

BRISTOL

BAY

COOPERATIVE

MANAGEMENT

PLAN

COMMENTS ON BRISTOL BAY COOPERATIVE MANAGEMENT PLAN

BY

JAMES R. JINKS, EXECUTIVE DIRECTOR

ALASKA MINERS ASSOCIATION

TO

RESOURCES COMMITTEE, ALASKA STATE SENATE

MAY 4, 1984

Good afternoon. I am James R. Jinks, Executive Director of the Alaska Miners Association. I appreciate the opportunity to speak to you today about the Association's concerns with the Bristol Bay Cooperative Management Plan.

Before offering specific comments, I would like to note the excellent efforts of those who have compiled this final document. Although the Association still has very strong reservations about the plan, we recognize the dedicated efforts of the work group in attempting to accommodate the concerns of those who have commented on this plan in its earlier forms.

Although many of the concerns expressed by the Miners Association have been at least partially addressed, we continue our opposition to the adoption and implementation of this plan. We firmly believe that effective management of the lands and protection of the environment can be attained through the proper enforcement of existing statutes and regulations. Throughout the process there has been an apparent perception that this plan was being developed in the absence of any other laws or regulations to protect the area and its resources. Nothing could be further from reality. There is a plethora of laws and regulations which govern the use and protection ~~on~~ virtually every facet of our entire

state -- including the Bristol Bay region. The creation of a plan such as this is duplicative and, in a number of cases, contradictory of existing state and federal requirements. We have not solved a problem with this plan, we have only compounded it.

It is well known that Bristol Bay is the most ~~productive~~ ~~Salmon~~ ~~fishery is the most~~ productive fishery in the world. The Miners Association recognizes that for that reason alone ~~that~~ fishing should be one of the primary uses of the region. We do not agree that it should be the sole primary use. Proper application of the principles of multiple use would provide for the continuance of fishing as a primary use and at the same time allow for the proper development, where appropriate, of the other resources of the region. By designating fishing as the primary use of the regions waters , the BRCMP has sentenced the region to a monoecconomy which is at the mercy of nature. On February 7, I had the pleasure of attending a hearing by this committee. At that meeting, many of you heard Mr. Kelly Ross of Oregon recite the tragedy of his area which had adopted a similar plan and then had experienced a natural disaster which decimated the fishing industry. We have no guarantee written in stone that this can't happen in Alaska.

When we consider the fishing in Bristol Bay, one ponders the questions of what percentage of those fishing there live in Alaska? How much of the fish caught there is processed here? What financial return accrues to the region and the state from the fish caught there? If we had accurate answers to those questions, I

believe we would be dismayed to learn that we would find that other states and nation gain more direct employment and financial benefits from fishing in Bristol Bay than we do in Alaska.

If we consider the minerals industry however, I believe we would find the answers to those question favoring our state and people. We would also realise that thh minerals industry would provide an alternative economy and off-season jobs for the region.

Mining and fishing have coexisted in Alaska for more than a century. Streams which have had significant placer mining activities for more than seventy years remain viable and productive salmon spawning streams. It is interesting to note that when certain streams in Washington state become silted to where they are no longer productive fish spawning grown, the accepted method of rejuvenating those streams is to dredge them!

There is a more important question at stake in this matter. The Bristol Bay Cooperative Management Plan results in the classification of millions of acres of Alaska land. Is that properly done without the approval of this state's legislative body? Additionally, it has the effect of obligating the state's money to administer the plan. Is such obligation of money without the approval of the legislature within the intent of our constitution?

We have been assured that the BBCMP is a one of a kind document

and would not be a "landmark" document for other plans to be developed in Alaska. It is interesting to note that the management plan concept for the Coastal Zone Management of the Seward Peninsula area has many striking similarities to the initial efforts on the BBCMP. One wonders why.

Yesterday I had the opportunity to participate in an excellent program dealing with hazards in the work place held at APU. A member of the panel I participated in described efforts by the Nondalton traditional tribal council to deal with the problems of industrialization in their community. One comment she made was particularly interesting to me however. She said " There are no walls separating one community from another (that applies to the regions of our state also). What happens in one may affect another." Certainly this is true of the BBCMP. What happens with this plan as it applies to that region will most assuredly affect all the other regions and people of Alaska.

SOHIO ALASKA PETROLEUM COMPANY
COMMENTS ON THE DRAFT ERISTOL BAY COOPERATIVE MANAGEMENT PLAN

TESTIMONY BEFORE THE SENATE RESOURCES COMMITTEE

MAY 4, 1984

SOHIO ALASKA PETROLEUM COMPANY

COMMENTS ON THE DRAFT BRISTOL BAY COOPERATIVE MANAGEMENT PLAN

TESTIMONY BEFORE THE SENATE RESOURCES COMMITTEE

MAY 4, 1984

MY NAME IS DEBRA BORAH. I AM AN ENVIRONMENTAL SCIENTIST WITH SOHIO ALASKA PETROLEUM COMPANY IN ANCHORAGE. I HAVE BEEN FOLLOWING THE DEVELOPMENT OF THE BRISTOL BAY COOPERATIVE MANAGEMENT PLAN FOR SOHIO FOR THE PAST 2 YEARS. DURING THIS TIME THERE HAS BEEN A CONSIDERABLE AMOUNT OF ORAL AND WRITTEN COMMENTS PREPARED BY THE OIL AND GAS INDUSTRY AND PRESENTED AT EVERY OPPORTUNITY WHERE INPUT WAS ALLOWED. YOUR COMMITTEE WAS PROVIDED COPIES OF THESE PAST EFFORTS AND I HAVE PREVIOUSLY PRESENTED TESTIMONY BEFORE THIS COMMITTEE. SOHIO APPRECIATES THIS OPPORTUNITY TODAY TO AGAIN DISCUSS OUR CONCERNS.

WE ARE CURRENTLY IN THE PROCESS OF REVIEWING THE LATEST VERSION OF THIS PLAN WHICH WAS MADE AVAILABLE ONE WEEK AGO TODAY. IN THIS SHORT TIME IT HAS BECOME READILY EVIDENT THAT OUR PREVIOUS COMMENTS HAVE NOT BEEN GIVEN SERIOUS CONSIDERATION. THERE HAVE ONLY BEEN TOKEN MODIFICATIONS--MORE COSMETIC THAN SUBSTANTIVE--MADE TO THE PLAN IN RESPONSE TO OUR CONCERNS.

THIS PLAN WAS DEVELOPED BY AN 8 MEMBER STUDY GROUP: 4 MEMBERS REPRESENTING LOCAL INTERESTS, 2 STATE AGENCIES AND 2 FEDERAL AGENCIES. NEITHER THE OIL AND GAS INDUSTRY NOR THE MINING INDUSTRY WAS INVOLVED IN THE DECISION-MAKING ASPECTS OF THIS PLAN. WE ARE CONCERNED THAT THE PLAN IS NOT BALANCED AND DOES NOT ACCOMPLISH WHAT WAS MANDATED BY ANILCA.

THE PLAN WILL "CAST IN CONCRETE" A DECISION THAT COMMERCIAL FISHING AND RECREATION ARE TO BE THE ECONOMIC RESOURCES FOR WHICH "RATIONAL AND ORDERLY" DEVELOPMENT IS PROVIDED. THE DECISION WILL BE "IN CONCRETE" BECAUSE THE PLAN ESTABLISHES A COMPLICATED SYSTEM THAT WILL EFFECTIVELY BLOCK ANY AND ALL EFFORTS TOWARD DEVELOPMENT OF ANY OTHER ECONOMIC RESOURCES IN THE 31 MILLION ACRES COVERED BY THE PLAN. THIS DECISION IS NOT IN THE STATE'S BEST INTEREST.

AN EFFECTIVE WAY TO ILLUSTRATE THIS POINT IS TO DESCRIBE A RECENT EXAMPLE IN WHICH SOHIO WAS DENIED A MISCELLANEOUS LAND USE PERMIT TO CONDUCT SEISMIC EXPLORATORY OPERATIONS ON THE ALASKA PENINSULA. EXHIBIT "A", INCLUDED WITH YOUR COPIES OF THE TESTIMONY, SUMMARIZES BACKGROUND INFORMATION ON THE SEISMIC PERMITTING FOR YOUR REFERENCE. ANNE BROWN FROM THE SOHIO LANDS DEPARTMENT HAS A VU-GRAPH INDICATING THE LOCATION OF THE PROPOSED SEISMIC LINES IN THE PORT MOLLER, NELSON LAGOON AND HERENDEEN BAY AREA OF THE ALASKA PENINSULA. NO TITLE 16 PERMITS WERE NEEDED FROM THE ALASKA DEPARTMENT OF FISH AND GAME AND NO FEDERAL PERMIT WAS NEEDED. ONLY A MISCELLANEOUS LAND USE PERMIT WAS REQUIRED FROM THE DEPARTMENT OF NATURAL RESOURCES (DNR), THEREBY ESTABLISHING DNR AS THE COORDINATING AGENCY UNDER THE STATE'S NEW PERMITTING PROCEDURES.

DNR HAS A LEGAL MANDATE TO BALANCE STATE INTERESTS AND DETERMINED THAT THERE WAS SIGNIFICANT PUBLIC NEED FOR SOHIO'S PROGRAM AND THAT THERE WERE NO FEASIBLE AND PRUDENT ALTERNATIVES. THIS WAS THE BASIS FOR DNR'S ISSUANCE OF A PRELIMINARY CONSISTENCY DETERMINATION REQUIRED BY THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP) BEFORE A PERMIT COULD BE APPROVED.

IT IS IMPORTANT AT THIS POINT TO DESCRIBE THE BBCMP AND HOW RELATES TO EXISTING PROCEDURES. THE PLAN INCLUDES A SET OF HABITAT MAPS DEPICTING "ESSENTIAL" AND "IMPORTANT" HABITAT AREAS FOR FISH, CARIBOU, MOOSE, BROWN BEAR, WATERFOWL, MARINE BIRDS, MARINE MAMMALS AND BALD EAGLES. (AS A SIDE NOTE, INDICATING ONE OF THE COSMETIC CHANGES TO THE PLAN. THE TERM "ESSENTIAL" HAS BEEN SUBSTITUTED FOR WHAT USED TO BE CALLED "CRITICAL" IN RESPONSE TO INDUSTRY COMMENT THAT ONLY THE LEGISLATURE COULD DESIGNATE "CRITICAL" HABITAT.) PROPOSED PROJECTS MUST BE EVALUATED WITH RESPECT TO THE MAPS TO DETERMINE THE APPLICABILITY OF THE GUIDELINES--THERE IS AN OVERWHELMING TOTAL OF 74--IN CHAPTER V OF THE PLAN. THE HABITAT DESIGNATIONS ON THE MAPS AND THE RESTRICTIVE GUIDELINES PRESCRIBED FOR THESE HABITATS ARE KEY TO CONTROLLING THE ENTIRE AREA. EXHIBIT "B" ILLUSTRATES THE VAST AREA COVERED BY "ESSENTIAL" HABITAT WHEN THE MAPS FOR ALL THE SPECIES ARE SUPERIMPOSED. TO GIVE YOU A PERSPECTIVE REGARDING THE "VASTNESS" OF THESE AREAS, REMEMBER THAT THE ENTIRE PLANNING AREA REPRESENTS 31 MILLION ACRES.

SOHIO HAS TWO SIGNIFICANT CONCERNS WITH THIS SITUATION. FIRST, A REQUIREMENT IS ESTABLISHED FOR A BBCMP CONSISTENCY DETERMINATION IN THE COURSE OF PERMITTING ACTIVITIES. AS MENTIONED PREVIOUSLY, THERE IS ALREADY THE REQUIREMENT FOR AN LUMP CONSISTENCY DETERMINATION. THE BBCMP ESTABLISHES A SEPARATE AND ADDITIONAL CONSISTENCY REQUIREMENT. SECOND, THE MAPS AND GUIDELINES ARE THE SIGNIFICANT KEYS TO CONTROLLING THE ACTIVITIES IN THE AREA. FISH & GAME DEVELOPED THE GUIDELINES AND DRAFTED THE MAPS AND WILL, THEREFORE, BE THE CONTROLLING AGENCY REGARDING PERMITTING DECISIONS FOR THE 31 MILLION ACRES. YET FISH & GAME HAS NO LEGAL MANDATE TO BALANCE STATE INTERESTS.

IN THE SEISMIC PERMITTING EXAMPLE, SOHIO CONDUCTED AN IN-HOUSE BBCMP EVALUATION USING THE HABITAT MAPS CONTAINED IN THE PUBLIC REVIEW DRAFT PLAN. THIS REVIEW DETERMINED THAT NONE OF THE PROPOSED LINES WERE IN ESSENTIAL CARIBOU CALVING HABITAT. I MUST ADMIT THAT WE WERE PLEASANTLY SURPRISED GIVEN THE VASTNESS OF THE CARIBOU HABITAT AS INDICATED IN EXHIBIT "B". AFTER FILING THE APPLICATION, HOWEVER, SOHIO WAS ADVISED BY FISH & GAME THAT ONE OF THE LINES WAS IN ESSENTIAL CARIBOU CALVING HABITAT--THE MAP HAD BEEN CHANGED BY ADF&G ON THE BASIS OF 1983 INFORMATION. THIS CHANGE, DEPICTED IN EXHIBIT "C" IN YOUR PACKAGES AND SHOWN IN THIS VU-GRAPH, RECEIVED NO REVIEW, COMMENT OR APPROVAL FROM OTHER AGENCIES OR THE PUBLIC. IT COVERS ALMOST 50 SQUARE MILES AND TRIGGERED THE APPLICABILITY OF 3 RESTRICTIVE CARIBOU GUIDELINES FROM CHAPTER V OF THE PLAN.

TWO OF THESE 3 CARIBOU GUIDELINES ARE MODIFIED BY THE TERM "WILL". THEREFORE, BEFORE DNR CAN DEVIATE FROM THE REQUIREMENT OF THE GUIDELINES AND ISSUE A PERMIT, A COMPLICATED BBCMP PROCESS MUST BE FOLLOWED. UNRESOLVED ISSUES ARE ELEVATED TO THE ALASKA LAND USE COUNCIL FOR RESOLUTION. UNDER THE STATE'S NEW PERMITTING REGULATIONS, UNRESOLVED CONFLICTS WITH THE ACMP CONSISTENCY REVIEW ARE ELEVATED TO THE GOVERNOR FOR RESOLUTION.

FISH & GAME OBJECTED TO DNR'S PRELIMINARY ACMP CONSISTENCY DECISION BASED IN PART ON THE DRAFT BBCMP CHAPTER V GUIDELINES FOR CARIBOU, WATERFOWL AND GEOPHYSICAL SURVEYS. THE GEOPHYSICAL SURVEY REQUIREMENT UNJUSTIFIABLY DISCRIMINATES AGAINST OIL AND GAS EXPLORATION SINCE IT PROHIBITS THE USE OF EXPLOSIVES FOR GEOPHYSICAL WORK. BUT ALLOWS EXPLOSIVES ON A CASE-BY-CASE

BASIS FOR ANY PURPOSE OTHER THAN GEOPHYSICAL SURVEYS WHEN THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE. AS PROVIDED FOR IN THE NEW PERMITTING REGULATIONS, FISH & GAME ELEVATED THE PERMIT REVIEW. THE CONFLICT REMAINED UNRESOLVED AT THE DIRECTOR AND COMMISSIONER LEVELS UNTIL POLICY GUIDANCE FROM THE GOVERNOR RESULTED IN A DENIAL OF THE PERMIT.

SOHIO'S EXPERIENCE WITH THE SEISMIC PERMIT SHOWS THAT THESE ARE TWO METHODS BY WHICH DNR'S PERMITTING AUTHORITY AND DISCRETION CAN BE SEVERELY LIMITED. BOTH METHODS CAN BE TRIGGERED BY ANY AGENCY OR COASTAL RESOURCE SERVICE AREA; ALTHOUGH FISH & GAME, FOR EXAMPLE, HAS NO LEGAL MANDATE TO BALANCE STATE INTERESTS AND THE COASTAL RESOURCE SERVICE AREAS SHOULD NOT HAVE THE LEGAL AUTHORITY OF GOVERNMENTAL AGENCIES.

IN MANY PERMITTING INSTANCES, SUBSTANTIAL DELAYS ARE EQUIVALENT TO DENIALS. THESE PROCEDURES COULD RESULT IN LITERALLY EVERY ACTION THAT REQUIRES A PLAN OF OPERATION, LEASE, DEVELOPMENT PLAN, MISCELLANEOUS LAND USE PERMIT, CONTRACT, OR TITLE 11 (c) PERMIT BEING AT SOME STAGE OF ELEVATION IN EITHER THE ACMP PROCESS OR THE BBCMP PROCESS FOR SUCH A PERIOD OF TIME THAT THE PERMITS, EVEN IF THEY WERE GRANTED, WOULD NOT BE TIMELY ENOUGH TO BE MEANINGFUL. THE BBCMP REVIEW PROCESS WILL BE USED AS A BASIS FOR OBJECTING TO THE ACMP CONSISTENCY DETERMINATIONS FURTHER COMPLICATING THE PROCESS.

THE BBCMP'S DESIGNATION OF VAST EXPANSES OF SO-CALLED "ESSENTIAL" HABITAT HAS NOT BEEN JUSTIFIED. THE DEVELOPMENT OF THE 74 GUIDELINES DID NOT RESULT FROM THE LOGICAL PROCESS OF FIRST IDENTIFYING SIGNIFICANT CONFLICTS. IN FACT, THE EIS, CHAPTER VIII, WAS WRITTEN AFTER THE

GUIDELINES WERE. IT SEEMS THAT THE EIS SHOULD HAVE IDENTIFIED THE POTENTIAL AREAS OF SIGNIFICANT CONFLICT AND SUGGESTED POSSIBLE MITIGATION MEASURES. YET THE GUIDELINES WERE DEVELOPED BY FISH & GAME ASSUMING A REGULATORY VACUUM AND, BY DESIGN, SIGNIFICANTLY LIMIT EXISTING PERMITTING PROGRAMS, REGULATORY PROCESSES, AND DEVELOPMENT ACTIVITIES WITHOUT PROVIDING JUSTIFICATION FOR THESE SEVERE LIMITATIONS. SOHIO DISAGREES WITH THE ASSUMPTION OF SIGNIFICANT CONFLICT INHERENT IN THE DEVELOPMENT OF THE GUIDELINES BETWEEN THE OIL AND GAS INDUSTRY AND THE BIOLOGICAL RESOURCES.

ON PAGE 4 OF THE REVISED DEIS THE FOLLOWING STATEMENTS ARE MADE: "THE MANAGEMENT GUIDELINES ARE JUST THAT, BUT THEY ARE DESIGNED, IN GENERAL, TO SUPPLEMENT EXISTING STATE AND FEDERAL REGULATIONS TO FURTHER REDUCE OR ELIMINATE ADVERSE DEVELOPMENT IMPACTS ON FISH AND WILDLIFE RESOURCES. GUIDELINES RANGE CONSIDERABLY IN SPECIFICITY FROM GENERAL, OPTIONAL GUIDANCE, TO SOME DETAILED, BINDING STANDARDS. ADHERENCE TO SPECIFIC STANDARDS IS REQUIRED IN SOME CASES BY THE TERMS 'WILL', OR 'WILL, TO THE EXTENT FEASIBLE AND PRUDENT', AND IN THOSE CASES CAN ONLY BE WAIVED BY A WRITTEN DECISION OR AN AMENDMENT TO THE PLAN."

SOHIO IS VERY CONCERNED WITH WHAT THE BBCMP WILL ACCOMPLISH. ALTHOUGH ONLY IN DRAFT FORM, IT PROVIDED THE MAJOR BASIS FOR THE RECENT SEISMIC PERMIT DENIAL. THE SEISMIC PROGRAM WOULD HAVE PROVIDED INFORMATION FOR THE EVALUATION OF OCS SALE 92 AND STATE SALE 56. IT WOULD HAVE ALSO PROVIDED GEOLOGIC INFORMATION FOR THE TIDELANDS AREA--AN AREA FOR WHICH THE PLAN MANDATES A 10 YEAR LEASING MORATORIUM. GIVEN THAT SOHIO COULD NOT OBTAIN A PERMIT FOR A MINOR EXPLORATION PROJECT WHILE THE PLAN WAS STILL IN DRAFT FORM, WE ARE EXTREMELY PESSIMISTIC REGARDING THE POSSIBILITY OF OBTAINING

PERMITS FOR DEVELOPMENT FACILITIES AFTER THE PLAN HAS BEEN APPROVED BY THE GOVERNOR.

THE PROCEDURE FOR DETERMINING CONSISTENCY WITH THE BBCMP GUIDELINES WILL FURTHER COMPLICATE AN ALREADY COMPLEX PERMITTING PROCESS. IT WILL EFFECTIVELY PRECLUDE THE DEVELOPMENT OF NON-RENEWABLE ECONOMIC RESOURCES AND WILL ESSENTIALLY GIVE CONTROL OF THE 31 MILLION ACRE AREA TO FISH & GAME.

AS READILY ADMITTED IN THE PLAN, THERE ARE EXISTING REGULATORY PROCESSES WHICH THIS PLAN WILL RESTRICT. SOHIO BELIEVES THAT THIS RESTRICTION ON EXISTING REGULATORY PROCEDURES REPRESENTS RULEMAKING AND, AS SUCH, SHOULD NOT CIRCUMVENT THE LEGISLATIVE PROCESS. ADDITIONALLY, IF THERE IS SUPPORTING INFORMATION FOR A PARTICULAR HABITAT THAT WOULD WARRANT RESTRICTIVE CONTROL, THEN THE LEGISLATIVE PROCESS OF DESIGNATING A STATE CRITICAL HABITAT AREAS SHOULD BE FOLLOWED, RATHER THAN ALLOWING FISH & GAME TO EXERT RESTRICTIVE CONTROL BASED ON ARBITRARY HABITAT DESIGNATIONS.

SOHIO IS ENCOURAGED BY THE LEGISLATURE'S INTEREST IN THE BBCMP AND HOPES THAT THESE COMMENTS ARE USEFUL IN YOUR EVALUATION OF WHAT THE PLAN REALLY MEANS TO THE STATE. THANK YOU ONCE AGAIN FOR THE OPPORTUNITY TO PROVIDE INPUT TO THIS IMPORTANT REVIEW PROCESS.

EXHIBIT A

INFORMATION ABOUT SOHIO'S PROPOSED SEISMIC PROGRAM IN WESTERN ALASKA

SOHIO PROPOSED MAKING 4 SEISMIC TIES FROM EXISTING ONSHORE WELLS TO THE EXISTING OFFSHORE SEISMIC GRID. THE TOTAL PROGRAM COVERED LESS THAN 70 MILES. THE INFORMATION WOULD BE USED TO EVALUATE ACREAGE IN THE AUGUST 1985 OCS NORTH ALEUTIAN SHELF SALE AND THE SEPTEMBER 1988 STATE SALE #56. THE INFORMATION WOULD ALSO ASSIST IN THE EVALUATION OF THE RESOURCE POTENTIAL OF THE TIDELANDS AREA--AN AREA FOR WHICH A TEN YEAR LEASING MORATORIUM IS REQUIRED BY THE BBCMP.

HAVING KNOWLEDGE OF AND APPRECIATION FOR THE IMPORTANCE OF THE FISHERIES RESOURCES TO THE BRISTOL BAY AREA, SOHIO CAREFULLY EVALUATED THE PROGRAM IN-HOUSE BEFORE INITIATING THE PERMITTING PROCESS. LINES WERE MOVED TO AVOID CROSSING TITLE 16 ANADROMOUS FISH STREAMS AND STATE CRITICAL HABITAT AREAS.

HAVING KNOWLEDGE OF AND APPRECIATION FOR THE IMPORTANCE OF THE DRAFT BRISTOL BAY COOPERATIVE MANAGEMENT PLAN, SOHIO EVALUATED THE PROGRAM USING THE HABITAT MAPS AND GUIDELINES FROM THE BBCMP. SOHIO ALSO EVALUATED THE PROGRAM USING THE ALASKA COASTAL MANAGEMENT PROGRAM REQUIREMENTS AND THE NEW PERMITTING PROCEDURES REGULATIONS. AN IN-HOUSE PROJECT REVIEW DOCUMENT PRESENTING THESE RESULTS WAS PREPARED AND IS AVAILABLE ON REQUEST.

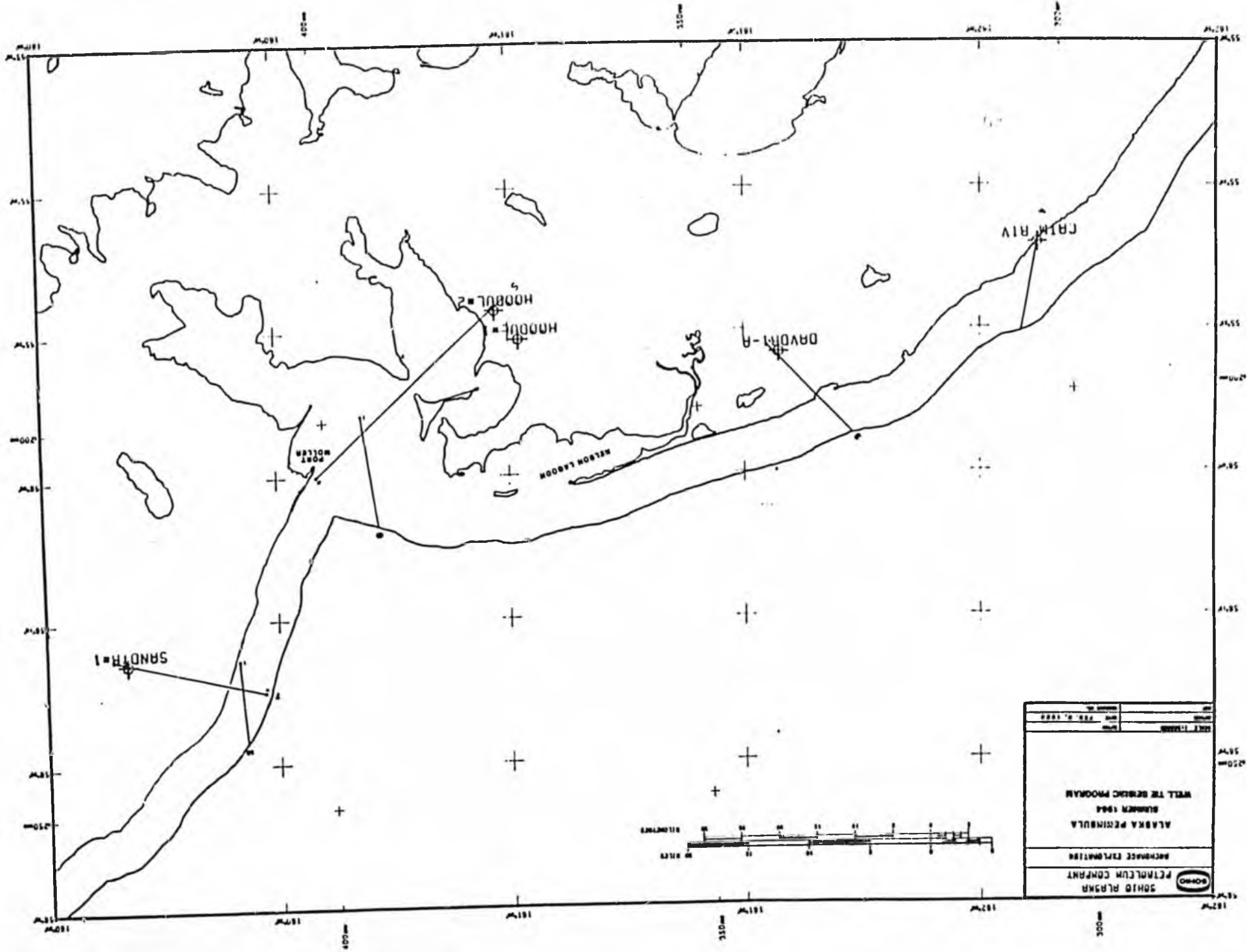
SOHIO'S PROGRAM CONTAINED A CONTROVERSIAL ELEMENT--THE USE OF PRIMACORD, AN

EXPLOSIVE, AS AN ENERGY SOURCE TO OBTAIN THE SEISMIC INFORMATION. THE PRIMACORD WOULD ONLY HAVE BEEN USED IF CONVENTIONAL TECHNIQUES DID NOT RESULT IN OBTAINING THE REQUISITE QUALITY OF DATA. ADDITIONALLY, PRIMACORD WOULD ONLY HAVE BEEN USED IN AN AREA CALLED THE "TRANSITION ZONE", WHICH EXTENDS FROM SHORE OUT TO THE 40 FT WATER DEPTH, FOR A TOTAL OF 5 MILES (2 MILES ON ONE LINE AND 1 MILE EACH FOR THE REMAINING 3 LINES).

DNR ISSUED A PRELIMINARY CONSISTENCY DETERMINATION WHICH INCLUDED OVER 40 STIPULATIONS ENSURING CONSISTENCY WITH THE ACMP. ADDITIONALLY, DNR RESTRICTED THE USE OF PRIMACORD TO THE FIRST 15 DAYS IN MAY TO MINIMIZE POTENTIAL CONFLICTS WITH THE FISHERIES RESOURCE. DNR ALSO CONDUCTED A PUBLIC MEETING.

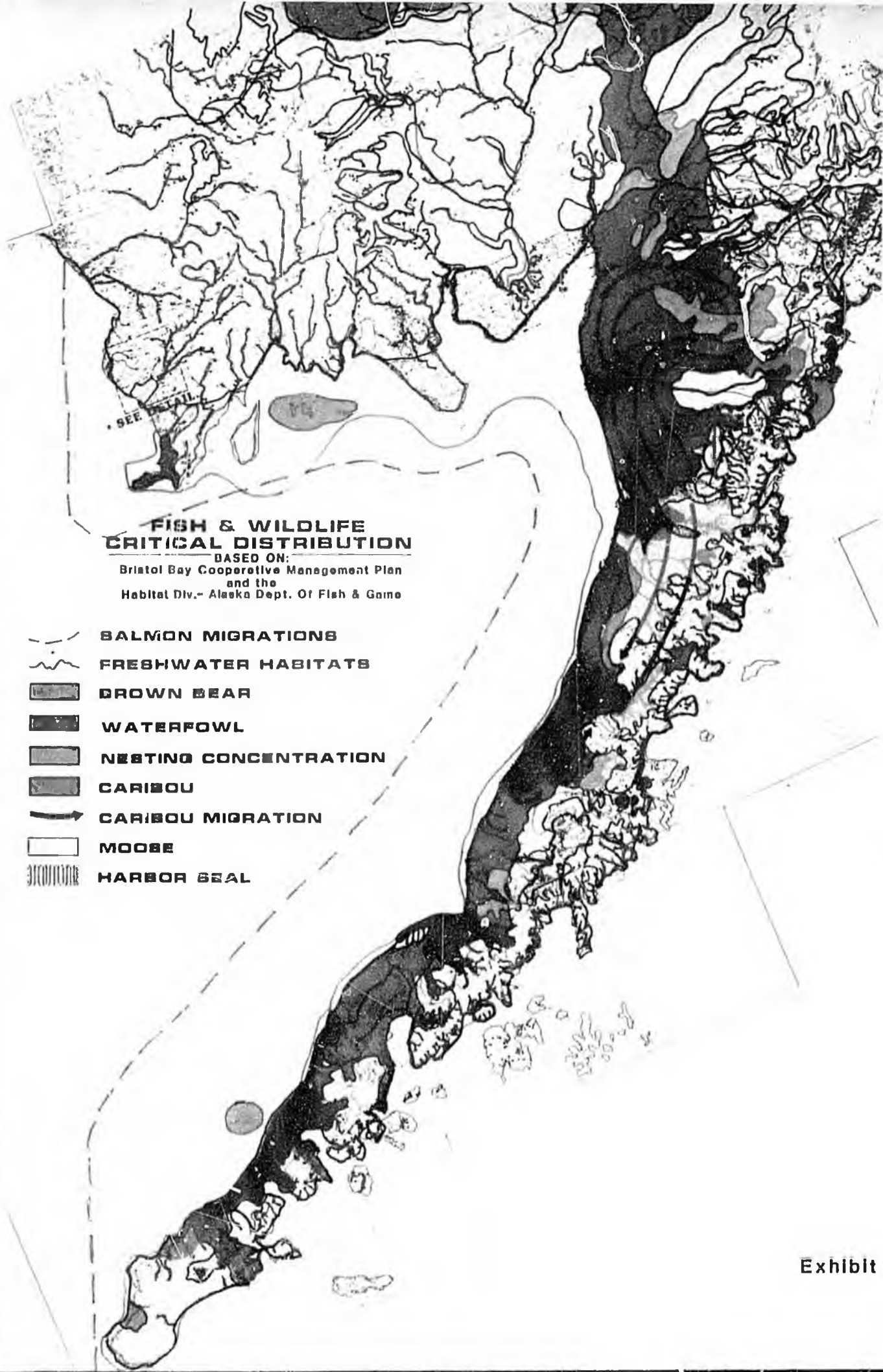
THE MAJORITY OF THE TESTIMONY PRESENTED AT THE PUBLIC HEARING INDICATED THAT IF THE PROGRAM WERE CONDUCTED IN OCTOBER, THERE WOULD BE NO CONFLICT WITH THE FISHERIES RESOURCE. THEREFORE, ALTHOUGH INCREASING THE RISK OF SUCCESSFULLY COMPLETING THE PROGRAM GIVEN THE UNCERTAINTIES OF THE WEATHER WINDOW, SOHIO AGREED TO CONDUCT THE PROGRAM IN OCTOBER. ALTHOUGH THE MOVE TO OCTOBER ENSURED NO CONFLICT WITH FISHERIES, IT WAS STILL REQUESTED THAT SOHIO TEST THE USE OF AIRGUNS. THEREFORE, SOHIO AGREED TO MOVE THE PROGRAM TO SEPTEMBER 15 (AFTER FISHING) AND TEST THE AIRGUNS.

THIS IS THE COMPROMISE THAT WAS PRESENTED AT THE COMMISSIONER LEVEL DURING THE ELEVATION PROCESS. FISH & GAME NEVER CONCEDED ON ANY POINT. THEREFORE, AFTER RECEIVING POLICY GUIDANCE FROM THE GOVERNOR WHICH IN PART INCLUDED BBCMP CONSIDERATIONS, THE PERMIT WAS DENIED.



	
SOHIO ALASKA PETROLEUM COMPANY	
RESEARCH EXPENDITURE	
ALASKA PENINSULA SUMMER 1964 WELL THE BEHIND PROGRAM	
SHEET NUMBER	100
DATE	FEB. 9, 1964
DRAWN BY	[illegible]

NOTE: ORIGINAL DOCUMENT IS COLOR-CODED. IF NECESSARY
TO PROPER INTERPRETATION, REFER TO ORIGINAL DOCUMENT
IN THE ALASKA STATE ARCHIVES



**FISH & WILDLIFE
CRITICAL DISTRIBUTION**

BASED ON:
Bristol Bay Cooperative Management Plan
and the
Habitat Div.- Alaska Dept. Of Fish & Game










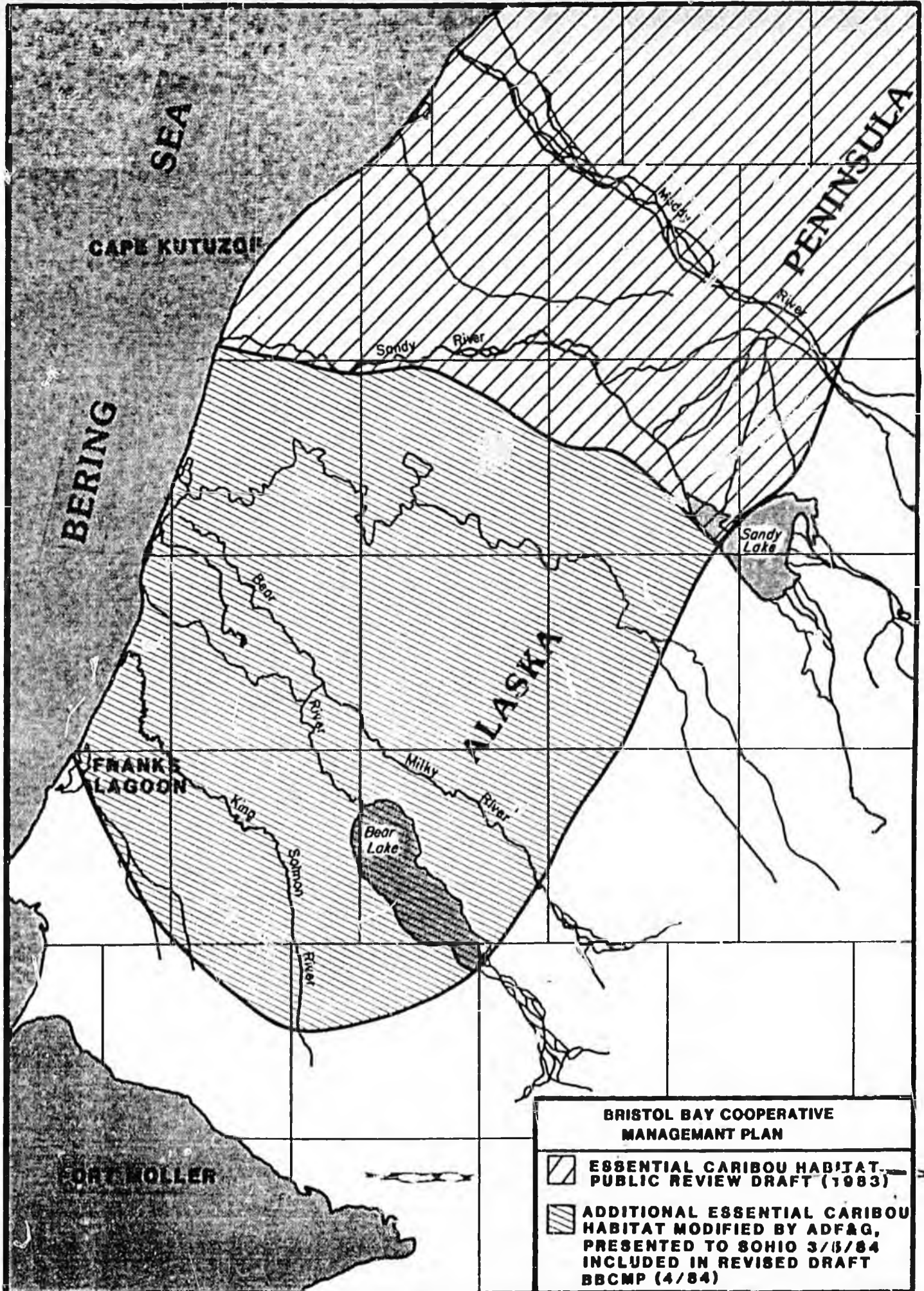
-  SALMON MIGRATIONS
-  FRESHWATER HABITATS
-  BROWN BEAR
-  WATERFOWL
-  NESTING CONCENTRATION
-  CARIBOU
-  CARIBOU MIGRATION
-  MOOSE
-  HARBOR SEAL

Exhibit B



Alaska State Legislature

BETT FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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Senate

Committee on Resources

MINUTES

May 4, 1984
2:11 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice-chairman
Senator Eliason
Senator Paul Fischer
Senator Vic Fischer
Senator Sturgulewski

CALENDAR

HB 650, An Act making special appropriations for certain state loan and grant programs.

Hearing on the status of the Bristol Bay Cooperative Management Plan. TELECONFERENCED TO: Anchorage, Fairbanks, Kodiak and Dillingham.

HB 650

Senator Eliason moved to adopt SCS CSHB 650 (Resources) and to report it from committee with individual recommendations. There was no objection.

Bristol Bay Cooperative Management Plan

Bob Arnold, Deputy Commissioner, Department of Natural Resources, spoke in support of the plan, and welcomed all comments.

Frank Rue, Division of Land and Water Management, Resource Allocations, Department of Natural Resources, reviewed changes made to the plan, its current status, and public hearings planned. He answered questions on mineral entry procedures in the area.

Don Glass, Alaska Oil and Gas Association, spoke in opposition to the plan, claiming it fails to provide a balance between resource conservation and development, fails to achieve the objectives of ANILCA, and circumvents existing legislative processes.

Debra Borah, Environmental Scientist, SOHIO, expressed concern that the plan is not balanced and does not accomplish what was mandated by ANILCA. She reviewed problems SOHIO has had obtaining permits for seismic survey work in the area.

Paula Easley, Resource Development Council, testified that although many of the Council's concerns had been met in this latest draft, she felt that a "mono-economy" was being forced on the area. She spoke in opposition to the 10-year moratorium on oil and gas drilling.

Jerry Liboff, Bristol Bay Native Association, testified that the plan adequately protects and provides for the development of the area's resources and urged implementation of the plan.

William Johnson, Director of Lands, Bristol Bay Native Corporation, testified that over the past three years much work and compromise has been done. He urged implementation of the plan as now drafted.

Jim Jinks, Executive Director, Alaska Miners Association, testified in opposition to the plan, expressing concern that the classification of land in the area was not properly done, that by designating fisheries as the primary use in the area other resource development would be hampered, and that existing statutes and regulations sufficiently protect the area.

Representative Hermann testified in support of the plan, and noted that upcoming hearings in Bristol Bay were planned for a time when many residents would be out fishing.

George Day, Public Affairs Manager, Chevron, USA, testified that the plan failed to balance developmental and environmental goals. He specifically opposed the 10-year moratorium on oil and gas drilling, the premature location of transportation corridors, and the conflicts with the existing state permitting process.

Phil Daniel, United Fishermen of Alaska, spoke in support of the plan, testifying that fishermen had made many compromises, and that in many areas oil and gas and mining are designated as primary uses.

Rick Davidge, Special Assistant to Assistant Secretary of the Interior, explained that federal law requires the Secretary to prepare a plan that protects the fish and wildlife of the area. The Governor has the opportunity to participate in the development of the plan. The U.S. Fish and Wildlife Service now feels that the fishery is not adequately protected.

Bruce Baker, Director of Habitat Division, Department of Fish and Game, testified that the Department supports the plan as drafted, and explained the use of the terms "critical", "essential", and "Critical Habitat".

The meeting adjourned at 4:26 pm.

CHANGES - DRAFT TO PROPOSED PLAN - NOV. 83

Draft Plan (Preferred Alternative)

Proposed Final Plan

Oil & Gas Leasing

- Uplands - no leasing in Black Hills caribou calving grounds
- all other State lands open
- secondary use on NWR land

- could be leased subject to guidelines
- all state land open
- same

- Tidelands/submerged lands - no leasing in Fisheries-reserve, or west & north to Quinhagak
- no leasing in major bays and lagoons along peninsula
- State can schedule lease sales along peninsula

- same
- same
- ten year moratorium on leasing this area

Mining/Mineral Entry

- all BLM & State uplands open to entry
- primary use in Goodnews, Nyac & Perendeen Bay areas
- secondary use in some areas
- closed all (225+) anadromous streams & tributaries (1,000s) to mining (active stream channels only)
- no use of leasehold location

- same
- primary use wherever mineral terranes occur on state or BLM lands
- secondary use on all other state or BLM land not legislatively closed
- closes 66 anadromous streams (& 100 ft. buffer on each side)
- leasehold location around east end of Iliamna Lake & Upper Mulchatna

Settlement

- 14,250 acres
 - Dillingham area - 4,250 ac.
 - Lower Nushagak - 3,000 ac.
 - Upper Mulchatna - 2,000 ac.
 - Lake Iliamna - 3,000 ac.
 - Port Moller-Stepovak - 1,000 ac.
 - Cold Bay - 1,000 ac.

- 11,000 acres
 - 8,500 ac.
 - none
 - 500 ac.
 - same
 - same
 - same

Guidelines

- 75% were dropped, rewritten, or added.
- Few were strengthened
- 50% were rewritten more as performance standards

Draft Plan (Preferred Alternative)
Continued

Performance Process

- Secretary & Governor do not need to act if Management Group can come to unanimous agreement & there is no appeal
- 30 day process to determine if amendment will be considered
- Overall process could run 165 days

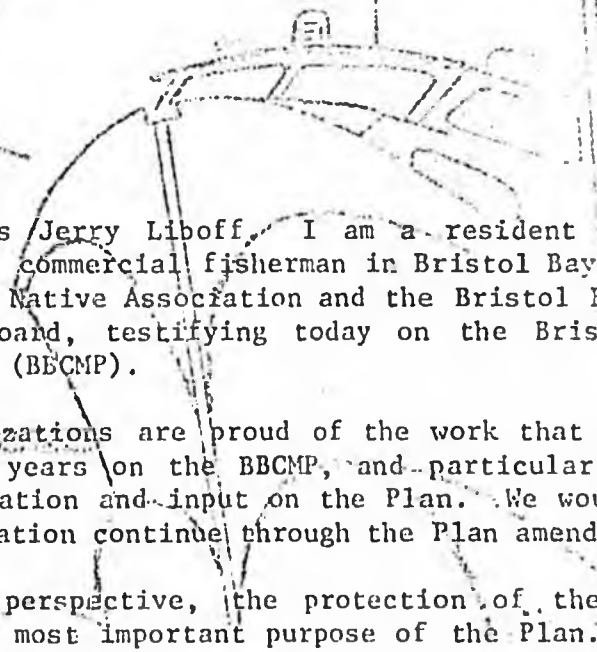
Proposed Final Plan

- Secretary & Governor make all amendment decisions.
- Advisory Group makes a recommendation to them (and does the legwork)
- All amendment proposals considered
- Overall process could run 70 days plus time for Governor & Secretary to act.

BRISTOL BAY NATIVE ASSOCIATION

P. O. BOX 189
DILLINGHAM, ALASKA 99576
PHONE (907) 842-5257 — 842-5258

May 2, 1984



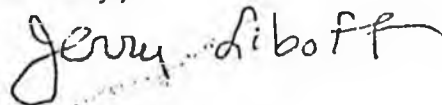
My name is Jerry Liboff. I am a resident of the Village of Koliganek and a commercial fisherman in Bristol Bay. I am representing the Bristol Bay Native Association and the Bristol Bay Coastal Resource Service Area Board, testifying today on the Bristol Bay Cooperative Management Plan (BBCMP).

Our organizations are proud of the work that has been done during the past three years on the BBCMP, and particularly the inclusion of local representation and input on the Plan. We would like to see such local representation continue through the Plan amendment process.

From our perspective, the protection of the fish and wildlife resource is the most important purpose of the Plan. At the same time, the plan should provide for rational development of other resources. Most of the people living in the region are heavily dependent on the fish and game for subsistence and for employment. We feel the BBCMP adequately protects these resources and provides for appropriate development of oil and gas, minerals and other resources.

We support the passing of the plan as it is written and urge the State and Federal governments to sign and implement it without further change or delay. This position is clearly outlined in the attached resolution from the December 1983 Bristol Bay Native Convention.

Sincerely,



Jerry Liboff

1983 BRISTOL BAY NATIVE CONVENTION

BRISTOL BAY COOPERATIVE MANAGEMENT PLAN

RESOLUTION NO. 83-02

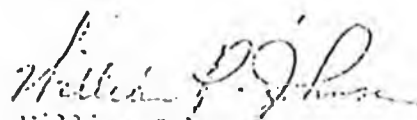
- WHEREAS, The Bristol Bay Region is one of the most diverse, rich and productive areas in the world, it was mandated in ANILCA that the Bristol Bay Cooperative Management Plan be created to protect the region's resources; and
- WHEREAS, wildlife is a major source of food and a basic element in the economy and lifestyle of the residents of the region; and
- WHEREAS, the habitat supporting the region's wildlife resources would be threatened by premature and extensive development; and
- WHEREAS, without "rational and orderly" development as provided for in the Bristol Bay Cooperative Management Plan, the region's resources habitats would be unduly jeopardized; and
- WHEREAS, three years have been spent in gathering data, and adjustments and compromises have been made to satisfy all those affected by the Plan while protecting the existing economy and resources in the region; and
- WHEREAS, the Bristol Bay Cooperative Management Plan is essential for proper and sensible management of the land in Bristol Bay.
- NOW THEREFORE BE IT RESOLVED that the delegates of the Bristol Bay Native Convention, meeting in Dillingham, Alaska on December 2, 3, and 4, 1983, hereby give their unanimous support to the Bristol Bay Cooperative Management Plan and urge that it be passed without further change.

CERTIFICATION OF RESOLUTION 83-02

I hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the delegates to the 1983 Bristol Bay Native Convention, December 2, 3, and 4, 1983, Dillingham, Alaska, at which a quorum was present. Resolution 83-02 received unanimous approval.

WITNESS my hand and seal this 4th day of December, 1983.

SIGNED:



William Johnson

Chairperson

Bristol Bay Native Convention

Resolution 83-02 (cont.)

WITNESSED:

Sally Smith

Sally Smith
Resolution Committee Chairperson

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Committee Meeting, Friday, May 4th
TELECONFERENCED TO: Anchorage, Fairbanks, Kodiak and
Dillingham. (For listening only)
2:00 pm - 5:00 pm

DATE: May 1, 1984

On Friday, May 4th at 2:00 pm in the Beltz Room, the Senate Resources Committee will receive an overview and hear public comments on the proposed Bristol Bay Cooperative Management Plan and Revised Draft Environmental Impact Statement.

Back-up information is attached.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

March 22, 1984

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

Dear Bettye:

To to keep you apprised of the development of the Bristol Bay Cooperative Management Plan I have summarized below the actions taken by the Alaska Land Use Council (ALUC) Wednesday morning in Juneau.

As you know, in early 1981 the state opted to participate in preparation of a joint plan for the 28 million-acre Bristol Bay region pursuant to Section 1203 of the Alaska National Interest Lands Conservation Act. Normally the state would have prepared its own Area Plan for the 12 million state acres in the region, but the opportunity for cooperative planning spurred the State to sign onto the joint planning effort. With this shared commitment, the State was integrated into the National Environmental Policy Act (NEPA) and the Environmental Impact Statement (EIS) process.

After 83 public meetings in 30 Alaskan communities and 1,000 pages of public comment gathered last fall, the State and federal agencies have prepared a proposed plan and Revised Draft EIS to offer again to the public. (The U.S. Fish and Wildlife Service determined that a "Revised Draft" was needed under NEPA rather than the usual Final EIS because of the substantive changes that had been made as a result of the public comments.) While this adds another step in an already lengthy process, the Governor and other state members of the ALUC believe that further public hearings could be useful. (~~See the attached press release.~~)

At the Council meeting the state pressed for a schedule that would not unreasonably delay completion of a cooperative plan. We proposed to hold further public meetings in May in order to provide sufficient opportunity for fishermen and miners to comment before they go out for the summer field season. The federal members protested this schedule as well as local government involvement in conducting the final round of field meetings, even though previous hearings had been organized by the same group. Unfortunately we were unable to reach an agreement on the next step of this cooperative planning process.

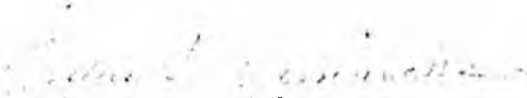
At some point, however, we must move beyond planning and get on with the business at hand. While work has continued on the plan, the Department has held off on certain management actions such as land disposals. The Department also has an oil and gas lease sale scheduled for the Bristol Bay uplands this fall. It would be desirable to have a plan in place as we move forward with development of this region.

I am hopeful that we will still be able to work out a cooperative plan, but after having spent three years and \$2 million (on resource inventory as well as the actual planning work) the state will be hard-pressed to extend this monumental effort much beyond June 30 of this year when funding for work on the plan runs out.

As you and I have discussed, many of the criticisms we have both heard of the Bristol Bay plan are directed at the Draft that was presented to the public last July. A number of significant changes have been incorporated since then which is why I see merit in presenting the current draft for public comment. I believe that the majority of Alaskans will see it for the compromise that it is.

You have also asked about the state's authority to implement provisions in the Plan should it ultimately be adopted. I have enclosed a summary of "Major State Actions which Result from the Governor's Signature of the Plan" and their statutory citations. Should you have any questions about this document, the Plan in general, or yesterday's activities at the ALUC please give me a call. I am going to be leaving for Hawaii tomorrow to be with my daughter for a week, but I will be returning on April 2.

Sincerely,


Esther C. Wunnicke
Commissioner

JDF:rlq

cc: Representative Adelheid Herrmann
Senator Bob Mulcahy
Senator John Sackett
Representative Tony Vaska
Representative Fred Zharoff

MAJOR STATE ACTIONS WHICH RESULT
FROM GOVERNOR'S SIGNATURE OF THE PLAN

DNR Area Plan for State Lands (authority AS 38.04 and 11 AAC 55,
Commissioner of Natural Resources)

- designates primary and secondary uses on state lands
- will require DNR to classify state lands accordingly following Governor's approval of the plan
- will guide DNR's land management decisions for approximately 12 million acres of land, including what lands will be sold
- leaves nearly all state uplands open to mineral entry, requires DNR to close 66 anadromous streams and requires DNR to use leasehold location for approximately 1.5 million acres of state land
- contains guidelines for DNR land managers when making decisions on actions requiring leases, permits, or plans of operation

State Five Year Oil and Gas Lease Schedule (prepared by Commissioner of Natural Resources under AS 38.05.180(b)), also AS 38.05 gives the Commissioner the authority to determine when and under what terms state land will be leased.

- DNR will not schedule any oil and gas lease sales in tide and submerged lands of the State Fishery Reserve and west and north to Quinhagak, or in major bays and lagoons of the Alaska

Peninsula. DNR will not hold lease sales in tide and submerged lands on the Bristol Bay side of the peninsula before 1994.

- ° DNR has scheduled and can conduct lease sales in all upland areas, including caribou calving grounds.

ADF&G Permits (authorized under Title 16 to the Commissioner of ADF&G)

- ° After approval of the plan by the Governor, all ADF&G permits under Title 16 (fish passage, anadromous fish, state game sanctuaries, game refuges, and state critical habitat areas) will be consistent with BBCMP guidelines.

Additional State Selections/Relinquishments of Selections (authority given to Commissioner of Natural Resources under AS 38.05.290)

- ° will require DNR to select various scattered parcels of BLM land
- ° will require no action on 4 large tracts of BLM land the state could select, but which the BBCMP recommends not be selected
- ° will require DNR to relinquish various isolated selections, most which are invalid anyhow, within National Wildlife Refuges.

Recommends settlement of 11(a)(3) lands issue pursuant to out of court settlement in Alaska vs. Reagan

The BBCMP recommends a resource based settlement to the longstanding dispute over the validity of these state selections. Whether the plan resolves the issue and the state

should relinquish 4 of these 5 areas, or whether the settlement goes back to the court, may be a question for the A.G.'s office.

Addition to Wood Tikchik State Park (authority under AS 41.20.479(b) given to Governor)

- ° the plan proposes that approximately 126,720 acres on the southern border of Wood Tikchik State Park be added to the park. The legislature excluded this area from the park because of uncertain land status, but authorized the Governor to add this area by proclamation once land ownership patterns became clear. State Park's recommends that such a proclamation accompany the Governor's approval of the plan.

Land Exchanges

- ° the plan only recommends land exchanges which should be pursued in the future. No exchanges are consummated by the Governor's signature of the plan. DNR is responsible for executing land exchanges involving state lands. Exchanges involving lands in State Critical Habitat Areas would require approval of the Commissioner of Fish and Game. Any exchanges involving unequal appraised values would require the approval of the State Legislature. A concern of the Governor might be that these exchanges would require additional funds in either DNR and ADF&G's budgets to be implemented. The plan does not require the State to pursue these exchanges.

Process of Cooperative Amendment

- ° the plan recommends a process (required in Sec. 1203 of ANILCA) for the Governor and Secretary of the Interior to cooperatively amend the plan. The plan recommends that an advisory group, with a structure similar to the Study Group, be established to make recommendations on plan amendments. The process for amendment of the plan would be similar to that used to amend DNR area plans, however, the Governor and Secretary would have to approve the amendment. In terms of budget, time and bureaucracy, the process is no different than for a DNR plan.

Recommendations for Further Study

- ° several future studies are recommended which would require additional funding by the Legislature. These include:
 - a recreation/access study
 - a study of a possible exchange to open mineralized areas on Togiak NWR
 - water resources study
 - a study of mineral potential
 - instream flow quantification
 - management plans for state land.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POJCH M
JUNEAU, ALASKA 99811
PHONE:

April 23, 1984

The Honorable Bettye Fahrenkamp
Chairman, Senate Resources Committee
Pouch V
Juneau, Alaska 99811


Dear Senator Fahrenkamp:

The Governor and the Federal Co-Chairman of the Alaska Land Use Council have directed Bob Putz, Regional Director of the U.S. Fish and Wildlife Service, and myself to hold additional public meetings on the Proposed Bristol Bay Cooperative Management Plan. The proposed plan and a revised draft Environmental Impact Statement will be distributed this week, and comments are being solicited by the Department of Natural Resources and U.S. Fish and Wildlife Service through June 15. You should be receiving a copy of the plan shortly.

Four public meetings have been scheduled for May. The meeting schedule is planned to give adequate time for public review of the plan prior to the meetings, yet not to conflict with the most active fishing seasons in the region. I encourage you to attend any or all of these meetings, which will be chaired by Bob Putz and/or myself. The meeting times and locations are:

Friday, May 18, Naknek Borough Hall, 7:30 pm

Saturday, May 19, Dillingham Senior Citizens Center, 7:30 pm

Monday, May 21, Sand Point City Hall, 7:30 pm

Tuesday, May 22, Anchorage, U.S. Fish and Wildlife Service Conference
Room, 1011 East Tudor Road, 7:30 pm

As you know, the proposed Bristol Bay plan has been the subject of considerable discussion in recent months. These meetings should be very informative, as those who represent local, state and national interests continue to have a keen interest in the plan.

APR 26 1984

If you have questions or concerns regarding the plan please do not hesitate to call me. If you have questions regarding the meeting schedule or logistics please call Dick Mylius of my staff at 265-4432.

Sincerely,



Esther C. Wunnicke
Commissioner

This same letter was sent to all Bristol Bay area legislators and the Chairs of the House and Senate Resources Committees.

CHANGES - DRAFT TO PROPOSED PLAN - NOV. 83

Draft Plan (Preferred Alternative)

Proposed Final Plan

Oil & Gas Leasing

- Uplands - no leasing in Black Hills caribou calving grounds
- all other State lands open
- secondary use on NWR land

- could be leased subject to guidelines
- all state land open
- same

- Tidelands/submerged lands - no leasing in Fisheries-reserve, or west & north to Quinhagak
- no leasing in major bays and lagoons along peninsula
- State can schedule lease sales along peninsula

- same
- same
- ten year moratorium on leasing this area

Mining/Mineral Entry

- all BLM & State uplands open to entry
- primary use in Goodnews, Nyac & Herendeen Bay areas
- secondary use in some areas
- closed all (225+) anadromous streams & tributaries (1,000s) to mining (active stream channels only)
- no use of leasehold location

- same
- primary use wherever mineral terranes occur on state or BLM lands
- secondary use on all other state or BLM land not legislatively closed
- closes 66 anadromous streams (& 100 ft. buffer on each side)
- leasehold location around east end of Iliamna Lake & Upper Mulchatna

Settlement

- 14,250 acres
- Dillingham area - 4,250 ac.
- Lower Nushagak - 3,000 ac.
- Upper Mulchatna - 2,000 ac.
- Lake Iliamna - 3,000 ac.
- Port Moller-Stepovak - 1,000 ac.
- Cold Bay - 1,000 ac.

- 14,000 acres
- 8,500 ac.
- none
- 500 ac.
- same
- same
- same

Guidelines

- 75% were dropped, rewritten, or added.
- Few were strengthened
- 50% were rewritten more as performance standards

Draft Plan (Preferred Alternative)
Continued

Proposed Final Plan

Performance Process

- Secretary & Governor do not need to act if Management Group can come to unanimous agreement & there is no appeal
 - 30 day process to determine if amendment will be considered
 - Overall process could run 165 days
- Secretary & Governor make all amendment decisions.
 - Advisory Group makes a recommendation to them (and does the legwork)
 - All amendment proposals considered
 - Overall process could run 70 days plus time for Governor & Secretary to act.



BRISTOL BAY

COOPERATIVE MANAGEMENT PLAN

SUMMARY OF BRISTOL BAY COOPERATIVE MANAGEMENT PLAN ISSUES/RECOMMENDATIONS

ISSUES/RECOMMENDATIONS:

Fish and Wildlife Habitat and Harvest

- * A primary use of all lands in the region. (Same as draft)
- * Salmon fishery is the most important resource in the region, (over \$250 million annually paid to fishermen).
- * Recreational use of these is the second largest industry, (up to \$40 million annually).
- * Subsistence use is a fundamental part of the local economy and culture.

Oil and Gas

- * Lease all uplands with favorable potential.
- * DNR has two (2) lease sales proposed. (Draft excluded Black Hills Caribou Calving Area.)
- * State owned tide and submerged lands along the north side of the Alaska Peninsula would not be scheduled for oil and gas leasing before 1994.
- * Public hearing draft allowed leasing these tidelands with high oil and gas potential.
- * Tide and submerged lands would not be leased in the State Fisheries Reserve, north and west to Quinhagak, and the bays and lagoons along the north side of the Alaska Peninsula.
- * Most respondents, including local residents, favor no leasing of tidelands. Industry supports leasing.

Mineral Exploration and Development

- * Plan provides for mineral exploration and development on all uplands not previously closed by State or Federal legislation.
- * Plan recommends opening approximately 2 million acres currently closed to new mineral entry.
- * 66 streams would be closed to new mineral entry in drainages which produce 40-70% of the regions salmon.
- * Mining in the eastern Iliamna Lake and Upper Mulchatna drainages would be governed by the State's Mining Leasehold Location laws.

Land Patterns

- * Resolution of contested (11(a)(3)) lands on the Alaska Peninsula gives 147,000 acres with resource development potential to the State and 215,000 acres to the USFWS. (Kujulik Bay lands unsettled in draft go to USFWS.)
- * Adds 126,720 acres to Wood Tikchik State Park, which AS 41.20.470 allows to occur by Governor's proclamation.
- * Study exchange possibilities for mineralized areas in Togiak National Wildlife Refuge for other fish and wildlife habitat (Recommendation not in draft).
- * State should not select large blocks of BLM land near Goodnews Bay, the Kvichak River or Nyac. Delete recommendation for Goodnews Addition to Togiak National Wildlife Refuge.
- * Other Significant changes in recommended exchanges:
 1. Drop Cold Bay-Izembek tidelands as a possible exchange;
 2. Add under long term an exchange of Native Corporations dinosaur track lands near Black Lake to USFWS.
- * Cooperative Agreement changes:
 1. Add a guideline to require public and agency notification;
 2. Delete recommendations for Nushagak/Mulchatna and Upper Chilikadrotna agreements.
- * Delete option for boundary adjustments in Upper Mulchatna/Chilikadrotna area of Lake Clark National Park.

Amendment Process

- * Establishes process for advising secretary and governor on plan amendments.
- * Recommends Advisory Group with local participation and composition similar to existing Study Group.
- * Makes it clear that the authority to implement and amend the plan rests with governor and secretary.
- * Comments, especially from industry, were concerned with creating a new layer of regional government.
- * Option exists as to approval of amendments by Alaska Land Use Council or Governor and Secretary of Interior.

- * Public hearing draft recommended closing all salmon spawning streams and their tributaries to new mineral entry.
- * Local residents, including most other respondents, favored the draft plan alternative. Industry supports status quo.

Remote Settlement

- * State to sell up to 14,000 acres of land, primarily in the Iliamna Lake and Dillingham areas.
- * B.L.M. would have no disposals.
- * Draft plan called for 14,250 acres, scattered throughout the region.
- * Local residents strongly favor alternatives that range from no remote land disposals to a maximum of 2,250 acres around Dillingham. Most other respondents supported local position.
- * Recommend the State Legislature re-evaluate the land disposal program for remote areas.

Other Plan Recommendations

- * Identifies three (3) transportation corridors across the Alaska Peninsula. Recognizes and allows for other potential routes. (Same as draft.)
- * Allows for other transportation to serve resource development. (Same as draft.)
- * Some local villages and native corporations supported transportation corridor identification, while industry and environmental groups are in opposition.
- * Encourages APA to continue studies for regional hydroelectric projects. (Same as draft.)
- * Many respondents favored further study of localized alternative energy approaches.
- * Encourages only small scale agricultural and forestry due to limited resource potential. (Same as draft.)

Guidelines

- * Guidance for land managers when issuing permits, leases or approving other actions.
- * Makes development possible while protecting environment.
- * Guidelines were re-examined based on public commentary to eliminate duplication of existing regulations or to establish guidelines more as performance standards.

Additional Future Studies

- * Recreation potential.
- * Cultural resources
- * Togiak Refuge, possible exchange of mineralized land for wildlife habitat land.

BACKGROUND

- * BBCMP was initiated under Section 1203 of the Alaska National Interest Lands Conservation Act, (ANILCA), December, 1980.
- * The BBCMP is a plan for both State and Federal lands in the Bristol Bay and Alaska Peninsula region.
- * BBCMP provides guidance to Native Corporations and other private lands.

Planning Process

- * The planning process has been underway for 2½ years.
- * Has included over 82 public meetings.
- * 750 copies of the Draft Plan and E.I.S. were circulated for comments between June 20, 1983 and October 20, 1983.
- * 32 public meetings or hearings were held during August.
- * Over 160 letters from throughout the nation were received.
- * Public comments overwhelmingly supported the plans priority on protection of fish and wildlife resources.
- * Developmental interests felt the draft plan was overly protective at the expense of potential mineral and oil and gas developments.
- * The draft plan has been substantially revised based on public comments.

HEARING BEFORE
THE SENATE RESOURCES COMMITTEE

May 4, 1984

Madam Chairman,

Members of the Senate Resources Committee:

My name is William P. Johnson and I am Director of Lands for the Bristol Bay Native Corporation, President of the the Bristol Bay Native Association, "Native Interest" representative on the Bristol Bay Cooperative Management Plan Study Group and a Bristol Bay commercial fisherman. I am proud to be able to speak to you today about the Bristol Bay Cooperative Management Plan. This Plan represents an enormous effort on the part of local people, State agencies, and the Federal government. This effort covers a span of more than three years and over 87 public meetings and hearings throughout the Bristol Bay area and Alaska. The Plan which has resulted from this effort represents a substantial accomplishment and is a product of cooperation.

The Plan provides for rational and orderly development of the resources of Bristol Bay while at the same time protecting the fish and wildlife which are the foundation of our economy. Commercial fishing, subsistence activities, and the recreation industry provides the majority of our local economy. The Plan provides for the continued prosperity of this economy and at the same time, provides for

development of oil and gas and minerals. The Native corporations and their affiliates are potentially the major developer of subsurface resources in the Bristol Bay area. The Bristol Bay Native Corporation strongly feels that the plan provides for continued activities in the development of subsurface resources. Through our participation, we assured the inclusion of certain elements critical to future development such as transportation corridors, the availability of State uplands and fish and wildlife refuge areas for oil and gas development, and the availability of State uplands for mineral development. We believe the Plan does a good job of providing for future subsurface resource development.

Many major issues in this Plan were resolved through painful and difficult compromises. All of the parties involved in this Plan felt strongly on the various issues. For example, in the area of land disposal, the local people did not want to see State land disposals. On the other hand, the State wanted substantial State land disposals. We compromised on this issue by defining exactly where land disposals would take place and the amount of land to be disposed of. Another area involved the closure of salmon spawning streams. Originally the Plan called for the closure of more than 200 streams, rivers and lakes. After much debate, a compromise was reached that only closed 66 streams. This compromise was worked out between the Department of Natural Resources and Fish and Game after considering land status, the importance of salmon spawning areas, and mineral potential. In addition, by looking at land status, the Plan recognized that there was no need to close lakes and streams within the State Park and National

Wildlife Refuges as they are already closed. It should be pointed out that the National Parks in the area, though not included within the Plan boundary, also prohibit mineral development ^{IN} ~~to~~ 10 salmon spawning streams.

In light of the compromises which were worked out and agreed to by all members of the study group over the past year, we do not believe it is appropriate to reopen major issues such as stream closures which have been settled. Though we may have wanted different results, we negotiated in good faith to reach the compromises that we can live with. Again, I would like to emphasize that all parties representing the Federal government, the State government, the local governments, and the local people agreed to the compromises established in this Plan. That is quite an accomplishment.

Madam Chairman, we strongly urge the adoption of this Plan as it is written with no further changes. We have been working on this for over three years and have come to agreement. We have bent over backwards to address the many difficult concerns raised. Its time to stop bickering and implement the Plan. Thank you Madam Chairman.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3935

Senate

Committee on Resources

MINUTES

February 3, 1984
3:07 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Vic Fischer
Senator Paul Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

- SB 322 An Act relating to the Alaska Agricultural Loan Board; and providing for an effective date.
- SB 342 An Act amending the Alaska Agricultural Loan Act.
- SB 339 An Act repealing the expiration date of the Agricultural Action Council; and providing for an effective date.
- SB 358 An Act amending the expiration date of the Alaska Agricultural Action Council.

Briefing on Bristol Bay Cooperative Management Plan

SB 339

Vince O Reilly, Deputy Commissioner, Department of Commerce and Economic Development, testified against SB 339. He stressed the Administration's commitment to agriculture, with an emphasis on production for in-state market needs. A Memorandum of Understanding is being written that would divide the responsibilities of the Alaska Agricultural Action Council between the Departments of Natural Resources, Commerce and Economic Development, and Transportation. Also, by transferring those duties to line agencies, more emphasis would be placed on forest product marketing.

Senator Mulcahy moved to adopt the Resources Committee Substitute for SB 339, and move it from committee with individual recommendations. There was no objection.

SB 342

Alex Shadura, testified in favor of SB 342, supporting horticulture as an important part of the agriculture industry. He expressed concern that the definition of horticulture as "growth in greenhouses or nurseries" contained in the Committee Substitute was restrictive.

Senator Mulcahy moved to adopt the Resources Committee Substitute for SB 342, and moved the bill from Committee with individual recommendations. There was no objection.

SB 322

Senator Mulcahy moved the bill from Committee with individual recommendations. There was no objection.

Frank Rue, Department of Natural Resources, Division of Land and Water Management, Resource Allocations, presented the committee with a brief overview of the changes that were made to the draft version of the Bristol Bay Cooperative Management Plan. Changes were made in the areas of oil and gas leasing, mineral exploration and development, and land disposals. Many of the original guidelines were seen as too specific and were dropped or rewritten in the final draft. Senator Sturgulewski and Senator Fahrenkamp had questions about the amendment process and asked for a more in-depth report on how Legislative authority over the lands will be affected under the plan.

The meeting adjourned at 4:38 pm.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

M E M O R A N D U M

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Bristol Bay Coastal Management Plan

DATE: February 20, 1984

Please find attached additional information from the Department of Natural Resources on the Bristol Bay Coastal Management Plan.

At our February 3 briefing, Frank Rue, DNR, offered to deliver to Committee members copies of the "flip charts" he used. They are attached. Also attached is DNR's "white paper" entitled State and Federal Commitments in BBCMP.

CHANGES - DRAFT TO PROPOSED PLAN - NOV. 1983

Draft Plan (Preferred Alternative)

Proposed Final Plan

Oil & Gas Leasing

- Uplands - no leasing in Black Hills caribou calving grounds
- all other State lands open
- secondary use on NWR land

- could be leased subject to guidelines
- all State land open
- same

- Tidelands/submerged lands - no leasing in Fisheries Reserve, or west & north to Quinhagak
- no leasing in major bays and lagoons along peninsula
- State can schedule lease sales along peninsula

- same
- same
- ten year moratorium on leasing this area

Mining/Mineral Entry

- all BLM & State uplands open to entry
- primary use in Goodnews, Nyac, & Herendeen Bay areas
- secondary use in some areas
- closed all (225+) anadromous streams & tributaries (1,000s) to mining (active stream channels only)
- no use of leasehold location

- same, except along certain streams
- primary use wherever mineral terranes occur on state or BLM lands
- secondary use on all other State or BLM land not legislatively closed
- closes 66 anadromous streams (& 100 ft. buffer on each side)
- leasehold location around east end of Iliamna Lake & Upper Mulchatna

Settlement

- 14,250 acres
- Dillingham area - 4,250 ac.
- Lower Nushagak - 3,000 ac.
- Upper Mulchatna - 2,000 ac.
- Iliamna Lake - 3,000 ac.
- Port Moller-Stepovak - 1,000 ac.
- Cold Bay - 1,000 ac.

- 14,000 acres
- 8,500 ac.
- none
- 500 ac.
- same
- same
- same

Guidelines

- 75% were dropped, rewritten, or added.
- Few were strengthened
- 50% were rewritten more as performance standards

Draft Plan (Preferred Alternative)
Continued

Proposed Final Plan

Performance Process

- Secretary & Governor do not need to act if Management Group can come to unanimous agreement & there is no appeal
- 30 day process to determine if amendment will be considered
- Overall process could run 165 days

- Secretary & Governor make all amendment decisions.
- Advisory Group makes a recommendation to them (and does the legwork)
- All amendment proposals considered
- Overall process could run 70 days plus time for Governor & Secretary to act.

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - Division of Land and Water Management

TO: Ned Farquhar
Special Assistant

Thru: Tom Hawkins, Director

DATE: February 10, 1984

FILE NO:

TELEPHONE NO:

FROM: Dick Mylius 
Resource Allocations

SUBJECT: State and Federal
Commitments in BBCMP

The following is a draft of a response to the question posed by members of the Senate Resource's Committee at the February 3 briefing on the Bristol Bay Cooperative Management Plan (BBCMP). I am sending a copy of this memo to Ken Powers in the Attorney General's office for a second opinion on my legal analysis. The question (as translated by Frank Rue) is, "What commitments does the state bind itself to if both the governor and the Secretary of the Interior sign the BBCMP?"

ANILCA Requirements

The BBCMP was established pursuant to Section 1203 (Attachment "A") of the Alaska National Interest Lands Conservation Act. Section 1203(c) provides for voluntary participation by the state in preparing the plan if the governor so desires. Governor Hammond indicated a willingness for the state to participate in a letter to Secretary Watt dated February 26, 1981 (Attachment "B"). Section 1203(c) of ANILCA spells out what the purposes of the cooperative plan are. Federal, state and local agencies have developed a cooperative plan which fulfills the requirements of Section 1203(c) and the plan has received conceptual approval by the Alaska Land Use Council.

Section 1203(d) states that if the governor desires to terminate participation in the BBCMP, he must notify the Secretary in writing. Section 1203(d) states:

(d) ACTION BY SECRETARY IF STATE DOES NOT PARTICIPATE IN PLAN.--If--

(1) the Secretary does not receive notification under subsection (c) that the state will participate in the preparation of the plan; or

(2) after the state agrees to so participate, the governor submits to the Secretary written notification that the state is terminating its participation; the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) (and containing a specification of those elements in the plan which the Secretary may modify without prior approval of Congress), and submit copies of such plan to the Congress, as provided in subsection (e)(2), within three years after the date of the enactment of this Act.

State Authority to Participate in the BBCMP

The BBCMP is the area plan for state land in the Bristol Bay region. The department's authority to develop plans comes from AS 38.04 and the authority of the commissioner to coordinate planning with other landowners is specifically stated in AS 38.04.065(b)(8). The authority to enter into agreements with state and federal agencies is stated in AS 38.05.020 (b)(2).

Nature of the Agreement

A February 23, 1982 memo related to the scope of the E.I.S. by Jeff Parker, attorney for the Sierra Club, provides a legal view on the nature of the agreement which would result from the governor and Secretary of Interior signing the plan. (This memo was sent to the USFWS on March 11, 1982.) Mr. Parker states:

"A purpose of §1203 is to provide for preparation and implementation of a cooperative management plan, "agreed to by the United States and the state..." §1203(b). Thus, on the face of the statute, an agreement is contemplated.

Setting aside NEPA for the moment, it will be useful to first understand the legal status of the Plan. Since it is an agreement, the Plan must be viewed as being in the nature of a contract between the federal government and the state government. (If private parties as well become involved through cooperative management agreements or land exchanges under the Plan, then they would become parties as well to the Plan, though probably in a more limited sense.

It is an elementary principle of contract law that a contract is an expression of promises enforceable at law. When the federal government enters into this agreement, it not only will promise to perform its duties under the Plan, but the federal government will also be agreeing to accept the promise of the state to perform the state's duties under the Plan. Thus, federal agreements to the Plan must be viewed as agreement to all rights, duties, and obligations contained therein, and not merely as agreement to the federal portions of the Plan. To have the law be otherwise would contravene the most basic principles of contract law."

Conclusion

It seems that as long as both the Secretary and governor have agreed to the plan, they are obligated to implement the plan. The proposed plan contains, in Chapter 7, a mechanism for the state (and federal) agencies to modify certain specified parts of the plan without prior approval of other parties, and a mechanism for plan modifications which would require

approval of the other party. These latter modifications are labeled plan amendments. This fulfills the requirements of Section 1203(c)(2) of ANILCA.

It seems quite clear, however, that there is no federal requirement for the state to participate in the BBCMP and Section 1203(d)(2) provides a mechanism for the state to terminate its participation altogether by the governor providing written notification to the Secretary of the Interior.

The state would still be bound to certain requirements for public notice (and perhaps meetings) before it could unilaterally alter the plan, as the Alaska Statutes require public involvement for amendments to plans and changes in classification.

cc: Ken Powers, Attorney General's Office
Lisa Parker, Alaska Land Use Council
Lance Trasky, Alaska Dept. of Fish and Game

"A"

tions for legislation or other action which they determine should be taken following termination of the Council to continue carrying out the purposes for which the Council was established.

(m) PUBLIC PARTICIPATION.—The Council shall establish and implement a public participation program to assist the Council to carry out its responsibilities and functions under this section. Such program shall include, but is not limited to—

(1) A committee of land-use advisors appointed by the Cochairmen made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Native Corporations, and other public and private organizations. To the maximum extent practicable, the membership of the committee shall provide a balanced mixture of national, State, and local perspective and expertise on land and resource use issues; and

(2) A system for (A) the identification of persons and communities, in rural and urban Alaska, who or which may be directly or significantly affected by studies conducted, or advice and recommendations given by the Council pursuant to this section, and (B) guidelines for, and implementation of, a system for effective public participation by such persons or communities in the development of such studies, advice and recommendations by the Council.

FEDERAL COORDINATION COMMITTEE

SEC. 1202. There is hereby established a Federal Coordination Committee composed of the Secretaries (or their designees) of Agriculture, Energy, the Interior, and Transportation; the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration; and the Federal and State Cochairmen of the Council. Such Committee shall meet at least once every four months in order to coordinate those programs and functions of their respective agencies which could affect the administration of lands and resources in Alaska. The Federal Cochairman shall be the Chairman of the Committee. He shall be responsible for formulating an agenda for each meeting, after consultation with the other agency heads referred to herein, for providing any necessary staff support, and for preparing a brief summary of the disposition of matters discussed at each meeting. Such summary shall be published in the Federal Register.

BRISTOL BAY COOPERATIVE REGION

SEC. 1203. (a) DEFINITIONS.—For purposes of this section—

(1) The term "Governor" means the Governor of the State of Alaska.

(2) The term "region" means the land (other than any land within the National Park System) within the Bristol Bay Cooperative Region as generally depicted on the map entitled "Bristol Bay-Alaska Peninsula", dated October 1979.

(b) PURPOSE.—The purpose of this section is to provide for the preparation and implementation of a comprehensive and systematic cooperative management plan (hereinafter in this section referred to as the "plan"), agreed to by the United States and the State—

(1) to conserve the fish and wildlife and other significant natural and cultural resources within the region;

(2) to provide for the rational and orderly development of economic resources within the region in an environmentally sound manner;

(3) to provide for such exchanges of land among the Federal Government, the State and other public or private owners as will facilitate the carrying out of paragraphs (1) and (2);

(4) to identify any further lands within the region which are appropriate for selections by the State under section 6 of the Alaska Statehood Act and this Act; and

(5) to identify any further lands within the region which may be appropriate for congressional designation as national conservation system units.

(c) FEDERAL-STATE COOPERATION IN PREPARATION OF PLANS.—(1) If within three months after the date of enactment of this Act, the Governor notifies the Secretary that the State wishes to participate in the preparation of the plan, and that the Governor will, to the extent of his authority, manage State lands within the region to conserve fish and wildlife during such preparation, the Secretary and the Governor shall undertake to prepare the plan which shall contain such provisions as are necessary and appropriate to achieve the purposes set forth in subsection (b), including but not limited to—

(A) the identification of the significant resources of the region;

(B) the identification of present and potential uses of land within the region;

(C) the identification of areas within the region according to their significant resources and their present or potential uses within each such area;

(D) the identification of land (other than any land within the National Park System) which should be exchanged in order to facilitate the conserving of fish and wildlife and the management and development of other resources within the region; and

(E) the specification of the uses which may be permitted in each area identified under paragraph (C) and the manner in which these uses shall be regulated by the Secretary or the State, as appropriate, if such plan is approved.

(2) The plan shall also—

(A) specify those elements of the plan, and its implementation, which the Secretary or the Governor:

(i) may modify without prior approval of both parties to the plan; and

(ii) may not modify without such prior approval; and

(B) include a description of the procedures which will be used to make modifications to which paragraph (A)(i) applies.

(d) ACTION BY SECRETARY IF STATE DOES NOT PARTICIPATE IN PLAN.—If—

(1) the Secretary does not receive notification under subsection (c) that the State will participate in the preparation of the plan; or

(2) after the State agrees to so participate, the Governor submits to the Secretary written notification that the State is terminating its participation;

the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) (and containing a specification of those elements in the plan which the Secretary may modify without prior approval of Congress), and submit copies of such plan to the Congress, as provided in subsection (e)(2), within three years after the date of the enactment of this Act.

(e) TAKING EFFECT OF PLAN.—

Establishment USC 3182.

Publication in Federal Register.

USC 3183.

Cooperative management plan.

Cooperative management plan, submitted to Congress.

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gislature.

(1) If within three years after the date of the enactment of this Act, a plan has been prepared under subsection (c) which is agreed to by the Secretary and the Governor, the plan shall take effect with respect to the United States and the State.

(2) If the plan prepared pursuant to this section is agreed to by the Secretary and the Governor includes any recommendations regarding (i) the exchange of State lands, (ii) the management of Federal lands within any conservation system unit, or (iii) any other actions which require the approval of either the Congress or the Alaska State Legislature, then the Secretary and the Governor shall submit to the Congress and the State Legislature as appropriate, their proposals for legislation necessary to carry out the recommendations contained in the plan.

(f) **TRANSITIONAL PROVISIONS.**—On the date of the enactment of this Act, and for a period of three years thereafter, all Federal land within the region (except that land conveyed by title IX of this Act to the State of Alaska and Federal lands located within the boundaries of conservation system units) shall be withdrawn from all forms of appropriation under the public land laws, including selections by the State, and from location and entry under the mining laws and from leasing under the Mineral Leasing Act, and shall be managed by the Bureau of Land Management under its existing statutory authority and consistent with provisions of this section.

TITLE XIII—ADMINISTRATIVE PROVISIONS

MANAGEMENT PLANS

SEC. 1301. (a) Within five years from the date of enactment of this Act, the Secretary shall develop and transmit to the appropriate Committees of the Congress a conservation and management plan for each of the units of the National Park System established or to which additions are made by this Act.

(b) **NATIONAL PARK SERVICE PLAN REQUIREMENTS.**—Each plan for a unit established, redesignated, or expanded by title II shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned National Park System unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of any areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities, if any.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on the date of the enactment of this Act, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for, such areas, (C) of the present and potential effects of such activities on such unit, (D) of the purposes for which such areas are used, and (E) of methods (such as cooperative agreements and issuance or enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

(c) **CONSIDERATION OF FACTORS.**—In developing, preparing, and revising a plan under this section the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, environmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Alaska Natives residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

(d) **HEARING AND PARTICIPATION.**—In developing, preparing, and revising a plan under this section the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Land Use Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will be significantly affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

transmitted to
Congressional
committees.
1 USC 3191.

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Jan 30
Riffe
Hardy
Jan drafted a
reply which was 3/13/81
February 26, 1981
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The Honorable James G. Watt
Secretary
U. S. Department of the Interior
Washington, DC 20240

Dear Mr. Secretary:

Section 1203 of the Alaska National Interest Lands Conservation Act (P.L. 96-497) provides for a joint State-federal study to prepare and implement a comprehensive management plan for the Bristol Bay region in Southwest Alaska. The purpose of this letter is to notify you that the State of Alaska intends to participate in this study, and will otherwise comply with the requirements of Section 1203(c) of the Act.

For the purposes of coordinating State involvement in this effort, I have designated the Alaska Department of Natural Resources as the lead State agency. This Department will work closely with other key State agencies in representing the State's interests, and will coordinate State efforts with those federal agencies involved in the study. In this regard, I propose an early meeting between participating State and federal agencies. It would be my intention that our joint efforts be closely coordinated through the Alaska Land Manager's Cooperative Task Force and, eventually, the Alaska Land Use Council.

As you know, I have long been a proponent of cooperative planning efforts of this kind, and my Administration looks forward to working with the federal government on this project.

Sincerely,

Jay S. Hammond
Governor



BRISTOL BAY

COOPERATIVE MANAGEMENT PLAN



SUMMARY OF BRISTOL BAY COOPERATIVE MANAGEMENT PLAN ISSUES/RECOMMENDATIONS

ISSUES/RECOMMENDATIONS:

Fish and Wildlife Habitat and Harvest

- * A primary use of all lands in the region. (Same as draft)
- * Salmon fishery is the most important resource in the region, (over \$250 million annually paid to fishermen).
- * Recreational use of these is the second largest industry, (up to \$40 million annually).
- * Subsistence use is a fundamental part of the local economy and culture.

Oil and Gas

- * Lease all uplands with favorable potential.
- * DNR has two (2) lease sales proposed. (Draft excluded Black Hills Caribou Calving Area.)
- * State owned tide and submerged lands along the north side of the Alaska Peninsula would not be scheduled for oil and gas leasing before 1994.
- * Public hearing draft allowed leasing these tidelands with high oil and gas potential.
- * Tide and submerged lands would not be leased in the State Fisheries Reserve, north and west to Quinhagak, and the bays and lagoons along the north side of the Alaska Peninsula.
- * Most respondents, including local residents, favor no leasing of tidelands. Industry supports leasing.

Mineral Exploration and Development

- * Plan provides for mineral exploration and development on all uplands not previously closed by State or Federal legislation.
- * Plan recommends opening approximately 2 million acres currently closed to new mineral entry.
- * 66 streams would be closed to new mineral entry in drainages which produce 40-70% of the regions salmon.
- * Mining in the eastern Iliamna Lake and Upper Mulchatna drainages would be governed by the State's Mining Leasehold Location laws.

- * Public hearing draft recommended closing all salmon spawning streams and their tributaries to new mineral entry.
- * Local residents, including most other respondents, favored the draft plan alternative. Industry supports status quo.

Remote Settlement

- * State to sell up to 14,000 acres of land, primarily in the Iliamna Lake and Dillingham areas.
- * B.L.M. would have no disposals.
- * Draft plan called for 14,250 acres, scattered throughout the region.
- * Local residents strongly favor alternatives that range from no remote land disposals to a maximum of 2,250 acres around Dillingham. Most other respondents supported local position.
- * Recommend the State Legislature re-evaluate the land disposal program for remote areas.

Other Plan Recommendations

- * Identifies three (3) transportation corridors across the Alaska Peninsula. Recognizes and allows for other potential routes. (Same as draft.)
- * Allows for other transportation to serve resource development. (Same as draft.)
- * Some local villages and native corporations supported transportation corridor identification, while industry and environmental groups are in opposition.
- * Encourages APA to continue studies for regional hydroelectric projects. (Same as draft.)
- * Many respondents favored further study of localized alternative energy approaches.
- * Encourages only small scale agricultural and forestry due to limited resource potential. (Same as draft.)

Guidelines

- * Guidance for land managers when issuing permits, leases or approving other actions.
- * Makes development possible while protecting environment.
- * Guidelines were re-examined based on public commentary to eliminate duplication of existing regulations or to establish guidelines more as performance standards.

Land Patterns

- * Resolution of contested (11(a)(3)) lands on the Alaska Peninsula gives 147,000 acres with resource development potential to the State and 215,000 acres to the USFWS. (Kujulik Bay lands unsettled in draft go to USFWS.)
- * Adds 126,720 acres to Wood Tikchik State Park, which AS 41.20.470 allows to occur by Governor's proclamation.
- * Study exchange possibilities for mineralized areas in Togiak National Wildlife Refuge for other fish and wildlife habitat (Recommendation not in draft).
- * State should not select large blocks of BLM land near Goodnews Bay, the Kvichak River or Nyac. Delete recommendation for Goodnews Addition to Togiak National Wildlife Refuge.

- * Other Significant changes in recommended exchanges:
 1. Drop Cold Bay-Izembek tidelands as a possible exchange;
 2. Add under long term an exchange of Native Corporations dinosaur track lands near Black Lake to USFWS.

- * Cooperative Agreement changes:
 1. Add a guideline to require public and agency notification;
 2. Delete recommendations for Nushagak/Mulchatna and Upper Chilikadrotna agreements.
- * Delete option for boundary adjustments in Upper Mulchatna/Chilikadrotna area of Lake Clark National Park.

Amendment Process

- * Establishes process for advising secretary and governor on plan amendments.
- * Recommends Advisory Group with local participation and composition similar to existing Study Group.
- * Makes it clear that the authority to implement and amend the plan rests with governor and secretary.
- * Comments, especially from industry, were concerned with creating a new layer of regional government.
- * Option exists as to approval of amendments by Alaska Land Use Council or Governor and Secretary of Interior.

Additional Future Studies

- * Recreation potential.
- * Cultural resources
- * Togiak Refuge, possible exchange of mineralized land for wildlife habitat land.

BACKGROUND

- * BBCMP was initiated under Section 1203 of the Alaska National Interest Lands Conservation Act, (ANILCA), December, 1980.
- * The BBCMP is a plan for both State and Federal lands in the Bristol Bay and Alaska Peninsula region.
- * BBCMP provides guidance to Native Corporations and other private lands.

Planning Process

- * The planning process has been underway for 2½ years.
- * Has included over 82 public meetings.
- * 750 copies of the Draft Plan and E.I.S. were circulated for comments between June 20, 1983 and October 20, 1983.
- * 32 public meetings or hearings were held during August.
- * Over 160 letters from throughout the nation were received.
- * Public comments overwhelmingly supported the plans priority on protection of fish and wildlife resources.
- * Developmental interests felt the draft plan was overly protective at the expense of potential mineral and oil and gas developments.
- * The draft plan has been substantially revised based on public comments.