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COMMITTEE REPORT

HOUSE

(7)

FURTHER:

3/12/82

Date: April 13, 1982

Mr. Speaker:

The Committee on RESOURCES has had SB 832

"An Act extending the lapse date of the appropriation for the Citizen's Advisory Commission on Federal Management Areas; and providing for an effective date."

under consideration and ~~(a majority of the committee)~~ ~~(the committee)~~ reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
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CHAIRMAN

LEGISLATIVE SUMMARY

SB 832 "An Act extending the lapse date of the appropriation for the Citizen's Advisory Commission on Federal Management Areas; and providing for an effective date."

Sec. 1. Extends the lapse date for the appropriation to the Citizen's Advisory Commission on Federal Management Areas until June 30, 1983.

Sec. 2 Effective date is immediately.

SPONSOR: THE RESOURCES COMMITTEE

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THE FOLLOWING APPROPRIATION ITEMS ARE FOR
OPERATING EXPENDITURES FROM THE GENERAL FUND OR OTHER
FUNDS AS SET OUT IN THE FISCAL YEAR 1982 BUDGET SUMMARY
BY FUNDING SOURCE TO THE STATE AGENCIES NAMED AND FOR
THE PURPOSES SET OUT IN THE NEW LEGISLATION FOR THE
FISCAL YEAR BEGINNING JULY 1, 1981 AND ENDING JUNE 30,
1982. THE APPROPRIATION ITEMS CONTAIN FUNDING FOR
LEGISLATION ASSUMED TO HAVE PASSED DURING THE FIRST
SESSION OF THE TWELFTH LEGISLATURE AND ARE TO BE
CONSIDERED PART OF THE AGENCY OPERATING BUDGET. SHOULD
A MEASURE LISTED IN THIS SECTION EITHER FAIL TO PASS,
ITS SUBSTANCE FAIL TO BE INCORPORATED IN SOME OTHER
MEASURE, OR BE VETOED BY THE GOVERNOR, THE APPROPRIATION
FOR THAT MEASURE SHALL LAPSE.

APPROPRIATION APPROPRIATION FUND SOURCES
ITEMS GENERAL FUND OTHER FUNDS

27	HB	17	ESTABLISH OLDER ALASKANS COMMISSION	383,300	383,300		1
28			APPROPRIATED TO DEPARTMENT OF ADMINISTRATION				1
29	HB	31	RELATING TO MANAGEMENT OF STATE LAND	15,000,000	15,000,000		1
30			APPROPRIATED TO DEPARTMENT OF NATURAL RESOURCES				2
31	HB	31	AN ACT RELATING TO DOMESTIC VIOLENCE	257,400	257,400		2
32			APPROPRIATED TO DEPARTMENT OF PUBLIC SAFETY				2
33	HB	12	LIBRARY ASSISTANCE GRANTS	1,080,000	1,080,000		2
34			APPROPRIATED TO DEPARTMENT OF EDUCATION				2
35	HB	94	AN ACT RELATING TO WORKER COMPENSATION	302,800	415,100	(112,300)2	2
36			APPROPRIATED TO DEPARTMENT OF LABOR				2

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NEW LEGISLATION (CONT.)

APPROPRIATION APPROPRIATION FUND SOURCES
ITEMS GENERAL FUND OTHER FUNDS

4	HCR	24	CONTINUE REAA LEGISLATIVE OVERSIGHT COMMITTEE	125,000	125,000		
5			APPROPRIATED TO LEGISLATURE - LEGISLATIVE FINANCE				
6	HCR	29	ALASKA AGRICULTURAL DEVELOPMENT PLAN	200,000	200,000		
7			APPROPRIATED TO DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT				
8	SB	3	AN ACT RELATING TO GUARDIANS & CONSERVATORS	140,800	140,800		
9			APPROPRIATED TO ALASKA COURT SYSTEM				
10	SB	18	SPECIAL EDUCATION PRG/SUMMER '81	2,000,000	2,000,000		1
11			APPROPRIATED TO DEPARTMENT OF EDUCATION				1
12	SB	23	RE/STATE AID TO SCHOOL DISTRICTS	176,600 <i>44</i>	176,600 <i>44</i>		1
13			APPROPRIATED TO DEPARTMENT OF EDUCATION				1
14	SB	23	RELATING TO ENERGY	1,925,200	1,925,200		1
15			APPROPRIATED TO DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT				1
16	SB	24	RE/APPROPRIATIONS FOR ENERGY PROGRAMS	122,900	122,900		1
17			APPROPRIATED TO DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS				1
18	SB	29	RELATING TO DISPOSAL OF HAZARDOUS WASTES	591,000	591,000		1
19			APPROPRIATED TO DEPARTMENT OF ENVIRONMENTAL CONSERVATION				1
20	SB	36	CITIZEN'S ADVISORY COMMISSION ON FEDERAL MANAGEMENT AREAS	365,500	365,500		2
21			APPROPRIATED TO OFFICE OF THE GOVERNOR				2
22	SB	50	RE/RELATING TO UNEMPLOYMENT INSURANCE	70,500	70,500		2
23			APPROPRIATED TO DEPARTMENT OF LABOR				2
24	SB	54	TUITION & FEE PAYMENTS TO GUARD & MILITIA RETIREES	5,000	5,000		2
25			APPROPRIATED TO DEPARTMENT OF MILITARY AFFAIRS				2

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3635

Senate

Committee on Resources

March 8, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

Hearing:

SB 730 An Act establishing the Aleksandr Baranof State Game Refuge.
SB 745 An Act extending the lapse date for the FY 82 appropriation for land disposal surveys.
SB 759 An Act relating to the size of trapping cabins.
SB 832 An Act extending the lapse date for the FY 82 appropriation for the Citizen Advisory Commission.

SB 745

Jeff Harnes, Deputy Commissioner, Department of Natural Resources, explained that this capital appropriation is necessary to continue survey work (\$11 million) and municipal grants (\$2 million).

Senator Fischer asked that SB 832 be heard before any action was taken on SB 745.

SB 832

Senator Fischer stated he would like SB 745 and SB 832 combined since they both amend the same line of the same statute.

Senator Fahrenkamp expressed opposition in consideration of the sponsors.

Senator Mulcahy moved SB 745 and SB 832 with individual recommendations.

Senate Resources Committee

March 8, 1982

Page 2

SB 759

Jeff Haynes stated that the existing statute limits the size of trapping cabins to 192 square feet. DNR feels the increase to 768 square feet that SB 759 would provide is too great. A smaller size would discourage the establishment of a permanent residence on a \$10/year trapping permit.

Senator Fahrenkamp said a Committee Substitute had been prepared that limits the size to 400 square feet.

Senator Eliason disagreed with the size limit, stating that criteria for obtaining a permit limit the cabin's use to trapping.

Senator Gilman moved the adoption of the Committee Substitute for SB 759. He then moved CSSB 759 with individual recommendations.

SB 730

Senator Sturgulewski moved to rescind the Committee's action on SB 730.

Senator Fahrenkamp explained that after action was taken last Friday, the land manager in Kodiak called about a technical error in the bill.

Senator Mulcahy stated that on page 1 line 29 and page 2 line 1, "21" should read "23". He moved the adoption of the Committee Substitute for SB 730. He then moved CSSB 730 with individual recommendations.

The meeting was adjourned at 2:00 p.m.

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COMMITTEE REPORT

HOUSE

FURTHER: Finance

(7)

4/15/82

Date: April 20 1982

Mr. Speaker:

The Committee on Resources has had CSSB 843 (Res)

"An Act relating to surface coal mining and the surface effects of underground coal mining; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass ~~18-1-82~~ do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Date: 4/22/82
From: BETTYE
Phone: _____

MEMORANDUM

From the Office of
Senator Bettye Fahrenkamp

To: ALL HOUSE MEMBERS

MESSAGE:

ATTACHED SUMMARY OF CSSB 843 - COAL RECLAMATION

LEGISLATIVE SUMMARY

SB 843 "An Act relating to surface coal mining and the surface effects of underground coal mining; and providing for an effective date."

The bill proposes to add a new chapter to AS 41.

Sec. 41.45.010 Basic finding that the state is best able to regulate surface coal mining and reclamation under the U. S. Surface Mining Control and Reclamation Act of 1977. The purposes of the bill include: assuring the responsible extraction of coal, the reclamation of coal mining areas, protecting the rights of surface owners, minimizing degradation of land and water and assuring appropriate public participation in the regulatory process.

- .020 Vest jurisdiction over surface coal mining and reclamation operations in the Commissioner of the Department of Natural Resources.
- .030 Enumerates general duties, including adoption of regulations, issuing permits, holding hearings, issuing orders, inspections, prepare reports, receive grants, participate in the abandoned mine land program, coordination and cooperative agreement with other agencies.
- .040 Regulations adopted or permits issued may vary for a particular condition, type of coal, or area of the state.
- .050 Employees administering or a private contractor may not have a direct or indirect financial interest in an underground or surface coal mining operation. Prescribes a designation of a class A misdemeanor if a person knowingly violates this section. (NOTE: \$5,000 fine and a jail sentence of one year).
- .060 Requires coal mine operators to apply for a permit to conduct surface coal mining and reclamation operations beginning 8 months after approval of the state's program.

If the Alaska program is disapproved and the federal program has not been promulgated, existing operations which comply with the federal statute may continue. Permits which lapse during this period will continue in full force until promulgation of a federal program.

- .070 Permits will be issued for five years. The Commissioner can issue a permit for a longer period if the applicant shows that it is necessary in order to obtain financing for equipment or to open the operation.

A permittee is required to commence operations within 3 years after the permit is issued. This can be extended if the permittee show litigation is precluding commencement of operation or threatens substantial economic loss or for

reasons beyond the control, fault, negligence of the permittee. If the coal is to be mined for use in a synthetic fuel facility or specific major electric generating facility, surface mining is considered to have begun at the time construction of the facility is begun.

- .080 Provides that permits carry a right of successive renewal with respect to areas within the boundaries of the original permit, subject to a burden of proof on the opponents of renewal to demonstrate that the operation is not in compliance with regulatory requirements.

Renewals involving new land areas require the same procedures and standards as apply to new permit applications.

Application for permit renewal must be received by the Commissioner at least 120 days before expiration of the permit.

If the application is received at least 120 days before expiration and the permittee has complied with the bonding requirement the operation may continue under the permit after the expiration date until a final administrative decision on the renewal is made.

- .090 Allows the Commissioner to set a fee schedule for a new permit, permit renewal, or transfer permit applications; requires that the fees not exceed the actual or anticipated costs of reviewing the application.
- .100 Requires the public filing of permit applications and copies of all materials filed under this chapter; with the exception of designated confidential information.
- .110 Requires the Commissioner to adopt regulations relating to the contents of permit applications consistent with the requirements of the federal program. These must take into account the unique mining and environmental conditions of Alaska.
- .120 Establishes small operator assistance for certain laboratory work at no cost. This is for operations which will produce under 100,000 tons of coal annually.
- .130 Provides for public notice of pending applications for surface coal mining and reclamation permits.
- .140 Allows a person who may be adversely affected by the proposed operation, as well as federal, state or municipal agencies, to file written comments and objections to the application within 30 days. Such persons must request an informal conference to discuss their comments or objections with the Department.

The Commissioner is required to issue a decision regarding the permit application within 60 days of the informal conference, or as provided in Section .130 below.

- .150 Provides for formal hearings regarding the Commissioner's decision on the permit application upon request of the applicant or any person who may be adversely affected within 30 days after the request. The Commissioner may grant temporary relief pending his final decision when circumstances warrant.
- .160 Requires that before a permit can be issued, the applicant must furnish a performance bond conditioned on faithful performance of the requirements of this statute and the permit. The bond must be sufficient to assure completion of the applicant's reclamation plan by the Department in the event of a forfeiture. In lieu of a bond, the Commissioner may accept cash or negotiable bonds or certificates of deposit or the Department may accept a self-bond under future regulations to assure financial solvency. The amount of the bond may be adjusted for good cause, including changes affecting land areas and costs of reclamation.
- .170 Contains provisions governing release of performance bonds. The applicant must give notice of its request for release of bond, and the Department must conduct an inspection and evaluation of the reclamation work involved. Provides for staged release of the bond, depending on the degree of reclamation work completed and the Commissioner's evaluation. Persons whose legal interests may be adversely affected, and governmental agencies, may file objections to the release of bond and request a hearing, as may an applicant whose request for bond release has been denied.
- .180 Requires the Commissioner to make a decision on a permit application within 120 days after receipt, which may be extended by an additional 60 days upon receipt of additional information required for a decision. This section sets out the basic criteria for approval of an application. A permit may not be issued if the applicant is currently in violation of environmental standards regarding surface coal mining operation which it operates in the United States or if the applicant has had a demonstrated pattern of willful violations of this chapter.
- .190 Deals with revisions and transfers of permits. The Commissioner is required to establish guidelines for determining the extent of revision for all permit application requirements and procedures, including notice of hearing.
- A permit can not be transferred, assigned or sold without written approval of the Commissioner. A successor may continue the operation until the transfer application is granted or denied and meets the requirements of this section.
- .200 Requires exploration activity to be conducted only according to regulations adopted by the Commissioner. The regulations must include provisions for reclamation of excavations, roads, drill holes, and the removal of facilities and equipment.

Under a coal exploration permit no more than 250 tons can be removed without specific written approval of the Commissioner.

- .210 Within 120 days after the effective date of this chapter, the Commissioner is required to propose regulations consistent with the environmental performance standards of the Federal law. The regulations promulgated under this chapter for both surface coal mining and reclamation operations and surface effects of underground mining must include appropriate adjustments to meet the conditions in Alaska.
- .220 Requires the surface effects of underground mining be regulated in a similar fashion to surface coal mining operations. The Commissioner can suspend underground coal mining activities in populated areas if there is an imminent danger to the inhabitants.
- .230 Provides the basic authority for the Department to inspect and monitor operations. The Commissioner may require a permittee to: make monthly reports, install, use and maintain necessary monitoring equipment or methods and other information relating to the operation as the Commissioner considers reasonable and necessary. The Commissioner can inspect the operation. The inspections are to occur on an irregular basis. Inspections are to occur without prior notice, the inspector must notify the permittee's representative, on the site, upon his arrival and invite the representative to accompany him during the inspection. The inspector is required to file a report about the inspection.
- .240 Sets forth the Department's basic enforcement authority. A violation of this chapter or permit which causes imminent danger to public health or safety or which threatens significant, imminent environmental harm, requires the inspector to issue a cessation order for the whole operation or that portion causing harm. The order remains in effect until further Departmental action. If a violation cited does not cause imminent danger, a notice of violation is issued.

Cessation orders and notices of violation are subject to appeals and full due process hearings by persons who may be adversely affected. The Commissioner is authorized to request the Attorney General to institute a civil action for relief. There are provisions governing judicial review of these actions.

- .250 Provides for both civil and criminal penalties for violations of this chapter and permits. Civil penalties are mandatory for cessation orders (may not exceed \$5,000), but discretionary for notices of violation. Willful and knowing violations are class C felonies (NOTE: \$50,000 fine and 5 years jail). Failure to correct a violation during the period of time permitted by the notice or subsequent extension requires a \$750 per day penalty.

- .260 Requires the Commissioner to use competent and scientifically sound data in determining lands unsuitable for all or certain types of surface coal operations. It allows a person with a legal interest which may be adversely affected to petition the Commissioner to have areas designated unsuitable for all or certain types of coal mining. Areas must be designated unsuitable if the Commissioner determines that reclamation in the area in question is not technologically feasible. There are four discretionary criteria for designating land unsuitable. Mining is prohibited in protected areas (subject to existing rights); National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, Wild and Scenic Rivers System, National Recreation Areas, publicly owned parks, historic sites, 100 feet of public roads, 300 feet of occupied dwelling, public building, school, church, community or institutional building, public park or 100 feet of a cemetery.
- .270 Provision regarding abandoned mine lands in order to ensure state participation in the federal Abandoned Mine Reclamation Fund. The Fund is for the reclamation of land adversely affected by past coal mining practices. Contains the administrative authority to establish priorities, designate eligible lands, submit reclamation plans and annual projects to the Department of Interior and administer funds received.
- .280 Defines eligible lands as those which were mined or affected by coal mining, left in an inadequate reclamation status, and for which there is no continuing reclamation responsibility under law.
- .290 Gives the Department power to enter onto property for reclamation purposes. Does not create new rights of action or eliminate existing immunities.
- .300 Authorizes the Commissioner to acquire abandoned mine areas for reclamation purposes and to dispose of such property when: it is necessary for successful reclamation, in the public interest, serve recreational, historic, conservation, open space, and to meet emergency situations. The Commissioner shall pay the fair market value of the property. The Commissioner can sell the property if it is suitable for industrial, commercial, residential or recreational development. The sale has to be consistent with any state and local land use plans.
- .310 Requires the Commissioner to place a lien upon state funded reclaimed property for the increase in fair market value. Exempted are properties owned before May 2, 1977, the owner did not consent to, participate in, or exercise control over the surface operation which necessitated the project. A person affected by this section may petition for a hearing within 60 days after the lien is recorded.
- .320 Authorized the filling of voids and sealing tunnels with money from the Abandoned Mine Land Fund.
- .330 Authorized emergency entry without prior notice onto land to

abate an emergency which constitutes a danger to the public health and safety

- .340 The Commissioner may request the Attorney General to initiate action for an injunction to restrain any interference with the exercise of the right to enter or work described in .270 - .340. Authorizes the State to construct and operate plants for control and treatment of water pollution from mine drainage in compliance with the Federal Water Pollution Control Act.
- .900 Specifies that the requirements of this chapter apply to government agencies, including publicly-owned utilities.
- .910 Exempts from this chapter extraction of coal for non-commercial use of the land owner or lessee, commercial coal operations which affect 2 acres or less and coal extraction as part of government-financed construction.
- .920 Authorizes departures from the environmental performance standards for experimental practices of limited size and which do not down grade the environmental, public health or safety standards of the program. This provision needs approval of the U. S. Department of Interior.
- .930 Provides that this chapter does not affect a person's water rights and that any impairment of water supply must be remedied by the operator.
- .940 Provides authority for the Commissioner to require training, examination and certification of blasters.
- .950 Creates a civil cause of action on behalf of persons who may be adversely affected by a failure to comply with the chapter against both the state agencies and alleged violators. A person commencing action under this section must give 60 days notice and the action can only be filed in the judicial district in which the operation is located.
- .960 Provides that any provision of this chapter which the Secretary of Interior determines to be inconsistent with the federal Act is invalid. Also, requires the Commissioner to review all changes made in the federal Act or regulations, and to make appropriate recommendations as to whether or not the State program should be changed.
- .970 Provides that this chapter is not to be interpreted to modify any existing state agency's powers over coal leases and exploration permits, except as specifically provided by this chapter and implementing regulations. This section also requires that the provisions of this chapter are applicable to lands conveyed out of federal ownership.

- .975 Is the severability clause.
- .980 Makes the Administrative Procedure Act applicable to this chapter unless otherwise provided.
- .985 Cites the short title of the chapter as the "Alaska Surface Coal Mining Control and Reclamation Act."
- .990 Is the definitions section.

Section 2. Requires applications to be submitted under this chapter within 2 months after the date the state program is approved by the Secretary of Interior, and requires the Commissioner to process such an application within 8 months after the Secretary's approval.

Section 3. Reserves the right of the state to contest the constitutional or statutory validity of any of the regulations issued under the federal act.

Section 4. Requires the Commissioner to adopt regulations under the Administrative Procedure Act. The regulations do not take effect until the effective date of Section 1.

Section 5. Provides that Sections 1 and 2 become effective upon approval of the state program by the Secretary of Interior.

Section 6. Provides that Sections 3 and 4 become effective immediately.

ALASKA
STATE LEGISLATURE
MEMORANDUM

JOHN MANLEY
HOUSE RESOURCES COMMITTEE

4/20/82

RE: CSSSSB 796

PER YOUR REQUEST ATTACHED IS INFORMATION REGARDING THE HAINES
EAGLE PRESERVE AND FORESTRY LEGISLATION.



RESA KING
SENATE RESOURCES COMMITTEE

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE:

March 25, 1982

The Honorable Bettye Fahrenkamp
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Fahrenkamp:

As I understand you will soon be scheduling a hearing on Senate Bill 796 "an Act providing for the management of State-owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area." I felt it would be helpful to provide the Resources Committee with a brief chronology of events leading to its introduction.

<u>June 1978</u>	Adoption of Haines/Skagway Land Use Plan
<u>August 1978</u>	Negotiated timber sale contract signed with Schnabel Lumber Co. for lands classified for timber harvest
<u>September 1979</u>	SEACC Lawsuit on Haines Timber Sale
<u>July 1980</u>	Governor's "moratorium" letter to Senator Hart (see attached) Haines Klukwan Resource Advisory Committee established. Haines/Klukwan Cooperative Resource Study begins
<u>June 1981</u>	Progress Report on Resource Study (see attached)

The Honorable Bettye Fahrenkamp
Page Two
March 25, 1982

December 1981

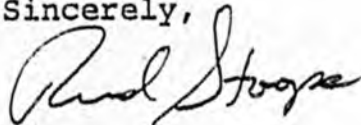
Haines Klukwan Resource Advisory
Committee meets in Haines to discuss
possible legislation to create State
Forest and Eagle Preserve

March 1981

SB 796 introduced with letter of
agreement by City of Haines, Haines
Borough, Schnabel Lumber, SEACC,
Audubon, USFWS, Alaska Miner's
Association.

In summary, almost four years of debate, litigation, research,
and compromise have preceded the introduction of SB 796.
The Department of Natural Resources has a great deal of time
and effort invested in this legislation, and urges your
favorable consideration.

Sincerely,



Reed Stoops
Director
Division of Research
and Development

Attachments



STATE OF ALASKA
OFFICE OF THE GOVERNOR
WASHINGTON, D.C.

July 21, 1980

The Honorable Gary Hart
United States Senate
254 Russell Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Hart:

At your invitation and that of three other Senators, representatives of my administration have recently met with members of the principal organizations and public agencies which have expressed concern for the future welfare of the Chilkat eagle population. In these meetings, we presented an overview of past State actions which have been taken to protect the eagles and their habitat, and outlined commitments we intend to make in this regard.

In 1972, the Alaska State Legislature established a "Critical Habitat Area" of 4,800 acres to preserve part of the lands used by the eagles in their winter congregation. In addition, the State classified protective riparian corridors for both fish and wildlife values, and designated certain lands for further study to determine their importance to both eagles and fisheries.

Last year, in keeping with recommendations of the Haines/Skagway Land Use Plan, the State cooperated with the communities of Haines and Klukwan, and the National Audubon Society in their initiation of studies of the Chilkat bald eagles. Based on first year recommendations of these studies, I am making \$250,000 in legislative appropriations available for a strengthening cooperative bald eagle study. It is important to me that all parties cooperate in accomplishing one comprehensive eagle study rather than duplicating efforts through two or more such studies.

In addition to helping assure adequate support for the study of eagle ecology, some of these monies will also be committed to comprehensive investigations of related resource values, with special emphasis on hydrology, fisheries, soils, and vegetation. It will be particularly important in these study efforts

The Honorable Gary Hart
July 21, 1980 - Page Two

to identify projected money and manpower needs, and management policies and objectives, to assist the State in providing effective protection to the Chilkat bald eagles under what I recommend should be a cooperative management regime.

An advisory committee involving representatives of the local communities of Haines and Klukwan, the National Audubon Society, and appropriate State and Federal resource agencies will be established by the Commissioner of the Alaska Department of Natural Resources. I will rely on this group to offer direction on how State funds can best be spent to obtain information vital to enlightened management and protection of bald eagles, and the habitat that sustains them.

In keeping with my concern for impacts of these studies on the local communities and on possible management options for the eagles, I am also urging that some of these monies be made available for study of the social, economic and cultural concerns of the city of Haines and the village of Klukwan. The role of the advisory committee will be especially important in this regard, and the State will be looking to that group on how to best acquire and use this essential information.

At present, there are no plans for development in areas currently thought to be of greatest importance to the eagles. To alleviate concerns about the future possibility of such actions prior to completion of the studies, I am declaring a moratorium on all major development activities within the essential bald eagle habitats as described on the attached map dated May, 1980. This is to include any planning for road and bridge construction. Customary and traditional uses important to the welfare of local residents, and which in past years have not adversely impacted the eagles, will continue to be permitted in these areas. Such uses will include, but are not necessarily limited to, hunting, fishing, trapping, subsistence, prospecting, general recreation and both motorized and non-motorized access.

I want to emphasize that the State of Alaska fully recognizes the great State, national and international values of the annual gathering of bald eagles along the Chilkat River. We are committed to cooperating with all interested parties in seeking sound scientific information necessary to effectively conserve the birds, and to place their essential habitats under permanent protection.

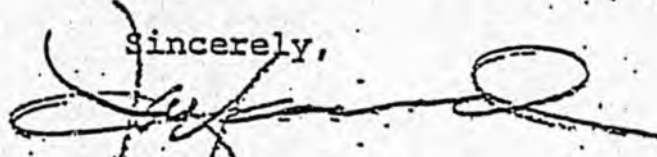
It is my understanding that the moratorium and study outlined above have been discussed with, and are satisfactory to, representatives of Haines and the Alaska Coalition. The study which

The Honorable Gary Hart
July 21, 1980 - Page Three

I have alluded to will be carried out cooperatively with these groups, which will be represented on a policy advisory committee.

If you have any questions or comments regarding the arrangements which I have just described, please let me know.

Sincerely,



Jay S. Hammond
Governor

cc: The Honorable Ted Stevens
The Honorable Mike Gravel
The Honorable John H. Chafee
The Honorable Jennings Randolph
The Honorable John C. Culver
The Honorable Frank Church

February 26, 1982

*Letter of
Consensus*

*3/2/82
12:10/m*

The Honorable Jay S. Hammond
Governor, State of Alaska
Pouch A
Juneau, AK 99811

Dear Governor Hammond:

This is to advise you that after prolonged study and debate, the undersigned parties have reached a consensus regarding a legislative solution to resource conflicts on State land in the Haines area. This preferred solution involves passage of companion legislation, Senate Bill 796 and House Bill 881, namely, "An Act providing for the management of State owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area."

Earlier this month, at our request, Senator Ray and Representative Duncan introduced draft bills in both the House and Senate to serve as legislative vehicles. We recommend that the consensus legislation we have agreed to be introduced as "sponsor substitutes" for the introduced legislative vehicles in the very near future.

Since the consensus agreement involves very careful wording of the legislation to achieve a delicately structured compromise, we also strongly urge that the legislation, a copy of which is enclosed, be passed by the Legislature without amendment. Should the bill be amended by the Legislature so as to change its nature, all parties to this agreement reserve the right to pursue alternative courses of action, including but not limited to, opposing passage of the amended legislation. Should passage of unacceptable amended legislation occur, despite our best efforts, then we would request exercise of your veto authority.

All parties to this consensus agree that the reinventory of timber resources in the area is important for the purposes of scientific forest management and expect that a reinventory be made a high priority for funding by your administration. We respectfully request that you direct Commissioner of Natural Resources John Katz to make adequate funding of a current "operational level inventory" in the

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Haines State Forest Resource Management Area his highest priority in terms of timber inventories and reinventories on state land.

We would also like to request your continued support for the currently uncompleted interdisciplinary resource studies under the purview of the Haines-Klukwan Cooperative Resource Advisory Committee. These cooperative study efforts should provide information useful in developing comprehensive management plans for the proposed Bald Eagle Preserve and State Forest Resource Management Area.

On passage of the proposed consensus legislation by the State Legislature, the National Audubon Society agrees to request that you remove the "moratorium" on development you established in your letter to Senator Gary Hart of Colorado dated July 21, 1980. The Society also agrees to request that Senator Hart and other concerned U. S. Senators and Congressmen support the proposed legislation and your lifting of the moratorium.

In closing, we would like to thank you and your administration, particularly the Department of Natural Resources, for the strong support provided in helping to achieve this unprecedented legislative compromise involving land and resource conflicts in the Haines area. We are convinced that this "Alaskan solution" has the potential for adequately protecting local, state, national and international resource values and other interests in the Chilkat and Chilkoot valleys and could well serve as a model for resolving similar conflicts elsewhere in the State. Furthermore, successful implementation of this legislation once passed should demonstrate to all Alaskans and to the Nation as a whole that protection and management of resource values and other interests can in fact be successfully accomplished.

Your consideration of this request is greatly appreciated.

Sincerely yours,

R E Henderson
Mayor of Haines Borough
Jon D. Halliwell
Mayor of City of Haines

February 26, 1982

John F. Schnabel, President
Schnabel Lumber Company

William C. French
President, Lynn Canal
Conservation Council Inc

David R. Clive
Regional Vice President,
National Audubon Society

Jim Steuber
Executive Director,
Southeast Alaska
Conservation Council

Robert A. Ladd Jr.
for Regional Director, U. S. Fish
& Wildlife Service

Alaska Miners Association
Haines Branch

Meritt Palmer

SWS/ke

cc: Hon. Bill Ray
Hon. Betty Fahrenkamp
Hon. Jim Duncan
Hon. Mike Miller
Hon. Eric Sutcliffe
Hon. Ken Fanning



Alaska State Legislature

SENATE Resources Committee

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Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

April 14, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

SB 794 Establishing certain areas as units of the Alaska marine park system.
SB 795 Relating to outdoor recreation and historic projects.
SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.

SSSB 796

Resa King, Administrative Assistant, described the two meetings that had been held with Klukwan, Tlingit/Haida Central Council, Audubon Society, City of Haines, and the Department of Natural Resources since the April 7th hearing on SSSB 796, and stated that memos outlining those meetings were in the Committee members' packets. The meetings were to, 1) satisfy the concerns of Klukwan, and 2) answer questions raised by the legal division.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, expressed support for the bill, but indicated that technical amendments may need to be made before final passage.

Senator Mulcahy moved CSSSSB 796 with individual recommendations.

SB 794

Phil Holdsworth, Juneau, expressed concern that the areas listed in Section 2 of the bill include many which are the only potential sites for log transfer facilities and industrial docks, especially in Southeast.

Jeff Haynes, DNR, explained that the areas listed in Section 2 are study areas, and will not necessarily be included in the marine park system. Decisions on which lands to include will involve a visible

Senate Resources Committee

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public process, and no lands will be included without legislative approval. Haynes stated that areas other than those listed in Section 2 can be studied also.

Senator Gilman expressed concern over language in the bill that would close the park lands to multiple use. He moved an amendment deleting page 1, lines 22-29 (CS) and asked unanimous consent.

Senator Fischer moved CSSB 794, as amended, with individual recommendations.

SB 795

Senator Fischer moved an amendment deleting page 3, lines 14-17 (CS #2) and asked unanimous consent. He then moved CSSB 795 as amended with individual recommendations.

The meeting was adjourned at 2:05 p.m.