

HCR

52

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
P.O. BOX O, JUNEAU, ALASKA 99811-1800

Telephone: (907)

Address:

(907) 465-2600

April 2, 1986

The Honorable Richard Shultz
The Honorable Adelheid Herrmann
Co-Chairmen
House Resources Committee
P.O. Box V
Juneau, AK 99811-3100

Dear Representatives Shultz and Herrmann:

This letter discusses the costs to the Department of Environmental Conservation (DEC) that would result from passage of House Concurrent Resolution (HCR) 52. I have declined to put in a fiscal note for this resolution, but do want to clarify what I believe to be the fiscal impact on the Department.

As I stated in a hearing before the House Resources Committee, DEC has actively pursued assumption of all federal environmental programs except for the water quality permit program under Section 402 of the Clean Water Act. The major impediment I have seen to assumption of the 402 program has been the cost to the State. It was estimated in 1979 that nearly \$1,000,000 per year would be needed to assume the program. A review of past budgets indicates that DEC's budget did not include funds for assumption, nor did the Legislature add funds for assumption.

As I stated to the Committee, I believe that assumption of the 402 program for placer mining could be beneficial in relieving the administrative burden on that industry. Such a partial assumption of the 402 program would be possible only if the Clean Water Act is reauthorized allowing states to assume part of the 402 project. This Act is pending reauthorization in this Congress now, and Congress has until the end of the year to act on it.

If I retain a FY 87 budget with adequate resources, I intend to examine, before the start of the next legislative session, the costs and benefits associated with the assumption of the 402 program, with particular emphasis on the placer mining segment. However, completion of the tasks called for in the second part of the resolution, requesting that DEC take the steps necessary to actually assume the 402 program, would not be possible without considerable additional financial resources.

The Honorable Richard Shultz
The Honorable Adelheid Herrmann -2-

April 2, 1986

However, completion of my examination would enable the 15th Legislature the opportunity to assess and debate the costs during development of the FY 88 budget to continue or even complete assumption in FY 88 if possible; and to give DEC further direction. I hope to be able to allocate \$25,000 of my proposed FY 87 budget to examining this issue this fall.

If I do not have resources left in my budget for this task, as Representatives Sund and Pearce stated, I would question the wisdom of studying the assumption of additional responsibilities. As previously noted, assumption of the 402 program will require considerable State general funds. If my FY 87 budget must be reduced to the point that I am unable to complete the efforts I have outlined, then the prospects for future funding for the full program would seem remote enough to make these research efforts unnecessary. Hence, I have declined to develop a fiscal note for the resolution at this time.

Please feel free to contact me if I can be of any additional assistance in this matter.

Sincerely,


Bill Ross
Commissioner

cc: Representative Andre Marrou
Jim Ayers, Director of Legislative
Relations



ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

March 7, 1986

Representative Fritz Pettyjohn

Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Fritz Pettyjohn,

On behalf of the Alaska Miners Association, I would like to thank you for the opportunity of discussing our problems with your office during the week we spent in Juneau.

As you will recall, we discussed the importance to the economy of the State of Alaska of the recent lawsuit filed against the BLM by the Sierra Club and other environmental and native organizations. We understand that the Governor is considering intervention in this suit. We appreciate your efforts in this matter.

Also, we discussed with you the possibility of the State of Alaska assuming the EPA N.P.D.E.S. permitting as authorized under Section 402 of the Clean Water Act. I believe that House Concurrent Resolution No. 52 would be an excellent vehicle for encouraging the State of Alaska to act in this matter. Therefore, we urge your support of HCR No. 52.

Again, we thank you for the courtesy you extended to us. We hope that if you desire any information regarding mining, you will contact us.

Sincerely yours,

Rose Rybachek
President

Appreciate your help.

COMMITTEE REPORT

(9)

Date referred: 2/17/86

FURTHER REFERRALS: FINANCE

DATE: March 26, 1986

The RESOURCES Committee has considered HCR 52

Relating to state assumption of federally mandated programs.

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Shultz Dick Shultz

Herrmann Alfred Herrmann

Thompson Frank Thompson

Jenkins Rona Jenkins

Callis F. Kay Kessler

Cato Betty Cato

[Signature]

[Signature] ^{Sund}

[Signature] Pearce

Dick Shultz

Co-Chairman Shultz

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HCR 52
 Title : Relating to state assumption
of federally mandated programs.

 Sponsor : Marrou
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Environmental Conservation
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : House Resource Committee
 Division : Rep. Dick Shultz

Phone : 465-3715
 Date : _____

Approved by Commissioner : *Dick Shultz*
 Agency : Co-Chair, House Resources Committee

Date : March 27, 1986

Distribution (by Agency preparing fiscal note):

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

Introduced: 2/17/86
Referred: Resources and
Finance

1 IN THE HOUSE

BY MARROU

2

HOUSE CONCURRENT RESOLUTION NO. 52

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

Relating to state assumption of federal-

6

ly mandated programs.

7

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8

WHEREAS 33 U.S.C. 1342 of the federal Clean Water Act of 1977 (33

9

U.S.C. 1251 - 1376) allows a state to take over from the federal government

10

the administration of the Act's permit program for discharges into the

11

navigable waters within the jurisdiction of the state; and

12

WHEREAS other federal environmental statutes also allow a state to

13

take over from the federal government the administration of the program

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mandated by the statutes; and

15

WHEREAS the state has a better understanding than the federal govern-

16

ment of the difficult issues that are involved in balancing the protection

17

of the fragile environment and the promotion of the economic and recre-

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ational needs and desires of the state;

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BE IT RESOLVED by the Alaska State Legislature that the Governor is

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respectfully requested to

21

(1) investigate the statutory changes that would be required for

22

the state to take over from the federal government the federal environ-

23

mental programs that a state may administer, and the possible advantages

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and disadvantages involved in the assumption by the state of the adminis-

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tration of the programs; and

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(2) report the results of the investigation to the First Session

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of the Fifteenth Legislature; and be it

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FURTHER RESOLVED that the Governor is respectfully requested to take

29

the steps necessary for the state to take over from the federal government

1 under 33 U.S.C. 1342 of the Clean Water Act of 1977 the permit program for
2 discharges into the navigable waters within the jurisdiction of the state.



Official Business


Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

COPY

March 3, 1986

To: Rep. Herrmann & Rep. Schultz, Co-Chair House Resources Committee
From: Andre Marrou, Representative 

Subject: HCR 52, State Assumption of Federal Environmental Programs

HCR 52 was introduced upon Sen. Murkowski's recommendation.

Here is a copy of the portion of his speech in which he made this suggestion to a joint session of the Legislature earlier this year.

I agree with the Senator that local control of some of these programs is preferable to Federal management.

I hope you will agree and schedule this bill for a hearing.

...AT SUCCESSES, INCLUDING THE ALASKA
...STITUTE'S SEAFOOD PROMOTION PROGRAM
...RIES DEVELOPMENT FOUNDATION'S SURIMI
...EXAMPLES OF HOW WE CAN TAKE CONTROL
...ND CREATE THE FUTURE WE WANT FOR OUR
...SE WHO BENEFIT FROM IT.

...OMY FOR ALASKA'S FUTURE WILL ALSO
...TOURISM. JUST LOOK AT THE
...LL HAVE IF ALASKA SITES ARE SELECTED
...S. EVEN BEFORE 1992, ALASKA CAN BE
...988 OLYMPICS IN SEOUL, KOREA.

...T POSSIBLE FOR FOREIGN VISITORS TO
...R WAY TO AND FROM THE OLYMPICS, I AM
...ATE DEPARTMENT TO RELAX CERTAIN VISA
...PROMOTING THE APPROVAL OF TEMPORARY
...NCOURAGING MORE FOREIGN VISITORS TO
...A GRAND OPPORTUNITY TO PUT ALASKA ON
...AY AS THE SUPERIOR CHOICE FOR THE

-- AS WE SEIZE NEW ECONOMIC OPPORTUNITIES, LET'S CONSIDER
HOW WE MIGHT WANT TO TAKE SOME OF THE ENVIRONMENTAL
REGULATION CURRENTLY HANDLED ON THE FEDERAL LEVEL AND
SHOULDER THEM OURSELVES. FOR EXAMPLE, UNDER THE CLEAN
WATER ACT ALASKA CAN TAKE OVER THE SECTION 402
PERMITTING PROGRAM WHICH DICTATES THE NATURE OF THE
PERMITS THAT ARE ISSUED TO PLACER MINERS, LOG TRANSFER
FACILITIES, AND OTHER IMPORTANT SEGMENTS OF OUR ECONOMY.
WOULDN'T IT BE BETTER IF ALASKANS WERE DEALING WITH
ALASKANS ON SOME OF THESE TOUGH REGULATORY ISSUES
INSTEAD OF BUREAUCRATS IN WASHINGTON AND SEATTLE?

-- YOU MIGHT WANT TO LOOK INTO THE ADVANTAGES IN THIS
SESSION OF TAKING OVER FROM EPA THE CLEAN WATER
PERMITTING PROGRAM. 37 OTHER STATES OPERATE THE PROGRAM
AND FIND IT IN THEIR OWN BEST INTEREST, INCLUDING TEXAS.

-- AS THE FEDERAL GOVERNMENT TAKES A LESSER ROLE, THE
RESPONSIBILITIES FOR PERSONAL, DIRECT ACTION REVEPT TO
THE LOCAL COMMUNITY AND FAMILY LEVEL. THE DRUG PROGRAM
IS ONE EXAMPLE. WHILE WE MUST CONTINUE OUR VIGOROUS
EFFORTS TO STRENGTHEN DRUG LAWS AND PROMOTE TOUGH LAW
ENFORCEMENT, THERE IS NO MORE EFFECTIVE WAY THAN PARENTS
TAKING THE TIME FOR MEANINGFUL, PERSONAL TALKS WITH
CHILDREN TO CONVINCED THEM THAT DRUGS HAVE NO PLACE IN
THEIR LIVES. NO GOVERNMENT PROGRAM CAN SUBSTITUTE FOR
THAT KIND OF PEPSONAL EFFORT.

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game



Andre Marrou
Representative

District 5

Kenai	Sterling
SolJorna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	Nikolaevsk
Kasilof	Halibut Cove
Ninilchik	Clam Gulch

February 26, 1986

Senator Frank Murkowski
United States Senate
709 Hart Building
Washington, D.C. 20510

Dear Senator Murkowski:

Enclosed is a copy of a news release issued after I introduced four bills last week.

HCR52 (copy enclosed) was inspired by your speech to the Legislature on February 10, 1986.

Your comments on this resolution would be appreciated.

Sincerely,

Andre Marrou
Representative

AVM/lc
enc.



ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

March 7, 1986

MAR 11 RECD

Representative Andre Marrou

Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Andre Marrou,

On behalf of the Alaska Miners Association, I would like to thank you for the opportunity of discussing our problems with your office during the week we spent in Juneau.

As you will recall, we discussed the importance to the economy of the State of Alaska of the recent lawsuit filed against the BLM by the Sierra Club and other environmental and native organizations. We understand that the Governor is considering intervention in this suit. We appreciate your efforts in this matter.

Also, we discussed with you the possibility of the State of Alaska assuming the EPA N.P.D.E.S. permitting as authorized under Section 402 of the Clean Water Act. I believe that House Concurrent Resolution No. 52 would be an excellent vehicle for encouraging the State of Alaska to act in this matter. Therefore, we urge your support of HCR No. 52.

Again, we thank you for the courtesy you extended to us. We hope that if you desire any information regarding mining, you will contact us.

Sincerely yours,

Rose Rypacek
President

File
HCR 52

The Alaska Economic Report

March 15, 1986
No. 5/86

State Water Quality Takeover Possible ???

State Environmental Commissioner Bill Ross says his department hopes to take over partial or total management of the federal clean water act in Alaska next year, budget permitting. Thus ADEC could replace EPA in regulating placer mine water quality, raising the prospect that more flexible regulations could be developed under state management than might be possible under the federal EPA.

(PAGE 8)