

**H B**

**320**

# HOUSE COMMITTEE REPORT

(9)

Date Referred: April 27, 1989

FURTHER REFERRALS:

Date of Committee Action: 5-3-89

The RESOURCES Committee considered:

HB 320

HOUSE BILL NO. 320

[PRINCE WILLIAM SOUND RESERVE]

"An Act relating to Prince William Sound Recovery Area; and providing for an effective date."

**RECOMMENDATIONS:**

- be replaced with CS HB 320 (Res)  the same title
- have attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact \_\_\_\_\_
- zero fiscal note 7+B 5/3/89
- zero with analysis \_\_\_\_\_
- fiscal note(s) \_\_\_\_\_
- zero fiscal note(s) \_\_\_\_\_
- zero fn/analysis \_\_\_\_\_

**SIGNING DO PASS:**

\_\_\_\_\_  
*Chip*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING:**

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>Bill Hudson</i>		✓	
<i>Best Shays</i>		✓	
<i>W FURNACE</i>	X		
<i>Mike Lawrence</i>		x	
<del>_____</del>			
_____			
_____			
_____			

\_\_\_\_\_  
 Chairman's Signature

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Fish and Game  
 Title: Prince William Sound  
Recovery Area BRU: Habitat  
 Sponsor: Resources Committee Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: . (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

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

**ANALYSIS : (Attach a separate page if necessary)**

Prepared by: Frank Rue, Director *Elmer F. J. for FR* Phone: 465-4105  
 Division: Habitat Date: 5/3/89  
 Approved by Commissioner: *William W. Miller* Date: 5/3/89  
 Agency: Department of Fish and Game

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)



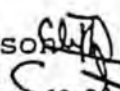
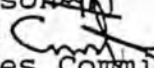
# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 485-2718

## MEMORANDUM

TO: Senator Kerttula

FROM: Representative Cliff Davidson   
Representative Curt Menard   
Co-Chairmen, House Resources Committee

DATE: April 28, 1989

SUBJECT: HB 320, An Act relating to the Prince William Sound Recovery Area; and providing for an effective date.

House Bill 320, introduced by the Resources Committee on April 28, establishes a "recovery area" on all tidelands, submerged lands and waters between the Copper River delta and the outer tip of the Kenai Peninsula. The boundaries include the Prince William Sound ecosystem as well as lands along the outer Kenai Peninsula that have been damaged by oil. Within the PWS Recovery Area, the Department of Fish and Game, under Title 16, will be given additional authority to regulate all uses and activities.

Constitutionally and under state law, DNR manages state lands. With respect to HB 320, DNR has expressed concern that this legislation will eliminate their management authority over the PWS region. This is neither the intent nor the outcome of the language in HB 320. However, we do feel that the special problems surrounding the Prince William Sound disaster demand special management solutions.

There are two key reasons why good public policy dictates a greater allocation of authority to DF&G in the PWS region.

The central issue in returning Prince William Sound to normality rests on the return of the region's environmental health and biological productivity. The economy of PWS is primarily based upon the biological output of an enormously rich ecosystem. DF&G, as the principle biological agency in state government, should have and will have the central role in ensuring the expeditious restoration, rehabilitation and recovery of PWS. Thus, giving DF&G additional authority and responsibility to ensure that the rate of recovery is not hampered in any way makes good economic, biological and public policy sense. Rapid recovery of the beaches, the marshes and the waters of Prince William Sound should be our first priority.

The second key reason to support HB 320 hinges on implementation of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Under CERCLA, which is triggered by environmental disasters such as the Exxon Valdez oil spill, coordination of the recovery efforts, and research coordination rests with four "trustees" from the federal and state governments. In the case of PWS, there are three federal trustees representing three federal departments and one state trustee appointed by the Governor, the Commissioner of the Department of Fish and Game.

It is important to note that the state trustee is outnumbered on this CERCLA panel by three to one. In order to strengthen the state trustee's hand in working with these federal trustees, HB 320 gives DF&G additional and specific statutory authority over the uses and activities within the region. This will help ensure that coordination by the federal/state CERCLA trustees will be clearly and effectively translated and implemented at the state level.

In summary, HB 320 will help ensure that restoration of the Prince William Sound ecosystem will be the central focus of state efforts, and further, HB 320 will strengthen the state's position with respect to the federal government in coordinating the cleanup, and recovery of the Sound.

From discussions between our staff, we understand that you share our favorable opinion of the Prince William Sound Recovery Area concept. In order to facilitate an expeditious and through review of this legislation, we would like to suggest that you consider introducing this or a similar bill in the Senate.

We hope that this memorandum helps clarify our interest in and support for the Prince William Sound Recovery Area.

Amendment to Senate Bill 299

By Davidson

Page 2, Line 6

Delete "the first day of the month in which it takes effect"  
and insert "March 1, 1989"

Page 2, Line 7

Delete "on or after that date", and insert "after February 28,  
1989"

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: JIM JACKSON  
TITLE: WILDLIFE FEDERATION OF ALASKA  
ADDRESS: 15301 ELMORE  
CITY: ANCHORAGE  
PHONE: 345-1249  
BILL NO: HB 320  
SUBJECT: PRINCE WILLIAM SOUND RESERVE  
MESSAGE: WILDLIFE FEDERATION OF ALASKA URGES PASSAGE OF HB 320. WFA IS AN ORGANIZATION OF APPROXIMATELY 500 ALASKAN OUTDOOR ENTUSIASTS AND IS THE STATE AFFILIATE OF THE NATIONAL WILDLIFE FEDERATION. PASSAGE OF HB 320 WILL AID RECOVERY OF PRINCE WILLIAM SOUND FROM THE OIL SPILL DISASTER.

ZIP: 99516

POMID: 03125327

DATE: 04/28/89

TIME: 12:53:27

LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES

MENARD  
JACKO  
FOSTER  
NAVARRE  
FURNACE  
SHARP  
HUDSON  
DAVIS, M.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: ROBERTA HIGHLAND  
TITLE:  
ADDRESS: BOX 15312 FCB  
CITY: HOMER  
PHONE: 235-8214  
BILL NO: HB 320  
SUBJECT: PRINCE WILLIAM SOUND RESERVE  
MESSAGE: I WANT THE FISH & GAME TO ADMINISTER THE RECOVERY BECAUSE OF THEIR FAMILIARITY WITH THE HABITAT. I ALSO WANT INCLUDED THE SOUTHERN KENAI PENINSULA AND THE BARREN ISLANDS AND THE CHUGACH ISLANDS. NO RESPONSE NECESSARY.

ZIP: 99603

POMIO: 18160624

DATE: 05/01/89

TIME: 16:06:24

LIONAME: HOMER INFORMATION OFFICE

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MENARD  
JACKO  
FOSTER  
NAVARRE  
FURNACE  
SHARP  
HUDSON  
DAVIS, M. FISCHER

## PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: WENDY COYLE  
 TITLE:  
 ADDRESS: HC52, BOX 8701  
 CITY: INDIAN ZIP: 99540  
 PHONE: 653-7751  
 BILL NO: HB 320  
 SUBJECT: PRINCE WILLIAM SOUND RESERVE  
 MESSAGE: DNR IS THE LAND MANAGER FOR THE STATE OF ALASKA. ALL STATE OWNED  
 TIDE LANDS SHOULD BE MANAGED BY DNR. IT IS OBSERVED TO TURN MANAGEMENT OF  
 TIDE LANDS IN PRINCE WILLIAM SOUND OVER TO FISH AND GAME. FISH AND GAME  
 MANAGES WILDLIFE NCT LAND . VOTE NO ON HB 320.

POMID: 03094804  
 DATE: 05/01/89  
 TIME: 09:48:04  
 LIONAME: ANCHORAGE LIO

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BARNES	BOUCHER	ADAMS
BOYER	BROWN	BINKLEY
CATO	COLLINS	COGHILL
COTTEN	DAVIS, C.	DUNCAN
DAVIS, M.	DONLEY	ELIASON
ELLIS	FINKELSTEIN	FAHRENKAMP
FOSTER	FURNACE	FAIKS
GOLL	GRUENBERG	FISCHER
GRUSSENDORF	HANLEY	FRANK
HOFFMAN	HUDSON	HALFORD
JACKO	KOPONEN	JONES
LARSON	LEMAN	KELLY
MACLEAN	MARTIN	KERTTULA
MENARD	MILLER	PEARCE
NAVARRE	PETTYJOHN	POURCHOT
PHILLIPS	RIEGER	RODEY
SHARP	SHULTZ	STURGULEWSKI
SHACKHAMMER	TAYLOR	SZYMANSKI
ULMER	WALLIS	UEHLING
ZAWACKI		ZHAROFF

## PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: LYNN BENNETT  
 TITLE:  
 ADDRESS: BOX 911  
 CITY: HOMER ZIP: 99603  
 PHONE: 235-8838  
 BILL NO: HB 320  
 SUBJECT: PRINCE WILLIAM SOUND RESERVE  
 MESSAGE: AS REGARDS HB-320, ADMINISTRATION SHOULD BE DONE BY FISH & GAME  
 FAMILIAR WITH HABITAT. NEEDS TO INCLUDE SOUTHERN KENAI PENINSULA AND BARREN  
 ISLANDS.

POMID: 18160843  
 DATE: 05/01/89  
 TIME: 16:08:43  
 LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATOR

MENARD	FISCHER
JACKO	
FOSTER	
NAVARRE	
FURNACE	
SHARP	
HUDSON	
DAVIS, M.	

## FINDING OF EMERGENCY

The Department of Natural Resources finds that an emergency exists and that this Finding of Emergency is necessary for the immediate preservation of public peace, health, safety, or general welfare. No other reasonable mechanism exists under existing law to immediately protect the state owned uplands and tide and submerged lands in Prince William Sound other than the Prince William Sound Area Plan.

On March 25, 1989, the Governor issued a Declaration of Disaster Emergency as a result of the largest oil spill in United States history caused by the grounding of the MV EXXON Valdez that occurred in northeasterly Prince William Sound on March 24, 1989. The Governor has declared the disaster emergency exists in the vicinity of Valdez and the area impacted by the spill.

This Finding of Emergency is necessary to protect the general welfare of the state and to protect the tide and submerged lands and natural resources in Prince William Sound and the outer Kora Peninsula that have been and currently are impacted by the oil spill.

Per Article VIII of the Alaska State Constitution, lands and interests therein, including submerged and tidal lands, owned or acquired by the state and not used or intended exclusively for governmental purposes, constitute the state public domain.

The Department of Natural Resources per statutory authorities described in AS 38, 41 and 46, is charged with the protection and management of all tidal and submerged lands as well as the management of all State owned uplands.

The Prince William Sound Area Plan, as adopted in 1988 by the Commissioners of Natural Resources and Fish and Game, in assistance with the U. S. Forest Service, prescribes how the Department of Natural Resources will manage state owned uplands and tide and submerged lands in Prince William Sound, including areas of critical habitat. In addition, the plan provides general guidance for managing units of the Alaska Marine Parks system that are in the planning area and provides guidelines for leases, sales, and permits proposed state land.

The state owns almost all of the 3.8 million acres of tide and submerged lands, and almost 1 million acres of uplands within the planning area, including lands beneath navigable lakes and streams.

Pursuant to the Public Trust Doctrine and the authority and duty of the Commissioner under applicable law to protect and manage state owned land and resources in the public interest, the department must act immediately to ensure that no new activities occur in impacted areas which may adversely affect clean-up, monitoring or rehabilitation efforts. Therefore, all such activities in the areas impacted by the EXXON Valdez oil spill are temporarily suspended for 120 days. Locatable mineral claims, located in open areas as specified within the Prince William Sound Area Plan, however, can not

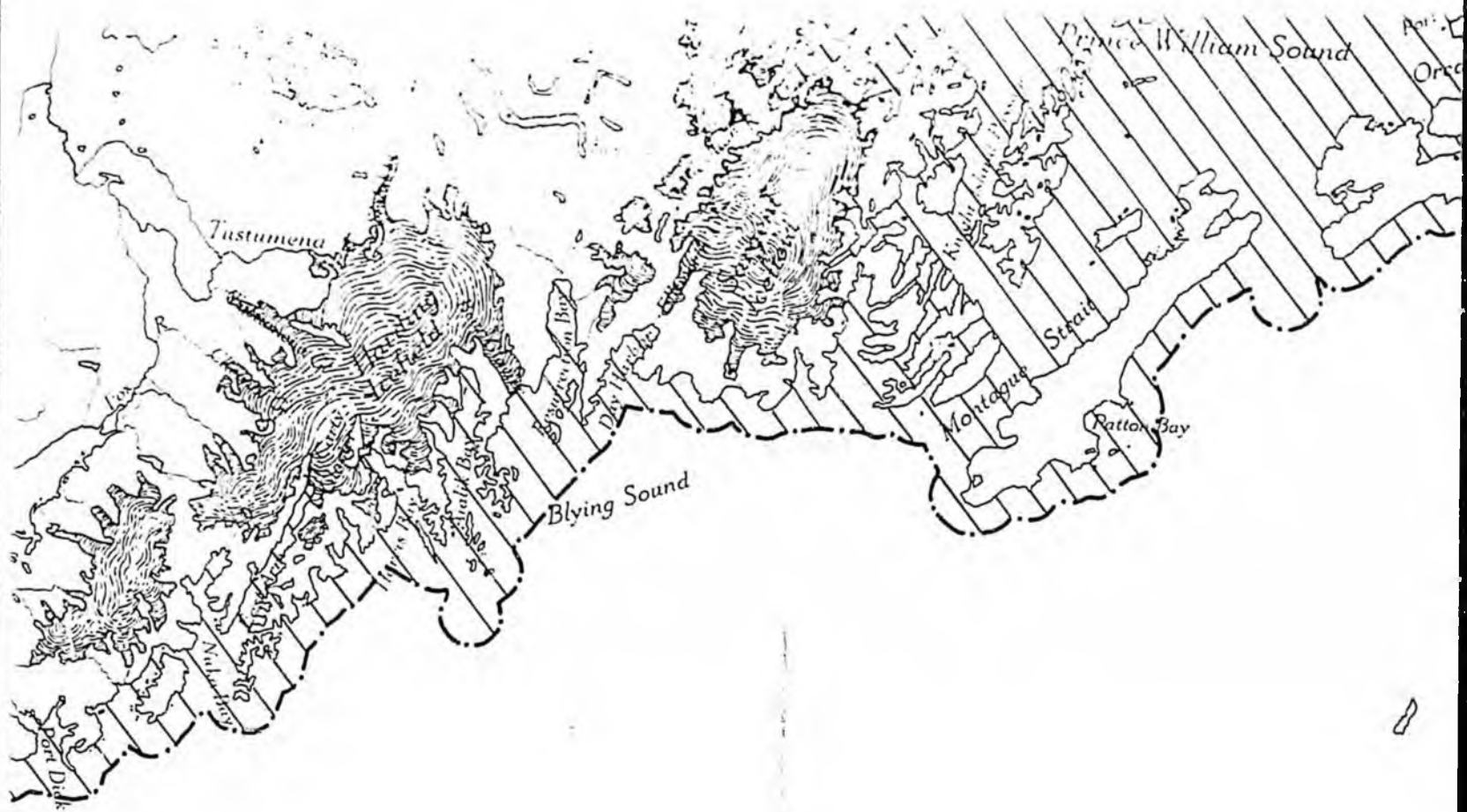
be prohibited without a mineral closing order. Such closing orders require 180 days to take effect, which is beyond the timeframe of this Finding of Emergency.

I hereby find that an emergency exists affecting the general welfare of the people of the state, and adopt the provision that all departmental actions that would directly interfere with clean up activities in the areas impacted by the EXXON Valdez oil spill are temporarily suspended for 120 days.

Date: \_\_\_\_\_

\_\_\_\_\_  
Lennie Gorkuch  
Commissioner  
Department of Natural Resources

THE FOLLOWING DOCUMENT HAS  
NOT BEEN FILMED BUT IS  
AVAILABLE IN THE ORIGINAL  
FILE



**PRINCE WILLIAM SOUND RECOVERY AREA**