

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

April 14, 2009

9:02 a.m.

**MEMBERS PRESENT**

Representative Bryce Edgmon, Chair  
Representative Craig Johnson  
Representative Wes Keller  
Representative Cathy Engstrom Munoz  
Representative Robert L. "Bob" Buch  
Representative Scott Kawasaki

**MEMBERS ABSENT**

Representative Charisse Millett

**COMMITTEE CALENDAR**

HOUSE CONCURRENT RESOLUTION NO. 15

Directing the Legislative Council to contract for an assessment of environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

- HEARD AND HELD

HOUSE JOINT RESOLUTION NO. 32

Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries; and requesting the governor to re-examine the disproportional influence of the commercial fisheries industries on fisheries management in the state.

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HCR 15

SHORT TITLE: BRISTOL BAY MINING STUDY

SPONSOR(S): REPRESENTATIVE(S) AUSTERMAN

04/10/09	(H)	READ THE FIRST TIME - REFERRALS
04/10/09	(H)	FSH, RES, FIN
04/14/09	(H)	FSH AT 9:00 AM BARNES 124

BILL: HJR 32

SHORT TITLE: FEDERAL PREEMPTION OF SALMON MANAGEMENT  
SPONSOR(s): REPRESENTATIVE(s) STOLTZE

04/10/09 (H) READ THE FIRST TIME - REFERRALS  
04/10/09 (H) FSH, RES  
04/14/09 (H) FSH AT 9:00 AM BARNES 124

**WITNESS REGISTER**

ERIN HARRINGTON, Staff  
to Representative Alan Austerman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HCR 15 on behalf of Representative Austerman, the prime sponsor, and responded to questions and comments during the discussion.

DR. JOSEPH SPAEDER, Research Coordinator  
Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative  
Homer, Alaska

**POSITION STATEMENT:** Spoke about his experience working with the National Research Council (NRC).

REPRESENTATIVE BILL STOLTZ  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HJR 32 as the prime sponsor and answered questions.

**ACTION NARRATIVE**

[9:02:59 AM](#)

**CHAIR BRYCE EDGMON** called the House Special Committee on Fisheries meeting to order at 9:02 a.m. Representatives Edgmon, Buch, Keller, and Munoz were present at the call to order. Representatives Johnson and Kawasaki arrived as the meeting was in progress.

HCR 15-BRISTOL BAY MINING STUDY

[9:03:17 AM](#)

CHAIR EDGMON announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 15, Directing the Legislative Council to contract for an assessment of environmental and

socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed.

[9:04:42 AM](#)

ERIN HARRINGTON, Staff to Representative Alan Austerman, Alaska State Legislature, introduced HCR 15 and explained that this was a request for Legislative Council to contract with the National Research Council (NRC) of the National Academy of Sciences for an assessment of the environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay area watershed. [Talking points included in members packets.] She gave some background and history of NRC, noting that the National Academy of Sciences was created in 1863 to "investigate, examine, experiment, and report upon any subject of science or art" whenever requested by any government department. She established that NRC was not a consulting service, but that its mission was to provide policy guidance and scientific and technical analysis for governmental decision making. She listed the three general types of NRC research: regulatory analyses, program reviews, and general assistance. She informed the committee that NRC draws conclusions from existing research to support decision making, and identifies the research that was still needed. She noted that NRC was non-profit and non-governmental, and did not provide services to for-profit entities.

MS. HARRINGTON detailed that the purpose of HCR 15 was a request for Legislative Council to contract with NRC for "an independent assessment of known and probable cumulative environmental and socioeconomic consequences of large-scale mineral extraction in the Bristol Bay watershed." She explained that this contract would "assess critical gaps in existing knowledge that might be necessary to adequately understand, predict, or manage the environmental and socioeconomic impacts that could be expected or anticipated from a development in this region." She stated that the resolution acknowledged and encouraged participation from non-partisan and non-advocacy organizations. She pointed out that NRC was the pre-eminent body for conducting research with objectivity and insulation; and that NRC had conducted 16 studies in Alaska since 1990, including Outer Continental Shelf, Bering Sea ecosystem, and comprehensive risk assessment for oil and gas infrastructure and spills research.

[9:12:57 AM](#)

REPRESENTATIVE BUCH reported on his visit to the Pebble Mine site and noted that its hydrologists were doing an empirical analysis utilizing a protocol of top-level standards. He predicted that this aquifer study data would provide a most comprehensive base line, and expressed his desire for this completed study to be made public.

[9:15:04 AM](#)

CHAIR EDGMON noted that Representative Kawasaki arrived.

[9:15:26 AM](#)

MS. HARRINGTON, in response to Representative Buch, reported that she was not aware of any plan for the study data to be shared with the public.

[9:15:46 AM](#)

REPRESENTATIVE JOHNSON asked how many other statewide studies had been completed.

MS. HARRINGTON cited a list of 16 studies from 1990 to 2009.

REPRESENTATIVE JOHNSON asked who paid for those studies.

MS. HARRINGTON noted that, although she did not have a list of the contractors for each individual study, the National Research Council of the National Academy of Sciences (NRC) provided consulting work to many governmental agencies which included the State of Alaska.

[9:16:34 AM](#)

REPRESENTATIVE KELLER asked for a more specific clarification of the goal for this NRC contract.

MS. HARRINGTON directed attention to the NRC research and study report on North Slope gas development which was available to the committee. She pointed out that these reports provided a review of scientific and technical information which was both specific to the study region and general to other regional development. She noted that the NRC report would also identify pertinent questions to ask during each of the stages for the long term permitting process.

[9:19:08 AM](#)

CHAIR EDGMON, as a sponsor, declared his support of HCR 15, and referred to page 2, line 21, of the resolution, which read:

**WHEREAS** the National Academy of Sciences is the premier source of objective review of complex scientific questions;

He explained that the Pebble Mine project abutted "the last great salmon fishery on the planet Earth" and the issue was about the interaction of surface and subsurface water. Noting the sensitivity of this watershed, he pointed out the need for extensive scientific analysis. He stressed that no other mining project in Alaska was contiguous to "the biggest salmon fishery left on the planet Earth." He mentioned that the study may also help the development of the mine.

[9:21:02 AM](#)

REPRESENTATIVE KELLER clarified that it is important to know what was being purchased. He offered his belief that a broad, general assessment of existing data was not necessary. He pointed out that \$90 million had already been spent on studies by the Pebble Partnership.

MS. HARRINGTON, in response to Representative Keller, agreed that the contracting process with NRC should include an outline of the scope of the project, which would reflect the desires and requests of the Legislature.

REPRESENTATIVE KELLER surmised that this request for a study appeared to be too early in the process.

[9:22:41 AM](#)

CHAIR EDGMON reflected that this type of study should be done early, and noted that "after the fact" was not appropriate. In response to Representative Johnson, he shared that the Pebble Partnership had spent \$132 million on environmental and socio-economic studies, but that this was an opportunity for a third party assessment.

[9:23:59 AM](#)

REPRESENTATIVE JOHNSON asked where NRC would get the information to evaluate. He further inquired how the NRC could do this analysis for \$1 million when the Pebble Partnership had spent

\$132 million for its analysis. He noted that the Pebble Partnership analysis was still proprietary information.

MS. HARRINGTON, in response to Representative Johnson, explained that the NRC process would not duplicate that of the Pebble Partnership; instead, this analysis would study the known parameters in order to determine the relevant questions to pose to the Pebble Partnership. She explained that the NRC analysis would be a "tool for the policy body, which is a little bit different than a tool for the permitting process." She reported that the permitting process was a legally constrained process, while this broader NRC study may invite additional questions to be asked during the permitting process. She gave an example of the Environmental Impact Statement (EIS) for the outer continental shelf, and noted that NRC research was able to establish details to be questioned during that decision making.

9:29:30 AM

REPRESENTATIVE JOHNSON pointed out that this project appeared to be premature.

CHAIR EDGMON responded that his constituents desired additional analysis.

REPRESENTATIVE JOHNSON offered his belief that there would never be enough information on this project. He asked if there were any others who would testify.

CHAIR EDGMON replied that testimony was by invitation only and there was just one speaker.

9:31:49 AM

DR. JOSEPH SPAEDER, Research Coordinator, Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative, explained that his group focused on identifying and funding high priority salmon research in Western Alaska, in order to better understand causes for the decline of salmon stocks. He reported that this was a collaborative research effort that included state, federal, native, and non-profit organizations. He pointed out that its research plan to target funding needed an objective, independent third party opinion, so the group contracted with NRC. He described the NRC process to be rigorous, objective, balanced, and methodical. He pointed out that NRC was not a consulting firm and that all the information in the process became available to the public. He detailed that after the study

committee developed the report, the report was circulated for external peer review to ensure independence and objectivity. He praised the NRC report for its ability to sort through information and focus on an interdisciplinary, comprehensive research plan.

[9:41:22 AM](#)

REPRESENTATIVE JOHNSON, noting that the NRC reports were made public, asked how proprietary information was protected.

DR. SPAEDER, in response to Representative Johnson, explained that the NRC often dealt with contentious and confidential issues, and that certain elements could be protected; however, he confirmed that base line scientific and environmental data was made public.

[9:43:57 AM](#)

REPRESENTATIVE KELLER opined that the value was in the objectivity and reputation of the NRC. He asked Dr. Spaeder how early in its project did his group contract with NRC. He offered his opinion that it would be best to contract with NRC after the Pebble Partnership and the state had collected the data.

DR. SPAEDER replied that the NRC study was commissioned early on in the process in order to provide a broad perspective for integrative questions. He opined that this provided corroboration and objectivity.

[9:47:01 AM](#)

CHAIR EDGMON closed testimony. [HCR 15 was held.]

#### HJR 32-FEDERAL PREEMPTION OF SALMON MANAGEMENT

CHAIR EDGMON announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 32, Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries; and requesting the governor to re-examine the disproportional influence of the commercial fisheries industries on fisheries management in the state.

[9:47:42 AM](#)

REPRESENTATIVE BILL STOLTZ, Alaska State Legislature, introduced HJR 32 and discussed the personal use fisheries that it seeks to protect.

[9:50:16 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HJR 32, Version 26-LS0865\E, Kane, 4/13/09, as the working document.

CHAIR EDGMON objected for discussion.

[9:50:51 AM](#)

REPRESENTATIVE STOLTZE explained that HJR 32 represented many Alaskans who relied on dip-netting. He thanked the various legislators who had been involved in developing this resolution. He extolled the virtues of salmon and the activity of dip netting.

[9:54:13 AM](#)

REPRESENTATIVE JOHNSON asked if legislation to grant subsistence use for every Alaskan would be included in HJR 32.

REPRESENTATIVE STOLTZE replied that HJR 32 already sends a direct, unified message.

REPRESENTATIVE JOHNSON requested an opportunity to speak with Representative Stoltze about this inclusion at a later date.

[9:55:35 AM](#)

REPRESENTATIVE KELLER opined how important it was to keep the resources primarily for the use of Alaskans.

[9:55:58 AM](#)

REPRESENTATIVE MUNOZ agreed and said it was important to advocate for personal use fisheries.

[9:57:00 AM](#)

CHAIR EDGMON removed his objection. There being no further objection, CSHJR 32, Version E was before the committee.

[HJR 32 was held.]

9:57:08 AM

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 9:57 a.m.