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Public Testimony on SB 47

I am submitting this testimony to express my concerns regarding the unchecked power held by the Executive Branch over the Department of Natural Resources (DNR) and the negative implications this has for the proper functioning of our state's government. Senate Bill SB 47, which aims to shift more power over DNR's management to the Executive Branch, is a critical point of concern as it threatens to further consolidate authority under the Governor's office. This testimony is focused on highlighting the importance of restoring balance by giving more control to the Legislative and Judicial branches to safeguard transparency, accountability, and the public interest.

Key Issues with DNR's Over-reliance on the Executive Branch:

Concentration of Power in the Executive Branch: The current system gives the Governor and the Executive Branch substantial power to directly influence DNR's operations and decisions. With the Governor's appointees controlling DNR's leadership, this creates a situation where decisions on land management, resource extraction, and environmental protections can become excessively political. This undermines the principle of separation of powers, which is fundamental to ensuring that no one branch of government wields too much control over key decisions.

Undue Influence Over Land and Resource Management: The Governor's influence over DNR policy can result in decisions that serve short-term political goals rather than long-term sustainable management of Alaska's natural resources. This can also prevent meaningful public input and transparency in decision-making. As a result, important decisions regarding land use, conservation efforts, and resource extraction may be made without proper scrutiny or in opposition to public interest.

Lack of Legislative Oversight: With the Governor controlling DNR's direction, the Legislature has limited ability to oversee and intervene in decisions that impact Alaska's land and resources. Legislators, who are directly elected by the public to represent their interests, should have a more active role in reviewing and approving key decisions regarding land management, conservation, and development of natural resources. The absence of sufficient oversight by the Legislature means that DNR can make decisions with minimal accountability to the people it serves.

Weak Judicial Checks on Executive Decisions: Currently, the judicial branch does not have a strong enough mechanism to challenge executive overreach in DNR's actions. With the increasing tendency for executive orders and appointments to override legislative intentions, judicial checks on unconstitutional or illegal actions taken by the Executive Branch, particularly concerning land management and natural resource policies, are critical.

Proposed Remedies:

Legislative Control and Approval: I urge the Legislature to take a more assertive role in overseeing DNR. Decisions regarding land use, conservation, and resource extraction should be subject to legislative approval, particularly when it comes to changes that affect Alaskan communities. The public, through their elected representatives, should have the final say on major projects and resource allocations.

Independent Oversight Committees: The formation of independent oversight committees made up of legislators and external experts can serve as a buffer between the Executive Branch and DNR. These committees would provide a more

transparent review process and help ensure that decisions are made based on long-term environmental sustainability rather than political motives.

Stronger Judicial Review: The judicial branch must be empowered to review decisions made by DNR to ensure they align with constitutional law and public interest. A specialized environmental court or panel could be established to review major land management decisions to provide an additional layer of oversight. This would allow citizens and other stakeholders to challenge decisions that violate environmental protections or fail to consider the broader public good.

Legal and Constitutional Challenges:

Violating the Separation of Powers Doctrine: A major legal challenge that SB 47 and the current structure of DNR face is the violation of the separation of powers doctrine outlined in both the Alaska Constitution and the U.S. Constitution. By concentrating too much authority in the Executive Branch, there is a risk of undermining the balance of power intended by the framers of our Constitution. The Executive Branch should not have unilateral control over land management decisions and resource extraction; such powers must be distributed among the branches of government to ensure fairness, transparency, and accountability.

Potential Conflicts with Alaska’s Constitution: Under the Alaska State Constitution, the Governor is given executive powers, but these powers are meant to be checked and balanced by the Legislature and the Judiciary. When the Executive Branch consolidates power over DNR, as is seen in SB 47, it undermines the legislative power to enact laws and make key decisions regarding public resources. This could be challenged in court as unconstitutional because it effectively diminishes the role of the Legislature in matters that directly impact the citizens of Alaska.

Public Trust Doctrine: The Public Trust Doctrine mandates that public resources, including lands and waters, be managed in the best interest of the people. The Executive Branch's influence over DNR threatens this principle because it may lead to the prioritization of resource extraction and development over conservation and long-term environmental sustainability. Allowing DNR to operate unchecked by the other branches of government could lead to a violation of the public’s trust in the management of state resources.

Access to Justice and Public Accountability: The lack of judicial checks on DNR decisions may prevent individuals or groups affected by land use decisions from accessing justice. For example, if the Executive Branch’s decisions are made without proper public hearings or consultation, this may violate constitutional rights to due process and equal protection under the law. A lack of judicial oversight could also make it more difficult to challenge arbitrary or capricious decisions that fail to consider the public’s input or the environmental impact of certain actions.

Brief Summary:

In conclusion, SB 47 poses significant risks to Alaska’s commitment to a balanced separation of powers and undermines the principles of democratic accountability and public transparency in decision-making. The Executive Branch must not be allowed to exercise unilateral control over the Department of Natural Resources, as this could lead to decisions that serve narrow political interests rather than the public good. I urge this Legislature to amend SB 47 to provide greater Legislative oversight, Judicial review, and public input in the decisions made by DNR. By doing so, we can ensure that DNR serves all Alaskans in a fair and transparent manner and that our state’s natural resources are managed responsibly for future generations.

SB 47 is not a solution:

Now, on an entirely separate note adding road maintenance responsibilities to the Department of Natural Resources (DNR) in this bill does not appear to be the most feasible solution. Here’s why:

Misalignment with DNR’s Core Mission:

DNR is focused on land management, environmental conservation, resource development, and ensuring sustainable use of Alaska’s natural resources. The addition of road maintenance—something outside the department’s primary responsibilities—would likely stretch its resources thin and create inefficiencies. DNR does not have the expertise,

infrastructure, or specialized workforce required to manage public roads effectively. This misalignment with its core mission could lead to reduced capacity for handling essential land management tasks.

Feasibility Concern: DNR may lack the necessary personnel and resources (such as road maintenance expertise and infrastructure) to handle road upkeep without sacrificing its environmental management and conservation duties.

Existing Expertise in DOT&PF:

The Department of Transportation and Public Facilities (DOT&PF) already has the expertise and infrastructure to handle road maintenance. It is a dedicated agency with the necessary resources and experience to repair and maintain roads. Asking DNR to take over this responsibility could lead to inefficiency, as DOT&PF is already well-equipped for such tasks.

Feasibility Concern: Transferring road maintenance responsibilities to DNR could undermine the capacity of DOT&PF to manage roads effectively and create unnecessary duplication of efforts.

Funding Conflicts:

DNR's budget is allocated for land management, environmental conservation, and other natural resource-related functions. By adding road maintenance to its list of duties, funding could be diverted away from DNR's core activities. This could lead to underfunding of essential environmental protection programs or delay other important land management activities. Moreover, road maintenance often requires a different type of funding allocation than environmental conservation work.

Feasibility Concern: DNR could face funding shortages for its primary missions if road maintenance funds are added, ultimately undermining its ability to properly manage Alaska's natural resources.

Bureaucratic Overload:

DNR would need to develop new processes and oversight mechanisms to manage road maintenance, leading to bureaucratic inefficiency. This additional layer of responsibility could slow down decision-making, prevent DNR from focusing on its priority land and resource management tasks, and ultimately decrease its effectiveness in fulfilling its core mission.

Feasibility Concern: Adding new bureaucratic layers for road maintenance could result in delays, inefficiencies, and increased administrative overhead that take resources away from DNR's conservation and land management responsibilities.

Better Alternative:

Rather than adding road maintenance responsibilities to DNR, it would be more feasible for the Department of Transportation and Public Facilities (DOT&PF) to retain responsibility for public road maintenance, as this is the agency designed for that purpose. DNR could collaborate with DOT&PF, particularly for projects involving Chugach State Park, but the two agencies should operate with clear delineation of responsibilities.

Collaborative Approach: DNR and DOT&PF could work together on specific projects, such as ensuring public access to Chugach State Park, but without overloading DNR with road maintenance tasks. Funding should remain separate, with DOT&PF handling roads and DNR focusing on its core responsibilities.

Overall Conclusion:

The most feasible solution is to maintain the status quo, where DOT&PF is responsible for road maintenance. DNR should remain focused on its land management and conservation responsibilities. A more collaborative approach between the two departments, with clearly defined roles and shared goals, would ensure that both road maintenance and environmental protection needs are met without overburdening either agency. This would allow each agency to function effectively and efficiently in its area of expertise. While also reclaiming the independence of each branch and employing oversight so that these types of problems never occur again.

Just wrapping up:

As I am just one voice in a sea of many opinionated Alaskans. It looks as if you have collaboration set up to occur, let's see what they have to truly say about the new role. I am focused more on equality, equity, and reforms to our existing governmental structure to ensure Alaskas future generations still have parks to enjoy, clean air to breathe, fresh water free from toxins, land not sold off to the highest bidders, ensuring our great hosts to this land are no longer harmed by environmental injustices, and how critically close we are to tipping into the next ice age as AMOC ceases to flow.

Protecting the people from a tyrannical government is my top priority now. He will abuse or remove the Anquities Act to get exactly what he wants in the end. They have already begun to threaten our very own indigenous communities rights now. Help them secure their land rights forever first. It is still a genocide we rarely address that we are all still committing today. I will have no part any longer. I have had enough. We are the land. The land is us. Every step you take to willingly pollute it, steal it, or overstep is a step to harm each and every one of us. You fail even to clean it up or force the companies responsible too. Historical injustices are seen everywhere in this state, even printed and glorified in our own visitors guides. You have no shame for any of this, but I am willing to bet many of you do you own stock. Will it ever change to a more progressive way? I have no reason to support travel of legislators to other countries if they use their knowledge only to seek imperialistic gains.

We fall to a dictatorial rule even as I type. Many of you assisted in this very fall and to the coup of our governmental system. Some of us will record and remember. We will preserve history so it is never forgotten, erased, nor rewritten. We will remember all of your names, the details, and what you have and have not done to secure freedom and liberty in the once greatest nation of the world. We now descend into darkness as our dignity, honor, and integrity is disgraced.

Just because you fail to use the recognized terms, it does not erase the person nor the problem. It erases the only already established science, education, and facts. You make every future generation more ignorant willfully.

Thank you for considering this testimony.

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