Attachment A

Public Comments

LAS 28479 - Nuvista

Comment 1

From Pudge Kleinkauf **Date** Sunday, April 15, 2012 8:17:13 PM
To Griffin, David W (DNR)
Cc
Subject opposition to the dame in Wood Tikchik State Park

4/15/12 Dear David Griffin: No, no, no, no dam in Wood Tikchik State Park. The devastation to the environment that a dam would bring is absolutely unacceptable in the largest state park in the U.S. I urge you to oppose this effort. Cecilia Kleinkauf

Cecilia "Pudge" Kleinkauf,Owner
Women's Flyfishing®
P.O. Box 243963
Anchorage, AK 99524
phone/fax (907) 274-7113
www.womensflyfishing.net
pudge@womensflyfishing.net

Author: ***-Fly Fishing*** *for Alaska's Arctic* ***Grayling: Sailfish of*** *the North*
Frank Amato Publications, **2009**

Benjamin Franklin Award-winning Books

-River Girls: *Fly Fishing for* ***Young Women***
Johnson Books, 2006
and
-Fly Fishing *Women Explore Alaska*
Epicenter Press, 2003

Comment 2

From dave@biggamebigcountry.com **Date** Thursday, April 19, 2012 6:29:35 AM

To Griffin, David W (DNR)

Cc

Subject Wood-Tikchik State Park

Dear Mr. Griffin,

As a long time commercial permit holder in the WTSP I have had the privilege of visiting many areas within the park boundaries. Among my very favorites are the outlet at Chikuminik Lake and the strip along the Allen River and I am vehemently opposed to any and all development within these areas that alters this in any way. Furthermore, after reading this application twice I see no mention of the end result if this permit is approved and what the final project is intended to look like. Thank you in advance for considering my input.

Sincerely, Dave Marsh

Comment 3

ANGSTMAN LAW OFFICE

P.O. Box 585, Bethel, AK 99559

Myron Angstman
www.myronangstman.com

Tel. (907) 543-2972
Fax (907) 543-3394
angstmanadmin@alaska.com

April 27, 2012

David Griffin
Project Coordinator
Division of Parks and Outdoor Recreation
Department of Natural Resources
550 West 7th Ave., Suite 1380
Anchorage, AK 99501

RE: Special Park Use Permit Application – Chikuminuk Lake 2012

Dear David:

I write concerning the permit requests you have received for the dam study at Chikuminuk. I oppose the issuance of the permits for painfully obvious reasons. The park exists for reasons totally at odds with the permits requested. For years the park has enforced strict rules against the very activity it is now asked to approve. The ability of the park to enforce such rules in the future is at stake. How can you expect to have credibility with park users if you allow this abuse to happen?

I think you should have a public hearing on this matter. The activity suggested will be such a disturbance that it should not be allowed without public input. It is obviously on some sort of fast track. I suggested a more contemplative decision making process.

Best regards,

Myron Angstman
Attorney at Law

Comment 4

Griffin, **David W** (DNR)

From: **Andy Angstman** [kusko_andy@hotmail.com]
Sent: Monday, **April 30, 2012** 12:39 PM
To: **Griffin,** David **W** (DNR)
Subject: **Chikuminuk Hydro** Project

David,

I have many thoughts on this project in general, but I will keep my two comments here limited to the proposed special permit for work to be done this year.

First of all, the State of Alaska needs to publicly express why it might be okay for a private business to drive a motorized raft around Chikuminuk Lake, but it is not okay for me to do so. In other words, if the State once deemed the lake as holding so much wilderness value that motors were banned (which I generally agree with), do they now think that it lacks those values? What other justification can there be?

Second, the proposed in-stream studies (as shown on the map) do not include areas downstream of the Allen River. Considering that the overwhelming amount of water in Lake Chauekuktuli enters from the Allen River, and that the entire Chauekuktuli/Nuyakuk/Tikchik Lake complex is an extraordinarily fertile watershed, I am stunned that the planners of this survey did not deem it necessary to investigate possible effects on fish habitat and populations in those areas. The level of Lake Chauekuktuli will rise and fall dramatically as the dam holds back or releases water in order to keep their reservoir where they want it. Much of the salmon spawning in Chauekuktuli takes place in shoal areas along the north shore. Is this going to be studied? How about areas further downstream?

Regards,
Andrew Angstman

May 8, 2012

David Griffin
Alaska Department of Natural Resources
Division of Parks and Outdoor Recreation
550 West 7th Avenue, Suite 1380
Anchorage, AK 99501

RE: Alaska State Parks Special Park Use Permit Application
Chikuminuk Lake Hydroelectric Project – 2012 Field Studies
Wood-Tikchik State Park, Alaska

There is one region in particular that, if not settled by home seekers, should be reserved from injury, and that is the Wood River lake country. Surely the region around the Wood River lakes is the Switzerland of Alaska, and the beautiful banks should not be robbed of the timber that has been growing so long and that can be secured in regions less noted for beautiful scenery. If the Government makes any park reserves for Alaska surely the Wood River and its lakes should be set apart as such. To these lakes go all the red salmon of the Nushagak to spawn, and not to other lakes, and as a natural spawning ground and hatchery these lakes should be reserved. In the mountain region of these lakes is to be found the moss most suitable to the reindeer, and in time will likely be the home of many deer.

Dr. Joseph H. Romig, Report to the Governor of Alaska, 1905

Dear Mr. Griffin:

I begin my comments with this quote from Dr. Joseph Romig, one of Alaska's esteemed pioneers. In one of the earliest references to the region we now know as the Wood-Tikchiks, Dr.Romig recommends the area "should be reserved from injury." Dr. Romig's recommendation languished for seventy-three years until 1978 when Governor Jay Hammond signed the legislation creating the Wood-Tikchik State Park.

Fortunately, little in the Wood-Tikchiks has changed since Dr. Romig's time. All of the reasons he cites for protecting the area then are as true today. Certainly, the remoteness of the region helped its preservation. However, the timely creation of the Park and the vigilant efforts of the state over the past 34 years to protect its integrity have, in my opinion, been the primary reason the citizens of the Alaska enjoy the benefits of this region today.

I am the Executive Director of the Nushagak-Mulchatna / Wood-Tikchik Land Trust (Land Trust). On behalf of the Land Trust I must ask that the request of Nuvista Light and Electric Cooperative for a special use permit be denied, or rejected pending further clarification as discussed below.

The studies proposed by Nuvista require activities that cannot legally be permitted in areas designated as "Wilderness." in the Wood-Tikchik State Park Management Plan (Management Plan at p. 8-5). Chikuminuk Lake is designated Wilderness (Management Plan pp. 9-8 to 9-10). Some of the activities proposed in the application that would violate the Wilderness designation include the use of helicopters, motorized boats, explosives, and generators. These activities cannot be permitted on Chikuminuk Lake.

The Management Plan apparently allows for non-authorized uses if those uses fall within specific activity guidelines (See Table 8-1). The most relevant appear to be those guidelines relating to Fish and Wildlife Habitat / Population Management Activities (Management Plan, Table 8-1, p. 8-6). However, from the application it is clear the research studies proposed by Nuvista are not "necessary for park management decisions or to further science" as required by the Management Plan. Rather, the studies are clearly directed to an end that is inconsistent with the purposes of the Park. Although some of the studies may produce information that is useful for park management, other studies clearly have no connection to the purposes of the Park. All of the studies proposed are intended to support a project that is currently prohibited by the Management Plan and the enabling legislation that created the Park.

It is clear the Division of Parks and Outdoor Recreation does not have the legal authority under the Management Plan to grant the special use permit application as currently presented by Nuvista. Accordingly, the application must be denied unless Nuvista can clearly show that its proposed activities fall within the activity guidelines established in the Management Plan. If Nuvista is provided such an opportunity then it should be required to show how its studies "contribute to the use and management of native fish and wildlife populations and their habitats," or "address how fish and wildlife and their habitats are changing due to either natural or human causes," or "obtain information on species distribution, harvest, abundance, habitats, and population dynamics to meet park objectives." (See Table 8-1 at p 8-6).

Certainly, reducing the cost of electricity for people in rural Alaska is a worthy endeavor, but it is an endeavor that, in this case, will undermine the equally worthy purpose for which the Wood-Tikchik State Park was established. A good cause does not justify disregarding the law, and disregarding the law is what the Division of Parks and Outdoor Recreation will have to do to grant Nuvista's special use permit application.

The studies and activities outlined in Nuvista's application clearly demonstrate it is not asking for a routine special use permit. Rather, Nuvista is asking for something the Management Plan clearly does not allow. Nuvista should be following the process for special exceptions set forth at page 10-2 of the Management Plan. That process is described as follows:

> *Exceptions to the provisions of the management plan may be made without modification of the plan. Special exceptions shall occur only when compliance with the plan is excessively difficult or impractical, and an alternative procedure can be implemented which adheres to the purposes and spirit of the plan.*
>
> *The Division of Parks and Outdoor Recreation may make a special exception in the implementation of the plan through the following procedures:*
>
> *a. The person or agency requesting the special exception shall prepare a written finding which specifies:*

1. the nature of the special exception requested;

2. the extenuating conditions which require a special exception;

3. the alternative course of action to be followed; and

4. how the intent of the plan will be met by the alternative.

b. The Director will review the findings and issue a determination. If warranted by the degree of controversy or the potential impact, the Director will hold a public hearing before reaching a decision.

c. The decision of the Director may be appealed to the Commissioner of the Department of Natural Resources whose decision will be final.

The Land Trust does not make this objection to Nuvista's application lightly. The Land Trust has a vested interest in preserving the mission of the Park as articulated in the enabling legislation and the Management Plan. In fact over the last decade the Land Trust and the Division of Parks and Outdoor Recreation have worked together to preserve that mission.

The Land Trust was formed in 2000. It was the first land trust established in rural Alaska. Its mission is "the preservation and protection of the salmon and wildlife habitat of the Nushagak Bay watersheds located in the remote Bristol Bay region of southwest Alaska, including the Wood/Tikchik State Park and the Togiak National Wildlife Refuge."

Since its formation the Land Trust and its partner conservation organizations, The Conservation Fund and The Nature Conservancy, have raised millions of dollars to assist the Division of Parks and Outdoor Recreation protect the integrity of the Park. It has done so primarily by acquiring fee or conservation easements on private land inholdings, and in most cases turning these over to state ownership at no cost.

The Land Trust has an ethical obligation to steward the properties it acquires within the Park. Generally this means the Land Trust must monitor them to make sure the continued use of the properties is consistent with the purposes for which they were protected. In most cases, as mentioned above, properties have been re-conveyed to the state. The Land Trust continues to own one parcel in the Park and monitors conservation easements on two others. It is also a co-holder with the State on a 21,000 acre conservation easement along the Agulowak River and the eastern shore of Lake Nerka. The Land Trust and The Conservation Fund raised nearly $10 Million Dollars to secure this easement.

The appeal of the funding program the Land Trust and its partners launched twelve years ago was that small purchases or conservation easements in the Wood-Tikchik State Park would produce big dividends. This appeal resonated with several foundations, federal granting authorities and private donors who liked to see their generosity result in conservation at scale. We focused on areas of high habitat value and areas that contained isolated private parcels. Protecting a small inholding in the Park often secured protection for larger areas because the surrounding land was preserved in perpetuity. Or so we thought.

Several years ago the only private parcel on Chikuminuk Lake became available. The Native owner at the time wished to sell the parcel to an entity that would not develop the land. The Land Trust encouraged The Nature Conservancy to purchase the property. Acquiring the only inholding on Chikuminuk Lake provided conservation protection for the entire lake. The

Nature Conservancy purchased the property using funds it raised from private donors and foundations. Because the property is so remote The Nature Conservancy is now in the process of transferring it to the Land Trust for stewardship and monitoring.

The Land Trust's obligation to steward properties we have conserved inside the Park means we must also protect the purposes for which the properties were acquired. Most of these properties were acquired so the conservation mission of the Park would not be undermined by inappropriate development. The foundations, agencies and donors who gave us money for acquisitions did so in the belief the State would not negate their generosity by changing the rules. Granting a special use permit to Nuvista would be tantamount to changing the rules and, frankly, a betrayal of the trust these funders placed in the State. The Land Trust is obliged to these funders to be firm in our resolve to make sure the Park is managed consistent with its enabling legislation.

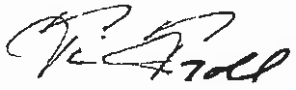
Granting Nuvista a special use permit will likely make raising money for future conservation efforts in the Park difficult at best. It will certainly dampen our desire to continue acting as a fundraising ambassador for the Park. We cannot work with integrity in an environment where funders doubt the resolve of the State to maintain the values of the Wood-Tikchik State Park, or perhaps any state park.

Chikuminuk Lake has been investigated in the past as a source of power for Bethel and rejected as economically unfeasible (Management Plan at p. 9-8). Unlike potential hydroelectric projects at Elva Creek and Grant Lake, Chikuminuk was not reserved as a potential site in the enabling legislation. It cannot be in the best interests of the public, and certainly not in the best interests of the Division of Parks and Outdoor Recreation, to risk integrity and reputation to bend the rules for a hydroelectric project that is speculative at best.

To summarize: The Division of Parks and Outdoor Recreation does not have authority to grant a special use permit to Nuvista because the activities proposed in its application do not fall within any activity guideline allowed by Wood-Tikchik State Park Management Plan. The Nuvista application must be denied and Nuvista directed to follow the process for a special exception if it wishes to continue.

Respectfully,

THE NUSHAGAK-MULCHANTA / WOOD-TIKCHIK LAND TRUST



Tim Troll, Executive Director

May 12, 2012

David Griffin
Alaska Dept. Natural Resources
PKS-PKS DESN/CONST
550 W 7th Ave Ste 1380
Anchorage, Alaska
(907)269-8696

david.griffin@alaska.gov

Dear Mr. Griffin,

I am writing to comment on the Nuvista Study application to study the potential for a hydroelectric dam in the Allen River and Chikuminuk Lake area within the Wood Tikchik State Park: Case file LAS 28479.

I am a life-long Alaskan and 22+ year resident of Dillingham Alaska. I am a retired fisheries biologist, former Wood Tikchik State Park Council member and a subsistence and recreational user of the Park.

The Nuvista permit application should be denied at this time for the following reasons:

1) The current Wood Tikchik Park Management plan clearly and emphatically prohibits many if not all of the proposed activities in the location proposed. The scope of this proposal far exceeds the guidelines of the Park Management Plans.

2) The State of Alaska Division of Parks and Outdoor Recreation does not have the authority to grant such proposed activities that would be in violation of the WT Park Management Plan.

3) While the Legislature chose to fund the study, they did NOT take any action to authorize the changes to the Park regulations, management plan or enabling legislation; which would be necessary to follow proper process for this sort of activity. The fact that the legislature chose NOT to address the park regulations argues they did not intend to change them. Funding of a study by the Legislature without out clear language to do so, does not and should not supersede carefully designed and properly promulgated state regulations or management plans.

4) Public notice of this permit application was insufficiently advertised to the Bristol Bay communities adjacent to the Park. NO notices were broadcast on the local radio stations, public notice in the local newspaper was NOT made as scheduled in the May 10 paper. I am on the Park mailing list and I do not recall receiving an email OR mailed note regarding this application. At the May 11 Park Council meeting it was a total surprise to nearly ALL in attendance that there was a comment period and that the comment deadline was May 14. While a number of the residents adjacent to the Park were aware of the legislature funding

a project, most assumed that it was for areas outside the Park, that the current Park Management Plan would be in full force and such activities as listed in the proposal would NOT be allowed.

5) The very late date of this proposal and comment period and insufficient public notice to communities adjacent to the Park does not allow time for these residents to react to the proposal nor to adjust their plans and activities. There is concern that the proposed activities may have impacts to subsistence activities – particularly for residents of New Stuyahok and Koliganek. A number of air taxis, float trip operators / suppliers, lodges, wilderness, fishing and big game guides sell trips into this area with the promise of a deep wilderness experience. To allow the proposed activities in this area on such short and insufficient notice will significantly depreciate or totally ruin the quality of trip these service providers have promised to their clients. Forcing these operators to use alternate areas of the Park may violate portions of the Management Plan and again depreciate the quality of experience promised by the Park and service provider. This could have major economic impacts to these service providers and consequently to local economies.

6) There are two other hydroelectric projects currently under study in the WT Park. Those two locations, Lake Elva and Grant Lake, were identified and protected in the legislation that enabled the formation of the WT State Park. There is significant opposition to even those projects. To add a third hydroelectric project in an unauthorized site in the Park severely calls into question the State's commitment to create and maintain protected areas for the long term. At minimum, if the Chikuminuk site is studied or considered for development, then the total concept and impacts of hydroelectric development within the Park should be considered as a package through established and proper process with broad opportunity for statewide public participation in the discussion. This will take time and is another reason the study proposal should be denied at this time.

Please do not approve the Nuvista permit application for the Chikuminuk Lake hydroelectric study for the 2012 season. I understand the desperate need for affordable power in SW Alaska but the proper processes and respect for the work that established the Park must be observed.

Thank you for your consideration.

Dan Dunaway
PO Box 1490
Dillingham, Alaska 99576

907-842-2636
dunawaydmb@hotmail.com

Griffin, **David W** (DNR)

From: Berkhahn, William J (DNR)
Sent: Saturday, May 12, 2012 4:47 PM
To: Ellis, Ben (DNR); Leclair, Claire H (DNR); Griffin, David W (DNR)
Cc: Molly Chythlook [mchythlook@bbna.com]; drc0515@yahoo.com; kelok@bristolbay.com; Dye, Jason E (DFG); Eskelin, Alison M (DNR)
Subject: Important: Wood-Tikchik State Park Management Council Actions May 11, 2012

Dear Director Ellis,

On **September 19, 2011** the Wood-Tikchik State Park Management Council met to discuss agenda items that included the **Chikuminuk Lake Hydroelectric Project.** Rep. Bryce Edgmon and myself provided a brief overview of the Chikuminuk Lake Hydropower presentation that was provided to the 2011 House Resources Committee Hearing on May 7, 2011 by Nuvista Light and Electric Cooperative. The presentation resulted in a request by the Council to have representatives of the project attend the Spring 2012 Management Council and provide an overview of the proposed project.
The Spring meeting was scheduled for March 8, 2012.

Due to prior commitments Nuvista was not available for a March 8th meeting. After several attempts to reschedule the meeting at the earliest date, May 11, 2012 was agreed upon as the day when the members of the Council and the Nuvista team could meet in Dillingham. In early March, I discussed with Nuvista Program Manager Chuck Casper the need was to provide a conceptual overview of the Nuvista project to the Council.

On **March 30, 2012** Nuvista Light and Electric Cooperative. Inc. submitted a Special Park Use Application, Chikuminuk Lake Hydroelectric Project - 2012 Field Studies, Wood-Tikchik State Park to DPOR. On or about April 13, 2012 a courtesy review notification was mailed or emailed to stakeholders within the region.

On **May 11, 2012** the Wood-Tikchik State Park Management Council met to discuss agenda items that included the Chikuminuk Lake Hydropower Feasibility Project. Even though the original intent of the presentation was to present an overview of, or introduction to the project the Nuvista presentation focused mainly on the Special Park Use Application, that was filed with the DPOR.

A few of the Council members and many of the 25 public attendees were unaware of:

- the Courtesy Review Notice and did not receive a copy of the special park use application
- a special park use application had been filed by Nuvista
- the proposed activities outlined within the application
- the application is under review or soon to be
- comments from the public are being accepted.

Many expressed dissatisfaction with the timing of the application and that the comment period ends at 5 pm on Monday May 14, 2012. Most in attendance indicated they will need additional time to submit comments.

The result of the discussion included two motions that were approved unanimously:

Motion: The Wood Tikchik State Park Management Council recommends the Director of the Division of Parks extend the comment period on the application for a Special Park Use Permit for the Chikuminuk Lake Hydroelectric Project - 2012 Field Studies, Nuvista Light and Electric Cooperative, Inc., until September 30, 2012; seconded. Approved: unanimous.

and

Motion: The Wood-Tikchik State Park Management Council recommends the Director of the Division of Parks deny a special park use permit for activities relating to Chikuminik Lake hydroelectric development within Wood-Tikchik State Park (per Management Intent, Guidelines pages 9-8 - 9-9, #1, 3, 4, 6, 9, 10, WTSP Management Plan Oct. 2002) until the Alaska State Legislature amends the WTSP's enabling legislation to allow activities in support of Chikuminuk Lake Hydropower development; seconded. Approved: unanimous.

Thank you for your consideration.

Bill Berkhahn, Area Ranger
Wood-Tikchik State Park
PO Box 1822
Dillingham, Alaska 99576
(907) 842-2641

Griffin, **David W** (DNR)

From: Bobby Andrew [bandrew@nushtel.com]
Sent: Saturday, May 12, 2012 6:46 PM
To: Dan Dunaway; Griffin, David W (DNR); Berkhahn, William J (DNR); Hodson Bud; Schlagel Tom Janet; Jody Seitz; Radenbaugh Todd; Akelkok Luki Sr.; Bryce Edgmon; Mayor Alice Ruby; Izetta Chambers; Samuelsen Robin; Molly BBNA Chythlook; Andersen Ralph BBNA; Troll Tim hm; Dlg office NMWT TRUST; Pete Andrew; crestino@reportalaska.com; Leidberg Paul TNWR; Mike Mason; Dave Bendinger; Seaton, Paul (LAA); Stevens, Gary L (LAA); Wielechowski, Bill (LAA); Gara, Les (LAA); Austerman, Alan (LAA); Kawasaki, Scott Jw (LAA); Doogan, Mike (LAA); Neuman, Mark A (LAA); Holmes, Lindsey (LAA); French, Hollis (LAA); Ellis, Johnny (LAA); Olson, Donny (LAA); Paskvan, Joe (LAA); Menard, Linda K (LAA); Maines Billy Curyung; Kim Williams Director
Subject: Re: comment: Hydroelectric study permit for Chikuminuk Lake in Wood Tikchik State Park

Dan,

Thanks for including me as one of the recipients to see your comments. I as well as many of the shareholders of Aleknagik Natives Limited have opposed the projects that will have an impact on the subsistence resources.

If this is approved it will have an impact on the conservation easement agreement Aleknagik Natives Limited negotiated in good faith with restrictions for development. If this happens I will just put a question mark on it for now. I hope this will open some line of communications between Aleknagik Natives Limited and anyone interested.

Once again Thanks Dan,

Bobby Andrew

—— Original Message ——
From: Dan Dunaway
To: david.griffin@alaska.gov ; Berkhahn Bill ; Andrew Bobby ; Hodson Bud ; Schlagel Tom Janet ; Jody Seitz ; Radenbaugh Todd ; Akelkok Luki Sr. ; Bryce Edgmon ; Mayor Alice Ruby ; Izetta Chambers ; Samuelsen Robin ; Molly BBNA Chythlook ; Andersen Ralph BBNA ; Troll Tim hm ; Dlg office NMWT TRUST ; Pete Andrew ; crestino@reportalaska.com ; Leidberg Paul TNWR ; Mike Mason ; Dave Bendinger ; Seaton Rep-Paul ; Senator_Gary_Stevens@legis.state.ak.us ; Sen Bill Wielechowski ; Representative_Les_Gara@legis.state.ak.us ; Representative_Alan_Austerman@legis.state.ak.us ; Representative_Scott_Kawasaki@legis.state.ak.us ; Doogan Mike Rep. ; Representative_Mark_Neuman@legis.state.ak.us ; Representative_Lindsey_Holmes@legis.state.ak.us ; Senator_Hollis_French@legis.state.ak.us ; Senator_Johnny_Ellis@legis.state.ak.us ; Senator_Donny_Olson@legis.state.ak.us ; Senator_Joe_Paskvan@legis.state.ak.us ; Senator_Linda_Menard@legis.state.ak.us ; Maines Billy Curyung ; Kim Williams Director
Sent: Saturday, May 12, 2012 2:34 PM
Subject: comment: Hydroelectric study permit for Chikuminuk Lake in Wood Tikchik State Park

Printed below and attached are my comments opposing Nuvista's application to conduct a study for a hydroelectric dam on the Chikuminuk Lake / Allen River in the designated wilderness area of the Wood Tikchik State Park:

May 12, 2012

David Griffin

Griffin, **David W** (DNR)

From: Rick & Denise Grant [grant@nushtel.com]
Sent: Sunday, May 13, 2012 12:27 PM
To: Griffin, David W (DNR)
Cc: Allison Eskelin
Subject: Re the Proposed Chikuminuk Lake Hydroelectric Project

May 12, 2012

David Griffin

Alaska Dept. Natural Resources

PKS-PKS DESN/CONST

550 W 7th Ave Ste 1380

Anchorage, Alaska

(907)269-8696

david.griffin@alaska.gov

Dear Mr. Griffin,

We are writing to comment on the Nuvista Study application to study the potential for a hydroelectric dam in the Allen River/Chikuminuk Lake area within the Wood Tikchik State Park(WTSP), (Case file LAS 28479). We have lived in Dillingham, Alaska since the 1980's.

We have operated Tikchik Airventures, a float plane/wheels and ski air service, out of Dillingham for over 20 years. We have resided, from late September to May, in the heart of the Wood-Tikchik State Park, at Tikchik Narrows Lodge, for more than 31 years combined experience and we currently operate from the Lodge in the Spring.

The Nuvista permit application should be denied at this time for the following reasons:

1) The current Wood Tikchik Park Management plan clearly and emphatically prohibits many if not all of the proposed activities in the location proposed. The scope of this proposal far exceeds the guidelines of the WTSP Management Plans.

2) The State of Alaska Division of Parks and Outdoor Recreation does not have the authority to grant such proposed activities that would be in violation of the WTSP Management Plan.

3) While the Legislature chose to fund the study, they did NOT take any action to authorize the changes to the WTSP regulations, management plan or enabling legislation; which would be necessary to follow proper process for this sort of activity. The fact that the legislature chose NOT to address the WTSP regulations argues they did not intend to change them. Funding of a study by the Legislature without clear language to do so, does not and should not supersede carefully designed and properly promulgated state regulations or management plans.

4) Public notice of this permit application was insufficiently advertised to the Bristol Bay communities adjacent to the Park. NO notices were broadcast on the local radio stations, public notice in the local newspaper was NOT made as scheduled in the May 10 paper. We are current holders of a WTSP permit to operate commercially in the park and would be on the WTSP mailing list and we did not receive an email OR mailed note regarding this application. At the May 11 Park Council meeting it was a total surprise to nearly ALL in attendance that there was a comment period and that the comment deadline was May 14. While a number of the residents adjacent to the Park were aware of the legislature

funding a project, most assumed that it was for areas outside the WTSP, that the current Park Management Plan would be in full force and such activities as listed in the proposal would NOT be allowed.

5) The very late date of this proposal and comment period and insufficient public notice to communities adjacent to the WTSP does not allow time for these residents to react to the proposal nor to adjust their plans and activities. There is concern that the proposed activities may have impacts to subsistence activities – particularly for residents of New Stuyahok and Koliganek. A number of air taxis, float trip operators/suppliers, lodges, wilderness, fishing and big game guides sell trips into this area with the promise of a deep wilderness experience. To allow the proposed activities in this area on such short and insufficient notice will significantly depreciate or totally ruin the quality of trip these service providers have promised to their clients. Forcing these operators to use alternate areas of the WTSP may violate portions of the Management Plan and again depreciate the quality of experience promised by the WTSP and service provider. This could have major economic impacts to these service providers and consequently to local economies.

6) There are two other hydroelectric projects currently under study in the WTSP. Those two locations, Lake Elva and Grant Lake, were identified and protected in the legislation that enabled the formation of the WTSP. There is significant opposition to even those projects. To add a third hydroelectric project in an unauthorized site in the WTSP severely calls into question the State's commitment to create and maintain protected areas for the long term. At minimum, if the Chikuminuk site is studied or considered for development, then the total concept and impacts of hydroelectric development within the Park should be considered as a package through established and proper process with broad opportunity for statewide public participation in the discussion. This will take time and is another reason the study proposal should be denied at this time.

Please do not approve the Nuvista permit application for the Chikuminuk Lake hydroelectric study for the 2012 season.

We understand the desperate need for affordable power in SW Alaska but the proper processes and respect for the work that established the Park must be observed.

Thank you for your consideration.

Rick and Denise Grant

Tikchik Airventures

PO Box 71

Dillingham, Alaska 99576

907-842-5841

Comment 10

Griffin, **David W** (DNR)

From: William Eggimann [weggimann@gmail.com]
Sent: Sunday, May 13, 2012 4:30 PM
To: Griffin, David W (DNR)
Subject: Chikuminik Lake and Nuvista

Dear Mr. Griffin,
I am writing to express my complete and absolute opposition to the proposed studies by Nuvista Light and Electric Cooperative at Chikuminik Lake this summer or ever. Even the study activities would violate the pristine environment and the laws created to protect that environment. Besides, it is beyond stupid to think that a reasonable source of power would ever be created by a dam at the Allen River. If anything is to be exploited, wind energy should be considered as there is no shortage of that in Western Alaska. Please do not allow the violation of Chikuminik Lake. A flurry of internal combustion activity this summer would be obscene. That it would be in consideration of obliterating the waterfall which creates the Allen River is beyond reasonable comprehension. The damage would be beyond any imagined benefit.
William W. Eggimann, MD
Bethel, Alaska

Comment 11

Griffin, **David W** (DNR)

From: Jane McClure [kjane.mcclure@gmail.com]
Sent: Sunday, May 13, 2012 3:54 PM
To: Griffin, David W (DNR)
Subject: Nuvista Special Park Use Permit Application - Chikuminuk Lake 2012

Mr Griffin

I am writing to express the resolute hope and expectation that you and the Alaska Department of Natural Resources
Division of Parks and Outdoor Recreation will not now, or ever, allow a special permit to allow studies of Lake Chikuminuk that are not aimed at preserving, enhancing or maintaining this pristine protected wilderness.

This area of wilderness is an invaluable resource for present and future Alaskans and the wildlife that it sustains. To violate this wilderness area with disruptive and polluting activities for a commercial enterprise that is not likely to succeed or be of any significant value to the region is outrageous.

The benefit of developing a possible new hydroelectric power source will never come close to outweighing the the disastrous consequences of disrupting this irreplaceable environment

There are other ways to create money, jobs and energy.

On behalf of all my Alaskan friends, neighbors and colleagues---DO NOT LET THIS HAPPEN!!!!

K. Jane McClure MD

Griffin, **David W** (DNR)

From: Roger Skogen [ketok@bristolbay.com]
Sent: Sunday, May 13, 2012 8:18 PM
To: Griffin, David W (DNR)
Subject: comment: Hydroelectric study permit for Chikuminuk Lake in Wood Tikchik State Park

May 13, 2012

David Griffin

Alaska Dept. Natural Resources

PKS-PKS DESN/CONST

550 W 7th Ave Ste 1380

Anchorage, Alaska

(907)269-8696

david.griffin@alaska.gov

Dear Mr. Griffin,

I am a member of the Wood-Tikchik State Park Board and am writing to comment on the Nuvista application to study the potential for a hydroelectric dam on the Allen River and Chikuminuk Lake area in the Wood Tikchik State Park System. The Nuvista permit application should be denied at this time because the current Wood Tikchik Park Management plan clearly prohibits many if not all of the proposed activities in the location of the Chikuminuk Lake and Allen River area.

After listening to the Nuvista presentation discussing all the planned exploratory activities, and realizing that we only had three days to comment, (two of those days were on the weekend.) the Wood Tikchik state park board discussed the matter and the result of the discussion included two motions that were approved unanimously:

Motion: The Wood Tikchik State Park Management Council recommends the Director of the Division of Parks extend the comment period on the application

for a Special Park Use Permit for the Chikuminuk Lake Hydroelectric Project - 2012 Field Studies, Nuvista Light and Electric Cooperative, Inc., until September 30, 2012; seconded. Approved: unanimous.

and

Motion: The Wood-Tikchik State Park Management Council recommends the Director of the Division of Parks deny a special park use permit for activities relating to Chikuminik Lake hydroelectric development within Wood-Tikchik State Park (per Management Intent, Guidelines pages 9-8 - 9-9, #1, 3, 4, 6, 9, 10, WTSP Management Plan Oct. 2002) until the Alaska State Legislature amends the WTSP's enabling legislation to allow activities in support of Chikuminuk Lake Hydropower development; seconded. Approved: unanimous.

Thank you for your consideration in this matter.

Sincerely,

Roger K. Skogen

Box 5014

Koliganek, Alaska, 99576

Wood-Tikchik State Park Board member

907-596-3408

ketok@bristolbay.com

Griffin, **David W** (DNR)

From: Mark Lisac [mjlisac@hotmail.com]
Sent: Monday, May 14, 2012 11:17 AM
To: Griffin, David W (DNR)
Cc: Berkhahn, William J (DNR); Leclair, Claire H (DNR)
Subject: Permit reuest comments LAS 28479
Attachments: May 13 comments permit request.doc

May 13, 2012

David Griffin
Project Coordinator

Chikuminuk Lake project Special Park Use Permit request (LAS 28479) comments.

I attended the Wood Tikchik State Park Council meeting last Friday (May 11, 2012) in Dillingham. At the meeting Nuvista L&E, Inc. presented information about their intentions to begin research on the hydropower potential of the Allen River and Chikuminuk Lake. Also DNR presented Nuvista's application for a Special Park Use Permit for the 2012 summer & fall season to conduct baseline studies in the area being considered for dam, power house and transmission line construction. I respectfully request that you deny their permit application to begin the planned work for this field season and extend the permit comment period for the following reasons:

- It was clearly evident that the WTSP Council members were unaware of the scope of this project.
- The meeting was well attended and most people expressed concern about the proposed research activities to occur at the lake.
- There was insufficient public notice of the Permit application and the process as evident by the shock of the meeting attendants that the comment period closes May 14 - three days after the meeting.
- The WTSP enabling legislation does not permit hydropower development in the Chikuminuk Lake and Allen River area.
- Chikuminuk Lake is the one area of the WTSP designated as wilderness management where motorized equipment is prohibited. Helicopters, explosives, drilling rigs, motorboats and generators are being proposed to be used.
- The proposed exploration includes seismic work that involves core drilling and blasting. The pictures and description of proposed activities included in the permit application do not appear to be compatible with wilderness management intentions as laid out in the WTSP management plan.
- The impacts to the Park resources need to be clearly understood and presented before any of the seismic and geophysical studies should be allowed to occur. I understand the need to analyze the bedrock composition to determine whether this project is feasible, but the impacts of these activities need to be scrutinized before a permit should be considered. There are less intrusive baseline resource information needs that should be collected and analyzed.
- The proposed work is to occur during the peak of recreational public use.

Again – I believe the permit application as proposed should be denied. The WTSP enabling legislation would need to be amended by the Alaska State Legislature, not the Division of Parks, to allow the need for these activities to occur. At the very least the most intrusive activities being requested in the permit application and the use of motorized equipment should not be allowed.

In order to be fair to the concerned public this permit application should be denied and the comment period extended. Any future request for permits should be better advertised much earlier in the comment period. There also should be meetings held in the surrounding villages that will be affected by this project – not just in the hub communities and Anchorage (?).

Thank you for this opportunity

Mark Lisac
Dillingham resident and WTSP user

mjlisac@hotmail.com
P.O. Box 818
Dillingham, Alaska 99576

Cc
Bill Berkhahn
Claire LeClair

Comment 14

Griffin, David W (DNR)

From: **Les Bovee** [lbovee@gmail.com]
Sent: Monday, **May 14,** 2012 1:03 PM
To: **Griffin,** David **W** (DNR)
Subject: **Nuvista Light** and **Electric Cooperative Special Use Permit**

Mr. Griffin,
Although I was not able to attend the meeting in Dillingham on May 11th, I would like to make known my opposition to the special use permit and project proposed by Nuvista Light and Electric Cooperative. To propose a hydro electric dam in the pristine environment of Wood-Tikchik State Park that will supply electricity as far away as Bethel is ill conceived. There certainly was not enough preliminary contact with the stakeholders in this area to have an adequate understanding of the consequences of such an endeavor.
I believe it would be prudent to deny this special use permit.

Les Bovee
PO Box 765
Dillingham, AK 99576
907-842-3310
lbovee@gmail.com

Comment 15

CALISTA CORPORATION

May 14, 2012

David Griffin, Project Coordinator
Division of Parks and Outdoor Recreation, Director's Office
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1380
Anchorage, AK 99501

RE: Wood-Tikchik State Park, Special Park Use Permit Application for Chikuminuk Lake 2012 Field Studies

Mr Griffin:

Calista Corporation is the Alaska Native regional corporation for Southwest Alaska. We understand Nuvista Light & Electric Cooperative, Inc. (Nuvista) has been working with the Alaska Department of Natural Resources (ADNR), United States Geophysical Sciences (USGS), and Alaska energy Authority over the past year to perform scientific studies at Lake Chikuminuk in Wood-Tikchik State Park. We are writing to show support for granting of a special use permit (SUP) by ADNR to Nuvista.

The studies to be undertaken will add great benefit in an area where there is limited to no data available. These plans were discussed with ADNR previously. Further, the effort has been funded by the State of Alaska and Legislature to determine the feasibility of hydropower in an objective manner at this location. We understand Nuvista must apply for an SUP which the ADNR is not required to public notice; but did indeed provide a courtesy public notice which is understandable. In addition, ADNR sent the request to 200 potentially interested parties as part of its public notice. However, we now understand a park advisory commission has requested "the special use permit be denied, and the public comment period be extended to September, and then again deny the special use permit". We understand that Nuvista previously requested meetings with this same advisory commission last fall to apprise them of this potential project and they repeatedly changed meeting dates.

We oppose further ADNR public comment extension on the SUP, and any other further field study permission delays. ADNR would be extending something which was not required: the advisory board in its Dillingham meetings gave the perception they have made the decision to deny the SUP, and, will further continue doing so even after demanding the extension of a public notice; and a SUP denial at this point will delay by a year costly field studies which have been in the works for many months. Thank you.

Sincerely,

CALISTA CORPORATION

Andrew Guy
President and CEO

cc: Daniel Sullivan

Ed Fogels

Comment 16

May 14, 2012

David Griffin, Project Coordinator
Division of Parks and Outdoor Recreation, Director's Office
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1380
Anchorage, AK 99501
Email: david.griffin@alaska.gov

RE: **Case File LAS - 28479**
Alaska State Parks Special Park Use Permit Application
Chikuminuk Lake Hydroelectric Project – 2012 Field Studies
Wood-Tikchik State Park, Alaska

Nuvista Light & Electric Cooperative, Inc. (Nuvista) understands there has been a request to extend the comment period for the *Courtesy Review Notice* issued by your office to perform scientific studies at Chikuminuk Lake this summer. As the requesting entity for a special use permit, we respectfully disagree and would request that your agency please see below why we feel a time extension is not necessary:

1. Alaska Department of Natural Resources (ADNR) is not required by state regulations to provide a public review period; however, it did indeed provide a more than fair 30-day courtesy review period starting on April 13, 2012. ADNR already publically noticed Nuvista's application; available in the proper public location (website) and proper notification process.
2. ADNR utilized a Distribution List of more than 200 addressees to publicly notice the availability of Nuvista's permit application for review.
3. Individuals on the list included all of the members of the Wood-Tikchik State Park Management Council.
4. At ADNR's request, several hard copies of the application were provided to ADNR by Nuvista for distribution to the Wood-Tikchik State Park Management Council recognizing that the group may not all have ability to electronically receive the application package.
5. Nuvista's team has worked closely with ADNR and State Parks for the past 6 months to be responsive to informational needs in order to develop in advance a mutually-agreeable 2012 studies program in Wood-Tikchik State Park.
6. The parties claiming insufficient information or time for review should not be granted a time extension since ample, reasonable, advance public notification had been done.
7. Any further Delay in issuing the permit will affect logistics for the 2012 field studies and come at great expense to the state funded appropriate for this project
8. Through its appropriation, the intent of the Alaska State Legislature is clear; detailed feasibility assessment, site reconnaissance, engineering plans and Federal Energy Regulatory Commission (FERC) licensing application for hydroelectric energy generation at Chikuminik Lake (Allen River Outfall) area.

Sincerely,

Elaine Brown

Elaine Brown, Executive Director
Nuvista Light and Electric Cooperative, Inc.

301 Calista Court, STE A, Anchorage, AK 99518
(907) 279-5516 – (907) 272-5060 Fax – NuvistaCoop.org

Comment 17

YUKON-KUSKOKWIM HEALTH CORPORATION

"Working Together to Achieve Excellent Health"

May 14, 2012

David Griffin, Project Coordinator
Division of Parks and Outdoor Recreation, Director's Office
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1380
Anchorage, AK 99501
Email: david.griffin@alaska.gov

RE: **Case File LAS – 28479**
Alaska State Parks Special Park Use Permit Application
Chikuminuk Lake Hydroelectric Project – 2012 Field Studies
Wood-Tikchik State Park, Alaska

The Administration of the Yukon Kuskokwim Health Corporation is opposed to the request to extend the comment period for the *Courtesy Review Notice* issued by your office to perform scientific studies at Chikuminuk Lake this summer. As the requesting entity for a special use permit, we respectfully disagree and would request that your agency please see below why we feel a time extension is not necessary:

1. Alaska Department of Natural Resources (ADNR) is not required by state regulations to provide a public review period; however, it did indeed provide a more than fair 30-day courtesy review period starting on April 13, 2012. ADNR already publically noticed Nuvista's application; available in the proper public location (website) and proper notification process.
2. ADNR utilized a Distribution List of more than 200 addressees to publicly notice the availability of Nuvista's permit application for review.
3. Individuals on the list included all of the members of the Wood-Tikchik State Park Management Council.
4. At ADNR's request, several hard copies of the application were provided to ADNR by Nuvista for distribution to the Wood-Tikchik State Park Management Council recognizing that the group may not all have ability to electronically receive the application package.
5. Nuvista's team has worked closely with ADNR and State Parks for the past 6 months to be responsive to informational needs in order to develop in advance a mutually-agreeable 2012 studies program in Wood-Tikchik State Park.
6. The parties claiming insufficient information or time for review should not be granted a time extension since ample, reasonable, advance public notification had been done.
7. Any further Delay in issuing the permit will affect logistics for the 2012 field studies and come at great expense to the state funded appropriate for this project
8. Through its appropriation, the intent of the Alaska State Legislature is clear; detailed feasibility assessment, site reconnaissance, engineering plans and Federal Energy Regulatory Commission (FERC) licensing application for hydroelectric energy generation at Chikuminik Lake (Allen River Outfall) area

Sincerely,

Gene Peltola
President & CEO

The Association of Village Council Presidents
Regional Housing Authority
PO Box 767
405 Ptarmigan Road
Bethel, Alaska 99559
Ph 907-543-3121
Fax 907543-2270
www.avcphousing.org

May 14, 2012

David Griffin, Project Coordinator
Division of Parks and Outdoor Recreation, Director's Office
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1380
Anchorage, AK 99501

RE: Case File LAS – 28479 Alaska State Parks Special Park Use Permit Application Chikuminuk Lake Hydroelectric Project – 2012 Field Studies Wood-Tikchik State Park, Alaska

AVCP Regional Housing is a member of Nuvista Light & Power (Nuvista). Nuvista understands there has been a request to extend the comment period for the Courtesy Review Notice issued by your office to perform scientific studies at Chikuminuk Lake this summer. As the requesting entity for a special use permit, Nuvista respectfully disagrees and would request that your agency please see below why we feel a time extension is not necessary:

1. Alaska Department of Natural Resources (ADNR) is not required by state regulations to provide a public review period; however, it did indeed provide a more than fair 30-day courtesy review period starting on April 13, 2012. ADNR already publically noticed Nuvista's application; available in the proper public location (website) and proper notification process.

2. ADNR utilized a Distribution List of more than 200 addressees to publicly notice the availability of Nuvista's permit application for review.

3. Individuals on the list included all of the members of the Wood-Tikchik State Park Management Council.

4. At ADNR's request, several hard copies of the application were provided to ADNR by Nuvista for distribution to the Wood-Tikchik State Park Management Council recognizing that the group may not all have ability to electronically receive the application package.

5. Nuvista's team has worked closely with ADNR and State Parks for the past six months to be responsive to informational needs in order to develop in advance a mutually-agreeable 2012 studies program in Wood-Tikchik State Park.

6. The parties claiming insufficient information or time for review should not be granted a

time extension since ample, reasonable, advance public notification had been done.

7. Any further delay in issuing the permit will affect logistics for the 2012 field studies and come at great expense to the state-funded project.

8. Through its appropriation, the intent of the Alaska State Legislature is clear, detailed feasibility assessment, site reconnaissance, engineering plans and Federal Energy Regulatory Commission (FERC) licensing application for hydroelectric energy generation at Chikuminuk Lake (Allen River Outfall) area.

Sincerely,

Ron Hoffman
President/CEO

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Togiak National Wildlife Refuge
P.O. BOX 270
Dillingham, Alaska 99576

IN REPLY REFER TO:

May 14, 2012

David Griffin, Project Coordinator
Department of natural Resources
Division of Parks and Outdoor Recreation
550 W. 7th Ave., Suite 1380
Anchorage, AK 99501

Dear Mr. Griffin:

Following are comments in response to your letter dated April 13, 2012 regarding the issuance of a Special Park Use Permit to Nuvista Light and Electric Cooperative, Inc.

As background, the Togiak National Wildlife Refuge and the Wood-Tikchik State Park signed a Memorandum of Understanding (MOU) in 2009. This MOU was initiated in recognition of the common guiding principles of the two agencies in relation to the land and waters under our respective jurisdictions. Documents related to the Togiak NWR as far back as 1974 state that: ". . . cooperation with the State in unifying management of adjacent portions of the proposal with the proposed Wood River-Tikchik lakes State Park area would be desirable and is planned."

Similar language can be found in the Wood-Tikchik State Park Management Plan of 2002 which states: "Areas to the west of this unit are within the Togiak National Wildlife Refuge and are designated Wilderness. A cooperative agreement with the U.S. Fish and Wildlife Service is recommended which encourages consistent management practices to watershed boundaries including aircraft operations, guiding practices, research, law enforcement and distribution of information to the public."

With the MOU serving as background information, following are my comments relative to the requested permit:

An overarching question that I have is whether there is adequate legal authority to issue the subject permit. Several references in the 2002 Management Plan provide a basis for this concern. First, Table 8-1 identifies guidelines for activities that can occur within the park. Page 8-12, under the heading Economic Activities, Hydroelectric Power Development, states that the subject activity is not permitted, except as specifically allowed under state law. I am not aware of any state laws that may have amended the management plan or in other ways allowed the activity to proceed. As I understand it, state law provided funding for the work being currently undertaken, but I am unaware that it amended the park's management plan to allow this activity.

Further, the same table states that generators are not permitted and motorboats are not permitted on Lake Chikuminuk. This seems relevant because, although the Table 8-1 Guidelines for Activities does not specifically address water pumps, drilling rigs or other possible motorized equipment that will be used as part of this permit, it does direct that the requested type of motorized equipment is not to be used at this site.

From the same table (page 8-10) it appears that helicopters are not authorized to land in the park for the subject purpose. Although the director may authorize helicopter landings, the list of exceptions where that authority exists does not include the subject activity.

Lastly, page 9-9 of the management plan states: "Hydropower development is incompatible with park purposes. The Division of Parks and Outdoor Recreation therefore does not have the authority to approve hydroelectric development at Chikuminuk Lake. Before Chikuminuk Lake can be considered for hydropower development, the enabling legislation must be amended." This reference provides direction in how hydropower development could be authorized, but it is unclear that legislation has been enacted to authorize the requested activity. Because there is no discussion in the plan to separate geotechnical and other exploration work from hydropower development, it would likely be viewed that the exploration work is actually part of the development process.

If a permit is issued, it may be beneficial for the Division to provide a detailed response to the sections of the management plan that seem to be in conflict with its approval.

My only other specific comments related to the permit request are as follows:

Addendum No. 1: Page 1, second paragraph. This paragraph has a discussion about "helicopter day". It is accurate that the park does not permit helicopter over-flights nor regulate the airspace. However, the reason any activity may be subject to a permit requirement is because of the potential for impacts to resources and park visitors. In this case, suggesting that there are no impacts to park visitors or wildlife simply because a landing does not occur is not accurate. There is a clear nexus between park visitors and wildlife, and the helicopter flights associated with this permit whether a landing occurs or not. All helicopter use beyond just the "helicopter day" should be documented for evaluation prior to a decision on permit issuance.

Similar to the Togiak NWR, the Wood-Tikchik State Park serves as a destination for visitors who pursue the highest quality outdoor wilderness recreation. In many cases, these visitors have made their destination selections for months or years prior to their actual trip, often because of the expense of conducting a trip to one of these areas. In making a decision to issue a permit, the Division should take into consideration the impacts to visitors who have made their plans and expended considerable funds to visit the Chikuminuk Lake area without having knowledge that the proposed studies would be underway. It would be reasonable to delay the proposed work for a year so that visitors making their travel plans have the benefit of knowing what activities will be taking place in the park.

If this permit is issued I would recommend several stipulations be incorporated as follows:

The permit should require that park staff will be afforded transportation to the work site at no expense to the park, to conduct inspections as necessary, including an inspection at the conclusion of the work.

You may want to consider stating that no hunting and fishing are authorized by crews associated with the work.

A minimum flight altitude should be specified for all flights – helicopter and fixed wing – when transiting from the base of operations to the work site, and any other time that a lower altitude is not required for the work or due to weather considerations.

Lastly, given the potential controversy associated with this project and the impact to businesses and visitors that use the Chikuminuk Lake area, the Division may benefit from an extended period for public comment on the subject permit.

Thank you for the opportunity to comment on this permit application. Please feel free to contact me if I can provide clarification or further information.

Sincerely,

Paul A. Liedberg
Refuge Manager

Comment 20

Griffin, **David W** (DNR)

From: joels@ak.net
Sent: Monday, May 14, 2012 2:34 PM
To: Griffin, David W (DNR)
Subject: Application for Special Use Permit, Wood-Tikchik State Park, Nuvista Light & Power Cooperative, Ince.

Dear Mr. Griffin -

As an Alaskan who has been fortunate enough to visit Chikuminuk Lake, I implore you to deny this permit. Chikuminuk Lake is isolated by geography and is a natural treasure that the State of Alaska should continue to protect from development. In fact, the Division of Park & Outdoor Recreations own regulations have designated this lake a nonmotorized area. It would be very hypocritical to allow the proposed field studies to occur as the described activities would surely included motorized land and water vehicles.

This area is, after all, a State Park. If as a state begin to allow this type of development within our parks, there really is no point in designating these areas as Parks, especially in those areas that have been designated nonmotorized.

Regards,

Joel St. Aubin

T. Henry Wilson
4830 Sportsman Drive
Anchorage, AK 99502
hkwilson@alaska.net

May 14, 2012

Department of Natural Resources
Division of Parks & Outdoor Recreation
550 W. 7th Ave., Suite 1380
Anchorage, AK 99501

Attn: David Griffin

Via email: david.griffen@alaska.gov

Dear Mr. Griffin:

I. Introduction.

I am writing to comment on the Special Park Use Permit, that the Department of Natural Resources ("DNR"), Division of Parks and Outdoor Recreation (DPOR) proposes to issue to Nuvista Light & Electric Cooperative, Inc., under 11 AAC 18.010. The proposed permit concerns the development of a hydroelectric project at Chikuminuk Lake, within the Wood-Tikchik State Park. However, hydroelectric project at that location is not authorized under the statute that established the Wood-Tikchik State Park, or under the management plan adopted by reference as a regulation. The proposed activities are also inconsistent with DPOR management objectives and policies. Under the circumstances, the issuance of the proposed permit would be arbitrary, capricious, an abuse of discretion and in excess of the statutory authority of DNR and DPOR.

II. Discussion.

A. Statutory and regulatory framework.

The Wood-Tikchik State Park ("Park") is a 1.6 million-acre wild area composed of mountains, forests, tundra, lakes and rivers. The park is named for the two major watersheds that are partially within the park's boundary– the Wood River and the Tikchik River. The park represents almost half the acreage in the entire Alaska State Park System. *See* Wood Tikchik State Park Management Plan (October 2002) ("Plan") at 1-1.

The enabling legislation for the Wood-Tikchik State Park is found at AS 41.21.160-41.21.167. Regulations applying specifically to the Park are found at 11 AAC 20.30 – 11 AAC 20.988. A number of provisions of the Wood-Tikchik State Park Management Plan dated October 2002 were adopted by reference under 11 AC 20.365 and have the force

and effect of law.

The purposes of Park is set forth in AS 41.21.160:

> The primary purposes of creating the Wood-Tikchik State Park are to protect the area's fish and wildlife breeding and support systems and to preserve the continued use of the area for subsistence and recreational activities. The state park is also created to protect the area's recreational and scenic resources.

The enabling legislation gives the Division of Parks and Outdoor Recreation a clearly defined management purpose, which it cannot exceed without specific legislative action. Consistent with the Legislature's purposes for establishing the park, the primary management objectives of the DPOR are to: 1) protect and conserve the area's fish and wildlife populations and breeding systems; 2) provide for the continued use of the area for traditional subsistence and recreational purposes; and 3) protect the area's recreational and scenic resources. *See* Plan at 1-1.

Additional DPOR management policies include: 1) providing only those facilities which are necessary to serve existing uses or which mitigate against environmental degradation, as opposed to those which attract new visitation; 2) promoting the park only in regard to its natural and wilderness values; 3) authorizing commercial enterprises in the park through the Alaska State Parks' permit and concession procedures; 4) recognizing valid private property rights inside the park while negotiating with owners to protect public access and other park values; 5) avoiding potential conflicts between recreational and subsistence users of the park; and 6) maintaining the park's natural character by minimizing the numbers and types of management facilities inside its boundaries. *See* Plan at 1-1.

B. Hydropower development is prohibited at Chikuminuk Lake and the permit application should be denied in its entirety.

Obviously, the development of hydroelectric projects is not one of the purposes of the Park, and hydropower development is not one of the management objectives or management policies of DPOR.

However, when Wood-Tikchik State Park was established, the Legislature made a special finding that two potential hydroelectric projects, at Lake Elva and Grant Lake, were not incompatible with park purposes. *See* AS 41.21.167. Both projects have since been determined unfeasible and dismissed from further consideration. *See* Plan at 5-7.

Chikuminuk Lake was also been considered in the past for hydroelectric development, but it did not receive the legislative recognition of Lake Elva and Grant Lake. As DPOR recognized in numerous sections of the Plan, hydropower development is prohibited at Chikuminuk Lake, and the Park enabling legislation would have to be

amended to specifically allow hydroelectric development there. For example, the Plan provides at Chapter 5, page 7:

> ***Hydropower Development***
> When Wood-Tikchik State Park was established, all state-owned lands and waters within the park were withdrawn from the public domain and designated for special purpose management. *The enabling legislation gives the Division of Parks and Outdoor Recreation a clearly defined management purpose, which it cannot exceed without specific legislative action.*
>
> The Legislature made a special finding that two potential hydro projects, at Lake Elva and Grant Lake, were compatible with park purposes. Both projects have since been determined unfeasible and dismissed from further consideration.
>
> *Chikuminuk Lake has also been considered in the past for hydroelectric development, although it has not received the legislative recognition of Lake Elva and Grant Lake. Hydroelectric development at sites other than Lake Elva and Grant Lake is incompatible with the special park purpose management mandated by the Legislature and therefore already prohibited by law. The park enabling legislation must be amended to specifically allow hydroelectric development at Chikuminuk Lake.*

Plan at 5-7 (emphasis added).

Chapter 8 of the Plan establishes three types of designations to clarify how the land and resources of the Park will be managed: Recreational Development, Natural Area and Wilderness. Chikuminuk Lake is designated as Wilderness, the most restrictive of the classifications. The Plan explains the Wilderness designation as follows:

> ***Purpose***
> *Units designated Wilderness are established to promote, perpetuate, and where necessary, to restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration and primitive recreational opportunities.*
>
> **Characteristics**
> Units designated Wilderness are designed to encompass areas large enough to offer visitors an experience where the sights and sounds of other users are minimized. They are managed to maintain the area's wilderness character including its landscape, vegetation and habitat. *Resource modification can occur in these units only to restore the area to a natural state.* Natural processes will continue with a minimal amount of human intervention to the extent that human safety and natural resources are protected. The use of fire suppression, and insect and disease control may be employed when approved by the Director. Wildlife habitat enhancement activities, such as vegetation manipulation, is discouraged in these areas.

Developments and Activities
Units designated Wilderness should have no man-made conveniences within their boundaries, except for the most primitive of trails, minimum trail maintenance, and signing. *Developments or other improvements will be undertaken only where it has been determined that significant threats to public safety exist or to reduce adverse impacts on the area's resources and values and after consultation with the Park Management Council. Activities which threaten the character of the wilderness area will be restricted.* If overuse or misuse occurs, the Director may restrict entry and use of the area. Methods of restriction may include separation and control of use activities through limiting the number of parties allowed in a unit at any one time and restrictions on some types of uses that are not consistent with the management intent for the unit.

Plan at 8-5. (Emphasis added).

Table 8-1 of the Plan sets out guidelines for activities with land use designations. That section provides, at 8-12, that hydroelectric power development is not permitted in the Park, except as specifically allowed by state law, in which case reasonable stipulations shall be applied to protect park values and resources. *See* Plan at 8-12.

One of the portions of the Plan that was adopted by reference as a regulation under 11 AAC 20.365 (5) were the unit-specific management guidelines set out in Chapter 9. The guidelines for Chikuminuk Lake, in Management Unit 2, provide in no uncertain terms that hydropower development there is not an option. The Plan states:

> Chikuminuk Lake has been studied for its suitability as a hydroelectric generating site, with distribution lines running north to Bethel . The studies concluded that the project is not economically feasible. This lake is one of the most scenic and remote in the park, with a minimal amount of public use in summer. Most use is concentrated in fall and is associated with hunting.

Plan at 9-8.

The Plan goes on to acknowledge under Management Intent, Guidelines, in Chapter 9 that hydropower development is incompatible with Park purposes and that DPOR lacks authority to approve it:

> 9. *Hydropower development is incompatible with park purposes. The Division of Parks and Outdoor Recreation therefore does not have the authority to approve hydroelectric development at Chikuminuk Lake. Before Chikuminuk Lake can be considered for hydropower development, the enabling legislation must be amended.*

Plan at 9-9. (Emphasis added).

In conclusion, the applicable statutes, regulations, DPOR management guidelines and policies all prohibit hydropower development at Chikuminuk Lake. The permit application should therefore be denied.

C. The proposed geophysical studies and geotechnical drilling would result in irreparable harm to the wilderness characteristics of Chikuminuk Lake.

Proponents of the dam may argue that the permit can be issued because it does not yet authorize the construction of a dam, but only feasibility studies. That would be disingenuous at best. DPOR should not be issuing any type of permit for a project that is not authorized by law. That is particularly true with respect to the proposed geophysical studies and geotechnical drilling. Among other things, those activities would involve clearing of shrubs and brush for seismic survey lines, the use of explosives, disturbance of the surface, and the installation of PVC standpipes with steel over-casing to be left in place to collect groundwater measurements. These activities would irreparably change the wilderness characteristics of Chikuminuk Lake. Therefore, assuming for the sake of argument that DPOR has the authority to authorize feasibility studies, the proposed geophysical studies and geotechnical drilling should not be permitted.

D. The proposed Chikuminuk dam is not economically viable, and there are numerous technical and logistical problems associated with it.

One of the great ironies of the permit application is that Nuvista's own consultants have already determined that the proposed dam at Chikuminuk Lake is not economically viable. Nuvista claims, in support of its application, that:

> "The most recent feasibility study – Kisaralik River and Chikuminuk Lake Reconnaissance and Preliminary Hydropower Feasibility Study (MHW, 2011) – concluded that a hydroelectric project at the Chikuminuk Lake / Allen River site is most economically feasible alternative and warrants further investigation."

This is not accurate, and mischaracterizes what the study actually said. The study in question was prepared for the Association of Village Council Presidents by the firm of MHW. The results were summarized in a Final Report dated March 2011, referenced by Nuvista. Part of the report involved an economic valuation, whereby the net present value (NPV) of four dam alternatives and a diesel fuel only alternative, were compared over a 50-year period. The diesel only alternative had the lowest NPV, meaning that it is the most cost-effective. Chikuminuk Lake had a lower 50-year NPV than the other three dam projects (Kisaralik – Upper Falls, Kisaralak – Lower Falls, Kisaralek – Golden Gate Falls). However, the Chikuminuk Lake project still had a higher NPV, meaning a higher cost, than the diesel only scenario. From an economic viewpoint, the MWH Final Report concludes that the diesel only alternative is the preferred choice:

> *In all three demand scenarios, the diesel only future has the lowest NPV and from an economic viewpoint, would be the preferred lowest cost choice*. Of the hydro options, Chikuminuk Lake has the lowest NPV. Chikuminuk Lake exhibits the lowest NPV because it does have the capability of displacing most of the diesel generation, whereas the Kisaralik generation availability profile requires a substantial diesel generation supply.

(MHW, 2011) at 14-11. (Emphasis added). *See also* the Executive Summary to the MWH Final Report, which states:

> The NPV considers the AEA demand projections, AEA economic evaluation criteria and the ability of the hydropower candidates to offset diesel generation. Of the four candidates, Chikuminuk Lake and Kisaralik River Lower Falls are the lowest cost alternatives to a diesel- only future. *However, both of these exhibit an NPV that is somewhat greater than the diesel only future.* The NPV is highly sensitive to the projection of diesel fuel. If the cost of diesel fuel escalates rapidly, the diesel only future could be a more expensive option. Implementation of one of the hydro options (particularly Chikuminuk) would provide isolation from unpredictable fuel cost escalation.

MHW Final Report states at ES-4. (Emphasis added).

Therefore, the MWH Final Report does not say the Chikuminuk Lake dam project is economically viable. What it says instead is that the Chikuminuk Lake project is not as bad, from an economic standpoint, as the three Kisaralik dam projects, which would be even less viable. The diesel alternative is the best choice from an economic viewpoint.

There are also many other technical and logistical obstacles that would have to be overcome before the Chikuminuk project could ever be developed, including but not limited to access to the site:

> The Chikuminuk Lake site is viewed as the most difficult to access of the four sites evaluated. Given that the site is located in a remote part of a State park, construction of access roads are expected to be challenging to permit. In addition, site access roads would cross extensive wetland area soft soil and rugged mountains making access road construction technically challenging as well. Alternatively, the site could be accessed entirely by air. Both alternatives are expected to have significant financial and scheduling impacts on the project.

MHW Final Report at 6-3. The Chikuminuk Lake site is also the farthest away from Bethel:

> The Chikuminuk Lake project has been favored in previous studies. However, the distance from Bethel (of the candidates considered, it is farthest from Bethel), its location within a State park, and the significant alteration to an existing natural lake that would be required are significant impediments.

MHW Final Report at ES-5.

There are also significant problems associated with construction of electrical transmission lines from Chikuminuk to Bethel:

> The path of the transmission line would transect rugged portions of the Kilbuck Mountains, and extensive swamps and bogs of the Kuskokwim River lowlands. Mountainous portions of the alignment, most notably the mountain pass crossing west of Chikuminuk Lake could potentially be exposed to landslides and avalanche hazards. The Kuskokwim River lowland will pose extensive constructability challenges as the lakes and bogs will make overland travel of construction equipment impractical during non-winter months. Discontinuous areas of permafrost may also be encountered within unconsolidated Quaternary deposits along the alignment. A detailed evaluation of permafrost areas and how they may impact transmission line support systems should be conducted during more detailed phases of design.

MHW Final Report at 6-4.

A complete discussion of all of the technical and logistical problems that would be associated with a dam at Chikuminuk Lake is beyond the scope of these comments. The point to be emphasized is that there are a lot of problems, and the potential benefits are remote and speculative. The proposed Chikuminuk dam might simply be a boondoggle, which will never be constructed. On the other hand, the harm to the Chikuminuk Lake wilderness area from the proposed activities, which is what DPOR is supposed to be concerned about, would be immediate and direct.

III. Conclusion

The applicable statutes, regulations, DPOR management guidelines and policies all prohibit hydropower development at Chikuminuk Lake. Under the circumstances, the issuance of the proposed permit would be arbitrary, capricious, an abuse of discretion and in excess of the statutory authority of DNR and DPOR. The permit application should therefore be denied in its entirety. In the alternative, the proposed geophysical studies and geotechnical drilling should not be permitted.

Yours truly,
T. Henry Wilson

Comment 22

Griffin, **David W** (DNR)

From: Dan Dunaway [dlgdunaway@gmail com]
Sent: Monday, May 14, 2012 6:01 PM
To: Griffin, David W (DNR)
Cc: Berkhahn, William J (DNR); jody Seitz; sflensburg@bbna.com; Dye, Jason E (DFG)
Subject: Re: Extension of Courtesy Review Notice - Nuvista Chikuminuk Lake Hydro Studies - Casefile #LAS 28479

David Griffin, DNR.

Please include this as a public comment regarding the Chikuminuk hydro study application.

Since I've learned that this whole thing began with a study in 2010 I'm really mystified that the Bristol Bay area wasn't brought into the conversation until recently.

DNR and Nuvista really should have made efforts much earlier to include ALL Wood Tikchik Park users and communities closest to the Park.

The extended comment period is a pretty minor accommodation for such a major study and project, but it IS something. Thank you for this minimal effort.

It still doesn't make it very convenient for folks already committed to activities in the area to make adjustments. Deposits may have been paid (and spent), permits applied for, plane tickets bought, leave arranged, etc etc.

It does not give much opportunity for nearby communities and groups to formulate responses as many members are already dispersing for the spring and summer fisheries.

thanks for the info.

For projects or studies of this sort in the Park, there should be a much more extensive and rigorous public notice process than is implied by the term "courtesy review notice". The term "courtesy review notice" seems a bit condescending and insufficiently respectful to the general public and users who are interested in Park activities.

For the 2012 season I would support permitting Nuvista to conduct such work as they can do that does not conflict with the existing regulations for that area of the park. This would minimize conflicts with other users of the area.

For activities that would conflict with regulations, Nuvista should be required to wait at least until 2013, be required to work with the Park Council, communities adjacent to the Park, DNR and Legislature to develop an acceptable study plan and permit. Any plan should be advertised publicly STATEWIDE and early enough to allow users to adjust plans.

thank you, and again thank you for the extended comment period.

Dan Dunaway
PO Box 1490
Dillingham, Alaska 99576

907-842-2636

Comment 23

Griffin, **David W** (DNR)

From: Myron Angstman [angstmanlaw@alaska.com]
Sent: Wednesday, May 16, 2012 4:17 PM
To: Griffin, David W (DNR)
Subject: further comment on hyro proposal

I have heard suggestions that certain folks believe the appropriation by the Legislature gives implied approval for the types of activities proposed for this summer. Such a suggestion is preposterous. Nowhere in the legislation is there even a suggestion that the legislature knew this project involved a state park. Few people in the legislature have any idea where Chikuminik Lake is, and likely none know the restrictions which now are in place for that lake. You need to follow the law, as does everybody who uses the park. I believe you are finding out that this project was quietly moved forward with the suggestion that everyone was supportive, and now that word is spreading so is the opposition. Our parks are designed to protect large parcels from the very type of activity you are being asked to allow. Please reject the permits.

Comment 24

Griffin, **David W** (DNR)

From: Craig Schwanke [craig.schwanke@yahoo.com]
Sent: Thursday, May 17, 2012 10:47 AM
To: Griffin, David W (DNR)
Subject: Chikuminuk Park Permit Application

David,
I am a Dillingham resident who utilizes the Wood Tikchik State Park year around. I boat, snowmobile, camp, fish, hunt and trap in the park. For the most part the park provides an amazing wilderness experience. The possibility of developing hydropower at a large headwater lake that has been specifically set aside to provide an undeveloped wilderness setting (there are currently no cabins on Chikuminuk and motorized boats are not allowed) is not compatable with the intent of the Parks management plan. Although Chikuminuk Lake does not have spawning salmon, it is still a headwater lake and the development of a hydropower project with a large damn to block the outlet and regulate flow has the potetial to influence fish productivity in the remainder of this extensive drainage which includes the Nushagak River.

The type of activities proposed by the permitees to study the feasibility of the site would appear to be in direct conflict with the intent of the Wood Tikchik State Park and its carefully considered and crafted management plan. I do not believe that the permit application to conduct work at Chikuminuk Lake and the Allen River should be approved.

Craig Schwanke
PO Box 1123
Dillingham, AK 99576
907-842-1724

Comment 25

Griffin, David W (DNR)

From: **Russell Nelson** [russell2542k@yahoo.com]
Sent: Thursday, May 17, **2012** 11:28 AM
To: **Griffin, David W (DNR)**
Subject: **Wood-Tikchik State Park**

Hi Mr. Griffin:

I do not want development of hydroelectric power within the Wood-Tikchik State Park. I have been flying over and using the park since before the park was formed. Please keep powerlines and roads out of it. It is a pristine area where salmon can thrive and all of the other plants and creatures including man is there because of them.

Thanks,

Russell Nelson
Dillingham, Alaska 99576

Terry Hoefferle
P.O. Box 825, Dillingham, Alaska 99576
(907) 842-5847 (Cell) 907- 843-1141

May 17, 2012

David Griffin
Alaska Dept. Natural Resources
PKS-PKS DESN/CONST
550 W 7th Ave Ste 1380
Anchorage, Alaska
(907)269-8696

david.griffin@alaska.gov

Dear Mr. Griffin.

I am writing to comment on the Nuvista Inc. application to study the potential of a hydroelectric dam on the Allen River and Chikuminuk Lake area within the Wood Tikchik State Park: Case file LAS 28479.

I am a Park user who has flown in to Chikuminuk Lake, traveled down the Allen river, and through all the downstream lakes and rivers in both the Tikchik and Wood River systems by kayak. I am currently a subsistence and recreational user of the Park.

To begin with, I will quote certain portions of the WT Park Management Plan, since these seem to have excaped consideration by the Director's office when accepting Nuvista's application. If this 'sacred' ground is considered appropriate for a hydro-project, then nothing stands in the way of mining or similarly invasive uses.

"HYDROPOWER DEVELOPMENT
When Wood-Tikchik State Park was established, all state-owned lands and waters within the park were withdrawn from the public domain and designated for special purpose management. The enabling legislation gives the Division of Parks and Outdoor Recreation a clearly defined management purpose, which it cannot exceed without specific legislative action.

The Legislature made a special finding that two potential hydro projects, at Lake Elva and Grant Lake, were compatible with park purposes. Both projects have since been determined unfeasible and dismissed from further consideration.

Chikuminuk Lake has also been considered in the past for hydroelectric development, although it has not received the legislative recognition of Lake Elva and Grant Lake. Hydroelectric development at sites other than Lake Elva and Grant Lake is incompatible with the special park purpose management mandated by the Legislature and therefore already prohibited by law. The park enabling legislation must be amended to specifically allow hydroelectric development at Chikuminuk Lake." (page 5-7)

"9. Hydropower development is incompatible with park purposes. The Division of Parks and Outdoor Recreation therefore does not have the authority to approve hydroelectric development at Chikuminuk Lake. Before Chikuminuk Lake can be CONSIDERED (emphasis is mine) for hydropower development, the enabling legislation must be amended." (page 9-9)

The Nuvista permit application should be denied for the following reasons:

1) The Wood Tikchik Park Management plan clearly and expressly prohibits the activities Nuvista proposes for the project location. The Park Management Plan provides guidelines for use/areas. Intent could not be more clear for the area proposed in the application, as guidelines provides for the most restrictive use at Chikuminuk Lake. Stringent proscriptions against motorized implements and visitor days are an example.

2) The State of Alaska Division of Parks and Outdoor Recreation does not have the authority to grant permission for such proposed activities as would be in violation of the Park Management Plan. The Division is expressly prohibited from doing so. Should this permit be approved in the manner anticipated by the Division's notice, legal action to prevent implementation will almost certainly ensue.

3) Public notice of this permit application was insufficiently advertised to the Bristol Bay communities adjacent to the Park. At the May 11 Park Council meeting, it was a total surprise to nearly ALL in attendance that a comment period was in progress and that the comment deadline was May 14. While a number of the residents adjacent to the Park were aware of the legislature funding a project, most assumed that the May 14 meeting was for informational purposes. None in attendance believed that the Park Management Plan would be superceded by administrative fiat or that such activities as listed in the proposal could be permitted without an extensive public process and legislative action.

4) While the Legislature chose to fund the study, it did NOT take any action to authorize changes to the Park regulations, management plan, or enabling legislation; actions which would be necessary for this sort of permitting. The fact that the legislature chose NOT to address the park regulations argues it did not intend to change them. Funding of a study by the Legislature without out clear language to do so, does not and should not supersede carefully designed and properly promulgated state regulations or management plans. This is why legislative bodies utilize both enabling and budgetary legislation.

5) Consideration of its' neighbors is both explicit and implicit in the Part Management Plan. Besides the timing and inadequate notice of this proposal, individuals, businesses, and communities adjacent to the Park have not been provided the opportunity to respond to the proposal nor to adjust their plans and activities. The proposed activities may have impacts on subsistence activities of New Stuyahok and Koliganek residents. A number of air taxis, float trip operators / suppliers, lodges, wilderness, fishing and big game guides market trips to this area as a deep wilderness experience. Has the Division considered the impact of the proposed activities in this area on private landowners on Lake Chikuminuk? Inappropriate and illegal use of these lands may violate portions of

the Management Plan, and have major economic impacts to these service providers, users and consequently to local economies.

6) Bristol Bay shares the high cost of energy with the communities of the Kuskokwim. Representatives of those Kuskokwim communities and the Board of Directors of Nuvista considered a hydroelectric project on the Kisarolik River. The concept of a Kisarolik project was discarded because of the same environmental concerns that would accompany a Chikuminuk project. This is clearly a case of NIMBY. Let us get our power from an industrial site in our neighbor's back yard. I understand the desperate need for affordable power in SW Alaska but the proper processes and respect for the work that established the Park must be observed.

I ask that you do not approve the Nuvista permit application for the Chikuminuk Lake hydroelectric study for the 2012 season.

Thank you for your consideration.

Sincerely Yours.

Terry Hoefferle

Wild River Guides Co.

Comment 27

May 22, 2012

Dear Mr. Griffen,

I have comments concerning the proposal to issue a special Park Use Permit to Nuvista Light and Electric Cooperative.

As background I have been involved professionally in natural resource management since the mid 1970's across Alaska and in the Bristol Bay region. I am a retired AKDNR employee, a former USFWS employee, and a former ADF&G citizen's advisory council member.

My family and I have used the Alaska's State Parks for recreation for four decades. I own Wild River Guide Company, an established guide business in the Bristol Bay region. In July 2012 my clients will fly fish under a commercial use permit in the Wood Tikchik Park and other adjacent lands.

My out of state clients are beginning to hear about the proposed special use permit to explore the feasibility of developing hydroelectric power at Chikuminuk / Allen River and they are incredulous! They strenuously object to the State of Alaska violating the intent of the Wood Tikchik Park Management plan. A woman called me from Olympia Washington on Saturday to discuss the proposal and I did not believe her when she said the state was pushing ahead with this proposal without careful study and public involvement. I learned that she was correct.

The proposed use of helicopters both, for over flights and for landings in the Park for this project is inappropriate considering the purposes for which the Park was created. I had fly-fishing clients on the Goodnews River last August during a period that a contractor supplying the Terra mountain top repeater construction was flying over the Togiak Refuge designated Wilderness and the clients were appalled. Helicopter use is offensive to my clients especially when it is perceived to be in support of activities, which will permanently degrade the State Park.

I am very experienced with geophysical exploration. Undertaking geophysical activity in July is extraordinarily shortsighted. The disturbance to vegetation, to wildlife, & to the fishery will significantly impact the ecosystem. The use of pumps and motors in an area designated where such motors are illegal is unjustified. There is no justification for seismic drilling and blasting when the ground is unfrozen. There will be scars from the small drill pads and boreholes for eternity.

The special use permit for Nuvista should be reconsidered. My clients and I and many other Park users need time to change our plans and go elsewhere, however airline reservations for 2012 have been made and lodging in Dillingham reserved. This is going to be an economic blow to recreation and an ecological disaster if helicopters, generators, drill rigs, field crews, and powerboats are permitted in the summer months. The amount of flying out of the proposed Tikchik Narrows base camp will be extraordinarily obtrusive and objectionable.

The proposed permit is ill conceived, probably illegal, and at the very least will damage the reputation of Alaska's greatest State Park. The state should at the very least allow for a year of public comment and planning.

Sincerely,
Mark D. Rutherford
PO Box 608
Dillingham, AK 99576

Guided fly-fishing & wilderness trips on pristine Alaskan Rivers
Mark Rutherford, Owner. AK Guide # 17568
Toll free call 1-877-628-6796.
www.wildriverfish.com
rutherfordfish@yahoo.com

Comment 28

Griffin, **David W** (DNR)

From: Elaine [chickyak@gmail.com]
Sent: Wednesday, May 23, 2012 2:37 PM
To: Griffin, David W (DNR)
Subject: LAS 28479

I support the special use permit for the 2012 field season.

Sent from my iPhone

Comment 29

Griffin, **David W** (DNR)

From: Mary King [mkinginak@hotmail.com]
Sent: Wednesday, May 23, 2012 3:58 PM
To: Griffin, David W (DNR)
Subject: Nuvista Light & Electric Cooperative/Studies...

Please allow Nuvista Light & Electric Cooperative, Inc. to perform a variety of scientific field studies for Summer/Fall of 2012, at locations in and around Chikuminuk Lake and Allen River, located in the northern area of Wood-Tikchik State Park. The field studies are related to the proposed Chikuminuk Lake Hydroelectric Project.

I support the studies...thank you...Mary King

Griffin, **David W** (DNR)

From: Jamie Linxwiler [jlinxwiler@guessrudd.com]
Sent: Wednesday, May 23, 2012 4:37 PM
To: Griffin, David W (DNR)
Cc: Elaine Brown
Subject: Courtesy Review Notice - Special Park Use Permit Application - Chikuminuk Lake 2012
Attachments: LAS 28479 - Chikuminuk Lake 2012 - Special Park Use Permit Application Review Packet .pdf

I am writing in support of the Chikuminuk Lake 2012 field season special use permit applied for by Nuvista Light and Electric Cooperative. I believe the development of reliable and responsible sources of hydropower in the Kuskokwim/Bethel/Calista Region is critical for the well-being of local residents and necessary for the progress of this sector of the State, and without a local source of hydropower, electricity will become prohibitively expensive, and the public interest will be harmed. This project promises benefits to local residents while creating acceptable effects on the environment and it should proceed. Thank you.

Jamie Linxwiler

James D. Linxwiler
Guess & Rudd P.C.
510 L Street, Suite 700
Anchorage, AK 99501
907.793.2200 (voice)
907.793.2299 (fax)
jlinxwiler@guessrudd.com (email)
http://www.guessrudd.com

From: Griffin, David W (DNR) [mailto:david.griffin@alaska.gov]
Sent: Friday, April 13, 2012 1:45 PM
To: Byrd, Linda F (DNR)
Cc: Griffin, David W (DNR)
Subject: Courtesy Review Notice - Special Park Use Permit Application - Chikuminuk Lake 2012

Dear Alaskan,

The Department of Natural Resources, Division of Parks and Outdoor Recreation, has received an application from Nuvista Light & Electric Cooperative, Inc. to perform a variety of scientific field studies for Summer/Fall of 2012, at locations in and around Chikuminuk Lake and Allen River, located in the northern area of Wood-Tikchik State Park. The field studies are related to the proposed Chikuminuk Lake Hydroelectric Project. You are invited to review the attached application materials and provide comment. If authorized, the term of the Special Park Use Permit would begin June 1, 2012 and expire December 31, 2012; and would authorize a variety of field studies to include: geophysical, geotechnical, survey and mapping, hydrology and water quality, terrestrial and aquatic biology, and recreation.

To submit comments, please write to the Director's Office of the Division of Parks and Outdoor Recreation within 30-days of this notice. Please direct written comments to David Griffin, or send an email to david.griffin@alaska.gov, before close of business 5pm, Monday, May 14, 2012. You need not respond if you do not have any recommendations. The purpose of this notice is to gather input before a final determination is made to ensure that issuance of the proposed permit will be in the best interest of the State of Alaska.

If you have any questions please call Monday through Friday, 8:00AM-5:00PM at (907) 269-8696.

Comment 31

Griffin, **David W** (DNR)

From: Barbara Leaf [bleaf@calistacorp.com]
Sent: Wednesday, May 23, 2012 4:53 PM
To: Griffin, David W (DNR)
Subject: NUVISTA LIGHT & ELECTRIC COOPERATIVE, INC.

I would like to express my support for Nuvista Light & Electric Cooperative, Inc. in performing a variety of scientific field studies for Summer/Fall of 2012, at locations in and around Chikuminuk Lake and Allen River, located in the northern area of Wood-Tikchik State Park. The field studies are related to the proposed Chikuminuk Lake Hydroelectric Project.

Thank you...Barb Leaf

Barb Leaf
Benefits Specialist
Calista Corporation
301 Calista Court, Suite A
Anchorage, AK 99518
Direct 907-644-6339
HR Office FAX: (907) 644-6374
HR Confidential FAX: (907) 868-2491
E-mail: bleaf@calistacorp.com

Comment 32

Griffin, **David W** (DNR)

From: Abraham Rivers [abraham_r@coastalvillages.org]
Sent: Thursday, May 24, 2012 11:53 AM
To: Griffin, David W (DNR)
Subject: RE: RE:

Yes it is.

From: Griffin, David W (DNR) [mailto:david.griffin@alaska.gov]
Sent: Thursday, May 24, 2012 11:52 AM
To: Abraham Rivers
Subject: RE:

Hi there,

I'm unsure what this email is in reference to. I'm assuming the proposed feasibility studies on Chikuminuk Lake, in Wood-Tikchik State Park?

From: Abraham Rivers [mailto:abraham_r@coastalvillages.org]
Sent: Thursday, May 24, 2012 9:01 AM
To: Griffin, David W (DNR)
Subject:

I am in support of the of what you have planned to do.

Abraham Rivers
Community Service Represenative
Coastal Villages Region Fund
Scammon Bay, AK 99662
(907) 558-5300- Main
(907) 558-5524-Fax
(907) 558-5858- Cell

Comment 33

Griffin, **David W** (DNR)

From: rachel winn [rarowinn@gmail.com]
Sent: Wednesday, May 23, 2012 7:34 PM
To: Griffin, David W (DNR)
Subject: Chikuminik hydroelectric project

I support the special use permit application being reviewed by the Alaska state parks for chikuminik lake hydro project.

Comment 34

Griffin, **David W** (DNR)

From: operations@missionlodge.com
Sent: Tuesday. May 29, **2012 8:18 AM**
To: Griffin, David W (DNR)
Subject: DNR Web Site Comment: Criticism

IP Address From: 66.220.126.3
Date/Time Sent: 7:51:30 AM AKDT

Concerning a web page at:
http://dnr.alaska.gov/parks/asp/curevnts.htm

Comment From: Guy Fullhart

Message:

Case File - LAS 28479 Location Management Plan

Dear Alaska DNR,

Not since the Pebble Mine exploration, has a more devastating proposal been put forth and considered by your department. The Wood-Tikchik State Park represents a natural resource that can not be replicated or replaced by mankind. This tract of land was set aside to prevent this kind of activity or any industrial human activity that would degrade the natural landscape and forever alter the intended use of the park. More than just creating an eye-sore in hopes of providing cheaper power, the infrastructure necessary to complete this project will not just scare this land, but set a precedence for other destructive uses.

Your own agency describes these lands at 'priceless' and I would concur. To allow a project like to to move forward is beyond irresponsible as the very mandate of these parks to preserve this for future generations, not exploit for the comfort of this generation.

It should also be pointed out that projects like this one, should have to follow the same rules as the rest of the park users and not be granted special exemptions like the use of helicopters which is not allowed to outfitters and the general public. The growing hypocrisy we are seeing in our wild places between government, public, commercial [non-recreation] and recreational users is shameful to put it mildly.

Comment 35

Griffin, **David W** (DNR)

From: Patty Murphy [pmurphy@nuvistacoop org]
Sent: Tuesday, May 29, 2012 11:13 AM
To: Griffin, David W (DNR)
Subject: FW: Support Letter

Mr. Griffin,

I am forwarding the letter from Quinhagak.

Thank yiyou.

Patty Murphy
Nuvista Light & Electric Cooperative, Inc

From: John Mark [mailto:jmark.nvk@gmail.com]
Sent: Tuesday, May 29, 2012 10:51 AM
To: Patty Murphy
Subject: Support Letter

Patty, I could not send the following to David's email address. Please forward it to him. Thanks, John

David Griffin
Project Coordinator, Division of Parks and Outdoor Recreation

Mr. Griffin,

My name is John Mark and I serve as the President of Native Village of Kwinhagak, Quinhagak IRA Council. I am in support of the Nuvista Light & Electric Cooperative, Inc in their effort to aquire a study permit for the Chikuminuk Lake Hydroelectric Project. The reference case file for this project is LAS-28479Alaska State Parks Special Park Use Permit Application Chikuminuk Lake Hydroelectric Project – 2012 Field StudiesWood-Tikchik State Park, Alaska.

Thank you

BRISTOL BAY NATIVE ASSOCIATION
P.O. BOX 310
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257

May 29, 2012

David Griffin, Project Coordinator
Alaska Department of Natural Resources
Division of Parks and Outdoor Recreation
550 West 7th Avenue, Suite 1380
Anchorage, Alaska 99501

RE: Application for Special Park Use Permit, Chikuminuk Lake, Wood-Tikchik State Park, Nuvista Light & Electric Cooperative, Inc.

Dear Mr. Griffin:

The Bristol Bay Native Association (BBNA), a consortium of 31 federally-recognized tribes situated in Southwest Alaska, is writing to express concern regarding the Special Park Use Permit application submitted by Nuvista Light & Electric Cooperative.

The mission of BBNA is *to maintain and promote a strong regional organization supported by the Tribes of Bristol Bay, to serve as a unified voice to provide social, economic, cultural, and educational opportunities and initiatives to benefit the Tribes and the Native people of Bristol Bay.*

We are uneasy about the proposed field activities in and around Chikuminuk Lake and the Allen River and its impacts on traditional, ecological and cultural activities encouraged and supported by the Wood-Tikchik State Park Management Plan. This area supports significant subsistence harvest (trout, pike, grayling, and char) by the Nushagak River villages as well as Dillingham and Aleknagik. Furthermore, the area proposed for development has been designated as "wilderness" and would ultimately require a legislative amendment to the management plan for successful implementation.

At the same time, we are also worried about the rising price of energy in the Bristol Bay region, and therefore understand the obligation of Nuvista Light & Electric Cooperative to explore alternative power sources to offset the need for diesel in the Bethel area. Historically, the lakes and rivers within the Wood-Tikchik State Park have been

considered as potential regional and inter-regional sources of hydroelectric power for the Bethel and Dillingham areas, but have been deemed in preliminary assessments economically unfeasible. A key distinction between these sites is that Grant and Elva are acknowledged in the current management plan whereas Chikuminuk Lake is not.

Given the potential regulatory, environmental and economic constraints, BBNA supports the prior comments submitted by the Nushagak-Mulchatna Wood-Tikchik Land Trust, and Togiak National Wildlife Refuge.

We also ask that deference be given to the actions taken by the Wood-Tikchik State Park Management Council who represent several communities and organizations in the region, and whose function is to develop and monitor implementation of the park's management plan.

Sincerely,

Ralph Andersen
President and Chief Executive Officer