

**ALASKA STATE LEGISLATURE
SENATE RESOURCES STANDING COMMITTEE**

April 19, 2023

3:31 p.m.

MEMBERS PRESENT

Senator Click Bishop, Co-Chair
Senator Cathy Giessel, Co-Chair
Senator Bill Wielechowski, Vice Chair
Senator Scott Kawasaki
Senator James Kaufman
Senator Forrest Dunbar
Senator Matt Claman

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONSIDERATION OF GOVERNOR APPOINTEES

Board of Game

Stanley Hoffman - Bethel
David Lorrington - Fairbanks

- CONFIRMATIONS ADVANCED

HOUSE JOINT RESOLUTION NO. 11

Urging the United States Environmental Protection Agency to develop a woodstove certification program that addresses the threat to clean and healthy winter air in Fairbanks; and urging the state Department of Environmental Conservation to develop an economically and legally defensible state implementation plan for the Fairbanks North Star Borough nonattainment area.

- MOVED HJR 11 OUT OF COMMITTEE

SENATE BILL NO. 68

"An Act relating to public notice for a sale, appropriation, or removal of water, or for filing a declaration of a right of water; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HJR 11

SHORT TITLE: ADDRESS AIR POLLUTION IN FAIRBANKS

SPONSOR(s): REPRESENTATIVE(s) STAPP

03/08/23	(H)	READ THE FIRST TIME - REFERRALS
03/08/23	(H)	RES
03/20/23	(H)	RES AT 1:00 PM BARNES 124
03/20/23	(H)	Moved HJR 11 Out of Committee
03/20/23	(H)	MINUTE(RES)
03/22/23	(H)	RES RPT 7DP
03/22/23	(H)	DP: MEARS, DIBERT, MCCABE, SADDLER, WRIGHT, RAUSCHER, MCKAY
03/27/23	(S)	RES AT 3:30 PM BUTROVICH 205
03/27/23	(S)	<Pending Referral>
03/29/23	(H)	TRANSMITTED TO (S)
03/29/23	(H)	VERSION: HJR 11
03/29/23	(S)	RES AT 3:30 PM BUTROVICH 205
03/29/23	(S)	<Pending Referral>
03/31/23	(S)	READ THE FIRST TIME - REFERRALS
03/31/23	(S)	RES
04/17/23	(S)	RES AT 3:30 PM BUTROVICH 205
04/17/23	(S)	Heard & Held
04/17/23	(S)	MINUTE(RES)
04/19/23	(S)	RES AT 3:30 PM BUTROVICH 205

BILL: SB 68

SHORT TITLE: PUBLIC NOTICE FOR WATER RIGHTS

SPONSOR(s): SENATOR(s) GIESSEL

02/10/23	(S)	READ THE FIRST TIME - REFERRALS
02/10/23	(S)	RES
03/15/23	(S)	RES AT 3:30 PM BUTROVICH 205
03/15/23	(S)	Heard & Held
03/15/23	(S)	MINUTE(RES)
03/24/23	(S)	RES AT 3:30 PM BUTROVICH 205
03/24/23	(S)	<Bill Hearing Canceled>
04/19/23	(S)	RES AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

STANLEY HOFFMAN, Governor Appointee
Board of Game
Alaska Department of Fish and Game
Bethel, Alaska

POSITION STATEMENT: Testified for reappointment to the Board of Game.

DAVID LORRING, Governor Appointee
Board of Game
Alaska Department of Fish and Game
Fairbanks, Alaska

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

MARK RICHARDS, Executive Director
Resident Hunters of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of the appointment of David Loring to the Board of Game.

DAVID PRUHS, Mayor
City of Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HJR 11.

JASON OLDS, Acting Director
Division of Air Quality
Department of Environmental Conservation
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HJR 11.

RYAN RIVERS, Staff
Senator Cathy Giessel
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the changes between version B and version U of SB 68.

CRYSTAL KOENEMAN, Legislative Liaison
Department of Environmental Conservation (DEC)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 68.

ACTION NARRATIVE

[3:31:07 PM](#)

CO-CHAIR CLICK BISHOP called the Senate Resources Standing Committee meeting to order at 3:31 p.m. Present at the call to

order were Senators Dunbar, Kawasaki, Kaufman, Co-Chair Giessel, and Co-Chair Bishop. Senators Wielechowski and Claman arrived soon thereafter.

CONSIDERATION OF GOVERNOR APPOINTEES

CONSIDERATION OF GOVERNOR APPOINTEES

BOARD OF GAME

[3:32:20 PM](#)

CO-CHAIR BISHOP announced confirmation hearings for governor appointees to the Board of Game.

[3:32:34 PM](#)

SENATOR WIELECHOWSKI joined the committee.

[3:32:46 PM](#)

STANLEY HOFFMAN, Governor Appointee, Board of Game, Alaska Department of Fish and Game, Bethel, Alaska, testified as an appointee to the Board of Game. He relayed his personal history and professional credentials. He and his family enjoy the subsistence lifestyle and all it has to offer. He was an assistant guide in Unit 19B for about 20 years until 2017. He is a commercial fisherman but the area he fished was closed due to no fish in 2007. His hope is that commercial fishing returns someday. He has served on the board since he was first appointed by Governor Palin. He looks forward to continuing to serve, if reconfirmed.

CO-CHAIR BISHOP thanked him for his service to the state.

CO-CHAIR BISHOP asked Mr. Lorrington to provide his testimony.

[3:35:07 PM](#)

DAVID LORRINGTON, Governor Appointee, Board of Game, Alaska Department of Fish and Game, Fairbanks, Alaska, testified as an appointee to the Board of Game. He read a prepared statement to introduce himself. He recounted his personal history and professional credentials. He moved to Alaska in 1974 and became a Wildlife Trooper in 1976. He was a DPS liaison to the Big Game Commercial Services Board from inception until 2009. He is knowledgeable about the Board of Game process. He has an airline transport certificate and advanced ground instructor rating. He recounted his volunteer activities. He and his family have been active in subsistence hunting and fishing and he shares with others who are not able to provide for themselves. He is a licensed falconer and worked to develop a manual that the Board

of Game adopted in regulation in 1997. He looks forward to serving if he is confirmed.

CO-CHAIR BISHOP found no questions.

[3:39:34 PM](#)

CO-CHAIR BISHOP opened public testimony on the appointment of Stanley Hoffman and David Lorrington to the Board of Game.

[3:39:50 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska, Anchorage, Alaska, stated that he was representing the 3,200 plus members statewide in support of the appointment of Dave Lorrington to the Board of Game. His experience and knowledge of the board process is unparalleled. He is a former Alaska Wildlife Trooper, pilot, and game warden. After that he had a long career in commercial aviation serving remote areas. He had been involved in falconry for many years and had been involved in wildlife processes since he left the Troopers. He thanked Governor Dunleavy for appointing Dave Lorrington to the Board of Game and encouraged the committee to support his confirmation.

[3:42:02 PM](#)

CO-CHAIR BISHOP closed public testimony on the Board of Game appointments.

[3:42:21 PM](#)

CO-CHAIR GIESSEL thanked the appointees.

She stated that the Senate Judiciary Committee reviewed the following and recommends the appointments be forwarded to a joint session for consideration:

Board of Game

Stanley Hoffman - Bethel

David Lorrington - Fairbanks

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

[3:42:56 PM](#)

CO-CHAIR BISHOP stated that the names would be forwarded to the full legislature for consideration.

[3:43:06 PM](#)

At ease

HJR 11-ADDRESS AIR POLLUTION IN FAIRBANKS

[3:44:53 PM](#)

CO-CHAIR BISHOP reconvened the meeting and announced the consideration of HOUSE JOINT RESOLUTION NO. 11 Urging the United States Environmental Protection Agency to develop a woodstove certification program that addresses the threat to clean and healthy winter air in Fairbanks; and urging the state Department of Environmental Conservation to develop an economically and legally defensible state implementation plan for the Fairbanks North Star Borough nonattainment area.

CO-CHAIR BISHOP opened public testimony on HJR 11.

[3:45:23 PM](#)

DAVID PRUHS, Mayor, City of Fairbanks, Fairbanks, Alaska, Testified in support of HJR 11. He stated that 80-85 percent of the PM2.5 fine particulate matter is caused by woodstoves and that is what the resolution addresses. He highlighted that the Environmental Protection Agency (EPA) has threatened to take measures against the transportation and heating industries in the Fairbanks area even though those industries are not responsible for the PM2.5 issue. He reiterated support for HJR 11.

[3:46:17 PM](#)

CO-CHAIR BISHOP closed public testimony on HJR 11.

[3:46:42 PM](#)

SENATOR KAWASAKI referenced the first "Further Resolved" statement that says DEC will continue efforts to develop and defend the PM2.5 implementation plan. He asked what DEC would do in that regard.

[3:47:33 PM](#)

JASON OLDS, Acting Director, Division of Air Quality, Department of Environmental Conservation, Juneau, Alaska, stated that DEC is defending the plan when it submits amendments and supplements the Administrative Record to ensure it represents the best interests of Alaska. DEC is trying to support the plan it developed, using stakeholder engagement from the community, as a guide for what will address the issues and clean the air. DEC will continue these efforts.

CO-CHAIR GIESSEL said she understands the problem and supports the resolution. She also expressed hope that the resolution would have the side benefit of helping encourage Fairbanks smokers stop smoking.

CO-CHAIR BISHOP commented on the difference between carbureted engines in automobiles versus the new fuel-injected engines. He asked Mr. Olds if he agreed that fuel-injected engines have helped to cut emissions in Fairbanks.

MR. OLDS said fuel-injected technologies and catalytic converters helped to resolve some of the CO issues, but the PM contribution from automobiles is minimal.

SENATOR KAWASAKI wondered whether an amendment was needed on page 4, line 11 to remove the second reference to the President of the United States.

[3:51:25 PM](#)

At ease

[3:51:40 PM](#)

CO-CHAIR BISHOP reconvened the meeting and recognized Senator Dunbar.

[3:51:46 PM](#)

SENATOR DUNBAR said he believes the language is accurate. Kamala Harris is identified as Vice President of the United States and President of the U.S. Senate.

CO-CHAIR BISHOP thanked the members and solicited a motion.

[3:52:10 PM](#)

CO-CHAIR GIESSEL moved to report HJR 11, work order 33-LS0548\A, from committee with individual recommendations and attached fiscal note(s).

[3:52:30 PM](#)

CO-CHAIR BISHOP found no objection and SJR 11 was reported from the Senate Resources Standing Committee.

[3:52:32 PM](#)

At ease

SB 68-PUBLIC NOTICE FOR WATER RIGHTS

[3:55:20 PM](#)

CO-CHAIR BISHOP reconvened the meeting and announced the consideration of SENATE BILL NO. 68 "An Act relating to public notice for a sale, appropriation, or removal of water, or for filing a declaration of a right of water; and providing for an effective date."

He solicited a motion to adopt the committee substitute (CS).

[3:55:30 PM](#)

CO-CHAIR GIESSEL moved to adopt the committee substitute (CS) for SB 68, work order 32-LS0412\U, as the working document.

[3:55:41 PM](#)

CO-CHAIR BISHOP objected for purposes of discussion and invited Mr. Rivers to present the changes.

[3:55:55 PM](#)

CO-CHAIR GIESSEL explained that the CS expanded the original bill to cover land and water functions from both DNR and DEC. It also provides the option for newspaper published public notices in addition to the Alaska Online Public Notice System. The departments will make the judgement call as to which notice to use based on the audience.

CO-CHAIR BISHOP listed the individuals available to answer questions.

[3:57:27 PM](#)

RYAN RIVERS, Staff, Senator Cathy Giessel, Alaska State Legislature, Juneau, Alaska, presented the changes between version B and version U of SB 68.

[Original punctuation provided.]

Version B to version U

The CS changes are as follows:

1. The title of the bill changes to include all public notices by departments.
2. Renumbers version B's section 1-3 to section 11-13.
3. On pages 1-6 and on page 7, line 1-28, Version U adds the following sections to the bill to amend current statutes:

- a. Section 1 - allows public notice for recreational facility development using the Alaska Online Public Notice System or by a newspaper of general circulation within the affected area.
- b. Section 2 - allows public notice for soliciting proposals from persons interesting in leasing land for recreational facilities development using the Alaska Online Public Notice System or by a newspaper of general circulation within the affected area.
- c. Section 3 - allows public notice for leasing lands for mining using Alaska Online Public Notice System, or by a newspaper of general circulation within the affected area.
- d. Section 4 - allows public notice for related land functions under this statute via the Alaska Online Public Notice System or by a newspaper of general circulation within the affected area, in addition to other means as required.
- e. Section 5 - allows public notice using the Alaska Online Public Notice System or a newspaper of general circulation within the affected area, in addition to other means as required.
- f. Section 6 - strikes the word "written".
- g. Section 7 - strikes language regarding public notice in a newspaper or trade or industry publication and related language.
- h. Section 8 - allows public notices regarding regulations that incorporate documents or other material by reference via the Alaska Online Public Notice System, or by a newspaper of general circulation within the affected area.
- i. Section 9 - strike the word "written".
- j. Section 10 - allow public notice for inviting public comment on a general permit

via the Alaska Online Public Notice System, or by a newspaper of general circulation within the affected area, for a period of thirty days.

4. Section 11, page 8, line 4-7, adds the option for a newspaper notice regarding public waters; this is in addition to the alternative public notice option via the Alaska Online Public Notice System.
5. Section 12, page 8, line 13-18, adds the option for a newspaper notice regarding public waters; this is in addition to the alternative public notice option via the Alaska Online Public Notice System.

[4:00:54 PM](#)

CO-CHAIR BISHOP asked if there were questions.

[4:01:05 PM](#)

SENATOR KAWASAKI asked whether notices could be in both the newspaper and the online system.

MR. RIVERS replied that the bill allows either posting through the Online Public Notice System or a newspaper. He didn't believe it would be contrary to the bill if an agency were to provide notice both ways.

CO-CHAIR BISHOP asked Crystal Koeneman to comment.

[4:02:16 PM](#)

CRYSTAL KOENEMAN, Legislative Liaison, Department of Environmental Conservation (DEC), Juneau, Alaska, stated that the department would look at the area and determine the best way to reach the affected constituency in the broadest means possible. If that means posting online as well as in a newspaper in the area, the department will have that discretion.

SENATOR WIELECHOWSKI asked what percentage of notices currently are posted on the Online Public Notice System.

MS. KOENEMAN replied that all of DEC's notices are posted online and in the paper.

SENATOR WIELECHOWSKI asked if the department would oppose a requirement to post on the Online Public Notice System.

MS. KOENEMAN replied no, that's what DEC currently does because it reaches the broadest audience.

SENATOR WIELECHOWSKI said his one concern is that without that requirement, a future administration may make a different policy call. He also expressed interest in accommodating people who do not have access to online publications.

MS. KOENEMAN restated that DEC would look at the affected area to determine the best possible way to reach the constituency, which may mean posting notices in a local newspaper.

[4:04:53 PM](#)

SENATOR CLAMAN voiced support for limiting discretion and having a standard for publishing public notices. Options could be available but they should be in addition to the standard.

CO-CHAIR GIESSEL explained that the original bill moved the notices to the Online Public Notice System because it provides extensive distribution throughout the state, and it is less expensive. Newspaper editors objected to being excluded and the CS provides that option. She acknowledged that a local newspaper may be a more effective means for public notices in some rural/remote areas.

[4:06:40 PM](#)

CO-CHAIR BISHOP commented on the advent of low orbit satellites and highlighted that many of his constituents in rural Alaska are finding that service to their liking.

[4:07:37 PM](#)

CO-CHAIR BISHOP removed his objection and version U was adopted.

CO-CHAIR BISHOP stated he would hold SB 68 in committee.

[4:08:22 PM](#)

There being no further business to come before the committee, Co-Chair Bishop adjourned the Senate Resources Standing Committee meeting at 4:08 p.m.