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March 1, 2012

Kimberly D. Bose, Secretary
Office of the Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: Application for Preliminary Permit
Chikuminuk Lake Hydroelectric Project

Dear Secretary Bose:

Nuvista Light & Electric Cooperative, Inc. (Nuvista), is herein applying to the Federal Energy Regulatory Commission (FERC or Commission) for a Preliminary Permit for the proposed Chikuminuk Lake Hydroelectric Project (Project), as described in the attached exhibits (Application). This Application is filed pursuant to 18 CFR 4.32 and 4.81 of the Commission's regulations. Chikuminuk Lake is located in a remote area of southwest Alaska, 305 miles southwest of Anchorage and 118 miles southeast of Bethel. The proposed Project and transmission line would traverse lands within the Wood-Tikchik State Park; other lands owned by the Alaska Department of Natural Resources (ADNR); lands of the U.S. Fish and Wildlife Service (USFWS) within the Yukon Delta National Wildlife Refuge; and private and native-owned lands.

Nuvista is a non-profit corporation governed by a twelve (12) member Board of Directors representing native tribal, business and regional entities across a 59,000 square mile area. Nuvista proposes to develop a new dam and powerhouse with an installed capacity of 13.4 MW of clean, renewable energy to be located on federal and state lands in the Bethel and Dillingham Census Area of Western Alaska. This would be the first hydropower energy project of its kind in a region that has very little if any infrastructure and currently uses diesel for both heat and power. The Project would be located approximately 118 miles southeast of Bethel, Alaska, in the Yukon-Kuskokwim (YK) region. The YK region of Alaska consists of, a 59,000 square mile area, includes 56 remote communities, a population of approximately 30,000 Yupik, Cupik, and Athabascan indigenous native peoples, and the largest concentrations of rural communities in all of Alaska.

A primary purpose of the Project during the initial operations phase is to deliver electric power to Bethel and 13 surrounding villages within the region. These remote villages are currently entirely dependent on annual delivery of diesel fuel by marine barge that must be transferred to a shallow draft barge and delivered upriver for heating and electrical generation purposes. Power generated by the Project would be delivered via a 138-kV single-circuit line supported on X-braced H-style structures extending approximately 118 miles from the Project switchyard to a substation located in Bethel.

Residents of the region have the highest energy costs in the nation at \$7 to \$12 per gallon for diesel heating fuel; and diesel generated electricity is delivered at a cost ranging from \$0.58 to \$1.05 per kilowatt hour. In less than five years the percentage of income that must be utilized for home heating and electricity has risen from 40% total income, to over 60% total family income. Yukon-Kuskokwim residents are largely people of native descent living a subsistence lifestyle; they earn the lowest U.S. per capita incomes; have triple the level of suicide rates in the nation; and have the highest levels of poverty due to the high cost of living and lack of jobs in the region. In addition to greatly improving the basic quality of life, the Project will provide clean, renewable hydroelectric power to 14 villages (Akiachak, Akiak, Kwethluk, Tuluksak, Bethel, Oscarville, Napakiak, Napaskiak, Atmautluak, Kasigluk, Nunapitchuk, Tuntutuliak, Eek and Quinhagak) and has the potential to displace 5 million gallons of diesel consumption per year; thereby eliminating over 55,000 tons annually of CO2 emissions and reducing the world wide carbon footprint.

Nuvista has received an appropriation from the Alaska State Legislature to concurrently conduct: a detailed feasibility assessment; develop and carry out a comprehensive resource agency and public consultation program; research, design and implement comprehensive field studies programs; conduct on-site field investigations; and, based on the outcome of these studies establish measures to address project-related effects on lands and resources in order to prepare and file an Application for License.

Nuvista is dedicated to developing clean, renewable energy as part of its comprehensive energy strategy for the Yukon-Kuskokwim region. This application is made in order that Nuvista may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act; while, obtaining the data and performing actions required to determine the feasibility of the project and support an application for a license.

Nuvista thanks the Commission for consideration of this Application and looks forward to working with the State of Alaska, federal and state resource agencies, residents within the Yukon-Kuskokwim region, and any third parties that will be involved in developing this important new source of clean renewable power. Please do not hesitate to contact me at 907-868-2460 or ebrown@nuvistacoop.org.

Sincerely



Elaine Brown, Executive Director
Nuvista Light & Electric Cooperative, Inc.

Enclosure: Application for Preliminary Permit for the Chikuminuk Lake Hydroelectric Project

cc: Douglas Johnson, FERC Portland Regional Office
FERC Division of Hydropower Licensing, Washington, D.C.
Department of the Interior, Office of Environmental Affairs – Washington, D.C.
Bureau of Land Management, Department of the Interior, Alaska State Office
U.S. Army Corps of Engineers, Anchorage District
Distribution List (attached)

SUBSCRIPTION AND VERIFICATION

This Application for Preliminary Permit for the Chikuminuk Hydroelectric Project is executed in the:

STATE OF ALASKA
MUNICIPALITY OF ANCHORAGE

by: Nuvista Light & Electric Cooperative, Inc.
Elaine Brown, Executive Director
301 Calista Court, Suite A
Anchorage, Alaska 99518
Telephone: 907-868-2460

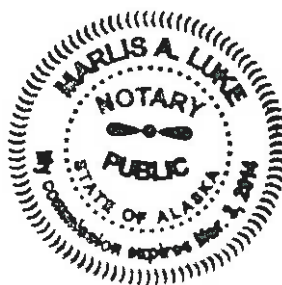
Elaine Brown being duly sworn, deposes and says that the contents of this Application for Preliminary Permit are true to the best of her knowledge or belief. The undersigned applicant has signed the Application for Preliminary Permit this 1st day of March 2012.

Nuvista Light & Electric Cooperative, Inc.
Applicant

By: Elaine Brown
Elaine Brown
Executive Director

Subscribed and sworn to before me, a Notary Public of the State of Alaska this 1st day of March 2012.

Martis A. Luke
Notary Public for Alaska
Printed Name: Martis A. Luke
My commission expires: March 3, 2014



Distribution List

Distribution List

Permittee

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Anchorage, AK 99518

Christine Klein, Chief Operating Officer
Calista Corporation
301 Calista Court, Suite A
Anchorage, AK 99518

Federal

Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20426

Gregory J. Holt, Deputy Regional Administrator
Federal Aviation Administration
Alaskan Region
222 West 7th Avenue, #14
Anchorage, AK 99513

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Office of the Secretary
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Anchorage, AK 99501

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U.S. Department of Interior
National Park Service
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Center Director
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U.S. Geological Survey
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Anchorage, AK 99508

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Seattle, WA 98101

Michael Buntjer
Conservation Planning Assistance Branch Chief
U.S. Fish & Wildlife Service
605 West 4th Street, Room G-61
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Yukon Delta National Wildlife Refuge
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Bethel, AK 99559

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U.S. Fish & Wildlife Service
Anchorage Field Office
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U.S. Fish & Wildlife Service
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Honorable Don Young
U.S. House of Representatives
2314 Rayburn House Office Building
Washington, D.C. 20515

Honorable Mark Begich
U.S. Senate
111 Russell Senate Office Building
Washington, D.C. 20510

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Dr. James Simon, Subsistence Program Manager Alaska Department of Fish and Game Division of Subsistence 1300 College Road Fairbanks, AK 99701	Bill Berkhahn, Area Ranger Alaska Department of Natural Resources Division of Parks and Outdoor Recreation PO Box 1822 Dillingham, AK 99576
Judith Bittner, Chief Officer of History and Archaeology Alaska Department of Natural Resources State Historic Preservation Office 550 West 7th Avenue, Suite 1310 Anchorage, AK 99501	Rod Combellick, Division Operations Manager Alaska Department of Natural Resources Division of Geological and Geophysical Surveys 3354 College Road Fairbanks, AK 99709
Ben Ellis, Division Director Alaska Department of Natural Resources Division of Parks and Outdoor Recreation 550 West 7th Avenue, Suite 1380 Anchorage, AK 99501	David Griffin, Project Coordinator Alaska Department of Natural Resources Division of Parks and Outdoor Recreation 550 West 7th Avenue, Suite 1380 Anchorage, AK 99501

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PO Box 528
Bethel, AK 99559

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PO Box 1388
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Lori Strickler, City Clerk
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<p>Eric Phillips Akiachak Native Community PO Box 51070 Akiachak, AK 99551</p>	<p>Edward George Akiachak Limited PO Box 51010 Akiachak, AK 99551</p>

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Wascca Fly, Sr.
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Joseph Demantle Sr.
Tulkisarmute Corporation
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Tuluksak, AK 99679

Nick Frank
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Henry Lupie
Qinarmiut Corporation
PO Box 8106
Tuntutuliak, AK 99680

Other Stakeholders

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Anchorage, AK 99510

Marilyn Leland, Executive Vice President
Alaska Power Association
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Anchorage, AK 99503

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Anchorage, AK 99503

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Nan Nalder, Senior Regulatory Advisor
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Langley Sears, Regulatory Coordinator
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PO Box 80410
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ABR Inc.
PO Box 24068
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John Seigle, Biologist
ABR Inc.
PO Box 24068
Anchorage, AK 99524

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Agnew:Beck
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Anchorage, AK 99503

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Redmond, WA 98052

Donald E. Bowes, P.E.
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Initial Statement

(a) Initial statement:

**BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
APPLICATION FOR PRELIMINARY PERMIT
CHIKUMINUK LAKE HYDROELECTRIC PROJECT**

1. The Nuvista Light & Electric Cooperative, Inc. (Applicant or Nuvista) ***applies to the Federal Energy Regulatory Commission (FERC) for a Preliminary Permit for the proposed Chikuminuk Lake Hydroelectric Project (Project), as described in the attached exhibits. This Application is made in order that the Applicant may secure and maintain priority of Application for License for the Project under Part I of the Federal Power Act while obtaining the data and performing tasks to determine Project feasibility and develop support for an Application for License.***

2. ***The location of the proposed Project is:***

State or Territory: Alaska
County: Bethel and Dillingham Census Areas; unincorporated
Nearby Towns: Bethel & Dillingham
Stream: Allen River
Other Body of Water: Chikuminuk Lake

3. ***The exact name, business address, and telephone number of the Applicant are:***

Nuvista Light & Electric Cooperative, Inc.
301 Calista Court, Suite A
Anchorage, Alaska 99518
907-868-2460

The exact name, business address, and telephone number of each person authorized to act as Agent for the Applicant in this Preliminary Permit Application are:

Elaine Brown
Executive Director
Nuvista Light & Electric Cooperative, Inc.
301 Calista Court, Suite A
Anchorage, Alaska 99518
907-868-2460

Christine E. Klein
Chief Operating Officer
Calista Corporation
301 Calista Court, Suite A
Anchorage, Alaska 99518
907-279-5516

4. Nuvista ***is a*** non-profit cooperative and is guided and governed by a twelve (12) member Board of Directors made up of business professionals and community leaders ***and*** is not ***claiming preference under section 7(a) of the Federal Power Act.*** The Board represents and includes major stakeholders representing: Calista Corporation, Alaska Village Council Presidents (AVCP), Yukon-Kuskokwim Health Corporation (YKHC), AVCP Housing Authority, Alaska Village Electric Cooperative (AVEC), Middle Kuskokwim Electric Company, Lower Yukon and Chaninik Wind Group.

Nuvista is organized under Alaska Statute (AS) 10.25.010 and AS 10.25.020, as well as any other powers enumerated in AS 10.25, of the Electric and Telephone Cooperative Act.

- Nuvista is a locally regulated Cooperative that provides electric service to its consumers.
- Tariffs are approved by the Nuvista Board of Directors and submitted to the Regulatory Commission of Alaska for approval.

A copy of the referenced Alaska Statute is included in Exhibit 4 of this Application.

5. The proposed term of the requested permit is 36 months.

6. If there is any existing dam or other project facility, the applicant must provide the name and address of the owner of the dam and facility. If the dam is federally owned or operated, provide the name of the agency.

There are no existing dams or other project facilities at Chikuminuk Lake.

7. Information Required by 18 CFR 4.32(a):

(1) Identify every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project:

The Applicant, Nuvista Light & Electric Cooperative, Inc., intends to obtain and will maintain any proprietary right necessary to construct, operate, and/or maintain the project.

(2) For a preliminary permit or license, identify:

(i) Every county in which any part of the project, and any Federal facilities that would be used by the project, would be located:

The project area is not within any organized Borough or County. The project area is within the Bethel and Dillingham Census Areas. There are no Federal facilities that would be used by the project.

(ii) Every city, town, or similar local public subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located:

City of Bethel
PO Box 1388
Bethel, AK 99559

(B) That has a population of 5,000 or more people and is located within 15 miles of the project dam:

None.

(iii) Every irrigation district, drainage district, or similar special purpose political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located:

The Yukon Delta National Wildlife Refuge is managed by the U.S. Fish & Wildlife Service. Contact information is provided below:

Gene Peltola Jr., Refuge Manager
U. S. Fish & Wildlife Service
807 Chief Eddie Hoffman Road
PO Box 346 MS 535
Bethel, Alaska 99559
(907) 543-3151
e-mail - yukondelta@fws.gov

(B) That owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project:

None.

(iv) Every other political subdivision in the general area of the project that there is reason to believe would likely be interested in, or affected by, the application:

U.S. Bureau of Land Management
Thomas P. Lonnie, Alaska State Director
Division of Lands and Renewable Resources
Attn: FERC Withdrawal Recordation
222 West 7th Ave - Suite 13
Anchorage, AK 99504
907-271-5960

Alaska Department of Natural Resources
Division of Mining, Land, and Water
Clark Cox, Lands Division
550 W 7th Ave, Suite 1070
Anchorage, AK
907-269-8600

Wood-Tikchik State Park
Alaska Department of Natural Resources
Division of Parks and Outdoor Recreation
David Griffin
550 W 7th Ave.
Anchorage, AK 99501-3561
907-269-8700

Cities and Tribal Villages in the vicinity of the project area:

City of Akiak
PO Box 52028
Akiak, AK 99552

City of Eek
PO Box 9
Eek, AK 99578

City of Kwethluk
PO Box 50
Kwethluk, AK 99621

City of Napakiak
PO Box 34009
Napakiak, AK 99634

City of Napaskiak
PO Box 6109
Napaskiak, AK 99559

City of Nunapitchuk
PO Box 190
Nunapitchuk, AK 99641

City of Quinhagak
PO Box 90
Quinhagak, AK 99655

Akiachak Native Community
PO Box 51070
Akiachak, AK 99551

Akiak Native Community
PO Box 52127
Akiak, AK 99552

Atmautluak Traditional Council
PO Box 6568
Atmautluak, AK 99559

Orutsararmuit Native Council
PO Box 927
Bethel, AK 99559

Native Village of Eek
PO Box 89
Eek, AK 99578

Kasigluk Traditional Council
PO Box 19
Kasigluk, AK 99609

Organized Village of Kwethluk - IRA Council
PO Box 130
Kwethluk, AK 99621

Native Village of Napakiak
PO Box 34069
Napakiak, AK 99634

Napaskiak Tribal Council
PO Box 6009
Napaskiak, AK 99559

Oscarville Traditional Council
PO Box 6129
Napaskiak, AK 99559

Native Village of Nunapitchuk
PO Box 130
Nunapitchuk, AK 99641

Native Village of Kwinhagak
PO Box 149
Kwinhagak, AK 99655

Tuluksak Native Community
PO Box 95
Tuluksak, AK 99679

Tuntutuliak Traditional Council
PO Box 8086
Tuntutuliak, AK 99680

(v) ***All Indian tribes and Alaska Native Corporations that may be affected by the Project:***

Regional Native Corporation – Calista Corporation
301 Calista Court, Suite A
Anchorage, AK 99518
TEL: 907-279-5516
FAX: 907-272-5060
<http://www.calistacorp.com>

A list of the 16 affected federally recognized tribes is included within this Initial Statement as **Attachment IS.1**.

8. Federal Lands

Portions of the proposed transmission line would traverse the Yukon Delta National Wildlife Refuge. Nuvista provides the required information regarding Land Description, Form FERC-587, within the Exhibit 3 – Project Maps.

9. Noticing Requirements:

a. List of Publications:

The Anchorage Daily News
PO Box 149001
Anchorage, AK 99514
907-257-4296
e-mail – legalads@adn.com

The Tundra Drums¹
PO Box 103
Seward, AK 99664
907-224-4888
email - advertising@thetundradrums.com

The Delta Discovery, Inc.²
PO Box 1028,
Bethel, AK 99559
907-543-4113
email - realnews@deltadiscovery.com

The Bristol Bay Times³
Alaska Media LLC
500 W. International Airport Road, Suite F
Anchorage, AK 99518
907-770-0820
email - ads@reportalaska.com

b. Nuvista will publish the following notice of this application twice within 14 days of the filing of this application for preliminary permit.

1. **Filing date of Application:** March 1, 2012

2. **Applicant Name and Address:**

Nuvista Light & Electric Cooperative, Inc.
Elaine Brown
Executive Director
301 Calista Court, Suite A
Anchorage, AK 99518
907-868-2460

3. **Type of Facility Applied for:**

Application for Preliminary Permit to conduct studies in support of an Application for Original License for an Unconstructed Major Project Greater Than 5 MW.

4. **Proposed Location:** 118 miles southeast of Bethel, Alaska.

5. **Places where information (copy of preliminary permit application only) is available for inspection and reproduction during regular business hours:**

(i) **Place of business**

Nuvista Light & Electric Cooperative, Inc.
301 Calista Court, Suite A
Anchorage, AK
907-868-2460

¹ Serving Y-K Region, Alaska

² Serving Y-K Region, Alaska

³ Serving Dillingham, Alaska

(ii) **Public library or other public office in vicinity of project.**

Kuskokwim Consortium Library
PO Box 1068
Bethel, AK 99559

The Federal Energy Regulatory Commission will publish subsequent notices in the Federal Register soliciting public participation.

10. The following exhibits are filed herewith and are hereby made a part of this Application

- Exhibit 1: Description of Proposed Project
- Exhibit 2: Study Plan and Work Schedule; and Cost and Financing During Study and Licensing Phase
- Exhibit 3: Project Map and Photographs
- Exhibit 4: Supplemental Information

By: Elaine Brown

Elaine Brown
Executive Director
Nuvista Light & Electric Cooperative, Inc.

Attachment IS.1

Federally Recognized Tribes

Federally Recognized Tribes

Eric Phillips
Akiachak Native Community
PO Box 51070
Akiachak, AK 99551

Ivan Ivan
Akiak Native Community
PO Box 52127
Akiak, AK 99552

Zacharias Brink
Orutsarmuit Native Council
PO Box 927
Bethel, AK 99559

Daniel R. Chythlook
Aleknagik Traditional Council
PO Box 115
Aleknagik, AK 99555

Moses Pavilla
Atmautluak Traditional Council
PO Box 6568
Atmautluak, AK 99559

Dorothy B. Larson
Curyung Tribal Council
PO Box 216
Dillingham, AK 99736

William Charlie Brown
Native Village of Eek
PO Box 89
Eek, AK 99578

Moses White
Kasigluk Traditional Council
PO Box 19
Kasigluk, AK 99609

Martin Andrew
Organized Village of Kwethluk - IRA Council
PO Box 130
Kwethluk, AK 99621

Jacob Black
Native Village of Napakiak
PO Box 34069
Napakiak, AK 99634

Chris Larson
Napaskiak Tribal Council
PO Box 6009
Napaskiak, AK 99559

Zacharias Chaliak
Native Village of Nunapitchuk
PO Box 130
Nunapitchuk, AK 99641

Nicholai Stevens
Oscarville Traditional Council
PO Box 6129
Napaskiak, AK 99559

Frank Fox
Native Village of Kwinhagak
PO Box 149
Quinhagak, AK 99655

Wascca Fly, SR.
Tuluksak Native Community
PO Box 95
Tuluksak, AK 99679

Nick Frank
Tuntutuliak Traditional Council
PO Box 8086
Tuntutuliak, AK 99680

Exhibit 1 – Project Description

**APPLICATION FOR PRELIMINARY PERMIT
CHIKUMINUK LAKE HYDROELECTRIC PROJECT**

EXHIBIT 1 – PROJECT DESCRIPTION

(b) EXHIBIT 1 must contain a description of the proposed project, specifying and including, to the extent possible:

The proposed Chikuminuk Lake Hydroelectric Project (Project) would be located in the Chikuminuk Lake watershed approximately 118 miles southeast of Bethel, Alaska. Chikuminuk Lake is located within the Wood-Tikchik State Park. The proposed Project transmission line would traverse the Wood-Tikchik State Park, other lands owned by State of Alaska that are managed by the Alaska Department of Natural Resources (ADNR); lands of the United States that are managed by the U.S. Fish and Wildlife Service (USFWS) within the Yukon Delta National Wildlife Refuge; and native and private lands. Access to the site is by floatplane or helicopter; there are no roads connecting Bethel to Chikuminuk Lake.

Chikuminuk Lake is situated in the eastern portion of the Kilbuck Mountains in the Kuskokwim Mountain Range about 20 miles north-east of Heart Lake Pass. The lake is part of a series of land-locked fiords and is approximately 20 miles long with a maximum width of about 10 miles. The natural normal pool elevation of Chikuminuk Lake is El. 598 with a surface area of about 24,640 acres. The Lake’s south-eastern arm has a recessional moraine over shallow rock with a box canyon that forms the outlet to the Allen River. The box canyon is 60 to 80 feet deep and terminates in a protruding ridgeline about 2500 feet downstream of the lake outlet. The Allen River flows in a south-easterly direction for approximately 11 miles to Chauekuktuli Lake.

The project would be located on lands owned by State of Alaska managed by the ADNR, including lands within the Wood-Tikchik State Park; lands of the U.S. managed by the USFWS, within the Yukon Delta National Wildlife Refuge; and native and private lands. The Project location is shown on **Exhibit 3.1, Location Map**.

The primary purpose of this Application for Preliminary Permit is to secure the right for the Nuvista Light & Electric Cooperative, Inc. (Nuvista) to investigate the power potential at Chikuminuk Lake and determine the best adapted use of that power potential in the geographic area, including Nuvista’s electric distribution system.

Detailed maps showing the proposed project boundary and study area are provided in **Exhibit 3**.

Exhibit 3.2 Project Area / Index Sheet

Exhibit 3.3 Project Boundary (5 sheets)

The transmission line would traverse lands owned by the State of Alaska , partially within the Wood-Tikchik State Park; lands of the U.S. managed by the USFWS located within the Yukon Delta National Wildlife Refuge; and native and private lands.

(1) The number, physical composition, dimensions, general configuration and, where applicable, age and condition, of any dams, spillways, penstocks, powerhouses, tailraces, or other structures, whether existing or proposed, that would be part of the project

The proposed project would utilize the existing Chikuminuk Lake and include the following proposed features: a 128-foot high concrete-faced rockfill dam; an ungated side channel spillway; a 25-foot diameter intake tower with floating surface collector; a 25-foot diameter unlined tunnel (600-foot pressurized, 175 feet unpressurized); a 25-foot x 16-foot gate house and gate shaft; a 13-foot diameter penstock that bifurcates into two 9-foot diameter penstocks contained within parallel 14-foot diameter tunnels leading to the powerhouse; a 4-foot diameter instream flow pipeline along the base of the dam for use during plant outages (scheduled or unscheduled); a 150-foot long by 75-foot wide above-grade steel framed powerhouse, a 75-foot wide x 100-foot long concrete outfall

with fish barrier; a 150-foot x 150-foot 138KV switchyard; a 118-mile long 138-kV, single-circuit transmission line supported on X-braced H-style structures extending from the proposed powerhouse to Bethel; and appurtenant facilities including a 50-foot x 100-foot maintenance shop; a fish handling yard; three 24-foot x 60-foot operator living quarters; a float plane dock; a heliport pad and permanent access roads between the float plane dock and powerhouse facilities. The general arrangement of the proposed project features is shown on **Exhibit 1.1 – Site Plan**.

Table 1.1 Proposed Project Features

FEATURE	DESCRIPTION
1.A Dam	
1.A.1 – Dam	128-feet high concrete-faced rockfill dam
1.A.2 – Spillway	Ungated side channel at the left dam abutment
1. B Water Conveyances	
1.B.1 – Intake	25-foot diameter intake tower with floating surface collector
1.B.2 – Tunnels	25-foot diameter unlined tunnel, 600-feet pressurized, 175-feet unpressurized. Two 14-foot diameter unpressurized tunnels leading to powerhouse
1.B.3 – Valve Chamber	Vertical gate shaft
1.B.4 – Manifold / Penstocks	Manifold : 120 feet long, 13-foot to 9-foot diameter Penstocks: 135-feet long & 115-feet long ,9-foot diameter
1.B.5 – Instream Flow Pipeline	4-foot diameter, 450 feet long
1.C Powerhouse	
1.C.1 Powerhouse	150-foot long x 75-foot wide above-grade steel framed structure
1.C.2 Tailrace	75- foot wide by 100-foot long concrete outfall with fish barrier
1.D – Other Project Structures	
1.D.2 Fish Handling Operation	100-foot x 150-foot area with pens and sorting building
1.D.1 Maintenance Shop	50-foot x 100-foot steel framed structure
2. Generating Equipment	
2.A – Estimated Average Energy	88.7 GWh/year
2.B – Number of generating units	Two Francis turbines @ 6.7 MW each for a total of 13.4 MW.
2.C – Turbine rating for each unit	6.7 MW for a total of 13.4 MW
2.D – Generator rating for each unit	7.5 MVA @ 0.9 pf
2.E – Single capacity rating for unit	6.7 MW each
2.F – Existing and/or proposed	None existing / proposed installed capacity of 13.4 MW
2.G – Hydraulic head	Design head = ~ 91 feet
3. Site Access	
3.A – Float Plane Dock	Existing access to the Project location is by air 12-foot x 16-foot float plane dock at the end of a 450-foot long x 8-foot wide floating finger, supported laterally by driven piles
3.B – Heliport	100-foot diameter gravel helipad
3.C – Site Roads	Permanent access road to the powerhouse and dam from the float plane dock

FEATURE	DESCRIPTION
Other Structures	
Operator Housing	Three 24-foot x 60-foot houses for power plant operators
Staging Areas	Staging areas for construction and substation facilities

(2) The estimated number, surface area, storage capacity, and normal maximum surface elevation (mean sea level) of any reservoirs, whether existing or proposed, that would be part of the project:

Nuvista would construct a 128-foot high concrete-faced rockfill dam that would raise the normal maximum water surface of Chickuminuk Lake to El. 660. The resulting surface area would be 32,339 acres or 51 square miles and the storage capacity of the reservoir would be 1,691,903 acre-feet.

(3) The estimated number, length, voltage, interconnections, and, where applicable, age and condition, of any primary transmission lines whether existing or proposed, that would be part of the project [see 16 U.S.C. 796(11)]:

Nuvista would construct a 118-mile-long 138 kV transmission line to transmit power from the proposed Project to a 150-foot x 150-foot, 138kV substation located in Bethel. (See **Exhibits 3.2 and 3.3**)

Nuvista would use power generated at Chikuminuk Lake within its distribution system to offset current diesel-generated power for 14 or more ageing individual diesel fuel generation plants. Nuvista proposes to deliver clean hydro-generated power to numerous native communities within the Yukon-Kuskokwim Region.

(4) The total estimated average annual energy production and installed capacity (provide only one energy and capacity value), the hydraulic head for estimating capacity and energy output, and the estimated number, rated capacity, and, where applicable, the age and condition, of any turbines and generators, whether existing or proposed, that would be part of the project works:

The proposed powerhouse would contain two new Francis turbines at 6.7 MW each for a total of 13.4 MW and the estimated annual energy production under average water conditions is 88.7 GWh.

(5) All lands of the United States that are enclosed within the proposed project boundary described under paragraph (d)(3)(i) of this section, identified and tabulated on a separate sheet by legal subdivisions of a public land survey of the affected area, if available. If the project boundary includes lands of the United States, such lands must be identified on a completed land description form (FERC Form 587), provided by the Commission. The project location must identify any Federal reservation, Federal tracts, and townships of the public land surveys (or official protractations thereof if unsurveyed). A copy of the form must also be sent to the Bureau of Land Management state office where the project is located:

Lands occupied by the Project that are owned by the United States, State of Alaska, native and private entities are summarized on the following **Table 1.2 – Proposed Project Lands** and indicated on the maps in **Exhibit 3** of this Application for Preliminary Permit. Completed land description forms for lands of the United States that would be occupied by the Project are presented on the required FERC Form 587, and are included within this Exhibit as **Attachment 1.1 – Land Description Forms**.

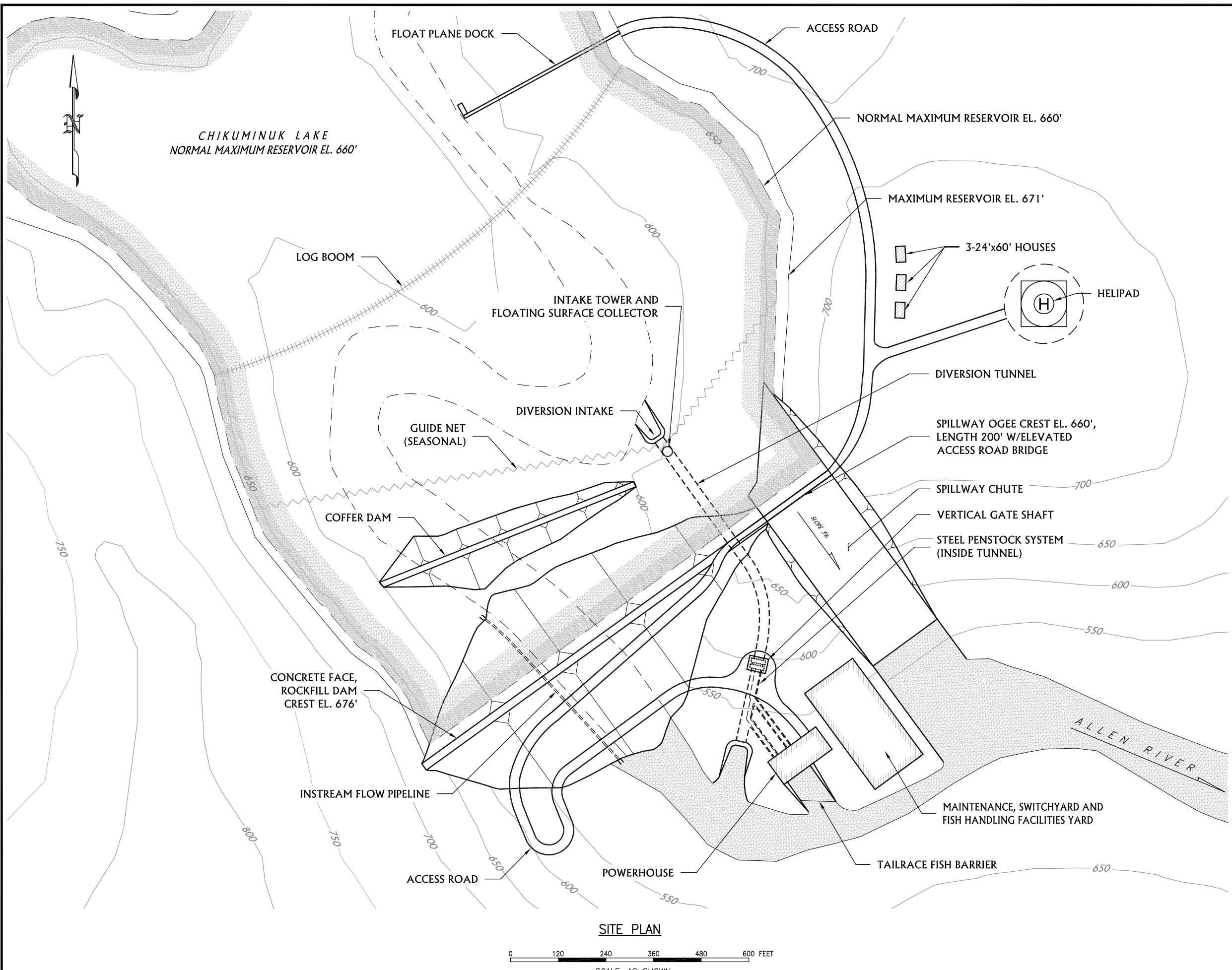
Table 1.2 Proposed Project Lands

PROJECT FEATURE	TOWNSHIP	RANGE	SECTIONS	OWNER-SHIP
Dam/Powerhouse/ Reservoir/T-Line	1N	54W	18, 19, 30	Alaska State
Reservoir	2N	54W	30, 31	Alaska State
Dam/Powerhouse/ Reservoir/T-Line	1N	55W	7, 8, 9, 10, 14, 15, 23, 24, 25	Alaska State
Reservoir	1N	55W	1, 2, 3, 4, 5, 6, 11, 12, 13	Alaska State
Reservoir	2N	55W	3, 4, 5, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	Alaska State
Transmission Line / Reservoir	1N	56W	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 17	Alaska State
Reservoir	2N	56W	13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	Alaska State
Transmission Line / Reservoir	1N	57W	1, 2, 3, 4, 5, 6, 9, 10, 11, 14, 15, 16, 21, 22, 27, 28	Alaska State
Transmission Line / Reservoir	2N	57W	11, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36	Alaska State
Transmission Line	1N	58W	1	Alaska State
Transmission Line	2N	58W	18, 19, 20, 21, 25, 26, 27, 28, 29, 34, 35, 36	Alaska State
Transmission Line	2N	59W	2, 3, 10, 11, 12, 13, 14, 24	Alaska State
Transmission Line	3N	59W	19, 20, 21, 27, 28, 29, 30, 34, 35	Alaska State
Transmission Line	3N	60W	7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24	Alaska State
Transmission Line	3N	61W	7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18	Federal
Transmission Line	3N	62W	4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16	Federal
Transmission Line	4N	62W	31, 32, 33	Federal
Transmission Line	3N	63W	1	Federal
Transmission Line	4N	63W	1, 12, 13, 24, 25, 36	Federal
Transmission Line	5N	62W	19, 20, 21, 22, 27, 28, 29, 30, 34	Federal
Transmission Line	5N	63W	6, 7, 8, 9, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28	Federal
Transmission Line	5N	64W	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13	Federal
Transmission Line	6N	64W	30, 31, 32, 33	Federal
Transmission Line	5N	65W	1	Federal

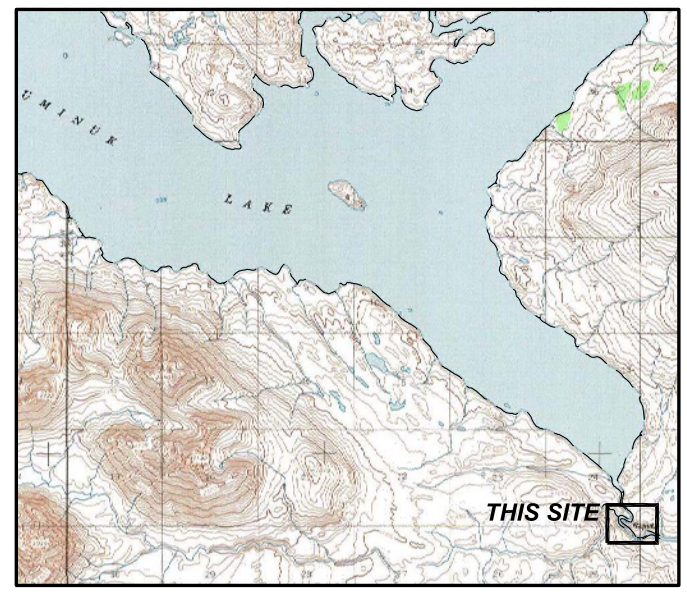
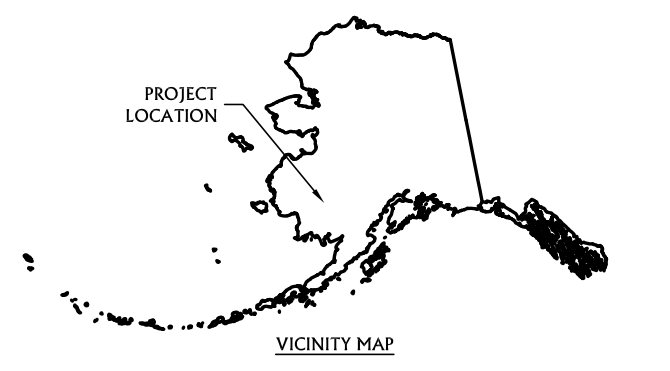
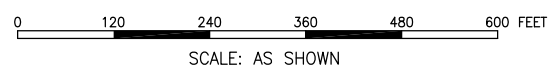
PROJECT FEATURE	TOWNSHIP	RANGE	SECTIONS	OWNERSHIP
Transmission Line	6N	65W	17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 34, 35, 36	Federal
Transmission Line	6N	66W	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25	Federal
Transmission Line	6N	67W	1, 2, 3	Native
Transmission Line	7N	67W	28, 29, 30, 31, 32, 33, 34, 35, 36	Native
Transmission Line	7N	68W	7, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27	Native
Transmission Line	7N	69W	3, 4, 5, 6, 9, 10, 11, 12, 13, 14	Native
Transmission Line	8N	69W	31, 32	Native
Transmission Line	7N	70W	1	Native
Transmission Line	8N	70W	19, 20, 25, 26, 27, 28, 29, 34, 35, 36	Native
Transmission Line	8N	71W	13, 24	Native
Transmission Line	8N	71W	8, 9, 10, 14, 15, 16, 17, 23	Native / Private

(6) Any other information demonstrating in what manner the proposed project would develop, conserve, and utilize in the public interest the water resources of the region.

Nuvista proposes to transmit electric power to Bethel and from Bethel to serve the requirements of 13 or more other native villages within the Yukon-Kuskokwim Region to offset the current reliance on many small older individual diesel fuel generation plants.



SITE PLAN



LOCATION MAP
0 1 MILE
SCALE: AS SHOWN

PLOTTED: 02-27-2012 1:02PM
FILE NAME: Chikuminuk Lake Conceptual.dwg
SAVED: 02-27-2012 1:02pm By: llee69934

Attachment 1.1
Land Description Forms
FERC Form 587

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Alaska 2. FERC PROJECT NO. _____

3. TOWNSHIP 3N RANGE 61W MERIDIAN Seward

4. Check one:

License
 Preliminary Permit

Check one:

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2
18	17	16	15	14	13
Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2	Exhibit 3.3 Sheet 2
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

6. contact's name Elaine Brown

telephone no. (907-868-2460)

Date submitted March 2012

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

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30	29	28	27	26	25
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3. TOWNSHIP 6N RANGE 64W MERIDIAN Seward

4. Check one:

License
 Preliminary Permit

Check one:

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30 Exhibit 3.3 Sheet 3	29	28	27	26	25
31 Exhibit 3.3 Sheet 3	32 Exhibit 3.3 Sheet 3	33 Exhibit 3.3 Sheet 3	34	35	36

6. contact's name Elaine Brown

telephone no. (907-868-2460)

Date submitted March 2012

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

LAND DESCRIPTION

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Exhibit 2 – Study Plan

APPLICATION FOR PRELIMINARY PERMIT CHIKUMINUK LAKE HYDROELECTRIC PROJECT

EXHIBIT 2 – STUDY PLAN AND SCHEDULE

(c) *EXHIBIT 2 is a description of studies conducted or to be conducted with respect to the proposed project, including field studies. Exhibit 2 must supply the following information:*

(1) **GENERAL REQUIREMENT.** *For any proposed project, a study plan containing a description of:*

(i) *Any studies, investigations, tests, or surveys that are proposed to be carried out, and any that have already taken place, for the purposes of determining the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, and of preparing an application for a license for the project;*

A. Studies Conducted to Date

Studies conducted to date include the following:

- *Bethel Area Power Plan, Feasibility Assessment, Harza Engineering Company, December 1982.*
- *Bethel Area Power Plan, Feasibility Assessment, (Draft) Appendix D, Harza Engineering Company, April 1984.*
- *Bethel Area Power Plan, Alaska Power Authority, December 1985.*
- *Bristol Bay Regional Power Plan, Detailed Feasibility Analysis, Interim Feasibility Assessment, Stone and Webster Engineering Corporation, July 1982.*
- *Kisaralik River and Chikuminuk Lake Reconnaissance and Preliminary Hydropower, Feasibility Study, Montgomery Watson - Harza (MWH), March 2011*

B. Studies – Introduction and Overarching Approach

Nuvista has set a goal to conduct an open and transparent pre-filing program, including consultations with agencies and all interested/affected entities, and to conduct the required investigations discussed herein in an expeditious manner and proceed with preparation of an Application for License within the three-year period provided by the FERC regulation for a Preliminary Permit. Nuvista is focused on achieving the goal of this Project to deliver electric power to Bethel and 13 surrounding indigenous native communities within the Yukon-Kuskokwim Region as soon as practicable. Nuvista is keenly aware that residents in the Yukon-Kuskowim Region have the highest energy costs in the nation and providing clean, renewable hydroelectric power to these 14 communities will provide a lifeline to the residents and encourage economic development. Further, the Alaska State Legislature and the Governor have authorized and funded these initial FERC licensing activities in order to expeditiously address the energy needs of the 30,000 citizens of this region, which currently have little to no alternatives to diesel powered heating and electricity supplies.

Nuvista has commenced a comprehensive Literature Search and Gap Analysis as the first step in identifying the need for baseline engineering and environmental studies and is engaged in consultation with the federal and state resource agencies to discuss Nuvista's goal to mobilize and conduct baseline field studies as soon as practicable in order to not lose a complete field season. Nuvista is consulting with the Alaska Department of Natural Resources (ADNR) and the U.S. Fish and Wildlife Service (USFWS) regarding access to the Wood-Tikchik State Park and the Yukon Delta Wildlife Refuge and plans to meet with all of the interested agencies in March 2012 to discuss the early start baseline field studies.

Recognizing that the proposed Chikuminuk Project would be located in a remote region of Alaska including lands within the Wood-Tikchik State Park and the Yukon Delta National Wildlife Refuge,

obtaining access to perform studies on these lands is of primary necessity to support Nuvista's goal of an early start. Nuvista is engaged in consultation with the Alaska Department of Natural Resources and the U.S. Fish and Wildlife Service to discuss permitting and protocol to conduct studies within the State Park and National Wildlife Refuge.

Nuvista will proceed with early start baseline engineering and environmental studies as soon as permission is granted by the above noted landowners and weather conditions facilitate access.

These early start baseline studies will include:

- Site Reconnaissance - all disciplines
- Surveying / Topographic Mapping
- Geologic Mapping
- Geotechnical investigations: Geophysical surveys & subsurface core drilling
- Stream gaging / water quality
- Lake Bathymetry
- Aquatic resources - Chikuminuk Lake and the Allen River
- Terrestrial habitat including bird surveys along the proposed transmission corridor
- Cultural resource investigations; in particular in the vicinity of seismic refraction and subsurface drilling

Concurrent with the above noted baseline field studies, Nuvista is conducting a comprehensive literature search and gap analysis for major resource categories. This information, coupled with input from the early start baseline studies, will provide the basis for description of the ecological setting that will be presented in the Pre-Application Document (PAD) required by the FERC regulations. The purpose of the PAD is to present background information related to the engineering, operational, economic, and environmental aspects of the proposed Chikuminuk Project. Information presented in the PAD will be based on that which is available to Nuvista at the commencement of the formal FERC pre-licensing process. To the extent practicable, Nuvista will identify and define issues associated with development of the Chikuminuk Project and address identified study needs discussed in Section C below.

The PAD will follow the requirements set forth in 18 CFR 5.6 and will include:

- A map showing the proposed project location and other existing developments important to understand the project setting superimposed on the USGS quad sheet for the project area.
- A description of the proposed project facilities and proposed mode of operation. The PAD will include descriptions of engineering and economic aspects of the proposed Project using the format for the Exhibits specified in the Commission's regulation for a Major Project with a total installed capacity of more than 5 MW at Subpart E 18 CFR 4.41 (b) through (e), and (g) and (h).
- Descriptive information available to Nuvista through the above noted literature search and gap analysis; consultations with resource agencies regarding protocol to conduct baseline studies; and any field work accomplished prior to issuance of the PAD. Information provided in the PAD will be structured to follow the outline for the FERC Application and NEPA document, in this case using the outline for an Environmental Impact Statement, and address information requirements pursuant to the FERC regulation at 18 CFR 4.41 (f) - Environmental Report.

Section C. Proposed Studies discusses the proposed preliminary office and field offices based on information available as of February 17, 2012.

C. Proposed Studies

Pursuant to FERC regulations, applicants for license are required to prepare study plans in consultation with resource agencies, tribes, and other interested participants. The following draft study plan identifies the activities and preliminary discussion of office and field studies based on information available to Nuvista as of the date of filing this application for preliminary permit. Methods for collecting data, performing analyses, and the format for reporting on the results of studies will be determined through consultations with resource agencies and other entities.

1. General Locale

- a. Perform literature search and prepare a general description of the area that will be affected by the proposed project. Provide descriptive information including: proximity of the proposed project to towns and other developed areas; climate and weather including seasonal differences; major topographical features. Identify land-owners and requirements to conduct field studies and construct and operate the proposed project,
- b. Prepare general topographic mapping in a geo-referenced format of the entire project study area.
- c. Prepare detailed topographic survey focused on areas near the dam and powerhouse and other critical project features.
- d. Prepare a detailed description of land ownership and describe the authorizations and approvals required to site, construct and operate the proposed project.
- e. Identify existing rights to use lands and waters proposed for use by the project.
- f. Evaluate avalanche hazard zones within the project study area; identify the locations of all potential avalanche areas and safe zones, describe the nature of the risks involved and feasible mitigation alternatives. Provide avalanche hazard maps delineating the boundaries of potential avalanche exposure.
- g. Prepare maps and other graphics to support the Application for License.

2. Geology and Soils

- a. Perform literature search, identify information gaps, and prepare a detailed study plan to acquire additional information.
- b. Geologic Mapping of the Proposed Dam/Powerhouse Area:
 - Prepare a detailed geologic map based on aerial imagery interpretation and field mapping data.
- c. Geophysical Surveys of the Proposed Dam Site
 - Conduct seismic refraction surveys and electrical resistivity imaging of the subsurface to formulate an idea of the distribution of any permafrost and the depth to potential bedrock.
- d. Subsurface Geotechnical Drilling Investigation of the Dam/Powerhouse Area:
 - Carry out a borehole drilling program to confirm the results of the geophysical surveys and to collect soil and bedrock (if encountered) samples for subsurface characterization. Install piezometers to allow characterization of groundwater regime at the lake outlet, and thermistors to allow for ground temperature measurement.
- e. Geotechnical Reconnaissance of the Transmission Alignment and Related Infrastructure – perform a site reconnaissance to gain a preliminary understanding of geological conditions along the transmission corridor.

- f. Geological Features – prepare a detailed description of geological features, including bedrock lithology, stratigraphy, structural features, glacial features, unconsolidated deposits, and mineral resources.
 - g. Soils:
 - Prepare a detailed description of types, occurrence, physical and chemical characteristics, erodability, and potential for mass soil movement.
 - h. Existing and potential geological soil hazards and potential problem areas in the vicinity of the project:
 - Prepare a detailed description and map showing locations of faults, prior earthquakes, seepage, subsidence, solution cavities, any active or abandoned mines, erosion and mass soil movement. Identify on map any large landslides or potentially unstable soil masses that could be aggravated by proposed reservoir fluctuations.
 - i. Describe potential project-related impacts on geological and soil resources due to proposed project construction and operations.
 - j. Prepare maps and other graphics to support the Application for License.
3. Water Use and Quality
- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.
 - b. Stream Gaging Stations:
 - Review available information from past installed and existing USGS gaging stations in project vicinity and identify whether additional stream gages are needed or whether a different strategy is required to gather information necessary to describe the existing baseline and determine potential project effects.
 - c. Bathymetry:
 - Map Chikuminuk Lake bathymetry to determine areas of drawdown zone exposed at proposed drawdown levels.
 - d. Stream Channel:
 - Quantify changes in hydraulic capacity to maintain stream channel morphology.
 - Identify changes in natural flow patterns on vegetation, fisheries, and stream banks.
 - e. Water Quality:
 - Water temperature– conduct baseline studies and quantify fluctuations in daily water temperature associated with proposed Project.
 - Dissolved Oxygen – conduct baseline studies and identify any potential Project related effects.
 - Other water chemistry – determine (in consultation with resource agencies what additional water quality parameters might be necessary to study to determine baseline conditions and assess Project related effects.
 - Sedimentation – identify potential sedimentation during Project construction and long-term operations.
 - Erosion – Quantify potential impacts of lake drawdown on lake littoral zone, and subsequent access to habitat on inlet streams (risk of head cutting).

- f. Mapping of Project-Affected Streams and Other Water Bodies
 - Prepare a map showing locations of streams and other water bodies that may be affected by construction and operation of the proposed project. Identify area and length of the watershed and/or drainage area. Show tributary streams.
 - g. Seasonal Variation of Precipitation/Snowmelt into watershed/drainage area(s):
 - Describe annual runoff into the watershed/drainage area and seasonal and locational variations.
 - h. Water Rights:
 - identify existing water rights and other users of waters affected by the proposed project.
 - i. Chikuminuk Lake:
 - Describe characteristics including: variations in surface area, volume, and depth; proposed drawdown (acre-feet and surface elevations). Describe proposed use for power generation and need for ecological releases to diverted streams. Provide description of length of shoreline, chemical and thermal characteristics (stratification, temperature ranges by season).
 - j. Streams and how proposed project would affect existing stream flow and aquatic habitat:
 - Describe potential effects of project operations on dissolved oxygen (DO) and water temperature in Allen River downstream of the proposed powerhouse.
 - Quantify existing DO and water temperature profiles in Chikuminuk Lake and stream temperatures in Allen River.
 - If determined necessary in consultation with resource agencies, quantify intra-gravel water temperatures in Allen River downstream of the powerhouse location.
 - Measure stream flows and water temperatures at the same time and locations in Allen River.
 - Model expected stream temperatures in Allen River downstream of the powerhouse location proposed design and operations alternatives.
 - k. Seasonal variations in water quality – physical, chemical, and biological characteristics and estimate project effects on baseline conditions.
 - l. Prepare flow duration curves (in cfs) and the period of record for affected streams.
 - m. Identify proposed protection, mitigation, and/or enhancement measures in consultation with resource agencies and other participants.
4. Aquatic Resources – Fisheries and Habitat
- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.
 - b. Chikuminuk Lake Watershed Background Studies and Reconnaissance Surveys:
 - Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information on aquatic resources.
 - Conduct aerial surveys to determine major stream inlets (with particular interest in Milk Creek as well as larger inlets to northern shore of

Chikuminuk Lake and a known fish bearing inlet stream (unnamed but listed in ADF&G Anadromous Waters Catalog) located on southern shore of Chikuminuk Lake.

- Conduct aerial survey of Allen River to determine important features (rapids, barriers, pools, riffles, glides, potential fish habitat).
 - Perform video and photo-documentation of Allen River, Milk Creek, littoral zone of Chikuminuk Lake as well as other major inlet streams to the lake.
 - Consult with agencies on results of Anadromous Waters Catalog and Alaska Freshwater Fish Index surveys of Chikuminuk Lake and tributaries from 2005.
 - Conduct field site survey with hydrology and instream flow experts as well as agency personnel.
- c. Chikuminuk Lake and Inlet Stream Aquatic Resource Surveys:
- Following agency consultation, perform surveys to confirm presence/absence of fish species (determined from gap analysis) in the lake and primary inlet streams including Milk Creek, known fish bearing streams on the southern shore and numerous additional inlet streams to lake.
 - Conduct baseline habitat surveys at major fishing locations on inlet streams.
 - Conduct bathymetric survey of Chikuminuk Lake for use in relating fish presence to available lake habitat.
 - Conduct baseline primary productivity survey of lake.
 - Perform temperature surveys and analyze lake stratification and turnover by season.
 - Conduct baseline periphyton analysis of major fish bearing inlet streams.
 - Conduct baseline macroinvertebrate survey of inlet streams and littoral zone of lake.
 - Consult with hydrology team to determine barriers to fish passage in inlet and outlet streams for establishing fish monitoring stations.
 - Identify important spawning habitat and conduct spawning surveys of major fish assemblages (lake trout, dolly Varden, rainbow trout) in inlet streams littoral zone of Chikuminuk Lake.
 - Seasonal fish sampling of important stream habitat at representative flow regimes (high, low and medium flow) in consultation with agencies.
- d. Chikuminuk Lake - Tributary Connectivity Study (to determine extent to which major tributaries influent to the lake could potentially be disconnected due to lake level regulation from project operations:
- Identify major tributaries to the lake based on aerial photography
 - Complete topographic/bathymetric surveys of tributary deltas down to lowermost elevations projected from project operations.
- e. Allen River Instream Flow Habitat Studies (to develop habitat – flow relationships that will allow for an evaluation of temporal and spatial habitat changes resulting from project flow regulation:
- Perform literature search to identify preliminary list of fish species utilizing the Allen River; identify species and lifestage periodicities; compile existing Habitat Suitability Curves (HSC) for target species for possible application in

PHABSIM modeling. Make preliminary determination of extent of anadromous fish utilization in the Allen River.

- Conduct aerial (via helicopter) site reconnaissance of the river to assess habitat characteristics and identify potential fish passage barriers. Videotape the entire length of river from mouth to outlet of Chikuminuk Lake.
 - Habitat map entire length of Allen River based on combined aerial photography and field surveys. Mesohabitat features (e.g. riffle, cascade, falls, pools, runs) will be identified and geo-referenced on base maps.
 - Stratify the river into representative segments based on topographic and hydrologic characteristics.
 - Select appropriate instream flow assessment methodologies (in collaboration with agencies) based on species composition within each segment (using information from fish surveys), channel characteristics, and susceptibility of segments to project flow effects. (assume PHABSIM in lower reach within anadromous fish zone; Wetted Perimeter or other methods in non-anadromous fish segments). Identify target fish species of the studies.
 - Make preliminary selection of study sites and transect locations and provide to agencies for review.
 - Conduct field surveys (with agency representative) to establish study sites and transect locations.
 - Collect field survey data under three flow conditions (low, medium, high).
 - Complete data analysis and modeling to develop habitat-flow relationships for target fish species.
 - Integrate results of modeling with hydrology to develop habitat time series by species and life stage.
- f. Allen River Fish Passage – Flow Assessment (to evaluate whether flow regulation may result in spatial and temporal changes to anadromous fish passage in the Allen River:
- Conduct aerial field reconnaissance (helicopter) to identify and geo-reference all potential fish passage barriers in Allen River.
 - Complete field surveys to locate lowermost complete barrier to anadromous fish (i.e. falls that exceed salmon leaping or swimming capabilities). Below this point, evaluate potential barrier conditions of other locations relative to possible flow regulation (i.e. could the barrier become passable under certain flow conditions?) and conduct necessary surveys to determine fish passage flow windows.
- g. Allen River Temperature Monitoring/Modeling (to evaluate potential flow regulation changes on water temperature regime of the Allen River:
- Install and monitor temperature thermistors in Allen River within each river segment and within major tributary streams.
 - Develop temperature model (SNTEMP) that will enable an evaluation of temperature changes resulting from flow regulation and how these changes may influence fish species life history functions.
- h. Allen River Fluvial Geomorphology Studies (to evaluate potential flow regulation changes on channel characteristics, sediment transport, and fish habitat:
- Co-locate fluvial geomorphology study sites with instream flow and fish

habitat sites within each of the stream segments.

- Survey channel geometry and complete pebble counts at selected transects
 - Collect representative gravel samples from spawning areas for size gradation analysis and to characterize baseline sediment concentrations.
 - Complete sediment – transport modeling to assess flow regulation effects on sediment transport capacity.
- i. Along the transmission line route from Chikuminuk Lake to Bethel; work with subsistence stakeholders to determine important fish resource areas; create a map of subsistence fish resource areas; create a map of fish resources in transmission corridor as determined from agency surveys; and determine probable areas of concern for Essential Fish Habitat (EFH) in the proposed transmission line corridor with particular interest in the Kisaralik, Akulikutak and Kwethluk Rivers and associated tributaries, lakes or ponds.
 - j. Perform long term consultation with agencies and hydrology and instream-flow teams; create map of lake at current (pre-construction) and proposed (post-construction) water levels to identify potential fish and macroinvertebrate habitat loss/gain; create periodicity tables by species in fish bearing streams and lake; work with hydrology and instream-flow team and agencies to narrow list of important fish-bearing stream sampling locations for long term surveys and; consult with hydrology and instream-flow team and agencies to categorize representative habitat for monitoring of aquatic resources.

5. Terrestrial Resources - Wildlife

- a. Perform a literature search and review to determine which wildlife species are likely to occur in the project area.
- b. Prepare a list of the bird and mammal species of conservation concern that are likely to occur in the project area based on the literature review above and on the latest lists of species of conservation concern.
- c. Review wildlife studies that have been conducted within the project area, or in similar habitats in the region, as well as ADFG harvest records and habitat-management guides, and summarize what is known regarding distribution, abundance, and habitat-use information for the bird and mammal species identified for the project area.
- d. Based on preliminary project-design parameters, identify how the proposed project is likely to affect wildlife distribution, abundance, and habitat use in the project area.
- e. Perform a data-gap analysis to determine which species within the project area are in need of further study, so as to acquire sufficient information to characterize baseline conditions for bird and mammal species, and to assess the potential impacts from the proposed project.
- f. Conduct field studies to fill the species-information needs identified in the data-gap analysis above, with special emphasis on species of conservation concern and species groups expected to be most affected by the project. Note that during each survey effort, observations of other wildlife species would be recorded, and especially observations of the more uncommon bird and mammal species, such as raptors and furbearers.

- Aerial surveys for nesting raptors, with a focus on Bald and Golden eagles (which are protected under the Bald and Golden Eagle Protection Act), and other raptor species of conservation concern, including Peregrine Falcons and Gyrfalcons.
 - Aerial surveys for migrant and nesting waterbirds, which would include waterfowl, loons, grebes, and larids (gulls, terns, jaegers).
 - Ground-based point-count surveys for breeding shorebirds and landbirds; these surveys will help in further refining the knowledge of bird and mammal occurrence in the project area because additional observations of other bird and mammal species are routinely recorded during these ground-based survey efforts.
 - Aerial population surveys for moose in early and late winter.
 - Aerial transect surveys for caribou during important life-history stages (calving, postcalving/summer, fall rut, and overwintering).
 - Aerial den surveys for brown bears in spring and reconnaissance-level surveys for areas of seasonal concentration (e.g., spring foraging and fall berry areas).
 - Winter track surveys for furbearers, with a focus on wolverines, and a compilation of furbearer harvest records.
 - Aerial survey of active beaver lodges (to assess the current conditions for this species, which can affect aquatic habitats for many other wildlife species).
- g. Prepare project-specific guidelines for operating safely in bear country to minimize possible human-bear interactions.

6. Terrestrial Studies – Habitat and Botanical

- a. Perform a literature search and review to determine the availability, scale, coverage and applicability of existing map products that delineate vegetation, wetlands, and wildlife habitats in the project area.
- b. Identify existing literature that contains information on common vegetation and wetland types that are known or are likely to occur within the Chikuminuk Lake area and along the proposed transmission line.
- c. Perform a data-gap analysis to determine what additional mapping may be needed to derive current and fine-scale information on the occurrence of vegetation, wetland, and wildlife habitat types in the project area. It is expected that additional mapping of vegetation, wetlands, and wildlife habitats will be needed to provide the local-scale information needed to assess impacts to these botanical resources.
- d. Obtain recent and high-quality, digital ortho-photography of the study area to serve as the basis for any additional mapping that is expected to be needed (e.g., vegetation, wetlands, wildlife habitat).
- e. Conduct field studies to ground-truth the aerial photography for the project area and to determine wetland boundaries, vegetation types, and wildlife habitats. The field sampling program will be designed to complete a wetlands functional assessment.
- f. Prepare fine-scale maps of vegetation, wetlands, and wildlife habitats for the project area using the ortho-photography and ground-truth data for the project area.
- g. Conduct a literature search and review to develop a list of potential rare and invasive plant species that have a likelihood of occurring within the project area.

- h. Conduct plant field surveys in the project area to determine the extent of rare plant species occurrence, and to identify and document any invasive plant species in the area.
- i. When the habitat mapping is completed, conduct an assessment of habitat values for the wildlife species of concern identified above to facilitate quantitative impact assessments of habitat loss from the proposed project.

7. Historic and Archaeological Resources

- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.
 - Define the Project Study Area (PSA) for cultural resources research.
 - Definition(s) of cultural resources
 - Identify applicable federal, state, local statutes, regulations, and guidelines
 - Identify stakeholder communities and organizations (list of tribes and interested stakeholders)
 - Identify agencies and institutions and other information sources
 - Perform library and online research to identify published, unpublished resources
- b. Prepare list of known cultural resource in Project Study Area.
 - Develop list of AHRS sites within PSA
 - Identify sites on, or eligible for listing on National Register of Historic Places
 - Characterize known site types and the character-defining features for various site types in the PSA.
 - Consult with resource agency CR specialists about sites known, but not yet listed on the AHRS (USFWS, BLM, BIA, NPS, and Alaska State Parks)
 - Identify information relevant to Traditional Cultural Places (TCPs) and places with religious or spiritual associations
 - Identify placenames information about cultural resources
- c. Coordinate with other team members to obtain and refine available GIS shapefiles for cultural resources, placenames, TCPs
- d. Evaluate current information and identify gaps in available data
 - Identify topics of concern and cultural resource issues
 - Evaluate previous methods used to collect cultural resource data (explicit standardized methodologies, mapping methods, research protocols)
 - Identify data deficiencies
- e. Conduct required additional office and/or field investigations to determine whether properties or resources are present in the proposed area of project effect and engage in consultations with SHPO, local Native Alaska entities, and other entities to determine eligibility for listing on the National Register of Historic Places.
- f. Conduct consultation with SHPO and field studies in advance of and in support of initial geotechnical field work.
- g. As a result of consultation with SHPO following study gap analysis and results of

field studies in support of geotechnical program, define and conduct field studies (may be either sampling or survey or a combination of both) in lake inundation area and along transmission line route.

8. Recreational Resources

- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.
- b. Review existing recreational development and use.
 - Request data regarding location and frequency of current recreational use in the Wood-Tikchik State Park and the Yukon Delta Wildlife Refuge
 - Obtain Alaska Department of Fish and Game sport fishing and hunting data for the region.
 - Gather information from private outfitters, lodge owners, etc about location and frequency of use.
- c. Review the existing Wood-Tikchik State Park and Yukon Delta Wildlife Refuge management strategies and/or regulations controlling recreational use
- d. Evaluate the recreational resources at the site and the potential for expanded use.
- e. Identify any Project-related effects using the USFS Recreation Opportunity Spectrum classes.
- f. Identify whether access to the project area by recreation users and/or opportunities to recreate are reduced due to presence of the project including:
 - Recreational access by air or water (e.g. fly-in fishing tours, boating or rafting tours), anglers, hikers, campers, hunters, and subsistence users
- g. In consultation with resource agencies and interested participants identify any need for new recreational opportunities and/or new or modified management strategies in the project area.

9. Visual and Aesthetic Resources

- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.
- b. Prepare baseline photography of the project area for each major season and develop visual simulations that illustrate proposed project facilities on baseline photographs.
- c. Consult with all landowners, lodge operators, guiding outfits, and interested parties regarding potential project effects to the visual environment.
- d. Identify major view-sheds from public viewing areas and describe any potential effects resulting from the presence of the proposed project.
- e. Summarize and evaluate potential project-related impacts on visual aesthetics of the project area including presence of the dam and transmission line and fluctuating level of the lake.

10. Socioeconomic Resources

- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.

- b. Identify existing uses of Chikuminuk Lake and immediate environs that generate direct or indirect economic benefits to Bethel and the Yukon-Kuskokwim Region in general, such as tourism, local air and boat charter services, general recreation, hunting, fishing, and subsistence gathering.
- c. Describe the characteristics of the socio-economic impact area including identification of current employment, population, personal income trends, and electrical energy prices as well as current public services and facilities in Bethel and the surrounding area.
- d. Evaluate the short-term, construction related impacts of the project including:
 - a timeline of construction activities and duration
 - number of personnel needed for project construction and whether they would come from outside the impact area,
 - the potential impact on housing, local government services, and social issues – e.g. availability of alcohol.
- e. Evaluate the long-term impacts/benefits of the project, including:
 - changes in cost of electrical power to the Bethel service area and related benefits including cost of living, impact on opportunities for the continuation or expansion of businesses, etc
 - change in the nature and location of jobs related to power production
 - impact to the socio-economic character of the community due to the changes in the cost of power for individuals and businesses, e.g. – housing, local government services, population growth.
- f. Identify current subsistence resources and use in collaboration with the Subsistence Resources Study
 - Census data and estimated total harvests
 - Current and projected future use

11. Subsistence

- a. Perform literature search, identify information gaps, and in consultation with SHPO and resource agencies, prepare a detailed study plan to acquire additional information.
- b. Define the Project Study Area (PSA) for subsistence research
- c. Definition(s) of subsistence
- d. Identify communities which use the Project Study Area for subsistence (list of tribes and interested stakeholders)
- e. Identify agencies and institutions and other information sources
- f. Library and online research to identify published and unpublished resources
- g. Identify species harvested in the Project Study Area in cooperation with biological resources team
 - Identify available harvest information (ADF&G, CSIS-Community Subsistence Information System)
 - Identify and list available subsistence harvest area maps organized by community, species, year of information, number of respondents, etc.

- Record information on sport, commercial, and non-consumptive uses of wildlife resources that relate to subsistence
- h. Gather baseline socioeconomic information on PSA communities in cooperation with socioeconomics / recreation team
 - Population size, age-sex composition, education, housing etc.
 - Income, employment, education, housing, etc.
 - Cost of living information, etc.
- i. Evaluate the short-term, construction related impacts of the project
- j. Evaluate the long-term impacts/benefits of the project

12. Land Use

- a. Perform literature search, identify information gaps, and in consultation with resource agencies, prepare a detailed study plan to acquire additional information.
- b. Prepare maps showing proposed project facilities and relationship to land ownership. Contact and consult with all land owners within the area of potential project effect.
- c. Certain features of the of the proposed project lie within Wood-Tikchik State Park and Chikuminuk Lake is designated as non-motorized. Consult with the DNR-State Parks and the Wood-Tikchik Park Ranger to determine required studies and the procedure to request any necessary modifications to existing land use designations to accommodate the studies program and the project construction and operations.
- d. Discuss potential project-related effects on current land ownership/use

13. Comprehensive Plans and Project Consistency

- a. Identify relevant comprehensive plans that are filed with the FERC and those that are not yet filed with the FERC, but ought to be considered
- b. Review identified comprehensive plans and explain why project would or would not comply with plans.
- c. Allen River is not eligible for inclusion in the National Wild and Scenic Rivers System and none of the project area is designated as Wilderness Area, nor is it recommended for designation as a Wilderness Study Area.

(ii) The approximate locations and nature of any new roads that would be built for the purpose of conducting the studies:

No access roads are existing or planned for the purpose of completing the above listed studies.

(2) WORK PLAN FOR NEW DAM CONSTRUCTION. For any development within the project that would entail new dam construction, a work plan and schedule containing:

(i) A description, including the approximate location, of any field study, test, or other activity that may alter or disturb lands or waters in the vicinity of the proposed project, including floodplains and wetlands; measures that would be taken to minimize any such disturbance; and measures that would be taken to restore the altered or disturbed areas:

Field studies associated with the each of the major features could include the following activities:

- Detailed bathymetry surveys
- Geologic mapping
- Seismic Refraction
- Test pits

- Drill holes
- Topographic surveys

As soon as weather conditions allow, Nuvista will conduct a reconnaissance field investigation, prepare a detailed map showing the areas where ground-disturbing activities necessary to confirm the integrity of sub-surface rock and soils in the vicinity of proposed project features would occur.

As noted above, Nuvista has begun the consultations with the Alaska DNR and the USFWS to discuss the proposed Project and related field investigations that may result in land-disturbing activities that would affect the baseline environmental characteristics of such lands, and required permits to enter onto State Park and Federal Refuge lands to conduct these studies.

Nuvista will develop plans in consultation with the resource agencies and land owners to determine required measures to protect resources, minimize disturbance, and restore the environment following such field investigations. Plans shall include maps identifying areas of concern including, but not limited to, wetlands, nesting sites, and old-growth forest.

(ii) A proposed schedule (a chart or graph may be used), the total duration of which does not exceed the proposed term of the permit, showing the intervals at which the studies, investigations, tests, and surveys, identified under this paragraph are proposed to be completed.

Please see **Attachment 2.1 – Proposed Project Schedule, Preliminary Period** for the schedule of all activities leading to the submittal of a FERC License Application for the Chikuminuk Hydroelectric Project.

(3) WAIVER. The Commission may waive the requirements of paragraph (c)(2) pursuant to §385.207 of this chapter, upon a showing by the applicant that the field studies, tests, and other activities to be conducted under the permit would not adversely affect cultural resources or endangered species and would cause only minor alterations or disturbances of lands and waters, and that any land altered or disturbed would be adequately restored.

Nuvista is not requesting a waiver of requirements regarding studies for cultural resources or endangered species.

(4) EXHIBIT 2 must contain a statement of costs and financing, specifying and including, to the extent possible:

(i) The estimated costs of carrying out or preparing the studies, investigations, tests, surveys, maps, plans or specifications identified under paragraph (c) of this section:

Nuvista estimates that the cost to determine feasibility and prepare a license application is \$17,630,000.

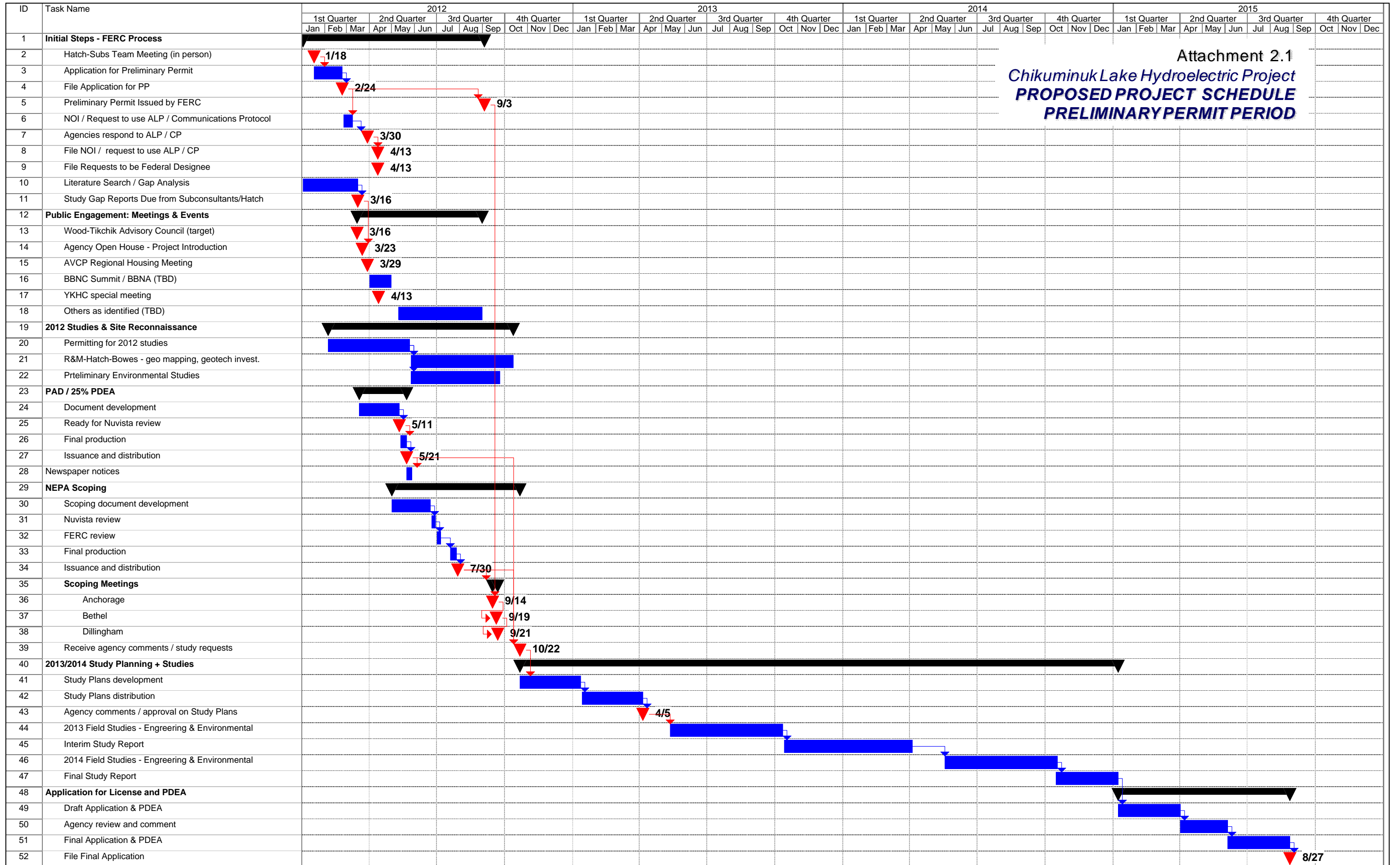
(ii) The expected sources and extent of financing available to the applicant to carry out or prepare the studies, investigations, tests, surveys, maps, plans, or specifications identified under paragraph (c) of this section:

Nuvista has received a \$10 million appropriation from the Alaska State Legislature to study the feasibility of developing a hydroelectric project at Chikuminuk Lake and to initiate the first steps towards preparing an Application for License from the Federal Energy Regulatory Commission (FERC). No match is required for the appropriation. The Alaska Energy Authority has the responsibility to manage the disbursement of grant funding to Nuvista. Additional funding to continue the work is expected to be appropriated through the legislative process, contingent upon the results of the initial feasibility study.

Attachment 2.1

Proposed Project Schedule

Preliminary Permit Period



Attachment 2.1
Chikuminuk Lake Hydroelectric Project
PROPOSED PROJECT SCHEDULE
PRELIMINARY PERMIT PERIOD

Exhibit 3 – Project Maps

**APPLICATION FOR PRELIMINARY PERMIT
CHIKUMINUK LAKE HYDROELECTRIC PROJECT**

EXHIBIT 3 – PROJECT MAPS

(d) EXHIBIT 3 must include a map or series of maps, to be prepared on United States Geological Survey topographic quadrangle sheets or similar topographic maps of a State agency, if available. The maps need not conform to the precise specifications of §4.39 (a) and (b). If the scale of any base map is not sufficient to show clearly and legibly all of the information required by this paragraph, the maps submitted must be enlarged to a scale that is adequate for that purpose. (If Exhibit 3 comprises a series of maps, it must also include an index sheet showing, by outline, the parts of the entire project covered by each map of the series.)

An index map and a series of 5 maps showing all the information required by this paragraph are included within this Exhibit as **Exhibits 3.2 and 3.3**

The maps must show:

(1) The location of the project as a whole with reference to the affected stream or other body of water and, if possible, to a nearby town or any permanent monuments or objects that can be noted on the maps and recognized in the field:

The location of the Project with reference to affected streams and other bodies of water as well as towns closest to the Project are shown on **Exhibit 3.1**.

(2) The relative locations and physical interrelationships of the principal project features identified under paragraph (b) of this section:

The relative locations and physical interrelationships of the principal project features are shown on **Exhibits 1.1 and 3.2**.

(3) A proposed boundary for the project, enclosing:

(i) All principal project features identified under paragraph (b) of this section, including but not limited to any dam, reservoir, water conveyance facilities, powerplant, transmission lines, and other appurtenances; if the project is located at an existing Federal dam, the Federal dam and impoundment must be shown, but may not be included within the project boundary;

(ii) Any non-Federal lands and any public lands or reservations of the United States [see 16 U.S.C. 796 (1) and (2)] necessary for the purposes of the project. To the extent that those public lands or reservations are covered by a public land survey, the project boundary must enclose each of and only the smallest legal subdivisions (quarter-quarter section, lots, or other subdivisions, identified on the map by subdivision) that may be occupied in whole or in part by the project.

The proposed boundary for the Project is shown on Sheets 1 through 5 of **Exhibit 3.3**.

(4) Areas within or in the vicinity of the proposed project boundary which are included in or have been designated for study for inclusion in the National Wild and Scenic Rivers System:

The proposed project boundary is not within or in the vicinity of any areas that are included in or have been designated for study for inclusion in the National Wild and Scenic Rivers System.

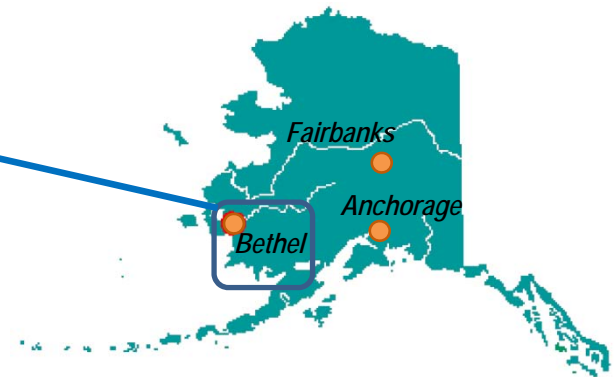
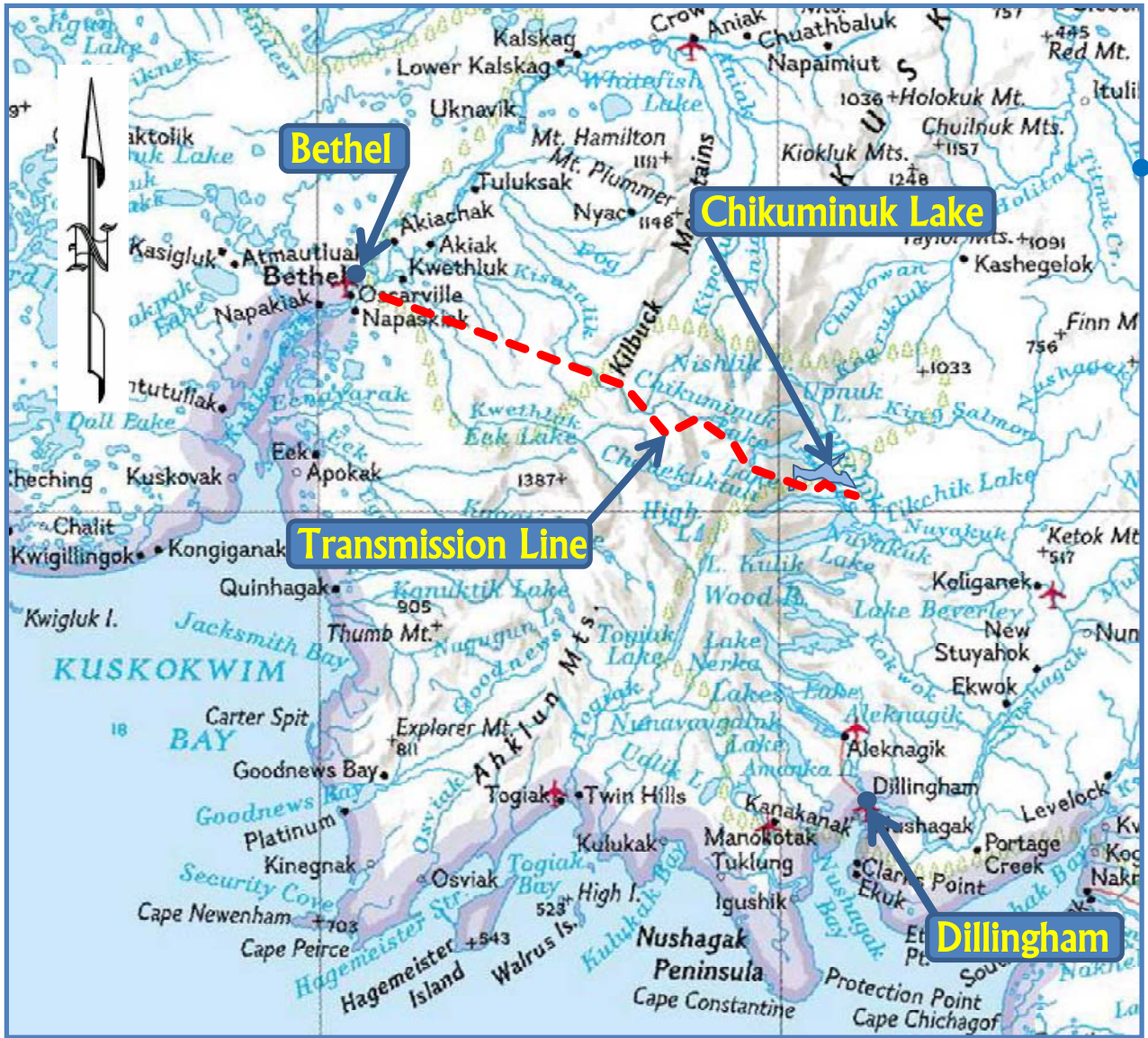
(5) Areas within the project boundary that, under the provisions of the Wilderness Act, have been:

(i) Designated as wilderness area;

(ii) Recommended for designation as wilderness area; or

(iii) Designated as wilderness study area.

The proposed project boundary is not within any areas that under the provisions of the Wilderness Act have been designated as wilderness area, have been recommended for designation as wilderness area, or designated as a wilderness study area.

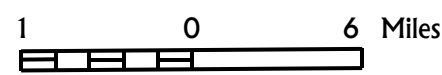
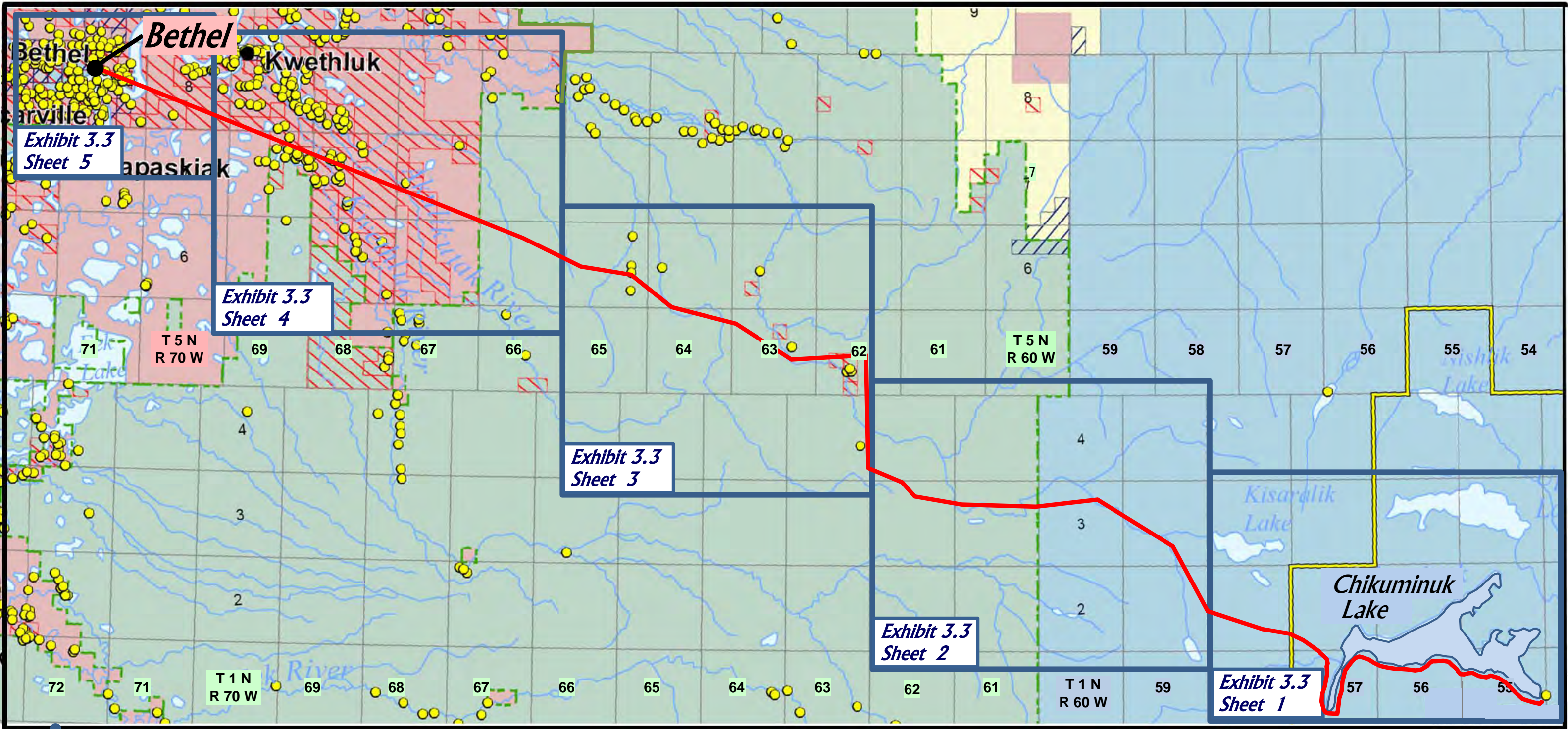


VICINITY MAP



PROJECT LOCATION

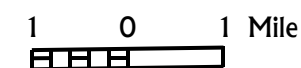
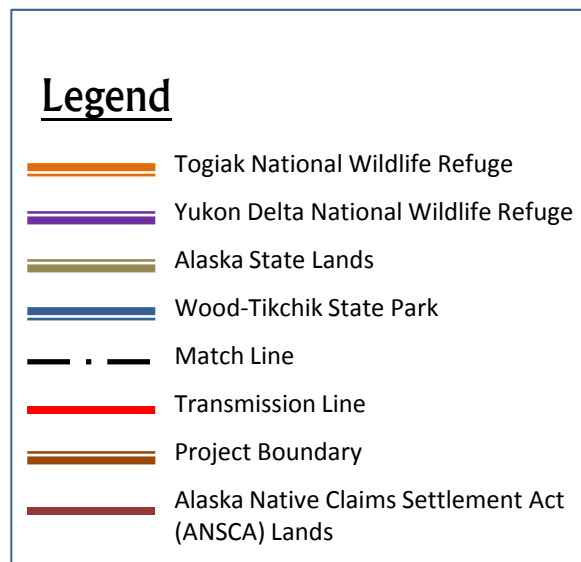
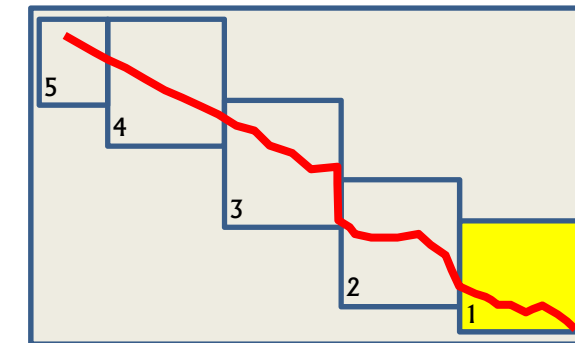
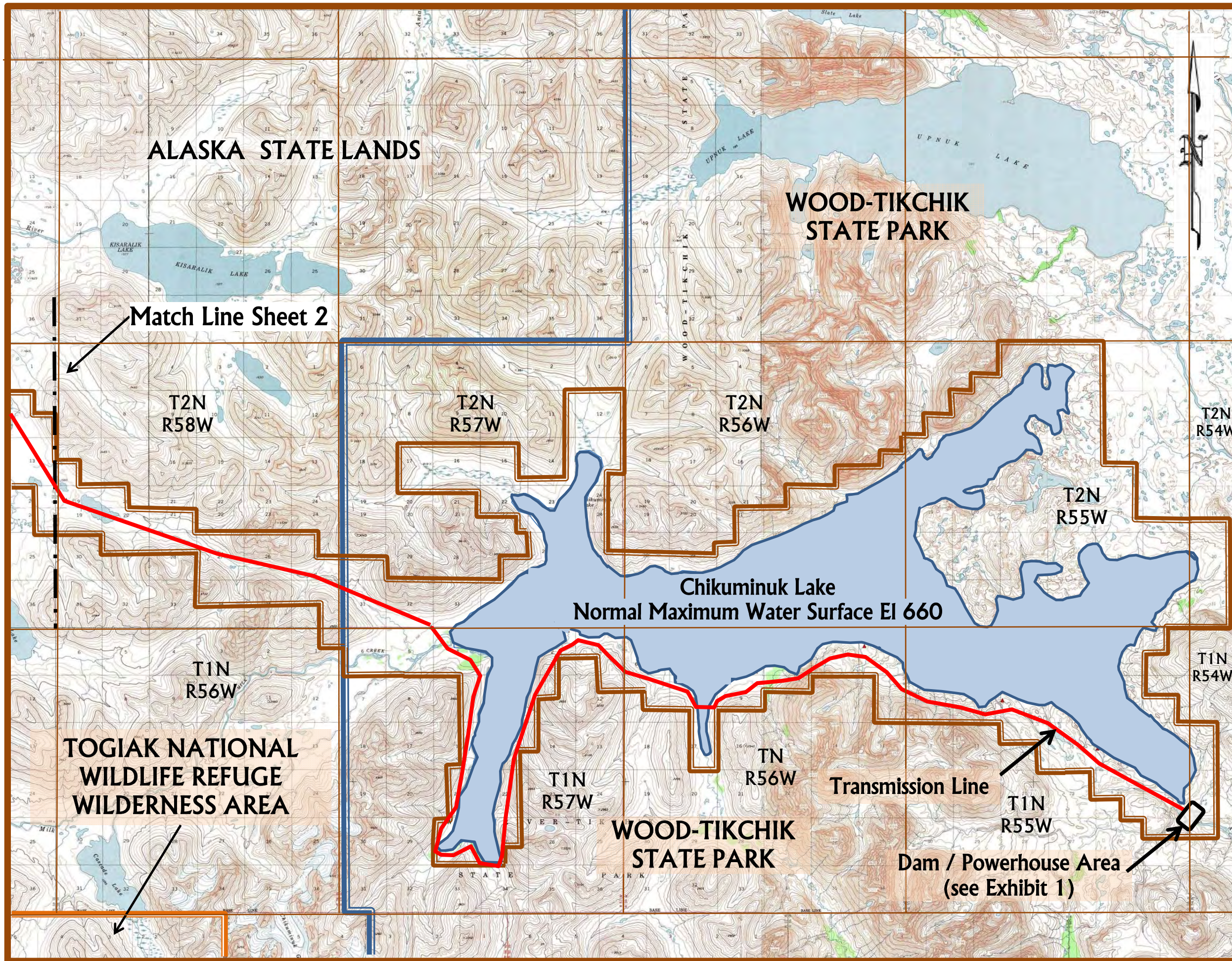
Exhibit 3.1
*Chikuminuk Lake
 Hydroelectric Project*
PROJECT LOCATION



- | | |
|---|--|
| <p>Alaska State Lands</p> <ul style="list-style-type: none"> State Patented, Tentatively Approved or Other State Acquired Lands (Bureau of Land Management, April 2010) State Wildlife, Park, Forest, and Other Multiple Use Areas (Bureau of Land Management, April 2010) State Selected (ANILCA Topfilings included) (Bureau of Land Management, April 2010) State Marine Parks <p>Alaska Native Claims Settlement Act (ANCSA) Lands</p> <ul style="list-style-type: none"> ANCSA Patented or Interim Conveyed (Bureau of Land Management, April 2010) Both State and ANCSA Lands are Located Within a Section ANCSA Selected (Bureau of Land Management, April 2010) | <p>Federal Lands</p> <ul style="list-style-type: none"> National Forests, Monuments, Recreation and Conservation Areas National Park System National Wildlife Refuges National Wild and Scenic Rivers Outside National Park System and Outside National Wildlife Refuges National Petroleum Reserve - Alaska (NPR) Major Military Bureau of Land Management Public Lands <p>Other Municipal and Private Lands</p> <ul style="list-style-type: none"> Municipal or Other Private Parcels (Bureau of Land Management, April 2010) Native Allotments (Bureau of Land Management, August 2010) |
|---|--|

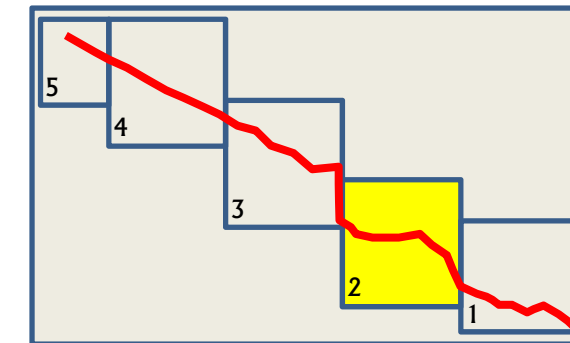
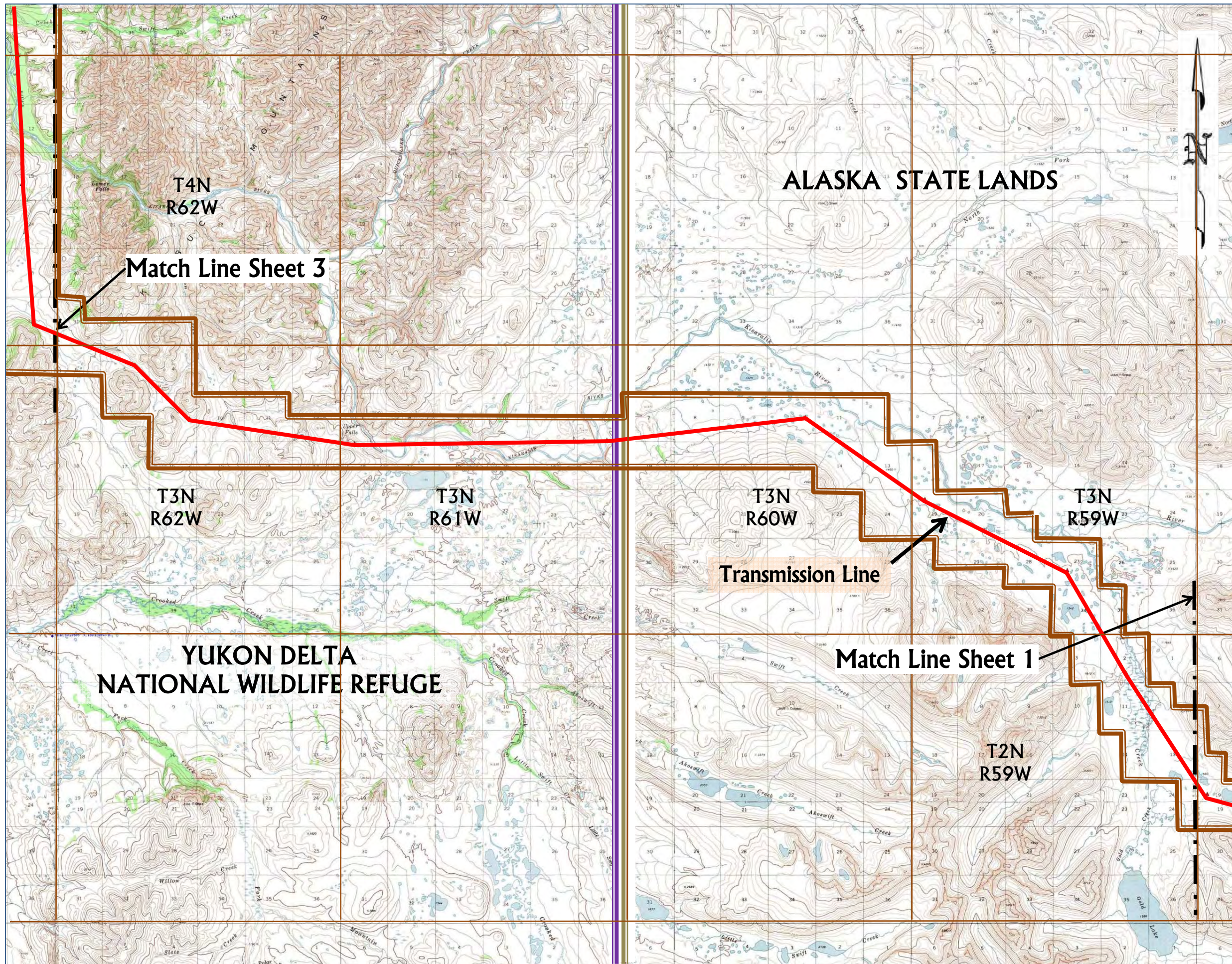
Map Source
 General Land Status
 Southwest Alaska
 Alaska Department of Natural Resources
 August, 2010

Exhibit 3.2
Chikuminuk Lake
 Hydroelectric Project
PROJECT AREA / INDEX SHEET



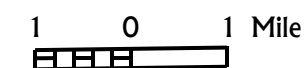
Map is based on USGS Bethel (A-1, A-2, B-1, B-2) and Taylor Mountains (A-8, B-8), ALASKA.
Contours are in 100 foot intervals.

Exhibit 3.3
Chikuminuk Lake Hydroelectric Project
PROJECT BOUNDARY
Sheet 1 of 5

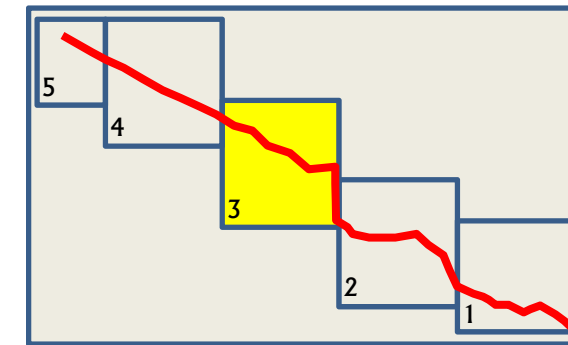
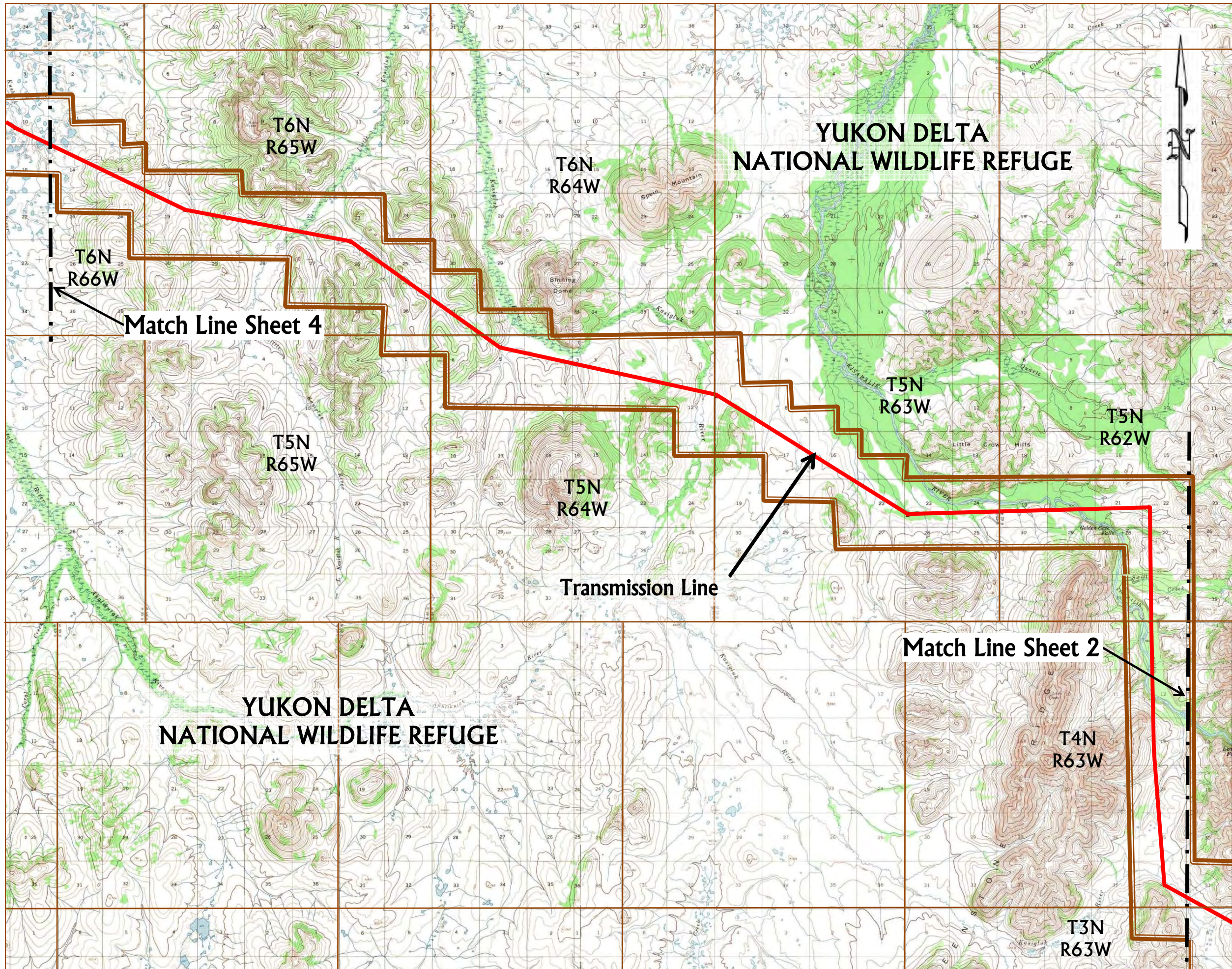


Legend

-  Togiak National Wildlife Refuge
-  Yukon Delta National Wildlife Refuge
-  Alaska State Lands
-  Wood-Tikchik State Park
-  Match Line
-  Transmission Line
-  Project Boundary
-  Alaska Native Claims Settlement Act (ANSCA) Lands

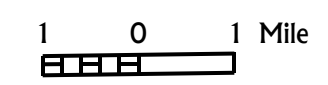


Map is based on USGS Bethel (A-2, A-3, A-4, B-2, B-3, B-4), ALASKA. Contours are in 100 foot intervals.

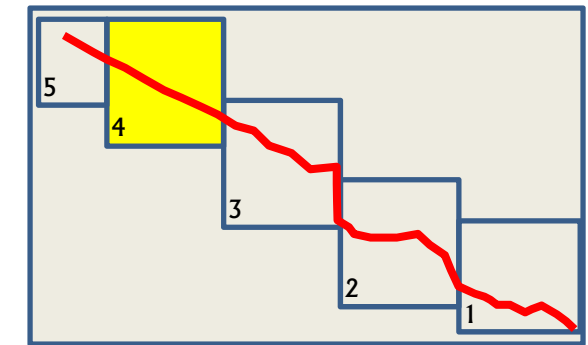
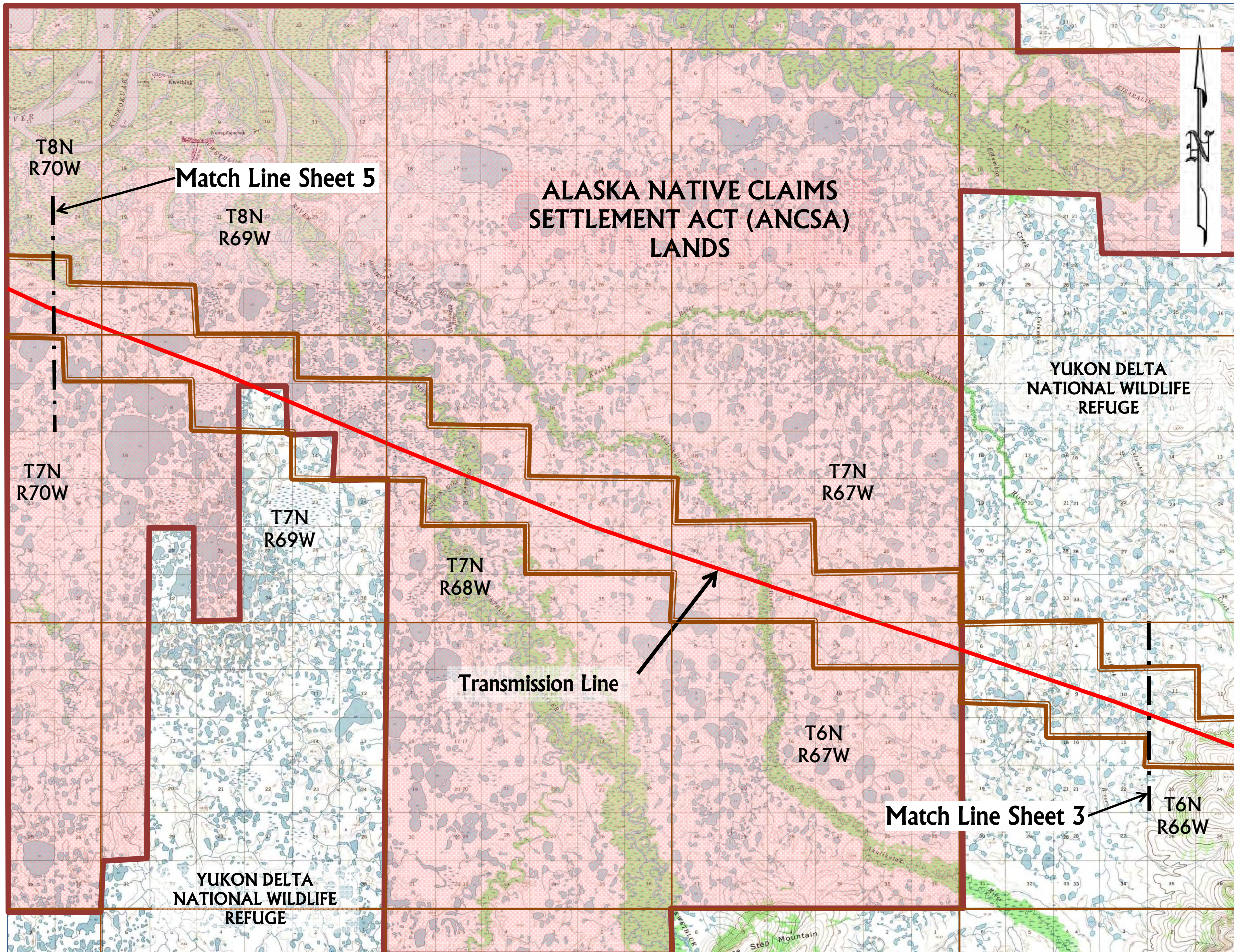


Legend

- Togiak National Wildlife Refuge
- Yukon Delta National Wildlife Refuge
- Alaska State Lands
- Wood-Tikchik State Park
- Match Line
- Transmission Line
- Project Boundary
- Alaska Native Claims Settlement Act (ANCSA) Lands

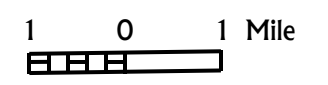


Map is based on USGS Bethel (B-3, B-4, B-5, C-3, C-4, C-5), ALASKA. Contours are in 100 foot intervals.



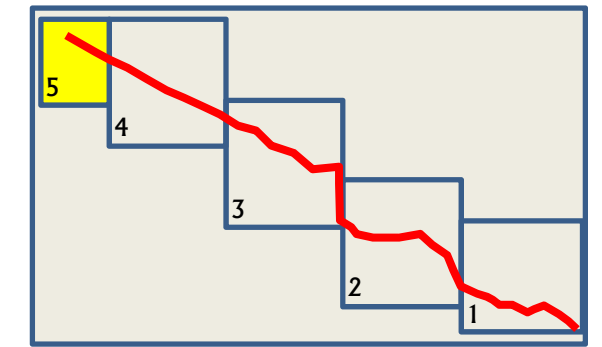
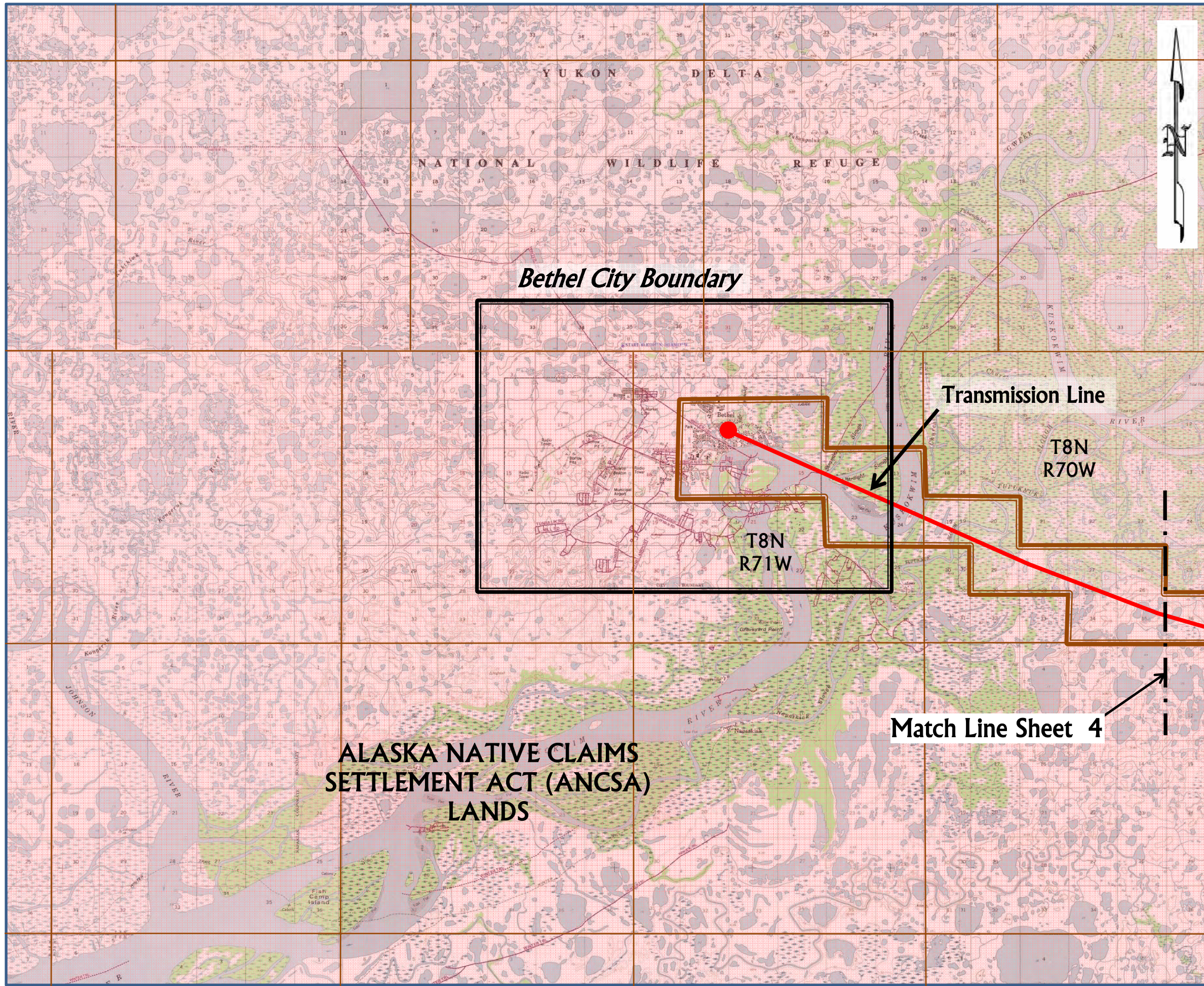
Legend

- Togiak National Wildlife Refuge
- Yukon Delta National Wildlife Refuge
- Alaska State Lands
- Wood-Tikchik State Park
- Match Line
- Transmission Line
- Project Boundary



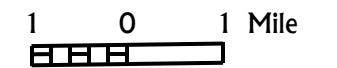
Map is based on USGS Bethel (C-5, C-6, C-7, D-5, D-6, D-7), ALASKA.
Contours are in 100 foot intervals.

Exhibit 3.3
Chikuminuk Lake
Hydroelectric Project
PROJECT BOUNDARY
Sheet 4 of 5



Legend

-  Togiak National Wildlife Refuge
-  Yukon Delta National Wildlife Refuge
-  Alaska State Lands
-  Wood-Tikchik State Park
-  Match Line
-  Transmission Line
-  Project Boundary
-  Alaska Native Claims Settlement Act (ANCSA) Lands



Map is based on USGS Bethel (C-7, C-8, D-7, D-8), Baird Inlet (C-1, D-1), ALASKA. Contours are in 100 foot intervals.

Exhibit 4 – Supplemental Information

Nuvista

Articles of Incorporation

ARTICLES OF INCORPORATION

NUVISTA LIGHT & ELECTRIC COOPERATIVE, INC.

We, the undersigned natural persons of the age of nineteen years or more acting as incorporators of an electric cooperative under the Electric and Telephone Cooperative Act, AS 10.25.010 *et seq.*, adopt the following Articles of Incorporation for such cooperative.

ARTICLE I NAME

The name of the cooperative is Nuvista Light & Electric Cooperative, Inc.

ARTICLE II PERIOD OF DURATION

The period of duration of this cooperative shall be perpetual.

ARTICLE III PURPOSES FOR WHICH ORGANIZED

The purposes for which this cooperative is organized and the business or objects to be carried on and promoted by it are as follows:

(a) To provide for all aspects of electric energy generation and transmission for its members;

(b) In addition to the foregoing, the cooperative shall have and exercise all of the general powers enumerated in AS 10.25.010 and AS 10.25.020, as well as any other powers enumerated in AS 10.25, as heretofore or hereafter amended.

ARTICLE IV MEMBERSHIP

Section 1. The cooperative is not organized for profit and shall not have authority to issue capital stock.

Section 2. Any person, entity, or body politic that desires to purchase wholesale electric energy, including but not limited to a village, municipality, village corporation, regional corporation, or retail electric utility, shall become a member of the cooperative by:

(a) Filing a written application for membership;

(b) Agreeing to purchase from the cooperative electric energy as hereinafter specified;

(c) Agreeing to comply with and be bound by the Articles of Incorporation of the cooperative and the bylaws and such rules and regulations as may be from time to time adopted by the Board of Directors; and,

(d) Paying the membership fee hereinafter specified; provided, however, that no person, entity, body politic, or subdivision thereof shall become a member unless or until it has been accepted for membership by the Board of Directors or the members; provided further that the bylaws may make additional provisions pertaining to the qualifications and methods of acquiring and terminating membership in the cooperative, not inconsistent with these Articles of Incorporation.

The bylaws may provide for appeal by an applicant to a meeting of the members. No person, entity, body politic, or subdivision thereof, may own more than one (1) membership in the cooperative.

Section 3. The membership fee, if any, shall be in an amount established in the bylaws or by appropriate resolution of the Board of Directors. The bylaws may provide for additional fees and assessments to be paid by members requesting more than one service connection.

Section 4. Each member may, as soon as electric energy shall be available, purchase from the cooperative all electric energy used on the premises referred to in the membership application of such member, and shall pay therefore monthly rates which shall from time to time be fixed by resolution of the Board of Directors; provided, however, that the electric energy which the cooperative shall furnish to any member may be limited to such an amount as the Board of Directors shall from time to time determine. In addition, each member shall pay to the cooperative such minimum amount per month as shall be fixed by the Board of Directors from time to time, regardless of the amount of electric energy consumed. Each member shall also pay all obligations which may from time to time become due and payable by such member to the cooperative as and when the same shall become due and payable. Production or use of electric energy on such premises, regardless of the source thereof, by means of facilities which shall be interconnected with the cooperative's facilities, shall be subject to regulations as shall be set from time to time by the Board of Directors of the cooperative.

Section 5. The private property of the members of the cooperative shall be exempt from execution for the debts of the cooperative and no member shall be individually liable or responsible for any debts or liabilities of the cooperative.

ARTICLE V PRINCIPAL PLACE OF BUSINESS

The principal place of business of the cooperative shall be Anchorage, Alaska, or such other place within the State of Alaska as may be established by the bylaws or appropriate resolution of the board of directors.

**ARTICLE VI
BYLAWS**

The internal affairs of the cooperative shall be regulated in accordance with the bylaws adopted as provided by law.

**ARTICLE VII
AMENDMENTS OF ARTICLES**

The Articles of Incorporation may be amended as provided by law.

**ARTICLE VIII
REGISTERED OFFICE AND REGISTERED AGENT**

The address of the initial registered office of the cooperative shall be 301 Calista Court, Suite A, Anchorage, Alaska 99518, and the initial registered agent shall be Calista Corporation.

**ARTICLE IX
DIRECTORS**

The number of directors of the cooperative shall be not less than six (6) directors, and shall be established in the bylaws. Each director must also be a member.

The initial directors of the cooperative shall be:

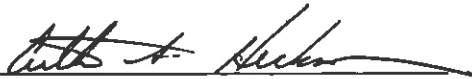
Arthur S. Heckman	47 Hill Street Pilot Station, Alaska 99650
Willie Kasayulie	201 William and Tom Street Akiachak, Alaska 99551
Paul George Guy	301 Blueberry Street Kwethluk, Alaska 99621
Sven Paukan	100 Ketunraq Road St. Mary's, Alaska 99658
Daniel Waska	101 Village Road Atmaultluak, Alaska 99559
Moses Owen	300 Riverfront Akiak, Alaska 99552

**ARTICLE X
INCORPORATORS**

The names and addresses of the incorporators are:


Arthur S. Heckman	47 Hill Street Pilot Station, Alaska 99650
Sven Paukan	101 Ketunraq road St. Mary's, Alaska 99658
Willie Kasayulie	201 William and Tom Street Akiachak, Alaska 99551
Daniel Waska	101 Village Road Atmautluak, Alaska 99559
Paul George Guy	301 Blueberry Street Kwethluk, Alaska 99621
Moses Owen	300 Riverfront Akiak, Alaska 99552


DATED at Anchorage, Alaska this 31st day of July, 2007.



Arthur S. Heckman


Sven Paukan


Willie Kasayulie


Daniel Waska


Paul George Guy


Moses Owen

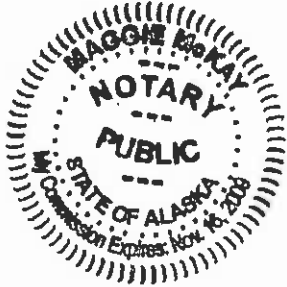
State of Alaska)
) ss.
Third Judicial District)

The foregoing Articles of Incorporation were acknowledged before me this 31st day of July, 2007 by Arthur S. Heckman, Sven Paukan, Willie Kasayulie, Daniel Waska, Paul George Guy, and Moses Owen.

Maggie McKay

Notary Public for the State of Alaska

My commission expires: 11-16-09



Chapter 10.25

ELECTRIC AND TELEPHONE COOPERATIVE ACT

Article 01. SUBSTANTIVE PROVISIONS

Sec. 10.25.010. Powers of electric or telephone cooperative; prohibited action.

(a) Except as provided in (b) of this section, an electric or telephone cooperative may

(1) sue and be sued in its corporate name;

(2) have perpetual existence;

(3) adopt a corporate seal and alter it;

(4) construct, buy, lease, or otherwise acquire, and equip, maintain, and operate, and sell, assign, convey, lease, mortgage, pledge, or otherwise dispose of or encumber lands, buildings, structures, electric or telephone lines or systems, dams, plants and equipment, and any other real or personal property, tangible or intangible, that is necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized;

(5) buy, lease, or otherwise acquire, and use, and exercise and sell, assign, convey, mortgage, pledge or otherwise dispose of or encumber franchises, rights, privileges, licenses, and easements;

(6) borrow money and otherwise contract indebtedness, and issue evidences of indebtedness, and secure the payment of the indebtedness by mortgage, pledge, or deed of trust of, or any other encumbrance upon its real or personal property, assets, franchises, or revenues;

(7) construct, maintain, and operate electric transmission and distribution lines, or telephone lines along, upon, under and across publicly owned lands and public thoroughfares, including, without limitation, all roads, highways, streets, alleys, bridges, and causeways;

(8) exercise the power of eminent domain;

(9) become a member of other cooperatives or corporations or own stock in them;

(10) conduct its business and exercise its powers inside or outside the state;

(11) adopt, amend, and repeal bylaws;

(12) make all contracts necessary, convenient, or appropriate for the full exercise of its powers;

(13) make donations for the public welfare or for charitable, scientific, or educational purposes;

(14) do and perform any other act and thing, and have and exercise any other power that may be necessary, convenient, or appropriate to accomplish the purpose for which the cooperative is organized.

(b) An electric or telephone cooperative may not use cooperative funds to promote or oppose the candidacy of a candidate for director of the cooperative.

Sec. 10.25.020. Powers of electric cooperative.

An electric cooperative may

(1) generate, manufacture, purchase, acquire, accumulate, and transmit electric energy, and distribute, sell, supply, and dispose of electric energy to its members, to governmental agencies and political subdivisions, and to other persons not exceeding 10 percent of the number of its members; however, a cooperative that acquires existing electric facilities may continue service to persons, not in excess of 40 percent of the number of its members, who are already receiving service from these facilities without requiring them to become members, and these persons may become members upon the terms as may be prescribed in the bylaws;

(2) assist persons to whom electric energy is or will be supplied by the cooperative in wiring their premises and in acquiring and installing electrical and plumbing appliances, equipment, fixtures, and apparatus by financing them, and in connection with these services wire or have wired the premises, and buy, acquire, lease, sell, distribute, install, and repair electric and plumbing appliances, equipment, fixtures, and apparatus;

(3) assist persons to whom electric energy is or will be supplied by the cooperative in constructing, equipping, maintaining, and operating electric cold storage or processing plants by financing them or otherwise;

(4) operate a waste heat distribution system;

(5) operate a heating distribution system that was in existence on June 9, 1988;

(6) provide sewer, water, or gas utility service if the cooperative has received a certificate of convenience and necessity under AS 42.05.221 - 42.05.281 from the former Alaska Public Utilities Commission or the Regulatory Commission of Alaska for each type of service provided;

(7) provide direct satellite television programming services; in this paragraph, "direct satellite television programming services" means a video broadcast signal that is received directly from a satellite by an end user.

Sec. 10.25.030. Powers of telephone cooperative.

A telephone cooperative may

(1) furnish, improve, and expand telephone service and related telecommunications service to its members, and to other users not in excess of 10 percent of the number of its members; however, telephone service may be made available by a cooperative through interconnection of facilities to any number of subscribers of other telephone systems, and through pay stations to any number of users, and a cooperative which acquires existing telephone facilities may continue service to persons, not exceeding 40 percent of the number of its members, who are already receiving service from the facilities without requiring them to become members, and these persons may become members upon terms as may be prescribed in the bylaws;

(2) connect and interconnect its telephone lines, facilities, or systems with other telephone lines, facilities, or systems;

(3) make its facilities available to persons furnishing telephone service inside or outside the state.

Sec. 10.25.040. Name.

(a) The name of a cooperative must include the words "electric" or "telephone," as appropriate to its purpose, and "cooperative," and the abbreviation "inc."

(b) The name of a cooperative must be distinguishable on the records of the Department of Commerce, Community, and Economic Development from the name of any other organized entity and from a reserved or registered name. The Department of Commerce, Community, and Economic Development may adopt regulations under AS 44.62 (Administrative Procedure Act) to implement this subsection.

(c) The provisions of (a) of this section do not apply to a corporation that becomes subject to this chapter by compliance with AS 10.25.290 and 10.25.300 or 10.25.620 and that elects to retain a corporate name that does not comply with (a) of this section.

Sec. 10.25.050. Incorporators.

Five or more persons, including cooperatives, may organize a cooperative.

Sec. 10.25.060. Articles of incorporation.

(a) The articles of incorporation of a cooperative must recite that they are executed under this chapter and must state

- (1) the name of the cooperative;
- (2) the address of its principal office;
- (3) the names and the addresses of the incorporators;
- (4) the names and addresses of its directors.

(b) The articles may contain any provisions not inconsistent with this chapter that are considered necessary or advisable for the conduct of its business. The articles shall be signed by each incorporator and acknowledged by at least two of the incorporators, or on their behalf, if they are cooperatives. It is not necessary to recite in the articles the purpose for which the cooperative is organized or any of its corporate powers.

Sec. 10.25.070. Bylaws.

The board of directors shall adopt the first bylaws of a cooperative to be adopted following an incorporation, conversion, merger, or consolidation. Thereafter the district delegates in cooperatives having three or more districts that are not connected by a road system to another district of the cooperative may adopt, amend, or repeal the bylaws by the affirmative vote of a majority of the district delegates voting on the adoption, amendment, or repeal at a meeting of the district delegates. In all other cooperatives the members shall adopt, amend, or repeal the bylaws by the affirmative vote of a majority of the members voting on the question. The bylaws must set out the rights and duties of members, district delegates, and directors and may contain other provisions for the regulation and management of the affairs of the cooperative consistent with this chapter or with the articles of incorporation of the cooperative.

Sec. 10.25.080. Membership.

(a) Each incorporator of a cooperative shall be a member of the cooperative or of another cooperative that is a member of it. A person may not become a member unless that person agrees to use electric energy, or telephone service, or other services furnished by the cooperative when they are made available through its facilities.

(b) Membership in a cooperative is not transferrable, except as provided in the bylaws. The bylaws may

- (1) prescribe additional qualifications and limitations on membership;
- (2) require membership as a condition of obtaining service from the cooperative;
- (3) provide for termination or suspension of membership; however, a membership may not be terminated unless procedures for termination are contained in the bylaws.

Sec. 10.25.090. Meetings of members and district delegates.

(a) An annual meeting of the members of a cooperative shall be held at the time and place provided in the bylaws. An annual meeting of the members of a cooperative that has been divided into districts as provided for in [AS 10.25.190](#) may consist of separate annual meetings of the members of each district.

(b) Special meetings of the members or district delegates may be called by a majority of the board of directors or by not less than 10 percent of all members or 10 percent of all district delegates. A special meeting of the members of a cooperative that has been divided into districts

as provided for in AS 10.25.190 may consist of separate special meetings of the members of each district.

(c) An annual meeting of district delegates of a cooperative shall be held at the time and place provided in the bylaws.

Sec. 10.25.100. Notice of meetings.

Except as otherwise provided in this chapter, written notice stating the time and place of each meeting of the members or district delegates shall be given to each member or district delegate, either personally or by mail, not less than 15 days or more than 60 days before the date of the meeting. Notice of a special meeting of the members, together with notice of the purpose for which the meeting is called, shall be given to each member or district delegate, either personally or by mail, not less than 90 days or more than 120 days before the date of the meeting. If mailed, notice is considered given when it is deposited in the United States mail with postage prepaid addressed to the member or district delegate at the address of the member or delegate as it appears on the records of the cooperative.

Sec. 10.25.110. Quorum requirements.

(a) Unless the bylaws prescribe the presence of a greater percentage or number of the members for a quorum, a quorum for the transaction of business at all meetings of the members of a cooperative or the members of a district of a cooperative having not more than 1,000 members is five percent of all members, present in person, and a quorum for the transaction of business of the members of a cooperative or the members of a district of a cooperative having more than 1,000 members is 50 members, present in person. If less than a quorum is present at a meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

(b) Unless the bylaws prescribe the presence of a greater percentage of the district delegates for a quorum, a quorum for the transaction of business at all meetings of the district delegates of a cooperative is 25 percent of all district delegates.

Sec. 10.25.120. Voting.

Each member is entitled to one vote on each matter submitted to a vote of the membership. Each member of a district is entitled to one vote on each matter submitted to a vote at a district meeting. A member may not vote by proxy but may vote, if the bylaws so provide, by mail or electronic transmission, as specified by the cooperative, except that electronic transmission may not be the only allowed option for voting.

Sec. 10.25.125. Record date.

To determine the members entitled to notice of a meeting of the members or to vote on a matter that is to be submitted to a vote of the members, or for any other proper purpose, the board of directors may fix a date that occurs not more than 30 days before the date of notice or

distribution of mail or electronic ballots as the record date for the determination. If a record date is not fixed for the determination of members entitled to notice of a meeting or to vote on a matter, the date on which notice of the meeting or of mail or electronic voting is first distributed is the record date. When a determination of members entitled to vote at a meeting is made, the determination applies until the meeting is adjourned sine die.

Sec. 10.25.130. Waiver of notice.

A person entitled to notice of a meeting may waive notice in writing either before or after the meeting. Attendance at a meeting is a waiver of notice of the meeting, unless the person attends solely to object to the transaction of business because the meeting has not been legally called or convened.

Sec. 10.25.140. Board of directors.

The business of a cooperative shall be managed by a board of not less than five directors, each of whom shall be a member of the cooperative or of another cooperative which is a member of it. The bylaws shall prescribe the number of directors, their qualifications other than those prescribed in this chapter, and the manner of holding meetings of the board of directors and of electing successors to directors who resign, die, or are otherwise incapable of acting. The bylaws shall provide for the removal of directors from office for cause and for the election of their successors. Directors may not receive salaries for the services as directors and, except in emergencies, may not receive salaries for their services in any other capacity without the approval of the members. The bylaws may, however, prescribe a fixed fee for each day of attendance at a meeting of the board of directors or other meeting while officially representing the cooperative and for each day of necessary travel to and from a meeting of the board of directors or other meeting while officially representing the cooperative and may provide for insurance and reimbursement of actual expenses incurred while performing duties as a director.

Sec. 10.25.145. Liability, indemnification, and insurance.

(a) A protected person is not individually liable for conduct performed within the scope of the person's duties for the cooperative. However, the protected person may be held individually liable for conduct if it was not reasonable for the person to believe that the conduct was in, or not contrary to, the best interests of the cooperative.

(b) Unless prohibited by the articles of incorporation or bylaws, the cooperative shall indemnify a protected person who is or may be made a party to a contested matter against expenses actually and reasonably incurred in connection with the contested matter. However, the cooperative may not indemnify the protected person if the person did not reasonably believe the conduct to be in, or not opposed to, the best interests of the cooperative. With respect to a criminal action or proceeding, the cooperative shall indemnify a protected person unless the person had reasonable cause to believe that the conduct was unlawful.

(c) A cooperative may purchase and maintain insurance on behalf of a protected person against liability asserted against the protected person and incurred in an official capacity or

arising out of the person's status, whether or not the cooperative would have the power to indemnify the person against the liability under this section.

(d) In this section

(1) "conduct" includes action, inaction, and omission;

(2) "contested matter" means a proposed, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative;

(3) "expenses" include attorney fees, judgments, fines, and amounts paid in settlement;

(4) "protected person" means a director, officer, employee, or agent of a cooperative.

Sec. 10.25.150. Term of office of directors.

The directors of a cooperative named in articles of incorporation, consolidation, merger, or conversion hold office until the next annual meeting of the members and until their successors are elected and qualify. Each elected director holds office for the term for which elected and until a successor is elected and qualifies.

Sec. 10.25.160. Staggered terms of office for directors.

Instead of electing all directors annually, the bylaws may provide that directors shall be elected for terms not to exceed three years, or until their successors are elected and qualify, and that the terms of directors shall be staggered so that one-third of the directors, or a number as close to one-third as possible, shall be elected each year.

Sec. 10.25.170. Quorum of board.

A majority of the board of directors constitutes a quorum.

Sec. 10.25.175. Board meetings open; exceptions; remedy.

(a) A meeting of the board of directors may be attended by members of the cooperative. Except when voice votes are authorized, a vote shall be conducted in such a manner that the members may know the vote of each person entitled to vote. The board of directors may conduct a meeting by teleconference or similar communications equipment if the board gives reasonable notice of the meeting and if members of the cooperative are able to attend the meeting sites and hear the meeting. This section applies only to a meeting at which a quorum of the board participates.

(b) If excepted subjects are to be discussed at a meeting, the meeting must first be convened as a regular or special meeting and the question of holding an executive session to discuss matters that come within the exceptions contained in (c) of this section shall be determined by a majority vote of the board. No subjects may be considered at the executive session except those

mentioned in the motion calling for the executive session unless auxiliary to the main question. Formal action may not be taken during the executive session.

(c) The following excepted subjects may be discussed in an executive session:

(1) matters the immediate knowledge of which would clearly have an adverse effect on the finances of the cooperative;

(2) subjects that tend to prejudice the reputation and character of a person; however, the person may request a public discussion;

(3) matters discussed with an attorney for the cooperative, the immediate knowledge of which could have an adverse effect on the legal position of the cooperative.

(d) Notice shall be given for all regular or special meetings of the board of directors as provided in the bylaws of the cooperative.

(e) A member affected by action taken contrary to this section may bring a suit in the superior court. The court may order appropriate equitable relief after considering the circumstances of the case. Action taken contrary to this section is not void if other equitable relief is available and appropriate.

Sec. 10.25.180. General powers of board.

The board of directors may exercise all of the powers of a cooperative not conferred upon the members by this chapter, its articles of incorporation or its bylaws.

Sec. 10.25.190. Districts.

The bylaws may provide for the division of the territory served or to be served by a cooperative into two or more districts for any purpose, including, without limitation, the nomination and election of directors and the election and functioning of district delegates. These delegates, who shall be members, may nominate and elect directors. The bylaws shall prescribe the boundaries of the districts, or the manner of establishing the boundaries, and the manner of changing the boundaries, and the manner in which the districts function. A member at any district meeting and a district delegate at any meeting may not vote by proxy, by mail, or by electronic transmission. However, the election of directors shall be by mail or, if the bylaws so provide, by electronic transmission, as specified by the cooperative, except that electronic transmission may not be the only allowed option for voting.

Sec. 10.25.200. Officers.

The officers of a cooperative are those officers authorized by the bylaws. The officers shall be elected annually by the board of directors from among its members. If authorized by the bylaws, the election may be conducted by written ballot. When a person holding an office ceases to be a director, that person ceases to hold office. The board of directors may appoint those other agents

or employees that it considers necessary or advisable and shall prescribe their powers and duties. An officer may be removed from office and a successor elected in the manner prescribed in the bylaws.

Sec. 10.25.210. Amendment of articles of incorporation.

A cooperative may amend its articles of incorporation as follows, except that it may change the location of its principal office in the manner set out in AS 10.25.230 :

(1) the proposed amendment shall be presented to the members or district delegates at a meeting or by written notice; if the proposed amendment is presented at a meeting, the notice of the meeting must set out or have attached to it the proposed amendment;

(2) if the proposed amendment, with any changes, is approved by the affirmative vote of not less than two-thirds of those members or district delegates voting on it, the presiding officer of the board of directors shall execute and acknowledge articles of amendment on behalf of the cooperative, and the officer designated by the board shall affix and attest to the seal of the cooperative; if the cooperative accepts ballots both at a meeting and by mail or by electronic transmission, a member may vote by mail, by electronic transmission, or at the meeting, as specified by the cooperative, except that electronic transmission may not be the only allowed option for voting.

Sec. 10.25.220. Contents of articles of amendment.

(a) The articles of amendment must recite that they are executed under this chapter and must state

- (1) the name of the cooperative;
- (2) the address of its principal office;
- (3) the amendment to its articles of incorporation.

(b) The presiding officer executing the articles of amendment shall make and annex to them an affidavit stating that the provisions of AS 10.25.210 and this section regarding the amendment were complied with.

Sec. 10.25.230. Change of location of principal office.

A cooperative may, upon authorization of its board of directors or its members, change the location of its principal office by filing a certificate reciting the change of principal office, executed and acknowledged by its presiding officer under its seal, attested by the officer designated by the board, in the office of the commissioner.

Sec. 10.25.235. Member's right to examine books and records.

A member of a cooperative may, at a reasonable time and for a proper purpose, examine and make copies of the books and records of the cooperative at the principal office of the cooperative. The cooperative may charge a member an amount equal to the actual cost of duplicating documents requested under this section. The cooperative may withhold books and records concerning specific matters that were prepared for or during an executive session under AS 10.25.175 (c) and not subsequently made public by the cooperative. The cooperative may also withhold the identity of public information that was referred to during the executive session.

Article 02. MERGER, CONSOLIDATION, AND CONVERSION

Sec. 10.25.240. Merger.

(a) Except as provided in (b) of this section, one or more cooperatives, each designated in this section as "merging cooperative," may merge into another cooperative, designated in this section as "surviving cooperative," by complying with the following requirements:

(1) the proposition for the merger of the merging cooperatives into the surviving cooperative and proposed articles of merger shall be submitted to the members of each merging cooperative and of the surviving cooperative; the notice shall have attached to it a copy of the proposed articles of merger;

(2) if the proposed merger and the proposed articles of merger, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of each cooperative voting on them, articles of merger in the form approved shall be executed and acknowledged on behalf of each cooperative by its presiding officer and its seal shall be affixed by the officer designated by the board.

(b) A merger of electric or telephone cooperatives may not take effect unless the surviving cooperative expressly agrees to comply with the terms of each collective bargaining agreement entered into between a merging cooperative and a labor organization representing employees of the cooperative that is in effect on the date of merger.

Sec. 10.25.245. Merger of cooperative and corporation organized under AS 10.05. [Repealed, Sec. 24 ch 134 SLA 1988]

Repealed or Renumbered

Sec. 10.25.250. Contents of articles of merger.

(a) The articles of merger must recite that they are executed under this chapter and must state

(1) the name of each merging cooperative and the address of its principal office;

(2) the name of the surviving cooperative and the address of its principal office;

(3) a statement that each merging cooperative and the surviving cooperative agree to the merger;

(4) the names and addresses of the directors of the surviving cooperative;

(5) the terms and conditions of the merger and the manner of carrying it into effect, including the manner in which members of the merging cooperatives may or shall become members of the surviving cooperative.

(b) The articles of merger may contain provisions not inconsistent with this chapter that are considered necessary or advisable for the conduct of the business of the surviving cooperative.

(c) The presiding officer of each cooperative shall make and annex to the articles an affidavit stating that the provisions of this section regarding the articles were complied with by the cooperative.

Sec. 10.25.260. Consolidation.

Two or more cooperatives, designated in this section as "consolidating cooperative," may consolidate into a new cooperative, designated in this section as the "new cooperative," by complying with the following requirements:

(1) the proposition for the consolidation into the new cooperative and proposed articles of consolidation shall be submitted to the members of each consolidating cooperative; the notice shall have attached to it a copy of the proposed articles of consolidation;

(2) if the proposed consolidation and the proposed articles of consolidation, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of each consolidating cooperative voting on them, articles of consolidation in the form approved shall be executed and acknowledged on behalf of each consolidating cooperative by its presiding officer and its seal shall be affixed and attested by the officer designated by the board.

Sec. 10.25.270. Contents of articles of consolidation.

(a) The articles of consolidation must recite that they are executed pursuant to this chapter and must state

(1) the name of each consolidating cooperative and the address of its principal office;

(2) the name of the new cooperative and the address of its principal office;

(3) a statement that each consolidating cooperative agrees to the consolidation;

(4) the names and addresses of the directors of the new cooperative;

(5) the terms and conditions of the consolidation and the manner of carrying it into effect, including the manner in which members of the consolidating cooperatives may or shall become members of the new cooperative.

(b) The articles of consolidation may contain provisions not inconsistent with this chapter which are considered necessary or advisable for the conduct of the business of the new cooperative.

(c) The presiding officer of each consolidating cooperative executing the articles of consolidation shall make and annex to the articles an affidavit stating that the provisions of this section regarding the articles were complied with by the cooperative.

Sec. 10.25.280. Effect of consolidation or merger.

(a) In the case of a consolidation the existence of the consolidating cooperatives ceases and the articles of consolidation are the articles of incorporation of the new cooperative. In the case of a merger the separate existence of the merging cooperatives ceases and the articles of incorporation of the surviving cooperative are amended to the extent that changes are provided for in the articles of merger.

(b) The rights, privileges, immunities and franchises, and all real and personal property including, without limitation, applications for membership, all debts due on whatever account and all other choses in action, of the consolidating or merging cooperatives are transferred to and vested in the new consolidated or surviving cooperative without further act or deed.

(c) The new consolidated or surviving cooperative is responsible and liable for the liabilities and obligations of each of the consolidating or merging cooperatives and a claim existing or action or proceeding pending by or against the consolidating or merging cooperatives may be prosecuted as if the consolidation or merger had not taken place, but the new consolidated or surviving cooperative may be substituted in its place.

(d) Neither the rights of creditors nor liens upon the property of the cooperatives are impaired by the consolidation or merger.

Sec. 10.25.290. Conversion of existing corporation.

(a) A corporation organized under the laws of the state and supplying or having the corporate power to supply electric energy, or to furnish telephone service, may be converted into a cooperative by complying with the requirements of this section and thereupon becomes subject to this chapter as if originally organized under this chapter.

(b) The proposition for the conversion of the corporation into a cooperative and proposed articles of conversion shall be submitted to a meeting of the members or stockholders of the corporation, or in case of a corporation having no members or stockholders, to a meeting of the incorporators of the corporation. The notice of the meeting shall have attached to it a copy of the proposed articles of conversion.

(c) If the proposition for the conversion of the corporation into a cooperative and the proposed articles of conversion, with any amendments, are approved by the affirmative vote of not less than two-thirds of those members of the corporation voting on them or, if the corporation is a stock corporation, by the affirmative vote of the holders of not less than two-thirds of those shares of the capital stock of the corporation represented at the meeting and voting on them, or, in the case of a corporation having no members and no shares of its capital stock outstanding, by the affirmative vote of not less than two-thirds of its incorporators, articles of conversion in the form approved shall be executed and acknowledged on behalf of the corporation by its presiding officer and its seal shall be affixed and attested by the officer designated by the board.

Sec. 10.25.300. Articles of conversion: contents and use as articles of incorporation.

(a) The articles of conversion must recite that they are executed under this chapter and must state

(1) the name of the corporation and the address of its principal office prior to its conversion into a cooperative;

(2) the statute or statutes under which it was organized;

(3) a statement that the corporation elects to become a cooperative, nonprofit, membership corporation subject to this chapter;

(4) its name as a cooperative;

(5) the address of the principal office of the cooperative;

(6) the names and addresses of the directors of the cooperative;

(7) the manner in which members, stockholders or incorporators of the corporation are to become members of the cooperative.

(b) The articles of conversion may contain provisions not inconsistent with this chapter considered necessary or advisable for the conduct of the business of the cooperative.

(c) The presiding officer executing the articles of conversion shall make and annex to it an affidavit stating that the provisions of this section were complied with regarding the articles. The articles of conversion are the articles of incorporation of the cooperative.

Article 03. DISSOLUTION

Sec. 10.25.310. Dissolution of cooperative that has not commenced business.

A cooperative that has not commenced business may be dissolved by delivering articles of dissolution to the commissioner. A majority of the incorporators shall execute and acknowledge articles of dissolution on behalf of the cooperative. The articles must state

- (1) the name of the cooperative;
- (2) the address of its principal office;
- (3) that the cooperative has not commenced business;
- (4) that sums received by the cooperative, less that part disbursed for expenses of the cooperative, have been returned or paid to those entitled to them;
- (5) that no debt of the cooperative is unpaid;
- (6) that a majority of the incorporators elect to dissolve the cooperative.

Sec. 10.25.320. Dissolution of cooperative that has commenced business.

- (a) A cooperative that has commenced business may be dissolved in the manner set out in this section.
- (b) The proposition to dissolve shall be submitted to the members of the cooperative. The notice must state the proposition.
- (c) The proposition is approved by the affirmative vote of at least two-thirds of the members voting on the proposition if the number of members voting to approve it constitutes a majority of all members of the cooperative.
- (d) Upon approval, a certificate of election to dissolve, hereafter designated the "certificate," executed and acknowledged on behalf of the cooperative by its presiding officer under its seal, attested by the officer designated by the board, shall be submitted to the commissioner for filing together with an affidavit by the officer executing the certificate stating that the statements in the certificate are true. The certificate must state the name of the cooperative, the address of its principal office, and that the members of the cooperative have voted to dissolve the cooperative.

Sec. 10.25.330. Effect of filing certificate of dissolution and affidavit; corporate existence; involuntary dissolution.

- (a) Upon the filing of the certificate and affidavit by the commissioner, the cooperative shall cease to carry on its business except to the extent necessary for the winding up of business. However, its corporate existence continues until articles of dissolution have been filed by the commissioner.
- (b) A cooperative that does not file its articles of dissolution within two years after the date of filing the certificate mentioned in (a) of this section shall be involuntarily dissolved by the commissioner. Before dissolving the cooperative under this subsection, the commissioner shall give the cooperative written notice of the pending dissolution by mailing the notice to the

cooperative. The commissioner shall mail the notice and any subsequent certificate of dissolution to the cooperative in the same manner as required for notices and certificates of involuntary dissolution under AS 10.06.633(i).

Sec. 10.25.340. Notice to creditors and claimants.

The board of directors shall immediately have a notice of the dissolution proceedings mailed to each known creditor of and claimant against the cooperative and publish it once a week for two successive weeks in a newspaper of general circulation in the city or borough in which the principal office of the cooperative is located.

Sec. 10.25.350. Termination of cooperative affairs.

The board of directors shall wind up and settle the affairs of the cooperative, collect sums owing to it, liquidate its property and assets, pay and discharge its debts, obligations, and liabilities, other than those to patrons arising by reason of their patronage, and do all other things required to wind up its business. After paying or discharging or adequately providing for the payment or discharge of all its debts, obligations, and liabilities, other than those to patrons arising by reason of their patronage, the directors shall distribute remaining sums, first, to patrons for the pro rata return of all amounts standing to their credit by reason of their patronage and, second, to members for the pro rata repayment of membership fees. Sums then remaining shall be distributed among its members and former members in proportion to their patronage, except to the extent participation in the distribution has been legally waived. The board of directors shall thereupon authorize the execution of articles of dissolution. The presiding officer shall execute and acknowledge articles of dissolution on behalf of the cooperative and the officer designated by the board shall affix and attest to the seal.

Sec. 10.25.360. Contents of articles of dissolution.

(a) The articles of dissolution must recite that they are executed under this chapter and must state

- (1) the name of the cooperative;
- (2) the address of its principal office;
- (3) the date on which the certificate of election to dissolve was filed by the commissioner;
- (4) that there are no actions or suits against the cooperative;
- (5) that all debts, obligations and liabilities of the cooperative have been paid and discharged or that adequate provision has been made for them;
- (6) that the provisions of AS 10.25.320 - 10.25.360 have been complied with.

(b) The presiding officer executing the articles of dissolution shall make and annex to the articles an affidavit stating that the statements contained in the articles are true.

Article 04. MISCELLANEOUS PROVISIONS

Sec. 10.25.370. Filing of articles.

Articles of incorporation, amendment, consolidation, merger, conversion, or dissolution, when executed and acknowledged and accompanied by the affidavits required by this chapter, shall be presented to the commissioner for filing. Upon finding that the articles presented conform to the requirements of this chapter, the commissioner, upon payment of the fees provided in this chapter, shall file the articles in the records of the commissioner's office. Upon filing, the incorporation, amendment, consolidation, merger, conversion, or dissolution provided for is in effect. This section also applies to certificates of election to dissolve and affidavits executed under [AS 10.25.320](#) - 10.25.360.

Sec. 10.25.375. Cancellation of certificates issued and filings accepted.

The commissioner may, within one year after a filing, and after written notice to the cooperative or individual making a filing, cancel a certificate issued or filing accepted under this chapter, on any ground existing at the time notice of cancellation is made for which the commissioner could have originally refused to issue the certificate or accept the filing. The notice of cancellation must state the reason for the proposed cancellation. A cooperative or individual may request a hearing within 90 days after receipt of the notice. The notice of cancellation becomes final if the cooperative or individual does not request a hearing within 90 days after receipt of notice. Notice of cancellation must be sent by certified mail with return receipt requested. If the return receipt is not received by the department within a reasonable time and the department has made diligent inquiry as to the current address of the corporation, notice may be made by publication in a newspaper of general circulation in the vicinity of the registered office of the cooperative or the address of the individual who made the filing, and the cancellation becomes final 60 days after publication of the notice.

Sec. 10.25.380. Nonprofit operation.

A cooperative shall be operated on a nonprofit basis for the mutual benefit of its members and patrons. The bylaws of a cooperative or its contracts with members and patrons must contain such provisions relating to the disposition of revenues and receipts as may be necessary and appropriate to establish and maintain its nonprofit and cooperative character.

Sec. 10.25.390. Disposition of property to secure indebtedness.

The board of directors of a cooperative may, without authorization by the members of the cooperative, authorize the execution and delivery of mortgages or deeds of trust of, or the pledging or encumbering of, the property, assets, rights, privileges, licenses, franchises and permits of the cooperative, whether acquired or to be acquired, and wherever situated, as well as

the revenue therefrom, upon the terms and conditions the board of directors determines, to secure an indebtedness of the cooperative.

Sec. 10.25.400. Limitations on disposition of property.

(a) A cooperative may not otherwise sell, lease, or dispose of more than 15 percent of the cooperative's total assets, less depreciation, as reflected on the books of the cooperative at the time of the transaction unless the transaction is authorized under this section. The transaction is approved by the affirmative vote of not less than two-thirds of the members voting on the transaction if the number of members voting to approve it constitutes a majority of all the members of the cooperative. However, notwithstanding a provision of this chapter or any other provision of law, the board of directors may, upon the authorization of a majority of those members of the cooperative voting on the issue in an election in which at least 10 percent of the eligible members return ballots, sell, lease, or otherwise dispose of all or a substantial portion of its property to another cooperative or to the state if the sale complies with (d) of this section.

(b) Before a vote to authorize the disposition or sale of more than 15 percent of the total assets of the cooperative, other than a vote to authorize disposition or sale to the state or another cooperative, the board of directors shall

(1) have the tangible and intangible property that is proposed for sale appraised by two appraisers; one appraiser shall be chosen by the proposed buyer; the appraisers may not be associated with the cooperative or a proposed buyer of cooperative property; each appraiser shall deliver a copy of the appraisal to the cooperative and to the proposed buyer; the first proposed buyer shall advance to the cooperative money sufficient to pay for the appraisals; if a buyer other than the first proposed buyer purchases the assets based on the appraisals, the actual buyer shall reimburse the first proposed buyer for the cost of the appraisals;

(2) notify all cooperative members, at least 90 days in advance, of a vote on disposition of cooperative property; the notice must contain detailed proposals for disposition of the property;

(3) at least 90 days before the vote, notify all other cooperatives situated and operating in the state that the property is available for disposition and include with the notice one copy of each appraisal of the property;

(4) at least 30 days before the vote, mail to all members any alternate proposals made by another cooperative, or by cooperative members if an alternate proposal signed by at least 50 members has been submitted to the board, together with any recommendation that the board has made; and

(5) place each proposal for which notice has been given on the ballot.

(c) This section does not apply to the transfer of cooperative property under [AS 10.25.240](#) - 10.25.300.

(d) The sale of a cooperative may not take effect unless the purchaser expressly agrees to comply with the terms of each collective bargaining agreement entered into between the cooperative being sold and a labor organization representing employees of the cooperative that is in effect on the date of sale.

(e) The requirements of (b) of this section do not apply to the lease, sale, or disposition of the property of a telephone cooperative that has annual gross revenue over \$25,000,000 unless a resolution passed by the board of directors of the cooperative provides that the requirements of (b) of this section will apply to the lease, sale, or disposition.

Sec. 10.25.410. Nonliability of members for debts of cooperative.

A member is not liable or responsible for any debts of the cooperative and the property of the members is not subject to execution therefor.

Sec. 10.25.420. Effect of recordation of mortgages and other instruments.

A mortgage, deed of trust, or other instrument executed by a cooperative, which affects real and personal property and which is recorded in the real property records in the city, borough, or other recording districts in which the property is located or is to be located has the same effect as if recorded, filed or indexed as provided by law in the proper office in the city, borough, or other recording district as a mortgage of personal property. All after-acquired property of the cooperative described or referred to as being mortgaged or pledged in a mortgage, deed of trust or other instrument is subject to the lien thereof immediately upon the acquisition of such property by the cooperative, whether or not the property was in existence at the time of the execution of the mortgage, deed of trust or other instrument. Recordation of such mortgage, deed of trust or other instrument constitutes notice and has the same effect with respect to after-acquired property as it has under the laws relating to recordation of property owned by the cooperative at the time of the execution of the mortgage, deed of trust or other instrument and described in it or referred to as being mortgaged or pledged thereby. The lien of such mortgage, deed of trust or other instrument upon personal property after its recordation continues for the period of time specified in the instrument without refileing or the filing of a renewal certificate, affidavit or other supplemental information required by the laws relating to the renewal, maintenance or extension of liens upon personal property.

Sec. 10.25.430. Validity of mortgage under Rural Electrification Act of 1936.

A mortgage made by a cooperative organized under this chapter to the United States of America, or an agency or instrumentality of it, to secure indebtedness incurred under 7 U.S.C. 901 - 950b (Rural Electrification Act of 1936), as amended, is not void as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property in good faith for value because the mortgage is not accompanied by an affidavit of the parties to it, or an affidavit of the agent or attorney-in-fact of a party to it, that the mortgage is made in good faith to secure the amount named, and without a design to hinder, delay or defraud creditors. A mortgage made by a cooperative organized under this chapter to the United States of America, or an agency or instrumentality of it to secure indebtedness incurred under 7 U.S.C. 901 - 950b (Rural

Electrification Act of 1936), as amended, need not set forth the date upon which the indebtedness secured by it becomes due.

Sec. 10.25.440. Construction standards.

Construction of electric lines and facilities, or telephone lines and facilities, by a cooperative shall, as a minimum requirement, comply with the standards of the National Electrical Safety Code in effect at the time of construction.

Sec. 10.25.450. Directors, officers, or members as notaries.

A person authorized to take acknowledgments under the laws of this state is not disqualified from taking acknowledgments of instruments to which a cooperative is a party because the person is an officer, director or member of the cooperative.

Sec. 10.25.460. Registered office and registered agent.

Each cooperative shall have and continuously maintain in the state a registered

- (1) office which may be, but need not be, the same as the location of the principal office;
- (2) agent who is an individual resident in the state and whose business office is identical with the registered office.

Sec. 10.25.470. Change of registered office or registered agent.

A cooperative may change its registered office or change its registered agent, or both, upon filing in the office of the commissioner a statement setting forth

- (1) the name of the cooperative;
- (2) the address of its registered office;
- (3) if the address of its registered office is changed, the address of the new registered office;
- (4) the name of the registered agent;
- (5) if its registered agent is changed, the name of its new registered agent;
- (6) that the address of its registered office and the address of the business office and its registered agent, as changed, will be identical;
- (7) that such change was authorized by resolution adopted by its board of directors.

Sec. 10.25.480. Execution and filing of statement.

The statement of change of office or agent shall be executed by the cooperative by its presiding officer and directed to the commissioner. If the commissioner finds that the statement conforms to this chapter, the commissioner shall file it in the commissioner's office. Upon the filing, the change of address of the registered office, and the appointment of the registered agent, or both, as the case may be, is effective.

Sec. 10.25.490. Resignation of registered agent.

A registered agent of a cooperative may resign by filing a written notice of resignation, executed in duplicate, with the commissioner. The commissioner shall immediately mail a copy of it to the cooperative at its registered office. The appointment of the agent terminates 30 days after receipt of the notice by the commissioner.

Sec. 10.25.500. Service on cooperative.

(a) The registered agent of a cooperative is an agent of the cooperative upon whom process, notice, or demand required or permitted by law to be served upon the cooperative may be served.

(b) When a cooperative fails to appoint or maintain a registered agent in the state, or when its registered agent cannot with reasonable diligence be found at the registered office, then the commissioner is an agent of the cooperative upon whom process, notice, or demand may be served.

Sec. 10.25.510. Service on commissioner.

(a) Service on the commissioner is made by delivering to and leaving with the commissioner, or with a clerk having charge of the corporation department of the commissioner's office, duplicate copies of the process, notice or demand. The commissioner shall immediately have one copy forwarded by registered mail, addressed to the cooperative at its registered office. Service on the commissioner is returnable in not less than 30 days.

(b) The commissioner shall keep a record of each process, notice and demand served under this section, and shall record the time of service and the commissioner's action with reference to it.

Sec. 10.25.520. Other means of service not affected.

Nothing in [AS 10.25.500](#) and 10.25.510 limits or affects the right to serve process, notice or demand required or permitted by law to be served on a cooperative in any other manner permitted by law.

Sec. 10.25.530. Fees.

(a) The commissioner shall establish by regulation and charge and collect fees for

(1) filing articles of incorporation;

- (2) filing articles of amendment;
- (3) filing articles of consolidation or merger;
- (4) filing articles of conversion;
- (5) filing certificate of election to dissolve;
- (6) filing articles of dissolution;
- (7) filing certificate of change of principal office and designation or change of registered office and registered agent; and
- (8) acting as agent for service of process.

(b) The department may by regulation charge each cooperative subject to this chapter a fixed fee in place of the various fees specified in this chapter and for the routine administrative services rendered to the corporation by the department.

(c) *[Repealed, Sec. 28 ch 90 SLA 1991].*

Sec. 10.25.540. Business license and taxation of cooperatives.

(a) Cooperatives under this chapter shall apply for a business license and pay the initial license fee as provided by the Alaska Business License Act (AS 43.70), as amended.

(b) Before March 1 of each year,

(1) each telephone cooperative shall pay to the state, instead of state and local ad valorem, income, and excise taxes that may be assessed or levied, a percentage of its gross revenue earned during the preceding calendar year;

(2) each electric cooperative shall pay to the state, instead of state and local ad valorem, income, and excise taxes that may be assessed or levied, a tax on the number of kilowatt hours of electricity sold at retail by the cooperative during the preceding calendar year.

Sec. 10.25.550. Amount of telephone cooperative gross revenue tax.

The telephone cooperative gross revenue tax shall be computed as follows:

(1) one percent of gross revenue for cooperatives that have furnished telephone service to consumers for less than five years as of December 31 of the preceding calendar year;

(2) two percent of gross revenue for cooperatives that have furnished telephone service to consumers for five years or longer as of December 31 of the preceding calendar year.

Sec. 10.25.555. Amount of electric cooperative tax.

(a) The electric cooperative tax shall be computed as follows:

(1) one-fourth mill per kilowatt hour for cooperatives that have furnished electric energy and power to consumers for less than five years as of December 31 of the preceding calendar year;

(2) one-half mill per kilowatt hour for cooperatives that have furnished electric energy and power to consumers for five years or longer as of December 31 of the preceding calendar year.

(b) In this section, "mill" means one-tenth of one cent.

Sec. 10.25.560. Manner of computing telephone cooperative gross revenue.

Gross revenue of a telephone cooperative includes all revenue earned from local and toll services.

Sec. 10.25.570. Refund to local governments.

The proceeds of the telephone cooperative gross revenue tax and the electric cooperative tax, less the amount expended by the state in their collection, shall be refunded to an organized borough or a city of any class incorporated under state law, in the proportion that the revenue was earned within the city or the borough area outside the city. However, taxes collected on gross revenue earned by a telephone cooperative or on the sale of electricity by an electric cooperative outside a city or organized borough shall be retained by the state and deposited into its general fund.

Sec. 10.25.580. Inventory and fixtures subject to taxation.

The inventory and fixtures of a business operated by a cooperative incidental to the furnishing of central station electric service, including, without limitation, appliance stores or departments, is not exempt from ad valorem taxes. The inventory and accounts of these businesses shall be separately maintained and taxes shall be paid upon them as provided by law.

Sec. 10.25.590. Connection and interconnection of facilities.

A telephone cooperative organized or doing business under this chapter, hereafter designated as applicant, may require a person furnishing telephone service to the public in the state, hereafter designated as company, to interconnect its lines, facilities or systems with, or otherwise make available the lines, facilities or systems to, the applicant's telephone lines, facilities or systems, in order to provide a continuous line of communication for the applicant's subscribers. If the company and the applicant are unable to agree upon the terms and conditions of interconnection, including compensation, the superior court shall, upon petition of the parties, or either of them, establish the terms and conditions. The terms and conditions shall be reasonable and nondiscriminatory.

Sec. 10.25.600. Correction of defectively organized cooperatives.

If a cooperative has filed defective articles of incorporation, or has failed to do all things necessary to perfect its corporate organization, it may file corrected articles of incorporation, or amend the original articles, and do and perform all acts and things necessary for the correction of the defects. The action so taken is valid and binding upon all persons concerned. The capacity of the cooperative to file corrected articles of incorporation or amendments to the original articles, or to do and perform all acts and things necessary, may not be questioned.

Article 05. GENERAL PROVISIONS

Sec. 10.25.610. Purpose.

Cooperative, nonprofit, membership corporations may be organized under this chapter for the purpose of supplying electric energy or telephone service and promoting and extending the use of these services.

Sec. 10.25.620. Chapter extended to existing cooperatives.

This chapter applies to all nonprofit cooperatives organized under any other law of the state for the purpose of supplying electric energy and power, or telephone service, to its members, or for the purpose of promoting and extending the use of electric energy and power, or telephone service. These cooperatives are subject to this chapter as if originally organized under it.

Sec. 10.25.630. Construction of chapter.

This chapter is complete in itself and is controlling. The provisions of any other law of the state relating to the organization of a corporation, except as provided in this chapter, do not apply to a cooperative organized under this chapter. The enumeration of an object, purpose, power, manner, method or thing does not exclude like or similar objects, purposes, powers, manners, methods or things.

Sec. 10.25.640. Definitions.

In this chapter

(1) "commissioner" means the commissioner of commerce, community, and economic development;

(2) "cooperative" means a corporation organized under this chapter or that becomes subject to this chapter in the manner provided in this chapter;

(3) "person" means a natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision, or an agency of the state or political subdivision, or a body politic;

(4) "presiding officer" means the presiding officer of the board of directors of the cooperative;

(5) "related telecommunications service" means telecommunications service where there is the transmission and reception of messages, impressions, pictures, and signals by means of electricity, electromagnetic waves, and any other kind of energy, force variations, or impulses, whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points;

(6) "telephone service" means communication service whereby voice communication through the use of electricity is the principal intended use, and includes all telephone lines, facilities or systems used in the rendition of this service.

Sec. 10.25.650. Short title.

This chapter may be cited as the Electric and Telephone Cooperative Act.