

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

April 10, 2018

10:00 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Jonathan Kreiss-Tomkins
Representative Geran Tarr
Representative Mike Chenault
Representative Mark Neuman

MEMBERS ABSENT

Representative Bryce Edgmon
Representative David Eastman

COMMITTEE CALENDAR

HOUSE BILL NO. 199

"An Act establishing general fish and wildlife permits and major and minor anadromous fish habitat permits for certain activities; establishing related penalties; and relating to the protection of fish and game and fish and game habitat."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 199

SHORT TITLE: FISH/WILDLIFE HABITAT PROTECTION; PERMITS

SPONSOR(S): REPRESENTATIVE(S) STUTES

03/27/17	(H)	READ THE FIRST TIME - REFERRALS
03/27/17	(H)	FSH, RES
04/11/17	(H)	FSH AT 10:00 AM GRUENBERG 120
04/11/17	(H)	-- Delayed to 4/12/17 at 6:00 PM --
04/12/17	(H)	FSH AT 6:00 PM GRUENBERG 120
04/12/17	(H)	-- Delayed from 4/11/17 --
01/18/18	(H)	FSH AT 10:00 AM GRUENBERG 120
01/18/18	(H)	-- MEETING CANCELED --
01/23/18	(H)	FSH AT 10:00 AM GRUENBERG 120
01/23/18	(H)	Heard & Held
01/23/18	(H)	MINUTE(FSH)

04/03/18	(H)	FSH AT 10:00 AM GRUENBERG 120
04/03/18	(H)	Heard & Held
04/03/18	(H)	MINUTE (FSH)
04/05/18	(H)	FSH AT 10:00 AM GRUENBERG 120
04/05/18	(H)	Heard & Held
04/05/18	(H)	MINUTE (FSH)
04/07/18	(H)	FSH AT 10:00 AM GRUENBERG 120
04/07/18	(H)	Heard & Held
04/07/18	(H)	MINUTE (FSH)
04/09/18	(H)	FSH AT 6:30 PM BARNES 124
04/09/18	(H)	Heard & Held
04/09/18	(H)	MINUTE (FSH)
04/10/18	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

JOHN DUHAMEL, Member
Board of Directors
Alaska Power Association.
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing.

ROBIN SAMUELSEN
Dillingham, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

MIKE SATRE
Board Member
Council of Alaska Producers (CAP)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion on HB 199.

WILL MAYO, Executive Director
Tribal Government and Client Services
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

KARA MORIARTY, President & Chief Executive Officer (CEO)
Alaska Oil and Gas Association (AOGA)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

JOSH KINDRED, Environmental Counsel
Alaska Oil and Gas Association (AOGA)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 199.

WILLIAM "BILL" BROWN, PhD
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 199.

EMILY ANDERSON, Attorney; Alaska Program Director
Wild Salmon Center
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 199.

JOHN MACKINNON, Executive Director
Associated General Contractors of Alaska (AGC)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of HB 199.

MARLEANNA HALL, Executive Director
Resource Development Council for Alaska, Inc. (RDC)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 199.

BRIAN KRAFT, Owner
Alaska Sportsman's Lodge; Bristol Bay Lodge
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 199.

DANIEL SCHINDLER, PhD; Professor
Fisheries and Aquatic Sciences
University of Washington
Seattle, Washington

POSITION STATEMENT: Testified during the hearing on HB 199.

KIM REITMEIER, Executive Director
ANCSA Regional Association
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 199.

ACTION NARRATIVE

[10:00:48 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 10:00 a.m. Representatives Stutes, Neuman, and Chenault were present at the call to order. Representatives Tarr and Kreiss-Tomkins arrived as the meeting was in progress.

HB 199-FISH/WILDLIFE HABITAT PROTECTION; PERMITS

[10:01:45 AM](#)

CHAIR STUTES announced that the only order of business would be HOUSE BILL NO. 199, "An Act establishing general fish and wildlife permits and major and minor anadromous fish habitat permits for certain activities; establishing related penalties; and relating to the protection of fish and game and fish and game habitat." [Version M was before the committee.]

[10:03:08 AM](#)

JOHN DUHAMEL, Member, Board of Directors, Alaska Power Association., stated he also serves as the Chair or the Hydropower Group, which represents most of the hydropower projects in Alaska. He also serves as the Chief Executive Officer (CEO) of the Copper Valley Electric. He has recently undergone the licensing process to license a hydropower project in Alaska, the Allison Creek Hydroelectric Project in Valdez.

[10:04:10 AM](#)

MR. DUHAMEL stated that HB 199 has admirable goals. The APA understands the goals and the reasons for the bill; however, the APA was concerned about unintended consequences. The unintended consequences of HB 199 would be very detrimental to hydropower and hydropower licensing and relicensing. He stated that there were several small issues with the bill that he did not wish to cover due to time constraints.

MR. DUHAMEL focused his comments on three main points. First, if HB 199 had been in place when CVEA built the Solomon Gulch Hydroelectric Project, the project would never have moved forward with the requirement of a fishway passage. He related that when the project was underway in the late 70s, the CVEA stopped several salmon fishways in a small inlet for the sake of building the hydroelectric project, with an estimated 300 salmon impacted. The project provided a steady flow of water year-round, which allowed Valdez to build a hatchery plus that hatchery provides 300 million salmon to the area. Although the bill has provisions for mitigation allowances, there seemed to be a conflict between the fishway requirement and the mitigation part

[10:07:05 AM](#)

MR. DUHAMEL turned to his second point; that these processes are already in place. As previously mentioned, CVEA just underwent licensing process for Allison Creek Hydroelectric, a small 6.5-megawatt project and all the requirements for protections to anadromous fish were included in the process. In fact, the process was so laborious, it took CVEA five years to obtain a license to build the project, he said. He estimated the cost for licensure was \$7 million. He predicted that it would add significant time and cost to the licensing process if HB 199 passes because it would add another layer of requirements into the current process.

MR. DUHAMEL stated his third point was that HB 199 tended to oppose US Senator Murkowski's efforts to introduce an energy bill that would streamline hydroelectric licensing. US Senator Murkowski's proposed energy bill would require consolidation of those reviewing and reducing layers for the licensing request and would speed up the timeline. This bill, HB 199, would have the opposite effect since it would add layers to the licensing process and does not consolidate reviewers and instead expands the number of reviewers.

MR. DUHAMEL, in conclusion, said that APA appreciated the efforts and goals of the bill but have concerns about unintended consequences.

[10:09:48 AM](#)

ROBIN SAMUELSEN thanked the committee for taking time to hear HB 199. He said he was a lifelong Alaskan from Dillingham. He has worked as a commercial fisherman for 50 years. He now trains his grandsons to reap the benefits of Alaska's salmon industry, he said. He offered his belief that Alaska became a state to outlaw fish traps, which were devastating Alaska's communities and killing off salmon runs that had previously thrived. Alaskans voted and became a state.

MR. SAMUELSEN indicated the next fisheries issue was the high seas drift net fishery that allowed Japan to fish, which devastated the runs in Bristol Bay. He recalled as a child that fisheries were shut down. He further recalled that Senator Lyman Hoffman mounted an effort at the United Nations to ban high seas driftnet fishing.

[10:11:31 AM](#)

MR. SAMUELSEN commented that after 60 years the current law needed updating to address the changes that have occurred. He said that although HB 199 does not go as far as it needed to go, but he felt it was a step in the right direction. He expressed concern that oil would not provide future revenues in the way that salmon has. His grandfather, John W. Clark, was one of the major investors in the first cannery in Bristol Bay and Lake Clark is named after him. His family has been involved in this fishery since the first day, he said. He offered his belief that the only way to keep this run strong and healthy was to provide protection for the salmon. He pointed out the decimation of Lower 48 salmon runs.

MR. SAMUELSEN said he was not against mining or development, but the state needs to take steps to ensure that companies coming to Alaska to develop resources do so in a sound manner that does not negatively impact salmon stocks, communities, and Alaskans. He told members he previously served on the Alaska Board of Fisheries for three years and on the North Pacific Fishery Management Council (NPFMC) for nine years. He expressed his frustration at not being able to solve problems due to the laws. He offered his belief that this bill was not just about the Pebble Mine but about protecting fish habitat in all Alaska, including Ketchikan, Bethel, the Yukon River area. Alaskans depend upon salmon for sustenance, that it was intertwined with their culture so removing salmon from their diet will kill people in rural Alaska, he said.

[10:14:30 AM](#)

MR. SAMUELSEN advocated for protecting runs but not shutting down industries. He emphasized making protecting fish habitat a priority and still allow responsible development within the regions. He thanked the committee.

[10:15:00 AM](#)

MIKE SATRE, Board Member, Council of Alaska Producers (CAP), stated he was born and raised in Southeast Alaska and Juneau is his home. He related that he has over twenty years of technical and management experience in the mining industry. He said he serves as the Government and Community Relations Manager for Hecla Greens Creek Mine. He said he was speaking today on behalf of the CAP, a non-profit trade association formed in 1992, that serves as a spokesperson for the large-metal mines and major metal-developmental projects in the state. The CAP brings together mining companies with interest in Alaska and

represent and informs members on legislative and regulatory issues, supports and advances the mining industry, educates members, the media, and the general public on mining related issues and promotes economic opportunities and environmentally sound mining practices.

[10:16:00 AM](#)

MR. SATRE reported that on April 10, 2017, the CAP sent a letter to this committee in opposition to HB 199 because it was the wrong solution to a non-existent problem. Exactly one year later, the council maintains that this is the case, he said. Alaska has a world-class permitting system that balances the state's economy and the environment through the consistent application of a rigorous science-based process. He remarked that the system works and was a proven model for managing a complex and constantly-evolving science behind habitat management. When Alaska's system is coupled with the federal protections contained within the National Environmental Policy Act (NEPA), the Clean Water Act (CWA), the Endangered Species Act (ESA), and Alaska National Interest Lands Conservation Act (ANILCA), anadromous fish habitat in Alaska has protections that are the envy of the world, he said. He stated with these protections in place there was no need to introduce the complex regulatory scheme contained within the current committee substitute (CS) for HB 199.

[10:17:00 AM](#)

MR. SATRE commended Chair Stutes and her staff for responding to concerns about the mining industry in the committee substitute (CS) for HB 199. Without question, the previous versions of the bill would have resulted in a complete shutdown of mining in Alaska, he attested. The sponsor and staff should be commended for taking the time to learn how mines are permitted and operated as well as recognizing the importance of mines and miners to the state. Their consideration of the CAP's concerns and revising the bill in response represents the normal legislative process and he commended their efforts.

[10:17:33 AM](#)

MR. SATRE remarked that after a detailed review of the new committee substitute (CS) for HB 199, the council still has significant concerns, including the designation of intermittent waters as anadromous fish habitat, the lack of a clear definition of wetlands, designating anadromous fish habitat, the

concept of a fish habitat permit assessment that unnecessarily duplicates a federal environmental impact statement and the lack of clarity on the use of mitigation for large permanent structures that impact anadromous fish habitat. There were multiple opportunities to litigate a single permit in the proposed committee substitute (CS) for HB 199, he said.

[10:18:08 AM](#)

MR. SATRE noted that while the CAP does not object to the concept of public notification in the fish habitat permit process, it appeared as though the current scheme of comment, decisions, and reconsiderations could result in significant project delays. A public notification process should allow sufficient time to address stakeholder concerns that were made in good faith while still providing the project proponent a transparent and predictable pathway to a permit. There was no question that salmon and salmon habitat have cultural, emotional and economic significance in Alaska like few other places. It was not by magic or accident that Alaska has sustainably managed its fisheries since statehood. The state's science-based process built on a foundation of objective evidence and data has proven itself year after year. While every process may need some tweaks from time to time, there was not any proven need for the introduction of a burdensome and complex bureaucracy that discourages investment in Alaska. If specific targeted improvements to Title 16 were necessary, such as the addition of public notification, the council would look forward to participating in that conversation. The CAP respectfully maintains that HB 199 cannot be fixed, he said. He spoke in opposition to moving this bill from committee.

[10:19:42 AM](#)

REPRESENTATIVE TARR recalled when the Hecla Greens Creek Mine wanted to expand the tailings site that it required significant public process, which seemed pretty positive. She offered the idea that public process in the bill would provide an opportunity for earlier discussion of issues, which might tend to limit litigation later in the process. She asked whether that could be beneficial to the company. She suggested one common complaint by the public was that the public learned of about proposed projects after they were authorized so the public was left without the means to meaningfully participate. She liked provisions in the bill that had the potential to make that happen earlier.

MR. SATRE responded that the Greens Creek EIS [Environmental Impact Statement] was an example of where public notification and comment worked. He reminded members that the EIS process does not issue a permit but simply identifies what the best alternative to move forward to meet the public need and minimize the impacts to the environment. He indicated that Hecla Greens Creek did not get what it wanted in that EIS. The stakeholder concerns were heard in the EIS, the mine was only allowed to go forward and permit a limited footprint. He reiterated that this was a great example of how the existing process worked to minimize impacts to anadromous fish habitat, which was the key concern in that EIS.

[10:22:15 AM](#)

REPRESENTATIVE TARR related her understanding that the projects [in question under HB 199] would not really be ones with an EIS, since that would be triggered with federal participation. She said she used that as an analogy since the public participation seemed similar. She asked whether he had some comments on that, noting the benefits to resolving problems earlier in the process since litigation can be a lengthy process.

MR. SATRE responded that the CAP's concern with HB 199 was that it reaches state oversight into areas already covered through Section 404 [Clean Water Act (CWA) permits that would generate an EIS process. He pointed out that multiple permits were necessary for projects with multiple analyses. Alaska Department of Fish & Game (ADF&G), Department of Natural Resources (DNR), Department of Environmental Conservation (DEC) either have veto authority or are part of the permit review process. He offered his belief that the system already works. He expressed a willingness to have that conversation for any Title 16 improvements in the future.

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CHAIR STUTES said she did not believe any public comment provision was in the Title 16 permit process. She asked whether he thought that would be valuable to the public.

MR. SATRE pointed out that the letter from the Board of Fisheries certainly asked for public notification. The Council of Alaska Producers believes that could be one of those tweaks that could improve Title 16. He looked forward to some targeted language that would allow for public notification of fish habitat permits.

CHAIR STUTES thanked him for his testimony.

[10:24:42 AM](#)

WILL MAYO, Executive Director, Tribal Government and Client Services, Tanana Chiefs Conference, said his traditional Native name is Saanh Dlith Toh' which means "Summer Mountain Leader," and he is a tribal member of the Native village of Tanana on the Yukon River, which heavily relies upon salmon. He said he would speak today on behalf of the Tanana Chiefs Conference (TCC). The Tanana Chiefs Conference was organized to advocate for its tribes and consists of a consortium of 42 Interior tribal communities, 37 of which are recognized by the US Constitution. He provided the TCC's Native name "Dena' Nena' Henash" which means "Our Land Speaks" and indicates the importance the resources that were derived from its land. He said the TCC region covers 235,000 square miles in Interior Alaska within their traditional ancestral lands and serves about 14,000 Alaska Natives in 39 villages.

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MR. MAYO stated that TCC was charged with advancing tribal self-determination and enhancing Native regional unity. He said the council's mission is to provide a unified voice in advancing sovereign tribal governance through the promotion of physical and mental wellness, education, social and economic development and the culture of Interior Alaska Natives. Currently, the TCC's 42 voting members of the full Board of Directors has two standing resolutions that direct the advocacy on this subject. Both resolutions support a rewrite of Title 16 that allows for more protection of its food resources, which HB 199 would do, he said. He related that HB 199 would create a two-tier permitting system instead of big and small projects in one permit type.

MR. MAYO said that HB 199 would break down projects into two categories: those that would adversely affect anadromous fish and fish habitat and minor projects that would not affect fish and fish habitat. The bill would also provide specific language for consideration of effects of activity on anadromous fish and fish habitat. Under HB 199, a project that would have the potential to adversely affect these resources must meet a number of specific criteria. He offered his belief that the proposed criteria in HB 199 was a vast improvement over the current vague criteria open to interpretation. Further, HB 199 would create a public process, public notice for all permits and allows for a

30-day comment period for all major projects on a draft fish habitat permit assessment. In addition, the commissioner must provide a written determination allowing for public comment. The public may also submit a timely request for reconsideration if they disagree with the commissioner's determination.

[10:29:50 AM](#)

MR. MAYO outlined TCC's specific concerns with the proposed committee substitute (CS) for HB 199 [Version M]. The amended version deleted the language [Section 4, on page 3], "adjacent riparian areas." The TCC supported inclusion of "adjacent riparian areas," which could acknowledge the authority or coordination with DNR for defining riparian habitat. Exclusion of riparian areas would leave a critical area of the watershed potentially not protected. This language would also help reduce the risk of erosion and sedimentation, which otherwise could smother and suffocate salmon eggs and reduce visibility for rearing salmon to find food.

[10:30:47 AM](#)

MR. MAYO stated [Version M] also removed the phrase "presumption of anadromy." The TCC supported including "presumption of anadromy," for all waterways below a certain elevation to be determined by the ADF&G's fisheries biologist. It would be ideal if this was supported by peer review scientific literature so that all waterways that may have salmon will receive proper protection.

MR. MAYO outlined the TCC's last concern. He offered his belief that the proposed CS for HB 199 [Version M] has significantly weakened language for mitigation. He offered TCC's support for the original language for mitigation as per statute, but for the following areas and regions only, leaving the rest of the state exempt:

1. Special areas or fishery reserves such as Bristol Bay
2. Regions primarily dependent on and/or support traditional subsistence fishing.

[10:32:28 AM](#)

KARA MORIARTY, President & Chief Executive Officer (CEO), Alaska Oil and Gas Association (AOGA), introduced herself.

JOSH KINDRED, Environmental Counsel, Alaska Oil and Gas Association (AOGA), introduced himself.

[10:32:52 AM](#)

MS. MORIARTY appreciated that the bill sponsor and staff has recognized some concerns, but as with the mining industry, the AOGA has some additional concerns with the bill. She welcomed working with the committee on HB 199.

[10:33:32 AM](#)

MR. KINDRED stated his job was to review regulatory language for AOGA, primarily to see that the effects of the oil and gas industry were narrowly tailored to a legitimate environmental aim. Through that lens he has analyzed HB 199 [Version M] and found it would result in substantial negative actions for the state from the public or private sector. This comes at a time when the state has been struggling to manage its fiscal challenges and the economy could best be described as stagnant. He said that was a heavy cost to pay, but when evaluated for benefits the fundamental flaws in HB 199 can be seen.

MR. KINDRED offered his belief that the bill assumed that salmon were not currently being protected in Alaska. As some previous testifiers have indicated, nothing could be further from the truth. The bill "seems to be a solution in search of a problem," he said. He wondered if was prudent to move forward with HB 199 since the bill would actually result in harm to the state. He offered to cover some of the specific provisions.

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MR. KINDRED referred to Section 4, on page 3, to "adjacent riparian areas, which was replaced with "wetlands." He was unsure of the catalyst for that modification. Wetlands comprise 175 million acres of Alaska and 43 percent of the state's surface area and were already sufficiently protected through federal jurisdiction. He offered his belief that this would be a dramatic expansion of anadromous fish habitat, into areas that do not have the scientific underpinnings to warrant that designation. Further, any operator that has had to navigate a Section 404(b) [Clean Water Act] permit would understand just how sufficiently and thoroughly wetlands are protected in the state.

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MR. KINDRED highlighted that the committee substitute (CS) for HB 199 [Version M] removes the qualifier "significant" from adverse effects in the distinction between major and minor permits. That would effectively make sure that any resource project would need to go through the major permitting process, he said. He suggested that process was laborious and would result in delays, which may not be warranted since the project may have nominal adverse effects and should not rise to the level of major permits.

MR. KINDRED highlighted one of the biggest issues he had with HB 199 was that "this is fodder for litigation." He acknowledged that this was not the intent of HB 199; however, he thought the bill created unintended consequences. As he read through the bill, he said he identified four different opportunities for litigation for every single permit that goes forward. He suggested that a major resource development project could have dozens of permits. This bill could multiply the opportunities for litigation. He highlighted the opportunities for litigation in the bill, including the point when the commissioner makes the distinction between a major or minor permit, when the draft assessment was made, when the bond assessment was determined, and when the final permit assessment was issued.

[10:37:07 AM](#)

MR. KINDRED cautioned that this not only added additional costs, delays, and uncertainty on projects, but it would also add additional costs to the state. It was important to recognize that regulations could be manipulated to serve ideological ends. He stated he reviewed these provisions through the prism of how a special interest group could use this bill for its own purposes. The AOGA has seen litigation, more than anything else, used to stop development projects in Alaska, he said. He hoped the committee would keep this in mind. He further said that the [state] should be looking for ways to streamline resource management.

[10:37:55 AM](#)

MR. KINDRED said he did not know much about anadromous fish habitat a year ago, but he researched it. He discovered the public narrative was such that the state needed to strive to protect salmon. Instead, he discovered how exemplary ADF&G has been at protecting salmon since statehood. He has spoken on

numerous panels and debated proponents of HB 199 or the Stand for Salmon initiative; however, he has not heard any examples in which the current regulatory rubric failed to protect salmon. He encouraged members to proceed cautiously when moving forward with regulations that would adversely affect the state that are not necessary.

[10:39:02 AM](#)

CHAIR STUTES recessed to a call of the chair.

[1:04:25 PM](#)

CHAIR STUTES reconvened the meeting [but did not note the members who were present.]

[1:04:50 PM](#)

WILLIAM "BILL" BROWN, PhD, stated he has lived in Juneau since 1992. He said he was an avid fisherman. He was appointed to the Board of Fisheries by former Governor Sarah Palin and reappointed by former Governor Parnell; however, he said he no longer serves on the board. He holds a PhD in economics and taught fulltime at the university level for 23 years. Among the courses he taught was Resource and Environmental Economics, a course that contained a section on fisheries economics, he said. When he left the university in 2000, he opened the only fishing reel repair shop in Southeast Alaska. He has serviced more than 1,000 reels per year and the best part about it was that he has conversations with fishermen almost every day.

[1:05:46 PM](#)

DR. BROWN asked to make two brief points in his support for HB 199 [Version M]. First, he acknowledged that everyone in the room recognized the importance of salmon for the people and economy of the state. Sadly, he suspected that people also recognized that many, if not most, of the salmon runs in Alaska were in trouble. This was especially true in Southeast Alaska, where the king salmon harvest has just been closed for the spring, like it was last spring. He predicted it would likely be closed next year.

DR. BROWN highlighted that concern for salmon was not new and was discussed every year at every Board of Fisheries meeting he attended during his tenure on the board. It has been a topic of most of the customers who come by his shop, he said. He

indicated that no one was sure what was causing the problem with salmon. Several things have been suggested, including high-seas interception by foreign fishermen, warming ocean temperatures, bycatch in the Gulf of Alaska, overharvest and damage to the rivers and spawning areas. The BOF and ADF&G have long been trying to help Alaska's salmon, but the results have not been good. Both the numbers and size of salmon have been shrinking and the state needs to do more.

[1:07:13 PM](#)

DR. BROWN outlined the aim of HB 199 was to carefully monitor salmon rivers and spawning areas to make sure that economic development does not damage Alaska's salmon stocks. In its current form [Version M], HB 199 was a good start, but he would like to see minor changes to strengthen the bill. First, it was vital that ADF&G have the ability to protect riparian zones to create mandatory and enforceable standards for fish habitat protection. Second, the bill should have stronger mitigation standards to allow ADF&G to rule against major projects like Pebble Mine that would cause substantial damage to salmon runs. Third, the ADF&G needed to have broader authority to protect fish habitat throughout the entire state. He related his understanding that currently the authority extends to barely half of the salmon streams in the state.

DR. BROWN identified himself as a market economist who does not like regulations and believes that economic incentives should be left alone whenever possible; however, he also acknowledged that some regulations were probably necessary. The regulations embodied in HB 199, along with his suggestions, were necessary, he said. They would do a small part to stave off the collapse of Alaska's salmon stocks. He cautioned that it would not solve the problem entirely, but it was one important step and he was certain it would help.

DR. BROWN turned to his second main point, which he said relied upon economic analysis and a bit of mathematical reasoning. As he sees it, the main arguments against HB 199 come from the mining industry. He remarked that he was not opposed to mining and completely understood the need for copper, gold, silver, and other metals mined in Alaska. He also understood that mining generates considerable income and lots of jobs in the state, but so does fishing. When salmon stocks or salmon forecasts were down, income declines ripple throughout the entire state.

DR. BROWN said, "Believe me. Traffic in my reel repair shop was down over 40 percent last year and looks to be as bad this year, as well." Still, he doubted he was being hurt as much as salmon trollers in Southeast Alaska or the small communities that rely exclusively on fishing. He highlighted the cost of fewer mining jobs and mining income versus the benefits of more salmon and salmon income from HB 199. He cautioned that the [legislature] would be making a mistake if it only considered the "short run." He indicated that the problem was a dynamic one and happens over a long period of time.

[1:09:52 PM](#)

DR. BROWN, in closing, summarized his view of the issue. He remarked, as follows:

To me the issue is this, in the best of conditions, a mine be worked until it is exhausted and closed down, but our salmon will last forever if we manage them correctly. Forever. We can do that. Our grandchildren and their children deserve to grow up with Alaska wild salmon as an integral part of their identity, as it is ours today. HB 199 is a small step toward that end. Thank you.

[1:11:33 PM](#)

EMILY ANDERSON, Attorney; Alaska Program Director, Wild Salmon Center, stated she was an attorney who specialized in the areas of natural resource and water law for 14 years in Alaska. She thanked the committee and bill sponsor for taking on this really difficult task of tackling a critical update to one of Alaska's most important laws to protect fisheries. She offered her belief that this task was long overdue. The Anadromous Fish Act, also known as the fish habitat permitting law was enacted shortly after statehood and has not changed much since then.

MS. ANDERSON provided background information, noting that the Alaska Constitution has three provisions which specifically address salmon and other renewable resources. She referred to Article VIII, Section 3. Common Use, which read as follows [original punctuation provided]:

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

[1:12:46 PM](#)

MS. ANDERSON said secondly, it also directed the state to sustainably utilize, manage, and maintain Alaska's fisheries and renewable resources [under Section 4], which read as follows [original punctuation provided]:

Section 4. Sustained Yield

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

[1:12:52 PM](#)

MS. ANDERSON said third, it also directed the legislature, most importantly, to equally prioritize and balance the conservation of Alaska's natural resources with the state's interests in utilization and development of them [under Section 2] which read as follows [original punctuation provided]:

Section 2. General Authority

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

MS. ANDERSON said that the key point was to find a balance between these two pieces.

[1:13:08 PM](#)

MS. ANDERSON stated that these constitutional directives serve as the foundation for the standard of care when managing Alaska's salmon resources, including the role of the Board of Fisheries, the Alaska Department of Fish & Game (ADF&G) in fisheries allocation decisions and managing sustainable harvest. It also should serve as a guide in terms of the decisions about how Alaska protects its fish habitat and as a guide for the legislature. She added that included ensuring that its laws used a balanced approach.

MS. ANDERSON reiterated that [Title 16] was outdated and general. The commissioner would issue a permit unless the plans

and specifications were insufficient for the proper protection of fish and game; however, nothing in regulations or in statute indicates what that means. She characterized it as a general approach for a very important law. The current law does not provide certainty or accountability in the system to ensure that from administration to administration that the law would be applied consistently. Currently, Alaskans have been completely excluded from the permitting process.

[1:14:24 PM](#)

MS. ANDERSON recalled a few weeks ago, the ADF&G testified as to the challenges it faced under the current system. Those included a lack of enforcement authority, the need to implement "work arounds" to assert jurisdiction and apply this law, as well as a lack of overall standards. She did not wish to criticize what ADF&G does with respect to fish habitat but rather to highlight the problem, which was that the current law is "a far cry" from a rigorous permitting process. He cautioned that the state cannot jeopardize its healthy fisheries, that the status quo is simply no longer an option.

MS. ANDERSON turned to HB 199, which she characterized as an important step in the right direction. She acknowledged numerous previous attempts in the 1980s and 1990s to change the law and/or create regulations based on arguments similar to ones the committee has heard today. She offered her belief that HB 199 would build a solid foundation necessary to make sound and transparent decisions, including public notice on all permits - the cornerstone of a good permitting system - and the opportunity for public participation in decisions that could damage Alaska's fisheries. It would fairly balance administrative efficiency through the minor permit process yet provide additional review of major projects. Finally, HB 199 would add some new tools for permit enforcement and judicial review to ensure accountability in the system.

[1:16:32 PM](#)

MS. ANDERSON offered her belief that this bill was a vast improvement over the current law. She encouraged the committee to consider adding enforceable habitat protection standards to add substance with science-based standards.

MS. ANDERSON said she has often heard the question, "Show us the problem" and reasons the system needed be fixed. In 1996, ADF&G published an article titled, "Can Alaska Balance Economic Growth

with Habitat Protection? - A Biologist's Perspective" [by Kenneth E. Tarbox and Terry Bendock.] This conversation has been ongoing, she said. The authors tackled that very question using the Pacific Northwest as an example. She read:

In the Pacific Northwest declining salmon populations have coincided with resource uses incompatible with sustainable management of the whole ecosystem (NRC 1996).

Declines in salmon production due to habitat loss are masked and hard to detect relative to the timeframe of institutional decision-making. The failure of institutions to adequately protect the resources over the rights of the entrepreneur is predictable because it is usually politically easier to favor economic growth over conservation. And by the time the affected natural resources have collapsed, the original policymakers are usually gone, leaving a fresh group of policymakers to respond to the public outcry and bring back these lost resources.

MS. ANDERSON related that in time, as demonstrated by the billions that were being invested in the Pacific Northwest, with absolutely no measurable gains in the condition of those salmon runs, it becomes too late.

MS. ANDERSON offered her belief that the state has a great opportunity to "get it right." The state has seen declines in salmon productivity, especially in hard hit areas like the Mat-Su Valley, in part, due to habitat loss. The ADF&G has testified its recognition that habitat was no longer accessible and was causing some of the decline for the fisheries. She urged members to continue the conversation. In response to Representative Tarr, she offered to provide a copy of the article to the committee.

[1:19:45 PM](#)

JOHN MACKINNON, Executive Director, Associated General Contractors of Alaska (AGC), stated that AGC is a construction trade association representing over 640 contractors, specialty contractors, suppliers and manufacturers in Alaska who employ tens of thousands on a seasonal and fulltime basis in Alaska. Within its membership was much of Alaska's commercial and industrial construction industries. Their motto is "We build Alaska," he said. The Institute of Social and Economic Research

(ISER) at the University of Alaska reported that the construction trade in Alaska was the third largest industry paying the third highest wages and employing over 15,000 workers and contributing \$6.6 billion to the economy. These figures were even after a 20 percent reduction in the construction economy, he said.

[1:20:42 PM](#)

MR. MACKINNON offered comments on the proposed committee substitute (CS) for HB 199, Version M, after first thanking the committee for the significant changes made to the bill. He said the AGC found Version M was more palatable than the original bill, but he still questioned the need for the bill. He related that he served as the Deputy Commissioner of the Department of Transportation & Public Facilities (DOT&PF) for five years prior to taking the job at AGC. He said that at DOT&PF he was responsible for the highway program, which included DOT&PF's administration, planning, design, and permitting. Permitting represents a significant cost-driver of projects. In 1970, nearly 90 percent of every project dollar went as a payment to a contractor, but today it is less than 70 percent. The 20 percent difference was for process and permits, he said. He acknowledged that process and permits were not all bad, but some of the process provided little value.

[1:21:40 PM](#)

MR. MACKINNON stated he has reviewed the documents in the bill file [for HB 199] and submissions from Federal Energy Regulatory Commission (FERC), DOT&PF, DNR, and DEC. The amount of process and procedure the agencies detailed under current law was extraordinary. The processes all contribute to the well-managed resources and habitat in Alaska. Although the Anadromous Fish Act (AFA) may not have been changed since statehood, there were dozens of other state and federal laws that have added to the protections in the AFA. He offered his belief that adding another layer of review would not provide any added value to the resource and instead could cause additional delay and cost to almost all projects - public and private.

[1:22:15 PM](#)

MR. MACKINNON offered his belief that the problem was no longer getting funding for projects but obtaining permission. Some may consider the impetus for this bill the letter of January 2017 from the Board of Fisheries. In it the BOF requested the

[legislature] improve public comment and notification and enforceable standards; however, these could all be done by regulation and not by statute.

[1:22:39 PM](#)

MR. MACKINNON said that AGC has recognized the importance of fish as a subsistence, sport, and commercial resource for Alaska; however, it was not clear how HB 199 [Version M] would improve on this critical resource. There did not appear to be any scientific analysis behind this legislation, he remarked. Further, Alaska does not have a real problem with development causing loss of fish habitat that impact salmon returns. He could not think of instances where recent decreases in anadromous fish populations were the result of local activities other than overfishing. Overfishing was a management and political problem and not a statutory problem. He acknowledged that there were many potential contributing factors to poor returns such as bycatch, offshore harvest, predation, or changes in ocean conditions.

[1:23:33 PM](#)

MR. MACKINNON expressed concern that HB 199 would add another layer to the process and endanger Alaskan jobs and threaten any expansion to the state's limited transportation infrastructure pipelines and hydroelectric projects. It could also restrict opportunities for Alaska communities to grow and prosper. In closing, he said that in the development of Alaska's resources, the state does not need to choose between resources, but how to manage among all resources.

[1:24:05 PM](#)

REPRESENTATIVE TARR said some testifiers have indicated that this bill was not needed, but to play "devil's advocate" that if everything is being done right then there should not be any fear of the additional public process built into it or any opposition from the public. She asked for his thoughts.

MR. MACKINNON responded that it would add an additional layer. He stated that everything was being done right with the current permitting process, so he did not see the need for an additional layer.

[1:25:04 PM](#)

MARLEANNA HALL, Executive Director, Resource Development Council for Alaska, Inc. (RDC), stated she was a lifelong Alaskan originally from Nome. She related that RDC was a statewide business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism and fisheries industries. The RDC's membership included 12 landowning Alaska Native corporations, local communities, organized labor, and industry support firms and individuals throughout Alaska.

[1:25:56 PM](#)

MS. HALL offered to address the broader concerns of the committee substitute (CS) for HB 199 [Version M]. She stated that increasing uncertainty and adding unnecessary regulatory burdens to community and resource development projects across Alaska with little to no added benefit to salmon habitat was not sound policy. This bill would likely delay or even halt projects and increase costs for Alaska's communities and the private sector and send Alaska further down the regulatory certainty scale.

[1:26:36 PM](#)

MS. HALL said the RDC's member companies who testified today gave specific examples of the anticipated detrimental effects of the proposed bill, such as new delays, unnecessary permits, and requirements for permitting wetlands. The proposed bill would create new opportunities for litigation and permit challenges and more, she said. She asked why this bill was necessary and if the bill sponsors could give an example of how the existing permitting process has failed. Many testifiers spoke to the lack of king salmon and the size of salmon but have failed to give an example of how these drastic changes to Title 16 would help or to explain how Title 16 has failed.

[1:27:21 PM](#)

MS. HALL suggested that the idea that Alaska's fish habitat was not being protected is very misleading. Alaska has some of the best managed fisheries in the world and each one of us has a stake in maintaining that reputation, she said. The proposed committee substitute (CS) for HB 199 would not provide a productive, balanced process that will allow Alaskans to live their way of life and coexist with the environment, including fish, she said. The added costs for projects throughout the state would not just impact businesses, but also communities and

everyday Alaskans. The state has already provided protection for its fish habitat, so it did not seem necessary to go so far to negatively impact the way of life for all Alaskans.

[1:28:04 PM](#)

MS. HALL offered her belief that whether or not Alaskans support the bill, they want to protect salmon and other species for generations to come. She stated that all Alaskans, including the indigenous people who have lived in this land for thousands of years, have a stake in protecting fish habitat. She remarked, "We are all here today because we love this place. We love our way of life."

MS. HALL said it was clear and proven that community and resource development can coexist with the environment in this great state. Alaska has permitted large projects, such as the Trans-Alaska Pipeline system and six major producing mines as well as expanding vital transportation infrastructure without harming its fisheries. She stated that Alaska's existing permitting system has worked well and has protected its fish.

[1:28:49 PM](#)

MS. HALL hoped updates to Title 16 would focus on the effort to address the specific areas that need to be updated: public comment and consequences for failing to comply with a permit. This may have been the sponsor's intention; however, the RDC believes this bill goes way beyond that and would damage Alaska's communities, jobs, and economy as well as Alaskans way of life.

MS. HALL, in closing, stated that this bill would negatively impact community and resource development, including improving the limited amount of infrastructure Alaska has across the state and well as much needed new infrastructure. The RDC has looked to existing projects developed with Title 16 permits to show that the state can and does protect its fish habitat. For example, fish habitat has been protected at fish processing facilities at the mouth of a river in Southwest Alaska, the Ketchikan airport, activities at Prudhoe Bay and Interior Alaska roads, she said.

[1:30:01 PM](#)

REPRESENTATIVE TARR offered her belief that the statements being made seemed somewhat inconsistent. She suggested that stating

that everything worked just fine, and development has done a good job; then to proclaim that the bill would cause unnecessary delay and cost for projects. She said that those two things are mutually exclusive because if everything was being done right having an additional layer of public participation should not result in any challenges to permits. She argued that the only instance for a delay would be when the public had questions over issues that arose during the permitting process. She characterized these as mutually exclusive events.

MS HALL suggested that Representative Tarr was presuming that if [the permitting process] went well that the public and stakeholders in Alaska or the Lower 48 would not question or appeal permits. She offered her belief that was a false assumption that there would not be numerous appeals under the permitting process in the proposed bill. She recalled Mr. Kindred's testimony from the AOGA, which spoke to the increased number of opportunities to appeal. Not only would HB 199 increase the opportunity to appeal but it would increase the opportunities exponentially, she said. She could not think of any project permitted without public participation. She agreed public noticing was something that should be considered in the Title 16 permitting process, which the BOF requested; however, this bill goes way beyond that simple request.

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REPRESENTATIVE TARR said she reviewed the four things Mr. Kindred mentioned, including that a potential appeal could occur when the commissioner distinguished between a major and minor permit. Since 80 percent would be minor permits, it was not as concerning to her, she said. Although the draft assessment and bond assessment process might not be well understood at first, but she anticipated some rhythm or tradition for bonding would occur. She recalled another potential litigation point was for the final permit. She argued that all of these [appeal points] have timelines associated with them; however, none were very lengthy. The BOF suggested that the state should increase opportunities for public process. Further, the resource development industry has been successful in Alaska getting statutes instituted that requires litigants must pay for any damages - a real disincentive to bring forward frivolous lawsuits. She offered her belief that the industry currently has many protections. She argued that it was time for the public to have opportunities to weigh in.

[1:34:15 PM](#)

REPRESENTATIVE TARR argued that development at Chester Creek has adversely affected salmon habitat by allowing invasive species to take over in the riparian zone adjacent to the stream. She cautioned that Alaska does not want to follow the Pacific Northwest's demise of salmon runs. She indicated this was a critical time to evaluate these issues. The bill has been scaled back significantly and its provisions seemed reasonable, she said.

[1:35:33 PM](#)

BRIAN KRAFT, Owner, Alaska Sportsman's Lodge; Bristol Bay Lodge, speaking on behalf of himself, said he is the owner of Alaska Sportsman's Lodge on the Kvichak River near Lake Iliamna as well as Bristol Bay Lodge located on Lake Aleknagik and serves as the President of Katmai Service Providers, a trade organization representing 50 businesses that operate in Katmai National Park and Preserve. He stated that he has been in business since 1992.

MR. KRAFT offered provide a broad view of the bill in terms of what the lodge industry would like to see. He stated that he began his opposition to the Pebble Mine in 2004 when he created the Bristol Bay Alliance to educate those who wanted to learn about resource development in areas with sensitive fish habitat where salmon would be at risk. He has been intimately involved in the fight to protect Alaska's salmon. He offered his belief that the state has sat idly for years while fisheries have been adversely impacted by many factors, including proposed massive megaprojects that could destroy productive fish habitat.

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MR. KRAFT remarked that it was no wonder why Alaskans sought help from the federal government. He hoped the legislature would create a law that would adequately protect fish habitat and yet allow industrial activities such as oil and gas development on the North Slope to continue. It seemed so obvious that protecting fish habitat is necessary. Projects should not be permitted if the proposed project operational plans indicate it will destroy fish habitat. He urged the committee to recognize the sport fishing industry as an industry and business.

[1:38:31 PM](#)

MR. KRAFT said he has heard testifiers say that the business community was opposed to HB 199; however, his industry generates approximately \$1.4 billion annually in the state. It has supported 15,000 jobs statewide and depends upon intact fish habitat and healthy fisheries. His industry depends on the state to properly protect fish and game as mandated by Alaska's Constitution. He acknowledged that what was obvious to him might not be so clear to others since for them it might mean that destroying, diverting or obstructing a river was alright so long as the habitat is restored once the extraction process was completed.

MR. KRAFT offered his belief that outdated laws were vague and subject to interpretation and political will. He related his understanding that prior to statehood the territory could simply require the proper protection of fish and game. Salmon has been such an integral part of the fabric in Alaska and it still is today. Alaska's fisheries differentiate it from other western states and the Pacific Northwest where agriculture, overfishing, infrastructure, logging, dams, mining and a lack of willingness to enact laws to protect their fish habitat has led to an epic crash and failure of their fisheries.

[1:40:26 PM](#)

MR. KRAFT offered his belief that HB 199 would add certainty and clarity to the permitting process and take out the political will from the process. He understood the bill was introduced at the request of the BOF; the experts of fish and fish habitat. A permit was just issued last month for a bridge to be built across upper or lower [indisc.] creek and the upper reaches of it. He said this was a small creek in Southwest Alaska that was home to massive amounts of spawning sockeye salmon and world-renowned rainbow trout. Yet this bridge was permitted through the ADF&G without any public notice or notification to anyone in the industry until after it was issued, he said. He acknowledged that HB 199 was not perfect, but the committee has worked on it for two years, that it was time to move the bill out of committee and have the process continue.

[1:41:48 PM](#)

DANIEL SCHINDLER, PhD; Professor, Fisheries and Aquatic Sciences, University of Washington, paraphrased from his written comments, which read as follows [original punctuation provided]:

Thank you for this opportunity to comment today. My name is Daniel Schindler; I am a professor of fisheries and aquatic sciences at the University of Washington. I have worked extensively on salmon fisheries in western Alaska for over 20 years, and our research program at UW has performed research on Alaskan salmon and their habitat since the late 1940s. My comments today derive from this collective experience which sheds light on what is unique about Alaskan fisheries and fish habitat, compared to the situation we have here in the lower 48 states.

It is gratifying to see that Alaska is finally having a serious conversation about the adequacy of its current laws to protect habitat for fish and wildlife throughout the state. There are few places left in the world where the connections between people and the land-and-water are as real as they are in Alaska. Commercial, subsistence, and sport fisheries have been sustained for decades to millennia, and there is no reason to believe that these activities and the economies and cultures they support will not continue into the future - but only if we provide adequate habitat protection and maintain responsible management.

[1:43:22 PM](#)

DR. SCHINDLER continued paraphrasing from his written comments, which read as follows [original punctuation provided]:

The primary reason that Alaska's rivers and lakes are so productive is because the habitat is largely undeveloped, vast, and diverse. Current regulations are intended to protect the most important habitat for fish and wildlife, but what we have learned after decades of study in western Alaska, is that it is extremely difficult to identify what is critical habitat and what isn't. Some tributaries may be unproductive for decades while other tributaries produce most of the fish, and then suddenly the importance of these tributaries can switch. Tributaries can flip back and forth between being important and sitting somewhat dormant, and then back again. So, what makes Alaska's rivers so productive and reliable is that the full complement of habitat remains present. The diversity of habitat stabilizes

the overall productivity and reliability of these systems. Eroding this diversity of habitat, that could happen with inadequate protection, runs the distinct risk of making fisheries much less productive and reliable in the future.

[1:44:40 PM](#)

DR. SCHINDLER continued paraphrasing from his written comments, which read as follows [original punctuation provided]:

I could go on at length about the ecological and environmental reasons for strengthening protection for fish and wildlife in Alaska. However I am sure that many of the voices you have heard from with serious reservations about this bill have made their arguments in economic terms. Thus, it is important to reflect on what the economic value of intact habitat might be. Using Bristol Bay sockeye salmon as an example, the economic value of this fishery has been estimated at over \$1.5 Billion per year. A large fraction of this revenue remains in-state. What is not widely appreciated is that the total amount of expenditures supporting research and management is less than a couple million dollars per year. So, hundreds-of-thousands of dollars of revenue are generated for every dollar spent on research and management. This is a remarkable return-on-investment by any standard, and it is only possible because of the quality of the habitat that produces fish. Sustainable management of fisheries in Alaska by the Alaska Dept of Fish and Game is the envy of the world in many regards - but productive and intact habitat is what makes this sustainable management even possible!

[1:46:07 PM](#)

DR. SCHINDLER continued paraphrasing from his written comments, which read as follows [original punctuation provided]:

For comparison, let's look at the Columbia River here in the Pacific Northwest. More than 500 million dollars are spent every year on research, management, restoration, mitigation, compensation, etc. These

funds are spent to make up for lost or degraded fish habitat, particularly for salmon.

The value of fisheries in the Columbia is generously estimated at a fraction of this investment; for every dollar spent on research and management, less than a single dollar of economic revenue is generated. That giant sucking sound you may hear from the Pacific Northwest is from all of the dollars being spent by citizens and tax payers to try and prop up the fisheries and habitat that we have turned our backs on here.

[1:47:11 PM](#)

DR. SCHINDLER continued paraphrasing from his written comments, which read as follows [original punctuation provided]:

So how did we end up in this predicament here in the Pacific Northwest? We made some assumptions about how we could develop rivers for hydropower, agriculture, urbanization, mining, forestry, etc., that have turned out to be massive mistakes from which we are not likely to recover from any time soon.

[1:47:32 PM](#)

DR. SCHINDLER continued paraphrasing from his written comments, which read as follows [original punctuation provided]:

In particular, we assumed that:

Fish habitat needs minimal protection

We also assumed that

large-scale restoration is possible in places where habitat is degraded

And that

hatcheries can make up for destroyed habitat.

And last:

We didn't sufficiently protect habitat simply because we assumed that we knew what we were doing.

Of course, we couldn't have been more wrong on all accounts.

[1:48:06 PM](#)

DR. SCHINDLER continued paraphrasing from his written comments, which read as follows [original punctuation provided]:

There are many scientific, environmental, social, and economic reasons to improve protection for fish and wildlife habitat in Alaska. This is a remarkably wise investment. It does not come at an economic cost as so many tend to argue. Restoring and mitigating for lost and degraded habitat is unfathomably expensive and largely ineffective. Alaska is in the driver's seat here to make decisions that the rest of the US made dreadfully wrong. You have the opportunity to do it right!

Thank you.

[1:49:06 PM](#)

KIM REITMEIER, Executive Director, ANCSA Regional Association, stated she is a lifelong Alaskan originally from Kodiak. She said that she serves as the President and Chief Executive Officer (CEO) of the 12 land-based Alaska Native Regional Corporations for the ANCSA [Alaska Native Claims Settlement Act] Regional Association. The ANCSA Regional Association's mission is to promote and foster the continued growth and economic strength of the ANRCs on behalf of the more than 127,000 Alaska Native shareholders.

MS. REITMEIER thanked the committee and staff for their efforts to revise HB 199 into something more acceptable to the industry and Alaskans. She acknowledged positive steps taken in the proposed committee substitute (CS) for HB 199; however, the ANCSA Regional Association still has significant concerns, including the designation of intermittent waters as anadromous fish habitat, the omission of a definition of wetlands and designating anadromous fish habitat. Also, the lack of clarity and use of mitigation for large permit structures that impact those fish habitat and the multiple opportunities to litigate a

single permit. She noted that while the association does not object to the concept of public notification in the fish habitat permit process, it appeared as though the proposed structure of comment, decisions and reconsiderations could result in significant project delays.

[1:51:04 PM](#)

MS. REITMEIER stated a public notification process should allow significant time to address stakeholder concerns made in good faith while still providing the project proponent a transparent and predictable pathway to a permit. This bill would negatively impact Alaska's rural communities and the infrastructure projects that are necessary to maintain their way of life.

[1:51:27 PM](#)

MS. REITMEIER stated that when updates to Title 16 occur, the focus of that effort should be to address the specific areas that need to be updated: public comment and consequences for failing to apply for a permit. This may have been the sponsor's intention but unfortunately this bill goes beyond that and could damage Alaska's communities, economies, jobs, and way of life.

MS. REITMEIER stated that Alaska's Native people who have lived here for tens of thousands of years know there is nothing more important than the cultural and economic significance of salmon and salmon habitat. Alaska has sustainably managed its fisheries since statehood. She agreed there was room for improvement. The unintended consequences of HB 199 would have a negative impact on Alaska's communities for decades to come. In closing, she welcomed the opportunity to be part of the continued conversation on how to achieve targeted improvements that would be beneficial to all of Alaska. She said the ANCSA Regional Association was opposed to moving HB 199 from committee.

[1:52:43 PM](#)

CHAIR STUTES announced that they had completed today's list of witnesses who were invited to provide testimony to the committee.

[HB 199 was held over.]

[1:53:25 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 1:53 p.m.