



**UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service*

*P.O. Box 21668*

*Juneau, Alaska 99802-1668*

March 27, 2009

Glen D. Martin  
Project Compliance Manager  
Alaska Power and Telephone  
P.O. Box 3222  
Port Townsend, WA 98368

RE: Kasidaya Creek Hydroelectric Project

Dear Mr. Martin:

The National Marine Fisheries Service (NMFS) reviewed your request to the Alaska Department of Fish and Game for relief from select terms of the Federal Energy Regulatory Commission's license for the Kasidaya Creek hydroelectric project. The terms for which you seek relief require the project continually release a bypass flow of five cubic feet per second unless naturally occurring flows are lower and the conduct of a snorkel survey for three consecutive springs to determine if the project is impacting overwintering fish habitat. The snorkel surveys are to be conducted when flows are still low, but spring operations have started.

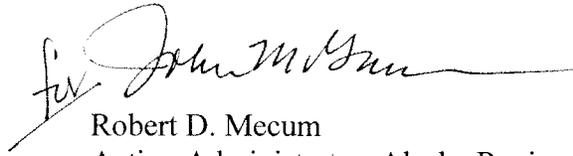
While NMFS recognizes the trade-off between bypassing flows to sustain minimal intertidal fish habitat and storing water for future power generation, we find it premature to amend the project license prior to conducting the first year's snorkel survey. We recommend Alaska Power and Telephone operate the project as licensed during the first year and conduct the snorkel survey this spring as planned before requesting a license amendment to enable the first year's survey data to be used in analyzing the impacts of the proposed license amendment on fish and fish habitat.

Additional survey data demonstrating little or no fisheries use of the small (about 400 sq ft) entrance pool and intertidal habitat would provide a stronger basis for the request for license amendment. An assessment of habitat use during the fall by either video or snorkel surveys also would be useful in analyzing the impacts of such a request. The intent of the flow prescription is to provide a small amount of water to resting or migrating fish as they pass along the coastline of Lynn Canal. However, we are open to reviewing additional information on water levels in the pool and inflows from sources other than the bypass pipe to determine if other inflows, including tidal flows, leaks from the pneumatic gates, seepage around the diversion, the North Tributary inflow and surface flows are capable of maintaining suitable habitat.



If you have any questions regarding this matter, please contact Susan Walker (907-586-7646 or [susan.walker@noaa.gov](mailto:susan.walker@noaa.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Mecum", with a long horizontal flourish extending to the right.

Robert D. Mecum  
Acting Administrator, Alaska Region

Cc:

Jim Ferguson - ADFG

Pete Schneider – USFS

Richard Enriquez – USFWS

Jackie Timothy – ADFG

FERC Kasidaya license amendment request 2-27-09-sw