

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

March 27, 2006

2:03 p.m.

**MEMBERS PRESENT**

Representative Jay Ramras, Co-Chair  
Representative Ralph Samuels, Co-Chair  
Representative Jim Elkins  
Representative Carl Gatto  
Representative Gabrielle LeDoux  
Representative Kurt Olson  
Representative Paul Seaton  
Representative Harry Crawford  
Representative Mary Kapsner

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE CONCURRENT RESOLUTION NO. 30  
Creating an Alaska Climate Impact Assessment Commission.

- MOVED CSHCR 30(RES) OUT OF COMMITTEE

HOUSE BILL NO. 307  
"An Act creating the Knik River Public Use Area."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HCR 30

SHORT TITLE: AK CLIMATE IMPACT ASSESSMENT COMMISSION

SPONSOR(S): REPRESENTATIVE(S) JOULE

02/08/06	(H)	READ THE FIRST TIME - REFERRALS
02/08/06	(H)	RES, FIN
03/27/06	(H)	RES AT 2:00 PM CAPITOL 124

BILL: HB 307

SHORT TITLE: KNIK RIVER PUBLIC USE AREA

SPONSOR(S): REPRESENTATIVE(S) STOLTZE

05/07/05 (H) READ THE FIRST TIME - REFERRALS  
05/07/05 (H) RES, FIN  
03/27/06 (H) RES AT 2:00 PM CAPITOL 124

**WITNESS REGISTER**

REPRESENTATIVE REGGIE JOULE  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Presented HCR 30 as sponsor.

MIKAYLA SAITO, Intern  
to Representative Reggie Joule  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Answered questions regarding HCR 30.

GLENN JUDAY, Ph.D., Professor  
University of Alaska - Fairbanks  
Fairbanks, Alaska  
POSITION STATEMENT: Testified in support of HCR 30.

MIKE BRADLEY  
Alaska Native Tribal Health Consortium  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HCR 30.

JOHN KREILKAMP, Vice President  
Alaska Operations  
Cruise West  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HCR 30.

TIMOTHY TREUER  
Alaska Youth for Environmental Action  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HCR 30.

BRIAN DAVIES, Chair  
Treasury Board  
Alaska Chapter  
The Nature Conservancy  
Anchorage, Alaska  
POSITION STATEMENT: Testified in support of HCR 30.

BUCK LAUKITIS  
North Pacific Fisheries Association

Homer, Alaska

POSITION STATEMENT: Testified in support of HCR 30.

RICK STEINER

University of Alaska - Anchorage

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HCR 30.

REPRESENTATIVE BILL STOLTZE

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, presented HB 307.

DICK MYLIUS, Acting Director

Division of Mining, Land and Water

Department of Natural Resources (DNR)

Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding HB 307.

TODD CLARK, President

Alaska Outdoor Access Alliance

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 307.

#### **ACTION NARRATIVE**

**CO-CHAIR JAY RAMRAS** called the House Resources Standing Committee meeting to order at [2:03:57 PM](#). Representatives Ramras, Samuels, Elkins, Gatto, Olson, Seaton, and Crawford were present at the call to order. Representatives LeDoux and Kapsner arrived as the meeting was in progress.

#### HCR 30-AK CLIMATE IMPACT ASSESSMENT COMMISSION

CO-CHAIR RAMRAS announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 30, Creating an Alaska Climate Impact Assessment Commission.

CO-CHAIR SAMUELS moved to adopt CSHCR 30, Version 24-LS1605\F, Kane, 3/24/06, as the working document. There being no objection, Version F was before the committee.

REPRESENTATIVE REGGIE JOULE, Alaska State Legislature, presented HCR 30 as sponsor. He opined that it's important for the future of Alaska to create the Climate Impact Assessment Commission. Alaska is beginning to see the impacts of climate change, especially in coastal communities. He said the legislature, by

nature, is a reactive body. "We don't plan very well." The commission would consist of: two senators, two representatives, a member from the Denali Commission, a member from the University of Alaska, a member from the Alaska Federation of Natives, a member from the Alaska Conservation Alliance, a member knowledgeable in engineering, two members who represent affected Alaska communities, two members who represent affected Alaska businesses, a member knowledgeable in fish and game, and a member from the Alaska Youth for Environmental Action. The group would be able to assess the impacts of climate change and advise the legislature as to what it needs to do. He said communities are already being threatened by erosion due to global warming, which is impacting subsistence activities and Alaska's fish and game resources.

[2:11:04 PM](#)

REPRESENTATIVE GATTO said the fiscal note is equal to less than one salary "that we pay to Arctic Power, and we're not sure we're getting a great deal of satisfaction from them." He then remarked that evidence for global warming is nonexistent and referred to a novel by Michael Crichton as the premier book of the decade dealing with global warming. He said the book will never become a Hollywood movie since it tries to debunk the fact that the planet is experiencing global warming. He added that the author says the temperature fluctuation may not be happening; "we don't really know" because of the influence of "heat islands." He said satellites create pure data unaffected by heat islands, and the satellites only indicate a warming of 5/100 of 1 degree. Representative Gatto repeated that there is no evidence for global warming. He said a commission can't compare with satellite data and, "we're duplicating something that is already being done hundreds of times over."

REPRESENTATIVE JOULE expressed his concern with the legislature being able to deal with future issues as readily without Alaska's own expertise.

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REPRESENTATIVE SEATON referred to page 3, lines 6-7, which reads, "the public members of the commission may receive compensation" and asked if compensation is in addition to per diem and if it comports with other commissions.

MIKAYLA SAITO, Intern to Representative Reggie Joule, referred to the fiscal note, which reads, in part:

Travel costs for the legislators and public members are included in this fiscal note. ... The Commission will have a contractual budget for phone, advertising and other expenses and a supply budget for the purchase of supplies and research materials.

She summarized that compensation consists of per diem and reimbursement for travel.

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REPRESENTATIVE JOULE clarified that the public member seats aren't paid positions.

REPRESENTATIVE SEATON surmised that compensation isn't in the form of a salary.

REPRESENTATIVE JOULE said that is correct.

REPRESENTATIVE GATTO inquired as to the amount of the per diem. He mentioned an existing per diem of \$400.

REPRESENTATIVE KAPSNER asked what commission has \$400 per diem.

CO-CHAIR RAMRAS answered that the Alaska Housing Finance Corporation per diem was increased to \$400 last year. He noted that the Juvenile Justice [Advisory Committee] has a per diem of \$35 and the Permanent Fund [Corporation Board of Trustees] has a per diem of \$400.

REPRESENTATIVE JOULE clarified that the [Alaska Climate Impact Assessment Commission] wouldn't have a high per diem.

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REPRESENTATIVE JOULE, in response to Co-Chair Ramras, acknowledged that issues regarding permafrost are likely.

CO-CHAIR RAMRAS noted that this resolution doesn't mention involvement of the University of Alaska.

MS. SAITO said there is a University of Alaska commission seat.

CO-CHAIR RAMRAS asked, "Why is there not a closer relationship with the University since so much of this presumably is scientifically anchored?"

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REPRESENTATIVE JOULE explained that he attempted to keep the number of members relatively low. He expressed his hope that the University of Alaska, the Department of Transportation & Public Facilities, the Alaska Department of Fish & Game, and the Department of Environmental Conservation would act as ex-officio members. That expertise is necessary, and while there is a University of Alaska seat on the commission, he hopes for more participation from the University.

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GLENN JUDAY, Ph.D., Professor, University of Alaska - Fairbanks, explained that the earth has recently become climatically different. He said data supporting the existence of climate change in Alaska is abundant and referred to slide 1, showing increasing temperatures in southern Alaska. He showed graphs of rising temperatures in other parts of the state. He noted that the overnight low temperatures have increased the most. Dr. Juday referred to slide 5 showing that the growing/thawing season is now much longer, and slide 6, which shows that the hot summer days allow for more wildfires. He stated that all of this warming produces many effects, for example, sea ice is thinner and is currently at a record low extent in the Arctic ice pack, break-up on rivers is happening earlier, the length of the growing season has increased, lakes are drying, permafrost temperatures are warming with some thawing, and glaciers are holding less ice. He referred to slide 7 showing that commercial white spruce in central Alaska grows less in warm summers, and with additional warming, it won't grow at all.

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DR. JUDAY, in response to Representative Seaton, explained that he selected the scenarios that produced the least warming and the most warming. The results suggest that temperatures will eventually become so warm that [white spruce] trees won't be able to survive.

[2:30:34 PM](#)

REPRESENTATIVE GATTO asked whether [scientists] can extrapolate from the data the reasoning behind the warming and if so, what a solution would be.

DR. JUDAY said that greenhouse gases have contributed to warming. Natural variability occurs but substantial human influence is additional.

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REPRESENTATIVE GATTO, in regard to the increase of CO2 in the atmosphere and warming asked, "Can you make the statement that those two are inextricably linked?"

DR. JUDAY said [CO2 and warming] are linked in every reasonable way that [scientists] are able to test them. He added, "That amounts to a pretty solid and across-the-board case."

REPRESENTATIVE GATTO stated that the National Aeronautics and Space Administration (NASA) data indicate that temperatures on Mars are increasing. He asked, "If it's a solar event that's occurring on Mars and we're in between the Sun and Mars, couldn't we attribute all of the activities that are happening here for the same reason, and that CO2 and man's activities are simply accompanying the other events?"

DR. JUDAY replied no; "Whatever additional effect humans are causing from greenhouse gases are adding to whatever natural background causes. Both are happening, neither can be ignored."

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MIKE BRADLEY, Alaska Native Tribal Health Consortium, discussed the public health impacts of climate change. He noted the existence of melting permafrost; increased drought magnitude and frequency; increased storm severity, including increased precipitation and wind; and accelerated coastal and riverbank erosion. He noted that all have public health impacts. The majority of problems will involve sanitation infrastructure in communities. Parasitic diseases that are spread by water are moving north, and he added that when the quality of water is degraded, personal hygiene suffers.

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JOHN KREILKAMP, Vice President, Alaska Operations, Cruise West, said Cruise West supports an Alaska Climate Impact Assessment Commission. The commission would assess current and potential impacts of climate warming on Alaskans, the economy, and the natural resources, and make recommendations to the legislature to help communities plan better for the effects of the warming

environment. He said the commission won't solve global warming, but it makes sense to have a commission that would help study and analyze how docks, bridge, roads, and other transportation infrastructure will be impacted.

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TIMOTHY TREUER, Alaska Youth for Environmental Action, said climate change, regardless of the cause, is having a tremendous impact on Alaska industries, cultures, communities, and the livelihood of many Alaskans, particularly the youth. He said, "Creating this commission would be a very positive proactive step to address these problems now before they become greater in scope and magnitude and we have to react to them."

BRIAN DAVIES, Chair, Treasury Board, Alaska Chapter, The Nature Conservancy, remarked that it's very obvious that global warming is happening and that Alaska is on the forefront. He said that regardless of the cause, it makes sense to understand the phenomenon and create a business plan for dealing with it.

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BUCK LAUKITIS, North Pacific Fisheries Association, remarked that undoubtedly Alaska, as a coastal resource state, is at significant risk if warming trends continue. He said that it would be prudent to establish a systematic framework to contemplate this debate and begin to establish policies to address mitigation options. Storm intensity seems to be correlated with ocean warming and the last few years have been some of the stormiest springs and falls on record. These are safety issues as well as insurance considerations for boats, crew, and port infrastructure, he said. The North Pacific has gone through extended periods of relative warmth and coolness, with certain species doing well and others suffering. He said the current concern is whether there's an unprecedented cycle without a corresponding cool cycle that throws fish distributions, overall marine productivity, and run timing all out of whack.

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RICK STEINER, University of Alaska - Anchorage, said he supports HCR 30, which he characterized as win-win. Almost all western states have state-government efforts to address climate change. He said it's a function of the government to protect the health and welfare of its citizens, protect state property, and wisely

manage the state's natural resources. He said climate change is, above all, an economic issue.

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CO-CHAIR SAMUELS pointed out that when the seasons get shorter for drilling, it impacts resource development and the economy. He wholeheartedly agrees with HCR 30, but said to be very careful that with the formation of the commission that Alaska is not taking a position on the cause of global warming. Therefore, he suggested that HCR 30 relates Alaska's acceptance of the fact that the climate is changing and what Alaska is doing to prepare.

CO-CHAIR SAMUELS moved that the committee adopt Amendment 1, as follows:

Page 2, line 29:

Delete "Alaska Conservation Alliance"

Insert "Department of Natural Resources"

CO-CHAIR SAMUELS said the Department of Natural Resources (DNR) houses the regulatory environment for fish, game, oil, and timber. He noted that the Alaska Conservation Alliance will be an excellent source of information, but the committee must take care with regard to the perception [the commission] presents. He recalled Representative Joule's earlier comment that he avoided naming a department as a member of the commission because the departments could be used as a resource. However, he opined that DNR covers all land use and the regulatory environment and thus specifying DNR would be appropriate.

REPRESENTATIVE CRAWFORD objected. He related his belief that more information is better. He acknowledged the desire to keep the commission small, and he didn't want to limit the input that goes into the commission. Furthermore, he recalled that there was a good reason to have a member from the Alaska Conservation Alliance. Therefore, he expressed his preference for DNR's membership to be an addition rather than a deletion.

[2:53:45 PM](#)

REPRESENTATIVE KAPSNER said having a member from the Alaska Conservation Alliance is just one more Alaskan at the table.

CO-CHAIR SAMUELS commented that to have a member with a real or perceived bias is problematic. If the perception is that this commission is skewed either way, the results will be tainted.

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REPRESENTATIVE JOULE noted that originally the membership of the commission didn't include the Alaska Conservation Alliance. However, balance is achieved by including it. He said, "We're looking to have people from the oil industry on here." In response to Representative Olson, he said that the Alaska Conservation Alliance requested a seat on the commission.

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A roll call vote was taken. Representatives Gatto, Elkins, LeDoux, Olson, Seaton, Ramras, and Samuels voted in favor of the adoption of Amendment 1. Representatives Crawford and Kapsner voted against it. Therefore, Amendment 1 was adopted by a vote of 7-2.

CO-CHAIR SAMUELS then referred to page 3, line 5, and expressed his desire to replace the youth representative recommended by the Alaska Youth for Environmental Action group with someone recommended by the University of Alaska Board of Regents. He opined that a youth representative from the University of Alaska would provide a broader background.

REPRESENTATIVE JOULE agreed that including representation from the University Board of Regents would broaden it quite a bit.

CO-CHAIR SAMUELS expressed his hope that Youth for Environmental Action would lobby the University of Alaska Board of Regents with its selection, although other groups would too.

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CO-CHAIR SAMUELS moved that the committee adopt Amendment 2, as follows:

Page 3, line 5:

Delete "Alaska Youth for Environmental Action group"  
Insert "University of Alaska Board of Regents"

REPRESENTATIVE SEATON objected and asked if the member represents Alaska youth or another university representative on

the commission. He opined that in order to obtain the broad impact desired, the member should be a youth representative.

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CO-CHAIR SAMUELS said the representative specified in subparagraph (B) will be a professor while the representative in subparagraph (I) will be a youth who is not a professor.

REPRESENTATIVE SEATON removed his objection.

[3:00:45 PM](#)

REPRESENTATIVE LEDOUX asked if the sponsor would consider it a friendly amendment to Amendment 2 to add "based upon the recommendations of Board of Regents and ... Alaska Association of School Boards to gather the high school-aged youth."

REPRESENTATIVE JOULE opined that the important thing is that young people are involved.

CO-CHAIR SAMUELS suggested that the resolution refer to the University of Alaska Board of Regents but include a letter from the sponsor to request notification of the various youth groups.

REPRESENTATIVE LEDOUX said that solves her problems.

CO-CHAIR RAMRAS, upon hearing no further objection, announced that Amendment 2 was adopted.

[3:02:42 PM](#)

CO-CHAIR SAMUELS moved that the committee adopt Amendment 3, as follows:

Page 4, line 13:  
Delete "terminated"  
Insert "re-evaluated"

There being no objection, Amendment 3 was adopted.

REPRESENTATIVE GATTO moved that the committee adopt Amendment 4, as follows:

Page 3, line 11:  
Delete "shall"  
Insert "may"

REPRESENTATIVE CRAWFORD objected and inquired as to why Representative Gatto is suggesting such a change.

REPRESENTATIVE GATTO explained that if both the House and the Senate Resources Standing Committees are forced to provide staff to this commission, then a fiscal note should be created. Therefore, he opined that it shouldn't be a requirement for the committees to assign staff to the commission.

3:04:25 PM

CO-CHAIR SAMUELS informed the committee that if HCR 30 passes he would assign Tim Benintendi to be staff to the committee.

CO-CHAIR RAMRAS pointed out that the House Resources Standing Committee staff is session-only staff and thus it adds another wrinkle to the situation.

REPRESENTATIVE SEATON said he prefers the "may" language.

REPRESENTATIVE CRAWFORD said he would defer to the wishes of the sponsor. [Representative Crawford indicated that he withdrew his objection to Amendment 4.]

3:05:28 PM

CO-CHAIR RAMRAS, upon hearing no further objections, announced that Amendment 4 was adopted.

REPRESENTATIVE SEATON moved that the committee adopt Conceptual Amendment 5, as follows:

Page 3, line 7, following "compensation":  
Delete ","  
Insert "for"

REPRESENTATIVE GATTO objected and inquired as to the possibility of striking the word "compensation".

3:06:31 PM

REPRESENTATIVE SEATON said Legislative Legal and Research Services may have included it for clarification, but Conceptual Amendment 5 reflects his understanding that the compensation is for per diem and reimbursement of expenses.

REPRESENTATIVE GATTO withdrew his objection.

CO-CHAIR RAMRAS, upon determining there were no further objections, announced that Conceptual Amendment 5 was adopted.

[3:06:59 PM](#)

CO-CHAIR SAMUELS moved to report CSHCR 30, Version 24-LS1605\F, Kane, 3/24/06, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHCR 30(RES) was reported from the House Resources Standing Committee.

[3:07:23 PM](#)

HB 307-KNIK RIVER PUBLIC USE AREA

CO-CHAIR RAMRAS announced that the final order of business would be HOUSE BILL NO. 307, "An Act creating the Knik River Public Use Area."

REPRESENTATIVE BILL STOLTZE, Alaska State Legislature, presented HB 307 as sponsor. He said the affected area is in his district, and he attempted to balance multiple use, good management, and habitat protection. He held two fairly extensive public hearings in Butte and has had countless meetings with people in support of, as well as not in support of, this bill. He said the most prevalent concern is enforcement and resources. He noted that he has worked closely with the Department of Natural Resources (DNR) and the Attorney General's Office on this bill, and the enforcement language has drastically changed from the original version. His proposed amendment would allow outside entities to support enforcement. He remarked that the Matanuska-Susitna motorized users are skeptical of a management plan, but he convinced them of a multiple-use plan that protects habitat. He stated that the Butte Community Council endorsed the bill. The Matanuska-Susitna Borough endorsed the concept of a public use area in their resolution, without endorsing this actual bill.

[3:15:15 PM](#)

CO-CHAIR SAMUELS moved to adopt CSHB 307, Version 24-LS0737\I, Bullock, 3/15/06, as the working document. There being no objection, Version I was before the committee.

DICK MYLIUS, Acting Director, Division of Mining, Land and Water, Department of Natural Resources, said the division had concerns with the original draft, which has been addressed in the CS. He affirmed that the concept of a public-use area has a lot of public support, but there are concerns regarding management. He explained that this bill would set aside approximately 264,000 acres of state land as a public-use area, which is a multiple-use area open to mining and logging. He noted that it would start near Butte, and the western end of the area is within a mile of the old Glen Highway, which has trail access and fairly heavy public use. Some of the areas further to the east are more remote, including a portion of the Knik Glacier and some valleys that drain south into the Knik River. It includes a large area of the Knik River flats, which is popular for off-road vehicle use. He said this bill requires a management plan from DNR because there are competing ideas as to how this area should be managed. This bill also gives DNR enforcement authority, which is important because of the area's extensive abuse by the public. He referred to an Alaska State Trooper report on the activities they have been called for. It is a dumping ground for people to trash and burn vehicles, and a management presence is necessary, he opined.

[3:20:47 PM](#)

REPRESENTATIVE GATTO asked about any current designations.

MR. MYLIUS responded that it's just general state land with no particular designation.

REPRESENTATIVE LEDOUX asked why page 2, Section 41.23.190(c), reads, "The Knik River Public Use Area may not be managed as a unit of the state park system."

REPRESENTATIVE STOLTZE said it's a different type of management, and there is language which will allow park enforcement but not management and promulgation of regulations.

[3:24:18 PM](#)

REPRESENTATIVE SEATON asked whether citation authority is included in arrest authority.

MR. MYLIUS confirmed that citation authority is included in arrest authority. He mentioned that the Attorney General's Office helped draft the bill.

REPRESENTATIVE CRAWFORD asked, "Are there any private land holders in this area, and would this change the way they're able to manage their land?"

[3:25:12 PM](#)

REPRESENTATIVE STOLTZE surmised that there are private land holders and explained that since it is state land, this bill would not affect their use of their land.

MR. MYLIUS clarified that only state land and water are included in this bill. He said there are some private lands within this geographic area, primarily owned by the Eklutna Corporation.

REPRESENTATIVE SEATON said page 2, [Section 41.23.190](d) reads, "With the assistance of the United States Army Corps of Engineers, the commissioner shall identify wetland areas within the Knik River Public Use Area and provide for the protection and use of the wetland areas in the management plan." He said the Army Corps of Engineers produced a Geographic Information Systems (GIS) map from satellite data on the Kenai Peninsula and classified the entire lower peninsula as wetlands. "Are we setting ourselves up for a problem?" he asked.

MR. MYLIUS responded that DNR is simply requesting help with identifying wetlands. He added that because the Army Corps of Engineers has regulatory authority over wetlands, it will be useful to have its assistance in identifying those areas.

REPRESENTATIVE SEATON stated that he wants DNR to investigate what has happened on the lower Kenai Peninsula with the GIS identification of all of Homer [as wetlands].

[3:28:21 PM](#)

TODD CLARK, President, Alaska Outdoor Access Alliance, said the alliance is comprised of many access organizations, mostly from Southcentral Alaska. The objective of the alliance is to maximize the legitimate use of a resource similar to this. He mentioned that motorized users recognize that there's a lot of illegal use [of this area], but they're reluctant to support any form of management. Management is necessary, and the specific provisions that users are most interested in are the protection for existing trails and the management objective that this area be a destination for motorized users. In regard to the lakes and streams in this area, the salmon population is excellent,

the moose population is optimal for the amount of habitat, and waterfowl are healthy and strong.

3:33:02 PM

MR. MYLIUS, in response to Representative Gatto, confirmed that mining will be allowed, but it will require a permit.

[HB 307 was held over.]

3:34:29 PM

**ADJOURNMENT**

The House Resources Standing Committee meeting was recessed at 3:34 p.m. to a call of the chair.