



**PO Box 735
Dillingham, AK 99576
(907) 842-4404**

**NUNAMTA AULUKESTAI
CARETAKERS OF THE LAND**

March 16, 2016

Chair Cathy Giessel
Chair, Senate Resources Committee
Room 427, Alaska State Capitol
Juneau, Alaska 99801

Re: Comments CS Senate Bill 163

Dear Ms. Giessel,

Nunamta Aulukestai ("Nunamta") is submitting the following comments for your consideration regarding CS Senate Bill 163, "An Act relating to the nomination and designation of state water as outstanding national resource water."

Nunamta Aulukestai, which means Caretakers of our Land in Yupik, is a 501(c)(3) non-profit that includes ten ANSCA village corporations and ten tribal governments. The organization was incorporated as a non-profit in 2007. Nunamta's mission is to protect the land, water, and air that will sustain our way of life for all generations. Nunamta advocates on behalf of more than 6,000 tribal and village corporation members in the Bristol Bay region. For the members of Nunamta, subsistence has been and continues to be the means of survival in the region.

In 2010, Nunamta, along with six other organizations submitted an application to DEC for the nomination of the Kaktuli River as Outstanding National Resource Water. I want to thank Chair and members of the Committee for keeping the CS SB 163 in committee for further work.

The problems in CS SB163:

Page 2, Line 10 – we have a problem with ONLY IF in the section because the interpretation would mean that no application would ever go before the Legislature because it must meet the criteria of 1, 2, 3, 4 and 5 in this section. We have a problem with (1) on line 12 of page 2, who determines what is "important, unique, or ecologically sensitive" and (2) that existing state or federal protections ARE NOT SUFFICIENT to protect the water – DEC would never be able to bring a nomination forward because they will always have the regulations and laws that are sufficient to

March 16, 2016
Nunamta Aulukestai Comments

protect the water, and (3) no other available or effective method of protecting the water – DEC, DNR and ADF&G will always determine they have the regulations or laws available to protect the water. I can't ever see a nomination coming forward to the Legislature that would be able to meet these criteria. If that is the intent, it is disingenuous to the Alaskans who have a right to use 40 CFR Part 131.12, paragraph A(3) for the Tier 3 designations to nominate Outstanding National Water Resources. Please remember that a Tier 3 designation is to "prohibit the lowering of water quality."

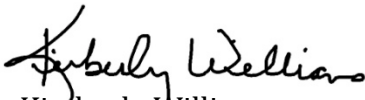
On page 3, recreational fishery should also include "subsistence fisheries" because of its importance as food security to the people of Alaska.

In Section F that the intent is for the Legislature to act – a vote up or down and the concern that if the Legislature doesn't act what happens to the ONRW application? I would ask that the Committee come up with language that if the Legislature doesn't act that it be approved.

Finally in Section F that the department "may not submit a nomination substantially similar to a nomination transmitted within two years immediately preceding a nomination" – the problem with the interpretation of what constitutes "substantially similar."

Thank you for your consideration of these comments.

Respectfully,



Kimberly Williams
Executive Director