



Southeast Alaska Conservation Council

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February 4th, 2011

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Subject: *Cascade Creek Hydroelectric Project No. 12495*

Dear Secretary Bose:

In a letter dated August 2, 2007, the Southeast Alaska Conservation Council (SEACC) agreed to the use of the Alternative Licensing Process (ALP) by Cascade Creek LLC (CCLLC) for the development of the Cascade Creek Hydroelectric Project. In the same letter, SEACC agree to the Draft Communications Protocol (July 2007) with attached provisos.

Due to CCLLC's failure to follow the Draft Communications Protocol and other abuses of the ALP, SEACC rescinds our endorsement of this process. Further, SEACC no longer wishes to participate in either the ALP or associated Draft Communications Protocol for the Cascade Creek Hydroelectric Project. We have lost faith in the process and believe that CCLLC is neither acting in good faith nor meeting the minimum standards necessary to ensure that the public interest is properly considered and incorporated into this process.

Statement of Interest

SEACC's membership includes commercial fishermen, Alaska Natives, small-scale timber operators and value-added wood product manufacturers, tourism and recreation business owners, hunters and guides, and Alaskans from many other walks of life. SEACC is dedicated to preserving the integrity of Southeast Alaska's unsurpassed natural environment while providing for the balanced, sustainable use of our region's resources. The development of Southeast Alaska's hydropower resources is an important and necessary step toward creating sustainable, thriving communities and environments in Southeast Alaska. Throughout such development, SEACC is dedicated to making sure that the public interest—including the careful stewardship of community, personal use, subsistence, and energy resources—is preserved.

ALASKA SOCIETY OF AMERICAN FOREST DWELLERS, Point Baker • CHICHAGOF CONSERVATION COUNCIL, Tenakee •
CUSTOMARY & TRADITIONAL GATHERING COUNCIL OF KAKE • FRIENDS OF BERNERS BAY, Juneau • FRIENDS OF GLACIER BAY, Gustavus •
JUNEAU AUDUBON SOCIETY • LYNN CANAL CONSERVATION, Haines • NARROWS CONSERVATION COALITION, Petersburg •
LISIANSKI INLET RESOURCE COUNCIL, Pelican • PRINCE OF WALES CONSERVATION LEAGUE, Craig • SITKA CONSERVATION SOCIETY •
TAKU CONSERVATION SOCIETY, Juneau • WRANGELL RESOURCE COUNCIL • YAKUTAT RESOURCE CONSERVATION COUNCIL

Reasons for Rescinding Participation in the ALP and Draft Communications Protocol

1. The project outlined in Scoping Document 2 (SD 2) is vastly different from previous descriptions of the Cascade Creek Project. As such, new scoping, studies, and review must be conducted. In addition, CCLLC has not effectively explained the operational changes made in SD2 and it is impossible for us to determine which studies should be conducted.
2. Lack of meaningful (or in some cases any) response from CCLLC about studies identified by agencies and others as necessary for evaluation of the project but not included in final study plans. These include a spawning assessment; a meaningful and effective study of recreational use of the project area by tourists and locals; and a study of habitats that would be affected by raising the lake level 6+ feet.
3. Final Study Plans were not completed until months before many of the final study results are being distributed as part of the draft EA/EIS. This defies logic and makes meaningful participation of the public, citizen's groups, and agencies very difficult.
4. Communications Protocol has not been followed in good faith. The lack of a paper file maintained in Petersburg is the biggest violation of the Communication Plan, however other violations occurred. SEACC was not properly invited to a scoping meeting conducted in Fall 2010 and agreed upon methods for documenting this and other meetings (minutes reviewed by all participants) was not completed. In addition, CCLLC adopted a new Communications Protocol in the SD 2 without consulting previous Communications Protocol signatories.
5. The Cascade Creek project is not needed or wanted by Southeast Alaska towns, including the nearest town Petersburg. There is talk about the development of a transmission line to Canada—and an associated market for Cascade Creek's power—however, we believe such a transmission line to be highly speculative and unlikely to be constructed due to significant associated environmental and economic impacts.
6. Our participation in the ALP might be interpreted mistakenly as SEACC's acceptance of the conduct of the ALP and CCLLC.
7. We believe very serious environmental and economic impacts will occur if the project is constructed, making meaningful review of this project especially important.
8. In general, the timeline has been very rushed with information released at the last minute after extensive departures from the timeline in the Communications Plan. Only project commenters seem to be expected to adhere to deadlines.

9. Many aspects of the conduct of CCLLC only make sense from the standpoint of a developer managing its risks and trying to spend as little money as possible to complete the ALP process. This objective is not in the public interest.
10. Public and agency confidence in FERC and the ALP has eroded significantly due to the actions of CCLLC. Various commenters have suggested that allowing these actions to continue without a response from FERC “is shining a less than favorable light on the FERC review and licensing process” (Comments of Suzanne West, 1/31/11); “FERC has allowed its ALP process in this case to turn into a farce” (Comments of Charles Wood, 1/31/11); and actions by Cascade Creek “may have caused a lack of public trust in the ALP process” (Comments of Alaska Department of Fish and Game, 12/17/10).
11. The need to preserve the integrity of the ALP and make sure that the numerous proposed hydro projects in Southeast Alaska are evaluated in a timely and effective manner.
12. Overall, the process has been confusing and disorganized, with the effect of making meaningful participation and evaluation of this project difficult.

Thank you for considering our comments.

Sincerely,



Dan Lesh
Energy Coordinator

Document Content(s)

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