

RC34 - Mike Wood

Board of Fisheries,

Following yesterday's testimony on non-regulatory proposal N, we have taken the time to draft up a sample letter that might serve as a model for the letter that the Board of Fisheries might draft and send to the Alaska State Legislature, following this October work session.

Thank You,

Mike Wood

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Alaska State Legislature

This week, during our Board of Fisheries Work Session, we received and heard considerable testimony on a non-regulatory proposal. We are writing to you in support of this proposal and requesting that the Alaska State Legislature amend Title 16 of the Alaska Statutes (AS 16.05.871) to strengthen the Department of Fish and Game's ability to protect fish habitat by strengthening ADF&G's authority and ability to enforce the law and increase public awareness and participation in fish habitat permit decisions.

The challenge is that Title 16, the Alaska Statute that deals with all things fish and game, has not been updated since statehood. While the statute contains guiding statements for how the State of Alaska will plan for development in important salmon habitats, it lacks specificity or clear criteria for ADF&G to determine whether habitat permit applications should be approved or denied.

In addition, the fish habitat permit process in Title 16 does not require public notice or participation in ADF&G habitat permit decisions. We heard continually throughout this board meeting about the importance of public notice for the issuance of fish habitat permits.

Because 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)), and has the authority to adopt regulations it considers important for "watershed and habitat improvement" (AS 16.05.251(a)(7)), and because we have heard from many interested and affected stakeholders, we believe that it is necessary to update Title 16 for the first time since its inception at statehood.

We recommend that Title 16 be updated to incorporate principles and criteria from the Sustainable Salmon Policy, which was specifically developed to "ensure conservation of salmon and salmon's required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska's fishing communities." 5 AAC 39.222(b). Such a recommendation is consistent with the Board's statutory duties to conserve fish and game and assure that their use continues to be available on a sustained yield basis.

Sincerely,

Alaska Board of Fisheries