



Alaska Trollers Association

130 Seward #205
Juneau, AK 99801
(907)586-9400 phone
(907)586-4473 fax
ata@gci.net

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The Honorable Lisa Murkowski
US Senate
709 Hart Building
Washington, D.C. 20510

Dear Senator Murkowski:

The Alaska Trollers Association (ATA) is concerned about the terms of S. 730, which seeks to finalize land selections promised to Sealaska under the 1971 Alaska Native Claims Settlement Act (ANCSA). ATA appreciates your willingness to listen and work with our industry to affect a number of good changes, however one of the most important provisions, buffer strips, is still sorely lacking. ATA supports conveyance of acreage to Sealaska as outlined in ANCSA. However, without an unqualified minimum 100' buffer strip provision, ATA simply cannot support a bill that alters the original deal.

The Southeast troll fleet is one of the largest in the state. Trollers fish in state waters from Dixon Entrance to Cape Suckling and up to 50 miles into federal waters. Our fishery has three distinct seasons and occurs in every month of the year. The troll fleet is 85% resident and a great many of our members live in rural communities. With over 2500 permit holders, roughly half of them fishing each year, our boats cover a lot of area and fish almost every nook and cranny of the Tongass.

Late winter and early spring are busy times for trollers. It was only last week that our organization became aware of the new revision and upcoming hearings. I would imagine that most fishermen and their gear groups will not have adequate time to review the specifics of this very complex bill and provide comment prior to the May 25 & 26 hearings. As you heard over the past year, the bill is of concern to fishermen due to potential impacts on habitat, fishing areas, and anchorages.

The terms of this proposed lands trade are far reaching and extend beyond the bounds of the original ANCSA agreement. Significant consternation has erupted from a great many community leaders and valid concerns have been raised about the impact of this proposed lands package on current and future decisions issued under the Endangered Species Act. You have made obvious efforts to address some issues, but given opposition that still exists in key communities, it appears there is work yet to be done.

Sealaska does not need this legislation to finalize its land entitlements. It can stay 'in the box' and ask that the selections requested in 1975 by then Sealaska President John Borbridge be conveyed to the corporation. Since ANCSA was signed, multiple management plans for the Tongass have been negotiated, all at great cost to the tax payers. Federal rules require 100' buffer strips along all anadromous salmon streams, except those on private lands, which fall under a special state standard of 66' with variances to permit cutting within the buffer. The lands traded to Sealaska will become

'private' - and ATA supports private property rights - but it is important to remember the significant impact logging and other activities done on these particular lands are likely to have on natural resources owned by the public. ATA is not optimistic that the State of Alaska will widen the 66' buffers for private land currently allowed under the Forest Practices Act (FPA), despite the fact that this standard has proven wholly inadequate protection in many places. With the S. 730 buffer strip provision relying on modification of the FPA, there is absolutely no assurance that our habitat concerns will be addressed.

While ATA opposed the state's 66' standard for private land, we respect that it is law and long ago accepted that the 1975 selections were likely to be subject to that law. Decisions were made during Tongass planning to balance those impacts on resident activities and other Tongass-reliant industries. Why would we now support trades of different 'out of the box' public lands to Sealaska if the corporation will be allowed to apply lesser conservation measures to that acreage – much of which is in prime salmon rearing and/or fishing country? This is unacceptable.

There must be a higher bar on lands that were not previously designated part of the 1975 ANCSA lands bill. The lands in question have been woven into the Tongass management plan according to their various conservation and land use values. The public has a right to demand better logging practices be part of any 'out of the box' deal. 66' buffer strips are clearly not better than 100', which has always been identified as the bare minimum necessary to safeguard anadromous fish. Some vulnerable areas need 500' or more, so from our perspective, 100' is already a significant compromise.

Finally, many of the 'out of the box' areas already have existing roads or other publically paid for infrastructure. Where are the analyses that would explain to the public what the 'out of the box' trades will mean to the region? Is this new deal good for everyone, or just one party?

In sum, ATA agrees that it is important to resolve the long-standing ANCSA commitment to Sealaska, but the language currently proposed for S.730 doesn't do enough to protect critical habitat that will be slated for logging and other development. In addition, there are remaining areas of local concern, with respect to area selections and use of those selections, which we will not have time to fully analyze prior to the hearing, or during the fishing season.

Thank you for the opportunity to comment on this important matter.

Best regards,

A handwritten signature in cursive script that reads "Dale Kelley".

Dale Kelley
Executive Director

Attachment

cc:

Senator Mark Begich
Representative Don Young
Governor Sean Parnell
Commissioner Cora Campbell, ADFG

Alaska Trollers Association
S.730 / H.2099
Issues of Concern

Lack of Analysis and Public Process for Sound Decision Making

To date we have yet to see any scientific, legal, or socio-economic analyses comparing the impacts of various lands trade options on critical fish and wildlife habitat; onshore and nearshore fishing areas/anchorages; communities; the state; existing Tongass management plans; or any other important public considerations. **If such analyses exist, we encourage you to distribute them. If not, we ask that you have them developed for public review.** The affected public must be better engaged in the selection process and provided the tools to do comparative analysis to underpin their positions.

Habitat

ATA's primary interest with respect to any commercial activity in the Tongass involves ensuring protection of fish and wildlife habitat values. We have long supported the current federal riparian habitat standards and state Forest Practices Act as important mechanisms to protect fish and game.

Nowhere in the draft language does it appear to require enhanced habitat protection for lands proposed for conveyance that lie beyond the previously negotiated ANCSA withdrawal areas. Why would the fishing community support less habitat protection than is already there? ATA was involved in the original buffer strip debate and we know full well that the fishing industry supported the 66' buffer strip and variance provisions on native lands only as a compromise based on a package deal. Our industry anticipated that lands outside the original ANCSA withdrawal areas would be protected by more restrictive federal and state rules.

Many of the watersheds slated for logging in your draft inventory are known spawning areas considered of high value by state and federal biologists. With this in mind, **ATA urges you to amend S. 730/H.R. 1408 with language requiring enforcement of riparian standards equivalent to federal law for any lands selected outside the already agreed to ANCSA withdrawal areas.** Obviously, additional protections inside those areas would be appreciated and strongly supported.

Impact on Fishing Areas

Our members want assurances that there will be no negative impacts to traditional fishing areas, including safety at sea through loss of anchorages. This concern is not based on idle speculation or paranoia about what could happen; in fact, we have already seen many key fishing areas and safe harbors compromised in previously logged areas. Seafood is the biggest economic driver in the region and state; our industry and communities rely on healthy fish stocks and safe, productive fishing areas.

Public Access and Tongass Management

Public access is a key consideration to those who live, work, hunt, gather, and recreate in the Tongass. **ATA does not support loss of existing public access - now or in the future.** A significant amount of time and tax payer money has gone into planning and implementing management regimes to secure multiple use of the forest. For instance, LUD II designations have long been important tools to balance habitat values and local use. Language in the bills does not do enough to protect habitat and sends a mixed message about whether or not access to transferred lands can ultimately be restricted or denied.

Future Sites

The intent of these sites, and how they will be managed, remains unclear. Many of the proposed areas are important both for local use and to protect fish and wildlife; they have been afforded the appropriate protections under the Tongass land use plan. How will those values be protected if the lands are put into private ownership? Who will pay to monitor streams and upland habitat? How will protections be enforced? Will local use be permitted over time? ATA believes the public should be afforded access comparable to what now exists and the state must be maintain authority to enforce its fish and wildlife laws.