

Alaska Trollers Association

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July 9, 2010

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. 881, which seeks to finalize land selections promised to Sealaska under the 1971 Alaska Native Claims Settlement Act (ANCSA). While ATA supports conveyance of acreage to Sealaska as outlined in ANCSA, we question the appropriateness of the lands currently slated for trade and the process used to define them.

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 about 3000 permits, nearly half of those active each year, our boats cover a lot of area and fish almost every nook and cranny of the Tongass.

ATA appreciates your request for feedback on the draft language of June 30, and it gives our members hope that you are willing to listen and work with our industry. Unfortunately your press release was issued on opening day of the summer troll fishery and at the height of fishing season. Our board and fleet members are not alone in their inability to review and discuss this very complex proposal; all gear groups are busy. Communications with those on the fishing grounds is very limited and fishermen are probably hearing about this only as they offload between trips. Few to none are in position to read the proposal, much less analyze it and make any suggestions that could lead to a compromise.

After significant review of past information - including notes and handouts from a meeting with Sealaska - and reading the multiple concerns as expressed by nearly every Southeast community, I turned to the draft language and maps in an attempt to understand your new approach and provide some meaningful feedback. Unfortunately, this task seems difficult to impossible given the long history and many faceted issue before us and a lack of fishermen available to advise me on those areas that I am unfamiliar with. This makes me question even more the lack of a full and open public process that is necessary to hear the concerns on all sides and craft a local solution.

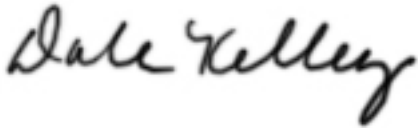
Given all that, I will encapsulate in an attachment the key areas of concern to ATA and request that you avoid moving forward on S.881 until it is possible to get all Tongass stakeholders to the table to review your proposal.

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. It seems only proper that more time and relevant analyses be undertaken prior to final resolution of bill language. In all likelihood, a more expansive process could result in a better product, which could ultimately earn the endorsement of a broad cross-section of Tongass residents and other stakeholders.

In sum, ATA agrees that it is important to resolve this long-standing ANCSA commitment, but does not believe that the language currently proposed for S.881 is the appropriate vehicle and oppose it moving forward as written. ATA would be happy to work with you to identify specific strengths and weaknesses in your bill and approach, and hopefully craft a lasting solution. However, it is important that the timeframe for such work be long enough to engage fishermen who are currently working far from port.

Thank you for the opportunity to comment on this important issue. I hope you will call on me if ATA can be of assistance on this or any other matter of importance to the commercial fishing community.

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 Denby Lloyd, ADFG

Alaska Trollers Association

S.881 / 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.881/H.R. 2099 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 S.881 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 granted authority to enforce its laws and manage fish and wildlife.