

MEETING SUMMARY
COOPER LAKE PROJECT RELICENSING
SETTLEMENT WORKING GROUP MEETING
AUGUST 10–11, 2005 (CHUGACH TRAINING ROOM)

Attendance:

Margaret Beilharz *	USDA Forest Service (USFS)
Dave Blanchet	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)
Julie Gantenbein * [8/10]	American Rivers
Todd Glass	Heller Ehrman LLP
Jan Konigsberg	Natural Heritage Institute
Tim Obst * [8/11]	USFS
Steve Padula	LVA
Larry Peltz	NMFS
Gary Prokosch	ADNR, Water Resources division (ADNR-Water)
Bill Stockwell	Fish for Cooper Creek Coalition
Cassie Thomas	National Park Service Rivers and Trails Program (NPS)
Burke Wick	Chugach

* participated by phone

Planned Agenda:

- Update on additional Stetson Creek fish sampling
- Discuss proposed revisions to Joint Explanatory Statement
- Review final SWG edits on July 29 draft Settlement Agreement and license articles
- Confirm status of all attachments to Settlement Agreement
- Confirm schedule, logistics for approval/signature processes
- Discuss plans for press releases (agenda item added at the request of USFS)

Handouts Provided:

The following documents were distributed prior to the meeting for the SWG's consideration:

- *Draft Relicensing Settlement Agreement* [including License Articles; redline showing SWG and Legal Subgroup comments]. Draft dated August 8, 2005; prepared by Chugach.

- *Cooper Lake Project (FERC No. 2170) Relicensing Settlement Agreement Joint Explanatory Statement.* [showing redlined and highlighted edits from SWG and Chugach] Draft dated August 8, 2005.

Meeting Summary:

I. Stetson Creek Fish Sampling

Burke Wick (Chugach) reported that on the two days preceding this meeting, HDR aquatic biologists had again attempted to access Stetson Creek downstream of the proposed diversion location but had not been able to find a safe route down into the stream. He noted that they were planning to try again the next day. [Note: The SWG was subsequently notified by email that sampling was conducted successfully on August 11, and no fish were found in the creek.]

II. Joint Explanatory Statement

The SWG discussed the redlined edits to the Joint Explanatory Statement (JES); the edits reflected the discussion at the July 28 SWG meeting and one subsequent edit from Chugach. During the course of the discussion, several other new edits to the document were recommended and agreed to by the SWG. Following this discussion, a revised version of the document was prepared and reviewed again by the SWG on day 2 of the meeting. Final edits were agreed to on day 2 of the meeting and the JES was deemed final by the SWG.

III. Draft Settlement Agreement and License Articles

The SWG reviewed the August 8 redlined draft of the Settlement Agreement and license articles, and Chugach noted the few suggested edits it felt warranted further discussion. All outstanding issues were resolved on day 2 of the meeting, and at that point the Settlement Agreement was deemed final by the SWG.

IV. Status of Attachments to Settlement Agreement

Discussion of the various attachments to the Settlement Agreement was postponed until day 2 of the meeting. On day 2, the SWG briefly reviewed the final version of the Instream Flow Allocation and Banking Procedures, which had been revised slightly following day 1 of the meeting to conform with the final Settlement Agreement and license articles. The SWG also reviewed the latest draft of the Interagency Committee Memorandum of Agreement, and agreed on final edits to the document. The status of the Transmission Line Right-of-Way and Access Management and Monitoring Plan (ROW Management Plan) was also briefly discussed. Chugach noted that it would be unlikely for a final version of the ROW Management Plan to be completed in time to be filed with the Settlement Agreement, but that the final draft version would be ready to include with the Settlement Agreement filing; this final draft would be circulated to the negotiating parties when the final Settlement Agreement was circulated for signatures. The SWG agreed with this plan of action.

V. Schedule and Logistics

The SWG discussed and confirmed plans for circulating the Settlement Agreement for signatures by all of the negotiating parties. It was agreed that the final Settlement Agreement and

accompanying documents would be circulated to the SWG no later than Friday, August 12, and that each party would provide its own signed signature page of the Settlement Agreement to Chugach no later than close of business on Friday, August 26. It was also agreed that Chugach/LVA would send out email notices to confirm that (1) Chugach’s Board of Directors had approved the Settlement Agreement [to occur at the Board meeting scheduled for the evening of August 24], and (2) all signatures had been received and the Settlement Agreement sent to FERC.

VI. Press Releases

The USFS asked the SWG to consider the question of press releases — namely, whether the SWG should be prepared as a group to file a press release upon filing of the Settlement Agreement, or whether parties should do so individually. The SWG decided that Chugach would draft a joint press release on behalf of the SWG and circulate it to the SWG for review; the timing of the actual press release would be August 31 or September 1, immediately following filing of the Settlement Agreement. It was generally agreed that an approximately 1 page long press release would be appropriate.

VII. Closing

The meeting ended on day 2 at approximately 2:00 P.M.

Action Items:

Due Date / Timeframe	Responsibility	Task
August 12	Chugach/LVA	<ul style="list-style-type: none"> ▪ Clean up all redlining and issue final Settlement Agreement and accompanying documents to SWG for signatures.
August 26	All SWG parties	<ul style="list-style-type: none"> ▪ Deadline for submitting signed SA signature pages to Chugach.
August 19	HDR (S. Morsell)	<ul style="list-style-type: none"> ▪ Work with authors of Stetson Creek study memos to revise/finalize memos per SWG review comments.
August 26	Chugach	<ul style="list-style-type: none"> ▪ Draft a 1-page press release and send to the SWG for review/comment.
August 29	Chugach	<ul style="list-style-type: none"> ▪ FedEx Settlement Agreement package to FERC (filing deadline is August 31).

Next SWG/TWG Meeting:

- No additional SWG meetings are planned.

Calendar Overview:

FERC Schedule:

- September 6, 7:00–9 P.M. in Cooper Landing – Scoping meeting
- September 7, 2005 – Site visit (helicopter tour, starting at powerhouse)

- September 8, 2005 – Scoping meeting (Chugach training room)
- November 2005 – Scoping Document 2 issued
- December 2005 – Ready for Environmental Analysis notice issued (followed by 60-day window for parties to officially intervene in the licensing proceeding)
- June 2006 – FERC’s analysis completed
- November 2006 – Licensing decision