of flows through the Stetson Creek diversion and through Cooper Lake dam are unlikely to begin until the fifth year of the new license, based on Chugach Electric's proposed construction schedule.

Page 49, Third, fourth and fifth paragraphs: The EA points out that the USGS flow records for Stetson Creek were collected at a location 0.3 miles upstream from the mouth of Stetson Creek, and that these records were used as the basis for flow predictions from the basin for the Settlement Agreement discussions. However, the withdrawal of water from the creek at the proposed diversion would occur 1.3 miles upstream and hence would yield less water than was predicted based on the USGS flow records. In its analysis, FERC suggests that a 19% reduction in flow amounts from the USGS gage location to the proposed diversion site would result from this difference in basin area.

We agree with FERC in that there will be flow reductions between the USGS gaging site and the proposed diversion sites. However, we question FERC's estimate of a 19% reduction in flow. FERC does not provide an explanation of the modeling and/or calculations used to come up with their figure. We believe that FERC may have incorrectly derived the flow reduction, and that the actual flow reduction between sites may be significantly less than the 19% figure reported in the EA. Therefore, the FERC-computed average annual flow volume for Stetson Creek at the proposed diversion of 14,690 acre-feet is likely too low.

Page 50, Third paragraph, last sentence: The EA states, "The statistical analysis for the months of July through September indicated that approximately one to two cfs would be expected to accumulate in Stetson Creek below the proposed diversion during the high flow months of the year." The meaning of this statement is unclear, and is probably incorrect.

Page 55, First paragraph, last sentence under Cooper Lake: See discussion of Page 49 above.

Page 57, Third paragraph, last sentence (under Cooper Creek Instream Flow): Instead of saying “...the amount of water released during the first five years of providing instream flows” the EA should state “...the amount of water released once flow diversions from Stetson Creek and through Cooper Lake dam have been initiated.”

Page 71, Last paragraph, third sentence: Correct typo: rainbow trout

Page 76, First paragraph under Annual Interagency Committee Streamflow Recommendations: The paragraph is inaccurate in stating that the “primary” goal is to improve temperatures for spawning and the “secondary” goal is to improve temperatures for incubation. The goal of the settlement agreement with regard to fish habitat in Cooper Creek is to improve habitat conditions by raising water temperatures, and to provide for flushing flows. The paragraph should be reworded to accurately reflect these goals.

Page 90, Second paragraph: The EA is unclear in stating that: “Relicensing the project under the Staff Alternative would not involve major new construction...” The sentence should either be deleted, “Staff” should be changed to “No Action,” or the three occurrences of the word “not” in the sentence should be removed.

Page 103, First paragraph, first sentence: The EA states, “Following construction of the Cooper Lake access road and the Stetson Creek diversion” The Cooper Lake access road presently exists. We think that what was intended was: “Following construction of the Stetson Creek diversion and its associated access road...” or words to that effect.

Page 135, Third paragraph, under Our Analysis: The EA states, “These facilities would not be constructed under the Staff Alternative, and the Stetson Creek basin would be unaltered.” This sentence is not consistent with FERC’s stated Staff Alternative elsewhere in the document. The sentence should either be deleted, or “Staff” be changed to “No Action.”

Page 138, Table 24: Correct typo: Change \$5,006,655 to \$5,006,655.

Page 144, First sentence under item (2) of the staff recommended measures: See discussion of Page ix, above.

Please contact Sue Walker (Susan.Walker@noaa.gov, 907-586-7646) or Jeanne Hanson (Jeanne.Hanson@noaa.gov, 907-271-3029) with any questions regarding this project.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

cc:

J. Ferguson, ADFG- Anchorage *
P. Brna, USFWS-Anchorage *
D. Blanchet, USFS-Anchorage *
C. Thomas, NPS-Anchorage *
G. Williams, Kenai Peninsula Borough *
B. Trefon, Kenaitze Indian Tribe *
J. Konigsberg, NHI-Anchorage *
R. Roos-Collins, NHI/American Rivers *
B. Stockwell, Fish for Cooper Creek *
B. Hauser, Alaska Flyfishers Assoc. *
R. Ruffner, Kenai Watershed Forum *
B. Shavelson, Cook Inlet Keeper *
R. Geese, Kenai River Sportfishing *
B. J. Skibo, Alaska Center for the Environment *
B. Wicke, Chugach Electric Association *
K. Demsey, Long View Associates, Inc. *
S. Padula, Long View Associates, Inc. *
J. Morsell, Northern Ecological Services *
* e-mail