

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

March 14, 2014

3:30 p.m.

MEMBERS PRESENT

Senator Cathy Giessel, Chair
Senator Fred Dyson, Vice Chair
Senator Peter Micciche
Senator Click Bishop
Senator Lesil McGuire
Senator Anna Fairclough
Senator Hollis French

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 77(RES)

"An Act relating to the Alaska Land Act, including certain authorizations, contracts, leases, permits, or other disposals of state land, resources, property, or interests; relating to authorization for the use of state land by general permit; relating to exchange of state land; relating to procedures for certain administrative appeals and requests for reconsideration to the commissioner of natural resources; relating to the Alaska Water Use Act; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 160

"An Act authorizing the commissioner of natural resources to implement a hunting guide concession program or otherwise limit the number of individuals authorized to conduct big game commercial guiding on state land."

- BILL HEARING POSTPONED

HOUSE BILL NO. 135

"An Act relating to the reservation of certain mining claims from all uses incompatible with the purposes for establishing the Petersville Recreational Mining Area."

- BILL HEARING POSTPONED

PREVIOUS COMMITTEE ACTION

BILL: HB 77

SHORT TITLE: LAND USE/DISP/EXCHANGES; WATER RIGHTS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/18/13	(H)	READ THE FIRST TIME - REFERRALS
01/18/13	(H)	RES
01/30/13	(H)	RES AT 1:00 PM BARNES 124
01/30/13	(H)	Heard & Held
01/30/13	(H)	MINUTE(RES)
02/01/13	(H)	RES AT 1:00 PM BARNES 124
02/01/13	(H)	Heard & Held
02/01/13	(H)	MINUTE(RES)
02/06/13	(H)	RES AT 1:00 PM BARNES 124
02/06/13	(H)	Heard & Held
02/06/13	(H)	MINUTE(RES)
02/08/13	(H)	RES AT 1:00 PM BARNES 124
02/08/13	(H)	Moved CSHB 77(RES) Out of Committee
02/08/13	(H)	MINUTE(RES)
02/13/13	(H)	RES RPT CS(RES) 4DP 3AM
02/13/13	(H)	DP: HAWKER, OLSON, FEIGE, SADDLER
02/13/13	(H)	AM: TUCK, SEATON, TARR
03/04/13	(H)	BEFORE HOUSE WITH AM NO 1 PENDING
03/04/13	(H)	TRANSMITTED TO (S)
03/04/13	(H)	VERSION: CSHB 77(RES)
03/11/13	(S)	READ THE FIRST TIME - REFERRALS
03/11/13	(S)	FIN
04/03/13	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/03/13	(S)	Heard & Held
04/03/13	(S)	MINUTE(FIN)
04/03/13	(S)	FIN AT 1:30 PM SENATE FINANCE 532
04/03/13	(S)	Heard & Held
04/03/13	(S)	MINUTE(FIN)
04/04/13	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/04/13	(S)	Heard & Held
04/04/13	(S)	MINUTE(FIN)
04/06/13	(S)	FIN AT 10:00 AM SENATE FINANCE 532
04/06/13	(S)	Heard & Held
04/06/13	(S)	MINUTE(FIN)
04/08/13	(S)	FIN RPT SCS 4DP 1DNP 1NR 1AM NEW TITLE
04/08/13	(S)	DP: KELLY, MEYER, DUNLEAVY, FAIRCLOUGH
04/08/13	(S)	DNP: OLSON
04/08/13	(S)	NR: BISHOP
04/08/13	(S)	AM: HOFFMAN

04/08/13 (S) FIN AT 9:00 AM SENATE FINANCE 532
 04/08/13 (S) Moved SCS CSHB 77(FIN) Out of
 Committee
 04/08/13 (S) MINUTE(FIN)
 04/13/13 (S) BEFORE THE SENATE IN THIRD READING
 04/13/13 (S) BILL NOT TAKEN UP 4/13 - ON 4/14
 CALENDAR
 04/14/13 (S) BEFORE THE SENATE IN THIRD READING
 04/14/13 (S) RETURNED TO RLS COMMITTEE
 03/10/14 (S) RES REFERRAL ADDED AFTER RLS
 03/10/14 (S) RES AT 3:30 PM BUTROVICH 205
 03/10/14 (S) Heard & Held
 03/10/14 (S) MINUTE(RES)
 03/12/14 (S) RES AT 3:30 PM BUTROVICH 205
 03/12/14 (S) Heard & Held
 03/12/14 (S) MINUTE(RES)
 03/14/14 (S) RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

LINDSAY WILLIAMS

Staff to Senator Giessel
 Alaska State Legislature
 Juneau, AK

POSITION STATEMENT: Explained the changes in HB 77, version D.

THOMAS TILDEN, Tribal Chief

Curyung Tribe
 Juneau, Alaska

POSITION STATEMENT: Opposed HB 77.

TERRI PAULS, representing herself

Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

JENNIFER HANLON, representing herself

Juneau, Alaska

POSITION STATEMENT: Opposed HB 77.

LORALI SIMON

Usibelli Coal Mine
 Palmer, Alaska

POSITION STATEMENT: Supported HB 77.

GLORIA SIMEON, President

Orutsararmiut Native Council
 Native Village of Bethel, Alaska

POSITION STATEMENT: Opposed HB 77.

CHARLIE POWERS, representing himself
Kodiak, Alaska

POSITION STATEMENT: Supported HB 77.

MARK JOHNS, representing himself and
The Native Village of Kudaka
Glennallen, Alaska

POSITION STATEMENT: Opposed HB 77.

JACK DEAN, representing himself
Kenai, Alaska

POSITION STATEMENT: Opposed HB 77.

JENNIFER GIBBINS, representing herself
Cordova, Alaska

POSITION STATEMENT: Opposed HB 77.

RAY FRIEDLANDER, Community Organizer
Sitka Conservation Society
Sitka, Alaska

POSITION STATEMENT: Opposed HB 77.

OWEN GRAHAM, Executive Director
Alaska Forest Association
Sitka, Alaska

POSITION STATEMENT: Supported HB 77.

TINA TINKER, Environmental Department
Aleknagik Traditional Council
Alaska

POSITION STATEMENT: Opposed HB 77.

BARBARA KENNEDY, representing herself
Homer, Alaska

POSITION STATEMENT: Opposed HB 77.

JEFF FARVOUR, representing himself
Sitka, Alaska

POSITION STATEMENT: Opposed HB 77 and the new version.

PETER GUMLICKPUK, representing himself
New Stuyahok, Alaska

POSITION STATEMENT: Opposed HB 77.

JOESPH SEBASTIAN, representing himself

Kupreanof, Alaska

POSITION STATEMENT: Opposed HB 77.

NATASHA SINGH, Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Opposed HB 77 and the new amendments.

VINCE O'SHEA, Vice President
Pacific Seafood Processors Association (PSPA)
Juneau, Alaska

POSITION STATEMENT: Supported HB 77.

GALINA VLADI, representing herself
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

ROSE FOSDIK, Kawerak Incorporated
Nome, Alaska

POSITION STATEMENT: Needed more time to consider the new version
of HB 77.

DAN GRAHAM, representing himself
Palmer, Alaska

POSITION STATEMENT: Supported HB 77.

BOB JOHNSON, representing himself
Kodiak, Alaska

POSITION STATEMENT: Opposed HB 77.

PAULA HAMMELMAN, representing herself
Kenai, Alaska

POSITION STATEMENT: Opposed HB 77.

KATE MORSE, Acting Executive Director
Copper River Watershed Project
Cordova, Alaska

POSITION STATEMENT: Opposed HB 77.

PAULETTE MORENO, representing herself
Sitka, Alaska

POSITION STATEMENT: Opposed HB 77.

DANIEL CHYTHLOOK, representing himself
Aleknagik, Alaska

POSITION STATEMENT: Opposed HB 77.

SUE MAUGER, representing herself

Homer, Alaska

POSITION STATEMENT: Opposed HB 77 and the current CS.

EDWARD ALEXANDER, Second Chief
Fort Yukon's 1,400 Tribal members
Gwichyaa Zhee Gwich'in
Fairbanks, Alaska

POSITION STATEMENT: Opposed HB 77.

DEANTHA CROCKETT, Executive Director
Alaska Miners Association
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77.

LIZA WADE, representing herself
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

ANDRE CIOSTEK, representing himself
Palmer, Alaska

POSITION STATEMENT: Opposed HB 77 and its revision.

PENNY VADLA, representing herself
Soldotna, Alaska

POSITION STATEMENT: Opposed HB 77.

MARY ANNE BISHOP, President
Prince William Sound Audubon Society
Cordova, Alaska

POSITION STATEMENT: Opposed HB 77.

LORRAINE INEZ LIL, representing herself
Sitka, Alaska

POSITION STATEMENT: Opposed HB 77.

BILLY MAINES, Tribal Environmental Coordinator
Curyung Tribal Council
Dillingham, Alaska

POSITION STATEMENT: Opposed HB 77.

BOB SHAVELSON, representing himself and Cook Inletkeeper
Homer, Alaska

POSITION STATEMENT: Opposed HB 77.

MARY SHIELDS, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Opposed HB 77.

LISA WAX, representing herself
Copper River, Alaska
POSITION STATEMENT: Opposed HB 77.

CARLY WIER, representing herself
Anchorage, Alaska
POSITION STATEMENT: Opposed HB 77.

ALICE CIOSTEK, representing herself
Palmer, Alaska
POSITION STATEMENT: Opposed HB 77.

DANIEL LYNCH, representing mankind and future generations
Soldotna, Alaska
POSITION STATEMENT: Opposed HB 77.

GERALD MASOLINI, representing himself
Cordova, Alaska
POSITION STATEMENT: Opposed HB 77.

JOEL HANSON, representing himself
Sitka, Alaska
POSITION STATEMENT: Opposed HB 77.

GARY CLINE, representing himself
Dillingham, Alaska
POSITION STATEMENT: Opposed HB 77.

SUE CHRISTIANSEN, representing herself
Homer, Alaska
POSITION STATEMENT: Opposed HB 77.

KARL GOHLKE, Frontier Supply Co.
Fairbanks, Alaska
POSITION STATEMENT: Supported HB 77.

JUDY HILLMAN, Chuitna Citizens Coalition
Beluga, Alaska
POSITION STATEMENT: Opposed HB 77.

HANNA CARVER, representing herself
Juneau, Alaska
POSITION STATEMENT: Opposed HB 77.

KELSI SVENSON, representing 650 UAA students who signed a
petition against HB 77

Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

JESSICA WINSTAFFER, representing herself

Sutton, Alaska

POSITION STATEMENT: Opposed HB 77 and all of its versions.

CATHERINE CASSIDY, representing herself

Kasilof, Alaska

POSITION STATEMENT: Opposed HB 77 in its amended form.

LAUREN PADAWAR, representing herself

Cordova, Alaska

POSITION STATEMENT: Opposed HB 77 and all of its versions and amendments.

ANDY SCORZELLI, representing himself

Sitka, Alaska

POSITION STATEMENT: Opposed HB 77.

COURTENAY GOMEZ, Director

Natural Resources

Bristol Bay Native Association (BBNA)

Dillingham, Alaska

POSITION STATEMENT: Opposed HB 77.

MIKE BYERLY, representing himself

Homer, Alaska

POSITION STATEMENT: Opposed HB 77.

PETE J. PETER

Venetie Tribe

Fairbanks, Alaska

POSITION STATEMENT: Opposed HB 77.

BRANDY PREFONTAINE, representing herself

Prince of Wales, Alaska

POSITION STATEMENT: Opposed HB 77.

MADELAINE RAFFERTY, representing herself

Fairbanks, Alaska

POSITION STATEMENT: Opposed HB 77.

LIZ ALLARD, representing herself

Palmer, Alaska

POSITION STATEMENT: Opposed HB 77.

BRUCE JORDAN, representing himself
MatSu, Alaska
POSITION STATEMENT: Opposed HB 77.

ERIK HUEBSCH, Vice President
United Cook Inlet Drift Association (UCIDA)
Kasilof, Alaska
POSITION STATEMENT: Opposed HB 77.

JOHN MURRAY, representing himself
Sitka, Alaska
POSITION STATEMENT: Opposed HB 77.

CODY LARSON, representing himself
Dillingham, Alaska
POSITION STATEMENT: Opposed HB 77.

RICHARD GUSTAFSON, representing himself
Homer, Alaska
POSITION STATEMENT: Opposed HB 77.

LANCE ROBERTS, representing himself
Fairbanks, Alaska
POSITION STATEMENT: Supported HB 77.

BECKY LONG, representing herself
Bald Mountain, Alaska
POSITION STATEMENT: Concerned about one section in HB 77.

DICK COOSE, representing himself
Ketchikan, Alaska
POSITION STATEMENT: Supported HB 77.

MERRILL LAKE, representing himself and family
Chevak, Alaska
POSITION STATEMENT: Opposed HB 77.

GARVIN BUCARIA, representing himself
Wasilla, Alaska
POSITION STATEMENT: Opposed HB 77.

KAITLIN VADLA, representing herself
Soldotna, Alaska
POSITION STATEMENT: Opposed HB 77.

CHARLES BINGHAM, representing himself
Sitka, Alaska

POSITION STATEMENT: Opposed HB 77.

CANDY ROHRER, representing herself
Homer, Alaska

POSITION STATEMENT: Opposed HB 77 in its current form.

JOMO STEWART, Energy and Mining Project Manager
Fairbanks Economic Development Corporation (FEDC)
Fairbanks, Alaska

POSITION STATEMENT: Supported HB 77.

GEORGE PIERCE, representing himself
Kasilof, Alaska

POSITION STATEMENT: Opposed HB 77.

LISA WEISSLER, representing herself
Juneau, Alaska

POSITION STATEMENT: Supported HB 77 with some additions.

ERIC BOOTON, representing himself
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

BILL WARREN, representing himself
Nikiski, Alaska

POSITION STATEMENT: Opposed HB 77.

RANDY POWELSON, representing himself
Fairbanks, Alaska

POSITION STATEMENT: Supported HB 77.

DAVE CANNON, Environmental Director
Native Village of Napaimute
Aniak, Alaska

POSITION STATEMENT: Opposed HB 77 and the new CS.

FRANK BERGSTROM, representing himself
Juneau, Alaska

POSITION STATEMENT: Supported HB 77.

MICHAEL JESPERSEN, representing himself and family
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77.

PAUL ZIMMERMAN, representing himself
Kasilof, Alaska

POSITION STATEMENT: Opposed HB 77.

SHARON ALDEN, representing herself
Fairbanks, Alaska
POSITION STATEMENT: Opposed HB 77.

TIMOTHY WONHOLA, representing himself
New Stuyahok, Alaska
POSITION STATEMENT: Opposed HB 77.

JUDY ANDREY, Chair
Legislative Action Committee
Alaska League of Women Voters
Juneau, Alaska
POSITION STATEMENT: Opposed HB 77.

KARA HASTINGS, representing herself
Anchorage, Alaska
POSITION STATEMENT: Opposed HB 77.

PAUL SHADURA
Kenai Peninsula Fishermen's Association
Kasilof, Alaska
POSITION STATEMENT: Supported many of the changes in HB 77.

DELORES LARSON, representing herself
New Koliganek, Alaska
POSITION STATEMENT: Opposed HB 77.

KIRK HARDCASTLE, representing himself
Juneau, Alaska
POSITION STATEMENT: Opposed to HB 77.

SYLVIA PANZARELLA, representing herself and husband
Anchorage, Alaska
POSITION STATEMENT: Opposed HB 77 and the CS.

BENJAMIN JACKINSKY, representing himself
Kasilof, Alaska
POSITION STATEMENT: Opposed HB 77.

PETER BUCK, Vice President
White Mountain Native Village
White Mountain, Alaska
POSITION STATEMENT: Opposed HB 77.

CHELSEA GOUCHER, Executive Director
Greater Ketchikan Chamber of Commerce

Ketchikan, Alaska

POSITION STATEMENT: Supported HB 77.

RICK ROGERS, Executive Director
Resource Development Council (RDC)
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77.

KATE VEH, representing herself
Soldotna, Alaska

POSITION STATEMENT: Opposed HB 77.

DIANE FOLSOM, representing herself
Dillingham, Alaska

POSITION STATEMENT: Opposed HB 77.

DOUG WARD, member, Greater Ketchikan Chamber of Commerce
Ketchikan, Alaska

POSITION STATEMENT: Supported HB 77.

CARL PORTMAN, representing himself
Anchorage, Alaska

POSITION STATEMENT: Supported CSHB 77.

JUDY BRAKEL, representing herself
Gustavus, Alaska

POSITION STATEMENT: Opposed HB 77.

ANDREW SPOKELY, Ward Cove Group & AMA
Ketchikan, Alaska

POSITION STATEMENT: Supported HB 77.

KATI CAPOZZI, representing herself
Anchorage, Alaska

POSITION STATEMENT: Supported CSHB 77.

DAVE CRUZ, President
Cruz Companies, Alaska

POSITION STATEMENT: Supported HB 77.

ELSA SEBASTIAN, representing herself
Juneau, Alaska

POSITION STATEMENT: Opposed HB 77.

MARLEANNA HALL, representing herself
Anchorage, Alaska

POSITION STATEMENT: Supported CSHB 77.

MATT OBERMILLER, representing himself
Copper Basin, Alaska

POSITION STATEMENT: Opposed HB 77.

STUART COHEN, representing himself
Juneau, Alaska

POSITION STATEMENT: Opposed HB 77.

ANDY ROGERS, representing himself and family
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77.

NICK PASTOS
Alaska Big Village Network
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77 and its amendments.

RACHAEL PETRO, President and CEO
Alaska Chamber of Commerce
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77 and its amendments.

JASON BRUNE, representing himself
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77.

BYRON CHARLES, representing himself
Ketchikan, Alaska

POSITION STATEMENT: Opposed HB 77.

JEREMY BLACK, representing himself
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

TOM LAKOSH, representing himself
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

GUTHRIE WORTHINGTON, representing himself
Anchorage, Alaska

POSITION STATEMENT: Opposed HB 77.

BEN MOHR, representing himself
Anchorage, Alaska

POSITION STATEMENT: Supported HB 77.

CHRIS GERONDALE, representing himself
Juneau, Alaska
POSITION STATEMENT: Supported HB 77.

MOXI ANDREW, JR., Vice President
Stuyahok Ltd.
New Stuyahok Village, Alaska
POSITION STATEMENT: Opposed HB 77.

JENAE PANAMARIOFF, representing herself,
New Stuyahok Village, Alaska
POSITION STATEMENT: Opposed HB 77

PETER CHRISTOPHER, SR., Vice President
New Stuyahok Ltd.
New Stuyahok, Alaska
POSITION STATEMENT: Opposed HB 77.

CRAWFORD PARR, representing himself
Anchorage, Alaska
POSITION STATEMENT: Opposed HB 77.

ACTION NARRATIVE

[3:30:44 PM](#)

CHAIR CATHY GIESSEL called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order was Chair Giessel who announced a 15 minute recess for Senators to finish the floor session.

[3:30:55 PM](#)

Recessed from 3:30 p.m. to 3:45 p.m.

HB 77-LAND USE/DISP/EXCHANGES; WATER RIGHTS

[3:45:25 PM](#)

CHAIR GIESSEL called the meeting back to order at 3:45 p.m.

SENATOR FAIRCLOUGH joined the committee.

[3:45:41 PM](#)

CHAIR GIESSEL announced HB 77 to be up for consideration [2d SCS CSHB 77(RES), version 28-GH1524\H, was before the committee]. She said a new committee substitute (CS) had two changes: the removal of Chikuminuk Lake hydro-electric project at the request of Senators Hoffman and Stevens and Representative Edgmon who represent the area where Chikuminuk Lake is located. In

addition, Senator McGuire removed her Chikuminuk Lake bill. An additional section requires the Department of Natural Resources (DNR) to do some assessment of potential water reservations needed on 12 rivers for the preservation of Chinook salmon.

CHAIR GIESSEL opened public testimony and showed the email testimonies she had received both for and against this legislation that she received yesterday and today saying it was approximately the same amount she had displayed on Wednesday and that is was all going into the record.

CHAIR GIESSEL announced that she would enforce two-minute testimony and would take the LIOs first and then go to the off nets; she would take the names in order of signing up and would move systematically around the state.

[3:47:57 PM](#)

SENATOR DYSON joined the committee.

SENATOR MCGUIRE joined the committee.

[3:49:08 PM](#)

SENATOR FRENCH joined the committee.

SENATOR DYSON moved to adopt 2d SCS CSHB 77(RES), version 28-GH 1524\D, as the working document.

CHAIR GIESSEL objected for discussion purposes.

[3:49:57 PM](#)

LINDSAY WILLIAMS, staff to Senator Giessel, Alaska State Legislature, explained the changes in version D. She recapped that the Y version passed out of Senate Finance last year and on Monday this committee adopted version H.

In version H, old section 29 on page 28, line 30 - page 29, line 1, said the Chikuminuk Lake hydro-electric project was not considered an incompatible use and that was removed from the bill in version D and the following sections were renumbered. This also required a title change.

[3:50:55 PM](#)

Section 47 was removed; that was found in version H on page 24, lines 16-23. It contained language for the Woodtikchik State Park Management Plan and regulation enforcement. Since this section was removed, the following sections were renumbered accordingly.

A new section on codified law was added to version D, section 46 on page 24, beginning on line 10, for a work plan for the reservation of water in 12 important rivers and other waters to sustain abundance and productivity of Chinook salmon. It directs the DNR to work with the Alaska Department of Fish and Game (ADF&G) to identify additional data gathering and resource studies that are necessary to identify the amount of water to conserve Chinook salmon in each river identified in this section. The following sections were renumbered accordingly.

[3:51:48 PM](#)

SENATOR MICCICHE joined the committee.

MS. WILLIAMS continued explaining that section 47 referenced sections 34-44 of this act on page 25, line 9, and those were renumbered since sections were removed and it now reads sections 34-44. It formerly read 35-45.

Also, section 50 on page 25, line 23, used to read: sections 29, 35-45, and 47-49; it now reads: sections 34-44 and 26-48; and section 29 was removed in version D. Finally, section 51 referenced what was formerly section 52 and it is now called section 51 and references section 50. She said those were all the changes in version D.

[3:53:47 PM](#)

CHAIR GIESSEL said most of the changes in version D were conforming and removed her objection; therefore, version D was adopted. She began public testimony and asked people who were objecting to the bill to reference the specific section they objected to.

[3:54:18 PM](#)

THOMAS TILDEN, Tribal Chief, Curyung Tribe, Juneau, Alaska, opposed HB 77. He said he was a commercial fisherman since 1965 and as well as a subsistence hunter/gatherer and fisherman. He said DNR needs to be commended for their work on the backlog of applicants: 1,600 in one year, but they need to be ashamed for introducing HB 77 and the amendments before them. In HB 77 they gave the public a "burnt cake" and the amendments covered the burnt cake with frosting. The best action they could take is throw this legislation in the trash can. It will take away individual rights and destroy the state's abundant natural resources. He said his tribe had submitted 11 water reservation applications to DNR since 2007 that had seen no action.

Meanwhile, Northern Dynasty applied for 100 percent of the water rights on the same river, Koktuli.

He said this bill lacks clarity, public input, and has created an uproar across the state. It goes against the State Constitution that says our resources shall be reserved for the people for common use. This bill takes away from the people and gives to foreign and outside interests. Definitions are needed to clearly define the bill's intentions.

[3:57:01 PM](#)

SENATOR BISHOP joined the committee.

[3:57:07 PM](#)

TERRI PAULS, representing herself, Anchorage, Alaska, opposed HB 77 saying it's an excessive expansion of corporate power that takes away the rights of Alaskans to protect their natural resources.

"Neither corporations nor state government are bad things, but they both should be subservient to we the people...who own the resources of the state," she said. HB 77 has it backwards technically, allowing fast track approval by DNR of any activity by industry. This bill prioritizes water rights for industry while citizens' applications for in-stream water rights can be tabled indefinitely.

Third, the bill takes away the legal standing of Alaska citizens and hands it over to corporations. Under HB 77, she said she couldn't challenge the decision about a greater part of Alaska that she values unless she would personally suffer direct financial or physical harm from that decision. Yet, a corporation based anywhere on the planet proposing an Alaskan project could challenge a decision if it affected their profit margin.

She asked them: "Who do you really work for? Who do you represent: the citizens of Alaska or industrial corporations?" In a democracy, she said, the real flesh and blood people, not the corporations are supposed to have the power. HB 77 dismantles democracy and that's why the committee should "chuck the bill."

[3:59:07 PM](#)

JENNIFER HANLON, representing herself, Juneau, Alaska, said she works as an environmental specialist at Tlingit Haida Council and opposed HB 77 saying the changes didn't go far enough to

address the concerns that were brought up during the last legislative session. It gives the DNR commissioner too much power. Communities throughout the state need to have strong influence over decisions that affect them directly, and this bill strips away their basic right to be involved in these kinds of decisions.

HB 77 looks out for corporate interests over community welfare, and as elected officials they represent the people, not the corporations.

[4:00:53 PM](#)

LORALI SIMON, Usibelli Coal Mine, Palmer, Alaska, said she is a member of the Alaska Miners Association and a board member for the Resource Development Council. She supported HB 77 saying it encourages responsible development of state land and water resources, and its passage is necessary to stop abuse of the permitting process. She said that the people who opposed the bill hadn't read it; most of the testimony on Wednesday was not based on fact, but rather on irrational misrepresentations of what is or is not in the bill.

This version of HB 77 doesn't take away the public's right to participate and does not infringe upon subsistence activity or human rights nor does it create an avenue to destroy fish habitat. All development projects in Alaska have to go through a very rigorous permitting process, which is a public process that includes the public's input. There are opportunities throughout the permitting process for groups, individuals, tribes, and other organizations to engage in public comment periods. HB 77 does not change that.

The reason HB 77 has become such a popular target with the anti-development activists, Ms. Simon said, is because they have found a way to use the current water use system to impede development projects. Some activist groups even sent out an action alert to their members telling them to oppose the pending CS even before it had been released publicly.

Testimony on Wednesday claimed over and over that outside multinational mining and other industry companies have too much power in the state. But don't forget that it isn't just Alaskan owned and operated mining companies like Usibelli Coal Mine who hires Alaskans. The state is fortunate to have large companies like BP and ConocoPhillips to hire Alaskans to work on Alaskan projects.

[4:03:18 PM](#)

GLORIA SIMEON, President, Orutsararmiut Native Council, representing the Native Village of Bethel, Alaska, opposed HB 77. She said this bill corrupts public participation and due process and grants excessive power to the DNR commissioner and opens the door for potential abuse of such power. A moratorium on sales, leases, or other permitting of and rights to resource development should be imposed immediately. Assessments of current and ongoing environmental damage must be conducted and include the impacts of climate change.

She said the state should develop consultation policies to meet with those who are or will be substantially and adversely affected by DNR permitting policies. They must seek sustainable economic development opportunities that do not put our land and waters at risk and avoid non-renewable resource development.

4:05:25 PM

CHARLIE POWERS, representing himself, Kodiak, Alaska, supported HB 77. He said he is a board member of the Resource Development Council, because it represents Alaska five core industries: fisheries, oil, gas, mining, timber, and tourism. It is a diversified voice that doesn't polarize one industry against another. Without each of these industries and an efficient project development process to support them, our state couldn't survive, but with responsible development our state, its people and wildlife can thrive.

He said thanks to special appropriations by the legislature, the DNR is making positive progress on a tremendous permit application backlog. Extra funding helps address the backlog's symptoms, but efficient measures in HB 77 help address what caused the backlog. HB 77 assures that Alaska's water resources are managed by those who are best equipped to do so: agency staff with science-based expertise. It diminishes the ability of NGOs to abuse the system and stop projects.

MR. POWERS said he understood the concerns of those opposed to HB 77; however he tries to look at the long term future where there is a balance of financial prosperity and natural abundance. As a democracy, we should also have faith in our state's elected and hired public servants, more than NGOs and other outside interest groups. Dependable permitting and timely process is needed so businesses can develop business models that are sustainable, both in terms of investment return and habitat protection. Now special interest groups have too much power through clogging up the permitting channel.

[4:07:51 PM](#)

MARK JOHNS, representing himself and the Native Village of Kudaka, Glennallen, Alaska, opposed HB 77. It would silence the voices of the tribes in natural resource matters and he felt more time was needed for the public to become aware of the decisions being made.

[4:09:29 PM](#)

JACK DEAN, representing himself, Kenai, Alaska, opposed HB 77. He based his testimony on comments from Dillingham and the reports they provided. He wanted to drive another nail into Sections 29 and 47 of HB 77. He was concerned about the Chikuminuk Lake hydro-electric project in Woodtikchik State Park that would cost \$507 million and would have to be heavily subsidized. Woodtikchik State Park produces about 20 percent of Bristol Bay's world class sockeye salmon fishing, he said, and one of the primary purposes of HB 77 is to streamline "us pesky citizens" right out of DNR's permitting process.

CHAIR GIESSEL interrupted him to state Chikuminuk Lake had been removed from the bill. A new version is before them with two changes and that is one of them. The second thing that has been added is the requirement for DNR to do water reservation studies on Chinook salmon bearing streams in the state. She invited him to speak to the rest of the bill.

MR. DEAN continued that once the people have been sidelined the primary purpose for HB 77 would kick in: DNR's fast track permitting process for the Pebble and Chuitna Mines.

[4:14:21 PM](#)

JENNIFER GIBBINS, representing herself, Cordova, Alaska, opposed HB 77. She is a small business owner and a member of the Cordova Chamber of Commerce and thanked all citizens who had taken the time and effort to participate in this process. She appreciated the need to improve the permitting process, but HB 77 is flawed. Ms. Gibbins said more discussion and public input was needed on the following six points:

1. Section 1, general permits, HB 77 allows DNR to pre-approve many kinds of activities, some good, but also more serious activities that have the potential to cause serious and irreparable harm.
2. "Significant or irreparable harm" is vague.
3. General permits can be issued without a specific project before the agency. There is no requirement for

public notice or participation when someone later submits an application under the permit.

4. The role of ADF&G is to permit projects, not to ensure protection of habitat. A project that is subject to a general permit could be approved by them with no public process or notice.

5. HB 77 rolls back important advances to water law and fails to ensure that the public in cooperation with the resource agencies have a tool that could be used to ensure that some water is reserved for fish.

6. Finally, DNR's changes to the administrative appeals statute would limit its accountability for decisions by removing public challenges.

[4:16:40 PM](#)

RAY FRIEDLANDER, Community Organizer, Sitka Conservation Society, Sitka, Alaska, opposed HB 77. She said Sitka's LIO currently has 11 or 12 citizens joining her in opposing HB 77 and the new amendments, and the Sitka Tribe of Alaska and 40 other tribes across the state submitted a resolution opposing HB 77 for its disregard for subsistence resources and subsistence users. At the end of her comments all the people in the LIO pledged together to "stand up and defend for the resources of Alaska and for the twelfth player in the legislative game, the people."

[4:18:28 PM](#)

OWEN GRAHAM, Executive Director, Alaska Forest Association, Sitka, Alaska, supported HB 77 saying it will allow the state to manage its resource development permitting activities more efficiently while still ensuring environmental protection measures are maintained. These general permits will eliminate unnecessary delays and staff time for both the state and industry. He had used general permits for minor activities before and they worked very well. They typically cover a narrow range of activities and they specify the conditions that must be met in order to qualify for coverage under that permit. Any activity that does not meet all those conditions will go through the longer and more intensive individual permit process.

HB 77 includes a requirement to limit appeals to only those people who are substantially affected by an activity, a good change, because Alaska is already a costly place to do business without the added delays and costs of frivolous appeals. The improvements in HB 77, intended to reduce the cost and delays associated with state land disposals, will also help make Alaska

a friendlier place to do business as will the proposed change in the management of water rights reservations.

[4:20:06 PM](#)

TINA TINKER, Environmental Department, Aleknagik Traditional Council, Alaska, opposed HB 77. She said she is also a member of the Nushigak Mulchatna Watershed Council. She participated in collecting water quality samples from the inflow stream data collection in 2005-2010 at the same time that the Pebble Mine was doing its exploration. The data is now completed. At the beginning of the project they saw salmon swimming up the Swan River below Alkakak's (ph.) cabin in abundance. Once the project was over there were very few fish in that river system. She believed that Pebble taking water out of the river for exploration had a detrimental effect on the fish and other land mammals in that area.

MS. TINKER said that HB 77 doesn't protect the people of Alaska, but undermines the local voices who are doing work to protect the resources they depend on. They have had to find money to conduct this work in partnership with Bristol Bay Native Association and see HB 77 as a way to make changes without consulting those who are directly affected by them. She asked why DNR didn't come out and meet with them in Bristol Bay; they have 11 water reservations on file. DNR should have discussed their current applications before proposing any changes. They were completed in good faith and following the rules and guidelines established by the state, in some cases with the encouragement of ADF&G. They shouldn't be punished for doing so.

[4:22:22 PM](#)

BARBARA KENNEDY, representing herself, Homer, Alaska, opposed HB 77. She said people in Homer turned out to testify against this bill in the middle of a blizzard. She likened someone "borrowing our resources" to her lending her chainsaw to someone without a clear understanding that she would want it back sharpened and in running order.

[4:23:54 PM](#)

JEFF FARVOUR, representing himself, Sitka, Alaska, opposed HB 77 and the new version. It would be bad for fishermen, habitat, and Alaska. The authority given to the DNR commissioner to issue general permits would allow him to supersede DNR's own laws and statutes and that is an excessive overreaching of power. Further, after a general permit is issued, subsequent activities do not require any public notice. He wasn't sure if that was the intent, but that is clearly what it does.

He was also concerned about a few other things they had already heard a lot about: it does not define "likely significant" or "irreparable harm," and is weak at best on "substantially and adversely impacted."

MR. FARVOUR said even if "repairable" seems to be okay with some people it usually has grave consequences for fish and habitat, and generally applies to an activity that will leave a big stinky mess; even if we think we can fix it we rarely can.

[4:25:57 PM](#)

PETER GUMLICKPUK, representing himself, New Stuyahok, Alaska, opposed HB 77. He is a subsistence hunter and commercial fisherman and opposed HB 77 because it takes away their rights as Alaskans to make decisions that are important to them about their land and water. A beloved elder had told them their traditional way of life is priceless; they are already affected in many ways that money won't solve. It won't replace any gifts the land and water provide.

[4:28:01 PM](#)

JOESPH SEBASTIAN, representing himself, Kupreanof, Alaska, opposed HB 77. He is a commercial fisherman and said there are good reasons so many Alaskans took time from their busy lives to speak against HB 77. He said the Alaskan public no longer trusts Governor Parnell or his team of commissioners or rubber-stamping majority. Only one way will regain the public's trust and that is to start acting in a trust-worthy manner: uphold the rights of the Alaskan public and protect the public good.

[4:30:06 PM](#)

NATASHA SINGH, Tanana Chiefs Conference, Fairbanks, Alaska, opposed HB 77 and the new amendments. She said that earlier in the week the Conference had held its annual meeting; their delegates did their homework and read the amendments. The full board decided that it was in their best interests to oppose HB 77 and the amendments and put it in a resolution.

As tribes, they have the responsibility to look out for their tribal members' economic development, to provide jobs, and to meet a balance of interests that comes with stewardship to the land. They very much appreciated the amendment to reinsert "tribe" into the definition of "person." They agree with former comments about giving too much power to DNR, that some of the legal terms need to be defined such as "likely to cause significant irreparable harm," and the new standard that removes

the requirement that DNR act on water reservation applications before asking about other water use applications, a diversion of Alaska State water law.

[4:32:28 PM](#)

VINCE O'SHEA, Vice President, Pacific Seafood Processors Association (PSPA), Juneau, Alaska, supported HB 77. He said his member companies own and operate 22 seafood processing plants in Alaska. They provide markets for thousands of fishermen and produce food for millions of people.

He thanked them for the opportunity to speak in support of HB 77 and said he appreciated the work Senator Micciche and Mr. Fogels had done to develop the changes reflected in the CS. Their industry depends on the sustainable management of Alaskans fisheries and protection of fish habitat.

MR. O'SHEA said the economic well-being of our state depends on a vibrant and diverse economy and this bill provides the tools to the DNR commissioner to sustainably manage natural resources while allowing for an efficient regulatory process. It gives the commissioner flexibility to dispense with low impact activities, freeing up staff and other resources to thoroughly review those projects having a greater potential to impact water use and fish habitat. The bill does not diminish the authority, the ability, or the voice of the commissioner of ADF&G to protect fish habitat and provides reasonable opportunities for public comment. It recognizes water as a public resource and correctly places the custody of water reservation with public entities.

He said the PSPA supports responsible resource development and recognizes the value of a thorough and timely oversight process and the benefits that flow from the diverse and robust Alaskan economy. This bill strikes a reasonable balance of those concepts. It places confidence in the governor's and commissioners' sworn commitment to properly manage the natural resources of Alaska.

[4:34:50 PM](#)

GALINA VLADI, representing herself, Anchorage, Alaska, opposed HB 77. She said she is a traditional healer from Siberia whose mission in life was to provide healing to people and to the land. This bill brought back memories of her childhood where she grew up in a fast growing industrial city. She remembered a heavy yellow smoke every day and funerals. There were more funerals than celebrations. She said Siberia was literally raped for its resources. The Soviet people were deprived of the right

to have clean air, clean land and clean water. Now she is a citizen of Alaska and did not want this to happen to the people here.

[4:37:18 PM](#)

ROSE FOSDIK, Kawerak Incorporated, Nome, Alaska, said she was submitting comments, but wanted another opportunity to provide additional comment as they needed time to consider the new version of HB 77 as they rely totally on their natural resources.

[4:39:30 PM](#)

DAN GRAHAM, representing himself, Palmer, Alaska, supported HB 77. He said he has a 30-year mining career here and has experience in permitting activities and he didn't see a single place where public input was removed from large resource development projects in this bill. The main concern seems to be focused around general permits, which are a tool used to efficiently process common activities.

He explained that the U.S. Army Corps of Engineers is in charge of the water bodies and wetlands of the entire United States, and they have a general permit that can be renewed every five years that has over 20 activities listed that people can qualify under. Applications are submitted - there is no public notice - for activities you see every day and they are covered under that general permit.

The Environmental Protection Agency (EPA) also has general permits for storm water. Construction sites with silt and sediment fences are all issued under a general permit. Finally, looking at preserving the state's budget, it's an efficiency tool, that would allow the department to focus more attention on the larger projects.

[4:41:33 PM](#)

BOB JOHNSON, representing himself, Kodiak, Alaska, opposed HB 77. He said he is a retired doctor and opposed it because a number of lands could be disposed of or built upon without public knowledge. It's very important for the public to have an opportunity to enter a process that can affect them unfavorably or in any way. Without a voice people become subject to dictatorial decisions.

[4:43:46 PM](#)

PAULA HAMMELMAN, representing herself, Kenai, Alaska, opposed HB 77. She felt that water is our most precious resource and it

needs to be protected; she didn't want to see Alaska suffer the pollution problems of the Lower 48. She didn't feel comfortable having the DNR commissioner deciding how to use our resources, especially water, without more public input. She didn't agree with the general permitting process not requiring any public notice after the initial public notice.

[4:45:17 PM](#)

KATE MORSE, Acting Executive Director, Copper River Watershed Project, Cordova, Alaska, opposed HB 77. She said it would create an exclusive process for decisions that have the potential to affect large geographic areas. The language around general permitting gives DNR power to issue general land use permits for any activity over broad geographic areas and once the permit is in place, the public will not be given notice about specific activities authorized by the permit. Without knowledge of specific activities, the public will not be able to ensure protection of the resources, like clean water and healthy salmon habitat that support their cultures, communities, and economies.

MS. MORSE said there could be public health issues, as well, that people will not be informed of, and that by excluding the voice of the public, decisions will be made by people located outside the region without drawing on the local knowledge and experience of the people who have the most at stake in their outcomes.

HB 77 states that only the public who have been significantly and adversely affected can weigh in or challenge decisions and it does not define what a "significant adverse effect" is. They want to be assured that if a subsistence use would be affected, Alaskans would have the right to speak up and challenge decisions.

She said that HB 77 had been amended to allow tribes, organizations, and people to apply for water reservations; however, it is a lengthy and expensive process especially to try to get the data required by the application process and there is still no confirmation as to whether the application will be reviewed or considered nor is there a requirement to honor a timeline for responding to applicants. This doesn't allow for a fair assessment of applications from the people who depend most on the clean water and healthy subsistence resources.

[4:47:36 PM](#)

PAULETTE MORENO, representing herself, Sitka, Alaska, opposed HB 77. She reminded them of Alaska Native peoples' successful stewardship of Alaska and its resources for tens of thousands of years. She asked at what date and time did we give so much power to so few. The amendment still gives DNR too much control. Even though tribes are mentioned, the language is not strong enough to promote equality to all and respect Alaska's ancestral voice of responsible stewardship.

Several sections of the bill would still make it difficult to challenge DNR decisions. As a member of Sitka Tribe of Alaska (STA), she supported STA's opposition to the newly released amendments.

[4:50:10 PM](#)

DANIEL CHYTHLOOK, representing himself, Aleknagik, Alaska, opposed HB 77. He said his Yupik ancestors have constantly told them about the importance of keeping the water resources clean, because all the natural resources depend on it.

He said he was asked to conduct in-stream flow data collection along with hydrology work on the lower reaches of the Kaktuli and Swan Rivers. The in-stream flow reservation is to be conducted for a period of five years. They also tested the waters for any presence of heavy metals for five months on an annual basis. He worked with fish biologists, hydrologists, and scientists to conduct anadromous salmon and fish water surveys on the head waters of creeks and streams of the proposed Pebble Mine to ensure the water quality is healthy along with the fish species that migrate to these head waters on an annual basis to spawn.

MR. CHYTHLOOK said the existing law for in-stream flow reservations does not prevent development. The commissioner already has the power to cancel or reduce an in-stream flow reservation in favor of a subsequently filed water withdrawal application. It is very likely that in those cases, a decision will not be required as the water levels would be enough to accommodate both needs. Yes, the in-stream flow reservation could be a hindrance or a nuisance, but that is how it should be. It provides a pause needed to fully appreciate how one resource can affect another.

An in-stream flow reservation is not absolute under existing law, he said; it does not block development. The real problem is that DNR is underfunded or uninterested enough to address the reservations in a timely and efficient manner and wants to

eliminate them altogether. HB 77 as currently written is worse than the original existing law.

[4:52:35 PM](#)

SUE MAUGER, representing herself, Homer, Alaska, opposed HB 77 and the current CS. In its' original form, HB 77 was an example of DNR overreach to such an astonishing degree that hundreds of people felt compelled to let them know it was not okay. The changes in the March 10th version addressed few of the critical concerns brought to light in public meetings and are not enough to make this a balanced bill.

Many comments focused on the Section 1 "notwithstanding" language and proposed changes to the in-stream flow reservation application process in the original bill. Distracted by those changes, they let other sections slide by in the first round, like section 43, which already gives the DNR commissioner authority to give away "a significant amount of water" for five years with no public notice, and he can do it over and over again for the same project under a so-called temporary use.

Meanwhile the power-grabbing language objected to in the first round in Section 1 has been slipped into the in-stream flow application process in section 42(h), which gives the commissioner full discretion to determine when and in what order any application for reservation of water is processed. This is not a compromise, and arguing that general permits are used across the country as a reason to use them just made her laugh.

[4:54:54 PM](#)

EDWARD ALEXANDER, Second Chief, Fort Yukon's 1,400 Tribal members, Gwichyaa Zhee Gwich'in, Fairbanks, Alaska, opposed HB 77. He said they are at the conjunction of the two largest water sheds in the State of Alaska, the Yukon River and the Porcupine River, and they are the oldest English speaking community in the state. They are very aware of their history and are alarmed by the threat to water resources in HB 77. It has no tribal consultation and so many negative effects are possible that they don't need to list them.

He said his people live a natural way of life; hunting and gathering is how most of them subsist. It violates both democratic principles of public participation and republican principles of small local governance. HB 77 gives too much power to the DNR at a cost to the public. They are opposed to it on the grounds of its general permitting changes, vague language for "significant and irreparable harm," limitations to legal

rights, changes to water reservations, and making it harder for tribal members to participate in the public process. The 43 Tribes of the Interior have passed a resolution opposing HB 77.

[4:57:17 PM](#)

DEANTHA CROCKETT, Executive Director, Alaska Miners Association, Anchorage, Alaska, supported HB 77. She said it's clear that many people did not read this bill and assumed it does many things that it does not do.

Since last Wednesday's meeting, she said she had received many emails from placer miners, small business owners, large operators, and other sectors urging support of this bill. The Alaska Miners Association members who rely of facts and science to permit their operations are excited about the improvements including the issuance of general permits, so that minor projects can be permitted practically. Section 1 clearly states there is the requirement for public notice and provides opportunities for public input on any general permit. She said these activities are already authorized for permit under existing statute and are not unprecedented. In fact, they are used by federal agencies all the time.

The requirement that appeals can be done only by those who are directly and negatively impacted by the decision is one they are pleased with, because it bring accountability to the appeals process and ensures that appeals are brought only when it directly involves people adversely affected by a decision rather than special interests attempting to block permits.

Critically, HB 77 assures that Alaska's water resources are managed by those who are best equipped to do so, the science-based expertise of our state resource agencies. She called attention to the document in their packet they put together with the Resource Development Council (RDC) to specifically outline why management of water resources is so critical. Water reservations are being used to stop, block and certainly delay projects, particularly in her industry, but in the oil and gas and utility sectors as well. Water should be managed by state agencies with the expertise and capability to most effectively manage Alaska's water bodies. She commended the Parnell Administration for the CS version of HB 77 and think it's best for our economy.

[4:59:56 PM](#)

LIZA WADE, representing herself, Anchorage, Alaska, opposed HB 77. She said she is Ahtna/Athabaskan and is a property owner in

the Matsu Borough and is a health director and council member for Chickaloon Village Judicial Council. Her tribe is one of 42 tribes and villages who oppose HB 77 by resolution and all of them should be included as part of the public record. Her tribe also has a pending water rights application on file for which they have invested great time and expense in order to protect critical salmon habitat in their traditional territory.

She noted that right now, President Busman of Tyonek had been turned away from testifying today and he was also planning on testifying about the many problems that still remain in the amended version of HB 77. However, all the flaws have been adequately described by now and she agreed with all the people who had testified very eloquently on the numerous problems with this bill.

[5:01:27 PM](#)

ANDRE CIOSTEK, representing himself, Palmer, Alaska, opposed HB 77 and its revision. He said, "What started as a simple administrative problem at DNR led by former DNR commissioner, Dan Sullivan, was used by Governor Parnell as a spring board and an excuse to launch this fraudulent HB 77." He said his comments in general were addressed very eloquently by previous speakers. It would put additional and unnecessary burden on Alaskans. Water is a precious resource and can't be traded for so-called development at any cost. Local government, tribes, and citizens must have unabated rights for deciding in-stream reservation to protect wild fish for recreation and other uses. Collectively they make better decisions that serve the best interests of Alaskans.

Revised HB 77 is still fraudulent by taking rights away and giving broad powers to the politicians appointed by the governor. This is dangerous and unacceptable.

[5:04:14 PM](#)

PENNY VADLA, representing herself, Soldotna, Alaska, opposed HB 77. She said she is not an anti-development activist but a concerned citizen. She said the revision of HB 77 weakens the current regulations and it had not been vetted properly. This bill makes it difficult to litigate any permit decisions and limits a person who has aggrieved to file an appeal. It gives too much authority to the DNR commissioner and allows corporation to obtain general permits for a wide range of activities over broad geographical areas.

Some permits are okay; for example a fisherman would be able to acquire a general permit for multiple mooring buoys. But this permit for a fisherman differs considerably from general permits granted to corporations. Corporation permits have the potential for far-reaching negative impacts while not having strong regulation. Public notice is not even required after a general permit is issued.

She was happy that Alaskans can apply for water reservations, because they protect a fraction of a stream for the flow of fish. This bill also allows corporations to obtain water rights and to buy and sell those rights once the developer no longer needs the water right.

MS. VADLA said she is for responsible development and couldn't figure out what "irreparable and significant harm" really is. She was for compromise and for the inclusion, involvement and consideration of all stakeholders in the process and for transparency and honesty.

[5:06:50 PM](#)

MARY ANNE BISHOP, President, Prince William Sound Audubon Society, Cordova, Alaska, opposed HB 77. It is poorly written and undermines the public process. The public should be notified and allowed to review and comment on permit applications before permits are issued and no one should have to prove that they would personally be significantly adversely affected in order to weigh in or challenge any decision.

[5:07:57 PM](#)

LORRAINE INEZ LIL, representing herself, Sitka, Alaska, opposed HB 77. She said she had lived in Alaska for over 25 years and was stunned when she read the bill. "How can we revert back to dirty water from mining with or without any public comment?" she asked. She attended a lecture a few nights ago by Bob Loeffler, former director of the Division of Land, Mining and Water, who stated the most important thing is water. She was so impressed with Alaska and the methods that gave them clean water from the mining industry. This bill would revert us back to not caring about water and it also permits DNR to give away or sell state land for unsecured future benefits in aquatic farming without public comment. This bill does everything that Alaskans do not want.

[5:09:03 PM](#)

BILLY MAINES, Tribal Environmental Coordinator, Curyung Tribal Council, Dillingham, Alaska, opposed HB 77. He spoke about the

lack of importance place on in-stream flow reservations and federally recognized tribes. Someone was kind enough to admit that maybe the tribes in Alaska should be considered Alaskan residents, but at the same time take away that right when it comes to in-stream flow reservations. It's okay for any Alaskan to go out and do the field work, pay for it to be done, and file the application, spending an additional \$1500 with it, and just maybe some time in the future have the commissioner or the staff adjudicate that reservation. But it won't be the tribe's or any Alaskans; it's got to be somebody in the in the state that will take ownership of that in-stream flow reservation. There is something wrong with that philosophy when people are trying to help the state to catalogue and categorize all its water resources.

[5:11:27 PM](#)

BOB SHAVELSON, representing himself and Cook Inletkeeper, Homer, Alaska, opposed HB 77. He thanked Senator Micciche and Senator McGuire for their leadership on this important legislation.

For the last 19 years or so he had a front row seat for some of the largest project permitting issues around the state, and they routinely hear from government corporation officials that Alaska has a rigorous permitting system. While the notion of rigorous permitting is a relative term, he can say from his direct experience that, "We are repeating the very same mistakes that led to the demise of wild fish everywhere else on the planet." HB 77 is an extension and an acceleration of that process. For example, the revised bill still allows so-called temporary water uses to go on indefinitely. These are significant withdrawals of water around our drinking water supplies and fish habitat day in and day out if they routinely get rubber-stamped by overworked agency personnel, and the public is kept in the dark because there is no public notice.

Furthermore, the water reservation section has drawn a lot of attention and rightly so, because it completely unravels our current program for keeping water in local lakes and streams and gives the state the unfettered discretion to ignore water reservation applications virtually forever. Because the state devotes fewer resources to processing water reservations, HB 77 will ensure out-of-stream diversions take precedence over in-stream flows. Together, these two provisions turn Alaska water law on its head and makes it easy for large corporations to take water out of our streams and hard for local Alaskans to keep it there to protect salmon and other uses. A proper balance, regardless of who actually owns the water reservation would

always ensure Alaska's water bodies have enough water to support fish and other uses and put the burden on the appropriator to show that they will not harm those uses.

He said if there is any desire to truly strike a compromise among the interests here, a good start would be to amend the Water law provisions in the bill and put everyday Alaskans back into a meaningful role in water use and reservations decisions.

[5:13:48 PM](#)

MARY SHIELDS, representing herself, Fairbanks, Alaska, opposed HB 77. She is a dog musher and works in tourism. She said Fairbanks was incorporated in 1903 when gold was discovered there. This was her home and she cares about the land and all living things that share it. "Why would she give up her voice to help decide the future of this place?" she asked. Why would she pass this responsibility onto a handful of bureaucrats, some qualified but others just political appointees? Why do the authors of this bill have their ear muffs on? They should take them off and listen to what Alaskans are saying. They belong to Alaska and Alaska belongs to them. They value their role as citizens and want a state government that is more transparent not more secretive.

[5:15:44 PM](#)

LISA WAX, representing herself, Copper River, Alaska, opposed HB 77. She owns the Tsania Lodge outside of Valdez, the world's indisputable ski mecca. The beauty is unsurpassed, but the very entity entrusted with managing this unsurpassed beauty is in fact compromising its integrity and future viability.

She said the DNR has failed for decades to comply with its guiding doctrine. In 2007, DNR Commissioner Irwin wrote the Copper River Basin area plan adopted in 1986 that describes how DNR will manage the state land in the Copper River Basin including the Thompson Pass area. The relevant management guideline says that all development along the Richardson Highway corridor should be sited and designed to minimize impacts in views from the highway. He promised removal of some commercial structures and wrote that all structures would be wood-sided with brown roofs. Seven years later the permits have been abandoned and the Connex remains in the foreground of the Copper River Basin and Prince Williams Sound's most visited site, the Worthington Glacier.

Another abandoned permit is referred to as "The Super Fund." At least three new "roadside junk shows" - trailers, porta-potties,

snow cats, and helicopters - have been permitted this season and public access closed to the most historic back country route. Across the street and down the road two more trailer sites - snow cats, heli's - have been granted to another operator already out of compliance with a third site. The junk shows have been authorized for 7-8 months on five year permits with only 10-30 user days annually. Permit application numbers indicate that one tour bus will be more impacted by the eyesore than the total number of the permittees' annual clients. Public notice was not provided for any of the aforementioned permits, not even to those on the list. She concluded by saying that DNR's habitual negligence clearly indicates a need for more oversight not less. Failure should not be rewarded with the issuance of unlimited power, she stated.

[5:17:59 PM](#)

CARLY WIER, representing herself, Anchorage, Alaska, opposed HB 77. As a consumer of the public process and watching out for decisions that affect her way of life in Alaska, she said that it is very challenging to learn the information that they need to be informed. She suggested that one way to go back and create a process that fixes the permitting backlog and the small permits that some of the folks have talked about would be to reopen a dialogue that lets all of them have better access to information.

Their voices are not being adequately heard now; hearing an amended bill two days before there is public testimony and then when she got there she heard there was another version. That's not fair and is a process not worthy of Alaska and its resources.

[5:20:18 PM](#)

ALICE CIOSTEK, representing herself, Palmer, Alaska, opposed HB 77. As revised it is still broken. As Alaskans they demand that elected officials represent the people of Alaska. The revision does not give voice to the Tribes and other residents who are the eyes and ears of this state and subsist on what it has to offer for all's survival.

The Tribes and other local governments are being restricted from this flawed legislation that wants to give ADF&G a certificate of water reservation and where DNR no longer needs to prioritize their applications or even make a decision on them.

Another of her concerns was the subjective wording, terms such as: "substantially and adversely affects" or "unlikely results

in significant and irreparable harm." She was born, raised, and educated and plans to die in Alaska and what significantly and adversely affects her quality of life and peace of mind is not being considered, but rather this legislation is fast tracking a permitting process for corporations and companies to make a quick buck.

[5:22:27 PM](#)

DANIEL LYNCH, representing mankind and future generations, Soldotna, Alaska, opposed HB 77. It removes the people's voice on water rights and gives it to a handful of deciders: the governor and a few commissioners who serve at the whim of the governor, some that have a short shelf life before becoming lobbyists or corporate shills. Don't rush destruction of democracy and combine the three branches of government into one, he urged. More time is needed to balance and fine tune this issue.

[5:24:16 PM](#)

GERALD MASOLINI, representing himself, Cordova, Alaska, opposed HB 77. He was a 49-year resident of Cordova and had been a fisherman and processor most of those years. In the beginning Cordova was a mining town with not only the Kennecott Mine at the head of the Copper River, but with many small mines spread around the Sound. After seeing the huge threat the Pebble Mine poses to the salmon of Bristol Bay he is now very protective of his rights to speak up loudly if a Pebble Mine situation ever looms again anywhere, especially in the Cordova area.

[5:25:09 PM](#)

JOEL HANSON, representing himself, Sitka, Alaska, opposed HB 77. He is a 35-year resident of Alaska and emphasized that this legislation is hostile to a citizen's ability to legally challenge DNR's decisions unless they are "significantly, adversely affected." He thought it would do the opposite of streamlining the process.

MR. HANSON said he had been an active participant in many of the land management decisions the U.S. Forest Service had made on the Tongass over the years and one of the dumbest strategic moves he had seen them make was when they changed their rules governing public process by shortening the time period for public comment and tightened up their qualifications for legal standing. Ever since they made that move, every single timber sale has been first administratively challenged and then legally challenged.

He said the same thing will happen here when the DNR moves to establish general permits. DNR has historically been free of this kind of focused opposition, but that won't be the case if this bill passes. He suggested calling someone at Earth Justice (or the Natural Resources Defense Council, or the Center for Biological Diversity, or Greenpeace of Cascadia Wildlands) and see if they aren't both willing and capable of directing their legal expertise in DNR's direction if really bad land use projects start occurring as a result of this legislation. The harder the state makes it for average Alaskans to have a say in land use decisions, the more they will look to have their voices heard in other ways.

[5:27:36 PM](#)

GARY CLINE, representing himself, Dillingham, Alaska, opposed HB 77. He is a life-long Bristol Bay resident, commercial fisherman, and subsistence harvester and said this was an "atrocious bill." He asked why they would pass something that gives more authority to DNR and provides less input or power for Alaskans in the decision-making process regarding their land and water rights. He'd already seen how DNR could operate behind the backs of the people when going through their best interest findings to assess what is best for the State of Alaska during the revision of the Bristol Bay area plan where DNR stripped away over 90 percent of the land that used to be classified as habitat without adequately consulting the people or Tribes, which resulted in a lawsuit. He has no trust in DNR when they are going through this process.

[5:29:11 PM](#)

SUE CHRISTIANSEN, representing herself, Homer, Alaska, opposed HB 77. She said she understood the challenge DNR had with the backlog of permits and appreciated the time Senator Micciche and Senator McGuire put into these amendments, but HB 77 still is not the answer they need. It still doesn't address the major problems. Expanding DNR power, eroding Alaskans rights to appeal DNR decisions, and eviscerating the process for water reservations remain largely unchanged and unfixed. A bill needs to be crafted that empowers the people of Alaska; she was positive that solutions were there somewhere.

[5:31:13 PM](#)

KARL GOHLKE, Frontier Supply Co., Fairbanks, Alaska, supported HB 77. He remained supportive of all provisions in the new bill, which encourages public input and makes the permitting process more effective, efficient, and predictable. The bill is simply a permitting efficiency measure which the state had been working

on since 2011. These efforts included outreach to stakeholders across the state and ultimately resulted in legislation that allowed the agencies to implement changes to make permitting in Alaska more efficient and timely while maintaining their mission of protecting the environment.

MR. GOHLKE said HB 77 implements changes that will provide certainty and timely responses to Alaskans that obtain permits while maintaining efficiently run state agencies. Thanks to the special appropriations by the legislature, the DNR is making positive progress on the substantial permit application backlog. The funding has reduced the backlog, but efficiency measures in HB 77 help address the cause of the backlogs in moving forward.

[5:33:34 PM](#)

JUDY HILLMAN, Chuitna Citizens Coalition, Beluga, Alaska, opposed HB 77. She said they are a group of Alaskan property owners, hunters, and fishermen who were concerned about protecting salmon habitat in the vicinity of the proposed Chuitna Coal strip mine in the Upper Cook Inlet. This mine would set a dangerous precedent for every fish stream in Alaska, because it would be the first permit issued by the state to allow mining completely through 25 miles of wild salmon streams.

She said her group is uniquely affected by this legislation, because it will essentially allow DNR to ignore their application to reserve water for salmon in the tributaries of the Chuitna River called Middle Creek. They think it's wrong to mine through salmon streams.

She said the DNR took over \$4,500 from them in application fees, but refused to act on their request. The state also refused to act on a similar water reservation on the main stem of the Chuitna filed by the state's own Fish and Game Habitat biologists in 1996. In the meantime, it issued permits to the coal company to take water from the same stream for exploratory work. Because DNR would not process their application, they were forced to ask a court to decide and it found the state violated their constitutional rights by failing to process their water reservations. Now the coal company has submitted a water right application to take 100 percent of Middle Creek so it can mine down 350 ft. or more through the salmon habitat.

[5:36:27 PM](#)

HANNA CARVER, representing herself, Juneau, AK, opposed HB 77. She said she is a biology student at UAS and wanted to add her voice to the many articulate ones they had heard in opposition

to this bill, because it stifles public process and tramples on the rights of Alaskans in obvious favor of corporate interests. The changes do nothing to address the primary concerns.

She said the use of a public resource should be overseen and approved by the people who constitute that public. Closing the door to them is opening the door for unchecked private interests. In addition, the burden of proof should not be on citizens to prove that they are being significantly hurt. The burden of proof must be on projects and companies to prove they are not doing significant harm. This bill sets a dangerous precedent for Alaska, a precedent of poor environmental stewardship and a disregard for public opinion.

[5:37:32 PM](#)

KELSI SVENSON, representing the 650 UAA students who signed a petition against HB 77, Anchorage, Alaska, opposed HB 77. She thanked Senator Micciche and Senator McGuire for their work on the bill. She said they have a right to protect their non-renewable resources and traditional ways of subsisting; they have a right to protect clean water and the many animals, ourselves included, that depend on healthy habitats.

In addition, she said, unrestricted non-renewable resource extraction is directly related to climate change and it is becoming increasingly clear that it is real and already affecting every Alaska citizen. HB 77 is another example of extraction corporations choosing profit over life, and the government is acting as their enabler.

[5:39:49 PM](#)

JESSICA WINSTAFFER, representing herself, Sutton, Alaska, opposed HB 77 and all of its versions. She took a moment of silence saying afterwards that the silence could be the result of no running water in Alaska's streams and rivers. She said the silence could be the result of no opportunity for Alaskans to speak about DNR permits, to protect their homes, their natural resources, and the health of their families, fish and wildlife.

MS. WINSTAFFER said she had personally worked to get an in-stream flow reservation for the last eight years and it is an expensive, time consuming and technical undertaking. It has been with collaboration from federal, state, and private funding sources.

Reserving in-stream flows is one approach that can be used to ensure that critical salmon habitats remain available to help

salmon populations adapt to climate changes and to hopefully help restore several salmon stocks of concern. HB 77 eliminates much of her efforts to protect and enhance salmon for all Alaskans.

[5:42:11 PM](#)

CATHERINE CASSIDY, representing herself, Kasilof, Alaska, continued to oppose HB 77 in its amended form for the same specific reasons the committee had heard many times now, like the section 4 appeal criteria, the subjective terms like "significant or irreparable harm," and the further undermining of the water reservation application process.

She said Senator Micciche's amendment in Section 46 to reserve water in certain rivers was a positive addition in the bill, but it should have included the Chuitna River in that it illustrates a greater problem: many who are opposed to HB 77 depend on salmon for their livelihoods and sustenance. Since the State of Alaska has still not created automatic in-stream flow provisions for all salmon streams, the permitting process and in-stream reservations are the only tools available to Alaskans to preserve the salmon stocks and to prevent the slow chipping away of vital salmon habitat.

[5:43:27 PM](#)

LAUREN PADAWAR, representing herself, Cordova, Alaska, opposed HB 77 and all of its versions and amendments saying she was a fisherman and small business owner with a federal mining permit and is a member of Cordova District Fishermen United and the Cordova Chamber of Commerce and that HB 77 is an erosion of the public process; it's bad for fish, bad for the environment, and bad for Alaskans.

[5:44:38 PM](#)

ANDY SCORZELLI, representing himself, Sitka, Alaska, opposed HB 77. He said he is a commercial fisherman and perceives this bill as a direct attack on the democratic process.

[5:45:04 PM](#)

COURTENAY GOMEZ, Director, Natural Resources, Bristol Bay Native Association (BBNA), Dillingham, Alaska, opposed HB 77. The Association has been fighting HB 77 and the processes used by Nuvista and the 28th Legislature regarding the Chikuminuk project thus far. BBNA resolutions 2013-04,05 and 2013-15,16 have been submitted to the committee to be included in the record. She thanked Senator McGuire for removing the Chikuminuk language and subsequent SB 32.

She said the CS for HB 77 presented on Monday does provide some clarifying language to the original version of HB 77, however it still does not adequately allow for Alaskans to be involved in making natural resource management decisions.

In regards to the 32 current applications on file, today's CS does allow for those to be processed by the effective date, although they could still be denied.

MS. GOMEZ said it's important to amend the work plan for the reservation of the 12 important rivers protecting the productivity of Chinook salmon to include upriver streams, tributaries and headwaters that flow into these main stem rivers, as those are essential spawning and rearing habitats. She urged them to include all salmon rivers within the State of Alaska asking why they should just focus on Chinook, especially since ADF&G has already been tasked with Chinook protection.

[5:47:35 PM](#)

MIKE BYERLY, representing himself, Homer, Alaska, opposed HB 77. He said some improvements had been made to the last version of the bill, but the essence of it remains. And while "notwithstanding" in section 1 was removed and "a person and tribes" have been retained as someone who could apply for in-stream flow reservations, which were positive, but DNR still has too much power for issuing general permits and there is still plenty wrong with the bill as a whole. "Substantially and adversely affected" is still used throughout the bill.

He said, "We're all Alaskans and we all should retain the ability and the right to appeal or request reconsideration on permitting actions." For those who can actually make one, the appeal periods are still way too short and the commissioner still retains the ability to extend leases at his discretion in multiple sections, still retains the discretion to make public decisions that have been made by the department and to make public comment periods available on pending decisions.

In section 35 the department retains the ability to determine what a significant amount of water is when determining removals from one hydrologic unit to another. Prior language was that it just couldn't be done unless defined conditions were met, like enough water for salmon production. The commissioner retains the ability to issue one or more temporary water use authorizations, which is open-ended allowing the ability to perpetually issue authorizations with no real oversight.

[5:50:04 PM](#)

PETE J. PETER, Venetie Tribe, Fairbanks, Alaska, opposed HB 77. He said he served in the military for many years and retired here and he really cares about the resource and subsistence rights for our veterans and the children back home. HB 77 is actually based on greed. It's not looking at subsistence rights in the future. Alaska needs to be kept as the Last Frontier.

[5:52:36 PM](#)

BRANDY PREFONTAINE, representing herself, Prince of Wales, Alaska, opposed HB 77. She asked them to listen closely, to delay and revise this bill so they can consider the comments that are being made by the public. She was raised on subsistence and water is needed for everything about it; this bill directly impacts their rights in that respect.

[5:55:11 PM](#)

MADELAINE RAFFERTY, representing herself, Fairbanks, Alaska, opposed HB 77. She said her objections to HB 77 have largely been articulated in the many previous testimonies, but she wanted most to emphasize that the amendments were a completely inadequate response to the flood of opposition it has received. Alaskans have been kept in the dark about changes to the bill that had been 10 months in the making.

[5:56:16 PM](#)

LIZ ALLARD, representing herself, Palmer, Alaska, opposed HB 77. She opposed it because it serves the elite while silencing the majority. She commended attempts to amend the bill, "but with no due respect, no amount of duct tape in Wasilla can fix this broken bill." In Palmer, over 80 people turned out to their public forum on this issue and nearly 40 people testified against it; none in favor. Her message was simple: "We as Alaskans are engaged; we are informed and will not be silenced."

[5:57:51 PM](#)

BRUCE JORDAN, representing himself, Matsu, Alaska, opposed HB 77. He said his story might be a little different than some in that they retired from Oregon and moved north - for the best of all reasons: their two children and grandchildren live here. One of them has lung issues that are susceptible to any particulates in the air, which makes the winds in Palmer very challenging when they visit. He said they see themselves as stewards of their lives as well as stewards of their adopted state doing whatever they can to help Alaska stay that magical place that all of its residents and many visitors find when they explore

its beauty. Allowing our state's DNR to operate with little public oversight on resource extraction could cause great harm to the land, the fish, and animals and especially the people who call Alaska home. He urged them to retain public oversight in any bill they pass and discard the current version of HB 77.

6:00:00 PM

ERIK HUEBSCH, Vice President, United Cook Inlet Drift Association (UCIDA), Kasilof, Alaska, opposed HB 77. They do not think adequate time has been given for the evaluation of the amended bill and have concerns regarding actual language versus the intent of the bill. Further amendments are necessary to protect fish habitat and the rights of citizens in their efforts to protect it.

6:01:47 PM

JOHN MURRAY, representing himself, Sitka, Alaska, opposed HB 77. He found section 39, line 19 (b) suspect in the way it's written. He suggested using new language such as: "the effect on economic activities from not having the proposed reservation."

He disagreed with language in section 42, lines 29-31, that talks about a significant amount of water with a temporary use permit being issued one or more times. This open-ended language could lead to abuse. Also he didn't see language saying a person could appeal that.

The reason given for the state's need to hold a water reservation was because companies, non-governmental agencies, organizations, and individuals don't always stick around and this would ensure the reservations persist, and he found that a very weak rationale. This section needs to be debated fully and if DNR can't come up with solid reasons, the person should be able to hold the water reservation.

Language in section 14, lines 26-27(b) doesn't work out for seasonal harvesters, because it provides 20 days after issuance of a termination. A lot of people work in the summer; he has his head down catching salmon, trying to make a living and doesn't have time. Some language needs to be put in to address that.

6:04:13 PM

CODY LARSON, representing himself, Dillingham, Alaska, opposed HB 77. He said that amendments to this bill happened quickly. The DNR backlog could be because of bills like this; pending water permits create a large backlog.

Section 46(d) says nothing in this section prevents or may be construed to prevent the DNR from authorizing other uses of the water in rivers identified in parts (a) and (b), which is a work plan. So, that language "is kind of just trumping the first (a) and (b)," so if you look at (d), it seems similar to the commissioner's over reach in the original bill. He said if they continue to promote this bill for the Parnell Administration, it will just wound them, because people will lose confidence in them.

[6:06:16 PM](#)

RICHARD GUSTAFSON, representing himself, Homer, Alaska, opposed HB 77. He appreciated all the work they had done, but they hadn't done enough to solve the problems with it. He would look it over and try to give them more specific examples, but overall HB 77 has eroded the public trust in the Administration and Legislature. Please reject this bill, he said. One possible way to help get the trust back would be to reinstate the Coastal Zone Management Program (CZMP) that was gutted so the Parnell administration could go carte blanc for development.

[6:07:28 PM](#)

LANCE ROBERTS, representing himself, Fairbanks, Alaska, supported HB 77. He said he has a lot of relatives in the mining industry, which has been in Alaska for hundreds of years and they have "done just fine." But it's extremely hard for small miners to get things done because of the onerous permitting process. A miner used to be able to go in and get a permit for a couple bucks in an hour, but now it takes 34 permits and a lot of time and money. He said a lot of testifiers have been talking about corporations, but there are lots of small, individual miners and other people who do permits who would be affected by this. He said the state really needs a general permit process.

[6:09:36 PM](#)

BECKY LONG, representing herself, Bald Mountain, Alaska, was concerned about one section in HB 77. It says a person can take up to five gallons of water a day out of a hydrologic unit without a water right or permit. She opposed that as being too high. She explained that her family has had water rights on a small anadromous creek for 30 years and if a few entities above them each took that much water out, her water rights, which is a property right, would be impaired. This needs to be cleared up.

She saw no reason for this bill and, further, DRN had cut its backlog of permits and there is no evidence that standing on appeals has been abused. If there are any frivolous appeals, the

DNR commissioner can automatically just sit on it or the judicial system could throw it out.

She noted that the general permit language in the bill was not clear and will guarantee that future land use conflicts will happen and that constituents will have to come to the legislature to deal with them; ultimately those disputes would start clogging the courts.

[6:11:52 PM](#)

DICK COOSE, representing himself, Ketchikan, Alaska, supported HB 77. He said he is a retired federal forester of about 40 years. This is a positive bill that DNR can move forward with in a more efficient manner. They are charged to do the best they can to protect and manage the resources. As a retired forester he had heard most of these stories before; it's emotional and wrong. He said move forward with it and tweak it later on if that is needed.

[6:13:30 PM](#)

MERRILL LAKE, representing himself and family, Chevak, Alaska, opposed HB 77. However he thanked Senator Micciche and Senator McGuire for making the most recent changes. He grew up seeing salmon not as a delicacy but as a way of survival throughout the harsh and expensive winters in Bush Alaska. He explained how they live a subsistence lifestyle that includes providing for the extended family and how at 23 years old he could remember suffering due to lack of common shelf items. By trying to suppress their voice in how this land is treated they are telling them their way of life is not worth protecting.

[6:16:09 PM](#)

GARVIN BUCARIA, representing himself, Wasilla, Alaska, opposed HB 77. He said it's unlikely he could afford the bonding costs should he desire a legitimate appeal. He stated that the Kobuk River and its tributaries, particularly the Ambler, need protection for its Sheefish. In 1968, he obtained mineral samples from the Kennecott Corporation geologists working near the village of Kobuk. Values from large ore bodies are clear, but there is a price. Acid mine drainage and heavy metal contamination are dangers in these areas where mines are because of the rainfall. When active mining occurs pollution control is more likely; post mining history is less sure. Responsible parties just disappear and then the people pick up the tab.

[6:18:35 PM](#)

KAITLIN VADLA, representing herself, Soldotna, Alaska, opposed HB 77. She said she fishes and hunts and loves Alaska; she votes for both Democrats and Republicans. She thanked everyone for their work on HB 77 that was an attempt to improve the permitting system, but she opposed the current version, because it still needs lots of improvements.

She said that water reservations are supposed to be a tool for agencies and individuals to use to protect water bodies for habitat, transportation, and recreation, but DNR has not actually processed any water reservations filed by individuals. So, this tool doesn't actually work and HB 77 makes it less workable not better.

One solution would be to create an automatic reservation codified into reserving some water, like 60 percent in the summer and 40 percent in the winter, in all water bodies for habitat, transportation, and recreation. The burden shouldn't fall on individuals and agencies to reserve water on a one by one basis for each stream, river, and lake in Alaska. With an automatic reservation, amounts to be determined by expert state biologists and hydrologists, the burden of processing individual applications for water reservations would go away. DNR would then be free to concentrate on consumptive water applications and granting surplus water for other kinds of uses while still protecting fish habitat and other important uses. This is what DNR says it wants to do with HB 77, but she didn't think it moves them in that direction.

[6:20:26 PM](#)

CHARLES BINGHAM, representing himself, Sitka, Alaska, opposed HB 77. He said the Constitution of the State of Alaska has a concept called "the commons," which means that shared resources, oceans, streams, minerals, technology, infrastructure, land, civil space, all of those are to be looked at as a commonly owned resource for everybody's use, not just corporations or that kind of group. In order to protect the commons you need to have an engaged public process. HB 77 really restricts the public process.

MR. BINGHAM said he also looked on clean water as being a key resource for Alaska. For instance, the people in West Virginia have not been able to drink their water for two months now, because of contamination from Freedom Industry's spill, part of which was because of lax regulations, which is what this bill is doing. The business declared bankruptcy and now the state has to pay to clean it up, and the water is still damaged.

[6:22:55 PM](#)

CANDY ROHRER, representing herself, Homer, Alaska, opposed HB 77 in its current form. She and her husband are farmers and ranchers in Homer. One issue, in particular, concerned her and that is that an individual may file an appeal, but not a special interest group. That can be cost prohibitive for an individual, and a daunting, overwhelming process, especially when other entities have a cascade of consultants and lawyers that the individual doesn't have access to.

She called their attention to the appeals page, section 13 where it says that if you are adversely affected, a prequalification, you can do an appeal and a request for reconsideration in five days, but that just isn't enough time. Often people don't even know that something is coming down the pike; doing something that you have little or no knowledge of or experience at can be totally overwhelming.

MS. ROHRER said the new version is very interesting and she wished she had it sooner. They should be doing a Socratic seminar on it and go through each section. She commended her fellow Alaskans for really looking at the details and speaking so eloquently about them.

[6:25:14 PM](#)

JOMO STEWART, Energy and Mining Project Manager, Fairbanks Economic Development Corporation (FEDC), Fairbanks, Alaska, supported HB 77. He said Alaska is a resource state and there is an understanding that the key to its economic development would come through timely, judicious, and balanced use of its natural resources. Generally, prudent development has been assured through application of a fair, open, and rigorous regime, but inefficiencies in the permitting system have in the past hampered or even stymied otherwise productive and beneficial projects. This hasn't only harmed large corporations, but also individual Alaskans in businesses who have sought access to state lands and resources and has slowed or even arrested Alaska's local, regional, and statewide economic growth.

FEDC supports HB 77, because though it is primarily designed or appears to be a means of addressing the chronic timeliness issue that resulted in a backlog of 2,600 pending applications in 2010. It achieved this goal without appreciably diminishing or damaging other facets of the otherwise model regulatory regime. It streamlined the process, which will lead to cost savings for both project sponsors and the state.

[6:27:33 PM](#)

GEORGE PIERCE, representing himself, Kasilof, Alaska, opposed HB 77. He suggested sending this bill to the Judiciary Committee, because it looks like a future lawsuit, because Tribes, fishermen groups, and Alaskans will appeal to federal agencies to step in and help protect the subsistence resources.

He said leaving DNR in charge of permitting and appeals sounded suspicious to him. This bill makes it difficult for Alaskans to have a say at the table about development of our natural resources and how they should be managed in the most responsible way possible. People shouldn't have to pay for water rights to keep water in the streams of the fish.

[6:29:43 PM](#)

LISA WEISSLER, representing herself, Juneau, AK, supported HB 77 with some additions. She said she is an attorney and had submitted written comments identifying a whole bunch of legal issues including a catch-22 when it comes to appeals of general permits. But just fixing that problem won't solve the larger problem facing our state: that the state permitting system no longer serves the public interests. Since 2003, doors have been closing on the local governments and public involvement in resource permitting decisions and HB 77 just closes more of those doors.

So, instead of trying to fix a bad bill, they should be working to fix the system. Some other legislation could be fit into this bill to enforce an Alaska Supreme Court decision that was issued last March, Sullivan v. Red Oil in which the court found that DNR has a constitutional duty to analyze the cumulative impacts of certain oil and gas projects and to provide meaningful public notice of that analysis. DNR is currently ignoring that law without a legal basis that she has seen or heard of. She said this constitutionally required cumulative impact analysis would give the public and agencies an opportunity to review projects as a whole and that's a way to help the public interest become part of the resource development decision making.

She recapped that they need the legislation to enforce the court decision as a matter of law, but it also has the added benefit of starting us on the path of rebuilding our permitting system, one that will serve the public interest as it's envisioned by the Alaska Constitution and that will serve all of Alaskans.

[6:31:54 PM](#)

ERIC BOOTON, representing himself, Anchorage, Alaska, opposed HB 77. He said he was disappointed in the response from the Resources Chair to citizens who had emailed her about not being able to testify on this issue. As an avid sport fisherman, young resident of Alaska, he strongly opposed this bill and the "weak amendments" proposed for it. He said HB 77 guts existing laws that already don't go far enough to protect our fish and their habitat and they need to be strengthened. He said our public process is among the best in the world and this bill is a "Frankenfish" that is too flawed to fix. However, he thanked Senator Micciche and Senator McGuire for their efforts.

[6:33:57 PM](#)

BILL WARREN, representing himself, Nikiski, Alaska, opposed HB 77. He is a 63-year resident of Alaska and a retired member of the Pipefitters Local 367. He had worked from Ketchikan to Barrow and throughout a lot of the Lower 48 and had seen water abused with his own eyes. He had seen the Hoover Dam on the mighty Columbia and Hanford with nuclear waste problems, maybe tragically. He had worked up in the Great Lakes at a time when you couldn't eat the fish and in Nikiski that has had water contamination problems from industry that are still not completely fixed. In Fairbanks, Flint Hills is undergoing bad water issues. Pure water is primary and the wisdom of the public is needed to keep alignment with Alaskans.

[6:36:51 PM](#)

RANDY POWELSON, representing himself, Fairbanks, Alaska, supported HB 77. He congratulated all who testified today, both pro and con, because participation is what America is all about. He paraphrased a famous quote that says I disagree with you, but I defend your right to say it. In that spirit, they must keep an open mind and listen to opposing views and give them honest consideration.

He had actually read HB 77 and supported the effort to streamline state government. Efficient management of Alaska's natural resources is absolutely vital to the continued wellbeing of Alaska's people and the state economy. Alaska's motto is "North to the Future" not "Stop and Remain in the Past." The hard reality is that somebody has to work and pay the bills and the taxes; Alaska's resources pay the bills, period.

Today the debate is about progress versus preservation; conservationists versus environmentalist. He is a conservationist and believed in the wide and appropriate use of natural resources and lands for all, not just for subsistence.

[6:39:29 PM](#)

DAVE CANNON, Environmental Director, Native Village of Napaimute, Aniak, Alaska, opposed HB 77 and the CS. The chair said she hadn't heard anything new, but he was going to try to provide something a little bit different.

He had only lived in this state for 15 years; prior to living on the Kuskokwim he was a fish biologist in Idaho who witnessed first-hand the decline of the salmon in the Pacific Northwest, mostly the result of habitat alteration or degradation due to lack of oversight or weakened regulations. HB 77 is too reminiscent of the political meddling in the guise of streamlining the permitting process. He definitely didn't agree with the two mining testimonies that claimed on Wednesday that this bill would actually improve public participation.

They still believe that the commissioner would have too much discretion over decisions that could have long ranging detrimental impacts to aquatic resources. Including things like Chikuminuk muddies the process and he was glad that was removed.

[6:42:01 PM](#)

FRANK BERGSTROM, representing himself, Juneau, Alaska, supported HB 77. He said he was a member of the AMA and board member of First Things First Alaska Foundation, which seeks to spread information and educate people about the importance of natural resources in our lives and economy here in Alaska. He said is he also an adjunct professor of ballroom dance at the UAS. He came here to personally thank them for such an excellent bill; it's a superb tool that is needed by the agencies to protect and manage the resources that we have.

[6:43:20 PM](#)

MICHAEL JESPERSEN, representing himself and family, Anchorage, Alaska, supported HB 77. He thanked everyone for their hard work on this bill. He hadn't read the new CS, but had read the one that came out Wednesday and wanted people to understand that page 2 (from Wednesday) says there will be a comment period of "not less than" 30 days; it doesn't say "just" 30 days prior to issuing a permit, and that's plenty of time.

Public comment is not being stifled, he said. State government is required to manage natural resources for the benefit of all Alaskans and water is our basic resource. Yet now, anyone can reserve water and take it away from the rest, and while he doesn't really trust anybody, he thought the state government

was more likely to do a good job of managing water reservations than individuals or special interest groups intent on blocking development. Requiring people and groups to show harm prior to challenging a permit after it is issued is a good idea, but he thought requiring everyone applying for a permit to do the same scientific study and rigor developers must currently do would be a better idea.

[6:45:29 PM](#)

PAUL ZIMMERMAN, representing himself, Kasilof, Alaska, opposed HB 77. He said he is alarmed at the trend he sees for so-called conservatives to propose various methods to limit or deny individual citizens or groups of citizens the right to participate in the decisions of their own governance. That trend manifests itself in many ways from actions meant to deny them standing in courts to actions to do away with whole programs; from actions which deny due process to actions that extend to even limit a citizen's right to vote. HB 77 is more of the same.

MR. ZIMMERMAN said he was also "disgusted" with the attempt to create a false narrative and mischaracterize those who may object to the intent of HB 77, as his senator has said to the press that anyone who would dare object to this proposed legislation would have to be labeled as an "extremist."

[6:47:56 PM](#)

SHARON ALDEN, representing herself, Fairbanks, Alaska, opposed HB 77. She said it is an egregious attempt to remove the peoples' voice and their ability to challenge DNR's decisions. If this bill passes, she said all Alaskans will be "substantially and adversely negatively affected." This streamlining essentially short-cuts and short-circuits the process. She mentioned that about a dozen people who were going to testify in opposition weren't able to remain this late.

[6:50:30 PM](#)

TIMOTHY WONHOLA, representing himself, New Stuyahok, Alaska, opposed HB 77. He was concerned that the younger generations will not have the opportunity that he has had. He had lived in Alaska for 67 years without HB 77. He has seen a lot of changes, but this is not one that he wants to see.

[6:52:55 PM](#)

JUDY ANDREY, Chair, Legislative Action Committee, Alaska League of Women Voters, Juneau, Alaska, opposed HB 77. The League is very interested in full public participation in governmental and legislative decision-making. There needs to be adequate public

input, because this is a democracy for one thing, but the other thing is legislation that is pushed through too quickly can have some unintended consequences. One of the ways to avoid this is to allow full public participation. Thirty days is not enough and the appeal process is very limited - only to people who have gotten in to testify or have written a letter - which gets back to the 30 days. Maybe people are out fishing and need more time to respond.

She said it seems that DNR doesn't have adequate funding to take care of the permitting process and they would advocate for that. They would also like to support the others who have said there needs to be a clear definition of "substantially and adversely affected."

[6:55:44 PM](#)

KARA HASTINGS, representing herself, Anchorage, Alaska, opposed HB 77. This bill is too big and too vague. The one thing that gets her the most is that big blanket statements like "substantially and adversely affected" need to be defined.

[6:56:39 PM](#)

PAUL SHADURA, Kenai Peninsula Fishermen's Association, Kasilof, Alaska, supported Senator Micciche and Chair Giessel's efforts to develop solutions for the revisions to the general permitting regulations in HB 77 and they support many of the changes, but it must balance the water uses. Any law is only effective if those who are deciphering the intent language do so with reasonable interpretations. And considering the political nature of resource management in Alaska, they question that the current version clarifies the intent to protect and promote the resources of the state. However, he said they supported many of the changes in the current version of HB 77.

In Section 14, although they continue with the original language that has the director throw the dice and then question appeals based on "substantially and adversely affected" competing commercial setnet fishermen, they believe this may be an inequitable contradiction. Section 40(c),(4), (a)-(e) especially (b) and (c) offer some definitions to establish guidelines for consideration, by the DNR commissioner, but section 42(i) begs the question: while an agency such as ADF&G who holds the water reservation for persons substantiate and defend the rights of the applicant in the case of an appeal, will the department then be held accountable for the accuracy of the hydrological data collected by the applicant to support the application?

He said it was not their intent to hinder the adoption of this bill and felt that the efforts to streamline the regulatory process are important for the protection and orderly development of the state's resources.

[6:59:16 PM](#)

DELORES LARSON, representing herself, New Koliganek, Alaska, opposed HB 77, because it endangers the land they live off of, their pristine waters, and most importantly the abundance of fish and wildlife that her people have depended on for thousands of years. She believed the reason why Bristol Bay is considered a world class fishery is because most of it is left untouched by large scale development. HB 77 silences her right to protect her culture, their primary food sources, and the renewable natural resources. Already, there are restrictions on how much fish, caribou, and moose they can harvest each year, so why should she trust the state to make decisions when they do not have their best interests at heart and don't value the land, fish, and animals like they do. The Tribes know what is best for Bristol Bay and they need to recognize the importance of working with the people who live there and have great insight into the natural processes at work.

[7:01:58 PM](#)

KIRK HARDCASTLE, representing himself, Juneau, Alaska, agreed with many things said about HB 77, but was opposed to it. He said he is a commercial fisherman in Alaska and a student of Administrative Law and Natural Resources. He explained that he agreed with what is being said against HB 77, but he wanted to address something everyone should know and understand: the Alaska Constitution. Article 8, section 1, provides that:

It is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with public interest.

He said it seems as though the public is not interested in this bill, as well as the DNR mission statement, which is "to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with public interest." If this bill passes, it could be unconstitutional on two levels. From the DNR website he copied Joe Balash's sworn testimony that he would support the public interest not special interests.

[7:04:13 PM](#)

SYLVIA PANZARELLA, representing herself and husband, Anchorage, Alaska, opposed HB 77 and the CS. She thanked her senator, Hollis French, for always keeping his eye open for the air, land and water. She hoped he would do the right thing with HB 77 by voting it down saying, "HB 77 and its rewrites are the same old song and dance with different words."

She said an overwhelming number of citizens in Alaska do not buy this. On Wednesday afternoon over 180 people gathered throughout Alaska to speak; many had to take a day off from work, which is not cheap. Of the handful of people who were allowed to speak many were cut off in mid-sentence with arrogant and sarcastic comments and comments were ended sharply at 5 p.m. This is exactly the same attitude in HB 77; it attempts to silence the voice of the people in various ways and it is their right to speak.

[7:06:47 PM](#)

BENJAMIN JACKINSKY, representing himself, Kasilof, Alaska, opposed HB 77. He said he is a commercial fisherman and small business owner and felt humbled to be in the majority with so many citizens of Alaska. He hadn't had enough time to read the different versions of HB 77, but the committee seemed intent on rushing through the process and have a vote on it. Therefore, he can only hope that they will listen to the arguments presented and try to understand the opposition to it. He said HB 77 seems to have run amok with democracy by placing too much power in hands of one individual, the DNR commissioner. He hoped democracy would continue to function and that people's voices be heard.

[7:08:14 PM](#)

PETER BUCK, Vice President, White Mountain Native Village, White Mountain, Alaska, opposed HB 77. He said he is also a member of the Seward Peninsula Regional Advisory Committee. His community depends on the fish in the river for their subsistence due to lack of jobs. They would like to monitor their river system by taking data and making sure future developments, like mining, don't affect it.

He said the Native Village of White Mountain supports resource development and responsible growth. They, therefore, urge non state and federal organizations such as White Mountain continue to have the right to have a say in those things that directly implicate their lives, and reserve the amount of in-stream flow required to support aquatic life and protect habitat.

[7:10:28 PM](#)

CHELSEA GOUCHER, Executive Director, Greater Ketchikan Chamber of Commerce, Ketchikan, Alaska, supported HB 77. She said in light of an increasingly burdensome federal permitting process, it's more important than ever that DNR do what it can to keep things efficient and prevent future backlogs in the state process. Efficiency and certainty are vital for encouraging investment in our state and its people through expansion of the tax base and job creation. Responsible resource development is the foundation of our economy.

[7:11:31 PM](#)

RICK ROGERS, Executive Director, Resource Development Council (RDC), Anchorage, Alaska, supported HB 77. If this legislation put our renewable salmon resource in jeopardy and removed Alaskans from important decisions regarding public resources or if it extended unbridled power to the DNR commissioner, RDC would stand in opposition to it, but to the contrary, they have reviewed the bill with the exception of the new one today and don't see where it does any of those things. It does make systemic improvements to what has become a very complex set of statutes that authorize DNR's work, but they are needed to prevent future backlog and delays.

He said much in the bill is about helping smaller businesses and Alaskans in making DNR more efficient. With budget deficits, he asked if we could really afford having DNR adjudicate every individual mooring buoy when a general permit could serve the public interest. The amendments to the general permit language are good, because they provide an appropriate limit to their scope.

MR. ROGERS said the status quo on water reservations is bad public policy. For example, in the late 90s, Green Peace attempted to frustrate oil development near the Kuparuk River by seeking a water reservation. Fortunately, in that case, the facts did not support their claim, as the waters used in development were not physically connected to the Kuparuk River. However, the flawed law that allowed that attempt to cut off Alaska's economic life blood is still on the books. They believe this bill adequately addresses this issue by allowing persons to apply for reservations and vesting the certification for the water with the state agency.

[7:14:02 PM](#)

KATE VEH, representing herself, Soldotna, Alaska, opposed HB 77. It gives too much power to the commissioner of DNR. It still

makes it difficult to appeal the process through the DNR. She proposed creating a voter-friendly DNR that allows adequate public input, much more than 30 days, so lawsuits don't end up in the court system. She also proposed that legislators start writing bills in a way that voters can actually understand instead of using legal jargon and if this passes the people should fire up the referendum process to put this bill up for a vote. She proposed that the legislature create bills that advance renewable energy, grow a vibrant Alaskan local foods industry, and reduce the vast amounts of money going into political campaigns.

7:16:02 PM

DIANE FOLSOM, representing herself, Dillingham, Alaska, thanked them for removing Chikuminuk Dam and Woodtikchik State Park from HB 77, but she still opposed it. She said she had been on hold via telephone for 3 hours and 40 minutes to testify. This bill gives DNR more rights over our waters and does away with Alaskans' rights to appeal their decisions and Alaskans should have the right to appeal decisions made state agencies. This bill is aimed at passing the public and getting the Pebble Mine their permits. The Governor's administration has refused to work with the people of Bristol Bay and waited 10 months to work on this bill and then did it behind closed doors.

7:17:57 PM

DOUG WARD, member, Greater Ketchikan Chamber of Commerce, Ketchikan, Alaska, supported HB 77. He said he also sits on the Alaska Chamber board, the RDC board, and is the oldest surviving member of the Alaska Workforce Investment Board where he is still the executive council. His day job is working for Vigor Alaska, the operator of the state-owned Ketchikan Shipyard. In his professional capacity in Ketchikan, he said he had extensive experience in preparing permit applications, environmental documentation and assessments, and managing development projects in the state. He supported HB 77 and "the lengthy process that DNR and other state permitting agencies have gone through to create an efficient, fair, and effective permit process."

MR. WARD said that HB 77 does not cut Alaskans out of the public process; rather it strengthens it. It doesn't give the DNR commissioner excessive authority, nor does it put salmon or the environment in jeopardy, but it does give young Alaskans a much better opportunity to prosper in this state.

MR. WARD said passage of HB 77 will increase the efficiency of our land and water use authorizations while maintaining Alaska's high environmental standards.

[7:19:52 PM](#)

CARL PORTMAN, representing himself, Anchorage, Alaska, supported CSHB 77. It improves the process of issuing general permits and efficiently addresses the severe backlog in permitting. It will not circumvent any environmental laws including the rigorous federal NEPA process and its many opportunities for public comment.

Under the CS, he said individuals, tribes, and others will continue to be able to apply for water reservations, but their certificate will be issued to an appropriate state agency ensuring public resources are rightfully managed by public agencies with scientific expertise. This is important, because for large projects that are multiple years in the planning, the decision on how to withdraw water, protect the fish, and provide for economic development should be made with all the data and with an understanding of all the environmental and social effects. The agencies are in the best position to make science-based decisions on our water resources.

[7:21:44 PM](#)

JUDY BRAKEL, representing herself, Gustavus, Alaska, opposed HB 77. She thanked the committee for hanging in there and the testifiers for showing up. Alaska has already lost the Coastal Zone Management (CZM) program, one of the very few bases under which people and communities in coastal Alaska could participate in decisions on land and near-shore waters.

She said this administration has worked to take powers away from citizens and the Alaska Constitution already makes the governor and hence the administration exceptionally powerful. This bill would go a long way to consolidating more power with them, particularly the commissioner of DNR.

MS. BRAKEL said she had studied the new CS and some things that are important are not in there. What's missing? General permits have been described by the DNR as applying to relatively minor matters, such as mooring buoys, but the actual language has no sideboards for the kinds of activities that can be permitted. She didn't know what "significant or irreparable damage" meant.

[7:24:30 PM](#)

ANDREW SPOKELY, Ward Cove Group & AMA, Ketchikan, Alaska, supported HB 77. It is critical to development and jobs in Alaska.

[7:25:28 PM](#)

KATI CAPOZZI, representing herself, Anchorage, Alaska, supported CSHB 77. She said the well-thought-out changes introduced in this week sufficiently addressed the concerns that had been voiced while still achieving the original intent of the bill to implement a more efficient permitting process. She thanked Senator Micciche for helping bring forth the balance and Chairman Giessel for her fair process in the public hearings. She also thanked Senator Fairclough for her yes vote on this bill.

[7:27:07 PM](#)

DAVE CRUZ, President, Cruz Companies, Alaska, supported HB 77. He said he was responsible for several hundred Alaskan workers that rely on responsible resource development for their jobs. This is what needs to be done; it will help out the permitting process as many projects are extremely time sensitive and the current system is flawed. This does not circumvent the ADF&G requirement for habitat protection. He thanked them for their time and work on it.

[7:28:39 PM](#)

ELSA SEBASTIAN, representing herself, Juneau, Alaska, opposed HB 77. She said she is a life-long Alaskan and a permit holding commercial fisherman. Her greatest concern with this bill is the way it redefines the roll of regulators. Ideally, it is their role to receive applications from private interests whether they are appropriations, individuals or tribes and to weigh those applications equally. However, under this bill even with the amendments, the DNR is not held sufficiently accountable. They will not have to review water reservation applications in the order they are received giving DNR the power to prioritize certain applications and backlog others, which already seems to be a problem.

Further, she said, the commissioner of DNR is selected by the governor and she was honestly concerned that would allow a tremendous potential for cronyism and prioritizing the water applications that they want. Clearly, the DNR should have a standard protocol and timeline for considering every application and this is sorely missing from the current bill.

It is important that every avenue for public participation be wide open, she said; every Alaskan should be afforded a moment to voice their concerns and defend their interests no matter what they are. This committee's hearings have demonstrated that and she hoped they wouldn't let the bill go further.

[7:30:55 PM](#)

MARLEANNA HALL, representing herself, Anchorage, Alaska, supported CSHB 77. As a lifelong Alaskan she supported economic and community development opportunities across the state. She was lucky to have a job she truly enjoyed and wanted the same for her son when he goes to work here. She believed HB 77 will reduce the ability of anti-development organizations to abuse the system and stop progress. This bill will provide certainty in the permitting process, which is one of the best in the world, and make it more efficient. Sending Alaskans to work is another great benefit of this bill.

[7:32:02 PM](#)

MATT OBERMILLER, representing himself, Copper Basin, Alaska, opposed HB 77. Removing Alaskans voice from issues that affect them is wrong and HB 77 is something a terrible dictator would be proud of; it is not how things are done in America.

He kept hearing about efficiency and streamlining, but the DNR permitting is not currently cumbersome or burdensome to responsible development. It is shorter and cheaper than any other state in the country. Alaska is currently and usually free and easy place to do development for anyone from large corporations to small miners.

MR. OBERMILLER said he was recently involved in permitting a sizeable local gold mine and the accepted DNR application literally looked like it was filled out and compiled by a third-grader, not a barrier to anyone. He said HB 77 is a "Trojan Horse" to allow irresponsible projects to escape the public scrutiny that they should be submitted to.

[7:34:34 PM](#)

STUART COHEN, representing himself, Juneau, AK, opposed HB 77 saying he has a small business and is a novelist. He saw an editorial yesterday by Joe Balash who said in 2011 more than 2,600 permits were backlogged and that DNR had cut it by more than 50 percent. So, why don't they just hire more people to work through the backlog using the current permitting process and then scale back those people to the point where there are enough people to deal with whatever the workload?

MR. COHEN said he was sure the permitting process is complicated, because environments are complicated and also because democracy is complicated. But the reason we have a democracy is because everybody is a special interest unless they

are living in some totalitarian utopia where everyone thinks alike. He said as far as substantially and adversely affected goes, even though he lives in Juneau, if something happens in Kenai, he feels its affects him and he would want to be able to speak out.

7:37:00 PM

ANDY ROGERS, representing himself and his family, Anchorage, Alaska, supported HB 77.

7:37:58 PM

NICK PASTOS, Alaska Big Village Network, Anchorage, Alaska, opposed HB 77 and its amendments. He said he was also a board member of the Center for Water saying that the human right for water is profound and essential; water knows no boundaries. The tribal community throughout Alaska has passed resolutions that need to be respected. He said not only was it hard to keep up with the changes in the bill, but it was hard to get access to testify on it. Access is fundamental to democracy.

7:41:24 PM

RACHAEL PETRO, President and CEO, Alaska Chamber of Commerce, Anchorage, Alaska, supported HB 77 and its amendments. She said the Chamber's primary mission is to advocate for policies that improve Alaska's business climate. That comes with challenges, but when all the members agree on issues it is a little bit amazing. One thing they agree on is that efficient, predictable, and common sense regulation and permitting processes are integral to creating an environment in which businesses, new and old, can proceed. The amendments improve the bill and address the comments they heard last session.

7:43:52 PM

JASON BRUNE, representing himself, Anchorage, Alaska, supported HB 77. He said he is a board member of the RDC and the Alaska Chamber, Vice President and the Anchorage Branch Chair of the Alaska Miners Association, and Chair of the Consumer Energy Alliance Alaska. Each of these organizations represents thousands of Alaskans and they support HB 77. He also supports salmon and public input, subsistence rights, and responsible development of Alaska's natural resources.

He is a biologist and knew first-hand from previous jobs the way companies that try to develop these Alaskan resources respect the land, the fish, the culture, and public input. He also knew that if they continue to put up roadblocks to stopping this responsible resource development, companies employing Alaskans

will leave. And when we push development out of Alaska it is forced to go to third-world nations where they don't care about the environment or the water. We should do all we can to encourage development in Alaska and HB 77 does that without compromising our environmental ethics.

He referenced the AMA and RDC White Paper that said currently 85 percent of all non-agency in-stream water flow reservation applications are done to block projects, often plagiarizing data gathered by the resource developers. HB 77 ensures that water resources are managed by those who are best equipped with the science-based expertise that our state resource agencies have.

[7:46:34 PM](#)

BYRON CHARLES, representing himself, Ketchikan, Alaska, opposed HB 77. He thanked Senator Micciche and Senator McGuire for taking the time to listen to him. One of the largest growing industries in our state is the tourist industry and careful decisions should be made in an equal decision processing system at the local, state and federal level.

He said that the 1958 Alaska Statehood Act is an agreement and the decision making system goes against this agreement. He works for the Forest Service and helps build trails and bridges in the Southeast area. They felled a tree over a coho stream and weren't ready to take it out, but he asked them to remove it, because it is part of the resources.

[7:49:11 PM](#)

JEREMY BLACK, representing himself, Anchorage, Alaska, opposed HB 77. It diminishes Alaskan voices even with the changes in the new version. No amount of governmental or corporate efficiencies is worth even slightly silencing individuals, especially those that live off the land, let alone destroying the amazing biological efficiency of tribes and communities using that land ultimately to sustain themselves rather than being used solely for resource extraction.

[7:50:31 PM](#)

TOM LAKOSH, representing himself, Anchorage, Alaska, opposed HB 77. He claimed it was unconstitutional and would cost millions of dollars to defend in court. All committee members should be encouraged to seek resolution of the unconstitutional issues and save the state's budget.

He noted that beyond the violation of due process, equal protection, and fairness in Article 1, this committee is

specifically empowered to enact legislation having to do with Article 8. Under sections 8 and 9, regarding leases, sales, and grants, there must be due compensation for any displacement of reasonable and current uses. That means those claims would be compensable. Limiting claims for DNR to irrevocable harm necessarily violates those sections of the Constitution and would necessarily bypass and give rise to direct court action that would be futile.

[7:53:23 PM](#)

GUTHRIE WORTHINGTON, representing himself, Anchorage, Alaska, opposed HB 77. One of its main factors is that it cuts off a lot of time for people like him who don't put everything into politics. He said he is a UAA student and was grateful and felt lucky to be there.

[7:55:31 PM](#)

BEN MOHR, representing himself, Anchorage, Alaska, supported HB 77. He was a fan of the provisions for small miners, especially through the issuance of general permits. They are not unprecedented and can be seen issued at the federal level. He said the DNR had been reviewing the permitting system for efficiencies since 2011 and applauded the commissioners' efforts to get Alaska into the 21st Century when it comes to permitting. The reforms they have made do not diminish our standards in any way, but just make it so things can be done more efficiently.

[7:59:29 PM](#)

CHRIS GERONDALE, representing himself, Juneau, Alaska, supported HB 77. He said he is a life-long Alaskan, a member of the Alaska Miners Association, and a small business owner. He supported this bill because he was concerned about Alaska's finances. He felt that efficiencies resulting from this bill would assist in resource development without harming the environment. It provides for the issuance of general permits so that minor projects can be permitted practically. Section 1 makes it clear there is a requirement for public notice and provides opportunity for public input on any general permit. General permits would cover activities that are already authorized for permit under existing statute; they are not unprecedented. In fact, they are used by both the state and federal agencies currently. Alaska already issues general permits for minor activities, but this bill codifies it.

He said that HB 77 implements changes that will provide certainty and a timely response to Alaskans that obtain permits while maintaining efficiently run state agencies in these times

of trimming the state budget and efficiency measures in HB 77 help address the cause of the backlog moving forward.

8:01:39 PM

MOXI ANDREW, JR., Vice President, , Stuyahok Ltd., New Stuyahok Village, Alaska, opposed HB 77. He said it would give the DNR commissioner authorization to exchange state land without considering the public process and they don't have to follow any state laws. He thanked Senator Hoffman, Representative Edgmon, Senator McGuire, and Senator Stevens for taking out Chikuminuk Lake and he emphasized that they were against it because they strongly believe that the Chikuminuk Hydro-electric project can't co-exist because of the wilderness designated area.

For thousands of years their ancestors have lived and used the area and they want to keep it pristine and untouched for future generations. He said they want the Park Service to continue to protect their subsistence and recreation activities by using the non-development and wilderness character.

They also believe in a fair, democratic process that would require timely notice on any new bills and permits. Public testimony is important for future decisions; for instance, 81 percent of Bristol Bay citizens opposed Pebble Mine and in New Stuyahok it was 93 percent. They do not want the DNR commissioner to make any decisions for them, because they can only use the 51 percent certainty that harm can be repaired. Good scientific data is needed on any new development in Alaska, because of the sensitive water based eco-system. Keep the Alaska Constitution strong he urged.

8:04:01 PM

JENAE PANAMARIOFF, New Stuyahok Village, Alaska, opposed HB 77 because it silences the public process for testifying against any issues or topics that are brought by the DNR. She grew up going to fish camp every summer with her grandparents; as Alaskans they need to take care of the land, water, wildlife, fisheries, migratory birds, and everything that grows out of vegetation so that other people can continue to use their subsistence food. She thanked them for the opportunity to testify.

8:05:38 PM

PETER CHRISTOPHER, SR., Vice President, New Stuyahok Ltd., New Stuyahok, Alaska, opposed HB 77. He said he is also on the Nushigak Advisory Committee. Sections 1 and 5 (AS 38.05.02) give the DNR commissioner too much power to either accept or deny an

application. He asked them to consider section 16 saying he didn't want to see any farmed salmon in the State of Alaska. Bristol Bay salmon is abundant and better than farmed salmon and he wanted to eat natural renewable salmon year after year.

[8:08:11 PM](#)

CRAWFORD PARR, representing himself, Anchorage, Alaska, opposed HB 77. He is a commercial pilot who had lived in many villages and towns in Alaska and was very familiar with topography of the state of Alaska and one thing he has noticed is that if it's not a mountain, it's a swamp, a lake, a river, a stream; it's a body of water, basically. He was standing with those against HB 77, because its intent is to get the public out of the decision making process and to empower an appointed group of people in DNR to make decisions for Alaskans based on development as the goal as opposed to vetting projects based on their sustainability, viability, and the proof that they are not going to harm the environment. He viewed HB 77 as essential legislation to forward the interests of the Pebble Limited partnership.

CHAIR GIESSEL found no one else to testify, said she would continue to receive written testimony, and closed oral public testimony. She showed testimony that had arrived in the last two days in her office saying they were all printed out and every legislator had this packet.

[HB 77 was held in committee.]

[8:11:43 PM](#)

CHAIR GIESSEL adjourned the Senate Resources Standing Committee meeting at 8:11 p.m.