

City of Dillingham Action Memorandum No. 2013-01 – Approve City of Dillingham to Join Curyung Tribe, Southwest Alaska Salmon Habitat Partnership, and the Bristol Bay Heritage Land Trust as Co-Applicant on Instream Flow Reservation Application Filed with ADNR for Several Tributaries in the Nushagak Watershed

Agenda of: March 7, 2013

Council Action:

Manager: Recommend approval.

City Manager: *Carol Shade, Acting City Manager*
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Memo on Instream Flow Reservation Applications
- Letter from Tim Troll, Executive Director, Bristol Bay Heritage Land Trust
- Allen River Sub-Basin Information
- Letter from Tim Troll, Chairman, SW Alaska Salmon Habitat Partnership
- Mulchatna River Instream Flow Report
- Stuyahok River Instream Flow Report

Summary Statement.

Excerpt from Memo on Instream Flow Reservation Applications:

Issue: Current Alaska law A.S. 46.15.145 allows federal, state, and local governments, non-governmental organizations and individual persons to apply for and obtain a reservation to keep water in a river, stream or lake. The law allows these reservations to protect fish and wildlife, recreation, navigation, and water quality. These three organizations have filed or will soon be filing applications to reserve water for the protection of fish and recreation on several tributaries of the Nushagak River. Until recently non-governmental organizations and individuals were encouraged by ADNR to file applications (see the language from ADNR website) Now, however, the Governor and the ADNR have reversed course and filed legislation (HB77 and SB26) to take this right away from non-government organizations and individuals and cancel all pending reservations made by them. The Governor's bill treats tribes as non-governmental organizations.

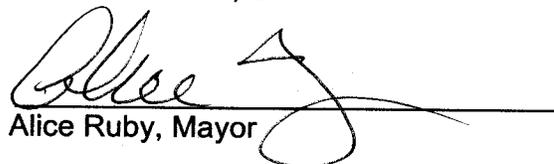
Action Requested: That the City will advise ADNR that it wishes to join the applications for pending reservations of the Curyung Tribe, the SW Alaska Salmon Habitat Partnership and the Bristol Bay Heritage Land Trust. The Governor's bill does not take this right away from Alaska's municipal governments and for that reason these organizations are asking the City to become a co-applicant on these reservations. A co-application by the City should protect existing priority filing dates and preserve the substantial investment of time and money (over \$1M in the last 6 years) these organizations have incurred gathering the scientific data

necessary to support these applications. If the City agrees, it will become co-applicant with the Curyung Tribe on nine reaches of the Koktuli River; with the Southwest Alaska Salmon Habitat Partnership on two reaches of the Mulchatna River and one reach of the Stuyahok River; and with the Bristol Bay Heritage Land Trust on one reach of the Allen River.

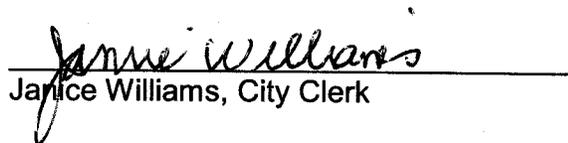
Cost: The City is not expected to incur any cost as a result of joining these instream flow reservation applications. The \$1500 fee per reach has already been paid to ADNR and the costs of collecting the data and completing the reservation process through adjudication by ADNR will continue to be bourn by the original applicants.

PASSED and ADOPTED by the Dillingham City Council on March 7, 2013.

SEAL:


Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk



Memo on Instream Flow Reservation Applications

Re: Requests from Curyung Tribe, Southwest Alaska Salmon Habitat Partnership, and the Bristol Bay Heritage Land Trust for the City of Dillingham to join as a co-applicant on instream flow reservation applications filed with ADNR for several tributaries in the Nushagak Watershed.

Issue: Current Alaska law A.S. 46.15.145 allows federal, state, and local governments, non-governmental organizations and individual persons to apply for and obtain a reservation to keep water in a river, stream or lake. The law allows these reservations to protect fish and wildlife, recreation, navigation, and water quality. These three organizations have filed or will soon be filing applications to reserve water for the protection of fish and recreation on several tributaries of the Nushagak River. Until recently non-governmental organizations and individuals were encouraged by ADNR to file applications (see the language from ADNR website) Now, however, the Governor and the ADNR have reversed course and filed legislation (HB77 and SB26) to take this right away from non-government organizations and individuals and cancel all pending reservations made by them. The Governor's bill treats tribes as non-governmental organizations.

Action Requested: That the City will advise ADNR that it wishes to join the applications for pending reservations of the Curyung Tribe, the SW Alaska Salmon Habitat Partnership and the Bristol Bay Heritage Land Trust. The Governor's bill does not take this right away from Alaska's municipal governments and for that reason these organizations are asking the City to become a co-applicant on these reservations. A co-application by the City should protect existing priority filing dates and preserve the substantial investment of time and money (over \$1M in the last 6 years) these organizations have incurred gathering the scientific data necessary to support these applications. If the City agrees, it will become co-applicant with the Curyung Tribe on nine reaches of the Kaktuli River; with the Southwest Alaska Salmon Habitat Partnership on two reaches of the Mulchatna River and one reach of the Stuyahok River; and with the Bristol Bay Heritage Land Trust on one reach of the Allen River.

City's Interest: All of the pending applications in the Nushagak River watershed implement strategic conservation objectives of the Nushagak-Mulchatna Watershed Council as outlined in the Nushagak River Watershed Traditional Use Area Conservation Plan adopted in 2008 and updated in 2011. The City of Dillingham is a founding member of the watershed council. These reservations also protect water important for the residents of Dillingham who depend upon the Nushagak River Watershed to produce the fish and wildlife necessary for subsistence, and upon which many residents also rely to support recreation and commercial fishing businesses.

Cost: The City is not expected to incur any cost as a result of joining these instream flow reservation applications. The \$1500 fee per reach has already been paid to ADNR and the costs of collecting the data and completing the reservation process through adjudication by ADNR will continue to be borne by the original applicants.