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Testimony of Larry Edwards  
to the Senate Resources Committee  
on SB-88 (Alaska Mental Health Trust Land Exchange)

April 3, 2017

I'm Larry Edwards of Sitka, and this is personal testimony.

I oppose the bill, *as-written*. Please *amend it* for a federal buyout of the Trust's problematic parcels. A triple-win would result: needed funds for the Trust; ended logging threats in five communities and No Name Bay; and avoided high impacts on new Trust lands. Amending the bill would also direct the delegation to amend its bills in Congress.

The Committee lacks information for a hard look at impacts in vicinities where the Trust would get new land. Trust and Forestry Division testimony and comments looked only at *supposed* benefits, ignoring these impacts.

Fish & Game's Wildlife and Habitat divisions were not invited to testify, even though the trust would get 33 square miles of forest for logging, in large blocks on two islands that have high landscape-scale cumulative impacts. *You need these divisions' hard-look testimony.*

Please review comments in the record by the Greater SE Alaska Conservation Community on why cumulative impacts of the land exchange are a very significant issue. The comments and photos underscore why a hard look by the state is imperative.

The Constitution obligates state government to ensure that resource development is sustainable and in the public interest. Alaska's Supreme Court says this means "a 'hard look' at ... salient problems," "genuinely engage[ing] in reasonable decisionmaking,"<sup>1</sup> and considering all relevant factors including cumulative impacts.<sup>2,3</sup>

Trust best interest findings only consider *revenue*, and under the Forest Practices Act there is no State hard look at landscape-scale impacts. So, the constitutional hard look obligation for the proposed land exchange falls squarely upon the legislature — and particularly this committee.

A buyout amendment, besides being the best option, avoids the constitutional problem.

Thank you, and please see citations in the written version of this testimony.

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<sup>1</sup> *Alaska Survival v. State*, 723 P.2d 1281, 1287 (Alaska 1986). See also AS 41.17.060(a), (b)(1) (requiring, similar to the hard look obligation, that "to the maximum extent possible, all applicable information of applicable disciplines shall be updated and used" in decisionmaking processes).

<sup>2</sup> *Sullivan v. Resisting Environmental Destruction on Indigenous Lands (REDOIL)*, 311 P.3d 626, 634 (Alaska 2013).

<sup>3</sup> See *Trustees for Alaska v. State, DNR*, 865 P.2d 745, 750-751 & n. 6 (Alaska 1993) (identifying a specific ungulate population as "an important resource for the State of Alaska" and a "substantial [state] interest in the continued health and viability of the herd" making project impacts "an important factor which DNR must consider when making its best interest determination").