

BRISTOL BAY FINFISH PROPOSALS

PROPOSAL 13 - 5 AAC 75.xxx. New Section. Establish a fish refuge in Bristol Bay as follows:

In support of the necessary steps to establish a fish refuge in Bristol Bay area watersheds, consistent with AS 16.05.251(a)(1), this proposal requests the Board to make a recommendation, via resolution, to the Alaska State Legislature. The recommendation follows:

A RESOLUTION OF THE ALASKA BOARD OF FISHERIES Supporting Legislative Action To Augment Protection Of Fish Habitat in the Kvichak and Nushagak River Drainages

WHEREAS, The Kvichak and Nushagak River drainages of the Bristol Bay region are among the most productive wild salmon watersheds in North America and sustain the largest wild sockeye salmon runs in the world, as well as world-class trout fishing; and

WHEREAS, The existing mainstays of the economy in this region – subsistence use, commercial fishing, and sport fishing and hunting – are highly dependent on these productive watersheds; and

WHEREAS, The important fishery resources within these watersheds could suffer negative environmental consequences from potential large scale sulfide mine development, including effects on fish habitat, acid mine drainage, and other water quality issues resulting from mine tailings and exposed rock, that may require ongoing remediation efforts for an indefinite period of time; and

WHEREAS, The Board of Fisheries' Policy for the Management of Sustainable Salmon Fisheries states that "in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices" (5 AAC 39.222(a)(1)); and

WHEREAS, The Policy for the Management of Sustainable Salmon Fisheries states that in the management of salmon fisheries: "all essential salmon habitat in marine, estuarine, and freshwater ecosystems and access of salmon to these habitats should be protected"; that "salmon habitat in fresh water should be protected on a watershed basis, including appropriate management of riparian zones, water quality, and water quantity"; that "salmon habitats should not be perturbed beyond natural boundaries of variation" (5 AAC 39.222(c)); and

WHEREAS, The highly productive fishery resources within these watersheds merit more than the standard level of protection that is now provided under State law and regulation; and

WHEREAS, The Alaska Board of Fisheries is aware of legislation introduced in the 2007-2008 Alaska State Legislative session to create the Jay Hammond State Game Refuge (SB 67) under Title 16 of the Alaska Statutes (wherein "game refuge" is inclusive of "fish" and "fish habitat")

which encompassed the Nushagak and Kvichak River drainages; and

WHEREAS, Following board deliberations at their March 9-13, 2007 board meeting, the Alaska Board of Fish "found that the current habitat protections for Bristol Bay fishery resources are not sufficient and acted to continue its Bristol Bay habitat committee"¹; and

WHEREAS, At their March 9-13, 2007 board meeting, the Alaska Board of Fisheries voted to not take action on the 2006 Bristol Bay Finfish Proposal #121² which proposed to create a fish refuge within these watersheds because of its redundancy with pending legislation³ to create the Jay Hammond State Game Refuge (SB 67); and

WHEREAS, The Board of Fisheries has authority under AS 16.05.251(a)(1) to offer recommendations to the Alaska State Legislature regarding the establishment of a fish refuge; and

NOW THEREFORE BE IT RESOLVED That the Alaska Board of Fisheries recommends to the Alaska State Legislature that additional regulatory protections be enacted as needed to ensure the continued health and viability of fish habitat in the Nushagak and Kvichak River Drainages.

BE IT FURTHER RESOLVED That the Alaska Board of Fish recommends to the Alaska State Legislature that any additional regulatory protections for fish habitat in these drainages would allow subsistence, recreational and commercial fishing, hunting, and trapping under state and federal regulations.

¹ See: "Preliminary Summary of Actions Alaska Board of Fisheries Statewide Finfish and Supplemental Issues March 9 - 13, 2007 Anchorage" available at:
http://www.boards.adfg.state.ak.us/fishinfo/meetsum/2006_2007/bof-mar07-psum.pdf

² Proposal available at:
http://www.boards.adfg.state.ak.us/fishinfo/meetinfo/2006_2007/fprop2006-2007.php

³ See: "Preliminary Summary of Actions Alaska Board of Fisheries Statewide Finfish and Supplemental Issues March 9 - 13, 2007 Anchorage" available at:
http://www.boards.adfg.state.ak.us/fishinfo/meetsum/2006_2007/bof-mar07-psum.pdf

ISSUE: The watersheds of the Bristol Bay region support some of the most productive wild salmon ecosystems in North America and sustain the largest wild sockeye salmon fishery in the world. The existing mainstays of the economy in this region - subsistence use, commercial fishing, and wilderness sport fishing and hunting- are also dependent on these productive watersheds. The Board of Fisheries' Policy for the Management of Sustainable Salmon Fisheries states that "in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices" (5 AAC 39.222(a)(1)). But some salmon habitat in the Nushagak and Kvichak River watersheds of the Bristol Bay region faces potential major, environmental impacts from one or more large-scale metallic sulfide mines for copper and gold which are being considered in these watersheds that support these fisheries. Large-scale sulfide mining poses

risks to fish and fish habitat especially from acid mine drainage, a process that dissolves metals and renders them toxic to fish and other wildlife. Acid mine drainage and other water quality issues resulting from mine tailings and exposed rock may require ongoing remediation action and monitoring in perpetuity. There is considerable uncertainty about whether state policy "to effectively assure sustained yield and habitat protection for wild salmon stocks" 5 AAC 39.222(a)) and that "salmon habitats should not be perturbed beyond natural boundaries of variation" 5 AAC 39.222(c) can be upheld in light of the scale of development being considered.

WHAT WILL HAPPEN IF NOTHING IS DONE? If additional regulatory protections are not provided for the fish habitat within the Nushagak and Kvichak River, there is considerable risk of fish habitat loss and reduced sustained yield of wild salmon and resident fish stocks.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? This proposal requests that the Board pass a resolution supporting legislative action to augment protection of fish habitat in the Kvichak and Nushagak River Drainages. Depending on action taken by the legislature this could result in a greater level of protection, all those who fish, hunt, trap or otherwise use fish and wildlife from the Kvichak and Nushagak watersheds, as well as those who provide services to such users, will have greater assurance that the fish and wildlife stocks will be available in future years.

WHO IS LIKELY TO SUFFER? Action resulting from this proposal is not intended to impinge in any way on subsistence, recreational and commercial fishing, hunting, and trapping allowed under state and federal regulations. It is not anticipated that users of fish or wildlife from the Kvichak or Nushagak watersheds will suffer or be faced with any displacement of their usual practices. Operators of large-scale non-renewable resource extraction projects may have to modify their operations if they result in environmental effects on fish habitat that are not compatible with protections enacted by the Legislature.

OTHER SOLUTIONS CONSIDERED? We considered requesting the Alaska Board of Fisheries to establish a fish refuge, subject to approval by the Alaska State Legislature, per their authority under AS 16.05.251(a)(1). However, we feel that the Alaska State Legislature is the most appropriate institution to take the lead in establishing a refuge as one potential means of extending additional protections to the fish habitat within these watersheds.

PROPOSED BY: Leader Creek Fisheries LLC, Norman VanVactor and John Lowrance; Naknek Family Fisheries, Izetta Chambers; Alaska Sportsman's Lodge and Alaska Sportsman's Bear Trail Lodge, Brian Kraft; and Curyung Tribal Council, Chief Tom Tilden (HQ-09F-155)
