

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

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ATTORNEY OFF

**COX & MOYER**  
Scott J. Allen (California State Bar #178925)  
703 Market Street, Suite 1800  
San Francisco, CA 94103  
Tel: (415) 543-9464  
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Pro Hac Vice Motion 202 APR 12 PM 3:15

**TRUSTEES FOR ALASKA**  
Valerie Brown (Alaska Bar Number 9712099)  
1026 W. 4th Avenue, Ste. 200  
Anchorage, Alaska 99501  
Tel: (907) 276-2422 ext. 107  
Fax: (907) 276-7110

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA AT ANCHORAGE**

ALASKA COMMUNITY ACTION ON )  
TOXICS, COOK INLET KEEPER, THE )  
CHICKALOON VILLAGE TRADITIONAL )  
COUNCIL, JANET DANIELS, RICHARD )  
MARTIN, and THE MILITARY TOXICS )  
PROJECT )

Civil Action No:  
**A 0 2 - 0 0 8 3 CV**

Plaintiffs,

COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF

v.

UNITED STATES DEPARTMENT OF THE )  
ARMY, UNITED STATES DEPARTMENT OF )  
DEFENSE, and DONALD RUMSFELD IN HIS )  
OFFICIAL CAPACITY AS UNITED STATES )  
SECRETARY OF DEFENSE, )

Defendants.

## COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs allege as follows:

### NATURE OF THE CASE

1. This is a citizens' suit brought pursuant to the provisions of Clean Water Act 33 U.S.C. §1251, *et seq.*, the Solid Waste Disposal Act, 42 U.S.C. §6901, *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9601, *et seq.*

### JURISDICTION

2. This Court has jurisdiction over the subject matter of the First Count herein pursuant to 33 U.S.C. §1365(a)(1). Defendants have waived sovereign immunity to the First Count pursuant to 33 U.S.C. §§1323(a) and 1365(a)(1).

3. This Court has jurisdiction over the subject matter of the Second Count pursuant to 42 U.S.C. §6972(a)(1)(A). The Defendants have waived sovereign immunity to the Second Count pursuant to 42 U.S.C. §§6961(a) and 6972(a)(1)(A).

4. This Court has jurisdiction over the subject matter of the Third Count pursuant to 42 U.S.C. §9659(a)(1). The Defendants have waived sovereign immunity to the Third Count pursuant to 42 U.S.C. § 9659(a)(1).

5. By letter dated June 15, 2001, the Plaintiffs gave notice of their intent to commence this action as required by 33 U.S.C. § 1365(b)(1) and 42 U.S.C. §§ 6972(b)(1) and 9659(d)(1). Shortly following the Defendants' receipt of said letter, the Plaintiffs and Defendants commenced negotiations aimed at reaching a settlement of the claims asserted herein. At the request of the Defendants, Plaintiffs agreed that they would not commence this action

until such time as the Plaintiffs and Defendants ceased their negotiations. By letter dated about April 10, 2002, the Defendants terminated said negotiations. Plaintiffs commenced this action as soon as possible thereafter.

### FIRST COUNT

#### VIOLATIONS OF CLEAN WATER ACT

6. Each of the Plaintiffs is a "citizen" as said term is defined in 33 U.S.C. § 1365(g), in that they are persons having an interest which is or may be adversely affected by the actions of the Defendants described in this First Count. Each of the Plaintiffs likewise has one or more interests that are or may be adversely affected by the actions or inactions of the Defendants described in the Second and Third Counts below.

7. This First Count is brought against Defendants, United States Department of the Army and the United States Department of Defense only.

8. Defendants, United States Department of the Army and United States Department of Defense, maintain jurisdiction and/or control over an installation consisting of approximately 60,000 acres known as Fort Richardson, located north of Anchorage, Alaska. Fort Richardson lies within this district.

9. Beginning at a time currently unknown to the Plaintiffs and continuing to the present, the Army has and/or continues to and/or plans to discharge munitions, and the constituents and/or by-products and/or residues of munitions, in to and on various lands and waters on and/or in the vicinity of Fort Richardson.

10. The Army has and/or continues to and/or plans to discharge munitions, and the constituents and/or by-products and/or residues of munitions, into waters and/or on to lands on or

in the vicinity of Fort Richardson, using cannons, rifles, artillery and/or other sources.

11. The waters into which the Army has and continues to discharge munitions include the waters of the Eagle River, Eagle River Flats and/or Knik Arm.

12. The Army has not applied for, nor has it been issued, a permit from the United States Environmental Protection Agency ("EPA") authorizing the discharge of munitions into waters as described in this First Count.

13. The Army therefore has violated, continues to violate and/or threatens to violate 33 U.S.C. §§1311(a) and 1323(a), as well as 40 C.F.R. §122.21.

14. The waters of the Eagle River on and in the vicinity of Fort Richardson violate the water quality standards established by 18 Alaska Administrative Code 070.20(b). The Army's actions described in this First Count have caused and/or contributed, and continue to cause and/or contribute, to this violation of water quality standards in the Eagle River. The Army's actions therefore have violated and continue to violate 18 Alaska Administrative Code 070.10 and 33 U.S.C. §1323(a).

15. The Army's actions described in this First Count have polluted and/or added to the pollution of the land and/or waters on and/or in the vicinity of Fort Richardson. Said lands and/or waters include lands and/or waters in, on and/or under the Eagle River, Eagle River Flats, and/or the Knik Arm. The Army's actions therefore have violated and continue to violate Alaska Statutes 46.03.710 and 33 U.S.C. §1323(a).

16. The Army's actions described in this First Count have resulted in the disposal of solid and/or liquid waste material into the waters and/or on to land on or in the vicinity of Fort Richardson. The Army does not have, nor has it applied for, a permit, from the Alaska

Department of Environmental Quality authorizing said discharge into waters and/or on to land. The Army's actions therefore have violated and continue to violate Alaska Statutes 46.03.100(a) and 33 U.S.C. §1323(a).

## SECOND COUNT

### VIOLATIONS OF SOLID WASTE DISPOSAL ACT

17. This Second Count is brought against Defendants, United States Department of the Army and the United States Department of Defense only.

18. As described in the First Count above, the Army has violated and continues to violate Alaska Statutes §§46.03.710 and 46.03.100(a).

19. The Army's violations of Alaska Statutes §§46.03.710 and 46.03.100(a) constitute a violation of 42 U.S.C. §6961(a).

## THIRD COUNT

### VIOLATIONS OF CERCLA

20. This Third Count is brought against all of the Defendants named above.

21. In 1994, due to a high level of pollution, the Environmental Protection Agency placed Fort Richardson on the National Priorities List, a list of the nation's most polluted facilities that are to be given priority for cleanup.

22. Shortly thereafter, the EPA, the State of Alaska, and the Army entered into an "interagency agreement" (as that term is used in 42 U.S.C. §9620(e)) entitled "Federal Facility Agreement Under CERCLA Section 120 Administrative Docket Number 1092-05-02-120" (hereinafter the "FFA") regarding Fort Richardson.

23. Live, unexploded ordnance exists in, on, and/or under the lands and/or water on or

in the vicinity of Fort Richardson, including without limitation the lands and/or waters of the Eagle River, Eagle River Flats and/or the Knik Arm, as well as the land and/or waters in an area referred to by the Army as the OB/OD pad. Unexploded ordnance may also exist in, on, and/or under other lands and/or waters on or in the vicinity of Fort Richardson.

24. This unexploded ordnance constitutes and contains "hazardous substances" and/or "pollutants or contaminants" as those terms are defined in 42 U.S.C. §§9601(17) and 9601(33). The Army, however, has taken, and continues to take, the position that this unexploded ordnance neither constitutes nor contains "hazardous substances" and/or "pollutants or contaminants" as those terms are defined in 42 U.S.C. §§9601(17) and 9601(33).

25. The Army has never commenced, nor has it performed, a remedial investigation or feasibility study (RI/FS) regarding unexploded ordnance or the constituents of such ordnance on Fort Richardson.

26. The Army's failure to commence or perform such an RI/FS violates and continues to violate 42 U.S.C. §9620(e)(i) as well as paragraphs 8.8 and 8.9 and Attachment 1 of the FFA (including without limitation section 3.1 of Attachment 1).

27. The Army has never adopted a plan for remediation of the unexploded ordnance described above; nor has the Army commenced or performed remediation of such ordnance. The Army therefore has violated and continues to violate 42 U.S.C. §§9620(e)(2)-(e)(4) as well as ¶8.10 and Attachment 1 to the FFA.

#### REQUEST FOR RELIEF

Plaintiffs respectfully request the following relief:

28. Declare that the Army's discharge of munitions into waters as described in the

First Count herein has violated and continues to violate 33 U.S.C. §§1311(a) and/or 1323(a).

29. Order the Army to stop discharging munitions into the waters of the Eagle River, Eagle River Flats and/or the Knik Arm until such time as the Army obtains a permit authorizing the discharge from the EPA.

30. Declare that the Army's actions described in the First and Second Counts herein have violated and/or continue to violate 18 A.A.C. §070.10, Alaska Statutes §§46.03.710 and 46.03.100(a), and/or 33 U.S.C. §1323(a) and/or 42 U.S.C. §6961(a).

31. Issue appropriate injunctive relief prohibiting the Army from continuing to conduct the activities described in the First and Second Counts herein in violation of 18 A.A.C. §070.10, AS §§46.03.710 and 46.03.100(a) and/or 33 U.S.C. §1323(a) and/or 42 U.S.C. §6961(a).

32. Declare that the unexploded ordnance in, on, and/or under the lands and waters on Fort Richardson constitutes and contains "hazardous substances" and/or "pollutants or contaminants" as those terms are defined in CERCLA, 42 U.S.C. §§9601(17) and 9601(33).

33. Order the Army to commence and fully perform an RI/FS regarding unexploded ordnance on Fort Richardson.

34. Order the Army to pay the Plaintiffs' costs and attorneys fees as provided by statute, including 33 U.S.C. §1365(d) and 42 U.S. §§ 6972(e) and 9659(f).

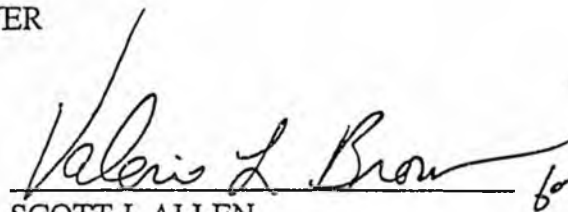
35. Order the Army to pay appropriate civil penalties as provided by 33 U.S.C. § 1319(d), 42 U.S. C. § 6928(g), 42 U.S.C. §§ 9609(a)(1)(E), 9609(b)(5), 9622(l), and/or 9659(c).

36. Issue other and further relief as the court deems just and proper.

Dated: April 12, 2002

COX & MOYER

By:

Handwritten signature of Valerie L. Brown in cursive script, written over a horizontal line. The signature is followed by a small 'for' written in cursive.

SCOTT J. ALLEN  
Attorneys for Plaintiffs

Fort Rich Complaint.wpd

Rec'd cert mail 4/15/02

*J. Allen*

RECEIVED  
CLERK OF COURT  
102 APR 15 AM 11 05

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SUMMONS IN A CIVIL ACTION

Alaska Community Action On Toxics,  
Cook Inlet Keeper, The Chickaloon  
Village Traditional Council, Janet  
Daniels, Richard Martin, and The  
Military Toxics Project,

v.

United States Department Of The Army,  
United States Department Of Defense,  
and Donald Rumsfeld In His Official  
Capacity As United States Secretary  
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

TO: (Name & Address of Defendant)  
Donald Rumsfeld  
United States Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)  
Valerie L. Brown  
Trustees For Alaska  
1026 W. 4th Ave., Ste. 201  
Anchorage, AK 99501  
Scott J. Allen  
Cox & Moyer  
703 Market St., Ste. 1800  
San Francisco, CA 94103-2128

an answer to the complaint which is herewith served upon you, within 60 days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken  
against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court  
within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

*CML*  
(BY) DEPUTY CLERK

*ESALCO*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SUMMONS IN A CIVIL ACTION

Alaska Community Action On Toxics,  
Cook Inlet Keeper, The Chickaloon  
Village Traditional Council, Janet  
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United States Department Of The Army,  
United States Department Of Defense,  
and Donald Rumsfeld In His Official  
Capacity As United States Secretary  
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

TO: (Name & Address of Defendant)

Timothy M. Connelly, Trial Attorney  
United States Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
P.O. Box 23986, L'Enfant Plaza Station  
Washington, DC 20026

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Valerie L. Brown  
Trustees For Alaska  
1026 W. 4th Ave., Ste. 201  
Anchorage, AK 99501

Scott J. Allen  
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within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

(BY) DEPUTY CLERK

*(ML)* *(SEAL)*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SUMMONS IN A CIVIL ACTION

Alaska Community Action On Toxics,  
Cook Inlet Keeper, The Chickaloon  
Village Traditional Council, Janet  
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United States Department Of The Army,  
United States Department Of Defense,  
and Donald Rumsfeld In His Official  
Capacity As United States Secretary  
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

T.O: (Name & Address of Delendant)

United States Dept. of the Army  
Office of the Chief of Public Affairs  
1500 Army Pentagon  
Washington, DC 20310-1500

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Valerie L. Brown  
Trustees For Alaska  
1026 W. 4th Ave., Ste. 201  
Anchorage, AK 99501

Scott J. Allen  
Cox & Moyer  
703 Market St., Ste. 1800  
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within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

(BY) DEPUTY CLERK

*CPAL* *SEARCHED*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Alaska Community Action On Toxics,  
Cook Inlet Keeper, The Chickaloon  
Village Traditional Council, Janet  
Daniels, Richard Martin, and The  
Military Toxics Project,

SUMMONS IN A CIVIL ACTION

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United States Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

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within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

CML SEALOD  
(BY) DEPUTY CLERK

**Cooper Landing Community Club, Inc.  
P.O. box 508  
Cooper Landing, AK 99572**

Community Center-Cemetery-Rifle Range/Recreation Site-Deli Homemakers-Gun Club  
Helen Rhode Memorial Park

Serving Cooper Landing since 1949

President: Mona Painter, Vice-president: Ron Gravenhorst, Secy.-treas: Phil Weber

painter@arctic.net phone/fax: (907) 595-1248

October 5, 2001

Dave R. Gibbons, Supervisor  
Chugach National Forest  
3301 'C' Street, Suite 300  
Anchorage, AK 99503

Dear Mr. Gibbons:

"Prescribed burns in (the) Cooper Landing area" was an agenda item for our Sept. 27, 2001 meeting. We discussed proposed prescribed burns in the Cooper Landing area listed in the Schedule of NEPA Proposed Actions April 1, 2001-march 31, 2002.

We understand the reason for planning the burns is to reduce wildfire potential in beetle infested and dead spruce and to improve wildlife habitat and we would like to see that happen. However, the people present are uncomfortable with the idea of prescribed burns close to Cooper Landing after the problem up Kenal Lake last summer when the prescribed burn became a wildfire and threatened homes and businesses in the Crown Point and Lawing areas.

A motion passed that the Cooper Landing Community Club write a letter to you saying we are opposed to the two burns planned close to Cooper Landing (Fuller and East Kenal Lake Prescribed Burns) and that we are opposed to prescribed burning within a 10-mile radius of Cooper Landing. We would like to see the Forest Service look into other fuel reduction measures-- other ways of removing the dead trees and/or making fire breaks.

Sincerely,

*Mona Painter*

cc: Michael Kania, District Ranger  
Cooper Landing Advisory Planning Commission

The first real effort to clean up the dead spruce forest--to eliminate the fire hazard and salvage some economic value from the dead trees was in Cooper Landing. About one million dollars later, a whole bunch of people received commendations for such a brilliant, and successful, project. Just think of how many Alaskan "Public Officers" and USFS personnel will get commended when we get busy utilizing this wasting biomass to produce energy.

*Red 211-3992*

**Forest may increase greenhouse gases?**



Researchers working for the federal natural resources department have found that in about 1980, Canadian forests switched from being a long-term sink for carbon dioxide to becoming a net source of carbon dioxide, largely through in-

creased death and decay from disease, pests and fire.

More troubling for Canada's official Kyoto stance, federal researchers Werner Kurz and Mike Apps concluded that even vigorous campaigns against forest pests and fires likely wouldn't flip Canada's over-all forest balance to a carbon dioxide sink.

*Toronto Star*

DECEMBER 2001

LOG TRUCKER DECEMBER 2001

**Alternative energy, and independence**

Brown outs, and the spike in gasoline prices this past winter and spring brought out the cry for alternative energy sources yet again. Wind generators, and solar collectors remain the darlings of media, and while they have greatly improved the technology the past several decades, they still fall short of satisfying present and future demands.

A known technology, which is tried, proven, and being refined even further is biomass... which our beloved, enlightened media (ideological blinders firmly in place) seems to have totally missed. The message of biomass as a real energy solution has not missed the Europeans, however. Ever energy conscious, Scandinavian countries in particular are exploring and utilizing biomass from their forests to fire steam generating plants producing electricity while cleaning up their forestlands, producing a true win-win scenario.

Everywhere we travel we're exposed to overstocked forests in desperate need of thinning, yet with no market for thinned materials. Biomass electrical generation plants hold the promise of providing a market for those materials, while providing predictable electrical generation capacity we so desperately need, in addition to reducing our need for imported oil and/or gas. Sound like a winner? Well, yes.... However...

As responsible and reasonable as

it sounds, biomass has one giant hurdle it needs to clear... public perception, and public policy.

In the public policy arena, one ally who should see biomass as an answer to American energy independence is the Eco-industry. They can serve to advance the policy, or to block it... or simply ignore it.

We think it is time to bring biomass to the forefront. First... we have fuels in abundance, with more growing every day. Secondly, it is broadly available and expanding in terms of availability. Thirdly, it is very good for the forests, particularly when properly managed, to thin growing forests, then utilize the wood products via developing and existing technologies to remove those materials to generate electrical supply.

What is needed is a change in public policy to take advantage of the supply, the technology, and assert our energy independence by using what we already have which is currently being left to rot, or left to fuel forest fires. We see it as a win-win, and another step towards energy independence to keep our country and future generations free.

To achieve these ends requires the help of those within the environmental community to press for a change in public policy in recognizing the present and future importance of biomass for energy production. It is responsible, it is accessible, environmentally friendly, and it is grown on

our own soil.

It is time we step up to all alternatives in dealing with the energy that keeps our nation independent. It's time we look at biomass, and bring it to the table, putting it to work for all our benefit.



Why can't the "Public Officers" of Alaska see the job potential for young people within our dead and dying spruce forests? I can remember the CCC'S. YOU probably will have to put out a little effort to understand that very successful government program. It helped in many, many, ways--both economic and social. Let's try it in the wasting spruce forests in Alaska.

*Red*



**HCR**

**8**

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HCR 8  
 (H) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title: North Slope Natural Gas Pipeline Routing BRU: \_\_\_\_\_  
 Sponsor: Rep. Jim Whitaker Component: \_\_\_\_\_  
 Requester: House Oil & Gas Committee Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Linda Hay, Committee Aide Phone 465-2283

Representative Representative Scott Ogan Date 3/23/2001  
 Committee Chair

**Subject: HCR8 Update**

**Date: Thu, 05 Apr 2001 14:26:03 -0800**

**From: Jennifer Yuhás <Jennifer\_Yuhás@Legis.state.ak.us>**

**Organization: Alaska State Legislature**

**To: Lori Backes <Lori\_Backes@legis.state.ak.us>**

Tam Cook said OK - they will draft the final for me to get to the floor in the AM.

I told her that yes I had read the memo, she confirmed that even though we don't normally do it that way, that we ARE allowed to - and I let her know that that is the will of the Sponsor and the Chair in this instance.

22-LS0764\O  
Chenoweth  
4/5/01

**CS FOR HOUSE CONCURRENT RESOLUTION NO. 8(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES WHITAKER, Harris

**A RESOLUTION**

1 Expressing the legislature's opposition to the proposed "northern" or "over-the-top"  
2 route for a natural gas pipeline to transport North Slope natural gas reserves to the  
3 domestic North American market, and expressing the legislature's support of  
4 commercialization of North Slope natural gas for the maximum benefit of the people of  
5 the state.

6 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **WHEREAS** art. VIII, sec. 1, Constitution of the State of Alaska, provides that it is the  
8 policy of the state to encourage the settlement of its land and the development of its resources  
9 by making them available for maximum use consistent with the public interest; and

10 **WHEREAS** art. VIII, sec. 2, Constitution of the State of Alaska, requires the  
11 legislature to provide for the utilization, development, and conservation of all natural  
12 resources belonging to the state, including land and waters, for the maximum benefit of its  
13 people; and

14 **WHEREAS** 35 trillion cubic feet of known natural gas reserves are acknowledged to  
15 be adherent to oil and gas leases on the North Slope of Alaska, and, additionally, realistic

1 estimates of total recoverable gas from the reserves exceed 100 trillion cubic feet; and

2       **WHEREAS** demand for new sources of natural gas supply in North American and  
3 Asian markets places Alaska's North Slope natural gas in the unique position of being  
4 attractive to both markets; and

5       **WHEREAS** improved economics, technological advances, and the possibility of  
6 public financing of a natural gas pipeline, including particularly the financing proposal of the  
7 Alaska Gasline Port Authority, a public authority established by Alaska municipalities for the  
8 promotion of transportation-related commerce, have removed previously perceived barriers to  
9 the commercialization of Alaska's North Slope natural gas; and

10       **WHEREAS** it is widely recognized that maximum benefit to Alaskans from the  
11 commercialization of North Slope natural gas lies in market exposure for Alaska North Slope  
12 gas reserves, opportunities for in-state use of the natural gas and for participation by Alaskans  
13 in construction, maintenance, and operation of the gas line transportation project, and the  
14 recovery of revenue by the state from the development, transport, and sale of Alaska North  
15 Slope gas reserves; and

16       **WHEREAS** the "northern" or "over-the-top" route for the proposed pipeline, running  
17 east from the North Slope to Canada's Mackenzie River Valley, then south through that valley  
18 to link to existing pipeline networks, under consideration by the North American Gas Pipeline  
19 Group, offers none of these benefits; and

20       **WHEREAS** oil and gas leaseholders on Alaska's North Slope continue to develop  
21 competing gas projects elsewhere in the world, including liquefied natural gas shipments to  
22 North American West Coast ports, while Alaska gas remains warehoused;

23       **BE IT RESOLVED** that the Alaska State Legislature supports the commercialization  
24 of Alaska North Slope natural gas for the maximum benefit of the people of the state; and be  
25 it

26       **FURTHER RESOLVED** that the legislature will exercise every power within its  
27 constitutionally required authority to facilitate commercialization of Alaska North Slope  
28 natural gas for the maximum benefit of the people of the state; and be it

29       **FURTHER RESOLVED** that the legislature opposes construction of a "northern" or  
30 "over-the-top" route for a natural gas pipeline; and be it

31       **FURTHER RESOLVED** that the legislature will exercise every power within its

1 authority to prevent the routing of a North Slope natural gas pipeline that bypasses Alaska.

2       **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President  
3 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
4 and President of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House  
5 of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the  
6 Honorable Thomas Daschle, Minority Leader of the U.S. Senate; the Honorable Gale Norton,  
7 United States Secretary of the Interior; the Honorable Tony Knowles, Governor of the State of  
8 Alaska; the Honorable Pat Pourchot, Commissioner, Department of Natural Resources, the  
9 Honorable Wilson L. Condon, Commissioner, Department of Revenue, the Honorable  
10 Michele Brown, Commissioner, Department of Environmental Conservation, the Honorable  
11 Frank Rue, Commissioner, Department of Fish and Game, the Honorable Joseph L. Perkins,  
12 Commissioner, Department of Transportation and Public Facilities, the Honorable Ed  
13 Flanagan, Commissioner, Department of Labor and Workforce Development, the Honorable  
14 Glenn G. Godfrey, Commissioner, Department of Public Safety, and Patrick Galvin, Director,  
15 Division of Governmental Coordination, Office of the Governor, the heads of the agencies  
16 specified in Administrative Order 187 with responsibilities with regard to state permits,  
17 authorizations, and oversight related to the preconstruction and construction of certain natural  
18 gas pipelines; Frank Brown and Jim Sampson, co-chairs, and Mike Navarre, George Wuerch,  
19 Grace Schaible, Bill Corbus, Charles Cole, Al Adams, Carl Marrs, Rosemarie Maher, Esther  
20 Wunnicke, Jack Roderick, Brian Davies, Jim Jansen, Dave Rose, Ed Rasmuson, Lee Gorsuch,  
21 Bob Penney, Rhonda Boyles, Ron Duncan, Ken Thompson, Peg Tileston, Jacob Adams,  
22 George Ahmaogak, Jeff Feldman, Jon Rubini, Jerry Hood, and Mike O'Connor, members,  
23 Governor's Alaska Highway Natural Gas Policy Council; William G. Britt, Jr., Pipeline  
24 Coordinator, Office of the Commissioner of the Department of Natural Resources; and to the  
25 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the  
26 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

# LEGAL SERVICES

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Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 5, 2001

**SUBJECT:** CSHCR 8 (Resources), expressing the legislature's opposition to the proposed "northern" natural gas pipeline route.  
(Work Order No. 22-LS0764\O)

**TO:** Representative Beverly Masek, Co-Chair  
Representative Drew Scalzi, Co-Chair  
House Resources Committee  
Attn: Jennifer Yuhas

**FROM:** Jack Chenoweth  
Assistant Revisor of Statutes

It is arguably improper, a violation of the Uniform Rules, for a concurrent resolution to be "copied" or distributed as the committee is proposing.

Under Uniform Rule 49(a), the form of a concurrent resolution is limited. The introductory language of the text of the rule specifies that "The types and uses of resolutions are as follows:", and then declares, in paragraph (3), that

(3) A concurrent resolution is similar to the simple resolution but reflects the will, wish, view or decision of both houses speaking concurrently. It is used particularly to handle the internal business of the legislature, e.g., adjournment of the legislature, suspension and amendment of the Uniform Rules, requesting action of executive agencies and interim committees, and fixing the time and place for joint assemblies.

When a concurrent resolution is adopted, the agency head is advised, either by reading the document or by having attention called to it by the executive, of action that the legislature expects to be taken. The rule addressing use of a concurrent resolution is silent about its distribution.

The distribution provisions are uniquely related to the joint resolution which, under Rule 49(a)(5), provides:

(5) A joint resolution is the most formal type of resolution and is adopted by both houses and then signed by the governor as a ministerial formality. The joint resolution is treated in all respects as a bill but it is

Representative Beverly Masek  
Representative Drew Scalzi  
April 5, 2001  
Page 2

not subject to veto. *It is usually reserved for addressees outside the state.*  
This resolution is used mainly to express the view or wish of the legislature to the President, the Congress or agencies of the United States Government or the governments of other states. . . . Approval of a joint resolution requires a majority vote of the full membership of each house.

It is, I suppose, by implication of the paragraph's third sentence that the Speaker's Office advised you that a concurrent resolution might be used for addressees in the state.

\*

Having said that, you should know that concurrent resolutions are regularly copied and distributed. In the 2000 legislative session, as a recent example, Legislative Resolves 31, 33, 42, and 53 are examples of concurrent resolutions that were subsequently distributed to named recipients--some of whom even are "addressees outside the state."

JBC:lmb  
01-128.lmb

## HCR-8

### Testimony to House Resources Committee

Good Afternoon Co-Chairs, members of the committee. My name is Michael Hurley and I am here today, representing the North American Natural Gas Pipeline Group, to express our views on HCR-8 .

As you are aware, the three companies participating in the group (BP, ExxonMobil, and Phillips) are working diligently to develop an economically viable project to commercialize North Slope natural gas by pipeline through Canada to the Lower 48 market. And in doing that, it is incumbent on us to fully consider the options that could help accomplish that goal.

Indeed, the Federal Energy Regulatory Commission, before it issues a certificate of public convenience and necessity, requires us to analyze alternative pipeline route options as part of the application process.

This project has the potential to be the largest energy project in North America, and will require capital investments in the billions of dollars. Investment decisions cannot be taken lightly, and must be made with the confidence that can only be gained by a thorough evaluation of the alternatives, and an understanding of their relative strengths, weaknesses, risks, and rewards. Such an approach is fundamental to good business decision-making.

Our efforts are focused on creating and understanding opportunities, not prematurely discarding them. This resolution seems to suggest we do the latter. We believe that legislative action which recommends shutting down options before they are fully understood limits dialog and interferes with the fundamental dynamics of a free-market economy.

It cannot be forgotten that any Alaskan gas project, whether it be LNG, GTL or pipeline technology, must be able to deliver products to the market at a competitive cost in order to succeed. There are many other competing sources of supply, and buyers will go elsewhere if a project fails in this regard. If either Alaska project advances, the benefits to the state and its citizens and businesses will be substantial, and will make a significant contribution to Alaska's economic future.

Finally, the work we are undertaking this year will yield information we believe will be necessary for reasoned decision-making. We have been listening to the views and concerns of the Alaska Legislature and of Alaska's citizens, and we will be evaluating alternatives on the basis of seven criteria:

- Overall project economics,
- Alaskan access to gas,
- Jobs for Alaskans,

- Revenues to the State,
- Safety,
- Environmental Protection, and,
- Project timing.

We do not feel we have enough information yet to make a route decision. Indeed, that is the reason for our aggressive work program. Again, we think that the interests of commercializing North Slope gas are best served by creating choices, not eliminating them. We expect that there will be many future opportunities for legislative guidance and action.

I would like to thank the Co-Chairs and the Committee for this opportunity to express our views on this resolution.

# Alaska State Legislature



Representative Jim Whitaker  
House of Representatives  
District 31

Session  
Capitol Building, Room 411  
Juneau, Alaska 99801  
Phone: (907) 465-3004  
Fax: (907) 465-2070

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119 N. Cushman St. Suite 213  
Fairbanks, AK 99701  
Phone: (907) 452-1088  
Fax: (907) 452-1146

## SPONSOR STATEMENT

### HCR 8

### Expressing the Legislature's Opposition to the "Northern" Route

The State of Alaska is on the verge of a new natural resource development. The natural gas pipeline has become a topic of great concern among legislators. It is incumbent upon the legislature to make a strong statement regarding its intent to uphold its constitutional mandate.

The legislature, in the Alaska State Constitution, is charged with ensuring development of Alaska's resources in the maximum best interest of the people of Alaska. For all the reasons laid out in the resolution, the so-called "northern route" is not in the best interest of the people of Alaska, and therefore, need be opposed by the legislature.

# Bill History/Action Display



BILL: HCR 8

SHORT TITLE: NORTH SLOPE NATURAL GAS PIPELINE ROUTING

BILL VERSION:

SPONSOR(S): REPRESENTATIVE(S) WHITAKER, Harris

CURRENT STATUS: (H) RES

STATUS DATE: 03/30/01

HEARING: (H) RES Apr 04 1:00 PM CAPITOL 124

TITLE: Expressing the legislature's opposition to the proposed "northern" or "over-the-top" route for a natural gas pipeline to transport North Slope natural gas reserves to the domestic North American market, and expressing the legislature's support of commercialization of North Slope natural gas for the maximum benefit of the people of the state.

[Full Text](#)

[Fiscal Notes](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
03/16/01	<a href="#">0625</a>	(H) READ THE FIRST TIME - REFERRALS
03/16/01	<a href="#">0625</a>	(H) O&G, RES
03/30/01	<a href="#">0785</a>	(H) O&G RPT CS(O&G) 4DP 1DNP 1NR
03/30/01	<a href="#">0786</a>	(H) DP: FATE, GUESS, DYSON, OGAN;
03/30/01	<a href="#">0786</a>	(H) DNP: KOHRING; NR: CHENAULT
03/30/01	<a href="#">0786</a>	(H) FN1: ZERO(H.O&G)
03/30/01	<a href="#">0786</a>	(H) REFERRED TO RESOURCES

[Similar Subject Match](#) or [Exact Subject Match](#)

[EASEMENTS](#)

[OIL & GAS](#)

Bill Root:

[Display Bill Root](#)

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR



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HY

**HCR**

**17**

# HCR17

## Amendment No. 1

OFFERED IN THE HOUSE

BY REPRESENTATIVE GREEN

### **Page 1, line 8:**

**Strike "is seeking"  
Insert "has proposed"**

Rationale: This still recognizes that Netricity is the only company that has approached the state with this idea, but does not assert any propriety to the company for future sale.

### **Page 2, line 2:**

**After "a portion of"  
Strike "Alaska's North Slope"  
Insert "The State's Royalty Natural Gas from Alaska's North Slope"**

Rationale: This incorporates Royalty Gas, and leaves the resolve to the generic sale of the gas, with no companies mentioned.

SCR 10

Amendment No. 1

OFFERED IN THE SENATE

BY SENATOR TORGERSON

Page 2, line 1:

After "natural gas resources;"  
Insert

**"WHEREAS AS 38.05.183** mandates that any sale of the state's oil and gas royalty "shall be by competitive bid" unless the commissioner of the Department of Natural Resources: (1) determines, in writing with specific findings and conclusions, that the best interest of the state does not require competitive bidding or that no competition exists and (2) gives notice to the Alaska Royalty Oil and Gas Development Advisory Board;

**WHEREAS AS 38.05.183** mandates that if the commissioner determines to sell royalty oil or gas non-competitively, the commissioner must consider the criteria in AS 38.05.183(e) and 38.06.070;

**WHEREAS 11 AAC 03.03.010** mandates that the commissioner before the sale of royalty gas is completed, whether by competitive bid or not, the commissioner must make a public finding that the sale is in the best interests of the state

**WHEREAS AS 38.06.050** requires that before any long-term, substantial sale of the state's oil or gas can made, the sale must be reviewed by the Alaska Royalty Oil and Gas Development Advisory Board and it must issue a written recommendation to the legislature about the sale;

**WHEREAS AS 38.06.055** requires that before any long-term, substantial sale of the state's oil or gas can be made, the sale must be approved by the legislature;"

Page 2, line 3

After "natural gas"  
Insert "at a competitive, reasonable price"

Page 2, line 5

**FURTHER RESOLVED** that the Alaska State Legislature requests that the commissioner determine in a written finding whether the state's royalty share of North Slope natural gas must be competitively bid at this time, and, if it must, conduct a competitive sale;

**FURTHER RESOLVED** that the Alaska State Legislature requests that, if the commissioner determines that the state's royalty share of North Slope natural gas need not be competitively bid, the commissioner: (1) enter into negotiations with Netricity, L.L.C., or other qualified purchaser, for the sale of the state's royalty share of North Slope natural gas consistent with the procedures and policies set forth in AS 38.05.183, AS 38.06.010 - .080, and 11 AAC 03.010 - .250; and (2) by the first day of the 2<sup>nd</sup> session of the 22<sup>nd</sup> legislature, either present the legislature with a contract for the sale of the North Slope royalty gas for approval or a report explaining why the state should not sell its royalty gas.

# LEGAL SERVICES

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## MEMORANDUM

April 26, 2001

**SUBJECT:** CSHCR 17 (Resources); expressing support for sale of a portion of Alaska's North Slope natural gas (22-LS0943C)

**TO:** Representative Beverly Masek, Co-Chair  
House Resources Committee

**FROM:** Jack Chenoweth  
Assistant Revisor of Statutes

Given the material being inserted by the additional "Whereas" provisions, this measure should also have a title change to reflect the fact that the Legislature is asking Commissioner of Natural Resources Pourchot to make a general decision concerning competitive bidding of state royalty share of North Slope natural gas and to report that decision in good order to the Second Session. In this resolution, the material relating to Netricity L.L.C. becomes secondary!

JBC:jhb  
01-099 jhb

**CS FOR HOUSE CONCURRENT RESOLUTION NO. 17(RES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:**

**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE**

**A RESOLUTION**

1 **Expressing the legislature's support for sale of a portion of Alaska's North Slope natural**  
2 **gas for electrical generation to power data centers within the North Slope Borough.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the State of Alaska has vast proven reserves of natural gas located on the  
5 North Slope within the North Slope Borough; and

6 **WHEREAS** the need for electricity in the United States is increasing due in part to the  
7 demands of the Internet; and

8 **WHEREAS** Netricity, L.L.C., an Alaska limited liability company, has proposed to  
9 purchase natural gas from the State in order to use that natural gas to generate electricity in  
10 the North Slope Borough to power nearby data centers that would service the demands of the

11 **WHEREAS** the State of Alaska has vast proven reserves of natural gas located on the

12 **WHEREAS** the establishment of data centers in the North Slope Borough would  
13 create jobs for construction of modules in Anchorage and Nikiski; and

14 **WHEREAS** the operation of a power plant and data centers in the North Slope  
15 Borough would bring economic and social benefit to the State; and

16 **WHEREAS** the establishment of data centers within the North Slope Borough would

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

1 provide substantial added value to Alaska's natural gas resources; and

2 **WHEREAS** AS 38.05.183 mandates that any sale of the state's oil and gas royalty  
3 "shall be by competitive bid" unless the commissioner of natural resources

4 (1) determines, in writing with specific findings and conclusions, that the best  
5 interest of the state does not require competitive bidding or that no competition exists; and

6 (2) gives notice to the Alaska Royalty Oil and Gas Development Advisory  
7 Board; and

8 **WHEREAS** AS 38.05.183 mandates that, if the commissioner determines to sell  
9 royalty oil or gas noncompetitively, the commissioner shall consider the criteria in  
10 AS 38.05.183(e) and AS 38.06.070; and

11 **WHEREAS** 11 AAC 03.010 mandates that, before the sale of royalty gas is  
12 completed, whether by competitive bid or not, the commissioner shall make a public finding  
13 that the sale is in the best interests of the state; and

14 **WHEREAS** AS 38.06.050 requires that, before any long-term, substantial sale of the  
15 state's oil or gas may be made, the sale must be reviewed by the Alaska Royalty Oil and Gas  
16 Development Advisory Board, and the board must issue a written recommendation to the  
17 legislature about the sale; and

18 **WHEREAS** AS 38.06.055 requires that, before any long-term, substantial sale of the  
19 state's oil or gas may be made, the sale must be approved by the legislature;

20 **BE IT RESOLVED** that the Alaska State Legislature supports the sale of a portion of  
21 the state's royalty natural gas from Alaska's North Slope, at a competitive, reasonable price, to  
22 allow for electrical generation within the North Slope Borough to power data centers located  
23 proximately to an electrical generation facility in that borough; and be it

24 **FURTHER RESOLVED** that the Alaska State Legislature requests that the  
25 commissioner of natural resources determine in a written finding whether the state's royalty  
26 share of North Slope natural gas must be competitively bid at this time, and, if it must,  
27 conduct a competitive sale; and be it

28 **FURTHER RESOLVED** that the Alaska State Legislature requests that, if the  
29 commissioner of natural resources determines that the state's royalty share of North Slope  
30 natural gas need not be competitively bid, the commissioner

31 (1) enter into negotiations with Netricity, L.L.C., or another qualified

1 purchaser, for the sale of the state's royalty share of North Slope natural gas consistent with  
2 the procedures and policies set out in AS 38.05.183, AS 38.06, and 11 AAC 03; and

3 (2) by the first day of the Second Regular Session of the Twenty-Second  
4 Alaska State Legislature, present the legislature with either a contract for the sale of the North  
5 Slope royalty gas for approval or a report explaining why the state should not sell its royalty  
6 gas.

*Masek*

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## MEMORANDUM

April 26, 2001

**SUBJECT:** CSHCR 17 (Resources); expressing support for sale of a portion of Alaska's North Slope natural gas (22-LS0943C)

**TO:** Representative Beverly Masek, Co-Chair  
House Resources Committee

**FROM:** Jack Chenoweth  
Assistant Revisor of Statutes

Given the material being inserted by the additional "Whereas" provisions, this measure should also have a title change to reflect the fact that the Legislature is asking Commissioner of Natural Resources Pourchot to make a general decision concerning competitive bidding of state royalty share of North Slope natural gas and to report that decision in good order to the Second Session. In this resolution, the material relating to Netricity L.L.C. becomes secondary!

JBC:jhb  
01-099.jhb

**CS FOR HOUSE CONCURRENT RESOLUTION NO. 17(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE**

**A RESOLUTION**

1 **Expressing the legislature's support for sale of a portion of Alaska's North Slope natural**  
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3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the State of Alaska has vast proven reserves of natural gas located on the  
5 North Slope within the North Slope Borough; and

6 **WHEREAS** the need for electricity in the United States is increasing due in part to the  
7 demands of the Internet; and

8 **WHEREAS** Netricity, L.L.C., an Alaska limited liability company, has proposed to  
9 purchase natural gas from the State in order to use that natural gas to generate electricity in  
10 the North Slope Borough to power nearby data centers that would service the demands of the  
11 Internet; and

12 **WHEREAS** the establishment of data centers in the North Slope Borough would  
13 create jobs for construction of modules in Anchorage and Nikiski; and

14 **WHEREAS** the operation of a power plant and data centers in the North Slope  
15 Borough would bring economic and social benefit to the State; and

16 **WHEREAS** the establishment of data centers within the North Slope Borough would

1 provide substantial added value to Alaska's natural gas resources; and

2       **WHEREAS** AS 38.05.183 mandates that any sale of the state's oil and gas royalty  
3 "shall be by competitive bid" unless the commissioner of natural resources

4               (1) determines, in writing with specific findings and conclusions, that the best  
5 interest of the state does not require competitive bidding or that no competition exists; and

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7 Board; and

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9 royalty oil or gas noncompetitively, the commissioner shall consider the criteria in  
10 AS 38.05.183(e) and AS 38.06.070; and

11       **WHEREAS** AAC 03.010 mandates that, before the sale of royalty gas is  
12 completed, whether by competitive bid or not, the commissioner shall make a public finding  
13 that the sale is in the best interests of the state; and

14       **WHEREAS** AS 38.06.050 requires that, before any long-term, substantial sale of the  
15 state's oil or gas may be made, the sale must be reviewed by the Alaska Royalty Oil and Gas  
16 Development Advisory Board, and the board must issue a written recommendation to the  
17 legislature about the sale; and

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20       **BE IT RESOLVED** that the Alaska State Legislature supports the sale of a portion of  
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22 allow for electrical generation within the North Slope Borough to power data centers located  
23 proximately to an electrical generation facility in that borough; and be it

24       **FURTHER RESOLVED** that the Alaska State Legislature requests that the  
25 commissioner of natural resources determine in a written finding whether the state's royalty  
26 share of North Slope natural gas must be competitively bid at this time, and, if it must,  
27 conduct a competitive sale; and be it

28       **FURTHER RESOLVED** that the Alaska State Legislature requests that, if the  
29 commissioner of natural resources determines that the state's royalty share of North Slope  
30 natural gas need not be competitively bid, the commissioner

31               (1) enter into negotiations with Netricity, L.L.C., or another qualified

1 purchaser, for the sale of the state's royalty share of North Slope natural gas consistent with  
2 the procedures and policies set out in AS 38.05.183, AS 38.06, and 11 AAC 03; and  
3 (2) by the first day of the Second Regular Session of the Twenty-Second  
4 Alaska State Legislature, present the legislature with either a contract for the sale of the North  
5 Slope royalty gas for approval or a report explaining why the state should not sell its royalty  
6 gas.

**HOUSE CONCURRENT RESOLUTION NO. 17**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RULES COMMITTEE**

**Introduced: 4/20/01**  
**Referred: Resources**

**A RESOLUTION**

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1 provide substantial added value to Alaska's natural gas resources;

2 **BE IT RESOLVED** that the Alaska State Legislature supports the sale of a portion of  
3 Alaska's North Slope natural gas to allow for electrical generation within the North Slope  
4 Borough to power data centers located proximately to an electrical generation facility in that  
5 borough.

# Bill History/Action Display



BILL: HCR 17                      SHORT TITLE: SALE OF NATURAL GAS TO POWER DATA CENTERS  
 BILL VERSION:  
 SPONSOR(S): RLS  
 CURRENT STATUS: (H) RES STATUS DATE: 04/20/01  
 HEARING: (H) RES Apr 23 1:00 PM CAPITOL 124

TITLE: Expressing the legislature's support for sale of a portion of Alaska's North Slope natural gas for electrical generation to power data centers within the North Slope Borough.

Full Text      No Fiscal Notes Available

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
04/20/01	<a href="#">1096</a>	(H) READ THE FIRST TIME - REFERRALS
04/20/01	<a href="#">1096</a>	(H) RES
04/20/01	<a href="#">1096</a>	(H) REFERRED TO RESOURCES

Similar Subject Match or Exact Subject Match  
ECONOMIC DEVELOPMENT  
OIL & GAS  
RESOURCES

Bill Root:  Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR



TO REPORT PROBLEMS WITH BASIS INQUIRY

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*Jenn*

# LEGAL SERVICES

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## MEMORANDUM

April 26, 2001

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**TO:** Representative Beverly Masek, Co-Chair  
House Resources Committee

**FROM:** Jack Chenoweth *JCH*  
Assistant Revisor of Statutes

Given the material being inserted by the additional "Whereas" provisions, this measure should also have a title change to reflect the fact that the Legislature is asking Commissioner of Natural Resources Pourchot to make a general decision concerning competitive bidding of state royalty share of North Slope natural gas and to report that decision in good order to the Second Session. In this resolution, the material relating to Netricity L.L.C. becomes secondary!

JBC:jhb  
01-099.jhb

g

April 24, 2001

Senator John Torgerson  
Chair, Resources Committee  
Alaska State Senate  
State Capitol MS: 3100  
Juneau, AK 99801-1182

Dear Senator Torgerson:

Members of the committee, my name is Paul A. Shadura II and I reside in Kenai Peninsula Borough. I have traveled 1,000 miles to testify today on the re-confirmation of Board of Fisheries member John White.

There are some key points that I believe you should consider:

1. How has the record of this board member proved to the committee that he has made fair and unbiased decisions that benefit all the users of the state?
  - a) Section 6(e) of the Alaska Statehood act states... (The) policy-making officials should be selected for their ability and their dedicated interest in the resource, and no identification should be made between a policy-making official and any particular segment of the population; likewise, no official should be bound to represent the interests of a specific geographical region.
  - b) In addition, an excerpt from the "Board of Fish review Committee" dated 2/23/88... In 1975 the Legislature enacted a new statute which split the Board of Fisheries and Board of Game, the members of which must be appointed by the Governor and confirmed by the Legislature "without regard to political affiliation or geographical location" (ch. 206 SLA 1975). However, despite the explicit aforementioned statutory prohibitions, for more than a quarter century Alaska Governors, aided and abetted by the legislature, have appointed individuals to the Board because of their identification with special interests or geographic areas.
  - c) Re-appointing board members for two or three terms does not adhere to any diversity of interests and in fact would solidify or ingrain the inherent bias or idealism of one member from one area and from only one perspective or resource user.
  - d) If we are attempting to reduce the temptation of an administration or body from exerting political philosophies on board members that are not to be considered by political affiliations, then it would seem proper that "new blood" and "new ideas" would help to ensure that there would be less collusion and a stronger attempt for Board of Fish members to balance the decisions they promulgate.

2. Have decisions made by this board member resulted in sweeping losses to resource users?
  - a. In the Kuskokwim River region, this area will now be closed for real conservation reasons. This is Mr. White's back yard yet in six years which included his time as chairman he could not craft a moderate solution and now his inability has severely impacted the economic viability for the fishing families of this region.
  - b. In Cook Inlet in August 2001, Mr. White failed to approve an emergency petition that resulted in a surplus stock of pink salmon in excess of 20 Million fish. Information from local ADF&G personnel gave the Board their best available information on the need for surplus fishery and assessments that the conservation species that the board had been concerned about were returning in record numbers (In the final analysis the best return to the Kenai River in 20 years.).
  - c. Mr. White was instrumental on deterring the responsibilities of the decline of chum salmon away from his turf and placing the blame on a distant Area M. These sweeping changes to this area regulations will not, as board member Coffey alluded to in a recent legislative committee report, make the Kuskokwim whole again.
3. Does this board member listen to the concerns of others and does he have the necessary participation experience on affected fisheries?
  - a. Board member White has stated publicly that he does not feel the public testimony is necessary (Fall workshop 1999).
  - b. He voted against having a recorded copy of all committee meetings (Fall workshop 1999).
  - c. He reserves his ex-parte communications with only selected members of the public and stakeholders. Many times I or others in the commercial fishing community have gone up to Mr. White and have been rudely cast off with no answers except a sarcastic remark.
  - d. Mr. White is a dentist from Bethel, yet his recent press release states that he is a commercial fisherman. I believe that he has a freshwater longline permit that is not an open fishery and a limited fishery gillnet on the Kuskokwim. In contrast you may review someone like myself who is a third generation commercial fisherman in Cook Inlet, with family history that dates back over 100 years. I am an Alaska native descendent with Russian and English heritage because they were the first explorers in the State. I commercially fish salmon, herring, and halibut. My family has owned traps; we have been involved in processing, fish buying, and tendering. I have subsisted on salted salmon and sport fished in the Kenai River before it was fashionable. I am an active Board member of the Cook Inlet Aquaculture Association for 20 years, board member to the CIRCAC and KRSMA boards. I have been involved with KPFA for 30 years, and am a UFA Board member. I live, eat, and breath fishing and I AM AN ALASKAN COMMERCIAL FISHERMAN!

Please do not reconfirm John White. He will not improve the fisheries. He will not use his intellect to bring the conflicts of individual users to a mutual agreement.

Sincerely,

Paul A. Shadura II  
Kenai

# Alaska State Legislature

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## House Resources Committee

**Date:** 25 April, 2001

**To:** Legislative Legal Services

**From:** House Resources Committee:  
Representative Beverly Masek, Co-Chair,  
& Representative Drew Scalzi, Co-Chair

**Re:** HCR-17

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Please draft a Committee Substitute for this bill based on the following three pages about to be faxed to you. This bill has already been transmitted to the Chief Clerk's Office.

BM/jy