



United States  
Department of  
Agriculture

Forest  
Service

Chugach  
National  
Forest

3301 'C' Street  
Suite 300  
Anchorage, AK 99503-3998

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CHUGACH ELECTRIC  
CLPP Relicensing Project

Mr. Burke Wick  
Cooper Lake Relicensing Project Manager  
Chugach Electric Association, Inc.  
5601 Minnesota Drive  
P.O. Box 196300  
Anchorage, AK 99519-6300

**RE: Forest Service Comments on Chugach Electric Association's Final Study Plans for the Cooper Lake Hydroelectric Project Relicensing (FERC No. 2170)**

Dear Mr. Wick:

Thank you for presenting and reviewing your Cooper Lake Project Final Study Plans at the May 15, 2003 meeting in Anchorage. We appreciate the opportunity to discuss these study plans and our related correspondence. I am sending this letter for two purposes:

- 1) To document the post-meeting discussion with Forest Service representatives Dave Blanchet and Margaret Beilharz, and yourself and your contractors, Steve Padula, and Karen Demsey.
- 2) To reiterate or clarify a few comments/requests concerning your Cooper Lake Project Study Plans.

**1. Discussion of May 15, 2003.**

Dave and Margaret met with you after the 5/15/03 meeting to discuss comments by Chugach Electric Association, Inc. (CEA) and the Forest Service (FS) on the relationship of "ongoing effects" and "baseline". The need for this discussion grew out of an apparent disagreement on the relationship of these aspects of analysis. Our FS perspective is stated in our January 31, 2003 memo to CEA concerning Comments on CEA's Draft Study Plans.

Margaret Beilharz initiated the 5/15/03 discussion, outlining the FS's interest in understanding more about CEA's perspective, and in clarifying the FS perspective. One of our specific concerns was CEA's comment on page 6 of their 4/30/03 Response to Draft 2003 Study Plans that:

*"Chugach understands agencies' interest in development of data to help understand historic conditions and influences on the current environment, but Chugach respectfully maintains that it is not the licensee's responsibility to develop this information in the context of FERC Relicensing."*

Margaret explained that the wording of 18 CFR 16.8 provides a basis for the Forest Service study requests. This regulation states:



*“a potential applicant must complete all reasonable and necessary studies and obtain all reasonable and necessary information requested by resource agencies ...prior to filing the application, if the results: ... are needed to determine ...the impact of the project on important natural or cultural resources, ... [or] suitable mitigation or enhancement measures...”*

Steve Padula reiterated the perspective from the 4/30/03 Response to Draft 2003 Study Plans that CEA is not required to analyze an Alternative that they believe is outside a reasonable range. He suggested that Alternatives portraying a static lake level on Cooper Reservoir, or full flows in Cooper Creek would render the Cooper Lake Project inoperable, and therefore were unreasonable to consider. Steve suggested that we could discuss the matter with FERC, asking for them to resolve the dispute.

Margaret noted that the FS has not asked for analysis of a fully developed and modeled alternative to provide the ongoing effects analysis. The analysis of ongoing effects, as determined by studies, could be included within the Study Reports. Needed mitigation measures can then be determined from these evaluations.

Margaret explained that the Forest Service has asked that the study plans evaluate the ongoing effects of the hydropower operations on natural resources, such as effects on shorebirds. This could require comparing shorebird populations under fluctuating reservoir levels against those population with a “static” lake level and mature shoreline vegetation.

The group talked in general about how other types of mitigation may be available other than limiting reservoir level fluctuations or Cooper Creek streamflows to pre-project “levels. We talked about understanding the effects that have occurred since construction both quantitatively and qualitatively. Steve and Karen indicated they thought most of the study plans were written in such a way as to provide this “ongoing effects” information.

The introductory statements of the Final Study plans do not clearly state the time frame being considered for effects. The Shorebird Study Plan and several other study plans state, “Information from the resource studies will be used to help identify appropriate protection, mitigation, and enhancement measures that will be proposed in Chugach’s final application...” The Shorebird Study Plan also states, “The study plan outlines the purpose and protocol for evaluating the current and potential future effects of Project-related reservoir fluctuations on waterbird nesting, habitat and use of Cooper Lake.”

From our discussion with CEA, we understand “current effects” to mean those effects occurring at present and related to the construction of the project. If these “current effects” continue into the future, they will become “ongoing effects”. Understanding effects occurring between project construction and the present, provides a tool for predicting future effects.

We understand FERC’s Traditional Relicensing Process to require that the study requests and reports provide information upon which mitigation measures can be developed by both the Licensee and resource agencies. After CEA files its License Application with FERC, the FS will

continue working with FERC through the NEPA analysis process to integrate the proposed measures (submitted as Preliminary 4(e) Conditions) into the Alternatives developed by FERC.

## **2. Study requests.**

**a. Recreation Resource: Winter Surveys.** Just before to our 5/15/03 discussions about “ongoing effects”, Steve Hennig, Forest Service Landscape Architect also met with the group to express his concern that the winter survey component had been removed from the 2003 study plan for recreation/visual resources. Due to the extremely warm and wet winter of 2002-2003, winter recreation at Cooper Lake was greatly restricted due to lack of snow. Because of the snow conditions, CEA apparently chose to delete the winter survey component of their Recreation/Visual Resources Study Plan. In the process of doing this, they unfortunately missed a period of significant winter recreation use in the area in March 2003.

The Forest Service continues to emphasize the importance of obtaining good quality winter survey data for the Cooper Lake area. We reiterate the request from our 1/31/03 letter to CEA for collection of winter recreation use survey data with a minimum survey confidence level of 80%. We believe that survey data will highlight the extent of winter use of the area made possible through CEA winter maintenance of the Snug Harbor Road. This use is known to cause traffic problems on the Snug Harbor Road, and we believe will be likely to increase in the future. We presume that CEA will conduct surveys using the same methodologies as initially planned for this past winter.

**b. Access Routes within Wetlands.** In our January 31, 2003 memo to CEA, specifically relating to the “Road and Route Condition Survey” (p. 25), we requested the study plan include the mapping of all wetlands crossed by access routes. Our interest in this information stems from our knowledge of a number of locations where existing access routes cross wetlands and do not meet Forest Service best management practices (BMPs) for roads and trails. We would like to have all these access route segments on wetlands identified so that measures may be taken to bring the access routes up to BMP standards. Road improvements might include such measures as improved drainage, placement of fill, rerouting of road segments onto uplands, and limiting seasons and/or conditions of use.

CEA’s “Road and Access Route Condition Survey: Final 2003 Study Plan” of April 2003 does not address mapping of wetlands crossed by access routes as per our request. At CEA’s 5/15/03 meeting, Dave Blanchet asked about this request. Steve Padula explained that wetlands will in fact be mapped as explained in CEA’s “Terrestrial Vegetation Study: Final 2003 Study Plan” of April 2003.

CEA’s Terrestrial Vegetation Study Plan proposes using and then refining the USF&WS’s National Wetland Inventory (NWI). NWI has mapped wetlands to an approximate accuracy of 75%, and with minimum polygon sizes of around two acres. The NWI level of mapping would not be of sufficient accuracy to identify all the wetlands crossed by access routes. CEA’s study plan proposes refining the NWI in both accuracy and minimum polygon size. This approach should in general be acceptable for the project area. However, for the access routes, we are unclear whether CEA’s wetlands inventory will be of sufficient scale to identify the full extent of

access route wetlands. Accordingly, we would like to further specify, for access routes, that where any road segments cross greater than 50 feet of wetlands, that those wetland be identified and mapped along the road route.

*c. Transmission Line Clearing.* In our September 5, 2003 and our January 31, 2003 letters to CEA concerning needed studies, we asked for information on clearing techniques to be used along the transmission lines. CEA's Response to Draft 2003 Study Plans, April 2003 states, "Vegetation clearing along the transmission line is managed on a 9-10 year cycle." The FS has likely not been sufficiently clear as to the information needed for understanding effects of the clearing on forest resources.

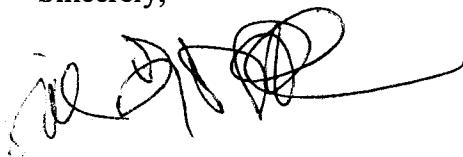
Accordingly, in addition to vegetation clearing frequency, the FS requests that on National Forest Lands and by powerline segment\*, CEA specify:

- 1) The clearing prescription – what plants are to be cleared, to what remaining height.
- 2) A description of the clearing equipment proposed for use. For vehicles, the description should specify approximate vehicle weights and tire or track dimensions.
- 3) Proposed access routes for clearing equipment and crews.
- 4) Timing for clearing (spring, summer, fall, or winter; and on frozen or unfrozen ground)
- 5) The proposed measures to be employed by clearing crews to avoid soil damage and disturbance to sensitive areas such as wetlands and streams.

*\* If and where differing clearing techniques and/or equipment are proposed, we request that the transmission line be divided into segments, so that the clearing description applies to the selected segment.*

We hope to continue working with you on the study plans to resolve any apparent disagreements in their early stages.

Sincerely,



JOE L. MEADE  
Forest Supervisor

cc: Secretary Salas-FERC Washington D.C., Margaret Beilharz, Maria Lisowski, Roger Birk, Michael Kania, Dave Blanchet