

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
Non-Point Source Pollution Water Control Program

FRANK H. MURKOWSKI, GOVERNOR

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June 1, 2005

Mr. Burke Wick, PE
Plant Manager
Peaking & Hydro Plants
Chugach Electric Association
5601 Minnesota Drive
P.O. Box 196300
Anchorage, AK 99519-6300

Subject: Cooper Lake Hydroelectric Facility Relicensing
Wavier of 401 Certification

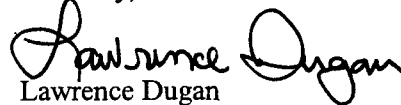
Dear Mr. Wick:

In response to your letter of May 3, 2005, the Department of Environmental Conservation (ADEC) waives its right to issue a 401 Certificate of Reasonable Assurance for the relicensing phase of the Cooper Lake Hydroelectric Facility at Cooper Creek, Alaska.

However, ADEC reserves the right to review future construction projects planned for this facility in accordance with Section 401 of the Clean Water Act of 1977, and the provisions of the Alaska Water Quality Standards (18 AAC 70). We understand a detailed plan of the Stetson Creek Diversion will be developed sometime in 2007. At that time, ADEC requests all construction plans associated with the diversion project or any other construction project requiring an Army Corps of Engineers Section 404 permit be submitted to ADEC for a 401 Certificate of Reasonable Assurance.

If you have any questions, I can be contacted at (907) 269-7564. ADEC looks forward to working with Chugach Electric Company in the relicensing of the Cooper Lake Hydroelectric Project and the construction of the creek diversion.

Sincerely,


Lawrence Dugan
Environmental Specialist

Enclosure

CC: (with encl.)

Ann Rappoport, USFWS
Stewart Seaberg, DNR/OHMP

EPA, AK Operations
Kim Kruse, DNR/OPMP Anchorage
Brian Lance, NMFS Anchorage
David Turner, FERC Washington D.C.

“Clean Water”