



COOK INLETKEEPER®

PROTECTING ALASKA'S COOK INLET WATERSHED AND THE LIFE IT SUSTAINS

VIA EMAIL ONLY

(representative_craig_johnson@legis.state.ak.us)

June 3, 2008

Craig Johnson, Chairman
Cook Inlet Salmon Task Force
716 W 4th Avenue, Suite 640
Anchorage, AK 99501

Dear Representative Johnson:

I. INTRODUCTION

Cook Inletkeeper is a community-based nonprofit organization whose members include sport, commercial and subsistence fishermen concerned about the health of wild salmon fisheries throughout the Cook Inlet watershed. Please include these comments in the proceedings of the 2008 Cook Inlet Salmon Task Force.

II. COMMENTS

A. *Climate change is making salmon increasingly vulnerable to pollution, predation and disease*

For the past eight years, Inletkeeper and its partners have been collecting temperature data in Cook Inlet salmon streams.¹ Among other things, these data show routine violations of state Water Quality Standards established under the Clean Water Act to protect spawning and migrating fish. Inletkeeper's research also shows that such temperature changes have been wrought by climate rather than landscape change, and that such changes are expected to continue for the foreseeable future. Because elevated stream temperatures are known to cause stress in fish, Cook Inlet salmon are increasingly vulnerable to stress-related deficiencies stemming from pollution, habitat disturbance, predation and disease. As a result, salmon management strategies must increasingly embrace a precautionary approach that recognizes the significant ecosystem changes ongoing throughout the Cook Inlet watershed.

¹ See www.inletkeeper.org/salmon/networkoverview.htm

B. *Mixing zones in spawning areas reflect short-sighted fisheries policy*

Mixing zones are controversial regulatory tools that embrace the notion that dilution is the solution to pollution. Instead of measuring regulatory compliance at the end of the pollution discharge pipe as originally intended, mixing zones allow compliance to be measured far from the discharge point, after pollutants have mixed with the receiving waters. Although Congress never once mentioned the term “mixing zone” in passing the Clean Water Act in 1972, these sacrifice zones have become common in marine waters throughout Alaska.

Prior to the Murkowski Administration, mixing zones had rightly been banned in salmon spawning areas. However, despite broad-based opposition from Alaskans across the state, the Murkowski Administration pushed through rules in 2006 that allow pollution mixing zones in spawning areas. As you know, legislation has been introduced to remedy this salmon habitat rollback, and most recently, the House Resources Committee – which you Chair – has not had a hearing on the current bill (HB 74).

While industry and government proponents of the new mixing zone rule argue that agencies need discretion to address specific discharges on a case-by-case basis, we know from experience that agencies frequently abuse that discretion. For example, in the recent Clean Water Act proceeding regarding oil and gas discharges from Cook Inlet facilities, the ADEC authorized a nearly three-fold increase in the amount of toxic pollutants that may be dumped into mixing zones in Cook Inlet marine fisheries each year. Accordingly, for the reasons cited above in Section II.A, it’s imperative for the Legislature to create a bright line standard that prohibits toxic and other pollution discharges into salmon habitat.

C. *Cook Inlet facilities and projects routinely ignore impacts to salmon habitat*

Cook Inlet is the most populated and heavily-developed watershed in Alaska, and as the state’s economic hub, it’s subject to a variety of pollution streams that affect water quality, and projects that directly impact salmon habitat. While many of these impacts stem from large projects and discharges (see below), perhaps the gravest threat to Cook Inlet salmon habitat entails the so-called “death by a thousand cuts” – i.e., the piecemeal permitting and decisionmaking around smaller, seemingly unconnected projects that nonetheless can pose significant cumulative effects to salmon habitat. These projects reflect the very development philosophy that has led to the decimation of once-thriving salmon habitat in the Pacific Northwest. Throughout Anchorage and the Kenai Peninsula and Mat-Su Boroughs we see such projects on a routine basis, yet no management regime exists to collectively consider, understand and manage these growing threats.

For example, the Knik River Public Use Area has been plagued for years by poor management and oversight, yet DNR appears unable or unwilling to adequately protect salmon resources in the area. While the Palin Administration’s decision to return habitat biologists to their rightful domain within ADFG is a good first step, the Murkowski Administration’s rollbacks to the Alaska Coastal Management Program have rendered that once-proud program virtually useless. While there may be no single “silver bullet” to address these complex management problems, one immediate solution is to employ more ADFG habitat biologists, to ensure that each and

every project gets the attention it deserves when salmon habitat is implicated. As for larger projects and discharges, these include, but are not limited to:

1. Existing Major Pollution Discharges & Risks

- Nonpoint Source Pollution: Each year, billions of gallons of snowmelt and stormwater run off from de-icing activities, fertilizers and pesticides, pet wastes, motor vehicles and construction activities enter Cook Inlet from the developed communities of Kenai, Anchorage, Girdwood, Eagle River, Palmer, Wasilla and other areas. These sources represent the largest pathways of chronic pollution into salmon habitat in Cook Inlet, and also pose some of the thorniest regulatory challenges. Enhanced land use management controls coupled with regular monitoring and testing are two management responses that can help alleviate stormwater impacts.
- Anchorage Sewage: The Asplund Sewage Treatment Plant is authorized to discharge up to 40 million gallons of primary-treated sewage each day. While the Clean Water Act envisions at least secondary treatment for such discharges, the Asplund plant enjoys a loophole in the law that allows discharges to marine waters lesser scrutiny. In addition to the nutrients, bacteria, chlorine and other pollutants that traditionally flow from sewage wastes, these discharges contain a wide array of chemicals (such as pharmaceutical drugs) that can impact salmon but for which no sampling and testing occurs. As a result, upgrading the treatment efficiency at the Asplund and other sewage treatment plants in Cook Inlet should be a high priority for the Task Force.
- Oil & Gas Discharges: As discussed above, EPA and ADEC recently re-issued a Clean Water Act permit for oil and gas discharges that allows industry to dump over a billion gallons of toxic and other wastes annually into important salmon migration corridors in Upper Cook Inlet. While the technology exists to properly treat (i.e., reinject) these wastes, Chevron and XTO Energy have chosen to continue the archaic strategy of dumping the wastes directly into Cook Inlet, despite record high oil and gas prices. In response, Inletkeeper, commercial fishermen and Native subsistence users have been forced to litigate to protect Cook Inlet salmon. As a result, the Task Force should urge industry, ADEC and EPA to immediately deploy readily-available zero discharge technologies.
- Eagle River Flats Firing Range: Each year the Department of Defense discharges tens of thousands of pounds of toxic and other pollutants to waters and wetlands that support salmon in the Eagle River estuary. Pursuant to a federal court consent decree, the DOD was to obtain a Clean Water Act permit for such discharges, but after five years, a permit is still not in place. As a result, the Task Force should urge EPA and ADEC to immediately proceed with a permit proceeding to determine whether such discharges should continue.
- Oil Tanker & Other Vessel Traffic: Cook Inlet supports major transit routes for crude oil, LNG, and refined petroleum products, including vessel fuel oil. In 2006, the oil tanker *Seabulk Pride* ran aground laden with 5 million gallons of oil product in the heart of Cook Inlet salmon habitat. Luck and a highly competent response averted a disaster, and Tesoro Alaska recently brought into service a high-powered tug to assist vessels at the Nikiski docks. Nonetheless, this past winter, we experienced at least two forced departures from the Nikiski

docks by tanker vessels due to extreme tides and ice. As a result, the Task Force should press for enhanced navigational safeguards in Cook Inlet, including but not limited to mandatory vessel traffic shut-downs when conditions warrant, enhanced vessel tracking systems, and fulltime escort tugs from the Forelands to points north.

2. Proposed Projects in Salmon Habitat in Cook Inlet

- Port of Anchorage Expansion: The Port of Anchorage is moving ahead with a \$700 million expansion project that will fill 135 acres of Essential Fish Habitat (EFH) in Knik Arm. The Army Corps issued the necessary permit over the objections of EPA, USFWS and NMFS, and despite the fact the Port can point to no concrete need for an expansion this large, decisionmakers have turned a blind eye to fisheries impacts stemming from this mega-project. As a result, the Task Force should review and understand the objections from the above-referenced federal agencies, and press for meaningful mitigation measures that will offset the salmon impacts from this project.
- Port Mackenzie Expansion: While nowhere near as large as the Port of Anchorage expansion, the Port Mackenzie facility is also undergoing an expansion that will fill important fish habitat in Cook Inlet. Similar to the recommendation above, the Task Force should review the impacts from this project, to understand its potential individual and cumulative impacts on salmon habitat.
- Knik Arm Bridge: The proposed Knik Arm Bridge would bisect Essential Fish Habitat in Knik Arm, and constrict Knik Arm by building two miles of gravel-filled, intertidal causeway fill (permanent loss of approximately 90 acres of intertidal and subtidal EFH habitat) The project will entail significant construction impacts, including but not limited to pile driving and habitat filling, to salmon and other fish habitat. Furthermore, constriction of Knik Arm likely will eliminate significant shoreline foraging habitat for juvenile salmon (especially Chinook and coho salmon), and will force some juvenile and adult salmon to move into the higher velocity waters under the bridge, thus making them more vulnerable to deep-water predators. Additionally, motor vehicle fluids and stormwater run-off from the bridge and its access roads likely will adversely affect the Knik Arm environment. As a result, the Task Force should understand how this proposed project will individually and cumulatively impact salmon in Knik Arm.
- Chuitna Coal Strip Mine: A Delaware corporation – PacRim Coal – is moving ahead with plans to build a massive coal strip mine near the communities of Beluga and Tyonek on the West side of Cook Inlet. According to DNR, this would be the first mine ever in Alaska to actively mine through a salmon stream, despite the fact no one has been able to re-construct a salmon stream in the cold, wet conditions found in the area. Furthermore, according to permit applications, the project would dump an average of 7 million gallons of mine waste and run-off into the salmon-bearing waters of the Chuitna River, would entail the construction of an offshore gravel island that will displace set net and subsistence fishermen, and would include a 10,000 foot long dock and trestle out into Cook Inlet. As a result, the Task Force should recognize the important precedent this project represents, and ask ADFG whether salmon will be adequately projected under projected mine development plans.

III. CONCLUSION

As climate change continues throughout the state, effective fisheries management can and must include smart, forward-looking mechanisms to protect the vital habitat that sustains our magnificent salmon runs in Cook Inlet. We need look no further than the Pacific Northwest to understand that turning a blind eye toward landscape and climate change results in denuded fisheries. Accordingly, we strongly urge the Task Force to include the specific recommendations referenced above for salmon habitat management and oversight in its final report.

Thank you for your attention to these important matters, and please do not hesitate to contact me if you have any questions or comments.

Very truly yours,



Bob Shavelson
Executive Director

Cc: (VIA EMAIL ONLY)
Representative Kyle Johansen
Representative Mark Neuman
Representative Bill Stoltze
Representative Mike Doogan
Representative Paul Seaton
Senator Lyda Green
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski
Senator Tom Wagoner
Senator Gary Stevens
Mayor Mark Begich, Municipality of Anchorage
Mayor John Williams, Kenai Peninsula Borough
Mayor Curt Menard, Mat Su Borough
United Fisherman of Alaska
United Cook Inlet Drift Association
Kenai Peninsula Fisherman's Association
Northern District Set Netters Association
Cook Inlet Fishermans Fund
Kenai River Sports Fisherman's Association
Fish & Game Advisory Committees for Anchorage, Central Peninsula, Cooper Landing,
Homer, Kenai/Soldotna, Matanuska Valley, Seldovia, Susitna Valley & Tyonek
(via Sherry Wright, ADFG)