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- Commentary on Alaska issues and policy

PUBLISHERS: Mike Bradner, Tim Bradner / Business Office: (907) 440-6068 / 3037 South Circle Anchorage, AK 99507 / Fax: (907) 345-5683

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Interim brief: A look at federal issues, legislative races

Election: Three weeks to go

The final days are at hand: Three weeks to go until Nov. 5. For Alaska, the stakes in the presidential election are big. On key federal issues, if Donald Trump wins he will work to undo natural resource protection policies of the Biden administration. If Kamala Harris wins, Biden's policies will likely be continued. However, if Trump wins there will be lawsuits and uncertainty over his attempts to unwind high-profile Biden policies. Those include restrictions on oil exploration in the Arctic National Wildlife Refuge, or ANWR, and expanded protected areas in the National Petroleum Reserve-Alaska, or NPR-A. If Harris wins, the state of Alaska and others will press ahead with lawsuits over "federal overreach." State attorneys will be encouraged in this because Trump appointed many federal judges in his previous administration and his Supreme Court leans conservative, too.

On ANWR, a lease sale is scheduled in December as required by existing federal law. It's unclear if any significant industry bidding will come but the state's Alaska Industrial Development and Export Authority is said to be preparing bids. The question is whose rules will govern subsequent exploration, Trump's or Harris's? On the new federal land rules in the NPR-A, if Trump wins it will take time to undo new regulations put in place by Biden. However, a new Interior Department initiative to expand protected areas in the reserve allowed by the new NPR-A land rules could be easier for a new Trump administration to stop. The larger protected areas could affect expansions of the Willow oil project in the petroleum reserve and development of an extension of the Quokka oil discovery on state lands into the NPR-A.

– Continued on next page

Legislative races: A few seats flipped will make a difference

Democratic and moderate Republicans did well in the low-turnout August primary election, but will that hold on Nov. 5? Trump will be on the presidential ballot and the voter turnout will be much larger. We'll know about this Nov. 6. In the Legislature, the conventional wisdom is that a coalition will continue to control the Senate although there may be one or two more Republicans in a new coalition. It's likely the House will continue to be closely divided. Results in a handful of contested House seats will make a big difference.

– Continued on page 4

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What's at stake: Federal land policy in Alaska

Conservation groups play a long game on control of TAPS corridor

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The national election will affect federal land policy in Alaska. This is a sleeper issue that many Alaskans don't watch, but they're important. A change in the federal administration could have big impacts. Conservation groups are very good at playing the long game on Alaska land policy, and one issue to watch is the control of lands in the Trans Alaska Pipeline System corridor from the North Slope to the Yukon River. The federal government now owns these lands and the corridor. There appears to be a long-range strategy in play to ensure continued federal control (this also depends on who is elected on Nov. 5). Federal control of the TAPS corridor is important to conservation groups because it could enhance their influence, under a President Harris, in decisions like a renewal of the Trans Alaska Pipeline System 30-year right-of-way lease. That's not due until 2037 but it will require a lot of advance planning and a federal Environmental Impact Statement, so work on this could begin just a few years from now.

TAPS is aging. By 2037 it will be 60 years old

The TAPS system is aging. By 2037 it will be 60 years old. North Slope oil production is gradually declining and that looks set to continue despite new medium-sized (i.e. not giant) discoveries on the North Slope. TAPS now moves between 350,000 barrels per day (b/d) to 480,000 b/d depending on the season (production is more efficient in winter). Alyeska Pipeline Service Co., its operator, says operations at or below 300,000 b/d pose mechanical challenges. The economic challenges are more serious because less oil moving means a rising per-barrel transportation cost and lower "netback" price paid to producers on the North Slope. A major reconfiguration of the pipeline to allow it to operate at lower volumes is possible but costly and at some point the pipeline may become uneconomic to operate. Knowing this, conservation groups will increase calls for the pipeline to be shut down and dismantled.

State officials feel it's vital for the state to have control of the TAPS corridor

State officials feel it's vital for the state to have control of the TAPS corridor, which includes not only the pipeline but also the Dalton Highway, by being allowed to select federal lands in the corridor under its remaining statehood land entitlement. State selection is now blocked under a federal Public Land Order, PLO 5150, that has been in place since the 1970s. The state has been pushing for years for the Interior Department to release PLO 5150, which would allow state land selections. The U.S. Bureau of Land Management has agreed internally that the land order is no longer needed and recommended that it be released. An agreement was in place earlier this year between the state and BLM's Alaska office to start this process but this was stopped by Interior Department officials in Washington, D.C., the BLM acknowledged in a U.S. Senate hearing this summer. This decision came shortly after national conservation groups wrote a letter to the Interior Department asking that BLM begin work on a plan to dismantle TAPS and restore its right of way.

At stake: Land issues broader than TAPS corridor

The Public Land Orders and federal land issues are broader than the TAPS corridor

The TAPS corridor is of most immediate concern to the state but several other 50-year-old public land orders cover other land in Interior and western Alaska. Former President Trump had revoked PLOs that cover 28 million acres, including the TAPS corridor, but when President Biden came into office the action was stopped. As with the TAPS corridor BLM staff had advised many of these were no longer needed. However, on August 27 Interior Secretary Deb Haaland reaffirmed them anyway, preserving the status quo. If Trump is elected Nov. 5 look for these to again be revoked. If Kamala Harris is elected they will stay in place.

Why tribes and rural communities are stirred up about this

What has tribes and many rural communities concerned on the PLOs is that their revoking makes the land available not just for state selection but also filing of federal mining claims. Once claims are filed a private property right is established. Because of this, the spectre of a “mining claim rush” has spooked many rural Alaskans. However, the concern may be overstated but there’s little doubt that this could spur a messy land process that once done is difficult to undo. Federal and state agencies do have tools to control and mitigate adverse environmental effects of exploration but these would be used after the fact. Tribes and conservation groups want to prevent the problem at the start by having the land orders remain in effect, they say.

Keeping this in perspective, however, mineral exploration is a long process and the vast bulk of prospects don’t pan out. If a discovery is made, development of a mine typically takes decades. For example the Ambler District copper discoveries east of Kotzebue were made in the 1960s and have been in the exploration stage for 60 years. The Donlin Gold discovery has been in exploration since the 1980s, or 40 years. Pebble, which has attracted a lot of attention, was discovered in the 1980s, over 30 years ago.

Loss of federal subsistence rights has spooked rural communities

Fear of a mining-claim rush is one concern but what has really spooked tribes is the claim that lifting the PLOs could cause federal subsistence protections to be lost. In her August announcement, Secretary Haaland said subsistence protection would be lost on lands around 44 to 117 rural communities if the land orders on the 28 million acres were revoked, depending on which of the land orders are affected. *State officials say the Secretary overstated the loss of protection.* It would occur only where the state has selected lands newly opened and where the lands would be owned by the state (there is no subsistence protection on state lands). State officials estimate this affects only 1.5 million acres or 5% of the 28 million acres in the remaining public land orders. The state has filed on 1.5 million acres within the 28 million acres covered by the PLOs using a procedure called “top-filing,” so that its claim has a priority. Nevertheless, 1.5 million acres is a lot depending on where it is. This is a very sensitive issue in Native Alaskan communities because it is unknown what communities could be affected.

The legislative races

We review a few races to watch as the Nov. 5 election nears

Several veteran senators will return to Juneau because they are unopposed or are in the middle of four-year terms and not running. This gives the Senate a core of experience no matter what the Nov. 5 outcome is. Returning senators include Sens. Gary Stevens, R-Kodiak; Bert Stedman, R-Sitka; Cathy Giessel; R-Anchorage; Lyman Hoffman, D-Bethel, Bill Wielechowski, D-Anch and Löki Tobin, D-Anch. In Juneau, Democrat Jesse Kiehl, is unopposed. In western Alaska Sen. Donny Olson, D-Golovin is unopposed. There could be some shifts in the Senate depending on the Nov. 5 outcome. *Stevens and Giessel, both former Senate presidents, are said to be seeking to again lead the Senate.*

Races to watch include the bid for reelection by Sen. Scott Kawasaki, D-Fairbanks, against a tough challenger, Republican Leslie Hajdukovich. Also in the Interior, Sen. Click Bishop, R-Interior, is leaving the Senate and Mike Cronk, now a Republican House member, seeks to fill the seat along against two challengers, Savannah Fletcher and Bert Wilson, both independent or non-aligned. It is not known whether any of these would join a coalition. In south Anchorage, Democrat Janice Park is making a strong challenge to the reelection of Sen. James Kaufman, Republican. Both would be part of a coalition. In midtown Anchorage, Sen. Matt Claman, a Democrat, is opposed by Liz Vazquez, Republican; Democratic Sen. Forrest Dunbar is opposed by Cheronda Smith, an independent. Dunbar and Claman are expected to prevail. In Eagle River Sen. Kelly Merrick, Republican and part of the Senate coalition, has two opponents. Merrick is likely to prevail.

On the Kenai Peninsula, Sen. Jesse Bjorkman, R-Soldotna, is in a tough race against Ben Carpenter, now a Republican state representative from Nikiski. Bjorkman is currently a member of the Senate coalition. It is not certain whether Carpenter would join one. In the Mat-Su, Republican Sen. David Wilson is being challenged by Robert Yundt, a former borough assemblyman. Wilson is a member of the Senate coalition. It is unknown whether Yundt would join a coalition.

There are 40 House members up for reelection to two-year terms. Many races are highly localized and unpredictable. The one-vote margin to sustain Gov. Mike Dunleavy's veto of education funding last session has put Republicans in some key races on the defensive (challengers argue they were the key vote that could have overturned the veto). Educators groups are heavily engaged in efforts to turn a handful of House seats. Similar efforts are being made by public employee and organized labor over House Republicans' action last session to bottle up a bill giving public employees an option for traditional pensions in lieu of current 401(k)-type retirement plan.

The partisan lineup in the House is expected once again be razor-thin, so the outcome in just one or two races will tip the balance between thin Republican control or a coalition, also with likely thin control. In south Anchorage, Chuck Kopp is opposing the reelection of Republican Rep. Craig Johnson, current House Rules chair who is said to have masterminded the defeat of the pension bill. Also in south Anchorage, Walt Featherly is opposing reelection of Julie Coulombe, Republican, who voted to sustain the education funding veto. Featherly is unaligned.

There are other tight House races. Democratic Rep. Andy Josephson has a strong challenge again from Republican Heather Gottshall. Rep. Cliff Groh, D-Anch., faces Republican David Nelson. On the Kenai Peninsula, Rep. Sarah Vance, R-Homer, is being challenged by independent Brent Johnson and Republican Dawson Slaughter. Rural legislators Thomas Baker, Neal Foster and CJ McCormick face challenges. Foster and McCormick will likely prevail. We are not sure about Baker because of his vote to sustain the education veto that hit rural schools hard.