

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

May 7, 2019

9:59 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Bryce Edgmon
Representative Jonathan Kreiss-Tomkins
Representative Sarah Vance

MEMBERS ABSENT

Representative Chuck Kopp
Representative Geran Tarr
Representative Mark Neuman

COMMITTEE CALENDAR

HOUSE BILL NO. 99

"An Act relating to the development and operation of a hydroelectric site at the Nuyakuk River Falls; providing for the amendment of the management plan for the Wood-Tikchik State Park; and providing for an effective date."

- MOVED CSHB 99(FSH) OUT OF COMMITTEE

PRESENTATION(S): UPDATE FROM THE COMMERCIAL FISHERIES ENTRY COMMISSION

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 99

SHORT TITLE: NUYAKUK RIVER FALLS: HYDROELECTRIC SITE

SPONSOR(S): REPRESENTATIVE(S) EDGMON

03/18/19	(H)	READ THE FIRST TIME - REFERRALS
03/18/19	(H)	FSH, RES
04/02/19	(H)	FSH AT 10:00 AM GRUENBERG 120
04/02/19	(H)	Heard & Held
04/02/19	(H)	MINUTE(FSH)
05/02/19	(H)	FSH AT 10:00 AM GRUENBERG 120
05/02/19	(H)	-- MEETING CANCELED --
05/07/19	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

RICKY GEASE, Director
Division of Parks and Outdoor Recreation
Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to HB 99.

STEVE PERKINS
Dillingham, Alaska

POSITION STATEMENT: Testified in opposition to the proposed committee substitute, Version K, for HB 99.

ROBERT HIMSCHOOT, Chief Executive Officer/General Manager
Nushagak Electric and Telephone Cooperative
Dillingham, Alaska

POSITION STATEMENT: Testified in support of the proposed committee substitute, Version K, for HB 99.

MARK LISAC
Dillingham, Alaska

POSITION STATEMENT: Testified in support of the proposed committee substitute, Version K, for HB 99.

ACTION NARRATIVE

[9:59:38 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at [9:59] a.m. Representatives Kreiss-Tomkins, Vance, Edgmon, and Stutes were present at the call to order.

HB 99-NUYAKUK RIVER FALLS: HYDROELECTRIC SITE

[10:00:37 AM](#)

CHAIR STUTES announced that the first order of business would be HOUSE BILL NO. 99, "An Act relating to the development and operation of a hydroelectric site at the Nuyakuk River Falls; providing for the amendment of the management plan for the Wood-Tikchik State Park; and providing for an effective date."

[10:01:07 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt the proposed committee substitute (CS), Version 31-LS0714\K, Fisher, 5/3/19, as the working document. There being no objection, Version K was before the committee.

[10:01:50 AM](#)

REPRESENTATIVE EDGMON explained the changes made in Version K. He said the original bill had generic language that said the development and operation of the proposed hydroelectric project would not be considered an incompatible use with the statutes that govern the Wood-Tikchik State Park. Based on stakeholder participation in the Bristol Bay region, Version K would take this a step further by providing more detail relative to the conditions that the Nuyakuk River Falls project would have to meet in order to be a compatible use in terms of development and operation. Those terms are: would not include a dam that fully spans a river; would maintain at least 70 percent of the daily upstream water flow of an affected river along the natural course of the river; and would put an initial sideboard of a five-year period for the project to become licensed by the Federal Energy Regulatory Commission (FERC) in order for the project to be considered a compatible use in the state park.

REPRESENTATIVE EDGMON noted the refined language included in Version K has garnered full, unequivocal support in the region and meets the test of anybody who might have a concern about any anadromous fish activity in the area, as well as the preservation of the river itself going into perpetuity.

[10:03:55 AM](#)

REPRESENTATIVE KREISS-TOMKINS inquired about the fiscal note of \$20,000 for promulgating the regulation package. He asked why promulgating the regulations would cost \$20,000 rather than being done within the normal course of agency operations.

[10:04:46 AM](#)

RICKY GEASE, Director, Division of Parks and Outdoor Recreation, Department of Natural Resources, replied that there is an advisory board for Wood-Tikchik State Park and that the planning would entail setting up a series of public meetings to make the regulatory changes to the management plan itself on the regulatory level that this moves forward. Because it is a remote area this takes a bit more money than something on the road system.

REPRESENTATIVE KREISS-TOMKINS understood Mr. Gease to be saying that because there is an advisory board, and the agency needs to convene the advisory board, that is where the bulk of the cost originates.

MR. GEASE responded correct.

[10:05:50 AM](#)

REPRESENTATIVE EDGMON noted that the "local Wood-Tikchik state management council" is made up of local members and offered his presumption that park staff would normally go out to the park at least once regardless. He therefore asked why the amount of \$20,000 and why the division's existing budget cannot absorb this in the name of a project that has a lot of potential for the area.

MR. GEASE answered he will get back to the committee later today with the details of the budget.

REPRESENTATIVE EDGMON pointed out that the division issued the fiscal note and questioned why the justification couldn't be provided now.

MR. GEASE replied he doesn't have the fiscal note in front of him currently and will have to get back to the committee with the details of how the fiscal note was calculated.

REPRESENTATIVE EDGMON stated his hope that the bill will be moved to its next committee of referral, which is the House Resources Standing Committee, and that he is willing to deal with this question in that committee.

[10:07:23 AM](#)

The committee took a brief at-ease.

[10:07:39 AM](#)

CHAIR STUTES opened public testimony on HB 99.

[10:08:27 AM](#)

STEVE PERKINS testified that he doesn't see what the rush is to amend this bill. He disagreed that there is unanimous consent in the region. He has talked to neighbors and friends who don't

think it is a good idea to rush into this. It seems [the bill] originated from the Nushagak Electric and Telephone Cooperative board of directors and he doesn't believe there has been a vote on this by the cooperative's members. He said he opposes this amendment.

[10:09:27 AM](#)

ROBERT HIMSCHOOT, Chief Executive Officer/General Manager, Nushagak Electric and Telephone Cooperative, offered his belief that there is "pretty close or as close as you're going to get to consensus for local support here with the addition of the amendments to this bill." A week and a half ago a very productive meeting was held and came at this as a consensus. Nushagak Cooperative believes that it can continue with the studies under this substitute without it impeding the ability to evaluate this project. The cooperative has held over 70 meetings of outreach and there will never be a 100 percent consensus on anything of this size, but the cooperative believes it got very close to 100 percent.

[10:10:31 AM](#)

MARK LISAC stated he is a member of the cooperative, a retired fisheries biologist, a park advocate, and a renewable energy advocate. In the past he has been opposed to the cooperative's efforts to pursue the hydroelectric project by constructing dams within the park. However, this project is a run-of-the-river type project, which has a much lower footprint. The added language of a five-year sunset will appease many people. He said he is in support of pursuing an evaluation of the project under the FERC permit requirements and therefore he is in support of the amendment.

[10:11:42 AM](#)

CHAIR STUTES closed public testimony after ascertaining no one else wished to testify.

[10:12:04 AM](#)

CHAIR STUTES commented that she is excited to see this coming from a community that has hydropower as well as wind power.

[10:12:17 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to report the proposed CS, Version 31-LS0714\K, Fisher, 5/3/19, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 99(FSH) was reported from the House Special Committee on Fisheries.

[10:12:42 AM](#)

ADJOURNMENT

The House Special Committee on Fisheries meeting was recessed at 10:13 p.m. to a call of the chair. [The meeting never reconvened.]