

HB 138 Public Testimony as of February 21, 2020

Index

1. Emily Kane
2. Jen LaRoe
3. Victoria McDonald
4. Margo Waring
5. Gretchen Keiser
6. Lonna Richmond
7. Laura Buchheit
8. Don McGee
9. Marian Allen
10. Nancy Waterman
11. Bonnie and Haig Demerjian
12. Natalie Watson
13. Gillian Smith
14. Shelagh Sands
15. Lisa Slepetski
16. Jessica Kayser Forster
17. Jim Fowler
18. Bonnie Scheele
19. Rene O'Connor
20. Bruce White
21. John Sonin

Elle Ahkivgak

From: Emily Kane [REDACTED]
Sent: Tuesday, February 18, 2020 4:06 PM
To: House Resources
Subject: Clean water

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly oppose this CS for HB 138.

Do you want your drinking water to be polluted? Do you want our salmon to die?

I mean no disrespect for your hard work but I'm somewhat incredulous that a resource as precious and VITAL to all life as our clean Alaskan water would be up for sale. Corporations do not get to wreck my life.

The governor may have declared that Alaska is open for business but let's please do this sustainably. Global population is finally declining. People are buying less. The ponzi scheme has been revealed.

It's time to pull back. Progress does not always mean pushing for more and more. Let's preserve what we have, please.

I appreciate your consideration.

Dr Emily Kane

Juneau

www.tri.ps/DSR

www.DrEmilyKane.com

www.NaturopathicMedicineInstitute.org

www.naturopathic.org

www.primarydoctor.org

Join with me in

Cultivating Exuberance

Elle Ahkivgak

From: jen laroe [REDACTED]
Sent: Tuesday, February 18, 2020 6:49 PM
To: House Resources
Subject: Fw: HB 138 oppose

Follow Up Flag: Follow up
Flag Status: Flagged

I oppose this bill and would like to see it go through a review by the Fisheries Committee and the Tribal Affairs Committee, as it will have a heavy impact on these stakeholders.

Jen LaRoe and family of 4
[REDACTED]
Juneau, AK 99801

Elle Ahkivgak

From: victoria mcdonald [REDACTED]
Sent: Tuesday, February 18, 2020 7:03 PM
To: House Resources
Subject: Fw: HB 138

Follow Up Flag: Follow up
Flag Status: Flagged

Please include these comments in the public record.

Victoria McDonald

From: victoria mcdonald [REDACTED]
Sent: Monday, February 10, 2020 5:38 PM
To: Representative.Geran.Tarr@akleg.gov <Representative.Geran.Tarr@akleg.gov>
Subject: HB 138
Representative Tarr:

I am concerned that if HB 138 passes, water quality in Alaska will be greatly diminished. Corporations are interested in profits, not in clean water. They will make promises to maintain the highest quality standards, and when those standards are not followed, they blame it as an act of God or some such nonsense.

Tier 3 must be continued. The Tribal Committee and Fisheries Committee must have access to the decision making process. Do not give in to corporate interests. Our fish are facing ocean threats and cannot survive if spawning streams are poisoned.

Thank you,
Victoria McDonald
[REDACTED]
Ketchikan, AK 99901

Elle Ahkivgak

From: Margo Waring [REDACTED]
Sent: Tuesday, February 18, 2020 4:49 PM
To: House Resources
Subject: Fwd: CSHB138

Follow Up Flag: Follow up
Flag Status: Flagged

Forwarded comments on CSHB 138 for the record.

----- Forwarded message -----

From: **Rep. Geran Tarr** <Rep.Geran.Tarr@akleg.gov>
Date: Tue, Feb 18, 2020 at 3:22 PM
Subject: RE: CSHB138
To: Margo Waring [REDACTED]

Hello:

Thank you so much for sending comments regarding HB 138. This is an important issue and Representative Tarr is committed to spending as much time as necessary to understand the proposal and consider whether this bill should move forward.

Representative Tarr will take your comments into consideration as she evaluates this legislation. This is just the beginning of the process. Please stay engaged throughout this process.

We are receiving a large number of emails and our goal is to make sure your comments (if you so desire) are part of the public record. If you want your comments to be included in the public record we'd ask you to please re-submit comments to house.resources@akleg.gov

Thank you,

Thatcher

Thatcher Brouwer
House Resources Committee Aide
Representative Geran Tarr
[REDACTED]

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

From: Margo Waring [REDACTED]
Sent: Sunday, February 09, 2020 1:06 PM
To: Rep. John Lincoln <Rep.John.Lincoln@akleg.gov>; Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>;
Rep.Bryce.Edgemon@akleg.gov
Subject: CSHB138

Dear Representatives,

CSHB 138 will eliminate the rights of Alaskans to protect Alaska's best water quality essential to our fisheries and communities.

While corporations need only to fill out a 6 page online form in order to get permission from DEC to pollute our water, CSHB will make it near impossible for individuals and communities to protect clean water, inserting a 7 member committee appointed by the governor who then send a bill to the legislature. And then the legislature would have to pass the bill. Science as a basis for decision making will be replaced by politics. This is not the Alaska Constitution philosophy that I remember us structuring our laws around: we were to end corporate fisheries grabs and substitute science as a basis for decisions about fisheries (and environment).

Please refer CSHB138 to the Fisheries Committee and the Tribal Affairs Committee.

Sincerely,
Margo Waring


Juneau, AK 99801

Elle Ahkivgak

From: Gretchen Keiser [REDACTED]
Sent: Wednesday, February 19, 2020 4:48 AM
To: House Resources
Subject: Fwd: HB 138 - Tier 3 Waters

Follow Up Flag: Follow up
Flag Status: Flagged

Please add to records. Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Rep. Geran Tarr" <Rep.Geran.Tarr@akleg.gov>
Date: February 18, 2020 at 7:33:13 PM EST
To: Gretchen Keiser [REDACTED]
Subject: RE: HB 138 - Tier 3 Waters

Hello:

Thank you so much for sending comments regarding HB 138. This is an important issue and Representative Tarr is committed to spending as much time as necessary to understand the proposal and consider whether this bill should move forward.

Representative Tarr will take your comments into consideration as she evaluates this legislation. This is just the beginning of the process. Please stay engaged throughout this process.

We are receiving a large number of emails and our goal is to make sure your comments (if you so desire) are part of the public record. If you want your comments to be included in the public record we'd ask you to please re-submit comments to house.resources@akleg.gov

Thank you,

Thatcher

Thatcher Brouwer
House Resources Committee Aide
Representative Geran Tarr
[REDACTED]

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

From: Gretchen Keiser [REDACTED]
Sent: Saturday, February 08, 2020 11:03 AM
To: Rep. John Lincoln <Rep.John.Lincoln@akleg.gov>; Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>
Subject: HB 138 - Tier 3 Waters

Dear Legislators - I am opposed to HB 138.

This bill is unneeded, as there already is a valid designation process in place for designating truly high quality waters of Alaska under the Clean Water Act. The long-standing process should be retained.

This bill would create a thoroughly political process, rather than the legitimate, science-based process now in place. From a politically-appointed committee to Legislative involvement to Governor veto, the proposed designation process is a sham. Having previously worked at ADEC, I can say that the staff have the scientific credentials that underscore the legitimate process now in effect.

As proposed in HB138, the Alaskan public would be restricted in their ability to participate in Tier 3 designations. Alaskans of all stripes and throughout the State rely heavily on high quality waters for subsistence, recreational, and small-scale entrepreneurial livelihoods. Alaskans should retain their access to a legitimate Tier 3 designation process.

Thank you,
Gretchen Keiser

Juneau, AK 99801

Sent from my iPhone

Elle Ahkivgak

From: Lonna Richmond [REDACTED]
Sent: Tuesday, February 18, 2020 5:32 PM
To: House Resources
Subject: Fwd: House Bill 138

Follow Up Flag: Follow up
Flag Status: Flagged

Gentlemen,

HB 138 is quietly making its way through the Alaska Legislature that, if passed, would further erode the already weak and corrupted permitting process by taking away our right to protect water quality in Bristol Bay and throughout the State of Alaska.

We shouldn't politicize protecting our clean water or undermine community efforts to protect important fisheries, resources that depend on healthy habitat.

Alaska's process to nominate and designate waters as Outstanding National Resource Waters (ONRWs) should be accessible and science-based not political. Requests for ONRW designations for important waters in Bristol Bay have been pending for over a decade, and deserve a fair process to consider these requests.

Sincerely,

Lonna Richmond

Elle Ahkivgak

From: Laura Buchheit [REDACTED]
Sent: Wednesday, February 19, 2020 5:55 AM
To: House Resources
Subject: Fwd: Opposition to HB 138

Follow Up Flag: Follow up
Flag Status: Flagged

For the public record.

Thank you.
Laura Buchheit

----- Forwarded message -----

From: Laura Buchheit [REDACTED]
Date: Sun, Feb 16, 2020 at 7:31 AM
Subject: Opposition to HB 138
To: <Representative.Geran.Tarr@akleg.gov>, <John.Lincoln@akleg.gov>, <Representative.Bryce.Edgmon@akleg.gov>, <Representative.Sara.Hannan@akleg.gov>

Dear Alaskan Representatives,

I am an Alaskan citizen. My home is Gustavus, AK (zip code 99826). I oppose HB 138. Keep the DEC involved in Tier 3 designation. Keep Tier 3 designation process focused on science, community, cultural, importance. HB 138 undermines the purpose of Tier 3 designations by turning the process predominantly political.

My family relies on salmon fishing as our primary protein for the year. Salmon populations are already suffering from multiple environmental impacts; why make it harder to protect salmon waterways?

Gustavus is already struggling with intense water issues: PFAS ground-water contamination. HB 138 continues to undermine trust in our state to protect clean water for our families.

I am appalled that corporations have a simpler process - only a 6-page online form - to pollute our waterways. A Tier 3 designation process to protect Alaska's waterways should be no more complicated. I question why there is a proposal to remove the process from science and from citizens. HB 138 gives the impression that corporations are more important to Alaskan legislators than clean water for citizens. I am certain that this is a many-faceted situation, but impressions carry great weight.

Thank you for your work and for your consideration.

Sincerely,
Laura Buchheit
Gustavus, AK 99826

Elle Ahkivgak

From: Molly Dischner [REDACTED]
Sent: Monday, February 17, 2020 1:35 PM
To: House Resources
Subject: Fwd: Your Voice Needed - HEARING TODAY on Water Protections!
Attachments: Alaska Natural Resource Meeting HB 138 - Plea- 2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attached for forwarded comment letter on HB 138.

----- Forwarded message -----

From: DC McGee [REDACTED]
Date: Mon, Feb 17, 2020 at 1:27 PM
Subject: Re: Your Voice Needed - HEARING TODAY on Water Protections!
To: Molly Dischner [REDACTED]

Aloha Molly of Denali,

Thought today a national holiday commemorating Honest Abe's and "Cherry Tree Hacker" Washinton's Birthdays?

Any who, attached please find my letter of complaint regarding HB 138 and submit it on my behalf.

Much Mahalo for standing in the gap!

Don McGee

10 February 2020

Dear House Resource Committee,

HB 138 would create the highest bar possible for a citizen to exercise their legal right to protect water in Alaska. It would give committee chairs in the House and Senate the ability to kill a nomination by burying a Tier III nomination bill in committee. HB 138 would give industrial, business and municipal interests - adept at working the levers of power in the legislature - an upper hand in water protection debates. It would codify a practice in Alaska that has proven in numerous other states to result in zero waters designated for Tier III protections.

DEC has the ability and the legal authority right now to establish a process for Tier III water nominations that would satisfy the requirement of the Clean Water Act. The agency should move forward in good faith.

Numerous Tribal entities have already submitted nominations for water protections in response to threats posed by different mining projects in their regions. A scarcity of trust exists in Alaska that large industrial projects will be held to any true accountability in the normal permitting process. With the Trump EPA about to authorize a regulation allowing wastewater pollution in freshwater spawning areas, who can fault this lack of trust?

Please hold HB 138 in committee. Legislative approval of Tier III water is a political dead-end, disguised as a process. It is time for DEC to administratively create a true process for citizens to nominate waters for increased protection. If not Alaska, where else in the United States compares to what we have at stake?

I was born and raised in Butte, Montana which has been mined extensively for over a century. In addition to supplying beneficial copper wires that conduct electricity to most American homes, the watershed between Butte and Missoula was designated the largest Superfund Site in our nation by EPA. My brothers, friends, additional family members, I and countless others have spent two decades helping restore the riparian zone of Silver Bow Creek and the Clark Fork River. We continue to roll up our sleeves for the long-term cleanup efforts ahead. Believe it or not, salmon formerly left the Pacific Ocean and ran the Columbia River upstream to it's headwaters flowing from the Continental Divide near Butte, but have not done so for eons. The cost for the continual cleanup of the toxic copper, lead, zinc, cadmium, mercury, and arsenic deposits will be billions of dollars. Yet, it is doubtful salmon will return in our lifetime.

Alaska is famous for its pristine rivers and streams, most chocked full of wild salmon because its waterways have been unadulterated by industry. I for one, experientially agree that is how the Greatest State in our Union should remain. Simply, look to the lower 48! Afterall, will anyone really care or remember about the minuscule amounts of copper, gold, or molybdenum that the Pebble Project might produce in our daily lives' "less-than-critical" conveniences of smart phones, computers, or self-driving

cars? NO! Yet, most everyone will remember intimately when things go south for Alaska's salmon after an earthquake or some Pebble Mine employee's negligence. Think Exxon Valdez! Thereafter, Alaska's precious economy will greatly falter because of less tourism which is the second largest cog in the wheel of Alaska's GDP!

Bottom-line: It is painfully obvious; the majority of Alaskan's are unified against the Pebble Mine. Enough is enough; just do the right thing as requested by those whom elected you!

Godspeed,

Don McGee
Environmental Engineer
Qaluksiubayak Technical Services
Yakutat, Alaska

Elle Ahkivgak

From: Marian Allen [REDACTED]
Sent: Tuesday, February 18, 2020 4:31 PM
To: House Resources
Subject: HB 138

Follow Up Flag: Follow up
Flag Status: Flagged

Testimony on HB 138

Clean water is fundamental to life. High quality water is fundamental to the fish in our rivers, to the whole ecosystem, and is a critical part of our planet's health; therefore it is critical to our lifestyles, our economies, our very lives. Leaving designation of the highest water quality to a political process makes absolutely no sense. This is an area in which it is crucial that we make decisions using science. Designation of water as an outstanding national resource has no place in a committee of non-scientists appointed by the governor or voted on by the legislature, but should be decided by scientists at DEC based on the water's importance to its ecosystem. Communities and concerned people should be able to nominate Tier III designation because they are the ones most familiar with that water, and that nomination should be evaluated solely By DEC using the best science available. This bill does not begin to address the process needed.

--

Marian Allen
[REDACTED]
Sitka, AK 99835
[REDACTED]

Elle Ahkivgak

From: [REDACTED]
Sent: Tuesday, February 18, 2020 4:16 PM
To: House Resources
Subject: HB 138

Follow Up Flag: Follow up
Flag Status: Flagged

All,
I oppose HB 138 and its current content.
Please send it to Fisheries Committee and the Tribal Affairs Committee, as it will have a heavy impact on these stakeholders.
The Clean Water Act allows residents of Alaska to protect waters crucial for healthy communities and fish from pollution under a **Tier 3 Designation**, also called an **Outstanding National Resource Water**. **This process, through DEC, is science based. The state of Alaska should allow citizens to continue using this policy and process.**
Sincerely,
Nancy Waterman, [REDACTED]

Elle Ahkivgak

From: Haig Demerjian [REDACTED]
Sent: Wednesday, February 19, 2020 4:55 AM
To: House Resources
Subject: HB138

Follow Up Flag: Follow up
Flag Status: Flagged

We are concerned that HB 138 will lead to degradation of our most valuable resource, water. We ask you to oppose it and send it to the Fisheries Committee and the Tribal Affairs Committee.

Thank you,

Bonnie Demerjian
Haig Demerjian

[REDACTED]
Wrangell, AK 99929

Elle Ahkivgak

From: Natalie Watson [REDACTED]
Sent: Tuesday, February 18, 2020 3:46 PM
To: House Resources
Subject: Oppose HB 138

Follow Up Flag: Follow up
Flag Status: Flagged

I am a lifelong Alaska resident, and I strongly oppose the bill that Representative Kopp is sponsoring, House Bill 138. This bill threatens the rights of Alaskan residents to protect our shared waterways. Alaskans should have the right to protect our waterways, and this bill threatens that ability.

I understand that currently an outside corporation can fill out a quick online form to dump waste into our shared waterways. Cruise ships are doing this now, and it is killing our salmon and harming our way of life. A Tier 3 designation is the only way for the residents of Alaska to protect exceptional waters, critically important to our communities, fish, and economies.

I choose to live in Alaska because of our clean air and water, as well as the beauty and fertility of the ecosystem. Clean air and water are becoming increasingly rare in our country and around the world. I value these things because I value my health and the health of my family and community. If we cannot protect our air and water, we cannot protect our children from poisoning, whether it is from lead or other heavy metals, "forever chemicals" like PFAS, or sewage from cruise ships.

Please protect our clean air and water, and ensure that Alaskans continue to have the right and opportunity to stop polluters before they can harm us and our children.

Thank you,
Natalie Watson
Juneau, Alaska

Elle Ahkivgak

From: Gillian Smith [REDACTED]
Sent: Monday, February 17, 2020 10:24 AM
To: House Resources
Subject: RE: Comment - Oppose HB 138!

Follow Up Flag: Follow up
Flag Status: Flagged

Dear House Resources Committee,

I'm writing to ask that you join me in opposing HB 138. This bill strips Alaskans of the right to protect our waterways and our communities by creating an onerous political process designed to deny a Tier 3 water designation.

A Tier 3 designation is the only way for Alaskans to protect the waters on which we all depend. Currently, the Department of Environmental Conservation (DEC) has the authority to review Tier 3 nominations from Alaskan residents and designate a Tier 3 Water. HB 138 would remove authority from DEC to protect Alaskan waters through a science-based Tier 3 designation and make it a multi-step political process. If this bill passes, a Tier 3 water nomination would have to go through a 7-person committee appointed by the governor and then be passed by the legislature as law (which the governor can veto), making it nearly impossible.

Not only does this bill take away our right to protect clean water and fisheries, but it would require that the nominator cover all the costs of a nomination. This would mean that those facing the most difficult economic hardships would have the least access to protect their waterways. HB 138 is anti-democracy and anti-Alaskan.

I urge you to oppose HB 138.

Thank you,
Gillian Smith

[REDACTED]
[REDACTED]
Skagway, AK 99840
United States
99840

Elle Ahkivgak

From: Shelagh Sands [REDACTED]
Sent: Thursday, February 20, 2020 11:21 AM
To: House Resources
Subject: Clean water bill138

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Lincoln,

We need to protect our waters not make it easier for corporations to pollute them . Why am I even writing this letter as it makes no sense you would put politics in protecting our water. The last great state to be wild and free and this bill to make it easier for corporations to pollute our water is beyond insane. Some day Alaska will be one of the few places with good, clean water- lets keep it this way. Vote no on bill 138.

As it stands currently the Department of Environmental Conservation (DEC) is able to assign **Tier 3 Designation** on the basis of science. HB 138 would remove DEC and require that a nomination first get reviewed and approved by a 7-person committee appointed by the governor. The committee would then make a recommendation to the governor who would then have to send a bill to the state legislature. Finally, the legislature would have to pass a designation in the form of a law. The decision would be entirely political at every point, rather than science-based, and would make the approval process nearly impossible. Meanwhile, corporations only have to fill out a 6-page online form, through an administrative process managed by the DEC, to get permission to pollute our waters.

Really , vote no on this bill. Let common sense prevail.

Shelagh sands this is my own opinion.

Elle Ahkivgak

From: LA S [REDACTED]
Sent: Friday, February 21, 2020 11:27 AM
To: House Resources
Subject: FW: I am writing to you today to urge you to oppose HB 138

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Rep. John Lincoln" <Rep.John.Lincoln@akleg.gov>
Date: 2/21/20 11:25 AM (GMT-09:00)
To: [REDACTED]
Subject: RE: I am writing to you today to urge you to oppose HB 138

Lisa,

Thank you for sharing your thoughts on House Bill 138. If you would like your comments included in the public record for this bill, please send them to House.Resources@akleg.gov.

Have a great day,

John Lincoln

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

From: [REDACTED]
Sent: Thursday, February 20, 2020 4:59 PM
To: Rep. John Lincoln <Rep.John.Lincoln@akleg.gov>
Subject: I am writing to you today to urge you to oppose HB 138

Dear Representative John Lincoln,

I am writing to ask you to oppose HB 138, the "Outstanding Natural Resource Waters" bill. HB 138 would remove Alaskan's right to have a voice in protecting water in Alaska by putting the power in the hands of politicians instead of the experts with indigenous, local and scientific knowledge. It would allow committee chairs in the House and Senate to prevent Tier III nominations from moving through the legislature, creating a defacto ban on water protections. HB 138 takes power away from Alaskans and gives an upper hand to outside mining companies and big businesses with no interest in protecting our fisheries and the clean water they depend on. This type of bill has been tried and failed in other states and only results in additional bureaucracy, expense and political paralysis that leaves our most important and vulnerable waterways unprotected.

The Department of Environmental Conservation currently has the ability and authority to designate Tier III waters that meet the requirements of the Clean Water Act. While improvements to the status quo could be made, further politicizing the process is not the answer.

Salmon are the lifeblood of Alaska. The salmon fishing industry is critical to our Alaska's economy and way of life. Salmon fishing provides jobs for over 32,000 Alaskans and generates \$2 billion in economic activity each year. This bill is putting this vital economic resource is now at risk. This bill would be stripping the public's voice and, instead of fixing a process that can work, it would remove any sense of a functioning process all together.

HB 138 is bad for Alaskans and the fisheries we depend on. This bill is turning a scientific process into a dead-end maze of red tape for Tier III waters in the legislature. Instead of taking power away from DEC, we need to be reinforcing this process and allow citizens to be able to nominate waters for increased protection.

Help Alaskans have a voice in protecting our waters, don't take it away.

Sincerely,

Lisa Slepetski

 Moose Pass, AK 99631-0051

Elle Ahkivgak

From: Jessica Kayser Forster [REDACTED]
Sent: Thursday, February 20, 2020 1:24 PM
To: Rep. Bryce Edgmon; Rep. Chuck Kopp; Rep. Tiffany Zulkosky; Jones Hotch Jr
Cc: House Resources; Environmental
Subject: HB138 Tribal Affairs Request
Attachments: HB138_TAC_ChilkatIndianVillage_20Feb2020.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Representative Edgmon, Kopp and Zulkosky,

Please see the attached letter from Jones Hotch Jr.- Vice President of the Chilkat Indian Village of Klukwan.

Please email myself and Jones Hotch Jr. if you have follow up questions and/or considerations.

Thank you,
Jess

Jessica Kayser Forster
Chilkat Indian Village
[REDACTED]



**An Indian Reorganization Act Village
Under Act of Congress June 15th, 1935
32 Chilkat Avenue Klukwan, Alaska 99827**

██████████ Haines, Alaska 99827

Phone: ██████████

Fax: ██████████

Email: ██████████

February 20, 2020

Re: HB138 should be referred to the House of Representative's Tribal Affairs Committee

Dear Representatives Zulkosky, Edgmon and Kopp,

My name is Jones P Hotch Jr. I am the Vice President of the Chilkat Indian Village of Klukwan (CIV). CIV is a Federally Recognized Tribal Government. On behalf of our Tribal Members I am writing to you in regards to HB 138 which deals with Outstanding National Resource Water Designations (Tier 3). As one of the nominators of a Tier 3 waterbody our Tribal Government is requesting that HB 138 be deliberated in the Tribal Affairs Committee. As you can hear from the testimony that has taken place in the House Resource Committee on February 10th, 14th, and 17th 2020 there are considerations in this bill that will specifically impact federally recognized Tribal Governments and Alaska Native people. For these reasons HB138 should be deliberated by the Tribal Affairs committee.

There are numerous considerations in HB 138 that impact Alaska Native interests differently than other Alaskans. These considerations include- who gets to represent the Alaska Native voice on a state wide decision making body, to the definition of "cultural significance" as it relates to the Alaska Native person's experience. The current version of the bill leaves it unclear as to whether or not tribes would be allowed to make nominations if HB 138 were to become law. These considerations and questions are significant when it comes to a Tribal Government's ability to protect waterbodies important to our communities. By referring HB138 to Tribal Affairs you will uphold HB 5 and its purpose - "to help bridge historical and political divisions while elevating opportunities to shape policies and programs that incorporate local and traditional knowledge (Zulkosky. 2/25/2019)¹."

Five Tribal Nations have nominated waterbodies. Five Tribal Nations will be subject to the process defined in HB138. The implication of HB138 will impact all Alaska Native people at some point. A bill that gets at the heart of defining the process to protect the water quality in Alaska's most important waterbodies must include the TAC. Please remember HB 5 - *whereas Alaska Native People have over 10,000 years of documented history on land now recognized as part of the state*. The House of Representatives must acknowledge HB 5 and recognize that as the first people of this state we have a unique and qualified position to speak to how the State of Alaska should go about defining how and what will be considered when protecting the water quality of Alaska's most important waterbodies.

Thank you for considering this request.

Gunalchéesh,

Jones Hotch Jr.
Chilkat Indian Village Tribal Council Vice President
██████████

¹ <https://akhouse.org/2019/02/25/news-house-creates-special-committee-on-tribal-affairs/>

Elle Ahkivgak

From: Jim Fowler [REDACTED]
Sent: Thursday, February 20, 2020 1:34 PM
To: House Resources
Subject: HB138

Follow Up Flag: Follow up
Flag Status: Flagged

I have resided in Alaska since 1973. Coming from a state where industry was allowed to dump waste into rivers and release clouds of toxins into the air Alaska was an unmeasurable treasure. Please don't take away my voice and my communities voice in protecting these irreplaceable riches for our children and grand children. Please oppose House Bill 138 and protect our communities right to speak up for clean drinkable water.

Elle Ahkivgak

From: B Scheele [REDACTED]
Sent: Wednesday, February 19, 2020 11:39 AM
To: House Resources
Subject: Please protect our waters

Follow Up Flag: Follow up
Flag Status: Flagged

Please protect our waters
For public record:

Dear Representative Geran Tarr,

Dear House Resource Committee,

HB 138 would create the highest bar possible for a citizen to exercise their legal right to protect water in Alaska. It would give committee chairs in the House and Senate the ability to kill a nomination by burying a Tier III nomination bill in committee. HB 138 would give industrial, business and municipal interests - adept at working the levers of power in the legislature - an upper hand in water protection debates. It would codify a practice in Alaska that has proven in numerous other states to result in zero waters designated for Tier III protections.

DEC has the ability and the legal authority right now to establish a process for Tier III water nominations that would satisfy the requirement of the Clean Water Act. The agency should move forward in good faith.

Numerous Tribal entities have already submitted nominations for water protections in response to threats posed by different mining projects in their regions. A scarcity of trust exists in Alaska that large industrial projects will be held to any true accountability in the normal permitting process. With the Trump EPA about to authorize a regulation allowing wastewater pollution in freshwater spawning areas, who can fault this lack of trust?

Please hold HB 138 in committee. Legislative approval of Tier III water is a dead-end disguised as a process. It is time for DEC to administratively create a true process for citizens to nominate waters for increased protection.

Sincerely,
Bonnie Scheele

[REDACTED] Anchorage, AK 99502-5461 [REDACTED]

Elle Ahkivgak

From: Rene OConnor [REDACTED]
Sent: Tuesday, February 18, 2020 5:53 PM
To: House Resources
Subject: Protecting Bristol Bay and Alaska waters

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Geran Tarr,

Dear House Resource Committee,

HB 138 would create the highest bar possible for a citizen to exercise their legal right to protect water in Alaska. It would give committee chairs in the House and Senate the ability to kill a nomination by burying a Tier III nomination bill in committee. HB 138 would give industrial, business and municipal interests - adept at working the levers of power in the legislature - an upper hand in water protection debates. It would codify a practice in Alaska that has proven in numerous other states to result in zero waters designated for Tier III protections.

DEC has the ability and the legal authority right now to establish a process for Tier III water nominations that would satisfy the requirement of the Clean Water Act. The agency should move forward in good faith.

Numerous Tribal entities have already submitted nominations for water protections in response to threats posed by different mining projects in their regions. A scarcity of trust exists in Alaska that large industrial projects will be held to any true accountability in the normal permitting process. With the Trump EPA about to authorize a regulation allowing wastewater pollution in freshwater spawning areas, who can fault this lack of trust?

Please hold HB 138 in committee. Legislative approval of Tier III water is a dead-end disguised as a process. It is time for DEC to administratively create a true process for citizens to nominate waters for increased protection.

Sincerely,
Rene O'Connor

[REDACTED] [Dillingham, AK 99576](#) [REDACTED]

Sent from my iPhone

Elle Ahkivgak

From: Bruce White [REDACTED]
Sent: Thursday, February 20, 2020 2:53 PM
To: House Resources
Subject: RE: Comment - Oppose HB 138!

Follow Up Flag: Follow up
Flag Status: Flagged

Dear House Resources Committee,

I'm writing to ask that you join me in opposing HB 138. This bill strips Alaskans of the right to protect our waterways and our communities by creating an onerous political process designed to deny a Tier 3 water designation.

A Tier 3 designation is the only way for Alaskans to protect the waters on which we all depend. Currently, the Department of Environmental Conservation (DEC) has the authority to review Tier 3 nominations from Alaskan residents and designate a Tier 3 Water. HB 138 would remove authority from DEC to protect Alaskan waters through a science-based Tier 3 designation and make it a multi-step political process. If this bill passes, a Tier 3 water nomination would have to go through a 7-person committee appointed by the governor and then be passed by the legislature as law (which the governor can veto), making it nearly impossible.

Not only does this bill take away our right to protect clean water and fisheries, but it would require that the nominator cover all the costs of a nomination. This would mean that those facing the most difficult economic hardships would have the least access to protect their waterways. HB 138 is anti-democracy and anti-Alaskan.

I urge you to oppose HB 138.

Thank you,
Bruce White

[REDACTED]
[REDACTED]
Sitka, AK 99835
United States
99835

Elle Ahkivgak

From: john sonin [REDACTED]
Sent: Thursday, February 20, 2020 1:36 PM
To: House Resources
Subject: Water - The Essence of Justice

Follow Up Flag: Follow up
Flag Status: Flagged

Friends,

On HB 138, privatizing to any extent what is the essence, the bottom-line equalizer, of democracy by enabling private hands the volition of its use, misuse/abuse, would have no abrogation of your oath of office more flagrant, more criminal and treasonous, than any act residing in Hades! And putting the power to make that determination in the nominating-clutches of a personality hell-bent on personal-power would be just as heinous!

All relevant Commissioners and Department personalities appointed by the Executive will do his bidding in this kind of delinquent, libertarian culture.

The Governor is far from all-knowing and when we have the following kind-of derision happening with his federal-level affiliate-felon...

Earlier this year President Trump unveiled his Dirty Water Rule: a plan to remove protections against pollution from about half the nation's wetlands and potentially millions of miles of rivers and streams. It's the largest rollback of the Clean Water Act since the law was passed in 1972 and will allow polluters to pave over wetlands and turn waterways into industrial toilets. It's also illegal: It violates both the Endangered Species Act and the National Environmental Policy Act

...we cannot let Alaska become a tool in this deranged fantasy! We want an "emerging-future," not a "dying, decadent and condemned" tomorrow!

John S. Sonin

[REDACTED]
Douglas, AK 99824
[REDACTED]