

S B

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Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA. 99811
(907) 465-4907

Senate Committee on Resources

M E M O R A N D U M

February 24, 1986

TO: All Members
Senate Resources Committee

FROM: Staff¹; Senate Resources Committee

RE: SB 343 "An Act relating to the conservation and protection of natural rangelands; and providing for an effective date"

SB 343 would protect naturally occurring rangelands within the state for the perpetuation of person, commercial, and other beneficial uses under the principles of multiple-use and sustained yield management.

The bill originated as a request from the Reindeer Herders Association and is supported by the Alaska Association of Soil and Water Conservation Districts. The Department of Natural Resources supports the bill with the addition of a definition of naturally occurring rangelands and recommends that the establishment of rangelands occurs through the department's planning process.

The fiscal note is zero.

Enclosures:

DNR fiscal note (zero)
DNR analysis
Letter from Kawerak, Inc.
Letter from Alaska Soil & Water Conservation Districts
Public Opinion Message from Eric Nashlund, Copper Center

Bradley
3/24/86

Original sponsor: Ferguson by request

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 343 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to protection of natural range-
7 land."

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

9 * Section 1. The legislature finds that there is a substantial public
10 purpose in the protection of existing naturally occurring rangeland and for
11 the establishment of state owned or acquired land valuable for grazing as
12 state grazing preserves for the perpetuation of personal, commercial, and
13 other beneficial uses of the resources under the principles of multiple-use
14 and sustained-yield management. In this section, "naturally occurring
15 rangeland" means state land where cattle, sheep, or reindeer are grazing
16 ^{OR MAY GRAZE} under lease or permit of the commissioner of natural resources.

17 * Sec. 2. The commissioner of natural resources shall report to the
18 Second Session of the Fifteenth State Legislature within the first 10 days
19 of the session on state land recommended for protection as state grazing
20 preserves.
21
22
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24
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DELTA

DFH2001I INVALID TRANSACTION IDENTIFICATION - PLEASE RESUBMIT 14:31:11
DFH2001I INVALID TRANSACTION IDENTIFICATION - PLEASE RESUBMIT 14:31:11

*
* DELIVER TO: LTCJ
*
* ORIGINAL
* SENT 02/24/86 TIME: 15:05
* FROM: LIODJT
* SUBJECT: SB343
* PRINT DATE: 02/24/86 TIME: 15:12
*

LIZA...DELTA'S PARTICIPANT FOR THE SEN. RES. TELECONFERENCE ON
FOREST
LANDS IS WANTING TO OFFER TESTIMONY OF SB343...THE PARTICIPANTS
NAME IS MIKE CARLSON, P.O. BOX 953, DELTA JUNCTION, ALASKA 99737

Offered: 3/25/86
Referred: Rules

Original sponsor: Ferguson by request

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 343 (Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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19 Second Session of the Fifteenth State Legislature within the first 10 days
20 of the session on state land recommended for protection as state grazing
21 preserves.



STATE OF ALASKA



DEPARTMENT OF NATURAL RESOURCES

SOIL AND WATER CONSERVATION BOARD

Bill Sheffield, Governor

PO Box 949, Palmer, Alaska 99645

Susan Jane Brook
Gustavus

Lawrence T Davis
Nome

Norman Cosgrove
Delta Junction

Peter C Roberts
Homer

Mark A Weaver
Palmer

FW

APR 14 1986

April 10, 1986

Senator Arliss Sturgulewski
PO Box V
Juneau, AK 99811

RE: HB 482, SB 343, SB 406

Dear Senator Sturgulewski:

We support protection of naturally occurring rangelands through enactment of legislation which would create a system of state grazing preserves. The preferred bill for accomplishing this is SB 406, as opposed to HB 482 or SB 343. While the latter two would study the proposal, SB 406 would create the grazing preserves.

Attached is a copy of a letter which exemplifies the need to create the grazing preserves as soon as possible. We do not feel that further studies are necessary. Range vegetation surveys have already been completed on the lands involved, indicating their high value for grazing. Additionally, the lands involved are already under grazing permit or lease from the federal or state governments.

The resource data has already been acquired, the lands are already being used for grazing purposes, and there should be no impediment to establishing the grazing preserves. Time is of the essence to prevent further erosion of the grazing potential of these lands through encroachment of private property.

Thank you.

Sincerely,

Larry Davis
Chairman



STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

SOIL AND WATER CONSERVATION BOARD

PO Box 949, Palmer, Alaska 99645



Bill Sheffield, Governor

Susan Jane Brook
Gustavus

Lawrence T Davis
Nome

Norman Cosgrove
Delta Junction

Peter C Roberts
Homer

Mark A Weaver
Palmer

April 9, 1986

Honorable Esther Wunnicke, Commissioner
Alaska Department of Natural Resources
PO Box M
Juneau, Alaska 99811

RE: Land Disposal Conflict with the Seward Peninsula Reindeer Industry

Dear Commissioner Wunnicke:

We have received notice that DNR plans to proceed this summer with disposal of certain lands on the Seward Peninsula. This disposal (Pilgrim Homestead), is scheduled to be followed by another disposal the following year (Grand Central Subdivision). We feel that recent court decisions warrant a new look at DNR's plans for land disposals on the traditional reindeer grazing lands of the Seward Peninsula.

It had been argued that, based on western common law, Alaska is an "open range" state, in which a livestock owner is not held liable for damages caused by his livestock to another person's property. However, based on the Anderson case at Homer, the courts have determined that western common law, and hence "open range", does not exist. Also addressed in the court decisions is the repeal of Alaska's "fence out" law.

The "fence out" law, effective in Alaska from 1949 thru 1977, required that property had to be enclosed by a legal fence in order for that property owner to hold a livestock owner liable for damage done to the property owner's land by the livestock owner's animals. Chapter 55, SLA 77 repealed the "fence out" provisions from Alaska law. The court decisions have determined that absent the "fence out" law, common law would protect the interests of private property over that of the livestock owner, thereby making the livestock owner liable for damage caused by his livestock in trespass on the property owner's land.

Davis to Commissioner Wunnicke

April 10, 1986

Page 2

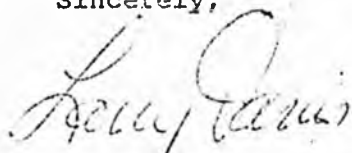
If a reindeer herder wants to avoid liability for damage to private property, he would have to fence his grazing area. Based on the prohibitive cost of fencing to the livestock owner, the effect of DNR's Seward Peninsula land disposal plans would be to create a problem where presently one does not exist, and quite possibly, could lead to the elimination of the Seward Peninsula reindeer industry.

With the significance of the reindeer industry to the diversification of Alaska's economy, as well as its importance as a local food source, we feel DNR should make every effort to support the industry. There are no other areas of the state as well suited for reindeer herding as the Seward Peninsula. The federal government has recognized the importance of the reindeer industry to the Seward Peninsula by providing for continued reindeer grazing within the ANILCA created, Bering Land Bridge National Preserve.

Commissioner, we request that you recognize the importance of the Seward Peninsula reindeer industry by prohibiting any state land actions there which would jeopardize the industry. In light of the court decisions and the fact that the issues inherent were not considered in plans for disposal of the subject lands, we formally request that you prohibit any land disposals on the Seward Peninsula.

Thank you for your consideration.

Sincerely,



Larry Davis
Chairman

cc: Reindeer Herders Association
Richard B. Thompson

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

February 13, 1986

The Honorable John G. Fuller
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Fuller:

As you requested, the Department of Natural Resources has reviewed HB 482 which provides protection for naturally occurring rangelands in Alaska. The department supports the use of Alaska's rangelands for grazing as a part of its objectives to make maximum use of State land resources.

The importance of insuring the protection of naturally occurring rangelands has been recognized in the Alaska Association of Soil and Water Conservation Districts' resolution AASWCD 85-10 (attached). Additional support for the resolution has come from the Reindeer Herders Association. These two groups are particularly concerned about the protection of traditional grazing areas on Kodiak Island and reindeer grazing areas on the Seward Peninsula.

Section 1 of HB 482 finds that there is substantial benefit in the protection of existing, naturally occurring rangelands in Alaska under the principles of multiple use and sustained yield. The department concurs with this finding. The department does not object to the establishment of grazing preserves as long as they are recommended through a comprehensive resource planning process, evaluating other natural resource potential besides grazing. We are also concerned that preserves should not require fire protection beyond that already in place. The preserves should be managed for other compatible uses. The flexibility to meet all of these concerns exists in the bill as it is proposed.

A definition of naturally occurring rangelands is needed within the bill. We would suggest that naturally occurring rangelands are those lands where cattle, sheep, or reindeer are currently grazing under lease or permit. Additionally, more than 50 percent of the area to be included in a grazing preserve for cattle or sheep should be naturally vegetated to grasses or forbs.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

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

February 21, 1986

The Honorable Arliss Sturgulewski
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Sturgulewski:

As you requested, the Department of Natural Resources has reviewed SB 343 which provides protection for naturally occurring rangelands in Alaska. The department supports the use of Alaska's rangelands for grazing as a part of its objectives to make maximum use of State land resources.

The importance of insuring the protection of naturally occurring rangelands has been recognized in the Alaska Association of Soil and Water Conservation Districts' resolution AASWCD 85-10 (attached). Additional support for the resolution has come from the Reindeer Herders Association. These two groups are particularly concerned about the protection of traditional grazing areas on Kodiak Island and reindeer grazing areas on the Seward Peninsula.

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A definition of naturally occurring rangelands is needed within the bill. We would suggest that naturally occurring rangelands are those lands where cattle, sheep, or reindeer are currently grazing under lease or permit. Additionally,

The Hon. Arliss Sturgulewski -2-

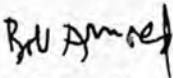
February 21, 1986

more than 50 percent of the area to be included in a grazing preserve for cattle or sheep should be naturally vegetated to grasses or forbs.

Section 2 asks the department to report to the Second Session of the Fifteenth State Legislature on State land recommended for protection as grazing preserves. Again, this should be done through the department's area planning process. The additional fiscal impact to the department of this legislation should be zero if the identification and recommendation of grazing preserves is done through this planning process. Since area plans are amenable, we would hope that any grazing preserve legislation would provide the opportunity through area plans (AS 38.04) to review grazing preserves on a regular basis for additions, deletions, or modifications.

If you need additional information on grazing issues, please let me know.

Sincerely,


for Esther C. Wunnicke
Commissioner

Enclosure

cc: Senator Coghill
Senator Ferguson
Senator Zharoff

SUBJECT OF RESOLUTION Kodiak Island Grazing Preserve
ORIGIN OF RESOLUTION Alaska Association of Soil and Water Conservation
Districts
DATE OF ORIGIN October 19, 1985

WHEREAS, grazing and red meat production are valuable to the state's economy and represent an important link in the state's agricultural industry; and

WHEREAS, due to favorable environmental factors the natural grasslands on the peninsula of Kodiak Island located between Chiniak Bay and Ugak Bay afford grazing year round; and

WHEREAS, such rangeland constitutes unique and irreplaceable resources of statewide importance;

THEREFORE BE IT RESOLVED, that the Legislature of the State of Alaska protect those rangelands by enacting the attached bill, entitled "An Act relating to the conservation and protection of natural rangelands" further identified as exhibit I of this resolution.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to:

Governor Bill Sheffield
Senate Resources Committee
House Resources Committee
Commissioner Esther Wunnicke

ACTION TAKEN BY AASWCD STANDING COMMITTEE _____

ACTION TAKEN BY AASWCD RESOLUTIONS COMMITTEE _____

ACTION TAKEN BY AASWCD PASSED



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

(907) 443-5231

SERVING THE
VILLAGES OF:

BREVIK MISSION
COUNCIL
DIOMEDE
ELIM
GAMBELL
GOLOVIN
KOYUK
NOME
SAVOONGA
SHAKTOOLIK
SHISHMAREF
SOLOMON
STEBBINS
ST. MICHAEL
TELLER
UNALAKLEET
WALES
WHITE MOUNTAIN

Representative John G. Fuller
Pouch V
Juneau, Ak 99811

Dear Representative Fuller:

It was good to see you on Front Street near the Post Office the other day. As I mentioned, the Reindeer Herders' Association (RHA) is interested in supporting a Bill relating to the conservation and protection of natural rangelands.

I have been in touch with Jim Burton of Kodiak, a member of the Alaska Association of Soil and Water Conservation, District (AASWCD). He referred me to Senator Zharoff's office regarding Resolution No. AASWCD 35-10 and a proposed bill, (enclosed) which would create State Grazing Preserves. The Management Plans section of the proposed bill gives a very comprehensive list of multiple land uses other than grazing permits and leases.

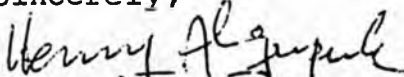
Reindeer have been on the Seward Peninsula for almost 100 years and this should set some precedent for future land use designation. The reindeer herd distributions outside the Seward Peninsula are at Shaktoolik, Stebbins, Islands of Hagemeister, St. Paul, Umnak, Atka, Kodiak and St. Lawrence; as well as on the Baldwin Peninsula.

The cattle and sheep are two other examples of livestock in Alaska that I can think of which would benefit through a multiple-use management plan for Alaska's resources.

The Reindeer Herders' Association is asking for your assistance in sponsoring or co-sponsoring a bill to create and establish state grazing preserves.

I want to thank you for your continued support of the reindeer industry.

Sincerely,


Henry Ahgupuk, Director

FEB 4

1986



Alaska Association of Soil and Water Conservation Districts

PO Box 953 - Delta Junction, Alaska 99737

January 30, 1986

The Honorable Arliss Sturgulewski
Alaska State Legislature
PO Box V
Juneau, Alaska 99811

RE: HB 482, SB 343 An Act Relating to the
protection of natural rangelands.

Dear Senator Sturgulewski:

The Alaska Association of Soil and Water Conservation Districts (AASWCD) supports the legislation identified above, and further recommends that the bills be amended as in our own draft included with this letter.

The draft we've included establishes a system of creating state grazing preserves in Article 1, with Articles 2 and 3 identifying specific State Grazing Preserve areas. (The Kodiak Island State Grazing Preserve and the Seward Peninsula State Grazing Preserve respectively.)

We feel that these natural rangelands are unique and irreplaceable resources of statewide importance, and as such deserve protection for present and future contribution to the economy.

Thank you for the opportunity to comment.

Sincerely,

Mike Carlson
President

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an act entitled: An act relating to the conservation and protection of natural rangelands; and providing for an effective date.

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

Section 1. AS 41 is amended by adding a new chapter to read:

CHAPTER 12. CONSERVATION AND PROTECTION OF NATURAL RANGELANDS.

ARTICLE 1. STATE GRAZING PRESERVES

Sec 41.12.010. PURPOSE. The purpose of this chapter is to protect naturally occurring rangelands and to permit the establishment of state owned or acquired land and water areas as state grazing preserves. The primary purpose in the establishment of state grazing preserves is the perpetuation of personal, commercial, and other beneficial uses of resources through multiple-use management and sustained yield.

Sec 41.12.020. MANAGEMENT PLANS. The commissioner shall prepare and may amend management plans to assist in meeting the requirements of this chapter. A management plan prepared under this section may designate incompatible uses and shall permit the following uses:

- (1) grazing permits and leases;
- (2) timber harvest;
- (3) material extraction;
- (4) mineral location and leasing;
- (5) surface lease, consistent with AS 38.05.070, for uses other than grazing;
- (6) recreation;
- (7) wildlife and fisheries habitat management;
- (8) hunting, fishing, and trapping; and
- (9) other traditional, compatible uses.

ARTICLE 2. KODIAK ISLAND STATE GRAZING PRESERVE

Sec 41.12.200. KODIAK ISLAND STATE GRAZING PRESERVE. Subject to valid existing rights, the state owned or acquired land and water lying within the parcels described in this section is designated as the Kodiak Island State Grazing Preserve.

SEWARD MERIDIAN

T 29 S, R 19 W, Secs. 31-36

T 29 S, R 20 W, Secs. 7, 12-14, 19-24, 25-35

T 29 S, R 21 W, Secs. 24-36

T 29 S, R 22 W, Secs. 33-36

T 30 S, R's 19-22 W

T 31 S, R's 19-21 W

T 31 S, R 22 W, Secs. 1-12

T 32 S, R 19 W Secs. 3-6, 9

T 32 S R 20 W, Secs. 1-5, 9, 10.

ARTICLE 3. SEWARD PENINSULA GRAZING PRESERVE

Sec 41.12.300. SEWARD PENINSULA GRAZING PRESERVE. Subject to valid existing rights, the state owned or acquired land and water lying within the parcels described in this section is designated as the Seward Peninsula State Grazing Preserve.

KATEEL RIVER MERIDIAN

T 1 N, R's 10-20, 28-44 W

T 2 N, R's 10-20, 28-44 W

T 3 N, R's 10-20, 28-43 W

T 4 N, R's 10-19, 28-39 W

T 5 N, R's 10-22, 28-37 W

T 6 N, R's 10-22, 30-37 W

T 7 N, R's 10-21 W

T 8 N, R's 10-21 W

T 9 N, R's 11-14 W

T 10 N, R's 11, 13, 15 W

T 11 N, R's 8-13, 15 W

T 12 N, R's 10-15 W

T 13 N, R 15 W

T 14 N, R's 15, 16 W

T 15 N, R's 16-18 W

T 16 N, R's 16-18 W
T 17 N, R's 16, 17 W
T 18 N R 17 W
T 1 S, R's 10-20, 28, 29 W
T 2 S, R's 10-18, 28, 29 W
T 3 S, R's 10, 28, 29 W
T 4 S, R's 28, 29 W
T 5 S, R's 25-30 W
T 6 S, R's 25-31 W
T 7 S, R's 26-33 W
T 8 S, R's 25-38 W
T 9 S, R's 21, 22, 24-38 W
T 10 S, R's 20, 21, 23-37 W
T 11 S, R's 20-38 W
T 12 S, R's 20, 22, 23, 30-33 W
T 13 S, R's 20, 21 W.

Section 2. This Act takes effect July 1, 1986.

Frank

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* DELIVER TO: JFOM
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* ORIGINAL
* SENT: 02/10/86 TIME: 13:29
* FROM: LIOGLN
* SUBJECT: FOM
* PRINT DATE: 02/10/86 TIME: 13:30
*
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***** _E_Q_M_ *****

TO: SEN. [REDACTED], FAHRENKAMP, COGHILL, ELIASON,
FISCHER, V., HALFORD, ZHAROFF

FROM: NAME ERIC NASHLUND
BOX BOX 271
TOWN COPPER CENTER 99573
PHONE 822-3602

RE: BILL NO. SB 343 PROTECTION OF NATURAL RANGE LANDS

THIS BILL MUST BE PASSED TO HELP INSURE A VIABLE RED MEAT
INDUSTRY IN ALASKA. ONLY THROUGH GRAZING LEASES ON STATE LANDS
CAN THE LIVESTOCK INDUSTRY BE ECONOMICALLY COMPETITIVE. THROUGH
GRAZING LEASES, THE STATE PROVIDES FOR MULTIPLE-USE MANAGEMENT.
ALASKA MUST SEEK TO PROVIDE ITS OWN FOOD.

EOM

Bradley
3/24/86

Original sponsor: Ferguson by request

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BY THE RESOURCES COMMITTEE

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4 FOURTEENTH LEGISLATURE - SECOND SESSION

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18 Second Session of the Fifteenth State Legislature within the first 10 days
19 of the session on state land recommended for protection as state grazing
20 preserves.
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22
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MESSAGE

Date 3/3 Time 11:20

For: F

From: Mike Scott

of _____

Phone No. _____

Telephoned	()	Called to see you	()
Please call	()	Will call again	()
Returned your call	()	Urgent	()

Message B 343 - spoke to Reardon
 Henderson Assoc. + passed along
 your message. Sen. Ferguson
 spoke w/ Coghill. Told him he
 had no obj. to Coghill bringing
 up arms but if he did, Ferguson
 Operator would go along with
 the will of the Committee
 LAA-16 + DNR.

Introduced: 1/16/86
Referred: Resources

Support
grazing
resources
management

1 ~~IN THE SENATE~~

BY FERGUSON BY REQUEST

2 SENATE BILL NO. 343

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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Administrative
Grazing
are can
disturb
occur
etc

SB 406
Reminder
Herders Assoc.

Senator Cogbill

2/13
SB 406
into further
reminder Herders' Assoc

need to go through planning process

FRANK

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 * DELIVER TO: JPOM
 *
 * ORIGINAL
 * SENT: 02/28/86 TIME: 09:49
 * FROM: SANDY IKNOKINGK
 * SUBJECT: POM
 * PRINT DATE: 02/28/86 TIME: 09:49
 *

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TO: SENATE RESOURCES COMMITTEE
 SENATOR STURGULEWSKI - CHAIRPERSON, SENATORS FAHRENKAMP,
 ELIASON, ZHAROFF, HALFORD, COGHILL, V. FISCHER

FROM: HENRY AHGUPUK, DIRECTOR
 REINDEER HERDERS ASSOCIATION
 P.O. BOX 948
 NOME, ALASKA 99762 PHONE: 443-5231 (W)

RE: SB 343, SB 406, PROTECTION OF NATURAL RANGELANDS

ON BEHALF OF LARRY DAVIS, PRESIDENT OF THE REINDEER HERDERS ASSOCIATION AND ITS MEMBERSHIP, I URGE THE SENATE RESOURCES COMMITTEE TO SUBSTITUTE SB 343 WITH SB 406. R.H.A. HAS ALWAYS ADVOCATED THE PRINCIPLES OF MULTI-USE AND SUSTAINED-YIELD MANAGEMENT OF STATE LANDS AS OUTLINED IN THE MANAGEMENT PLAN OF SB 406 AND RECOGNIZED THE NEED TO PROTECT REINDEER GRAZING ALLOTMENT THAT HAVE ISSUED AND OCCUPIED BY REINDEER ON THE SEWARD PENINSULA.