

ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE

March 20, 2019

3:30 p.m.

MEMBERS PRESENT

Senator Chris Birch, Chair
Senator John Coghill, Vice Chair
Senator Cathy Giessel
Senator Lora Reinbold
Senator Click Bishop
Senator Scott Kawasaki
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 51

"An Act requiring the designation of state water as outstanding national resource water to occur by law; relating to the authority of the Department of Environmental Conservation, the Department of Fish and Game, and the Department of Natural Resources to nominate water for designation as outstanding national resource water; relating to management of outstanding national resource water by the Department of Environmental Conservation; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 51

SHORT TITLE: NATL. RES. WATER NOMINATION/DESIGNATION

SPONSOR(s): RESOURCES

02/11/19	(S)	READ THE FIRST TIME - REFERRALS
02/11/19	(S)	RES, FIN
03/15/19	(S)	RES AT 3:30 PM BUTROVICH 205
03/15/19	(S)	Heard & Held
03/15/19	(S)	MINUTE (RES)
03/20/19	(S)	RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

REBECCA LOGAN, CEO
The Alaska Support Industry Alliance
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 51.

OWEN PHILLIPS, External Affairs Coordinator
The Alaska Support Industry Alliance
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 51.

HEATHER LENDE, representing self
Haines, Alaska
POSITION STATEMENT: Testified in opposition of SB 51.

JAN HILL, Mayor
Haines Borough
Haines, Alaska
POSITION STATEMENT: Testified that the Haines Borough did not have a position on SB 51.

PETE NOLAN, Member Services Director
Alaska Chamber
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 51.

MARLEANNA HALL, Executive Director
Resource Development Council for Alaska, Inc.
Anchorage, Alaska
POSITION STATEMENT: Testified in support of SB 51.

BRENDA JOSPHESON, representing self
Haines, Alaska
POSITION STATEMENT: Testified in support of SB 51.

KIMBERLEY STRONG, Tribal Council President
Chilkat Indian Village
Klukwan, Alaska
POSITION STATEMENT: Testified in opposition of SB 51.

JIM CLARK, representing self
Juneau, Alaska
POSITION STATEMENT: Testified in support of SB 51.

DEANTHA CROCKETT, Executive Director
Alaska Miners Association

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 51.

GUY ARCHIBOLD, Staff Scientist
Southeast Alaska Conservation Council
Juneau, Alaska

POSITION STATEMENT: Testified in opposition of SB 51.

SARAH DAVIDSON, Inside Passage Waters Program Manager
Southeast Alaska Conservation Council
Juneau, Alaska

POSITION STATEMENT: Testified in opposition of SB 51.

VIKKI JO KENNEDY, representing self
Kodiak, Alaska

POSITION STATEMENT: Testified in opposition of SB 51.

ACTION NARRATIVE

[3:30:26 PM](#)

CHAIR CHRIS BIRCH called the Senate Resources Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Kawasaki, Reinbold, Bishop, Giessel, Kiehl, and Chair Birch.

SB 51-NATL. RES. WATER NOMINATION/DESIGNATION

[3:31:00 PM](#)

CHAIR BIRCH announced the consideration of Senate Bill 51 (SB 51).

[3:31:34 PM](#)

CHAIR BIRCH opened public testimony.

[3:32:11 PM](#)

REBECCA LOGAN, CEO, The Alaska Support Industry Alliance, Anchorage, Alaska, testified in support of SB 51. She noted that committee members received a letter of support from a collation of trade associations expressing their support for the bill. SB 51 defines a process that is put into statute so that people know what the designation is for a predictable and stable process.

[3:33:20 PM](#)

OWEN PHILLIPS, External Affairs Coordinator, The Alaska Support Industry Alliance, Anchorage, Alaska, testified in support of SB 51. He said he agreed with the argument to not allow high level decisions to a singular appointed commissioner or group who may be swayed by politics or bias. SB 51 allows input from multiple sources and defines a clear path to the designation of Tier 3 waters, a designation that should not be taken lightly.

[3:33:37 PM](#)

SENATOR COGHILL joined the committee meeting.

[3:34:56 PM](#)

HEATHER LENDE, representing self, Haines, Alaska, testified in opposition of SB 51. She opined that SB 51 will make it harder to protect the environment and wildlife. She suggested that the United Tribes of Bristol Bay's plan be put forward as the best way to serve all Alaskans for generations to come.

[3:36:43 PM](#)

JAN HILL, Mayor, Haines Borough, Haines, Alaska, testified that the Haines Borough did not have a position of SB 51. She said having a fair process to make the Tier 3 determination is important. She noted that there are two nominations pending for the Tier 3 designation of the Chilkat River. She said the Tier 3 process must engage: the people that live within a nominated river watershed, professional agencies, and the legislature. The Haines Borough recommends that a review by the Division of Community and Regional Affairs be included.

SENATOR KIEHL asked Mayor Hill if the borough's idea for "Community and Regional Affairs" is for a public consultation or a municipal government process.

MAYOR HILL answered that the process could be a combination of both. People of the community must be engaged as well, and the borough believes that could happen through "Community and Regional Affairs."

[3:39:37 PM](#)

PETE NOLAN, Member Services Director, Alaska Chamber, Anchorage, Alaska, testified in support of SB 51. He said the chamber was a signatory on a letter submitted to the Senate Resources Committee on behalf of several Alaskan business organizations in support of the bill. He said the Clean Water Act requires the state to have a policy and process for Tier 3 water designation. The authority for Tier 3 designation should lie solely with the legislature.

[3:41:20 PM](#)

MARLEANNA HALL, Executive Director, Resource Development Council for Alaska, Inc., Anchorage, Alaska, testified in support of SB 51. She said the Tier 3 designation idea has been identified by groups opposed to all development in Alaska and without a proper designation process, unnecessary nominations will be made. SB 51 will help protect land and access for Alaska's communities, native corporations, and rural development projects. Unnecessary dollars may have to be spent on questionable nominations and resulting litigation without a proper designation process.

[3:43:14 PM](#)

BRENDA JOSPHESON, representing self, Haines, Alaska, testified in support of SB 51. She said Tier 3 designations place significant restrictions on communities in a watershed area and there is no mechanism to undo such a designation. The Tier 3 designation replaces management and enforcement of science-based water quality standards and regulations with a total prohibition of any new or expanded discharges. The Tier 3 designations must be recommended by agencies and communities, but the final decision should remain with the legislature.

[3:44:50 PM](#)

KIMBERLEY STRONG, Tribal Council President, Chilkat Indian Village, Klukwan, Alaska, testified in opposition of SB 51. She said the Chilkat Indian Village has asked for a Tier 3 designation of the Chilkat River. SB 51 will require the village to go through multiple commissioners, the legislature, and the governor for a designation. She opined that the bill will eliminate the ability for the Chilkat River to receive a Tier 3 designation.

[3:48:30 PM](#)

JIM CLARK, representing self, Juneau, Alaska, testified in support of SB 51. He noted that Tier 3 designations sets aside a whole watershed that is de facto wilderness and the designation should be done by the legislature as is done for state parks. SB 51 codifies existing DEC policy and would provide certainty to the public.

[3:51:58 PM](#)

DEANTHA CROCKETT, Executive Director, Alaska Miners Association, Anchorage, Alaska, testified in support of SB 51. She said a Tier 3 designation results in significant restrictions and some prohibitions on land and water uses and will cause significant adverse social and economic impacts. When a designation of a

Tier 3 water so effectively restricts the uses, the Alaska Miners Association thinks that the result is a land designation and the authority for the designation should lie solely with the legislature.

[3:55:25 PM](#)

GUY ARCHIBOLD, Staff Scientist, Southeast Alaska Conservation Council, Juneau, Alaska, testified in opposition of SB 51. He emphasized that a Tier 3 designation is a not a barrier to development. He opined that the scale is heavily weighted in favor of developers who seek to pollute Alaskan waters. He asked at what point does the state's government and laws fail to protect its citizens.

[3:59:15 PM](#)

SARAH DAVIDSON, Inside Passage Waters Program Manager, Southeast Alaska Conservation Council, Juneau, Alaska, testified in opposition of SB 51. She asserted that the cost of making Tier 3 designations more difficult will be borne by future generations. She said proponents of SB 51 say that a Tier 3 designation is a land-use issue and therefore a legislative decision, but the decision is a moral issue for prioritizing clean water resources.

[4:03:12 PM](#)

VIKKI JO KENNEDY, representing self, Kodiak, Alaska, testified in opposition of SB 51.

[4:05:02 PM](#)

CHAIR BIRCH closed public testimony.

[4:05:10 PM](#)

CHAIR BIRCH held SB 51 in committee.

[4:05:39 PM](#)

There being no further business to come before the committee, Chair Birch adjourned the Senate Resources Standing Committee meeting at 4:05 p.m.