



# Southeast Alaska Fishermen's Alliance

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April 12, 2023

Alaska State Legislature

House Resources

Juneau, AK 99811

RE: HB 95 – National Resource Water Nomination/Designation

Dear Representative Tom McKay, Chair; Resource committee members,

Southeast Alaska Fishermen's Alliance (SEAFA) supports HB 95 to establish, as required by federal law, a process for designating outstanding waters (Tier III) by statute. We believe that the final decision in designating outstanding waters should be by the Legislature in statute.

What this legislation doesn't outline is the nomination process envisioned. Who is the nomination submitted to? Will the Legislature receive reports on the nomination before taking action from ADF&G, DNR and DEC about current uses in the area, and quality of the water in the proposed area and whether scientifically it meets the standard of being designated outstanding.

SEAFA would like either as intent language or in the legislation itself to outline the process where any nominations have a report prepared by ADF&G, DEC and DNR either combined or separately that outlines what scientifically might make a water body special and outlines any activities that might be impacted as well as upstream or downstream activities that currently exist that might be impacted in the future. This is important information for the public to have access to during the public consideration of the nomination by the legislature.

Additionally, it should be made clear where a request for a nomination would originally be sent to. One method might be that requests be made to DNR by a date specific, the agencies prepare the report for the start of session for any nominations received and then the legislature can determine if they wish to develop legislation for any of the nominated water bodies. An alternative could be for the legislator for the district where the water body is located, receives the nomination and determines if the agencies should develop a report and then submits legislation if they believe a designation should be pursued.

We believe the final decision should be done by elected officials through a public process to balance out the science, economic and social aspects that would be impacted by designation of outstanding waters and not behind the scenes in an agency with a single appointed Commissioner making the decision.

Thank you for considering our opinion on this legislation, please feel free to contact our office if you have any questions or wish to follow up on our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal line.

Kathy Hansen  
Executive Director

## Ed King

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**From:** FishHound Expeditions [REDACTED]  
**Sent:** Saturday, April 8, 2023 10:43 AM  
**To:** House Resources  
**Subject:** Against HB 95

To the Alaska Legislature,

My name is Adam Cuthriell. I am an Alaskan father, angler, hunter, and a sportfishing business owner. I am sending this email to express my sincere disapproval of HB 95. This bill would result in horrible outcomes for our waterways. This alone should be enough reason to stop it. But let's be real sadly, like most things in life it comes down to money. If this bill passes it will result in harming our sport fishing and commercial fishing industries. Both of which generate hundreds of millions of dollars for our state each year. This bill is ill conceived and designed only for paying back political endorsements. It is literally stealing from Alaskans rights to clean water, healthy fish, and our livelihoods of making a living. Please vote down house bill 95! Thank you for your time.

Cheers,



Adam Cuthriell  
907-[REDACTED]  
[REDACTED]

Honorable Members of the House Resources Committee;

*Submitted Via Email*

RE: HB 95 National Resource Water Nomination/Designation

Dear Chairs McKay and Rouscher and Members of the Resources Committee,

SalmonState is an Alaskan based effort dedicated to ensuring Alaska remains the world's most productive wild salmon landscape for now and future generations. We write to you today to express our opposition to **HB 95**.

The Department of Environmental Conservation (DEC) has the authority to protect Alaska's water quality through the state's water quality standards. Under the Clean Water Act, DEC is tasked with classifying waters into Tiers and creating implementation methods to protect the water quality from degradation. Tier 3 waters or Outstanding National Resource Waters- represents the highest level of water quality protection. However, while DEC has created methods to identify and classify Tier 1 and Tier 2 waters, it has failed to create the standards and the processes necessary to approve or reject ONRW nominations. This is due to lack of leadership at DEC since they possess the statutory authority to create and implement a process, yet it has refused to do so now for many years.

Simply put, this legislation is unnecessary and unwarranted and unduly politicizes a process that should be left to regulators and members of the public who know their waterways best.

Rather than waste the legislature's valuable and limited time, DEC should immediately lay the groundwork for a process that will lead to fair, transparent and scientifically sound decision-making. We suggest this committee reject this legislation and instruct DEC to do its job and fulfill its legal responsibilities.

The DEC's foot dragging is real and is failing the public. For example, in 2016 the United Tribes of Bristol Bay, a consortium of 17 tribal governments from the Bristol Bay region, rolled up its sleeves and prepared a thoughtful, open, transparent and science based proposed process for the State to consider. Among its components were:

Adding cultural significance to the existing regulatory definition of an ONRW;

Allowing the Commissioner of DEC to designate ONRWs, which ensures that the decision is made by the agency with water quality and Clean Water Act expertise;

Identifying a holistic and inclusive list of factors to consider when determining if a water should be designated as an ONRW, including ecological, recreational, economic, and cultural and subsistence uses;

Designating waters in National and State Parks, Wildlife Refuges, and Wilderness areas as ONRWs, consistent with the definition on an ONRW;

Allowing Alaskans to nominate a waterbody for ONRW designation;

Identifying fair informational requirements that must be included in a nomination; and

Outlining a robust agency and public review process for processing a nomination and making a final decision.

UTBB's proposal, which could have served as a road map, was ignored by DEC and deliberations about how to implement an ONRW process have been unnecessarily politicized by the agency.

In summary SalmonState opposes this legislation. It is unnecessary, undemocratic, and politicizes a process best left in the hands of the nominating public and agency experts who are qualified to make these determinations. Please do not rush this bill out of committee. Alaskans have waited over a decade to see some of Alaska's most important waters designated Tier 3 and afforded the water quality protections they deserve. We can wait a little longer and your committee has the responsibility to ensure Alaska remains a leader in sustainable management of our prolific world-class fresh water salmon habitat.

Thank you,

A handwritten signature in black ink, appearing to read 'Tim Bristol', is positioned above the printed name.

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Tim Bristol  
Executive Director





**An Indian Reorganization Act Village**  
**Under Act of Congress June 15<sup>th</sup>, 1935**  
**32 Chilkat Avenue Klukwan, Alaska 99827**  
 HC60 Box 2207 Haines, Alaska 99827  
 Phone: (907) 767-5505  
 Fax: (907) 767-5518  
 Email: klukwan@chilkat-nsn.gov

April 12, 2023

## TESTIMONY - HB 95/SB 72

Legislative Members of the Alaska House and Senate Resource Committees:

My name is Kimberley Strong. I am the President of the Chilkat Indian Village of Klukwan (CIV). CIV is a Federally Recognized Tribal Government. On behalf of our Tribal Members please accept and consider this written testimony. As one of the nominators of a Tier 3 waterbody our Tribal Government is requesting that you do not pass HB 95 or SB 72 as written. We have outlined a few of the most concerning elements of these bills.

- This Bill has no worthy information included. Five Tribal Nations have nominated waterbodies. Five Tribal Nations will be subject to the process defined in HB 95 and SB 72. The critical issue is that, as written, the bill has no process outlined. As the bill reads there are no nomination requirements, there are no fair informational requirements for decision makers to base their decision for designation and there is no timeline for decision-making.
  - o The outcome of this bill passing will be the legislature being put into a position to debate on the current nominations. The result will be a clear indication to Alaskans that the legislature signed a special interest bill without having any idea on how to implement it.
  - o Passing this bill will further the growing public opinion and evidence that Alaska's Department of Environmental Conservation (DEC) and now its legislature lacks the fundamental capacity and data driven processes to implement and enforce Clean Water Act programs in Alaska.
- An ONRW bill is NOT necessary when the State of Alaska already has a process in place. From our understanding the DEC Policy and Procedure document 05.03. 103 states that DEC has the legal authority to determine nominations. Please consider building on and vetting this existing process before supporting a special interest bill.
- The Tier 3 process is a federal law that provides Alaska Natives and Alaskans a legal mechanism to protect the water quality of waterbodies that are found to be most important to sustaining our most productive ecosystems and highly valued cultural and recreational way of life. The process to designate a Tier 3 waterbody should be a data driven process like the process to pollute a waterbody. This bill fails to acknowledge that this is and should be a data driven process. It does not mention many of the suggested criteria outlined in the Clean Water Act for Tier 3 waterbodies
- Klukwan has been a Traditional Subsistence village since Time immemorial, with an intact living culture. We have a proverb "our life is close to our food". This is why ANILCA Title 8 and Tier 3/ONRW are so important to us. These federal laws allow us to protect who we are



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and our way of life. The Chilkat River is a natural spawning ground for all 5 species of Pacific Salmon. The Chilkat River is #2 Coho producer, # 2 sockeye producer, and #1 chum producer in Southeast- bringing in millions of dollars into the economy. The Chilkat River is legislatively protected as the Chilkat Bald Eagle Preserve (AS § 41.21.610 – 630). It draws thousands of visitors each year to recreate along its banks.

I write these things to demonstrate to you that this determination process does not need political oversight and interference. Key data points regarding ecology, culture, and recreation can be collected by DEC and a decision can be made.

Gunalchéesh,

Kimberley Strong  
Chilkat Indian Village  
Tribal Council President

Dear Alaska House Resources Committee,

For years, the Department of Environmental Conservation (DEC) has failed to create a process to nominate and designate Outstanding National Resource Waters (ONRW). Several Tribes and groups around the state have nominated waters for ONRW protection but the state has refused to process the applications. SB 72 & HB 95 establish a process to nominate and designate ONRWs but only by legislative approval. By doing so, the bill creates a highly political rather than a science-based process to protect important waters in Alaska. Please vote no on SB 72 & HB 95 and instead support a science-based process that puts DEC - the water quality experts - in the driver's seat to designate ONRWs and keep our waterways clean.

Sincerely,

Dr. Ron Faich	Albuquerque, NM
Miss Rebecca Clark	West Hills, CA
Mr. Alexis Kwachka	Kodiak, AK
Mr. Bill O'Brien	Beaverton, OR
Mr. Charles Hammerstad	San Jose, CA
Mr. Del Stiewert	Colorado Springs, CO
Mr. Donald Lawhead	Wasilla, AK
Mr. Erik Kokborg	Cordova, AK
Mr. Harold Tipping	San Jose, CA
Mr. Jack Brothers	Anchorage, AK
Mr. James Apone	Anchorage, AK
Mr. jud kirkness	Sitka, AK
Mr. Lee Ulshoffer	Littleton, CO
Mr. Michael O'Connor	Fairbanks, AK
Mr. Robert Bergan	Pottsville, PA
Mr. Ryan Astalos	Anchorage, AK
Mr. Steve Schueth	Chicago, IL
Mrs. Carolyn Weishahn	Haines, AK
Mrs. Elizabeth Blankenship	Anchorage, AK
Mrs. Sandy Webster	Shorewood, IL
Ms Carol Race	Juneau, AK
Ms Jan Conitz	Juneau, AK
Ms Karen Walker	Douglas, AK
Ms. B Nordenholz	Silver Spring, MD
Ms. Cynthia Hicks	Phoenix, AZ
Ms. Joan McBeen	Tenakee Springs, AK
Ms. Pamela Green	Tiburon, CA
Ms. Phyllis Chinn	Kenmore, WA
Ms. Tania Malven	Tucson, AZ
Ms. Vivian Gross	Kirkland, WA
Santa Claus	North Pole, Alaska