

**HB 77 Opposition Documents Index Group #10**  
**Passed Out to Committee Members on 3/19/14**

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43. Tina Jess – March 14<sup>th</sup>
44. Sharman Piper – March 14<sup>th</sup>

From: Dorothy Childers

Sent: Friday, March 14, 2014 3:09 PM

To: Sen. Cathy Giessel

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

Dear Sen. Giessel and members of the committee,

Like so many Alaskans from different walks of life, I oppose passage of HB77, including the revisions that have been made to the bill. The premise is fundamentally flawed and the state should not cut us out of decisions that affect our ways of life, livelihoods and the natural resources we value. I cannot support an expansion of DNR powers and an erosion of our rights to appeal. Degrading the process for water reservations will take natural resource management in the wrong direction.

As my senator, I urge you to at least support a full vetting of HB77 before multiple committees.

Sincerely,

Dorothy Childers  
Indian, Alaska

Dorothy Childers  
24301 Seward Highway  
Indian, AK 99540

From: Barbara Hood

Sent: Friday, March 14, 2014 3:11 PM

To: Sen. Cathy Giessel

Cc: Sen. Click Bishop; Sen. John Coghill; Sen. Mike Dunleavy; Sen. Fred Dyson; Sen. Dennis Egan; Sen. Johnny Ellis; Sen. Hollis French; Sen. Berta Gardner; Sen. Lyman Hoffman; Sen. Charlie Huggins; Sen. Pete Kelly; Sen. Lesil McGuire; Sen. Kevin Meyer; Sen. Peter Micciche; Sen. Donny Olson; Sen. Bert Stedman; Sen. Gary Stevens; Sen. Bill Wielechowski; Sen. Anna Fairclough

Subject: Oppose HB 77

Dear Senators,

We have all heard the saying “power corrupts, and absolute power corrupts absolutely.” I have always believed this concept – this truth – was a paramount consideration in the creation of our democratic form of government. Government “by the people and for the people” simply cannot be assured if power is concentrated in the hands of a few. The founders of our country divided government into three branches, and gave each branch specific powers to check the others. They went a long way to guard against the threat of absolute power.

Yet HB77 goes in the opposite direction. It strips citizens of rights and protections they have long enjoyed in favor of placing near absolute power in the hands of a politically appointed government official. It greatly restricts citizens' legal rights to challenge official decisions, no matter how ill-advised or illegal. And it takes vital water reservation rights out of the hands of those most dependent on them and most devoted to their good stewardship – local governments, tribes and individuals - and places them solely in the hands of government.

It is hard to imagine any course of action that would lay a more comfortable foundation for the corruption of absolute power. The worst corruption won't come in the form of bribes or criminal activity – although HB77 leaves the door open wide for them and their occurrence would not be far-fetched, given Alaska's recent history. The worst corruption will come instead in the form of decisions based not on public input, public will or public interest, but on the desires and demands of the elite few who will be allowed into the government's echo chamber. Most, if not all, of this small group will live far away from the regions or waterways affected by the decisions being made. Most, if not all, will be protecting their investments and financial interests, not their way of life.

This is an unconscionable direction for Alaska to take.

I urge you to vote NO on HB 77.

Sincerely,

Barbara Hood  
10161 Middlerock Road  
Anchorage, AK 99507

**T. Henry Wilson  
4830 Sportsman Drive  
Anchorage, AK 99502**

March 14, 2012

Senator Lesil McGuire  
Senate Resources Committee

Via email

Re: Supplemental opposition to 2d SCS CSHB 77 (RES), Sections 29 and 47  
Chikuminuk Lake hydroelectric dam

Dear Senator McGuire and Committee members:

On March 12, 2014, I submitted comments opposing Sections 29 and 47 of 2d Senate CS for CS for House Bill No. 77 (RES), relating to the construction of a hydroelectric dam at Chikuminuk Lake. Afterwards, I learned from news reports that the Nuvista Light and Electric Cooperative ("Nuvista") has withdrawn its request to conduct further studies on the Chikuminuk dam. The articles also indicate that Senator Lyman Hoffman, Senator Gary Stevens and Representative Bryce Edgmon have signed a letter requesting that the provisions regarding the Chikuminuk be removed from the bill.

At this point, there is absolutely no reason to keep Sections 29 and 47 in the bill, and those sections should be deleted as soon as possible.

Leaving those sections in the bill would create ambiguity and uncertainty, and raise a number of legal issues. Sections 29 and 47 are vague, and do not adequately inform the public or the Division of Parks as to as to what activities may be allowed or prohibited at Chikuminuk Lake. For example, it is unclear whether there are any limits on the types of equipment that can be used, the amount of habitat that may be disturbed, the handling of hazardous wastes, or the impacts to fish and wildlife. It is unclear whether the Division of Parks has any authority left to require permits for study activities, or which regulations or management plan provisions can still be enforced. There are no time limits for determining when the feasibility studies end, and the hydropower development begin.

There may be other subjects presented in HB 77 that warrant further discussion, but the Chikuminuk dam is not one of them. Sections 29 and 47 should be deleted from the bill, and no further legislation to advance the Chikuminuk dam project should be considered.

Yours truly,  
T. Henry Wilson

From: deborah limacher  
Sent: Sunday, March 16, 2014 3:47 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. 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,

deborah limacher  
66691 fry ct.  
pobox 3001  
homer, AK 99603

From: Elizabeth Schoessler

Date: March 16, 2014 at 4:49:29 PM AKDT

To: "senator.cathy.giessel@akleg.gov" <senator.cathy.giessel@akleg.gov>,

"senator.peter.micciche@akleg.gov" <senator.peter.micciche@akleg.gov>

Subject: Please include this in public record and distribute to committee members

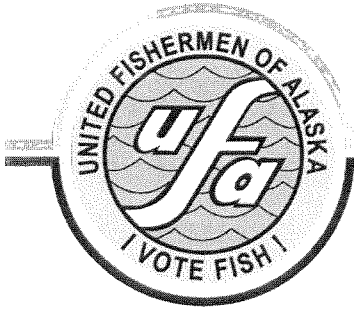
Hello Senators,

My name is Elizabeth Schoessler. I am a commercial fisherman, a Biological and Natural Science student at UAA from Soldotna, Alaska. House Bill 77 was sold under the pretense it would 'streamline' the permitting process. In reality, it sacrifices Alaskan voices, gives the DNR broad and unchecked power, and would allow corporate interest to supersede Alaskan rights. Here we have a bill that was largely developed behind closed doors, written without Alaskan input to further restrict Alaskan input. Ransacking the public process negatively affects Alaskan's, nonprofits, tribes, the environment, and our democracy.

Alaska is a state renowned for its natural resources in which we all should have a say in. As an Alaskan I was appalled that tribes and the individual would no longer be able to hold their own water reservation certificate. Water reservations help ensure clean water stays in the streams for fish habitat, transportation, and recreation. Water reservation applications could lose their priority or be shelved indefinitely with this poor legislation.

I opposed House Bill 77 because Alaskan's deserve to have a say in their natural resources. This bill is too flawed to fix. Do not let this bill leave committee. I encourage you to please listen to the majority of Alaska that want you to kill this bill!

Please include this in public record and distribute to committee members



# UNITED FISHERMEN OF ALASKA

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**Mailing Address:** PO Box 20229, Juneau AK 99802-0229

**Physical Address:** 410 Calhoun Ave Ste 101, Juneau AK 99801

**Phone:** (907)586-2820 **Fax:** (907) 463-2545

**Email:** [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org) **Website:** [www.ufa-fish.org](http://www.ufa-fish.org)

March 16<sup>th</sup>, 2014

Senator Cathy Giessel  
Chair, Senate Resources  
State Capitol Room 427  
Juneau AK, 99801  
Via email: [Senator.Cathy.Giessel@akleg.gov](mailto:Senator.Cathy.Giessel@akleg.gov)

**RE: 2d Senate CS (offered 3/14/14) for HB 77 (RES) regarding the Alaska Land Act and Water Use Act.**

Dear Senator Giessel and members of the Senate Resources Committee,

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. We appreciate the opportunity to provide feedback regarding 2d Senate CS for HB 77 (RES) regarding the Alaska Land Act and Water Use Act.

First and foremost we would like to thank and commend the members of your committee who have stood up and asked tough questions on this bill, encouraged public dialogue and provided a more reasonable time-frame in which to analyze this bill. Your leadership on these fronts is greatly appreciated by our organization.

Secondly, we'd like to commend the Department of Natural Resources specifically Commissioner Balash, Deputy Commissioner Ed Fogels, Director of Division of Mining, Land and Water Brent Goodrum, and Deputy Director Wyn Menefee. These dedicated public servants have spent countless hours, in a number of meetings with UFA, walking us through HB 77 and the recent amendments, which has been critical to our ability to inform our members about the legislation.

As we have stated in the past, UFA recognizes the merits of streamlining Alaska's permitting processes. We are pleased to see that each new version of HB 77 works towards creating a better bill. However, we have a few remaining concerns with the amended version of HB 77.

It has been explained to us that the general permitting authority in Section 1 is only intended to be utilized for "temporary and de minimis" activities on state land. However the actual language of the bill reads that any activity within AS.38.05 or AS 38.95 may be authorized by general permit. Not all of the activities in those statutes are "temporary or de minimis", thus we believe in order to clarify the proposed law "likely significant or irreparable harm" could be changed to "temporary and de minimis".

While the definition of 'substantially and adversely affected' is explained in Sec. 33 (f) and (g) as, "adverse impact as a direct result of a DNR decision", this definition would benefit

from further clarification. DNR provided our organization with a list of definitions for the terms “substantial” and “adverse”, showing substantial to mean: “real; not seeming or imaginary” and adverse as, “acting against or opposed to one’s interest.” If, in order for the state to process a person’s appeal, the claims made must be found to be real and against the interest of the appellant, then that is a reasonable standard. However, the bill does not provide a clear enough signal to the public regarding what 'substantially and adversely affected' means to DNR.

Lastly, HB 77 reveals that there is work to be done to create a more effective, transparent, and efficient water reservation system in Alaska, we look forward to working with ADF&G, DNR, and the legislature to find reasonable and realistic solutions to help safeguard fish, wildlife, and public health as we work towards economic development.

Thank you for your time and careful consideration of this important issue. We appreciate the Senate Resources Committee’s careful review of HB 77 and your dedication to Alaska’s resources.

Sincerely,



Julianne Curry  
Executive Director

#### MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Independent Fishermen’s Marketing Association  
Alaska Independent Tendermen’s Association • Alaska Longline Fishermen’s Association • Alaska Scallop Association • Alaska Trollers Association  
Alaska Whitefish Trawlers Association • Aleutian Pribilof Islands Community Development Association • Armstrong Keta • At-sea Processors Association  
Bristol Bay Reserve • Cape Barnabas Inc. • Concerned Area “M” Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United  
Douglas Island Pink and Chum • Freezer Longline Coalition • Golden King Crab Coalition • Groundfish Forum • Kenai Peninsula Fishermen’s Association  
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association  
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association  
Seafood Producers Cooperative • Southeast Alaska Herring Conservation Alliance • Southeast Alaska Fisherman’s Alliance  
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association  
United Catcher Boats • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association



**Comments to Senate Resources Committee on HB 77 from Tim Troll, Executive Director of the Bristol Bay Heritage Land Trust.  
12/17/2014**

My name is Tim Troll. I am a 34 year resident of Alaska and Executive Director of the Bristol Bay Heritage Land Trust. The land trust was formed in Dillingham and incorporated as an Alaska non-profit corporation in 2000. I offer these comments on behalf of the Bristol Bay Heritage Land Trust (BBHLT). Thank you for providing this opportunity.

**Chikuminuk Lake Hydro Project:** Initially, I am grateful the Committee has removed those parts of the legislation authorizing permits to advance the study of a hydroelectric dam at the outlet of Chikuminuk Lake in Wood-Tikchik State Park. BBHLT has helped raise millions of dollars to protect the integrity of the park by securing conservation protections for private inholdings within the park, including the only inholding on Chikuminuk Lake. We now feel that our ability to continue doing so to further the State's interest in the values of the park has not been compromised. Thank you.

**Instream Flow Reservations:** BBHLT is also heavily invested in instream flow reservations on five river systems in the Nushagak and Kvichak watersheds to protect the State's and the public's interest in water levels for fish. As the Executive Director of the Land Trust I have been involved in raising approximately more than \$700,000 to file, collect and compile the five years of flow data required by DNR in order to have the applications prepared for adjudication. The following are a few of my concerns:

**\* DNR did not extend us the courtesy of consultation:** BBHLT and its partners (e.g. Curyung Tribe, SW Alaska Salmon Habitat Partnership, New Stuyahok Village Council, among others) are perhaps the largest stakeholders in the integrity of the existing law. We are extremely disappointed that DNR chose not to consult with us on the current rewrite of this section of HB 77 before it was submitted to your committee. We are Alaskans and deserve better treatment from our state. Former DNR Commissioner Sullivan was made aware of our concerns in a lengthy letter I wrote to him last year. Given the fact that we filed some of these reservations with both the encouragement and support of the State, we feel that same spirit of cooperation should have been extended to us in the rewrite of this law. We were not invited to even one meeting as the new language was being developed, and the advice we did offer when we invited DNR to one of our meetings was all but dismissed in the rewrite. The language in the proposed revision strongly suggests other interests were consulted. Our only resort now is to respond to the flaws in the changes proposed by DNR; changes we did not see until they came before your Committee.

**\* The current law is not broken:** The existing law for instream flow reservations does not prevent development as some suggest. The Commissioner of DNR already has the power under the existing law to cancel or reduce an instream flow reservation in favor of a subsequently filed water withdrawal application. The law simply imposes a requirement that the Commissioner choose between the interests protected by a reservation (fish, navigation etc.) and the interest served by the withdrawal (development, jobs etc.) and make a finding that the best interests of the State are served by the choice he or she makes. It is very likely that in most cases a choice will not be required as water levels will be enough to accommodate both needs. Yes, an instream flow reservation can be a hindrance for those wishing to withdraw water from a stream subject to a prior reservation, but that is how it should be. Public input is always a hindrance. The current law, through the application of the principle of first in time – first in right, provides the pause and the public decision point needed for the Commissioner to fully evaluate the resource impacts based upon the best available data. An instream flow reservation is not absolute under existing law. It does not block development. The real problem is DNR is underfunded, or not interested enough to address these instream flow reservations in the correct and most timely and efficient manner.

**\* We only acted because the State was not acting to protect flows.** The use of “private” applications would not be necessary if the public had confidence that the State was giving due consideration to the protection of water flows for fish. Given the vast number of salmon bearing streams in Alaska, the public would expect the State to be prudent and prioritize its instream flow efforts to streams most likely to be threatened. In our particular case we were witnessing the largest potential development impact ever to water flows on salmon bearing streams in Bristol Bay, and no action by ADF&G. We were given the impression that ADF&G did not have the funding to pursue instream flow reservations on the most threatened systems, so we, and our partners, raised the money and stepped in where ADF&G either could not or chose not to act and filed reservations for fish on behalf of the public on the Mulchatna, Stuyahok, Koktuli, Kaskanak and Upper Talarik systems. (It should be noted the Mulchatna, Stuyahok and Koktuli provide key habitat for the consistently productive Chinook runs of the Nushagak drainage) We undertook this effort fully aware that these instream flow reservations were not absolute and afforded no guarantee other than a measure of standing that accorded us an opportunity to be notified of a temporary or permanent withdrawal application and an opportunity to participate and be heard in DNR decisions that could adversely affect the reservation. BBHLT and its partners want to know that DNR will give due consideration to fish habitat when human induced disruptions of flow could compromise that habitat. The current instream flow law provides that assurance because there is a transparent decision point at which DNR must consider the evidence and address the question of flow. Under the current proposed revisions the public loses this assurance because DNR can effectively ignore the reservation and there is no adequate recourse for this failure to consider the reservation.

**\* The proposed legislation does not streamline water reservation law.** Rather, the proposed legislation introduces more uncertainty. An example is the first appearance of the term “nonproprietary public domain hydrologic data” used in Sec. 42 (j). What does this language mean? If something is in the public domain is it not by definition “non-proprietary.” What is proprietary public domain data? For example, BBHLT and partners have been paying USGS to collect hydrologic data. The USGS will only do so if we are willing to make the data publically available. Does this mean that someone who wants to withdraw water cannot use our data to prove a proposed withdrawal will not affect fish because we paid for the data? How would this provision be enforced? Is our permission needed to use the data we paid for and put in the public domain? Even if we give the permission can DNR refuse to consider it?

Likewise, it is not entirely clear in the proposed HB 77 to what extent the “person” tribe, municipality or federal agency that paid for the reservation has standing and can act if ADF&G or DNR cannot by virtue of funding or will not by virtue of politics assert the reservation.

Also, what does it mean in 42(i) that the right to appeal may not be transferred? If an individual “person” files a reservation it can only be done on behalf of the public. Is the reservation extinguished when the individual dies, or just the right to appeal any decision affecting the reservation? Because these rights are only held for the public benefit is it not really the public that may be “adversely” affected by a Commissioner’s decision? If an entity changes a name or consolidates with another entity is the reservation or the right to appeal lost?

These are only some of the uncertainties that arise upon a close examination of the language in the proposed revisions to HB 77. We strongly recommend that the provisions of this law relating to instream flow reservations be removed from HB 77.

**\* Grandfather existing instream flow reservations.** If the committee rejects the suggestion that instream flow be removed from HB 77, fundamental fairness warrants allowing the pending reservations to proceed under current law. We filed our instream flow applications on behalf of the public and raised substantial amounts of money in good faith. We followed rules and guidelines established by the State, and, as noted above, in some cases with the support of the State. We should not be punished for relying on the long established existing law by the *de facto* repeal of that law and the unprecedented *ex post facto* application of a new law. At a minimum our applications should be allowed to proceed under the existing law.

Respectfully Submitted,

Tim Troll, Executive Director  
BRISTOL BAY HERITAGE LAND TRUST  
P.O. Box 1388, Dillingham, Alaska 99576

From: Dorothy Gray  
Sent: Friday, March 14, 2014 3:48 PM  
To: Sen. Cathy Giessel  
Subject: HB77 comment

Dear Senator Giessel,

Please include this message in the public record and distribute to Natural Resource committee members:

I urge you to rethink HB 77 because it limits public meetings and public input. In addition, it gives too much power to the Commissioner of Natural Resources and reduces laws that protect our Alaskan environment and fisheries.

Thank you for the opportunity to comment on this issue.

Sincerely,

Dorothy Gray  
51910 Arness Rd.  
Kenai, AK 99611

From: Cynthia Morelli  
Sent: Friday, March 14, 2014 3:49 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. 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,

Cynthia Morelli  
PO Box 1465  
Homer, AK 99603

From: Lia Slemons

Sent: Friday, March 14, 2014 4:23 PM

To: Sen. Cathy Giessel

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

Dear Senators,

I oppose HB77, even with the changes presented on Monday. The issue of general permits is particularly concerning, because of the geographical broad brush such permits include, and the increased likelihood that such permits would inhibit public notification of, and input on, subsequent activities.

I also believe the right of appeal should not be impinged, particularly if subsistence use is not protected.

The right to subsistence is a fundamental promise and debt to Alaskans.

Particularly as climate changes and watersheds shift across the state, in-stream flow water reservations are a sensible solution allowing flexibility to protect wildlife and public use. Water reservations are a sensible, tested tool and should not be impinged. Additionally, it is not fair to change the rules of the game on current water rights applications that have languished.

There are many problems with HB77 and I don't believe it has been substantially revised to merit passage this session.

Sincerely,

Lia Slemons

Lia Slemons

9140 Jupiter Dr

Anchorage, AK 99507

From: Janice Ziv  
Sent: Friday, March 14, 2014 4:34 PM  
To: Sen. Bill Wielechowski  
Cc: Rebecca Goodrich; Sen. Cathy Giessel  
Subject: FW: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

There can be only one reason for House Bill 77, no matter how it may be modified: to enhance the ability of resource exploiters to profit from Alaska's natural resources by precluding individual Alaskans from having a voice in the management of those resources, and particularly in the protection of those resources for the future benefit of all Alaskans.

It is essential that all citizens have access to the process by which decisions are made concerning our lands and waters. Not only would HB 77 preclude or severely limit such input in the present instance, but it would set a dangerous precedent for future legislation, not only concerning our natural resources, but concerning any legislation whatsoever. This is a fight to protect Alaska and its citizens from depredations that could ensue, as they have in the past, as a result of government working hand-in-glove with resource exploiters.

Please make sure every individual's voice is heard; schedule public hearings across the state to accommodate every citizen who wishes to speak to HB 77, and continue the hearings until all have spoken.

Most sincerely,

Janice Ziv  
280 Zappa Place  
Anchorage, AK 99504

From: Laura Sievert  
Sent: Friday, March 14, 2014 4:46 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

I am opposed to HB 77 in its new iteration. The new HB77 still denies Alaskan residents the right to fully participate in decisions about land and water use. It gives too much power to the DNR to make decisions without public input. It ignores the rights of native tribes and the interests of Alaskan communities to protect their natural resources.

The amount of public opposition to this bill must be obvious even to the most obtuse legislator. Kathy Giessel complains that "that there was a great deal of repetition" amongst those testifying HB 77 and that "it was hard to figure out what some of their objections were" (really? ). And yes, there is repetition, because some legislators can't pull their special interest earplugs out in order to hear the people.

Peter Micciche's insinuation that those opposing HB77 are being misled by facts supplied by "extreme Anchorage environmental groups" is just plain incorrect and is the typical pro-industry-at any-cost drive that is meant to divide the Alaskan people.

It is so disappointing to hear these comments from senators. Who do you represent, really?

Laura Sievert  
3329 Beaver Loop, Kenai, AK 99611

Laura Sievert  
3329 Beaver Loop  
Kenai, AK 99611



From: Desirae Roehl  
Sent: Friday, March 14, 2014 4:44 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

I am writing this afternoon in opposition of HB 77. I feel that HB 77 undermines tribes and individual Alaskans' ability to keep water in streams and seriously undermines their ability to participate in natural resource decisions on state land in other ways.

I appreciate the attempts that have been taken to fix this bill, however, the recent proposed amendments to the bill still do not address concerns raised by the public at statewide public forums and in petitions and letters.

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,

Desirae Roehl  
1742 Flatwater Cir.  
Anchorage, AK 99507

From: June Thomasson  
Sent: Friday, March 14, 2014 5:01 PM  
To: Sen. Cathy Giessel  
Subject: Testimony

"Please include this in public record and distribute to Natural Resource committee members"

Dear Senator Gissel,  
I am strongly opposed to HB77. Our state constitution has given our resources "to the people for the common good". This legislation would allow one bureaucrat the power to make decisions regarding our public resources, without checks and balances, without public input.  
Please withdraw this legislation.  
Sincerely,

June M Thomasson

3175 Chinook Drive,  
Fairbanks, AK 99709

From: Darcie Warden  
Sent: Friday, March 14, 2014 5:01 PM  
To: Sen. Cathy Giessel  
Subject: I oppose HB 77

My name is Darcie Warden. I live in Fairbanks Alaska. I have been tracking HB 77 and I don't think this is a good bill for Alaska. Water must be managed in a transparent process with the ability of the public to fully engage in the process. It is important that we trust our state government and if this bill passes we will be locked out of the decision making process, breaking the trust between the state of Alaska and it's residents. I don't support this bill as many others from around the state don't either. The protection of water is much more important than streamlining permitting for industry. Make the right decision and don't pass HB 77.

Thank you

Darcie Warden

From: Lani Raymond  
Sent: Friday, March 14, 2014 6:24 PM  
To: Sen. Cathy Giessel  
Subject: HB77

We Alaskans have the right to protect our resources from attack by poorly-conceived or imprudent projects. Alaskans value fish and game and clean water very highly and know what the destruction of those resources will mean for us now and for our children and grandchildren in the future.

We Alaskans have the right to ask questions. Why should there even be the possibility that projects will roll forward with no chance for us Alaskans to question the value, risk, ramifications for our state? And without access to plans and studies, we will all be in the dark.

We Alaskans have the right to speak up. Why should we be denied the opportunity to oppose something publically that is not right? Why should we be excluded from decisions made about OUR resources and OUR land?

I have been an Alaskan for almost 50 years. Even forty years ago this piece of legislation wouldn't have gotten to first base with Alaskans! They'd all be shouting "FOUL!!"

This bill is too broad and far-reaching—one could say "over-reaching". It keeps Alaskan citizens in the dark about what's going on, limits who may speak up, and does not allow a citizen's concern about Alaska's resources to be enough of a reason to be able to speak out. That is wrong!

Since the original version of this bill appeared there have been some weak amendments added, but some of these make the bill even worse in many people's opinion. For instance giving more new powers to DNR in the Permitting Process, allowing application for Water Reservation but allowing them all to be ignored. All of that is also wrong!

This bill is bad news. Please oppose its passage.

Lynda Raymond  
41640 Gladys Ct  
Homer, AK 99603



## COPPER RIVER WATERSHED PROJECT

© *Voices for a wild salmon economy* ©

March 14, 2014

The Honorable Senator Cathy Giessel and the Senate Resource Committee  
Alaska State Legislature  
120 4<sup>th</sup> Street, State Capitol, Room 427  
Juneau, AK 99801

Dear Senator Cathy Giessel and the Senate Resource Committee,

I appreciate the additional opportunity for public testimony held today, Friday March 14. I was able to testify from the Cordova LIO, but fear my nerves and rush to fit within 2 minutes made some of my comments hard to follow. The following is my testimony.

My name is Kate Morse and I am the acting Executive Director for the Copper River Watershed Project (CRWP). The mission of CRWP is to foster the health of Copper River watershed's salmon-based communities, economies, and cultures. CRWP collaborates regularly with agencies, Tribal organizations, other nonprofits and citizens throughout the Copper River watershed on restoration, monitoring, tourism-development and education projects. HB77 as written will create an exclusive process for decisions that have the potential to affect large geographic areas.

HB77 language around general permitting gives DNR powers to issue general land-use permits for "any activity" over broad geographic area, and once the permit is in place, the public will not be given notice about specific activities authorized by the permit. Without knowledge of specific activities, the public will not be able to ensure protection of the resources, like clean water and healthy salmon habitat, that support their cultures, communities and economies. There could also be public health issues that people would not be informed of. By excluding the voice of the public, decisions will be made by people located outside a region without drawing on the local knowledge and experience of the people who have the most at stake in the outcome of the decisions being made.

HB77 states that only the public who has been "significantly adversely affected" can weigh in or challenge decisions, but it is not defined what a significant adverse effect is. We want to be assured that if subsistence use would be affected, Alaskans would have the right to speak up and challenge decisions. I have heard the intent is to stop "outside" voices from slowing down permitting processes, but it is not acceptable that this comes at the expense of the voices of Alaskans.

HB77 has been amended to allow tribes, organizations and people to apply for water reservations. However it is a lengthy process and expensive, especially to try to get the gauging data required by the application process, and there is still no confirmation as to whether the application will be reviewed or considered, and there is no requirement for DNR to honor a timeline for responding to applicants. This is an insincere amendment to the draft legislation that does not allow for a fair assessment of applications from the people who depend most on clean water and healthy subsistence resources.

P.O. Box 1560, Cordova, AK 99574

tel 907.424.3334

web [www.copperriver.org](http://www.copperriver.org)

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### *Board of Directors*

Molly Mulvaney, President, Cordova  
Gloria Stickwan, Vice Pres., Tazlina  
Brad Reynolds, Secretary, Cordova

Joel Azure, Cordova  
Audubon Bakewell IV, Gakona

Maria Wessel, Cordova  
Copper Basin (2), open

We are not in support of HB77 and hope you will not allow for the complete removal of the citizens of Alaska from the DNR permitting process. Alaskans have the best local knowledge to help guide decision-making and the most at stake.

Thank you for the opportunity to comment and your work to represent Alaskans.

Sincerely,

A handwritten signature in cursive script that reads "Kate Morse". The signature is written in dark ink and has a fluid, connected style.

Kate Morse  
Acting Executive Director  
Program Director

From: Nancy Behnken  
Sent: Friday, March 14, 2014 12:08 PM  
To: Rep. Jonathan Kreiss-Tomkins  
Subject: HB 77

Dear Jonathan,  
I'm extremely busy these days with the boat, so I apologize that this is so short. Then again, this is just a formality in this case anyway.

I am writing to state my firm opposition to HB 77, both in its original form as well as the amended version that was presented to us this past Monday. In unison with the majority of Alaskans, a fraction of whom were given the opportunity to testify on Wed, I am appalled by this assault on the democratic process and urge you to kill this bill.

I will refrain from wasting your time and mine by repeating what so many citizens have already said in public testimony and written in letters to you, but I do want to go on record as being an Alaskan resident dependent on commercial fishing as my primary source of income who is adamantly opposed to this bill. The natural resources in this state are public property and it is our right and responsibility to be involved in any decisions made regarding the use, development or extraction of them. As a commercial salmon fisherman and subsistence user I am naturally very concerned about the effects that this bill could have on our salmon streams. But of course the potential irreparable harm to a vast array of other wild places and the fish, wildlife and humans dependent on these healthy ecosystems, should this bill pass, is also of tremendous concern to me.

Thank you for your time and attention to this supremely important matter.

Sincerely,

Nancy Behnken  
117 Jeff Davis St  
Sitka, AK 99835

From: Maryellen Lambert  
Sent: Friday, March 14, 2014 2:30 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

I have a broken arm. I am typing painfully with one finger, so I'll be succinct. The land, the water, and the very air we breathe belongs to all of us, as well as to our posterity. Our legislature should take their responsibilities to the public good seriously.

1. The public should always be apprised of permits and developments on our resources.
2. The public should always be able to weigh in on these decisions.
3. DNR is responsible to the public good, NOT just developers.
4. We have no reason to trust a process that is so clearly limited to the governor's appointee, with limited public testimony on such a major piece of legislation. Shame on you.

Please take this bill through the proper channels or toss it out it altogether. It is bad legislation.

Maryellen Lambert  
6921 E 12th Ave  
Anchorage, AK 99504



From: Joan Hoeler  
Sent: Friday, March 14, 2014 2:16 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

Dear Senator Giessel-

The bill is no good  
and this fix will not make it better. Things like this need more testimony, discussion and working together with all groups who have a stake in these types of issues.

Sincerely,  
Joan Hoeler

Joan Hoeler  
2812 Bass st  
Anchorage, AK 99507

From: Paul Carlson

Sent: Friday, March 14, 2014 2:36 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. 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,

Paul Carlson

Po box 91451

Anchorage, AK 99509

From: Kevin & Donna Maltz

Sent: Friday, March 14, 2014 2:30 PM

To: Sen. Cathy Giessel

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

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Sincerely,

Kevin & Donna Maltz  
1316 Ocean Dr  
Homer, AK 99603

From: Tony Roof  
Sent: Friday, March 14, 2014 2:16 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. 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.

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Sincerely,

Tony Roof  
591 Brewster st  
Fairbanks, AK 99712

From: Karen Marquardt  
Sent: Friday, March 14, 2014 2:13 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. 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.

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Sincerely,

Karen Marquardt  
3430 Main St.  
Homer, AK 99603

From: Eric Bacon

Sent: Friday, March 14, 2014 2:11 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. 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.

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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,

Eric Bacon  
5898 Ravens Roost Circle  
Anchorage, AK 99516

From: Joel Jackson

Sent: Friday, March 14, 2014 1:57 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. 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.

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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,

Joel Jackson  
PO box 124  
262 silver spike rd.  
Kake, AK 99830

From: Paul Mackie  
Sent: Friday, March 14, 2014 1:47 PM  
To: Sen. Cathy Giessel  
Subject: HB 77

Dear Senator Giessel -

As a commercial fisherman in Cook Inlet, I am writing to oppose HB 77. I appreciate the efforts made to amend the bill, but I continue to believe the general permitting, standing, water reservation and water use permit provisions undercut our ability to meaningfully participate in important natural resource permitting decisions.

Thank you -            Paul Mackie            Homer,AK



From: Ann Wyatt  
Sent: Friday, March 14, 2014 1:31 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. 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.

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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,

Ann Wyatt  
250 West Street  
Box 169  
Klawock, AK 99925

From: Betsy McCracken  
Sent: Friday, March 14, 2014 5:35 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

I am writing today as a 33-year resident of Alaska. I am a fisherwoman and hunter; and I have raised my two children here. I graduated from college at the University of Alaska, Fairbanks. I have a vested interest in Alaska and its future. I am a former employee of the Alaska Department of Fish and Game, and the Department of Natural Resources. I am opposed to HB 77.

Unfortunately, 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 and thoroughly vet this bill in front of multiple committees. We appreciate the second opportunity to testify on HB 77 provided today, Friday, March 14th, but it is still not enough time to provide for an adequate public 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. It undermines Alaska's Public Trust Doctrine, which is intended to ensure that resource decisions are in the best interest of the public. HB 77 is, in effect, a slap in the face to every individual of Alaska.

HB 77 goes against legislative constituents well documented and voiced wishes for natural resource conservation in Alaska. Water resources are Alaska's very most important resources, and must be held in trust for fish and wildlife and the people of this great state. Water rights should not be given away to landscape level development to the benefit of a few individuals. I take personal offense to this bill on behalf of myself, my children and my grandchildren.

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 bill as written, should be removed from process consideration all together.

A bill that is this complex and expansive, with such potential for negative consequence deserves multiple public hearings to allow Alaskans to provide input that toward conserving their individual water rights. HB 77 would facilitate a path of irreversible loss to our state. Alaskans deserve better than HB 77.

Most sincerely,

Betsy McCracken

Betsy McCracken  
6910 Rovenna Street  
Anchorage, AK 99518

From: Frank Kreger  
Sent: Friday, March 14, 2014 5:15 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. 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. HB 77 undermines tribes and individual Alaskans' ability to participate in natural resource decisions on state land.

The clear goal of HB 77 is to CUT OUT THE PEOPLE from natural resource decisions. The Bill will empower the bureaucrats to make Alaska as SLAVE to corporations.

What ought the Senators do in regard to HB 77?

- 1) Burn the Bill.
- 2) Impeach the Governor who referred it to the Legislature for violation of his oath of office to uphold Alaska's Constitution which allocates the State's resources to all the people of the State.

Sincerely,

Frank Kreger

Frank Kreger  
645 E. Chickaloon Way  
Wasilla, AK 99654

From: Judith Lund  
Sent: Friday, March 14, 2014 4:54 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. 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.

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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,

Judith Lund  
4178 Hohe ST  
Homer, AK 99603

From: Lia Slemons

Sent: Friday, March 14, 2014 4:23 PM

To: Sen. Cathy Giessel

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

Dear Senators,

I oppose HB77, even with the changes presented on Monday. The issue of general permits is particularly concerning, because of the geographical broad brush such permits include, and the increased likelihood that such permits would inhibit public notification of, and input on, subsequent activities.

I also believe the right of appeal should not be impinged, particularly if subsistence use is not protected.

The right to subsistence is a fundamental promise and debt to Alaskans.

Particularly as climate changes and watersheds shift across the state, in-stream flow water reservations are a sensible solution allowing flexibility to protect wildlife and public use. Water reservations are a sensible, tested tool and should not be impinged. Additionally, it is not fair to change the rules of the game on current water rights applications that have languished.

There are many problems with HB77 and I don't believe it has been substantially revised to merit passage this session.

Sincerely,

Lia Slemons

Lia Slemons

9140 Jupiter Dr

Anchorage, AK 99507

From: tom young  
Sent: Friday, March 14, 2014 4:16 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

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Sincerely,

tom young  
pob 537 1776 Saltwater Dr.  
1776 Saltwater Drive, Homer, 99603  
homer, AK 99603

From: Dorothy Olmstead  
Sent: Friday, March 14, 2014 4:16 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.

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Sincerely,

Dorothy Olmstead  
124 Cortina  
Girdwood, AK 99587

From: Kenneth Waggoner  
Sent: Friday, March 14, 2014 4:11 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

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Sincerely,

Kenneth Waggoner  
3706 Sanders St.  
Juneau, AK 99801



From: Janessa Reamey  
Sent: Friday, March 14, 2014 3:55 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

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Sincerely,

Janessa Reamey  
PO BOX 687  
DILLINGHAM, AK 99576

From: Allan Hayton  
Sent: Friday, March 14, 2014 3:36 PM  
To: Sen. Cathy Giessel  
Subject: I oppose HB 77

As an Alaska Native tribal member, I feel that HB 77 is a end run move around tribal rights to challenge development proposals that affect the waters, lands and animals that we depend upon for survival.

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.

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

Sincerely,

Allan Hayton  
405 Slater Street #1  
Fairbanks, AK 99701

From: barbara reilly  
Sent: Friday, March 14, 2014 3:26 PM  
To: Sen. Cathy Giessel  
Subject: Alaskans oppose HB 77: Please include this in public record and distribute to committee members.

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Sincerely,

barbara reilly  
1800 Parkside Dr  
anchorage, AS 99501

From: Clay Bezenek  
Sent: Friday, March 14, 2014 3:24 PM  
To: Sen. Cathy Giessel  
Subject: HB77

Hon arable Sen. Giessel,

I'm writing this note to ask you to vote no on HB77 as written now.  
This legislation is much to valuable to shove through without much fleshing of language and ideas.  
My representative ideas are mirrored by UFA, USAG, and SEAFA.

Thank you,  
Clay Bezenek

Ketchikan, Ak  
99901

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

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Sincerely,

Amy Nicolaisen  
1927 Spenard Rd.  
Anchorage, AK 99503

From: David Urias  
Sent: Friday, March 14, 2014 3:13 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. 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,

David Urias  
price st  
sitka, AK 99835

From: Linda Kumin  
Sent: Friday, March 14, 2014 3:05 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. 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.

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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,

Linda Kumin  
4572 Sandy Beach Dr  
Anchorage, AK 99502

From: Tina Jess

Sent: Friday, March 14, 2014 2:48 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.

Tina Jess

PO Box 579

Girchson, AK 99587



From: Sharman Piper  
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.

Dear Legislators,

I strongly disapprove of HB 77 and believe it unjustly takes away Alaskans' right to comment upon and influence our state's natural resource use and development.

In addition, the lack of public vetting and open discussion of this bill undermines the democratic public process.

We need more time to learn more about this bill and to have adequate time for public comment. This bill deserves multiple public hearings to allow Alaskans to provide public input.

Sincerely,

Sharman Piper  
700 W. 21st Ave. #A  
Anchorage, AK 99503

## Sen. Lyman Hoffman

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**From:** Brian Napier <bnapier\_ak@hotmail.com>  
**Sent:** Thursday, January 09, 2014 12:19 PM  
**To:** Sen. Lyman Hoffman  
**Subject:** Oppose HB 77 and Protect Alaska's Salmon

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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.

Brian Napier  
PO Box 491  
Denali Park, AK 99755-0491  
907-683-0503

## Sen. Lyman Hoffman

---

**From:** Bob McCard <bmccard@alaska.net>  
**Sent:** Wednesday, January 01, 2014 8:42 AM  
**To:** Sen. Lyman Hoffman  
**Subject:** HB 77

Dear Senator Hoffman:

After reading HB 77 and other material regarding HB 77, I believe that this bill is a severe infringement on our democracy, the democratic process, and the due process of law for the people of Alaska.

Members of the armed forces are serving in Afghanistan today, and thousands of men and women have served our country in past wars and given their lives fighting for our freedom and democratic way of life. HB 77 is a contradiction to their sacrifice. It deprives individual citizens of their right to question the actions of the government by limiting public meetings and public input, and by placing decision-making into the hands of one person—the Commissioner of Natural Resources

Yes, there should be resource development, but not without the input and safeguards that the people of Alaska can bring to the table for discussion. Many times, individuals at the local level are more attuned to their environments and the needs of their surroundings than administrators sitting in Anchorage or Juneau.

I strongly encourage you to look very seriously at HB 77 and either veto HB 77 or make drastic amendments to HB 77 whereby the people of Alaska have more voice in the decision-making process; safeguards are put in place to protect the environment and the fisheries; the power of decision-making is NOT in the hands of just ONE person; and that the laws currently on the books stay on the books and not be overridden by HB 77.

Thank you for taking the time to read my email.

Sincerely,

Bob McCard

## Sen. Lyman Hoffman

---

**From:** David A. Nicholai <[dnicholai@avcp.org](mailto:dnicholai@avcp.org)>  
**Sent:** Thursday, December 12, 2013 10:20 AM  
**To:** Sen. Lyman Hoffman; Sen. Donny Olson; Rep. Bryce Edgmon; Rep. Bob Herron  
**Subject:** H.B. 77

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning and Happy Holidays:

I am writing to you in regards to H.B. 77 which is being considered, I am against this Bill because our region has been hit with low salmon runs and faces restrictions every year. With this Bill, DNR can choose where I can fish and where I should go hunting too. The thought of that has scared me for my region, especially amidst the controversy over salmon at this time.

Will we have to travel farther to fish and hunt? Cost of fuel is high within our region, jobs and income are scarce. You probably already know this and would appreciate it if it can be echoed within legislation.

Once this Bill is passed, we will have no say on what DNR decides, wasn't there a Government-to-Government relationship formed so that all people and Tribes have say on what effects them? Let's keep this agreement up and vote against this measure and keep the Government-to-Government relation as strong as it is now.

I can list a lot of reasons why you should vote against this measure, but you probably already know this. We have enough restrictions with hunting and fishing now. We don't need another department criminalizing our people because they will fish and hunt where they can to feed their family, or where their income will permit them to go.

I urge you to vote against this measure, unless the language is changed where we can work together and still have say on any new regulations. Government-to-Government relationship is very important and decisions based on this is good for the whole State of Alaska. Giving DNR more power, especially on water ways that we have been using since time immemorial, will just distance the relationship we have been building.

With this I urge you to vote against this measure.

Thank you and Happy Holidays.

David A. Nicholai  
Transportation Planner / Inventory Specialist  
AVCP Transportation Department  
PO Box 219  
Bethel, AK 99559  
Ph: (907) 543-7452 / Fx: (907) 543-7455  
email: [dnicholai@avcp.org](mailto:dnicholai@avcp.org)

CONFIDENTIAL NOTICE: This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.

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

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

A handwritten signature in cursive script, appearing to read 'J Stearns'.

KACHEMAK BAY CONSERVATION SOCIETY

## WRITTEN TESTIMONY

Name: Clyde Boyer  
Representing: myself + my wife Vivian  
Bill No./Subject H B 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. Boyer Jr.



## WRITTEN TESTIMONY

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

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

Senator Cathy Giessel  
Chairman, Senate Resources Committee

3/11/14

HB 77 Dear Sen. Giessel,

We have been hearing a lot lately about House Bill 77, being pushed by the Parnell administration as an attempt to supposedly streamline the permitting process. There is an apparently unrelated project that has been included in this bill. Included at the behest of Senator Lesil McGuire, it is a project to develop a hydroelectric facility, which would include a 128-foot high dam, on the Allen River at remote Chikuminuk Lake, within the Wood-Tikchik State Park.

Wood-Tikchik State Park, set aside by Governor Jay Hammond in 1978, is the largest state park in the United States, and is considered a treasure even by Alaskan Standards. It includes two river systems and ten large clear-water lakes that contribute about 20 percent of Bristol Bay's commercial sockeye salmon harvest.

There are a number of issues with creating a development of this type within a wilderness area that is far from infrastructure. First, Nuvista Light and Power Cooperative, a part of the Calista Corporation, which has been awarded 10 million dollars of state funds to study the feasibility of this project, does not even own any electrical generating equipment. Along with the massive dam, they are also proposing a 118-mile long transmission line from the dam site to Bethel, which would cross Yukon Delta National Wildlife Refuge, where a utility corridor permit would be required. A final report by MWH estimated the total cost of this project at \$507,000,000, with produced power estimated at between \$0.58 to \$0.70 per kilowatt hour (kwh). That cost does not include consideration of extending power lines from Bethel to outlying villages or moving heavy equipment and construction materials to this remote site.

The Alaska Power Authority currently administers the Power Cost Equalization program that subsidizes electricity costs to rural Alaskans. Because of this Bethel residents paid only \$0.16.3 per kwh in 2011. This suggests Bethel residents would only pay about one fourth of this project's power costs. Would the remaining cost be paid by the Alaska Energy Authority? If so Nuvista would be generating a subsidized revenue stream to the Calista Corporation, and from resources outside of their boundary. It is also reported that demand for power at Bethel is highest in the winter and lowest during the summer. The flow of the Allen River is just the opposite, making it necessary to store water in the lake throughout the summer.

A March 2002 management plan put Chikuminuk Lake in a state wilderness area, and currently hydro projects are off limits. Efforts to amend park legislation, however, are currently under way, introduced by Senator McGuire in SB 32 and Representative Millett in HB 137.

The Allen River appears to contribute the greatest flow to the Tikchik Lake System. One of the biological realities of the Bristol Bay region is the substantial predation by Arctic Char and other predators on sockeye salmon smolts. It is a feeding frenzy I have witnessed at the Tikchik Narrows, one you have to experience to fully appreciate. Lower summer flows produced by this dam may likely result in increased predation on these sockeye salmon stocks by increasing densities at constriction point in the watershed.

If the senate version of HB 77 passes, not only will it give the Commissioner of DNR vast new authority to issue permits, and cut comment periods for ordinary Alaskans. It

will likely pave the way, along with SB 32 and HB 137, to eliminate the wilderness status of a vast section of Wood-Tikchik State Park, and continue the "death by a thousand cuts" that the Parnell Administration is inflicting upon our fisheries.

Jack Dean

Sterling, AK

907 262 9769

Names Mike Syevly

Representing: Self

Bill No / Subject: HB77 (RES)

Committee: Resources

Date of Hearing: 3/12/2014

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 <sup>Public</sup> ~~available~~ 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 Boyer

Representing:

myself + my wife Vivian

Bill No./Subject

H B 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. Boyer Jr.

To: Senate Resources Committee  
From: Lisa Weissler, Attorney  
Date: 3/14/14  
RE: Public comment #2 – 2d SCS CSHB 77(RES), Version H

In addition to the legal issues regarding land exchanges listed below, I have identified numerous other issues that are detailed in my written comments submitted previously to the committee.<sup>1</sup>

I note again that HB 77 is part of the larger problem facing our state – that the state's resource permitting system no longer serves the public interest. Even if the legal issues I've identified are fixed, HB 77 will still move the state in the wrong direction.

### **LAND EXCHANGES – SECTIONS 22 to 27**

The Department of Natural Resources describes the changes to AS 38.50 as giving the Division of Mining, Land and Water more flexibility in land exchanges. The department modeled the changes after AS 29.65.090, that provides for land exchanges between DNR and boroughs and municipalities.

- AS 28.65.090 is not a good model. It addresses land exchanges between the state and local governments that are a trade of public lands for other public lands. This is not equivalent to the land exchange statutes in AS 38.50 that address land exchanges between the state and private entities. Where public lands are put into private hands, more comprehensive statutes are warranted.
- AS 38.50.010 changes the value the state receives in an exchange from "appraised fair market value" to "approximately equal value."
  - "Approximately equal value" is found in AS 29.65.090. While an approximate standard may be appropriate in state to municipal or borough exchanges, dealing with private interests requires a clearer standard to protect the state's interests.
  - How is "approximately equal value" determined? Who makes the determination? Who arbitrates if there is disagreement between the parties to the exchange?

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<sup>1</sup> Previous comments submitted 3/12/14, posted online with HB 77 Opposition Documents, Group #2.  
Changing Tides Consulting  
[lisa@changingtides.com](mailto:lisa@changingtides.com)  
changingtides.com

- Repeals statutes that address procedures and public notice requirements for land exchanges.
  - DNR will rely on procedures and notice requirements in other existing statutes – AS 38.05.035(e) and AS 38.05.945.
  - The referenced statutes are not written with land exchanges in mind and could be insufficient in terms of protecting the state’s interest, or create confusion regarding how they are to be applied.
- AS 38.50.010 adds that mineral rights may be exchanged.
  - Current AS 38.50.010 authorizes the director to dispose of state land. The proposed language authorizes the commissioner to exchange either or both the land estate or mineral estate.
  - Current AS 38.50.050 specifies that mineral rights in state land may be exchanged “to the extent that the conveyance is authorized by the state constitution and applicable federal law.”
    - Why is “mineral estate” added to AS 38.50.010 when it is already appropriately covered under AS 38.50.050?
    - Since the federal Statehood Act prohibits the state from parting with the title to its minerals, when would the state ever be able to convey its mineral rights?

## March 14, 2014 comments to Senate Resources Committee

re: version HB77 Version D released today.

By Dan Dunaway  
PO Box 1490  
Dillingham, Alaska 99576 907-842-2636

I retired from ADFG as the Bristol Bay Area Sport Fish Biologist. I had 22 years full time with ADFG from Bering Sea, Aleutians and Alaska Peninsula Shellfish (commercial) to Bristol Bay and Lower Kuskokwim sport fisheries, and seasonal work with ADFG in the commercial salmon fisheries of Bristol Bay and northern Cook Inlet; 1973 to 2002.

Thank you for holding hearings and thanks for the opportunity to testify on Wednesday March 12.

Below I offer new comments to the revised versions of HB 77 presented today and last Monday at the Senate Resources Committee hearings.

Thank you to the whole committee for providing additional public comment opportunity and for going the distance this evening.

Second, I am heartened that you are developing changes to the bill in response to concerns expressed.

**1) Removal of Chikuminuk Lake language.** Excellent move and I want to thank all the legislators for being responsive to this issue. I hope this is the last we see of any hydroelectric discussion for that site. The facts of that location speak for themselves. Its just too expensive to waste any more state money on it. I hope this shows up in significant savings of State funds as well.

Please make every effort to assure that this language is permanently purged from this bill whatever the fate of the rest of the bill. Further, I expect this language will not appear in any other bill for this session.

### **2) Protection of King Salmon Habitat \*Sec 46.(a)(b) & (c)**

Adding the 12 major king salmon rivers is interesting and helpful but needs to be much more specific whether just main stem rivers will be reviewed. Reading more of today's language I would interpret it to mean most of the watersheds for each river system are opened to this plan. This is a vast area of the state and developing a work plan will be a large undertaking. This will require significant participation by the Department of Fish and Game, probably USFWS, USFS, and probably other federal agencies. In fact I wonder if it would have been better to assign much of this work to ADFG vs DNR.

\*\*\* Instead of directing DNR to *consult* with ADFG I think this bill should *direct* DNR AND ADFG to collaboratively develop a work plan together. I have trouble believing 6 months is a reasonable time for this plan.



I hope you are prepared to vigorously support significant additional funding to both departments to make this exercise happen; especially by January of 2015. In the past DNR and ADFG really struggled to work together on planning efforts. DNR and ADFG did not have trained staff who could communicate well between the departments, especially given their somewhat different missions.

**\*Sec 46.(d)** "Nothing in this section prevents....."

I feel this language leaves the door open too wide for other uses. While its not likely to be a substantial issue for the main stem rivers mentioned, it could be serious in smaller tributaries where king salmon often spawn. This section could effectively nullify the protections supposedly offered in parts (a),(b)(c). Please remove this part or reword to be more clear; I suggest getting guidance from ADFG as to what might work by tributary size or approximate flow rate; get clear objective criteria. I don't know how to find him but Christopher C. Estes retired from Fish and Game might be a particularly well qualified person to offer advice.

#### **Other Comments:**

The changes adopted Monday, March 10 were in the right direction and I support them as far as they go. Especially removing the "not withstanding" language is excellent. Allowing individuals and Native Tribes is a help but should go farther.

Sec 4 AS38.05.035(i) ...."Substantially and adversely affected" - what does this mean? This would seem to foster arguments and litigation. It would be helpful to provide some objective criteria to define this term.

Sec 14. AS 38.05.082(b): I object to reducing the appeal time from 30 to 20 days. As I spoke Wednesday often 30 days is insufficient or barely sufficient for people to hear about and respond to concerns.

Sec 39.As 46.15.145(c)(4): I think these clearer criteria (A) to (G) are helpful and important to retain in this bill if it survives. This was a good improvement to the bill.

Sec 42.AS 46,15,155(a)..... added line "The commissioner may issue one or more new temporary water use authorizations for the same project." I object to unlimited "new authorizations". I understand there should be contingencies for project delays etc but there should be a limit to the number of new permits without a new application.

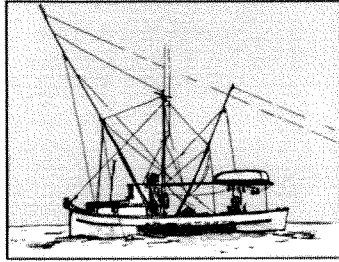
#### **Summary:**

I have some sympathy for the DNR staff and businesses that need small somewhat "routine" water removal permits. It would be helpful to simplify the system for all. I think the testimony of Andre today (I missed his last name and location) said it well: What started out to be a simple solution to a modest administrative problem was allowed to snowball into an unacceptable monster bill. I find it disheartening to see this greedy power grab by the current administration. I feel sorry for the staff of DNR who could benefit from a straight forward solution to the original problem.

It would be best to terminate this deeply unpopular bill and start over. More clearly state the real problem, more properly and thoroughly advertise the problem and be open to some realistic fix in a small, properly contained bill.

I think from the out cry its clear that a large portion of the public has little confidence in the administration at DNR, and now the legislature by this bill. I think some of the heavy handed moves like changing the DNR mission statement and the history of the Bristol Bay Area Plan (outlined by Gary Kline in Dillingham) are examples that have severely hurt DNR. I encourage you to write a new and better, more contained bill and restore public confidence in the Legislature, DNR , and a commitment to open public process.

Thank you.



## **Alaska Trollers Association**

130 Seward #205  
Juneau, AK 99801  
(907)586-9400  
ata@gci.net

March 17, 2014

Senator Cathy Giessel, Chair  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

**RE: HB 77**

Dear Senator Giessel and Committee Members:

On behalf of the Alaska Trollers Association (ATA) I have reviewed HB77 version D and offer the following comments.

ATA represents the Southeast troll fleet. Our members are professional hook and line salmon fishermen who fish in both state and federal waters off the coast of Alaska. The troll fleet is one of the largest salmon fleets in the state and 85% of the permit holders reside in Alaska. Nearly one of every 35 people in our region works on the back deck of a trolling vessel and there is a significant support sector throughout the region that relies on them. A large number of troll permit holders and deckhands live in small, rural communities. Many of our members also participate in other commercial, sport, personal use, and subsistence fisheries.

Chinook salmon is one of our fleet's primary target species. As such, we strongly support Section 46 of this bill, which mandates a work plan relative to the reservation of water for 12 river systems important to Chinook and other salmon species. Given the importance of salmon to the residents of this state, it is our opinion that this component of the bill warrants stand-alone legislation, regardless the ultimate fate of HB 77. Each of the rivers identified supports an immense abundance of fish and wildlife resources worthy of special legislative protections. Our association has long called for legislated instream flow reservations for precisely this reason. However, it is also important to note that nearly all of the freshwater in our state contributes to the sustainability of salmon, so should also continue to enjoy ample protection under the law.

Department of Natural Resources (DNR) has stated its intent to improve agency effectiveness by employing a general permit authority under HB77. The agency asserts that the ability to utilize general permits will help them make timelier permit decisions. As participants in a heavily regulated industry, ATA members appreciate efficient and transparent permit processes, but found the first version of HB 77 technically problematic and confusing. And as the volume and

intensity of testimony might imply, the timeline to review the bill has been far too aggressive for a public that cares so deeply about protecting water quality and fish and wildlife resources.

While we recognize and appreciate that DNR has gone a long way to clarify and otherwise improve HB77, there are still a few important aspects in need of your attention. Here are two.

Under Section 1 a general permit may be issued for activities provided for under AS.38.05 or AS 38.95, *if the department finds that the activity is unlikely to result in significant or irreparable harm*. DNR staff says that only activities which are temporary in nature, or have de minimis impact, will be authorized under a general permit. If that is the case, it should be plainly stated in the bill that general permits will be limited to those activities expected to have 'temporary and de minimis' impacts on fish and wildlife.

The requirement for a person to disclose how they might be *substantially and adversely affected* by a DNR decision may not be unreasonable, but we need to know what that definition means to the agency and how it will be used in the permitting process. DNR informed us that individuals would not be required to estimate the cost of any potential impacts, nor would they be asked to do studies in an attempt to 'prove' their concerns might be valid. However, the bill does not make clear to concerned citizens what, if anything, DNR will require from them to meet the *substantially and adversely affected* standard. This gives many people the impression that their concerns will not be taken seriously, because there may be a burden of proof, or the bar will otherwise be set too high.

Thank you for considering ATA's point of view. Please don't hesitate to contact me if I can provide additional information on this or other issues of concern to the commercial fishing industry.

Best regards,

A handwritten signature in cursive script that reads "Dale Kelley". The signature is written in dark ink and is positioned above the printed name and title.

Dale Kelley  
Executive Director

# KENAI LEGISLATIVE INFORMATION OFFICE

Email: Kenai\_LIO@akleg.gov

Phone: 907-283-2030 / Fax: 907-283-3075

## WRITTEN TESTIMONY

NAME:

Benjamin Jackinsky

REPRESENTING:

BILL # or SUBJECT:

HB 77

COMMITTEE:

Senate Resources

DATE:

3-14-14

Happy Pi Day (3 (point) 14)

I would like to voice my opposition to HB77. I feel humbled to be in the majority with so many citizens of Alaska — from the cities of Anchorage, Fairbanks, and Juneau to mid-sized towns like Sitka and Dillingham to small villages whose names it would take me awhile to learn how to pronounce or spell correctly.

I am a commercial fisherman and small business owner. I have had very little time to read the different revisions of HB77 — but — the committee seems intent on rushing through the process and have a vote on the bill. Therefore, I can only hope that the committee will listen to the arguments presented and try to understand my fellow Alaskans' opposition.

Speaking of Pi — the Greeks presented another wonderful concept called Democracy. HB 77 seems to have run amok of Democracy by attempting to place too much power in the hands of one individual — the commissioner of DNR.

I am sorry I don't have any "new" arguments to make against HB77. So... I'll say Happy Pi Day and may our Democracy continue to function and the people ~~listen~~ be heard.

I made Apple Pie — for Mom

madam chair, members of the committee,

I come before you to register my disgust.

-----

Disgust that citizens have to take the time to remind elected representatives that citizens have a right to participate in their own governance. If they took their oaths seriously, perhaps they wouldn't need reminding.

-----

Disgust with the intent of HB77, and with elected representatives who pay little or no heed to the uniquely American ideal of participatory democracy.

A trend promulgated by some, who not incidentally, most often purport to be conservatives, has been increasingly to propose various methods to limit and/or deny individual citizens and groups of

citizens their right to participate in the decisions of their own governance.

That trend manifests itself in many ways. From actions meant to deny citizens standing before the courts, to actions that do away with whole programs which provided a vehicle for local input in government decision making, (the elimination of the Coastal Zone management program springs immediately to mind). From actions which deny due process, to actions which remove the reserved rights of citizens and instead seek to grant those rights to private entities. These actions even extend to attempts to limit a citizens right to vote.

HB77 is more of the same, this proposed legislation is one of another in the attempts to further limit and deny citizens their right to participate in their own governance.

I'm also disgusted with the attempt to create a false narrative and mischaracterize those who may object to the intent of HB77. My own senator is on record declaring that anyone who would dare object to this proposed legislation would have to be labeled as an 'extremist'.

All too recently, there was an attempt by Vladimir Putin to marginalize Ukrainians. Ukrainians from all walks of life sought only to seek participatory democratic justice in their own country. Putin's tactic in a disingenuous attempt to distort public perceptions? He went to the press in order to falsely mischaracterize those men, women, and young people as 'extremists'.

If I can stand against the attempts to deny citizens the right to participate in their own governance, if I can stand in support of that



4/4

uniquely American ideal of participatory democracy, I will proudly wear my senator's label as an extremist.

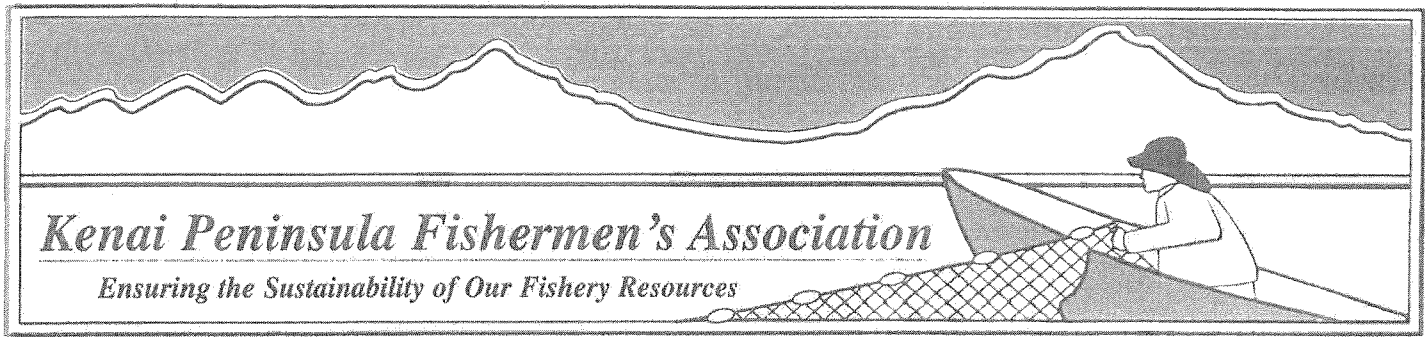
I guess all my fellow citizens who we have heard and who will hear objecting to HB77 are all of us extremists, ...I'll gladly stand with them.

You senators can stand with us too by killing this bill.

Paul Zimmerman

Box 414

Kasilof AK



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669-8276  
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: [kpfa@alaska.net](mailto:kpfa@alaska.net)

March 14, 2014

Senate Resources Committee  
Senator Cathy Giessel, Chair  
State Capitol Building, Room 427  
Juneau, AK 99811

RE: 2<sup>nd</sup> SCS CSHB 77/Version H

The Kenai Peninsula Fishermen's Association (KPFA) represents a nonprofit 501(c)6 commercial fishing trade organization. We would like to express *our* confidence in *our* Kenai Peninsula legislative delegation, especially Senator's Giessel and Micciche in their stellar efforts to develop solutions for the revisions within the general permitting regulation CSHB 77 Version H (hb77).

Clearly the commercial fishing industry in Cook Inlet is perpetuated by maintaining sufficient amounts of clean water for resident and anadromous salmon populations. The 736 registered setnet fishermen are families, small business people and preservationists.

HB 77 must balance water resource uses, we understand that any law is only effective if those that are deciphering the intent language do so with reasonable interpretation. Considering the political nature of resource management in Alaska, we question if this current version clarifies the intent to protect and promote the resources of the State. However, we do support many of the changes made in this current version.

In section 14, although we continue with the original language that has the director, *throw the dice*, and then questions appeals based on substantially and adversely affected competing commercial setnet fishermen, we believe that this may be an inequitable contradiction.

Section 40 (c) (4) (A-E), especially (B) (C) offer some definition to establish guidelines for consideration by the DNR Commissioner.

Section 42 (i) begs the question; Will an agency such as the Alaska Department of Fish and Game (ADF&G) who holds a water reservation for a "person" substantiate and defend the rights of the applicant in the case of an appeal? Will the Department then be held accountable for the accuracy of the "hydrologic data or hydrologic data collected by or for the applicant to support the application"?

It is not our intent to hinder the adoption of this bill; rather we feel that the efforts to streamline the regulatory process are important for the protection and orderly development of our State's resources. In the future KPFA wishes to continue the long term collaboration of fine tuning this regulation. Please feel free to alerts us by the public notification process for future changes that will affect our South Central fishing community.

Respectfully,

Robert V. Williams  
President  
Kenai Peninsula Fishermen's Association



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Resources Committee  
Committee on HB 77 Committee Name 3/14/14  
Bill / Subject Dated

I oppose HB 77 in its current amended form. This bill does no good service to the Alaskan people, silencing their voice in the sustainable management of our resources. There is no clear or measurable definition of "substantially and adversely affected" allowing for dangerous and open interpretation of this term used throughout. This provides excessive latitude to DNR without oversight on the approval and provision of permits. May the legislators know that

SIGNED:

Carrie Stevens

Testifier

myself  
Representing

227 Woodridge St #9, Fairbanks AK 99709  
Address / Phone Number

They should be protecting the  
RIGHTS of Alaskan citizens and our  
ability to participate in the wise  
and sustainable management and  
development of resources critical to  
our families. Please let HB 77 die  
on the floor



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Resources Committee  
Committee on HB 77 Committee Name 3/12/14  
Bill / Subject Dated

This bill silences and limits the input of Alaskans in the permitting process. The reason given for this bill is the 2,600 backlog of pending applications.

By streamlining the permitting process you are short cutting & short circuiting the voice of Alaskans & limits public participation. Maybe the DNR needs to hire more staff. This substantially and adversely affects All Alaskans.

SIGNED:

Sharon C. Alden

Testifier

Self

Representing

159 Kniffen Rd Ebes, AK 99712  
Address / Phone Number

Please send a copy to Sen. Giessel  
and Sen. Bishop

To Senator Bishop & Senator Giesel



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Resources Committee

Committee on HB 77 Committee Name  
Dated 3.12.14  
Bill / Subject

I was appalled by the late revisions which we received Monday 3.10. We have had no time to consider the revisions. Now we have only 1½ hours to offer our testimony. It seems that democracy is being steamrolled by expediency - for both the Committee and the extractive industries which stand to gain by this bill. Three problems:

- The revisions transfer vast powers to DNR to issue general permits for "any activity" without public notice or hearing. DNR could override its own laws. This violates our constitution. Resources are owned by US.
- unclear terms need to be defined: "significant and irreparable harm" must be ~~be~~ clarified to make it EASIER for Alaskan citizens to challenge permitting. Also "substantially and adversely affected" needs clarification. Otherwise, here comes the lawsuit, here comes endless litigation.
- Water Reservations - There have been reservations awaiting action for a long time. They must be grandfathered in

SIGNED:

Testifier

Jeffrey A. Merkel  
self

Representing

246 Crest Dr., Fairbanks 99712  
Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Resources Committee  
Committee on HB 77 Committee Name Dated 3-14-104  
Bill / Subject

Hi; my name is Polly Lumi I'm from Point Hope AK  
now living in Fairbanks AK. I am an ASRC Shareholder  
and is against House bill 77. I love my freedom of speech  
and I love to speak my mind. Do not take away  
my right to speak.

SIGNED:

Polly Lumi  
Testifier

Self  
Representing

(907) 450-9455  
Address / Phone Number





# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Resource  
Committee on HB 77 Committee Name Dated 3/14/14  
Bill / Subject

My name is Joseph Aleoganna, I'm 13,  
and I'm from Barrow, Alaska. Free speech is in the  
Constitution. and what your doing is wrong.

SIGNED:

X Joseph Aleoganna  
Testifier

Self

Representing

328-9937

Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the

Resources Committee

Committee on

HB 717

Committee Name

Dated

My name is Wynia T. Leavitt, I am an ASRC <sup>Shareholder</sup>  
It's simple folks, eliminate the permitting  
process, eliminate the voice of the  
people of the land.

The people are the land and the  
land defines the people.

Take away the voice and you take  
away the definition of the people.

Subsistence Rights, may they <sup>Perpetuate</sup> ~~live on~~  
forever.

SIGNED:

Wynia T. Leavitt

Testifier

Barrow / Fairbanks

Representing

3304 Gold Hill Rd. Fols, AK

Address / Phone Number

414-4055

99709



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Senate Resources Committee

Committee on HB 77

Committee Name

Dated 3-14-14

Bill / Subject

Thank You Madame Chair.

My Name is Mabel Brown. I'm From Point Hope, Alaska.

I'm a Tikiing Corporation and an ASRC shareholder.  
~~I would like to say that this bill is a very bad idea.~~  
I do not want to lose my voice for oil waters.

We have a river called the Kookpuk river, that river  
Feeds our village <sup>and</sup>, and I would like my grand kids and their  
grand kids to continue to feed from that river. so again  
pls close this bill.

SIGNED:

Mabel J. Brown  
Testifier

Self  
Representing

Box 102 Point Hope, AK. 99766 907 348 0293  
Address / Phone Number



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SENATE RESOURCES COMMITTEE

Committee on HB 77

Committee Name

Dated 3-14-14

Bill / Subject

Thank you madame chair & ~~SENATE~~ RESOURCES COMMITTEE

I'm PETER FRANKSON FROM POINT HOPE, ALASKA  
I'm A TIAGRA CORPORATION & ASRC SHARE HOLDER  
I OPPOSE HB 77 BECAUSE I DO NOT WANT TO  
LOSE MY VOICE. I THANK YOU FOR YOUR  
TIME. ~~THANK~~

SIGNED:

Peter Frankson

Testifier

Self

Representing

BOX 102 POINT HOPE ALASKA 99766 907-368-0061

Address / Phone Number