



*Committee to the*

**Cheesh'na Tribal Council**

P.O. Box 241

Chistochina, AK 99586

(907) 822-3503

822-5179 Fax

March 26, 2013

Governor Sean Parnell  
Alaska Capitol Building  
Third Floor  
Juneau, AK 99811

The Honorable Charlie Huggins  
Senate President  
State Capitol Room 111  
Juneau, Alaska 99801

The Honorable Mike Chenault  
Speaker of the House  
State Capitol room 218  
Juneau, Alaska 99801

Governor Parnell,  
Senate President Huggins,  
House Speaker Chenault:

The Cheesh'na Tribal Council opposes SB 59 / HB 129, SB 27 and HB 77.

**These currently proposed batch of bills would eliminate substantive and meaningful opportunities for tribes to engage in land use and natural resource decision-making.** Tribal participation is necessary to ensure that the State of Alaska's Department of Natural Resources (DNR) fully evaluates impacts to subsistence and cultural resources in natural resource decisions directly impacting tribes.

**SB 59 and HB 129 make radical changes to the oil and gas approval structure by sacrificing meaningful opportunities for Tribal governments and local communities to provide local knowledge and input.** Holding a public notice and comment period only once every ten years for exploration or development in a multi-million acre area; would eliminate the opportunity for tribes and communities to evaluate specific plans of operation, and the associated site-specific and cumulative impacts of development activities. We can best understand the impact of proposed activities on our community and provide the most meaningful information to DNR on how to address those impacts by evaluating a specific proposed plan. Not providing local stakeholders an opportunity to review specific plans and instead requiring that Tribes participate long before any specific project is proposed, when our community can only consider a potential project and its impacts in the abstract, will lead to an uninformed and unengaged public and harmful, poor decision making by DNR.

**House Bill 77, Senate Bill 26 offer a number of ways to take away the public's control of water resources, to stop public participation, and to deny access to courts on natural resource decisions.** Current law allows Alaskans to secure "in-stream flow" rights to ensure there is enough water in streams for fish to survive, especially salmon. Governor Parnell's proposal will strip this right from Alaskans. Governor Parnell's proposal will give corporations unlimited access to water through "temporary" water-use permits, and make it harder for Alaskan's to challenge harmful permits.

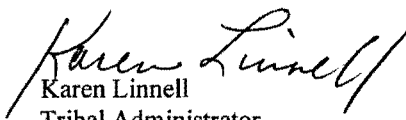
Alaska State House of Representatives bill 77 (HB77) raises more concerns when its impact is considered with other legislation currently being considered by the legislature.

HB 77, as it is currently written, allows DNR to repeatedly issue temporary water use permits for industrial operations. A notice and comment period is not required when issuing a temporary water use permit and the permits are often issued in a few days. If passed, industrial operators could continually apply to re-issue a temporary water use permit without any opportunity for area residents to share knowledge and concerns about potential impacts from the oil and gas operations' use of water on subsistence and cultural resources.

**SB 27 could be seen as an attempt to preclude formal government to-government consultation for the majority of wetlands permits issued under the Clean Water Act.**

Unlike the Army Corps of Engineers, the Federal agency that currently administers the wetlands permitting program, the state has no obligation to engage in formal consultation with tribes. Without formal consultation, sovereign tribes will be left to use the processes eroded by SB 59 and HB 77 to have a voice in oil and gas development decisions. Taken together, these bills radically change the permitting process by eroding the ability of Alaskan communities and governments to participate in natural resource decision making; and insulating DNR's decision making from public involvement and scrutiny when it makes critical decisions that impact customary and traditional life ways, and subsistence and cultural resources. For these reasons the Cheesh'na Tribal Council opposes HB 129 / SB 59, HB 77, and SB 27.

Sincerely,

  
Karen Linnell  
Tribal Administrator

Cc: Sen. John Coghill, Senate Majority Leader  
Sen. Johnny Ellis, Senate Minority Leader  
Sen. Kevin Meyer, Senate Finance Co-chair  
Sen. Pete Kelly, Senate Finance Co-chair  
Sen. Donald Olson  
Rep. Lance Pruitt, House Majority Leader  
Rep. Beth Kerttula, House Minority Leader  
Rep. Alan Austerman, House Finance Co-chair  
Rep. Bill Stoltze, House Finance Co-chair  
Rep. Neal Foster