

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HRES 12292

1 refuge's coastal plain would affect an area of only 2,000 to 7,000 acres, which is less than  
2 one-half of one percent of the area of the coastal plain; and *only a small portion*

3 **WHEREAS** 8,900,000 of the 19,000,000 acres of the refuge have already been set  
4 aside as wilderness; and ~~and~~

5 **WHEREAS** the oil industry has shown at Prudhoe Bay, as well as at other locations  
6 along the Arctic coastal plain, ~~that it can safely conduct oil and gas activity without adversely~~  
7 affecting the environment or wildlife populations; and *is capable of*

8 **WHEREAS** the state will ensure the continued health and productivity of the  
9 Porcupine Caribou herd and the protection of land, water, and wildlife resources during the  
10 exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and *is not to*

11 **WHEREAS** the oil and gas industry is developing directional drilling technology that  
12 will allow horizontal drilling in a responsible manner by minimizing the development  
13 footprint within the Arctic National Wildlife Refuge and this directional drilling technology  
14 may be capable of drilling from outside of the boundaries of the 1002 study area; and

15 **WHEREAS** the oil industry is using innovative technology and environmental  
16 practices in the new field developments at Alpine and Northstar, and those techniques are  
17 directly applicable to operating on the coastal plain and would enhance environmental  
18 protection beyond traditionally high standards;

19 **BE IT RESOLVED** by the Alaska State Legislature that the Congress of the United  
20 States is urged to pass legislation to open the coastal plain of the Arctic National Wildlife  
21 Refuge to oil and gas exploration, development, and production, and that the Alaska State  
22 Legislature is adamantly opposed to further wilderness or other restrictive designation in the  
23 area of the coastal plain of the Arctic National Wildlife Refuge; and be it

24 **FURTHER RESOLVED** that that activity be conducted in a manner that protects the  
25 environment and the naturally occurring population levels of the Porcupine Caribou herd on  
26 which the Gwich'in and other local residents depend, that uses directional drilling ~~and~~ other  
27 advances in technology to minimize the development footprint in the 1002 study area, and  
28 that uses the state's work force to the maximum extent possible; and be it

29 **FURTHER RESOLVED** that the Alaska State Legislature urges the Congress of the  
30 United States to pass legislation opening the 1002 study area for oil and gas development  
31 while continuing to work on measures for increasing the development and use of renewable

*Kenneth  
Kendall  
4-1*

1 energy technologies; and be it

2 **FURTHER RESOLVED** that the Alaska State Legislature opposes any unilateral  
3 reduction in royalty revenue from exploration and development of the coastal plain of the  
4 Arctic National Wildlife Refuge and any attempt to coerce the State of Alaska into accepting  
5 less than the 90 percent of the oil, gas, and mineral royalties from the federal land in Alaska  
6 that was, ~~re~~vised to the state at statehood.

7 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President  
8 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
9 and President of the U.S. Senate; the Honorable Dirk Kempthorne, United States Secretary of  
10 the Interior; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the  
11 Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the  
12 Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell,  
13 Minority Leader of the U.S. Senate; the Honorable Jeff Bingaman, Chair of the Energy and  
14 Natural Resources Committee of the U.S. Senate; the Honorable Ted Stevens and the  
15 Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S.  
16 Representative, members of the Alaska delegation in Congress; and, by electronic  
17 transmission, to all other members of the U.S. Senate and the U.S. House of Representatives  
18 serving in the 110th United States Congress.

# ALASKA STATE LEGISLATURE

Interim  
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Anchorage, Alaska 99501  
Phone (907) 269-0200  
Fax (907) 269-0204  
Rep\_Craig\_Johnson@legis.state.ak.us



Session  
State Capitol Building, Room 126  
Juneau, Alaska 99801-1182  
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REPRESENTATIVE CRAIG JOHNSON  
HOUSE DISTRICT 28

## House Joint Resolution 12

### Endorsing ANWR Leasing

### Changes in Work Draft CS version E

**Page 2, lines 5-9: (new paragraph)**

"WHEREAS the state's future energy independence would be enhanced with additional natural gas production from the North Slope of Alaska including what are expected to be significant gas reserves in the Arctic National Wildlife Refuge, and the development of those reserves would enhance the economic viability of the proposed Alaska Natural Gas Pipeline; and"

**Page 3, lines 11-14: (new paragraph)**

"WHEREAS the oil and gas industry is developing directional drilling technology that will allow horizontal drilling in a responsible manner by minimizing the development footprint within the Arctic National Wildlife Refuge and this directional drilling technology may be capable of drilling from outside of the boundaries of the 1002 study area; and"

**Page 3, line 26, after "depend," insert:**

"that uses directional drilling and other advances in technology to minimize the development footprint in the 1002 study area,"

**Page 3, line 29 - Page 4, line 1: (new paragraph)**

"FURTHER RESOLVED that the Alaska State Legislature urges the Congress of the United States to pass legislation opening the 1002 study area for oil and gas development while continuing to work on measures for increasing the development and use of renewable energy technologies; and be it"

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HJR012-OOG-LGO-4-19-07  
 Bill Version: HJR 12  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge...  
 Sponsor: Representatives Johnson, Stoltze, Lynn, et al  
 Requester: House Oil and Gas Committee

Dept. Affected: OOG  
 RDU: Office of the Lt. Governor  
 Component: Office of the Lt. Governor  
 Component No.: 11

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This resolution will have no fiscal impact on the Office of the Lt. Governor.

Prepared by: Gail Fenumiai, Asst. Administrative Director Phone 465-3885  
 Division: Division of Administrative Services Date/Time 4/19/2007, 4:29pm  
 Approved by: Jim Merriner, Chief of Staff Date 4/19/2007  
 Agency: Office of the Lt. Governor

# ALASKA STATE LEGISLATURE

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Session:

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REPRESENTATIVE CRAIG JOHNSON  
HOUSE DISTRICT 28

## House Joint Resolution 12

### Fact Sheet

#### Summary:

- Urges Congress to pass legislation to open the Arctic National Wildlife Refuge to environmentally responsible oil and gas exploration, development and production;
- Expresses the Alaska State Legislature's opposition to further wilderness or restrictive designations in the coastal plain of ANWR;
- Acknowledges the oil and gas industry's development of directional drilling technology that would minimize the development footprint within the refuge;
- Supports development in a way that protects the Porcupine Caribou herd and uses Alaskan labor; and
- Expresses the Alaska State Legislature's opposition to any reduction in royalty revenue from exploration and development of ANWR.

#### Benefits:

- Supports the efforts of our congressional delegation to open ANWR.

# ALASKA STATE LEGISLATURE

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**Session:**  
State Capitol, Room 128  
Juneau, Alaska  
99801-1182  
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**REPRESENTATIVE CRAIG JOHNSON**  
HOUSE DISTRICT 28

## **- Sponsor Statement -**

### **House Joint Resolution No. 12**

**“Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development, and production.”**

House Joint Resolution 12 urges the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge (ANWR) to environmentally responsible oil and gas exploration, development, and production.

Opening ANWR is vital to ensuring Alaska's continued fiscal security, protecting and developing Alaskan jobs, and sustaining the state's economic growth. Oil production from ANWR will improve America's energy security and provide new jobs throughout the country.

Alaska has proven that Arctic oil and gas resources can be developed in an environmentally responsible manner consistent with protection of wildlife and preservation of traditional lifestyles and human values. Exploration in ANWR will be the most environmentally and socially responsible oil development undertaken anywhere in the world.

It is vitally important that the 25<sup>th</sup> Alaska Legislature endorses previous legislatures' efforts, demonstrate our solidarity, and enthusiastically state our support for opening ANWR. HJR 12 mirrors resolutions passed by previous Alaska legislatures and will be a cornerstone of this legislature's commitment to responsibly develop our natural resources; promote sustained economic expansion; create job opportunities for our citizens; and assure safe, growing, and healthy communities throughout our state.

HJR

14

ALASKA STATE LEGISLATURE  
House Resources Committee

**Carl Gatto, Co-Chair**

State Capitol Building, Room 108  
Juneau, AK 99801-1182  
(907) 465-3743  
FAX (907) 465-2381  
Rep\_Carl\_Gatto@legis.state.ak.us



**Craig Johnson, Co-Chair**

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**MEMORANDUM**

**TO:** Representative John Harris, Speaker  
Alaska State House


**FROM:** Rep. Carl Gatto and Rep. Craig Johnson  
Co-Chairs, House Resources Committee

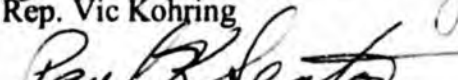
**DATE:** April 2, 2007

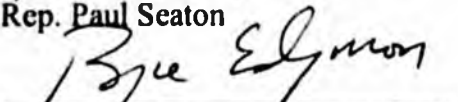
**SUBJECT:** Waiver of CS for HJR 14(FSH) From Committee


The undersigned members of the House Resources Committee request CSHJR 14(FSH), SUPPORT FOR FED SB 552; EXXON PLAINTIFFS, be waived from committee. The bill was thoroughly heard and amended in Fisheries committee action on March 19<sup>th</sup> and passed out without objection.

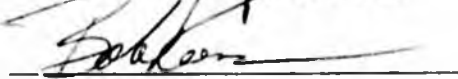
  
Rep. Carl Gatto, Co-Chair

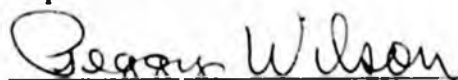
  
Rep. Vic Kohring

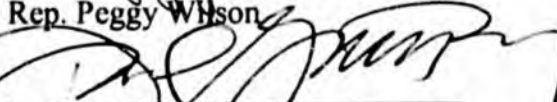
  
Rep. Paul Seaton

  
Rep. Bryce Edgmon

  
Rep. Craig Johnson, Co-Chair

  
Rep. Bob Roses

  
Rep. Peggy Wilson

  
Rep. David Guttenberg

  
Rep. Scott Kawasaki

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHJR 14(FSH)  
 (H) Publish Date: 3/19/2007

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title FED S 552/HR 1334; EXXON PLAINTIFFS RDU \_\_\_\_\_  
 Sponsor House Fisheries Component \_\_\_\_\_  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2007) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: House Fisheries Committee Staff Phone 465-3923  
 Division \_\_\_\_\_ Date/Time \_\_\_\_\_  
 Approved by: Rep. Seaton, Chairman Date 3/19/2007  
 Agency Legislature

25-LS0639K  
Bullock  
3/15/07

**CS FOR HOUSE JOINT RESOLUTION NO. 14(FSH)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES**

**Offered:  
Referred:**

**Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES**

**A RESOLUTION**

1 **Urging the United States Congress to enact S. 552 and H.R. 1334 so that individuals**  
2 **receiving a damage award from the Exxon Valdez oil spill can benefit from the income**  
3 **averaging and retirement contribution provisions of the bill.**

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

5 **WHEREAS** it is well documented that the Exxon Valdez oil spill has adversely  
6 affected the coastal region of the state and affected the economic status of communities in this  
7 region for many years; and

8 **WHEREAS** the state's commercial fishermen, who make up 80 percent of the  
9 plaintiffs seeking to recover damages from the Exxon Valdez oil spill, suffered economically  
10 as a result of the oil spill, and as a result lost the opportunity to establish retirement plans or  
11 were limited in their ability to save for retirement; and

12 **WHEREAS** these Alaskans would benefit from the contributions to retirement  
13 accounts they could make by using money received from the award of damages; and

14 **WHEREAS** S. 552 and H.R. 1334 would benefit these commercial fishermen by  
15 authorizing increases in the deductions and income caps applicable to traditional individual

1 retirement accounts, Roth IRAs, and other qualified retirement plans to the extent of the  
2 amount of the damage award; and

3 **WHEREAS** the bill would authorize individual plaintiffs to average income from the  
4 award for tax purposes over the period January 1, 1994, through the end of the year in which  
5 the award is made;

6 **BE IT RESOLVED** that the Alaska State Legislature urges the United States  
7 Congress to enact S. 552 as introduced by Senator Murkowski and Senator Stevens and H.R.  
8 1334 as introduced by Representative Young and Representative Reichert to provide relief to  
9 those individuals who suffered economic damages as a result of the Exxon Valdez oil spill.

10 **COPIES** of this resolution shall be sent by electronic transmission and by mail to the  
11 Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable  
12 Don Young, U.S. Representative, members of the Alaska delegation in Congress; the  
13 Honorable Dave Reichert, U.S. Representative for the 8th District of Washington; and to all  
14 members of the 110th United States Congress by electronic transmission.

## Alaska State Legislature

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Fax: 465-3472  
Toll Free (800) 665-2689  
Representative\_Paul\_Seaton@legis.state.ak.us



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Suite 102B  
Homer, AK 99603  
Phone: 235-2921  
Fax: 235-4008

### **REPRESENTATIVE Paul Seaton**

District 35

#### **Sponsor Statement: HJR 14**

**“A resolution urging the United States Congress to enact Senate bill 552 and House bill 1334 so that individuals receiving a damage award from the Exxon Valdez oil spill can benefit from the income averaging and retirement contribution provision of the bill.”**

HJR 14 supports S552, sponsored by Senators Murkowski and Stevens and its companion bill HR 1334 sponsored by Representatives Don Young and Dave Reichert. This federal legislation would allow taxpayers who are plaintiffs in the civil action in the Exxon Valdez Oil spill, or their heirs or dependents to:

1. Average the income received in settlement of the civil action for the period beginning on January 1, 1994, and the ending date of December 31<sup>st</sup> of the year in which the settlement income is received and/or
2. Make contributions of any amount of such settlement income to certain tax-exempt retirement plans in the year the income is received.

The Exxon Valdez Oil spill has adversely impacted the coastal regions of Alaska and affected the economic status of these communities for many years. Many commercial fishermen in Alaska, who comprise 80 percent of the plaintiffs, have suffered a loss of opportunity to establish retirement plans due to diminished fish catches or decreased prices resulting from the Exxon Valdez oil spill. Senators Murkowski's, Stevens' and Representatives Young's and Reichert's bills would provide relief to those affected once the settlement is awarded.

S552 and HR1334 would increase the cap on deductions and income for traditional IRAs, Roth IRAs or any qualified retirement plan to the extent of the income the individual receives from the settlement or judgment. The recipient of this settlement may choose to place the money into one of these retirement funds and/or choose to income average to better reflect how income would have been earned if the Exxon Valdez oil spill had not occurred.

**United Southeast Alaska Gillnetters**

P.O. Box 23378, Ketchikan, AK 99901 Phone & Fax (907) 247-2471 Email: usag@kpnet.net

March 16, 2007

Representative Paul Seaton, Chair  
House Special Committee on Fisheries  
Alaska State Legislature  
Juneau, AK 99801

Send Via Fax to: 907-465-3472

Dear Chairman Seaton:

The United Southeast Alaska Gillnetters (USAG) supports HJR 14 which calls for the passage of federal legislation to provide income averaging and increased limits on deposits to IRA's for fishermen receiving compensation for the Exxon Valdez oil spill. This is not some special break for fishermen but a long overdue adjustment that would help impacted fishermen to better deal with the economic situation that is not of their making. In our view the delay in compensating the fishermen of Prince William Sound who were the most severely impacted and others in Alaska who suffered reduced markets is close to criminal. The small measures that are supported by this Resolution will assist these fishermen by reducing the impact of taxes on this oil spill compensation, if Exxon ever exhausts its legal gyrations and lives up to its moral obligations. Many fishing businesses have been ruined by the action of Exxon in this situation and any compensation that fishermen receive will represent a special situation that our regular tax code did not envision when it was legislated. We hope the House Fisheries Committee will forward this resolution and that it will pass the Legislature. Thank you for considering our position on HJR 14.

Yours Truly,

Kenneth Duckett  
Executive Director



Since 1935

**Cordova District Fishermen United**

P.O. Box 939 | Cordova AK 99574

Ph: (907) 424 3447 Fax: (907) 424 3430

Email: [cdfu@ak.net](mailto:cdfu@ak.net)

March 16, 2007

Representative Paul Seaton  
Chairman House Special Committee on Fisheries  
Alaska State Legislature  
State Capitol (Mail stop 3100)  
Juneau AK 99801

**RE: HJR 14 A Resolution urging the United States Congress to enact Senate Bill 552.**

Dear Representative Seaton, and Members of the House Special Committee on Fisheries:

The Cordova District Fishermen United (CDFU) have represented the interests of Copper River / Prince William Sound commercial fishermen and their families for the past seventy-two years. CDFU supports HJR 14.

The Exxon Valdez oil spill in Prince William Sound 18 years ago, devastated the livelihoods of tens of thousands of men and women associated with both commercial and subsistence fisheries, and damaged coastal community economies around the Sound. Eighteen years later Alaskans are still dealing with those losses.

Eighty percent of the plaintiffs who would benefit from The Exxon Valdez Oil Spill Tax Treatment Act (S 552) introduced by Senators Murkowski and Stevens, are fishermen.

In Cordova, we lost the herring fishery because of the spill. Families sustained losses they could not recover from. Permits and equipment became worthless. Boats and business debts had to be paid, but the resources to do so had been

destroyed due to the spill. Some families faced bankruptcy; all lost their investment in the future.

The Alaska Legislature must support Senate bill 552, which provides some tax relief for the injured fishermen to ease their retirement.

The damages settlement will give those fisherman a one time opportunity to make retirement account payments, and averaging income will go a long way in assuring that herring fishermen and others, damaged from lingering impacts from the spill, are not injured further with an unjust tax burden.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Catherine Crawford".

Catherine Crawford  
Executive Director

Cc. Senator Albert Kookesh  
Representative Bill Thomas



# UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110  
Juneau, Alaska 99801-1172  
(907) 586-2820  
(907) 463-2545 Fax  
E-Mail: [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org)  
[www.ufa-fish.org](http://www.ufa-fish.org)

March 21, 2007

Representative Craig Johnson, Co-Chair  
Representative Carl Gatto, Co-Chair  
House Resources Committee  
State Capitol, Room 102  
Juneau, AK 99801

RE: Support for CS HJR 14 (Fisheries).

Dear Representatives Johnson and Gatto, and Committee members,

United Fishermen of Alaska (UFA) supports CS HJR 14 as amended by the House Fisheries Committee, urging the U.S. Congress to enact Senate Bill 552 and House Resolution 1334, so that individuals receiving a damage award from the Exxon Valdez oil spill can benefit from income averaging and retirement contribution provisions of the bill.

It is reprehensible that Alaska fishermen and others affected by the spill have not received damages established by the original Jury in 1994. Affected fishermen have faced many challenges since this time that have interfered with their ability to make a living at all, much less provide adequately for retirement. Passage of these measures in congress will allow claimants to receive more of their award, rather than provide a unique tax windfall to the federal government.

We appreciate any support from the Alaska legislature to help our efforts in Washington DC to gain this fair treatment, and hope that you will pass this supportive resolution.

Sincerely,

Mark Vinsel  
Executive Director

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Driggers Association • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association  
Alaska Shellfish Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve  
Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters  
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association  
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association  
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation  
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association • Southeast Alaska Fisherman's Alliance  
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association  
United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters  
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

# REPRESENTATIVE PAUL SEATON

## SESSION ADDRESS

State Capitol Building  
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## INTERIM ADDRESS

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Fax: (907) 235-4008  
1-800-665-2689

## ALASKA STATE LEGISLATURE

House District 35

### Memorandum

Date: March 28, 2007  
To: House Resources Co-Chair Craig Johnson  
From: Representative Paul Seaton  
Re: HJR 14 hearing request

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I respectfully request a hearing for HJR 14 at your earliest possible convenience. HJR 14 supports federal legislation sponsored by Senators Murkowski and Stevens and Representative Young to allow plaintiffs in the Exxon Valdez Oil Spill litigation to income average or put money into an IRA or an equivalent retirement plan should an award in the case be granted.

**HJR**

**17**

ALASKA STATE LEGISLATURE  
House Resources Committee

**Carl Gatto, Co-Chair**

State Capitol Building, Room 108  
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**Craig Johnson, Co-Chair**

State Capitol Building, Room 126  
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(907) 465-4993  
FAX (907) 465-3872  
Rep\_Craig\_Johnson@legis.state.ak.us

**FAX**

**To:** Don Bullock, Legislative Legal

**From:** Debra Higgins

**Fax:** 2029

**Phone:**

**Date:** May 2, 2007

**CC:**

**Re:** Amendments for HJR 17

**Pages with Cover:** 4

Don,  
The House Resources committee moved HJR 17 out as amended. The amendments are pretty straight forward, so a final CS would be fine. I've also attached a marked up version to illustrate the changes.

The amendments are:

Page 1, lines 4 – 7:

Delete starting on line 4, “; and” through line 7, “manner”

Page 2, lines 9 – 12:

Delete starting on line 9, “and” through line 12, “future;” (whole WHEREAS)

Page 2, lines 17 – 21:

Delete starting on line 17, “; and be it” through line 21, “manner” (whole FURTHER RESOLVED)

Page 2, line 22:

Insert “via electronic transmission” between “sent” and “to”

Page 2, line 26 through Page 3, line 22:

Delete starting on line 26, “the Honorable” through Page 3, line 22, “Delegation;”

Page 3, line 28:

Insert “and Couer Alaska, Inc.” after “Congress”

I think that's it – there won't be many words left on the resolution. If you have any questions, my number is 3715.

Thanks,  
Debbie

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

**BY REPRESENTATIVES JOHNSON, Johansen**

**Introduced: 4/5/07**

**Referred: Resources, Judiciary**

**A RESOLUTION**

1 Encouraging Coeur Alaska, Inc., to pursue all legal options to resolve the issues  
2 presented in Southeast Alaska Conservation Council v. United States Army Corps of  
3 Engineers on behalf of itself and consistent with the state's efforts to enforce its rights as  
4 a state over its resources; and requesting the United States Court of Appeals for the  
5 Ninth Circuit to adjudicate those matters that come before the court in a fair and  
6 impartial manner so that the state's natural resources can be developed in a timely and  
7 lawful manner.

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

9 **WHEREAS** the state is rich in natural resources and is dependent on the development  
10 of those resources for its well-being; and

11 **WHEREAS** the policy of the federal government expressed in 30 U.S.C. 21a is to  
12 foster and encourage private enterprise in the development of economically sound and stable  
13 domestic mining, minerals, metal, and mineral reclamation industries; and

14 **WHEREAS** the United States District Court for the District of Alaska found that the

1 decision of the United States Army Corps of Engineers to allow the disposal of tailings from  
 2 the proposed Kensington Mine into Lower Slate Lake is consistent with the requirements of  
 3 the Clean Water Act; and

4 **WHEREAS** the United States Court of Appeals for the Ninth Circuit stated in an  
 5 order issued in *Southeast Alaska Conservation Council v. United States Army Corps of*  
 6 *Engineers*, Case No. 06-35679, that the court intends to reverse and vacate the Record of  
 7 Decision authorizing the use of Lower Slate Lake as a disposal facility, and remand the case  
 8 to the district court with instructions to enter summary judgment in favor of Southeast Alaska  
 9 Conservation Council; and

10 **WHEREAS** the United States Court of Appeals for the Ninth Circuit has  
 11 demonstrated a pattern of antidevelopment decision making that has injured the people of this  
 12 state, and it is anticipated that the court will continue that pattern into the foreseeable future;

13 **BE IT RESOLVED** that the Alaska State Legislature encourages Coeur Alaska, Inc.,  
 14 to pursue all legal options, including an appeal to the United States Supreme Court, to resolve  
 15 the issues presented in *Southeast Alaska Conservation Council v. United States Army Corps*  
 16 *of Engineers*, Case No. 06-35679, on behalf of itself and consistent with the state's efforts to  
 17 enforce its rights as a state over its resources; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the  
 19 United States Court of Appeals for the Ninth Circuit to adjudicate those matters that come  
 20 before the court in a fair and impartial manner so that the state's natural resources may be  
 21 developed in a timely and lawful manner.  VIA ELECTRONIC TRANSMISSION

22 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President  
 23 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
 24 and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of  
 25 Representatives; the Honorable Mary M. Schroeder, Chief Judge, United States Court of  
 26 Appeals for the Ninth Circuit; the Honorable Arnold Schwarzenegger, Governor of  
 27 California; the Honorable Fabian Nunez, Speaker of the Assembly, California State  
 28 Assembly; the Honorable Don Perata, Senate President Pro Tem, California State Assembly;  
 29 the Honorable Ted Kulongoski, Governor of Oregon; the Honorable Peter Courtney, Senate  
 30 President, Oregon State Legislature; the Honorable Jeff Merkley, Speaker of the House,  
 31 Oregon State Legislature; the Honorable Chris Gregoire, Governor of Washington; the

1 Honorable Frank Chopp, Speaker of the House, Washington State Legislature; the Honorable  
 2 Brad Owen, Lieutenant Governor and Senate Speaker, Washington State Legislature; the  
 3 Honorable Janet Napolitano, Governor of Arizona; the Honorable Timothy S. Bee, Senate  
 4 President, Arizona State Legislature; the Honorable Jim Weiers, Speaker of the House,  
 5 Arizona State Legislature; the Honorable Brian A. Schweitzer, Governor of Montana; the  
 6 Honorable Mike Cooney, Senate President, Montana State Legislature; the Honorable Scott  
 7 Sales, Speaker of the House, Montana State Legislature; the Honorable C. L. "Butch" Otter,  
 8 Governor of Idaho; the Honorable Jim Risch, Lieutenant Governor and Senate President,  
 9 Idaho Legislature; the Honorable Lawrence Denney, Speaker of the House, Idaho  
 10 Legislature; the Honorable Jim Gibbons, Governor of Nevada; the Honorable Brian Krolicki,  
 11 Lieutenant Governor and Senate President, Nevada Legislature; the Honorable Barbara  
 12 Buckley, Speaker of the House, Nevada Legislature; the Honorable Linda Lingle, Governor of  
 13 Hawaii; the Honorable Colleen Hanabusa, Senate President, Hawaii State Legislature; the  
 14 Honorable Calvin K. Y. Say, Speaker of the House, Hawaii State Legislature; the Honorable  
 15 Felix P. Camacho, Governor of Guam; the Honorable Mark Forbes, Senate Speaker, Guam  
 16 Legislature; the Honorable Madeleine Z. Bordallo, U.S. Representative from Guam; the  
 17 Honorable Benigno R. Fitial, Governor of the Northern Marianas; the Honorable Joseph M.  
 18 Mendiola, Senate President, Saipan and Northern Islands Legislative Delegation; the  
 19 Honorable Oscar M. Babauta, Speaker of the House, Saipan and Northern Islands Legislative  
 20 Delegation; the Honorable Senator Pete P. Reyes, Chairman, Saipan and Northern Islands  
 21 Legislative Delegation; the Honorable Representative Ramon A. Tebuteb, Vice-Chairman,  
 22 Saipan and Northern Islands Legislative Delegation; the Honorable Jeff Bingaman, Chair of  
 23 the U.S. Senate Committee on Energy and Natural Resources; the Honorable Nick J. Rahall  
 24 II, Chair of the U.S. House Committee on Natural Resources; the Honorable Sarah Palin,  
 25 Governor of Alaska; and the Honorable Tom Irwin, Commissioner, Department of Natural  
 26 Resources; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.  
 27 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska  
 28 delegation in Congress.

↓  
 AND COVER ALASKA, INC.

# 1 pg 2, lines 9-12

# 2 pg 2, lines 17-21

+ Title language  
pg 1, line 4

# 3 pg 2, line 22

insert

# 4 pg 2, line 26, Hon. Arnold

↓  
pg 3, line-delegation

# 5 pg 3, line 28

insert

Y3

Amendment #1 passed

HJR 17 - Kensington Mine -

Amendment #1

Pg. 2, line 9

line 12 (end of that)

Amendment #1

~~(Section) Amendment #2 - passed~~

~~line 17 — : and be (.)~~

~~line delete 18-24~~

amended #2

(Outter) page 1 - conforming language in the Title.

line 4 incline the  
↳ line 7 (thru. banner)

2/3

Seater  
↓  
amend #3 insert "Electronic  
line 22 - sent / to transmission

---

Amend. #4

Conforming to the resolution  
would not be sending to

~~How~~

1  
Pg 2 "delete reference to offer  
line 26 (Honorable

Pg 3 - line 22 (delegation)

3/3

Amendment #5

Cover Alaska should also  
be a recipient

---

HJR 17 —

# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HJR017-OOG-LGO-4-25-07  
 Bill Version: HJR 17  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_  
 Title: Encouraging Coeur Alaska, Inc. to pursue all legal options to resolve issues in SE AK Cons. Cnl. v. US Army Corps of Eng...  
 Sponsor: Representatives Johnson and Johansen  
 Requester: House Resources Committee

Dept. Affected: OOG  
 RDU: Office of the Lt. Governor  
 Component: Office of the Lt. Governor  
 Component No.: 11

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This resolution will have no fiscal impact on the Office of the Lt. Governor.

Prepared by: Gail Fenumiai, Asst. Administrative Director  
 Division: Division of Administrative Services  
 Approved by: Jim Merriner, Chief of Staff  
 Agency: Office of the Lt. Governor

Phone 465-3885  
 Date/Time 4/25/2007, 10:30am  
 Date 4/25/2007

# HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: April 5, 2007

FURTHER REFERRALS: Judiciary

Date of Committee Action: 4/30/07

The RESOURCES Committee considered:

HJR 17

**HOUSE JOINT RESOLUTION NO. 17**

**KENSINGTON MINE APPEAL/9TH CIR.**

Encouraging Coeur Alaska, Inc., to pursue all legal options to resolve the issues presented in Southeast Alaska Conservation Council v. United States Army Corps of Engineers on behalf of itself and consistent with the state's efforts to enforce its rights as a state over its resources; and requesting the United States Court of Appeals for the Ninth Circuit to adjudicate those matters that come before the court in a fair and impartial manner so that the state's natural resources can be developed in a timely and lawful manner.

Recommends it be replaced with  HCS or  CS for HJR 17 (RES)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<b>NEW FISCAL NOTES</b>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
GOV				✓

<b>PREVIOUS FISCAL NOTES</b>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>[Signature]</i>	Kelvin-a	X			
<i>[Signature]</i>	EDGMOND		X		
<i>[Signature]</i>	GUTENBERG		X		
<i>[Signature]</i>	KAWASAKI			X	
<i>[Signature]</i>	Roses	X			
<i>[Signature]</i>	WILSON	X			
<i>[Signature]</i>	SEHTON	X			
Chair: <i>[Signature]</i>	Jordan	X			
Chair: <i>[Signature]</i>	Guthrie	X			

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HJR 17

-CITE-

30 USC Sec. 21a

01/03/05

-EXPCITE-

TITLE 30 - MINERAL LANDS AND MINING

CHAPTER 2 - MINERAL LANDS AND REGULATIONS IN GENERAL

-HEAD-

Sec. 21a. National mining and minerals policy; "minerals" defined;  
execution of policy under other authorized programs

-STATUTE-

The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs, (3) mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise and efficient use of our natural and reclaimable mineral resources, and (4) the study and development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

For the purpose of this section "minerals" shall include all minerals and mineral fuels including oil, gas, coal, oil shale and

HJR 17

uranium.

It shall be the responsibility of the Secretary of the Interior to carry out this policy when exercising his authority under such programs as may be authorized by law other than this section.

-SOURCE-

(Pub. L. 91-631, title I, Sec. 101, formerly Sec. 2, Dec. 31, 1970, 84 Stat. 1876; Pub. L. 104-66, title I, Sec. 1081(b), Dec. 21, 1995, 109 Stat. 721; renumbered title I, Sec. 101, Pub. L. 104-325, Sec. 2(1), (2), Oct. 19, 1996, 110 Stat. 3994.)

-MISC1-

#### AMENDMENTS

1995 - Pub. L. 104-66 in last par. struck out at end "For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining, minerals, and mineral reclamation industries, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this section."

#### SHORT TITLE

Section 1 of Pub. L. 91-631 provided: "That this Act [enacting this section] may be cited as the 'Mining and Minerals Policy Act of 1970'."



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Presented by: Mayor Botelho  
and Assemblymember Sanford  
Introduced: 04/02/2007  
Drafted by: J.W. Hartle

**RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2399**

**A Resolution Urging a Negotiated Settlement of the  
Kensington Gold Mine Litigation.**

WHEREAS, the Kensington gold mine project, with an annual construction payroll of 20 million dollars, currently employs more than 400 people, many of them Juneau and Southeast Alaska residents; and

WHEREAS, the Southeast Alaska Conservation Council, Sierra Club, and Lynn Canal Conservation brought litigation against the Army Corps of Engineers and the United States Forest Service because of concerns regarding the proposed tailings management at the mine; and

WHEREAS, the Kensington gold mine is vitally important to the economy of Juneau; and

WHEREAS, Coeur Alaska, and the parties bringing the litigation, are acting in good faith, and have previously tried to mediate a mutually acceptable settlement; and

WHEREAS, Berners Bay provides an important environmental and recreational resource for the community of Juneau, and the concerns of the conservation community are substantial and not frivolous; and

WHEREAS, a panel of the United States Court of Appeals for the Ninth Circuit has indicated that it intends to rule that "in issuing its permit to Coeur Alaska for the use of Lower Slate Lake as a disposal site, the Corps [of Engineers] violated the Clean Water Act."

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//

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

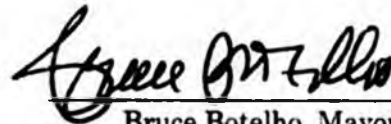
**Section 1.** That the Assembly of the City and Borough of Juneau strongly encourages Coeur Alaska, Inc., Southeast Alaska Conservation Council, the Sierra Club, and Lynn Canal Conservation to return to mediation to achieve a settlement acceptable to all parties to the litigation.

**Section 2.** That, in encouraging mediation, the Assembly offers the City and Borough's resources to assist the parties in resolving their disputes amicably. These resources include identification of an appropriate mediator or facilitator, and coordination of meeting times and places.

**Section 3.** That, if requested by the parties, the City and Borough of Juneau will assist the negotiations in any appropriate way.

**Section 4. Effective Date.** This resolution shall be effective immediately upon adoption.

Adopted this 2<sup>nd</sup> day of April, 2007.



Bruce Botelho, Mayor

Attest:



Laurie J. Sica, Clerk



# RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

April 16, 2007

HJR 17

The Honorable Sarah Palin  
Office of the Governor  
P.O. Box 110001  
Juneau, AK 99811-0001

Dear Governor Palin:

The Resource Development Council is writing to request that your administration initiate a collaborative effort between Coeur Alaska, the Southeast Alaska Conservation Council, (SEACC), the Sierra Club and other involved interests to encourage settlement of the Kensington Mine lawsuit, and to determine the best solution for disposal of tailings from the mine.

Coeur Alaska has been working with state and federal agencies, local businesses, fishermen, environmental groups and the citizens of Juneau to develop an environmentally-responsible mine which will help expand the local economy. The approved plan at Kensington reflects the collective expertise of dozens of independent scientists and engineers whose work went into more than 900 studies conducted over the past ten years. Throughout this process, the best method of tailings disposal was identified and it is reflected in the approved and permitted plan.

Coeur Alaska moved forward with construction activities in 2005 only after it obtained nearly 60 permits in total. Moreover, construction followed after exhaustive public input and after the company incorporated additional protections and conditions into the mine plan. The U.S. District Court of Alaska validated the Kensington permits by dismissing an earlier lawsuit.

The company has demonstrated its commitment to this project by completing 70% of construction, employing 400 workers, and has plans to employ approximately 225 people each year during operations for the estimated ten-year mine life with an estimated \$16 million annual payroll and benefits.

Coeur Alaska has recently been informed that the Ninth Circuit Court of Appeals intends to direct the U.S. District Court to reverse its decision on upholding the Clean Water Act Section 404 permit issued by the U.S. Army Corps of Engineers. If the court issues this final decision, the current litigation will have effectively stopped the project and taken away what is truly the most practicable and environmentally-sound tailings storage facility plan.

Founded 1975

Executive Director

Jason W. Brune

2006-2007 Executive Committee

John T. Shively, President

Rich Rogers, Sr. Vice President

Wendy Lindskoog, Vice President

Thomas Maloney, Secretary

Stephanie Madson, Treasurer

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Elizabeth Renach

Thyes J. Shaub

Lorna Shaw

Kenneth Sheffield

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Joseph Spague

Jeanne St. John

John L. Sturgeon

Jim Taro

Cam Tushy

Ex-Officio Members

Senator Ted Stevens

Senator Lisa Murkowski

Congressman Don Young

Governor Sarah Palin

121 West Fireweed, Suite 250, Anchorage, Alaska 99503-2035

Phone: 907/276-0700 Fax: 907/276-3887 Email: Resources@akrfdc.org Website: www.akrfdc.org

Coeur Alaska has expressed its desire to collaborate with the environmental groups involved in this lawsuit in order to come up with a reasonable resolution that would allow this project to move forward. RDC requests that you facilitate all involved parties coming to the table to discuss settling this issue outside of the courts.

Governor, your direct participation in the process can result in making Kensington a reality. We appreciate your expedient consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason W. Brune", with a long horizontal flourish extending to the right.

**Jason W. Brune**  
Executive Director



# ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • [www.alaskaminers.org](http://www.alaskaminers.org)

April 27, 2007

Honorable Craig Johnson  
Alaska State House  
Capitol Building  
Juneau, AK 99801

RE: House Joint Resolution 17, Support for Kensington Gold Mine

Dear Representative Johnson,

The Alaska Miners Association supports House Joint Resolution 17 which is in support of the Kensington Gold Mine.

Coeur Alaska has worked for more than two decades exploring and working on the permitting process for the Kensington Mine. By the time the first Environmental Impact Statement was completed, the gold price had decreased to the point where the project was not economically feasible. Coeur then went back to the drawing board and after several years worked its way through a 1<sup>st</sup> Supplemental EIS. But as happened previously, the gold price had dropped further and the project was still not feasible. Coeur then went back again and redesigned the project and completed a 2<sup>nd</sup> Supplemental EIS.

Before beginning on the 2<sup>nd</sup> SEIS, Coeur purchased rights to other lands in the area and although the new plan significantly decreased the production level, it made several improvements in mine layout, facilities and many of the approaches previously utilized. These changes resulted in both improvements to the environment and lowered the cost of production. The 2<sup>nd</sup> SEIS specifically addressed many of the issues raised by the Southeast Alaska Conservation Council (SEACC). For each of the EISs, Coeur made commitments to SEACC which built on previous promises, without going back.

None the less, SEACC appealed the Record of Decision (ROD) to the District Court and the Court affirmed the ROD as written. However, SEACC then appealed the ROD to the 9<sup>th</sup> Circuit Court of Appeals and that court overturned the decision of the District Court.

HJR-17 encourages Coeur Alaska to appeal the 9<sup>th</sup> Circuit ruling to the U.S. Supreme Court where we believe that Court would rule in favor of the EPA and Corps of Engineers permits and the ROD. It is common knowledge that the U.S. Supreme Court often overturns decisions of the 9<sup>th</sup> Circuit and we believe that the decision in this case will be another one of them.

The problems in the 9<sup>th</sup> Circuit are legendary and have been a national disgrace for decades. Our Alaska Senators have filed numerous bills over the years to divide the 9<sup>th</sup> Circuit into two courts. Senators Murkowski and Stevens, along with Senator Ensign (NV) have again introduced legislation to split the 9<sup>th</sup> Circuit which now encompasses 20% of the U.S. population.

We urge that this bill be passed and enacted at the earliest possible date.

Sincerely,

Steven C. Borell, P.F.  
Executive Director



# Southeast Alaska Conservation Council

SEACC 419 6th Street, Suite 200, Juneau, AK 99801  
(907) 586-6942 phone • (907) 463-3312 fax  
[www.seacc.org](http://www.seacc.org) • [info@seacc.org](mailto:info@seacc.org)

Representative Craig Johnson  
State Capitol, Room 126;  
Juneau, AK 99801-1182

Dear Representative Craig Johnson;

I would like to thank you once again for the opportunity to testify yesterday on HJR 17.

The Kensington Mine is an important topic that relates to many relevant issues that we Alaskans are faced with, including the management of our clean water - the heart and soul of our fishing, recreation, and tourism industries. For this reason, I appreciate the lengthy discussion the committee had on this resolution.

There were several questions that were asked during the hearing that I would like to follow up on or clarify:

1.) During the testimony, I cited reports by Jim Kuipers, P.E., and geochemist Ann Maest, Ph.D., that analyzed water quality predictions and outcomes at metal mines permitted in the United States during the last 25 years. These first-of-a-kind reports, "Comparison of Predicted and Actual Water Quality at Hardrock Mines," and "Predicting Water Quality Problems at Hardrock Mines: Methods and Models, Uncertainties, and State-of-the-Art," found that faulty water quality predictions, mitigation measures and regulatory failures result in the approval of mines that create significant water pollution problems. Despite assurances from government regulators and mine proponents that mines would not pollute clean water, researchers found that 76 percent of studied mines exceeded water quality standards, polluting rivers, and groundwater with toxic contaminants, such as lead, mercury, arsenic and cyanide, and exposing taxpayers to huge cleanup liabilities. The first link below will provide you with a white paper summary of these 2 critical reports, while the second link will take you to the full reports themselves.

1. <http://www.earthworksaction.org/publications.cfm?pubID=213>

2. [www.mine-aid.org/predictions](http://www.mine-aid.org/predictions).

I urge you to look critically at the objective findings of these 2 reports authored by a highly-qualified, experienced mining engineer and a Ph.D. geochemist. These reports have great relevance for how mining is conducted in the state of Alaska.

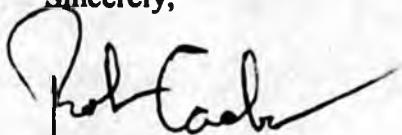
2.) Representative Johnson asked what mines SEACC has opposed. I mentioned our positions on the Kensington Mine and Greens Creek Mine, but I failed to mention our past involvement in

ALASKA SOCIETY OF AMERICAN FOREST DWELLERS, Point Baker • ALASKANS FOR JUNEAU • CHICHAGOOF CONSERVATION COUNCIL, Tenakee  
• FRIENDS OF BERNERS BAY, Juneau • FRIENDS OF GLACIER BAY, Gustavus • JUNEAU AUDUBON SOCIETY • JUNEAU GROUP SIERRA CLUB • LOWER CHATHAM CONSERVATION SOCIETY, Port Alexander • LYNN CANAL CONSERVATION, Haines • NARROWS CONSERVATION COALITION, Petersburg • LISIANSKI INLET RESOURCE COUNCIL, Pelican • PRINCE OF WALES CONSERVATION LEAGUE, Craig • SITKA CONSERVATION SOCIETY • TONGASS CONSERVATION SOCIETY, Ketchikan • TAKU CONSERVATION SOCIETY, Juneau • WRANGELL RESOURCE COUNCIL • YAKUTAT RESOURCE CONSERVATION COUNCIL

printed on recycled paper ♻️

If you have any further questions feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Cadmus". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rob Cadmus  
Water Quality and Mining Organizer  
Southeast Alaska Conservation Council  
419 Sixth Street, Suite 200, Juneau, AK 99801  
907-586-6942

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev 6/98

Central Microfilm Services  
Department of Education & Early Development  
State of Alaska



# Southeast Alaska Conservation Council

SEACC 419 6th Street, Suite 200, Juneau, AK 99801  
(907) 586-6942 phone • (907) 463-3312 fax  
[www.seacc.org](http://www.seacc.org) • [info@seacc.org](mailto:info@seacc.org)

Representative Craig Johnson  
State Capitol, Room 126;  
Juneau, AK 99801-1182

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The Kensington Mine is an important topic that relates to many relevant issues that we Alaskans are faced with, including the management of our clean water - the heart and soul of our fishing, recreation, and tourism industries. For this reason, I appreciate the lengthy discussion the committee had on this resolution.

There were several questions that were asked during the hearing that I would like to follow up on or clarify:

1.) During the testimony, I cited reports by Jim Kuipers, P.E., and geochemist Ann Macst, Ph.D., that analyzed water quality predictions and outcomes at metal mines permitted in the United States during the last 25 years. These first-of-a-kind reports, "Comparison of Predicted and Actual Water Quality at Hardrock Mines," and "Predicting Water Quality Problems at Hardrock Mines: Methods and Models, Uncertainties, and State-of-the-Art," found that faulty water quality predictions, mitigation measures and regulatory failures result in the approval of mines that create significant water pollution problems. Despite assurances from government regulators and mine proponents that mines would not pollute clean water, researchers found that 76 percent of studied mines exceeded water quality standards, polluting rivers, and groundwater with toxic contaminants, such as lead, mercury, arsenic and cyanide, and exposing taxpayers to huge cleanup liabilities. The first link below will provide you with a white paper summary of these 2 critical reports, while the second link will take you to the full reports themselves.

1. <http://www.carthworksaction.org/publications.cfm?pubID=213>

2. [www.mine-aid.org/predictions](http://www.mine-aid.org/predictions).

I urge you to look critically at the objective findings of these 2 reports authored by a highly-qualified, experienced mining engineer and a Ph.D. geochemist. These reports have great relevance for how mining is conducted in the state of Alaska.

2.) Representative Johnson asked what mines SEACC has opposed. I mentioned our positions on the Kensington Mine and Greens Creek Mine, but I failed to mention our past involvement in

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U.S. Borax's Quartz Hill project in Misty Fjords National Monument. In the 1980's and early 90's we opposed this open pit project. The tailings and waste rock would have largely filled the Wilson Arm Fjord and some surrounding valleys and salmon producing streams and rivers. Ultimately, this project was not pursued.

SEACC is also involved with mining issues in British Columbia within the Stikine and Taku River Watersheds, including the Tulsequah Chief Mine Project near the Taku River. The Tulsequah Chief Mine, like other Canadian mining developments in the Taku and Stikine Watersheds, has the potential to pollute Southeast Alaska's best salmon river and will provide little to no economic benefit to Southeast Alaska. The Taku River is usually Southeast Alaska's most productive salmon river. We are working hard to ensure that these mining developments do not degrade our economically important wild salmon.

If you would like more details on the positions SEACC has taken on mining projects, or facts on the mining projects themselves, feel free to contact me.

3.) Representative Guttenberg asked what the company's response was to our 2002 warning that the plan to dump tailings into a lake violated the Clean Water Act. Neither the company nor the USDA Forest Service responded directly to this warning. As a result, we reiterated the statement that the tailings disposal plan violated the law in our comments on the Environmental Impact Statement and in our appeal of the Forest Service's Record of Decision for the mine.

4.) Representative Gatto asked how deep Lower Slate Lake is. Lower Slate Lake is about 20 acres in size and is about 40-50 feet deep.

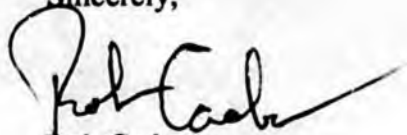
5.) Representative Gatto asked how the water coming out of Lower Slate Lake would be treated. The Kensington Gold Project Supplemental Environmental Impact Statement discusses this further (Section 2, Page 28):

*Up to 1,300 gpm (gallons per minute) would be pumped from a clear portion of the tailings TSF [Tailings Storage Facility, a.k.a. Lower Slate Lake] Approximately 100 gpm of this flow would be recycled to the mill, while up to 1,200 gpm would flow into a reverse osmosis treatment system for additional solids and metal removal. The reverse osmosis system would involve high-pressure flow through a permeable membrane, where high-quality water would be separated from remaining impurities.*

6.) It was stated that dry stack tailings may not be economically feasible for the Kensington Mine. There is no question that lake dumping is cheaper for the company, but I would like to note that the company pursued and fully permitted a dry stack tailings facility in 1998, when gold was at a significantly lower price than it is now. If it was feasible then, one would think it would be feasible now that gold is \$673 an ounce. Further, it is not appropriate for the State of Alaska to be making economic feasibility predications for private corporations. It is the State's job to ensure that development of our natural resources is done in a way that is beneficial to all Alaskans. It is important that development at the Kensington be done legally, safely, and in a way that protects our clean water.

If you have any further questions feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Cadmus". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rob Cadmus

Water Quality and Mining Organizer

Southeast Alaska Conservation Council

419 Sixth Street, Suite 200, Juneau, AK 99801

907-586-6942



# Southeast Alaska Conservation Council

SEACC 419 6th Street, Suite 200, Juneau, AK 99801  
(907) 586-6942 phone • (907) 463-3312 fax  
www.seacc.org • info@seacc.org

## Testimony of Rob Cadmus, Water Quality and Mining Organizer Southeast Alaska Conservation Council before the Alaska House Resources Committees Juneau, Alaska April 30, 2007

Good afternoon, my name is Rob Cadmus. I am the Water Quality and Mining Organizer for SEACC, the Southeast Alaska Conservation Council. SEACC is a coalition of 17 volunteer citizen conservation groups in thirteen communities across Southeast Alaska, from Ketchikan to Yakutat. Our mission is to protect the extraordinary resources of Southeast Alaska while ensuring their wise and sustainable use.

I want to thank you all for the opportunity to testify on House Joint Resolution 17. There are important issues at stake with the Kensington Mine- issues of jobs and the responsible use of our resources- and the more broadly and fully they are understood, the better we, Alaskans, can make wise decisions regarding them.

SEACC has actively worked on the Kensington Mine Project since its exploration phase 2 decades ago. Since then, we have watched it go through several different designs and two full permitting processes. In 1998, Coeur received all necessary permits for a project that ultimately the corporation chose not to pursue. Instead, it redesigned the mine and reinitiated the review and permitting process to arrive at the current mine proposal. SEACC has participated at every step of this process.

SEACC warned Coeur Alaska and the agencies that its tailings disposal design was illegal 4 ½ years ago. Coeur's plan to dump chemically processed tailings into a lake is a clear violation of the Clean Water Act, they put our Clean Water at risk, and could set a dangerous precedent of using our lakes and streams as mine waste dumps.

Unfortunately, Coeur chose to ignore our warnings. Instead, it gambled by betting that it could successfully roll back a generation of settled law and that no citizen would step forward to defend our right to clean water.

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Coeur lost its gamble. Its job now is to redesign the Kensington Mine so that it's legal and fully protects the waters and resources of Berners Bay.

Alternatives to dumping tailings into a lake exist. In 1998, Coeur had all the necessary permits for Dry Stack Tailings facility. It is the same method tailings disposal the Greens Creek Mine and Pogo Mine uses. It is the method that SEACC has stated that it prefers for the Kensington.

Our state's constitution requires that development of our natural resources benefits all Alaskans. There is little value to this state, and no value to the country in the long run, if we do not do it right at the Kensington. Cutting corners today will result in larger problems in the future.

This case will impact the way we care for our clean water throughout the nation, and because the United States is often a model for other countries, it could influence how mines in other parts of the world are managed.

It is important to remember the legacy of mining is not a good one. Too many people and too many communities have been devastated by the toxicity of mine wastes to take lightly what Coeur proposed to do. As we have said since the early days of this mine, it is important to do it right.

I would encourage you all to use House Joint Resolution 17 in a way that would meet the constitutional mandate that development be done for the benefit of all Alaskans. Encourage Coeur Alaska to redesign its tailings disposal plan so that it is legal and fully protects our clean water.

Thank you for this opportunity to testify.

# ALASKA STATE LEGISLATURE

## Interim

716 West 4th Avenue, Suite 640  
Anchorage, Alaska 99501  
Phone (907) 269-0200  
Fax (907) 269-0204  
Rep\_Craig\_Johnson@legis.state.ak.us



## Session

State Capitol Building, Room 126  
Juneau, Alaska 99801-1182  
Phone (907) 465-4993  
Fax (907) 465-3872  
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON  
HOUSE DISTRICT 28

## Sponsor Statement

### House Joint Resolution 17

**"Encouraging Coeur Alaska, Inc., to pursue all legal options to resolve the issues presented in Southeast Alaska Conservation Council v. United States Army Corps of Engineers on behalf of itself and consistent with the state's efforts to enforce its rights as a state over its resources; and requesting the United States Court of Appeals for the Ninth Circuit to adjudicate those matters that come before the court in a fair and impartial manner so that the state's natural resources can be developed in a timely and lawful manner."**

House Joint Resolution 17 encourages Coeur Alaska, the company developing the Kensington Gold Mine north of Juneau, to pursue all legal options to overturn the forthcoming US 9<sup>th</sup> Circuit Court of Appeals ruling that will halt construction of this valuable mine project.

- Coeur Alaska has nearly 60 environmental and regulatory permits in place for the Kensington Gold Mine and a demonstrated commitment to responsible and environmentally sound management of its mining projects
- The Kensington Gold Mine tailings disposal plan was approved by the US Army Corps of Engineers, found to be in compliance with the Clean Water Act, and upheld by the federal district court of Alaska, only to be overturned by the US 9<sup>th</sup> Circuit Court of Appeals
- The policy of the federal government as expressed in the United States Code is to "foster and encourage private enterprise in the development of economically sound and stable domestic mining" (30 USC 21a)
- The 9<sup>th</sup> Circuit Court of Appeals has demonstrated a pattern of antidevelopment decision making in regards to Alaska and its rights to develop its resources

In light of these facts, HJR 17 also asks that the US 9<sup>th</sup> Circuit Court of Appeals adjudicate this and future cases in a fair and impartial manner so that Alaska's natural resources may be developed in a timely and lawful manner.

Upon passage, copies of HJR 17 will be sent to President Bush, Vice President Dick Cheney, Speaker of the House Nancy Pelosi, 9th Circuit Chief Judge Mary Schroeder, and the governors and legislative leaders of all of the Western U.S. states and territories.

**HJR**

**21**



# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: HJR021-OOG-LGO-5-3-07  
 Bill Version: HJR 21  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction):  
 Title: Opposing the designation of any area in the state as a world heritage site, biosphere reserve, or any other...  
 Sponsor Representatives Thomas, Johnson and Lynn  
 Requester House Resources Committee

Dept. Affected: OOG  
 RDU Office of the Lt. Governor  
 Component Office of the Lt. Governor  
 Component N° 11

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This resolution will have no fiscal impact on the Office of the Lt. Governor.

Prepared by: Gail Fenunlai, Asst. Administrative Director  
 Division: Division of Administrative Services  
 Approved by: Jim Merriner, Chief of Staff  
 Agency: Office of the Lt. Governor

Phone 465-3985  
 Date/Time 5/3/2007, 10:41am  
 Date 5/3/2007

ALASKA STATE LEGISLATURE  
House Resources Committee

**Carl Gatto, Co-Chair**

State Capitol Building, Room 108  
Juneau, AK 99801-1182  
(907) 465-3743  
FAX (907) 465-2381  
Rep\_Carl\_Gatto@legis.state.ak.us



**Craig Johnson, Co-Chair**

State Capitol Building, Room 126  
Juneau, AK 99801-1182  
(907) 465-4993  
FAX (907) 465-3872  
Rep\_Craig\_Johnson@legis.state.ak.us

**FAX**

**To:** Don Bullock, Legislative Legal

**From:** Debra Higgins

**Fax:** 2029

**Phone:**

**Date:** May 5, 2007

**CC:**

**Re:** Amendment for HJR 21

**Pages with Cover:** 5

Don,  
The House Resources committee moved HJR 21 out as amended. I've attached the amendment and a marked version\A .

If you have any questions, my number is 3715.

Thanks,  
Debbie

**AMENDMENT #1**

*adopted  
5/04/07*

To: HJR 21

By: Rep. Thomas

Offered in: House Resources

Page 2, lines 25-30: DELETE ALL MATERIAL

Page 2, line 25: AD<sup>7</sup>:

**"WHEREAS the United Nations Educational, Scientific and Cultural Organization (UNESCO), with the collaboration of the U.S. Department of Interior, has recognized the Wrangell-St. Elias/Glacier Bay/Kluane/Tatshenshini-Alsek World Heritage Site in Alaska, and has listed the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge, the Arctic National Wildlife Refuge, Cape Krusenstern Archaeological District, Denali National Park, Gates of the Arctic National Park, and Katmai National Park on the Tentative List of areas nominated for full status; and**

**WHEREAS the United Nations Man and the Biosphere Program has identified the Glacier Bay - Admiralty Island, Noatak, Denali and Aleutian Islands Biosphere Reserves in Alaska; and"**

**HOUSE JOINT RESOLUTION NO. 21**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES THOMAS, Johnson, Lynn**

**Introduced: 4/26/07**

**Referred: Resources**

**A RESOLUTION**

1    **Opposing the designation of any area in the state as a world heritage site, biosphere**  
2    **reserve, or any other type of international designation without the consent of the Alaska**  
3    **State Legislature and affected local governments; and urging the United States Congress**  
4    **to enact legislation to require congressional approval before an area in the United States**  
5    **may be considered for an international designation.**

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

7           **WHEREAS** the United Nations has designated over 60 sites in the United States as  
8    **"world heritage sites" or "biosphere reserves," which altogether are equal in size to the State**  
9    **of Colorado, the eighth largest state; and**

10           **WHEREAS** art. IV, sec. 3, United States Constitution, provides that the United States  
11    **Congress shall make all needed rules and regulations respecting the territory or other property**  
12    **belonging to the United States and nothing in the constitution shall be construed to prejudice**  
13    **any claims of the United States or of any state; and**

14           **WHEREAS** many of the United Nation. designations include private property  
15    **inholdings and contemplate buffer zones of adjacent land; and**

1           **WHEREAS** some international land designations, such as those under the United  
 2 States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations  
 3 Educational, Scientific, and Cultural Organization, operate under independent national  
 4 committees such as the United States Man and Biosphere National Committee that have no  
 5 legislative directives or authorization from the United States Congress; and

6           **WHEREAS** local citizens and public officials concerned about job creation and  
 7 resource-based economies usually have no say in the designation of land near their homes for  
 8 inclusion in an international land use program; and

9           **WHEREAS** these international designations are an open invitation to the international  
 10 community to interfere in domestic economies and land use decisions; and

11           **WHEREAS** environmental groups and the United States Department of the Interior,  
 12 National Park Service, have been working to establish an international park, a world heritage  
 13 site, and a marine Biosphere reserve called Beringia covering parts of western Alaska, eastern  
 14 Russia, and the Bering Sea, and in Glacier Bay National Park; and

15           **WHEREAS** foreign companies and countries could use these international  
 16 designations in western Alaska to block or inhibit economic development that they perceive  
 17 as competition; and

18           **WHEREAS** animal rights activists could use these international designations to  
 19 generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

20           **WHEREAS** international designations may be used to harass or block industrial  
 21 development in the state, including projects related to fishing, mining, timber harvesting,  
 22 railroads, power transmission lines, pipelines, and other oil and gas development; and

23           **WHEREAS** the subsistence and recreational use of fish and game resources in the  
 24 state could be severely and negatively affected by international land use designations; and

25           **WHEREAS** the United States Department of the Interior, in cooperation with the  
 26 Federal Interagency Panel for World Heritage, has identified the Aleutian Island Unit of the  
 27 Alaska Maritime National Wildlife Refuge, Arctic National Wildlife Refuge, Cape  
 28 Krusenstern National Monument, Denali National Park, Gates of the Arctic National Park,  
 29 Glacier Bay National Park, and Katmai National Park as likely to meet the criteria for future  
 30 nomination as world heritage sites; and

31           **WHEREAS**, under current law, the United States Secretary of the Interior can

1 nominate world heritage sites, and the United States Secretary of State can nominate  
2 biosphere reserves, both without approval by the Congress;

3 **BE IT RESOLVED** that the Alaska State Legislature recognizes and reaffirms the  
4 constitutional authority of the United States Congress as the elected representatives of the  
5 people over the federally owned land of the United States; and be it

6 **FURTHER RESOLVED** that the Alaska State Legislature objects to the nomination  
7 or designation of any site in Alaska as a world heritage site, biosphere reserve, or any other  
8 type of international designation without the prior consent of the Alaska State Legislature and  
9 affected local governments; and be it

10 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States  
11 Congress to pass and the President to sign legislation that will require approval by an Act of  
12 Congress before any area in the United States or its territories can be studied as a potential, or  
13 nominated to be, a world heritage site, biosphere reserve, or any other type of international  
14 designation.

15 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President  
16 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
17 and President of the U.S. Senate; the Honorable Dirk Kempthorne, United States Secretary of  
18 the Interior; the Honorable Condoleezza Rice, United States Secretary of State; the Honorable  
19 Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Harry Reid,  
20 Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the  
21 U.S. Senate; the Honorable Steny Hoyer, Majority Leader of the U.S. House of  
22 Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of  
23 Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.  
24 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska  
25 delegation in Congress; and all members of the 110th United States Congress by electronic  
26 transmission.



# RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

Founded 1975

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Jason W. Bruns

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- Wendy Lindquist, Vice President
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May 2, 2007

Honorable Bill Thomas  
Alaska State House  
Capitol Building  
Juneau, AK 99801

Re: House Joint Resolution 21, Relating to the International Designations of Lands in Alaska

Dear Representative Thomas:

The Resource Development Council (RDC) is writing to express its support for House Joint Resolution 21, which requires the consent of the Alaska Legislature, affected local governments and Congress before any land within Alaska can fall under an international designation.

RDC is a statewide non-profit business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, fisheries and tourism industries. RDC's membership also includes Alaska Native corporations, local communities, organized labor and industry-support firms. Our purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources.

Broad areas of Alaska already fall under conservation system unit (CSU) designations. In fact, Alaska accounts for 70 percent of America's national park lands and 85 percent of its wildlife refuge acreage. The nation's two largest national forests are within our state's borders, as well as 56 percent of America's federally-designated Wilderness. In our opinion, international designations such as World Heritage Sites (WHS) and Biosphere Reserves (BSR) are unnecessary and in some instances, may not be in the state's best interests.

Whether a WHS or BSR is created outside of an existing CSU or is applied on top of one, as proposed for Denali National Park, local, national and international non-governmental organizations (NGOs) could use such a designation to rally opposition to legitimate development projects on adjacent federal, state, Native and private lands. Likely projects or activities that could potentially be jeopardized by these designations include mining, timber harvesting, energy development, transportation and general infrastructure. World Heritage Sites have been used by NGOs to block development

Page 2/RDC Letter supporting House Joint Resolution 21

elsewhere, including a mirage on private property near Yellowstone and other projects in Canada and abroad.

RDC believes any WHS or BSR designation must have authorization from Congress, the Legislature and the affected local government before being established. Otherwise, Alaska will risk throwing up yet one more potential barrier to resource development and having the Paris-based United Nations Educational, Scientific and Cultural Organization (UNESCO) meddle in domestic land use policies.

RDC appreciates you introducing this resolution and look forward to its immediate passage.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL  
for Alaska, Inc.



Carl Portman  
Deputy Director



State of Alaska  
**MINERALS  
COMMISSION**

*Irene Anderson, Chairman*

Department of Commerce, Community & Economic Development  
Office of Economic Development  
Mineral Development

April 30, 2007

**Irene Anderson**  
Bering Straits Native  
Corporation, Nome

**Del Acksela**  
Goldust Mines,  
Fairbanks

**Lee Mark Anthony**,  
C-D Development  
Co., Anchorage

**Greg Belacher**  
Bristol  
Environmental &  
Engineering Services,  
Corp., Anchorage

**Barty Colley**  
Usibelli Coal Mine,  
Inc., Fairbanks

**Don Cook**  
Cook International,  
Fairbanks

**Karl Hanselman**  
Teck Pogo, Inc.,  
Fairbanks

**Rich Heig**  
Kenecott Greens  
Creek Mining  
Company, Juneau

**Charlotte MacCay**  
Bristol  
Environmental &  
Engineering Services  
Corp., Anchorage

**Dr. Lance D. Miller**  
Juneau Economic  
Development  
Council, Juneau

**Mark Robinson**  
Olympic Resources  
Group LLC,  
Wrangell

**Richard A. Hughes**  
Staff - Fairbanks

**Honorable Bill Thomas**  
Alaska State House  
Capitol Building, Room 434  
Juneau, Alaska 99801-1182

RE: House Joint Resolution 21

Dear Representative Thomas:

I had the opportunity to review the House Joint Resolution, No. 21 relating to world heritage sites, biosphere reserves and other types of international designations in Alaska.

The Alaska Minerals Commission was encouraged when the Alaska House of Representatives passed Resolve No. 13 during the First Session of the Twenty-First Alaska State Legislature regarding opposition to world heritage sites, biosphere reserves and other types of international designations in Alaska. It is apparent that another resolution is needed to remind federal agencies and international groups of Alaska's rights and to encourage Congress and the President to support our voice.

Since Statehood and the passage of the Alaska Native Claims Settlement Act, the State and private land owners have not had the opportunity to evaluate the full resource potential of lands within the state. We have a responsibility to protect our resources to meet the needs of Alaskans. The international designations would lead to the loss of State's rights as well as use of privately owned land and resources. It is necessary and right for the Alaska Legislature to address and support Resolution No. 21 to ensure that Alaskan's have a voice in any designation nominated by the United States Department of the Interior, the United States Secretary of State, and international or environmental groups.

Thank you for your time and effort to address this very important topic.

Respectfully,

*Irene Anderson*  
Irene Anderson  
Chairman



# ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

April 28, 2007

Honorable Bill Thomas  
Alaska State House  
Capitol Building  
Juneau, AK 99801

RE: House Joint Resolution 21, Relating to International Designations of Lands in Alaska

Dear Representative Thomas,

The Alaska Miners Association supports House Joint Resolution 21 which opposes international designation of lands in Alaska unless there is consent from the Alaska State Legislature, the affected local governments and approval by the United States Congress.

This is an extremely important Resolution and we thank you for introducing it in this Legislature. Few Alaskans are aware of the dangers posed by international land designations such as World Heritage Sites and Biosphere Reserves. In addition to being contrary to the U.S. Constitution, World Heritage Sites (WHS) and Biosphere Reserves (BSR) can create serious problems for the states and communities where they occur. I will address just two of these problem areas -- harassment by environmental non-governmental organizations (NGOs) and international business competition.

Once a WHS or BSR is established, local and international NGOs have used these designations to harass and stop development projects on adjacent lands. This has occurred in Kamchatka, Australia, the United States, and elsewhere. In each of these situations the mere fact that a WHS was in place was used to create international pressure and controversy to stop the projects. As is often the case with NGO attacks, there was no scientifically based environmental quality issue. But the existence of a WHS was sufficient to argue for stopping the projects. It is common knowledge that anything "Alaskan" can be, and is, used as fund raising appeal for NGOs. WHSs and BSRs would become one more rallying cry.

If the federal conservation system units (National Parks, Preserves, Refuges, Monuments) in Western Alaska had been designated as a World Heritage Site, I doubt the Red Dog Mine would be operating today. This would have been due to NGO opposition, but also from international competitors. If the world's other major zinc producers had known that Red Dog would one day produce more than 10% of the world's zinc concentrate, they would have looked for ways to oppose Red Dog. A WHS designation would have provided such a tool for them.

National Parks, Preserves, Refuges, and Monuments often become the target for WHS and BSR designations and once established, the argument becomes the need for a "buffer" around the area. The needs of local communities or the lack of local jobs, or the fact that the area is on state or private land is irrelevant. All that matters is that the some proposed activity is near a WHS or BSR.

Thank you again for introducing this legislation and we urge that it be passed and distributed at the earliest possible date.

Sincerely,

Steven C. Borell, P.E.  
Executive Director

***The Alaska Professional Hunters Association Inc.  
HC 60 Box 299C, Copper Center Alaska 99573  
(907) 822-3755***

May 4, 2007

Honorable Bill Thomas  
Alaska State House  
Capitol Building  
Juneau, Alaska 99801

Cc: House Resource Committee Members

RE: HJR 21, Relating to International Designations of Lands in Alaska

Dear Representative Thomas and Members of the House Resources Committee,

On behalf of the Alaska Professional Hunters Association Inc. (APHA) please receive this letter as a letter of support for HJR 21. This resolution represents a long time needed side-board for international designations of Alaska's lands. I would ask you how many of Alaska's residents knew on December 1, 1978 when the Wrangell-St. Elias Nation Monument was created that less than one year later it would be submitted and accepted to the United Nations World Heritage Committee in Cairo Egypt.

Additional portions of Alaska that have been similarly affected include:

Denali National Park and Preserve was established as Mt. McKinley National Park on Feb. 26, 1917. The Park was designated an international U.N. Biosphere Reserve in 1976.

Glacier Bay National Monument was established as a National Park and Preserve Dec. 2, 1980 and designated a United Nations Biosphere Reserve in 1986, then designated a program of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), World Heritage Site in 1992.

The mission statement of this United Nations subcommittee is to protect natural and cultural properties of outstanding universal value against the threat of damage in a rapidly developing world. One of the main responsibilities of this committee is to provide technical cooperation under the World Heritage Fund for the safeguarding of World Heritage properties to state parties whose resources are insufficient. Worldwide, there are numerous Biosphere Preserves and World Heritage Sites that are actively managed by the UNESCO.

It should be noted that the World Heritage Committee operates under international treaties. Action on or from these treaties does not require congressional approval. There are currently

twenty-two World Heritage Sites in the United States. Additional nominated World Heritage Sites in Alaska include areas in the Aleutian Islands, Arctic National Wildlife Refuge, Denali National Park, and Katmai National Park. The U.S. Department of Interior has had a full contingent of representatives at all of the twenty-six sessions of the World Heritage Committee.

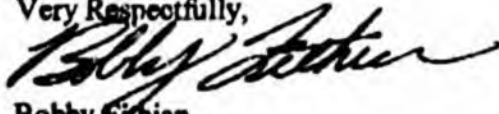
In regards to how the APHA plays into these designations, please note the following:

1. We are Alaskans and Americans and would like to have a say or an influence on decisions creating these designations of Public Lands of which our industry is dependant upon. (which we have not to date)
2. The way of life of our members and a substantial part of the two hundred million dollar a year revenue generation for Alaska that they generate within these designations could easily be jeopardized by differing philosophical viewpoints of foreign nations.

I just recently returned from conducting a paleontological expedition in the Alaska Arctic. (2008 NOVA Science documentary *Dinos on Ice*) Most of the scientists and the film crew personnel were from Europe or Australia, all of which were very familiar with UNESCO and the Alaskan designations. Additionally, they were very familiar with Beringia which is another International Park program substantial initiated by the National Park Service. In this case, many foreign countries including Canada are actively working to secure support for the creation and management of this large, once again, International Designation.

Representative Thomas's HJR 21 addresses the oversight that Alaska and our residents need and deserve in these types of designations. APHA encourages you to support this Resc<sup>n</sup>tion. Please feel free to contact me with any questions or concerns regarding this matter.

Very Respectfully,



Bobby Githian

APHA Executive Director

HJR

31



# FISCAL NOTE

**STATE OF ALASKA  
2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HJR 31  
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title OPPOSE FED LAW RE AERIAL HUNTING RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Representatives Keller, Wilson and Johnson  
 Requester House Resources Committee Component Number \_\_\_\_\_

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

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Con.ractual								
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>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 Interagency Receipts								
<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>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 2008) cost: \_\_\_\_\_

**POSITIONS**

Full-time							
Part-time							
Temporary							

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

Prepared by: Debra Higgins Phone 465-3715  
 Division: Committee Aide, House Resources Date/Time 2/20/08 3:00 PM  
 Approved by: Representative Craig Johnson, Co-Chair Date 2/20/2008  
House Resources Committee

25-LS1385\E  
Kane  
2/19/08

**CS FOR HOUSE JOINT RESOLUTION NO. 31(RES)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES KELLER, Wilson, Johnson**

**A RESOLUTION**

1 **Opposing the enactment of the Protect America's Wildlife Act of 2007 that intends to**  
2 **prohibit aerial hunting of wildlife, which is essential for predator control in Alaska.**

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

4 **WHEREAS** the Alaska Department of Fish and Game has experienced and  
5 knowledgeable biologists familiar with Alaska wildlife; and

6 **WHEREAS** the Alaska Board of Game openly discusses game management at board  
7 meetings and makes decisions based on scientific data; and

8 **WHEREAS** Alaska is a sovereign government within the United States with its own  
9 Board of Game responsible for managing the wildlife asset to be utilized, developed, and  
10 maintained on the sustained yield principle, subject to preferences among beneficial uses,  
11 under art. VIII, sec. 4, Constitution of the State of Alaska; and

12 **WHEREAS** many areas in Alaska are accessible only by boat or aircraft; and

13 **WHEREAS** Alaska presents unique living and wildlife situations of which many  
14 people outside the state might not be aware; and

15 **WHEREAS** there is no shortage of predators in Alaska; and

16 **WHEREAS** predator imbalance will destroy other species that are important to the

1 ecosystem of Alaska; and

2 **WHEREAS** there is legislation before Congress to prevent aerial predator control;  
3 and

4 **WHEREAS** the use of aircraft is a necessary tool for managing the asset of game  
5 animals to provide for abundance for personal use in Alaska; and

6 **WHEREAS** much of Alaska's wildlife represents a natural food source for many  
7 Alaskans;

8 **BE IT RESOLVED** that the Alaska State Legislature urges all members of Congress  
9 to oppose H.R. 3663, the Protect America's Wildlife Act of 2007; and be it

10 **FURTHER RESOLVED** that management of fish and game in Alaska should be left  
11 to the experts in the state.

12 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President  
13 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States  
14 and President of the U.S. Senate; the Honorable Ted Stevens and the Honorable Lisa  
15 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of  
16 the Alaska delegation in Congress; and all other members of the 110th United States  
17 Congress.

# Alaska State Legislature

**Interim:**  
600 E. Railroad Ave  
Wasilla, AK 99654

Phone: (907) 376-3725  
Fax: (907) 376-4768



**Session:**  
Alaska State Capitol, Rm 108  
Juneau, AK 99801-1182

Phone: (907) 465-3743  
Fax: (907) 465-2381  
Toll Free: (800) 565-3743  
Rep\_Carl\_Gatto@legis.state.ak.us

**Representative Carl Gatto**  
Co-Chair, House Resources Committee  
District 13 - Palmer

Date: February 19, 2008  
To: Legislative Legal Services  
Re: HJR 31 CS Request

Based on motions adopted by the House Resources hearing on Feb. 13, 2008,  
please generate a CS of HJR 31 incorporating the following amendments:

-----  
Page 2, line 6:

Delete "**moose and caribou represent livestock to**"

Insert "**much of Alaska's wildlife represents  
a natural food source for**"

Page 2, line 11, after "sent":  
Insert "**electronically**"

Page 2, line 3:

Delete "**except for the protection of  
livestock**"  
-----

Thank you for your assistance.

Best Regards,

Rick VanderKolk  
X5025

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

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

## MEMORANDUM

February 19, 2008

**SUBJECT:** Sending joint resolution copies electronically  
(CSHJR 31(RES), Work Order No. 25-LS1385\E)

**TO:** Representative Carl Gatto  
Co-Chair of House Resources Committee  
Attn: Rick VanderKolk

**FROM:** Brian J. Kane *BJK*  
Legislative Counsel

I have made the changes to HJR 31 as you requested and developed a draft committee substitute. However there is one point I would like to call to your attention. I have not included the term "electronically" on p. 2, line 12, regarding how the copies shall be sent.

On February 12, 2008, there was a memorandum sent by Lieutenant Governor Sean Parnell to the President of the Senate and Speaker of the House of Representatives requesting that the legislature not order electronic transmission of joint resolutions.

Based on this memo from the Lieutenant Governor, I have not added "electronically" to how the copies are to be sent. If you would still like this instruction added, please let me know and I will do so.

If I may be of further assistance, please advise.

BJK:lmb  
08-040.lmb

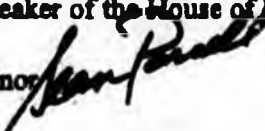
Enclosure



## Lieutenant Governor Sean Parnell

### MEMORANDUM

**TO:** The Honorable Lyda Green, President of the Senate  
The Honorable John Harris, Speaker of the House of Representatives

**FROM:** Sean Parnell, Lieutenant Governor 

**CC:** Tamara Cook, Director of Legislative Legal Services

**DATE:** February 12, 2008

**RE:** Mass Distribution of Joint Resolutions

---

I have discovered that the electronic transmission of joint resolutions does not efficiently communicate with Congressional officials. To prevent excessive email flooding, and to limit electronic communication to constituents only, U.S. Senators and Congressmen do not have publicly available email addresses. Instead, electronic access is provided through cumbersome web-based submission forms—sometimes available only to constituents. This takes significant time to complete, and in cases where electronic access is limited to constituents, is impossible. In addition, internal email addresses are not available to state officials for this purpose.

Instead, mass distribution to all members of the United States Senate and House of Representatives is more easily accomplished through correspondence with the Secretary of the Senate and the Clerk of the House of Representatives. These communications are entered into the *Congressional Record* and further distribution is completed by the Secretary and the Clerk. This is the traditional manner by which states communicate these types of resolutions with members of Congress.

For these reasons, I request that you not order the electronic transmission of joint resolutions. Please direct that "Copies of this resolution shall be sent to...and all other members of the 110<sup>th</sup> United States Congress." If you have questions, please contact Jason Hooley at 465-4082. Thank you for your consideration.

# STATE OF ALASKA

SARAH PALIN, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### OFFICE OF THE COMMISSIONER

P.O. BOX 115526  
JUNEAU, AK 99811-5526  
PHONE: (907) 465-4100  
FAX: (907) 465-2332

February 8, 2008

The Honorable Don Young  
House Natural Resources Committee  
2111 Rayburn House Office Building  
Washington, DC 20515

Dear Representative Young:

A bill before Congress would significantly change the way Alaska and other states manage their wildlife. Sensational posters and emotional advertisements are promoting the "Protect America's Wildlife" (PAW) Act. I believe this Act is misguided and dangerous. Let me share Alaska's view, and encourage you to think critically about this legislation.

The Alaska Department of Fish and Game's mission is to foster sustainable populations of all wildlife, including predators. Ours is the only state with a full complement of native large predators and big game animals. We recognize our good fortune. We take our stewardship responsibilities seriously.

Alaska manages fish and game on a sustained yield basis, i.e., there are always enough to maintain populations into the future. In the fifty years since statehood, Alaska has proven its ability to prudently manage huge and disparate populations of fish and wildlife.

But the "PAW" Act would make wildlife management decisions for Alaska from faraway Washington, DC. Its sponsors give insufficient consideration to the realities of life in the far north. We should no sooner place ideological restrictions on states' management of all wildlife than we would impose Missouri bass-fishing rules on the crab fishermen of the Bering Sea. Alaska is unique in the nation and demands uniquely Alaskan solutions to challenges and problems.

Wild fish and game is important food for Alaskans. In remote and roadless rural Alaska, people live in tiny villages scattered widely across miles of unfenced wilderness. Many have no sewer or water systems. Mail and groceries arrive by small airplane. Cash economies are not well-developed, and living in rural Alaska is expensive. Wild fish and game are an affordable alternative to store-bought food. It is organic, pesticide- and hormone-free, lean, wholesome, and available locally. Americans in the Lower 48 are discovering the benefits of eating locally produced food. Alaskans have been eating locally for centuries.

The Alaska State Legislature's "intensive management law" recognizes this. The law directs the Alaska Board of Game (Board) – the body that sets wildlife regulations – to identify areas where human consumption of wild game is a priority. The Board sets population and harvest goals for moose, caribou, and deer. If those goals are not met, the Board must consider direct action, such as improving habitat and reducing predation. If habitat is adequate but predators are holding prey

populations down, reducing predation can allow those prey populations to increase and/or enable humans to harvest and eat animals which otherwise would have gone to predators.

Control programs are not designed to eliminate predator populations. No population of predators will ever disappear entirely, given modern management and the permanent habitat protection on more than half of Alaska's land.

Predator control is not hunting. Fair chase is not involved; programs employ methods not available to hunters. If wildlife is destroying a farmer's crops, he doesn't pause to consider fair chase, he addresses the depredation as effectively as he can. Aerial shooting of wolves is a specific management action to reduce predation, carried out only by specially permitted teams of Alaska pilots and gunners in precisely defined areas for limited periods. When scientifically determined reduction goals are reached, control actions stop. Wolves are not killed from the air by non-resident "trophy hunters."

The "PAW" Act includes a provision for state managers to implement predator control in a "biological emergency," but that approach is flawed in the same way as several Alaska ballot initiatives. Managers shouldn't have to approach the brink of an "irreversible decline" in prey numbers before taking action. That's simply irresponsible. If a decline is irreversible, no action will help anyway.

Please review the enclosed materials, or examine our on-line information at <http://www.wildlife.alaska.gov/index.cfm?adfg=control.main>

Don't hesitate to contact me or John Katz in Alaska's DC office at (202) 624-5858 if you have any questions.

Sincerely,



Denby S. Lloyd  
Commissioner

**SARAH PALIN**  
GOVERNOR

GOVERNOR@GOV.STATE.AK.US



**STATE OF ALASKA**  
OFFICE OF THE GOVERNOR  
JUNEAU

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

September 27, 2007

The Honorable George Miller  
United States Congressman  
2205 Rayburn House Office Building  
Washington, DC 20515-0507

Dear Congressman Miller:

On behalf of the state of Alaska, I am writing to express my displeasure with your introduction of a bill that proposes to end what you refer to as "airborne hunting" of wolves and bears in Alaska. You have misconstrued the reality of life in Alaska and the importance of wild game as food to the people of this state. You displayed a shocking lack of understanding of wildlife management in the North and the true structure and function of Alaska's predator control programs. You have threatened the very foundations of federalism and the states' abilities to manage their own affairs as they see fit.

I am dismayed that you did not attempt to contact the state your bill affects most directly before announcing your legislation. At the very least, we could have helped you correct the many inaccuracies and misstatements of fact in both the written and the oral portions of your media presentation yesterday

For example, Alaska's wildlife management programs are conducted entirely within the tenets of the Airborne Hunting Act, as the annual reports we file with the U.S. Department of the Interior clearly demonstrate. Predator control is not hunting; it is a carefully prescribed directed management action. Airborne hunting is illegal. Our science-driven and abundance-based predator management program enlists volunteers permitted to use aircraft to kill some predators in specified areas of the state where we are trying to increase opportunities for Alaskans to put healthy food on their families' dinner tables.

I am especially concerned your draft bill threatens the constitutionally guaranteed sovereignty not just of the state of Alaska, but all states. Under our system of federalism, fish and game management is generally conducted by the states, not the

The Honorable George Miller  
September 27, 2007  
Page 2

federal government. Courts have repeatedly recognized wildlife management as one of the aspects of traditional state sovereignty reserved to the states under the Tenth Amendment to the United States Constitution.

Federal powers to regulate wildlife are limited and seldom result in broad, area-wide effective management strategies, but Alaska's fish and game management programs have been widely recognized for their excellence and effectiveness. Alaska, alone among the states, has managed its wildlife so that we still maintain abundant populations of all of our indigenous predators almost fifty years after statehood. Your proposal to limit this effective management program to addressing only biological emergencies caused by irreversible declines of important moose or caribou herds is an unworkable and unwarranted interference with time-honored principles of federalism and with effective state programs. If a decline is irreversible, it is by definition unresolvable by deploying management tools. That may be acceptable to you, but I cannot allow wildlife management challenges to deteriorate to unsolvable levels.

Alaska's predator control program is mandated by the Alaska State Legislature, regulated by the independent Alaska Board of Game, and implemented by the world-renowned scientists at our Alaska Department of Fish and Game. Our state constitution requires wildlife to be managed on the sustained yield principle, subject to preferences among beneficial uses. When game population or harvest goals are not met, Alaska's intensive management law mandates action, including habitat improvement and/or predator control.

Our state biologists use radio tracking, visual surveys, and numerous other scientifically proven methods to assess the health of wildlife populations. Often, predators keep prey populations lower than the area habitat could support. In most states, wildlife populations are limited primarily by habitat; in many parts of Alaska, however, moose and caribou are prevented from reaching abundant levels by heavy predation. Wolves and bears are powerful and effective predators; these predators kill far more moose and caribou than do humans hunting for food.

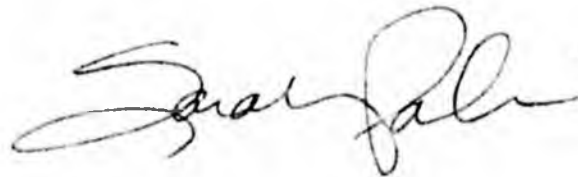
Our science-based program is designed to reduce the effect of predators in given areas with the intent to allow a higher harvest of moose and caribou by humans for food. By thinning the numbers of predators in selected areas, we are enabling more Alaskans to hunt moose and caribou and put food in their freezers. Each program is specifically designed, carefully considered, and closely monitored. We do not undertake predator control lightly.

The Honorable George Miller  
September 27, 2007  
Page 3

Predator control is not hunting. Fair chase ethics do not apply. The notion that it is "unsportsmanlike" is simply not applicable. To participate, Alaskans must qualify for permits to shoot on the same day they fly, and, in some cases to shoot from aircraft. A successful program reduces predation and/or allows prey numbers to increase, enables people to take more moose and caribou, and allows healthy populations of predators to thrive. We have healthy populations of wolves and bears all around the state, and we intend to keep it that way - always. We would not conduct predator control if there were even the slightest concern predator populations were in jeopardy.

With all due respect, Congressman Miller, you failed to do your homework. I urge you to learn more about the realities of Alaska's predator control program, and not to swallow the rhetoric of special interest advocacy groups trying to raise money for their inaccurate campaigns. In addition, I invite you to come to Alaska and see for yourself how we manage our wildlife, and meet some of the many hard-working Alaskans who rely on our predator management programs to give them access to the food they need.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Palin". The signature is fluid and cursive, with a prominent loop at the end.

Sarah Palin  
Governor

cc: The Honorable Ted Stevens, United States Senator  
The Honorable Lisa Murkowski, United States Senator  
The Honorable Don Young, United States Congressman



## Gov. Responds to the Wildlife Act

07-197 Governor Responds to the Protect America's Wildlife Act

September 26, 2007, Anchorage, Alaska - Governor Sarah Palin today criticized Congressman George Miller's (D-CA) legislation to eliminate an important element of wildlife management by the State of Alaska.

"Moose and caribou are important food for Alaskans, and Congressman Miller's bill threatens that food supply," said Governor Palin. "Congressman Miller doesn't understand rural Alaska, doesn't comprehend wildlife management in the North, and doesn't appreciate the Tenth Amendment to the U.S. Constitution that gives states the right to manage their own affairs."

Miller's bill would ban the shooting of wolves from aircraft, a component of moose and caribou management plans in five specific areas of Alaska. Predation can keep populations of large game animals at persistently low levels, limiting or eliminating opportunities for Alaskans to secure wild game for food.

Governor Palin is in agreement with Alaska Congressman Don Young, who announced yesterday his opposition to Miller's bill, emphasizing that it is an affront to the sovereignty of American states guaranteed by the U.S. Constitution.

"This bill would be an unprecedented federal incursion into traditional State management of fish and resident wildlife," said Palin. "If the federal government can do this to Alaska today, it can do it to any other state tomorrow. The other states, particularly the western public land states, should join us in expressing their indignation."

Contrary to what Representative Miller said in Washington yesterday, there is no "aerial hunting" of wolves in Alaska, the Governor said. "Our science-driven and abundance-based predator management program involves volunteers who are permitted to use aircraft to kill some predators in specified areas of the state where we are trying to increase opportunities for Alaskans to put healthy food on their families' dinner tables. It is not hunting and we have never claimed that it is."

Governor Palin said she will contact several other members of Congress to encourage them not to support Congressman Miller's effort.

"It appears to me that the Congressman has been inadvertently drawn into service as a fundraiser for national animal rights organizations that commonly spread inaccurate information about Alaska's game management programs, and with which we are in court on these issues right now," said Palin.

Wildlife management policy in Alaska is set by the Alaska Board of Game, a public body appointed by the Governor and confirmed by the Alaska State Legislature. The Board deliberates by weighing evidence at public meetings. Testimony comes from Alaska Department of Fish and Game scientists, non-governmental organizations, and private citizens. Governor Palin stressed today that wolf and bear populations are extremely healthy this state, and that predator control is intended to create more

opportunities for humans to harvest moose and caribou for food, while maintaining healthy populations of predators.

“Our goal is to always have healthy populations of all wildlife, including wolves,” Palin said. “Alaska is the only state that still harbors a full complement of both large ungulates and large predators.”

###

Printed on 2/13/08 at 11:20:43 AM by 146.63.202.66

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**From:** Tom  
**Sent:** Wednesday, February 13, 2008 10:34 AM  
**To:** Rep. Wes Keller  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* HB 348

Representative Wes Keller, Myself and my family are behind you in your efforts. We are all outdoorsmen and Women and have started seeing the results of the Predator control program in unit 13. We have seen more Caribou and Moose calfs and although we have not been succesfull in our big game hunts the last two years in unit 13 we are seeing more animals, and know it is just a matter of time untill we see more Leagle animals. Now if we could use our aircraft for caribou hunting in unit 13 we would have a fair chance to harvest an animal just as the atv's and boaters do. I am not shure how it came to pass that how I chose to spend my hard earned money on an aircraft instead of a boat or fleet of atv's, that it would elimanate us from participating in this hunt. My family has hunted this area with aircraft since 1965.

Thank you for your time.

Good luck!  
Randy Apling  
Sharon Apling  
Tyler Apling  
Trisha Apling  
Floyd Apling  
Ardith Apling

Anchorage, AK 99501  
90

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**From:** patti barber [mailto:patti.barber@alaska.gov]  
**Sent:** Wednesday, February 13, 2008 9:53 AM  
**To:** Rep. Wes Keller  
**Subject:** HJR 31 and HB348

I support these bills as written. This will enhance the value of the wild food source.

Kenny Barber

Palmer, AK 99645

---

**From:** O'Connor

**Sent:** Wednesday, February 13, 2008 9:56 AM

**To:** Rep. Wes Keller

Dear Representative Keller,  
I support HB 348.

Patrick O'Connor

74. 1-1  
Palmer, AK 99645

---

**From:** Dane Crowley  
**Sent:** Wednesday, February 13, 2008 9:42 AM  
**To:** Rep. Wes Keller  
**Subject:** HB 348 and HJR 31

Dear Representative Wes Keller,

Thank you first for your service to the State of Alaska and for bringing the HB 348 and HJR 31 to the attention of our government body. Both of these speak to issues plaguing Alaska and must be addressed.

I whole-heartedly support HB 348 and would like to offer the following comments;

- 1) It puts Alaska Dept. of Fish and Game back into the correct role of managing Alaska's fish and game resources for ABUNDANCE and not managing people through archaic seasons, bag limits and poorly designed experiments like the proposed "any ram" hunt in 14A and 13D.
- 2) It gives Alaskans preferential use of game resources. I would like to again bring up the proposal #158 to take 13D and 14 A and eliminate an open sheep hunt for Alaskans, turn it into a draw and reduce opportunity for Alaskans by 2/3 AND allocate 10% permits for non-residents. If there are not enough sheep to have an open hunt there can be no opportunity for non-residents. I say ADF&G must manage for more sheep not limit opportunity, this bill sets it straight.
- 3) Puts into code (Pullen v Ulmer) that game is an asset much like it defined fish.
- 4) This is backed by independent tourist industry business people, backed by hunter groups, subsistence hunters, guides and native organizations because it manages for abundance and reduces in-fighting amongst Alaskans.
- 5) Allows Alaska to manage game without meddling from outside special interest with single-minded objectives not compatible with the Alaskan way of life or constitution.
- 6) Last but not least this does not change any law, law on initiatives, it simply clears the air and helps everyone see the job at hand and give them a base to work off of to do that job.

HJR 31 put another tool in our wildlife manager's tool box and we must be willing to try. If we can take nothing else from the aerial wolf control of Alaska's pre-statehood days, it's that 30 years of intense wolf eradication efforts failed to kill all of or even place Alaska's wolves into a threatened or endangered category. We simply need to put things back into balance. Like it or not People are part of the ecosystem and we are obligated to manage, let manage for healthy moose, caribou, sheep AND bear and wolves.

Thank you for your efforts and I would be more than willing to speak or lend my voice anytime. Keep up the good fight.

Dane Crowley  
Life Member FNAWS and current board member  
Life member SFW/SFH and current board member SFH.  
Palmer Alaska

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**From:** jason kottsick [mailto:robared45@hotmail.com]  
**Sent:** Wednesday, February 13, 2008 8:51 AM  
**To:** Rep. Wes Keller  
**Subject:** I support you!!!!

Mr. Keller,

I just received an email from Scott [redacted] of the SFW. As a member of SFW, and new Alaska resident, I support what you are standing for. We NEED to have more scientific data to prove that killing predators will in-turn produce more big game and possibly more predators in the future. We must keep aerial predator hunting as a tool to control predators. This is the most humane and effective method that we have. Most importantly though, we need to educate all the people opposed to managing OUR wildlife. They need to understand that what they hear or see on some stupid commercial or from some radical is not always true. People need to learn to rely on sound data that has been produced by our biologists, not rely on what some novel gives them.

I understand that what we are fighting for is very difficult when the folks we are dealing with have a lot of support and money to fight against us. Most of those that oppose this aren't even from Alaska and don't understand subsistence and wildlife management. I respect what you are doing.

Thank you,  
Jason Kottsick

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Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)

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**From:** Steve Colligan  
**Sent:** Tuesday, February 12, 2008 10:29 PM  
**To:** Rep. Wes Keller  
**Subject:** HB 348 Board of Game Regulations and HJR 31 Oppose Federal Law Re; Aerial Hunting

Dear Representative Keller:

I just wanted to take this opportunity to express my support for HB348 and HJR 31. I fully believe that Alaskans should manage their own resources and follow the process and procedures that are on the books already, that support abundance management. HB348 clarifies the existing relationship between the Department, Board of Game and the Legislature. This will save untold amount of department resources from frivolous challenges from outside interest. I believe that the people nearest the resources have the clearest insight and historical knowledge of game resources in their own back yard. There is an existing process that allows open access between all parties involved, unfortunately outsiders have manipulated this process at the expense of the same people they are claiming to help.

Thank you for this bill to clarify what to many already exists.

HJR 31:

I am in full support of a statement of opposition to Miller of California who is touring his hand brushed show wolf. He is purposely misleading the general public with his Hollywood pet .vs the what really exist in the wild. I am offended that we as Alaskans are his fundraising poster child.

Thank you for bringing these forward for sportsman and subsistence alike.

-Steve Colligan, Wasilla, AK

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**From:** Rep. Wes Keller  
**Sent:** Wednesday, February 13, 2008 8:37 AM  
**To:** Jim Pound  
**Subject:** FW: HB 348-HJR 31

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**From:** Dickey, Martin L [mailto:Martin.Dickey@alaska.gov]  
**Sent:** Wednesday, February 13, 2008 8:33 AM  
**To:** Rep. Wes Keller  
**Subject:** HB 348-HJR 31

Good morning Wes Martin Dickey here I am a life long Alaskan of 51+ yrs and have enjoyed many years as an active fisherman and hunter the Bill HB 348 is a good start as to getting this state my home back on track and managing our own resources **all resources**. Which brings us to the next topic **Bill HJR 31**. This bill is also very important in the management of our resources as wolves/predators are very necessary in nature aerial wolf hunting or fly and shoot same day for predator control based on **all the available data** is a very valuable tool at our disposal and should not be given away this State my State where I choose to live year round and have raised four children who ail live and work here also 4 grandchildren who love the outdoors camping, hunting and fishing so lets choose to manage our resources to the best of our ability so there is always enough for all to enjoy.

Sincerely:  
Martin Dickey  
Beverly  
Wasilla AK. 99654

2/13/2008

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**From:** Corey Rossi  
**Sent:** Tuesday, February 12, 2008 10:13 PM  
**To:** Rep. Ves Keller  
**Subject:** HB 348 and HJR 31

Dear Representative Keller

I am firmly in favor of HB 348 Board of Game Regulations and HJR 31 Oppose Federal Law Re; Aerial Hunting.

Please keep these important bills moving forward for the good of our beloved game resources.

Thank you!

Corey Rossi

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**From:** Andrew Zajac .  
**Sent:** Tuesday, February 12, 2008 9:50 PM  
**To:** Rep. Wes Keller  
**Subject:** HB 348 & HJR 31

Dear Representative Keller,

It has just come to my attention that there will be hearings on HB 348 Board of Game . . . . and HJR 31 Oppose Federal Law . . . . tomorrow. Please be assured that you have my support. I urge you to protect our fish and game from the encroachment of outside interests who wish to dictate how we Alaskans regulate our wildlife. I have hunted in Alaska since 1970 and have seen the decline in our game populations. Bears and wolves are nice to have around, but as predators, they need to be drastically reduced. The needs of humans come first!!

Thank you for you efforts.

Sincerely,  
Andy Zajac