

**ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE**

April 6, 2011

1:06 p.m.

MEMBERS PRESENT

Representative Eric Feige, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Alan Dick
Representative Neal Foster
Representative Bob Herron
Representative Cathy Engstrom Munoz
Representative Berta Gardner
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Peggy Wilson, Vice Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S): Board of Game; Board of Fisheries

- HEARD

HOUSE BILL NO. 186

"An Act relating to the authority of the commissioner of fish and game with regard to the importation or relocation of wood bison in the state."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 20

Urging the President of the United States, the United States Congress, and the Secretary of the United States Department of Agriculture not to implement protection of inventoried roadless areas under the "roadless rule" or otherwise restrict the development of necessary hydroelectric projects in the Tongass National Forest and the Chugach National Forest.

- HEARD & HELD

HOUSE BILL NO. 195

"An Act relating to the regulation and use of pesticides and broadcast chemicals."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 186

SHORT TITLE: WOOD BISON

SPONSOR(S): REPRESENTATIVE(S) DICK

03/10/11 (H) READ THE FIRST TIME - REFERRALS
03/10/11 (H) RES
04/04/11 (H) RES AT 1:00 PM BARNES 124
04/04/11 (H) Heard & Held
04/04/11 (H) MINUTE(RES)
04/06/11 (H) RES AT 1:00 PM BARNES 124

BILL: HJR 20

SHORT TITLE: ROADLESS RULE & CHUGACH AND TONGASS HYDRO

SPONSOR(S): REPRESENTATIVE(S) JOHANSEN

03/09/11 (H) READ THE FIRST TIME - REFERRALS
03/09/11 (H) ENE, RES
03/17/11 (H) ENE AT 3:00 PM BARNES 124
03/17/11 (H) Scheduled But Not Heard
03/22/11 (H) ENE AT 3:00 PM BARNES 124
03/22/11 (H) Moved CSHJR 20(ENE) Out of Committee
03/22/11 (H) MINUTE(ENE)
03/23/11 (H) ENE RPT CS(ENE) 6DP
03/23/11 (H) DP: LYNN, TUCK, PETERSEN, SADDLER,
PRUITT, FOSTER
04/06/11 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

NICK YURKO, Appointee
Alaska Board of Game
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Game.

WILLIAM S. BROWN, PhD, Appointee
Alaska Board of Fisheries
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

RICKY GEASE, Executive Director
Kenai River Sportfishing Association (KRSA)

Soldotna, Alaska

POSITION STATEMENT: Testified in support of Dr. Bill Brown during the confirmation hearing to the Board of Fisheries.

REUBEN HANKE

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the appointment of Dr. Bill Brown to the Board of Fisheries.

ANDY SZCESNY

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the appointment of Dr. Bill Brown to the Alaska Board of Fisheries.

JOHN E. JENSEN, Appointee

Board of Fisheries

Petersburg, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Fisheries.

JERRY MCCUNE, Lobbyist

United Fishermen of Alaska (UFA)

Juneau, Alaska

POSITION STATEMENT: Testified in support of the appointment of John E. Jensen to the Board of Fisheries.

RICKY GEASE, Executive Director

Kenai River Sportfishing Association (KRSA)

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of John E. Jensen to the Board of Fisheries.

REUBEN HANKE

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of John E. Jensen to the Board of Fisheries.

ANDY SZCESNY

Soldotna, Alaska

POSITION STATEMENT: Testified in support of the reappointment of John E. Jensen to the Board of Fisheries.

SUSAN JEFFREY, Appointee

Alaska Board of Fisheries

Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Board of Fisheries.

DON FOX

Kodiak, Alaska

POSITION STATEMENT: Testified during the confirmation hearing for the Board of Game.

LINDA KOZAK

Kodiak, Alaska

POSITION STATEMENT: Testified in support of appointee Susan Jeffrey to the Alaska Board of Fisheries.

PAUL VERHAGEN, Staff

Representative Alan Dick

Juneau, Alaska

POSITION STATEMENT: Reviewed the background documents during the hearing on HB 186.

EDWARD GRASSER, Lobbyist

Safari Club International

Palmer, Alaska

POSITION STATEMENT: Testified during the discussion of HB 186.

MIKE SATRE, Executive Director

Council of Alaska Producers

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 186.

BRYCE WRIGLEY

Delta Junction, Alaska

POSITION STATEMENT: Testified during the discussion of HB 186.

DON QUARBERG

Delta Junction

POSITION STATEMENT: Testified in opposition to HB 186.

STEVE BORELL, Executive Director

Alaska Miners Association (AMA)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 186.

EUGENE PAUL

Holy Cross Tribal Council

Holy Cross, Alaska

POSITION STATEMENT: Testified in opposition to HB 186.

STEVEN MENDIVE

Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 186.

REPRESENTATIVE KYLE JOHANSEN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified as the prime sponsor of HJR 20.

FLOYD KOOKESH
Angoon, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

JIM STRANDBERG, Project Manager
Alaska Industrial Development & export Authority (AIDEA) and
Alaska Energy Authority (AEA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

JOHN SANDOR, Board Member
Alaska-Canada Energy Coalition
Juneau, Alaska

POSITION STATEMENT: Supported HJR 20.

FRED MORINO
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

DUFF MITCHELL, Business Manager
Juneau Hydropower, Inc.
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

SHELLY WRIGHT, Executive Director
Southeast Conference
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

PETER NAOROZ, General Manager and President
Kootznoowoo, Inc.
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

MIKE SATRE, Executive Director
Council of Alaska Producers (CAP)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

ERIC LEE

Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to HJR 20.

MARILYN LELAND

Executive Director

Alaska Power Association (APA)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

JOSEPH SEBASTIAN

Petersburg, Alaska

POSITION STATEMENT: Testified in opposition to HJR 20.

TIM ROONEY, Borough Manager

City & Borough of Wrangell (CBW)

Wrangell, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

DAVE CARLSON, Chief Executive Officer

Southeast Alaska Power Association (SEAPA)

Ketchikan, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

STEVE BORELL, Executive Director

Alaska Miners Association (AMA)

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 20.

ACTION NARRATIVE

[1:06:26 PM](#)

CO-CHAIR ERIC FEIGE called the House Resources Standing Committee meeting to order at 1:06 p.m. Representatives Feige, Seaton, Dick, Gardner, Herron, and Munoz were present at the call to order. Representatives Kawasaki and Foster arrived as the meeting was in progress.

CONFIRMATION HEARING(S): Alaska Board of Game

[1:07:20 PM](#)

CO-CHAIR FEIGE announced that the first order of business would be the Confirmation Hearing of Nick Yurko to the Board of Game.

[1:07:39 PM](#)

NICK YURKO, Appointee, Alaska Board of Game, provided his background, including that he is a 40-year Alaskan resident, worked for the school district, and did a wide-range of volunteer work in the community. He related he has served on the Juneau/Douglas Advisory Committee for over 30 years, on the Territorial Sportsmen's Golden North Salmon Derby organization as a member and as fish chair. Additionally, he stated that serves as chair of a non-profit organization in Juneau, "Helping Hands." He was one of the original founders of the Juneau Archery Club and is still involved including teaching archery to boys and girls. He concluded by commenting he and his family reside in Juneau and he really likes Juneau.

[1:09:53 PM](#)

REPRESENTATIVE DICK related that Interior Alaska was devastated by the predator issue in the late 1990s, in particular, with respect to moose and caribou by wolves and bears. He asked for Mr. Yurko's position on predator control.

MR. YURKO responded that he has not taken currently taken a stand since he has not seen all the data on the program. He acknowledged that he has been involved primarily in Southeast Alaska.

REPRESENTATIVE DICK referred Mr. Yurko to the Alaska Department of Fish & Game's (ADF&G) website as a source of neutral and scientific information. He urged Mr. Yurko to review it.

MR. YURKO offered his willingness to work with ADF&G on the matter.

[1:11:26 PM](#)

REPRESENTATIVE HERRON asked why he is interested in serving on the Alaska Board of Game.

MR. YURKO responded that he is retired and thinks some of the resource issues need to be addressed. He explained that his background, having served 30 years with the Juneau/Douglas Fish and Game Advisory Committee, places him in the position to provide assistance with some of the ADF&G's programs.

[1:12:18 PM](#)

REPRESENTATIVE HERRON inquired as to whether the Governor's staff interviewed him and if so, what question surprised him the most.

MR. YURKO answered that he felt overwhelmed and honored to be chosen as a representative to serve on the Board of Game.

[1:12:47 PM](#)

REPRESENTATIVE HERRON pointed out that he has a reputation of being one of the best trappers in Southeast Alaska.

MR. YURKO said, "I've been noted for that over the years."

[1:13:07 PM](#)

REPRESENTATIVE HERRON said he is also noted for being one of the oldest trappers.

MR. YURKO answered that he is 69 years old, but still loves the outdoors and still traps alone.

[1:13:34 PM](#)

CO-CHAIR FEIGE noted Mr. Yurko is part owner of Wings of Alaska air service. He inquired as to whether the company is involved in transporting game and hunters. He related his understanding that Mr. Yurko was not a pilot.

MR. YURKO agreed he is not a pilot. He elaborated on the air services that Wings of Alaska provides, primarily to transport tourists to Taku Lodge and on glacier flightseeing trips.

[1:15:07 PM](#)

CO-CHAIR SEATON stated that the House Resources Standing Committee has reviewed the qualifications of Nick Yurko to the Board of Game.

CO-CHAIR SEATON moved to advance the confirmation for the appointee referred to the House Resources Standing Committee, Nick Yurko, and to refer his name for consideration to the joint session of the House and Senate for consideration. Each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no objection, the confirmation was advanced.

Alaska Board of Fisheries

1:15:25 PM

CO-CHAIR FEIGE announced that next order of business would be confirmation hearing of William S. Brown to the Alaska Board of Fisheries.

1:15:28 PM

WILLIAM S. BROWN, PhD, Appointee, Alaska Board of Fisheries, introduced himself. He stated that he has lived in Alaska for the past 20 years, is single and has no children. He referenced his resume in members' packets and read from a written statement, as follows:

I have served on the Board of Fish for one three-year term. The main reason I'd like to be confirmed for a second term is the same reason I applied in the first place. I want to help preserve our fishery resources for our children, our grandchildren, and their children. Managed correctly our fish will last forever but only if they're managed correctly.

I think I bring two things to the Board of Fish. First, my degree in economics: I hold a doctorate in economics and spent over twenty years teaching college before I retired in 2000, provided training and statistical methods, population dynamics, and the economic rationale for fishing regulation. My background in statistics proved especially valuable my first term on the board because it enabled me to understand and analyze the models used to estimate the optimal sustained yield and other key parameters important in designing regulations. Second, my training in economics also helps me understand and calculate the economic impact of fisheries around the state. Biology matters and social issues matter, but so does economic impact, especially to our coastal communities.

My first term on the board was not uneventful, not by a long shot. I didn't have a clue as to how much work was involved. For example, we had over 8,000 pages on [indiscernible], 8,000 of reading material for the upper Cook Inlet meeting. As a member of the board I had to make tough decisions, many of which were

unpopular in some circles. And while few were bashful in telling me how much they liked a particular decision, I note that my votes were the product of careful and logical consideration.

I take the board seriously. I recognize its importance, and I want to improve our fisheries, Mr. Chair.

[1:17:27 PM](#)

REPRESENTATIVE HERRON noted that during Mr. Brown's testimony before the House Special Committee on Fisheries a comment had been made that his background in economics sometimes gets in the way of making decisions about fish.

DR. BROWN answered he would reject that comment out of hand. He stated that his background in economics includes mathematics and statistics, but also population dynamics. He also has taught a course for Resource Economics, which included one topic on fishing regulations in Bristol Bay. The class discussed the previous unlimited catch using sailboats. Currently, a 32-foot boat requirement is in place. He affirmed there are economic reasons for having these types of regulations. He offered his belief that economics is vital to understanding fisheries. He remarked that he does not think his background in economics clouds his judgment.

[1:19:06 PM](#)

REPRESENTATIVE HERRON recalled a newspaper column Dr. Brown wrote in response to a comment that his economics were "creepy" economics. He further recalled Dr. Brown's response included the remark that economics does have "creepy" moments. He asked what was meant by his response.

DR. BROWN said he did not recall the particular column in question, but thought he knew what he had meant. In 1995, he wrote a textbook on economics which sold quite well and allowed him to retire. He explained that the last section of the textbook addressed what a person could do with an economics degree. He recalled a university survey by Purdue University. The survey was given to incoming freshmen and asked students, half of which had taken economics courses, to respond to a variety of views on society. Two years later these same students were again surveyed and the results showed that the students who studied economics became more profit oriented with

many entering into private business. The people who did not study economics gravitated to social work or the arts. He remarked that economics is a way to think and affects how people behave.

[1:20:51 PM](#)

REPRESENTATIVE GARDNER surmised the more mathematically minded students may have been the ones that took economics classes.

DR. BROWN agreed it might be true and was a comment he also made. He recalled that an introductory economics course is the most commonly taught course in many colleges since the course is required for so many majors. He further recalled that although the students could take an introductory English literature course could to meet the English academic requirements, but the social sciences, business, or physics majors were required to take an economics course. He pointed out that students who choose to take additional economics classes must be prepared to do mathematics.

[1:22:12 PM](#)

The committee took an at-ease from 1:22 p.m. to 1:23 p.m.

[1:23:19 PM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association (KRSA), stated that he regularly attends the Board of Fisheries meetings and has observed Dr. Brown during his first term serving on the Board of Fisheries. He reported that the KRSA finds Dr. Brown to be very well qualified for his reappointment to the Board of Fisheries. Dr. Brown has been well prepared at the meetings, has participated by asking questions of stakeholders and the department during presentations, and listened to all user groups. He has found Dr. Brown's background in economics and statistics provides a good tool for the Board of Fisheries during deliberations. Dr. Brown has frequently built the record for the board in positive ways in terms of explaining economic information. Much of fisheries conservation has been based on fisheries models and Dr. Brown has demonstrated an excellent grasp on how modeling and statistics work. He reiterated Dr. Brown has worked to ensure that board members have a good understanding of modeling during board discussions. He concluded that the KRSA fully supports Dr. Brown's reappointment to the Alaska Board of Fisheries.

[1:25:30 PM](#)

REUBEN HANKE stated that he has attended Board of Fisheries meetings statewide and has worked with Dr. Brown. He has found Dr. Brown approachable, inclusive, and observed that Dr. Brown comes very well prepared to the meetings. He highlighted one of Dr. Brown's strengths is the ability to assist other board members in understanding the complex modeling. He said he looks forward to Dr. Brown continuing to serve on the Board of Fisheries.

[1:26:33 PM](#)

ANDY SZCESNY stated he has been a fly fishing guide for 25 years and has participated in the Board of Fisheries hearings for over 20 years. He said he is in favor of Dr. Brown's confirmation to the Board of Fisheries. He remarked that he has never seen anyone more prepared for Board of Fisheries meetings than Dr. Brown. He urged members to "push him forward."

[1:27:31 PM](#)

CO-CHAIR SEATON related that the House Resources Standing Committee has reviewed the qualifications of William S. Brown, PhD to the Board of Fisheries.

CO-CHAIR SEATON moved to advance the confirmation for the appointee referred to the House Resources Standing Committee, William S. Brown, and to refer his name for consideration to the joint session of the House and Senate for consideration. Each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no objection, the confirmation was advanced.

[1:28:09 PM](#)

JOHN E. JENSEN, Appointee, Board of Fisheries, stated that he is a lifelong resident of Petersburg. He graduated from Petersburg High School and attended college prior to purchasing his first fishing vessel and beginning his commercial fishing career. He said he is a third-generation Alaskan and has commercially fished since 1965. He has owned and operated six fishing vessels from 1972 to the present, has participated in fisheries in Southeast Alaska, Bristol Bay, Gulf of Alaska, Bering Sea, Aleutian Islands, Alaska Peninsula, Cook Inlet, Prince William Sound, and Western Alaska. He has obtained a 100-ton Master's

license and holds an assistant towing license. He highlighted his interests as hunting, sport fishing, camping, woodworking, reading, and Alaska history. He remarked on his family, stating that he has been married since 1972 and has two sons. He detailed his professional memberships, including his current membership with the United Fishermen of Alaska (UFA) and the Petersburg Vessel Owners Association. He said he also serves on the Petersburg Planning and Zoning Commission and chairs the Halibut and Sablefish Committee for the Alaska Seafood Marketing Institute (ASMI). Additionally, he has served on the Petersburg Advisory Board for the past ten years. He expressed interest in continuing service on the Board of Fisheries. He characterized the Board of Fisheries' goal to ensure sustainable fisheries as a difficult one. He concluded by saying his job has been rewarding but one that requires effort.

[1:30:28 PM](#)

JERRY MCCUNE, Lobbyist, United Fishermen of Alaska (UFA) on behalf of the UFA, expressed support for the confirmation of John E. Jensen for the Board of Fisheries. He offered that Mr. Jensen has served three terms and has substantial knowledge about fisheries. He said, "We support him wholeheartedly, Mr. Chairman."

[1:31:53 PM](#)

RICKY GEASE, Executive Director, Kenai River Sportfishing Association (KRSA), stated that Mr. Jensen is a great member of the Board of Fisheries. He has been approachable to all stakeholders and user groups, he said. He holds extensive knowledge of commercial fisheries in Alaska, as well as sport, personal, and subsistence fisheries. He understands the importance of commercial fishing and other fishing to the coastal communities and Interior river systems. He has performed well as a Board of Fisheries committee chair and vice-chair and has the KRSA's full support for reappointment to the Board of Fisheries.

[1:32:49 PM](#)

REUBEN HANKE stated that Mr. Jensen has served on the Board of Fisheries for many years and has done a great job. He said, "You can search high and low in Alaska for somebody that has as much experience as John does in most of the fisheries around the state and that brings an unbelievable wealth of knowledge to the board." He related that Mr. Jensen helps other board members

understand how specific fisheries work. He hoped the committee will support Mr. Jensen and offered his full support for Mr. Jensen's reappointment to the Board of Fisheries.

ANDY SZCESNY testified in favor of John Jensen's reappointment. He has more substantial experience on the aspects of the commercial fisheries than anyone else serving on the board, he said.

[1:33:49 PM](#)

CO-CHAIR SEATON stated that the House Resources Standing Committee has reviewed the qualifications of John E. Jensen, to the Board of Fisheries.

CO-CHAIR SEATON moved to advance the confirmation for the appointee referred to the House Resources Standing Committee, John E. Jensen, and to refer his name for consideration to the joint session of the House and Senate for consideration. Each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no objection, the confirmation was advanced

[1:34:23 PM](#)

SUSAN JEFFREY, Appointee, Alaska Board of Fisheries, stated that she has benefitted from Alaska's well-managed fisheries. She said she moved to Kodiak in 1972 and her children and grandchildren live in Alaska. She has directly participated in Alaska's fisheries as a subsistence fisherman, sports fisherman, and commercial fisherman. She worked as a fisheries writer and editor for many publications which has helped her develop an understanding of the complexities involved in managing Alaska's renewable fisheries resources. Since 2005, she has served on the Kodiak Island Borough Assembly which has given her an understanding of the public process and the importance of carefully studying issues before entering into open deliberations. She understands the concept that it is impossible to please everyone especially pertaining to fisheries issues. She would like to serve on the board because she also understands that Alaska's fisheries are vital to the state and its people. She emphasized Alaska's fisheries are so important to Alaska that the state's constitution wisely mandates its natural resources be managed for sustainability and for maximum benefit for Alaskans. She further understood the board is charged with conserving and developing Alaska's fishery resources for all users in commercial, commercial sport,

subsistence, sport, and personal use fisheries. She pointed out that making decisions on any allocation matter requires careful analysis of scientific and socio-economic information presented to the board and during public testimony. The board meetings often involve earnest, passionate, and sometimes contentious deliberative processes. She concluded that she is prepared for this charge and challenge. She offered her belief that only with a fair, well-informed process can the state continue to conserve and develop its world-class fisheries resources for the benefit of our children, our grandchildren, and their grandchildren.

[1:37:21 PM](#)

REPRESENTATIVE HERRON remarked that Ms. Jeffrey's resume is outstanding and he commended her fisheries knowledge. He recalled during a television interview in Anchorage that she did said she did not seek out service but had been asked to submit her name to Boards and Commissions. He then asked which questions posed by Boards and Commission's staff surprised her.

MS. JEFFREY responded the question that stood out for her was which particular user group the other commissioners would think she represented. She said she answered that she did not think it was her duty to represent a particular user group but rather she should represent all user groups.

[1:39:17 PM](#)

REPRESENTATIVE GARDNER commented she enjoyed Ms. Jeffrey's final personal statement, which read:

It's not for the faint of heart but I'm willing to serve because I believe only through a fair, well-informed public process can the state wisely conserve and develop its world-class fishery resources.

[1:39:58 PM](#)

DON FOX said he is a 40-year resident of Kodiak and a retired commercial fisherman. He has also served on the Kodiak Fish and Game Advisory Committee for over twenty years so he has observed Mr. Brown and Mr. Jensen on numerous occasions. Both men fully explain the rationale they used on issues, which he appreciated and while he has not always agreed with their votes, he understood their positions. He urged members to confirm them as appointees to the Board of Fisheries. He then turned to Ms.

Jeffrey's appointment to the Board of Fisheries. He related that he has known her for over 30 years. He characterized her as a hard worker and a person who tries to see both sides of issues. He offered his belief she does not have an agenda and is open to listen to the public. He remarked that she is probably the best fisheries reporter he has ever seen. He said, "You can see in her articles her knowledge and grasp of fisheries. I would urge you to confirm her."

[1:41:23 PM](#)

LINDA KOZAK stated she grew up in Bristol Bay and that her family has a salmon set net operation. She has lived in Kodiak for 35 years and first met Susan Jeffrey when she was a reporter for the Kodiak Daily Mirror. She had many experiences with her during her service on the Kodiak Island Borough Assembly. She characterized Ms. Jeffrey as careful to review both sides of an issue prior to making any recommendation or decision. She reported that she is happy to have recommended Ms. Jeffrey for appointment to the Board of Fisheries. She remarked that she also supports Mr. Brown and Mr. Jensen for reappointment to the Board of Fisheries.

[1:42:39 PM](#)

CO-CHAIR SEATON moved to advance the confirmation for the appointee referred to the House Resources Standing Committee, Susan Jeffrey, and to refer her name for consideration to the joint session of the House and Senate for consideration. Each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no objection, the confirmation was advanced.

[1:43:00 PM](#)

The committee took an at-ease from 1:43 p.m. to 1:46 p.m.

HB 186-WOOD BISON

[1:46:08 PM](#)

CO-CHAIR FEIGE announced that the next order of business would be HOUSE BILL NO. 186, "An Act relating to the authority of the commissioner of fish and game with regard to the importation or relocation of wood bison in the state."

[1:46:24 PM](#)

REPRESENTATIVE DICK, speaking as prime sponsor of HB 186, stated has lived for 44 years in the area that the bison would be re-introduced. He advised that he is specifically familiar with the villages of Holy Cross, Anvik, Shageluk, and Grayling. He explained HB 186 does not prohibit the reintroduction of bison but restricts re-locating bison until more information and understanding of the impact in doing so is considered. He affirmed his trust in the current governor, but remarked that in the past some administrations have promoted policies which have been devastating to the country.

REPRESENTATIVE DICK recalled opposition to the bill cautioning that anyone should make the decision except for the legislature. He remarked that a legislator will represent and have extensive knowledge of any specific area of proposed relocation of bison. Thus, the legislator is the one who would have a familiarity of the situation at hand. He reiterated that his bill, HB 186 does not oppose relocating bison, but the department must only do so with appropriate knowledge. He remarked on the range of wood bison, noting that two wood bison wandered from Canada about 1,000 miles to the border between Alaska and Canada so the animals have an extensive range. Further, the proposed relocation of bison would occur within 50 miles of Donlin Creek, which provides the source of the only major resource available to the Calista Corporation. The proposed location also lies within 50 miles of the inactive Kako gold mine. He further advised members that numerous pilot projects exist to consider peat as a resource, and one place in particular lies near McGrath. He expressed further concern over re-introduction of bison in the area along the Yukon River since substantial peat exists in the area. Since fuel prices are astronomical, villages have been looking for alternative fuel sources, he said. He cautioned members that changing the bison status could "lock up" the peat resources in his district. He reported that he has received numerous e-mails and while some resources might not be located in his legislative district, the Roads to Resources program could be affected since the bison have the ability to roam so far.

[1:49:37 PM](#)

PAUL VERHAGEN, Staff, Representative Alan Dick, reviewed some documents in members' packets. He referred to the first document titled, "Endangered Species law and Policy," which details the U.S. Fish and Wildlife Services consideration of lowering or "down listing" the wood bison from an endangered to

a threatened species under the Endangered Species Act (ESA). He next referred to a copy of the Federal Register dated February 8, 2011, which substantiates the potential to reclassify or downlist the wood bison from endangered to threatened species. He highlighted a quote from the Wood Bison News which noted one rumor was that the wood bison would be removed from the threatened species status. Instead, the ruling was reversed and wood bison was added to the Endangered Species Act list, he said.

MR. VERHAGEN then referred to a constituent blog dated 3/28/2011 that points out, in terms of federal categories of threatened or endangered species, the similarity between wood bison and polar bears. The polar bear has been designated as being on the threatened species list by the U.S. Fish and Wildlife Service, which has had the effect of "locking up" 120 million acres in Alaska. He expressed concern that this type of action could occur in Interior Alaska if wood bison are re-introduced and if a federal judge issued a ruling under the "10(j)" provision of the Endangered Species Act (ESA).

[1:51:52 PM](#)

MR. VERHAGEN referenced a blog titled, "FWS Reclassifies Wood Bison as Threatened Not Endangered, Species." He said the blog demonstrates that this is an emotional issue, noting the title misleads readers from what actually happened. The second page of the blog provides a five-factor analysis that shows threats to wood bison are still present. The information also indicates that tougher regulations may be employed against existing business in areas near threatened species. He turned to information on the Endangered Species Law and Policy website which indicates a Section 4(f) recovery plan under the ESA has not been issued because a wild population does not currently exist in the U.S. He expressed concern that once wood bison were re-introduced in the U.S. the 4 (f) recovery plan could be developed and issued. He surmised any restrictions would be imposed at the time the 4 (f) recovery plan is issued.

[1:53:19 PM](#)

MR. VERHAGEN referred to the Delta Bison Working Group recommendations following its January 11, 2011 meeting. He commented that the Delta bison are not designated as threatened or endangered by the ESA, but the report demonstrates the amount of effort necessary to try to resolve the conflicts in Delta Junction. He suggested the conflicts have been ongoing for 30

years. Still, the state has not found any solution to the issues. He referred to the "fallout" of introducing Delta Bison resulted in unintended consequences, which he thought could have been avoided if the legislature had considered the issues.

MR. VERHAGEN pointed to a report in members' packets titled "Estimated Bison Damage to Delta Agricultural Fields - 2010 Charles Knight." This report details the 2010 estimated costs. He suggested similar unintended consequences could occur from the release of wood bison. He predicted the potential years it might take perhaps without resolution.

[1:54:29 PM](#)

MR. VERHAGEN turned to a document titled "Intentional or Unintended Consequences?" He stated that the bill sponsor presented this information to his constituents to give them additional commentary on intentional or unintended consequences. The next document titled "Wood Bison" provides information to constituents specifically on wood bison. The last articles in members' packets are copies of Wood Bison News which are informative articles that detail the efforts made to re-introduce wood bison into the wild in Alaska. He concluded that the sponsor supports introduction of wood bison, but only in the event that wood bison are removed from the ESA and are not just reclassified from an endangered to a threatened species.

[1:55:36 PM](#)

REPRESENTATIVE MUNOZ asked whether other areas are also being considered for the wood bison relocation.

REPRESENTATIVE DICK answered first encountered the plan for relocating bison in the Minto Flats area. He related that when he heard the phrase "Trojan Bison" used since the Minto Flats residents warned him of resource development issues that could result from the relocation of bison. He was not aware of any third location under consideration.

[1:56:24 PM](#)

REPRESENTATIVE MUNOZ requested an explanation of the difference between wood and plains bison.

REPRESENTATIVE DICK explained that these wood bison are the only wood bison in North America except for the herds located in Canada. The plains bison are not endangered and a number of

herds exist in the Lower 48. He advised that these are the only bison in all of the U.S. He reiterated his belief it would be unwise to introduce wood bison in the communities of Holy Cross, Anvik, Shageluk, and Grayling.

[1:57:22 PM](#)

REPRESENTATIVE MUNOZ asked whether the wood bison are native to the U.S.

REPRESENTATIVE DICK responded that historically, between 100 to 500 years ago wood bison existed in the area. He reiterated the DNR is limited to relocating the animals to an area in which they previously existed.

[1:57:57 PM](#)

REPRESENTATIVE GARDNER asked whether the wood and plains bison in the Delta area could interbreed given that both are capable of traveling thousands of miles.

REPRESENTATIVE DICK answered he did not have scientific data to base his answer, but offered his belief that mobility provides yet another reason why this needs to be "brought to light" and should be scrutinized.

[1:58:41 PM](#)

REPRESENTATIVE KAWASAKI said he appreciated Representative Dick's sounding of the alarm given the possibility of unintended consequences. He offered his belief HB 186 would delay the relocation for at least a year. He asked what the sponsor envisioned would occur during that time, such as whether any hearings would be held.

REPRESENTATIVE DICK predicted that as soon as the people of Holy Cross, Anvik, Shageluk, and Grayling heard both sides of the issue, the entire matter may come to a "screeching halt." He further stated that if his constituents were made fully aware of all of the issues and still decided to move forward with re-introduction of wood bison he would support the relocation of wood bison.

[2:00:26 PM](#)

REPRESENTATIVE MUNOZ said it appeared that the state Alaska Department of Fish and Game (ADF&G) has been working on this

issue. She inquired as to whether the department has acquired a "10(j)" exemption from the ESA.

REPRESENTATIVE DICK understood that the "10(j)" exemption is being crafted in a way that might speak specifically to the wood bison. He still questioned what "piece of paper" could be signed in Washington D.C. that could be trusted in Alaska.

[2:01:53 PM](#)

REPRESENTATIVE MUNOZ inquired as to the timeline for this project.

REPRESENTATIVE DICK answered that the anticipated date for re-introduction of wood bison has been scheduled for the spring 2012. This bill might delay that action by a year, he said. He offered the possibility that HB 186 would not delay the re-introduction of wood bison. He suggested that people may wish to re-introduce bison due to moose or caribou herd reductions and just suffer the unintended consequences.

[2:02:51 PM](#)

REPRESENTATIVE HERRON asked for clarification with respect to regard the "10(j)."

REPRESENTATIVE DICK responded that because the proposed relocation of the wood bison is experimental the bison would be exempt from the ESA under the "10(j)" provision of the act. In further response to Representative Herron, he agreed that experimental equates to non-essential, which is the reason for the proposed exemption.

[2:03:45 PM](#)

REPRESENTATIVE HERRON related his understanding that currently the department could stock game in other areas of the state. He asked whether the department has followed its priorities based upon habitat requirements, population of native game, animal presence and other factors that would affect the successful establishment of this species.

MR. VERHAGEN acknowledged those answers are yet unknown and is one reason the sponsor introduced the bill.

[2:04:31 PM](#)

REPRESENTATIVE HERRON asked whether he has asked ADF&G to specifically address the statutes that pertain to re-introduction.

REPRESENTATIVE DICK answered he has held conversations with ADF&G, but has not written any letters the department.

[2:05:07 PM](#)

CO-CHAIR SEATON recalled a similar situation arose with musk oxen. He asked for the availability of any correspondence that relates to introducing musk oxen.

REPRESENTATIVE DICK said he did not know.

CO-CHAIR SEATON offered his view that reviewing what happened with respect to musk oxen might lead the committee to discussions of what might be applicable since an extinct population was studied prior to being re-introduced.

[2:06:10 PM](#)

CO-CHAIR FEIGE inquired as to whether anything would prevent an entity from suing once the wood bison were in place.

REPRESENTATIVE DICK recalled prior testimony that some environmental groups said they did not intend to file against the "10(j)" exemption due to the absence of potential resources for resource development in the area. He acknowledged lawsuits could happen but he was unsure if any would. He further recalled correspondence in opposition to the bill that suggested the bill was based on paranoia. He said, "Just because you're paranoid doesn't mean they're not out to get you." He acknowledged that even if the federal government does not renege on the "10(j)" exemption, the subsistence residents could potentially end up being the litigants rather than hunters. He concluded, "It's hard enough to live in that country."

[2:07:58 PM](#)

CO-CHAIR SEATON recalled that the musk oxen had been classified as domestic animals before their re-introduction in Alaska. He inquired as to whether the sponsor could investigate that matter to perhaps find solutions to the issues with re-introducing wood bison.

REPRESENTATIVE DICK acknowledged that was a brilliant observation.

2:09:15 PM

EDWARD GRASSER, Lobbyist, Safari Club International, pointed out the distinction that the Safari Club International (SCI) is a conservation group and not a preservation group. Both chapters of the SCI support the re-introduction of the wood buffalo. He offered one tenet of the SCI is to recognize the North American model for wildlife management. The SCI believes that this project fits under the model, he said. He referred to [President] Roosevelt's idea that hunters and fishermen would pay a fee to support the conservation of species. He offered his belief this approach has been much more effective than has been the ESA's restrictions.

MR. GRASSER offered his view that this is not an "us versus them" issue. As conservationists, the SCI believes the introduction of wood bison would be an economic boon to the villages in the area and would enhance their subsistence economies. The SCI believes multiple activities can occur and should not negate one in favor of another.

2:11:48 PM

MR. GRASSER referred to questions about the ESA's "10(j)" rule. He reported that the SCI's attorneys in Washington, D.C. have been in court for 10 years with respect to the wolf de-listing process and re-introduction of wolves in the Lower 48 in the Northern Rocky Mountains and along the Great Lakes. He explained the "10(j)" rule, which is a process under the ESA that allows for an exemption of that status involving introduction of a species. The "10(j)" process represents a rulemaking process that includes non-government entities (NGOs) as well as state agencies. He characterized the process as a very involved process. He offered his belief that once established under the "10(j)" rule the wood bison would not impact any other activity. He acknowledged questions exist on whether the federal government could unilaterally rescind the "10(j)" rule. He said, "It's never happened and it's never been overturned in court as far as our researchers can find." He reiterated that the SCI has available some of the best litigators in the world in its Washington D.C. office yet has not discovered any instance in which the court ruling has been overturned. He related that if the federal government wanted to rescind the rule after the wood bison were re-introduced, the

agency must use the same rulemaking process to overturn the rule as it used to establish the rule. He reiterated the federal government could not unilaterally make the decision to rescind the "10(j)" rule. He said he thought that represented a significant point in this equation.

[2:13:34 PM](#)

MR. GRASSER recalled a similar instance in which the SCI was approached seven years ago by some of the principals in the movement to ban the Pebble Mine. He provided his involvement as serving on the national Board of Directors of the national SCI. He also served as the field representative of the National Rifle Association (NRA) at the time. He held extensive conversations with these groups, but neither one has opposed the Pebble Mine. He affirmed the SCI's view that the Pebble Mine process should go forward and the same should hold true for the wood bison project. The SCI has been involved in the wood bison issue since the 1980s. He explained that the SCI has worked with the ADF&G and has invested a significant amount of money into the project. Thus, the SCI has had a stake in this and has wanted the project to move forward. He acknowledged problems that the ESA has caused for Alaska on issues. Therefore, the SCI has laid groundwork to reform the ESA. He offered his belief that some structural portions of the act could be amended.

[2:15:18 PM](#)

MR. GRASSER provided some historical information on introduction of the musk oxen into Alaska, which happened prior to enactment of the ESA. He reported that re-introduction of wood bison has been put off until the spring 2013 due to some state actions.

MR. GRASSER concluded that the SCI does not believe HB 186 is necessary and is simply reactionary. The SCI also does not support inclusion of legislative approval as part of the wood bison re-introduction since it would make it much harder to move forward. He offered his belief that some people would use the bill to block re-introduction of the wood bison, whether the rationale was based on fact or not. The SCI opposes the bill since the SCI does not support the wood bison project being tied to the Delta bison project, he said. He offered his belief that the SCI has invested over \$300,000 thus far on the wood bison project.

[2:17:26 PM](#)

CO-CHAIR FEIGE, with respect to his research on "10(j)" waivers, asked whether an injunction has ever been granted to temporarily stop a project while the lawsuit was evaluated.

MR. GRASSER was unsure but offered to research this and get back to the committee.

[2:17:54 PM](#)

REPRESENTATIVE HERRON inquired as to whether he was a member of the Alaska Bar Association.

MR. GRASSER answered no.

[2:18:10 PM](#)

REPRESENTATIVE HERRON, based on Mr. Grasser's expertise, asked whether the wood bison could survive wolves in the wild.

MR. GRASSER said he was unsure they would be able to survive wolves. He reported that in his experience wolves are very efficient predators and can take down any animal they want. He deferred to the ADF&G to more definitively answer the question.

[2:18:42 PM](#)

REPRESENTATIVE MUNOZ asked him to elaborate on the factors slowing down the "10(j)" exemption.

MR. GRASSER related his understanding of the original agreement which included that once the wood bison population was restored general hunting would be allowed. The SCI has stated it would not support a "10(j)" rule that did not contain a specific provision to allow hunting. He said that the current version of the "10(j)" rule does not address hunting so the SCI and ADF&G do not support the proposed changes.

[2:19:53 PM](#)

REPRESENTATIVE MUNOZ asked if the "10(j)" exemption were granted it is possible that hunting would not be allowed.

MR. GRASSER answered that if the "10(j)" rule passed with an allowable hunting provision, then hunting definitely would be allowed.

REPRESENTATIVE MUNOZ recalled his earlier testimony that the federal government has been considering not allowing hunting.

MR. GRASSER responded that the USFWS did not add in the hunting provision. He clarified that the federal government cannot just "willy-nilly" rescind the "10(j)" rule, but must adhere to the process.

[2:20:55 PM](#)

CO-CHAIR SEATON, with respect to general hunting, asked whether the "10(j)" rule would need to include specific language to allow general hunting and not just subsistence hunting.

MR. GRASSER agreed. He reiterated that currently the "10(j)" rule does not include specific language to allow hunting which is why the SCI opposes the current rule-making process.

[2:21:49 PM](#)

MIKE SATRE, Executive Director, Council of Alaska Producers (CAP), on behalf of the CAP, explained the CAP is a non-profit trade association representing the producing large metal mines and major resource development in Alaska. He spoke in support of HB 186, which would require the legislature to approve the importation or relocation of wood bison in the State of Alaska. He pointed out several things the bill does not do, including that it does not prevent the introduction of wood bison in what appears to be its natural habitat. This bill would not interfere with the management of the wood bison into a sustainable herd that may provide meat or hunting revenues into rural Alaska. He acknowledged that HB 186 would require the legislature to approve of the actions of the commissioner with respect to the importation or relocation of wood bison in the state. The CAP does not have any project in the vicinity of the proposed wood bison project, but would like to be certain the full ramifications of such a re-introduction will be considered. He understood a detailed process has ensued. He hoped that passing this bill would only be limited to adding time to the approval process and would allow the legislature time to consider any potential negative effects it may have on rural Alaska with respect to application of the federal ESA. He pointed to similar issues with respect to polar bears, Beluga whales, and Steller sea lions.

[2:23:53 PM](#)

MR. SATRE answered that the currently proposal may be covered by exemption to the ESA as mentioned in earlier testimony. However, that may not always be the case as the herd gets bigger and broadens its range. A petition exists to remove the "10(j)" exemption and cover the herd as a threatened or endangered species in the future. He acknowledged the possibility possible that type of listing could limit developmental activity. He expressed the CAP's concern about any action that would limit access activities in rural Alaska for development. He supported passage of HB 186 to allow legislature time to ensure that "10(j)" exemption is in place to protect Alaskans ability to live and recreate in rural Alaska and to consider any impacts the ESA may have, with respect to the wood bison. He said, "Rural Alaskans and their way of life is a truly endangered or threatened species and we want to make sure we aren't doing anything to affect them," he said. In response to Co-Chair Seaton, he offered to compile and submit written testimony.

[2:26:39 PM](#)

BRYCE WRIGLEY stated while he is unconcerned with wood bison being re-introduced, but expressed concern that the re-introduction of wood bison could limit other development. He related he has held numerous conversations with ADF&G. He also expressed concern with regard to the 133,000 acres in Minto Flats area since it lies within traveling distance for the wood buffalo in the Nenana-Tochaket area. He reiterated his concern that re-introduction of wood bison could potentially jeopardize development of the Minto Flats area. He recalled, under the "10(j)" rule, that in the event the wood bison population diminished it would not affect game management. However, he said he was not convinced the ADF&G would exert effort to remove any obstacles that could impact the herd. He feared that if ADF&G did not take action the federal government would do so. He recalled when wolves were re-introduced in the Lower 48 in the Yellowstone Park area. He indicated Montana and Idaho took game management actions with respect to wolves but had been overruled by the federal government. He felt similar actions could ensue with respect to the wood bison even with the "10(j)" rule.

[2:29:18 PM](#)

MR. WRIGLEY reported that almost all legal challenges to the "10(j)" rules tended to be taken up on more obscure species. He thought anything as iconic and American as a bison would generate emotional support and efforts would be taken to ensure

the wood bison's' survival. He suggested in his research the only challenges that approximate the wood bison were challenges to the whooping crane and the California condor.

MR. WRIGLEY referred to the belief that the federal agencies would not exert any pressure since the federal rule under the ESA only requires consultation on endangered species. He offered his belief that view represents a naïve assumption by ADF&G. He suggested a number of ways exist for the federal government to exert pressure on state agencies, including withholding matching funds or by "bullying."

[2:31:12 PM](#)

Mr. WRIGLEY summarized three challenges to re-introduction of the wood bison: the legal challenges to the "10(j)" rule and whether the rule could be upheld; the federal interference in the management of the wood bison herd, which could "lock up" resources; and the amount of land necessary for agriculture, which could limit other uses.

[2:32:16 PM](#)

DON QUARBERG stated he has resided in Delta Junction for 35 years. He has served on the Delta Working Group since its inception. He related that the DWG is a management group for the Delta bison. Additionally, he has served on the local Fish and Game Advisory Committee but is representing himself today. He took exception with Representative Dick's statement that ADF&G has done nothing to resolve the Delta bison herd conflicts. He related that ADF&G has done the following: cleared and developed several thousand acres of bison range, planted grasses and small grains as forage for the bison, developed a supply of fresh water, placed salt blocks to attract bison to the range, conducted forage trials to improve forage quality and to identify new and better forages. Additionally, the ADF&G has worked with the University of Alaska to develop native grasses on the range, worked with the U.S. Army to create additional forage on military land. Further, the ADF&G has developed hunting regulations to improve hunter success of in harvesting bison. He commented that hunters supported doubling their fees to provide additional funding to enhance the bison range. He remarked that regulations changes have changed hunting seasons to better manage the bison hunts, established an early hunt on private lands to better manage the bison movement off private lands, and have allowed the use of ground-based

communication such as cell phones and satellite phones to enhance the harvest.

2:34:33 PM

MR. QUARBERG related that ADF&G has unsuccessfully attempted to work with land owners to allow bison hunting on all farm land. Thus, some farms essentially have essentially become bison sanctuaries and that makes game management difficult. Additionally, the ADF&G has been unsuccessful in creating a share-cropping program to increase forage production on bison range. He recalled criticism on the location of the Delta bison range in close proximity to farms. He suggested that when the land was designated as the bison range it was land considered unsuitable for farming by the Agriculture Action Council during Governor Hammond's administration. He further recalled the legislature passed the proposal which became the bison range.

2:35:36 PM

MR. QUARBERG spoke to his written comments on HB 186, which had been forwarded to the committee. Many people believe that wildlife should be allowed to be re-introduced and re-introducing wood bison would create a wildlife asset for the State of Alaska, he said. He related his understanding that commissioners must undergo confirmation by the legislature and are charged with managing wildlife for Alaskans. He supported the sponsor's concern on the court action on the "10(j)" ruling as a valid concern. He remarked that everything Alaska does is ultimately subject to a judge's ruling. He expressed his view that HB 186 is unnecessary. He encouraged members to oppose the bill.

2:37:33 PM

STEVE BORELL, Executive Director, Alaska Miners Association (AMA), on behalf of the AMA, referred to a letter in members' packets, which read [original punctuation provided]:

My name is Steve Borell, I am Executive Director of the Alaska Miners Association and I am testifying on behalf of the Association.

I believe you have our letter to Rep Dick in your packets so I will not read that but will make a few additional comments. We applaud the ongoing efforts of ADF&G to find a way to make this work while still

protecting the State from the untended consequences of a listing under the Endangered Species Act.

If the Wood Bison can be excluded from being listed as "Endangered" or "Threatened" by use of ESA Sec. 10(j) as "non-essential experimental population" would be a good step but we feel that the requirement for the Alaska State Legislature to approve this is important, at a minimum.

We are aware that some officials within the US Fish & Wildlife Service have stated that the Wood Bison would not be listed as "endangered", but as "threatened" and that they can provide a promise under Sec. 10(j). We appreciate that if Sec. 10(j) was changed to exempt the Wood Bison, a second rulemaking would be required to later change Sec. 10(j) and eliminate that exemption.

However, we would point out that this is the same agency that listed the Beluga Whale based on bad science and the Polar Bear based on political science. These examples have shown that the USF&WS can no longer be considered a credible independent science-based voice. Also, the USF&WS cannot ensure the outcome of a suit that will inevitably come from some environmental NGO.

Regarding the bill, we recommend that the Legislature consider amending the bill to state that re-introduction of Wood Bison not be allowed until the U.S. Congress passes legislation that makes it certain that the Wood Bison cannot be listed as "endangered" or "threatened" under the Endangered Species Act, and that such re-introduction must then subsequently be authorized by passage of an act by the Alaska State Legislature.

It would be wonderful if Wood Bison could be released but danger of ESA listing is just too great.

MR. BORELL asked to make a few additional comments. He applauded the ongoing efforts taken by ADF&G to try to make this work given the possible unintended consequences of the ESA listing. The AMA views excluding the wood bison from the endangered or threatened by using the ESA's exemption under "10(j)" as non-essential experimental population as a step in

the right direction. However, the AMA believes the legislature should also be a part of the approval process. He recalled some officials within the U.S. Fish and Wildlife Service have indicated that the wood bison would be listed as a threatened species. Additionally, the USFWS indicated that promise could be issued under the ESA's "10(j)" rule. However, the AMA has seen recent rule-making processes in which the agency has simply decided it will do something and then takes action. He pointed out that the USFWS is the same agency which listed the Beluga whale and the polar bear using incorrect science and politics to do so. Thus, the AMA does not believe the USFWS can be considered an independent science-based voice, he said.

[2:39:59 PM](#)

MR. BORELL suggested that HB 186 should be amended to include approval from the U.S. Congress prior to re-introduction of the wood bison to ensure the wood bison could not be listed as endangered or threatened under the ESA. He offered his belief that the danger of an ESA listing is too great to allow re-introduction of the wood bison until all the necessary pieces are in place.

[2:40:45 PM](#)

EUGENE PAUL, Holy Cross Tribal Council (HCTC), stated that he is a member of the HCTC and has been a tribal chief for over ten years. He has participated in numerous meeting with ADF&G and locally in Grayling and Holy Cross. He recalled the ADF&G has plans to build a corral in Shageluk to hold the wood bison for at least six months to acclimate the bison to the habitat. He spoke in opposition to HB 186 because of fear that the delay could devastate the communities. He understood that it could take years for the herd to build up. He did not believe than any roaming by the wood bison would impact any of the subsistence species that the villages harvest, such as moose. Additionally, the ADF&G has advised the communities that the wood bison would not be competing with other game resources. He understood that the regional corporation, Doyon, Limited, fully supports the re-introduction of the wood bison. He pointed out the regional corporation has already studied the matter and supports it. He related that ADF&G has actively kept the villages informed. He reported that the four villages fully support the re-introduction of the wood bison. In response to Representative Dick, he answered that he has not seen the video.

[2:43:48 PM](#)

REPRESENTATIVE DICK urged Mr. Paul to watch the video which would illustrate what he is attempting to do. He highlighted his concern that residents have only heard one viewpoint. He cautioned that viewpoint was made by people who will benefit the most from the wood bison's re-introduction. He simply would like the people to be aware of all implications, including the possibility that the ESA could be invoked. He said, "My concern is the bison are going to be free roaming and the people are going to get penned up." He urged Mr. Paul and other residents to view the video. He reiterated his earlier commitment that if people still want the bison after hearing the other side of the argument, he will support their decision.

[2:46:05 PM](#)

STEVEN MENDIVE stated that he has been affiliated with the Alaska Wildlife Conservation Center, but is speaking today on his own behalf. He explained that the U.S. has been involved in bison restoration for over 100 years. He related that the wood bison was discovered in Canada approximately 60 years ago. He offered his belief that science and sound biological review has helped to ensure a sustainable wood bison resource. Over the course of time several areas demonstrate strong success in re-introduction of wood bison. He noted how fortunate it is that Alaska has habitat distinctly needed for wood bison. He applauded the extent that ADF&G has undergone to ensure a disease-free herd could be imported into the state from Elk Island, Canada, in particular, into Alaska's habitat. He also noted the tremendous challenges a restoration process takes, especially given the number of concerns. He offered his view that this process has been well orchestrated and does not need further oversight. He said that he appreciates the sponsor's concern, but the oversight is already in place with the commissioner's supervision, as well as seasoned staff who have been on this project for over 20 years. He also said he was surprised such strong opposition would arise amongst Alaskans when the resource is poised to serve all of Alaska's residents, not just certain areas.

[2:49:16 PM](#)

MR. MENDIVE reported that Canada currently has six different herds exceeding well over 6,000 animals in the wild. He acknowledged that some pocketed areas have experienced challenges, but the herd on the western edge of Canada has an over-the-counter purchase of hunting permits for bison so it has

worked well. He concluded this demonstrates the biodiversity and ability to expand and remain predator resistant. He suggested that so long as the herds remain under 100 animals the species would be considered sustainable and would not be subject to bear and wolf predation. He related the ADF&G has extended itself to rural Alaskans in an open process that demonstrates both sides and defines the advantages of re-introduction of wood bison. He remarked on the need to move forward without adding another layer of oversight that could delay the process.

[2:50:05 PM](#)

[HB 186 was held over.]

HJR 20-ROADLESS RULE & CHUGACH AND TONGASS HYDRO

[2:50:17 PM](#)

CO-CHAIR FEIGE announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 20, Urging the President of the United States, the United States Congress, and the Secretary of the United States Department of Agriculture not to implement protection of inventoried roadless areas under the "roadless rule" or otherwise restrict the development of necessary hydroelectric projects in the Tongass National Forest and the Chugach National Forest. [Before the committee was HJR 20(ENE).]

[2:50:22 PM](#)

REPRESENTATIVE KYLE JOHANSEN, Alaska State Legislature, stated that HJR 20 would urge the U.S. President and the U.S. Secretary of Agriculture not to implement protection of inventoried roadless areas. He said he has had firsthand experience with a project to fund two dams, the Swan Lake and Tyee Hydroelectric Project. The district would like to connect the two dams to make an electrical grid. The initial plan was to build a road alongside for long-term maintenance and operation to make it cheaper to construct and maintain. However, since the road was negotiated outside the plan, materials had to be brought in by helicopter. Additionally, all maintenance and operations must be performed by helicopter. He pointed out that the communities are even having difficulty obtaining permission for helicopter landings. Thus, his district has had first-hand experience with the difficulties of building a project without a road and suffering the additional project costs. He expressed concern about the issuance of "roadless rule."

2:52:35 PM

REPRESENTATIVE JOHANSEN reported testimony given before the House Energy Committee with respect to the Blue Lake project in Sitka. The community would like to increase the height of its dam and the "roadless rule" puts into question whether that can be accomplished. He noted a logical progression of events needs to happen. This rule could be used to slow down or stop the project. He pointed out one challenge is that the "roadless rule" designates just one person - a federal employee back East - to rule whether a road can be built. He predicted a "scary future" unless the "roadless rule is addressed. He noted that Alaska's Congressional delegation comprised of U.S. Senators Begich and L. Murkowski and Congressman Young support challenging the "roadless rule." In response to Co-Chair Feige, he explained the difference between the original resolution and the committee substitute (CS). He remarked that the House Energy Committee overlooked the fact that U.S. President Obama has set a goal of having 25 percent of the energy generated in the U.S. come from renewable "green" resources by 2025. That language was added to the resolution, he said.

2:55:08 PM

FLOYD KOOKESH noted that he is a former mayor of Angoon and is testifying on behalf of the current mayor of Angoon, Albert H. Howard. He read the following written statement from Mayor Howard, as follows [original punctuation provided]:

First of all thank you for the opportunity to speak on such an important matter, that impacts the future of the community of Angoon as well as our community's of southeast and the State of Alaska for that matter. I would like to thank my Representative Bill Thomas and all the other representatives that have co-sponsored this important House Joint Resolution.

I am a firm believer in the public process, having said that to me the road less rule is a good example of leaving the public out of the process.

Alaska is a young infrastructure state compared to the rest of our country. The Roadless Rule has a negative impact in so many ways as far as getting much needed projects built that serve for the betterment of our communities and citizens of our state.

I am sure in some ways the Roadless Rule serves a good purpose for some, but as a blanket rule it hurts more than it helps.

I am testifying in favor of and asking this government body to support and pass House Joint Resolution No. 20 as it will send a unified message that this type of Rule does not work for all and that we, as a state, can implement our own rules as needed, thus allowing our state the right to self-determination.

[2:58:21 PM](#)

JIM STRANDBERG, Project Manager, Alaska Industrial Development & export Authority (AIDEA) and Alaska Energy Authority (AEA), stated he is currently a project manager for the AEA on Southeast Alaska projects. Thus, his comments on behalf of the AEA are being presented from the perspective of the AEA's position as a funder and developer of hydroelectric power projects in the Tongass National Forest roadless inventoried areas. He offered his view that the HJR 20 focused on a difficult and time consuming decision-making process that elevates local and regional decisions to the U.S. Secretary of Agriculture level. The AEA has concerns with this approach and the effect on its ability to economically pursue projects, he said.

[2:59:29 PM](#)

MR. STRANDBERG reported on energy projects, such that AEA, as an independent state agency receives capital appropriations for construction the construction of hydro and transmission lines - a number of which are in the inventoried roadless rule areas of the Tongass National Forest. He pointed out that the AEA was the granting agency for the \$46 million completion of the Swan-Tyee Intertie that Representative Johansen spoke of earlier. He indicated that the AEA worked closely with the Southeast Alaska Power Agency (SEAPA) in accomplishing the project. He emphasized that the project was a significantly more expensive process because of the "roadless rule" requirements and conditions placed on the project. He reported the AEA has expertise in alternative and renewable energy technologies and manages the Renewable Grant Program. A number of hydro projects in the roadless areas are partially funded by the AEA's grant program, he said.

[3:00:37 PM](#)

MR. STRANDBERG related the recent "roadless rule" decision could have an impact on the AEA's effectiveness on our projects. He characterized the situation as being an emergency situation. The AEA has concerns about the approval processes which must be employed under the current rules to allow the AEA to proceed timely and complete the projects.

MR. STRANDBERG noted that while some mention was made in the recent court decision of the ability to construct energy infrastructure within roadless inventoried areas, economic access has not yet been defined. He inquired as to what constitutes economic access. He used the Petersburg to Kake Intertie project, which is currently in the permitting and design phases as an example. The economic life of this project depends on the ability of the project team to use logging roads for construction access and long-term maintenance of the line. These economic access conditions must also be known and measureable during the time of permitting, since funding decisions are based on the viability of the projects and the ultimate construction costs of the projects. He stressed the importance of clarity of rules and access priority in order for the AEA to pursue projects for its Southeast partners. He expressed concern with the hydro power generation projects, as well. He explained that in order to build these important projects the AEA must have on the ground access to place heavy construction components, turbines, penstocks, and diversion dams.

MR. STRANDBERG reiterated that clarity for practical construction and long-term maintenance are a must for the economic life of the projects. Clear and reasonable rules and time-defined decision-making processes will lower the cost of power for Southeast Alaskans are fundamental to the economic recovery of the region, he said. He predicted that unreasonable rules will cost money and will directly affect the all Southeast Alaskans.

[3:03:43 PM](#)

JOHN SANDOR, Board Member, Alaska-Canada Energy Coalition, noted he first came to Alaska in 1953 to conduct forest surveys in Southeast Alaska. He related he is a certified forester and served as the U.S. Forest Service's Regional Forester from 1976-1984, and as the commissioner of the Alaska Department of Environmental Conservation from 1990-1994. He stated he is

speaking on behalf of the Alaska-Canada Energy Coalition. He read from the following written statement [original punctuation provided]:

I am a Board Member of the Alaska-Canada Energy Coalition and want to report for your Hearing Record that Coalition President Ernie Christian and Executive Director Paul Southland have approved a Coalition Resolution Opposing Reinstatement of the Roadless Rule on the Tongass National Forest.

In summary, the Alaska-Canada Energy Coalition Resolution determined that the Roadless Rule will limit or preclude resource development projects on the Tongass National forest Roadless areas including development of eighteen of twenty seven U.S. Forest Service Energy Program projects currently under application and review on the Tongass National Forest. A listing of these projects is attached to this testimony.

The Alaska Canada Energy Coalition Resolution supports Alaska's appeal of the March 4, 2011 District Court ruling reinstating the 2001 Clinton Administration's Roadless Rule on the Tongass National Forest. The Coalition Resolution also supports efforts urging USDA Secretary Vilsack finalize the 2003 interim rule exempting the Tongass National Forest from the 2001 Roadless Rule.

Thank you again, for the opportunity to testify. Alaska House of Representatives Joint Resolution No. 20 will help assure Alaska's National Forest-dependent communities have access to the development of resources that can strengthen their economics and quality of life values.

[3:06:38 PM](#)

FRED MORINO referred to a handout in members' packets titled Alaska's Scenic Byways that highlights the scenic byways, which represent 1,200 miles of roadways. He said he supports the resolution, HJR 20, for many of the same reasons given by Mr. Sandor, such as hydro, but also for tourism and access to resources. He said he is a lifelong Alaskan and believes that Alaska should develop its resources to have control over its

destiny and to take over responsibilities from the federal government.

[3:07:47 PM](#)

DUFF MITCHELL, Business Manager, Juneau Hydropower, Inc. related that he grew up in Alaska and has lived most of his life here. He stated that he currently serves as the business manager Juneau Hydropower, Inc. He read from a prepared statement as follows [original punctuation provided]:

I am Duff Mitchell, Business Manager for Juneau Hydropower Inc. Our company has the FERC preliminary permit for the Sweetheart Lake Hydroelectric Project which is located about 35 miles south of Juneau. The project is a 30 Megawatt (MW) capacity project that could contribute up to 136,000 Megawatt Hours (MWh) of electricity for Southeast Alaska. We are currently on track to develop this project.

I would like to thank you for the opportunity to speak on favor of passing this resolution. I would personally like to thank Rep. Kyle Johansen for sponsoring this resolution. I would also like to thank Rep. Bill Thomas, Rep. Peggy Wilson and Rep Bill Stoltze for co-sponsoring this important House Joint Resolution that sends a message to federal decision makers that Alaska is serious about responsibly developing our resources in an environmentally sensitive manner.

My testimony is to favor expeditious passage on HJR 20. It has become apparent that if the Tongass National Forest is not exempt from the administrative Roadless Rule, and its subsequent implementation that this rule could have a chilling effect on hydropower development and transmission line infrastructure within Southeast Alaska that encompasses the Tongass National Forest. If not timely resolved, the impact of the Roadless Rule implementation will decelerate current Alaska hydropower investment, hold up our region's economic development, hasten our regional population decline, and block regional energy security by depriving Alaska citizens and developers the opportunity and their federal right under the Federal Power Act to develop renewable hydropower energy in the Tongass and Chugach National Forests.

Ironically, it is our federal government that has investigated over 200 hydropower sites in Alaska. From 1900 to 1950 our federal government has spent millions in today's dollars for hydropower investigations and development in what was then the Alaska Territory for stream gaging, engineering and conducting geological reconnaissance on potential Alaska hydropower sites.

Further because we were a territory with vast amounts of public land, Alaska has dozens of federal Public Land Orders, Power Site Classification sites and federal power withdrawals in the existing Tongass and Chugach National Forest signed by the Secretary of Interior with authority delegated from the President of the United States expressly reserving these Tongass and Chugach lands specifically for the hydropower energy benefit of the citizens of the United States. Some of these orders are over 90 years old and are valid Public Land Orders today that predate the Tongass Land Management Plan and the Roadless Rule.

Further, the State of Alaska already has established and recorded rights of way for roads and transmission line corridors within the Tongass for the Southeast Intertie transmission system. We ask that Alaska should assert itself that the Roadless Rule should not pre-empt these and other existing road and transmission and utility corridor rights provided to the State of Alaska.

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MR. MITCHELL continued:

I would also like to point out that the US Department of Energy, US Department of Interior, and the Department of the Army all signed a 2010 Federal Memorandum of Understanding on the promotion of hydropower development to "help meet the Nation's needs for reliable, affordable, and environmentally sustainable hydropower..." The Secretary of Agriculture was not a signatory of this document. Now that the Roadless Rule exemption for Alaska has been overturned by Judge Sedwick, I would suggest that it is timely that the President and Congress hasten to have the Secretary of Agriculture become a signatory on the

2010 Federal Hydropower Memorandum of Understanding and execute a new Alaska Roadless Rule exempting Alaska hydropower and associated hydropower transmission lines.

HJR 20 provides a means for Alaskans under the leadership of this body to send a clear and unequivocal message to our President and Congress that our federal government should be consistent and unified in renewable hydropower energy development and demonstrate sensitivity to Alaskan needs in this matter. Exempting Alaska from the administratively created Roadless Rule will allow Alaskan citizens, developers and utilities the opportunity to assist our Nation in lessening our Nation's dependence on foreign fuel sources, improve our Nation's energy security, and lessen our Nation's trade deficit imbalance. Exempting Alaska from the Roadless Rule provides the opportunity for Alaskans to develop our Nation's hydropower resources in the Tongass and Chugach National Forests in an environmentally sound manner for the betterment of our Nation which these pre-existing public land orders and power withdrawal sites were originally intended.

I urge the Resources Committee to pass this resolution and request that House and Senate members expeditiously pass HJR 20. Again, I thank the Resources Committee Chairmen and members for the honor and privilege in allowing me to speak on this matter.

[3:14:00 PM](#)

SHELLY WRIGHT, Executive Director, Southeast Conference, on behalf of the Southeast Conference reading from a proclamation by President Roosevelt, read, as follows [original punctuation provided]:

And now, first and foremost, you can never afford to forget for a moment what is the object of our forest policy. That object is not to preserve forests because they beautiful, though that is good in itself; nor because they are refuges for the wild creatures of the wilderness, though that, too, is good in itself; but the primary object of our forest policy, as of the land policy of the Unites States, is the making of prosperous homes. It is part of the traditional policy

of home making in our country. Every other consideration comes as secondary. You yourselves have got to keep this practical object before your minds: to remember that a forest which contributes nothing to the wealth, progress, or safety of the country is of no interest to the Government, and should be of little interest to the forester. Your attention must be directed to the preservation of forests, not as an end in itself, but as the means of preserving and increasing the prosperity of the nation.

[3:15:27 PM](#)

MS. WRIGHT explained the value of HJR 20 as two-fold. First and foremost, the people who have been living in the Tongass National Forest have been fighting this resolution for years, she said. She characterized the people as scratching and clawing over the "roadless rule" for years. She related the beauty of HJR 20 is that the state would be standing behind the people saying it has had enough. She urged members to pass this resolution and stand behind the people of Southeast Alaska to tell the government that Alaska needs to have some use of its lands, assert the necessity of the hydro projects, and be able to live on its land and survive.

[3:16:41 PM](#)

PETER NAOROV, General Manager and President, Kootznoowoo, Inc., on behalf of Kootznoowoo, Inc. stated that his corporation is a village corporation for the community of Angoon located in the center of Admiralty Island. The corporation consists of 1,065 shareholders, with about 25 percent residing in Angoon and the remaining shareholders residing in Juneau and Sitka. Additionally, the corporation has interests in this "roadless rule" because Admiralty Island is a national monument wilderness. As part of the Alaska Native Settlement Claims Act (ANSCA) settlement, the corporation negotiated the ability to build a hydroelectric project on the island. The "roadless rule" does not specifically impact Kootznoowoo, Inc. since it lies in a wilderness. He explained the corporation requested this specific provision from the Congress because it did not trust the powers to be in the future. However, Kootznoowoo, Inc. selected lands on Prince of Wales Island close to where Representative Johansen lives. The corporation would desires to have roads in its 23,000 acres connected to the system but it's not likely due to this "roadless rule." He pointed out resources that belong to Alaska that are inaccessible, that some

communities want to be part of economic development, or have the opportunity to drive to work. He exclaimed that Alaska is in the 21st century. In 1952, the blue book described the potential of energy in Alaska as \$200 million. He was unsure of the value in today's dollars. He offered support for HJR 20 because "it shines a light" on a very dark spot and a problem that this state has."

[3:19:30 PM](#)

MR. NAOROZ stated that even before the exemption was overturned by federal Judge Sedwick, the corporation had a difficult time getting permission to do things on the Tongass National Forest. He stated that his company provided 25 pages of comments on the Tongass Land Use Management Plan (TLUMP). He related that the Kootznoowoo, Inc. asked for two corridor sections, which were completely ignored. The Kootznoowoo, Inc. has an appeal sitting here. One corridor would provide a reliable back door for Juneau's power and the other one would take power across its Prince of Wales land to the Niblack Mine. He further related that while the corridors were to be discussed later, the exemption is gone and we have "death by a thousand paper cuts." He hoped the light is bright enough with passage of HJR 20 for President Obama to wake up and realize that this is the means to achieve renewable energy goals. He offered Kootznoowoo, Inc.'s support to the committee, with respect to HJR 20.

[3:21:16 PM](#)

MIKE SATRE, Executive Director, Council of Alaska Producers (CAP), on behalf of the CAP, related that the removal of exemption from the Tongass National Forest from the "roadless rule" is a "slap in the face, a kick in the gut, and a spit in the eye" to any resident of Southeast Alaska who wants to ensure that we have an economically viable population into the future. This resolution particularly addresses the electric projects in the region which are critically important for potential mining projects but for the sustainability of existing mining projects. He emphasized the importance of HJR 20 in terms of diesel prices and the need to develop hydro sources to ensure sustainable energy. He urged members to pass this resolution from committee with their full support.

[3:22:55 PM](#)

ERIC LEE stated he is a commercial fisherman who has lived in Petersburg his entire life. He said that Petersburg is located

on Mitkof Island, a small island in the middle of the Tongass National Forest. He has seen the damage done by the extensive roads for logging on Mitkof Island. He has observed the damage to habitat and fish streams caused by logging roads. He related that Mitkof Island is 24 miles long but has over 150 miles of road. Many other islands have also seen numerous roads built. He offered his belief that the roads have resulted in a serious decline in deer populations and damage to salmon stream spawning habitat due to silt and blockage due to improperly installed culverts. He said he believed the problems will only be made worse if additional roads are allowed and that residents would be far better off by properly maintaining the currently road system, protecting the last roadless areas in the Tongass National Forest for future generations. He remarked that any perceived concerns regarding hydro projects can and will be dealt with through specific adjustments to the "roadless rule." He concluded that the concerns addressed today will prove not to be valid. He offered his support for the "roadless rule." He said he thought it would protect what is left of the Tongass for the future.

[3:25:24 PM](#)

MARILYN LELAND, Executive Director, Alaska Power Association (APA), on behalf of the APA, related that the APA is a statewide association that provides power to more than a half million Alaskans from Barrow to Southwestern Alaska, through the Interior, and Southcentral Alaska to Southeast Alaska. She said that the APA strongly supports HJR 20 opposing the federal administration's unreasonable efforts with respect to the implementation of the "roadless rule" regulations for the Tongass and Chugach National Forests.

MS. LELAND stated that Alaska is blessed with an abundance of hydro resources from its lakes and streams that can be built with minimal impact. Most new hydro development in Alaska replaces costly, finite, and less environmental benign fossil generation fuels, typically diesel, coal, and natural gas. Hydro development has been encouraged and projects are being pursued from Southeast Alaska, the Railbelt, Western Alaska and the Aleutians. Special use permits necessary in "roadless rule" areas of national forests must now be individually signed by the U.S. Secretary of the Department of Agriculture. Additionally, to the "roadless rule" permits, forest land use plans must be amended to accommodate hydro projects located in designated back country areas of our national forests. These federal actions could add a year or longer to the hydro project approval process

seriously jeopardizing the three year time frame in which applicants are bound to perfect their permits. The "roadless rule" creates an unnecessary impediment to the FERC process. She predicted that it is possible some hydro projects could be killed by this rule. She urged members to move HJR 20 and for the legislature approve this resolution.

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JOSEPH SEBASTIAN stated that he is a 33-year Alaska resident and has worked as a commercial fisherman and a homesteader. He said the Prince of Wales Island's history was highlighted in earlier testimony. In 1952, the Prince of Wales Island had less than 50 miles of road on the entire island. However, by 1997, when the pulp mill contract expired the island had expanded its road system to 4,500 miles of road. He stated this trend happened across the entire U.S. He characterized it as public lands facing maximum exploitation and without any action public lands would disappear. He heard previous speakers stating they were not done "exploiting" the Tongass yet, but that type of thinking never ends. He related that the current "roadless rule" decision is in a state of flux between the court, the plaintiffs, and the U.S. Forest Service. He related his understanding that the parties involved have been working to remove any impediments to hydro projects since all parties recognize the importance of hydro to Southeast Alaska, in particular, not salmon-impacting hydro projects. He remarked that the parties overwhelmingly support the hydro projects. He thought this current ruling is a glitch and he anticipated that all parties would work out an agreeable solution within the next month or two.

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MR. SEBASTIAN offered his belief that the "roadless rule" protects the Alaskan way of life and the reason many people initially came to Alaska. Roads cause the greatest damage in the Tongass National Forest through erosion. He reported the U.S. Forest Service's data estimates 2,400 blocked culverts in the Tongass National Forest alone. These blocked culverts no longer allow fish or smolts to pass and are considered damaging to salmon fish or production. He related that the "roadless rule" protects the headwaters of streams. He characterized these streams as class II and class III streams that flow into class I streams. Many of the larger blocks of roadless landscape in the forest, such as the Cleveland Peninsula, Port Houghton on the mainland north of Petersburg, and East Kuiu

areas are on ADF&G's 19 top-producing watersheds in Southeast Alaska. He characterized these areas as "treasure troves" of salmon, bear, deer, bear, moose, and mountain goats. He stated that these areas represent valuable habitat and resources. He said, "These aren't just places that, you know, are willy-nilly being removed from the public trust. They remain in the public trust for the use of the public. They're just removed from a level of "exploitation"." He remarked that it's done so much damage in the Tongass National Forest.

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MR. SEBASTIAN said he views the "roadless rule" in the same way he that he views the Alaska Permanent Fund, which is that this area has been land set aside for the future. He pointed out the currently climate changes in northern and western Alaska demonstrate the natural circumstances beyond our control. Alaska has been losing its icepack, which has caused villages to be washed away. These roadless areas and the protection they enjoy could be preserved for the future. He surmised that the state may be able to charge money for the lands as a carbon bank. He stated that these lands represent a national reserve for our children and future residents of this state. He urged members to take a long-term view to consider the resources, including the fragile nature and exploitation of the resources changes the very nature of them. He offered his support for the "roadless rule" and urged the committee to do the same.

[3:33:58 PM](#)

TIM ROONEY, Borough Manager, City & Borough of Wrangell, on behalf of the City & Borough of Wrangell (CBW), spoke in support of HJR 20. He said he also serves as second vice president of Southeast Conference and the Wrangell alternate on the Southeast Alaska Power Association (SEAPA) board. He related that protection of the inventoried roadless areas will have a detrimental impact on the ability to expand hydroelectric power generation and transmission in Southeast Alaska. He stated that Wrangell has affordable electric rates, but it is one of only a handful of communities with affordable energy rates in Alaska. He offered his belief that if federal approval of hydro projects doesn't happen that other communities will never get to experience the affordable rates that his community offers. He offered his view that the continued burning of diesel fuel is more harmful to the environment than the development of any hydro project. He referred to the governor's goal of generating 50 percent of energy in the state from renewable resources,

which is in addition to President Barack Obama's administration's goals. He was unsure of how the goals would be met if the "roadless rule" were applied in this region. He reported that the CBW adopted a nearly identical version of the resolution before committee members today. He encouraged members and the legislature to do the same.

[3:35:46 PM](#)

DAVE CARLSON, Chief Executive Officer, on behalf of the Southeast Alaska Power Association (SEAPA), stated that the SEAPA owns two hydro projects in southern Southeast Alaska, along with approximately 170 miles of transmission lines between Ketchikan, Wrangell and Petersburg. He related that SEAPA provides 100 percent of Wrangell's electrical generation needs and half of Ketchikan's needs with hydro power. He stated that SEAPA strongly supports HJR 20. He offered his belief that the "roadless rule" rule is a killer to the economy, to new transmission lines, and to new hydro projects. He explained that 35 percent of the Tongass National Forest has been set aside as monuments and wilderness and is off limits. The area affected by the "roadless rule" encompasses about 57 percent that would be off limits. Added together, this would represent 92 percent of the national forest, he said. He reiterated it would be very difficult to build new hydro projects under the "roadless rule." He pointed out that he works "on the ground" to maintain transmission lines using helicopters. He affirmed earlier testimony, that helicopters cost approximately \$1,000 per hour. He remarked that the total ratepayer costs per KW hour increase when utilities must use helicopters rather than roads to build and maintain transmission lines and hydro projects. He reiterated SEAPA's strong support for HJR 20.

[3:37:26 PM](#)

STEVE BORELL, Executive Director, Alaska Miners Association (AMA), offered the AMA's support of HJR 20. He paraphrased from his written testimony, as follows [original punctuation provided]:

My name is Steve Borell, I am Executive Director of the Alaska Miners Association and am testifying on behalf of the Association.

We support House Joint Resolution 20 opposing implementation of the roadless rule.

The roadless rule has been a moving target since it was first introduced. The Clinton Administration changed its mind two times during rulemaking regarding whether or not the nationwide Roadless Rule should apply to the Tongass National Forest before making a third change by extending the Rule to the Tongass National Forest on January 12, 2001.

In 2001 the State of Alaska litigated the Final Roadless Rule on the ground, among others, that it violated § 1326 (a), the "no more" clause of the Alaska National Interest Lands Conservation Act (ANILCA). In 2003 the Federal Government settled the State's lawsuit by promulgating an interim rule that exempted the Tongass National Forest from the Roadless Rule and Alaska remained exempt under the "State Petition Rule" promulgated in 2005. The Tongass remained exempt under the interim rule even after the Ninth Circuit Court of Appeals struck down the State Petition Rule in 2009.

However, on March 4, 2011 the District Court for the District of Alaska determined that the interim rule exempting the Tongass had been promulgated in an arbitrary and capricious manner and thus vacated the exemption and reinstated application of the Roadless Rule.

The Roadless Rule will adversely impact potential new hydro-electric projects and the infrastructure required to support these projects, and it will adversely impact exploration and mining activities within inventoried Roadless Areas as well.

It is also important to know that the phrase "inventoried roadless areas" does not necessarily mean "Roadless Areas". Many of the "inventoried roadless areas" have an extensive road system and one of the previous speakers stated that there may be as many as 4500 miles of logging roads in the Tongass. These are roads that you can drive on with your car but many of these have none the less been included in the "inventoried roadless areas" and cannot be used by the public.

The same thing has occurred in the Chugach National Forest and one example is the Palmer Creek road which

built in the early 1900s. This road was included in the "inventoried roadless areas" but it was included and today use by the public is not allowed due to the Roadless Rule.

MR. BORELL concluded by reiterating the Alaska Miners Association's support for HJR 20.

[HJR 20 was held over.]

[3:40:33 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:40 p.m.