

## RESOLUTION

### **Eklutna Hydroelectric Project: Proposed Final Fish and Wildlife Program**

WHEREAS, the federal government completed construction of the Eklutna Hydroelectric Project (“Project”) in 1955, which it owned and operated until it sold the Project to Chugach Electric Association, Inc. (“Chugach”), Matanuska Electric Association, Inc. (“MEA”) and the Municipality of Anchorage (“MOA”, and collectively with Chugach and MEA, the “Project Owners”) in October 1997, subject to an agreement that the Project Owners entered into in 1991 with the National Marine Fisheries Service (“NMFS”), U.S. Fish and Wildlife Service (“USFWS”), the Alaska Energy Authority (“AEA”), and the State of Alaska regarding protection, mitigation of damages to, and enhancement of fish and wildlife affected by the Project (“1991 Agreement”);

WHEREAS, the 1991 Agreement sets out a process for the Project Owners – to begin no later than 25 years after the Project sale and to be repeated every 35 years – to: (1) study the Project’s impacts on fish and wildlife; (2) develop proposals for the protection, mitigation, and enhancement of fish and wildlife affected by the development of the Project; (3) consider the impact of fish and wildlife measures on electric rate payers, municipal water utilities, recreational users and adjacent land use; (4) identify available means to mitigate these impacts; (5) facilitate public participation in such process; (5) develop and circulate a Draft Fish and Wildlife Program (“Draft Program”) for review and comment by the parties to the 1991 Agreement and the public; (6) after attempting to resolve differences, develop a Proposed Final Fish and Wildlife Program (“Proposed Final Program”); and (7) submit a Proposed Final Program to the Governor, who will review, consider numerous interests, and establish a Final Fish and Wildlife Program for the Project Owners to implement (“Final Program”) consistent with the following criteria: “In order to ensure that [the Project is] best adapted for power generation and other beneficial uses, the Governor shall give equal consideration to the purposes of efficient and economical power production, energy conservation, the protection, mitigation or damage to, and enhancement of fish and wildlife (including related spawning grounds and habitat), the protection of recreation opportunities, municipal water supplies, the preservation of the other aspects of environmental quality, other beneficial uses, and requirements of State law”;

WHEREAS, the Project Owners initiated such process in 2019 (three years prior to the required start date under the 1991 Agreement), the Project Owners began the consultation and study process required under Sections 2 and 3 of the 1991 Agreement in consultation with technical representatives of the 1991 Agreement Signatories and other key interested parties, including Alaska Department of Fish & Game, (“ADF&G”), Division of Mining, Land & Water, Dam Safety and Construction Unit and Water Resources Section (“ADNR”), Alaska Department of Environmental Conservation (“ADEC”), Alaska Department of Transportation & Public Facilities, Chugach State Park (Alaska Department of Natural Resources Division of Parks & Outdoor Recreation), Alaska Energy Authority as the representative of the Governor, U.S., Army Corps of Engineers, representatives from the Native Village of Eklutna (“NVE”), Eklutna, Inc., Alaska Pacific University, Conservation Fund, Trout Unlimited, the Alaska Institute for Climate and Energy, and Anchorage Water and Wastewater Utility (collectively, the “Consulted Entities”);



WHEREAS, to examine and quantify, if possible, the impacts to fish and wildlife from the Project, the Project Owners conducted a two-year study program comprised of 16 scientific studies ranging from instream flows, geomorphology and sediment transport, and aquatic habitat to recreation, terrestrial wildlife and cultural resources based on study plan scope and methods all but two of which received full concurrence from the relevant state and federal agencies;

WHEREAS, following such consultation and study process, in 2023 the Project Owners investigated, developed, and examined proposals for the protection, mitigation, and enhancement of fish and wildlife affected by the Project, as required by the 1991 Agreement, and presented to, engaged with, and sought input from the Consulted Entities with regard to various alternative protection, mitigation, and enhancement measures;

WHEREAS, after several years of study and analysis, released a Draft Fish and Wildlife Program in October of 2023 (“Draft Program”); after which six public meetings were held in January of 2024 in Palmer, Eagle River, and Anchorage, and a public comment period was kept open until February 19, 2024.

WHEREAS, since releasing the Draft Program, the Project Owners have held negotiations with parties to the 1991 Agreement, state and federal resource agencies, and NVE to resolve differences, and have received public comments, and after considering all such feedback, have developed the Proposed Final Program and reached a set of commitments among the Project Owners and federal and state resource agencies to provide a basis for the implementation of the Proposed Final Program over the next 35 years;

WHEREAS, in the Proposed Final Program, the Project Owners propose numerous protection, mitigation and enhancement measures, as further detailed in the Proposed Final Program, including proposals to: (1) to construct a new valve and release structure located adjacent to the existing AWWU portal valve approximately one mile downstream of the Eklutna River from the Eklutna Dam in order to release water into the Eklutna River and establish year-round instream flows (the “Eklutna River Release Facility”); (2) to automate the existing Eklutna Dam outlet gate to provide periodic channel maintenance flows into the Eklutna River; (3) to construct eight new bridges on AWWU’s access road; (4) to provide funding for lakeside trail repairs; (5) to establish an adaptive management plan and committee to oversee the plan, which will include funding for ongoing program monitoring and physical habitat enhancement based on monitoring results, and also provide for adaptive management of the flow regime into the Eklutna river based on monitoring results; (6) to provide for banking of water in Eklutna Lake for potentially increasing the water budget for instream flows in the future; and (7) to establish two limited reopeners of the Final Program under certain circumstances, including a potential future installation of a fixed wheel gate to accommodate higher inflows and/or allow higher channel maintenance flows if needed, and the potential future installation of upstream and downstream fish passage facilities that meet specific criteria.

WHEREAS, pursuant to the 1991 Agreement, this Project Owners plan to submit the Proposed Final Program to the Governor in April 2024 for a Governor decision no later than October 2024;



WHEREAS, implementation of the Proposed Final Program related to the Eklutna River Release Facility may not proceed until the Project Owners and AWWU have also executed certain agreed forms of definitive documentation with respect to the construction of the Eklutna River Release Facility, water transportation therethrough, and related water rights and compensation (the "AWWU Contracts"), that remain subject to approval before execution;

WHEREAS, the Project provides low cost, renewable energy, capacity, and reliability benefits to Chugach, its members, and the Railbelt, and continued operation of the Project in a manner consistent with the Proposed Final Program will further Chugach's goal to reduce its carbon intensity by at least 35% by 2030 and by at least 50% by 2040 without a negative impact on Chugach members' rates and/or reliability;

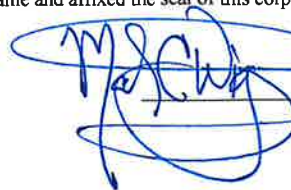
NOW, THEREFORE, BE IT RESOLVED, that the Chugach Board of Directors authorizes the Chief Executive Officer to join the Project Owners in submitting the Proposed Final Program to the Governor of Alaska for approval; and

BE IT FINALLY RESOLVED, that the Chief Executive Officer be, and hereby is, authorized and empowered to take all such further action and to execute all such further agreements, certificates, instruments, contracts, purchase orders, and other documents and agreements, in the name and on behalf of Chugach; to pay or cause to be paid all expenses; to take all such other actions as they shall deem necessary, desirable, advisable, or appropriate to consummate, effectuate, carry out, or further the foregoing resolutions.

**CERTIFICATION**

I, Susanne Fleek-Green, do hereby certify that I am the Secretary of Chugach Electric Association, Inc., an electric not for profit cooperative membership corporation organized and existing under the laws of the State of Alaska: that the foregoing is a complete and correct copy of a resolution adopted at a meeting of the Board of Directors of this corporation, duly and properly called and held on the 24<sup>th</sup> day of April 2024; that a quorum was present at the meeting; that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this corporation the 24<sup>th</sup> day of April 2024.

 SFG 4/24/24  
Secretary