

Submitted by: Assembly Vice Chair
Zaletel

Assembly Chair Constant
Assembly Member Johnson

Prepared by: Assembly Counsel's Office
For reading: December 5, 2023

ANCHORAGE, ALASKA
AO No. 2023-131

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE TO ADD NEW SECTION 26.30.025 TO ESTABLISH AN**
3 **OFFICIAL POLICY FOR THE RESTORATION OF THE EKLUTNA RIVER,**
4 **SUBJECT TO THE 1991 FISH AND WILDLIFE AGREEMENT WITH THE**
5 **EKLUTNA POWER PURCHASERS, STATE OF ALASKA AND THE FEDERAL**
6 **GOVERNMENT.**

7
8 **WHEREAS**, the Native Village of Eklutna is the oldest and largest Dena'ina
9 settlement in the Municipality of Anchorage; and

10
11 **WHEREAS**, the Native Village of Eklutna is a federally recognized Tribe with all of
12 the attached responsibilities, powers, and obligations of a sovereign, also being
13 recognized by the State of Alaska and the Municipality of Anchorage, and having a
14 government to government relationship with both the federal government and the
15 government of the Municipality of Anchorage; and

16
17 **WHEREAS**, the Eklutna River historically was a major subsistence and cultural
18 resource for the Native Village of Eklutna; and

19
20 **WHEREAS**, the Eklutna River watershed has been in a badly degraded condition
21 since 1929 due to hydropower dams and water diversions; and

22
23 **WHEREAS**, a principal impact from hydropower development in the Eklutna
24 watershed is the loss of the Eklutna River's salmon runs; and

25
26 **WHEREAS**, the Eklutna River is still capable of supporting five species of salmon,
27 including Cook Inlet king salmon and sockeye salmon, though in greatly diminished
28 numbers from historical levels; and

29
30 **WHEREAS**, Eklutna Incorporated, the village corporation for Eklutna, is the largest
31 landowner in the Municipality of Anchorage and owns most of the land along the
32 Eklutna River and around Eklutna Lake; and

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34 **WHEREAS**, the Native Village of Eklutna and Eklutna Inc. have made substantial
35 contributions to the development of the Municipality of Anchorage providing land for
36 school sites, highways, railroads, powerlines and rights-of-way; and

37
38 **WHEREAS**, The Native Village of Eklutna, Eklutna Inc., and The Conservation Fund
39 collaborated on a \$7.5 million project to dismantle the Lower Eklutna River dam;
40 and

41

1 **WHEREAS**, little to no water flows out of Eklutna Lake into the Eklutna River
2 because of water diversions for the Eklutna Hydroelectric Project; and

3
4 **WHEREAS**, restored instream flow is necessary to flush the accumulated sediments
5 downstream and allow for the recovery of salmon habitat; and

6
7 **WHEREAS**, stabilized lake levels and fish passage for migrating salmon to and from
8 Eklutna Lake would restore important spawning and rearing habitat for salmon; and

9
10 **WHEREAS**, the Municipality of Anchorage retains a majority interest (52%) in the
11 Eklutna Hydroelectric Project; and

12
13 **WHEREAS**, the Municipality of Anchorage, Chugach Electric Association (CEA),
14 and Matanuska Electric Association (MEA), are parties to the 1991 Agreement with
15 the State of Alaska and federal agencies to study the impacts of the Eklutna
16 Hydroelectric Project to fish and wildlife, examine and develop proposals for the
17 protection, mitigation, and enhancement of fish and wildlife affected by such
18 hydroelectric development (the "1991 Agreement"), and prepare a Fish and Wildlife
19 Program for the Governor; and

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21 **WHEREAS**, the restoration of instream flow to the Eklutna River and restored fish
22 passage to and from Eklutna Lake are the most desirable forms of mitigation for
23 impacts caused by the Eklutna Hydroelectric Project; and

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25 **WHEREAS**, the Anchorage Assembly supported restoration of the Eklutna River
26 with the passage of AR 2017-324(S) titled "A Resolution in Support of Efforts to
27 Restore the Eklutna River"; and

28
29 **WHEREAS**, the Watershed and Natural Resources Advisory Commission of the
30 Municipality of Anchorage supported restoration of the Eklutna River with the
31 passage of Resolution WNRC 2019-03 titled "A Resolution Regarding Restoration
32 of the Eklutna River"; and

33
34 **WHEREAS**, the Alaska Federation of Natives (AFN) supported restoration of the
35 Eklutna River with passage of Resolution 20-17 "to restore traditional rivers and
36 streams for fish and wildlife habitat...in particular, the efforts of tribes like the Native
37 Village of Eklutna"; and

38
39 **WHEREAS**, the Traditional Tribal Council of the Native Village of Eklutna supported
40 restoration of Eklutna River and Eklutna Lake with the passage of Resolution 2022-
41 04 for "1) continuous flow in the river below the lake sufficient to support thriving
42 salmon populations, with intermittent higher, habitat maintenance and re-creation
43 flows, 2) salmon passage between Eklutna River and Lake, and 3) moderation of
44 Eklutna Lake level variability, at levels sufficient to facilitate sockeye spawning";
45 now, therefore,

46
47 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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49 **Section 1.** Anchorage Municipal Code is amended to insert a new section
50 26.30.025 to read as follows (*requiring no legislative drafting*):

51

26.30.025 Eklutna River Restoration

A. It is the policy of the Municipality of Anchorage and the Anchorage Hydropower utility to restore the continuous water flow of the Eklutna River and the fish populations of the River and Eklutna Lake, to the greatest extent possible, subject to all provisions of the 1991 Fish & Wildlife Agreement.

B. Under the 1991 Agreement with the State of Alaska, federal agencies, and utility partners, the Municipality of Anchorage, through its Anchorage Hydropower utility and ownership share in the Eklutna Hydroelectric Project, bears responsibility to study and develop proposals for the protection, mitigation, and enhancement of fish and wildlife affected by the hydroelectric development.

1. The Anchorage Hydropower utility shall provide a report to each joint session of the Anchorage Assembly and the Native Village of Eklutna under section 2.30.135B. regarding the restoration of the Eklutna River and Lake and the municipality’s performance of its obligations under the 1991 Agreement and the Final Fish and Wildlife Program.

2. The Proposed Final Fish and Wildlife Program to protect, mitigate, and enhance fish and wildlife resources in the Eklutna River shall be submitted to the Assembly with a proposed resolution in support for action, prior to its submission to the Governor of Alaska.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk

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