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167

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION : SB 167
PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: 7-Feb-90 Agency Affected: Natural Resources
 Title: An Act establishing the Goodpaster BRU: Land & Water Management
 Public Use Area _____
 Sponsor: Fahrenkamp Components: _____
 Requestor: Senate Resources Land & Water Management

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)

Prepared by: Larry Ostrovsky Phone: 465-2424
 Division: Commissioner's Office Date: 7-Feb-90
 Approved by Commissioner: [Signature] Lennie Gorsuch Date: 7-Feb-90
 Agency: Department of Natural Resources

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

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
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FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899



Senate

WHILE IN JUNEAU
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MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senator *Bettye Fahrenkamp*

DATE: February 7, 1990

RE: CSSB 167 An Act relating to the Tanana Valley State Forest and establishing the Goodpaster Public Use Area

CSSB 167 differs from the original in four substantial areas:

- *the size of the proposed public use area is reduced by about 50% to approximately 200,000 acres as shown in the red outline of the map
- *timberland is added to the state forest
- *no land is removed from the Tanana Valley State Forest, but a special unit of the forest is established in which no harvesting or roads are allowed
- *mineral entry is explicitly allowed

Since the introduction of this bill, a Department of Natural Resources Goodpaster Working Group was established to review the various management plans as they relate to the Goodpaster River corridor. Public workshops were conducted in Delta and Fairbanks and a preliminary management plan will be presented for public hearings in April.

In spite of this effort, several crucial issues remain which, unfortunately, could not be addressed in the plan. As a result, a new version of SB 167 has been drafted.

Section 1, AS 41.17.400(d)(1), pages 1 - 29, describes the boundaries of the Tanana Valley State Forest and the new entity, General Forest Land.

Section 1, AS 41.17.400(d)(2), pages 20 - 31, describes the corresponding new entity, Special Forest Management Land. This is the area of the forest, no longer proposed to be part of the public use area, that is now proposed to be either in a no harvest status, or winter harvest only status.

Section 2, As 41.17.400, page 31, adds new subsection (e) which describes what can and can not be done in the new special unit of the forest. In the sections shown on the map in orange (about 57,000 acres), no timber harvesting would be allowed, nor could any roads be constructed under this bill. The remaining special lands, at the head of Indian Creek and along the north bank of of the Tanana River, shown in solid black, could be harvested in the winter only (about 16,000 acres).

Approximately 32,000 acres of nearby timbered land are added to the state forest, outlined in black on the map.

Section 3, 41. 23.160(d), page 34, lines 18 - 23, states explicitly that the public use area is open to mineral entry. This was inadvertently left out of the original bill.

6-0453E
Bradley
1/29/90

Original sponsor(s): SEN. FAHRENKAMP

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 167 (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 Tanana Valley State Forest
7 and establishing the Goodpaster Public Use Area."

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

9 * Section 1. AS 41.17.400(d) is amended to read:

10 (d) The Tanana Valley State Forest includes the state-owned or
11 acquired land and water lying within the following described parcels:

12 (1) General Forest Land

13 Township 1 North, Range 2 East, Fairbanks Meridian

14 Sections 1 - 3

15 Sections 10 - 12

16 Sections 13 - 15: N1/2

17 Township 1 North, Range 3 East, Fairbanks Meridian

18 Section 1: E1/2, E1/2SW1/4, SW1/4SW1/4, SE1/4NW1/4

19 Section 2: NW1/4, NW1/4SW1/4

20 Sections 3 - 5

21 Section 6: N1/2

22 Section 7: E1/2E1/2

23 Sections 8 - 9

24 Section 10: NW1/4SW1/4, N1/2NW1/4, SW1/4NW1/4

25 Section 11: E1/2, S1/2SW1/4

26 Sections 12 - 14

27 Section 15: S1/2NE1/4, NE1/4NE1/4, S1/2

28 Township 1 North, Range 4 East, Fairbanks Meridian

29 Sections 1 - 12

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Sections 16 - 18
Township 1 North, Range 5 East, Fairbanks Meridian
Sections 6 - 10
Sections 15 - 16
Township 1 North, Range 4 West, Fairbanks Meridian
Section 5: W1/2
Sections 6 - 11
Section 15
Sections 16 - 24
Section 27
Section 28: NE1/4, NE1/4SE1/4
Section 29: S1/2, W1/2NW1/4
Sections 30 - 32
Section 33: W1/2
Township 1 North, Range 5 West, Fairbanks Meridian
Township 1 North, Range 8 West, Fairbanks Meridian
Sections 17 - 20
Sections 29 - 34
Section 35: W1/2
Township 1 North, Range 9 West, Fairbanks Meridian
Sections 13 - 36
Township 1 North, Range 10 West, Fairbanks Meridian
Sections 13 - 36
Township 1 North, Range 11 West, Fairbanks Meridian
Sections 5 - 7
Sections 18 - 19
Sections 30 - 36
Township 1 North, Range 12 West, Fairbanks Meridian
Township 1 North, Range 13 West, Fairbanks Meridian

1 Sections 1 - 3
2 Sections 10 - 15
3 Sections 22 - 26
4 Sections 35 - 36
5 Township 2 North, Range 2 East, Fairbanks Meridian
6 Sections 34 - 36
7 Township 2 North, Range 3 East, Fairbanks Meridian
8 Sections 13 - 16
9 Sections 21 - 29
10 Sections 31 - 36
11 Township 2 North, Range 4 East, Fairbanks Meridian
12 Sections 5 - 8
13 Sections 17 - 19
14 Section 30: N1/2
15 Township 2 North, Range 3 West, Fairbanks Meridian
16 Section 11: S1/2
17 Section 12: S1/2
18 Section 13 - 17
19 Sections 19 - 24
20 Township 2 North, Range 5 West, Fairbanks Meridian
21 Section 1
22 Section 2: N1/2
23 Section 3: N1/2
24 Sections 4 - 8
25 Section 9: N1/2
26 Section 11: S1/2
27 Sections 12 - 14
28 Section 15: S1/2
29 Section 17: N1/2

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Sections 18 - 19

Sections 21 - 36

Township 2 North, Range 10 West, Fairbanks Meridian

Sections 4 - 7

Township 2 North, Range 11 West, Fairbanks Meridian

Sections 1 - 12

Sections 16 - 21

Sections 28 - 33

Township 2 North, Range 12 West, Fairbanks Meridian

Township 2 North, Range 13 West, Fairbanks Meridian

Sections 1 - 30

Sections 33 - 36

Township 2 North, Range 14 West, Fairbanks Meridian

Sections 23 - 26

Township 3 North, Range 2 West, Fairbanks Meridian

Section 7: Tract E, ASLS 81-20

Section 8: Tracts H,J,K,L, ASLS 81-20

Section 17: Tracts M,N,O, ASLS 81-20

Section 18: Tracts A,B, ASLS 81-20

Section 19

Township 3 North, Range 3 West, Fairbanks Meridian

Section 13

Sections 19 - 36

Township 3 North, Range 4 West, Fairbanks Meridian

Section 3: west of Washington Creek

Sections 4 - 7

Section 8: west of Washington Creek

Sections 9 - 10: west of Washington Creek

Section 17: west of Washington Creek

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Sections 18 - 36
Township 3 North, Range 5 West, Fairbanks Meridian
Section 1
Sections 4 - 5: north of left limit of Tatalina
River
Sections 6 - 7
Sections 11 - 36
Township 3 North, Range 6 West, Fairbanks Meridian
Sections 1 - 12
Township 3 North, Range 7 West, Fairbanks Meridian
Sections 1 - 3
Sections 10 - 12
Township 3 North, Range 10 West, Fairbanks Meridian
Sections 1 - 10
Sections 15 - 33
Township 3 North, Range 11 West, Fairbanks Meridian
Sections 1 - 3
Sections 10 - 15
Sections 19 - 36
Township 3 North, Range 12 West, Fairbanks Meridian
Sections 19 - 21: east of right limit of Hutlitakwa
Creek
Sections 22 - 29
Section 30: east of right limit of Hutlitakwa Creek
Sections 31 - 36
Township 3 North, Range 13 West, Fairbanks Meridian
Sections 3 - 4
Section 9
Sections 16 - 17

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Sections 19 - 20
Section 21: W1/2
Sections 25 - 26: east of right limit of Hutlitakwa
Creek
Sections 29 - 32
Sections 34 - 35: east of right limit of Hutlitakwa
Creek
Section 36
Township 3 North, Range 14 West, Fairbanks Meridian
Section 25: E1/2
Section 36
Township 4 North, Range 5 West, Fairbanks Meridian
Section 1: west of left limit of Tatalina River
Sections 2 - 10
Sections 11 - 12: west of left limit of Tatalina
River
Sections 14 - 15: west of left limit of Tatalina
River
Sections 16 - 21
Section 22: west of left limit of Tatalina River
Sections 27 - 28: west of left limit of Tatalina
River
Sections 29 - 32
Section 33: west of left limit of Tatalina River
Township 4 North, Range 6 West, Fairbanks Meridian
Section 1
Sections 10 - 15
Sections 22 - 36
Township 4 North, Range 7 West, Fairbanks Meridian

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Sections 25 - 29

Sections 32 - 36

Township 4 North, Range 13 West, Fairbanks Meridian

Section 27

Section 33: SE1/4

Section 34

Township 5 North, Range 5 West, Fairbanks Meridian

Sections 1 - 2: west of Slate Creek

Sections 3 - 5

Section 6: E1/2

Section 7: E1/2

Sections 8 - 11

Section 12: west of Slate Creek

Sections 13 - 17

Section 18: E1/2

Sections 19 - 36

Township 6 North, Range 4 West, Fairbanks Meridian

Section 5: west of Alyeska Pipeline right-of-way and
north of left limit of Slate Creek

Section 6: west of Alyeska Pipeline right-of-way

Sections 7 - 8: west of left limit of Slate Creek

Sections 18 - 19: west of left limit of Slate Creek

Township 6 North, Range 5 West, Fairbanks Meridian

Sections 1 - 4

Section 5: E1/2

Section 8: E1/2

Sections 9 - 16

Section 17: E1/2

Sections 20 - 23

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Sections 24 - 26: west of left limit of Slate Creek
Sections 27 - 29
Sections 32 - 34
Section 35: west of left limit of Slate Creek
Township 7 North, Range 4 West, Fairbanks Meridian
Sections 30 - 31: west of Alyeska Pipeline right-of-way
Township 7 North, Range 5 West, Fairbanks Meridian
Section 15: west of Alyeska Pipeline right-of-way
Section 16: E1/2
Section 21: E1/2
Sections 22 - 23: west of Alyeska Pipeline right-of-way
Sections 25 - 26: west of Alyeska Pipeline right-of-way
Section 27
Section 28: E1/2
Section 33: E1/2
Sections 34 - 36
Township 15 North, Range 11 East, Copper River Meridian
Sections 1 - 2
Section 3: excl. ASLS 78-42
Sections 4 - 8
Sections 17 - 19
Section 30
Section 31
Township 16 North, Range 11 East, Copper River Meridian
Sections 1 - 3
Sections 10 - 15

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Sections 22 - 36
Township 16 North, Range 12 East, Copper River Meridian
Sections 1 - 12
Sections 14 - 22
Sections 28 - 32
Township 17 North, Range 11 East, Copper River Meridian
Sections 1 - 3
Sections 10 - 15
Township 17 North, Range 12 East, Copper River Meridian
Sections 5 - 6: west of Eagle Trail
Sections 7 - 8
Section 9: west of Eagle Trail
Sections 15 - 16: west of Eagle Trail
Sections 17 - 21
Sections 22 - 23: west of Eagle Trail
Section 26: west of Eagle Trail
Sections 27 - 34
Section 35: west of Eagle Trail
Township 18 North, Range 11 East, Copper River Meridian
Section 26: west of Eagle Trail
Sections 27 - 33
Sections 34 - 36: west of Eagle Trail
Township 19 North, Range 8 East, Copper River Meridian
Sections 1 - 2: east of left limit of Tanana River
Sections 12 - 13: east of left limit of Tanana River
Sections 24 - 25: east of left limit of Tanana River
Township 19 North, Range 9 East, Copper River Meridian
Sections 1 - 21
Sections 22 - 25: north of left limit of Tanana

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River

Sections 28 - 32: north of left limit of Tanana

River

Township 19 North, Range 13 East, Copper River Meridian

Sections 1 - 4

Sections 5 - 6: excl. F028758

Sections 7 - 16

Section 17: northeast of Tanana River

Section 18: north of Tanana River

Section 20: northeast of Tanana River

Section 21: north of Tanana River

Sections 22 - 27

Section 28: north of Tanana River

Section 29: east of Tanana River

Section 34: north and east of Tanana River

Section 35: north of Tanana River

Section 36

Township 19 North, Range 14 East, Copper River Meridian

Township 19 North, Range 15 East, Copper River Meridian

Township 20 North, Range 8 East, Copper River Meridian

Sections 1 - 2

Section 3: east of Alaska Highway

Section 10: east of Alaska Highway

Sections 11 - 13

Section 14: east of Alaska Highway

Section 23: east of Alaska Highway

Sections 24 - 25

Section 26: east of Alaska Highway

Section 35: east of Alaska Highway

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Section 36

Township 20 North, Range 9 East, Copper River Meridian

Township 20 North, Range 10 East, Copper River Meridian

Township 20 North, Range 11 East, Copper River Meridian

Sections 1 - 16

Section 17: excl. NA, Par. C, F12548

Section 18

Sections 20 - 23

Sections 28 - 29

Section 32

Section 33: excl. USS 4377, NA Par. A, F12549, NA,

Par. B, F- 14422

Township 20 North, Range 12 East Copper River Meridian

Sections 20 - 23

Section 24: excl. NA, F-12107

Sections 25 - 29

Sections 34 - 36

Township 20 North, Range 13 East, Copper River Meridian

Township 21 North, Range 8 East, Copper River Meridian

Sections 8 - 17

Sections 21 - 25

Sections 26 - 27: excl. USS 3620

Section 34: excl. USS 5622A

Section 36

Township 21 North, Range 9 East, Copper River Meridian

Township 21 North, Range 10 East, Copper River Meridian

Township 22 North, Range 5 East, Copper River Meridian

Sections 1 - 12

Sections 13 - 18: north of Alaska Highway

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Township 22 North, Range 8 East, Copper River Meridian
Sections 1 - 5
Sections 8 - 18
Sections 20 - 24
Sections 27 - 32
Sections 34 - 36
Township 22 North, Range 9 East, Copper River Meridian
Township 23 North, Range 5 East, Copper River Meridian
Sections 1 - 3
Sections 10 - 15
Sections 21 - 24
Township 23 North, Range 6 East, Copper River Meridian
Sections 5 - 7
Township 23 North, Range 7 East, Copper River Meridian
Sections 1 - 30
Township 23 North, Range 8 East, Copper River Meridian
Township 24 North, Range 5 East, Copper River Meridian
Sections 1 - 5
Sections 8 - 17
Sections 20 - 29
Sections 34 - 36
Township 24 North, Range 6 East, Copper River Meridian
Township 24 North, Range 7 East, Copper River Meridian
Sections 1 - 30
Sections 32 - 36
Township 25 North, Range 6 East, Copper River Meridian
Township 25 North, Range 8 East, Copper River Meridian
Township 26 North, Range 5 East, Copper River Meridian
Township 26 North, Range 6 East, Copper River Meridian

1 Township 1 South, Range 3 East, Fairbanks Meridian
2 Section 1
3 Sections 11 - 14
4 Section 15: S1/2, S1/2N1/2
5 Section 16
6 Section 23: NE1/4
7 Section 24: N1/2
8 Township 1 South, Range 4 East, Fairbanks Meridian
9 Sections 1 - 2
10 Section 4: S1/2
11 Section 5: S1/2, NW1/4
12 Sections 6 - 7
13 Section 8: north of Chena River
14 Section 9: the NW1/4 north of Chena River, N1/2NE1/4
15 Section 10: NE1/4
16 Section 11
17 Section 12: N1/2
18 Section 17: north of Chena River
19 Section 18
20 Township 1 South, Range 5 East, Fairbanks Meridian
21 Section 6
22 Township 1 South, Range 3 West, Fairbanks Meridian
23 Section 26: S1/2 south of Parks Highway
24 Sections 27 - 28: south of Parks Highway
25 Section 29: west of Old Nenana Highway and south of
26 Parks Highway
27 Sections 31 - 34: south of Parks Highway
28 Section 35
29 Township 1 South, Range 4 West, Fairbanks Meridian

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Section 4: SW1/4
Sections 7 - 8
Section 9: NW1/4
Section 18: N1/2
Section 23: SE1/4, SE1/4NE1/4
Sections 24 - 29
Section 32: N1/2N1/2
Section 34: excl. NW1/4NW1/4
Sections 35 - 36

Township 1 South, Range 5 West, Fairbanks Meridian

Sections 2 - 12
Section 13: N1/2
Sections 14 - 23
Sections 28 - 30
Section 31: N1/2, N1/2S1/2
Section 32: N1/2, N1/2S1/2

Township 1 South, Range 6 West, Fairbanks Meridian

Sections 1 - 4
Sections 9 - 16
Sections 21 - 28
Sections 32 - 34
Section 35: E1/2
Section 36: N1/2

Township 1 South, Range 8 West, Fairbanks Meridian

Sections 3 - 10
Sections 15 - 22
Sections 27 - 34

Township 1 South, Range 10 West, Fairbanks Meridian

Sections 1 - 6

1 Township 1 South, Range 11 West, Fairbanks Meridian
2 Sections 1 - 24
3 Sections 27 - 34
4 Township 1 South, Range 12 West, Fairbanks Meridian
5 Sections 1 - 2
6 Sections 11 - 14
7 Section 21: south of the unnamed creek
8 Sections 22 - 28
9 Sections 31 - 32: south of right limit of Tanana
10 River
11 Sections 33 - 36
12 Township 1 South, Range 13 West, Fairbanks Meridian
13 Section 27: north of a branch of Tanana River
14 Sections 34 - 36: north of a branch of Tanana River
15 Township 2 South, Range 3 West, Fairbanks Meridian
16 Section 2: N1/2, tract F, ASLS 80 - 118
17 Sections 3 - 10
18 Section 13: Lots A and C
19 Section 14: Lots 5 - 7, NE1/4, SW1/4
20 Section 15: west of left limit of Tanana River
21 Sections 16 - 19
22 Sections 20 - 24: north of military reservation
23 Sections 28 - 29: north of military reservation
24 Sections 30 - 31
25 Section 32: north of military reservation
26 Township 2 South, Range 4 West, Fairbanks Meridian
27 Sections 1 - 3
28 Section 7: SE1/4SE1/4
29 Section 8: south of Parks Highway

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Section 9: south of Parks Highway

Sections 10 - 16

Section 17: south of Parks Highway

Section 18: south of Parks Highway

Section 19: south of Parks Highway

Sections 20 - 36

Township 2 South, Range 5 West, Fairbanks Meridian

Sections 1 - 2

Sections 7 - 23

Section 24: north of Parks Highway

Section 26: north of Parks Highway

Section 27: north of Parks Highway

Township 2 South, Range 6 West, Fairbanks Meridian

Section 3

Section 4: N1/2, SE1/4, SW1/4SW1/4

Section 5

Sections 10 - 12

Section 16

Township 2 South, Range 7 West, Fairbanks Meridian

Section 35: SE1/4SE1/4

Section 36: SE1/4, SE1/4NE1/4, E1/2SW1/4, SW1/4SW1/4

Township 2 South, Range 11 West, Fairbanks Meridian

Section 6

Township 2 South, Range 12 West, Fairbanks Meridian

Sections 1 - 24

Sections 27 - 34

Township 2 South, Range 13 West, Fairbanks Meridian

Sections 1 - 6

Section 7: Tracts A, B and C, ASLS 81-54 SW1/4

1 Section 8: NE1/4, Tracts D, E, F, ASLS 81-54
2 Sections 9 - 30
3 Sections 33 - 36
4 Township 3 South, Range 3 West, Fairbanks Meridian
5 Sections 6 - 7: north of military reservation
6 Township 3 South, Range 4 West, Fairbanks Meridian
7 Sections 1 - 11
8 Section 12: north of military reservation
9 Sections 14 - 15: north of military reservation
10 Section 16
11 Section 17: north of military reservation
12 Sections 20 - 22: north of military reservation
13 Township 3 South, Range 5 West, Fairbanks Meridian
14 Section 1
15 Sections 11 - 12
16 Section 13: NW1/4NW1/4, Lots 2 - 4
17 Sections 14 - 15: north of left limit of Tanana
18 River
19 Section 19: north of left limit of Tanana River,
20 excl. NE1/4NE1/4
21 Section 20: north of left limit of Tanana River,
22 excl. Lot 3
23 Section 21: north of left limit of Tanana River
24 Section 31: Lot 2
25 Township 3 South, Range 6 West, Fairbanks Meridian
26 Sections 13 - 36
27 Township 3 South, Range 7 West, Fairbanks Meridian
28 Section 1
29 Section 2: E1/2, E1/2SW1/4, SW1/4SW1/4

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Section 3: SE1/4SE1/4

Section 9: south of Parks Highway

Section 10: that portion of NE1/4 which lies south
of Parks Highway: SW1/4SE1/2

Section 11: N1/2, N1/2SE1/4

Section 12: N1/2, N1/2S1/2

Section 20: S1/2

Sections 22 - 29

Section 31 - 36

Township 3 South, Range 12 West, Fairbanks Meridian

Sections 3 - 10

Sections 15 - 19

Section 30

Township 3 South, Range 13 West, Fairbanks Meridian

Section 12: E1/2

Section 13

Section 14: E1/2

Sections 24 - 25

Section 26: E1/2

Sections 35 - 36

Township 4 South, Range 4 East, Fairbanks Meridian

Sections 30 - 32: west of Richardson Highway

Township 4 South, Range 6 West, Fairbanks Meridian

Sections 1 - 12

Sections 14 - 18

Township 4 South, Range 7 West, Fairbanks Meridian

Sections 1 - 12

Sections 13 - 14: north of left limit of Tanana

River

1 Section 18: Lots 3-6
2 Township 4 South, Range 13 West, Fairbanks Meridian
3 Sections 1 - 2
4 Sections 3 - 4: east of left limit of Kantishna
5 River
6 Sections 8 - 10: east of left limit of Kantishna
7 River
8 Section 17
9 Section 15
10 Sections 16 - 17: east of left limit of Kantishna
11 River
12 Sections 20 - 21: east of left limit of Kantishna
13 River
14 Section 22
15 Sections 27 - 29: east of left limit of Kantishna
16 River
17 Sections 33 - 34: east of left limit of Kantishna
18 River
19 Township 5 South, Range 4 East, Fairbanks Meridian
20 Sections 5 - 6
21 Section 7: east of military reservation
22 Section 8
23 Section 17
24 Sections 18 - 19: east of military reservation
25 Section 20
26 Section 29
27 Section 30: east of military reservation
28 Section 31
29 Section 32: excl. NE1/4SE1/4, Lots 1-4

1 Township 5 South, Range 5 East, Fairbanks Meridian

2 Sections 25 - 29

3 Sections 33 - 36

4 Township 5 South, Range 6 East, Fairbanks Meridian

5 Sections 28 - 29

6 Section 30: S1/2

7 Sections 31 - 34

8 Section 36: S1/2

9 Township 5 South, Range 8 East, Fairbanks Meridian

10 Sections 1 - 6

11 Sections 8 - 17

12 Sections 20 - 30 .

13 Sections 32 - 36

14 Township 5 South, Range 9 East, Fairbanks Meridian

15 Sections 4 - 9

16 Sections 13 - 36

17 Township 6 South, Range 4 East, Fairbanks Meridian

18 Section 5: excl. Lots 1, 2

19 Sections 6 - 7: east of military reservation

20 Section 8

21 Section 9: excl. N1/2NE1/4SE1/4, S1/2S1/2NE1/4, GL-5

22 Section 14: Lot 4

23 Section 15: south of Tanana River

24 Section 16

25 Section 21: east of military reservation

26 Section 22

27 Section 23: NE1/4NE1/4, that portion west of

28 Richardson Highway

29 Section 25: south of Richardson Highway

1 Section 26: excl. Lot 1
2 Section 27: east of military reservation
3 Section 35
4 Section 36: W1/2SW1/4
5 Township 6 South, Range 5 East, Fairbanks Meridian
6 Sections 1 - 4
7 Sections 9 - 15
8 Section 16: S1/2, NE1/4
9 Section 20: S1/2
10 Sections 21 - 28
11 Section 29: N1/2
12 Section 36
13 Township 6 South, Range 6 East, Fairbanks Meridian
14 Section 1
15 Sections 3 - 9
16 Section 10: W1/2
17 Section 11: E1/2
18 Sections 12 - 36
19 Township 6 South, Range 7 East, Fairbanks Meridian
20 Sections 3 - 36
21 Township 6 South, Range 8 East, Fairbanks Meridian
22 Township 6 South, Range 9 East, Fairbanks Meridian
23 Township 6 South, Range 10 East, Fairbanks Meridian
24 Township 7 South, Range 6 East, Fairbanks Meridian
25 Sections 1 - 5
26 Sections 8 - 15
27 Sections 21 - 24
28 Sections 25 - 27: north of left limit of Tanana
29 River

1 Section 28

2 Section 29: S1/2

3 Section 30: S1/2

4 Sections 31 - 32

5 Section 33: north of left limit of Tanana River
6 Township 7 South, Range 7 East, Fairbanks Meridian

7 Sections 1 - 18

8 Sections 23 - 26

9 Sections 35 - 36: excl. ASLS 81-213 except Tract A
10 Township 7 South, Range 8 East, Fairbanks Meridian

11 Sections 1 - 12

12 Sections 15 - 21

13 Sections 28 - 34

14 Township 7 South, Range 9 East, Fairbanks Meridian

15 Sections 3 - 10

16 Sections 15 - 16: N1/2

17 Township 7 South, Range 10 East, Fairbanks Meridian

18 Sections 24 - 25

19 Sections 35 - 36

20 Township 7 South, Range 11 East, Fairbanks Meridian

21 Sections 1 - 2

22 Sections 11 - 14

23 Sections 19 - 34

24 Section 35: W1/2

25 Section 36: N1/2N1/2

26 [SECTIONS 19 - 36]

27 Township 7 South, Range 12 East, Fairbanks Meridian

28 Section 3: W1/2

29 Section 4 - 9

1 Section 10: W1/2
2 Section 16 - 21
3 Township 8 South, Range 7 East, Fairbanks Meridian
4 Section 1
5 Township 8 South, Range 8 East, Fairbanks Meridian
6 Sections 1 - 3
7 Sections 4 - 6
8 Sections 10 - 13
9 Township 8 South, Range 9 East, Fairbanks Meridian
10 Sections 16 - 22: south of the North bank of the
11 Tanana River
12 Sections 25 - 29
13 Sections 33 - 36
14 Township 8 South, Range 10 East, Fairbanks Meridian
15 Sections 1 - 5
16 Sections 8 - 11
17 Section 12: N1/2
18 Section 15: N1/2
19 Section 30: S1/2
20 Sections 31 - 32
21 [SECTION 1
22 SECTIONS 12 - 13]
23 Township 8 South, Range 11 East, Fairbanks Meridian
24 Sections 3 - 4
25 Section 5: N1/2, SE1/4
26 Section 6: N1/2, SW1/4
27 Section 9: N1/2
28 Section 10: NW1/4
29 [SECTIONS 1 - 18

1 SECTIONS 22 - 27

2 SECTION 36

3 TOWNSHIP 8 SOUTH, RANGE 12 EAST, FAIRBANKS MERIDIAN

4 SECTIONS 1 - 10

5 SECTIONS 15 - 22

6 SECTIONS 27 - 34

7 TOWNSHIP 8 SOUTH, RANGE 13 EAST, FAIRBANKS MERIDIAN

8 SECTIONS 25 - 26

9 SECTIONS 33 - 36]

10 Township 9 South, Range 10 East, Fairbanks Meridian

11 Section 18: south of the Tanana River

12 Section 19 - 20: south of the Tanana River

13 Section 28: south of the Tanana River

14 Section 29 - 30

15 Section 32

16 Section 33: W1/2

17 [TOWNSHIP 9 SOUTH, RANGE 11 EAST, FAIRBANKS MERIDIAN

18 SECTION 3: S1/2

19 SECTIONS 4 - 5

20 SECTIONS 8 - 11

21 SECTION 13 - 16

22 SECTION 17: E1/2, NE1/4SW1/4, SW1/4NW1/4

23 SECTIONS 21 - 27

24 SECTION 28: EXCL. FO2662

25 TOWNSHIP 9 SOUTH, RANGE 12 EAST, FAIRBANKS MERIDIAN

26 SECTIONS 19 - 21

27 SECTIONS 28 - 36

28 TOWNSHIP 9 SOUTH, RANGE 13 EAST, FAIRBANKS MERIDIAN

29 SECTIONS 1 - 3

1 SECTION 10: E1/2
2 SECTIONS 11 - 13
3 SECTIONS 24 - 25
4 SECTION 26: S1/2
5 SECTION 27
6 SECTIONS 34 - 36]
7 Township 9 South, Range 14 East, Fairbanks Meridian
8 Township 9 South, Range 16 East, Fairbanks Meridian
9 Township 10 South, Range 10 East, Fairbanks Meridian
10 Section 4: S1/2, NW1/4
11 Section 5
12 Sections 8 - 9
13 Section 16: N1/2, SW1/4
14 Section 17
15 Section 19: S1/2S1/2, N1/2S1/2
16 Section 20
17 Section 21: W1/2
18 Section 28: north of Fort Greeley boundary
19 Section 29 - 30
20 Sections 31 - 33: north of Fort Greeley boundary
21 Township 10 South, Range 12 East, Fairbanks Meridian
22 Sections 1 - 3
23 Sections 4 - 6: north of left limit of Tanana River
24 Sections 10 - 12: north of left limit of Tanana
25 River
26 Township 10 South, Range 13 East, Fairbanks Meridian
27 Section 1
28 Section 2: E1/2
29 Sections 5 - 6: south of the right limit of Tanana

River

[SECTIONS 1 - 6]

Sections 7 - 8: north of right [LEFT] limit of
Tanana River

Sections 9 - 10: south of right limit of TananaRiverSection 11: W1/2 south of Tanana River, E1/2Section 12

[SECTIONS 9 - 12]

Sections 14 - 15: N1/2

Township 10 South, Range 14 East, Fairbanks Meridian

Sections 1 - 20

Section 21: NE1/4SE1/4, W1/2, N1/2NE1/4

Sections 22 - 24

Section 25: excl. Tract C

Section 26: excl. SW1/4SW1/4

Section 27: N1/2NE1/4, NE1/4NW1/4

Section 28: W1/2

Section 29

Section 30: NE1/4NE1/4

Section 32: excl. Tract U, Delta I

Section 33: W1/2

Township 10 South, Range 16 East, Fairbanks Meridian

Sections 1 - 35

Township 11 South, Range 14 East, Fairbanks Meridian

Section 4: NW1/4, Tracts A,B,E

Section 5: excl. [EXCLUDING] Tract U, Delta Barley I

Section 9: Tracts A,B,E1/2

Section 10: Tracts B,C

1 Section 15: Tracts B,C
2 Section 16: E1/2, Tracts A,B
3 Section 21: Tracts A,B
4 Section 22: NW1/4, Tracts A,B,D
5 Section 23: Tracts A,B,D,E
6 Section 26: Tracts A,B,C,D
7 Section 35: E1/2, Tracts A,B
8 Section 36: Tracts A,B,C,D,E
9 Township 11 South, Range 16 East, Fairbanks Meridian
10 Township 12 South, Range 14 East, Fairbanks Meridian
11 Section 1: excl. USS 4013
12 Section 2: excl. ASLS 79-93
13 Section 11: excl. ASLS 79-93
14 Sections 12 - 13
15 Section 14: excl. ASLS 79-93
16 Sections 23 - 25: excl. ASLS 79-93
17 Section 36: excl. ASLS 79-93
18 Township 12 South, Range 15 East, Fairbanks Meridian
19 Sections 2 - 6
20 Section 7: excl. SE1/4SW1/4
21 Sections 8 - 14
22 Section 15: E1/2, E1/2NE1/4
23 Sections 18 - 19: W1/2W1/2
24 Section 21: S1/2SE1/4
25 Section 22: excl. N1/2NW1/4
26 Sections 23 - 30
27 Section 31: SW1/4
28 Section 32: SE1/4, S1/2SW1/4
29 Sections 33 - 36

1 Township 12 South, Range 16 East, Fairbanks Meridian

2 Sections 1 - 5

3 Sections 9 - 16

4 Sections 21 - 28

5 Sections 34 - 36

6 Township 13 South, Range 15 East, Fairbanks Meridian

7 Sections 1 - 3

8 Section 4: N1/2SE1/4, NE1/4, N1/2NW1/4, SW1/4NW1/4,
9 NW1/4SW1/4

10 Section 5: Tracts A and C

11 Section 6: north of Alaska Highway

12 Section 11: Tracts D and F

13 Section 12

14 Section 13: Tracts B and C

15 Township 13 South, Range 16 East, Fairbanks Meridian

16 Section 1

17 Sections 6 - 7

18 Section 12: excl. George Lake Subdivision

19 Sections 16 - 18

20 Sections 19 - 20: north of left limit of Tanana
21 River

22 Section 21

23 Section 27

24 Sections 28 - 29: north of left limit of Tanana
25 River

26 Sections 32 - 33: north of left limit of Tanana
27 River

28 Sections 34 - 35

29 Township 14 South, Range 16 East, Fairbanks Meridian

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Sections 1 - 3

Section 4: north of left limit of Tanana River
Sections 10 - 11: north of left limit of Tanana
River

Section 12;

(2) Special Forest Management Land:

Township 7 South, Range 11 East, Fairbanks Meridian

Section 35: E1/2

Section 36: S1/2, S1/2N1/2

Township 7 South, Range 12 East, Fairbanks Meridian

Section 1 - 2

Section 3: E1/2

Section 10: E1/2

Section 11 - 15

Sections 22 - 36

Township 8 South, Range 10 East, Fairbanks Meridian

Section 12: S1/2

Section 13

Township 8 South, Range 11 East, Fairbanks Meridian

Sections 1 - 2

Section 5: SW1/4

Section 6: SE1/4

Sections 7 - 8

Section 9: S1/2

Section 10: S1/2, NE1/4

Sections 11 - 18

Sections 22 -27

Section 36

Township 8 South, Range 12 East, Fairbanks Meridian

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Sections 1 - 10

Sections 15 - 22

Sections 27 - 34

Township 8 South, Range 13 East, Fairbanks Meridian

Sections 25 - 26

Sections 33 - 36

Township 9 South, Range 11 East, Fairbanks Meridian

Section 3: S1/2

Sections 4 - 5

Sections 8 - 11

Sections 13 - 16

Section 17: E1/2, NE1/4SW1/4, SW1/4NW1/4

Section 21 - 27

Section 28: excl. FO2662

Township 9 South, Range 12 East, Fairbanks Meridian

Sections 19 - 21

Section 28 - 36

Township 9 South, Range 13 East, Fairbanks Meridian

Sections 1 - 3

Section 10: E1/2

Sections 11 - 13

Sections 24 - 25

Section 26: S1/2

Section 27

Sections 34 - 36

Township 10 South, Range 13 East, Fairbanks Meridian

Section 2: W1/2

Sections 3 - 4

Sections 5 - 6: north of right limit of Tanana River

Township 10 South, Range 13 East, Fairbanks Meridian

Section 2: W 1/2

Sections 3 - 4

Sections 5 - 6: north of right limit of Tanana River

Sections 9 - 10: north of right limit of Tanana River

Section 11: W1/2 north of the Tanana River.

* Sec. 3. AS 41.23 is amended by adding new sections to read:

Sec. 41.23.140. PURPOSE. The purpose of AS 41.23.140 - 41.23.-170 is to establish the area described in AS 41.23.170 as the Goodpaster Public Use Area. The Goodpaster Public Use Area is established to

(1) protect and maintain fish and wildlife habitat, particularly moose calving and wintering habitat, trumpeter swan and other waterfowl nesting habitat, and otter, beaver, mink, muskrat, fox, and other furbearer habitat so that traditional public uses of fish and wildlife populations may continue;

(2) protect and maintain public enjoyment of fish and wildlife and their habitat including fishing, hunting, trapping, viewing, and photography;

(3) protect and maintain general public recreation in a quality environment;

(4) protect and maintain winter recreation including dog-sledding, cross-country skiing, skijoring, snowmachining, and camping;

(5) allow additional public uses of the area in a manner compatible with the purposes specified in (1) - (4) of this section.

Sec. 41.23.150. MANAGEMENT. (a) Management of the surface and subsurface estate of the Goodpaster Public Use Area is the responsibility of the commissioner. After adequate public hearings the

1 commissioner may designate incompatible uses under AS 41.23.160 and
2 shall adopt and may revise a management plan for the Goodpaster Public
3 Use Area. With regard to the management of land within the Goodpaster
4 Public Use Area described in AS 41.23.170, the commissioner shall
5 consult with the Department of Fish and Game in the adoption and
6 revision of the management plan.

7 (b) The Department of Fish and Game is responsible for the
8 management of fish and game resources and public use of fish and
9 wildlife in the Goodpaster Public Use Area consistent with the pur-
10 poses of AS 41.23.140. Nothing in AS 41.23.140 - 41.23.170 prohibits
11 the Department of Fish and Game from engaging in protection and main-
12 tenance of the fish and wildlife habitat within an area described in
13 AS 41.23.170. The Department of Public Safety and the Department of
14 Fish and Game shall have necessary access for fish and game manage-
15 ment, research, and enforcement purposes.

16 (c) The state may not acquire by eminent domain privately-owned
17 land for inclusion in the Goodpaster Public Use Area but may acquire
18 privately-owned land lying within the boundaries of the Goodpaster
19 Public Use Area by purchase, exchange, or otherwise.

20 (d) Subject to valid existing rights, the commissioner may not
21 dispose of the surface estate in state land within the Goodpaster
22 Public Use Area.

23 (e) The state or a municipality may not construct a road, trail,
24 or highway within the Goodpaster Public Use Area.

25 (f) The commissioner may not dispose of timber commercially
26 under AS 38.05.110 - 38.05.120, AS 41.15, or AS 41.17 within the
27 Goodpaster Public Use Area. The commissioner may permit the harvest-
28 ing of timber for personal use.

29 (g) The commissioner may not manage the Goodpaster Public Use

1 Area as a unit of the state park system.

2 Sec. 41.23.160. INCOMPATIBLE USES. (a) Except as provided in
3 this section, the commissioner may prohibit or restrict incompatible
4 uses under the management plan adopted under AS 41.23.150 within the
5 state-owned land and water described in AS 41.23.170.

6 (b) The commissioner may not restrict lawful sport and subsis-
7 tence fishing, hunting, or trapping rights allowed under a regulation
8 of the Board of Fisheries or the Board of Game within the Goodpaster
9 Public Use Area.

10 (c) The Goodpaster Public Use Area shall be open to mineral
11 entry under AS 38.05.185 - 38.05.275, and the commissioner may adopt
12 regulations to achieve the purposes specified in AS 41.23.140. A
13 valid existing right or permit remains valid and continues in full
14 force and effect according to its terms. Exploration, development,
15 and extraction of subsurface resources shall be allowed in a manner
16 that is compatible with the purposes specified in AS 41.23.140(1) -
17 (4).

18 (d) The commissioner shall allow traditional access to the
19 Goodpaster Public Use Area by motorized or nonmotorized means of
20 transportation to private land, interests in private land, and for
21 lawful sport and subsistence hunting, fishing, trapping, mining, and
22 recreational purposes in a manner that is compatible with purposes
23 specified in AS 41.23.140(1) - (4).

24 (e) If the commissioner determines that a use is incompatible
25 with one or more other uses in a portion of the Goodpaster Public Use
26 Area, the commissioner shall state in the management plan adopted or
27 revised under AS 41.23.150

28 (1) each determination of incompatibility;

29 (2) the specific area where the incompatibility is

1 determined to exist;

2 (3) the time within which the incompatibility is determined
3 to exist; and

4 (4) the reasons for each determination of incompatibility.

5 Sec. 41.23.170. GOODPASTER PUBLIC USE AREA. The vacant and
6 unappropriated state-owned land and water and the state land and water
7 acquired in the future that lie within the boundaries described in
8 this section are designated as the Goodpaster Public Use Area, are
9 reserved for all uses compatible with their primary function as public
10 use land, and are assigned to the department for control and manage-
11 ment:

12 Township 5 South, Range 14 East, Fairbanks Meridian

13 Sections 1 - 4

14 Sections 9 - 16

15 Sections 21 - 28

16 Sections 33 - 35

17 Township 5 South, Ranges 15 - 18 East, Fairbanks

18 Meridian

19 Sections 1 - 30

20 Township 6 South, Range 13 East, Fairbanks Meridian

21 Section 20: E1/2

22 Sections 21 - 28

23 Section 29: E1/2

24 Sections 31 - 36

25 Township 6 South, Range 14 East, Fairbanks Meridian

26 Sections 2 - 4

27 Sections 9 - 11

28 Sections 14 - 16

29 Sections 19 - 23

1 Sections 26 - 35

2 Township 7 South, Range 13 East, Fairbanks Meridian

3 Township 7 South, Range 14 East, Fairbanks Meridian

4 Sections 3 - 10

5 Sections 15 - 22

6 Sections 27 - 34

7 Township 8 South, Range 10 East, Fairbanks Meridian

8 Section 14

9 Section 15: S1/2

10 Sections 16 - 17: Excluding Quartz Lake

11 Sections 20 - 21: Excluding Quartz Lake

12 Sections 22 - 24

13 Sections 25 - 28: North of the Tanana River

14 Section 29: Excluding Quartz Lake

15 Section 33: North of the Tanana River

16 Township 8 South, Range 11 East, Fairbanks Meridian

17 Sections 19 - 21

18 Sections 28 - 30

19 Section 31: North of the Tanana River

20 Sections 32 - 35

21 Township 8 South, Range 12 East, Fairbanks Meridian

22 Sections 11 - 14

23 Sections 23 - 26

24 Sections 35 - 36

25 Township 8 South, Range 13 East, Fairbanks Meridian

26 Sections 1 - 24

27 Sections 27 - 32

28 Township 9 South, Range 11 East, Fairbanks Meridian

29 Sections 1 - 2

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Section 3: N1/2
Section 12
Township 9 South, Range 12 East, Fairbanks Meridian
Sections 1 - 18
Sections 22 - 27
Township 9 South, Range 13 East, Fairbanks Meridian
Sections 4 - 9
Section 10: W1/2
Sections 14 - 23
Section 26: N1/2
Sections 28 - 33.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

March 3, 1989

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

Dear Senator Fahrenkamp:

I wanted to follow up on our meeting in which we discussed the proposed Goodpaster legislation.


The Department of Natural Resources prefers addressing your concerns (e.g., access, timber harvest and land disposal) through a review of the Tanana Basin Area Plan. In that regard, the Department of Natural Resources would commit to the following:

- Immediately open up the Tanana Basin Area Plan for public review and comment.
- Guarantee that the plan review and any subsequent revision or amendments will be completed by November 1, 1990.
- Guarantee that no timber harvest activities, land disposals, access improvements or other actions in the Goodpaster drainage (as defined in the legislation) occur prior to completion of the plan review.
- Guarantee that the plan review will specifically address and reconsider the issue of access, timber harvest and land disposals.

Changes to the existing plan would depend, primarily on the desire and interests expressed by the public during the review period. Assuming that the majority of the public does want to restrict access and prohibit timber harvest and land disposals in the Goodpaster area, the plan would be amended to reflect those desires.

Again, thanks for taking the time to meet with me. Like you, I'm anxious to resolve this issue to everyone's satisfaction. I would be glad to meet with you to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Lennie Gorsuch". The signature is written in dark ink and is positioned above the printed name and title.

Lennie Gorsuch
Commissioner

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kerttula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Hallford
Senator Arliss Sturgulewski
Senator Fred Zhoroff



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

MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

DATE: March 8, 1989

RE: SB 167 An Act establishing the Goodpaster Public Use Area

SB 167 would create a public use area in the Goodpaster River drainage. The Goodpaster River flows into the Tanana River about eight miles north of the Richardson Highway bridge near Delta Junction. The proposed public use area would encompass approximately 970,000 acres.

The language of the bill is similar to existing public use areas such as the Nelchina Public Use Area. Distinctive features of the bill are found in section 41.23.150 subsections (d), (e), and (f) which would prohibit the disposal of land, the construction of roads, and the commercial harvest of timber. All of these activities relate to the primary thrust of the bill: maintaining traditional access.

Access to the Goodpaster River area traditionally has been by motorboat, plane, or winter overland routes. Maintaining this traditional access is important to ensure that the customary uses of the area can continue. Great concern exists among the land holders along the river and other users that a road into the drainage will lead to overuse, threatening fur and game harvesting, fishing, and high value recreation.

Timber

Sections identified in the Tanana Valley Forest Plan for timber harvest, lying in the Goodpaster drainage, would be withdrawn under this bill. The stands identified for exclusion from the forest are a mix of qualities, and in quantities and densities likely unsuitable for commercial harvesting purposes.

Land

With increased itinerant use and the continued development of currently undeveloped holdings, it is likely that the capacity of the river will be strained. Concern of river users would be that future land disposals would certainly lead to overuse and concomitant problems as currently existing on the Salcha River.

Mineral Entry

The intent of the legislation was to allow mineral entry. An amendment has been drafted to make this explicitly clear. The mineral potential is generally low in this area. Nonetheless, the area would be open to mineral entry. No incompatibilities between mining and other uses have arisen to date, and it's not likely that conflicts will arise in the future because of low mineral potential.

Cross references. — For additional definitions, see AS 41.99.900.

Sec. 41.10.150. Short title. [Repealed, § 14 ch 69 SLA 1983.]

Chapter 12. Western Interstate Nuclear Compact.

[Renumbered as AS 41.98.110 — 41.98.150.]

Chapter 15. Forests.

Article

1. Protection of Forested Land (§§ 41.15.010 — 41.15.170)
2. Forest Reserve Fund (§ 41.15.180)
3. Fire Suppression Fund (§§ 41.15.200 — 41.15.240)
4. Haines State Forest Resource Management Area (§§ 41.15.300 — 41.15.330)
5. Miscellaneous Provisions (§ 41.15.900)
6. General Provisions (§ 41.15.930)

Article 1. Protection of Forested Land.

Section

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

Section

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

Collateral references. — 52 Am. Jur. 2d, Logs and Timber, §§ 64-65; 63A Am. Jur. 2d, Public Lands, § 17.

98 C.J.S., Woods and Forests, § 1 et seq. Constitutionality of reforestation or forest conservation legislation. 13 ALR2d 1095.

Constitutionality of fire prevention pro-

visions of forest conservation legislation. 13 ALR2d 1129.

Liability for spread of fire purposely and lawfully kindled. 24 ALR2d 241.

Measure of damages for destruction of or injury to fruit, nut, or other productive trees. 90 ALR3d 800.

Sec. 41.15.010. Intent. It is the intent of AS 41.15.010 — 41.15.170 to provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality. (§ 1 ch 138 SLA 1961; am § 1 ch 88 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section, which formerly read "It is the intent of AS 41.15.010 — 41.15.170 to provide protection for the timber resources and watersheds on all land in the state."

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

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

(b) The commissioner may hire emergency fire-fighting personnel, and shall establish classifications and rates of pay for the emergency fire-fighting personnel consistent with the compensation paid by other fire-fighting agencies. The commissioner may adjust the classifications and rates based on findings of the federal Bureau of Land Management for Alaska. (§ 2 ch 138 SLA 1961; am § 1 ch 100 SLA 1976; am § 2 ch 88 SLA 1984)

Effect of amendments. — The 1984 amendment deleted "up to a total of 30,000 man-hours each year" preceding "and shall establish" in the first sentence in subsection (b).

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

Cross references. — 35 Am. Jur. § 2. Constitutionalality of fire prevention provisions of forest conservation legislation. 13 ALR2d 1129.

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

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

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

Sec. 41.15.080. Equipment and notice required. Every conveyance operated through or above forested land shall be equipped at all times in each compartment with a suitable receptacle for the disposition or reception of burning material mentioned in AS 41.15.070. Every owner or operator of a public conveyance operated through or above forested land shall post and keep displayed at all times a copy of AS 41.15.050 -- 41.15.080 and 41.15.140 in a conspicuous place within the smoking compartment of the conveyance. Every person owning or operating a sawmill or logging camp or other commercial plant or operation in forested land shall post and keep displayed at all times a copy of AS 41.15.050 -- 41.15.080 and 41.15.140 in a conspicuous place upon the building or ground of the milling, logging or commercial operation. A person may not deface or destroy the notices required under this section. A violation of this section is a misdemeanor. (§ 5 ch 138 SLA 1961)

Sec. 41.15.090. Building or leaving fires. A person who builds a fire in or near timber, brush, grass or other inflammable material without first clearing the ground immediately around it free from materials which will carry fire or who leaves the fire before totally extinguishing it, is guilty of a misdemeanor. (§ 6 ch 138 SLA 1961)

Sec. 41.15.100. Setting fires without consent. A person who sets on fire timber, brush, grass or other inflammable material located or growing on land that is not owned, possessed or controlled by the person, without the consent of the owner or lawful occupant of the land, is guilty of a misdemeanor. (§ 7 ch 138 SLA 1961)

Sec. 41.15.110. Uncontrolled spread of fire; leaving fire unattended. (a) A person who knows of a fire or sets a fire on forested land owned, possessed, or controlled by the person, shall exercise due care to prevent the uncontrolled spread of the fire. A person failing to exercise due care which results in spread of the fire and damage to property of another is guilty of a misdemeanor.

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(b) A person who neglects to make every effort possible to extinguish a fire the person knowingly sets on forested land or who leaves such a fire unattended is guilty of a misdemeanor.

(c) In a criminal action brought under this section, the escape of the fire is presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted is sufficient to sustain a conviction. (§ 8 ch 138 SLA 1961; am § 2 ch 179 SLA 1970)

Sec. 41.15.120. Failure to assist in preventing or suppressing fires. If an officer or employee of the United States or the state who is authorized to prevent or suppress fires requests a person to assist in the prevention or suppression of a fire and informs the person of the officer or employee's official status, and the person fails to assist the officer or employee in the performance of duties, the person is guilty of a misdemeanor. (§ 9 ch 138 SLA 1961)

Sec. 41.15.130. Backfires excluded. AS 41.15.010 — 41.15.170 do not apply to the setting of a backfire under the direction of an officer or employee of the United States or the state who is authorized to prevent or suppress fires. (§ 9 ch 138 SLA 1961)

Sec. 41.15.140. Penalty for misdemeanor. A person who is convicted of a misdemeanor under AS 41.15.010 — 41.15.170 is punishable by a fine of not less than \$25 nor more than \$500, or by imprisonment in jail for not less than 10 days nor more than six months, or by both. (§ 10 ch 138 SLA 1961)

Sec. 41.15.150. Malicious or wanton setting of fires. A person who maliciously or wantonly sets on fire timber, brush, grass or other inflammable material located or growing on land that is not owned, possessed or controlled by the person is guilty of a felony and upon conviction is punishable by a fine of not less than \$100 or not more than \$1,000, or by imprisonment for not less than one year nor more than 10 years, or by both. (§ 11 ch 138 SLA 1961)

NOTES TO DECISIONS

Sentence held excessive. — See Smith v. State, Sup. Ct. Op. No. 1121 (File No. 2155), 531 P.2d 1273 (1975).

Sec. 41.15.160. Double damages in civil actions. In addition to the criminal punishment provided for by AS 41.15.010 — 41.15.170, the United States, the state, a municipality, or any person may recover in a civil action double the amount of damages sustained as a consequence of a violation of AS 41.15.010 — 41.15.170. In a civil action brought under AS 41.15.010 — 41.15.170 or any other law

relating to the subject matter of AS 41.15.010 — 41.15.170, the escape of a fire is presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted is sufficient to sustain the recovery. (§ 12 ch 138 SLA 1961)

Sec. 41.15.170. Definitions. In AS 41.15.010 — 41.15.170

(1) *[Repealed, § 43 ch 85 SLA 1988.]*

(2) "damages" includes costs incurred in suppressing, controlling or extinguishing a fire;

(3) "forested land" includes all land on which grass, brush, timber and other natural vegetative material grows;

(4) "forest fire" includes the uncontrolled burning of grass, brush, timber and other natural vegetative material. (§ 1 ch 138 SLA 1961; am § 3 ch 179 SLA 1970; am § 43 ch 85 SLA 1988)

Revisor's notes. — In 1983 this section was reorganized to place the terms defined in alphabetical order.

Effect of amendments. — The 1988 amendment repealed former paragraph (1), which defined "commissioner."

Article 2. Forest Reserve Fund.

Section

180. National forest income

Collateral references. — 52 Am. Jur. 2d, Logs and Timber, § 65.

Sec. 41.15.180. National forest income. (a) When the commissioner of administration receives national forest income under 16 U.S.C. 500, the commissioner shall immediately pay to every organized borough in which national forest land is located a share of the income from that forest. A borough's share of income from a national forest shall be proportional to the area of the national forest located within its boundaries. The payments shall be made under an appropriation made for that purpose.

(b) The national forest income paid to an organized borough under this section shall be expended for public schools or roads.

(c) The commissioner shall deposit income from national forest land outside of organized boroughs in the general fund of the state, 25 percent to be used for public schools and 75 percent for roads. (§ 47 5-1 ACLA 1949; am § 1 ch 106 SLA 1965; am § 1 ch 32 SLA 1969)

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PUBLIC RESOURCES

§ 41.15.240

Article 3. Fire Suppression Fund.

Section

200. Statement of purpose
210. Fire suppression fund
220. Composition of fund

Section

230. Disbursement
240. Records of fire suppression fund

Collateral references. — 35 Am. Jur.
2d, Fires, §§ 1-4.
36A C.J.S., Fires, §§ 15, 16.

Constitutionality of fire prevention pro-
visions of forest conservation legislation.
13 ALR2d 1129.

Sec. 41.15.200. Statement of purpose. The purpose of AS 41.15.200 — 41.15.230 is to provide a readily available fund for the payment of expenses incurred by the Department of Natural Resources in suppressing fires. (§ 1 ch 10 SLA 1978)

Sec. 41.15.210. Fire suppression fund. A fire suppression fund is established in the state treasury for the use of the Department of Natural Resources. The fund shall be used for actual expenses incurred in the suppression of fires. The fund may not be used for capital expenditures. (§ 1 ch 10 SLA 1978; am § 1 ch 30 SLA 1982)

Sec. 41.15.220. Composition of fund. The legislature may appropriate from the following sources to the fire suppression fund:

(1) money received in settlement of a claim or loss caused by damage as a consequence of a violation of AS 41.15.010 — 41.15.170;

(2) money received from federal, state, or other governmental unit, or from a private donor for actual fire suppression work;

(3) money received from other sources as the legislature may consider appropriate and necessary to satisfy the purpose of the fund. (§ 1 ch 10 SLA 1978)

Sec. 41.15.230. Disbursement. Upon authorization of the governor, disbursements from the fire suppression fund shall be paid by the proper state officer on presentation of vouchers signed by the governor or the governor's authorized representative. (§ 1 ch 10 SLA 1978)

Sec. 41.15.240. Records of fire suppression fund. The Department of Natural Resources shall maintain accounting records showing the income and expenses of the fire suppression fund. The department shall submit a report on the operation of the fund to the governor and the legislature no later than the 10th day of each regular session of the legislature. (§ 1 ch 10 SLA 1978)

Article 4. Haines State Forest Resource Management Area.

Section	Section
300. Haines State Forest Resource Management Area	320. Management plan and regulations
305. Establishment and boundaries	325. Cooperative management agreements
310. Coordinated management	330. Existing rights
315. Multiple-use management	

Cross references. — For preparation of management plan, see § 4, ch. 95, SLA 1982, in the Temporary and Special Acts.

Sec. 41.15.300. Haines State Forest Resource Management Area. (a) The purpose of AS 41.15.300 — 41.15.330 is to establish the land and water presently owned by the state and all land and water acquired in the future by the state lying within the boundaries described in AS 41.15.305(a) as the Haines State Forest Resource Management Area. The primary purposes for the establishment of the Haines State Forest Resource Management Area are the utilization, perpetuation, conservation, and production of the land and water including but not limited to the use of renewable and nonrenewable resources through multiple-use management and the continuation of other beneficial uses including traditional uses and other recreational activities.

(b) The responsibility for the management, control, development, and maintenance of the Haines State Forest Resource Management Area established under AS 41.15.300 — 41.15.330 is assigned to the Department of Natural Resources. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.500. Renumbered in 1983.

Sec. 41.15.305. Establishment and boundaries. (a) Subject to valid existing rights, the land and water presently owned by the state and all land and water acquired in the future by the state lying within the following described parcels are designated as the Haines State Forest Resource Management Area:

(1) all land encompassed by U.S. Survey 3708, Tracts A, B and C but excluding U.S.M.S. 2206;

(2) that mental health land (MH-153) approved in the state selection letter from the United States Bureau of Land Management dated August 26, 1974, described as follows: Beginning at corner No. 1 of this tract which is common to angle point No. 5 of U.S. Survey 3708, then north 02°13'51" west 52.639 chains along the survey line to corner No. 2 of this tract which is common to angle point No. 6 of U.S.

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Survey 3708, then north 12°01'18" west 13.346 chains to corner No. 3 of this tract which is common to angle point No. 7 of U.S. Survey 3708, then north 53°57'42" west 537.070 chains to corner No. 4 of this tract which is common to angle point No. 7-A of U.S. Survey 3708, then south 0°0'30" east 63.06 chains to corner No. 5 of this tract, then south 53°57'42" east 542.00 chains to corner No. 1 of this tract and angle point No. 5, U.S. Survey 3708, the point of beginning;

- (3) Township 28 South, Range 56 East, Copper River Meridian
Section 29: that portion of the N $\frac{1}{2}$ lying east of U.S.S. 3708
Section 34: NW $\frac{1}{4}$, SE $\frac{1}{4}$;
- (4) Township 28 South, Range 57 East, Copper River Meridian;
- (5) Township 28 South, Range 58 East, Copper River Meridian;
- (6) Township 29 South, Range 57 East, Copper River Meridian
Section 36: that portion of Lots 1, 5, 6, and 10 lying east of U.S.S. 3708;
- (7) Township 29 South, Range 58 East, Copper River Meridian;
- (8) Township 29 South, Range 59 East, Copper River Meridian;
- (9) Township 29 South, Range 60 East, Copper River Meridian
Sections 19 — 36;
- (10) Township 29 South, Range 61 East, Copper River Meridian
Sections 19 — 36;
- (11) Township 29 South, Range 62 East, Copper River Meridian
Sections 19 and 20
Sections 29 — 32;
- (12) Township 30 South, Range 57 East, Copper River Meridian
Section 1: that portion of Lot 1 lying east of U.S.S. 3708;
- (13) Township 30 South, Range 58 East, Copper River Meridian
That portion lying east and south of U.S.S. 3708;
- (14) Township 30 South, Range 59 East, Copper River Meridian
Sections 1 — 10
Section 12
Sections 14 — 23
Section 27: that portion lying west of the Haines Corporation
boundary
Sections 28 — 31
Section 33;
- (15) Township 30 South, Range 60 East, Copper River Meridian;
- (16) Township 30 South, Range 61 East, Copper River Meridian;
- (17) Township 30 South, Range 62 East, Copper River Meridian
Sections 5 — 8
Sections 17 — 20
Sections 29 — 32;
- (18) Township 31 South, Range 58 East, Copper River Meridian;
- (19) Township 31 South, Range 59 East, Copper River Meridian
Sections 6 — 8
Sections 16 — 22

- Sections 27 — 34;
(20) Township 31 South, Range 60 East, Copper River Meridian
Sections 1 — 4
Sections 9 — 15
Sections 22 — 24
Sections 35 and 36;
(21) Township 31 South, Range 61 East, Copper River Meridian
Sections 1 — 30;
(22) Township 31 South, Range 62 East, Copper River Meridian
Sections 5 — 8
Sections 17 — 20
Sections 31 and 32;
(23) Township 32 South, Range 59 East, Copper River Meridian
Sections 3 — 33
Sections 34 — 36: that portion lying north of the Tongass National Forest boundary.

(b) Private land, University of Alaska grant land, existing transportation corridors, and borough selections within the Haines State Forest Resource Management Area are excluded from the Haines State Forest Resource Management Area. The commissioner of natural resources may not acquire private land or University of Alaska grant land located within the Haines State Forest Resource Management Area by eminent domain for any purpose.

(c) Approved or pending Native allotment applications located partially or completely within the Haines State Forest Resource Management Area are not adversely affected by the establishment of the Haines State Forest Resource Management Area and all approved allotments and all pending allotments shall be treated as private land. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.510 (c). Renumbered in 1983.

Sec. 41.15.310. Coordinated management. (a) The division of forestry shall consult with the division of parks, the Department of Fish and Game, including each local fish and game advisory committee with jurisdiction in the area, and the Alaska Chilkat Bald Eagle Preserve Advisory Council to promote effective, efficient, and coordinated administration of the Haines State Forest Resource Management Area and the Alaska Chilkat Bald Eagle Preserve for the values for which each is established.

(b) Resource studies undertaken by the Department of Natural Resources shall be designed to benefit the management and administration of the Haines State Forest Resource Management Area and the Alaska Chilkat Bald Eagle Preserve. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS
41.15.510(d), (e). Renumbered in 1983.

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Sec. 41.15.315. Multiple-use management. (a) The Haines State Forest Resource Management Area shall be managed under the principles of multiple use and sustained yield, under AS 41.17, and under a management plan prepared by the Department of Natural Resources. The plan may not be adopted or revised without prior review by the Board of Forestry or without a public hearing held in Haines and Klukwan.

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(b) The Department of Fish and Game is responsible for the management of fish and game resources in the Haines State Forest Resource Management Area under applicable law and in a manner consistent with AS 41.15.300 — 41.15.330 except that an opportunity for continued traditional use of the Haines State Forest Resource Management Area at levels and by traditional methods and means is guaranteed. The traditionally compatible uses include but are not limited to fishing, hunting, trapping, berry picking, subsistence, and recreational uses, operation of motorized vehicles, and the harvest of personal-use firewood.

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(c) The control of highway access within the Haines State Forest Resource Management Area is the responsibility of the Department of Natural Resources except that the Department of Transportation and Public Facilities is responsible for the repair and maintenance of public roads in the Haines State Forest Resource Management Area.

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(d) The state land and water described in AS 41.15.305(a) are closed to sale under state land disposal laws. The commissioner of natural resources may lease the land described in AS 41.15.305(a) under AS 38.05.070 — 38.05.105 for a purpose consistent with AS 41.15.300(a) and a municipality may select land in the Haines State Forest Resource Management Area under law. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS
41.15.520(a), (d)-(f). Renumbered in 1983.

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Sec. 41.15.320. Management plan and regulations. (a) A copy of a management plan and any revision to it prepared by the Department of Natural Resources, reviewed by the Board of Forestry and adopted by the department after public hearings required under AS 41.15.315(a) shall be provided to the legislature within 30 days of its adoption or revision or within the first 10 days of the first session of the legislature to convene after its adoption or revision.

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(b) The Department of Natural Resources shall periodically review and revise the management plan adopted for the Haines State Forest Resources Management Area under AS 41.15.315(a). The management plan should be based on a current operational level inventory

completed within the last 10 years and revised as future inventory information becomes available to the department.

(c) The Department of Natural Resources shall consult with the Department of Fish and Game and the governing bodies of each municipality in the general area during preparation of a management plan under AS 41.15.315(a) and subsection (b) of this section during formulation of regulations governing the use of the Haines State Forest Resource Management Area. The Department of Fish and Game shall consult with the Department of Natural Resources and local fish and game advisory committees before adopting regulations governing fish and wildlife management in the Haines State Forest Resource Management Area. Regulations may not be adopted by either department without prior review at a public hearing in Haines and Klukwan. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.520(b), (c), (g). Renumbered in 1983.

Sec. 41.15.325. Cooperative management agreements. The Department of Natural Resources may enter into cooperative management agreements with a person who holds title to or has a valid entry on land within or adjoining the boundaries of the Haines State Forest Resource Management Area. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.520(h). Renumbered in 1983.

Sec. 41.15.330. Existing rights. The establishment of the Haines State Forest Resource Management Area has no effect on the terms and conditions of an existing permit or contract involving use of the land, water, or other resources of the Haines State Forest Resource Management Area. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.510(f). Renumbered in 1983.

Article 5. Miscellaneous Provisions.

Section

900. Observance of Arbor Day

Collateral references. — 52 Am. Jur. 2d, Logs and Timber, §§ 64, 65.
98 C.J.S., Woods and Forests, § 1 et seq.

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§ 41.15.900

PUBLIC RESOURCES

§ 41.15.950

Sec. 41.15.900. Observance of Arbor Day. To increase public awareness of the vital importance of the conservation and propagation of trees and forests to the everyday life of the citizens of Alaska, the third Monday in May of each year is designated "Arbor Day." It shall be observed by appropriate school assemblies and programs and shall be the occasion for other suitable observances and exercises by civic groups and the public in general. (§ 1 ch 11 SLA 1966; am § 1 ch 15 SLA 1973)

Revisor's notes. — Formerly AS
41.15.400. Renumbered in 1983.

Article 6. General Provisions.

Section

950. Enforcement authority

Sec. 41.15.950. Enforcement authority. (a) The following persons are peace officers of the state and they shall enforce the provisions of this chapter and the regulations adopted under this chapter:

(1) solely for the purpose of enforcing this chapter, an employee of the Department of Natural Resources, or other person, authorized by the commissioner;

(2) a police officer in the state.

(b) A person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,

(1) execute a warrant or other process issued by an officer or court of competent jurisdiction;

(2) administer or take an oath, affirmation or affidavit; and

(3) arrest a person who violates a provision of this chapter or a regulation adopted under this chapter. (§ 4 ch 179 SLA 1970)

Revisor's notes. — Formerly AS
41.15.700. Renumbered in 1983.

Chapter 17. Forest Resources and Practices.

Article

1. Administration and Management (§§ 41.17.010 — 41.17.110)
2. Enforcement (§§ 41.17.120 — 41.17.143)
3. State Forest System (§§ 41.17.200 — 41.17.230)
4. State Land Reforestation (§§ 41.17.300 — 41.17.320)
5. Tanana Valley State Forest (§ 41.17.400)
6. General Provisions (§§ 41.17.900 — 41.17.950)

seems appropriate for resolution by the adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not

compelled under the various pieces of authorizing legislation. April 20, 1981 Op. Att'y Gen.

The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981 Op. Att'y Gen.

Sec. 41.17.030. Responsibilities of division. (a) The division shall manage state forests and, as directed by the commissioner, provide technical advice to the division of lands on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of this chapter or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally. (§ 1 ch 108 SLA 1978)

Sec. 41.17.041. Board of forestry. (a) The Board of Forestry is established in the Department of Natural Resources, division of forestry.

(b) The board is composed of 14 members appointed by the governor from nominations submitted from the groups listed in (c) of this section. The board shall elect its own presiding officer.

(c) Seats on the board shall be allocated as follows:

- (1) the state forester ex officio has one seat;
- (2) a nominee of the regional forester, United States Forest Service has one seat;
- (3) a nominee of the Society of American Foresters has one seat;
- (4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;
- (5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;
- (6) a nominee of an Alaskan environmental group has one seat;
- (7) a nominee of the Alaska Coastal Management Council has one seat;
- (8) a nominee of unions engaged in processing forest products has one seat;
- (9) a nominee of the United Fishermen of Alaska has one seat;
- (10) a nominee of the Alaska Miners' Association has one seat; and
- (11) a member from the public at large has one seat.

(d) Each group entitled to make nominations under (c) of this section shall submit three names to the governor for the vacancy on the board it is entitled to make nominations for.

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(e) Members of the board, except the state forester, do not serve at the pleasure of the governor. (§ 1 ch 108 SLA 1978; am § 87 ch 59 SLA 1982)

Revisor's notes. — Formerly AS 41.17.040(a)-(d), (g). Renumbered in 1983.

Sec. 41.17.043. Terms of office. The term of office of a member of the board is three years. The state forester serves an indefinite term, ex officio. (§ 1 ch 108 SLA 1978; am § 32 ch 85 SLA 1988)

Revisor's notes. — Formerly AS 41.17.040(e). Renumbered in 1983.

Effect of amendments. — The 1988 amendment deleted "the governor shall make the initial appointments to the

board in such a way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982" at the end of the first sentence.

Sec. 41.17.045. Removal of members. (a) The governor may initiate the removal of a board member for inefficiency, neglect of duty, or misconduct in office by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or by counsel at a public hearing before the governor or the governor's designee on at least 10 days' written notice by registered mail. The member has a right of confrontation and cross-examination of witnesses testifying.

(b) The removal is effective 15 days after the governor files a complete statement of all charges made against the member and the findings on those charges, in the main office of the board, except that a member may appeal the findings to the superior court. The court shall limit its review to a determination of whether the findings on the charges are substantiated by the evidence presented. The removal is suspended for any period of time during which an appeal from the findings of the governor or the governor's designee is pending. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.040(h). Renumbered and reorganized into two subsections in 1983.

Sec. 41.17.047. Powers and duties of board. The board shall review and comment to the commissioner on regulations proposed for adoption under this chapter. The board shall also report to the legislature its recommendations for changes in the provisions of this chapter and its comments on the regulations adopted by the commissioner under this chapter. It may also review and advise the legislature on the activities of the division. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.040(f). Renumbered in 1983.

Sec. 41.17.055. Powers and duties of the commissioner.

(a) The commissioner may designate and operate experimental and research forests on state land consistent with the limitations of AS 38.05.300. Laboratories and other facilities may be employed in conjunction with those forests.

(b) The commissioner may establish and maintain forest vegetation nurseries and greenhouses for planting stock to be made available, with or without charge, to organizations, institutions, government agencies, individuals, and businesses for reforestation, afforestation, and related purposes.

(c) The commissioner is authorized to undertake cooperative forestry programs, extension services and education programs, and to otherwise offer a full range of professional management services to the interested public. When the commissioner considers it beneficial, the commissioner may participate in federal assistance programs by accepting assistance in whatever form offered.

(d) The commissioner may develop proposed regulations under this chapter as part of the state program for control of nonpoint source pollution under the Federal Water Pollution Control Act, as amended, and shall seek to enter into a cooperative agreement with the commissioner of environmental conservation for that purpose. However, the Department of Environmental Conservation is the lead agency for water quality and control of nonpoint source pollution under that Act, and the regulations and cooperative agreement are therefore subject to the advance approval of the commissioner of environmental conservation.

(e) In the administration of this chapter, the commissioner shall consult with and draw upon the expertise of interested organizations, enterprises, individuals, government agencies, educational institutions, and landowners. The commissioner may enter into cooperative agreements and contracts with them to carry out this chapter.

(f) The commissioner shall locate department personnel with forestry expertise throughout the state to facilitate public access to professional management services and other forest resources programs.

(g) The commissioner may take other actions necessary and proper for the administration of this chapter, including the adoption of regulations under the Administrative Procedure Act (AS 44.62) and AS 41.17.047. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.020(d)-(i), (k). Renumbered in 1983.

Opinions of attorney general. — The adoption of forest practices regulations by the Department of Natural Resources in

11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981 Op. Att'y Gen.

Sec. 41.17.060. Regulatory and administrative standards.

(a) All regulations, administrative actions, and other activities and duties undertaken under this chapter shall be in full accordance with the standards set out in this section.

(b) With respect to state, municipal, and private forest land, the following standards apply:

(1) to the maximum extent possible, all applicable data and information of applicable disciplines shall be updated and used in making decisions relative to the management of forest resources;

(2) environmentally sensitive areas and best management practices shall be recognized in the implementation of any nonpoint source pollution control measures authorized under this chapter;

(3) administration of forest land shall consider marketing conditions and other economic constraints affecting the forest landowner, timber owner, or the operator;

(4) to the fullest extent practicable, harvested forest land shall be reforested, naturally or artificially, so as to result in a sustained yield of merchantable timber from that land; if artificial planting is required, silviculturally acceptable seedlings must first be available for planting at an economically fair price in the state.

(c) With respect to state and municipal forest land only, the following standards also apply:

(1) forest land shall be administered for the multiple use of the renewable and nonrenewable resources and for the sustained yield of the renewable resources of the land in the manner which best provides for the present needs and preserves the future options of the people of the state;

(2) any system of allocating predominant uses or values to particular units within a contiguous area of land shall reflect in reasonable proportion the various resources and values present in that area;

(3) to the extent its capacity permits, forest land shall be administered so as to provide for the continuation of businesses, activities, and lifestyles which are dependent upon or derived from forest resources;

(4) timber harvesting is limited to areas where data and information demonstrate that natural or artificial reforestation techniques will result in the production of a sustained yield of merchantable timber from that area;

(5) there may not be any significant impairment of the productivity of the land and water with respect to renewable resources; and

(6) where economically practicable, allowance may be made for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry. (§ 1 ch 108 SLA 1978)

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NOTES TO DECISIONS

Applied in *Southeast Alaska Conservation Council, Inc. v. State*, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

Sec. 41.17.070. Administrative plan and report. (a) The commissioner shall develop and continually maintain a long-range plan for the administration of this chapter which demonstrates that the provisions of AS 41.17.010 are being recognized and that the standards of AS 41.17.060 are being met. The commissioner shall maintain a current inventory or assessment of timber on forest land to assist in meeting the requirements of this section.

(b) On December 31, 1980, and at two-year intervals after that date, the commissioner shall submit a detailed report to the legislature reviewing the administration of this chapter over the preceding two years, demonstrating compliance with (a) of this section, and describing how the plan will affect the welfare of the forest products industry and other activities and pursuits derived from or affected by forest resources.

(c) [Repealed, § 108 ch 6 SLA 1984.]

(d) [Repealed, § 108 ch 6 SLA 1984.] (§ 1 ch 108 SLA 1978; am § 108 ch 6 SLA 1984)

Effect of amendments. — The 1984 amendment repealed former subsections (c) and (d), relating to the report and recommendations submitted on December 31, 1980.

Sec. 41.17.080. Regulations. (a) The commissioner may adopt regulations under the Administrative Procedure Act (AS 44.62) and AS 41.17.047 governing operations on forest land with respect to the following:

- (1) harvesting and removal from the site of timber and tree products;
- (2) reforestation, revegetation, and prescribed burning;
- (3) brush, slash, and debris, and salvage of trees;
- (4) soil erosion and wasting;
- (5) fire and flood hazards;
- (6) prevention and control of disease and insect infestation.

(b) The commissioner may establish regions, districts, or other subdivisions of forest land in the state in which different regulations apply to reflect varying conditions in the state, or to facilitate administration.

(c) The commissioner shall adopt only those regulations necessary to accomplish the purposes of this chapter, and shall avoid those which increase operating costs without yielding significant benefits. (§ 1 ch 108 SLA 1978)

Revisor's notes. — As enacted, subsections (b) and (c) were subsections (c) and (d), respectively. Former subsection (b) was renumbered as AS 41.17.085 in 1983 and the remaining subsections were redesignated.

Sec. 41.17.085. Permit applications. (a) An operator may apply through the commissioner for permits required by other state agencies to operate on forest land, which applications may be forwarded to the commissioner of environmental conservation for procedures under AS 46.35. The commissioner shall notify the operator of the action taken.

(b) Where practicable and desirable, the commissioner may enter into cooperative agreements with federal agencies authorizing the department to serve as a collection point for federal permit applications. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.080(b). Renumbered and reorganized in 1983.

Sec. 41.17.090. Notification and review of operations.

(a) Operations on forest land shall be reviewed under this section for consistency with the policies and provisions of this chapter and regulations adopted under this chapter.

(b) The commissioner shall make full use of professional management services and other educational and assistance programs of the department to encourage early contact between operators and the state and to minimize reliance on this section as a principal means of achieving the purposes of this chapter.

(c) Before operating on forest land, an operator shall give notification to the commissioner consisting of

- (1) a brief written description of the proposed operation;
- (2) a USGS map of the largest available scale showing the location of all proposed activities;
- (3) proposed measures for soil conservation and reforestation; and
- (4) evidence that the landowner and timber owner, if different from the operator, have approved the proposed operation.

(d) Within five days after receipt, the commissioner shall distribute the notification materials to affected state agencies. The agencies shall make their recommendations within 20 days after receiving the materials.

(e) Within 30 days of receipt of a notification under (c) of this section, the commissioner may inspect the proposed operation to ensure that the proposed operation is in accord with the standards established by this chapter.

(f) The operator may legally commence operations upon the expiration of the 30-day period or upon notice from the commissioner that the inspection has been completed, whichever occurs first. Whether or not an inspection is conducted, the operator is liable for a violation of this chapter or other violation of law.

(g) An operator shall notify the commissioner of a proposed substantial change in operations by following the procedure specified in (c) — (d) of this section.

(h) Information and paperwork required of the operator under this section shall be limited to that necessary to accomplish the purposes of this section. Site examinations, including an interdisciplinary review, may be undertaken by the commissioner.

(i) The commissioner may limit the review process under this section to 10 days where such action is immediately necessary for the preservation of the public peace, health, safety or general welfare, and is undertaken in concert with affected agencies.

(j) [*Repealed, § 109 ch 6 SLA 1984.*] (§ 1 ch 108 SLA 1978; am § 109 ch 6 SLA 1984)

Effect of amendments. — The 1984 (j), relating to operations which began before amendment repealed former subsection fore January 1, 1979.

Sec. 41.17.100. Deployment of broadcast chemicals. The commissioner of environmental conservation, in consultation with the commissioner, shall formulate necessary plans and measures to ensure that application of broadcast chemicals and other substances foreign to the state's forest ecosystem do not lead to results contrary to the objectives and provisions of this chapter and other applicable laws and regulations relating to renewable resources. Regulations adopted by the commissioner of environmental conservation may include requirements for advance testing, posting of security, written reports, and other matters. (§ 1 ch 108 SLA 1978)

Sec. 41.17.110. Conversion of forest land to other uses. An intention to convert forest land to other uses after timber harvesting may be stated in the notification submitted under AS 41.17.090. In that event, reforestation requirements adopted under this chapter do not apply, except that conversion shall be completed during the time set by regulation for minimum reforestation of the land, and other requirements for revegetation may be imposed to the extent permitted by law. If the commissioner finds at any time that the responsible party has failed to conform to the intent to convert as stated in the notification, the commissioner shall revoke approval of the conversion and require full compliance with reforestation requirements. (§ 1 ch 108 SLA 1978)

Article 2. Enforcement.

Section

- 120. Inspections and investigations
- 131. Prohibitions and penalty
- 133. Notice and hearing; final orders
- 135. Civil fines

Section

- 137. Temporary orders
- 139. Procedures
- 141. Enforcement of orders
- 143. Appeals and judicial review

Sec. 41.17.120. Inspections and investigations. The commissioner may inspect and investigate forest land and activities on it and may enter upon it in conjunction with any operations as necessary to ensure compliance with applicable regulations and requirements and to otherwise enforce the provisions of this chapter. Other state agencies have this same authority to the extent necessary to enforce their own laws and regulations on forest land. Those agencies and the commissioner shall coordinate their actions under this section. (§ 1 ch 108 SLA 1978)

Sec. 41.17.131. Prohibitions and penalty. (a) A person may not violate or permit a violation of a provision of this chapter, a regulation adopted under this chapter, or a term or condition of any approval granted under AS 41.17.090 — 41.17.110.

(b) A person who commits a violation is liable for a civil fine to be assessed by the commissioner not to exceed \$10,000. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.130(a). Renumbered and reorganized in 1983.

Sec. 41.17.133. Notice and hearing; final orders. (a) If an investigation discloses probable cause to believe a violation has occurred, the commissioner shall serve upon the alleged violator, referred to in AS 41.17.133, 41.17.141 as the "respondent," written notice and a formal complaint that describes the alleged violation and requires the respondent to answer the charges at a hearing not more than 10 days thereafter. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. The notice must also describe any damage that has occurred or might occur as a result of the violation. At the hearing, the state shall show by clear and convincing evidence that the respondent has caused or permitted a violation described in AS 41.17.131.

(b) Within 10 days after the hearing, or upon nonappearance of the respondent, the hearing officer shall enter a final order. The order shall be based on the evidence presented at the hearing, and shall be accompanied by a written opinion stating the reasons for the decision. The commissioner shall immediately notify the respondent of the order by registered mail. The order may include:

- (1) a directive to stop the violation;
- (2) the imposition of a civil fine under AS 41.17.131, which is payable immediately;
- (3) a directive to repair damages;
- (4) a finding that the charges are wholly or partially unjustified; or
- (5) a combination of (1) — (4) of this subsection. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.130(b) and (c). Renumbered in 1983.

Sec. 41.17.135. Civil fines. In determining the amount of any civil fine imposed, the following shall be considered, as appropriate:

- (1) the character and degree of injury to forest resources and values;
- (2) the degree of intent or negligence of the respondent in causing or permitting the violation;
- (3) the character and number of past violations caused or permitted by the respondent; and
- (4) if the information is available, the net economic savings realized by the respondent through the violation described in AS 41.17.131. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.130(d). Renumbered in 1983.

Sec. 41.17.137. Temporary orders. (a) If the commissioner finds that a violation described in AS 41.17.131 has occurred and that continuation of the violation or failure to repair damage would likely result in irreversible or irretrievable damage to the forest resources or values affected, and it would be prejudicial to the welfare of the state to delay action pending a hearing, the commissioner may, without prior hearing, issue a temporary order in addition to the documents required by AS 41.17.133(a) requiring the respondent to stop the violation or repair damage or both.

(b) The order remains in effect for 21 days unless a final order is issued earlier; an extension of time granted under AS 41.17.133(a) extends the order issued under this section until the hearing officer issues a final order under AS 41.17.133(b). Proceedings in conjunction with the alleged violation must otherwise be the same. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.130(e). Renumbered and reorganized in 1983.

Sec. 41.17.139. Procedures. (a) Unless otherwise specified, proceedings under AS 41.17.131 — 41.17.139 are not subject to the Administrative Procedure Act (AS 44.62). A hearing under AS 41.17.131 — 41.17.139 shall be held before a hearing officer, appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter. A person who has assisted in the preparation of the state's case or who is a state employee is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence which appears to be reliable and trustworthy. All hearings shall be open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena under AS 44.62.430, offer testimony or other evidence, and cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to ensure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented. Hearings shall be held as close as practicable to the location of the alleged violation. Testimony given at the hearing shall be recorded.

(b) If the respondent notifies the commissioner within five days before the hearing provided for in (a) of this section, the following rules and procedures apply to the hearing:

(1) the hearing shall be a nonadversary proceeding, with the hearing officer fully and impartially representing the interests of the state and the respondent;

(2) the hearing officer shall thoroughly investigate the facts and circumstances relating to the alleged violation, including taking testimony from appropriate persons, collecting and examining documents and other evidence, and performing other actions consistent with due process of law;

(3) issue a decision in accordance with the applicable procedures of (a) of this section. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.130(h). Renumbered in 1983.

Sec. 41.17.141. Enforcement of orders. (a) If a person fails to comply with an order issued under AS 41.17.133(b) or 41.17.137, the attorney general, at the request of the commissioner, may seek an injunction suspending all or part of the operations being conducted by the respondent until the respondent complies with the order. If the order directs the respondent to repair damage, the commissioner may proceed with department staff or contractors to repair the damage, and the respondent is liable for the cost of the repair after delivery by the commissioner of an itemized statement of expenses incurred.

(b) All orders issued under AS 41.17.131 — 41.17.141 are enforceable by injunction, attachment, garnishment, or other appropriate remedy. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.130(f) and (g). Renumbered in 1983.

Sec. 41.17.143. Appeals and judicial review. (a) An administrative action of the department under this chapter, except actions under AS 41.17.131 — 41.17.141 and except for adoption of regulations, may be appealed to the commissioner within 30 days after it is taken. The commissioner shall hold a hearing, at which all substantial issues shall be considered, within 15 days after an appeal is filed. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. Within 10 days after conclusion of the hearing, the commissioner shall issue a written decision based upon the evidence, which shall be provided to the appellant. The commissioner may delegate duties, in whole or in part, under this subsection to a hearing officer appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter.

(b) A final decision under (a) of this section or a final order under AS 41.17.133 may be appealed to the superior court within 30 days after it is issued. Judicial review shall be as provided in AS 44.62.560 and 44.62.570.

(c) A temporary order issued under AS 41.17.137 may be immediately appealed to the superior court as to its propriety. (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.140. Renumbered in 1983.

NOTES TO DECISIONS

Quoted in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

Article 3. State Forest System.

Section
200. State forest purposes
210. State forests

Section
220. Management of state forests
230. Management plans

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Sec. 41.17.200. State forest purposes. The purpose of AS 41.17.200 — 41.17.230 is to permit the establishment of designated state-owned or acquired land and water areas as state forests. The primary purpose in the establishment of state forests is the perpetuation of personal, commercial, and other beneficial uses of resources through multiple-use management. (§ 1 ch 91 SLA 1983)

Sec. 41.17.210. State forests. (a) The governor may propose to the legislature the establishment of state forests consisting primarily of commercially valuable forest land determined by the governor to be necessary for retention in state ownership for management under the principles of multiple use and sustained yield and consistent with AS 38.04.005. The proposal of the governor shall include a report and recommendations of the commissioner including

- (1) a preliminary forest inventory;
- (2) a summary of the testimony offered at public hearings held on the management of the proposed state forest in communities proximately located to a proposed state forest;
- (3) the findings of the commissioner on anticipated incompatibilities of uses described in AS 41.17.230(e) under AS 41.17.230(f);
- (4) written comments from appropriate state agencies on the compatibility of the uses described in AS 41.17.230(e) within the proposed state forest;
- (5) an estimate of the cost of a full implementation of an operational level forest inventory and the management plan.

(b) A state forest established by the legislature shall be retained in state ownership. (§ 1 ch 91 SLA 1983)

Sec. 41.17.220. Management of state forests. Land within a state forest or within a unit of a state forest shall be managed under

- (1) the principles of multiple-use and sustained yield;
- (2) this chapter; and
- (3) a management plan prepared by the department. (§ 1 ch 91 SLA 1983)

Sec. 41.17.230. Management plans. (a) The commissioner shall prepare a management plan consistent with AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to assist in meeting the requirements of this chapter. An operational level forest inventory shall be completed before a management plan for the state forest or the unit of a state forest is adopted. The management plan shall be adopted, implemented and maintained within three years of the establishment of a state forest by the legislature.

(b) The commissioner shall review a management plan at least once every five years and may revise the plan when necessary.

(c) A management plan may not be adopted or revised after the establishment of the state forest without prior review by the Board of Forestry and by other appropriate state agencies or without prior public hearings held in a community proximately located to the state forest or to a unit of a state forest.

(d) A copy of a management plan or a revision to a management plan adopted or prepared by the commissioner shall be provided to the legislature within 30 days of its adoption or revision or within the first 10 days of the first regular session of the legislature to convene after its adoption or revision.

(e) The commissioner shall consider and permit the following uses under a management plan prepared under (a) or (b) of this section subject to a determination under (f) of this section:

- (1) commercial timber harvest and related activities;
- (2) harvest of forest products for personal use;
- (3) mining, mining claim, and mineral leasehold location;
- (4) mineral leasing;
- (5) material extraction;
- (6) recreation;
- (7) wildlife and fisheries habitat management including critical habitat management;
- (8) greenbelts;
- (9) trapping and sport and subsistence fishing and hunting;
- (10) grazing;
- (11) watershed management;
- (12) research;
- (13) uses consistent with the policies of AS 38.04.015; and
- (14) other traditional, compatible uses.

(f) A management plan prepared by the commissioner shall consider and permit the uses described in (e) of this section. If the commissioner finds that a permitted use is incompatible with one or more other uses in a portion of a state forest, the commissioner shall affirmatively state in the management plan that finding of incompatibility for the specific area where the incompatibility is anticipated to exist and the time period when the incompatibility is anticipated to exist together with the reasons for each finding. (§ 1 ch 91 SLA 1983)

Article 4. State Land Reforestation.

Section

300. State land reforestation fund

310. Appropriations to state land reforestation fund

Section

320. Report to the legislature

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Sec. 41.17.300. State land reforestation fund. A state land reforestation fund is established in the department. The money in the state land reforestation fund may be used only for the reforestation of state land, including site preparation, seed and seedling acquisition and cultivation, planting, and other reforestation measures, timber stand improvement, and the development of materials and techniques for the reforestation of state land. (§ 2 ch 91 SLA 1983)

Sec. 41.17.310. Appropriations to state land reforestation fund. (a) The state land reforestation fund consists of money appropriated by the legislature and contributions from private donors. It is the intent of the legislature that the appropriations made to the fund equal no less than 25 percent of the revenues from the sale of timber and other forest products from state land as well as the total revenues from

- (1) compensation for loss or damage to land within a state forest; and
- (2) the federal government and other governmental units for reforestation.

(b) Money appropriated to or paid into the state land reforestation fund does not lapse. (§ 2 ch 91 SLA 1983)

Sec. 41.17.320. Report to the legislature. The commissioner shall make an annual report to the legislature within the first 10 days of each session of the legislature on the uses of the money in the state land reforestation fund, the proposed uses of the fund in the following fiscal year, and the balance in the fund. (§ 2 ch 91 SLA 1983)

Article 5. Tanana Valley State Forest.

Section 400. Tanana Valley State Forest

Sec. 41.17.400. Tanana Valley State Forest. (a) Subject to valid existing rights and except for land owned by or transferred to the University of Alaska under a settlement agreement between the state and the university, the state-owned or acquired land and water lying within the parcels described in (d) of this section is designated as the Tanana Valley State Forest.

(b) The commissioner shall prepare a management plan for the Tanana Valley State Forest under AS 41.17.230.

(c) In addition to the uses described in AS 41.17.230(e), the commissioner may establish transportation corridors within the Tanana Valley State Forest.

(d) The Tanana Valley State Forest includes the state-owned or acquired land and water lying within the following described parcels:

Article 6. General Provisions.

Section

900. Applicability

950. Definitions

Sec. 41.17.900. Applicability. (a) Unless otherwise specified, this chapter applies to forest land under state, municipal, or private ownership.

(b) The provisions of this chapter applicable to state land are applicable to forest land under federal ownership to the extent permitted by law.

(c) The commissioner shall exempt by regulation from the provisions of this chapter

(1) minor, small scale, or incidental commercial operations of little significance with respect to the purposes of this chapter; and

(2) operations for primarily noncommercial purposes, including but not limited to the harvesting of timber for personal use.

(d) Notwithstanding any other provision of this chapter, the commissioner may not employ the authority vested by this chapter so as to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for

(1) regulations under the Coastal Management Act; and

(2) regulations, if authorized by the commissioner of environmental conservation, relating to control of nonpoint source pollution. (§ 1 ch 108 SLA 1978)

Reviser's notes. — Subsections (a) — section (d) was formerly AS 41.17.020(j). (c) were formerly AS 41.17.050 and sub- Renumbered in 1983.

Sec. 41.17.950. Definitions. In this chapter, unless the context otherwise requires,

(1) "board" means the Board of Forestry established in AS 41.17.041;

(2) "broadcast chemicals" includes pesticides, herbicides, fungicides, fertilizers, poisons, and any other substances

(A) used for silvicultural management or related purposes;

(B) not native to the ecosystem in which they are being applied; and

(C) having a foreseeable adverse impact on the welfare of renewable resources, as determined by the commissioner of environmental conservation;

(3), (4) [*Repealed, § 43 ch 85 SLA 1988.*]

(5) "division" means the division of forestry;

(6) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for nonforest use, regardless of whether presently available or accessible for commercial

purposes, and includes any such land under state, municipal, or private ownership;

(7) "forest landowner" means a person who owns forest land;

(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;

(9) "operations" means timber harvesting or activities associated with timber harvesting or forest development unless exempted under AS 41.17.900(a)-(c);

(10) "operator" means a person who is engaged in timber harvesting or activities associated with timber harvesting or forest development, or who contracts with others to conduct operations for that person, except a person who is engaged in an operation as an employee with wages or piecework as the sole compensation;

(11) "person" has the meaning given in AS 01.10.060 and also includes a joint venture;

(12) "significant impairment of the productivity of the land and water" means any activity which may foreseeably result in prolonged or substantial damage to renewable resources or prolonged or substantial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels;

(13) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(14) "state forest" means an area which is retained in state ownership in order to

(A) provide a base for sustained yield management of renewable resources; and

(B) permit a variety of beneficial uses;

(15) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does

not require that timber be harvested in a non-declining yield basis over a rotation period; and

(16) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself. (§ 1 ch 108 SLA 1978; am § 88 ch 59 SLA 1982; am § 43 ch 85 SLA 1988)

Revisor's notes. — In 1983 paragraphs (12) — (16) were reorganized to place the terms defined in alphabetical order. Paragraph (11) was rewritten in 1988 to conform to the style of the Alaska Statutes.

Cross references. — For additional

definitions, see AS 41.99.900.

Effect of amendments. — The 1988 amendment repealed former paragraphs (3) and (4), which defined "commissioner" and "department," respectively.

NOTES TO DECISIONS

The "sustained yield principle" as used in Alas. Const. art. VIII, § 4 accords with the definition set forth in AS 38.04.910(10), and the added language in the definition of "sustained yield" in this section that it "does not require that timber be harvested in a nondeclining yield basis over a rotation period"; and it should

be read as permitting timber cutting at a level that cannot be sustained over a forest rotation period only in unusual circumstances. Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

Chapter 20. Parks and Recreational Facilities.

(Renumbered as AS 41.21. See parallel reference table at the front of this pamphlet.)

Chapter 21. Parks and Recreational Facilities.

Article

1. Administration (§§ 41.21.010 — 41.21.040)
2. State Parks (§§ 41.21.110 — 41.21.183)
3. Alaska Marine Parks (§§ 41.21.300 — 41.21.306)
4. State Recreation Areas (§§ 41.21.410 — 41.21.495)
5. Special Management Areas (§§ 41.21.500 — 41.21.514)
6. Alaska Chilkat Bald Eagle Preserve (§§ 41.21.610 — 41.21.630)
7. Roadside Rests, Beaches (§§ 41.21.800 — 41.21.805)
8. Trails, Footpaths and Campsites (§§ 41.21.850 — 41.21.872)
9. Miscellaneous Provisions (§§ 41.21.900 — 41.21.918)
10. General Provisions (§§ 41.21.950 — 41.21.990)

Article 1. Administration.

Section

10. Purpose
20. Duties of Department of Natural Resources
22. Discharge of firearms
25. Zoning of private land within state parks
26. Fees for the use of state park system facilities

Section

27. Concession contracts in the state park system
28. Definitions
30. Disposition of funds
40. Division within department

development actually occurs. The regulations adopted under this section shall ensure that the state receives a fair return from the land.

(b) The provisions of AS 38.05.085(b) are applicable to reappraisals of leases required by this section, except that, in determining an adjusted market value,

(1) subject to the provisions of (c) of this section, changes in property value due to governmental actions, including zoning reclassifications, shall be included; and

(2) changes in property value due to private improvements made to the property or other privately owned or leased property since originally entering into the lease shall be excluded.

(c) Changes or adjustments of annual rent on land under lease and used for single-family residential purposes in an area zoned for commercial or other nonresidential uses shall be based on an adjusted fair market value determined by reference to the actual use of the property and not by reference to the other uses permissible under the zoning ordinance. (§ 7 art V ch 169 SLA 1959; am § 1 ch 44 SLA 1964; am § 8 ch 257 SLA 1976; am § 1 ch 267 SLA 1976; am § 11 ch 138 SLA 1977; am §§ 12, 13 ch 182 SLA 1978)

Revisor's notes. — AS 38.05.105(a) was amended by both § 8, ch. 257, SLA 1976, and § 1, ch. 267, SLA 1976. Since the two amendments appear to be

inconsistent, and ch. 257 is superseded by ch. 267, only the later enactment has been given effect here.

NOTES TO DECISIONS

Applied in *Wessells v. State, Dep't of Hwys.*, Sup. Ct. Op. No. 1402 (File No. 2834), 562 P.2d 1042 (1977).

Quoted in *Alyeska Ski Corp. v. Holdsworth*, Sup. Ct. Op. No. 406 (File No. 620), 426 P.2d 1006 (1967).

Sec. 38.05.107. Compensation relating to easements or rights-of-way across state leases. [Repealed, § 1 ch 203 SLA 1975.]

Article 4. Disposal of Timber and Materials.

Section

- 110. Sale of timber and materials
- 115. Limitations and conditions of sale
- 118. Negotiated timber sales in areas of high unemployment
- 120. Disposal procedure

Sec. 38.05.110. Sale of timber and materials. The commissioner shall provide for cruises of timber and appraisals of other materials in or upon state land and shall assess the supply of and current markets for timber on and other materials in privately owned land in close proximity to state land to determine

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- (1) the timber and other materials that should be offered for sale, and
- (2) the terms of sale of the timber or other materials. (§ 1 art VI ch 169 SLA 1959; am § 31 ch 152 SLA 1984)

Effect of amendments. — The 1984 amendment in the introductory language, substituted "commissioner" for "director" and "state land and shall assess the supply of and current markets for timber on and other materials in privately owned land in

close proximity to state land to determine" for "lands and transmit this data to the commissioner, together with his recommendations with respect to" and substituted "that" for "which" in paragraph (1).

NOTES TO DECISIONS

Cited in Southeast Alaska Conserva- 2662 (File No. 5855), 665 P.2d 544 (1983).
tion Council, Inc. v. State, Sup. Ct. Op. No.

Collateral references. — 63 Am. Jur.
2d, Public Lands, §§ 18, 19.
73A C.J.S., Public Lands, §§ 13 to 16.

Sec. 38.05.115. Limitations and conditions of sale. (a) The commissioner shall determine the timber and other materials to be sold, and the limitations, conditions and terms of sale. The limitations, conditions and terms shall include the utilization, development and maintenance of the sustained yield principle, subject to preference among other beneficial uses. The commissioner may negotiate sales of timber or materials without advertisement and on the limitations, conditions, and terms that are considered to be in the best interests of the state. However, not more than 500 M.B.M. or equivalent other measure of timber or more than 25,000 cubic yards of materials may be sold by nonadvertised, negotiated sale to the same purchaser within a one-year period.

(b) Negotiated sales not exceeding 50 M.B.M. or the equivalent other measure of timber or 2,500 cubic yards of materials are exempt from the provisions of AS 34.15.150.

(c) The limitations of this section are not applicable to timber which becomes state property under the provisions of AS 45.50.210 — 45.50.235. (§ 2 art VI ch 169 SLA 1959; am § 1 ch 66 SLA 1969; am § 9 ch 257 SLA 1976; am §§ 2, 3 ch 73 SLA 1978; am § 32 ch 152 SLA 1984)

Effect of amendments. — The 1984 amendment, in subsection (a), deleted "upon recommendation of the director" following "commissioner" in the first sentence and "subject to the approval of the

commissioner" at the end of the third sentence and substituted "commissioner" for "director" and "that are considered to be" for "which he considers are," also in the third sentence.

NOTES TO DECISIONS

As the federal government consistently endorsed restrictions on interstate shipment of timber from federal lands to protect the local processing capability of isolated areas, there was implicit approval of this section, authorizing the imposition of conditions on the sale of

state-owned timber that were designed to protect local timber processors from the slack in demand for their services during a temporary suspension of federal timber sales from the area national forests. *South-Central Timber Dev., Inc. v. LeResche*, 693 F.2d 890 (9th Cir. 1982).

Sec. 38.05.118. Negotiated timber sales in areas of high unemployment. (a) Notwithstanding any other provision of AS 38.05.110 — 38.05.120, the commissioner may negotiate a sale of timber to a local manufacturer at appraised value. The period of a contract for a sale of timber negotiated under this section may not exceed 25 years. The contract shall provide that the appraised value of timber remaining to be harvested under the provisions of the contract shall be redetermined at least once every five years.

(b) Notice of intent to negotiate a contract authorized by (a) of this section shall be given in accordance with AS 38.05.945.

(c) A sale of timber may not be negotiated by the commissioner under this section except on a finding that, within an area proximate to the business site which the manufacturer may economically serve, there exists

- (1) a high level of local unemployment;
- (2) an underutilized timber manufacturing capacity; and
- (3) an underutilized allowable cut of state timber. (§ 4 ch 73 SLA 1978; am § 101 ch 6 SLA 1984; am §§ 33, 34 ch 152 SLA 1984)

Effect of amendments. — The first 1984 amendment changed the internal reference in subsection (b).

The second 1984 amendment substituted "commissioner" for "director, with the approval of the commissioner" in the first sentence in subsection (a) and "A sale

of timber may not be negotiated by the commissioner under this section except on a finding" for "No sale of timber may be negotiated by the director under this section unless he first finds" in the introductory language of subsection (c).

NOTES TO DECISIONS

Quoted in *Southeast Alaska Conservation Council, Inc. v. State*, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

Sec. 38.05.120. Disposal procedure. Timber and other materials shall be sold either by sealed bids or public auction, depending on which method is determined by the commissioner to be in the best interests of the state, to the highest qualified bidder as determined by the commissioner. An aggrieved bidder may appeal to the commissioner within five days after the sale for a review of the determination. The sale shall be conducted by the commissioner, and at the time of sale the successful bidder shall deposit the amount specified in the terms of

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sale. The means by which the amount of deposit is determined shall be prescribed by appropriate regulation. The commissioner shall immediately issue a receipt containing a description of the timber or materials purchased, the price bid, and the terms of sale. The receipt shall be accepted in writing by the bidder. A contract of sale, on a form approved by the attorney general, shall be signed by the purchaser and the contract shall be signed by the commissioner on behalf of the state. The commissioner may impose conditions, limitations, and terms considered necessary and proper to protect the interests of the state. Violation of any provision of this chapter or the terms of the contract of sale subjects the purchaser to appropriate legal action. (§ 3 art VI ch 169 SLA 1959; am § 13 ch 61 SLA 1960; am § 3 ch 137 SLA 1962; am § 1 ch 200 SLA 1970; am § 35 ch 152 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "commissioner" for "director" in the first and seventh sentences, "commissioner" for "director or his representative" in the third and fifth sentences, "accepted" for "acknowledged" in the sixth sentence, and "commissioner" for "director, with the approval of the commis-

sioner" and "considered" for "which he considers" in the next-to-last sentence and deleted "director's" preceding "determination" in the second sentence and "following the approval of the commissioner" preceding "the contract" in the seventh sentence.

NOTES TO DECISIONS

Quoted in *Kenai Lumber Co. v. LeResche*, Sup. Ct. Op. No. 2516 (File Nos. 5733, 5755), 346 P.2d 215 (1982).
Cited in *State v. University of Alaska*, Sup. Ct. Op. No. 2303 (File No. 4579), 624

P.2d 807 (1981); *Southeast Alaska Conservation Council, Inc. v. State*, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

Article 5. Reservation of Rights to Alaska.

Section

- 125. Reservation
- 127. Access to navigable or public waters
- 130. Damages and posting of bond

Sec. 38.05.125. Reservation. (a) Each contract for the sale, lease or grant of state land, and each deed to state land, properties or interest in state land, made under AS 38.05.045 — 38.05.120, 38.05.321, 38.05.810 — 38.05.821, AS 38.08, or AS 38.50 except as provided in AS 38.50.050 is subject to the following reservations: "The party of the first part, Alaska, hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and

MANAGEMENT UNIT 9
RAPID CREEK

A. SUMMARY OF MANAGEMENT INTENT

This unit includes most of the uplands between Shaw Creek and the Goodpaster River.

Subunit 9A will be managed for commercial timber production while protecting fish and wildlife values near Liscum Slough and Rapid Creek. The state will defer a decision whether or not to designate subunit 9B as a research natural area until further field investigation is completed. Until then, the land will be managed in its natural state. Subunit 9C will be managed passively for multiple use because of currently low timber and recreational values.

B. EXISTING RESOURCES

1. Cultural Resources

Although no cultural sites have been identified in this unit, probability of sites is high along creeks.

2. Fish and Wildlife

Lower elevations contain prime moose, black bear, and furbearer habitat; uplands are prime caribou habitat. Lowland areas are used intensively for trapping. Shaw and Rapid Creeks support spawning silver and chum salmon.

3. Recreation

Most recreation in this area occurs outside of the State Forest near Quartz Lake or in the Goodpaster River Valley. The ridge that bisects the unit offers a good view and is accessed by trails used by local residents. "Lake 992" in subunit 9B has low recreational value.

4. Scientific Resources

Land within subunit 9B appears to contain representative upland and lowland stands of tamarack suitable for research uses.

5. Subsurface Resources

Mineral potential is low to moderate within this unit. No mining claims currently exist in the area.

6. Timber

The Rapid Creek drainage contains substantial stands of spruce sawtimber; hills north of the Goodpaster River support moderate levels of spruce. A 40,000-acre fire destroyed most of the mature forest in the Liscum Slough drainage, but site productivity remains high.

Timber values are low in most of subunit 9C because of remoteness and steep slopes.

7. Transportation and Access

Trails provide the only access to this unit. The historic Fortymile-Big Delta Trail and two spur trails are used chiefly in winter for access to traplines and cabins on the Goodpaster River. This trail is listed as an RS-2477 by DOT/PF. Access to Rapid Creek is via the Indian Creek Trail that links to an old army maneuver trail in Shaw Creek Flats. The army trail is currently being used as a temporary winter road to haul timber salvaged from a fire in lower Rapid Creek.

C. MANAGEMENT GUIDELINES AND ACTIVITIES

1. Minerals. All of this unit will remain open to mineral location and leasing. Mineral exploration or development will be restricted within subunit 9B if they conflict with tentatively identified research values (see below).

2. Research Natural Area. Guidelines for research natural areas (p. 2-56) will apply to subunit 9B until DNR decides whether to amend this plan to designate the area permanently. This decision will be made considering the recommendations of the Interior Alaska Forest Research Advisory Committee. In making its recommendations, the Committee will place priority on finding similar tamarack sites on retained state land outside the State Forest. The subunit will be merged with subunit 9A and managed similarly if permanent designation is not made by October 1, 1988.

3. Streamside and Lakeshore Management. Guidelines for special management zones (p. 2-52) will apply to the following waterbodies:

Lake 992
Liscum Slough
Rapid Creek
Shaw Creek

4. Timber Sales. Suitable lands in subunit 9A will be managed for commercial timber production. Timber on approximately 650 acres will be offered for sale within the next 20 years. Harvest activities during this period will occur chiefly within the Rapid Creek drainage.

Timber sales are prohibited in subunit 9B on an interim basis and are not scheduled in subunit 9C. Timber will be made available in subunit 9C if warranted by a change in demand or accessibility.

5. Trails. Guidelines for trail corridors of regional or statewide significance (p. 2-59) apply to the following trails within the State Forest:

Indian Creek Trail
Prospect Trail
Jolly's Cabins Trail
Fortymile - Big Delta Trail

6. Transportation. Subunit 9A is planned to be accessed by a primary road by upgrading the Army Trail over Shaw Creek Flats or by utilizing a portion of the trail accessed west from Quartz Lake Road to provide winter access to the Rapid Creek drainage. Access to the remaining portion of Unit 9 will be analyzed for alternative routes during the next five year period before inclusion in this plan. Final route location can only be implemented during the five year period provided public consensus is reached.

Approximately 5 miles of secondary winter road will be constructed in subunit 9A within the next 20 years.

The Forestwide Management Guidelines which also apply to this unit are presented in Chapter 2. Those most likely to apply are:

- Fish and wildlife habitat
- Timber
- Transportation
- Riparian and instream flow management
- Scientific resources
- Trails

LAND USE SUMMARY
 MANAGEMENT AREA: Delta
 UNIT 9 Rapid Creek

SUBUNIT/ ACRES	SUMMARY OF MANAGEMENT INTENT	SUMMARY OF MANAGEMENT ACTIVITIES	PRIMARY ROAD ACCESS	-----SUBSURFACE----- DESIGNATION		PROHIBITED SURFACE USES*	COMMENTS
				LOCATABLE	LEASABLE		
9A 56,950 A.	Commercial timber production Habitat and public use near water- bodies	Timber sales	Accessible by primary roads	Open to mineral entry	Available for leasing	Remote cabins	
3-46 9B 1,870 A.	Assess suitability as research natural area	Research	Accessible by primary winter road	Open, but restricted	Available for leasing	Commercial leases Developed recreation Material sales Remote cabins Timber sales Trapping cabins	Management intent finalized by October 1, 1988
9C 16,360 A.	Passive multiple use	None planned	Inaccessible	Open to mineral entry	Available for leasing	Remote cabins	

*Other uses, such as material sales or land leases, etc., that are not specifically prohibited may be allowed. Such uses will be allowed if consistent with the management intent statement and management guidelines of this unit and with the relevant management guidelines in chapter 2.

A M E N D M E N T

OFFERED IN THE SENATE

BY FAHRENKAMP

TO: SB 167

Page 2, after line 15:

Insert a new subsection to read:

"(c) The Goodpaster Public Use Area shall be open to mineral entry under AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the purposes specified in AS 41.23.140. A valid existing right or permit remains valid and continues in full force and effect according to its terms. Exploration, development, and extraction of subsurface resources shall be allowed in a manner that is compatible with the purposes specified in AS 41.23.140(1) - (4)."

Reletter following subsections accordingly.

Goodpaster Property Holders Association

Goodpaster River Watershed Briefing Paper

The Goodpaster River drainage enters the Tanana River approximately 8 miles above the Tanana River bridge at Delta. The watershed of the river was a subsistence food gathering region for Upper Tanana Athabaskan Indians prior to gold exploration activities reaching Alaska during the last decades of the 1800's. It was part of the route for Alaska's short lived overland telegraph lines in the early 1900's and an avenue for gold miners travelling to the Yukon on early trails paralleling today's Richardson Highway.

The watershed, extending to the Northeast initially and more easterly after the river forks at the upper edge of the Goodpaster Flats, traditionally has been an important recreation setting for Interior Alaska residents. Beginning in the early 1930's with the advent of outboard motors, summer recreation was the primary focus. During the 1970-80s, improved recreation vehicle transport encouraged more winter use.

The watershed on the periphery of major Public Planning efforts, such as the Delta-Salcha Plan, Tanana Basin Area Plan, and Tanana Valley State Forest Plan, when mentioned in such plans, is most frequently referenced as having high recreational values. It is also frequently referenced as having traditional use patterns, particularly fur and game harvest. The watershed is labelled as a good habitat for moose. The Goodpaster is also frequently referenced as an important King Salmon spawning river, one of the few streams in Interior Alaska retaining such historical resource renewal capacity. It is the last such stream in the Tanana River drainage.

Comments by planners, through considerable correspondence from them to interested groups and users, picture the watershed as a high value Interior Alaska recreation resource. Comments also reflect that other resource values are modest. Agriculture for example is excluded as a potential because of wetland characteristics in the lowlands and elevation substantially above marginal limits for Interior Alaska. Similarly, while there are some good quality timber resources immediately adjacent to the river, such resources are not concentrated and their distance from consumption areas sharply limit use potential, beyond that small amount used to build human shelter along the river.

Recognizing the importance of these high value renewable recreation, wildlife and fishery resources, property holders along the river organized the Goodpaster Property Holders Association incorporated as a non-

Goodpaster Property Holders Association

profit association under Alaska law in August, 1982. Annual membership in the Association has averaged 40 families per year and includes a majority of the users of the river. Fairbanks and Delta area residents form the primary membership.

The purposes of the Association as stated in organizing documents are:

1. The preservation, perpetuation and enhancement of the wilderness characteristics of the Goodpaster River Area and the sound management of the fish and game resources of that area and of other areas in which game and fish migratory thereto are affected.

2. The representation of the common interests and goals of the membership....

Use of the river ranges from that of recent newcomers to persons living in Alaska more than 50 years. Many users have a lifetime of experience on the river and have seen it evolve from a remote little used part of the Interior to an area that faces increasing pressures from itinerant as well as continuing users. Distribution of cabin sites and expanse of the river provide very high quality camping and day use in addition to cabins located along the river.

Since its formation, leaders for the Association have been involved in numerous Public Hearings and meetings of many kinds striving to encourage planning approaches that recognize and seek to maintain this high quality outdoor environment for Alaskans. In efforts to further crystallize such values, the Association is initiating legislation to designate the watershed as a permanent Public Use area. The designation would emphasize long standing traditional resource uses such as trapping hunting, fishing and wildlife viewing, and equally long standing recreational uses. Through extensive study, public hearings and conferences with public officials, the Association has become convinced such a step is essential to achieve the resource enhancement and protection values identified as its major purposes.

The Association, while taking such leadership, has established that there is a broad and deep reservoir of similar sentiment existing among more itinerant recreational users of the watershed. Too often in the past, such leadership has been secondary to government agency resource managers seeking bureaucratic rather than citizen goals. As population grows in

Goodpaster Property Holders Association

Interior Alaska itinerant and seasonal users are expected to increase and place continually expanding demands on the watershed.

The designation to be established through proposed legislation would recognize that extensive overriding public concerns should exist before development of any kind occurs or crosses the watershed in a manner that would adversely impact current use patterns, and important renewable wildlife, fishery, or recreation resource values contained in the watershed.

Interior Alaska does not contain other regions that have as high recreational values that are not already heavily impacted by other uses. The legislation proposed protects such values for future generations as well as current users, and more importantly assures that the public will play a leading role in agenda setting that would establish any change. It is simply good policy to involve the public users in changing any longtime use of an area.

April 10, 1989

Mary B. Malcolm
PO Box 256
Delta Junction, Ak 99737

Senator Bette Fahrenkamp
Pouch V
Juneau, Ak 99811

Senator Fahrenkamp:

Accompanying this letter you will find a petition consisting of approximately 100 signatures requesting hearings on the two bills, SB167 and HB239 intended to turn the Goodpastor River drainage into a Public Use Area, before any legislative action is taken.

The statement at the head of the petition pretty much speaks for itself. We would like our opinions heard as the legislation does affect us in the community of Delta Junction.

I feel fairly safe in stating that the majority of the people on this petition feel that the legislation is not in the best interests of the people of our area. While we want to see the river preserved as much as you do, we feel that these bills are not the way to do it. Please give us the opportunity to express our views.

Thank you.

Respectfully;


Mary B. Malcolm

cc: Richard Shultz
Jack Coghill
Mark Boyer

We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.


Signature	Print Name	Address	Soc Sec No. or Voter #
<u>Darrell Johnson</u>	<u>Darrell Johnson</u>	<u>Box 386 Delta Jct.</u>	<u>538-32-7517</u>
<u>Leota G. Stepan</u>	<u>Leota G. Stepan</u>	<u>PO Box 683 Delta Jct.</u>	<u>516-36-4182</u>
<u>Bonnie Ricks</u>	<u>Bonnie Ricks</u>	<u>PO 70 Delta</u>	<u>313-20-2486</u>
<u>John E. Benson</u>	<u>JOHN E BENSON</u>	<u>4329 S ARKANSAS RD DELTA</u>	<u>104-62-7504</u>
<u>Robert Weeks</u>	<u>Robert Weeks</u>	<u>2087 Remington Rd. D.J.</u>	<u>538-26-1416</u>
<u>Laura J. Morfield</u>	<u>Laura J. Morfield</u>	<u>7017 Remington Rd</u>	<u>534-01 5092</u>
<u>Peter D Buck</u>	<u>Peter D Buck</u>	<u>3054 Clearwater LK</u>	<u>516-62-9475</u>
<u>PETER SORENSEN</u>	<u>Peter Sorenson</u>	<u>62 OJAK</u>	<u>524-80-8006</u>
<u>R.W. Trustek</u>	<u>R.W. Trustek</u>	<u>Mile 27 1/2 R. on Hwy.</u>	<u>398-26-4850</u>
<u>Henry Ward</u>	<u>HENRY WARD</u>	<u>MILE 26 1/2 R. on Hwy</u>	<u>462-14-1842</u>
<u>Harley G. Olberg</u>	<u>HARLEY G. OLBERG</u>	<u>Box 1068 D.J.</u>	<u>537-38-2237</u>
<u>Harley G. Olberg</u>	<u>Harley G. Olberg</u>	<u>Box 1068 D.J.</u>	<u>538 44-3833</u>
<u>Richard A. Bride</u>	<u>RICHARD A. BRIDE</u>	<u>Box 185 D.J. AK</u>	<u>497-34-8737</u>
<u>Byron J. Hallembaek</u>	<u>BYRON J HALLEMBAEK</u>	<u>Mile 14.3 1/2 on highway of</u>	<u>485-18 7840</u>
<u>Don Kobrowski</u>	<u>DON KOBROWSKI</u>	<u>Box 832 D.J. AK</u>	<u>571-09-5357</u>
<u>James F. Watford</u>	<u>JAMES F WATFORD</u>	<u>PO Box 214 Delta Jct AK</u>	<u>472-34-5427</u>
<u>Claire Holland</u>	<u>CLAIRE HOLLAND</u>	<u>PO Box 53 Delta Jct AK 99777</u>	

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We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.

Signature	Print Name	Address	Soc Sec No. or Voter #
<u>Lloyd R. Brasier</u>	<u>Lloyd Brasier</u>	<u>P. O. Box 983, Delta 37, Ak.</u>	
<u>Charles L. Carlson</u>	<u>Charles L. Carlson</u>	<u>P.O. Box 95's Delta, Ak.</u>	<u>521 44 4012</u>
<u>R. D. Baird</u>	<u>Richard Baird</u>	<u>P.O. Box 1062</u>	<u>438-88-0446</u>
<u>James Terry</u>	<u>James Terry</u>	<u>5077 North Pike</u>	<u>431-08-6167</u>
<u>Belinda Bray</u>	<u>Belinda Bray</u>	<u>BOX 521</u>	<u>458-21-7371</u>
<u>Robert D. Torop</u>	<u>Robert D. Torop</u>	<u>P.O. Box 1212</u>	<u>530-22-8368</u>
<u>Lee M. Fisk</u>	<u>LEE M. FISK</u>	<u>Box 881</u>	<u>391-14-1962</u>
<u>Karen Benson</u>	<u>Karen Benson</u>	<u>3915 Tanager Loop, Ext</u>	<u>411-68-9353</u>
<u>Ron Mull</u>	<u>Ron Mull</u>	<u>5469 Remington Rd</u>	<u>047-24-5919</u>
<u>Edith L. Walker</u>	<u>Edith L. Walker</u>	<u>P.O. Box 614</u>	<u>516-50-4610</u>
<u>Art Koeniger</u>	<u>Art Koeniger</u>	<u>1 1/2 MI HAZARD RD</u>	
<u>Oswald Jensen</u>	<u>Oswald Jensen</u>	<u>Box 22 Chitka 99566</u>	
<u>Charles P. Jensen</u>	<u>Oswald Jensen</u>	<u>P.O. Box 463 Delta</u>	<u>542 20 6686</u>
<u>Stan Wickstrom</u>	<u>STAN WICKSTROM</u>	<u>14025 AK Hwy</u>	
<u>Connie Frenichs</u>	<u>Connie Frenichs</u>	<u>P.O. Box 947 Delta</u>	
<u>Robert E. Brown</u>	<u>ROBERT E. BROWN</u>	<u>P.O. Box 1063</u>	<u>849-16-6636</u>
<u>William G. Krasner</u>	<u>William G. Krasner</u>	<u>P.O. Box 97</u>	<u>510-40-8005</u>
<u>Richard M. Lee</u>	<u>Richard M. Lee</u>	<u>316 W. D. BIERSTADT P.O. Box 3740</u>	<u>127-17-5291</u>
<u>Robert M. Lee</u>	<u>Robert M. Lee</u>	<u>Delta, Ak.</u>	<u>595 61-8855</u>

We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.

Signature	Print Name	Address	Soc Sec No. or Voter #
	Mary Harris	Ball 136 Dg.	05297445
Judy Windsor	Judy Windsor	Box 173 Delta	536-561700
Benjamin Bergeron	Bonnie C.S. Bergeron	5001 Willow Str Delta	477-84-8786
Patricia A. McKenna	Patricia A. McKenna	4523 Jack Whitten Delta	4407128
Jack G. Adams	CLACK ADAMS	Box 587 DELTA	400-30-2108
Gwen Payne	Gwen Payne	Box 1192 "	895-4075
Laura Crandall	Laura Crandall	Box 1007 "	—
Harriet F. Harkey	HARRIETT F. HARKEY	Box 852 "	—
John R. Callahan	JOHN R. CALLAHAN	SALEM WARRIOR CALLAHAN WAY	477-18-5647
Brenda E. Joslin	Brenda E. Joslin	Old Nistler Rd	003-32-9690
Carmen Gerry	CARMEN GERRY	Box 1044	497-50-0414
Orin Wear	ORIN WEAR	Box 805	309-90-2239
William L. Lappart	W. LLIAM L. LAPPART	Box 45 DELTA Jct	523-645772
Pamela R. Ellis	Pamela R. Ellis	6873 Remington Rd Delta	—
Karen L. Eldridge	KAREN L. ELDRIDGE	Delta Camp Delta	—
David P. Pope	David P. Pope	17P 1414 AT Hwy Delta	480-58-2541
Deborah Diviney	—	—	—
Deborah Diviney	Deborah Diviney	P.O. Box 438	264-164-1658

We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.

Signature	Print Name	Address	Soc Sec No. or Voter #
<i>Norman Cosgrove</i>	Norman Cosgrove	Box 861 N.J. 99737	492-24-1677
<i>John Brown</i>	John Brown	Box 685 99737	
<i>Toni Jo Johnson</i>	Toni Jo Johnson	Box 818 99737	527-21-6315
<i>BETHAN CREWSON</i>	BETHAN CREWSON	Box 302 99737	
<i>Elizabeth A Johnson</i>	Elizabeth A Johnson	Box 601 99737	0110-48-4267
<i>GARRY L. GIANWEC</i>	GARRY L. GIANWEC	Box 1317 99737	
<i>Natasha Jacob</i>	Natasha Jacob	5187 Williams Rd, 99737	
<i>Paul McCulloch</i>	Paul McCulloch	Box 802	302 8355
<i>Jane Oliver</i>	Jane Oliver	Box 1152	52 9933
<i>Nancy Johnson</i>	Nancy Johnson	Box 386 Delta	538-34-1567
<i>Mike Bobo</i>	Mike Bobo	111400 2 AK Hwy Delta	862-8
<i>JD Shurtz</i>	JD Shurtz	mp. 934-6 Rich. Hwy Delta	528-22-4624
<i>E Shurtz</i>	E Shurtz	mp 934-6 Rich Hwy Delta	99737
<i>Richard M. Carpenter</i>	Richard M. Carpenter	Box 884	Delta
<i>BILL MASON</i>	BILL MASON	4067 rd Rited Hwy	Delta
<i>Cynthia McClain</i>	Cynthia McClain	1 1/2 Mls. Blue Creek Delta	033-32-6497
<i>Mary M Prout</i>	Mary M Prout	Box 23 Delta	534-22-3390
<i>Bob Boss</i>	Bob Boss	P.O. Box 755	845 46 84
			895-4664

We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.

Signature	Print Name	Address	Soc Sec No. or Voter #
<u>Lea Schultz</u>	<u>LEA SCHULTZ</u>	<u>Bx 356 - D.J. -</u>	<u>90728</u>
<u>Chris B Baker</u>	<u>Chris Baker</u>	<u>Box 393 Delta</u>	<u>538-54-6728</u>
<u>Melinda D. Eggleston</u>	<u>Melinda D Eggleston</u>	<u>Box 722 Delta</u>	<u>572-743916</u>
<u>Lanny Doerhorst</u>	<u>Lanny Doerhorst</u>	<u>Box 329 Delta</u>	<u>570-40-4851</u>
<u>Mary Corcoran</u>	<u>Mary Corcoran</u>	<u>5230 Ak Hwy Delta</u>	<u>039-38-0288</u>
<u>Bill Rieder</u>	<u>Bill Rieder</u>	<u>P.O. 432 Delta Jct</u>	<u>031-38-6124</u>
<u>John Spunby</u>	<u>John Spunby</u>	<u>P.O. Box 150 DJ</u>	<u>408 945851</u>
<u>Camille Schleining</u>	<u>Camille Schleining</u>	<u>Box 5A D.J.</u>	<u>5AA-48-2619</u>
<u>Lois Coserove</u>	<u>Lois Coserove</u>	<u>Box 861 Delta Jct.</u>	<u>347-18-2215</u>
<u>J. HARLEY WILSON</u>	<u>J. HARLEY WILSON</u>	<u>BOX 855 Delta</u>	<u>574-10-7705</u>
<u>D. Emeride</u>	<u>D. Emeride</u>	<u>Box 356 Delta</u>	<u>4597714</u>
<u>Ronald Johnson</u>	<u>Ronald Johnson</u>	<u>Box 604 (1)</u>	<u>574-36-8169</u>
<u>Nancy King</u>	<u>NANCY KING</u>	<u>MP 1414 Ak Hwy-Delta</u>	<u>501 60 66093</u> <u>895-4313</u>
<u>Gerald Breithner</u>	<u>GERALD BREITHNER</u>	<u>Mi 1403 1/2 Ak Hwy, Delta</u>	<u>104-44-0993</u>
<u>PETER V. CHITIL</u>	<u>PETER V. CHITIL</u>	<u>4.5 CLEARWATER RD.</u>	<u>612689</u>
<u>Rebecca J. McTaggart</u>	<u>REBECCA J McTaggart</u>	<u>4432 OLMSTED RD DJ</u>	<u>478-72-0845</u>
<u>Steven J. Joslin</u>	<u>Steven J. Joslin</u>	<u>P.O. Box 377 Delta Jct</u>	<u>895-4514</u>
<u>Eddy Dee Growden</u>	<u>Eddy Dee Growden</u>	<u>P.O. Box 922 D.J.</u>	

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Signature	Print Name	Address	Soc Sec No. or Voter #
Harold H. Anderson	Harold H. Anderson	Box 373 Delta Jct. W.V.	547-32-8321
Robert L. Jenks	Robert L. Jenks	555.3 N. Main Tr, Delta Jct	voter # 6094
Arlene I. Jenks	Arlene I. Jenks	555.3 N. Main Tr, Delta Jct.	" " 145552
William A. Arrington	William A. Arrington	Box 302 Delta Jct	534-32-0790
ELDEN G. HARRILL	ELDEN G. HARRILL	Box 4. D. S.	552-24-3264
James R. Borsetti	JAMES Borsetti	Box 774 Delta Jct	552-24-3264
Deborah M. SNOVEL	Deborah M. SNOVEL	Box 1297 Delta Jct	552-24-3264
Bruce R. Pomeroy	Bruce R. Pomeroy	Box 1148 Delta Jct	52-54-2812
Robert Houston	Robert Houston	Box 801 FT Freedy	
Howard Echo-Hawick	HOWARD Echo-Hawick	POB 526, Delta	
Karl R. Woodruff	Karl R. Woodruff	Box 56T Delta Jct	845 4098
Floyd Thomsen	Floyd Thomsen	Box 1251 DELTA JCT	445 52 9685
Paul R. Moore	Paul R. Moore	POB 501 Delta Jct	222-22-5125
Elizabeth Packard	Elizabeth Packard	485.4 DEPT. LAKE	
HARVEY ANDERSON	HARVEY ANDERSON	BOX 981 Delta Jct.	436480
Lee C. Williams	Lee C. Williams	Box 875 Delta Jct	None
Ann RASINUSSEN	Ann RASINUSSEN	Box 97 Delta Jct.	1144517
Mary B. Malcolm	Mary B. Malcolm	Box 256 Delta Jct	470-52-2983

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Signature	Print Name	Address	Soc Sec No. or Voter #
<u>Wesley R. Davis</u>	<u>Wesley R. Davis</u>	<u>P.O. 17 - A.P.O. 98733</u>	<u>259-02-4792</u>
<u>Maggie K Wilson</u>	<u>Maggie K Wilson</u>	<u>P.O. Box 409 Delta Id.</u>	<u>574-09-9872</u>
<u>Rosemary Hand</u>	<u>Rosemary Hand</u>	<u>P.O. Box 653, Delta</u>	<u>131-42-1049</u>
<u>Loretta Lewis</u>	<u>Loretta Lewis</u>	<u>P.O. Box 604 Delta</u>	<u>566-94-4516</u>
<u>Lloyd K. Euck</u>	<u>LLOYD KAN EUCK</u>	<u>P.O. Box 1105 Delta</u>	<u>895-4353</u>
<u>Michael O. McCowan</u>	<u>Michael O. McCowan</u>	<u>1712 Tawanda Loop Exb</u>	<u>452903084</u>
<u>Patricia Smith</u>	<u>PATRICIA SMITH</u>	<u>102 CLEARWATER RD</u>	
<u>Thomas E. Theisen</u>	<u>THOMAS THEISEN</u>	<u>P.O. Box 212 DJ AK.</u>	
<u>L. Nell Theisen</u>	<u>L. Nell Theisen</u>	<u>P.O. Box 212 DJ AK</u>	<u>564-66-7057</u>
<u>Patricia Theisen</u>	<u>Patricia Theisen</u>	<u>P.O. Box 180, DJ AK</u>	<u>523-54-5736</u>
<u>Cathy Kurolov</u>	<u>CATNY KUROLOV</u>	<u>P.O. 1073 DJ</u>	
<u>Andrew J. Schneider</u>	<u>Andrew J. Schneider</u>	<u>2870 Fales Rd DJ</u>	<u>3318601</u>
<u>Larry Blais</u>	<u>TRAVI L. BLAIS</u>	<u>SOLSTAMARACEWAY DJ AK</u>	<u>1937848</u>
<u>Linda M. Spears</u>	<u>Linda M. SPEARS</u>	<u>5296 Saviors Ln D.J.</u>	
<u>Craig H. Eckland</u>	<u>Craig H. Eckland</u>	<u>P.O. Box 1272 Delta Id.</u>	<u>740-42-7794</u>
<u>Tracie McElroy</u>	<u>TRACIE McELROY</u>	<u>Box 186, Delta Id.</u>	<u>574-12-6788</u>
<u>Kat McElroy</u>	<u>KAT McELROY</u>	<u>MP 1418, Tsalaska Hwy.</u>	<u>554-23-1658</u>
<u>Pauline Palmer</u>	<u>Pauline Palmer</u>	<u>Box 5 Delta Id.</u>	<u>444-44-8816</u>

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Signature	Print Name	Address	Soc Sec No. or Voter #
<u>Leigh B. Dennison</u>	<u>LEIGH B. DENNISON</u>	<u>Box 873 DELTA JCT.</u>	<u>369-34-6588</u>
<u>Judith H. Smith</u>	<u>Judith H. Smith</u>	<u>Box 708 DELTA JCT</u>	<u>069-34-5066</u>
<u>Vicki Schindelmeier</u>	<u>Vicki Schindelmeier</u>	<u>Paluxon, AK 99737</u>	<u>574-24-8579</u>
<u>Nanci Ruthelild Kennedy</u>	<u>Nanci Ruthelild Kennedy</u>	<u>308 Jackson Delta Jct 99737</u>	<u>Voter 467687</u>
<u>Robert Kezer</u>	<u>ROBERT KEZER</u>	<u>Box 942 DELTA</u>	<u>530555485</u>
<u>Margaret R. Gerhart</u>	<u>Margaret R. Gerhart</u>	<u>Box 287 DELTA AK.</u>	
<u>Greg Gerhart</u>	<u>Greg Gerhart</u>	<u>Box 287 D.J.</u>	
<u>Sabrina M. Neer</u>	<u>Sabrina M. Neer</u>	<u>Box 126 DS</u>	<u>574548698</u>
<u>Walt Kopp</u>	<u>WALT KOPP</u>	<u>Box 427 DELTA</u>	<u>094-14-5877</u>
<u>Lester L. McNeil</u>	<u>Lester L. McNeil</u>	<u>2740 Old Riel Hwy.</u>	<u>454-38-6558</u>
<u>Loa Busche</u>	<u>LOA BUSCHE</u>	<u>Mile 1401 AK. Hwy D.J.</u>	<u>561-28-2243</u>
<u>Mr & Mrs JW Schuette</u>	<u>MR & MRS JW SCHUETTE</u>	<u>2674 DEBORAH ST</u>	<u>452-50-6093 367-30-2604</u>
<u>Adaline Blum</u>	<u>Adaline Blum</u>	<u>Box 841 - Delta</u>	<u>574-18-5889</u>
<u>Terry Rubincan</u>	<u>Terry Rubincan</u>	<u>Box 691 - Delta</u>	<u>555-98-8236</u>
<u>Shirley A. Gibson</u>	<u>Shirley A. Gibson</u>	<u>Box 257 - DELTA</u>	<u>00699819</u>
<u>Sue Wittmann</u>	<u>SUE WITTMANN</u>	<u>277 217 AK AK</u>	<u>530225321</u>
<u>Margaret Miller</u>	<u>Margaret Miller</u>	<u>2072 Terrace COURT</u>	<u>502-70-5354</u>
<u>Earl F. Malcolm</u>	<u>Earl F. Malcolm</u>	<u>Box 256 Delta Jct</u>	<u>468-48-7397</u>



Day of Monday

Day of Monday
at 10:00 AM
at 10:00 AM
at 10:00 AM

[The following text is extremely faint and illegible, appearing to be a series of lines of a letter or document.]

Alaska Farmers & Stockgrowers
Association, Inc.
"Alaska Farm Bureau"

March 16, 1989

State Legislature
P.O. Box V
Tuneau, Alaska 99811

Dear Legislators;

The Alaska Farmers and StockGrowers are very concerned with the precedent being set in SB 167, "An act establishing the Goodpaster public use area.

At a time when the economy is depressed, people in areas like Delta Jct. are barely surviving. To lock up an area like the Goodpaster drainage can be devastating. First of all the area is subject to three management plans now and the Commissioner of Natural resources is charged with determining any and all incompatible uses. Recreation on this river has coincided with other activities in the larger drainage for years.

To summarize, there is no need for this bill and further restrictions. Over twenty seasonal jobs could be lost and the original intent of the Tanana Valley State Forest violated.

While this is not an agricultural issue, our members feel strongly enough to make the firmest of recommendations to our lawmakers. Please consider the economic interests and the health of a struggling community versus the few recreational property owners who are behind this special interest.

Respectfully submitted,

Terence W. Wiland, pres.

cc: Governor Cowper
Commissioner DNR

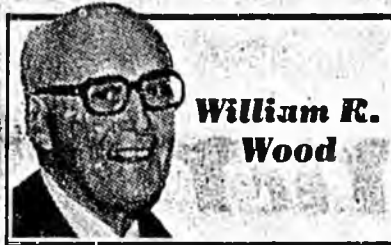
Opinion

Wednesday, March 15, 1989

Use Interior forests or see them deteriorate

Consider the boreal forest of Interior Alaska. Here are over 22 million acres of accessible timberland covered with some scattered, some dense growth of white spruce, paper birch, aspen, black spruce, cottonwood, poplar, tamarack, alder, willow, and a few other species. Despite relatively small-scale efforts over the years to harvest a portion of Interior timberlands, not much use has been made of the asset. There is a small cut annually of sawlogs, less than one-fourth of what is imported from Canada and the Lower 48 for local use here. A lesser amount is salvaged for firewood. In the early 20th century cordwood was harvested along the Yukon, the Tanana, and lesser streams to fuel the riverboats. For many generations throughout the interior logs have been used for shelter and a few other purposes.

The boreal timberlands of Interior Alaska remain an idle resource, one of great promise if utilized sensibly. In idleness they constitute a recurring cost to the state and its residents—plus the burden



Views expressed here do not necessarily represent those of the Daily News-Miner

of lost opportunity.

In Georgia where modern forest management techniques are practiced there are more trees harvested each year than were on the land when Oglethorpe landed in 1703. Here there are probably about as many trees standing today as were here when the Fort Yukon trading post was established well over a century ago.

In the boreal timberlands of Interior Alaska wildfire has consumed more timber than humankind. Unfortunately, not all of the burned-out acreage manages to regenerate itself. There are self-

destructive forces at work in the boreal forest. Overmature stands tend to retard their own growth. White spruce, a splendid tree of many uses, gives way to scrawny black spruce of limited usefulness. Where the black spruce takes over, there is not much food for wildlife. Its attraction as a recreation asset is minimal. Such areas are largely avoided by humankind and most other living things.

Set aside, left alone, the boreal forest as we know it today will deteriorate and likely in large part disappear in a few generations.

This need not happen, for sensible timberland management technology is known. It is possible not only to preserve but to enhance the total boreal forest habitat. State-of-the-art techniques are not static. There is much more to be learned leading to a wide-range of improvements.

Good husbandry of a living asset takes time. There is not much immediate pay-off in prospect, but the long-term outlook is exciting. An appropriate tree-improvement

program for Interior Alaska will take at least two generations, but the growth cycle of the white spruce, scientists are confident, can be reduced from 120 years to 80 years or less. The present scattering of wildflowers and berries can be increased manyfold, the entire habitat for wildlife enhanced.

There are ways to learn, to earn, and to enjoy a satisfying way of life that can become a reality by the enhancement and use of the boreal forest of Interior Alaska. There is a choice for us now: just preserve it and lose it or improve it and use it intelligently.

Trees are good. Let's plant a lot more of them of the very best stock. Let's take good care of them. Modern techniques of good stewardship are unfolding. We can augment natural reseeding with selected additional plantings of the very best. Reforestation of cut-over and burnt-over areas is a must. Other areas can be thinned and replanted with better types. The term afforestation is becoming familiar.

The state lawmakers have recog-

nized this, in part at least, and have set aside a portion of annual income from forest products for reforestation purposes. Yet this first step seems stalled for some reason, perhaps the overlapping and duplication of jurisdictions among state and federal administrative agencies as well as by competing special interests in the private sector.

When each of these insists on its own special-interest agenda that would exclude all other interests, not much happens. In fact, the lawmakers' intent to establish a meaningful forest management improvement program in Alaska, it seems, is being ignored.

It is time to straighten out the unnecessary tangle, to thin out the political underbrush and get on with the pleasant task of planting more trees—for the good future for Interior Alaska residents.

William R. Wood is a retired president of the University of Alaska now volunteering his time as executive director of Festival Fairbanks '89.

Alaska Farmers & Stockgrowers

Association, Inc.
"Alaska Farm Bureau"

March 16, 1989

State Legislature
P.O. Box V
Juneau, Alaska 99811

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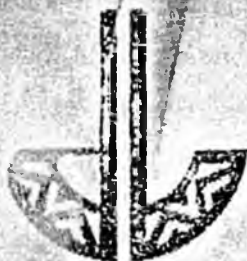
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While this is not an agricultural issue, our members feel strongly enough to make the firmest of recommendations to our lawmakers. Please consider the economic interests and the health of a struggling community versus the few recreational property owners who are behind this special interest.

Respectfully submitted,

Terence W. Wiland, Pres.

cc: Governor Cowper
Commissioner DNR



Doyon, Limited

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Tel: (907) 452-4755 Telecopier: (907) 456-6785

March 9, 1989

Senator Bettye Fahrenkamp
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

Doyon, Limited has reviewed the draft of SB 167 regarding the proposed Goodpaster Public Use Area and would like to take this opportunity to comment on this proposed legislation.

We are very concerned with the large acreage involved with the proposal. The several hundred thousand acres included in the proposed Public Use Area and the restrictions on access and use in the bill will essentially lock up well in excess of a million acres of public and private lands. The bill severely restricts access to the Fortymile and Goodpaster Mining Districts, which are some of this state's most promising mineralized areas. The near park like restrictions on land uses within the Goodpaster Public Use Area would make access and development of minerals in those districts an impossibility. It should be recognized that access to the northern part of the Public Use Area is effectively prohibited by a military withdrawal and the Yukon-Charlie National Preserve. Access to the eastern portion of the Public Use Area is precluded by a Wild and Scenic River corridor. This bill would greatly diminish development opportunities in the state.

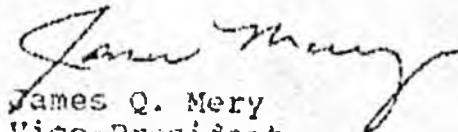
Moreover, the bill duplicates actions and intentions already addressed in the Tanana Basin Area Plan and the Tanana Valley State Forest Plan. If the protection of fish and wildlife habitat is a major concern then perhaps the issue should be addressed in the Tanana Basin Area Plan which is now in the process of review for possible revision. Timber harvest is an issue addressed in the bill. The Tanana Valley State Forest Plan has been revised to make commercial timber harvest subject to a consensus of the property owners within the proposed Public Use Area.

Senator Bettye Fahrenkamp
March 9, 1989
Page Two

In sum, the administrative process is already geared to meeting apparent concerns stated in the bill without effectively closing large areas of public and private land to development.

For these reasons, Doyon, Limited must strenuously object to SB 167.

Sincerely,



James Q. Mery
Vice-President
Lands and Resources

1977 Melanie Lane
Fairbanks, ALASKA 99709
13 May 1989

Senator Bettye Fahrenkamp
Alaska State Legislature
119 No. Cushman Street, Suite 201
Fairbanks, Alaska 99701

Dear Senator Fahrenkamp:

Thank you for your letter dated 5 May 1989 which I received on 11 May 1989. I have read and reread your letter and attachment to learn what your intentions are. I have assumed that you wished comment, specifically informed comment. This letter attempts to give informed comment for the statements in the two documents; good land management ethics require the best quality information. Please review my letter and respond to the questions. My response is lengthy and for that I apologize--commenting on the the issues is not simple; there is potential for more confusion.

One thing that I want to make very clear to you and any other legislator is that I am a professional forester and as such I am dedicated to the "wise use of the land"; and associated with that concern is maintenance and enhancement of the productivity of the soil and waters of that land in perpetuity. Also, as a professional forester, I am fully committed to two basic concepts: "multiple use" and "sustained yield".

I too am most concerned about the confusion and misunderstanding over the Goodpaster River bill. I have heard stories from both sides, proponents and opponents, which are blatantly untrue. I have been told that you are a property owner and prior to our telephone conversation, my basic response regarding that was "I have heard that, I have been unable to confirm that, and it is up to you to find out for yourself." I have been told publicly that an all season road was going to go right up the drainage. I have been told there is no timber in the drainage. I have been told that we don't want more people in the drainage. I have been told it is not a "lock up". I have been told there are approximately 80 property owners in the area; I have been told there are only 40-45 families who own property with cabins/homes in the watershed; I have been led to believe that many of the cabins in the drainage are there through "personal use cabin permits" which will not be renewed on expiration. With the amount of misinformation about the area, no objective assessment can be made nor can an objective forum be held.

If I accept the public statement of one property owner, there are 40-45 families who own property outright and have homes/cabins on them. This means in simple terms. that if the Goodpaster bill passes in its simplest terms and incorporates only 420,000 acres, one could liken this to creating a feudal estate of nearly 10,000 acres for each property owner who has a an investment of forty

acres or less. Other than day use, where are people going to stay if they do not have a place at which to stay? There are no developed campgrounds. Will camping be permitted unrestricted along the riverbanks? What about toilet facilities? How many people recreationally camp when it is 30 below or colder?

I fully recognize the value of the Goodpaster River Corridor as a recreation resource. I recognize that three plans also recognize the recreational potential of the river as a recreational resource for all Alaskans. I further recognize that the "wise use" of this recreational resource, to provide benefits to all Alaskans in perpetuity, will require management of the land.

You indicate that you "welcome informed comments." For the record, let's get one thing straight, I try to work with data and principles. I try to separate emotion from fact. I've listened to the proponents of the bill; I've read the bill; I've read the statement attached to your letter of 5 May; I've obtained volume estimates of the timber in the area. My response to your concerns is premised on the implied understanding that you will read my comments and respond to the questions/concerns raised. Composing this letter has taken one Saturday of my personal time.

I am convinced that you and I have to sit down and discuss this in a non-controversial, rational manner for several reasons: 1) we have a considerable amount of common ground; 2) there is a need to resolve conflicting statements/information; 3) the resources of the state are too valuable to not be used wisely for the greatest good of the greatest number of people.

Attached to my letter is a one page summary "TIMBER AND LAND IMPACTS - GOODPASTER PUBLIC USE AREA (HB 239)" dated April 11, 1989. There is an error in the number of acres in the second column under "Total" for "Other State Lands"; apparently portions of townships not in the proposed Public Use Area were included in the total, the total acres should be reduced by approximately 30,000 acres. I was advised of this by the Division of Forestry. I was also advised that this error has a negligible effect on acres of timberland or timber volumes. I also am aware that proponents of the bill have had access to this table since late April--they were given a copy or copies. I have used this table as an informed source for some of my calculations. I have used your information regarding the acreage of timberland within the Tanana Valley State Forest.

Turning to specifics and addressing your letter of 5 May 1989, I am concerned about the following:

- 1) The Goodpaster "... is considered by many to be the last of the Interior rivers in a nearly natural state." I must raise several questions or concerns:
 - a) How many rivers in the interior of Alaska are already preserved in a nearly natural state? How many are in the

Yukon-Charley National Preserve? How many are in the Wrangell Mountains-St. Elias National Park and National Preserve? How many are in Denali National Park? How many are the Tetlin National Wildlife Refuge? How many are in the Yukon Flats National Wildlife Refuge? In addition how many Scenic Rivers do we have?

- b) How many "nearly natural state" rivers do we need? When is enough, enough? Is this the last one not "tied up"?
 - c) What is meant by "nearly natural state" and how do we as custodians maintain that in perpetuity? This is a particularly vexing question when one accepts the ecological and biological truism that the forests of interior Alaska are disturbance (most commonly fire) rejuvenated on a periodic basis. A simple generality is, if disturbance does not occur, the natural ecological succession is from lofty white spruce forests to black spruce and permafrost. I have been advised that in some areas permafrost is beginning to re-appear under white spruce in the general area of the Goodpaster River.
 - d) Finally, although not stated, is the idea of preserving in perpetuity a living organism or community of living organisms. Living organisms have a finite life. How do we preserve them in perpetuity, either individually or as a community? Evidence of permafrost under productive white spruce stands questions the health of the ecosystem.
- 2) "Characterizing this issue as a development vs. recreation battle...is an unfair portrayal"; if this is not a conflict between preserving the river drainage in its near natural state and developing the resources of the drainage in an appropriate multiple-use manner, then what is it? I would prefer "conflict" over your choice of the word, "battle"; the two concepts, preserve and develop are, however, mutually exclusive. I must point out, again, there are three plans that recognize the Goodpaster's recreational potential; these plans were developed with much debate and discussion and in a public forum, but in the end there was a reasonable spirit of harmonious agreement. Some proponents of the bill have clearly stated, they do not want development and they are unhappy with the outcome of the public forum process.
- 3) With respect to Alaskans visiting other parts of the State to recreate, hunt, fish, this is fully recognized, but should not obfuscate the issues concerning the Goodpaster. These same people also visit Bonanza Creek, Rosie Creek, the Tanana all of which have development.

I have read your five page statement attached to your letter of 5 May 1989. Some of the statements and ideas really perplex me and some are downright confusing. Some are general innuendo and others are just plain impossible to interpret. Some are simply wrong. I will address the more critical issues by section title.

Background

The statement regarding a logging road to be built into the Goodpaster River drainage is misleading. Unless someone is familiar with the plan (which by the way is being reconsidered), one can easily assume a road up the drainage for logging only.

Firstly, the proposed road does not go up the Goodpaster drainage! The road goes from the Quartz Lake road system to join the Fortymile-Big Delta Trail/Wamcats Trail. The first of these trails is definitely designated as RS-2477 route by DOT/PF; I am told the other trails also are RS-2477 routes. There is some confusion regarding the exact nature of the road; however, the maximum distance the "Quartz Lake Extension" goes into the drainage is to the creek at the head of Liscum Slough.

Secondly, the initial effort is to provide adequate access to the Rapid Creek drainage. The Tanana Valley State Forest Plan states with reference to the area in question, "Access to the remaining portion of Unit 9 will be analyzed for alternative routes during the next five year period before inclusion in this plan. Final route location can only be implemented during the five year period provided public consensus is reached." Proponents of the Goodpaster bill are attempting to circumvent due process already delineated.

I can assure you as a member of the Tanana Valley State Forest Public Advisory Committee, I am interested in hearing all sides of the issue; I am not particularly enamored with the idea of having the responsibility which I do not take lightly usurped just as you would not take lightly to attempts of having your senatorial responsibilities usurped by the federal government. Also, Mr. Haight was appointed to the same Advisory Committee and I assume he will provide considerable input; yet, if he has little faith in the process, why did he get himself appointed?

Thirdly, the proposed road is not a "logging" road. The road will be a multiple-use road providing access and egress for the currently existing RS-2477 trail system. Such access will provide additional opportunities for recreation access, trapping, hunting, mining (including removal of ore), and timber harvest. Right now, logging is the primary reason for its consideration. However, I should like to point out that elsewhere in Alaska and North America, "logging" roads are the way the majority of the public obtain access to their public lands. In the case of the Goodpaster, the RS-2477 trails are considered winter roads. So during the summer, their use would be extremely limited. Denying improved access will reduce opportunities for many Alaskans.

You state, "We believe it is perfectly legitimate to have the concerns of this group settled by the legislature." To this, I personally object strenuously. There is a mechanism already in place for their concerns to be heard publicly and objectively. I alluded to this two paragraphs earlier. Why do we create mechanisms for the general public to resolve differences and then

ignore them? If the mechanism doesn't work, then lets fix it. But here is a situation where the mechanism has not been implemented. By circumventing the mechanism now, it is giving notice to everyone that the mechanism should be ignored whenever it is most expedient. MORE IMPORTANTLY, I OBJECT TO THIS PIECE OF LEGISLATION BECAUSE IT IS SPECIAL INTEREST LEGISLATION WHICH WILL RESULT IN BENEFITTING A FEW (40-45 families) AT THE EXPENSE OF THE MAJORITY OF ALASKANS. One of the biggest problems in Alaska has been the valiant attempt to satisfy every individual's needs and ignoring the havoc that it has created on the "commons" --all one has to look at are the subsistence issues which are having deleterious effects on both the resource and users.

Hearings

I applaud you on your commitment to hearings. I urge you to hold these hearings in the fall when people are back home from their summer activities: fishing, mining, vacation. Hopefully, they will be well-advertised; the facts will be available; and they will not be stacked by the proponents.

What is a Public Use Area?

A Public Use area does not necessarily allow multiple use. Multiple use of renewable natural resources includes five basic components: timber, water, forage for domestic livestock, recreation, and fish and wildlife. Precluding timber as a legitimate component precludes multiple use! Let's stop suggesting that multiple use is to be practiced on this area when, by components it isn't. Your letter talks about confusion and misunderstanding, multiple use is a good example. Multiple-use requires active management for the uses; just allowing the uses to occur without planning and actively managing is not multiple use. The term multiple use is a concept. It is not defined in any state legislation or the constitution. I have traced its origins in North America back more than a century. The concept is well documented. Multiple recreational activities (fishing, hunting, ski-joring, snowshoeing, hiking) does not imply multiple use.

How can the bill preclude timber harvesting and at the same time "allow some winter harvesting by a WINTER trail when and if the timber is of commercial value"? This is stated on page 4, first paragraph of statement. This really leaves me confused since yes and no are mutually exclusive!

I fully recognize that mineral entry is allowed. However, why prospect and develop a claim if it is going to be difficult to remove the ore in commercial quantities? Does this mean that the winter trails (RS-2447) will be used and appropriate roads hooked up to them? If "logging" roads are an issue, why are not "mining" roads?

Why the bills were introduced: The best use of the area.

The argument presented on the best use of the area is specious. Where are the data? What basis do the river users have to come to the conclusion "these stands are of a mix of qualities, and of insufficient quantity, and density to be commercially viable for harvesting now or in the immediate future."

The issue here is really not one of a "lock up"; Mr. Haight is right when he objected to my public use of that term! The correct term is "LOCK OUT"---"occasional and regular visitors seek a river that is not overdeveloped like the Chena or Salcha." "New road access would negatively impact traditional uses of the area." Is it not so much the negative impact on the "traditional uses" that is at issue, as it is the perceived, negative impact on the "traditional USERS" and the general public be damned? This is special interest legislation at its worse, at the expense of the majority of Alaskans.

Assuming the statement is correct that the Goodpaster is an important grayling producer and king salmon spawning river, then does it not behoove us as stewards of the land to ensure that the productivity is maintained and/enhanced in a balanced multiple use fashion? I certainly have no qualms answering this question. The Tanana Valley State Forest plan takes into account this issue by designating riparian management zones. A riparian management zone is defined in the State Forest Management Plan as "an area near a stream or lake that will be managed primarily to protect or enhance recreational values, significant fish and wildlife habitat and human uses and water quality." Good management of the terrestrial/water interface can benefit fish populations. This is well documented in the literature. This does not mean leaving the riparian zone in a pristine condition! Management activities must be such so as to ensure that basic stream productivity is at a high level; this means the appropriate amount of sunlight, litter fall, large debris inputs, and maintenance of streambank stability. I cannot over-emphasize the importance of streambank stability. This means management.

Pergerine falcon habitat can also be maintained without designation of the area as a public use area. Again, maintenance of a pristine habitat is not essential. Pergerine falcons have taken up residence in business districts of large metropolitan areas much to the disdain of pigeons and starlings!

The size of the area has been reduced

True, the size of the area has been reduced. Now each family that owns property within the area has approximately 10,000 acres of public land as part of their personal estate and how much land additional land that is relatively inaccessible to the general public should be added to this 10,000 acres? When one private landowner was queried if he would be willing to donate his inholding to the state, he waffled and his reply was a weak or sheepish no. Now, if he were truly concerned about the best

interests of the public and the true importance/value of the area to the public as he was pontificating, then a more appropriate response would have been a qualified yes. On page 4, paragraph 2, the bill protects these personal interests of the elite few, the property owners, "The bill does not give the state any authority over private property. Nor does the bill allow the state to obtain land through eminent domain." Thus, the monetary value of each individual estate within the Goodpaster is ensured and possibly enhanced at the expense of the general public. Property in the Goodpaster now becomes a rare commodity with many privileges attached to it--like 10,000 free acres.

I am confused as to why there are approximately 15,137 acres of the Quartz Lake uplands included in the bill? The proposed bill is to protect the Goodpaster, not the Quartz Lake system. One obvious reason is to create an additional blockage for access to the area. How does the Quartz Lake drainage relate to maintaining the river in its near natural state?

Forested Lands and Access

Many ideas are involved in this section. The way the information is presented can be easily misunderstood or misinterpreted. Hence, as a forester, I address each idea separately.

ACREAGE

According to the State Forest Management Plan there are 1.81 million acres (gross) within the State Forest. Another figure I have seen suggests 1.79 million acres which corresponds to your figure of 1.786 million acres.

The Management Plan states that there are 1.061 million acres of timberland--land that is capable of producing more than 20 cubic feet per acre per year of industrial wood under management. Timberland has been divided into two categories which are based on the Alaskan state-of-the-art in the mid-1980's. Emphasis at the time was and still is spruce sawtimber and a limited amount of hardwood with the major use of the latter being fuelwood. The two categories:

Suitable Timberland: "timber resources that can be harvested by ground yarding systems and whose long-term value is capable of offsetting development costs of access and reforestation under current conditions."

Marginal Timberland: "timber resources that can only be harvested by cable yarding systems or whose value is not capable of offsetting development costs under current conditions."

Both definitions include the qualifying phrase "under current conditions"; this is a most important qualifier. As you are well aware, the last five years have seen major change in species utilization and harvesting equipment throughout Boreal North America. Elsewhere, stands of aspen and birch are now considered economic prizes; mechanized logging equipment has reduced

production costs and increased the value of marginal stands. Today's forest products are reconstituted wood products such as oriented strandboard (waferboard), medium-density fiberboard, strandwood (parallam), thermomechanical pulp (whole fiber), pulp/plastics. Today's lumber demands are mainly for boards less than 10 inches wide. Ideal log sizes for lumber and plywood are under 14 inches in diameter--smaller logs are easier and less costly to handle. The weed species, aspen, is fully committed in Alberta and overcommitted in Minnesota--an aspen shortage! Three years ago, no one would have believed that possible.

Unless one is aware of how these two categories came into being and how they relate or do not relate to the current situation, their usage will be fraught with confusion. In interior Alaska, by today's standards and average operator's ability, many stands of timber are inoperable. However, for one current Alaskan operator with modern, efficient equipment many of the stands are now operable and markets are developing. I reiterate the important qualifier, "under current conditions."

Now let's look at the figures you provide. There are 392,300 acres of "suitable timberland" within the State Forest; 70,300 are in the Delta Management Area and 19,840 acres are proposed for withdrawal from the Delta Management Area. This is 28.2 percent of the acreage of "suitable timberland" in the Delta area--the area in which Delta residents cut wood. Most Delta residents do not travel daily to Fairbanks or Tok to cut wood commercially or for personal use. In essence, the issue "under current conditions" is that this bill eliminates 28.2 percent of the opportunities that the Forest could provide for the Delta area. Using the average potential acreage harvested per year from 1986 to 2005, this means instead of 116 acres being harvested annually, 33 fewer acres are available annually or 660 acres for the 20 year period. Assuming average volumes per acre, annually this means 366,600 fewer board feet of spruce sawtimber or 663 fewer cords of spruce and hardwood firewood (do not add them together). I am not going to try to equate how many households will not have sufficient wood for the winter.

Alternatively, using average annual acres harvested per year (116) and average volume offered per year, average per acre volume of spruce sawtimber is 11,207 board feet or the average number of cords per acre of all species is 20.3 (again, do not add these two numbers together). Because of the way the inventory was done, there is no reason to believe that the withdrawn acreage of 19,840 acres has significantly less volume per acre than the average for the Delta Management Area. In fact your statement states that "364,000 board feet of suitable timber on those 19,840 acres would be removed annually"; using my calculated mean average board-foot volume of 11,207 and multiplying the average annual acreage withdrawn from harvest (33) gives a volume is 369,831. This also checks quite closely with the volume/area value of 366,600 board feet. I am not going to quibble over a difference of one percent or less.

The figure of "at least 60 board feet" per acre to be considered commercially harvestable that is attributed to the Department of Commerce and Economic Development Division of Business Development is totally absurd. This value is equivalent to one or two marginally commercial trees per acre! Talk about an example of incompetency; if this is the kind of information they provide, it is no wonder Alaska can't attract forest industry investment to the interior.

The calculation of the average number of board feet, 18.4 board feet per acre, to be removed annually is equally ridiculous. Some one has given you erroneous information. The Tanana Valley State Forest Management Plan states with respect to subunit 9A which includes that portion of the State Forest north of the Goodpaster River's main channels, "Timber on approximately 650 acres will offered for sale within the next 20 years. Harvest activities during this period will occur chiefly within the Rapid Creek drainage." With respect to the area of the State Forest south of the Goodpaster river which is within Subunit 10A, the Management Plan states, "Timber sales are not scheduled during this planning period within subunit 10A because of its low timber values. If demand or value increases to warrant harvest in this area, access must be in a manner acceptable to existing recreational users of the surrounding area."

The ridiculous figure of 18.3 board feet per acre was determined, I believe, as follows: Whoever did the calculations assumed 364,000 board was the total volume for the entire parcel of land to be withdrawn. That incorrect total volume was then divided by the total acreage of the withdrawal: $364,000/19,840 = 18.347$ In reality the actual volume per acre is closer to 11,200 board feet. If they used 19,840 acres, it is obvious that they either misinterpreted the Tanana Valley State Forest Management Plan or they didn't bother to read it.

The figure of 19,840 acres, the acreage proposed for withdrawal, is the acreage that is suitable for harvest over the next 20 years. It is not included in the specific acreage to be cut over the next 20 years. This is clearly demonstrated by the quotations in my preceding paragraphs. However, these acres must be included within the sustained-yield calculations for the Delta Management Area and the State Forest. All productive acres of a management unit contribute to the annual allowable cut; you remove any you reduce the annual allowable cut of the entire unit. The idea that "there is more timber over the next hill" is long gone--it was this practice of "cut and move on" that initiated the establishment of the National Forests in the United States; and it was timber and water that were specifically mentioned, the two original multiple uses.

Hopefully, you can see by this discussion that the timber volumes, values, and withdrawal impacts related only to the Tanana Valley State Forest are not clearly presented nor as

simple as suggested in the statement. I have not even addressed the marginal timberland category, the potential productivity of the land nor the implications of management on rotation age, calculation of the annual allowable cut, correct valuation in terms of world markets. Simply put, the likelihood is for a dramatic increase in productivity, reduction in rotation age, a higher annual allowable cut, and greater value for the lands of the State Forest--withdrawal of both suitable and marginal lands will reduce these opportunities.

Another aspect that has been glossed over is the timber outside the State Forest. There are an additional 161,216 acres of timberland on other state lands within the drainage; these lands have approximately 236,410,000 board feet of spruce sawtimber. Although simple per acre figures suggest only 1,500 board feet of spruce per acre; there is a considerable amount of hardwoods mixed with the spruce and spruce volumes can range from nearly nil to several thousand board feet per acre.

PROHIBITION ON TIMBER HARVESTING

"The prohibition on timber harvest is in the bills to eliminate pressure to build a logging road." Already, the issue of a road has been addressed. The winter trails already exist, they are RS-2447 routes. Prohibition of any road will not reduce access except from the Liscum Slough area; the access is already in the drainage. Mining and logging activity in the Goodpaster drainage can use the already existing RS-2447 routes and temporary winter trails to the such routes.

How does the use of winter roads significantly affect adversely river travel, plane travel, game harvesting, and access to the area during the summer? Except in the immediate vicinity of the winter access road or a logging or mining activity, how does a winter road negatively impact winter use? In fact, if you really look at this whole question objectively, might not a winter road provide more opportunity for greater disbursement of winter recreational activities over more acres? In essence, what the proponents want is to minimize access; it is "use by a few instead of for the greatest number."

The discussion on the quality of the timber north of the Goodpaster is also misleading. Emphasis is on spruce and what people perceive as being harvestable by Alaska's outdated, 20-year behind industry. The proponents of the bill will and have used every excuse to legitimize their position for minimizing access into their retreat. Here are volume figures for all species within the Public Use Area that would be locked up (for details see my attachment): 1.35 billion board feet or 290 million cubic feet which is equal to an annual allowable cut of 37.5 million board feet or 6.6 million cubic feet. Based on these figures, you can see a good portion of the area should be included in the Tanana Valley State Forest; there is a

considerable volume of timber--not just a small amount of marginal material as some would like the public to believe.

ACCESS AND PROHIBITION OF THE CONSTRUCTION OF ROADS

The first three paragraphs are historical action and not germane to the current issue. The legislature and governor acted on the concerns of a vociferous public which really was a select number of property owners in the drainage. The question I raise however is, "Was there a valid public hearing on the issue or were only the concerns of the vested interest heard and considered?" I know there was a private campaign, I have seen the letters, on tying up the Goodpaster. I have listened to proponents of the bill and publicly, they have provided much misinformation. They did this recently at two Unified Fairbanks meetings and also at a local Society of American Foresters meeting. They have tried to leave the impression that roads are going way up the Goodpaster and everywhere in the drainage. I agree, "there is quite a bit of confusion and misunderstanding" and much of it has been generated deliberately by proponents of the bill!

The fourth paragraph of this section is simply unbelievable! There is not a small number of board feet of timber in the area. That is only a false perception, again created by proponents and now also by your statement which I just read. It is not a "start at whittling away the state's resource base"; the reality is that this whittling away has been going on for so long that the timber base is becoming sufficiently small that there will be no place for a competitive industry that provides reasonably good paying jobs! I can look to the Susitna Valley with all of the special use areas down there and frankly, there may be no longer an opportunity to provide the raw material for a competitive industry except for the export of round logs. Just keep in mind, the export of round logs is the same as exporting Alaskan jobs; if you do not believe me, find out why British Columbia stopped the export of round logs from Vancouver Island effective 1 April 1989. I am opposed to the wholesale export of Alaskan jobs!

The idea, "There is no rational reason to support that notion," is invalid. You yourself use the some of the same rational in your letter of 5 May to me and also on page 1 of the statement. There is rationale to support the notion that this is another example of eroding the timber base and the idea is and has been copied wherever groups want to block development.

I cannot believe the argument that there is a rational reason "to remove lands from the forest because their proximity to the river should have precluded them from the forest in the first place," came from Senator Bettye Fahrenkamp. You championed the Tanana Valley State Forest bill and you fought other special interest groups to keep the designated lands in the bill. The Tanana Valley State Forest by design includes banks and islands of large portions of the Totchaket River, the Tolovana River, Tatalina River, the Tanana River, the Chena River, the Volkmar River, the

Robertson River, the Tok River plus many smaller streams. Ecologically, a watershed consists of the both terrestrial and aquatic ecosystems; their interrelationship is unquestioned. The first national forests, created at the turn of the century recognized the important interrelationship between the forest and water; the first specifically mentioned timber and water. Legislation and regulation exist regarding riparian zones. In the case of the Tanana Valley State Forest, considerable efforts, as required, on fish and wildlife habitat management and concerns, were put into the Forest Management plan by Fish and Game people; and, now you suggest that this input is not to be respected? The waterways of the Goodpaster River within the Tanana Valley State Forest are within a riparian zone; Liscum Slough is specifically mentioned. There are specific management requirements for that zone.

The paragraph also states, "During the formation of the Tanana Valley State Forest in 1983, the users of the river were not organized, and did not realize the boundaries of the forest reached into the Goodpaster drainage." Is this the fault of the general public? Everyone had equal opportunity to review the bill, I did and sent letters of support, but only after reading the bill. I was impressed about how broad the backing for the bill was. The users of the river have had opportunity and have commented on use with regards to the three plans for the area-- completion of the Delta-Salcha plan predates creation of the Tanana State Forest and the work on the Tanana Basin Plan was, I believe, underway in or before 1983. I am told by a good source, that as individuals they did have input into the Tanana Valley State Forest bill and were well aware of the acreage in the Quartz Lake drainage and the lower Goodpaster; However, I cannot verify this knowledge at this time, however.

I do not believe that a small pressure group, whether organized before or after the fact, should cavalierly be able to change the law for their personal gain at the expense of the majority. If they were sincerely being damaged, then there is cause for relief. They are not being harmed by the State Forest plans. The river is within a riparian zone and will be managed accordingly. Summer access is not being improved except possibly at Liscum Slough, so the only change in access could be a possible boat launch into Liscum Slough (such an option are not in any of the plans at this time, however) and possibly greater winter use.

SEASONAL HARVESTING OF TIMBER?

The contradiction and confusion of prohibiting and then saying yes have already been addressed.

Other Land Issues

Personal use cabin permits was never an issue with me. I commented on the issue of eminent domain previously.

I agree with the land disposal prohibition. Even if the bill does not pass; I believe land disposals in this area and many other areas of the state should be curtailed. They are being carried out in a haphazard manner without really looking at all of the resources and the consequential impacts on all of the resources. However, I disagree with the rationale behind the prohibition in the Goodpaster; the way it is worded and recent comments of the proponents (for example, the second motorboat up the river was one too many) smacks of "lock out" by the few, elite, property owners. Strictly from a land use perspective, some organized campsites along the river so would reduce abuse provides some use control--this would reduce fire risk, unnecessary streambank damage, unsanitary conditions, and garbage problems.

I am concerned about the carrying capacity of the river! Under what conditions does certain levels and kinds of river use begin to impact the summer recreational setting? What levels and kinds of uses negatively impact the important grayling and king salmon populations?

Mining

I have no problem with the mining activity as long as it is adequately supervised in terms of downstream water quality and as long as appropriate egress is available for extraction of ore.

Who would have management authority over the Public Use Area?

This concerns me greatly. I am not impressed by management of state lands by either the Department of Natural Resources Department of Lands or Parks or by the Department of Fish and Game. Their performance is generally abysmal. The Division of Forestry's performance also leaves much to be desired; however, I have hope for the Division of Forestry and would expect to see much more if they were adequately funded for forest management. They are committed to multiple use and sustained yield of all the renewable resources--not just to me.

Lands and Parks are largely responsible for the creation of many of the silvicultural slums we have in Alaska. Some of the worst management practices are the result of Lands personnel dictating how to manage a stand--and they know nothing about the biology and ecology of the species, much less stand dynamics. Fish and Game commonly has a two track mind--preserve standing trees in perpetuity along and near streams and where people might see them and/or manage for maximum number of moose at the expense of the carrying capacity of the range and forest. If you don't believe me, I invite you to visit the woods--we can start on the Kenai and travel to Anchorage, up the Parks, out the Richardson to Tok. The offer is open to you or any of your colleagues; I am afraid that much of what you will see, you will not like.

With respect to the Goodpaster, I really feel that one valid alternative is to include it within the Tanana Valley State Forest. If the Advisory Committee and the enabling legislation and regulations work as intended, the values of the Goodpaster can be maintained and enhanced. Appropriate management can be planned and carried out. A multiple-use balance can be struck. Management guidelines can be developed in such ways that the users and the professionals in forestry, fisheries, wildlife, soils, geology, recreation work on the issues together. The mechanism is there. For examples, I refer to two clauses in the Tanana Valley State Forest Management Plan: 1) "The following activities are prohibited within research natural areas and the Bonanza Creek Experimental Forest unless they are consistent with a particular area's management objectives"; and 2) "Forty-four rivers, streams, and lakes have been identified within the Tanana Valley State Forest as having significant fish, wildlife, recreation, or water values that will be protected within a Special Management Zone." The legislation to incorporate Goodpaster lands into the State Forest can provide guidelines of what is expected, but not how to accomplish goals. This would provide an opportunity to educate all parties and broaden management perceptions and approaches. This would lessen the polarization that develops when one group tries to outmaneuver the other and force a constructive approach to conflict resolution. On the otherhand, lack of well-balanced legislation which establishes bias can result in nothing but conflict and adversary roles.

I refer back to the concern over the Pergerine falcon. What regulations are there in the Goodpaster to "protect" the nesting sites of the Pergerines now? Appendix C of the Tanana Valley State Forest Management Plan provides "Recommended Protection measures for Pergerine falcons during the nesting period". The measures include activities within on, two, and fifteen miles of nest sites. Concerns include minimum altitudes over nesting sites, ground activity, habitat alterations, noise levels, and critical habitat alteration. Does such protection exist for Pergerine falcons in the Goodpaster today--frankly, I do not know.

If no new state positions are created by this bill--who is going to do the management work in the area? Or is it the intent to leave Mother Nature take her course and risk the chance of the quality and productivity of the ecosystem going downhill?

Traditional Uses

I have two concerns here; otherwise the statement is good.

Personal use timber harvesting can cause serious damage to the forest resource. In essence, unless carefully supervised, personal use results in the taking of the best trees and leaving the worst trees behind for seed. This is negative genetics. Instead of selecting for the biologically best, selection is for

the biologically poorest because harvesting takes the best. How serious the problem could be, I do not know. Also, selection of trees is commonly for those which are most accessible and if they are on the river banks, then harvesting them could result in changes to the river morphometry and negatively impact fish habitat.

The other is the use of power boats. I am not opposed to the use of boats. I am concerned about the wake created by power boats and the damage to river banks. The wake of boats can cause sloughing of the bank which adds additional sediments to the water. If there is a genuine concern for grayling and king salmon, the impact of sediments entering the stream must be considered. Accelerated sediment inputs to a salmonid stream are a major concern to most fisheries personnel. It is well documented that sediments are a problem. I believe that there is a genuine need from the point of view of protecting salmonid spawning and nursery areas for a maximum motor size on the river. Similarly, any activities that negatively impact the integrity of the river bank should be managed. If the property owners are not willing to consider horsepower limitations, then are they genuinely concerned about the fishery values of the river or the public's recreational enjoyment of the river? This is another example why I am convinced the legislation is special interest oriented and the proponents are only sincerely interested in preserving their lifestyle at the expense of the general public. They are defining what they mean by a "nearly natural state" as what they want to be able to do and are currently doing now.

Economic Impacts

The questions, or more importantly the answers, regarding employment have little meaning. The real questions that must be addressed are: What are the average annual wages? How many people are unemployed--seasonally as well as year round? How many people/families receive unemployment/welfare/other benefits? How many want to work more? How many are satisfied with their current employment? Many jobs in the service sector are low paying and the only thing available. Let me give an example, many restaurants pay minimum or slightly above minimum wage; top wage is commonly \$6-8 per hour with tips being extra. By comparison, the oriented strandboard plant in Dawson Creek pays an average hourly wage of approximately US\$14 plus a profit sharing bonus plus health and other benefits. Because people are employed in the service sector does not mean the pay is adequate or job rewarding. Frankly, the Commissioner of the Department of Labor does not really know what is really is going on; he does not see into the future beyond the fiscal year budget.

If I use a simple model and assume all available woodfibre in the Goodpaster-Quartz Lake areas included in the bill is to be used at one, chemithermomechanical pulpmill which is 90 percent efficient, non-odorous, and does not use chlorine (no dioxins), the impact of removing 6,600,000 cubic feet of wood from the

annual allowable cut is equal to approximately 62,000 tons of pulp. The value of 62,000 tons of pulp at \$400 per ton is \$24,800,000. A 300 ton per day pulpmill would be able to operate about 200 days per year on this volume. Certainly, do not get the idea that I advocate using all of the fibre from that area for pulp nor that I am suggesting that a pulp mill is imminent. I am trying to illustrate how valuable the fibre within the proposed Public Use Area really is and the kind of opportunity that could be lost. I do not believe the Commissioner of Labor is the appropriate person to consult on the potential economic impact of the Public Use Area--he can only see as far as yesterday with the statistics he uses. People who say there is little value in that timber or it is insignificant in terms of volume have not looked at the real potential.

The DNR spokesman did not address the issue of sustained yield and allowable cut. If you remove timber from the sustained yield base, you cannot go to some place else on the State Forest and cut it--if you do the principle of sustained yield is violated. Now what may be happening is that there is some other timber available on state land that is not currently included in the Tanana Valley State Forest and is not regulated regarding an annual allowable cut--it is currently uncommitted. An example of such an area that is being developed into a campground or an area in which flooding has killed trees. The idea of moving to some place else is only a temporary solution; it is the equivalent of "cut and move-on." It also ignores the future--again the qualifying phrase "under current conditions" comes into play. Unfortunately, in this case it shows that there is no commitment by the state to long term timber management. This lack of commitment is a real concern to industry considering locating in Alaska!

Why the existing planning process is not satisfactory

The first thing that must be recognized is the principle that planning is not static. Every plan must be reviewed and ways to improve it to better meet the needs of society as a whole or the organization must be considered. Plans are updated. I don't believe that a Commissioner would go ahead and change a plan as suggested just for the sake of changing the plan. There are checks and balances including the hearing process.

With respect to the Tanana Valley Forest Plan, the plan must be reviewed every five years to determine if revisions are necessary. The plan must be flexible so that it can accommodate economic and social changes. Society is not static; society's needs changes. Procedures are laid out as to how the plan can be revised. Major amendments require public notice and public hearings; amendments may be proposed by agencies, municipalities, or members of the public. "A proposal to remove an area from the commercial timber base, to harvest the timber from an area where it is prohibited...are examples of changes requiring amendment."

Why have the proponents of the Public Use Area not formally proposed an amendment before trying the legislative route?

I believe all too often, excessive political pressure initiated by a few is brought to bear to change a plan. This is the worst thing that can happen to society if the pressure is from a private interest group--look at the efforts of the tobacco industry, the oil industry, and the defense industry. Look at the problems with local hire in Alaska and the pressure brought to bear on that issue. Look at the political pressure that has been brought to bear on the Tongass National Forest. You suggest that legislation is more permanent than the action of a Commissioner. I must question that. Legislation is no less secure than a plan under the administration of the commissioner. The Tongass legislation (appropriation) was changed. The Alaskan legislature changed ELF. An attempt is being made to legislatively change the land designation of a portion of the Tanana Valley State Forest to benefit a select few. In all three cases, the action is far more sweeping than the power of any Commissioner.

Enactment of a statute should be the last resort to the resolution of a conflict. Legislative action such as proposed here causes divisiveness, polarizes communities or segments of communities, destroys working relationships. It creates opportunities for power trips, not by legislators, but proponents of various actions. If you do not believe me, look at the situation in Fairbanks with regards to the tax issues.

The statement states, "The Tanana Basin Area Plan suggests that the river corridor be considered for legislative designation as a recreation area." I note the words, "river corridor". How does the Quartz Lake acreage of 15,137 acres fit into this corridor? The Recreation River Corridor contains 47,290 acres; yet the area proposed by the bill, reduced by about 55%, of about 418,000 acres (see page 2, paragraph 2 of the statement) is considerably more than what has been recognized as the Goodpaster River Corridor. Your letter refers to the confusion and misunderstandings regarding the area; well, frankly, I am confused how the River Corridor has grown to be 8.9 times the size it was. Certainly, the Tanana Basin Plan suggestion regarding the river corridor did not include 418,000 acres much less the original proposal that was more than double that figure. This last sentence is simply misleading!

I have had my say. It is more than I anticipated. Senator Fahrenkamp, I supported you strongly in your effort to pass the Tanana Valley State Forest bill. I am most perplexed by your ready willingness to start dismembering the Forest. I wish more of your effort were placed in getting the minimum 25 percent of timber receipts returned to timber management so that the timber supply would remain secure. You indicated that the Goodpaster area comprises approximately five percent of the Tanana Valley State Forest. Remember five percent of a dollar is a nickel, and

right now the timber base of the Tanana Valley State Forest is being nicked and dined to death just like the timber base is being nicked and dined to death elsewhere in the state. My livelihood depends on the forest resource and I am concerned.

I am opposed to the proposed legislation. I am opposed to legislation that benefits the select few, in this case a small number of self-righteous property owners on the Goodpaster River who have gained your undivided attention and have you convinced they are the most noble of all.

Formal copies of this letter have been sent to the State Forester and to the Regional Forester in Fairbanks. Please provide Representative Boyer access to this letter. When I referred to the "bill," I was referring to both the House and Senate versions.

My invitation to you to look at the forest still holds. I look forward to the answers to the questions that I have raised in my response to your letter. We have to sit down and talk facts; I hope you agree.

Sincerely,

Edmond C. Packee, Ph.D.
Forester

cc: M. "Bob" Dick, State Forester
L. Fortune, Regional Forester

TIMBER AND LAND IMPACTS - GOODPASTER PUBLIC USE AREA (HB 239)
 Prepared by Northern Region Office, Alaska Division of Forestry, April 11, 1989

1, Acreage and timber within proposed Goodpaster River Public Use Area (HB 239)

	ACREAGE		TIMBER VOLUMES		ANNUAL ALLOWABLE CUT ³	
	Total (Acres)	Timberland (Acres)	Spruce Sawtimber (MMBF) ¹	Mixed Fiber (MMCF) ²	Spruce Sawtimber (MMBF)	Mixed Fiber (MMCF)
TVSF Unit 9	47,050	36,621	41.12	26.55	.63	.71
TVSF Unit 10	28,121	21,298	30.66	12.64	.47	.34
Quartz Lake	15,137	10,924	16.08	7.30	.25	.19
Rec. River Corridor	47,290	32,396	48.99	23.99	.75	.64
Other State Lands	312,020	161,216	236.41	119.57	4.05	3.19
Total	449,618	259,455	400.26	190.24	6.16	5.07

1.35 billion board ft.
or
290 million cubic ft.

37.5 million board ft.
or
6.6 million cubic ft.

*Note:
error
30,000 ft
loss
Timberland
Volume*

- 1, MMBF = million board feet
- 2, MMCF = million cubic feet
- 3, Von Mantel's formula; 130 year sawtimber rotation, 75 year fiber rotation.

2, HB 239 reductions of current operable timberland and annual sale offerings

	<u>Suitable Timberland</u>	<u>Allowable Sale Quantities</u>	
TVSF UNIT 9A:	16,000 acres	364 MBF	200 CCF
QUARTZ LAKE:	10,900 Acres	250 MFB	500 CCF
TOTAL	26,900 Acres	614 MFB	700 CCF

The existing Delta area operable allowable cut on the TV/SF is 1.3 MMBF, total state land AAC is estimated at 2 MMBF.

Alaska State Legislature

Senate Resources Committee

Senator Betty Fahrenkamp, Chairman
Senator Jay Kerttula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Dick Halford
Senator Arliss Sturgulewski
Senator Fred Zharoff



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

February 2, 1990

Dear Fairbanks and Delta Junction Residents:

The Senate Resources Committee will be holding a hearing on SB 167, a bill creating the Goodpaster Public Use Area. The hearing will be teleconferenced to the Fairbanks Legislative Information Office, 119 N. Cushman St., Suite 101 and to the Delta Junction Legislative Information Office, Jarvis Office Center, Room 210, on February 7, 1990 from 1:30 to 3:30pm. Public testimony is invited.

Since the introduction of this bill, a Department of Natural Resources Goodpaster Working Group was established to review the various management plans as they relate to the Goodpaster River corridor. Public workshops were conducted in Delta and Fairbanks and a preliminary management plan will be presented for public hearings in April.

In spite of this effort, several crucial issues remain which unfortunately, could not be addressed in the plan. As a result, a new version of SB 167 has been drafted.

The enclosed draft, dated January 29, 1990, reduces the size of the public use area to about 200,000 acres and does not remove any land from the Tanana Valley State Forest. It adds timberland to the state forest and sets up a special unit of the forest in which no harvesting or roads are allowed.

In addition to restating legal descriptions (over 30 pages), these major changes are described as follows:

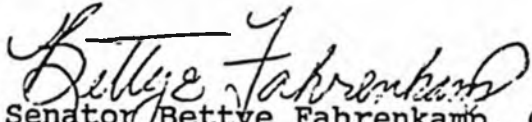
A new unit of the forest is created, "Special Forest Management Land". The legal description of its boundary begins on page 29. Previously, these areas were proposed to be put in the public use area. On page 31, this special unit is described. In the section known as 9A in the Tanana Valley Forest Plan (about 57,000 acres), no timber harvesting would be allowed, nor could any roads be constructed under this bill. The remaining special lands could be harvested in the winter (about 16,000 acres).

This no harvest, no roads approach satisfies the concerns of the river users. All other multiple uses would be allowed in this area. By not removing the land from the forest, neither its boundaries nor the annual allowable cut would be reduced. In fact, the bill proposes to add approximately 32,000 acres of nearby timbered land to the state forest.

A great deal of time has been spent crafting this version of the bill in an effort to settle this issue. Your thoughtful consideration of it is requested.

Thank you very much.

Sincerely,



Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

Enclosure

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act establishing the
Goodpaster Public Use Area
Sponsor: Fahrenkamp
Requestor: _____

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
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REVENUE	0	0	0	0	0	0
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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 FY90 Impact

Prepared by: Frank Rue Phone: 465-4105
Division: Habitat Date: 2/7/90
Approved by Commissioner: [Signature] Date: 2/7/90
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

Please enter into the record my testimony to the Senate Resources committee name

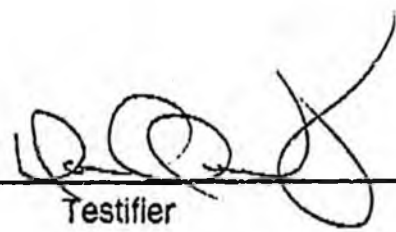
committee on SB #167 , dated February 7, 1990 bill/subject

This bill is unnecessary! The Alaska Department of Natural Resources is given the responsibility of managing most of Alaska's natural resources. Section 41.23.150 of this bill even states that "management . . . is the responsibility of the commissioner". This responsibility has been exercised in the past as evidenced by the tremendous expenditures of time and effort from both the public and private sectors that have resulted in three land management plans being developed which include the Goodpaster River area.

1. Delta Land Management Plan
2. Tanana Valley State Forest Plan
3. Tanana Basin Area Plan

All of these plans were developed from public hearings and workshops. They all contain provisions for public review and modifications if deemed necessary. In other words, the current process works with ample opportunity for the land holders along the Goodpaster River to provide their input. The Legislature does not have to usurp the land management responsibility of the Department of Natural Resources and legislate land use for individual watersheds, especially for the 80 or so Goodpaster land holders. Remember, that land belongs to all of us!

Thank you.

Signed:  _____ Don Quarberg

Testifier

Self _____

Representing (Optional)

P.O. Box 349, Delta Junction, AK 99737 _____

Address

895-4215 _____

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name
committee on SB 167, dated February 7, 1990
bill/subject

The government has their fingers in enough pies now. The Goodpaster should be left as is with no more government interference. Government's track record isn't great while falling prey to too many special interest groups.

Signed: _____

Testifier

Toni Jo Johnson

Representing (Optional)

P.O. Box 818, Delta Jct., AK 99737

Address

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name

committee on Senate Bill 167, dated 2-7-90
bill/subject

In my opinion, SB 167 was bad legislation last year and despite a new version, it is still bad legislation.

The State Department of Natural Resources along with other state agencies and public comment has developed a management plan for the Goodpasture River area as part of the update of the Tanana Basin Area Plan. A letter that I received from Senator Fahrenkaap stated that several crucial issues remain which could not be addressed in the DNR proposal and that was the reason for a new version of SB 167. That in fact is not the case. The DNR preliminary proposal addresses timber harvest, access roads, future land disposal, visual impacts, multiple uses, ATV use, as well as other management guidelines for the Goodpasture River Corridor and Units 9 and 10 of the Tanana Valley State Forest. These are the issues and concerns that are being addressed in SB 167.

The support for SB 167 seems to come from a special interest group made up of landowners on the Goodpasture River who want to follow a no timber harvest and no roads management approach. It is because the DNR proposal does not follow that approach that they continue to push passage of SB 167.

I do not feel that the legislature should circumvent the states planning process on management of state lands. The DNR proposal incorporates sound technical data from the state agencies that currently manage the Goodpasture area along with public comment from all users of the Goodpasture River. This is a much better approach to solving resource management concerns than proposing legislation on the request of small special interest groups.

If the committee intends to continue support of this legislation, I request that a Public Hearing be held on this issue in Delta Junction prior to finalization of this bill. This will allow all of the public users of the Goodpasture River the opportunity to express their views to the committee. A one and one half hour teleconference hearing is woefully inadequate to allow local residents the opportunity to voice their opinion.

Management of the Goodpasture River and the surrounding uplands to protect and maintain the natural resources and the public use and enjoyment of those resources is and should continue to be the states management objective. The states existing planning process is the best method to resolve potential conflicts. Legislation action to meet the needs of special interest groups does not result in management that will meet the needs of the resource base or provide the best interest of all of the state residents.

I ask the committee to drop this legislation and support the DNR planning process for management of the Goodpasture River.

Thank you for the opportunity to voice my opinion on this important issue.

Signed: Gary N. Champlin
Testifier Gary Champlin

Myself
Representing (Optional)

Box 428, 2141 Mullins Rd, Delta Junction, AK
Address

895-5004
Phone No.

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

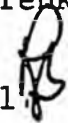
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1989

SUBJECT: Distinctions between Public Use Areas and
State Parks (SB 167)

TO: Senator Bettye Fahrenkamp

FROM: Richard A. Bradley 
Legislative Counsel

Tom Moyer has asked that I comment on the distinctions between the laws establishing and regulating state parks and those regulating the more recent creation, the public use areas. State parks (and recreational areas, a subset of state parks) are established under AS 41.21. Public use areas are established under AS 41.23.

The easy and clear distinction between the two groups of land management areas is the multiple use concept. The general consistent pattern is that state parks are closed to multiple use. Thus the following laws close state parks to multiple use:

- (1) AS 41.21.110 - Chilkat State Park;
- (2) AS 41.21.120 - Chugach State Park;
- (3) AS 41.21.130 - Kachemak Bay State Park;
- (4) AS 41.21.140 - Kachemak Bay State Wilderness Park;
- (5) AS 41.21.150 - Denali State Park;
- (6) AS 41.21.160 - Wood-Tikchik State Park;
- (7) AS 41.21.170(b) - Shuyak Island State Park;
- (8) AS 41.21.180 - Point Bridget State Park;
- (9) AS 41.21.300(b) - state marine parks.

The laws regarding the establishment of the Kachemak Bay State Wilderness Park and the Point Bridget State Park are not explicit regarding their closure to multiple use but in my opinion they are nonetheless closed.

A similar pattern exists relative to the state recreation areas; they are closed to multiple use:

- (1) AS 41.21.410 - Captain Cook State Recreation Area;
- (2) AS 41.21.430 - Caines Head State Recreation Area;
- (3) AS 41.21.450 - Nancy Lake State Recreation Area;
- (4) AS 41.21.470 - Chena River State Recreation Area;
- (5) AS 41.21.491(c) - Willow Creek State Recreation Area;
- (6) AS 41.21.502(b) - Kenai River Special Management Area;
- (7) AS 41.21.610(d) - Alaska Chilkat Bald Eagle Preserve.

On the other hand, public use areas are established under AS 41.23 and the chapter title describes the result:
"Multiple Use Management of Public Resources."

To some extent, the lands within public use areas are subject to closures to certain uses administratively. Thus the commissioner of natural resources is typically given the management authority to determine "incompatible uses" after the legislature recites certain "purposes" for the establishment of the area.

The law typically addresses the status of mining within these areas:

- (1) AS 41.23.020(c) - Nelchina PUA: open to mineral entry;
- (2) AS 41.23.050 - 41.23.080 - Ernia Haugen PUA: the law is silent but the PUA is relatively small and perhaps urban;
- (3) AS 41.23.110(e) - Hatcher Pass PUA: closed to mineral entry after September 1, 1986;
- (4) AS 41.23.470 - recreation rivers: if permitted under the management plan, on upland areas.

Senator Bettye Fahrenkamp

Page 3

April 27, 1989

The Goodpaster PUA is silent on mining access and the question of its future will be determined by the commissioner as compatible, or not, with the purposes of the PUA.

In short, the essential distinction between a state park or recreation area and a public use area is the multiple use concept; parks are not multiple use areas and public use areas are.

If I may be of further assistance, please advise.

RB:kb
wkk4/054



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 167	SPONSOR Fahrenkamp
SHORT TITLE OF BILL An Act Establishing Goodpaster Public Use Area			
DEPARTMENT POSITION Support			
PREPARED BY Frank Rue, Director	DATE 2/16/89	COMMISSIONER'S SIGNATURE <i>Frank Rue</i>	DATE 3/8/89

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

This measure designates nearly all vacant and unappropriated state-owned land within the Goodpaster River watershed as a Public Use Area to be managed by the Department of Natural Resources (ADNR). The Public Use Area is established to protect and maintain (1) fish and wildlife habitat and harvest opportunities and (2) general public recreation in a quality environment.

ANALYSIS OF BILL/PROGRAM EFFECTS

This measure requires the DNR to develop a management plan, in consultation with the Department of Fish and Game, to regulate public uses of the area consistent with the protection of fish and wildlife habitat, harvest opportunities and general recreational uses. Management of this area may not restrict lawful subsistence and sport hunting, fishing or trapping allowed under the auspices of the Board of Game or the Board of Fisheries. Traditional access to private inholdings for hunting, fishing, trapping, and recreational purposes allowed consistent with the purposes for establishment of this area. Commercial logging, road construction, or disposal of the surface estate is prohibited.

AMENDMENTS PROPOSED

None at this time. However, clarification is needed regarding the effect dedication of this public use area will have on potential habitat enhancement activities, in particular fire management for moose habitat enhancement. The proposed prohibition against commercial logging in Section 41.23.150 coupled with restrictions, if any, on an active fire management program could significantly impact the ADF&G's ability to manipulate boreal forest successional rates to enhance moose production.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Establishing the
Goodpaster Public Use Area
Sponsor: Fahrenkamp
Requestor: _____

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

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						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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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: Frank Rue
Division: Habitat

Phone: 465-4105
Date: 2/16/89

Approved by Commissioner: *James A. Hickley*
Agency: Department of Fish and Game

Date: 3/3/89

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

TESTIMONY TO SENATE RESOURCES COMMITTEE

MARCH 8, 1989

Madame Chair and Committee Members, my name is Barry Haight. I represent the Goodpaster River Property Holders Association. The Goodpaster River Property Holders formed in 1982 as year round use of the river increased, causing concern for the future of the watershed. Goals of our organization include preservation, perpetuation and enhancement of wilderness characteristics of Goodpaster drainage and sound fish and game management.

Since forming, the organization has maintained continuous involvement in various public processes which have involved the Goodpaster River area. We have taken the lead in encouraging planning approaches that recognize and seek to maintain a high quality outdoor environment for Interior Alaskans. While taking such leadership, the Association has established that there is a deep reservoir of similar sentiment among itinerant users of the river. Too often in the past such citizen sentiment has been secondary to government agency resource managers seeking bureaucratic rather than citizen goals.

The Goodpaster watershed is on the periphery of major public planning efforts, such as the Delta-Salcha Plan, Tanana Basin Area Plan, and Tanana Valley State Forest Plan. When mentioned in such plans, it is most frequently referenced as having high recreational values. It is also frequently referenced as having traditional use patterns, particularly fur and game harvest, and is good habitat for moose. The Goodpaster River is an important King Salmon spawning river and the last such stream in the Tanana River drainage.

Comments by planners through input from interested groups and users picture the watershed as a valuable Interior recreation area. Comments also reflect that other resource values are modest. Agriculture, for example, is excluded as a potential. Similarly, while there are some timber resources immediately adjacent to the river, such resources are not concentrated. Presently, there is a small placer mining effort in the area, but historically the Goodpaster drainage has not been a significant mineral producing region.

Therefore, it is our contention that the highest and best use for the Goodpaster watershed is traditional recreation and wildlife habitat. Senate Bill 167 would help maintain the high quality of these uses and minimize user impact and conflicts for the greatest number of Alaskans. SB 167 provides for a broad range of uses with minimum exclusions and regulations.

The South Central region of the state has similar designated lands such as the Nelchina Public Use Area, Ernie Haugen Public Use Area, the Hatcher Pass Public Use Area, and the six South Central recreation rivers as classified in House Bill 93 of 1987.

Interior Alaska near Fairbanks does NOT have other navigable clear water streams that are not already restricted or heavily impacted by other uses.

Finally, we are aware of the inflammatory accusation that current users or property owners seek only to maintain a private domain, and exclude others. Such a notion may pose an interesting philosophical question, and stir emotions, but does not address the central question of: What is the carrying capacity of the Goodpaster River area?

We know that as a practical matter, not everyone in Fairbanks or Delta Junction can own property on the river. We also know that with passage of time and population increases, the itinerant visitor will become the dominant user of the Goodpaster area. We believe those visitors will seek, as we have, an uncrowded place to camp and enjoy while avoiding the various user restrictions which most Alaskans seem to abhor. The proposed Legislation protects such values for future generations, as well as current users. We ask favorable passage of Senate Bill 167 from this Committee.

3/11/89

Habitat Biologist's Notes on the Value
of the Goodpaster River for
King Salmon, Chum Salmon and Grayling Production

As you might expect, there is no valid way to quantitatively compare this stream with everything else in the state. However, there are qualitative ways to assess it.

King Salmon - The Goodpaster River is less important as a king producer than several other streams in the Tanana drainage (for example, the Chena or the Salcha). However, biologists have felt that the aggregate production from small and medium producers may well be greater than the production from the few "big" producers. Although the Goodpaster is not a leading producer of kings, it is important as a part of the complex that provides king runs in the Tanana. In turn, the Tanana is a very important component of the Yukon drainage production.

The following is survey data for the Goodpaster and is useful as index material to compare run strength between years, but it underestimates the number of fish in the river, especially since they are the result of one-time surveys.

Dates of king salmon records: 7/16/54 81 fish, 7/31/60 126, 7/27/61 402, 8/8/65 60, 8/2/70 239, 8/?/72 8 (not a survey, just an observation), 8/8/72 21, 8/7/73 14, 7/29/74 194, 7/29/76 65 (partial survey), 8/3/77 29, 7/29/83 148, 8/8/84 165, 8/15/85 132.

For comparison, the Salcha, which is usually the big producer on the Tanana had numbers in the thousands for many of those years. So did the Andreafsky River, the Chena River in some years, and Canadian/Yukon streams in aggregate.

Chum Salmon - Although the production of chum salmon in the Goodpaster is not high, radio-tracking surveys by department biologists indicate the important contribution that areas of lesser importance, when taken together, make to the overall chum salmon production in a larger, major drainage system.

Grayling - Although the Goodpaster is again not a real heavy producer, it is important for grayling since it has been shown that fish produced in the river move elsewhere and provide fishing at heavily used areas like the Delta Clearwater. Also, the Goodpaster has been used for grayling egg take by ADF&G.

The Goodpaster is a heavily used recreation stream - again not as much as the Salcha, which has road access to its mouth, a larger run of kings, is closer to Fairbanks and the military bases, and is more easily boatable. The Goodpaster does support a lot of use, much of it coming from the boat ramp on the Tanana at Delta. In summary, the Goodpaster is a well-known, heavily-used river affording high-quality fishing/hunting opportunities.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

P.O. BOX 605
DELTA JUNCTION, ALASKA 99737-0605

Bryon Haley
1002 Pioneer Rd.
Fairbanks, Alaska, 99701

Nov. 22, 1989

Dear Mr. Haley,

Thank you for informing us of the tagged grayling you caught in the Goodpaster River. The Department uses tags to individually mark fish for estimates of population size, growth, mortality, and recruitment. Recaptures of these tags by anglers and the Department also provides movement data and exploitation (harvest) rates. The preliminary estimate of the number of grayling 6" and larger in the lower 33 miles of the Goodpaster this past August is $8,044 \pm 17\%$. The estimate is based on a sample of 1,936 fish. Sixty-eight percent of these were 6 to 10.5 inches, 28% were 10.5 to 13 in., and 3% were larger than 13 in..

Recaptures of tagged Goodpaster grayling have also been made in the Delta and Richardson Clearwater Rivers, Clear and Blue Creeks, and the Tanana River at Shaw Creek and Big Delta. We have also tagged in other waters in the area and some of these fish have been caught in the Goodpaster! The pattern that has developed shows the importance of the Goodpaster. The river serves as a spawning and rearing area for grayling. Some of these grayling move to these other streams for summer feeding, to the Tanana for overwintering, and some remain in the Goodpaster. The clearwater streams have important summer fisheries of their own yet have no spawning and hence are dependent on the Goodpaster.

Your tagged fish:

Tag #	G	-----At tagging:-----				-----At recapture-----	
		Date	Location	Size	Age	Date	Size
83236	G	8/17/88	Goodpaster mi20	10.7"	5	5/14/89	11"

We measure from the nose to the "V" of the tail. Add an inch if you've measured to the "tip" of the tail. Grayling in the 8 to 12" range grow between 1 to 2.5" a year and are generally 4 to 6 years old. They can live to 14 years but growth decreases the older they get.

The Department and myself appreciate your information and interest and I apologize for the late reply. If you have questions or would like more info, please call or write. Again, thank you and good fishing!

Sincerely,

Bill

Bill Ridder
Fishery Biologist
Sport Fish Division
(907)895-4632

