

Brown 1. cc Schmidt
② file: "BlueLK"

FEDERAL ENERGY REGULATORY COMMISSION
REGIONAL OFFICE
555 Battery Street, Room 415
San Francisco, California 94111

J/ls

January 20, 1978

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Fermin Gutierrez, Administrator
City and Borough of Sitka
P.O. Box 79
Sitka, Alaska 99855

JAN 30 REC'D

Dear Mr. Gutierrez:

This letter confirms my telegram of January 17, 1978, advising you that specified flows must be discharged from Blue Lake Project No. 2230 until advised otherwise by the Federal Energy Regulatory Commission.

The conclusion of the Alaska Department of Fish and Game stated in their letter dated January 13, 1978, with respect to the authority of the Department, or the U.S. Fish and Wildlife Service, to authorize a temporary modification of minimum flows for the project, is erroneous. The order amending the license, issued September 7, 1977, on page 4, is quite explicit regarding the Commission's intentions. The referenced portion of the order is quoted below:

"Sitka also requested as part of its application to amend the license for Project No. 2230, that the State Department of Fish and Game be authorized to lower the flow requirements during critical periods, if required. To retain our responsibility in this manner, our amendment of Article 28 of this license provides that the Commission may order a reduction in discharges on its own motion, or at the request of the Department of Fish and Game or the U.S. Fish and Wildlife Service."

Mr. Fermin Gutierrez

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January 20, 1978

As you are aware, we have requested the U.S. Fish and Wildlife Service to provide the Commission with their views regarding the requested reduction in flows. We expect to have their report within a few days. When this report is received, the requested modifications to discharges will be evaluated by our staff in Washington and a decision rendered by the Commission.

Until directed otherwise by the Commission in writing, no authority exists for any modification of flows. If flows were reduced, as stated in the Department's letter of January 13, 1978, flows specified in Article 28 of the license as amended must be resumed and maintained.

The Alaska Department of Fish and Game is being similarly informed of the Commission staff's requirements regarding modifications of streamflow discharges.

Very truly yours,

~~EUGENE NEBLETT~~

Eugene Neblett
Acting Regional Engineer

cc: ✓ Alaska Dept. of Fish and Game
Attn.: Richard D. Reed