

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-20

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL APPROVING TO SUPPORT THE
CITIZEN'S ALTERNATIVE BRISTOL BAY AREA PLAN**

WHEREAS, City of Dillingham (COD) is a 1st class City serving its residents of the community of Dillingham; and

WHEREAS, COD has the authority to establish relationships and enter into contracts; and

WHEREAS, COD, tribes, sportsmen, and commercial fishermen have made every attempt to work with the State regarding our concerns. DNR did no consultation with Bristol Bay residents, tribes, local governments, commercial fishing groups, or others before drafting the proposed changes to the plan; and

WHEREAS, Plaintiffs, Nondalton Tribal Council, Koliganek Tribal Council, New Stuyahok Traditional Council, Ekwok Village Council, Levelock Village Council, Curyung Tribal Council, the Alaska Independent Fishermen's Marketing Association, and Trout Unlimited brought suit against the State of Alaska, Department of Natural Resources based on Nine Causes of Action, in order to restore land use classifications that protect fish and game habitat and public uses of fish and game in the Nushagak/Kvichak Drainages; and

WHEREAS, after settling the lawsuit, the Department of Natural Resources is proposing to classify as habitat—

- (1) 64 Streams closed to new mining claims in 1984 by Mineral Closing Order 393 to protect salmon habitat, including the North and South Fork of the Kaktuli River, the Upper Talarik River, and eight streams to south of Pebble block;
- (2) Navigable anadromous waters in their entirety, including the South Fork of the Kaktuli River to Frying Pan Lake;
- (3) Moose calving and some wintering areas to include the North and South Forks of the Kaktuli west of Pebble block;
- (4) Western Iliamna Lake which is downstream from the Pebble deposit; and
- (5) The Lower Talarik Creek Special Use Area which is south of the Pebble deposit; and

WHEREAS, the Department of Natural Resources has-

- (1) Declined to establish a Subsistence land classification category comparable to the recreation category;
- (2) Declined to classify non-navigable anadromous waters as habitat;
- (3) Declined to classify much of the moose wintering areas as habitat;
- (4) Declined to classify caribou calving and wintering areas as habitat; and

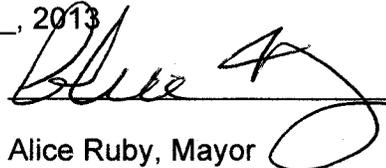
WHEREAS, the COD expects that the Department of Natural Resources will incorporate the other considerations of the COD in their 2013 Revised Bristol Bay Area Plan to include:

- (1) Establishing a Subsistence land classification category;
- (2) Classify as habitat those anadromous waters designated as important in the Anadromous Waters Catalog regardless of whether they are navigable or not;
- (3) Classifying as habitat the moose wintering and caribou wintering areas in the Nushagak and Kvichak drainages;
- (4) Increasing Habitat Classifications for wildlife and fish;
- (5) Prohibiting metallic sulfide mines in the Nushagak and Kvichak drainages;
- (6) Approving a new mineral closing order that would ban new mining claims on or along salmon spawning streams threatened by mining;
- (7) Encouraging Voluntary Cooperative Planning;
- (8) Providing for water level protections for fish as they were in the 1984 plan such that in Bristol Bay we automatically reserve water for fish. If you want to take water out, you have to prove no harm to fish;
- (9) Creating a Bristol Bay Advisory Board for the Nushagak/Kvichak Drainages;
- (10) Operating under a "Precautionary Principle" as it was adopted by the Alaska Board of Fisheries, i.e. "If you don't know, err on the side of caution";
- (11) Operating under the presumption that all waters in Bristol Bay are needed for salmon unless proven otherwise by those who wish to use it.

NOW, THEREFORE, BE IT RESOLVED that the COD requests that the Department of Natural Resources incorporate all matters specified above in their 2013 Revised Bristol Bay Area Plan; and

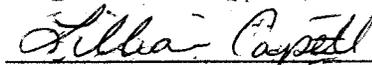
BE IT FURTHER RESOLVED that the COD supports the Citizen's Alternative Draft Bristol Bay Area Plan.

Passed and adopted by a duly instituted quorum of the Dillingham City Council this 25 day of April, 2013



Alice Ruby, Mayor

Attest:



Janice Williams, City Clerk

Recorder