



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Natural Resources

Division of Mining, Land & Water  
Water Resources Section  
Southeastern Office

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November 29, 2012

Duff Mitchell  
VP and Business Manager  
Juneau Hydropower, Inc.  
PO Box 22775  
Juneau, AK 99802

Re: Juneau Hydropower, Inc. FERC Project 135603-001

Dear Mr. Mitchell:

The Alaska Department of Natural Resources, Division of Mining, Land & Water, Water Resources Section has the responsibility of allocating Alaska's common property water resource under the Alaska Water Use Act, AS 46.15. My comments are specific to the portion of the project using the State's water resources. A water right is required for the withdrawal, diversion, and use of water for this project. You submitted an application for a State of Alaska water right, with a maximum diversion rate of 486 cfs, on August 7, 2012. This application has been serialized as LAS 28660.

Before the Water Resources Section adjudicates LAS 28660, Juneau Hydropower, Inc. will need to provide hydrologic data sufficient to quantify availability of the volume of water requested for the project. You have agreed to collaborate with our hydrologist, Terry Schwarz, before submitting the FERC Final License application to ensure that your data and data collection efforts will meet ADNR criteria.

After the FERC Final License application is submitted, ADNR will evaluate this State Water Right application, LAS 28660, per AS 46.15.080:

**AS 46.15.080. Criteria For Issuance of Permit.**

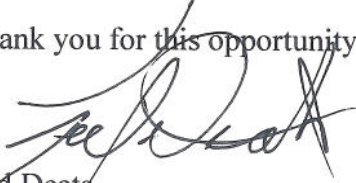
(a) The commissioner shall issue a permit if the commissioner finds that

- (1) rights of a prior appropriator will not be unduly affected;
- (2) the proposed means of diversion or construction are adequate;
- (3) the proposed use of water is beneficial; and
- (4) the proposed appropriation is in the public interest.

(b) In determining the public interest, the commissioner shall consider

- (1) the benefit to the applicant resulting from the proposed appropriation;
- (2) the effect of the economic activity resulting from the proposed appropriation;
- (3) the effect on fish and game resources and on public recreational opportunities;
- (4) the effect on public health;
- (5) the effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation;
- (6) harm to other persons resulting from the proposed appropriation;
- (7) the intent and ability of the applicant to complete the appropriation; and
- (8) the effect upon access to navigable or public water.

Thank you for this opportunity to comment.



Ted Deats  
Water Resource Manager

Cc Terry Schwarz, ADNR