



VIA EMAIL (sean.parnell@alaska.gov)
& U.S. MAIL

March 9, 2011

Governor Sean Parnell
State of Alaska
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

Cook Inletkeeper (Inletkeeper) is a community-based organization formed by Alaskans in 1995 to promote clean water, healthy fisheries and the strong local economies they support. On behalf of Inletkeeper's more than 2500 members and supporters throughout the state, I am writing now with serious concerns about various issues that undermine Alaska's rights as a state, and jeopardize our water and fish resources.

1. Throwing Away Alaska's Rights as a State

In its efforts to secure primacy for Clean Water Act permitting authority from the federal government several years ago, Alaska consistently made "states' rights" arguments to support its position. Yet under your Administration, there is a growing trend to forego these rights in deference to federal bureaucracies. Your Administration's effort to abolish the Alaska Coastal Management Program is perhaps the most notable example, and as a result, Alaska no longer has a meaningful role in federal resource decisions that affect Alaska's coastal resources. While that scenario may indeed change with forthcoming legislative or ballot measure actions, the fact remains your Administration divested Alaska of a vital legal handhold to assert states' rights.

More recently, your Administration lobbied in support of H B 185, a bill which would exempt pollution discharges from military firing and bombing exercise from state waste discharge permitting oversight. As we know from the pollution associated with the Fort Richardson/Eagle River Flats bombing range, military pollution can have devastating impacts on water quality and fish habitat. Yet your Administration actively supported efforts to remove state oversight for such activities, and to leave such oversight to the federal government. It should be noted, however, the Department of Defense continues to work toward exemptions from various environmental laws from Congress, and if it succeeds, the passage of HB 185 would mean

military bombing and firing range activities would proceed to impact Alaska resources without basic, reasonable state protections in place.

The military plays important economic and national security roles in Alaska. However, there remain strewn across the state dozens of formally used defense sites (FUDS), many of which continue to contaminate Alaska's lands and waters with toxic chemicals. While there has been a growing drumbeat for the federal government to address the numerous wells drilled in the National Petroleum Reserve Alaska, there has been no similar outcry over FUDS clean-up. As a result, we strongly encourage your Administration to address military pollution and FUDS on an even-footing with NPRA remediation, and to take a more aggressive posture on protecting the State of Alaska's natural resources from pollution caused by the federal government.

2. Bias in Water Quality Standards Development

In an effort to address Alaska's longstanding violation of the Clean Water Act, your Administration rightly convened a panel to help develop implementation procedures for the state's anti-degradation policy. Yet in creating the panel, your Administration excluded Alaskans with a vested interest in water quality protection, including fishermen, Native Tribes, local businesses and the local conservation community. Instead, your Administration included industry, corporate and government interests which hold pollution permits, and whose interests would be best served by fewer protections for water quality and fish habitat protection.¹ The only exception was The Nature Conservancy, and while we hold that organization in high regard, it does not routinely engage in water quality or pollution permitting issues. Regardless, it is clearly a minority voice on the panel. As a result, the panel membership ensures any outcomes from the panel's work will be restricted by the narrow interests composing it. As a result, I urge you to create a more-balanced panel that will reflect the full diversity of Alaskan interests in fish habitat and water quality protection.

3. Conflicts of Interest

On a related matter, your Administration is contracting with a firm – Tetra Tech – to guide it through the water quality standards processes discussed above. Yet Tetra Tech is also working for PacRim Coal, a company that will directly benefit from forthcoming anti-degradation and site specific criteria rules. Inletkeeper raised these conflict of interest issues to your Administration in a letter dated January 6, 2012. To highlight the serious issues presented here, at the first panel meeting on February 2-3, 2012, Tetra Tech staff were present to represent the State of Alaska at the same time a Tetra Tech staff person attended the meeting on behalf of PacRim Coal.

As you well know, PacRim Coal wants to become the first corporation in the history of Alaska to mine through a wild salmon stream at its proposed Chuitna coal strip mine in Cook Inlet.

¹ Panel members can be found at: http://dec.alaska.gov/water/wqsar/Antidegradation/docs/1_4.pdf

PacRim's assertions it can build a new wild salmon stream after 25 years of strip mining are not supported by competent science. Your Administration is working to subvert public trust in the permitting process by hiring Tetra Tech to work on water quality regulations at the same time that company is working with PacRim to assure coal strip mining permits in a salmon stream. We urge you to address at the earliest possible time the apparent conflicts of interest here.

4. Conclusion

The issues raised above go to the heart of protecting Alaska's magnificent water and fish resources, which include the last-remaining healthy, wild salmon resources in the world. Importantly, Alaska's salmon resources belong to all Alaskans, including current and future generations. As author and MacArthur Award winner Dr. David Montgomery notes in his book *"King of Fish,"* "we are borrowing our salmon from future generations." I hope you agree the issues raised above require your immediate leadership and attention.

Very truly yours,



Bob Shavelson
Director of Advocacy & Inletkeeper

Cc: (VIA EMAIL ONLY)
Larry Hartig, Commissioner, ADEC
Dan Sullivan, Commissioner, DNR
Diane Soderlund, Director, EPA Alaska Operations
Geoffrey Haskett, Regional Director, USFWS Alaska