

MEETING SUMMARY
COOPER LAKE PROJECT RELICENSING
SETTLEMENT WORKING GROUP MEETING
FEBRUARY 9 AND 10, 2005

Attendance:

February 9 (Chugach Training Room):

Margaret Beilharz (phone)	USDA Forest Service (USFS), Hydropower Assistance Team
Dave Blanchet	USDA Forest Service (USFS)
Phil Brna	U.S. Fish and Wildlife Service (USFWS)
Karen Demsey	Long View Associates (LVA)
Jim Ferguson	Alaska Department of Fish and Game (ADFG)
Todd Glass	Heller Ehrman
Bill Hauser	Alaska Flyfishers
Jan Konigsberg	Natural Heritage Institute
John Morsell (phone)	Northern Ecological Services (NES)
Sally Morsell (phone)	HDR Inc. (HDR)
Steve Padula	LVA
Larry Peltz	NOAA Fisheries
Gary Prokosch	ADNR, Water Resources division (ADNR-Water)
Robert Ruffner (phone)	Kenai Watershed Forum
Andy Schmidt	USFS
Rob Spangler	USFS
Cassie Thomas	National Park Service Rivers and Trails Program (NPS)
Burke Wick	Chugach

February 10 (Chugach Training Room):

Dave Blanchet	USFS
Phil Brna	USFWS
Karen Demsey	LVA
Jim Ferguson	ADFG
Todd Glass	Heller Ehrman
Jan Konigsberg	NHI
Karen O'Leary	USFS
Robert Ruffner (phone)	Kenai Watershed Forum
Andy Schmidt	USFS
Steve Padula	LVA
Larry Peltz	NMFS
Gary Prokosch	ADNR-Water
Robert Ruffner	Kenai Watershed Forum
Rob Spangler	USFS
Cassie Thomas	NPS
Burke Wick	Chugach

Agenda:

- Day 1:
 - Working group updates:
 - Fish Habitat TWG
 - Snug Harbor Road TWG
 - ROW/Access TWG
 - Legal Subgroup
 - Follow-up regarding potential sources of outside funding
 - Presentation and discussion of Chugach's counter-proposal for Cooper Creek flows
- Day 2:
 - Discuss response to Chugach's counter-proposal for Cooper Creek flows
 - Continue discussion of other settlement issues identified in settlement issues matrix:
 - Terrestrial resources
 - Recreation resources
 - Cultural resources
 - Visual resources
 - Roads and access routes
 - Status check
 - Review assignments
 - Confirm plans for February and March meetings

Handouts Provided:

The following document was distributed prior to the meeting for the SWG's consideration:

- *Chugach Electric Association Counter-Proposal for Relicensing Settlement Agreement, Cooper Lake Project. Dated February 9, 2005*

Meeting Summary:

I. Updates from Technical Working Groups (TWGs)

Participants in the various working groups briefly summarized the status of the working group efforts. For the ROW/Access Working Group, it was reported that the final report for the Road and Access Route Survey was being prepared and was expected to address all of the comments that had been received on that effort. For the Snug Harbor Road Working Group, the reported status was that there were currently two proposed draft Memoranda of Agreement, which needed to be melded together by the working group. It was also reported that the Legal Subgroup had made progress on the framework document for the Agreement in Principle (AIP). There were no updates to report for the Fish Habitat or Recreation working groups.

II. Report on Potential Sources of Outside Funding

Larry Peltz (NMFS), Phil Brna (USFWS) and Jim Ferguson (ADFG) each reported their findings regarding potential sources of outside funding for habitat or other projects in the Project area

(e.g., stream channel modification in lower Cooper Creek, construction of sport fishing related facilities on Cooper Lake). Some sources of federal grant money were described that these types of projects could potentially qualify for, with certain specific stipulations and restrictions (e.g., funding cannot be utilized on federal lands). It was generally agreed, however, that any such outside funding would need to occur outside of the FERC-related elements of any Settlement Agreement.

III. Chugach Counter-Proposal

Burke Wick (Chugach) presented a counter-proposal for flows in Cooper Creek that also included other proposed provisions of a full AIP. The SWG discussed the counter-proposal and agency SWG members requested some additional documentation. The meeting then adjourned (for Day 1) so that the non-Chugach SWG members could caucus. The caucus resumed on the morning of Day 2. When the SWG meeting reconvened, the non-Chugach SWG members presented a general response to Chugach's counter-proposal and asked specific technical questions. After this discussion, the non-Chugach SWG members resumed their caucus, following which they (except for one dissenting Authorized Representative) presented a response and new counter-proposal, which included Cooper Creek flow options for Chugach to consider. The SWG briefly discussed the new counter-proposal and agreed on a schedule for Chugach's response.

The SWG also discussed the possibility of canceling the Feb. 23–24 meeting and using the time to work on the AIP document, but kept the meeting on the calendar for the time being in case it was still needed. [Note: the meeting was later scheduled for one day, Feb. 24.]

The meeting adjourned at approximately 3:30 P.M. on Day 2.

Action Items:

Chugach was tasked with responding to the new counter-proposal and developing a draft AIP for distribution to the SWG the following week.

Next SWG Meeting:

Date: February 24, 2005

Location: TBD

Proposed agenda (preliminary):

- Discuss draft AIP

Calendar Overview:

[*Note:* The following dates are currently being held for settlement negotiations related meetings, including technical working group sessions, Settlement Working Group meetings, and/or caucus sessions as needed. Specific dates and agendas to be confirmed.]

- Mar. 10–11 SWG/ Legal meetings (TBD)

Other calendar reminders:

- March 14–mid-April: Negotiations hiatus while Chugach completes and files FLA

- August 31: Target deadline for filing of Settlement Agreement