

SB

32

<TARGET><BILL>SB 32</BILL><SUBJECT>SB
32</SUBJECT><COMM>SCRA28</COMM></TARGET>

SB 32 bill packet contents updated 2/12

SB 32 version A

SB 32 Sponsor Statement

SB 32 Fiscal Note-DNR-PKS-2-2-13

SB 32 Chikuminuk Lake Hydroelectric Project – presentation by Nuvista

SB 32 Background Documents

AS.41.21.160 - .167

Wood-Tikchik State Park Overview

SB 32 Support Documents

Deb Coolidge – 1-28-13 email

AVCP - 1-31-13 letter

Lime Village 1-11-13 letter

Mekoryuk 1-3-13 letter

Kwethluk Inc 1-23-13 letter

SB 32 Opposition Documents

Lisa Ilutsik – 1-29-13 email

Mark Lisac – 2-6-13 letter

Dan Dunaway – 2-6-13 letter

Patti Berkhahn – 2-9-13 email

Jonathan Friedman -2-10-13 email

Dan Dunaway 2-7-13 follow up letter with DNR letter and public comments

Tim Troll 2-12-13 letter

Myron Angstman 2-12-13

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/22/13

FURTHER: Finance

Date of 5-Day Notice: 1-31-13
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/13/13

Community and Regional Affairs Committee considered SENATE BILL NO. 32

SB 32 CHIKUMINUK LAKE HYDROELECTRIC SITE

"An Act stating that the development and operation of a hydroelectric site at Chikuminuk Lake is not an incompatible use in the Wood-Tikchik State Park."

and recommends:

- be replaced with CS SB 32 (CRA) [] Same Title [X] New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DNR	✓			1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	EGAN Bishop	✓		✓	
	Giessel	✓			
CHAIR:	MICCICHE	✓			

CS FOR SENATE BILL NO. 32(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 **"An Act stating that a feasibility study for the development and operation of a**
 2 **hydroelectric site at Chikuminuk Lake is not an incompatible use in the Wood-Tikchik**
 3 **State Park; relating to the Wood-Tikchik State Park management plan and the**
 4 **amendment of the plan to allow for a feasibility study for the development and operation**
 5 **of a hydroelectric site at Chikuminuk Lake; relating to the enforcement of provisions in**
 6 **the Wood-Tikchik State Park management plan and regulations relating to the Wood-**
 7 **Tikchik State Park that are inconsistent with a feasibility study for the development and**
 8 **operation of a hydroelectric site at Chikuminuk Lake; and providing for an effective**
 9 **date."**

10 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

11 *** Section 1.** AS 41.21.167 is amended by adding a new subsection to read:

12 (e) Performance of a feasibility study for the development and operation of a

1 hydroelectric site at Chikuminuk Lake is not considered an incompatible use.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 TRANSITION: WOOD-TIKCHIK STATE PARK MANAGEMENT PLAN AND
5 REGULATIONS; ENFORCEMENT. To allow for a feasibility study for the development and
6 operation of a hydroelectric site at Chikuminuk Lake, the Department of Natural Resources

7 (1) shall amend the Wood-Tikchik State Park Management Plan, dated
8 October 2002, and regulations applicable to the Wood-Tikchik State Park to conform to
9 AS 41.21.167(e), enacted by sec. 1 of this Act; and

10 (2) may not enforce or implement provisions in the Wood-Tikchik State Park
11 Management Plan, dated October 2002, and regulations applicable to the Wood-Tikchik State
12 Park that are inconsistent with AS 41.21.167(e), enacted by sec. 1 of this Act.

13 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT #1

OFFERED IN THE SENATE

TO: SB 32

1 Page 1, line 1, following "that":

2 Insert "a feasibility study for"

3

4 Page 1, line 2, following "Park":

5 Insert "; relating to the Wood-Tikchik State Park management plan and the
6 amendment of the plan to allow for a feasibility study for the development and operation
7 of a hydroelectric site at Chikuminuk Lake; relating to the enforcement of provisions in
8 the Wood-Tikchik State Park management plan and regulations relating to the Wood-
9 Tikchik State Park that are inconsistent with a feasibility study for the development and
10 operation of a hydroelectric site at Chikuminuk Lake; and providing for an effective
11 date"

12

13 Page 1, lines 4 - 6:

14 Delete all material and insert:

15 **** Section 1.** AS 41.21.167 is amended by adding a new subsection to read:

16 (e) Performance of a feasibility study for the development and operation of a
17 hydroelectric site at Chikuminuk Lake is not considered an incompatible use.

18 *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 TRANSITION: WOOD-TIKCHIK STATE PARK MANAGEMENT PLAN AND
21 REGULATIONS; ENFORCEMENT. To allow for a feasibility study for the development and
22 operation of a hydroelectric site at Chikuminuk Lake, the Department of Natural Resources

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1 October 2002, and regulations applicable to the Wood-Tikchik State Park to conform to
2 AS 41.21.167(e), enacted by sec. 1 of this Act; and

3 (2) may not enforce or implement provisions in the Wood-Tikchik State Park
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5 Park that are inconsistent with AS 41.21.167(e), enacted by sec. 1 of this Act.

6 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c)."

SENATE BILL NO. 32

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATOR MCGUIRE

Introduced: 1/22/13

Referred: Community and Regional Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act stating that the development and operation of a hydroelectric site at**
2 **Chikuminuk Lake is not an incompatible use in the Wood-Tikchik State Park."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 41.21.167(c) is amended to read:

5 (c) Development and operation of a hydroelectric site at Lake Elva₂ [OR]
6 Grant Lake, or Chikuminuk Lake is not considered an incompatible use.

Alaska State Legislature

Session:
State Capitol 125
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592

Rules Committee



Interim:
716 W 4th Avenue, Suite 300
Anchorage, AK 99501-2133
Phone: (907) 269-0250
Fax: (907) 269-0249

Committee on Committees

Senator Lesil McGuire

Sponsor Statement

Senate Bill 32

“An Act stating that the development and operation of a hydroelectric site at Chikuminuk Lake is not an incompatible use in the Wood-Tikchik State Park.”

The 1.6 million acre Wood-Tichik State Wilderness Park may house a clean, cost effective solution to the rising cost of energy in the Calista region. This bill would help allow that determination to be made.

Currently, under AS 41.21.167(c), two lakes within the park, Lake Elva and Grant Lake, are enumerated as compatible for development and operation of a hydroelectric site in the Wood-Tikchik State park.

SB 32 seeks to amend AS 41.21.167(c) to add Chikuminuk Lake to the list.

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: SB 32 (A)
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB032-DNR-PKS-2-2-13
Title: CHIKUMINUK LAKE HYDROELECTRIC SITE
Sponsor: MCGUIRE
Requester: Senate Community & Regional Affairs

Department: Department of Natural Resources
Appropriation: Parks & Outdoor Recreation
Allocation: Parks Management & Access
OMB Component Number: 3001

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates				
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services	20.0						
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	20.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund	20.0						
Total	20.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 11/01/14

Why this fiscal note differs from previous version:

Initial Version

Prepared By:	Ben Ellis, Director	Phone:	(907)269-8700
Division	Division of Parks and Outdoor Recreation	Date:	02/01/2013 05:00 PM
Approved By:	Daniel S. Sullivan, Commissioner	Date:	02/02/13
	Department of Natural Resources		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. SB032

Analysis

The Department of Natural Resources, Division of Parks and Outdoor Recreation (DPOR), anticipates a \$20.0 fiscal impact to revise the existing Wood-Tikchik State Park Management Plan (last updated in October 2002) and associated regulations (11 AAC 20.300 - 11 AAC 20.988) in order to match the statutory changes if the bill is enacted into law.

The current plan places stringent restrictions on activities that are allowed on Chikuminuk Lake (Chapter 9, pages 9-6 through 9-10) and the plan would need to be re-drafted to reflect that the legislature finds that a hydroelectric site is no longer incompatible with park purposes at Chikuminuk Lake.

The current regulatory process for the management plan is that if amended, DPOR would need to solicit public comment and after receiving public testimony on the draft management plan, a final draft must be submitted to the commissioner of DNR and the commissioner of fish and game (DF&G) for approval.

DNR anticipates that it could take up to one year to revise the management plan and solicit public comment in addition to holding two public meetings in the region affected. This cost estimate assumes only provisions related to Chikuminuk Lake will be made to the management plan. After the plan is approved, DPOR would commence amending its regulations which would take an additional three to four months.

Sec. ~~AS 41.21.160~~. Purpose of AS 41.21.160 ~~41.21.167~~.

The purpose of AS 41.21.160 ~~41.21.167~~ is to establish the state-owned land and water areas described in AS 41.21.161 as the Wood-Tikchik State Park. 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. AS 41.21.160 ~~41.21.167~~ are intended to close the described land and water to multiple-purpose use in conformity with AS 38.05.300 and to dedicate it as a special purpose site in accordance with art. VIII, Sec. 7 of the Constitution of the State of Alaska.

Sec. 41.21.161. Wood-Tikchik State Park established.

(a) The state-owned or acquired land and water lying within the following parcel, containing approximately 1,428,320 acres, is designated as the Wood-Tikchik State Park: beginning at the SE corner of T7S, R54W, S.M., which is the true point of beginning; thence westerly to the NE corner of T8S, R58W, S.M.; thence southerly to the SE corner of T8S, R58W, S.M.; thence westerly to the SW corner of T8S, R58W, S.M.; thence northerly to the NW corner of T5S, R58W, S.M.; thence westerly to the SW corner of Section 34, T4S, R58W, S.M.; thence northerly to the NE corner of Section 4, T1S, R58W, S.M.; thence westerly to the SW corner of T1N, R57W, S.M.; thence northerly to the NW corner of T2N, R57W, S.M.; thence easterly to the NE corner of T2N, R57W, S.M.; thence northerly to the NW corner of T4N, R56W, S.M.; thence easterly to the SW corner of T5N, R55W, S.M.; thence northerly to the NW corner of T5N, R55W, S.M.; thence easterly to the NE corner of T5N, R55W, S.M.; thence southerly to the SE corner of T5N, R55W, S.M.; thence easterly to the NE corner of T4N, R54W, S.M.; thence southerly to the SE corner of T4N, R54W, S.M.; thence easterly to the NE corner of T3N, R53W, S.M.; thence southerly to the SE corner of T3N, R53W, S.M.; thence easterly to the NE corner of T2N, R52W, S.M.; thence southerly to the SW corner of T1N, R51W, S.M.; thence easterly to the NE corner of T1S, R52W, S.M.; thence southerly to the SE corner of T2S, R52W, S.M.; thence easterly to the NE corner of T3S, R51W, S.M.; thence southerly to the SE corner of T3S, R51W, S.M.; thence westerly to the NE corner of T4S, R53W, S.M.; thence southerly to the SE corner of T4S, R53W, S.M.; thence westerly to the NE corner of T5S, R54W, S.M.; thence southerly to the SE corner of T7S, R54W, S.M., which point is the true point of beginning.

(b) All or part of the state-owned or acquired land and water within the following adjacent parcel, containing approximately 126,720 acres may be added to the Wood-Tikchik State Park by proclamation of the governor: beginning at the SE corner of T7S, R54W, S.M., which point is the true point of beginning; thence southerly to the SE corner of T8S, R54W, S.M.; thence westerly to the NE corner of T9S, R55W, S.M.; thence southerly to the SE corner of the NE quarter of T9S, R55W, S.M.; thence westerly to the SW corner of the NW quarter of T9S, R57W, S.M.; thence northerly to the NW corner of T9S, R57W, S.M.; thence westerly to the SE corner of T8S, R58W, S.M.; thence northerly to the NE corner of T8S, R58W, S.M.; thence easterly to the SE corner of T7S, R54W, S.M., which point is the true point of beginning.

(c) Land lying within the parcels described in (a) or (b) of this section upon which there are valid entries or that is withdrawn for or selected by Native village or regional corporations under 43 U.S.C. 1610, 1611 and 1613 (P.L. 92-203, Sec. 11, 12 and 14 of the Alaska Native Claims Settlement Act), is excepted from (a) and (b) of this section. However, if any land excepted under this subsection is subsequently relinquished to the state, it shall be included as part of the Wood-Tikchik State Park.

Sec. 41.21.162. Designation of management responsibility.

The land and water described in AS 41.21.161 is assigned to the department for control, maintenance, and development consistent with the purposes and provisions of this chapter. The Department of Fish and Game is responsible for the management of fish and game resources in the Wood-Tikchik State Park, consistent with the purposes and provisions of this chapter.

Sec. 41.21.163. Management Council created.

A seven-member Wood-Tikchik State Park Management Council is created and shall be appointed by the governor. Management council members may, subject to appropriations, receive the same per diem and travel expenses authorized for members of state boards. The governor shall appoint one member of the council from three nominations submitted to the governor by each of the following:

- (1) the village council of Koliganek;
- (2) the village council of New Stuyahok;
- (3) the village council of Aleknagik;
- (4) the city council of Dillingham;
- (5) the Bristol Bay Native Association, Inc.;
- (6) the commissioner of natural resources;
- (7) the commissioner of fish and game.

Sec. 41.21.164. Management plan.

The Wood-Tikchik State Park Management Council shall develop a management plan for the park with the advice and assistance of the department. The management plan shall be presented at a public meeting before approval and implementation.

Sec. 41.21.165. Regulations.

The department shall consult with Department of Fish and Game and the management council before adoption of regulations governing the public use of the park. The Department of Fish and

Game shall consult with the department and the management council before adoption of regulations governing fish and wildlife management in the park. Regulations may not be adopted by either department without prior review at public hearings.

Sec. 41.21.166. Fish and wildlife breeding areas.

The fish and wildlife habitat breeding areas in the Wood-Tikchik State Park shall be managed to sustain the fish and wildlife resources of the park in perpetuity.

Sec. 41.21.167. Incompatible uses.

(a) The land and water areas described in AS 41.21.161 are not open to mineral entry under AS 38.05.135 - 38.05.275.

(b) The regulations adopted under AS 41.21.165 shall recognize that the current practice of traditional subsistence and recreational activities includes the use of small outboard motors and snow machines. Reasonable access by aircraft for recreational purposes shall be permitted.

(c) Development and operation of a hydroelectric site at Lake Elva or Grant Lake is not considered an incompatible use.

(d) Development and operation of campsites on or adjacent to major spawning and breeding areas are incompatible uses unless it can be shown by a preponderance of evidence that the fishery and wildlife habitat and breeding areas will not be adversely affected to a significant degree by the development and operation.

Wood-Tikchik State Park

(<http://dnr.alaska.gov/parks/units/woodtik.htm>)

The largest state park in the nation, at 1.6 million acres, Wood-Tikchik State Park was created in 1978 for the purpose of protecting the area's fish and wildlife breeding and support systems and preserving continued subsistence and recreational activities. The management philosophy is one of non-development and maintenance of the area's wilderness character.

Park facilities are rustic and few, with great emphasis placed upon low impact camping and "pack it in, pack it out" practices.

Natural Environment

Named for its two separate systems of large, interconnected, clear water lakes, the park is characterized by its water based ecosystems. Bordered by the Nushagak lowlands on the east and the Wood River Mountains to the west, the lake systems span a variety of terrain and vegetative zones renowned for their diverse beauty.



Spired peaks, high alpine valleys, and deep v-shaped arms give the lakes' western reaches a spectacular fjord-like appearance. The eastern edges of the lakes look out upon islands, gravel beaches, and the expansive tundra of the Nushagak lowlands. The lakes, varying in length from 15 to 45 miles, are deep and temperate, with water temperatures ranging from 40°F to 60°F throughout the summer season.

The park lies in a biological transition zone between coniferous forest and tundra. In general, white spruce and mixed spruce-birch forest, as well as muskeg and willow-alder thickets exist up to approximately the 900-foot elevation. Above this are bare rock, heath tundra, and alpine meadow. At the lowest elevations, wet tundra and marshlands are common.

Climate

The climate varies from the humid, maritime influence of Bristol Bay in the south to the cooler, dryer continental influence of the interior to the north. The weather is generally cool and moist with daily July high/low temperatures averaging 65°F and 46°F, respectively. Precipitation is most prevalent in the summer, occurring about 27% of the time in August along the coast. Total precipitation averages 25 inches annually at Dillingham, with fairly large local variations experienced within the area.

Annual snowfall averages 60 to 70 inches at Dillingham and may reach more than 160 inches at Lake Nerka. Winds are usually moderate (0-30 mph), prevailing from the southeast/southwest in summer and from the north and east in winter.

Although the weather during the period from late May to early October permits outdoor recreational activities almost daily, flying, boating, and alpine activities are occasionally hampered or unsafe. Be prepared to delay your activities until conditions allow safe travel.

Fish and Wildlife

All five species of Pacific salmon - king, sockeye (red), pink, silver, and chum - spawn in the Wood River and Tikchik systems. Sockeyes are the most important commercially. Freshwater sport fish are generally prolific throughout the area. Rainbow trout, grayling, lake trout, arctic char, dolly varden, and northern pike abound. Whitefish are an important subsistence species in the Tikchik Lakes.



Moose, caribou, and brown bear can be seen throughout the park. Black bear populations are limited, generally, to the northern and eastern areas. Common small game and fur bearers include beaver, muskrat, otter, fox, wolverine, mink, and porcupine. Ground squirrels and marmots are abundant.

Birds nesting in the area include a wide variety of waterfowl, gulls, bald eagle, golden eagle, arctic tern, various loons, spotted and least sandpipers, semi-palmated plover, willow ptarmigan, and spruce grouse. Numerous transients pass through as well.

For information regarding fish and game bag and possession limits, seasons, and methods of take, please refer to the appropriate Alaska Department of Fish and Game regulation booklet. Target shooting is not permitted within the park.

Camping

The entire park is open to camping. However, several locations in the Upper Tikchik Lakes require a permit. Nishlik, Slate, Upnuk and Chikuminuk Lakes, in addition to Tikchik River float trips require a permit prior to camping or floating. Camping and river float trip permits are limited and require a \$100 fee. Please call the Dillingham Parks Office, Alekangik Ranger Station (907) 842-2641 for additional information and current permit availability. Permit applications are available on-line or by emailing the Dillingham State Parks office at: alison.eskelin@alaska.gov

State Park regulations require anyone engaged in commercial activities on park lands and waters to obtain a commercial use permit. Permit applications are available on line or at the Dillingham State Parks office.

Camping at a specific location in the park is limited to 10 consecutive days, after which the camp must be relocated a minimum of one mile distant from that location. Campfires are restricted to beaches, gravel bars, or State Park provided firepits.

Chikuminuk Lake is closed to the use of motorized watercraft, but is accessible by aircraft. All other lakes in the park are open to motorized boats.

Numerous privately-owned parcels exist throughout Wood-Tikchik State Park. Most are undeveloped, but are signed in some way. Please respect private property and do not trespass. If you have questions regarding private property, please contact the State Park office in Dillingham.

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Safety Considerations

The park offers a remote wilderness experience. Park visitor self-reliance and accident prevention practices are key ingredients to a successful and pleasurable trip. Some tips include:

- **File a trip plan.** Leave it with a friend, your air taxi, the Wood-Tikchik State Park office, or someone else reliable. Be sure to close it when your trip is complete.

- **Avoid the bears.** View bears from a distance. Keep a very clean camp. Do not bury trash; haul it out. Avoid camping in the vicinity of salmon spawning streams and other spawning areas when salmon are present. The bears will be there!

- **Protect your equipment.** Bears and porcupines love to disable rafts and skinned kayaks. Protect them. You're a long way from the road head.

- **Giardiasis.** The intestinal parasite *Giardia Lamblia* is prevalent in many lakes and streams in Alaska. Giardiasis may be contracted by drinking untreated water in areas of beaver and other water mammal activity. The symptoms are diarrhea and severe cramping, and may appear up to two weeks after exposure. Treat water by boiling, using chemical tablets or biological filter.



- **Beware of weather.** Wind on the open lakes can quickly create dangerous whitecap conditions. Always wear a personal flotation device and travel close to shore during transitional weather patterns. Immersion in cold water will result in exhaustion or unconsciousness within 30 to 60 minutes. Use effective rainwear and keep a lighter or waterproofed matches available.

- **Fires.** Open fires are permitted only on gravel beaches and bars. Use dead and down wood only. Extinguish fully and bury completely before leaving the site. The use of portable campstoves is permitted throughout the park and is encouraged. Live tree cutting is not permitted.

- **Insects.** Although not regarded a safety hazard, mosquitoes and biting flies can diminish an otherwise wonderful trip. Pack your favorite repellent.

● **Food and fuel.** Weather and other unforeseen variables can often extend a trip unexpectedly. Carry extra food and fuel, just in case.

Access

Daily commercial airline service is available from Anchorage to Dillingham. Air charter by float-equipped and amphibious aircraft into the park is available from Dillingham. The entire park is currently open to private aircraft landings.

Water access to the Wood River Lakes is from Dillingham via the Wood River or from the village of Aleknagik, 24 miles north of Dillingham by road. The Wood River Lakes are interconnected by shallow, swift moving rivers which generally require jet-equipped watercraft. Most parties fly in and boat out.



Access to the Tikchik Lakes is primarily by aircraft. Parties exit the Tikchik Lakes by air, or float and/or paddle, to any one of several native villages on the Nushagak River, where air charter is available for transport back to Dillingham. Extreme caution is recommended when approaching the upper Nuyakuk River rapids and falls, just below Tikchik Lake outlet. Portage is advised. The Allen River, which drains Chikuminuk Lake into Lake Chaekuktuli requires several portages around Class V+ rapids.

Accommodations and Services

Five commercial sportfishing lodges are located on private property within the boundaries of the park. These lodges operate on a reservation basis only, do not cater to drop-in visitation, and do not provide ancillary services to those other than guests. Additionally, several privately owned cabins are found throughout the park. **Please respect private property.**

For a complete list of commercial operators authorized to conduct business within the park, write to the address below.

Dillingham Ranger Station

Wood-Tikchik State Park

PO Box 1822

Dillingham, AK 99576

(907) 842-2641

Email: bill.berkhahn@alaska.gov

Chikuminuk Lake Hydroelectric Project

House Community and Regional Affairs Committee

February 8, 2013



Elaine Brown, Nuvista Executive Director

Why Chikuminuk Lake?

Western Alaska needs sustainable, affordable, and reliable energy solutions.

Energy conservation and alternative sources like hydro, wind, and biomass can help, but aren't sufficient on their own to meet energy needs.

We think Chikuminuk is worth looking at as one option to help our communities survive and thrive.

Initial estimates of Chikuminuk's power generation capacity range from 13-60 MW.

The project could meet or exceed the current generating capacity of Bethel and Dillingham's diesel-powered generators.

Dillingham capacity: 6.6MW*
Bethel capacity: 12.6 MW*

*Alaska Energy Authority (AEA) 2011

Unlike other Wood-Tikchik lakes, natural barriers keep salmon from reaching Chikuminuk Lake, minimizing potential impacts to salmon runs.

Chikuminuk Lake

State park records show that few people make their way to this very remote lake; there is limited recreation and subsistence.

The project would harness the water's energy at the point where Chikuminuk Lake empties into the upper Allen River.

Allen River

Chikuminuk Lake – A long history of study

- Nuvista is building on studies that began in 1954
- Previous geotechnical work in the 1980's authorized by an "incompatible use" permit issued by the State Park
- Nuvista was denied a State Park Special Use Permit for 2012 field work
- SB 32 would allow Nuvista to study the lake's potential for hydroelectricity

Our Goal: To determine if the the Chikuminuk Lake project is feasible and a good fit for Western Alaska.



Chikuminuk Lake – Our path forward

Many questions remain to be answered such as: What are the possible impacts on fish, recreation, subsistence. What is the cost to build the project? Who will get the power?

Approval of SB 32 offers a sensible way to allow studies to be completed. Once SB 32 passes we will continue to:

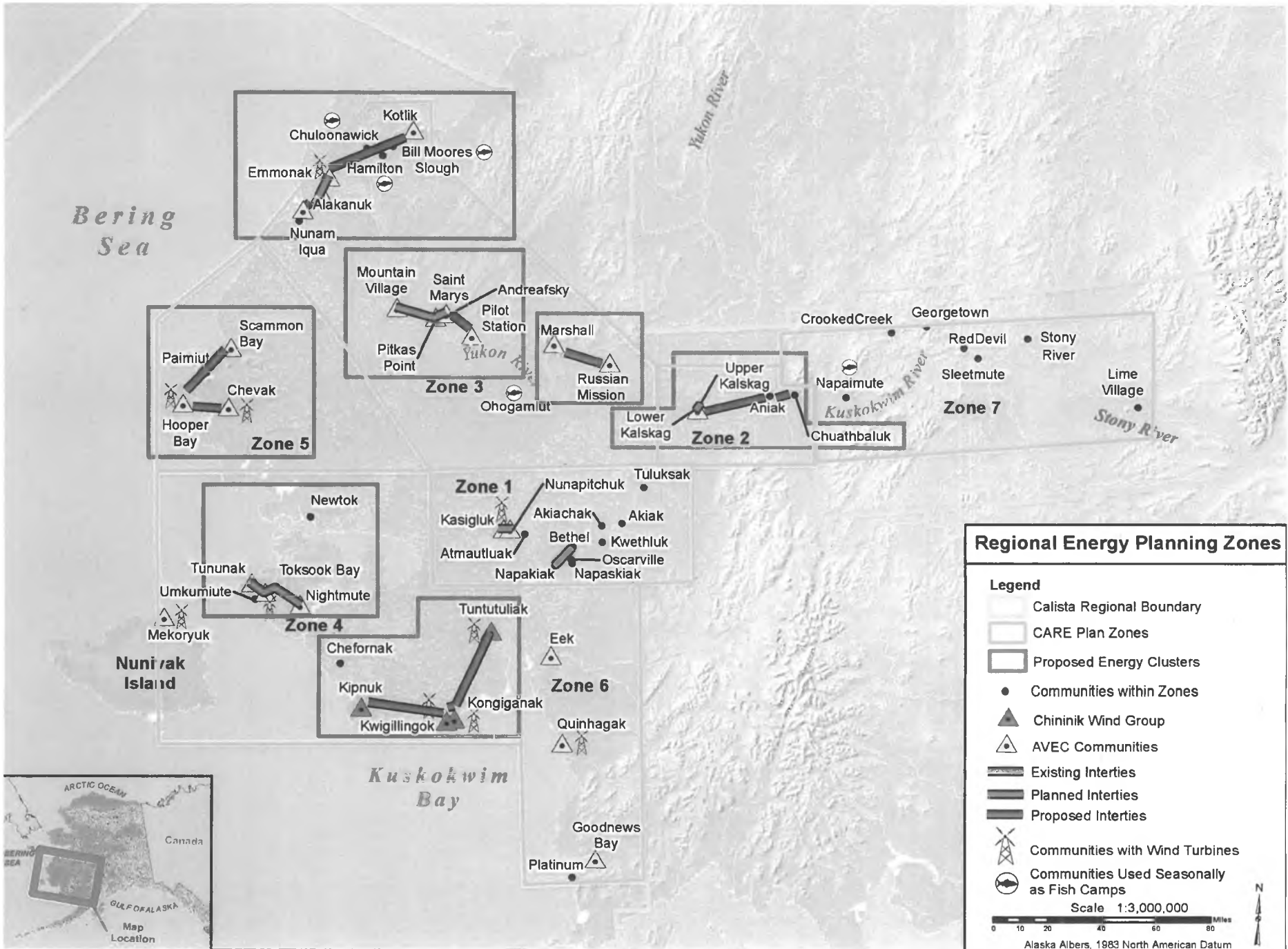
- Conduct extensive evaluation, study and analysis of Project feasibility
- Work with local communities to understand issues and concerns and determine how best to address them
- Follow the FERC - Federal Energy Regulatory Commission transparent and thorough permitting process

Thank-You



Energy Solutions for the People of Western Alaska







**The Association of Village Council Presidents
Regional Housing Authority**

**PO Box 767
405 Ptarmigan Road
Bethel, Alaska 99559
907-543-3121
Fax: 907-543-3933
www.avcphousing.org**

January 31, 2013

Ms. Patty Murphy
Project Administrator
Nuvista Light & Electric Cooperative, Inc.
301 Calista Court, Suite A
Anchorage, AK 99518

RE: Letter of support

This letter is in support of the projects and activities of the Nuvista Light and Electric Cooperative, Inc. especially in regards to the following:


- Intertie Feasibility Reconnaissance Assessment
- Chikuminuk lake Hydroelectric and Alternative Energy Project
- Swift River Hydropower Reconnaissance and Resource Assessment

As you know, the Y-K Delta fuel and energy prices are the highest they have ever been, and relief from the high costs of energy which have plagued us for many years have yet to materialize permanently. Today, AVCP Housing is swamped with requests for Emergency Voucher Assistance (one of our annual program), that provides a temporary cash relief, but we have no money at this time for such assistance until Congress passes HR 5972, the Transportation and Housing bill. But the EVA program is not the real answer, just a "band-aid" solution.

The solution for high energy costs is development of energy projects that will reduce the cost of energy, such as hydro projects and other renewable energy projects. Nuvista's efforts in working toward this goal for the Y-K Delta appears to be the best solution we have right now, so we strongly encourage Nuvista to forge ahead with its work in development of these projects.

Thank you very much for allowing us to comment on your projects.

Sincerely,


Ron Hoffman
President/CEO

Lime Village Traditional Council
PO Box LVD - Lime Village VIA
McGrath, Alaska 99627-8999
Phone: 907-526-5236 Fax: 907-526-5235 Email: limevillage@gmail.com

CHIKI(?)

January 2, 2013

To Whom it May Concern:

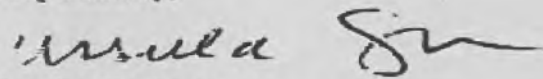
This letter is to express support for the proposed hydroelectric project in the Yukon-Kuskokwim area of Calista's Region. An engineering reports indicates the Chikuminuk Lake is a feasible option and could provide the electrical capacity to serve Bethel and thirteen surrounding villages. Both the limited infrastructure available in our region, and the high cost of energy have severely impacted the limited infrastructure available in our region and high cost of energy have severely impacted the quality of life and economic opportunities available. Lower our high energy costs is one of our highest priorities and will substantially improve the business climate as well as lie in the Calista region.

We urge your support for an additional legislative appropriation in the amount of \$15.46 million to further develop the

Chikuminuk Lake Hydropower Project in the Calista region.

Please contact any member of our council, or Ursula Graham, at 907-526-5236, if you have any questions. Thank you for your time and consideration on this matter.

Respectfully,



Ursula Graham
Administrator, Lime Village Traditional Council

NATIVE VILLAGE OF MEKORYUK

Indian Reorganization Act Council
P.O. Box 66 • Mekoryuk, Alaska 99630
(907) 827-8828 • Fax: (907) 827-8133

January 3, 2013

Patty Murphy, Project Administrator
Nuvista Light and Electric Cooperative, Inc.
301 Calista Court, Suite A
Anchorage, Alaska 99518

RE: SUPPORT LETTER FOR CHIKUMINUK LAKE HYDROPOWER PROJECT

Dear Patty:

The Native Village of Mekoryuk understands the energy situation within our area. It is unfair for our region to be paying excessive costs for purchasing energy when crude oil is being pumped out of the northern regions of our State. Mekoryuk pays \$5.47 per gallon for heating fuel.

Therefore, the tribal government from Mekoryuk supports Nuvista Light and Electric Cooperative under Calista Corporation from Yukon/Kuskokwim region in its effort to develop a hydroelectric project. A hydroelectric power plant from Chikuminuk Lake for our region will reduce energy costs that have impacted quality of our lives and other economic opportunities.

Lowering our energy costs is our number one priority that will substantially improve the business climate within the Calista Corporation region. Further, the Native Village of Mekoryuk urges the Alaska State Legislature to appropriate \$15.46 million dollars to continue to develop the needed Chikuminuk Lake Hydropower Project for the Calista Region.

Quyana,


Mr. Albert R. Williams
President, Native Village of Mekoryuk

Cc: NVM Calista file

PAST PRESIDENTS

Moses Nayiruk • Peter Smith, Sr. • Tom Dotomain • Jesse Moses • Walter Amos • George K. Whitman, Sr.
Edward J. Shavings, Sr. • George King, Sr. • Henry J. Shavings • Joseph David, Sr. • Jerry David, Sr.
Fred Don • Howard T. Amos • Samson Weston • Hultman Klokun
Tom Amos • Solomon Williams • Daniel Oirun, Sr.

KWETHLUK **INCORPORATED**

P.O. Box 110 Kwethluk, AK 99621 Phone: (907) 757-6613 Fax: 757-6212

January 23, 2013

Bob Herron
District 38
Party: Democrat
State Capitol Room 411
Juneau, AK 99801

Re: Letter of Support: Nuvista Light & Electric Chikuminuk Hydroelectric and
Alternative Energy Project

Dear Representative Herron:

This is a letter of support for funding the Chikuminuk hydroelectric project from the State of Alaska.

For the Southwest region village's alternative energy is a needed infrastructure project that will dramatically reduce the high cost of energy.

WE are in the 21st Century, yet Rural Alaska villages are still in the 19th Century in infrastructure projects. We as citizens of the United States, residents of the State of Alaska needs to get up to par with the United States of America living standards, which will improve the quality of life for rural villages. Therefore we fully support the endeavors of Nuvista Light and Electric Chikuminuk Hydroelectric and alternative Energy projects to be funded in all phases as they progress.

Thank you,

Sincerely,
Kwethluk, Incorporated

Chariton Epchook
Chairman

Lynne Smith

From: Lisa Ilutsik <llutsiklisa@yahoo.com>
Sent: Tuesday, January 29, 2013 9:48 AM
To: Sen. Peter Micciche; Giessel@akleg.gov; Dennis.Egan@akleg.gov; Sen. Click Bishop; Sen. Lyman Hoffman
Subject: SB 32 information
Attachments: DSCN0060.JPG

Honorable Senators:

I am writing you regarding Senate Bill 32: Chikuminuk Lake Hydroelectric Site. I am from the village of Aleknagik, and live and work in Dillingham, the "gateway" to the park. I enjoy so much boating or snow machining in the area, and just marveling at the beautiful scenery in my back yard. Although the leaders at Nuvista are to be commended for their work towards seeking alternative energy sources, seeking to develop in the Wood Tikchik State Park is absolutely unacceptable in my opinion. The founders of the park recognized the pristine, breathtaking beauty in the area, and that is why it was created as NON-DEVELOPMENT.

According to the Wood Tikchik State Park Management Plan, studies of Chikuminuk Lake for hydroelectric have shown that this project is economically unfeasible. It would be an absolute travesty to damage the pristine, majestic beauty and wilderness for any reason. Nuvista, needs to go back to their drawing boards, as there is opposition to this unfortunate project. Senator's please tell Nuvista that the project is economically unfeasible, and that damaging the state park for any reason is unacceptable.

Do not amend state statutes regarding the Wood Tikchik State Park, keep the park untouched, so that generations to come may gasp at the beauty of this state park. Enclosed is one of my favorite pictures taken in Lake Beverly, my dog to the far right is also enjoying the scenery, as you can see.

Sincerely,

Lisa Ilutsik
P.O. Box 1375
Dillingham, AK 99576



February 6, 2013

Alaska State Senate Community and Regional Affairs Committee:

Re.: SB32 hearing comments

Dear Committee members

I am writing in opposition to SB32. The Wood-Tikchik State Park has been a State treasure since it was established by legislation in 1978. I have lived in this area and enjoyed the WTSP since 1983. Many of the lakes within the Park are special, but Chikuminuk Lake has been afforded extra wilderness management status in the Park management plan and State statute.

SB32 proposes to circumvent the existing public vetted planning process and the established legislation to allow for permitting exploratory activities that are incompatible with the wilderness management designation for this portion of the Park. The sole purpose of this exploratory work is to determine the geology and feasibility of constructing a hydroelectric project inside the Park, and running transmission lines to the Kuskokwim River villages. We all would like to have a cheaper, reliable source of electric power, and eliminate as much fossil fuel burning as possible, but as stated in the Park management plan:

“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.” (WTSP management plan page 9.8)

Proponents of such a project that SB32 proposes to all say that the project has broad support, that Chikuminuk Lake doesn't support salmon spawning or rearing so the impacts will be limited, and it will provide cheap power. There are several reasons that these statements are flawed:

The current legislation is the result of a Park planning process that occurred over many years with much public involvement. The Park plan and legislation had a great deal of support.

The survey work required for the feasibility investigation requested in the initial permit application to DNR will have short and long term impacts on the wilderness quality and habitat in the project area.

The project area includes an entire parcel of a private land at the outlet of Chikuminuk Lake owned by The Nature Conservancy (TNC). The purchase of this parcel was the result of a cooperative effort by TNC and the Nushagak-

Mulchatna Wood-Tikchik Land Trust which have worked together to preserve the mission of the Park and its habitat. They are not going to allow use of this critical piece of property to conduct surveys and seismic activity.

Not only will such a project impact the resident fish of the lake watershed directly, it will also impact water quality and chemistry of the lake itself and waters downstream. There are salmon documented to spawn and rear downstream of the project area that will suffer impacts from changes to water temperature, dissolved oxygen, and turbidity, as well as changes to stream habitats and disruption to natural stream flows.

The necessary transmission line corridors would impact numerous anadromous streams and terrestrial habitat in the Park and surrounding area.

The estimated cost for this project is \$480M to \$630M after a 10-year construction phase, and it is forecasted to provide electrical power at a rate of \$0.58 to \$0.70 per kWh over a 20-year period following construction completion. This is not cheap power. A lot of wind turbines could be bought for the \$500M (or even the \$10M that has already been committed).

I urge you to oppose adoption of SB32 because it seeks to circumvent the existing public planning and legislation process that supported protecting this area of the largest State park in the Nation.

Thank you,

Mark J. Lisac
Dillingham, Alaska

2-6-13

Dear Senator McGuire and
Senate Committee on Community and Regional Affairs

Thank you for taking time out of your busy schedule to reply to my note regarding SB 32.

I believe your intentions are well meaning. We do need to find ways to power rural Alaska.

Regarding the effect of SB 32, I believe you are very mistaken. SB 32 would allow much more than just hydroelectric studies. It would open the door to full development in the same manner as for Lake Elva and Grant Lake. Yes additional permits and process would be required but this language is key before any of those other actions may occur.

Elva and Grant Lakes were "grandfathered" when the park was formed. The park management plan as enacted by the legislature clearly proscribes hydroelectric development at Chikuminuk [see excerpted Statute attached]¹. Chikuminuk has been studied before for hydroelectric potential and was determined to be infeasible². After careful consideration it was not grandfathered into the Park. It should stay that way.

Please don't compromise the enabling legislation of the Park by declaring hydroelectric development at Chikuminuk Lake to be a compatible use. It is a far too comprehensive and permanent change to accommodate a specific project that is speculative at best.

If your intent is to allow a study then the bill should speak to that activity alone.

You should also be aware there is one parcel of private property at the location where the development would need to occur. This property was acquired by The Nature Conservancy at the urging of local residents because it was the only private property on the lake and its conservation made it possible for the Park to designate Chikuminuk Lake a non-motorized wilderness area. This property is now being transferred to our local land trust - The Bristol Bay Heritage Land Trust.

I agree with your statement that each region should be allowed to assess their

own resources and make their own plans. The Bristol Bay Region requested Governor Hammond to create Wood-Tikchik State Park because they wanted to protect their fisheries and subsistence resources. Chikuminuk Lake and the Allen River drain to Bristol Bay. The Bristol Bay region did an assessment more than 30 years ago and decided it wanted its resources protected by a park.

Your legislation will allow another region to undermine that assessment and take resources from our area to serve their own. As for your support of local solutions, I find it perplexing for an Anchorage senator to create legislation affecting our region when the local elected representatives have not.

The Wood Tikchik Park is one of the conservation legacies left to us in part by Jay Hammond and Bristol Bay residents to preserve fisheries, subsistence, and recreation opportunities long into the future. I can't imagine any elected official who would want to have as their legacy the dismantling of the nation's largest state park. Hydroelectric dams can have major negative environmental impacts, directly counter to the whole purpose of forming Wood Tikchik State Park and to the economies of Bristol Bay.

I and many others in the Nushagak drainage and some Kuskokwim residents are deeply opposed to compromising the integrity of the Wood Tikchik State Park in this manner.

I encourage you to withdraw SB32. It is far too early for this significant action.

Again thank you for the reply.

Respectfully

Dan Dunaway
PO Box 1490
Dillingham, Alaska 99576

attachment: Park Legislation excerpt.

1) Excerpt of Wood Tikchik State Park enabling legislation:

Sec. 41.21.167. Incompatible uses.

(a) The land and water areas described in AS 41.21.161 are not open to mineral entry under AS 38.05.135 - 38.05.275.

(b) The regulations adopted under AS 41.21.165 shall recognize that the current practice of traditional subsistence and recreational activities includes the use of small outboard motors and snow machines. Reasonable access by aircraft for recreational purposes shall be permitted.

(c) Development and operation of a hydroelectric site at Lake Elva or Grant Lake is not considered an incompatible use.

(d) Development and operation of campsites on or adjacent to major spawning and breeding areas are incompatible uses unless it can be shown by a preponderance of evidence that the fishery and wildlife habitat and breeding areas will not be adversely affected to a significant degree by the development and operation

2) Alaska Power Authority. Findings and Recommendations Bethel Area Power Plan December 20, 1985. P 5.

Lynne Smith

From: Patti Berkhahn <pgberkhahn@gmail.com>
Sent: Saturday, February 09, 2013 5:27 PM
To: Sen. Peter Micciche; 'mailto:Senator.Cathy.Giessel@akleg.gov';
'mailto:Senator.Click.Bishop@akleg.gov'; 'mailto:Senator.Dennis.Egan@akleg.gov';
'mailto:Senator.Lyman.Hoffman@akleg.gov'
Cc: Sen. Lesil McGuire; pgberkhahn@gmail.com
Subject: SB 32

I am a 37 year resident of the great state of Alaska currently residing on the Kenai Peninsula who likes to recreate and fish in Wood-Tikchik State Park. I am strongly opposed to SB 32 which would allow hydroelectric studies in Wood-Tikchik State Park. Your predecessors in the legislature had the foresight to set apart 1.6 million acres to form this country's largest state park – Wood-Tikchik State Park. The current management plan does not allow for hydroelectric in certain sections of the Park which includes Chikuminuk Lake. It should stay that way. It is not just the hydroelectric infrastructures that bothers me, it is everything else that goes with it – power lines, roads, helicopters, etc. These concerns also come into play for the proposed Elva and Grant Lakes project. I understand the situation you are in to find cheaper sources of energy for the villages, i.e. Bethel, but there are other alternatives that should be looked at first. Wind is a good one. Also there are other watersheds that could be studied that are not part of a State Park or Refuge in the area.

Even though I live on the Kenai Peninsula with rivers that support great fish runs, I rarely fish here anymore. I much prefer the pristine wilderness of Wood-Tikchik State Park. I catch my years supply of salmon within the Park every year and bring them home with me. The crowds on the Kenai are not fun anymore; this is why Wood-Tikchik SP should stay protected from hydro development as was originally intended. It is drop dead gorgeous, quiet, and full of nature's wonders. (Not to mention the headwaters of Bristol Bay is the home to the largest salmon runs in the world and supports a subsistence lifestyle for thousands!) It is one of Alaska's gems and its greatest asset is the pristine wilderness. Let's protect the legacy left by Governor Jay Hammond and all the Bristol Bay residents who worked so hard to set this area aside as a Park and use our grant money and time to find cheaper sources of energy outside of the Park.

P.S. Hydroelectric energy is not green and kills fish in more ways than one. I have recently visited a site in AZ (Fossil Creek) where a hydro dam was decommissioned, torn down and hauled away. It is a beautiful area now and is a hiking destination for many. Other dams like the one on the Elwa River in Washington are going through the same process. Let's not continue making the same mistakes that were done in the Lower 48 that cost huge amounts of money to fix. We are smarter than that.

P.S.S. Do you know why Bristol Bay has the largest salmon runs in the world? It's because all the other large runs have been destroyed.

Thank you for your time,

Patti Berkhahn

Alaskan resident who lives to fish and play in the backcountry

39195 Coulter Court

Soldotna, AK 99669

907 262-5618

Lynne Smith

From: Jonathan Friedman <jfriedman@txbsi.com>
Sent: Sunday, February 10, 2013 5:04 PM
To: Sen. Peter Micciche
Cc: Sen. Lesil McGuire; alison.eskelin@alaska.gov; crestino@reportalaska.com; pdougherty@adn.com
Subject: SB32 - Chikuminuk Lake Hydroelectric Site

Dear Senator Micciche and Committee Members:

I am writing in opposition to SB32, proposed by Senator L. McGuire, which would permit development and operation of a hydroelectric at Chikuminuk Lake in Wood-Tikchik State Park.

I live in Texas and each summer bring my family (and frequently other friends and family) to Alaska for a wilderness experience in different parts of the state. For the upcoming summer, a group of ten of us (my family and another family) intended to do a float trip on Chikuminuk Lake in Wood-Tikchik State Park. When I began planning the trip some months ago, I was informed that in 2012 helicopter flights were taking place over the lake to perform feasibility studies of a hydroelectric plant on the lake. Based on the prospect of additional helicopter flights and/or other similar activities, we have elected not to visit Chikuminuk Lake this summer.

For the ten of us, for a two week visit to Alaska, I estimate we would have spent \$10,000 in direct costs in the Dillingham and Bristol Bay regions.

I share this with you not because our individual circumstance has any bearing on your decision making regarding allowing the development and operation of a hydroelectric plant on Chikuminuk, but because our situation exemplifies how out of state visitors wanting to experience this unique wilderness will react to this project. As you are aware, Chikuminuk Lake has been identified by the Alaska DNR as uniquely representative of the wilderness of this region, and has been afforded special protections in this regard via a permitting process for visitation and prohibition of motorized watercraft. If this project were to proceed as proposed, I would not choose to visit Chikuminuk Lake in the future, nor any area along the 118 mile corridor proposed for the transmission lines from the hydroelectric plant.

As it will be impossible for the committee to quantify the number of visitors who choose not to visit this area because of the development of a hydroelectric plant, I hope that this qualitative perspective on the deleterious impact of the proposed project on the wilderness experience and future visitation will help inform your decision making.

Thank you for your attention to this letter. Please don't hesitate to contact me if I can provide any further information. With best regards.

Sincerely yours,

Jonathan A. Friedman, M.D.

Neurosurgeon

Regional Chair of Surgery, Bryan - College Station Campus

Associate Professor, Departments of Surgery, Neuroscience and Experimental Therapeutics

Texas A&M Health Science Center College of Medicine

Director, The Texas Brain and Spine Institute

8441 Hwy. 47

Suite 4300

Bryan, TX 77807

(979) 776-5208

cc: Senator Lesil McGuire

Wood-Tikchik State Park

The Bristol Bay Times

Anchorage Daily News

Lynne Smith

From: Dan Dunaway <dlgdunaway@gmail.com>
Sent: Thursday, February 07, 2013 8:40 PM
To: Sen. Peter Micciche; Sen. Dennis Egan; Sen. Cathy Giessel; Sen. Click Bishop; Hoffman Senator
Cc: Senator_Johnny_Ellis@legis.state.ak.us; Sen. Gary Stevens; Senator_Hollis_French@legis.state.ak.us
Subject: 2012 DNR rejection notice Nuvista Permit application for Chikuminuk studies.
Attachments: Special Park Use Permit-LAS 28479.pdf; Attachment A Public Comments LAS 28479-Nuvista.pdf

Dear Senate Committee on Community and Regional Affairs.

I regret not sending this earlier.

I think this is pertinent back ground information and an indicator of public interest regarding SB 32 .

Attached is the letter DNR sent to Nuvista explaining their rejection / denial of their application for Hydroelectric studies at Chikuminuk.

I have also attached the DNR file listing the numerous public comments opposing the study.

DNR response: to Special Park Use Permit-LAS 28479

Please pay close attention to the bottom of page 2 Recommendation.

from DNR: Attachment A Public Comments LAS 28479-Nuvista:

Please note that this issue first reached the local public last May just days before a Wood Tikchik Park Council Meeting.

Bristol Bay area citizens had little to no awareness of this funding and study before that meeting. They were taken by surprise.

Nuvista staff attended and seemed either to be oblivious to the existing park laws or utterly unwilling to acknowledge the existence of those laws.

The impression they gave to the public was that they did not have to abide by the laws, almost bullying.

It was very alarming; as if they thought they were above the law.

Additionally the Nuvista staff could not provide basic details on the work they planned to do, the equipment they planned to use.

Further, though they promised to follow up on specific activity and equipment details with individuals - they did not.

Overall they made an extremely poor impression on Dillingham residents and did not inspire confidence that they were a conscientious or responsible company to allow into the park in any manner.

I understand that eventually Nuvista obtained limited permits in 2012 to conduct minimal activities that could be allowed under park regulations.

As far as I know their activities were in compliance though at time stretching the limits of allowed activities (using float planes for boats where motor boats are prohibited).

thank you for your attention to this issue.

Dan Dunaway
PO Box 1490
Dillingham, Alaska 99576

907-842-2636

Lynne Smith

From: Dan & Marjorie Dunaway <dlgdunaway@gmail.com>
Sent: Friday, February 08, 2013 11:07 AM
To: Sen. Peter Micciche; Sen. Dennis Egan; Sen. Cathy Giessel; Sen. Click Bishop; Hoffman
Senator
Subject: Follow up to Feb 8 hearing on sb 32

February 8, 2013

Dear Senate Committee on Community and Regional Affairs and Senator McGuire.

Thank you for taking my testimony this morning.

I neglected to tell you a little more about my background and would like to share it here:

Graduated West Anchorage High School 1972.

Graduated 1977, UAF with a BS Fisheries Management.

My biggest research paper during college was an extensive look at the effects of hydroelectric development on Pacific Salmon with a bibliography of over 400 references.

Worked for Alaska Dept of Fish and Game first seasonally then full time from 1973 to 2002 at which time I retired. My seasonal experience ranged from Bristol Bay to Susitna River and Alaska Peninsula Salmon Fisheries. My full time work was 10 years as an assistant area biologist in the Bering Sea, Aleutians and Alaska Peninsula shell fish fisheries.

I completed my ADFG career in Bristol Bay and Kuskokwim sport fisheries; the last four years as the Area Biologist. In those last four years I put a lot of effort into developing projects jointly with local Native Organizations to foster better data and understanding between area subsistence and sport anglers.

I now work part time for the UAF Bristol Bay Campus as a lab and field technician.

I currently volunteer as the secretary of the Nushagak Fish and Game Advisory Committee;

- Dillingham City Port Advisory Committee,
- Chair of the Friends of KDLG,
- Bristol Bay Federal Subsistence Regional Advisory Council,
- I also served as a board member forming what is now the Bristol Bay Heritage Land Trust, a local effort to address the area's Native Allotment holders' desire to obtain some monetary value from their lands while preserving their access, subsistence and traditional uses of those lands.
- Before my retirement I served briefly on the Wood Tikchik Park Council as representative for the Dept Fish and Game.

I appreciate your careful attention to this issue and for providing another opportunity for stake holders to testify.

Sincerely,

Dan Dunaway

PO Box 1490

Dillingham, Alaska

907-842-2636

**State of Alaska
Department of Natural Resources
Division of Parks and Outdoor Recreation**

**Director's Determination
Special Park Use Permit – LAS 28479
Nuvista Light and Electric Cooperative, Inc.
Chikuminuk Lake/Allen River – Wood-Tikchik State Park**

Proposed Action

Nuvista Light and Electric Cooperative, Inc. (Nuvista) has applied to the Division of Parks and Outdoor Recreation (DPOR) for permission to perform field studies at Chikuminuk Lake and the Allen River in Wood-Tikchik State Park in support of the Chikuminuk Lake Hydroelectric Project.

Scope of Activity

As proposed, the nature and scope of activity Nuvista is seeking authorization to perform is complex and involves the following types of studies and work: geophysical (seismic refraction), geotechnical (drilling and installation of stand pipes), survey and mapping (installation of survey monuments), hydrology and water quality (installation of stream gages), terrestrial and aquatic biology, cultural and archaeological investigations, and evaluation of recreational uses. Not all, but many of these proposed studies will require the routine use of helicopters, not just for transporting staff to and from the project site, but also for the transport and use of portable drill rigs used to perform geotechnical evaluations. Studies will also necessitate ground disturbance, such as geotechnical drilling and seismic refraction, and digging pits for archaeological investigation. Other study requirements include installation of stand pipes, survey monuments, and stream gages which are scheduled to remain on site for several years. These studies will also require the need for overnight storage of equipment and gear.

Adjudication Process

Nuvista submitted a Special Park Use Permit application to DPOR on March 30, 2012:

- April 10, 2012 – DPOR met with Nuvista to seek more information on the proposed scope of work;
- April 13, 2012 – Nuvista submitted an addendum to their permit application;
- April 13, 2012 – DPOR initiated a 30 day public comment period, and placed a public notice on the DNR and DPOR web page; the notice was distributed to members of the park management council, commercial operators, and state, federal, and local government agency staff in the area.
- May 14, 2012 – Close of comment period; DPOR extended the public comment period for an additional 14 days; noticed additional members of the public, as well as state, federal, and local government agency staff.
- May 29, 2012 – Close of extended comment period.

Over the course of the 45 day comment period DPOR received a combined total of 36 comments. Most comments were received during the initial 30 day comment period. The bulk

of comments received were in opposition to Nuvista's field study proposal. Many of the comments cited the enabling legislation, the Wood-Tikchik State Park Management Plan, and potential impacts to recreation. All 36 comments are provided in Attachment A.

Legal Authority

Nuvista's request to DPOR for a Special Park Use Permit is being adjudicated pursuant to the following statutes and regulations:

- AS 41.21.160 – 41.21.167
- 11 AAC 12.170
- 11 AAC 12.175
- 11 AAC 18.010
- 11 AAC 18.025
- 11 AAC 20.365
- 11 AAC 20.375
- 11 AAC 20.380

Enabling Legislation

Established in 1978, the park's enabling legislation (AS 41.21.160 – 41.21.167) states, "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. AS 41.21.160 – 41.21.167 are intended to close the described land and water to multiple-purpose use in conformity with AS 38.05.300 and to dedicate it as a special purpose site in accordance with art. VIII, §7 of the Constitution of the State of Alaska."

Park uses listed as "Incompatible" are found in section AS 41.21.167. Part (c) of this section considers two lakes, Lake Elva and Grant Lake, as not being incompatible for the development and operation of a hydroelectric facility within the park.

Analysis

The scope of activity that Nuvista is requesting to perform in Wood-Tikchik State Park is not consistent with the purposes and provisions of the enabling legislation AS 41.21.160 – 41.21.167. The proposed activities conflict with the type of uses allowed in the unit specific management guidelines listed in the Wood-Tikchik State Park Management Plan, which designates Chikuminuk Lake as wilderness. Furthermore, the proposed activities are prohibited by state park regulations and park specific regulations that have been adopted by reference.

Recommendation

Nuvista seeks authorization to perform field studies in support of hydroelectric development at Chikuminuk Lake in Wood-Tikchik State Park. The purpose of the proposed field studies is to evaluate the feasibility of hydroelectric development on a lake which under current statutory framework is considered to be incompatible. According to the Wood-Tikchik State Park Management Plan, Management Intent and Guidelines for this Management Unit 2 – Chikuminuk Lake, page 9-9, which are adopted by reference as regulation, "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.

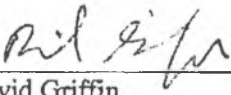
Before Chikuminuk Lake can be considered for hydropower development, the enabling legislation must be amended." Based on a thorough review of the purposes and provisions of the statutes that established the park, the unit specific management intent of the management plan, and the regulations prohibiting incompatible uses, it is the decision of the director to deny issuance of a Special Park Use Permit to Nuvista. Furthermore, Nuvista's proposed field studies have generated a significant amount of opposition to the project as demonstrated in Attachment A.

Appeals

All appeals must be in accordance with 11 AAC 02. To be eligible to appeal a person must be affected by this decision. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02(c) and (d). If no appeal is filed within the 20 days of "issuance" this decision goes into effect as a final order and decision 31 days after "issuance". An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Appeals should be directed to:

Dan Sullivan, Commissioner
Department of Natural Resources
550 W. 7th Avenue, Suite 1400
Anchorage, AK 99501
Fax: (907) 269-8918
Email: dnr_appeals@dnr.state.ak.us



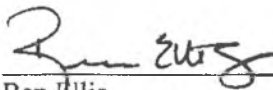
David Griffin
Natural Resource Specialist III

7/11/12

Date

I concur

_____ I do not concur



Ben Ellis
Director
Division of Parks and Outdoor Recreation

7/17/2012

Date

Attachment A
Public Comments
LAS 28479 - Nuvista

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:
Salifish 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

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

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

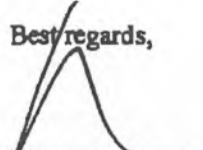
RE: Special Park Use Permit Application – Chikuminuk Lake 2012

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

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 Chauckuktuli enters from the Allen River, and that the entire Chauckuktuli/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 Chauckuktuli 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 Chauckuktuli 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: Berkahn, 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 Chikuminuk 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 Janel; 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; Dig 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 Janel ; 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 ; Dig 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/hoods 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

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

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 Permlt 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 Chikuminuk 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: Permlt reuest comments LAS 28479
Attachments: May 13 comments permlt 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:

- o It was clearly evident that the WTSP Council members were unaware of the scope of this project.
- o The meeting was well attended and most people expressed concern about the proposed research activities to occur at the lake.
- o 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.
- o The WTSP enabling legislation does not permit hydropower development in the Chikuminuk Lake and Allen River area.
- o 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.
- o 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.
- o 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.
- o 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

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

Cc
Bill Berkhahn
Claire LeClair

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



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



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 Chikuminuk Lake (Allen River Outfall) area.

Sincerely,

A handwritten signature in cursive script that reads 'Elaine Brown'.

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

301 Calista Court, STE A, Anchorage, AK 99518
(907) 279-5516 – (907) 273-5060 Fax – NuvistaCoop.org



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 Chikuminuk 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 907-543-2270
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**

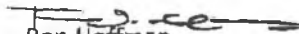
AVCP Regional Housing is a member of Nuvista Light & Power (Nuvista). Nuvista understands there has been a request to extend the comment period for the Courtesy Review Notice Issued by your office to perform scientific studies at Chikuminuk Lake this summer. As the requesting entity for a special use 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



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Togiak National Wildlife Refuge

P.O. BOX 270

Dillingham, Alaska 99576



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.

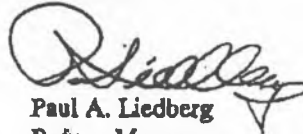
You may want to consider stating that no hunting and fishing are authorized by crews associated with the work.

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,

A handwritten signature in black ink, appearing to read "Paul A. Liedberg". The signature is stylized and cursive, with a large initial "P" and "L".

Paul A. Liedberg
Refuge Manager

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, Nuvisla 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

Griffin, David W (DNR)

From: Dan Dunaway [ddunaway@gmail.com]
Sent: Monday, May 14, 2012 6:01 PM
To: Griffin, David W (DNR)
Cc: Berkahn, 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

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.

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 compatible 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 permittees 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

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 Hoeffler
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 escaped 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)

"4. 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 superseded 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

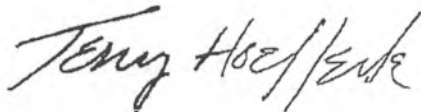
the Management Plan, and have major economic impacts to these service providers, users and consequently to local economies.

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,

A handwritten signature in cursive script that reads "Terry Hoeflerle". The signature is written in dark ink and is positioned above the printed name.

Terry Hoeflerle

Wild River Guides Co.



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

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

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.

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

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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 Representative
Coastal Villages Region Fund
Scammon Bay, AK 99662
(907) 558-5300- Main
(907) 558-5524-Fax
(907) 558-5858- Cell

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.

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/aso/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.

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 you.

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 acquire a study permit for the Chikuminuk Lake Hydroelectric Project. The reference case file for this project is LAS-28479 Alaska State Parks Special Park Use Permit Application Chikuminuk Lake Hydroelectric Project - 2012 Field Studies Wood-Tikchik State Park, Alaska.

Thank you

BRISTOL BAY NATIVE ASSOCIATION

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

May 29, 2012

Tribe Councils
Served by BBNA

Aleknagik

Chignik Bay

Chignik Lagoon

Chignik Lake

Clara Point

Crooked

Etovin

Flick

Ikroavik

Igroavik

Iliamna

Iliamna Bay

Kanaiak

Kiow Salmon

Kikchikan

Koliganek

Lecovich

Makushik

Naknek

New Stuyahok

Nushagak

Nondalton

Pedro Bay

Portville

Pike Point

Port Mendenhall

Passage Creek

South Naknek

Tignak

Umanuk

Ugashik

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.

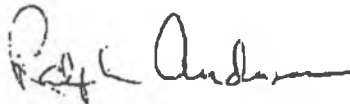
At the same time, we are also worried about the rising price of energy in the Bristol Bay region, and therefore understand the obligation of Nuvista Light & Electric Cooperative to explore alternative power sources to offset the need for diesel in the Bethel area. Historically, the lakes and rivers within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

A handwritten signature in cursive script, appearing to read "Ralph Andersen".

Ralph Andersen
President and Chief Executive Officer

BRISTOL BAY

February 12, 2012

My name is Tim Troll. I'm a 33 year resident of Alaska. I have lived many years both in the YK Delta and in Bristol Bay.

I am now the Executive Director of the Bristol Bay Heritage Land Trust (BBHLT), an organization fostered by Choggiung Ltd, the Native village corporation for Dillingham in 2000. It was the first and is still the only land trust established in rural Alaska. I have been the Executive Director for 8 years and before that served on the board.



HERITAGE LAND TRUST

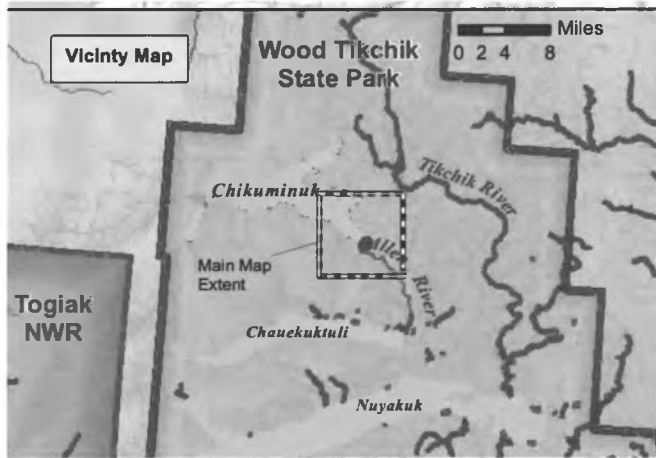
The BBHLT has a vested interest in preserving the mission of the Wood-Tikchik State Park. The creation of the Park was urged by the people of the Nushagak region to protect their resources as articulated in its enabling legislation:




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

In fact over the last decade the Land Trust and the Division of Parks and Outdoor Recreation have worked together on several projects to preserve that mission. Since its formation the Land Trust and its partner conservation organizations have raised millions of dollars to assist the Division in its efforts to protect the integrity of the Park. We have done so primarily by acquiring fee or conservation easements on private land inholdings within the Park, and in most cases turning these properties over to State ownership at no cost to the State.

The Land Trust continues to own one parcel in the Park and holds conservation easements on two others. One of these is a conservation easement (the first in the Park) granted by Harvey Samuelson, a founder of Bristol Bay Native Corporation and an early advocate for the Park. BBHLT also jointly holds with the State a conservation easement on 21,000 acres along the Agulowak River and the eastern shore of Lake Nerka. The Land Trust and The Conservation Fund spent seven years putting together a \$10 Million Dollar package to purchase the easement from Aleknagik Native Corporation and the subsurface rights from Bristol Bay Native Corporation. In addition, the Land Trust maintains an endowment fund to steward this and our other properties in the Park. Again, all of this at no cost to the State.

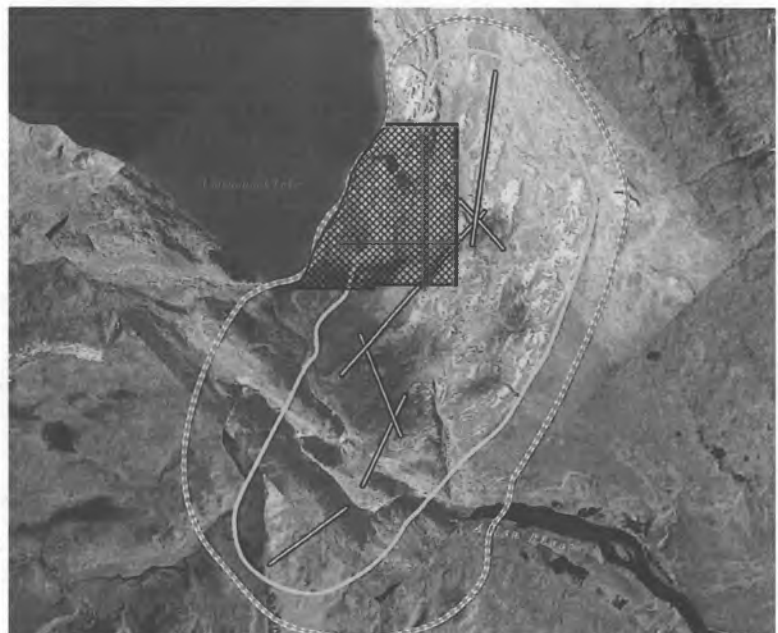
Bristol Bay Heritage Land Trust Property at the Outlet of Chikimunik Lake



-  Approximate Proposed Geophysical Lines
-  Control Monumentation Survey Area
-  Geotechnical/ Geophysical Investigation Study Area

Bristol Bay Heritage Land Trust Property is in the middle of the project area.

Information taken from Nuvista Light and Power map April 2012



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February 12, 2013

Via Facsimile 543-5344

Senate Community & Regional Affairs Committee

Re: SB 32

Dear Committee members:

I would like to voice my opposition to SB 32. I spoke at an earlier meeting, but the time limits prevented me from touching on several points which I wanted to place on the record.

The biggest problem with the proposal to build a dam on the Allen River is cost. Even the wildly optimistic cost figures now circulating are far too expensive for the benefits that would be created. The planners have not even suggested that power from the dam would meet all the needs of the Bethel area villages, yet they responded to opposition in Bristol Bay by suggesting a power line to the Dillingham area. There simply is not enough electricity to extend both directions.

It seems a waste of money to do preliminary planning to the tune of \$10,000,000 for a project that is economically unfeasible. That money could be better spent on alternative energy projects that would start producing electricity immediately. Already several wind power projects are operating successfully in the Bethel region, and more should be considered. They could be up and running within a very short time compared to the timeline for this dam.


Downstream damage is one subject that the proponents of this dam don't wish to discuss. Such damage is the primary reason dams are being removed from rivers all over the US. Downstream from Allen River are several lakes, and then the water flows into the Nuyukuk and Nushagak rivers. Altering the flow of those rivers would be devastating to salmon runs. Alteration occurs when water is trapped in the summer and fall to save up for low flowage in the winter. That of course is prime spawning time for salmon. For that reason alone, the dam is incompatible with Park goals.

This project has numerous obstacles, which include the lack of a transmission route. The proposed transmission lines travel through two Federal refuges and approval of those lines is virtually certain to be denied. Witness the denial of a short road on a Federal refuge in the past few weeks which had considerable support from our state. That issue has been under discussion

for many years. Those who suggest the Feds will allow this transmission line are not being realistic.

What we are left with then is 10 million dollars of corporate welfare. The state is squandering money on a project that has no future. I read of the shortage of funds facing our government this year and in future years. Here is one large expenditure that should be eliminated. A dam, and studies for that dam, are simply not feasible, nor are they compatible with the Park plan.

Best regards,

A handwritten signature in black ink, appearing to read 'Myron Angstman'. The signature is stylized with a prominent peak and a sharp drop-off.

Myron Angstman
Attorney at Law