

FIRE
SEASON
REGS.

Alaska State Legislature

7

SENATOR

DON BENNETT

1 BOX 2801
FAIRBANKS, ALASKA 99707



Senate

LEGISLATIVE ADDRESS

POUCH V - STATE CAPITOL
JUNEAU, ALASKA 99811

May 3, 1980

Ms. Loretta Nistler, Editor
The Delta Paper
P.O. Box 988
Delta Junction, Alaska 99737

Dear Ms. Nistler:

I am writing in response to your letter of April 28, to Senator Sackett, regarding the Department of Natural Resources' proposed fire season regulations.

Recently, I contacted Commissioner Le Resche's office with inquiry as to the status of these regulations. As of this date, the regulations are being held in abeyance, along with the Timber Practices regulations, until the Department has had a chance to meet with interested legislators sometime before the end of the legislative session.

As Chairman of the Administrative Regulation Review Committee, I am extremely concerned over the amount of unnecessary regulations being created and promulgated by the various departments of state and federal government. I am certainly in agreement with you that the new fire season regulations are again another example of the "over zealous" interference into our traditional Alaskan lifestyle, that has unfortunately become in many cases the rule, instead of the exception. Please be assured, that I plan to do everything I can to see that these, and other similar overbearing regulations are not adopted.

In closing, I appreciate the opportunity to respond to you, and hopefully will be able to assist you with this problem. I will keep Senator Sackett's office apprised of the status on this matter, as I work with the Department for an acceptable resolution. Please contact me if I can be of further assistance.

Sincerely,

Don Bennett

DB:sl

cc: Senator Sackett

January 28, 1980

The Honorable Robert LeResche
Commissioner
Department of Natural Resources
Pouch M
Juneau, Alaska 99811

Dear Commissioner LeResche:

This is in regards to recent numerous complaints and apprehensions which I have received from many of my constituents regarding the new fire season regulations now being promulgated by the Department.

Much of the input I have received from the Interior Region of the State concerns the enactment of these regulations without adequate public hearing for those individuals who will directly be affected by these new restrictions. An additional concern lies with the feeling that the Administration is not adequately considering the Alaskan lifestyle by the adoption of these regulations.

My own feeling is that the new fire season regulations are perhaps an overzealous "knee-jerk" reaction to last summer's Delta fire situation. Hopefully your Department and the Governor are not inadvertently rejecting the long-standing traditions and practices of the Alaskan lifestyle by placing these somewhat overbearing restrictions on many Alaskan residents. Further, it would seem that the old regulations are adequate to control fire hazards related to factors outside natural causes. For speaking from my area of the State, in that many summer fires in the Interior are sparked by lightning, I can see no regulation of any kind that can prevent fires of this nature from occurring.

Please know that I feel there is a need for some regulation to control fire hazards, but to burden Alaskan residents with additional restrictions within their daily lives seems contrary to the lifestyle we have attempted to promote.

The Honorable Robert LeResche

-2-

January 28, 1980

In closing, I would appreciate receiving your comments and justifications regarding the new fire season regulations. Thank you for your assistance.

Sincerely,

Senator Don Bennett

cc: The Honorable Jay S. Hammond
Ted Smith, Director
Division of Forest, Land & Water
Management

January 29, 1980

Mr. and Mrs. Gordon Mereness
Box 1114
Delta Junction, Alaska 99737

Dear Mr. and Mrs. Mereness:

I am in receipt of your telegram of January 23, regarding your objection to the new fire regulations being imposed without public hearing by the Department of Natural Resources.

Please know that I share your concerns relating to these regulations with special interest as to how they will affect the Interior Region of our State.

I thank you for your comments and will contact both Governor Hammond and Commissioner LeResche in support of your objections.

Sincerely,

Don Bennett

TELEGRAM

ALASCOM, INC.
PHONE: 580-3442
JUNEAU, AK 99802

1980 JAN 23 PM 1 15

12020 POM IDFA DELTA ALASKA 15 01-23 1030A AST

PMS SENATOR DEON BENNETT

JUN

1000

STRENOUSLY OBJECT NEW FIRE SEASON REGULATIONS WITHOUT HEARING
IN OUR AREA TELL LERESCHE

GORDON AND LINDA MERENESS

BOX 1144 DELTA JCT 99737 -

January 29, 1980

Mr. and Mrs. Paul Nistler
P. O. Box 952
Delta Junction, Alaska 99737

Dear Mr. and Mrs. Nistler:

I am in receipt of your telegram of January 23, informing me of your objections regarding the new fire season regulations soon to be adopted by the Department of Natural Resources.

As a Senator from the Interior Region, I am especially concerned of how these regulations will affect our area of the State. Please know that I am in strong support of your position, and will be sure to communicate your interests to both the Governor and Commissioner LeResche.

Please contact me if I can be of further assistance to your with this matter.

Sincerely,

Don Bennett

Respond

TELEGRAM

ALASCOM, INC.
PHONE: 286-6442
TUNIAU, AK 99802

12038 IDFA POM FAIRBANKS ALASKA 15 01-23 1105A AST

PMS DON BENNETT

SENATOR 1028

JUN

STRONGLY OBJECT FIRE SEASON REGULATIONS BEING ADOPTED SOON.

NO NOTICE NO LOCAL HEARING. STOP LARESCHÉ

PAUL AND LORETTA NISTLER

PO BOX 952

DELTA JCT 99737

*support your position
contacting Governor on this
please contact Gov. Hammond
& Comm. LaResche w/ your concerns*

1980 JAN 23 PM 2 27

January 31, 1980

Mr. Donald J. May
4545 Wood River Drive
airbanks, Alaska 99701

Dear Mr. May:

Thank you for your letter and attached information of January 16, regarding the newly proposed mining regulations.

After reviewing your testimony which you presented at the Natural Resources Public hearing, I can certainly understand your concerns. As a person who has been involved in mining in the past, I share your dismay over the restrictions that these regulations would impose on the mining industry. Rest assured, that I will look into the regulations which you cited and see if something can be done to modify them.

Mr. May, I thank you for bringing this matter to my attention, and will do whatever I can to assist you. Please contact me if I can be of further assistance to you.

Sincerely,

Don Bennett

Polar Construction and Mining

4545 WOOD RIVER DRIVE
FAIRBANKS, ALASKA 99701

1/16/80
HON. STATE SENATOR DON BENNETT:
JUNEAU, ALASKA

DEAR SIR:

PLEASE TAKE A MINUTE,
CONSIDER THIS TESTIMONY GIVEN
TO MR. TED SMITH AT THE PUBUC
HEARING IN FAIRBANKS LAST NIGHT.

MIGHT YOUR TIME SERVING
US IN JUNEAU BE PROSPEROUS
AND PROGRESSIVE THIS YEAR.

THANK YOU VERY MUCH.
RESPECTIVELY YOURS.

Donald D. May



ALASKA MINERS ASSOCIATION, INC.

FAIRBANKS BRANCH

January 15, 1980

PRESIDENT
Dr. Richard Swainbank
Box 81315
Fairbanks, Alaska 99701

VICE PRESIDENT
Donald J. May
4545 Woodriver Dr.
Fairbanks, Alaska 99701

SECRETARY
Fred Heflinger
409 Clara St
Fairbanks, Alaska 99701

TREASURER
Donald R. Stein
105 Dunbar Av.
Fairbanks, Alaska

State of Alaska
Department of Natural Resources
Public Hearing
Fairbanks, Alaska
c/o Mr. Ted Smith, Director

Dear Mr. Smith:

As Vice Chairman of the Alaska Miners' Association, I have been asked to be a spokesman pertaining to the new proposed regulations which confront us tonight.

First: It's strange indeed that you choose to push regulations upon us with such short notice, in the middle of the winter, with less than a month's notice to defend our life's work and investments which can and could be wiped out with such broad and sweeping powers, that you now as our civil servants possess. Are you fearful to appear directly to the Miners' Association to reason why such changes are necessary? Not one of us on the executive board was informed of such changes pertaining to the mining industry which confront us tonight. These hearings were listed and broadcast this past week locally, for this one night here in Fairbanks under "Forest Resources and Practices" when actually by accident we found out that they were covering proposed mining and mineral resource recovery and development regulations. They deal directly with land use permits which are so restrictive that they even monitor the placement of mechanical equipment, as well as the use of explosives which are under your jurisdiction and authority. Are we



not free to choose what we should and need to use as we see fit without stopping the operation and coming to town?

In many cases this would involve traveling many hundreds of miles to obtain a restrictive permit. This is neither prudent nor progressive, but rather it could be labeled authoritarianism, socialism, or the opposite of free enterprise.

Without getting too involved in all these proposed draft regulations, I would like to consider page 2, Section 11 AAC 65.030. I ask you in all honesty, how can a miner not "cause disturbance or harm to the land or related natural resources"?

Who is to say? What one director says can be ignored by a successor, or made more harsh by another. Mining must disturb the land to be effective. This is only common sense. Now if we had the time, we could go further and elaborate on "occupying a cabin, moving or operating equipment, bonding, reporting requirements," or Section 11 AAC 65,210 regarding "Duration," which is so broad and elusive that a director could interpret it to mean a miner or mining company has only 10 years to work a claim. In actuality, most large mining companies require at least 10 years from discovery to full production. Who is going to fool with such a requirement that limits permit life? Industry just goes elsewhere, and so do the jobs that might be generated. Without the development of our resources, this town

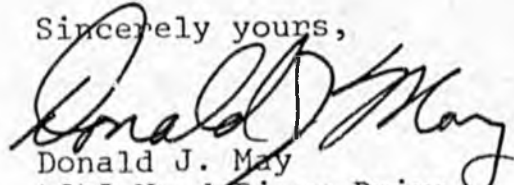
would pass through severe economic reverses. I hope you are aware of the number of foreclosures that are and will continue in the near future in Fairbanks. During the past 12 months there are 5 to 6 thousand fewer people living in the Fairbanks North Star Borough, and that doesn't sound like "sensible, sustained growth" to me as the campaign slogans stated, and it's been over 2 years since the pipeline was completed.

Please allow me to pass on my own forecast for this area, based on 30 years' residency (if that adds any authority to what I say). Fairbanks and Interior Alaska will continue to decline over the next few years, due to the lack of a stable economic base. The bureaucrats will increase from a fat state treasury until the day comes that they have eaten themselves out of these fat jobs. In other words, Prudhoe Bay is forecasted to decline to a third of what it is producing today, and so will state oil revenues by 1985.

If we look to the future with a desire to help this area with a stable economic base, we must rejuvenate mining, the deep hard rock mining holds great potential throughout the interior. These proposed draft regulations will only stall or further hinder this basic industry. The Alaska Miners' Association goes on record as completely being in disagreement and in opposition to these oppressive rules which are only the desire of a small percentage of the populace, and if enacted will curtail the small miner businessman now, and stall the large potential mines later.

I hope you gentlemen who have the present, yet temporary position of mandating regulations realize that when the pendulum swings back to a more informed and knowledgeable electorate than appears to be the case here tonight because of some unknown haste, I dare say this electorate will register complete contempt at the polls for such stifling treatment as the proposed regulations.

Sincerely yours,



Donald J. May
4545 Wood River Drive
Fairbanks, Alaska 99701

xc: Honorable Governor Jay Hammond
Honorable Lt. Governor Terry Miller
State Senators and State Representatives
Fairbanks Daily News-Miner
All Alaska Weekly