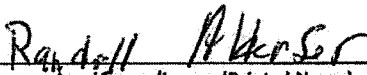
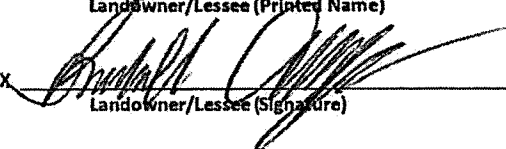
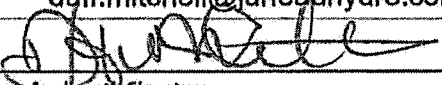


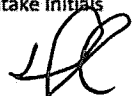


DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address Echo Ranch Bible Camp, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) (See Attachments 1 and 2)		
	Parcel Number(s) (See Attachments 1 and 2)		
	☐ This property is located in the downtown historic district ☒ This property is located in a mapped hazard area, if so, which FEMA A & V		
	LANDOWNER/ LESSEE		
	Property Owner Gospel Missionary Union	Contact Person Randall Aldefer	
	Mailing Address PO Box 210608 - Auke Bay, AK 99821	Phone Number(s) 907-723-2998	
	E-mail Address Randy.Alderfer@avmi.org		
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
 Landowner/Lessee (Printed Name)  Landowner/Lessee (Signature)			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) Juneau Hydropower Inc. Contact Person Duff Mitchell			
Mailing Address PO Box 22775 Juneau, AK 99802 Phone Number(s) 907-723-2481			
E-mail Address duff.mitchell@juneauhydro.com			
 Applicant's Signature 1-24-24 Date of Application			

DEPARTMENT USE ONLY BELOW THIS LINE

Intake Initials


INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number
USE25-10

Date Received
7/11/25

Juneau Hydropower Inc.

CUP Application and Supporting Documents

CBJ Development Permit Application



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY

Juneau Hydropower Utility-Sweetheart Lake Hydroelectric and Northern Juneau Transmission Line-Lena to Kensington

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

☐ Accessory Apartment – Accessory Apartment Application (AAP)

☒ Use Listed in 49.25.300 – Table of Permissible Uses (USE)

Table of Permissible Uses Category: 17.200 Utility Facilities

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?

☐ YES – Case # _____

☒ NO

UTILITIES PROPOSED

WATER: ☐ Public ☒ On Site

SEWER: ☐ Public ☒ On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot _____ square feet Total Area of Existing Structure(s) _____ square feet

Total Area of Proposed Structure(s) _____ square feet See attached documents

EXTERNAL LIGHTING

Existing to remain

☐ No

☐ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

Proposed

☐ No

☒ Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

☒ Narrative including:

- ☒ Current use of land or building(s)
- ☒ Description of project, project site, circulation, traffic etc.
- ☒ Proposed use of land or building(s)
- ☒ How the proposed use complies with the Comprehensive Plan

If this is a modification or extension include:

- ☐ Notice of Decision and case number
- ☐ Justification for the modification or extension
- ☐ Application submitted at least 30 days before expiration date

☐ Plans including:

- ☐ Site plan
- ☐ Floor plan(s)
- ☐ Elevation view of existing and proposed buildings
- ☐ Proposed vegetative cover
- ☐ Existing and proposed parking areas and proposed traffic circulation
- ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

SEE ATTACHED NARRATIVE

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ 1,600			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ 50			
Pub. Not. Sign Deposit	\$ 100			
Total Fee	\$ 1750			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number

USE25-10

Date Received

7/11/25

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outlined in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Avant

October 25, 2022

To Whom It May Concern:

The Board of Directors of Gospel Missionary Union, doing business as Avant Ministries, fully authorizes Randall Alderfer, serving as the Director of Echo Ranch Bible Camp, to sign documents on behalf of our organization regarding Easements and any other land transfers involving ministry of Echo Ranch Bible Camp.

Sincerely,

Scott Holbrook

Scott Holbrook

President

Terresa Jones

Terresa Jones

Corporate Secretary

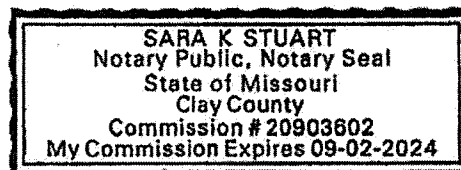
Subscribed and sworn before me, this 25th
day of October, 2022, a Notary Public
In and for Clay County.
State of Missouri

Sara K Stuart

(Signature)

NOTARY PUBLIC

My Commission expires 09/02, 2024



Avant Ministries

10000 N. Oak Trafficway • Kansas City, MO 64155 | 2121 Henderson Highway • Winnipeg MB R2G 1P8
800.468.1892 • Fax: 816.734.4601 | 866.81.AVANT • Fax: 204.339.3321

avantministries.org

Gospel Missionary Union / Echo Ranch Bible Camp
Development Permit Application Legal Descriptions
(Attachment 1)

CBJ 3B4501000041- Gospel Missionary Union, USS 2925 lot 1.

CBJ 3B4501000020- Gospel Missionary Union, USS 1157.

CBJ 3B4501000035- Gospel Missionary Union, USS 1154 B1-1.

ADL 106979 – Gospel Missionary Union, Lots 3, 6, 16 and 17, Section 13, T.37S R.63E CRM.

ADL 109033 - Juneau Hydropower, Utility Easement located within the NE 1/4 of Section 24, township 37 South, Range 63 East, Copper River Meridian, approximately 2,000 feet in length.

ADL 109053 - Gospel Missionary Union, Easement across State land in Section 12, Township 37 South, Range 63 East.

ADL 109053 - Gospel Missionary Union,
Easement across State land in Section 12,
Township 37 South, Range 63 East.

CBI 3B4501000041- Gospel Missionary Union, USS
2925 lot 1

ADL 106979 - Gospel Missionary Union, Lots 3, 6, 16
and 17, Section 13, T.37S R.63E CRM

CBI 3B4501000020- Gospel Missionary Union, USS,
1157

CBI 3B4501000035- Gospel Missionary
Union, USS 1154 81-1

ADL 109033 - Juneau Hydropower, Utility Easement
located within the NE 1/4 of Section 24, township 37
South, Range 63 East, Copper River Meridian,
approximately 2,000 feet in length

**Gospel Missionary Union / Echo
Ranch Bible Camp**

**Development Permit Legal
Descriptions**

(Attachment 2)





August 10, 2022

To whom it may concern:

Coeur Alaska, Inc. ("Coeur") strongly supports the granting of an easement to Juneau Hydropower, Inc. for the installation and operation of a submarine high-voltage electric transmission cable. Line power to Coeur's Kensington mine would allow the operation to eventually eliminate its reliance on diesel power and would thereby decrease power generation costs and greenhouse gas emissions.

Further, Coeur will allow Juneau Hydropower, Inc. to utilize Coeur's tideland easement A.T.S. 1655 for the proposed routing of the submarine electric transmission cable.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ball", written over a horizontal line.

General Manager

Coeur Alaska, Inc.



Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802
www.juneauhydro.com
Telephone: (907) 789-2775
Fax: (907) 375-2973

Introduction

Juneau Hydropower Inc. (JHI), a locally owned and operated utility, is advancing a **transformational energy infrastructure project** to support Juneau's clean energy future, grid resilience, and long-term economic vitality. This permit application package includes the Executive Summary, Narrative, and all required documentation for JHI's CBJ development, conditional use, and floodplain permits associated with the Juneau Utility Project.

The Utility Project consists of two primary components:

1. **Sweetheart Lake Hydroelectric Project** (19.8 MW, FERC P-13563) – Fully permitted and shovel-ready, including a dam, tunnel, powerhouse, switchyard, and 8.7 miles of 138kV transmission.
2. **North Juneau Transmission Infrastructure** – Over 40 miles of new 69kV overhead and submarine transmission lines with integrated fiber optics, plus a future **10 MW / 20,000 MWh Battery Energy Storage System (BESS)** for grid stabilization and backup power.

As the **nation's newest regulated utility**, this Utility Project expands Alaska's high-voltage grid by approximately 3%. Further, this tremendous Utility Project equips the **City and Borough of Juneau (CBJ)** to meet rising energy demands for:

- Beneficial electrification of homes and businesses
- The transition from diesel-based heating to electric and heat pump systems
- Public and private electric transportation
- Dock electrification for maritime operations
- Housing expansion and industrial growth in all areas of our Borough

Community Impact and Economic Benefit

The **Juneau Utility Project** goes beyond expanding utility service to previously unserved areas—it delivers **affordable, renewable power** that strengthens quality of life, supports economic development, and builds long-term community resilience.

By providing reliable electrical service to underserved regions of the **City and Borough of Juneau (CBJ)**, the project:

- **Enables housing and business growth** in areas previously constrained by lack of utility access
- **Attracts new investment and job opportunities** through lower energy costs and improved infrastructure
- **Reduces reliance on diesel**, improving air quality and public health

- **Promotes energy equity** by extending clean, cost-effective utility service to all residents

Access to affordable, renewable energy is a **catalyst for economic prosperity**, and this project lays the foundation for a stronger, more self-reliant Juneau—today and for generations to come.

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Acronyms and Abbreviations

AAC	Access Alaska Coalition
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
Alaska DOL	Alaska Department of Labor
ADNR	Alaska Department of Natural Resources
Alaska DOT	Alaska Dept. of Transportation and Public Facilities
AEA	Alaska Energy Authority
AESTF	Alaska Energy State Task Force
AEL&P	Alaska Electric Light and Power
AIDEA	Alaska Industrial Development and Export Authority
Ameresco	Ameresco, Inc.
APLIC	Edison Electric Institute's Avian Power Line Interaction Committee
BESS	Battery Energy Storage System
CPCN	Certificate of Public Convenience and Necessity
CBJ	City and Borough of Juneau
CDD	CBJ Community Development Department
Commission	CBJ Planning Commission
CUP	Conditional Use Permit
DIPAC	Douglas Island Pink and Chum
ERBC	Echo Ranch Bible Camp
EIS	Environmental Impact Statement
EPC	Engineering, Procurement and Construction
EPS	Electric Power Systems
FERC	Federal Energy Regulatory Commission
Goldbelt	Goldbelt Corporation
GHG	Green House Gas Emissions
IBEW 1547	Intl Brotherhood of Electrical Workers
IUOE Local 302	Intl Union of Operating Engineers
JEDC	Juneau Economic Development Council
JHI	Juneau Hydropower, Inc.
Juneau Utility Project	Project
Kensington	Coeur Alaska Kensington Mine
kV	Kilovolt
MW	MegaWatt
MWh	MegaWatt Hour
NMFS	National Marine Fisheries Service
RCA	Regulatory Commission of Alaska

RUS	USDA Rural Utilities Service
SCPFOC	Submarine Composite Power & Fiber Optic Cable
USACE	US Army Corps of Engineers
USFS	US Forest Service
USFWS	US Fish and Wildlife Service
Utility Project or Project	JHI Utility Project-Sweetheart Lake Hydro and Transmission lines

Executive Summary: JHI Utility Project – Sweetheart Lake Hydroelectric and Transmission Expansion

Juneau Hydropower Inc. (JHI) Utility Project Sweetheart Lake Hydroelectric & Transmission Expansion

Overview(

Juneau Hydropower Inc. (JHI), a locally owned utility, is developing a transformational infrastructure project to strengthen Juneau's clean energy future. The Utility Project consists of:

1. **Sweetheart Lake Hydroelectric Project** (19.8 MW, FERC P-13563) – Fully permitted and shovel-ready, including dam, tunnel, powerhouse, switchyard, and 8.7 miles of 138kV transmission.
2. **New Northern Transmission Infrastructure** – Over 40 miles of new 69kV overhead/submarine line with fiber optics-Submarine Composite Power & Fiber Optic Cable (SCPFOC), and a future 10 MW / 20,000 MWh Battery Energy Storage System (BESS).

Objectives

- Displace diesel generation and extend electric utility service to currently unserved areas of the CBJ, including the Kensington Mine.
- Enhance grid resilience, reduce greenhouse gas emissions, and lower long-term energy costs for residents and industry.

Project Status

- **Fully permitted:** FERC license, USFS Special Use Permit, USACE 404, ADF&G, ADNR leases, and requiring a CBJ Conditional Use Permit, Development Permit, and Floodplain permit.

- **Service area:** Entirely within CBJ territorial borders, development primarily within rural reserve zones without electrical or fiber utility services and following state rights-of-way and one private right-of-way/easement.

Benefits

- **up to 15.6% reduction** in CBJ greenhouse gas emissions
- **Over 20% increase** in Juneau's clean energy capacity
- **2.5% expansion** of Alaska's statewide high-voltage transmission infrastructure
- Supports CBJ Comp Plan and Resolutions 1882, 2593, 2632, and 2808
- Provides expansion of electrical utility service to rural and remote areas of the CBJ
- Creates long-term, prevailing-wage jobs and boosts energy security

Project Components

Generation (Sweetheart Lake):

- 111-ft high roller-compacted dam
- Underground tunnel and steel penstocks
- 19.8 MW powerhouse (3 Francis turbines)
- FERC-approved switchyard, roads, and submarine/overhead transmission

Transmission & Grid Expansion:

- 40.29 miles of new 69kV line with fiber
- BESS for backup power and grid stabilization
- Connects High voltage transmission from Lena Point to Berners Bay and Kensington Mine

Policy & Public Alignment

- **CBJ 2013 Comprehensive Plan:** Supports hydropower and regional interties
- **CBJ Resolutions:** Endorse transmission expansion and diesel displacement
- **State Support:** AEA, AIDEA, and Alaska Energy Security Task Force Alignment
- **Public & Agency Support:** Alaska DOT, Alaska DOL, of Labor, IBEW, Juneau Building Trades, Alaska AFL-CIO, Goldbelt, and others

Schedule

- Construction mobilization in **late 2025**, with commercial operation by **2028**

Conclusion

The JHI Utility Project is a once-in-a-generation opportunity to expand clean energy access, replace diesel, and power Juneau's future growth. It is fully permitted, locally led, and aligned with the CBJ's vision for sustainable development, climate goals, and economic resilience.

For full details of the JHI Regulatory Commission of Alaska Utility Application, community benefits, maps, technical information, Juneau letters of Support, sworn testimony, submitted documents, and transcripts, see [RCA Docket U-24-036](#).

This application responds to guidance from CBJ staff, as discussed during the July 23, 2023, Pre-Application Conference and formalized in the CBJ Report dated August 23, 2023 (Attachment 1), as well as further guidance provided on June 4, 2027.

See Attachment 1 CBJ Pre-Application Report at the end of this Project Narrative.

Permitting Background and Reference

For situational awareness, the **Sweetheart Lake Hydroelectric Project** has been **previously reviewed and permitted** by the City and Borough of Juneau in 2016. Due to the non-resolution of a transmission interconnection agreement with AEL&P and AIDEA, this matter required resolution with the Regulatory Commission of Alaska. Following guidance provided by Planning Department staff, **Juneau Hydropower Inc.** is now submitting the **previously approved hydropower generation component** together with the **new Northern Transmission Line component**—which extends from **Lena Point to the Kensington Mine**—as part of this comprehensive Utility Project application.

For CBJ Planning Commission (Commission) reference, the Commission's prior approval of the Sweetheart Lake Hydroelectric Project can be found in the following CBJ Planning Commission meeting packet:

CBJ 2016 Permit Packet – The Hydropower component begins on **page 186**

https://juneau-ak.municodemeetings.com/sites/juneau-ak.municodemeetings.com/files/fileattachments/planning_commission/meeting/packets/11436/2016-08-23_pc_pkt.pdf

Project Objective

Juneau Hydropower Inc. is committed to delivering **clean, reliable, and affordable hydropower** while strengthening Juneau's energy infrastructure to support long-term **resilience, sustainability, and economic growth**.

Providing More Clean Energy Now, the Juneau Utility Project expands the electrical transmission grid and adds new generating capacity to:

- **Lower energy costs** for consumers, businesses, and industry within JHI's certificated utility service area
- **Enhance community-wide energy security** and grid reliability
- **Enable beneficial electrification** of homes, commercial buildings, industrial operations, and transportation

Our Juneau Utility Project directly supports Juneau's transition toward a **sustainable and self-reliant energy future**, reducing dependence on diesel and positioning the community for future growth.

Juneau Hydropower Inc. is committed to delivering clean, reliable, and affordable hydropower while strengthening Juneau's energy infrastructure for long-term resilience and economic development. Providing More Clean Energy Now. By expanding the electrical transmission grid and adding new generating capacity, the Juneau Utility Project will:

- Lower energy costs for consumers, businesses, and industry in JHI's certificated utility
- Enhance community-wide energy security
- Enable the electrification of homes, businesses, and industry

This initiative supports Juneau's transition to a more sustainable, self-reliant energy future.

Operational Commitment

Juneau Hydropower Inc. (JHI) is committed to operating and maintaining its hydropower generation and transmission assets with the highest standards of safety, reliability, and efficiency.

To ensure professional execution and long-term operational success, JHI has entered into the following agreements:

- **Engineering, Procurement, and Construction (EPC) Agreement** with Ameresco, a nationally recognized clean energy integrator with extensive engineering, procurement, and construction expertise in energy and transmission infrastructure.
- **Operations and Maintenance (O&M) Agreements** with both Ameresco and Electric Power Systems (EPS), a leading utility services provider with decades of experience engineering and managing grid and generation assets in Alaska and beyond with offices in Juneau, Alaska.

While JHI's utility service area awarded by the Regulatory Commission of Alaska targets currently unserved parts of Juneau, the Juneau Utility Project delivers broader benefits to the entire community, including:

- Enhanced grid reliability and resilience

- Additional backup power capacity during outages
- Economic development through infrastructure investment and job creation
- Reduced reliance on diesel and improved environmental outcomes

The Juneau Utility Project represents a **transformational, forward-looking investment** in Juneau's clean energy future and long-term energy security. It is grounded in strong public-private partnerships, proven technical expertise, and a commitment to operational excellence.

Description of the Utility Project: Consisting of a hydropower energy resource with energy storage and associated transmission and fiber optic telecommunications.

Generation Infrastructure

The Sweetheart Lake Hydroelectric Generation Facilities, as identified and described in the FERC Licensed hydropower facility, consists of the following new facilities:

- 1) a 280-foot-wide, 111-foot-high roller-compacted concrete dam to be constructed at the existing natural outlet of Lower Sweetheart Lake, with a 125-foot-wide ungated overflow spillway at a crest elevation of 636 feet;
- 2) a 525-foot-long, 10-foot-high, 10-foot-wide arched reservoir outlet tunnel at the right dam abutment;
- 3) a 45-foot-long, 25-foot-wide, 16-foot-high rectangular concrete intake structure, with six 7-foot-diameter, 10-foot-high cylindrical fish screens adjacent to the right dam abutment;
- 4) a 9,612-foot-long, 15-foot-wide, 15-foot-high horseshoe-shaped,¹ unlined underground power tunnel;
- 5) an 896-foot-long, 9-foot-diameter saddle-supported steel penstock installed within the lower portion of the power tunnel;
- 6) three 160-foot-long (mean length), 7- to 9-foot-diameter buried steel penstocks connecting the lower portion of the power tunnel to the powerhouse;
- 7) a 160-foot-long, 60-foot-wide, 30-foot-high concrete and steel powerhouse;
- 8) three 7.1-megawatt (MW) Francis turbines with 6.6-MW generators with a total installed capacity of 19.8 MW;
- 9) a 541-foot-long, 30- to 90-foot-wide rock tailrace with a fish exclusion structure discharging to Sweetheart Creek;
- 10) a 4,400-foot-long coastal road from the powerhouse to a dock/landing site for aerial and marine vehicle access, located on the east shore of Gilbert Bay;
- 11) an 8.69-mile-long, 138-kilovolt (kV) transmission line transversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of:
 - a) two buried segments, totaling 4,800 feet in length;

¹ Tunnel will have a flat and drivable floor with straight walls and an arched ceiling.

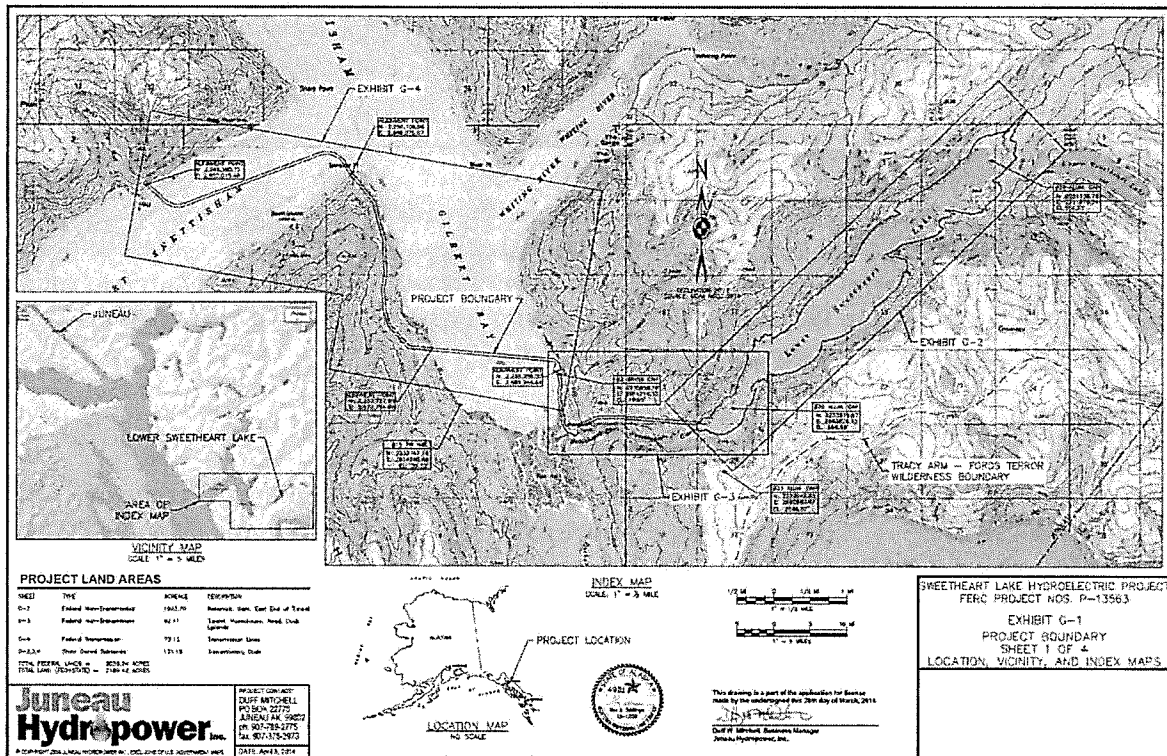
- b) two submarine segments, totaling 25,700 feet in length; and
- c) one 15,400-foot-long overhead segment;
- 12) a 22,000-square-foot fenced switchyard adjacent to the powerhouse;
- 13) a 25-foot-long, 5-foot-wide, 4-foot-deep salmon smolt re-entry pool² located adjacent to the powerhouse and tailrace;
- 14) a 4,225-square-foot caretaker's facility near the dock;
- 15) a 4,800-foot-long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility, providing operational electricity and communications;
- 16) a 10,000-foot-long, 12.47kV service transmission line and communication cable extending from the powerhouse to the dam site, providing operational electricity and communications;
- 17) a 400-square-foot shelter at the dam for employee use during smelt transport operations; and
- 18) appurtenant facilities.

Construction of the generation portion of the Utility Project will raise Lower Sweetheart Lake from a water surface elevation of 551 feet mean lower low water³ and a surface area of 1,414 acres to a new maximum water surface elevation of 636 feet and surface area of 1,702 acres, and a new minimum water surface elevation of 576 feet and surface area of 1,449 acres.

The JHI Utility Project comprises 2,058.24 federal and 131.18 State acres administered under ADNR, with leases to JHI for its generation and interconnection assets. The FERC licenses these assets, and JHI has received all necessary approvals from the USACE, USFWS, ADF&G, ADNR, and USFS. JHI has agreed to build its generation transmission line in accordance with the Edison Electric Institute's Avian Power Line Interaction Committee (APLIC) avian protection standards. JHI has also agreed with ADF&D and DIPAC hatchery to protect and expand the personal use of the sockeye fishery at Sweetheart Creek.

² The re-entry pool will provide temporary holding of sockeye salmon smolts collected and transported from Sweetheart Lake, for imprinting and release to the tailrace

³ The mean lower low water level is the 19-year average of the lower of the two daily tides and serves as the reference elevation chosen by Juneau Hydro for the project facilities.



The **CBJ Planning Commission** and **Community Development Department** staff can access and find the complete set of documents related to Juneau Hydropower Inc.'s Utility Project under **FERC Project No. P-13563** through the **Federal Energy Regulatory Commission (FERC) eLibrary** at the following link:

FERC eLibrary Search - Project P-13563

This online archive includes:

- FERC Project Boundary Maps
- Transmission and Infrastructure Drawings
- Final Environmental Impact Statement (EIS)
- US Army Corps of Engineers (USACE) Section 404 Permit
- Alaska Department of Environmental Conservation (ADEC) Section 401 Water Quality Waiver
- All environmental, engineering, and technical filings submitted to date
- Intervener comments, Congressional and public letters of Support

As of the submission of this application, **more than 407 filings with multiple documents** have been filed for FERC Project P-13563, providing a comprehensive record of environmental review, permitting, and project development.

North Juneau Transmission Infrastructure

The non-FERC portion of the JHI Utility Project includes the construction of approximately **40.29 miles** of new **69-kilovolt (kV) high-voltage transmission line** and associated infrastructure to deliver utility service to currently unserved areas of North Juneau. This system, referred to as the **North Juneau Transmission Infrastructure**, is a crucial component of JHI's initiative to expand the regional power grid and enhance system reliability.

Overhead Transmission Line

A new 69 kV overhead transmission line, co-located with a fiber optic communication cable, will originate at the existing AEL&P Lena Point Substation. It will follow existing State of Alaska rights-of-way along the Veterans Memorial Highway and pass through the Echo Ranch Bible Camp (ERBC) area, terminating at Berners Bay.

Submarine Transmission Segment

From the south shore of Berners Bay, a **69 kV submarine transmission cable with integrated fiber optic line** will extend across the bay to **Slate Creek Cove**, located on the northern shoreline near the Coeur Alaska Kensington Mine. This segment ensures a continuous and resilient connection to the project's end-users and utility customers.

Battery Energy Storage System (BESS)

To further support system stability, the Utility Project will include a future **Battery Energy Storage System (BESS)**, estimated at **8 to 10 MW with up to 20,000 MWh of storage capacity** (final sizing to be determined). This system will provide:

- Instantaneous backup power during outages
- Grid stabilization services for JHI's transmission system in North Juneau

Details and technical specifications for the BESS will be submitted in a future permit modification, along with all required supporting documentation.

A complete **1,057-page Application for a New Certificate of Public Convenience and Necessity (CPCN) Utility Application**, filed under **Docket U-24-036** with the **Regulatory Commission of Alaska** on **November 8, 2024**, is available at the following link:

RCA Utility Application – Docket U-24-036

This comprehensive filing includes all details related to Juneau Hydropower Inc.'s Utility Project, including proposed service territory maps, engineering plans, operational descriptions, and supporting technical documentation.

JHI anticipates receiving a Certificate of Public Convenience and Necessity upon the conclusion of this docket. The RCA record also contains **thousands of pages of supplemental materials** that support and correspond with the CBJ permit applications, providing extensive background for agency and public review. This docket closed on June 11, 2025.

Attachment 2 depicts the JHI Utility service territory as presented to the RCA, providing an Infrastructure overview Map and the legal description of the Utility Project, including specific easements, rights-of-way, and Letters of No Objection.

See Attachment 2 JHI Utility Map, Land Ownership, Easements or Letter of No Objection and Legal Description

Note Attachment 2, due to its maps and size, is filed as a separate document.

Public Support, CBJ Support, and compliance with the 2013 CBJ Comprehensive Plan

Project Alignment with the 2013 CBJ Comprehensive Plan

The Sweetheart Lake Hydroelectric facilities and related high-voltage transmission system are in alignment and Support of policies and implementing actions in the 2013 CBJ Comprehensive Plan⁴, including:

POLICY 4.8. IT IS THE POLICY OF THE CBJ TO ENCOURAGE THE PROVISION OF AN ADEQUATE SUPPLY OF HYDROELECTRIC POWER TO PROVIDE FOR THE CONTINUED GROWTH AND DEVELOPMENT OF THE COMMUNITY.

4.8.1. Encourage the continued development of hydroelectric power generating facilities to provide for future community needs.

POLICY 6.2. TO SUPPORT THE DEVELOPMENT OF RENEWABLE ENERGY RESOURCES IN JUNEAU AND IN THE SOUTHEAST ALASKA REGION;

POLICY 6.3. TO SUPPORT THE DEVELOPMENT OF A SOUTHEAST ALASKA INTERTIE.

⁴ CBJ Comprehensive Plan 2013 update. <https://juneau.org/community-development/comp-plan-2013>

In addition to unequivocal Support found for the Utility Project within the CBJ Comprehensive Plan, the Utility Project and its transmission infrastructure are bolstered by the Support of multiple CBJ resolutions.

Project Alignment with CBJ Resolutions

CBJ RESOLUTION 1882 (1997) OF THE CITY AND BOROUGH OF JUNEAU, ALASKA.⁵

A Resolution Supporting a Twenty-Year Power Grid Plan for Southeast Alaska. *The City & Borough of Juneau respectfully recommends that the Alaska Legislature and the Congress support the Southeast Alaska Electrical Intertie and Transportation Corridors Projects. The plan should be responsive to each community's needs and plans and should promote regional economic development opportunities.*

CBJ RESOLUTION 2632 (2012) OF THE CITY AND BOROUGH OF JUNEAU, ALASKA⁶ supports the extension of the transmission line from Juneau to Berners Bay. The resolution reads in part, *"That the Assembly expresses its support for the State of Alaska in funding the extension of electrical power along the Veterans Memorial Highway to Cascade Point (Berners Bay) to improve highway safety, provide expanded emergency services, reduce electrical costs and carbon emissions, and facilitate economic development."*

CBJ resolution 2632 supports the Utility Project's high voltage transmission line extension of electrical power along the Veterans Memorial Highway to north Juneau in Berners Bay (north Juneau) to serve this area of Juneau, including the Coeur Alaska Kensington Mine.

The transmission facilities of JHI's Utility Project application extend both the southern and northern expansions of the Juneau Grid system, which expands the incremental electrical transmission along the Veterans Memorial Highway (Glacier Highway) and the Southeast Intertie, identified and in compliance with the Support of CBJ Resolutions 1882 and 2632.

The Utility Project expands the Juneau transmission grid to encompass the south-to-north and eastern portions of the City and Borough of Juneau territorial boundaries.

⁵ CBJ Resolution 1882 <https://juneau.org/index.php?gf-download=2019%2F12%2Fres1882-Resolution-Supporting-Twenty-Year-Power-Grid-Plan-Southeast-and-backup-docs.pdf&form-id=22&field-id=11&hash=0294ff642e2caab00888be0dc8133104957b21fbfd01df086648870366646eeb>

⁶ CBJ Resolution 2632 https://juneau.org/index.php?gf-download=2019%2F12%2FRes2632-Final_Support_Extend_Electrical_Power-Veterans_Highway.pdf&form-id=22&field-id=11&hash=9c588b74dee5cebd4fdc7d33d330ed62b282ff560e24035fa6df04cd1d13c9fc

Project Alignment with CBJ Resolution 2593 (2009): Juneau Climate Action and Implementation Plan

The Utility Project, which will deliver clean hydropower to the Coeur Alaska Kensington Mine, represents the most impactful step taken to date toward reducing greenhouse gas (GHG) emissions within the City and Borough of Juneau.

By displacing diesel-fired generation at the mine, the Project will produce **significant and quantifiable reductions in carbon emissions**, directly advancing the goals established in the **Juneau Climate Action and Implementation Plan**, adopted under **CBJ Resolution 2593 (2009)**.

These environmental gains are the result of a strategic partnership between Juneau Hydropower Inc. and Kensington, demonstrating how public-private collaboration can drive meaningful industrial electrification and climate progress.

The Juneau Utility Project strengthens CBJ's position to **meet—and potentially exceed—its community-wide greenhouse gas (GHG) reduction targets, delivering lasting environmental, economic, and health benefits for Juneau residents today and in future generations.**

Project Alignment with CBJ Resolution 2808 (2018): Juneau Renewable Energy Strategy

CBJ Resolution 2808, which adopts the **Juneau Renewable Energy Strategy**, explicitly supports efforts to develop new renewable energy sources for Juneau. The resolution affirms community backing for projects like the JHI Utility Project, recognizing their alignment with Juneau's long-term energy and environmental goals.

Juneau Hydropower Inc. (JHI), in collaboration with its customers and private partners, is investing over **\$250 million** to bring new renewable energy generation and transmission infrastructure to Juneau. These investments directly support the resolution's intent by expanding access to clean, lower-cost hydropower and displacing diesel use for heating and electricity.

The JHI Utility Project is foundationally aligned with the **CBJ 2013 Comprehensive Plan** and is supported by a suite of related CBJ resolutions, including:

- Resolution 1882 – Supporting the development of the Utility Project's transmission infrastructure
- Resolution 2593 – Adopting the Juneau Climate Action and Implementation Plan
- Resolution 2632 – Supporting North CBJ Grid extension and electrification
- Resolution 2802 – Encouraging economic development through renewable energy

Together with formal Assembly support for the Sweetheart Lake Project⁷, the Juneau Renewable Energy Strategy (2018)⁸ reinforces CBJ's policy commitment to enabling new local generation and transmission to meet present and future energy needs. The Utility Project directly advances this vision by delivering sustainable, affordable energy while reducing dependence on diesel.

Project Alignment with Strong Institutional and Policy Support

The **Juneau Utility Project** is backed by a broad base of state and local support, reinforcing its strategic value and alignment with public policy goals.

At the **state level**, the Utility Project is supported by formal documents and resolutions from the **Alaska Energy Authority (AEA)**⁹ and the **Alaska Industrial Development and Export Authority (AIDEA)**.¹⁰ The Juneau Utility Project is also fully aligned with the **Alaska Energy Policy** and advances the priorities outlined in the **2023 Alaska Energy Security Task Force (AESTF) Recommendations**¹¹, including grid expansion, diesel displacement, and investment in firm renewable energy.

At the **local level**, the Utility Project is grounded in and strengthened by:

- The **CBJ Comprehensive Plan**
- Multiple **CBJ Resolutions** supporting renewable energy and grid expansion
- A **Strong Letter of Support** from the former Mayor and the CBJ Assembly

Together, these endorsements reflect a unified public-sector commitment to advancing this transformational infrastructure project, which will enhance energy security, economic resilience, and sustainability for the City and Borough of Juneau and the State of Alaska.

Public Support

Additionally, JHI has the following Support from State Agencies and local organizations that have taken the opportunity to support JHI's recent utility application with the Regulatory Commission of Alaska:

⁷ City and Borough Strong Letter of Support file:///C:/Users/duffin/Documents/20160323-5176_JHI%20CBJ%20Strong%20Letter%20of%20Support%203-22-16.PDF

⁸ CBJ Renewable Energy Strategy <https://juneau.org/wp-content/uploads/2019/03/CBJ-Energy-Strategy-Approved.pdf>

⁹ AEA Resolution 2019-03
<https://www.akenergyauthority.org/Portals/0/Board%20Meeting%20Resolutions/2019%20Board%20Meeting%20Resolutions/2019-03-AEA-Sweetheart-Lake-Hydro.pdf?ver=2021-08-24-115354-503>

¹⁰ AIDEA Resolution G 24-07
https://www.aidea.org/Portals/0/Meeting%20Docs/2024BoardMeeting/062024/Signed_Resolution_No._G24-07_Juneau_Hydro_062024.pdf?ver=EVFvGSu_W68WjFNV2uJpJQ%3d%3d

¹¹ 2023 Alaska Energy Security Task Force (AESTF) Recommendations <https://www.akenergyauthority.org/What-We-Do/Energy-Planning-Project-Development/Alaska-Energy-Security-Task-Force>

Alaska Department of Labor and Workforce Development, Alaska Department of Transportation and Public Facilities, IBEW 1547, Juneau Building Trades, IUOE 302, AFL-CIO Alaska, the Goldbelt Corporation, and many others. The Commission and the Public can find these documents; supporting letters can be found in RCA Docket U-24-036.

Public Benefits

The **Juneau Utility Project** will deliver enduring public benefits through the development of privately financed hydropower generation, high-voltage transmission, and fiber optic infrastructure. These long-life assets will:

- **Enhance energy security** by reducing reliance on diesel and providing firm, renewable power
- **Lower long-term energy costs** for residents, businesses, and industry
- **Enable future renewable energy development** by strengthening regional grid capacity
- **Extend utility service** to currently unserved areas within JHI's proposed service territory

Alaska faces a severe shortage of transmission infrastructure. As highlighted in the **2023 Alaska Energy Security Task Force (AESTF) Report**:

"Despite covering 17.5% of the US landmass, Alaska has only 1,697 miles of high- and low-voltage transmission—less than 0.25% of the national total. In comparison, Puerto Rico has 2,478 miles, and Wyoming—similar in population—has 4,300 miles. This deficiency limits renewable energy integration and compromises mission-critical energy resilience for military installations."

The JHI Utility Project directly addresses this infrastructure gap by:

- **Expanding Alaska's high-voltage transmission system by more than 2.5%**
- **Increasing Juneau's transmission capacity by over 20%**, enabling broader electrification of homes, transportation, heating, and industrial operations across the City and Borough of Juneau.
- **Increasing Juneau's energy generation capacity and energy by over 20%** enhances Juneau's energy security, as the Utility Project generates energy not susceptible to the known Snettisham avalanche hazard areas, which caused disastrous Juneau power outages in 2008 and 2009.

This investment not only improves local quality of life and energy security but also strengthens local and Alaska's statewide energy resilience and economic competitiveness.

The Alaska Energy State Task Force Recommendations epitomize the Juneau Utility Project with this statement:

"Hydropower in Alaska is not just an energy source; it is Alaska's energy DNA."¹²

Specific AESTF recommendations crystallize public benefits for the Juneau Utility Project:

Action B-3.1:

*Establish an Alaska/Federal Clean Energy Policy Force to develop, collaborate, and prioritize State energy, plan, goals, and rights to optimally advance renewable energy transmission lines on federal lands.*¹³

STRATEGY B-4: ALASKA HYDROPOWER GENERATION RECOMMENDATIONS

Action B-4-1:

*Foster, Support, and Assist Hydropower development and transmission in Alaska to lower energy costs, provide energy security, and spur economic growth, job creation, and prosperity for Alaska.*¹⁴

*Action B-1-4: Identify and support the colocation of industrial loads (e.g., data servers) with Alaska Hydropower facilities for synergies to lower energy costs.*¹⁵

*Action B-1.5: Identify, Assist, and fund Battery Energy Storage Systems (BESS) and other Energy Storage Systems (ESS) for successful integration into Coastal communities to increase energy security, increase grid resilience, and lower energy costs.*¹⁶

STRATEGY F-1: IMPROVE ELECTRICAL TRANSMISSION SYSTEM

*Action F-2.3 Encourage development of cost effective hydropower projects throughout Alaska, including ensuring that state funds are appropriated for timely investment in the Dixon Diversion Hydroproject as project feasibility warrants.*¹⁷

Permitting and Regulatory Compliance

For this application, **Juneau Hydropower Inc.** has addressed all topics outlined in the previously approved **Conditional Use Permit (USE2016-0021)** and the current application **Pre-Conference report**. As a result, JHI has included selected backup materials to provide detailed documentation. Aside from local CBJ permitting, both Federal and state agencies have conducted extensive reviews of the project's FERC-jurisdictional components, resulting in full regulatory authorization.

¹² Ibid. Page 51

¹³ Ibid. Page Appendix II - 37

¹⁴ Ibid. Pages Appendix II 41-43

¹⁵ Ibid. Page Appendix II 19-21

¹⁶ Ibid. Page Appendix II 22-24

¹⁷ Ibid. Page Appendix II 64

Specifically, the following permits and approvals are issued for the **Sweetheart Lake Hydroelectric Project (FERC Project P-13563)**:

- **Federal Energy Regulatory Commission (FERC)**: Final Environmental Impact Statement (EIS) and 50-year License
- **US Army Corps of Engineers**: Section 404 Permit
- **US Fish and Wildlife Service (USFWS)**: Bald Eagle Take Authorization
- **National Marine Fisheries Service (NMFS)**: Marine Mammal Protection Act Authorization
- **Alaska Department of Fish & Game (ADF&G)**: Fish Habitat Permit
- **U.S. Forest Service (USFS)**: Special Use Permit
- **Alaska Department of Natural Resources (ADNR)**: Tideland Leases, Water Rights, and Project Easements

Applications, Approved Easements, and Rights of Way

In addition to these FERC-related approvals, JHI has secured multiple authorizations for the **northern transmission component** of the Utility Project. These include:

- **ADNR Land Leases**, including two complex land exchanges between the **Echo Ranch Bible Camp** and ADNR, in which JHI is a named grantee
- **Letters of No Objection** from **Kensington Coeur Alaska**, ADNR, and the **Alaska Department of Transportation & Public Facilities (Alaska DOT)**

JHI has either filed for or secured **all required rights-of-way, easements, and construction authorizations** necessary to build the northern transmission line. These authorizations include formal **Alaska Department of Transportation authorization** to file for construction within the **State of Alaska Veterans Memorial Highway utility corridor**.

Community Engagement and Responsible Development with approved licenses, permits, and resource plans

Since 2009, **Juneau Hydropower Inc.** has worked collaboratively with community members, customers, local businesses, Alaska Native tribes, governmental agencies, regulators, and federal permit holders to develop the Juneau Utility Project responsibly. The Project's design collaboratively enhances energy security and helps future-proof Juneau's renewable energy needs.

JHI has submitted over **6,000 pages of documentation** to federal regulators detailing every aspect of project planning, environmental stewardship, and technical execution. These materials include the Project's full **Environmental Impact Statement (EIS)**, as well as all **federal and state permits, easements, and approvals**. Over **20 federally approved environmental and resource**

management plans are included in JHI's **Federal Energy Regulatory Commission (FERC)** license under **Docket P-13563**, accessible at:

<https://elibrary.ferc.gov/eLibrary/search>

Approved Resource and Environmental Management Plans Include:

- Construction Plan
- Spoils Disposal Plan
- Access and Road Management and Maintenance Plan
- Reservoir Management and Inundation Plan
- Erosion Control Plan
- Solid Waste and Wastewater Plan
- Hazardous Substances Plan
- Fire Prevention Plan
- Heritage Resource Protection Plan
- Scenery Management Plan
- Vegetation Management Plan
- Invasive Species Management Plan
- Wildlife Mitigation and Monitoring Plan
- Fish Mitigation and Monitoring Plan
- Threatened, Endangered, Proposed, and Sensitive Species Plan
- Stream Flow Management Plan
- Stream Flow Measurement Plan
- Aquatic Habitat Restoration and Monitoring Plan
- Environmental Compliance Monitoring Plan
- Storm Water and Pollution Prevention Plan

Additional plans approved and submitted in the prior CBJ Conditional Use Permit (USE2016-0021) include:

- **Recreation Management Plan**
- **Bear Safety Plan**

All associated **license articles and conditions** governing the project's environmental compliance are publicly available via the FERC eLibrary, as provided earlier in this narrative.

Project Operations and Employment

The JHI Utility Project will operate on a **24/7/365 basis** and will support a mix of permanent and contracted staff here in Juneau:

- On-site caretaker crew at the hydropower facility
- Routine maintenance and operations crews dispatched as needed
- Transmission and grid operations employees based in Juneau and throughout Alaska
- Local management and administrative staff headquartered in Juneau
- All construction and operations will comply with **federal prevailing wage requirements** employing local hire and local labor.

As a **locally owned "home team" utility**, JHI is committed to local employment, our shared community values, and economic benefit for the Juneau community.

CBJ Land Use and Zoning Compliance-Current Use of Lands

The land designated for the hydropower facility is zoned **Rural Reserve** and is currently undeveloped. The project qualifies as a **Major Utility** under **TPU Category 17.200**, which requires a **Conditional Use Permit** in all zoning districts except MU and MU2.

The Utility Project's northern transmission corridor passes through **D1, D3, and Rural Reserve** zoning districts, following the alignment from the **Lena Point Substation to Berners Bay**, primarily adjacent to Veterans Memorial Highway. This transmission component significantly expands Juneau's grid infrastructure and increases system capacity.

Zoning classifications and land use designations are confirmed using the **CBJ April 2023 Zoning Wall Map**, available at:

CBJ Zoning Map (April 2023)

https://juneau.org/index.php?gf-download=2023%2F04%2Fzoning_wall_map_april_2023web.pdf&form-id=106&field-id=4&hash=e9424377d11767504e62dc598400f23f97901b3e26e86656a09691e0cc21c3d9

Proposed use of land and buildings-Project Infrastructure and Environmental Integration

Detailed infrastructure drawings for the Juneau Utility Project are classified as **Critical Energy Infrastructure Information (CEII)**. These drawings are included as **Exhibit F** of the FERC license application, which has been reviewed and approved by the **Federal Energy Regulatory Commission (FERC)**. While not publicly released due to national security protocols, the project's major hydroelectric infrastructure components are summarized as follows:

- Dam and intake structure
- Power tunnel and penstock

- Powerhouse with caretaker facilities
- Electrical switchyard
- Overhead and submarine transmission lines
- Dock and shoreline access features
- Other support structures and utility appurtenances as outlined in the Project Description

The proposed project facilities will be constructed within **Semi-Remote Recreation, Timber Production, and Old-Growth** designations, as identified by the U.S. Forest Service. JHI's **Scenic Management and Monitoring Plan** and **Spoil Disposal Plan** are implemented to **minimize visual and environmental impacts** by ensuring that the Utility Project's infrastructure and transmission lines are constructed to blend in and harmonize with the natural surroundings wherever feasible.

There are **no public recreation facilities** along the shoreline of **Sweetheart Lake** or **Sweetheart Creek**. However, the surrounding areas—particularly **Gilbert Bay** and **Sweetheart Creek**—support a range of recreational and subsistence activities, including fishing, sport and guided hunting, and trapping.

To manage these uses responsibly, JHI will implement its approved **Recreation Management Plan**, which includes:

- Measures to accommodate public access while avoiding natural resource impacts
- Strategies to reduce bear-human conflicts
- Management of increased visitor use in the project area

Recreation Enhancements and Public Access

Recreation-related improvements associated with the project include:

- Surface improvements and ongoing maintenance of existing footpaths
- Installation of **interpretive signage**, including **bear safety information**, trail details, and relevant guidance from the **Alaska Department of Fish & Game** and **U.S. Forest Service**
- Limited, **non-commercial public access** to the facility's dock, landing ramp, and mooring buoys.
- A **vegetated landform barrier** between the powerhouse and nearby footpaths to mitigate visual and noise impacts

Cultural and Fisheries Considerations

- **Cultural Resources:** An extensive agency review has confirmed that the project will not impact any **known cultural or historical resources**.

- **Commercial and Subsistence Fishing:** The project is expected to have no long-term adverse effects on commercial fisheries. Fishing activities can continue as they do today, with only **minor adjustments to avoid the submarine transmission cable**.
- If successful, the **proposed smolt collection system** will help preserve the personal-use fishery and support the **subsistence economy** of families who rely on fishing in the project area.

Excerpted and adapted from the "Environmental Impact Statement for Hydropower License – Sweetheart Lake Hydroelectric Project, FERC Project No. 13563-003.

Location, Type, Size, and Renewable Energy Contribution of the Utility Project

Location

The Juneau Hydropower Inc. (JHI) Utility Project, including generation facilities, proposed service territory, and initial customer sites, is located in remote and rural areas of the City and Borough of Juneau (CBJ), designated as a **Rural Reserve** under CBJ zoning. These areas include lands owned by **Goldbelt, Inc.**, an Alaska Native Corporation.

Technology and Timeline

1. The Utility Project will be **designed, constructed, and operated using commercially available technology**, employing best practices commonly used by regulated utilities throughout Alaska.
2. JHI anticipates the following schedule:
 - **Mobilization and early construction activities:** 2025
 - **Full construction phase:** 2026–2028
 - **Commercial Operations Date (COD):** 2028, subject to construction contingencies and natural inflow conditions for reservoir fill from rain and runoff in the **Tongass National Forest**, North America's largest temperate rainforest

Transmission Line alignment and Parcel Code Numbers for Properties affected by the Utility Project

Transmission Line Alignment and Right-of-Way Use

Juneau Hydropower Inc. proposes to upgrade existing transmission infrastructure by replacing lower-voltage transmission poles with new **69 kV high-voltage poles** along the **State of Alaska Veterans Memorial Highway utility corridor**, extending from the **Lena Point Substation** to the current terminus of **AEL&P's electrical service near Eagle Beach**.

All proposed transmission poles will be installed **within existing State of Alaska rights-of-way** or **secured private easements** built to USDA Rural Utilities Service (RUS) specifications. No

direct impacts to private parcels or CBJ-assigned parcel codes are anticipated. Pole replacements will generally occur in or near the same locations as existing infrastructure, maintaining consistency with the current alignment.

Transmission design measures include:

- Avoiding wetlands and deviations where existing poles fall outside the Alaska Department of Transportation & Public Facilities (Alaska DOT) right-of-way
 - Utilizing only State lands and approved easements for pole placement from Eagle Beach to Berners Bay
 - Following existing utility corridors to minimize new land disturbance and visual impacts
-

Land Ownership, Parcel Impacts, and Easement Control

There are **no affected parcel numbers** associated with the **hydropower generation component** of the Utility Project. This infrastructure is situated entirely on federal and state lands and is authorized under existing permits and land-use agreements.

Similarly, there are **no affected parcel numbers** along the transmission line route located within the **State of Alaska-designated utility corridor** adjacent to the Veterans Memorial Highway. In this corridor:

- Existing transmission infrastructure is already in place, or
- The new infrastructure will be constructed entirely within the established right-of-way, which does not carry CBJ-assigned parcel numbers.

From **Lena Point Substation to Eagle Beach**, JHI will replace existing poles in the same general alignment, strictly within State or private rights-of-way, ensuring that **no private properties are directly impacted**.

Beyond Eagle Beach, the transmission line continues toward **Berners Bay**, crossing:

- **State of Alaska Department of Natural Resources (ADNR) lands**, and
- A defined segment of **private land owned by Echo Ranch Bible Camp**

These are the **only parcels** outside the core highway corridor that are affected. JHI has secured all necessary **easements and rights-of-way** for these segments.

Development Permit Application/Letter of Permission

JHI is supplying this application with a Development Permit Application that includes the respective permissions from state and federal authorities authorizing development on all properties within the application. For clarity, JHI has secured all necessary authorizations from the Federal Energy Regulatory Commission, the US Forest Service, the Alaska Department of Natural Resources, and private property owners for the Utility Project. **The Development Permit Application and appropriate Letters of Permission are submitted simultaneously and separately from the Conditional Use Permit.**

An excerpt from our Pre-conference report,

"The Sweetheart Lake hydropower project was originally permitted in 2016 as USE2016-0021. The Project has not been constructed, and the USE permit has expired. The USE2016-0021 permit application included a Letter of Permission from the State of Alaska Department of Natural Resources instead of the signed Development Permit Application (DPA) that the Community Development Department typically requires. Staff has confirmed with Community Development Department Jill Maclean has confirmed that this type of letter is acceptable from state and federal agencies who will not sign the DPA form."

JHI is submitting its Development Permit Application for the portion of the Utility Project located on private lands, Echo Ranch Bible Camp. The balance of the Utility Project is located on federal and State lands, and JHI is submitting Letters of No Objection from these agencies.

Floodplain Development Permit

JHI submitted a Floodplain Development Permit for the Utility Project for review, and it was deemed complete and acceptable. JHI is submitting the Utility Project's Floodplain Development simultaneously and separately with this application.

Work Within Mapped Landslide and Avalanche Areas

The **Juneau Utility Project** does **not involve any work or infrastructure development within mapped landslide or avalanche hazard areas** identified in the **CBJ 2022 Landslide and Avalanche Assessment Maps** outside of general service territory boundaries.

Importantly:

- **No portion of the Utility Project** is located within the known **Snettisham avalanche chutes**.
- The Project is **not dependent** on any transmission segments affected by the 2008 or 2009 avalanches that damaged the original Snettisham Transmission Line.
- JHI has **intentionally avoided** these documented hazard areas by establishing its interconnection point on the **AIDEA-owned 138 kV Snettisham Transmission Line**, which is located outside the high-risk zones.

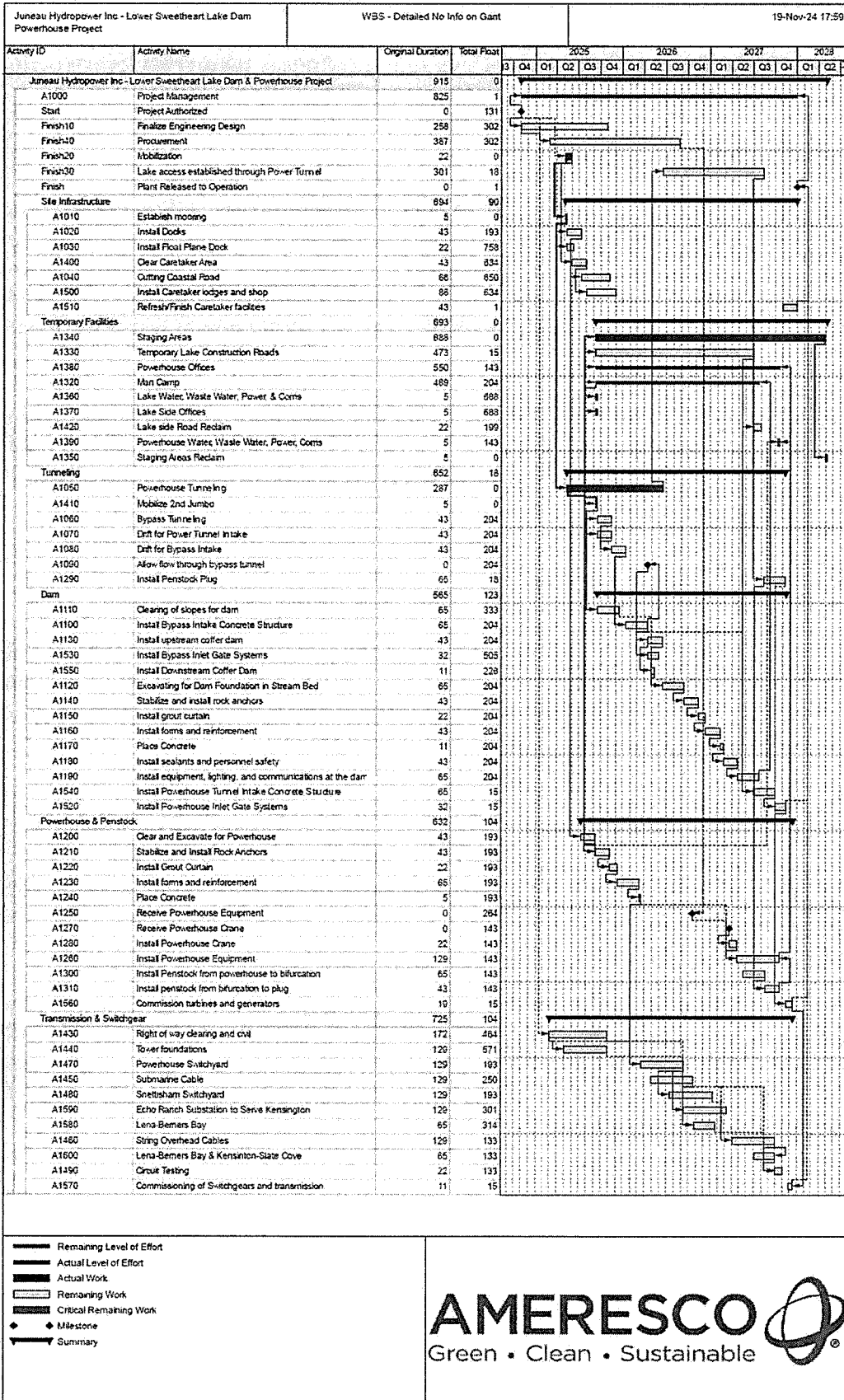
- The Project's **transmission infrastructure is not located within the 2022 Downtown Juneau Landslide and Avalanche Assessment Map area.**

CBJ landslide and avalanche hazard information is available at:
[CBJ Landslide & Avalanche Assessment Map \(2022\)](#)

Construction Schedule

The Utility Project is expected to take approximately **2 to 3 years to complete**, depending on the start date, construction windows, and seasonal weather conditions. Construction will include:

- Hydropower generation infrastructure
- Overhead and submarine transmission lines
- Associated utility system components



Noise and Light Impacts

The **Juneau Utility Project** will generate two primary sources of noise: **temporary construction noise** and **low-level operational noise at the power generation location**.

Construction-Related Noise

Construction activities associated with the **FERC-licensed infrastructure** will occur in **Rural Reserve areas**, far from residential properties and public recreation areas. Key components such as tunneling, dam construction, and spillway development will take place several miles from any public trails or access points. The **powerhouse, access road, and tidewater facilities** are already permitted under the FERC Environmental Impact Statement and must comply with **U.S. Forest Service Special Use Permit conditions**.

JHI will implement **Prudent Utility Practices** for all transmission work, including pole setting and cable installation. Construction noise along the **Veterans Memorial Highway** will primarily result from standard utility equipment, such as:

- Bucket trucks
- Pole installation rigs
- Material delivery vehicles

As detailed in the FERC EIS, JHI will maintain noise levels **at or below thresholds that protect marine mammals and nesting eagles**, as required by the **US Fish and Wildlife Service (USFWS)** and **National Marine Fisheries Service (NMFS)**. JHI has obtained agreements from both agencies to ensure compliance during sensitive biological periods.

Operational Noise and Light Impacts

Operational noise from the project will be minimal. The **powerhouse** is strategically situated in deep excavation, approximately 600 feet northwest of the anadromous fish barrier on Sweetheart Creek and 2,000 feet east of its confluence with Gilbert Bay, which helps reduce visual and acoustic impacts.

JHI has designed a **vegetated landform barrier** to shield nearby users from sound and visual disturbances related to the powerhouse and switchyard. This natural barrier will **significantly reduce or virtually eliminate operational noise**. To JHI's knowledge, this is the **first hydropower facility to incorporate such a sound barrier**, underscoring the project's commitment to environmental compatibility.

Operations at the hydropower site will be limited to:

- Routine maintenance

- Occasional snow removal (scheduled during non-peak recreational periods)
- Minimal on-site staffing with restricted vehicle access

Lighting Controls

Exterior lighting at the hydropower facility will be:

- **Downward-facing**
- **Non-glare**
- **Minimally intrusive**

Lighting will only be used as necessary for operational safety and security. An example of the proposed lighting fixture is included below.

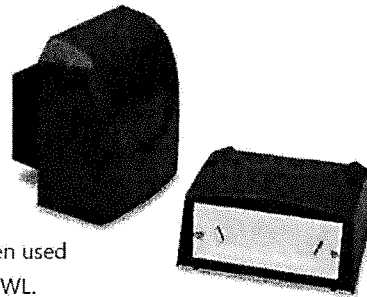
EVOLVE

EWL Series

LED Area & Wall Pack Lighting

Brighten up your service areas & exits with the Evolve® LED L-Series Wall Pack – EWL

The Evolve® LED L-Series Wall Pack, **EWL**, is a designed replacement for 50W to 250W HID, while offering significant energy savings in a long-life LED wall pack. The EWL's 2-screw housing design enables a fast and simplified installation. The low-watt Egress package (13W) is designed to meet recommended illuminance requirements for egress applications such as side and rear exit doors in commercial buildings and can meet NFPA 101 life safety lighting requirements when used with external battery backup. Increase the Sense of Security with the EWL.



Features:

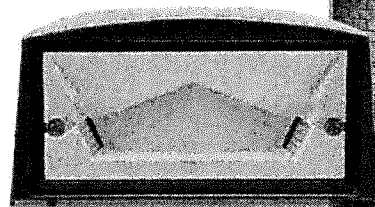
- 1500 and 4000 lumen output
- High Brightness LEDs
- 70 CRI @ 3000K, 4000K, and 5000K typical
- L90 > 100,000 hours (1500lm), L90 > 60,000 hours (4000lm)
- Small Form Factor, <10 lbs
- 0-10V Dimming
- Motion Sensor & Button Photo Electric Sensors available
- Impact resistant tempered glass lens
- Zero up-light construction, full cut-off
- International Dark-Sky Association (IDA) Approved for 3000K CCT
- Robustly engineered and tested using Current Six Sigma standards

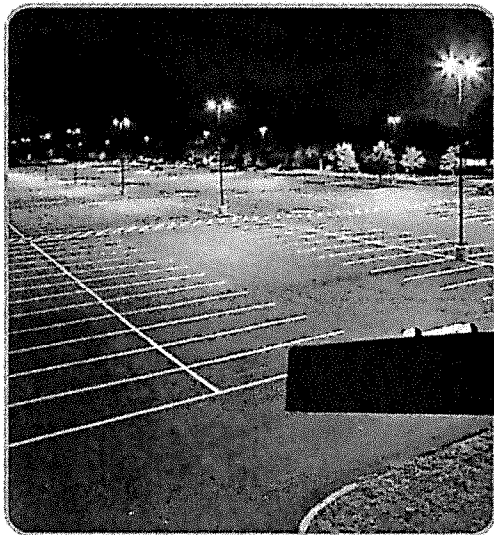
Applications:

- Building entrances and perimeters
- Side and rear exit doors
- Retail and commercial buildings



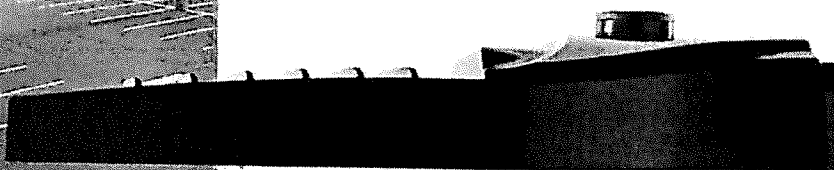
DLC Premium & Standard qualified models available. Please visit designlights.org/QPL for complete information





EVOLVE

LED Area & Wall Pack Lighting



The Current Difference

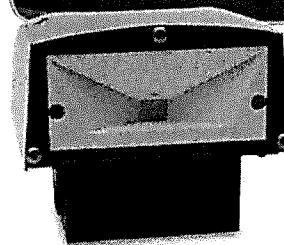
Building on a reputation for quality and excellence that dates back to Edison's first electric light bulb, Current brings an unsurpassed depth and breadth of expertise to every product. Our commitment to providing the greatest value in high technology solutions is stronger than ever. We deliver innovative options backed by the international reputation of our 130-plus years in the business.



From roadways to residential neighborhoods, parking lots to public spaces, Evolve® by Current outdoor LED lighting fixtures are redefining the limits of high-quality, low-maintenance, energy-efficient illumination. Welcome to the next evolution of outdoor lighting.

Get ready to shine.

For more information or to get started, contact your Current Lighting sales representative or visit LED.com



Current®

Current - GLI Brands
25425 Science Park
Beachwood, OH 44122

LED.com

© 2023 Current Lighting Solutions, LLC. All rights reserved. Information and specifications subject to change without notice. All values are design or typical values when measured under laboratory conditions.

(Rev 06/27/23)
OLP3130

Previous Recommended Condition:

Prior to issuance of a building permit, JHI shall submit a **Lighting Plan** illustrating the location, type, and shielding of all proposed exterior lighting. Lighting shall be designed and located to **minimize offsite glare**, in alignment with Community Development Department (CDD) standards applied to other commercial developments.

Agency Coordination and Environmental Compliance

Juneau Hydropower Inc. (JHI) has fully complied with the **U.S. Forest Service's Preliminary 4(e) Conditions** and the **Alaska Department of Fish and Game's (ADF&G) Section 10(j) Recommendations**, as outlined in the FERC Environmental Impact Statement (EIS). The **Alaska Department of Natural Resources (ADNR)** deferred to the Alaska Department of Fish and Game (ADF&G) for mitigation recommendations, and ADF&G was the sole agency to submit formal 10(j) conditions.

ADF&G's 10(j) recommendations addressed:

- Water quantity, quality, and timing
- Setbacks from Sweetheart Creek
- Smolt passage and fish screening
- Bio-aquatic monitoring
- Bear safety planning and operations
- Wildlife disturbance and passage
- Avian-safe power line and pole design

JHI has obtained an **ADF&G Fish Habitat Permit** for the hydroelectric generation component. For the transmission component, **no poles will be placed within 100 feet of known anadromous streams**, thereby eliminating the need for a Fish Habitat Permit for that portion of the Utility Project.

The **US Army Corps of Engineers Clean Water Act Section 404 Permit**, covering both the hydropower and transmission components, has been submitted and approved. The Army Corps served as a **cooperating agency** with FERC in reviewing and approving the Project EIS.

All referenced permits, approvals, and environmental plans are described in earlier sections of this Application Narrative and are available via the **FERC eLibrary under Project P-13563**: <https://elibrary.ferc.gov/eLibrary/search>

Planning Division Pre Conference Final Report Issues and Determinations

Planning Division

1. **Zoning** – hydropower facility and submarine cable are in Rural Reserve; powerlines cross many emanating from Lena Substation along the Veterans Memorial Highway and through State and private land at Berners Bay Alaska- zoning districts D1, D3 and Rural Reserve

2. **Table of Permissible Uses** – Major Utility, category 17.200

3. **Subdivision** – N/A

4. **Setbacks** – N/A

5. **Height** – N/A

6. **Access** – N/A

7. **Parking & Circulation**– N/A

8. **Lot Coverage** – N/A

9. **Vegetative Coverage** – N/A

10. **Lighting** – The applicant should address lighting in the project narrative if relevant.

Response- *Lighting and mitigation is addressed in the Application narrative.*

11. **Noise** – The applicant should address noise in the project narrative if relevant. **Response -** *Noise and mitigation is addressed in the Application narrative.*

12. **Flood** –A Floodplain Development Permit will be required for any element of the Project within a mapped Special Flood Hazard Area. Floodplain Development standards most relevant to utility poles are listed in CBJ 49.70(g)(2).

Response. JHI refers CBJ Planning Staff and Planning Commissioners to JHI's Floodplain Development Permit, which JHI has meticulously developed and pre-submitted to CBJ Planning staff for review prior to the submission of this Conditional Use and Development Permit Application.

13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The project narrative should address any work within mapped landslide and avalanche areas (downtown Juneau area only). It may be helpful in the project narrative to address work in known but not formally mapped and adopted landslide/avalanche areas, and address how the development will be constructed and protected with this risk. **Response. JHI has provided detailed information for this requirement.**

14. **Wetlands** – The applicant should address wetland impacts and Corps of Engineers permits in the Project narrative. **Response. JHI has addressed this matter and submitted its Corps of Engineers permits in Attachment 9.**

15. **Habitat** – Check with the US Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. Verify that transmission lines are not within 50 feet of any anadromous waterbodies.

16. **Plat or Covenant Restrictions** – N/A

17. **Traffic** – N/A

18. **Nonconforming situations** – There are no known nonconforming situations on the affected parcels.

17. **Traffic** – N/A

18. **Nonconforming situations** – There are no known nonconforming situations on the affected parcels.

Building Division

19. **Building** – N/A

20. **Outstanding Permits** – N/A

General Engineering/Public Works

21. **Engineering** – From the information provided, the Project as described does not appear to impact CBJ infrastructure.

22. **Drainage** – No immediate concerns.

23. **Utilities** – (water, power, sewer, etc.) – No immediate concerns relevant to CBJ General Engineering.

Fire Marshal

24. **Fire Items/Access** – N/A

Other Applicable Agency Review

25. Applicant has obtained other state and federal agency permits. **Response. Submitted with the CUP Application and Narrative.**

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the Project to receive a thorough and speedy review.

1. Development Permit Application (Letter of Permission is authorized for state and federal agencies who do not want to sign the DPA form.). **Response. Response. Submitted with CUP Application and Narrative**

2. Conditional Use Permit Application. **Response. Submitted with Narrative.**

3. Floodplain Development Permit Application, if any work falls within a mapped Special Flood Hazard Area. **Response. Submitted with Narrative. Draft Floodplain permit previously submitted and preapproved.**

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below.

These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report. **Response. Submitted with CUP Narrative and Application as Attachment 1**

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Juneau Hydropower Inc. is pleased to submit its **Utility Project Conditional Use Permit, Development Permit, and Floodplain Permit** for **timely review, staff recommendation, and consideration by the CBJ Planning Commission**. These approvals are essential for JHI to move forward with construction and begin delivering **reliable, renewable utility services** that will benefit the citizens of Juneau.

If you have any questions or require further information, please don't hesitate to contact us. You can contact me directly at (907) 723-2481 or by email at duff.mitchell@juneauhydro.com.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Duff Mitchell', with a stylized flourish at the end.

Duff Mitchell
Managing Director
Juneau Hydropower Inc.

Juneau Hydropower Inc.

CUP Application and Supporting Documents

Attachment 1- CBJ PreConference Report

Attachment 1



(907) 586-0715
CDD_Admin@juneau.org
www.juneau.org/community-development
155 S. Seward Street • Juneau, AK 99801

Juneau Hydropower Hydroelectric Dam and transmission lines

Case Number: PAC2023 0028
Applicant: Duff Mitchell for Juneau Hydropower Inc.
Property Owner: Various
Property Address: Various
Parcel Code Number: Various
Site Size: Undetermined; site size encompasses the hydropower site, powerlines, and submarine cable
Zoning: Various
Existing Land Use: Various

Conference Date: July 26, 2023

Report Issued: August 23, 2023

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Duff Mitchell	Applicant	Duff.mitchell@juneauhydro.com
Kriss Hart	Applicant	Kriss@wmc2775.com
Ted Deats	Applicant	finaleboat@gmail.com

Teri Camery	Senior Planner	teri.camery@juneau.gov
Bridget LaPenter	General Engineering	bridget.lapenter@juneau.gov
David Sevdý	Permitting	David.sevdy@juneau.gov
Revised 5/07/2021		

c:\users\david_sevdy\desktop\pac v3.docx

Attachment 1

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports. The following is a list of issues, comments, proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant, Juneau Hydropower Inc., plans to construct 1) a dam and hydroelectric generators at the outflow of Sweetheart Lake 30 miles south of Juneau; 2) associated transmission lines to connect with the Snettisham transmission line; and 3) a transmission line from AELP's substation to Slate Creek Cove on the north shore of Berners Bay to supply Kensington Mine with electricity. The applicant has obtained the FERC license, ADNLR land permits, Corps wetland permits, and other relevant permits.

The development falls under TPU Category 17.200, Major Utility, and requires a Conditional Use Permit in all zoning districts except for the MU and MU2 zoning districts. The hydropower facility is in the Rural Reserve zoning district, while the powerlines cross many districts.

The Sweetheart Lake hydropower project was originally permitted in 2016 as USE2016-0021. The project has not been constructed, and the USE permit has expired. The USE2016-0021 permit application included a Letter of Permission from the State of Alaska Department of Natural Resources instead of the signed Development Permit Application (DPA) that the Community Development Department typically requires. Staff has confirmed with Community Development Department Jill Maclean has confirmed that this type of letter is acceptable from state and federal agencies who will not sign the DPA form.

The Conditional Use Permit application materials should include the following:

To be complete	ALL REQUIRED DOCUMENTS ATTACHED	
	☐ Narrative including: ☐ Current use of land or building(s) ☐ Description of project, project site, circulation, traffic etc. ☐ Proposed use of land or building(s) ☐ How the proposed use complies with the Comprehensive Plan ☐ Plans including: ☐ Site plan ☐ Floor plan(s) ☐ Elevation view of existing and proposed buildings ☐ Proposed vegetative cover ☐ Existing and proposed parking areas and proposed traffic circulation ☐ Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)	<i>If this is a modification or extension include:</i> ☐ Notice of Decision and case number ☐ Justification for the modification or extension ☐ Application submitted at least 30 days before expiration date

Expanding on the requirements above, the project narrative should also address:

- A detailed site plan and list of parcel code numbers for all properties affected by the development, for the full length of the transmission line.

Attachment 1

- A signed Development Permit Application or a Letter of Permission (from state and federal agencies only) must accompany each parcel, or the form or letter must clearly state all properties addressed by the property owner.
- Work within the mapped Special Flood Hazard Area of CBJ's adopted National Floodplain Insurance Rate Map and how the project complies with CBJ floodplain management requirements in CBJ Code 49.70.400;
- Work within any mapped landslide and avalanche areas;
- Construction schedule if known;
- Any noise impacts (likely only during construction), and how noise will be addressed;
- A description of lighting (must be non-glare, downward facing);
- State and federal permits for the development; and
- Habitat impacts, including any work in proximity to anadromous waterbodies.

Planning Division

1. **Zoning** – hydropower facility and submarine cable are in Rural Reserve; powerlines cross many districts
2. **Table of Permissible Uses** – Major Utility, category 17.200
3. **Subdivision** – N/A
4. **Setbacks** – N/A
5. **Height** – N/A
6. **Access** – N/A
7. **Parking & Circulation** – N/A
8. **Lot Coverage** – N/A
9. **Vegetative Coverage** – N/A
10. **Lighting** – The applicant should address lighting in the project narrative if relevant.
11. **Noise** – The applicant should address noise in the project narrative if relevant.
12. **Flood** –

A Floodplain Development Permit will be required for any element of the project within a mapped Special Flood Hazard Area. Floodplain Development standards most relevant to utility poles are listed in CBJ 49.70(g)(2).

13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The project narrative should address any work within mapped landslide and avalanche areas (downtown Juneau area only). It may be helpful in the project narrative to address work in known but not formally mapped and adopted landslide/avalanche areas, and address how the development will be constructed and protected with this risk.

14. **Wetlands** – The applicant should address wetland impacts and Corps of Engineers permits in the project narrative.
15. **Habitat** – Check with the US Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. Verify that transmission lines are not within 50 feet of any anadromous waterbodies.
16. **Plat or Covenant Restrictions** – N/A

Attachment 1

17. **Traffic** – N/A
18. **Nonconforming situations** – There are no known nonconforming situations on the affected parcels.

Building Division

19. **Building** – N/A
20. **Outstanding Permits** – N/A

General Engineering/Public Works

21. **Engineering** – From the information provided, the project as described does not appear to impact CBJ infrastructure.
22. **Drainage** – No immediate concerns.
23. **Utilities** – (water, power, sewer, etc.) – No immediate concerns relevant to CBJ General Engineering.

Fire Marshal

24. **Fire Items/Access** – N/A

Other Applicable Agency Review

25. Applicant has obtained other state and federal agency permits.

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application (Letter of Permission is authorized for state and federal agencies who do not want to sign the DPA form.)
2. Conditional Use Permit Application
3. Floodplain Development Permit Application, if any work falls within a mapped Special Flood Hazard Area

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below.

These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Class V Conditional Use Permit, \$1600.00
2. Conditional Use Permit Public Notice Sign Fee \$50; deposit \$100.
3. Floodplain Development Permit if applicable; \$100.00

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

49.70 Article IV Flood Hazard Areas
49.15.330 – Conditional Use Permit
USE2016 00021 Notice of Decision
Development Permit Application
Conditional Use Permit Application
Floodplain Development Permit Application

Utility Service Area and Legal Description

Utility Service Area Maps and Legal Description of Proposed Service Area

The legal description of these areas is shown below:

Generation, Transmission, and Sales (Sheet 4 Sweetheart Lake Area):

Range: 74E	Township: 45S	Sections: 5, 6, 7, 8
Range: 73E	Township: 44S	Section: 32
Range: 73E	Township: 45S	Sections: 1, 2, 3, 12, 11, 10, 9, 15, 16, 17, 21, 20, 19, 29, 30
Range: 72E	Township: 45S	Sections: 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25
Range: 71E	Township: 45S	Sections: 1, 12

Transmission and Sales (Sheet 2, 3 Berners Bay and Herbert Glacier Areas)

Range: 64E	Township: 38S	Section: 36
Range: 65E	Township: 38S	Sections: 31, 32, 33, 34, 35
Range: 65E	Township: 39S	Sections: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
Range: 63E	Township: 37S	Sections: 1, 2
Range: 64E	Township: 37S	Section: 6
Range: 63E	Township: 36S	Sections: 7, 18, 19, 28, 29, 30, 31, 32, 33
Range: 62E	Township: 36S	Sections: 1, 2, 12, 13
Range: 62E	Township: 35S	Sections: All (1-36)

High-Voltage Transmission Only (69 kV and above) (Sheet 3)

Range: 63E	Township: 37S	Sections: 12, 13, 24, 25, 36
Range: 63E	Township: 38S	Section: 1
Range: 64E	Township: 38S	Sections: 6, 7, 8, 17, 18, 20, 21, 28, 33, 34, 35
Range: 64E	Township: 39S	Sections: 1, 2, 3, 11, 12, 13, 24, 25, 36

Range: 64E Township: 40S Sections: 1, 12, 13

Range: 65E Township: 40S Sections: 6, 7, 18, 19

Maps of Juneau Hydropower's service area are included below.

The blue and blue hashed areas represent JHI's proposed Generation, Transmission, and Electric Sales service areas.

The unfilled blue dashed sections represent areas that are in AEL&P's service area, which JHI intends to provide high-voltage transmission services required to service the proposed JHI service areas. The high-voltage transmission area overlay remains AEL&P's exclusive service area for distribution transmission and electric service sales.

The Green lines and related description identify the easements or LONO's associated with the Juneau Utility Project.

Attachment 1



Community Development

City & Borough of Juneau • Community Development
155 S. Seward Street • Juneau, AK 99801
(907)586-0715 Phone • (907) 586-4529 Fax

PLANNING COMMISSION

NOTICE OF DECISION Date:

August 25, 2016

File No.: USE2016 0021

Juneau Hydropower Inc.

Attn: Duff Mitchell

PO Box 22775

Juneau, AK 99802

Email duff.mitchell@juneauhydro.com

Application For: A Conditional Use Permit for the Sweetheart Lake Hydroelectric Project

Legal Description: Not applicable

Property Address: Not applicable

Parcel Code No.: Zero Parcel

Hearing Date: August 23, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 10, 2016, and approved the Conditional Use Permit for the Sweetheart Lake Hydroelectric Project, to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare.

Attachments: August 10, 2016 memorandum from Teri Camery, Community Development, to the CBJ Planning Commission regarding USE2016 0011.

This Notice of Decision does not authorize construction activity. Prior to starting any project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 Juneau Hydropower, Inc.

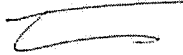
File No.: USE2016 0021

August 25, 2016 Page 2 of 2

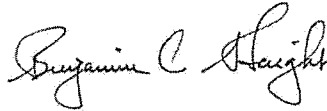
(c). Any action by the applicant in reliance on the decision of the Planning Commission shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).

Effective Date: The permit is effective upon approval by the Commission, August 23, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or February 23, 2017, if no Building Permit has been issued and substantial construction progress has Project not been made in accordance with the plans for which the development permit Planner: was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.



Teri Camery, Senior Planner
Community Development Department



Ben Haight, Chair
Planning Commission



Filed With City Clerk

8/30/2016

Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.

Attachment 2- JHI Utility Map, Land Ownership, Easements or Letter of No Objection and Legal Description

Note, due to file size and detail of maps, this attachment is attached as a separate file to this set of applications.

Attachment 3 USACE 404 PERMITS

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, US ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

October 22, 2021



Regulatory Division
POA-2009-01064-M1

Juneau Hydropower Inc.
Attention: Mr. Duff W. Mitchell
Post Office Box 22775
Juneau, Alaska 99802

Dear Mr. Mitchell:

Enclosed is the signed Department of the Army (DA) permit modification, file number POA-2009-01064-M1, Sweetheart Lake. This is the first permit modification of the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

If changes to the plans or location of the work are necessary for any reason, plans must be submitted to us immediately. Federal law requires approval of any changes before construction begins.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at Randal.P.Vigil@usace.army.mil, by mail at the address above or by phone at (907) 201-5022, if you have questions. For more information about the Regulatory program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.



Sincerely,

Enclosure

Randal P. Vigil Project Manager

DEPARTMENT OF THE ARMY
ALASKA DISTRICT, US ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

October 22, 2021



Regulatory Division
POA-2009-01064-M1

DEPARTMENT OF THE ARMY
PERMIT MODIFICATION

Department of the Army permit number POA-2009-01064, Sweetheart Lake, was issued to Mr. Duff W. Mitchell, Juneau Hydropower Inc., on November 9, 2016, authorizing the following work to construct the Sweetheart Lake Hydroelectric Project:

1. Discharge approximately 1,028 cubic yards of rock fill into 0.21 acre of Sweetheart Creek to construct two cofferdams and a 280' wide, 111-foot-high roller-compacted concrete (RCC) dam with a 45' long, 25' wide, 16' high rectangular concrete intake structure, with (6) 7' diameter, 10' high cylindrical fish screens adjacent to the right dam abutment, and a 125' wide ungated overflow spillway at a crest elevation of 636 feet. The RCC dam will permanently increase Sweetheart Lake's existing elevation by 25 feet to an elevation of 576 feet, and the maximum elevation to 636 feet, for a total maximum increase of 85 feet. The inundation area will result in the permanent conversion of waters of the US including, 11.38 acres of wetlands and 15,233 linear feet of stream channel to lacustrine habitat. Additionally, 14,130 linear feet of stream and 16.34 acres of wetlands will be impacted to varying degrees as a result of seasonal inundation.

2. The construction of the powerhouse facilities will include 155,000 cubic yards of excavation within upland and wetland resources and a discharge of 28,000 cubic yards of fill resulting in the permanent loss of 2.42 acres of forested wetlands. These facilities include a 160' long, 60' wide powerhouse, a 541' long (30-90' wide) tailrace with a fish

exclusion structure, a 25' long, 5' wide, 4' deep salmon smolt re-entry pool located adjacent to the powerhouse and tailrace, a 22,000 square foot fenced switchyard, and a 44,431 square foot visual landform barrier.

3. Discharge approximately 194,000 cubic yards of material below the high tide line (approximate elevation +20.8' above the 0.0' contour) (HTL), on the east side of Gilbert Bay. Activities include the construction of a 4,400' long coastal road, a 4,225 square foot caretaker's facility, a dock pad, staging areas, a 4,800-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility. These activities are connected and will permanently fill 0.48 acre of estuarine wetland, and 9.18 acres of marine waters.

-2-

4. Construct an 8.69-mile-long, 138-kilovolt transmission line traversing Gilbert Bay, the Snettisham Peninsula, and Port Snettisham, consisting of: (a) two buried segments, totaling 4,800 feet in length; (b) two submarine segments within Waters of the US below the mean high water mark (approximate elevation +15.4' above the 0.0' contour) (MHW), totaling 25,700 feet in length; and (c) one 15,400-footlong overhead segment. These activities will result in the discharge of 7,000 cubic yards of fill permanently impacting 1.0 acre of marine waters at 4 separate locations below the HTL. Additionally, 0.29 acre of forested wetland would be permanently filled from transmission line tower construction, and 18.8 acres of forested wetlands would be converted to emergent wetlands as a result of ground crews hand clearing the transmission line right of way.

5. Construct a marine dock facility within waters of the US below the MHW mark, including a rock ramp (included with the dock pad above), mooring dolphins, small boat float, and a sea plane float. The dock will be constructed of steel and treated wood and will consist of a 100' gangway, a 24' x 100' loading float and a 4,500 square foot timber seaplane float. All supported by (14) 24" steel piles that will be installed utilizing vibratory hammer and/or impact hammer (if required).

The project site is located within Section 24, T. 45 S., R. 72 E., Copper River Meridian; USGS Quad Map SUMDUM D-6; Latitude 57.9561° N., Longitude 133.6911° W.; located within the Borough of Juneau, approximately 35 miles southeast of Juneau, Alaska.

This is the first modification of the original permit. In accordance with your request, General Condition No. 1 of the permit is hereby amended to read as follows:

The time limit for completing the work authorized ends on **October 31, 2026**. If you find that you need more time to complete the authorized activity, please submit your request for a time extension to the Corps of Engineers for consideration at least one month before permit expiration.

All other conditions under which the subject authorization was made remain in full force and effect.

This authorization and the enclosed modified plans should be attached to the original permit. Also enclosed is a Notice of Authorization that should be posted in a prominent location near the authorized work.

A handwritten signature in black ink, appearing to read "Randal P. Vigil". The signature is fluid and cursive, with a large initial "R" and "V".

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Randal P. Vigil
Project Manager



**This notice of authorization must be
conspicuously displayed at the site of work.**

United States Army Corps of Engineers
Sweetheart Lake

**A PERMIT TO: DISCHARGE FILL MATERIAL AND INSTALL STRUCTURES IN
WATERS OF THE UNITED STATES, INCLUDING WETLANDS FOR THE
CONSTRUCTION OF SWEETHEART LAKE HYDROELECTRIC PROJECT**

**AT: LATITUDE 57.9561° N., LONGITUDE 133.6911° W.; WITHIN THE
BOROUGH OF JUNEAU, APPROXIMATELY 35 MILES SOUTHEAST OF
JUNEAU, ALASKA**

HAS BEEN ISSUED TO: DUFF W. MITCHELL, JUNEAU HYDROPOWER INC.

ON: OCTOBER 22, 2021 AND EXPIRES ON: OCTOBER 31, 2026.

ADDRESS OF PERMITTEE: PO BOX 22775, JUNEAU, AK 99802.

PERMIT NUMBER:

Under "View", change to
Print View

POA-2009-01064-

**FOR: *District Commander*
Randal P. Vigil Project
Manager
REGULATORY DIVISION**



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 22270
JUNEAU, AK 99802-2270

September 23, 2022

Regulatory Division
POA-2019-00308

Duff Mitchell
Juneau Hydropower
P.O. Box 22775
Juneau, AK 99801

Dear Mr. Mitchell:

This is in response to your September 9, 2022, request for reverification of work previously authorized on August 28, 2020, to discharge 1,170 cubic yards of gravel fill material into 0.027-acres of wetlands in order to facilitate the construction of a transmission line to run 23.5 miles along Veteran's Memorial High. It has been assigned file number POA-2019-00308, Eagle River, which should be referred to in all future correspondence with this office. The project site is located within Section 34, T. 38 S., R. 64 E., Copper River Meridian, USGS Map Juneau C-3; at Latitude 58.5327° N., Longitude -134.829344° W.; Juneau Borough, near Juneau, Alaska.

DA permit authorization is necessary because your project will involve the discharge of fill material into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan, dated July 2020, is authorized by Nationwide Permit (NWP) No. 57, Electric Utility Line and Telecommunications Activities. NWP No. 57 and its associated Regional and General Conditions can be accessed at our website at: www.poa.usace.army.mil/Missions/Regulatory/Permits. You must comply with all terms and conditions associated with NWP No. 57.

Further, please note General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

Unless this NWP is modified or revoked, it expires on March 14, 2026. It is incumbent upon you to remain informed of the changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact Ms. Delana Wilks via email at Delana.P.Wilks@usace.army.mil, by mail at the address above, or by phone at (907) 201-5021, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

A handwritten signature in black ink, appearing to read "Randal P. Vigil", with a large, stylized initial "R" and "V".

Randal P. Vigil
Project Manager

Enclosures

ENCLOSURE



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2019-00308

Name of Permittee: Juneau Hydropower

Date of Issuance: September 22, 2022

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Ms. Delana Wilks at cepoa-rd-kenai@usace.army.mil, or the following address:

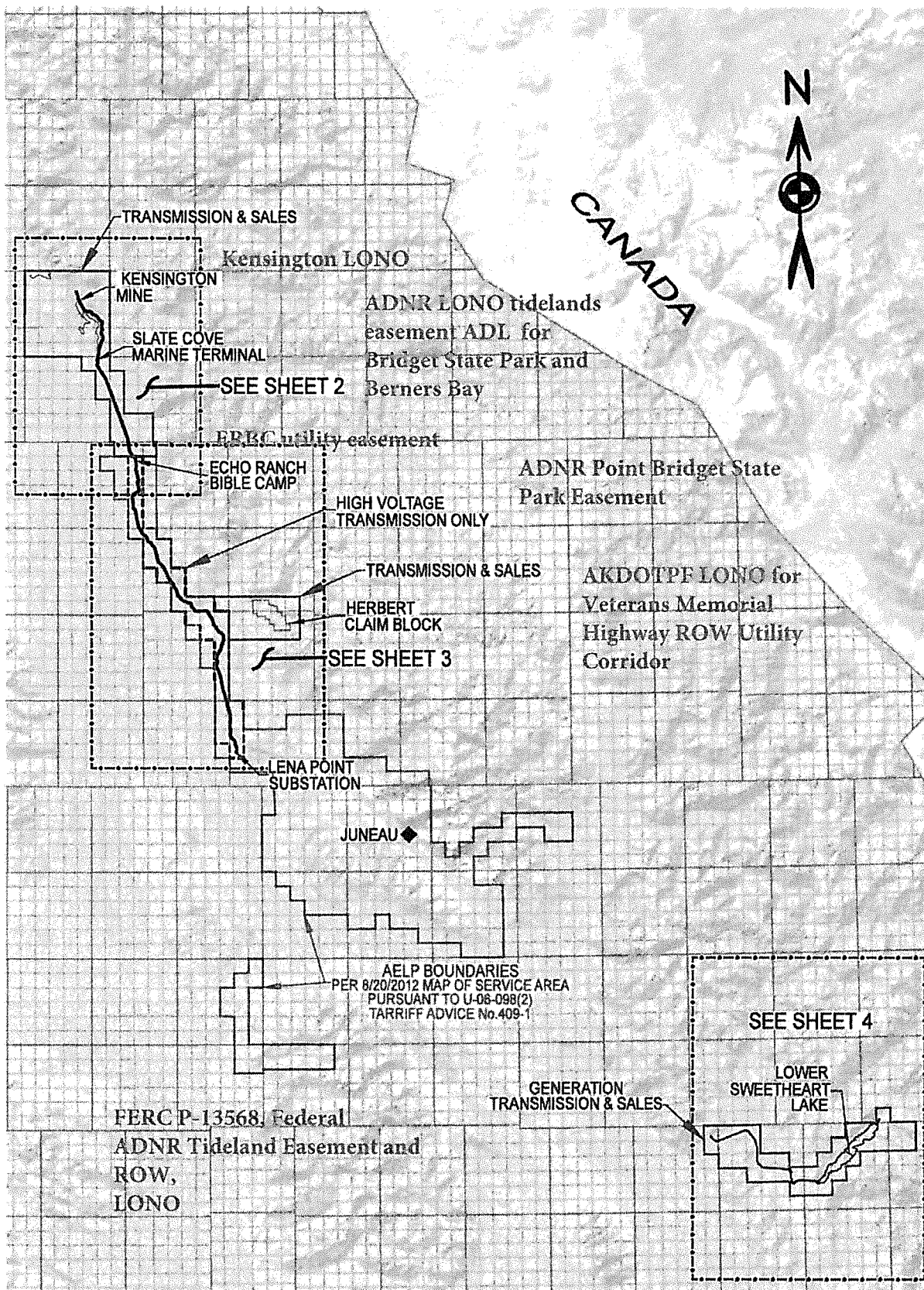
U.S. Army Corps of Engineers
Alaska District
Regulatory Division
Post Office Box 22270
Juneau, Alaska 99802-2270

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

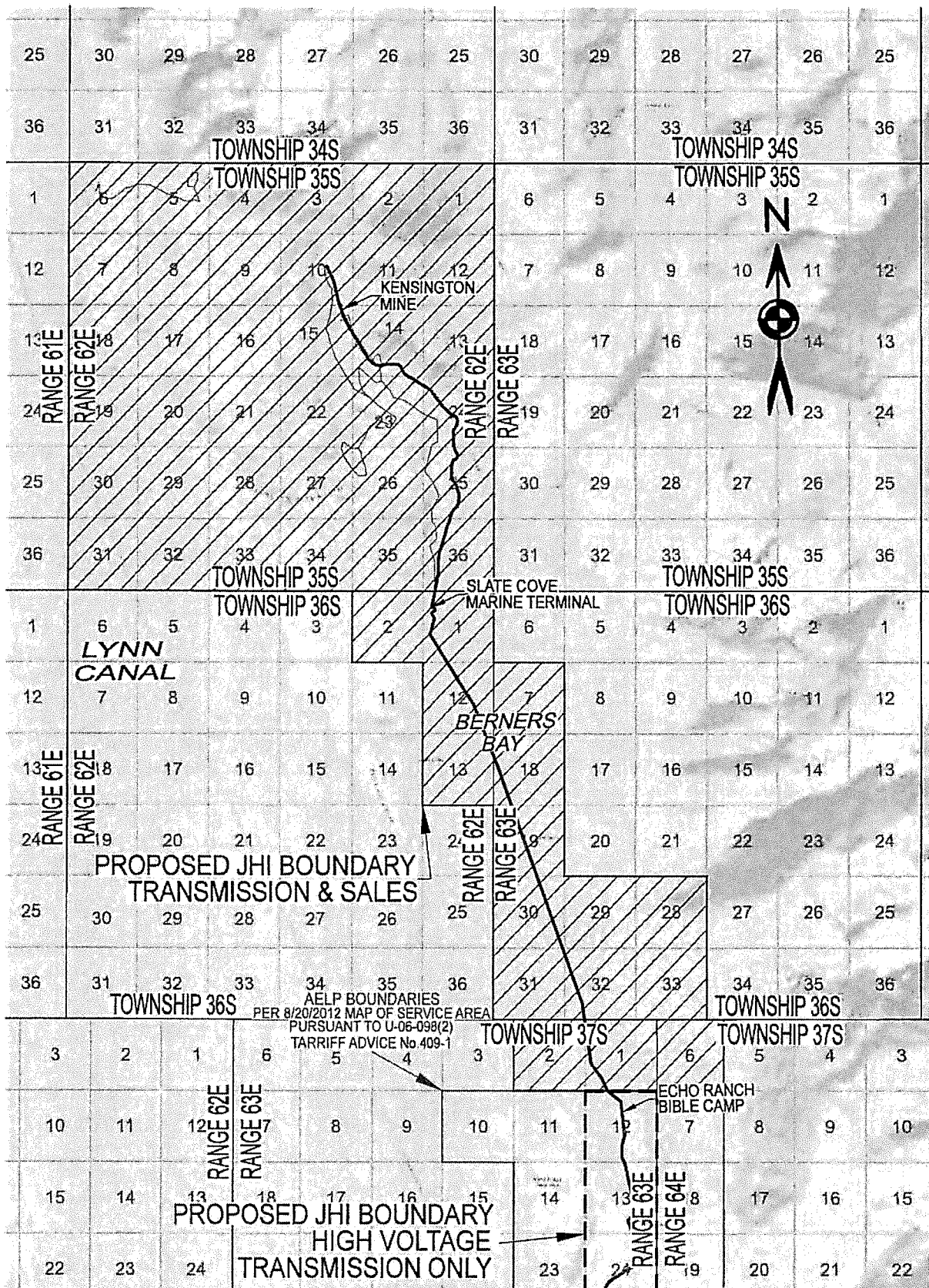
I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

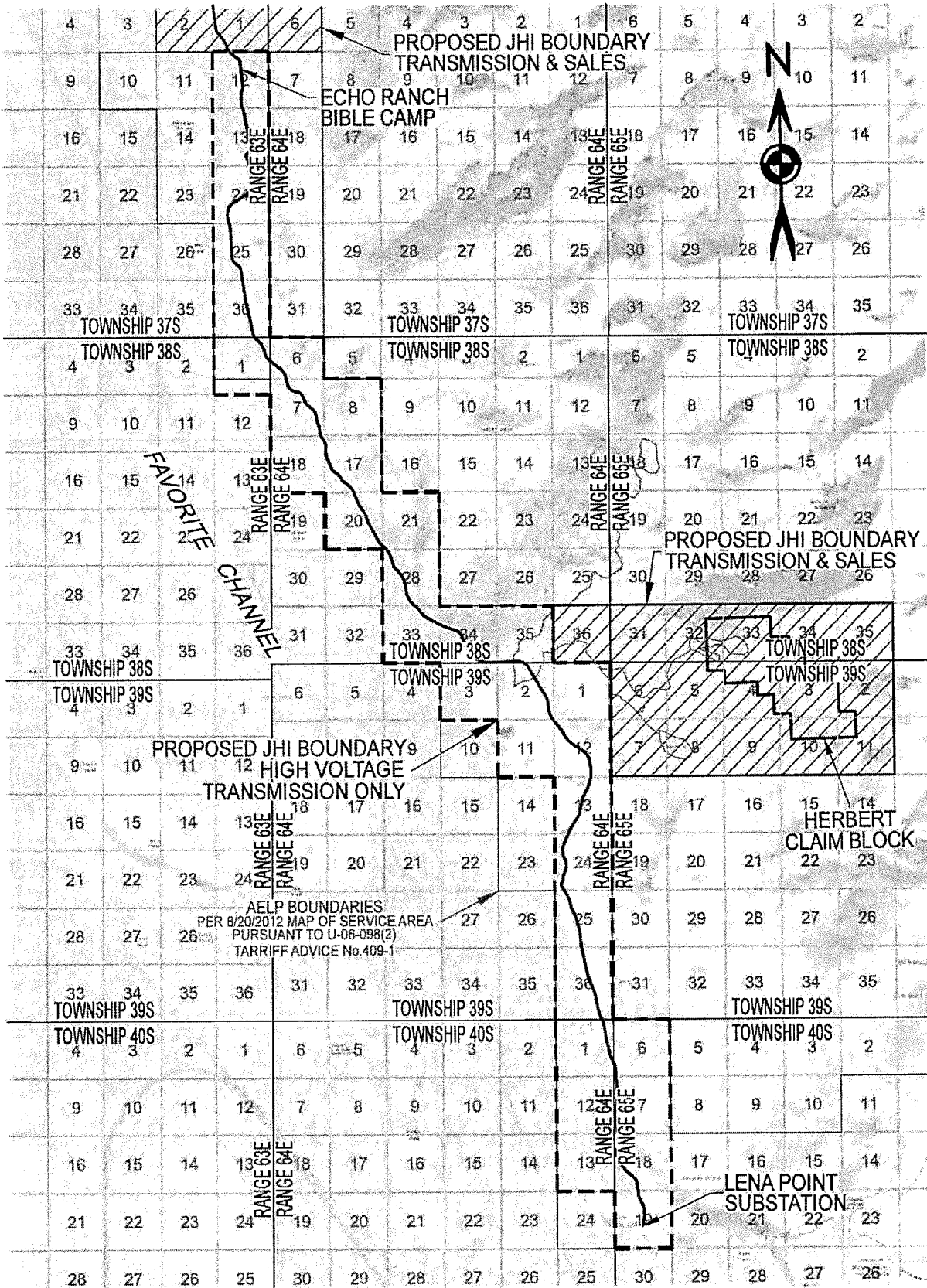
Date



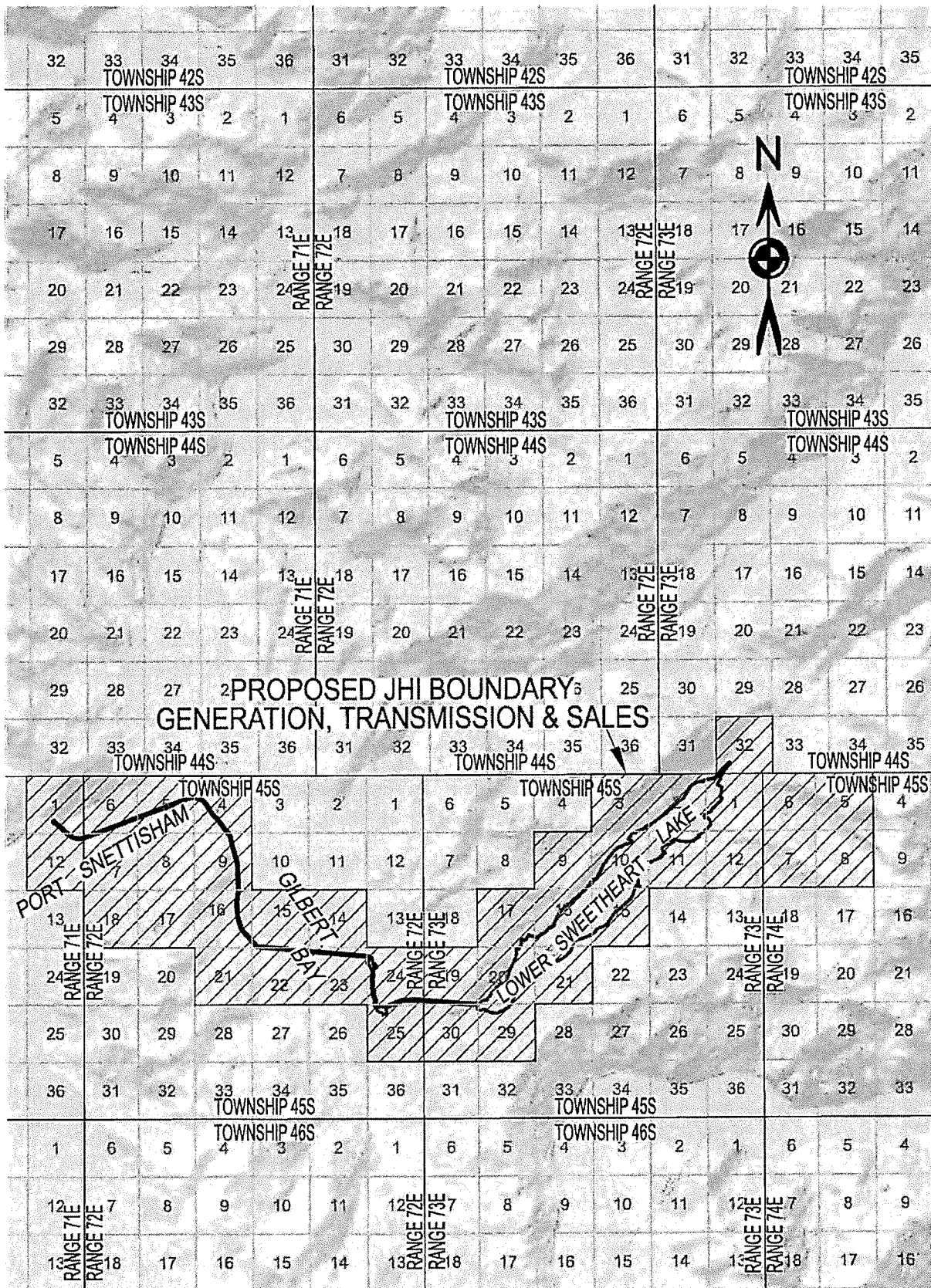
JUNEAU HYDROPOWER INC. SERVICE AREA OVERVIEW MAP



JUNEAU HYDROPOWER INC. SERVICE AREA KENSINGTON/BERNERS BAY



JUNEAU HYDROPOWER INC. SERVICE AREA HIGH POWER TRANSMISSION & HERBERT CLAIM BLOCK



JUNEAU HYDROPOWER INC. SERVICE AREA SWEETHEAR LAKE FERC

**JUNEAU HYDROPOWER, INC. UTILITY EASEMENT**

Gospel Missionary Union, DBA Echo Ranch Bible Camp (ERBC), PO Box 210608, Auke Bay, AK 99821 ("Grantor"), for good and valuable consideration, the receipt of which is acknowledged, grants to Juneau Hydropower Inc., an Alaska corporation whose address is PO Box 22775 Juneau, AK 99802 ("JHI"), its successors and assigns, a 60-foot-wide exclusive electrical utility easement in perpetuity, as more fully depicted in the following parcels:

A 60-foot utility easement located on the following lots:

Tract B1-1, U.S.S NO. 1154, according to the official plat thereof, filed as Plat No. 2023-8, Juneau Recording District, First Judicial District, State of Alaska.

Government Lot 6, Section 13, Township 37 South, Range 63 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

Government Lot 16, Section 13, Township 37 South, Range 63 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

Government Lot 17, Section 13, Township 37 South, Range 63 East, Copper River Meridian, Juneau Recording District, First Judicial District, State of Alaska.

U.S. Survey No. 1157 (H.E.S. No. 83), Juneau Recording District, First Judicial District, State of Alaska.

U.S. Survey No. 2925 (H.E.S. No. 253), Juneau Recording District, First Judicial District, State of Alaska.

And a 90 ft X 165 ft. substation located on the following lot:

U.S. Survey No. 2925 (H.E.S. No. 253), Juneau Recording District, First Judicial District, State of Alaska.

Final route will be mutually agreed upon by the parties and surveyed. An Exhibit A with a map of easement and substation will become a component of this easement.

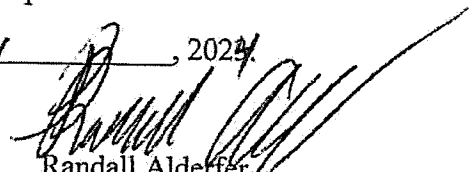
This grant gives JHI the right of ingress and egress together with the right to construct, reconstruct, repair, maintain operate, upgrade, and patrol, for the transmission and distribution of communication services and electric current, substations, wires, cables, poles, and all necessary

appurtenances, and to remove, renew, replace, add to any or all of such facilities, through, over, in, under and across the premises as may from time to time be necessary or desirable for the exclusive use, occupation, and enjoyment of such right-of-way, and the right to excavate, remove soils or fill on said premises, and the right to cur and keep clear of all trees, shrubbery, undergrowth and other obstructions on the premises as reasonably required for the construction, reconstruction, relocation, installation, operation, and maintenance of such facilities, including the trimming or removal of trees within or without the easement described above, if threatening JHI facilities.

Grantors(s) warrant and covenant that Grantor(s) are the owners of the above-described land, have the right to convey this easement, and that JHI shall have quiet and peaceful use of the easement. Any entity to whom JHI is legally or contractually obligated to allow the use of JHI's easements is also hereby warranted and covenanted the right of ingress and egress and the quiet and peaceful use of this easement of the entity's utility purposes.

Signed by Grantors this 24TH day of JANUARY, 2024.


Duff Mitchell
Juneau Hydropower, Inc.
PO Box 22775
Juneau, Alaska 99802


Randall Alderfer
Gospel Missionary Union
Echo Ranch Bible Camp
PO Box 210608,
Auke Bay, AK 99821

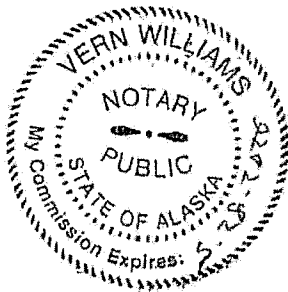
RETURN TO:
JUNEAU HYDROPOWER INC
PO BOX 22775
JUNEAU, AK 99802



State of Alaska)
) ss:
Third Judicial District)

This is to certify that on this 24 day of January, 2024, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Vern Williams, Duff Mitchell and Rantall Alder, to me known to be the person(s) described in and that they executed the foregoing instrument, and acknowledged the said instrument to be a free and voluntary act and deed for the uses and purposes therein mentioned.

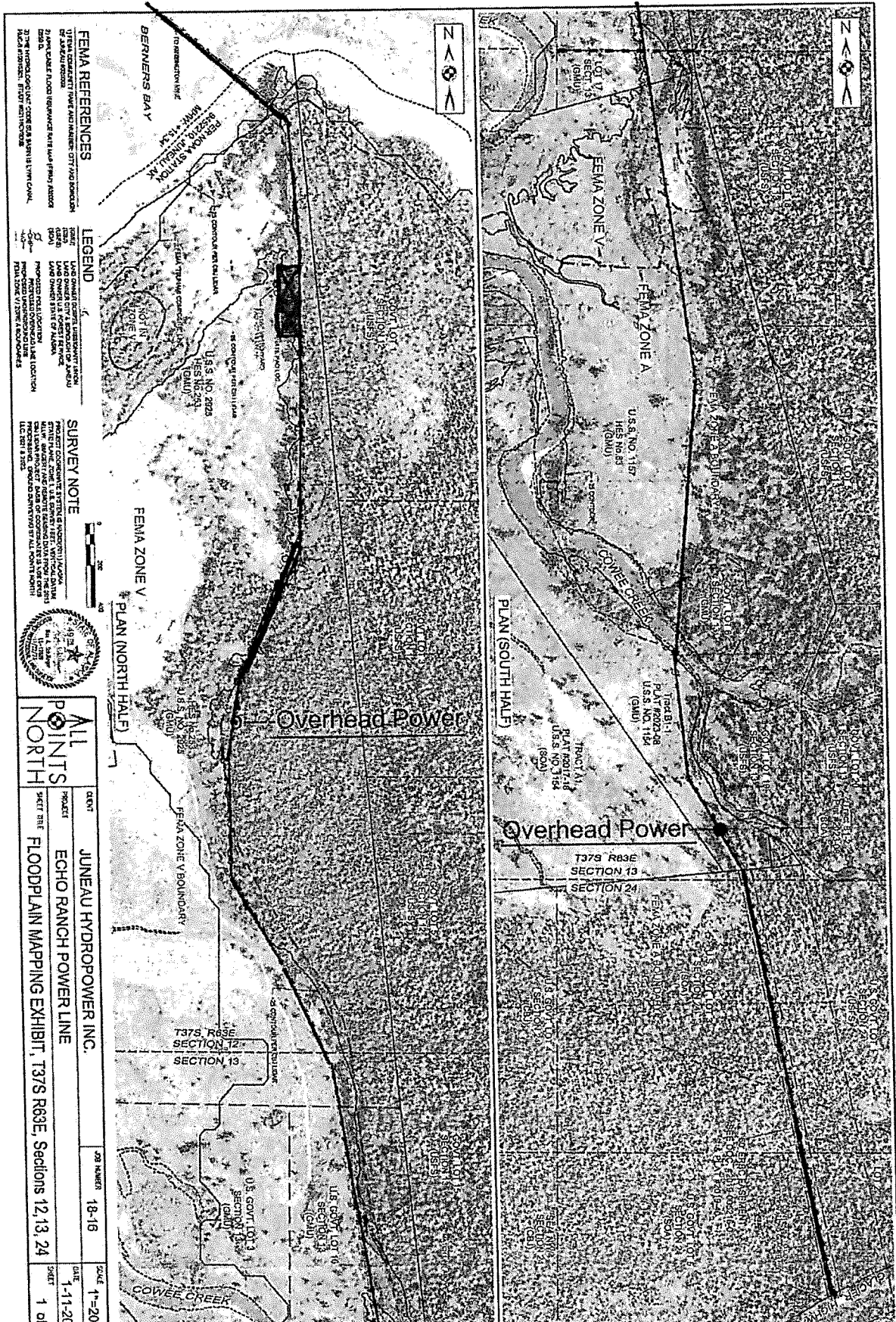
In Witness Whereof, I have hereunto set my hand and affixed my official seal this day and year herein above written.



Vern Williams
Notary Public in and for the State of Alaska
My commission expires: 5-28-2026



EXHIBIT A





United States of America } ss
State of Alaska

THIS IS TO CERTIFY that the foregoing is a full, true and correct copy of the document as it appears in the records and files of my office.

IN THE WITNESS WHEREOF, I have hereunto set my hand and have affixed my official seal at Anchorage, Alaska, this 23rd day of October 2024.

By H. G. Hall
Recorder



August 10, 2022

To whom it may concern:

Coeur Alaska, Inc. ("Coeur") strongly supports the granting of an easement to Juneau Hydropower, Inc. for the installation and operation of a submarine high-voltage electric transmission cable. Line power to Coeur's Kensington mine would allow the operation to eventually eliminate its reliance on diesel power and would thereby decrease power generation costs and greenhouse gas emissions.

Further, Coeur will allow Juneau Hydropower, Inc. to utilize Coeur's tideland easement A.T.S. 1655 for the proposed routing of the submarine electric transmission cable.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Ball", written over a horizontal line.

Steve Ball

General Manager

Coeur Alaska, Inc.



THE STATE
of **ALASKA**

GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TTY: 711 or 800-770-8973
Fax: 907.500.9011

February 6, 2024

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801

Letter sent via email

Ms. Camery:

Juneau Hydropower Inc. (JHI) has requested that the Division of Mining, Land & Water (DMLW) provide a letter of consent as the landowner for the City and Borough of Juneau (CBJ) to accept their application for a CBJ Conditional Use permit.

DMLW has received an application from JHI requesting land use authorization for the Lena Point to Kensington high voltage transmission line. However, the adjudication process has not been completed and no decision has been issued as to whether an easement would be approved for this project.

DMLW has no objection to JHI submitting an application to CBJ.

For state owned land, certain activities can be conducted as a "generally allowed use" under 11 AAC 96.020 without written authorization. DMLW grants permission to City and Borough officials, employees, and agents to enter the site during reasonable hours, to examine and inspect the site as part of the permitting procedure, as allowed by a "generally allowed use" under 11 AAC 96.020.

Hopefully, this letter of non-objection will serve your purposes, should CBJ determine to begin its review of the applicant's project. If you have any questions or concerns, please contact Kaitlyn Raffier at (907)465-3406 or at kaitlyn.raffier@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaitlyn Raffier".

Kaitlyn Raffier
Southeast Regional Manager
State of Alaska Department of Natural Resources, Division of Mining, Land and Water



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Transportation and
Public Facilities

SOUTHCOST REGION, D&ES
Right of Way Section

P.O. Box 112506
Juneau, AK 99811-2506
Main: 907-465-4540
Fax: 907-465-6212
dot.alaska.gov

Letter of Non Objection

November 2, 2023

To Duff Mitchell, Juneau Hydropower Inc.

The Department of Transportation and Public Facilities (DOT&PF) has no objection to Juneau Hydropower's planned installation of upgraded and new power poles on Glacier Highway from about Lena Point to about Echo Cove as shown on attached drawings dated 6/12/17.

Regards

A handwritten signature in black ink, appearing to read "Liam Carnahan".

Liam Carnahan
Utility Engineer
SouthCoast Region



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE

400 Willoughby Ave. 4th Floor
P.O. Box 111020
Juneau, Alaska 99811-1020
Main: 907 465-3400
Fax: 907 465-3886

June 6, 2016

Teri Camery, Senior Planner
City and Borough of Juneau
Community Development Department
155 S. Seward
Juneau, AK 99801

Ms. Camery:

Juneau Hydropower Inc. (JHI) has requested that our agency sign the attached consent form¹ as landowner for the City and Borough of Juneau (CBJ) to accept their application for a CBJ Conditional Use permit.

Our agency has received an application from JHI requesting land use authorization for this project. However, the adjudication process has not been completed and no decision has been issued as to whether a lease and/or easement would be approved for this project.

The state has no objection to JHI submitting an application to CBJ.

For state owned land, certain activities can be conducted as a "generally allowed use" under 11 AAC 96.020 without written authorization. At this project location, all of the state owned land is situated below the natural line of mean high water (MHW). The limited access needs to the site that were described could be accomplished under that regulation. Any activity that would exceed the parameters established under 11 AAC 96.020 would require written land use authorization.

DNR grants permission to City and Borough officials, employees, and agents to enter the site during reasonable hours, to examine and inspect the site as part of the permitting procedure, as allowed by a "generally allowed use" under 11 AAC 96.020.

Hopefully, this letter of non-objection will serve your purposes, should CBJ determine to begin its review of the applicant's project.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Edwardson".

Robert H. Edwardson
Southeast Regional Manager

¹ "Development Permit Application"



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TTY: 711 or 800-770-8973
Fax: 907.500.9011

January 3, 2020

Juneau Hydropower Inc.
PO Box 22775
Juneau, AK 99801

Re: ADL 109033 - Final Easement Documents

The Southeast Regional Land Office has prepared the final Easement documents for ADL 109033. Issuance of the final Easement will be contingent upon receipt of the following deliverables:

- 1) Signed Easement agreement: Please review the lease document, have the signatory authority provide a notarized signature on the signature block and initial all pages, then return the original signature(s) by mail to our office at the address above.
- 2) Annual Fee: Please submit the first annual fee in the amount of \$1,080.00.
- 4) Performance Guaranty: Bonding is described in lease term #25. Enclosed are guidelines and forms for securing a performance guaranty. The performance guaranty amount required is \$3,000.00.
- 5) Insurance: You are required to maintain commercial general liability insurance with a minimum coverage of \$1,000,000 for your activities on state land. Please submit a Certificate of Insurance demonstrating coverage. All insurance policies shall comply with, and be issued by, insurers licensed to transact the business of insurance under Alaska Statute, Title 21. The policy shall be written on an "occurrence" form and shall not be written as a "claims made" form unless specifically reviewed and agreed to by the Division of Risk Management, Department of Administration. The State of Alaska must be named as an additional insured on the policy with respect to the operations of the applicant on or in conjunction with the leased premises, referred to as ADL 108537.

We cannot execute your authorization without the requested items. If we have not received these items or have not been contacted by you regarding this request by February 3, 2020, your case may be closed. If you have any immediate questions, you may call me at 907-465-3524 or send an e-mail to kaitlyn.raffier@alaska.gov. If you have any future questions related to this authorization please contact the Southeast Regional Land Office at 907-465-3400.

Sincerely,

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

Kaitlyn Raffier
Natural Resource Specialist II

Enclosure(s):

- Regional Manager's Decision and attachments
- Entry Authorization
- Easement Agreement
- Guidelines for Obtaining a Land use Performance Guarantee
- Instructions for a Land Use Performance Guarantee (Personal or Business)
- Instructions for a Land Use Bond (Corporate Surety)

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

Southeast Regional Land Office

Regional Manager's Decision

ADL 109033

Juneau Hydropower Inc.

Application for Easement

AS 38.05.850

Executive Summary: This is the State's best interest finding regarding a proposed disposal of interest in state land. The requested authorization is for Juneau Hydropower Inc. (JHI) to construct an electric transmission line with a fiberoptic underbuild, that is attached to 30-50 or more poles that are secured into the ground by either being augered or drilled (depending on the soil condition) to ultimately send hydroelectric power north to Kensington Mine. The applicant is requesting an infinite private non-exclusive easement to build and maintain these transmission lines. At this time the state has intent to authorize this easement.

Requested Action

On October 30th, 2019, the Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) received an application for a private non-exclusive easement from JHI for an electric transmission line with fiber optic underbuild attached to poles on State-owned, DMLW-managed land in Juneau, Alaska. The easement covers approximately 2.82 acres of state land and will be approximately 2000 feet long and 60 feet wide. The utility line's purpose is to eventually provide power to Juneau and Echo Ranch Bible Camp (ERBC). A diagram of the proposed easement is included as Attachment 1.

Proposed Action

JHI wants to construct an electric transmission line with a fiberoptic underbuild, that is attached to 30-50 or more poles that are secured into the ground by either being augered or drilled (depending on the soil condition) to ultimately send hydroelectric power north to Kensington Mine. This proposed easement is the first section that JHI needs to eventually extend this line to Kensington Mine. DMLW will issue an entry authorization (EA) for a term of 5 years to allow for construction and completion of a DMLW-approved as-built survey, which is a prerequisite for issuance of the final easement. An EA is included as Attachment 2. A private non-exclusive easement agreement is included as Attachment 3.

Statutory Authority

AS 38.05.850 Permits

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced here-in, the 1993 Juneau State Land Plan (JSLP) and other classification references described herein, and the casefile for the application serialized by DNR as ADL 109033.

Scope of Decision

The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized, (2) applicable statutes and regulations, and (3) the facts pertaining to the land or resources.

Location Information

Geographic Location: City and Borough of Juneau near Echo Ranch Bible Camp, approximately 31 miles northwest of the Juneau Historical District.

Legal Description: NE ¼ of Section 24, Township 37 South, Range 63 East, Copper River Meridian, containing 2.82 acres, more or less.

Property Description: The corridor will begin at approximately mile point 38 of the Glacier Highway, and extend northward 240 feet from the northeast boundary of Government Lots 5 and 3 of U.S. Rectangular Survey 302, crossing Government Lot 14 of Section 13, Township 37 South, Range 63 East, Copper River Meridian before reaching Tract B of USS 1154. Located in the Juneau Recording District.

Width: 60 feet

Length: 2000 feet

Approximate Acreage: 2.82

Other Land Information

Municipality: City and Borough of Juneau

Regional Corporation: Sealaska Corporation

Village Corporation: Goldbelt Native Corporation

Federally Recognized Tribe: Central Council of the Tlingit & Haida Indian Tribes of Alaska

Title

The State of Alaska holds title to lands in the section(s) referenced above, on the basis of the Point Bridget Land Exchange that was made effective July 19, 2017. In that land exchange, the state acquired all of Tract A and a portion of Tract B of USS 1154 for a total of 5.89 acres.

Planning and Classification

The proposed site is subject to the Final Report and Best interest Finding for the Point Bridget Land Exchange between Gospel Missionary Union dba Echo Ranch Bible Camp and the State of Alaska (2017). In this land exchange, Echo Ranch Bible Camp acquired land that was designated for a utility easement. Juneau Hydropower Inc. is proposing to install the improvements on this land to meet the land use designation.

Third Party Information

The applicant has requested an easement that partially intersects an easement for a power utility line that was previously issued to Echo Ranch Bible Camp under ADL 106979. Gospel Missionary Union, dba Echo Ranch Bible Camp provided a letter of non-objection for this request on December 4, 2019.

Background

On July 19, 2017, DNR completed an equal value land exchange with ERBC in accordance with AS 38.50 and AS 41.21.182. In the land exchange, DNR exchanged approximately 38 acres within Point Bridget State Park for approximately 60 acres of land adjacent to the park that were owned by ERBC. This was done in order to consolidate ownership and improve public access. ERBC requested that a utility easement over Point Bridget State Park land be added to the exchange to provide power across park lands to the parcels that will be ERBC land upon completion of the exchange. Instead of adjusting exchanged parcels to be equal in value, ERBC paid \$11,300.00 under AS 38.50.020(a) to allow for a utility easement over approximately 2.82 acres of parks lands.

JHI is the third party working with ERBC to put in the transmission line to bring power to the ERBC parcels. If issued this proposed easement, JHI plans to apply for utility easements northward of this one until they reach Kensington Mine.

Public Notice & Agency Review**Agency Review Summary**

An Agency Review was conducted November 4th, 2019 to November 18th, 2019. The following organizations were included in this review: Alaska Department of Fish and Game, Alaska Department of Environmental Conservation, Department of Transportation & Public Facilities, Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Division of Resource Assessment and Development.

Agency Review Comment and Response**Department of Transportation & Public Facilities**

Summary: Notes that a driveway permit application will be necessary if access to Glacier Highway via maintenance trail will be used, along with a lane closure permit supplied with traffic control if any unloading or loading operations took place near the traffic lanes of Glacier Highway. They then gave instructions as to how the applicant could obtain these.

DMLW Response: Stated this information would be passed along to the applicant.

Division of Park & Outdoor Recreation

Summary: Mentioned that if a road is to be build along this easement it should be built to DPOR standards and provide an as-built survey in a reasonable time period after decision issuance. They would also strongly prefer the utility lines be located either below ground, or at least in a way to minimize visual impact.

DMLW Response: Road is not being considered for this authorization. Will take into account preference for utility line placement.

Public Notice Summary

Notice of this application was posted on the Alaska Online Public Notice System website and sent to the following known interested parties:

- Gary Jenkins, ERBC
- Duff Mitchell, JHI
- Rob Morgenthauer, US Forest
- Brad Orr, Juneau District Ranger
- Bureau of Land Management
- Army Corps of Engineers
- City Clerk, City of Juneau
- Douglas Indian Association
- Central Council Tlingit and Haida Indian Tribes of Alaska
- Sealaska
- Southeast AK Conservation Council
- Southeast AK Soil and Water CD

Public Notice Comment and Response

AEL&P

Summary: AEL&P informed DMLW that in our LAS database, JHI was listed as applying for a public easement. In order to obtain a public easement, the applicant must be a certificated public utility which AEL&P said JHI was not.

DMLW Response: Upon further research done by the adjudicator looking at documents from the Regulatory Commission of Alaska, it was confirmed that Juneau hydropower is not a certificated public utility and there was a mistake in classifying the type of easement authorization they are seeking. Appropriate changes were made in DNR's LAS system by the adjudicator that now reflect Juneau Hydropower as seeking a private non-exclusive easement.

Access

The applicant may access the site via Glacier Highway, which is a state highway. Public access across this easement shall not be restricted in any manner. They may also access this easement over Echo Ranch Bible Camp land per the Memorandum of Understanding between the State of Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation and Echo Ranch Bible Camp recorded in the Juneau recording district on September 20, 2006.

Environmental Considerations

DMLW considers the environmental factors directly related to authorizing the use of State lands as part of its determination of whether approving the authorization is in the State's interest. The purpose of this consideration is to identify any associated mitigation measures or other requirements necessary to protect the public interest, while informing the overall decision of whether or not to approve the authorization. The applicant is responsible for determining site suitability.

Environmental contamination risk associated with this proposed easement is minimal. Fuel, lubricants, and other hazardous materials will be restricted to those necessary and contained within vehicles and vegetation clearing equipment when such equipment is necessary for right-of-way maintenance. Fuel will not be stored on State property and refueling will only be done in a responsible manner. Transportation of fuel will only occur as necessary to heavy vehicles.

Waste creation is expected to be minimal, but any waste will be taken to the Lemon Creek land disposal facility.

Tree cutting will occur as needed for access purposes. As JHI examines the site, the poles will either be drilled into the soil substrate or augered at an appropriate depth dependent on soil conditions. JHI will have a SWPPP and all activities will be under inspection of a certified Erosion and Sediment Control lead. To drill the poles, something akin to an EX200 excavator and a truck with an auger system will be used.

Economic Benefit and Development of State Resources

In accordance with AS 38.05.850, DMLW considers three criteria to determine if this project provides the greatest economic benefit to the State and the development of its natural resources: direct economic benefit to the State, indirect economic benefit to the State, and encouraging development of the State's resources.

This project is expected to directly benefit the state economically because annual fees will be accrued from JHI from use of this land to maintain this transmission line. Indirectly, this project aims at providing power to residents of Alaska therefore contributing to a more competitive market for power ultimately leading to better prices for consumers. Competitive markets lead to healthier economies, making this project indirectly economically beneficial to the state.

Alaska has many bodies of moving water, making it a great place to benefit from hydropower. By supporting JHI and allowing them to use state land for a minimally invasive transmission line to supply power to the citizens of Juneau, the state is encouraging use of the resources available and providing avenues for those resources to be developed further, so their benefits can be realized throughout all of the state.

Discussion

This easement would be beneficial to the state because environmental risks are minimal and the project would bring economic value to the state both directly, and indirectly. It would also meet the land use designation based on the Best Interest Finding Land Exchange that occurred in 2017.

The environmental factors directly related to authorizing this utility easement are mainly associated with fuel, lubricants, and other hazardous materials that will be used mostly during the construction of the project. Fuel will not be stored on State property and refueling will only be done in a responsible manner. Transportation of fuel will only occur as necessary to heavy vehicles. There will only be a few heavy vehicles on state land during the construction process and then even less when doing maintenance. Specific vehicles to be used are not known at this time but to drill the poles, something akin to an EX200 excavator and a truck with an auger system will be used. Tree cutting will occur as needed for access purposes. As JHI examines the site, the poles will either be drilled into the soil substrate or augered at an appropriate depth dependent on soil conditions. JHI will have a SWPPP and all activities will be under inspection of a certified Erosion and Sediment Control lead. Waste creation is expected to be minimal, but any waste will be taken to the Lemon Creek land disposal facility.

Annual fees will be accrued from JHI from use of this land to maintain this transmission line, providing the state with direct economic benefits. This project aims at providing power to residents of Alaska therefore contributing to a more competitive market for power ultimately leading to better prices for consumers and an indirect economic benefit to the state.

Making use of Alaska's many bodies of moving water and harnessing hydropower is a great way to make steps toward using cleaner energy alternatives. Authorization of this project will show Alaskans that the state encourages use of available natural resources and strives to provide avenues for citizens to develop those resources. This project will help shape Alaska's energy use portfolio in a way that benefits the state both in terms of natural resource use and economic development.

In terms of effected parties, the applicant has a Letter of non-objection from Echo Ranch Bible Camp showing that they are aware of the proposed activities and willing to have them implemented. This proposed transmission line will ultimately benefit ERBC and provide them with the services they requested in the land exchange.

Performance Guaranty

Performance guarantees are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the permit document. They are also used to protect state land from damage and to make certain that improvements are removed and that the land is returned in a usable condition upon termination of the permit.

History of Compliance: DNR Land Administration System records indicate that the applicant is in a state of compliance with the terms of other DMLW-issued authorizations.

To fulfill the requirement of a performance guaranty as described in 11 AAC 96.060, the applicant is required to submit a performance guaranty in the amount of \$3,000.00 to ensure completion of EA requirements. These funds will also serve as a survey deposit (per AS 38.05.860) and may be reduced one time during the term of the EA by an amount equal to payments made by the applicant to a licensed surveyor under contract for completion of an as-built survey of ADL 109033 in accordance with survey instructions issued by the DMLW Survey Section as described herein. This performance guaranty shall remain in place during the term of the EA and will be subject to release upon the acceptance of a DMLW-approved as-built survey and the fulfillment of all conditions and stipulations of this decision and the EA. The guaranty may also be adjusted to reflect updates and changes in the associated project, and the applicant may be required to furnish an additional performance guaranty if DMLW determines there to be additional risk to the State. The guaranty may be utilized by DMLW to cover actual costs incurred by the State to pay for necessary corrective actions in the event the applicant does not comply with site utilization and restoration requirements and other stipulations contained in the EA. An additional performance guaranty may be required for an extension of the EA beyond the initial term proposed under this decision.

Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

Insurance Narrative: A Commercial General Liability Insurance Policy is required during the term of the EA. The policy must have minimum coverage limit of \$1,000,000 combined single limit per occurrence.

Survey

A DMLW-approved as-built Record of Survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands. The area shown on Attachment 1 is the basis for the survey. The applicant must acquire survey instructions and coordinate with the DMLW Survey Section during the survey process. A survey instruction fee per 11 AAC 05.010(a)(13)(A) may be applicable. A draft must be submitted to the Survey Section prior to the expiration of the EA and a final as-built survey must be approved by DMLW before issuance of the final easement.

The Department of Natural Resources Survey Section contact information is as follows:

Address:

Dept. of Natural Resources
Div. of Mining, Land & Water
550 W 7th Ave Suite 650
Anchorage, AK 99501-3576

Phone: (907) 269-8523

Fees/Appraisal**Fee Narrative:**

In accordance with 11 AAC 05.070(d)(2)(I), the fee for an Entry Authorization for an approved easement or right-of-way for site development is \$240 annually for up to two acres, and \$120 annually for each acre above two. The annual fee for this Entry Authorization will be \$360.00.

In accordance with 11 AAC 05.070 (d)(2)(F)(iv), the fee for a non-exclusive, commercial use easement used for installing and operating transmission lines containing approximately 2.82 acres is \$720.00. The total annual fee is estimated to be \$1080.00.

The applicant shall pay the appropriate recording fees as determined based on current regulation to have the easement document recorded by DMLW. Recording fees shall be paid prior to the execution of the easement document.

Appraisal:

An appraisal would not be required as the fee is established in regulation.

Term**Entry Authorization Term**

The Entry Authorization (EA) will be issued for a term ending 5 years from the effective date of this decision for the purpose of constructing an electric transmission line with fiberoptic underbuild, surveying, operating, and maintaining the secured poles that the line is attached to prior to DMLW's issuance of a private non-exclusive easement. An extension of the EA may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant must contact DMLW no later than 30 days prior to the expiration of the EA and certify there have been no changes to the approved development plan. The EA will be terminated upon receiving all requested deliverables.

Easement Term:

The authorization requested under ADL 109033 will be issued for an indefinite term.

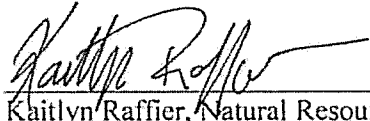
Term Discussion

Easements issued under AS 38.05.850 may be revoked for cause if the area described is no longer used for the purpose intended or if a higher and better use of the land is established as determined by the DMLW. Following termination an easement, whether by abandonment, revocation, or other means, a grantee shall restore the site to a condition that is acceptable to the DMLW. A grantee's planned site restoration activities, including either removal or abandonment of installed improvements, must be described in writing and present to the DMLW prior to termination of the easement. The DMLW may require compliance with additional conditions specific to the site restoration effort that were not required for the construction, maintenance, or operation of described improvements. Should a grantee or refuse to perform approved site-restoration activities within the time allotted by the DMLW, the improvements may become property of the DNR. However, a grantee shall not be relieved of the cost of restoring the area to a condition that is acceptable to the DMLW.

Signature page follows

Recommendation

In consideration of all events and criteria described above, it is my determination that this project is consistent with the overall classification and management intent for this land and would be a benefit to the State of Alaska. Therefore, I recommend issuance of a private non-exclusive easement to Juneau Hydropower Inc. pursuant to AS 38.05.850, upon satisfactory completion of the project in conformance with all the terms and conditions of this decision and the EA. The easement will be issued for an indefinite term that may be terminated if a higher and better economic use for the project area is established as determined by the DMLW Director, if the land is no longer used for the above stated purpose, or is revoked for cause.

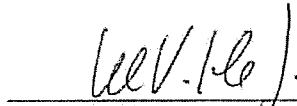


Kaitlyn Raffier, Natural Resource Specialist II

1/3/2020
Date

Regional Manager's Decision

When adjudicating an easement authorization pursuant to AS 38.05.850, DNR seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest. In consideration of all events and criteria listed above, DMLW has determined that the authorizations to be granted under ADL 109033 are consistent with DNR's mission. It is my decision that this project is consistent with the overall classification and management intent for this land. DMLW will issue a private non-exclusive easement, pursuant to AS 38.05.850, once the applicant has conformed to all terms and conditions of this decision and the EA.



Lee V. Cole Jr., Southeast Regional Manager

1/3/2020
Date

Attachments:

- Attachment 1. Development Diagram
- Attachment 2. Entry Authorization
- Attachment 3. Easement Agreement

A person affected by this decision may appeal it in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of “issuance” of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by e-mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160 (a) and (b).

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to the Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.

Juneau Hydropower Inc.

CUP Application and Supporting Documents

Attachment 4- Hydropower Generation
Component Easements and Rights of Way



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TDD: 907.269.8411
Fax: 907.465.3886

April 11, 2017

Juneau Hydropower Inc.
PO Box 22775
Juneau, AK 99802

Letter sent by mail and email

Re: Land Lease Application ADL 108211 – Sweetheart Lake Hydropower Project

Dear Juneau Hydropower:

The Department of Natural Resources, Division of Mining, Land & Water has made a Final Decision in favor of your application to lease state tidelands located in Gilbert Bay, Borough of Juneau. If no appeal is filed by the appeal deadline, May 2, 2017, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance.

Enclosed is a copy of the Final Decision and the appeal language.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Moser".

Adam Moser
Natural Resource Specialist III

Enclosures:

- Final Decision
- Preliminary Decision
- Entry Authorization
- Draft Lease with Stipulations

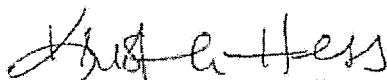
**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE**

**Final Finding and Decision
ADL 108211 – Juneau Hydropower, Inc.
Lease
In Accordance with AS 38.05.075(c)**

This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated March 09, 2017, and comprise the record of decision for this disposal of interest under AS 38.05.075(c).

Summary of Agency and Public Comments Received During the Public Notice Period:
No comments were received.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, there were no modifications to the Preliminary Decision. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.075(c).



Kristin A. Hess
Division Operations Manager

4/11/17
Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by the 20th calendar day after the date of "issuance" of this decision as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



Preliminary Decision
Juneau Hydropower Inc.
ADL 108211– Lease
AS 38.05.075(c)

I. Requested Authorization

An application dated May 31, 2016 was received from Juneau Hydropower Inc. (Applicant) requesting use of state owned tide and submerged land situated immediately adjacent to federally owned uplands near Sweetheart Creek on the east side of Gilbert Bay for placement of a marine access facility associated with the Sweetheart Lake Hydroelectric Facility (FERC project no. P-13563)¹. The Applicant requests a lease with a term of 55-years.

Applicant proposes to construct a marine dock facility that includes a rock ramp, mooring dolphins, small boat float, and a seaplane float. The rock ramp would require approximately 35,000 cubic yards of clean rock fill, and the construction of three pile dolphins. The proposed dock would be constructed of steel and treated wood and consist of a 100' gangway, a 24' x 100' loading float and a 4,500 sq ft timber seaplane float supported by four 24" galvanized steel piles.²

An easement application requesting use of state owned tide and submerged land for road access and electric transmission line corridor for this project is being considered separately (ADL 108212).

II. Proposed Authorization

The Southeast Regional Office of DNR Division of Mining, Land and Water (DMLW) intends to issue the Applicant a lease for approximately 3.8 acres of state-owned tide and submerged land to contain a proposed marine access facility with a term of 50 years.³ A fifty-year term is concurrent with the term of the Applicant's Hydropower project license issued by the Federal Energy Regulatory Commission (FERC). The Applicant originally requested a lease area of approximately 3.3 acres, which did not include an approximate 1/2 acre of tideland up to the mean high water line. DNR DMLW plans to issue the lease contiguous to the mean high water

¹ DNR first received the Applicant's lease application in January 2013. The Applicant resubmitted a revised application on May 27, 2016. Federal Energy Regulatory Commission, Order Issuing Original License, issued September 8, 2016

² Army Corps of Engineers Permit No. POA 2009-1064 issued November 9, 2016

³ AS 38.05.070(c) A lease may be issued for a period up to 55 years, if the commissioner determines it to be in the best interests of the state.

line to maintain consistency with other tideland leases, and to ensure any future lessee access to the adjacent uplands (see lease area maps in Attachment 1).

We note that the nature of this authorization does not grant “the right to use in perpetuity” as required by the FERC license.⁴ An extension of the term or grant of a new lease must be in accordance with AS 38.05.070(e) or as subsequently amended. Additionally, a lease, if issued, also would not grant the Applicant the authority to grant permission for certain types of uses and convey certain interests in project lands and waters independent of AS 38 as required by the FERC license.⁵

III. Authority

AS 38.05.035, AS 38.05.070, AS 38.05.075 and Alaska Administrative Code 11 AAC 55 and 11 AAC 58.

IV. Administrative Record

Case file ADL 108211 is the administrative record for this case. Also, incorporated by reference is the Juneau State Land Plan (JSLP, December 1993).

V. Scope of the Decision

The scope of administrative review for this authorization [AS 38.05.035(e)(1)–(2)] is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization will best serve the interest of the State of Alaska.

VI. Description

Geographic Location

Subject parcel is an unsurveyed parcel of state owned tide and submerged land located in Gilbert Bay, approximately 35 miles southeast of Juneau, Alaska.

Legal Description

Copper River Meridian, Township 45 South, Range 72 East, NW ¼ Section 24, on approximately 3.8 acres of tide and submerged land.

Latitude and Longitude (DD)

57.95675N 133.69099W

⁴ FERC Project No. 136563-003 Article 5 p.63

⁵ FERC Project No. 136563-003 Article 424 p.58
Preliminary Decision

Other Land Information

- i. Municipality:** City and Borough of Juneau (Unified Home Rule Borough)
- ii. (ANCSA) Regional Corporation:** Sealaska Corporation
- iii. Village Corporation:** Goldbelt, Incorporated
- iv. Federally Recognized Tribe:** Central Council of the Tlingit and Haida Indian Tribes

VII. Title

The State of Alaska owns the tide and submerged lands of the project area under the Equal Footing Doctrine and the Submerged Lands Act of 1953.⁶

The United States retains all navigational servitude control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective states and others by section 1311 of the Submerged Lands Act, 43 U.S.C.

VIII. Planning and Classification

According to 11 AAC 55.040(c), “A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use.”

The proposed site is located within the City and Borough of Juneau Region 15 and is zoned as rural reserve. The area is thus subject to the Juneau State Land Plan (JSLP, December 1993) and is located within Management Unit 15b6 (Port Snettisham / Gilbert Bay). The designated land use within Unit 15b6 is Ha, Hv, and Rd.

- “Ha” Habitat – Designation for areas with the most valuable habitat is defined as: limited, concentrated-use area for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or species’ sustained yield.⁷ This designation converts to Wildlife Habitat land as the land classification.
- “Hv” Harvest – Designation for areas with localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional us-

⁶ RPT 8643 DNR Realty Services

⁷ JSLP chap.3 p.3

ers; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus of the resource.⁸

- “Rd” Recreation and Tourism Dispersed Use – This designation is for areas that attract recreationists or tourists who range throughout the area. Also, areas that offer high potential for dispersed recreation or tourism because of desirable recreation conditions that are scattered or widespread rather than localized. Developed facilities are generally not necessary.⁹ This designation converts to Public recreation land as the land classification.

A proposed use is considered compatible with the Habitat designation if the design, siting, operations, and use are designed to avoid significant adverse habitat impacts. Alternatively, if the designated use is of sufficient importance or lacks a feasible and prudent alternative, the proposed use can be made consistent through mitigation measures. The proposed project includes impact minimization and mitigation measures as required in the Applicant’s FERC license. Additionally, numerous project alternatives, including a no-build alternative, were considered by FERC during the project’s licensing process. While habitat will be impacted by the marine access facility, the location is not catalogued by the Alaska Department of Fish and Game (ADF&G) as critical anadromous habit. Gilbert Bay is designated as Essential Fish Habitat for Pink and Chum salmon by the National Marine Fisheries Service (NMFS). In accordance with the Magnuson-Stevens Fishery Management Act, FERC has consulted with NMFS regarding the project’s potential impacts on salmon fisheries and other wildlife in Gilbert Bay. FERC’s final EIS determined that with the implementation of proposed project mitigation and management plans the salmon habitat in Gilbert Bay would not be adversely affected.¹⁰ The Applicant has developed mitigation and habitat management plans and continues to update required management plans with input from the U.S. Forest Service, NMFS, and ADF&G.

Unit 15b6 is expansive. It is comprised of sections of Stephens Passage, all of Port Snettisham and Gilbert Bay. The harvests listed in the JSLP are commercial Shrimp, Dungeness crab, Tanner crab, and gillnet harvest. The largest potential impact on these harvest activities would likely come during the construction phase of the project, including potential disturbances from marine transportation to and from the proposed site. Overall, however, the Applicant’s marine access facility on approximately 3.8 acres of tide and submerged land on the southeast shore of Gilbert Bay would have a de minimis impact on the harvest potential in Unit 15b6.

The primary recreation and tourism activity in the area relates to personal-use fishing (primarily focused around Sweetheart Creek) and wildlife viewing. The Applicant’s activities during the construction phase of the project could impact wildlife viewing in the vicinity of the prospective

⁸ JSLP chap 3 p.4

⁹ JSLP chap.3 p.5

¹⁰ FERC/EIS-0263F, chap.3 p.67

lease area. During construction there is likely to be weekly barge service to the project site and daily floatplane activity in the summer months. In consultation with US Forest Service, ADF&G, and NMFS, the Applicant has developed, or is updating, Aquatic and Wildlife management plans that address both marine and land-based wildlife.¹¹

In consideration of the mitigation measures and conditions set forth in the Applicant's management plans, final EIS, and the terms of its FERC license, the project will be consistent with the proposed uses of the JSLP for 15b6.

Mineral Orders

The proposed leasehold falls within the areas delineated in Administrative Mineral Closing Order (MCO) No. 653, 1993.¹² A mineral closing order closes state land to all forms of mineral entry, making it unavailable for staking mining claims, leasehold locations or prospecting site locations (AS 38.05.195, 205, 245).

Traditional Use Finding

This finding is not required since the proposed leasehold is located within an organized borough (AS 38.05.830). The Borough will be notified of this Preliminary Decision.

IX. Access

Physical and Legal Access

Presently, physical access to the proposed lease site is via anchorage near the mouth of Sweetheart Creek or beaching vessels on tidelands. The public access and use of the prospective lease area shall be maintained at all times with reasonable exceptions to protect the project's operations, and temporarily restricted in specific areas as required for public safety during construction and maintenance. Furthermore, the Applicant is required to finalize a Recreational Management Plan to facilitate and ensure safe public access to the lease area under Article 421 of its FERC license.¹³

After completion of the Applicant's proposed construction on the prospective lease area, the public will have limited non-commercial access to the Applicant's dock to use at their own risk. Applicant will be responsible for the design, construction, operation, maintenance, and cost of the dock facility for the life of the lease.

Access To and Along Public Waters:

Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Under 11 AAC 51.045 and

¹¹ FERC Project No. 136563-003, Appendices Z

¹² JSLP Appendices B

¹³ FERC Project No. 136563-003, Article 421, p.56
Preliminary Decision

AS 38.05.127, DMLW is required to reserve specific public-access easements to and along these waters. Unless comments and other information submitted to DMLW provide justifiable and convincing evidence to do otherwise, this disposal of state interest will be subject to a 50-foot public-access easement seaward and landward of the line of mean high water. It is however advised that the commissioner authorize the Applicant to temporarily limit access to areas within the 50-foot public-access easement as necessary for public safety during construction and maintenance activities, or for the projects operational safety under AS 38.05.127(a)(2).

X. Environmental Risk

It is our management responsibility to protect the overall public interest if there is a reasonable expectation that a hazardous condition, or hazardous, toxic or radiological material or contamination from such material exists or is known to exist on the land proposed for lease. No hazardous material or contamination from hazardous material is known to exist on the land proposed for lease.

The Applicant is expected to inspect the prospective lease site and familiarize itself with the condition and quality of the land. The state makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land. The State of Alaska does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

Hazardous materials, specifically fuel for heavy machinery, aircraft and vehicles, and explosives, will be handled, transported, and temporarily stored on site or in the immediate vicinity of the site. In accordance with its FERC license, the Applicant shall continue to consult with ADF&G and DEC to finalize hazardous substance and environmental management plans, including hiring environmental compliance monitors. Stipulations included in the lease will require proper handling and storage of hazardous substances including compliance with all relevant federal and state regulations.

Additionally, the project will require significant excavation of rock, some of which will be used as fill to be placed on the prospective lease area to construct the marine access facility. It is imperative to ensure that such rock and fill is not acidic.¹⁴ The Applicant will be required to conduct rock bore testing and ensure that any rock fill used or stored on the prospective lease area not pose a risk to the environment or natural resources.

¹⁴ FERC/EIS-0263F Chap.3
Preliminary Decision

XI. Background

Lower Sweetheart Lake and Sweetheart Creek have been identified as potential hydropower sites since the early 1900's. The area is classified by the U.S. Geological Survey (USGS) as a Power Site Classification, number 221, established May 29, 1929 (Public Land Order 382b). This classification entails that the area be managed in compliance with Section 24 of the Federal Power Act, which grants FERC a role in reviewing proposed land uses. As the upland project site area is under U.S. Forest Service management, FERC and U.S. Forest Service have been in communication and have coordinated their respective project approval processes.¹⁵ The Alaska Energy Authority has also noted the hydropower potential for the project area in its Draft Southeast Integrated Resource Plan.¹⁶

The Applicant obtained a preliminary permit from FERC for the project in December 2009. The Applicant submitted an application to DNR for the lease of the tide and submerged land in Gilbert Bay on January 28, 2013, which was updated and resubmitted on May 31, 2016.

Additional notable events in the project timeline include:

- U.S. Forest Service issued a special use permit for access to conduct investigative studies to the Applicant on February 20, 2014. US Forest Service issued another special use permit to the Applicant in February of 2016.
- FERC issued final EIS in May 2016.¹⁷
- FERC license was issued on September 8, 2016.¹⁸
- ADF&G issued a Fish Habitat Permit to Applicant on October 6, 2016.¹⁹
- U.S. Army Corp of Engineers issued a permit for dredge and fill in waters of the U.S. on November 9, 2016.²⁰

Related Actions

On August 7, 2012, DNR received the Applicant's application for a water rights permit, which remains under adjudication.²¹ On May 31, 2016, the Applicant also submitted an application for an easement on state-owned tide and submerged lands for a coastal access road and transmission line.²² And on September 16, 2016, the Applicant submitted an application to DNR for a one-time use permit to move an excavator across state tidelands to

¹⁵ FERC Order Issuing Original License, Project No. 13563-003

¹⁶ Draft Southeast Alaska Resource Plan Technical Report, Chapter 10, Dec. 2011

¹⁷ FERC/EIS-0263F

¹⁸ FERC License Project No. 13563-003

¹⁹ ADF&G Fish Habitat Permit FH-I-0097

²⁰ Army Corps of Engineers Permit No. POA-2009-1064

²¹ LAS 28660. This permit is not required until after construction of the hydropower generation facilities.

²² ADL 108212

access a temporary worksite. After public notice, DNR issued the one-time use permit on October 28, 2016.²³

XII. Application Reviews

Agency Review

Relevant state agencies have been involved in reviewing the Applicant's proposed project and plans, including those plans specific to the proposed prospective lease areas since the Applicant's application for a preliminary FERC license in 2009. The agencies' comments to the project's draft EIS can be found in Appendix A of the final EIS. Additionally, under the Applicant's FERC license, Applicant is required to finalize select management plans in consultation with relevant state agencies.²⁴

XIII. Discussion

To qualify for a preference right to lease under AS 38.05.075(c) an Applicant must be the owner or lessee of land that fronts on shoreland, tideland or submerged land and is required to meet three conditions: (1) a lease is necessary to facilitate water transportation of goods, services, or resources to or from the owned or leased upland or for another water-dependent purpose; (2) the proposed use is compatible with the classification of the land and with any applicable land use plan adopted under AS 38.05.065; and (3) issuance of the lease will not interfere with prior existing rights to the prospective lease area.

Here, access to the project site is by water and air only. The U.S. Forest Service manages the upland property, and the Applicant has obtained the equivalent interest of a leasehold in the uplands through its FERC issued license. The proposed use of the prospective lease area is water-dependent and there are no prior existing rights. As noted in Sections VIII and IX above, the proposed use is compatible with the land classifications in the JSLP, and noncommercial public access to the prospective lease area will be maintained with only minimal and reasonable exceptions. The project's potential impacts on wildlife habit and the environment have been documented and mitigation measures have been identified and management plans prepared.

The prospective lease area is within the FERC licensed project boundary site, and thus, alternatives to siting the Applicant's marine access facility on the prospective lease area were considered in the alternatives analysis conducted during the FERC licensing process, including alternative sites and a no-build option for the Applicant's hydropower project. In addition, the Applicant has also received a permit from the U.S. Army Corps of Engineers under section 404(b)(1) of the Clean Water Act to fill and build on the prospective lease area. The USACE must follow

²³ LAS 31472; work is completed and this file is closed

²⁴ FERC License Project No. 13563-003, ¶89 and Art.402
Preliminary Decision

guidelines under 40 CFR 230.10(a) on alternatives considerations for all section 404 permit applications. The guidelines require that “no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences” (40 CFR 230.10(a)). Therefore, the specific question of whether there are practicable alternatives to the Applicant’s proposed development plan for the lease area has also been evaluated by the USACE.

With these considerations, the Southeast Regional Office of DNR Division of Mining, Land and Water concludes that there is no better alternative to the Applicant to access the upland project site. It is thus recommended that the Applicant be issued a negotiated lease for approximately 3.8 acres of tide and submerged land adjacent to the Tongass National Forest on the shores of Gilbert Bay in the NW ¼ of Section 24, Township 45 South, Range 72 East, Copper River Meridian subject to the terms and conditions stated below.

XIV. Recommendation and Preliminary Decision

Authorization Type and Term

Pursuant to AS 38.05.075(c), we recommend issuance of a 50-year non-competitive lease to the Applicant for the purpose of operating a marine access facility. The lease shall be subject to the standard DMLW Lease Agreement (form 102-111, re-vi-sed May 2001), Special Stipulations and the terms and conditions set forth therein (Attachment 2).

This is a preliminary decision and subsequent public review may result in changes or disapproval of the proposed action altogether.

Terms and Conditions

1. Public access shall be maintained in accordance with Article 421 of Applicant’s FERC license and AS 38.05.126, 127.
2. In accord with Article 401 & 402 of its FERC license, the Applicant shall provide DNR, ADF&G and DEC with all FERC approved construction plans, waste management plans, and hazardous substance management plans before any land-disturbing or construction activities begin.
3. Applicant shall conduct rock bore testing of excavated rock and ensure that fill material does not harm the environment or the State’s natural resources.
4. Provide access to DNR, ADF&G and DEC during the construction phase to monitor compliance with construction management plans.
5. The lease and entry authorization shall contain modifications and/or provisions that are justified by public comment.
6. AS 38.05.090 requires the removal of all buildings and fixtures, gravel pads, foundations, and slabs within 60 days after the termination of the lease. The lessee shall restore the leasehold to a good and marketable condition, acceptable to the commissioner, within 120 days after the termination of the lease (AS 38.05.090). Restoration

of the site may require full dismantling and removal of the fill upon expiration or termination of the lease. A future decision will determine the extent of required restoration and will consider whether, due to naturalization and habitat growth, it would be more detrimental to the environment to remove all or a portion of the fill or dredged materials.

- a. In order to ensure site restoration, three years before the expiration of the lease, the lessee shall apply to DNR for a new lease for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan in accord with AS 38.05.090. Alternatively, if at any time during the lease, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a restoration plan and a commensurate performance guaranty.
- b. The performance guaranty amount may be adjusted during the term of the permit to reflect newly discovered risks or costs for full restoration of the site.

Entry Authorization

Pursuant to AS 38.05.075(f), DNR-DMLW will authorize the Applicant entry onto state land through the issuance of an Entry Authorization (EA) pending completion of the required Alaska Tideland Survey and appraisal. The proposed EA is for a term of three years and would be issued after the Final Decision becomes effective. The effective date of the EA will be the start of the lease term. Once the conditions of the EA are met, the lease will be issued.

Performance Guaranty

In accordance with AS 38.05.035(a)(4), Applicant will be required to submit a performance guaranty for the lease site.

The amount of the performance guaranty is based on the scope and the nature of the activity and the potential cost of restoring the site. In order to ensure the responsible construction and development of the proposed project and execution of the lease agreement, a performance guaranty of \$325,000 shall be required during the early entry permit period of the project through the completion of project construction. An Alaska Tideland Survey and a construction completion report shall be submitted to DNR proving that the project was completed according to plan and without any unplanned impacts to state land. Upon DNR's approval of the completion report DNR will release the performance guaranty. In order to ensure site restoration, three years before the expiration of the lease, the lessee shall apply to DNR for a new lease for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan in accord with AS 38.05.90. If at any time during the lease, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a commensurate performance guaranty.

Performance guaranties are subject to periodic adjustments being made during the term of the authorization to address increases or decreases in the costs of rectifying problems and rehabilitating state land due to inflation, changes in the level or nature of development, or other appropriate factors.

Insurance

Per Condition #24 of the lease document, Applicant shall secure or purchase at its own expense, and maintain in force at all times during the term of the lease at coverage levels recommended by an insurance broker or professional included on the State's Admitted List, the following policies of insurance to protect both themselves and the State of Alaska (its officers, agents and employees):

Commercial General Liability Insurance Policy: Such policy shall have minimum coverage limits of no less than \$1,000,000 combined single limit per occurrence.

Workers' Compensation Insurance: The Applicant shall provide and maintain, for all its employees, Workers' Compensation Insurance as required by AS 23.30.045. Where applicable, coverage must comply with any other statutory obligations, whether Federal (i.e., U.S.L.&H., or, Jones Act) or other state laws in which employees are engaged in work on the leased premises. The insurance policy must contain a waiver of subrogation clause in favor of the State of Alaska.

If the Applicant's general liability policy contains higher limits, we shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to us prior to the issuance of this lease and must provide for a notice of cancellation, non-renewal, or material change of conditions in accordance with policy provisions. The Applicant must provide for a 60-day prior notice to the State of Alaska before they cancel, not renew or make material changes to conditions to the policy. Failure to furnish satisfactory evidence of insurance, or lapse of the policy, is a material breach of this lease and shall be grounds, at the option of the State of Alaska, for termination of the lease.

Compensation and Appraisal

Annual Use Fees

Pursuant to AS 38.05.075(f), AS 38.05.840(b), and 11 AAC 58.410(b), the annual fee shall be the minimum lease fee of \$1,000.00 as established in 11 AAC 58.410(b) or if an appraisal is required under AS 38.05.075(f), the minimum lease fee shall only apply until an appraisal to determine fair market value has been completed. Once the appraisal has been completed and fair market value rent for the subject parcel has been deter-

mined, if the amount is less than \$1,000 per annum the annual fee shall remain at \$1,000.00 in accordance with 11 AAC 58.410(b).

However, if it is determined from the appraisal that the fair market value rent for the subject parcel is greater than the minimum amount, then the rent will be adjusted to reflect this amount from the effective date of the lease and the Applicant will be responsible for the payment of any difference.

Periodic Rate Adjustment

In accordance with AS 38.05.105, this lease may be subject to periodic rent adjustments every five years according to an adjusted fair market value.

Survey

The Applicant will be required to provide an Alaska Tideland Survey (ATS) that meets the requirements and standards of the DMLW Survey Section. The Applicant's remittance of the survey is a prerequisite to lease issuance. The area shown on Attachment 1 is the basis for the survey, and the survey must be as-built.

Pursuant to 11 AAC 51.045 and AS 38.05.127, a 50-foot public-access easement seaward of the line of mean high water must be included in the survey.

XV. Adjudicator Recommendation

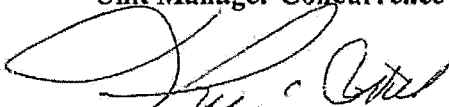
Based on the information provided by the Applicant and other agencies, as well as review of planning documents, statutes, and regulations, I recommend approving a lease authorizing the Applicant to build and maintain a marine access facility on the proposed site. I recommend proceeding to public notice for the purpose of providing the members of the public and those entities identified in AS 38.05.945 an opportunity to review and submit comments.

Signature page follows


Adam Moser, Natural Resources Specialist

03/07/17
Date

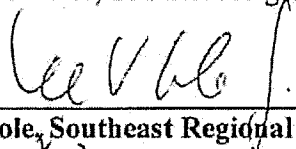
Unit Manager Concurrence


Steve Winker, Natural Resources Manager

March 9, 2017
Date

Regional Manager Decision

The file has been reviewed and found to be complete. It is the finding of the Division of Mining, Land & Water, Southeast Region Land Manager, that issuance of this lease is appropriate.


Lee Cole, Southeast Regional Manager
acting

3-9-2017
Date

ATTACHMENTS:

- Attachment 1. Development Plan
- Attachment 2. Standard Lease Agreement and Special Stipulations
- Attachment 3. Entry Authorization

PUBLIC NOTICE, FINAL DECISION AND APPEAL PROCESS:

In accordance with the provisions of AS 38.05.945, public notice seeking comments on this preliminary decision will be given to: City and Borough of Juneau; Sealaska Corporation; Goldbelt, Inc.; Central Council of the Tlingit and Haida Indian Tribes, Douglas Indian Association, and those parties that have previously requested written notice. We will also request that the Juneau Post Offices post the notice. It will be available on the internet as the Alaska Online Public Notice website, which can be accessed at www.state.ak.us.

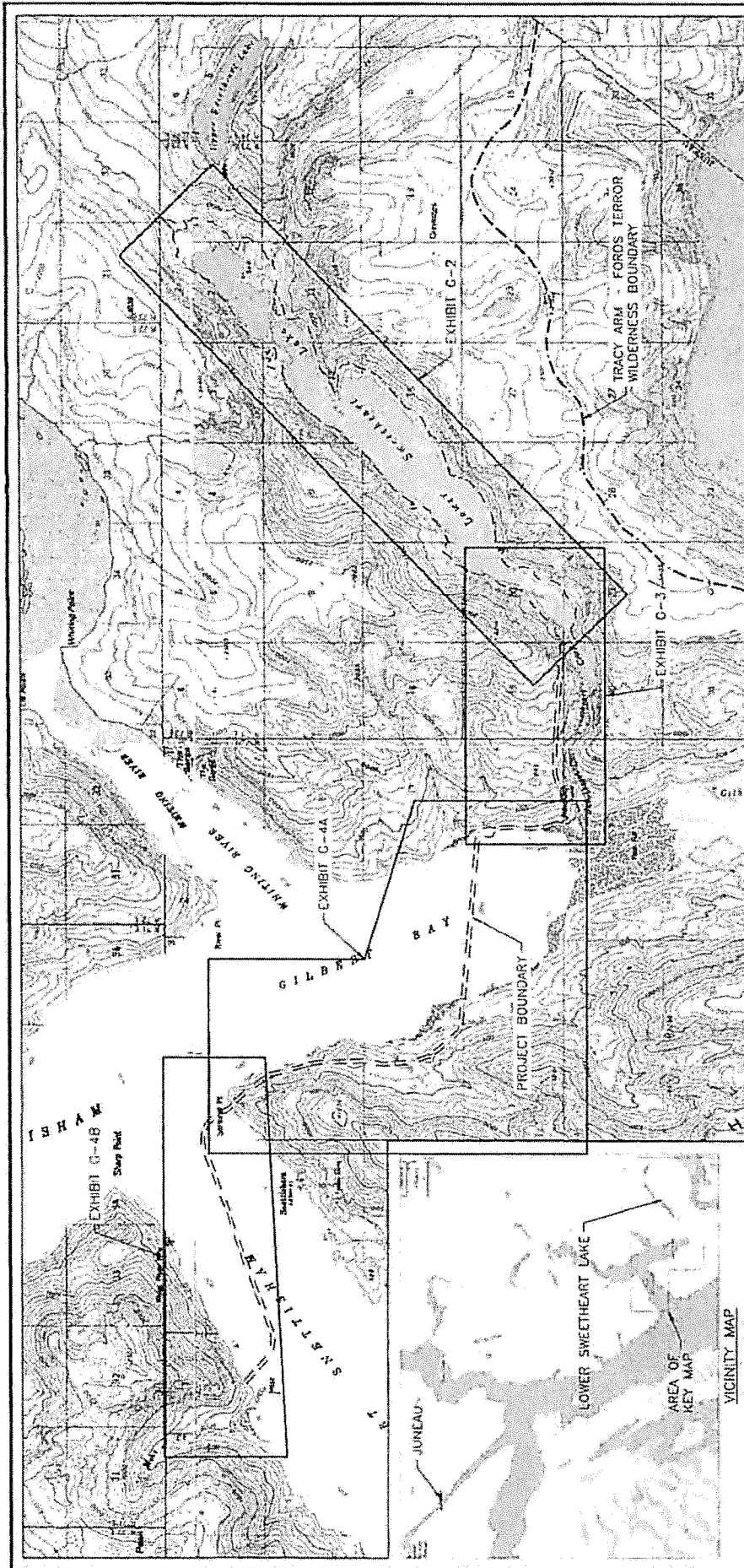
The public is invited to comment on this preliminary decision. Comments must be received in writing by the DNR Division of Mining, Land & Water by mail at 400 Willoughby Avenue, P.O. Box 111020, Juneau, AK 99811-1020; by fax at (907) 465-3886; or by electronic mail to adam.moser@alaska.gov by the close of business on **April 10** in order to ensure consideration. Please include your mailing address and telephone contact. In order to establish appeal rights regarding this decision, you are required by law to meaningfully participate in the decision process by commenting on the decision, in writing, prior to the comment deadline. Following the deadline, all timely written comments will be considered, and DNR may modify this decision based on public comments received.

If DNR determines that public comments in response to this notice indicate the need for significant changes to the decision, additional public notice will be given. If no significant changes are required, the preliminary decision, after any necessary minor changes, will be issued as a final decision. A copy of the final decision, along with instructions on filing an appeal, will be sent to all persons who comment on the preliminary decision. Persons who do not submit written comments during the comment period will have no legal right to appeal the final decision.

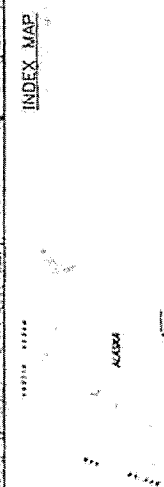
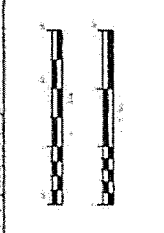
(2) Development Plan Maps

included are:

- G-1 – Location Vicinity and Index Map
- 1 – Site Development Diagram
- 2 – Tunnel, Powerhouse, Road and Dock Map
- 3 – Dock Plan View Map
- 4 – Dock & Road Details
- 5 – Transmission Line Map
- 6 – Typical Marine Transmission Terminal



SWEETHEART LAKE HYDROELECTRIC PROJECT
 FERC PROJECT NOS. P-13563
 EXHIBIT G-1
 PROJECT BOUNDARY
 SHEET 1 OF 4
 LOCATION, VICINITY, AND INDEX MAPS



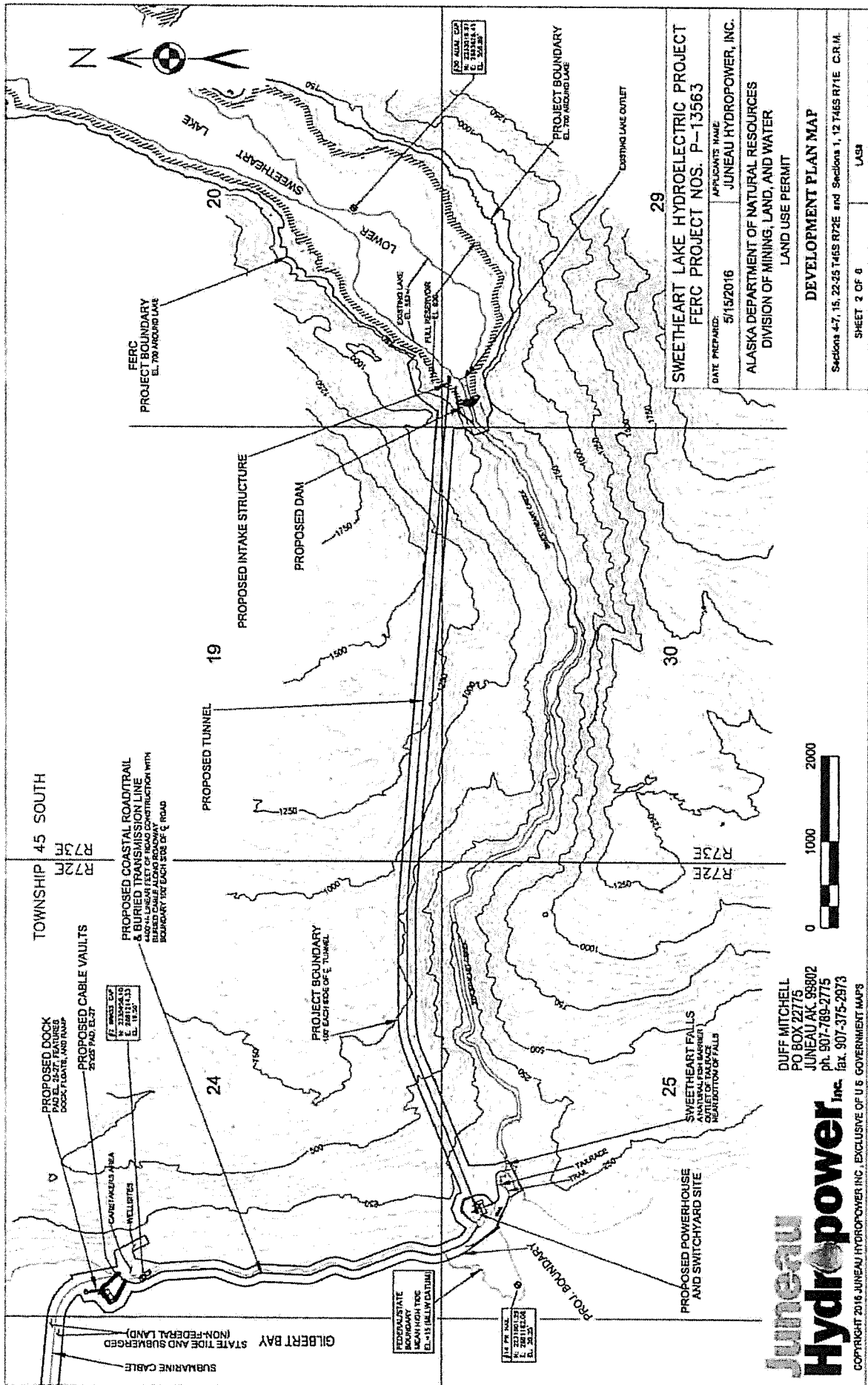
PROJECT LAND AREAS

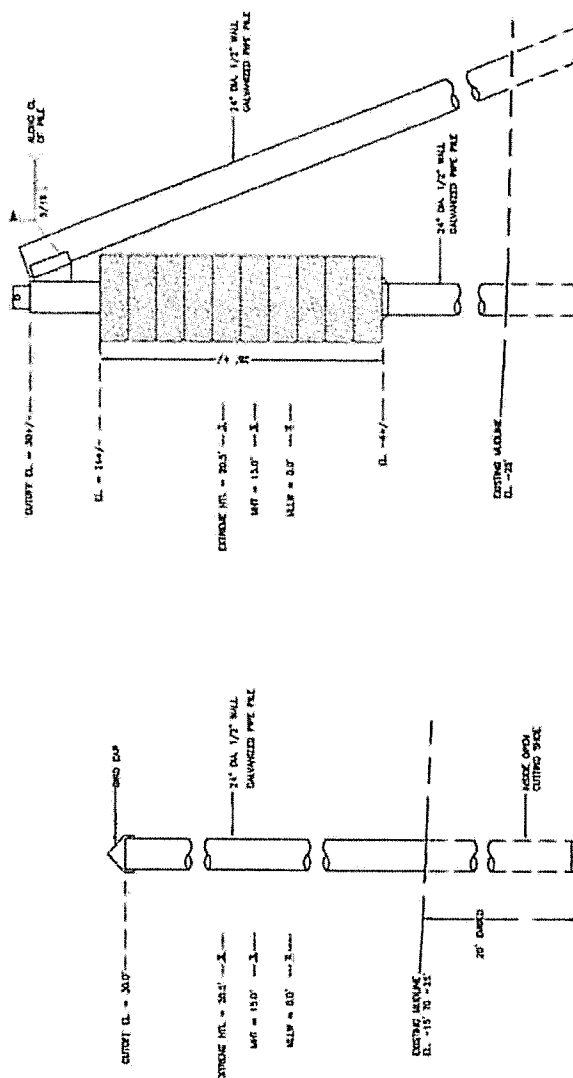
SHEET	TYPE	ACRES	DESCRIPTION
G-2	Federal Non-Transmittable	173.12	Revised, Dec. End of Fiscal
G-3	Federal Non-Transmittable	62.11	United Powerhouse, Band, Dec.
G-4	Federal Transmittable	21.13	Transmittable Units
G-3.1.4	State Owned	131.25	Transmittable, Dec.
TOTAL FEDERAL LANDS		366.56 ACRES	
TOTAL LAND (FEDERAL) - 2017		366.56 ACRES	

Juneau Hydropower Inc.

PROJECT CONTACT
 DUFF MITCHELL
 1000 12TH ST.
 JUNEAU, AK 99801
 PH: 907-585-2175
 FAX: 907-585-2173
 DATE: Sept. 10, 2013

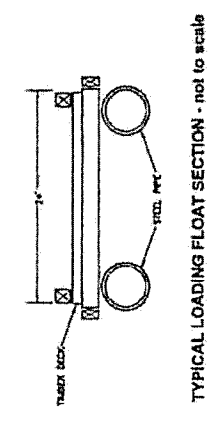
This drawing is a part of the application for license
 issued by the undersigned on the day of _____, 2013.
 Duff W. Mitchell, Business Manager
 Juneau Hydropower, Inc.



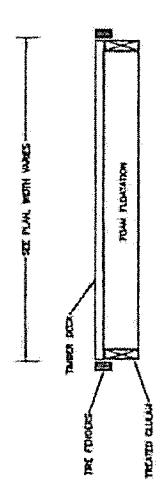


TYPICAL PILE - not to scale

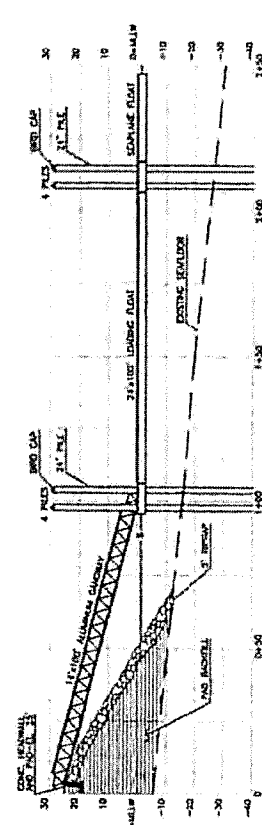
3 PILE DOLPHIN DETAIL - not to scale



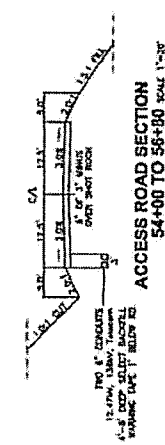
TYPICAL LOADING FLOAT SECTION - not to scale



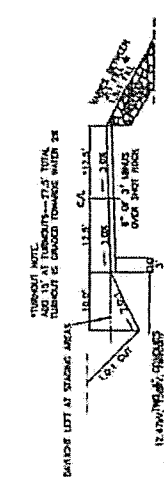
TYPICAL SEAPLANE FLOAT SECTION - not to scale



RAMP AND FLOAT PROFILE - 1" = 40 FEET H & V



ACCESS ROAD SECTION 54+00 TO 56+80 SCALE 1" = 30'



COASTAL ROAD/TRAIL SECTION 13+00 TO 54+00 SCALE 1" = 30'

SWEETHEART LAKE HYDROELECTRIC PROJECT
FERC PROJECT NOS. P-13563

DATE PREPARED:	5/15/2016	APPLICANTS NAME:	JUNEAU HYDROPOWER, INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES		DIVISION OF MINING, LAND, AND WATER	
LAND USE PERMIT		SITE DEVELOPMENT DIAGRAM	
Sections 4-7, 15, 22-25 1455 R72E and Sections 1, 12 1455 R71E C.R.M.		SHEET 4 OF 6	
LAST		LAST	

Juneau Hydropower Inc.
 DUFF MITCHELL
 PO BOX 22775
 JUNEAU AK 99802
 PH. 907-785-2775
 FAX. 907-375-2973
 COPYRIGHT 2016 JUNEAU HYDROPOWER INC. EXCLUSIVE OF U.S. GOVERNMENT MAPS

See Revised Lease Area Map

AK1 SPCS (FT)
N: 2,236,648
E: 2,680,938

TIDELAND LEASE
BOUNDARY
3.34 ACRES

APPX. 200'x200' CLEAN
ROCK FILL FOR LEASE
AREA OF DOCK, 35k+/-
CUBIC YARDS

LEGEND

 TIDELAND LEASE

 TIDELAND EASEMENT



SWEETHEART LAKE HYDROELECTRIC PROJECT FERC PROJECT NOS. P-13563

DATE PREPARED:
5/19/2016

APPLICANTS NAME:
JUNEAU HYDROPOWER, INC.

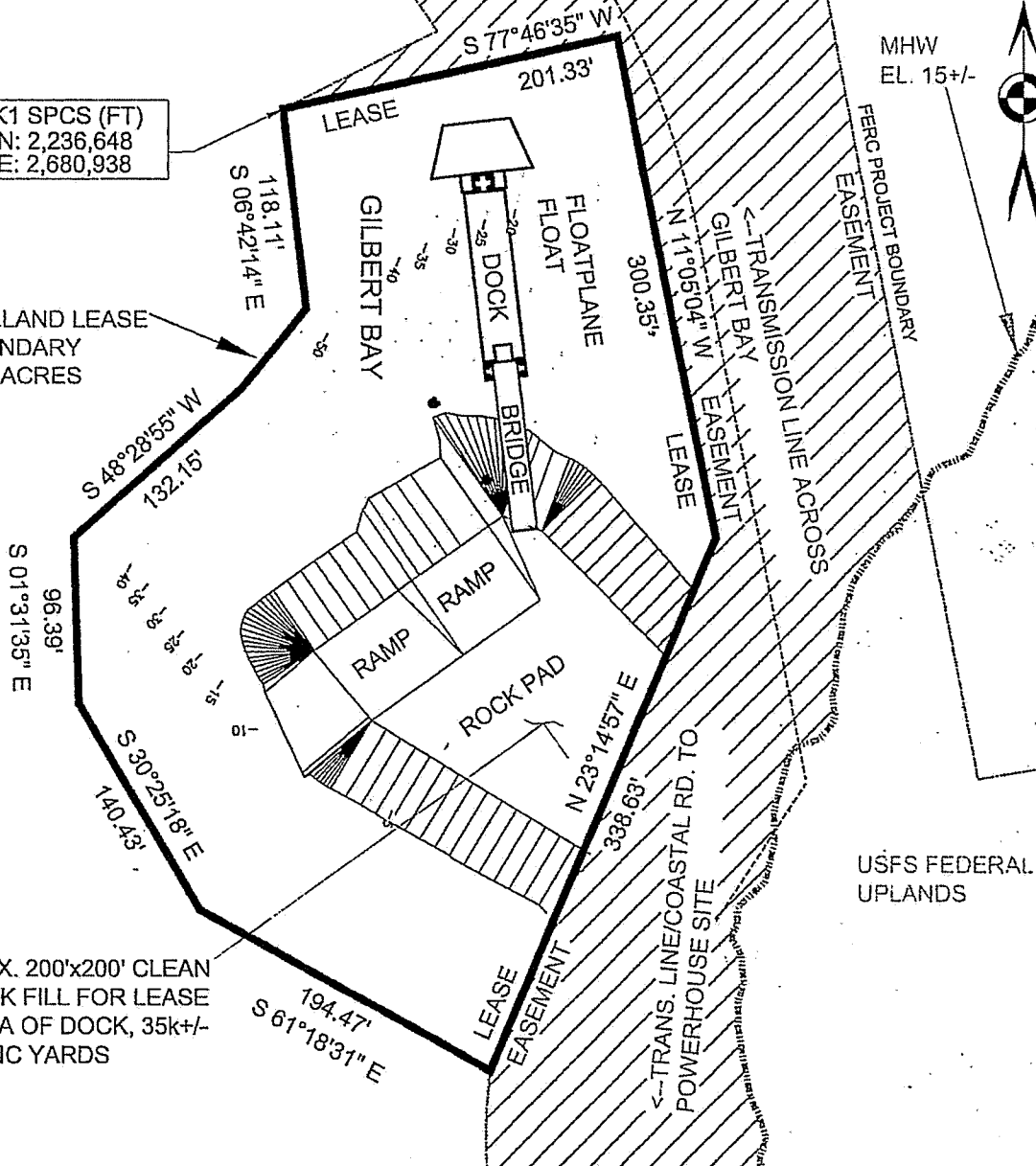
ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
LAND USE PERMIT

ALASKA TIDELAND LEASE

Sections 4-7, 15, 22-25 T45S R72E and Sections 1, 12 T45S R71E C.R.M.

SHEET 1 OF 1

LAS#





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TDD: 907.269.8411
Fax: 907.500.9011

February 9, 2021

Duff Mitchell
Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802

RE: ADL 108211
Extension of entry authorization for lease within:
Copper River Meridian, Township 45 South, Range 72 East, NW ¼ Section 24, on
approximately 3.8 acres of tide and submerged land.

Dear Mr. Mitchell,

This letter hereby extends the entry authorization (EA) issued under ADL 108211 to Juneau Hydropower, Inc. authorizing construction of a marine dock facility near Sweetheart Creek on the east side of Gilbert Bay.

The current EA, issued in January of 2018, expires on September 31, 2021. Due to project delays, you recently requested a six-year extension of the EA. The Department of Natural Resources, Division of Mining Land, and Water has approved your request; the EA will now expire on September 31, 2027. All other terms and conditions of the original EA remain in effect.

If you have any questions regarding the entry authorization, please contact Kaitlyn Raffier at 907-465-3524, or by email at Kaitlyn.raffier@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee V. Cole Jr.".

Lee V. Cole Jr.
Southeast Regional Manager

Attachment: Entry Authorization for ADL 108211



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Phone: 907.465.3400
TDD: 907.269.8411
Fax: 907.465.3886

April 11, 2017

Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802

Re: Easement ADL 108212 – Sweetheart Lake Hydropower Project

Dear Juneau Hydropower:

The Division of Mining, Land and Water has approved your request to use state land. Please find enclosed the Regional Manager's Decision, Entry Authorization and draft Easement Document. Please note that the decision contains an appeal provision including an appeal deadline. If you disagree with this decision, then you must appeal this decision by the appeal deadline.

If you agree with this decision, please review the enclosed documents and sign the Entry Authorization section located in the back of the authorization forms and return the entire authorization to the address above.

Your authorization will be executed upon receipt of the signed Entry Authorization and the following items:

- The Certificate of Insurance in the amount required with the State of Alaska named as an additional certificate holder.
 - General Commercial Liability Insurance
 - Worker's Compensation Insurance
- A copy of the instrument serving as the Performance Guaranty in the amount of \$850,000 (Please note: Either a Corporate Surety or Personal Land Use Bond form must accompany all performance guaranties).
- Payment of fees, as specified in the Entry Authorization.
- The decision is effective with the closure of the appeal period and resolution of any appeals.

Please respond within 30 days, or your case file may be closed. Once the authorization has been executed, a copy will be mailed to you. If you have any questions or require assistance, please contact me at the above address, at 907.465.3427 or by e-mail at adam.moser@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Moser".

Adam Moser
Natural Resource Specialist III

Easement ADL 108212

Enclosures:

- Preliminary Decision
- Draft Easement
- Easement Stipulations (Attachment A)

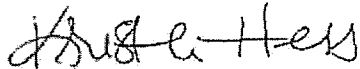
**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE**

**Final Finding and Decision
ADL 108212
Easement to Juneau Hydropower, Inc.
In Accordance with AS 38.05.850**

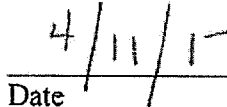
This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated March 9, 2017, and comprise the record of decision for this disposal of interest under AS 38.05.850.

Brief Summary of Agency and Public Comments Received During the Public Notice Period:
No comments were received.

DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, there were no modifications to the Preliminary Decision. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.850.



Kristin A. Hess
Division Operations Manager



Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by the 20th calendar day after the date of "issuance" of this decision as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



Preliminary Regional Manager's Decision
Juneau Hydropower Inc.
ADL 108212– Easement
AS 38.05.850

I. Requested Action

An application dated May 31, 2016 was received from Juneau Hydropower Inc. (Applicant) requesting use of state owned tide and submerged land situated immediately adjacent to federally owned uplands near Sweetheart Creek on the east side of Gilbert Bay for road access between a proposed marine access facility and other infrastructure associated with the Sweetheart Lake Hydroelectric Facility (FERC project no. P-13563).¹

Applicant proposes to place fill material below the mean high water mark (approximate elevation +15.4' above the 0.0' contour) (MHW), on the east side of Gilbert Bay to construct a 4,400-foot-long coastal road, a 4,225 square foot caretaker's facility, a dock pad, staging areas, a 4,800-foot-long, 12.47-kV service transmission line and communication cable extending from the powerhouse to the dock and caretaker's facility. These activities are connected and will permanently fill approximately 9 acres of state owned tide and submerged land.²

Applicant also proposes placement of a submarine electric transmission cable with two segments crossing state owned tide and submerged land for approximately 25,700 feet (4.9 miles) with placement of fill material and fixtures in the intertidal water at four separate locations.³

The Applicant proposes to connect the Sweetheart Lake project to an existing Snettisham transmission line and submarine cable that crosses state owned tide and submerged land at Taku Inlet. Alaska Electric Light & Power Company (AELP) uses this cable to transfer electricity from its Lake Dorothy hydropower facility.⁴ An easement for this crossing is held by the Alaska Industrial Development and Export Authority (ADL 30442). The Applicant plans to use an existing cable and has not requested a separate easement for this segment.

¹ DNR first received the Applicant's application in January 2013. The Applicant resubmitted a revised application on May 27, 2016. Federal Energy Regulatory Commission, Order Issuing Original License, issued September 8, 2016

² Army Corps of Engineers Permit No. POA 2009-1064 issued November 9, 2016. Applicant has submitted a separate application for a lease to the tideland area to site the dock pad (ADL 108211)

³ Army Corps of Engineers Permit No. POA 2009-1064

⁴ FERC Project No. P-12379

A lease application requesting use of state owned tide and submerged land for a marine access facility for this project is being considered separately (ADL 108211).

Proposed Action

The Southeast Region Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) intends to issue the Applicant a private non-exclusive easement for use of state-owned tide and submerged land with a 50-year term concurrent with the term of the Applicant's FERC license, or until such time the easement is no longer used for the requested purpose.

We note that the nature of this authorization does not grant "the right to use in perpetuity" as required by the FERC license.⁵ Additionally, the easement would not give the Applicant authority to grant permission for certain types of uses and convey certain interests in project lands and waters independent of AS 38 as required by the FERC license.⁶

II. Statutory Authority

AS 38.05.035, AS 38.05.850 and Alaska Administrative Code 11 AAC 55.

III. Administrative Record

Case file ADL 108212 is the administrative record for this case. Also incorporated by reference is the Juneau State Land Plan (JSLP, December 1993).

IV. Scope of the Decision

The scope of administrative review for this authorization is guided by AS 38.05.850(a) and to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization will best serve the interest of the State of Alaska.

V. Location Information

Geographic Location

The subject parcel is on unsurveyed state owned tide and submerged lands located in and across Port Snettisham and Gilbert Bay, approximately 35 miles southeast of Juneau, Alaska.

⁵ FERC Project No. 136563-003 Article 5, p.63

⁶ FERC Project No. 136563-003 Article 424, p.58
Preliminary Regional Manager's Decision

Legal Description

Copper River Meridian, Township 45 South, Range 72 East, Sections 4-7 and 22-25; and Township 45 South, Range 71 East, Sections 1 and 12, for a combined total of approximately 126 acres of tide and submerged land.

Width: 200 feet **Length:** 27,400 feet **Approximate Acreage:** 126

Other Land Information

- i. **Municipality:** City and Borough of Juneau (Unified Home Rule Borough)
- ii. **(ANCSA) Regional Corporation:** Sealaska Corporation
- iii. **Village Corporation:** Goldbelt, Incorporated
- iv. **Federally Recognized Tribe:** Central Council of the Tlingit and Haida Indian Tribes

VI. Land Status Information**Title**

The State of Alaska owns the tide and submerged lands of the project area under the Equal Footing Doctrine and the Submerged Lands Act of 1953.⁷

The United States retains all navigational servitude control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective states and others by section 1311 of the Submerged Lands Act, 43 U.S.C.

Planning and Classification

According to 11 AAC 55.040(c), "A classification identifies the primary use for which the land will be managed, subject to valid existing rights and to multiple use."

The proposed site is located within the City and Borough of Juneau Region 15 and is zoned as rural reserve. The area is thus subject to the Juneau State Land Plan (JSLP, December 1993) and is located within Management Unit 15b6 (Port Snettisham / Gilbert Bay) and 15b9 (tidewater at the mouth of Sweetheart Creek). To the south and west of the prospective easement area is Unit 15b8 (Sweetheart tidal flats).

The designated land use within Unit 15b6 is Ha, Hv, and Rd. When evaluating land use in this unit, the area plan requires checking habitat and harvest maps for Commercial Shrimp, Dungeness Crab, Tanner Crab, and gillnet harvest.

⁷ RPT 8643 DNR Realty Services
Preliminary Regional Manager's Decision

The designated land use within Unit 15B9 is Ha, Pt, and Rd. At the time the plan was made the listed resources were migratory waterfowl habitat, and an Alaska Department of Fish and game (DF&G) field camp, with net pens and weir in this unit.⁸

- “Ha” Habitat – Designation for areas with the most valuable habitat is defined as: limited, concentrated-use area for fish and wildlife species during a sensitive life-history stage where alteration of the habitat or human disturbance could result in a permanent loss of a population or species’ sustained yield.⁹ This designation converts to Wildlife Habitat land as the land classification.
- “Hv” Harvest – Designation for areas with localized, traditional harvest areas of limited size where alteration of habitat could permanently limit sustained yield to traditional users; or areas of intense harvest where the level of harvest has or is projected to reach the harvestable surplus of the resource.¹⁰
- “Pt” Public Facilities Transfer – Sites reserved for specific infrastructure to serve the public at large or, sometimes, primarily local needs. If DNR intends non-state ownership of the public facility it is designated “Pt” and classified as “Settlement Land” so that a non-state public entity can acquire the site and develop or operate it consistent with the purposes outlined in the JSLP.¹¹ This designation converts to Settlement land as the land classification.
- “Rd” Recreation and Tourism Dispersed Use – This designation is for areas that attract recreationists or tourists who range throughout the area. Also, areas that offer high potential for dispersed recreation or tourism because of desirable recreation conditions that are scattered or widespread rather than localized. Developed facilities are generally not necessary.¹² This designation converts to Public recreation land as the land classification.

The designated uses of 15b8 are Ha and Rd, with resources listed as waterfowl habitat, anadromous stream mouth, and anchorage area.¹³ Management Units 15b8 & 15b9 are primarily utilized by the public as areas for recreational personal-use fishing and wildlife viewing.

⁸ JSLP chap.3 p.278

⁹ JSLP chap.3 p.3

¹⁰ JSLP chap.3 p.4

¹¹ JSLP chap.3 p.5

¹² JSLP chap.3 p.5

¹³ JSLP chap. 3, p.278

The construction of the coastal access road will lead to an irreversible loss of tidal habitat. However, the proposed use is considered compatible with the Habitat designation if the design, siting, operations and use are designed to avoid significant adverse habitat impacts. Alternatively, if the designated use is of sufficient importance or lacks a feasible and prudent alternative, the proposed use can be made consistent through mitigation measures. While habitat will be impacted by the marine access facility, the area is not catalogued by the Alaska Department of Fish and Game (ADF&G) as critical anadromous habitat. Gilbert Bay is designated as Essential Fish Habitat for Pink and Chum salmon by the National Marine Fisheries Service (NMFS). In accordance with the Magnuson-Stevens Fishery Management Act, FERC has consulted with the NMFS regarding the project's potential impacts on salmon fisheries and other wildlife in Gilbert Bay. FERC's final EIS determined that with the implementation of proposed project mitigation and management plans the salmon habitat in Gilbert Bay would not be adversely affected.¹⁴ The Applicant has developed mitigation and habitat management plans and continues to update required management plans with input from the U.S. Forest Service, NMFS, and AD&FG.

Unit 15b6 is expansive. It is comprised of sections of Stephens Passage, all of Port Snettisham and Gilbert Bay. The harvests listed in the JSLP are commercial Shrimp, Dungeness crab, Tanner crab, and gillnet harvest. The largest potential impact on these harvest activities would likely come during the construction phase of the project, including potential disturbances from marine transportation to and from the proposed site. Overall, however, the Applicant's planned development of the coastal access road and submarine transmission line would have a de minimis impact on the overall harvest potential in Unit 15b6.

To promote the designated use of Recreation and Tourism, the public's access and use of the prospective permitted land shall be maintained at all times with reasonable exceptions to protect the project's operations and temporarily in specific areas as required for public safety during construction or maintenance. Furthermore, the Applicant is required to develop a Recreational Management Plan to facilitate and ensure safe public access to the permitted area under article 421 of its FERC license.¹⁵

According to the Applicant's proposed plan, a gated one-lane road on state tidelands will act as a public recreational trail from the marine access facility (ADL 108211) to the powerhouse location at the mouth of Sweetheart Creek. This route will allow the public a deep-water route to access the planned trail to Sweetheart Creek. The coastal road/trail will not allow public use of motorized vehicles. The Applicant will be responsible for the

¹⁴ FERC/EIS-0263F, chap.3 p.67

¹⁵ FERC Project No. 136563-003, Article 421, p.56
Preliminary Regional Manager's Decision

design, construction, maintenance, and cost of the improved trails for the term of the permit. Additionally, the Applicant plans to place up to three mooring buoys on state submerged lands near the mouth of Sweetheart Creek, to facilitate public access.¹⁶

With consideration of the mitigation measures and conditions set forth in the Applicant's final EIS, FERC license, and required management plans, the project will be consistent with the proposed uses of the JSLP for 15b6 and 15b9.

VII. Third Party Interests

There are no third party property interests in the prospective tide and submerged lands requested by the Applicant.

VIII. Background

Lower Sweetheart Lake and Sweetheart Creek have been identified as potential hydropower sites since the early 1900's. The area is classified by the U.S. Geological Survey (USGS) as a Power Site Classification, number 221, established May 29, 1929 (Public Land Order 382b). This classification entails that the area be managed in compliance with Section 24 of the Federal Power Act (FPA), which grants FERC a role in reviewing proposed land uses. As the upland project site area is under US Forest Service management, FERC and US Forest Service have been in communication and have coordinated their respective project approval processes.¹⁷ The Alaska Energy Authority has also noted the hydropower potential for the project area in its Draft Southeast Integrated Resource Plan.¹⁸

The Applicant obtained a preliminary permit from FERC for the project in December 2009. The Applicant submitted an application to DNR for an easement on tide and submerged land in Gilbert Bay and Port Snettisham on January 28, 2013. This application was updated and resubmitted on May 31, 2016.

Additional notable events in the project timeline include:

- US Forest Service issued a special use permit for access to conduct investigative studies to the Applicant on February 20, 2014. US Forest Service issued another special use permit to the Applicant in February of 2016.
- FERC issued final EIS in May 2016.¹⁹

¹⁶ JHI Preliminary Management Plans, submitted to FERC with Final License Application, Appendices Z, May 2014. Applicant will need to submit a separate permit application to DNR, specific to the mooring buoys, to place the buoys as planned.

¹⁷ FERC Order Issuing Original License, Project No. 13563-003.

¹⁸ Draft Southeast Alaska Resource Plan Technical Report, chap.10, Dec 2011

¹⁹ FERC/EIS-0263F

- FERC license was issued on September 8, 2016.²⁰
- ADF&G issued a Fish Habitat Permit to Applicant on October 6, 2016.²¹
- USACE permit for dredge and fill in waters of the U.S. issued on November 9, 2016.²²

Related Actions

On August 7, 2012, DNR received the Applicant's application for a water rights permit, which remains under adjudication.²³ On May 31, 2016, the Applicant also submitted an application for a lease on state tide and submerged lands for a marine access facility.²⁴ And on September 16, 2016, the Applicant submitted an application to DNR for a one-time use permit to move an excavator across state tidelands to access a temporary worksite. After public notice, DNR issued the one-time use permit on October 28, 2016.²⁵

IX. Agency Review

Relevant state agencies have been involved in reviewing the Applicant's proposed project and plans, including plans specific to the proposed easement and coastal access road since the Applicant's application for a preliminary FERC license in 2009. All of the agencies' comments to the project's draft EIS can be found in Appendix A of the final EIS.²⁶

X. Access

Physical and Legal Access

The physical access to the proposed tideland easement area is via anchorage near the mouth of Sweetheart Creek or beaching vessels on the tidelands. The public access and use of the tideland shall be maintained at all times with reasonable exceptions to protect the project's operations, and temporarily restricted in specific areas as required for public safety during construction and maintenance. After completion of the Applicant's proposed construction on state tidelands, the public will have limited non-commercial access to the Applicant's dock (ADL 108211) to use at their own risk, and non-motorized use of the coastal access road to access Sweetheart Creek. Applicant will be responsible for the design, construction, operation, maintenance, and cost of the access road and trail for the duration of the easement.

²⁰ FERC License Project No. 13563-003

²¹ ADF&G Fish Habitat Permit FH-I-0097

²² Army Corps of Engineers Permit No. POA-2009-1064

²³ LAS 28660. This permit is not required until after construction of the hydropower generation facilities

²⁴ ADL 108211

²⁵ LAS 31472

²⁶ FERC/EIS-0263F, Appendix A

To provide safer moorage for noncommercial recreational visitors, the Applicant also plans to place up to three mooring buoys of sufficient size to anchor typical sport fishing vessels in Gilbert Bay near the mouth of Sweetheart Creek. The Applicant will be responsible for the design, construction, maintenance, and cost of the moorings. The Applicant will have to apply to DNR DMLW for a separate permit to place the proposed buoys on state submerged land for any period.

Access to and Along Public Waters:

Pursuant to AS 38.05.126(a), the public has a constitutional right to free access to, and use of, navigable or public waters of the State of Alaska. Under 11 AAC 51.045 and AS 38.05.127, DMLW is required to reserve specific public-access easements to and along these waters.

XI. Environmental Considerations

It is our management responsibility to protect the overall public interest if there is a reasonable expectation that a hazardous condition, or hazardous, toxic or radiological material or contamination from such material exists or is known to exist on the land being considered. No hazardous material or contamination from hazardous material is known to exist on the land.

The Applicant is expected to inspect the prospective permit site and familiarize itself with the condition and quality of the land. The state makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land. The State of Alaska does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

Hazardous materials, specifically fuel for heavy machinery, aircraft and vehicles, and explosives, will be handled and temporarily stored on site or in the immediate vicinity of the site. In accordance with its FERC license, the Applicant shall continue to consult with ADF&G and DEC to finalize hazardous substance and environmental management plans, including hiring environmental compliance monitors. Stipulations included in the permit will require proper handling and storage of hazardous substances including compliance with all relevant federal and state regulations.

Additionally, the project will require significant excavation of rock, most of which will be used as fill to build the coastal access road on state tideland. It is imperative to ensure that such rock and fill is not acidic.²⁷ The Applicant will be required to conduct rock bore testing and ensure

²⁷ FERC/EIS-0263F, chap.3
Preliminary Regional Manager's Decision

that any rock fill used or stored on the prospective permit area not pose a risk to the environment or the State's natural resources.

XII. Performance Guaranty

In accordance with 11 AAC 96.060, performance guaranties are means to assure performance and to provide ways to pay for corrective action if the permittee fails to comply with the requirements set forth in the project plans and easement. The amount of the performance guaranty is based on the scope and the nature of the activity and the potential cost of restoring the site. In order to ensure the responsible construction and development of the proposed project and execution of the easement, a performance guaranty of \$850,000 shall be required during the early entry permit period of the project through the completion of project construction. An as-built survey and a construction completion report shall be submitted to DNR proving that the project was completed according to plan and without any unplanned impacts to state land. Upon DNR's approval of the construction completion report, DNR will release the performance guaranty. In order to ensure site restoration, three years before the expiration of the easement, the grantee shall apply to DNR for a new easement for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan. If at any time during the easement term, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a commensurate performance guaranty and restoration plan.

Performance guaranties are subject to periodic adjustments being made during the term of the authorization to address increases or decreases in risk associated with the project, the costs of rectifying problems, and restoring state land due to inflation, changes in the level or nature of development, or other appropriate factors.

XIII. Insurance

Insurance is a means to protect the state from liabilities incurred through the use of state property, or from damage to state property as a result of accidental or catastrophic events. This type of protection is necessary in the event of an accident or negligence that was consequentially connected to activities conducted on state land, and/or if the state is named in a lawsuit as a result of an accident or negligence.

- **Commercial General Liability Insurance:** Such policy shall have minimum coverage limits of \$1,000,000 combined single limit per occurrence.
- **Workers' Compensation Insurance:** The Applicant shall provide and maintain, for all its employees, Workers' Compensation Insurance as required by AS 23.30.045. Where applicable, coverage must comply with any other statutory obligations, whether Federal (i.e., U.S.L.&H., or, Jones Act) or other state laws in which employees are engaged in work on the leased premises. The insurance policy must contain a waiver of subrogation clause in favor of the State of Alaska.

If the Applicant's general liability policy contains higher limits, we shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to us prior to the issuance of this lease and must provide for a notice of cancellation, non-renewal, or material change of conditions in accordance with policy provisions. The Applicant must provide for a 60-day prior notice to the State of Alaska before they cancel, not renew or make material changes to conditions to the policy. Failure to furnish satisfactory evidence of insurance, or lapse of the policy, is a material breach of this lease and shall be grounds, at the option of the State of Alaska, for termination of the lease.

XIV. Survey

Upon receiving an Early Authorization from DNR, the Applicant shall conduct an as-built survey acceptable to the standards of the DMLW Survey Section prior to the expiration of the Grantee's Entry Authorization. The Applicant will be responsible for all costs associated with conducting the survey.

XV. Fees/Appraisal

Fee Narrative: 11 AAC 05.010

As required by 11 AAC 05.010(e)(11) the fee for this non-exclusive private easement under AS 38.05.850 will be an annual fee of \$100 per acre.

XVI. Term

EA Term: Three years, or shorter if the easement is issued prior to the EA expiration.

Easement Term: Fifty years, a term concurrent with the Applicant's FERC license, or until such time the easement is no longer used for the requested purpose.

XVII. Economic Benefit and Development of State Resources

AS 38.05.850(a) requires that in the granting of easements DNR give preference to the use of the land that will be of greatest economic benefit to the state and the development of its resources.

XVIII. Discussion

In addition to requiring that preference be given to easements that will be of greatest economic benefit to the state, AS 38.05.850(a) also provides that first preference must be granted to the upland owner for the use of a tract of tideland and contiguous submerged land that is seaward of the upland property of the upland owner.

Here, the U.S. Forest Service manages the upland property, however the Applicant has obtained the equivalent of an ownership interest in the upland property through its FERC issued license. Therefore, the Applicant meets the qualification for first preference under 38.05.850(a).

Additionally, there are no prior existing rights or third party interests in the prospective permit area. As noted in sections VI and X above, the proposed use is compatible with the land classifications in the JSLP, and noncommercial public access to the prospective easement area will be maintained with only minimal and reasonable exceptions. The project's potential impacts on wildlife habit and the environment have been documented and mitigation measures have been identified and management plans prepared.

The prospective permit area is within the FERC licensed project boundary site, and thus, alternatives to siting the Applicant's access road on the prospective easement area were considered in the alternatives analysis conducted during the FERC licensing process, including alternative sites and a no-build option for the Applicant's hydropower project. In addition, the Applicant has also received a permit from the U.S. Army Corps of Engineers (USACE) under Section 404(b)(1) of the Clean Water Act to fill and build on the prospective easement area. The USACE must follow guidelines under 40 CFR 230.10(a) on alternatives considerations for all section 404 permit applications. The guidelines require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR 230.10(a)). Therefore, the specific question of whether there are practicable alternatives to the Applicant's proposed access road for the easement area has been evaluated by the USACE.

Similarly, the submarine transmission line was weighed against above ground options and determined to be the most desirable option based on environmental, recreational and aesthetic considerations.

With these considerations, the Southeast Regional Office of the DNR Division of Mining, Land and Water concurs with the findings of the USACE that there is no better alternative to the Applicant to access the upland project site. It is thus recommended that the Applicant be issued a private non-exclusive easement for approximately 126 acres of tide and submerged land adjacent to the Tongass National Forest on tideland in Gilbert Bay and on submerged lands in the Copper River Meridian, Township 45 South, Range 72 East, Sections 4-7 and 22-25; and Township 45 South, Range 71 East, Sections 1 and 12.

XIV. Recommendation

Authorization Type and Term

Pursuant to AS 38.05.850, the Southeast Region Department of Natural Resources, Division of Mining, Land and Water recommends the issuance of a 50-year private nonexclusive easement to the Applicant for the purpose of building and maintaining an access road and a submarine transmission cable.

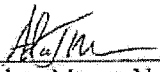
Special Stipulations and the terms and conditions set forth therein (Attachment 2).

This is a preliminary decision and subsequent public review may result in changes or disapproval of the proposed action altogether.

Terms and Conditions

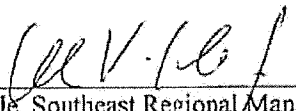
1. Public access shall be maintained in accordance with Article 421 of the FERC license and AS 38.05.127.
2. In furtherance of Article 401 of its FERC license, the Applicant shall provide DNR, ADF&G and DEC with all FERC approved construction plans, waste management plans, and hazardous substance management plans before any land-disturbing or construction activities begin.
3. Applicant shall conduct rock bore testing of excavated rock and ensure that excavated fill and rock material does not harm the environment or the state's natural resources.
4. Provide access to DNR, ADF&G, and DEC during the construction phase to monitor compliance with construction management plans.
5. In accordance with ADF&G issued Fish Habitat Permit FH16-I-0097, obtain any required fish habitat permits for anadromous stream crossings, prior to construction of the transmission line and coastal access road.²⁸
6. The permit and entry authorization shall contain modifications and/or provisions that are justified by public comment.
7. The grantee shall restore the easement area to a good and marketable condition, acceptable to the commissioner. Reclamation of the site may require full dismantling and removal of the fill upon expiration or termination of the easement. A future decision will determine the extent of required reclamation and will consider whether, due to naturalization and habitat growth, it would be more detrimental to the environment to remove all or a portion of the fill or dredged materials.
 - a. In order to ensure site restoration, three years before the expiration of the easement, the Applicant shall apply to DNR for a new easement for the same site, or post a commensurate performance guaranty and submit to DNR a site restoration plan. Alternatively, if at any time during the term of the permit, DNR reasonably determines that the project's continued operation is in jeopardy, DNR may require the lessee to provide a restoration plan and a commensurate performance guaranty.
 - b. The performance guaranty amount may be adjusted during the term of the permit to reflect newly discovered risks or costs for full reclamation of the site.

Signature page follows


Adam Moser, Natural Resource Specialist

03/09/17
Date

ccfy Regional Manager's Decision


Lee Cole, Southeast Regional Manager

3/9/2017
Date

Attachments: A – Development Plan
B – Easement and Stipulations
C – Early Authorization

**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND & WATER
SOUTHEAST REGIONAL OFFICE**

**Final Finding and Decision
ADL 108212
Easement to Juneau Hydropower, Inc.
In Accordance with AS 38.05.850**

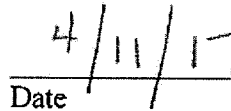
This Final Finding and Decision, and all attachments hereto, supplement the Preliminary Decision dated March 9, 2017, and comprise the record of decision for this disposal of interest under AS 38.05.850.

Brief Summary of Agency and Public Comments Received During the Public Notice Period:
No comments were received.

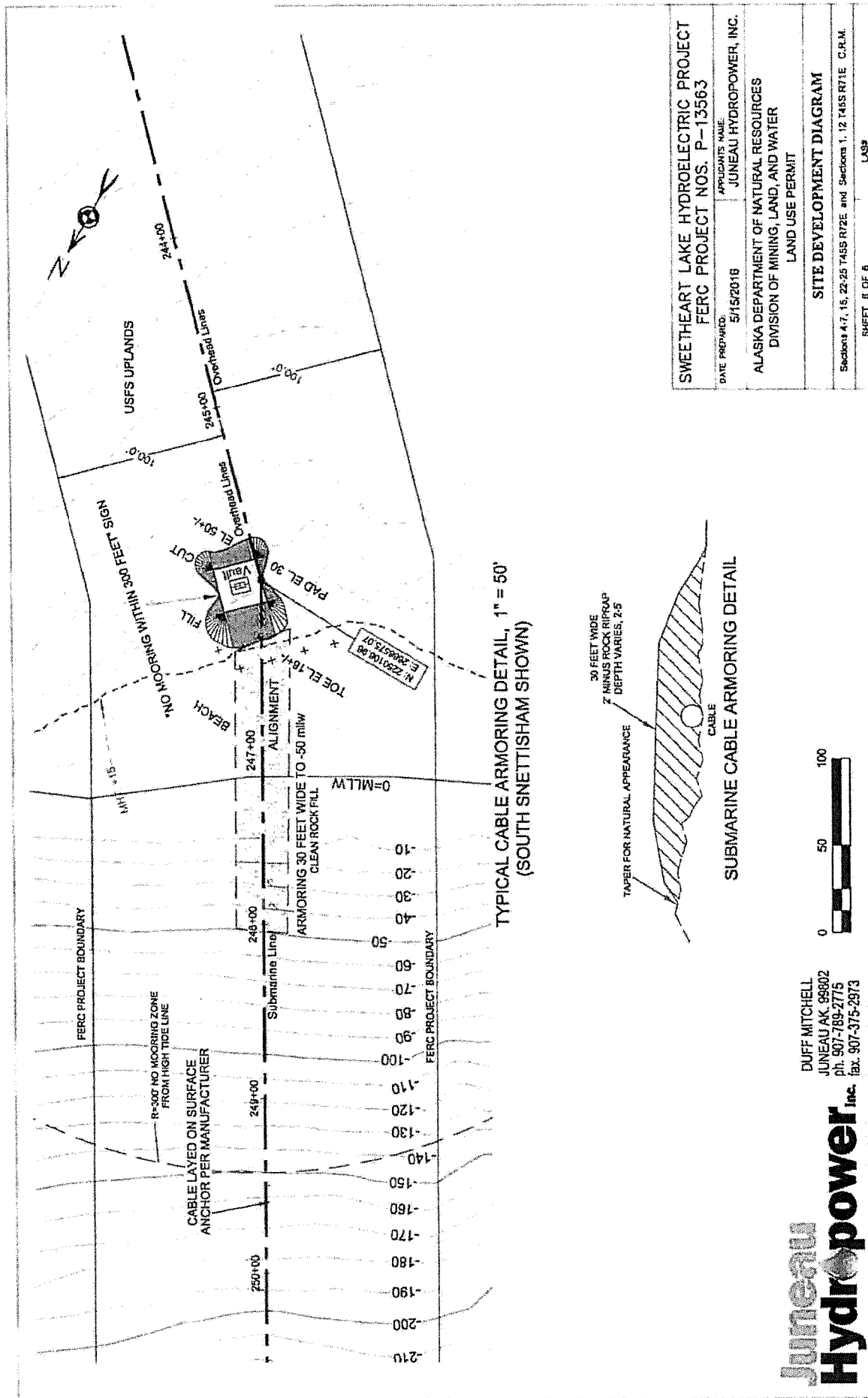
DMLW has re-affirmed that the case file is complete and the requirements of all applicable statutes and regulations have been satisfied. Since no comments were received during the public comment period, there were no modifications to the Preliminary Decision. It is the finding of the Commissioner of the Department of Natural Resources that it is in the best interest of the State to proceed with this disposal of interest under the authority of AS 38.05.850.



Kristin A. Hess
Division Operations Manager


Date

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received by the 20th calendar day after the date of "issuance" of this decision as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 West 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to (907) 269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If no appeal is filed by the appeal deadline, this decision goes into effect as a final order and decision of the Department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



TYPICAL CABLE ARMORING DETAIL, 1" = 50'
(SOUTH SNETTISHAM SHOWN)

30 FEET WIDE
2 MINUS ROCK RIPRAP
DEPTH VARIES, 2-5

TAPER FOR NATURAL APPEARANCE

CABLE

SUBMARINE CABLE ARMORING DETAIL



Juneau Hydropower Inc.
DUFF MITCHELL
JUNEAU AK 99802
ph. 907-789-2775
fax. 907-375-2973
COPYRIGHT 2019 JUNEAU HYDROPOWER INC. EXCLUSIVE OF U.S. GOVERNMENT MAPS

SWEETHEART LAKE HYDROELECTRIC PROJECT FERC PROJECT NOS. P-13563	
DATE PREPARED: 5/15/2018	APPLICANT'S NAME: JUNEAU HYDROPOWER, INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER LAND USE PERMIT	
SITE DEVELOPMENT DIAGRAM	
Sections 4, 7, 15, 22-25 T45S R72E and Sections 1, 12 T45S R71E C.R.M.	
SHEET 8 OF 8	
LAS9	



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Southeast Regional Land Office

P. O. Box 111020
Juneau, Alaska 99811-1020
Main: 907.465.3400
TDD: 907.269.8411
Fax: 907.500.9011

February 9, 2021

Duff Mitchell
Juneau Hydropower, Inc.
PO Box 22775
Juneau, AK 99802

RE: ADL 108212

Extension of entry authorization for an easement within:

Copper River Meridian, Township 45 South, Range 72 East, Sections 4-7 and 22-25; and Township 45 South, Range 71 East, Sections 1 and 12, for a combined total of approximately 126 acres of tide and submerged land.

Dear Mr. Mitchell,

This letter hereby extends the entry authorization (EA) issued under ADL 108212 to Juneau Hydropower, Inc. authorizing construction of a coastal road, caretaker's facility, dock pad, staging areas, service transmission line and communication cable near Sweetheart Creek.

The current EA, issued in January of 2018, expires on September 31, 2021. Due to project delays, you recently requested a six-year extension of the EA. The Department of Natural Resources, Division of Mining Land, and Water has approved your request; the EA will now expire on September 31, 2027. All other terms and conditions of the original EA remain in effect.

If you have any questions regarding the entry authorization, please contact Kaitlyn Raffier at 907-465-3524, or by email at Kaitlyn.raffier@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee V. Cole Jr.".

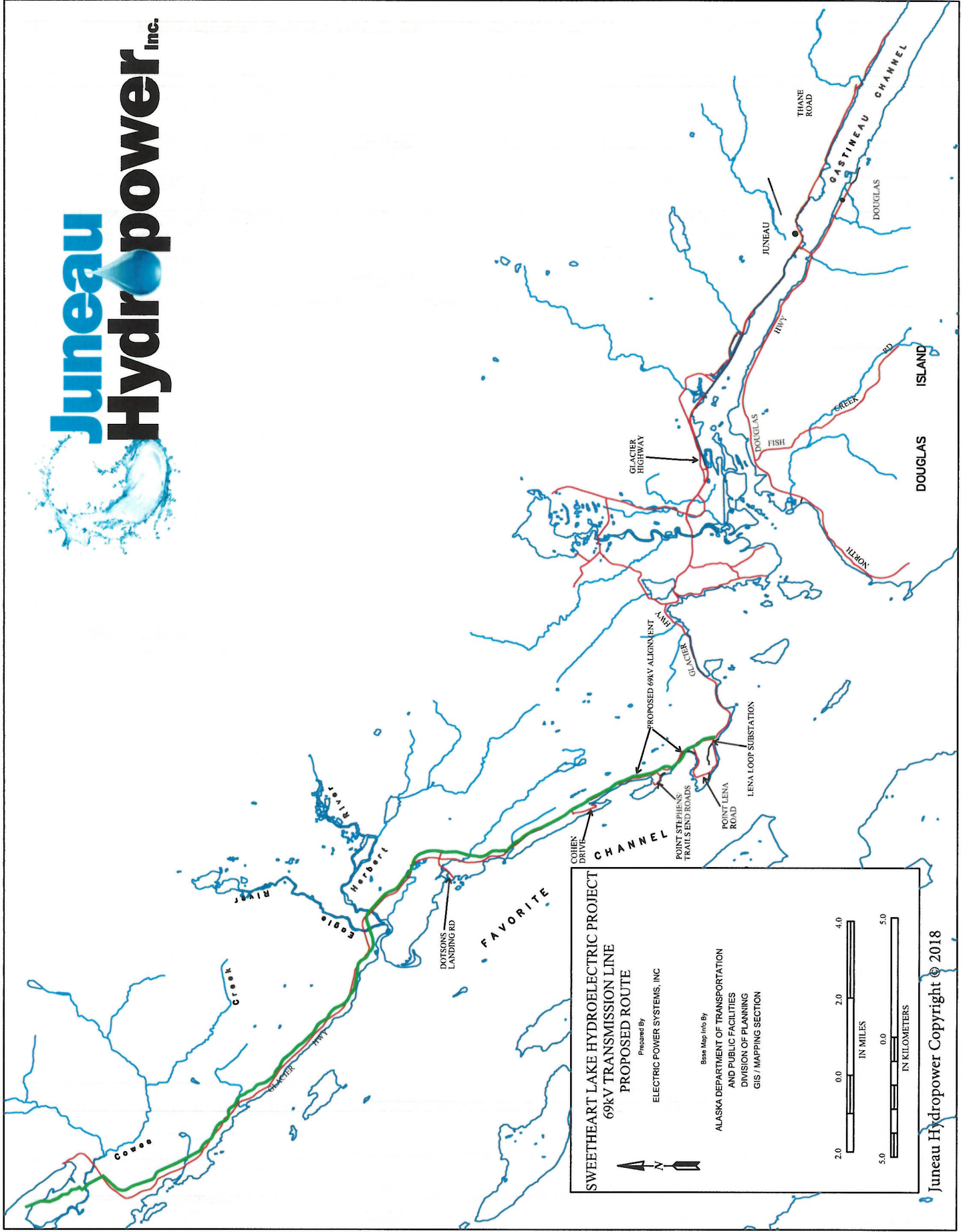
Lee V. Cole Jr.
Southeast Regional Manager

Attachment: Entry Authorization for ADL 108212

Juneau Hydropower Inc.

CUP Application and Supporting Documents

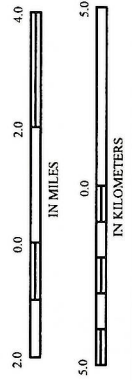
Attachment 2- Utility Project 69kV Transmission Maps
to connect Coeur Alaska Kensington Mine



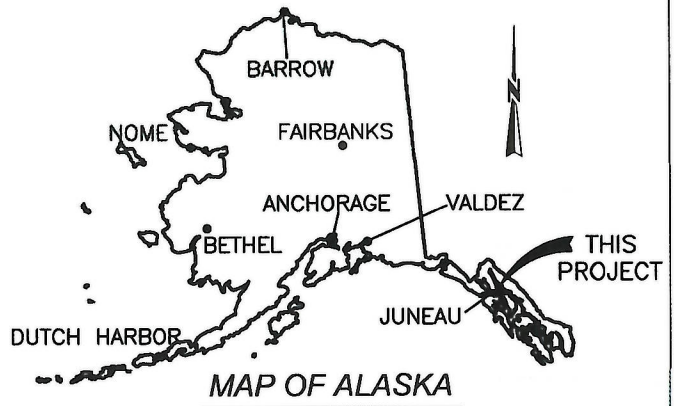
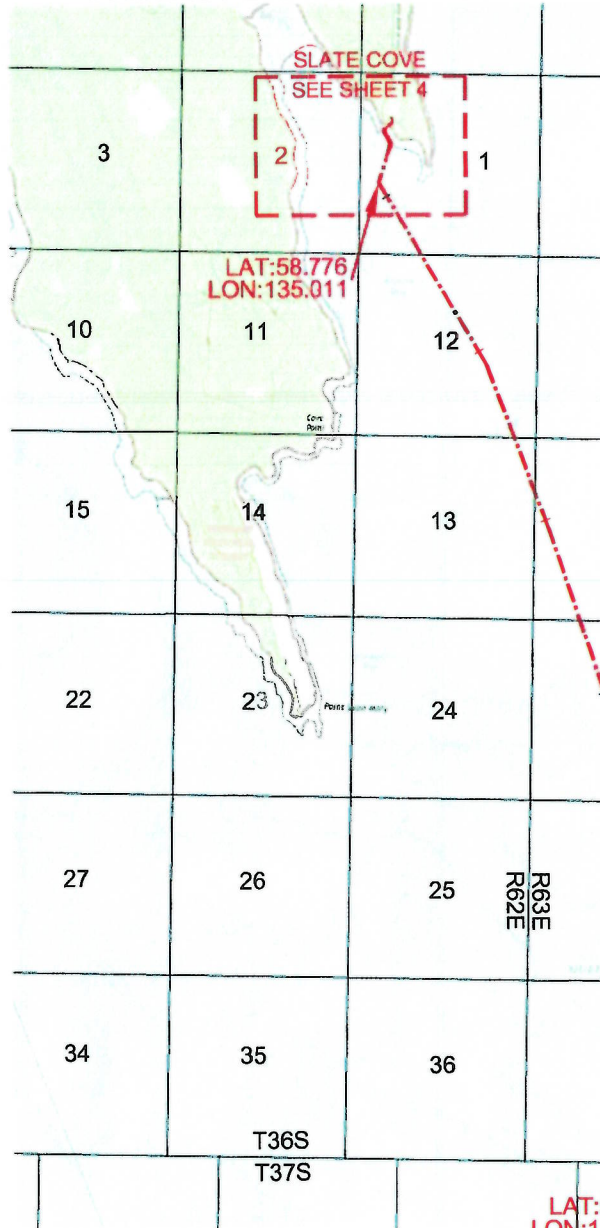
**SWEETHEART LAKE HYDROELECTRIC PROJECT
69kV TRANSMISSION LINE
PROPOSED ROUTE**

Prepared By
ELECTRIC POWER SYSTEMS, INC.

Base Map Info By
**ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
DIVISION OF PLANNING
GIS / MAPPING SECTION**



PROJECT DRAWINGS: LOCATION MAPS AND CONTACT INFORMATION



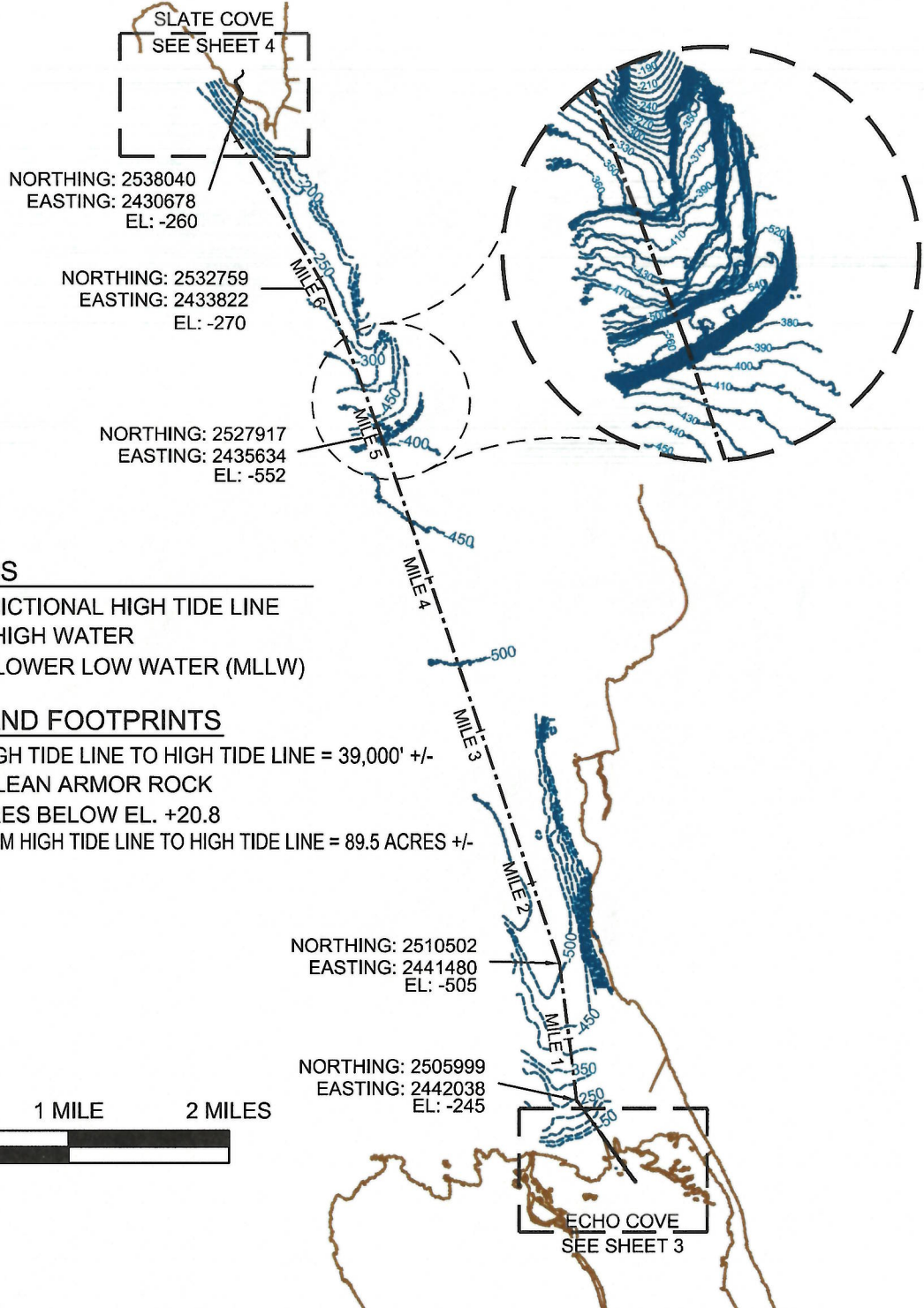
CONTACT INFORMATION

JUNEAU HYDROPOWER INC.
DUFF W. MITCHELL
PO BOX 22775
JUNEAU, AK. 99801
TEL. 907-789-2775

SITE OVERVIEW MAP

CITY AND BOROUGH OF JUNEAU, AK
LATITUDE: 58.325° LONGITUDE: 134.463°
WATERWAY: BERNERS BAY

JUNEAU HYDROPOWER INC. TRANSMISSION LINE	
DATE PREPARED: 7/25/2018	APPLICANTS NAME: JUNEAU HYDROPOWER INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER LAND USE PERMIT	
TIDELAND EASEMENT	
SECTIONS 1,2,12 T37S, R63E & SECTIONS 18,19,30,31,32 T36S R63E, & SECTIONS 1,12,13 T36S R62E, C.R.M.	
SHEET 1 OF 4	FILE #



TIDAL DATUMS

+20.8	JURISDICTIONAL HIGH TIDE LINE
+15.4	MEAN HIGH WATER
-0-	MEAN LOWER LOW WATER (MLLW)

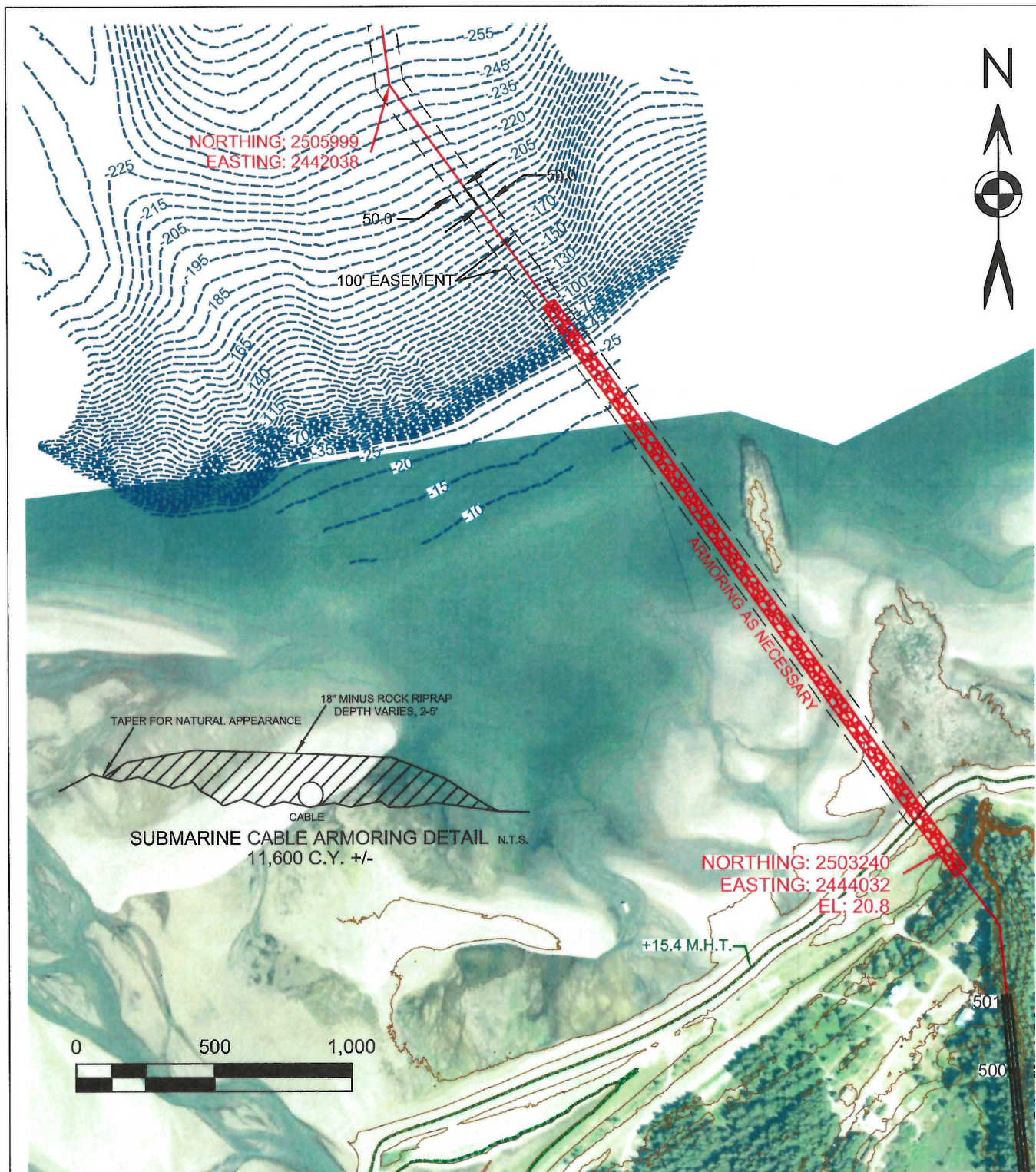
QUANTITIES AND FOOTPRINTS

LENGTH FROM HIGH TIDE LINE TO HIGH TIDE LINE = 39,000' +/-
16,300 C.Y. +/- CLEAN ARMOR ROCK
2.05 +/- FILL ACRES BELOW EL. +20.8
100' EASEMENT FROM HIGH TIDE LINE TO HIGH TIDE LINE = 89.5 ACRES +/-

TRANSMISSION LINE ROUTE

CITY AND BOROUGH OF JUNEAU, AK
LATITUDE: 58.325° LONGITUDE: 134.463°
WATERWAY: BERNERS BAY

JUNEAU HYDROPOWER INC. TRANSMISSION LINE	
DATE PREPARED: 7/25/2018	APPLICANTS NAME: JUNEAU HYDROPOWER INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER LAND USE PERMIT	
TIDELAND EASEMENT	
SECTIONS 1,2,12 T37S, R63E & SECTIONS 18,19,30,31,32 T36S R63E, & SECTIONS 1,12,13 T36S R62E, C.R.M.	
SHEET 2 OF 4	FILE #



SOUTH TERMINUS

CITY AND BOROUGH OF JUNEAU, AK

LATITUDE: 58.325° LONGITUDE: 134.463°

WATERWAY: BERNERS BAY

JUNEAU HYDROPOWER INC. TRANSMISSION LINE

DATE PREPARED:
7/25/2018

APPLICANTS NAME:
JUNEAU HYDROPOWER INC.

ALASKA DEPARTMENT OF NATURAL REOURCES
DIVISION OF MINING, LAND AND WATER
LAND USE PERMIT

TIDELAND EASEMENT

SECTIONS 1,2,12 T37S, R63E & SECTIONS 18,19,30,31,32 T36S
R63E, & SECTIONS 1,12,13 T36S R62E, C.R.M.

SHEET 3 OF 4

FILE #

UPLANDS PROPERTY OWNER:
U.S. FOREST SERVICE

TIDELANDS PROPERTY OWNER:
ALASKA DNR



NORTHING: 2539623
EASTING: 2430815
EL: 20.8

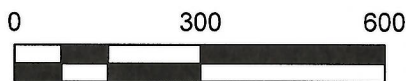
+15.4 M.H.T.

NORTHING: 2539237
EASTING: 2430766

ARMORING
NECESSARY

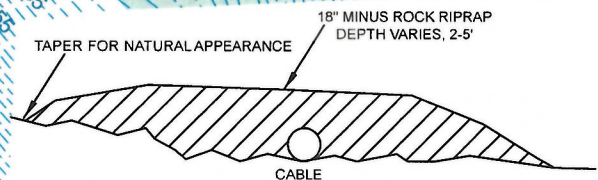
NORTHING: 2538960
EASTING: 2430967

NORTHING: 2538040
EASTING: 2430678



100' EASEMENT

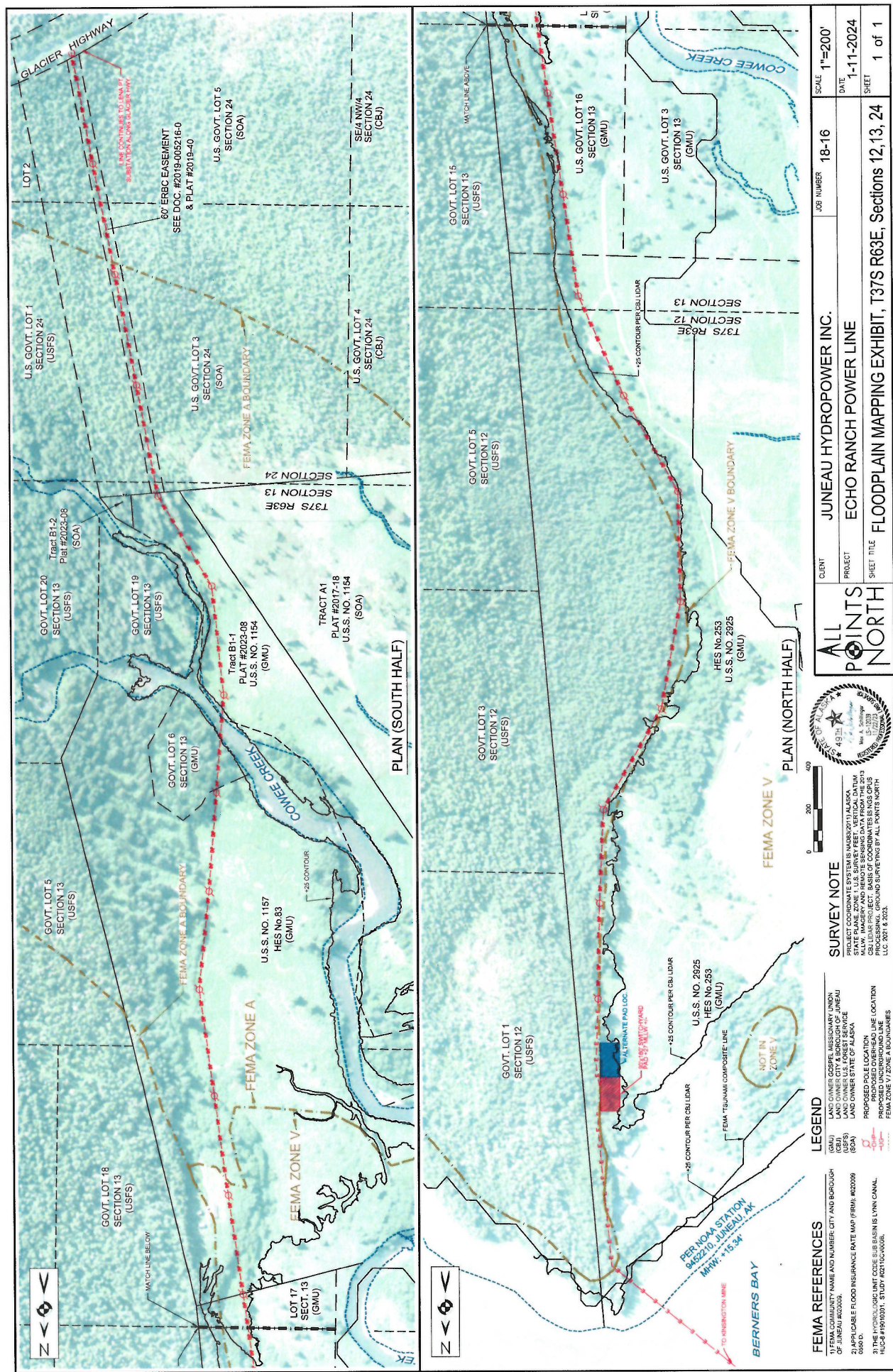
NORTH TERMINUS



SUBMARINE CABLE ARMORING DETAIL N.T.S.
4,700 C.Y. +/-

CITY AND BOROUGH OF JUNEAU, AK
LATITUDE: 58.325° LONGITUDE: 134.463°
WATERWAY: BERNERS BAY

JUNEAU HYDROPOWER INC. TRANSMISSION LINE	
DATE PREPARED: 8/3/2022	APPLICANTS NAME: JUNEAU HYDROPOWER INC.
ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER LAND USE PERMIT	
TIDELAND EASEMENT	
SECTIONS 1,2,12 T37S, R63E & SECTIONS 18,19,30,31,32 T36S R63E, & SECTIONS 1,12,13 T36S R62E, C.R.M.	
SHEET 4 OF 4	FILE #



SWEETHEART LAKE HYDROELECTRIC PROJECT

TRANSMISSION LINE - LENA POINT TO ECHO COVE

SEPTEMBER 2022



LOCATION MAP Scale: 1"=4 Miles



SHEET INDEX

1.	COVER SHEET
2.	SHEET INDEX
3-4A.	TRANSMISSION LINE PLAN
XX	TRANSMISSION LINE DETAILS (LATER)

DESIGNED FOR:



PROJECT CONTACT
JEFF MITCHELL
PO BOX 2775
JUNEAU AK 99802
ph 907-789-2775
fax 907-375-2973

**Juneau
Hydropower**
A COMPANY OF JUNEAU HYDROPOWER INC. ENCLAVE OF U.S. GOVERNMENT LAND

CONSULTANT:

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17600 E. RAMBLING ROAD
PALMER, AK 99645-4207
(907) 746-4185
www.allpointsnorth.us



MAP OF ALASKA

REVIEW 9-9-2022
SHEET 1 OF 44