

HB

61

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: HB 61
 (H) Publish Date: 1/16/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Authority to issue grants BRU: Habitat
 Component: Special Projects
 Sponsor: Rules Committee
 Requester: Governor Component Number: 487

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Fiscal year funding is dependent upon successfully competing for federal grants for habitat restoration. Costs for administering a grant program from federal receipts will be funded by a portion of those federal receipts. This program will be administered by existing staff.

Prepared by: Ken Taylor Phone 465-4105
 Division: Habitat and Restoration Date/Time Jan. 5, 2001
 Approved by: Gordy Williams for Commissioner Frank Rue Date Jan. 5, 2001
 Agency: Department of Fish and Game

For distribution information, call the Governor's Legislative Office

The Boat Company
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Phone: (202) 338-8055
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To: The Honorable Beverly Masek

From: Michael A. McIntosh

Date: February 12, 2001

FAX #: (907) 465-4822

Number of Pages
Including Cover Sheet: 3

Jen

House Resources
Additional Meeting Materials: 12 February, 01

1. HB-55 – **Most recent fiscal note** sent by DEC today at 11:55AM. Mary Siroky says this simply clarifies that the funds will come from 470 monies, and have no impact on the dollar amount.
2. Faxed **letter** re: HB55, The Boat Company, Washington , DC

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THE BOAT COMPANY

1730 M Street, NW, Suite 204
Washington, DC 20036
Phone (202) 338-8055 Fax (202) 234-0745
February 12, 2001

The Honorable Pete Kott
Chairman, Rules Committee
State of Alaska

Transmitted via FAX

Dear Representative Kott:

This letter addresses concerns we have re: HB 55.

First a note on ourselves. The Boat Company operates three small passenger vessels (carryin... capacity 12, 20 and 24 passengers) which run tours in Southeast Alaska during the summer season. I should add, we are an Alaskan corporation, have recently signed a lease to occupy a portion of the old pulp mill site in Sitka and are building warehouse and dock facilities which will enable us to move our boats plus maintenance and operation's departments there (hopefully by the end of the summer).

Two of our vessels are wooden-hulled, ex U.S. Navy minesweeps, the third a new aluminum-hulled vessel that is a look-alike for the first two.

The Task Force on Motorized Oil Transport outlines in its report to the legislature (Pg. 54) vessels which range in size from 6,500 to 77,500 gross tons and which carry 9,500 to 52,000 barrels of oil (400,000 to almost 2,200,000 gallons).

Tonnage, as you are no doubt aware, is a measure of volume not of weight. Specifically, 100 cubic feet of enclosed space equals 1 ton (has nothing to do with weight, displacement of water, etc., etc.).

Further, in the most simple terms, there are two forms of tonnage measurement, i.e., registered gross tons (International) and regulatory gross tons (U.S.A.).

Our vessels, several of which may be swept up in HB 55 (SB 16) carry 70 (in the smallest) to 280 (in the largest) barrels of oil (3,000 to 12,000 gallons) divided anywhere from 4 to 6 separate tanks. This is a small amount compared to the figures mentioned in the study/report.

We have attempted but, to-date, have been unable to learn the specific concern the legislature has regarding the size of potential spills it wanted (intended) to address, i.e., 5,000, 10,000, 20,000 barrels, etc.

However, if it was not the intent of the legislature to reach down to "the little guys", we would hope the legislature would consider adding to its current legislation something like "...400 registered gross tons carrying at least 500 barrels..." (or some other figure the legislature finds appropriate).

West Coast Corporate and Sales Office: 811 First Avenue, #466, Seattle, Washington 98104 Tel (206) 624-4242 Fax (206) 624-4141
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John →

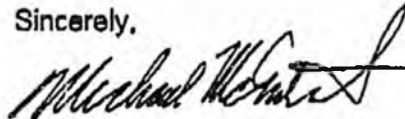
February 12, 2001
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In closing I would add that we believe Senator Murkowski, in his Federal legislation addressing problems of gray/black water discharges, recognized the inherent difficulties of using tonnage as a criteria and as a result, rather directed his attention to the number of passengers it carried, i.e., the cause of the size of the effluent discharged.

There are large vessels which carry small amounts of oil and small that carry large, so the issue is really what is the size of a potential spill the legislature wishes to address. Our suggested change is merely a reflection of the same, i.e., specifying the size of the potential discharge rather than the size (tonnage) of the vessel.

Thanks for your consideration.

Sincerely,



Michael A. McIntosh

MAM:osk

cc: The Honorable Vic Kohring, Chairman
Transportation Committee
The Honorable Beverly Masek, Co-Chairwoman
Resources Committee
The Honorable Eldon Mulder, Co-Chairman
Finance Committee
The Honorable Drew Scalzi, Co-Chairman
Resources Committee
The Honorable Bill Williams, Co-Chairman
Finance Committee

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 2001 ON

PRIVATE LANDS

Parcel Number	Owner	Project Types			Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Projected Project Cost
		ELP Walkways	Cabled Spruce Trees	Bio-engineered Bank		Restoration	Protection				
06330012	Allen	9	100	40	100' of riverfront, stairs to riverbed, reveg. 40' X 6'	40	100	\$1,500		\$1,500	\$3,000
13522015	Beall		152		288.4' on 2 parcels, widen gratewalk by 18", 60 feet	0	152	\$1,000		\$1,000	\$2,000
13501223	Branson	30			130' of riverfront, stairway to riverbed	0	30	\$3,300		\$3,300	\$6,600
05823019	Brook	36			119.5' of riverfront, grate 3' wide, upland stair, landing	0	36	\$1,700		\$1,700	\$3,400
06534015	Brumbaugh		160		160' of riverfront	0	160	\$400		\$400	\$800
05823018	Chan	36			144.4' of riverfront, grate 3' wide, upland stair, landing	0	36	\$1,700		\$1,700	\$3,400
06634016	Cordner, Mike	24	123		122.5' of riverfront, grate 5' wide	0	123	\$1,700		\$1,700	\$3,400
066-340-17	Cordner, Russ	36	130		139.4' of riverfront, grate 5' wide	0	130	\$2,200		\$2,200	\$4,400
05739030	Cukurs	30	60	40		40	90	\$6,100	\$6,100	\$6,100	\$18,300
05823027	Devereux	12	80		135.6' of riverfront, grate 3' wide, 10' gangway, f. dock	0	80	\$1,900		\$1,900	\$3,800
05537038	Henderson	38			115' of riverfront, grate 3' wide	0	38	\$1,700		\$1,700	\$3,400
06356012	Hill	40	100		124.9' of riverfront, floating dock, 10' ramp to ELPW	0	100	\$4,400		\$4,400	\$8,800
06015040/41	Holly	24	72		115.3 & 159.2' of riverfront, grate 6' wide	0	96	\$2,300		\$2,300	\$4,600
06034333	Huber	40			144' of riverfront, grate 4' wide	0	40	\$3,200		\$3,200	\$6,400
06627034	Jauron	15			153.6' of riverfront, grate 8' wide, fl. Dock & gangway	0	15	\$1,600		\$1,600	\$3,200
06034339	Kruger	40			156.8' of riverfront, grate 4' wide, upland stair/landing	0	40	\$2,800		\$2,800	\$5,600
05739028	Leonard	14	173		173.4' of riverfront, grate 8' wide, access gratewalk	0	173	\$4,200		\$4,200	\$8,400
13526224	Lindsey	36			145' of riverfront, Moose Range, stairs to riverbed	0	36	\$3,500		\$3,500	\$7,000
06634018/19	Medley	24	225		225' of riverfront on two parcels, grate 5' wide, 26' grate	0	225	\$1,850		\$1,850	\$3,700
06015045	Mulder	39			117' of riverfront, grate 6' wide, stairs to riverbed	0	39	\$3,800		\$3,800	\$7,600
06625033	Pawluk	22	66	20	66' of riverfront, grate 6' wide, brushlayering, jetty removal	20	66	\$4,000		\$4,000	\$8,000
05930146	Rohloff	5	145	15	grate 3' wide, brushlayering	15	145	\$4,400		\$4,400	\$8,800
06534029	Schaffer	10	120		121.4' of riverfront, grate 8' wide	0	120	\$3,000		\$3,000	\$6,000
06608004	Smola	48	200		209' of riverfront, 2 parcels, grate 5' wide, stair to riverbed	0	200	\$3,500		\$3,500	\$7,000
06508127	Stephenson	20	50		245' of riverfront, upland & riverbed stairs, grate 4' wide	0	50	\$2,800		\$2,800	\$5,600
5739024	Thompson	30			101' of riverfront, grate 4' wide, upland stairs	0	30	\$1,600		\$1,600	\$3,200
06501206	White	30			112' of riverfront, grate 3' wide, access gratewalk/landing	0	30	\$1,700		\$1,700	\$3,400
06317033	Zyskowski		408		408' of riverfront, upland fill/veg., upland rootwads	0	408	\$7,100		\$7,100	\$14,200
05767006	Abbott	APPLICANT NEVER RESPONDED TO AGENCY ATTEMPT TO CONTACT				0	0				\$0
05766036	Anderson	APPLICANT FAILED TO SUBMIT COMPLETED PROJECT PERMIT PACKET				0	0				\$0
5823025	Giroux	APPLICANT FAILED TO SUBMIT COMPLETED PROJECT PERMIT PACKET									
6511117	Ioanin	LANDOWNER REMOVED PROJECT FROM 50/50 CONSIDERATION									
5823024	King	APPLICANT FAILED TO SUBMIT COMPLETED PROJECT PERMIT PACKET									
04939052	Lowe	LANDOWNER SOLD PROPERTY. REMOVED FROM 50/50 CONSIDERATION				0	0				\$0
		688	2364	115	TOTAL FOR ALL PROJECTS	115	2788	\$78,950	\$6,100	\$78,950	\$164,000

ADF&G is working in cooperation with the USFWS to grant money to private landowners to provide, protect or restore fish habitat in the Kenai River.

This administrative relationship is necessary because the ADF&G has not been granted grant authority from the legislature.

The source for the ADF&G portion is from Senate Bill 183.

LAST REVISED	02/12/2001										
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DECISION MATRIX FOR SELECTING THE 2000 PROJECTS IN THE STATE/FEDERAL 50/50 COST SHARE PROGRAM ON PRIVATE LAND

Rating Values																							
Does Nothing	0																						
Poor	1																						
Fair	2		REMOVES	PROTECTS	BENEFIT	PROVIDES	REASONABLE	PROJECT	REASONABLE	STABILIZES	USES	BENEFITS											
Good	3		HARMFUL	NATURAL	TO	FISH	PROJECT	SUCCESS	PROJECT	PROJECT	MULTIPLE	ADJACENT											
Excellent	4		STRUCTURES	HABITAT	HABITAT	HABITAT	SOLUTION	POTENTIAL	COST	BANK	TECHNIQUE	PROPERTY											
WEIGHTING FACTOR			4	4	4	3	3	3	2	2	1	1											
PROJECTS SELECTED FOR INCLUSION IN THE PUBLIC LANDS JOINT FUNDING PROGRAM																							
PARCEL #	LANDOWNER	PROJECT COST	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	
05748302	Rodgers		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																				
06343011	Shook		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																				
05525710	Standish		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																				
06508227	Stuart		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																				
05748303	Van Lone		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																				
Last Revised on	02/10/2000																						

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1999 ON PRIVATE LANDS

Parcel Number	Owner	Project Types			Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Projected Project Cost
		ELP Walkways	Cabled Spruce Trees	Bio-engineered Bank		Restoration	Protection				
059-300-21	GEHRKE, ALLOUISE	48		160	180' each of live siltation and brush layer, two 24' walks, removal of 160 of creosote bulkhead	160	48	\$9,980	\$9,980	\$5,000	\$24,960
063-560-06	OSWALD, MAURY A.	13	13	13	13' of brush layering, 13 feet of wooden bulkhead removal	13	26	\$2,150		\$2,150	\$4,300
067-560-05	HITCHNER, R L	38	38	38	38' of brush layering, remove 38' of wooden bulkhead	38	38	\$6,150		\$6,150	\$12,300
055-011-17	DOONEY, DON		150			0	150	\$425		\$425	\$850
060-270-06	JOHNSON, CHRISTINA	30	50			0	50	\$4,500		\$4,500	\$9,000
060-270-07	CUSACK, LINDA	40	150		Plant 150' of bank with willow	0	190	\$5,550		\$5,550	\$11,100
068-011-06	FAULKNER, LOIS OR EARL	24		167	rootwad bank stabilization with brush layering	167	24	\$4,275		\$4,275	\$8,550
068-340-06	WILKINS-POON, BEVERLY	24	144		3'X5' access walk	0	168	\$1,850		\$1,850	\$3,700
060-150-20/21	WALTRIP, LARRY	63	45		remove 52' of wooden pallets, 45' of willow planting	0	108	\$4,950		\$4,950	\$9,900
057-390-21	LINDSTROM, GARY		40	70	45' brush layering, 25 feet of live siltation	70	40	\$4,250		\$4,250	\$8,500
060-150-55	BEISWENGER, ALAN	29	25	20	20' of brush layering, remove existing wooden walk	20	54	\$1,600		\$1,600	\$3,200
060-270-22	ISHAM, JAMES		140	140	140' of two layered vegetated coir log	140	140	\$3,500		\$3,500	\$7,000
135-281-12	PAUL, JOE AND JANICE	50			two 25'X4 walks	0	50	\$5,750		\$5,750	\$11,500
058-200-29	RYAN, KRISTIN		80	80	3'X30' access stair, 80' vegetated coir log, 150' planting	80	80	\$2,500		\$2,500	\$5,000
055-254-41	SCHLEHOFER, DEAN M.	20	40	20	20' brush layering, 4'X10' access walk	20	60	\$4,500		\$4,500	\$9,000
066-180-11	ROSE, DUANE	12	113			0	125	\$1,600		\$1,600	\$3,200
055-259-93	MEYER, ED & DIANNA					0	0	\$2,000		\$2,000	\$4,000
135-252-11	AVERY, JANE	24			100' of willow planting	0	24	\$2,000		\$2,000	\$4,000
065-190-17	CHILDRESS	30	75		planting 75' of bank with willow	0	105	\$2,000		\$2,000	\$4,000
066-100-48	THARP, RONALD	60	40		40' and 20' walk	0	100	\$3,750		\$3,750	\$7,500
135-260-04/05	GREEN, G. HAYDEN	30			20' and 10' walks	0	30	\$1,500		\$1,500	\$3,000
066-180-14	PARRISH, FRANK	24	139		remove a 20' wooden walkway	0	139	\$1,600		\$1,800	\$3,200
066-180-12	SELL, SCOTT & BARBARA	40	125		two 20'X3' walks	0	125	\$2,500		\$2,500	\$5,000
060-340-07	KRUGER, DALE	40			two 20'X4' ELP walks	0	40	\$2,000		\$2,000	\$4,000
060-270-21	ABERSOLD, VANCE W.		100	20	20' of vegetated coir log	20	100	\$1,000		\$1,000	\$2,000
060-240-05	BEALS, MIKE & MICHELLE	50			30' and 20' ELP walks, two 4'X25' access walks	0	50	\$2,000		\$2,000	\$4,000
060-470-09	DAIGLE, LEE		125		70'X6' planting of bank	0	125	\$2,000		\$2,000	\$4,000
119-020-43	ROMIG, HOWARD	50				0	50	\$2,150		\$2,150	\$4,300
066-121-21	GILL, KENNETH		60		26'X10' area of planting of willow	0	60	\$1,650		\$1,650	\$3,300
135-252-12	SEJNOHA, MARLIN	24			two 12'X4' walks	0	24	\$950		\$950	\$1,900
055-011-14/15/16	HALVERSON, VIRGINIA	20	20			0	40	\$950		\$950	\$1,900
057-390-16	DENNIS, DEHYRL	33	100	100	100' veg. Coir log, 100' drum removal, 16' access walk	100	133	\$9,100		\$9,100	\$18,200
059-350-01	RYHERD, CHRIS	58	162	20	brush layering, 3 sets stairs to riverbed	20	220	\$6,875		\$6,875	\$13,750
066-070-11	JESKE, ELMER	24	80		3-foot by 12-foot access walk	0	104	\$1,550		\$1,550	\$3,100
		898	2054	848	TOTAL FOR ALL PROJECTS	848	2820	\$109,105	\$9,980	\$104,125	\$223,210

ADF&G is working in cooperation with the USFWS to grant money to private landowners to provide, protect or restore fish habitat in the Kenai River. This administrative relationship is necessary because the ADF&G has not been granted grant authority from the legislature. The funds for the USFWS portion is from the Federal Partners for Wildlife Program. The source for the ADF&G portion is from NMFS and Senate Bill 183.

LAST REVISED 07/06/1999

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1998 ON PRIVATE LANDS

Parcel Number	Owner	Project Cost	Project Types								Detrimental Structures		Summary		
			ELP Walkways	Access walk/stair	Stairs to Riverbed	Cabled Spruce Trees	Live Siltation	Bank Reveg.	Vegetated Colr Log	Brush-Layered Bank	Structures Removed	Length Removed	Footage of Project Restoration	Protection	
059-300-12	Anderson, Carla	\$18,800	24			191	191					concrete footing	20	191	215
060-400-12	Benner, John	\$10,900	24	24	Y	40	60			40				100	88
066-011-08/14/	Bird, Elmer	\$12,000	24	24		917								0	965
065-050-03/04	Caffyn, William	\$2,800	20											0	20
085-140-38	Chan, Claire & Roger	\$16,800	20			132				112				112	152
085-012-07	Connors, Joseph	\$3,000	30	25		60		30						30	115
055-011-17	Dooney, Don	\$4,000		17		215				20				20	232
057-470-03	Ewing, Jim	\$13,400	32	4	Y (two)	45			60	20		tire/cement revetment	50	80	81
059-300-21	Gehrke Allouise	\$5,000					40			30		creosote bulkhead	10	70	0
055-259-47	Gunn, Billy J.	\$1,400		12								replaced walk surface		0	12
063-500-03	Hunsaker, Stuart and Joan	\$4,500	10				20	100						120	170
060-270-03	Isham, James	\$3,000							20					20	115
063-170-15	Jaynes, Gordon	\$3,100	20	12										0	32
135-220-11	Johnson, Kathleen	\$4,950	30			110								0	140
057-060-43	King, Jeff	\$4,500		24	Y (two)				100					100	24
057-070-11	Kristof, August F	\$8,200				298		200				replaced 7 stair surfaces		200	298
085-050-54	Lowe, William	\$5,800	38	50		100								0	186
058-230-14	Madison, Willis	\$3,900		24				20						20	24
065-111-18	Mosely, Paul	\$26,200								50		remove jetty, boathouse	80	50	0
060-310-03	Oftedal, Odin & Vidya	\$4,500	20		Y			20						20	20
066-220-03	Owens, James M.	\$3,100	24	24		150								0	198
063-500-12	Parnow, David	\$6,000	30	50		50								0	130
083-170-25	Paulsen, Davi I	\$7,300	30		Y	106		20						20	136
066-020-05	Peters, Richard	\$2,800	24			100								0	124
066-011-01	Risch, Ronald	\$3,800	24	14		130								0	188
083-170-11	Schave, James	\$4,800	24	25	Y	50								0	99
057-100-30	Shin, Thomas	\$10,400	30	20		60			20					20	110
135-230-28	Sullivan, Tom	\$5,000	36		Y									0	36
085-210-19	Watts, James	\$4,200	40					200						200	40
060-150-36	Williams, John	\$3,600				112				20				20	112
060-430-07	Yamaoka, Wesley	\$8,800	30	9										0	39
		\$215,350	582	358		3141	311	590	200	292			160	1393	4081

ADF&G is working in cooperation with the USFWS to grant money to private landowners to provide, protect or restore fish habitat in the Kenai River. This administrative relationship is necessary because the ADF&G has not been granted grant authority from the legislature. The funds for the USFWS portion is from the Federal Partners for Wildlife Program. The source for the ADF&G portion is from Senate Bill 183 (\$150,000).
Projects in bold are completed.

LAST REVISED 06/23/1998

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1997 ON PRIVATE LANDS

Parcel Number	Owner	Project Types				Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Projected Project Cost	Actual Cost	Actual		
		ELP Walkway	Cabled Spruce Trees	Bio-engineered Bank	Floating Dock		Restoration	Protection						ADF&G	USFWS	Applicant
06027018	Abersold	24	127	06		root wad, brush layering, spruce	96	161	\$9,260		\$8,280	\$18,500	\$32,800	\$8,260	\$0	\$24,360
06038007	Bail			20		vegetated colr log, 36' access gratewalk	20	36	\$2,260		\$2,260	\$4,600	\$4,604	\$2,260		\$2,264
06036019	Becker	30	76	50	Yes	rock jetty removal, brush layering	50	105	\$6,000		\$6,000	\$12,000	\$0			
06030020	Benedict	21	91	39	Yes	brush layering	39	112	\$2,760		\$2,760	\$5,600	\$5,620	\$2,760		\$2,770
06028017	Bonk	32	60			50' access gratewalk	142		\$0	\$6,660	\$6,660	\$13,100	\$14,064	\$6,660		\$7,604
06006106	Braden	42	42				84		\$850		\$850	\$1,700	\$3,607	\$850		\$2,767
06034336	Bucy	39	80			34' access gratewalk	163		\$4,050		\$4,050	\$8,100	\$8,326	\$4,050		\$4,276
06360014	Case	20				30' of ELP stairway, 30' of bank reveg	30	60	\$2,900		\$2,900	\$6,800	\$6,800	\$2,900		\$2,900
05525899	Cho	280	300	300		brush layering, 830' reveg, 24' of stairs	300	804	\$15,750	\$10,000	\$25,750	\$51,500	\$0			???
06060008	Chumley	30	70			30' access stairway	130		\$2,260		\$2,260	\$4,500	\$4,996	\$2,260		\$2,746
06034016	Chumley	40	60		Yes	40' access gratewalk	130		\$3,200		\$3,200	\$6,400	\$6,400	\$3,200		\$3,200
06020002	Colgan		80	20		vegetated colr log	20	80	\$600		\$600	\$1,000	\$922	\$600		\$422
06011116	Crites	24	36	94		40' jetty and riprap removal, brushlayering, walkway			\$10,400	\$9,000	\$3,800	\$13,000	\$22,947	\$10,400	\$9,000	\$3,647
05525900	Davidhizer	100	450	90		brush layering	90	550	\$0	\$6,500	\$6,500	\$17,000	\$0			???
06023023	Dennis	36				45' access gratewalk	80		\$2,600		\$2,600	\$5,000	\$5,470	\$2,600		\$2,970
06022002	Dubois	38		188	Yes	54' access gratewalk, remove crib wall	188	90	\$6,000	\$4,400	\$10,400	\$20,800	\$19,842	\$6,000	\$3,442	\$10,400
06020004	Gordon	40	200	40		brush layering	40	240	\$0	\$2,800	\$2,800	\$5,600	\$3,947	\$1,974		\$1,973
06708004	Haag		145			revegetation of the upper bank	145		\$1,650		\$1,650	\$3,300	\$5,600	\$1,650		\$3,650
06747014	Hager	46		98		50' revegetation, remove 98' of rip rap	128	46	\$12,600		\$12,600	\$26,200	\$26,196	\$12,600		\$12,596
05787007	Hanke	8		188	Yes	access stairs, remove 188' of rip rap	168	8	\$18,200		\$18,200	\$38,400	\$36,316	\$18,168		\$18,167
13619063	Hart	60					60		\$3,600		\$3,600	\$7,000	\$8,600	\$3,260		\$3,260
06034010	House	32	300			6' access ELP stairway	332		\$0	\$3,300	\$3,300	\$6,600	\$6,426	\$3,213		\$3,212
05023008	Kems	36	50	100		vegetated colr log, 35' ELP access stairs	50	138	\$4,750		\$4,750	\$9,500	\$0			
06788010	King			40		demonstration geotextile boat launch			\$0	\$2,360	\$2,360	\$4,700	\$4,466	\$0	\$2,491	\$1,976
06028022	Knorr		250		Yes	50' of reveg on upper bank		250	\$500		\$500	\$1,000	Project withdrawn by applicant			
06011113	Loeck			60		15' jetty removal, 50' brushlayering, walkway			\$13,400		\$600	\$13,900	\$13,863	\$13,363		\$600
06020021	Lowry	25	100	100		brush layering, 20' ELP access gratewalk	100	120	\$6,300		\$6,300	\$12,600	\$12,798	\$6,300		\$6,498
06019034	Lyons			60		root wad, remove 60' of rip rap	60		\$4,160	\$4,160	\$3,600	\$11,800	\$10,282	\$4,160	\$2,642	\$3,600
06026028	Mathews	6					8		\$160		\$160	\$300	\$371	\$160		\$221
06011114	Mosely	10	80			riverbed regrade, remove entrapment basin			\$3,400		\$2,200	\$5,800	\$4,947	\$3,400		\$1,647
06021006	Mumby					replace boardwalk surfaces with grate		126	\$1,860		\$1,860	\$3,700	\$6,330	\$1,860		\$3,480
06012301	Nelson	48				replace 10' deck with grate		68	\$3,260		\$3,260	\$6,600	\$6,307	\$2,663		\$2,663
06019036	Neuman			70		root wads, remove 70' of rip rap	70		\$4,160	\$4,160	\$3,600	\$11,800	\$10,083	\$4,160	\$2,413	\$3,600
06066018	Orr	20	80	20		brush layering, removal of 8' rock jetty	20	100	\$2,700		\$2,700	\$5,400	\$6,708	\$2,700		\$4,008
06030023	Owens	40		20		brush layering, replace deck surface	20	20	\$1,000		\$1,000	\$2,000	\$1,330	\$666		\$666
06023020	Piccard	42					42		\$0	\$800	\$800	\$1,600	\$1,811	\$800		\$811
06026028	Rainey	20				replace boardwalk surfaces with grate	20		\$200		\$200	\$400	\$367	\$183		\$184
11904008	Richardson		126				126		\$760		\$760	\$1,500	\$846	\$423		\$423
06041107	Rivenbark	24	166	166		rootwads, brush layering, 18' ELP stairs	166	166	\$3,000		\$3,000	\$6,000	\$7,762	\$3,000		\$4,762
06011112	Roesch					riverbed regrade, remove entrapment basin			\$826		\$826	\$1,650	\$1,848	\$824		\$824
06019074	Rumley		220	220	Yes	rootwad, brush layering, veg. colr log	220		\$6,600	\$6,600	\$11,000	\$22,000	\$20,448	\$6,600	\$2,666	\$12,392
06024120	Seanor	30	100			revegetation of 100' upper bank	100	130	\$0	\$2,800	\$2,800	\$5,600	\$6,016	\$0	\$2,800	\$6,216
06031001	Shackleton	32	100			vegetated colr log, 79' ELP access	100	111	\$8,700		\$8,700	\$13,400	\$13,600	\$8,700		\$7,200
06031012	Shackleton	25				23' of ELP access gratewalk		48	\$2,000		\$2,000	\$4,000	\$7,016	\$2,000		\$6,016
06031016	Shamburger	46	30			replace 16' of deck surfaces with grate		91	\$3,000		\$3,000	\$6,000	\$5,069	\$2,497		\$2,562
06030014	Simko	12	60	130		brush layering, 100' bulkhead removal	130	62	\$8,776	\$8,776	\$5,000	\$22,660	\$23,953	\$8,776	\$8,776	\$6,403
06023016	Sjoberg	24				replace 8' walkway surface with grate		32	\$960		\$960	\$1,900	\$2,250	\$960		\$1,300
05820028	Snlisarenko		75			80' of upper bank revegetation	155		\$600		\$600	\$1,200	\$0			
06034022	Solomon	36	60				66		\$2,900		\$2,900	\$5,800	\$5,687	\$2,900		\$3,087
06706006	Vaughn		200			upper bank revegetation	200		\$2,600		\$2,600	\$6,000	\$8,260	\$2,600		\$6,760
06006110	Wallin	40	140			upper bank revegetation	180		\$7,450		\$7,450	\$14,900	\$14,900	\$7,450		\$7,450
06787001	Wellbacher	48		240		brush layering, vegetated colr log, stairs	840	48	\$23,000	\$9,200	\$32,200	\$64,400	\$64,363	\$22,977	\$9,200	\$32,176
06023011	Wells	16		60		vegetated colr log, upper bank reveg	60	16	\$1,600	\$1,600	\$3,000	\$6,000	\$6,603	\$1,262	\$1,600	\$2,701
06020020	Wilkinson	16	30	30		brush layering	30	46	\$1,650		\$1,650	\$3,300	\$3,260	\$1,626		\$1,626
06034339	Wirin	39	80			30' ELP access gratewalk		149	\$4,950		\$4,950	\$9,900	\$11,000	\$4,950		\$6,050
		1551	4030	3087		TOTAL FOR ALL PROJECTS	3113	5847	\$225,450	\$83,775	\$257,175	\$568,400	\$501,435	\$199,456	\$53,343	\$248,637

ADF&G is working in cooperation with the USFWS to grant money to private landowners to provide, protect or restore fish habitat in the Kenai River. This administrative relationship is necessary because the ADF&G has not been granted grant authority from the legislature. The funds for the USFWS portion is from the Federal Partners for Wildlife Program. The source for the ADF&G portion is from Senate Bill 183 (\$250,000). Projects in bold are completed.

LAST REVISED 06/23/1998

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1995 and 1996

Parcel Number	Owner	Project Types				Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Project Cost	Actual Cost	ADF&G	USFWS	Applicant
		ELP Walkways	Cabled Spruce Trees	Bio-engineered Bank	Floating Dock		Restoration	Protection								
06040017	95 Bower			100			100	0		\$4,100	\$4,100	\$8,200	\$5,927		\$3,127	\$2,800
05525899	95 Cho	400		400			400	400		\$12,000	\$12,000	\$24,000	\$35,650		\$12,000	\$23,650
06040011	95 Karcz			60			60	0		\$4,500	\$4,500	\$9,000	\$14,230		\$4,230	\$9,992
05768010	95 Stewart		240	240	Yes		240	240		\$9,500	\$9,500	\$19,000	\$17,566		\$8,816	\$8,750
06007222/23	95 Bear	142					0	142	\$4,000	\$3,500	\$10,427	\$17,927	\$17,927	\$4,000	\$3,500	\$10,427
05747005	95 Boyer	55	100				0	155		\$890	\$890	\$1,780	\$2,220		\$890	\$1,330
06344009	95 Selfert	100					0	100	\$4,100		\$5,990	\$10,090	\$10,090	\$4,100		\$5,990
06344008	95 Stevison	100					0	100	\$3,749		\$3,759	\$7,508	\$7,508	\$3,749		\$3,759
06519030	Arsenault			60		Remove bulkheads, 60' veg crib	60	0	\$8,500	\$1,000	\$7,500	\$15,000	\$13,918	\$6,500	\$459	\$6,959
05820032	Bower	104		120	Yes		120	104	\$6,500	\$2,000	\$7,500	\$15,000	\$15,010	\$5,500	\$2,000	\$7,510
05767005	Bowman	45		110		Remove 122' of bulkhead + deck	110	45	\$8,400	\$2,000	\$10,400	\$20,800	\$23,890	\$8,400	\$2,000	\$13,490
05525899	Cho	400		400			400	400	\$25,000	\$28,000	\$53,000	\$106,000	\$83,000	\$25,000	\$28,000	\$30,000
05767002	Dawson			85			85	0	\$4,000		\$4,000	\$8,000	\$5,797	\$2,898		\$2,899
05820019	Cray		48	48			48	48	\$2,000		\$2,000	\$4,000	\$2,575	\$1,259		\$1,316
08036021	Flagg	30		30		+20 foot boardwalk	30	30	\$2,000		\$2,000	\$4,000	\$4,270	\$2,000		\$2,270
05767007	Hanke	115		145		Remove 145' of 55-gallon drums	145	115	\$17,200		\$17,200	\$34,400	\$33,385	\$11,892	\$5,000	\$16,893
06511117	IoanIn	20		70		Remove 70' of failed 1995 project	70	20	\$7,100	\$2,000	\$9,100	\$18,200	\$20,251	\$7,886	\$2,000	\$10,366
06027003	Isham	81	115	30		69' ELP stairway, 12' ELP landing	30	198	\$1,700		\$1,700	\$3,400	\$3,021	\$1,700		\$1,921
06602020	Linnell	47		50		32' ELPW, 15' access stairs	50	47	\$2,300		\$2,300	\$4,600	\$6,004	\$1,174	\$1,000	\$3,830
06356002	Lockner	150		150			150	150		\$7,000	\$11,000	\$18,000	\$19,541		\$7,000	\$12,541
04939017	Muhs			108		Tree boles and rootwads	108	0		\$2,000	\$4,000	\$8,000	\$5,527		\$2,000	\$3,527
06512301	Nelson			97		Remove 45' of bulkhead + 40' jett	97	0	\$6,000	\$1,000	\$7,000	\$14,000	\$14,080	\$6,000	\$1,000	\$7,080
04939018	Rainey			110		Tree boles and rootwads	110	0		\$2,000	\$6,000	\$8,000	\$5,898		\$2,000	\$3,898
04939019	Riddle			104		Tree boles and rootwads	104	0		\$2,000	\$6,000	\$8,000	\$5,898		\$2,000	\$3,898
04939020	Rolf			110		Tree boles and rootwads	110	0		\$2,000	\$6,000	\$8,000	\$4,478		\$2,000	\$2,478
06031012	Shackleton			200			200	0	\$5,000		\$5,000	\$10,000	\$8,980	\$4,490		\$4,490
06601105	Warner			170		Rootwads and cable spruce trees	170	6	\$4,700		\$4,700	\$9,400	\$3,053	\$1,526		\$1,527
06602019	Wisecarver	68		8		60' approach ELPW, 8' ELPW	8	68	\$3,600		\$3,600	\$7,200	\$7,480	\$3,600		\$3,880
05525032/33	Abood					1000 feet of signs	0	0		\$500	\$500	\$1,000	\$927		\$447	\$480
08022001	Bonney	65			Yes	50' ELPW, 15' ELP fishing deck	0	65	\$9,838		\$9,838	\$19,676	\$18,020	\$9,410		\$9,410
05537034	Campbell	48	40			24' approach ELPW, 24' ELPW w/cant.	0	88	\$1,500	\$1,500	\$3,000	\$6,000	\$5,961	\$1,487	\$1,500	\$2,974
05820030	Fay	20			Yes	Remove creosote dock	0	20	\$1,900		\$1,900	\$3,800	\$3,200	\$1,600		\$1,600
06635024	Harpring	69				15' jetty removal	0	69	\$1,500		\$1,500	\$3,000	\$3,827	\$1,500		\$2,327
06509106	Jacob	40				Trail relocation	0	40	\$1,900		\$1,900	\$3,800	\$3,849	\$1,900		\$1,949
06350002	Maddox	50				40' ELPW, 10' landing deck	0	50	\$4,000		\$4,000	\$8,000	\$8,035	\$4,000		\$4,035
06040013	Neville	62				50' approach ELPW, 12' ELPW cant.	0	62	\$5,400		\$5,400	\$10,800	\$10,584	\$5,292		\$5,292
06622023	Rumfelt	21			Yes	Remove 2 landing mat bulkhead, cabin	0	21	\$5,900		\$5,900	\$11,800	\$11,800	\$5,900		\$5,900
06331003	Stewart	25					0	25	\$1,600		\$1,600	\$3,200	\$3,048	\$1,524		\$1,524
06807005	Stirman	36	40				0	76	\$2,300		\$2,300	\$4,600	\$4,555	\$2,277		\$2,278
06022003	Wilton	40	40				0	80	\$1,000		\$1,000	\$2,000	\$1,283	\$783		\$520
		2333	623	3003		TOTAL FOR ALL PROJECTS	3003	2956	\$149,687	\$88,490	\$281,004	\$499,181	\$473,641	\$137,126	\$90,977	\$245,538
PROJECTS FAILED TO INITIATE PROJECT ACTIVITIES--PROJECT TERMINATED																
06039026	O'Brien	31					0	31	\$2,400		\$2,400	\$4,800	CANCELLED	\$2,400		\$2,400
06036028	Gibbons	31					0	31	\$2,400		\$2,400	\$4,800	CANCELLED	\$2,400		\$2,400
PROJECTS IN BOLD ARE COMPLETED																
LAST REVISED		01/13/1999														

DECISION MATRIX FOR SELECTING THE 2000 PROJECTS IN THE STATE/FEDERAL 50/50 COST SHARE PROGRAM ON PRIVATE LAND

Rating Values																						
Does Nothing	0																					
Poor	1																					
Fair	2																					
Good	3																					
Excellent	4																					
WEIGHTING FACTOR																						
			4		4		4		3		3		3		2		2		1		1	
PROJECTS SELECTED FOR INCLUSION IN THE PUBLIC LANDS JOINT FUNDING PROGRAM																						
PARCEL #	LANDOWNER	PROJECT COST	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR
6358030	Evans	\$19,000	4	16	3	12	4	16	3	9	3	9	3	9		0	3	6	2	2	2	2
5529393	Meyer	\$5,000	3	12	2	8	3	12	3	9	3	9	3	9	3	6	3	6	2	2	0	0
06622013	Stangeland	\$5,000	2	8	2	8	3	12	3	9	3	9	3	9	3	6	3	6	2	2	0	0
06601102	Rice	\$4,146	2	8	2	8	3	12	3	9	3	9	3	9	3	6	2	4	2	2	1	1
06534014	Zizow	\$3,600	2	8	2	8	3	12	3	9	3	9	3	9	3	6	2	4	2	2	0	0
06027010	Schulmeister	\$4,000	0	0	4	16	3	12	3	9	3	9	3	9	3	6	2	4	1	1	0	0
05739023	Thompson	\$2,000	0	0	3	12	3	12	3	9	3	9	3	9	3	6	3	6	1	1	0	0
06508226	Myers	\$5,350	0	0	4	16	3	12	0	0	4	12	4	12	4	8	1	2	1	1	0	0
06350013	Redick	\$1,700	0	0	4	16	3	12	0	0	4	12	4	12	4	8	1	2	1	1	0	0
13522009	Moore	\$8,000	0	0	3	12	3	12	2	6	4	12	3	9	3	6	2	4	2	2	0	0
05823016	Llewellyn	\$3,600	0	0	4	16	3	12	1	3	3	9	4	12	4	8	1	2	1	1	0	0
13524302	Ferguson	\$4,500	0	0	2	8	3	12	3	9	3	9	3	9	3	6	2	4	2	2	2	2
06608015	Cayton	\$4,300	0	0	3	12	2	8	3	9	3	9	3	9	4	8	2	4	2	2	0	0
06015020	Waltrip	\$8,400	2	8	2	8	2	8	3	9	2	6	3	9	3	6	3	6	1	1	0	0
05763009	Daniels	\$8,300	1	4	2	8	2	8	3	9	3	9	3	9	2	4	3	6	2	2	2	2
13526202	Glassmaker	\$5,200	0	0	4	16	3	12	0	0	4	12	4	12	3	6	0	0	1	1	0	0
06047007	Carver	\$12,000	0	0	2	8	2	8	3	9	3	9	3	9	2	4	3	6	3	3	1	1
06356009	Hoback	\$9,600	0	0	2	8	2	8	3	9	3	9	3	9	3	6	3	6	2	2	0	0
05537009	Hunt	\$1,950	0	0	3	12	3	12	0	0	3	9	4	12	4	8	1	2	1	1	0	0
06036023	Mellon	\$8,700	0	0	3	12	3	12	2	6	3	9	2	6	2	4	3	6	1	1	0	0
05525335	Mortenson	\$7,400	0	0	2	8	2	8	3	9	3	9	3	9	2	4	3	6	2	2	0	0
06005109	Sabatino	\$7,200	0	0	2	8	3	12	3	9	2	6	2	6	3	6	2	4	2	2	0	0
06331011	Maddox	\$1,950	1	4	3	12	3	12	0	0	3	9	3	9	3	6	0	0	0	0	0	0
06519033	Kneaper	\$6,160	3	12	2	8	2	8	0	0	3	9	3	9	2	4	0	0	1	1	0	0
06025109	Leiber	\$31,500	0	0	0	0	3	12	3	9	2	6	3	9	1	2	4	8	3	3	1	1
		\$171,556																				
PROJECTS NOT SELECTED FOR THE PUBLIC LANDS JOINT FUNDING PROGRAM																						
05739030	Cukurs	\$16,000	APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																			
05748322	Dailey		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06316106	Dowler		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06606101	Foy		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																			
05748324	Gapinski		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																			
	Gunn		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06027001	Harris		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																			
05748323	Johnson		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
11906008	Lean		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																			
06623014	Nischan		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06508228	Perzenka		APPLICANT DECEASED IN 1999																			
06612019	Richards		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			

Sectional Alalysis
Prepared by Breck Tostevin
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Section-By-Section Analysis of CSHB 55(TRA)

Prepared by Breck Tostevin, Assistant Attorney General
Alaska Department of Law

Section 1 provides that "It is the intent of the legislature that the report of the Task Force on Motorized Oil Transport . . . , the documents the task force used in preparing the report, and the transcripts of the task force meetings be used by the Department of Environmental Conservation as the guidelines for drafting regulations to implement this legislation." This language is from the Task Force's proposed letter of intent found at page 38 of the Task Force Report. This letter of intent language was added to the bill by the House Transportation Committee.

Sections 2-4 amends AS 46.03.825 which limits the civil liability of oil spill response action contractors. The amendments add statutory references to the new oil discharge prevention and contingency plans for nontank vessels and railroad tank cars included in section 8 of this Act.

Section 5 amends the definition of "response action" to clarify that the existing response action contractor statutory limitations on civil liability in AS 46.03.825 extends to contractors providing "incident management team services" and "response plan facilitator services."

Section 6 amends AS 46.04.055(a) relating to proof of financial responsibility requirements for nontank vessels adopted by the 21st Legislature. Section 5 changes the wording of the applicability section from a "person may not cause or permit the operation of a nontank vessel" without approved financial responsibility to "a person may not operate a nontank vessel" without approved financial responsibility. This change was recommended by the Task Force to mirror the wording used in AS 46.04.040(c) applicable to tank vessels.

Sec. 7 extends the existing innocent passage exemptions in AS 46.04.055(c) to the requirement for nontank vessel contingency plans.

Sec. 8 adds new provisions requiring oil discharge prevention and contingency plans (contingency plans) for nontank vessels and railroad tank cars transporting oil in order to implement the response planning standards adopted by the 21st Legislature in AS 46.04.055(c).

Sec. 8(f) requires approved contingency plans for nontank vessels six months after the effective date of regulations adopted by DEC to implement the contingency plan requirements. Under Task Force recommendation No. 18, DEC will adopt regulations allowing for initial conditional approval of new contingency plans

submitted on time. Conditional approval will remain in effect until DEC has completed review of a plan. DEC will stagger the initial review process so that all nontank vessel contingency plans do not come up for review in the same year.

Sec. 8(g) sets forth content requirements for the new nontank vessel contingency plans. The contingency plans have three parts: vessel-specific information, a response plan, and a prevention plan certification stating that the nontank vessel for which the contingency plan approval is made complies with applicable federal and International Maritime Organization requirements. The response plan consists of 1) initial notification procedures in the event of a release or threatened release of oil, 2) a certification that the applicant is a member of, or has a contract with, an oil spill response organization that is an oil spill primary response action contractor with a response plan approved by the department as meeting the response planning standards for the maximum oil capacity of the nontank vessel and 3) a certification that the applicant for the nontank vessel contingency plan has contracted with an oil spill primary response action contractor to provide incident management team services in the event of a release or threatened release of oil from the nontank vessel.

Section 8(h) provides that in lieu of contracting with a primary response action contractor, an applicant can demonstrate to the department that it has its own response plan, equipment, personnel and resources, including incident management team resources, to meet the contingency plan requirements.

Section 8(i) applies the existing contingency plan provisions of AS 46.04.030(d)-(l), (n), (o), and (r) to nontank vessels, nontank vessel contingency plans, and to a person applying for and holding an approved nontank vessel contingency plan.

Section 8(j) and (k) apply to railroad tank cars transporting oil. Section (j) requires contingency plans for railroad tank cars transporting oil in order to implement the response planning standard in AS 46.04.055(e). Section (j) requires approved plans six months after the effective date of regulations adopted by DEC to implement these requirements.

Section 8(j) applies the existing contingency plan provisions of AS 46.04.030(d)-(l), (n), (o), and (r) to railroad tank cars, railroad tank car contingency plans, and to a person applying for and holding an approved nontank railroad tank car contingency plan.

Section 8(l) directs DEC to adopt implementing regulations.

Section 9 creates a new section authorizing DEC, in order to ensure compliance with this chapter relating to oil pollution control, to "at reasonable times and in a

safe manner, enter and examine" nentank vessels and trains, railroad tracks, associated facilities and railroad operations.

Section 10 requires that the lieutenant governor certify to the revisor of statutes the effective dates of DEC's implementing regulations.

Section 11 provides that the Act takes effect immediately.

House Bill 55

Larry Dietrick's Testimony

House Resources Committee

February 12, 2001

Introduction

Chairman and members of the committee, I am pleased to address you today on behalf of Commissioner Brown who was the Chair of the Task Force on Motorized Oil Transport. Commissioner Brown served on the Steering Committee of the Task Force along with Senator Drue Pearce and Representative Pete Kott. The Task Force included a 23 member cross section of the maritime industry, the Alaska Railroad and other interested parties.

Overview

The goal of this legislation is simple – protect Alaska's renewable resources and keep Alaska's waters the cleanest and most pristine in the world by including large sea-going marine nontank vessels and the Alaska Railroad in Alaska's safety net for oil spill prevention and response. In May of last year the 21st Legislature debated and passed Senate Bill 273 and Senate Concurrent Resolution 1 which commissioned the Task Force on Motorized Oil Transport to work out the details of how to implement oil spill contingency plans and achieve the response planning standard in a way that was acceptable to those who would be affected. The Task Force has completed the work directed by the Legislature and achieved unanimous consensus on legislation to

accomplish that. The consensus legislation is HB 55 which was developed by the Task Force and is predicated on no further amendments by the members.

To be more precise..... although the requirement for financial responsibility was made effective last year, the requirement to have an oil spill contingency plan and meet the response planning standard was not. Instead, the Legislature through SB 273 and Senate Concurrent Resolution 1 commissioned the Task Force to determine how to implement the response planning standards and provide opportunities for streamlined oil spill contingency plans. Those standards were set by the Legislature in SB 273 as the containment and control of 15% of the maximum oil capacity of a nontank vessel or train, within 48 hours and cleanup of the discharge within the shortest possible time, consistent with minimizing damage to the environment. Nontank vessels were defined as self-propelled vessels over 400 gross tons, not including tank vessels, oil barges or public vessels.

Task Force

Senate Concurrent Resolution 1 specified 23 members of the Task Force on Motorized Oil Transport. This served to ensure a diversity of viewpoints and adequate representation of all groups to be regulated. The members included representatives from the U. S. Coast Guard, the DEC, the Railroad, spill response cooperatives, the shipping industry, spot charter groups, the fishing industry, the Regional Citizens' Advisory Councils, and representatives from the crude oil industry and the refined oil distributors

and transporters. Many more persons, who were not appointed representatives, attended the work group sessions and formal task force meetings.

Task Force Meetings

The Task Force held eleven formal meetings over a five month period in which the members worked through legal and technical issues on prevention, contingency plans, and response planning standards. Three workgroups were created to address specific areas of concern.

Outcome

The recommendations of the Task Force are practical. They meet the requirements the Legislature established in last years' bill and include implementation measures that use a market-based economy approach to keep costs down. The recommendations are based on Alaska's existing oil spill response infrastructure and provide maximum flexibility for meeting the requirements. The work of the Task Force has already fostered private sector initiatives that significantly increase the resources that will be brought to bear on a spill. Alliances between ship agents, stevedoring companies and spill-response cooperatives are now being explored to meet response needs and a new Marine Exchange that covers all of Alaska is being created.

The members of the Task Force were extremely attentive to the proceedings and assimilated a tremendous amount of information during their tenure. All meetings were very well attended and the level of dialogue was frank, constructive and productive. After

careful and thorough consideration of all ideas and requests brought before them, they achieved a *unanimous* consensus to support 31 recommendations.

The Task Force also exhaustively reviewed the legal issues and meticulously identified what elements should be contained in regulation and what should be contained in statute. The bill you have before you is the end result of this detailed process and it is the Task Force's recommendation that it be adopted without amendment, recognizing that the legal nuances and details have all been agreed to and an enormous amount of effort has gone into its formation.

Overall, the bill is simple and straightforward in its approach. It fundamentally makes SB 273, passed by the Legislature last year, effective while including enabling language to support regulations detailing how it will be implemented. These regulations have effectively been negotiated through the Task Force proceedings, and will be drafted consistent with the recommendations contained in the report.

The cooperation between industry, state representatives and lawmakers to develop recommendations that are practical, reasonable and economic is a tribute to the Task Force members. The work provides a foundation for enhanced spill prevention and response preparedness thereby ensuring that our State resources and economy are adequately protected for future generations. In the end the Task Force has successfully completed the work requested by the Legislature and has produced, through unanimous consent, a report, HB 55 and recommendations for rulemaking that outline an acceptable

means by which they will participate in the states oil spill safety net. I am very pleased to have been a part of this process. Speaking for the Department of Environmental Conservation, I can say that we support the passage of HB 55 and offer our assistance as your deliberations move forward.

I would also like to acknowledge the significant time and costs invested by the Task Force members to participate in the process. The Task Force recommendations are in the interest of all Alaskans and will help protect Alaska's natural resources and make our spill response programs the best in the world.

I would at this time introduce Brian Rogers who was the Task Force Facilitator and Paul Fuhs who was the Task Force Technical Support Contractor. Mr. Breck Tostevin, Assistant Attorney General assigned to this bill is also available on teleconference. Mr. Rogers will now give you an overview of the Task Force Report and a sectional review of HB 55. Following that we are all available for questions.

Thank you for your time.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 55 (TRA)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Envir. Conservation
 Title: Oil Discharge Prevention: Nontank Vessels/RR BRU: Spill Prev. & Response
 Component: Industry Prep. and Pipeline
 Sponsor: Rules
 Requester: Transportation Component Number: 1922

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	59.7	232.5	232.5	119.4	119.4	119.4
Travel	3.5	14.0	14.0	7.0	7.0	7.0
Contractual	7.5	28.8	26.8	13.7	13.7	13.7
Supplies	0.4	1.8	1.8	0.8	0.8	0.8
Equipment	6.9	21.0	1.2	0.6	0.6	0.6
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	78.0	297.7	276.1	141.5	141.5	141.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1052 OHSRPRF - Prevention Account	78.0	297.7	276.1	141.5	141.5	141.5
TOTAL	78.0	297.7	276.1	141.5	141.5	141.5

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	1	2	2	2	2	2
Part-time	0	0	0	0	0	0
Temporary	0	2	2	0	0	0

ANALYSIS: (Attach a separate page if necessary)
 Funding is from the Oil and Hazardous Substance Release Prevention and Response Fund's Prevention Account.

Funding and staffing needs are based on the assumption that approximately 500 contingency plan applications covering more than 900 vessels and the Alaska Railroad will be submitted for approval under the new requirements. This is based on the number of financial responsibility applications that have been submitted by the same operators under existing law. It is assumed that the vast majority of reviews will be done under the "streamlined" process, but each operator has the option of submitting a more detailed individual plan to meet the requirements. Assuming about 480 streamlined applications and 20 individual plan reviews, staff will be reviewing approximately 500 plans every three years (165 plans per year), with corresponding drills and verifications at the facilities covered by the legislation on an annual basis. CONTINUED ON NEXT PAGE

Prepared by: Larry Dietrick Phone 465-5255
 Division: Spill Prevention and Response Date/Time 2/9/01 9:00 AM
 Approved by: Kurt Fredriksson Date 2/9/01
 Agency: DEC

For distribution information, call the Governor's Legislative Office

Alaska State Legislature

House of Representatives



Transportation Committee

Rep. Kohring, Chair
Rep. Masek, Vice-Chair
Rep. Kapsner
Rep. Kookesh
Rep. Ogan
Rep. Scalzi
Rep. Wilson

To: Representative Mulder, Chair
House Finance Committee
Representative William, Chair
House Finance Committee

From: Representative Kohring *AK*
Chair, House Transportation Committee

Date: February 7, 2001

Re: HB 55, Oil Discharge Prevention: Non-Tank Vessels/Railroad

Yesterday, the House Transportation Committee passed HB 55 out to the next committee of referral with the fiscal note prepared by the Department of Environmental Conservation. During the hearings, I expressed my concerns that more DEC employees would be hired and that the DEC budget would increase.

The fiscal note shows that the funding source is the Oil/Hazardous Fund. Legislative financial analysts provided fund balance projections for the next few years (attached). DEC concurred with the projections. The projections show the fund to be steadily decreasing. **However, the projections did not include the fiscal note impacts.** Therefore, the cost of HB 55 will cause the Fund to decrease at a faster rate.

I am requesting that the Finance Committee to reduce the Department of Environmental Conservation budget each year by amount equal to the annual expenses shown in the HB 55 fiscal note. This will result in a "net zero impact."

<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
78.0	297.7	276.1	141.5	141.5	141.5

The purpose of keeping the SPAR budget at the same level is to ensure that the "470 Fund" remains healthy. It would be unfortunate if the 470 Fund would be depleted at a faster rate due to HB 55, inadvertently impacting other SPAR programs.

cc: House Transportation Committee Members

HB 01

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 12, 2001

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

To continue our efforts to protect and enhance Alaska's natural resources, I am transmitting this bill authorizing the commissioner of the Department of Fish and Game to award grants for habitat restoration activities.


Under this bill, the commissioner would have express authority to directly award grants to restore and improve fish and wildlife habitats in Alaska. Current law necessitates the department to channel money through other agencies which causes delay and adds considerable administrative cost.

An increasing amount of federal funding is available to restore fish habitat and passage. We have many opportunities to use these funds, particularly in the more developed areas of the state. Many of these opportunities are found on private land on some of Alaska's most productive fish streams, such as the Kenai River.

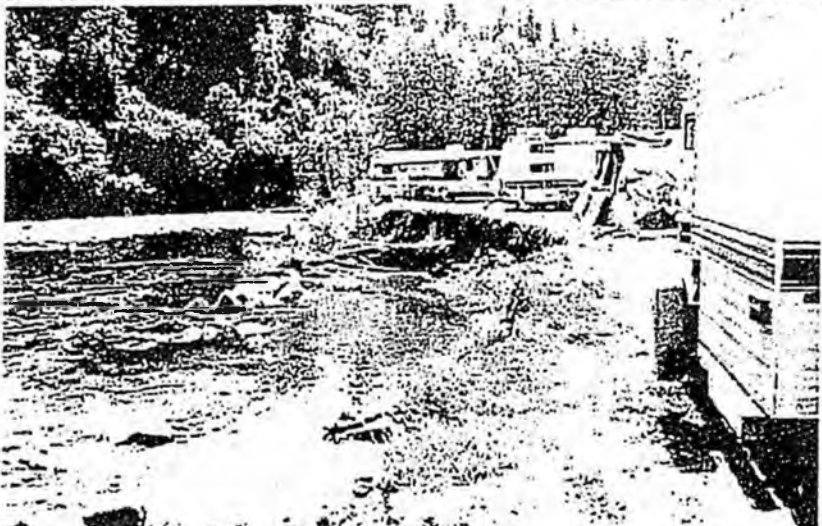
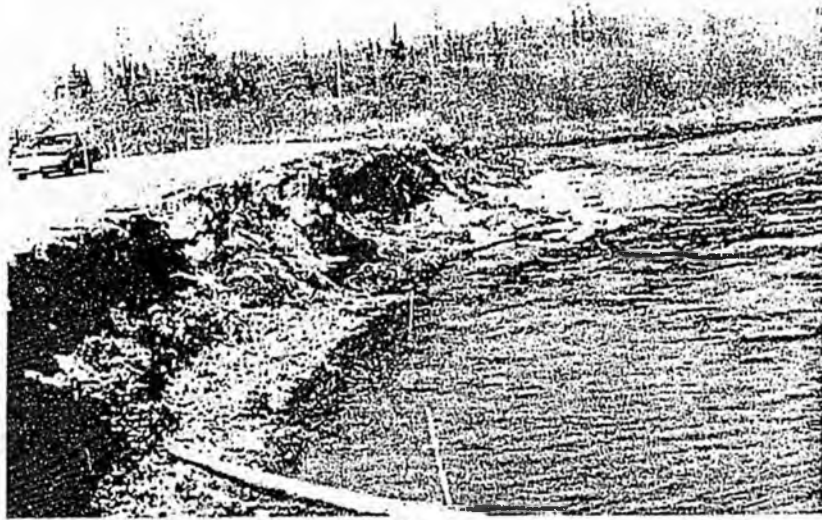
Since the inception of the Kenai River 50/50 Cost Share project in 1995, the department has approved 160 projects to rehabilitate some 9,600 feet of riverbank and protect more than 15,700 feet of the Kenai River. But more money could have been directly targeted to these projects if we did not have to pay the U.S. Fish and Wildlife Service its 11 percent administrative cost for channeling these funds to the state. Direct grant authority for the department will eliminate the need to use the federal agency in this way.

This legislation provides a more cost-effective way to continue efforts on private and public land to rehabilitate, improve, and protect Alaska's valuable fish and wildlife habitats. I urge your prompt and favorable action on this measure.

Sincerely,

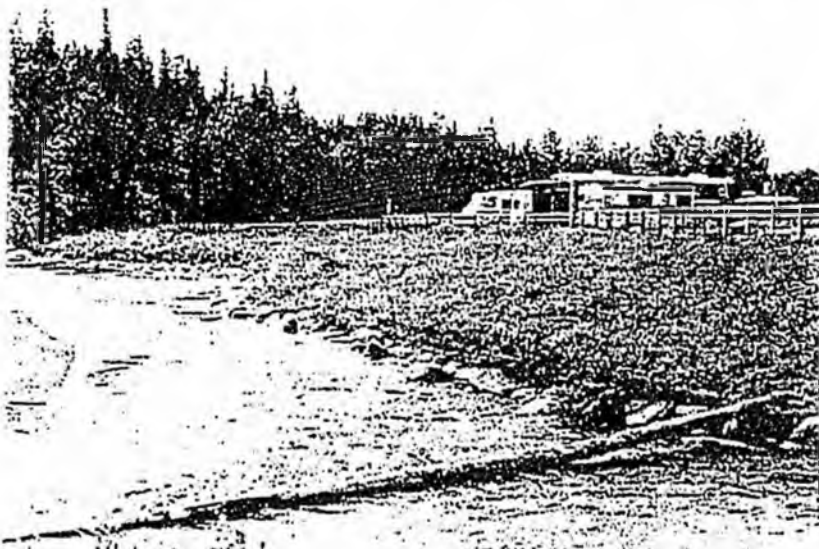

Tony Knowles
Governor

Deep Creek, Alaska



Pre-Project

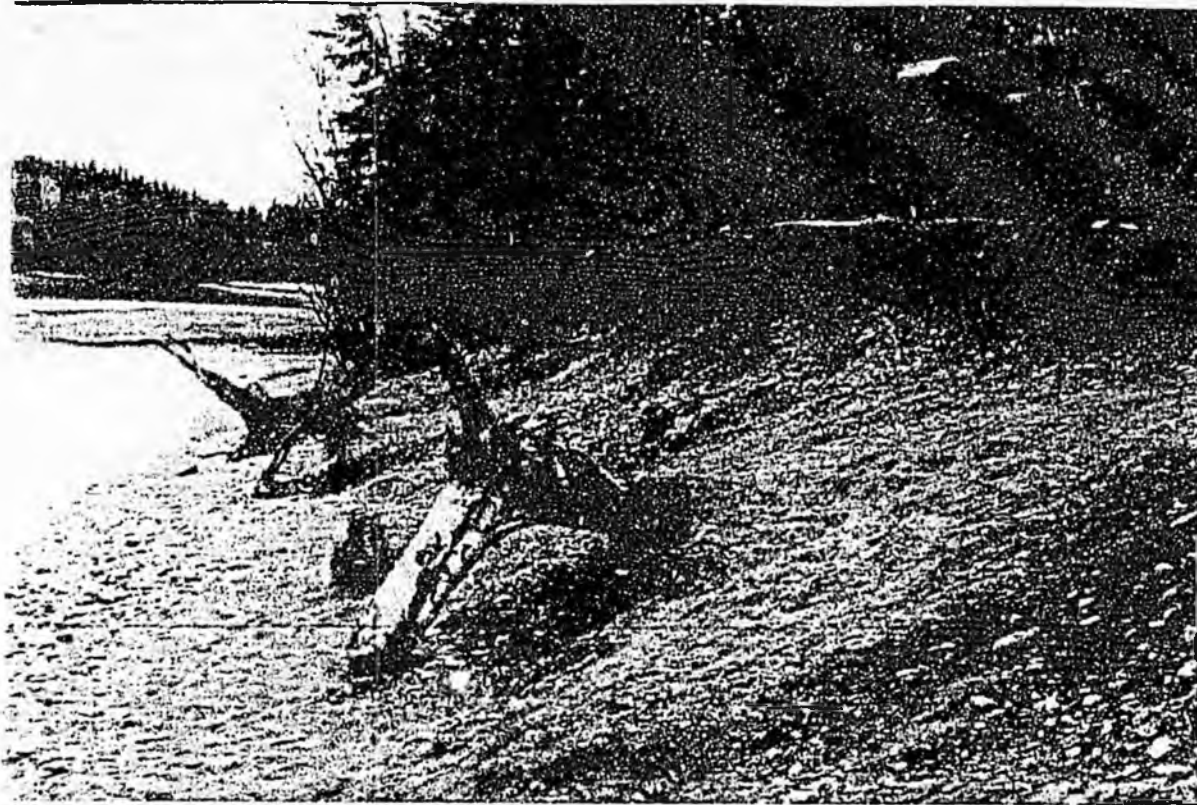
Pre-Project



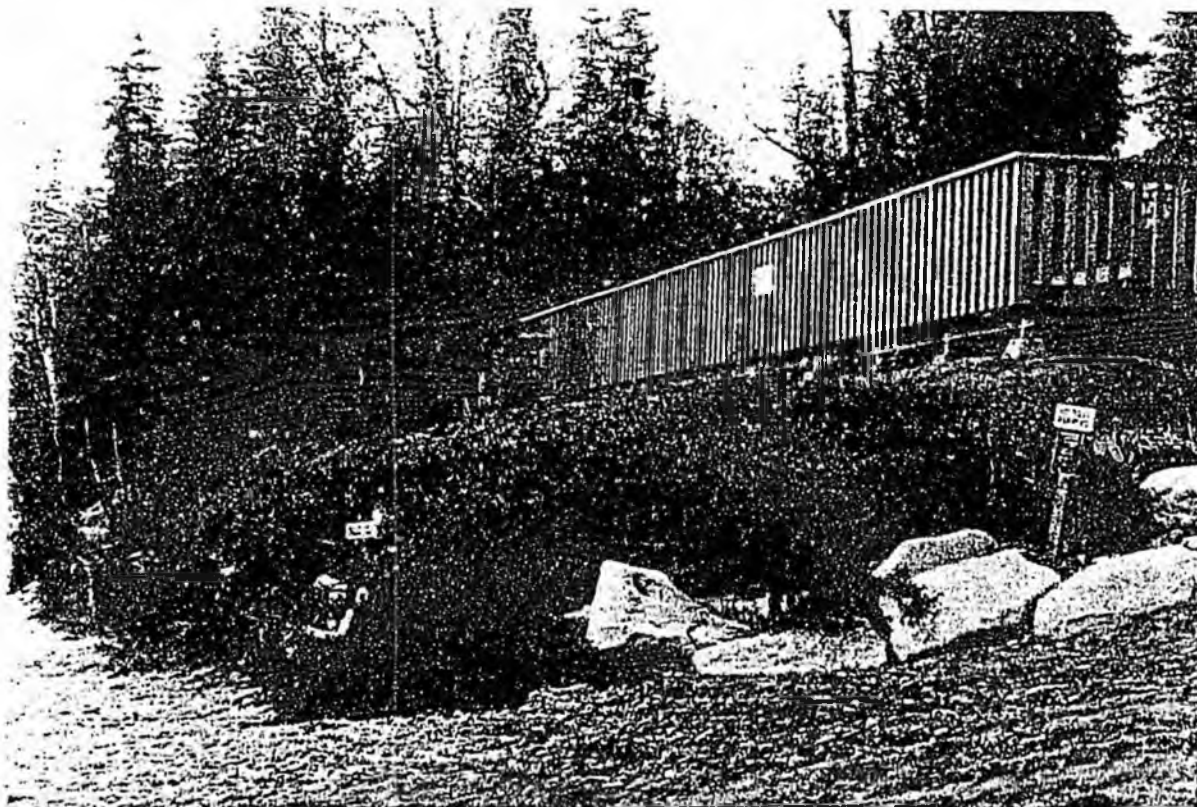
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Post-Project

RIVERBEND CAMPGROUND

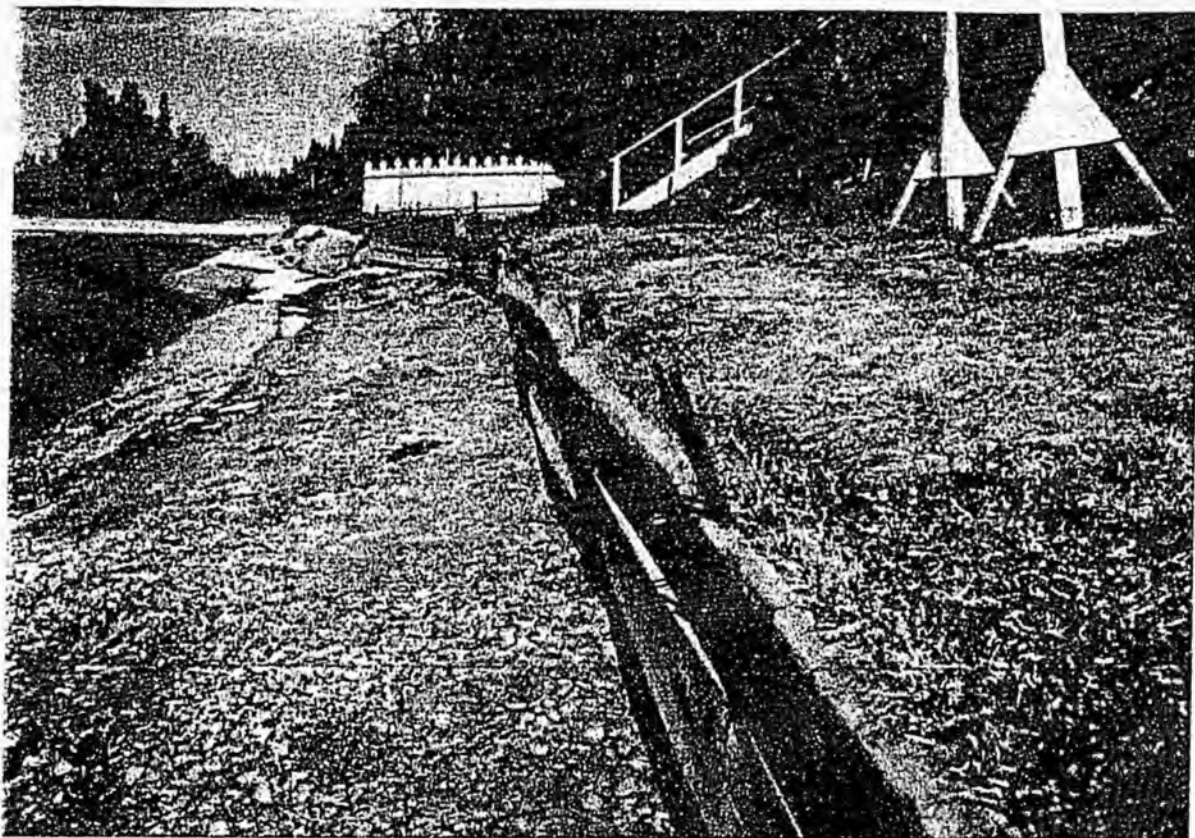


Riverbend project prior to bank rehabilitation (May 1995).

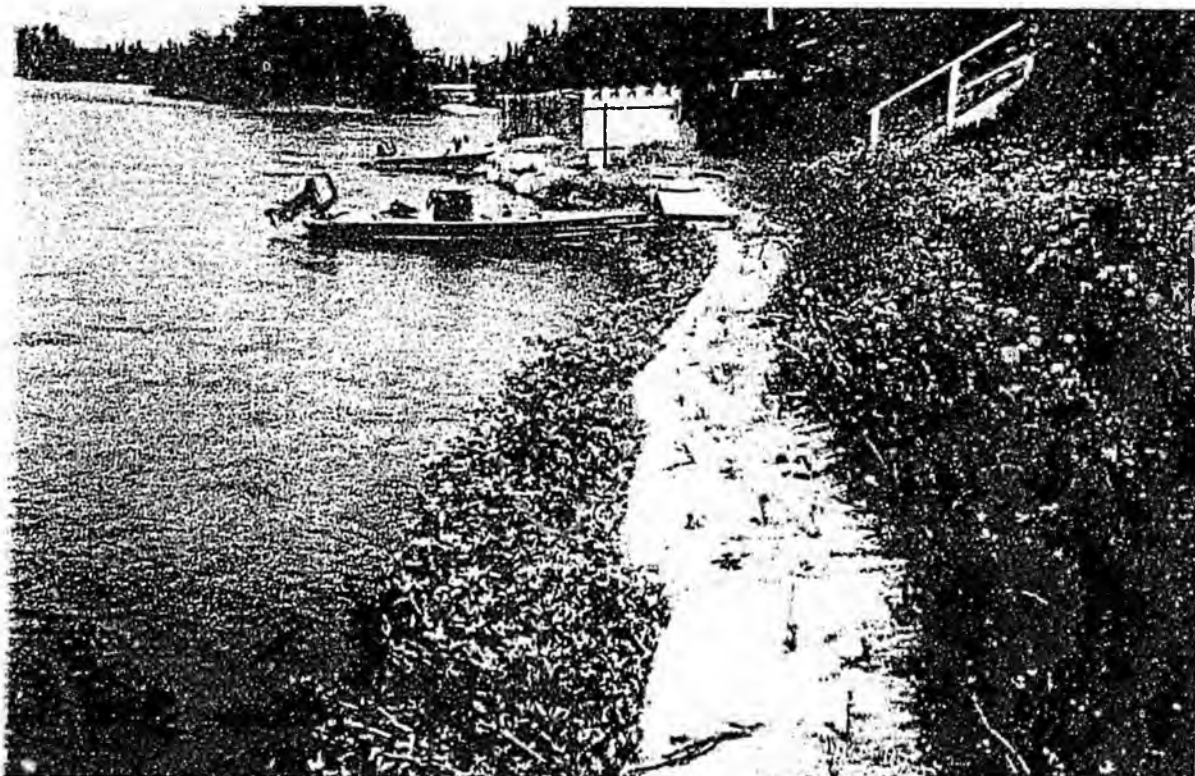


Riverbend project after bank rehabilitation (June 1995).

The Riverbend site was constructed in 1995 and replaced 400 feet of heavily impacted riverfront, that was devoid of riverbank vegetation and instream cover, with 400 feet of rootwad bank stabilization. The newly stabilized vegetated bank survived the flood waters of the fall of 1995, only 4 months after installation of the project.



Gerhke project before the rehabilitation project. (May 1999).



Gerhke project after rehabilitation project. (July 1999)

The Gerhke project was funded in 1999 and replaced 200 feet of dilapidated creosote bulkhead, that was detrimental to the production of juvenile salmon, with 200 feet of brush layered bank stabilization that provides bank complexity and overhanging vegetation.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Frank Rue Commissioner

Public Communications

P.O. Box 25526

Juneau, Alaska 99802-5526

Phone (907) 465-6166, Fax (907) 465-2332



News... For Immediate Release, July 31, 2000

Joint Press Release: Alaska Department of Fish and Game, USDA Forest Service, Environmental Protection Agency, Alaska Department of Environmental Conservation.

ADF&G Tongass Roads Report Released

Culverts Appear Inadequate for Fish Passage on Most Streams

The Alaska Department of Fish and Game (ADF&G) just released a report indicating that 66 percent of the culverts across salmon streams on the Tongass National Forest may be inadequate for fish passage. Eighty-five percent of the culverts across trout streams may also be inadequate.

Adequate fish passage requires that the weakest swimming fish present can pass both ways through the culvert at all flow levels. While some culverts may be complete barriers to both adults and juveniles, many may only restrict movement of juvenile fish during periods of high stream flow.

Ken Taylor, DF&G Director for the Habitat and Restoration Division, said that, "From my perspective, culverts may be restricting habitat use and therefore production of salmon and other fish. The Forest Service is taking action to address these problems, and we might have more fish after the problem culverts are fixed. We are trying to expand this effort to state and private roads in order to do everything we can to increase fish production in Southeast Alaska."

Tom Puchlerz, Forest Supervisor for the Tongass National Forest, said, "Fish and water quality are one of our highest priorities on the Tongass. We have spent over 2 million dollars to address this problem with culverts in the last couple of years and we have 1.5 million budgeted for culvert replacement next year. Coincidentally, restoring fish passage and water quality on the Tongass National Forest will provide construction jobs in rural Southeast Alaska. We appreciate the work of our cooperating agencies and collectively we hope to have these culverts corrected as soon as possible."

The report represents a 3-year cooperative effort between several state and federal agencies. Alaska's Fish and Game and Environmental Conservation Departments have been working with EPA and the Forest Service to identify and correct fish passage problems on the Tongass. Most of the roads in the Tongass Forest were evaluated during the multi-agency study, and evaluation of all roads will be completed next year.

-More-

While the 1997 Tongass National Forest Plan raised fish passage standards for culverts and other crossing structures, many of the culverts were installed under the old Tongass Forest Plan standards that did not include adequate provisions for juvenile fish.

"We look forward to working with the other agencies to finish the assessment next year, and to fixing the problem culverts over the next five to ten years," said Marcia Combes, EPA's Alaska Director. "Our mutual goal is to restore this important public resource and to ensure full compliance with the Clean Water Act."

Air and Water Quality Division Director for DEC, Tom Chapple, stated, "DEC is pleased to have been able to provide funds through a Clean Water Act grant for this important fish passage and water quality issue. Now that we know where the fish passage concerns are, efforts can be directed at restoring them. This effort is an outstanding example of state and federal cooperation in an area that affects all Alaskans."

Copies of the "Tongass Road Condition Survey Report" are available at the Alaska Department of Fish and Game Regional Office in Douglas. Reports will soon be available at state and Southeast community libraries and on the ADF&G website <http://www.state.ak.us/adfg/adfghome.htm>.

For more information contact:

Lana Flanders, ADF&G, 907-465-4287

Larry Meshew, Tongass NF, 907-228-6269

Chris Meade, EPA, 907-586-7622

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EXECUTIVE SUMMARY

The Tongass Road and Stream Crossing Project and associated work were conducted by the USDA Forest Service (FS) and the Alaska Department of Fish and Game (ADF&G) over the past three years. ADF&G's participation was partially funded with funds from the State's federal grant under Section 319 of the Clean Water Act. This project evaluated fish passage and sources of sediment from non-point source pollution along 60% of the miles of permanent (system) roads on the Tongass National Forest in Southeast Alaska. The remaining 40% of the permanent roads, as well as all of the temporary roads, on the Tongass will have the road condition survey completed in 2001.

This comprehensive monitoring effort initially developed a protocol to collect and analyze data related to fish passage and non-point source pollution control. Then the FS and ADF&G jointly inspected all stream crossings and sources of sediment along 2153 miles roads. There were 273 anadromous fish stream culverts and 622 resident fish stream culverts evaluated for fish passage. Preliminary results indicate that 66 percent of the culverts across anadromous streams (FS' Class I streams) are assumed not to be adequate for fish passage (a total of 179 culverts). Eighty-five percent of the culverts across resident fish streams (FS' Class II streams that naturally do not support anadromous fish) are assumed not to be adequate for fish passage (a total of 531 culverts). Adequate fish passage requires that the weakest swimming fish present in a watershed can pass upstream and downstream through culverts at all flow levels when that species would be likely to pass the same point in the stream, absent the culvert. The above results rely heavily on assumptions regarding swimming capability of juvenile fish and estimated stream flow. While some culverts may be complete barriers to both adults or juveniles, many of the culverts on anadromous streams identified in this report as assumed not to be adequate for fish passage most likely only restrict the movement of juvenile salmonid fish.

Velocity is the most common cause of fish passage restriction in culverts. If a culvert is installed at too steep a gradient or the culvert width is significantly narrower than the streambed width, the water velocity will be increased within the culvert. Very slight changes in the slope of the culvert and the roughness of the substrate within the culvert may significantly change velocity and the ability of fish to pass through the culvert during all of the times of year when they normally move upstream or downstream. Other frequent causes of fish passage problems include perching of the culvert outlet above the water surface, blockage by excessive substrate or woody debris within the culvert and structural damage to the culvert. In most cases, multiple factors interact to restrict fish passage.

The resulting database will be used to maintain historical information on roads, identify existing and potential risks to fish habitat and passage, and prioritize and estimate the costs of needed road maintenance and fish habitat restoration. The FS has been using the data from this collaborative project to identify needed fish habitat restoration work. The data has already helped them obtain an additional \$500,000 in annual road maintenance funds for the Tongass for the past two years.



Alaska Salmonid Biodiversity Program

January 30, 2001

Regarding the Alaska Legislature's resolution to oppose inclusion of Alaska national forests in the Roadless Area Conservation rule: The Alaska Salmonid Biodiversity Program of Trout Unlimited urges that before demanding new forest roads, repair damage from the old.

Nationwide, roads are the greatest source of fish habitat loss in our national forests. The Forest Service estimates it would cost about \$8-10 billion to fix and properly maintain its badly-deteriorated-440,000-mile road system. The failure to pay the true costs of timber harvest sacrifices future fish production.

Alaska is the world's largest producer of wild salmon and the major reservoir of salmon genetic diversity. In contrast, nearly three quarters of the stocks in the Columbia River Basin have been extirpated or are at some level of risk. In the last 100 years, wild salmon abundance in the Pacific Northwest and California has declined 90 percent on average for all species! On the Pacific coast of the United States alone, salmon have been lost from 40 percent of their one-time range, and stocks are threatened or endangered in another 27 percent. Nonetheless, the status of Alaska's salmon—particularly the populations of the smaller stocks that are not significant to commercial fisheries—is relatively unknown. For instance, of the approximately 9,300 spawning aggregates that have been identified in Southeast Alaska (compared to a total of a mere 435 spawning aggregates for all of Washington), only 10 percent have sufficient data to analyze escapement trends—whether escapement has been increasing, stable, or declining.

In Alaska and the Pacific Northwest, salmon have been affected by logging roads, especially in areas of high rainfall: Water running off of poorly designed and poorly maintained forest roads into the streams causes siltation that smothers salmon-spawning areas and kills insect populations essential to salmon rearing. Runoff also increases stream velocity, which in turn erodes the stream banks, destroying natural stream channels, and raises water temperatures, all of which combine to diminish salmon production.

Road culverts in particular are a major threat to salmon in the Tongass National Forest. After several years, the Forest Service in cooperation with Alaska Department of Fish and Game completed the Tongass-wide fish passage assessment survey last year. The draft survey analysis tentatively concludes that nearly 82 percent of the culverts (244 of 301 culverts) in anadromous fish streams impede passage of juvenile salmon under certain conditions.

The decrease in salmon production due to loss of freshwater habitat is further compounded by poor ocean conditions. The ocean survival of many salmon populations is forecast to be significantly lower in the next two decades than during the last two because of the natural oscillation in sea surface temperature—exacerbated by global warming. Consequently, with a less productive ocean, the existing damage to spawning and rearing areas caused by forest roads could drive some salmon populations to extinction.

Extirpation or depletion of salmon populations could affect some subsistence fisheries. Recent litigation by tribes to force the State of Washington to fix culverts is indicative of the importance salmon-dependent communities place upon habitat restoration. By the State of Washington's own estimate, the economic return from fisheries resulting from fixing the culverts would far outpace the cost of the work.

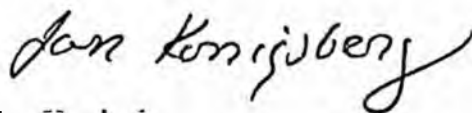
Similarly, the estimate for repairing the culverts in the Tongass is at least \$20 million.

This restoration would be an economic boon to Southeast Alaska, good for the environment and crucial to salmon production, upon which the long-term economy of the region depends. Therefore, before new roads are to be built, logic would dictate that the best thing for Southeast Alaska's economy and environment would be to repair the damage from the old roads.

The State of Alaska ought to be as eager to litigate to restore productive salmon habitat in the Tongass as it is to prevent the application of the roadless rule there. Those who advocate construction of new roads should pledge no expenditures for new roads until the existing ones are fixed. Moreover, if new forest roads were to be built, the State of Alaska should demand no net loss of habitat from road construction—just as British Columbia now requires.

Finally, for the record, Trout Unlimited supports the Forest Service's Roadless Conservation Policy. A poll by the Theodore Roosevelt Conservation Alliance—whose members include the Rocky Mountain Elk Foundation, Wildlife Forever, the Wildlife Management Institute, and Trout Unlimited—showed that 84 percent of hunters and 86 percent of anglers "supported efforts by sportsmen to keep the remaining roadless areas in national forests roadless."

Respectfully submitted,



Jan Konigsberg
Director