

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the 2021 Redistricting Plan)))) _____)	Case No.: 3AN-21-08869 CI 4BE-21-00372 CI
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CALISTA PLAINTIFFS' PREFILED DIRECT EXPERT TESTIMONY
OF RANDY RUEDRICH

STATE OF ALASKA)	
) ss.	
THIRD JUDICIAL DISTRICT)	

I, Randy Ruedrich, swear and affirm the following:

Q. Please state your name for the record.

A. My name is Randy Ruedrich.

Q. Which parties are you here to support?

A. I am testifying as an expert witness on behalf of Calista Corporation (Calista), William Naneng, and Harley Sundown.

Q. Where do you work?

A. I have worked for Alaskans for Fair and Equitable Redistricting (AFFER) on redistricting activities in the 2011, 2013 and 2021 redistricting cycles. AFFER provides independent Alaskan redistricting guidance to its clients. AFFER was formed in 2010 and again in 2021 to provide technical support and consulting services to Alaskan organizations needing to participate in the Statewide redistricting process. It is the goal of AFFER to draw meaningful boundaries that follow easily identifiable lines and

geographic features, that also protect communities, regional interests, and legal rights of individuals. From its inception, AFFER has worked with a combination of rural native corporations and individuals from both side of the political aisle.

My duties within the context of my work with AFFER include the construction of constitutionally compliant districts that conform to the goals of our clients.

Q. Can you tell us about your background?

A. I received my Ph.D. in Chemical Engineering from Texas A&M University in 1970. I worked as an Atlantic Richfield Company Research Engineer, Drilling Engineer, Drilling Manager and Operations Manager for 25 years. I joined Doyon Drilling as their General Manger in 1994. I organized the consulting service Arctic E & P Advisors in 1998, which is still active.

The Alaska Republican Party elected me as Republican State Party Vice Chair in 2000. Shortly thereafter, I became Party Chair and served in that role for 13 years.

I have been an expert witness in engineering, regulatory, political and insurance investigations/litigation matters.

Q. Have you been qualified as an expert by a court before?

A. Yes:

- I worked for ARCO British as an expert Witness in 1992 in a Scottish Fatal Accident Inquiry into a North Sea well control incident.
- I worked for Patton Boggs as an expert witness in the 2001 Alaska Redistricting litigation regarding whether the 2001 Proclamation was constitutionally compliant.

Expert Witness Appearances in Alaska Recounts and Election Challenges

- In 2016, Holmes, Weddle & Barcott retained me for the Westlake vs Nageak Democratic Party Primary recount.
- In 2018, Holmes, Weddle & Barcott retained me for the LeBon vs. Dodge General Election recount.
- In 2020, Holmes, Weddle & Barcott retained me for the Pruitt vs. Snyder General Election challenge.

In the above matters, I had significant prior experience with the subject manner and used my analytical training to develop operational concepts and reach conclusions on best path forward solutions.

Q. How did you get involved in this case?

A. In 1984 as ARCO Alaska's Drilling Manager, I awarded an Alaskan Oilwell Service Contract to Nordic Calista Services for North Slope Well Services. During this endeavor I became acquainted with Calista leadership and maintained those relationships. As I will discuss, the people of the Calista Region have had a severe underrepresentation for decades.

On behalf of AFFER, I sought Calista as a client for the 2011 redistricting process. Andrew Guy selected AFFER to advocate for Calista's interests. Our mission was to create a constitutional map that would result in less underrepresentation for the people of the Calista Region than had been the case in proclamations from prior redistricting cycles. The 2011 Alaska Proclamation placed the Calista Region's population in three 2011 house districts and two senate districts.

I reached out to Andrew Guy in July 2021 to review continuing our relationship; Calista once again engaged AFFER for the 2021 redistricting cycle.

Whilst the 2021 Alaska Redistricting Board (Board) placed several Calista villages into District 37 and reassigned Chevak from District 39 to District 38, the Board failed to properly weigh the criteria required by article VI, section 6 when it drew House Districts 37, 38, and 39, which negatively impacts the people who live in the Calista Region.

The Calista villages in the 2021 Redistricting Map are scattered across three house districts and two senate districts. Hooper Bay and Scammon Bay requested that the Board incorporate their villages into District 38 because of their ties to Bethel, which is their hub community, and their lack of socio-economic integration with District 39. The Calista Plaintiffs selected me as their expert to explain why the Board inappropriately prioritized certain redistricting criteria over others in the course of drawing house district maps affecting the Calista Region contrary to the requirements of the Alaska Constitution.

Under the Calista Plaintiffs' proposal in this litigation, the Region would still be divided into three house districts and two senate districts, but the people of the Calista Region would have stronger and fairer representation because putting more of the Calista Region population together in Senate District S optimizes their voting power within the limits dictated by the constraints that the Board must operate under.

Q. What were you asked to do in this litigation?

A. I was asked to provide analytical support and testimony to support the Calista Plaintiffs' litigation goals of ensuring fair and effective representation for the Calista Region.

Q. In forming your opinion in this litigation, what materials did you rely on?

A. In order to develop my opinions, I relied on my education, experience and involvement with the Redistricting process. In addition, I reviewed the following:

- The Alaska Constitution, Article VI
- The Board's 2021 Final Proclamation
- All 2021 plans adopted by the Board
- Board meeting testimony and deliberations
- Deposition testimony in this litigation
- Pre-filed testimony from the Calista Plaintiffs and the Board
- Calista Plaintiffs' First Amended Complaint and the Board's Answer

Q. Did you participate in the public redistricting process in 2021 on behalf of Calista?

A. Yes, AFFER participated in the 2021 public redistricting process for Calista among other clients.

Q. Did you participate in the public redistricting process in 2021 in any other capacity?

A. Yes, AFFER was retained by other clients whose interests do not conflict with Calista’s interests, meaning the districts in which those clients were interested were far enough removed from the Calista Region that the lines in one did not directly affect the lines in the other.

AFFER submitted a statewide plan to the Board prior to September 17, 2021, and amended our map as additional testimony advanced our concepts. In conjunction with our clients, we provided public testimony for the Board’s consideration as the redistricting process advanced toward its final map.

When the Board engaged mapping that did not comply with the Alaska Constitution, AFFER actively challenged the Board with specific mapping efforts to attempt to resolve probable constitutional challenges in Southeast Alaska and Fairbanks North Star Borough before Board decisions were baked into the 2021 Redistricting Proclamation. Other AFFER personnel may appear as expert witnesses to assist our other clients, such as Steve Colligan, who is serving as the Mat-Su Borough’s expert.

However, my testimony here is limited to the interests of the Calista Plaintiffs. I am not presenting a statewide map in my testimony, nor am I here to support the statewide map AFFER presented to the Board.

Q. What is your understanding of the Alaska redistricting process?

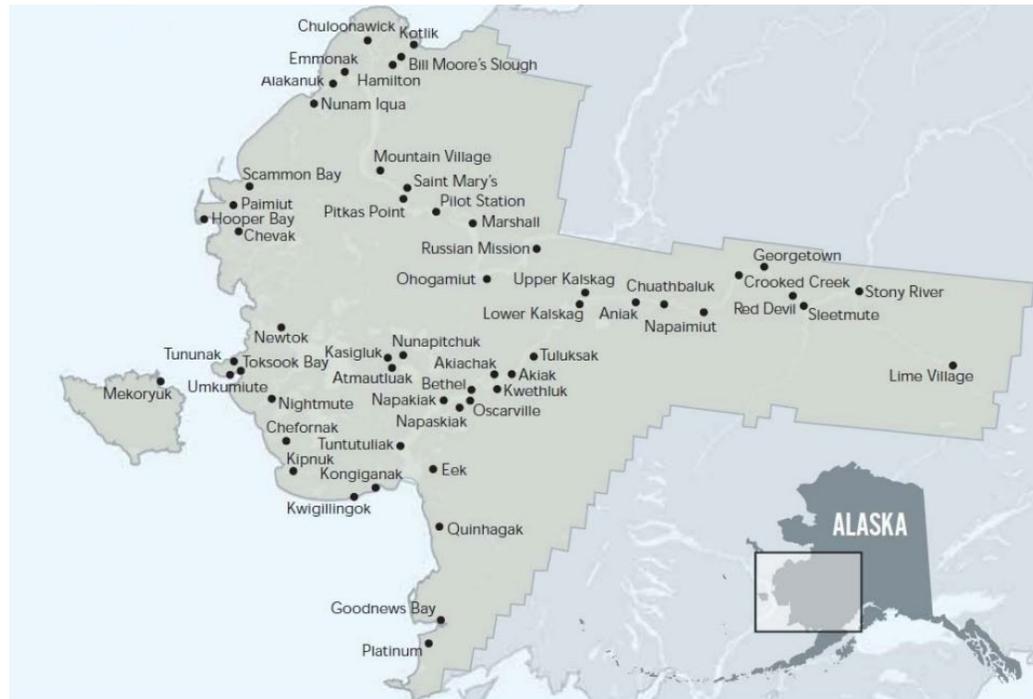
A. Alaskan legislative redistricting occurs once per decade; the process begins immediately after the US Census data is provided to the state and culminates with a Redistricting Proclamation that contains the maps for the 40 house districts in the state, as well as the 20 senate district pairings. The redistricting process is governed by article

VI of the Alaska Constitution. House districts must be drawn according to the criteria in article VI, section 6. The four key criteria governing house district design are: (1) contiguity, (2) compactness, (3) socio-economic integration as nearly as practicable, and (4) equality of population as nearly as practicable. Article VI, section 6 also mandates that “[d]rainage and other geographic features shall be used in describing boundaries wherever possible.”

The Board is required to develop at least one draft map and bring that map to communities around the state for public consideration and comment in what is known as the Redistricting Board Road Show (Road Show). The Board also selects certain maps created by third parties and includes them in its Road Show for public consideration and comment. The Board collects an immense body of verbal, written and online testimony from individuals, groups, and governmental bodies at Road Show public meetings, hearings, and teleconferences during the 90 days between the arrival of the US Census data and the required date of the Redistricting Proclamation.

Q. Where is the Calista Region?

A. The Calista Region is in Southwest Alaska, in the area shown on the map below, which accurately represents the Calista Region's boundary and its 56 villages.

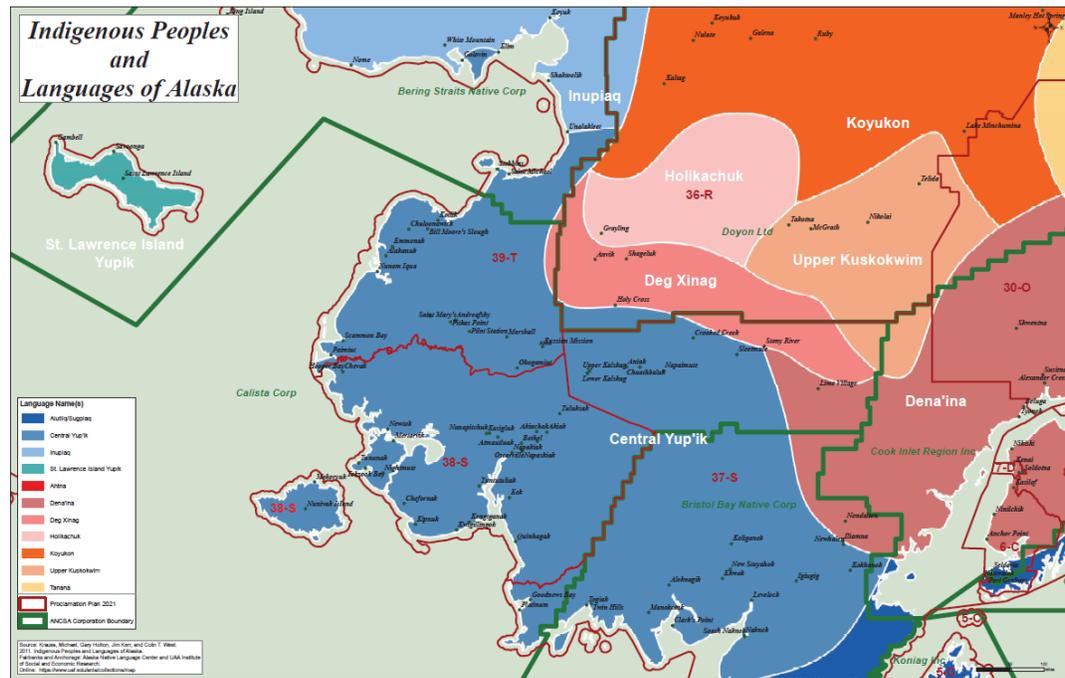


The Calista Region includes House District 38 with 17,853 people, the southern portion of House District 39 with 7,407 people, and the northern portions of House District 37. House District 37 contains the Lake & Peninsula, East Aleutian and Bristol Bay Boroughs plus the West Aleutians and Dillingham Census Areas as well as Calista villages: Goodnews Bay, Platinum, Crooked Creek, Chuathbaluk, Aniak, Lower Kalskag, Upper Kalskag, Sleetmute, Stoney River, Red Devil and Lime Village. These 11 Calista villages in District 37 have a total population of 1,774 people.

The Kenai Peninsula Borough in Southcentral Alaska lies along both sides of the Cook Inlet. The village of Tyonek is on the northwest side of the Cook Inlet. Port

Graham and Nanwalek are on the southeast side of Cook Inlet.

For additional orientation, let's also consider an Indigenous Peoples & Languages of Alaska Map shown below.



Central Yup'ik is the language of the Calista people. Dena'ina is the language of the village of Tyonek. Alutiiq/Sugpiaq is the language of Port Graham and Nanwalek.

Q. What is the population of the Calista Region and how has that changed over time?

A. The Calista Region 2020 Census Population is 27,034 or 1.47 ideal house districts/0.73 ideal senate districts. The Calista Region 2010 Population was 24,472. The Calista Region added 2,562 people or 10.5% during the last decade whilst Alaska's population only added 23,160 people or 3.3%.

An ideal 2021 house district has one fortieth (18,335 people) of Alaska's 2020 Census Population of 733,391 people. An ideal 2011 house district required 17,756

people. Therefore a 2021 district requires 579 more people than a 2011 district. An ideal 2021 Alaska Senate District would contain 36,670 people.

The Mat-Su Borough added 18,186 people or 20.3% which increases its representation from 5.01 ideal house districts to 5.84 house districts.

The Kenai Peninsula Borough added 3,399 people, or 6.1%, which increases its representation from 3.12 ideal house districts to 3.2 house districts.

The combined Mat-Su and Kenai Peninsula Borough and Calista Region growth represents 103.8% of Alaska's population growth between the 2010 US Census and the 2020 US Census. The balance of the State lost population between the 2010 and 2020 censuses.

The Calista Region has enough population for 1.47 ideal 2021 house districts, meaning that 47% of the ideal district size or approximately 8,617 people would need to be assigned to a district outside of District 38 in the 2021 Redistricting Map. The 2021 Proclamation Map assigned 1,774 people, or 9.7% of an ideal district, to District 37 and assigned 7,407 people, or 40% of an ideal district, to District 39.

In 2011, the Calista Region had enough population for 37% of another district to assign outside of District 38 on the 2011 Redistricting Map. The 2011 Proclamation Map assigned 213 people or 1.2% of a district to District 37 and assigned 6,868 people or 38.9% of a district to District 39.

Q. Has the Calista Region ever had adequate representation in the State Legislature?

A. Previous redistricting boards have combined the Calista Region population with non-socio-economically integrated populations to fill multiple adjacent house districts reducing the Calista Region's effective representation. When the population of the Calista Region is assigned to three separate house districts, only District 38 has 100% Calista Region population. The Calista Region population in the other two districts with less than 50% Calista Region population become diluted minority populations.

To make this historical underrepresentation more acute, these three house districts have sometimes been paired with three separate senate districts. Therefore, despite having a population that has been greater than one house district and generally more than 55% of a senate district over the past 40 years, the Calista Region's direct representation has usually been limited to a single representative in the House. This denies effective representation to the people of the Calista Region who live outside of the Bethel house district. My understanding is that at times the senator representing the Bethel (i.e. 100% Calista Region) house district was generally supportive of Calista Region needs and issues and would assist on issues impacting Calista villages outside of the senator's district.

As I understand it, Hooper Bay and Scammon Bay want to be in District 38 and Senate District S with their hub community of Bethel because their elected officials with a limited Calista Region constituency have not been focused on the needs or issues of the Calista Region's people as discussed by the Calista Plaintiffs' other witnesses.

The representation universe changes significantly when two of the three Calista Region house districts are in the same senate district. The 2013 Senate District S had 50% Calista Region population from District 38 and 0.6% Calista Region population from District 37. Calista villages provided 50.6% of the population of S in the 2013 Proclamation map, and they provide 53.8% of the population in the 2021 Senate District S map.

The Calista Region population in District 39 constitutes 42.4% of the house district and only constitutes 20.4% of 2021 Senate District T. Even in the three house district, two senate district configuration, the 7,407 people from Calista villages in District 39 and Senate District T are still deprived of adequate representation.

Therefore, the proper answer is no, people in the Calista Region have not had, and still do not have, proper legislative representation.

Q. What would optimal representation for the Calista Region in the State Legislature look like and why?

A. Calista villages should be the source of the required District 37 population. This population shift is beneficial to both Doyon and Calista Region legislative representation. No Kenai Peninsula Borough population should be added to District 37 to block the addition of Calista villages. Tyonek, Nanwalek and Port Graham are part of the Kenai Peninsula Borough. The Dena'ina village of Tyonek is not socio-economically integrated with any part of District 37. Nanwalek and Port Graham on the east side of the Cook Inlet make the resultant District 37 less compact.

The most socio-economically integrated approach, and the best way to counteract dilution of the Calista Region’s vote is to increase the District 37 Calista Region population, which increases the Senate District S Calista Region population. The Southern Lower Kuskokwim School District Villages: Quinhagak, Kwigillingok, and Kongiganak should be assigned to District 37 to make District 37 more compact and increase its Alaska Native population percentage. These Calista villages may be placed in District 37 only if the Calista villages of Hooper Bay and Scammon Bay are assigned to District 38 to minimize the District 38 population deviation. These combined actions increase the Calista Region population in Senate District S and leave fewer Calista villages in House District 39/Senate District T. The previously existing severe District 39 Calista Region representation dilution is minimized to the degree permitted by declining population in District 37.

Q. What did Calista advocate for in the 2021 redistricting process?

A. During the 2021 Redistricting process, Calista leadership and people from the region advocated for the following:

- a) Return the Tyonek Precinct’s 623 people from District 37 to a district on the Kenai Peninsula to permit the addition of Calista Region population into District 37.
- b) Reassign Hooper Bay, Scammon Bay and Chevak from District 39 to District 38.
- c) To reduce the resultant excess population deviation in District 38, assign the southwestern Calista villages of Kwigillingok, Kongiganak, Quinhagak, Goodnews Bay and Platinum to District 37.

d) Utilize Calista Kuskokwim River villages to form the northern boundary of District 37 (which was adopted by the Board).

Q. Why are the Calista Plaintiffs' 2021 redistricting proposals appropriate, in your opinion?

A. The Calista Plaintiffs seek to have adequate representation for all of the people in the Calista Region. The residual Calista Region population in District 39 is not properly served by a house representative and senator who are not from the Calista Region. District 39 should contain as few Calista villages as practicable. The proposal to reassign villages from District 39 to District 38 and reassign other villages from District 38 to District 37 exactly performs the task required. The Calista villages of Kwigillingok, Kongiganak, and Quinhagak are a socio-economically integrated population when considered with other Calista villages in District 37. Since these District 38 Calista villages are immediately adjacent to District 37, the addition of these villages (coupled with the removal of the Kenai Peninsula Borough areas) better recognizes the socio-economic integration of the entire Calista Region and improves representation in Senate District S.

Q. The Calista Region isn't a borough or municipality or other traditional governmental unit--why should the Board think of it as a socio-economically integrated area for redistricting?

A. Based on my long history and experience with people in the region, I have understood the villages of the Calista Region to be socio-economically integrated. My experience is consistent with the testimony I have heard or seen before the Board and in

this litigation. As I understand it, the common economic endeavor that is Calista Corporation connects the region economically and contributes to the region's political alignment in regards to issues material to Calista's interests. I know from experience that the region is politically aligned regarding other issues as well, but I am less familiar with the specifics of those issues.

Alaska Native Corporation boundaries are another objective metric that you can see on a map. Regional corporations have defined boundaries, and provide benefits to areas within their region. Calista's boundary encompasses the YK Delta and is a visible measure of economic and cultural integration.

Q. How does the Calista Region line up with the 2021 redistricting maps adopted by the Redistricting Board?

A. The Board adopted portions of the Calista proposal and placed Chevak in District 38, but left Scammon Bay and Hooper Bay in District 39. The Board used the Calista Kuskokwim River villages to form the northern boundary of District 37. The Board only placed Goodnews Bay and Platinum into District 37. Those reassignments allowed the Board to remove Doyon villages from District 37. However, the Board blocked placement of additional Calista villages into District 37 by attaching Tyonek, Nanwalek, and Port Graham to District 37's eastern frontier.

This action dilutes the Calista Region population's effective representation in two ways:

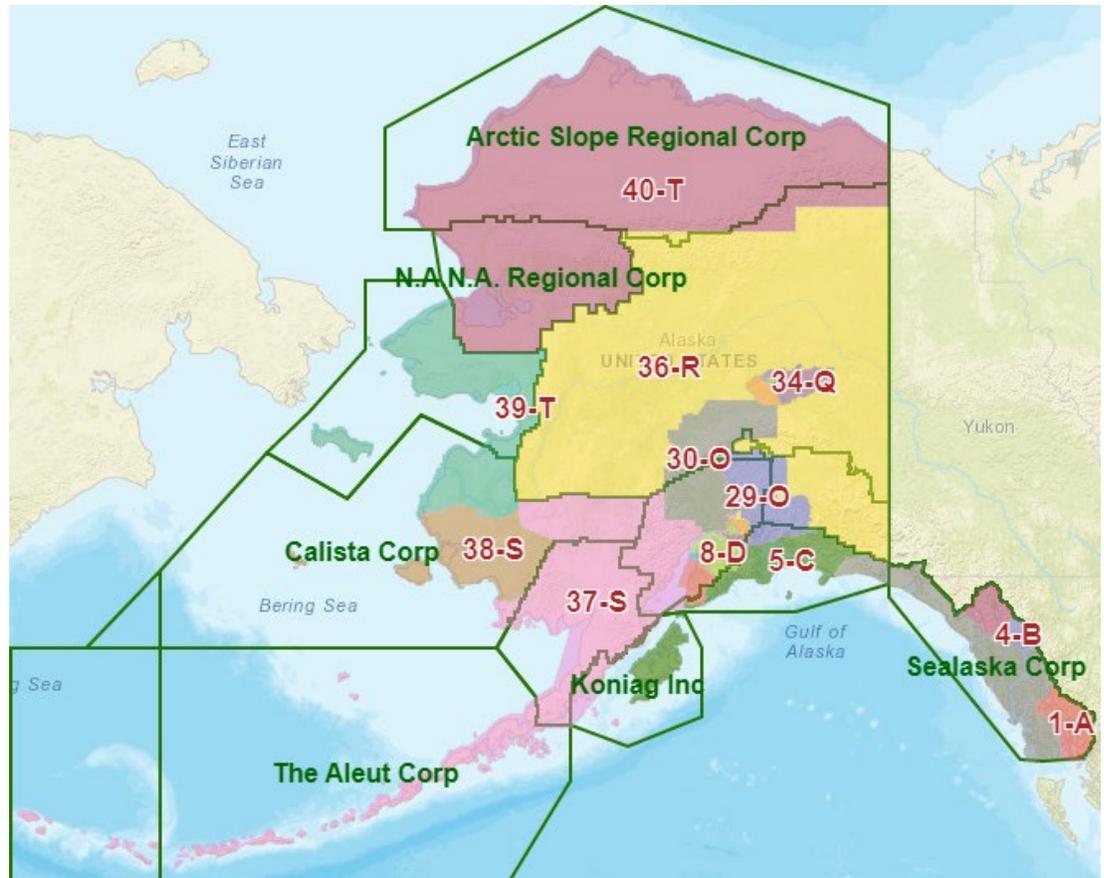
- 1) District 37 has more non-Calista Region population to dilute the Calista Region population's voting power in Senate District S.

2) More District 39 Calista villages with ineffective representation are stranded in District 39 and Senate District T.

Furthermore, in Senate District S, District 37 has 18,226 people, and District 38 has only 17,853 people. With fewer people, District 38 as the 100% Calista Region population district, is put at an electoral disadvantage for future Senate District S elections because of its lower population relative to District 37.

Q. What problems do you see with how the Board treated the Calista Region in its 2021 redistricting process?

A. The Board split the socio-economically integrated Calista Region more than necessary and diluted the population's voting power. Moreover, Calista appears to be the only Alaska Native Corporation whose region's population has been divided into more house districts than numerically necessary, i.e. other than the Calista Region, the Board respected every other ANC's population that it feasibly could, as shown below with ANC boundaries represented by green lines and the Board's house districts in shaded colors. Note that areas of Ahtna, Inc., Koniag, Inc., and Arctic Slope Regional Corp may appear to be in a second house district, but those areas have nominal or no population.



More specifically, Hooper Bay and Scammon Bay requested to be placed in District 38 with their hub community Bethel, but the Board did not honor their request or appropriately recognize the socio-economic integration of those areas. Those villages are left as stranded communities in District 39 without effective representation. The addition of the Kenai Peninsula’s Tyonek, Nanwalek, and Port Graham to District 37 dilutes the District 37 population of persons from the Calista Region in that a more compact and a socio-economically integrated district could have been drawn with southern Calista villages adjacent to District 37 (Kwigillingok, Kongiganak, and Quinhagak), but that possibility was rejected in favor of communities from the Kenai Peninsula Borough, which was broken to make that happen.

The Board actions discussed above diluted the Calista Region's population in District 37 and left District 38 with a negative -2.68% population deviation. That shortfall of 482 people may prove significant in a future Senate District S election.

Q. What are your thoughts about the Board's district boundaries dividing the Calista Region into three house districts and two senate districts, where those lines were drawn, and how that relates to the constitutional requirements for districts and representation?

A. The Board's district boundaries dividing the Calista Region into three house districts and two senate districts are tied to historical maps of the past several decades. District 37 historically contains 3 small boroughs and 2 modest-size census areas in Southwest Alaska. The Board had the opportunity to move Calista villages to properly reflect the Calista Region's growth as an offset to a slightly smaller District 37 population. The Board should have used Calista villages to populate District 37. Instead, the Board action placing the Kenai Peninsula Borough villages of Tyonek, Nanwalek, and Port Graham in District 37 clearly dilutes the Calista Region population's voting power in District 37, and more importantly, in Senate District S.

The Board increased the Calista Region population in District 37 and maintained the Calista Region population in District 38 within Senate District S, which marginally improved the Calista Region's representation in Senate District S. The Board did not place Hooper Bay and Scammon Bay in District 38, even though that would have allowed for a District 37 that more closely complies with criteria in article VI, section 6 of the Alaska Constitution, as discussed above, by allowing more Calista village

reassignments to District 37 to reduce deviation and increase socio-economic integration.

Q. What should the Court order to remedy these problems and why?

A. The socio-economically integrated Calista Region population should be maximized in House Districts 37 and 38 within Senate District S to create house districts that adhere more closely to the requirements of the Alaska Constitution than the districts that were drawn in the 2021 Proclamation, and to minimize the dilution of the voters who live within the Calista Region. Southwest Alaska Districts 37 and 38 need more population to cure the negative deviations for both districts.

The Court should direct the Board on remand to give proper weight to the socio-economic connections between Hooper Bay and Scammon Bay and Bethel and revisit placing Hooper Bay and Scammon Bay into District 38. Hooper Bay and Scammon Bay are materially underrepresented in District 39, and it is possible to draw a map that better complies with the requirements of article VI, section 6 that places Hooper Bay and Scammon Bay in District 38.

The Court should direct the Board to avoid breaking the Kenai Peninsula Borough more times than necessary and remove Tyonek, Nanwalek, and Port Graham from District 37. The Court should then direct the Board to revisit placing Kwigillingok, Kongiganak, Quinhagak in District 37 to correct District 37 under population and create a more compact District 37.

The 2021 Proclamation Map has several areas with positive population deviations. The Court should direct the Board to take a close look at these surplus

populations as a source that could provide the surplus population to cure Southwest Alaska's negative district deviations in the 2021 Proclamation Map. For example, the Court should direct the Board to reduce the District 40 surplus population.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Randy Ruedrich

SUBSCRIBED AND SWORN to before me this _____ day of January, 2022.

NOTARY PUBLIC in and for Alaska
My Commission Expires:_____

ASHBURN & MASON P.C.
LAWYERS
1227 WEST 9TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TEL 907.276.4331 • FAX 907.277.8235

CERTIFICATE OF SERVICE

On January 17, 2022, a true and correct copy of the foregoing was served by e-mail on:

Schwabe Williamson & Wyatt
Matthew Singer
Lee Baxter
Kayla J. F. Tanner
msinger@schwabe.com
lbaxter@schwabe.com
ktanner@schwabe.com
jhuston@schwabe.com

Sonosky, Chambers, Sachse, Miller & Monkman, LLP
Nathaniel Amdur-Clark
Whitney A. Leonard
nathaniel@sonosky.net
whitney@sonosky.net

Holmes Weddle & Barcott, PC
Stacey Stone
Gregory Stein
sstone@hwb-law.com
gstein@hwb-law.com
mmilliken@hwb-law.com

State of Alaska, Department of Law
Thomas S. Flynn
Rachel Witty
thomas.flynn@alaska.gov
rachel.witty@alaska.gov

Brena, Bell & Walker, P.C.
Robin Brena
Laura S. Gould
Jake Staser
Jon S. Wakeland
rbrena@brenalaw.com
lgould@brenalaw.com
jstaser@brenalaw.com
mnardin@brenalaw.com
mhodsdon@brenalaw.com
jwakeland@brenalaw.com

Birch Horton Bittner & Cherot
Holly Wells
Mara Michaletz.
William D. Falsey
Zoe Danner
hwells@bhb.com
mmichaletz@bhb.com
wfalsey@bhb.com
zdanner@bhb.com
tevans@bhb.com
pcrowe@bhb.com
tmarshall@bhb.com

ASHBURN & MASON
By: s/Eva R. Gardner
Eva R. Gardner

ASHBURN & MASON P.C.
LAWYERS
1227 WEST 9TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TEL 907.276.4331 • FAX 907.277.8235