

HB

773

Willie Goodwin Sr. RuralCap - Director of Land.

Author of bill - Gear the legislation to State-owned land only. What about priv. lands - Would probably want to do an impact statement mainly for subsistence.

Smith: Objections. Limited Application - If Federal monies are involved there is an impact statement required - No policy, no funds, no standards set. No management mechanisms.

\* Put in a review mechanism Develop control -  
Check with other States -

Ernest Mueller: State Environmental Impact report. Admin wants to look into this  
Comm. on Environmental Concerns: Experience with NEPA. Little guidelines in Fed. Act.  
little information in this bill <sup>on</sup> what would require an environmental impact statement - Triggering mechanism needed on what needs to have an impact - Maximum amount of direction from the Legislature

Threshold ~~where~~ which project requires environmental statement  
Definition of significant effect.  
Clarity in administration of the act.  
procedures.

Public Hearing problems because of Federal law.  
2 impact statements - if there is a federal impact required no state would be required -

within state lands - Perhaps should be  
"on" state land.

Fiscal Analysis of the legislation

Jim Clark - Representing AK Lumber + Pulp.  
Initial feeling good - Agreeing with Mueller  
on some of things - Concerns with  
jurisdictional between State + Fed.

Fish  
Report  
Dick Reynolds

No single agency<sup>to</sup> which people can  
exempting from legislation any situation where  
impact statement or environmental analysis are  
required. These statements should go to review  
agency (EP<sup>STATE</sup>)

also concern over the words within state owned  
land - changed to ON STATE OWNED land.

Triggering - Threshold mechanism  
major impact effects human impact

sub-structure - guidelines on what triggers requirement  
for statement.

\* Morning question - Do <sup>court case</sup> procedural  
of substantive impact -

COST-BENEFIT Ratio bad Project wouldn't go ahead.

Statement for people to look at or Stop the project

Review of present authority -

Norman ~~North~~ Horvath - Alaska -

Some problems with legislation or mentioned -  
significant actions, only -

Threshold only - Triggering mechanism.

Bob Tracy - ASST. Regional Forester. with U.S. Forest  
Service.

Encourage the state in its efforts.

Tideland lease for log storage

even now a lot of coordination for permits.

Roger Allingford Seattle -

NATIVE Corporations. Not received title to their land -

Could effect development of Native land. -  
FOREST PRACTICES Act. Coastal zone -

conflict  
of  
interest  
statement

Go slow attitude until the natives receive title

Studies completed -

2 independent Contractors - Each handled parts of  
The problem. Kent Miller addressed. Economics + site  
Romberg + Collins - Tech Aspects.

Recommendation to Naughton take working documents  
& hold hearings approx. 2 weeks.

City + Borough asked to study the bill  
further.

but the end of the meandering  
Gastinaw channel



**ALASKA LUMBER & PULP CO., INC.**

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March 1, 1976

The Honorable Nels Anderson  
Chairman, House Natural Resources Committee  
Alaska State House of Representatives  
Pouch "V", State Capitol Building  
Juneau, Alaska 99811

Re: House Bill No. 773

Dear Representative Anderson:

Thank you for allowing Jim Clark an opportunity to testify on behalf of Alaska Lumber & Pulp Company, Inc. with respect to the captioned bill. ALP has long been involved in the process of environmental impact reporting as a result of its logging activities on Federal lands, which, as you know, is subject to the National Environmental Policy Act of 1969. The discipline of going through the process of preparing an Environmental Impact Statement is useful in identifying environmental problems so that adequate protective measures can be devised. Accordingly, ALP accepts the concept of the bill but recommends certain changes as appear below.

First, ALP enthusiastically endorses Section 46.36.060 of the Act, which requires a review of present environmental law rules, regulations and policies. As you are aware, there was a plethora of environmental laws passed during the late 1960's and the late 1970's. As of this time, the interrelationship between those laws is poorly understood, if it is understood at all. In many instances, conflicting schemes of management and planning cannot rationally be reconciled. Section 46.36.060 recognizes this problem. It is our understanding that such a review has already been undertaken, and is presently being pursued by the Administration. Given the desirability of what is ordered by Section 46.36.060, and the fact that such a review is already underway by the State Administration, ALP believes it appropriate to wait finalization of the review prior to passing HB 773.

Consistent with the approach you have taken in 46.36.060, it would be most useful to have each state agency prepare a written statement of its understanding of its own authority under the various Federal and State laws, rules, regulations, policies and procedures, and forward those documents to one central agency, preferably the Attorney General's office, for review and coordination. Doubtless,

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such a procedure would reveal that certain laws ought to be repealed because they are duplicative, inconsistent, or have an unfavorable cost-benefit ratio. ALP believes that once this process has been accomplished, it will be possible to come up with a rational, harmonized, systematic approach to environmental problems, which will save the State considerable money, will result in considerable administrative savings in the private sector, and will substantially aid the public benefit by speeding up the administration of the permit issuing process -- all without loss of the environmental objectives which are sought. Accordingly, ALP recommends that language ordering such a "weeding-out" and revision process be added to the bill.

ALP is certain that when going through the process suggested by 46.36.060 of HB 773, as supplemented by the above, the State will discover further that perhaps the thorniest area of overlap, duplication, administrative waste, and chaos arises out of the interrelationship between Federal and State laws -- particularly, when the Federal and State governments seek to regulate the same thing. Under HB 773, as presently written, it can be argued that any State agency commenting upon a Federal proposal which is going through the NEPA circulation process required by OMB Circular A-95, would have to precede its comments with an HB 773 Environmental Impact report. That is to say, an HB 773 Environmental Impact report would have to be prepared by the State before it could comment upon a draft Federal Environmental Impact Statement. For example, the State recently commented upon the Draft Environmental Impact Statement prepared by the Forest Service regarding West Chichagof. It could be argued that HB 773 would have required State comment thereon to have been preceded by an environmental impact report. If that were true, it would either slow down the Federal environmental reporting process considerably, or perhaps, make it impossible for the State to reply to Federal proposals within the time guidelines for those Federal proposals. Since the end sought is an environmental report prior to an action having a significant environmental impact, it would be consistent with your objectives as we understand them, and ALP requests, that HB 773 exempt from the environmental impact report requirement all situations where the Federal NEPA is used. This would create a clean dovetailing of the State and Federal laws, thereby preventing needless duplication, while assuring that an environmental impact report is written on projects affecting State land.

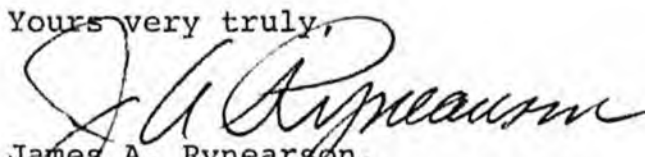
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The words "within state owned lands" as found in 46.36.020 and 46.36.030 arguably encompass all Federal land and private land within the State. This, then, leads to a result where any activity with which the State is involved on Federal or private land has to be preceded by an environmental impact report notwithstanding the fact that the Federal NEPA process has been utilized. This problem can be eliminated by changing the word "within" to "on". This wording change, when coupled with the exemption for activities where the Federal NEPA process has been used, discussed above, should avoid the problem of jurisdictional dispute and needless duplication of administrative effort in both the public and private sector.

Finally, what is the purpose of the difference between the language used in Section 46.36.020 which triggers the writing of a report and that in the Environmental Policy Act of 1969? The Federal Act requires the writing of an impact statement for every "major action significantly affecting human environment." (emphasis added) HB 773 requires an impact report for every "project, activity, or action that has or could have a significant effect on the environment within State owned land." As was stated by those appearing before the House Resources Committee, on February 27, 1976, careful attention will have to be paid to the mechanism which triggers the preparation of such reports and specific guidelines will have to be drawn. In this regard, ALP endorses the position of Commissioner Mueller that the committee should consider similar legislation in other states to determine what their triggering mechanism is and what their experience has been regarding it.

Thank you for the opportunity to provide written testimony on the subject.

Yours very truly,



James A. Rynearson,  
Vice President-Woods Division