

**SJR**

**3**

# Alaska State Legislature

SENATOR  
**GENE THERRIAULT**

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*Senate*

While in session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3884  
SENATE DISTRICT F

## Sponsor Statement

### Senate Joint Resolution 3

It is the intent of SJR 3 to show appreciation for the change in National Park policy that now allows park users to carry the firearms they need for personal protection in National Parks.

Alaskans, who have in their state over 75% of the National Park system, understand how important it is to have personal protection when in the wilderness. This bill affirms that progress that has been made in allowing the carrying of firearms under the previous administration and encourages the new Obama administration to continue with the policy and add improvements by allowing open carry in addition as concealed carry.

Whether it is for bear protection, obtaining food in a survival situation, or signaling for assistance when needed, firearms have been on the hips and in the arms of Alaskans since the frontier was first explored. Now the unbroken wilderness and inherent dangers have been exacerbated with the conditioning of animals to lose their natural tendency of avoiding humans. With the Parks Service's steady line of visitors who have no real experience in the true wilderness, the need for protection is more prudent now than ever before.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SJR 3  
(S) Publish Date: 2/13/09

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
Title SJR 3 FIREARMS IN NATIONAL PARK RDU \_\_\_\_\_  
Sponsor Senator Therriault Component \_\_\_\_\_  
Requester (S) Judiciary Committee Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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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 Interagency Receipts								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Prepared by: SENATE JUDICIARY COMMITTEE  
Division: \_\_\_\_\_  
Approved by: /s/ Senator French, Chair

Phone 465-3892  
Date/Time 2/11/09 12:00 AM  
Date 2/11/2009



SUPPORTERS CITE SAFETY, CRITICS SEE POLITICAL MOTIVES

## Fight Rages Over Guns in Parks

By Dan Testa, 3-05-08

At the end of April, Interior Secretary Dirk Kempthorne will suggest new rules for carrying loaded guns in national parks that will likely relax the restrictions to bring them more in-line with state laws. In Montana, where gun restrictions are relatively few, carrying loaded weapons could be permitted in Glacier and Yellowstone national parks.

Both opponents and supporters of relaxing the ban agree on one thing: Permitting loaded weapons in national parks where they are currently restricted will alter the role these lands play in our national identity. Whether the proposed change is for safety reasons or a political move in an election year, depends on where you stand and whom you ask.

### The Argument

At its heart, the question of loaded weapons in national parks comes down to differing conceptions of safety. For gun-rights advocates, relaxing the ban would increase the safety of national parks, allowing visitors to better defend themselves from aggressive people or animals. Guns are currently allowed in Glacier as long as they are unloaded and stored.

Gary Marbut, president of the Montana Shooting Sports Association, believes gun-free zones are inherently dangerous, and cites recent school shootings at Virginia Tech and Northern Illinois University as examples of places where law-abiding citizens could have defended themselves were they allowed to do so.

"Gun-free zones are broken social institutions," Marbut said, "and they need to be fixed anywhere they occur, including in national parks."

Opponents of relaxing the ban disagree that national parks, with respect to gun restrictions, are broken social institutions. And if it isn't broken, they say, don't fix it. Last week the Coalition of National Park Service Retirees protested any plans to reconsider gun regulations.

Pete Hart has worked as a ranger and superintendent in 17 national parks over 38 years, including stints at Glacier, and is now a member of the National Parks Conservation Association. He also carried a weapon in parks for 23 of those years, and echoes many retired park service employees who say national parks are safe, and introducing more weapons into the mix would create problems where none exist.

"The fact that people don't carry firearms in the backcountry is a good thing," Hart said. "I believe in the Second Amendment, but I believe the current regulations are working."

Supporters of changing regulations point out that loaded firearms are restricted on federal parkland, but not U.S. Forest Service or Bureau of Land Management property, representing selective enforcement of gun regulations. Opponents counter that people don't travel from across the country and around the world to visit BLM land like they do for Glacier Park, so the rules should be different considering the diversity of urban and international visitors. Part of national parks' appeal, Hart said, derives from "a certain feeling of tranquility and really firearms don't need to be a part of it."

Poaching could increase if visitors can carry loaded weapons. Whereas park rangers currently have probable cause to investigate a possible poacher if that person is carrying a loaded weapon in the park, that reason no longer holds up if the guns are allowed.

"There's nothing in this ruling that makes poaching legal," counters Andrew Arulanandam, director of public affairs for the National Rifle Association. "That's another baseless argument."

### Crime in National Parks: By the Numbers

Gun-rights advocates point to the recent murder of a 24-year-old hiker in the mountains of north Georgia as an example of a victim in the backcountry who might have defended herself with a firearm. But despite such a high-profile example, the National Park Service says the crime statistics across its 390 park units are very low.

Out of 272 million visits, there were 116,588 reported offenses in national parks in 2006. Only 384 of those were violent

crimes – and that includes statistics reported by park police at urban parks like the Lincoln Memorial in Washington, D.C., and the Statue of Liberty in New York. That makes the probability of becoming a victim of a violent crime on national parkland one in 708,333. Out of roughly 1.3 billion visitors to national parks since 2002, two have been killed by animals.

In 2006 the national park system had 11 killings, 35 rapes or attempted rapes, 16 kidnappings, 261 aggravated assaults and 61 robberies. Out of the 11 killings: five were categorized as murders: two people were pushed off cliffs; one was a murder-suicide; one was a drunk driver crash; and two were bodies or remains found where the victim was killed elsewhere.

In Glacier Park, however, crime is virtually nonexistent. There have been 20 cases of poaching since 1997, and none in 2007. In that 10-year span there were 91 general weapons violations, 15 of which occurred last year. Glacier Park had two reports of rape last year, and no kidnappings, robberies or homicides. Glacier also had three reported assaults last year – one with a firearm and two bodily assault cases.

### **Parks, Guns and Politics**

Kemphorne took up the issue of guns in national parks after receiving complaints, organized by Idaho Republican Sen. Mike Crapo, about current regulations from 50 U.S. senators: 41 Republicans and nine Democrats. Montana's Sens. Max Baucus and Jon Tester were among those nine. A prerequisite for holding elected office in most of the Rocky Mountain West, particularly if you're a Democrat, is an immaculate record of pro-gun rights positions, and it is an election year.

All of which has opponents of relaxing gun regulations charging that this is simply a wedge issue, designed by the NRA to get lawmakers on their side in the run-up to a momentous election.

"The NRA inserted a very contentious issue into this election year," said Bryan Faehner, legislative representative for the NPCA. "It's unfortunate that the NRA chose the national parks to flex their muscle."

"It didn't just happen because some senators spoke out," Faehner added. "It was a full-fledged campaign where the NRA covered all the pressure points in Washington, D.C., to make this happen."

But Marbut and Arulanandam say their groups have been pushing for a re-examination of gun regulations in parks for five years now, through two previous elections, and that the issue has finally risen to the top of the stack. The idea that the NRA is creating hoops for lawmakers to jump through, added Arulanandam, wildly overestimates the power of the gun lobby.

"Contrary to popular belief, the NRA does not control congressional schedules, nor do we make the rules of the land as they pertain to firearms," Arulanandam said. "That is just empty rhetoric from those who oppose this measure."

But both Faehner and Arulanandam think that when the Department of Interior releases its new draft regulations for public comment, they are likely to apply state gun laws to national parks.

"It's too premature to speculate," Arulanandam said. "We're cautiously optimistic." **[End of article]**

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### **Comment By garyt, 3-05-08**

If people are allowed to have guns in their possession there will be shootouts reminiscent of the OK corral. The gun-control crowd use the same argument every time and it is yet to happen. Why should we have to give up our constitutional rights to satisfy a few people who have no clue of the real world? Are you aware that the areas with the highest crime rates are those that have the strictest gun control laws? New York, Washington DC and San Francisco are some that come to mind. Everytime that you travel from Kalispell to Browning and you don't take apart your gun do you know are breaking the law? The gun-free zones are just inviting these criminals to make headlines.

### **Comment By Denny, 3-05-08**

What is their argument for not allowing guns in the park? I always assumed it was to prevent poaching. I am an honest do-gooder citizen that contributes positive influence on my community. I have never in my life committed a crime past j-walking, and have never been involved in a firearms accident or offense. I have and hold a concealed carry permit for a pistol. I ask those who oppose the legalization of firearms in the parks this, "On what grounds do you deny my right to carry?" I desire to protect myself and my family. Bear-spray is not always 100% deterrent. I have utilized the modern technique of pistol shooting for around 20 years now and can pretty much guarantee that I could effectively eliminate a threat if it were to occur in a national park. Fear, government bureaucracy should not intrude with my right to self defense and the ability to maintain my own species. I'm sure legalizing guns in the park will not cause a spike in crime there, in fact it will if anything deter it, and with wildlife, I guarantee that the only shots that would ever be fired would be in complete self preservation. Thanks.

### **Comment By Wendy Weinbaum, 3-06-08**

As a Jewess in the US, I want to remind everyone that America wasn't won with a registered gun. Nor are criminals stopped by talk, but rather by FIREARMS. That is why all REAL Americans put our 2nd Amendment FIRST!

**Comment By Uncle Lar, 3-06-08**

In 2006, criminal activity in our national parks included 11 killings, 35 rapes or attempted rapes, 61 robberies, 16 kidnappings and 261 aggravated assaults.

A tiny number, hardly significant, except to all the real people victimized by these crimes. Tell me again why I should surrender my only true means of self defense for your convenience. You want to catch poachers? Arrest them when they shoot.

And please explain if it's so safe why then do your rangers go armed?

**Comment By Addicus Daily, 3-06-08**

I carry a gun in the parks any way. I have for years. It is concealed and ready for bear or criminal. If you try to take it from me I may confuse you with a criminal.

**Comment By Average American, 3-07-08**

So let me get this right! The Second Amendment of the Constitution does not apply in National Parks? I did not know the government could abrogate my constitutional rights to effectively defend myself. I understand that Park Rangers may feel more comfortable if they are the only ones armed in the Parks, but they really need to "man up". People have a right to defend themselves. And what is this crap about "agressive people" don't you really mean "depraved criminals". Parks are often far from the police station and a 911 response. Enforcement authorities cannot be everywhere, and the graveyards of full of people who are evidence of that. Get a clue people- government cannot solve all your problems sometimes you have to be self reliant.

**Comment By Walt, 3-07-08**

As a both a current and retired law enforcement officer, I have authority to carry a concealed weapon under HR-218. I recently took an 11 State trip including going through Yellowstone, Jewel Caverns, Custer State Park and many other State and Federal Parks and properties. Carried my firearm with me to all locations for personal protection. At none of the sites was I asked if I was carrying a firearm. I assumed the philosophy of "don't ask, don't tell".

It would be my bet that many firearms are carried within these areas much like I did, without problems.

Those that are intent in misusing a firearm are those that don't care what the rules are anyway.

**Comment By Gery, 3-08-08**

I live near the Rocky Mtn. National Park. I am also a U.S. Forest Service volunteer. I carry concealed in both instances. Why? Wolves, grizzly bears, mountain lions and evil humanoids. The aforementioned three have fangs, claws, stealth and speed that I do not have and the fourth is ruthless, cunning and without consience (sp?). To do otherwise would make me stupid and a helpless victim. (Not sure I want to eat at Wendy's or visit an educational campus either.)

Curious that when interacting with outfitters, etc. while with the Forest Service they do not care much for Forest Service Rangers but loathe National Park Rangers. They find them uppity and overbearing like they have their own fiefdom and you the citizen are lucky they let you into their park.

**Comment By Did they forget something?, 3-10-08**

Glacier National Park had a ranger abducted from the entrance station. She was assaulted and raped before she could escape. We always carry in GNP and don't care about the rangers discovering. The ones you meet in the field are usually very young, still going to school. The rest are bureaucrats, sitting in the office, bitching about something. It's ok for them to carry, but not the public which owns the park?

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# Lawsuit Targets New Policy Allowing Guns in Parks

Associated Press  
Wednesday, December 31, 2008; A13

The Bush administration was sued yesterday over a new policy that would allow people to carry concealed, loaded guns in most national parks and wildlife refuges.

"The Bush administration's last-minute gift to the gun lobby, allowing concealed semiautomatic weapons in national parks, jeopardizes the safety of park visitors in violation of federal law," said Paul Helmke, president of the Brady Campaign to Prevent Gun Violence. "We should not be making it easier for dangerous people to carry concealed firearms in our parks."

The Brady Campaign sued the Interior Department and its secretary, Dirk Kempthorne, as well as the leaders of the U.S. Fish and Wildlife Service and the National Park Service, in U.S. District Court. The gun-control advocacy group wants a federal judge to issue an immediate injunction stopping the elimination of the 25-year-old federal rule that severely restricts loaded guns in national parks.

An Interior Department spokeswoman would not comment on the lawsuit, saying the department does not discuss pending litigation.

Interior overturned a regulation dating to the Reagan administration that has restricted loaded guns in parks and wildlife refuges. The previous regulation required that firearms be unloaded and placed somewhere that is not easily accessible, such as in a car trunk.

Under a rule to take effect in January, visitors will be able to carry a loaded gun into a park or wildlife refuge -- but only if the person has a permit for a concealed weapon and if the state where the park or refuge is located also allows concealed firearms.

The rules change would take effect before President-elect Barack Obama takes office in January. Overturning the rule would take months or even years if the Obama administration wanted to, since it would require the new administration to restart the lengthy rule-making process.

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# Alaska State Legislature

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Senate

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SENATE DISTRICT F

## Memorandum

To: Representative Craig Johnson/ C0-Chairman House Resources

From: Senator Gene Therriault

A handwritten signature in black ink, appearing to read "Gene Therriault".

Date: April 15, 2009

Re: Senate Joint Resolution 3

.....

I respectfully request a committee hearing on SJR 3 to encourage continuation and improvement on the policy allowing persons to carry firearms in National Parks.

Thank you for honoring this request.

DUSE COMMITTEE REPORT

(9) Date Referred to Committee: April 5, 2010 FURTHER REFERRALS: Finance

Date of Committee Action: 13 Apr 2010

The RESOURCES Committee considered:

CS FOR SENATE BILL NO. 305(FIN)(title am)

"An Act providing that the tax rate applicable to the production of oil as the average production tax value of oil, gas produced in the Cook Inlet sedimentary basin, and gas produced outside of the Cook Inlet sedimentary basin and used in the state increases above \$30 shall be 0.4 percent multiplied by the number that represents the difference between that average monthly production tax value and \$30, or the sum of 25 percent and the product of 0.1 percent multiplied by the number that represents the difference between that average monthly production tax value and \$92.50, except that the total rate determined in the calculation may not exceed 50 percent; providing for an increase in the rate of tax on the production of gas as the average production tax value on a BTU equivalent barrel basis of gas produced outside of the Cook Inlet sedimentary basin and not used in the state increases above \$30; relating to payments of the oil and gas production tax; relating to availability of a portion of the money received from the tax on oil and gas production for appropriation to the community revenue sharing fund; relating to the allocation of lease expenditures and adjustments to lease expenditures; and providing for an effective date."

SB 305-SEPARATE OIL & GAS PRODUCTION TAX

Recommends it be replaced with [X] HCS or [ ] CS for CSSB 305 (Res) For Senate Bills with new title: [ ] Technical Title [X] New Title: HCR [ ] Same Title [X] New Title

- [ ] attach amendments
[ ] add new referral to Committee
[ ] Letter of Intent Committee
Pending introduction

- List of Abbrev for Depts.: ADM, CED, COR, CRT, EED, DEC, DFG, GOV, DHS, LWF, LAW, LEG, MVA, DNR, DPS, REV, DOT, UA

Table with 5 columns: List by Dept(s), \*FN#, Fiscal, Indet., Zero. Title: NEW FISCAL NOTES

Table with 5 columns: List by Dept(s), FN#, Fiscal, Indet., Zero. Title: PREVIOUS FISCAL NOTES

Table with 6 columns: Signing with recommendations, Printed Last Name, DP, DNP, NR, AM. Includes signatures and names like Edgman, Ivce, Kawasaky, Seaton, Wilson, Johnson, Neumann.

**HJR**

**40**

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: January 27, 2010

FURTHER REFERRALS:

Date of Committee Action: 24 Feb 2010

The RESOURCES Committee considered:

HJR 40

HOUSE JOINT RESOLUTION NO. 40

Opposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.

HJR 40-COOK INLET/KACHEMAK BELUGA POPULATION

Recommends it be replaced with  HCS or  CS for HJR 40 (Res)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 DHS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
Res				Ø

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	SEATON			X	
	WILSON	X			
				X	
Chair:	NEUMAN	X			
Chair:	JOHNSON	X			


**Alaska Legislature  
Representative Charisse Millett**

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Anchorage, AK 99501  
Phone (907) 269-0222  
Fax (907) 269-0223

**MEMORANDUM**

To: Rep. Craig Johnson  
From: Rep. Charisse Millett   
Subject: Hearing request for HJR 40  
Date: Monday, February 1, 2010  
CC:

---

I am respectfully requesting a hearing on House Joint Resolution 40 before the House Resources Committee at your earliest possible convenience.

Jeff Turner is assigned to the legislation. Please have your staff call him at 465-6588 if you need any additional information or materials.

###

## **Invited Testimony for HJR 40**

- 1) Stacy Schubert, Municipality of Anchorage
- 2) Jason Brune, Resource Development Council

Available to answer questions:

1. Mark Madden, Solid Waste Services
2. Mark Premo, AWWU
3. Steve Ribuffo and Leo Carroll, Port of Anchorage



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February 23, 2010

Attn: Kaja Brix

Assistant Regional Administrator Protected Resources Division, Alaska Region NMFS  
PO Box 21668 Juneau, Alaska 99802

Re: RIN 0648-XT72 Proposed Critical Habitat Designation for Cook Inlet Beluga Whales

Thank you for the opportunity to comment on the above referenced proposed critical habitat designation. In general, the proposed critical habitat designation is far too broad and encompasses an area much larger than would seem to be necessary for protection of Cook Inlet Beluga whales.

First, it is worth commenting that the endangerment finding was flawed in the first place because indications are that the Beluga population in Cook Inlet is increasing. It is well documented that over harvest was the cause of the decline in population and recent curtailment of harvest has already reversed the trend. It would appear that existing marine related activity, such as shipping and energy development that utilize the proposed critical habitat area is not a significant factor in past decline of the population.

Having worked on the marine terminal in Anchorage for over 30 years as well as recreational boating and fishing in upper cook inlet, I have observed Beluga whales on many occasions. My observations is that the mouths and lower reaches of major rivers, such as the Little Susitna, Susitna and Beluga experience concentrations of Beluga whales, especially during salmon runs. The upper reaches of Turnagain Arm also attract significant numbers during times of hooligan and salmon migration. Otherwise, the whales seem to be fairly widely dispersed in the broader areas of the Inlet. If critical habitat designation is needed, it seems like it should be limited to such areas of high use and concentration. The fact that Belugas transit the larger parts of the Inlet does not justify critical habitat protection.

North Star Terminal & Stevedore Company operates at Anderson Dock in Anchorage, the Port of Anchorage, Port McKenzie, Rig Tenders Marine Terminal in Nikiski, and at both terminals in Homer. Critical habitat designation in the Port Mackenzie area and for the shipping lanes through upper Cook Inlet could be a serious impediment to all current and potential import and export opportunities. All of the necessary goods, commodities and supplies for over 70% of Alaska's population rely on these Ports to provide for the necessary shipment and handling of these necessities.

Alaskan's pay some of the highest energy costs in America. Development of our energy, mineral and other natural resources always has been, and will continue to be, vital to maintaining a healthy economy and good jobs for our citizens.. Hampering resource development and the flow of commerce in and around Cook Inlet will have far reaching

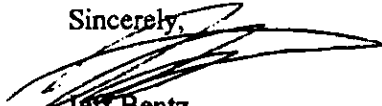
detrimental effects for most Alaskan's far and away many times more substantial in economic impact than estimated to date.

Cook Inlet is the most densely developed and heavily used region in Alaska with respect to resource development, human population and recreational activity. At the same time, it remains one of the biologically most productive regions in the State. Well developed management programs and diligent attention to environmental protection by industry have demonstrated that the marine environment and people can flourish in Cook Inlet. There is no reason the Beluga whales cannot recover and flourish again as well, without the harsh restrictions imposed by the proposed critical habitat designations.

In conclusion, no real Alaskan would approve of activities that truly endanger the Cook Inlet Beluga whales. Many, like me, have experienced the pleasure of watching these unique animals as part of our enjoyment of Cook Inlet. However, the proposal to place half of Cook Inlet in critical habitat designation will do nothing to protect the whales and has the potential to cripple future economic development in the region. I have 6 children and if Alaska's economy does not grow, they will be forced to leave to find gainful employment elsewhere. I want them to have the opportunity to enjoy Alaska's natural wonders as residents, not visitors.

Thank you for your consideration of my comments.

Sincerely,



Jeff Bentz  
President  
North Star Terminal & Stevedore Company LLC

# Export Council of Alaska

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February 12, 2010

Ms. Kaja Brix  
Assistant Regional Administrator, Protected Resources  
Alaska Region  
National Marine Fisheries Service  
P.O. Box 21668  
Juneau, AK 99802-1668

ATTN: Ellen Sebastian

RIN 0648-AX50

Dear Ms. Brix:

The following comments are provided on behalf of the Export Council of Alaska (ECA) in response to the National Marine Fisheries Service (NMFS) proposed rule and request for comment regarding Endangered and Threatened Species; Designation of Critical Habitat for Cook Inlet Beluga Whale [Docket No. 090224232-91321-03] published in the Federal Register on December 2, 2009. The ECA is commenting on both the November 17, 2009, Draft Regulatory Impact review/Section 4(b)(2) Preparatory Assessment/Initial Regulatory Flexibility Act Analysis (RIR/4(b)(2)PA/IRFA) and the proposed rule.

The ECA is one of a nationwide network of export councils intended to foster the international competitiveness of the United States. Nationwide, export councils link together 1,500 leaders of business, government, and academia with the International Trade Administration of the U.S. Department of Commerce. Each member is appointed to a limited term by the Secretary of Commerce on behalf of the President. We serve as an advisory group and communications link between the exporting community and the U.S. Department of Commerce. In Alaska, we focus on expanding awareness of companies and individuals to opportunities in markets abroad and assist those firms engaged in exporting. Exports of liquefied natural gas, fish, minerals, and other items valued at hundreds of millions of dollars move through Cook Inlet and its ports every year. Many projects are proposed or under development in this area; some of these projects are directly related to exports, while others are infrastructure projects that are indirectly related to exports in that they improve the international competitiveness of Alaska and the United States. The designation of Cook Inlet beluga whale critical habitat should be tailored to have minimal or no impact on these exports.

**Comments on Draft RIR/4(b)(2)PA/IRFA:**

The Draft RIR/4(b)(2)PA/IRFA significantly undercounts the costs, and exaggerates the benefits, of the critical habitat designation and arbitrarily and capriciously concludes that the benefits of such designation exceed its costs. NMFS should revise this document to address the weaknesses described in the following paragraphs:

**Significantly Undercounts the Costs:**

The Draft RIR/4(b)(2)PA/IRFA significantly undercounts the costs of the critical habitat designation by failing to include the costs associated with several energy and transportation projects in the Cook Inlet region. These projects include the following:

Turnagain Arm Tidal Energy Generation Project: On November 17, 2009, the Turnagain Arm Tidal Energy Corporation filed an application with the Federal Energy Regulatory Commission (FERC) for a preliminary permit to study the feasibility of a tidal energy generation system on the Turnagain Arm of Cook Inlet. Section 7.7 of the Draft RIR/4(b)(2)PA/IRFA analyzed cost impacts of critical habitat designation for two other tidal energy projects; and should be revised to include the potential costs of critical habitat designation to the Turnagain Arm Tidal Energy Generation project as well.

Mt. Spurr Geothermal Power Plant: Section 7.7 of the Draft RIR/4(b)(2)PA/IRFA states that this project was reviewed, but it was not analyzed further because a decision to go forward with the plant has not been made. Table 6-28 of the Draft RIR/4(b)(2)PA/IRFA describes the status of the project as "pre-decisional, geothermal lease in place, no permits have been requested". Ormat Technologies, a company with a history of successfully developing geothermal projects in other countries, is the major lease holder for the Mt. Spurr geothermal development. It has a better record of success than any of the tidal energy companies whose projects were analyzed in the Draft RIR/4(b)(2)PA/IRFA. Power transmission lines for this project may need to cross Cook Inlet to reach Anchorage or the Kenai Peninsula. Ormat has identified the North Forelands Dock and Industrial Area as its logistics base for construction and operation of this project, which would result in an increase in vessel traffic through this area. This project is expected to have a total construction cost, including supporting infrastructure, of approximately \$1 billion. Because this project is highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. Section 7.7 should be revised to include the potential costs of critical habitat designation to the Mt. Spurr Geothermal Power Plant project as well.

Chakachamna Hydropower Plant: Section 6.4.7 of the Draft RIR/4(b)(2)PA/IRFA states that this project was reviewed, but determined to not have a connection with the critical habitat designation due to its inland location and lack of physical connection with Cook Inlet. However, the project description clearly describes the projects planned measures to protect salmon, which are designated as a primary constituent element (PCE) of the critical habitat. The project would discharge water flow from the facility into the MacArthur River near its confluence with Cook Inlet. The power transmission lines may need to cross the MacArthur River, and potentially Cook Inlet, to reach Anchorage or the Kenai Peninsula. Chakachamna Power has identified the North Forelands Dock and Industrial Area as its logistics base for construction and operation of this project, which would result in an increase in vessel traffic through this area. A preliminary permit application for this project was filed with FERC on December 10, 2009. This project is expected to have a total construction cost, including supporting infrastructure, of \$1.75 billion. Because this project is highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. Section 7.7 of the Draft RIR/4(b)(2)PA/IRFA should be revised to include the potential costs of critical habitat designation to the Chakachamna Hydropower Plant project.

North Forelands Dock and Industrial Area aggregate mining and export: The Tyonek Native Corporation is developing plans to mine and export high quality aggregate from its North Forelands Dock and Industrial Area using the existing adjacent pier, which would require modification (see [www.tyonek.com/Presentations/tnc\\_wci08.pdf](http://www.tyonek.com/Presentations/tnc_wci08.pdf)). This project would result in increased vessel traffic through this area. This project is expected to have a total construction cost of approximately \$20 million. Because this project is highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. Sections 6.4.2, 7-2 and 9-2-1.1 and Table 6-28 of the Draft RIR/4(b)(2)PA/IRFA should be revised to include the potential cost impacts of critical habitat designation to this project.

Beluga Coal to Liquids Plant: Alaska Natural Resources to Liquids recently completed a \$1.5 million preliminary feasibility study with the help of the Alaska Industrial Development and Export Authority (see [www.aidea.org/PDF%20files/BelugaCTLOverview9-20-06.pdf](http://www.aidea.org/PDF%20files/BelugaCTLOverview9-20-06.pdf)). Plans call for using coal from the Chuitna coal fields to produce 80,000 barrels per day of diesel and naphtha for U. S. West Coast markets in addition to jet fuel and petrochemical feedstocks. This fuel would be shipped out of the existing North Forelands Dock, which would require modification, and result in increased vessel traffic through this area. This project is expected to have a total construction cost, including supporting infrastructure, of approximately \$12 billion. Because this project is highly unlikely to jeopardize the

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existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. Sections 6.4.2, 7-2 and 9-2-1.1 and Table 6-28 of the Draft RIR/4(b)(2)PA/IRFA should be revised to include the potential cost impacts of critical habitat designation to this project.

Alaska natural gas pipeline projects: Multiple major natural gas pipeline projects are in various stages of development in Alaska, all of which would require the shipment of large quantities of materials through Cook Inlet to the Anchorage area for staging and shipment inland. Because these projects are highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. Sections 6.4.2, 7-2 and 9-2-1.1 and Table 6-28 of the Draft RIR/4(b)(2)PA/IRFA should be revised to include the potential cost impacts of critical habitat designation to these projects

North Slope to Lower 48 through Canada: Public Law 108-324 authorized the development of this pipeline and \$18B in federal loan guarantees to facilitate its construction. In 2009, the Senate Energy and Natural Resources Committee reported out legislation to increase the federal loan guarantee amount to \$30 billion. Two projects are competing to build this pipeline: AGIA (TransCanada's \$26 billion, 1,715 mile pipeline) and Denali (BP and Conoco Phillips' \$32 billion, 1,500 mile pipeline). The Alaska Natural Gas Transportation Projects, Office of the Federal Coordinator is reviewing both projects, and both have initiated the FERC application process.

ANGDA spur pipeline to Cook Inlet: Alaska Natural Gas Development Project (ANGDA) is planning a \$2 billion pipeline to divert a portion of the gas from the above pipeline project to Cook Inlet to replace dwindling local reserves and provide processed natural gas liquids for export from a to-be-developed facility through Cook Inlet. This pipeline would run from Delta, through Glennallen to a Beluga gas facility near Wasilla.

Enstar bullet pipeline: This \$4B pipeline would connect Alaska North Slope gas fields through Fairbanks to the Beluga gas facility. This project is competing with the ANGDA spur line project above for both local consumption and liquid products export. Enstar is currently pursuing Alaska environmental permits for this project.

Port MacKenzie Projects: Sections 6.4.4, 7-4 and 9-2-1.1 and Table 6-28 of the Draft RIR/4(b)(2)PA/IRFA analyzed cost impacts of critical habitat designation for two port MacKenzie projects: Deep Draft Dock Expansion and Barge Dock Expansion. The port also plans to spend \$18M to construct a ferry terminal for the service to Anchorage and Tyonek. On July 17, 2009, the Surface Transportation Board, a federal agency, published a Notice of Availability of Final Scope of Study for the Environmental

Impact Statement (EIS) for an extension from Port MacKenzie to the Alaska Railroad Corporation (ARRC) main line between Wasilla and north of Willow, Alaska. The purpose of this extension is to transport mined minerals to Port MacKenzie for export. The ARRC Port MacKenzie to Willow project is expected to cost \$200M, with most of the required materials being shipped through Cook Inlet to Port MacKenzie. Both of these projects would significantly increase vessel traffic through Port MacKenzie, so they should be included in the above sections and table of the Draft RIR/4(b)(2)PAIRFA. Because these projects are highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated.

Ferry service to Tyonek: Sections 6.4.3, 7.3, and 7.7 and Table 6-28 of the Draft RIR/4(b)(2)PAIRFA describe the Cook Inlet ferry service as being planned only for service between Port MacKenzie and Anchorage. However, the Matanuska-Susitna Borough signed a memorandum of understanding with the Native Village of Tyonek in July, 2008, to provide ferry service between Tyonek and the Matanuska-Susitna valley. This was reported in Alaska News on July 16, 2008. Either the existing Ladd Landing or North Foreland waterfront sites would be used for this purpose and a suitable ferry landing would have to be constructed at either site. This project is expected to have a total construction cost of approximately \$14 million. Because this project is highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. The above sections and table of the Draft RIR/4(b)(2)PAIRFA should be revised to include the potential costs of critical habitat designation to the Tyonek ferry landing development and the extended ferry service.

Road and bridge projects connecting West Cook Inlet settlements and projects: The Alaska Department of Transportation has designated rights of way for a system of roads to connect West Cook Inlet settlements and development sites. These road systems include bridges crossing several of the medium and high flow-accumulation rivers entering Cook Inlet identified in the proposed rule as supporting prey species for the Cook Inlet beluga whale (see <http://www.fakr.noaa.gov/protectedresources/whales/beluga/management.htm#habitat>). These projects would connect Anchorage to several of the West Cook Inlet energy projects described in this letter and the Draft RIR/4(b)(2)PAIRFA. They are expected to have a total construction cost of approximately \$200 million. Because these projects are highly unlikely to jeopardize the existence of Cook Inlet beluga whales but may affect a small portion of the whales' habitat, project modification costs should be estimated. Sections 6.4.3, 7-3 and 9-2-1.1 and Table 6-28 of the Draft RIR/4(b)(2)PAIRFA should be revised to include the potential cost impacts of critical habitat designation to these projects.

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Section 4.1.2 of the Draft RIR/4(b)(2)PAIRFA describes how project modification costs are to be calculated in addition to federal agency consultation costs. However, in the Section 7 analysis of total potential costs of critical habitat designation, no project modification costs are included. In addition to the project modification costs for the projects described above, such costs should also be estimated for the other projects included in Section 7.

The Draft RIR/4(b)(2)PAIRFA should be revised to expand the valuation of the anticipated costs to address the above concerns.

**Exaggerates the Benefits:**

The Draft RIR/4(b)(2)PAIRFA exaggerates the benefits of the critical habitat designation by: (1) failing to adequately differentiate between the benefits that accrue from the designation of the Cook Inlet beluga whale as endangered and the benefits of the designation of the whale's critical habitat; (2) failing to account for the baseline requirements of the Endangered Species Act (ESA) that, without the designation of critical habitat, NMFS would be required to not take any action that would jeopardize the Cook Inlet beluga whale's existence due to inadequate stocks of prey fish species; and (3) attributing benefits to fishermen from such critical habitat designation while ignoring legal requirements other than the ESA for fisheries conservation and the increased consumption of fish by the resulting larger whale population.

Section 3.3.1 of the Draft RIR/4(b)(2)PAIRFA states that "The baseline for the critical habitat designation analysis is the existing state of regulation that provides protection to the Cook Inlet beluga whales under the ESA, as well as under other federal, state, and local laws and guidelines, without the critical habitat designation...Absent a designation of CH, Section 7 of the ESA requires Federal agencies to consult with NMFS to ensure that any action authorized, funded, or carried out will not likely jeopardize the continued existence of any endangered or threatened species."

While Section 5.5 of the Draft RIR/4(b)(2)PAIRFA states that "in all cases, the types of economic benefits associated with CHD are largely co-extensive with listing the Cook Inlet beluga whale as endangered", Section 5.2.1.1 proposes that the designation of critical habitat may sustain healthy stocks of Cook Inlet beluga whale prey fish and increase the consumptive value from fishing in and adjacent to such critical habitat. Sections 7.8, 7.9, and 7.10 of the Draft RIR/4(b)(2)PAIRFA also presume an increase in fish stocks from critical habitat designation. These presumptions ignore the baseline requirements for NMFS and the Alaska Department of Natural Resources to maintain the reproductive capacity of such fish stocks through managing human harvesting of

these stocks and the increased consumption of such fish stocks by a larger Cook Inlet beluga whale population that NMFS expects to result from such critical habitat designation. Preserving designated critical habitat is more likely to help maintain such prey fish at current stock levels, not increase them, since such designation merely retains the status quo with respect to the condition of such habitat and does not require improving such habitat. On the other hand, to the extent to which the designation of critical habitat would increase the Cook Inlet beluga whale population above the baseline condition, the consumption of such fish stocks by such whale population would clearly increase, leaving fewer fish available for fishermen to catch. In summary, the net effect of critical habitat designation is more likely to be a reduction in the consumptive value from fishing in and adjacent to such critical habitat, and therefore would not be a benefit to fishermen.

Appendix A is titled "Nonuse Values of Critical Habitat for the Cook Inlet Beluga Whale". However, the analysis included in Appendix A discusses the nonuse value of both the critical habitat and protecting Cook Inlet beluga whales and most of the studies cited therein pertain to valuation of a species, not the critical habitat of such species. The protection of the species from extinction is a baseline requirement of the ESA without critical habitat designation. Therefore, it should be separated from the nonuse valuation of the protection of such species' critical habitat before comparing costs and benefits of critical habitat designation. As with calculating the costs of critical habitat designation, the calculation of the benefits of such designation must be limited to the incremental value provided by such designation over the baseline protections afforded by the ESA without such designation. Unfortunately, the statement on page A-4 that "Therefore, it is logical to conclude that in the absence of critical habitat the species would go extinct" and the analysis that follows fail to adequately separate out the protections that would be provided to such habitat under the ESA under the baseline condition without designation of critical habitat.

In its discussion of the Kontoleon and Swanson (2003) study, Appendix A fails to show that the preference for preserving a species in its natural habitat versus in a reserve does not represent a valuation of a preference that a species remain in its natural habitat rather than being relocated to a reserve (i.e., a negative reaction to the unnatural condition of animal) and not a valuation of preserving the habitat itself. Therefore, the conclusion that the Kontoleon and Swanson (2003) study provides grounds for believing that some portion of the public's value for the Cook Inlet beluga whale is attributable specifically to critical habitat is premature, as the choice in this case does not involve preservation of the beluga whale in an unnatural habitat.

The literature cited in the Draft RIR/4(b)(2)PAIRFA may represent the best available science on the subject of valuation of protecting endangered species and their critical

habitat, however, the analysis in this document of this scientific data clearly falls short of meeting the requirements of the ESA. The Draft RIR/4(b)(2)PA/IRFA should be revised to narrow the valuation of anticipated benefits to address the above concerns.

**Arbitrarily and Capriciously Concludes that Benefits Exceed Costs:**

Section 5 and Appendix A of the Draft RIR/4(b)(2)PA/IRFA describe several methods for calculating the value of several forms of benefits, but do not attempt to place a quantitative value on the benefits of Cook Inlet beluga whale critical habitat designation above the benefits of the baseline protection of the ESA without such designation. Similarly, the document also does not attempt to develop a qualitative measurement of such value or attempt to describe how such benefits were compared with the more easily calculated (although in this case, undercounted) costs of such designation. Instead, section 8 of the Draft RIR/4(b)(2)PA/IRFA in two short paragraphs simply states that the anticipated benefits would outweigh the anticipated costs and a net benefit to the nation would result. No support is provided for this statement. No basis is provided that would allow an outside disinterested expert to reach such a conclusion using the same information provided in the document. NMFS simply throws up its hands and says that a valuation of the benefits can't be done, yet it concludes that such benefits would exceed the expected costs. The lengthy separate discussions of the costs and benefits do not overcome the opaque, arbitrary and capricious manner in which the comparison of the two was made and in which the conclusion was reached. This is especially egregious when the agency undercounts the costs and exaggerates the benefits for the purposes of this comparison.

The Draft RIR/4(b)(2)PA/IRFA should be revised to include a detailed method of comparing quantitative and qualitative valuations of costs and benefits and an explanation of how such a comparison was made using costs and benefits information revised to address the inaccuracies described above. The resulting net cost or benefit conclusion should be supported in a manner that is repeatable by outside disinterested experts using the same data.

**Comments on Proposed Rule** (all page numbers reference the December 2, 2009 Federal Register Vol. 74, No. 230):

**Page 63081, second column, second full paragraph, seventh sentence:** Change the estimated economic impact range to account for the additional costs identified above.

**Page 63084, Figure 1:** Revise Figure 1 to include the proposed changes to Areas 1 and 2 described later in this letter.

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**Page 63087, second column, first full paragraph, second sentence:** Change to read: "The effects of prolonged harassment may also include the prolonged abandonment of habitat."

Rationale: To remove the potential for incorrectly interpreting the original sentence to mean that momentary incidents of harassment could result in the prolonged abandonment of habitat by the endangered species.

**Page 63087, second column, physical or biological feature number 1:** Insert before the semicolon at the end the following: ", except as excluded by the descriptions of Areas 1 and 2".

Rationale: To clarify that these features only apply to the waters included in Areas 1 and 2.

**Page 63087, second column, physical or biological feature number 3:** Change to read: "The absence of non-naturally occurring toxins or other agents of a type and amount that would kill or injure Cook Inlet beluga whales or cause the prolonged abandonment of their critical habitat areas;"

Rationale: These changes clarify that federal agencies are not required to eliminate naturally occurring irritants to Cook Inlet beluga whales and replace the vague standard of harm with effects-based language from physical or biological feature number 5.

**Page 63087, second column, physical or biological feature number 4:** Change to read: "The absence of prolonged impediments to unrestricted passage within or between the critical habitat areas; and".

Rationale: To remove the potential for incorrectly interpreting the original sentence to mean that the changes in direction by Cook Inlet beluga whales to avoid a vessel or structure in Cook Inlet does not necessarily equate to denial of unrestricted passage.

**Page 63087, second column, physical or biological feature number 5:** Change to read: "The absence of in-water noise at levels and durations resulting in the prolonged abandonment of critical habitat by Cook Inlet beluga whales."

Rationale: This discussion on page 63088 of the impacts of noise on beluga whales describes two thresholds: one for impulsive noises and one for continuous noise. The revised language recognizes the duration basis for the two noise thresholds and incorporates the same abandonment clarification that is included in the previous

paragraphs. Again, this removes the potential for incorrectly interpreting this sentence to mean that the temporary avoidance by Cook Inlet beluga whales of a vessel operating in Cook Inlet at a noise level below the stated thresholds, which the whales would detect by sound, does not equate to abandonment of critical habitat. Cook Inlet experiences significant natural in-water noise levels from the shifting of ice during winter tidal changes, yet beluga whales continue to inhabit the region. Noise limits for vessels and other human activities should be set at levels higher than this natural noise level.

**Page 63087, third column, Area 1 description:** Insert before the period at the end the following: ", excluding those waters within ½ mile of the Port MacKenzie dock complex (61.27 N, 149.92 W) and within ½ mile of the Anchorage marine terminal (61.22N, 149.91W)".

Rationale: Part 424.19 of title 50 of the Code of Federal Regulations authorizes the Secretary to exclude any portion of an area being considered for designation as critical habitat if benefits of such exclusion outweigh the benefits of specifying the area as part of the critical habitat, and such exclusion does not result in the extinction of the species. Four economically significant activities are planned for Port MacKenzie: (1) deep draft dock expansion, (2) barge dock expansion, (3) ferry service to Anchorage and Tyonek, and (4) extension of the Alaska Railroad to Port MacKenzie from the main line between Wasilla and north of Willow, Alaska. These marine terminals are the gateways to the bulk of Alaskan exports and imports. The expansion of the Port of Anchorage has already started, an initial beluga whale incidental take authorization from NMFS, and several measures are being taken to protect the whales. Additionally, ferry service between Port MacKenzie and Tyonek will serve Anchorage. While these projects are in different stages of development, combined, they are critical to the economic development of the Cook Inlet region and the mobility of its residents. The inclusion of these small areas within Area 1 would likely result in the imposition of significant limitations on the development and use of the above projects, resulting in economic harm to the region. While Cook Inlet beluga whales have been sighted in the vicinity of Port MacKenzie and the Port of Anchorage marine terminal, the areas to be excluded are miniscule in comparison to the remaining critical habitat and their exclusion would have no significant impact on the Cook Inlet beluga whale's critical habitat or its continued existence. Clearly, the benefits of excluding these small portions of Area 1 exceed the benefits of including them in the critical habitat designation.

**Page 63087, third column, Area 2 description:** Insert before the period at the end the following: ", excluding those waters within 2 miles of the Ladd Landing pier (61.13N, 151.10W), within 1 mile of the North Forelands Dock (61.04N, 151.16W), within 1 mile of the Upland Rock Quarry at Cottonwood Bay (59.64N, 153.63W), and within ½ mile of the Kenai LNG export terminal (60.68N, 151.40W)." Strike "and the mouth of the

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Douglas River (59.04 N., 153.45 W)," and insert "and 60.00 N. latitude," or, alternatively, add to the excluded areas in the first sentence of this paragraph the following: "within 1 mile of the multimodal port site in Iniskin Bay (59.66N, 153.46W),".

Rationale: The rationale for these changes is similar to that described in the preceding proposed change. Ladd Landing may be used for the export of Chuitna coal and as a landing for the ferry service to Port MacKenzie and Anchorage (which would require modifications to these piers). The North Forelands Dock may be used to export locally mined aggregate and locally produced coal to liquids fuel and may be used as a landing for the ferry service to Port MacKenzie and Anchorage (any of which may require modifications to the pier). A multimodal port facility may be built in Iniskin Bay to enable shipment by water of materials extracted from the Pebble Mine. The Upland Rock Quarry waterfront in Cottonwood Bay requires filling and dredging to support extraction and export of excavated materials. The Kenai LNG export terminal provides important revenue and a significant source of employment to the Kenai area. Combined, these facilities are critical to the economic development of the Cook Inlet region. The inclusion of these small areas within Area 2 would likely result in the imposition of significant limitations on the development and use of the above projects, resulting in economic harm to the region. The Alaska Fisheries Science Center 2008 Supplemental Status Review and Extinction Assessment of Cook Inlet Belugas shows: (1) a small presence of 2-10 belugas within 2 miles of the Ladd Landing site only during the 1993-1997 period, (2) no presence of belugas within 1 mile of the North Forelands Dock between 1978 and 2008, (3) a small presence of 2-10 belugas within Iniskin Bay only during the 1993-1997 period, (4) no information on beluga presence in Cottonwood Bay, (5) a small presence of 3-10 belugas in the Kenai River only during the 1978-1979 period, and (6) the 95% population area boundary for Cook Inlet beluga whales as far back as 1978-1979 does not include either Iniskin Bay or Cottonwood Bay. Clearly, the benefits of excluding these portions of Area 2 exceed the benefits of including them in the critical habitat designation.

**Page 63090, first column, second full paragraph, second sentence:** Insert before the period at the end the following: ", which may include adjusting agency actions to protect Cook Inlet beluga whale habitat".

Rationale: To clarify that the baseline condition without critical habitat designation may still require Federal agencies to adjust their actions to protect Cook Inlet beluga whale habitat to prevent jeopardizing that species' existence.

**Page 63090, first column, third full paragraph, sixth sentence:** Insert "beyond those prohibited by the Clean Water Act and other federal, state or local laws or regulations" between "Cook Inlet" and the comma.

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Rationale: To clarify that the pollution reduction benefit of critical habitat designation is limited to only that which exceeds pollution limits required by current laws and regulations.

**Page 63090, second column, first full paragraph, first sentence:** Insert "beyond that required by the ESA Section 7 jeopardy provision" between "derived from protection of critical habitat" and "),".

Rationale: To clarify that the increase in Cook Inlet beluga whale lives saved, longevity, health, productivity, etc. derived from critical habitat designation is limited to that which exceeds the baseline protections without critical habitat designation afforded by Section 7 of the ESA.

**Page 63093, first column, first paragraph, first full sentence:** Insert "geothermal and" between "FERC permits for" and "turbine".

Rationale: To include the potential for geothermal project transmission line interactions with Cook Inlet.

**Page 63093, second column, first paragraph, first full sentence:** Strike "destruction of adverse modification" and insert "destruction or adverse modification".

Rational: Correct typographical error.

**Page 63094, third column, Area 1 description:** Insert before the period at the end the following: ", excluding those waters within ½ mile of the Port MacKenzie dock complex (61.27N, 149.92W) and within ½ mile of the Anchorage marine terminal (61.22N, 149.91W)".

Rationale: Same as described for page 63087 change.

**Page 63094, third column, Area 2 description:** Insert before the period at the end the following: ", excluding those waters within 2 miles of the Ladd Landing pier (61.13N, 151.10W), within 1 mile of the North Forelands Dock (61.04N, 151.16W), within 1 mile of the Upland Rock Quarry at Cottonwood Bay (59.64N, 153.63W), and within ½ mile of the Kenai LNG export terminal (60.68N, 151.40W)." Strike "and the mouth of the Douglas River (59.04 N., 153.45 W)," and insert "and 60.00 N. latitude," or, alternatively, add to the excluded areas in the first sentence of this paragraph the following: "within 1 mile of the multimodal port site in Iniskin Bay (59.66N, 153.46W),".

Rationale: Same as described for page 63087 change.

**Page 63095 map:** Revise the map to include the proposed changes to Areas 1 and 2.

**Page 63095, first column, primary constituent element number (1):** Insert before the period at the end the following: ", except as excluded by the descriptions of Areas 1 and 2".

Rationale: Same as described on page 63087 for physical or biological feature number 1.

**Page 63095, first column, primary constituent element number (3):** Change to read: "The absence of non-naturally occurring toxins or other agents of a type and amount that would kill or injure Cook Inlet beluga whales or cause the prolonged abandonment of their critical habitat areas."

Rationale: Same as described on page 63087 for physical or biological feature number 3.

**Page 63095, first column, primary constituent element number (4):** Change to read: "The absence of prolonged impediments to unrestricted passage within or between the critical habitat areas."

Rationale: Same as described on page 63087 for physical or biological feature number 4.

**Page 63095, first column, primary constituent element number (5):** Change to read: "The absence of in-water noise at levels and durations resulting in the prolonged abandonment of critical habitat by Cook Inlet beluga whales."

Rationale: Same as described on page 63087 for physical or biological feature number 5.

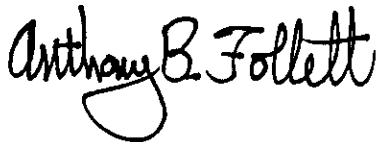
## Conclusion

Due to the flaws in the Draft RIR/4(b)(2)PA/IRFA, its conclusion that there would be a net benefit to the Nation by designating critical habitat for Cook Inlet beluga whales is suspect. The Draft RIR/4(b)(2)PA/IRFA should be revised as described above and a new analysis of whether such critical habitat designation would result in a net cost or a net benefit should be performed. Should such an analysis result in a justified and repeatable conclusion that a net benefit would result, the above proposed changes to

the proposed rule should be included in that rule. Should such an analysis result in a justified and repeatable conclusion that a net cost would result, the ECA recommends that the proposed rule be revised to not designate critical habitat for the Cook Inlet beluga whale.

Respectfully yours,

Export Council of Alaska

A handwritten signature in black ink that reads "Anthony B. Follett". The signature is written in a cursive style with a large, looping initial 'A'.

Anthony B. Follett, Chairman

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# MUNICIPALITY OF ANCHORAGE



Office of the Mayor

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*Mayor Dan Sullivan*

February 19, 2010

The Honorable Charisse Millett  
Alaska State Legislature  
State Capitol Room 412  
Juneau, AK 99801

Re: HJR 40 – Opposing Proposed Designation of Cook Inlet as Critical Habitat for Cook Inlet Beluga

Dear Representative Millett:

I support your resolution to oppose the proposed designation of 3,000 miles of the Cook Inlet as critical habitat for the Cook Inlet Beluga whale.

The Municipality of Anchorage (MOA) is committed to ensuring the long-term health and productivity of the Cook Inlet and to the conservation of its beluga population. Cook Inlet supports significant oil and gas production, fishing, mining and a year-round tourism industry to the benefit of all Alaskans. The Port of Anchorage is the essential conduit through which passes an astounding 85% of all goods entering the state, and 26% of the tonnage of U.S. international air freight moves through the city via Ted Stevens Anchorage International Airport.

Anchorage's strategic location continues to be vitally important to our nation's overall defense strategy. We are an excellent staging point for an array of military operations and equipment that is deployed – and redeployed – through our Port in support of our national strategic interests.

The proposed critical habitat designation adds nominal value to the protection of the Cook Inlet beluga. It is fundamentally vague, and because the Endangered Species Act already applies, the MOA is addressing the needs of the beluga responsibly, directly, and with best available science. The projections of economic costs associated with the proposed designation do not pass the red face test; the potential for new regulations, delayed development and increased costs will most certainly total more than the \$575,000 that NMFS included along with its proposal.

Thank you for your work and for the opportunity to provide comments. Please contact my intergovernmental affairs director, Stacy Schubert, if she can be of assistance to you. She can be reached at 343-7112 or by email: [schuberts@muni.org](mailto:schuberts@muni.org).

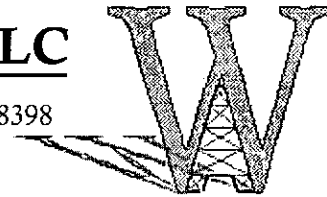
Sincerely,

  
Dan Sullivan  
Mayor

# Webb Exploration and Production, LLC

Alaskan Operations: P.O. Box 113141  
Anchorage, Alaska 99511-3141

◆ (907) 229-8398



The Honorable Charisse Millet  
Alaska House of Representatives  
Twenty-Sixth Alaska Legislature  
State Capital  
Juneau, AK 99810-1182

February 23, 2010

RE: House Joint Resolution No. 40 in Response to the  
National Marine Fisheries Service Proposed Beluga Whale Critical Habitat Designation of  
3,000 Sq. Miles in the Cook Inlet, Alaska

Dear Representative Millett:

As a lifelong Alaskan, I support the adoption of the above referenced Resolution.

My primary source of income for myself and my family is reliant on oil and gas exploration and development in the Cook Inlet. The Cook Inlet is approaching a natural gas shortage. Current producible reserves of natural gas will not meet the south central demand by 2014. Virtually all state and federal experts, as well as industry representatives, agree that there are exist enough natural gas reserves in the Cook Inlet to meet the demand beyond 2040. These experts also agree that the majority of these reserves needed to meet the demand beyond 2014, lie in undeveloped fields that are either inaccessible by road and existing infrastructure, are located in deep-offshore reservoirs requiring a jack-up drilling rig and huge initial investments, or in areas closed to oil and gas exploration and development – such as the Kenai National Moose Range.

This looming shortage of natural gas and the difficulties associated in new exploration and development in the Cook Inlet is further exacerbated by unreasonable restrictions on state lands, such as the Susitna Flats State Game Refuge, the high cost / high risk nature of Alaska, the uncertain tax structure, the excessive bonding requirements, and the most onerous regulatory and environmental permitting process in the country. The excessive federal control of Alaska's resources makes the prospect of doing oil and gas business here less than inviting. The proposed designation of the entire Cook Inlet as critical habitat for the beluga whale creates an additional stigma towards future exploration and development that the residents of the Cook Inlet region and the State of Alaska simply cannot allow.

The NMFS asserts that the beluga whales are endangered and thus need protection and the establishment of this outrageous critical habitat designation. This assertion is erroneous, at best. The beluga population has been increasing since subsistence harvesting of the whale ended, and the population has experienced a steady growth since then. In fact, the juvenile whales cannot even be spotted by the air because of their grey color which is identical to the silty waters of the Cook Inlet. I can personally attest to this, as I have been a pilot since the late 1980's and have flown over the Cook Inlet hundreds of times.

Anchorage, Alaska, USA

◆ San Antonio, Texas, USA

◆ San Jose, Costa Rica, CA

The NMFS blatantly tries to make the public believe that the cost involved in “additional consultation” and other related federal regulations will only cost a total of \$600,000 to the people of Alaska and the affected industries. This is absurd! In one exploration project alone, Escopeta’s Kitchen Lights, this proposed designation has steered an initial investment of \$50,000,000 away from the Cook Inlet. Should an oil and gas company desire to perform the costly proposition of drilling an offshore well in the Cook Inlet with this designation, they will have to budget millions of dollars in delays, legal fees and litigation, without any guarantee of drilling the first well.

The finding by the NMFS significantly undercounts the costs, and exaggerates the benefits, of the critical habitat designation and arbitrarily and capriciously concludes that the benefits of such designation exceed its costs. This finding does not pass the red-face test and the NMFS should be ashamed in even suggesting such a finding. Clearly, this action by the NMFS is backed by environmentalists who do not reside, and have probably not even visited the State of Alaska.

The State of Alaska has approximately 365 million acres of land. The federal government already controls over 222 million of those acres in parks, reserves, and other national interest lands – all of which are closed to oil and gas exploration and development. Of the remaining 143 million acres, 43 million acres are native or private lands. That only leaves the State of Alaska with about 100 million acres, much of that is mountains, glaciers and populated areas. Alaska cannot afford to have any more of its land and resources controlled by the federal government or the environmental obstructionists who have fostered this ridiculous critical habitat designation.

The Cook Inlet provides more the half of the states population with affordable natural gas for electricity and heat for their homes. The negative impact created by this designation creates an anti-development stigma that is contrary to the national energy policy and prejudices Alaska’s ability to responsibly explore and develop its natural resources for the benefit of all Alaskans.

A final designation of the Cook Inlet as critical habitat will empower the environmental obstructionists in initiating frivolous litigation which will delay and even cancel the regions essential exploration and development activities. The federal government and the environmental community already have a strangle-hold on our state’s oil and gas industry, a decision by the NMFS in finalizing such a preposterous designation will choke out the remaining oil and gas companies in the Cook Inlet and repel further investments. The State of Alaska cannot allow this to happen.

The proposed critical habitat designation of 3,000 square miles, which encompasses the entire Cook Inlet, is excessive and cannot all be considered “critical” by any stretch of the imagination. The beluga whales have coexisted with offshore oil and gas exploration and development for over 30 years, and there is no scientific or historic evidence that indicates oil and gas activities have had an impact to the whale population or its habitat. This designation will have an unwarranted negative impact on existing and future oil and gas activities.

The NMFS determination did not consider the cumulative negative impacts of this proposed critical habitat designation on the oil and gas industry, local communities, or other industries such as fishing, tourism, water and waste utilities, mining, and transportation.

Aside from the obvious negative impact to the oil and gas industry and its resultant effect on the local communities and their energy requirements, this proposed designation will have far-reaching negative impacts, both on their feasibility and their economics, for the following planned projects: Port of Anchorage expansions, Turnagain Arm tidal energy generation project, Mt. Spurr geothermal power plant, Chakachamna hydroelectric plant, Port MacKenzie projects, ferry service to Tyonek, North Forelands dock and industrial area aggregate mining and export, Beluga coal to liquids plant, and road and bridge projects connecting West Cook Inlet settlements and projects to Anchorage.

The proposed critical habitat designation exaggerates the benefits by: (1) failing to adequately differentiate between the benefits that accrue from the designation of the Cook Inlet beluga whale as endangered and the benefits of the designation of such whale's critical habitat; (2) failing to account for the baseline requirements of the Endangered Species Act that, absent the designation of critical habitat, NMFS would be required to not take any action that would jeopardize the Cook Inlet beluga whale's existence due to inadequate stocks of certain fish species; and (3) attributing benefits to the fishing industry and recreational and subsistence users from such critical habitat designation, while ignoring legal requirements other than the Endangered Species Act for fisheries conservation and the increased consumption of fish by the resulting larger whale population.

The baseline for the critical habitat designation analysis is in the existing regulations that provide protection to the Cook Inlet beluga whales under the Endangered Species Act, as well as under other federal, state, and local laws and guidelines, without any critical habitat designation. Absent a designation of critical habitat by the NMFS, the Endangered Species Act already requires all federal agencies to consult with NMFS to ensure that any action authorized, funded, or carried out would not jeopardize the continued existence of the beluga whale. Therefore, a proposed habitat designation, especially of the entire Cook Inlet, will not provide a higher level of protection than that already established under the Endangered Species Act."

The NMFS finding proposes that the designation of critical habitat may sustain healthy stocks of Cook Inlet beluga whale prey-fish and increase the consumptive value from fishing in and adjacent to such a critical habitat. This finding also presumes an overall increase in fish stocks solely from the critical habitat designation. These presumptions ignore the baseline requirements for the NMFS and the Alaska Department of Natural Resources to maintain the reproductive capacity of such fish stocks through managing human harvesting of these stocks and the increased consumption of such fish stocks by a larger Cook Inlet whale populations, which the NMFS erroneously expects to result simply from such critical habitat designation. Preserving designated critical habitat is more likely to help maintain such prey-fish at current stock levels, not increase them, since such designation merely retains the status-quo with respect to the condition of such habitat and does not require improving such habitat.

On the other hand, to the extent to which the designation of critical habitat would increase the Cook Inlet beluga whale population above the baseline condition, the consumption of such fish stocks by such whale populations would clearly increase.

In summary, the net effect of the critical habitat designation is more likely to be a reduction in the consumptive value from fishing in and adjacent to such critical habitat, and therefore would not be a benefit to fishermen, the commercial fishing industry, or the export of Alaska seafood products.

The finding by the NMFS describes several methods for calculating the value of several forms of benefits, but does not attempt to place a quantitative value on the benefits of Cook Inlet beluga whale critical habitat designation above the benefits of the baseline protection already afforded under the Endangered Species Act. Similarly, the finding also does not attempt to develop a qualitative measurement of such value or attempt to describe how such benefits were compared with the more easily calculated, albeit underestimated, costs of such a designation. Instead, the finding simply states, in brevity, that the anticipated benefits would outweigh the anticipated costs and a net benefit to the nation would result. No support is provided for this statement. No basis that would allow an outside disinterested expert to reach such a similar conclusion using the same information is provided in the finding.

The NMFS simply throws up its hands and says that a valuation of the benefits can't be done, yet it concludes that such benefits would exceed the expected costs. This is outrageous! A methodology such as this would not be allowed in an academic application, and should not be relied upon in such an important administrative application. The lengthy separate discussions of the costs and benefits do not overcome the vague, unscientific, illogical, arbitrary and capricious manner in which the comparison of the two was made, and in which the conclusion was reached. This is especially egregious when the NMFS undercounts the costs and exaggerates the benefits for the purposes of this biased comparison.

The proposed analysis of the effects of this critical habitat designation should include a detailed method of comparing quantitative and qualitative valuations of costs and benefits and an explanation of how such a comparison was made using costs and benefits information to eliminate the inaccuracies described above. The resulting net cost or benefit conclusion should be supported in a manner that is repeatable by an outside disinterested expert, using the same data.

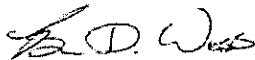
The conclusion by the NMFS that there would be a net benefit to the Nation by designating critical habitat for Cook Inlet beluga whales is extremely suspect. Any proposed critical habitat designation should include a realistic and predictable analysis of whether such a designation would result in a net cost or a net benefit. Absent such, a designation of critical habitat must be rejected.

The overwhelming conclusion regarding the NMFS' proposed designation of 3,000 sq. miles of the Cook Inlet as critical habitat is that it is a finding that is not based on facts or repeatable scientific analysis. This proposed designation is nothing more than the attempts by the environmental community in manipulating a federal agency for their own special interests. It is in no way representative in what is best for the nation, the people of Alaska, or even the beluga whale itself. It is time for the environmentalists and special interest groups living outside Alaska to stay out of the state's business. The federal government needs to stop allowing itself to be manipulated by these groups.

HJR 40 Comments  
Rep. Charisse Millet  
February 23, 2010  
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In closing, I would just like to say that I have heard comments by Alaskan's in the past regarding Alaska succeeding from the United States. I have always considered such talk to be irrational. However, given the increased over-regulation of Alaska's resources, which are owned by the people of Alaska, I can see how this type of attitude exists. I am not sure, as a native Alaskan, how much more federal oppression of Alaska's resources the people of Alaska will stand for. Without the interference by the federal government and the environmental obstructionists, Alaska could be one of wealthiest countries in the world. I remember an instance in our own U.S. history where we were governed by those who did not share our views and values. It is my sincere hope that the federal government does not push Alaskans that far.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L.D. Weiss".

## Debra Higgins

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**From:** Jeff Turner  
**Sent:** Tuesday, February 23, 2010 6:19 PM  
**To:** Debra Higgins; Rex Shattuck  
**Subject:** Written testimony for HJR 40

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**From:** Richard Berkowitz [mailto:tinstitute@qwestoffice.net]  
**Sent:** Tuesday, February 23, 2010 7:30 AM  
**To:** Rep. Charisse Millett  
**Subject:** HJR 40 Beluga Whale Critical Habitat Designation -- Support

On behalf of the Transportation Institute and our member companies, I am writing to endorse HJR 40 concerning Cook Inlet beluga whale critical habitat. The Transportation Institute is a non-profit organization dedicated to maritime research, education, and promotion. The Institute member companies participate in all phases of the nation's deep-sea, foreign, and domestic shipping trades. All are of U.S. Registry—manned by American citizen-mariners, operating under the world's highest safety standards, and proudly flying the American flag. Several of these operators would be impacted by the critical habitat designation being considered by the National Oceanic and Atmospheric Administration.

Aside from the lack of scientific data supporting NOAA's decision making and the overall threat to potential economic development for Southcentral Alaska, I wish to confine our concerns of the issue at hand to certain transportation/logistics and national security impacts of the NOAA rulemaking. The Endangered Species Act (ESA) Section 4(b)(2) provides that "the Secretary shall designate critical habitat...on the basis of the best scientific data available and after taking into consideration the economic impact, impact to national security, and any other relevant impact of specifying any particular area as critical habitat." Accordingly, the potential impact of NOAA's designation of beluga whale critical habitat and remediation thereof will have a significant and direct impact on the economic and defense interests of Alaska and our nation. At the very least, NOAA should exclude the Port of Anchorage and the vessel traffic lane through Cook Inlet to the port from being impacted by this rulemaking.

Despite up to five transits a week through Cook Inlet and in every season, our members' ocean-going vessels have never had a single whale strike. They have maintained an unblemished record of safety and risk avoidance while managing the difficult transit through Cook Inlet and its challenging tidal action. Given their nearly fifty years of experience and dynamic improvements in technology, we have every reason to believe this admired safety record will continue. Furthermore, both Horizon and TOTE do not discharge ballast water in Cook Inlet and threaten these waters with the potential introduction of invasive species to create further imbalance to the beluga's marine environment.

The Port of Anchorage serves 80 percent of Alaska's population and 90 percent of the consumer goods of Alaska. The port is the major gateway for Alaska's water-borne commerce and a vital element of the regional economy. In terms of economic impact, the port generates more than \$750 million each year. Much of this economic activity is related to the predictable and frequent service provided by the ocean-going vessels of Horizon Lines and TOTE. Maintaining their reliable schedules is critical to the just-in-time logistics service supporting South-central Alaska, the rail-belt Interior Alaska, and the critical energy sector of the North Slope. Having regular and dependable service through the population and transit hub of Anchorage affords Alaskan firms the ability to eliminate the need to warehouse most goods through distribution centers. Most containers and trailers are handled as intermodal cargo and proceed directly to their retail destinations from the ships. This saves Alaskans an estimated \$70.2 million in annual warehouse and distribution costs. Moreover, the quality and freshness of goods, despite a 3-4 day ocean-going journey, is maintained. Thankfully, the days of brown lettuce and powdered milk are a distant memory for Alaskans served through the Port of Anchorage.

Undoubtedly, the threat of losing schedule integrity is of paramount importance for our vessel operators and the impact it would have on Alaska's citizens cannot be underestimated. It is conceivable for the critical habitat designation to require operational changes that will at best hamper, if not create uncompromising circumstances and unanticipated consequences causing insurmountable delays. The rigor of managing the tides, weather, silt, and ice in Cook Inlet while meeting scheduled arrival and departure times must not be further complicated. This is especially so since numerous studies conducted over many years show a distinct lack of any scientific evidence that human activity of any kind (beyond subsistence harvesting) has had any impact on the beluga whale population.

Aside from these economic impact concerns, Congress sought to assure an ESA designation did not endanger the defense requirements of our nation. It has been noted that the Port of Anchorage is one of only 19 Strategic Seaports—and the only one not in the Continental United States—as designated by the Military Surface Deployment and Distribution Command (SDDC). This selection is based upon Anchorage playing a critical role in the deployment of U.S. Armed Forces, including units based at Fort Richardson and other military installations in Alaska. An engineering analysis of the POA determined that its strategic value was based on its crucial "highway, water and rail access, cargo staging area and berthing capacity." According to Brig. Gen. Mark Scheid, SDDC's Deputy Commanding General/Director of Operations, units like the 172nd Stryker Brigade Combat Team, at Fort Wainwright, and an Airborne Brigade Combat Team, at Fort Richardson, require the ability to deploy by sea, as do units that may train in Alaska.

Furthermore, TOTE officials attest to the critical nature of their waterborne cargo service to Anchorage. TOTE's annual estimated load factor attributed to military-related supplies and equipment is a full 12 percent of their business.

A more subtle aspect of the defense-related role of the deep-sea vessels serving the Cook Inlet, including the U.S.-flag tankers serving Nikiski, is our military relies on a reserve pool of professional mariners to crew the vessels maintained by the federal Maritime Administration in the Ready Reserve Force which are broken out in times of conflict or crises. Among these are the skilled seafarers who work aboard Horizon Line and TOTE cargo ships and Seabulk tankers. Former Chairman of the Joint Chiefs of Staff, General Colin Powell stated in 1992 that, "I have come to appreciate first-hand why our merchant marine has long been called the nation's fourth arm of defense... The American seafarer provides an essential service to the well-being of the nation, as was demonstrated so clearly during operations Desert Shield and Desert Storm." In fact, civilian mariners are currently serving aboard MARAD managed vessels and on private U.S.-flag vessels contracted to support our government in defense and humanitarian efforts in Afghanistan and Haiti.

The military also relies on the vessels and logistical support of our private-sector merchant marine. Ironically, one of the first commercial vessels to be chartered to the military to supply our troops with vehicles and cargo during Operation Enduring Freedom/Iraqi Freedom was none other than a TOTE roll-on/roll-off (Ro-Ro) ship taken off the Anchorage run. The special design of the vessel enables most any vehicle to be driven aboard, making it an exceptional vessel for charter to the military. It can sail at a top speed of 24 knots and has a shallow draft --to reach ports that other vessels would find too dangerous.

It should be abundantly clear that the use of commercial U.S.-flag vessels having great military utility, along with their civilian officers and crew, are of significant importance to our military planners, logistics experts, and transporters in the event of a national emergency or global conflict. They rely on us, particularly when our allies are not willing or able to help. Threatening the viability of these firms and the crucial seagoing and logistical jobs they support is not in the nation's interest.

I trust I have shared, in brief, some of the economic and defense impact concerns the ESA critical habitat designation poses for Alaska and the United States. The economy of Alaska and the nation is in a precarious state and will suffer if unwarranted impositions are placed on the vessels serving Southcentral Alaska. Our organization endorses the effort Representative Millet has placed in HJR 40 and encourages the support of the Alaska State Legislature for its passage.

## Debra Higgins

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**From:** Jeff Turner  
**Sent:** Tuesday, February 23, 2010 6:21 PM  
**To:** Debra Higgins; Rex Shattuck  
**Subject:** written testimony for HJR 40

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**From:** oksun@gci.net [mailto:oksun@gci.net]  
**Sent:** Tuesday, February 23, 2010 8:21 AM  
**To:** Rep. Charisse Millett  
**Subject:** HJR No. 40

Subject: Support for HJR No. 40

I have reviewed the content of this State Legislative Resolution and am in agreement with its content and hereby express my support.

I have been involved with the Cook Inlet beluga whale issues for the past 9 years and believe that I have a good understanding of the situation.

The economic impact has been grossly mis-stated and a professionally done and more encompassing economic analysis is absolutely necessary. In addition the critical habitat designation has been done too broadly without any consideration for exclusion of certain areas.

I support the resolve-clauses as stated in the HJR 40

Heinrich Springer  
PO Box 232114  
Anchorage, AK 99523  
Alaska resident since 1960

# Alaska Legislature

## Representative Charisse Millett

### Session:

State Capitol Building, Room 412  
Juneau, AK 99801  
Phone (907) 465-3879  
Fax (907) 465-2069



### Interim:

Anchorage LIO  
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Fax (907) 269-0223

*District 30*  
*Co-chair, House Special Committee on Energy*

Date: 1/29/10  
Version: 26-LS1376\E

### Sponsor Statement – HJR 40

**“Opposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.”**

House Joint Resolution 40 seeks to protect the economy of the entire Cook Inlet region from an unnecessary critical habitat designation for beluga whales. The designation would apply to 3,000 square miles of Cook Inlet. The National Marine Fisheries Service is considering the designation a way to protect Cook Inlet beluga whales.

NMFS scientists concluded years ago that an unsustainable harvest caused the decline in the beluga population. The beluga numbers are now increasing at the rate of four percent a year because a revised harvest management program was instituted in place in 2000.

All activities in and around Cook Inlet from the Port of Anchorage, to military operations, to sport and commercial fishing could be slapped with new restrictions if a critical habitat designation is issued.

I urge all my colleagues to join me, our congressional delegation and Governor Parnell in opposing the critical habitat designation.

26-LS1376E  
Kane  
2/4/10

**CS FOR HOUSE JOINT RESOLUTION NO. 40( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES MILLETT, Neuman, Lynn, Johnson, Keller, Gatto**

**A RESOLUTION**

1 **Opposing the proposed designation by the National Marine Fisheries Service of 3,000**  
2 **square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and**  
3 **Kachemak Bay as critical habitat for beluga whales.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** the Endangered Species Act requires economic effects to be taken into  
6 account for critical habitat designations and areas may be excluded from critical habitat if it is  
7 determined that the benefit of such exclusion outweighs the benefit of specifying such areas  
8 as critical habitat; and

9 **WHEREAS** the National Marine Fisheries Service has proposed declaring 3,000  
10 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and  
11 Kachemak Bay as critical habitat for beluga whales; and

12 **WHEREAS** scientists in the National Marine Fisheries Service have concluded that  
13 the sole reason for the population decline was the unsustainable subsistence harvest in the  
14 1990s; and

15 **WHEREAS** a cooperative harvest management plan was put into place in 2000; and

1           **WHEREAS** scientists predicted signs of recovery of the beluga whale population  
2 would take five to seven years after a cooperative harvest management plan was instituted;  
3 and

4           **WHEREAS**, in 2005, the population of beluga whales was 278, and, in 2009, the  
5 population was 321, a four percent increase a year; and

6           **WHEREAS** the State of Alaska has given notice of its intent to sue challenging the  
7 Cook Inlet beluga whale Endangered Species Act listing; and

8           **WHEREAS** there is no evidence that human activity has harmed the beluga whale's  
9 environment, migration, or ecology; and

10          **WHEREAS** the National Marine Fisheries Service has stated that the additional  
11 regulatory oversight will cost only an additional \$600,000 over the next decade; and

12          **WHEREAS** the cost estimate does not factor in the extra costs that existing and future  
13 operations may have to pay to meet unnecessary new regulatory burdens; and

14          **WHEREAS** a critical habitat designation in Cook Inlet may hurt community and  
15 economic development; and

16          **WHEREAS** permitting and construction projects may suffer costly delays, and  
17 economic development could be curtailed; and

18          **WHEREAS** the proposed Knik Arm Bridge, Port Mackenzie, tourism, and vessel  
19 traffic may be negatively affected; and

20          **WHEREAS** infrastructure development in Cook Inlet for resource development and  
21 energy projects could be threatened by critical habitat designations; and

22          **WHEREAS** the Port of Anchorage serves 85 percent of the population of the state  
23 and receives 90 percent of the goods coming into the state, and the port has already fully  
24 addressed the conservation needs of the Cook Inlet beluga whales relating to the whales'  
25 activity, based on the best scientific information available, working with the National Marine  
26 Fisheries Service and other experts; and

27          **WHEREAS** military deployments from the Port of Anchorage, military flight  
28 patterns, and military operations could be negatively affected or limited with no benefit to  
29 beluga whales; and

30          **WHEREAS** environmental lawsuits may add significant delays and millions of  
31 dollars to the cost of economic development projects in the Cook Inlet area; and

1           **WHEREAS** decades of safe and environmentally responsible oil and gas production,  
2 vessel transportation, community development, commercial, sport, and subsistence fishing,  
3 and other economic activity in Cook Inlet have taken place without harming Cook Inlet  
4 beluga whales; and

5           **WHEREAS** future oil and gas exploration, development, and production could be  
6 gravely affected by critical habitat designations; and

7           **WHEREAS** southcentral Alaska energy needs have been met predominantly through  
8 responsible oil and gas production in Cook Inlet for nearly 50 years while beluga whale  
9 populations thrived; and

10          **WHEREAS** there is no evidence that commercial or sport fishing is harming the  
11 beluga whale population; and

12          **WHEREAS** the commercial and sport fishing industries will be gravely threatened by  
13 a critical habitat designation because the beluga whale's primary food source is fish; and

14          **WHEREAS** lost development opportunities because of critical habitat designations  
15 could ultimately lead to lost revenue to the State of Alaska and to local governments; and

16          **WHEREAS** all three members of Alaska's congressional delegation and Governor  
17 Sean Parnell are opposed to the critical habitat designation; and

18          **WHEREAS** designation of such broad areas of municipal, commercial, and industrial  
19 interest, without any known or identifiable link between these activities and the conservation  
20 status of the Cook Inlet beluga whale is contrary to the public interest; and

21          **WHEREAS** the conservation benefits, which are entirely uncertain and speculative,  
22 are outweighed by the costs and impediments posed by designation of critical habitat in this  
23 instance in most, if not all, of the proposed designation area;

24          **BE IT RESOLVED** that the Alaska State Legislature opposes the proposed  
25 designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook  
26 Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for  
27 beluga whales; and be it

28          **FURTHER RESOLVED** that the State of Alaska requests a more robust economic  
29 analysis be completed by the National Marine Fisheries Service before finalizing any critical  
30 habitat designation.

31          **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of

1 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and  
2 President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of  
3 Representatives; the Honorable Gary F. Locke, United States Secretary of Commerce; Dr.  
4 Jane Lubchenko, Under Secretary of Commerce for Oceans and Atmosphere, United States  
5 Department of Commerce; Kaja Brix, Director, Protected Resources Division, Alaska Region,  
6 National Marine Fisheries Service, National Oceanic and Atmospheric Administration; the  
7 Honorable Dan Sullivan, Mayor of the Municipality of Anchorage; the Honorable John C.  
8 Combs, Mayor of the City of Palmer; the Honorable Verne E. Rupright, Mayor of the City of  
9 Wasilla; the Honorable Talis Colberg, Mayor of the Matanuska Susitna Borough; the  
10 Honorable James C. Hornaday, Mayor of the City of Homer; the Honorable Pat Porter, Mayor  
11 of the City of Kenai; the Honorable Peter A. Micciche, Mayor of the City of Soldotna; the  
12 Honorable Dave Carey, Mayor of the Kenai Peninsula Borough; and the Honorable Lisa  
13 Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young,  
14 U.S. Representative, members of the Alaska delegation in Congress.

Changes to HJR 40\R that are included in CS HJR 40 ( )\E

1. Page 2, lines 13, 14, 16, 19 and 27, strike “will” and insert “may”;
2. Page 2, strike lines 22 through 23 and insert the following:

“WHEREAS the Port of Anchorage serves 85 percent of the population of the state and receives 90 percent of the goods coming into the state, and the Port has already fully addressed the conservation needs of the Cook Inlet beluga whales relating to the whales’ activities based on the best scientific information available, working with the National Marine Fisheries Service and other experts; and”

3. Page 3, strike lines 7 through 10.

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version:                     HJR 40                      
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title           COOK INLET/KACHEMAK BELUGA POPULATION           RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor           Representative MILLETT, Neuman, Lynn, Johnson, Keller            
 Requester           House Resources Committee           Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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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 Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Prepared by:           Debra Higgins, Committee Aide            
 Division           House Resources Committee            
 Approved by:           Representative Craig Johnson, Co-Chair            
          House Resources Committee          

Phone           465-3715            
 Date/Time           2/22/10 3:00pm            
 Date           2/22/2010

W. Stelle  
January 30, 2010 draft

Proposed Amendments to House Joint Resolution No. 40  
Sponsored by Rep. Millett  
Introduced January 27, 2010

1. Page 2, lines 13, 14, 16, 19, and 27, strike “will” and insert in lieu thereof “may”;
2. Page 2, strike lines 22 through 23 and insert in lieu thereof the following:

“WHEREAS the Port of Anchorage serves 85 percent of the state of Alaska with 90 percent of the goods to those areas, and the Port has already fully addressed the conservation needs of the Cook Inlet belugas whales relating to its activities based upon the best scientific information available, working in tandem with the National Marine Fisheries Service and other experts;” and

3. Page 3, strike lines 7 through 10.

W. Stelle edits  
January 30, 2010 7:30 am draft

26-LS1376\R  
HOUSE JOINT RESOLUTION NO. 40  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - SECOND SESSION  
BY REPRESENTATIVE MILLETT

Introduced: 1/27/10  
Referred:

A RESOLUTION

Opposing the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Endangered Species Act requires economic effects to be taken into account for critical habitat designations and areas may be excluded from critical habitat if it is determined that the benefit of such exclusion outweighs the benefit of specifying such areas as critical habitat; and

WHEREAS the National Marine Fisheries Service has proposed declaring 3,000 10 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales; and

WHEREAS scientists in the National Marine Fisheries Service have concluded that the sole reason for the population decline was the unsustainable subsistence harvest in the 1990s; and

WHEREAS a cooperative harvest management plan was put into place in 2000; and

WHEREAS scientists predicted signs of recovery of the beluga whale population would take five to seven years after a cooperative harvest management plan was instituted; and

WHEREAS, in 2005, the population of beluga whales was 278, and, in 2009, the population was 321, a four percent increase a year; and

WHEREAS the State of Alaska has given notice of its intent to sue challenging the Cook Inlet beluga whale Endangered Species Act listing; and

WHEREAS there is no evidence that human activity has harmed the beluga whale's environment, migration, or ecology; and

WHEREAS the National Marine Fisheries Service has stated that the additional regulatory oversight will cost only an additional \$600,000 over the next decade; and

WHEREAS the cost estimate does not factor in the extra costs that existing and future operations may have to pay to meet unnecessary new regulatory burdens; and

WHEREAS a critical habitat designation in Cook Inlet may hurt community and economic development; and

WHEREAS permitting and construction projects may suffer costly delays, and economic development could be curtailed; and

WHEREAS the proposed Knik Arm Bridge, Port Mackenzie, tourism, and vessel traffic may be negatively affected; and

WHEREAS infrastructure development in Cook Inlet for resource development and energy projects could be threatened by critical habitat designations; and

WHEREAS the Port of Anchorage serves 85 percent of the state of Alaska with 90 percent of the goods to those areas, and the Port has already fully addressed the conservation needs of the Cook Inlet beluga whales relating to its activities based upon the best scientific information, working in tandem with the National Marine Fisheries Service and other experts; and

WHEREAS military deployments from the Port of Anchorage, military flight patterns, and military operations may be negatively affected or limited with no benefit to beluga whales; and

WHEREAS environmental lawsuits may add significant delays and millions of dollars to the cost of economic development projects in the Cook Inlet area; and

WHEREAS decades of safe and environmentally responsible oil and gas production, vessel transportation, community development, commercial, sport, and subsistence fishing, and other economic activity in Cook Inlet have taken place without harming Cook Inlet beluga whales; and

WHEREAS future oil and gas exploration, development, and production could be gravely affected by critical habitat designations; and

WHEREAS southcentral Alaska energy needs have been met predominantly through responsible oil and gas production in Cook Inlet for nearly 50 years while beluga whale populations thrived; and

~~WHEREAS THE MUNICIPALITY OF ANCHORAGE MAY HAVE TO SPEND A MINIMUM OF \$400,000,000 TO MEET UNNECESSARY NEW WASTEWATER TREATMENT REQUIREMENTS THAT WOULD COME WITH A CRITICAL HABITAT DESIGNATION, CAUSING UTILITY BILLS FOR CUSTOMERS OF ANCHORAGE WATER AND WASTEWATER TO, AT A MINIMUM, TRIPLE; AND~~

WHEREAS there is no evidence that commercial or sport fishing is harming the beluga whale population; and

WHEREAS the commercial and sport fishing industries will be gravely threatened by a critical habitat designation because the beluga whale's primary food source is fish; and

WHEREAS lost development opportunities because of critical habitat designations could ultimately lead to lost revenue to the State of Alaska and to local governments; and

WHEREAS all three members of Alaska's congressional delegation and Governor Sean Parnell are opposed to the critical habitat designation; and

WHEREAS designation of such broad areas of municipal, commercial, and industrial interest, without any known or identifiable link between these activities and the conservation status of the Cook Inlet beluga whale is contrary to the public interest; and

WHEREAS the conservation benefits, which are entirely uncertain and speculative, are outweighed by the costs and impediments posed by designation of critical habitat in this instance in most, if not all, of the proposed designation area;

BE IT RESOLVED that the Alaska State Legislature opposes the proposed designation by the National Marine Fisheries Service of 3,000 square miles of upper Cook Inlet, the mid-inlet, all of the inlet's western shores, and Kachemak Bay as critical habitat for beluga whales; and be it

FURTHER RESOLVED that the State of Alaska requests a more robust economic analysis be completed by the National Marine Fisheries Service before finalizing any critical habitat designation.

COPIES of this resolution shall be sent to the Honorable Barack Obama, President of the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Gary F. Locke, United States Secretary of Commerce; Dr. Jane Lubchenko, Under Secretary of Commerce for Oceans and Atmosphere, United States Department of Commerce; Kaja Brix, Director, Protected Resources Division, Alaska Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration; the Honorable Dan Sullivan, Mayor of the Municipality of Anchorage; the Honorable John C. Combs, Mayor of the City of Palmer; the Honorable Verne E. Rupright, Mayor of the City of Wasilla; the Honorable Talis Colberg, Mayor of the Matanuska Susitna Borough; the Honorable James C. Hornaday, Mayor of the City of Homer; the Honorable Pat Porter, Mayor of the City of Kenai; the Honorable Peter A. Micciche, Mayor of the City of Soldotna; the Honorable Dave Carey, Mayor of the Kanai Peninsula Borough; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

William Stelle edits  
January 30, 2010  
7:30 am

W. Stelle edits  
January 30, 2010 7:30 am draft

**HJR**

**49**

# DOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: February 23, 2010

FURTHER REFERRALS:

Date of Committee Action: 8 Mar 2010

The RESOURCES Committee considered:

HOUSE JOINT RESOLUTION NO. 49

Urging the United States Congress to enact S.J. Res. 26, a resolution disapproving the Environmental Protection Agency's imposition of climate regulations that would harm Alaska's economy and the livelihoods of the state's citizens.

HJR 49-OPPOSING EPA CLEAN AIR ACT REGULATIONS

Recommends it be replaced with  HCS or  CS for CS HJR 49 (Res) ( )  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- DHS
- LWF
- LAW
- LEG
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
Res	1			Ø

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	OLSON	X			
	Edgman	X			
	SEATON		X		
	WILSON	X			
	Truch				X
	KAWASAKI				X
Chair:	NEUMANN	X			
Chair:	Johnson	X			

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version:           HJR 49            
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title           OPPOSING EPA CLEAN AIR ACT REGULATIONS           RDU \_\_\_\_\_  
 \_\_\_\_\_ Component \_\_\_\_\_  
 Sponsor           Representatives STOLTZE, Chenault, Gatto, Keller...            
 Requester \_\_\_\_\_ Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		0.0	0.0	0.0	0.0	0.0	0.0	0.0

**CAPITAL EXPENDITURES**

--	--	--	--	--	--	--	--	--

**CHANGE IN REVENUES ( )**

--	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

Prepared by:           Debra Higgins, Committee Aide            
 Division           House Resources Committee            
 Approved by:           Representative Craig Johnson, Co-Chair            
          House Resources Committee          

Phone           465-3715            
 Date/Time           3/01/10 4:00pm            
 Date           3/1/2010

111TH CONGRESS  
2D SESSION

## S. J. RES. 26

Disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act.

---

### IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2010

Ms. MURKOWSKI (for herself, Mrs. LINCOLN, Mr. BARRASSO, Mr. NELSON of Nebraska, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. THUNE, Mrs. HUTCHISON, Mr. GRAHAM, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. GRASSLEY, Mr. ALEXANDER, Mr. BOND, Mr. INHOFE, Mr. BUNNING, Mr. CRAPO, Mr. BROWNBACK, Mr. ROBERTS, Mr. MCCONNELL, Mr. ENZI, Mr. MCCAIN, Mr. WICKER, Mr. LUGAR, Mr. CORKER, Mr. COCHRAN, Mr. KYL, Mr. BENNETT, Mr. RISCH, Mr. JOHANNES, Mr. SESSIONS, Mr. VOINOVICH, Mr. BURR, Mr. SHELBY, Mr. GREGG, Mr. HATCH, Mr. LEMIEUX, and Mr. DEMINT) introduced the following joint resolution; which was read twice and referred to the Committee on Environment and Public Works

---

## JOINT RESOLUTION

Disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That Congress disapproves the rule submitted by the En-
- 4 vironmental Protection Agency relating to the

1 endangerment finding and the cause or contribute findings  
2 for greenhouse gases under section 202(a) of the Clean  
3 Air Act (published at 74 Fed. Reg. 66496 (December 15,  
4 2009)), and such rule shall have no force or effect.

○

STATE CAPITOL  
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Juneau Alaska 99811-0001  
907-465-3500  
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Anchorage, Alaska 99501  
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Governor@alaska.gov

Governor Sean Parnell  
STATE OF ALASKA

November 3, 2009

The Honorable Barbara Boxer  
Chairman  
Environment and Public Works Committee  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

The Honorable James Inhofe  
Ranking Member  
Environment and Public Works Committee  
United States Senate  
453 Russell Senate Office Building  
Washington, DC 20510

Re: Clean Energy Jobs and American Power Act (S. 1733)

Dear Chairman Boxer and Ranking Member Inhofe,

The State of Alaska wishes to comment on the Clean Energy Jobs and American Power Act (S. 1733). This legislation, which aims to drastically modify U.S. fossil fuel consumption, stimulate greater use of renewable energy resources, and address the challenges of climate change adaptation, involves some of the most important issues facing the State of Alaska.

Alaska supports the transition to lower-carbon and renewable energy. However, as a major exporter of carbon-based energy, producing approximately 13 percent of the nation's oil supply and receiving more than 80 percent of its unrestricted general fund revenues directly from oil and gas operations, the State cannot ignore the potential economic consequences of a "cap-and-trade" system. We are currently preparing analyses that assess the possible impacts of this legislation on State revenues, the economic viability of our oil refineries, and future construction of an Alaska natural gas pipeline. The State fears this act may disadvantage domestic fossil fuel producers and shift production overseas, resulting in lost revenues and jobs while reducing our nation's energy security.

While climate change legislation could pose economic threats to our state, Alaska is also primed to help lead a clean energy economy. In the Alaska natural gas pipeline, the State of Alaska offers a promising low-carbon energy option, which could provide a vital bridge to other clean energy alternatives. Alaska also holds vast renewable energy potential, from hydropower, to biomass, wind, geothermal, solar, and ocean power.

In the area of adaptation, Alaska is already facing a host of serious developments related to climate change. This includes addressing the impacts to critical infrastructure associated with accelerated coastal erosion, increased storm effects, sea ice retreat, and permafrost melt. Efforts to protect and relocate Alaskan communities are already underway and the State values the partnerships we have formed with many federal agencies and other entities. More resources, however, are needed along with a designated federal agency lead to coordinate the federal efforts.

The Honorable Barbara Boxer and The Honorable James Inhofe  
November 3, 2009  
Page 2

Coupled with climate change impacts are opportunities, including the potential for increased marine access to Arctic waters and the resources they contain. The United States is slowly waking to the fact it is an Arctic nation and the importance of the Arctic in general. It is imperative that this legislation not foreclose possible opportunities in the Arctic.

Enclosed you will find the State's analysis of provisions in S. 1733. This document identifies key priorities for Alaska and a number of areas for improvement. Some of the items the State advocates for in this bill include:


- **Adequate funding for climate change adaptation:** the State supports sufficient funding to address Alaska's pressing adaptation needs on various fronts, including protecting critical and valuable infrastructure.
- **Measures to preserve domestic refineries:** Alaska calls for provisions aimed to protect Alaska's refineries, which are essential to our economy and cold weather fuel needs, as well as uniquely vulnerable to increased costs posed by cap-and-trade legislation.
- **Fair allocations for Alaska:** the State is concerned that the Environmental Protection Agency (EPA) has underestimated emissions in Alaska, based on estimates provided to Senator Feingold by EPA. This could disadvantage the state as a whole in the distribution of allowances.
- **Avoidance of unfunded mandates:** Alaska opposes burdensome and unrealistic unfunded mandates that may be created through new climate change programs.
- **Respect for states' rights:** the State supports the protection of states' rights and notably recognition of the State of Alaska's role as primary trustee over fish and wildlife.
- **Exclusion of problematic broad policy statements:** Alaska opposes broad policy statements that open the door to stricter enforceable regulations and future litigation.
- **Emphasis on domestic production:** the State supports expanding access and incentives for responsible domestic onshore and offshore oil and gas exploration as part of a strategy for creating a secure energy future.
- **Promotion of the natural gas pipeline:** the State seeks to promote the Alaska natural gas pipeline as a clean and reliable fuel source which would provide significant economic benefits for the nation, consistent with the Alaska Natural Gas Pipeline Act of 2004 (P.L. 108-324, 118 Stat. 1220).
- **Carbon capture and sequestration incentives:** Alaska supports the commercial deployment of carbon capture and sequestration (CCS) technologies, and in particular, sequestration as a result of Enhanced Oil Recovery (EOR) projects.

The Honorable Barbara Boxer and The Honorable James Inhofe  
November 3, 2009  
Page 3

- **Program flexibility:** The State believes that effective mitigation and adaptation programs must acknowledge regional differences. Alaska has particular concerns regarding the proposed natural resources adaptation framework.
- **Focus on monitoring and research:** Alaska supports collaborations among federal, State, and other partners in monitoring and research that will lead to better decisions in the management of land and marine resources.
- **Exclusive role of climate change legislation:** We believe climate change legislation should be the sole instrument for addressing climate change mitigation, not the strained use of existing statutes such as the Endangered Species Act or the Clean Air Act.

We appreciate the opportunity to share our views and hope the committee will give them its fullest consideration.

Sincerely,



Sean Parnell  
Governor

Enclosure

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Mark Begich, United States Senate  
The Honorable Don Young, United States Congress  
The Honorable Thomas Carper, Chairman, Subcommittee on Clean Air and Nuclear Safety  
The Honorable David Vitter, Ranking Member, Subcommittee on Clean Air and Nuclear Safety  
The Honorable Bernard Sanders, Chairman, Subcommittee on Green Jobs and the Economy  
The Honorable Christopher Bond, Ranking Member, Subcommittee on Green Jobs and the Economy  
The Honorable Frank Lautenberg, Chairman, Subcommittee on Superfund, Toxics, and Environmental Health  
The Honorable Max Baucus, Chairman, Subcommittee on Transportation and Infrastructure  
The Honorable George Voinovich, Ranking Member, Subcommittee on Transportation and Infrastructure  
The Honorable Benjamin Cardin, Chairman, Subcommittee on Water and Wildlife  
The Honorable Mike Crapo, Ranking Member, Subcommittee on Water and Wildlife

# State of Alaska Comments on Clean Energy Jobs and American Power Act (S. 1733)

## *Senator Boxer's Chairman's Mark*

### INTRODUCTORY NOTES:

This document describes the positions of the State of Alaska on notable elements of Senator Barbara Boxer's Chairman's Mark of the Clean Energy Jobs and American Power Act (S. 1733), which was introduced by Senators John Kerry and Barbara Boxer. The Alaska Departments of Environmental Conservation, Fish and Game, Law, Natural Resources, Revenue, Transportation and Public Facilities, and the Governor's Washington, DC office contributed to the analysis of this bill.

While particular design elements of "cap-and-trade" legislation, like S. 1733 and the American Clean Energy and Security Act of 2009 (H.R. 2454), raise broad concerns about the economic interests of Alaska, this document focuses instead on specific provisions of S. 1733. The State is currently preparing separate analyses of the possible impacts of this legislation on State revenues, the economic viability of Alaska's oil refineries, and future construction of an Alaska natural gas pipeline.

In many ways, Alaska is ground zero for obvious and costly climate change impacts. Alaska is currently experiencing coastal erosion, increased storm effects, sea ice retreat and permafrost melt. The villages of Shishmaref, Kivalina, and Newtok have already begun relocation plans and the U.S. Army Corps of Engineers has identified over 160 additional rural Alaskan communities threatened by erosion.

The effects of climate change are expected to occur most rapidly and be most pronounced at higher latitudes. Thus, no discussion about climate change is complete without recognition of the issues facing the Arctic. Surprisingly, in the 925-page bill, offered as a U.S. response to climate change, the word "Arctic" appears only once.

The State of Alaska strongly encourages that the following key components be incorporated in any climate change legislation:

- Mitigation and adaptation strategies that account for regional differences and avoid a "top-down" approach, likely to produce inflexible and inefficient policy;
- avoidance of broad policy statements that open the door to stricter enforceable regulations and future litigation;
- an effort to spare states from burdensome and unrealistic unfunded mandates;
- emphasis on climate change legislation as the sole instrument for addressing climate change mitigation, rather than the strained use of existing statutes, such as the Endangered Species Act or the Clean Air Act;
- incentives for a diverse spectrum of clean energy alternatives;
- respect for states' rights, and notably recognition of a state's role as primary trustee over fish and wildlife;
- a focus on studying the Arctic climate and environment;
- appropriate funding for adaptation efforts in Alaska where there is a pressing need to respond on numerous fronts, including the protection of critical infrastructure;
- aid for consumers burdened by climate change-related regulations;
- provisions aimed to protect Alaska's refineries, which are essential to our economy and cold weather fuel needs, as well as uniquely vulnerable to increased costs posed by cap-and-trade legislation; and
- promotion of Alaska's natural gas pipeline as a clean, reliable, long-term fuel source.

In the remainder of this document, the State considers how S. 1733 addresses these and other priorities important to Alaska.

## STATE POSITIONS AND ANALYSIS OF S. 1733:

### Section 1. Short Title; Table of Contents

#### *Findings. (Sec. 2)*

- Alaska Natural Gas Pipeline Projects. The State supports the addition of a finding, that the completion of the Alaska Natural Gas Transportation Projects is vital to the country to provide a clean fuel alternative to coal and petroleum as a bridge to power generation that does not involve the combustion of fossil fuels. This finding would be consistent with the Alaska Natural Gas Pipeline Act of 2004 (P.L. 108-324, 118 Stat. 1220).
- Arctic Impacts. The State supports the addition of a finding that the impacts of climate change are expected to occur first and be most severe in the Arctic and in the higher latitudes, creating unique adaptation needs in these areas.

### Division A – Authorizations for Pollution Reduction, Transition, and Adaptation

#### Title I – Greenhouse Gas Reduction Programs

##### Subtitle A – Clean Transportation

#### *Greenhouse Gas Reductions through Transportation Efficiency; Transportation Greenhouse Gas Emission Reduction Program Grants. (Sec. 112-113)*

- Funding. The State fears Section 112 would create a substantial unfunded mandate and shift resources away from Alaska's transportation priorities. S. 1733 would amend Title VIII of the Clean Air Act to require the EPA Administrator, in consultation with the Alaska Department of Transportation and Public Facilities (DOT), to establish national greenhouse gas (GHG) emission reduction goals. States and metropolitan planning organizations (MPOs) would, in turn, be required to develop targets consistent with the national goals. The State would need to perform extensive data gathering and modeling, compute baseline emissions, and develop new strategies and programs to meet their goals. Section 113, which outlines a grant program for transportation GHG reduction, does not clearly provide funding to states for planning. If Alaska is unable to secure sufficient funding, it would be forced to divert resources from other programs, such as transit and road improvements, in order to absorb the new costs. The State supports a funding mechanism that will ensure adequate assistance to states working to comply with this new mandate.
- Adequate Time Frame. The State has concerns about the time requirements for data production and analysis. Adequate time is necessary to produce data on local conditions. Default national data does not accurately reflect Alaska's environmental conditions and emissions. The State believes this legislation should contain provisions ensuring states have sufficient time to collect and incorporate local data.

The State also supports inclusion of a statutory process to extend State target deadlines should federal agencies fail to meet deadlines or should there be legal changes to models or methodologies. New standardized models and methods adopted may differ from those used to establish the 2005 emissions reduction baseline. If this is the case, analysis would be necessary to properly compare new results with the 2005 baseline. If EPA and DOT lag in making this adjustment, it will shorten the timeframe states have to meet their deadlines.

Furthermore, the State fears the timeline for new regulations in this section is not realistic. Regulations must be proposed within 12 months and promulgated within 18 months of enactment. Preparing regulations and completing the public process for adopting the regulations can take months under ideal circumstances. If the regulation process is not completed on schedule, states and MPOs would be left with insufficient time to achieve emission reduction targets.

- Authority. The State also questions whether states possess the requisite authority to carry out their new duties under this section. State transportation programs generally do not operate transit, rail, or intercity bus systems, control land use, or regulate the amount of driving or method of vehicular propulsion. This authority is traditionally reserved for local government planning and zoning departments. Yet it will be impossible to meet ambitious emissions targets without regulating these activities. Furthermore, Section 112 holds MPOs to a lesser standard than states, though MPO emission plans are central to meeting state targets.
- Public Health. The State also has reservations about use of the term "public health," which has certain connotations within the Clean Air Act. A provision may be necessary to ensure the term does not invoke actions related to the Clean Air Act Section 109(b)(1), which directs EPA to set ambient air quality standards to "protect the public health" and allow for an adequate margin of safety. Recent EPA actions have shown an increased propensity for moving beyond the agency's traditional authority.
- Surface Transportation. The State believes the language of this section should be clarified to describe "surface" transportation-related greenhouse gas emissions reduction targets in all cases. Further, the term "surface transportation-related" should be defined to specifically exclude maritime (except ferries), rail, and off-road vehicles.
- Lead Planning/Modeling Agency. The State supports establishing the U.S. Department of Transportation, not the EPA, as the lead agency regarding the development of transportation planning and modeling tools. S. 1733 does this.
- Vehicle Miles Traveled. The State is concerned by provisions creating goals for reduced "vehicle miles traveled." Construction of the natural gas pipeline may create large short-term increases in vehicle miles traveled, but will generate benefits that far outweigh these increases. The State supports an exception for large construction projects promoting clean energy.
- Clean Air Act Incorporation. Section 112 also raises concern because of its incorporation into the Clean Air Act. The provision could subject planning and activities to burdensome Clean Air Act statutes and regulations.

## **Subtitle F – Energy Efficiency and Renewable Energy**

### ***Renewable Energy.*** (Sec. 161)

- **Grants for Renewable Resource Programs.** The State supports the nation's transition to increased reliance on renewable energy. Alaska possesses vast renewable energy potential, including hydro, biomass, wind, geothermal, solar, and ocean power. S. 1733 authorizes EPA grants for projects that increase the quantity of energy that a state uses from renewable resources, with priority to applicants in states with a binding Renewable Portfolio Standard. The State approves of the provision's goal.

The State, however, has concerns about the definition of "qualified hydropower," used in Section 102. It appears hydropower can be considered "qualified" in two ways. First, incremental gains or capacity additions to projects in place before 1988 are considered qualified hydropower. Second, energy produced from capacity added after 1988 to a dam that was originally in place for reasons other than power generation qualifies. This narrow definition would exclude large portions of existing hydropower, making it difficult for Alaska to meet a Renewable Portfolio Standard and compete for grants under Section 161, despite having an abundance of hydropower. The definition would also leave out new hydro projects. The State supports the expansion of the definition of "qualified hydropower."

### ***Energy Efficiency in Building Codes.*** (Sec. 163)

- **National Building Codes.** The State opposes setting national energy efficiency building codes. S. 1733 would create national codes for residential and commercial buildings, in order to meet national energy efficiency targets. The EPA Administrator would publish an annual report on energy efficiency building code adoption and compliance by states. Though penalties for noncompliance are not defined in S. 1733, Alaska opposes the existence of national standards in this area. A federally mandated, universal energy code is a poor fit for a state with Alaska's vast size and varied conditions.

## **Subtitle H – Clean Energy and Natural Resources**

### ***Clean Energy and Accelerated Emission Reduction Programs.*** (Sec. 181)

- **Clean Energy Incentives.** The State supports Section 181, which rewards companies that switch from power sources with higher emissions than the 2007 power sector average to cleaner fuels, including natural gas, and Section 182, which would establish a new federal grant program encouraging investment in advanced natural gas technologies.

## ***Title III – Transition and Adaptation***

### **Part 1 – Domestic Adaptation**

#### **Subpart A – National Climate Change Adaptation Program**

##### ***National Climate Change Adaptation Program.*** (Sec. 341)

- **Existing Programs.** The State supports the inclusion of language to clarify that the proposed National Climate Change Adaptation Program (NCCAF) will not replace existing federal programs already providing state and local governments and tribes with funds for projects that will assist in adaptation. The NCCAF should be a supplemental source of funding that prioritizes meeting urgent needs.

*Climate Services. (Sec. 342)*

- Coordination. The State believes a lack of specificity in the bill's natural resources adaptation strategy could hamper coordination and produce a duplication of efforts. In this section, the Department of Commerce (NOAA) is tasked with developing a National Climate Service. Section 365 creates a Natural Resources Climate Change Adaptation Panel, chaired by the Council for Environmental Quality. Section 367 establishes a National Climate Change and Wildlife Science Center. These provisions leave ambiguity as to how the bodies will interact. At the State level, federal agencies have competed for leadership and funds in the climate change arena. The vagueness in these provisions could produce a similar dynamic.

**Subpart B – Public Health and Climate Change**

*National Strategic Action Plan; Advisory Board. (Sec. 353-354)*

- Public Health. The State supports the inclusion of a section dedicated to addressing public health. However, the bill calls for development of a Health Impact Assessment. The requirement that Health Impact Assessments be conducted by the federal government within the National Environmental Policy Act (NEPA) process has produced challenges in Alaska. Additionally, no funding mechanism is provided to develop these assessments or the strategic plan called for by the bill. The section also lacks a mandate for State or Native representation on the Advisory Board.

**Subpart C – Climate Change Safeguards for Natural Resources Conservation**

*Natural Resources Climate Change Adaptation Plan; Natural Resources Climate Change Adaptation Strategy; Natural Resources Adaptation Science and Information. (Sec. 365-367)*

- Mission of Panel. The State believes the purpose of the Natural Resources Climate Change Adaptation Panel should be expanded to address other forms of adaptation, such as infrastructure. As introduced, the bill lacks a strategy for coordinating federal policy on climate change effects outside of the natural resources area.

*Federal Natural Resource Agency Adaptation Plans; State Natural Resources Adaptation Plans. (Sec. 368-369)*

- Flexibility. The State fears the natural resource adaptation framework in S. 1733, like that in H.R. 2454, is too top-down driven for success. The bill calls for each federal agency to develop a natural resource adaptation plan, with which subsequently-formed state plans must be consistent. Climate impacts, however, differ regionally and locally, requiring maximum flexibility. Development of a national plan will hamstring local identification and prioritization of issues and associated strategies to address them, stifle innovation, and prevent the local "buy-in" vital to effective implementation. A national focus also impedes the development of regional strategies.

States should be allowed to negotiate cooperative natural resource agreements with the federal government on a state-by-state basis with maximum flexibility. In the face of significant intrusion by the federal government on a state's authority to regulate fish and game, states may reasonably prefer departing from the national strategy. If a state does so, however, it will be penalized through denial of funding under programs in this subtitle and potentially other federal programs. The scenario is counterproductive and could be alleviated with greater flexibility.

- Competing Interests. The State fears efforts to assist species in adapting to climate change and ocean acidification will require controlling human activities to reduce other stressors on these species. Large new conservation units may be carved out and human activities in migration corridors could be substantially limited. The bill does not state how the adaptation strategy and planning called for is to be reconciled with human population growth, resource development, commercial, and other human activities. With this approach, other competing interests of importance to the people of Alaska will be marginalized.

*National Resources Climate Change Adaptation Account. (Sec. 370)*

- Other Statutes. The State believes the bill should specifically de-link existing statutes, such as the Endangered Species Act (ESA), from the climate change policy process. The State opposes use of the ESA as a vehicle for carrying out climate change policy. Section 370 provides for an expansion of ESA programs, which, without further guidance, could result in significant increases in listings that provide little benefit to those species. The bill should include language affirming that climate change legislation is the appropriate instrument for responding to climate change and that ESA should retain its traditional role of conserving species most at risk.
- Corps of Engineers. The State also believes this section should be modified to explicitly grant the U.S. Army Corps of Engineers the authority to use Natural Resources Climate Change Adaptation Account funding for coastal erosion reduction projects and infrastructure adaptation.
- Funding Allocation. The State appreciates that, of the funds made available to states in this account, a portion (six percent) is set aside for coastal agencies. Coastal states will have unique adaptation needs. To ensure adequate funding where climate change impacts are most severe, though, the State advocates for a separate allocation for Arctic adaptation efforts.

*National Wildlife Habitat and Corridors Information Program. (Sec. 371)*

- State's Role. The State fears this section undermines the State's role as primary trustee over fish and wildlife. The proposed National Fish and Wildlife Habitat and Corridors Information Program centers around developing Geographic Information System (GIS) databases and maps to support decision-making in this area. The State approves of this approach. The stated purpose of the effort, however, is to allow the Secretary of the Interior to recommend how the information developed "may be incorporated" into relevant State and federal plans that affect fish and wildlife including land management plans, and the State Comprehensive Wildlife Conservation Strategies. Further, the Secretary is granted authority to "ensure that relevant State and federal plans that affect fish and wildlife (1) prevent unnecessary habitat fragmentation and disruption of corridors; (2) promote the landscape connectivity necessary to allow wildlife to move as necessary to meet biological needs, adjust to shifts in habitat, and adapt to climate change; and (3) minimize the impacts of energy, development, water, transportation, and transmission projects and other activities expected to impact habitat and corridors." The State is leery of this expansion of federal authority. To be successful, adaptation efforts must respect the primary roles and authorities of State fish and wildlife agencies in managing fish and wildlife and be built on this precept.
- Landscape Conservation Planning Programs. The relationship of this program to existing landscape conservation planning programs (such as the Landscape Conservation Cooperatives) should also be clarified.

## Subpart D – Additional Climate Change Adaptation Programs

### *Coastal and Great Lakes State Adaptation Program.* (Sec. 384)

- Funding Formula. The State approves of this program's focus on coastal states. By factoring in the proportion of shoreline miles, the formula also acknowledges that a state's amount of coastline is an important consideration in assessing adaptation needs. Once again, however, the State feels the formula should account for the unique needs experienced in the Arctic and high latitudes.

## Division B – Pollution Reduction and Investment

### Title I – Reducing Global Warming Pollution

#### Subtitle A – Reducing Global Warming Pollution

### *Reducing Global Warming Pollution.* (Sec. 101)

#### *"International Offset Credits."* (Clean Air Act [CAA] Sec. 744)

- International Offsets. The State supports the inclusion of international offsets (the ability for companies to reduce emissions outside the U.S. and have it count towards domestic reductions). Like H.R. 2454, S. 1733 allows international offsets, though the portion of overall offsets comprised by international offsets is smaller in S. 1733 than in H.R. 2454.

### *Definitions.* (Sec. 102)

#### *"Definitions."* (CAA Sec. 700)

- Alaska Refineries. Alaskans are uniquely dependant on in-state refineries for their fuel needs. Alaska has limited fuel storage and is located thousands of miles from the nearest non-Alaskan refinery. The state's refineries are particularly vulnerable to increased costs because they are relatively simple on the Nelson Complexity Index, meaning they operate at lower levels of economic efficiency than more sophisticated refineries which can extract more refined product from a barrel of crude oil. If Alaska's refineries are disadvantaged to the point of closing, it would likely produce a wide range of negative consequences across the state. These may include higher costs associated with importing fuel by tanker and building storage tanks in addition to increased economic burdens on Alaska's rural communities.

The Chairman's Mark includes provisions granting small business refiners additional time to comply with the Pollution Reduction and Investment program and distributes additional allowances to small business and medium refineries. These provisions could help Alaska's refineries, but may not be sufficient to protect them from substantial costs.

The State would support an exemption for certain domestic refineries to prevent regional market failures and promote the interest of regional energy security. One way of achieving this is through modifications to the definition of "covered entities" in the Clean Air Act. First, the language in S. 1733 could be amended to match the corresponding language in H.R. 2454, requiring that a stationary source producing petroleum products do so in "interstate commerce" to be covered under CAA Section 700(13)(B). Second, CAA Section 700(1)(F) subsection (viii) for "petroleum refining" could be removed. These modifications would exempt refineries, like those in Alaska, that sell virtually all of their saleable product in-state.

- Embedded Emissions, Direct Emissions, and Fossil Fuel Based Carbon Dioxide. The State supports adding definitions for Embedded Emissions, Direct Emissions, and Fossil Fuel Based Carbon Dioxide to clarify that natural gas produced at the wellhead or flowing through a pipeline will not be burdened with the requirement of emission allowances for the carbon dioxide that may one day be produced when the natural gas is burned.
- Natural Gas Liquids. The State seeks clarification on this section, which differs from H.R. 2454 in its definition of natural gas liquids as being "ready for commercial sale or use." This change raises concern given the value natural gas liquids bring in a major gas sale scenario.

*Disposition of Allowances for Global Warming Pollution Reduction Program. (Sec. 111)*

- Fair Allocation of Allowances. The State is very concerned about the disposition of allowances for Alaska under a cap-and-trade regime. An EPA memo provided to Senator Feingold indicated that the agency drastically underestimated emissions in Alaska. The document gave the false impression that Alaska would be sufficiently accommodated through the provision of free allowances under H.R. 2454. EPA's estimates for capped emissions in 2012 appear to have been based exclusively on Alaska's electric generation, primarily electricity generated for retail electricity sales, leaving out all facilities that generate their own power, such as oil and gas fields and some military bases. As a result, EPA estimated the state's emissions at three million tons per year (MMt/yr). For the same year, the State's models estimated capped emissions at 24.2 MMt/yr. This inaccuracy could substantially disadvantage Alaska in the distribution of allowances.
- Emission Allowances for Alaska Natural Gas Transportation Projects. The State supports specific free emission allowances for the operation of Alaska Natural Gas Transportation Projects. The 1,700 mile Alaska Gas Pipeline will be a source of substantial CO<sub>2</sub> emissions, estimated to be between 20-50 percent of total Alaskan capped emissions.

*"Electricity Consumers." (CAA Sec. 772)*

- Regulatory Commission Approval. This section describes an allocation process for allowances to electric utilities with a requirement that applicants first seek approval from the Regulatory Commission of Alaska. This requirement could create a costly unfunded mandate for the State as regulatory proceedings have become contentious and expensive.
- Hydropower Projects. See discussion for section 161.

*"Home Heating Oil and Propane Consumers." (CAA Sec. 774)*

- Heating Oil Allocation. CAA Section 774 addresses allocations to states based on domestic oil and propane consumption and, as written, is unfavorable to Alaska. Free allowances for heating oil and propane would be allocated to the states based on each state's relative share of total domestic heating oil and propane consumption. Alaska consumes a significant amount of oil due to heating degree days and the prevalence of heating oil use across the state. Heating oil and propane, however, appear to be weighted equally. Thus, states like California and Texas that may consume more propane for barbecue grills and hot tubs than Alaska consumes heating oil, would receive larger shares. The State believes heating oil and propane should be separated for allocation purposes.

***"Exchange of State-Issued Allowances."*** (CAA Sec. 777)

- **State-Issued Emission Allowances.** Although Alaska is only an observer of the Western Climate Initiative (WCI), it supports WCI's position that the work of the states should be integrated into a new climate regime, rather than completely preempted. This bill would integrate state efforts by exchanging regional allowances for federal allowances.

***"Commercial Deployment of Carbon Capture and Sequestration Technologies."*** (CAA Sec. 780)

- **CCS in High-Cost Locations.** The State supports the commercial deployment of carbon capture and sequestration (CCS) technologies, and in particular, sequestration as a result of Enhanced Oil Recovery (EOR) projects. CCS is afforded special treatment through the "bonus allowance value," which is essentially a subsidy when compared to the value of purchased or freely distributed allowances.

The State supports EOR activities in Alaska, especially on the North Slope. This activity produces multiple benefits. Sequestration of CO<sub>2</sub> in a known, well-defined hydrocarbon reservoir and trap is inherently safer than in those that are less defined. Furthermore, increased production due to EOR will lengthen oil field life. Since a gas pipeline from the North Slope is economically dependent on the oil field facilities, increasing oil field life improves the economics of a gas pipeline. Gas, as a fuel source, is more environmentally friendly than other carbon fuel sources.

The costs of CCS on the North Slope may still be prohibitive, however, even with a boost from these allowances and incentives through carbon costs. Costs have been found to be significantly higher for CCS on the North Slope than the averages published for the Lower 48, primarily due to the North Slope's location and weather. The State supports inclusion of provisions that account for greater expenses in high-cost locations in order to make CCS economically feasible in these areas.

***Ensuring Real Reductions in Industrial Emissions.*** (Sec. 141)

***"Definitions; Eligible Industrial Sectors."*** (CAA Sec. 762, 763)

- **Foreign Competition for Domestic Refineries.** These sections protect certain manufacturing industries from "off-shoring" and foreign competition, but specifically exclude domestic refineries. The State believes domestic refineries should be protected as well.

**Title II – Program Allocations**

***State and Local Investment in Energy Efficiency and Renewable Energy.*** (Sec. 202)

- **Allocation Formula.** The allocation method in this section unfairly disadvantages Alaska. While 30 percent of the allowances are granted to states on an equal basis, 30 percent is allocated based on population and another 40 percent is allocated based on state energy consumption as a share of total domestic consumption. By these standards, Alaska would receive fewer allowances than almost any other state. This proposal is unfair to Alaska because the state has more heating degree days and thus Alaskans use more energy on average than residents of other states, costs are highest in rural Alaska where incomes are typically lowest, and switching to other fuel sources is not possible or cost effective in most cases for rural Alaskans. The State would support an increased percentage distributed equally among states, measuring energy consumption per capita rather than as a share of total consumption, or allocating some allowances based on energy costs as a share of per capita income using Census data.

- Indian Tribes. In addition, the State supports Section 202, which provides for the distribution of allowances to Indian tribes, which may benefit some rural areas of Alaska.

**Additional Issues:**

**Domestic Production.** The State believes S. 1733 should be modified to expand access and incentives for responsible domestic onshore and offshore oil and gas exploration and production. The U.S. Department of Energy's recent forecast for growth in the energy sectors shows demand for fossil energy continuing to increase in the nation, and to remain above 80 percent of the total portfolio of energy supply through 2030 and beyond. Therefore, it is clear that fossil fuels will be needed as a bridging fuel in the coming decades, and access to domestic production, and specifically clean-burning natural gas, is imperative. Increased domestic production, carbon mitigation, expanded development of renewables, and long-term nuclear energy planning is the only viable path to a secure energy future.

**OMB Funding Criteria.** The State believes the Office of Management and Budget should be tasked with developing common criteria federal agencies can use to prioritize funding to state and local governments and tribes for infrastructure and other projects addressing climate change vulnerabilities. Existing funding criteria may not be appropriate for this purpose. For example, in sparsely populated but more vulnerable areas like western Alaska, federal assistance may be withheld despite great vulnerability if the primary criterion for funding is the number of people or the dollar value of infrastructure at risk.

**EPA Limitation Provision.** S. 1733 does not include important language related to the Environmental Protection Agency that appeared in H.R. 2454. The House bill contains language preventing the EPA from requiring performance standards on stationary sources under the federal cap. The State feels limitation language like that in the House bill should be included in S. 1733 and that EPA officials should not set climate change policy.

**Adaptation Priorities.** The State has identified the following as high priorities and areas of need with respect to adaptation:

- Changing Risks. The State supports collaboration between the states, federal agencies, and academia to challenge traditional assumptions on weather and climate. This effort should focus on data collection and analysis, forecasting models, hydrology, flood plains and inundation, coastal and riverine erosion, critical infrastructure, and related topics.
- Community Profile. The State believes the initial focus and study on adaptation should be on Alaskan coastal and riverine communities. These communities are currently threatened due to climate change and cannot relocate without extreme disruption and costs.
- Evacuation Routes. The State seeks federal assistance in identifying, designing, constructing, and maintaining all-weather evacuation routes from endangered communities to safe havens from approaching storms.
- Safe Havens. The State seeks federal assistance in selecting and equipping safe havens near the endangered communities, with full consideration of the hydrology, geology, and current and more accurate digital mapping. These safe havens should be outfitted with sufficient housing, water and fuel sources, and communications capabilities.

- Shoreline Protection and Stabilization. The State supports a program of shoreline protection and stabilization and considers such projects as the most effective means of protecting against the sudden onslaught of storms.
- Science, Analysis, and Informed Decisions. The State calls for creating and sustaining a program of coordinated, collaborative scientific examination and study of the Arctic climate and environment.
- Other Key Areas. Alaska's needs will also encompass other key areas such as consequences to natural resources, national security, infrastructure, emergency response capacity, etc., resulting from climate change impacts due to diminishing Arctic sea ice and from ocean acidification.



The Voice of Small Business®

ALASKA

February 24, 2010

Representative Bill Stoltze  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: House Joint Resolution 49

Representative Stoltze:

On behalf of the National Federation of Independent Business/Alaska (NFIB/AK), the state's leading small business advocacy organization, I am writing in support of House Joint Resolution 49 supporting U.S. Senator Murkowski's S.J. Res 26 disapproving the Environmental Protection Agency's (EPA) endangerment finding on greenhouse gases (GHGs) and implementation of climate regulations that would harm Alaska's economy.

On December 15, 2009, the EPA announced a final rule regarding the "Endangerment and Cause or Contribute Findings for GHGs under Section 202(a) of the Clean Air Act (CAA)". The rule finds that six greenhouse gases taken in combination endanger the public health and welfare. This effectively allows the EPA to continue to announce new emissions regulations on businesses and individuals under the CAA. NFIB/AK believes that the CAA is an inefficient and ineffective vehicle to address climate protection and that Congress solely should address GHG emissions. The CAA was designed to control air pollution by requiring individual stationary pollutant sources to institute emission control technologies.

Environmental regulations have been and continue to be a challenge for small businesses, as small entities are not major polluters and least able to sustain or even understand new restrictions. This regulation will create new burdens such as federal permitting requirements, restrictions on fuel choices and energy use, and expensive requirements for installation of new energy efficient equipment.

The EPA's Prevention of Significant Deterioration (PSD) Program is one such program that will impose major new costs on small business. The PSD permitting process itself is time consuming and expensive. The costs include legal, engineering and consulting fees, as well as permitting and administrative fees. Small entities that would now be subject to PSD program requirements include many restaurants, office and apartment buildings, hotels, malls, retail stores and warehouses, schools, hospitals, nursing facilities, churches, and small manufacturing plants. Unfortunately, hundreds of thousands of previously unregulated small entities would be regulated as a 'major' emitter.

Representative Bill Stoltze

February 24, 2010

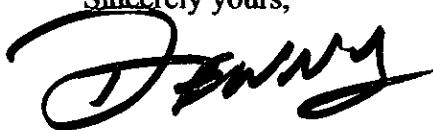
Page 2

In addition to the PSD Program, NFIB/AK expects small businesses to be regulated under the Title V permitting program and the Hazardous Air Pollutant program. Adding more regulatory costs and administrative burdens would be a serious blow to already overburdened small business owners, who according to the January 2010 NFIB Small Business Economic Trends survey, are still suffering from weak sales and profits numbers.

Subjecting over a million new sources to the CAA's complex and expensive permitting process will not materially reduce the nation's greenhouse gases. NFIB/AK strongly supports the independent actions of business to become more energy efficient. According to NFIB's *2006 National Small Business Poll on Energy Consumption*, over the past three years, over 43 percent of America's small business owners have taken steps to reduce the amount of energy their businesses consume. Small business believes that the free market is best suited to develop new energy efficient technologies and renewable sources of fuel, and our nation's job creators stand ready to do so without the heavy hand of government mandates.

NFIB/AK strongly supports the Murkowski resolution of disapproval. We strongly support HJR 49 that puts the state of Alaska on record opposing this bureaucratic action by the EPA that would cause higher energy prices, higher food prices, lost jobs, and reduced production of domestic oil, natural gas and coal.

Sincerely yours,



Dennis L. DeWitt  
Alaska State Director

Cc: NFIB/AK Leadership Council  
House Resources Committee

# ALASKA STATE LEGISLATURE

*Co-Chair:*  
House Finance Committee

*Chair:*  
House Finance Subcommittees for;  
Department of Public Safety  
Department of Law

*Member:*  
Legislative Council  
Legislative Budget & Audit



*Session:*  
Alaska State Capitol, Rm 515  
Juneau, AK 99801-1182  
Phone: (907) 465-4958  
Fax: (907) 465-4928

*District:*  
600 E. Railroad Ave.  
Wasilla, AK 99654

**BILL STOLTZE**  
STATE REPRESENTATIVE  
Representative\_Bill\_Stoltze@legis.state.ak.us

## MEMORANDUM

TO: Representative Mark Neuman, Co-Chair  
House Resources Committee

FROM: Bill Stoltze

DATE: February 25, 2010

SUBJECT: Hearing Request

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I respectfully request a hearing be scheduled for House Joint Resolution 49, urging the United States Congress to enact Senate Joint Resolution 26, a resolution disapproving the Environmental Protection Agency's imposition of climate regulations.

Thank you for your consideration.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP  
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

**SB**

**144**

# HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: March 29, 2010

FURTHER REFERRALS: Finance

Date of Committee Action: 4-12-10

The RESOURCES Committee considered:

CS FOR SENATE BILL NO. 144(FIN)

"An Act relating to hunting permits and tag fees for musk oxen."

SB 144-MUSK OXEN PERMITS

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)   
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 DHS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
F&G	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	OLSON	✓			
	Edgmon	X			
	Seaton	X		X	
	KAWASAKI				X
Chair:	Johnson	X			
Chair:	NEUMAN	X			

# ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA  
STATE CAPITOL  
ROOM 514  
JUNEAU, ALASKA 99801-1182

(907) 465-3707  
FAX (907) 465-4821

## **CSSB 144 (FIN) – Musk Oxen Permits & Tags**

Version 26-LS0666/E, March 22, 2010

STAFF: Tim Benintendi, 465-4989

### **SPONSOR STATEMENT and SECTIONAL ANALYSIS**

#### **SPONSOR STATEMENT:**

There are four Game Management Units in which musk oxen are found in Alaska; Unit 18 (Nunivak and Nelson Islands), Units 22 and 23 (Seward Peninsula and Northwest), and Unit 26 (Northeast). The musk oxen population in Alaska is currently estimated to be 4,400 animals, and annually, between 325 and 350 animals are available for harvest.

The primary objective of SB 144 is to allow issuance of a second permit for a musk ox hunt in a second Game Management Unit or another hunt area within a unit, for resident hunters and subsistence hunters only; no out-of-state hunters qualify. If a harvester does not take an animal under the first permit, this would double the chance a hunter has to harvest the bag limit of one animal, either a bull or a cow. It would not allow for the taking of two animals.

Current statute provides for a limit of one musk ox permit for each hunter per calendar year. Musk oxen are the only game animals in the Arctic to which the one-permit restriction still applies. Under SB 144, the department could issue subsistence permits beyond a calendar year basis, to accommodate a season which straddles two calendar years (Example: a season which runs from August 1<sup>st</sup> to March 15<sup>th</sup>), because a "year" under this bill, is changed from a calendar year to a regulatory year, which is July 1<sup>st</sup> to June 30<sup>th</sup>.

Wildlife biologists and regulators within the Department of Fish and Game have determined that the health and size of the state's herd is well past the threshold for expanding opportunities for Alaskan hunters. State biologists

estimate that a minimal number of additional permits would be issued under the provisions of this bill, and perhaps 25 more animals would be harvested. If passed this legislative session, these new provisions would be in place for seasons beginning in August of this year.

SB 144 would authorize the Board of Game to reduce or eliminate subsistence tag and fee requirements at its discretion.

SB 144 carries a ZERO fiscal note, and has the support of the department. Support from the hunting community in Northwest Alaska includes the Northern and Southern Norton Sound Advisory Committees, and the Seward Peninsula Musk Ox Cooperators' Group. We have discovered no opposition to this bill.

### **SECTIONAL ANALYSIS:**

**SECTION 1:** Amends AS 16.05.340(a)(16) to allow the Board of Game to reduce or eliminate the fee, as well as the tag requirements, for a musk oxen hunt, and makes it applicable to all or a portion of a game management unit. Applying this to an open season has been eliminated. The objective is to have the statute for musk oxen read the same as for other game.

**SECTION 2:** Amends AS 16.05.346(a) by providing that the department shall issue permits to take musk oxen once the Board of Game has reduced or eliminated requirements for a resident tag and fee. This statute is further amended by providing that a resident may not be charged a fee for an application for a musk oxen permit under these circumstances.

### **COMMITTEE SUBSTITUTE CHANGES:**

The Senate Finance Committee Substitute addresses a drafting error. It inserts the word "**and**" between the words "tag" and "fee" in two places, one on page 1, line 15, and the second on page 2, line 8.

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB144  
 () Publish Date: \_\_\_\_\_

Identifier (file name): SB144-DFG-DAS-03-05-10  
 Title An Act relating to hunting permits and tag fees for musk oxen  
 Sponsor Senator Olson  
 Requester Senate Resources

Dept. Affected: ADF&G  
 RDU Administration and Support  
 Component Administrative Services

Component Number 479

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	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	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

No fiscal impact to Department of Fish and Game

Prepared by: Jeff Hoover, Deputy Director  
 Division Administrative Services

Approved by: Tom Lawson, Director of Administrative Services  
Alaska Department of Fish and Game

Phone 907-465-6077  
 Date/Time 3/5/10 12:00 PM  
 Date 3/5/2010

**CONTACTS For Senate Bill 144 – Musk Oxen Permits**

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(Lori Weed, Secretary / Legal Staff)

**F&G LIAISON: Jen Yuhas (wk-465-6137/cell-(907) 388-7951)**  
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**PETER BENTE (office – 443-8188 / fax – 443-5893)**  
(F&G biologist in Nome)  
[peter.bente@alaska.gov](mailto:peter.bente@alaska.gov)

**JACK OMELAK (office – 443-4275 / fax – 443-4461)**  
(Kawerak Subsistence Program)  
[jomelak@kawerak.org](mailto:jomelak@kawerak.org)

**PROFESSIONAL ADVISORS:**

GMU 18	Area Biologist Phil Perry	(907) 543-2979
GMU 22	Area Biologist Tony Gorn	(907) 443-2271
GMU 23	Asst. Area Charlotte Westing	(907) 442-1712

# ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA  
STATE CAPITOL  
ROOM 514  
JUNEAU, ALASKA 99801-1182

(907) 465-3707  
FAX (907) 465-4821

## MEMORANDUM

**DATE:** March 29, 2010

**TO:** ~~Representative Graig Johnson, Co-Chairman~~ →  
Representative Mark Neuman, Co-Chairman  
House Resources Committee

**FROM:** Senator Donald Olson  
Senate District T D.O.

**SUBJ:** Request for Hearing – CSSB 144 (FIN)

I would like to request your consideration for scheduling a committee hearing for this bill, which would allow a second hunting permit for residents and subsistence hunters to take musk oxen. It would not apply to non-resident hunters.

Attached are: Both bill versions, a sponsor statement / sectional analysis, a ZERO fiscal note, and a poster on the status of musk oxen in Alaska. We have discovered no opposition to this bill.

The Committee Substitute made two single-word insertions, to address a drafting error.

If there are any questions, contact Tim Benintendi of my office at 465-4989. Thank you.



# Current Status of Muskoxen in Alaska 1970-2009



Letty Hughes<sup>1\*</sup>, Patricia Reynolds<sup>2\*</sup>, Kimberlee Beckmen<sup>1\*</sup>, Phillip Perry<sup>1</sup>, Geoff Carroll<sup>1</sup>, Steve Arthur<sup>1</sup>

<sup>1</sup>Alaska Dept. of Fish & Game, <sup>2</sup>US Fish & Wildlife Service, Arctic National Wildlife Refuge

## Introduction

Muskoxen (*Ovibos moschatus*) were reintroduced to Alaska after disappearing in the late 1800s. The first establishment of muskoxen from Greenland to rural Alaska was Nunivak Island in 1936. The Nunivak population acted as a source of animals for future relocations on historic range between 1967-1981. The relocation of 300 animals created five populations throughout Alaska: Nunivak, Nelson Island, Northeastern, Northwestern, and Seward Peninsula (Figure 1). The successful establishment of muskoxen populations and current cooperative management efforts have resulted in range expansion, population growth and stability, along with hunting and viewing opportunities.



## Harvest

Hunting of reintroduced muskoxen first occurred on Nunivak Island in 1975. Four of the five populations are open to harvest on an annual quota and permit basis (Table 1). In 2008, the Board of Game adopted regulations that allow Alaskans to harvest muskoxen on the Seward Peninsula with a registration permit (Gom 2009). The new hunts were created from recommendations from local advisory committees and Seward Peninsula Muskox Cooperators, a stakeholder group established in 1994.

Table 1. Harvest of Muskoxen in Alaska

Population	Hunting Began	Average Annual Harvest Pre-1995	Average Annual Harvest 1995-2008	Available Harvest 2009	Hunt Structure 2009	Sex of Harvest	Available Harvest as % of population 2009
Nunivak Island	1975	66	81	85	•Drawing •Registration	•Bulls 1975-1978 •Cows & Bulls 1979-present	15
Nelson Island	1981	23	23	42	•Registration	•Cows & Bulls	8
Northeastern	1990	9	6	0	No Open Season	•Closed to harvest in 2008	0
Northwestern	1999	No Hunt	<3	6	•Tier II drawing	•Bulls 1999-present	1
Seward Peninsula	1995	13	76	167	•Tier I Registration •Drawing •Federal Permit	•Bulls 1995-2000 •Cows & Bulls 2000-present	7*

## Recent Range Expansion

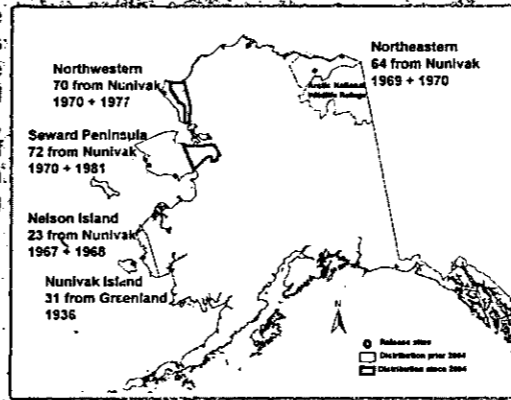


Figure 1. Reintroduction sites and group distribution of muskoxen populations

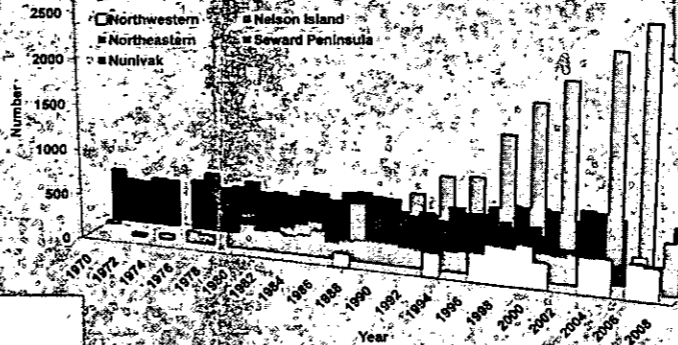


Figure 2. Historic counts of Alaska muskoxen populations 1970-2009

## Population Growth

During the 74 years since 31 muskoxen were first established on Nunivak Island, populations have increased to over 4,400 animals in Alaska (Table 2). The Seward Peninsula population is the state's largest, and continues to expand eastward (Figure 1) as the population increases (Figure 2).

Table 2. Current size of Alaska muskoxen populations

Population	Population Size	Date of Estimate	Status
Nunivak Island	567	Oct. 2009	•16% from 1947-1968 •Stable since 1970
Nelson Island	657	Jun. 2009	•22% from 1968-1981 •6% from 2004
Northeast	200-250*	Apr. 2008	•650 muskoxen by 1995 •Declined 60% 1996-2006 •Stable from 2006-2009
Northwest	324-424*	Jan. 2008	•8% from 1970-1998 •Stable from 1999-2008
Seward Peninsula	2688*	Mar. 2007	•14% from 1970-2000 •6% from 2000-2007
Total minimum Alaska population estimate	4486		• Winter 2009 • June 2009 • Includes Canada animals included

Table 3. Mortality type in Northeastern population 2007-2009

Mortality Type	Adults	Calves	Total
Bear Predation	16	36	52
Disease	2	2	4
Vehicle collision	3	0	3
Other non-predation	4	10	14
Total	25	48	73

## Mortality and Disease Surveillance

### Seward Peninsula

- Predation relatively low compared to Northeastern
- Chlamydia present (Gom 2009)
- Low in copper
- Negative for iron, zinc, selenium (Gom 2009)
- Composition surveys show 30 yearlings: 100 cows since 2002 (Gom 2009)

### Northeastern

- Predation a significant mortality factor (Table 3)
- Mortalities from drowning and stranding on sea ice
- Chlamydia present (Lenart 2009)
- Copper deficient (Lenart 2009)
- Low calf recruitment and low calf:cow ratios (Lenart 2007)

## Future Management

The reintroduction of muskoxen to Alaska continues to be successful. Population growth and range expansion provides opportunities for consumptive and non-consumptive uses of muskoxen. Continued investigation of population parameters and health assessments along with public input will enhance future management of Alaska muskoxen.



### References

Gom, L.R. 2009. In Prep. 04022 Muskox. Alaska management report of survey and inventory activities. 1 July 2008-30 June 2009. Alaska Department of Fish and Game, Juneau, AK, USA.  
 Lenart, E.A. 2009. 04020 Muskox. Alaska management report of survey and inventory activities. 1 July 2008-30 June 2009. Alaska Department of Fish and Game, Juneau, AK, USA.  
 Lenart, E.A. 2008. 04020 Muskox. Alaska management report of survey and inventory activities. 1 July 2007-30 June 2008. Alaska Department of Fish and Game, Juneau, AK, USA.  
 Westing, G. In Prep. 04022 Muskox. Alaska management report of survey and inventory activities. 1 July 2008-30 June 2009. Alaska Department of Fish and Game, Juneau, AK, USA.

**SB**

**177**

# Alaska State Legislature




*Interim:*  
716 West 4th Ave.  
Anchorage, Alaska 99501  
(907) 269-0199

*Session:*  
State Capitol Building  
Juneau, Alaska 99801-1182  
(907) 465-4945

**Senator Kevin Meyer**  
Senate District O

**TO:** Representative Craig Johnson, Co-Chairman  
Representative Mark Neuman, Co-Chairman  
House Resource Committee

**FROM:** Senator Kevin Meyer 

**DATE:** April 15, 2009

**RE:** House Resource Committee Hearing Request for CSSB 177

This is a request for a House Resource committee hearing for CSSB 177, "An Act relating to an exception for professional fishing guide services in the Kenai River Special Management Area; relating to the licensing and regulation of sport fishing operators and sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."

The following documents will be sent in hard copy and electronically:

- Sponsor Statement
- Current version of the bill
- Letters & emails of support
- Fiscal Note
- Witness/Testimony:
  - Charlie Swanton, ADF&G Sport Fish Division
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This bill would ensure the continuation of Alaska's sport fish guide licensing and reporting program, providing oversight over the sport fishing operators and guides. This bill would also provide a waiver for a mid-season replacement of a fishing guide within the Kenai River Special Management Area.

Please contact Christine if you have any questions regarding this legislation.

# ALASKA STATE LEGISLATURE

**Interim:**  
716 West 4th Avenue  
Anchorage, Alaska 99501-2133  
Phone: (907) 269-0199  
Fax (907) 269-0197  
Senator\_Kevin\_Meyer@legis.state.ak.us



**Session:**  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
Phone: (907) 465-4945  
Fax: (907) 465-3476  
Toll Free: (866) 465-4945

**SENATOR KEVIN MEYER**  
SENATE DISTRICT O

## SPONSOR STATEMENT FOR CSSB 177

*"An Act relating to an exception for professional fishing guide services in the Kenai river Special management Area; relating to the licensing and regulation of sport fishing operators an sport fishing guides and licensing and registration of sport fishing vessels; and providing for an effective date."*

CSSB 177 will provide a waiver for a mid-season replacement of a fishing guide within the Kenai River Special Management Area and ensure the continuation of Alaska's sport fish guide licensing and reporting program for five years.

This waiver benefits sports fish operating guide businesses—particularly small guide operators who would have to turn away business if they had a sudden and unexpected loss of a guide mid-season because of injury, misconduct or some other unforeseen circumstance.

The licensing and reporting program has proven beneficial to both the sport fishing industry and resource managers. Legislation authorizing the program was passed in 2004 for a number of purposes. The Department of Fish & Game sought more comprehensive and credible information on guide numbers and guiding activities. The Department also wanted to create basic standards for sport fish business operators and guides, including minimum liability insurance coverage, first aid certification, and in some cases U.S. Coast Guard vessel licensing.

Passing SB 177 will provide relief for sport fish operating guides and permit the ADF&G to continue to foster high standards in Alaska's sport fishing industry by enabling the department to carry on collecting important data for management decisions to benefit both fisheries resources and their stakeholders.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 177(RES)  
(S) Publish Date: 4/11/09

Identifier (file name): SB177-DFG-SFD-04-03-09 Dept. Affected: ADF&G  
Title: An act repealing the termination of licensing & regulation of RDU: Sport Fisheries  
sport fishing operators and sport fishing guides..... Component: Sport Fisheries  
Sponsor: Senator Meyer  
Requester: Senate Resources Component Number: 464

## Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services		344.5	344.5	344.5	344.5	344.5	344.5	344.5
Travel		10.0	10.0	10.0	10.0	10.0	10.0	10.0
Contractual		100.7	100.7	100.7	100.7	100.7	100.7	100.7
Supplies		7.0	7.0	7.0	7.0	7.0	7.0	7.0
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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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								
1024 Fish/Game		462.2	462.2	462.2	462.2	462.2	462.2	462.2
<b>TOTAL</b>		<b>0.0</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>	<b>462.2</b>

Estimate of any current year (FY2009) cost: 0.0

### POSITIONS

Full-time								
Part-time								
Temporary								

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

The division has budgeted \$462.2 in the FY10 Governor's budget to administer the Sport Fish operator/guide/vessel program. The program generates estimated Fish & Game Fund revenues of \$256.0, with the balance covered by other Fish & Game Funds.

Prepared by: Charles O. Swanton, Director  
Division: Sport Fisheries  
Approved by: Tom Lawson, Director  
Administrative Services

Phone 465-6184  
Date/Time 4/3/09 10:13 AM  
Date 4/3/2009



April 3, 2009

Senator Kevin Meyer  
Capitol Building Room 101  
Juneau, AK 99801

**Re: Support for SB-177**

Dear Senator Meyer:

The Southeast Alaska Guides Organization (SEAGO) represents 26 sport fishing guides and lodges throughout Southeast Alaska with more than 100 active vessels. Information provided to ADF&G for reporting and analysis under this legislation is of great value and continuation of this program is beneficial to multiple user groups.

This program is one of the best tools that ADF&G has to identify who is involved in the charter/lodge industry and provides important data used to establish levels of harvest, effort, identification of clients, as well as species targeted. The money collected is used for issuing licenses and for sport fishing logbook data collection and reporting expenses.

Our members support extension of the current law with the fees at their levels as originally passed in 2004.

Sincerely,

John Blair, Executive Director

Note: sent via email to: [christine\\_marasigan@legis.state.ak.us](mailto:christine_marasigan@legis.state.ak.us)

April 3<sup>rd</sup>, 2009

Senator Kevin Meyer  
26<sup>th</sup> Alaska legislature

**RE: SUPPORT SB 177  
SENATE RESOURCES COMMITTEE**

Dear Senator Meyer,

The Petersburg Charter Boat Association (PCBA) represents 17 individual charter and lodge businesses operating 22 active vessels in the sportfishing industry. We have been an active association since 1991.

The original legislation authorizing the guide license and logbook program has been an extremely valuable tool in aiding the Alaska Department of Fish and Game and the State of Alaska, in the collection of data necessary to identify not only who the charter industry is but how they interact with other user groups. This information is important for the management of Alaska's resources and resource users, both sport and commercial.

PCBA supported the original bill and we fully support SB 177 complete with the associated fees necessary to fund this ongoing program.

Sincerely,

Stan Malcom  
President  
Petersburg Charter Boat Association

Note: sent via email to [Senator\\_Kevin\\_Meyer@legis.state.ak.us](mailto:Senator_Kevin_Meyer@legis.state.ak.us)  
Cc: [Christine\\_marasigan@legis.state.ak.us](mailto:Christine_marasigan@legis.state.ak.us)

**2009 Board Members**

Richard Erkeneff  
*Board Chair*  
Owner - Kenai River Raven

Eldon Mulder  
*Vice Chair*  
President - The Mulder Company

Kevin Branson  
*Secretary and Treasurer*  
CPA - Thomas, Head & Greisen

Ron Rainey  
*Vice President*  
Ron's Alaska Lodge - Retired

Jim Golden  
*Vice President*  
Owner - The Sports Den

Ed Bryson  
*Vice President Field Operations*  
Alaska Communications Systems

Rik Bucy  
*General Manager*  
Tesoro Northstores - Retired

Bill Eckhardt  
*President*  
Alaska USA Federal Credit Union

Ben Ellis  
*Managing Director*  
Institute of the North

Mark Hamilton  
*President*  
University of Alaska

Reuben Hanke  
*Owner*  
Harry Gaines Kenai River Fishing

Bill MacKay  
*Senior Vice President*  
Alaska Airlines

Robert Penney  
*Owner*  
PENCO Properties

Darwin Peterson  
*Legislative Aide*  
Senator Stedman's Office

Karen Rey  
*Registered Nurse*  
ANS Territory Manager, Alaska

Gary Turner  
*Director*  
Kenai Peninsula College



**KENAI RIVER SPORTFISHING**  
ASSOCIATION

April 3, 2009

Senator Kevin Meyer  
Alaska State Capitol  
Juneau, AK 99801

Re: SB 177

Dear Senator Kevin Meyer:

Kenai River Sportfishing Association (KRSA) is a 501(c) 3 charitable non-profit dedicated to fishery conservation on the Kenai River and in Alaska. Our programs focus on habitat conservation, fisheries management, research and education.

KRSA is in full support of SB 177, which would repeal the sunset of the sport fish guide licensing program through ADFG. We feel that the sport fish guide licensing program is an essential component of fisheries management that should continue without sunset. The program provides sport fish guides with minimum professional standards and gathers valuable information on the numbers of guides, clients, and harvest levels and patterns, which can be used in sound management of our recreational fisheries.

We support timely reporting requirements of log book information from guides, and the efforts of ADFG process such information into real-time data that then can be used in a timely manner by fisheries managers.

We would like to see implementation of an electronic based log book reporting system, which would remove the current bottleneck of having to enter the paper-based log book information into an electronic database management system. Access to and the ability to use data from the log books should mirror the timeframe of the weekly guide reporting requirements. Unfortunately at this time with the paper-based system that is not possible. This leaves fisheries managers in the position of having to use forecast or past trend data instead of real time data in their in-season decision making.

We support a fee structure that covers the full costs of the program, with the understanding that the goal of being able to provide real-time data from the

*Dedicated to preserving the greatest sportfishing river in the world, the Kenai.*

PO Box 1228 • 224 Kenai Ave., Suite 102 • Soldotna, Alaska 99669

Phone: (907) 262-8588 • Fax: (907) 262-8582 • [www.kenairiversportfishing.com](http://www.kenairiversportfishing.com) • E-mail: [info@kenairiversportfishing.com](mailto:info@kenairiversportfishing.com)

Senator Kevin Meyer  
April 3, 2009  
Re: SB 177  
Page 2

log books to fisheries managers is a priority for the department and gets implemented in a timely fashion.

In summary, KRSA supports the continuation of the sport fish guide licensing program as an essential component of responsible fisheries management. Thank you for the opportunity to provide comment on this issue.

Respectfully,

A handwritten signature in black ink, appearing to read "Dick Erkeneff", with a long horizontal stroke extending to the right.

Dick Erkeneff, Board Chair  
Kenai River Sportfishing Association

Resolution 2008-08 Kenai River Special Management Area Advisory Board

Presented 3-13-08

Provisions for Replacing a Guide In-season

This process addresses the in-season replacement of a fishing guide registered with Alaska State Parks to guide on the Kenai River in the current year and who has been issued a State Park Commercial Permit for the current year.

The justification for replacement can be either a major medical situation or an extenuating circumstance. The major medical option would be applicable in the case of incapacitating injury, extended illness or death of the fishing guide. The death of an immediate family member that necessitates the guide leaving the business may also be a valid reason to replace the guide. The extenuating circumstance requirement pertains to the termination of the guide's employment with the business owner.

**ISSUE:** The sudden and unexpected loss of a guide in-season could have serious effects on the business, as well as clients who have paid for these services. Current guide numbers are static and are expected to decline in future years. Due to this trend, it will become more difficult to find a qualified guide as an in-season replacement from among those who have graduated from the state required Kenai River Guide Academy.

The sport fishing business loss particularly among the small operators (1-3 fishing guides) could amount to a significant portion of their season's incomes. For the larger operator, the loss would be proportional to the total number of guides employed. The public would suffer as those who had booked and paid for a guided fishing trip, sometimes a year or more in advance, sometimes a once in a lifetime trip to Alaska and the Kenai Peninsula, would not be able to participate due to the loss of a guide due to one of the reasons cited above.

**PROCESS:** The person licensed by the State of Alaska as the Sport Fishing Business owner may apply for an in-season guide replacement. Said individual will petition the Kenai River Guide Advisory Board for a hearing. The designated application will be filled out and submitted to the KRSMA superintendent. The KRGAB chair will review the application and set a date for a meeting of the board. The chair can call a meeting at the earliest time a quorum can be present. The business owner applicant will be asked to attend.

The business owner applicant will need to explain the particulars circumstances relative to this petition and why it deserves consideration. The applicant can be asked questions by the board members.

The KRGAB will make a recommendation, in writing to the DNR Area Superintendent.

The following factors will impact the recommendation made by the KRGAB:

1. The business owner applicant will need to show that all options to secure a replacement guide have been exercised. This will include but is not limited to consideration of guides previously licensed with Parks as well as those students having completed the Guide Academy who have given permission to release their contact information. The first action is taken through Parks and the Kenai River Center. The second action is taken through the Kenai Peninsula College.

2. There can be no net gain in the number of guides the Sport Fishing Business has licensed. The replacement is for the remainder of the current year only.

3. The replacement guide will be required to meet all of the following requirements:

- a. Must be 18 years of age.
- b. Must be a United States citizen.
- c. Have a current first aid certification.
- d. Have a valid current United States Coast Guard license (when applicable).
- e. Have a current Alaska sport fishing license.
- f. Have a State of Alaska, ADF&G Sport Fish Guide License.
- g. Have proof of current enrollment in an approved drug testing program.
- h. Pay the Park Use Permit fee.
- i. Sign the Alaska State Park Use Stipulations package.

4 The replacement guide will be required to complete the Orientation Course provided by the Alaska Department of Natural Resources at the Kenai River Center and pay any fees associated with this course. The guide must successfully pass the course; the course is offered on a pass/fail basis.

5 Should the replacement guide wish to guide in a subsequent, he/she will be required to graduate from the Kenai River Guide Academy, as well as meeting all local, state and federal Requirements.

Be it resolved that Resolution 2008-08 is approved and forwarded to the Commissioner of Natural Resources and the Director of the Division of Parks for Consideration for implementation in 2009.

  
President

3/13/2008  
Date

**SB**

**195**

**HOUSE COMMITTEE REPORT**

(9)

Date Referred to Committee: February 15, 2010

FURTHER REFERRALS:

Date of Committee Action: 3/26/10

The RESOURCES Committee considered:

SENATE BILL NO. 195

"An Act relating to the repeal of the establishment of the Goldstream Public Use Area."

**SB 195-MAKE GOLDSTREAM PUBLIC USE AREA PERMANENT**

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)

For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts:  
ADM  
CED  
COR  
CRT  
EED  
DEC  
DFG  
GOV  
DHS  
LWF  
LAW  
LEG  
MVA  
DNR  
DPS  
REV  
DOT  
UA

<b>NEW FISCAL NOTES</b>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<b>PREVIOUS FISCAL NOTES</b>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DNR	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	OLSON	X			
	CUTHBERTSON	Y			
	TUCK	X			
	KAWASAKI	X			
	SEATON	X			
	WILSON	X			
Chair:	Johnson	X			
Chair:	NEWMAN	X			

# ALASKA STATE LEGISLATURE



SENATOR JOE THOMAS

## Senate Bill 195 – An Act relating to the repeal of the establishment of the Goldstream Public Use Area

### Sponsor Statement

The Goldstream Public Use Area (GPUA) was created in 1990 by Senator Bettye Fahrenkamp and Representative Mike Davis in order to preserve the recreational opportunities, traditional uses and atmosphere of the local neighborhoods. The GPUA is set to sunset on July 1<sup>st</sup>, 2010 unless Senate Bill 195 is passed this session.

The GPUA encompasses a patchwork of nearly 2000 acres of state land bordered by Sheep Creek Road to the west, Goldstream Road to the north and the Steese Highway to the east. The GPUA is home to an ever-growing network of trails that connect users to the Chatanika River Valley, the White Mountains and the Fairbanks area, all from a central location close to Fairbanks' population base. The GPUA is passively managed by the state and the trails are maintained by volunteers at no cost to the taxpayers.

All uses are allowed in the area and the GPUA is utilized year round by a variety of outdoor enthusiasts and families.

The repeal of the GPUA's sunset clause is actively supported by the Alaska Outdoor Council, Alaska Dog Mushing Association, Alaska Miners Association, Nordic Ski Club of Fairbanks, Alaska Trapper's Association, Skijoring and Polk Association, Fairbanks Snow Travelers, Northern Area State Parks Advisory Board, Fairbanks North Star Borough Trails Advisory Board, Alaska Trails, Interior Trails Preservation Coalition, Interior Alaska Land Trust, Arctic Audubon Society, and the *Fairbanks Daily News-Miner*.

Additionally, over 100 individuals have written letters of support.

Senate Bill 195 receives broad support from the community and I urge you to support this important effort.

**"This all makes for an ideal center for outdoor recreation, a sort of Central Park for the Goldstream neighborhoods. It deserves permanent designation."**

*-Fairbanks Daily News-Miner Editorial, December 25<sup>th</sup>, 2009*

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB195  
 () Publish Date: \_\_\_\_\_

Identifier (file name): SB195-DNR-TAD-02-04-2010

Title Make Goldstream Public Use Area Permanent  
 Sponsor Sen. Thomas  
 Requester Senate Resources  
 Dept. Affected: Natural Resources  
 RDU Resource Development  
 Component Title Acquisition and Defense  
 Component Number 2459

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>								
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2010) cost: 0.0

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)  
 DNR anticipates no need for additional funding under this proposed legislation.

Prepared by: Dick Mylius, Director  
 Division: Mining, Land and Water  
 Approved by: Tom Irwin, Commissioner  
Natural Resources

Phone 269-8600  
 Date/Time February 4, 2010  
 Date February 4, 2010

# Brief facts on Senate Bill 195

**The Goldstream Public Use Area was created in 1990 by Sen. Bettye Fahrenkamp and Rep. Mike Davis and is set to sunset on July 1<sup>st</sup>, 2010:**

The GPA is a patchwork of nearly 2000 acres of state land between the Steese Hwy to the east, Sheep Creek Rd to the west and south of Goldstream Rd to the north.

There is an expanding network of trails that can connect you from the Steese Hwy to Minto Flats and the Richardson Hwy to the White Mountains.

The Tanana Railroad Trail is the main trail within the GPUS and is a future section of the 100 Mile Loop Trail. Also, a proposed connector to the Skyline trail system is also in the works. A substantial maze of smaller trails is also maintained by volunteers.

## **All uses are statutorily allowed in the area:**

Sec. 41.23.150 (c) ...the commissioner shall allow uses within the Goldstream Public Use Area, including but not limited to horseback riding, hiking, mining, all terrain vehicle driving, bicycling, dog sledding, cross-country skiing, skijoring, snowmachining, camping, and other traditional public uses of fish and wildlife populations such as fishing, hunting, trapping, viewing, and photographing of moose, trumpeter swan and other waterfowl, otter, beaver, mink, muskrat, and fox.

## **Impact on the state:**

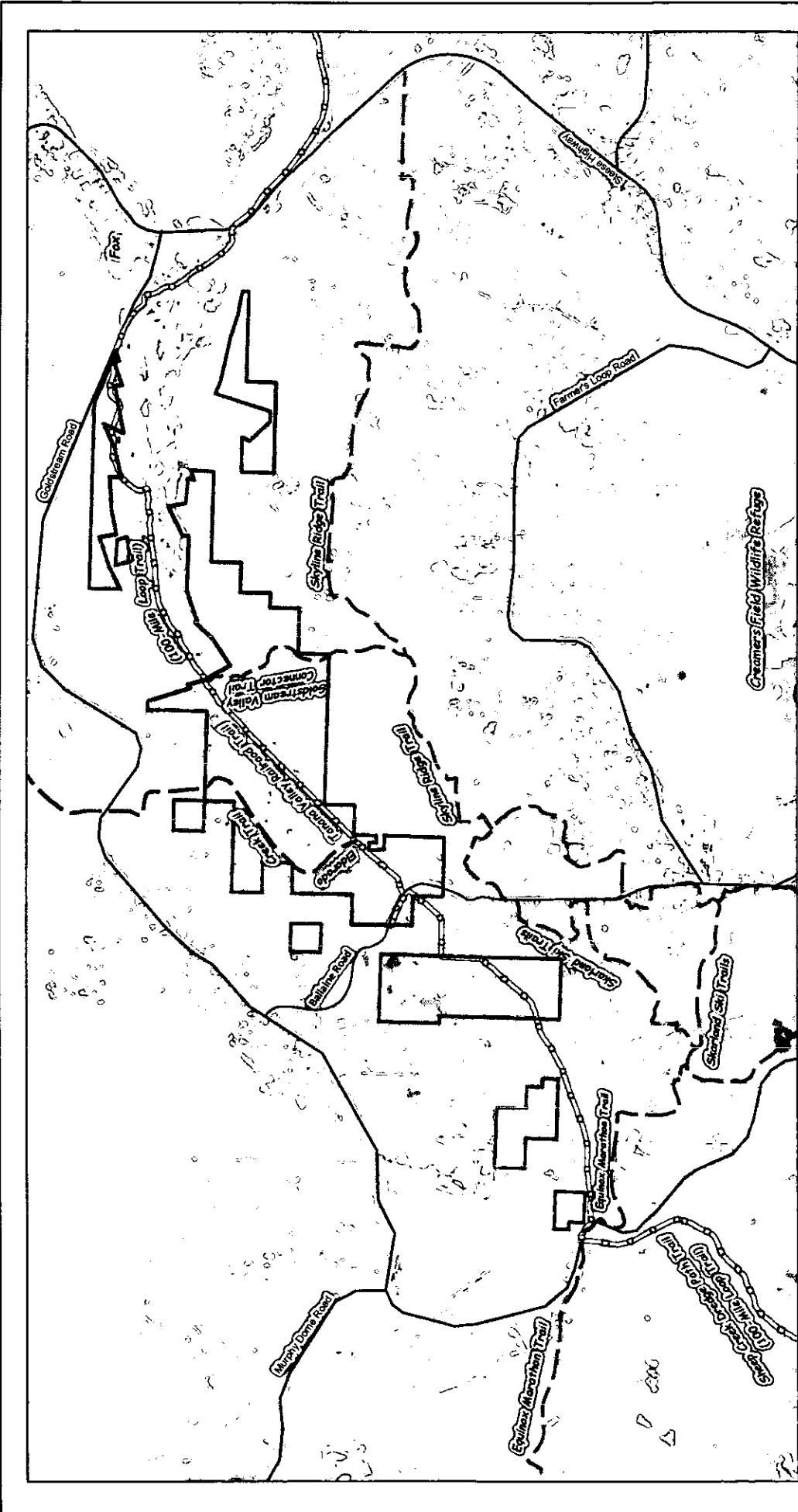
The state passively manages the GPUA and there are no financial costs incurred by this area. Its trails are maintained by volunteers throughout the year.

## **SB 195 is supported by:**

Alaska Outdoor Council, Alaska Trapper's Association, Alaska Dog Musher's Association, Alaska Mining Association, Nordic Ski Club of Fairbanks, Skijoring and Polk Association, Northern Area State Parks Advisory Board, Fairbanks North Star Borough Trails Advisory Board, Alaska Trails, Interior Trails Preservation Coalition, Fairbanks Snow Travelers, Interior Alaska Land Trust, Arctic Audubon Society, and the Fairbanks Daily News-Miner

**"This all makes for an ideal center for outdoor recreation, a sort of Central Park for the Goldstream neighborhoods. It deserves permanent designation."**

*-Fairbanks Daily News-Miner Editorial, December 25<sup>th</sup>, 2009*



Fairbanks North Star Borough  
Department of Parks and Recreation

Scale: 1:48,885

————— Goldstream Public Use Areas

# ALASKA STATE LEGISLATURE



SENATOR JOE THOMAS

February 15<sup>th</sup>, 2010

Representative Craig Johnson  
Co-Chair, House Resources Committee  
Alaska State Capitol, Room 126  
Juneau, AK 99801

Re: Senate Bill 195 - An Act relating to the repeal of the establishment  
of the Goldstream Public Use Area

Representative Johnson,

I write today to respectfully request that the House Resource schedule Senate Bill 195: *An Act relating to the repeal of the establishment of the Goldstream Public Use Area* for a hearing at your earliest possible convenience.

This bill removes the sunset clause of July 1<sup>st</sup>, 2010 from the Goldstream Public Use Area. The bill is actively supported by Alaska Outdoor Council, Alaska Dog Mushing Association, Alaska Miners Association, Nordic Ski Club of Fairbanks, Alaska Trapper's Association, Skijoring and Polk Association, Fairbanks Snow Travelers, Northern Area State Parks Advisory Board, Fairbanks North Star Borough Trails Advisory Board, Alaska Trails, Interior Trails Preservation Coalition, Interior Alaska Land Trust, Arctic Audubon Society, and the *Fairbanks Daily News-Miner*. Nearly one hundred individuals have also voiced their support.

Attached is the most recent version of the sponsor statement and the attached zero fiscal note.

Please feel free to contact me with any questions at 465-2327

Sincerely,

A handwritten signature in black ink that reads "Joe Thomas".

Senator Joe Thomas

# ALASKA STATE LEGISLATURE



SENATOR JOE THOMAS

## Senate Bill 195 – An Act relating to the repeal of the establishment of the Goldstream Public Use Area

### Sponsor Statement

The Goldstream Public Use Area (GPUA) was created in 1990 by Senator Bettye Fahrenkamp and Representative Mike Davis in order to preserve the recreational opportunities, traditional uses and atmosphere of the local neighborhoods. The GPUA is set to sunset on July 1<sup>st</sup>, 2010 unless Senate Bill 195 is passed this session.

The GPUA encompasses a patchwork of nearly 2000 acres of state land bordered by Sheep Creek Road to the west, Goldstream Road to the north and the Steese Highway to the east. The GPUA is home to an ever-growing network of trails that connect users to the Chatanika River Valley, the White Mountains and the Fairbanks area, all from a central location close to Fairbanks' population base. The GPUA is passively managed by the state and the trails are maintained by volunteers at no cost to the taxpayers.

All uses are allowed in the area and the GPUA is utilized year round by a variety of outdoor enthusiasts and families.

The repeal of the GPUA's sunset clause is actively supported by the Alaska Outdoor Council, Alaska Dog Mushing Association, Alaska Miners Association, Nordic Ski Club of Fairbanks, Alaska Trapper's Association, Skijoring and Polk Association, Fairbanks Snow Travelers, Northern Area State Parks Advisory Board, Fairbanks North Star Borough Trails Advisory Board, Alaska Trails, Interior Trails Preservation Coalition, Interior Alaska Land Trust, Arctic Audubon Society, and the *Fairbanks Daily News-Miner*.

Additionally, over 100 individuals have written letters of support.

Senate Bill 195 receives broad support from the community and I urge you to support this important effort.

**“This all makes for an ideal center for outdoor recreation, a sort of Central Park for the Goldstream neighborhoods. It deserves permanent designation.”**

*-Fairbanks Daily News-Miner Editorial, December 25<sup>th</sup>, 2009*

## Letters of Support for Senate Bill 195

Alaska Outdoor Council

Alaska Dog Mushing Association

Alaska Miners Association,

Nordic Ski Club of Fairbanks

Alaska Trapper's Association

Skijoring and Polk Association

Fairbanks Snow Travelers

Northern Area State Parks Advisory Board

Fairbanks North Star Borough Trails Advisory Board

Alaska Trails

Interior Trails Preservation Coalition

Interior Alaska Land Trust

Fairbanks North Star Borough

*Fairbanks Daily News-Miner*

*"For the past 20 years, the state-owned portions of the lowlands have been held in that undeveloped condition by the Goldstream Public Use Area, a popular, legislatively designated withdrawal. The withdrawal is about to expire, so the legislature needs to reaffirm it – permanently this time."*

*-Fairbanks Daily News-Miner Editorial, December 25<sup>th</sup>, 2009*

[print](#)

## A central park: Goldstream public use area needs permanent designation

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12.25.09 - 11:31 pm

A letter to the editor dated Nov. 23, 1959, from Jim Todd offered a hopeful vision for the Goldstream Valley, which lies just beyond the hills that form the northern horizon in Fairbanks.

Todd appealed to the territory's Bureau of Public Roads, or, rather, the "Bureau of Parallel Ruts," to divert some of its "superhighway"-building enthusiasm into a real road for Goldstream, where dozens of farmers were struggling in the mud.

"We beg your assistance, dear editor. Next year when these spendthrifts start blowing their measly millions, help them 'blow' a few thousand into roads into Goldstream Valley. Alaska's returns will be a thousandfold," Todd wrote.

The roads came to be, but Todd's vision did not. As a result, much of the valley bottom remains undeveloped. For the past 20 years, the state-owned portions of the lowlands have been held in that undeveloped condition by the Goldstream Public Use Area, a popular, legislatively designated withdrawal. The withdrawal is about to expire, so the Legislature needs to reaffirm it — permanently this time.

It was an accident both of Fairbanks' economic history and the swampy nature of the Goldstream Valley bottom that the area remained undisturbed. By the mid-1960s, the roads that Todd wanted were built. Sheep Creek Road was a modern, if still-unpaved, thoroughfare. Goldstream and Ballaine roads weren't far behind. The farmers didn't follow, though. Instead, the roads mostly brought homeowning commuters. Today, the evening view from the valley divide — whether at Happy Gap on Sheep Creek Road or the top of the big hill on Ballaine — reveals a constellation of house lights on the slopes to the north.

The valley bottom itself, where some of the farmers of Todd's day worked, remains empty in many places. Some of the land was never homesteaded because it was too wet or frozen. But the farmers also were undercut by the increasingly efficient road, rail, air and ocean connections to the Lower 48, which allowed importation of cheaper fresh food. So, aside from some large mining pits, Goldstream is more wooded today than it was in the 1950s and early 1960s.

The residential homeowners who replaced the farmers, however, have put the lowlands to use. The acreage has become a favorite year-round recreation area. The old Tanana Valley Railroad bed, along which ties and spikes sometimes still can be seen, provides a backbone trail through the area. The railroad intersects with a few roads and other trails from the homesteading era. Here and there, the old roads are sinking into lakes that began decades ago as drainage ditches, but they still work as winter routes. Ponds, swamps and creeks of various sizes are scattered throughout the area, containing the relatively rich variety of wildlife and vegetation that such areas support.

This all makes for an ideal center for outdoor recreation, a sort of Central Park for the Goldstream neighborhoods. It deserves a permanent designation.

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[print](#)

## **The Goldstream Public Use Area: Keeping the public-use designation will benefit Fairbanks**

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02.15.10 - 02:11 am

The variety of groups that want to continue the Goldstream Public Use Area tells quite a bit about the level of support for this long-standing recreation area that is in need of legislative reauthorization.

The Alaska Outdoor Council, the Nordic Ski Club of Fairbanks, the Alaska Miners Association, the Arctic Audubon Society and the Fairbanks North Star Borough trails advisory group all want the area continued in its current form.

The Legislature in 1990 set aside the 2,000-acre space for public recreation purposes, but that designation will expire in July unless the Legislature acts to renew it. The Senate on Friday passed a renewal measure by a vote of 15-0, with five members absent.

The area, in the vicinity of Ballaine Road along Goldstream Creek, is popular with a variety of user groups. It's largely swampy, making it good for berry picking in the fall. It's also used by hunters and, in winter, by snowmachiners and dog mushers.

The bill, Senate Bill 195, would repeal the sunset clause of the original measure, making the Goldstream Public Use Area a long-term fixture of Fairbanks. Few things are permanent, of course, and the Legislature could, after passage of this bill, change the purpose of the area if the need arose.

For now, however, the general sentiment is to keep the area as it is. More than 100 letters of support have been submitted on behalf of the bill.

The Senate's strong vote of support and the backing of a mix of user groups should make it easy for the House to pass the measure and for Gov. Sean Parnell to sign it into law.

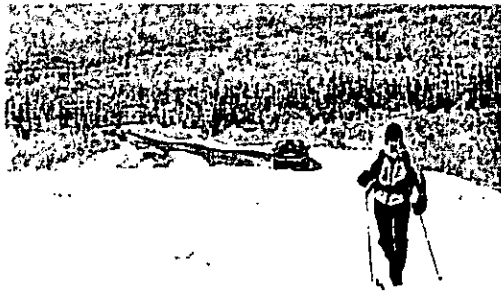
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[print](#)

## Groups work to preserve public use area in Goldstream Valley

by Tim Mowry / [tmowry@newsminer.com](mailto:tmowry@newsminer.com)  
12.21.09 - 02:17 am



**FAIRBANKS** — For the past 10 years, Bonnie Borba has been able to run her sled dogs right out of her home on Snowhook Drive in the Goldstream Valley.

Her property, like many of her mushing neighbors, bumps right up next to the Goldstream Public Use

Area, an almost-2,000-acre swamp along Goldstream Creek that transforms into a popular winter playground each winter for mushers, skiers, skijorers and snowmachiners in the Goldstream Valley.

“That’s why we moved there,” said Borba, a sprint musher. “Everybody on Snowhook Drive moved there for dog mushing purposes. We have access to the trails right from our house.”

What Borba and others didn’t know until recently is that there is a 20-year sunset clause on the Goldstream Public Use Area, which was created in 1990 by the Alaska Legislature as a result of a bill sponsored by Rep. Mike Davis and Sen. Bettye Fahrenkamp, both of Fairbanks. The area is set to lose its protected status this coming year.

“That’d be a real bummer if we lost it,” Borba said. “I can’t see anyone developing it. It’s a swamp. Its best use is the uses it serves now.”

Borba and her neighbors, along with several outdoor recreation groups, have sent letters to Sen. Joe Thomas, D-Fairbanks, asking him to keep the Goldstream Public Use Area the way it is in perpetuity. Thomas’ district includes the Goldstream Valley.

Sen. Thomas agrees, which is why the second-year senator plans to introduce a bill this legislative session to drop the sunset clause and make the Goldstream Public Use Area permanent.

“The legislation will remove the sunset clause and the conversation will ensue from there,” Thomas said. If somebody says, ‘Well, that means in perpetuity’ and we’ll say, ‘Yeah, that’s what we want.’ If people object, we work at it from there.”

The public use area is a patchwork of land east and west of Ballaine Road along Goldstream Creek. The biggest chunk, and the one that gets the most use, extends east up Goldstream Valley from Ballaine Road. Over the years, an intricate trail network has been developed in the biggest portion of the area.

"Mushers, bicyclists, snowmachiners, skijorers, walkers, trappers, I've passed them all," Borba said.

The area is famous for its abundance of blueberries and attracts hordes of berry pickers in the summer.

Goldstream Valley resident Dick Bishop proposed the idea of a public use area to Rep. Mike Davis, his neighbor at the time, in the late 1980s as a way to preserve trail access on state land that was rapidly disappearing to residential development.

"My thought was that already for decades that area had been used by people for outdoor activities," Bishop said. "It seemed like it was important to the extent possible to get the remaining state lands which hadn't been put up for disposal in a category where those uses could continue."

The public use area concept has worked out fabulously, Bishop said. It's been a low-profile, high-use area with no bureaucracy involved. The area is maintained by users and the state hasn't been involved in any way except for its creation.

"There's been very few conflicts and very few problems," Bishop said. "It seems to me it's worked out real well."

It was Davis who reminded Bishop of the sunset clause last spring. Bishop in turn contacted Thomas' office.

Thomas in turn sent out a letter to multiple user groups soliciting support for the public use area, and his aide, Grier Hopkins, attended meetings with mushing, skijoring and snowmachine clubs, as well as outdoor and mining groups. So far, all Hopkins and Thomas have heard is support.

"We have not run into any opposition at all," Hopkins said, noting that even the Alaska Miners Association wrote a letter in support.

Peg Bowers, who lives a mile or so from the area, skis on the trails about twice a week during the winter.

"For me it's a place I can take my dog and let it run and I can ski at the same time," Bowers said shortly after a ski with her golden retriever, Andra, on Thursday.

Like many, Bowers knew about the Goldstream Public Use Area but she didn't know about the sunset clause. Hearing about it has spurred her to action. Bowers intends to write a letter to Thomas voicing her support for the public use area.

"I thought since it was a public use area it was going to be there forever," she said. "I'd be really sad to lose it. It's part of the joy of where we live."

With lots of support and no opposition, Thomas is hopeful his bill will make it

through the Legislature this session.

Contact staff writer Tim Mowry at 459-7587.

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**Richard H. Bishop**  
**1555 Gus's Grind**  
**Fairbanks, AK 99709**  
907-455-6151  
[rmbishop@ptialaska.net](mailto:rmbishop@ptialaska.net)

Senator Joe Thomas  
Alaska State Legislature  
1292 Sadler Way, Suite 308  
Fairbanks, AK 99701

22 Dec 09

by FAX - 2 pp. total

Dear Senator Thomas:

Thank you for proposing legislation to give the Goldstream Public Use Area permanent legal status by eliminating the sunset provision from state law. I strongly support this action.

I was very involved in the original Goldstream Public Use Area (GPUA) proposal in the late 1980's. As a Goldstream Valley resident, I was well aware of the area's many values. My family and I were regular users of the trails and wild areas for dog mushing, snow machining, hunting, bird watching camping, berry picking, and just enjoying the varied landscapes and water bodies. Several of our friends have trapped there in the past.

I knew that the Valley trails had been used by mushers, hunters, trappers, miners and others going back to the early 1900's. The old Tanana Valley Railroad grade, dating from the early 1900's, was and is the central east-west Valley trail. Well known sprint dog mushers Rosie Losonsky, Pete Machione, and others trained in the Valley, and it's a popular area for today's sprint, distance and recreational mushers, i.e. "Sunday Tail Waggers".

The trails run through the valley, with numerous connecting trails leading out of the area in all directions, so that in winter one can start in Goldstream Valley and go to most all of the outlying areas around Fairbanks and even to distant parts of Alaska.

In the late 1980's there was increased interest in sales of private and public lands for residential developments even on very poor lands for such use, including the Goldstream Valley lowlands, which are extensively underlain with permafrost. Important main and connector trails as well as numerous ponds, swamps, parts of creeks and good wildlife habitat occurred on the several large parcels of State lands in the Valley lowlands. If those lands were disposed of, much of the trail access could be blocked and other outdoor recreation such as hunting, trapping, wildlife viewing, etc., could be denied by private land owners. Some restriction had already occurred as former homesteads were broken up and pieces sold. People built cabins and larger homes on poor lands, often with complications following due to the extensive permafrost.

If the State lands followed the same pattern of use, important outdoor uses could be lost or restricted, and a lot of people could be disadvantaged by having unknowingly bought and built on unstable, wet, thaw-prone ground.

The situation prompted me and others to propose that all the State lands be kept in public ownership, and open to all the uses which had occurred there for decades.


Representative Mike Davis agreed to introduce legislation to establish the Goldstream Public Use Area. Senator Betty Fahrenkamp took an interest in it. Senator Arlys Sturgelewski, Chairman of the Rules Committee, was convinced of its merits by a brief field-road trip near Session end. Support developed and opposition faded as legislators learned that the most valuable assets of the State lands were the trails and wildlife habitat and the continued opportunities for public use.

Since its establishment, the GPUA has remained pretty much as it was at the beginning as far as the lands, waters, habitats and trails, although some trails have been blocked by nearby private ownership. My impression is that outdoor uses have generally increased as more Fairbanks area residents have found the trails and other opportunities are really convenient and enjoyable. But public uses do not seem to have become congested, perhaps due to the many miles of trails and large undeveloped areas. To the best of my knowledge there have been no serious conflicts among the various uses, even though, mercifully, there are no formal rules or management dictates in place specific to the GPUA. There has been very little impact on ground cover, trail condition, or habitat from public uses. Users of the GPUA seem to take pretty good care of it.

In my opinion, the Goldstream Public Use Area has proven to be a great public outdoor asset and it has not been an impediment to various human uses and developments in Goldstream Valley.

Thank you again for preparing legislation to maintain the Goldstream Public Use Area. I will strongly encourage the Interior delegation to support it, the Legislature to pass it, and the Governor to sign it.

Sincerely,



Richard H. Bishop

cc: Interior legislators  
Commissioner Tom Irwin  
Commissioner Denby Lloyd  
Governor Sean Parnell

*P.S. Merry Christmas &  
Happy New Year!*

Dear Alaska State Legislature,

My name is ORVILLE HELMS and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely, 

Dear Alaska State Legislature,

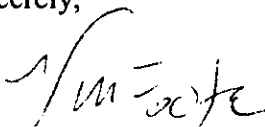
My name is Vicki Fook and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Dear Alaska State Legislature,

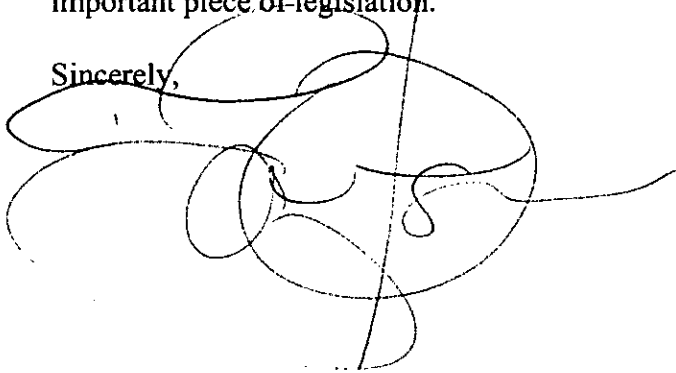
My name is Tina Gibson and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors:

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tina Gibson', written over a large, circular scribble.

Dear Alaska State Legislature,

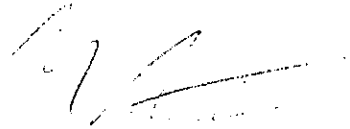
My name is Mike Winstrom and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



12/15/07

Dear Alaska State Legislature,

My name is Janelli Perry and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Janelli Perry*

Dear Alaska State Legislature,

12/16/09

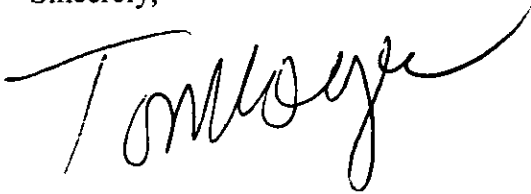
My name is Tom Noyce and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script that reads "Tom Noyce". The signature is written in black ink and is positioned below the word "Sincerely,".

Dear Alaska State Legislature,

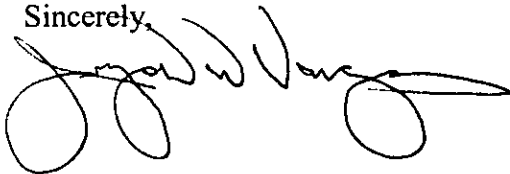
My name is <sup>JOE</sup>VARGAS and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Vargas". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dear Alaska State Legislature,

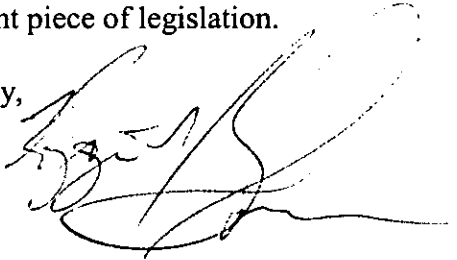
My name is Reggie and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Reggie", written over a faint circular stamp or watermark.

Dear Alaska State Legislature,

*Grant*  
My name is Cirre, Grant and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Grant*      *Cirre*

Dear Alaska State Legislature,

My name is Scott Akerman and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Dear Alaska State Legislature,

My name is Shannon Erhart and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Shannon Erhart

Dear Alaska State Legislature,

My name is Hilary and I support the Goldstream Public Use Area.

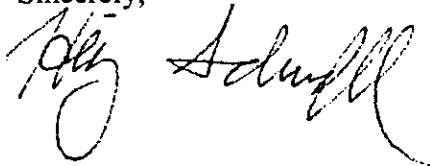
Schwartz

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hilary Schwartz". The signature is written in black ink on a white background.

Dear Alaska State Legislature,

My name is Ann Gjestson and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Gjestson". The signature is written in dark ink and is positioned below the word "Sincerely,".

Dear Alaska State Legislature,

My name is Ed Arak<sup>19</sup> and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Arak", written in dark ink.

Dear Alaska State Legislature,

My name is Jason Dunlap and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Dear Alaska State Legislature,

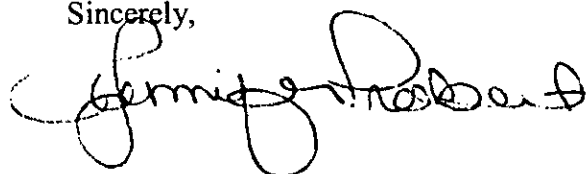
My name is Jennifer Probst and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Probst". The signature is written in dark ink and is positioned below the word "Sincerely,".

Dear Alaska State Legislature,

My name is PAUL L. GREGORY and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Paul L. Gregory*

P.O. Box 55501  
NORTH POLE AK 99705

HOME 907-488-1597

CELL 907-687-8023

Dear Alaska State Legislature,

My name is Robert Tsigonis and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



12/4/09

Dear Alaska State Legislature,

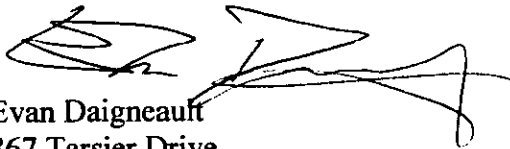
My name is Evan Daigneault and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized snowmachine and non-motorized access, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Evan Daigneault  
867 Tarsier Drive  
Fairbanks, AK 99712  
Cell: 907-322-3235  
Home: 907-474-4292

Dear Alaska State Legislature,

My name is Courtney Roberts and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Dear Alaska State Legislature,

My name is DAVID WRIGHT and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script that reads "David Wright". The signature is written in black ink and is positioned below the word "Sincerely,".

Dear Alaska State Legislature,

My name is Don GRAY and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Don Gray  
399 Hillside Dr.  
Fairbanks, AK

Dear Alaska State Legislature,

My name is James Louisa and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*James Louisa* 12-04-09

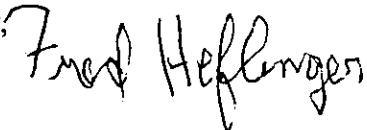
Dear Alaska State Legislature,

My name is Fred Heflinger and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  


Dear Alaska State Legislature,

My name is KATHRYN G. ARLEN and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Kathryn Grace Arlen B.A., M.A.*

Dear Alaska State Legislature,

My name is Valerie Murdt and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*V. Murdt*  
PO Box 84608  
Fairbanks, AK  
99708

Dear Alaska State Legislature,

My name is John M. Moran and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*John M. Moran*

1621 Wolverine Ln

Fbx, AK 99709

Dear Alaska State Legislature,

Charlotte M. DAVIS

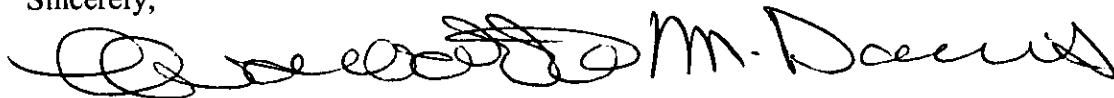
My name is \_\_\_\_\_ and I support the Goldstream Public Use Area.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

  
Two Rivers, AK

Dear Alaska State Legislature,

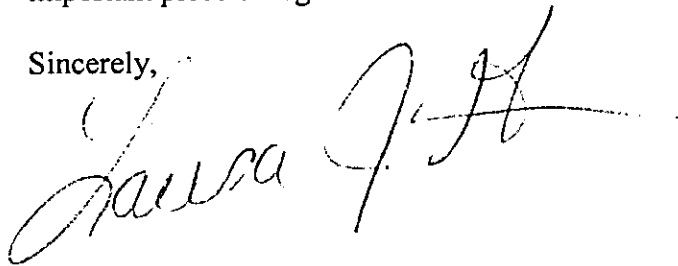
My name is Lauren Graham and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script that reads "Lauren J. Graham". The signature is written in black ink and is positioned below the word "Sincerely,".

Dear Alaska State Legislature,

My name is PHYLLIS  
CHURCH and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Church". The signature is written in dark ink and is positioned below the word "Sincerely,".

Dear Alaska State Legislature,

My name is <sup>Geord</sup> Rafson and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Geord Rafson*  
1912 Gilmore Trail  
Fairbanks, AK 99712

Dear Alaska State Legislature,

My name is Brooks Ludwig and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Brooks Ludwig  
POB 82496  
Fairbanks, AK. 99708  
474-0333

Dear Alaska State Legislature,

*Linda De Foliant*

My name is \_\_\_\_\_ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Linda De Foliant*

*3908 Murphy Dome Rd.*

*Fairbanks, AK 99709*

*455.6928*

Dear Alaska State Legislature,

My name is <sup>Dan</sup>~~Chagnon~~ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Dan Chagnon*

Dan Chagnon  
2005 Carr Ave.  
FBKs. AK 99709

Dear Alaska State Legislature,

My name is Bruce Jamieson and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



ph. 907-479-4673

email [bjamieson@acsalaska.net](mailto:bjamieson@acsalaska.net)

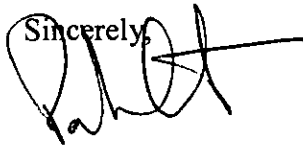
Dear Alaska State Legislature,

My name is PATRICK and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  


PATRICK COTTER  
1070 Evergreen St.  
Fairbanks, AK 99709

Dear Alaska State Legislature,

My name is Lissa Hughes and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Lissa Hughes

Address:

2920 Portillo Pl.  
Fairbanks, AK.  
99709

Fairbanks Alaska  
January 11, 2010

Dear Alaska State Legislature,

We the undersigned support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

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Thank you and We urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Name and address:

Keith & Keith Babalagan  
Susan M. Campbell  
1042 Eldorado Rd.  
Fairbanks, AK. 99709

Larry Mayo  
282 HAY WAY  
Fairbanks, AK 99709

Fairbanks Alaska  
January 11, 2010

Dear Alaska State Legislature,

We the undersigned support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and We urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Name and address:

JARY NEWMAN 1083 ESRO, FAIRBANKS 99712

Ronald Kotyk 4005 DIANE RD JUNEAU 99801  
Ronald Kotyk

PAULETTE WILHE 1220 CITENARIDGE RD. FAIRBANKS 99709

Ridelle Musick 4231 Aspenwood Fbx 99709

Mary Shultz 2699 WZEDHIA FBX 99709.

Jackie Martin PO BOX 195 ESTER, AK 99725

Fairbanks Alaska  
January 11, 2010

Dear Alaska State Legislature,

We the undersigned support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and We urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Name and address:

Pam Webster Pam Webster POB 71642 Flx 99709  
Ronald A Yarnell Ron Yarnell POBox 84651 Fair. 99708  
Alison York 1170 Sundance hoop Fairbanks 99709  
Janet Duley 3875 Geist Rd. E113 Fairbanks 99709  
Gail Mayo, 282 Hay Way, Fairbanks, 99709

## Grier Hopkins

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**From:** B. Gamble [brook.gamble@gmail.com]  
**Sent:** Thursday, December 03, 2009 2:55 PM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is J. Brook Gamble and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

J. Brook Gamble  
325 Yana Court  
Fairbanks, AK 99709  
(907) 456-3775

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"Ten thousand flowers in spring, the moon in autumn, a cool breeze in summer, snow in winter: if your mind isn't clouded by unnecessary things, this is the best season of your life." -Wu men

## Grier Hopkins

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**From:** Elizabeth Green [bessie.bug@gmail.com]  
**Sent:** Monday, December 07, 2009 10:24 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello. I'm writing about the sunseting of the provision to protect the Goldstream Public Use Area. As a frequent recreational user of the area, I really appreciate the tremendous opportunity we have to ski in the woods right outside our back door. Recreational opportunities like this are what make Fairbanks such a great place to live. I would like to encourage Sen. Thomas to work to extend the provision.

thanks,  
elizabeth green markley

~~~~~  
Bessie Green Markley  
M.S. Candidate, Dept. of Biology and Wildlife Alaska Cooperative Fish and Wildlife Research Unit  
201 Irving I  
902 N. Koyukuk Drive  
University of Alaska Fairbanks 99775  
office: 907-474-1949 lab: 907-474-6740  
[http://mercury.bio.uaf.edu/~elizabeth\\_green/](http://mercury.bio.uaf.edu/~elizabeth_green/)

## Grier Hopkins

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**From:** Laura Grage [lgrage@acsalaska.net]  
**Sent:** Monday, December 07, 2009 9:49 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley...

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Mr. Hopkins,

I'm emailing you to let you know I received word of the sunset on the provision that protects the Goldstream Valley Recreation area in 2010. My husband and I were recently able to purchase land in Goldstream area in the neighborhood where we have rented for a long time. The primary reason that we wanted to remain permanently in this neighborhood off of Line Drive was because we can skijor from our front door into Goldstream Valley and beyond. We can also commute to work on our bikes or skis. These things are precious to us--not having to drive our old car around in the winter in order to get out with our dogs. We spent much of last winter building a house on our property and have thoroughly enjoyed to be able to transition into a more permanent status here, next to all these great trails!

Please pass this on to Senator Thomas, in hopes that he will consider extending or making this protected area a permanent feature here in Goldstream Valley!

Laura Grage

Dear Alaska State Legislature,

My name is \_\_\_\_\_ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Eleanor K. Wirts

Mailing address: P.O. Box 750435 Fairbanks, Alaska 99775  
Physical address: Mile 3 Chena Hot Springs Road, Fairbanks, Alaska

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Eleanor K. Wirts M.Ed.  
Northern Studies Graduate Student  
606 D Gruening Building  
University of Alaska Fairbanks  
907-750-0208

## Grier Hopkins

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**From:** Lou Brown and Jon Miller [jonmiller@acsalaska.net]  
**Sent:** Sunday, December 06, 2009 9:06 PM  
**To:** Sen. Joe Thomas  
**Cc:** Grier Hopkins; chenafats@gmail.com  
**Subject:** Goldstream Public Use Area

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Senator Thomas:

We are writing to express our support for the continued protection of the Goldstream Public Use Area and to urge you to pursue legislation to extend and enhance the conservation status of these properties. We frequently use Goldstream Valley for recreation, skiing, running and biking on the many trails that lace the valley, picking berries in the wetlands, and occasionally even canoeing the creek. These trails, the uncluttered landscape, and the wildlife that lives in the valley add immensely to our quality of life, and to that of our neighbors! Unfortunately, changing land ownership has resulted in the closure of a number of important trails over the past several years, and residential construction is encroaching on the valley wetlands.

At a minimum, we'd like to see existing Goldstream Valley Recreation Area parcels protected indefinitely. We would also like to see the area enlarged and made more continuous, as opportunity permits. On the west side of Ballaine Road the recreation area parcels are scattered along the valley with much private land interspersed, although most of this boggy area remains undeveloped and would serve the public better in the future as a recreational sanctuary than as a rag tag assemblage of subdivisions and rental cabins.

It is my understanding that DNR has been reluctant to acquire additional land to add to the Recreation area, even to the extent that they turned down land offered to them by the Interior Alaska Land Trust. Furthermore, when we spoke to DNR staff at the in Fairbanks office, they were barely aware of the existence of the Goldstream Public Use Area...let alone that it was their department's job to manage it! We feel that adding to the Recreation Area is golden opportunity that won't last long.

The Goldstream Valley Public Use Area is a much loved and well used public resource that adds character and a lovely backdrop to the area, even for residents who do not actively recreate here. As a recreation area, it offers a huge benefit to a wide range of outdoor enthusiasts who access the trail system from their own neighborhoods. Again, the western portion is less protected than would be optimal. We urge you to look into ways to protect and enlarge this excellent playground for the future.

Thank you,

Jon Miller and Lou (Linda) Brown  
2630 Home Run  
Fairbanks, AK 99709  
479-5629

## Grier Hopkins

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**From:** Jessica Guritz [jlguritz@gmail.com]  
**Sent:** Sunday, December 06, 2009 6:50 PM  
**To:** Grier Hopkins  
**Subject:** goldstream valley public use area

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Hopkins,

I recently found out that the public use area in the Goldstream Valley may lose its protected status. We cannot let this happen! This area is an integral part of who we are as a community, providing recreational opportunities to those who may not otherwise have such opportunities. It has been a blessing for the past several years to be able to walk out my back door and skijor for miles through this area whenever I wanted to. I know there are hundreds of other mushers, skiers, and other recreational users of these trails that feel as strongly as I do that we must keep this area protected.

Sincerely,  
Jessica Guritz

## Grier Hopkins

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**From:** Barbara O'Donnell [bodonnell@alaska.net]  
**Sent:** Saturday, December 05, 2009 10:22 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Rec Area  
**Attachments:** image001.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Grier,

Please forward my support for maintaining the Goldstream Recreation Area to Senator Joe Thomas.

Having lived in this area for 30 years I have seen a lot of irresponsible and inappropriate development. This area is mostly a wetlands, drainage, and mining tailings subject to instability and permafrost. Traditional recreation is the best use of this area (multiple use trails, non-motorized access in the summer).

Senator Thomas is very reasonable and I trust he will work towards the highest level of permanent protection.

Thank you for your hard work on our behalf,

Barb O'Donnell  
POB 325  
Ester, AK 99725  
479-0302

## Grier Hopkins

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**From:** John Lyle [kanakaukoa@gmail.com]  
**Sent:** Friday, December 04, 2009 11:52 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley Public Use Area

Dear Senator Thomas,

I have lived next to and used the Goldstream Public Use Area for 30 years and learn that it's protection may end in 2010. I also understand you may be submitting legislation which would make this area protected permanently. I support this idea 100%. I wish it would have happened 20 years ago. The area is not suited for development, however for multi-use all-year recreation, it's perfect. It's a resource that needs protection in a permanent way, so I can't encourage you strongly enough to do this. Thank you very much. I know I speak for all my neighbors who have used this area for years as well. Best regards, John and Susanne Lyle

Dear Alaska State Legislature,

My name is Jon Underwood and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Jon Underwood  
1253 Salmonberry Lane  
Fairbanks, AK

## Grier Hopkins

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**From:** Sarah Drew [sdrew@northstar.k12.ak.us]  
**Sent:** Thursday, December 03, 2009 2:17 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello Grier,

I just got notice about the Goldstream Public Use Area being in danger of losing protected status in 2010. PLEASE help us protect this unique ecosystem that is already in danger due to global warming issues. The land IS NOT suitable for development of any kind. The protected status it holds today is the most beneficial for all peoples who may visit the area, and all animals that inhabit the land. I may be wrong, but I do believe this piece is part of the 100 mile trail system that is suppose to be dedicated to public use.

I was involved with a huge rezone project in the borough that occurred this fall. My farm borders state land that was rezoned into public usage. I rezoned my farm from general usage to Rural Ag 10 to protect it from over building and loss of fragile habitat. I am sure that the group that worked so hard on this rezone will be contacting you to urge that the land remain protected.

PS Congratulations to your dad and you for a successful campaign. My son and I went twice to the polls to make sure the right candidate was elected. This was the first time my son got to vote ( as he just turned 18 this summer). At first he did not think the election was important enough to vote, then he listened to the candidates and knew he had to go vote...we voted together in the same booth and we celebrated together once the race was won!

pss I still remember you in class at Ryan Middle School...smile.  
Seems you are doing very well in life.

Sincerely,  
Sarah Drew

## Grier Hopkins

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**From:** Lauren Attanas [lauren.attanas@gmail.com]  
**Sent:** Thursday, December 03, 2009 1:48 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area sunset...

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi, Grier-

Recently, someone forwarded a little article about the impending sunset of the Public Use Area designation for the Goldstream Valley's trail system. As a frequent, year-round user of these trails, both for bird watching and skjoring, I'm concerned that these trails might loose protection in 2010. I support any efforts that Sen. Thomas and his staff make to permanently designate these trails as a Public Use Area. Please let me know how I can help.

Sincerely,

Lauren Attanas

## Grier Hopkins

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**From:** Joseph Rueter [jrueter@alaska.net]  
**Sent:** Tuesday, December 01, 2009 10:54 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Trails

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Grier,

I am contacting you regarding the Goldstream Public use area. I use the area both East and West of Ballaine for hunting, berry picking, and skiing and ski joring. It is Accessable to me via the new Sky Ridge Park on top of Ski Boot hill road. I live off of Grenac Road. One Idea that comes to mind is to sell the permant status as an adjoining plot of Rec. land to this new borough park.

Let me know what I can do to help preserve this area for recreation use.

Thanks,

Jose Rueter

Joseph Rueter  
PO Box 83585  
Fairbanks AK  
99708  
(907) 479-9101

## Grier Hopkins

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**From:** ben abbott [benabbo@gmail.com]  
**Sent:** Tuesday, December 01, 2009 5:05 PM  
**To:** Grier Hopkins  
**Subject:** Support the Goldstream Trails Public Area

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi I just wanted to write that I strongly support the Goldstream Trails public area that is potentially losing its protection in 2010. Trails are one of the biggest community assets Fairbanks has. They distinguish this city from any other 100,000 person sprawl anywhere else. Trails increase property value of the houses around them, improve community health by facilitating exercise and improving air quality by allowing non-motorized travel.

Please protect this area!

Thank you,

Ben Abbott  
3590 Isberg Road  
Fairbanks, AK 99709

## Grier Hopkins

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**From:** Jane Lanford [jane@usibelli.com]  
**Sent:** Tuesday, December 01, 2009 3:41 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream PUA

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sen. Thomas:

I have used the Goldstream Public Use Area, as defined below, for running and snowshoeing for several years, and I would like it to continue to be available for such uses. Maybe someday I'll get out there skiing and/or berry-picking also. Please consider me a supporter of your bill to keep the area available for public recreation.

Thank you,  
Jane Lanford

The Goldstream Public Use Area, a nearly two thousand acre patchwork of designated recreation land in the Goldstream Valley north of Fairbanks, is set to sunset on July 1, 2010. This means the recreation area which encompasses a number of heavily used trails, hunting areas and berry picking opportunities extending from Cash Creek to the Steese Highway will dissolve and be removed from state statute.

The Goldstream Public Use Area is used avidly by dog mushers, runners, snow machiners, skiers, hunters of all types, berry pickers, bird watchers and trappers to name a few. Its close proximity to the population of Fairbanks allows our families and outdoor enthusiasts of all levels an easy opportunity to enjoy our great outdoors.

Senator Joe Thomas (D-Fairbanks) will be introducing a bill to remove this sunset date and have the Public Use Area remain in perpetuity during the upcoming legislative session starting January 19, 2010. Because of the quickly approaching sunset date, time is of the essence and Senator Thomas must move this bill through the entire legislature in just 90 days. The most effective way to show legislators from across the state the importance of keeping this public use area intact is to show its wide spread support by those that use it.

If you recreate in this area, know somebody who does, or you just enjoy all that the Goldstream Valley's open space has to offer, please contact Senator Thomas' office and ask how you can help. He will have form letters for you to sign on to, a list of supporters and groups to lend your name to and will work with you to make it as easy as possible. Contact his staff, Grier Hopkins at [grier.hopkins@legis.state.ak.us](mailto:grier.hopkins@legis.state.ak.us) or (907)456-8161 to find out how you can help protect this integral part of our Fairbanks lifestyle.

## Grier Hopkins

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**From:** Sara Tabbert [sara@saratabbert.com]  
**Sent:** Tuesday, December 01, 2009 2:51 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please let me know what I can do to help extend the protection of this part of Goldstream Valley. My boyfriend and I own 90 acres adjacent to this part of Goldstream and we ski, skijor, winter bike, and berry pick all over the area. These trails are well used and very loved. On my way home today (a rare +30 December day in Fairbanks) there were all sorts of people parked at the main Ballaine road trailhead loading and unloading.

Tell me who to write to or call, and I'd be happy to do so.

Sincerely,  
Sara Tabbert  
907 479 0456  
[sara@saratabbert.com](mailto:sara@saratabbert.com)

## Grier Hopkins

---

**From:** Max Kaufman [amkaufman@alaska.edu]  
**Sent:** Tuesday, December 01, 2009 1:41 PM  
**To:** Grier Hopkins  
**Subject:** Re: Goldstream Public Use area. letter of support.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sen Joe Thomas,

I support the effort to extend or make permanent the current status of the Goldstream Public Use area. I live at 1039 Pika Road, uphill to the south of the area. I am a frequent winter user of the trail system in this area of Goldstream valley, east of Ballaine road. I would like to see the area maintain it's current status as a multi-use recreation area. It's too cold and the ground is mostly permafrost, so it's not good for any kind of housing or industrial development.

If any changes are made, I'd like to see restrictions on summertime use of 4 wheelers, which tear up the main trail in wet or boggy areas.

Sincerely,

Alexander Kaufman

## Grier Hopkins

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**From:** John Shook [john\_shook@hotmail.com]  
**Sent:** Tuesday, December 01, 2009 12:47 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Rec Area

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I'd like to help protect the Goldstream Rec Area. I've lived in and recreated in the Goldstream area for more than a decade (ski, ski-joring, running, berry picking, biking, hunting, birding, and in the last year now commute on the winter trails).

Let me know how I can help support the initiative to preserve the area for recreational use.

Thanks, John

## Grier Hopkins

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**From:** John Gaedeke [jgaedeke@gmail.com]  
**Sent:** Tuesday, December 01, 2009 9:56 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area Support

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Please forward this to the appropriate authority, thank you.

I am in full support of extending the provision to protect the 2,000 acre Goldstream Public Use Area created in 1990. Fairbanks needs every square inch of recreational land it can provide for its citizens and this is a particularly useful area enjoyed by many in the Fairbanks North Star Borough.

Thank you for continuing this provision and serving the public good,

Sincerely,

John Gaedeke  
235 Henrik Ct.  
Fairbanks AK 99709

Dear Alaska State Legislature,

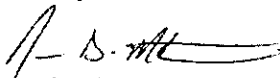
My name is Timothy D. Mortensen and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Timothy D. Mortensen

Dear Alaska State Legislature,

My name is Dean Phillips and my family and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Dean C. Phillips, Jr.  
465 Bullion Dr.  
Fairbanks, AK

Dear Alaska State Legislature,

My name is Michael A. Wilson and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'M.A. Wilson', with a stylized flourish at the end.

Michael A. Wilson

## Grier Hopkins

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**From:** James L. Davis [jrox@acsalaska.net]  
**Sent:** Monday, January 11, 2010 8:07 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

To Senator Joe Thomas,

I would like to express my support for this use area. It has gone unmanaged for many years which makes it a quality area to frequent. It does not need rules and regulations for it to function well. Hopefully, there is no economic value to it but is invaluable for quality recreation.

Sincerely,

Roxie Davis

Dear Alaska State Legislature,

My name is Carol Kaynor and I support the Goldstream Public Use Area. Please help us to protect this valuable resource.

The Goldstream Public Use Area is used for a host of summer and winter activities, including hunting, wildlife photography, motorized and non-motorized access, boating, berry picking, trapping, dog mushing, skijoring, snowmachining, and hiking. The area also provides important wildlife habitat. As most local Fairbanksans know, a pair of trumpeter swans often visits the pond next to Ballaine Road in the spring, and waterfowl are common all over the area. Moose browse on the willows, foxes hunt the ptarmigans. Blueberries grow rampant in the boggy fields north of the creek.

There is major community support for the public use area. A good example is the support shown to the Interior Alaska Land Trust several years ago when they endeavored to acquire the "Blueberry Preserves," a piece of property that lay in between two large blocks of state-owned land in the public use area. The land trust received a huge outpouring of community donations and in-kind support, enabling them to make that purchase.

As a dog musher and skijorer, access to protected trails is extremely important to me. When I moved to Snowhook Trail in 1996, I thought I had died and gone to heaven. Several friends and I bought property there specifically because the parcels bordered the Goldstream Public Use Area. My neighbors and I could run our sled dogs right from our yards, and we could access the extensive network of trails that wind through the public use area. I relocated to Snowhook from another area that had once had a beautiful but unprotected trail system, a trail system now crisscrossed with driveways.

My neighbor and running partner, Bonnie Borba, and I have spent many years maintaining about 10 miles of these trails in the public use area. We spend hours and hours brushing for safety and line of sight, removing stumps, and filling holes, as well as grooming after each snowfall. While grooming or running dogs, we've encountered dog mushers, skijorers, hikers, bicycle riders, four-wheelers, and snowmachiners. From personal experience, I can say that the portion of the public use area that we groom gets heavy and constant use in the winter. We know of many winter users who access the public use area not just from the pullout at Ballaine, but from the El Dorado Creek trail, Willow Run, and several other trails.

The Goldstream Public Use Area is an important and valuable asset to our community. Please support its continued existence.

Sincerely,

Carol Kaynor

Senator Joe Thomas  
Alaska State Senate  
Fairbanks, Alaska

Hi Joe,

We just want to weigh in on the Goldstream Recreation Area issue. As you know, we've been in this area since 1961 and have seen it evolve over the years. Although my wife and I were teaching in the Bush when Mike Travis was able to set the area aside as recreational, we were thankful that he was foresighted enough to do this. Now that it's coming up for renewal, Jennifer and I are heartily in support of your taking this issue seriously and pushing for a permanent recreational designation.

I couldn't count on all my fingers and toes ten times how much we and our friends from all over Fairbanks have used this area for recreation, whether for skiing or walking in winter or bird watching and walking in summer. I also included it on the Audubon birding and hiking map when I designed the map two years ago.

So, yes, we support your attempts to make this recreational area a permanent one for the Fairbanks North Star Borough. Go for it. Make it so, as Capt. Jacques Piccard said.

Sincerely,

Frank and Jennifer Keim  
2220 Penrose Lane  
Fairbanks, AK 99709  
451-9308

## Grier Hopkins

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**From:** Sen. Joe Thomas  
**Sent:** Thursday, December 31, 2009 10:31 AM  
**To:** Grier Hopkins  
**Subject:** FW: Goldstream Public Use Area

-----Original Message-----

**From:** Laurie Smith [mailto:laurie\_smith@live.com]  
**Sent:** Tuesday, December 22, 2009 4:54 PM  
**To:** Sen. Joe Thomas  
**Subject:** Goldstream Public Use Area

Dear Senator Thomas,

After reading the December 21, 2009 article in the Fairbanks Daily News-Miner, "Groups work to preserve public use area in Goldstream Valley," I decided to write you.

I live in Goldstream and use the trails in this public use area frequently. One thing that never ceases to amaze me about this trail network is that, despite the high traffic volume it sustains, it never seems to show the wear and tear of crowds. If someone is inconsiderate enough to litter, someone else who is a little more civic-minded seems to come along right behind them and clean it up. I've never had problems with vandalism, theft, or any other issue that tends to plague so many public-use areas in other places.

As a matter of fact, early this winter, a car had been abandoned at the pullout. After a few weeks, I became sick of looking at it. I contacted the Troopers who referred me to the Borough. The Borough referred me to Alaska DOT. I called a gentleman at DOT and left a voicemail describing the problem. That evening, as I went home, I saw that the car was gone. I was ecstatic that a response had come so quickly. I sent a grateful email to the gentleman at DOT.

A few days later, he called me to say that he was glad that the car was gone, but DOT hadn't done it.

I think that someone else who calls Goldstream home, who takes pride in our little piece of paradise, coincidentally got sick of looking at it the same day I did, towed it away, and ponied up the \$60 to dump it legally.

This is only an anecdote, but it certainly lends credence to my idea that something as precious as this kind of a playground in our own back yards is worth taking care of, and it's obvious that the area is well-loved and well-stewarded by those who use it.

Goldstream is a wonderful community nestled into a great town, and much of the flavor of our community comes from the trail networks and the people who use them. Every morning, as I come into town and hit the crest of Ballaine and the flats stretch out in front of me, I think to myself how lucky I am to live in such a beautiful area. Every evening, as I come down the hill and pass the pullout for the Public Use Area, I think the same thing.

Your work to preserve this area for the use and enjoyment of everyone, in perpetuity, will be noted and appreciated by all who use this area. Even those who have never used the Public Use Area would surely miss it, once it's gone.

Thank you for reading this.

Sincerely,  
Laurie Smith  
PO Box 70611  
Fairbanks, AK 99707

## Grier Hopkins

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**From:** shideler@acsalaska.net  
**Sent:** Tuesday, December 29, 2009 9:41 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Mr Hopkins:

I support Senator Thomas filing a bill to eliminate the "sunset clause" on the Goldstream Public Use Area. I am a 36-year resident of Goldstream Valley, and supported the initial legislation that was introduced by Representative Mike Davis. I have used the trails in the area since I moved here in 1974, and hunted and picked berries there. In fact, access to the trails and the rest of that area was one reason for my moving to Goldstream Valley. When I still had a dog team I probably used the trails at least 3 times a week for 17 years during the mushing season, and even now I'm out there at least once a week skiing, skjoring or just walking. I've watched as new houses have extended down into the valley from both the north and south sides, and have seen what happened to the trail system west of Ballaine Road where it used to be possible to access trails on both sides of Goldstream Creek. Although the mine has disrupted the original trails on the upper end, the miners have provided alternative access through their claims. However, this is voluntary on their part and I am sure that without the official designation for recreational use, we'd have lost a lot of the trail system to poorly planned development in the valley. This area supports a lot of recreational activity now, with virtually no infrastructure improvements. The only real change from 30 years ago is the Ballaine Road pullout, which has enhanced access to the area. So it seems to me that this has been a real benefit for the public at very little cost. I hope we can keep it that way. Sincerely,

Richard Shideler  
PO Box 81465  
Fairbanks 99708

## Grier Hopkins

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**From:** Kathy Turco [kath@alaskas-spirit.com]  
**Sent:** Monday, December 28, 2009 1:43 PM  
**To:** Grier Hopkins  
**Subject:** support of Goldstream Public Use Area-

Hello Grier,

This email is in support of a permanent status designation of the Goldstream Public Use Area: I have lived in the Goldstream Valley for over 21 years and know that the networks of trails have been extensively used over this period by myself along with many skiers, mushers, snow shoers, snowmachiners, bikers, runners, walkers, berry pickers, canoers, bird watchers, and more. I was just on the trails last week for an hour in the late afternoon, and at minus 20 I saw 4 pairs of walkers, 3 dog mushers, 3 snowmachiners, 1 skier with her dog and 2 runners- the area is very much a favorite public winter playground for people and their families. The Goldstream Public use area is a unique part of Fairbanks that many residents enjoy and want to keep a free access designation. Please use this email in any way you can to voice my support of this. This letter is also supported by Alaska's most legendary sprint sled dog racing Champion George Attla, who is living in the Goldstream Valley this winter while coaching a young person training a sprint team to race throughout the state. He also told me to mention that he feels Fairbanks is an exceptional community in its support of traditional winter sports, and why change a good thing. He told me to add his name with mine below.

Please contact me if you have any questions about this email.

Thank you for your time.

*Kathy*

Kathy Turco (& George Attla)  
2825 Triplehorn Lane  
Fairbanks, AK 99708  
907-455-4286

## Grier Hopkins

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**From:** Ann Farris [farris.ann@googlemail.com]  
**Sent:** Tuesday, December 22, 2009 9:15 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream PUA

Dear Alaska State Legislature,

My name is Ann Farris and I support the Goldstream Public Use Area. I've lived in Fairbanks for 16 years and find I utilize the Goldstream Public Use Area more and more each year. Please support legislation to maintain this area for public use.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for our community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you for your continued support and protection of this area for public use.

Sincerely,  
Ann Farris

## Grier Hopkins

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**From:** Heather Best [hbest25@yahoo.com]  
**Sent:** Tuesday, December 22, 2009 4:36 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Dear Alaska State Legislature,

My name is Heather Best and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors. And in all my years of use, I have not had one bad encounter with other types of users.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Heather Best  
Fairbanks, AK

Dear Alaska State Legislature,

My name is John Shook and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely, John E. Shook

733 Dalton Trail  
Fairbanks, AK 99709

## Grier Hopkins

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**From:** George Happ [gmhapp@gmail.com]  
**Sent:** Saturday, December 19, 2009 5:52 PM  
**To:** Grier Hopkins

Dear Alaska State Legislature,

My name is George Happ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. I have helped groom the winter trails in the public use area since 1995. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

George Happ

1695 Snowhook Trail

99709

## Grier Hopkins

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**From:** christyuncker happ [christy.yuncker.happ@gmail.com]  
**Sent:** Saturday, December 19, 2009 5:50 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area.

Dear Alaska State Legislature,

My name is Christy Happ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. It is an exceptional area for wildlife. At least three Sandhill crane pairs nest in the Public Use Area. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Christy

Dear Alaska State Legislature,

My name is MATT and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

*Matt McClurg* & the McCLURG FAMILY  
JENNIFER, ABBY, LEVI, SETH  
1185 GRENAC RD.  
FAIRBANKS, AK 99709

Dear Alaska State Legislature,

Lona

My name is \_\_\_\_\_ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Lona R. Boyarsky

1678 Amidon Dr.

Fairbanks, AK 99712

## Grier Hopkins

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**From:** kfranzen@att.net  
**Sent:** Wednesday, December 16, 2009 12:06 PM  
**To:** Grier Hopkins  
**Subject:** Re: Goldstream Valley Public Use Area

Grier Hopkins  
Office of Sen. Joe Thomas  
Office: (907) 456-8161  
Fax: (907) 456-8163

Dear Alaska State Legislature,

My name is Karin Franzen and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Karin FRanzen

## Grier Hopkins

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**From:** heather mcintyre [heathermc48@gmail.com]  
**Sent:** Wednesday, December 16, 2009 10:10 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream valley public use

Dear Alaska State Legislature,

My name is Heather McIntyre and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Heather McIntyre  
800 Smythe Street  
fairbanks AK 99709

## Grier Hopkins

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**From:** phyllis haggland [phaggland@yahoo.com]  
**Sent:** Wednesday, December 16, 2009 9:24 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Grier Hopkins  
Office of Sen. Joe Thomas  
Office: (907) 456-8161  
Fax: (907) 456-8163

Dear Alaska State Legislature,

My name is Phyllis Haggland and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Phyllis Haggland  
907-479-6737

## Grier Hopkins

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**From:** John and Kathleen Wright [wrights@acsalaska.net]  
**Sent:** Tuesday, December 15, 2009 9:41 PM  
**To:** Grier Hopkins  
**Subject:** Continue Goldstream Public Use Area

Dear Alaska State Legislature,

I strongly support continuing the Goldstream Public Use Area.

The Goldstream Valley Public Use Area is a key to this northern portion of Fairbanks. The rural character of the area is dependent upon open space and the multi-use trails that have long been used within it. Like Creamer's Refuge on the edge of the city, the Goldstream Public Use Area helps preserve the traditional of the community.

Please vote to extend this legislation that makes Fairbanks a wonderful place to live.

Sincerely,

John M and Kathleen K Wright

Dear Alaska State Legislature,

My name is Davya Flaharty and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking (mmm blueberries!), trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Davya Flaharty

Dear Senator Thomas,

I am writing you to support the preservation of public lands in the Goldstream Valley as open space. As an avid trail user in this area and the author of "Outside in the Interior", I have extensive knowledge of the trails here. These trails are all multi-use trails, that is, they are utilized by snowmachiners, cross-country skiers, skate skiers, skijourers, people walking and talking their dogs for walks, berry pickers, wildlife enthusiasts and bicyclers. There are 4 main subregions of the Goldstream Valley - Cache Creek, Ace Lake, West Goldstream and East Goldstream. The latter two are divided by Ballaine Road. Numerous trails are contained within each subregion and many other trails and trail systems are adjacent to these areas. The West Goldstream area has already undergone significant development which has lead to the outright loss of some trails and the reduction of others. Currently, the trail systems are intact enough that they are somewhat still linked. Please do what you can to protect these well used and loved trails and open areas. Further, improvements, such as a tunnel connecting the East and West areas under Ballaine, should be investigated. Protection of these areas will be a great gift to future Fairbanksians. Please feel free to contact me if you have any questions or if I can be of assistance in this endeavour. Thank you.

Kyle Joly  
Fairbanks

## Grier Hopkins

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**From:** Henszey Family [henszey@acsalaska.net]  
**Sent:** Monday, December 14, 2009 10:09 PM  
**To:** Grier Hopkins  
**Subject:** Support for Goldstream Public Use Area

Dear Alaska State Legislature,

We are Bob and Joann Henszey, and we support the Goldstream Public Use Area.

In addition to the form letter below, we support the Goldstream Public Use Area as a valuable green space asset already in place for the public's enjoyment. As one of the founding supporters for the Chena Flats Greenbelt Project at the base of Chena Rigde in Fairbanks ([www.chenaflats.org](http://www.chenaflats.org)), we know how difficult it is to purchase green space from private ownership so a traditional common use area can continue to be enjoyed by the public in the midst of a rapidly developing community. Chena Flats would have been much easier if our local government had the foresight to set this area of wetland bogs aside in the first place like the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for our family and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you, and we urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,  
Bob and Joann Henszey

=====  
The Henszeys  
(Bob, Joann, Ryan, and Erin)  
540 Tuxford Ct. Fairbanks, AK 99709  
=====

Dear Alaska State Legislature,

My name is Bill Schneider and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Bill Schneider

## Grier Hopkins

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**From:** Karen Brewster [karen.brewster@alaska.edu]  
**Sent:** Monday, December 14, 2009 4:32 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Dear Alaska State Legislature,

My name is Karen Brewster and I am writing to express my support for the Goldstream Public Use Area in Fairbanks. I am a regular user of the trails in this area and believe it is critical that they remain open and available to full public access. Having this wide open undeveloped space and vast trail network in the heart of Fairbanks is a key part of what makes life in Fairbanks so wonderful. Studies have shown that living close to greenspace and having access to outdoor recreation opportunities create a better quality of life and make people happier and healthier.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle. With the continued protection of this public use area, I would also like to see some minimal management to deal with conflicting uses and trail maintenance issues.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Karen Brewster  
1022 Prindle Court  
Fairbanks, AK 99709  
[karen.brewster@alaska.edu](mailto:karen.brewster@alaska.edu)

## Grier Hopkins

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**From:** Joan Hardesty [joan-kevin@gci.net]  
**Sent:** Monday, December 14, 2009 1:53 PM  
**To:** Grier Hopkins  
**Subject:** In support of Goldstream Valley Public Use Area

Please forward / include with other letters of support - thank you, Joan Hardesty

\*\*\*\*\*

Dear Alaska State Legislature,

My name is Joan Hardesty and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors. The dog trails I use for running my **◆sleddog◆** bird dogs extend into the Goldstream Public Use area. It would be a great loss to Goldstream Valley, and the community of Fairbanks, if the Goldstream Public Use Area were allowed to **◆disappear.◆** In March, there's no other place in the world I'd rather be than behind 2 floppy eared setters running for the joy of running.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Joan Hardesty  
1815 Snowhook Trail  
Fairbanks, AK 99709  
[joan-kevin@gci.net](mailto:joan-kevin@gci.net)

## Grier Hopkins

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**From:** Tom George [tgeorge@mosquitonet.com]  
**Sent:** Monday, December 14, 2009 12:21 PM  
**To:** Grier Hopkins  
**Subject:** RE: Thank you for helping the Goldstream Valley

You got it! -Tom

Dear Alaska State Legislature,

My name is Tom George and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Tom George  
PO Box 83750  
Fairbanks, AK 99708

December 14, 2009

Dear Alaska State Legislature,

My name is Doug Braddock and I support removing the sunset date for the Goldstream Public Use Area (GPUA). I live near the GPUA and am a regular user of the trails in the area.

The Fairbanks North Star Borough is in the process of taking over ownership and management of Bender Mountain Park, located to the south of the GPUA. The trail systems within Bender Mountain Park and the GPUA are complementary and allow for many great multiple-use recreational opportunities.

For the above reason, I would like to see the Goldstream Public Use Area remain in existence without the need to periodically remove a sunset date.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Doug Braddock  
Fairbanks, Alaska  
[djbraddock@gmail.com](mailto:djbraddock@gmail.com)  
(907) 479-4071

## Grier Hopkins

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**From:** Gretchen Hundertmark [gretchenhund@yahoo.com]  
**Sent:** Monday, December 14, 2009 11:11 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley Public Use Area

Dear Alaska State Legislature,

My name is Gretchen Hundertmark and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Gretchen Hundertmark  
1962 Red Leaf Road  
Fairbanks, AK 99709  
907.456.2250

## Grier Hopkins

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**From:** jimbrader [jimbrader@mosquiconet.com]  
**Sent:** Sunday, December 13, 2009 9:03 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Dear Alaska State Legislature,

My name is Jim Brader and I support the Goldstream Public Use Area.

I have used this area for both winter and summer recreation for 19 years. I have used this area for hiking, hunting, berry picking, skiing, and snow shoeing. It is used by many other people for bird watching, snow machining, mountain biking, and dog mushing. I also own property in the area and access to the Goldstream Public Use Area is one of the reasons I bought the property. This area offers great outdoor recreation for all types of people and is very close to Fairbanks. The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Jim Brader  
PO Box 74263  
Fairbanks AK 99707

## Grier Hopkins

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**From:** Jorgenson [jorgenson@alaska.net]  
**Sent:** Sunday, December 13, 2009 9:01 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream

Dear Alaska State Legislature,

My name is Janet Jorgenson and I support the Goldstream Public Use Area.

My family and I live in Goldstream Valley and we have used the trails through the public use area in both winter and summer for the past 2 decades. Our house overlooks the valley and we love the view. This area is very important to us.

Sincerely, Janet Jorgenson

## Grier Hopkins

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**From:** Paul Reichardt [pbreichardt@alaska.edu]  
**Sent:** Sunday, December 13, 2009 8:12 PM  
**To:** Grier Hopkins  
**Subject:** Fwd: Goldstream Valley Public Use Area

Dear Alaska State Legislature,

Our names are Paul and Cordelia (Terry) Reichardt and we support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for us and our entire community. We regularly ski in this area in winter (even today with the temperature at -15 degrees), and we pick berries there each summer. However, this Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and we urge you to join us in supporting the continued existence of this important area by passing the legislation that is necessary to keep it as a Public Use Area.

Sincerely,

Paul and Cordelia (Terry) Reichardt

## Grier Hopkins

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**From:** Grier Hopkins [grier.hopkins@gmail.com]  
**Sent:** Sunday, December 13, 2009 6:35 PM  
**To:** Grier Hopkins  
**Subject:** Fwd: Goldstream Public Use Area

Begin forwarded message:

**From:** Karl Kassel <canoeak@acsalaska.net>  
**Date:** December 13, 2009 6:27:09 PM AKST  
**To:** Grier Hopkins <grier.hopkins@gmail.com>  
**Subject:** Goldstream Public Use Area

Dear Alaska State Legislature,

My name is Karl Kassel and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Karl Kassel

1670 Willow Run Road  
Fairbanks, AK 99709

907-455-6115

**KELLEY HEGARTY & ASSOCIATES, L.L.C.**

**Community & Regional Planning Consultants**

501 Prospectors Trail ↗ Fairbanks, Alaska 99712  
planners@gci.net ↗ (907) 457-2400 ↗ fax 457-5200

December 11, 2009

Dear Alaska State Legislature,

I am writing today in support of the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including:

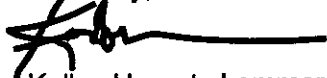
- hunting,
- dog mushing,
- motorized and non-motorized access,
- skiing and skijoring,
- boating,
- berry picking,
- trapping, and
- many others.

This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,



Kelley Hegarty Lammers



↗ EIS / Permitting Support ↗ Resource Development ↗ Transportation ↗ Community Involvement Plans & Programs ↗ Public Policy Analysis  
↗ Land Use Planning ↗ Technical & Policy Option Graphics ↗ Cross Cultural Communications ↗ Urban Design ↗ WBE / DBE / IPMP Certified

## Grier Hopkins

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**From:** Bonnie Borba [borba@mosquitonet.com]  
**Sent:** Saturday, December 12, 2009 9:01 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley Public Use Area

Dear Alaska State Legislature,

My name is Bonnie Borba and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, canoeing, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Bonnie Borba  
1740 Snowhook Trail  
Fairbanks, Alaska 99709

Dear Alaska State Legislature,

My name is Tim Obritschkewitsch, and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Tim Obritschkewitsch

Dear Alaska State Legislature,

My name is Bob Ritchie, a 35 year resident of the Goldstream Valley. I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle. Importantly, it has more value for these pursuits than any commercial or residential uses (e.g., housing).

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Bob Ritchie  
2671 Black Sheep Lane  
Fairbanks, AK 99709

(907-479-2694)

## Grier Hopkins

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**From:** Amy Turner [amymarieturner@gmail.com]  
**Sent:** Thursday, December 10, 2009 1:37 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream PUA

Hello Grier,

I have included my personal letter below in support of the Goldstream Public Use Area.

Thank you!  
Amy

Dear Alaska State Legislature,

As a resident of the Goldstream Valley, I put high value on the Goldstream Public Use Area and the many ways it allows for the recreation and enjoyment for all Fairbanksans. I urge you to continue to support the existence of Goldstream Public Use Area and keep this near town public use area open for us to continue to enjoy this beautiful area.

Sincerely,

Amy Turner

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" The heart that breaks open can contain the whole universe." joanna macy

## Grier Hopkins

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**From:** Jon Holmgren [machine@alaska.com]  
**Sent:** Thursday, December 10, 2009 10:38 AM  
**To:** Grier Hopkins  
**Subject:** Support for Goldstream Public Use area

Dear Alaska State Legislature,

My name is Jon Holmgren and I live in Goldstream Valley. I highly support the Goldstream Public use area. I spent 3 hours skiing through the upper section towards Fox on Sunday and would like to see this area remain like it is, a place for unstructured recreation. We don't want a Park with rules and regulations, just an open area to enjoy nature.

Thanks,  
Jon

## Grier Hopkins

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**From:** Don Logan [donald\_logan@yahoo.com]  
**Sent:** Wednesday, December 09, 2009 11:48 PM  
**To:** Grier Hopkins  
**Subject:** Re: post t-day

### Grier Hopkins

Office of Sen. Joe Thomas  
Office: (907) 456-8161  
Fax: (907) 456-8163

Dear Alaska State Legislature,

My name is Don Logan and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

There are enough subdivisions in the Fairbanks area with room for more buildings. This is Fairbanks, and we value the remoteness of our home. If we build on all the available land, it will no longer be Fairbanks. The corner of New Steese and the Mitchell Expressway already looks much like parts of Anchorage or towns in the lower 48. While I like the convenience, I liked the raw land better. Some good bike trails are under that asphalt.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Don Logan

**Grier Hopkins**

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**From:** samd@gci.net on behalf of Martha Raynolds [mraynolds@gci.net]  
**Sent:** Wednesday, December 09, 2009 10:31 PM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is Martha Raynolds and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Martha Raynolds

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+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+  
Martha Raynolds  
[mraynolds@gci.net](mailto:mraynolds@gci.net)  
(907) 479-3726

Michael Whalen  
PO Box 85033  
Fairbanks, AK 99708

December 9, 2009

Dear Alaska State Legislature,

As a resident of the Goldstream Valley I wholeheartedly support the Goldstream Public Use Area.

I believe the access and opportunities for outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for myself and our entire community. This Public Use Area is home to a wide variety of activities, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the great Alaskan outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Michael Whalen

Dear Alaska State Legislature,

My name is Brent Sass and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

1105 Jure Road A Fairbanks AK 99709

<Goldstream PUA support letter.doc>

Brent Sass  
Wild and Free Mushing  
[brent@wildandfreealaska.com](mailto:brent@wildandfreealaska.com)  
[www.wildandfreealaska.com](http://www.wildandfreealaska.com)

"Pain is Inevitable Suffering is optional"

Dear Alaska State Legislature,

My name is Elizabeth Markley and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. I have spent many hours skiing, hiking, mushing, ski-joring, and berry picking in Goldstream. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Elizabeth Markley

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Bessie Green Markley  
M.S. Candidate, Dept. of Biology and Wildlife  
Alaska Cooperative Fish and Wildlife Research Unit  
201 Irving I  
902 N. Koyukuk Drive  
University of Alaska Fairbanks 99775  
office: 907-474-1949 lab: 907-474-6740  
[http://mercury.bio.uaf.edu/~elizabeth\\_green/](http://mercury.bio.uaf.edu/~elizabeth_green/)

## Grier Hopkins

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**From:** Aren Gunderson [arengunderson@gmail.com]  
**Sent:** Tuesday, December 08, 2009 11:19 AM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

To Senator Joe Thomas, care of Grier Hopkins,

Dear Alaska State Legislature,

Our names are Aren and Jen Gunderson and we support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for us and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle. We use this trail system for skijoring and mushing our 5 dogs. We have introduced numerous individuals to skijoring and mushing on these trails and others in the Goldstream Valley. This trail system is unique in that it is so close to town and heavily used, yet maintained and regulated entirely by local residents through their mutual respect for the land and its users at no cost (that we am aware of) to the state or borough.

Thank you and we urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Aren and Jen Gunderson

590 Mammoth Drive, Fairbanks, AK

Dear Alaska State Legislature,

My name is Jen Gunderson and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Jen and Aren Gunderson  
590 Mammoth Drive  
Fairbanks, AK 99709  
[Jen.gunder@gmail.com](mailto:Jen.gunder@gmail.com)

## Grier Hopkins

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**From:** Kate Beattie [kbeattie@abrinc.com]  
**Sent:** Tuesday, December 08, 2009 9:24 AM  
**To:** Grier Hopkins  
**Subject:** Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is \_\_Katherine Beattie\_\_ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Katherine Beattie

## Grier Hopkins

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**From:** kumi rattenbury [krattenbury@yahoo.com]  
**Sent:** Tuesday, December 08, 2009 9:06 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley Public Use Area

Dear Alaska State Legislature,

My name is Kumi Rattenbury and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. My husband and I enjoy the trails to run our dog team, to skijor and to bike-jor as well (it's excellent in the winter!). This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Kumi Rattenbury

1982 Eldovista Pkwy

Fairbanks, AK 99709

## Grier Hopkins

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**From:** Carolyn Parker [clparker@alaska.edu]  
**Sent:** Monday, December 07, 2009 8:47 PM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is Carolyn Parker and I support the Goldstream Public Use Area. I have lived in the Goldstream Valley area for almost 40 years and have used the area north of Ballaine Road (as well as a lot of the area downstream of Ballaine Road, following Goldstream Creek all the way to S of Murphy Dome, for skiing, ski-joring, snowmaching, bird watching and berry picking. Most of us realize that most of this area is totally unfit for subdivision efforts due to the saturated and permafrost rich soils, but its use for berry picking, wildlife habitat, and all forms of winter recreation is invaluable for those of us who live in the area. It is a 'green belt' we would certainly hate of see lost.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Carolyn Parker

1698 Old John Trail  
5 Mile Murphy Dome Road  
455-4113

Dear Alaska State Legislature,

Barbara O'Donnell and Linda Bode support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and we urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Barbara O'Donnell  
Linda Bode  
POB 325  
Ester, AK 99725  
479-0302

## Grier Hopkins

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**From:** mareca guthrie [marecaguthrie@gmail.com]  
**Sent:** Monday, December 07, 2009 6:36 PM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is Mareca Guthrie and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Mareca Guthrie  
2183 Nottingham Dr.  
Fairbanks, AK 99709



Dear Alaska State Legislature,

My name is Joel Buth, owner of Goldstream Sports and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Joel Buth

711 Sheep Creek Rd  
Fairbanks, AK 99709

Dear Alaska State Legislature,

My name is Amanda Byrd and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Amanda Byrd

PO Box 81644  
Fairbanks, AK 99708

Dear Alaska State Legislature,

My name is Deborah C. Manning and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Tim A. Manning  
Deborah Coccia Manning  
[debtim@acsalaska.net](mailto:debtim@acsalaska.net)  
907-456-6561

## Grier Hopkins

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**From:** Natalie M Monacci [nmonacci@yahoo.com]  
**Sent:** Friday, December 04, 2009 10:08 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley

Dear Alaska State Legislature,

My name is Natalie Monacci and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Natalie Monacci

Fairbanks, AK

Dear Alaska State Legislature,

My name is Anthony Gasbarro and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Anthony Gasbarro

2687 Horsetail Trail

Fairbanks, AK 99709

## Grier Hopkins

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**From:** Tom Clark [aksnowbiker@gmail.com]  
**Sent:** Friday, December 04, 2009 1:52 AM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is Thomas M. Clark of Fairbanks, Alaska and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Tom Clark  
PO Box 81134,  
Fairbanks AK 99708

Dear Alaska State Legislature,

My name is Karen Moritz and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Karen Moritz  
2390 Inclination Dr.  
Fairbanks, AK 99709

Dear Alaska State Legislature,

My name is Michael Wald and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Michael Wald, Ester AK Dec 3 ,2009

## Grier Hopkins

---

**From:** Susan Todd [sktodd@alaska.edu]  
**Sent:** Thursday, December 03, 2009 5:46 PM  
**To:** Grier Hopkins  
**Subject:** Re: Thank you for helping the Goldstream Valley

Dear Alaska State Legislature,

My name is Susan Todd and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Susan Todd

3255 Edby Road  
Fairbanks, Ak 99709  
907-479-5642

--  
Susan Todd  
Assoc. Professor of Resource Planning  
Dept. of Resources Management  
349 O'Neill Bldg  
University of Alaska Fairbanks  
Fairbanks, AK 99775-7200  
Phone 907-474-6930  
Fax 907-474-6184

Dear Alaska State Legislature,

My name is Cathy Weeg and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Cathy Weeg

Dear Alaska State Legislature,

My name is Deb Lawton and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Deb Lawton

Dear Alaska State Legislature,

My name is Nicole and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle. Not only would this be a detriment to people, it would harm moose, owls, waterfowl, and many other animals that use this space.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Nicole Smith  
1370 Jones Road  
Fairbanks, AK 99709

> Dear Alaska State Legislature,

>

> I support the Goldstream Public Use Area. I use it often for skijoring and berry picking, and it is a critical visual addition to my drives through that area.

>

> I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

>

> The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

>

> Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

>

> Sincerely,  
> Gail Davidson  
> 3638 Rosie Creek Road  
> Fairbanks, AK 99709  
> 479-7127

December 3, 2009

Dear Alaska State Legislature,

My name is Jane Lanford, and I support the Goldstream Public Use Area. I have personally used the area off and on since 1994 for running and snowshoeing, both for training and in races. I keep meaning to get out there berry-picking and cross-country skiing, and I hope it stays available until I do. I also enjoy looking for, and often spotting, moose and other critters every time I drive through on Ballaine or other roads.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Jane Lanford  
5041 Vancouver Road  
Fairbanks, AK 99709

My name is Robert Pristash 1745 Snowhook Trail , Fairbanks,Ak and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

## Grier Hopkins

---

**From:** Melissa Rouge [melissarouge@yahoo.com]  
**Sent:** Saturday, January 30, 2010 1:08 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream valley

To whom it may concern,

I live in the Goldstream valley and routinely use the trails on both the East and West side of Ballaine road. I support making the Goldstream Public Use Area into a permanent public use area. The loss of these trails would mean needing to relocate, with a kennel of sled dogs it is imperative to be able to run from home.

Sincerely,  
Melissa Rouge

## Grier Hopkins

---

**From:** Tom McGrane [tom.mcgrane@gmail.com]  
**Sent:** Saturday, January 30, 2010 12:55 PM  
**To:** Grier Hopkins  
**Subject:** Support for Goldstream Public Use Area

Please add my name as a supporter of making the Goldstream Public Use area protections permanent.

I'm the volunteer trails coordinator for the Alaska Dog Musers Association in Fairbanks and help with issues concerning the 28 mile trail system located in and around Creamers Refuge between College Road and Farmers Loop Road.

These two trails systems, along with several others in the Fairbanks area, help make Fairbanks the mushing capital of the world and contribute significantly to the winter economy by supporting local businesses and bringing in out-of-town visitors.

As Fairbanks has grown, access to many trails has been lost due to new construction blocking unofficial trails. It's critical that key existing trails be protected from future encroachment. Fortunately, the Goldstream Public Use area is so wet that there are few alternative uses that are practical and continued multi-use recreational use is clearly the highest and best use.

Thanks.

Tom McGrane  
879 Musers Road  
Fairbanks, AK 99712  
[tom.mcgrane@gmail.com](mailto:tom.mcgrane@gmail.com)

January 26, 2010

Dear Alaska State Legislature,

Our names are Susan Slifer and Cliff Moore. We live in the Goldstream Valley and support the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for us and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and we urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Cliff Moore  
Susan Slifer  
2141 Penrose Lane  
Fairbanks, AK

## Grier Hopkins

---

**From:** Phyllis Morrow [pmorrow@alaska.edu]  
**Sent:** Wednesday, January 27, 2010 10:17 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Grier Hopkins  
Office of Sen. Joe Thomas  
Office: (907) 465-3802  
Fax: (907) 465-5241  
[Grier.Hopkins@legis.state.ak.us](mailto:Grier.Hopkins@legis.state.ak.us)

Dear Alaska State Legislature,

My name is Phyllis Morrow and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. I use this area frequently -- to ski, walk, pick berries and watch birds. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Phyllis Morrow

Address:  
1674 Red Fox Dr.  
Fairbanks, AK 99709-6622

## Grier Hopkins

---

**From:** John Lyle [kanakaukoa@gmail.com]  
**Sent:** Tuesday, January 26, 2010 9:43 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley Public Use Area

Dear Senator Thomas,

I have been living in and using the Goldstream Public USE Area for 30 years now and want to thank you and encourage others to support this legislation which would benefit Fairbanksans and visitors for eternity. It's a win-win piece of legislation. I could go on and on about it's merits but in brief, want to thank you for sponsoring this. Please keep me informed as to how, where and when I can continue supporting support for this bill.

Best regards,

John and Susanne Lyle

## Grier Hopkins

---

**From:** Marjie Richards [marjierichards@gmail.com]  
**Sent:** Tuesday, January 26, 2010 9:36 AM  
**To:** Grier Hopkins  
**Subject:** Re: Goldstream PUA

Dear Alaska State Legislature,

My name is Marjorie Richards and I use and support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where we can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Marjorie Richards  
2046 Toboggan Lane  
Fairbanks AK 99709

## Grier Hopkins

---

**From:** Viereck Eleanor [tviereck@alaska.net]  
**Sent:** Monday, January 25, 2010 5:36 PM  
**To:** Grier Hopkins  
**Subject:** Re: Goldstream

Dear Alaska State Legislature

My name is Eleanor Viereck and I support the Goldstream Public Use Area. The large area is an incredibly valuable asset to dog mushers who need long trail systems for training and recreation. I have used this area for fifty years for berry picking, skiing, biking, bird watching, and field trips when I teach ethnobotany and ecology courses or take young people on nature quests. I drive over to Goldstream valley from my home in Pearl Creek Valley to get a good look at a sky without light pollution in the winter dark. The land values in Pearl Creek valley (adjacent to Goldstream Valley) are enhanced by the existence of our ski trails. And as an ecologist I feel strongly about the importance of this undisturbed area as a resource for our long-term well-being, and even for our survival.

Thank you,

Eleanor G. Viereck, Ph.D.

Dear Alaska State Legislature,

My name is   Dan Pagel   and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Dan Pagel

Dear Alaska State Legislature,

My name is \_\_\_\_Mary Pagel\_\_\_\_ and I support the Goldstream Public Use Area.

I believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for me and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

In addition portions of this area are home to Sandhill Cranes, Canada Geese and a variety of other water fowl that return to nest every spring. Under the current designation this land provides a peaceful and safe landing place for these beautiful birds and should be preserved.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,  
Mary Kay Pagel

## Grier Hopkins

---

**From:** Sen. Joe Thomas  
**Sent:** Monday, January 25, 2010 7:42 AM  
**To:** Grier Hopkins  
**Subject:** FW: Goldstream Trails

-----Original Message-----

**From:** jreynolds@guru.uaf.edu [mailto:jreynolds@guru.uaf.edu]  
**Sent:** Sunday, January 24, 2010 2:28 PM  
**To:** Sen. Joe Thomas  
**Subject:** Goldstream Trails

Senator Thomas,

I strongly support the effort to convert the Goldstream Public Use Area to permanent status.

I live in Goldstream Valley, on Pine Wood Road (top of Pandora), several miles from these trails, and I regularly use them in the winter for dog mushing and skiing. I personally contribute to maintenance of the trails by grooming some of them in winter (for dog mushing) using snowmachine and iron drag. I also occasionally enter the area in late summer for berry-picking.

The Goldstream Public Use Area is very important to the character of the area. My experience is that yes, people are able to share these trails for all types of recreational activities, because of the generally cooperative attitude of the users. This type of non-regulated, cooperative use is the type of thing Alaskans often say they want. I strongly support making the public-use status of the area permanent.

Thank you for your efforts.

Jennifer R. Reynolds

P.O. Box 83886  
Fairbanks, AK 99708

## **Grier Hopkins**

---

**From:** Shay Wilson  
**Sent:** Friday, February 05, 2010 10:42 AM  
**To:** Grier Hopkins  
**Subject:** New Pom:SB 195 Make Goldstream Public Use Area Permanent

Michael Kolasa Po Box 72461 Fairbanks 99707-2461, I would like to support this legislation.

## Grier Hopkins

---

**From:** steven sheehy [woemkrab69@yahoo.com]  
**Sent:** Wednesday, February 03, 2010 6:42 AM  
**To:** Grier Hopkins  
**Subject:** Goldstream

As a resident of Fairbanks, I am a skier, and dog musher and live in the Goldstream Valley and I support making the Goldstream Public Use Area into a permanent public use area.  
Steven Sheehy

## Grier Hopkins

---

**From:** Lorien N [doublehappyjoy@gmail.com]  
**Sent:** Sunday, January 31, 2010 2:17 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Valley Public Use Area

Howdy - Just wanted to register my support for extending the Goldstream Valley Public Use Area into perpetuity. The trails are irreplaceable, and get used by a huge section of the public. I skijor my dog, ride my bike, and generally appreciate the existence of these trails, and would very much like to see them continue to exist forever.

Thank you

Lorien Nettleton, Fairbanks

## Grier Hopkins

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**From:** D Garland [sgarland@alaska.edu]  
**Sent:** Sunday, January 31, 2010 2:00 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream public use area

I support making the Goldstream valley public use area permanent. The area does get a lot of public use from a wide range of users. It is an asset to the community. Once public use areas like that are lost, it is nearly impossible to get anything like it back.

Sarah Garland  
Fairbanks, Alaska

## Grier Hopkins

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**From:** Peggy Raybeck [paycheck39@hotmail.com]  
**Sent:** Sunday, January 31, 2010 12:45 PM  
**To:** Grier Hopkins  
**Subject:** Support for Goldstream Public Use Area

Greetings,

I live in Goldstream Valley and have been using the trails here for over 15 years. These trails are very popular and get regular use by a wide range of people and their pets and working animals from horses to dogs. I must admit I haven't seen cats on the trails yet. It's a prime blueberry picking area in the summertime. I see hikers and bow hunters in the Fall. Popular with mushers, skiers, skijorers, walkers, snowmachiners, and bicyclists in winter. I strongly support preserving this area for public use.

Thank you for your consideration.

Peggy Raybeck, 2129 Odonata Ct. Fairbanks, 99709

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Hotmail: Free, trusted and rich email service. [Get it now.](#)

## Grier Hopkins

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**From:** bhpartee@gmail.com on behalf of Barbara Partee [partee@linguist.umass.edu]  
**Sent:** Saturday, January 30, 2010 8:22 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream Public Use Area

Dear Mr. Hopkins,

I'm writing to support the bill to make the Goldstream Public Use Area on the outskirts of Fairbanks into a permanent public use area. I'm not a constituent, so I don't merit a real vote in the matter, but my son David Partee and daughter-in-law Carol Kaynor are, and they are directly affected, since they live close by. I had my first mushing lessons last March (at age 68, but better late than never!) on trails that start at their place and connect into trails in the Goldstream Public Use Area, and I appreciate what a wonderful area it is and how much use it gets by mushers, skijorers, hikers, photographers, blueberry-lovers, bird-watchers, ... . It's a treasure, and should surely be preserved for future generations.

Sincerely,  
Barbara Partee

--

\*\*\*\*\*

Barbara H. Partee  
Tallinskaya 2, apt. 258, Moscow 123458, Russia  
+7 (495) 757-0108

50 Hobart Ln, Amherst, MA 01002  
+1 (413) 549-4501

Dept. of Linguistics, Univ. of Massachusetts, Amherst, MA 01003-9274  
phone (413) 545-0889, fax (413) 545-2792

\*\*\*\*\*

E-mail (no matter where): [partee@linguist.umass.edu](mailto:partee@linguist.umass.edu)  
Home page: <http://people.umass.edu/partee/>  
Jan - Aug 09: Moscow. Sept - Dec 09: Amherst.

## Grier Hopkins

---

**From:** Melissa Rouge [melissarouge@yahoo.com]  
**Sent:** Saturday, January 30, 2010 1:08 PM  
**To:** Grier Hopkins  
**Subject:** Goldstream valley

To whom it may concern,

I live in the Goldstream valley and routinely use the trails on both the East and West side of Ballaine road. I support making the Goldstream Public Use Area into a permanent public use area. The loss of these trails would mean needing to relocate, with a kennel of sled dogs it is imperative to be able to run from home.

Sincerely,  
Melissa Rouge

## Grier Hopkins

---

**From:** Tom McGrane [tom.mcgrane@gmail.com]  
**Sent:** Saturday, January 30, 2010 12:55 PM  
**To:** Grier Hopkins  
**Subject:** Support for Goldstream Public Use Area

Please add my name as a supporter of making the Goldstream Public Use area protections permanent.

I'm the volunteer trails coordinator for the Alaska Dog Mushers Association in Fairbanks and help with issues concerning the 28 mile trail system located in and around Creamers Refuge between College Road and Farmers Loop Road.

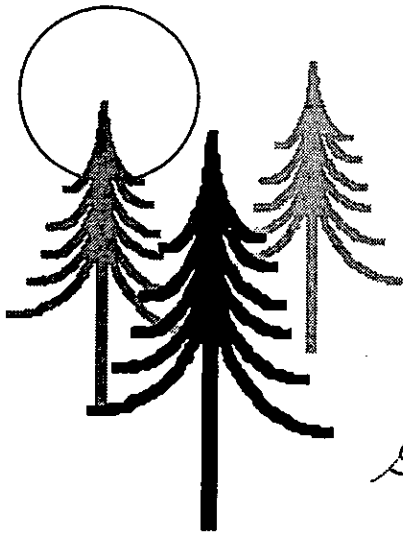
These two trails systems, along with several others in the Fairbanks area, help make Fairbanks the mushing capital of the world and contribute significantly to the winter economy by supporting local businesses and bringing in out-of-town visitors.

As Fairbanks has grown, access to many trails has been lost due to new construction blocking unofficial trails. It's critical that key existing trails be protected from future encroachment. Fortunately, the Goldstream Public Use area is so wet that there are few alternative uses that are practical and continued multi-use recreational use is clearly the highest and best use.

Thanks.

Tom McGrane  
879 Mushers Road  
Fairbanks, AK 99712  
[tom.mcgrane@gmail.com](mailto:tom.mcgrane@gmail.com)

February 7, 2000



Senator Joe Thomas  
Alaska State Capitol  
Juneau, Alaska

Dear Senator Thomas:

I support your bill to protect the  
Goldstream Public Use Area.

Maintaining Fairbanks' quality of  
life for present and future residents is essential.  
I hike and pick berries in the areas in question,  
and would support adding lands to the Public  
Use Area.

I live in the valley, and regard the Area as  
part of my neighborhood.

Thanks,

Birch (Ray) Paulsky  
6063 Reconstruction Rd.  
Fairbanks, 99709

Senator Thomas,

I live in Goldstream Valley and am an extensive user of the Goldstream Public Use Area.

My wife + I use the trails for winter walks on a regular basis. I also cross country ski regularly and occasionally ride my snow machine on these trails. Thank you for taking this project on and making it a priority.

Bob Zachel

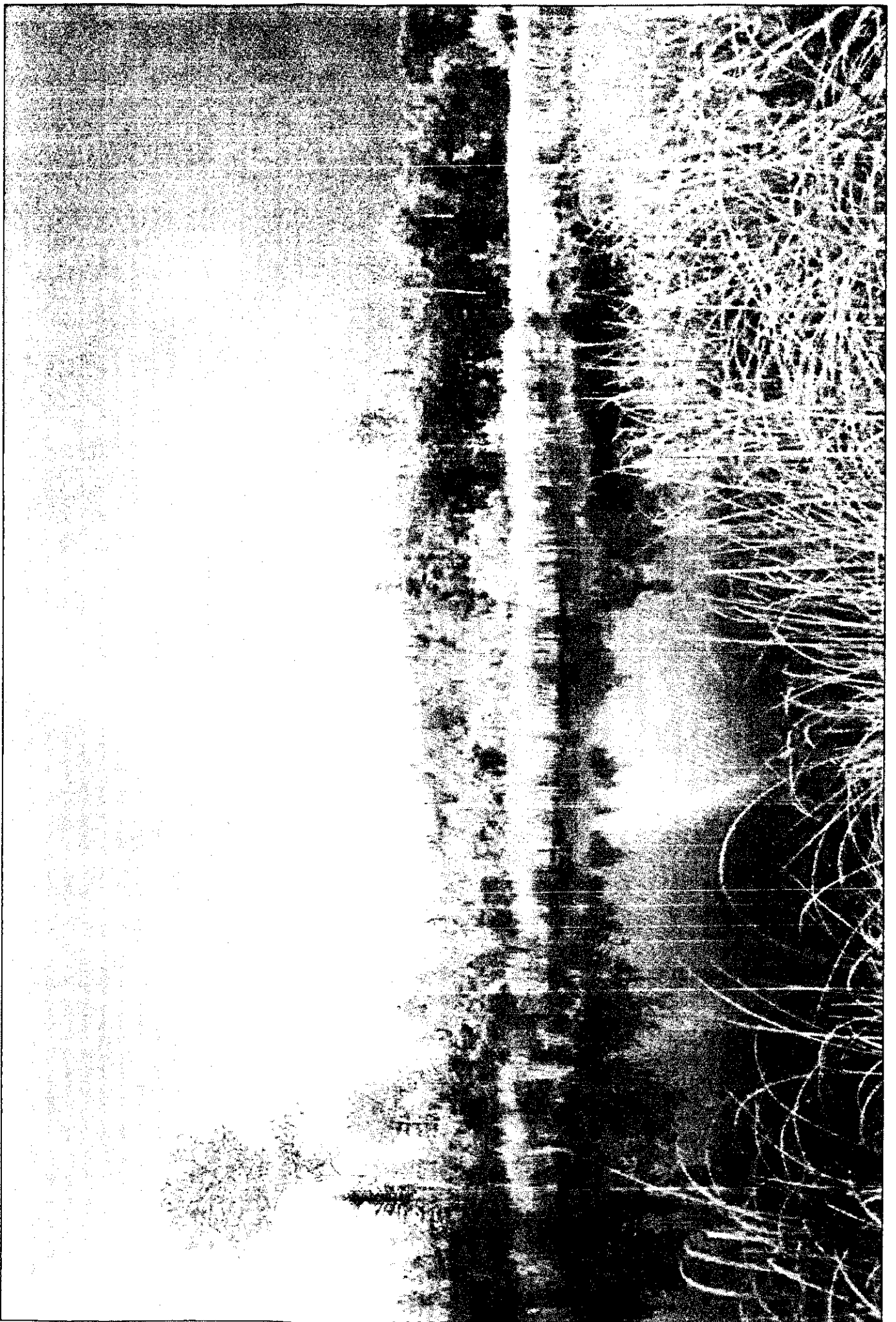
POB 83244

Fairbanks AK 99708

455-6164

P.S. I am a 25+ years resident of Goldstream Valley and don't plan on moving. I own + operate a saw mill in Goldstream dBA Alaska Buck Works.





## Letters of Support for Senate Bill 195

Alaska Outdoor Council

Alaska Dog Mushing Association

Alaska Miners Association,

Nordic Ski Club of Fairbanks

Alaska Trapper's Association

Skijoring and Polk Association

Fairbanks Snow Travelers

Northern Area State Parks Advisory Board

Fairbanks North Star Borough Trails Advisory Board

Alaska Trails

Interior Trails Preservation Coalition

Interior Alaska Land Trust

Fairbanks North Star Borough

*Fairbanks Daily News-Miner*

*"For the past 20 years, the state-owned portions of the lowlands have been held in that undeveloped condition by the Goldstream Public Use Area, a popular, legislatively designated withdrawal. The withdrawal is about to expire, so the legislature needs to reaffirm it – permanently this time."*

*-Fairbanks Daily News-Miner Editorial, December 25<sup>th</sup>, 2009*



## Alaska Outdoor Council

310 K Street, Suite 200  
Anchorage, Alaska 99501  
Phone: (907) 264-6645 Fax: (907) 264-6602  
e-mail: [aoc@alaskaoutdoorcouncil.org](mailto:aoc@alaskaoutdoorcouncil.org)  
web: [www.alaskaoutdoorcouncil.org](http://www.alaskaoutdoorcouncil.org)

December 16, 2009

### **Board of Directors**

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Soldotna

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Randy Quincy  
Anchorage

#### **Interior 2<sup>nd</sup> Vice Pres.**

Tom Lamal  
Fairbanks

#### **Southeast 3<sup>rd</sup> Vice Pres.**

Wayne Nicolls  
Juneau

#### **Treasurer**

Todd Clark  
Anchorage

#### **Secretary**

Dave Ausman

#### **At Large**

#### **Fund Trustee**

Byron Haley  
Fairbanks

#### **Executive Director**

Rod Arno  
Palmer

Dear Alaska State Legislature,

The Alaska Outdoor Council continues to support the Goldstream Public Use Area because it is an important resource for the Fairbanks community. This area allows a wide variety of outdoor opportunities close to the hub of Fairbanks and has many established trails that get extensive use by many groups.

Sincerely yours,

Bill Iverson  
President

Alaska Outdoor Council

*"Protecting your Hunting, Trapping, Fishing and Access Rights"*

Email: [president@alaskaoutdoorcouncil.org](mailto:president@alaskaoutdoorcouncil.org)

*"Protecting your Hunting, Trapping, Fishing and Access Rights"*

*The Official State Association of the National Rifle Association.*



# Alaska Dog Musher's Association

PO Box 70662 \* Fairbanks, Alaska 99707 \* (907) 457-MUSH  
adma@sleddog.org \* www.sledlog.org

December 16, 2009

Dear Alaska State Legislature,

The Alaska Dog Musher's Association supports the Goldstream Public Use Area.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life in our community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skijoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The trails in the Goldstream Public Use Area are used extensively by mushers. Fairbanks is home to the best sled dog racing in the world and mushing brings millions of dollars to Fairbanks every year. Without access to trails like these, this would not be possible.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Shannon Erhart  
President



# ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 583-9229 • FAX: (907) 583-9225 • [www.alaskaminers.org](http://www.alaskaminers.org)

February 15, 2010

Honorable Joe Thomas  
Alaska State Senate  
Capitol Building  
Juneau, AK 99801

Re: Senate Bill 195, Repeal of Sunset on Goldstream Public Use Area

Dear Senator Thomas,

The Alaska Miners Association supports SB-195 which would repeal the sunset requirement on the Goldstream Public Use Area. The Goldstream Public Use Area allows for multiple use and specifically for mineral entry (staking mining claims) and mineral development if economic deposits are found at some time in the future.

Thank you for the opportunity to comment on this bill and we urge that it be passed this session of the legislature.

Sincerely,

Steven C. Borell, P.E.  
Executive Director

NORDIC  
SKI CLUB



FAIRBANKS

## NORDIC SKI CLUB OF FAIRBANKS

*Mailing Address:*  
PO Box 80111  
Fairbanks, AK 99708-0111

*Shipping Address:*  
1540 Hayes Avenue  
Fairbanks, AK 99709

*Office Phone:* 474-4242  
*Birch Hill Weather:* 457-4837  
*Junior Nordic:* 457-4437  
*Racing Hotline:* 457-4434  
*e-mail:* [nordic@nscfairbanks.org](mailto:nordic@nscfairbanks.org)  
*Web:* <http://www.nscfairbanks.org>

Dear Alaska State Legislature,

The Nordic Ski Club of Fairbanks supports the Goldstream Public Use Area and efforts maintain its current status.

We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for our membership and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, skiing and skjoring, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds, including our membership. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and we urge you to join us in supporting the continued existence the Goldstream Public Use Area by passing this important piece of legislation.

Sincerely,

Mike Ruckhaus  
President



P. O. Box 82843, Fairbanks, Alaska 99708-2843  
Hotline: 907-457-5456, Website: <http://www.sleddog.org/skijor>

December 22, 2009

To: Alaska State Legislature

RE: Letter of Support for Goldstream Public Use Area

The Alaska Skijoring and Pulk Association (ASPA) is a nonprofit organization that promotes recreational and competitive skijoring in the Alaskan Interior. We host a variety of events each season, including how-to clinics, fun races, competitive races and trail tours. We have used the trails in the Goldstream Public Use Area for numerous events.

The ASPA Board supports the continuance of the Goldstream Public Use Area which encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, as well as access to trails and the beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle or interests.

Thank you and we urge you to join us in supporting the continued existence of this important piece of legislation.

Sincerely,

Jamie Marschner  
President, Alaska Skijoring and Pulk Association

## Grier Hopkins

---

**From:** jody formon [jodyf\_us@yahoo.com]  
**Sent:** Monday, December 14, 2009 6:42 PM  
**To:** Grier Hopkins

Dear Alaska State Legislature,

I am the president of the Fairbanks Snow Travelers. We support the Goldstream Public Use Area. We believe the access and opportunities to outdoor recreation of all types that are available because of the Goldstream Public Use Area are essential to maintaining a strong quality of life for us and our entire community. This Public Use Area is home to a wide variety of uses, including hunting, dog mushing, motorized and non-motorized access, boating, berry picking, trapping and many others. This array of allowable uses gives every Fairbanks resident and family a place, close to town, where they can enjoy the Alaskan great outdoors.

The Goldstream Public Use Area encompasses an ever growing number of established trails that are utilized year round by user groups of all kinds. The loss of this open space, access to trails and beautiful scenery would be a major loss to every resident of Fairbanks, no matter their lifestyle.

Thank you and I urge you to join me in supporting the continued existence of this important piece of legislation.

Sincerely,

Jody Formon  
President  
Fairbanks Snow Travelers

***Alaska Trappers Association  
PO Box 82177  
Fairbanks, AK 99708***

**Senator Joe Thomas  
1292 Sadler Way – Suite 308  
Fairbanks, AK 99708**

**12/22/09**

**Dear Senator Thomas:**

**Please allow the Alaska Trappers Association to add their voice to those in support of the Goldstream Public Use Area (GPUA) and your proposed legislation which would preclude the "sunsetting" of the current law.**

**ATA is a statewide organization with several hundred members in the Fairbanks area. At the time of the original legislation establishing the GPUA, our group, along with many other outdoor users, supported Senator Fahrenkamp and Representative Davis in their efforts to protect this area. Our support for keeping the area insulated from development and open to a wide variety of outdoor activities has not diminished.**

**We feel that the multiple uses of this area, particularly when it comes to wildlife, is a model of cooperation. The trails system is important to untold local recreationists, including trappers. The area is heavily used for moose hunting (currently by bowhunting only) and has been the site of habitat improvement and enhancement projects by ADFG and ADNR.**

**We are grateful that trapping was one of the designated uses when the area was established. This use remains important. Having areas such as the GPUA in proximity to town is very helpful to new and younger trappers who cannot travel great distances.**

**We appreciate and support your efforts to rid the statute of the "sunset" clause.**

**Sincerely,**



**Randy Zarnke, President**



## Northern Area Alaska State Parks Citizen Advisory Board

3700 Airport Way Fairbanks, Alaska 99709-4609 (907) 451-2695

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December 17, 2009

Senator Joe Thomas  
1292 Sadler Way, Suite 314  
Fairbanks, AK 99701

Dear Senator Thomas,

Thank you for having Grier attend the Legislative Briefing presented by the Citizen Advisory Board of the Northern Area State Parks on December 9<sup>th</sup>, 2009. The members of the Board appreciated the opportunity to share our pride in, and our hopes for, Alaska State Parks.

The goal of Alaska State Parks is to assure quality management of our park units. We have implemented a wide range of ways to provide quality service with the least cost to the state. Tools include privatization, partnerships, grants, volunteers, and user fees.

Unfortunately these tools haven't proven successful for the three popular sites in the Northern Area as well as the 66.5 million dollar Deferred Maintenance Back-log. We ask for your support in strengthening the park system for the use, enjoyment, and welfare of the people.

Thanks again for attending the briefing and supporting Alaska State Parks! We look forward to working with you on issues and opportunities facing our State Parks. Please feel free to contact us with any comments or questions. Thank you for your support of Alaska State Parks!

Respectfully,

Jamie Marschner, Chair  
Northern Area Alaska State Parks Citizen Advisory Board

December 17, 2009

Senator Joe Thomas,

**President**  
Geoffrey Orth  
Fairbanks

**Past President**  
Lindsay Winkler  
Logan, UT

**Secretary**  
Jillian Morrissey  
Palmer

**Treasurer**  
Malcolm McEwen  
Fairbanks

**Members at Large**  
Wayne Bissel  
Kodiak

Dan Chagnon/  
Karl Kassel  
Fairbanks

**Executive Director**  
Max Gruner  
Anchorage

**Alaska Trails**  
PO Box 100627  
Anchorage, AK  
99510  
907-334-8049  
office@alaska-trails.org  
www.alaska-trails.org

**RE: SUPPORT OF THE Goldstream Public Use Area**

Sen. Thomas,

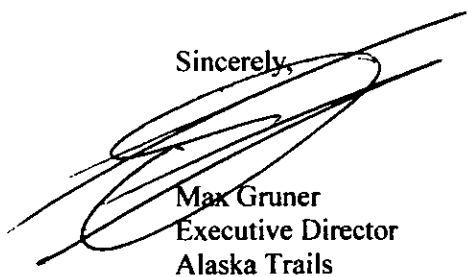
Alaska Trails greatly appreciates your efforts in helping to preserve the Goldstream Public Use Area. We hope the Legislature sees the wisdom in saving this very valuable resource in interior Alaska by keeping the public use area and eliminating the sunset clause.

The Goldstream Public Use Area has many points in its favor:

- It is used for a large variety of winter activities including snowmachining, mushing, Nordic skiing, ski-joring, running, walking, biking, and snowshoeing.
- Despite much of the public use area being boggy, it is still popular in summer and fall for berry picking, bird watching, and hunting.
- The main trail that traverses the public use area is integral to the 100-Mile Loop Trail, an important trail project of the Fairbanks North Star Borough.
- The area borders a parcel of land that the borough plans to turn into Skyline Ridge Park, a lightly managed park with an emphasis on trails. Trails already existing there connect to trails in the Goldstream Public Use Area.
- Winter tourism is growing in interior Alaska. A large component of that business is the easy availability of trails and the recreational opportunities they offer. Goldstream Valley offers one of the best wilderness trail experiences that can be had a few minutes from Fairbanks.
- Land in the public use area is mostly boggy. It is far more valuable as a public use area than it would ever be if it were developed.

Alaska Trails urges the Alaska State Legislature to support the Goldstream Public Use Area by continuing its existence without a sunset clause. This valuable resource needs to be protected.

Sincerely,



Max Gruner  
Executive Director  
Alaska Trails



## **INTERIOR TRAILS PRESERVATION**

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# **ITPC**

Tuesday, December 15, 2009

Senator Joe Thomas,  
1292 Sadler Way Ste 314  
Fairbanks, AK 99701

Re: The Goldstream Public Use Area

Dear Sen. Thomas,

Thank you for taking up this very important issue. We strongly urge the state legislature to pass a law that would continue the Goldstream Public Use Area. This area is a highly popular and important part of winter recreation to interior Alaska for both residents and visitors. We were unaware of the sunset provision in the original law that created the public use area and were very concerned when we learned of it.

The nearly 2,000-acre PUA is heavily used by area residents and others. Goldstream Valley, of which this PUA is a critical part, is especially popular in the winter. The area has a network of trails used by mushers, snowmachiners, skijorers, winter bikers, skiers, runners, walkers, and snowshoers. The trails connect to other trails that lead to Fox, lower Goldstream Valley, El Dorado Creek Valley, O'Connor Creek Valley, and Skyline Ridge. The trails in the PUA can be accessed at several points including parking pullouts on Ballaine and Goldstream roads, Skyline Ridge trails, and subdivisions off Ballaine and Goldstream roads. This access and popularity make the PUA a very valuable resource.

Additionally, the main trails in the PUA make up a portion of the borough's 100-Mile Loop Trail, a trail concept that will connect existing trails to make a large circle around Fairbanks. The 100-Mile Loop Trail will greatly enhance the trail experience in Fairbanks. The trails through the Goldstream PUA are a critical part of that project. Trail connectivity is critical. Without it, trails can be unusable or even unsafe if trails must cross numerous roads. This is especially true for mushers, a significant portion of winter trail users here.

Yet another important aspect of the PUA, is its proximity to a planned borough park. The Fairbanks North Star Borough is working with the state Department of Natural Resources to assume ownership of a 400-acre parcel of land on Skyline Ridge that abuts the PUA. The borough intends to turn that parcel of land into a lightly managed park. The park and PUA would complement each other.

Much of the PUA is boggy during summer, yet it is still used by berry pickers, canoers,

**ITPC**

**P.O. Box 74263, Fairbanks, AK 99707**  
**(907) 458-7968**

**Phone:**

bird watchers, and hunters. The boggy land is ill-suited for development. However, experience has shown that with enough gravel people will build in all sorts of boggy land. That is why it is imperative that the PUA be protected. It is worth far more to the community as a public use area than if it were eventually sold and developed as sub-prime lots.

We ask that the PUA be continued without a sunset clause. We are confident that if given proper protections the Goldstream Public Use Area will be a valuable asset to the community for many years to come.

Sincerely,

Eric Troyer  
Vice President  
[fbxtrails@gmail.com](mailto:fbxtrails@gmail.com)



Interior  
Alaska  
Land Trust

P.O. Box 84169  
Fairbanks, AK 99708-4169  
907-451-0737  
*interioraklandtrust@gmail.com*  
[www.interioraklandtrust.org](http://www.interioraklandtrust.org)

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## BOARD RESOLUTION

RE: Removing sunset clause on the Goldstream Public Use Area designation

WHEREAS the legislation for the Goldstream Public Use Area (AS 41.23.140 - 41.23.170), a nearly two thousand acre patchwork of designated Alaska State land in the Goldstream Valley north of Fairbanks, is set to sunset on July 1, 2010, and

WHEREAS the Goldstream Public Use Area is used by dog mushers, runners, snow machiners, skiers, hunters, berry pickers, bird watchers, trappers and others for recreation, subsistence and other activities; and

WHEREAS the proximity of the Goldstream Public Use Area to the population of Fairbanks makes it especially valuable to families and outdoor enthusiasts of all levels; and

WHEREAS the Goldstream Public Use Area provides many other ecosystem services in its natural condition, including water filtering and storage capacity, wildlife habitat, and natural viewsheds; and

WHEREAS the Interior Alaska Land Trust owns 110 acres of conservation land adjacent to three parcels included in the Goldstream Public Use Area and has an interest in preserving the conservation values of the adjacent lands for its members and residents of the Fairbanks area; therefore

BE IT RESOLVED, that the Interior Alaska Land Trust supports legislation to remove the sunset clause from the legislation designating the Goldstream Public Use Area, and have that legislation stand until modified by vote of the legislature. The Interior Alaska Land Trust supports Senator Joe Thomas (D-Fairbanks) and any other legislators in their efforts to remove this sunset clause.

The Board of the Interior Alaska Land Trust unanimously voted to approve this resolution during a regularly scheduled monthly board meeting on 8 December 2009.

Signed \_\_\_\_\_  
Roselynn Ressa, Board President



# Fairbanks North Star Borough

Office of the Mayor

PO Box 71267, Fairbanks AK 99707 907-459-1300, 459-1102 fax

January 12, 2010

Alaska State Legislature  
% Senator Joe Thomas  
1292 Sadler Way, Suite 308  
Fairbanks Alaska, 99701

**Re: Goldstream Public Use Area**

Dear Members of the Alaska State Legislature:

The Goldstream Public Use Area, Alaska Statutes 41.23.140-170, is an important asset to the Fairbanks North Star Borough community. Senator Joe Thomas is proposing a bill that would remove the "sunset" clause of July 1, 2010 from the Goldstream Public Use Area, AS 41.23.140, and preserving it in perpetuity. As recommended to me by the Borough Trails Advisory Commission and the Parks and Recreation Advisory Commission, I support this legislation.

For many years this area of approximately 2,000 acres has been used for a variety of summer and winter outdoor recreational activities. These activities range from motorized to non-motorized uses and include snow-machining, sled dog-mushing, skiing, skijoring, snowshoeing, hunting, hiking, trapping, berry picking, walking, and canoeing to name a few. With its proximity near a major urban area the Goldstream Public Use Area not only provides for these uses but also serves as a vital link to an ever expanding network of recreational trails, extending beyond the boundaries of the borough, and enjoyed by local and state-wide residents alike.

The outdoor recreational opportunities within the Goldstream Public Use Area provide significant economic and social value to the Borough, its residents, and visitors to our community. To lose this public use area would be a tremendous loss to our community. I urge your support of this important piece of legislation.

Sincerely,

Luke Hopkins, Mayor  
Fairbanks North Star Borough

cc: Michael Cox, Director, FNSB Parks and Recreation  
FNSB Trails Advisory Commission  
FNSB Parks and Recreation Advisory Commission

**SB**

**208**

ALASKA STATE LEGISLATURE  
House Resources Committee

**Craig Johnson, Co-Chair**

State Capitol Building, Room 126  
Juneau, AK 99801-1182  
Phone (907) 465-4993  
Fax (907) 465-3872  
Rep.Craig.Johnson@legis.state.ak.us



**Mark Neuman, Co-Chair**

State Capitol Building, Room 432  
Juneau, AK 99801-1182  
Phone (907) 465-2679  
Fax (907) 465-4822  
Rep.Mark.Neuman@legis.state.ak.us

**MEMORANDUM**

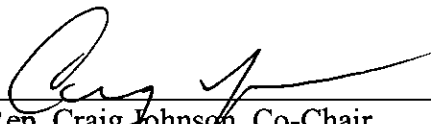
**TO:** Representative Mike Chenault, Speaker  
Alaska State House of Representatives

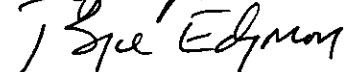
**FROM:** Rep. Craig Johnson and Rep. Mark Neuman  
Co - Chairs, House Resources Committee

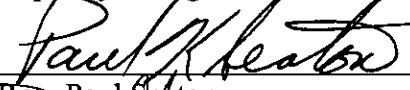
**DATE:** April 10, 2009

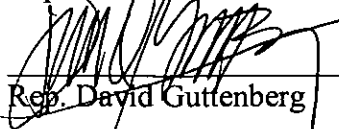
**SUBJECT:** Waiver of CSSB 208(RES) from Committee

The undersigned members of the House Resources Committee request that CS for SB 208, DNR/REVENUE STUDY ON NATURAL GAS, be waived from committee. This bill passed the Senate unanimously, has a zero fiscal note, and simply tasks the Administration with evaluating existing incentives to promote Cook Inlet gas production and recommending any new incentives which are needed before the state of the next legislative session.


  
Rep. Craig Johnson, Co-Chair

  
Rep. Bryce Edgmon

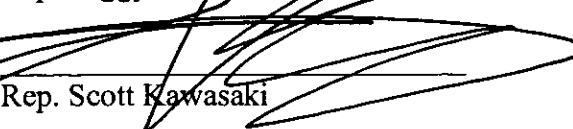
  
Rep. Paul Seaton


  
Rep. David Guttenberg

  
Rep. Mark Neuman, Co-Chair

  
Rep. Kurt Olson

  
Rep. Peggy Wilson

  
Rep. Scott Kawasaki

  
Rep. Chris Tuck

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 208(RES)  
 (S) Publish Date: 3/10/10

Identifier (file name): SB 208-DNR-O&G-02-04-10 Dept. Affected: Natural Resources  
 Title: Cook Inlet Gas Exploration Incentives RDU: Resource Development  
 Component: Oil and Gas Development  
 Sponsor: Sen. Wielechowski  
 Requester: Senate Resources Component Number: 439

**Expenditures/Revenues** (Thousands of Dollars)

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

| OPERATING EXPENDITURES        | Appropriation Required | Information |            |            |            |            |            |
|-------------------------------|------------------------|-------------|------------|------------|------------|------------|------------|
|                               | FY 2011                | FY 2011     | FY 2012    | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| Personal Services             |                        |             |            |            |            |            |            |
| Travel                        |                        |             |            |            |            |            |            |
| Contractual                   | 200.0                  |             |            |            |            |            |            |
| Supplies                      |                        |             |            |            |            |            |            |
| Equipment                     |                        |             |            |            |            |            |            |
| Land & Structures             |                        |             |            |            |            |            |            |
| Grants & Claims               |                        |             |            |            |            |            |            |
| Miscellaneous                 |                        |             |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        | <b>200.0</b>           | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
| <b>CAPITAL EXPENDITURES</b>   |                        |             |            |            |            |            |            |
| <b>CHANGE IN REVENUES ( )</b> |                        |             |            |            |            |            |            |

**FUND SOURCE** (Thousands of Dollars)

|                            |              |            |            |            |            |            |            |
|----------------------------|--------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |              |            |            |            |            |            |            |
| 1003 GF Match              |              |            |            |            |            |            |            |
| 1004 GF                    | 200.0        |            |            |            |            |            |            |
| 1005 GF/Program Receipts   |              |            |            |            |            |            |            |
| 1037 GF/Mental Health      |              |            |            |            |            |            |            |
| Other Interagency Receipts |              |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>200.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

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

SB 208 requires the Department of Natural resources to complete a report by November 1, 2010 for the legislature dealing with potential measures to encourage the investment needed to bring on undeveloped and unproven gas resources in the Cook Inlet.

It is estimated that \$200,000 will be required for an outside consultant and legal advice. If the study must be completed by November 1, 2010, DNR will evaluate whether an existing contract with an outside consultant can be modified to include this work. It will be a challenge to complete a thoughtful and comprehensive study in such a short period of time.

Prepared by: Kevin Banks Phone 269-8800  
 Division: Director Date/Time 2/4/10 5:00 PM  
 Approved by: Tom Irwin Date 2/5/2010  
Natural Resources

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSSB 208(RES)  
 (S) Publish Date: 4/7/10

Identifier (file name): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title Cook Inlet Gas Exploratoion Incentives RDU Resource Development  
 Component Oil and Gas Development  
 Sponsor Sen. Wielechowski  
 Requester Senate Finance Committee Component Number 439

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2011     | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        | <b>0.0</b>                | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                            |            |            |            |            |            |            |            |            |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |            |            |            |            |            |            |            |            |
| 1003 GF Match              |            |            |            |            |            |            |            |            |
| 1004 GF                    |            |            |            |            |            |            |            |            |
| 1005 GF/Program Receipts   |            |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |            |            |            |            |            |            |            |            |
| Other Interagency Receipts |            |            |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

|           |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

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

Prepared by: Senate Finance Committee Phone 465-3873/465-4453  
Co-Chair Bert Stedman/Co-Chair Lyman Hoffman Date/Time \_\_\_\_\_  
 Approved by: \_\_\_\_\_ Date 4/6/2010

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 3  
 Bill Version: CSSB 208(RES)  
 (S) Publish Date: 4/7/10

Identifier (file name): CSSB208(RES)-REV-TAX-04-05-10 Dept. Affected: Revenue  
 Title: DNR Study on Natural Gas RDU: Taxation and Treasury  
 Component: Tax Division  
 Sponsor: Senator Wielechowski  
 Requester: Senate Finance Committee Component Number: 2476

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2011     | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        |                           | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |  |
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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |  |
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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|

\*\*\* See Analysis Section for Additional Information \*\*\*

**FUND SOURCE** (Thousands of Dollars)

|                            |  |            |            |            |            |            |            |            |
|----------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |  |            |            |            |            |            |            |            |
| 1003 GF Match              |  |            |            |            |            |            |            |            |
| 1004 GF                    |  | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts   |  |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |  |            |            |            |            |            |            |            |
| Other Interagency Receipts |  |            |            |            |            |            |            |            |
| <b>TOTAL</b>               |  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2010) cost: 0.0

**POSITIONS**

|           |     |      |   |   |   |   |   |
|-----------|-----|------|---|---|---|---|---|
| Full-time | 0.0 | 0.00 | 0 | 0 | 0 | 0 | 0 |
| Part-time |     |      |   |   |   |   |   |
| Temporary |     |      |   |   |   |   |   |

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

SB 208 requires the Department of Natural Resources and Department of Revenue to complete a report by November 1, 2010 for the legislature dealing with potential measures to encourage the investment needed to bring on undeveloped and unproven gas resources in the Cook Inlet.

\$200,000 is included in the Natural Resources fiscal note for SB208 to cover the costs of an outside consultant and legal advice. Both departments will supplement this amount with existing resources, and will work together to complete the study by November 1, 2010. Because of the short timeline, the departments will evaluate whether an existing contract with an outside consultant can be modified to include this work.

Prepared by: Ian Laing, Project Manager  
 Division: Tax Division  
 Approved by: Ginger Blaisdell, Director  
Administrative Services Division

Phone 907-392-9449  
 Date/Time 4/5/10; 5:05 pm  
 Date 04-05-10; 5:43pm

**SJR**

**16**

**HOUSE COMMITTEE REPC**

(9)

Date Referred to Committee: April 6, 2009

FURTHER REFERRALS:

Date of Committee Action: 13 Apr 2009

The RESOURCES Committee considered:

CS FOR SENATE JOINT RESOLUTION NO. 16(RES)

Expressing support for responsible development of the oil and gas resources in federal waters offshore of Alaska's coast as a means to ensure energy independence, security for the nation, and jobs for Alaskans; and urging the United States Congress to provide a means for consistently sharing with all coastal energy-producing states, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf, to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity.

**SJR 16 OFFSHORE OIL & GAS REVENUE**

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

- List of Abbrev for Depts:
- ADM
  - CED
  - COR
  - CRT
  - EED
  - DEC
  - DFG
  - GOV
  - DHS
  - LWF
  - LAW
  - LEG
  - MVA
  - DNR
  - DPS
  - REV
  - DOT
  - UA

| <u>NEW FISCAL NOTES</u><br>*Assigned by Chief Clerk's Office |      |        |        |      |
|--------------------------------------------------------------|------|--------|--------|------|
| List by Dept(s):                                             | *FN# | Fiscal | Indet. | Zero |
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| <u>PREVIOUS FISCAL NOTES</u> |     |        |        |      |
|------------------------------|-----|--------|--------|------|
| List by Dept(s):             | FN# | Fiscal | Indet. | Zero |
| SRES                         | 1   |        |        | ✓    |
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| <u>Signing with recommendations</u> | Printed Last Name | DP | DNP | NR | AM |
|-------------------------------------|-------------------|----|-----|----|----|
|                                     | OLSON             |    |     |    | ✓  |
|                                     | Edgmon            |    |     | X  |    |
|                                     | CAUTERUCCIO       | ✓  |     | X  |    |
|                                     | TUCK              |    |     |    |    |
|                                     | ANDERSON          |    |     |    | ★  |
|                                     | SEATON            | X  |     |    |    |
| Chair:                              | NEWMAN            | X  |     |    |    |
| Chair:                              |                   |    |     |    |    |

# ALASKA STATE LEGISLATURE

Co-chair, Resources Committee

•  
Co-chair, Joint Armed Services  
Committee

•  
Vice chair, Judiciary Committee

•  
Energy Committee

•  
World Trade Committee



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Fax: (907) 269-6122

## SENATOR BILL WIELECHOWSKI

April 7, 2009

Representative Mark Neuman, Co-Chair  
Representative Craig Johnson, Co-Chair  
House Resources Committee  
State Capitol  
Juneau, Alaska 99801

I am writing to respectfully request a hearing on CS for SJR 16, which expresses the support of the Alaska State Legislature for responsible development of the oil and gas resources in federal waters off of Alaska's coast. This resolution, which passed the Senate unanimously, also calls on the Congress to share revenues from offshore development with coastal energy-producing states to compensate them for developing and maintaining infrastructure in support offshore development.

Secretary of the Interior Ken Salazar will be holding a hearing in Anchorage on proposed outer continental shelf oil development off Alaska on April 14 and it would be advantageous to present him with this resolution at the hearing.

Thank you for your prompt consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill W.", followed by a long horizontal line.

Senator Bill Wielechowski

# ALASKA STATE LEGISLATURE

Co-chair, Resources Committee

•

Vice chair, Judiciary Committee

•

Co-chair, Joint Armed Services

•

Energy Committee

•

World Trade Committee



State Capitol, Rm. 115  
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## SENATOR BILL WIELECHOWSKI

### **SJR 16:**

### **Development of Offshore Oil and Gas Reserves**

SJR 16 expresses support for responsible development of the oil and gas resources in federal waters off Alaska coast. It also urges Congress to provide Alaska with a fair share of federal revenue from oil and gas leasing and development in federal waters.

Under current law, Alaska receives little revenue from oil and gas leasing and development that occurs more than six miles off our coast. This contrasts with how other states, including Louisiana, Mississippi, Alabama and Texas, are treated. Under the 2006 Gulf of Mexico Energy Security Act, these states receive 37.5 percent of revenues from newly leased federal waters off their coasts. This new law is expected to direct more than \$13 billion to Louisiana alone over the next three decades.

Alaska deserves to be treated in the same way as other states that contribute to our nation's energy security. Like other energy-producing states, Alaska bears the costs of infrastructure in support of offshore development, and our coastal resources and residents bear the impacts of offshore development. Alaskans deserves to share in the benefits of production, just as we do its costs.

The federal Minerals Management Service estimates that there could be as much as 55 billion barrels of technically recoverable oil and 280 trillion cubic feet of technically recoverable gas off Alaska's coast. Last year companies bid \$2.6 billion for access to tracts in the Chukchi Sea. More than 1.4 million acres off Alaska's coast have already been leased by the federal government. The Chukchi Sea sale could result in the leasing of an additional 2.7 million acres, providing ongoing support for a robust oil and gas industry in Alaska.

As more lands off Alaska's coast are leased for offshore oil production, we need to ensure that Alaska gets its fair share of the benefits of that leasing and production. It's time Congress treated all coastal states equally and fairly. Please join me in supporting SJR 16.

# Ted Stevens: Time to divvy up OCS

Alaska's senior U.S. senator, governor want state to get share of outer continental shelf oil and gas royalties

By KRISTEN NELSON  
Petroleum News

The State of Alaska should share in royalties from outer continental shelf production on its borders, says U.S. Sen. Ted Stevens, R-Alaska, predicting that such sharing will take place as a condition of OCS production off Alaska.

The senator, in Juneau to give his annual update to the Legislature, told members of the press Feb. 19 that the bill passed in 2006 which allocated OCS monies to Gulf of Mexico states originally included Alaska.

"We had a provision in the bill as it went through and it was the people opposed to ANWR who took that out of there. They thought it was an incentive to drill in Alaska and would not let us enact it."

Stevens said North Slope residents oppose drilling "until they get a percentage of it — that's what we're facing right now."

Both the state and federal governments "have to wake up," Stevens said.

People on the North Slope are not going to put up with oil and gas drilling and the risk to their resources from a spill. "I don't think it's a great risk," Stevens said, but calling it a "potential risk to their resources."

Alaska is not included in OCS offshore royalty sharing, he said, "because of the opposition of the extreme environmental people."

Alaska has two-thirds of the outer continental shelf "and we don't get any money from any production that comes from the outer continental shelf."

"I predict there's not going to be any production until we get it. Both the state and the Native people oppose any real production until we get the same kind of share that others get from production off our shore," Stevens said.

**Governor: time Alaska starts promoting OCS share**

Alaska Gov. Sarah Palin agreed with

Stevens on OCS royalty share.

"It's going to become much brighter on everyone's radar screen, I think, once Alaskans realize that these other coastal states do receive OCS revenue shares. Alaska doesn't; we're exempt from that," the governor told reporters Feb. 21.

She said she would like to see that changed and thinks it's time Alaska started pushing for that change, and anticipates that the state's congressional delegation would support that move.

Stevens helped the Gulf of Mexico states get a share of OCS royalties, Palin said, adding that she hopes delegations



SEN. TED STEVENS



GOV. SARAH PALIN

from those states would, in return, assist Alaska in getting royalties off its shores.

**Alaska's share \$21.7 million**

Alaska does earn royalties from production from federal lands onshore and

from offshore lands adjacent to state waters.

Alaska was one of 34 states which earned a share of almost \$2 billion during fiscal year 2007 as part of federal revenues collected by the Department of the Interior's Minerals Management Service, MMS said late last year.

Alaska's share, \$21.7 million, represents its share of revenues collected from oil, gas and coal production.

MMS said for the majority of onshore federal lands, states receive 50 percent of the revenues while the other 50 percent goes to various funds of the U.S.

see **SHARE** page 14

continued from page 13

## SHARE

Treasury, including the Reclamation Fund for water projects. Alaska receives a 90 percent share of revenues from onshore production as prescribed in the Alaska Statehood Act.

"In addition, Texas, Alabama, Louisiana and Mississippi with producing federal offshore tracts adjacent to state waters receive 27 percent of those mineral royalties," while remaining offshore revenues MMS collects go into various accounts of the U.S. Treasury, the majority into the general fund.

U.S. coastal waters are divided into three zones: from zero to three miles is state waters; in federal waters from three

## On the Web

See previous Petroleum News coverage:

See previous Petroleum News coverage: "GOM energy act passes" in Dec. 17, 2006, issue at [www.petroleumnews.com/pnads/501450772.shtml](http://www.petroleumnews.com/pnads/501450772.shtml)

"OCS impact assistance program moves ahead" in March 11, 2007, issue at [www.petroleumnews.com/pnads/829616050.shtml](http://www.petroleumnews.com/pnads/829616050.shtml)

to six miles from shore, states get a 27 percent cut of royalties from production; there is no state cut beyond six miles, except for those Gulf Coast states receiving OCS royalties as a result of the 2006 federal legislation. ●



Shell Oil in the United States  
President John Hofmeister  
(Rich Jordan/KTUU-TV)

by Steve Mac Donald  
Tuesday, Feb. 19, 2008

ANCHORAGE, Alaska -- A unique conversation between 32 people took place Tuesday. Representatives from big oil, environmental groups, government and labor tied to the Alaska's oil industry gathered around a table to discuss the state's future.



North Slope Borough Mayor  
Ed Itta (Rich Jordan/KTUU-  
TV)

The U.S. uses 10,000 gallons of oil a second every day and Shell Oil in the United States, which sponsored the summit, made that point very clear.

The company's president, John Hofmeister, is on a kind of goodwill tour around Alaska. He faced his fair share of questions from participants, many of which questioned him about finances.



University of Alaska  
Anchorage Chancellor Fran  
Ulmer (Rich Jordan/KTUU-  
TV)

North Slope Borough Mayor Ed Itta says the federal government isn't sharing revenues from off-shore lease sales with coastal communities like his.

"We believe it's reasonable and fair. While monetary gains is not the issue, of course, it's always nice to have revenues and continue to fund our government," he said. "We as a people are being asked to take a whole bunch of risk without any reward."



Alaska AFL-CIO President  
Vince Beltrami (Rich  
Jordan/KTUU-TV)

Perhaps the most compelling question posed at the roundtable had to do with jobs. Who, exactly, is going to retrieve all that oil and gas in the Beaufort and Chukchi Seas and on the North Slope?

"We've got about a 20,000 workers shortage so we have our work cut out for us just to even meet current demands," said Alaska Vocational Technical Centers director Fred Esposito.

With the possibility of a natural gas pipeline in Alaska's future, along

with potential oil developments in the Beaufort and Chukchi Seas, many at the table worry there won't be nearly enough Alaskans qualified to fill construction jobs those projects could bring.

"We tried to pass a local hire law a couple times, went to the Supreme Court, that didn't go very well," said University of Alaska Anchorage Chancellor Fran Ulmer.

Many at the meeting were concerned the jobs may go to workers Outside.

"The ultimate local hire is growing our own, training our own -- it's kind of a no brainer isn't it," Ulmer said.

Labor unions say they're trying to meet the demand through apprenticeship programs.

"The majority of work that needs to be trained for are the primary crafts -- welders, operators, pipe fitters, teamsters -- and we do that real well and we've got a 100 percent resident hire requirement in our apprenticeship program," said Alaska AFL-CIO President Vince Beltrami.

The state must take advantage of training programs such as this for what could be a potential job boon if and when these major projects become reality.

A new training facility planned for the Fairbanks area may help train Alaskans to qualify for jobs in the maturing energy field here.

The organizers of Tuesday's discussion was a Washington, D.C.-based group, the Congressional Quarterly, which says a White Paper will be produced summarizing the findings, results and conclusions.

Contact Steve Mac Donald at [stevem@ktuu.com](mailto:stevem@ktuu.com)



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**H.R.6111**

**Tax Relief and Health Care Act of 2006 (Enrolled as Agreed to or Passed by Both House and Senate)**

**Excerpt ...**

**SEC. 105. DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM 181 AREA, 181 SOUTH AREA, AND 2002-2007 PLANNING AREAS OF GULF OF MEXICO.**

(a) In General- Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) and subject to the other provisions of this section, for each applicable fiscal year, the Secretary of the Treasury shall deposit--

(1) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

(2) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse--

(A) 75 percent to Gulf producing States in accordance with subsection (b); and

(B) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 4601-5).

(b) Allocation Among Gulf Producing States and Coastal Political Subdivisions-

(1) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEARS 2007 THROUGH 2016-

(A) IN GENERAL- Subject to subparagraph (B), effective for each of fiscal years 2007 through 2016, the amount made available under subsection (a)(2)(A) shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

(B) MINIMUM ALLOCATION- The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(2) ALLOCATION AMONG GULF PRODUCING STATES FOR FISCAL YEAR 2017 AND THEREAFTER-

(A) IN GENERAL- Subject to subparagraphs (B) and (C), effective for fiscal year 2017 and each fiscal year thereafter--  
(i) the amount made available under subsection (a)(2)(A) from any lease entered into within the 181 Area or the 181 South Area shall be allocated to each Gulf producing State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract; and  
(ii) the amount made available under subsection (a)(2)(A) from any lease entered into within the 2002-2007 planning area shall be allocated to each Gulf producing State in amounts that are inversely proportional to the respective distances between the point on the coastline of each Gulf producing State that is closest to the geographic center of each historical lease site and the geographic center of the historical lease site, as determined by the Secretary.

(B) MINIMUM ALLOCATION- The amount allocated to a Gulf producing State each fiscal year under subparagraph (A) shall be at least 10 percent of the amounts available under subsection (a)(2)(A).

(C) HISTORICAL LEASE SITES-

(i) IN GENERAL- Subject to clause (ii), for purposes of subparagraph (A)(ii), the historical lease sites in the 2002-2007 planning area shall include all leases entered into by the Secretary for an area in the Gulf of Mexico during the period beginning on October 1, 1982 (or an earlier date if practicable, as determined by the Secretary), and ending on December 31, 2015.

(ii) ADJUSTMENT- Effective January 1, 2022, and every 5 years thereafter, the ending date described in clause (i) shall be extended for an additional 5 calendar years.

(3) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS-

(A) IN GENERAL- The Secretary shall pay 20 percent of the allocable share of each Gulf producing State, as determined under paragraphs (1) and (2), to the coastal political subdivisions of the Gulf producing State.

(B) ALLOCATION- The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B), (C), and (E) of section 31(b)(4) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a(b)(4)).

(c) Timing- The amounts required to be deposited under paragraph (2) of subsection (a) for the applicable fiscal year shall be made available in

accordance with that paragraph during the fiscal year immediately following the applicable fiscal year.

(d) Authorized Uses-

(1) IN GENERAL- Subject to paragraph (2), each Gulf producing State and coastal political subdivision shall use all amounts received under subsection (b) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

(A) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(D) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

(E) Planning assistance and the administrative costs of complying with this section.

(2) LIMITATION- Not more than 3 percent of amounts received by a Gulf producing State or coastal political subdivision under subsection (b) may be used for the purposes described in paragraph (1)(E).

(e) Administration- Amounts made available under subsection (a)(2) shall--

(1) be made available, without further appropriation, in accordance with this section;

(2) remain available until expended; and

(3) be in addition to any amounts appropriated under--

(A) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); or

(C) any other provision of law.

(f) Limitations on Amount of Distributed Qualified Outer Continental Shelf Revenues-

(1) IN GENERAL- Subject to paragraph (2), the total amount of qualified outer Continental Shelf revenues made available under subsection (a)(2) shall not exceed \$500,000,000 for each of fiscal years 2016 through 2055.

(2) EXPENDITURES- For the purpose of paragraph (1), for each of fiscal years 2016 through 2055, expenditures under subsection (a)(2) shall be net of receipts from that fiscal year from any area in the 181 Area in the Eastern Planning Area and the 181 South Area.

(3) PRO RATA REDUCTIONS- If paragraph (1) limits the amount of qualified outer Continental Shelf revenue that would be paid under subparagraphs (A) and (B) of subsection (a)(2)--

(A) the Secretary shall reduce the amount of qualified outer Continental Shelf revenue provided to each recipient on a pro rata basis; and

(B) any remainder of the qualified outer Continental Shelf revenues shall revert to the general fund of the Treasury.

**SJR**

**22**



# ALASKA STATE LEGISLATURE

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907-376-4866  
907-373-4724 - Fax  
Senator\_Charlie\_Huggins@legis.state.ak.us



State Capitol, Room 119  
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800-862-3878  
[www.akrepublicans.org/huggins/](http://www.akrepublicans.org/huggins/)

## Charlie Huggins Senator

### Sponsor Statement SJR 22

This resolution takes aim at lawsuits filed in the US District Court of Alaska, one by the United Cook Inlet Drift Association (UCIDA) and another by Herbert T. Jensen. The complaints by this commercial fishing group and an individual, calling for a return of federal management, are an affront to the State of Alaska. Please, do not forget, here in the afterglow of our yearlong celebration of 50 years of statehood, it was a colossal failure of federal salmon management that was a major driving force behind the statehood movement. Hopefully, no one wishes to return to such a regime.

UCIDA is an association of both resident and non-resident commercial fishers who participate in drift gillnet salmon fisheries in the inlet. Remarkably, they can keep, for their personal use, an unlimited number of fish from their commercial catch. Their goal is to have the state-managed personal use dip net fishery declared unconstitutional and be pre-empted by federal law. This resolution seeks a fair shake for Alaskans who fish, without commercial gear, with simple dip nets, to feed their families. It asks the governor to intervene in defense of our state's authority to manage its own fisheries in a responsible manner.

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Versio HCS CSSJR 22(FSH)  
 (H) Publish Date: 2/10/2010

Title FEDERAL PREEMPTION OF SALMON MANAGEMENT Dept. Affected: \_\_\_\_\_  
 RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Sen. Huggins, et al  
 Requester House Fisheries Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2011     | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        |                           | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

|                             |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|

|                               |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|
| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |  |  |
|-------------------------------|--|--|--|--|--|--|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                            |  |            |            |            |            |            |            |            |
|----------------------------|--|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |  |            |            |            |            |            |            |            |
| 1003 GF Match              |  |            |            |            |            |            |            |            |
| 1004 GF                    |  |            |            |            |            |            |            |            |
| 1005 GF/Program Receipts   |  |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |  |            |            |            |            |            |            |            |
| Other Interagency Receipts |  |            |            |            |            |            |            |            |
| <b>TOTAL</b>               |  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

|           |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

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

Prepared by: House Special Committee on Fisheries Phone 465-2839  
 Division \_\_\_\_\_ Date/Time 2/9/2010 12:30 p.m.  
 Approved by: House Special Committee on Fisheries Date 2/9/2010

## SJR 22 Explanation of changes

Changes since original introduction have been "housekeeping" type changes to clearly identify the lawsuits in question and to reflect post election changes of appointed officials to whom the resolution is directed.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

James N. Butler, III  
Gregory R. Gabriel, Jr.  
Baldwin & Butler, LLC  
125 North Willow Street  
Kenai, Alaska 99611

Dear Mr. Butler and Mr. Gabriel:

Thank you for your "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska" (Petition), dated June 12, 2008, and submitted to the Secretary of Commerce by the United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association (Petitioners). We have reviewed and considered the Petition. The attached document constitutes the National Marine Fisheries Service's (NMFS's) response to the Petition.

For various reasons explained fully in the attached response, NMFS denies Petitioners' claims that challenge the consistency of certain State of Alaska (State) salmon regulations applicable within the Exclusive Economic Zone (EEZ) with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Fishery Management Plan for the Salmon Fisheries in the EEZ Off the Coast of Alaska (FMP), and other applicable Federal law. Before appealing such regulations to NMFS, the FMP requires persons challenging State salmon fishing regulations to first exhaust their remedies through the appropriate State procedures. The information provided in the Petition indicates that Petitioners have failed to exhaust their remedies with the State. Petitioners may resubmit these claims to NMFS after exhausting their remedies with the State in accordance with Chapter 9 of the FMP.

NMFS also declines to pursue Petitioners' request that NMFS preempt State management of salmon fisheries within the State waters of Upper Cook Inlet because the Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to find that the fishery occurs predominantly within the EEZ. The catch data for salmon in the EEZ versus State waters clearly show that fishing for salmon governed by the FMP, on a broad scale as well as solely within the Cook Inlet Management Area, does not occur predominately within the EEZ.

See pg 11 of  
attached back-up doc.



Finally, the attached document provides the agency's position relative to a number of interpretations of several provisions of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP that are included in the Petition.

Sincerely,



James W. Balsiger, Ph.D.  
Acting Assistant Administrator for

Fisheries

cc: Denby Lloyd, Commissioner, State of Alaska Department of Fish & Game

Attachments:

1. NMFS's Response to "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska"
2. The portion of commercial salmon catch harvested in the EEZ
3. Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska, submitted by the United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association

**National Marine Fisheries Service's Response To  
"Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska"  
Dated June 12, 2008, and Submitted By the  
United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association**

The United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association ("Petitioners") submitted to the Secretary of Commerce ("Secretary") a document entitled "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska" ("Petition"), dated June 12, 2008. The National Marine Fisheries Service ("NMFS") has reviewed and considered the Petition, and offers the following response.<sup>1</sup>

**I. Categorization of Petitioners' claims**

Petitioners make a number of claims in their Petition. In reviewing and considering the Petition, NMFS categorized Petitioners claims into three groups. The first group includes those claims that challenge the consistency of certain State of Alaska ("State") salmon regulations applicable within the U.S. Exclusive Economic Zone ("EEZ") with various provisions of the Fishery Management Plan for the Salmon Fisheries in the EEZ Off the Coast of Alaska ("FMP"), the Magnuson-Stevens Fishery Conservation and Management Act ("Magnuson-Stevens Act"), and other laws. The second group includes one claim that requests the Secretary<sup>2</sup> to preempt State management of salmon fisheries within State waters. The final group includes those claims that interpret provisions of the Magnuson-Stevens Act and NMFS's scope of authority under the Magnuson-Stevens Act and the FMP.<sup>3</sup>

NMFS has determined that the first group of claims challenging the consistency of certain State salmon regulations with the FMP, the Magnuson-Stevens Act and other applicable Federal law are appealable to NMFS under Chapter 9 of the FMP. These claims challenge the consistency of the State's regulations for (1) mandatory interim closures, (2) season opening and closing dates, and (3) escapement goals for salmon fisheries within the Cook Inlet Management Area. Petition

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<sup>1</sup> Petitioners cite section 305(f) of the Magnuson-Stevens Act (16 U.S.C. 1855(f)), and its requirement that the Secretary file a response to a judicial action within 45 days of receipt, as providing the statutory timeline in which NMFS must respond to the Petition. Petitioners misconstrue section 305(f); section 305(f) applies to challenges filed in judicial courts of the United States and not to petitions for rulemaking submitted to NMFS under Chapter 9 of the FMP. Chapter 9.1 of the FMP does not set forth a timeframe by which the Secretary must respond to an appeal. Although Petitioners submitted the Petition to the Secretary in June 2008, NMFS was unaware of the existence of the Petition until January 2009. Therefore, although the time in which it took NMFS to issue this response is not typical, NMFS's response is not untimely under the FMP or the Magnuson-Stevens Act.

<sup>2</sup> The Secretary delegated fishery management authority under the Magnuson-Stevens Act to NMFS so the remainder of this response refers to NMFS.

<sup>3</sup> Chapter 9 is provided as an attachment to this response. The complete FMP is available on the North Pacific Fishery Management Council web page at: <http://www.fakr.noaa.gov/npfmc/fmp/salmon/salmon.htm>

at 31, 23, and 33, respectively. These claims challenge State regulations that have applicability within the EEZ. NMFS can supersede State regulations applicable within the EEZ if those regulations are found to be inconsistent with the FMP, Magnuson-Stevens Act, or other applicable Federal law. The State also has the authority to modify its regulations as it determines necessary. NMFS addresses these claims in section II of this response.

NMFS has determined that Petitioners' request for preemption of State management of salmon fisheries within State waters is not an appealable challenge under Chapter 9 of the FMP because it is not a challenge to Magnuson-Stevens Act and FMP consistency of State salmon regulations applicable within the EEZ. Instead, Petitioners are asking NMFS to extend Federal management authority into State waters. NMFS addresses Petitioners' request in section III of this response.

Finally, NMFS has determined that the remaining group of claims does not challenge Magnuson-Stevens Act and FMP consistency of State salmon regulations applicable within the EEZ, but instead presents Petitioners' interpretations of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP. NMFS has determined that this group of claims is not appealable under Chapter 9 of the FMP. However, in order to provide Petitioners' with the agency's position relative to these interpretations, NMFS addresses Petitioners' interpretations in section IV of this response.

## **II. NMFS's Determination Concerning Petitioners' Claims That Are Appealable Under the FMP**

Chapter 9 of the FMP provides a process for review of State statutes or regulations by the Secretary and allows any member of the public to appeal a statute or regulation issued by the State for the salmon fisheries in the EEZ off the coast of Alaska. FMP at 46. NMFS considers appeals under Chapter 9 of the FMP to be petitions for rulemaking, as they are requests that NMFS take some regulatory action to supersede application of State salmon statutes or regulations in the EEZ. Chapter 9.1 of the FMP sets forth the general process NMFS will follow if an appeal challenges annual or perennial regulations issued by the State; Chapter 9.2 sets forth the general process NMFS will follow if an appeal challenges inseason management actions taken by the State.

Petitioners claim that the State's season opening and closing dates and regulatory interim closures, or "windows", should be superseded because they are inconsistent with the Magnuson-Stevens Act. Petition at 31-33. State regulations at 5 AAC 21.363(e) establish guidelines for when the Alaska Department of Fish and Game ("ADF&G") managers can open and close the commercial salmon fisheries, including salmon fisheries conducted within the EEZ, during the fishing season to provide for escapement and to allow fish to enter the Kenai and Kasiliof rivers on a predictable schedule for sport and personal use fisheries.

Petitioners claim that the fixed mandatory closures within a commercial fishing season and the season opening and closing dates are inconsistent with the Magnuson-Stevens Act because they (1) are arbitrary, capricious, and not based on the best available science or objective conservation and management criteria but are politically motivated; (2) have led to over-escapement and fail to meet optimum yield; (3) result in the reallocation of salmon stocks from the commercial fishery to the personal use fishery; (4) force participants to go to sea in conditions that jeopardize their safety in an attempt to remain economically viable; (5) result in lost yield for the commercial fishery which affects fishermen, processors, and communities; and (6) are not adaptive management measures per Magnuson-Stevens Act requirements. Petition, generally, at 20, 26-27, and 31-34. Further, Petitioners state that regulations are not in best interest of the Nation because they result in lost food production, reduced exports, and lower employment. Petition at 32.

Petitioners claim that the State of Alaska Board of Fisheries (Board) began implementing regulations that manage for the bottom of the yield curve by setting sustainable, rather than optimal, escapement goals which threaten economic viability of Upper Cook Inlet commercial fishing communities and are otherwise inconsistent with the Magnuson-Stevens Act. Petition at 33. Petitioners also claim that the State's escapement goals for the salmon fisheries managed under the FMP are not based on the best available science but based on political compromise. Petition at 34. Petitioners request that the Secretary provide guidance to the State and the Council that exploitation rates on most salmon stocks in Upper Cook Inlet are far below what is necessary to ensure optimum yield and provide the greatest benefit to the Nation. Petition at 34.

Although the mandatory closure window regulations have an inseason component and ADF&G has discretion within the regulations on when to implement the closure windows, Petitioners do not challenge any specific inseason management action. Based on NMFS's review of the Petition, NMFS concludes that Petitioners challenge the State's regulatory framework for the closure windows, which are perennial regulations, rather than a specific inseason closure. Therefore, NMFS has determined that the Petitioners challenge annual or perennial regulations issued by the State, and NMFS considered the Petition under Chapter 9.1 of the FMP.

As stated in Chapter 9.1 of the FMP, persons are required to exhaust their remedies with the State before appealing to NMFS. FMP at 46. The North Pacific Fishery Management Council (Council) and NMFS stated in the FMP at page 46 and in the preambles to the proposed and final rules for Amendment 3 to the FMP<sup>4</sup> that this requirement encourages persons with serious concerns to participate fully in the State procedures before seeking Secretarial intervention. According to the Petition at page 10, Petitioners are aware of the process contained in Chapter

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<sup>4</sup> The proposed rule for Amendment 3 was published at 55 Fed. Reg. 28661, 28663 (July 12, 1990), and the final rule for Amendment 3 was published at 55 Fed. Reg. 47773, 47774 (November 15, 1990).

9.1 but argue that exhaustion of State remedies is inappropriate because the Board is the delegate of the Secretary, and any petition challenging a State salmon regulation must be brought under federal law given the federal statutes, Federal APA requirements, and Federal law applicable to the Secretary's decisions. Additionally, Petitioners argue that the Secretary is not subject to State jurisdiction regarding salmon fishery regulations. For reasons explained more fully in section IV of this response, NMFS disagrees with Petitioners' rationale for failing to exhaust State remedies prior to submitting this Petition to NMFS.<sup>5</sup>

Because of Petitioners' failure to exhaust their remedies with the State as required by Chapter 9.1 of the FMP, NMFS denies Petitioners' appeal of the State's mandatory window closures, season opening and closing dates, and escapement goal regulations for the salmon fisheries in Upper Cook Inlet. Petitioners may resubmit their appeal to NMFS after exhausting their remedies with the State in accordance with Chapter 9 of the FMP.

### **III. NMFS's Determination Concerning Petitioners' Request for Preemption of State Management of Salmon Fisheries Within State Waters**

For the following reasons, NMFS declines to pursue Petitioners' request that the Secretary initiate preemption proceedings against State of Alaska management of salmon fisheries within State waters.

Petitioners make the following statements in their Petition: (1) "The commercial salmon fishery in Cook Inlet takes place in the EEZ"; (2) "Drift gillnet harvest of salmon in Cook Inlet occurs predominately in the EEZ of the US"; and (3) "A majority of the Cook Inlet drift gillnet fishery occurs in the EEZ." Petition at 13, 4, and 25, respectively. Petitioners further state that because "[r]ecently promulgated regulations by the [Board] and ADF&G will substantially and adversely affect the commercial fishery and EFH beginning in June 2008 because they attempt to reduce or eliminate historical commercial fishing interests in Cook Inlet by limiting the economic viability of processors and harvesters", the State's management is inconsistent with the FMP and the Magnuson-Stevens Act National Standards. Petition at 3-4. Based on these assertions, Petitioners ask NMFS to begin preemption proceedings for the Upper Cook Inlet salmon fishery under Magnuson-Stevens Act section 306(b) and 50 CFR 600.615. Petition at 3. For the reasons provided below, NMFS concludes that the salmon fishery governed by the FMP does not occur predominately within the EEZ. Because NMFS is unable to make one of the two required

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<sup>5</sup> Section IV of the Petition is entitled "Statutory Authority for Petition." Petitioners cite to various provisions of the Magnuson-Stevens Act and the Administrative Procedure Act that they argue support their claim that the Secretary must consider the Petition. NMFS concludes that Petitioners have misconstrued a number of provisions in the Magnuson-Stevens Act as lending support for this claim. However, as explained in this response, NMFS freely recognizes the ability of persons, such as Petitioners, to appeal State regulations under Chapter 9 of the FMP, provided persons follow the procedure and requirements set forth in Chapter 9.

findings for preemption, NMFS declines to initiate preemption proceedings against the State and its management of salmon fisheries within State waters, and rejects Petitioners' request.

As explained more fully in section IV of this response, the Magnuson-Stevens Act explicitly recognizes a state's jurisdiction and its authority to manage its fishery resources within its waters. Furthermore, NMFS may not regulate fishing within a state's waters unless NMFS undertakes the process and makes the factual findings required by 16 U.S.C. 1856(b). This section states:

If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that -

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the [EEZ] and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan; the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

16 U.S.C. 1856(b). Thus, in order for NMFS to regulate fishing within State waters, NMFS must find that: (1) the fishing in a fishery that is covered by an FMP is predominately within the EEZ; **and** (2) a state has taken an action, or omitted to take any action, the results of which will "substantially and adversely affect" the carrying out of the FMP. The Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to make both of the required findings. Regulations at 50 CFR 600.610(b)<sup>6</sup> provide some guidance on determining predominance as used in 16 U.S.C. 1856(b)(1)(A):

Whether fishing is engaged in "predominately" within or beyond the EEZ will be determined after consideration of relevant factors, including but not limited to, the catch (based on numbers, value, or weight of fish caught, or other relevant factors) of fishing effort during the appropriate period, and in light of historical patterns of the distribution of catch or fishing effort for such stock or stocks of fish.

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<sup>6</sup> 50 CFR 600.610(c) provides regulatory guidance on the phrase "substantially and adversely affect" the carrying out of an FMP: "Whether relevant effects are substantial will be determined after consideration of the magnitude of such actual or potential effects. Relevant to this determination are various factors, including but not limited to, the proportion of the fishery (stock or stocks of fish and fishing for such stocks) that is subject to the effects of a particular state's action or omission, the characteristics and status (including migratory patterns and biological condition) of the stock or stocks of fish in the fishery, and the similarity or dissimilarity between the goals, objectives, or policies of the state's action or omission and the management goals or objectives specified in the FMP for the fishery or between the state and Federal conservation and management measures of the fishery."

In considering Petitioners' request, NMFS examined commercial fisheries catch data for all five species of salmon governed by the FMP (see the attachment "The portion of commercial salmon catch harvested in the EEZ"). These commercial fisheries occur in the EEZ in the Southeast Alaska, Prince William Sound, Cook Inlet, and the Alaska Peninsula areas. The attachment includes commercial catch data from 1991 to 2008. This data represents all commercial fishing in these areas since implementation of Amendment 3 to the FMP and therefore provides a reasonable representation of the distribution of catch over time. The data shows that the commercial catch of all salmon species during this time period was slightly less than 4 percent of the total commercial catch from both the EEZ and State waters in these areas. The attachment does not include commercial catch of salmon within State waters but outside of these four areas. Therefore, if all catch statewide was included, the total portion harvested in the EEZ would be significantly smaller.

The attachment also provides catch data by species and by region for each year. The data show that even by region or by species, with the exception of chum salmon in Upper Cook Inlet, the catch predominately is from State waters. Based on these data, NMFS concludes that fishing in the salmon fishery governed by the FMP is not conducted predominately within the EEZ and beyond.

NMFS also examined salmon catch data from the EEZ and the State waters comprising the Cook Inlet Management Area.<sup>7</sup> These data show that the commercial catch of all FMP species of salmon from the EEZ within the Cook Inlet Management Area during this time period was about 31 percent of the total commercial catch of these salmon species from both the EEZ and State waters in the Cook Inlet Management Area. Even with these higher salmon catch levels in the EEZ within the Cook Inlet Management Area, NMFS concludes that fishing occurring in the EEZ is not greater than fishing occurring within State waters of that area and 31 percent of the total salmon catch that occurs within the EEZ of the Cook Inlet Management Area does not demonstrate "predominance" of salmon fishing within Federal waters.

The catch data for salmon in the EEZ versus State waters during this time period clearly show that fishing for salmon governed by the FMP, on a broad scale as well as solely within the Cook Inlet Management Area, is not conducted predominately within the EEZ. Therefore, in accordance with regulatory guidance as well as analysis of this data, NMFS has determined that the salmon fishery does not occur predominately within the EEZ. Because the Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to make both of the required findings set forth in 16 U.S.C. 1856(b)

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<sup>7</sup> The portion of total catch in the EEZ represents a maximum amount. As described in the attachment "The portion of commercial salmon catch harvested in the EEZ", ADF&G catch data is recorded by state statistical area which can include both State and EEZ waters in one statistical area. All catch in State statistical areas that have both EEZ and State waters were assumed to be EEZ catch; therefore, it is likely that more catch is attributed to the EEZ than actually occurred.

and because NMFS has determined that one of the findings cannot be made, NMFS declines to initiate preemption proceedings as requested by the Petitioners.<sup>8</sup>

**IV. NMFS's Position Relative to Petitioners' Interpretations of the Magnuson-Stevens Act and the Scope of Federal Authority to Manage Salmon Fisheries Under the Provisions of the Magnuson-Stevens Act and the FMP**

In the Petition, Petitioners interpret several provisions of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP. These interpretations are summarized as follows:

1. The Magnuson-Stevens Act gives the Council and NMFS the authority to manage anadromous species throughout the species' migratory range, and that authority extends into state waters and "include beyond the fresh and estuarine waters of the State of Alaska." As such, the mandates of the Magnuson-Stevens Act apply to the State's salmon management regime in Upper Cook Inlet, and NMFS must examine State salmon regulations in light of the stated purposes of the Magnuson-Stevens Act, finding regulations that conflict with those purposes inconsistent with the Magnuson-Stevens Act. Petition, generally, and at 8, 13-14, 34.
2. Under the FMP, the Council and NMFS asserted their Magnuson-Stevens Act management authority over anadromous salmon species within State waters and delegated to the Board the responsibility for management of salmon in Alaska. Petition at 7, 8, 25.
3. As a result of this delegation to the Board, State regulations affecting salmon fisheries in Cook Inlet must comply with the provisions of the Magnuson-Stevens Act, and NMFS must repeal or amend those rules that are inconsistent with the Magnuson-Stevens Act. Petition, generally, and at 8.
4. Furthermore, as a result of this delegation, when the Board issues regulations, the Board is amending the FMP and NMFS has a duty to review and ensure that the Board's amendments to the FMP are consistent with the Magnuson-Stevens Act. Petition at 9, 21.
5. NMFS must take action to restore and protect essential fish habitat ("EFH") on the Kenai River and other essential fish habitats in the upper Cook Inlet basin.

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<sup>8</sup> Petitioners also claim that preemption is warranted because the State's management regime has adverse effects on salmon EFH, and therefore substantially and adversely affects the carrying out of the FMP. NMFS did not address this claim in the preemption context because of its determination on the lack of predominance of salmon fishing in the EEZ. However, NMFS addresses Petitioners' EFH claims at pages 12 - 13 of this response.

6. The State's resident-only Personal Use fishery is inconsistent with the Magnuson-Stevens Act and NMFS must eliminate it.
7. NMFS must promulgate emergency regulations to supersede State regulations and manage Upper Cook Inlet salmon stocks.

The following provides NMFS's position relative to these interpretations.

Section 101(b)(1) of the Magnuson-Stevens Act (16 U.S.C. 1811(b)(1)) does not vest the agency with management responsibility and authority over anadromous species within State waters and the requirements of the Magnuson-Stevens Act do not apply to the State's management of salmon within the State waters of Upper Cook Inlet.

Under the Magnuson-Stevens Act, Congress vested NMFS, by and through the Secretary, with exclusive management authority over all fish and all Continental Shelf fishery resources within the EEZ. 16 U.S.C. 1811(a). Off the State of Alaska, the EEZ extends from 3 nautical miles seaward of the State's baseline to 200 nautical miles offshore. 16 U.S.C. § 1802(11). Congress also vested in NMFS management authority over all anadromous species throughout the migratory range of each species beyond the EEZ. 16 U.S.C. 1811(b)(1) (emphasis added).

Congress recognized that the exercise of federal jurisdiction must be balanced against the interest of the various coastal States to manage their own fisheries. The Magnuson-Stevens Act explicitly recognizes that "nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries [and ] ... except as provided in subsection (b), the jurisdiction and authority of a State shall extend to any pocket of waters that is adjacent to the State and totally enclosed by lines delimiting the territorial sea of the United States . . . ." 16 U.S.C. § 1856(a)(1) & (2).<sup>9</sup>

NMFS has interpreted "beyond the EEZ" as used in 16 U.S.C. 1811(b)(1) to mean seaward of the EEZ, or those areas of the ocean that are more than 200 nautical miles from the baseline. NMFS does not interpret the phrase to include the territorial seas of the states, or those waters within 0 to 3 nautical miles from the State's baseline. NMFS's interpretation is consistent with the statutory language of 16 U.S.C. 1811(b)(1), which excludes the waters of foreign nations from the United States' jurisdiction over anadromous species and clearly indicates Congressional intent to extend authority over anadromous species that are seaward, and not landward, of the EEZ. NMFS's interpretation is also consistent with the statutory scheme set forth in the Magnuson-Stevens Act given 16 U.S.C. 1856, which explicitly recognizes a state's jurisdiction

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<sup>9</sup> The Magnuson-Stevens Act also recognizes a state's authority to regulate a fishing vessel outside the boundaries of the state in certain circumstances. See 16 U.S.C. 1856(a)(3).

and authority to manage fishery resources within its boundaries, as explained above, and which contains no exception for anadromous species. Furthermore, NMFS's interpretation is consistent with the legislative history for 16 U.S.C. 1811 wherein Congress refers to the high seas and waters seaward of the EEZ when referring to "beyond the EEZ" in section 1811(b).<sup>10</sup> Therefore, 16 U.S.C. 1811(b)(1) of the Magnuson-Stevens Act does not vest NMFS with the authority to manage anadromous species within a state's territorial sea.

NMFS may regulate fishing for anadromous species within a state's waters only if NMFS has undertaken the process and made the required findings for preemption set forth in 16 U.S.C. 1856(b). Without preemption of State fishery management in accordance with 16 U.S.C. 1856(b) of the Magnuson-Stevens Act, the requirements of the Magnuson-Stevens Act do not apply to the State's management of fishery resources within its waters.

NMFS disagrees with Petitioners' interpretations that: (1) the Council and NMFS through the FMP preempted State management of salmon within State waters and then delegated to the Board the responsibility for management of salmon in Alaska; (2) State management of salmon fisheries within State waters must be consistent with the Magnuson-Stevens Act; and (3) Board regulations are amendments to the FMP.

The Council adopted the original FMP in 1978, and NMFS approved and implemented it in 1979. Among other things, the original FMP established the Council's and NMFS's authority over the salmon fisheries in the Federal waters off the coast of Alaska from 3 to 200 nautical miles offshore (the EEZ), but excluded that portion of the EEZ west of 175 degrees East longitude from the FMP. In 1990, NMFS approved and implemented Amendment 3 to the FMP. Among other things, Amendment 3 extended the jurisdiction of the FMP to the EEZ west of 175 degrees East longitude and deferred regulation of the sport and commercial salmon fisheries in the EEZ to the State, thereby removing the Council and NMFS from routine management of the salmon fisheries but maintaining Federal participation and oversight of, and final authority over salmon management within the EEZ.

The fishery management unit for the FMP is all waters of the EEZ off the coast of Alaska and the salmon and fisheries that occur there. FMP at chapter 2. Two management areas are established within the EEZ, the West Area and the East Area, with the border for the areas at the

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<sup>10</sup> While there are several examples in the legislative history for the original Magnuson-Stevens Act that explain that "beyond the EEZ" as used in 16 U.S.C. 1811(b)(1) means the high seas seaward of the EEZ and not the territorial seas of the coastal states (see A LEGISLATIVE HISTORY OF THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, at 99, 144, and 274 (1976)), the following excerpt is particularly informative: "The assertion of exclusive authority over anadromous species of fish is meant to apply when such fish are found on the high seas beyond the U.S. [EEZ], but outside the jurisdiction of any other nation. It is anticipated that the United States will use this authority to ban any capture of anadromous species of fish on the high seas and regulate their taking in the [EEZ]. Furthermore, this assertion of authority is not intended to preempt coastal States' authority to manage anadromous species of fish within their boundaries." (Emphasis added.) Id., at 678.

longitude of Cape Suckling (143° 53' 36" West longitude). The West Area includes the EEZ in the Bering, Chukchi, and Beaufort Seas, as well as the EEZ in the North Pacific Ocean west of Cape Suckling. The FMP authorizes sport (or recreational) salmon fishing in the EEZ of the West Area. However, the FMP prohibits commercial salmon fishing in the EEZ of the West Area with the exception of three pockets of EEZ waters adjacent to three historical State commercial fishing areas: the Cook Inlet Area, the Prince William Sound Area, and the Alaska Peninsula Area.<sup>11</sup>

Through the FMP and implementing Federal regulations,<sup>12</sup> the Council and NMFS have asserted management authority over salmon fisheries within the EEZ of the West Area, and have deferred routine management of the salmon fisheries that occur within the EEZ of the West Area, including the three historical areas open to commercial fishing, to the State. FMP at 34, 35, 41. This deferral means that State management of salmon fishing within the EEZ of the West Area, including the three historical areas, must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law. Although NMFS and the Council defer management of salmon fisheries within the West Area's EEZ to the State, the Council and NMFS have ultimate management authority over salmon fishing in the West Area's EEZ, including the three historical areas.

As to Petitioners' first assertion, NMFS disagrees that the Council and NMFS, through the FMP, have preempted the State's management authority over salmon within State waters and delegated Federal management responsibilities for salmon fishing within State and Federal waters to the Board. The FMP is clear that Federal management of salmon fisheries does not extend into State waters (0 to 3 nautical miles from the State's baseline). The FMP explicitly states that the FMP governs salmon fishing from 3 to 200 nautical miles off the coast of Alaska. FMP at i, 1, and 5. Furthermore, at no time have the Council and NMFS preempted the State's management of salmon fisheries within State waters.

Because NMFS has not preempted the State's management of salmon fisheries within State waters, NMFS has not delegated Federal management responsibilities for salmon fishing within State waters to the Board. Rather, the Council and NMFS asserted Federal management over salmon species solely within the EEZ and then extended to the State, through deferral, routine management of those EEZ salmon fisheries. Through the FMP, NMFS and the Council maintain Federal participation and oversight of State management in the EEZ to ensure consistency with the FMP, the Magnuson-Stevens Act, and other applicable law. Under the FMP's deferral of management authority to the State, the Council and NMFS are not frequently involved in the

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<sup>11</sup> Appendix C of the FMP contains descriptions and geographic coordinates for these areas.

<sup>12</sup> See 50 CFR 679.3(f)(4): "Commercial fishing for salmon in the EEZ west of Cape Suckling is not allowed except in three net fisheries managed by the State of Alaska as described in Section 2.2.2 and Appendix C of the Salmon FMP. For State of Alaska regulations governing these fisheries, see 5 Alaska Administrative Code 09 (Alaska Peninsula), 5 Alaska Administrative Code 21 (Cook Inlet), and 5 Alaska Administrative Code 24 (Prince William Sound)."

State's routine management of the salmon fisheries within the EEZ. As described earlier in this response, the FMP provides persons with the opportunity to ask NMFS to review State regulations as they apply in the EEZ for consistency with the FMP, the Magnuson-Stevens Act, and other applicable law. The FMP also authorizes the Council and NMFS to implement regulations applicable in the EEZ in order for the salmon fisheries conducted within the EEZ to achieve the objectives of the FMP or to be consistent with the Magnuson-Stevens Act or other applicable law.

Finally, Petitioners' assert that State management of salmon fisheries within State waters must be consistent with the Magnuson-Stevens Act and that Board regulations are amendments to the FMP. These assertions appear to be based on the premise that the FMP extends Federal management authority over salmon fisheries into State waters. However, as explained above, NMFS has not preempted the State's authority to manage salmon fisheries within its waters. Therefore, there is no requirement that State management of salmon fisheries within State waters be consistent with the Magnuson-Stevens Act and no basis for concluding that Board regulations are amendments to the FMP. Furthermore, FMPs and amendments to them are specialized documents prepared by fishery management councils and approved by NMFS under provisions of the Magnuson-Stevens Act. The Magnuson-Stevens Act contains no provisions for entities other than the councils or NMFS to prepare or approve FMPs or FMP amendments. Therefore, NMFS disagrees with these assertions.

The provisions of the Magnuson-Stevens Act do not apply to the State's resident-only Personal Use fishery and NMFS lacks authority to regulate or eliminate it.

Petitioners make a number of claims that the personal use fishery is inconsistent with the Magnuson-Stevens Act and requests NMFS to eliminate the resident-only personal use net fishery because it discriminates against non-residents, harms the environment, harms the commercial salmon fishery, and substantially and adversely affects the carrying out of the FMP for salmon in the EEZ. Petition at 29-31. There are four personal use fisheries in Cook Inlet, a set gillnet fishery at the mouth of the Kasilof River, and three in-river dipnet fisheries on the Kasilof and Kenai rivers, and at Biglake (closed since 2001). No personal use fishing occurs in the EEZ. As discussed previously, NMFS has not preempted State management of salmon fisheries within State waters and the factual circumstances of the salmon fishery do not warrant initiation of preemption proceedings at this time. Therefore, NMFS lacks authority to regulate the State's personal use fishery conducted within State waters and the requirements of the Magnuson-Stevens Act do not apply to the personal use fishery.

Petitioners further claim that the Board regulations that manage the personal use fishery are amendments to the FMP that must meet the Magnuson-Stevens Act requirements, including a social impact assessment, and be supported by a NEPA analysis. Petition at 21. Board actions to

manage salmon fisheries in State waters are not FMP amendments as discussed above, and therefore the Board is not required to conduct analyses that are required for amendments to the Federal FMP.

NMFS lacks the authority to take action to restore and protect essential fish habitat ("EFH") on the Kenai River and other EFH in the upper Cook Inlet basin.

Petitioners request that NMFS take action to restore and protect EFH on the Kenai River and other EFH in the Upper Cook Inlet basin. Petitioners claim that the purpose of the Magnuson-Stevens Act is to promote EFH, that salmon management regulations promulgated by the Board must be reviewed for consistency with the purpose of protecting EFH, and that any State regulations that negatively impact EFH must be preempted by the Secretary. Petition at 15.

The FMP identifies the Kenai River and all known salmon in-river habitat as salmon EFH.<sup>13</sup> The Magnuson-Stevens Act does not require the Secretary to review each State salmon management action for consistency with an FMP's EFH provisions. The Magnuson-Stevens Act establishes specific but limited requirements for EFH. Each FMP must describe and identify EFH for the fishery, minimize to the extent practicable adverse effects on EFH caused by fishing, and identify other actions to encourage the conservation and enhancement of EFH. 16 U.S.C. 1853(a)(7). With regard to State agency actions, the Magnuson-Stevens Act provides that if the Secretary receives information that an action authorized, funded, or undertaken by a state or federal agency would adversely affect any EFH, then the Secretary shall recommend measures to the applicable agency to conserve EFH. The Magnuson-Stevens Act contains no other requirements or authority for NMFS to engage in a review of State management programs regarding effects to EFH, and there is no exception to the process and factual findings required by 16 U.S.C. 1856(b) that permits NMFS to preempt State management actions.

The Magnuson-Stevens Act states that "Each Council shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect the habitat, including essential fish habitat, of an anadromous fishery resource under its authority." 16 U.S.C. 1855(b)(3)(B). The Council has not determined that any State actions trigger this requirement and has not commented on or made recommendations to the State for salmon EFH. The Council is beginning a 5-year review of the FMP's EFH provisions per the requirement at 50 CFR 600.815(a)(10) that "a review and revision of EFH components" be completed every 5 years, and EFH provisions be revised or amended, as warranted, based on available information. This review will include an analysis of whether there have been changes to the available information

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<sup>13</sup> The EFH amendments to the FMP are available at the NMFS Alaska Region web page at: [http://www.fakr.noaa.gov/analyses/salmon/amds\\_7\\_8.pdf](http://www.fakr.noaa.gov/analyses/salmon/amds_7_8.pdf)

regarding fishing and non-fishing activities affecting essential fish habitat since the EFH FEIS analysis. Through this process, the Council may determine that the activities identified in the Petition, or any other fishing activities occurring in State waters or in the EEZ, substantially affect salmon EFH and may make recommendations accordingly to the State. NMFS encourages Petitioners to become involved in the Council 5-year review process<sup>14</sup>. If NMFS or the Council determines that measures are necessary to protect salmon EFH in the EEZ, NMFS will follow the established process whereby the Council develops and analyzes alternatives in a public process and makes a recommendation to the Secretary.

Additionally, as discussed in the FMP, during EFH consultations between NMFS and other agencies, NMFS strives to provide reasonable and scientifically-based recommendations that account for restrictions imposed under various state and federal laws by agencies with appropriate regulatory jurisdiction. FMP Appendix E at 83. Moreover, the coordination and consultation required by the Magnuson-Stevens Act do not supersede the regulations, rights, interests, or jurisdictions of other federal or state agencies. 16 U.S.C. 1855(b). Further NMFS's EFH conservation recommendations are not binding. FMP Appendix E at 84.

Petitioners also claim that the substantial and adverse effects of the personal use net fishery were not fully explained in the EFH FEIS, raising the question of whether a supplemental EIS must be prepared prior to the start of the 2008 personal use net fishery. Petition at 24. Petitioners also claim that although the adverse impacts to EFH were known at the time of the EIS, the impacts are not addressed. Petition at 24. NMFS disagrees. The EFH FEIS does analyze the impacts to in-river salmon EFH, including the impacts of the personal use fisheries. The EFH FEIS discusses drift, set, troll, recreational, and personal use salmon fisheries. EFH FEIS at 3-148 through 3-150. Appendix B of the EFH FEIS also contains a comprehensive, peer-reviewed analysis of fishing effects on EFH and detailed results for each managed species. For each non-fishing activity, known and potential adverse impacts to EFH are described in Appendix G of the EFH FEIS. The descriptions explain the mechanisms or processes that may cause the adverse effects and how these may affect habitat function. The EFH analysis concluded that no fisheries managed under the Council FMPs cause more than minimal and temporary adverse effects on EFH. At this time, NMFS does not intend to prepare a supplemental EIS to analyze the impacts to in-river salmon EFH. After the 5-year review, the Council and NMFS may decide to prepare a supplemental EIS if the 5-year review reveals that significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts. 40 CFR 1502.9(c)(1).

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<sup>14</sup> More information about the 5-year review is available at the Council web site: <http://www.fakr.noaa.gov/npfmc/default.htm>.

NMFS declines to promulgate emergency regulations to supersede State regulations and manage Upper Cook Inlet salmon stocks.

Petitioners request NMFS to promulgate emergency regulations to supersede State regulations and manage Upper Cook Inlet salmon stocks. Specifically, Petitioners' request NMFS to issue an emergency rule that: (1) removes mandatory closures and season opening and closing dates from the salmon management plans for Upper Cook Inlet, (2) establishes one optimum escapement goal range for all species in Upper Cook Inlet, (3) protects salmon habitat/EFH, (4) eliminates the resident-only personal use net fishery, and (5) enacts measures necessary to ensure harvest opportunity on those stocks. Petition, at 31-32 and 34-36.

To the extent Petitioners' request is asking NMFS to impose emergency regulations that would have applicability within State waters, NMFS declines Petitioners' request for the reasons already provided in this response concerning preemption of State management of salmon fisheries within State waters. Furthermore, to the extent Petitioners' request is asking NMFS to impose emergency regulations that would have applicability within the EEZ and would supercede State management measures applicable in the EEZ, NMFS declines to take emergency action under 16 U.S.C. 1855(c) of the Magnuson-Stevens Act at this time. According to NMFS policy guidelines, the use of emergency actions should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resources, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures.<sup>15</sup> For reasons provided earlier in this response, NMFS has concluded that Petitioners have not provided information that indicates that substantial harm would occur in the EEZ due to State salmon management measures applicable in the EEZ.

If NMFS were to determine that measures are necessary to supersede State management measures applicable in the EEZ, then NMFS would follow the standard procedures for notice and comment rulemaking, including conducting the required analysis under the National Environmental Policy Act, the Regulatory Flexibility Act, and Executive Order 12866. Applicable Federal law establishes processes for assessment and responsive implementation of appropriate management measures if warranted, and NMFS cannot truncate this process without good cause.

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<sup>15</sup> 62 FR 44422, August 21, 1997.

**Attachment: The portion of commercial salmon catch harvested in the EEZ**

To determine whether the commercial salmon fisheries occur predominantly in the U.S. Exclusive Economic Zone (EEZ), NMFS examined commercial salmon catch data for all five species of salmon governed by the FMP. These commercial fisheries occur in the EEZ in the Southeast Alaska, Prince William Sound, Cook Inlet, and the Alaska Peninsula areas. This attachment includes commercial catch data provided by the Alaska Department of Fish and Game (ADF&G) for each area from 1991 to 2008. The period from 1991 to 2008 represents fishing under the current FMP and provides a reasonable representation of the distribution of catch over time.

To estimate the portion of catch harvested in the EEZ, catches in the statistical areas that include the EEZ were tabulated and compared to the total catch for that management area. ADF&G catch data is recorded by statistical areas which can include both State and EEZ waters in one statistical area. All catch in statistical areas that have both EEZ and State waters were assumed to be EEZ catch; therefore it is likely that these tables attribute more catch to the EEZ than actually occurred. Thus, the portion of total catch estimated to have been harvested in the EEZ represents a maximum amount.

Table 1 shows that the commercial catch of all salmon species during this time period was slightly less than 4 percent of the total commercial catch from both the EEZ and State waters in these areas. Note that this table does not include commercial catch in state waters in all other areas. If all catch statewide was included, the total portion harvested in the EEZ would be significantly smaller because the EEZ waters in all other areas are closed to salmon fishing.

**Table 1:** Commercial salmon catch data and estimated percentage of total catch from the EEZ in the areas where salmon fisheries occur in the EEZ; Alaska Peninsula, Cook Inlet, Southeast Alaska, and Prince William Sound/Copper River.

|                  | EEZ catch         | Total catch          | EEZ as % of total |
|------------------|-------------------|----------------------|-------------------|
| AK Peninsula     | 30,295,085        | 244,662,687          | 12.38%            |
| Cook Inlet       | 32,810,061        | 105,486,193          | 31.10%            |
| SEAK             | 2,926,919         | 1,118,674,467        | 0.26%             |
| PWS Copper River | 18,113,825        | 681,134,615          | 2.66%             |
| <b>Total</b>     | <b>84,145,890</b> | <b>2,149,957,962</b> | <b>3.91%</b>      |

# ALASKA STATE LEGISLATURE



Bill Stoltze  
State Representative  
House District 16

Charlie Huggins  
State Senator  
Senate District H

## **Huggins, Stoltze Introduce Resolution to Protect Alaska's Personal Use Dip Net Fisheries**

(JUNEAU, April 9, 2009) – Senator Charlie Huggins (R-Mat-Su) and Representative Bill Stoltze (R-Chugiak/Mat-Su) today announced that they are introducing companion resolutions requesting Governor Sarah Palin's administration to join the federal government in opposing a lawsuit filed by a Cook Inlet commercial fishing group challenging salmon management in the inlet. Senate Joint Resolution 22, sponsored by Senator Huggins and co-sponsored by Senators Johnny Ellis (D-Anchorage), Bill Wielechowski (D-Anchorage) and Linda Menard (R-Wasilla), was introduced this morning. Representative Stoltze plans to introduce a companion resolution in the House of Representatives tomorrow.

"With this resolution, we're trying to get a fair shake for Alaskans who fish to feed their families and asking the governor to defend the state's authority to manage our fisheries in a responsible manner," said Senator Huggins. "If this lawsuit is successful, it could pre-empt state management and be detrimental to Alaskans' access to our salmon resources."

The lawsuit was filed last year by the United Cook Inlet Drift Association (UCIDA) against the U.S. Department of Commerce opposing the current management of salmon fisheries in Cook Inlet. UCIDA is an association of both resident and non-resident commercial fishermen who participate in drift gillnet salmon fisheries in the inlet. Senate Joint Resolution 22 would express the Senate's objection to the association's effort to have state-managed personal use dip net fisheries declared unconstitutional and therefore pre-empted by federal law.

"It is appalling that this Alaska resident-only salmon fishery is under assault by special interests," said Representative Stoltze. "Dipnetting is a great part of Alaska - a true family tradition."

The resolutions request Governor Palin "to direct the attorney general to oppose this lawsuit", and, "in cooperation with the legislature, to re-examine the inordinate and potentially unfair, unethical, and disproportionate influence of the commercial fisheries industries on fisheries management in Alaska."

SJR 22 has been referred to the Resources Committee and the Judiciary Committee. The House version will be referred to committees tomorrow.

For more information, contact Senator Huggins or Sharon Long at 907-465-3878, or Representative Stoltze or Ben Mulligan at 907-465-4958.

###

**BALDWIN & BUTLER, LLC**  
ATTORNEYS AT LAW

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James N. Butler, III  
Gregory R. Gabriel, Jr.

125 N. Willow Street  
Kenai, Alaska 99611  
(907) 283-7167  
(907) 283-8435 (Fax)

February 19, 2010  
VIA EMAIL

Governor Parnell  
Senate President Stevens  
House Speaker Chenault

Gentlemen:

Prior to moving SJR 22 to the floor for a vote, there are a couple of points I would like to put forward as counsel for the parties named in the resolution.

First of all, Mr. Jensen is a decorated Vietnam veteran, sixth generation Alaskan, Alaska Native, and federally recognized subsistence user in addition to being a commercial fisherman. Mr. Jensen, fought and was wounded serving our country, protecting the rights we all enjoy as United States citizens. This includes the right to have grievances resolved in federal court, and the right to appeal any adverse lower court decision.

Likewise, UCIDA is an organization duly formed and recognized under our form of government, with the recognized right to petition the government, seek redress in federal court, and to appeal any adverse lower court decisions.

Presently, the State of Alaska is a party in the Jensen case. The proposed resolution does nothing to encourage further involvement in a case that the State of Alaska is fully engaged in already.

The true impact of such a resolution demonstrates to individuals around the state, who have the audacity to take up an issue that is unpopular with urban legislators, that those legislators will abuse their position of trust and civic responsibility to foment negative sentiment statewide against you as an individual. The intended consequence of such legislation is to silence those who would seek to have the boundaries of government proscribed by our judicial

system – a system that rose out of the American Revolution and upon which our country was built.

Regarding the UCIDA cases, UCIDA as an organization lawfully petitioned the federal government under the federal Administrative Procedure Act. When the federal government failed to even acknowledge receipt of UCIDA's petition for an unreasonable amount of time, UCIDA filed suit seeking a declaration that it was denied due process and equal protection of the law for failing to respond to UCIDA's petition. It is unlikely that the State of Alaska has standing to intervene against UCIDA regarding constitutional claims against the Secretary of Commerce for failing to respond to UCIDA's petition within a reasonable time.

UCIDA's second case challenges aspects of National Marine Fisheries denial of UCIDA's petition under the Administrative Procedure Act. The Alaska Department of Law was provided courtesy copies of the pleadings in this case and likely have legal reasons for not intervening at this time. Again, the proposed resolution is unlikely to influence the executive branch in this case, the real consequence is the chilling effect this legislation will have on those who seek to petition the government and ultimately seek redress against an unresponsive government.

The government works for us. Presumably, the government will act in a responsible manner. One of the real consequences of our form of government, is that the strong and influential act in a manner that affects the small and the weak. The right to petition and seek redress is a built in check on majority rule – one that our forefathers recognized as indispensable to true democracy. A read of the sponsors' press release reveals this legislation for what it really is, an attempt to bully an individual and an organization lawfully seeking redress into dropping their lawsuits.

The sponsors label commercial fishing interests as having inordinate, unfair, unethical and disproportionate influence on fisheries management. These labels are decidedly unhelpful and further foment negative sentiment against the parties to the litigation by seeking to paint all commercial fishermen with the same brush.

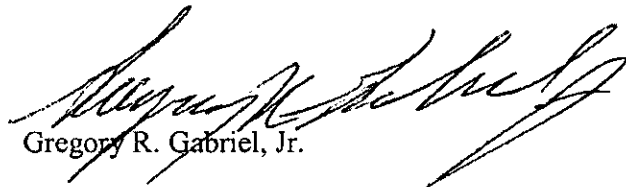
At the same time, we see the prime sponsor of SJR 22 on the House side has introduced HB 266 to prioritize personal use dipnetting. An examination of campaign contributions demonstrates where the real influence comes from regarding fisheries management. HB 266 will

have negative impacts on the fishing industry in the State of Alaska, discouraging investment, reducing the number of jobs available, and reducing taxable income to the State and those communities that share in that revenue. The social impacts of personal use dipnetting should be considered and dealt with before creating a priority in this fishery that will negatively affect coastal communities in Cook Inlet and Prince William Sound. This bill will likely lead to further litigation, and will galvanize the commercial fishing industry in a way that SJR 22 did not.

At this time I am urging the Alaska Legislature, on behalf of my clients, to respect their rights to petition and redressability and oppose SJR 22. Furthermore, the legislature should find that HB 266 is not in the best interest of the State of Alaska and oppose that bill as well.

Sincerely,

BALDWIN & BUTLER, LLC



Gregory R. Gabriel, Jr.

cc: Sen. Tom Waggoner, Rep. Kurt Olsen, Sen. Albert Kookesh, Rep. Bill Thomas, Jr.

**Timothy Clark**

---

**From:** Rep. Bryce Edgmon  
**Sent:** Saturday, February 13, 2010 5:36 PM  
**To:** Timothy Clark  
**Subject:** FW: Please support SJR22 & HB266

**From:** Lucy Bishop [mailto:Lucky8118@alaska.net]  
**Sent:** Saturday, February 13, 2010 11:41 AM  
**To:** Rep. Bryce Edgmon  
**Subject:** Please support SJR22 & HB266

Please vote for SJR22 & HB266 !



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 Email: sitka\_lio@legis.state.ak.us

**DATE: Feb 9, 2009**

**TO: House Special Committee on Fisheries Chair & members**

**RE: SJR 22, Federal Preemption of Salmon Mgt**

**FAX: 465-3445** **2 pages, including cover sheet**

**Dear Chair and Members of House Special Fisheries Committee :**

**Mr. Donohoe was listening to your Committee meeting this morning and wanted to testify on SJR 22. Because there was some confusion at the LIO which bill he wanted to testify on, he was unable to testify on SJR 22.**

**Please review his comments attached re: SJR22.**

**Respectfully submitted,**

A handwritten signature in cursive script, appearing to read "Marle Murray".

**Marle Murray, Legislative Information Officer**



# Alaska State Legislature

Please enter into the record my testimony to the HFSH  
committee name

Committee on SJR 22, dated 2-9-10

Commercial Fishermen  
cannot keep all the fish  
they want. They can  
choose to keep some or  
all of their commercial catch  
and not sell it. They  
cannot keep fish when  
their commercial fishery  
is closed.

Matt Donohop

Signed:

Signature

self (commercial fisherman)

Representing (optional)

P.O. Box 3114 SITKA AK 99835

Address

Phone number

HB266--Bonnie Borba Email

From: Bonnie Borba [borba@mosquitonet.com]  
Sent: Monday, February 08, 2010 9:58 PM  
To: Rep. Bryce Edgmon  
Subject: Support SJR22 and HB266

Dear Representative Bryce,

I was born and raised here in Alaska and my brothers and I grew up hunting, trapping and fishing with our parents. Chitna dip netting of sockeye and Chinook salmon has been a stable source of quality food of our family. We are now on our third generation of family members now dipping to provide salmon to our parents and grandparents. Occasionally we get only a few but we are usually the diehard shore based dippers that usually get our limit if not one trip maybe a second. The trip is a family affair and the salmon are better than anything you can buy at a store. I understand the commercial aspect of the fishery as well but many of these fishermen are not even from our state and precedence lies with subsistence priority first before commercial fisheries, subsistence means food for local peoples and in this state means all residents. Chitna is not an easy place to fish and it is not for everyone because of the difficult river and weather. I typically do not sport fish because if I catch a fish I am going to eat it. I do not understand totally the reason why this fishery got changed to a personal use fishery but you should be thinking of the families this resource is providing for -the everyday working man.

Please support SJR22 and HB266.

Bonnie Borba

**Timothy Clark**

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**From:** Clemens M. Clooten [cmclooten@ci.fairbanks.ak.us]  
**Sent:** Monday, February 08, 2010 8:44 AM  
**To:** Rep. Bryce Edgmon  
**Subject:** SJR 22 and HB266

Representative Edgmon,  
Please pass the two above bills so Alaskans can continue to provide fish for their families.  
Thank you for your work.

Clem Clooten

**Timothy Clark**

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**From:** Frank Casey [profishguide@hotmail.com]  
**Sent:** Sunday, February 07, 2010 8:11 AM  
**To:** Rep. Bryce Edgmon; Sen. Charlie Huggins; Rep. Bill Stoltze  
**Subject:** Support SJR22 and HB266

Dear Sirs,

I am glad to see that there are a few looking out for Alaskans right to gather thier own food sources. Its one of the reasons I came to Alaska, so please support SJR22 and HB266.

*Thanks,  
Frank Casey  
po box 343  
Clam Gulch, AK 99568*

**907-252-4525 cell**

---

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

**Timothy Clark**

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**From:** Marcie & Dan [bentti@mtaonline.net]  
**Sent:** Sunday, February 07, 2010 6:31 AM  
**To:** Rep. Bryce Edgmon  
**Subject:** SJR22/Bil 266

Please pass these out of committee and let the house vote!

Dan Bentti

**Timothy Clark**

---

**From:** Roy Slemp [rslempusa@gci.net]  
**Sent:** Sunday, February 07, 2010 5:46 AM  
**To:** Rep. Bryce Edgmon  
**Subject:** SJR22 and HB266

Dear Representative Edgmon,

I rely heavily on dipnetting to sustain my family. Please vote to pass HB266 and SJR22.

Thank you,  
Roy Slemp

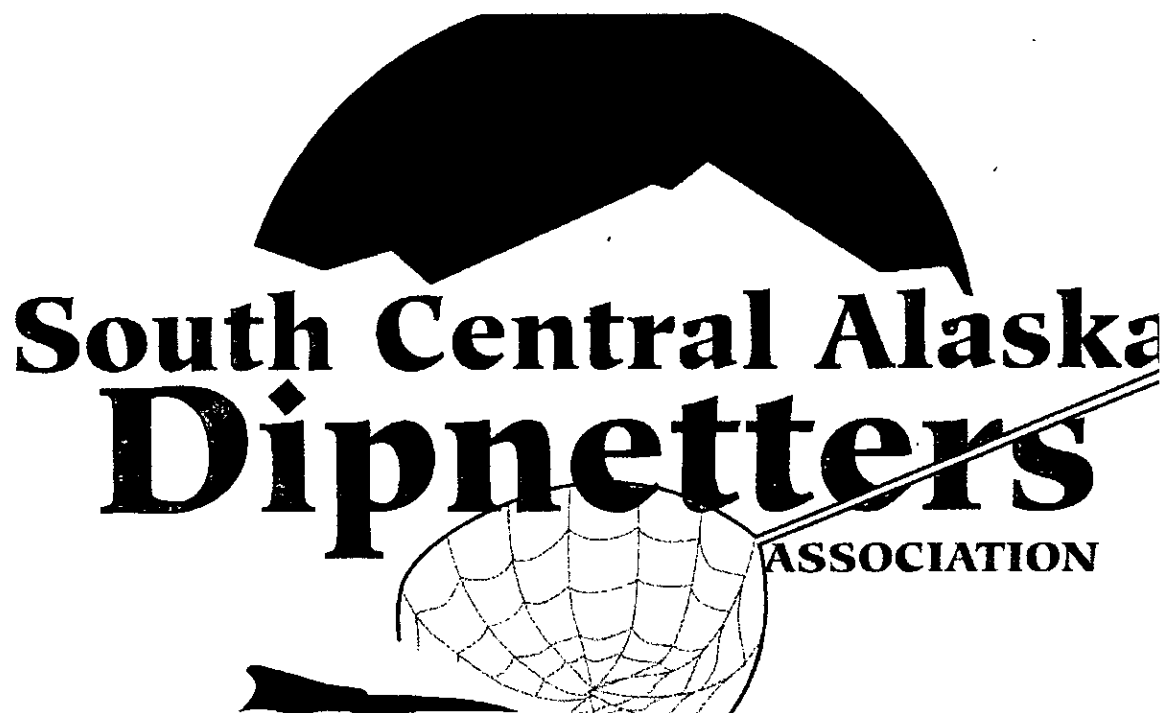
**Timothy Clark**

---

**From:** art trenholme, ph.d. [art65@alaska.net]  
**Sent:** Saturday, February 06, 2010 6:55 PM  
**To:** Rep. Bryce Edgmon  
**Subject:** dip netting

Sir: I strongly support putting Alaskan citizens ahead of commercial fishermen when dipnetting is an issue. I urge you to vote for HB 266 and SJR 22 to get them out of committee and on to the House floor. thanks...art trenholme, muldoon

**From:** Ken Federico [mailto:kenfederico@mtaonline.net]  
**Sent:** Friday, February 05, 2010 3:35 PM  
**To:** Ben Mulligan; Sen. Charlie Huggins; Rep. Mark Neuman; Rep. Carl Gatto  
**Cc:** dennis gease; steve rasmussen; Ken Federico  
**Subject:** HB 266 SJR 22



Representative Bill Stoltze,

February 5, 2010

Please let me say thank you to all in the Legislature that are involved with SJR 22 and HB 266. I am glad to see that you are helping to ensure that Alaskan residents would have some priority when it comes to our resources, in times of shortages.

As you all must be aware, there are over 90,000 Alaskan residents that benefit from personal use fishing in our great state. Whether it is done in Chitina, The Kenai/Kasilof or even China poot, Alaskans from through out the state put fish into their freezers because of dipnetting.

I have to admit I am somewhat biased since I started SCADA a number of years ago. What keeps me working on keeping dipnetting from getting cut back is the feedback I get from mostly elderly Alaskan residents. Let me explain. Whenever I am quoted in the newspaper or go on talk radio, concerning dipnetting, I start to receive cold phone calls, usually that night.

It turns out that a lot of our elderly really depend on fish from personal use and these phone calls are a lot of "thank you's" for standing up and fighting to keep personal use in play. I have been amazed at the amount of seniors that have looked up my last name in the phone book to call and tell me that they appreciate my efforts and really depend on these fish. That is what keeps me going.

My hat is off to all of you that support Alaskan residents.

Thank You again,

Ken Federico, SCADA, ~~XXXXXXXXXX~~

**Sharon Long**

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**From:** Melvin Grove [mbgrove@mtaonline.net]  
**Sent:** Monday, April 13, 2009 3:19 PM  
**To:** Sharon Long; Sen. Charlie Huggins  
**Cc:** Sen. Lesil McGuire; Sen. Bill Wielechowski; Sen. Hollis French  
**Subject:** SJR 22  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Senator Huggins,

I would like to express my support of SJR 22 and all initiatives that will bring a fair and equitable share among sport fisherman and the commercial fishing industry.

Sincerely,

Mel and Cheryl Grove  
Halibut Grove Valdez Charters

~~907-442-8418/907-888-8888~~  
P.O. Box 520575 Big Lake, AK 99652  
[www.alaskan-adventures-unlimited.com](http://www.alaskan-adventures-unlimited.com)

**Sharon Long**

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**From:** Duane BelAND [BELAND@MOSQUITONET.COM]  
**Sent:** Monday, April 13, 2009 2:22 PM  
**To:** Sharon Long  
**Subject:** SJR 22  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

I support SJR 22 and ask that the fisheries resources be allocated iaw the state Constitution and that commercial interests and out of state interests do not get priority as they seem to be attempting.

Duane Beland  
North Pole, AK.

**Sharon Long**

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**From:** Chuck and Joanne Collins [tales@ptialaska.net]  
**Sent:** Monday, April 13, 2009 11:44 AM  
**To:** Sharon Long, *staff to Senator Huggins*  
**Subject:** SJR 22

Dear Ms. Long,

Please let Sen. Huggins know that we are in full support of SJR 22; for too long the commercial fishing industry has dominated boards and councils regarding fisheries management. It past time that a more equitable balance be established on these boards and councils and we believe SJR 22 to be a first step in that direction.

Sincerely,  
Charles E. and Alice J. Collins

**Sharon Long**

---

**From:** Holly Van Pelt [alaskavetpath@mosquitonet.com]  
**Sent:** Monday, April 13, 2009 11:11 AM  
**To:** Sharon Long, *Staff to Senator Huggins*  
**Subject:** support for SJR 22

support for SJR 22:

Dear Ms Long: Please be aware that I support SJR 22. The imbalance in the representation of our fisheries decision making councils and boards is a major cause of the creation of rules that are benefitting a small number of commercial fisherman in a disproportional manner. There finally is a study out that reflects the huge value of sport caught fish. The recreational fishery not only benefits local Alaskans directly by putting food in their freezers, but the financial benefit from tourist dollars is widely spread through the economy by the huge variety of the many small businesses that support this industry.

I think specifically the failures of the North Pacific Fisheries Management council to create a reasonable allocation of halibut resources between private and commercial sector is a result of a ridiculously biased council and somewhat biased staff and legal advisors. If there were to be a balance on that council, they might actually have produce a reasonable solution instead of the 15 years of failed efforts and legally flawed rules.

Thank you for your efforts in protecting the public interest in its resources,

Holly Van Pelt  
Alaskan Cottages  
P.O. Box 3309  
Homer, AK 99603  
907-235-9113

**Sharon Long**

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**From:** edfelt@gci.net on behalf of Larry Edfelt [edfelt@gci.net]  
**Sent:** Friday, April 10, 2009 1:33 PM  
**To:** Sen. Lesil McGuire; Sen. Bill Wielechowski; Sen. Hollis French; Sharon Long  
**Subject:** Support for SJR 22

Dear Senators:

I strongly support passage of SJR 22. The resolution thoroughly captures my thoughts. I hope the examination of the fisheries management process the resolution calls for actually happens.

In this same vein, please also reject the appointment of Brent Johnson to the Board of Fisheries, and encourage the governor to provide more geographic balance and broader user group expertise to the board.

Thank you for whatever consideration you give to this.

sincerely,  
Larry Edfelt

Box 210821  
Auke Bay, AK 99821  
907-780-4780

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No viruses found in this outgoing message  
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<http://www.iolo.com>

# HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: April 18, 2009

FURTHER REFERRALS: Resources

Date of Committee Action: 2/9/2010

The HOUSE SPECIAL COMMITTEE ON FISHERIES considered:  
CS FOR SENATE JOINT RESOLUTION NO. 22(RES)

Opposing litigation that seeks to eliminate the Kenai, Kasilof, and Chitina sockeye salmon personal use dip net fisheries.  
**SJR 22 FEDERAL PREEMPTION OF SALMON MANAGEMENT**

Recommends it be replaced with  HCS or  CS for CS SJR 22 (FSH) \_\_\_\_\_  
Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

- List of Abbrev for Depts.:
- ADM
  - CED
  - COR
  - CRT
  - EED
  - DEC
  - DFG
  - GOV
  - DHS
  - LWF
  - LAW
  - LEG
  - MVA
  - DNR
  - DPS
  - REV
  - DOT
  - UA

| <b>NEW FISCAL NOTES</b>           |      |        |        |      |
|-----------------------------------|------|--------|--------|------|
| *Assigned by Chief Clerk's Office |      |        |        |      |
| List by Dept(s):                  | *FN# | Fiscal | Indet. | Zero |
| HFSH                              |      |        |        | ✓    |
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| <b>PREVIOUS FISCAL NOTES</b> |     |        |        |      |
|------------------------------|-----|--------|--------|------|
| List by Dept(s):             | FN# | Fiscal | Indet. | Zero |
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| <u>Signing with recommendations</u> | Printed Last Name | DP | DNP | NR | AM |
|-------------------------------------|-------------------|----|-----|----|----|
|                                     | Johnson           | X  |     |    |    |
|                                     | Millett           | X  |     |    |    |
|                                     | KAWASAKI          |    |     |    | X  |
|                                     | Keller            | X  |     |    |    |
|                                     | Buc R             |    |     | X  |    |
|                                     | Muñoz             | ✓  |     |    |    |
| Chair:                              | Edgman            |    |     | X  |    |
| Chair:                              |                   |    |     |    |    |

# ALASKA STATE LEGISLATURE

Senate District H  
600 E. Railroad Avenue  
Wasilla AK 99654  
907-376-4866  
907-373-4724 - Fax  
Senator\_Charlie\_Huggins@legis.state.ak.us



State Capitol, Room 119  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265  
800-862-3878  
[www.akrepublicans.org/huggins/](http://www.akrepublicans.org/huggins/)

## Charlie Huggins Senator

### Sponsor Statement SJR 22

This resolution takes aim at lawsuits filed in the US District Court of Alaska, one by the United Cook Inlet Drift Association (UCIDA) and another by Herbert T. Jensen. The complaints by this commercial fishing group and an individual, calling for a return of federal management is an affront to the State of Alaska. Please, do not forget, here in our 50<sup>th</sup> year as a state, it was a colossal failure of federal salmon management that was a major driving force behind the statehood movement. I would hope no one wishes to return to such a regime.

UCIDA is an association of both resident and non-resident commercial fishers who participate in drift gillnet salmon fisheries in the inlet. Remarkably, these fishers can keep, for their personal use, an unlimited number of fish from their commercial catch. Their goal is to have the state-managed personal use dip net fishery declared unconstitutional and be pre-empted by federal law. This resolution seeks a fair shake for Alaskans who fish, without commercial gear, with simple dip nets, to feed their families. It asks the governor to intervene in defense of our state's authority to manage its own fisheries in a responsible manner.

# FISCAL NOTE

STATE OF ALASKA  
2010 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CS for CSSJR22(RES)  
 () Publish Date: \_\_\_\_\_

Title FEDERAL PREEMPTION OF SALMON MANAGEMENT Dept. Affected: \_\_\_\_\_  
 RDU \_\_\_\_\_  
 Sponsor Sen. Huggins, et al Component \_\_\_\_\_  
 Requester House Fisheries Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2011     | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        | <b>0.0</b>                | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|--|--|

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| <b>CHANGE IN REVENUES ( )</b> |  |  |  |  |  |  |  |  |
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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 Interagency Receipts |            |            |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

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| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

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

Prepared by: House Special Committee on Fisheries  
 Division: \_\_\_\_\_  
 Approved by: House Special Committee on Fisheries

Phone 465-2839  
 Date/Time 2/9/2010 12:30 p.m.  
 Date 2/9/2010

# ALASKA STATE LEGISLATURE



Bill Stoltze  
State Representative  
House District 16

Charlie Huggins  
State Senator  
Senate District H

## **Huggins, Stoltze Introduce Resolution to Protect Alaska's Personal Use Dip Net Fisheries**

(JUNEAU, April 9, 2009) – Senator Charlie Huggins (R-Mat-Su) and Representative Bill Stoltze (R-Chugiak/Mat-Su) today announced that they are introducing companion resolutions requesting Governor Sarah Palin's administration to join the federal government in opposing a lawsuit filed by a Cook Inlet commercial fishing group challenging salmon management in the inlet. Senate Joint Resolution 22, sponsored by Senator Huggins and co-sponsored by Senators Johnny Ellis (D-Anchorage), Bill Wielechowski (D-Anchorage) and Linda Menard (R-Wasilla), was introduced this morning. Representative Stoltze plans to introduce a companion resolution in the House of Representatives tomorrow.

"With this resolution, we're trying to get a fair shake for Alaskans who fish to feed their families and asking the governor to defend the state's authority to manage our fisheries in a responsible manner," said Senator Huggins. "If this lawsuit is successful, it could pre-empt state management and be detrimental to Alaskans' access to our salmon resources."

The lawsuit was filed last year by the United Cook Inlet Drift Association (UCIDA) against the U.S. Department of Commerce opposing the current management of salmon fisheries in Cook Inlet. UCIDA is an association of both resident and non-resident commercial fishermen who participate in drift gillnet salmon fisheries in the inlet. Senate Joint Resolution 22 would express the Senate's objection to the association's effort to have state-managed personal use dip net fisheries declared unconstitutional and therefore pre-empted by federal law.

"It is appalling that this Alaska resident-only salmon fishery is under assault by special interests," said Representative Stoltze. "Dipnetting is a great part of Alaska - a true family tradition."

The resolutions request Governor Palin "to direct the attorney general to oppose this lawsuit", and, "in cooperation with the legislature, to re-examine the inordinate and potentially unfair, unethical, and disproportionate influence of the commercial fisheries industries on fisheries management in Alaska."

SJR 22 has been referred to the Resources Committee and the Judiciary Committee. The House version will be referred to committees tomorrow.

For more information, contact Senator Huggins or Sharon Long at 907-465-3878, or Representative Stoltze or Ben Mulligan at 907-465-4958.

###



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

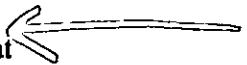
James N. Butler, III  
Gregory R. Gabriel, Jr.  
Baldwin & Butler, LLC  
125 North Willow Street  
Kenai, Alaska 99611

Dear Mr. Butler and Mr. Gabriel:

Thank you for your "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska" (Petition), dated June 12, 2008, and submitted to the Secretary of Commerce by the United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association (Petitioners). We have reviewed and considered the Petition. The attached document constitutes the National Marine Fisheries Service's (NMFS's) response to the Petition.

For various reasons explained fully in the attached response, NMFS denies Petitioners' claims that challenge the consistency of certain State of Alaska (State) salmon regulations applicable within the Exclusive Economic Zone (EEZ) with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Fishery Management Plan for the Salmon Fisheries in the EEZ Off the Coast of Alaska (FMP), and other applicable Federal law. Before appealing such regulations to NMFS, the FMP requires persons challenging State salmon fishing regulations to first exhaust their remedies through the appropriate State procedures. The information provided in the Petition indicates that Petitioners have failed to exhaust their remedies with the State. Petitioners may resubmit these claims to NMFS after exhausting their remedies with the State in accordance with Chapter 9 of the FMP.

NMFS also declines to pursue Petitioners' request that NMFS preempt State management of salmon fisheries within the State waters of Upper Cook Inlet because the Magnuson-Stevens Act prevents NMFS from preempting a state's management authority within that state's waters if NMFS is unable to find that the fishery occurs predominantly within the EEZ. The catch data for salmon in the EEZ versus State waters clearly show that fishing for salmon governed by the FMP, on a broad scale as well as solely within the Cook Inlet Management Area, does not occur predominately within the EEZ.



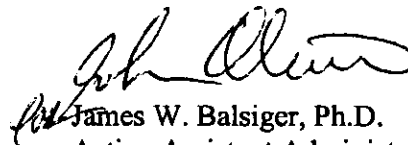
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THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



Finally, the attached document provides the agency's position relative to a number of interpretations of several provisions of the Magnuson-Stevens Act and the scope of Federal authority to manage salmon fisheries under the provisions of the Magnuson-Stevens Act and the FMP that are included in the Petition.

Sincerely,



James W. Balsiger, Ph.D.  
Acting Assistant Administrator for

Fisheries

cc: Denby Lloyd, Commissioner, State of Alaska Department of Fish & Game

**Attachments:**

1. NMFS's Response to "Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska"
2. The portion of commercial salmon catch harvested in the EEZ
3. Petition for Emergency Rules Related to Salmon Management in Cook Inlet, Alaska, submitted by the United Cook Inlet Drift Association and the Kenai Peninsula Fishermen's Association

**SJR**

**27**

# HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: March 17, 2010

FURTHER REFERRALS:

Date of Committee Action: 3/26/10

The RESOURCES Committee considered:

CS FOR SENATE JOINT RESOLUTION NO. 27(RES)

Urging the federal government to provide funding for domestic seafood marketing and promotional activities.

SJR 27-FED. FUNDING: DOMESTIC SEAFOOD MARKETING

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
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 DHS  
 LWF  
 LAW  
 LEG  
 MVA  
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| <u>NEW FISCAL NOTES</u>           |      |        |        |      |
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| *Assigned by Chief Clerk's Office |      |        |        |      |
| List by Dept(s):                  | *FN# | Fiscal | Indet. | Zero |
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| <u>Signing with recommendations</u> | Printed Last Name | DP | DNP | NR | AM |
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|                                     | OLSON             | X  |     |    |    |
|                                     | CWIKNER           | X  |     |    |    |
|                                     | IVICK             | X  |     |    |    |
|                                     | SEATON            | X  |     |    |    |
|                                     | WILSON            | X  |     |    |    |
| Chair:                              | JOHNSON           | X  |     |    |    |
| Chair:                              | NEUMAN            | X  |     |    |    |



SENATOR DENNIS EGAN

### **Senate Joint Resolution 27 – National Seafood Marketing**

Senate Joint Resolution (SJR) 27 communicates to the Obama Administration, the Alaska Congressional Delegation, and Congress the Legislature's support for using a portion of federal revenues generated from duties on imported seafood and fish products for marketing American seafood—including that harvested in Alaska.

Since the 1990s, over eighty percent of the fish consumed annually by American families is the product of foreign countries. And every year the governments of many of these countries bankroll multi-million-dollar campaigns to market their seafood to Americans.

While the Alaska seafood industry as well as the state of Alaska contribute millions in funding for marketing purposes, the amounts are not adequate to finance the vigorous, consistent, and innovative promotion that our products require in the face of foreign competition.

Meanwhile, each year hundreds of millions of dollars are derived from duties on these imported fish and fish products that so aggressively compete with American seafood. Yet only an insignificant fraction of this revenue has ever been employed to promote domestically produced seafood.

SJR 27 endorses putting a portion of these revenues to work in developing and maintaining the robust domestic markets that healthy, sustainable Alaskan seafood deserves. The resolution urges Congress to pass legislation dedicating such funding for the effective domestic marketing of American seafood. It asks the Alaska Delegation in Congress to work together with representatives from other seafood producing states to accomplish these goals.

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ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108

SENATOR.DENNIS.EGAN@LEGIS.STATE.AK.US

# FISCAL NOTE

STATE OF ALASKA  
2010 LEGISLATIVE SESSION

Fiscal Note Number: SJR27  
Bill Version: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): SJR27-DFG-DAS-02-26-10 Dept. Affected: ADF&G  
Title Urging the federal government to provide funding for RDU Administration and Support  
domestic seafood marketing and promotional activities. Component Administrative Services  
Sponsor Senator Egan  
Requester Resources Component Number 479

**Expenditures/Revenues** (Thousands of Dollars)

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

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2011     | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Travel                        | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Contractual                   | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Supplies                      | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Equipment                     | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| Land & Structures             | 0.0                       | 0.0         | 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        | 0.0        | 0.0        |
| Miscellaneous                 | 0.0                       | 0.0         | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| <b>TOTAL OPERATING</b>        | <b>0.0</b>                | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

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| <b>CAPITAL EXPENDITURES</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
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| <b>CHANGE IN REVENUES ( )</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
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**FUND SOURCE** (Thousands of Dollars)

|                            |            |            |            |            |            |            |            |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |            |            |            |            |            |            |            |
| 1003 GF Match              |            |            |            |            |            |            |            |
| 1004 GF                    | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        | 0.0        |
| 1005 GF/Program Receipts   |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |            |            |            |            |            |            |            |
| Other Interagency Receipts |            |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2010) cost: \_\_\_\_\_

**POSITIONS**

|           |     |     |     |     |     |     |     |
|-----------|-----|-----|-----|-----|-----|-----|-----|
| Full-time | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Part-time | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Temporary | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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

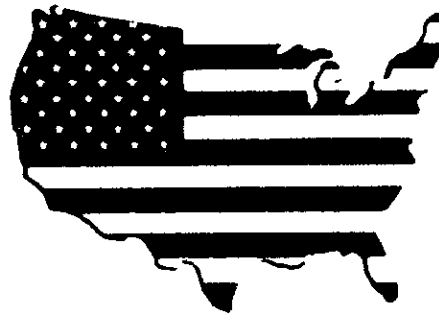
No fiscal impact to Department of Fish and Game

Prepared by: Jeff Hoover, Deputy Director  
Division: Administrative Services  
Approved by: Tom Lawson, Director of Administrative Services  
Alaska Department of Fish and Game

Phone 907-465-6077  
Date/Time 02/26/10 10:45 a.m.  
Date 2/26/2010

# National Seafood Marketing Coalition

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Julie Decker  
Kevin Adams  
Julianne Curry  
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United Fishermen of Alaska

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# Creation of a *National Seafood Marketing Coalition*

## Executive Summary

U.S. seafood producers have common interests. These common interests are often overshadowed by a variety of conflicts, such as access and allocation. U.S. seafood producers can set aside conflicts in order to focus on areas of common interest.

U.S. seafood producers need parity with other U.S. food producers. The bottom line is that U.S. seafood producers are food producers and struggle with the same issues as other U.S. food producers. However, seafood producers are not included in many of the USDA programs which currently benefit farmers. For example, seafood producers do not receive specific funding for domestic marketing and product development which leaves us behind foreign competitors. Additionally, "wild caught" seafood producers cannot participate in the USDA Farm Service Agency's Loan Program due to the agency's definition of "fish."

These two examples, *marketing and affordable working capital*, address areas which are critical to the survival and success of the U.S. seafood industry. In order to affect positive change for U.S. seafood producers, we need to begin to think strategically. Below is an outline of those strategic steps.

### Strategic Steps to Success:

- 1) Create a Coalition
- 2) Define the issue
- 3) Build support
- 4) Identify potential legislative vehicles
- 5) Wait for the correct timing

**Step 1 – Create a Coalition:** The formation of a *National Seafood Marketing Coalition* (Coalition) creates a forum on which to build grass roots support and effect the changes necessary in the industry. The creation of the Coalition is vital to the health of our industry and the survival of our coastal communities.

**Step 2 – Define the issue:** The first issue adopted by the Coalition could be the establishment of a National Seafood Marketing Fund which targets revenues from import duties on fish and fish products as an annual funding source. Other issues may be adopted by the Coalition in the future; however, beginning with one single issue allows the Coalition to focus on building its relationships and support around that issue.

A focused single issue and message with broad support is essential to achieving success. Marketing is an issue which will help all sectors of the industry by bringing higher demand and value to U.S. seafood products.

**Step 3 – Build support:** Grassroots support is the single most powerful influence on our Congressional Delegates. The Coalition must build support at the local, regional and national levels to create an unshakeable foundation of support for its issues. To do this, Coalition members must rally organizations, businesses, communities, and states with interest in the seafood industry, to support Coalition issues in Congress.

**Step 4 – Identify potential vehicles:** The next strategic step for success is to identify potential legislative vehicles on which to attach the Coalition's issue. A potential vehicle could be President Obama's Jobs Bill, mentioned in his State of the Union Address.

**Step 5 – Wait for the correct timing:** The political timing must be correct in order to accomplish our goal.

We must form a strong, supportive Coalition and be strategically smart. Remember, we have legitimate value in our goal; a healthy U.S. seafood industry is good for the economy and good for the country.

## **National Seafood Marketing Coalition**



### **Proposal to Create a National Seafood Marketing Fund**

**DRAFT-DRAFT-DRAFT**

#### **Need**

American seafood products are increasingly forced to compete with imported seafood and many other sources of protein in the domestic marketplace. Consequently, United States fishermen and seafood producers struggle to maintain a healthy business profile. Ex-vessel prices are too low to sustain many domestic fisheries. Fishing jobs are being lost and fishery dependant communities are in decline. It is in the interest of the U.S. to maintain a strong domestic seafood industry.

#### **Concept**

Develop national legislation directing a portion of the import duties collected on fish and fish products be dedicated to a National Seafood Marketing Fund (NSMF). The NSMF would market domestic seafood which directly competes with foreign imported seafood. Secondly, the legislation would establish nine (9) Regional Seafood Marketing Boards to receive, manage and direct these dedicated funds.

#### **Factual Background**

Seafood imports generate two sources of revenue for the U.S. treasury. First, approximately \$300 million dollars annually (\$282 million in 2008) is generated through duties and tariffs on imported fish and fish products. Second, as much as \$400 million dollars may be generated annually from the antidumping/countervailing duties (AD/CVD) on imported fish and fish products.

The first source of revenue, money collected from import duties on fish and fish products, are funds for the U.S. Department of Agriculture (USDA) and the U.S. treasury. Annually, 30% of these funds are transferred from USDA to the U.S. Department of Commerce (USDC) National Marine Fisheries Service's *Promote and Develop Fisheries Products* (P&D) account. NMFS further allocates a majority of the P&D account to Operations, Research and Facilities (ORF). The remaining portion funds the Saltonstall-Kennedy (S-K) program, which traditionally has few or no proposals to "*promote and develop fisheries products.*" To date, it has been difficult to find the disposition of the

remaining funds retained within the USDA. A breakdown of the appropriation of these funds for fiscal years 2007 & 2008 is listed below:

### Revenue from Import Duties on Fish & Fish Products (millions)

| Year              | Total Duties<br>in USDA | P&D<br>Account | Remaining<br>in USDA | P&D Account<br>Breakdown |         |
|-------------------|-------------------------|----------------|----------------------|--------------------------|---------|
|                   |                         |                |                      | ORF                      | SK      |
| FY07              | \$ 276.05               | \$ 82.82       | \$ 193.23            | \$ 79.00                 | \$ 3.82 |
| % of Total Duties | 100%                    | 30%            | 70%                  | 29%                      | 1%      |
| FY08              | \$ 281.98               | \$ 84.59       | \$ 197.39            | \$ 77.00                 | \$ 7.59 |
| % of Total Duties | 100%                    | 30%            | 70%                  | 27%                      | 3%      |

The 1956 S-K Act was amended in 1983 to require that 60% of the P&D, or approximately \$50M, be used to fund the S-K program annually. Further, it is interesting to note that the amount of funds used for the S-K program since 1983 has never met this minimum of 60%; the average for this period is 11.8% (including promotional and marketing funds).

From FY1978 to FY2008, import duties on fish and fish products have grown from \$43.3M to \$282M. However, funds available for the S-K program have shrunk from \$13M to \$7.6M. The average for this period is \$7.3M.

The second source of revenue, the antidumping/countervailing duties (AD/CVD), is not currently allocated for any use by domestic seafood producers, although domestic seafood producers are dramatically affected by imported products often subsidized by foreign governments. AD/CVD funds collected from imported seafood have been difficult to definitively identify; however, it is believed to be as much as \$400M annually.

#### Funding Source

This proposal suggests an annual funding mechanism for the National Seafood Marketing Fund by utilizing equal portions of the revenue from import duties on fish and fish products and the revenue from AD/CVD. The portion of revenue from import duties on fish and fish products should be equal to the congressional intent of 60% of the P&D account (approximately \$50M annually) which would then be matched with an equal amount from the AD/CVD.

*To be clear, the import duties on fish and fish products targeted for this proposal are the 70% remaining in USDA, not the 30% transferred to NMFS for ORF and S-K.*

### Structure of Regional Seafood Marketing Boards

1. Nine (9) Regional Seafood Marketing Boards (Boards) would be established in order to include all U.S. seafood producers which would include mariculture and aquaculture. Eight (8) Boards would geographically parallel the 8 Regional Fishery Management Councils authorized by the Magnuson-Stevens Act. The 9<sup>th</sup> Board would represent inland domestic seafood production. Marketing activities of each Board would be directed toward seafood caught or products produced in each region.
2. Establish a statutorily "fixed" annual funding mechanism using an equal portion of the import duties on fish and fish products and the AD/CVD. The total amount appropriated annually would be divided into thirds:
  - o One-third distributed equally to all 9 regional Boards.
  - o One-third distributed based on the comparative regional value of seafood produced in the most recently reported year.
  - o One-third distributed based on the comparative regional volume of seafood (metric tons) produced in the most recently reported year.
3. The Boards should be limited in scope to promotion and marketing, including new product development, of seafood harvested and/or produced in each region (e.g. no imported products). "Promotion and marketing, including new product development" should be defined broadly enabling Boards to respond quickly to market needs.
4. Boards serve as the regional "umbrella funding" entity. The Boards' activities should be limited to the awarding of grants and the distribution of funds through a Request for Proposal process. Boards would not manage marketing programs. Existing marketing or development entities, such as the Wild American Shrimp, Inc., Louisiana Seafood Promotion and Marketing Board, Maine Lobster Promotion Council, Alaska Seafood Marketing Institute, or the California Salmon Council could also apply to the Boards for funding to support their programs.

In addition, the Boards, as regional "umbrella" entities, should be encouraged to also focus on smaller (niche) marketing initiatives by requiring Boards to distribute a specific portion of their annual funding to "small businesses" as defined by the Small Business Administration.

Boards can spend no more than 10% of their annual funding for administration and operational expenses.

5. Cooperation between Boards should be encouraged by requiring the Board chairmen to meet semi-annually to discuss common species, marketing projects and issues of concern. Semi-annual meetings could also include representatives from various existing seafood marketing organizations as well.

## Why Marketing? An Example from the Alaska Salmon Industry

### Salmon Makes a Great Example

- Good data for Ex-vessel and First Wholesale salmon values
- Salmon accounts for 58 percent of all commercial permits fished in Alaska
- Most active salmon fishermen (75%) are Alaska residents and spend earnings all over the state (60% just in Anchorage and Mat Su)
- Salmon Fisheries are highly visible to public and policy makers



In 1991, the Alaska salmon industry suffered from a huge influx of imported farmed salmon in consumer-friendly forms.

From 1991 to 2002, the value of Alaska salmon continued to drop as the import of farmed salmon continued to rise.

As the demand for Alaska salmon fell, so did the funds used to market Alaska salmon through the Alaska Seafood Marketing Institute (ASMI). ASMI is funded based on a percent tax on the industry.

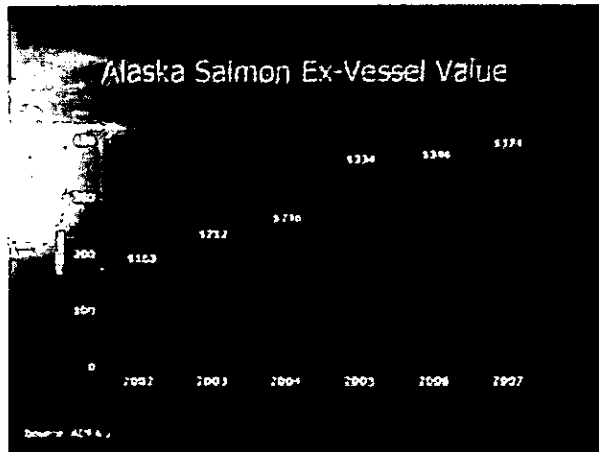
As the value of the fishery declined, the marketing funds desperately needed to pull the industry out of the tail-spin were also declining, furthering the downward trend.

During this time, approximately two-thirds of the fishermen and processing companies went out of business across Alaska.

In 2002, the Alaska salmon industry hit the lowest point of profitability in history.

## Definitions

- **Ex-vessel Value, \$1.6 billion in 2007**
  - Payment to Harvesters
    - \* Most common method of payment for harvesters
- **First Wholesale Value, Est. \$3.6 billion**
  - First sale by a processor to a buyer outside their affiliate network
    - \* Most common method of payment for processors



## Value Growth Drivers

- **Biology**
  - Strong salmon harvest
  - Record harvest in 2007
- **Salmon Product Form Shifts**
  - Packaged
  - Frozen
- **Market Activity**
  - Increased demand for salmon
  - Market for high quality salmon products
  - Increased demand for salmon

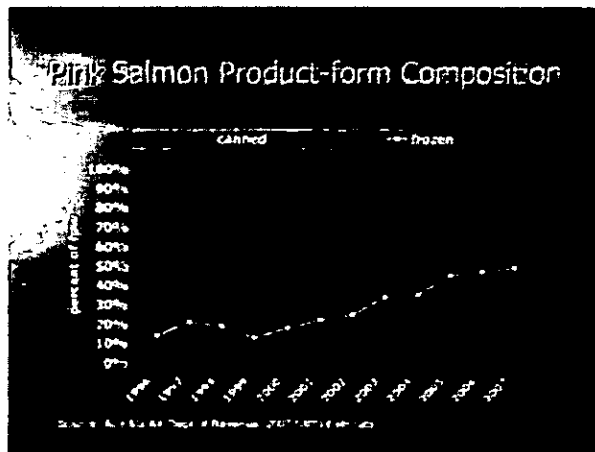
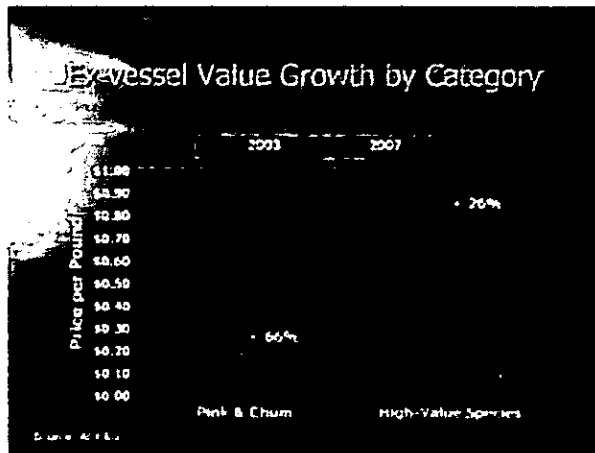
Also in 2002, Governor Frank Murkowski and his Salmon Cabinet designed and implemented the Alaska Salmon Revitalization Plan, funded with approximately \$40 million, plus an equal amount of matching funds from private industry.

At this same time, Senator Ted Stevens created the Alaska Fisheries Marketing Board (AFMB) out of frustration in trying to meet the intent of Congress to use 60% of the Promote & Develop Fisheries Account funds to “promote and develop fisheries products.” AFMB is considered a pilot project to the current proposed National Seafood Marketing Fund.

The AFMB was funded with \$36 million between 2002 and 2007.

The combination of these funds, over \$116 million, was used for marketing, product development and infrastructure with an emphasis on the failing salmon industry.

The positive results of these investments are significant.



### Impacts of Product-form Shift

- Sustains demand growth for frozen in emerging markets
- Reduced chronic surplus of canned salmon, restoring balance of supply and demand
- Full utilization of harvestable surplus

### Results of Investments in Marketing:

- Increased quality on vessels and in processing plants.
- Increased the number of new product forms, such as fillets, portions, and consumer-ready products.
- Decreased the number of old product forms, such as canned and headed-and-gutted salmon.
- Changed from focusing on the primary processing industry to the secondary processing industry.
- Changed from focusing on the salmon market to focusing on the food market.
- Changed from a commodity-driven market to a consumer-driven market.
- Brought fishermen, processors, wholesalers and government agencies to the table to determine what was needed as market conditions were dynamically changing.

## First Wholesale: The Full Measure of Salmon Value

- Payment to harvesters
- Processors' profits
- Expenditures on goods and services associated with production in Alaska

## Average First Wholesale Value Primary Pink Salmon Products

|              | Price H&G | Retail Case |
|--------------|-----------|-------------|
| CY 2003      | \$ 41     | \$35.57     |
| CY 2004      | \$ 52     | \$36.94     |
| CY 2005      | \$ 67     | \$41.00     |
| CY 2006      | \$ 82     | \$46.17     |
| Jan-Sep 2007 | \$ 75     | \$57.70     |

Source: AK Dept. of Revenue

## Alaska Sockeye Fillet Production



Source: AK Dept. of Revenue

As a result of the investments in marketing (quality, product development, infrastructure and advertisement), the value of Alaska salmon began to rise almost immediately.

From 2002 to 2007, the ex-vessel values increased from \$163 million to \$374 million, an increase of 130%.

The first wholesale value of salmon increased from approximately \$550 million to \$850 million.

The price of canned pink salmon rose from \$35.57 to \$57.70 per case.

The amount of sockeye fillets produced continued to rise from approximately 2 millions pounds to almost 14 million pounds.

Many of the costs for processors are fixed. Therefore, as profitability began to rise, the percentage of profits that could be shared with fishermen also rose. The price paid to fishermen, as a percentage of the first wholesale value, increased from 29% to 40%.

## Potential Value Growth Inhibitors

- Continuous growth of farmed salmon production
- Record harvest volumes of AK salmon
- Product-form Shifts
  - Capital investment in processing
  - Increased processing capacity
- Recent processing sector consolidation

## Market Activity

- Despite factors that normally erode value, Alaska salmon value shows strong growth. Per pound wholesale value is up, driven by several factors including market activity.
- Processing has a high fixed cost base, so wholesale value growth beyond the fixed cost tipping point translates large volume profit.
- Profitability increases created value and stimulate product form shifts that position Alaska products for further value growth.

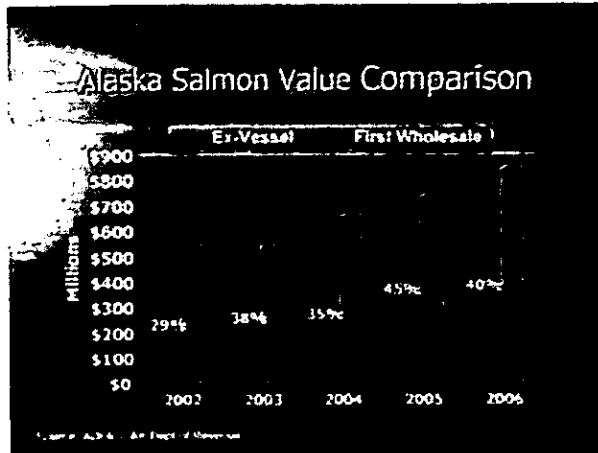
## Market Activity

- Tiered marketing programs and regional efforts of Alaska Seafood and Alaska Salmon
- Increased export to emerging markets and marketing efforts
- Introduced value-added products to new markets
- Overall marketing efforts have increased

The rise in value of Alaska salmon continued even in the face of increased production of farmed salmon, record harvests of Alaska salmon, increased competition from other sources of seafood, and increased marketing efforts from foreign countries. For example, Norwegian salmon companies have budgeted \$15 million for marketing in the U.S. for 2010.

The Alaska Seafood Marketing Institute (ASMI) continues to receive funding for marketing from taxes assessed on the industry. ASMI's budget from assessments is between \$5 million and \$10 million per year to market *all* Alaska Seafood. These assessments allow ASMI to leverage a variety of grants.

Since 2007, the influx of \$116 million in marketing funds is no longer available. However, the ex-vessel value of salmon continues to rise. In 2008, ex-vessel values of Alaska salmon rose to \$452 million, an increase of 177% over 2002 ex-vessel values.



- ### Impacts of Value Growth
- Drives economic activity into remote areas of the state
  - Maintains critical mass for transportation infrastructure
  - Increased participation in salmon fisheries, especially for AK residents



These marketing investments in the Alaska salmon industry were pure economic development.

As the value of the industry increased, economic activity also increased from rural areas of Alaska to urban centers, and even extending to other states which support the industry.

For example, as the industry began to be profitable again, upgrades were made in both the processing and harvesting sectors. Airlines invested in additional cargo capacity as more fillets and high quality salmon were shipped by air. Freight and trucking companies invested in upgrades as distribution lines changed.

Quality improvements and product development meant investments in equipment and machinery (i.e. ice machines, flash freezers and fillet machines) purchased through supply companies all over the country.

## Ex-Vessel Value

- Salmon earnings migrate all over Alaska
  - 75% of active permits held by Alaskans
  - Salmon are sold in all 16 Alaska areas
- Basis for state taxes & revenue sharing
- Basis for municipal & borough taxes not captured in state data

## Spending on Goods & Services

- Labor & Materials
  - Processing plant
  - State & federal government
- Utilities, economies of scale
  - Processing plant
  - State & federal government
- Shipping, economies of scale
  - Processing plant
  - State & federal government

As the salmon industry increased in value, the tax revenue from the industry also increased. Salmon industry taxes support the continued marketing of Alaska seafood, the enhancement of the industry, state activities and municipal activities, such as schools and harbors.

This chain of economic impact continues to trickle down and is seen on local, regional, state and federal levels.

**The investment in marketing Alaska salmon is a success story; it is also an example of what marketing can do for any product and the value of aggressive and continued marketing support, such as a *National Seafood Marketing Fund*.**

\*Note: Slides are excerpts from the McDowell Group's presentations to the Alaska Fisheries Marketing Board (Jan. 21, 2008) titled, "Alaska Salmon Industry: Value Growth Drivers, Secondary Impacts" & to the Alaska Seafood Marketing Institute (Feb. 21, 2008) titled "Value of the Alaska Fishing Industry to the State of Alaska".

# CRS Report for Congress

Received through the CRS Web

## Saltonstall-Kennedy Fishery Funding

Eugene H. Buck  
Specialist in Natural Resources Policy  
Resources, Science, and Industry Division

### Summary

The Saltonstall-Kennedy Act established a fund that, among other things, has supported fishery research and development projects, with funding awarded annually on a competitive basis. Recent congressional "earmarks" have preempted the competitive process for awarding funding for industry projects. This report will be updated as this issue evolves.

The Saltonstall-Kennedy (S-K) Act, as amended (15 U.S.C. §713c-3), established a fund (known as the S-K Fund) that the Secretary of Commerce uses to finance projects and cooperative agreements for fishery research and development. Under this authority, projects or cooperative agreements are selected annually on a competitive basis to assist NOAA Fisheries (previously known as the National Marine Fisheries Service) in addressing concerns related to U.S. commercial and recreational fisheries. The S-K Fund is capitalized through annual transfers under a permanent appropriation to the Secretary of Commerce of 30% of the gross receipts collected by the Secretary of Agriculture under the customs laws on imports of fish and fish products.<sup>1</sup>

The objective of the S-K program is to address the needs of fishing communities in providing economic benefits for rebuilding and maintaining sustainable fisheries, and in dealing with the impacts of conservation and management measures.<sup>2</sup> The S-K program has become very important in addressing issues of immediate concern to the commercial fishing industry, by producing many new gear innovations, markets, and management options. Issues addressed have included fish harvesting, seafood quality improvements, domestic and foreign market development, efficiency and productivity improvements, and the costs/profitability of potential fishing industry investments.<sup>3</sup>

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<sup>1</sup> Because of progressive reductions and eliminations of tariffs on edible fisheries products, most of these customs duties come from non-edible products, such as pearls, coral jewelry, etc.

<sup>2</sup> U.S. Dept. of Commerce, National Marine Fisheries Service, *The Saltonstall-Kennedy Grant Program: Fisheries Research and Development*, Report 2003 (Aug. 1, 2003), p. 2.

<sup>3</sup> U.S. General Accounting Office, *Uses of Saltonstall/Kennedy Fisheries Development Funds*.  
(continued...)

Customs receipts have increased substantially during the life of this program, with almost \$80 million currently being transferred annually to the Secretary of Commerce. **Table 1** summarizes program funding. In 1980, Congress enacted formal program authority to fund fishing industry development projects and expanded this authority in 1983, establishing a minimum percentage of S-K funds to be used to provide financial assistance to projects. The balance of S-K funds were to be used by the Secretary of Commerce for a national program of fisheries research and development to address aspects of U.S. fisheries not adequately addressed by funded industry projects. Beginning in FY1979, increasing amounts of S-K dollars have been transferred to the Department of Commerce's National Oceanic and Atmospheric Administration's (NOAA's) *Operations, Research, and Facilities* (ORF) account, reducing the funds and percentage of funds available for fishing industry projects and the national program. Since FY1982, the S-K program has never allocated the minimum amount (50% after FY1980 and 60% after FY1983) specified by law for industry projects. For example, in FY2002, slightly more than \$79.1 million in customs duty receipts were transferred to the Department of Commerce from the Department of Agriculture. Of this amount, P.L. 107-77 transferred \$68 million to NOAA's ORF account "for necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration."<sup>4</sup> A total of slightly more than \$11.1 million (14.1% of the customs receipts transferred to the Department of Commerce) remained for commercial fishing industry projects, the national program of fisheries research and development, and S-K program administration.

In FY2004 appropriations (P.L. 108-199, 118 Stat. 73, §208 of "General Provisions — Department of Commerce"), congressional earmarks designated funds for specific activities outside the regular competitive award process, and the competitive program was cancelled for FY2004.<sup>5</sup> A similar situation occurred in FY2003. Regardless of the merits of the activities funded through the congressional earmarks, some elements of the commercial fishing industry have expressed frustration when the competitive process is circumvented and projects are funded outside a competitive selection process.<sup>6</sup>

Since the S-K program requires no periodic reauthorization, no recent congressional oversight hearings have been held to review the department's rationale for allocating S-K funds between industry projects and agency base funding; how specific project areas to be funded are selected; how this program is administered and at what cost; how the results of funded projects are reviewed, disseminated, and used; and to what extent the program continues to meet its statutory objectives. Additional questions include whether the S-K

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<sup>3</sup> (...continued)

GAO/RCED0-85-145 (Washington, DC: Aug. 30, 1985), p. ii.

<sup>4</sup> 115 Stat. 774-775.

<sup>5</sup> In several earlier instances, congressional "soft" earmarks were specified in report language associated with annual appropriations. Although such language is not legally binding, NOAA followed the direction in making funds available noncompetitively for various specific projects. Examples include the Interstate Shellfish Sanitation Conference for an education program on naturally occurring *Vibrio vulnificus* in shellfish and the Alaska Fisheries Development Foundation for a report entitled *An Ocean of Answers*.

<sup>6</sup> Discussions among commercial fishermen on the internet discussion group "Fishfolk" fishfolk@mitvma.mit.edu on Mar. 22-25, 2004.

program might be considered a continuing subsidy for the commercial fishing industry, whether the funding of industry projects continues to be useful, how the utility of the S-K program authority may have changed over time, and whether critical research might be done by industry if it were not funded by the S-K program.

Criticism of S-K program management generally comes from elements of the commercial fishing industry. Some critics of S-K Fund management question whether the administration of both regulation and research within the same agency raises questions about objectivity; they suggest that researchers might be hesitant to criticize the agency for its regulatory actions because they might lose access to future or continued project funding. Others suggest that the selection (i.e., restriction) of what types of projects will be funded also may administratively “ earmark ” funds, such as occurred in FY2003 when about half of all industry project funding (\$5 million of an anticipated \$10.3 million) was identified for direction to Atlantic salmon aquaculture development. Others suggest that the narrow agency identification of projects that would be funded in FY2003 actually prompted the subsequent congressional earmarks to specify projects that are to be funded.

The following chronology presents the development of this program. Key references are identified in footnotes by links to where they may be viewed, with care taken to select those resources that may be least transient. Full citations are not provided to these footnoted documents because of the lengthy organizations and titles for them.

### Chronology

- 07/01/1954 — President Eisenhower signs the Saltonstall-Kennedy Act (68 Stat. 376; 15 U.S.C. §713c-3) into law.
- 06/15/1961 — Senate Commerce Subcommittee on Merchant Marine and Fisheries holds a hearing on fishery research and rehabilitation amendments to the S-K Act.<sup>7</sup>
- 10/01/1978 — NOAA’s National Marine Fisheries Service (NMFS) begins receiving S-K dollars as annual budgetary transfers to NOAA’s *Operations, Research, and Facilities* account.
- 12/22/1980 — Section 210 of the American Fisheries Promotion Act (P.L. 96-561) amends the S-K Act to require that not less than 50% of each fiscal year’s funds be used to provide financial assistance for projects.
- 01/06/1983 — Section 423 of P.L. 97-424 amends the S-K Act to require that not less than 60% of each fiscal year’s funds be used to provide financial assistance for projects.

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<sup>7</sup> U.S. Congress, Senate, Committee on Commerce, Subcommittee on Merchant Marine and Fisheries, *Fishery Research and Rehabilitation (Amendments to Saltonstall-Kennedy Act)*, 87<sup>th</sup> Congress, 1<sup>st</sup> session, hearing on S. 1230 on June 15, 1961 (Washington, DC: GPO, 1961), 103 p.

- 08/30/1985 — The General Accounting Office (GAO) releases a report on the *Uses of Saltonstall/Kennedy Fisheries Development Funds* (GAO/RCED0-85-145), reviewing both NMFS in-house activities and competitive industry projects supported by S-K dollars. GAO examines the adequacy of the project selection process, project monitoring procedures, and the dissemination of project results. GAO presents views on the benefits of this program to the U.S. commercial fishing industry but makes no recommendations.<sup>8</sup>
- 11/14/1986 — The enactment of §209 of P.L. 99-659 creates the Fisheries Promotional Fund, to be capitalized with S-K funds.<sup>9</sup>
- 05/14/2002 — NOAA Fisheries announces the FY2003 S-K Program, allocating \$5 million of an anticipated \$10.3 million for Atlantic salmon aquaculture development.<sup>10</sup>
- 02/20/2003 — President Bush signs P.L. 108-7, wherein §209 (Division B; General Provisions — Department of Commerce) appropriates \$10 million in S-K dollars for the Alaska Fisheries Marketing Board for FY2003.<sup>11</sup>
- 06/30/2003 — NOAA Fisheries announces the FY2004 S-K Program, suggesting that about \$4 million would be available for projects.<sup>12</sup>
- 08/01/2003 — NOAA Fisheries publishes its 2003 S-K Report to Congress.<sup>13</sup>
- 01/23/2004 — President Bush signs P.L. 108-199, wherein §208 (Division B; General Provisions — Department of Commerce)<sup>14</sup> appropriates \$17 million in S-K dollars for various specified fisheries programs for FY2004;<sup>15</sup> a “soft” earmark (H.Rept. 108-221, p. 89) identifies an additional \$250,000 for the Gulf and South Atlantic Fisheries Foundation to continue a *Vibrio* education program.
- 03/19/2004 — NOAA Fisheries announces that the FY2004 competitive S-K Program is being canceled due to insufficient funding and all

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<sup>8</sup> See [<http://161.203.16.4/d11t3/127795.pdf>], visited Mar. 24, 2004.

<sup>9</sup> 16 U.S.C. §4008.

<sup>10</sup> 67 *Federal Register* 34427-34434 (May 14, 2002).

<sup>11</sup> 117 Stat. 78.

<sup>12</sup> 68 *Federal Register* 38678-38690 (June 30, 2003).

<sup>13</sup> See [[http://www.nmfs.noaa.gov/ocs/sk/pdf/03report\\_wsite.pdf](http://www.nmfs.noaa.gov/ocs/sk/pdf/03report_wsite.pdf)], visited Mar. 24, 2004.

<sup>14</sup> 118 Stat. 73-74.

<sup>15</sup> \$10,000,000 to the Alaska Fisheries Marketing Board, \$2,000,000 to the Gulf and South Atlantic Fisheries Foundation, \$2,000,000 to the South Carolina Seafood Alliance, \$1,500,000 to the Oregon Trawl Commission, and \$1,500,000 to the Oregon State University Seafood Laboratory.

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applications are being returned to the applicants without further consideration.<sup>16</sup> On its S-K website, NOAA Fisheries notes that the President's budget request for FY2005 also does not provide sufficient funding for the competitive S-K Program.<sup>17</sup>

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<sup>16</sup> 69 *Federal Register* 13021 (Mar. 19, 2004).

<sup>17</sup> See [<http://www.nmfs.noaa.gov/ocs/skhome.html>], visited Mar. 24, 2004.

**Table 1. Financing History of Saltonstall-Kennedy Account**  
(thousand \$)

| FY   | Import duties collected | Transfer from Agriculture | Funds to NOAA ORF | Fishermen's Promotional Fund | Congress. earmarks <sup>a</sup> | Remainder available <sup>aa</sup> | Earmarks and remainder as % of transfer |
|------|-------------------------|---------------------------|-------------------|------------------------------|---------------------------------|-----------------------------------|-----------------------------------------|
| 1978 | 43,280                  | 12,984                    | 0                 | 0                            | 0                               | 12,984                            | 100%                                    |
| 1979 | 58,120                  | 17,436                    | 5,000             | 0                            | 0                               | 12,436                            | 71%                                     |
| 1980 | 88,930                  | 26,679                    | 5,000             | 0                            | 0                               | 21,679                            | 81%                                     |
| 1981 | 116,600                 | 35,000                    | 17,500            | 0                            | 0                               | 17,500                            | 50%                                     |
| 1982 | 87,300                  | 26,200                    | 10,000            | 0                            | 0                               | 16,200                            | 62%                                     |
| 1983 | 102,100                 | 30,600                    | 22,600            | 0                            | 0                               | 8,000                             | 26%                                     |
| 1984 | 119,900                 | 33,600                    | 23,600            | 0                            | 0                               | 10,000                            | 30%                                     |
| 1985 | 116,500                 | 34,900                    | 25,900            | 0                            | 0                               | 9,000                             | 26%                                     |
| 1986 | 145,600                 | 43,700                    | 34,100            | 0                            | 0                               | 9,600                             | 22%                                     |
| 1987 | 191,400                 | 57,400                    | 51,600            | 750                          | 0                               | 5,050                             | 9%                                      |
| 1988 | 187,800                 | 56,300                    | 44,400            | 2,600                        | 0                               | 9,300                             | 17%                                     |
| 1989 | 178,900                 | 53,600                    | 45,600            | 3,000                        | 0                               | 5,000                             | 9%                                      |
| 1990 | 206,500                 | 61,900                    | 55,000            | 2,000                        | 0                               | 4,900                             | 8%                                      |
| 1991 | 235,900                 | 70,800                    | 60,900            | 2,000                        | 0                               | 7,900                             | 11%                                     |
| 1992 | 213,700                 | 64,100                    | 63,100            | 0                            | 0                               | 1,000                             | 2%                                      |
| 1993 | 204,700                 | 61,400                    | 55,000            | 0                            | 0                               | 6,400                             | 10%                                     |
| 1994 | 206,500                 | 61,944                    | 54,800            | 0                            | 0                               | 7,144                             | 12%                                     |
| 1995 | 215,885                 | 64,765                    | 55,500            | 0                            | 0                               | 9,265                             | 14%                                     |
| 1996 | 242,977                 | 72,893                    | 63,000            | 0                            | 0                               | 9,893                             | 14%                                     |
| 1997 | 221,270                 | 66,381                    | 66,000            | 0                            | 0                               | 381                               | 1%                                      |
| 1998 | 219,110                 | 65,730                    | 62,380            | 0                            | 0                               | 3,350                             | 5%                                      |
| 1999 | 221,420                 | 66,430                    | 63,380            | 0                            | 0                               | 3,050                             | 5%                                      |
| 2000 | 233,070                 | 69,920                    | 68,000            | 0                            | 0                               | 1,920                             | 3%                                      |
| 2001 | 242,760                 | 72,830                    | 68,000            | 0                            | 0                               | 4,830                             | 7%                                      |
| 2002 | 263,770                 | 79,130                    | 68,000            | 0                            | 0                               | 11,130                            | 14%                                     |
| 2003 | 250,750                 | 75,220                    | 65,000            | 0                            | 10,000                          | 220                               | 14%                                     |
| 2004 | 265,747                 | 79,724                    | 62,000            | 0                            | 17,250                          | 474                               | 22%                                     |

<sup>a</sup>. Except for FY2004, this column does not include the "soft" earmarks as previously discussed.

<sup>aa</sup>. This amount includes funds for industry projects, the national program, and NMFS/NOAA Fisheries expenses for administering the industry projects. In FY2003, these administrative expenses were estimated at \$500,000.



**Alaska Seafood Marketing Institute**  
**Resolution 2009-01**

**A RESOLUTION OF THE ALASKA SEAFOOD MARKETING INSTITUTE SUPPORTING FEDERAL FUNDING FOR UNITED STATES PRODUCED SEAFOOD**

- WHEREAS, the State of Alaska in conjunction with the fishing industry created the Alaska Seafood Marketing Institute (ASMI) to market and promote Alaska seafood; and
- WHEREAS, ASMI has worked for 28 years to champion the "Alaska Brand" and to identify Alaska seafood as wild and sustainable; and
- WHEREAS, effective marketing of Alaska's seafood requires a constant, consistent and long term marketing presence, especially in times of oversupply and new competition; and
- WHEREAS, the Alaska seafood industry has "self assessed" fishery production to pay for ASMI's promotional activities; and
- WHEREAS, despite the money raised from the Alaska Seafood Industry, ASMI's promotional activities are often limited and underfunded; and,
- WHEREAS, in times of economic collapse or fishery oversupply, the industry is least able to increase marketing assessments; and
- WHEREAS, the Federal Government collects approximately \$280 million dollars annually through customs laws regulating the importation of fishery products, many of which compete with Alaska's fishery products; and
- WHEREAS, funds collected from the importation of fishery products are not available for the domestic marketing of American seafood; and
- WHEREAS, using fishery product import revenues to market American seafood will preserve American fishing and seafood processing jobs, U.S. processing capacity and ensure availability of domestic seafood for the American Consumer;

**THEREFORE BE IT RESOLVED, that the Alaska Seafood Marketing Institute strongly supports the use of a portion of federally generated fishery product import revenues for the domestic marketing of Alaska seafood; and**



**THEREFORE BE IT FURTHER RESOLVED, that the Alaska Seafood Marketing Institute's support for the use of a portion of federally generated fishery product import revenues for the domestic marketing of Alaska seafood be communicated to Governor Sean Parnell, the Alaska Legislature, Senators Lisa Murkowski and Mark Begich, Representative Don Young and to the United Fishermen of Alaska.**

(from <http://www.gpoaccess.gov/uscode/browse.html> )

"Saltonstall-Kennedy Act " - Title 15 U.S.C. 713c-3

From the U.S. Code Online via GPO Access  
[www.gpoaccess.gov]  
[Laws in effect as of January 3, 2007]  
[CITE: 15USC713c-3]

[Page 833-836]

TITLE 15--COMMERCE AND TRADE

CHAPTER 15--ECONOMIC RECOVERY

SUBCHAPTER I--GENERALLY

Sec. 713c-3. Promotion of the free flow of domestically produced fishery products

(a) Definitions

As used in this section--

(1) The term "person" means--

(A) any individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands;

(B) any fishery development foundation or other private nonprofit corporation located in Alaska; and

(C) any corporation, partnership, association, or other entity (including, but not limited to, any fishery development foundation or other private nonprofit corporation not located in Alaska), nonprofit or otherwise, if such entity is a citizen of the United States within the meaning of section 50501 of title 46 and for purposes of applying such section 50501 with respect to this section--

(i) the term "State" as used therein includes any State referred to in paragraph (3),

(ii) citizens of the United States must own not less than 75 percent of the interest in the entity or, in the case of a nonprofit entity, exercise control in the entity that is determined by the Secretary to be the equivalent of such ownership, and

(iii) nationals of the United States and citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting the ownership and control requirements referred to in clause (ii).

(2) The term "Secretary" means the Secretary of Commerce.

(3) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, and any other Commonwealth, territory, or possession of the United States.

(4) The term "United States fishery" means any fishery, including any tuna fishery, that is, or may be, engaged in by citizens or nationals of the United States or citizens of the Northern Mariana Islands.

(5) The term "citizen of the Northern Mariana Islands" means--

(A) an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the Constitution of the Northern Mariana Islands; or

(B) a corporation, partnership, association, or other entity organized or existing under the laws of the Northern Mariana Islands, not less than 75 percent of the interest in which is owned by individuals referred to in subparagraph (A) or citizens or nationals of the United States, in cases in which "owned" is used in the same sense as in section 50501 of title 46.

(b) Transfer of funds

(1) The Secretary of Agriculture shall transfer to the Secretary each fiscal year, beginning with the fiscal year commencing July 1, 1954, and ending on June 30, 1957, from moneys made available to carry out the provisions of section 612c of title 7, an amount equal to 30 percent of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund only for--

(A) use by the Secretary--

(i) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c) of this section, \1\

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\1\ So in original. The comma probably should be a semicolon.  
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(ii) to implement the national fisheries research and development program provided for under subsection (d) of this section;

(iii) to implement the Northwest Atlantic Ocean Fisheries Reinvestment Program established under section 1863 of title 16; and

(iv) to fund the Federal share of a fishing capacity reduction program established under section 1861a of title 16; and

(B) the provision of moneys, subject to paragraph (2), to carry out the purposes of the Fisheries Promotion Fund established under

[[Page 834]]

section 208(a) \2\ of the Fish and Seafood Promotion Act of 1986 [16 U.S.C. 4008(a)].

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\2\ So in original. Probably should be section "209(a)".

(2) There are transferred from the fund established under paragraph (1) to the Fisheries Promotion Fund referred to in paragraph (1)(B) \$750,000 in fiscal year 1987, \$3,000,000 in each of fiscal years 1988 and 1989, and \$2,000,000 in each of fiscal years 1990 and 1991.

(c) Fisheries research and development projects

(1) The Secretary shall make grants from the fund established under subsection (b) of this section to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

(2) The Secretary shall--

(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (a)) in which the application was received.

(3) No application for a grant under this subsection may be approved unless the Secretary--

(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

(B) evaluates the proposed project as to--

- (i) soundness of design,
- (ii) the possibilities of securing productive results,
- (iii) minimization of duplication with other fisheries research and development projects,
- (iv) the organization and management of the project,
- (v) methods proposed for monitoring and evaluating the success or failure of the project, and
- (vi) such other criteria as the Secretary may require.

(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

(C) The recipient of the grant must submit to the Secretary periodic project status reports.

(5)(A) If the cost of a project will be shared by the grant recipient, the Secretary shall accept, as a part or all of that share, the value of in-kind contributions made by the recipient, or made available to, and applied by, the recipient, with respect to the project.

(B) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. The Secretary shall establish (i)

the training, experience, and other qualifications which shall be required in order for services to be considered as in-kind contributions; and (ii) the standards under which the Secretary will determine the value of in-kind contributions for purposes of subparagraph (A).

(C) Any valuation determination made by the Secretary for purposes of this paragraph shall be conclusive.

(d) National fisheries research and development program

(1) The Secretary shall carry out a national program of research and development addressed to such aspects of United States fisheries (including, but not limited to, harvesting, processing, marketing, and associated infrastructures) if not adequately covered by projects assisted under subsection (c) of this section, as the Secretary deems appropriate.

(2) The Secretary shall, after consultation with appropriate representatives of the fishing industry, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives, an annual report, that must be submitted not later than 60 days before the close of each fiscal year, containing--

(A) the fisheries development goals and funding priorities under paragraph (1) for the next fiscal year;

(B) a description of all pending projects assisted under subsection (c) of this section or carried out under paragraph (1), in addition to--

(i) a list of those applications approved and those disapproved under subsection (c) of this section, and the total amount of grants made, for the current fiscal year, and

(ii) a statement of the extent to which available funds were not obligated or expended by the Secretary for grants under subsection (c) of this section during the current fiscal year; and

(C) an assessment of each project assisted under subsection (c) of this section or carried out under paragraph (1) that was completed in the preceding fiscal year regarding the extent to which (i) the objectives of the project were attained, and (ii) the project contributed to fishery development.

(e) Allocation of fund moneys

(1) Notwithstanding any other provision of law, all moneys in the fund shall be used exclu

[[Page 835]]

sively for the purpose of promoting United States fisheries in accordance with the provisions of this section, and no such moneys shall be transferred from the fund for any other purpose. With respect to any fiscal year, all moneys in the fund, including the sum of all unexpended moneys carried over into that fiscal year and all moneys transferred to the fund under subsection (b) of this section or any other provision of law with respect to that fiscal year, shall be allocated as follows:

(A) the Secretary shall use no less than 60 per centum of such moneys to make direct industry assistance grants to develop the United States fisheries and to expand domestic and foreign markets for United States fishery products pursuant to subsection (c) of

this section; and

(B) the Secretary shall use the balance of the moneys in the fund to finance those activities of the National Marine Fisheries Service which are directly related to development of the United States fisheries pursuant to subsection (d) of this section.

(2) The Secretary shall, consistent with the number of meritorious applications received with respect to any fiscal year, obligate or expend all of the moneys in the fund described in paragraph (1). Any such moneys which are not expended in a given fiscal year shall remain available for expenditure in accordance with this section without fiscal year limitation, except that the Secretary shall not obligate such moneys at a rate less than that necessary to prevent the balance of moneys in the fund from exceeding \$3,000,000 at the end of any fiscal year.

(Aug. 11, 1939, ch. 696, Sec. 2, 53 Stat. 1412; July 1, 1954, ch. 447, 68 Stat. 376; Aug. 8, 1956, ch. 1036, Sec. 12(b), 70 Stat. 1124; Pub. L. 89-348, Sec. 1(13), Nov. 8, 1965, 79 Stat. 1311; Pub. L. 96-561, title II, Sec. 210, Dec. 22, 1980, 94 Stat. 3287; Pub. L. 97-424, title IV, Sec. 423(a), Jan. 6, 1983, 96 Stat. 2164; Pub. L. 99-659, title II, Sec. 209(e), Nov. 14, 1986, 100 Stat. 3721; Pub. L. 101-627, title VII, Sec. 703, Nov. 28, 1990, 104 Stat. 4463; Pub. L. 102-567, title IX, Sec. 902(c), Oct. 29, 1992, 106 Stat. 4319; Pub. L. 104-208, div. A, title I, Sec. 101(a) [title II, Sec. 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41; Pub. L. 104-297, title I, Sec. 116(c), Oct. 11, 1996, 110 Stat. 3603.)

#### Codification

Section 50501 of title 46 substituted for section 2 of the Shipping Act, 1916 (46 U.S.C. 802) in subsec. (a)(1)(C) and (5)(B) and such section 50501 substituted for such section 2 in subsec. (a)(1)(C) on authority of Pub. L. 109-304, Sec. 18(c), Oct. 6, 2006, 120 Stat. 1709, section 8(b) of which enacted parts A and B of subtitle V of Title 46, Shipping.

#### Amendments

1996--Subsec. (b)(1)(A)(iii). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1863 of title 16.

Subsec. (b)(1)(A)(iv). Pub. L. 104-297 added cl. (iv).

Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1861a of title 16.

1992--Subsec. (b)(1)(A). Pub. L. 102-567 struck out "and" at end of cl. (i) and added cl. (iii).

1990--Subsec. (b)(2). Pub. L. 101-627 substituted "each of fiscal years 1990 and 1991" for "fiscal year 1990".

1986--Subsec. (b). Pub. L. 99-659 designated existing provisions as introductory provisions and subpar. (A) of par. (1) and added pars. (1)(B) and (2).

1983--Subsec. (e). Pub. L. 97-424 amended subsec. (e) generally, which formerly had provided:

(1) With respect to any fiscal year, not less than 50 percent of--

(A) the moneys transferred to the fund under subsection (b) of this section or any other provision of law with respect to that fiscal year; and

“(B) such existing fund moneys carried over into that fiscal year; shall be used by the Secretary during that fiscal year to provide financial assistance for projects under subsection (c) of this section; and the remainder of such moneys in the fund shall be used to implement the national fisheries research and development program established under subsection (d) of this section during that fiscal year.

“(2) Moneys accruing to the fund established under subsection (b) of this section for any fiscal year and not expended with respect to that year shall remain available for expenditure under this section without fiscal year limitation.”

1980--Subsec. (a). Pub. L. 96-561, Sec. 210(2), (3), added subsec. (a) and redesignated former subsec. (a) as (b).

Subsec. (b). Pub. L. 96-561, Sec. 210(1), (2), (4), redesignated subsec. (a) as (b), substituted “transfer to the Secretary” for “transfer to the Secretary of Commerce”, “only for use by the Secretary” for “and used by the Secretary of Commerce”, and provision directing that the fund be used to provide financial assistance for carrying out fisheries research and development projects and to implement the national fisheries research and development program for provision directing that the fund be used to promote free flow of domestically produced fisheries products by conducting a fishery educational service and fishery technological, biological, and related research programs, to acquire, construct, or maintain vessels and other facilities necessary for conducting research, to develop and increase markets for fishery products of domestic origin, and to conduct any biological, technological, or other research pertaining to American fisheries, and struck out former subsec. (b) which authorized any agency or wholly owned government corporation of the United States to transfer to the Secretary of Commerce any vessels or equipment excess to its needs.

Subsec. (c). Pub. L. 96-561, Sec. 210(1), (5), added subsec. (c) and struck out former subsec. (c) which directed the Secretary of Commerce to cooperate with other Federal, State, and local agencies for promotion of free flow of domestically produced fishery products and provided for the appointment of an advisory committee of the American fisheries industry to advise the Secretary in formulation of policy, rules, and regulations.

Subsec. (d). Pub. L. 96-561, Sec. 210(1), (5), added subsec. (d) and struck out former subsec. (d) which authorized the Secretary of Commerce to retransfer any funds available under this section, not to exceed \$1,500,000, to the Secretary of Agriculture to be used for the purposes specified in section 713c-2 of this title.

Subsec. (e). Pub. L. 96-561, Sec. 210(1), (5), added subsec. (e) and struck out former subsec. (e) which provided that the special fund created for use of the Secretary of Commerce under subsec. (a) of this section and the annual accruals thereto be available for each year until expended by the Secretary.

1965--Subsec. (f). Pub. L. 89-348 repealed subsec. (f) which required an annual report to the appropriate committees of Congress on the use of the separate fund.

1956--Subsec. (e). Act Aug. 8, 1956, struck out provisions which limited expenditures to not more than \$3,000,000 in any fiscal year, restricted the balance of the fund to not more than \$5,000,000 at the end of any fiscal year, and required the Secretary of the Interior to retransfer funds in excess of the \$5,000,000 to the Secretary of Agriculture.

1954--Act July 1, 1954, amended section generally, to encourage the distribution of fishery products.

#### Effective Date of 1996 Amendment

Section 101(a) [title II, Sec. 211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

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#### Effective Date of 1983 Amendment

Section 423(b) of Pub. L. 97-424 provided that: "The amendment made by subsection (a) of this section [amending this section] shall take effect on October 1, 1983."

#### Short Title

Section 2 of act Aug. 11, 1939, which enacted this section, is popularly known as the "Saltonstall-Kennedy Act".

#### Termination of Reporting Requirements

For termination, effective May 15, 2000, of provisions in subsec. (d)(2) of this section relating to submitting annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 50 of House Document No. 103-7.

#### Abolition of House Committee on Merchant Marine and Fisheries

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. Committee on Merchant Marine and Fisheries of House of Representatives treated as referring to Committee on Resources of House of Representatives in case of provisions relating to fisheries, wildlife, international fishing agreements, marine affairs (including coastal zone management) except for measures relating to oil and other pollution of navigable waters, or oceanography by section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

#### Transfer of Functions

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, Sec. 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

#### Continuation of Authorization for Transfer of Funds

Section 12(a) of act Aug. 8, 1956, provided that: "The authorization for the transfer of certain funds from the Secretary of Agriculture to the Secretary of the Interior and their maintenance in a separate fund as contained in section 2(a) of the Act of August 11,

1939, as amended July 1, 1954 (68 Stat. 376), [now subsec. (b) of this section], shall be continued for the year ending June 30, 1957, and each year thereafter.''

#### Termination of Advisory Committees

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

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SENATOR DENNIS EGAN

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## MEMORANDUM

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**TO:** Representative Mark Neuman, Resources Committee Co-Chair  
Representative Craig Johnson, Resources Committee Co-Chair  
**FROM:** Senator Dennis Egan  
**SUBJECT:** SJR27 Hearing Request  
**DATE:** 3/17/2010

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I respectfully request a hearing on Senate Joint Resolution, "Urging the federal government to provide funding for domestic seafood marketing and promotional activities."

Senate Joint Resolution 27 urges Congress to fund marketing of domestic seafood. SJR 27 will assign a portion of the taxes collected on imported fish to marketing American seafood to Americans.

Thank you for considering a hearing on SJR27. Please feel free to contact me if you have any questions.

Sincerely,

Sen. Dennis Egan

Enclosed please find:

- Sponsor statement
- Most current version of the bill
- Fiscal note
- United Fisherman of Alaska Letter of Support
- United Fisherman of Alaska Marketing Coalition Proposal
- Salmon Marketing McDowell Report Excerpt
- CRS Saltonstall-Kennedy Funding Report
- Alaska Seafood Marketing Institute Resolution
- Saltonstall-Kennedy Act
- No teleconference services needed for testimony

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ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108

SENATOR\_KIM\_ELTON@LEGIS.STATE.AK.US



SENATOR DENNIS EGAN

### **Senate Joint Resolution 27 – National Seafood Marketing**

Senate Joint Resolution (SJR) 27 communicates to the Obama Administration, the Alaska Congressional Delegation, and Congress the Legislature's support for using a portion of federal revenues generated from duties on imported seafood and fish products for marketing American seafood—including that harvested in Alaska.

Since the 1990s, over eighty percent of the fish consumed annually by American families is the product of foreign countries. And every year the governments of many of these countries bankroll multi-million-dollar campaigns to market their seafood to Americans.

While the Alaska seafood industry as well as the state of Alaska contribute millions in funding for marketing purposes, the amounts are not adequate to finance the vigorous, consistent, and innovative promotion that our products require in the face of foreign competition.

Meanwhile, each year hundreds of millions of dollars are derived from duties on these imported fish and fish products that so aggressively compete with American seafood. Yet only an insignificant fraction of this revenue has ever been employed to promote domestically produced seafood.

SJR 27 endorses putting a portion of these revenues to work in developing and maintaining the robust domestic markets that healthy, sustainable Alaskan seafood deserves. The resolution urges Congress to pass legislation dedicating such funding for the effective domestic marketing of American seafood. It asks the Alaska Delegation in Congress to work together with representatives from other seafood producing states to accomplish these goals.

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ALASKA SENATE

STATE CAPITOL • JUNEAU, ALASKA 99801-1182 • (907) 465-4947 • FAX (907) 465-2108  
SENATOR.DENNIS.EGAN@LEGIS.STATE.AK.US

# LIST OF FILES