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SENATE FINANCE COMMITTEE REPORT

DATE: 3/5/90

FURTHER:

DATE TURNED INTO OFFICE: 3/20/90

The Finance Committee considered

SB 454

"An Act relating to closure of state land to multiple purpose use."

and recommended:

replace with _____ CS
 or adopt _____ CS

SB 454 (Res)

same title
 new title
 technical title change (HB only)

attached amendment(s)

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

DNR 3/2/90

DF&G 3/2/90

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

J. Duncan - No Rec
Paul G. Hite - No Rec

Paul Hite (No Rec)

1. John R. ... No Rec.

2. _____

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to multiple use of state land and water
Sponsor: Resources Committee
Requestor: Resources Committee

Agency Affected: Dept. of Fish and Game
BRU: Habitat
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

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)

No impact on FY 90 budget

Prepared by: Frank Rue, Director
Division: Habitat

Phone: 465-4105

Date: _____

Approved by Commissioner: [Signature]
Agency: Department of Fish and Game

Date: 3/2/90

Distribution (by preparer):

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

Changes in CS SB 454 (Res) have no fiscal impact.
This fiscal note is appropriate.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 454	SPONSOR Resources Committee
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SHORT TITLE OF BILL
An Act relating to multiple use of state land and water

DEPARTMENT POSITION
Oppose

PREPARED BY Frank Rue, Director	DATE 3-2-90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3/2/90
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SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All users of state land
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ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown
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FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Section 1 amends the definition of multiple use as it is defined in AS 38.04 (Alaska Lands Act) to require that multiple use lands be managed for all of their resources; thereby negating current statutory discretion to manage lands for a predominant use or for less than all competing uses.

ANALYSIS OF BILL/PROGRAM EFFECTS
The existing definition of multiple use is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the state should be utilized, developed, and maintained on a sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.
Section 1 will remove the Department of Natural Resources' authority to classify or manage state lands for a predominant use or for less than all compatible competing uses. This section may also limit or condition the Department of Fish and Game's management and permitting authorities within State Game Refuges, State Game Sanctuaries, and Critical Habitat Areas established under AS 16.20. (cont'd)

AMENDMENTS PROPOSED
Section 2: We suggest that the AS 38.05.185 amendment be worded to require the reporting of areas opened, as well as closed, to mineral entry each year.
Changes in CS SB 454 (Res) *[Signature]* have no fiscal impact. This fiscal note is appropriate.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

Original sponsor(s): Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 454 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of state land."

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

8 * Section 1. AS 38.04.910(5) is amended to read:

9 (5) "multiple use"

10 (A) means the management of state land and its various
11 resource values so that it is used in the combination that will
12 best meet the present and future needs of the people of Alaska,
13 making the most judicious use of the land for [SOME OR] all of
14 the [THESE] resources or related services over areas large enough
15 to provide sufficient latitude for periodic adjustments in use to
16 conform to changing needs and conditions;

17 (B) [IT] includes

18 (i) [(A)] the use of the [SOME] land for less
19 than all of the resources but does not exclude compatible
20 competing uses; [,] and

21 (ii) [(B)] a combination of balanced and diverse
22 resource uses that takes into account the short-term and
23 long-term needs of present and future generations for renew-
24 able and nonrenewable resources, including, but not limited
25 to, recreation, range, timber, minerals, watershed, wildlife
26 and fish, and natural scenic, scientific, and historic
27 values;

28 * Sec. 2. AS 38.05.185 is amended by adding new subsections to read:

29 (d) The commissioner shall submit a report to the legislature

1 and to the governor within the first 10 days of the convening of each
2 regular session of the legislature detailing the state land closed to
3 mineral location and mining during the previous calendar year. The
4 report must include

- 5 (1) the known or estimated resource values of the area;
- 6 (2) the reason for the closure;
- 7 (3) the effective date of the closure; and
- 8 (4) the legal description of the land involved in the
9 closure.

10 (e) Each area closed under (a) of this section remains closed to
11 mineral location and mining until the commissioner issues an order
12 altering the status of the land or until the closure is disapproved by
13 act of the legislature. In addition to an act of the legislature
14 disapproving a closure by the commissioner, the legislature may by
15 resolution make recommendations to the commissioner on future manage-
16 ment of the area involved.

17 (f) Each report prepared under (d) of this section that reports
18 on an area of more than 5,120 acres must include a mineral assessment
19 report for the area.

20 (g) Every five years, the commissioner shall submit a report to
21 the governor and the legislature concerning state land that is at that
22 time withdrawn from mineral location or mining, including state land
23 withdrawn from multiple use by the legislature. The commissioner may
24 make recommendations in each report regarding existing closures of
25 state land.

26 * Sec. 3. AS 38.05.300 is amended to read:

27 Sec. 38.05.300. CLASSIFICATION OF LAND. (a) The commissioner
28 shall, where considered necessary and proper, classify land for sur-
29 face use [CLASSIFY FOR SURFACE USE LAND IN AREAS CONSIDERED NECESSARY

Continuation of Bill Analysis SB 454

Bill/Program Effects

These areas have been legislatively protected in recognition of their outstanding natural habitat and associated fish and wildlife resource values. Absent a legislative definition for "compatible," this measure will essentially require that all state land and its various resource values be managed as open public domain on the assumption that all competing uses are compatible, unless clear and convincing evidence to the contrary is available.

Although SB 35's reduced emphasis on "the use of the land for less than all of the resources" is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is sufficiently great to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) reduce, rather than increase, state land management flexibility to respond to ever changing economic and social demands on the state land base.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : CSSB 454 (Res)(b)
PUBLISH DATE : 3/5/90

FISCAL NOTE

REQUEST:

Revision Date: 2-Mar-90 Agency Affected: Natural Resources
Title: An Act relating to closure of BRU: Land & Water Management
state land to multiple purpose use.
Sponsor: Resource Committee Components: Land & Water Mgmt
Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: 2-Mar-90
Approved by Commissioner: Lennic Gorsuch Date: 2-Mar-90
Agency: Department of Natural Resources

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

Changes in CSSB 454 (Res)
have no fiscal impact.
This fiscal note is
appropriate.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 2, 1990

The Honorable Bettye Fahrenkamp
Alaska State Senator
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Subject: ^{SB}CSHB 454 (Resources), an act relating to the use of state land.

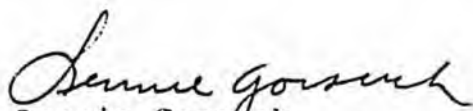
Background: This bill would modify the definition of multiple use to include all compatible competing users, require an annual report on land closed to mineral location and mining, and add to the reporting requirement of AS 38.05.300(b), an annual report on land and water closed to multiple use.


Position: The department supports CSSB 454 (Resources). Its definition of multiple use reflects the philosophy and practices of this department. The proposed changes would prevent an overly narrow construction of the term in the future.

Additionally, the reporting requirements will expand the scope of the annual reports prepared by the department.

Please let me know if we can be of further assistance.

Sincerely,


Lennie Gorsuch
Commissioner

) Changes in CS SB 454 (Res) have no fiscal impact. This fiscal note is appropriate. 

cc: Bill Sponsors
Committee Members
Bob Evans, Legislative Liaison
Office of the Governor
Denby Lloyd, Special Staff Assistant
Office of the Governor
Commissioner Don Collinsworth
Department of Fish and Game

1 AND PROPER]. This section does not prevent reclassification of land
2 where the public interest warrants reclassification, nor does it
3 preclude multiple [PURPOSE] use of land whenever different uses are
4 compatible. An area of state [STATE] land, water, or land and water
5 [AREA] may not, except by act of the state legislature, be closed to
6 multiple [PURPOSE] use if the area involved contains more than 640
7 acres.

8 (b) Not later than February 1 of each year, the commissioner
9 shall submit a written report to each house of the legislature that
10 [WHICH] describes and shows

11 (1) the location of all classifications of state land made
12 under (a) of this section during the preceding year;

13 (2) each closure of state land to multiple use under (a) of
14 this section during the preceding year.

15 * Sec. 4. Notwithstanding the 10-year interval required under AS 38.-
16 05.185(g), as enacted by sec. 2 of this Act, the first report to the gover-
17 nor and legislature under that subsection shall be delivered to the legis-
18 lature within the first 10 days after the convening of the legislature that
19 occurs more than four years after the effective date of this Act.

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman
Senator Jay Kertula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Halford
Senator Arliss Sturgulevski
Senator Fred Zharoff



P.O. Box V
Juneau, Alaska 99811
(907) 465-4907

To: Senate Resources Committee members
From: Sen. Bettye Fahrenkamp *BF*
Date: March 2, 1990
Re: SB 454, use of state lands

Section 1. The purpose of this section is to define "multiple use" to ensure that all the achievable land uses are considered in the planning process on an equal basis. In other words, two uses does not constitute "multiple use" if there are other land uses that can coexist simultaneously. Multiple use means all uses of land and it does not exclude compatible competing land uses.

Section 2. The purpose of this section is to require the commissioner of the Department of Natural Resources to submit a report to the legislature and the governor detailing the state land closed to mineral location and mining during the previous calendar year. It specifies that the report must include known resource values of the area, the reason for the closure, the effective date of the closure, and the legal description of the land involved in the closure. It allows the legislature the authority to disapprove closures and by resolution to make recommendations to the commissioner on the future management of the area. It further requires the department to submit a report every ten years that lists land withdrawn from mineral location and mining, or withdrawn from multiple use.

Section 3. This section revises the language so that it is clear that the department is not required to classify all lands, but only those considered necessary and proper. It requires the department of Natural Resources to add to its annual report to the legislature under this section, a list of instances when the department has closed lands of less than 640 acres to multiple use.

MULTIPLE USE: Alaska's Land Use Planning Statute

Sec. 38.04.910. Definitions. In this chapter, unless the context otherwise requires,

(4) "multiple use" means the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and condition; it includes

(A) the use of some land for less than all of the resources, and

(B) a combination of balanced and diverse resource uses that takes into account the short-term and long-term needs of present and future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range timber, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic values;

MULTIPLE USE: Alaska Forest Resources and Practices Act

(8) "multiple use" means

(A) the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of Alaska, making the most judicious use of the land for some or all of these resources or related values, benefits, and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;

(B) that some land will be used for less than all of the resources and

(C) harmonious and coordinated management of the various resources, each with the other, without significant impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

MULTIPLE USE: Federal Multiple Use - Sustained Yield Act

The federal Multiple Use -sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531 reads as follows:

Sec. 4 (a) "Multiple use" means the management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.

MULTIPLE USE: Federal Land Policy and Management Act

The Federal Land Policy and Management Act of 1976 reads as follows:

Sec. 103 (c) The term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

3/20/90
STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 16, 1990

The Honorable Mike Szymanski
Alaska State Senator
P. O. Box V
Juneau, AK 99811

Dear Senator Szymanski:

Thank you for the opportunity to testify on SB 430 yesterday. We are pleased with the changes in the bill.

During the hearing, you requested the Department of Natural Resources' (DNR) comments on coordinating multiple use language in SB 430 and SB 454 (Multiple Use). We would like discussion of changes to AS 38.04.910 coordinated, so that the final statute is consistent. The thrust of SB 454 is legislative monitoring of administrative restrictions on multiple use or mining on state lands. The bill requires that DNR report annually to the legislature on new mineral closures (Sec. 2(d)) and closures of land to multiple use (Sec. 3 (b)). It also requires 5-year reports summarizing total closures to mining and multiple use.

DNR has testified in support of SB 454. However, I understand that a hearing on SB 454 is being held this morning in Senate Finance, so changes may have been made since our last testimony.

We recommend combining the changes to 38.04.910 from both bills in SB 454 so that Legislative discussion considers the joint effect of adding roadless area consideration to the multiple use definition and requiring new reports on restrictions to multiple use. It should also be clear that the resources and uses considered under multiple use management include, but are not limited to, the finite list in 38.04.910. There are many other uses and activities that could also be included.

Senator Mike Szymanski

-2-

March 16, 1990

Thank you for your consideration of our comments. We welcome the opportunity to work with you on these bills.

Sincerely,


Lennie Gorsuch
Commissioner

cc: Senator Bettye Fahrenkamp
Senator John Binkley
Senator Rick Uehling
Commissioner Don Collinsworth
Department of Fish and Game

file
STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

100 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 2, 1990

The Honorable Bettye Fahrenkamp
Alaska State Senator
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Subject: ^{SB} CSHB 454 (Resources), an act relating to the use of state land.

Background: This bill would modify the definition of multiple use to include all compatible competing users, require an annual report on land closed to mineral location and mining, and add to the reporting requirement of AS 38.05.300(b), an annual report on land and water closed to multiple use.

Position: The department supports CSSB 454 (Resources). Its definition of multiple use reflects the philosophy and practices of this department. The proposed changes would prevent an overly narrow construction of the term in the future.

Additionally, the reporting requirements will expand the scope of the annual reports prepared by the department.

Please let me know if we can be of further assistance.

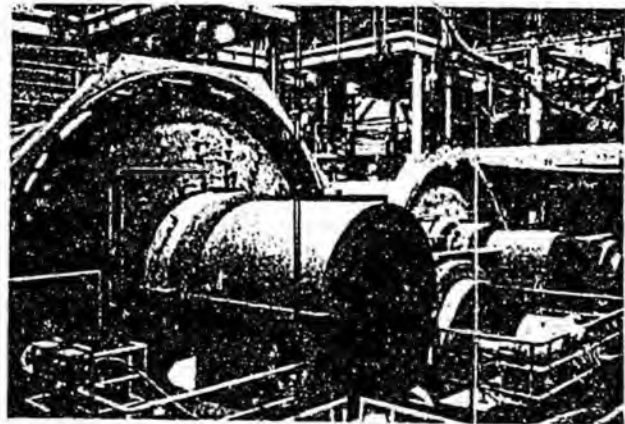
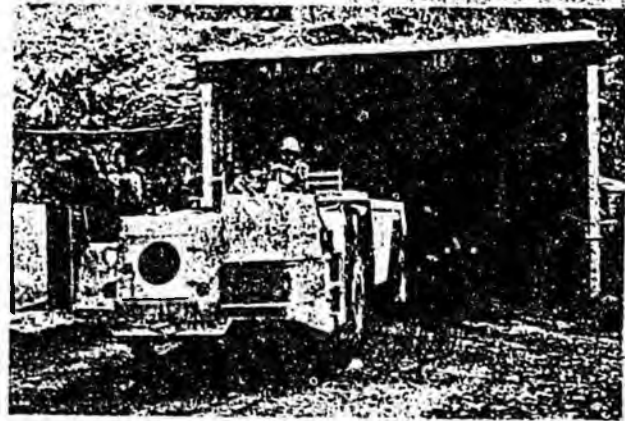
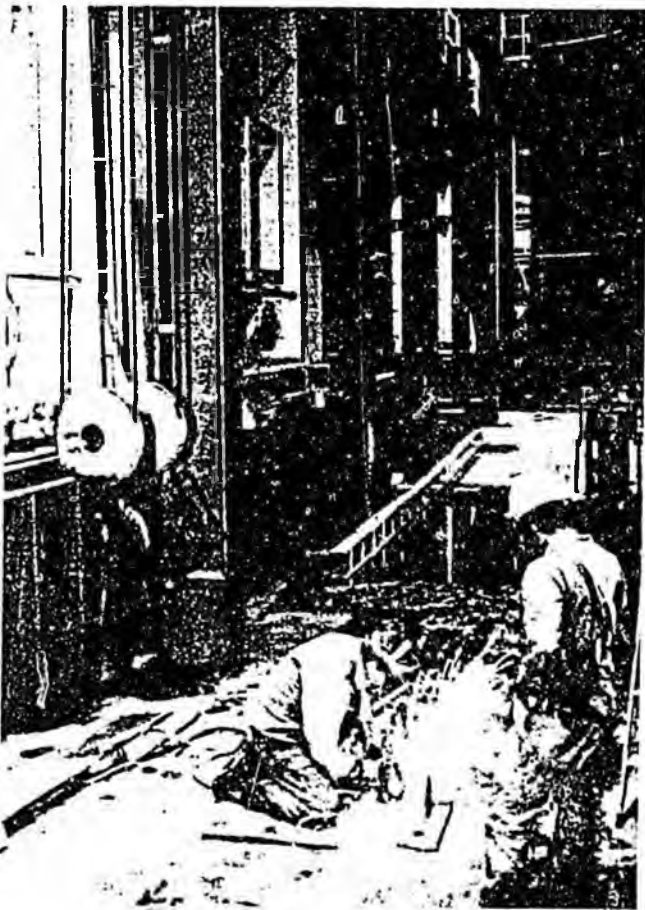
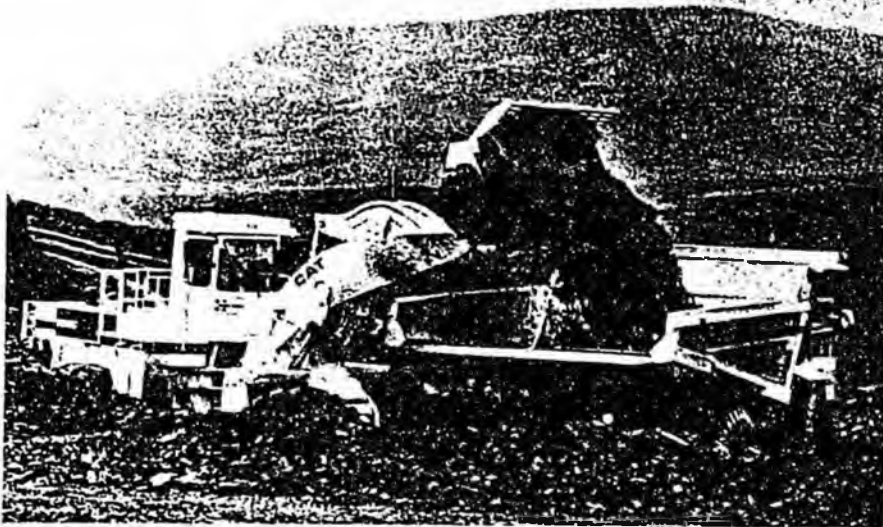
Sincerely,


Lennie Gorsuch
Commissioner

cc: Bill Sponsors
Committee Members
Bob Evans, Legislative Liaison
Office of the Governor
Denby Lloyd, Special Staff Assistant
Office of the Governor
Commissioner Don Collinsworth
Department of Fish and Game

Report of the

Alaska Minerals Commission



JANUARY 1990

In addition to the mineral closures in National Parks, Refuges and Forests, development of all kinds in the remaining lowland areas is now threatened by a proposed National policy of "No net loss of wetlands." These "wetlands" in Alaska occupy about 75 percent of the lowland areas of the state, or about 170 million acres, and are often caused by the underlying permafrost. Assessment of the mineral potential of such areas is difficult and requires sophisticated surveys.

- 3 Alaska should be exempted from a strict application of the proposed nationwide policy of "no net loss of wetlands" until a suitable policy can be formulated specifically for the state, which recognizes that Alaskan wetlands are unique in kind, size and cause.

Options for overland access to mineralized areas in Alaska must be maintained, especially in light of the relatively unexplored status of much of the state. Revised Statute 2477, (RS2477), is an 1867 congressional grant of rights-of-way across unreserved federal lands for public highways. RS2477 corridors may be the only feasible access into more remote areas of the state.

- 4 The State of Alaska should expedite the ongoing program of inventorying the possible RS2477 access routes, and aggressively assert the state's rights to these corridors of commerce, especially across otherwise inaccessible areas.

The mining law of 1872 has served the nation well on federal lands, but is under attack. Proposed changes would severely inhibit mineral exploration, development and production on federal land.

- 5 The state should transmit opposition to proposed changes in the 1872 Mining Law which would be damaging to the mining industry.

Ongoing regional land plans on state lands, and local expansion of coastal zone management plans to encompass areas remote from the coastline restrict development and generally omit assessments of subsurface resources such as minerals, coal and industrial minerals in the process. Because development of natural resources is so often precluded in the planning process, the availability of state land to mineral entry is diminished.

- 6 The Governor should establish that mineral development is a priority in the best interest of the state, consistent with Section 1 of Article 8 of the State Constitution, that must be recognized in most state land management actions.

- 7 The Legislature and Governor should support Senate Bill 34, (an act relating to state land withdrawn from mineral location and mining), and Senate Bill 35, (an act relating to multiple use of state land and water), submitted in the first session of the 16th Legislature. (See Appendix D.)

Less than 5% of Alaska has been geologically mapped at a scale suitable for mineral exploration. As a comparison, many of the third-world nations have more complete geophysical data than Alaska. A continued lack of funding for such surveys perpetuates the problem of developing a data base.

- 8 Detailed geologic and geophysical mapping of the state must be continued at an increased pace to provide a data base for the state to inventory its coal, metalliferous and industrial mineral resources as a basis for informed land planning, and to advertise the state's interest in mining as a valued component of the economic base. An annual \$5 million supplemental appropriation for this purpose would be comparable to the advertising budgets of other sectors of the state's economy.

Multiple Use of Forestlands

Forests occupy some 3/4 billion acres, or 1/3 of the land area of the United States. Demands on forestlands for goods and services are increasing rapidly and are expected to increase still faster in the future. Conflicts in use have become accentuated in recent years by requests to administrative, legislative, and judicial bodies to influence and regulate public and private forest management. Such conflicts are especially sharp where interest groups believe that the use demands of other interest groups compete with their own.

Diversity of Use Demands on Forestlands

Forests receive, store, and make available most of the nation's usable water. They satisfy the nation's requirements for wood—a major, renewable, and highly versatile raw material. Forest vegetation stabilizes soil, has a moderating effect on local climate, reduces sound and air pollutants, and helps maintain atmospheric oxygen-carbon dioxide balances. Recreation, encompassing a wide variety of individual and group activities, has become a major use of forestlands. Forests, and the streams and lakes they help to sustain, provide the habitat for wildlife and fish, which are also major, renewable resources. Forestlands provide forage to help feed browsing wildlife and domestic livestock. Some forestlands are an important source of minerals, and others provide space for utility lines, transportation corridors, reservoirs, and other land-consuming uses.

What Multiple Use Is

Increasing demands on limited forestlands can be met with coordination of uses on specific areas. Foresters have developed and applied the concept of multiple use whereby land is managed for a variety of purposes that utilize, without impairment, the capabilities of the land to meet different demands simultaneously. Properly implemented, multiple use sustains

production and avoids environmental deterioration. The multiple-use strategy takes effective advantage of capabilities of diverse portions of a forest to meet both current and projected demands.

Many benefits accrue on a forest regardless of the management strategy employed. For example, a forest managed exclusively for recreation can provide water, climatic, and wildlife benefits. Similarly, one managed exclusively for timber can provide water, climatic, wildlife, and recreation benefits. It is extremely difficult to visualize any exclusive forest use that does not also provide other benefits. The supply of forestlands is inadequate to meet all demands, but the multiple-use strategy normally provides the largest sum of social, economic, and spiritual benefits.

Who Plans and Manages for Multiple Use?

Use and management of forestlands and forest resources are determined in large measure by the objectives, policies, and means of the landowner, whether the people of a political unit, shareholders of a corporation, or an individual. Uses should be professionally planned, and all planning should consider all potential capabilities to meet different demands on a sustained basis; compatibility among uses; and costs and benefits of different use combinations over a period of time. Forestry professionals have special education and experience to determine the net benefits that forests are capable of producing—information that is basic to the planning of uses.

Plans should incorporate the landowners' objectives and should be based on accurate information about the resources involved. Planning is a continuing process, and landowners—who for government lands include the general public—should participate along with foresters. When plans have been decided on, forestry professionals should implement them by prescribing and super-

A Position of the Society of American Foresters*

**Approved by the Council of the Society of American Foresters, November 14, 1983. Originally adopted on June 25, 1973, and subsequently renewed on September 1, 1977, and November 20, 1980. A position of the Society of American Foresters expires three years after the date of its adoption unless, after thorough review, its continuance is approved.*

vising the necessary specific practices.

How Multiple Use Is Implemented

In application, the multiple-use concept involves managing a specific forest area for various benefits and may result in (1) exclusive use on some portions, (2) the emergence of primary and secondary uses on other portions, and (3) a general-use category where no one use justifies specific designation. An exclusive use is one for which an area is reserved and managed for one purpose, with other managed uses excluded. A primary use is one for which an area is predominantly managed but permits secondary managed uses. A secondary use is a managed use other than that for which the land area is predominantly managed. An incidental use is one for which a forest is not deliberately managed, but which occurs automatically. In the general-use category, forestlands are deliberately managed for specified objectives, but no assignment of priorities is made.

Much of the forestland managed under the multiple-use concept is in a general-use category, because com-

patibility at existing levels of demand does not require the designation of primary or exclusive uses. However, lands in the general-use category are often considered to be recreation lands by recreation interests, wildlife habitat by wildlife interests, watershed lands by water interests, mineral lands by mining interests, and timberlands by timber interests. As demands increase and conflicts arise, establishing land-use priorities becomes a valuable procedure for implementing the multiple-use concept. Priorities should be based on the objectives and needs of the landowner, reviewed periodically, and, where necessary, changed to reflect changing conditions of resources and changing needs.

Establishing Use Priorities

Use limitations are often established on public forestlands by legislation, as for wilderness areas or parks. Priorities on both public and private forestlands administered under the multiple-use concept (exclusive use, primary use, or secondary use) are generally determined by the land administrators or managers, governed by the objectives and poli-

cies of the landowner. When substantial doubt or controversy arises, these priorities may best be decided by the landowners themselves. When landowners establish priorities, they should consider the knowledge of forestry professionals as to land capabilities and the degree of compatibility among uses at various levels of demand.

Accomplishing the Objectives of Forestland Ownership

In applying the multiple-use concept, primary and secondary uses emerge on specific portions of forest areas. The expertise of forestry professionals is required to determine, within the objectives of ownership, which is the primary use; how it can best be implemented; and, where desirable, how it can be modified to accommodate secondary and incidental uses. To best accomplish the objectives of the landowner, multiple-use forestlands—whether managed for exclusive, primary, and secondary uses, or left in a general-use category—should be managed for the greatest sum of net benefits over time. ■

One pretty sure way to ignite lively debate amongst various groups of Alaskans is to bring up the subject of development versus maintenance of Alaska's fish and wildlife habitat. I know this is the case since the Department of Fish and Game consistently finds itself squarely in the middle of the perpetual controversy surrounding development and habitat protection. Development interests often claim that the department is antidevelopment and too protectionist-oriented. On the other hand, we are frequently criticized by the users of fish and wildlife and the environmental community for not being vigorous enough in the defense of fish and wildlife habitat.

The Department of Fish and Game is not antidevelopment, but we are strongly pro fish and wildlife and, therefore, habitat. That is our job, and it is a mandate that is unique to the Department of Fish and Game. Alaska Statutes Title 16 defines the functions of the Commissioner of the Department of Fish and Game and the duties of the department. These are to: "manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and the general well-being of the state." It is clear that those duties go well beyond simply dealing with habitat issues, but it is also clear that carrying out those responsibilities would be impossible without assuring that the habitats which are essential to the production of fish and wildlife are maintained and protected.

Contrary to popular belief, the Department of Fish and Game has very few permitting authorities that govern land and water use development. What we do have is an obligation to bring to the explicit attention of land and water managers, be they state or federal agencies, all of the expertise and information we have with regard to the potential impact on fish and wildlife production for any proposed development activity which intrudes into the habitat of fish and wildlife. We must identify the trade-offs and propose mitigating stipulations which are intended to allow a project to go forward and at the same time minimize the impact on the fish and wildlife habitat. Simply the

act of carrying out this function is often viewed by some interests as being anti-development. It is not, nor is it intended to be; but it is our mandate and we do not intend to abrogate that responsibility which is defined for us under the law.

The social and economic well-being of the people of the State of Alaska is dependent on the development and utilization of all our natural resources. It is the policy of the state to develop these other resources while at the same time preserving the productivity of our renewable fish and wildlife resources which also have tremendous economic, social, and cultural value. Some may see these as two mutually exclusive objectives. Fortunately, in most cases, it does not have to be that way. It is true there will be the rare occasion when the policymakers will have to choose to trade off totally fish or wildlife against some development project—an all or nothing situation. We have found, however, that this is the exception rather than the rule. The other extreme also seldom exists. By that I mean we seldom find a development activity that has absolutely no impact on the habitat and fish and wildlife production. Most of the time we can plan a development project and stipulate how it can be undertaken to mitigate the impact on the habitat. Sometimes we can identify ways to engineer a development project or extract natural resources in ways that protect the habitat and do not increase the costs of the developer or increase the cost of production of the natural resource being extracted. Often, the mitigation measures or the stipulations appended to a development project do increase the cost to the developer or the producer of the natural resource. Yet, within limits, of course, it can be argued that such increased costs are justified and legitimate in protecting the broad social interests and the interests particularly of those who use fish and wildlife and are economically, socially, and culturally dependent on those uses.

What is fair and reasonable and in the broad public interest relative to the trade-offs that have to be made to develop our



Don W. Collinsworth

natural resources other than fish and wildlife, as opposed to absolute preservation of fish and wildlife habitat, is something that must be decided in a number of public policy arenas. These include the State Legislature, the Federal Congress, and state and federal regulatory agencies. We, in the Department of Fish and Game, are a participant in those public policy choices. By legislative mandate, we are obligated to bring all of the information and technical resources that we have into those forums to describe for the policymakers what we believe the trade-offs are and ways that we can identify to protect the productivity of the fish and wildlife habitat. Unless we protect the habitat, we are not doing our job; and here, at the Department of Fish and Game, we take our job seriously.

Don W. Collinsworth is Commissioner, Alaska Department of Fish and Game.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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March 16, 1990

The Honorable Mike Szymanski
Alaska State Senator
P. O. Box V
Juneau, AK 99811

Dear Senator Szymanski:

Thank you for the opportunity to testify on SB 430 yesterday. We are pleased with the changes in the bill.

During the hearing, you requested the Department of Natural Resources' (DNR) comments on coordinating multiple use language in SB 430 and SB 454 (Multiple Use). We would like discussion of changes to AS 38.04.910 coordinated, so that the final statute is consistent. The thrust of SB 454 is legislative monitoring of administrative restrictions on multiple use or mining on state lands. The bill requires that DNR report annually to the legislature on new mineral closures (Sec. 2(d)) and closures of land to multiple use (Sec. 3 (b)). It also requires 5-year reports summarizing total closures to mining and multiple use.

DNR has testified in support of SB 454. However, I understand that a hearing on SB 454 is being held this morning in Senate Finance, so changes may have been made since our last testimony.

We recommend combining the changes to 38.04.910 from both bills in SB 454 so that Legislative discussion considers the joint effect of adding roadless area consideration to the multiple use definition and requiring new reports on restrictions to multiple use. It should also be clear that the resources and uses considered under multiple use management include, but are not limited to, the finite list in 38.04.910. There are many other uses and activities that could also be included.


Senator Mike Szymanski

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March 16, 1990

Thank you for your consideration of our comments. We welcome the opportunity to work with you on these bills.

Sincerely,


Lennie Gorsuch
Commissioner

cc: Senator Bettye Fahrenkamp
Senator John Binkley
Senator Rick Uehling
Commissioner Don Collinsworth
Department of Fish and Game



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 454	SPONSOR Resources Committee
SHORT TITLE OF BILL An Act relating to multiple use of state land and water			
DEPARTMENT POSITION Oppose			
PREPARED BY Frank Rue, Director	DATE 3-2-90	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 3/2/90

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All users of state land
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Section 1 amends the definition of multiple use as it is defined in AS 38.04 (Alaska Lands Act) to require that multiple use lands be managed for all of their resources; thereby negating current statutory discretion to manage lands for a predominant use or for less than all competing uses.

ANALYSIS OF BILL/PROGRAM EFFECTS

The existing definition of multiple use is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the state should be utilized, developed, and maintained on a sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

Section 1 will remove the Department of Natural Resources' authority to classify or manage state lands for a predominant use or for less than all compatible competing uses. This section may also limit or condition the Department of Fish and Game's management and permitting authorities within State Game Refuges, State Game Sanctuaries, and Critical Habitat Areas established under AS 16.20. (cont'd)

AMENDMENTS PROPOSED

Section 2: We suggest that the AS 38.05.185 amendment be worded to require the reporting of areas opened, as well as closed, to mineral entry each year.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

Continuation of Bill Analysis SB 454

Bill/Program Effects

These areas have been legislatively protected in recognition of their outstanding natural habitat and associated fish and wildlife resource values. Absent a legislative definition for "compatible," this measure will essentially require that all state land and its various resource values be managed as open public domain on the assumption that all competing uses are compatible, unless clear and convincing evidence to the contrary is available.

Although SB 35's reduced emphasis on "the use of the land for less than all of the resources" is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is sufficiently great to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) reduce, rather than increase, state land management flexibility to respond to ever changing economic and social demands on the state land base.