

http://www.akleg.gov/basis/get_single_minute.asp?house=H&session=30&comm=RES&date=20170127&time=1315

ALASKA STATE LEGISLATURE
HOUSE RESOURCES STANDING COMMITTEE
January 27, 2017
1:15 p.m.

MEMBERS PRESENT

Representative Andy Josephson, Co-Chair
Representative Geran Tarr, Co-Chair
Representative Dean Westlake, Vice Chair
Representative Harriet Drummond
Representative Justin Parish
Representative Chris Birch
Representative DeLena Johnson
Representative George Rauscher
Representative David Talerico

MEMBERS ABSENT

Representative Chris Tuck (alternate)

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 6

Expressing the Alaska State Legislature's support and appreciation for legislation introduced by the state's congressional delegation that would allow for the construction of a single-lane gravel road through the Izembek National Wildlife Refuge, connecting the community of King Cove with the Cold Bay Airport; and urging the United States Congress to pass the legislation.

- MOVED CSHJR 6(RES) OUT OF COMMITTEE

HOUSE BILL NO. 6

"An Act establishing the Jonesville Public Use Area."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 5

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas development; urging the United States Department of the Interior to recognize the private property rights of owners of land in and adjacent to the Arctic National Wildlife Refuge; relating to oil and gas exploration, development, production, and royalties; and relating to renewable and alternative energy technologies.

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 4

Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas development; urging the United States Department of the Interior to recognize the private property rights of owners of land in and adjacent to the Arctic National Wildlife Refuge; relating to oil and gas exploration, development, production, and royalties; and relating to renewable and alternative energy technologies.

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HJR 6

SHORT TITLE: SUPPORT ROAD: KING COVE & COLD BAY

SPONSOR(s): REPRESENTATIVE(s) EDGMON

01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) RES
01/27/17 (H) RES AT 1:00 PM BARNES 124

BILL: HB 6

SHORT TITLE: JONESVILLE PUBLIC USE AREA

SPONSOR(s): REPRESENTATIVE(s) RAUSCHER

01/18/17 (H) PREFILE RELEASED 1/9/17
01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) RES, FIN
01/27/17 (H) RES AT 1:00 PM BARNES 124

BILL: HJR 5

SHORT TITLE: ENDORSING ANWR LEASING; RELATED ISSUES

SPONSOR(s): REPRESENTATIVE(s) WESTLAKE

01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) RES
01/20/17 (H) AET REFERRAL ADDED BEFORE RES
01/20/17 (H) BILL REPRINTED 1/20/17
01/24/17 (H) AET AT 11:30 AM BARNES 124
01/24/17 (H) Heard & Held
01/24/17 (H) MINUTE (AET)
01/26/17 (H) AET AT 11:30 AM BARNES 124
01/26/17 (H) Moved CSHJR 5(AET) Out of Committee
01/26/17 (H) MINUTE (AET)
01/27/17 (H) RES AT 1:00 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE BRYCE EDGMON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, introduced HJR 6.

TIM CLARK, Staff
Representative Bryce Edgmon
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: On behalf of Representative Edgmon,
sponsor, answered questions during the hearing of HJR 6.

STANLEY MACK, Mayor
Aleutians East Borough
Anchorage Office
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HJR 6.

LOIS EPSTEIN, Spokesperson
The Wilderness Society
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 6.

DARRELL BREESE, Staff
Representative George Rauscher
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: On behalf of Representative Rauscher,
sponsor, provided a sectional analysis of HB 6.

ED FOGELS, Deputy Commissioner
Office of the Commissioner
Department of Natural Resources
Anchorage, Alaska
POSITION STATEMENT: Provided testimony during the hearing of HB
6.

JESSE LOGAN, Staff
Representative Dean Westlake
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: On behalf of Representative Westlake,
sponsor, provided information on changes to HJR 5 brought by the
House Special Committee on Arctic Policy, Economic Development,
and Tourism (AET) committee substitute.

LIN DAVIS
Juneau, Alaska
POSITION STATEMENT: Testified in opposition to HJR 4 during the
hearing of CSHJR 5(AET).

KARLA BROLLIER, Environmental Justice Director
Alaska Wilderness League
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the
hearing of CSHJR 5.

HALEY JOHNSTON, Wilderness Guide and Operations Manager
Alaska Alpine Adventures

Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

ANDY MODEROW, State Director
Alaska Wilderness League
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

SUZANNE BOSTROM, Staff Attorney
Trustees for Alaska
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

YOSUHIRO OZURU
Anchorage, Alaska
POSITION STATEMENT: Testified during the hearing of CSHJR 5(AET).

LOIS EPSTEIN, Arctic Program Director
The Wilderness Society
Anchorage, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

STANLEY EDWIN
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 4 and HJR 5 during the hearing of CSHJR 5(AET).

EMMA FUNK
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 4 and 5 during the hearing of CSHJR 5(AET).

LACHLAN GILLISPIE
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

FRAN MAUER
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

BERNADETTE DEMIENTIEFF, Executive Director
Gwich'in Steering Committee
Fairbanks, Alaska
POSITION STATEMENT: Testified in opposition to HJR 5 during the hearing of CSHJR 5(AET).

ACTION NARRATIVE

1:15:26 PM

CO-CHAIR ANDY JOSEPHSON called the House Resources Standing Committee meeting to order at 1:15 p.m. Representatives Josephson, Rauscher, Drummond, Johnson, Westlake, Birch, Parish, Talerico, and Tarr were present at the call to order.

1:15:54 PM

CO-CHAIR JOSEPHSON discussed upcoming meetings.

HJR 6-SUPPORT ROAD: KING COVE & COLD BAY

1:17:43 PM

CO-CHAIR JOSEPHSON announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 6, Expressing the Alaska State Legislature's support and appreciation for legislation introduced by the state's congressional delegation that would allow for the construction of a single-lane gravel road through the Izembek National Wildlife Refuge, connecting the community of King Cove with the Cold Bay Airport; and urging the United States Congress to pass the legislation.

1:19:08 PM

REPRESENTATIVE BRYCE EDGMON, Alaska State Legislature, speaking as the sponsor, introduced HJR 6. Representative Edgmon informed the committee that the issue addressed by HJR 6 is not unfamiliar to most; in fact, connecting King Cove and Cold Bay through the Izembek National Wildlife Refuge ("refuge") has been discussed for 30 years, and [inaction] has exacted a human toll from residents of King Cove in need of medical attention who need to reach the airport in Cold Bay. The Cold Bay Airport was built by the military and consists of one of the bigger and more accessible runways and a generous cross [landing strip]. In 2010, a solution was in place under the federal Omnibus Public Land Management Act of 2009 ("lands Act of 2009") [passed in the 111th U.S. Congress], and supported by the Alaska State Legislature which in 2010, unanimously passed enabling legislation related to a land exchange that would create a corridor through the refuge and allow the construction of a road. To the disappointment of residents of King Cove and many others, in 2015, it was found that completion of the road was not in the public's interest. Representative Edgmon expressed his support of responsible resource development and his respect for those who are concerned with the sensitivity of the affected lagoon and habitat. However, he opined the footprint of a single lane gravel road is highly prescriptive and very doable, so he introduced the resolution in support of proposed congressional legislation to successfully progress the issue. Representative Edgmon asked for the committee's support.

1:23:34 PM

REPRESENTATIVE TALERICO stated his belief that the foregoing is a life and safety issue for residents of the state.

REPRESENTATIVE EDGMON agreed and directed attention to supporting materials from the National Transportation Safety Board found in the committee packet. He described his personal experience flying into King Cove during perilous conditions that are present "about a third of the year."

REPRESENTATIVE DRUMMOND asked whether the legislation proposed by the Alaska congressional delegation includes a land exchange.

REPRESENTATIVE EDGMON explained that legislation passed by the Alaska State Legislature in 2010 anticipated an exchange of 206 acres for "a package" of about 43,000 acres of state and village corporation inholdings. He was unaware of the parameters of the legislation proposed by U.S Senator Lisa Murkowski or U.S. Congressman Don Young.

1:26:13 PM

TIM CLARK, staff, Representative Bryce Edgmon, Alaska State Legislature, said the legislation introduced in Congress alludes to the exchange of federal and non-federal land as contained in the lands Act of 2009. He expressed his understanding that the same two parcels of state land of approximately 43,000 acres will be exchanged for a 206-acre road corridor through about 12 miles of the refuge.

REPRESENTATIVE DRUMMOND surmised that the authority [for the exchange] is already in place by the lands Act of 2009.

MR. CLARK responded that although the lands Act of 2009 exists, the authority granted for the land exchange and the construction of the road has expired; the current proposed federal legislation utilizes the details from the 2009 agreement on the land exchange and the parameters of the road.

REPRESENTATIVE EDGMON added that the road is about 30 miles long, of which 18 miles are in place; HJR 6 targets the remaining route that goes through the "more sensitive habitat area" of the refuge.

REPRESENTATIVE BIRCH suggested there may be an advantage to revisiting the proportions of the land exchange, and said, "It's certainly not an acre for an acre ... it's an acre for a whole lot of acres."

MR. CLARK first qualified his response to Representative Drummond by adding that the new exchange proposed in Congress "probably will be less, in balance, so to speak, than the previous exchange."

REPRESENTATIVE BIRCH surmised the land exchange is "headed towards the value for value"

CO-CHAIR TARR questioned whether the community's perspective is that the road will not impact economic activity in the area.

REPRESENTATIVE EDGMON agreed and added that although the community of Cold Bay has had mixed feelings about the road, Cold Bay and King Cove residents now strongly support the road because of enhanced access that would contribute to economic activity.

1:32:18 PM

[The committee treated the hearing of HJR 6 as open for public testimony.]

1:32:46 PM

STANLEY MACK, mayor, Aleutians East Borough, Anchorage Office, informed the committee he is an Aleut born in King Cove, which is a community of mostly indigenous Aleut people whose ancestors have lived there for thousands of years. Representative Edgmon and others have been involved in this matter for over a decade and Mayor Mack urged for the passage of HJR 6. He spoke of 30 years of efforts to obtain authorization from the federal government to construct the road, and the hard work of the Alaska congressional delegation. Mayor Mack commended Senator Lisa Murkowski for her support that will continue until King Cove has transportation to the Cold Bay Airport for emergency medical purposes and access to the outside world. Finally, the approval of federal legislation is near to address the difficult weather and geographical issues that impact residents' daily lives, and sometimes prevent access to the Cold Bay Airport. Regularly, high winds prevent safe and dependable air access, and King Cove lives have been lost or compromised. The land exchange will lead to the construction of a one-lane gravel road and improve the quality of life. Mayor Mack expressed his appreciation for the work of the current legislature - and that of Governor Walker's administration - to resolve the transportation access problem.

CO-CHAIR TARR asked about the financing of the road, and whether the hovercraft [provided by a Congressional appropriation and operational from 2007 to 2010] will be utilized.

MAYOR MACK said financing works through the state. The Aleutians East Borough had the operation of the hovercraft, which proved unreliable and unaffordable. He continued, "We have taken that one out, completely out of the picture, and hopefully we could sell it and, and recapture the money for some, [and] we [can] help finance the access project."

1:38:42 PM

LOIS EPSTEIN, spokesperson, The Wilderness Society, informed the committee she is a licensed Alaska engineer and former director of the non-profit Alaska Transportation Priorities Project. Currently, she represents The Wilderness Society which has testified before Congress on this issue. The Wilderness Society opposes HJR 6 for numerous reasons, including the importance of the Izembek Wildlife Refuge, the precedent regarding national wildlife refuges, the adverse impact to subsistence, and the high cost to the state for capital, operating, and maintenance costs. The Wilderness Society will provide the committee further detailed information, and she urged the committee not to support HJR 6.

CO-CHAIR JOSEPHSON asked whether congressional legislation is needed, or if the next U.S. Secretary of the Interior could authorize [the land exchange and road corridor].

MS. EPSTEIN understood an analytical process would need to be redone by the U.S. Department of the Interior. In further response to Co-Chair Josephson, she said she did not know whether further legislation was required.

REPRESENTATIVE BIRCH inquired as to what evidence on which The Wilderness Society based its testimony that the bill would contradict or complicate the subsistence values of the community.

MS. EPSTEIN responded that the Association of Village Council Presidents opposes the "Izembek road ... through the refuge" and she urged the committee to consult with members of that organization regarding impacts to subsistence.

CO-CHAIR JOSEPHSON questioned whether the committee substitute (CS) for HJR 6 makes substantial changes to the original bill.

MR. CLARK responded that the CS and explanation of changes was previously provided to the co-chairs' staff. In further response to Co-Chair Josephson, he said the CS corrects a drafting error of bill numbers referring to legislation introduced by Senator Lisa Murkowski and Congressman Young as follows:

Page 3, line 2, S. 3204 and H.R. 5777 were deleted and replaced with S. 101 and H.R. 218;

Page 3, line 6, S. 3240 was deleted and replaced with S. 101;

Page 3, line 7, H.R. 5777 was deleted and replaced with H.R. 218

1:44:29 PM

CO-CHAIR TARR moved to adopt the CS for HJR 6, Version 30-LS0329\D, Bullard, 1/18/17, as the working document.

1:44:44 PM

CO-CHAIR JOSEPHSON objected for discussion purposes.

REPRESENTATIVE BIRCH expressed his support for the bill.

1:45:28 PM

CO-CHAIR JOSEPHSON removed his objection. There being no further objection, Version D was before the committee.

[The committee treated public testimony on HJR 6 as closed.]

1:45:36 PM

CO-CHAIR TARR moved to report [the CS for HJR 6, Version 30-LS0329\D, Bullard, 1/18/17], out of committee with individual recommendations [and a zero fiscal note]. There being no objection, CSHJR 6(RES) was reported out of the House Resources Standing Committee.

[Later in the meeting, Co-Chair Tarr clarified that her motion was to move CS for HJR 6.]

CO-CHAIR JOSEPHSON stated there were no fiscal notes attached to the bill.

[Later in the meeting, Co-Chair Josephson clarified that there was a zero fiscal note attached to Version D of the bill.]

1:45:56 PM

The committee took an at-ease from 1:45 p.m. to 1:55 p.m.

HB 6-JONESVILLE PUBLIC USE AREA

1:56:51 PM

CO-CHAIR JOSEPHSON announced that the next order of business would be HOUSE BILL NO. 6, "An Act establishing the Jonesville Public Use Area."

1:57:15 PM

REPRESENTATIVE RAUSCHER, speaking as the sponsor, informed the committee HB 6 was written to address problems that have existed since 2009 or longer. The area of the Jonesville coal mines has been progressively deteriorating; the [Surface Mining Control and Reclamation Act of 1977] provided federal funds for mines that did not have accounts or bonds for reclamation, such as mines in operation in the 1930s and earlier. After the

Jonesville coal mines closed in the 1970s, millions of dollars in reclamation funds have been used for roads, recreational vehicle parking, and to suppress coal fires. However, after roads and parking were provided, the area grew in popularity. Public use also grew due to the establishment of the Knik River Public Use Area, because some of its former users moved to Sutton for activities. He opined a management plan for the Jonesville area was not anticipated, thus many activities ensued that the state is unable to curtail. Representative Rauscher stated that as more people come to recreate, management of the area is needed so that activities can coexist safely to prevent shooting across an unmarked trail where four-wheelers are riding, or shooting near homes. Without signage, people are unaware of private property and because that is not a healthy situation for homeowners, local residents contacted local and state representatives for guidance. Government representatives advised that property owners should organize, gather information, and canvas the communities and user groups. He referred to documents provided in the committee packet. The Sutton Community Council formed a committee that contacted all of the users to ensure that all of the user groups recognized the problem. The Department of Natural Resources and the Alaska State Troopers also provided guidance, and it was decided to model a solution after the Knik River Public Use Area. No government money was spent except for that of the local communities, and a document was produced that described how to achieve a management plan for the land, including the enabling legislative agreement to create a public use area. In the meantime, a person was shot, and many other accidents have happened in the area. Representative Rauscher advised that the community seeks to write a management plan which would be revised and/or adopted by the commissioner of the Department of Natural Resources, without cost to the state.

2:06:29 PM

DARRELL BREESE, staff, Representative George Rauscher, Alaska State Legislature, said Section 1 of the bill states the purpose of creating the Jonesville Public Use Area and its goals:

- year round public recreation for an area popular for camping, hiking, skiing, and riding snow machines
- protect wildlife such as waterfowl, fish, and game
- provide full spectrum of public uses for motorized and non-motorized recreation, ATVs, snow machines, mountain bikes, horses, sled dogs
- allow continued access for mining and to private property

MR. BREESE explained that Section 2 deals with management and after adopting the public use area the process of developing a management plan begins with public hearings. After the community process of drafting the plan, the commissioner [of DNR], in consultation with the Alaska Department of Fish & Game, will adopt the plan. On page 2, line 29, the bill allows

the commissioner to define and restrict incompatible uses to certain areas. On page 3, line 6, the bill defines what the commissioner cannot restrict, including lawful hunting, fishing, trapping, the use of weapons and firearms, and other recreational opportunities. Mr. Breese paraphrased from HB 6 on page 3, beginning on line 17, as follows:

(B) include all-terrain vehicles, aircraft, watercraft, snowmachining, horseback riding, hiking, bicycling, dog sledding, cross-country skiing, skijoring, camping, hunting, fishing, trapping, wildlife viewing, photography, and, where permitted, rifle and pistol ranges, parking of vehicles, and mineral exploration and mining; and

MR. BREESE said the intent is to provide access that all Alaskans can enjoy. On page 4, beginning at line 8, is a legal description of the boundary area which is to be corrected by a forthcoming amendment. On page 5, beginning at line 17, the bill describes enforcement authority to that of Alaska State Troopers. On page 5, beginning at line 21 and continuing to page 6, line 2, other authority is held as follows:

(1) an employee of the department or another person authorized by the commissioner; (2) a peace officer, as that term is defined in AS 01.10.060. (b) A person designated in (a) of this section may, when enforcing the provisions of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 - 41.23.289, (1) execute a warrant or other process issued by an officer or court of competent jurisdiction; (2) administer or take an oath, affirmation, or affidavit; and (3) issue a citation or arrest a person who violates a provision of AS 41.23.280 - 41.23.289 or a regulation adopted under AS 41.23.280 - 41.23.289. (c) A citation issued under (b) of this section must comply with the provisions of AS 12.25.175 - 12.25.230

MR. BREESE said the final section describes penalties that may be imposed.

CO-CHAIR JOSEPHSON deferred a question related to the penalty portion to the next hearing of the bill.

2:12:41 PM

ED FOGELS, Deputy Commissioner, Office of the Commissioner, Department of Natural Resources, agreed that the situation in the Jonesville area has been accurately described by the bill's sponsor. The department has special areas of which it has enforcement authority and active management, but it does not have the resources to exercise active management of the majority of state land. Situations develop, such as that of the Knik River Public Use Area, where there were significant issues, and

after a similar bill was passed, the problem was "essentially solved." He advised DNR does not have objections to the bill, but he pointed out that the Knik River Public Use Area bill was successful because it attached a fiscal note granting DNR resources to actively management the area; however, HB 6 lacks fiscal resources. The department will be involved in the creation of the management plan that may be adopted by the commissioner if it meets all of the state's interests. Although DNR does not have staffing for active management and enforcement, he said the department is very interested in solving issues in this area.

2:15:25 PM

CO-CHAIR JOSEPHSON announced HB 6 was held over.

HJR 5-ENDORSING ANWR LEASING; RELATED ISSUES

[Contains discussion of HJR 4]

2:16:03 PM

CO-CHAIR JOSEPHSON announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 5, Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas development; urging the United States Department of the Interior to recognize the private property rights of owners of land in and adjacent to the Arctic National Wildlife Refuge; relating to oil and gas exploration, development, production, and royalties; and relating to renewable and alternative energy technologies.

2:16:24 PM

CO-CHAIR TARR moved to adopt the committee substitute (CS) for HJR [5] (AET), Version 30-LS0314\J.

2:16:53 PM

REPRESENTATIVE WESTLAKE, sponsor, informed the committee [CSHJR 5(AET)] is a resolution urging Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge (ANWR) to oil and gas development. Although subsistence activities are the first priority in this region, jobs are also important, and opening ANWR would be beneficial for Alaska and all of the U.S. Alaska would receive 90 percent of the revenue from bonus payments and royalties from ANWR in the future and - at this time - development will create tens of thousands of jobs. Representative Westlake expressed his constituents' belief that development in ANWR can be done in an environmentally-responsible way.

2:18:28 PM

JESSE LOGAN, staff, Representative Dean Westlake, Alaska State Legislature, informed the committee the changes in the committee substitute (CS) brought by the House Special Committee on Arctic Policy, Economic Development, and Tourism (AET) provided clarity on resource availability. On page 2, following line 4, a new WHEREAS was inserted as follows:

WHEREAS, in 1998, the United States Geological Survey estimated the central North Slope and 1002 study area combined could contain up to 46,000,000,000,000 cubic feet of natural gas; and

MR. LOGAN stated further, on page 3, lines 27 and 28, a change was made as follows:

Delete: President Barack Obama's recent action to withdraw millions of acres of land in the Arctic from new offshore oil and gas drilling

Insert: the executive action

MR. LOGAN said the new line on page 4, lines 4 and 5, read:

WHEREAS the executive action threatens future development and national energy security; and

MR. LOGAN continued, noting the final change beginning on page 2, line 30, and continuing through page 3, line 3, read:

WHEREAS, in December 2016, President Barack Obama, through executive action, closed 125,000,000 acres of the Arctic Ocean, a vast majority of the United States Arctic offshore water, from future leasing consideration, thus preventing extraction of an estimated 27,000,000,000 barrels of oil; and

WHEREAS the Alaska Congressional delegation decried the executive action; and

MR. LOGAN added that the resolution, if passed by the legislature, would signify a unified voice to Congress and the new administration, that the Alaska State Legislature supports opening the coastal plain of ANWR for oil and gas development. The bill is specific to opening the 1002 Area: urges the U.S. Department of the Interior to recognize the private property rights of landowners in and adjacent to ANWR and the efforts the State of Alaska has made in developing and deploying renewable energy statewide.

2:21:16 PM

REPRESENTATIVE PARISH directed attention to page 5, lines 2 and 3, which read:

the 90 percent of the oil, gas, and mineral royalties from the federal land in the state that was promised to the state at statehood.

REPRESENTATIVE PARISH asked where, and in what form, the foregoing promise was made.

MR. LOGAN answered that is a reference to the [Alaska Statehood Act, enacted 7/7/58 and effective 1/3/59].

REPRESENTATIVE RAUSCHER directed attention to page 5, line 1, which read in part:

... any attempt to coerce the state into accepting less than

REPRESENTATIVE RAUSHER remarked,

That doesn't really mean they could do it on their own if they wanted. That doesn't stop them from doing it on their own if they wanted does it, or how does this read out? I guess I don't understand the, the intent of the language and ... what it really means when you actually adopt it.

MR. LOGAN explained that the abovementioned [FURTHER] RESOLVED says that the legislature opposes any unilateral reduction and anything done by the administration to reduce the 90 percent as promised at statehood.

REPRESENTATIVE PARISH asked:

It may be more of a question for [legislative legal services] but ... based on some of our interactions with the federal government in the past, how certain are we that we would ... win in court ... were there an attempt to coerce us into accepting less than the full value we were promised at statehood?

REPRESENTATIVE WESTLAKE recalled that the state recently exchanged a huge amount of land in order to get a little [federal] parcel and gain security.

REPRESENTATIVE BIRCH expressed his support for the bill.

2:25:04 PM

CO-CHAIR JOSEPHSON opened public testimony on CSHJR 5 (AET).

2:25:16 PM

LIN DAVIS informed the committee she is a 24-year resident of

Alaska, a retired state worker, and she strongly supports permanently protecting ANWR. She said there is a misperception that everyone in Alaska supports developing ANWR; however, she prefers no development in the coastal plain or in the 1002 Area. In 2002, she spent time on the Kongakut River in ANWR and in Arctic Village where she heard the mayor speak of the land and the fears of the Gwich'in people for the caribou. Ms. Davis said Americans have a duty to protect the Gwich'in homeland, and opined ANWR should become a [UNESCO] World Heritage Site as one of the last places Native people can live a subsistence lifestyle. It is in the interest of Americans and Alaskans to transition off of fossil fuels. She said the proposed legislation contains "terrific language" about how environmentally conscious the oil companies will be, but she does not trust the promises of oil companies; in fact, oil companies acknowledge the constant risk and lack of technology to clean a major spill. Alaskan engineers and innovators can create sustainable energy, and she urged for the committee to let Alaska show the world how to use sustainable energy instead of fossil fuels.

2:29:53 PM

KARLA BROLLIER, Environmental Justice Director, Alaska Wilderness League, informed the committee she is an Ahtna Athabascan who was born and raised in Alaska. She said the Alaska Wilderness League works to preserve the land and the water in Alaska, and she expressed her opposition to the resolution to open ANWR to oil development. Her family is from the Interior and has lived in this land for millennia. Some places, such as ANWR, are too special to drill: development of this land is not worth the price. Ms. Brollier said the land must be protected and preserved for future generations, and expressed her solidarity with the Gwich'in people and their right to continue their way of life. She said she was testifying in opposition to HJR 5 because she believes the resolution is not the answer to Alaska's problems; although oil and gas revenue is important to the state, there is a better way to maintain a strong economy in Alaska. Ms. Broillier urged for the committee to find a new way to find energy, and a sustainable way of life, that does not compromise the land, animals, and a traditional way of life.

2:31:31 PM

HALEY JOHNSTON, Wilderness Guide and Operations Manager, Alaska Alpine Adventures, expressed her opposition to HJR 5. She informed the committee ANWR to her represents employment, recreation, and spiritual escape; she has been working and traveling in the refuge and throughout the Brooks Range for the past seven years. From the tundra to the coastal plain, exploring ANWR is a passion for her. The refuge encompasses 19 million acres and along with 3.5 million acres of protected land adjacent in Canada, polar bears, nesting sites, hunting grounds,

caribou, wolves, other animals, birds, plants, and cultural sites are protected. Damage to the natural world, even in a small corner of the area, could "send waves of disruption across the whole refuge." Ms. Johnston travels with visitors from around the world who come to the refuge because the refuge is wild, and has an intact ecosystem and wildlife, that may not endure. Tourism creates many jobs for Alaskans, and other industries should not take a back seat to natural resource extraction. As the world moves away from its dependence on oil and gas, over 70 percent of Alaskans worry about the effects of climate change. She urged that the committee not sacrifice one of Alaska's last wild spaces.

2:34:28 PM

ANDY MODEROW, State Director, Alaska Wilderness League, characterized HJR 5 as a shortsighted proposal that does not do justice to Alaska's long history, nor build a legacy for future generations. The lands of Alaska have provided for people for thousands of years, and he cautioned against affecting clean air, land, and waters. The transition from Alaska's main commodity has become a necessity, not just because of the impacts of climate change, but because world markets have moved on to something new. Mr. Moderow advised that the state needs to seek long-term strategies and not short-term fixes. He referred to a letter provided to the committee that was signed by 1,245 Alaskans who believe Alaska's economic problems won't be solved by simply drilling. He urged the committee to make a do not pass recommendation of HJR 5.

CO-CHAIR JOSEPHSON inquired as to whether the [pending congressional legislation] could pass with the support of 51 U.S. Senators.

MR. MODEROW said he did not know.

REPRESENTATIVE PARISH asked whether there is a commitment that industry or a stakeholder group could make to "set your minds at ease."

MR. MODEROW opined that the Arctic refuge needs to remain untouched. He has heard from those in Arctic Village and from Gwich'in, the story of the land and its history and importance that makes drilling of the refuge an untenable proposition.

2:37:56 PM

SUZANNE BOSTROM, staff attorney, Trustees for Alaska, said her public interest environmental law firm was founded 40 years ago and works to protect the Arctic refuge from oil and gas activities. She directed attention to the resolution related to Sections 1002 and 1003 of the Alaska National Interest Lands Conservation Act (ANILCA) [passed in the U.S. Congress on 11/12/80] that read:

WHEREAS, in 16 U.S.C. 3143 (sec. 1003 of the Alaska National Interest Lands Conservation Act), the United States Congress reserved the right to permit oil and gas development and production within the coastal plain of the Arctic National Wildlife Refuge; and

WHEREAS, in 16 U.S.C. 3142 (sec. 1002 of the Alaska National Interest Lands Conservation Act), the United States Congress authorized nondrilling exploratory activity within the coastal plain of the Arctic National Wildlife Refuge (the "1002 study area"); and

MS. BOSTROM said the foregoing language is misleading and legally inaccurate; there is a common misunderstanding that the coastal plain was set aside for future oil and gas development, which is reiterated by the first WHEREAS in the resolution. Congress barred oil and gas development and production on the coastal plain, and Section 1003 prohibits the production of oil and gas in the Arctic refuge, and leasing or other development leading to production of oil and gas. The second WHEREAS statement is also inaccurate; Congress was concerned about impacts to the coastal plain, and it only authorized a time-limited exploration program - which was completed in the 1980s - thus exploration is no longer allowed on the coastal plain. Ms. Bostrom also pointed out that HJR 5 states that development would take place with minimal impacts to the environment; however, the bills proposed in Congress do not achieve these goals, but undercut and eliminate environmental reviews and protections for the Porcupine caribou herd and other "values" in the refuge. She said her organization strongly urged the committee not to adopt the resolution.

2:40:33 PM

YOSUHIRO OZURU informed the committee he has been an Anchorage resident for seven years. He questioned the benefit of developing oil and the assumption that oil development brings economic development, happiness, and wellbeing to Alaskans; however, low oil prices are introducing instability to the Alaska economy and he posed the alternative vision that the Alaska economy can be based on more communal (indisc.).

2:41:34 PM

LOIS EPSTEIN, Arctic Program Director, The Wilderness Society, informed the committee she is a licensed engineer and has lived in Alaska since 2001. Ms. Epstein said ANWR's coastal plain is a sensitive ecological area; in fact, the coastal plain, also known as the 1002 Area, is the home to polar bears, migratory birds, and the Porcupine caribou herd, consisting of 200,000 animals. Arctic conditions are changing with global warming and although the Porcupine caribou herd is now healthy, the Central Arctic caribou herd near Prudhoe Bay is down from 70,000 to

22,000 animals. As an engineer and a member of an Alyeska pipeline advisory committee, she said she is very familiar with the Trans-Alaska Pipeline System (TAPS), and advised that engineering and economic studies have shown that TAPS can operate for another 50 years with known reserves - not including additional oil from ANWR - which further belies the need for oil exploration in the coastal plain [documents not provided]. Furthermore, recent major finds in Nanushuk and in the Greater Mooses Tooth Unit will support TAPS longer. She observed that HJR 5 differs from previous related resolutions in its context: the U. S. Environmental Protection Agency (EPA) may be scaled back. Currently, EPA provides grants to the Department of Environmental Conservation for spill prevention and response; said grants are now in jeopardy, and responding to spills on the North Slope is expensive. Because of the sensitivity of the coastal plain, the lack of need for ANWR oil to maintain TAPS operations, and the Trump Administration's hostility to environmental concerns, she asked the committee not to support HJR 5. Legislators should ensure that House legislative resolutions are an accurate reflection of facts and of legislators' intent.

REPRESENTATIVE BIRCH asked whether Ms. Epstein has consulted Alyeska Pipeline Service Company regarding its great concern about the reduction in throughput and the need for increased oil exploration and development to keep pipeline volumes up.

MS. EPSTEIN said yes. She advised that from an operational standpoint there are a number of measures to address any diminished quantities [of oil]; in fact, it is not clear that in the next decade there will be less throughput with the new finds.

2:46:25 PM

CO-CHAIR JOSEPHSON said he shared Ms. Epstein's concern about the new administration's hostility toward environmental interests.

2:46:48 PM

STANLEY EDWIN said he is Gwich'in from the Yukon Flats area and holds Bachelors of Science in Physics and Atmospheric Science, and is a PhD student at the University of Alaska Fairbanks. His is a unique situation in that he also subsists, and thus can see environmental changes when he is hunting and in his research. Mr. Edwin spoke in opposition to [HJR 5 and HJR 4]. There is now a gag order on the National Science Foundation and EPA and "everybody wants to jump into oil development." However, the name Arctic implies sensitivity to any form of development or disturbance in wildlife; for example, everything in the world is linked and nothing stands alone. For future generations, he said he opposes any form of development, and asked the committee to think of the generations of people who have lived off of the

land and animals in a very harsh environment.

REPRESENTATIVE BIRCH has heard anecdotally that there are more caribou in the proximity of TAPS, and asked whether in the last 40 years there has been a reduction in the caribou population "farther east."

MR. EDWIN said he lives further east of ANWR and his relatives and extended family live all over the Interior. He was unsure of the nature of the caribou herd; however, the Arctic is a wildlife refuge to protect everything for future generations.

2:51:09 PM

EMMA FUNK said she is a lifelong Alaskan from Fairbanks. She spoke in opposition to HJR 4 and HJR 5 and the opening of ANWR to drilling. The refuge is one of the largest intact ecosystems in the world and is uniquely valuable due to its Arctic biodiversity, including caribou and migratory birds. The coastal plain represents over one million acres of the refuge; the infrastructure required for drilling, such as roads, pipelines, and airstrips, would destroy habitat and interrupt migratory patterns. Further, drilling would contribute to climate change. Preservation of the land is also an issue of Alaska Native cultural heritage and subsistence. Drilling is not a sustainable fix for Alaska's economic problems and would cause irrevocable ecological damage. She urged the committee to vote no and protect ANWR.

2:52:24 PM

LACHLAN GILLISPIE said he is a lifelong Alaskan born and raised in Fairbanks. The Arctic National Wildlife Refuge covers nearly 20 million acres of Arctic habitat with 1.2 million acres of the coastal plain at the heart of the refuge. Drilling in the coastal plain will have major adverse effects on biodiversity throughout the refuge. Developing the coastal plain would involve stripping rivers and streambeds of millions of cubic yards of gravel for roads, airstrips, and drill pad construction, and will also include diversions of freshwater and exposure of wetlands to contamination. Further, it would destroy tundra to build infrastructure such as housing and sewer facilities. Studies have shown that drilling in ANWR would impact muskox and caribou populations, taint and reduce water supplies, and place polar bears at risk from oil spills [documents not provided]. In 1989, the Exxon Valdez tanker oil spill [in Prince William Sound on 3/24/89] reduced populations of harbor seals by over 30 percent in the four years following the spill. Mr. Gillespie spoke of the irreplaceable wilderness and cultural heritage of ANWR, and encouraged the committee to oppose HJR 4 and HJR 5.

2:54:20 PM

FRAN MAUER stated he has worked as a wildlife biologist in ANWR for 21 years, where he studied wildlife including the Porcupine caribou herd, moose, Dall sheep, and birds of prey. In addition to learning about the wildlife, he saw the land in the context of its value to Alaskans and the world. The caribou have received the most attention, due to impacts that may occur to them from oil development, and that they are crucial to the survival of Gwich'in people in Alaska and Canada. The coastal plain is the most heavily used calving grounds of the Porcupine herd, and impacts to the herd would be far-ranging. The coastal plain is unlike the North Slope tundra near Prudhoe Bay; in the refuge, the mountains leave only a narrow area where females give birth; there are five times as many animals as in the Prudhoe Bay area, yet they depend upon one-fifth as much habitat. Studies have shown that if females are displaced from development areas during calving season there is generally ample habitat at Prudhoe Bay, but in the refuge, if caribou are displaced they will be pushed to areas of higher predation mortality near the mountains leading to a decline of the herd [documents not provided]. Other wildlife would be adversely affected. Mr. Mauer said ANWR is an immensely valuable place and urged the committee to oppose [HJR 5].

2:56:46 PM

BERNADETTE DEMIENTIEFF, Executive Director, Gwich'in Steering Committee, stated she is Gwichyaa Gwich'in from Fort Yukon and as the executive director of the Gwich'in Steering Committee, represents 8,000 people who depend upon the Porcupine caribou herd and who have a spiritual and cultural connection to them. She said she is speaking for all children because parents and grandparents don't want their children to struggle to survive because we failed to protect our land and animals. It is our responsibility to leave a healthy place for our children to live, and it is the responsibility of legislators to take care of not only the people, but of the land and animals. On behalf of her people, she asked the committee to protect the heart of Alaska, the Porcupine caribou herd, and the Gwich'in way of life, and oppose [HJR] 4 and [HJR] 5.

REPRESENTATIVE BIRCH suggested that witnesses submit written testimony to the committee to aid in his research.

CO-CHAIR JOSEPHSON supplied email addresses for the co-chairs.

CO-CHAIR TARR noted email testimony to the committee is available online.

3:00:41 PM

CSHJR 5(AET) was held over with public testimony open.

3:00:00 PM

ADJOURNMENT

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:00 p.m.