



Kachemak Bay Conservation Society

3734 Ben Walters Ln, Homer, AK 99603

907 235.8214

kbayconservation@gmail.com

Monday, May 3, 2021

Dear Members of the House Fisheries Committee:

Kachemak Bay Conservation Society is writing on behalf of our members in strong opposition to the HB 82. This bill will re-write the rule book on oil and gas extraction in all areas closed in the state. According to section 1 of the bill:

“Unless specifically provided, a statute that restricts the surface use of an oil and gas lease or a gas only lease in specified acreage does not also restrict subsurface use for oil and gas resource development that can be accomplished by drilling from acreage that does not have surface use restrictions.”

This includes State Game Sanctuaries, State Game Refuges, State Parks, and State Critical Habitat Areas. Lateral drilling technology allows companies to drill and frack up to ten miles into closed areas from outside platforms. Alaska’s Legislature closed our rich public lands and waters to oil and gas extraction to protect them from significant risks to fish, wildlife, and habitat. While we allow drilling elsewhere in the state, we have created this system to balance the the diverse and sometimes competing interests of our state. It is important that we maintain this balance if we want to continue to be a state with wild salmon, big game and a subsistence lifestyle. Our protected lands and waters are essential for maintaining Alaska’s cultural identity, our subsistence and commercial harvests, as well as the health of our tourism industry. **This bill upends those essential protections. The legislature protected Kachemak Bay and other public lands for a reason, and it was not to allow lateral drilling and fracking. Please put a stop to it.**

Note that while the Kachemak Bay Critical Habitat Area was set aside by the legislature to be managed by the Alaska Department of Fish and Game (ADF&G) to protect fish and wildlife, the Department of Natural Resources and the Governor’s office has not consulted with ADF&G on this proposal—indeed the managers of our critical habitat area were completely unaware of the proposal when we contacted them. This is not the way to protect our fish and wildlife and their critical habitat.

The Kachemak Bay Conservation Society’s mission is to protect the environment of the Kachemak Bay region and greater Alaska by encouraging sustainable use and stewardship of natural resources through advocacy, education, information, and collaboration.



Kachemak Bay Conservation Society

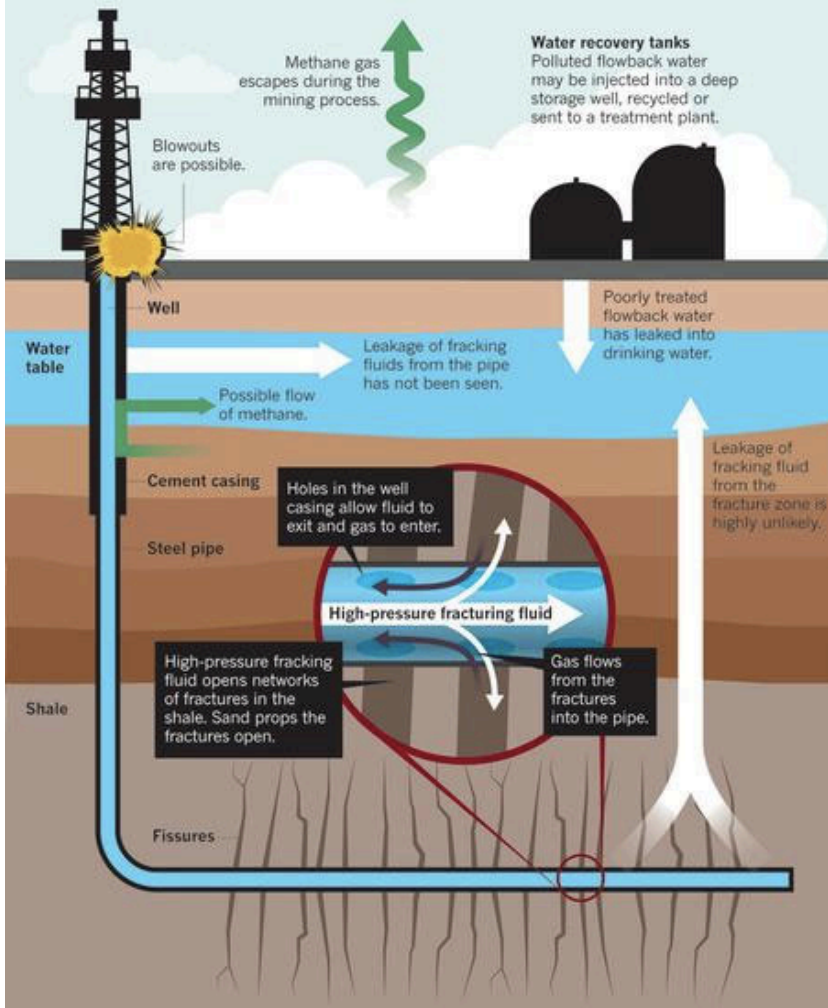
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FRACKING FOR FUEL

Hydraulic fracturing is used to access oil and gas resources that are locked in non-porous rocks.



Fracking infrastructure. Illustration from article in Nature, Sept. 15, 2011, Natural Gas: Should fracking stop?, by Robert W. Howarth, Anthony Ingraffea, & Terry Engelder. http://www.nature.com/nature/journal/v477/n7364/fig_tab/477271a_F1.html

According to the EPA and USGS, there are a wide range of risks associated with hydraulic fracturing that will impact our protected lands and waters:¹

- Stress on surface water and ground water supplies from the withdrawal of large volumes of water used in drilling and hydraulic fracturing;
- Contamination of underground sources of drinking water and surface waters resulting from spills, faulty well construction, or by other means;
- Adverse impacts from discharges into surface waters or from disposal into underground injection wells; and
- Air pollution resulting from the release of volatile organic compounds, hazardous air pollutants, and greenhouse gases.
- Induced seismicity from the injection of waste fluids into deep disposal wells

¹ <https://www.epa.gov/uog>; https://www.usgs.gov/faqs/what-environmental-issues-are-associated-hydraulic-fracturing?qt-news_science_products=0#qt-news_science_products

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Water withdrawals:

The average water withdrawal in a fracking operation is 3 million gallons per well and can be up to 16 million gallons.² Where will the water come from? In this case, most likely from The Anchor River, which has its own Critical Habitat Area upstream, that would be impacted from these significant withdrawals. This means lower water levels—in turn, warmer waters, and direct harm to salmon and trout. Across the state, we can expect enormous freshwater withdrawals on the perimeter of areas closed to oil and gas drilling will have significant negative impacts on the protected areas; in some cases this will mean withdrawing water from those protected areas when an aquifer crosses the boundary of the protected area. This will harm the protected areas by drawing down essential aquifers, removing water from salmon streams and lakes, damaging wetlands, peatlands. As you know, Alaska's waters are already warming, threatening our the foundation of fisheries. Such additional stress in our protected lands and waters is completely unacceptable.

Backflow and spills:

The 2005 Energy Policy Act exempted fracking from the Safe Drinking Water Act – this regulatory exclusion is often referred to as the Halliburton loophole and it means that the “produced water” that comes back out of the well is highly toxic and presents undue risks to protected lands and waters nearby. This is no small matter, when according to studies by Duke University, **up to to 16% of hydraulically fractured oil and gas wells spill liquids every year, according to new research from US scientists.**

Leaks and groundwater:

The casing which ring the well bore and which goes through underground aquifers and groundwater flows is meant to act as a barrier between underground water and the shaft through which the toxic frack fluid and gas flow. But casings are known to fail or break during the fracturing process, allowing the frack fluid or naturally-occurring contaminants to contaminate

² <https://environmentamerica.org/reports/ame/fracking-numbers-0>

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groundwater. When that happens, frack fluid and methane can leak from the well bore directly into the water supply, causing dangerous gas buildups, and making water unfit to drink, which has occurred all around the country.³ We cannot allow this in our precious protected lands and waters.

Seismic drilling in the Critical Habitat Area

This bill will bring seismic exploration into our protected lands and waters. Seismic surveys can be done year after year, as the results of any one proprietary study are not available to any other company. These curves threaten marine mammals, and even kill large numbers of zooplankton, disrupting the food web. We cannot allow seismic surveys to be conducted in Kachemak Bay Critical Habitat Area, or Alaska's State Parks and reserves. These areas are protected for a reason, and they should stay that way.

Thank you for your consideration of our comments. Please also see the attached signatures opposing HB 82.

Sincerely,

Roberta Highland,
President Kachemak Bay Conservation Society

³ Abrahm Lustgarten and ProPublica, "Drill for Natural Gas, Pollute Water," Scientific American, 11/17/2008

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Oil and Gas in Kachemak Bay Petition: No to HB 82 and SB 62

Date	Name	Email	Zip Code	Additional Comments
05/03/2021 12:44:36 am	Lilly Ryterski		99603	No
05/02/2021 4:07:28 pm	Gordy Vernon		99603	Dunleavy's administration is drunk on oil like sailor who has finished the bottle of rum and doesn't realize the bottle is gone
05/02/2021 2:09:50 am	Susan Pacillo		99515	
05/01/2021 5:43:34 pm	THERESE LEWANDOWSKI		99603	Please don't let Kachemak Bay be fouled by "profits first" mentality.
04/30/2021 7:46:19 pm	Nicole Arevalo		99603	It's a critical habitat area. The oil and gas development needs to steer clear of it. That's the only sensible way to manage development in this prolific estuary, which is so critical to the economy and livelihoods in southcentral
04/30/2021 4:03:46 pm	Richard Gustafson		99603	
04/30/2021 9:33:44 am	Rick Ejnar James		99687	
04/30/2021 6:06:01 am	Anne Wieland		99603	This plan must not be allowed to take place. Keep the renewable fisheries safe from ruin by fossil fuels.
04/30/2021 4:25:14 am	Devry Garity		99603	I want you to vote no on HB 82. We need protection for our food, water and environment.
04/30/2021 2:01:53 am	Marjorie Ringer		99603	
04/30/2021 1:21:09 am	Lee Page		99603	I am firmly against HB 82. Lateral drilling endangers critical habitat areas. We need to put our efforts into renewable energy and move away from drilling for more fossil fuels.
04/30/2021 12:24:46 am	Carol Swartz		99603	
04/30/2021 12:23:54 am	Robert Cole		99603	
04/30/2021 12:22:57 am	Michael A LeMay		99603	
04/30/2021 12:11:54 am	kathryn L carssow		99603	
04/29/2021 11:32:05 pm	Mildred Martin		99603	
04/29/2021 11:28:22 pm	mary griswold		99603	
04/29/2021 11:18:58 pm	Kevin Walker		99603	
04/28/2021 4:43:14 am	Madeline Lee		99603	This cannot happen in Kachemak Bay. We don't know enough about what the repercussions of fracking will have on the critical habitat in Kachemak Bay. This would be devastating to our community.
04/28/2021 4:41:55 am	Anna Liljedahl		99603	
04/27/2021 8:55:03 pm	Penelope Haas		99603	Alaska's protected lands and waters are an essential part of our identities and economies. Do not allow fracking in them.
04/27/2021 5:46:01 am	Tyler Katzmar		99507	
04/27/2021 4:45:26 am	River Gates		99516	
04/27/2021 1:20:02 am	Francis Barton		99615	Protect Kachemak Bay, don't destroy it.
04/23/2021 4:31:02 am	Rika Mouw		99603	
04/23/2021 3:11:11 am	Laurel Epps		99502	Please vote NO!!!
04/23/2021 3:06:57 am	Neil R Wagner		99603	Hello, I am totally against HB 82. Please have some concern for Alaska instead of risking our marine environment for money. PWS has many species in decline after the Exxon Oil Spill. Don't risk out future over oil when we have a better future. Thank You Neil wagner
04/23/2021 3:06:21 am	Sue Christiansen		99603	
04/23/2021 3:02:47 am	Nina Faust		99603	Fracking under Kachemak Bay Critical Habitat Area is unconscionable because it is a sneaky way to circumvent the regulations. Fracking can affect aquifers that are in the area. Please do not let this bill pass.
04/23/2021 2:58:45 am	Kate Finn		99603	There is NO WAY a good conscious we can allow this to happen in our Bay or Inlet!!
04/23/2021 2:58:07 am	Ginger Drais		99603	NO way to HB82!!!!
04/23/2021 2:57:55 am	Mary Frische and Tom Collopy		99603	
04/23/2021 2:56:50 am	Anna Wolfson		99603	
04/19/2021 5:53:19 am	Tyler R Henegan		99507	
04/15/2021 8:31:18 pm	Dawn Nixon		99611	
04/15/2021 7:28:01 pm	Joe Jacob		99568	
04/15/2021 5:11:57 pm	Laura Hagar		80451	PLEASE DON'T DO ANYTHING TO POLLUTE THE WONDERFUL SEAFOOD THAT COMES FROM ANYWHERE IN ALASKA!!! Save the jobs of those that fish, crab, and support those industries by cancelling all leases for O&G & mineral development ANYWHERE in ALASKA'S WATERS!!!
04/15/2021 4:43:06 pm	Scott P Miller		99603	The lives of those of us who live here should matter more than profit for outside interests!
04/15/2021 3:43:45 pm	Jessica Garron		99709	Please use the effort and funding that would be applied to HB82 to identifying ways to increase renewable resource development in Alaska.
04/15/2021 3:34:24 pm	Russell Miller		99556	Flying helicopters for 20 years, working for petroleum and mining. Money was always more important to the companies than the environment. I chose the planet's health over wealth. 25 years off grid with solar and wind and I
04/15/2021 3:26:11 pm	Wray Knard		99511	
04/12/2021 6:19:46 am	Alisha Chartier		99663	
04/10/2021 8:59:09 pm	Robert E Archibald		99603	
04/10/2021 8:57:35 pm	Roberta K Highland		99603	Lets stop this
04/08/2021 5:55:27 pm	Leonard Peck		99654	Purely threatening the resources and livelihoods of the area and its inhabitants, this whole notion of more natural gas and oil development needs to be relegated to the past, with wind, wave, solar and such being the only future.
04/08/2021 2:49:05 pm	Carla Osorio		80207	
04/08/2021 6:55:47 am	Geal Smith		99603	
04/08/2021 4:24:04 am	Laurie Daniel		99603	
04/08/2021 4:01:56 am	Janel Harris		99663	This would affect my livelihood as a sightseeing tour operator on Kachemak Bay. I want to keep this detrimental operation away from Kachemak Bay. My job depends on it.
04/08/2021 3:57:13 am	Nina Faust		99603	Kachemak Bay is off limits to oil and gas exploration. I do not support this back door way to drill the Bay.
04/08/2021 3:49:00 am	Kristin Debbin		99577	
04/08/2021 3:46:07 am	Chelsea Vukovich		99516	
04/08/2021 2:40:46 am	Phillip F Moser		99801	
04/08/2021 2:18:55 am	Sue Christiansen		99603	Please do everything you can to keep oil and gas out of Kachemak Bay.
04/08/2021 2:10:00 am	Elvira Paschke		99508	
04/08/2021 1:46:41 am	Charlene Insley		98407	Protect our Earth, please.
04/08/2021 1:39:20 am	Mark Haldane		99501	
04/08/2021 1:31:32 am	ANGELA FERRARI		99517	
04/08/2021 1:21:22 am	Amon Coleman		99663	Close Kachemak Bay to oil and gas development.
04/08/2021 1:13:31 am	Bjorn Olson		99603	
04/07/2021 8:08:59 pm	Barbara Wyatt		99603	
04/07/2021 6:07:42 pm	Aaron Levy		99603	NO OIL AND GAS IN KACHEMAK BAY! What is more important? The profits of an outdated and unsustainable industry or the health of the critical and fragile ecosystems we all rely on? Clearly the natural environment is more
04/06/2021 2:58:52 am	Barbara Veeck		99603	NO on HB 82 - Please, fossil fuels threaten our way of life-they are not the future
04/06/2021 12:07:23 am	Frank Ragulsky		99603	
04/05/2021 11:26:38 pm	Amber Fleenor		99603	Kachemak Bay is a pristine wonderland! No amount of money could ever replace the true value of Kachemak Bay.
04/05/2021 10:53:52 pm	Drew Jacobs		8016	
04/05/2021 10:36:49 pm	claire waxman		99603	
04/05/2021 3:33:47 am	Melisa Miller		99603	
04/05/2021 12:05:48 am	KATHY SARNS IRWIN		99603	
04/04/2021 8:55:05 pm	Karianna Ford		99603	
04/03/2021 5:57:41 pm	Rika Mouw		99603	
04/03/2021 4:31:57 pm	Mildred Martin		99603	It seems like an endless battle to save Kachemak Bay, but worth it. Been fighting for it since 1968, time to permanently protect it.
04/03/2021 4:25:06 pm	Mildred M Martin		99603	
04/03/2021 3:32:18 pm	Mark Turner		99603	
04/03/2021 3:22:19 pm	Daniel Perry		99603	
04/03/2021 4:38:42 am	David Godfrey		99603	
04/03/2021 3:37:12 am	Judith A James		99603	We cannot afford the risk of major catastrophe in this rich, bio-sensitive area of lower Cook Inlet. I urge you to vote against HB 82!
04/03/2021 2:56:58 am	Kevin Walker		99603	
04/03/2021 2:01:54 am	Patricia L Cue		99603	
04/03/2021 1:36:02 am	Michael A LeMay		99603	
04/03/2021 12:06:58 am	Mark Luttrell		99664	
04/03/2021 12:03:10 am	Lawrence J. Radcliffe		99603	
04/02/2021 11:27:50 pm	Cristen San Roman		99603	
04/02/2021 8:49:53 pm	Robert E Archibald		99603	This will set a precedent for future legislation which will endanger protected areas.
04/01/2021 10:57:20 pm	Bridget Maryott		99603	



May 4, 2021

VIA EMAIL ONLY

(representative.geran.tarr@akleg.gov)

Representative Geran Tarr, Chair
Alaska House Fisheries Committee
State Capital Building Room 120
Juneau, Alaska 99801

RE: OPPOSITION TO HOUSE BILL 82

Dear Chairwoman Tarr:

Cook Inletkeeper is a community-based nonprofit organization formed by concerned Alaskans in 1995 to protect the Cook Inlet watershed and the life it sustains. Please accept these brief comments on behalf of Inletkeeper's more than 8500 members and supporters in opposition to House Bill 82.

Kachemak Bay boasts spectacular resources that in turn support strong, sustainable local economies around tourism, commercial and sport fishing and personal use and subsistence harvest.

In the 1970's, Alaskans strongly opposed oil and gas development in Kachemak Bay, and in response, the Alaska Legislature created the Kachemak Bay Critical Habitat Area, which closed the area to oil and gas activities.

Later, in the debate over areawide oil and gas leasing in Cook Inlet in the mid-1990's, Alaskans again spoke out for protections around Kachemak Bay, and in response, the Alaska Legislature pushed oil and gas activities away from the Critical Habitat Area, and out of most of the entire Kachemak Bay watershed.

Now, the Dunleavy Administration seeks to undermine this long-standing desire to protect Kachemak Bay with HB 82, which represents the camel's nose under the tent for new oil and gas development in what are now protected areas.

Under HB 82, there are no safeguards built-in that protect the lands and waters of the surface estate from subsurface drilling, and as a result, the state and its residents would be ill-equipped to address any problems that may ensue. Furthermore, if the waters of the Kachemak Bay Critical Habitat Area open to oil and gas activities, there will invariably be a desire to conduct seismic operations to better-define hydrocarbon resources in the area, which can have a deleterious effect on marine life.

As the state confronts a historic fiscal crisis, we are watching sharp cuts to our resource agencies undercut their ability to effectively protect the public interest. While HB 82 would create the need for heightened monitoring, oversight and enforcement to protect the Kachemak Bay Critical Habitat Area – and the countless families and businesses it supports – HB 82 does nothing to empower our agencies with the additional funding, staffing or authority they will need to do so.

Accordingly, we strongly oppose HB 82, and we urge you to reject it.

Thank you and please do not hesitate to contact me with questions at bob@inletkeeper.org or 907.299.3277.

Yours for Cook Inlet,

A handwritten signature in black ink, appearing to read "Bob Shavelson", is centered within a light gray rectangular box.

Bob Shavelson
Inletkeeper

Cc: House.Fisheries@akleg.gov

Representative Geran Tarr, Chair
House Fisheries Committee Members
Alaska House Fisheries Committee
State Capitol Building Room 120
Juneau, Alaska 99801

May 4, 2021

VIA EMAIL
House.Fisheries@allegov.gov

RE: Opposition to HB 82

Dear House Fisheries Committee Members:

I have listened to the two hearings held by House Fisheries Committee on HB 82 and there are some points that are being missed in the explanations on the intent of this Bill. First and foremost this will pertain to the entire state to open the sub-surface domain for development from a surface domain that an oil and/or gas production facility could be located. My perception of this means that a subsurface domain can also be developed from an offshore lease, i.e., a production platform offshore with the ability to direct onshore under private property onshore which the State of Alaska owns the Sub-Surface Domain. This can allow drilling either way. The distance may make this unlikely, however this Bill would permit it.

The history of the Kachemak Bay Critical Habitat Area and the withdrawal of sub-surface and surface oil and gas development in the Critical Habitat Area was a negotiated agreement between the State of Alaska and the Alaska Citizens. The Kachemak Bay Oil Lease buy-back was a major effort by citizens and the Kachemak Bay Defense Group. The defining incident that preceded this action was when the Jack-Up Drilling Rig George Ferris became stuck in the mud east of the Homer Spill, resulting in a major structural failure to a rig's jack-up leg. The result was the sea level rose up around the rig structure and resulted in fuel spilled along with weeks of a huge effort.


This buy-back of oil leases in Kachemak Bay was negotiated after this incident and was the result of people working together with the State of Alaska.

Bringing this Bill forward to include the currently withdrawn, sub-surface domain under The Kachemak Bay Critical Habitat Boundary is a disservice to efforts of those who worked on this buy-back.

The main purpose of this Bill is to allow direct onshore drilling from the Homer Sea View Pad in Anchor Point to penetrate the surface domain into the privately held sub-surface domain then direct onshore drilling out into a target zone under Cook Inlet and The Kachemak Bay Critical Habitat Area.

The subject of well fracturing procedures was touched on and pointed out that it has been used for years in the Cook Inlet Basin. The subject that was not discussed was the fresh water needed and where it will come from. To fracture numerous well zones could take millions of gallons of water which could affect the aquifer in the Anchor Point area. The chemicals and quads used to fracture a well also have to be recovered as produced fluids and disposed of in a manner consistent with regulations.

Finally, I hope this Committee considers the history for the exclusions of development in or under Kachemak Bay and will reject this Bill as written.

Respectfully,
Robert Archibald

Homer, AK 99603

Greetings House Fisheries Committee Members

At the last public hearing on HB-82, I spoke in opposition.

My opinion has not changed.

When the Kachemak Bay oil and gas lease sales were bought back by the state, it was for good reasons. The public rose in opposition after the collapse of the jack up oil drilling rig George Ferris in Mud Bay, just east of the Homer Spit.

This was another example industry's lack of understanding of the environment they operate in.

The oil industry has proposed to drill from a permissible, shoreside drilling pad and reach out under Kachemak Bay. If this Bill passes it just goes to show the disregard for the past decisions which were made with vast public support.

The operator of the drilling pad proposes to directional drill out under Kachemak Bay, perforate in many places and use fracturing methods to develop natural gas. This may be good for the state and the operator but sets a bad precedent for going against past decisions which were made as the Kachemak Bay Critical Habitat Area was created.

I urge you to look into the reasons and justification for the moratorium on drilling into the Kachemak Bay Critical Habitat Area by means of sub surface, directional drilling.

Again, I do not support this Bill.

Respectfully

Robert Archibald

[REDACTED]

Homer, AK. 99603

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