

**HB 77 Opposition Documents Index Group #3**  
**Passed Out to Committee Members on 3/13/14**

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From: Susan Rogers

Date: March 12, 2014 at 9:58:36 PM AKDT

To: <Senator.Cathy.Giessel@akleg.gov>

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.

Reply-To:

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. Thank you for opening another session of testimony on Friday.

Sincerely,

Susan Rogers

8641 Sultana Drive

Anchorage, AK 99516

Linda Behnken, testifying for the Alaska Longline Fishermen's Association, representing over 100 Alaska commercial fishing businesses.

Our organization appreciates the committee's work on HB 77, but we are disappointed with the amendments. We had hoped these amendments would address broad-based concern with the bill, but believe they fall far short. Before going any further, I want to recognize and thank Senator McGuire for her comments this week relative to the amendments.

The bill still does not define many important terms, which is worrisome, <sup>to us</sup> and where terms are defined, as in "adversely affected" by a DNR decision, the definition significantly raises the bar for Alaskans to comment or object to DNR permitting decisions that affect important habitat and waterways.

The bill still vests DNR with expansive discretionary powers to evaluate water use requests both in terms of scope, with general permits, and timing, with renewal of temporary permits and the elimination of assigned application processing priorities.

The bill also adds seven new issues that a DNR commissioner must consider before deciding if an instream flow is in the public interest, all couched in a tone suggesting that water simply left in a lake or river is somehow being wasted.

This concerns our Association and we hope concerns the Committee. Water is important to Alaska's fish and fish are important to this state for subsistence, recreation and commercial purposes. Resource development should not jeopardize Alaska's streams, lakes and waterways, nor should it "adversely affect" Alaska's subsistence, sport and commercial fisheries. We ask that the committee vote down HB 77 and the version <sup>of</sup> amendments. We ask that you instead consider alternative strategies for addressing the DNR permitting backlog.

Thank you

Linda Behnken  
alfafish@acsalaska.net  
907 738 3615

march 11, 2014

I am a Resident of Sitka and commercial fisher for over 30 years. I feel DNR, amendments on H.B. 77 fall far short of allowing a full vetting of the public concerns and effects on water uses.

In an effort to streamline the permitting applications process, H.B. 77 has gutted constitutional law by omitting the public from the public process. The Governor and D.N.R. need to revise their goals and keep water permitting in and open and transparent process. The road to resource needs to be a 2-way street. Resource extraction can happen without adversely affecting down stream users. Having all parties present and included in the comment period allows thoughtful insight to long term effects on habitat and other user groups. Please protect our rights and do not pass this bill.

Thank you,

Terry Perensovich

Terry Perensovich

Sitka

907 752 0345

HB77 is un American. As written it diminishes public participation in state land ,water and resources. It erodes the corner stones of Democracy for expedience and streamlining. It is filled with vague language as to time, scope and the discretion of current directors . Bad decisions will have a long life without consequence. Public and group organizations must have a voice in these issues to maintain the system of checks and balances that will ensure prosperity and opportunity for future generations.

Ken Corson  
405 Mills St  
Sitka, AK

907-747-5119  
Email: CorsonKen3@google.com

MARCH 12, 2014

## CORDOVA LEGISLATIVE INFORMATION OFFICE

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Phone 907-424-5461 Fax 907-424-5462

## WRITTEN TESTIMONY

NAME: Seawan Gehlbach  
REPRESENTING: self  
BILL#/ SUBJECT: HB 77  
COMMITTEE &  
HEARING DATE: SPC 3/12/2014

I am opposed to HB 77. Ours is a commercial fishing family living in Cordova, Alaska. Activities on state lands and navigable waters affect our business of commercial fishing, subsistence harvest, and recreation. Notification of citizens and <sup>the process of</sup> public input are vital responsibilities of the State of Alaska to its citizens. Decreasing access to information & input of Alaskans in the permitting process is unacceptable. We have understanding and knowledge of the land and sea we live from, ~~that~~ important nuances that would not be known to permit writers miles away. There is a process in place now for permitting and it is sufficient.

Thank you for your consideration of public testimony.

Seawan

## CORDOVA LEGISLATIVE INFORMATION OFFICE

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### WRITTEN TESTIMONY

NAME: DAVID JANKA

REPRESENTING: SELF

BILL#/ SUBJECT: HB77

COMMITTEE &  
HEARING DATE: SRES 3/12/14

I DO NOT FEEL THAT THIS WOULD BE GOOD FOR ALASKA, IT'S  
COMMONFENSE, LAND OWNERS, INDIVIDUALS AND ESPECIALLY OUR  
SALMON. PLEASE DO NOT THIS BILL TO MOVE FORWARD,  
THANK YOU.

**CORDOVA LEGISLATIVE INFORMATION OFFICE**

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**WRITTEN TESTIMONY**

NAME:

BARCLAY KOPCHAK

REPRESENTING:

SELF

BILL#/ SUBJECT:

HB 77

COMMITTEE &amp;

HEARING DATE: Senate Resources Committee

We Alaskans pride ourselves on our civic mindedness & our ability to offer input in the decision making process. I oppose HB 77 because it replaces meaningful opportunities to participate in renewable resource decisions with over broad latitude for the SNR Commissioner.



## WRITTEN TESTIMONY

Name: George Smallwood  
Representing: Self / Future of Alaska  
Bill No./Subject: HB 77 (RES) Version H  
Committee: \_\_\_\_\_  
Date of Hearing: 03/12/2014

I oppose this short sighted bill. Please  
kill this bill. TKS

Name: Mike Byerly

Committee: Resources

Representing: Self

Date of Hearing: 3/12/2014

Bill No / Subject: HB77 (RES)

Thank you for giving the opportunity to provide public input here today. And thank you to Senator McChecky for supplying the earlier opportunities for public input on HB77.

There were a few improvements made in this latest version of the bill ~~and those are appreciated~~, but the essence of bill remains. The notwithstanding in Section 1 has been removed and "a person" has been retained as some who can apply for an in stream flow reservation, .... but there's still too much latitude given to the department for issuing general permits and plenty wrong with the bill as a whole.

Substantially and adversely affected is still used throughout the bill. We're all Alaskans. We should all retain the right to appeal or request reconsideration on permitting actions.

Appeal periods, for those who can actually make one, are still way too short.

The director still retains the ability to extend leases at his discretion in multiple sections of the bill.

The director still retains the discretion to make ~~available~~ <sup>Public</sup> decisions that have been made by the department and to provide public comment.

Regarding section 35, The department retains the ability to determine what a "significant amount of water" is when determining removals from one hydrologic unit to another. Prior language was that it couldn't be done, unless defined conditions were met, like enough water for fish production.

The commissioner retains the ability to issue one or more new temporary water use authorizations. This is open ended. It gives the commissioner the ability to just perpetually issue authorizations with no real oversight. Again too much discretion.

I really get the chills anymore when I hear that some other type of permitting needs to be stream lined. Invariably it seems that there are other motives behind the reasoning. I fail to see what's wrong with a through, conscious, thoughtful approach to permitting that is upfront with the public about how OUR land and water resources are being affected by decisions made by the State.

I think there's too much wrong with this bill, I feel that it's miss guided, and that it just needs to go away. If we really want to say to the public and industry that the SOA has a "strong and rigorous permitting system" we don't need to water it down like this bill does.

Thank you!



## WRITTEN TESTIMONY

Name: Clyde Bager  
Representing: myself + my wife Vivian  
Bill No./Subject: HB 77  
Committee: \_\_\_\_\_  
Date of Hearing: 3/12/2014

My wife + I oppose this bill. We believe that input is important for all citizens of Alaska if they wish to testify on what might be happening in their part of the State of Alaska.

I don't believe that someone living in one part of our huge State should be making <sup>decisions about</sup> development projects in other parts of our State without allowing for adequate input from anyone who is a citizen to testify.

We need to have open discussions and the appearance of transparency in all decisions in Alaska regarding development + natural resources.

Please vote down this bill + leave the process the way it currently is.

Thank you,

Clyde T. Bager Jr.

Resource committee;

3/12/14

First of all we would like to offer our appreciation that the legislature and Gov. Parnell listened to the public outcry regarding the problems with HB 77. Clearly, the message of the people across all political lines was clear. HB 77 in its previous form was unacceptable.

So now we are here again and we are led to believe that the issues have been addressed and the bill is again moving forward. Unfortunately, most of the fundamental problems with the bill remain the same.

The transfer of power to DNR remains firmly entrenched. Under the revised bill DNR is still allowed to issue 'general permits' over wide ranging regions and the public notice requirements are limited.

It remains an enormous challenge, both politically and economically, to challenge poor or even illegal decisions unless you face direct financial or physical harm.

The provision that undercuts existing law regarding the right to protect in stream flows for fish is still in place. Even if such a request is submitted, DNR can simply send this often urgent application into the bureaucratic hamster wheel, and for all intents and purposes, bury it, even after the applicant has made an enormous outlay of effort and resources.

The Parnell administration worked behind the scenes for 10 months and emerged with the newly crafted HB77, which, in essence, amounts to nothing more than cosmetic changes. They failed to work with individuals and groups who might have been able to craft a bill that was at least palatable to many opponents. On top of that, they release the revised bill just two days before the committee hearings, therefore again, depriving the citizens of Alaska the time to analyze and comment on this very important legislation.

JIM STEARNS



KACHEMAK BAY CONSERVATION SOCIETY/

Richard Gustafson,

I am opposed to HB 77.

Please reinstate the Coastal Zone  
Management program.

Thank you

Richard Gustafson

P.O. Box 4144

Homer, Alaska 99603

My name is Luki Akelkok, Sr. from Ekwok.

I am the Chairman of Ekwok Tribal Council, Chairman of Ekwok Natives Limited and Mayor for the City of Ekwok. I am speaking today in that role.

1. HB 77 as it is written in Senate Resource if it can't be fixed in this committee it should die!
2. The Committee needs to fix the following:
  - a. Define what it means to "likely significant or irreparable harm."
  - b. Define "substantially and adversely impacted."
3. The entire newly written section on water reservations for "persons" or Tribes seems like a water "lock-up" but for us in rural Alaska who live on the river, we must do everything possible to make sure we have adequate water in the rivers and streams for fish, wildlife and for us to travel on these waters. We see this latest version of the bill to favor out-of stream use over in-stream protections.
4. Finally, Based on Nuvista's latest letter dated on February 28, 2014 to Senator Hoffman the Chikuminuk Dam Project and feasibility project be **dropped**. I would ask members of the committee then to move to delete the entire Section 47 on line 16 to 23 of this page.

**KODIAK LEGISLATIVE INFORMATION OFFICE**

Email: Kodiak\_LIO@akleg.gov  
907-486-8116/ phone, 907-486-5264/fax

**WRITTEN TESTIMONY**

NAME: Claudia Anderson  
REPRESENTING: myself  
BILL#/ SUBJECT: HB 77  
COMMITTEE &  
HEARING DATE: Senate Resources

I am still opposed to HB 77

The original bill was so very awful and big governmentish  
but the new bill is still lengthy. According to what I've read  
on line it only partially addresses major concerns. In particular  
Native groups still can not hold in stream flow reservations

Clear water is far too important for several Alaskan  
industries to be bargained away.



**Curyung Tribal Council**  
**PO Box 216 • 531 D Street**  
**Dillingham, Alaska 99576**  
**Phone: (907) 842-2384**  
**Fax: (907) 842-4510**

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Dorothy B. Larson, Tribal Administrator  
Curyung Tribal Council  
P.O. Box 216  
Dillingham, Alaska 99576  
(907) 842-2384

*Dorothy B Larson*

My name is Dorothy B. Larson, Tribal Administrator for the Curyung Tribal Council in Dillingham, Alaska. I was born and raised here, have practiced hunting and fishing activities my entire life, and will continue to work diligently to assure there are protections for this way of life into perpetuity.

The Curyung Tribal Council and over 40 Alaska tribes and Native groups passed resolutions opposing HB77 and DNR's proposed changes, revealed less than 48 hours ago, fail to address our concerns. DNR has AGAIN worked behind closed doors, without public consultation and process, to revise this dangerously flawed bill, insists it addresses our concerns, but the bill is even more dangerous now. We request that these resolutions be posted to HB77 Public Comment immediately so that our legislators can take into account our concerns when considering the revised bill.

We have a responsibility to steward the land, water, and renewable resources which we take seriously; HB77 in its' original and revised form will eliminate our ability to accomplish this by blocking public notice, comment, or process.

Even though the new version bars general permits for projects that would cause either significant OR irreparable harm, once a blanket general permit is issued specific developments could proceed with no further requirement for public notice or comment.

Although tribes and individuals have been added back as eligible to apply for water rights, the water right would be held by a state agency no matter who applied. We disagree with this element; if we put in the time, money, and effort, we demand some form of input and control.

Finally, the commissioner would have the discretion to decide when, in what order, and IF an application is processed, but to apply for a water right an applicant would have to provide at least five years of data to support the application, not knowing if their application would even be considered. If the water right or reservation was approved, it would be issued to a state agency and our whole purpose would be defeated since the original applicant could be kept out of the information loop, and therefore not have the guarantee of notice and comment.

The Curyung Tribal Council STILL opposes HB77 and seek your support in blocking its' passage. Thank you.



**Senate Resources Committee hearing on HB77 vers H work draft CS (SRES) - March 12, 2014**

Thank you for the opportunity to comment on Revised HB77, also known as the Silencing Alaskans Act.

Upon review, the bottom line is the amendments presented in the revised version of HB77 do not address the major problems with the legislation. The most controversial parts remain largely unchanged. Rather than working together with concerned Alaskans, the administration developed this revision behind closed doors, taking 10 months to produce and allowing a bare two days for public review.

Revised HB77 still eliminates opportunities for the Alaskan public to weigh-in on land, water and natural resource development decisions statewide. It impacts almost any activity or use on state land that requires a permit. The bill still takes the power away from the people and holds it in the hands of state government. It does this by granting broad powers to DNR and removes public notice and comment periods from permitting activities. The bill still makes it difficult for the public to challenge DNR decisions. It still takes water reservation rights away from tribes, native corporations, non-profit organizations and individuals. And the text of the bill uses ambiguous, undefined terminology such as 'unlikely to cause' and 'significant or irreparable harm' and 'substantially and adversely affected'.

The revision is not at all a compromise between the original, regressive legislation and what the public has been overwhelmingly calling for. It undercuts the fair and reasonable, publically engaged, transparent democratic process that has been successfully used in land, water and natural resource management in Alaska for many decades. The effect is to keep Alaskans in the dark. This is an unmistakable example of overreach of power and authority on the part of the state.

HB77 clearly favors broad-based extractive development activity over careful development encompassing ecosystem-based natural resource management and protection. This short-sighted approach goes against what we as a nation have learned from past mistakes and ignores our obligation to protect the future good.

I ask that you do not support HB77 in any of its forms. Please do not pass this bill forward out of committee. Thank you.

**Laurie Daniel** PO Box 3713 Homer, AK 99603 [lauriedanieltn@hotmail.com](mailto:lauriedanieltn@hotmail.com)



# Alaska State Legislature

Please enter into the record my testimony to the SENATE RESOURCES  
(committee name)  
committee on HB 77, dated 3/12/14  
(bill # / subject)

OPPOSED TO HB 77 AS WRITTEN.

Signed:

Douglas Fulton  
Testifier

Representing (optional)

312 ASPEN CIRCLE Bx 2530 Valdez AK  
Address 99686

907-229-1619  
Telephone

Paul A. Liedberg  
P.O. Box 478  
Dillingham AK 99576

Comments for the Senate Resources Committee on HB77

My name is Paul Liedberg and I would like to state my opposition, specifically to the portion of HB77 that relates to hydropower development at Chikuminuk Lake within the Wood-Tikchik State Park. I am a ten year resident of Dillingham. I recently retired after a 36 year career in public land management. I currently sit on the Dillingham City Council and have served on the Dillingham Planning Commission for about seven years. My comments reflect my personal views and I represent myself.

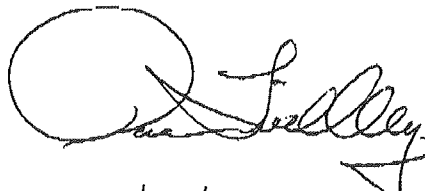
Many people testified in opposition to this project within the park last year when it was advancing as SB32. I encourage you to review that testimony if you haven't already done so. The comments I submitted are still relevant and I will not repeat them for you here. In light of the recent reports that the proponent of this project is no longer pursuing it, I will keep my comments brief.

I would just like to say that even without the proponent moving forward, it is wrong to amend the park's originating legislation and management plan direction by keeping the subject references that are now in HB77. Any discussion and decision that addresses whether hydro development should be compatible in the park needs to be done in a forum more specific to that topic.

Commercial users that make much of their living providing services in the park, the Bristol Bay Heritage Land Trust that has expended funds and time to support park goals, the public, and park management, all need assurance that their plans in support of the park and park visitors will not be jeopardized in the future because of language left in this bill today.

I would urge you to remove language from HB77 that would make hydropower development compatible at Chikuminuk Lake within the Wood-Tikchik State Park.

Thank you for the opportunity to provide these comments.



3/12/2014

From: Mildred Martin

Sent: Wednesday, March 12, 2014 12:54 PM

To: Sen. Cathy Giessel; Sen. Fred Dyson; Sen. Peter Micciche; Sen. Anna Fairclough; Sen. Hollis French;  
Sen. Lesil McGuire; Sen. Click Bishop

Subject: HB 77

Dear Senator Giessel and Members of the Senate Resources Committee;

I am unable to make the hearing this afternoon,. however I would like to voice my continued strong opposition to HB77. I understand that for some of you, you feel like an acceptable compromise has been offered. I do not agree with that.

1. The expansive new powers to DNR still exist.
2. Alaskan's are silenced and punished if they try to protect vital salmon resources. This is and remains very wrong. We have a right to a voice. Please do not try to take it from us.
3. There is still no guarantee that DNR will consider applications for water reservations. This too is very wrong.

Even with the proposed changes, The most controversial sections of the legislation: expanded DNR power, eroding Alaskans rights to appeal DNR decisions and eviscerating the process for water reservations, still remains unchanged and unfixed.

I strongly oppose this rendition of HB77 and ask you please to do likewise.

Thank you,

Milli Martin

PO Box 2652

Homer, AK 99603

From: Rich MacIntosh

Sent: Wednesday, March 12, 2014 11:16 AM

To: Sen. Cathy Giessel

Subject: Please include this letter on HB 77 in the public record.

Dear Senator Giessel and other Senators:

My wife and I do NOT support HB 77. This bill will place at risk public water rights, public access to natural resource management decisions, and the ability to maintain safeguards on important and sustainable salmon spawning streams throughout Alaska. We have written our Senator on this issue, and we also urge other Senators NOT to support this bill.

HB 77 is not in the best long-term interest of the Alaskan public.

Sincerely,

Rich MacIntosh

Molly MacIntosh

Kodiak AK

From: Mike Stoltz

Sent: Wednesday, March 12, 2014 12:11 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

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

Mike Stoltz

PO Box 202

Talkeetna, AK 99676

From: William Dunne

Sent: Wednesday, March 12, 2014 12:34 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

I believe that the amendments recently made to HB 77 do not make it an acceptable bill, in fact some changes make it worse.

Please do not reduce the right of citizens to appeal permits.

More public process is needed in the development of and amending this bill.

Sincerely,

Willy Dunne

William Dunne

40508 Waterman Rd

Homer, AK 99603

From: Tom Smayda  
Sent: Wednesday, March 12, 2014 12:42 PM  
To: Sen. Cathy Giessel  
Subject: Please include this in public record and distribute to Senate Resource Committee members

I continue to oppose HB77, even with the changes presented on Monday.  
This bill is bad since it gives major decision making power to one individual, removes the public process, and favors big companies that have strong lobbying power and finances. tom smayda

Tom Smayda  
900 N Witherspoon Rd  
Palmer, AK 99645



From: Zachary Bell

Sent: Wednesday, March 12, 2014 12:17 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

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

HB77 is a horrible Bill taking away rights from Alaskans and not giving us a voice. I am ashamed that this is even being considered. This is going against everything that America is.

Please take a stand and vote this Bill down.

Zachary Bell

3320 Beech Wy 1

Wasilla, AK 99654

## A RESOLUTION BY KATMAI SERVICE PROVIDERS:

Whereas, HB77 is a wide sweeping and dangerous bill that was originated under the guise of "Streamlining the permitting process"

And whereas HB77 would, among other things, give the Commissioner of the Alaska Department of Natural Resources the authority to grant General Permits without public notice and at his sole discretion, thereby taking away the public's right to ensure that enough water remains in streams to keep fisheries healthy.

And Whereas, HB77 as written, takes away the ability to voice concerns when it comes to water and fishery issues.

Therefore, it is resolved that the members of Katmai Service Providers are opposed to HB 77.

There were no dissenting votes.

### *Members*

#### **Air Madura**

Mark Madura  
3705 Arctic Blvd. #400  
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#### **Alaska Bear Adventures with K-Bay Air**

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**Alaska Enchanted Lake Lodge Inc.**

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**Alaskan Adventures**

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**Andrew Airways, Inc.**

Dean Andrew

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**Bald Mountain Air Service, Inc.**

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**Battle River Wilderness Retreat**

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**Bear Quest Aviation**

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Phone: 907-486-2327  
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[www.bearquestaviation.com](http://www.bearquestaviation.com)

**Branch River Air**

Van Hartley  
4540 Edinburgh drive  
Anchorage, AK 99502  
Phone: 907-248-3539  
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[bras@alaska.net](mailto:bras@alaska.net)  
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**Canyon Creek Photography**

John Trautner  
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Girdwood, AK 99587  
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[outsidermining@msn.com](mailto:outsidermining@msn.com)

**Cavner& Julian Inc.**

Preston and Stacie Cavner

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**Crystal Creek Lodge**

Dan Michels

PO Box 872729

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[info@crystalcreeklodge.com](mailto:info@crystalcreeklodge.com)

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**Grand Frisson**

Lionel Maye

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**Grizzly Skins of Alaska, Inc.**

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**Hallo Bay Bear Camp**

Clint Hlebechuk

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Homer, AK 99603

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Phone: 907-235-1599

[bears@hallobay.com](mailto:bears@hallobay.com)

[www.hallobay.com](http://www.hallobay.com)

**Harvey Flying Service**

Steve & Mary Ann Harvey

P.O. Box 3062

Kodiak, AK 99615

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Fax: 907-487-1947

[harveyfs@eagle.ptialaska.net](mailto:harveyfs@eagle.ptialaska.net)

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**Igiugig Lodge, LLC**

Brad & Brenda Waitman

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Phone: 907-360-1856

[bradinalaska@gmail.com](mailto:bradinalaska@gmail.com)

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**Katmai Air Service**

Sonny Peterson

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Anchorage Ak. 99502

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[pete@katmailand.com](mailto:pete@katmailand.com)

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**Katmai Coastal Tours**

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Fax: 907-235-7187

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**Mission Creek Lodge, LLC**

Dale De Priest

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Aleknagik, AK 99555

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Phone: 425-830-6620

fax: 707-283-7753

[depriest@fishingpursuits.com](mailto:depriest@fishingpursuits.com)

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**Newhalen Lodge**

Bill Simms  
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**No See Um Lodge, Inc.**

John Holman  
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**Ouzel Expeditions, Inc.**

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**Pere Marquette Outfitters.LLC**

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**Raspberry Island Remote Camps**

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**Royal Wolf Lodge**

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**Sea Hawk Air, Inc.**

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**Sky Trekking Alaska, LLC**

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**Smokey Bay Air Inc**

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**Steller Air Service**

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**Tikchik Narrows Lodge**

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**Trail Ridge Air, Inc**

Jim Jensen

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**Women's Flyfishing**  
Cecilia "Pudge" Kleinkauf  
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Anchorage, AK 99524  
Phone: 907-274-7113 fax same  
[pudge@womensflyfishing.net](mailto:pudge@womensflyfishing.net)  
[www.womensflyfishing.net](http://www.womensflyfishing.net)

From: Tim Covell  
Sent: Wednesday, March 12, 2014 11:57 AM  
To: Sen. Cathy Giessel  
Subject: House Bill 77

Dear Senator,

I am writing to express my opposition to the amendments to House Bill 77 and House Bill 77 as well.

HB 77 as written would take away the rights of Alaskans, myself included, to challenge or to even be aware of projects and activities that could affect water as well as fish and wildlife resources that Alaskans enjoy.

During my career, twenty two years, at the Coal Mine in Healy AK. as well as many years in the construction industry in Alaska I have personally witnessed and can give several examples of the lack of involvement of the DNR in water issues after permitting of projects is granted. Some of which is no fault of the DNR but simply because no DNR people are on site after the permitting process to observe the problems that happen after projects are finished. Things that are not seen in offices in Fairbanks, Anchorage, Juneau, unfortunately often do happen that no one will do or say anything about. Therefore, in my opinion, HB 77 further strips the rights of ordinary citizens to question or even be aware of what is going on with our water resources within the state. If you would like examples of what I am saying I would be happy to oblige. Fines for permit infractions are part of doing business and are unable to turn back the clock for mistakes that should never have happened.

I consider HB 77 and amendments to be an affront on my civil rights as an Alaskan citizen. Poor legislation meant to circumvent my input on important issues concerning something very, very important to me. Clean water and an government that should be proactive in protecting it, no matter the cost or inconvenience to someone in a permitting office somewhere or less expensive for any corporation or entity trying to bypass the rights of the public.

Thank you for your consideration of this letter.

Tim Covell  
PO Box 74  
Healy, AK 99743

**From:** Michael Lane <lane@mtaonline.net>  
**Sent:** Tuesday, March 11, 2014 5:22 PM  
**To:** LIO Mat-Su  
**Subject:** HB 77

After working 33 years in the oil industry I still believe in the public right to information and the right to speak out. I'm against HB 77 and hope that our Mat Su representatives do not support this bill. There are too many reasons to list, but I feel this is an assault on democratic process disguised as streamlining of the permit procedure.

Best Regards,  
Mike Lane  
Palmer, AK

From: Legislative EmailService

Sent: Wednesday, March 12, 2014 8:30 AM

To: Sen. Cathy Giessel

Subject: New Pom:Environmental Concerns

Mariah Johnson

Po Box 3043

Seward 99664-3043,

I oppose HB 77! Alaskans have the right to be heard to protect the last pristine place on Earth!

From: Legislative EmailService

Sent: Wednesday, March 12, 2014 10:36 AM

To: Sen. Cathy Giessel

Subject: New Pom:HB 77 Land Use/disp/exchanges; Water Rights

Mathew Cannava

180 E Beluga Ave

Soldotna 99669-0502

HB 77 does NOT serve Alaskans. I was at Senator Micciche's "town hall" meetings where there was OVERWHELMING opposition. Now Senator Geissel and Parnell hold the bill until 3:30PM yesterday, limiting Alaskan's ability to review the bill prior to comment.

It is OUR water...not Outside corporations.

From: Legislative EmailService

Sent: Wednesday, March 12, 2014 9:57 AM

To: Sen. Cathy Giessel

Subject: New Pom:HB 77 Land Use/disp/exchanges; Water Rights

Andrew Milauskas

Po Box 45

Girdwood 99587-0045,

I strongly oppose this bill. There is no reason that power to provide input about proposed activities on state land should be taken out of the hands of the people of Alaska. There is no reason that their rights to reserve their own clean water should be eroded either.

From: Jon Miller

Sent: Wednesday, March 12, 2014 1:14 PM

To: Sen. Cathy Giessel

Subject: Please vote NO on HB 77--Please Distribute to all Committee Members--Please include my comments in the public record

Importance: High

Dear Ms. Giessel and Members of the Senate Resource Committee:

I urge you to vote NO on House Bill 77 because this bill will weaken Alaskans' ability to have a meaningful voice in how our state's natural resources are managed and developed. I believe that Alaskans as individuals and as communities should be encouraged and empowered to play a greater, more informed role in resource management decisions—not excluded from the process, as HB 77 attempts to do.

Like other Alaskans, I am accustomed to hearing tales of inefficient, burdensome regulations that stifle efforts to develop our natural resources, but I have also seen the harmful results of inadequate regulation, poor enforcement, and public input into management decisions. Of the two, I am far more concerned about the latter because more Alaskans are impacted, and the impacts are often more long lasting.

As an Alaskan resident for over 25 years I am convinced that the unique, outstanding quality of life Alaskans enjoy is based ultimately on the continued wise, restrained, and providential management of our natural resources—resources the likes of which have been overused and squandered in other states such that many opportunities we currently enjoy and rely upon in Alaska are no longer options for residents of other states. The long term sustainability of our renewable natural resources—our fisheries, hunting and fishing along with other subsistence activities, timber, water and air quality, etc.—is my single greatest concern for Alaska's future, and HB 77 is a direct threat to sustainable management of our resources in my opinion.

More specifically, the changes to HB 77 have not adequately addressed serious concerns many Alaskans have voiced with the bill:

--A lack of specificity that allows DNR to issue overly broad "General Permits" without need for subsequent public notification, or provisions for public review of specific "activities". The intent here appears to be to hide potentially controversial decisions behind overly vague blanket permits.

--The ability for Alaskans to take legal and administrative steps to appeal DNR decisions would be excessively restricted. This "streamlining" effort will further erode Alaskans' ability to challenge DNR's decisions, even when they clearly violate DNR's own regulations, state law, etc. Again, a bad idea if we want Alaskans and Alaskan communities to play an involved role in resource management decisions.

--Water reservations and in-stream-flow guarantees are extremely important to maintaining stream health and ensuring Alaskans continue to reap the greatest sustained benefit from our public waters. As currently written, this bill would give DNR discretionary ability to simply sit on water reservation applications without any procedural or time-line requirements to issue or deny the permit. This change appears, again, to slant toward industry and away from public involvement in how our water resources are managed, and sends a very poor message to the Alaskan people that this legislature does not have our long-term interest at heart.

Please include my comments in the public record, and please distribute to all Senate Resource Committee Members.

Respectfully,

Jon Miller

2630 Home Run

Fairbanks, AK 99709

(907) 479-5629

Jonmiller@acsalaska.net



From: Felicia Riedel

Sent: Wednesday, March 12, 2014 1:12 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

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

It goes too far by taking away from the public process and the rights of individuals, while allowing only governmental applications or appeals.

The whole point of the laws HB 77 is trying to undo is to help us keep water in our streams for fish -a major part of our protein -or recreation.

Felicia Riedel

HC 60 Box 335-R

Copper Center, AK 99573

From: Martin Decker  
Sent: Wednesday, March 12, 2014 12:55 PM  
To: Sen. Cathy Giessel  
Subject: For public record and to the Senate Resource Committee members

I am an independent voter and you have lost my vote if you support HB77. This is bad legislation which places too much power in a governmental body and takes away the ability of Alaskans to have a say in the use of our own resources.

Martin Decker  
2110 Tudor Hills dr.  
Anchorage, AK 99507

From: David Athons

Sent: Wednesday, March 12, 2014 1:06 PM

To: Sen. Cathy Giessel

Subject: HB 77 comments. Please include in public record and distribute to committee members.

I am opposed to HB 77 as it currently stands. I am appalled that overwhelming opposition to this legislation was voiced yet little significant change occurred this legislative session. Amendments to HB 77 do not address my concerns with this legislation. It erodes renewable resource protections and public process by giving too much power to the Commissioner of DNR. It remains an overreach of power and authority. It continues to erode public rights to comment and appeal decisions regarding public resources. It erodes the public right and process for making water reservations.

It continues to give the Commissioner of DNR authority to issue permits while allowing override of DNR's own statutes and regulations. Under this legislation the Commissioner may issue one permit for a wide range of activities over broad geographic areas while allowing no public notice for subsequent activities. It allows for any activity that does not cause "likely significant or irreparable harm" while not defining what that might be.

The rights of the public are compromised as one must be "substantially and adversely impacted" to weigh in or appeal a decision by DNR. This legislation significantly impacts current law regarding individual Alaskan's ability to file for water rights and reservations

This legislation takes away public rights and processes giving the power of DNR to lock up and give away public resources while degrading renewable common property resources. Alaskan's rely on renewable resources for subsistence and personal use as well as for economic viability whether as commercial fishermen or in the vast and growing tourism industry. Alaska's pristine and productive natural resources are becoming increasingly precious as Global resources are being rapidly depleted elsewhere on this planet.

I see this legislation as a political "give-away"; a "takings" from the public which benefits only the financial bottom line of outside interests.

Sincerely,

David Athons

36655 River Hills

Kenai, AK 99611

From: Linda De Gross

Sent: Wednesday, March 12, 2014 1:06 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

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

Linda De Gross

5842 Dow Place

Anchorage, AK 99507

From: Jim Perzechino  
Sent: Wednesday, March 12, 2014 1:13 PM  
To: Sen. Cathy Giessel  
Subject: HB77

My name is Jim Perechino, i am a registered voter and I am against HB77 and any other bill that will have a negative impact on our water, and fish. I will vote accordingly.

Jim Perzechino  
c st  
Sterling, AK 99682

From: John Johnson

Sent: Wednesday, March 12, 2014 1:14 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

I continue to oppose HB77, even with the changes presented on Monday. It is still taking away our rights, and our power to say no. Especially if we don't know what the government is doing for more money. Vote no.

John Johnson

13271 east Glenn avenue/ PO box 2678

Palmer, AK 99645

From: Chris Worcester  
Sent: Wednesday, March 12, 2014 1:12 PM  
To: Sen. Cathy Giessel  
Subject: Please include this in public record and distribute to Senate Resource Committee members

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

Chris Worcester  
PO Box 2511  
Truckee, CA 96160

From: Robert Sylvester  
Sent: Wednesday, March 12, 2014 1:15 PM  
To: Sen. Cathy Giessel  
Subject: Please include this in public record and distribute to Senate Resource Committee members

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

I am opposed to this Bill since it removes my ability to have any meaningful input into the uses of Alaska's natural resources, be it oil, coal, water or fish and/or game. Anyone who professes to honor the sovereignty of Alaskan citizens must surely oppose this Bill vigorously.

Robert Sylvester  
PO Box 22487  
Juneau, AK 99802



From: Joe Bearden

Sent: Wednesday, March 12, 2014 1:12 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

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

Joe Bearden

1809 Lakepark Dr

Raleigh, NC 27612

-----Original Message-----

From: dave svendsen

Sent: Wednesday, March 12, 2014 8:09 PM

To: Sen. Cathy Giessel

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.

Wednesday's hearing was another example of the fact that there has not been enough public discourse about House Bill 77. Alaskans deserve to be heard on this issue, and to have their time to testify.

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.

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

Sincerely,

dave svendsen

11400 cobra st

anchorage, AK 99507

-----Original Message-----

From: Adam Grove

Sent: Wednesday, March 12, 2014 8:06 PM

To: Sen. Cathy Giessel

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.

Wednesday's hearing was another example of the fact that there has not been enough public discourse about House Bill 77. Alaskans deserve to be heard on this issue, and to have their time to testify.

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.

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

Sincerely,

Adam Grove

4701 E 145th Ave

Anchorage, AK 99516

-----Original Message-----

From: Carl Johnson

Sent: Wednesday, March 12, 2014 12:28 PM

To: Sen. Cathy Giessel

Subject: Please include this in public record and distribute to Senate Resource Committee members

I continue to oppose HB77, even with the changes presented on Monday. If anything, the Alaska Legislature should be enhancing and expanding public participation in natural resource management decisions, not further restricting it.

When our Founding Fathers drafted the Alaska Constitution, they constructed an awesome document in general, but specifically an amazing tool for protecting our natural resources in Article VIII. Proper management of our resources under the spirit of that Article has placed Alaska in a unique position compared to our sister states: we have abundant fresh water, we enjoy unprecedented fish runs, our scenic beauty is the envy of the world, and we have abundant wild food sources that help to maintain a traditional way of life that has existed for thousands of years.

But HB77 defies and disparages the intent, meaning and purpose of Article VIII. The General Permits section pre-authorizes too many types of activities without public input. And even when the public does find out about poor permitting decisions, there is little recourse as the new appeal process greatly limits the number of people who can seek judicial relief. Article VIII makes it very clear that all natural resources in Alaska are owned in the common; thus, any Alaska resident should be able to seek judicial relief for poor decisions regarding management of those commons. But under the new standard, only someone with direct financial interests could challenge a DNR decision. Not even subsistence users would be able to challenge a decision by this measure.

Additionally, in a time when other states are facing severe drought, shortage of fisheries, and dwindling habitat for fish and wildlife, now is not the time to put barriers in place to protecting the flow of our valuable waterways. The idea that Alaska residents would be precluded from submitting instream water flow reservations for subsistence, recreational or other activities is patently absurd. And then to give such rights to multinational corporations over the interests of Alaskans - in patent violation of the Alaska Constitution - is exceptionally egregious.

You were elected to office to support and defend the Alaska Constitution, and to enhance enjoyment of our valuable common resources. Fulfill your oath and do what the people of Alaska expect you to do. Protect their Constitution and their interests, not the interests of multinational corporations. Vote "no" on HB77.

Thank you for your consideration.

Carl Johnson

Anchorage

Carl Johnson

17800 Steamboat Dr

Anchorage, AK 99516

-----Original Message-----

From: Susan Olsen  
Sent: Wednesday, March 12, 2014 12:50 PM  
To: Sen. Cathy Giessel  
Cc: Susan Olsen  
Subject: HB 77

Dear Senator Giessel:

Please include these comments in the public record; I am unable to testify in person today.

Making public the amendments to this highly controversial bill on Monday afternoon for public testimony on Wednesday afternoon is simply emblematic of the contempt being shown by the governor and legislature for the public process in this bill. These late-arriving amendments do not resolve the difficulties expressed by the public.

I am delighted to see that the DNR Commissioner may no longer ignore existing law but I certainly object to the elimination of "first in time" processing for water reservations. I also question whether having the state hold, and thereby control, water reservations, now obtainable by individuals and NGOs, defeats the purpose for filing for a reservation if the state can subsequently manage the same on its own terms. And finally, changing the standard for appeal without defining the terms in the legislation doesn't solve the issues raised by the public: making certain that the Commissioner cannot decide arbitrarily if the appeal can be accepted and, even more, making certain that the public has a right to challenge capricious decisions by the Commissioner.

This bill needs more work before going to a full vote of the Senate. Please hold in Committee and amended it to reflect the valid issues previously raised by the public.

Susan Olsen

8601 Sultana Drive

Anchorage, AK 99516