

HB

671



Alaska Conservation Society

Incorporated in 1960

Box 80192 College, Alaska 99701

March 9, 1976

Nels Anderson, Chairman
House Resources Committee
Alaska State Legislature
Pouch V, Juneau 99811

Dear Chairman Anderson:

This letter is about HB 671 "An Act relating to the reservation of water".

The Alaska Conservation Society **STRONGLY** endorses this bill. This bill provides a mechanism for allocation of water for the purpose of maintaining minimum flows for fish, wildlife, recreation and water quality. Such legislation is needed to ensure that these very valid water uses are not only considered in water allocations but are given preferential treatment.

At the present time the Department of Natural Resources Water Section does not manage these resources: there is no mechanism to guard against over appropriation of water. On the Arctic Slope, especially, there have been damages from withdrawing too much water in winter.

In particular, we want to comment on the following:

Section 1: Public water supply and fish habitat are in direct competition. The bill should place habitat before public water supply, because a public water supply should not be built if a habitat is killed.

Section 6: In deciding among competing uses there is no mechanism for public involvement, leaving the definition of beneficial use to the Department of Natural Resources without public review.

Nels Anderson
HB 671
March 9, 1976
Page Two

The Department of Natural Resources Water Resources Section merely catalogs water uses rather than managing them. Therefore, over appropriation is a definite problem. This bill helps to solve the problem. The Water Resources Section should be made to do surveys of water resources present, prior to allocation.

We appreciate this opportunity to express our views.

Sincerely,

ALASKA CONSERVATION SOCIETY



Tina Stonorov
Executive Secretary

Robert T Baade
Box 71
Petersburg, Alaska
99833
April 19, 1976

Bill
HB 671

Rec'd
4/21

Rep. Nels Andersen, Chairman
House Resources Committee
Pouch V
Juneau, Alaska 99801

Dear Mr. Anderson:

It is with considerable concern that I hear of HB 671 stalled in your committee. I presume the reason for this is lack of understanding of the resources being affected. The freshwater use by fish populations concerns even fewer species and narrower use than those of your Bristol Bay environments. They are being callously destroyed in Southeast Alaska by single-use land surface management. Please let me explain.

The several fisheries of Southeast Alaska are geared to the heavy rainfall and forested watersheds we had in the beginning. Clear-cut logging alters the hydrology by speeding the flow of our precipitation and scouring the streambeds in the process. Also, the forest "metered" the stream flow which becomes a series of torrents and droughts between rather than a relatively even flow. This is not a problem in western Alaska where forests are not such a factor of stream discharges. The fact remains that a flood at the wrong time destroys the salmonid spawn in the stream gravels, and that which does survive is destroyed by the low flow and dehydration between floods.

I urge that H.B. 671 be enacted into law in its present form or amended to be even stronger to guarantee proper flows for maintenance of our salmonid fisheries.

Sincerely yours,

Robert T. Baade
Fishery Biologist, Ret.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 671
 Title: An Act Relating to Reservation of Water
 Requested by: Office of the Governor Date: 12-1-75
 Return Date Requested: _____
 Agency: Dept. of Natural Resources Program: Geol & Geophys. Surveys

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Geological & Geophysical Surveys

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		28.5				
200 TRAVEL		2.5				
300 CONTRACTUAL						
400 COMMODITIES		0.3				
500 EQUIPMENT		0.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		32.0	33.5	35.0	37	39

B. FUNDING: (Thousands of dollars)

	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
GENERAL FUND		32.0	33.5	35.0	37	39
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
PERMANENT/TEMPORARY	/	11 /	1 /	1 /	1 /	1 /
MAN MONTHS (P./T.)	/	12 /	12 /	12 /	12 /	12 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Funds to provide Hydrologist to supervise measuring of stream flows and lake levels and acquire data necessary to implement that portion of proposed act. This funding represents minimum effort. The actual financial impact of proposed legislation is unknown at this time.

IV. ATTACHMENTS

V. DATE: 1-21-76 PREPARED BY: William Jachler

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. _____
 Title: An Act Relating to Reservation of Water
 Requested by: Office of the Governor Date: 12-1-75
 Return Date Requested: _____
 Agency: Dept. of Natural Resources Program: Water Management

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Water Management

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		43.0				
200 TRAVEL		2.0				
300 CONTRACTUAL		2.0				
400 COMMODITIES		0.6				
500 EQUIPMENT		1.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		49.1	51.5	54.	57	60

B. FUNDING: (Thousands of dollars)

GENERAL FUND		49.1	51.5	54	57	60
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	2 /	2 /	2 /	2 /	2 /
MAN MONTHS (P./T.)	/	24 /	24 /	24 /	24 /	24 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

On Reverse Side

IV. ATTACHMENTS

V. DATE: 1-21-76 PREPARED BY: William C. Jackson

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE
of ALASKA

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDS

TO:

Harry Aase,
Departmental Administrative Officer

DATE : December 10, 1975

FROM: Dean J. Nation, Chief
Water Resources Section

DJN

SUBJECT:

Fiscal Note:
Water Use Act

Request for fiscal note was received by Water Resources December 1. Since this will have a definite impact attached find note prepared. Please submit to proper offices.

Realistically this will impact also upon Geological & Geophysical Surveys. Are they preparing a note?

Enclosure

RECEIVED
DEC 11 1975

Department of
Natural Resources

State of Alaska

PHYSICAL SURVEYS

DATE: September 25, 1975

FILE NO:

TELEPHONE NO:

FROM: Ross G. Schaff *AGS*
State Geologist

SUBJECT: Proposed Minimum Stream Flow
Legislation per attached

I hope Division of Lands will reflect on the legalities involved in the proposal.

I have problems with the mechanism by which "minimum stream flow" and "lake levels" will be established and by whom. With the exception of the Anchorage area, stream flow measurements are very sparse, and lake level determinations with any history are probably very scarce. I'll check with USGS on this but the magnitude of the job of establishing minimum levels and flows for the entire state should be considered before legislation is proposed. Certainly the DGGs does not have this capacity, nor does the USGS unless special appropriations are forthcoming.

Something else that needs to be considered is the fact that surface waters ~~X~~ and ground waters are components of the same system. I would hope that water appropriation statutes would keep this in mind. It is possible to lower lake levels or stream flows indirectly by over using ground water which really keeps the levels constant. Sand Lake, in the Anchorage area, is a good example of a lowered lake level via accelerated ground water removal through a damaged sewer line.

Otherwise, I am in favor of the concept proposed. We have received Governor's approval to hire a Geologist III who will have far more expertise in these matters than I. At that time I will put him in touch with Mr. Greg Capito if you wish.

*Revision of
41,05,010-030*

STATE
of ALASKA**MEMORANDUM**DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LANDSTO: Michael C. T. Smith, Director
Division of Lands

DATE :

October 29, 1975

FROM:

Dean J. Nation, Chief
Water Resources Section

SUBJECT:

Comments on substantiating budgetary claim of underfunding for administration of Water Resources are briefly:

- 1) Water In my several years with the Division of Lands I have been alarmed with the lack of concern, supported by budgetary denial, of the resource of water. Many hundred water cases remain in the files, many of these for nine years. This can not in any way be construed as an adequate service to the people. The budget restraints impose a non-field capability by limiting staff and have prevented the Section from participating in important state inter-agency meetings resulting in overemphasized products aligned with non-use of the resource, and result in our reacting to situations rather than participating in or leading water resource activities.

Data

- 1) No of cases backlog 1778 (10/1/75).
- 2) No of water field examinations - cy 75-8.
- 3) Meeting etc attended - cy 75-9.

- 2) Materials: Shoreland and tideland use of sand and gravel demands administrative actions of material sales and Use Permits. Our present restricted field capability, a product of staffing, may result in either reacting only to the applicants desires or reacting to input from extraneous sources which may or may not be valid. The actions thus result in a paper pushing segment of the section's actions instead of resource administration. To provide for proper administration of this resource and adequate service to agencies and the public, material actions need to be timely and firmly supported with adequate field knowledge both before and after removals. In this calendar year to date 37 new material transactions (not including extensions) have been issued by this section. In support to and with Southeastern District Office an additional 15 new transactions were issued. Field examinations were conducted on less than 1/3 of the total.

3) Tideland preference and lease:

A major concern of state administration as well as federal agencies are the coast areas of Alaska. Further delay in finalizing tideland preference claims is not desirable, either to the states interest or the local governments loss of tax revenues. The limited staff of two people is not capable of acting on the many tideland preference claims and is delayed in acting timely on lease or permit applications. Limited travel is accomplished but is adequately supported by Appraisal and/or Cadastral staff.

Data:	1) Preference cases pending October 1, 1975	<u>115</u> .
	2) Tideland lease applications pending October 1, 1975	<u>93</u> .

Total pending case load of the section is approximately 2134 cases.

10-002
(12-23-70)

DEPARTMENT OF NATURAL RESOURCES

INTRA-DEPARTMENT ROUTE SLIP

TO:
DIV/SEC: Water Resources LOCATION: Anch
ATTN: Dean Nation

- | | |
|---|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input checked="" type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

REMARKS: Please make estimates of costs and send to Harry for fiscal note.

FROM:
BY: Bill Fackler DATE: 11-26-75

DIV/SEC: _____ LOCATION: _____

STATE OF ALASKA
OFFICE OF THE GOVERNOR
RECEIVED

NOV 25 1975

TO: Department of

- Administration
- Commerce
- Community & Regional Aff.
- Education
- Env. Conservation
- Fish and Game
- Health & Social Svcs.
- Highways
- Labor
- Law
- Military Affairs
- Natural Resources
- Public Safety
- Public Works
- Revenue

ATTN: _____

- Return letter w/draft
- Return letter w/comment
- Reply direct
- Your information
- Call me
- Appropriate action
- As requested
-

REMARKS:

Have Mike Smith's people seen this?

From: _____

Date: 11/21

D R A F T

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill to allow a reservation of water for the benefit of fish and wildlife, recreation, and to maintain a minimum flow, level or quality of water.

This bill is an amendment to the state's Water Use Act, AS 46.15, and, specifically, it is designed to permit state agencies and political subdivisions to apply for an order reserving a certain quantity, level or flow of water for fish and wildlife, recreation or water quality.

The bill does not represent much of a departure from existing law. The Alaska Constitution, for example, in Art. VIII, Sec. 13, states that water of the state may be appropriated subject to "the general reservation of fish and wildlife." Also, Secs. 80 and 260 of the Water Use Act, dealing with permit issuance and definitions, respectively, explicitly recognize the values of water for fish and wildlife, recreation and public health of which water quality is a part.

Further, when there are competing applications for use of water from the same source of water, the bill would give reservations for fish and wildlife, recreation, or water

quality a preference, along with public water supply, over other applications. This seems to be implicitly recognized in the state constitutional provision mentioned above, with respect to fish and wildlife, and it is certainly reasonable to assume that recreation and maintenance of water quality are public uses which should likewise be given preference.

Other laws protecting water quality and fostering recreational opportunities demonstrate the importance of clean water to the health and general welfare of the people of the state.

Sincerely,

Jay S. Hammond
Governor

