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Sierra Borealis alaska report

SIERRA CLUB ALASKA CHAPTER APRIL 2023



Biden approves damaging Willow fossil fuel drilling project Environmentalists slam project as a major disaster and sue

(The following article is reprinted with permission from Sierra magazine)

By Lindsey Botts March 14, 2023

Indigenous people and environmental groups on Monday swiftly slammed the Biden administration's approval of the controversial Willow oil drilling project along Alaska's North Slope. They say the ConocoPhillips plan—which would be the largest oil development on federal land in US history—conflicts with the president's promise that no new oil and gas drilling would happen on public lands under his leadership and that the move keeps the country tethered to toxic fossil fuels at a time when scientists say the nation needs to be moving away from carbon pollution. The new project is expected to release more than 260 million tons of carbon dioxide over its three-decade lifespan and will add nearly 500 acres of gravel fill and hundreds of miles of roads and pipelines to one of the country's wildest areas.

While the Willow project has been approved, the fight to stop it continues. On Tuesday afternoon, a coalition of six environmental groups, including the Sierra Club, The Wilderness Society, and Trustees for Alaska, <u>filed a lawsuit</u> against the Biden administration, charging that the approval violates an array of federal laws.

"Biden approved [Willow] knowing full well that it'll cause massive and irreversible destruction, which is just appalling, particularly coming from an administration who has pledged to address the climate crisis, has pledged to address environmental injustice, has pledged to address the extinction crisis," said Kristen Monsell, a senior attorney at the Center for Biological Diversity.

"The administration has no excuse for letting this project go forward in any form, and new Arctic drilling makes no sense. Even one new oil well in the Arctic is one well too many."

Environmental groups including -- continued page 2



⇒ Featured in this issue:	
Willow approval disaster	pp. 1-2
Izembek land exchange update	pp. 3-4
Eklutna traverse	pp. 4-5
Learning to lead outings	pp. 6-7
Outings, & other events	p. 7
Legislative action alert	p. 8
Chapter election result	p. 8

Willow oil drilling project approved

-- from page 1

Earthjustice and the Sierra Club have spent years trying to prevent Willow from happening. In 2020, the Trump administration rushed the approval of the ConocoPhillips proposal, but a 2021 court decision sent the proposal back to the Bureau of Land Management due to the environmental impacts. In its ruling, a federal judge found that the BLM failed to consider both the greenhouse gases that would be released and the impact it would have on endangered polar bears. Shortly after taking office, President Biden paused oil and gas drilling on all federal public lands, providing a small ray of hope to environmentalists who thought the president might reject the project altogether.

The new plan does little to address the issues critics raised about the first one, including the concern that the project would exacerbate climate change, endanger species like polar bears and caribou, and put local communities at risk of oil spills and gas releases. The new plan's one major concession was to reduce its planned five oil pads down to three. In addition to emissions, the project will add nearly 200 wells and numerous ancillary roads, pads, and ramps to access oil in the National Petroleum Reserve, one of the largest areas of federal lands. The total emissions over the project's lifetime, according to the Associated Press, would equal 1.7 million passenger cars over the same period.

The Biden administration sought to placate opponents by

The only acceptable Willow project is no Willow project

saying that it intends to protect about 2.8 million acres of the Beaufort Sea from future oil and gas leasing. Additionally, the Interior Department plans to put in place updated rules that will prohibit oil and gas sales on some 13 million of the petroleum reserve's 23 million acres.

Environmental groups said the trade-off is a raw deal. "The announcement is nothing more than window dressing," Sierra Club executive Ben Jealous told *The New York Times* on Monday. "If President Biden were sitting here, I'd tell him don't spit on us and tell us that it's raining, Mr. President."

Oil and gas industry allies like Alaska governor Mike Dunleavy applauded the decision as a move that would create jobs and reduce energy costs. But energy industry experts say this enthusiasm is misplaced. The oil from the Willow project won't reach markets for several years, at which point the transition away from fossil fuels and toward renewable energy will have only accelerated.

Local Indigenous groups like the Sovereign Iñupiat for a Living Arctic say the Willow approval is a betrayal and that the federal government is putting corporate interests above those of local communities. "We condemn the continued prioritization of profit over climate and people," said a statement put out by the group on Monday. "While this project may have been approved, the effort to divest from fossil fuels and invest in renewable energy continues."

For years, the Iñupiat people who reside in the village of

Nuiqsut have warned the BLM about the damage that further oil and gas drilling would cause to their town, subsistence way of life, and the local environment. In January, representatives of the town joined conservation organizations in a rally outside the White House to call on President Biden to deny the \$8 billion project. The town's mayor, Rosemary Ahtuangaruak, followed up with a letter to the BLM expressing dismay and frustration with a process that she calls inadequate and concerning. "We're only seeing more and more oil and gas development projects being promoted for profitability over our life health and safety," Ahtuangaruak said last month. "The Willow project should not be approved. The risk for our village is too high, and we are not acceptable costs for approval of this project."

The White House's approval of Willow has soured its relationship with younger, climate-focused voters who were key to Biden's 2020 victory. Young climate activists tried to drum up support for the cancellation of Willow using a widespread campaign on social media with the hashtag #StopWillow. According to some reports, the effort has generated millions of impressions on TikTok. "President Biden's decision to move forward with the Willow project abandons the millions of young people who overwhelmingly came together to demand he stop the project and protect our futures," Varshini Prakash, executive director of the Sunrise Movement, said in a statement.

Some members of Congress also joined the chorus of criticism against the project. "The Willow project is a handout to Big Oil that will undermine the administration's own climate goals," Representative Ro Khanna, a Democrat from California, tweeted on Tuesday.

In a statement, Democrats Senator Ed Markey along with Representatives Raúl Grijalva, Jared Huffman, and Alexandria Ocasio-Cortez slammed the move as short-sighted. "This administration clearly knows what the path to a cleaner and more just future looks like—we wish they hadn't chosen to stray so far from that path with today's Willow decision. The only acceptable Willow project is no Willow project."

(Also see **sierra borealis** March 2022, June & Sept 2021.)



Dale deArmond ©

Izembek National Wildlife Refuge wilderness land exchange canceled But door is left open for another one

On March 14, Secretary of the Interior Deb Haaland rescinded the Trump Administration's 2019 Izembek land exchange with the King Cove Corporation (KCC), an Alaska Native village corporation. The exchange gave the corporation about 530 acres of the congressionally designated Izembek Wilderness for a 12-mile gravel road to connect King Cove s existing road to the community of Cold Bay. The refuge received about 500 acres of KCC land for addition to the refuge.

In her press statement, Secretary Haaland said the exchange had procedural and policy flaws. She added that further consideration of a land exchange was not foreclosed by her decision.

Two weeks later, on March 29, Halland testified before the Senate Subcommittee on Interior Appropriations on the Department s 2024 budget proposal. Alaska Sen. Murkowski tried to get the Secretary to commit to another land exchange. Haaland said she has not decided on her next step. Murkowski suggested that she and the Secretary consider legislation.

Background

King Cove residents have long claimed a road to Cold Bay and its all-weather airport is necessary for medical evacuations to Anchorage. At one point the late senator Ted Stevens appropriated about \$35 million to improve King Cove's airport, a medical clinic, and a local road. A large hovercraft was used for several years for over the water trips to Cold Bay.

In 2009, Congress authorized a study of the land exchange option. In 2013, the Fish and Wildlife Service opposed an exchange, reporting that one would harm the purposes of the refuge, and that air and marine alternatives to a road were feasible.

The objections of the Fish and Wildlife Service were quickly buried by the Trump Administration. In 2017 then-Interior Secretary Ryan Zinke and KCC agreed to an exchange that was ruled illegal by the Federal District Court in Anchorage. In 2019 former Interior Secretary David Bernhardt negotiated another version of an exchange giving KCC acreage for a road across refuge wilderness.

In response to the Bernhardt exchange, a coalition of Alaska and national environmental organizations including the Sierra Club challenged it in federal district court. For the second time the court rejected the exchange, finding that procedures and policy requirements were flawed, and most importantly, that the exchange violated the Alaska National Interest Lands Conservation Act (Act).

Bernhardt appealed to the Ninth Circuit Court of Appeals where a three-judge panel reversed 2-1 the district court's decision. Two of the three judges were Trump appointees. This led the conservation plaintiffs to petition the full court for a

review of the panel's decision. Former President Jimmy Carter, former Interior Secretary Bruce Babbitt, and former Interior Solicitor John Leshy submitted *amicus* briefs in support of a review. The court agreed and in November 2022 an 11-judge panel vacated the three-judge panel's decision. In December the judges heard



oral arguments. The litigation is pending. (See **sierra borealis**, June and Sept 2022, June 2020, June 2017, Mar 2013, Mar 2012 and earlier.)

During the first two years of the Biden Administration, the Interior and Justice Departments supported the Trump-Bernhardt appeal of the district court's opinion. Conservationists hoped that as the Administration began revoking various Trump-era regulations and other executive orders, it would put the land exchange high on its kill list.

Finally, on March 14 the Secretary rescinded the exchange. She said her decision "does not foreclose further consideration of a land exchange to address the community's concerns." Subsequently, she added that any such future exchange "would likely be with different terms and conditions."

Following her decision the Department of Justice asked the 11-judge panel to dismiss the litigation and thus the Bernhardt appeal of the district court's ruling. KCC opposed DOJ's motion to dismiss and said it was preparing to discuss a new land exchange with the Secretary.

The legal issue

In relying on procedural and policy flaws of the -- continued page 4

A stunning spring ski adventure

The Eklutna Traverse is a popular spring adventure for Alaskans and visiting mountaineers. This 38-mile ski traverse between Eklutna and Girdwood crosses several glaciers in the Chugach State Park and offers jaw-dropping views along the way. Most groups will complete this traverse in several days, utilizing public-use Mountaineering Club of Alaska (MCA) first-come-first-serve huts along the way. It can be done from Eklutna to Girdwood, or vice versa. In the spring of 2021, I set out in a group of six to complete the beautiful and famous traverse.

My group planned to tackle the traverse at a leisurely pace of 5 days, 4 nights, so we could get some extra skiing in along the way. We packed our gear, food, and water and headed out on a beautiful sunny day to take on the first day of the traverse.

Leg 1 – Car to Rosie's Roost: The first day was the longest and most difficult. We began on the Girdwood side near the Crow Pass Trailhead and began making our way up Goat Ridge towards our first destination, an MCA hut called Rosie's Roost. This ridge was breathtaking. We marched up the mountain at first on skis, and then when it got steeper we switched to boots with crampons. It was a warm day with absolutely no wind – we couldn't have asked for a better day to take on the



On the Eklutna Ski Traverse

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and then continued onward. We dropped down on to Eagle Glacier and trudged across the snow to our first destination – Rosie's Roost. After 10 miles and 5200 vertical feet of climbing, we were tired and ready to settle in for the night. We had a group behind us that was on schedule to be at all the huts at the same time as us, so we made new friends, crammed in like sardines, and enjoyed each other's company. We all watched the sunset on the horizon and slept so well.

Leg 2 – Rosie's Roost to Hans' Hut: We started with sipping coffee in our down clothing followed -- continued page 5

Izembek land exchange -- from page 3

Bernhardt exchange as grounds for withdrawing from it, Haaland sidestepped the major issue, which is whether Bernhardt had the authority to enter into the exchange.

Sec. 1302 of ANILCA, the land exchange authority, states that "... the Secretary is authorized, consistent with other applicable law in order to carry out the purposes of this Act, to acquire by purchase, donation, exchange or otherwise any lands within the boundaries of any conservation system unit other than National Forest Wilderness." The two purposes of the Act are conservation of the national interest lands (101(b)) and "to provide the opportunity for rural residents engaged in subsistence way of life to continue to do so" (101(c)). Land exchanges must be consistent with the purposes of the Act.

The Bernhardt exchange was not consistent with the purposes of the Act. It did not acquire an incompatible refuge inholding in order to better protect and manage the refuge; it created an inholding to allow a destructive road. Nor did the exchange provide a subsistence opportunity. The specific purposes of the refuge include the opportunity.

To avoid the possibility that his exchange would be tossed out by the courts as contrary to the purposes of the Act, Bernhardt claimed that Sec. 101(d) of the Act is also a purpose and thus can serve as the legal basis of an exchange. The section states that "This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people."

However, as the district court pointed out, Sec. 101(d) is not a

purpose. It merely sets the stage for the "no more" provision in Sec. 1326 of the Act that limits the president's use of the ntiquities Act in Alaska. Moreover, ANILCA did not provide "adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people."

Two earlier congressional land grants provided adequate opportunity. As the House Interior Committee noted in Sec. 101(1) of its 1979 Report on H.R. 39, the Udall-Seiberling bill that passed the House--the Alaska Statehood Act (103.5 million acres) and the Alaska Native Claims Settlement Act (originally 44, now 46 million acres) "provided for future economic, social, and cultural development in Alaska," while Congress "reserve[d] decision" on potential national interest lands (emphasis added).

In sum, the Bernhardt exchange had no legal basis and was clearly illegal. By leaving unresolved the legality of the exchange, Secretary Haaland left the door open for a possible new version of a land exchange. As noted above she stated that any such future exchange "would likely be with different terms and conditions."

Meanwhile, as this issue of the newsletter goes online, the Department of Justice is asking the Ninth Circuit to dismiss the legal proceedings that began when conservationists sued to block the Trump-Bernhardt attack on the Izembek Wilderness. The judges were probably waiting for Secretary Haaland's decision before evaluating the district court's ruling. Now that Haaland has decided to cancel the land exchange, a dismissal seems likely.

-- Jack Hession

Four Days skiing the Eklutna Traverse

-- from page 4

by some morning yoga in the sunshine. We all got packed up and ready for our second day of travel. We roped up to cross Eagle Glacier and began our journey from Rosie's Roost to our next MCA hut - Hans' Hut. This day was just as sunny as the first. As we made our way up the glacier, we were surrounded by gorgeous mountains and spectacular views. This day was a bit shorter - only 5.5 miles and 2900 feet of climbing. We got to Hans' Hut with plenty of daylight to spare. Our original plan was to ski over to Whiteout Peak for a little extra skiing, but after polling the group, the vote was to just do a little bit of skiing right behind the hut. So, we skied a few laps near the hut, enjoy another spectacular sunset, and crammed in with our new friends once again for a good night's sleep. Right before falling asleep – we got an InReach message that some weather was rolling in. We would have to make a decision in the morning how to proceed – wait out the stormy weather, or get out early and try to beat it?

Leg 3 – Hans' Hut to Serenity Falls: We woke up early and sure enough, a storm had rolled in. We were in a complete whiteout - you couldn't see more than 20 feet in any direction, and the snow and wind were blowing. Our new friends decided they would stay in Hans' hut another night to wait out the weather, but we decided that based on our weather reports, it wasn't supposed to let up for a few days. So we decided to move onward to Pichler's Perch – or at least that was our plan. It seemed fitting that we would move across Whiteout Glacier in whiteout conditions. We used a compass and Gaia map software to ensure we were headed in the right direction. We took turns leading and breaking trail through the wind and snow. We eventually made it up Whiteout Pass and dropped down on to the Eklutna Glacier. At this point, we found a small gap in the weather and the sun peaked through well enough for us to see, so we kept moving a fast pace to capitalize on the weather window. After eight miles, we made it to Pichler's Perch. We were surprised to find a group of eight at the hut -there was no room for us. We had prepared for this scenariowe brought a four-man tent just in case.

That said, we looked behind us and saw the weather continuing to follow us. We knew that tomorrow the storm would catch up, and it would be unsafe to move on the toe of the



In a complete whiteout

Eklutna Glacier. We didn't want to get caught in whiteout conditions for the most techni-

cal part of the traverse, so we decided to just keep moving and get off the glacier. We had reserved the Serenity Falls hut for the following night, but we hoped that it would be empty a night early. We discussed the gameplan and decided to take our chances. We roped up and traveled off the Eklutna Glacier. After another six miles, we made it to the Serenity Falls Hut. To our unfortunate surprise, there was



a group of six that had reserved the cabin for the night. We asked if we could join them and unfortunately, they said no. I had never been turned away in a situation like this – especially when it was only a five-person group in a 13 person cabin, so this was a huge bummer for us. Alas, there wasn't anything we could do - so we set up our four-man tent, and all six of us crammed in so tightly we could barely move. Though we were snug in there, we laughed and talked and ended up having a very fun and memorable night.

Leg 4 – Serenity Falls Hut to Car: We slept just outside the cabin and waited for 11:00 a.m to roll around. At 11:00, they would have to leave, and the cabin reservation would be ours. Right at 11:00, they took off on their snow machines, and we raced into the warm cabin. We threw some logs on the fire, dried out our stuff, enjoyed a hot meal and relaxed in the cabin for a couple hours. We had 13 miles left across Eklutna Lake to get to our other vehicle. As we geared up and got ready to go, we got an InReach message that a friend of ours was out snow machining right near us for the day. He came by the cabin so say hi, and then jokingly offered to tow us behind the sled with a rope across the lake. It was a flat 13-mile finish that was the least exciting part of the trip. We all were stoked about the idea getting towed behind a snowmachine like water skiers behind a boat. We all lined up in single file, all held on to the rope, and we got towed all the way back to our car. It was so unusual and much fun! Some would call this cheating; I call it enhancing! It was a successful trip with some unexpected turns – and I wouldn't have it any other way.

The Eklutna Traverse is a truly magical experience with so much to offer. Whether you're looking to practice glacier travel, access some awesome skiing, go for a winter hike, or chase some incredible views - this traverse has it all. I will never take for granted how lucky we are as Alaskans to have access to such incredible backcountry infrastructure that facilitates outdoor recreation in wild places. �

-- Deanna Nielsen

Learning to be a National Outings Leader—from Alaska to Florida

Signing up for my first Sierra Club service trip I had no idea where I would end up. One week after wading mountain streams, searching for dragonfly larvae, and artfully gluing bark pieces over 'John loves Jane' tree graffiti, I was hooked. I wanted to lead trips like this!

Campfire [the Sierra Club's online volunteer information] platform] provides detailed directions on 'How to Become an Outings Leader'. And that is how I found myself boarding a redeye flight in an Alaska snowstorm in March and arriving two days later, jet-lagged and baking in a Florida swamp in the midday sun, blowing a whistle to attract help.

I had wandered off the path, leaving the group ahead of me, dodging the watchful eyes of the trail sweep. With reckless abandon I pushed through unfamiliar scrubby, spiky plants. My lack of concern about feral pigs, alligators and pythons can be attributed to northern ignorance. Any hiker knows that to bushwhack off trail in the middle of the day, without water or a pack, is foolhardy. However, I was under orders.

This trip was the culmination of a six-month program in the Sierra Club's National Outings Training Trip, known as NOTT. Prior to this everything had been on Zoom.

Sierra Club Outings are led and designed by volunteer leaders who interview prospective paricipants to see if they are physically able to keep up on a hiking trip, own the right equipment, and play well with others. The interview before my week of field training was sobering. The brochure had stated: This Sierra Club national backpack trip is rated a "2" in difficulty. The daily backpacking mileage is moderate, but the terrain is steep with elevations climbing to 11,000 feet. Temperatures vary in summer, with hot days and lows close to freezing at night.

I spent the interview convincing the NOTT leader I would be fine, never mind that I was taking an overnight flight to Denver with no time to acclimate. After a three-hour drive, the first campsite at 8000 feet would be followed by jaunts up steep 2000 foot inclines in 90 degree weather. My interviewer was persistent in her questioning. While I believed I was fit, my last backpacking adventure, an epic two-month Appalachian Trail undertaking ,was during Ronald Reagan's presidency. She was kind enough not to comment.

I made my first major decision as a Leader in Training and removed myself from the trip. I knew how poorly my Alaskan blood coped with anything over 70 degrees and any heights above sea level. I asked my mentor for something less challenging in altitude and heat. Something closer to Alaska.

And now I was in a Florida swamp. The trainer had set the 'lost hiker scenario' so the team could practice finding me. I took it on with zeal, knowing that one student was a Search and Rescue Volunteer in the Sierra Nevada--and I wanted to give him something to think about.

Minutes rolled by, sweat trickled down my back, and I became aware of noises from the brush. Doubts took root. Fifteen minutes later I started blowing my whistle, blasts of three. I continued blowing, which was sort of exhausting, and then I heard the response, a blast of two. After this Titanic event, I put more energy into my threes, wondering if they were supposed to blow twos in return. Oddly, the whistle returns never got closer. I had a sickening realization that I was being mimicked by the tropical birds.

My relief at being found fueled my distraught playacting as they extricated me from the brush. My question of 'what took you so long' brought scowls and not the 'we are so happy to see you' look. Slowly the story of a sweaty rescue mission chasing a flock of whistling birds around

Floridian swamp lands came out.

And so the week went. Learning how to orient ourselves with a compass, policing hydration. When it came time to practice stream crossings, we took a strangely unanimous vote that we would imagine a raging glacial torrent rather than head into the alligatorfilled backwater next to our camp. **Imagination**



A training trip participant practices using the "flame-thrower" stove

was also needed to understand that the little bag cinched to the size of a large coffee mug was actually a Transformer that, once unpacked, and fuel bottle added, would become a commercial kitchen. After opening the valve and using it upside down, a kind of forest fire primer, the yellow flame eventually turned into the roar of a welding torch. Despite the noise, it took forever to boil anything, and was a training exercise to test our patience. After it provided me only one cup of coffee, it was another challenge to make it through caffeine withdrawal.

One of our exercises was to team up with another student to be Leaders of the Day, during which we were also responsible for that day's food. My partner was emphatic that he had a fail-safe meal plan, so I provided support. After half an hour of flame-thrower roar and all three pans at our disposal dirtied, a gluten-free Mac Cheese was served.

The evening's entertainment was brought to a quick end as the sunset was accompanied by mosquitoes. To prevent blood loss we turned -- continued page 7

ALASKA LOCAL OUTINGS & EVENTS



Composting Workshop

Monday April 10th 6pm The Seed Lab 111 W 6th Ave, Anchorage, AK 99501



UPCOMING EVENT:

Composting Workshop Monday, April 10, 6-8pm

RSVP to https://

act.sierraclub.org/events/details?formcampaignid=7013q000001QJ9NAAW

Outings leader training

-- from page 6

into our hot little tents at 7 pm. I needed my sleeping bag only on two nights when the temperature dropped into the 60s, the equivalent of an Alaskan summer day. Mostly I lay sweating under a bandana soaked in cold water.

The last day we met our trainers, and the verdict was delivered. Were we ready to guide a trip with a license to learn in the field with real paying people? My trainer looked me square in the face, and I sweated just a little more. Perhaps I could exercise some more patience, he suggested. And maybe, I thought, with more caffeine, that would be possible. I was on my way to leading a 'real' trip. Somewhere closer to home, maybe a little cooler, and definitely at sea level.

-- Kim Kirby

Kim Kirby lives on a small island in Southern Southeast Alaska and serves as the Compliance Chair for the Alaska Chapter. She is leading her first national trip this June in the Tongass National Forest:

https://content.sierraclub.org/outings/hot-springs-servicewaterfalls-tongass-national-forest-alaska #trip=23332A

To learn more and take your adventures to the next level in leadership:

https://content.sierraclub.org/outings/become-leader ��





UPCOMING OUTING: HIKE AT BRIGGS **BRIDGE**

Sunday April 16th 11am **Briggs Bridge Trailhead**

To RSVP FOR BRIGGS BRIDGE:

https://act.sierraclub.org/events/details?formcampaignid=7013q000002ODDLAA4

Climate Action Legislative Alert

In February, Chapter director Andrea Feniger travelled to Juneau with the Alaska Climate Alliance to push for renewable energy legislation in the state legislature. Since that trip, the House has passed HB 62, The Renewable Energy Grant Fund, which allows rural Alaskan communities to apply for funding for renewable energy projects. Now, we need to have the state Senate pass a Senate version of this important bill.



Call your state senator to urge them to support a Renewable Energy Grant Fund!

>Find your senator's phone # at https://akleg.gov/senate.php. >To support the renewable energy fund, submit a comment at https://akclimatealliance.org/renewable-energy-fund/

The House and Senate have also both introduced a Renewable Portfolio Standard (RPS), HB121 and SB101 respectively. The RPS sets realistic goals and deadlines for the railbelt utilities from Fairbanks through Homer to achieve a transition to clean energy. �

-- Andrea FenigerClimate Action Legislative Alert

2023 Chapter Election is over

Welcome to newly re-elected members of the Alaska Chapter Executive Committee: Adrienne Canino, treasurer; Susan Hansen, conservation chair; Kim Kirby, compliance chair; and Gregory Stewart, legal chair. They now join Chapter chair Heather Jesse and secretary Deanna Nielsen for the 2023 ExCom term.

Thanks to all Chapter members who cast their votes; other Chapter members will have a chance to run for election next winter!

Sierra Borealis / alaska report

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CHAPTER DIRECTOR: Sierra Club Alaska: P.O. Box 230323 Andrea Feniger

Anchorage, AK 88523-0323. <andrea.feniger@sierraclub.org>

<alaska.chapter@sierraclub.org>

Chapter Directory

Executive Committee:

CHAIR: Heather Jesse heather.g.jesse@gmail.com TREASURER: Adrienne Canino, adrienne.canino@gmail.com CONSERVATION CHAIR: Susan Hansen, skhansen@ak.net LEGAL CHAIR and COUNCIL DELEGATE: Greg Stewart, 4sierragreg@gmail.com

COMPLIANCE CHAIR: Kim Kirby, kimandedo@yahoo.com

Other Officers:

SECRETARY: Deanna Nielson, deanna.nielson@yahoo.com Newsletter editor: Vicky Hoover, vicky.hoover@sierraclub.org With thanks to Nathan Hoover for proofreading help

Our Wld Amrica Alaska Fieldstaff:

Dan Ritzman, Alaska Program Director, 206-378-0114, dan.ritzman@sierraclub.org

Mike Scott, Our Wild America campaign rep., 406-839-3333, mike.scott@sierraclub.org

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