

5/4/2020

To: Mat Su Borough Fish and Wildlife Commission (FWC)
From: Becky Long, POB 1088, Talkeetna AK 99676
Re: Input on 5/7/20 Agenda Item Senate Bill 204, State Land Surface Disposal

Senate Bill 204/House Bill 258 State Land Sales, Plats, Rivers

Senate Resource Committee Chair Senator Peter Miccichi, in response to my testimony on the bill, emailed me that this bill is unlikely to pass this session. Perhaps this is the reality. But this bill will probably come up again.

I believe that this bill is tied to the West Susitna Access Road due to the repeal of the Recreation Rivers state authority in the bill. The three legislatively designated recreation rivers of the Little Susitna River, Alexander Creek and the Talachulitna River will be impacted by at least two of the current routes being looked at now as the project approaches phase II. The elimination of recreation river statutory protection is desired in order to simplify permitting.

Recreation River Authority Repeal

The repeal overall would eliminate Recreation River status to the Little Susitna River, the Deshka River (also Neil Lake, Kroto Creek, Moose Creek, Oilwell Rd.), Talkeetna River (including Clear/Chunilna Creek), Lake Creek (also Chelatna Lake), Talachulitna River (also Judd Lake), and Alexander Creek (including Alexander Lake and Sucker Creek).

These management designations recognize the importance of a variety of resources and uses including fish and wildlife, recreation, economic use, the enjoyment of the public, multiple uses of the uplands, and the accommodation of access. The potential to devastate fish and wildlife habitat and populations with significant damage to waterways could occur with this repeal.

During the Recreation River Management Plan creation, developers, recreationists, and conservationists worked together to find compromises. I participated in the process along with many others in the Talkeetna area. We came up with a workable plan.

DNR states this legislation would diversify our economy. How will that work? This is the repeal of protections for the very natural sustainable resources that have already diversified our economy.

Unnecessary rehabilitation could be necessary for those very resources with the recreation river repeal along with the elimination of borough platting authority...

The Governor's transmittal letter says this repeal will maintain public use. I beg to differ. By privatizing and opening up much of state land including the recreation river corridors, the opposite will be caused. Public use will be limited.

Questions that need answers:

The Governor's transmittal letter says the repeal is necessary in order to end management problems. What are these problems? Where is the data on that?

If repeal happens, does that mean the current Instream Flow Reservations on the Rivers will be eliminated?

I am closely involved in the activities of the Talkeetna Recreation River management corridors and the river itself. I have seen no management problems resulting from the statutory authority. My own personal opinion is that this authority is underutilized by state land managers and the public. My conclusion is that **Recreation Rivers could become "Wrecked Rivers"**.

The Repeal of Borough Platting Authority

DNR's 3/18 presentation to Senate Resources Committee states their sole platting authority means efficiencies and reduction of costs. But what it really means is that land use conflicts and land use degradation will be caused. Local communities and the boroughs will have to deal with and clean up the problems. Money will have to be spent to clean up DNR's mess that it creates. This includes negative impacts to salmon streams by going around fish passage culvert requirements. This means floodplain and wetland degradation and trespassing issues. The scope of potential impacts is huge.

Question: **Where is the data that says this legislation is necessary? Where is the demand? What are the obstacles or barriers to state land sales?** In fact according to DNR's own data, in the last five years from 2015 to 2019 state land disposals totaled 1014 parcels with a total of 12,110 acres. And not all the land that was offered was sold.

Creation of Roads on State Lands

DNR's 3/18 presentation states the road right of ways will meet collector road standards. This is blatantly inaccurate. Section 1 states construction standards and maintenance access can be low standards and does not have to be suitable for all weather use. They are exempt from municipal or local platting authority or related land use regulation. This is asking for trouble out in the back country. Once again, a mess is created that the local communities and borough governments will have to deal with. This is fiscally irresponsible and actually dangerous to public safety and health.

It is pretty significant that DOT could not even determine a fiscal note. DOT stated that the fiscal impact cannot be determined by DOT because they can't quantifiably predict future road maintenance needs, road construction project needs or DNR's platting activities.

All in all, this legislation is a red herring. The administration has created false problems. They have blamed borough platting authority and Recreation Rivers management regulations with no data. **This is not in the public's best interest.** My comments are formed from living close to 40 years in the back country and being involved in lengthy state and borough land management plans.

5/5/20

Input to MSB Fish and Wildlife Commission to Proposed MOU on West Susitna Access Project between MSB, AIDEA and Nova Minerals LTD

This is agenda item 2 under New Business for the 5/7/20 FWC meeting.

My main input to FWC is to urge you to advise the Assembly to put into the MOU **that there be no unmitigated wetlands destruction**. The proposed routes will cross innumerable wetland areas and streams. The proposed Point MacKenzie route could cross Anderson, Alexander, Upper Sucker, Pierce, Bear and Wolverine Creeks to name a few as examples. Crossing the Skwentna River watershed could be a big part of the route. I will elaborate more on this in my oral comments at the upcoming meeting.

Nuts and Bolts Concerns with the MOU:

- It is unclear if all of the proposed road will be open to the public. In Scoping 2 d, the MOU states that there will be public access to MSB lands. But beyond the borough lands, it is mostly state lands. After the statement on public access to borough lands, the language just mentions an all season industrial road. This needs to be clarified. AIDEA Board Chair Dana Pruhs has stated that he won't support this project unless it is open to the public.
- In Scope 2b and 3g, the MOU has some nice language about public process and stakeholder engagement. This actual process needs to be spelled out in the MOU.

The public needs to be kept apprised of every step of this process through a stakeholder email list and documents on the websites of the borough and AIDEA. The monthly meetings proposed in 4b must be open to the public both in person and via teleconference. Minutes (mentioned in 4e) must be posted quickly on both MSB and AIDEA websites.

Why am I so insistent on this? Both AIDEA and MSB entities involved in creating the West Susitna Access proposal in 2019 and 2020 have done a lot of behind the scenes work. Documents, such as the January 2020 Phase I report, were not made public. The public vocally complained in their 4/15 testimony to AIDEA on AIDEA's G20-15 MOU with Nova Minerals on phase II of West Susitna. Only then was the phase I HDR report made public.

Borough staff and Assembly members have been meeting with AIDEA and others with little knowledge by the public. For instance, Manager Moosey posted in Notes to the Assembly that came out around 3/19/2020 that he and Assembly member Leonard met with AIDEA staff to discuss the access proposal on 2/28/20. He mentions that Rio Grande, a railroad developer would like to begin discussions on a rail to Port Mackenzie from West Susitna. This is the first and only time the public has heard about this proposed railroad. And there is no company with just the name Rio Grande as a railroad developer.

- Under Goals and Objectives 3B is "advance the use of public lands AS 38.04.065 with local government and public involvement under AS 38.05.945 adopt, maintain and when appropriate revise regional land use plans that provide for the use and management of state of Alaska-owned lands, and to identify important land resources that can be used for maximum public benefit".

What is this all about? Is this a back door way to change a lot of land use plans that affect public lands? What will that process be? This needs to be clarified. This goal should be eliminated.

- 3d. states "Establish the ground work and collaboratively develop a plan for salmon habitat" What does this mean? Why is this necessary? We currently have the salmon habitat. Is this to mean restoring habitat that gets degraded by the construction and use of the access?

- Number 6 of the MOU regards confidentiality. We need to be clear what this means. The borough is a government. What confidential documents/actions will be kept from the public? AIDEA is a state agency. What will they keep confidential from the public?
- Number 8 is Variation. “The parties may agree to vary any of the requirements of the MOU.” Once again, any variation needs to go through a public process. It might sound like I am nitpicking.

This huge proposal will affect thousands of acres of public land and also private land adjacent to the proposed routes. Not to mention hauling potential hazardous contaminants on an industrial road. From the very beginning, we need to remain vigilant about the process and what is being proposed. Our diverse “portfolio” of habitat types in the West Susitna River watershed is key to our fish and wildlife, rural and remote lifestyles, and the economies that are already established.

Becky Long
Talkeetna Alaska

From: [Blythe Marston](#)
To: [Theodore Eischeid](#); kori.riese@matsugov.us
Subject: Public Comments for the MSB Fish and Wildlife Commission May 7, 2020 2:00 PM Meeting
Date: Wednesday, May 6, 2020 2:48:22 PM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Ms. Reise and Mr. Eischeid,

Please find below public comment that I hope you can ensure that the MSB Fish and Wildlife Commission Chair and Board Members receive before the May 7, 2020 Special Meeting. Due to a prior commitment I am unable to attend the meeting telephonically but hope that these comments will be considered in making decisions on the agenda items for May 7, 2020.

Thank you,

Blythe Marston

MSB Fish and Wildlife Commission Chair and Board Members,

Thank you for the notice and opportunity to comment on Alaska Senate Bill 204 and the proposed Phase II MOU on the West Susitna Access Road Project.

The MSB Fish & Wildlife Commission should oppose SB 204 because it preempts local zoning and control. Senate Bill 204 takes away the power of the MSB to control the use of its lands and resources as it sees as in the best interest of the Borough. This is a power that the Borough should not give up.

Further, the MSB Fish & Wildlife Commission should encourage that no action be taken on the Phase II MOU for a West Susitna Access Road Project until notice and opportunity to be heard from stakeholders occurs. The proposed Phase II MOU appears to be designed to promote an industrial all season road not open to the public or directly benefitting the Borough. Public Borough money should not be spent on a road that is for industrial access only. West Susitna Access Road studies in which the Borough participates should be for a public road supporting public access.

The focus of the proposed MOU should therefore be clarified and decision making regarding it should be delayed until stakeholders are given notice and an opportunity to be heard on how the MOU's proposed road and routes might impact Mat Su Borough fish, wildlife, recreation and associated businesses.

Finally, the Fish and Wildlife Commission should request that a cost benefit study on fish, wildlife, recreation and associate businesses of the proposed routes be completed before any further public action or money is expended on the non public industrial road planning contemplated by the proposed Phase II MOU. It may be that a non road alternative for transporting ore is a better cost alternative, particularly with respect to fish and wildlife.

Previously I have provided comment to Borough Assembly Members on the Phase II MOU for the West Susitna Access Road Project. A copy of those comments is below and I hope that those comments along with this email will be of some help to the Fish and Wildlife Commission in framing its responses to Senate Bill 204 and the Phase II MOU for the West Susitna Road Access Project.

Again, thank you for the notice and opportunity to comment.

Blythe Marston

Dear Assembly Members,

I understand that tonight the Borough Manager will ask for your guidance on how to proceed with a proposed Phase II MOU for a West Susitna Access Road. *Please consider not providing direction until you have answers to four important questions.*

Typically I would provide public testimony but because I understand from the Borough Clerk that no public comment will be taken until after you have already made a decision regarding this matter, I am providing the written testimony below.

First, a Borough facebook notice and attached video suggests that what is being proposed by the Phase II MOU is additional work on a spur road that the Mat Su Borough has been pursuing since 2014. I understand that the spur road is a road to the Susitna River that would provide public access to Borough property for recreation, timber and agriculture.

Apparently, this is not what the Phase II MOU proposes to study and was not what the Phase I MOU that the Mat Su Borough entered into and for which it paid addressed. Instead, Phase I and the proposed Phase II study are for two private “industrial user roads” which do not further the existing Mat Su Borough public spur to the Susitna River and further are for private industrial use.

Please, before acting on the Manager’s proposed schedule for considering an MOU for Phase II, review the following three documents: the 2014 West Susitna Access Reconnaissance Study/Transportation Analysis Report, the January 7, 2020 Field Reconnaissance Report West Susitna Access Study, and the proposed Phase II MOU. Then, please determine whether and how the proposed MOU for Phase II benefits the Mat Su Borough.

Second, the scope, purpose, and allowed use of the proposed roads in the Phase II MOU have not been made public or adequately vetted within the Mat Su’s own planning department. No notice has been given to the public about the proposed Phase II MOU and it took the better part of a week to acquire some information. Although I have filed a public records request to better understand the proposed MOU, I and other stakeholders have received no notice or information regarding the proposed Phase II MOU.

Summary and Next Steps of the January 2014 West Susitna Access Reconnaissance Study states at 7-4 that next steps should: a) include assessing “the value of resource extraction potential being lost due to lack of transportation access” and b) “should this project be furthered, seeking public input and comment from relevant stakeholders is a critical next step.”

Apparently, neither of these two recommended steps have been taken and were not taken before the Borough entered into Phase I. Since the January 2014 study both the State and Borough have entered into and spent funds furthering the West Susitna Access without satisfying either of the above recommendations to do an economic analysis that weighs the benefits to the State and Borough of an industrial use only road for mining against the losses of current uses benefitting from being roadless. Further and most importantly, no notice to

stakeholders was given regarding Phase I nor yet of the proposed MOU for Phase II.

Please, before approving a schedule for going forward ask the Borough Manager to provide a memorandum addressing the economic costs and benefits to the Borough of each of the two industrial user only roads (as opposed to the public access on suggested in 2014) and a schedule and description for providing adequate notice to all stakeholders, including those Mat Su residents who own land off the road system and who are without internet but will be affected by the proposed roads.

Third, as of last week it became apparent at the AIDEA April 15, 2020 meeting that NOVA with whom the Borough would be entering into an MOU does not have a license to do business in the State of Alaska. During the AIDEA meeting, Christopher Gerteisen said Nova Minerals is comprised of 2 entities: AK Custom Mining LLC and AK Operations LLC. I have attached the Division of Corporations filings showing the ownership of AK Custom Mining, LLC and AK Operations LLC. *Please ensure that the Borough, if it is to enter into an MOU, it does so only with entities licensed to do business in Alaska.*

Finally, during a time of such devastating health and economic crises for Alaska, please inquire into the rationale for funding a study whose apparent purpose is to raise the stock value of a non-Alaskan company. (See public testimony of NOVA at April 15, 2020 AIDEA meeting). Although investing in infrastructure that benefits the public is worthwhile, the Mat Su Borough and the State of Alaska have and will have direct immediate needs for Alaskans that it will be unable meet in the next year. Please consider tabling consideration of the proposed MOU for Phase II until such time as this project can be demonstrated as worthy of priority the Borough's priorities in terms of funds and staff time.

In conclusion, please at tonight's Assembly meeting table scheduling public notice and opportunity to be heard until the Manager provides: 1) a clear understanding and public statement of how precisely the proposed Phase II MOU benefits the Mat Su Borough; 2) a clear process for how Phase II MOU will be made public and transparent to all stakeholders; and 3) a schedule so that all stakeholders, including those without internet access will have the opportunity to be notified and heard. Finally, 4) at a time when the State of Alaska is experiencing a health and economic crisis of a scale not previously seen, please prioritize the Borough's needs.

Thank you,
Blythe Marston

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Blythe Marston
3001 McCollie Avenue
Anchorage, Alaska 99517
(907) 244-9163

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Blythe Marston
3001 McCollie Avenue
Anchorage, Alaska 99517
(907) 244-9163

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From: [Mark Miller](#)
To: [Theodore Eischeid](#); kori.riese@matsugov.us
Subject: public comment on SB 204 and MNB meeting on west Susitna Road project
Date: Wednesday, May 6, 2020 7:07:04 PM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Thank you for you accepting my email in response to phase two of SB 204 and the West Susitna Road project. Under the circumstances I am trying to get some work done and am unable to stand by on the phone for hours during your next meeting tomorrow. If SB 204 passes, it takes away any local control over what the Mat valley residents and government has in mind with the state authorities. MSB should not send funds for a project for a private entity without finding out what type of revenue (taxes) can be retrieved from such spending and what such a road will do for fish and wildlife in the area. What is the cost benefit for such a project and relate this to the public of the MSB. Hell, we've spent so much \$\$ on projects that are dead ends and retrieve no benefits to the MSB residents.... Boats crossing the inlet to Anchorage, ports, roads, hell, can't even get my road in Willow fixed up and we are planning on a road 100 miles to the west for a private company. What's the cost of such a project and the benefits and the cost to our fish and wildlife? We need to know all this...

Yours truly,
Mark Miller
PO Box 1072
Willow, Alaska 99688
(907) 440-0614

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From: [Jim Curtis](#)
To: kori.reise@matsugov.us; [Theodore Eischeid](#)
Cc: [Blythe Marston](#)
Subject: Regarding Senate Bill 204
Date: Thursday, May 7, 2020 9:18:44 AM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Ms. Reise and Mr. Eischeid,

Please find below public comment that I hope you can ensure that the MSB Fish and Wildlife Commission Chair and Board Members receive before the May 7, 2020 Special Meeting. I am unable to attend the meeting telephonically but hope that these comments will be considered in making decisions on the agenda items for May 7, 2020.

Thank you,
Jim Curtis

MSB Fish and Wildlife Commission Chair and Board Members,

The MSB Fish & Wildlife Commission should oppose SB 204 because it preempts local zoning and control. Senate Bill 204 takes away the power of the MSB to control the use of its lands and resources as it sees as in the best interest of the Borough. This is a power that the Borough should not give up.

Further, the MSB Fish & Wildlife Commission should encourage that no action be taken on the Phase II MOU for a West Susitna Access Road Project until notice and opportunity to be heard from stakeholders occurs. The proposed Phase II MOU appears to be designed to promote an industrial all season road not open to the public or directly benefitting the Borough. Public Borough money should not be spent on a road that is for industrial access only. West Susitna Access Road studies in which the Borough participates should be for a public road supporting public access.

The focus of the proposed MOU should therefore be clarified and decision making regarding it should be delayed until stakeholders are given notice and an opportunity to be heard on how the MOU's proposed road and routes might impact Mat Su Borough fish, wildlife, recreation and associated businesses.

The Fish and Wildlife Commission should request that a cost benefit study on fish, wildlife, recreation and associate businesses of the proposed routes be completed before any further public action or money is expended on the non public industrial road planning contemplated by the proposed Phase II MOU. It may be that a non road alternative for transporting ore is a better cost alternative, particularly with respect to fish and wildlife.

Thank you for the opportunity to comment.
Jim Curtis

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May 7, 2020

MSB Fish and Wildlife Commission Chair and Board Members,

Thank you for the opportunity to comment on Alaska Senate Bill 204 and the proposed Phase II MOU on the West Susitna Access Road Project. There have been very few opportunities for public participation, and we applaud you for requesting more information about these projects.

I am writing to express concern on behalf of the Susitna River Coalition and that of our 14,000 Alaskan supporters about both Senate Bill 204 and the Memorandum of Understanding/Agreement with AIDEA and Nova Minerals on the West Susitna Access road to the Estelle site.

We strongly agree with the points made in the Borough's letter to Juneau dated March 4th, 2020 and urge the MSB Fish & Wildlife Commission to oppose SB 204 because it preempts local zoning and control. The Borough has made substantial financial and resource efforts to increase both fish passage and fish returns, and we support the Borough's right to enforce local zoning rules. Additionally, the removal of protections for our beloved Recreational Rivers is short sighted. These are well used and valued resources in the Mat-Su.

In regard to the Phase II MOU, Susitna River Coalition (SRC) asks the Fish and Wildlife Commission to table all consideration of this project until the following has been provided:

- 1.) A schedule and description for providing adequate notice is publicly dispersed, (not only on the MSB website) to all stakeholders, including those who own land and businesses off of the road system and many of whom are without reliable internet access;
- 2.) A clear statement on how the Phase II MOU road in its new form as a commercial access route rather than a public access road benefits the Mat-Su Borough financially;
- 3.) The actions that are being taken to protect the habitat and fish-bearing waterways during these initial phases; and
- 4.) An economic analysis of the costs and benefits to the Mat-Su as was recommended in Phase 1.

Additionally, SRC requests directed outreach and engagement with private landowners, fishing, and tourism businesses in the region to ensure notice and involvement on this potential MOU.

This project was first proposed in 2014 as a link to provide public access to Borough property for recreation, timber, and agricultural development. Phase II of the project being proposed is vastly different from the project outlined in the initial MOU and instead is looking to develop private industrial user roads that do not further the existing access to Mat-Su Borough residents.

These changes are especially concerning since the scope, purpose, and allowed use of the proposed roads in the Phase II MOU has not been made public nor appears to have been adequately vetted within Mat Su's own planning department. Further, no notice has been given to the public about the proposed Phase II MOU and Phase I documents were only released publicly in recent weeks.

Additionally, I would encourage the Fish and Wildlife Commission to confirm that Nova Minerals has the legal right to do business in Alaska. At the AIDEA April 15, 2020 meeting last week, it became apparent that Nova Minerals (with whom the Borough would be entering into an MOU) does not have a license to do business in the State of Alaska. During the AIDEA meeting, Christopher Gerteisen said Nova Minerals is comprised of 2 entities: AK Custom Mining LLC and AK Operations LLC neither of which are listed as doing business as Nova Minerals.

Please consider tabling any actions on the proposed MOU for Phase II of the Estelle and West Susitna Access Road projects.

Respectfully,



Melissa Heuer
Executive Director
Susitna River Coalition
Talkeetna, Alaska