

HB

306

# SENATE COMMITTEE REPORT

DATE: 5/13/91

FURTHER: Finance

DATE TURNED INTO OFFICE: 5-18-91

Resources Committee considered CS FOR HOUSE BILL NO. 306 (FINANCE)

"An Act establishing a McNeil River State Game Refuge and altering the McNeil River State Game Sanctuary; and providing for an effective date."

and recommended:

replace with SCS CS HB 306 (Resources)
 same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_
 new title  
 attached amendment(s)
 technical title change (HB only)  
 \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

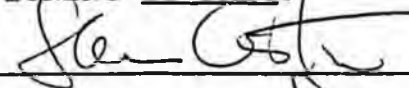
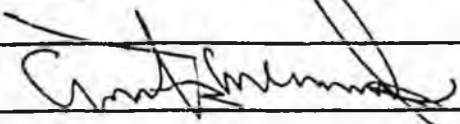
**ATTACHES NEW FISCAL NOTE(S):**

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_  
 zero fiscal note(s) \_\_\_\_\_  
 appropriation-no fiscal note

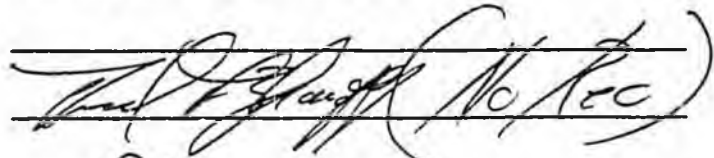
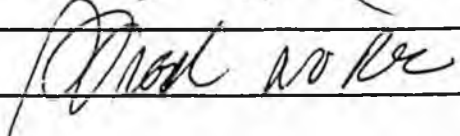
**APPROVES PREVIOUS:**

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_  
F&G 5/1/91  
 zero fiscal note(s) \_\_\_\_\_  
none 4/30/91  
 Governor's bill w/fiscal note

**SIGNING DO PASS:**

  
  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER RECOMMENDATIONS:**

  
  
\_\_\_\_\_  
\_\_\_\_\_

  
Chair: Signature and Recommendation



## Friends of McNeil River

P.O. Box 231091 Anchorage, AK 99523-1091

Phone (907) 345-7036

May 18, 1991

Sen. Lloyd Jones  
Alaska State Senate  
Senate Resources Committee  
Juneau, AK

Dear Senator:

I request that this letter be entered for the record at today's hearing of HB 306 by the Senate Resources Committee.

It has come to our attention that mining interests have mounted a strong lobbying effort to reinstate language designating mineral entry as a purpose within the proposed McNeil River State Game Refuge. Their alternative proposal withdrawal of some of the most biologically sensitive parts of the proposed refuge from designation to avoid limits on entry or operation under the bill.

Friends of McNeil River strongly opposes both alternatives. We do not feel that mineral entry or mining is an appropriate use of a wildlife refuge. Mining operations are inherently intrusive; the stack of research documenting their negative impact on the environment, wildlife in general, and bears specifically, is too high to step over. The message must not be ignored. I enclose just a few annotated references in support of our opinion.

Exemptions to allow mineral development to escape the regulatory controls imposed by refuge/sanctuary makes no sense with regard to protecting key grizzly habitat. The land specified is in the heart of upstream spawning areas expected to draw sanctuary bears seeking Paint River fish, and includes another fish ladder site.

Removing that central portion from designation as refuge/sanctuary literally guts the bill, splits the refuge, and compromises the integrity of any future management plans for Paint River drainage. Bears crossing in and out controlled areas will not know what is expected of them. Behavior modification of people-neutral McNeil bears using these areas would seem a certainty, and that would affect the existing sanctuary.

With regard to new mineral entry and subsequent mining, we are strongly opposed. I remind the Committee of the consensus opinion of all other user groups consulted at a meeting conducted by Alaska Fish and Game Deputy Commissioner Ron Somerville on 5/7/91. All groups agreed that the phrase "and mineral" entry should be removed from HB 306, and all parties agreed that mineral entry should be closed within the refuge/sanctuary.

Thank you for the opportunity to comment.



Tony Dawson  
A Founding Member

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

No. \_\_\_\_\_  
 Bill Version: CSHB 306 (RES)  
 (H) Publish Date: 5/6/91

Revision Date: \_\_\_\_\_ Department Affected: Natural Resources  
 Title: McNeil River State Game BRU: Land & Water Management  
Refuge Components: Land & Water Management  
 Sponsor: Representative Grussendorf  
 Requestor: House Resources COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Janet Bureson Phone: 465-3400  
 Division: Land & Water Management Date: 30-Apr-91

Approved by Commissioner: Harold Heinze Date: 30-Apr-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

- Fiscal Notes -



**House Bill 306 Fiscal Note Continuation Page**

The following estimated expenditures are based on assumptions that the Paint River project will be constructed as scheduled, and salmon begin returning to the system in summer 1994.

The department anticipates that 2 permanent seasonal staff will be stationed in a remote camp, and will survey the Paint River to document salmon distribution and use, as well as bear distribution and their use of salmon over time. The department will also conduct aerial surveys during salmon migration and spawning periods to further document bear distribution and habitat use.

As the salmon runs become established, the seasonal staff may be required to meet user groups, and provide guidelines regarding appropriate human behavior in the area.

Personal services - includes 4 months each of WTIV and WTIII (Anchorage 13C & 11 A respectively).

Travel - includes air travel of staff to and from field.

Contractual - includes air charter support for re-supply of field crew and aerial surveys. One survey per week -10 weeks June 1 through August 15.

Supplies - includes annual operating supplies for staff and camp.

Equipment - includes initial purchase of inflatable boat with motor, communications equipment, weapons and field tents.

COMMITTEE COPY

MAY 16 1991

May 15, 1991

The Honorable Lloyd Jones  
Chairman, Senate Resources Committee  
Alaska State Senate  
Capital Building, Room 30  
P.O. Box V  
Juneau, AK 99811

Dear Senator Jones:

**RE: House Bill No. 306 (McNeil River State Game Refuge)**

America Copper and Nickel Company, Inc. (ACNC), a wholly-owned subsidiary of Inco United States, Inc., is actively carrying out mineral exploration and holds 34 leasehold claims within the area being proposed for the McNeil River State Game Refuge.

ACNC has discovered significant gold-copper mineralization within the area now proposed as a game refuge. In August, 1990, we drilled six core holes totalling 1,545 feet and on the basis of that program, we consider the potential for a large economic gold-copper ore deposit to be excellent. The four best holes contained mineralized intersections as follows:

length (feet)	ounces gold/ton	per cent copper
130	0.04	0.5
70	0.05	0.6
47	0.03	0.9
50	0.03	1.4

This exciting, newly-discovered deposit (Kamishak Deposit) requires a great deal of additional drilling to fully test its economic potential.

ACNC has already expended in excess of \$250,000 at Kamishak and we plan to spend an additional \$500,000 in 1991. Our 1991 surface use permit was recently issued by the Department of Natural Resources and we are currently mobilizing

INCO EXPLORATION AND TECHNICAL SERVICES INC.

2600-666 BURHARD STREET, VANCOUVER, BRITISH COLUMBIA V6C 2X8 • (604) 669 2247 FACSIMILE (604) 669 6901

our exploration crews and equipment. Work on the deposit is scheduled to start on June 1st.

ACNC is committed to mineral exploration and development in Alaska. We have reduced our exploration budgets in all areas of the United States except Alaska, where we plan to spend \$2.5 million during 1991. We are in the process of opening an exploration office in Anchorage which will be staffed by two senior geologists relocated from Nevada. This increased level of activity and commitment to your state is based in part on our understanding that leaseholders have the "exclusive right of possession and extraction of minerals" except to the extent that such activities may be determined to be incompatible with "significant surface uses" (sec 38.05.195). H.B. No. 306 would place our rights of possession and extraction in an unsecured and subordinate position.

ACNC is proud of its track record with regard to mineral development in environmentally sensitive areas. We believe that we can work harmoniously with all other surface users. We placed the Mineral Hill Mine (contiguous to Yellowstone National Park) into production in 1989, and have since received awards from both the U.S. Forest Service and environmental groups.

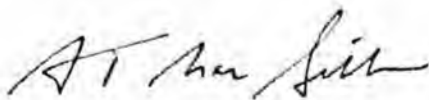
However, we are gravely concerned that if H.B. No. 306 is passed unamended, it would jeopardize the possible development of the mineral resource at Kamishak. We strongly recommend that H.B. No. 306 be amended so as to guarantee the leaseholders' current rights and, further, to exclude the north half of Township 11 South, Range 31 West, and thereby allow exploration, evaluation and development of the mineral potential of that area. In addition, an access corridor to Kamishak Bay will be required.

ACNC is extremely concerned that H.B. No. 306 is on the verge of being passed without the public and industry having an adequate opportunity to comment. It is almost inconceivable that legislation which places onerous limitations on the development of the State's non-renewable natural resources can be passed in only two weeks. Such hasty actions establish a poor business climate and fail to promote investment in Alaska's natural resources.

I would be pleased to meet with you to elaborate on our concerns regarding H.B. 306 and how it could adversely affect the mining industry in Alaska.

We have sent similar correspondence to Senators Steve Frank and Jay Kertulla, and Commissioner Harold Heinze.

Yours truly,



A.T. MacGibbon  
President  
American Copper & Nickel Company, Inc.

7-LS1266S ✓  
Chenoweth  
5/17/91

**SENATE CS FOR CS FOR HOUSE BILL NO. 306 (RESOURCES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE RESOURCES COMMITTEE**

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Navarre, Jacko, Mackie, Davidson, Boyer, Brown, Ellis, Finkelstein, Gruenberg, Koponen, Kubina, Moyer, Ulmer, B.Davis, Donley

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing a McNeil River State Game Refuge and altering the McNeil River  
2 State Game Sanctuary; and providing for an effective date."

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

4 \* Section 1. AS 16.20 is amended by adding a new section to read:

5           Sec. 16.20.041. MCNEIL RIVER STATE GAME REFUGE. (a) The following state-  
6 owned land and water, including the tidelands but exclusive of marine water and submerged land,  
7 lying within the parcels described in this subsection is established as the McNeil River State  
8 Game Refuge:

9                   Township 10 South, Range 29 West, Seward Meridian

10                   Section 19: S1/2

11                   Section 20: SW1/4

12                   Section 29: W1/2

13                   Sections 30 - 31

14                   Township 10 South, Range 30 West, Seward Meridian

- 1 Section 3: SW1/4
- 2 Section 4: SE1/4
- 3 Sections 10 - 11
- 4 Sections 14 - 16
- 5 Section 17: E1/2
- 6 Sections 20 - 23
- 7 Sections 25 - 29
- 8 Section 30: SE1/4
- 9 Section 31: NE1/4, S1/2
- 10 Sections 32 - 36
- 11 Township 11 South, Range 29 West, Seward Meridian
- 12 Sections 1 - 35
- 13 Section 36, except Nordyke Island and its tidelands
- 14 Township 11 South, Range 30 West, Seward Meridian
- 15 Sections 1 - 36
- 16 Township 11 South, Range 31 West, Seward Meridian
- 17 Sections 1 - 36
- 18 Township 11 South, Range 32 West, Seward Meridian
- 19 Sections 1 - 36, except land within Katmai National Park and Preserve
- 20 Township 12 South, Range 31 West, Seward Meridian
- 21 Sections 1 - 36
- 22 Township 12 South, Range 32 West, Seward Meridian
- 23 Sections 1 - 36, except land within Katmai National Park and Preserve
- 24 Township 13 South, Range 33 West, Seward Meridian
- 25 Section 1, except land within Katmai National Park and Preserve.
- 26 (b) The McNeil River State Game Refuge is established to
- 27 (1) provide permanent protection for brown bear and other fish and wildlife
- 28 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,
- 29 and educational purposes:
- 30 (2) manage human use and activities in a way that is compatible with (1) of this
- 31 subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil

1 River State Game Sanctuary established under AS 16.20.160;

2 (3) provide opportunities that are compatible with (1) of this subsection for  
3 wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe  
4 anchorage, and for other activities.

5 (c) The Board of Game shall determine whether hunting of brown bears within the  
6 McNeil River State Game Refuge should be prohibited.

7 (d) The use and enjoyment of valid rights and interests in mineral claims, including the  
8 right of access, within the McNeil River State Game Refuge is protected. This subsection does  
9 not affect the power of the commissioner of natural resources to open or close land within the  
10 McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.

11 (e) The department and the Department of Natural Resources

12 (1) may not enter into sales of land within the McNeil River State Game Refuge;

13 (2) may enter into leases within the McNeil River State Game Refuge if the  
14 commissioner finds that activity conducted under the lease is compatible with the purposes for  
15 which the refuge is established.

16 \* Sec. 2. AS 16.20.160 is repealed and reenacted to read:

17 Sec. 16.20.160. MCNEIL RIVER STATE GAME SANCTUARY. The following state-  
18 owned land and water, including the tidelands but exclusive of marine water and submerged land,  
19 lying within the parcels described in this subsection is established as the McNeil River State  
20 Game Sanctuary:

21 Township 12 South, Range 29 West, Seward Meridian

22 Sections 1 - 36

23 Township 12 South, Range 30 West, Seward Meridian

24 Sections 1 - 36

25 Township 13 South, Range 29 West, Seward Meridian

26 Sections 5 - 8

27 Sections 17 - 20

28 Sections 29 - 32

29 Township 13 South, Range 30 West, Seward Meridian

30 Sections 1 - 36

31 Township 13 South, Range 31 West, Seward Meridian

- 1                   Sections 1 - 36  
2                   Township 13 South, Range 32 West, Seward Meridian  
3                   Sections 1 - 36  
4                   Township 14 South, Range 32 West, Seward Meridian  
5                   Sections 1 - 12  
6                   Sections 15 - 22  
7                   Sections 27 - 30.

8 \* Sec. 3. AS 16.20.170 is repealed and reenacted to read:

9                   Sec. 16.20.170. PURPOSE; REGULATIONS. (a) The McNeil River State Game  
10 Sanctuary is established to

11                   (1) provide permanent protection for brown bear and other fish and wildlife  
12 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,  
13 and educational purposes;

14                   (2) manage human use and activities in a way that is compatible with (1) of this  
15 subsection and to maintain and enhance the unique bear viewing opportunities within the  
16 sanctuary; and

17                   (3) provide opportunities that are compatible with (1) of this subsection for  
18 wildlife viewing, fisheries enhancement, and fishing, for temporary safe anchorage, and for other  
19 activities.

20                   (b) Hunting and trapping within the McNeil River State Game Sanctuary are prohibited.

21                   (c) The department and the Department of Natural Resources

22                   (1) may not enter into sales of land within the McNeil River State Game  
23 Sanctuary;

24                   (2) may enter into leases within the McNeil River State Game Sanctuary if the  
25 commissioner finds that activity conducted under the lease is compatible with the purposes for  
26 which the sanctuary is established.

27                   (d) The McNeil River State Game Sanctuary is closed to mineral entry under  
28 AS 38.05.185 - 38.05.275.

29                   (e) The boards may adopt regulations governing access, entry, development, construction,  
30 fishing, and other uses and activities affecting the natural habitat, fish and wildlife, and public  
31 use of the McNeil River State Game Sanctuary.

1 \* Sec. 4. AS 16.20.160 is repealed and reenacted to read:

2           Sec. 16.20.160. SANCTUARY ESTABLISHED. The following described area and  
3 adjacent state waters are established as a state game sanctuary to be known as the McNeil River  
4 State Game Sanctuary: Beginning at the NE corner of Section 13, T 12 S R 30 W, S.M., westerly  
5 along the section lines to the NW corner of Section 18, T 12 S R 30 W, S.M., thence southerly  
6 along the township boundary to the SW corner of T 12 S R 30 W, S.M., thence westerly along  
7 the north boundary of T 13 S R 31 W, S.M., to the NW corner of T 13 S R 31 W, S.M., thence  
8 westerly along the north boundary of T 13 S R 32 W, S.M., to the NW corner of T 13 S R 32  
9 W, S.M., thence southerly along the west boundary of T 13 S R 32 W, S.M., to the SW corner  
10 of T 13 S R 32 W, S.M., thence southerly along the west boundary of T 14 S R 32 W, S.M., to  
11 the SW corner of Section 30, T 14 S R 32 W, S.M., thence easterly along the section lines to the  
12 SE corner of Section 27, T 14 S R 32 W, S.M., thence northerly along the section lines to the  
13 NE corner of Section 15, T 14 S R 32 W, S.M., thence easterly along the section lines to the east  
14 boundary of T 14 S R 32 W, S.M., thence northerly along the east boundary of T 14 S R 32 W,  
15 S.M., to the NE corner of T 14 S R 32 W, S.M., thence easterly along the south boundary of T  
16 13 S R 31 W, S.M., to the SE corner of T 13 S R 31 W, S.M., thence northerly along the east  
17 boundary of T 13 S R 31 W, S.M., to the NE corner of Section 24, T 13 S R 31 W, S.M., thence  
18 easterly along the section lines to the SE corner of Section 16, T 13 S R 30 W, S.M., thence  
19 northerly along the section lines to the NE corner of Section 4, T 13 S R 30 W, S.M., thence  
20 easterly along the south boundary of T 12 S R 30 W, S.M., to the SE corner of T 12 S R 30 W,  
21 S.M., thence easterly along the south boundary of T 12 S R 29 W, S.M., to the shoreline of  
22 Horseshoe Cove located in Section 32, T 12 S R 29 W, S.M., thence northerly, westerly, and  
23 northerly along the line of mean high tide to the point of beginning.

24 \* Sec. 5. AS 16.20.170 is repealed and reenacted to read:

25           Sec. 16.20.170. APPLICABILITY OF OTHER LAWS. The provisions of AS 16.20.120  
26 - 16.20.140 relating to administration, multiple use and sale and lease of the Walrus Islands State  
27 Game Sanctuary apply also with respect to the McNeil River State Game Sanctuary.

28 \* Sec. 6. AS 16.20.041 is repealed.

29 \* Sec. 7. Sections 1 - 3 of this Act take effect on the date the Paint River fish ladder begins  
30 operation. The commissioner of fish and game shall certify to the revisor of statutes the date the fish  
31 ladder begins operation.

1 \* Sec. 8. Sections 4 - 6 of this Act take effect upon entry of a final order permanently enjoining the  
2 operation of the Paint River fish ladder and the expiration of any time for appeal of the order. The  
3 commissioner of fish and game shall certify to the revisor of statutes the date determined under this  
4 section.

# Alaska State Legislature

Sen. Lloyd Jones, *Chair*  
Sen. Sam Cotten, *Vice Chair*  
Sen. Dick Ellason, *Member*  
Sen. Steve Frank, *Member*  
Sen. Rick Halford, *Member*  
Sen. Curt Menard, *Member*  
Sen. Fred Zhuroff, *Member*



P.O. Box V  
Juneau, AK 99811  
907 465-4907  
Fax: 907 465-3922

## Senate Resources Committee

May 18, 1991

TO: Legal Services

FROM: Senator Lloyd Jones, Chair *by Paula Tanel*

SUBJECT: House Bill 306

Please add a FINDINGS section to Draft LS'266/S 5/17/91 as follows. I would like to have this in final to be read across at 7 p.m. session.

### FINDINGS

The Legislature finds that :

- 1) the viewing of bears and other uses of fish and wildlife;
- 2) fishing and fish enhancement;
- 3) mineral resource development; and
- 4) traditional, cultural and historical uses

are important uses of the McNeil River State Game Refuge. The management plan for the McNeil River State Game Refuge shall address these uses.

Thank you.

Staff has checked with the legislative drafter who confirms that this language in no way prevents the Commissioner of Natural Resources from temporarily or permanently closing an area to new mineral entry by administrative order

INTERNATIONAL ASSOCIATION  
FOR BEAR RESEARCH AND MANAGEMENT

Box 1271  
Black Canyon State 2  
Phoenix, AZ 85019  
(602) 465-7306  
May 15, 1991

Friends of McNeil River et al.  
PO Box 231091  
Anchorage, AK 99523-1091

Dear Sirs:

The International Association for Bear Research and Management (IBA) is an organization composed mostly of professional scientists involved in research on different aspects of bear biology and management. We are the parent organization of the Bear Specialists Group of the International Union for the Conservation of Nature and Natural Resources (IUCN) and publish a series of technical papers in our conference proceedings titled Bears--their Biology and Management. A brochure for our next conference is attached for your reference.

Most of the members of our association are familiar with the McNeil River State Game Sanctuary through films and photos and acknowledge it as a truly exceptional wildlife viewing opportunity and wildlife management success story. As you can see from the enclosed conference brochure, we have asked a staff member from the Alaska Dept. of Fish and Game to present an invited paper next year on how this area has been managed to produce such impressive results.

My colleagues in Alaska have informed me that a salmon enhancement project on the Paint River, just north of the McNeil River State Game Sanctuary, is scheduled to be constructed this summer. This project would introduce all 5 species of Pacific salmon into a large drainage immediately north of the Sanctuary. I share your concerns that the construction of the ladder as well as the enhancement of the fishery could have serious and adverse impacts on brown bear concentration and viewing opportunities in the McNeil River Sanctuary. If the salmon runs develop as planned, it is likely that some to many of the bears currently fishing in the McNeil River will be attracted to areas on the Paint River where salmon concentrate and can be readily caught.

I am also aware that the bears within the McNeil River State Game Sanctuary have become especially tolerant of close proximity to humans. I expect that some of these bears will transfer these tolerant attitudes to their fishing activities in the Paint River area which may result in conflicts with other human uses in this area and increased kills of bears by persons unaccustomed to such tolerant bears.

Most of the members of the IBA, including myself, believe that bear hunting is an appropriate use of a renewable resource. As hunters, however, we also recognize that hunting is not the highest and best use of a wildlife resource in all circumstances. This is certainly the case at the McNeil River where bears that have learned to be tolerant of close human proximity would be especially vulnerable to hunters. If, as seems probable, these tolerant bears are attracted to the Paint River area by earlier or later runs of salmon, the IBA believes the larger public interest would be served by closing these areas to hunting.

There has been a great deal of information published in our proceedings and elsewhere about the negative effects of disturbance on the distribution and behavior of grizzly bears. I understand that extensive blasting will be necessary to construct the fish ladder which is only 3 miles from the Sanctuary. I have little doubt that such activities will influence the behavior of the bears in vicinity of this construction and at McNeil Falls which is only 3-4 miles away. Depending on the frequency and magnitude of the disturbance, these impacts may range from increased nervousness to abandonment of the area. These comments also apply to increased air traffic, especially from helicopters, if this is anticipated.

The IBA does not have enough information on which to base an opinion on the magnitude of impacts of the proposed enhancement project on the distribution and abundance of bears using the McNeil River State Game Sanctuary. From what we know of the project, however, we believe that it is probable that there would be significant impacts and that these would result in a deterioration of the exceptional bear viewing opportunities that currently exist within the McNeil River State Game Sanctuary.

I hope these comments are useful. Please let me know if I or the IBA can be of more assistance. The Secretary-Treasurer of the IBA is Dr. Sterling Miller in Anchorage (home phone 345-5158). Sterling will be glad to put you in contact with other IBA bear experts in Alaska if you require additional comments.

Best regards,



Al LaCount  
President, IBA

cc: Carl Rosier  
Commissioner, Alaska Dep. of  
Fish and Game

1. HANLEY, P.T., J.E. HEMMING, J.W. MORSELL, T.A. MOREHOUSE, L.E. LEASK, AND C.S. HARRISON. 1981. Natural resource protection and petroleum development in Alaska. USFWS, Office of Biol. Services, Washington, D.C. August. 306 pp., (ADF&G-A)\*

Focuses on 6 species including black and brown bears. Field studies conducted between 1944 and 1981. "Conclusive results showed that brown bears were attracted to garbage in drilling camps in the NPR-A and that brown and black bears were attracted to construction camps and construction areas for the trans-Alaska pipeline. The activity of blasting was responsible for the documented direct impact of passive harassment. Brown bears within 2 km of winter seismic blasting in NPR-A conclusively moved within their dens as a result of the blasts.

Activity: blasting; drilling; transport of oil/gas/water - land.

Impact: attraction to artificial food source; harassment, active (hazing, chasing) or passive (noise, scent).

2. REYNOLDS, P., H.V. REYNOLDS, III, AND E.H. FOLLMANN. 1983. Effects of seismic surveys on denning grizzly bears in northern Alaska. Draft paper presented at the sixth international conference on bear research and management. Bear Bio. Assoc. Grand Canyon, AZ. February, 1983. (ADF&G, Habitat)\*

"The activities of drilling, blasting, and transporting personnel/equipment/material by air and land produced a documented direct impact of passive harassment. Tentative results indicated that female bears had increased heart rates and/or movements within their dens during seismic detonation 0.8 - 2.4 km (0.5-1.5 mi) from their dens."

Activity: blasting; drilling; transport of personnel/equipment/material - air.

Impact: harassment, active (hazing, chasing) or passive (noise, scent).

3. HARDING, L., AND J.A. NAGY. 1980 Responses of grizzly bears to hydrocarbon exploration on Richards Island, Northwest Territories, Canada. Pages 277-280 in C.J. Martinka and L.L. McArthur, eds. Bears - their biology and management. Fourth international conference on bear research and

management, Kallispeil, MT, February 1977. Bear Biology Assoc. Conf. Ser. No. 3. (UAF)

The activities of drilling, grading/plowing, human disturbance, sewage disposal, and transporting personnel/equipment/material by land and air were responsible for the documented direct impacts of active and passive harassment and the indirect impact of terrain alteration or destruction. A potential direct impact included attraction to an artificial food source...Responses of habituated bears to helicopters were aversive in 88% of the cases. For aversive responses to fixed-wing single-engine airplanes, the percentage was 61 (no distances given). Although current levels of development cannot be proven to affect the brown bear population, development of production facilities is expected to reduce the population to where its continued existence will depend on immigration."

Activity: drilling; grading/plowing, human disturbance; sewage disposal; transport of personnel/equipment/material - air; transport of personnel/equipment/material - land.

Impact: harassment, active (hazing, chasing) or passive (noise, scent), terrain alteration or destruction (e.g., raptor cliffs).

4. MCLELLAN, B.N. 1990. Relationships between human industrial activity and grizzly bears.

"(Extraction industries) can affect individual bears and therefore populations by 1) causing strong, energetically expensive reactions by bears that disrupt their normal behaviour, 2) displacing bears from areas of human use, 3) altering habitats in which bears live, 4) disrupting the bears' social system, and 5) industrial personnel killing bears or increasing mortality rates indirectly by improving access for hunters, poachers, other resource users, and settlers..."

"Cumulative effects models have been built to predict the impact of human activities on bear populations. These models are in early stages and require data to support the coefficients used and the relationships between coefficients. Then they should be tested. One significant variable the models lack is the potential for a specific activity to be the seed for blooming additional perhaps more harmful developments."

The effects of developments and primary roads on grizzly bear habitat use in Yellowstone National Park, Wyoming.

# Alaska State Legislature

Sen. Lloyd Jones, *Chair*  
Sen. Sam Cotten, *Vice-Chair*  
Sen. Dick Ellason, *Member*  
Sen. Steve Frank, *Member*  
Sen. Rick Halford, *Member*  
Sen. Curt Menard, *Member*  
Sen. Fred Zhuroff, *Member*



P.O. Box V  
Juneau, AK 99811  
907 465-4907  
Fax: 907 465-3922

## Senate Resources Committee

May 18, 1991

TO: Senate Resources Committee Members  
FROM: Senate Resources Committee Staff - Paula Terrel *PT*  
SUBJECT: House Bill 306

A working group met for two hours to consider consensus language for House Bill 306. Included in the group were members of the mining industry, legislative staff from the offices of Representative Grussendorf and of Senators Jones, Zhuroff, Frank, Cotten, Menard, representatives from the Departments of Natural Resources and Fish and Game, United Fishermen of Alaska and the Environmental Lobby, and the Outdoor Council. Alan Phipps of the Alaska Center for the Environment was included by speaker phone.

The following language is being proposed for inclusion in the proposed SCS for CS HB 306 (Resources). While the interested parties have indicated that this may not be an ideal solution, they can support the compromise language.

### FINDINGS

The Legislature finds that :

- 1) the viewing of bears and other uses of fish and wildlife;
- 2) fishing and fish enhancement;
- 3) mineral resource development

are important uses of the McNeil River State Game Refuge. The management plan for the McNeil River State Game Refuge shall address these uses.

Staff has checked with the legislative drafter who confirms that this language in no way prevents the Commissioner of Natural Resources from temporarily or permanently closing an area to new mineral entry by administrative order

**HARTIG, RHODES, NORMAN, MAHONEY & EDWARDS**

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JAMES B. RHODES

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NANCY S. SCHIEBORN

SPENCER C. SNEED

BONNIE J. STRATTON

MICHAEL D. WHITE

JAMES J. USTASIEWSKI

May 16, 1991

VIA FAX/ORIGINAL TO FOLLOW

OF COUNSEL

GRUENING & BRITZFADEN

217 SECOND STREET, SUITE 204

JUNEAU, ALASKA 99801

TELEPHONE (907) 888-8110

REPLY TO:

Anchorage

Senator Lloyd Jones  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

RE: Senate CS for CS for HB 306  
Our File No. McNeil River Game  
Sanctuary Extension

Dear Senator Jones:

Our firm represents Cook Inlet Aquaculture Association in matters relating to the Paint River Fish Ladder project, which include the litigation commenced against the Corps of Engineers ("Corps") and the Economic Development Administration ("EDA") by Friends of McNeil River and other interested parties. In that lawsuit the plaintiffs are seeking an injunction requiring the Corps of Engineers to revoke a permit necessary to the construction and an injunction prohibiting the EDA from providing \$1 million in grant funds for the construction. Plaintiff's are claiming in that litigation that the Corps and EDA failed to follow procedures required by the National Environmental Protection Act ("NEPA") prior to issuing the permit and approving the grant.

I am writing on behalf of our client to clarify what I understand to be some confusion regarding the status of that litigation and the effects that passage of Senate CS for CS for HB 306 might have on the litigation or, more importantly, on the successful construction and operation of the Paint River fish passage.

As you know, a hearing was held on May 14th before United States District Court Judge Andrew Kleinfeld on plaintiff's motion for a preliminary injunction. After hearing arguments by counsel that lasted for more than two hours the court determined that the plaintiff's had not, at that point in time, made a sufficient showing, and the preliminary injunction was denied. That ruling is without prejudice to

Senator Lloyd Jones  
May 16, 1991  
Page 2

the plaintiff's to renew the motion based upon supplemental information.

Basically, a decision on a motion for a preliminary injunction is made based on the court's weighing, or balancing, of several factors which include the likelihood that the plaintiff's will prevail on the merits, irreparable harm that will result to the plaintiffs if the preliminary injunction is not granted, harm to the defendants if the injunction is granted, and the public interest. In a very well reasoned decision, the judge weighed the available facts as they applied to the specific issues under consideration and denied the injunction. Review of the court's analysis reflects that a similar result cannot be assured at a future hearing on the merits or on a renewed motion for a preliminary injunction.

On the issue of probable success on the merits the court weighed a number of factors which included plaintiffs' standing, a defense of laches, and compliance with the NEPA regulations. Because the plaintiffs had failed to file affidavits relating to standing until the hearing, the court did not consider them for purposes of the preliminary injunction, and without those affidavits the plaintiffs did not show they had standing; without which the court did not have jurisdiction to enter an injunction. Those affidavits will, however, be considered in future hearings.

The court also considered the probability that the defendants would prevail on an affirmative defense of laches raised by Cook Inlet Aquaculture Association. Laches basically means the plaintiffs delayed in taking action, without a good reason, and as a result of that delay the defendant will suffer serious harm. At this initial stage that defense was determined to be viable because the defendants appeared to have knowledge of the project and funding at least as early as February, but did not file suit until April, after a contract was signed. It is possible that discovery will reveal that one or more of the current plaintiffs did not have knowledge of the project or that the defense is otherwise not available.

As to the issue of failure to comply with the NEPA regulations, the court found there was a high probability of success demonstrated by the plaintiffs. The court made a preliminary determination that publication of notice in the federal register was required because the project was a matter of national concern, but that such publication had not occurred. A tentative determination was also made that the agencies had not complied with the regulations adopted by the Council on Environmental Quality which prescribe the procedures for an Environmental Assessment, and had issued a Finding of No Significant Impact without adequate review and analysis of the factors to be considered. This is the issue to which the expansion of the McNeil Refuge is most critical.

Senator Lloyd Jones  
May 16, 1991  
Page 3

Denial of the preliminary injunction has basically provided the agencies with an opportunity to correct the procedural deficiencies alleged to have occurred in the permitting and grant award processes. If the deficiencies alleged by the plaintiffs, which the court has found are likely to be proven at a hearing on the merits, are not corrected prior to further court action, it is possible that the court will enjoin the construction of the fish ladder, the operation of the fish ladder, or the federal participation in the funding for the fish ladder.

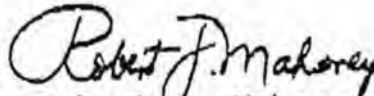
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The critical difference is that an EA might be performed in a period of two or three weeks, while an EIS could take as long as a year or more to complete. It is also clear that an EIS will involve significantly greater cost, and that Cook Inlet Aquaculture Association, as the applicant, may be asked to bear the cost of such study. That cost and attendant delays may have serious adverse impacts on the feasibility of the project. It is therefore imperative that SCS CS HB 306 be passed into law this session.

If you have any questions regarding the status of the pending litigation or the procedures that appear to be necessary to the successful completion of the Paint River Fish Ladder project, I will, with our client's permission, respond immediately.

Very truly yours,

HARTIG, RHODES, NORMAN,  
MAHONEY & EDWARDS

By:   
Robert J. Mahoney

**HARTIG, RHODES, NORMAN, MAHONEY & EDWARDS**

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May 16, 1991

VIA FAX/ORIGINAL TO FOLLOW

OF COUNSEL

GRUENING & SPITZFADEN

217 SECOND STREET, SUITE 204

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TELEPHONE (907) 888-8110

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Senator Lloyd Jones

May 16, 1991

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Senator Lloyd Jones  
May 16, 1991  
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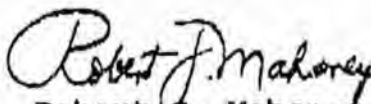
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If you have any questions regarding the status of the pending litigation or the procedures that appear to be necessary to the successful completion of the Paint River Fish Ladder project, I will, with our client's permission, respond immediately.

Very truly yours,

HARTIG, RHODES, NORMAN,  
MAHONEY & EDWARDS

By:   
Robert J. Mahoney

# Sierra Club

Alaska Field Office

241 E. Fifth Avenue, Suite 205, Anchorage, Alaska 99501

(907) 276-4048 • FAX (907) 258-6807



MAY 17 1991

TESTIMONY ON  
 HB 306, TO EXPAND THE MCNEILL RIVER STATE GAME SANCTUARY  
 Before the  
 SENATE RESOURCES COMMITTEE  
 JUNEAU, ALASKA  
 MAY 17, 1991  
 BY JACK HESSION

I am Jack Hession. I am speaking for the Sierra Club and for the Wilderness Society. We recommend that HB 306 incorporate the following provisions:

1. Brown/grizzly bear hunting should be prohibited by the bill throughout the Paint River drainage and the adjacent Amakdedori Creek drainage, whether these areas are designated as sanctuary or refuge. We favor sanctuary status because sanctuaries are traditionally closed to hunting and offer the highest degree of protection to wildlife and habitat.
2. The bill should close the new sanctuary/refuge to new entry under the State's mining and mineral leasing laws. Valid existing rights would not be affected.
3. In subsection (3) under "Purpose" of the expanded sanctuary, "fisheries enhancement" and "other activities" should be deleted as purposes of the existing sanctuary and its two Kamishak River additions. Fisheries enhancement should be limited to the Paint River drainage. In the McNeill River watershed, fisheries enhancement has already been found to conflict with the bears' food requirements.
4. New leases for sport fishing camps, lodges, and other commercial developments should not be allowed in the new areas designated by the bill. These kinds of development will promote increased human-bear conflicts and probable killing of bears "in defense of life and property." Bear viewing by the non-fishing public should be managed in the same careful way as at McNeill River, without the need for elaborate facilities.

Thank you for this opportunity to present our views.



SIERRA CLUB  
ALASKA FIELD OFFICE  
241 E. 5th Ave., Suite 205  
(907) 276-4048 FAX (907) 258-6807

DATE: 5-17-91

TO: Senate Resources Committee

FIRM: \_\_\_\_\_

FAX NUMBER: 465-3922

Total number of pages transmitted, including this fax  
information sheet: \_\_\_\_\_

If pages were not received, contact Pam

MEMO:



# THE WILDERNESS SOCIETY

## STATEMENT OF THE WILDERNESS SOCIETY

For the Hearing Record on

HB 306, to expand MCNEIL RIVER STATE GAME SANCTUARY

Before the SENATE RESOURCES COMMITTEE

Juneau, Alaska, May 17, 1991

The Wilderness Society urges the State Senate to safeguard the integrity of the McNeil River State Game Sanctuary. We believe HB 306, in its present form, does not ensure protection of the sanctuary and we recommend incorporation of the following provisions into HB 306:

1. Brown/grizzly bear hunting should be prohibited by the bill throughout the Paint River drainage and the adjacent Amakdedori Creek drainage, whether these areas are designated as sanctuary or refuge. We favor sanctuary status because sanctuaries are generally closed to hunting and offer the highest degree of protection to wildlife and habitat.
2. The bill should close the new sanctuary/refuge to new entry under the State's mining and mineral leasing laws.
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4. New leases for sport fishing camps, lodges, and other commercial developments should not be allowed in the new areas designated by the bill. These kinds of development will promote increased human-bear conflicts and probable killing of bears "in defense of life and property." Bear viewing by the non-fishing public should be managed in the same careful way as at McNeil River, without the need for elaborate facilities.

Thank you for the opportunity to present our views.

ALASKA REGION

130 WEST 7TH AVENUE, ANCHORAGE, AK 99501

TEL (907) 272-9453 FAX (907) 274-4145

7-LS1266P ✓  
Chenoweth  
5/17/91

SENATE CS FOR CS FOR HOUSE BILL NO. 306 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Navarre, Jacko, Mackie, Davidson, Boyer, Brown, Ellis, Finkelstein, Gruenberg, Koponen, Kubina, Moyer, Ulmer, B.Davis, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a McNeil River State Game Refuge and altering the McNeil River  
2 State Game Sanctuary; and providing for an effective date."

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

4 \* Section 1. AS 16.20 is amended by adding a new section to read:

5           Sec. 16.20.041. MCNEIL RIVER STATE GAME REFUGE. (a) The following state-  
6           owned land and water, including the tidelands but exclusive of marine water and submerged land,  
7           lying within the parcels described in this subsection is established as the McNeil River State  
8           Game Refuge:

9                   Township 10 South, Range 29 West, Seward Meridian

10                   Section 19: S1/2

11                   Section 20: SW1/4

12                   Section 29: W1/2

13                   Sections 30 - 31

14                   Township 10 South, Range 30 West, Seward Meridian

- 1 Section 3: SW1/4
- 2 Section 4: SE1/4
- 3 Sections 10 - 11
- 4 Sections 14 - 16
- 5 Section 17: E1/2
- 6 Sections 20 - 23
- 7 Sections 25 - 29
- 8 Section 30: SE1/4
- 9 Section 31: NE1/4, S1/2
- 10 Sections 32 - 36
- 11 Township 11 South, Range 29 West, Seward Meridian
- 12 Sections 1 - 35
- 13 Section 36, except Nordyke Island and its tidelands
- 14 Township 11 South, Range 30 West, Seward Meridian
- 15 Sections 1 - 36
- 16 Township 11 South, Range 31 West, Seward Meridian
- 17 Sections 1 - 36
- 18 Township 11 South, Range 32 West, Seward Meridian
- 19 Sections 1 - 36, except land within Katmai National Park and Preserve
- 20 Township 12 South, Range 31 West, Seward Meridian
- 21 Sections 1 - 36
- 22 Township 12 South, Range 32 West, Seward Meridian
- 23 Sections 1 - 36, except land within Katmai National Park and Preserve
- 24 Township 13 South, Range 33 West, Seward Meridian
- 25 Section 1, except land within Katmai National Park and Preserve.

(b) The McNeil River State Game Refuge is established to

(1) provide permanent protection for brown bear and other fish and wildlife populations and their habitats, so that these resources may be preserved for scientific, aesthetic, and educational purposes;

(2) manage human use and activities in a way that is compatible with (1) of this subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil

1 River State Game Sanctuary established under AS 16.20.160;

2 (3) provide opportunities that are compatible with (1) of this subsection for  
3 wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, for temporary safe  
4 anchorage, and for other activities.

5 (c) The Board of Game shall determine whether hunting of brown bears within the  
6 McNeil River State Game Refuge should be prohibited.

7 (d) The use and enjoyment of valid rights and interests in mineral claims, including the  
8 right of access, within the McNeil River State Game Refuge is protected. This subsection does  
9 not affect the power of the commissioner of natural resources to open or close land within the  
10 McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.

11 (e) The department and the Department of Natural Resources

12 (1) may not enter into sales of land within the McNeil River State Game Refuge;

13 (2) may enter into leases within the McNeil River State Game Refuge if the  
14 commissioner finds that activity conducted under the lease is compatible with the purposes for  
15 which the refuge is established.

16 \* Sec. 2. AS 16.20.160 is repealed and reenacted to read:

17 Sec. 16.20.160. MCNEIL RIVER STATE GAME SANCTUARY. The following state-  
18 owned land and water, including the tidelands but exclusive of marine water and submerged land,  
19 lying within the parcels described in this subsection is established as the McNeil River State  
20 Game Sanctuary:

21 Township 12 South, Range 29 West, Seward Meridian

22 Sections 1 - 36

23 Township 12 South, Range 30 West, Seward Meridian

24 Sections 1 - 36

25 Township 13 South, Range 29 West, Seward Meridian

26 Sections 5 - 8

27 Sections 17 - 20

28 Sections 29 - 32

29 Township 13 South, Range 30 West, Seward Meridian

30 Sections 1 - 36

31 Township 13 South, Range 31 West, Seward Meridian

1 Sections 1 - 36  
2 Township 13 South, Range 32 West, Seward Meridian  
3 Sections 1 - 36  
4 Township 14 South, Range 32 West, Seward Meridian  
5 Sections 1 - 12  
6 Sections 15 - 22  
7 Sections 27 - 30.

8 \* Sec. 3. AS 16.20.170 is repealed and reenacted to read:

9 Sec. 16.20.170. PURPOSE; REGULATIONS. (a) The McNeil River State Game  
10 Sanctuary is established to

11 (1) provide permanent protection for brown bear and other fish and wildlife  
12 populations and their habitats, so that these resources may be preserved for scientific, aesthetic,  
13 and educational purposes;

14 (2) manage human use and activities in a way that is compatible with (1) of this  
15 subsection and to maintain and enhance the unique bear viewing opportunities within the  
16 sanctuary; and

17 (3) provide opportunities that are compatible with (1) of this subsection for  
18 wildlife viewing, fisheries enhancement, and fishing, for temporary safe anchorage, and for other  
19 activities.

20 (b) Hunting and trapping within the McNeil River State Game Sanctuary are prohibited.

21 (c) The department and the Department of Natural Resources

22 (1) may not enter into sales of land or water within the McNeil River State Game  
23 Sanctuary;

24 (2) may enter into leases within the McNeil River State Game Sanctuary if the  
25 commissioner finds that activity conducted under the lease is compatible with the purposes for  
26 which the sanctuary is established.

27 (d) The McNeil River State Game Sanctuary is closed to mineral entry under  
28 AS 38.05.185 - 38.05.275.

29 (e) The boards may adopt regulations governing access, entry, development, construction,  
30 fishing, and other uses and activities affecting the natural habitat, fish and wildlife, and public  
31 use of the McNeil River State Game Sanctuary.

1 \* ~~Sec. 4. VALID EXISTING RIGHTS AND INTERESTS PRESERVED WITHIN REFUGE. The~~  
2 ~~establishment of the McNoil River State Game Refuge by AS 16.20.041, added by sec. 1 of this Act,~~  
3 ~~does not impair or alter a valid right or interest, including a mineral claim, existing on the effective date~~  
4 ~~of this Act, on state land within the refuge.~~ This provision is covered on Page 3, Line 7-11.  
5 \* ~~Sec. 4.~~ This Act takes effect on the date the Paint River fish ladder begins operation. The  
6 commissioner of fish and game shall certify to the revisor of statutes the date the fish ladder begins  
7 operation. This subsection is redundant.

If operation of the Paint River fish ladder is permanently halted by legal action, this act is repealed. The Commissioner of Fish and Game shall notify the revisor of statutes of the date that such a halt in operation occurs.

A repealer based on the Paint River fish ladder operation being halted may serve as a deterrent to the current plaintiffs continuing their suit even after the legislation. It may, however, have the unintended effect of making the fish ladder a legal target for others who are simply opposed to the creation of the refuge, for example, a disgruntled miner.

Once construction is completed and the fish ladder goes into operation, its legal vulnerability decreases dramatically. Rather than possibly encouraging nuisance suits, the legislature may wish to use a letter of intent to achieve the same purpose without the unintended negative side effects. A possible letter is below:

It is the intent of the legislature in passage of HB 306, to protect brown bear and the unique viewing opportunities at McNeil River while encouraging the construction of the Paint River fish ladder and enhancement of the Paint River system. It is not the intent of the legislature to discourage the development of valid mining claims within the McNeil River State Game Refuge.

If the plaintiffs in Friends of McNeil River vs. U.S. Army Corps of Engineers are successful in legally blocking construction or operation of the Paint River, the Senate Resources Committee shall introduce legislation repealing the creation of the McNeil River State Game Refuge and the enlargement of the McNeil River State Game Sanctuary. If such a circumstance occurs, the Departments of Fish and Game and Natural Resources have pledged their support for repeal of HB 306.



## **ALASKA OUTDOOR COUNCIL, INC.**

P.O. Box 34097

Juneau, AK 99803

May 17, 1991

Senator Lloyd Jones  
Senate Resources Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Jones:

The Alaska Outdoor Council (AOC) supports the Paint River fishway project and the conservation of other fish and game of the area including the brown bears which frequent the McNeil River drainage. We also support perpetuation of the remarkable bear viewing opportunities at the McNeil River falls. We appreciate the Legislature's interest in the project and related matters, and Representative Grussendorf's and your collective efforts to devise a legislative compromise which reassures the various interested parties that their concerns will be addressed.

We wish to reiterate our basic position that this legislation is not necessary to address and accommodate the various interests. Adequate authority and flexibility is present in existing statutes and regulatory options. But, since this forum focuses on a legislative approach we offer the following recommendations to make the current version of HB 306 acceptable to the AOC.

\* The principle purpose of the Refuge should reflect a broad conservation mandate. delete the existing language of 16.20.041(b)(1), and insert language along these lines:

"provide for the conservation of brown bears and of other fish and game populations and their habitats to maintain, enhance, and utilize these resources consistent with the sustained yield principle".

- \* Delete 16.20.170(b). Determination of hunting and trapping opportunities should be made by the Board of Game.
- \* Change the designation of the Little Kamishak/Kamishak Rivers Unit of the proposal from sanctuary to refuge, and add the Amakdedori River drainage to the north side of the refuge. This proposal was made at a meeting of interested parties in Anchorage and received wide support.

These changes would be consistent with maintaining the exemplary bear management program in the McNeil River Sanctuary, address concerns related to the fishway project, and help ensure that opportunities for public uses of public fish and game resources are balanced.

We also support the efforts of the Department of Fish and Game and of other interested parties to maintain adequate opportunities and access for other resource uses in the refuge.

Sincerely,



Richard H. Bishop  
Legislative Affairs

Post-it brand  
Fax Transmittal Memo

7672 No of Pages 4 Today's Date 5/17 Time 1:10 PM  
From TONY DAWSON  
Company F.O.M.R.  
Location ANCHORAGE Dept. Charge  
Fax # 248-7251 Telephone # 248-1974  
Original  Discard  Return  Call for pickup

To SENATOR LLOYD JONES / PAULA TERRELL  
Company ALASKA STATE SENATE  
LOCATION JUNEAU  
Fax # 465-3922 Telephone # 465-3743  
Comments DEAR SENATOR:

I SEND THIS FOR YOUR CONSIDERATION FOR THE RECORD DURING TODAY'S SENATE RESOURCES COMMITTEE HEARING ON HB 306

SINCERELY, Tony Dawson



### Friends of McNeil River

P.O. Box 231091 Anchorage, AK 99523-1091  
Phone (907) 345-7036

May 17, 1991

Sen. Rick Halford  
Alaska State Senate  
Juneau, AK

CCNY/F.Y.I.

Dear Senator:

Glad to hear of your interest in the McNeil-Paint River controversy. Here are some facts you may find useful in understanding the threat hunting poses to McNeil River's bears.

1. First, it must be stated that the permit required for the construction and fish project at Paint River was issued by the Corps of Engineers based upon an incomplete Environmental Assessment in violation of federal law. Friends of McNeil and other organizations feel that careful consideration of the impacts on McNeil River and its people tolerant bears must be addressed before the project is allowed to continue.

2. The bill, as I last saw it (a week ago), offers token protection by adding a small portion of the lower Paint River to existing McNeil River State Game Sanctuary--land the bill also protects legislated hunting closure. But this critical sliver of land is just 5% of 160,960 acres designated by the bill. Because the fish ladder itself is to be bear-proofed and big water sections of the lower stream offer poor fishing, bears will won't linger there anyway.

We fear more trouble in the areas remaining UNprotected--below the ladder in Akjemguiga Cove, at the second ladder/falls upstream near Paint Lakes, and on the upstream tributaries of the entire Paint River watershed (including Dunuletak Creek). All these areas, including the 131,840 acres to be designated as "refuge," remain open to hunting.

3. Those refuge lands--encompassing the entire upstream spawning grounds in the Paint River system--will draw many bears to waiting hunters in late fall. Spawning out salmon will be most available to bears in the late fall period--September until freeze up--as they backwash from the streams. Salmon are much easier to catch then, and bears on a fall feeding binge before denning will not pass them up. Clear evidence for this exists on all streams where red salmon and late run silvers are found on the Alaska Peninsula.

Bear "highways" will develop along Dunuletak Creek and Paint River and lead bears upstream across the western and northern boundaries of the Paint River addition to the sanctuary to prime spawning areas. The moment they cross either line, they will face hunters guns. As an experienced guide and sportsman, I'm sure you have witnessed this scenario yourself. By the way, the Paint River area is also used for denning, something that could also result in high spring hunt mortality.

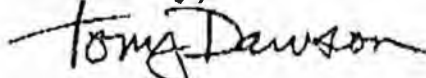
Concerned area guides predict a bear massacre, and a black eye for the hunting community. For that and the more obvious reasons, the described refuge must be closed to hunting. If not legislated, closure requires Board of Game action, and we are advised that may be unlikely due to political considerations. The bill working its way through the legislature is a small positive step, but it is far from enough.

Rep. Grussendorf has done yeoman duty on this project--without him and the Friends of McNeil River, things would not have come this far so quickly. But the issues are very complex. Political pressures limit all our aspirations in this matter, but FOMR believes the level of protection needed to prevent displacement or death of McNeil River's bears is still far from reality. Most of the area to which they will be lured remains open to hunting in spite of HB 306 and Rep. Grussendorf's best efforts.

Finally, let me address the characterization of Friends of McNeil as an "environmental" group. Though our goal in this issue is environmental, our group is a mixed bag. I am a big game hunter who hunts bears, as does over half of our founding membership. We are not anti-hunting; we simply can't understand why any sportsmen would want to shoot a bear that accepts humans as nonthreatening, and will voluntarily approach humans closely. Where's the challenge? If ever bears needed protection, the educated and tolerant bears of McNeil River are the ones.

McNeil River is unique in all the world. We don't want to see that squandered over economic issues. At the grass-roots level nationwide, biologists of many disciplines, including some of the world's preeminent bear biologists, agree with us completely. I hope this helps clarify the issue. Once any reasoning person is presented with all the facts, they find it hard not to become a Friend of McNeil River. Please contact me with any questions.

Sincerely,



Tony Dawson  
A Founding Member

Encl: Map of impacted streams/areas open and closed to hunting.

cc: Sen. Lloyd Jones/Paula Terrel  
Rep. Ben Grussendorf



## STATEMENT OF FRIENDS OF McNEIL RIVER

For the Hearing Record on

HB 306, TO EXPAND THE McNEIL RIVER STATE GAME SANCTUARY  
Before the  
SENATE RESOURCES COMMITTEE  
JUNEAU, ALASKA  
MAY 17, 1991

This is a statement by five citizen groups whose goal is to safeguard the integrity of the McNeil River State Game Sanctuary.

We recommend that HB 306 incorporate the following provisions.

1. Brown/grizzly bear hunting should be prohibited by the bill throughout the Faint River drainage and the adjacent Amakdedori Creek drainage, whether these areas are designated as sanctuary or refuge. We favor sanctuary status because sanctuaries are *TRADITIONALLY* closed to hunting and offer the highest degree of protection to wildlife and habitat.
2. The bill should close the new sanctuary/refuge to new entry under the State's mining and mineral leasing laws. Valid existing rights would not be affected.
3. In subsection (3) under "Purpose" of the expanded sanctuary, delete "fisheries enhancement" and "other activities" as purposes of the existing sanctuary and its two Kamishak River additions. Fisheries enhancement should be limited to the Faint River drainage. In the McNeil River watershed, fisheries enhancement has already been found to conflict with the bears' food requirements.
4. New leases for sport fishing camps, lodges, and other commercial developments should not be allowed in the new areas designated by the bill. These kinds of development will promote increased human-bear conflicts and probable killing of bears "in defense of life and property." Bear viewing by the non-fishing public should be managed in the same careful way as at McNeil River, without the need for elaborate facilities.

Thank you for this opportunity to present our views.

Start on Page 3, Line 3 - AS 16.20.041(b) (3) The words in brackets and the deletions are just for your clarity while drafting. I know they won't appear in the proposed CS.

(3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, [AND MINERAL ENTRY, FOR] temporary safe anchorage, and for other activities.

(c) The Board of Game shall determine whether hunting of brown bears within the McNeil River State Game Refuge should be prohibited.

(d) The use and enjoyment of valid [EXISTING] rights and interests in mineral claims, including the right of access, within the McNeil River State Game Refuge is protected. This subsection does not affect the power of the commissioner of Natural Resources to open or close land within the McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.

(e) The department and the Department of Natural Resources

(1) may not enter into sales of land [OR WATER] within the McNeil River State Game Refuge;

(2) may enter into leases within the McNeil River State Game Refuge if the commissioner finds that activity conducted under the lease is compatible with the purposes for which the refuge is established.

## Big bucks paint bleak picture for McNeil River bears

**F**riends of McNeil River — a group of Alaskans dedicated to protecting the sanctuary's world-famous gathering of bears from nearby commercial fisheries development — have suffered two setbacks during the past week.

Setback No. 1 happened in the Alaska Legislature, where House members passed a bill that would extend the sanctuary's boundaries and also establish an adjacent McNeil River State Game Refuge.

Setback No. 2 occurred four days later in Federal Court. On Tuesday, U.S. District Judge Andrew Kleinfeld refused to block construction of a fish ladder on the Paint River, as requested in a lawsuit filed by Friends of McNeil and several other environmental groups.

While Kleinfeld's decision was clearly not in the best interest of Friends (or McNeil's bears), the House's action was more subtly harmful. So subtle, in fact, that a *Times* headline reported "House passes bill to protect bears."

Although protection of McNeil's bears may have been the original intent of primary sponsor Ben Grussendorf, House Bill 306 — in its present form — could ultimately work against the dozens of brown bears that annually congregate at McNeil River Falls to feed on chum salmon.

HB 306 expands the sanctuary, in which hunting and trapping are prohibited, by only 5 percent, while also creating a refuge along the Paint River, where a massive fisheries-development project is planned only a few miles from McNeil Falls.

The first step in that plan is



Bill  
Sherwonit  
OUTDOORS  
COLUMNIST

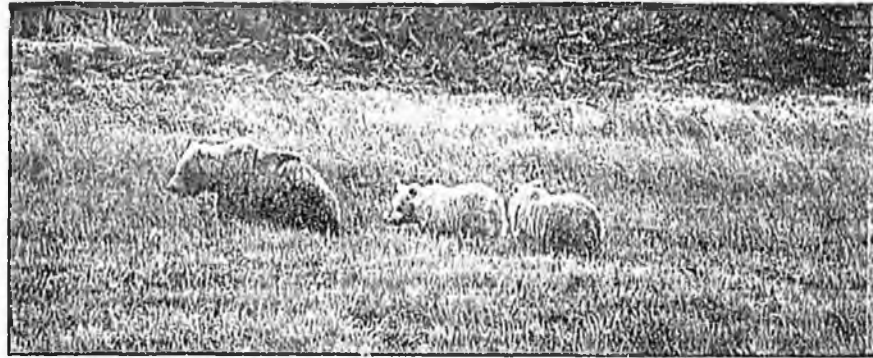
the construction of a controversial fish ladder — scheduled to begin this summer — that will allow salmon to ascend a 40-foot waterfall near the Paint River's mouth. Working together, the Cook Inlet Aquaculture Association and state Commercial Fish Division expect to create an annual return of up to 1.5 million salmon.

State wildlife biologists say there's no question bears will be drawn from McNeil to Paint River if such an artificial run is created; the only uncertainty is the number of bears involved.

Friends of McNeil — and many state biologists — worry that unless sufficient safeguards are enacted, bears drawn to the Paint River will either be hunted, shot as DLPs (in defense-of-life-and-property), or learn to associate humans with food, thus changing the manner in which they interact with humans.

Grussendorf's bill was intended to provide such safeguards. Unfortunately, "as it is now, the bill does practically nothing," says Tony Dawson, an Anchorage-based wildlife photographer and a founding member of Friends.

"(State government) has done a really good job of promoting this legislation as a protective measure for the bears; I've had several people call and



Times photo by BILL SHERWONIT

A brown bear sow leads her cubs across the McNeil River Flats on the west side of Cook Inlet.

congratulate me on our 'victory.' Grussendorf says this is a win-win situation, but we haven't gained a thing. This could end up hurting the bears more than helping them.

"The most critical areas, where the salmon will be most accessible to the bears (either when running up Paint River and its tributaries, or after spawning) are within the refuge. Ninety-five percent of the land outlined in the bill could be open to hunting. It all depends on what the Board of Game chooses to do. And with the current make-up of the board, I don't think it's likely that hunting will be prohibited in the refuge."

Dawson can easily imagine a worst-case scenario in which the remains of spawned-out salmon will continue attracting bears to Paint River and its tributaries into late fall. Such a predictable lure could make the bears easy targets for trophy seekers, if hunting is permitted within the drainage.

"Instead of being a protected area, it could become a death

trap for bears," he says. "There could be a firing line (within the refuge), where people wait for bears to leave the sanctuary."

Legislators' comments about increased opportunities for hunting and fishing lodges in the region also is worrisome.

"I keep hearing people say they want to protect the bears," Dawson notes. "But it's becoming more and more clear that they only want to protect the bears if it doesn't affect their income or special interests."

Although he criticizes HB 306 as "bad legislation," Dawson admits it is better than nothing if Paint River does indeed become a major salmon producer.

But he and other Friends of McNeil remain hopeful that they'll halt the Paint River project, despite Kleinfeld's ruling on Tuesday.

While refusing to issue a preliminary injunction, the judge denied Friends' request "without prejudice to its renewal."

Kleinfeld told Friends attorney Ken Robertson, "You lost on this preliminary

injunction because you didn't have all the necessary evidence. This is largely a procedural matter; your motion can be filed again, with the proper paperwork."

The judge also noted that, based on available evidence, the U.S. Army Corps of Engineers and Economic Development Administration had indeed failed to do an adequate environmental assessment (EA), as Friends has charged in its lawsuit.

"Based on the evidence submitted, there is no demonstration that the agencies have taken a hard look at the (fish ladder's) environmental consequences," Kleinfeld emphasized. "There is no mention at all of McNeil's bears. Without the appropriate analysis and discussion, the EA appears insufficient."

That's good news for Friends of McNeil and other parties who want the Corps to rescind its Paint River permit. If — or when — the case does go to trial, it's likely that the federal government will be required to

do another, more thorough, environmental assessment.

There is some bad news attached to Kleinfeld's preliminary analysis, however. In discussing the merits of Friends' lawsuit, he argued that the mere presence of a fish ladder will have no impact on McNeil's bear population. Only if the ladder is put into operation will the bears be affected. Therefore, he sees no compelling reason to halt the ladder's construction, as long as the fisheries project can be stopped at some future date.

Dawson disagrees.

"Once the fish ladder is built, it's a dead issue," he says. "The momentum to produce a commercial fishery will be unstoppable. After its money has been spent (the EDA is providing a \$1 million grant), there's no way the federal government is going to come up with an environmental assessment that would shut the project down."

Some might consider Dawson to be an overly cynical doomsayer. But from the start of this proposed fisheries development project, both state and federal agencies have consistently failed to adequately address the threat it poses to McNeil's gathering of bears.

I believe his cynicism — and his fears — are justified.

In a culture where decision-makers continue to make value judgments based largely on dollar signs, which do you think will receive greater consideration: a big-bucks development project? Or a gathering of bears (even if it is unique)?

Fishing  
heats up



WHAT'S HAPPENING  
IN ALASKA'S OUTDOORS

Start on Page 3, Line 3 - AS 16.20.041(b) (3)

(3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, fishing, hunting, and trapping, [AND MINERAL ENTRY FOR] temporary safe anchorage, and for other activities.

(c) The Board of Game shall determine whether hunting of brown bears within the McNeil River State Game Refuge should be prohibited.

(d) The use and enjoyment of valid [EXISTING] rights and interests in mineral claims, within the McNeil River State Game Refuge is protected. This subsection does not affect the power of the commissioner of Natural Resources to open or close land within the McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.

(e) The department and the Department of Natural Resources

(1) may not enter into sales of land or water within the McNeil River State Game Refuge;

(2) may enter into surface leases within the McNeil River State Game Refuge if the commissioner finds that activity conducted under the lease is compatible with the purposes for which the refuge is established.

(f) The McNeil River State Game Refuge is closed to oil and gas leasing.

# DEPARTMENT OF FISH AND GAME

## POSITION PAPER

Bill No: CSHB 306

Sponsor: Representative Grussendorf

Division: Habitat

Bill Title: An act relating to establishing the McNeil River State Game Refuge and altering the McNeil River State Game Sanctuary, and providing for an effective date

Department Position: The Alaska Department of Fish and Game strongly supports HB 306. We believe that this bill provides a solution for the McNeil River Sanctuary/Paint River fish ladder controversy where both sides of the dispute benefit.

### BACKGROUND

In 1978 the FRED Division identified the Paint River as a very good candidate for enhancement. The drainage has at least 25 miles of stream suitable for spawning and could support all five species of salmon. Salmon use of the system is currently blocked by a 35 foot waterfall at tidewater.

The Cook Inlet Regional Planning Team included a Paint River fish ladder in its published enhancement plan in 1981. In 1985, Cook Inlet Aquaculture Association received a planning grant for the fish ladder. Funding for construction was obtained through state capital budget appropriations of eight hundred thousand dollars each in 1989 and 1990 and from a one million dollar grant from the federal Economic Development Administration.

In August of 1988, the U.S. Army Corps of Engineers issued a permit for the construction of the fish ladder. Cook Inlet Aquaculture began the bid process for construction in late summer of 1990, and in March of this year completed the process and issued the notice to proceed.

The Paint River drainage lies just North of the McNeil River State Game Sanctuary. The McNeil Sanctuary presents a unique experience to view and photograph large numbers of brown bears in close proximity. In late winter and early spring of this year a group of people coalesced who were concerned that the enhancement project might have a negative effect on the bears at McNeil River. Some of these people formed the group "Friends of McNeil."

### LAWSUIT

On April 16 of this year, the Friends of McNeil along with five environmental groups filed for an injunction to halt construction of the fish ladder. Their suit alleged that the Corps had failed to do a proper environmental impact statement and had not noticed the permit properly.

In particular, these groups fear the enhanced salmon runs in the Paint River will attract bears from McNeil out of the sanctuary where they would be hunted or have adverse contacts with fishermen or others. It is worth noting that bears are not feeding on salmon during hunting season and their normal range has always far exceeded the sanctuary or even the proposed refuge boundaries.

HB 306 is an effort to resolve the dispute in a manner that benefits both commercial fishing and protection of bear viewing opportunities without hurting other interests. The Army Corps has stated its intention to condition its permit to make operation of the fish ladder contingent upon passage of this legislation. The effective date of HB 306 has been modified to make the legislation effective the day the fish ladder goes into operation.

On May 14, the judge denied plaintiff's request for a preliminary injunction to halt construction of the fish ladder. It is estimated that this matter will be back before the court in approximately two weeks. We believe passage of HB 306 should help resolve the lawsuit.

### PROPOSED AMENDMENT

Cominco and the American Copper Nickel Company each have existing claims in Township 11 South, Range 31 W, which is proposed to be in the refuge. In an attempt to protect these existing claims and the possibility of appropriate new claims, House Finance inserted mineral entry, to be allowed to the extent compatible with permanent protection of brown bear and other fish and wildlife populations and their habitats, in the purposes of the refuge. Commissioner Heinze has testified that it is his intention to administratively close the refuge to new mineral entry while we see whether the salmon runs take hold and how they affect the bears. for 5 yrs

Inclusion of mineral entry in the purposes of the refuge poses three problems. First, the purposes is the list of reasons the refuge is created. While mining may be allowed, it is clearly not one of the reasons for the creation of the refuge. Second, we have checked with the Attorney General's Office and been advised that inclusion in the purpose section could, at a minimum, raise legal questions about the ability of the Commissioner of Natural Resources to administratively close mineral entry, even temporarily. Third, the placement of mineral entry in the purpose section makes all existing claims as well as new entries specifically subject to compatibility determinations.

We suggest instead the following amendment:

Page 3, Line 3 - Delete: "[AND MINERAL ENTRY]"

Page 3, Line 13 - Insert a new subsection (e) to read:

"The use and enjoyment of valid existing rights and interests, including mineral claims, within the McNeil River State Game Refuge is protected. This subsection does not affect the power of the Commissioner of Natural Resources to open or close land to new mineral entry under AS 38.05.185 - 38.05.275."

We believe this amendment improves the solution for all parties. It protects existing claims without affecting DNR's power regarding new claims.

### SUMMARY

We believe HB 306 improves protection for the brown bears at McNeil River while helping to facilitate an enhancement project that will be of major value to the commercial fishery. It allows for flexible

management to deal with any conflicts that might develop. It protects mineral claims in the proposed area.  
We urge your swift and favorable action on this bill.

Commissioner's Signature *Ben Amerill* Date: 5/15/91 1

**FISCAL NOTE**

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL NO.** HB 306

Revision Date: \_\_\_\_\_ Department Affected: Fish and Game  
 Title: McNeil River State Game Refuge BRU: Wildlife Conservation  
 Component: Wildlife Conservation

Sponsor: Grussendorf  
 Requestor: House COMPONENT SERIAL NO. 

	4	7	3
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**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES			26.0	26.0	26.0	26.0
TRAVEL		4.0	4.0	4.0	4.0	4.0
CONTRACTUAL			10.0	10.0	10.0	10.0
SUPPLIES		1.0	4.0	4.0	4.0	4.0
EQUIPMENT			8.9	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>5.0</b>	<b>52.9</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

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

GENERAL FUND		5.0	52.9	44.0	44.0	44.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>5.0</b>	<b>52.9</b>	<b>44.0</b>	<b>44.0</b>	<b>44.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME			2	2	2	2
TEMPORARY						

Estimate of current year impact: None

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

See attached

Prepared By: John H. Westlund Phone: 267-2199  
 Division: \_\_\_\_\_ Date: April 30, 1991

Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# McNeil River Proposals April 1991



Proposed McNeil River State Game Sanctuary Additions

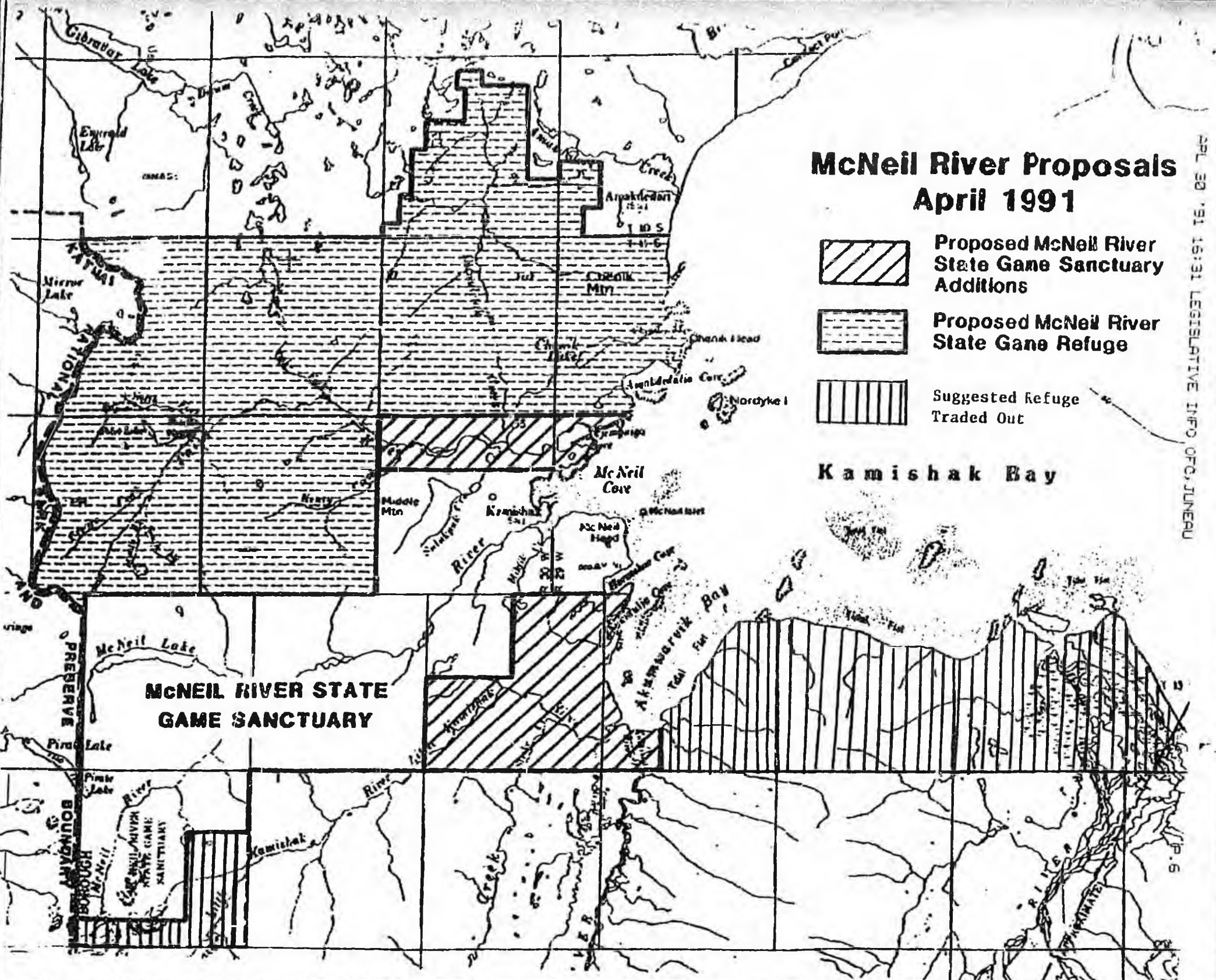


Proposed McNeil River State Game Refuge



Suggested Refuge Traded Out

## Kamishak Bay



**MCNEIL RIVER STATE  
GAME SANCTUARY**

McNeil Lake

McNeil Cove

NATIONAL  
PARK

PRESERVE

BOUNDARY

McNEIL RIVER  
STATE GAME  
SANCTUARY

Kamishak

River

Creek

Kamishak

McNeil Head

McNeil Bay

McNeil Bay

McNeil Bay

McNeil Bay

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McNeil Bay

P.S.

MODIFICATIONS TO CSHB 306 (FIN), ADF&G DRAFT OF MAY 15, 1991

Starting on page 2, line 26:

(b) The McNeil River State Game Refuge is established to

(1) provide permanent protection for brown bear and other fish and wildlife populations and their habitats, so that these resources may be preserved for scientific, aesthetic, and educational purposes;

(2) manage human use and activities in a way that is compatible with (1) of this subsection and to maintain and enhance the unique bear viewing opportunities in the McNeil River State Game Sanctuary established under AS 16.20.160;

(3) provide opportunities that are compatible with (1) of this subsection for wildlife viewing, fisheries enhancement, fishing, hunting, and trapping;

(4) guarantee opportunities for access to and exploration and mining of minerals;

(c) The Board of Game shall determine whether hunting of brown bears within the McNeil River State Game Refuge should be prohibited.

(d) The use and enjoyment of valid existing rights and interests in mineral claims, within the McNeil River State Game Refuge [is] are protected. This subsection does not affect the power of the Commissioner of Natural Resources to open or close land within the McNeil River State Game Refuge to new mineral entry under AS 38.05.185 - 38.05.275.

(e) The department and the Department of Natural Resources

(1) may not enter into sales of land [or water] within the McNeil River State Game Refuge;

(2) may enter into [surface] leases within the McNeil River State Game Refuge if the commissioner and the commissioner of Natural Resources find[s] that activity conducted under the lease(s) is compatible with the purposes for which the refuge is established.

(f) The McNeil River State Game Refuge is closed to oil and gas leasing.

Without Modification the Fatal flaws were:

1. sales of water??? All mines require some water;
2. no subsurface (mineral) leases would be allowed. The area is now open ONLY to Leasehold Location which requires a "lease" before mining can take place.
3. not including Commissioner of DNR in compatibility determination;
4. "compatible" with (1), if the new (4) is not included;
5. no access provisions.

SENATE CS FOR CS FOR HB 306 ( )

Testimony Before Senate Resources Committee

May 18, 1991

My name is Steve Borell, I am the Executive Director of the Alaska Miners Association and I am testifying on behalf of the Association.

Thank you, Mr. Chairman and committee for the opportunity to testify before you regarding this legislation for the second time in as many days. As I stated at the previous hearing, we are extremely concerned about this legislation and we very much appreciate the chance to appraise this committee of several additional points that we feel should be considered.

Land availability for mineral exploration, and access to those lands, have been probably the most crucial issues for the mining industry during the past 25 years. The land base available for exploration and mining in Alaska has been reduced on a continuing basis during this period.

First came ANSCA whereby 45.6 million acres were removed from the public domain lands and transferred to Native Corporations. We have absolutely no quarrel with the Native Corporations receiving this land and we are encouraged to see these Corporations begin to develop their vast mineral resources and to provide jobs to their shareholders.

Then came ANILCA whereby 104 million acres were added to federal conservation units and closed to mineral entry and mining. But the promises made in ANILCA that there would be "no more" set-asides and the promises that valid existing in-holdings would be honored have been circumvented by the U.S. Forest Service and the National Park Service, respectively. The latest chapter in the on-going effort of the National Park Service to remove the valid in-holders appeared in the Friday, May 17, 1991 issue of the Anchorage Times; and I quote from page C1

" The National Park Service has rejected the first Kantishna mining plan submitted since a court order restored the option of placer mining in the embattled reserve surrounded by Denali National Park.

Area miners contend the Park Service action is evidence the federal agency wants to completely shut them out of the rich gold belt....

However, Park Service spokesman John Quinley said the decision to deny a mining plan by Sam Koppenberg of Fairbanks does not necessarily mean all proposals will be rejected."

For their part, the U.S. Forest Service, working in the Tongass National Forest, has continued to study additional areas for designation as "Wilderness" and to study rivers and streams for

designation as "Wild & Scenic Rivers". These types of studies were expressly prohibited by ANILCA.

It should be recognized that once all state and native selections have been completed, approximately 165.4 million acres of federal land in Alaska will be closed to mineral entry and mining. That is almost the size of Texas which has 168 million total acres. To state it another way, that is an area equal to the combined size of New York, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana and Illinois!

To add insult to injury, the State of Alaska has spent the past many years making its land selections based in large part on the mineral potential of the lands and already approximately 10% of those lands have been given restrictive land use designations that will not allow mineral entry or mining. Also, other state lands have been encumbered with other restrictions through the land planning process that effectively eliminates access and therefore eliminates any possibility for mining.

In the past, and I emphise in the past, mineral closures have often been made with no consideration or only a cursory consideration being given to mineral potential. Preceived or potential conflicts that would require DNR and ADF&G to actively manage different uses in the same area have, in the past, been addressed by summairly closing the area to mineral entry. Land management was replaced by additional land "lock-ups".

Due in a large part to the uncertainty associated with land availability and the very negative attitude toward mining that was held by some past administrations, many minerals companies ceased to explore for minerals in Alaska. By the year 1984 more than 80 minerals companies had left the state.

I am thankful to report that this situation has now begun to improve. Greens Creek and Red Dog have shown the world that it is indeed possible to start a major new mine in Alaska. That notion had been in doubt for many years. Both of these mines began operation in 1989 and are effectively the first hard rock mining in the state since WW II when a presidential order closed all precious metal mines in the nation.

Large scale mining projects will nearly always require major mining companies if they are to succeed. Small prospectors and small miners continue to be an important part of the industry and will also be a primary source of prospects for large scale mines. However, major mining companies will nearly always be required if large scale mines are to ever get started.

But the managers and directors of the large mining companies must have the assurance that if they search for and find a mineral deposit that they believe can be mined at a profit, they will have a reasonable chance to develop the deposit into a mine. They fully recognize and fully plan to comply with all manner of constraints

and environmental regulations.

However, they will not even look for minerals in areas having excessive or potentially unreasonable restrictions. Given the current legal appetite of some preservationist organizations, these managers and directors would be in dereliction of their responsibilities if they were to do otherwise.

It is in this setting that we now find HB 306 "McNeil River State Game Refuge". Here is an area that has had mining claims since approximately 1913. Many companies have done exploration work in the area. Two of the largest and most respected mining companies in the world have more than 150 active mining claims in the area. Some of these claims were staked on BLM land before the land was selected by the state and the claims were subsequently converted to state claims. As stated in my previous testimony, one of these companies has spent \$250,000 in the past and has an approved permit from your DNR for a work plan for this summer that will cost more than \$500,000.

If this legislation becomes law, I cannot predict the course of action that will be taken by the companies now holding claims in this area. I can however predict the affect on the state as a whole. Passage of this bill will have a very chilling affect on how major mining companies view Alaska. Mining companies will again see Alaska as a place that is unfriendly to the mining industry and not interested in minerals investement.

AD1  
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# State decides not to change ladder plans

## Bears may run into humans at Paint River salmon runs

By DAVID HULEN  
Daily News reporter

The controversial fish ladder on the Paint River just outside the McNeil River bear sanctuary will apparently be built on schedule this summer without new restrictions on human activity around it, state wildlife authorities said Friday.

The \$3 million structure is to be built near the mouth of the Paint River, just three miles from the much-photographed falls on the McNeil where dozens of brown bears gather each summer to gorge on salmon.

The idea of the ladder, on the west side of Cook Inlet across from Homer, is to enable salmon to swim around a 35-foot waterfall and spawn in the system, creating a new major commercial salmon run.

But some conservationists think a large new salmon run so close to McNeil could threaten the bears that gather there — and the chance for people to watch so many of them — by drawing them out of the sanctuary and on to state land along the Paint, where bear hunting and sport fishing are allowed. Fish ladder opponents think the amount of human contact with bears could increase, endangering both bears and people.

Officials in the Department of Fish and Game have been discussing the idea in recent weeks of pressing for legislation to impose land-use restrictions on the area around Paint River. One idea was to press legislators to extend the McNeil River sanctuary north to cover the Paint River system, along with restrictions of hunting, fishing and other human activity.

Please see Page C-3, LADDER

# LADDER: State decides to forgo new rules

Continued from Page C-1

But on Friday, Karl Schneider, acting regional supervisor of the Division of Wildlife Conservation, said Fish and Game officials in Juneau had not decided to push the legislation this year. With only a month or so left in this year's session, he said, it was unlikely that any such action would occur this year.

Part of the reason, he said, was that new appointees at the top of Fish and

Game, including the new state head of Wildlife Conservation, were just settling into their jobs and were still trying to get familiar with the issue. In addition, he said, groups involved with the issue haven't been able to agree on just what the department should do.

Permits were issued for the project last year. "I think they feel at this point they can't take a position," Schneider said. Nonetheless, he said, officials in

the department think "some kind of special area status" makes sense and said the issue will continue to be discussed.

Tony Dawson, an Anchorage wildlife photographer who has helped form the group Friends of McNeil River, was among a large group of citizens and government officials who met on the issue Friday. He said he was disappointed the state wasn't doing more.

"They seem to think (placing restrictions on the land)

is moving too fast. ... To us, it's not moving fast enough," Dawson said. "Nobody's offering any hope of canceling the project and no protection is likely to be in place" until at least next year.

Schneider, meanwhile, said he thought Fish and Game officials shared the same concerns of the McNeil River group.

"The uncertainty is what's the best thing to do about it," he said.

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Articles

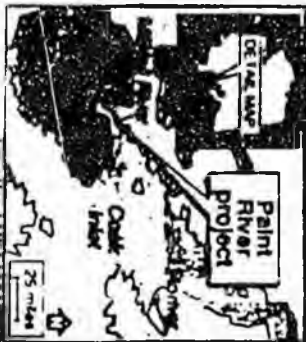
# FISH LADDER PLAN spurs interest in bear sanctuary

By DAVID FUTCH

4-10-91

TIMES WRITER

The fear of a brown bear massacre by hunters along the Paint River has led House Speaker Ben Grussendorf to devise a plan to include that stream within the boundaries of the McNeil River State Game Sanctuary.



Grussendorf said Tuesday he expects to introduce a bill ensuring that if a proposed \$2.8 million Paint River fish ladder is built, bears attracted there by migrating salmon will not be killed by hunters.

Currently the Paint River drainage area three miles north of McNeil River does not protect bears from human intrusion, hunting or fishing because the land is designated as state land and not sanctuary for animals.

Friends of McNeil River, a group that opposes construction of the fish ladder, said without sanctuary status, people could fish there, causing potentially disastrous confrontations with bears.

Each year hundreds of people make the trek to view as many as 65 bears at a time feeding on salmon at McNeil River. The river flows to McNeil Cove, 34 miles southwest of Augustine Island in the Aleutian Range.

The Paint River fish ladder is a state, federal and Cook Inlet Aquaculture Association project. See River, page B5.

## River

Continued from page B1

signed to create another breeding ground for salmon by giving them a way to negotiate the 35-foot high Paint River Falls.

Hunting guide Mike DeNeut predicts a bear massacre unless the Paint River area becomes part of the McNeil River sanctuary.

DeNeut, who has 20 years guiding experience in the nearby Iliamna drainage area, said any designation other than sanctuary status would allow hunters to kill bears at Paint River.

"If you include it as part of McNeil, guides will

stay away because they know the government will almost send them to the electric chair for hunting in the sanctuary," DeNeut said. "I know the mentality of a lot of guides and they can't wait for the ladder to go in."

Grussendorf, D-Sitka, said he decided to propose legislation to include Paint River in the McNeil Sanctuary to give bears priority status and protect them.

The state wants the fish ladder built but does not want to see bears an easy target to hunters.

Friends of McNeil River said the ladder would create a mother lode of salmon at Paint River and divert older and younger bears unable to compete at McNeil River to the Paint River where bears currently do not congregate.

"Bears are not stupid. They take the easy way out," Grussendorf said. "The Paint River could

become another place where people go to look at bears. When people think of Alaska they think of that magnificent animal. Alaska wouldn't be Alaska without that brown bear."

Tony and Kathy Dawson with Friends of McNeil River have been fighting the ladder but understand political realities will demand the ladder be built. They said they are pleased to see legislation is being put forth to include the Paint River as part of McNeil River Sanctuary. They added they hope the Paint River gets sanctuary status before it's too late.

Tony Dawson said the ladder may not be completed in time for salmon to make a run up the Paint River this summer but it will be by next summer.

If a couple of seasons pass without the Paint River receiving sanctuary status, then the McNeil

River bears could end up on the wrong end of a gun, Dawson said.

"What should have been done is give this area sanctuary status before the ladder is built," he said. "The other point is there are a lot of people tapping their pencils and shaking their heads that six weeks ago weren't doing anything."

Tom Walker, a Cook Inlet Aquaculture planner, said his group has no problem with naming the Paint River part of McNeil Sanctuary.

He said he hopes language in the bill allows for limited activity on the Paint River so Cook Inlet Aquaculture can check on what happens to the salmon migrating up the Paint River.

"Our area of interest is the salmon," Walker said. "I wouldn't hazard a recommendation as to what is good or bad for bears."



Times photo by BILL SHERWONIT



# STATE'S BIOLOGISTS AGREE McNEIL'S BEARS NEED ADDITIONAL PROTECTION

4-14-91

**S**ince being assigned to McNeil River State Game Sanctuary in 1976, Larry Aumiller has become the world's leading expert on McNeil's annual gathering of brown bears. Some colleagues within the Department of Fish and Game say the 46-year-old state wildlife technician understands *Ursus arctos* better than anyone, anywhere.

Through his close contact with McNeil's bears, Aumiller has developed ties with the animals that most people might consider a little strange. He's learned to distinguish individual animals and, if asked, will discuss their different personalities and behavioral traits. He's even named many of the regulars who fish for salmon at McNeil Falls year after year. There's Teddy. Chaser. Weird. And Flashman, Groucho and Melody. Just to name a few.



In a sense, the bears have become Aumiller's family. His concern for them, both collectively and individually, is clear. It's equally clear that the sanctuary and its summertime residents have helped to shape Aumiller's life over the past 15 years. He, in turn, has helped thousands of sanctuary visitors see first-hand that bears are not the bloodthirsty, unpredictable killers that they're often made out to be, while demonstrating that humans and bears can indeed peacefully co-exist "if you do the right things."

Aumiller's unique connection with McNeil's bears naturally makes him sensitive to anything that might jeopardize the sanctuary's values. Long before anyone else, he recognized that a proposed fisheries-development project at nearby Paint River would inevitably affect the sanctuary and possibly do it significant harm. He expressed his concerns.

For years, no one listened. Or at least no one in a position of authority acted on his concerns. Sometime within the past year, things began to change. Dramatically. As reported by the media, nearly everyone in

# Sherwonit

Continued from page F1

the Division of Wildlife Conservation's Southcentral Region office now agrees that the creation of a Paint River commercial salmon fishery will, in all likelihood, compromise the sanctuary's values unless additional measures are taken to protect McNeil's bears.

This transformation is wonderful. But the timing is lousy. The Paint River fish-ladder project is, by all accounts, a done deal.

Once the ladder is in place, a commercial fishery is bound to follow. Experts with the Cook Inlet Aquaculture Association and state Commercial Fish Division estimate the Paint River system, when stocked, could eventually produce an annual return of 1.5 million salmon or more. According to a 1990 draft report by the Department of Fish and Game, there's a strong possibility that such salmon returns "will profoundly affect bear distribution, abundance and behavior" in the McNeil region.

Aumiller hesitates to comment on the McNeil-Paint River debate, because the controversy puts him in an awkward position. Understanding the sensitive nature of departmental politics, he's largely content to stay in the background.

During an interview, his comments are carefully weighed. "It makes me really encouraged," he says, "to see everyone else (in the division) so concerned about McNeil. Even the mainstream biologists, who traditionally deal with populations, not individual animals, are saying this area needs to be managed differently than others."

Others are not quite so hesitant to comment. Sterling Miller, a state bear biologist who probably fits the "mainstream" category, has admitted, "Frankly, I think we (in the Division of Wildlife Conservation) were blindsided by this. For a long time, only Larry took Paint River seriously. But now almost everyone agrees that Paint River will have an impact on McNeil, so additional protection is needed. I've never seen people within the division so unified on an issue."

That unity was demonstrated earlier this month, at a meeting hosted by the Division of Wildlife Conservation (DWC). The two dozen or so people present represented a wide array of concerned parties: Fish and Game, the Department of Natural Resources, National Park Service, U.S. Fish and Wildlife Service, U.S. Department of Commerce, several environmental organizations and a group known as "Friends of McNeil."

John Schoen, a state conservation biologist, told those in attendance, "This meeting should have happened two years ago. It's unfortunate we couldn't have done something to protect the sanctuary before (the Paint River fish-ladder project was approved). But now we need to do as much as possible in the time remaining."

Karl Schneider, DWC's acting supervisor for the Southcentral Region, was equally candid. "People often call McNeil a world-class attraction, but I think it goes even beyond that. McNeil is unique. It's the standard by which other wildlife-viewing areas are measured.

The division's primary management objective — at least at the regional level — for the Kanishak Bay region is to preserve the values that currently exist at McNeil. And the best way to do that, given the circumstances, is to extend the existing sanctuary, so it includes the Paint River drainage."

In their search for solutions, it appears that Schneider, Aumiller and others concerned about

McNeil have gained a couple of powerful allies.

The Cook Inlet Seiners Association — whose members will directly benefit from any Paint River fisheries development — has expressed its written support of any land status "that best protects the wildlife and habitat of Paint River lands," so long as it doesn't interfere with the creation of a new commercial salmon fishery. And House Speaker Ben Grussendorf of Sitka said last week that he'll introduce a bill to give McNeil additional protection if the Paint River fish ladder is built.

Still, even the most optimistic McNeil supporters doubt that such legislation will pass this session. And its fate in future years is anybody's guess. As Alan Phipps of the Alaska Center for the Environment has cautioned, "I haven't seen any evidence that the Department of Natural Resources (which manages the land in and around Paint River) supports an extension of the sanctuary. DNR's support is critical. And what about administration support?"

No one at Fish and Game will publicly explain what happened, but widely circulating rumors suggest that deputy commissioner Ron Somerville was the person responsible for the department's "change of heart."

On Friday, Rosier said, "We haven't taken a position at this time. There are a lot of issues that need to be discussed and resolved before we make any final decisions."

Although he noted, "We're on top of things here," Rosier surprisingly added that he hadn't talked with any DWC staff in Anchorage, nor had anyone in the division expressed concerns that the Paint River project will likely affect McNeil sanctuary.

The lack of progress has especially frustrated and angered the group Friends of McNeil, which was formed in 1990 to act as an advocate for the sanctuary and its bears.

"Nothing has changed since our first meeting with Fish and Game several weeks ago," says Friends spokesman Tony Dawson, a professional wildlife photographer who lives in Anchorage. "We see the Paint River project as a direct threat to McNeil."

For now, at least, the issue remains in limbo. Will there be a lawsuit? Will the ladder construction be put on hold? Will Fish and Game, DNR and Gov. Walter Hickel support a sanctuary expansion? Will the state risk its world-class bear-viewing area in order to establish a multi-million-dollar commercial fishery, at a time when there's already a glut of salmon on the market?

The answer seems so obvious. Build the fish ladder, but do what's necessary to protect McNeil's bears. Even those who initially opposed the Paint River project now agree it's not necessarily a bad thing, if additional safeguards are provided.

"I think we (Friends of McNeil) are perceived by commercial fishing interests as project killers," Dawson says. "Initially that may have been where we were coming from. Our thinking was, 'Why tinker with a system that's working well?' But we recognize the political realities, so we've modified our stance somewhat. Our main priority is to protect the bears."

Those who know the sanctuary best — and that includes Friends of McNeil as well as state biologists and wildlife managers — are in agreement: The sanctuary must be expanded to best protect the bears from any Paint River development, preferably before construction on the fish ladder has begun.

Now if only decision-makers in Juneau will act — quickly, to preserve a unique Alaskan treasure.



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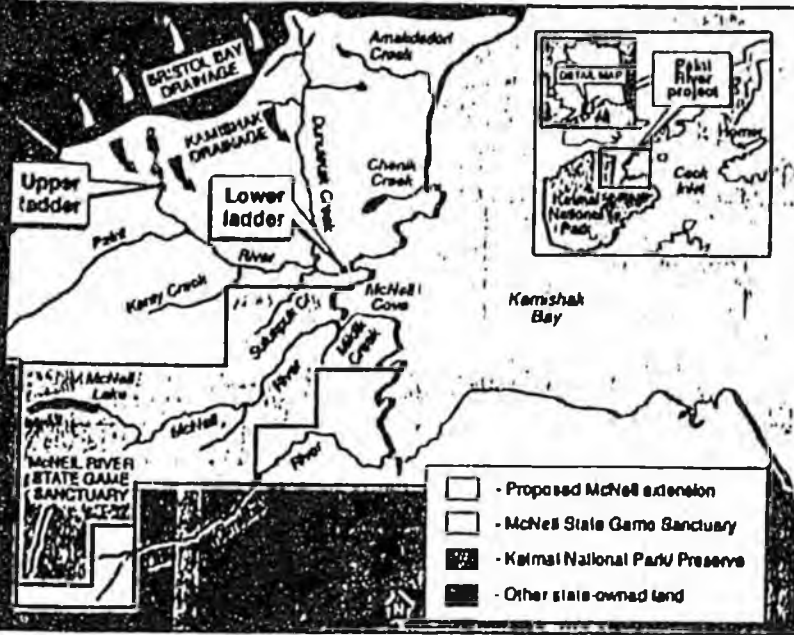
## WHAT'S HAPPENING IN A

### Archers slate Spring Fever shoots

The Cook Inlet Archers have scheduled two Spring Fever Shoots for Sunday, April 21, and

- A child's bird feeder, to be given by the Anchorage Audubon Society at 1 p.m.
- Flower plant drying press, to be given by RFI staff at 3 p.m.

The Anchorage Times  
Wednesday, April 17, 1991



## Environmentalists sue to protect McNeil bears

By DESIREE HUMPHREY

TIMES WRITER

Five environmental groups sued the federal government Tuesday seeking to block construction of a Paint River fish ladder they say will lead to trouble for bears in the nearby McNeil River State Game Sanctuary.

The Friends of McNeil River and four other environmental groups said impact studies required by federal law were not done before funding and permits were issued for the \$2.8 million project. The project is designed to create a breeding ground and foundation for a major salmon fishery at Paint River.

The groups want a federal judge to stop the project and block its funding until the

completion of studies on the impact of increased human activity in the area and the possibility of adverse encounters between man and bear. The suit was filed in Anchorage federal court.

The federal government has allocated \$1 million to Cook Inlet Aquaculture Association for the project, expected to be completed this summer, the suit said. The association is a private, non-profit group working with the Alaska Department of Fish and Game to start the new fishery.

The fish ladder would be built at the mouth of Paint River, about three miles away from McNeil Falls where bears feed during summer salmon runs, the suit said. The appearance of new fish elsewhere would

draw bears away from the sanctuary viewing area, the suit said.

"The introduction of fish at Paint River is also expected to attract large numbers of sport and commercial users including hunters, fishermen, boaters and other recreational users," the suit said. "Historically large numbers of bears in areas of lots of human activity means lots of trouble."

Tom Mears, executive director for the aquaculture association, said Tuesday the concerns of the environmental groups have been addressed in the fish-ladder plan.

For example, a protective grating will be installed to keep bears from falling in and drowning, he said. In addition, a permanent electric fence will be built.

# Friends can't wait, join in lawsuit

4-18-91 Times

**T**ony Dawson and other Friends of McNeil River didn't want to go to court.

Members of the Friends group waited patiently for several weeks, hoping that state officials would do the right thing: expand McNeil River State Game Sanctuary to protect McNeil's unique gathering of bears from planned fisheries development at nearby Paint River.

Their plea was simple and logical: do something to protect McNeil's bears before construction of a fish ladder begins this spring.

Despite recent support from the state's Division of Wildlife Conservation, Dawson and Friends were frustrated by the mixed messages being sent from Juneau.

Unwilling to gamble that sufficient protective measures would eventually be enacted, the group chose to join four other environmental groups (The Wilderness Society, National Wildlife Federation, Alaska Chapter of the Sierra Club and Alaska Wildlife Alliance) in a lawsuit that seeks to block construction of the Paint River fish ladder until an appropriate environmental assessment is completed.

"The options seem pretty clear to us," says Dawson.

"Either the land around Paint River is given some sort of special status to control human access and activities, or the fish don't go up the ladder.

"The worst-case scenario for us would be for development to occur and have no added protection for the bears. There's been no progress on this issue since our first meeting with Fish and Game this winter.

Something has to be done, so we finally decided to take some action ourselves. This at least buys us some time, while protective measures are being considered (by the state)."

Dawson and other parties involved in the court action understand the risk they're taking. The suit could alienate potential allies, such as commercial fishermen who've publicly supported an expansion of McNeil sanctuary.

"I hope we don't end up burning some bridges," he says. "We're not anti-commercial fishing, or anti-hunting. But our No. 1 concern at this point is the sanctuary and the safety of McNeil's bears. As it stands, the project is ill-conceived and poorly studied. We'd be taking a bigger risk by doing nothing."

Jack Hesslon, the Sierra Club's Alaska representative, further explains. "The whole process has been flawed. An environmental analysis should have been done before any decision was made to allow the fish ladder. This is like putting the cart before the horse; we're being asked to acquiesce to the fish ladder and then worry about protective measures. Logically you should hold off on the project until it's shown that the ladder is compatible with the continued well-being of bears at McNeil and Katmai National Park."

Which raises an intriguing — and so far unanswered — question: how did the Paint River fisheries enhancement project ever get approved without adequate environmental impact studies?

The lawsuit filed Tuesday in U.S. District Court specifically points fingers at the Army Corps of Engineers, which issued the necessary permit to begin fish-ladder construction, and at the Department of Commerce's Economic Development Administration (EDA), which has provided \$1 million in funding.

But other government agencies, both federal and state, also failed to adequately address the project's potential impacts.

Representatives of the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service and National Park Service have all expressed concerns about the

Paint River fish-ladder project. Yet they've only done so in recent weeks, long after the fish-ladder project was approved.

"The EDA should have done a better job of contacting the appropriate agencies when it evaluated the project," says Bill Lawrence, chief of the Park Service's Environmental Compliance Division for Alaska. "If a there's a permit application or funding request for development activities near a national park, we normally comment. But we have no record of even having reviewed the darn thing (at Paint River), even though it could have significant impact on Katmai's bear population."

"But I don't want to point fingers only at EDA," Lawrence adds. "We should have done a better job ourselves. We missed the boat as well."

Another agency that "missed the boat" is Fish and Game.

As far back as Dec. 1, 1981, in its McNeil River Brown Bear Management Plan, the department noted that salmon-enhancement projects were planned for drainages north of the sanctuary. In regard to those projects, the plan stated. "The availability of salmon in other systems may also reduce the concentration of bears at McNeil River Falls, and bear-human conflicts at fisheries installations could result in destruction of bears."

More recently, in a 1990 report, the department indicated there's a "strong possibility" that salmon returns to Paint River (which after construction of the fish ladder and stocking could number more than 1.5 million fish) "will profoundly affect bear distribution, abundance and behavior" in the McNeil region.

Yet when asked to comment on the Paint River fish ladder in 1988, the Department of Fish and Game expressed no concerns about the project's possible impacts on the sanctuary or its bear population. (Its only stipulations were that the fish ladder, associated construction camps and food-storage areas be "bear proof" and that workers attend a workshop on bear-human interactions.)

No one in Fish and Game's Division of Wildlife Conservation has been able to explain what went wrong. But DWC clearly goofed. To quote again from the McNeil management plan, the state is mandated "To protect, maintain, and enhance the brown bear population in concert with other components of the ecosystem and thereby assure its capability of providing sustained opportunities to view and photograph brown bears and, secondarily, for scientific and educational study of brown bears."

Since state and federal agencies have so far been unable or unwilling to rectify their mistakes, Friends of McNeil and other concerned groups are doing what they can to protect the sanctuary's unique gathering of bears. For now, that means taking their case to court.



Times photo by RUSS KENDALL

River, is shown with three daughters, from left, and her son's girlfriend's baby, Jessica Seay.

## Mother's Day in jail

Activist to serve 15-day sentence

apart from husband, Earle, and their eight children — Jennifer, 19, Jonathon, 17, Mary, 14, Sarah, 11, Andrew, 8, Anna Marie, 6, Bethany, 3, and Edith, 1.

"It's really upsetting my little ones, the ones in school," she said Friday. "Everyone else is bringing home cards and things they made at school today to give their moms Sunday."

But missing Mother's Day is insignificant "compared to what's happen-

See Mother, back page

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## ...ing brothers sentenced to 8 years

Souter was assigned the case after Judge Karl Johnstone with-

JUNEAU — Former Gov. Jay Hammond urged lawmakers Friday to approve spending \$22 million to buy land, timber and mineral rights in scenic Kachemak Bay State Park.

The spending bill is scheduled for a House vote Monday. It would pay \$15.5 million to Seldovia Native Association for the land, \$4.5 million to Timber Trading Co. for the timber rights, and \$2 million to Cook Inlet Region Inc. for mineral rights.

Hammond, a Republican who served multiple terms in the House and Senate, spoke to lawmakers in each chamber. Under a legislative rule, visiting former lawmakers are allowed to ad-

fluence legisla- tion.

But Hammond said he felt too strongly about the issue to abide by the rule, and the presiding officers made no attempt to stop him.

Hammond said he has seen no greater public support for an issue. He compared the timber purchase to a \$36 million oil-lease buyback in Kachemak Bay midway through his 1974-82 tenure as governor. That involved more money, was more contentious, yet it still was approved, he said.

In an interview, Hammond said it makes little sense for the state now to allow such a beautiful landscape to be scarred for a

See Buyback, back page

# House passes bill to protect bears

By DIRK MILLER

TIMES CAPITAL BUREAU

JUNEAU — The House passed a bill Friday to protect the brown bears of the McNeil River State Game Sanctuary from hunters who would prey on them feasting on a new man-made run of salmon to a nearby stream.

The Paint River fish ladder was designed to turn a salmon-free stream into a producer of perhaps 500,000 fish. Construction is to begin within two weeks, and that has a group called Friends of McNeil River concerned.

Paint River is about 3 miles from the McNeil River Falls, which has become a world-famous bear observation site. McNeil River is located across Cook Inlet from Homer.

House Speaker Ben Grussendorf, D-Sitka, sponsored the bill that would expand the 84,000-acre sanctuary at the head of the Alaska Peninsula by just over 29,000 acres, including lower Paint River. It also would create a 132,000-acre game refuge north

"The bill is written in such a way that everybody can be a winner or if it is not accepted, everybody is a loser, especially the bears."

— Ben Grussendorf  
House speaker

of the sanctuary.

"The bill is written in such a way that everybody can be a winner or if it is not accepted, everybody is a loser, especially the bears," Grussendorf said.

The bill passed the House 32-17 after considerable debate Friday, but may face tougher times in the Senate.

"We believe in no-net-loss of multiple-use land in the Senate," said Senate Majority Leader Rick Halford, R-Chugiak.

That was also the concern of House Republicans who tried to

See Bears, back page

...very unusual," said Patrick Sharrock, the board's director. "Everything sort of came to fruition at the same time." Typically, there are only one or two liquor license suspensions a year, he said.

the latter upheld the suspension. In 1988, the board levied a 30-day suspension but decided to enforce only five days, and it could not change the terms now, Sharrock said.

Managers at the Crazy Horse clubs declined to

The two Anchorage establishments have accepted the suspensions, which begin June 1, and the Moose Club is discussing the penalty with its membership, Sharrock said.

In addition, he said Fu Do Chinese Restaurant in

## Bears

Continued from page B1

amend the bill Thursday to allow hunting of other game and trapping in the new refuge.

"I am constantly reminded the tenure of philosophy (here) has been to lock out human beings in favor of whoever the current critter of concern might be," said House Minority Leader Robin Taylor, R-Wrangell. "I'm just waiting for the lousy chance for a human being to make a living off the land in Alaska.

"It seems like every time I turn around here, something is world class and unique and

something has to be done," he said.

Tony Dawson, an Anchorage wildlife photographer and a founder of the McNeil River group, said the bill will not completely protect the bears of McNeil River.

Dawson said the bill is a first step but the refuge could still be open to bear hunting and that tributaries of the Paint River outside of the refuge will also attract fish.

"What we then have is the boundary of the sanctuary abutted against a refuge in which full hunting privileges are proposed," Dawson said. "All the upstream tributaries will get fish as well. My fear is a firing line

could develop where people wait (outside) the sanctuary."

The river group has filed a lawsuit to block the fish ladder's construction until more environmental studies are done. Dawson said the bears are a valuable resource and famous throughout the world.

"They're used to people behaving in a predictable way at McNeil," he said. "These are very special bears, many have visual impacts worldwide."

The fish ladder is a joint state, federal and Cook Inlet Aquaculture Association project expected to cost about \$3 million. It would enable fish to traverse the 35-foot Paint River falls and spawn in the waterway.

## Mother

Continued from page B1

ing at the clinic to mothers and babies," Fardig said. "We'll survive it, they won't."

Fardig and her daughter Mary were among six people arrested in September 1990 on trespassing charges after they locked themselves to a 220-pound ring inside the Alaska Women's Health Services Inc. clinic to protest the clinic's abortion services.

Because she works as a pharmacy technician during the week, Fardig asked for permission to serve her sentence one weekend each month.

She said she agreed to report to the Sixth Avenue Jail on the second weekend of each month without realizing it would mean spending Mother's Day apart from her children and her parents, who live in Anchorage. This weekend will be her second in jail.

"I always have my parents

over and fix dinner for my mother on Mother's Day," she said. "And neither of them are very well right now."

Her breast feeding schedule for baby Edith also is disrupted by the jail sentence, Fardig said.

Although the family saw her at the jail last month during visitor hours, Fardig said she doesn't want them to come this weekend because it's too hard.

"But the kids say they're going to come see me this Sunday," she said.

24,000 acres in the 120,000-acre park. The company is scheduled to start logging soon unless a bill is passed.

Similar legislation failed last

The bill's future in the Senate is less clear, mostly because of resistance to the way the purchase would be funded. House Bill 83 would use \$7 million from

## Police nab fugitive w

By DIANA ELLIOTT

TIMES WRITER

A man who police said tried to sell a stolen gun at an Anchorage pawn shop this week turned out to be a fugitive wanted in two states on charges of conspiracy to commit arson, robbery and drug trafficking, authorities said.

Anchorage police investigator Mitch Gray said he unwittingly became embroiled in a tangled mess when he attempted to find out the real identity of a man who said his name was Elshami Essam.

The case began to unfold Wednesday when a pawn shop employee told police a man was trying to sell a gun listed as stolen. Officers questioned the man briefly, then asked for his Alaska driver's license, said Anchorage police Lt. Bill Gifford.

A computer check Essam was wanted for arson.

"He admitted he but said someone was name," Gifford said.

Gray spent two days variations of the name nationwide crime computer even sent the man's file to the Federal Bureau of Investigation in Washington find out if he was really

On Friday the FBI that the man was not Juan Carlos Farinas, wanted in New Jersey charges of conspiracy assault by arson. The man in the arson case is Essam, who was convicted case and sentenced to prison, Gifford said.

Farinas is also w

## Interior floods spread to w

ASSOCIATED PRESS

High waters that caused millions of dollars in flood damage in the Interior this week are bringing their destructive power to the state's west and southwest regions.

Flood warnings remained in effect until today for communities on the Koyukuk and Kobuk rivers, and some near the mouth of the Kuskokwim River, according to the National Weather Service.

A flood warning means that flooding is occurring or is imminent.

Evacuation of elders and children from the village of Kobuk began Friday afternoon as water from the Kobuk River began encroaching through the

village said.

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## Buyback

Continued from page B1

5-11-91 ADN

# House OKs protection for bears at fish ladder

By **BRIAN S. AKRE**  
The Associated Press

**JUNEAU** -- Brown bears that may be lured out of the McNeil River State Game Sanctuary to feast on a new salmon run on Paint River would be protected under legislation endorsed Friday by the House.

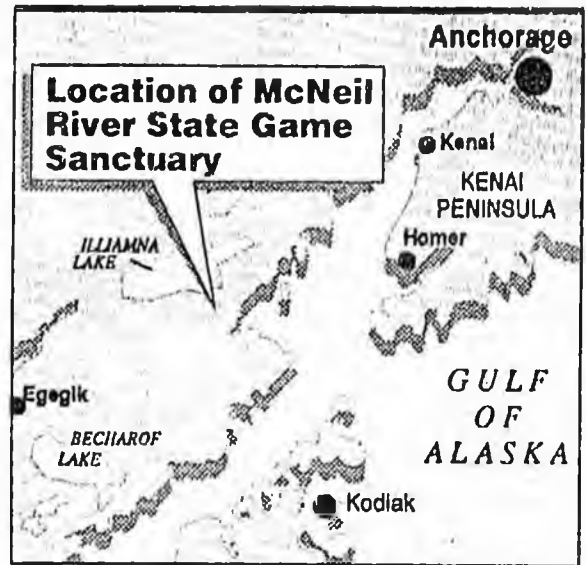
The legislation would expand the 84,000-acre sanctuary at the head of the Alaska Peninsula by just over 29,000 acres, including lower Paint River. It also would

create a 132,000-acre game refuge north of the sanctuary.

Friends of McNeil River and four other conservation and wildlife groups have sued to block construction of a \$3 million fish ladder on the river. The ladder would allow salmon to bypass a 40-foot waterfall and spawn upstream.

The project's ultimate goal is to create a new commercial salmon

Please see Back Page, **BEARS**



KEVIN POWELL / Anchorage Daily News

# Proposed leave min

By **NATALIE PHILLIPS**  
Daily News reporter

The federal mining law may be overhauled for the first time since President Ulysses S. Grant signed it in 1872, and Alaska's mom-and-pop gold miners say the re-vamping could finish them off.

Instead of performing \$100 of work annually to maintain rights to a 20-acre claim and eventually own it, miners would pay \$3,200 annually per claim and never be able to call the land theirs.

"It is going to destroy everything I have worked for all my life," said Roger Burggraf, a 58-year-old miner from Fairbanks. "Most mining deposits have been found by the small miners and he, in turn, has spent years of blood, sweat and tears and whatever resources he can come up with to the develop the property. That will be gone."

But conservationists and environmentalists argue changes are long overdue.

"You don't have mom-and-pop oil drilling operations anymore, what with the complexity of business, the environmental regulations and the risk to the

# Back in Iraq, Kurdish family staggers for home in poverty

By **JOSEPH ALBRIGHT**  
Cox News Service

**KANI MASI**, Iraq — Khairi Ismail, a Kurd who used to run an auto parts dealership, was back from exile this week with his family alive and his life savings gone.

He and 35 of his relatives were camped by a high mountain road a few miles inside Iraq. They had no tent, no wheels for their car and no town to go back to.

A month ago, fear of Saddam Hussein's poison gas caused them to take to the mountains. Now, fear of cholera in the Cukurca refugee camp

■ **PROTECTION PLAN:** A joint allied-Iraqi plan to safeguard returning Kurds is in the works. **A-6**

has caused them to begin straggling home.

Clustered by the road with his family and hand luggage and the plastic litter of thousands of travelers, Khairi said he wished he never left their home town of Dohuk, 60 miles south of the Turkish border.

"If I knew the Turkish border

Please see Back Page, **KURDS**

## SATURDAY

### MOSTLY CLOUDY

High in upper 40s; low 35  
Details, Page A-8

Weatherline, 278-7000



### SECTIONS

NATION & WORLD	Section A	CLASSIFIED	Section E
METRO	Section B	CLASSIFIED	Section F
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# NASA researchers may have found dinosaur killi

By **THOMAS H. MAUGH II**  
Los Angeles Times

**PASADENA, Calif.** — NASA researchers say they have found the first surface evidence marking the pro-

holes on the Yucatan Peninsula of Mexico that appear to outline the largest known impact crater on Earth — one that is more than 125 miles in diameter. A variety

change that led to the extinction of the largest creatures that ever roamed the surface of the Earth, as well as at least half of the other species that lived on Earth

the theory. Many attribute the species' demise to volcanic eruptions. Those who do accept the theory believe that identification of a crater of the right size

ive disruptions in sediments dating from 65 million years ago and magnetic and gravitational anomalies that are also associated with meteorites.

But no one had seen evidence on the Earth's surface marking the impact site of the meteorite.

The unusual pattern of sink holes in the northeastern section of Mexico's Yucatan province was spotted by Charles Duller of NASA-Ames while he was searching satellite imagery for wa-

ring is centered near the town of Chicxulub, for which the buried crater is named.

Duller and his colleagues, Adriana Ocampo of JPL and Kevin Pope, who is now at Geo Eco Arc Research in nearby La Canada, Calif., considered many other geological explanations before concluding that the formation was caused by a buried impact crater. That conclusion was presented in a letter published in the British journal *Nature* on Thursday.

three days, we will not have anything for eating," said his wife, Shavin, 20.

Back in Dohuk he wasn't rich, but he was well off. He figured he had invested \$6,000 in his parts dealership. At the age of 31, he left behind an apartment with a TV, two washing machines and a freezer.

As a refugee, he and his family have been nicked and dined toward having nothing.

During their seven-day walk into the mountains in early April, his mother lost

camp. They cost \$10, which he considers exorbitant.

His 2-year-old son lost his shoes as well. So did his brother's son and his wife. And three other relatives. Each pair cost \$10.

He paid another Turk \$8 for a small teapot, another rip-off, in his opinion. And from time to time, he would buy wheat and rice on the camp black market because his family didn't like the odor of American military rations.

A few days ago, the overcrowding and the filth at

and father and some of the children stayed behind to wait for the promised American transportation.

Nobody in the family has died, but half a dozen suffered severe diarrhea. Of those who are on the move toward Dohuk, his brother and his 2-year-old son are still fighting it.

He thanks Allah and George Bush for keeping everyone alive.

It cost \$250 to hire the truck and tractor that hauled them over the high mountains and down as far

dam's borders are still coming onto the city. Even after they leave, he has to worry about the plainclothes security men whom he calls "Saddam's detectives."

The family has a plan. "We will go to Zakho (the site of the American-run refugee camp) until the United States forces take Dohuk," he said. "After that, we will go to Dohuk. But if the Americans ever leave, we will have to leave again for another country. Saddam is a very, very dangerous man."

## BEARS: House approves extending protection for those lured to planned fish ladder

Continued from Page A-1

fishery for Lower Cook Inlet. But opponents fear the ladder will be a magnet for the bears. They argue that conflicts between people and bears will increase as more bears leave the protective confines of the sanctuary.

"The founder of the Friends of McNeil River has stated that 'either the land around Paint River is given some sort of special status to control human access and activities, or the fish don't go up the ladder,'" House Speaker Ben Grussendorf said in a memo to lawmakers.

The bill would ban all hunting and trapping within the sanctuary and would allow the state Game Board to decide if bear hunting should be banned in the new refuge.

Friends of McNeil River wants hunting banned throughout the area.

The bill originally banned brown bear hunting in the refuge as well. But that provision was removed after the Alaska Outdoor Council, a sportsmen's group, threatened a lawsuit to stop the fish ladder if the ban was retained.

The U.S. Army Corps of Engineers plans to begin

building the fish ladder in the summer. The bill's expanded boundary for the sanctuary would include the ladder and the lower two to three miles of the river.

Grussendorf, D-Sitka, led the effort to find a compromise that would head off the lawsuit and protect the bears and the fish project. He said the conservationists' lawsuit may be dropped if the legislature passes his bill.

That angered at least one lawmaker.

"Someone has threatened to take us to court and this

is the buyout," complained Rep. Robin Taylor, R-Wrangell and House minority leader.

Taylor said the state would be succumbing to "environmental intimidation" if it gives in to the conservation groups. He insisted the bill would do nothing but "lock up" valuable state land.

"Will the bears be better off because we do this? I don't think the bears will know the difference tomorrow."

Taylor noted the land was part of the entitlement

decided to the state by the federal government under the Statehood Act. "That entitlement was to provide an economic base for the growth and development of this state. We're taking this precious gift and squandering it."

Rep. Mike Navarre, D-Kenai, said the bill would provide hunting, fishing and trapping opportunities in the refuge, which would lead to development of lodges and other recreation-related businesses.

"We're not locking it up," Navarre said. "We're devel-

oping it. It's good economic development."

House Bill 306 passed 32-7. Opposed were Democrat Pat Carney of Anchorage and Republicans Mark Hanley, Terry Martin and Jim Zawacki of Anchorage; Mike Miller of North Pole; Bert Sharp of Fairbanks; and Taylor. Dave Choquette, R-Anchorage, did not vote.

Grussendorf invoked the spirit of wildlife appreciation from the movie "Dances with Wolves" as he urged lawmakers to pass bill: "I invite all the members of this body to come with us and waltz with bears."



## KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669  
PHONE (907) 262-4441

DON GILMA  
MAYOR

April 30, 1991

Rep. Ben Grussendorf  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Rep. ~~Grussendorf~~ *Ben*:

I am writing in support of HB 306 and your efforts in finding an amicable solution to the current dilemma surrounding the Paint River fishery enhancement project and the protection of the brown bear and other fish and wildlife populations and habitats in the McNeil River area.

It is my understanding that a lawsuit has been filed against the U.S. Corps of Engineers over the Paint River project by a number of organizations who are interested in preserving the integrity of the McNeil River brown bear habitat. It is also my understanding that this pending lawsuit could potentially have a detrimental effect on the federal funding allocated to this project.

Both the development of the Paint River project and the protection of the wildlife in the McNeil River area are important to the well being of this region of the State. While the Borough Assembly has not had the opportunity to take a position on this issue, I believe I can speak for both the administration and the Assembly in saying we strongly support your efforts in finding a solution so that the Paint River fishery enhancement project may proceed, while at the same time protecting the fish and wildlife in the McNeil River area.

Sincerely,

Don Gilman,  
Borough Mayor

*Letter of Support*

KENAI PENINSULA BOROUGH  
ECONOMIC DEVELOPMENT DISTRICT, INC.

RESOLUTION 91-7

A RESOLUTION SUPPORTING THE CONSTRUCTION OF THE PAINT RIVER FISHERIES ENHANCEMENT PROJECT AND SUPPORT FOR HB 306 "AN ACT ESTABLISHING A McNEIL RIVER STATE GAME REFUGE AND ALTERING THE McNEIL RIVER STATE GAME SANCTUARY AND PROVIDING FOR AN EFFECTIVE DATE."

WHEREAS, ninety-nine percent of Lower Cook Inlet commercial salmon permits are held by Alaskans, of which ninety-three percent are residents of the Kenai Peninsula; and

WHEREAS, commercial fishing is a major industrial activity sustaining the economy and labor force of the Kenai Peninsula; and

WHEREAS, the Paint River Fisheries Enhancement Project (which will stock all five species of salmon native to Alaska) would be an accessible fishery for the Kenai Peninsula's commercial fleet; and

WHEREAS, the fish ladder will enable the Paint River system to produce more than 1.7 million salmon annually, adding a projected annual commercial fish harvest and processing value in the Lower Cook Inlet of \$11 million and adding new jobs to the regional economy; and

WHEREAS, \$1.6 million has been appropriated by the State of Alaska and \$1 million committed by the U.S. Economic Development Administration for construction of the fish ladder; and

WHEREAS, concerns have been expressed for protecting bear population at McNeil River; and

WHEREAS, Representative Ben Grussendorf has introduced HB 306 which expands the boundaries of the McNeil River State Game Sanctuary and establishes a McNeil River State Game Refuge.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE KENAI PENINSULA BOROUGH ECONOMIC DEVELOPMENT DISTRICT, INC. THAT

Section 1: The Alaska State Legislature enact HB 306 to provide expansion of the McNeil River State Game Sanctuary and establishment of a McNeil River State Game Refuge which will address the protection of the bear population at McNeil River.

\*\*\*\*\* TRANSMITTAL MEMO \*\*\*\*\*

TO: Kenai Commission  
DEPT: Kenai FAX #: 465-4565  
FROM: Suzanne Homer PHONE: 235-8121  
CO: City of Homer FAX #: 235-8140  
Post-it brand the transmittal memo 7671

NO. OF PAGES  
2

CITY OF HOMER  
HOMER, ALASKA

Sponsor: Dennis Hanoski

RESOLUTION 91-30

A RESOLUTION OF THE HOMER CITY COUNCIL SUPPORTING THE CONSTRUCTION OF THE PAINT RIVER FISHERIES ENHANCEMENT PROJECT AND SUPPORT FOR HB 306 "AN ACT ESTABLISHING A McNEIL RIVER STATE GAME REFUGE AND ALTERING THE McNEIL RIVER STATE GAME SANCTUARY AND PROVIDING FOR AN EFFECTIVE DATE."

WHEREAS, ninety-nine percent of Lower Cook Inlet commercial salmon permits are held by Alaskans, of which ninety-three percent are residents of the Kenai Peninsula; and

WHEREAS, commercial fishing is a major industrial activity sustaining the economy and labor force of the Kenai Peninsula; and

WHEREAS, the Paint River Fisheries Enhancement Project (which will stock all five species of salmon native to Alaska) would be an accessible fishery for the Kenai Peninsula's commercial fleet; and

WHEREAS, the fish ladder will enable the Paint River system to produce more than 1.7 million salmon annually, adding a projected annual commercial fish harvest and processing value in the Lower Cook Inlet of \$11 million and 267 new jobs to the regional economy; and

WHEREAS, \$1.6 million has been appropriated by the State of Alaska and \$1 million committed by the U.S.E.D.A. (United States Economic Development Administration) for construction of the fish ladder; and

WHEREAS, concerns have been expressed for protecting bear population at McNeil River; and

WHEREAS, Representative Ben Grussendorf has introduced HB 306 which expands the boundaries of the McNeil River State Game Sanctuary and establishes a McNeil River State Game Refuge.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council of Homer, Alaska, that the Alaska State Legislature enact HB 306 to provide expansion of the McNeil River State Game Sanctuary and establishment of a McNeil River State Game Refuge which will address the protection of the bear population at McNeil River and that copies of this resolution be forwarded to all Legislators and the Governor of Alaska.


Homer Resolution

Resolution 91-30  
Page 2

PASSED AND APPROVED by the Homer City Council this 13th day  
of ~~April~~ 1991.

MAY

CITY OF HOMER

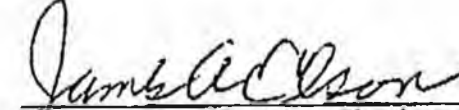
  
\_\_\_\_\_  
HARRY E. GREGOIRE, MAYOR

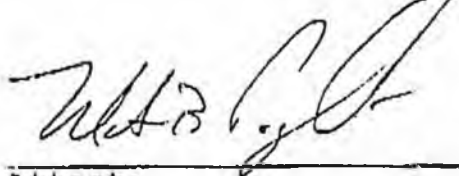
ATTEST:

  
\_\_\_\_\_  
MARY L. SHANNON, CITY CLERK

Section 2: This resolution shall take shall take effect immediately upon its adoption.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE KENAI PENINSULA BOROUGH ECONOMIC DEVELOPMENT DISTRICT, INC., THIS 6<sup>th</sup> DAY OF May, 1991.

  
James A. Elson, Chairman

  
Attest:

REPRESENTATIVE  
BEN GRUSSENDORF  
1221 HALIBUT POINT ROAD  
SITKA, ALASKA 99835  
(907) 747-8458

RULES COMMITTEE  
LEGISLATIVE COUNCIL

DISTRICT 3  
ELFIN COVE  
PELICAN  
PORT ALEXANDER  
SITKA  
TENAKEE

# Alaska State Legislature



WHILE IN JUNEAU  
PO Box 7  
JUNEAU, ALASKA 99811  
(907) 485-3824  
(907) 485-3720

## House of Representatives SPEAKER OF THE HOUSE

TO: SENATOR JONES, CHAIRMAN  
SENATE RESOURCES COMMITTEE

FROM: REPRESENTATIVE BEN GRUSSENDORF  
SPEAKER OF THE HOUSE

DATE: MAY 11, 1991

SUBJECT CS HB 306 (Finance)  
"An Act establishing a McNeil River State Game  
Refuge and altering the McNeil River State Game  
Sanctuary; and providing for an effective date."

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**BILL SUMMARY:** The bill proposes extending the existing sanctuary to include the lower Paint River and lower Little Kamishak River at the head of the Alaska Peninsula. It also proposes establishing a refuge north of the sanctuary to include drainage areas of the Paint River, and lakes currently stocked with salmon. The areas are proposed to give priority status to brown bear expected to be attracted to the Paint River by new salmon runs following the completion of an enhancement project--fish ladder--on the Paint River. The bill provides protection for bear anticipated to be adversely affected by increased human-bear contact.

**FISCAL IMPACT:** Zero fiscal note by the Department of Natural Resources; Department of Fish and Game submits zero note in FY 92, 5.0 in FY 93, 52.9 in FY 94, and 44.0 in FY 95-97.

**PREVIOUS HOUSE ACTION:** Passed House: 30 Yea; 7 Nay; 3 Absent

**BILL HISTORY:** A lawsuit against the building of the proposed fish ladder at the Paint River has been filed by five different conservation groups. The bill attempts to alleviate some concerns by the various interest groups involved in litigating against the ladder, while also providing economic development in the region.

Conservation aspects of the bill allow for the establishment of the sanctuary to: provide permanent protection for brown bear and other fish and wildlife; manage human use compatible with the protection of the bear; and maintain and enhance the unique bear viewing opportunities at the McNeil River. The bill prohibits

hunting, trapping and mineral entry within the sanctuary. The boards of fish and game may govern access, entry, development, construction, fishing, and other uses and activities in the sanctuary through the adoption of regulations.

Fisheries enhancement within the sanctuary allows the construction of a ladder allowing five species of salmon to negotiate a 40 foot waterfall. The Kenai Peninsula Borough Economic Development District, Inc. anticipates the Paint River system to produce more than 1.7 million salmon annually, adding a projected annual commercial fish harvest and processing value in the Lower Cook Inlet of \$11 million and adding new jobs to the regional economy.

The proposed refuge includes river drainage areas also expected to attract bears as salmon run the Paint River and its tributaries. Human activities allowed in the refuge under this bill include wildlife viewing, fisheries enhancement, fishing, hunting, trapping, mineral entry, temporary safe anchorage, and other activities as long as these activities are compatible with the protection of the area bear population. The board of game shall determine whether hunting of brown bear shall be permitted.

The unique effective date of this bill allows the sanctuary extension and the refuge establishment only upon the operation of the fish ladder.



ALASKA MINERALS COMMISSION  
P.O. Box 80148  
Fairbanks, Ak. 99708

Senator Jones, Chairman  
Senate Resource Committee  
Juneau, Ak.

Dear Senator Jones:

Current legislation, H.B. 306, that your committee is slated to consider has severe impacts to the Mining Industry. The Alaska Minerals Commission recommended in their 1991 report, in item 13 that "The Legislature and Governor should enact legislation limiting withdrawals of land prior to mineral assessments, such as the Senate Bill 34 which was submitted in the 15th Legislature."

Currently SSHB No. 97 calls for a mineral assessment to be made prior to restricting or closing state land or water to mining.

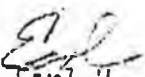
H.B. 306 is counter to the recommendation of the Mineral Commission as outlined above. The indiscriminate withdrawal of large tracts of State land before they are fully assessed, is not in the best interest of all Alaskans.

The Paint River area is a suspected highly mineralized region that is in proximity to a recently announced world class copper-gold deposit. The withdrawal of lands before they are fully assessed is a process that should not be acceptable to you and your committee.

Finally, this bill has not had the adequate consideration by all parties concerned. It is proposed that you request a thorough impact analysis of such a large withdrawal before signing off.

If you have any questions, feel free to contact me.

Sincerely yours,

  
Earl H. Beistline, Chairman  
Alaska Minerals Commission

EHB:cb

c.c. Governor Hicken  
Lt. Gov. Coghill