

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON FISHERIES**

Newhalen, Alaska  
September 24, 2007  
4:44 p.m.

**MEMBERS PRESENT**

Representative Paul Seaton, Chair  
Representative Kyle Johansen  
Representative Craig Johnson  
Representative Gabrielle LeDoux  
Representative Peggy Wilson  
Representative Bryce Edgmon  
Representative Lindsey Holmes

**MEMBERS ABSENT**

All members present

**OTHER LEGISLATORS PRESENT**

Representative Carl Gatto  
Representative Mark Neuman  
Representative Bob Roses  
Representative Scott Kawasaki

**COMMITTEE CALENDAR**

HOUSE BILL NO. 134

"An Act relating to conservation and protection of wild salmon production in drainages affecting the Bristol Bay Fisheries Reserve; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 134

SHORT TITLE: PROTECTION OF SALMON SPAWNING WATER

SPONSOR(S): REPRESENTATIVE(S) EDGMON

02/14/07	(H)	READ THE FIRST TIME - REFERRALS
02/14/07	(H)	FSH, RES
02/28/07	(H)	FSH AT 8:30 AM BARNES 124
02/28/07	(H)	Heard & Held
02/28/07	(H)	MINUTE(FSH)

03/02/07 (H) FSH AT 8:30 AM BARNES 124  
03/02/07 (H) Heard & Held  
03/02/07 (H) MINUTE(FSH)  
03/05/07 (H) FSH AT 8:30 AM BARNES 124  
03/05/07 (H) Heard & Held  
03/05/07 (H) MINUTE(FSH)  
05/09/07 (H) FSH AT 8:30 AM BARNES 124  
05/09/07 (H) Heard & Held  
05/09/07 (H) MINUTE(FSH)  
09/24/07 (H) FSH AT 4:30 PM Newhalen

#### **WITNESS REGISTER**

RAYMOND WASSILLIE, President  
Newhalen Tribal Council  
Newhalen, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134, and responded to questions.

GLEN ALSWORTH, Mayor  
Lake and Peninsula Borough  
Port Alsworth, Alaska

**POSITION STATEMENT:** Provided a traditional community welcoming ceremony to honor the committee.

AGNES RYCHNOVSKY  
Iliamna, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

JUNE TRACEY  
Nondalton, Alaska

**POSITION STATEMENT:** Testified on HB 134.

MYRTLE ANELON  
Iliamna, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

LISA REIMERS  
Iliamna, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

NANCY DELKITTIE  
Nondalton, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

TERRY WASSILLIE, Secretary  
Newhalen Tribal Council

Newhalen, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

LYDIA OLYMPIC

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 134, and responded to questions.

BELLA HAMMOND

Port Alsworth, Alaska

**POSITION STATEMENT:** Testified in support of HB 134, and responded to questions.

[Inaudible]

[Location unknown], Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

CHARLOTTE BALLUTA, Environmental Coordinator

Nondalton, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

RICK DELKITTIE SR.

Nondalton, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

DAN OBERLATZ, Owner

Alaska Alpine Adventures

Vice President

Alaska Wilderness Recreation and Tourism Association

**POSITION STATEMENT:** Testified in support of HB 134, and responded to questions.

BETTY WEIKEL

Port Alsworth, Alaska

**POSITION STATEMENT:** Testified in support of HB 134, and responded to questions.

DAN SALMON, Member

Igiugig Village Council (IVC)

Igiugig, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

SHAR (ph) [Inaudible]

[Location unknown]

**POSITION STATEMENT:** Testified on HB 134.

STEVE KAHN

Port Alsworth, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

MASSA GUMLICKPUK

New Stuyahok

**POSITION STATEMENT:** Testified in support of HB 134.

ANNE CORAY

Port Alsworth, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

BRADLEY BOND

New Stuyahok, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

BILL TREFON SR.

Port Alsworth, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

KIM WILLIAMS, Member

Tribal Council

Dillingham, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

NATALIA BLUNKA

New Stuyahok, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

WASSILLIE CHUNAK SR.

New Stuyahok, Alaska

**POSITION STATEMENT:** Testified on HB 134.

TIMOTHY WONHOLA SR.

New Stuyahok, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

[Inaudible]

Nushagak, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

[Inaudible]

[Location unknown]

**POSITION STATEMENT:** Testified in support of HB 134.

KATHLEEN WONHOLA

New Stuyahok, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

SALLY GUMLICKPUK  
New Stuyahok, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

ALEXIE GUST SR.  
New Stuyahok, Alaska

**POSITION STATEMENT:** Testified on HB 134.

[Inaudible], Union President  
Lake Clark, Alaska

**POSITION STATEMENT:** Testified on HB 134, and responded to questions.

MICHELLE HOPE RAVENMOON  
Port Alsworth, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

KEITH JENSEN, President  
Pedro Bay Village Council  
Pedro Bay, Alaska

**POSITION STATEMENT:** During hearings on HB 134 provided information regarding Pedro Bay, and responded to questions.

MARVIN BALLUTA  
Nondalton, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

SERGIE CHUKWAK  
Levelock, Alaska

**POSITION STATEMENT:** Testified on HB 134, and made recommendations.

[Inaudible]  
[Location unknown]

**POSITION STATEMENT:** Testified in support of HB 134.

[Inaudible], President  
Nondalton Village Council  
Nondalton, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

JAMES LAMONT  
Iliamna, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134, and responded to questions.

THOMAS TILDEN, Member  
Nunumta [Aulukestai]  
Dillingham, Alaska

**POSITION STATEMENT:** Testified in support of HB 134, and made recommendations.

BRIAN KRAFT, Board Member  
Renewable Resources Coalition  
Remote Fishing Lodge Owner  
Representative, Bristol Bay Alliance  
Director for Southwest Alaska Trout Unlimited  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 134, made recommendations, and responded to questions.

GEORGE HORNBERGER  
Iliamna, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

MICHAEL BORLESKE  
Nondalton, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

[Inaudible], President  
Iliamna Native (indisc.)  
Iliamna, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 134.

SEAN MAGEE, Vice President of Public Affairs  
Partnership Spokesperson  
Northern Dynasty Mine

**POSITION STATEMENT:** Testified in opposition to HB 134, and responded to questions.

DR. CAROL ANN WOODY, Owner  
Fisheries Research and Consulting  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 134.

CHIP [CHARLES] EMBRETSON  
Iliamna, Alaska

**POSITION STATEMENT:** Testified on HB 134.

MIKE TREFON  
Nondalton, Alaska

**POSITION STATEMENT:** During hearings on HB 134 inquired about the process.

[Inaudible]

[Location unknown]

**POSITION STATEMENT:** Testified in opposition to HB 134.

[Inaudible]

Iliamna, Alaska

**POSITION STATEMENT:** Answered questions on the video presentation provided by the Iliamna Development Corporation.

ED FOGELS, Acting Director  
Office of Project Management & Permitting  
Department of Natural Resources

**POSITION STATEMENT:** Provided a slide presentation titled "The Process and Requirements for Large Mine Permit Applications in Alaska," and responded to questions.

#### **ACTION NARRATIVE**

**CHAIR PAUL SEATON** called the House Special Committee on Fisheries meeting to order at [4:44:27 PM](#). Representatives Seaton, Wilson, Johnson, Johansen, LeDoux, Holmes, and Edgmon were present at the call to order. Representatives Neuman, Gatto, Kawasaki, and Roses were also in attendance.

#### HB 134-PROTECTION OF SALMON SPAWNING WATER

[4:44:54 PM](#)

CHAIR SEATON announced that the only order of business would be HOUSE BILL NO. 134, "An Act relating to conservation and protection of wild salmon production in drainages affecting the Bristol Bay Fisheries Reserve; and providing for an effective date."

[The motion to adopt CSHB 134, Version 25-LS0381\M, Kane, 2/22/07, was left pending at the 2/28/07 meeting.]

CHAIR SEATON reviewed the various water use questions and the two major aspects of HB 134: The protection of salmon, and other fish habitat, encompassing the protection of renewable resources in Bristol Bay; and the use of HB 134 as a vehicle to prevent the development of a large scale mine in the area. He clarified that this hearing is not on the Pebble Mine but rather on the legislation as it relates to water usage and the fisheries. He acknowledged that there has been discussion with regard to conflicts of interest and pointed out that witnesses

need to identify who they represent. Finally, he invited the prime sponsor of the bill to speak prior to opening public testimony.

4:48:02 PM

REPRESENTATIVE EDGMON thanked everyone for coming forward to participate, particularly the significant number of legislators present. He acknowledged that the Pebble Mine is the impetus for this legislation. The economic and environmental ramifications of the Pebble Mine project have brought together a gallery that represents diverse opinions, regarding the future of the region. He characterized HB 134 as a work in progress, with issues important enough to have a series of hearings in the region. This legislation addresses an important crossroads in terms of policy: whether to institute higher levels of protection for waters that support the areas salmon habitat via the five major drainages to Bristol Bay. The existing policy provides for other industrial use purposes, which may significantly compromise salmon habitat. The economic difficulties of the region include school closures, and he acknowledged that these issues would be brought to the fore, during the discussion of this bill.

4:51:38 PM

REPRESENTATIVE EDGMON related that when doing research for HB 134, statute was discovered that established the Bristol Bay Fisheries Reserve; Senator Hammond 1972. The statute specifies that surface entry permit, to develop oil and gas, may not be issued on state owned/controlled land until the legislature, via resolution, finds that such entry will not constitute danger to the fishery. This foresight, he opined, provides a guide for including further protective measures, with strict penalties for use of water that would be detrimental to salmon. Directing attention to HB 134, [Version M], page 2, Sec. 16.10.015, he paraphrased the subsection and paragraphs, which read:

...within the watersheds of the Nushagak, Kvichak, Naknek, Egegik, and Ugashik Rivers, a person may not  
(1) withdraw, obstruct, divert, inject, pollute, or pump, either temporarily or permanently, any subsurface or surface water in drainages supporting salmon or any water hydrologically interrelated or connected to those drainages; or

- (2) alter, destroy displace, relocate, channel, dam, convert to dry land, or otherwise adversely affect any portion of a river, stream, lake, bog, tributary, or any other water body including the beds of water bodies, in drainages supporting salmon.

REPRESENTATIVE EDGMON stressed that the intent of this legislation is to protect salmon habitat without disenfranchising existing uses that are essential to community life and development. To that end, six areas of exemptions have been included in the bill, with the understanding that further exemptions may be necessary. The legislation also includes penalties for violations, which he said, are monetarily strict. He stressed the need to consider this area as the last great sockeye salmon producing area "on earth" and rhetorically asked, "To what ends should it be protected." This is the policy question before the community and the legislature. Representative Edgmon said he looked forward to hearing comments and suggestions that will be utilized to produce a final piece of legislation, serving the constituents as well as the state constitution.

CHAIR SEATON opened public testimony and explained the parameters for speaking.

[4:58:06 PM](#)

RAYMOND WASSILLIE, President, Newhalen Tribal Council, stated resistance to the bill, not because of the mine, but because of what will happen when the mine is closed. The area in question, he pointed out, is between his home and where his family gathers subsistence food. He said that he can't afford to pay the fines that he would incur when passing over these areas to reach these traditional use areas. He questioned how he will be able to maintain a wilderness, survival cabin, which he has had for many years, or continue boating activities that allow him to check his subsistence fishing nets. Further, he questioned how this legislation allows him and his grandchildren to continue to survive in traditional ways. "What is going to become of us," he asked.

CHAIR SEATON pointed that page 2, line 13, refers to the disallowance to "convert to dry land", and asked if this is what the concern is for being able to build a cabin.

MR. WASSILLIE replied yes, as most of the land in the area is bog.

[5:03:26 PM](#)

REPRESENTATIVE EDGMON underscored that the intent of the bill is not to prohibit any of the historical, ordinary, daily life activities in the area. He directed attention to page 2, lines 17-23, listing the exemptions, and offered assurance that this list will be expanded upon, should an oversight exist that would hamper traditional existence.

MR. WASSILLIE said that, as he reads the bill, it is a violation of his "living rights." Additionally, he noted, although the legislation doesn't refer to the mine, that's what it's about. Why then, he questioned, doesn't the legislature address the mine directly and not disturb the residents and their traditional uses.

[5:06:08 PM](#)

GLEN ALSWORTH, Mayor, Lake and Peninsula Borough, introduced the village elders and New Stuyahok Dancers, who performed a traditional song and dance on behalf of the visitors to the community.

[Singing]

CHAIR SEATON requested that the drummers and dancers be introduced individually.

[Introductions were made - inaudible.]

[5:14:39 PM](#)

CHAIR SEATON made public announcements regarding fire exits, testimony submission, and the bill history and legal resources available in the room.

AGNES RYCHNOVSKY cited the necessity for jobs in the area as well as the need to maintain subsistence uses. She stated that this bill will restrict the ability of the Newhalen village residents from accessing their traditional gathering grounds. The hunters, she said, will be prohibited from crossing streams to hunt the game. Further, it would restrict the development of a small dock, which would allow easy access from the water to the land in the north fork of the (indisc.) River.

5:20:50 PM

JUNE TRACEY asked if legislation restricts everyone from going on this reserve.

CHAIR SEATON replied that the restrictions do not apply to crossing the land, but noted that it would prevent the building of dams, or creation of dry land, for road building or other purposes.

MS. TRACEY stressed that the land and rivers are the supermarket for the area. Land and water are more precious than the gold, she said. Restrictions on hunting or fishing would not be acceptable, but she conceded that her understanding of how the bill effects those activities is limited.

5:23:42 PM

MYRTLE ANELON stated appreciation for being included in the process of creating this legislation. People who do not live in the area are expressing opinions as though they know more about living here than the residents, she said.

CHAIR SEATON noted the schedule for the meetings in the local area, which are intended to garner as much local opinion as possible.

5:25:53 PM

REPRESENTATIVE EDGMON asked the witness to directly address the issue of water use and protection.

MS. ANELON replied that the community has a (indisc.) program. [Inaudible.] The water is never clean. At low water times, in the river, she continued, bags of lead can be picked up, from the sport fishing activities of the season. People who don't live here may not be aware of this pollution, she surmised.

5:28:20 PM

LISA REIMERS provided a video of the Bristol Bay concerns regarding the fishing industry, and other activities that are routine to the area. She asked whether it could be viewed.

REPRESENTATIVE SEATON held that the video would be shown, in conjunction with a large mine permitting presentation, by DNR, as a wrap up to the day's public testimony.

MS. REIMERS inquired if the bill sponsor had solicited community opinion, prior to the drafting process.

REPRESENTATIVE EDGMON reiterated the intent of these proceedings.

MS. REIMERS queried again, prior to drafting the bill, did he make the effort to solicit opinion.

REPRESENTATIVE EDGMON stated that three days of testimony were taken in Juneau [2/28/07, 3/02/07, and 3/05/07].

MS. REIMERS stressed how that did not occur in the local communities. The fines are exorbitant, she pointed out, for someone trying to cross the land to get to their traditional berry patch. She stated her opposition to HB 134, as it would create more hardships on those in the region.

[5:30:44 PM](#)

CHAIR SEATON stressed the importance for testimony to provide individual opinion vs. dialoguing with, or questioning, the representatives. Further, he pointed out that, although this hearing is being made available throughout the state, via the Legislative Information Office broadcast, testimony would only be taken from the audience.

[5:31:52 PM](#)

NANCY DELKITTIE said: "I want to support this bill, because it (indisc.) clean water." [Inaudible.] We rely on subsistence, she continued. [Inaudible.] She related that she lives here by choice, and the majority of her diet is subsistence foods.

[5:33:28 PM](#)

TERRY WASSILLIE, Secretary, Newhalen Tribal Council, testified in opposition to HB 134, highlighting that, in order to practice a subsistence life style residents must traverse the land and water; crossing multiple streams. [Inaudible.] Future generations should have the same opportunity. Regarding the sponsor's comments for protecting the water (indisc.). He recalled the restrictions that have occurred since the Lake

Clark National Park and Reserve was instituted. The state has restricted residents from utilizing their private property. This legislation will also impact commercial fishing by increasing costs.

REPRESENTATIVE EDGMON clarified that since 1972 state statute has included the Bristol Bay Fisheries Reserve, and the restrictions are only in place for land based oil and gas development. Additionally, he pointed out that this bill is designed to protect subsistence use. He expressed concern that the bill is either not being read, or not understood, as indicated by the citizen levels of concern, that their subsistence life style will be jeopardized.

MR. WASSILLIE inquired (indisc.).

[5:38:13 PM](#)

LYDIA OLYMPIC paraphrased from a prepared statement, which read as follows [original punctuation provided]:

Thank you, Chairman Seaton and representatives for giving us opportunity to tell you our stories.

I am from Igiugig, Alaska top of the Kvichak. As of June 2006 I've moved to Anchorage, AK. I didn't realize how precious our sockeye salmon was until I moved away. I thought everyone in this world had this incredible gift of crystal clear waters and abundant salmon in their rivers and backyard.

The Frazier River fishery in British Columbia is in decline and this year many natives chose not to subsistence fish because of low returns.

I've served on EPA's [Environmental Protection Agency] National Tribal Operations Committee and Regional Tribal Operations committee for six years. I was one of 19 elected nationwide to serve as an advisory council to EPA on Indian country issues.

I saw first hand on how these rules and regulations that are there to protect us, our fisheries, our lands, and our environment can be changed by who is elected and their administration. For example the Bush administration changed the wording from hazardous waste to fill and now industries can dump their fill

into a freshwater lake/stream such as the Lower Slater Lake or by changing the air particulate matter 2.5-10 so that the mining industries, agriculture, and fugitive dust are exempt in populations less than 100,000.

That is on the federal side now on the state side for example moving the habitat division over to DNR or the mixing zone regulation changed by the Murkowski administration.

We must do all that we can to protect our fisheries, our culture, our fresh water, and our way of life that is why I support this bill and we all appreciate your support and thank you for your time.

5:41:30 PM

REPRESENTATIVE LEDOUX asked whether she would be more comfortable with the Pebble Mine permitting process going forward, if the Office of Habitat Management and Permitting was a division under Department of Fish and Game (ADF&G) vs. under its current placement within the Department of Natural Resources (DNR).

MS. OLYMPIC replied, "Yes." [Inaudible.] I don't feel comfortable with the location of DNR and (indisc.), who worked for the mining commission.

5:43:00 PM

BELLA HAMMOND recalled her earliest memories, which revolved around the fisheries. She opined that the fisheries are threatened, and require a high priority of protection. Clean water and a healthy fishery are mutualistic, and a major concern, for the local subsistence life style. A major threat is looming. She mentioned that a ripple effect could occur, throughout the fishing industry, should the perception of polluted waters stain the reputation of the wild caught salmon. People will not be comfortable, if they are concerned with whether the fish are safe to eat, she said. She expressed the need to be clear with any legislation addressing water.

CHAIR SEATON pointed out that currently oil and gas development is not allowed, but mining is; HB 134 would lift energy project restrictions and disallow mining development. He asked if the aforementioned could be considered beneficial to the region.

MS. HAMMOND responded that this region should be a top priority, as "there is no other place like it on earth." Everything that can be done, should be done, to protect this area, she maintained.

[5:50:27 PM](#)

[Inaudible] stated, "I am absolutely for this legislation." [Inaudible.] Subsistence is a priority, and her understanding of this bill indicates that it will help to protect that way of life, while insuring the quality of the water.

CHAIR SEATON reminded the witnesses that their opinions on the water, and water resources, in connection with HB 134, would be helpful to the committee.

CHARLOTTE BALLUTA, Environmental Coordinator, said, "Yes, I do support the HB 134."

[5:56:49 PM](#)

RICK DELKITTIE SR., said, "I back HB 134, to protect our rivers and streams (indisc.). I will fight to protect my land and the water (indisc.)."

[5:58:39 PM](#)

DAN OBERLATZ, Owner, paraphrased from a prepared statement, which read as follows [original punctuation provided]:

For the last 15 years I've been fortunate enough to call this area home, and, for the last 10 years, to share this world class destination with a multitude of tourists each year.

The superlatives that define this area of Alaska are simply staggering. Both the Kvichak and Nushagak rivers are home to the world's largest sockeye salmon fishery and Alaska's most prolific chinook run respectively. Just downstream from this proposed development is Alaska's first designated trophy trout area and all 5 species of pacific salmon can be found in these local waters. Iliamna Lake is one of two lakes on earth to harbor a freshwater seal population and the Mulchatna Caribou herd, sometimes the state's largest, roams these vast tundra expanses each season.

The area has been home to vibrant indigenous cultures for thousands of years who have relied on this bounty. The region also boasts a thriving and expanding tourism market and world renowned and reinvigorated commercial fishery. Both of these sustainable industries employ locals and contribute literally hundreds of millions of dollars annually to local and state economies.

It's an unfair mischaracterization to suggest that our decision to question this project is simply knee-jerk reaction to "fear mongering", that we are in some way firing "aimless broadsides" at the mining industry or DNR, or that we are attempting to prevent Northern Dynasty from being allowed its "due process." To the contrary, most of us here have drawn well informed conclusions about Pebble based on compelling historical evidence pointing to an industry riddled with accidents and broken promises.

We, your constituents, need your help. There are too many examples of modern pit mines gone bad in other parts of the world, and we simply cannot afford to make a single mistake and risk destroying this fishery and the people who live from it. We must insure that any company involved in a non-sustainable industry - Canadian or otherwise, who intends to exploit and profit from the non-renewable resources here is held to the highest possible environmental standards - standards designed specifically to protect and nurture resources and industries that are renewable and sustainable.

This is absolutely critical. Furthermore, we need to make certain that if a mine is ever permitted, each and every one of us can rest assured knowing that during the process our legislators and lead agencies did their due diligence and employed the most stringent and scientifically sound water quality safeguards to preserve this fishery. If you don't, and God forbid there is ever an accident that harms it, it will be those who had the authority to heed this plea who will have to answer the question "what were they thinking?"

CHAIR SEATON reminded everyone that HB 134 is about water usage, in the Bristol Bay area, not about the [Pebble] mine.

6:03:31 PM

REPRESENTATIVE LEDOUX pointed out that HB 134 has exemptions for certain projects, development, and industry in the area, such as transportation, energy, and seafood processing, and solicited the witness's opinion on these activities.

MR. OBERLATZ pointed out that he is representing the tourism industry, as a sustainable industry in the Bristol Bay region. However, first and foremost clean water is a priority, to ensure the fishing industry, and subsistence activities. All of these endeavors, including mining can co-exist, until there is an accident; then everything will leave, he opined. If certain industries are exempt perhaps they aren't as big of a threat as large scale mining development.

REPRESENTATIVE JOHNSON asked if/how the tourists are transported along the river.

MR. OBERLATZ responded that aircraft are used to bring the tourists into the wilderness where backpacking, river rafting, and other activities ensue, which do not include motorized vehicles, or river boats. The air taxi service is crucial, however.

6:06:16 PM

BETTY WEIKEL stated her concern for any activity that would alter, divert, or otherwise compromise the watershed. A healthy, non-toxic fish population, and a healthy food chain needs to be preserved. She opined that the implementation of this bill will help to support the subsistence way of life in the area, as well as help to retain the renewable, sustainable resource for generations to come.

CHAIR SEATON said that the bill disallows converting bogs, or wet lands to dry land, for other than residential, domestic, or municipal purposes. That restriction, he noted, could make it difficult to build on land that required gravel fill. He asked if that would be of any concern.

MS. WEIKEL stated that if it restricted people from building on their own property, it would be a concern. However, if it is activity that effects the watershed, the watershed should be protected.

CHAIR SEATON explained that he is seeking concerns, and suggestions, from witnesses to consider what changes need to be made to the bill.

6:11:03 PM

DAN SALMON, Member, Igiugig Village Council (IVC), stated opposition to HB 134, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am here to testify on behalf of IVC, as the longest tenured community administrator manager in Bristol Bay. Respectfully, IVC believes that HB 134 is an extremely poorly written piece of legislation, aimed at one company, or industry, rather than a bill to address water quality in the state of Alaska. Why is water quality any less important in other parts of the state, such as Fairbanks, the Yukon, or Southeast, than it is here? All support viable salmon fishing. Why are some industries and entities exempt from the proposed regulations. Is it justifiable to allow some to pollute but others to not? We don't need other special legislated areas; Igiugig is already flanked by National Parks and Preserves on two sides, with a multitude of rules and regulations that limit our economic, and subsistence, opportunities. We strongly object to another layer of laws, and regulations, that limit our lives and increase our cost of living.

HB 134 has the potential to: 1) Limit, or preclude, commercial water withdrawals in the Kvichak, and other drainages. 2) Would prohibit private infrastructure development that would alter or a stream or wetland; roads, docks, river turbines, and home development in Igiugig and elsewhere. 3) Impair oil, gas, and mineral development. 4) Severely limit ANCSA (Alaska Native Claims Settlement Act) land selection usage by local Native corporations, residents, Native allotment owners, and the public, on private owned property.

Currently oil and gas exceeds \$5.00 a gallon, electricity is \$.60 per kilowatt hour for residential and \$.71 for commercial. A roundtrip ticket to Anchorage, our service area 270 miles east, can exceed \$550 per person. One council member here, with four children spends over \$3,500 in transportation to visit Anchorage, for one trip a year.

I have roughly estimated revenues, from various sources, to our community residents in 2007: Traditional commercial fishing - \$125,000 gross and maybe \$60,000 net; 20 years of tourism - \$200,000 per community; two years of mining exploration - \$320,000; state, federal, and borough resources make up the bulk of the remainder. We have 33 people on our community payroll for 2007 so far. We have 3 BB (Bristol Bay) drift permits left in our community; 2 in my house, and the other in a village council members ownership. Our economy is struggling, and we have few options, with the high cost of living, and lack of infrastructure.

IVC is officially neutral on the Pebble Project, reserving judgment until we have seen a proposed development permit. In the meantime, we will continue to learn and evaluate information as it comes to us, from both sides of the table. We reject HB 134 in its entirety.

[6:15:54 PM](#)

SHAR (ph) [Inaudible] stated that her main concern is for the water. "Whatever industry might come into the area," she said, "make sure they (indisc.) the Bristol Bay watershed." Having moved to the Bristol Bay region, from the Great Lakes area of Michigan, (indisc.) she stated, "I do not eat fish (indisc.) I don't want to see that happen here." [Inaudible.] She expressed concern for diverting the river, using a six inch pipe, at 1,000 gallons per minute, and how that will effect the watershed. More research needs to be done in this area. [Inaudible.]

[6:19:17 PM](#)

STEVE KAHN described his subsistence life style, of hunting, fishing, and harvesting berries, as well as his work as a commercial fish/crab boat crew member. As a user of Alaska's renewable resources, he said, "First of all, I support HB 134, and other protections of Alaskan wildlife, salmon stocks, water, and related habitat; not just in this region but throughout the state." He expressed opposition to large scale mining. An open pit mine would jeopardize water quality and effect the habitat. He upheld the importance of the fishing industry, in the Bristol Bay area, as a good source of renewable resource jobs. The

mining industry offers jobs based on (indisc.), he opined. His research indicates that DNR has never rejected a large-mine permit, regardless of concerns, which illustrates the need for the legislature to take a leading role in protecting Alaska's resources.

[6:22:44 PM](#)

MASSA GUMLICKPUK provided her testimony on HB 134, in her Native tongue, and said, "Somebody please, translate it for me."

UNIDENTIFIED SPEAKER translated for Massa Gumlickpuk, calling out from the gallery: "She supports HB 134."

[6:23:22 PM](#)

ANNE CORAY related her background and that, as a subsistence user, she is grateful for the abundant salmon. She highlighted other areas in the Lower 48 that have suffered from environmental transgressions occurring around mine industry sites, resulting in compromised fish populations/habitat: Colorado, New Mexico, and Nevada. She said that she doesn't trust the environmental impact statements that are supposed to insure no harm will occur. Neither does she trust the scientists hired by huge corporations, possibly working for Northern Dynasty. She pointed out the 620 violations of Teck Cominco at the Red Dog Mine. These levels of violations, do not insure a clean environment. Some people in the area need jobs, and have gone to work for Northern Dynasty. She said she believes in jobs, if they don't threaten a way of life. She said she supports sustainable resource development, not foreign mega corporations. She emphasized the urgency of passing this type of legislation.

[6:26:57 PM](#)

BRADLEY BOND said he is in strong support of the bill, as it will protect the animals and fish.

[6:27:35 PM](#)

BILL TREFON SR., clarified that he is representing his home of Nondalton. Pledging support for HB 134, he voiced the importance of clean water to a subsistence lifestyle. This is vital to the residents, and the recreational/sport fishing enthusiasts, who depend on these resources. He urged preservation of the land and water for future generations.

6:29:09 PM

KIM WILLIAMS, Member, Tribal Council, testified in support of HB 134, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

I am a 45 year old subsistence user of fish. My family including my late grandparents used all species of salmon and I remember fondly as a very young girl picking fish from the Nushagak mud, getting stuck, and falling as I carried red salmon up to the bank to my waiting Grandmother. Today, it is my six children who participate as subsistence users to pick fish or to wait eagerly with their grandparents to see that bright silver glimpse of a tail or head in our subsistence net on Kanakanak Beach.

Every year during May or early June, at Kanakanak Beach in Dillingham, you will see my 69 year old Dad, William Johnson and my husband, slugging thru the Nushagak Mud to carry the lines that hold our subsistence net. My father even remembers as a very young boy fishing on sailboats with his Dad to harvest wild Alaska Bristol Bay salmon. In our family it was my 3 brothers who actively commercial fished with my Dad at a very young age. It was only in 1973 that my late sister Evelyn and I were required to be on the boat because our family could have more nets to fish in the water. From that moment on, my sister and I participated in this commercial fishery like most Bristol Bay kids. If my Dad gave the call that he needed another fish picker on the boat, I would gladly rise to the occasion. I don't think the call will come anytime soon, since he taught my 22 year old son to commercial fish and he is teaching my 7 year old triplets to participate in this fishery. It is an Alaskan legacy that we are blessed to participate in a fishery like no other in the world.

This fishing income supported my college education and it's that degree which allowed me to work for the University of Alaska Bristol Bay Campus to host several land and renewable resource conferences in Dillingham (2004) and Newhalen (2005) in this very facility. I also developed classes around Mining and Fish - Can they co-exist? Which brought experts in

both fields to students to learn more about the mining process and what information do we have about the fish populations that are unique to Bristol Bay's watershed. One of the most important lessons I learned as a developer of classes and an instructor during this period, is even though people will tell you politics and money are not involved - that isn't the case. Many people know that I will not ramrod into someone's position even when a mining company places a call to the Governor who then places a call [to] the President of the University and the questions come filtering down.

I don't know the history of legislation around the creation of the Bristol Bay Fisheries Reserve in 1972. I support House Bill 134 for the simple reason - if we want jobs through development of our nonrenewable resources it shouldn't be at the expense of the very unique fish populations that inhabit the Bristol Bay streams and rivers. It shouldn't be at the expense of our fish that rely on very complex ground water, aquifer systems, and other hydrologic regimes that support their life history. Fish come first. They have sustained many generations of Alaskans and will continue into the future by the passage of HB 134.

CHAIR SEATON requested that when she speaks to other residents about testifying on the bill, that she solicit their opinions, and concerns, regarding the aspects of HB 134 dealing with conversion to dry land, or building gravel pads, and the exemptions of the oil and gas industry; does it fit with what people would like to accomplish in the area.

[6:33:17 PM](#)

NATALIA BLUNKA said she supports HB 134, to protect the quality of the water. She related a story of using the clean water, and expressed concern that one day it might be polluted. Additionally, she has 19 grand, and 3 great grand children who she is teaching about respecting the land and water, as she was taught by her elders.

[6:34:28 PM](#)

WASSILLIE CHUNAK SR., [Inaudible.]

[6:34:49 PM](#)

TIMOTHY WONHOLA SR., stated support for the effort that is uniting the people to protect the watershed. He said, "It makes me feel so happy that someone is listening out there." Having a clean water act is important to the cultural user. He described the two large watersheds, that are the primary support, for the local fisheries. He expressed concern for the decline of fish stocks in the north fork of the [Koktuli] River; head waters for the Nushagak River. His family has observed fewer fish every year, because the quality of the water suffers. The fish decline pattern began, he reported in the last few years, with the water monitoring that has been taking place. He expressed fear for the survival of his culture, and his fellow Native Alaskans. If the water is effected by new development, then the land (indisc.), and he said, "That is sad." With all of the user groups involved, he called for a study of the fish/water conditions of the [Koktuli] River.

[6:39:30 PM](#)

[Inaudible] said, "I support 134."

[6:39:49 PM](#)

[Inaudible] (Indisc.) and discussed the importance of water to the subsistence lifestyle that has been an ongoing activity, in this area, for hundreds of years. "I support the HB 134," she said, "Because I am a subsistence user (indisc.)." We need you to help us keep our waters clean and continue our subsistence way of life, she implored the committee.

[6:41:11 PM](#)

KATHLEEN WONHOLA said she is a strong supporter of HB 134, in its entirety. It will help to protect the fishery, and (indisc.).

[6:41:55 PM](#)

SALLY GUMLICKPUK said that she is a subsistence user, and a "strong" supporter of HB 134. Growing up "on" subsistence, she recalled the first fish she ever caught, and related the story to illustrate how the culture is passed from generation to generation, with pride. She expressed the need to ensure that the resources are available for future generations. Some people may make money at the Pebble Mine, but what will everyone else

do; they will still rely on having subsistence resources, she opined.

6:44:23 PM

ALEXIE GUST SR., [Inaudible.]

6:44:41 PM

[Inaudible], Union President, observed that everyone is in accord regarding the clean water issue; without argument. [Inaudible.] He pointed out that everyone makes their money off the land, and resources, as well as subsisting. Mining, by its nature, is a polluting industry, requiring large amounts of toxic substances to be contained, in a changing environment, which, he said, "is a tall order to ever do that ...." [Inaudible.] Oil and gas development is not a clean industry, either, as evidenced by the history of drilling in Cook Inlet. Oil and gas developers have improved their techniques, and proven the ability to operate more cleanly. With the need for jobs in the area, he pondered what the resident's choice would be between a large scale mining operation, with all of the potential possibilities and problems clearly set forth, vs. oil and gas development.

CHAIR SEATON pointed out that part of HB 134 includes an exemption for residential, but not commercial use. Only eight of the current area lodges hold water rights. He stated that an outstanding question exists on how this will effect the commercial lodges without water rights, and future lodges. He asked the witness if he has considered this potential water usage conflict.

WITNESS stated that he finds that language, in the bill to be "clumsy." [Inaudible.]

CHAIR SEATON interjected, "But ... what we're talking about is the bill that we have."

WITNESS [Inaudible response.]

CHAIR SEATON inquired whether there should be an exemption in the bill for small scale commercial use.

WITNESS responded (indisc.) a written vs. a reactive thing (indisc.) makes it a little bit more dynamic (indisc.).

6:50:55 PM

REPRESENTATIVE WILSON asked for a raise of hands from the gallery to identify the commercial fishermen, and a second raising of hands to signify subsistence users only. She assumed that the remainder of the group are in some way employed, and may also practice subsistence use.

[A number of inaudible, unidentified, overlapping responses from the gallery arose.]

6:52:17 PM

MICHELLE HOPE RAVENMOON said that Bristol Bay is her home, and she supports HB 134. The reason for her support, she said, "is because it will protect the waters and the home that I love." Salmon is her only food source, and she relies on a constant source of fish throughout the year. [Inaudible.] Subsistence users are allowed approximately 400 pounds of meat per year, and, as she understands the bill, it will not impose on the harvesting of these traditional quotas. [Inaudible.] Salmon make up about seven per cent of the annual subsistence food, in the Iliamna area, she maintained. [Inaudible.] Many tests have been conducted by the state (indisc.). She stated that she is not against mining, or economic development. Mine, or no mine, clean water is essential, she stressed. Because it is difficult for people to take time from work, and travel to these meetings, she suggested that technology be employed to make it easier to testify.

6:56:13 PM

CHAIR SEATON noted that the state teleconferencing system has been in service during each hearing. Also, there have been three hearings in Juneau, on HB 134, but the will of the committee was to travel to the region for additional, personal feedback. He stressed that this effort is not intended to circumvent anyone calling via the teleconference system, or sending written materials and opinions to be included in the record.

6:57:14 PM

KEITH JENSEN, President, Pedro Bay Village Council, pointed out that Pedro Bay is situated between Cook Inlet and the proposed Pebble Mine. The main access road, to the mine, would cut straight through Pedro Bay; crossing a variety of terrain. The

residents are concerned about what effects this would have on the area, including drainage from the road, and the health of the surrounding aquifers, given the water usage of the mine.

CHAIR SEATON asked if there are concerns regarding the dry land restrictions.

MR. JENSEN stated that Pedro Bay sits on bedrock, and there is minimal need to create dry land.

[6:58:55 PM](#)

MARVIN BALLUTA provided his introduction, and statement, in his native tongue, then restated his support for HB 134 in English.

[6:59:30 PM](#)

SERGIE CHUKWAK suggested amending page 2, line 19 to include Native (indisc.). He said, "They want to develop their land, let them develop their land." If that provides some revenue then that could be beneficial. Stating that he has been a commercial fisherman for 30 years, he said, "I say give salmon fishing a break, and let us develop our land if we want."

CHAIR SEATON reiterated the helpfulness of these types of specific suggestions. He encouraged everyone to obtain a copy of the bill, to aid them in formulating their input.

MR. CHUKWAK pointed out to the gallery that this is a draft of the bill, and encouraged everyone to inform the committee of the local needs, and desires, to properly craft the legislation.

[7:01:37 PM](#)

[Inaudible] addressed the committee in her Native language, then stated, "I support HB 134."

[7:02:26 PM](#)

[Inaudible], President, Nondalton Village Council, said, "I support the HB 134."

The committee took an at-ease from [7:03:08 PM](#) to [7:20:32 PM](#).

[7:20:59 PM](#)

CHAIR SEATON discussed the versions of HB 134. He explained that Version M is the working document, not the official document available on BASIS. However, it can be viewed on Representative Edgmon's website, and copies are available from the Legislative Information Offices.

[7:22:47 PM](#)

JAMES LAMONT expressed concern for the problems that this bill will create for the local people. He opined that they will be prohibited from building houses, or roads, and from accessing various traditional use areas. A refuge can not be changed, once it is effected, and is governed by a strict set of rules, he maintained.

REPRESENTATIVE EDGMON pointed out that HB 134 does not create a refuge. He then asked if Mr. Lamont would support HB 134 if the title simply read: "The waters of the Bristol Bay watershed should be used first for public water supply, and for subsistence use, and be given any priority over any other ... large scale industrial use."

MR. LAMONT maintained his opposition to HB 134, reiterated that a refuge is restrictive, and said he needs to learn more about the situation.

[7:25:59 PM](#)

THOMAS TILDEN, Member, Nunumta [Aulukestai], recalled the national recognition he received in New York City, when he attended a late night talk show. Stating that he was from Dillingham, the host recognized the area as the "salmon capitol of the world." "That is who we are," he said, "we are people of the salmon; we live off of it, we make our life off of it." HB 134 is necessary to ensure clean water and the continued salmon/lifestyle, he stressed, and said "If we don't protect the salmon, we are nothing. If you wanted to wipe out people, ... wipe out the culture, then don't pass HB 134." The protections in the bill are important, and he suggested amending the bill to protect other river drainage areas, in the Alaska Peninsula. Also, strengthen the bill, he said, by amending it to include moving the Office of Habitat Management and Permitting, from DNR to ADF&G. Amend it or not, but "by all means, pass this bill," he exclaimed.

[7:30:51 PM](#)

BRIAN KRAFT, Board Member, Renewable Resources Coalition; Remote Fishing Lodge Owner; Representative, Bristol Bay Alliance; informed the committee that he rough necked for four years, with Doyon, Limited, and has also been employed by Arco. This has provided him with a good understanding of the oil and gas industry, but he is not as familiar with the mining industry. He agreed with the sponsor's intent for HB 134, and explained the vital importance for protecting these headwater areas. He suggested amending [page 2], line 11, to insert "an amount that is large enough that has measurable adverse effect", to allow for housing development.

[7:34:28 PM](#)

REPRESENTATIVE EDGMON paraphrased from the statute "Civil Penalties for Discharge of Oil" [AS 46.03.758], which reads:

(1) recent information discloses that the discharge of oil may cause significant short and long-term damage to the state's environment; even minute quantities of oil released to the environment may cause high mortalities among larval and juvenile forms of important commercial species, may affect salmon migration patterns, and may otherwise degrade and diminish the renewable resources of the state;

REPRESENTATIVE EDGMON stated that this statute governs oil and gas entities, but not the mining industry, and asked if Mr. Kraft would support inclusion of the mining industry, under such statute.

MR. KRAFT opined that the mining industry should be held to the same standards, and scrutiny as the oil industry.

[7:36:03 PM](#)

GEORGE HORNBERGER informed the committee that he's a pilot and works for Northern Dynasty. He stated that HB 134 "is all about Pebble Mine and nothing else." Restrictions on water embodied in HB 134 are unworkable, and will effectively eliminate the entire Pebble Mine process. He suggested that the permitting process for the mine, be allowed to run it's coarse, and if the requirements can not be satisfied it will become evident. This legislation doesn't help anyone, he opined.

[7:37:52 PM](#)

MICHAEL BORLESKE opined that the legislation is written backwards, as evidenced by the need to list exceptions. The existing laws can be made better, and enforced, which will provide the necessary protection to the area. Also, he hasn't seen any information regarding how HB 134 will be funded.

7:40:20 PM

[Inaudible] President, Iliamna Native (indisc.), characterized HB 134 as a distraction from the real issue of the future economic development of the Iliamna Lake region. She suggested focusing on the things that everyone agrees cannot be compromised: the environment, (indisc.), an economic means to provide for families, and (indisc.). If this legislation passes, she opined, it will close the door on all economic development in the region. "To put it another way," she said, "To sacrifice our fish will kill our culture, but to eliminate the ability to develop their region will kill our people." She requested a deeper review of the communities, and their desire to build a self-sustaining region.

7:43:11 PM

SEAN MAGEE, Vice President of Public Affairs, Partnership Spokesperson, Northern Dynasty Mines, paraphrased from a prepared statement, which read as follows [original punctuation provided]:

I'm Vice President of Public Affairs for Northern Dynasty Mines, and I'm here today on behalf of the Pebble Partnership.

I'm going to return to the Pebble Partnership in just a moment, but first I intend to make some very clear and direct comments about the legislation before you today - House Bill 134.

As you may recall, our company did not appear before the House Resources committee in February of this year when hearings on HB134 were first held in Juneau. At that time, it was our view that this legislation would so obviously alienate our right to pursue the responsible development of the Pebble prospect, that it scarcely justified our participation.

We took the decision to stand aside and let broader interests - including community and institutional leaders from Bristol Bay - comment on the far-ranging

negative impacts that HB134 would have on this region, and the dangerous precedent it would create for the State of Alaska.

Our view of the legislation has not changed. It would clearly foreclose any opportunity to pursue responsible development of one of the world's most important mineral resources.

It would stifle investment and development across 22 million acres of a region that clearly needs new economic opportunities. Affected industries would include oil and gas, geothermal and other energy development, tourism, fish processing, light industry, manufacturing, and of course mining.

It would obstruct new infrastructure development and challenge existing uses of land and resources, including subsistence activities. And it would provide competitive advantage - a virtual monopoly - to existing businesses that would not have to comply with its provisions.

We've heard rumors that the legislation could be amended such that its provisions would apply to some industries and not to others. And we simply cannot understand how this approach - one that doesn't focus on environmental impacts but on industrial practices, and then allows those industrial practices for some and not for others - squares with good public policy. Clearly it does not.

Even worse, we fear that this flawed public policy is being advanced for a singular purpose - to stop Pebble.

HB134 is not an honest effort to ensure that the Pebble Project is developed in a responsible manner, to the highest possible environmental and social standards - which is our interest as a company. It is an attempt to stop development under any conditions. And in doing so, it would have grave and far-reaching consequences for the people and communities of Bristol Bay. The collateral damage would be huge, and should be understood and recognized by even the staunchest opponents of our project.

So why has our company stepped forward to deliver this message today when we chose not to do so in February? The answer is there has been a meaningful change in the manner in which the Pebble Project is being advanced.

Last month, Northern Dynasty entered into a 50-50 joint venture partnership with Anglo American - one of the world's largest and most respected mining companies.

The Pebble Partnership is still being formalized, and the Alaska-based management team that will lead it into the future is not yet in place.

But as the committees of the Legislature and the communities of Bristol Bay come together this week to discuss the type of economic development they want in this region, we believe it's important that all of you understand the principles and values that will guide the Pebble Partnership in future.

You'll hear a lot more about these principles in the weeks and months ahead. They describe the values that will guide our efforts as we seek to develop the Pebble Project.

Pebble is for people - Pebble must benefit all Alaskans.

Pebble must co-exist with healthy fish, wildlife and other values natural resources.

Pebble must apply the world's best and most advanced science

Pebble must help build sustainable communities.

At Pebble, we must listen before we act.

[7:47:09 PM](#)

REPRESENTATIVE EDGMON expressed thanks to Northern Dynasty for hosting the committee members, while in Iliamna. He asked if the Pebble Partnership is opposed to having higher standards of protection placed on the Bristol Bay watershed, and does that constitute an implicit statement that the partnership is going

to damage water that otherwise would not be damaged. If the partnership wants to support a no net loss of fish, it would support this bill, but it can't support the bill because there is going to be damage to the water. He asked if this is a correct summation of the partnership's stance.

MR. MCGEE disagreed and said that HB 134 forbids the use of water; specifically for industrial use. Water quality standard statutes, already exist, he pointed out, and this bill merely restricts water usage for certain industrial purposes; the environmental impact of that use is not addressed. He opined that the partnership can use the water resources and maintain salmon stocks. However, the legislation forbids the use of water altogether.

[7:49:52 PM](#)

CHAIR SEATON, for clarity, reviewed what various organizations have contributed to the committees visit. Additionally, he said that the legislature is fully compensating members for committee attendance.

[7:50:39 PM](#)

REPRESENTATIVE NEUMAN asked if Northern Dynasty anticipates a similar partnership relation to the communities, as the Red Dog Mine has established in Kotzebue.

MR. MCGEE stated that Northern Dynasty is currently working in partnership with the local communities and people; including village corporations. He acknowledged the need to do more and stated that it is part of the company's commitment, to the region, as the project moves foreword.

[7:53:16 PM](#)

DR. CAROL ANN WOODY, Owner, Fisheries Research and Consulting, stated that she has worked in the region since 1991; researching sockeye salmon for the University of Washington. During the last ten years, she has operated a counting tower on the New Halen River to provide escapement information to ADF&G. Additionally, she has worked on research projects with the Parks Service, contributing to research publications. She provided a scientific paper of a technical review of copper, for the benefit of the committee. Recent research indicates how even very low levels of copper can harm salmon. The levels indicated are much lower than the limit specified in state law, as

criterion for protection of aquatic species. Toxicity tests are lacking for most Alaskan species, all of which are used (indisc.). The DEC model is used to calculate acceptable pollution levels for copper, but it does not take into account the myriad of (indisc.), or its (indisc.) effects with other pollutants.

[7:56:32 PM](#)

CHIP [CHARLES] EMBRETSON suggested that water use/quality concerns be addressed at the local, borough level of government. He opined that it would be more efficiently handled, as a water and air pollution issue, by the incorporated borough, as a service area. The local government has not discussed this, and he noted that this was the first he had heard of HB 134.

MIKE TREFON questioned, and took exception, to having a time limit placed on the testimony for such an important issue.

CHAIR SEATON reiterated what the hearing schedule has been, and is currently, for the bill; in order to obtain as much testimony, and information, as possible. Written testimony is also effective and appreciated, he encouraged.

[8:00:47 PM](#)

[Inaudible] said he is all for Northern Dynasty putting kids to work. You can't live on subsistence anymore, he said, and commented on the lack of wildlife in the area.

The committee took an at-ease from [8:08:56 PM](#) to [8:11:04 PM](#) in order to prepare for the following presentations.

[8:11:09 PM](#)

The committee was shown a video presentation, produced by the Iliamna Development Corporation, regarding Iliamna in relation to the Pebble Mine.

[8:22:04 PM](#)

[Inaudible] said, "What it comes down to is, it's about the people.

[8:22:50 PM](#)

CHAIR SEATON stressed the continued opportunities that will be available for public testimony on HB 134, and urged that written comments may also be submitted.

The committee took an at-ease [8:24:22 PM](#) to [8:26:19 PM](#).

[8:26:47 PM](#)

ED FOGELS, Acting Director, Office of Project Management & Permitting, provided a 36 slide overview titled "The Process and Requirements for Large Mine Permit Applications in Alaska." There is no single mine permit that is obtained, as illustrated by the third slide listing 28 permits, and authorizations, that must be acquired from various state or federal agencies. Slide four established the 12 year timeline for a standard large-scale mine project to begin operation; the Pebble Project is in the early stages. He then emphasized that the state government isn't really in the "driver's seat" with the process, as that seat is occupied by the federal government. To satisfy the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) is required. A Lead Federal Agency is designated, which becomes the "driver," and the process then begins, following a submittal of the full application package, which, with Pebble, is still a couple of years out, he opined. Three steps follow the submission of the application: Scoping out the project and incorporating public feedback to delineate issues/concerns, and receive public comments; Drafting of the EIS, which is submitted for public comment; and the Final EIS, with another public comment period. He reviewed the Pogo Mine as a typical mine process, although on a much smaller scale than what the Pebble Mine would represent. He emphasized the effort for open communication including: pre-application meetings and outreach, the EIS process, tribal consultation for government to government communications, and open communications via the internet web site, and public meetings.

MR. FOGELS then turned to mining, and reviewed the actual mining process that begins with the removal of the topsoil, and ends with the delivery of product, or tailings. He provided a series of slides to illustrate the effort that goes into determining what the water quality will be in the specific aspects of the project. It is essential for the agencies involved, and the companies, to understand the geochemistry, as it applies directly to the mine operations, he offered.

[8:35:43 PM](#)

MR. FOGELS moved on to a partial list of the state regulatory requirements, including: waste disposal permit and bonding, reclamation plan approval, dam safety certification, sewage treatment system approval, air quality permits, fish habitat and fishway permits, water rights, right of way/access, plan of operations approval, cultural resource protection, monitoring plan, and coastal zone consistency determination. These permits and approvals are received via DNR, DEC, or DOT. He maintained that the mine operators are financially bonded to ensure adherence to the standards, and provide reclamation. This reclamation can be successful with the appropriate science, engineering, and adequate bonding. He explained the bonding process, and provided a slide to indicate the bond levels currently held on existing mines in Alaska.

[8:40:08 PM](#)

MR. FOGELS addressed the concern for the safety of dams, explaining the strict standards to which they are subject for certification by DNR. He reviewed the previously mentioned regulatory requirements, and attendant state agencies that are involved for continued monitoring and review of permit standards. He also reviewed the state agencies that constitute a large mine permitting team: DNR, DEC, ADF&G, DOT&PF, DCCED, and DOL. Additional slides provided the counterpart federal agencies and federal regulatory requirements.

[8:44:23 PM](#)

MR. FOGELS explained what work is currently being done with [Northern Dynasty] ensuring that the Pebble project is on track: ensuring that the Company is collecting the right baseline data; understanding what the issues are as early as possible; coordinating public notices, hearings, public comments; designing for closure; technical reviews of mine plans and environmental data; ensuring appropriate monitoring; and determination and maintenance of appropriate financial assurances.

[8:47:04 PM](#)

CHAIR SEATON finalized the meeting, and provided a timeline for availability of the current information.

[HB 134 was held over.]

[8:48:30 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 8:48 p.m.