



Protecting Alaska's Cook Inlet watershed and the life it sustains

VIA EMAIL ONLY

frank_murkowski@gov.state.ak.us

December 19, 2006

Governor Frank Murkowski
State of Alaska
P.O. Box 110001
Juneau, AK 99811

RE: SALMON STREAM MIXING ZONE PROPOSAL

Dear Governor Murkowski:

I. Introduction

Cook Inlet Keeper (Keeper) is a community-based nonprofit organization dedicated to protecting the Cook Inlet watershed and the life it sustains. Keeper represents over 500 Alaskans concerned about the health of Alaska's salmon streams and salmon resources. I am writing now to join an overwhelming majority of Alaskans to oppose your Administration's efforts to roll-back salmon protection and marketing safeguards by allowing mixing zones in salmon and other fish-bearing streams.

II. Comments

Cook Inlet Keeper supports and incorporates herein by reference the comments submitted on this matter by Trustees for Alaska. Keeper's Stream Ecologist, Ms. Sue Mauger, will also be submitting comments on the biological implications of the proposed mixing zone rule. Keeper now has the following additional comments:

- Mixing zones undermine the Clean Water Act's fishing and swimmable mandates, and the proposed mixing zone loophole in Alaska threatens to swallow the rule prohibiting pollution that harms fish and fish consumers. Nowhere does the Clean Water Act mention mixing zones. In fact, the Act's history shows that dilution was not to serve as the solution for pollution. Instead, Congress sought to ratchet down pollution levels over time until technological advances halted all pollution discharges

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into the nation's waters. Your Administration's proposal takes Alaska in exactly the opposite direction, expanding an already gaping loophole so our fish resources will fall prey to same water quality and habitat issues that plague existing mixing zones around the state.

- The State of Alaska does not routinely monitor its salmon streams, and does not regularly test fish tissues. Additionally, permittees are rarely required to monitor ambient water quality in and around existing mixing zones around the state (and in the few instances where such monitoring is required, the scope and frequency of such tests provide few insights into the true effects of pollution discharges on surrounding water, habitat and fish quality). As a result, the State has little or no information on the health of our salmon habitat or resources, and thus little basis to make informed decisions involving increased pollution loads in fish streams.
- Changing temperatures are stressing Alaska fish streams already, and additional stressors – such as pollution discharges using mixing zones - will present additional and unwarranted concerns for salmon protection and survivorship. For example, over the past 8 years, Cook Inlet Keeper has monitored salmon streams on the Lower Kenai Peninsula. Among other things, this research has shown an alarming trend upward in temperature readings, with temperatures in all monitored streams exceeding state water quality standards for weeks or months during each summer the past 4 years. Because the vast majority of Alaska fish streams receive no regular monitoring, and because climate models predict a continuation of the warming trend experienced recently, it makes little sense to further jeopardize our salmon stocks with a new mixing zone loophole.
- The State of Alaska relies on industry and consultant data to make mixing zone determinations, and as a result, there is little if any independently verified data on which to base permitting decisions. ADEC rarely, if ever, conducts on-site monitoring or inspections prior to issuing a mixing zone in non-spawning areas around the state, and it's safe to assume such practices will continue under a new mixing zone loophole. Without independent data, ADEC has no way to know whether proposed discharge levels will actually protect salmon and salmon habitat, for example.
- Alaska fishermen and state officials have done a remarkable job marketing Alaska salmon as clean, healthy and fresh. In the face of a global glut of farmed salmon, state and federal entities have teamed with Alaskan fishermen to invest millions of dollars in wild Alaskan salmon marketing efforts. Because fish marketing hinges on consumer perceptions, the mere suggestion that Alaskan salmon are not clean, healthy and fresh can tarnish the wild Alaskan salmon brand. As a result, a new

mixing zone loophole will hand farmed salmon producers a powerful marketing weapon in the battle over global salmon consumption. While this may not be a regulatory issue directly, it certainly is an issue of critical economic importance to the state.

- Alaska Natives and other subsistence users consume large quantities of Alaska salmon, and salmon play an incredibly important role culturally and economically for countless families and communities across the state. Subsistence and personal use fisheries make Alaska the last state in the U.S. where salmon and other fish can provide the sustenance needed to feed a family through the cold winter months. The proposed mixing zone loophole threatens Alaskan's constitutional right to access and harvest wild Alaskan salmon, and as a result, threatens an important way of life for Alaskans.
- This is the second round of rulemaking on this topic, and this latest episode should be an embarrassment to an Administration that touts the virtues of streamlining government. Not only has your Administration spent hundreds of thousands of dollars trying to roll-back sensible safeguards around our salmon resources, but you've forced Alaskans to waste countless hours responding to an issue only the mining industry vigorously supports. Worst of all, you've ignored the voices of hundreds and hundreds of Alaskans in doing so, and put narrow special interests above the broader public good.

III. Conclusion

Governor, someone asked me the other day, "What has the Murkowski Administration done to enhance salmon fisheries and the habitat that supports them?" I thought for a while, but I could not answer. Instead, I thought about your sweeping rollbacks to the Alaska Coastal Management Program, where citizens and coastal communities are now relegated to the sidelines in decisions affecting their jobs and quality of life. I thought about your Administration's work to diminish the role of the State's fisheries biologists by moving them into the resource development agency. I thought about your Administration's efforts to promote pesticide spraying around salmon streams. And I thought about your road to resources program, which provides public subsidies to private corporations to develop public lands around anadromous resources.

Resource development and salmon resource protection are not mutually exclusive goals, Governor. Under the current direction, Alaska will be left in 100 years with a legacy of abandoned mines, roads and well fields. The question remains: will your Administration be remembered for its efforts to promote sustainable salmon resource policies, or will it let narrow special interests define what's best for Alaska's salmon and the countless families and communities who rely on them. The opportunity still exists for

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the latter, and retracting your short-sighted mixing zone in fish streams proposal will be a good start.

Thank you for considering these comments – and the comments submitted by Keeper and hundreds of other Alaskan groups and individuals in the last mixing zone rulemaking. Please also consider the attached petition, and the comments therein as individual comments from the individuals noted on the petitions. Please feel free to have your staff contact me with any questions.

Very truly yours,



Bob Shavelson
Cook Inlet Keeper

Cc: (VIA EMAIL ONLY)
Kurt Fredriksson, Commissioner, ADEC
McKie Campbell, Commissioner, ADFG
Nancy Sonafrank, ADEC

Enc. No Mixing Zones in Fish Streams Petition 2005