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Public locked out

David L. Arnold | Posted: Saturday, March 16, 2013 12:00 am

The Parnell administration is working to diminish your rights as an Alaska resident. With the help of the Legislature, the governor is taking unprecedented actions to strip away the role of public participation in addressing oil, gas and other industrial projects in Alaska's rivers, streams, wetlands, coasts and prime fish and wildlife habitats. Several bills that will lock out the public from having a say on the future of Alaska's resources are being fast-tracked through legislative committees, providing only the bare minimum of 24-hour notice for public testimony before being immediately voted on.

House Bill 77, which just passed the House, and its companion, Senate Bill 26, make several changes to statutes that govern the Department of Natural Resources. This legislation would revoke the right of any and all Alaska residents, tribes and organizations to reserve enough water in streams for salmon to continue to spawn, as well as to maintain adequate hydrologic flow for protecting other fish and wildlife habitat, maintain water quality and recreational uses.

There are more than 400 pending applications for in-stream water reservations; this bill would immediately cancel all 400. There are 35 reservation permits held by individuals, tribes and organizations; this bill would revoke all of them.

This legislation also would change the law by removing the public right to notice and comment for Preliminary Best Interest Findings and severely limit who can participate in the administrative process before DNR. Under current law, Alaskans have a voice early in the process to provide information on potential effects to fish, wildlife, water and human health.

It is critical for Alaskans' voices to be heard before DNR selling, leasing or otherwise disposing of state lands, resources property or other interests in them to ensure these are in the state's best interests with respect to effects on wildlife, historic and cultural resources, and local communities.

Ironically, public testimony for SB 26 was scheduled for 5:15 p.m. on Feb. 6 and Feb. 8 in the Senate Resources Committee, while the doors to the Capitol building were locked at 5 p.m. How does the public access a public meeting in a locked public building?

HB 78 and its companion SB 27 would give Alaska control of the federal Clean Water Act (wetlands) permits under Section 404, currently under the authority of the U.S. Army Corps of Engineers. This would remove any Environmental Protection Agency oversight of the process despite their expertise or the application of our nation's bedrock environmental law, the National Environmental Policy Act, which requires an environmental impact statement for projects with significant impacts. This legislation will allow the state to roll back regulations, making it easier for corporations to develop wetlands without a thorough review of alternatives and potential cumulative impacts to clean water, fish, wildlife and migratory birds — all of which are used as local food sources by many Alaskans.

Public testimony was scheduled in the Senate Finance Committee on Feb. 26 with only the minimum notice required. After hearing from one citizen, Sen. Kevin Meyer, R-Anchorage, closed public testimony. Sen. Olson, D-Nome, requested that public testimony remain open because of the high number of contacts his office has received about the bill. Sen. Meyer's response was that "Public testimony is closed. If people want to comment on the bill, they can send us an email." Since when has public participation been limited to only those who can use and access email?

The Parnell administration and the Legislature must be called out for their blatant disregard for the public's role in the development of Alaska's natural resources. Article VIII, Section 3 of Alaska's Constitution states, "Wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use." HB 77/SB 26 and HB 78 and SB 27 take direct aim at Alaska citizen involvement. The state can't possibly manage or develop Alaska's resources for the maximum benefit of its people without a legitimate level of public participation.

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