

## HB 77 Opposition Documents Index Group #14

1. Karen Cauble – March 14<sup>th</sup>
2. Gary Fandrei – March 14<sup>th</sup>
3. Harvey Shields – March 14<sup>th</sup>
4. Ray Friedlander – March 12<sup>th</sup>
5. Marsh Skeele – March 12<sup>th</sup>
6. Harriet Bealeal – March 12<sup>th</sup>
7. Lorraine Inez Lil – March 12<sup>th</sup>
8. Jeff Farvour – March 12<sup>th</sup>
9. Paul Reichardt – March 23<sup>rd</sup>
10. Frank H. Kreger – March 12<sup>th</sup>
11. John Murray – March 14<sup>th</sup>
12. Gail Heineman – March 14<sup>th</sup>
13. Joanna Perensovich – March 13<sup>th</sup>
14. Garvin Bucaria – March 14<sup>th</sup>
15. Jamie Miller – March 14<sup>th</sup>
16. Val Glooscherko – March 12<sup>th</sup>
17. Lisa Wade – March 12<sup>th</sup>
18. James L. Chesbro Sr. – March 12<sup>th</sup>
19. Penny L. Westing – March 12<sup>th</sup>
20. Paulette Moreno – March 14<sup>th</sup>
21. Helen Woodings – March 12<sup>th</sup>
22. Tina Tinker – March 14<sup>th</sup>
23. Billy Maines – March 14<sup>th</sup>
24. Daniel Chythlook – March 14<sup>th</sup>
25. Morris Nakarak – March 10<sup>th</sup>
26. Emily Murray – March 14<sup>th</sup>
27. Sharon Lowe – March 12<sup>th</sup>
28. Tom Meacham – 12<sup>th</sup>
29. Warren Keogh – March 12<sup>th</sup>
30. Patricia Chesbro – March 12<sup>th</sup>
31. Jessica Winnestaffer – March 12<sup>th</sup>
32. Seawan Gehlbach – March 12<sup>th</sup>
33. David Janka – March 12<sup>th</sup>
34. Barclay Kopchak – March 12<sup>th</sup>

## WRITTEN TESTIMONY

Name:

KAREN CABLE

Representing:

self

Bill No./Subject

HB 77

Committee:

Senate Resources

Date of Hearing:

3/14/14

I am a

longtime coastal resident of Alaska.  
I'm speaking to encourage  
amendment to this bill to be  
sure to provide opportunities for  
input on decisions affecting our  
coastal regions. Alaska's Constitution  
makes us ALL owners of our  
coastal resources. We have the  
right for public notice & meaningful  
participation. As it stands HB 77  
undermines our rights.

Please make it better



# COOK INLET

## AQUACULTURE ASSOCIATION

40610 KALIFORNSKY BEACH ROAD  
KENAI, AK 99611

(907) 283-5761  
FAX: (907) 283-9433  
email: [info@ciaanet.org](mailto:info@ciaanet.org)  
<http://www.ciaanet.org>

Senator Peter Micciche  
Alaska State Legislature  
State Capitol, Room 125  
Juneau, Alaska 99801

March 14, 2014

Dear Senator Micciche,

Cook Inlet Aquaculture Association (CIAA) is a private, non-profit corporation organized under the laws of the State of Alaska, engaged in salmon enhancement work throughout the Cook Inlet Region. We are strong proponents of protecting and preserving salmon resources and the habitat these fish rely upon. The purpose of this letter is to thank you for taking a leadership role on HB 77 to amend the bill to assure salmon and salmon habitat are protected.

Although we have not taken a position on HB 77, we understand that there are many provisions in the bill that have caused concern among organizations and individuals across the state of Alaska. We support your efforts to make sure salmon streams are protected and that avenues to preserve this protection are open and transparent.

We hope you will continue to advocate for amendments that will lead to good stewardship of salmon resources and habitat.

Thank you again, and please let us know if there is anything we can do to support your work.

Sincerely,

Gary Fandrei  
Executive Director

Cc: Representative Mike Chenault  
Representative Kurt Olson  
Senator Gary Stevens  
Senator Fred Dyson

Senator Cathy Giessel  
Representative Eric Feige  
Representative Tammie Wilson



ROUTE 2, BOX 2 - SAXMAN, KETCHIKAN, ALASKA 99901 • FAX: (907) 247-2504 • PHONE (907) 247-2502

**RESOLUTION 2014-01-181**

**A RESOLUTION BY THE ORGANIZED VILLAGE OF SAXMAN, SAXMAN I.R.A. COUNCIL OPPOSING HOUSE BILL 77 AMENDING STATE PERMITTING STATUES AND ELIMINATING WATER RESERVATIONS**

**Whereas**, the Organized Village of Saxman is a federally recognized Tribal Government; and,

**Whereas**, the Organized Village of Saxman is inherently sovereign and has a responsibility to steward the land, water, and other natural resources to maintain a cultural subsistence way of life for future generations; and,

**Whereas**, the Organized Village of Saxman seeks to accurately represent the concerns of the Tribe; and,

**Whereas**, the Parnell administration is promoting legislation, H.B. 77, that amends Alaska's State permitting laws and rules changing how the state's commonly held resources will be managed; and,

**Whereas**, H.B. 77 expands the State Department of Natural Resources (DNR) authority to issue general permits for almost any project on state lands without any public input; and,

**Whereas**, H.B. 77 makes it more difficult for Alaska Native peoples to access the judicial process and prevents Alaska Native peoples from having their day in court; and,

**Whereas**, H.B. 77 gives DNR the authority to issue an endless series of temporary water use permits for a single project, without opportunity for public review or vetting; and,

**Whereas**, H.B. 77 ignores tribal sovereignty rights by eliminating the process for Alaska's federally recognized tribal governments to acquire water reservations to protect productive salmon streams,

**THEREFORE, BE IT RESOLVED**, the Organized Village of Saxman opposes H.B. 77, and urges the Alaska State Senate not to support the legislation, because it fails to recognize tribal sovereignty, gives DNR new broad, unchecked powers at the expense of Alaska Native peoples' ability to participate in collaborative resource management, creates legal loopholes to remove guaranteed points of public oversight, and establishes significant barriers to access the judicial process for Natives.

**CERTIFICATION:**

**PASSED** and **APPROVED** by a duly constituted quorum of the Saxman I.R.A. Council on the 3<sup>RD</sup> day of FEB, 2014 by a vote of \_ **YES** votes, \_ **AGAINST** votes, and \_ **ABSTAINING**.

  
\_\_\_\_\_  
Lee Wallace, Saxman I.R.A. Council President

2/4/14  
\_\_\_\_\_  
Date

**ATTESTED:**

  
\_\_\_\_\_  
Harvey Shields, Saxman I.R.A. Council Secretary

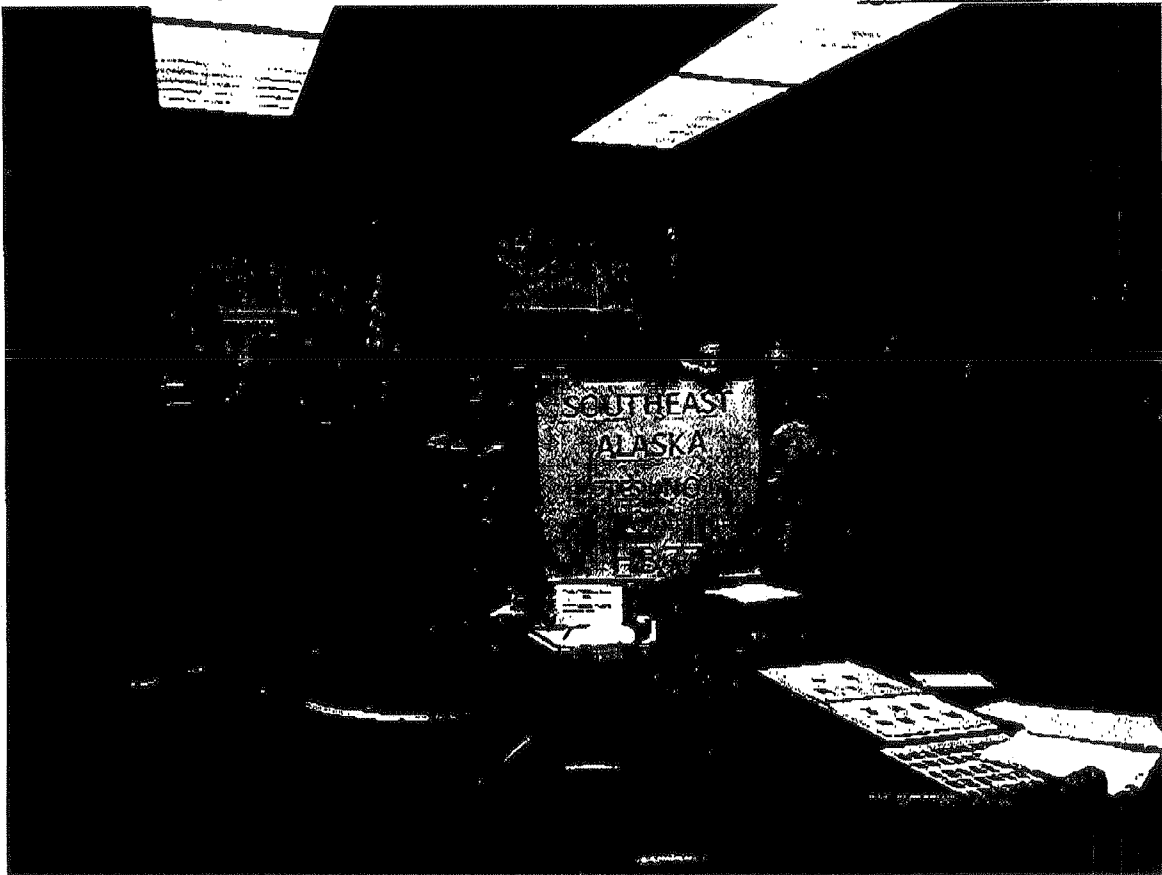
2-4-14  
\_\_\_\_\_  
Date

Mar. 12, 2014 5:58PM  
March 12, 2014

No. 2682 P. 8

Dear Senator Giessel and Senate Resources Comm,

I write to you as a community organizer in Sitka, Alaska that has personally worked with over 50 people that oppose HB 77. Today's public testimony at an LHO office turned out around 20 people - all of whom wanted to share their opposition to HB 77 with you and staff. Here is a photo of some of the people that attended, standing strong & proud for our Alaska. We are counting on you to stand up for your Alaskan constituency.



Vote no on HB 77. Thank you.

Ray Friedlander, 117 Jeff Davis St, Sitka, AK 99835

3/12/14

My name is Marsh Skeele  
and I oppose House Bill 77.

I am a commercial fisherman  
and co-owner of Sitka Salmon Shares.

As a fisherman I ~~rely~~ rely  
on healthy watersheds for my livelihood.

~~rely~~ This bill threatens that  
and silences Alaskans when their  
rights are taken away. Thank  
you for your time.



Marsh Skeele

507 Kathleen St.

Sitka, AK 99835

March 12, 2012

I, Harriet Miyasato Belval oppose HB 17.  
I am native Alaskan + grew up in a subsistence lifestyle + would want to be able to continue with my rights to subsistence (hunting / fishing / gathering). I am 80 years old.

(Power)

1. Too much power to DNA + its commissioners
2. Consider 41 Tribal resolutions oppose HB 17
3. HB 17 not protecting Tribal rights
4. Not enough public oversight
5. You represent us a U.S. Citizen.
6. Kill HB 17 + continue to protect our private, tribal rights + rights of all Alaskans, esp. those who depend on subsistence of our

7. Adequate time to testify.

These are my personal thoughts. My grandchildren + great-grandchildren live in the bush area + this affects them + generations to come.

Sincerely,

Harriet Miyasato Belval  
1710 Edgewood Drive  
Sitka, Alaska 99835  
(907) 738-3470

HB 77

3-12-14

Senator Cathy Gressel

All the wording in HB 77 or any bill needs to be legally defined and clear so all Alaskans understand it and DNR can be held accountable to remain within the law.

Alaskans need to have clean water and need to have the right to defend their rights for clean water.

A corporation or mine (any development) should be made to have a clear plan to prove how they will provide clean water. There should be no land give aways, especially without public opinion expressed.

I am against HB 77, Please vote no on HB 77

105 Austin Street

Sitka, Alaska

99835

Lorraine Inez Lil

Lorraine Inez Lil

907-747-3309



907-738-0898

jefarve@gmail.com

HB 77

Pruden

Chair members of the

Good afternoon Mr / Mrs / Members of the Committee

Thank you for this opportunity to testify.  
My name is Jeff Farver, I live here in  
Sitka, my livelihood is 100% dependent on  
commercial fishing.

do not

HB 77 or  
the  
provisions

I am here to ask that you do not support  
the amended version of HB 77. I believe that  
it would be bad for salmon <sup>and habitat</sup> which I am  
very dependent on for food and livelihood.

100%

I believe that the authority given to the  
DNR commissioner in Section One to issue  
General Permits would allow him to  
supersede DNR's own laws and statutes and  
I believe that is an excessive overarching  
authority of power. Further, after a General  
Permit is issued, subsequent activities do not  
require any public notice.

HB 77 does not define "likely significant or  
wreparable harm" and is weak on the  
definition of "substantially and adversely impacted".

— OVER! —

I would add that even if "separable" usually has grave consequences for fish habitat, and generally implies an ~~act~~ activity will leave a big stinky mess.

We really should be looking at legislation that protects ~~fish~~ fish, habitat and the ~~people~~ Alaskan's rights to be meaningfully involved in DNR's permitting process. These are our needs and this bill clearly does not offer that.

In summary, I would say that this bill is bad for fish, bad for habitat, bad for ~~the~~ fisherman and bad for Alaska. If its otherwise then I'd be glad to listen.

Thank you.

Jeff Farrow

JEFF FARROW

HB77 does not offer the level of stewardship we desire.

Date: March 23, 2014 at 10:15:46 PM AKDT

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

Cc: <Sen.Lyman.Hoffman@akleg.gov>, <Rep.David.Guttenberg@akleg.gov>

Subject: HB77 Please include this in public record and distribute to Natural Resource Committee members

Dear Senator Giessel:

Please include this message in the public record and distribute it to Natural Resource Committee members.

Although I realize that some of the most problematic aspects of HB77 have been addressed by amendments, I am still opposed to the bill in its present form. In my view this attempt to "streamline decision-making" within the Department of Natural Resources (DNR) unnecessarily infringes on the rights and responsibilities of all Alaskans to participate in decisions about public lands. I am particularly concerned about three points:

1. The authority given to DNR to issue general permits for activities on state land is too broad and encompassing. For example, the DNR is given the authority to determine "likely significant or irreparable harm" without necessarily considering opinions held by the citizens of the state (who are the actual owners of the land).
2. The "substantially and adversely impacted" qualification to appeal a DNR decision is not defined. When it comes to State lands, I think it is a qualification held by each citizen, but I am pretty certain that many DNR staff members would have a different interpretation.
3. I object to what really amounts to unlimited discretion given to DNR to any consideration of applications for water reservations, a well-established and effective way to ensure that some portion of a stream's flow is reserved for fish habitat and public uses.

In summary, I am opposed to the present version of HB77 because it transfers some essential rights and responsibilities from all Alaskans to the DNR.

Thank you for your hard work as a State Senator and for your consideration of my position on HB77.

Paul Reichardt

Fairbanks, AK

12 March 2014

Dear Senator Huggins:

Dear Representative Gattis:

*Senate Resources Committee*

I communicate my concerns to you because I am an Alaskan who resides and votes in District 9-E.

In simple terms House Bill 77 is corrupt. Why? Because its essence is to CUT OUT THE PEOPLE from any active participation in Department of Natural Resources' decisions. A cursory glance at wording of a new subsection like "(f) In this section [i.e., AS 44.37.011 on DNR Functions], in order for a person to be adversely affected, a final decision made by the department must create or impose an adverse and direct effect or detriment on the person or the interests of that person" provides instant proof of my claim to any half-conscious person. For, no longer can an "aggrieved" citizen file a petition or an appeal, but now only one who is "substantially and adversely affected" (Cf. AS 44.37.011(b)&(c)). And who will make the "substantially and adversely affected" decision? Why, the commissioner, of course!

So then, if you pass HB77, in order for me to have a bureaucratically acceptable avenue via which to voice my objections and have them be deemed worthy by the commissioner, I will now likely have to either live or own land in the area of the State that some corporation wants to rape.

Dear Legislator, if you cannot smell this rat that stinks to high heaven, something is wrong.

And HB77 gets worse, with the rot being even more evident. Specifically, Sec. 44.37.011 is entitled "Additional procedures for administrative appeals and petitions for reconsideration to the commissioner of natural resources." The changes in this "appeals and petitions" section remove the word "petition." Because all citizens are allowed to petition government, when the government wants to CUT OUT THE PEOPLE, then the word "petition" has to be gotten rid of.

Just glance over the egregious bill. Clearly, HB77 has been designed to empower the Commissioner of Natural Resources, or some of his selected minions, one of whom is the commissioner-appointed "director," to sell Alaska to any corporation they might choose. It takes little speculative ability to imagine into whose pockets some of the money trails will then lead.

Therefore, you cannot in good conscience—indeed, you MUST NOT—make Alaska a **SLAVE to corporations**—as our very own Governor is trying to do! And providing "jobs" is not a reason for enslaving Alaska and her people. It would be better to let all Alaskans revert to a subsistence life style than to give DNR the power to let corporations rape the State, which is the intention of HB77.

Material to my position are these points:

1. I do not trust Governor Parnell; nor should you (and I am conservative, very).
2. I do not trust bureaucrats.
3. Now the big one: Ought I trust you?

Page 1

*Krager*

To fulfill the trust we Alaskans have placed in you, our legislator, you must act to provide:

1. More, not less, room for people participation.
2. More, not less, control over the bureaucracy—especially by means of legislatively requiring them to report to the public more often, in specifically formatted ways designed to constrain their gift for smoke-and-mirror answers.

And in the process of doing the two things above, please act on the two below:

1. Give NO MORE power to the bureaucracy—especially DNR—especially about water.

In other words, burn HR77.

2. The man who sent you HR77 was the Governor. In the act of so doing, he violated his oath of office by not protecting the Alaska Constitution which allocates the natural wealth to the people of the State. Therefore, is a move to impeach Parnell as oath violator warranted? In truth, yes. Please, will you act at once to do so?

The favor of a reply is requested.

In the interest of the people of the State of Alaska and its Constitution, I wish you

Kind regards,

Frank H. Kreger  
645 E. Chickaloon Way  
Wasilla, Alaska 99654  
907-376-0112  
[SaintLudeFarm@yahoo.com](mailto:SaintLudeFarm@yahoo.com)

Page 2  
Kreger

March 14, 2014      Comments on HB 77      In opposition to HB77 (D) as written

To:      Senate Resources Committee

Comments on HB 77 work draft D

**Sec. 14, line 25-27 (page 12)**

This Section just does not work for seasonal harvesters..."within 20 days after issuance of the determination." Some language needs to be added to address this. Many of us have intense summers putting together our season or harvesting. This short window doesn't work. Sec. 39 (B) line 19 (page 22)

I find (B) suspect. I suggest new language as "(B) the effect on the economic activity from not having the proposed reservation."

**Sec. 39, (B) line 19 (page 22)**

I find (B) suspect. I suggest new language such as (B) the effect on economic activities from not having the proposed reservation.

**Sec. 42, line 25 (page 23)**

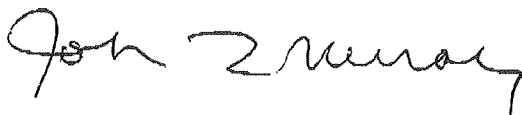
I disagree with the language presented. We are talking about a "use of a significant amount of water" with a TWUA which can be issued one or more times. This open ended language could lead to abuse. Can the "person" appeal this Section?

**SEC 46, line 10 (page 24)**

This is a wise direction to proceed, thanks for this new Section.

As far as the State's need to hold the water reservation for the "person"...the reason given by Mr. Wyn Menefee, Deputy Director, was that companies, non-governmental agencies and individuals don't always stick around and this would insure the reservation persisted. This is weak rational. This Section of the bill needs to be fully debated. If DNR cannot come up with solid reasons the "person" should be able to hold the water reservation.

After listening to two teleconferences, reading what was available, trying to keep up with the CS and work drafts on the bill, I am still confused. For something this important to so many people, more outreach, education and communication still needs to happen.



Sincerely, John Murray, 224 Observatory Street, Sitka, AK 99835

907-738-2075

3-14-2014

Gail Heinenman

- had to leave before speaking

I oppose HB77.

Among many problems it gives too much power to the Commissioner.

Reservation for fish &amp; wildlife are not guaranteed contrary to our Constitution.

You did extend public comment but not enough.

You did ~~not~~ revise the bill but not enough.DNR has made ~~very~~ progress with its backlog of permits. Keep it up!

Reestablish the citizen advisory committee to work with DNR if changes to law are needed.

Please let the public know how you (the committee) will address all the oral &amp; written comments about HB77 and explain to the public what will happen next &amp; when.

Thank you,

Gail Heinenman

2732 W 67<sup>th</sup> Ave  
Anchorage AK 99502

gail-heinenman@yahoo.com

3/13/14

Comments concerning Proposed HB 77

I am opposed to HB 77 in its original & amended version.

This bill precludes the basic rights of the residents of Alaska. A strong democracy is built on access to good information, timely notice, a process of public input and transparent action on any issue of public concern.

HB 77 is an attempt to deny the residents of Alaska a voice in the important Natural resource issues that face the state.

I object to the overbroad definition of general permits issued for "an activity." I object to Alaskans having to prove being "significantly adversely affected" in order to have their voice heard in a decision. I object to putting control of water reservations in the lap of DNR, with all certificates to be held by the ADF&G.

The people of Alaska should not have to shoulder the burden of litigation in order for their opinion to be heard. The State of Alaska is ~~shirking~~ <sup>its</sup> duty to its residents, and disregarding its own constitution to protect the general reservation of fish and wildlife, if it passes this bill in any form!



Please register my position as  
strongly opposed to HB 77 in  
either the original, or amended  
version.

Most sincerely

Joanna H. Perenovich

506 Baranof St

Sitka, AK 99835

907-747-5108

Voter ID # 03017038



# Alaska State Legislature

1 of 2

Please enter into the record my testimony to the

Senate Resources

Committee name

Committee on

2d Senate CS For CS HB #77(RS) dated 03/14/2014

Bill/Subject

I am opposed to this bill! Of Modest economic means it is unlikely I could afford bonding costs should I desire a legitimate appeal. I don't want to be classed as indigent to afford an appeal. The Kobuk River and tributaries, particularly the ~~Koo~~ Ambler, need protection for its Sheefish, our magnificent, gigantic, predaceous whitefish.

Back in 1968 when I obtained mineral samples from a Kenacott Corporation geologist working at Bornite near the village of Kobuk. These samples were collected at a depth of 975 ft were Bornite ( $\text{Cu}_5\text{FeS}_4$ ) with a 63.3% copper content, and chalcopirite ( $\text{CuFeS}_2$ ) with 34.5% copper. Values from large ore bodies are clean but these copper sulfides I have just described are sources of acid mine drainage, and heavy metal contamination of soil and water. Such ores are found at Superior, Arizona; Magma Mine, Arizona; Jerome, Arizona; Bingham, Utah and Butte, Montana. These desert areas of Arizona have low rainfall, yet heavy metal contamination persists. Montana has a much different rainfall regime and serious water quality and mine drainage continues to occur. In Alaska both Red Devil, and Red Dog Mines pose continuing heavy metal and mine drainage problems. When active mining occurs pollution control is more likely. Post mining history is less sure — mine ownership changes, companies go bankrupt, change ownership occurs or responsible parties just disappear. Then the State (the people) pick up the Tab.

Signed:

Samuel Bucaria

Testifier

Representing (Optional)

Self & grandchildren

Address

P.O. Box 870298 Wadilla, AK 99687

Phone number

373-4974



# Alaska State Legislature

292

Please enter into the record my testimony to the

Senate Resources

Committee name

Committee on 2d Senate CS for CS HB\*77 (RES)dated 03/14/2014

Bill/Subject

If the State of Alaska can subsidize the costs of access roads to minerals the State must not disallow the right to appeal mine problems based solely on financial concerns for bonding

Signed:

Lauran Bencard

Testifier

Self & grandchildren

Representing (Optional)

P.O. Box 870279 Wasilla, AK 99687

Address

373-4974

Phone number



# Alaska State Legislature

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

Committee on HB 77(H), dated March 12, 2014  
Bill/Subject

1. Please again consult Article 1, Section 2 of the Alaska Constitution
2. Do not move HB 77 (version H) out of committee - it needs far more public exposure. Do Not Pass HB 77!!
3. Display this version as a flow chart to visualize the functions of the Commissioner, each of the DNR Directors, opportunities to appeal these permits
4. changes must give a fair shake to Notification of the public - remember rural Alaska!
5. Provide equal response time periods to the public as are provided to DNR administrators.
6. Public oversight opportunities must be provided after General permits are issued.
7. Hydroelectric development is not compatible with the Wood-Tikchik Lakes State Park based on
  - a) fluctuating water levels
  - b) unnecessary expenditure of state funds for feasibility studies
  - c) incompatibility with scenic, recreational & natural resource values of a public State Park.
  - d) Adverse effects to fisheries spawning/young migration areas
  - e) Transmission line viewed incompatibilities.

Signed:

Testifier

Garrett Brainerd, self

Representing (Optional)

P.O. Box 970298 Wasilla, AK 99697

Address

(907) 373-4974

Phone number



# Alaska State Legislature

Please enter into the record my testimony to the

Senate Resources

Committee name

Committee on

HB 77

, dated 3-14-14

Bill/Subject

p. 5, line 26 the director shall  
p. 7, line 19 omit it add when  
p. 14 line 15 subsection shall  
p. 14 line 22 The commissioner shall  
p. 16 line 23 The director shall

The changes would force the state to give  
certainty for the public, that the state  
is doing its job for the public benefit

Signed:

Jamie Miller

Testifier

self

Representing (Optional)

P.O. Box 870151

Wasilla, AK 99687

Address

907-376-5636

Phone number

## ANCHORAGE LEGISLATIVE INFORMATION OFFICE

Email: Anchorage\_LIO@akleg.gov 907-269-0111/ phone, 907-269-0229/fax

## WRITTEN TESTIMONY

NAME:

VAL GLOOSCHERKO

6017 Dorcas Dr

REPRESENTING:

SELF

Anchorage 99504

BILL# / SUBJECT:  
COMMITTEE &

HB 77

VGL@VAL-CD

HEARING DATE:

MARCH 12, 2014

I have a master's degree in aquatic ecology and have worked in government service for my entire career. I have worked professionally in other areas of the United States and also in the province of Ontario.

As a retired federal biologist, it is my professional opinion that revisions to HB 77 are useless. I am very familiar with the so-called "General Permit" process, and it was established (invented, if you like) to simply eliminate public or greatly reduce public awareness and consultation. So that the <sup>input</sup> activity whatever it is, can simply be permitted.

HB 77 takes away our basic constitutional right to speed up on behalf of our rights as Alaskans.

I also attended the last hearing for HB 77 here in Anchorage - there were so many people wishing to speak that the line went out the door!! Noon was in favor! The resulting adjustments are only window dressing, and HB 77 remains an unacceptable TIME BOMB!

Kill it! Don't let it out of committee!

Val Glooscherko



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
Committee name  
Committee on HB 77, dated 3/12/14  
Bill/Subject

This hearing was rushed and not enough time allocated for testimony. You skipped the Mat-Su in office numerous times. 180 people showed up to testify and only 4 were heard. The atmosphere was that of frustration and the Silencing of our Voice. Also, 48 hours was inadequate time to meaningfully digest and respond to the charges. The revisions to this bill fall short and it needs to be scrapped! This bill was not crafted for Alaskans. This was clearly crafted for industry at the expense of the owners of this state. My Tribe passed one of 41 resolutions in opposition of this proposed resolution. The revisions have made it no less harmful to the previous version.

Specific reasons for my opposition,

- 1) It does not allow Tribes the ability to hold water rights and does not allow due process in terms of who is deemed "significantly and adversely impacted." It does not provide a clear definition of financial and physical harm and makes no allowance for subsistence as a value.
- 2) It affords too many powers to the DNR and fosters a

Signed:

Testifier

Lisa Wade lack of transparency in resource management decisions.

Self-Property Owner, Registered Voter, Tribal Citizen of

Chickaloon Native Village

9510 N. Glenn Hwy, Palmer, AK 99645

Address

982-7541

Phone number

Kill This Bill!



# Alaska State Legislature

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

Committee on HB 77, dated 3-12-14  
Bill/Subject

The role of government in a democracy  
is protection for all and empowerment of  
citizens. HB 77 violates both. Kill this  
bill!

Signed: James L. Chesbro Sr. James L. Chesbro Sr.  
Testifier

Representing (Optional)

3260 S. Purvey, Wasilla Ak 99645  
Address

907-376-5433  
Phone number





# Alaska State Legislature

Please enter into the record my testimony to the

Senate Resource Committee

Committee name

Committee on

HB 77/H

, dated 3-12-2014

Bill/Subject

I strongly OPPOSE this bill as a registered voter,  
homeowner with a small stream + a Tribal Citizen  
of Chickaloon Native Village.

Two minute limit on testimony is a racist  
way to exclude Alaska Natives from testifying. Our  
trains don't operate on a western continuum.  
Watching half your committee get up + leave during  
testimony is very Disrespectful!!

Kill the Bill!!

HB 77 in all forms  
must be "Trashed"!

Signed:

Testifier

Representing (Optional)

P.O. Box 3437 Palmer, AK 99645-3437

Address

907-746-5248

Phone number

**HR 77 Proposed Amendment Changes – Public Testimony****Paulette Moreno – Sitka 3/14/2014**

**Madame Chair & Members of the Senate Resource Committee, thank you for this additional public opportunity to comment of HB 77 amendments, I do so with respect to all parties involved. First of all I would like to thank all that have come before me and recognized the wisdom their words carried**

**We the 12<sup>th</sup> Player, the public, are in the room as promised. We have our human voice and our here to use it**

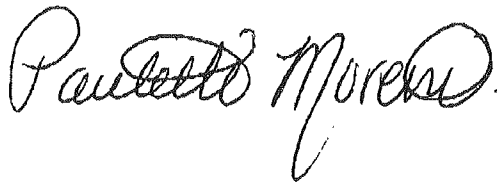
**I am opposed to the attempt to amend our rights as Alaskans. I believe that at this moment, when all is at stake, I would gently remind all presence of Alaska native peoples successful stewardship of Alaska and her resources for ten's of thousands of years.**

**As we join our fellow Alaskans today, in regards to HB 77, I ask at what date, time and minute did we give so much power to so few?**

- **The amendments still give DNR to much control**
- **Even through tribes are mentioned, the language is not strong, enough to promote equality to all and respect Alaska 's ancestral voice to responsible stewardship**
- **Several Sessions of the Bill would still make it difficult to challenge DNR decisions**
- **As a member of Sitka Tribe of Alaska, I support STA's, opposition to the newly released amendments**
- **Yesterday Gov. Parnell mentioned in his press release the duty of the office to uphold the Alaska constitution. It was said in morning legislative prayer this morning that the all Alaskans should be treated fairly. We are only asking that this be respected in deed**

**This bill should be defeated and the message exhalted should be one of that truly reflects the " best interest" of Alaskans and her people**

**Your moment in history is now, may the creator of the land, protect and guide your final decision**

**Paulette Moreno**A handwritten signature in black ink that reads "Paulette Moreno". The signature is written in a cursive, flowing style with a large, prominent "P" and "M".

My name is Helen Woodings. I am a 60 year resident whose call to fame is "The Volunteer". My three daughters reside in Mat Su Borough Their five children were educated in Alaska; three of whom earned a degree at UAF.  
We enjoy living in this land with its many freedoms, clean water, clear air, quiet places.

But more important, we reside in a community where our abilities and leadership are respected. We belong to community action groups, and our opinion counts.

I attended the work shops and hearings in Palmer and Anchorage, in regards to the very bad bill, HB 77. On Wednesday,, March 12<sup>th</sup>, I drove to Wasilla, the LIO office, and signed in to testify. 1 ½ hours later, we were told to go home. Thirty folks across the state just said the "same old stuff" and the committee did not want to hear any more.

History shows us the importance of water and what happens when you lose clean water, or your source for you livelihood and recreation.  
Other states face these same problems. Can't we learn from these examples the battles caused by over appropriated out of stream water use?

I am fighting for water laws for the good of the residents of this great State of Alaska.

Now, I am shouting for the right to be heard.  
Dump HB 77, It was not good in the first place, and now it is worse.

My name is Tina Tinker I work for Aleknagik Traditional Council in the Environmental Department; I also am a member of the Nushagak/Mulchatna Watershed Council.

I participated in collecting water quality samples for the in-flow stream data collection in 2005 until 2010; at the same time that the Pebble Mine was doing their exploration. We helped the hydrologist to set up two flow station Kaktuli and Swan, and went up every month in the summer to collect the inflow stream data which is now complete.

At the beginning of the project we saw salmon swimming at the Swan River below Akelkok, s cabin which was very abundant with salmon. Once the project was over; there was no fish or very few fish in that river system. I believe that since pebble was taking water out for their exploration this has had a detrimental effect to the fish and other land mammals in that area.

House Bill 77 is not protecting the people of the State of Alaska but is undermining the local voices who are doing work to protect the resources we depend on. We've had to find money to conduct this work in partnership with Bristol Bay Native Association and the Tribes that belong to the Nushagak/Mulchatna Watershed Council. We see HB 77 as a way to make changes without consulting us, Alaskans, who are directly affected by the changes to the water law as proposed in HB 77. Why didn't DNR come out and meet with us in Bristol Bay. We have 11 water reservations on file. They should have come to discuss our current applications before proposing any changes. Our applications were completed in good faith, following the rules and guidelines established by the State, and some cases with the encouragement of ADF&G. We shouldn't be punished for doing so.

I oppose HB 77 as it is currently written and I request Senate Resources to investigate why DNR has not met with the people of Bristol Bay who will be impacted by this bill.

## Senate Resources Committee

### HB 77 Testimony

Chair Giessel and fellow members of the Senate Resources Committee, my name is Billy Maines. I am a member of the Curyung Tribal Council, work for them as the Tribal Environmental Coordinator and represent them on a number of committees within the BB Region, the State of Alaska and Nationally. I am here to speak on in the importance or lack of importance placed on in-stream flow reservations and/or federally recognized tribes. I appreciate the fact that someone was kind enough to admit that the tribes in Alaska should be considered Alaskan residents and placed them back into the language of the bill but at the same time take away their right as an Alaskan resident and give it to a state entity. So I see saying it is okay you Alaskan to go and do, let alone pay for, the work for filing an application but you have to turn around give it to some state, municipality, or borough office.....I understand the state feels it can't fully fund its obligations on education but to take credit for the work, time and money involved in putting together a water reservation application which at any time can be thrown out because some individual feels it doesn't adequately illustrate the water quantity, flow or protective usage. There is something wrong with that philosophy.

Curyung Tribal Council is a founding member of the Nushagak Mulchatna Watershed Council. This Council represents federally recognized tribes and municipalities in and around the Nushagak & Mulchatna Rivers of Bristol Bay.....We have 11 preliminary applications filed with the State of Alaska Department of Natural Resources. We started our work as back as 2005 in gathering data sufficient to file an application with the first 2 being filed in 2007. From 2005 and still gathering data to date, we have spent over one million plus dollars, from federal grants and private foundations. Our work has been to ensure adequate flow and water quantity for our renewable resources, primarily the 5 species of wild Alaskan Salmon that spawn in our rivers. Things are changing, climate change is real, development or not, our water is being influenced and we just want to ensure adequate and proper response to those changes can happen with our water reservations. If nothing else happens with this bill, my Council hopes that their time, their resources and money will have been for not.....that they are allowed to maintain ownership of those applications and sometime down the road see them adjudicated by the state. They should be grandfathered.

Hello my name is Daniel Chythlook and I am an Alaskan Native who has lived in this area since I was born.

Our Yupik ancestors have constantly told us about the importance of keeping our water resources clean because all our natural resources we depend upon for sustenance from the land, air and water all need clean and healthy water; including us to survive and remain healthy.

I was fortunate to be asked by an employee of our local Bristol Bay Native Association, if I was willing to conduct in-stream flow data collection along with hydrology work on the lower reaches of the Koktuli and Swan River. The in-stream flow reservation was applied for by BBNA and we conducted this work for a period of five years. We also tested the waters for any presence of heavy metals, and we went up to conduct this work for approximately five months on an annual basis.

I also worked with fish biologists, hydrologists and scientists to conduct anadromous salmon and fresh water fish surveys on the head waters of creeks and streams near the proposed Pebble Mine to assure that the water quality is healthy along with the fish species which migrate to these headwaters on an annual basis to spawn.

The existing law for in stream flow reservations does not prevent development. The commissioner already has the power to cancel or reduce an in stream flow reservation in favor of a subsequently filed water withdrawal application. It is very likely that in most cases a decision will not be required as the water levels will be enough to accommodate both needs. Yes, the in stream flow reservation can be a hindrance or nuisance, but that is how it should be.

It provides the pause needed to fully appreciate how one resource use can affect another. An in stream flow reservation, however, is not absolute under existing law. It does not block development. The real problem is DNR is underfunded, or uninterested enough to address the reservations in a timely and efficient manner and wants this law to effectively eliminate them altogether.

HB 77 as it is currently written is worse now than what is existing in the law

March 10, 2014

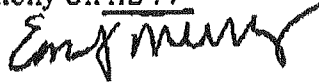
House bill 77 gives me the jitters  
the way it is written, with no  
government to government consultation.

This means to me, that I may  
have to give up my traditional foods  
if and when the clean water  
can no longer sustain life of native  
plants, fish and wildlife in rural  
Alaska. I subsist mostly on traditional  
foods around my area and clean water  
is vital to my subsistence. House  
bill 77 is telling me my subsistence  
is at the will and say so of  
DNR.

Mamie Nakand  
~~Elm~~ Native Village of Elm  
Council Member  
Elm Native Corp - President

2-minute Testimony On HB 77

Emily Murray



Tribal member from the Native Village of Elim

My name is Emily Murray. I am a tribal member from the Native Village of Elim. My tribe has passed a Resolution 2013-04, the City of Elim passed Resolution 13-03 and also Norton Bay Inter-tribal Council also passed Resolution 12-01 all opposing HB 77 altogether. My tribe represents 351 people strong. Furthermore 41-resolutions from communities all over the State of Alaska, and from our Bering Strait Region alone we have Elim, Golovin, Koyuk, Shaktoolik, St. Michael and White Mountain. Also 4-City state-wide resolutions have been passed with the City of Elim being one of them. To conclude Bering Strait Development Council and Norton Bay Inter-Tribal Watershed Council from our region have also passed resolution **STRONGLY OPPOSING HB77**. Currently, our tribes have been monitoring two major rivers, Tubuktulik River and Fish River to insure we have clean water for salmon fish we heavily rely on. This Bill will ultimately strip **OUR RIGHT** to hold in-stream water reservation. **CLEAN WATER** is essential to maintaining a healthy land base and streams for our food resources. By securing this right **OUR PEOPLE** are able to define our own policies and strategies for sustainable hunting and gathering of food, along with this comes a respect for our own culture and is definitely a precondition for **FOOD SECURITY** for generations to come! **WE STRONGLY OPPOSE HB 77 altogether!** Thank you!



To: Anchorage Legislative Information Office  
733 West 4<sup>th</sup> Avenue, Suite 100  
Anchorage, AK 99501

From: Sharon Lowe  
2100 Minerva Way, Unit A3  
Anchorage, AK 99515

Date: March 12, 2014

Re: My Comment Regarding HB77

If HB77 limits or prevents Alaskans from speaking up about important issues, then this bill is in violation of the rights of free speech guaranteed to all Americans by the United States Constitution, and thereby makes the Alaska State Legislature vulnerable to a lawsuit which it would not win.

A handwritten signature in cursive script that reads "Sharon Lowe". The signature is written in dark ink and is positioned below the typed text of the letter.

THOMAS E. MEACHAM  
ATTORNEY AT LAW

ALASKA BAR NO. 7111032  
1971

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9500 PROSPECT DRIVE  
ANCHORAGE, ALASKA  
USA 99507-5924

March 12, 2014

Testimony before Alaska Senate Resources Committee  
on  
2d Senate CS for CS for House Bill No. Bill 77

Madam Chair and Members of the Committee:

My name is Tom Meacham. I am an attorney living in Anchorage, beginning in 1967-68, and continuously since 1971. I have practiced law in Anchorage for 43 years. During all of that time my law practice has concentrated almost exclusively on Alaska natural resources law: mining, oil and gas, water, federal and state public lands, ANCSA and ANILCA issues, and easements and rights-of-way.

I request that a written copy of this testimony be filed with the public comments on this Bill.

I was an appointed member of the Alaska Water Use Board (AS 46.15.190 - .220) from 1982 through 1990. Sadly, that Board exists in theory only, and no longer meets. The instream-flow reservation (IFR) provisions of existing Alaska law (AS 46.15.145) were enacted in 1980 and amended in 1986, and the Water Board assisted in that process.

I am confining my remarks today solely to the amendments proposed to the IFR statute by the HB 77 of 2013, and the proposed changes to those IFR amendments contained in the 2nd Senate CS announced on March 10. I am gratified that the Dept. of Natural Resources (DNR) and the Governor have listened to the hundreds of Alaskans who have spoken out on this issue, and other issues, presented by the HB 77 of last year.

Nevertheless, I believe that the new proposed amendments would still turn the IFR program on its head – just perhaps not as drastically as before.

The concept of the IFR provision (AS 46.25.145) in 1980 was that an agency or a person could file for an IFR certificate to protect **certain specified public uses**, that a **priority date would be established** under Art. 8, Sec. 13 of the Alaska Constitution **as of the date of filing**, and that the IFR application would be processed to a conclusion (either denial, or issuance of a certificate) in much the same way that DNR processes an application for a water appropriation certificate.

*Testimony of:*  
Tom Meacham  
March 12, 2014  
Page 2

SCS CSHB 77 (2013) would have eliminated most of the intended and existing procedural parallels between IFRs and appropriative water rights, and would have extinguished many existing applications filed by non-governmental entities.

Sec. 42 of HB 77 of 2013 would also have extinguished the existing right of any non-public individual or entity to even file for an IFR. Thankfully, Sec. 42 of the 2d Senate CS will recognize that non-governmental "persons" will be able to apply for an IFR.

**However, I have several specific suggestions for amendments to the 2d Senate CS that I strongly urge the Committee to adopt, to clarify the law and to preserve the concept and intent of the IFR statute. These are:**

**1. Sec 42, p. 23, lines 15-17:** The IFR certificate applied for by a "person" (as "person" is newly defined in Sec 45) is to be issued to the "appropriate state agency". However, the definition of "person" is now so broad in Sec. 45 that it covers public corporations, state agencies, political subdivision, and the United States. **It makes no sense that public entities' IFR certificates should be held by another public agency, the "appropriate state agency."** As I will show later, the definition of "person" is too broad.

As a compromise position, I believe that non-public entities and individuals should agree that an issued IFR certificate should be held by "the appropriate state agency." **However, the IFR applicant should clearly have standing to defend the IFR in appropriate proceedings, if the IFR is later proposed to be altered or eliminated. To this extent, a non-governmental IFR applicant *must* be recognized as having a right, or interest, or legal standing in the continuation of the issued IFR certificate it had originally applied for, and had funded.**

The denial of any property interest in an IFR application, and in an issued certificate, appear to conflict with the Water Use Section of the Alaska Constitution Art. 8, Sec. 13). This Section recognizes that priority of application "shall give prior right." This amendment would purport to make an IFR application, when issued as an IFR certificate, as not a being a property "right" of any type. At the least, the amendment should clearly recognize the right of a person applying for the IFR legal standing to defend the wisdom of that reservation.

Testimony of:  
Tom Meacham  
March 12, 2014  
Page 3

2. Sec. 42, p. 23, line 16: An "approved certificate of reservation" has no legal meaning. It is either a pending "IFR application," or a DNR-issued "certificate of reservation." By its terms, an issued "certificate" has been "approved;" there is no such animal as a certificate that has not been "approved."

3. Sec. 42, p 23, line 18-20: The case of *Chuitna Citizens Coalition and Cook Inletkeeper vs. Alaska Dept. of Natural Resources*, No. 3AN-11-12094CI (Superior Ct., Anchorage) has held that DNR's long inaction on pending IFR applications has resulted in the denial of Constitutional due process to the applicant. Any grant of discretion to the Commissioner to "determine when and in what order" IFR applications are to be processed, must be made "consistent with Constitutional due process considerations." I urge that this amendment be added.

4. Sec. 42, line 23: The appeal procedure cited as AS 46.15.133(e) does not, by its terms, apply to the appeal of IFR reservation applications. It applies only to an appeal of a Commissioner's decision to "grant, deny or condition a proposed sale or an application for appropriation or removal in accordance with (c) of this section" [AS 46.15.133]. It does not cover appeals from IFR decisions. I recommend that the word "reservation" be added to AS 46.15.133(e), as follows: "a proposed sale or an application for an appropriation, reservation or removal..." Other subsections of AS 46.15.133 should be similarly amended to insure that the entire process established in this "Notices and objections" section also clearly covers the adjudication of IFR reservation appeals.

5. Sec 42, p. 23, line 26: The prohibition against the transfer or assignment of a right to appeal the subsequent administration by the commissioner of an issued IFR certificate appears to have no rational purpose. It could leave no one with standing to question a subsequent decision by the commissioner to reduce or eliminate an IFR certificate. (Perhaps that is DNR's hidden purpose).

For example, if a city obtained an issued IFR, and it later merged with and became a unified borough, the borough would have no right to support the original IFR certificate if the commissioner later decided to reduce or eliminate it. All entities, both public and private, undergo legal changes during their existence. I do not object to a prohibition against assignment of the right to appeal an issued IFR certificate to an unrelated entity, but the right to have standing to appeal and support an IFR certificate should lawfully pass to the "successor in interest" of an IFR applicant. I urge that this change be made.

*Testimony of:*

Tom Meacham

March 12, 2014

Page 4

**6. Sec. 42, p. 23, lines 27-29:** The requirement for “not less than five years of data” is onerous, and is far in excess of any data requirement imposed on an applicant for an appropriation of water under the Water Use Act. Further, it may pose a significant burden when submitting data for IFR reservations on lakes.

**7. Sec. 42, p. 23, line 29:** The phrase “nonproprietary public domain hydrologic data” is nonsensical. If it were “proprietary,” it could not be publicly disclosed or submitted in any event.

**8. Sec. 43, p. 23, line 31, p. 24, lines 1-6:** This section would permit the Commissioner to permit the temporary uses of “a significant amount of water” for five-year periods, one after the other. **This would be a complete evasion of the water-rights process specified in Art. 8, Sec. 13 of the Alaska Constitution.** The Commissioner would be granted this authority in all instances in which “the water applied for has not been appropriated.” This amendment should be changed to specify that a temporary water use authorization may be issued **only when the water applied for “has not been appropriated, or is not the subject of a pending application for appropriation or reservation.”**

Without this amendment, the Commissioner could “establish priorities” by delaying indefinitely DNR’s adjudication of a pending appropriation application or an IFR application (under authority he seeks elsewhere in HB 77), while continuing to issue serial temporary water use permits for “significant quantity of water” from the same water source. **This would be a complete perversion and evasion of the “first in time, first in right” requirement of Art. 8, Sec. 13 of the Alaska Constitution.** It should not be allowed to occur.

In addition, because under this amendment temporary water uses could involve “significant quantities of water,” the issuance of temporary use permits should be required to undergo the public notice and comment procedures that are routinely required of DNR for other disposals of state lands and resources.

**9. Sec. 44, p. 24, lines 7-9:** An applicant for an IFR reservation should be recognized as having a “property right” in the IFR application and certificate **to the extent that this person has legal standing to seek issuance of the certificate, to assert its priority, and to defend it if the Commissioner later takes steps to reduce or extinguish it.**

*Testimony of:*  
Tom Meacham  
March 12, 2014  
Page 5

**This denial of any "property right" in an IFR application would also include all state-agency IFR applicants.** Would there remain no entity -- public or private -- with legal standing to seek issuance of an IFR certificate, to assert its priority, and to defend it? Without the statutory recognition of this minimal legal standing, all IFR certificates become meaningless. **The denial to all IFR applicants of any "property right" in the application or certificate is simply the denial of the "first in time, first in right" requirement for water management under Art. 8, Sec. 13 of the Alaska Constitution.**

**10. Sec. 45, p. 24, lines 10-13:** This definition of "person" is sloppy drafting. The existing AS 46.25.145(a) already permits "an agency or political subdivision of the state, [and] an agency of the United States" to file an IFR application. **There is no need to also define these entities as "persons," as the amendment would do.** This would only add confusion to the definition of "person."

The remaining non-public entities in the proposed definition of "person" ("individual, partnership, association, federally recognized tribe, public or private corporation") are appropriate, and should be included in this definition.

Thank you for this opportunity to present this testimony regarding 2d SCS CSHB 77.

/s/ Thomas E. Meacham  
9500 Prospect Drive  
Anchorage, Alaska 99507

tmeacham@gci.net

Warren Keogh

## HB 77 Oral Comment to Senate Resources Committee

Public Hearing of 03/12/2014

I'm Warren Keogh, speaking only for myself, as a private land owner with a stream running through my property, as a water right holder of surface and subsurface waters, and as the former water rights coordinator for the Fish and Wildlife Service in Alaska.

HB 77 is a multifaceted, Medusa-like bill that is fundamentally flawed. I had hoped that the public outcry in several public meetings over the past few months would result in significant changes to the bill. Unfortunately, the meager changes brought forward by the Department of Natural Resources in Monday's committee meeting are more superficial than substantive. The overused saying "Lipstick on a pig" comes to mind.

I'll address only two aspects of the many, many problems with this bill. They regard changes to Alaska's Water Use Act.

**First**, in regard to Temporary Water Use permits. The language added to Section 43 explicitly allowing repeated issuance of 5 year-long "temporary" water use permits for projects that may go on for decades defies the definition of temporary. Temporary means short termed; it does not mean long term or indefinite... It should not mean an indefinite number of 5 year DNR permits issued for projects that continue on for decades while the DNR commissioner avoids adjudicating a water reservation application for the same body of water.

**Second**, in regard to water reservations. The term "person" has been rightfully returned to the bill's language. However, not allowing an applicant to hold the water reservation, but instead mandating transfer of the reservation to a public agency makes no sense. This amended language is an exercise in semantic smoke that disenfranchises the applicant and disincentivizes anyone from applying for an instream flow reservation in the first place. What is my incentive for expending time, effort and money to reserve a small amount of water in the stream that flows through my property for the purpose of protecting fish passage/spawning/rearing habitat in perpetuity if I cannot hold the water reservation? I expend the effort to acquire the individual property right of reserving water only to have it transferred to a state agency? It makes no sense.

**Finally**, we have established water law in our water rich state allowing for water reservations that is the envy of many other states that mismanaged their water resources and/or lacked foresight to create good water law early in their histories. Alaska's late entry to the Union as a sovereign state afforded it an opportunity to avoid the historical mistakes of other states and establish good water law some three decades ago in the form of Alaska's Water Use Act. Let's not go the way of other unfortunate states of the Pacific coast and the western United States that have irrevocably ruined fishery rich waters. Parts of HB 77 is a misguided attempt to undo, in a piecemeal fashion, important parts of our good water law. I urge you not to weaken

Pg 2 Keogh

Alaska's existing water law and to reject HB 77. (Volunteer to visit Juneau on my own dime to discuss Alaska water law and the untoward impacts of this bill.)



I had the honor of facilitating the public forum on HB 77 in Palmer earlier this year. I was impressed with the number people who testified and their articulate arguments against many portions of this bill. One citizen reminded us that we are an owner state, an intentional and uncommon element of our Constitution. Being an owner state means that we own the resources of our state in common. That is different from being the owner of ones house or land, it means that we all own the resources. Therefore, we are more likely to be "aggrieved" by decisions made by the Department of Natural Resources rather than "substantially and adversely affected." Of course, substantial and adversely affected would be much more difficult to prove by an individual or group, therefore removing their standing in the appeal process. This clause, then, effectively substantially and adversely affects an Alaskan citizen's right to address issues of concern regarding our own resources. This bill neither protects Alaska nor empowers its citizens to care for our resources. As all who testified in Palmer noted, this is a bad bill and it just needs to go away.

Patricia Chesbro  
3260 S. Purkey  
Wasilla, Ak

907-376-5433

## LIO Mat-Su

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**From:** Jessica Winnestaffer <jessica@chickaloon.org>  
**Sent:** Thursday, March 13, 2014 12:30 AM  
**To:** Sen. Cathy Giessel; Sen. Click Bishop; LIO Mat-Su  
**Cc:** Jessica Winnestaffer  
**Subject:** Please include this in public record and distribute to Senate Natural Resource committee members

I was at the Mat-Su LIO and did not get my 2 minutes to speak during the public hearing on Wednesday, March 12, 2014.

### HB 77 Version H comments by Jessica Winnestaffer, resident of Sutton, Alaska.

[Note: Please include this in public record and distribute to Senate Natural Resource committee members.]

HB 77 Version H is a disappointment and, if passed, will be a disgrace. After Alaskans demanded public forums in December and January to voice the numerous and serious concerns with the bill, DNR and legislators have failed to make adequate amendments. HB77 Version H steals the voice of Alaskan citizens, crowns the DNR Commissioner as monarch, and subjugates Alaska's streams and lands to the whim of the DNR Commissioner. HB77 and all of its versions should be thrown out.

Section 1 of HB77 would develop General Permits with language that is so broad and vague that *any activity* could have a general permit so long as the activity does not "likely" cause "significant AND irreparable harm" as determined by the DNR Commissioner and his staff. The wording of section 1 is inappropriately ambiguous, for instance what is the definition of 'likely', 'significant' and 'irreparable'. If general permitting is needed for certain categories of activities, DNR should get legislative authority for a narrow, specific list of activities. HB 77 Version H section 1 should be eliminated entirely as it removes the healthy checks-and-balances of government, which is provided by public process.

HB 77 Version H has not fixed most of the major problems of the earlier bill with regard to water reservations. It is ludicrous that DNR is proposing it no longer needs to prioritize water reservation applications or adjudicate them at any point. The minimum necessary data required for a water reservation application costs over \$130,000 (if collected by USGS) and takes more than 5 years—if the efforts have been taken to submit a complete application than it is only appropriate to adjudicate the applications. Additionally, it is ridiculous to limit the sources of stream flow data allowed in a water reservation application, as proposed by HB 77. If data is high quality than it should be allowable, regardless of its origin or who paid for it.

It is completely unacceptable for DNR to internally decide which competing water use has the priority. 'First in time, first in right', which is the current system of water allocation, is clear and not ambiguous. It is critical to

the survival of our fisheries resources that there be a clear tool that the public can use to ensure that some water is reserved for fish.

HB 77 Version H attempts to make Temporary Water Use Permits (TWUPs) unlimited in length and number. Why then is it called a "temporary" permit, if a water use can be renewed indefinitely at 5-year increments? Additionally, why should there be no requirement of baseline water flow data to apply for a TWUP that will withdraw water from a stream, river, or lake? It is a flawed process that allows a detrimental water-withdraw activity to occur with less background data requirements than the requirements for a water reservation that will ensure aquatic habitats persist. The proposed legislation for TWUPs is inappropriate.

HB 77 Version H is designed to remove the rights and voices of Alaskans and reduce protections for streams and fish habitats. It is unconscionable that HB 77 Version H would be presented as a compromise, as it is an extreme power grab by an agency, a commissioner, and a governor. HB 77 should not be considered any longer.

Sincerely,

Jessica Winnestaffer

This e-mail message may contain confidential, proprietary or legally privileged information. It should not be used by anyone who is not the original intended recipient. If you have erroneously received this message, please delete it immediately and notify the sender. The recipient acknowledges that any views expressed in this message are those of the individual sender, and no binding nature of the message shall be implied or assumed unless the sender does so expressly with due authority of Chickaloon Village Traditional Council. Before opening any attachments please check them for viruses and defects.

# CORDOVA LEGISLATIVE INFORMATION OFFICE

Email: [Cordova\\_LIO@legis.state.ak.us](mailto:Cordova_LIO@legis.state.ak.us)  
Phone 907-424-5461 Fax 907-424-5462

## WRITTEN TESTIMONY

NAME: Seawan Gehlbach

REPRESENTING: self

BILL#/ SUBJECT: HB 77

COMMITTEE &  
HEARING DATE: SRC 3/12/2014

I am opposed to HB77. Ours is a commercial fishing family living in Cordova, Alaska. Activities on state lands and navigable waters affect our business of commercial fishing, subsistence harvest, and recreation. Notification of citizens and <sup>the process of</sup> public input are vital responsibilities of the State of Alaska to its citizens. Decreasing access to information & input of Alaskans in the permitting process is unacceptable. We have understanding and knowledge of the land and sea we live from, ~~that~~ important nuances that would not be known to permit writers miles away. There is a process in place now for permitting and it is sufficient.

Thank you for your consideration of public testimony.

*Seawan*

# CORDOVA LEGISLATIVE INFORMATION OFFICE

Email: [Cordova\\_LIO@legis.state.ak.us](mailto:Cordova_LIO@legis.state.ak.us)  
Phone 907-424-5461 Fax 907-424-5462

## WRITTEN TESTIMONY

NAME: DAVID JANKA

REPRESENTING: SELF

BILL#/ SUBJECT: HB77

COMMITTEE &  
HEARING DATE: SRES 3/12/14

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

# CORDOVA LEGISLATIVE INFORMATION OFFICE

Email: [Cordova\\_LIO@legis.state.ak.us](mailto:Cordova_LIO@legis.state.ak.us)  
Phone 907-424-5461 Fax 907-424-5462

## WRITTEN TESTIMONY

NAME: BARCLAY KOPCHAK

REPRESENTING: SELF

BILL#/ SUBJECT: HB 77

COMMITTEE &  
HEARING DATE: Senate Resources Committee

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