



United States
Department of
Agriculture

Forest
Service

Alaska Region
Tongass National Forest

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File Code: 2770-1

Date: November 3, 2009

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

Dear Ms. Bose,

Thank you for the opportunity to comment on the application by Juneau Hydropower Inc. for a Preliminary Permit for Sweetheart Lake Hydroelectric, Project No. 13563, as noticed by FERC on September 4, 2009. This project is located on Lower Sweetheart Lake and Sweetheart Creek, within the Juneau Ranger District of the Tongass National Forest in the Alaska Region.

We understand that the Preliminary Permit ensures the Permittee priority over other parties interested in studying the feasibility of a hydropower project at that location. The term of this permit is three years. If the applicant believes that a project is feasible they will prepare a License Application in consultation with agencies and the public, through one of the Federal Energy Regulatory Commission's three licensing processes.

This Preliminary Permit would give priority to Juneau Hydropower Inc. to study the feasibility of a 90-foot high dam, a 2 mile, 12 foot diameter tunnel, and 1650 feet of 9-foot diameter penstock, a powerhouse a tailrace, and short overhead 139-kilovolt transmission line, and a road of unspecified length.



Special Use Authorization for Preliminary Permit

The Applicant will need a Special Use Authorization from the Forest Service for occupancy of National Forest System Lands during both the term of the Preliminary Permit, and the License to Operate. The comments made below identify issues that will be evaluated by the Forest Service in both the FERC and Forest Service authorization processes.

NEPA Review: To date, the applicant has not identified the extent of using NF land for occupancy in conjunction with studies required during investigation of feasibility under a Preliminary Permit. Investigative activities on National Forest System Lands must be evaluated under the National Environmental Policy Act (NEPA) before a Special Use Authorization is issued. The authorizations issued for most investigations under a Preliminary Permits are usually approved under a Categorical Exclusion because most hydropower feasibility studies propose only temporary disturbances.

Land Management Plan Direction.

The project needs to be designed to achieve the objectives of the Tongass Land and Resource Management Plan Land Use Designations (LUD). The project is proposed in an area designated for Semi-Remote Recreation. The goals for Semi-Remote Recreation LUDs are: To provide predominantly natural or natural appearing settings for semi primitive types of recreation and tourism and for occasional enclaves of concentrated recreation and tourism facilities; to provide opportunities for a moderate degree of independence, closeness to nature, and self-reliance in environments requiring challenging motorized or non-motorized forms of transportation.

This Land Use Designation represents a Transportation and Utility System (TUS) “window” and provides opportunities for the future designation and location of Transportation and Utility sites.

Roadless Area Designation

The land around Lower Sweetheart Lake is an inventoried Roadless Area, as identified in the 2008 Tongass Land and Resource Management Plan (TLMP). Management direction issued by the Department of Agriculture requires Secretarial Approval of any agency "decisions" in Roadless Areas. The Federal Power Act 4(e) Terms and Conditions submitted by the Forest Service will be submitted to the Secretary of Agriculture for approval before they are submitted to FERC. In the FERC Licensing timeline, Final 4(e) Conditions will not be submitted for several years. During these years it will be important that the hydropower applicant stay informed on management direction for Roadless Areas.

Issues to be addressed during Preliminary Permit Phase.

The following issues need to be investigated during the Preliminary Permit phase in order to ensure that any Pre-Application Document (PAD) has adequate information. Depending on the data presented in the PAD, additional studies on these issues may be required.

Specific Resources:

Botany:

An on-the-ground survey will need to be conducted to determine whether plants on the Alaska Sensitive Plant List occur in the project area. Botanical surveys are necessary for the impoundment area, road, penstock, transmission line, powerhouse and related facilities, as well

as camp and temporary staging areas. The areas of most concern are the lakeside and streamside habitats plus the beach/meadow habitats. The best time to do the survey would be mid-June to early August.

Cultural Resources:

The proposed project lies within the high sensitivity zone for cultural resources. Compliance with Section 106 of the National Historic Preservation act will require field survey and evaluation to assess the project's potential to affect historic properties. Consultation with Indian Tribes that have a cultural affiliation with the area is required as per NEPA and the NHPA. A written report detailing the results and recommendations will be submitted for review to the Alaska State Historic Preservation Officer and, if necessary, the Advisory Council on Historic Preservation.

Mineral Resources and Geology:

As part of the NEPA process the applicant must query with the Bureau of Land Management for any mineral claims prior to building any structures or otherwise cutting off access to potentially valuable deposits. The results of this preliminary study should also provide a geotechnical review of any geologic features that would be incorporated into any of the constructed features (dams, diversions, spillways, etc.). Such a geotechnical review should be defensible under peer review.

Fisheries:

Fisheries surveys would have to be completed before any construction was considered in detail. Sweetheart Creek is a Class I anadromous stream with natural pink salmon run, as well as sea

run Dolly Varden and cutthroat trout. Gilbert Bay is the location of a very popular personal-use sockeye fishery which includes use of pools located in the lower reaches of Sweetheart Creek.

Wildlife and Subsistence:

The presence of terrestrial wildlife populations should be inventoried. Additional, more intensive study may be needed if a proposal to develop the project is made. Potential effects to subsistence hunting opportunities and to subsistence resources also need to be considered.

Mountain goats are a Management Indicator Species and occur in the area. TLMP standards and guidelines direct "Where feasible locate facilities, ... 1 mile or more from important wintering and kidding habitat." TLMP also provides for seasonal restrictions to protect goats and their habitats.

TLMP addresses maintaining brown bear habitat and managing projects to limit the likelihood of adverse bear/human interactions. The mouth of Sweetheart Creek is an important area for bears which utilize the salmon resource in the stream.

There are historic eagle nests in the area which will require surveys to identify nests that are currently being used.

Raptor mitigation guidelines for powerlines should be addressed.

The Alaska Department of Fish and Game has conducted recent surveys for Marbled Murrelets and found Port Snettisham to be an important area for murrelets. Project impact to murrelets should be addressed.

Wetlands:

All wetlands (as defined by Corp of Engineer Standards) within the project boundary are expected to be inventoried and mapped and the affected or potential affected wetland adjacent to or connected to the project boundary should be included.

Recreation Resources:

Gilbert Bay is a popular for recreation boaters: small private boats, charter boats and small cruise boats. Gilbert Bay and Sweetheart Creek is the most popular personal-use sockeye fishery in the greater Juneau area. Development of this area will have a serious impact on this resource.

The Gilbert Bay area is a destination for outfitters/guides that conduct fishing, sightseeing, and hiking activities. The installation of hydropower facilities in this relatively undeveloped area may be a concern to these commercial operators that rely on “wilderness” settings for their operations.

The Forest Plan Land Use Designation for the area is Semi-remote Recreation. The public may raise some concerns if the proposed hydro developments are evident from tidewater.

Visuals and Scenery:

Scenic concern over the project relates to the location within the Semi-Remote Recreation land use designation and subsequent Partial Retention visual quality objective. Recommend to the extent feasible, integrating the proposed development into the landscape utilizing design and mitigation techniques, which reduce visibility and contrast with the natural setting.

Hydrology:

Hydrological data for the Sweetheart Lake watershed is unknown. It is expected that the applicant will conduct water flow studies through use of current scientific hydrologic survey and evaluation techniques. Results should be defensible under scientific peer review.

Thank you for the opportunity to comment. Please contact Michael Driscoll at Juneau Ranger District, 907- 789-6282 for additional information.

Sincerely,

/s/ Forrest Cole
FORREST COLE
Forest Supervisor

Document Content(s)

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