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To: House Resources
Subject: Public Testimony on Senate Bill 47 and RES

Amendments (RES) public testimony follows this one below.

Public Testimony on Senate Bill 47: Issues, Recommendations, and Necessity for Amendments

Introduction: Senate Bill 47 proposes modifications to the management of Chugach State Park, including granting municipalities the ability to secure easements and altering park boundaries. While it aims to improve public access, the bill has several flaws that could potentially open up Alaska's natural resources to exploitation, infringe upon Indigenous rights, and fail to sufficiently protect the park's environment. This testimony provides a comprehensive analysis of these concerns, followed by necessary amendments and recommendations.

Issues with SB 47:

Potential for Private Exploitation: SB 47 allows municipalities to grant easements or rights-of-way, but lacks clear criteria for what constitutes "public access." This vagueness could be exploited by private corporations or developers to gain access to the park's lands for resource extraction or commercial development.

Recommendation:

Clarify Criteria for Easement Grants: The bill should specify stricter criteria for municipalities seeking easements, ensuring that these grants are only used for public infrastructure projects or maintenance. Private commercial interests should be explicitly excluded from benefiting from easements within the park.

Insufficient Environmental Protections: Chugach State Park is an ecologically sensitive area that requires robust environmental protection. Without clear safeguards, any modification to the park's management or boundaries could result in irreversible damage to the park's ecosystems.

Recommendation:

Include Stronger Environmental Protections: Amend the bill to include mandatory environmental impact assessments (EIAs) for all easement requests and any boundary modifications. This will ensure that any changes to the park's management consider the long-term health of its ecosystems.

Lack of Consultation with Indigenous Groups: Chugach State Park covers land historically occupied by Alaska Native communities. The bill fails to mandate consultation with these communities before any changes are made to the park's management or boundaries, risking the violation of their rights and sovereignty.

Recommendation:

Consultation with Tribal Governments: The bill should require consultation with Indigenous tribes and groups whose ancestral lands may be impacted by changes to the park. This ensures that Native

communities have a voice in the decision-making process and that their rights are respected in line with federal and state policies.

No Penalties for Non-Compliance: SB 47 lacks provisions for penalties or enforcement mechanisms, leaving a gap in accountability for municipalities or private entities that fail to comply with its regulations.

Recommendation:

Penalties for Non-Compliance: The bill should include clear penalties for failure to comply with its provisions, especially concerning the granting of easements, the modification of park boundaries, and the maintenance of public access. These penalties should be significant enough to deter misuse or neglect.

Misalignment of Public Access Priorities: The bill allows for boundary changes and easements that could potentially prioritize private interests over public access. Without clear guidelines, this could lead to the erosion of public land use in favor of private development projects.

Recommendation:

Ensure Public Access Prioritization: The bill must prioritize public access in all cases. Any alterations to park boundaries or public roads should be explicitly linked to the improvement of public access and not to private development interests. Public benefits must be the driving force behind any decision to modify the park's management.

Why These Amendments Are Necessary:

Protection of Public Lands and Resources: Chugach State Park represents an irreplaceable natural resource for Alaska's residents and visitors. Any changes that risk privatizing or exploiting the land could harm its environmental value, limiting its ability to provide recreational opportunities and ecological benefits to the public.

Respect for Indigenous Rights: Alaska Native tribes have a unique and longstanding connection to the lands surrounding Chugach State Park. The bill must respect their rights and sovereignty by ensuring that they are consulted before any changes are made to the park that could affect their traditional territories or practices.

Ensuring Transparency and Fairness: Clear criteria for easements, a formal consultation process with affected communities, and penalties for non-compliance will ensure a fair and transparent process. This will help mitigate the risk of undue influence from private corporations or developers and preserve the integrity of the park for the public.

SB 47 presents a significant opportunity to enhance public access to Chugach State Park. However, without incorporating the necessary safeguards—particularly those protecting the environment, Indigenous rights, and public interest—the bill could inadvertently lead to resource exploitation and environmental harm. By implementing the recommended amendments, SB 47 can effectively balance public access with long-term conservation, ensuring that Chugach State Park remains an invaluable resource for future generations.

References:

American Indian Policy Review Commission. (1977). American Indian and Alaska Native policy statement. Washington, DC: U.S. Government Printing Office.

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To ensure that CSSB 47(RES) addresses all the concerns raised and integrates the recommended changes, here is an updated version of the testimony reflecting the second amendment, along with more specific recommendations based on the bill's full text:

Public Testimony on Senate Bill 47 (RES): Issues, Recommendations, and Necessary Amendments

Introduction: CSSB 47(RES) seeks to modify the management of Chugach State Park by allowing municipalities to grant easements and modify park boundaries. However, as currently written, the bill could unintentionally prioritize private interests over public and environmental concerns. Below are the identified issues with the bill, followed by necessary amendments and recommendations to ensure that it serves the public interest and preserves the integrity of Chugach State Park.

Key Issues with CSSB 47(RES):

Risk of Privatization through Easement Grants:

Section 2 of the bill allows municipalities to grant easements or right-of-ways for road construction, maintenance, and related facilities within Chugach State Park. The broad language used does not clearly define the public interest or restrict the easements from being exploited by private commercial interests for purposes beyond public access.

Recommendation:

Clarify Criteria for Easement Grants:

The bill should specify that easements granted within the park can only be used for public infrastructure projects or the maintenance of existing public roads. Any easement or right-of-way granted should be tightly controlled, ensuring that private commercial interests cannot exploit these grants. The bill should explicitly prohibit the use of easements for private development unless directly related to public access.

Insufficient Environmental Protection Measures:

Chugach State Park is one of Alaska's most treasured natural resources, offering irreplaceable ecological value. As written, the bill does not provide adequate safeguards to protect the park's environment from potential harm caused by new developments or boundary changes.

Recommendation:

Include Stronger Environmental Protections:

Amend the bill to require comprehensive environmental impact assessments (EIAs) before any easement or boundary modification is allowed. These assessments must evaluate potential harm to the ecosystem, wildlife, and water resources, and any proposed changes should be subject to mitigation strategies to preserve the park's environmental integrity.

Lack of Consultation with Alaska Native Tribes:

Chugach State Park encompasses lands that have historical and cultural significance to Alaska Native communities. The current version of the bill does not mandate consultation with these communities before changes to the park's boundaries or management are made.

Recommendation:

Consultation with Tribal Governments:

The bill should be amended to include a requirement for consultation with Alaska Native tribes whose ancestral lands are part of or adjacent to the park. This consultation process should be conducted prior to any decisions regarding boundary changes or easement grants, in line with federal and state policies on Indigenous rights and consultation.

Absence of Penalties for Non-Compliance:

Without penalties for non-compliance, the provisions of the bill are unenforceable, leaving the door open for violations, such as municipalities failing to uphold their responsibilities for maintenance or public access.

Recommendation:

Penalties for Non-Compliance:

The bill should include clear penalties for violations, particularly if municipalities fail to maintain easements or if public access is obstructed. These penalties should be severe enough to ensure compliance, with specific language defining enforcement mechanisms and appropriate legal consequences.

Risk to Public Access in Favor of Private Development:

The bill's broad language regarding road construction and the granting of easements could prioritize private development over the preservation of public access to Chugach State Park.

Recommendation:

Ensure Public Access Prioritization:

Amend the bill to clearly state that the primary goal of any boundary changes or easement grants must be to enhance public access and recreation opportunities. Any changes that reduce public access or prioritize private interests should be prohibited. Public benefit must be the overarching priority when considering these decisions.

Why These Amendments Are Necessary:

Protection of Public Lands and Resources:

Chugach State Park provides essential recreational opportunities and is home to critical ecosystems. It is vital that this bill safeguards public access and ensures that any land management changes support rather than undermine the park's value.

Respect for Indigenous Rights:

Alaska Native communities have a deep cultural and historical connection to the lands surrounding Chugach State Park. Failure to consult with these groups would disregard their sovereignty and rights. Consultation is required to honor Alaska Native communities' interests and ensure they are actively involved in decisions affecting their ancestral lands.

Environmental Stewardship:

Without clear environmental protections, the bill risks negatively impacting the park's ecosystems. Stronger safeguards will ensure that any development within the park does not lead to the destruction of its natural resources.

Transparency and Accountability:

By adding penalties for non-compliance and tightening the criteria for easements, the bill will foster transparency, accountability, and fairness in the decision-making process.

Conclusion:

CSSB 47(RES) presents an opportunity to improve public access to Chugach State Park, but the bill as currently drafted poses significant risks. Amendments are necessary to safeguard the park's environmental integrity, prioritize public access, and ensure Indigenous communities are consulted. By adopting the recommendations outlined in this testimony, the bill can be strengthened to serve the public's interest and ensure the long-term preservation of this valuable natural resource.

Thank you for your time and consideration

Susan Allmeroth Two Rivers Myself

References:

Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. § 1601 et seq. (1971).

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