



April 9, 2018

Representative Matt Claman
House Judiciary Committee, Chairman
State Capitol Room 118
Juneau, AK 99801

Dear Chairman Claman,

Bristol Bay Native Corporation (BBNC) supports passage of HB 367 as amended by Amendment #1 offered by Chairman Claman. The bill, as changed by proposed Amendment #1, would fix AS 46.03.822 so that Alaska Native corporations are relieved of liability for releases of hazardous substances on lands conveyed to the Native corporations pursuant to the Alaska Native Claims Settlement Act (ANCSA) unless there is proof that the Native corporations caused or contributed to the releases. This legislation is an overdue measure that will explicitly make Alaska law clear that Alaska Native corporations were not conveyed liability for environmental contamination or their cleanup costs as part of their ANCSA land settlements.

BBNC's support for HB 367 does not extend to the additional amendments Representative LeDoux and Representative Eastman (Amendments #2 and #3 respectively) are proposing. These amendments fail to remove the presumption of liability for releases of hazardous substances on lands our corporations received through ANCSA.

Under Representative LeDoux's proposed Amendment #2, Native corporations would still bear the burden of proof to demonstrate that they were unaware of the hazardous releases and that the contamination existed on the land when transferred to the corporation. Representative LeDoux's proposed amendment would also expand the exception to liability to any party, *i.e.*, not just to Native corporations. Such an expansive exception would unnecessarily turn the process for collecting remediation and clean-up costs on its head, and is inappropriate for legislation introduced solely to address Native corporation liability on lands conveyed pursuant to ANCSA.

The amendment proposed by Representative Eastman is unacceptable because it does not remove the presumption of liability against Native corporations. In order to be relieved of liability under proposed Amendment #3, a Native corporation would still need to prove the contamination existed on the land when the land was transferred to the corporation and the corporation did not have control of the land when the hazardous substance was released or disposed of. This does not address the underlying problem with existing state law.

For the foregoing reasons, we urge the Committee to pass HB 367 as amended by Chairman Claman's Amendment #1.

Sincerely,

A handwritten signature in blue ink that reads "Daniel L. Cheyette". The signature is fluid and cursive, with "Daniel L." on the top line and "Cheyette" on the bottom line.

Daniel L. Cheyette
Vice-President for Lands and Natural Resources

Cc: Speaker of the House Bryce Edgmon