

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME ALASKA BOARD OF FISHERIES

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Representative Mike Chenault  
Speaker of the House, Alaska State Legislature  
State Capitol, Room 208  
Juneau, Alaska 99801-1182

Senator Gary Stevens  
Senate President, Alaska State Legislature  
State Capitol, Room 111  
Juneau, Alaska 99801-1182

January 30, 2010

Dear Representative Chenault and Senator Stevens,

The Alaska Board of Fisheries (BOF) was established by the Alaska Legislature, "For purposes of the conservation and development of the fishery resources of the state," (AS 16.05.221 (a)). The BOF is tasked by AS 16.05.251 (a) to "adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedures Act) for (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;" and "(7) watershed and habitat improvement, and management, conservation, protection, use, disposal, propagation, and stocking of fish".

With these directives in mind, the BOF held a meeting in Anchorage in December, 2009, for the purpose of considering regulatory proposals pertaining to Bristol Bay fisheries. Among them was a non-regulatory proposal asking the BOF to recommend that the Alaska Legislature create a fish refuge in the Kvichak and Nushagak River drainages. The authors of the proposal requested it because of concerns that creation and operation of the Pebble Mine would result in environmental damage to the fish and game habitat in the two drainages.

Before public testimony was heard, the state agencies charged with permitting large mine projects made presentations to the BOF for the purpose of showing how the permitting process worked and what safeguards are provided to protect against environmental damage that might be caused by large scale mine operations.

Many members of the public from a wide range of interests testified at the meeting. A large number of these were Bristol Bay watershed residents. The majority believed that a refuge should be established with many believing that the permitting process would be inadequate to protect the fisheries habitat within the drainages. A significant number of others, many also watershed residents, testified that a refuge was unnecessary and would prohibit legitimate economic development of the area and restrict traditional uses like subsistence hunting and fishing. Some also believed that the permitting process was sufficient to protect the area.



One thing that everyone, on all sides of the issue, had in common was concern for the protection of the Bristol Bay fisheries. They disagreed on what that protection should be.

While the BOF recognizes that no specific permitting plan has yet been proposed for the development and operation of the Pebble Mine, the board is still very concerned about the Pebble Mine development because of its potential magnitude. Both proponents and opponents of the Pebble Mine have publically stated that this development could be larger than any mining operation ever created in Alaska.

Because the habitat of the potentially affected drainages is so critical to the fish and game resources of Bristol Bay, the BOF respectfully requests that the Legislature conduct a comprehensive evaluation of the permitting protections and standards, including regulations and statutes, which provide safeguards against environmental damage. After such evaluation, we further request that the legislature enact any additional safeguards which are considered prudent to provide strict protections to the fish and game habitat of the drainages to prevent any chance of environmental damage.

The various state permitting agencies also need the financial ability to properly monitor and enforce their permit standards.

Whatever the legislature decides to do regarding the public concerns expressed about future development in this area, we would request that subsistence hunting, fishing, and gathering; commercial fishing; personal use; and sport hunting and fishing activities on state lands in this region continue to be protected for the local residents and all Alaskans.

To assist the Legislature in its evaluation, we are enclosing copies of the presentations by the state agencies and copies of the testimony by the public.

If the Alaska Board of Fisheries can be of any further assistance, please let me know what we can do to help.

Sincerely,

A handwritten signature in cursive script that reads "Vince Webster".

Vince Webster  
Chairman, Alaska Board of Fisheries

cc: Governor Sean Parnell  
Denby Lloyd, Commissioner, Department of Fish and Game  
Tom Irwin, Commissioner, Department of Natural Resources  
Larry Hartig, Commissioner, Department of Environmental Conservation