

**HJR**

**20**

<TARGET><BILL>HJR 20</BILL><SUBJECT>HJR  
20</SUBJECT><COMM>HRES27</COMM></TARGET>

# Alaska State Legislature

*Interim:*

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Ketchikan, AK 99901  
Phone: (907) 247-4672  
Fax: (907) 225-7157



*Session:*

State Capitol, Room 114  
Juneau, AK 99801-1182  
Phone: (907) 465-3424  
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## Representative Kyle Johansen House District 1

HJR 20 – "Urging the President of the United States, the United States Congress, and the Secretary of the United States Department of Agriculture not to implement protection of inventoried roadless areas under the "roadless rule" or otherwise restrict the development of necessary hydroelectric projects in the Tongass National Forest and the Chugach National Forest."

The current version of the Roadless Area Conservation Rule, "Roadless Rule", will have an adverse impact on potential hydro-power and renewable energy projects in Southeast Alaska. Construction of access and maintenance roads or transmission tower placement would become exceedingly difficult with the continuation of this policy.

The Obama administration has set a goal of having 25% of the energy generated in the United States come from renewable, "green", resources by 2025. Alaska, through the Energy Policy passed by the legislature in 2010, has a goal of 50% by 2025. The implementation of the Roadless Rule in the Tongass National Forest will create additional hurdles for the permitting and construction of hydro-power projects and their connectivity to electrified grids through interties and will not help the State or Federal Governments towards their goals.

This resolution will send a message to Washington, stating that Alaska is committed to both responsible conservation of our forests and developing renewable energy projects.

**HOUSE JOINT RESOLUTION NO. 20**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE JOHANSEN**

**Introduced: 3/9/11**

**Referred:**

**A RESOLUTION**

1 **Urging the President of the United States, the United States Congress, and the Secretary**  
2 **of the United States Department of Agriculture not to implement protection of**  
3 **inventoried roadless areas under the "roadless rule" or otherwise restrict the**  
4 **development of necessary hydroelectric projects in the Tongass National Forest and the**  
5 **Chugach National Forest.**

6 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **WHEREAS** inventoried roadless areas, as defined in 36 C.F.R. 294.11, constitute  
8 approximately 57 percent of the acreage in the Tongass National Forest; and

9 **WHEREAS** the United States Congress has designated an additional 35 percent of the  
10 acreage in the Tongass National Forest as wilderness; and

11 **WHEREAS** there is an extensive system of federally protected areas in the state; and

12 **WHEREAS**, on May 28, 2010, the Secretary of the United States Department of  
13 Agriculture issued Secretary's Memorandum 1042-155 that reserves to the Secretary the  
14 authority to approve or disapprove road construction or reconstruction and the cutting, sale, or  
15 removal of timber in areas identified in the set of inventoried roadless area maps contained in

1 volume 2 of the Forest Service Roadless Area Conservation Final Environmental Impact  
2 Statement, dated November 2000; and

3 **WHEREAS** the Secretary of the United States Department of Agriculture has  
4 approved only seven projects under the authority reserved in Secretary's Memorandum 1042-  
5 155; and

6 **WHEREAS** 14 of the 15 hydroelectric projects in the Tongass National Forest and  
7 Chugach National Forest are subject to the protection of inventoried roadless areas under 36  
8 C.F.R. 294.10 - 294.18 ("roadless rule") and will require approval by the Secretary of the  
9 United States Department of Agriculture; and

10 **WHEREAS** failure of the Secretary of the United States Department of Agriculture to  
11 approve the hydroelectric projects in the Tongass National Forest and the Chugach National  
12 Forest would jeopardize the approval of necessary preliminary permits by the Federal Energy  
13 Regulatory Commission because, without the Secretary of Agriculture's approval, the  
14 hydroelectric projects would not be able to proceed with the field studies and planning that are  
15 required for a Federal Energy Regulatory Commission preliminary permit; and

16 **WHEREAS** the inability to develop hydroelectric projects and construct power lines  
17 to bring electricity to communities in the state will result in continued diesel power generation  
18 that emits pollutants into the environment; and

19 **WHEREAS** the protection of inventoried roadless areas under the "roadless rule" in  
20 36 C.F.R. 294.10 - 294.18 and the inability to produce and distribute hydro-generated  
21 electricity will adversely affect communities in the Tongass National Forest and the Chugach  
22 National Forest and will thwart the Governor's goal of generating 50 percent of the energy in  
23 the state from renewable sources; and

24 **WHEREAS** the President of the United States has pledged to embrace and encourage  
25 the development of renewable energy sources;

26 **BE IT RESOLVED** that the Alaska State Legislature urges the President of the  
27 United States, the United States Congress, and the Secretary of the United States Department  
28 of Agriculture not to implement protection of inventoried roadless areas under 36 C.F.R.  
29 294.10 - 294.14 or otherwise restrict the development of necessary hydroelectric projects in  
30 the Tongass National Forest and the Chugach National Forest.

31 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of

1 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and  
2 President of the U.S. Senate; the Honorable Tom Vilsack, United States Secretary of  
3 Agriculture; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the  
4 Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; the  
5 Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell,  
6 Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and  
7 Natural Resources Committee of the U.S. Senate; and the Honorable Lisa Murkowski and the  
8 Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
9 members of the Alaska delegation in Congress.

# FISCAL NOTE

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

Fiscal Note Number 1  
 Bill Version CSHJR 20(ENE)  
 (H) Publish Date 3/23/11

Identifier (file name) HJR20-LEG-COU-3-21-2011 Dept. Affected Legislature  
 Title "Roadless Rule & Chugach and Tongass Hydro" Appropriation Legislative Council  
 Allocation Session Expenses  
 Sponsor Representative Johansen  
 Requester House Special Committee on Energy, Resources OMB Component Number 782

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2011) cost \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**Why this fiscal note differs from previous version**

Initial Version

Prepared by Shane Miller, Finance Manager  
 Division Legislative Affairs Agency  
 Approved by Pamela Varni, Executive Director  
Legislative Affairs Agency

Phone 465-6626  
 Date/Time 3/21/11 10:02 AM  
 Date 3/21/2011

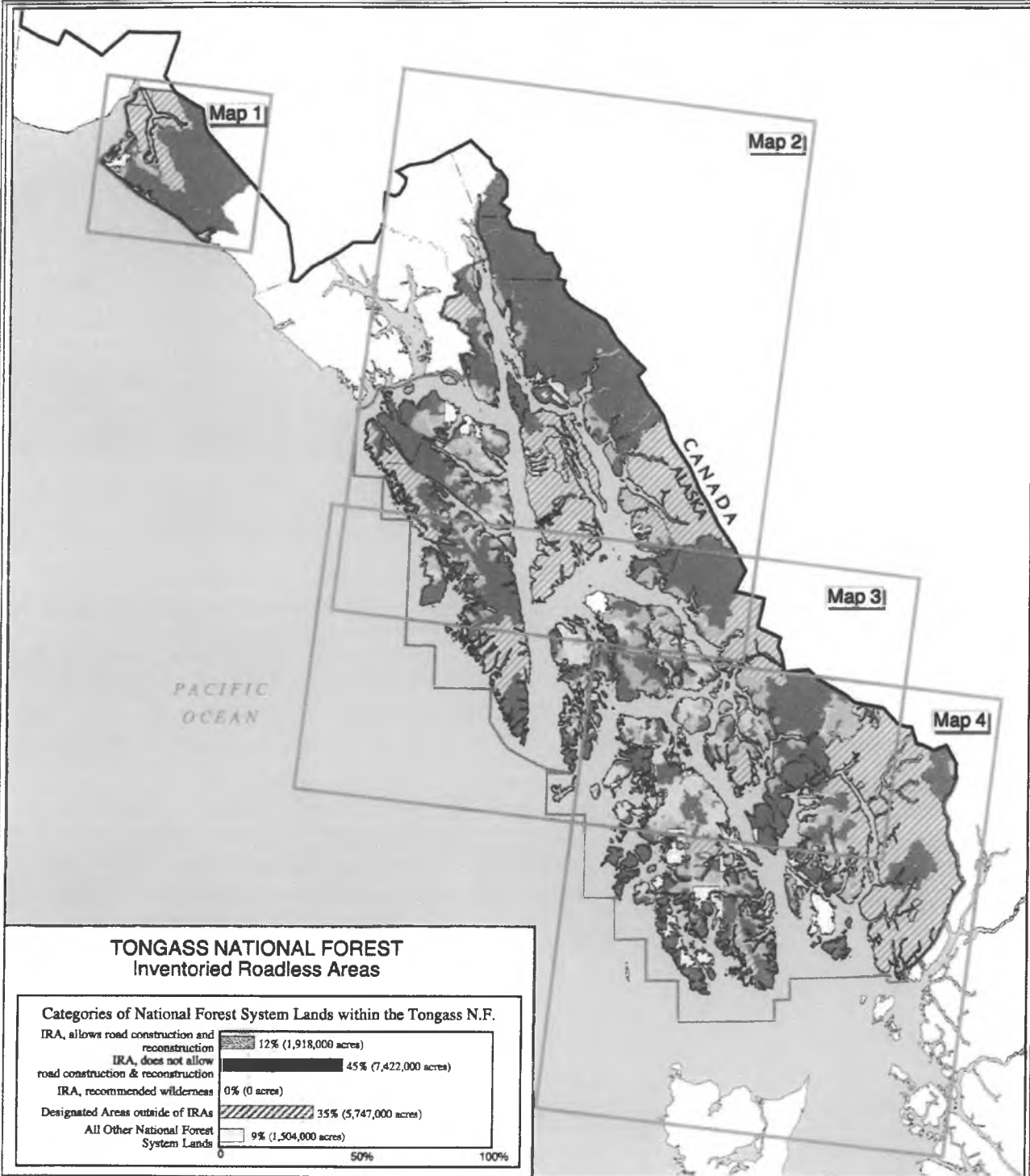
FISCAL NOTE #1

STATE OF ALASKA  
2011 LEGISLATIVE SESSION

BILL NO. CSHJR 20(ENE)

**Analysis**

This fiscal note has zero impact on the Legislative Affairs Agency.



### TONGASS NATIONAL FOREST Inventoried Roadless Areas

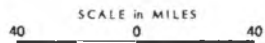
#### Categories of National Forest System Lands within the Tongass N.F.

IRA, allows road construction and reconstruction	12% (1,918,000 acres)
IRA, does not allow road construction & reconstruction	45% (7,422,000 acres)
IRA, recommended wilderness	0% (0 acres)
Designated Areas outside of IRAs	35% (5,747,000 acres)
All Other National Forest System Lands	9% (1,504,000 acres)



The USDA Forest Service uses the most current and complete data available. GIS data and product accuracy may vary. Using GIS products for purposes other than those for which they were intended may yield inaccurate or misleading results. The USDA Forest Service reserves the right to correct, update, modify, or replace GIS products without notification.

September 15, 2000  
Data Supplied by Tongass National Forest  
Contact: Tongass N.F.  
Federal Building  
648 Mission Street  
Ketchikan, AK 99901  
(907) 228-6202



- Inventoried Roadless Area where road construction or reconstruction is allowed
- Inventoried Roadless Area where road construction or reconstruction is not allowed
- Inventoried Roadless Area where road construction or reconstruction is not allowed, and the forest plan recommends as wilderness
- Designated Areas outside of Inventoried Roadless Areas
- National Forest System lands outside of Inventoried Roadless Areas - not all private land is shown on the map
- Interstate Highway
- Other Highways
- County boundaries



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E-mail: [juneauchamber@gci.net](mailto:juneauchamber@gci.net) • [icc@alaska.com](mailto:icc@alaska.com) • Web site: <http://www.juneauchamber.com>

**A RESOLUTION OF THE JUNEAU CHAMBER OF COMMERCE IN  
OPPOSITION OF**

**"the Obama Administration's new approach to forest management on the  
Tongass National Forest"**

07-10

**Board Members**

Tim McLeod, *President*  
AEL & P  
Bob Martin, *Past Pres*  
Goldbelt  
Sheldon Winters, *Past Elec*  
Lessmeier & Winters  
Chuck Collins  
Key Bank  
Neil MacKinnon, *Treasurer*  
Alaska Laundry  
Sharon Burns, *Secretary*  
ABC Stations  
Jeremy Hansen  
Hansen Greiss  
Dick Knapp  
Petro Marine  
Max Mertz  
Elgee Rehfeld Mertz  
Lance Stevens  
Alaska USA FCU  
Nathan McCowan  
Sealaska  
Karen Hansen  
Wings of Alaska  
Murray Walsh  
Walsh Consulting  
Kelly Shattuck  
Shattuck & Grummett  
Wade Bryson  
Subway of Juneau

**Benefactor Members**

ACS  
Allen Marine  
Exxon Mobil  
Juneau Empire  
GCI Communications  
Juneau Radio Center  
Sealaska

**Platinum Members**

AEL & P  
Alaska Litho  
Alaska Marine Lines  
Alaska Pacific Bank  
Alaska USA FCU  
Alaskan Brewing Company  
Bristol Regional Hospital  
BP Alaska  
C BJ (Manager's Office)  
Capital Office Supply  
Coeur Alaska, Inc  
Coogan Construction  
Cops Express  
Elgee Rehfeld & Mertz  
Exxon Mobil  
First National Bank of Alaska  
Hecla Greens Creek Mining  
Goldbelt, Inc  
Huna Totem  
Shattuck & Grummett  
Taku Oil  
True North FCU  
UAS  
Wells Fargo Bank of Alaska  
Westmann and Associates

**WHEREAS**, the State of Alaska and U.S. Senator Lisa Murkowski oppose "the Obama Administration's new approach to forest management on the Tongass National Forest" as described in USDA Secretary Thomas Vilsack's September 3, 2010 letter to Senator Lisa Murkowski and

**WHEREAS**, the U.S. Forest Service Alaska Region (USFS) presented an Integrated 5-year Plan for the Tongass National Forest essentially applying a de facto roadless rule on the Tongass NF in contradiction to the USDA Settlement Agreement with the State of Alaska on the roadless rule and

**WHEREAS**, the new 5-year schedule is not consistent with the 2008 Tongass Land Management Plan (TLMP) and is prematurely transitioning commercial timber harvests to young growth forests generally sixty years of age or less and

**WHEREAS**, implementation of the new 5-year schedule and de facto application of the roadless rule on the Tongass will reduce future access to the Tongass NF discouraging private investments for mining, timber, hydro-electric inter-ties and other activities which would help improve the economy and quality of life in Southeast Alaska's forest dependent communities.

**THEREFORE, BE IT RESOLVED**, that the Juneau Chamber of Commerce join the State of Alaska and U.S. Senator Lisa Murkowski's opposition to the Obama Administration and USDA Secretary's new approach to forest management on the Tongass and U.S. Forest Service five year schedule of activities and

**BE IT FURTHER RESOLVED**, that the Juneau Chamber of Commerce supports the implementation of the 2008 Tongass Land Management Plan and

**BE IT FURTHER RESOLVED**, to transmit this Resolution to the Alaska Governor, Alaska Congressional Delegation, Southeast Alaska Legislators, The Southeast Conference, and Juneau Mayor and Assembly.

Record of December 28, 2010 Juneau Chamber Board meeting action:

**PASSED AND APPROVED** by the Juneau Chamber of Commerce Board of Directors on this date: December 28, 2010

Cathie Roemmich, CEO  
Juneau Chamber of Commerce  
At the direction of the Board of Directors and  
Representing nearly 400 Business Members

**CITY OF PETERSBURG, ALASKA**

**RESOLUTION # 1964**

**A RESOLUTION URGING ALASKA GOVERNOR PARNELL AND ALASKA'S FEDERAL DELEGATION TO ASSURE THAT THE IMPLEMENTATION OF THE ROADLESS RULE ON ALASKA'S NATIONAL FORESTS DOES NOT HINDER OR PROHIBIT THE DEVELOPMENT AND MAINTENANCE OF HYDRO-ELECTRIC PROJECTS AND ASSOCIATED TRANSMISSION LINES**

**WHEREAS**, the 2010 Alaska Legislature passed an Energy Policy that set a goal of having 50% of the energy generated in Alaska come from renewable, "green", resources by 2025; and

**WHEREAS**, the Chugach and Tongass National Forests appear to be subject to the implementation of the Roadless Rule; and

**WHEREAS**, US Secretary of Agriculture Tom Vilsack has announced that he has the sole authority to approve or disapprove permits for projects within the inventoried roadless areas of the Chugach and Tongass National Forests; and

**WHEREAS**, the inventoried roadless areas within the Chugach and Tongass National Forests make up the majority of remaining Forest Service lands outside of Wilderness or other areas already off limits to development; and

**WHEREAS**, a vast majority of potential hydroelectric projects that could be developed to supply renewable energy to Alaska's communities are located within inventoried roadless areas; and

**WHEREAS**, the inability to develop hydroelectric projects or the transmission lines necessary to transmit this power to Alaska's communities will result in continued diesel generation and resultant pollutants emitted into the environment; and

**WHEREAS**, the current version of the Roadless Rule may adversely impact the communities that reside within Alaska's National Forests and potential hydro-power and renewable energy projects in Southeast Alaska.

**THEREFORE BE IT RESOLVED** the City Council for the City of Petersburg, Alaska, strongly urges Alaska Governor Parnell and Alaska's Federal Delegation to assure that the implementation of the Roadless Rule on Alaska's National Forests does not hinder or prohibit the development and maintenance of hydro-electric projects and transmission lines.

**PASSED and APPROVED** by the City Council of the City of Petersburg, Alaska on April 4, 2011.

**ATTEST:**

  
\_\_\_\_\_  
Kathy O'Rear, City Clerk

*Dan Hickman*

Dan Hickman, Acting Mayor



March 16, 2010

Representative Kyle Johansen  
State of Alaska  
Capitol Building Room 114  
Juneau, Alaska 99811

**RE: Support for HJR 20-**"Urging the President of the United States, the United States Congress, and the Secretary of the United States Department of Agriculture not to implement protection of the inventoried roadless areas under the "roadless rule" or otherwise restrict the development of necessary hydroelectric projects in the Tongass National Forest and the Chugach National Forest."

Dear Representative Johansen;

Southeast Alaska is an archipelago with more than a thousand rugged, forested islands harboring isolated villages which are scattered across its 500 mile length and are accessible only by boat or small plane. More than 90% of that land is owned and governed by the Federal Government. The people of Southeast Alaska are a hearty bunch of folks and are able to overcome many obstacles; however they must have access to land to survive.

Southeast Conference is a regional, nonprofit corporation that advances the collective interest of the people, communities and businesses in Southeast Alaska. Members include municipalities, native corporations and village councils, regional and local businesses, civic organizations and individuals throughout the region. Our goal is to support policies that promote strong economies, healthy communities, and a quality environment. We are the State-designated Alaska Regional Development Organization (ARDOR), the federally-designated Economic Development District (EDD), and the Governing Board for the Resource Conservation and Development Council (RC&D) for Southeast Alaska. Each of these designations requires Southeast Conference to take an active role in regional resource management and economic development planning. Our relationship with our members gives us the advantage of speaking with a unified voice in support of legislation or policy that will be for the betterment of our region.

In the past 10 years Southeast Conference in partnership with many other agencies and organizations have put an extensive amount of effort into the development of affordable, self sustaining, renewable "green" energy projects in our region. And it is fairly obvious that with the federal government controlling such vast amounts of the region and the energy resources within, that land access is a critical issue. And it is equally obvious that during these past few years, the forest was adequately protected during development of energy resources without the roadless enforcement. We have managed to develop several major hydro projects that are providing affordable renewable "green" energy to a portion of our people. Unfortunately we still have entire communities paying up to ninety cents a kilowatt hour for electricity. Our small businesses are the hardest hit and as you know, that has quite a ripple effect in these communities.

Lack of access to land and the paralyzing permitting process of the federal government are killing our communities. People are not able to heat their homes and turn on their lights much less start or



maintain a business. The financial obligation to heat schools or community buildings is crippling in these communities. Jobs are at a premium and there is no good news in sight.

As the government in Washington DC, environmental groups, and the courts continue to lock us out of our national forest our people in Southeast Alaska are being forced to leave the place they have called home for hundreds of years in order to survive.

The Obama administration has set a goal of having 25% of the energy generated in the US come from renewal, "green", resources by 2025. Alaska, through our Energy Policy passed by the legislature in 2010, has a goal of 50% by 2025. As it stands now 14 out of 15 hydroelectric projects in the Tongass National Forest and Chugach National Forest are subject to the protection of inventoried roadless areas under 36 C.F.R. 294.10-294.18 ("roadless rule") and will require approval by the Secretary of the US Department of Agriculture. Any attempt to develop a biomass infrastructure would be impossible with the current restrictions on the Tongass, thus road blocking any efforts made toward those goals.

The Obama administration has, on many occasions, promised jobs for the people of our country. It is time for this administration to set aside the zealous opinions of outside environmental groups and fulfill that promise. Exempt the Tongass and Chugach National Forest from the roadless rule and open these public lands for responsible resource development and allow the people that live here the opportunity to have affordable, "green" energy and a thriving economy.

Sincerely,

Shelly Wright  
Executive Director

CC: Senator Lisa Murkowski  
Senator Mark Begich  
Congressman Don Young

Tongass National Forest Energy Program – 2010 -2014

March 2, 2011

**Proposed and Unconstructed Projects**

Name - District – Applicant - Power destination	Comments	Forest Plan LUD, Roadless	2010	2011	2012	2013	2014
1. Schube Lake -- JRD, Alaska Power & Tel, Upper Lynn Canal	FERC issued prelim permit 11/30/2010. AP&T seeking funding from AEA.	Semi-Remote Recreation, <b>Roadless #302</b>	FS inv permit, studies	Studies	Studies	Draft LA	Final LA FERC EA
2. Lace River -- JRD, Green Power Development, LLC Kensington Mine	FERC issued prelim permit 09/15/2010	<b>LUD II</b> <b>Roadless #301</b>	----	FS inv permit, Studies	Draft LA	Final LA	FERC EA
3. Gastineau Channel Tidal --JRD, Natural Currents Energy Serv, Juneau – SE Intertie	FERC prelim permit 04/30/2010. Will probably not affect NFS lands/resources.	N/A	Studies	Studies	?	?	?
4. Sweetheart Lake -- JRD, Juneau Hydropower Inc. Juneau – SE Intertie	Applicant is developing study plans and Scoping Doc 1.	Semi-Remote Recreation <b>Roadless #302</b>	FS inv permit, studies	Studies	Draft LA	Final LA	FERC EA
5. Angoon Hydro/Thayer --ANM, Kootznoowoo Angoon	NEPA completed. (Non-FERC project)	<b>Wilderness</b>	Development plans, permits?	Plans, permits?	?	?	?
6. Killisnoo/Angoon Tidal -- ANM, Natural Currents Energy Serv, Angoon	FERC prelim permit app 08/2010. Will probably not affect NFS lands/resources.	N/A	Studies	Studies	?	?	?
7. Icy Passage Tidal -- HRD, Natural Currents Energy Serv, Hoonah	FERC prelim permit 04/30/2010. Will probably not affect NFS lands/resources.	N/A	Studies	Studies	?	?	?
8. Gartina Creek – HRD, Inside Passage Electrical Cooperative, Hoonah	FERC ruled that licensing is required. Project improvements on Sealaska land. Upper reaches of watershed on NFS lands.	N/A	?	?	?	?	?

March 2011

Name - District – Applicant - Power destination	Comments	Forest Plan LUD, Roadless	2010	2011	2012	2013	2014
9. Port Frederick Tidal – --HRD Alaska Power & Tel Hoonah	Is a hydroelectric project, rather than hydrokinetic. FERC prelim permit 11/18/2009.	<b>Old-Growth Habitat, Roadless #343</b>	FS inv permit, studies ?	Studies ?	Studies ?	Draft LA ?	Final LA ?
10. Neka Geothermal – HRD Tongass Energy Company Unknown	Site nomination rec'd 8/30/2010. FS working with BLM. TNF minerals group has the lead. (Non-FERC)	Timber production	?	?	?	?	?
11. Upper Tenakee Geothermal – SRD, Tlingit Haida CC Unknown	No recent activity. TNF minerals group has the lead. (Non-FERC)	Semi-Remote Recreation, <b>Roadless #311</b>	?	?	?	?	?
12. Tenakee Sp/Indian River – SRD City of Tenakee Springs Tenakee Springs	Project is on State/City but will impact FS fishpass. Upper reaches of watershed on NFS lands. FERC determined licensing not needed 5/26/2010. (Non-FERC)	N/A	Feasibility, DI to FERC	Studies, Design, Coordination	Construct ?	Construct ?	On-line ?
13. Blue Lake Modification -- SRD City & Borough of Sitka Sitka	Sitka applied to FERC to amend existing license and increase capacity. Would raise dam by 83 feet and inundate additional 362 ac of NFS lands. <b>FERC expected to request 4(e)s very soon.</b>	<b>Municipal Watershed, Roadless #331</b>	Draft LA Final LA	FERC EA, License	Construct.	Construction	On-line
14. Takatz Lake -- SRD City & Borough of Sitka Sitka and SE Intertie	FERC prelim permit on 09/19/2008.	Semi-Remote Recreation and <b>Remote Recreation, Roadless #330, 331</b>	Studies	Draft LA	Final LA	FERC EA	License

March 2011

Name - District – Applicant - Power destination	Comments	Forest Plan LUD, Roadless	2010	2011	2012	2013	2014
15. Baranof Chinook – SRD Hawken LLC Proposed salmon research facility	ADF&G and NSRAA not involved in salmon facility; appears to be private project. FERC determined licensing is required 6/2010.	<b>Remote Recreation, Roadless #330</b>	----	?	?	?	?
16. Little Port Walter/Osprey Lake -- SRD NOAA – NMFS Little Port Walter Marine Station	Federally-owned project. Non-FERC.	<b>Remote Recreation, Roadless # 334</b>	NEPA	NEPA, FS permit,	Construct.		
17. Cascade Creek -- PRD Cascade Creek LLC SE Intertie, BC, Lower 48	2 <sup>nd</sup> FERC prelim permit expired 1/31/2011. Applicant applied for new prelim permit on 2/1/2011. No decision yet by FERC. Draft license application and draft EA filed and <b>comments, prelim 4(e)s must be to FERC by May 19, 2011.</b>	Semi-Remote Recreation, Old Growth Habitat, Scenic Viewshed, Modified Landscape <b>Roadless #202</b>	Studies	Studies ? Draft EA	Final EA/LA ?	FERC EA ?	License ?
18. Ruth Lake -- PRD City of Angoon SE Intertie, BC, Lower 48	FERC prelim permit on 11/05/2009.	<b>Old Growth Habitat, Roadless #202</b>	Studies ?	FS inv permit ? Studies ?	?	?	?
19. Scenery Lake -- PRD City of Angoon SE Intertie, BC, Lower 48	FERC prelim permit on 10/01/2009	Semi- Remote Recreation, <b>Roadless #202</b>	Studies ?	FS inv permit ? Studies ?	?	?	?
20. Sunrise Lake – WRD City of Wrangell Unknown	Project is inactive. No FERC correspondence since 2008. City wishes to keep FS inv permit in effect.	Scenic Viewshed, <b>Roadless #231</b>	--	--	--	--	--

Name - District – Applicant - Power destination	Comments	Forest Plan LUD, Roadless	2010	2011	2012	2013	2014
21. Neck Lake – TBRD Alaska Power & Tel Whale Pass	Project is on State land with FS road reservation. FERC determined licensing is required 11/04/2010.	N/A	Paperwork	?	?	?	?
22. Reynolds Creek – CRD Haida Corp. and AP&T Prince of Wales Island	Project is on private land and is not expected to affect NFS resources.	N/A	Financing, Plans	Plans, Construction	Construct		
23. Lake Shelokum – KMRD Alaska Power & Tel SE Intertie	FERC prelim permit 05/01/2009.	<b>Special Interest Area, Roadless #529</b>	----	FS inv permit, Studies	Studies	Draft LA	Final LA
24. Bell Island Geothermal – KMRD, Starkey Wilson Swan-Tyee Intertie	NEPA in progress. TNF minerals group has lead. (Non-FERC)	Semi-Remote Recreation, <b>Roadless # 529</b>	FS consent to BLM lease ?	NEPA to consider roadless.	?	?	?
25. Whitman Lake – KMRD Ketchikan Public Utilities Ketchikan, Swan-Tyee Intertie	Project was licensed in May 2009. Construction funding still pending.	<b>Old-Growth Habitat, Roadless #524</b>	Post-licensing required plans	Post-licensing plans, FS sp use permit	Construct	Construction	
26. Mahoney Lake – KMRD Cape Fox Corp. and AP&T Swan-Tyee Intertie	Licensed, unconstructed. Stay of license since 2004. Project is on private land but planned access road might be on NF.	N/A	?	?	?	?	?
27. Soule River – KMRD Alaska Power & Telephone BC and Lower 48	2 <sup>nd</sup> FERC prelim permit 09/22/2009. Draft license application and draft EA filed; <b>comments, prelim 4(e)s must be to FERC by May 2, 2011.</b>	<b>Remote Recreation, Roadless #530</b>	Studies	Draft LA Final LA ?	?	FERC EA?	License ?

**Typical project activities and timeline:**

Year 1: Applicant submits application to FERC and is issued a Preliminary Permit. This gives applicant exclusive right to study feasibility of a site and file a license application within 3 years. FS files as intervenor and submits comments. Applicant applies to FS for investigative studies permit. FS issues special use authorization for investigative studies.

Year 1-2: Pre-application document (PAD) is submitted by applicant to initiate public process and describe project thought to be feasible. FS provides comments. Study plans are developed in consultation with stakeholders. Field studies are conducted. FS provides comments.

Year 2-3: More studies. Applicant prepares Scoping Documents 1 and 2. Applicant prepares Draft License Application and submits to FERC. Includes detailed description of project and environmental analysis. FS comments and submits preliminary 4(e) terms and conditions.

Year 3-4: Applicant prepares/submits Final License Application to FERC, including responses and revisions based on DLA comments. FERC issues EA as final step. Applicant may submit application to FS for permit for the licensed project.

Year 4-5: FERC issues license. Applicant completes required plans for construction, monitoring, etc. FS comments. Applicant submits application to FS for permit for the licensed project—if has not already done so. FS issues decision and authorizes project to occupy NFS lands.

Year 5- ??: Construction of project. FS reviews, monitors, inspects.

# Alaska's Scenic Byways

DOT&PF > Alaska's Scenic Byways > Prince of Wales Island



## Prince of Wales Island Road System

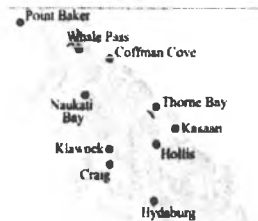
scenic natural historic cultural archaeological recreational

Prince of Wales Island is located 600 miles north of Seattle, Washington in Southeast Alaska near Ketchikan Gateway Borough, and can be reached via the Inter-Island Ferry Authority that runs along another scenic byway, the Alaska Marine Highways All American Road.

The island is 135 miles (215 km) long, 45 miles (72km) wide and has an area of 2,577 sq mi (6,675 km), about 1/10 the size of Ireland and slightly larger than the State of Delaware. Approximately 6,000 people live on the island. Communities include: Point Baker, Labouchere Bay, Port Protection, Whale Pass Coffman Cove, Naukati, Thorne Bay, Klawock, Kasaan, Hollis, Craig and Hydaburg. There are four federally-recognized Tribal Governments on Prince of Wales Island: Craig Community Association, Hydaburg Cooperative Association, Organized Village of Kasaan, and Klawock Cooperative Association.

The Island of Prince of Wales is a unique and special place. It is a great place to showcase some of Southeast Alaska's unique qualities such as a temperate rainforest with all its natural beauty and wonder, bountiful wildlife, Native culture and historical artifacts. The byway covers two hundred sixty miles of mostly paved roads that lead to communities on the island that each present a different Alaskan experience. Prince of Wales has the most extensive road system in the entire Tongass National Forest, the largest forest in the country. The approximately 1,500 miles of roads offer unparalleled access to recreational opportunities in the Tongass.

General Information All communities on Prince of Wales Island Length: 260 miles Contact Info



Click here for larger map

**Caution:** More than 1,500 miles of roads reach into Prince of Wales Island. About 200 miles of paved road girdle the island. More than 50 miles of improved gravel roads extend along shorelines and into the mountains. Logging roads criss-cross the forest. You can drive a standard car that entire distance. To explore logging roads, use a four-wheel drive or sturdy SUV. Be sure your spare tire is in good shape. Watch the gas gauge and mile markers; fuel is available in Craig, Klawock, Naukati, Thorne Bay, Coffman Cove and Whale Pass. Bring your cell phone's car charger.

### Byway Highlights



Haida Long House - Kasaan  
Credit: Maribeth Moulton, ADOT&PF  
Save the whale house

- Rent one of the numerous Forest Service Cabins on the island for a back country adventure. Some cabins are on lakes, other on streams. Some are on short trails near the road system.
- Plan a day trip for wildlife viewing, maps available at Fish and Game website.
- Stop at one of the Totem Pole parks in Klawock, Hydaburg and Kasaan. There are also poles in Craig. Here about the artists for thousands of years have used tools of bone, shell and steel to bring legends and stories out of Cedar trees.
- Visit the northern end of the island to see El Capitan Caves and Karst landscapes.
- Rent an ATV for the backcountry experience. route maps are available through the USFS Ranger District.
- Visit the third Alaska hatchery set up to augment natural salmon runs, located in Klawock.
- Map out an adventure on our scenic routes on the island with stops at Streams, Rivers, Estuaries on your way to one of the many small communities on the island for local flavor and views of peaks, forest scenes and beautiful bays.
- Plan your driving trip around Island events such as the Thorne Bay King Salmon derby, Craig-Klawock Salmon derby, Prince of Wales Island International Marathon, or the famous Skunk Cabbage Festival.

### Byways Links

- ▶ **Traveler Information**
  - Alaska Marine Highway - Inside Passage
  - Alaska Marine Highway - Gulf Coast Route
  - Alaska Railroad
  - Copper River Highway
  - Dalton Highway
  - Glenn Highway
  - Haines Highway
  - Parks Highway
  - Prince of Wales Island Road System
  - Richardson Highway - north segment
  - Richardson Highway - south segment
  - Seward Highway
  - Steese Highway
  - Sterling Highway - north segment
  - Sterling Highway - south segment
  - Taylor & Top of the World Highways
- ▶ **Program Information**
- ▶ **Links of Interest**
- ▶ **Contact Us**



Klawock Cannery - Klawock  
Credit: Maribeth Moulton, ADOT&PF

### Visitor Contact Information

Prince of Wales Chamber of Commerce  
907-755-2626  
Fax: 907-755-2627  
PO Box 490  
Klawock, Alaska 99925-0490  
Open Daily: Monday - Friday, 8:00 a.m. to 4:00 p.m.  
info@princeofwalescoc.org  
The Prince of Wales Chamber of Commerce is a [501 (c) 6] nonprofit corporation

Craig Ranger District  
907-826-3271  
Fax: 907-826-2972  
500 9th Street  
PO Box 500  
Craig, AK 99921-9998  
Greg Killinger, District Ranger

**Testimony in Support of HJR 20 - April 6, 2011**

**I am John A. Sandor, a Certified Forester from Juneau, Alaska who first came to Alaska in 1953 to conduct forest surveys in Southeast Alaska. I subsequently served as US Forest Service Regional Forester from 1976-1984 and Commissioner of the Alaska Department of Environmental Conservation from 1990-1994.**

**Thank you for the opportunity to testify in support of Alaska House Joint Resolution 20 urging the President of the United States, the United States Congress and the U.S. Department of Agriculture not to implement protection of inventoried roadless areas under the "roadless rule" that would restrict access to and resource development projects on the Tongass and Chugach National Forests.**

**I am a Board Member of the Alaska-Canada Energy Coalition and want to report for your Hearing Record that Coalition President Ernie Christian and Executive Director Paul Southland have approved a Coalition Resolution Opposing Reinstatement of the Roadless Rule on the Tongass National Forest.**

**In summary, the Alaska-Canada Energy Coalition Resolution determined that the Roadless Rule will limit or preclude resource development projects on Tongass National Forest Roadless areas including development of eighteen of twenty seven U.S. Forest Service Energy Program projects currently under application and review on the Tongass National Forest. A listing of these projects is attached to this testimony.**

**The Alaska Canada Energy Coalition Resolution supports Alaska's appeal of the March 4, 2011 District Court ruling reinstating the 2001 Clinton Administration's Roadless Rule on the Tongass National Forest. The Coalition Resolution also supports efforts urging USDA Secretary Vilsack finalize the 2003 interim rule exempting the Tongass National Forest from the 2001 Roadless Rule.**

**Thank you again, for the opportunity to testify. Alaska House of Representatives Joint Resolution No. 20 will help assure Alaska's National Forest-dependent communities have access to the development of resources that can strengthen their economies and quality of life values.**

**John A. Sandor, CF**

4/6/2011



## Resolution Regarding the Roadless Rule

March 29, 2011

WHEREAS, The Clinton Administration changed its mind two times during rulemaking regarding whether or not the nationwide Roadless Rule should apply to the Tongass National Forest before making a third change by extending the Rule to the Tongass National Forest on January 12, 2001; and

WHEREAS, in 2001 the State of Alaska litigated the Final Roadless Rule on the ground, among others, that it violated § 1326 (a), the "no more" clause of the Alaska National Interest Lands Conservation Act (ANILCA); and

WHEREAS, in 2003 the Federal Government settled the State's lawsuit by promulgating an interim rule that exempted the Tongass National Forest from the Roadless Rule; and

WHEREAS, The Tongass remained exempt under the Bush Administration's "State Petition Rule" promulgated in 2005; and

WHEREAS, The Tongass remained exempt under the interim rule even after the Ninth Circuit Court of Appeals struck down the State Petition Rule in 2009; and

WHEREAS, on March 4, 2011 the District Court for the District of Alaska determined that the interim rule exempting the Tongass National Forest from the Roadless Rule had been promulgated in an arbitrary and capricious manner, and thus vacated the exemption and reinstated application of the Clinton Roadless Rule to the Tongass National Forest; and

WHEREAS, the Clinton Roadless Rule states in pertinent part: "(a) A road may not be constructed or reconstructed in inventoried Roadless areas of the National Forest System, except as provided in paragraph (b) of this section; and

WHEREAS, the exceptions in subsection (b) allow a road: 1) in the case of an imminent flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property; 2) to conduct a response action under CERCLA; 3) because it is needed pursuant to a reserved or outstanding rights, or as provided for by statute or treaty; 4) because realignment is needed to prevent irreparable resource damage; 5) because road reconstruction is needed for safety on a hazardous road; 6) the Secretary determines that a Title 23, Federal Aid Highway project is in the public interest; 7) because it "is needed in conjunction with the continuation, extension, or renewal of a mineral lease on lands that are under lease by the Secretary of Interior as of January 12, 2001 or for a new lease issued immediately upon expiration of an existing lease."; and

WHEREAS, in enjoining application of the Clinton Roadless Rule to all of the United States, except for the States within the Ninth Circuit, Judge Brimmer found: "[U]ses in inventoried Roadless Areas are even more restrictive than those permitted in congressionally designated

wilderness areas. For example, a road could be constructed in a wilderness area to 'control fire, insects, and diseases,' whereas a road could be constructed in a roadless area in the 'case of an imminent flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property.'"<sup>1</sup> ; and

WHEREAS, the Roadless Rule will adversely impact potential new mining activities on the Tongass National Forest by prohibiting development activities associated with prospecting and mine construction in areas within Roadless Areas; and

WHEREAS, the Roadless Rule will preclude new hydro-electric, geothermal and other renewable energy projects in Roadless Areas on the Tongass; and

WHEREAS, the Roadless Rule will limit achievement of National Security Objectives by limiting potential renewable energy projects on Tongass National Forest Roadless Areas; and

WHEREAS, the Roadless Rule will reduce the suitable timber land base of the Tongass from 676,000 acres and thereby further reduce the allowable timber harvest authorized by the 2008 Amended Tongass Land Management Plan (TLMP) to a timber industry already devastated by the continual erosion of the suitable land base since passage of ANILCA, the Tongass Timber Reform Act of 1990, other land withdrawals, and endless litigation; and

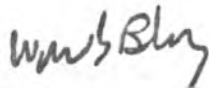
WHEREAS, the Roadless Rule will restrict opportunities for new resource based jobs in the Tongass National Forest.

**NOW, THEREFORE BE IT RESOLVED**, that the Alaska Miners Association opposes the reinstatement of the 2001 Roadless Rule in the Tongass National Forest; and

**BE IT FURTHER RESOLVED**, that the Alaska Miners Association supports the development of resources in Southeast Alaska that will enhance our communities and Tribal Governments through the development of jobs, economic activity, and energy security for all Alaska and North America; and

**BE IT FURTHER RESOLVED**, that the Alaska Miners Association supports the appeal of the District Court's decision to the Ninth Circuit and urges the Parnell Administration to file a new lawsuit against the 2001 Roadless Rule on the ground that its application to the Tongass National Forest was arbitrary and capricious and in violation of ANILCA; and

**BE IT FURTHER RESOLVED**, that the Alaska Miners Association urges the Congressional Delegation to urge the Obama Administration to finalize the 2003 interim rule exempting the Tongass National Forest from the Clinton Roadless Rule.



March 29, 2011

Bill Brophy, President

<sup>1</sup> *Wyoming v. USDA*, 570 F.Supp.2d 1309 at 1349-1350 (D. Wyo.) This case is on appeal to the Tenth Circuit.

# **CITY OF ANGOON**

PO BOX 189 \* ANGOON, ALASKA 99820\* (907) 788-3653\* (907) 788-3821

## **Mayor of Angoon Written Testimony in favor of HJR 20 asking the federal government not to restrict hydropower development and transmission lines in the Tongass National Forest under the Roadless Rule.**

Dear Chairman and distinguished members of the Resources Committee,

First of all thank you for the opportunity to speak on such an important matter, that impacts the future of the community of Angoon as well as our community's of southeast and the State of Alaska for that matter. I would like to thank my Representative Bill Thomas and all the other representatives that have co-sponsored this important House Joint Resolution.

I am a firm believer in the public process, having said that to me the road less rule is a good example of leaving the public out of the process.

Alaska is a young infrastructure state compared to the rest of our country. The Roadless Rule has a negative impact in so many ways as far as getting much needed projects built that serve for the betterment of our communities and citizens of our state.

I am sure in some ways the Roadless Rule serves a good purpose for some, but as a blanket rule it hurts more then it helps.

I am testifying in favor of and asking this government body to support and pass House Joint Resolution No. 20 as it will send a unified message that this type of Rule does not work for all and that we, as a state, can implement our own rules as needed, thus allowing our state the right to self determination.

Sincerely,



Albert H Howard  
Mayor City of Angoon



Juneau Hydropower, Inc.  
PO Box 22775  
Juneau, AK 99802  
www.juneauhydro.com  
Telephone: (907) 789-2775  
Fax: (907) 375-2973

April 6, 2011

Co-Chairman Eric Feige  
Co-Chairman Paul Seaton  
Alaska House of Representatives, Resources Committee

RE: Testimony in support of HJR 20

Dear Chairmen and distinguished members of the Resources Committee,

I am Duff Mitchell, Business Manager for Juneau Hydropower Inc. Our company has the FERC preliminary permit for the Sweetheart Lake Hydroelectric Project which is located about 35 miles south of Juneau. The project is a 30 Megawatt (MW) capacity project that could contribute up to 136,000 Megawatt Hours (MWh) of electricity for Southeast Alaska. We are currently on track to develop this project.

I would like to thank you for the opportunity to speak on favor of passing this resolution. I would personally like to thank Rep. Kyle Johansen for sponsoring this resolution. I would also like to thank Rep. Bill Thomas, Rep. Peggy Wilson and Rep Bill Stoltze for co-sponsoring this important House Joint Resolution that sends a message to federal decision makers that Alaska is serious about responsibly developing our resources in an environmentally sensitive manner.

My testimony is to favor expeditious passage on HJR 20. It has become apparent that if the Tongass National Forest is not exempt from the administrative Roadless Rule, and its subsequent implementation that this rule could have a chilling effect on hydropower development and transmission line infrastructure within Southeast Alaska that encompasses the Tongass National Forest. If not timely resolved, the impact of the Roadless Rule implementation will decelerate current Alaska hydropower investment, hold up our region's economic development, hasten our regional population decline, and block regional energy security by depriving Alaska citizens and developers the opportunity and their federal right under the Federal Power Act to develop renewable hydropower energy in the Tongass and Chugach National Forests.

Ironically, it is our federal government that has investigated over 200 hydropower sites in Alaska. From 1900 to 1950 our federal government has spent millions in today's dollars for hydropower investigations and development in what was then the Alaska Territory for stream gaging, engineering and conducting geological reconnaissance on potential Alaska hydropower sites. Further because we were a territory with vast amounts of public land, Alaska has dozens of federal Public Land Orders, Power Site Classification sites and federal power withdrawals in the existing Tongass and Chugach National Forest signed by the Secretary of Interior with authority delegated from the President of the United States expressly reserving these Tongass and Chugach lands specifically for the hydropower energy benefit of the citizens of the United States. Some of these orders are over 90 years old and are valid Public Land Orders today that predate the Tongass Land Management Plan and the Roadless Rule.

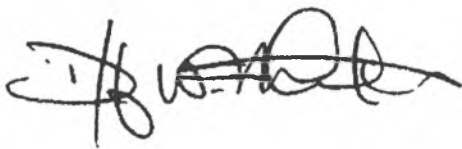
Further, the State of Alaska already has established and recorded rights of way for roads and transmission line corridors within the Tongass for the Southeast Intertie transmission system. We ask that Alaska should assert itself that the Roadless Rule should not pre-empt these and other existing road and transmission and utility corridor rights provided to the State of Alaska.

I would also like to point out that the US Department of Energy, US Department of Interior, and the Department of the Army all signed a 2010 Federal Memorandum of Understanding on the promotion of hydropower development to "help meet the Nation's needs for reliable, affordable, and environmentally sustainable hydropower..." The Secretary of Agriculture was not a signatory of this document. Now that the Roadless Rule exemption for Alaska has been overturned by Judge Sedwick, I would suggest that it is timely that the President and Congress hasten to have the Secretary of Agriculture become a signatory on the 2010 Federal Hydropower Memorandum of Understanding and execute a new Alaska Roadless Rule exempting Alaska hydropower and associated hydropower transmission lines.

HJR 20 provides a means for Alaskans under the leadership of this body to send a clear and unequivocal message to our President and Congress that our federal government should be consistent and unified in renewable hydropower energy development and demonstrate sensitivity to Alaskan needs in this matter. Exempting Alaska from the administratively created Roadless Rule will allow Alaskan citizens, developers and utilities the opportunity to assist our Nation in lessening our Nation's dependence on foreign fuel sources, improve our Nation's energy security, and lessen our Nation's trade deficit imbalance. Exempting Alaska from the Roadless Rule provides the opportunity for Alaskans to develop our Nation's hydropower resources in the Tongass and Chugach National Forests in an environmentally sound manner for the betterment of our Nation which these pre-existing public land orders and power withdrawal sites were originally intended.

I urge the Resources Committee to pass this resolution and request that House and Senate members expeditiously pass HJR 20. Again, I thank the Resources Committee Chairmen and members for the honor and privilege in allowing me to speak on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Duff W. Mitchell". The signature is stylized and somewhat cursive, with a prominent initial "D" and "M".

Duff W. Mitchell  
Business Manager

Attachments: 2010 Federal Hydropower MOU

**MEMORANDUM OF UNDERSTANDING FOR HYDROPOWER**  
**Among**  
**THE DEPARTMENT OF ENERGY, THE DEPARTMENT OF THE INTERIOR**  
**And**  
**THE DEPARTMENT OF THE ARMY**

**Purpose:** To help meet the Nation's needs for reliable, affordable, and environmentally sustainable hydropower by building a long-term working relationship, prioritizing similar goals, and aligning ongoing and future renewable energy development efforts between the U.S. Department of Energy (DOE), the Department of the Interior (DOI), and the Department of the Army (DOA), through the U.S. Army Corps of Engineers (USACE) (collectively the "Agencies"), the Agencies enter into this Memorandum of Understanding (MOU).

**I. BACKGROUND**

As the largest source of renewable electricity generation in the U.S., hydropower provides a wide range of benefits to the Country. Hydropower is a minimal emission, low-cost source of energy that can be relied upon for long-term, stable production of domestic electricity. Hydropower also provides consistent, reliable generation which can be quickly adjusted and dispatched to meet the various needs of the electric grid.

The Agencies recognize that not every site is appropriate for new or increased hydropower production. New hydropower development must be sustainable and take into account the need to maintain healthy river ecosystems. The Agencies also recognize that historically dams have had impacts that go well beyond project boundaries, including significant impacts on ecosystems and the fish and wildlife that inhabit them. This MOU is intended to represent a new approach to hydropower development that will harmonize the production of clean, renewable power generation with avoidance or reduction of environmental impacts and maintenance or enhancement of the viability of ecosystems.

This MOU will focus both on increasing renewable energy generation from Federal hydropower facilities and reducing the environmental impact sometimes associated with historical hydropower development in the United States by focusing on sustainable, low impact, and small hydropower projects. The Agencies will identify specific Federal facilities and lands owned or controlled by the United States that are well-suited as sites for environmentally sustainable hydropower energy development. This new approach to hydropower development will advance projects that are superior in terms of environmental sensitivity to many other types of energy production and development. The Agencies will take advantage of untapped potential by increasing the generation of hydropower at existing facilities and dams through retrofits or modifications to increase hydropower production in a manner that will pose fewer of the potential environmental concerns that may be associated with the development of new dams and hydropower projects. For example, such efforts would include initiating efficiency and/or capacity upgrades at current generation facilities.

The Agencies will also study adding generation capacity to currently unpowered dams or constructed waterways and will prioritize those projects which can be developed at existing facilities and appropriately balance increased energy generation with consideration of environmental impacts. The MOU will also focus on research and development and will promote new technologies, including fish-friendly and low-head turbines.

## **II. MISSION**

The DOE, the USACE, and DOI will seek to use their respective authorities, programs, and resources synergistically to serve the Nation efficiently and effectively. They will work together to (1) support the maintenance and sustainable optimization of existing Federal and non-Federal hydropower projects, (2) elevate the goal of increased hydropower generation as a priority of each Agency to the extent permitted by their respective statutory authorities, (3) promote energy efficiency, and (4) ensure that new hydropower generation is implemented in a sustainable manner. The DOE, the USACE, and DOI will jointly focus each Agency's respective capabilities and resources to make innovative and sustainable improvements to the Nation's renewable energy portfolio, and promote the goal of energy efficiency through water conservation or improved water management.

## **III. GOALS**

The DOE, DOI, and DOA collaboratively intend to develop solutions and best-practices to increase in a sustainable manner U.S. hydropower generation at Federal facilities and seek solutions to meet the integrated energy and water needs of future generations. DOE, DOI, and the DOA express the following energy partnership goals:

1. Enhance environmentally sustainable hydropower development and operation at federally-owned hydropower generation facilities in order to provide clean, reliable, and affordable energy to American consumers.
2. Focus on a new approach to development of hydropower which increases hydropower generation and improves ecosystem function through environmentally sustainable, low impact or small hydropower projects.
3. Identify specific Federal facilities and lands owned or controlled by the United States that are well-suited as sites for environmentally sustainable hydropower energy development, and collaborate on efforts to implement projects at these locations, including joint studies, demonstration projects, and other mutually supported partnership arrangements with private entities, Indian tribes, and state and Federal agencies.
4. Coordinate efforts to assess the potential additional hydropower capacity available at Federal hydropower facilities that is environmentally sustainable,

including fostering an understanding of the potential effects of climate change on future generation capability.

5. Collaborate with Indian tribes, the environmental community, the owners of non-Federal hydropower facilities, Federal and state agencies, and other stakeholders to identify river basins where integrated basin-scale hydropower opportunity assessments could help facilitate the move to a low-carbon future, including both environmental sustainability and the delivery of renewable energy.
6. Emphasize the critical role that hydropower can play in helping to integrate other renewable energy technologies into the U.S. electric grid.
7. Promote an environmentally responsible approach to enhancing hydropower development that recognizes the need to preserve biological diversity, ecosystem function, our natural and cultural heritage, and recreational opportunities, and also recognizes that some geographic locations are not appropriate for new hydropower development.
8. Conduct research and disseminate results from environmental studies, and encourage development of specific standards for and certification of environmentally sustainable hydropower.
9. Work to integrate energy and water policies at the Federal level not only to address the development of hydropower resources, but also to evaluate the use of non-hydropower renewable resources with water management operations, and promote water conservation as a means to realize species conservation, environmental and energy efficiency goals.
10. Investigate ways to responsibly facilitate the permitting process for Federal and non-Federal hydropower generation and other renewable energy projects at federally-owned and Indian Tribe facilities, by increasing coordination among the Agencies that have jurisdiction and reducing unnecessary delay, while ensuring that environmental impacts are fully considered.
11. Share information on renewable energy research and development (R&D) efforts being conducted by each Agency along with any results obtained. Prevent the duplication of efforts and highlight potential areas of collaboration and/or joint funding.
12. Apply collective knowledge and lessons learned from conventional hydropower development, deployment, and management to the emerging in-river hydrokinetic technologies.
13. Increase levels of both formal and informal communication and coordination between officials and staff at multiple levels of each Agency.

#### IV. ACTION ITEMS AND TARGET COMPLETION DATES

Cooperative management and technical collaboration efforts can help to: (1) improve resource management and protection; (2) improve public services and to make more efficient use of limited public funds; (3) provide a better understanding of all Agencies' goals, objectives, and programs; (4) minimize conflicts; and (5) leverage each Agency's limited resources. The Agencies have identified seven initial opportunities for collaboration and have identified action items to set forth our initial efforts to implement this MOU. As more is learned, other areas of potential cooperation and mutual interest are likely to develop, and this MOU may be modified to identify further actions to carry out the goals of this MOU. The MOU identifies "Champions" who will lead or co-lead implementation efforts.

##### **A. Federal Facility Energy Resource Assessment**

**Co-Champions: DOE EERE / DOA USACE / DOI Reclamation**

**Goal:** Focus on opportunities at Federal facilities by assessing the potential of additional hydropower generation available at USACE and Reclamation facilities, and collaborate on joint projects to increase generation at identified facilities. Projects considered or undertaken are intended to complement, and not compete or conflict with any ongoing activities or projects at Federal facilities, and will need to involve all affected stakeholders throughout the planning process. Opportunities for increased generation include efficiency and/or capacity upgrades to existing facilities, improvements in water management practices, powering currently unpowered dams or other constructed waterways, and the addition of new pumped storage capacity. Opportunities for increasing generation while improving ecosystem function, such as hydropower production from bypass flows, will also be assessed. Also, the Agencies will assess the potential effects of climate change on Federal hydropower facilities and generation.

**Initiative 1:** Coordinate ongoing efforts at all three Agencies to improve resource data and identify specific Federal facilities or sites as good candidates for projects to increase hydropower generation (including in-river hydrokinetic projects). Ongoing efforts include, but are not limited to:

- DOE EERE's National Hydropower Assets Assessment Project (NHAAP) to identify the current state of the hydropower infrastructure in the U.S. (age, type, ownership, etc.), generation patterns from these assets, and effects of varying hydrologic conditions on generation.
- DOI Reclamation's efforts to survey its facilities and update the report on Potential Hydropower Development at Existing Federal Facilities under Section 1834 of the Energy Policy Act of 2005. The Section 1834 Report will identify potential environmental concerns. Future development on any Federal facility identified in the Section 1834 Report will include coordination

with the U.S. Fish and Wildlife Service, the National Park Service, and other entities with jurisdiction.

- DOA USACE's/DOI Reclamation's Hydropower Modernization Initiative (HMI) to survey their facilities, quantify the potential additional generation available, and identify the most suitable locations for upgrades. Actual implementation of the HMI will be in consultation with DOE and the Federal Power Marketing Administrations (PMA) and their power customers.

*Action Items:*

1. Include USACE and Reclamation representatives as members of the NHAAP Advisory Committee, and hold regular meetings to exchange available data/research from all ongoing efforts.
  - a. Product – Hold meetings twice a year
  - b. Schedule – Hold first meeting April 2010
2. As a result of ongoing work, produce a list of USACE and Reclamation facilities and sites best suited for upgrades or projects to increase generation in a sustainable manner.
  - a. Product – Federal Facilities/Sites List
  - b. Schedule – Completed by October 2010

**Initiative 2:** Explore opportunities for all the Agencies to jointly fund or solicit projects to increase generation at the identified Federal sites and facilities.

*Action Items:*

1. Develop a proposal with details for how projects identified in the Federal Facilities/Sites List could be funded. Options will include both Federal and non-Federal development at USACE and Reclamation sites and facilities.
  - a. Product – Finalized Proposal
  - b. Schedule – Completed by October 2010

**Initiative 3:** Coordinate efforts to complete the Hydropower Power Assessment called for in Section 9505 of the Omnibus Public Lands Act of 2009, P.L. 111-11. Evaluate the effects and risks associated with global climate change to water supplies available for hydropower power generation at Federal water projects, in consultation with each of the Federal PMAs, the United States Geological Survey, and other Federal and state authorities as appropriate.

*Action Items:*

1. Complete a report on the effects of global climate change on water supplies at Federal hydropower facilities and on power sales of the PMAs, based on best available scientific information. The report will include recommendations from the PMAs on potential changes in operation or contracting practices that could address these effects and risks of climate

change. Potential adaptation and mitigation strategies will also be identified.

- a. Establish an interagency working group to plan and implement the required assessment and to provide long-term coordination for subsequent reports every 5 years.
- b. Product – Report to Congress
- c. Schedule – Submit Report to Congress by April 2011

**B. Integrated Basin Scale Opportunity Assessments**

**Co-Champions: DOE EERE / DOI Reclamation / DOA USACE**

**Goal:** A new basin-scale approach to hydropower and related renewable development that emphasizes sustainable, low impact or small hydropower and related renewable energies could identify ecosystems or river basins where hydropower generation could be increased while simultaneously improving biodiversity, and taking into account impacts on stream flows, water quality, fish, and other aquatic resources. The Agencies will collaborate with the environmental community, the owners of Federal and non-Federal hydropower facilities, potentially affected Federal land management agencies, Indian tribes and other stakeholders to identify river basins where renewable power generation and environmental sustainability could both be increased, with appropriate consideration of other values. These basin-scale studies will also evaluate whether there are opportunities in the basin to retrofit existing dams to increase generation while improving environmental conditions. The Agencies will build on the existing basin study programs and other ongoing research activities of all participants to investigate how such opportunities could potentially be developed. Activities within this section are intended to complement current initiatives or existing agreements pertaining to facilities and river-basins by providing additional tools, information and/or research for stakeholders.

***Initiative 1:*** Collaborate with appropriate Agencies and stakeholders to (1) develop methodologies, (2) identify suitable river basins, and (3) select one or more basins for a basin-scale opportunity assessment pilot project. Develop consensus on specific actions that could be taken within that basin to achieve an increase in hydropower and related renewable generation *and* improve environmental sustainability.

***Action Items:***

1. Plan and hold an expert workshop to identify methodologies, tools, and strategies for conducting basin-scale hydropower opportunity assessments. Workshop participants will (1) identify basins suitable for a basin-scale approach with significant hydropower potential and environmental restoration opportunities, and (2) select and prioritize 1-3 basins for basin-scale assessment pilot projects.
2. Conduct one or more basin-scale assessment pilot studies consistent with the findings of the workshop described above, in partnership with representatives

from appropriate environmental NGOs, Federal and state agencies, tribes, the hydropower industry, and other relevant stakeholders.

3. Draft and disseminate a report on the results of the pilot studies that includes a feasibility analysis for expansion of the basin-scale assessment model to other appropriate river basins.
  - a. Product: Hold first workshop May 2010
  - b. Schedule: Produce initial report 3 months after first workshop

### **C. Green Hydropower Certification**

**Champion: DOE EERE**

**Goal:** Identification of new hydropower development projects that avoid or reduce environmental impacts. Collaborate with private companies, states, tribes, nongovernmental organizations, and other Federal agencies to explore the benefits of the certification of environmentally friendly hydropower projects, and identify types of hydropower projects that could be included under state or national renewable energy portfolio standards, or could be given other credit for clean energy produced.

*Initiative 1:* Work with multiple stakeholders and other agencies to review potential criteria and/or other evaluation methods for identifying sustainable, environmentally-friendly hydropower projects.

#### *Action Items:*

1. Initiate a series of stakeholder meetings with state and tribal governments, and environmental and other interest groups to gather information on concerns regarding environmental impacts of hydropower generation, and possible solutions/mitigation options. Meetings would be led by DOE, with participation and involvement by USACE, Reclamation, the PMAs, the U.S. Fish and Wildlife Service, the National Park Service, and other Federal agencies, and other industry representatives.
  - a. Product – Conduct 3-4 meetings
  - b. Schedule – Initiate in FY 2010
2. Based on stakeholder meetings, jointly develop a list of recommended criteria or processes that could be used to certify sustainable and environmentally friendly hydropower generation facilities, including conventional or hydrokinetic hydropower developments and/or pumped storage facilities.
  - a. Product – Develop a list of recommended hydropower certification standards or criteria
  - b. Schedule – Initiate in FY 2010

**D. Federal Inland Hydropower Working Group**

**Co-Champions: DOE EERE / DOI**

**Goal:** Convene and participate in a Federal Inland Hydropower Working Group composed of DOE, USACE, DOI, and all other Federal agencies involved in the regulation, management, or development of hydropower assets (including in-river and other emerging hydrokinetic technologies) in rivers and streams in the U.S.

***Initiative 1:*** Hold quarterly, staff-level meetings via teleconference in order to update Federal agencies on the status of all initiatives, efforts, and projects related to hydropower. Also utilize these meetings to update project leads from the DOE, USACE, and DOI on the status of projects and define ongoing action items necessary to complete individual tasks listed in these Guidelines.

***Action Items:***

1. Involve other Federal agencies in the Working Group, and schedule first meeting.
  - a. Product – Hold teleconference once every 3 months
  - b. Schedule – Initiate in FY 2010

**E. Technology Development and Deployment:**

**Co-Champions: DOE EERE / DOA USACE / DOI Reclamation**

**Goal:** Share information on R&D efforts being conducted by each Agency along with any results obtained. Prevent the duplication of efforts and highlight potential areas of collaboration and/or joint funding.

***Initiative 1:*** Conduct yearly renewable energy R&D workshop to highlight current initiatives, results of past efforts, and future goals of each Agency.

***Actions Items:***

1. Convene a workshop to discuss ongoing federally funded efforts, initiatives, and technology R&D
  - a. Product – Hold Workshop
  - b. Schedule – Initiate in FY 2010

***Initiative 2:*** Identify potential R&D deployment sites at or near USACE or Reclamation facilities for DOE or jointly funded technology development projects (including in-river and other emerging hydrokinetic technologies).

***Actions Items:***

1. Initiate a public process to identify facilities
  - a. Product – An evolving list of appropriate facilities based on technologies being developed
  - b. Schedule – Initiate in FY 2011

2. Initiate demonstration projects
  - a. Product – Deploy newly-developed technologies at identified facilities to increase the quantity and/or flexibility of hydropower generation.
  - b. Schedule – Initiate in FY 2011

**F. Renewable Energy Integration and Energy Storage:**

**Co-Champions: DOE EERE / DOI Reclamation**

**Goal:** Emphasize the critical role that hydropower can play in working to integrate other renewable energy technologies into the U.S. electric grid.

***Initiative 1:*** Conduct a technical, economic, and environmental feasibility analysis of environmentally sustainable potential pumped storage sites that could be developed at existing USACE and Reclamation facilities (including both powered and unpowered dams). This analysis will compile and incorporate previous research on pumped storage feasibility.

***Action Items:***

1. Establish scope and statement of work, coordinate roles of each Agency, and establish timeline for specific deliverables.
  - a. Product – Collaboration Plan/Report
  - b. Schedule – June 2010

***Initiative 2:*** Collaborate with other Federal agencies and various industry stakeholders to assess the amounts and distribution of energy storage needed to effectively integrate other intermittent sources of renewable energy into the U.S. electric transmission grid.

***Action Items:***

1. Assess and report on all work of this nature occurring in DOE, DOI, and DOA, and coordinate with any similar projects taking place in other Federal agencies or occurring outside the Federal Government.

**G. Regulatory Process:**

**Co-Champions: DOE EERE / DOA USACE / DOI Reclamation**

**Goal:** The Agencies will work together and investigate ways to efficiently and responsibly facilitate the current Federal permitting process for Federal and non-Federal hydropower projects at Federal facilities, within existing authority.

***Initiative 1:*** Collaborate with other Federal agencies to clarify the current permitting processes for projects and development occurring at Federal sites and facilities, and identify the most time-intensive and resource-intensive components of each process. Work with other Federal agencies to identify ways in which processes could be

shortened by reducing unnecessary delay, streamlined or simplified for appropriate projects.

*Action Items:*

1. Hold a workshop with all Federal agencies involved in the permitting process, including the U.S. Fish and Wildlife Service, the National Park Service, the Bureau of Land Management, and others.
  - a. Product – Collaborative Workshop
  - b. Schedule – Complete by June 2010
  
2. Produce a report detailing the results of the workshop, and highlighting current requisite permits, overlapping areas of information required by permits, and lead times associated with each type of Federal permit.
  - a. Product – Workshop Report
  - b. Schedule – Complete 3 months after conclusion of Workshop

## **VI. COMMUNICATIONS AND COORDINATION**

To foster the sharing of information and to facilitate contact between the Agencies, DOE, USACE and DOI should provide each respective Agency with a list of points of contacts responsible for program areas and other areas of mutual interest. In addition to the quarterly Federal Inland Hydropower Working Group teleconferences, these points of contact should communicate as needed. Early communication should improve public services consistent with the above mission statements for all Agencies through increased efficiency and avoidance of potential conflict. Coordination should occur for planning, programs, research and development, and other management actions of mutual interest. To the extent possible, each Agency should offer the other informal and formal opportunities to review and comment on proposed additions, changes, or updates to Agency guidelines, regulations, procedures, directives and policies that may have impacts on the programs and mission of the other Agency.

**Implementation:** The Agencies have mutually set performance goals and will foster a spirit of teamwork between the organizations at all levels to achieve the goals. The MOU sets out action items to accomplish these goals and also sets forth deadlines for completion of the action items. The Agencies intend to meet regularly to exchange information and collaborate in a variety of different manners to work toward the achievement of those goals to the extent that funding, resources, and staffing are available. The Agencies also agree to coordinate with and communicate action plans to Federal land management agencies and other interested parties.

### **Effective Date, Modification and Termination:**

- This MOU will become effective upon the date of the last signature and remain in effect for a period of 5 years.

- Modifications to this MOU may be proposed by any signatory Agency (or designated representatives). Proposals for modification will be circulated to the receiving Agencies for a 30 calendar-day period of review. Approval of modifications will be indicated by written acceptance by the signatory agencies. Following acceptance by all Agencies, a revised MOU or amendment to the MOU will be circulated for execution.
- Participation in this MOU may be terminated by any signatory Agency. As a courtesy to the other signatory Agencies, a terminating Agency will endeavor to provide sixty (60) calendar days after providing written notice of such termination to the other signatory Agencies.

**Qualifications and Limitations:**

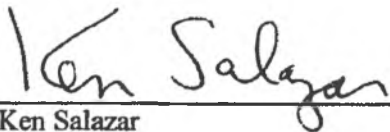
- Participation in this process does not imply endorsement of a proposed plan or project. Nothing in this Agreement is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the signatory Agencies.
- This MOU is strictly for internal management purposes for each of the parties. It is not legally enforceable and shall not be construed to create any legal obligation on the part of any of the Agencies. This MOU shall not be construed to provide a private right or cause of action for or by any person or entity.
- This MOU is not a fiscal obligation document. Nothing in this Agreement authorizes or is intended to obligate the Agencies to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value. Each Agency will provide its own resources to meet the outlined objectives in an amount that they deem acceptable.
- When the Agencies agree to undertake joint projects with defined specific projects and goals, they will develop a separate written agreement for each project setting out each party's contribution, deliverables, and responsibilities.
- This MOU in no way restricts any of the Agencies from participating in any activity with other public or private agencies, organizations, or individuals.
- All agreements herein are subject to, and will be carried out in compliance with, all applicable laws, regulations, and other legal requirements.
- As used in this document, the term "collaboration" shall not include any practice prohibited by fiscal statutes including 31 U.S.C. § 1552, 31 U.S.C. § 1301, 31 U.S.C. § 1341, 31 U.S.C. § 1342, nor by any fiscal or ethics regulations specifically applicable to the individual Agencies, and shall not include any preferential treatment of any private organization nor access to any non-public, pre-decisional or procurement sensitive information. Further, all limitations stipulated in the Federal Rules of Acquisition are to be made for any collaboration under this memorandum and any addenda thereof.
- All partnerships and arrangements with private entities will comply with all authorities regulating relationships between the Federal Government and private entities.
- Nothing in this MOU is intended to create a committee subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App).

**Statutory Authorities**

DOE enters into this MOU under the authority of Section 646 of the Department of Energy Organization Act (Pub.L.95-91), as amended (42 U.S.C. §7256).

Reclamation enters into this MOU under the authority of the Act of June 17, 1902 (32 Stat. 388) and Acts amendatory thereof and supplementary thereto.

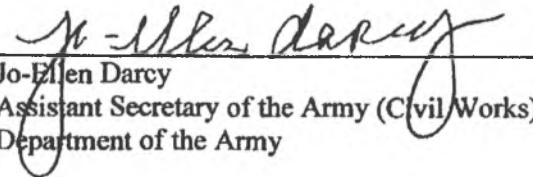
USACE enters into this MOU under Section 212 of the Water Resources Development Act 2000 (33 U.S.C. § 2321a) and the various project authorization for hydropower development.



Ken Salazar  
Secretary  
Department of the Interior



Steven Chu  
Secretary  
Department of Energy



Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
Department of the Army