

From: H Shepherd CWA

Sent: Wednesday, February 06, 2013 8:34 AM

To: Sharon Long

Cc: Cindy Smith; murray.emily57@yahoo.com; waterlaw@uci.net; nikospastos@hotmail.com; Carl Wassilie; Delice Alexander; Jessica Wenstaffer; Jennifer Harris

Subject: Re: !FW: Senate Bill 26 testimony

Governor Parnell has introduced a Bill into the legislature (HB 77 & SB 26) which threatens fishery resources in Alaska upon which Native Villages and other communities depend for subsistence uses and strips such communities and tribal governments of their rights to participate in state government decision making. Specifically, the Bill would deny tribes and individuals the right to file for "instream flow rights," to secure enough water in rivers and streams for healthy fisheries; limit the time period for public comment on issuance of water right permits; reduce restrictions on transferring water rights, increase the amount of water that can be obtained without applying for a permit; eliminate the right to appeal the state's granting of water right permits for the majority of individuals and entities that would be impacted by the water taken out of stream and other acts, which raise substantial constitutional and other legal concerns.

Already, DNR routinely processes water use applications for mining, oil and gas corporations, but it almost never processes the instream flow applications needed to keep water for fish. The "No Human Right to Water Bill", therefore, represents nothing more than an attempt to limit, even further, the rights of Native Alaskan Tribal Governments and the public to challenge the Governor's, current, policy of unlimited corporate access to Alaska's water, regardless of the impacts to human health and fishery and subsistence resources. Among other laws, therefore, the Bill is contrary to the Alaska Constitution which expressly states that water appropriations shall not have precedence over "general uses for fish and wildlife."

Alaskans have a right to healthy salmon and an obligation to protect them. The Center for Water Advocacy, therefore, urges the Committee not to strip away the rights of citizens to keep water in our streams for healthy fish. Please reject any legislation that strips away Constitutional and other rights of the majority of Alaskans who are impacted by the use of water by corporate and municipal users to protect water quality and instream uses of water. Any legislation related to state water rights should put the human right to water first. Finally, when allocation decisions are made in streams, subsistence uses, aquatic habitat and the constitutional rights of all Alaskans should take priority over other out of stream uses.

I request that these comments be read during the February 4 Resources Committee Hearing on SB-26. Please contact me if you have any questions regarding these comments or this request.

Thank you.

Hal Shepherd, Director

Center for Water Advocacy

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