

**BRISTOL BAY NATIVE ASSOCIATION**

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**RESOLUTION 2013-04**

**A RESOLUTION OPPOSING SB 26 AND HB 77 AMENDING STATE WATER RIGHTS AND PERMITTING STATUTES**

- WHEREAS: the Bristol Bay Native Association is an Alaska Native regional non-profit corporation and a consortium of the 31 federally recognized tribes of the Bristol Bay region; and
- WHEREAS: legislation has been introduced (SB 26 and HB 77) that would create significant barriers for Alaskans to participate in resource development decisions; and
- WHEREAS: the proposed legislation gives the DNR commissioner broad authority to authorize activities through issuance of a general permit without a public process for determining activities that may be suitable for a standardized authorization, and it creates ambiguity regarding appeal rights from decisions to issue a general permit, and
- WHEREAS: the proposed legislation limits administrative appeals to people "substantially and adversely affected" by a decision who "meaningfully participated" in the public comment process, and by doing so sets a new standard that is highly subjective and open to interpretation and could result in an inequitable or inconsistent application of the appeal right; and
- WHEREAS: the proposed legislation gives the DNR commissioner unilateral authority to issue an unlimited number of new temporary water use authorizations for the same project, which means the use of a significant amount of water may be permitted for decades without the public ever having an opportunity to comment on the use; and
- WHEREAS: the proposed legislation removes the ability of Tribes, organizations, and individuals to apply for a reservation of water and thus undercuts one of the most basic principles of water law in Alaska; and
- WHEREAS: taking away a Tribe's right to water, and vesting that authority in State and federal agencies or municipal government only, lays the groundwork for years of litigation between the state and federal government (on behalf of Tribes) over a particular watershed; and