

HB 77 Opposition Documents Index Group #11
Passed Out to Committee Members on 3/19/14

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From: Nancy Pease
Sent: Friday, March 14, 2014 2:50 PM
To: Sen. Cathy Giessel
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

How can you represent your constituents and the public interest if you don't allow for ample constituent outreach and testimony?

The shutting down of public testimony on House Bill 77 on Wednesday is another gut-punch to the public as they try to participate in government of the people, by the people, for the people. Hundreds of Alaskans were prevented from testifying--and since the revisions were only released on Monday, thousands of more affected individuals haven't even read the revisions. I hope that the Alaska Legislature will fully vet this bill in front of multiple committees.

The revised HB 77 still allows government to lock-out public participation by allowing DNR to grant overly-broad general permits for "an activity" over extensive areas of state land. The proposed language to allow activity so long as it does not "likely" cause "significant and irreparable" harm is a dangerous, autocratic delegation of power to DNR staff person or a developer. Among other problems, there is no blanket standard written in for "significant" or "irreparable". A little bit of trace pollutants in the water might not harm humans but might ruin fish runs. A wetland might be reparable in terms of appearance but not in terms of watershed function.

I also oppose HB 77's intent to strip my legal rights as an individual Alaskan. Sen. Giessel, you decry "government overreach on steroids", and here you are supporting just that sort of overreach. I shouldn't need to be "significantly adversely affected" in financial or physical terms in order to weigh in or challenge decisions.

Finally, Alaskan individuals should retain the right to reserve water in streams for wild fish, recreation or other uses. Despite some revisions, the new HB 77 provisions on water reservations give DNR unfettered discretion to put water reservations filed by Alaskans on the shelf, indefinitely.

HB 77 would provide for new expanded DNR powers, erode Alaskans rights to appeal DNR decisions, and damage the existing process for water reservations.

The recent proposed amendments to the bill do not address concerns raised by the public.

A bill that is this complex and expansive deserves multiple public hearings to allow Alaskans to provide input, and review by several legislative committees.

Sincerely,

Nancy Pease
19300 Villages Scenic Pkwy
Anchorage, AK 99516

From: Matthew LaCroix

Sent: Friday, March 14, 2014 2:56 PM

To: Sen. Cathy Giessel

Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

Good afternoon. Thank you to the Committee for providing this opportunity to testify regarding House Bill (HB) 77. My name is Matthew LaCroix. I am a resident of Meadow Lakes and a former employee of the Alaska departments of Fish and Game (ADF&G) and Natural Resources (ADNR). I do not support HB 77. In my opinion it is a blatant and scandalous attempt to shield the actions of public agencies from scrutiny.

Our public agencies are charged by our constitution and statutes, and constrained by regulation, to act in the public interest. Agency processes should be fair and transparent; and agencies should be accountable for their decisions. Our constitution establishes (within Section 8.10) the public notice process as a fundamental "safeguard of the public interest." Our leaders within the Executive branch should be striving to provide agency employees with the resources they need to perform their duties, and to ensure that agency actions may readily withstand review. The language of HB 77, however, demonstrates a cynical fear of review and contempt for the concerns of the very public our agencies exist to serve.

General permits are useful tools for addressing agency workloads (e.g., general permits issued by ADF&G and U.S. Army Corps of Engineers), but they are notoriously susceptible to abuse even when their application is very narrowly constrained. The use of general permits is commonly limited to the authorization of activities with "minimal" or "de minimus" effects. HB 77 allows the Commissioner of ADNR to utilize general permits to authorize "any activity" that would not cause "significant or irreparable harm." This statutory language provides the Commissioner with license to use general permits as he sees fit.

Using general permits to take segments of DNR workload out of a project-specific public review process is part of the larger effort in HB 77 to shield agency action from scrutiny. Raising the bar for appeals of agency actions is the second part of this effort. Some believe it is appropriate that "Outside groups" not be allowed to appeal State agency actions. The language of HB 77, however, does not limit appeals to Alaska residents-it limits appeals by Alaska residents. HB 77 tells Alaskans that the actions of our public agencies are no longer any of our business.

In spite of mandates within Alaska's constitution (Section 8.3 and 8.4) that "fish, wildlife, and waters are reserved to the people for common use" and "shall be utilized, developed, and maintained on the sustained yield principle," ADNR has long maintained that it may allocate public water for private use without restriction. The position of the Department is that the ability of parties to apply for instream flow reservations for specific reaches of specific waters somehow meets the requirements of the constitution. I disagree, as instream flow reservations, which ADNR does not adjudicate anyway, leave 99% of Alaska's water open to exploitation.

Members of the private sector: tribal governments, NGOs, and individuals, have stepped up and expended their own resources in order to assist the State in meeting the mandate of our constitution. Not for their own benefit alone, but in furtherance of the public good. In return they are now told through HB 77 to mind their own business. We are now told that what ADNR has long pointed to as the

sole mechanism to protect our waters and fisheries is somehow excessive. That efforts by Alaskans to seek instream flow reservations are meddlesome. That water is no longer to be held as a "public trust," but disposed of as ADNR sees fit.

The authors of HB 77 apparently see the involvement of Alaskans in agency processes not as a "safeguard of the public interest" but as an obstacle to unfettered and unaccountable agency action. I do not believe that the provisions of this bill would serve the interests of our public employees, but rather those who would use agencies for their own ends. This is not how efficiency and good government is achieved. This is how malfeasance and abuse of power is fostered. HB 77 is an insult to Alaskans and deserves to be voted down.

Thank you for considering my testimony. Sincerely,

Matthew LaCroix
7362 W. Parks Hwy #453
Wasilla, AK 99623

From: Wilson Rice
Sent: Friday, March 14, 2014 3:07 PM
To: Sen. Cathy Giessel
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

HB 77 is a classic example of an ongoing attempt to limit participation in government decision-making to those persons who can prove a direct financial stake in the outcome--i.e. the developers and industries that want to use public resources for their personal financial benefit. The legislature is once again choosing between their constituents and those who give them money (ostensibly in the form of campaign contributions, the accepted euphemism).

The Parnell administration has once again taken a legitimate issue, in this case streamlining the permitting process, and used it as a smokescreen to funnel state resources to their favored few. These are public resources and the public has a right to be heard on how they are managed, particularly when it affects issues like in-stream flow. Anyone who fishes, hunts, uses subsistence resources or enjoys the Alaska outdoors should be horrified by this bill. It effectively transfers their rights to those who financially benefit from resource extraction.

HB 77 needs to be scrapped.

Wilson Rice
2338 Douglas Dr
Anchorage, AK 99517

From: Dick Hoskins
Sent: Friday, March 14, 2014 3:08 PM
To: Sen. Cathy Giessel
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

Wednesday's hearing was another example of the fact that there has not been enough public discourse about House Bill 77.

Why are you afraid to have this bill thoroughly vetted by citizens? Clearly the legislature is trying to sneak something through.

This bill at the very least needs a complete public hearing, after all, have you forgotten that AK is still a democracy and citizens are the ones that in the end make decisions?

Who are you to decide when someone has been adversely affected? The best way to deal with HB77 is to drop it. DNR and the legislature has not made the case and has used a flawed and undemocratic process right from the beginning.

Looks like a power grab to me. Curious how Republicans love to push the less government agenda except when it is to the benefit to themselves or their monied friends.

What is it you are really trying to accomplish? Why won't you be straight and tell all of us?

Sincerely,

Dick Hoskins
1008 W 16th Ave
Anchorage, AK 99501

Article 8, Section 1 of the Alaska Constitution provides that *"It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest."*

The DNR mission statement is *"To responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with the public interest."*

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1/21/14

Talk of Alaska,

I just listened to Talk of Alaska's "Permitting The Public Process and House Bill 77". I can testify that, for nearly a quarter of a century, "permitting" in Thompson Pass has not been a "public process". Title aside, much gratitude to all the folks who keep the Talk of Alaska wheels a crankin'!

I will provide a few surface examples of DNR historical desecration of Thompson Pass. And then I will attach some example documents for further substantiation.

Worthington Glacier State Recreation Site, pictured below, "a crown-jewel of the Alaska State Park System", is "Copper River Basin's/Prince William Sound's most visited site" according to DNR's website.



The connex in the park's foreground has been abandoned for years. It was leftover from Alaska Backcountry Adventures 2006 DNR permit. On 9/12/07 Thomas Irwin, the then-DNR commissioner, stated in response to an appeal for Alaska Backcountry Adventure's, ABA's, Thompson Pass lease addressed to myself Lisa Wax, Kathy

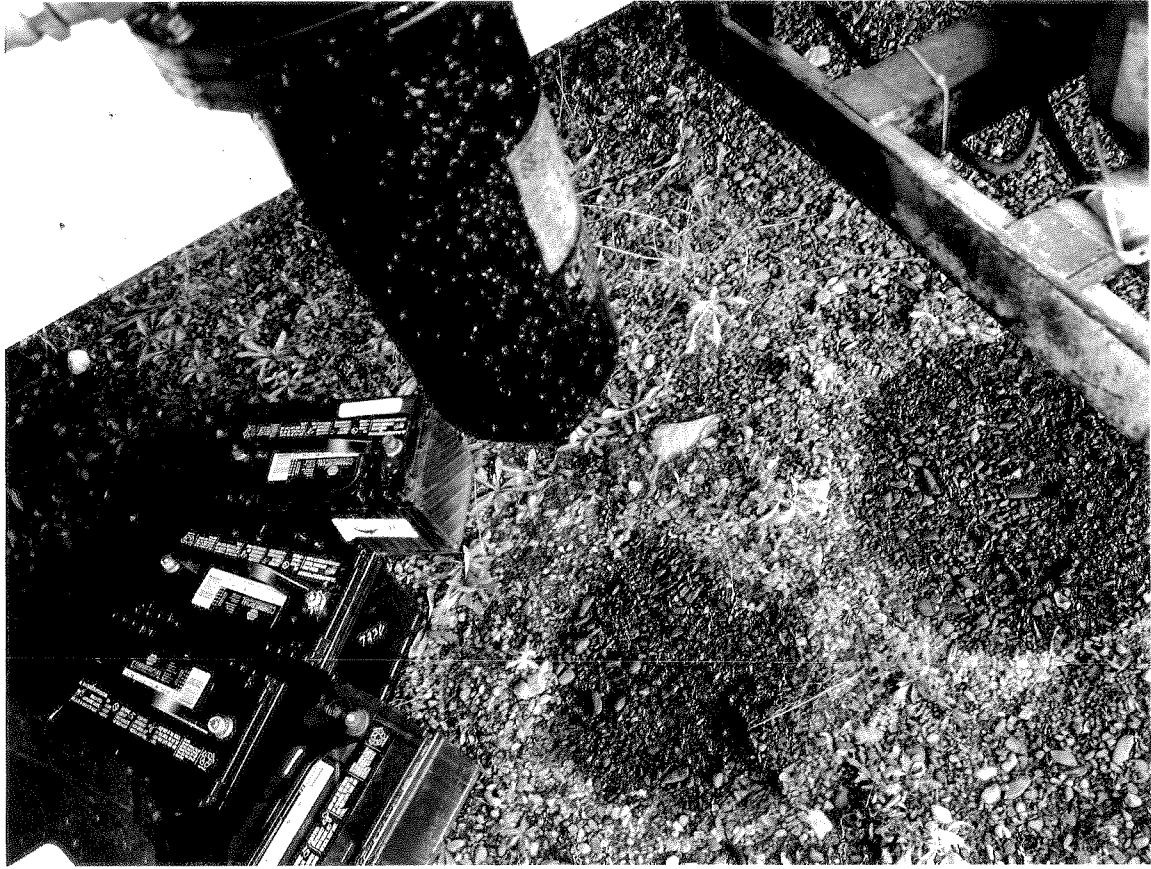
Nielsen and Bill Bixby "The relevant Management guideline says that all development along the Richardson Highway Corridor should be sited and designed to minimize impacts on views from the highway . . . All structures will be wood sided with brown roofs to blend into surrounding area."

Above photo taken autumn 2014.

DNR Deputy Commissioner Ed Vogel commented that HB77 would allow them to "switch lands we feel are better in each other's interest . . . ". Many years ago DNR approved trading the Worthington site for contaminated inland Kodiak land so that Matt White (Valdez Heli-Camps), a character with a stack of lawsuits, could build a lodge. Local adamant opposition was ignored. In a last ditch effort, I gave the Kodiak Native Corporation a pile of paperwork, the same paperwork that I had distributed generously throughout DNR and Juneau, and they withdrew their backing. The project failed to materialize without financing.

The same Matt White abandoned another Thompson Pass DNR permitted site, which was out of compliance from the starting gate (illegal water crossing with a snowcat that regularly left hydraulic fluid streaks up the length of Stone Mountain . . .). These 2 photos of the site were taken on 9/28/13.





Thompson Pass DNR Land Use Permit #LAS 28702 signed 2/14/13 to Black Ops states in 5 (b) that "Removal or destruction of the vegetative mat is not authorized under this permit." The photo of the bulldozed property was taken in the fall of 2014. The permit allows for one cabin. There are now 7 cabins on the property.



This operator is proposing 2 new permit sites with a comment period that no one knows about which closes 1/27/14. One site includes 2 snowcats, a helicopter, a trailer, a camper ... across the street from where DNR just approved another H2O permit, unbeknownst to the locals, for 3 snowcats, a helicopter, an atco, a trailer, port-a-john, fuel storage ... closing to the public the most used backcountry ski access route, Odyssey.

I have numerous accounts and photos of DNR's blatant disregard for Thompson Pass as a renewable resource. The following email indicated that, alas, DNR would address my concerns.

Rowell, Kathlene L (DNR)
To Me
Jul 12, 2013

Dear Ms. Wax:

My name is Kathlene Rowell and I work for DNR Commissioner Dan Sullivan.

We received your email to Commissioner Sullivan on July 1, 2013, and your subsequent emails to him on July 2 and today, July 12, including your letter, dated July 11, 2013, to Commissioner Sullivan, Ben Ellis, Claire LeClair and Candice Snow.

This office will provide you a formal written response to your letter dated July 11, 2013, to address your concerns regarding public noticing requirements for DNR decisions in the Thompson Pass area.

Thank you for your letter and your patience.

Sincerely, **Kathlene Rowell**

Special Assistant to the Commissioner

Alaska Department of Natural Resources

(907) 269-8431 kathlene.rowell@alaska.gov

Over a half a year has passed and still no "formal written response" to my 7/11/13 letter.

Ed Vogel has been cc'd with many of my letters. I just listened to Ed say "... we must be able to allow activities to happen on State land to generate our economy and we need to be able to do that in a responsible way to protect our other environmental resources ... HB77 ...

Sincerely Oy,

Lisa Wax

Letter to the editor Copper River Record

I am a wildly enthusiastic proponent of Alaska who has called Thompson Pass home for about twenty-three years.

On 7/1/13 I emailed Dan Sullivan (and cc'd many DNR folks including Candice Snow), Commissioner of Alaska's Department of Natural Resources, DNR, concerned about a rumor I had recently heard of a proposal to close the access route up the backside of Odyssey Mountain at Mile 25 of the Richardson Highway, the hairpin turn, to the public.

On 7/2/13, one day later, DNR's Candice Snow emailed me Dean Cummings', owner of H₂O Heli Guides, incomplete application proposing the closure of the historical Odyssey access trail. His plan is to occupy its roadside base with an Atco, Connex, genset trailer, fuel tank, port-a-john, 3 snowcats and a helicopter for 7 months of the year.

I thanked Snow for the application and inquired about the deadline for public comment. She replied that it was 7/1/13, the day before.

I immediately asked how I could go about receiving an extension. Snow replied six days later that my extension request was denied. Curiously, neither Snow or Sullivan have replied (as of 7/22/13) to my 7/1/13 inquiry as to how DNR notified the public of H₂O's application. For decades I have repeatedly asked DNR to notify me of any permit applications in the area and have repeatedly been told by DNR that I was on their notification list and still DNR fails to ever include me in their notification process. Snow did indicate in her 7/8/13 email that I "fell through the cracks". Thankfully, I am not as susceptible to crevasses as I am to DNR "cracks".

Odyssey is one of the most popular human-powered accessed ski mountains in Thompson Pass; and the sensible route up, whether or not there is a cat track, is most often the "road" that Cummings is hoping to close to the public, a route that has been used by the public long before H₂O Heli-Guides existed.

The closure of Odyssey's access would be monumental. I wanted to hear what other locals knew and thought. I attended the Valdez 4th of July celebration and asked around for thoughts on the impending permit. I am now aware that I was not the only uninformed one. I spoke to a wide range of the local community. No one was aware of the permit; not the person who has more ski road runs under his belt than anyone, not the Thompson Pass D.O.T. employee, not the firefighter, not the retired school teacher (who exclaimed "their creating an incendiary situation!"). Opposition was adamant.

The backside of Odyssey, the area that H₂O proposes to close, provides the best low-angle backcountry ski access in the Thompson Pass corridor. It is the only accessible feasible place for kids or beginners to experience a real backcountry run minus cliffs, glaciers and intimidating slo angles. Many folks have prepared themselves for the "road run" by first practicing on the backside of Odyssey. And certainly more advanced skiers also access both Odyssey's front side couloirs and bowl as well as Schoolbus and Goodwills, to the east, by skinning up its (most often) safer backside. Closure would force more folks to boot pack up the steep front face thereby increasing exposure to slides and falls. Not all users will have either the desire or the financial capability to employ the snowcat (which may or may not have availability).

The Mile 25 hairpin pullout is also the most popular launching point for snowmachiners accessing Marshall Pass and beyond. And snowmachiners also access Odyssey for skiing using the

describes how the Department of Natural Resources (DNR) will manage state land in the Copper River Basin, including the Thompson Pass area. It says that the department may issue leases in Thompson Pass provided such leases are consistent with the management intent and management guidelines. The management intent says that Thompson Pass should be retained in state ownership and managed for multiple use with emphasis on expanding recreation opportunities. The relevant management guideline says the all development along the Richardson Highway Corridor should be sited and designed to minimize impacts on views from the highway.

The short-term lease the division proposes to issue to ABA will retain the land in state ownership while expanding recreational opportunities in Thompson Pass. The lease also requires ABA to site and design the development to minimize impacts on views from the highway. All structures will be wood sided with brown roofs to blend into the surrounding area. Except for one storage building that will remain onsite year round, ABA will remove all structures from the site between May 15 and early November of each year. During the winter months when the structures are onsite, the heavy snowfall will significantly minimize direct views of the development from the highway.

2. That DNR is essentially opening the gate to uses that could be detrimental to the future of the pristine area.

Department's Response: ABA has operated a similar commercial recreation camp seasonally from this location for the past 10 years under a series of permits issued by the Division of Mining, Land and Water. I also understand that there are five similar operations along the Richardson Highway from Valdez to the Tsina Lodge. Thus, DNR is not "opening the gate" to uses that have proven to be detrimental to the area in the past. However, allow me to clarify that the decision on this lease application does not set a precedent for future decisions. The division will continue to consider each application for use of state land on its merits.

ISSUES RAISED BY MS. WAX ON APPEAL: Following are the issues raised by Ms. Wax in her appeal and the department's responses.

1. What was the purpose of the public comment period if 73 of the 93 public comments were opposed to issuance of this lease and yet the department did not deny it?

07/11/13

WILL DNR HONOR ITS GUIDING DOCUMENT - THE COPPER BASIN MANAGEMENT PLAN?
Sensory Pollution, Death Hazards & Historical Access in Thompson Pass

Dear Dan Sullivan, Ben Ellis, Claire LeClair and Candice Snow,

Twenty-three years ago I parked my jeep at the Mile 25 pullout of the Richardson Highway, the hairpin turn, the south side, also known as the backside, of Odyssey Mountain, twenty-nine miles from Valdez, Alaska. I skied in toward Marshall Pass and built a snow cave. At some point shy of a couple months later a Chinook wind came in comprising the structural stability of my dwelling. I obliged to Mother Nature's clues and packed up camp. I skied back to my rig and headed northbound. Smoke was coming out of the chimney at 35 Mile. I flipped a u-ey and have since called Thompson Pass home. Some folks search their whole life for what I found at a young age. And rent was only \$50 a month. Sir Edmund Hillary likely wished he could have done the same.

Mike Lopez of Valdez guided Sir Edmund Hillary in 1962. Hillary told Mike that he had been virtually all over the world and that the Valdez and Prince William Sound area's beauty was unsurpassed. I agree. My below words are motivated by nothing other than widespread passion for my neighborhood's health and concern for the wellbeing and safety of the public. I have no business affiliations or personal vendettas; I do have a pure unadulterated love for Thompson Pass, my home, my wonderland.

I am addressing DNR as not just a good citizen of Alaska but also as a wildly enthusiastic proponent of Alaska. I have traveled the world, unaffiliated, to promote the Valdez area at outdoor shows, ski shows . . . I have saved lives on State lands, picked up an exorbitant amount of garbage, removed rocks and road kill from the highways, maintained historic trails . . . and I am asking the State to reciprocate by being a responsible manager of my neighborhood. I am providing a condensed annotated sample of DNR's recent Thompson Pass history with the intention of encouraging DNR to think forward. I will commence, after providing an example of how DNR repetitively loses me "through the cracks", where my relationship with Thompson Pass commenced, the backside of Odyssey Mountain.

My observations lead me to assume that the DNR employee turnover deems it difficult for any current staff member to comprehend the scope of the impact DNR has had on Thompson Pass. My hope is that by addressing the outstanding Odyssey permit situation and then providing historical perspective that DNR will reevaluate its responsibilities thereby remedying its relationship with both the land and the Valdez locals. Unfortunately most locals have given up any hope of DNR representing their best interest. The history of DNR's actions in Thompson Pass has created a population of folks who feel like their input is futile; thus far, as evidenced below, it has been predominately futile. DNR has the power to reverse this trend.

I am available to provide further documentation, explanation or examples not mentioned in this condensed, yes, severely condensed (there are topics not yet addressed), document.

public of H2O's application. Candice did indicate in her 07/08 email that I "fell through the cracks". Thankfully I am not as prone to crevasses as I am to DNR cracks. I am asking again – **how did DNR notify the public?** Was it published in our local newspapers the Copper River Record and the Valdez Star? On the scanner?

News of the proposed application warranted cancelling my Independence Day travel plans. The closure of Odyssey's access would be monumental. I wanted to hear what the locals knew and thought. I attended the Valdez celebration and asked around for thoughts on the impending permit. I am now aware that I was not the only uninformed one. I spoke to a wide range of the local community. No one was aware of the permit; not the person who has more road runs under his belt than anyone, not the Thompson Pass D.O.T. employee, not the firefighter, not the retired school teacher (who exclaimed "their creating an incendiary situation!") . . . no one. Opposition was adamant. Multiple folks suggested a petition. Folks puffed up and stated that nothing was going to stop them from doing what they have always done. I was informed of past threats . . . I have had no incident or conflict with Dean Cummings. Some folks who were apparently already loaded from previous run-ins with Dean seemed riled yet relieved that they were going to have a legitimate venue for conflict. I mentioned Gandhi on more than one occasion. The agitated unrest was overwhelmingly prevalent so much so that I dropped the subject, feeling like the celebration's buzz kill. I was impressed by the City's celebratory efforts and heavy, like the fog, I headed out the Shoup Bay trail.

Odyssey is likely (as weather ultimately dictates) the most popular human-powered accessed ski mountain in Thompson Pass; and the most sensible route up, whether or not there is a cat track, is where Dean refers to the "road" that should be closed to the public, a route that has been used by the public long before H2O Heli-Guides existed, long before Dean Cummings first visited Alaska. The proposed junk-show compromises the immaculate beauty while the closure of access to Odyssey's backside would be the opening of access for deaths and environmental hazards (explained below).

Review the 1/29/04 DNR public hearing in Valdez as a refresher for how the locals adamantly and overwhelmingly opposed development in the Thompson Pass corridor on public lands.

It is downright ludicrous that the State would consider allowing an Atco, a connex, a generator (how many kw?) trailer, a port-a john (there was no mention in the Restoration Plan of removing the port-a john, the Atco or the generator trailer) and fuel storage to clutter such a magnificent view shed (See Exhibit A) for 7 months of the year. Consider DNR's past commissioner's, Thomas Irwin, accurate reference in his 09/12/07 letter to Wax, Nielsen and Bixby (Exhibit B) **"The relevant Management guideline says that all development along the Richardson Highway Corridor should be sited and designed to minimize impacts on views from the highway."**

I can imagine that, like me, the ptarmigan, marmots, wolverines, moose, bears, wolves etc. (yes, I have seen all these animals and more) will not be stoked on the sound or smell of the generator. The said area is small and set in a topographical depression, any being in the area would likely be sucking diesel fumes, not a desirable inhalant before launching for a backcountry ski or birthing spring pups. Previous structural permits on Thompson Pass public lands have been in areas that have already been developed as gravel lots, not on raw wild land. The glorious and bountiful flora and diverse fauna would inevitably suffer from 7 months of heavy loading combined with

Marshall Pass and beyond. Snowmachiners also access Odyssey for skiing using the same "road" as a snowcat (or skier).

The number of and type of fuel storage containers is not defined on the application. H2O's response to the Temporary Structure section leaves this question open – "fuel container(s)". This is particularly unsettling given that the site is barely a stones throw uphill from the headwaters of a creek that flows into Heiden, the Lowe River, through Keystone Canyon and out to Prince William Sound. See Exhibit D photos. **The riparian aspect has not been addressed** in the permit Site Description (perhaps that was what was whited out?). There is **no spill response within reasonable proximity**. The fuel truck is not stored on site and once someone could arrive from Valdez, nearly 30 miles, with resources the damage will have been done, the real resource will have been irreversibly destroyed. Exhibit D photos show the falls and creek that rage into Heiden canyon. Fuel plus frozen ground plus gravity equals irreversible environmental misfortune. The photos illustrate that the topographical features will not allow for catching up with the damage. With who is the "contract" for spill response? Does DNR not require a copy of the said "contract"?

Many years ago, though told by DNR that it would never happen, I coaxingly inspired DNR to rewrite their park management contract (I still have the letter of kudos from DNR). Perhaps it is time to consider a more thorough permit application process?

I have been unable to determine why H2O has decided that the 2nd section of the Environmental Risk/Hazardous Substances is "N/A". I also do not understand how 1000 gallons from this Risk section shrunk to 73 gallons in the Fuel and Hazardous Substance Factor section. It is stated that the fuel storage will be off the road and should therefore be listed at 1000 gallons.

It is not feasible to think that Dean, after having burned so many local bridges, could possibly leave structures unmanned without consequence. There will be a problem and someone will have to stay overnight. While wondering who might become the elected watch guard I realized that I was not familiar with H2O's Permit Contact so I just quickly looked up Matt Adkins and here is the first hit:

Location: Valdez Case number: AK13020298

Type: False Statement Sportfish/Hunt License

Text: On 3-27-13, Matthew Adkins 30 YOA of Valdez, was cited by the Valdez Wildlife Trooper for making a false statement on a 2012 sportfish/hunt license application. On 6-29-12, Adkins purchased a resident license and claimed two years Alaska residency when in fact had been in Alaska only two months. Bail set at \$310 in the Valdez Court. Author: AMB0 Received Wednesday, March 27, 2013 1:27 PM and posted Wednesday, March 27, 2013 1:50 PM

The word "begin" under Project Description is uncomfortably open-ended as it implies that perhaps Dean has more in mind that he is not revealing. Nonetheless I will end this section of discussion with a **request that I be kept notified as to how the State chooses to address this permit application.**

And if DNR elects to accept H2O's application I would like a permit application for the exclusive use of the Seward Highway's Milepost 107 pullout including the grassy patch on the east side of the highway. I will service all goat gawkers by selling farmed Atlantic

Thomas Irwin continues "Thus, if ABA does not remove all waste by May 15 (beginning 2006) of each year, it is in violation of its existing permit, and the permit is revocable immediately." See Exhibit F photos.

"Modifying the proposed operation schedule from year-round to seasonal will have a bearing on the view shed between May 15 and early November of each year when only one structure will be on site. However, you are correct that the 16' x 20' storage building that will remain onsite is larger than the approximately 8' x 20' metal connex storage container that is currently onsite year-round. However, the upgraded improvements, including the new storage building, will be wood sided with brown roofs. Therefore, they should blend in better with their surroundings." See Exhibit G photos. The photo of the rusted, partially crushed, torn, peeling, dilapidated connex which is still on site, now 6 years since Irwin's above statement, was taken tonight 7/11/13 (when I realized there was going to be an exhibit delay due to iphoto issues).

"If anything, the view should be less impacted because the improvements will be upgraded." See Exhibits E, F and G for photos of "upgraded view".

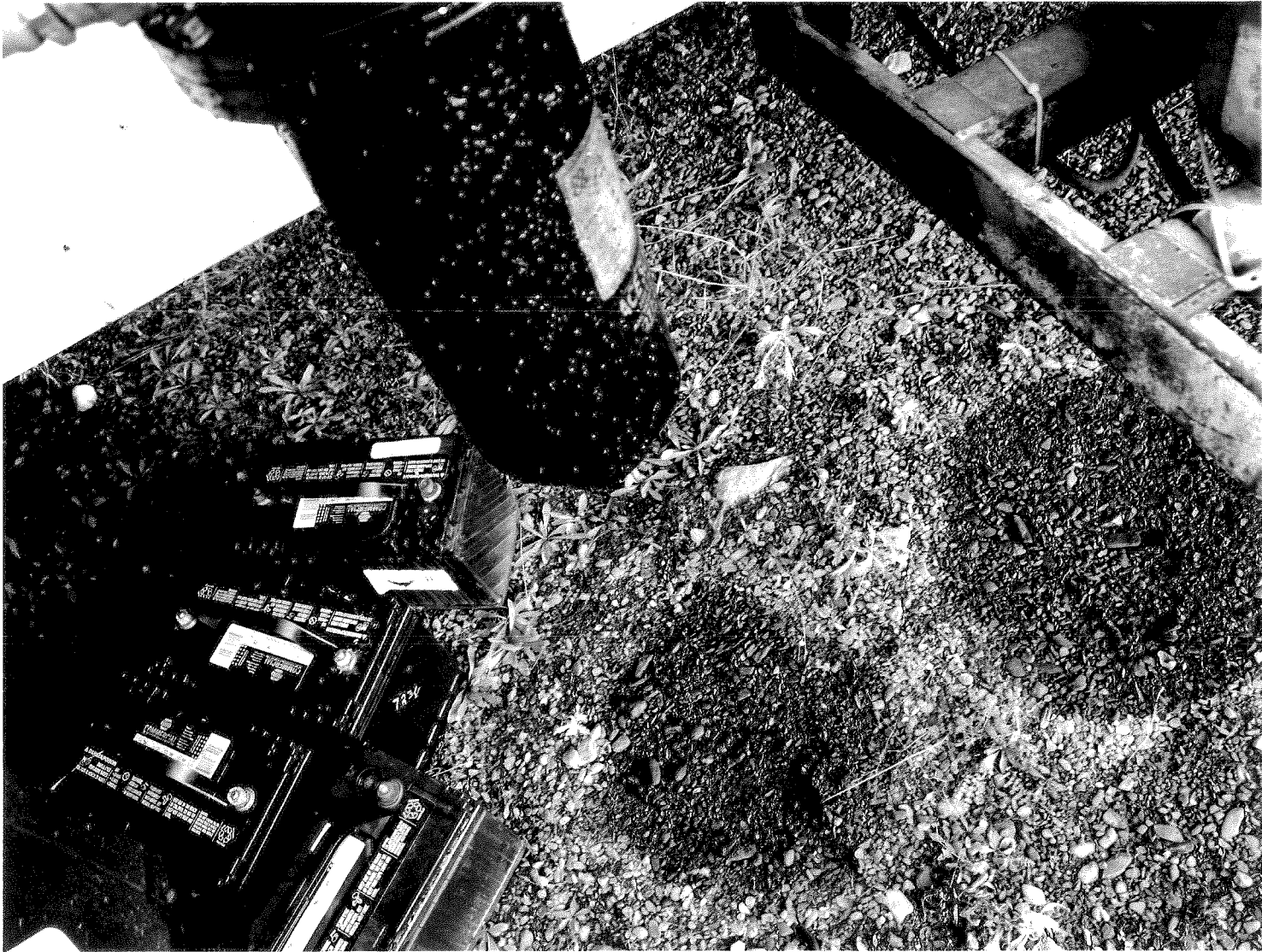
Who holds the state liable for truth when the price that both the locals and the tourists pay is incalculable?

And DNR is supposed to be the "resource manager" . . . ?

I stopped in the Thompson Pass airstrip this past spring to find myself between two live competing helicopters within a stone's throw of each other. A testosterone-induced approach from one heli blasted me as I stood talking near the other operators LZ. And the kvetching began . . . The teacher said it best – "incendiary situation"; and I thought DNR was involved in fire suppression. Candice, **please send me copies of these operators permits** and any others in the area that are live. Were two competing operators legitimately permitted for a shared drive and space?

Thomas Irwin's letter confirms that I was correct, during the winter of 2006 the State Parks Citizen Advisory Board passed a resolution requesting that the Division of Parks and Outdoor Recreation and the legislature get busy on creating a state park as recommended in the Copper Basin Area Plan. Years later, to my knowledge, DNR has not taken any forward action. **Please reply as to the status.** And please also provide information as to how park status would affect Thompson Pass. Would a park designation provide better protection from the transiency and long distance proximity of its managers?

Again, for a bit of historical perspective – in the mid nineties the folks from DNR, the folks who were sitting behind their desks hundreds of miles away, were pondering silly ideas for Thompson Pass. I recall a discussion considering limiting snowmachines to one side and skiers to another, similar to Turnigan Pass. Bill Bixby and I spent endless hours pawing through crates of fat bound management plans; we were detectives looking for any clue that would allow the users to have a voice. And alas, there was mention that a State Park Citizen's Advisory Board could make recommendations to DNR. And a board of diverse local folks was formed – Mike Buck, the motor-head, Nancy Lethcoe, the tree-hugger . . . but over time the board members, like the locals, lost confidence in DNR's listening ability.





6002



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14





United Cook Inlet Drift Association

43961 K-Beach Road, Suite E • Soldotna, Alaska 99669 • (907) 260-9436 • fax (907) 260-9438
• info@ucida.org •

Date: March 10, 2014

Addressee: Senate Resources Committee

RE: HB 77

Dear Senate Resource Committee Members:

UCIDA appreciates the changes and amendments already made to HB77. Water quality and water quantity are defining issues that need constant attention in order to maintain the healthy fish populations in our State. The fishing industry is one of the most important ways we define ourselves as a state, and, as we all know, is the largest sector employer. Other states and countries often look to Alaska as a model of successful legislation and management. We feel that these successes involve all three branches of government, as well as local citizens that have a direct knowledge of the local fisheries. We feel strongly that local citizens have the legal ability to apply for, and have, recognized water reservation for its local fisheries. This is important for economic, subsistence, cultural as well as heritage values. It is for these and other issues we support further changes to HB77, as described in the attached letter by Cook InletKeeper.

Sincerely,

Original Signed Document

Roland Maw, PhD
UCIDA Executive Director

Sen. Lyman Hoffman

From: Legislative EmailService
Sent: Wednesday, March 12, 2014 2:14 PM
To: Sen. Lyman Hoffman
Subject: New Pom:Resources

Follow Up Flag: Follow up
Flag Status: Flagged

Betsy Jumper
Po Box 2273

Bethel 99559-2273, Betsy J
bjumper2010@hotmail.com
907-543-5301
907-543-3053

Am against HB 77. Thank you.

Sen. Lyman Hoffman

From: dorothy@curyungtribe.com
Sent: Wednesday, March 12, 2014 2:35 PM
To: Sen. Lyman Hoffman
Subject: VOTE HB 77 DOWN

Follow Up Flag: Follow up
Flag Status: Flagged

Good Day, Senator Hoffman,
Per the discussion below, we are requesting your support in voting HB77 DOWN.
Thanks,

Dorothy B. Larson

Tribal Administrator
Curyung Tribal Council
Phone: 907-842-2384
Fax: 907-842-4510

Good Afternoon,

I am getting back to you with an update on HB 77 as promised on Friday.

The Senate Resource Committee heard a presentation by the Department of Natural Resources on Monday which described the proposed revisions to the bill, supposedly in response to concerns with the original bill they have heard from around the state over the past year. However, no Tribes were consulted to make these changes, and amendments to the bill do little to address Tribal concerns. In fact, the changes make it even harder and less meaningful for Tribes and other Alaskans to protect important resources. This current version of HB 77 was only released to the public moments before its' first Senate Resources Committee hearing on Monday (3/10/14) and we've had 48 hours to respond.

A group of dedicated folks have been watching this bill, and after reviewing the proposed revisions still believe this bill is bad for Alaskans and our renewable resources and pristine environment. The bill still limits our ability to protect what is important to us as subsistence, commercial, and sport fishers and hunters. Over 40 Alaska Tribes and Native groups passed resolutions opposing HB 77, and DNR's proposed changes to the bill fail to address tribal concerns. Alaska Native peoples continue to be cut out of the conversation. At its core, HB 77 is an affront to Tribal members and a threat to sovereignty.

Public testimony of no longer than 2 minutes per person on HB 77 will be accepted Wednesday, March 12th from 3:30 pm-5:00 pm in the Senate Resources Committee. Because there are a limited number of telephone connections available to provide testimony through at the Capitol Building today, if you are able to get to a Legislative Information Office to provide comment, please do that and plan to arrive by 3:20 p.m. on March 12 to register. The testimony is only received until 5:00 pm, so if there is not enough time to read your testimony over the phone you can also email a written comment to Senator.Cathy.Giessel@akleg.gov and include in the subject line "Please include this for public record on HB 77."

If you cannot get to a Legislative Information Office please coordinate a public place and phone for your community members to gather around so you can be more assured to access one of the limited lines. People wanting to give testimony outside of a Legislative Information Office (LIO) need to contact the office of Senate Resources Committee co-chair Sen. Giessel PRIOR TO calling in. The toll-free number for Sen. Giessel's office is 1-800-892-4843 and the staff contact is Lindsay Williams (lindsay.williams@akleg.gov). The call in number is 1-855-463-5009 .

Finally, here are some important talking points that address our concerns with HB77; please feel free to use this information to prepare your public testimony.

Talking Points to Consider in Your Public Testimony

[If you are speaking on behalf of a Tribe that has passed a resolution on HB 77, bring a copy of your resolution to present to the committee. Ask that your resolution, and all the other Tribal resolutions, be included in the public record for HB 77.]

- Your Tribal council and over 40 others have passed resolutions opposed to HB 77, but these new amendments do not go far enough to address the concerns our Tribe laid out in the amended bill.
- We need to ensure that the public, in cooperation with our resource agencies, have a tool that can be used to ensure that some water is reserved for fish.
- At face value, it seems DNR's new version would allow individuals and Tribes to seek in-stream flow reservations to protect fish and wildlife habitat and other public trust resources; however, it:
 - does not grant Tribes the ability to hold those rights if granted but instead gives the rights to a state agency,
 - allows DNR to refuse to process those applications,
 - does not allow applicants access to due process,
 - requires more stream data for the application than currently exists for most of Alaska's streams.
- This version of HB 77 simply guts the law that already doesn't go far enough to protect fish and their habitat.

Here is more information on the changes from last year's version of HB 77, and how these changes fail to meet the needs and concerns of Alaska's tribal peoples:

DNR's changes to Section 1 by deleting the term "Notwithstanding"

DNR's change to HB 77Section 1

DNR removed the sweeping phrase "notwithstanding any other provision of law" and expressly limited the ability to override existing laws when issuing a general permit to overriding their own statutes and regulations, not that of other agencies. Bottom line is that this is a bit better but still not good.

Section 1 of HB 77 would allow DNR to issue general permits for a wide range of activities , meaning the Commissioner of DNR could issue one general permit for "an activity" over large areas potentially before an application is even submitted for that activity in that area. Subsequent applications to conduct that activity would not be noticed to the public.

- By eliminating individual review of applications, General Permits cut the public out of each important permitting decision.

Why this is not good enough.

- This would still be a sweeping change to current law because it lets DNR *preapprove* many kinds of activities – both low-risk activities (like approving mooring buoys) and high-risk activities that have potential to cause significant and irreparable harm.
- DNR issues permits for many activities that impact our fish and our lands, including, mining exploration and mine development, forests and timber, and water use — all of which could be done under general permits if HB 77 passes.

DNR’s change to Section 1 changes “and” to “or”

DNR’s change to HB 77 Section 1

DNR change language in Section 1 of the HB 77 from “and” to “or,” allowing DNR to issue a general permit when DNR finds the activity “is unlikely to result in significant *or* irreparable harm to state land or resources”—rather than from “significant *and* irreparable harm.”

Why this is not good enough.

Changing “and” to “or” doesn’t change the fact that “unlikely” is undefined. Legally, “unlikely” could be interpreted to mean less than a 50% chance of something happening. If there is a 49% chance of causing irreparable harm, DNR could potentially still use a general permit for that activity. DNR would call the shots and could potentially preapprove a potentially harmful activities, years in advance. The only opportunity to speak out is when the general permit is approved, when an individual has no idea when or where that activity might be approved.

If general permitting is needed for certain categories of activities, DNR should get legislative authority for a narrow list of activities, rather than undercutting public participation in important decision making.

DNR’s addition of a Public Notice Provision for General Permits

DNR’s change to HB 77 General Permits

Even though DNR is proposing to give public notice when issuing a general permit, that doesn’t solve the problem.

Why this is not good enough.

General permits can be issued without a specific project before the agency—even unforeseeable future projects- only allowing for public comment when they have no idea what is going to be proposed or where it is being proposed. There is no requirement for public notice and public participation when someone *later* submits an application that is covered under the general permit.

The only person who could challenge the issuance of the general permit someone who can prove to DNR’s satisfaction that the general permit creates or imposes an adverse and direct effect or detriment on the person or the interests of that person.

DNR’s Reliance on ADF&G to protect fish

DNR’s change to HB 77

DNR will put the responsibility on protecting fish habitat on the Director of the Habitat Division of Alaska Department of Fish and Game.

Why this is not good enough.

However, since the repeal of the Coastal Zone Management Act, ADF&G fish habitat permitting is no longer subject to public notice or comment either. A project that is subject to a general permit and an ADF&G fish habitat permit could be fully approved by DNR and ADF&G with no public notice or process.

DNR's Amendments to the Instream Flow Provisions

DNR's change to HB 77 on In-stream flow reservations

DNR's added individuals and Tribes to be able to seek in-stream flow reservations to protect fish and wildlife habitat and other public trust resources. But this is not enough.

Why this is not good enough.

Though an individual or Tribe may apply for a water right, the ADF&G would be awarded the right, not the individual or Tribe.

DNR will have approval to refuse to act on in-stream flow applications, and require unrealistic data needed at a level of data that doesn't exist in most of Alaska's remote anadromous fish streams. Applicants will also not have constitutional protection of due process under this bill.

Water reservations protect a fraction of the stream flow for fish, while making the rest of the water in the stream available for other uses. Water reservations are not a permanent property right on par with out of stream water rights. This DNR-proposed change isn't about "streamlining." It simply guts the law that already doesn't go far enough to protect fish and their habitat.

Another provision makes sure that no one but the applicant has the ability to challenge a subsequent DNR decision that awards that water to some other user. Despite the fact that the reservation is for the public benefit, no other member of the public, no matter how impacted they are by DNR's infringement of that water right, could challenge the state action. These are not streamlining changes. They are changes that eliminate DNR's future accountability to Alaskans.

DNR's Restrictions on Standing

DNR's change to HB 77 on standing

DNR's testimony that its changes to the administrative appeal regulations simply requires people to more clearly define their interest is not true. It is a mechanism for DNR to deny concerned Alaskans the ability to participate in the administrative process.

Why this is not good enough.

DNR's changes to the administrative appeal statute would limit its accountability for decisions by removing citizen challenges. The current standard requires that a party be "aggrieved" – this is a commonly used legal word that requires people to show what interest they have that will be harmed. "Aggrieved" does not mean that any person can challenge any permit anywhere. The legislature should reject these attempts to write affected citizens out of the appeal process.

Temporary Water Use Permit authority expanded without public process

DNR's change to HB 77 on water use

HB 77 expand DNR's ability to issue long-term, so-called "Temporary" Water Use Permits — all while still not providing an opportunity for public notice or comment.

Why this is not good enough.

The changes to the bill allow multiple temporary water use permits, and unlimited renewals, all with no public notice or comment. Mineral exploration projects or other industrial users that choose not to seek a permanent water right can use temporary water use permits for decades, without the public having any ability to weigh in.

The Proposed Amendments to the Bill Do Not Go Far Enough.

HB 77 would still:

- Changes the ban on the transfer of water out of a hydrological unit to allow transfers of “significant amount of water” out of the hydrological unit. What that phrase means is up to DNR, but currently it means 5,000 gallons a day from a single source. This is much broader than DNR’s claim that it is intended to ensure people can’t be cited for filling a water bottle and then hiking to the next hydrological unit. If that is a problem that needs a fix, the amount of water could be set by statute as 1 gallons.
- Allow DNR to choose whether to issue a written preliminary best interest finding and involve the public in important DNR decisions

No amendments have been proposed to deal with these or the many other problems with the bill.

Thanks for your hard work.

Dorothy B. Larson

Tribal Administrator
Curyung Tribal Council
Phone: 907-842-2384
Fax: 907-842-4510

Sen. Lyman Hoffman

From: Steve Mikel <stevemikl@yahoo.com>
Sent: Wednesday, March 12, 2014 7:02 PM
To: Sen. Lyman Hoffman
Subject: Alaskans oppose HB 77 and will not be cut out of the process! Please include this in public record and distribute to committee members.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Alaska State Senators,

I am extremely disappointed that today's public testimony for House Bill 77 was cut off by Senator Giessel at 5:00pm, leaving Alaskans statewide unable to add their voice to this process.

HB 77 would provide for new expanded DNR powers, erode Alaskans rights to appeal DNR decisions, and damage the existing process for water reservations. Additionally, even with new revisions, HB 77 undermines tribes and individual Alaskans' ability to keep water in streams and seriously undermine their ability to participate in natural resource decisions on state land in other ways.

While we appreciate the attempts to fix this bad bill. The recent proposed amendments to the bill do not address concerns raised by the public at statewide public forums and in petitions and letters, and in fact, some of the changes make the bill even worse.

This is supposed to be a democracy, or have you changed it to a plutocracy? Then we have taxation without representation, that is a bad deal, I believe that your salaries are paid by the citizens, so allow the citizens to speak, not just the foreign extraction companies.

I hope that you will hold additional public hearings to allow Alaskans to provide input on this complex and important bill.

Sincerely,

Steve Mikel
28.8 Parks hwy
Denali Park, AK 99755
9074606643

Sen. Lyman Hoffman

From: Molly Mckinley <bnapier_ak@hotmail.com>
Sent: Wednesday, March 12, 2014 8:50 PM
To: Sen. Lyman Hoffman
Subject: Alaskans oppose HB 77 and will not be cut out of the process! Please include this in public record and distribute to committee members.

Follow Up Flag: Follow up
Flag Status: Flagged

Wednesday's hearing was another example of the fact that there has not been enough public discourse about House Bill 77. Hundreds of Alaskans were prevented from testifying and they deserve their time to testify in opposition of this bill. I hope that the Alaska Legislature will fully vet this bill in front of multiple committees.

HB 77 would provide for new expanded DNR powers, erode Alaskans rights to appeal DNR decisions, and damage the existing process for water reservations. Additionally, even with new revisions, HB 77 undermines tribes and individual Alaskans' ability to keep water in streams and seriously undermine their ability to participate in natural resource decisions on state land in other ways.

While we appreciate the attempts to fix this bad bill. The recent proposed amendments to the bill do not address concerns raised by the public at statewide public forums and in petitions and letters, and in fact, some of the changes make the bill even worse.

A bill that is this complex and expansive deserves multiple public hearings to allow Alaskans to provide input, and review by several legislative committees.

Sincerely,

Molly Mckinley
PO Box 491
Denali National Park, AK 99755
9076830503

Sen. Lyman Hoffman

From: Jill Boelsma <alaskajill@hotmail.com>
Sent: Thursday, March 13, 2014 11:16 AM
To: Sen. Lyman Hoffman
Subject: Alaskans should not be cut out of the process! Please include this in public record and distribute to committee members.

Follow Up Flag: Follow up
Flag Status: Flagged

I am outraged at the over-reach and poor performance of the DNR and the Parnell administration. It appears that DNR would prefer not to have public commenting about any of their doings - regardless of what they are. The Denali Borough Assembly have been given insufficient time to publicly comment on the Preliminary Decision Conveyance of Land AS 29.65.030 for the Municipal Land Entitlement Selections just given on March 4, 2014. The comment period will sunset before our next monthly borough assembly meeting and our request for an extension beyond the April 4 deadline was rejected. HB 77 appears to also want to subjugate the public comment process and further corrode the public trust in their elected officials. It is shameful.

HB 77 would provide for new expanded DNR powers, erode Alaskans rights to appeal DNR decisions, and damage the existing process for water reservations. Additionally, even with new revisions, HB 77 undermines tribes and individual Alaskans' ability to keep water in streams and seriously undermine their ability to participate in natural resource decisions on state land in other ways.

While we appreciate the attempts to fix this bad bill. The recent proposed amendments to the bill do not address concerns raised by the public at statewide public forums and in petitions and letters, and in fact, some of the changes make the bill even worse.

A bill that is this complex and expansive deserves multiple public hearings to allow Alaskans to provide input, and review by several legislative committees.

Sincerely,

Jill Boelsma
Mile 214 Parks Highway
Cantwell, AK 99729
9077682266

Sen. Lyman Hoffman

From: Jessica Toubman <jesstoubman@hotmail.com>
Sent: Thursday, March 13, 2014 9:49 AM
To: Sen. Lyman Hoffman
Subject: Oppose HB77

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Senator Hoffman,

I continue to oppose HB77, even with the changes presented on Monday.

HB77 and its amendments do not keep Alaskans involved in the public process in a meaningful way. Please oppose HB77 and allow Alaskans to continue to speak up about the ways our lands are managed and not place more burdens on citizens who are effected by these decisions. Please vote against HB77 and let us keep our voices in DNR decisions.

Thank you for your time.

Sincerely,

Jess Toubman
Milepost 229 Parks Hwy, Jenna St #10
Denali Park, AK 99755

Sen. Lyman Hoffman

From: Mary McKinley <mckinlm@yahoo.com>
Sent: Thursday, March 13, 2014 5:46 AM
To: Sen. Lyman Hoffman
Subject: Please do not pass HB 77

Follow Up Flag: Follow up
Flag Status: Flagged

Please do not pass HB 77.

HB 77 flies in the face of democracy. It hurts Alaskans. The recent changes to HB 77 have not made the bill acceptable.

Sincerely,

Mary B. McKinley
Healy, AK

Mary McKinley
PO Box 491
Denali Park, AK 99755
907.683.0503

Sen. Lyman Hoffman

From: Amanda Austin <amandab@mtaonline.net>
Sent: Wednesday, March 12, 2014 11:48 AM
To: Sen. Click Bishop; Sen. Lyman Hoffman; LIO Fairbanks
Subject: HB 77 Concerns

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Senators,

I am a Denali area resident and am unable to comment during the public testimony session regarding HB 77. I have the following concerns:

- 1) The timeline from revealing the proposed changes until public testimony is/was far too short. Such a quick turnaround time is disrespectful to the public you serve, especially given that the amendments would adversely affect the public process.
- 2) The public process would be severely limited with the revisions.
Our community was recently involved in the permitting process for a NEON site in our area. We sincerely appreciated the attention to our concerns. This is how the process should be! The public deserves to be informed about upcoming activities on public lands and should have the right to comment on those activities. Our concerns should be heard and addressed.
- 3) Our legal rights are limited under the new revisions. Public should be able to challenge DNR decisions to keep the DNR honest.
Transparency is key to an ethical process.

Please support the public process and community involvement. It is essential to any well-meaning and high functioning government.

Thank you,
Amanda Austin

Native Village of Eek · PO Box 89 · Eek, Alaska 99578-0089
Resolution No. 14-01

RESOLUTION OPPOSING HOUSE BILL 77 AMENDING STATE PERMITTING STATUES AND ELIMINATING WATER RESERVATIONS

Whereas, the Native Village of Eek is a Federally recognized Tribal Government; and,

Whereas, the Native Village of Eek is inherently sovereign and has a responsibility to steward the land, water, and other natural resources to maintain a cultural subsistence way of life for future generations; and,

Whereas, the Native Village of Eek seeks to accurately represent the concerns of the Tribe; and,

Whereas, the Parnell administration is promoting legislation, H.B. 77, that amends Alaska's state permitting laws and rules changing how the state's commonly held resources will be managed; and,

Whereas, H.B. 77 expands the State Department of Natural Resources authority to issue general permits for almost any project on state lands without any public input; and,

Whereas, H.B. 77 makes it more difficult for Alaska Native peoples to access the judicial process and prevents Alaska Native peoples from having their day in court; and,

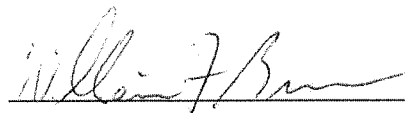
Whereas, H.B. 77 gives DNR the authority to issue an endless series of temporary water use permits for a single project, without opportunity for public review or vetting; and,

Whereas, H.B. 77 ignores Tribal sovereignty rights by eliminating the process for Alaska's Federally recognized Tribal Governments to acquire water reservations to protect productive salmon streams,

Therefore, be it resolved, the Native Village of Eek opposes H.B. 77 and urges the Alaska State Senate not to support the legislation as it fails to recognize tribal sovereignty, gives DNR new broad, unchecked powers at the expense of Alaska Native peoples' ability to participate in collaborative resource management, creates legal loopholes to remove guaranteed points of public oversight, and establishes significant barriers to access the judicial process.

CERTIFICATION:

I, the undersigned Secretary, do hereby certify that members of the Tribe passed the foregoing resolution at a duly called and noticed meeting on the 12th day of Feb 2014, and that a quorum was present.



Tribe President

2/12/14

Date



Tribe Secretary

2/12/14

Date

Sen. Lyman Hoffman

From: Patricia Sanders <psdenali@gmail.com>
Sent: Monday, January 13, 2014 8:30 AM
To: Sen. Lyman Hoffman
Subject: Oppose HB 77 and Protect Alaska's Salmon

Dear Senator Hoffman,

I'm concerned that too many opportunities for regular Alaskans to work with state officials to manage our state lands are being taken away by House Bill 77. Like most Alaskans, I want Alaska's natural resources managed in a responsible way. That happens when local residents are involved in the process. House Bill 77 goes too far in giving DNR power at the expense of Alaskans participating to make the best decisions that impact the lands we all use for hunting, fishing, and recreation.

I know that you'll have an important choice to make this session on House Bill 77. Please stand up for Alaskans and oppose the bill.

Patricia Sanders
PO Box222
Denalipark, AK 99755-0222

Sen. Lyman Hoffman

From: Mark Paulson <markdpaulson@hotmail.com>
Sent: Monday, January 13, 2014 10:17 AM
To: Sen. Lyman Hoffman
Subject: Oppose HB 77 and Protect Alaska's Salmon

Follow Up Flag: Follow up
Flag Status: Completed

Dear Senator Hoffman,

First and foremost, this issue should not even be on the ballot. I am a very concerned Alaskan citizen. The fact that a large company can lobby AK congress to get this on a ballot is appalling! Let the voices of the people be heard! Stand with and for Alaskans, not against them & Oppose HB77! Remember your vote is not only your voice, but the voice of many citizens relying on you. And what you vote will be remembered once the next election cycle comes around, and the next, and the next.

I'm concerned that too many opportunities for regular Alaskans to work with state officials to manage our state lands are being taken away by House Bill 77. Like most Alaskans, I want Alaska's natural resources managed in a responsible way. That happens when local residents are involved in the process. House Bill 77 goes too far in giving DNR power at the expense of Alaskans participating to make the best decisions that impact the lands we all use for hunting, fishing, and recreation.

I know that you'll have an important choice to make this session on House Bill 77. Please stand up for Alaskans and oppose the bill.

Mark Paulson
PO Box 581
Healy, AK 99743-0581
406-579-3234

Sen. Lyman Hoffman

From: Sarah Hayes <sarahhayes730@gmail.com>
Sent: Sunday, January 12, 2014 7:20 PM
To: Sen. Lyman Hoffman
Subject: Oppose HB 77 and Protect Alaska's Salmon

Dear Senator Hoffman,

I'm concerned that too many opportunities for regular Alaskans to work with state officials to manage our state lands are being taken away by House Bill 77. Like most Alaskans, I want Alaska's natural resources managed in a responsible way. That happens when local residents are involved in the process. House Bill 77 goes too far in giving DNR power at the expense of Alaskans participating to make the best decisions that impact the lands we all use for hunting, fishing, and recreation.

I know that you'll have an important choice to make this session on House Bill 77. Please stand up for Alaskans and oppose the bill.

Sarah Hayes
PO Box 375
Denali Park, AK 99755-0375

Sen. Lyman Hoffman

From: Alonzo Mandanna <manmandanna@gmail.com>
Sent: Sunday, January 12, 2014 11:22 AM
To: Sen. Lyman Hoffman
Subject: Oppose HB 77 and Protect Alaska's Salmon

Dear Senator Hoffman,

I'm concerned that too many opportunities for regular Alaskans to work with state officials to manage our state lands are being taken away by House Bill 77. Like most Alaskans, I want Alaska's natural resources managed in a responsible way. That happens when local residents are involved in the process. House Bill 77 goes too far in giving DNR power at the expense of Alaskans participating to make the best decisions that impact the lands we all use for hunting, fishing, and recreation.

I know that you'll have an important choice to make this session on House Bill 77. Please stand up for Alaskans and oppose the bill.

Alonzo Mandanna
Mile Post 237
P O Box 611
Denali Park, AK 99755-0611
208-596-0105

Sen. Lyman Hoffman

From: Rick Gustin <rickgustin@yahoo.com>
Sent: Sunday, January 12, 2014 3:46 AM
To: Sen. Lyman Hoffman
Subject: Hello

Hello

I wanted to see if I could change your mind on how you vote regarding HB77. I understand the previously stated reasons for supporting this bill. I get that industry and perhaps some of the people in state government see our current permitting system as, complex, sometimes confused, perhaps at times overbearing and above all slow. I realize that many state employees and business leaders would like to see quicker more wide spread resource development throughout the state. This is seen as providing more jobs and more revenue for the state which is seeing declines in tax revenue and jobs in the oil industry. I totally get all of that. I also feel that there are many citizens of this state, that do not understand the permitting process, may not care about it, but do care about the natural resources that they use each year, (may take them for granted but will sure bitch like hell if they are gone)

But there are some assumptions being made by you politicians that are supporting this HB77 bill which I have concerns with. One of them is that we can trust big corporations (mining conglomerates, oil companies, timber industry) to do the right, the responsible ,the long term environmentally sound resource development thing. The mining industry, in particular has a long dark record in the U.S.. Large open pit , strip and mountain top removal types of mineral extraction have a long and somewhat jaded history in the United States as well as other countries. Unfortunately when you are talking about large low grade ore bodies, this is the type of mining you will have. There are numerous superfund sites that "we the people" have been left to pay for out of our taxes. This is what concerns me about the removal of public comment, notification, and open public process that seems to be happening with HB77. The stream lining of the permitting process is being put into mainly one mans' hands. (ADNR Commissioner) He is an unelected public servant appointed by the governor, and he more than anyone else will be deciding who gets these water and resource development rights and for how long. And this HB77 streamlining process will make it easy for this commissioner of Dept. of Natural Resources to give these water and resource development rights to the faceless large corporate mining interests. There will be no guarantee of alaskan jobs from these decisions. And after studying the reclamation laws that were written (some by the federal government themselves) regarding mountain top removal in the coal mining areas of Appalachia, there is no good basis to think that meeting a federal label of restoration of the land really means anything. After blasting the top of a mountain away to get at the coal under it for example, and dumping all the fine soil horizon layers in the bottom of a valley, and putting all the large rock and boulder material on top of it (basically turning a natural productive soil horizon up side down) the mining companies could hydro seed the barren top layers, grow grass and meet the reclamation standard. In Alaska we are talking pristine salmon spawning habitat that could potentially be strip mined, say for coal. And after releasing the heavy metals often associated with coal seams, (mercury for instance) into the stream waters, you have some serious pollution problems regarding the growing of any salmon there later on. That is not even addressing the fact that trying to restore clean salmon spawning and rearing habitat in a strip mined stream may be economically unfeasible. If the restoration regulations are not made stiff enough, and not enforced properly, (and you can bet large corporate interests will lobby to keep those costs down as much as possible) then the restoration goal that is met, may not be adequate to replace what has been lost. And once you have opened this door to mining salmon streams, you will not be able to deny other mining claims on other salmon streams. Do you see my fears?

I understand that our permitting system(for resource development) is complex, sometimes messy, and has to take in a lot of different peoples concerns for many different points of view. Unfortunately this is the pitfall of an open democracy where the citizens have a right to know what is being done with the citizen owned state resources not just a few large resource extracting corporations that want to make a large profit using our resources. These resources do not belong to the current governor of this state, nor the Commissioner of Dept. of

Natural Resources, nor you the “elected state senators and representatives” of the people of the state of Alaska. You are our “public servants” we are not yours. You have been elected by the citizens of the state to represent them, not the faceless corporations that put pressure on you to pass legislation which might be favorable for them. Please think about this in the coming weeks and into the new year. You will soon be voting on this important, some say critical HB77 and I hope that some of you will reconsider your previous support and vote for future Alaskans, some not born yet, who hopefully will continue to be able to experience the wonder of a powerful clean environment that can produce incredible renewable resources that are fast becoming unheard of on the rest of the planet.

Sincerely

Rick Gustin