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366

NEGOTIATIONS WITH: D.N.R. (BILL SPONSORED BY GOVERNOR)
ALASKA MUNICIPAL LEAGUE
FIRE CHIEFS ASSOCIATION

FEATURES:

1. CLARIFIES THAT STATE NEED NOT PROTECT ALL LAND IN STATE BUT ONLY LAND THAT IS OWNED PRIVATELY, BY THE STATE, OR BY A MUNICIPALITY.
2. PROTECTION PROVIDED BY STATE IS TO BE COMMENSURATE WITH THE VALUE OF THE RESOURCES AT RISK.
3. REMOVES THE LIMITATION ON THE NUMBER OF MANHOURS OF EMERGENCY FIREFIGHTING SERVICE THAT DNR MAY USE YEARLY.

CHANGE FROM ORIGINAL: ORIGINAL BILL WOULD HAVE TRANSFERRED FIRE SUPPRESSION RESPONSIBILITY FROM STATE TO MUNICIPALITY. OPPOSED BY MUNICIPAL LEAGUE (CONCERNED ABOUT MUNICIPALITIES' CAPABILITIES AND THE COSTS AND LIABILITY THEY WOULD INCUR).

NOTES:

CURRENT LIMITATION IS 30,000 MAN-HOURS PER YEAR. THIS IS EQUIVALENT TO 8 DAYS OF A FULL FIRE FORCE. THE ROSIE CREEK FIRE IN FAIRBANKS (SPRING 1983) TOTALED OVER 30,000 MAN-HOURS.

PROTECTION CATEGORIES WHICH HAVE BEEN CATEGORIZED BY LAND USE COUNCIL:

1. CRITICAL (INVOLVING LIFE AND PROPERTY)
2. HIGH VALUE (VALUABLE NATURAL RESOURCES - TIMBER, WILDLIFE)
3. MODIFIED SUPPRESSION (RESOURCE VALUE DOESN'T MERIT CONSIDERABLE COMMITMENT)
4. LIMITED SUPPRESSION ("LET BURN", MONITORED)

TO: BETTYE
FROM: SANDRA

SB 366, PROTECTION OF
FORESTED LAND

March 5, 1984

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1. FIRE PROTECTION PROVIDED BY STATE COMMENSURATE WITH VALUE OF RESOURCES AT RISK - BASED ON CATEGORIES DEVELOPED BY ALASKA LAND USE COUNCIL (CRITICAL, HIGH VALUE, MODIFIED SUPPRESSION, LIMITED SUPPRESSION).
 2. PRIMARY RESPONSIBILITY FOR FIRE PROTECTION WITHIN TAX-SUPPORTED FIRE SERVICE AREA RESTS WITH MUNICIPALITY. (MUTUAL AID AGREEMENTS)

FAIRBANKS N. STAR BOROUGH ACCEPTS THIS. (PER MUTUAL AID AGREEMENT DEVELOPED WITH STATE.)

MAT-SU BOROUGH WANTS PAGE 1, LINE 13 TO READ INITIAL, NOT PRIMARY.

ALSO WANTS MUNICIPAL RESPONSIBILITY ONLY IN AREAS SERVED BY A MAINTAINED ROAD SYSTEM. (PAGE 1, LINE 15)

BOARD OF FORESTRY WANTS FIRE PROTECTION RESPONSIBILITY TO STAY WITH STATE, AND FOR PROTECTION TO BE "COMMENSURATE WITH VALUE OF RESOURCES AT RISK" ONLY IF APPROVED FIRE MANAGEMENT PLAN FOR THAT AREA.

QUESTIONS:

1. FOR WHICH MUNICIPALITIES HAVE MUTUAL AID AGREEMENTS BE MADE?
2. WHAT IS FISCAL IMPACT OF THIS BILL ON MUNICIPALITY? (ZERO FOR STATE)
3. AT WHAT POINT ONCE A MUNICIPALITY DETERMINES THAT THEY NEED STATE ASSISTANCE WILL THE STATE COME IN TO HELP?
4. THE BILL AMENDS CURRENT STATUTE TO SAY STATE IS RESPONSIBLE FOR FIRE PROTECTION ON STATE, MUNICIPAL, AND PRIVATE LAND, NOT "ALL LAND IN THE STATE" AS IT CURRENTLY READS. HOW WILL THIS AFFECT THE CURRENT FEDERAL/STATE COOPERATIVE FIRE PROTECTION AGREEMENTS? (THROUGH WHICH STATE IS RESPONSIBLE FOR CERTAIN FEDERAL LANDS AND VICE VERSA, FOR THE SAKE OF CONVENIENCE.)

FNSB
wants
clarification
in bill.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

JB366

Bill/Resolution No.: 377-041-84
Title: protection of forested land

FISCAL DETAIL

Agency Affected: Dept. of Natural Resources
Program Category Affected: Forestry

Sponsor: Governor
Requestor: _____
Date of Request: _____

BRU, Program or Subprogram(s) Affected: Fire suppression

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-			
CAPITAL	-0-	-0-	-0-			
REVENUE	-0-	-0-	-0-			

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-			
PART-TIME	-0-	-0-	-0-			
TEMPORARY	-0-	-0-	-0-			

Analysis: Although this legislation neither requires an appropriation nor generates revenue, it is expected to reduce future fire fighting costs to the State by defining the lands for which the State is responsible.

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharon L. Barton Phone: 465-2400
Division: Commissioner's Office Date: 12-20-83

Approved by Commissioner: Marjorie Hecker Date: 12/20/83
Agency: Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301
JUNEAU, ALASKA 99801

March 5, 1984

To: Senate Resources Committee
From: Ginny Chitwood *Ginny*
Re: SB 366 - Fire Protection of Forested Land

The Alaska Municipal League opposes shifting the responsibility for fighting forest fires on state land to municipalities because the state would be mandating additional costs to municipalities without compensating funding. It might be reasonable, however, if municipalities were able to tax the state land in order to provide fire protection service.

In addition, this proposed shift in responsibility would create another inequity in service delivery throughout the state. Those areas that are willing to organize would be penalized with an extra burden, while the other areas would continue to be taken care of by the state.

We urge you to delete lines 13 through 20 on page 1 or to add a section authorizing the assessment of state land for fire protection services.

SENATE BILL #366
SUMMARY

Revision of the basic wildland fire protection statutes (AS 41.15.010 and 41.15.030) is needed for the following reasons:

1. Fire Protection ^{would} ~~Should~~ be Commensurate with Values at Risk.

The proposed wording in SB #366 will provide some flexibility to the Department of Natural Resources to provide fire protection based on the resource values on the land. This flexibility can result in lower fire cost and less damage to the land from fire suppression actions.

2. The Man-hour Limitation on Emergency Fire Fighting Personnel ~~is~~ is Not Applicable Under Current Conditions.

The Department of Natural Resources cannot adequately suppress the fires occurring on our expanded land base using only the 30,000 man-hours permitted by AS 41.15.030. This limitation should be removed.

3. Primary Responsibility for Suppressing Fires on Forested Land within Tax-supported Fire Service Areas should be with Local Government.

Fire Service areas, supported by a tax, should be responsible for fires occurring on forested land within their capability to attack and suppress them. It is the Department of Natural Resources position that these in-place fire departments have the capability to attack roadside fires with the equipment they have on-hand. Therefore, if the service areas were clearly responsible to take action on these fires, the Department of Natural Resources will not have to increase its fire fighting forces to assure an adequate protection level is maintained. DNR would provide any support and attack requirements that are beyond the capability of the service areas fire department.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

6. Assume command of any wildfire when:

a. requested by FSA officer-in-charge.

b. The amount of State equipment dictates the need for State management of said equipment.

7. Provide the FSA with the information needed to fill out the State fire report for any fire within the FSA in which the State was in attendance, and the FSA was not.

8. Waive all claims against the Borough for any loss, damage, death or injury connected with the performance of this Mutual Aid Agreement.

AND FINALLY, let nothing within this agreement be construed as to restrict either party's initiative to attack fires quickly and aggressively in order to fulfill the public's expectations for property and resource protection.

BY: _____
State of Alaska
Division of Forestry

TITLE: STATE SENATOR

DATE: _____

BY: _____

TITLE: _____

DATE: _____

BY: _____

TITLE: _____

DATE: _____

BY: _____

TITLE: _____

DATE: _____

BY: _____

TITLE: _____

DATE: _____

BY: _____

TITLE: _____

DATE: _____

D R A F T

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the protection of forested land. This bill clarifies the extent of the state's duty to protect forested land, and removes the limitation on the number of man-hours of emergency fire-fighting service that the Department of Natural Resources may use each year.

AS 41.15.010 currently provides that "[i]t is the intent of AS 41.15.010 -- 41.15.170 to provide protection for the timber resources and watersheds on all land in the state." The bill first clarifies that the protection provided by the state is to be commensurate with the value of the resources at risk. The state is not obligated to provide more protection to forested land than is reasonable, based on the value of the resources at risk.

This bill next clarifies that the state need not protect all forested land located within the state, but only state land (as defined in AS 38.05.365(16)) or land owned privately or by a municipality. The U.S. Departments of Agriculture, Interior, and Defense are obligated to protect federal land located within the state, and there is no reason for the state to provide duplicate protection.

This bill also clarifies that the primary responsibility

for suppressing fires on forested land located within a tax-supported fire service area rests with the municipality in which that service area is located. The state's duty with regard to fires in these areas is to provide assistance to the municipality if the fire exceeds its capabilities.

Finally, this bill removes the limitation placed on the number of man-hours of emergency fire-fighting service that may be used each year by the Department of Natural Resources. In an average or worse-than-average year, the state cannot adequately suppress forest fires occurring in the areas for which it is responsible using only the 30,000 man-hours permitted by AS 41.15.030.

Sincerely,

Bill Sheffield
Governor

SENATE BILL #366

BACKGROUND INFORMATION

I. Problems Resulting from Present Alaska Statute 41.15.010 and 41.15.030:

- A. Wording in AS 41.15.010 is so general that the written intent cannot be complied with. Timber resources and watersheds of all lands in the State cannot be protected by the State.
1. The State has no authority or responsibility to protect Federal lands except under agreement with a Federal agency.
 2. Many local government agencies assume protection responsibility for the lands within their municipality or fire service area.
 3. Alaska Department of Natural Resources does not have the built-in capability to protect all the forested lands both inside and outside municipalities and fire service areas. Costs to acquire this capability would amount to many millions of dollars (at least \$10,000,000 for capital improvements and \$5,000,000 annual operational costs).
- B. Various interpretations of AS 41.15.010 have led some local governmental agencies to conclude that the DNR-Division of Forestry should be responsible for suppression of all grass, brush, or timber fires both inside and outside of municipalities and fire service areas.
1. Tax-supported fire service area boundaries are being established with thousands of acres of forested land included, for which the fire service area or local government assumes no fire protection responsibility.
 2. Some local tax-supported fire departments are refusing to enter into cooperative or mutual aid fire agreements with the State because they assume no responsibility for forested lands even within their protection boundaries.
 3. Duplication of protection responsibility for the same land area is occurring with some local fire departments assuming responsibility for structures only, and the Division of Forestry is required to provide wildland fire protection to the same land area.

Such duplication is extremely inefficient if the protection job could be accomplished by only one agency.

- a. Most local structural fire departments are capable of suppressing wildland fires that are accessible by road and can be reached by highway type fire equipment.

- b. The DNR-Division of Forestry does not have the type of equipment nor the trained personnel to attack and suppress structural fires. They do not, at this time, have responsibility for suppression of such fires.
- C. Present wildland fire statutes do not address the need to provide fire protection commensurate with the resource values on the land.
- D. AS 41.15.030 established a limit of 30,000 man-hours each year of emergency fire-fighting personnel hire. DNR cannot adequately suppress the fires occurring on our expanded land base using only the man-hours permitted.

II Anticipated Results of Senate Bill #366:

- A. SB#366 will define the responsibility and relationship of the local tax-supported fire service area or municipality and the State Division of Forestry for wildland fire suppression, both inside and outside of fire service areas.

The revised statute follows the simple principle that all fires within a protection area should be suppressed by the local fire agency unless it is beyond their capability.

Under this principle, structural fires and accessible wildland fires within tax-supported fire service areas or municipalities would be suppressed by the local fire agency. Wildland fires outside of fire service areas or municipalities and inaccessible wildland fires inside fire service areas and municipalities would be suppressed by the Alaska DNR-Division of Forestry with suppression costs absorbed by Alaska DNR.

The Division of Forestry will also provide mutual aid and back-up support to local fire agencies within their fire protection area when requested to do so by the local agency.

It is anticipated that most local fire agencies will enter into cooperative or mutual aid fire agreements with the Alaska DNR-Division of Forestry in order to provide the best fire protection possible at the least cost to the State, the municipality and the taxpayers.

- B. The Alaska DNR-Division of Forestry will have instructions from the State Legislature to provide fire protection to State and private wildlands based on the value of the resources on the land or the values-at-risk.

These instructions will allow the DNR to take less than full suppression action on remote wildland fires that are a natural component of the environment and may improve rather than damage the resource values of the land.

- C. SB366 will remove the limitation placed on the hire of emergency fire-fighting personnel. Because of wide fluctuations in the severity of fire seasons and the need for emergency fire-fighter hire, it is impossible to set a usable limit on this element that will fit all fire seasons. This 30,000 man-hour limitation was imposed at a time when DNR only protected less than 30 million acres. Currently the protection area exceeds 67 million and will increase to nearly 137 million acres in 1985.

There are other limitations built into the use of the fire suppression fund that will protect the integrity of this fund.

	<u>REVISIED FIRE STATUTE IMPACT ON TAX SUPPORTED FIRE DEPARTMENTS</u>				
FIRE DEPT. CONTACTED	Anchorage (Girdwood) (Chugiak)	Lakes Fire Service Area	Juneau Fire Department	North Star Department	Nikiski Fire Service Area
CHIEF OR OFFICER CONTACTED	Chief Evans	Chief Postisbek	Chief Judson	Chief Lundfelt	Chief Al Willis
TYPE OF DEPT.	Fully Paid and Volunteer	Part Paid	Paid - on call	Part Paid	Paid On Call
RESPONSE TO WILDLAND FIRES	Yes - both inside & outside their protection area	Yes - Inside and Outside protection area	Yes - Inside Protection Area	Yes - Inside and outside Protection area	Yes - Inside and Outside
COOPERATIVE OR MUTUAL AID AGREEMENT WITH STATE D.O.F.	Yes	No	No	No	Yes
DOES STATE WILDLAND FIRE STATUTE NEED TO BE REVISED?	Yes	Yes	Yes	Yes	Yes
WOULD DEPARTMENT BE OPPOSED TO NEW STATUTE PROPOSED?	No	No	No Comment	No	No
REMARKS OR RECOMMENDATIONS				Thinks Dept. should be paid for protection of State Lands	Dept. should be paid for protection of State Lands

FIRE DEPT. CONTACTED	REVISED FIRE STATUTE		IMPACT ON TAX SUPPORTED FIRE DEPARTMENTS			
	Palmer Fire Department	Big Lake Fire Dept	Soldotna Fire Department	Ridgeway Fire Service Area	Butte Fire Department	Cordova Fire Department
CHIEF OR OFFICER CONTACTED	Capt. Dick Barrett	Chief Walt Embree	Chief Al Phillips	Chief Greg Barkley	Chief Barnhardt	Chief Whetsell
TYPE OF DEPT.	Paid - On Call	Volunteer	Part Paid	Part Paid	Volunteer	Part Paid
RESPONSE TO WILDLAND FIRES	Yes - Inside Protection Area	No	Yes - Inside and Outside Protection Area	Yes - Inside and Outside Protection Area	Yes - Inside No. - Outside	Yes - Inside
COOPERATIVE OR MUTUAL AID AGREEMENT WITH STATE D.O.F.	Yes - in the past	No	Yes	Yes	Yes	No
DOES STATE WILDLAND FIRE STATUTE NEED TO BE REVISED?		Yes	No	Yes	No objection	No Objection
WOULD DEPARTMENT BE OPPOSED TO NEW STATUTE PROPOSED?	No	Yes	No comment	No comment	No	No
REMARKS OR RECOMMENDATIONS		Response influenced by his job with D.O.F.	Happy with present statute but not following it.	Needs to see new statute to decide	Cooperative Agreements are working well	Get better interpretation of present statute

	<u>REVISIED FIRE STATUTE IMPACT ON TAX SUPPORTED FIRE DEPARTMENTS</u>				
FIRE DEPT. CONTACTED	North Pole Fire Dept.	Seldovia Fire Department	Valdez Fire Department	Wrangell Fire Department	Homer Fire Department
CHIEF OR OFFICER CONTACTED	Chief McGraw	Chief Ihrie	Ass't. Chief	Chief Bunes	Ass't. Chief Purcell
TYPE OF DEPT.	Part Paid	Part Paid	Part Paid	Part Paid	Part Paid
RESPONSE TO WILDLAND FIRES	Yes - Inside and outside fire protection area	Yes -	Yes - Inside and outside protection area	Yes - inside and outside protection area	Yes - Inside and outside protection area
COOPERATIVE OR MUTUAL AID AGREEMENT WITH STATE D.O.F.	Yes	No	No	No	Yes
DOES STATE WILDLAND FIRE STATUTE NEED TO BE REVISED?	Yes	Yes	Yes	Yes	Yes
WOULD DEPARTMENT BE OPPOSED TO NEW STATUTE PROPOSED?	No	No	No	No	No Comment
REMARKS OR RECOMMENDATIONS	Revision sounds good	Revision might actually help this Dept.	Revision is needed	Not logical for State to gear up for fires local Depts can handle	Fire Service Areas relieving tax revenue from wildlands should have some fire protection responsibility for those lands.

REVISED FIRE STATUTE IMPACT ON TAX SUPPORTED FIRE DEPARTMENTS

FIRE DEPT. CONTACTED	Douglas Fire Department	Fairbanks Fire Department	Haines Fire Department	U of A Fire Department	Ketchikan Fire Department	Kenai Fire Department
CHIEF OR OFFICER CONTACTED	Bob Johnson	Chief Warren Tilman	Dick Jackson Paid Fireman	Chief Shechter	Chief Fisher	Chief Winston
TYPE OF DEPT.	Volunteer	Part Paid	Part Paid	Fully Paid	Part Paid	Part Paid
RESPONSE TO WILDLAND FIRES	Yes	Little or no Wildfire response needed	Yes - inside Protection area	Yes - Inside and Outside protection area	Yes - inside and outside	Yes- Inside and outside H/A
COOPERATIVE OR MUTUAL AID AGREEMENT WITH STATE D.O.F.	No		yes	No	No	No
DOES STATE WILDLAND FIRE STATUTE NEED TO BE REVISED?	Yes		Yes	No Comment	Yes	Yes
WOULD DEPARTMENT BE OPPOSED TO NEW STATUTE PROPOSED?	No		No	Agreed in principle	No	No
REMARKS OR RECOMMENDATIONS	Agrees with our efforts to revise statute	No objection to the intent of the new statute	Dept. could handle the wildland fires but City fathers would have to agree	Sees need for revision to present statute proposal	Sees no problem with changing statute	No problem with proposed change

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF FORESTRY

Pouch 7-005
Anchorage, Alaska 99510
PHONE: (907) 276-2653

1111.1

February 28, 1984

Administrator
City of

Dear Administrator:

We are sending you the attached Senate Bill No. 366 to inform you of this proposed legislation and to advise you of the reasons this new language change is needed.

The present basic wildland fire statute (AS 15.44.010) is so ambiguous and all-encompassing that the Alaska Department of Natural Resources Division of Forestry cannot comply with the law. We cannot provide fire protection for the timber resources and watersheds of all lands in the state, which is the written intent of the law.

We cannot, for instance, protect all the Federal lands within the State because we do not have the authority nor the capability to do so. It is also unrealistic and inefficient for the Division of Forestry to protect wildlands within urban areas with well-established fire departments. Most fire protection agencies have interpreted the intent of the present law to mean that the Division of Forestry will provide fire protection to State and private wildlands outside of tax-supported fire service areas and municipalities. Most of these agencies have been agreeable to entering into cooperative or mutual-aid agreements with the Division to assure that wildland fires, both inside and outside of fire service areas, are suppressed by the agency that can do the job in the quickest and most efficient manner at the least cost to the taxpayers.

Recent interpretations of this basic wildland fire statute has led a few agencies to the conclusion that the Division of Forestry should be responsible for suppression of all grass, brush or timber fires regardless of fire service area boundaries. If one were to carry this interpretation to the extreme, the Division would have to respond to a grass-brush fire on a residential lot within a few yards of a well-equipped and manned municipal fire department while that department would stand by unless and until a structure caught fire. The inefficiency and needless expense to the taxpayer in this situation is quite obvious.

The Alaska DNR Division of Forestry recognizes the responsibility it has to protect State and private wildlands outside of tax-supported fire service areas and those wildlands inside fire service areas that are inaccessible to or beyond the capability of the local fire departments. The proposed legislation is designed to allow us to operate in that fashion.

The intent of the proposed fire statute (SB #366) is to better define the wildland fire responsibility inside tax-supported fire service areas and municipalities. This new statute will follow the principle that all fires should be suppressed by the local fire agency unless it is beyond their capability.

Most wildland fires beyond the capability of the local fire departments will be those fires that are not accessible by road and cannot be reached by highway type fire equipment. The Division of Forestry will continue to suppress these fires as we have in the past when requested to do so by the local fire agency. The local fire officer will make the decision as to which fires are beyond his capability.

The Division of Forestry will also continue to suppress wildland fires on State and private lands outside of tax-supported fire service areas and will continue to provide backup support to local fire departments inside their service areas when cooperative or mutual aid agreements allow for such support.

Other changes that are needed in the present fire statutes are included in Senate Bill #366. These changes will allow the Division of Forestry to take less than full suppression action on remote fires where little or no resource damage will result from the fire and will remove a limitation on the man-hours of emergency fire fighters hired by the Division. With our area of fire protection now exceeding 67 million acres, this limitation is too low for even an average fire season.

We would be happy to answer any questions you might have concerning this proposed legislation. Please call Elmer Hurd or Jack Wilcock in Anchorage at 265-4465.

Sincerely,

John L. Sturgeon
State Forester

cc: Elmer Hurd
Jack Wilcock
F-5

IV. FIRE MANAGEMENT ALTERNATIVES

A. INTRODUCTION

The Tanana/Minchumina Fire Management Plan establishes four management options: Critical Protection, Full Protection, Modified Action, and Limited Action. Fire suppression alternatives range from immediate and aggressive suppression to no attack. As presented, the alternatives set forth general standards for selection of the appropriate option by the land manager/owner. Further, they provide basic guidance and parameters within which the fire suppression organization and land manager/owner make initial strategies and tactical decisions. Fire management options selected for the lands in the Tanana/Minchumina planning area are shown in Appendix E (in attached map pocket).

It will be incumbent upon the land manager/owner to select a fire management option based upon an evaluation of local conditions in order to provide guidance to the fire suppression organization. In turn, the fire suppression organization is expected to respond to the land manager/owner to the best of its capability. Because of rapidly changing land status, the State of Alaska and Native corporations chose fire management options on lands which they have selected but have not yet been conveyed to them, even though management rests with a Department of the Interior agency.

These options are presented under the basic philosophy that they are not "set in concrete" when applied to a specific land area in this plan. Rather, the application of the options must be flexible and subject to revision as conditions change, such as formulation of specific land use objectives and availability of new data. This places a burden on managers to maintain continued evaluation of all factors, at least annually, to accomplish plan and individual land manager/owner management options. The land manager/owner(s) can change their selection of a fire management option between September 30 and April 1 of any year, but not during the fire season. (Refer to Section I.H., Revision, p. 5.)

B. INTENT OF MANAGEMENT OPTIONS

Critical Protection Management Option - This option was specifically created to differentiate the protection of human life and inhabited property from natural resource protection. The designation of a site (area) with this option is left to the discretion of the land manager/owner responsible for fire protection for the site. Unquestioned priority over all other fires is automatically given to sites (areas) identified in this option.

Full Protection Management Option - Areas assigned this designation will receive fire protection equivalent to what has been supplied in the past. That is, all fires in these areas will receive aggressive initial attack and aggressive suppression efforts until the fire is declared out. This option was designed for the protection of cultural and historical sites, high resource value areas, and those types of things which require wild land fire protection but do not involve the protection of human life and habitation.

Limited Action Management Option - This category recognizes those areas where a natural fire program is desirable or the values at risk do not warrant the expenditure of suppression funds. Suppression actions need only be to the extent necessary to keep a fire within the management unit or to protect critical sites within the area.

Modified Action Management Option - This option provides a level of protection between "Full" and "Limited". The intent is to provide manager/owners with an alternative for those lands that require a relatively high level of protection during critical burning periods, but a lower level of protection when the risks of large, damaging fires is diminished. Its intent is to reduce suppression costs and increase resource benefits during the entire fire season through its two distinct operational responses to fire.

During the critical portion of the fire season, all fires will receive aggressive initial attack. If a fire escapes initial attack and requires more than a modest commitment to contain it, an Escaped Fire Analysis (Appendix G) will be conducted to determine level of suppression commensurate with the values at risk. The intent is to allow acres burned to be balanced with suppression costs. Lands placed in this category will usually be suited to indirect attack.

On individually predetermined evaluation dates, each Modified Action unit will automatically convert to no initial attack status unless an evaluation of current conditions indicates that the preestablished date is too early. Reevaluations will be conducted every 10 days until conditions (such as recent local fire behavior and weather, State-wide fire load) safely allow for no initial attack status in each Modified Action unit. The intent is to reduce the commitment of suppression forces to these units when risks are low and to achieve some resource management objectives through limited fire activity.

The initial evaluation date for each individual unit will be determined prior to each fire season by the affected land manager/owners based on their assessment of the values at risk and the historical risk of fire (seasonal activity) in the unit. It is not the intent of this planning process to develop prescriptions (which integrate fuels, weather, and topographic variables) to quantify the decisions to cease initial attack in Modified Action areas. Local weather information is available from a very limited number of sites within the planning area. The flammability of the black spruce fuel complex fluctuates rapidly and no reliable method for predicting extended drying conditions exists for Alaska. A traditional "prescription" cannot delineate the end of the critical portion of the fire season in the Alaskan interior.

C. GENERAL DESCRIPTION

Critical Protection Sites (Areas)

Policy: This designation is for those areas where fire presents a real and immediate threat to human safety and designated physical developments. Fires burning in these areas (sites) will be immediately and aggressively suppressed.

Objectives:

1. Protect human life and inhabited property.
2. Place highest priority on the allocation of suppression forces to sites (areas) in this option.
3. Limit damage from fire to the minimum achievable.

Operational Considerations:

1. Areas designated by this option are restricted to sites and immediate surrounding areas.
2. Managers are encouraged to exercise restraint in the designation of physical developments, limiting the application of this option to those sites which are currently or routinely occupied as a residence, or of such high economic or cultural value that fire could cause an irretrievable loss.
3. The land manager/owner may elect to designate suppression tools which may not be used entirely or within selected locations. Any such constraints are documented in this plan within VII., Environmental Assessment.

Full Protection Areas

Policy: Fires burning in this area will be controlled through immediate and aggressive action.

Objectives:

1. Regardless of fire weather or behavior, control all fires at the smallest acreage possible.
2. Minimize the disruption by fire on designated, planned, or ongoing human activities in the area.

Operational Considerations:

1. Only fires in the critical protection area receive a higher priority for suppression resources.
2. Constraints on the use of selected suppression tools are at the discretion of the land manager/owner as documented in VII., Environmental Assessment.

Modified Action Areas

Policy: Contain all fires using aggressive initial attack unless otherwise directed by the land manager/owner upon completion of a modified initial attack analysis. (See Appendix F).

Manage fires to consider resource management objectives in a cost effective manner.

Objectives:

1. Reduce suppression costs on escaped fires through minimum force commitments and indirect suppression tactics.
2. Provide opportunities for fire to help achieve land management objectives.

Operational Considerations:

1. When a fire escapes control, the fire will be evaluated by the fire suppression organization and the land manager/owner, using the escaped fire analysis format to determine further fire strategy. (See Appendix G).
2. After the predetermined evaluation date, initial attack action will cease unless the land manager/owner instructs the fire suppression organization to continue suppressing fires occurring on certain lands within this designation.
3. Constraints on the use of selected suppression tools are at the discretion of the land manager/owner as documented in VII., Environmental Assessment.

Limited Action Areas

Policy: Contain fires only to the extent required to prevent undesirable escape from this area.

Objectives:

1. Reduce overall suppression costs.
2. Allow fire to burn unimpeded to the fullest extent possible.
3. Prevent fire activity in this area from violating fire management policies and objectives in adjoining areas.

Operational Considerations:

1. Careful monitoring of fire behavior and fire weather conditions is essential within this area.
2. When escape of a fire from this area appears imminent, the fire management organization and land manager/owner will jointly develop a strategic control plan.
3. Constraints on the use of selected suppression tools are at the discretion of the land manager/owner as documented in VII., Environmental Assessment.

MEMORANDUM

State of Alaska

TO: Ted Smith, Director
Division of Forestry
Dept. of Natural Resources
Box 7-005
Anchorage, Alaska 99501

DATE: February 4, 1982
FILE NO: A66-456-81
TELEPHONE NO:

FROM: WILSON L. CONDON
ATTORNEY GENERAL

THROUGH: Shelley J. Higgins
Assistant Attorney General

By: Claire Steffens
Legal Assistant

SJH

SUBJECT: Fire Suppression
Responsibility

DIV. OF FORESTRY

FEB 3 1982

DIRECTORS OFFICE

I am responding to your memorandum of December 1, 1981 which asks questions concerning the responsibilities of the State, local governments, and volunteer fire organizations for suppression of wildfires on state, federal and private lands.

Your first question asks what responsibility tax-supported fire organizations have towards suppression of wildfires on lands within their service areas. Tax-supported fire service organizations include municipal or other local fire-fighting organizations.

Municipal tax-supported fire organizations have no statutory duty to fight wildfires within their service areas. However, municipal fire organizations are required to enforce those applicable rules and regulations adopted by them. Therefore, if a wildfire burns onto state or private land within the service area of a tax-supported fire organization, it may be responsible, under its own rules, for fighting the fire. No attempt is made here to analyze all applicable municipal ordinances or rules to determine whether any by their own terms would exclude protection against wildfires burning on state, federal, or private lands within their service areas. Except pursuant to contract or agreement, the State need not reimburse the municipal fire organization for its efforts in providing protection against fires burning inside the service area of the municipal fire organization.

Ted Smith

-2-

February 4, 1982

Re: Fire Suppression
Responsibility

Local tax-supported fire organizations may also be obligated to provide aid in suppression of wildfires on State land under AS 41.15.030, which authorizes the Commissioner to enter into fire protection contracts which he considers necessary. The terms of the contract will govern whether reimbursement for such aid is required.

The second question raised in your memo is whether volunteer fire departments are responsible for fighting wildfires on federal, state, or private lands within their service areas. A volunteer fire department has no statutory duty to fight wildfires. However, a volunteer fire department has an obligation to fight wildfires when it is requested to do so by the State pursuant to AS 41.15.120. AS 41.15.120 requires any person to aid in the suppression of fire if requested to do so by an officer or employee of the United States or of the State. This statute applies because a volunteer fire department is not a "governmental agency", and may instead be considered a "person" as defined at AS 01.10.050(7). This section defines person as "... includ[ing] a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person". In cases where a volunteer fire department has been incorporated under state law such a department is clearly within the definition of a "person". In cases where the fire department has not incorporated, but is merely an association or an organization of persons voluntarily coming together to provide fire protection services, such a department may also be within the definition of a "person".

AS 41.15.120 is silent regarding compensation for requested aid; it may be assumed that none is required to be provided. However, a volunteer fire department may be compensated pursuant to terms of a contract entered with the State under authority of AS 41.15.030.

The third question raised in your memo is whether the State has ultimate responsibility for suppression of wildfires on all state and private lands. Your assumption that the ultimate responsibility for suppression of wildfires rests upon the State is correct. AS 41.15.010-.030 states the Legislature's intent to "provide protection for the timber resources and watersheds on all lands in the state." The distinction between "lands in the state" and "state lands" implies that the statutory protection extends to all lands (perhaps excepting federal lands), within the boundaries of Alaska.

Ted Smith

-3-

February 4, 1982

Re: Fire Suppression
Responsibility

You ask whether this responsibility can be delegated to local governments. The ultimate responsibility is legislatively imposed on the State, and therefore cannot be delegated. However, the immediate responsibility for protecting lands within the state from wildfire may be spread in such a manner as to minimize the state's liability. Pursuant to AS 41.15.030, the Commissioner may enter into those fire protection contracts which he considers necessary.

The State's responsibility may not be spread by unilateral state action: assumed or shared responsibilities must be accepted by the delegate. See Memorandum Opinion of P. J. Gullufsen of December 19, 1978. (Copy attached). In State v. Jennings, 555 P.2d 249, 250-51 (1976) the Court identified three conditions, which, if present, will absolve the State from liability for failure to enforce state standards for fire prevention and inspection: 1) The city has developed its own protection system and program; 2) the city program recognizes and complies with state enforcement standards; 3) the city has specifically accepted the deferral of responsibility from the state. If the State attempts to share its responsibility for the suppression of wildfires with a municipality, for instance, it should carefully follow the guidelines of the Jennings opinion.

The provision of firefighting efforts by a tax-supported fire service organization, which includes agencies and departments created through a municipal governmental process, will be compensated or not according to the terms of the assistance agreement. Thus when the State defers or spreads its responsibility to a municipal fire service organization, it may be required by the municipal organization to compensate monetarily for the service received. Language in the assistance agreement concerning compensation or reimbursement, if any, should be explicit and carefully worded.

If you have further questions I will be happy to address them.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Matanuska-Susitna Borough

BOULEVARD PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF FINANCE

February 16, 1983

TO: Mat-Su Fire Chief's Association
Matanuska-Susitna Borough Fire Service Areas Fire Chiefs

FROM: Jerry Pineau

SUBJ: Mutual Aid Agreement Between Borough and State
(See Attached Draft Copy)

The Borough administration has designated the Mat-Su Fire Chief's Association as the group to discuss the mutual aid and cooperative agreement concept with the State of Alaska. At some undetermined time it is contemplated that the Association would make recommendations to the Manager and the Assembly. After reading the proposed first draft I have become concerned that the concerns of the Borough may not have been related to the Association. Therefore, in lieu of waiting for recommendations whether it is a proposed agreement or a consensus not to be so obligated, I thought it best to analyse the draft from our point of view. I have purposely taken a hardline approach in order to raise many issues which need to be resolved. An in-depth review and discussion should be done to determine if assuming certain state obligations is in everyone's best interests, especially our constituents.

The following is my critique as it appears to me.

I have reviewed the proposed first draft of the subject mutual aid agreement and have discerned several infirmities which may jeopardize our special obligations to the taxpayers of the fire service areas.

The concept of assisting the Division of Forestry in its endeavors to provide fire protection for timber resources and watersheds of all lands in the state is commendable.

If a wildfire would threaten life and property within a fire service area, it would be our constituents' expectations to respond and aid in fire suppression. However, to assume more than the life and property threatened posture is not necessarily within the realm of our duties to our taxpayers. The State has

SUBJECT: Mutual Aid Agreement Between Borough and State

the duty of wildfire suppression and must support that duty with men, materials, equipment and funds.

It is my understanding that, as I also glean from the proposed draft, the state is attempting to shift a substantial part of its obligations to the local fire service areas. I suppose the basis of its attempts is due to limitations of state funding since wildfire protection in Alaska is an enormous task requiring a tremendous amount of resources.

Therefore, it is the balancing of state interests and local interests in the division of responsibilities and support thereof. The resultant mutual interests then necessitates a sharing of obligations. The key is the definition of mutual interests as it relates to state and local support.

Local interests are to protect lives and property using local resources within defined areas. In our case the areas are the fire service areas which are supported by taxpayers therein. The objective is to provide maximum quality fire protection at reasonable costs.

State interests are to protect lives, habits and property using state resources within the state without unnecessary duplication of fire protection services. The objective also is to provide maximum quality fire protection at reasonable costs.

With the expanding commercial and residential development with the attendant population increase, communities are demanding new or improved and expanded fire service areas. Such inherent growth of such services increases the burden on our resources such as taxes, material, equipment and manpower. It is incumbent on the borough, therefore, to respond to those demands as first priorities. The need to assist the state in its endeavors is secondary.

As the state has more and more lands transferred to it which require wildfire protection, its burden increases dramatically and strains its resources. It is prudent for the state to shift its responsibilities to existing fire protection services to eliminate duplication.

The proposed agreement on its face shifts in my opinion, too much responsibilities on the local fire service areas. More particularly in the following manner.

1. "Each party shall comply with provisions of AS 41.15.010-700 and the Forest Protection Regulations, ACC 95.400-490.

a. Under this term every local fireman responding or assisting the State would be required to know, understand and abide by the state law and regulations. For instance, failure to be fully trained in wildfire protection services may establish a liability which the Borough, fire service areas and volunteers do not desire nor contemplate.

b. Although the term may be reworded to limit the potential liability thereunder, if the state's intentions are to consolidate and lessen its forces and equipment within the Borough, the liability limitation may not be enforceable against the state without legislative action.

c. Since the term is the essence of the agreement, state law must be changed to accommodate the special relationship with the state before any agreement is consummated.

d. At this time it is my suggestion that the matter be turned over to the state for a legislative resolution.

2. "The failure of either party to insist upon compliance of any guideline, etc" appears on its face to be fair and reasonable, but inherently it manifests the infirmities of number 1 above.

a. Of course "guidelines" is very poor wording but its import could be harsh. If number 1 is not enforce during a time period, even in good faith later a stricter or fuller compliance therewith could suddenly jeopardize the Borough.

b. The "compliance" by the state, or, in other words, the state's obligations are specious. Is the Borough receiving any real benefits from the state?

(1) "Respond to any wildfire upon request within the FSA contingent upon manpower and equipment availability." Since the agreement appears to shift the duty of wildfire suppression to the Borough as the primary obligor, any benefit derived from the state is not real. The state has the existing obligation to suppress wildfires within a fire service area.

(2) "Respond to any reported fire within the support area, contingent upon manpower and equipment availability, for the purpose of protecting the timber resources and watershed. The state has the duty now. The agreement shifts the burden to the Borough to provide assistance to the state for any wildfires within the support area. Since support areas, by definition are outside fire service areas, the Borough's obligations have been expanded. No new benefit is derived.

MEMORANDUM: Mutual Aid Agreement Between Borough and State

(3) "Not charge the FSA for any fire suppression costs." This is not a benefit since the state's obligation is to respond to any wildfire within the fire service area. That response is conditioned upon a request from the Borough and availability of state manpower and equipment. Since it is believed the state is intending to consolidate and lessen manpower and equipment within the Borough, there appears to be no substance to its response obligation. In any case, it already has the duty and, again, the burden under the agreement would be shifted to the Borough.

(4) Notification of the "FSA of any fires within the FSA that comes to the state's attention" sounds very magnanimous but it is reasonably assumed a state employee would do so anyway. However, it should be remembered the "any fire" could mean, by definition, "fire" and "wildfire", especially in view of the shift of burden for wildfire suppression to the Borough. Residential, etc., fires normally encountered by the fire service areas are reported in many ways.

(5) "Not delay any response to any fire near the FSA boundary due to jurisdiction questions" may be a benefit to the Borough except that the interpretation in light of number (1) above (respond to any wildfire, etc.) means the state, if it responds, will not stop at the boundary. If the state consolidate its services, etc., and limits its wildfire suppression in and near fire service area boundaries, it is difficult to glean any real benefit.

(6) "Assume command of any wildfire when:
a. requested by FSA officer-in-charge; and
b. the amount of state equipment dictates the need for state management of said equipment" should be read in conjunction with the total agreement. If the primary intent is to shift wildfire suppression burden to the Borough, will the state ever be in command and, if so, is it a benefit to the Borough?

(7) For the state to furnish the fire service area with information needed to fill out a state fire ^{notification} report for any fire within a fire service area when the fire service area is not in attendance is commendable. However, such duty presupposes the state responds to wildfires for it will not do so for residential fires normally, due to lack of training and equipment. In any case, the benefit to the Borough is minimal and the burden on the state is not great.

(8) "Waive all claims against the Borough for any loss, damage, death or injury connected with the performance of this Mutual Aid Agreement" is certainly a benefit to the Borough.

... the contingent liability may be minimal if the Borough assumes full or substantial responsibility for suppressing wildfires in its fire service areas. The "mutual aid" concept, upon analysis of the proposed agreement, is specious since, by its terms, places an onerous burden on the Borough with minimal benefit to the local taxpayers.

3. "In addition, the FSA also agrees to:" is the term of the proposed agreement which capriciously attempts to make the Borough, through its fire service areas, a "quasi-division" of the state without the state having any corresponding liability. In other words, based on the delineated duties of the Borough (fire service areas), the state could be relieved from its responsibilities of wildfire suppression within the existing fire service areas, within the support areas and any future fire service areas or annexations, such as the proposed Willow and Kaik areas.

a. "Respond to any reported fire within the FSA limits, as outlined on Attachment A" means the inclusion of all wildfires therein. The obligation is placed on the Borough at the exclusive burden of costs on the local taxpayers. The Borough is agreeing to not charge the state for any fire suppression costs within the fire service area. This places the Borough subservient to the state since it is obligated to perform in accordance with state law and regulations. The state would only respond to "wildfires" and only if requested and if sufficient manpower and equipment available. Since it appears the state intends to consolidate its services and decrease the state support, it may not have manpower and equipment to assist the Borough in wildfire suppression.

b. "Provide assistance to the state for any wildfire within the support area..." with the final decision resting on the Fire Chief or his designee on the assistance to be given, obligates the Borough to provide some support in most cases. However, since the state's obligation is contingent upon its available resources, the support area wildfire suppression duty of the Borough could be greater than contemplated.

c. "Not charge the state for any fire suppression costs within the FSA" relieves the state from any financial costs pertaining to wildfire suppression. The burden is obviously shifted to the local taxpayers.

d. "Not charge the state for any wildfire suppression costs within the support area for up to eight hours" places a substantial burden on local residents. If as the term further indicates, the next two sentences modifies the above quote, the local taxpayer's burden is lessened. Fire service area personnel will not be paid for the first eight hours but the equipment may be hired at a

SUBJECT: Mutual Aid Agreement Between Borough and State

determined rate. But it can be interpreted that the equipment will also be used free of charge for the first eight hours.

e. "Immediately notify the state of any wildfire outside the FSA that comes to the FSA's attention" manifests a special obligation on the fire services areas that, if carried or interpreted to its extremes, could create a "fire watch" duty. Such notification would normally occur but should not be an obligation written into an agreement.

f. "Immediately notify the state of any wildfire within the FSA" also obligates the fire service area specially since "immediately" could create, in the extreme, a priority over mobilization of fire service area response. In other words, not only is there a duty to suppress wildfires but also to notify the state for possible instructions etc. which would be disruptive to good firefighting practices.

g. "No delay any response to any wildfire near a FSA boundary due to jurisdictional questions. (1 mile outside FSA boundary minimum)" appears to be an attempt by the state, through the agreement to expand the Borough FSA boundaries without acquiring the proper legal authority. In essence the state is attempting, through this provision, to usurp the Borough's powers and expand them into the state's domain as well as placing it under the state's jurisdiction.

h. "Provide the state with information needed to fill out incident reports for any wildfires within the support area in which the FSA provided assistance, and the state was unable to respond" presupposes the Borough has the duty to respond, as noted above, to any wildfire in a support area.

i. "Issue burn permits within the FSA as an agent of the state during declared fire season" again shifts the burden to the Borough under the jurisdiction of the state. As a courtesy to the state, but not as a duty, the fire service areas have assisted the state in issuing fire permits. To take on the obligation, especially as an agent of the state, would necessitate a certain degree of providing a regular place and time for issuance. It could very easily mean that the fire service areas would be obligated to provide personnel on a regular basis to issue permits.

j. "Waive all claims against the state for any loss, damage, death or injury connected with the performance of this Mutual Aid Agreement" is a standard state clause but it must be weighted in terms of potential liabilities. The more the state shifts its mandated obligations on to the Borough with impunity the greater the risks to the fire service area and its taxpayers. In placing the duty upon obtained in wildfire suppression fire

SUBJECT: Mutual Aid Agreement between Borough and State

service area personnel and using commercial and residential specialized fire equipment the potential liabilities can be enormous.

K. "Assist the state with law enforcement cases relating to violations of the Natural Resources Code ACC 94.400-490" places the duty of the fire service area personnel to perform in accordance with state policies and procedures. Do we have volunteer personnel that are trained in preserving evidence, apprehension, etc. if the interpretation of this provision is very broad? Are the personnel subject to criticism, etc. if proper procedures are not followed? Doing one's duty which is voluntary is a matter different than obligating oneself under an agreement.

In the final analysis, it appears that the bottom line is whether or not the Borough (fire service areas) has the resources, funds, manpower, equipment and materials and substantial interest at this time to provide wildlife protection on behalf of the state. Will our commitments conflict with any determination to carry out the state's existing duty at their expense in funds and resources?

If the state, in the agreement, would absolutely agree to maintain a level of support, equipment, etc. at its expense, reasonably close to the requirements as if the fire service areas would not suppress wildlife, a mutual assistance arrangement would be in the best interests of the Borough.

At this time the fire service areas do respond to wildfires in their areas. First as a prudent measure to protect life and property of the fire service areas residents. Secondly, as a volunteer measure to assist the state, but without a formal duty. Hence, as a matter of Borough interests, is there a real need to take on the state's responsibility? That is, should the taxpayers be burdened with additional costs when they already have wildfire suppression services from the state and the fire service areas?

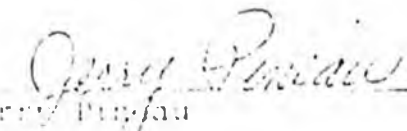
If the state could train volunteers, reimburse fire service areas for costs and provide additional wildfire equipment and facilities to the fire service areas, it would make sense for the Borough to take on wildfire suppression duties within certain defined areas. The state should also limit the Borough's liabilities and not remove itself from all responsibilities.

SUBJECT: Mutual Aid Agreement Between Borough and State

I do not believe the question of the legal authority of Director of the Division of Forestry to enter into any agreement with the Borough has been determined. That issue, especially if the above last three paragraphs would apply, need be resolved prior to any actions.

Gentlemen, this memo is not to state that the issues can not be resolved nor that an agreement can not be reached. It is my opinion that the matters discussed herein will be raised by the Assembly and our constituents when it is reviewed at a public hearing.

If I can be of any assistance, please feel free to contact me. Good luck in your endeavors. I have no doubts the task is almost onerous. Your efforts are greatly appreciated.



Jerry Puzan

cc: Gary Thurlow, Borough Manager
Vern Smith, Finance Director
Steve Merrisott, Borough Attorney

JP/lp

AND
THE STATE OF ALASKA
DIVISION OF FORESTRY

This agreement is made and entered into between the Matanuska-Susitna Borough
SA's, hereinafter referred to as the FSA, acting by and through it's Borough
Assembly, and the State of Alaska, Division of Forestry, hereinafter referred
to as the State, acting by and through it's Director.

DEFINITIONS:

1. FIRE SERVICE AREA (FSA): That area within the FSA limits, in which the volunteer fire department is ordained to provide fire protection.
2. SUPPORT AREA: That area mutually defined by the parties hereto, in which the FSA may render assistance to the State, for wildfire protection. Assistance rendered may be the result of either a formal request from the State, or from the FSA's own initiative.
3. FIRE: Generally used to define any uncontrolled or unwanted fire, regardless of material burning, i.e. vehicles, grass, brush, structures, etc.
4. WILDFIRE: Used to define any uncontrolled or unwanted fire burning on any lands on which grass, brush, timber or other vegetative material grows.

WITNESSETH, THAT:

1. WHEREAS, pursuant to Matanuska-Susitna Borough Ordinance Title 5 of Borough Code Ch. 5.10-5.35, the Borough has established Volunteer Fire Department for the purpose of providing fire protection to private and public property within the limits of said FSA; and
2. WHEREAS, pursuant to AS 41.15.010-020, the State is responsible for providing protection for the timber resource and watersheds of all lands in the state.

NOW THEREFORE, the parties hereto agree to the following guidelines with respect to the land outlined on Attachment A, which is a map of the Matanuska-Susitna Borough's FSA's, to wit:

1. Each party shall comply with the provisions of AS 41.15.010-700 and the Forest Protection Regulations, AAC 95.400-490.
2. This Mutual Aid Agreement shall be effective upon execution by all parties and shall remain in effect until termination. Either party may terminate this agreement sixty days after written notice of intent to terminate has been served on the other party.
3. The failure of either party to insist upon compliance of any of the guidelines of this agreement shall not constitute a waiver of either of the parties of it's rights with respect to any assistance rendered thereafter or to insist upon full and strict compliance of the exact terms of this agreement.

IN ADDITION, THE FSA ALSO AGREES TO:

1. Respond to any reported fire within the FSA limits, as outlined on Attachment A.
2. Provide assistance to the State for any wildfires within the support area, contingent upon equipment and manpower availability. The final decision as to what will be sent to assist will rest with the Fire Chief or his Designate. This information will be relayed to the State as soon as possible.
3. Not charge the State for any fire suppression costs within the FSA.
4. Not charge the State for any wildfire suppression costs within the support area for up to eight hours. After eight hours, FSA personnel may be hired as EFFERT and paid at current rates according to position held. FSA equipment, if used, will be hired according to predetermined continuing offer rates.
5. Immediately notify the State of any wildfire outside the FSA that comes to the FSA's attention.
6. Immediately notify the State of any wildfire within the FSA.
7. Not delay any response to any wildfire near a FSA boundary due to jurisdictional questions. (1 mile outside FSA boundary minimum.)
8. Provide the State with the information needed to fill out an incident report for any wildfires within the support area in which the FSA provided assistance, and the State was unable to respond.
9. Issue burn permits within the FSA as an agent of the State during the declared fire season.
10. Waive all claims against the State for any loss, damage, death, or injury connected with the performance of this Mutual Aid Agreement.
11. Assist the State with law enforcement cases relating to violations of the Natural Resources Code AAC 95.400-400.

IN ADDITION, THE STATE ALSO AGREES TO:

1. Respond to any wildfire upon request within the FSA contingent upon manpower and equipment availability.
2. Respond to any reported fire within the support area; contingent upon manpower and equipment availability, for the purpose of protecting the timber resources and watershed.
3. Not charge the FSA for any fire suppression costs.
4. Immediately notify the FSA of any fires within the FSA that comes to the State's attention.
5. Not delay any response to any fire near the FSA boundary due to jurisdictional questions.

SERVICE AREA LEGISLATION

1. Reaction of Local Fire Chiefs

9 fire chiefs, or primary officers, were contacted from Juneau to Fairbanks. Out of these, 8 would support the proposed legislation if it is our intent to continue to attack inaccessible wildland fires and take over those wildland fires that are beyond the capability of the local fire department. The 9th chief was speaking from a personal standpoint only and is a State ^{DOF} employee.

2. Statistical List

A. Number of Tax Supported Fire Service Areas in the State:

(We are unable to verify these figures
State Fire Marshall could not verify)

Mat-Su Borough	11	North Pole	1
Palmer	2	North Star	1
Homer	2	U of A (Fci)	1
Anchorage	3	Nenana	1
Ridgeway	1	Soldotna	1
Nikiski	1	Kensi	1
Fairbanks	1	Cardwood	1

Ester	1	Shagway	1
Steese	1	Jones	1
Inoose Cr.	1	Ketchikan	1
Chugiak	1	Valdez	1
Bear Creek	1	Wrangell	1
Seward	1	Haines	1
Seldovia	1	Cordova	1
			<u>42</u>

B. How many Tax Service Areas have agreement with us?

- | | |
|-------------------|------------|
| Soldotna | Shagway |
| Kenai | Anchorage |
| Ridge way | Fairbanks |
| Jickiski | North Pole |
| Houston | North Star |
| Nenana | U. of. A. |
| Chatna | Homer |
| Ester | Steese |

15

(3)

C. How many Tax Service Areas don't want to sign Co-operative/Mutual Aid Agreements with us?

We have not found any fire chief that would not sign some type of agreement. Some of them would sign only a Mutual Aid Agreement that does not obligate them to keep track of costs and require reimbursement.

The opposition to agreements in the Mat-Su area appears to be from the Borough, and more specifically from the Borough Finance Director (Jerry Pineau) This has a direct influence on the 11 Fire Service Areas financed by the Mat-Su Borough.

D. How many fires occurred in these areas in 1983

During 1983 there were 241 wildland fires reported by local fire departments in the state.

We estimate that from 25% to 50% of these would be in Tax Service Areas

$$241 \times 35\% = 84 \text{ Fires}$$

3. Build an economic efficiency statement - what do we save in \$'s if this legislation passes?

Trucks, people, Other

What are the other benefits?

If the trend that was established in 1983 continues, we can estimate that we will have to double our present organization within the next six years to cope with ALL wildland fires

Gearing-up to suppress all wildland fires will require more engines, suppression personnel, support personnel, stations and aircraft. In addition, we must embark on a planning effort to determine the fire coverage needed, placement of stations and aircraft to meet required response times and the best combination of ground equipment and aircraft to meet the demands that will be placed on the Division

The Division will also have to consider a longer fire season than it now uses because of the early and late season wildland fires that occur in populated areas that will not be suppressed by the local fire departments.

(5)

We may also have to man our stations and equipment for more hours per day.

Response time to a wildland fire burning near structures could be a very volatile question if the Division has responsibility for the wildland fire and someone else has responsibility for the structure. Our present policy of stopping fires at 10 acres or less would undoubtedly not fill the bill. We would have to improve our capability and reduce response times to wildland fires in populated areas.

It must be remembered that the capability we build into the organization in order to respond to the roadside fires in populated areas must be in addition to the capability we must maintain for inaccessible wildland fires.

There appears to be no restrictions at this time on the amount of wildlands that can be included within a Fire Service Area. If this is the case, then it is to the advantage of the FSA to ~~include~~ extend its boundaries to encompass as many taxpayers as possible without regard to the

(6)

number of acres of wildland included as they have no responsibility for protection of the wildlands

Present law places no incentive for cooperative agreements on the local fire protection agency as we cannot attack structural fires and they have no responsibility for wildland fires. The proposed statute would place some, but not all, of this responsibility on the local fire protection agency and give them some incentive for cooperating.

We visualize that the big impacts on fire suppression costs will come from the Mat-su, Kenzi and Fairbanks areas where most of the tax supported fire service areas are located

ECONOMIC ANALYSIS

Operating Costs

Operating Cost per Engine and Crew

Crew - Tech IV + Tech III \$ 2500 each/month Salary + benefits.

Engine & Pump - \$1.00/mile x 200 miles/month = \$200/month

250/month x 12 = 3000/Year ÷ 6 = \$500/month

100/month Pump Fuel, maint., accessories

\$800/month Operating costs

Engine & Crew Operating Costs = \$5,800/month x 6 months:

\$34,800/Year. Op per unit.

Met-Su Area now doing 60% of wildland fire

Suppression within fire service areas w/10 units

Need 40% increase or 4 units @ \$34,800/Year

or \$139,200 Annual increase in Operating costs

Fairbanks at least 50% increase. Now have 9 units

4.5 units @ \$34,800 = \$156,600 Annual Increase

Kenzi Area increase by 50%. 10 units now.

5 unit increase @ \$34,800 = \$174,000

TOTAL = \$139,200 + 156,600 + 174,000 = \$469,800

TOTAL WILL EXCEED \$500,000 IF TOK, DELTA & COPPER

RIVER AREAS ARE INCLUDED

STATE OF ALASKA
BOARD OF FORESTRY

February 20, 1984


The Honorable Bettye Fahrenkamp
Senator
Pouch V
Mail Stop 3100
Juneau AK 99811

Dear Senator Fahrenkamp:

We wish to thank you again for the opportunity to express our opinions and concerns to the Joint House and Senate Committee at the end of our Board of Forestry meeting in January.

During the Board meeting we discussed the proposed SB 366, an "Act relating to protection of forested land..." and offer the following mark-up as our recommendation for your consideration. The Board supports the rest of the bill as modified in the attachment.

Sincerely,



Joe Wilson
Chairman, Board of Forestry

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to protection of forested land."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 41.15.010 is amended to read:

9 Sec. 41.15.010. INTENT. It is the intent of AS 41.15.010 --
10 41.15.170 to provide ^{fire} protection, [REDACTED]

11 [REDACTED] for the natural [TIMBER] resources and watersheds
12 on land that is owned privately, by the state, or by a municipality;

13 [REDACTED]
14 provided, however: that the protection level afforded to lands which
15 are subject to an approved cooperative fire management plan shall be

16 [REDACTED]
17 [REDACTED] commensurate
18 with the value of the resources at risk, [REDACTED]

19 [REDACTED] [ALL LAND IN THE
20 STATE].

21 * Sec. 2. AS 41.15.030(b) is amended to read:

22 (b) The commissioner may hire emergency fire-fighting personnel
23 [UP TO A TOTAL OF 30,000 MAN-HOURS EACH YEAR], and shall establish
24 classifications and rates of pay for the emergency fire-fighting
25 personnel consistent with the compensation paid by other fire-fighting
26 agencies. The commissioner may adjust the classifications and rates
27 based on findings of the federal Bureau of Land Management for Alaska.
28
29

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

*Senators
Take a look thru
return to
me*

February 21, 1984

The Honorable Jalmar Kerttula
President of the Senate
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

I am pleased to submit to you the Fire Suppression Fund use records for calendar year 1983, as required by AS 41.15.240.

Copies of these records are being distributed to all legislators. I believe that the fund use figures ably demonstrate the need for a Fire Suppression Fund.

Sincerely,

Esther C. Wunnicke

Esther C. Wunnicke
Commissioner

Attachment

cc: Members of the Senate

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

TO: THE HONORABLE
BILL SHEFFIELD
GOVERNOR

DATE: January 13, 1984

SEND:

FROM: ESTHER WUNNICKE
Commissioner

JAN 24 1984
PHONE NO: 465-2400

SUBJECT: 1983 Suppression
Fund Report

As required by AS 41.15.240, I have attached the records of the Fire Suppression Fund use for calendar year 1983.

The 1983 fire season could be classed as moderate or average in the number of fires and acreage burned. There were 397 incident responses by the Division of Forestry and cooperative fire forces, of which 253 required fire suppression action. These 253 fires burned a total of 32,276 acres within the area protected by the State.

During the 1983 season, 95% of all fires that occurred within our protection area were controlled at less than 10 acres in size by aggressive and effective initial attack action. There were only 13 fires, or 5% that exceeded 10 acres in size. These 13 fires, however, accounted for 32,149.5 acres or 99% of the acreage burned and accounted for most of the suppression costs.

The lightning caused Munson Creek fire east of Fairbanks, was the largest of the year with a total burned area of 22,800 acres. Only limited suppression action was taken on this fire after initial attack failed to suppress the fire. The human caused Rosie Creek fire, which threatened the City of Fairbanks, was the most expensive fire of the year within our protection area with a total cost over 3 million dollars.

These two fires illustrate the need for and use of the Fire Suppression Fund. The Rosie Creek fire required an immediate and massive response by the State with manpower and equipment to control the fire, avoid destruction of property, prevent possible loss of human life and prevent further damage to forest resources. Much of this manpower and equipment was in excess of that maintained by regular operating funds and had to be acquired, without delay, through the Suppression Fund. The Munson Creek fire, on the other hand, did not require an immediate or massive buildup of fire suppression forces because there was no immediate threat to valuable property, resources or inhabitants. This fire did, however, require that the State monitor the fire, prevent the fire from moving into the Chena Hot Springs area and be prepared to mobilize additional forces if needed to keep the fire from other inhabited areas. The Fire Suppression Fund provided this capability.

Approval of three more fire plans during 1983, by all land management agencies involved, allowed the State to defer suppression action on several fires. Monitoring of these fires resulted in some expenditure from the Fire Suppression Fund but was much less than the cost would have been had full suppression action been taken. We believe this to be a judicious use of the fund.

The State provided direct fire protection for 58 million acres of State, private, native and Federal lands in 1983. In addition to this direct protection, the State paid the U.S. Bureau of Land Management to protect an additional 14.4 million acres of State-owned or tentatively approved lands under a Cooperative Agreement.

Costs incurred chargeable to the Fire Suppression Fund during CY83 amounted to \$6,463,938.17. Costs incurred by the U.S. BLM and Forest Service while taking fire suppression action for the State were not computed or billed in CY83 and will be paid in CY84. It is estimated that these bills will total in excess of \$3 million.

If you have any questions concerning the enclosed materials, please call my office.

cc: John L. Sturgeson, State Forester
Mary Halloran, Director

CY 1983 FIRE SUPPRESSION FUND

STATUS REPORT

Beginning Balance		
Balance, 12/31/82	97,417.72	
Restricted funds, 12/31/82	<u>7,803,720.61</u>	
Balance, 1/1/83		\$7,901,138.33
Receipts, 9/1/83(JV841361)		
		\$9,600,000.00
Budget Adjustments		
Restricted Funds, 12/31/83	4,500,000.00	
FY83 Balance, 12/31/83	2,909,122.36	
FY83 Balance Reduction, *12/31/83	<u>88,237.51</u>	
Net Budget Adjustments		<u>-7,497,359.87</u>
Net Available Balance		\$9,403,778.46
Expenditures		
1/1/83 to 6/30/83	\$4,903,778.46	
7/1/83 to 12/31/83	<u>1,560,159.71</u>	
Total CY83 Expenditures		<u>-6,463,938.17</u>
Balance Ending 12/31/83		\$2,939,840.29

* FY83 balance reduced by FY83 expenditures charged to FY84 authorization.

CURRENT YEAR AUTHORIZATION BALANCES

	AUTHORIZATION	FISCAL YEAR TO DATE 12/31/82 DISBURSEMENTS	TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
NATURAL RESOURCES						
463 LUBE OILS & GREASE		479.76		479.76		
465 PARTS & SUPPLIES		828.05		828.05		
469 EQUI PARTS/SUPPLY HCE		2,119.69		2,119.69		
479 PROF/SCIENT SUPPL HCE		83.60		83.60		
484 PHOTOGRAPHIC SUPPLYS		63.77		63.77		
489 OFC/LIBRARY SUPS HCE		86.73		86.73		
494 FULL NONVEHICULAR		3,452.35		3,452.35		
499 OPRING SUPP/MATS HCE		370.91		370.91		
TOTAL SUPPLIES & MATERIALS	599,826.09	19,701.26		19,701.26		580,124.83
500 MACHINERY/EQUIPMENT	15,402.69					
559 OFFIC/HOUSEHOLD HCE		1,361.18		1,361.18		
559 SPECIAL EQUIPMENT HCE		2,640.53		2,640.53		
TOTAL MACHINERY/EQUIPMENT	15,402.69	4,001.71		4,001.71		11,400.98
FGPP TOTAL FIRE SUPP FUND 126 SUBPROGRAM	9,000,000.00	1,094,371.75	4,489.92	1,098,861.67	7,803,720.61	97,417.72
GROUP 000	2,106,803.35				7,802,720.61	9,909,523.55
GROUP 100	107,454.47	108,207.50		108,207.50		753.03
GROUP 200	38,467.69	205.24		205.24		38,262.45
GROUP 300	10,111,652.41	952,750.04	4,489.92	957,239.96	1,000.00	9,377,906.45
GROUP 400	599,826.09	19,701.26		19,701.26		580,124.83
GROUP 500	15,402.69	4,001.71		4,001.71		11,400.98
SPRG TOTAL FIRE SUPP FUND 126	9,000,000.00	1,094,371.75	4,489.92	1,098,861.67	7,803,720.61	97,417.72
10-45-9-004 DHR FLW MANAGEMENT CAP IMPROVE PRGMS 79 FIRE SUPPRESS BLD						
FUND 100 ACCOUNT 7200 BUDGET COMPONENT 06.45 09.03.00 PRIOR Y181 SPEC PROJ 79 FIRE SUPPRESS BLD						
300 CONTRACTUAL SERVICES	11,665.99					
369 EQUIPMENT RENTAL HCE		333.00		333.00		
389 PROFESSIONAL SVC HCE			593.56	593.56		
TOTAL CONTRACTUAL SERVICES	11,665.99	333.00	593.56	926.56		10,739.43
400 SUPPLIES & MATERIALS						
451 MASONRY MATERIALS		2,092.06		2,092.06		
452 LUMBER		2,236.35		2,236.35		
456 PLUMBING & ELECTRICAL		541.63		541.63		
459 STRUCT MATS/SUPP HCE		2,085.15		2,085.15		
499 OPRING SUPP/MATS HCE		5.70		5.70		
TOTAL SUPPLIES & MATERIALS		6,960.90		6,960.90		6,960.90
FGPP TOTAL 79 FIRE SUPPRESS BLD ELEMENT	11,665.99	7,293.90	593.56	7,887.46		3,778.53
GROUP 300	11,665.99	333.00	593.56	926.56		10,739.43
GROUP 400		6,960.90		6,960.90		6,960.90
ELEM TOTAL 79 FIRE SUPPRESS BLD	11,665.99	7,293.90	593.56	7,887.46		3,778.53

signature *10/1/83*

STATE DISTRIBUTION VOUCHER

12 949 (7/82)

USED FOR (CIRCLE ONE ONLY)

AV

JV

OTHER

TA

NB

FILE NO. 15-36

LIMIT DESCRIPTION TO 24 CHARACTERS ADDITIONAL EXPLANATION SHOULD BE ENTERED BELOW TRANSACTION AS NEEDED

HW

AGENCY ACCOUNT NO.

DATE PREPARED

10-84-0050

8/3/83

DESCRIPTION	REFERENCE	FUND CODE	DEPT	PRG GRAM	PR	ACCOUNT	OBJECT RECEIPT	ACTIVITY	PROJECT LEDGER	AMOUNT
FS 10-84-0050		110	10	457		001	100			2,410,000.00
~		~	~	~	~	~	200			135,000.00
~		~	~	~	~	~	300			5,830,000.00
~		~	~	~	~	~	400			605,000.00
~		~	~	~	~	~	500			20,000.00
~		~	~	~	~	~	010			610,000.00
~		~	~	~	~	~	020			110,000.00
~		~	~	~	~	~	030			3,530,000.00
~		~	~	~	~	~	040			235,000.00
~		~	~	~	~	~	050			15,000.00

changed to 120

2/20/83

Reference: AS 41.15.210

Fire Suppression Fund 126

To establish FY84 with restriction of \$7,000,000.00

and place a restriction of \$4,500,000.00

leaving an unrestricted with restriction of \$4,500,000

available for projected expenditures for the period

7/1/83 through 9/30/83

MM 7/2 [Signature]

DOCUMENT TOTAL

\$3,500,000.00

DATE ENTERED

SEP 06 1983

DOCUMENT NUMBER

841362

THIS VOUCHER IS VALID ONLY IF IT IS SUPPORTED BY A DOCUMENT... (small print)

CERTIFYING OFFICER

AV - Adjustment Voucher JV - Journal Voucher OTHER - PO DU

431 STATIONERY & SUPPLIES	1,275.19	1,275.19	
432 EDUCATIONAL TRAINING	95.66	95.66	
434 PHOTOGRAPHIC SUPPLIES	275.93	275.93	49.40 ADJ
485 DUPLICATION SUPPLIES	756.26	756.26	
439 OFFICE/STATION SUPPLIES	52,473.40	52,473.40	576.14 ADJ
451 AMMUNITION	35.50	35.50	
459 FUEL MONUMENTAL	91,993.90	91,993.90	1,352.80 ADJ
455 MINOR TOOLS/EQUIPMENT	1,055.61	1,055.61	
499 OTHER SUPPLIES NCE	12,430.64	12,430.64	2,206.23 ADJ
PRIOR YEAR 6/30/83	604,826.09	164,565.81	440,260.28
CURRENT YEAR 12/31/83		291,792.23	312,644.78-ADJ
TOTAL SUPPLIES & MATERIALS	604,826.09	456,358.09	127,615.50 ADJ
500 MACHINERY/EQUIPMENT	22,402.69		
521 COMMUNICATIONS		1,763.74	1,763.74
559 OFFICE/HOUSEHOLD NCE		1,361.18	1,361.18

ACCOUNT	PRIOR YEAR AUTHORIZATION	AUTHORIZATION PERIOD 7/01/82	DISBURSEMENTS	THRU 12/31/83 TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
NATURAL RESOURCES							
551 LAW ENFORCEMENT			234.00		234.00		
559 SPECIAL EQUIPMENT NCE			3,025.68		3,025.58		
559 MACHINERY/EQUIPT NCE			339.00		339.00		
PRIOR YEAR 6/30/83	22,402.69		6,170.86		6,170.86		16,231.83
CURRENT YEAR 12/31/83			552.74		552.74		552.74-
TOTAL MACHINERY/EQUIPMENT	22,402.69		6,723.60		6,723.60		15,679.09
SUBF TOTAL FIRE SUPP FUND 126	1,000,000.00		5,975,410.61	27,229.52	6,002,640.13		2,909,122.56 ADJ
SUPPORT PROGRAM							
GROUP 100	2,410,154.47		2,155,619.37		2,155,619.07		254,535.40
GROUP 200	134,187.69		8,701.17		8,701.17		124,973.55 ADJ
GROUP 300	5,928,429.05		3,348,008.65	27,229.52	3,375,238.20		2,386,319.02 ADJ
GROUP 400	404,826.09		456,358.09		456,358.09		127,615.50 ADJ
GROUP 500	22,402.69		6,723.60		6,723.60		15,679.09
PRIOR YEAR 6/30/83	9,000,000.00		3,679,293.31	18,691.13	3,698,584.44	800.00	5,300,615.56
CURRENT YEAR 12/31/83			2,295,517.30	8,538.39	2,304,055.69	800.00-	2,391,493.00-ADJ
SUBF TOTAL FIRE SUPP FUND 126	9,000,000.00		5,975,410.61	27,229.52	6,002,640.13		2,909,122.56 ADJ

ACCOUNT	PRIOR YEAR AUTHORIZATION	AUTHORIZATION PERIOD 7/01/82	DISBURSEMENTS	THRU 12/31/83 TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
10-45-9-004 LINK MGMT CIP/SPECIAL PROJECTS							
79 FIRE SUPPRESS BLD							
FUND 100 ACCOUNT 7200 BUDGET COMPONENT 04.45.09.03.00 PRIOR FY81 SPEC PROJ 79 FIRE SUPPRESS BLD							
352 CONTRACTUAL SERVICES							
359 EQUIPMENT RENTAL NCE			482.00		482.00		
359 PROFESSIONAL SVC NCE			1,927.00	593.56	1,927.00		
359 CONTRACTUAL FEES NCE			2,409.00	593.56	3,002.56		8,663.43
PRIOR YEAR 6/30/83	11,665.99		2,409.00	593.56	3,002.56		8,663.43
TOTAL CONTRACTUAL SERVICES	11,665.99		2,409.00	593.56	3,002.56		8,663.43
400 SUPPLIES & MATERIALS							
429 OSH/PT/INST/INSTR NCE			52.66		52.66		
451 MASONRY MATERIALS			2,092.06		2,092.06		
452 LUMBER			2,307.67		2,307.67		
453 SIGNS MARKS & PRESER			46.36		46.36		
455 PLUMBING & ELECTRICAL			1,297.15		1,297.15		
439 STRUCT MNTN/SUPP NCE			2,861.83		2,861.83		
499 OTHER SUPP/MATS NCE			5.70		5.70		
PRIOR YEAR 6/30/83			8,663.43		8,663.43		8,663.43-
TOTAL SUPPLIES & MATERIALS			8,663.43		8,663.43		8,663.43-
SUBF TOTAL 79 FIRE SUPPRESS BLD	11,665.99		11,072.43	593.56	11,665.99		
ELEMENT							
GROUP 300	11,665.99		2,409.00	593.56	3,002.56		8,663.43
GROUP 400			8,663.43		8,663.43		8,663.43-
PRIOR YEAR 6/30/83	11,665.99		11,072.43	593.56	11,665.99		
ELEM TOTAL 79 FIRE SUPPRESS BLD	11,665.99		11,072.43	593.56	11,665.99		

* 82909 122.56
 88,237.31
 8,197,359.87

FAC0000-R01
 INDEX 1012/832001 R01 10-45-9-001

CURRENT YEAR AUTHORIZATION		FISCAL YEAR TO	DATE 12/31/83	BALANCES	RESTRICTIONS	BALANCE	
	AUTHORIZATION	DISBURSEMENTS	TRANSFERS OUT	EXPENDITURES			
NATURAL RESOURCES							
461	DIESEL FUEL	1,659.12		1,659.12			
462	GREASE	17,547.55		17,547.55			
463	LUBR OILS & GREASE	357.03		357.03			
465	PAPER & SUPPLIES	2,714.40		2,714.40			
469	PORT MATH/SUPPLY NCE	1,265.35		1,265.35			
477	PROFICIENT SUPPLY NCE	506.16		506.16			
481	STATIONERY & SUPPLIES	73.82		73.82			
483	COMM JER COMMUNITIES	30.00		30.00			
484	PHOTOGRAPHIC SUPPLIES	123.15		123.15			
487	DECATORY SUPS NCE	635.41		635.41			
491	AMMUNITION	46.00		46.00			
492	ATHLETIC RECREATIONAL	410.53		410.53			
494	FULL NON LENTICULAR	17,394.14		17,394.14			
495	MIROR TOOLS/INSTRNT	50.49		50.49			
499	OPRING SUPPLY/PTS NCE	4,249.20		4,249.20			
	TOTAL SUPPLIES & MATERIALS	605,000.00	85,368.77	85,368.77		519,631.23	
500	MACHINERY/EQUIPMENT	20,000.00					
521	COMMUNICATIONS	2,347.55		2,347.55			
525	OTHER ETC MACH/EQUIP	210.00		210.00			
569	SPECIAL EQUIPMENT NCE	264.00		264.00			
	TOTAL MACHINERY/EQUIPMENT	20,000.00	2,821.55	2,821.55		17,178.45	
SUPP	TOTAL FIRE SUPP FUND 126	9,000,000.00	1,526,526.09	33,633.62	1,560,159.71	4,500,000.00	2,939,840.29
SOCI PROGRAM							
	GROUP 000					4,500,000.00	4,500,000.00
	GROUP 100	2,410,000.00	323,005.69		323,005.69		2,086,994.31
	GROUP 200	135,000.00	6,201.22		6,201.22		128,798.78
	GROUP 300	5,830,000.00	1,109,123.85	33,633.62	1,142,762.45		4,687,237.52
	GROUP 400	625,000.00	85,368.77		85,368.77		539,631.23
	GROUP 500	70,000.00	2,821.55		2,821.55		67,178.45
SERG	TOTAL FIRE SUPP FUND 126	9,000,000.00	1,526,526.09	33,633.62	(1,560,159.71)	4,500,000.00	2,939,840.29

10-45-9 104 ENR F/W MANAGEMENT CIP/SPECIAL PROJECTS		FAIRBANKS DISTRICT				
FUND 453 ACCOUNT 7200 BUDGET COMPONENT 04 45 09 04 04 PRIOR FY81 SPEC PROJ 74 FIRE PROTEC FACIL FAIRBANKS DISTRICT						
500	CONTRACTUAL SERVICES	468,834.02				
539	CONTRACTUAL FEES NCE		980.00		980.00	
	TOTAL CON NACTUAL SERVICES	468,834.02	980.00		980.00	467,854.02
SUPP	TOTAL FAIRBANKS DISTRICT	468,834.02	980.00		980.00	467,854.02
SUPPLEMENT						
	GROUP 300	468,834.02	980.00		980.00	467,854.02
SERG	TOTAL FAIRBANKS DISTRICT	468,834.02	980.00		980.00	467,854.02

agreement.

2. What is the cooperative agreement between the State and the Federal Government? How does that affect our fiscal impact? How will the bill change the program that exists now?

ANSW: The state agreement is primarily with BLM. Since the state selections are scattered throughout, in any given "unit" there is a mix of ownership. To eliminate duplication of manpower and expenses, the state and Fed. Gov't. literally draw lines on maps and divvy up protection responsibilities. The State will agree to protect a 30 million parcel here, regardless of ownership, and the Feds will take care of 40 million there, regardless of ownership.

Currently, BLM protects more state land than we protect federal land. For preparedness (not suppression, which involves manpower), the state pays BLM 5¢ - 6¢ an acre. There are areas in the state that the State would like to assume more acreage on, such as the McGrath/Bristol Bay area. If they assumed control over the 70 million acres there, it would be cheaper to the state since fires occur frequently there and are in categories 1 or 2. It's expensive for us to pay the feds to protect land we have the capabilities to handle.

"Costs incurred chargeable to the Fire Suppression Fund during CY 83 amounted to \$6,463,938.17. Costs incurred by BLM and the USFS while taking fire suppression action for the State were not computed or billed in CY83 and will be paid in CY84. It is estimated that these bills will total in excess of \$3 million." This is an excerpt of Comm. Wunnicke's memo to the Governor supporting the need for a Fire Suppression Fund. Memo is in the bill file.

NOTE: Elmer is going to express mail 10 copies of a question/answer booklet published by DNR which explains the reasons for the bill and gives some historical perspective for us and the committee members.

MEMORANDUM

TO: Sandra
FM: Edie
RE: SB 366 - fire protection
DT: February 29, 1984

~~The following lists questions with answers and other pertinent comments about SB 366 which was~~ provided to me by ELMER HURD, Assistant State Forester, Division of Forestry, DNR. 265-4477

The bill will accomplish two things:

1) Will give the Commissioner of DNR the authority to work out cooperative agreements with each municipality that has tax-supported fire areas. Presently, the state is establishing Mutual Aid agreements with Municipal Fire Departments. Each agreement is unique in that the state and the municipal fire departments determine together what the capabilities of a fire department ~~is~~ for its area. Based on this capability determination, they come up with a cooperative agreement otherwise known as a Mutual Aid agreement. This is the only way the State can determine exactly what the capabilities of these fire departments are - by physically going to the location of the department, evaluating the equipment and manpower, the area they serve, the roads they have access to, etc. Without the signed agreement and the cooperation of the fire department, the State has no guarantee that a fire department will respond to a fire they can access, so they must be there regardless of the fire dept's capabilities.

2) Will provide the Department the authority to use the Fire Management Council's protection categories. The Alaska Land Use Council in 1980 organized the Alaska Fire Management Council (AFMC). The AFMC is composed of representatives from the state, feds, Native Corps, and villages for the purpose of identifying "protection categories" for each "management unit" in the State. There are 13 management units, five of which have been categorized and signed by the Council.

The following identifies the categories:

- 1 - CRITICAL - involving life and property
- 2 - HIGH VALUE - involving valuable natural resources such as timber and/or a critical wildlife habitat.
- 3- MODIFIED SUPPRESSION - resource value does not merit considerable commitment in firefighters or suppression equipment but does require a "central line cut" at a river.
- 4- LIMITED SUPPRESSION - no suppression, in some cases beneficial for burn, monitored.

**Guidelines for determining resource value commensurate with risk would come from these categories. Until the state categorizes all land (AFMC) and has cooperative agreements with all municipalities, it is obligated to provide category 1 protection in management units which have not been categorized and signed by the AFMC.

*bill - not protect
fed land.*

ANSWERS TO POSSIBLE QUESTIONS:

1. 30,000 hours? Hasn't it been enough in the past? What is the fiscal impact?

ANSW: The 30,000 man hours was established in 1976 when the state had title to only 30,000 acres of land. 30,000 man hours is equivalent to 8 days of a full fire force. The fire at Rosie Creek in Fairbanks totaled over 30,000 man hours.

The State currently has title or transfer on patent to 76 million acres. They're entitled to 104 million for state and will be responsible for the 2 additional million for the native corporations. Presently they are protecting approximately 67 to 68 million acres.

See question 2 for answers to cost and the fed/state cooperative agreement.

2. What is the cooperative agreement between the State and the Federal Government? How does that affect our fiscal impact? How will the bill change the program that exists now?

ANSW: The state agreement is primarily with BLM. Since the state selections are scattered throughout, in any given "unit" there is a mix of ownership. To eliminate duplication of manpower and expenses, the state and Fed. Gov't. literally draw lines on maps and divvy up protection responsibilities. The State will agree to protect a 30 million parcel here, regardless of ownership, and the Feds will take care of 40 million there, regardless of ownership.

Currently, BLM protects more state land than we protect federal land. For preparedness (not suppression, which involves manpower), the state pays BLM 5¢ - 6¢ an acre. There are areas in the state that the State would like to assume more acreage on, such as the McGrath/Bristol Bay area. If they assumed control over the 70 million acres there, it would be cheaper to the state since fires occur frequently there and are in categories 1 or 2. It's expensive for us to pay the feds to protect land we have the capabilities to handle.

"Costs incurred chargeable to the Fire Suppression Fund during CY 83 amounted to \$6,463,938.17. Costs incurred by BLM and the USFS while taking fire suppression action for the State were not computed or billed in CY83 and will be paid in CY84. It is estimated that these bills will total in excess of \$3 million." This is an excerpt of Comm. Wunnicke's memo to the Governor supporting the need for a Fire Suppression Fund. Memo is in the bill file.

NOTE: Elmer is going to express mail 10 copies of a question/answer booklet published by DNR which explains the reasons for the bill and gives some historical perspective for us and the committee members.

Sturgeon 1-18-84

Fire Suppression

1976 - state suppression of fires began.

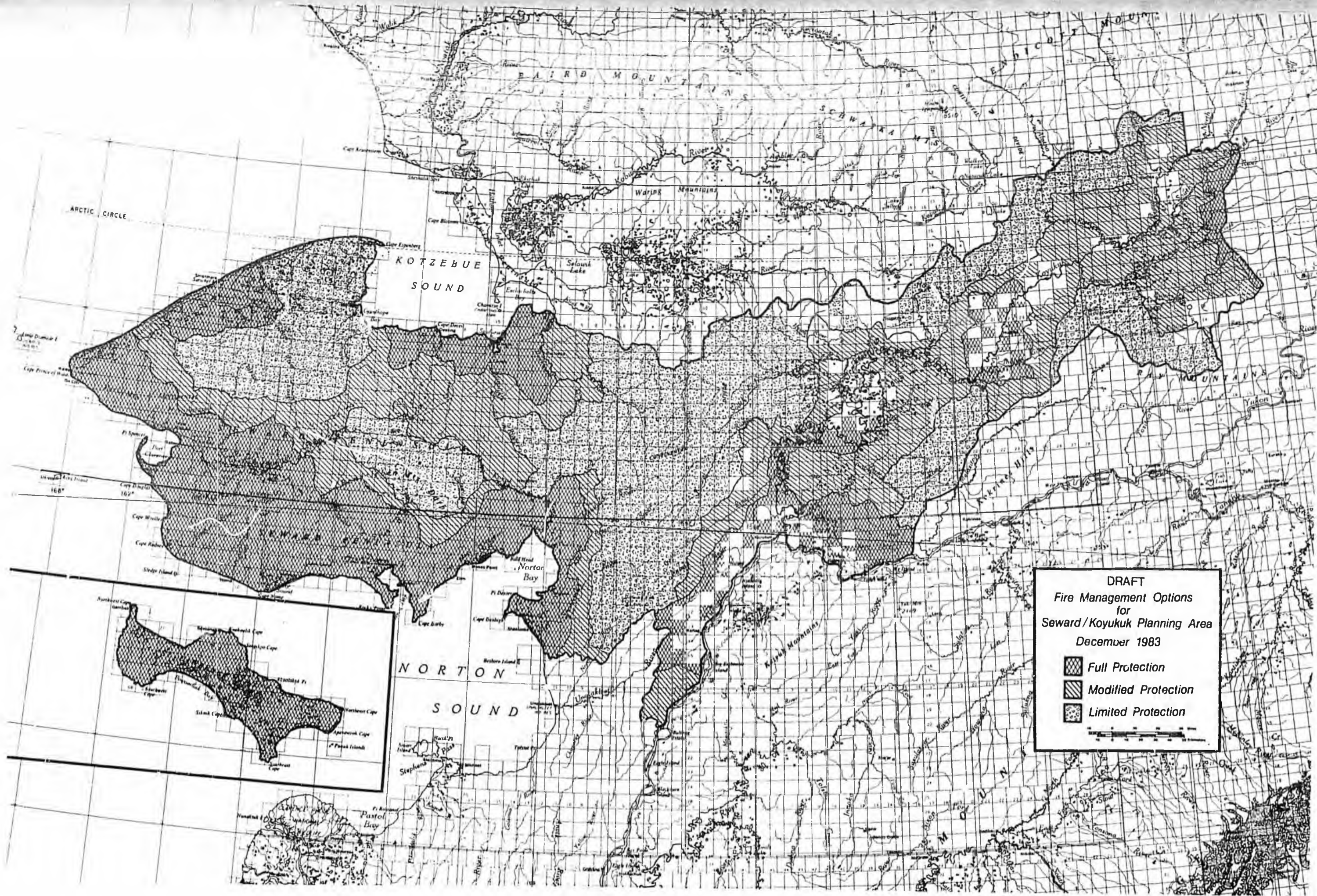
Now protecting 78 million acres.

(Have taken over from BLM in stages -
have a cooperative agreement w/ BLM -
state is split between the 2.)


5% ~~more~~ of fires have reached
project size & have comprised 90%
of suppression cost, so need strong
initial attack.

Developing fire plan:

critical	human life & property at risk Full response until suppressed.
full	high value resource. full response until suppressed unless needed on "critical."
modified	option to allow acres burn in trade for suppression cost
limited	lot burn. Resource value at risk is low.



DRAFT
Fire Management Options
for
Seward/Koyukuk Planning Area
December 1983

-  Full Protection
-  Modified Protection
-  Limited Protection



Alaska State Legislature

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



POUCH V
STATE CAPITAL
J'NEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MINUTES

March 5, 1984
3:11 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chair
Senator Eliason
Senator Mulcahy
Senator Sturgulewski

CALENDAR

SB 278, An Act establishing a waterfowl conservation stamp.
SB 366, An Act relating to protection of forested land.
SJR 31, Relating to the capture of orcas in Alaska waters.

SB 278

Senator Rodey, sponsor of the bill, explained that proceeds from the sale of stamps would be used for the conservation and enhancement of waterfowl and said the bill has the support of conservation and sport hunting groups. He supported the Committee Substitute, as it clears up any questions over dedication of funds.

Dan Timm, Regional Management Coordinator, Game Division, and Tom Rothe, Waterfowl Coordinator, Game Division, Alaska Department of Fish and Game, testified in support of the Committee Substitute, which would make the purchase of the stamps mandatory and specify that the stamp would not be required of hunters until September 1, 1985. They answered questions from members of the committee regarding the Department's administrative costs, the process of requesting proposals for design and publishing of stamps, and how the Department plans to use the revenues generated.

Jay Nelson, Executive Director, Alaska Environmental Lobby, spoke in support of the Committee Substitute, and urged the state to become more actively involved in waterfowl management.

Ron Sommerville, Alaska Outdoor Council, testified in support of the Committee Substitute.

Jim King spoke in support of the bill, urging the state to take more control over the management of its waterfowl.

Senator Sturgulewski moved to adopt the Committee Substitute. There was no objection.

Senator Mulcahy moved CS SB 278 with individual recommendations. There was no objection.

SB 366

John Sturgeon, State Forester, Department of Natural Resources, testified in support of the bill, explaining that transferring responsibility for firefighting to local service areas would remove the duplication of effort by the state and municipalities.

Ginny Chitwood, Alaska Municipal League, testified in opposition to those sections of the bill that would give municipalities primary responsibility for fire suppression within service areas, expressing concern over municipalities' capabilities and the costs they would incur.

Senator Fahrenkamp asked that Sturgeon and Chitwood work with Committee staff to prepare a Committee Substitute that would address the needs and concerns of both the state and the municipalities.

SJP 31

Senator Vic Fischer spoke in support of the Committee Substitute and moved it be adopted and moved from Committee with individual recommendations. There was no objection.

The meeting adjourned at 4:27 pm.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
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POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

MINUTES

March 26, 1984
3:04 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chairman
Senator Ziegler, Vice Chairman
Senator Eliason
Senator Paul Fischer
Senator Vic Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

SB 366, An Act relating to protection of forested land.

SB 480, An Act relating to the establishment of certain commodity marketing commissions.

SB 461, An Act relating to the management and use of water in mining; and providing for an effective date.

SB 462, An Act making a special appropriation to the Mining Water Use Board for loans and grants concerned with the management and use of water in mining; and providing for an effective date.

SB 366

Sandra Schubert, Aide to Senator Fahrenkamp, explained that the Committee Substitute leaves fire suppression responsibility with the State, and clarifies which lands the State must protect and how much protection must be provided.

Senator Mulcahy moved to adopt the Committee Substitute for SB 366. There was no objection.

Carole Wilson, Special Assistant to the Commissioner of the Department of Natural Resources, testified that the Department supported the Committee Substitute.

Senator Sturgulewski moved CS SB 366 from committee with individual recommendations. There was no objection.

SB 480

Richard Ramsey, Aide to Senator Kerttula, explained that commodity marketing commissions, common in the lower 48, are intended to function as self-help institutions to further agricultural potential through marketing research, education, and promotion.

Sharon Barton, Special Assistant to the Commissioner of the Department of Natural Resources, testified that the Department supported the bill as an important step for Alaskan farmers. The Department would be involved in the organization of the commissions but not in their ongoing operations. She proposed an amendment that would clarify that DNR would perform "shell egg" inspections.

Senator Mulcahy moved to adopt DNR's proposed amendment and to move CS SB 480 from Committee. There was no objection.

SB 461

SB 462

Jim Palmer, Aide to Senator Fahrenkamp, explained that these bills would set up a program for researching the problems of placer mining and the pollution of streams. He spoke in support of the Department of Natural Resources' proposed amendments.

Pedro Denton, Division of Mining, Department of Natural Resources, spoke in support of the bill as the programs will provide a source of needed information for making management decisions. He offered specific amendments to clarify the intent of the bill.

Senator Vic Fischer suggested language be added to the Committee Substitute that would clarify that the intent of the innovative gold recovery grant program is to reduce water usage and pollution.

Randy Bayliss, Water Quality Section, Department of Environmental Conservation spoke in support of the bills urging the development of new methods and procedures for gold recovery as the best long range solution to placer mining problems.

Phil Holdsworth, Alaska Miners Association, spoke in support of the bills, and the need for more data from miners on new recovery techniques.

Senator Ziegler moved to adopt the added language suggested by Senator Vic Fischer. There was no objection.

Senator Sturgulewski moved to adopt the amendments proposed by the Department of Natural Resources. There was no objection.

Senator Ziegler moved CS SB 461 and SB 462 from Committee with individual recommendations. There was no objection.

The meeting adjourned at 4:04 pm.

Chapter 15. Forests.

Article

1. Protection of Forested Land (§§ 41.15.010 — 41.15.170)
2. Forest Reserve Fund (§ 41.15.180)
3. Fire Suppression Fund (§§ 41.15.200 — 41.15.240)
4. Haines State Forest Resource Management Area (§§ 41.15.300 — 41.15.330)
5. Miscellaneous Provisions (§ 41.15.900)
6. General Provisions (§ 41.15.950)

Article 1. Protection of Forested Land.

Section

10. Intent
20. Regulations
30. Contracts for forest protection
40. Right of entry to control and suppress fires
50. Fire season
60. Permits
70. Disposal of burning materials
80. Equipment and notice required
90. Building or leaving fires

Section

100. Setting fires without consent
110. Uncontrolled spread of fire; leaving fire unattended
120. Failure to assist in preventing or suppressing fires
130. Backfires excluded
140. Penalty for misdemeanor
150. Malicious or wanton setting of fires
160. Double damages in civil actions
170. Definitions

Collateral references. — 52 Am. Jur. 2d, Logs and Timber, §§ 64 — 65; 63 Am. Jur. 2d, Public Lands, § 18.
98 C.J.S., Woods and Forests, § 1 et seq.
Constitutionality of reforestation or forest conservation legislation, 13 ALR2d 1095.
Constitutionality of fire prevention provisions of forest conservation legislation, 13 ALR2d 1129.

Liability for spread of fire purposely and lawfully kindled, 24 ALR2d 241.
Res ipsa loquitur in actions against owner or occupant of premises for personal injury, death, or property damage caused by fire, 8 ALR3d 974.
Measure of damages for destruction of or injury to fruit, nut, or other productive trees, 90 ALR3d 800.

Sec. 41.15.010. Intent. It is the intent of AS 41.15.010 — 41.15.170 to provide protection for the timber resources and watersheds on all land in the state. (§ 1 ch 138 SLA 1961)

Sec. 41.15.020. Regulations. The commissioner shall, by regulation, make provision for the protection of forested land in the state from fire and other destructive agents. (§ 2 ch 138 SLA 1961)

Sec. 41.15.030. Contracts for forest protection. (a) The commissioner may enter into necessary protection contracts.

(b) The commissioner may hire emergency fire-fighting personnel up to a total of 30,000 man-hours each year, and shall establish classifications and rates of pay for the emergency fire-fighting personnel consistent with the compensation paid by other fire-fighting agencies. The

commissioner may adjust the classifications and rates based on findings of the federal Bureau of Land Management for Alaska. (§ 2 ch 138 SLA 1961; am § 1 ch 100 SLA 1976)

Sec. 41.15.040. Right of entry to control and suppress fires. Upon approval by the commissioner or an authorized agent, employees of the division of lands, or of any organization authorized to prevent, control or suppress fires or destructive agents, and others assisting in the control or suppression of fires upon request of an officer or employee of the United States or the state may at any time enter upon any land, whether publicly or privately owned, for the purpose of preventing, suppressing or controlling forest fires and destructive agents. (§ 2 ch 138 SLA 1961)

Collateral references. — 22 Am. Jur., 2d Fires, § 2.
Constitutionality of fire prevention provisions of forest conservation legislation, 13 ALR2d 1129.

Sec. 41.15.050. Fire season. The period from May 1 to September 30, inclusive, of each year is designated the fire season. The commissioner may designate other periods as fire season. The commissioner may proclaim an additional period for all or any portion of the state when weather or other conditions require action for the protection of forested land. The commissioner may also, during the fire season, prohibit, or allow only by permit, the setting of fires, smoking, entry or other use on the land, when, in the judgment of the commissioner, the activities would unduly increase the fire danger. (§ 3 ch 138 SLA 1961; am § 1 ch 27 SLA 1973)

Sec. 41.15.060. Permits. The commissioner shall, by regulation, prescribe the conditions of and the manner for obtaining a permit. Failure to obtain the required permit, or violation of a condition of the permit is a misdemeanor. (§ 3 ch 138 SLA 1961; am § 1 ch 179 SLA 1970)

Sec. 41.15.070. Disposal of burning materials. A person who, during the fire season, throws away lighted tobacco, cigar, cigarette, match, firecracker or other burning material on forested land, whether public or private, is guilty of a misdemeanor. (§ 4 ch 138 SLA 1961)

Sec. 41.15.080. Equipment and notice required. Every conveyance operated through or above forested land shall be equipped at all times in each compartment with a suitable receptacle for the disposition or reception of burning material mentioned in AS 41.15.070. Every owner or operator of a public conveyance operated through or above forested land shall post and keep displayed at all times a copy of AS 41.15.050 — 41.15.080 and 41.15.140 in a conspicuous place within the smoking compartment of the conveyance. Every person owning or



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 20, 1984

The Honorable Jalmar Kerttula
President of the Senate
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the protection of forested land. This bill clarifies the extent of the state's duty to protect forested land, and removes the limitation on the number of man-hours of emergency fire-fighting service that the Department of Natural Resources may use each year.

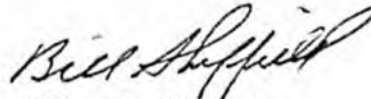
AS 41.15.010 currently provides that "[i]t is the intent of AS 41.15.010 -- 41.15.170 to provide protection for the timber resources and watersheds on all land in the state." The bill first clarifies that the protection provided by the state is to be commensurate with the value of the resources at risk. The state is not obligated to provide more protection to forested land than is reasonable, based on the value of the resources at risk.

This bill next clarifies that the state need not protect all forested land located within the state, but only state land (as defined in AS 38.05.365(16)) or land owned privately or by a municipality. The U.S. Departments of Agriculture, Interior, and Defense are obligated to protect federal land located within the state, and there is no reason for the state to provide duplicate protection.

This bill also clarifies that the primary responsibility for suppressing fires on forested land located within a tax-supported fire service area rests with the municipality in which that service area is located. The state's duty with regard to fires in these areas is to provide assistance to the municipality if the fire exceeds its capabilities.

Finally, this bill removes the limitation placed on the number of man-hours of emergency fire-fighting service that may be used each year by the Department of Natural Resources. In an average or worse-than-average year, the state cannot adequately suppress forest fires occurring in the areas for which it is responsible using only the 30,000 man-hours permitted by AS 41.15.030.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
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Senate

Committee on Resources

March 21, 1984

On Friday, March 23 at 3:00 pm in the Beltz Room, the Senate Resources Committee will hear the following bills:

SB 366 AN ACT RELATING TO PROTECTION OF FORESTED LAND.

This bill received a preliminary hearing by the Resources Committee on March 5, 1984. As originally drafted, the bill would have placed the primary responsibility for suppressing fires on forested land located within a tax-supported fire service area on the municipality. Concern over this provision was expressed by the Alaska Municipal League at the committee hearing. The attached Committee Substitute is the result of meetings between the Department, the Municipal League, the local Fire Chiefs Association, and Committee staff.

1. Fire suppression responsibility remains with the State.
2. Clarifies that the State need not protect all land in the state, but only land that is owned privately, by the state, or by a municipality.
3. Clarifies that the protection provided by the State is to be commensurate with the value of the resources at risk.

SB 480 AN ACT RELATING TO THE ESTABLISHMENT OF CERTAIN COMMODITY MARKETING COMMISSIONS.

SB 480 would authorize the Commissioner of the Department of Natural Resources to assist in the establishment of commodity marketing associations and make matching grants to these associations. Through an assessment collected from commodity producers and matching funds, the commission could further the market development potential for products through education, research, and promotion. DNR has designated \$10,000 in its FY 85 budget for matching funds to commodity commissions.

The Department will propose an amendment to the bill (copy attached) to clarify its inspection authority over shell eggs.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
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POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
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(907) 465-3835

Senate

Committee on Resources

MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Committee Meeting, March 5, 1984

DATE: March 1, 1984

On Monday, March 5, at 3:00 pm in the Beltz Room, the following bills will be heard:

SB 278, An Act establishing a waterfowl conservation stamp.

SB 278 amends the Fish and Game fund to include money received from the sale of waterfowl conservation stamps. Proceeds from the sale of stamps would be used for the conservation and enhancement of waterfowl and the administration of the stamp program.

The Alaska Department of Fish and Game will be proposing amendments to the bill to:

- 1) Make the purchase of the stamp mandatory for waterfowl hunters, and establish a \$5.00 purchase price. (The State's current license fee is \$12.00, with an additional mandatory federal stamp fee of \$7.50.)
- 2) Give the Department the authority to sell art prints made from the stamps.
- 3) Specify that the stamp would not be required of hunters until September 1, 1984.

The Department anticipates \$100,000-\$300,000 in revenues from the program, with 25% of these revenues derived from the sale of stamps to hunters, the rest from sale to stamp collectors.

SB 366, An Act relating to protection of forested land.

AS 41.15.010 currently provides that "it is the intent to provide protection for the timber resources and watersheds on all land in the state". SB 366:

1) clarifies that the state need not protect all forested land located within the state, but only land that is owned privately, by the state, or by a municipality.

2) clarifies that the primary responsibility for suppressing fires on forested land located within a tax-supported fire service area rests with the municipality in which that service area is located. The state's duty with regard to fires in these areas would be to provide assistance to the municipality if the fire exceeds the municipality's capabilities.

Presently, the state is establishing Mutual Aid agreements with Municipal Fire Departments. The state and the municipal fire department determine together what the capabilities of a fire department are, based on an evaluation of equipment and manpower, the area served, access roads, etc.

3) clarifies that the protection provided by the state is to be commensurate with the value of the resources at risk. The Alaska Land Use Council in 1980 organized the Alaska Fire Management Council (AFMC), composed of representatives from the state, federal, Native Corporations, and villages for the purpose of identifying "protection categories" for each "management unit" in the state. There are 13 management units, five of which have been categorized and signed by the Council.

The following identifies the categories:

- 1) Critical - involving life and property.
- 2) High Value - involving valuable natural resources such as timber and/or critical wildlife habitat.
- 3) Modified Suppression - resource value does not merit considerable commitment in firefighters or suppression equipment.
- 4) Limited Suppression - no suppression, in some cases beneficial for burn, monitored.

The state's guidelines for determining resource value commensurate with risk would come from these categories.

4) removes the limitation placed on the number of man-hours of emergency firefighting service that may be used each year by the Department of Natural Resources. The 30,000 man-hour limit was established in 1976 when the state had title to only 30,000 acres of land. 30,000 man-hours is equivalent to 8 days of a full fire force. The Rosie Creek fire in Fairbanks in the spring of 1983 totaled over 30,000 man-hours. The State is currently protecting approximately 67 million acres. 30 million

SJR 31, Relating to the capture of orcas in Alaska waters.

The attached Committee Substitute requests that the Department of Fish and Game require any holder of a permit to conduct orca capturing activities in state waters to:

- 1) annually submit results of ongoing population studies
- 2) conduct research recommended by the University of Alaska and the Alaska Department of Fish and Game
- 3) abide by capture conditions set by the Department
- 4) station Alaska Department of Fish and Game observers aboard capture vessels, and reimburse the state for any expense incurred in placing these observers

The Resolution also requests that the Governor assure that public hearings are held in Alaska prior to issuance of any future permits for the capture of orcas.