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To: House Special Committee on Fisheries  
Inre: House Bill 41 – “Transferring the Habitat Division Back to the Department of Fish and Game”

Dear Chairman Seaton, and Representatives Johansen, Johnson, LeDoux, Wilson, Edgmon, and Holmes,

I am Mark Richards, co-chair of Alaska Backcountry Hunters and Anglers (ABHA), a pro-hunting and fishing conservation org committed to sound stewardship, management, and protection of our fish and game resources and habitat for future generations of hunters and anglers.

ABHA strongly supports HB 41 to return the Habitat Division and permitting authority back to ADFG, and we thank you for taking the time to accept testimony on this important bill.

The reality of Governor Murkowski’s EO-107 that moved habitat out of ADFG and placed it within DNR is that it effectively negated the checks and balances and environmental safeguards our constitutional founders had wisely recognized were necessary for our new state, in order that we did not make the same mistakes of the Lower-48 with our valuable fisheries stocks and habitat. For nearly fifty years, professional habitat biologists working for the Habitat Division of ADFG oversaw the permitting of countless new resource development projects, while still maintaining and protecting the world’s last great wild salmon runs.

We’ve all heard the phrase, “If it ain’t broke, don’t fix it.” Well the system wasn’t broke, yet EO-107 deceptively claimed that it was, and the sad truth is that it was the timber industry and mining interests that pushed for Governor Murkowski to “streamline” and “fast-track” the permitting process for new development by removing the authority from ADFG and placing it within DNR.

Nearly every proponent of leaving Habitat within DNR today says that moving it out of ADFG initially was a bad idea. But, they say, to move it back now is an equally bad idea. The reasoning behind this argument is that to move Habitat back to ADFG now would cause unnecessary disruption, and that OHMP's (short) "track record" proves that they are doing as effective a job as the former Habitat Division within ADFG.

In listening to Director Kerry Howard's (of OHMP) testimony, I can fully understand her frustration and resentment when some allude that DNR habitat biologists, or OHMP, will not concern itself with the same protections of our habitat and fisheries resources as if the permitting authority was back with ADFG. The professionalism and dedication of Director Howard can't be denied, and I'm confident she is doing the best she can with the system now in place, and that the biologists under her purview are also doing the best they can.

However, we simply can't forget, or deny, that the very mission and culture of DNR is completely different than the mission and culture of ADFG. While few biologists now working for OHMP, or ADFG, have been willing to publicly testify on HB 41, there have been some who have testified and honestly explained the differences in the culture between the two agencies, and how OHMP habitat biologists may have their reports or analysis either discounted or disregarded if it does not meet the direction DNR itself wishes to take with habitat permitting for certain projects.

Carl Rosier and several other former F&G commissioners have spoken out as well about their long-term fears of keeping Habitat within DNR, and the cultural (and mission) differences between DNR and ADFG. When every former F&G commissioner supports returning Habitat to ADFG, we can either believe that their opinion speaks to some kind of inter-department jealousy and/or resentment, or that it speaks to their genuine concerns about the long-term future of Alaska's fisheries resources and habitat. I firmly believe it is the latter, and that we should give much weight to their expertise and opinion on this matter.

Much has been made of the ever-changing MOU between DNR and ADFG over Habitat permitting, and just why this MOU is now so long-winded and seems to have conflicting views on just what agency has authority, and when. Some call for "more study" of this MOU, and of the track record of OHMP to date, but there just isn't any need for "more study" on this issue.

If we do not return Habitat to ADFG, where it has always rightly belonged, and where it has served our state so well for so long, then we put at grave risk the future of our fisheries and habitat, because the former balance we had between resource development and habitat protections simply is no longer there if Habitat permitting and authority stays within DNR.

Right now, Director Howard is doing a fine job, and this new administration may also be able to make this new system “work,” but if we let EO-107 stand, and think honestly about the future, what that future holds is different administrations, with likely differing philosophies on resource development and habitat protections, and by leaving Habitat permitting and authority within DNR it virtually opens the door to an imbalance between future resource development and habitat protections, depending on the whim of whatever new administration comes to power, whom they appoint as commissioners and directors of our various agencies, and their ties (and obligations) to big industry and resource development.

That is the real fear of Alaska Backcountry Hunters and Anglers, and that is the fear of our former F&G commissioners and the habitat biologists who have spoken out in support of HB 41 and returning Habitat Division and permitting authority back to ADFG. We need to retain the former checks and balances we’ve had since statehood, so that no one administration in the future can override permitting and habitat protections simply as they see fit.

That should be the real long-term concern before us. We must not invalidate the legacy and foresight of our constitutional founders and our first legislature, who knew that we needed a system of checks and balances in place so that resource development wasn’t done at the expense of our fisheries and habitat.

We wish to thank Representative Les Gara for proposing this bill, and Representative Crawford for co-sponsoring it. We’d like to see HB 41 move through committee so that public testimony and honest debate will allow Governor Palin to seriously reconsider rescinding EO-107, and returning the Habitat Division back to ADFG.

Sincerely,  
Mark Richards  
Co-chair Alaska Backcountry Hunters and Anglers

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