

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 9, 2010
8:05 a.m.

MEMBERS PRESENT

Representative Bob Herron, Co-Chair
Representative Cathy Engstrom Munoz, Co-Chair
Representative John Harris
Representative Wes Keller
Representative Berta Gardner

MEMBERS ABSENT

Representative Charisse Millett
Representative Sharon Cissna

COMMITTEE CALENDAR

HOUSE BILL NO. 361

"An Act requiring 911 dispatchers to be trained in cardiopulmonary resuscitation; and providing for an effective date."

- MOVED HB 361 OUT OF COMMITTEE

HOUSE BILL NO. 295

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; relating to deposits made to the Alaska permanent fund received from certain lands conveyed to the University of Alaska; ratifying and reauthorizing certain prior conveyances of land to the University of Alaska; making conforming amendments; and providing for an effective date."

- MOVED CSHB 295(CRA) OUT OF COMMITTEE

HOUSE BILL NO. 336

"An Act relating to electronic voting procedures for electric and telephone cooperatives; and providing for an effective date."

- MOVED HB 336 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 361

SHORT TITLE: CPR TRAINING FOR 911 DISPATCHERS

SPONSOR(s): REPRESENTATIVE(s) FAIRCLOUGH

02/23/10 (H) READ THE FIRST TIME - REFERRALS
02/23/10 (H) CRA, HSS
03/09/10 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 295

SHORT TITLE: UNIVERSITY LAND GRANT

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/19/10 (H) READ THE FIRST TIME - REFERRALS
01/19/10 (H) EDC, RES, FIN
01/27/10 (H) CRA REFERRAL ADDED AFTER EDC
01/29/10 (H) EDC AT 8:00 AM CAPITOL 106
01/29/10 (H) Heard & Held
01/29/10 (H) MINUTE(EDC)
02/05/10 (H) EDC AT 8:00 AM CAPITOL 106
02/05/10 (H) Heard & Held
02/05/10 (H) MINUTE(EDC)
02/08/10 (H) EDC RPT CS(EDC) 1DP 3NR
02/08/10 (H) DP: P.WILSON
02/08/10 (H) NR: BUCH, EDGMON, MUNOZ
02/08/10 (H) EDC AT 8:00 AM CAPITOL 106
02/08/10 (H) Moved CSHB 295(EDC) Out of Committee
02/08/10 (H) MINUTE(EDC)
02/18/10 (H) CRA AT 8:00 AM BARNES 124
02/18/10 (H) Heard & Held
02/18/10 (H) MINUTE(CRA)
03/09/10 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 336

SHORT TITLE: ELECTRIC & TELEPHONE COOPERATIVES' VOTING

SPONSOR(s): STATE AFFAIRS

02/10/10 (H) READ THE FIRST TIME - REFERRALS
02/10/10 (H) CRA, STA
03/09/10 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

CRYSTAL KOENOMEN, Staff
Representative Anna Fairclough
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 361 on behalf of the sponsor, Representative Fairclough.

TAMMY GOGGIA
911 Dispatch
Kenai Peninsula Borough
Kenai, Alaska

POSITION STATEMENT: During the hearing of HB 361, opined that Alaska should embrace the concept of minimum training standards and certification for public safety dispatchers.

MICHAEL O'HARE, Deputy Director
Division of Homeland Security/Emergency Management
Department of Military & Veterans' Affairs (DMVA)
Anchorage, Alaska

POSITION STATEMENT: Related DMVA's support for the concept of HB 361.

ROBERT VENABLES, Member
Planning Commission
Haines Borough
Haines, Alaska

POSITION STATEMENT: Testified in support of CSHB 295, Version P.

JOHN MARTIN, Chairman
Tenakee Traditional Council
No address provided

POSITION STATEMENT: During hearing of HB 295, encouraged the legislature to give the Tenakee Tribe a chance to develop its land.

KACI SCHROEDER-HOTCH, Staff
Representative Bill Thomas
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: During hearing of HB 295, answered questions.

MARY IRVINE
Juneau, Alaska

POSITION STATEMENT: During hearing of HB 295, made suggestions related to the Sumdum parcel.

BRIAN ROGERS, Chancellor
University of Alaska Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: During hearing of HB 295, discussed the Sumdum parcel.

ART BLOOM, Member
City Council
City of Tenakee Springs
Tenakee Springs, Alaska

POSITION STATEMENT: During hearing of HB 295, reviewed the Memorandum of Understanding between the City of Tenakee Springs, the state, and the Alaska Pulp Corporation, as well as the Stipulation for Settlement.

WENDY REDMAN, Executive Vice President
University of Alaska System

POSITION STATEMENT: Testified on HB 295.

MICHAEL FAY

Moser Bay, Alaska

POSITION STATEMENT: During hearing of HB 295, testified that the best use of the Moser Bay parcel is to maintain its pristine landscape and establish a permanent protection of it.

STEVE PRYSUNKA, Director
Alaska Crossings
Alaska Island Community Services
Wrangell, Alaska

POSITION STATEMENT: During hearing of HB 295, requested the removal of the Sunny Bay parcel.

TIM LYDON

Juneau, Alaska

POSITION STATEMENT: During hearing of HB 295, expressed concerns related to the Sumdum parcel.

MARK GALLA, Owner/Operator
Alaska Peak & Seas
Wrangell, Alaska

POSITION STATEMENT: During hearing of HB 295, expressed concerns with the Sunny Bay parcel.

DICK MYLIUS, Director
Division of Mining, Land & Water
Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: During hearing of HB 295, answered questions.

NANCY MANLY, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of the House State Affairs Standing Committee, sponsor, presented HB 336.

PHIL STEYER, Director
Government Relations & Corporate Communications
Chugach Electric Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 336.

ACTION NARRATIVE

[8:05:53 AM](#)

CO-CHAIR CATHY ENGSTROM MUNOZ called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Munoz, Herron, Keller, and Gardner were present at the call to order. Representative Harris arrived as the meeting was in progress.

HB 361-CPR TRAINING FOR 911 DISPATCHERS

[8:06:29 AM](#)

CO-CHAIR MUNOZ announced that the first order of business would be HOUSE BILL NO. 361, "An Act requiring 911 dispatchers to be trained in cardiopulmonary resuscitation; and providing for an effective date."

[8:06:47 AM](#)

CRYSTAL KOENOMEN, Staff, Representative Anna Fairclough, Alaska State Legislature, speaking on behalf of the sponsor of HB 361, Representative Fairclough, explained that HB 361 would require 911 dispatchers to be trained in cardiopulmonary resuscitation (CPR). Existing statute doesn't provide such a requirement. The sponsor believes CPR training of dispatchers would facilitate and provide support to those calling 911. Ultimately, she related, the sponsor believes this requirement may save lives.

[8:07:52 AM](#)

REPRESENTATIVE HARRIS asked if HB 361 has a fiscal note.

MS. KOENOMEN responded that a fiscal note from the Department of Public Safety (DPS) was received this morning.

REPRESENTATIVE HARRIS asked if there are any fiscal notes from the municipalities in the state. He then asked if HB 361 is an unfunded mandate.

MS. KOENOMEN answered that no fiscal notes from the municipalities have been received. However, she noted that she has spoken with the municipalities regarding the impact of this legislation on them.

REPRESENTATIVE HARRIS asked if HB 361 would be the strong arm of the state requiring that dispatchers have certain qualifications for which the employer has to pay. He further asked how this legislation will impact small communities that may have difficulty finding individuals with this requirement.

MS. KOENOMEN related that in talking with various facilities, the dispatchers are already trained in emergency medical dispatch, which includes CPR. Therefore, there would be no extra cost for those who are already trained as emergency medical dispatchers. For those dispatchers who aren't already trained as emergency medical dispatchers, there would be an associated cost. She informed the committee that an online CPR training course costs \$20 and group discounts are available. Ms. Koenomen said [the committee] would have to weigh whether a life is worth an extra \$20.

8:10:45 AM

TAMMY GOGGIA, 911 Dispatch, Kenai Peninsula Borough, began by referring to a letter dated March 8, 2010, from the Kenai Peninsula Borough mayor. She then added that she understands the purpose and intent behind HB 361, but proposed that the execution of a CPR mandate doesn't address the root cause of the problem that exists in Alaska. The problem in Alaska, she opined, is the lack of mandated minimum training standards for public safety dispatchers. She further opined that CPR certification doesn't adequately prepare a public safety dispatcher to give CPR instructions over the phone. Taking a caller through a 911 call and giving CPR instructions requires an approved emergency medical training program and certification program, which is currently in place in the [Kenai] dispatch center. However, she noted that the aforementioned program is

not a requirement of the state. The approved emergency medical training program is part of a quality assurance program, which ensures compliance, protocol, and a sponsoring physician. Ms. Goggia related her professional opinion that Alaska should embrace the concept of minimum training standards and certification for public safety dispatchers. The aforementioned would require developing legislative language for minimum training requirements for public safety dispatchers and then using those standards as a measurement of performance. The aforementioned will save lives, she said.

[8:12:51 AM](#)

REPRESENTATIVE GARDNER expressed interest in obtaining Ms. Goggia's written testimony.

MS. GOGGIA agreed to provide her testimony to the committee.

[8:13:12 AM](#)

REPRESENTATIVE GARDNER inquired as to the funding that's required for the training that occurs in the Kenai Peninsula Borough.

MS. GOGGIA explained that the emergency medical dispatch training funding comes from the 911 surcharge collected. The Kenai Peninsula Borough dispatch center is a multi-disciplined center from which police, fire, and medical services are dispatched.

[8:14:34 AM](#)

REPRESENTATIVE GARDNER inquired as to the Department of Military & Veterans' Affairs' opinion of HB 361.

[8:14:39 AM](#)

MICHAEL O'HARE, Deputy Director, Division of Homeland Security/Emergency Management, Department of Military & Veterans' Affairs (DMVA), related DMVA's support for the concept of the legislation, but said much work needs to be done as there are many agencies involved. He assured the committee that the department will continue to work [with the sponsor] in order to have a good piece of legislation.

[8:15:20 AM](#)

CO-CHAIR HERRON asked if the fiscal note is for 911 dispatchers who work for the state or who have a contract with municipalities. He further asked if the legislation is a mandate to 911 dispatchers who aren't connected with the state system.

MS. KOENOMEN related her understanding that the fiscal note impacts the Alaska State Troopers and only those dispatchers within DPS, not those within municipalities.

CO-CHAIR HERRON pointed out that some hub communities have contracts with the Alaska State Troopers for [certain hours]. Therefore, he related his assumption that in those cases, the state would be required to pay for those municipal 911 dispatchers. He related his further understanding that there would be no impact to those 911 dispatchers not connected to the statewide system.

[8:16:48 AM](#)

REPRESENTATIVE HARRIS asked if DMVA views HB 361 as a hardship to any small community.

MR. O'HARE related that the effectiveness of 911 dispatchers is highly dependent upon infrastructure. As the committee is aware, smaller communities have minimal infrastructure. However, everyone knows each other in the smaller communities and thus the location of an individual can be determined fairly quick. The concept of the legislation is great, but whether it will cause financial hardship is something that has to be addressed.

REPRESENTATIVE HARRIS clarified that he is supportive of HB 361, but expressed the need to be aware of unknown unintended consequences.

[8:19:04 AM](#)

CO-CHAIR HERRON moved to report HB 361 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, it was so ordered.

[8:19:34 AM](#)

The committee took an at-ease from 8:19 a.m. to 8:20 a.m.

HB 295-UNIVERSITY LAND GRANT

[Due to technical difficulties, there is no audio recording at this point.]

CO-CHAIR MUNOZ announced that the next order of business would be HOUSE BILL NO. 295, "An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; relating to deposits made to the Alaska permanent fund received from certain lands conveyed to the University of Alaska; ratifying and reauthorizing certain prior conveyances of land to the University of Alaska; making conforming amendments; and providing for an effective date."

[Before the committee is CSHB 295(EDC).]

CO-CHAIR HERRON moved to adopt CSHB 295, Version 26-GH2829\P, Bullock, 3/8/10, as the working document. There being no objection, Version P was before the committee.

[The audio recording begins at this point.]

[8:22:46 AM](#)

CO-CHAIR MUNOZ informed the committee that in the first committee of referral for HB 295, there was an amendment offered to remove the Mite Cove parcel and to insert another parcel in Pelican. She pointed out that the deletion of the Mite Cove parcel can be found in Version P on page 8, line 22, and on page 9, lines 29-31, a portion of a Pelican parcel is added in place of Mite Cove. She then reminded the committee that at its last hearing there was considerable testimony on the Sumdum parcel, a five-acre parcel south of Juneau. Version P maintains the inclusion of the Sumdum parcel in those given to the university, but a covenant that would protect the historical and cultural character of the Sumdum parcel has been added.

[8:24:36 AM](#)

REPRESENTATIVE HARRIS surmised then that the Sumdum parcel can't be used for timber harvest or mineral development.

CO-CHAIR MUNOZ replied yes.

[8:24:56 AM](#)

CO-CHAIR MUNOZ pointed out that Version P, on page 8, lines 23-25, also includes language deleting parcels at Excursion Inlet,

Lynn Canal, and William Henry Bay in the Haines area. The aforementioned was included per the request of Representative Thomas.

[8:25:29 AM](#)

REPRESENTATIVE GARDNER expressed her belief that Representative Thomas' amendment should be considered by the committee prior to incorporating into the committee substitute.

[8:26:28 AM](#)

CO-CHAIR MUNOZ pointed out that on page 8, lines 26-27, the 40-acre parcel around the Tenakee Springs Harbor uplands is added to the list of parcels deleted from the university's selection. She reminded the committee of the testimony requesting the aforementioned at the last hearing.

[8:27:32 AM](#)

ROBERT VENABLES, Member, Planning Commission, Haines Borough, requested support for Version P. He explained that the Haines Borough has been in an ongoing process for its final land selections over the past few years. The aforementioned parcels in Haines were recently identified as possible vacant unappropriated unreserved (VUU) lands that could be conveyed to the borough. Because Haines was one of the first areas of the state to be surveyed, most of the VUU lands that are available are quite restricted in number. Mr. Venables said that the University of Alaska has been a fantastic and outstanding developer and custodian of lands that have been conveyed to them. In fact, the university already holds a number of parcels within the Haines Borough. The Haines Borough, he related, requests that the municipality be given the first chance at selection of the aforementioned parcels.

[8:29:11 AM](#)

REPRESENTATIVE HARRIS asked if Mr. Venables supports the amendments related to Haines that are included in Version P.

MR. VENABLES replied yes.

[8:30:01 AM](#)

JOHN MARTIN, Chairman, Tenakee Traditional Council, noted that he has a written document in relation to Executive Order 7179.

In the way of background, Mr. Martin related that [Tenakee Springs] has long been part of the Angoon territory. He then related his belief that [Tenakee Springs] is one the few villages in Alaska that has an EO. Recently, it was discovered that [the Tenakee Tribe] has an existing deed for the parcel of land [the 40 acres around the Tenakee Springs harbor]. Mr. Martin emphasized that the parcel is a sovereign trust land. He said he didn't want [the Tenakee Tribe's] trust land to be placed on the chopping block. For the last 40 years, [the Tenakee Tribe] has given support to the Tlingit & Haida Central Council and the Alaska Native Brotherhood Grand Camp in the form of resolutions. Mr. Martin concluded by encouraging the legislature to given the Tenakee Tribe a chance to develop its land. He further concluded by requesting that the [Tenakee Tribe] not be wiped out.

[8:33:37 AM](#)

REPRESENTATIVE HARRIS related his understanding that Mr. Martin is referring to a presidential EO. He then questioned whether the state even has any rights to the land [in Tenakee Springs]. He then inquired as to any federal provisions that encumber this land.

MR. MARTIN informed the committee that per studies of archaeologists and anthropologists, Tenakee was named after a copper shield placed in the water. He characterized the aforementioned as a peaceful gesture illustrating that [Tenakee Springs and Angoon] were one territory. The EO land is a pivot point of the [Tenakee Tribe]. He related that just above the boat harbor in Tenakee Springs was a house in which he was born and his grandfather sold the land [to its existing owners]. He then related the story of the first white settlers in Tenakee Springs.

[8:37:43 AM](#)

CO-CHAIR HERRON asked if Mr. Martin and the Tenakee Tribe support the removal of the upland harbor parcel as specified in Version P.

MR. MARTIN said that he has always believed that the EO land was all the remnants of what the Tenakee Tribe had. He informed the committee that the harbor uplands area in Tenakee Springs was once a canoe run, and thus it's actually where they hunted and fished. Mr. Martin opined that right now the Tenakee Tribe is fighting for its existence.

[8:39:10 AM](#)

CO-CHAIR HERRON acknowledged that there is a dispute regarding whether [the upland harbor land in Tenakee Springs] is tribal land. At this point, the state is proposing that the land be given to the university. Therefore, setting aside the EO, Co-Chair Herron asked if Mr. Martin supports removing the Tenakee Springs harbor parcel from the parcels given to the university.

MR. MARTIN replied yes.

[8:40:13 AM](#)

CO-CHAIR HERRON asked if the Tenakee Tribe had an opinion on the upland parcel by Indian River.

MR. MARTIN informed the committee that the land issues aren't an individual's decision, and thus he indicated that the Indian River parcel would need to be brought before the Tenakee Tribe. He noted that he hasn't had a chance to meet with Representative Thomas and Senator Kookesh in whose district the parcel is situated.

[8:41:54 AM](#)

REPRESENTATIVE HARRIS asked if Representative Thomas requested the removal of the aforementioned parcels in Tenakee Springs at the request of Mr. Martin and the [Tenakee Tribe].

[8:42:11 AM](#)

KACI SCHROEDER-HOTCH, Staff, Representative Bill Thomas, Alaska State Legislature, clarified that the changes on page 8 are directly related to Haines and thus weren't requested by Mr. Martin. The change regarding the Tenakee harbor parcel was [requested] in response to public outcry.

[8:42:47 AM](#)

MARY IRVINE thanked the committee for putting so much time into this legislation. Ms. Irvine stressed that she is a strong supporter of the University of Alaska. In fact, she has taken various courses at the University of Alaska Southeast as well as served as an instructor for the university. She opined that it's regrettable that the university's professors, particularly the adjunct professors, are woefully under paid. She then

directed the committee's attention to page 10 of Version P where the Sumdum parcel is addressed in subsection (r). Ms. Irvine suggested that if the intent is to protect the Sumdum parcel, paragraph (1) on page 10, lines 6-7, must be written more broadly. Therefore, she urged the committee to rewrite paragraph (1), such that it would read as follows: "may not be open to development, including but not limited to, commercial timber harvest or mineral development". This broader language would include docks and shops. Ms. Irvine further suggested that the committee add another paragraph, a paragraph (4), which would read as follows: "it is intended that these covenants on the parcel run with the land". The aforementioned would strengthen the protective language already included in Version P. Furthermore, the covenants would apply to anyone who ever purchases the land.

[8:48:36 AM](#)

REPRESENTATIVE HARRIS inquired as to the controversy surrounding the Sumdum parcel. He then inquired as to why the Sumdum parcel isn't being taken out and replaced with another parcel.

MS. IRVINE reiterated her testimony from the prior hearing on HB 295. She reviewed the cultural and historical significance of the Sumdum parcel, which is rich in Tlingit history. She highlighted the fact that Sumdum is a layered archaeological site, such that it includes the first American Alaska brewery and canoe runs. Furthermore, the Sumdum parcel is used by many for recreation and recreational history. Ms. Irvine confirmed that at first she wanted the parcel excised from the legislation, but she understands the administration's desire to keep the land list intact and pointed out that transferring the Sumdum parcel to DNR may result in continuing battles over the parcel. Moreover, Ms. Irvine said that she doesn't know of other parcels that DNR could offer in place of the Sumdum parcel. Therefore, she stated that having the covenants on the Sumdum parcel, including the additional language she suggested earlier, would be a "good way to go for this parcel." She characterized the Sumdum parcel as an odd parcel to be included in the legislation because its historical significance will likely prevent it from being developed, although that's why it would be given to the university.

[8:53:39 AM](#)

REPRESENTATIVE HARRIS reminded the committee that the university uses land for various things, and thus could use it for archeological research.

MS. IRVINE interjected that she has spoken with professors who are dismayed that a cultural and historical parcel such as Sumdum would be taken out of the public domain, but they don't have the graduate student labor or interest to [research this parcel]. She related that only she has been doing research on the Sumdum parcel. Ms. Irvine pointed out that the Sumdum parcel isn't being given to the university for safe keeping, rather it's being given to the University Lands Office for fundraising.

[8:55:25 AM](#)

BRIAN ROGERS, Chancellor, University of Alaska Fairbanks, related that he has walked the Sumdum parcel and is well aware of the significance of it. He pointed out that the land grant in HB 295 covers both educational and investment properties. If it's the will of the legislature that the land be preserved for educational purposes, it will be available for archaeological research in the future. If the amendment [placing covenants on the Sumdum parcel remains incorporated in Version P], there could be funding available for archeological research.

[8:56:17 AM](#)

REPRESENTATIVE HARRIS asked if it's common that universities share [research] sites with other universities to perform archaeological work.

MR. ROGERS responded yes, and added that the University of Alaska does cooperate with other universities. Furthermore, having title to land makes it easier to do the aforementioned without having to go through a new permitting process.

[8:57:34 AM](#)

ART BLOOM, Member, City Council, City of Tenakee Springs, related his assumption that the committee supports Version P, and thus he wouldn't speak to the two parcels by the harbor unless there are questions. He noted that the committee packet should include a letter from Don Pegues, Mayor, City of Tenakee Springs. He then referred to a Memorandum of Understanding (MOU) from 1977 and the court ordered [Stipulation for Settlement]. From paragraph (8) of the Memorandum of

Understanding, he read the following: "The state will convey to the city title to any selected lands conveyed to the state by the Bureau of Land Management, except that the state may retain title to those sites necessary for present or anticipated essential public purposes." From the Stipulation for Settlement, he pointed out that the state specifically excludes certain parcels of land from the conveyance. Those parcels are listed under paragraph 1.1-1.6. Paragraph 1.1 of the stipulation refers to C-33 on the Northern Southeast Area Plan from DNR in 2002. Paragraph 1.2 of the stipulation refers to track C-34, which is located by the Indian River road. Mr. Bloom said that he would like the committee to consider that this is a court-ordered document with stipulations referring to the parcels of land. While there's nothing [in HB 295] that prevents C-34 from being turned over to the university, he opined that the university would still be bound by the restrictions in the stipulations. Therefore, he questioned the value [of this parcel] to the university. He informed the committee that the stipulation for C-34 ["describes a tract of land to be retained by the state for"], "commercial, industrial, road right-of-way, and borrow pits". The tract of land contains about 261 acres. The stipulation further says, "It is understood that the state will allow the removal of reasonable amounts of material under reasonable conditions from all borrow pits for the purposes of personal use in residential improvement or construction, driveway construction, and landscaping. The land to be retained by the state for commercial, industrial, road right-of-way, and borrow pit purposes is described as follows." Mr. Bloom opined that the C-34 parcel would be encumbered by this court-ordered stipulation.

[9:01:32 AM](#)

CO-CHAIR MUNOZ related her understanding that the stipulation came about in reaction to the commercial activity by the Alaska Pulp Corporation.

MR. BLOOM explained that in the late 1970s the Alaska Pulp Corporation wanted to log in Indian River. Since the area was in the boundary of the City of Tenakee, there were discussions between the Alaska Pulp Corporation, the City of Tenakee, and the state. From the City of Tenakee's point of view, the matter was about the conveyance of the municipal entitlements to the city. The city wanted the state to give it its municipal entitlements while the Alaska Pulp Corporation wanted to log in Indian River and the state wanted it all to occur. There was an MOU that the state would turnover land to the city. However, by

1981 no land had been turned over and the city sued the state for its municipal entitlements. The court ruled in the city's favor and the stipulations were ordered by the court. The stipulations specified that the state had to turn over the municipal entitlements and the state was allowed to withdraw certain parcels of land, two of which are the parcels under discussion today. He noted that the stipulation was amended twice because the Alaska Pulp Corporation had to extend its period of logging.

[9:03:36 AM](#)

CO-CHAIR MUNOZ asked if the City of Tenakee completed its municipal entitlement.

MR. BLOOM opined that the city doesn't believe it has been completed because the city believes the two parcels by the harbor should've been conveyed to the city. At the time the land was conveyed to the state, these two parcels were in contention due to prior Native allotment claims. Those claims were adjudicated and in 1986, the parcel directly above the harbor, C-31, was conveyed to the state. According to the MOU and the stipulations, the city believes the state should've conveyed that parcel of land to Tenakee as part of its entitlement. He characterized it as an oversight. In 2003 the second parcel, C-32, was conveyed from the federal government to the state rather than to the city. He characterized the aforementioned as an oversight as well, which he said is supported by the lack of either parcel being specifically withdrawn or having a paragraph reference. The lack of a paragraph reference, he explained, is because neither parcel was specifically identified in the stipulations.

[9:05:38 AM](#)

REPRESENTATIVE HARRIS asked if the parcels to which Mr. Bloom is referring are included in Version P.

MR. BLOOM answered that C-31 and C-32 are the two parcels by the harbor and C-34 is the parcel by Indian River road.

[9:06:37 AM](#)

WENDY REDMAN, Executive Vice President, began by relating that she has a great deal of frustration; this is the sixth university land bill since her tenure in the university. Although she said she understands that those who oppose specific

parcels actually support the university, she pointed out that the legislature has recognized that the University of Alaska, a land grant university, is owed land. Through the process of statehood, the university's rights to the land that had been assigned to it were extinguished. The state, she related, essentially promised to take care of the situation over time. In 2005, through legislation, the state recognized moral responsibility and the university thought there was an agreement. Although the university disagrees with the Alaska Supreme Court ruling on this, the university is back before the legislature to make accommodation with the ruling. Ms. Redman emphasized that it was very important for the university not to start new and select lands. Therefore, the legislation was introduced with the same land selections that the legislature had already approved and argued in detail during a prior session-and-a-half. Ms. Redman acknowledged that people are concerned, but opined some of the worries aren't legitimate. For instance, it wouldn't be in the university's interest to construct a commercial property on the Sumdum parcel. She then pointed out that the university has been responsible for some incredible development throughout the state, but the legislature doesn't hear from those who have had great experiences with university land development. The university tries to make it easy to deal with it and to that end has a community involvement process, including with the University of Alaska Board of Regents. With regard to the properties in the City of Tenakee Springs, Ms. Redman recalled that there was some discussion of swapping properties at the last meeting. Prior to this session, the university had a lot of discussion with Tenakee and the university was close to making a deal with Tenakee because it would be easier for the city to obtain the harbor property from the university than from DNR. Had the Alaska Supreme Court not intervened, the aforementioned arrangement would've culminated. With regard to the other properties under discussion today, Ms. Redman deferred to Mari Montgomery, University of Alaska.

[9:11:37 AM](#)

REPRESENTATIVE KELLER asked if the university, when it chooses to develop land, takes into account the concerns and interests of fellow Alaskans.

MS. REDMAN clarified that the university didn't select these lands, rather DNR selected the lands to be given to the university. She explained that the lands DNR has available for transfer are lands that have already been designated as

available for transfer, development, sale, and construction. Thus the land doesn't have restrictions.

[9:13:09 AM](#)

REPRESENTATIVE KELLER surmised that although the university likely keeps the interest of the university foremost when it develops land, the university would still take into account the interest of those in the area.

MS. REDMAN said that Representative Keller is correct as it's not in the university's interest to make all the residents of a community angry. She further said that she wasn't aware that the university had done the aforementioned.

[9:14:15 AM](#)

CO-CHAIR HERRON asked if the University of Alaska supports Version P, as drafted.

MS. REDMAN responded that she couldn't answer that question since she hasn't had an opportunity to review Version P in detail.

[9:14:36 AM](#)

CO-CHAIR HERRON asked if the university would be amenable to crafting language specifying that if the university received the Tenakee land, it would eventually be in the city's hands.

MS. REDMAN indicated agreement, but said she would need to check that to be sure.

[9:15:34 AM](#)

REPRESENTATIVE HARRIS opined that he didn't believe the legislation should include language such that the university is bound to only talk to the City of Tenakee Springs about purchasing specific parcels.

CO-CHAIR HERRON acknowledged that [the language] wouldn't be a guarantee that the City of Tenakee Springs would receive the land.

[9:16:55 AM](#)

MICHAEL FAY described Moser Bay, which is very close to Ketchikan, as one of the most pristine valleys in the area. The area draws thousands of visitors every summer and thus thousands of boats are in the area every year. He said that although he would support slow selective logging of the parcel over a long time, clear cutting this parcel would be an enormous blunder. The area is steep and the timber value is low. Mr. Fay suggested that the highest and best use of this property is to maintain its pristine landscape and establish permanent protection of the parcel.

[9:20:37 AM](#)

STEVE PRYSUNKA, Director, Alaska Crossings, Alaska Island Community Services, informed the committee that Alaska Crossings is Alaska's largest therapeutic wilderness program. Alaska Crossings also provides an experiential science program for Alaska Native youth from the communities of Wrangell, Hydaburg, Craig, Klawock, Metlakatla, and the Southeast Island School District. Mr. Prysunka assured the committee that the program has had youth from all of the communities the members represent. Each year over 250 youth attend the program located at the Deer Island facility. He explained that about 60 percent of the program utilizes the Sunny Bay area. He noted that Alaska Crossings has never testified regarding a timber sale proposed by the U.S. Forest Service or the state. However, a timber sale [in the Sunny Bay area] will have a dramatic visual impact as well as cause disruption from the general activities associated with the timber industry. Mr. Prysunka emphasized that the most important resource is the land and if the [Sunny Bay] area is removed, the capacity of the program will dramatically decrease. Although there are options, it will mean higher costs because of transporting groups to other areas of the forest. Furthermore, the program may have to move its entire marine research station from the area, which would cost [Alaska Island Community Services] in excess of \$40,000 and would disrupt the program's services for an extended period of time. The program, he related, now employs 85 full- and part-time people. He emphasized that [Alaska Island Community Services] is the largest employer in Wrangell and utilizes a sustainable model based on controlled growth, funding diversification, and program development. Mr. Prysunka concluded by requesting the removal of the area in and around Sunny Bay from the [list of lands selected for the university]. He encouraged the committee to help ensure that services can be provided to Alaska's youth today and into the future.

9:23:20 AM

TIM LYDON began by informing the committee that he is representing 17 commercial tour operators that operate in Southeast Alaska, including American Safari Cruises, Alaska Sea Adventures, Pacific Catalyst, Alaskan Song, Alaska on the Homeshore, and many others. These tour operators represent an important part of Southeast Alaska's tourism industry. Because these are small and mid-size tour operators many of their clients spend more time in Southeast communities than do the larger number of cruise ship passengers. Furthermore, these small operators purchase provisions locally. He then turned to the Sumdum parcel and the earlier question regarding why it's so controversial. Ms. Irvine eloquently spoke about the cultural value of the Sumdum parcel, a fact alone that should be cause for the parcel not to be considered for transfer to the university or development. Additionally, there is controversy regarding the selection of the Sumdum parcel because of the current uses of Sumdum, including for recreational users and commercial tour operators. The Sumdum parcel is in the middle of the Tracy Arm-Fords Terror and Chuck River Wilderness areas in the Tongass National Forest. The parcel is in the middle of about 730,000 acres of federally designated wilderness. The controversy is the threat of development on this 5-acre parcel that sits in the middle of this large and popular wilderness area. Mr. Lydon emphasized that the reason the thousands of clients of these 17 operators come to Alaska is to experience undeveloped locales. Sanford Cove and Endicott Arm are one of the highlights of the trip for visitors. The area has an incredible variety of wildlife and birds. Furthermore, Tracy Arm, Endicott Arm, and Fords Terror are very steep places where there aren't many opportunities to hike or go ashore. Therefore, most of the tour operators have permits from the U.S. Forest Service to take people ashore in the Sanford Cove area. He opined that the undeveloped nature of Sumdum is unique along Stephens Passage. Furthermore, the undeveloped nature is becoming rarer. In conclusion, Mr. Lydon noted his agreement with Ms. Irvine regarding placing an appropriate covenant on the land. He related his belief that the most likely scenario of concern would be development of say a dock at the Sumdum parcel. With regard to the earlier suggestion to merely remove the parcel from the list, Mr. Lydon opined that the best tact is to place a covenant on the parcel in order to avoid this concern again. He then requested that the covenant apply to development so that no one can construct a lodge, dock, or private home on the property.

[9:29:23 AM](#)

CO-CHAIR MUNOZ announced that the committee will work on an amendment for the Sumdum parcel and will consider the language suggested by Ms. Irvine.

[9:29:41 AM](#)

MARK GALLA, Owner/Operator, Alaska Peak & Seas, informed the committee that he has been operating a hunting, sightseeing, cruising, wildlife viewing, and fishing business in the Sunny Bay area for over 20 years. However, his mainstay is brown bear hunting. If the Sunny Bay parcels were logged, it would severely impact his operations in the short term and long term and forever change the area and displace bears. Mr. Galla explained the fragility of the area and the adverse impacts logging would have in the area as well as his business. Mr. Galla said that although he isn't opposed to logging and supports it in most cases, he knows that logging and developing the Sunny Bay area will impact his business as well as the brown and black bear populations. He opined that the conveyance of this parcel to the university will certainly result in a negative impact on his business as well as Wrangell.

[9:35:03 AM](#)

CO-CHAIR MUNOZ, upon determining no one else wished to testify, closed public testimony.

[9:35:16 AM](#)

DICK MYLIUS, Director, Division of Mining, Land & Water, Department of Natural Resources, turned to the legislative history of the university lands grant legislation. He reminded the committee that the legislature has considered seven pieces of legislation, but since 1993 has passed only four pieces of legislation to give the university land. In all those, the legislature specified a target of 250,000-500,000 acres. Therefore, each time parcels are removed from the list, the list falls farther from the legislature's goal. Mr. Mylius confirmed that all the parcels included in [HB 295] are the same parcels the legislature approved in 2005. The parcels were thoroughly researched prior [to being included in the list] to address title issues. Therefore, many of the issues raised now were raised previously. Since 2005 the division has performed title research work to issue. He offered to provide the committee with information on issues in which it's interested.

[9:37:09 AM](#)

REPRESENTATIVE KELLER asked if, when DNR transfers land, it's normal to have covenants on the land.

MR. MYLIUS answered that it would depend upon the statute under which the division is operating as well as the type of disposal. For example, the City of Tenakee Springs parcels in which the city is interested in obtaining from the state there would have covenants because the parcels would be transferred under the public and charitable uses [statute]. On all parcels transferred to individuals, the state retains the mineral rights, which is a provision of the Statehood Act. However, in this case the university's mineral rights could be transferred because the university is an entity of the state.

[9:38:46 AM](#)

REPRESENTATIVE HARRIS asked if DNR has considered the historical aspects of the Sumdum parcel.

MR. MYLIUS confirmed that DNR is aware of those resources. He pointed out that under state law, the archeological resources are protected under the State Historic Preservation Act. He related that the proposed covenant on the Sumdum parcel is similar to that placed on Sealaska lands adjacent to the Sumdum parcel.

[9:39:51 AM](#)

REPRESENTATIVE HARRIS referred to Section 6(c), which provides the right of first refusal to the municipality nearest to the parcel of land for sale. He then related his assumption that the university, prior to selling the Sumdum parcel, would have to offer it to the City & Borough of Juneau.

MR. MYLIUS replied that would be the case if the Sumdum parcel is located in the City & Borough of Juneau.

CO-CHAIR MUNOZ interjected that the Sumdum parcel isn't located inside the City & Borough of Juneau boundaries.

[9:40:49 AM](#)

CO-CHAIR HERRON asked if DNR supports the Mite Cove, Pelican amendment.

MR. MYLIUS responded that the amendment does clarify the intent and thus DNR is okay with the amendment. In further response to Co-Chair Herron, Mr. Mylius noted that DNR worked with the sponsor on the language of the Sumdum amendment. He reminded the committee that the governor wanted to minimize the number of parcels being withdrawn. Therefore, it's the legislature's prerogative to determine which parcels to remove, he said.

[9:41:46 AM](#)

CO-CHAIR HERRON then inquired as to DNR's position with regard to the request by Representative Thomas regarding the Haines Borough.

MR. MYLIUS explained that in response to legislation that would change the municipal entitlement for the City & Borough of Wrangell, Representative Thomas requested DNR discuss with the Haines Borough whether there are additional lands that are appropriate to transfer to the Haines Borough. Since the Haines Borough doesn't have a municipal entitlement, it would require legislation. Discussions found that the only parcels the Haines Borough could acquire through an additional municipal entitlement were the same parcels going to the university. The discussions only went to the point of determining the aforementioned and the department didn't endorse giving the parcels to the borough as opposed to the university.

[9:43:14 AM](#)

CO-CHAIR HERRON returned to the City of Tenakee Springs parcels, noting that Version P only removes the harbor parcel. He asked if the language on page 10, lines 27-29, is the most appropriate vehicle to achieve the potential conveyance [of the parcels] to Tenakee proper.

MR. MYLIUS acknowledged that the aforementioned language would be an option. However, he remarked that it would be left to the Board of Regents and the university to follow up on the [City of Tenakee Springs' desire to obtain the parcels].

[9:45:06 AM](#)

CO-CHAIR HERRON inquired as to DNR's position on Version P, which includes removal of the Tenakee Springs harbor parcel.

MR. MYLIUS reiterated that he didn't want to say whether DNR supports or opposes specific parcels, it's the prerogative of the committees to decide that.

[9:46:01 AM](#)

CO-CHAIR MUNOZ moved Amendment 1, which would change the language on page 10, lines 6-7, such that it would read as follows:

"may not be open to development, including but not limited to commercial timber harvest or mineral development;".

REPRESENTATIVE KELLER objected.

[9:46:40 AM](#)

REPRESENTATIVE KELLER opined that the language in Amendment 1 would be too broad. He noted that the record specifies the expectation that the university will work with those in the area in which the university is interested in developing a parcel. He expressed concern that a parcel can be preserved to the point at which it can't be used or accessed at all.

[9:47:43 AM](#)

CO-CHAIR HERRON expressed concern that if the covenants on the Sumdum parcel are amended too restrictively, later committees of referral may remove the entire covenant provision. Therefore, he related his preference to not make the covenant provision for the Sumdum parcel more restrictive.

[9:48:17 AM](#)

CO-CHAIR MUNOZ withdrew Amendment 1.

[9:48:27 AM](#)

CO-CHAIR MUNOZ moved Amendment 2, as follows:

Page 10, line 13, following "history";
Insert "(4) it is intended that these covenants
run with the land"

There being no objection, Amendment 2 was adopted.

[9:48:59 AM](#)

CO-CHAIR HERRON moved to report CSHB 295, Version 26-GH2829\P, Bullock, 3/8/10, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 295(CRA) was reported from the House Community and Regional Affairs Standing Committee.

[9:49:31 AM](#)

The committee took an at-ease from 9:49 a.m. to 9:52 a.m.

[9:52:34 AM](#)

HB 336-ELECTRIC & TELEPHONE COOPERATIVES' VOTING

[9:52:37 AM](#)

CO-CHAIR MUNOZ announced that the final order of business would be HOUSE BILL NO. 336, "An Act relating to electronic voting procedures for electric and telephone cooperatives; and providing for an effective date."

[Before the committee is CSHB 336(STA).]

[9:52:44 AM](#)

NANCY MANLY, Staff, Representative Bob Lynn, Alaska State Legislature, speaking on behalf of the House State Affairs Standing Committee, sponsor, paraphrased from the following written sponsor statement [original punctuation provided]:

House Bill 336 puts in statute the ability for telephone or electric cooperatives to allow members to vote by electronic transmission as specified by the coop's by-laws. The bill was filed at the urging of coops around the state.

Currently, coop members may only vote in person or via the postal service. This method, however, is outdated and could be having a negative impact on member participation in elections and other important matters.

By allowing telephone and electric coops to permit voting via electronic transmission approved in its by-laws, the Legislature will make it so common 21st

century practices may be applied to important public involvement matters.

Coops in every corner of Alaska will be enthused the Legislature has had the foresight to pass legislation important to the public process. This bill does not make electronic transmission voting mandatory, and cooperatives choose whether they want to partake or not.

Already, however, Matanuska Telephone Association (MTA) members have voted to adopt a new bylaw allowing electronic transmission voting. All MTA, and other coops, need is for the Legislature amends the statute to allow these coops to do so.

Please help me in facilitating the quick passage of HB 336.

[9:54:02 AM](#)

PHIL STEYER, Director, Government Relations & Corporate Communications, Chugach Electric Association, informed the committee that Chugach Electric Association is supportive of HB 336. He noted that the committee packet includes letters of support from a number of other electric cooperatives. He highlighted that the legislation is discretionary. He noted that the Chugach Electric Association or any other electric cooperative shouldn't engage in electronic voting unless they can do so in a secure manner.

[9:55:06 AM](#)

REPRESENTATIVE KELLER inquired as to who would carry the burden of the cost of the software and that the system is secure.

MR. STEYER answered that currently the cost would be borne by the cooperative not the state. In further response to Representative Keller, Mr. Steyer confirmed that the aforementioned means that the liability would also lay with the cooperative.

[9:55:41 AM](#)

REPRESENTATIVE HARRIS asked if Alaska Electric Light & Power (AEL&P) supports HB 336.

MR. STEYER clarified that AEL&P is a for-profit business.

CO-CHAIR HERRON, in response to Representative Harris, related that the entities providing electricity in his area are privately held entities.

[9:56:09 AM](#)

CO-CHAIR HERRON moved to report HB 336 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, it was so ordered.

[9:56:33 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 9:56 a.m.