

LEG. FINANCE - BILLS 1977 - 1978 644

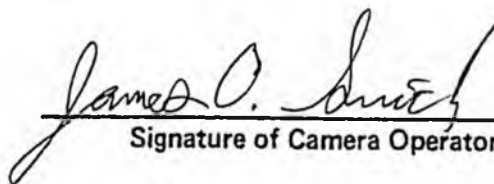
CASHB 38 thru HB 47

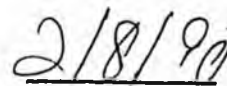


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

COMMITTEE REPORT
SENATE

3/17/77

5-3-77 Date

Mr. President:

The Committee on FINANCE creating Alaska South Postal system has had CSHB 38

under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with ^{senate} CS for CSHB 32 and that _{CSHB} CS for CSHB 32 do pass _{new local note}
- (and) recommends it be referred to the _____ committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

[Signature] [Signature]

[Signature] [Signature]

[Signature] [Signature]

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

Original Sponsors: Miller and Phillips

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 38

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska youth hostel system."

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

8 * Section 1. AS 41.20 is amended by adding new sections to read:

9 ARTICLE 12. YOUTH HOSTEL SYSTEM.

10 Sec. 41.20.410. CREATION. There is established the Alaska youth
11 hostel system administered by the division of parks, Department of
12 Natural Resources.

13 Sec. 41.20.420. DUTIES. The division shall

14 (1) after consultation with community organizations or
15 individuals and after maximum utilization of existing local effort, plan
16 and facilitate the implementation of a statewide system of youth hostel
17 facilities;

18 (2) administer a program of grants to eligible nonprofit
19 corporations, municipalities, and organizations for construction,
20 maintenance, and operation of youth hostels;

21 (3) cooperate and consult with national or international
22 organizations established for the purpose of establishing or regulating
23 youth hostel facilities and follow, where appropriate, the specific
24 guidelines established by the American Youth Hostel Association and the
25 International Youth Hostel Association;

26 (4) adopt, in accordance with the Administrative Procedure
27 Act (AS 44.62), regulations governing the establishment and adminis-
28 tration of youth hostel facilities.

29 Sec. 41.20.430. HOSTEL LOCATION. In developing the statewide

1 system of Alaska youth hostels, the division shall, within the limits of
2 available funding, and after receiving the recommendations of the co-
3 ordinator of the Alaska youth hostel program, establish at least one
4 youth hostel in each of the five following major regions of the state:
5 arctic, southcentral, interior, southwestern, and southeastern. Hostel
6 facilities shall be located, when possible, within major population
7 areas within those regions. Other hostels may be established within the
8 five regions as funding permits.

9 Sec. 41.20.440. HOSTEL FACILITY. Each youth hostel facility shall
10 be equipped with suitable toilet and kitchen facilities. Each facility
11 shall be supervised under regulations adopted by the division of parks.

12 Sec. 41.20.450. ALASKA YOUTH HOSTEL PROGRAM. The director of the
13 division of parks shall designate a member of his staff as coordinator
14 of the Alaska youth hostel program. The coordinator shall

15 (1) recommend to the division of parks locations for the
16 construction of youth hostels;

17 (2) advise the division on use policy for the Alaska youth
18 hostel system;

19 (3) render other assistance considered necessary and appro-
20 priate by the division;

21 (4) establish criteria for the grant programs authorized
22 under sec. 420(2) of this chapter and have approval authority for grants
23 made under sec. 420(2) of this chapter.
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1 IN THE HOUSE

BY MILLER AND PHILLIPS

2 HOUSE BILL NO. 38

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska youth hostel system."

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

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11 hostel system administered by the division of parks, Department of
12 Natural Resources.

13 Sec. 41.20.420. DUTIES. The division shall

14 (1) after consultation with community organizations or
15 individuals and after maximum utilization of existing local effort, plan
16 and develop a statewide system of youth hostel facilities;

17 (2) administer a program of grants to eligible nonprofit
18 corporations, municipalities, and organizations for construction,
19 maintenance, and operation of youth hostels;

20 (3) cooperate and consult with national or international
21 organizations established for the purpose of establishing or regulating
22 youth hostel facilities and follow, where appropriate, the specific
23 guidelines established by the American Youth Hostel Association and
24 the International Youth Hostel Association;

25 (4) adopt, in accordance with the Administrative Procedure
26 Act (AS 44.62), regulations governing the establishment and adminis-
27 tration of youth hostel facilities.

28 Sec. 41.20.430. HOSTEL LOCATION. In developing the statewide
29 system of Alaska youth hostels, the division shall, within the limits

1 of available funding, and after receiving the recommendations of the
2 Alaska Youth Hostel Advisory Committee, establish at least one youth
3 hostel in each of the five following major regions of the state: arctic,
4 southcentral, interior, southwestern, and southeastern. Hostel facili-
5 ties shall be located, when possible, within major population areas
6 within those regions. Other hostels may be established within the five
7 regions as funding permits.

8 Sec. 41.20.440. HOSTEL FACILITY. Each youth hostel facility
9 shall be equipped with suitable toilet and kitchen facilities. Each
10 facility shall be supervised under regulations adopted by the divi-
11 sion of parks.

12 Sec. 41.20.450. ALASKA YOUTH HOSTEL ADVISORY COMMITTEE. (a)
13 There is created the Alaska Youth Hostel Advisory Committee consisting
14 of four persons, to include the director of the division of parks or his
15 designee, and three others, one each from the following fields of
16 expertise: correctional or youth services, education, and recreation.

17 (b) Members of the committee are appointed by the governor for
18 terms of three years and serve at his pleasure. Upon initial appoint-
19 ment, one shall serve for one year, one for two years, and one for three
20 years.

21 (c) Members of the committee serve without compensation but are
22 entitled to per diem and travel expenses authorized by law for boards
23 and commissions. The committee shall meet at least three times a year.

24 (d) The committee shall

25 (1) recommend to the division of parks locations for the
26 construction of youth hostels;

27 (2) advise the division on use policy for the Alaska youth
28 hostel system;

29 (3) render other assistance considered necessary and appropri-

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ate by the division;

(4) establish criteria for the grant programs authorized under sec. 420(2) of this chapter and have approval authority for grants made under sec. 420(2) of this chapter.

(e) The members of the Alaska Youth Hostel Advisory Committee are exempt from the financial disclosure requirements of AS 39.50.

Sec. 41.20.460. REPORT TO THE LEGISLATURE. The division of parks shall report to the legislature each year during its regular session. The report shall give the number of hostels established, their location, the extent to which they have been utilized, and general recommendations for improvement of the program.

Original Sponsors: Miller and Phillips

Offered: 1/24/77
Referred: Finance

1 IN THE HOUSE

BY STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 38

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act creating the Alaska youth hostel system."

7

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

8

* Section 1. AS 41.20 is amended by adding new sections to read:

9

ARTICLE 12. YOUTH HOSTEL SYSTEM.

10

Sec. 41.20.410. CREATION. There is established the Alaska youth hostel system administered by the division of parks, Department of Natural Resources.

11

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13

Sec. 41.20.420. DUTIES. The division shall

14

(1) after consultation with community organizations or

15

individuals and after maximum utilization of existing local effort, plan and facilitate the implementation of a statewide system of youth hostel facilities;

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(2) administer a program of grants to eligible nonprofit corporations, municipalities, and organizations for construction, maintenance, and operation of youth hostels;

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(3) cooperate and consult with national or international organizations established for the purpose of establishing or regulating youth hostel facilities and follow, where appropriate, the specific guidelines established by the American Youth Hostel Association and the International Youth Hostel Association;

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(4) adopt, in accordance with the Administrative Procedure Act (AS 44.62), regulations governing the establishment and administration of youth hostel facilities.

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Sec. 41.20.430. HOSTEL LOCATION. In developing the statewide

1 system of Alaska youth hostels, the division shall, within the limits of
2 available funding, and after receiving the recommendations of the Alaska
3 Youth Hostel Advisory Committee, establish at least one youth hostel in
4 each of the five following major regions of the state: arctic, south-
5 central, interior, southwestern, and southeastern. Hostel facilities
6 shall be located, when possible, within major population areas within
7 those regions. Other hostels may be established within the five regions
8 as funding permits.

9 Sec. 41.20.440. HOSTEL FACILITY. Each youth hostel facility shall
10 be equipped with suitable toilet and kitchen facilities. Each facility
11 shall be supervised under regulations adopted by the division of parks.

12 Sec. 41.20.450. ALASKA YOUTH HOSTEL ADVISORY COMMITTEE. (a)
13 There is created the Alaska Youth Hostel Advisory Committee consisting
14 of four persons, to include the director of the division of parks or his
15 designee as an ex officio non voting member, and three others, one from
16 each of the following fields or groups: youth services, education, and
17 a member of a recognized user group.

18 (b) Except for the ex officio member, members of the committee are
19 appointed by the governor for terms of three years and serve at his
20 pleasure. Upon initial appointment, one shall serve for one year, one
21 for two years, and one for three years.

22 (c) All members of the committee serve without compensation but
23 are entitled to per diem and travel expenses authorized by law for
24 boards and commissions. The committee shall meet at least three times a
25 year.

26 (d) The committee shall

27 (1) recommend to the division of parks locations for the
28 construction of youth hostels;

29 (2) advise the division on use policy for the Alaska youth

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hostel system;

(3) render other assistance considered necessary and appropriate by the division;

(4) establish criteria for the grant programs authorized under sec. 420(2) of this chapter and have approval authority for grants made under sec. 420(2) of this chapter.

(e) The members of the Alaska Youth Hostel Advisory Committee are exempt from the financial disclosure requirements of AS 39.50.

Sec. 41.20.460. REPORT TO THE LEGISLATURE. The division of parks shall report to the legislature each year during its regular session. The report shall give the number of hostels established, their location, the extent to which they have been utilized, and general recommendations for improvement of the program.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST HOUSE BILL NO. 38
 Bill/Resolution No. _____
 Title Youth Hostel System
 Requested by House State Affairs Committee Date 1/19/77

II. FISCAL DETAIL
 Agency Affected Division of Parks
 Program Category Affected Parks and Recreation
 Budget Request Unit(s) Affected Park Management 10-46-7-03-00-00

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		3.3	7.3	8.0		
200 TRAVEL		1.8	4.0	4.4		
300 CONTRACTUAL		1.1	2.4	2.7		
400 COMMODITIES		.1	.2	.3		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		6.3	13.9	15.4		

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND		6.3	13.9	15.4		
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME						
PART TIME		1/1.5 mo.	1/3 mo.	1/3 mo.		
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Implementation of the planning and grants administration could be accommodated within the existing Division staff structure. The estimated costs cover administrative overhead for personnel, office space and services, and travel necessary to develop a Statewide plan and to convene the Advisory Committee.

No amount is included for actual construction, maintenance, and operation of the Youth Hostel System; but implementation of the planned system would be within the limits of whatever funding is available, which amount would be determined by the Legislature.

IV. DATE 1/19/77 PREPARED BY Russell Cahill, Director
 AGENCY Division of Parks
 PHONE 465-2421
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) [Signature]

FISCAL DETAIL

Agency Affected Natural Resources

Program Category Affected Parks and Recreation

Budget Request Unit(s) Affected Park Management 10-46-7-03-00-00

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		3.3	7.3	8.0		
200 TRAVEL		0.9	2.0	2.0		
300 CONTRACTUAL		1.1	2.4	2.7		
400 COMMODITIES		.1	.2	.3		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		5.4	11.9	13.4		

FUNDING (Thousands of Dollars)

GENERAL FUND		5.4	11.9	13.4		
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME		1/1.5mo.	1/3mo.	1/3mo.		
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Implementation of the planning and grants administration could be accommodated within the existing Division staff structure. The estimated costs cover administrative overhead for personnel, office space and services, and travel necessary to develop a statewide plan.

No amount is included for actual construction, maintenance and operation of the Youth Hostel System; implementation of the planned system would be within the limits of available funding, an amount to be subsequently determined by the legislature.

This fiscal note differs from that initially prepared for HB 38 only in the reduction of travel costs necessary to convene the advisory committee, which has been eliminated in this version of the bill.

IV. DATE 4/15/77 PREPARED BY Patrick Conheady
 AGENCY Dept. of Natural Resources
 PHONE 465-2400
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/90
Date

COMMITTEE REPORT

3/9/77

HOUSE

April 20, 1977 Date

Mr. Speaker:

The Committee on FINANCE has had HB 40

under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that CS for _____ do pass

(and) recommends it be referred to the _____ committee

reports it back without recommendation

AND attaches a Revised Fiscal Note dated 4/26/77 ~~report of its intent~~

(other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

<u>[Signature]</u>	recommends:	<u>No Dis</u>
<u>[Signature]</u>	recommends:	<u>" "</u>
_____	recommends:	_____

[Signature]
Chairman

Bob - should
any federal funding
be shown for this?
after you figure out
the funding, please
return to brief file.

✓R

Revised 26 April 77
JK

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 40
 Title An Act Creating a Division of Forestry
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Natural Resources
 Program Category Affected Division of Land & Water Management
 Budget Request Unit(s) Affected Protection & Management; District Operations

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		68.7				
200 TRAVEL		1.5				
300 CONTRACTUAL		1.4				
400 COMMODITIES						
500 EQUIPMENT		6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		72.2				

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND		72.2				
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. ASSUMPTIONS: (1) That all forestry and fire related positions along with equipment would be transferred from the Division of Land & Water Management.

(2) That the requirement under this bill as to timber operation and forest practices will be the same as those given in SB 59 requiring periodic inventories of timber on forest lands.

B. PLEASE SEE ON PAGE 2 WHICH IS ATTACHED

By direction of the Chairman

IV. DATE 26 April 1977 PREPARED BY James B. Rhode
 AGENCY AL to Rep. Cooper, Chairman
 Original: Legislative Finance PHONE House Finance Committee
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) SPONSOR: Tommy Gardiner
Rep. Terry Gardiner

B. PROGRAM SUMMARY

PERSONAL SERVICES:

EXISTING POSITIONS:

Reclassify			
Forester V	Chief of Forestry	Grade 22 to 23	
Forester IV	Management Forester	Grade 20 to 22	
Forester IV	Protection Forester	Grade 20 to 22	
Forester III	Pub. Service Forester	Grade 18 to 22	
	<u>Present Salary</u>	<u>New Salary</u>	<u>Increase</u>
Forester V	\$30,408	\$32,760	\$2,352
Forester IV	29,340	30,408	1,068
Forester IV	26,244	30,408	4,164
Forester III	<u>22,668</u>	<u>30,420</u>	<u>7,752</u>
			\$15,336
			<u>3,910</u>
			<u>\$19,246</u>
			FY 78 Benefits @ 25.5%

NEW POSITIONS:

Director	1 @ \$3,281 x 12	39,372
	FY 78 Benefits @ 25.5%	<u>10,040</u>
		<u>49,412</u>

TOTAL PERSONAL SERVICES:

\$19,246	
<u>49,412</u>	
<u>68,658</u>	
	<u>\$68,658</u>

Introduced: 1/12/77
Referred: Resources and
Finance

BY GARDINER, ELIASON AND
FREEMAN

1 IN THE HOUSE

2 HOUSE BILL NO. 40

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a division of forestry within the
7 Department of Natural Resources; and providing for an
8 effective date."

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

10 * Section 1. AS 44.37 is amended by adding a new section to read:

11 ARTICLE 4. DIVISION OF FORESTRY.

12 Sec. 44.37.200. DIVISION OF FORESTRY. There is created in the
13 Department of Natural Resources the division of forestry.

14 * Sec. 2. AS 38.05 is amended by adding new sections to read:

15 Sec. 38.05.041. DIVISION OF FORESTRY. The division of forestry
16 shall perform all duties and functions relating to management of the
17 state forests which were performed by the division of lands before the
18 effective date of this Act, including but not limited to

19 (1) the disposal of timber and materials under secs. 110 -120
20 of this chapter;

21 (2) the state program for the protection of forested land
22 under AS 41.15;

23 (3) the dissemination of public information regarding forest
24 practices and timber management;

25 (4) the adoption of regulations in accordance with the Admin-
26 istrative Procedure Act (AS 44.62) necessary to implement secs. 41 - 43
27 of this chapter;

28 (5) a system of regular inspection of timber sales by state
29 foresters;

1 (6) the establishment of sound forest practices necessary to
2 ensure the continuous growing and harvesting of commercial forest tree
3 species and the protection of the soil, air, fish and wildlife, and
4 water resources;

5 (7) administering AS 45.50.210 - 45.50.325 relating to log
6 brands;

7 (8) the maintenance of necessary records and files regarding
8 timber management;

9 (9) the selection and employment of personnel which the di-
10 rector considers necessary for the proper operations of the division;

11 (10) coordination and cooperation with federal agencies in
12 the development of national forest management plans;

13 (11) cooperation with the Joint Federal-State Land Use Plan-
14 ning Commission;

15 (12) performance of administrative duties and functions, dele-
16 gation of duties, and execution of the administrative powers similar to
17 other divisions within state departments.

18 Sec. 38.05.043. TIMBER OPERATION OR FOREST PRACTICES REGULATIONS.
19 Regulations that provide guidelines for the conduct of timber operations
20 shall be used as standards by persons harvesting timber resources and
21 shall include, but not be limited to, measures for fire prevention and
22 control, soil erosion control, water quality and watershed control,
23 flood control, stocking, protection against timber operations which un-
24 necessarily destroy young timber growth or timber productivity of the
25 soil, prevention and control of damage by forest insects, pests and
26 disease. In developing these regulations, the division shall solicit
27 and consider recommendations from

28 (1) the Department of Fish and Game, relating to the protec-
29 tion of fish and wildlife;

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(2) the Department of Environmental Conservation, relating to air and water quality and waste disposal;

(3) the division of policy development and planning, relating to land use planning; and

(4) other public and private interested sources, including representatives of the forest products industry and timber owners and operators.

* Sec. 3. Regulations, rules, orders or other Acts in effect with respect to forest management and practices covered under this Act shall continue in full force and effect until amended, repealed, modified or rescinded as the director of the division of forestry determines in accordance with law. Existing contracts made by a department, division or agency transferred to and under the jurisdiction of the division of forestry under this Act shall continue in full force and effect until amended, repealed, modified or rescinded as the director of the division of forestry determines in accordance with law.

* Sec. 4. This Act takes effect July 1, 1977.

#

HB 40

only in Master File

SENATE RESOURCES COMMITTEE

Attached in order of appearance are the testimonies of the hearing on Senate Bill 59, held on February 11, 1977.

Testimonies include:

✓ 1. Guy Martin - Commissioner, Department of Natural Resources
Jeff Haynes - Assistant Attorney General

Evelyn Sears, #86-7263 office

✓ 2. Robert Rehfeld - Assistant Regional Forester *US Dept Ag.*

✓ 3. John Borbridge - Alaska Corporation. *61512 Huberth*

✓ 4. Mike Leach - Society of American Foresters *586-6890*

✓ 5. Warren Weathers - Shee Atika, Incorporated *747-3534 Mt. Edgeco Box 578*

✓ 6. (Jim Clark) - Alaska Lumber and Pulp Company

✓ 7. Robert Loescher - Goldbelt Corporation *586-6244 -2192 Tlingit Haida Hsg Auth.*

ESB

*Gardner
Ak Dept Nat Res, Div of Lands - Ted Smith, D
US Dept Ag, Roy Fox
SE Alaska (Huberth)
Shee Atika
Alaska Lumber & Pulp
See Another
Robert Loescher - Goldbelt*

STATEMENT MADE TO ALASKA SENATE - RESOURCES COMMITTEE
FEBRUARY 11, 1977

SENATE BILL 59

"AN ACT RELATED TO FOREST RESOURCES AND PRACTICES AND
PROVIDING FOR AN EFFECTIVE DATE"

MADAME CHAIRMAN, MY NAME IS JOHN BORBRIDGE, JR.; I AM PRESIDENT OF THE SEALASKA CORPORATION THE NATIVE REGIONAL CORPORATION FOR SOUTHEAST ALASKA.

UPON CONVEYANCE OF OUR LANDS, WHICH WILL BE SELECTED FROM WITHIN THE TONGASS NATIONAL FOREST, SEALASKA CORPORATION WILL UNDOUBTEDLY HAVE THE LARGEST COMMERCIAL PRIVATELY OWNED FOREST INVENTORY IN THE STATE OF ALASKA. WITH RECEIPT OF SUCH A SIGNIFICANT RESOURCE COMES THE RESPONSIBILITY FOR WISE USE AND MANAGEMENT WHICH OUR CORPORATION FULLY ACCEPTS AND INTENDS TO IMPLEMENT. THE ALASKA NATIVES HAVE ALWAYS BEEN WISE USERS OF NATURAL RESOURCES AND WE IN SEALASKA FULLY INTEND TO CONTINUE THAT TRADITION.

ADDITIONALLY, IT IS MY OBSERVATION FROM DISCUSSIONS WITH NATIVES FROM OTHER REGIONAL AND FROM MANY VILLAGE CORPORATIONS THAT CONCERN FOR PROPER USE OF NATURAL RESOURCES IS A TRADITION WHICH HAS NOT BEEN LOST.

WITH THIS AS BACKGROUND, WE HAVE REVIEWED SENATE BILL 59 AND WISH TO OFFER COMMENTS TO YOU AND THE MEMBERS OF YOUR COMMITTEE IN ORDER TO ASSIST YOU IN INSURING THAT RESPONSIBLE AND EQUITABLE FOREST REGULATIONS ARE IMPLEMENTED IN A TIMELY FASHION SO AS TO REASSURE THE STATE THAT PRIVATE FOREST LANDS WILL BE WISELY MANAGED.

WHILE WE SUPPORT IMPLEMENTATION OF APPROPRIATE FOREST PRACTICES, WE HAVE SOME VERY SIGNIFICANT RESERVATIONS CONCERNING SENATE BILL 59. OUR RESERVATIONS MOSTLY INVOLVE PRINCIPLES WHICH ARE IMPORTANT TO THE FOREST INDUSTRY IN ALASKA. MY COMMENTS ARE DERIVED FROM DISCUSSIONS WITH FOREST MANAGERS, AND A REVIEW OF THE FOREST PRACTICES ACTS IN CALIFORNIA, OREGON AND WASHINGTON. THEREFORE WE ARE ENDEAVORING TO BRING BEFORE YOU A BROAD BACKGROUND WHICH HAS INCLUDED THE DETAILED EXPLORATION OF PRINCIPLES WHICH ARE IMPORTANT IN A FOREST PRACTICES ACT.

1. OF PRIME IMPORTANCE TO THE FOREST LANDOWNER AND USER IS THAT THERE BE A STRONG DIVISION OF FORESTRY WITHIN THE DEPARTMENT OF NATURAL RESOURCES. SUCH A DIVISION MUST BE AT A SUFFICIENTLY HIGH LEVEL TO ALLOW THE STATE FORESTER TO BE ABLE TO SET POLICY AND MAKE DECISIONS INVOLVING THE ADMINISTRATION OF REGULATIONS AND THE MANAGEMENT OF FOREST LANDS. THEREFORE THE STATE FORESTER WILL BE AN INDIVIDUAL WHO REPORTS

DIRECTLY TO THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND WILL HAVE A BACKGROUND WHICH INCLUDES A FORMAL EDUCATION AND SIGNIFICANT EXPERIENCE IN FOREST MANAGEMENT. TO DILUTE THE ADMINISTRATION OF FOREST RESOURCES AND PRACTICES IN ANY WAY OTHER THAN JUST DESCRIBED PLACES A SIGNIFICANT BURDEN ON THE FOREST LANDOWNER AND DENIES TO THE CITIZENS OF THE STATE THE TYPE OF RESPONSIBLE IMPLEMENTATION OF FOREST REGULATIONS WHICH EVERYBODY DESERVES.

2. SB 59 IN SEC. 41.17.040(B)(5) PROVIDES THAT THE PRIVATE LANDOWNER MUST MANAGE HIS FOREST RESOURCE IN A MANNER WHICH WILL NOT DETRACT FROM SCENIC AND AESTHETIC QUALITY IN OR ADJACENT TO AREAS WHERE THERE IS OR COULD BE SIGNIFICANT IMPORTANCE TO TOURISM. WE VIEW SUCH A PROVISION WITH A HIGH DEGREE OF CONSTERNATION. THE STANDARD DENIES TO THE RESPONSIBLE FOREST MANAGER THE RIGHT TO IMPLEMENT PROPER SILVICULTURAL PRACTICES TO ENHANCE THE FOREST RESOURCE. ADDITIONALLY, ITS' LACK OF SPECIFICITY PLACES THE DEPARTMENT OF NATURAL RESOURCES AND THE PRIVATE LANDOWNER IN AN UNTENABLE AREA OF INTERPRETATION.

3. IN SOME OTHER STATES, BY USING THE VEHICLE OF A COMMISSION WHICH INCLUDES FOREST LAND USERS AND

OTHER INTERESTED PARTIES, THE STATE FORESTER, THROUGH THE HEARING PROCESS, HAS PROMULGATED AND IMPLEMENTED APPROPRIATE FORESTRY PRACTICES AND REGULATIONS BY REGION, WHICH INCLUDE CONCEPTS AND PRINCIPLES OF LAND MANAGEMENT FOR ALL PARTIES TO FOLLOW. BY ALLOWING THE STATE FORESTER TO DETERMINE WHAT REGULATIONS ARE APPROPRIATE IN EACH REGION, WE PROVIDE FOR DIVISION ADMINISTRATION WHICH MEETS THE NEEDS OF THE CITIZENS OF THE STATE AND PROVIDES FOR AS SIMPLE A BODY OF REGULATIONS AS IS FEASIBLE.

4. IN ADDITION, THROUGH THE PROCESS OF REVIEW AND PROMULGATION, THE STATE FORESTER CAN IMPLEMENT AN EFFICIENT APPLICATION PROCESS WHICH EMBODIES THE PRINCIPLES OF NOTIFICATION. THE STATE FORESTER IS IN A POSITION TO DETERMINE APPROPRIATE PERFORMANCE BONDS BY REGION, PENALTIES AS APPROPRIATE, AND OTHER REGULATORY MATTERS.

5. OF SIGNIFICANT IMPORTANCE TO THE CITIZENS OF THE STATE AND THE FOREST LANDOWNER IS THAT AN EQUITABLE HEARING PROCESS BE IMPLEMENTED WHICH ALLOWS THE REVIEW OF ALLEGED VIOLATIONS BY INDEPENDENT HEARING EXAMINERS WHO ARE QUALIFIED WITHIN THE FORESTRY FIELD. SENATE BILL 59 PROVIDES FOR THE COMMISSIONER TO APPOINT A STATE EMPLOYEE AS HEARING OFFICER AND THE COMMISSIONER DETERMINES THE HEARING PROCEDURES. IF MISUSED,

SUCH A SITUATION COULD LEAD TO HAVING THE ALLEGED VIOLATOR BEING PLACED IN A VERY UNEQUAL SITUATION. WITH APPROPRIATE INPUT FROM INTERESTED PARTIES, THE STATE FORESTER CAN SET EQUITABLE PROCEDURES FOR THE HEARING OF ALLEGED VIOLATIONS AND CAN ASSURE THE ALLEGED VIOLATOR THAT THE STATE IS SYMPATHETIC TO HIS SITUATION AND YET IS PROPERLY DISCHARGING ITS RESPONSIBILITIES TO ALL OF THE CITIZENS IN THE STATE. NATURALLY, SHOULD THE ALLEGED VIOLATOR FEEL THAT THE HEARING PROCESS WAS NOT SUFFICIENTLY FAIR TO HIM, THEN HE WOULD HAVE RECOURSE TO APPEALS AND JUDICIAL REVIEW.

WHILE SEALASKA CORPORATION HAS OTHER CONCERNS ABOUT SOME LINE ITEMS CONTAINED IN SB 59, WE FEEL THAT THE PRINCIPLES WHICH WE HAVE STATED TODAY ARE OF THE TYPE TO ALLOW YOUR COMMITTEE THE OPPORTUNITY TO RECONSTRUCT THIS BILL WHERE APPROPRIATE IN ORDER TO MEET THE CONCERNS OF THE PRIVATE FOREST LAND MANAGER AND THE CITIZENS OF THE STATE.

ALTHOUGH TESTIMONY TODAY IS DIRECTED TOWARD SENATE BILL 59, I URGE THAT YOUR COMMITTEE REVIEW HOUSE BILL 40, WHICH I CONSIDER TO BE A LOGICAL PIECE OF LEGISLATION TO ORGANIZE A STATE FORESTRY ORGANIZATION WITH SUBSEQUENT PROMULGATION OF RESPONSIBLE FOREST PRACTICES.

I THANK YOU, MADAME CHAIRMAN FOR THIS OPPORTUNITY.

Testimony of Commissioner Guy Martin
Department of Natural Resources and
Jeff Haynes, Assistant Attorney General

February 11, 1977
Hearing on SB 59

COMMISSIONER MARTIN - Madam Chairman, I think that I should stand here with Jeff Haynes the Assistant Attorney General who has done a great bulk of the work on this legislation. This bill, as you know, was introduced in the last Legislature, and I should say at the outset that the bill you have before you has been changed somewhat, but is basically the same bill. We think that it has been improved, and its improvements are a result of further consultation since the last legislative session.

CHAIRMAN POLAND - Commissioner, that bill never reached this committee last year.

COMMISSIONER MARTIN - I understand that Madam Chairman. In any case for those who did see the bill, it is similar, but has been somewhat changed. Those changes can be pointed out to you by Mr. Haynes. I'm going to have to apologize because of the holiday. I guess Commissioners and Legislators are working, but some of the staff in the Department is gone and there are some maps and some other information that I will make available for the committee records and to all members, however, I was unable to get it today without the help of some of the staff.

CHAIRMAN POLAND - I'm sure that we will have at least one, if not more, meetings on the bill before we're through.

COMMISSIONER MARTIN - I think it is the sort of subject that merits that, and it is one that we are very willing to work with, whatever interest exists, to shape into a good piece of legislation. Let me just briefly speak to the policy of the bill before turning it over to Jeff Haynes. Basically, Madam Chairman, I think it sprang from our feeling that many of the western states where there were timber resources, were under diverse ownership ranging from public ownership in State and local governments to private ownership in a broad variety of ownerships, all the way from small individual landowners to quite large corporate landowners, and that the history of forestry and of the forest practices in that area was very mixed. Overall, the trend has shown, and we will supply information that I think can support that fact, that in many cases the management, with all of the diverse owners operating in terms of the forest practices, has been unsuccessful in terms of the long range sustained yields of those forests. It doesn't condemn any individual owner, it simply indicates that when so many people are managing individually owned forest resources in

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different ways and not dealing with it as a unitary matter across ownership lines, there has been damage to the renewable aspect of that resource, and our thought and the policy that we put behind this bill is basically that for some purposes. We think those purposes should be very limited and very reasonable. We should treat the forest resources of Alaska as one large resource subject to a certain group of practices which should help the State to sustain those very important resources over a very long period of time. Now, I would say that among many bills that I've worked on since I've been here, I think very few have had a greater level of consultation, thanks mostly to Mr. Haynes. I think that it can fairly be said that he has made the broadest possible attempt to work with diverse groups to make this bill be fair and make sense. In many cases we've gotten at least reasonably good endorsements from people that we've worked with on the bill. That is not to imply that there is unanimity, that it's either a good idea, or that the bill is good, but it has been very broadly worked on by a number of interests. The philosophy of the bill is to not affect the small owner a great deal, but rather to look at general policies and practices which are important to protect the overall forest resources of the State. Let me at this point end my remarks except to answer other questions, and possibly turn it over to Mr. Haynes to at least walk you through the bill and indicate how we've carried out some of those policy ideas.

CHAIRMAN POLAND - Are there any questions of Mr. Martin before Mr. Haynes starts? If not, thank you Commissioner. Mr. Haynes.

JEFF HAYNES - Thank you, Madam Chairman, Members of the Committee. I'll try to go through and highlight some significant portions of the bill and give you an idea of why we did what we did starting off with Section 0 0, just the findings and purposes section. It recognizes that one of the main purposes of the bill is to maintain a perpetuity of the timber industry in the State and forest products industry. What is really the chief objective here is to maintain an industry which is stable and which recognizes this isn't really a state-wide asset. The administration of the bill would be with the Commissioner of the Department of Natural Resources, and, of course, we've added in some other powers which are fairly typical in State forest practices acts. Things like experimental forests and cooperative forestry programs, extension service programs, and things like that, so that the Department of Natural Resources may assist the private landowner in the perspective of his own timber resources. As the Commissioner mentioned, we do have a section in here on exemptions. This is quite important.

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There are two exemptions in this section. One is small landowners - landowners of tracts of 160 acres or less. We don't really feel that it is within the objectives of this particular bill to regulate that sort of thing. What we are after are major types of operations. For the same reason, we have exempted non-commercial forest lands which is under municipal or private ownership. I don't have the map here which shows what is commercial and what is non-commercial forest land. We've keyed our definitions to those used by the forest service.

SENATOR HUBER - Could I get a clarification at this point? This would mean then, if somebody owns 300 acres of cleared farm land in an area, which on your map is commercial forest, he would be classified as commercial forest. Is that right?

JEFF HAYNES - Commercial forest is determined by what types and what volume or quantity of trees there are on a particular site. It's cleared land. I don't see why it would be commercial forest.

SENATOR HUBER - You said it goes by map.

MR. HAYNES - It goes by definition. We indicated that there is a map that tends to show generally what would be covered and not covered.

SENATOR HUBER - If you're in an area, and you are obviously on a commercial forest - I'm thinking of a farmer with 300 acres of cleared land and 40 acres of wood lot. He might sell a little wood off it. Is he exempt or not?

MR. HAYNES - We don't intend to cover that type of individual. Madam Chairman, we drew the line at 160 acres, but maybe there is a more reasonable line to draw or a more reasonable definition.

SENATOR HUBER - I was referring to A, but maybe I'll understand it better as you go along.

JEFF HAYNES - I think there's a definition in the back which will help you.

One of the controversies that has sort of taken place over forest practices acts in other states, and I should mention at this point that we could go through and review all of the legislation that is presently on the books in other states and try to see what they have done and why, and how well accepted that was by the public. In that same context we went through and looked at the recommendations of the Society of American

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Foresters, and those other groups have made about forest practices legislation. One of the things which we have more or less decided to do here was not to put actual forest practices per say in the legislation. This is what California did, but that has not been very well received. So, we have opted instead for a system which basically allows for the development of regulations, and those would be your forest practices. We have set up, instead, some very general standards which would govern setting of those regulations, and that is what you see in section 0 40. Not only that, but we have come up with two different sets of standards, one which applies to all of the forest land which would be subject to this bill, that is subsection B, and then another set of standards which are really quite a bit stricter and have to do with things like multiple use which applies only to public forest lands. In other words, we would be using different standards for private land, and for public land to reflect what, in fact, the public interest is.

Section 0 50 has to do with an administrative plan and report, and basically this is a duty which would be imposed on the Commissioner of Natural Resources to come up with and maintain a plan showing that in fact the basic objectives of this act are being carried out in a report to the legislature at two year intervals.

Section 0 60 is the regulations themselves. These are pretty straightforward in that most of the subject matter headings are taken from other forest practices acts from other states. There is of course a provision in here requiring consultation with all sorts of public and private organizations, and does allow for the establishment of different forest practices in different areas of the state to reflect the fact that there are different varying conditions as well.

Subsection C. One of the things we really did not want to do here was establish a whole new bureaucracy just for dealing with forest management and practices. It is really not necessary. What we are trying to do is more or less fill in the blanks in the existing statutes only to the extent necessary to accomplish the purpose of this goal. We are not trying to duplicate or preempt the statutory authority of other agencies.

I might add that we are also attempting to impose only the most minimal burden on any timber operator who might be subject to the act. This is reflected in subsection E which says we are only supposed to adopt those regulations which are necessary and which do not just merely increase operating costs.

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Maybe the most significant compromise, in terms of approaches, is Section 0 70. This is where you really get down to looking at individual operations. There are two systems that are used now in other states. One is called a notification system. In that instance, the timber operator merely notifies the government that he's going out in the field, and that's all the contact there is. Then he goes out and does it. In other states they have what is called a prior approval system. In this case you have to submit a detailed plan. In some states the plans have to be done by a licensed forester. In states like California, a plan may approach the depth of something like an environmental impact statement, and in that case, there's a very detailed review by the government before the guy can go out and do anything. There are advantages to each of those systems as well as disadvantages. The notification system is very simple, and it's not very expensive to administer, but the problem is that in a state especially as large as Alaska, the government really has no idea what the guy is doing because all he's done is told them that he's going to operate, and the operator has not really much contact with the State, which means he isn't going to get the benefit of any kind of cooperative programs or service assistance programs or something that the State might have. He also is not going to understand very well what the regulations or practices established by the State really mean, so you have a much higher possibility of inadvertant violations. The prior approval system, of course, is very expensive to administer. It does have the benefit of allowing the government to know what exactly the guy is going to do, but in many cases it is extremely onerous on the operator, requires a lot more paperwork, and requires a lot of delays that are really not necessary. What we tried to do is split it up, and take the best out of each of those systems. What we have here is a very very minimal type of review and approval. It is merely a notification to the Commissioner by the operator of a very brief description of what he is going to do. After that, there is a statutory review period by the State, but it is iron-clad. There is a set number of days, and there is no way to go beyond that. The State has to make up its mind within that period of time what it wants. If they feel there is something in that operation that they think they need to look at more closely, they can require something more like a full-scale plan, but only for that aspect of the operation which they find questionable, otherwise, they just let it go. So, we are trying to set this up so that insofar as there is contact between the operator and the State, it is only to the extent necessary to accomplish the purposes of this bill, and not to require the operator to go through a lot of i.a. _____ for no purpose whatsoever. In other words, not a lot of bureaucracy,

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and we think we've done that here. We've spent a lot of time writing this section, and we think we have made it as close as possible to what the minimum necessary would really be. Again, there is an iron-clad time review period here, and if the Department of Natural Resources fails to take action within that time review period, they are presumed to approve that operation. So there is no way that the government can drag on a delay and put the operator at a disadvantage.

Again, we have emphasized in this section on operations that the practicalities and economic constraints affecting the operator must be looked at. We have even stated that the paperwork required of the operator must be kept at the minimum necessary, so we've stressed that many times in this legislation.

We have a special section in here, section 0 80, on deployment of chemicals. There is not much of that going on in the State right now, and most of the people we have talked to felt that this was really one type of area which should require specific approval by the State in each instance because of potentiality or abuse in using broadcast chemicals.

Section 0 90 has to do with conversion of forest land - other uses. We can't really prevent that constitutionally, but we did say we set this up so that if somebody is going to convert a forest land to another use, then he has to do so within the time which he would ordinarily be required to regenerate that particular tract. It would probably be about 5 years. In other words, that is to prevent subterfuge, with some guy saying he's going to convert it, and basically all he's doing is just not taking any steps to regenerate it. If he does in fact convert it within that time period then that's good enough.

The section on new investigations and enforcement in the field is pretty straight forward.

The prohibition and penalties section - this is pretty much taken out of the Oregon Act, except that we rewrote it because we felt that the Oregon legislation was very unclear as to what the procedures were. This is a straight administrative penalty system. There are no criminal penalties in this act at all. There is plenty of due process in here for the operator, and also some pretty decent constraints on the State as far as what kind of penalties can be imposed and what factors they have to consider in determining what the penalties are. I could go through that with you, but it's pretty lengthy, and I don't know that you'd want to do that at this time.

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There is a fairly straight-forward provision again on appeals and judicial review, and one on civil action. This is sort of a citizens provision, but it is limited to those duties which are discretionary with the Commissioner. In other words, only those duties under the act which if mandated by law, can be enforced by citizens actions.

Finally, the last part is the definition section. I might point out to Senator Huber that the first definition there is commercial forest land, and that might help explain to you what lands would in fact be covered because that's what we tried to do. That is the same definition used by the Forest Service which means that all their inventory work is valid as far as determining what land would and would not be subject to this act. There are a couple of other definitions in here which are significant.

The definition of multiple use is basically the same as in the Federal Act and the same for sustained yield.

I think that's it. You may have a lot of questions on this. I hate to summarize something that is this significant in ten or fifteen minutes, and I'm sure I've missed some things, but if you've got any questions, I'll try to answer them.

(It was decided that the Committee would wait to ask any questions of Mr. Haynes until after the testimonies of those opposing the bill.)

Alaska Lumber & Pulp Co. Inc.

TESTIMONY ON SB-59

ALP worked last year with the Administration in drafting a Bill similar to SB 59. We have been in touch with the Administration on the proposal this year also. We appreciate the opportunity to provide input in the initial stages of drafting as this contributes to legislation we can live with. We believe that the group primarily effected by this legislation, the Alaska Natives should be the people to whom you listen most in deciding the necessity of this legislation at this time. If there is to be a Forest Practices Act, the Administration Bill SB 59 is a fair, workable, and responsible bill. The major exception to this is § 41.17.040(b)(5) which requires private land owners to maintain their land for scenic and aesthetic purposes. However, this does not change anything for those, like ALP, who operate on National Forest Land.

The key problem we have with this Bill, and the reason we cannot support it at the present time, is its failure to provide for a strong State Forester reporting directly to the Commissioner of Natural Resources. Presently, the State Forester is buried in the Land and Water Division of the Division of Lands. Thus, his expertise must be passed through an intermediate non-forester decision maker before reaching the Commissioner. This creates needless red tape and delay and sets up the possibility that the professional management advice which the Forester should be providing the

Commissioner will become confused or perhaps altered at some point short of the top. There is simply no one available at the present time to advise the legislature on forestry matters. More often than not the situation has resulted in no policy-making whatsoever with respect to forestry - a point which will be developed further on in this testimony. Moreover, since decision effecting the forests are often made in other agencies concerned with forest management, but with a lack of professional forestry expertise - e.g. Fish and Game and Department of Environmental Conservation - it is important that the State Forester be in a position to effectively deal with the decisions of other agencies. Under the present Bill, he will be too far from the field of play both in distance (he will apparently remain in Anchorage) and in position (he will be subject to the Director of Lands.)

The argument is made that a strong State Forester will tend to become an advocate of the industry he regulates. The Governor could fire such a man. The point is that it is the man, not his position as a director, that could allow this to occur. If such a "captured" forester were in Juneau, his "industry" bias could more easily be identified. Therefore, this argument against a strong State Forester is without merit.

It is also urged that a strong State Forester heading a Division which reports directly to the Commissioner would create a new bureaucracy. Since this Bill calls for review of logging plans and inspections of logging practices, it

is obvious that many more personnel will have to be added to the present forestry section and that people familiar with the forests in Southeastern Alaska will have to be added to the present staff. It is our belief that at least as many personnel would be required under present plans as with a Division of Forestry.

This gets us down to the nub of this controversy - should the State Forester report directly to the Commissioner or Natural Resources? Commissioner Martin and others in the Administration have been most generous in affording us time to present our point of view to them. The Commissioner's belief that the Division of Lands should manage all State lands without what he has called "a State Forest Service" is one with which reasonable men could agree. I emphasize this because I think it important to let you know that this Administration has worked hard to educate itself on forestry matters and we have enjoyed a good working relationship with it.

However, we strongly disagree with the Administration position on this issue. It is our belief that in return for authority to regulate forest practices, the State should now be willing to take on the responsibility of setting policies for the State forests and the forest industry within the State. Let me point to three examples of where State forest policy is adrift: (1) For too long policy on forestry issues in the State have been set by State agencies which have no forestry expertise and which often are antagonistic toward the timber industry. The

best example of this is the Alaska Department of Fish and Game which has often used logging as an explanation for the lack of fish. (2) Secondly, there are 22.5 million acres of commercial forest land in the Interior of Alaska capable of supporting up to 36,000 jobs in Alaska which is about to be impacted by (d)(2) legislation. Yet to our knowledge no one in State Government has addressed the simple policy question of whether or not the (d)(2) issue should be approached in such a way as to permit the formation of an Alaskan forest industry in the Interior. Finally, the State is now in the process of continuing its land selections under the Statehood Act. Yet to our knowledge, while forested areas are being selected, no one in State Government has decided whether or not its land selections should be used in part to allow the formation of a forest industry in the areas involved.

Remember this policy vacuum exists under the organizational table Commissioner Martin is asking you to maintain. In point of fact the Division of Lands has not been forestry oriented or forestry concerned. It has not been aggressive in attempting to advance comprehensive Statewide and local forestry plans. Why should you expect it to become so now? Further, it is an open secret that logging on State forest lands is the most poorly planned and administered of any that goes on in Alaska. This is true notwithstanding the fact that by contract provisions the Division of Lands could have required operators to observe forest practices at least as tough as the Forest Service.

The point of all this is that the Division of Lands has poorly handled forestry in the past and allowed other agencies to pre-empt the policy decisions it should have been and should be making. Now the Administration proposes to keep this structure in place in the face of the (d)(2) issue and its own land selections under the Statehood Act. We say the Division of Lands has handled forestry too poorly in the past to be intrusted with the task of making and administering these monumental policy questions now before it and on which it has not yet taken any apparent action. In short, the State Forests and the State forest industry are too important to have their administration regulated by non-professional unconcerned management in the backwater of a bureaucracy with a miserable forestry management track record.

A strong State Forester in Juneau reporting directly to the Commissioner of Natural Resources would not be an instant cure for the problems described. But, responsibility would be fixed upon a Division Director answerable to the Administration and who could answer to you for the Administration. Such an individual, who should be a professional forester, would per force aggressively formulate State forestry policy for consideration by the Administration. Alaskans could then know when the Alaska Department of Fish and Game was overreaching its own policy - making mandate or blaming the lack of fish on the wrong thing. We would then have someone working on a State forestry position with respect to (d)(2) and State land selections. We would then

have someone to answer for poor planning and/or administration of logging on State Forest Lands when it occurs. Under the system we propose land classification could remain with the Division of Lands, and be co-ordinated with the State Forester in the same way the Bureau of Land Management and U.S. Forest Service have done on federal lands.

In conclusion, if a strong State Forester reporting directly to the Commissioner of Natural Resources is added to this Bill, ALP will support it. If we are to have a wise forward looking State policy on forestry what we ask is vital. We ask your assistance in bringing it about.

Testimony of Robert Loescher
February 11, 1977
Hearing on SB 59

Madam Chairman, my name is Bob Loescher. I'm with the Board of Directors of Goldbelt Corporation. The Juneau native corporation has about 2,600 stockholders. We are in the process of finalizing land selections around the Juneau area, and our land selections are turning up quite a bit of timber as a primary resource of those lands.

We are a member of the SANTCO Corporation (The Southeast Alaska Native Timber Corporation), and we understand that there are activities within the corporation that are taking place to take a hard look at this Bill. As you know in this Legislature the only bill is Senate Bill 59, and then there is House Bill 40. In the previous Legislature this process had started, but hadn't gotten very far.

We would like to state for the record that Goldbelt Corporation is in a position to support development of legislation. We would like to see a good forestry bill be developed during this session. We're not necessarily in concurrence with many of the provisions of Senate Bill 59, and we would like to just generalize on a number of areas, and if the procedure would hold true, we would like to advance some specific language and rationale at a later time in the next several weeks to the Senate in hopes that we might be able to influence the direction of this legislation.

We are concerned that the bill is aimed at two areas. The public lands that are going to be selected by the State of Alaska under the Statehood Act in the National Forest, and then in combining private lands simultaneously in the same piece of legislation. We do realize that forestry resources are of interest to the citizenry as a whole; however, our corporation has some specific responsibilities to its stockholders in the management of its assets that we have received under the Alaska Native Claims Settlement Act. We are wondering if in time, we might be more specific in the legislation on how the State's interests and the taxpayers and the other shareowners of our assets of this State, how they reflect and coordinate directly with our management of our lands.

There are areas in this bill under the Administration's bill that provide for direct involvement of the State in the management of our resources. We're quite concerned about that. We feel that we have a fiduciary responsibility to manage our resources directly.

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Testimony of Robert Loesche, Cont.
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We also have a couple other concerns. One is that the bill, as drafted, puts great emphasis on aesthetics, other subjective type values that are not quantifiable and identifiable, and can't be measured, and are very subjective in policy determinations. We're concerned about being affected indirectly or directly by such legislation. We have no problem working to co-manage our lands with other interests or adjacent interests, but we want to have the opportunity to have a direct input into the development of these kinds of land-use policies and planning. We feel that the bill should put emphasis on the fact that it's in the economic interests of the people of the State that there be a viable logging industry, and a viable milling industry, and we feel it important to the taxpayers and to ourselves that this have primary importance in the purpose of the bill. We're quite concerned that there is a lesser value or lesser emphasis in this regard.

We also have a couple other concerns in the bill just generally. We don't agree that the business of enforcing the regulations and how you go about through the hearing procedure and what-not is very close to due process of law. In fact, it overextends due process to the point, we'll be out of business in no time flat if we follow those types of procedures. We can't afford it. We're a small corporation, admittedly, we have 23,000 acres of land, but it abuses the whole concept of due process of law, and we will have some recommendations in that regard.

In other areas, we are concerned about the logging operations on our land. We're concerned that the cost that the Senate or the House when they consider this legislation, they consider the cost to the taxpayers of the State of Alaska, and that they also consider the cost of administration to the private landowners. There are a lot of factors in administration of this bill that are going to be very expensive if enforced. In the operation of harvesting of timber, there's bonding requirements in there that are very costly, and nobody has determined how you are going to go about that. There's requirements that we submit data and develop information for the State Forester, or whoever to review and go through a very lengthy 80 day process in order to get approvals and what-not. There is also a requirement in here that the State of Alaska will inventory lands. Now, we've been in the business for a couple of years now in trying to develop planning for our lands that we are going to be receiving patent to very shortly. Already, we've spent close to a million dollars throughout our region just investigating our lands and what-not, and we have a requirement to inventory and appraise our lands every five years. That costs 30 to 70 thousand dollars to do everytime around. Now, in this bill there's a requirement that lands be inventoried by the Commissioner and the State of Alaska. I'd sure like the State to participate and maybe we can offset some of our costs, but it's a very expensive management operation, and you should be aware of that.

1
Testimony of Robert Loescher
February 11, 1977
Hearing on SB 59

In conclusion, Madam Chairman, we would like to be a part of any effort that you and your staff to this committee may go into. We'd like to spend time. We have drafted, many times in the last two years, amendments to certain sections of certain bills, but I think we need to sit down and work out philosophy of land management in the purpose section of the legislation and then procedures, and see how they look all together. We're willing to work with any group in order to develop this bill.

Thank you very much.

CHAIRMAN POLAND - Thank you Mr. Loescher. We would be very glad to receive any suggestions, any written comments or amendments, and we will take them into consideration. We would like to request that if possible of all of the witnesses that have said they wish to put in further information, if we could get them in the next ten days it would be a tremendous help.

Is there anyone else who cares to comment on Senate Bill 59? If not, I thank you all very much for all the testimony that's been given here today, and it certainly will be considered with the additional testimony that we are requesting from anyone who has an interest in the bill.

COOK INLET CHAPTER
JUNEAU CHAPTER
KETCHIKAN CHAPTER
YUKON RIVER CHAPTER
SITKA CHAPTER

SOCIETY OF AMERICAN FORESTERS

Alaska Section



February 11, 1977

The Honorable Kay Poland
Chairman, Senate Resources Committee
Alaska State Senate
Capitol Building
Juneau, Alaska 99811

Dear Senator Poland:

The Alaska Section of the Society of American Foresters has had a continuing interest in proposed Forest Practices legislation for the State of Alaska. The Alaska Section represents over 200 professional foresters and is a part of a National organization consisting of over 20,000 professional foresters.

The Society of American Foresters does not advocate that States should enact laws which regulate forest practices. This is for each State to decide, based on its needs in terms of environmental protection and forest land productivity which are likely to vary from State to State. Nevertheless, we are concerned that if a Forest Practices Act is enacted in a given State, it be a competent law. To this end, the Society has established "criteria for a competent State Forest Practices Act", a copy of which is enclosed.

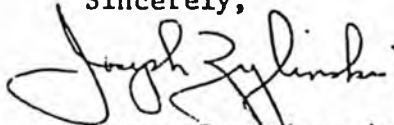
FOREST
In 1976, we tested S.B. No. 563 against the Society criteria, but unfortunately, only one of our recommendations was incorporated into S.B. No. 59. We have again tested S. B. No. 59 against this same criteria. We sincerely hope that our enclosed analysis and recommendations will be helpful and useful to you and your Committee in developing a competent forest practices act for the State of Alaska.

We recognize the importance of the proposed legislation, especially in view of the fact that more than one-third of the entire State of Alaska or 141,000,000 acres are classified as forest land. Of this amount, 18,650,000 acres are in the coastal western hemlock timber type, with 1,187,000 acres in State ownership and 1,340,000 acres in Native land ownership. The remaining 122,350,000 acres are spruce-hardwood timber types in the Interior, with 27,089,000 acres in State ownership and 16,190,000 acres in Native land ownership.

This means 32.5% or nearly one-third of Alaska's forested lands are now in State and private land ownership. Subsequent State and Native selections will substantially add to this acreage.

Please advise if we can be of additional service. We would be happy to work with you on developing specific language, definitions or other aspects as you consider appropriate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Zylinski".

Forest Practices Act Committee, Alaska Section, SAF
Joseph Zylinski, Chairman
Michael S. Leach
Frank Price
Robert Janes

Enclosure

TESTING SENATE BILL 59
AGAINST SOCIETY OF AMERICAN FORESTERS
CRITERIA FOR A COMPETENT STATE
FOREST PRACTICE ACT
PREPARED BY JUNEAU CHAPTER
SOCIETY OF AMERICAN FORESTERS
FEBRUARY 10, 1977

1. "A Forest Practices Act should encourage the application of scientific knowledge and forest management principles in order that society can obtain the largest net sum of benefits from forest lands. Such an Act should reflect full consideration of both its social and private costs and benefits."

Since the Act designates the Commissioner of the Department of Natural Resources as the person responsible to administer the Act, there is no assurance that scientific and forest management principles will be applied. It is recommended that the State Forester play a more prominent role in administering the Act to assure a sound professional approach. He should be specifically named in the Act and his responsibilities clearly defined.

To be really effective a Division of Forestry should be established with the State Forester as Director. The Act then would be administered by this Division.

2. "A Forest Practices Act should insure the productivity of forest lands and protect the environment, including air and water quality."

Review of this Act indicates that this criteria is adequately covered. Although air pollution is not specifically mentioned, it is assumed that air pollution is included in the review by other agencies, i.e. Department of Environmental Conservation.

3. "State-initiated regulation of forest practices is preferable to regulation initiated by federal and local governments. A Forest Practices Act should recognize regional forest variations within a state's boundaries."

Section 41.17.060 (b) provides "the Commissioner may establish regions, districts, or other subdivisions of forest land within the state in which different regulations apply to reflect varying conditions throughout the state."

It appears that this criteria is fully met by S.B. 59.

4. "A Forest Practices Act should be coordinated and in compliance with related regulatory programs in order to minimize jurisdictional conflicts and administrative costs. Such an Act should be consistent with public forestry research, education, technical assistance and financial incentive programs."

This Act does not specifically provide for acknowledgment that compliance with the Act constitutes compliance with State Federal water quality standards, including non-point pollution. This feature should be integrated into the notification system. Review without objection by other state agencies affected should constitute compliance.

Section 41.17.020 (b) provides for the designation and operation of experimental forests; (c) establishing cooperative forestry programs and extension service programs; (d) establishing and maintaining forest tree nurseries.

There is no provision for forestry education or financial incentive programs. These features should be made a part of the cooperative forestry and extension service programs. Funds would have to be made available for the incentive program.

5. "A Forest Practices Act should clearly define the forest land to be covered under the Act as well as any standards and terms applied with respect to forest practices, air and water quality and soil erosion. A Forest Practices Act should use terminology which is generally accepted by the professions concerned."

Section 41.17.030 establishes exemptions to the provisions of the Act. Subsection (b)(1) indicates that a tract less than 160 acres does not fall under the provisions of the Act. While we believe certain operations are so small as to cause little concern to the citizens of the State, we recognize that a timber harvest of 160 acres at the mouth of certain streams or adjacent to certain estuarine areas could have substantial effects on offsite users if timber harvesting is conducted improperly. As with most resource management policies we find it difficult to establish an acreage limit where impacts are a matter of general public concern. However, we believe this is an administrative detail best left to professionals to prescribe on a case to case basis. We would prefer that the Board, along with the State Forester, establish guidelines that are based on a combination of resource factors including, but not limited to, acreage.

The definitions in Section 41.17.950 are a credit to this bill. Definitions specified are close to meeting SAF criteria No. 5. Improvement of some definitions is needed. We would be more than willing to coordinate this section with the various professions involved and recommend appropriate language.

6. "A Forest Practices Act should establish procedures and guidelines for the development and adoption of regulations, but make no attempt to specify the regulations themselves."

We believe the proposed bill generally meets this criteria and have only one suggestion. The suggestion is that Section 41.17.060 provide for procedures (probably a subsection (14) should be added) aimed at establishing regulations for maintaining State water quality standards and protecting the environment of aquatic and offsite fisheries resources commensurate with economic values represented.

7. "A Forest Practices Act should allow a forest landowner latitude in applying professional forestry expertise and forest management principles. Administrative requirements for forest landowners and operators should not be unduly burdensome."

We find the bill reaches far beyond our criteria in this respect and from a number of different aspects. In essence we believe the provisions of the Bill are unduly burdensome and deprive forest landowners of land resource value and operational latitude without any form of compensation for this taking of basic rights. For instance:

1. Subsection 41.17.040 (b) provides equal regulations for State, municipal, and private land. Item (1) under this subsection (p.4) places the burden of proof on the landowner. While this may be appropriate for State or municipal forest lands, it is not appropriate as a basis for depriving a private landowner of economic values that exist on his own land. The burden of proof should be on the administering agency.

2. Item (3) under this subsection (p.4) requires administration of forest land with respect to production levels of timber products to allow reasonable consideration for marketing conditions. We submit that there is little likelihood that State officials will have access to sufficient data on an individual land owners marketing conditions to warrant any regulation on this account. Even if sufficient trend data for forest products operations at large within a district are available to the State, there can be little justification in regulating any individual landowner's harvest plan since that individual's market opportunities simply are not the concern of the State. This is another illustration of the need to consider regulation of private forest land separately from State or municipal lands.

3. Item (5) under this subsection (p.4) requires the maintenance of scenery in or adjacent to areas important to the tourism and recreation industry. Again, such an imposition on a private landowner is questionable while it can be mandated for State or municipal lands.

4. Section 41.17.050 requires that this Act shall be administered so as to protect forest land from "depletion", "overharvesting", "unsatisfactory forest management", etc. In our view such objectives, while perhaps appropriate for public lands, are not entirely applicable to all private lands in Alaska.

This Section also requires that the State conduct periodic inventories of timber on lands subject to the Act. While we agree that the State needs such authority, there is little reason to require it as a State function. The nationwide Forest Survey of the Forest Service has traditionally provided such service to states and to private and other forest landowners as well as to the various federal agencies.

Section 41.17.060 (d) is an improvement over old S.B. No. 563. This approaches a one-stop-shopping service that will benefit the operator and reduce the amount of work and frustration needed to wade through an unfamiliar bureaucratic requirements. This Section needs to be worded in such a manner to imply that approval of the plan also carries with it a certification that it meets with State air and water quality standards and grants all necessary permits, such as: tideland or other land and water use or occupancy.

Section 41.17.070, subsection (b) provides a "notification" procedure as contrasted to a permit process. We endorse this concept as being more efficient and less burdensome on the private landowner. We believe this notification should reflect an operator's "planned" operation rather than a proposal.

It is noted that up to a total of at least 85 days is provided for the State to make up its mind on each timber harvest plan. While this may be appropriate for public land activities, it is unduly burdensome and debilitating with respect to planned activities on private lands.

Under subsection (d) (3) (p.8) any other agency of the State may trigger a 20 day delay in a crucial operation. Again, we emphasize the importance of eliminating unduly burdensome requirements.

Under subsections (c) and (g) the State must ask for comment on each harvesting plan from both State agencies and by the citizenry through newspaper invitation. This is an open invitation to delays in legitimate plans of a private economic entity. We believe the needed agency coordination should be developed with a Forest Practices Board during the promulgation of regulations and any private landowner's plan or actual operation conducted in compliance with these State regulations should not be postponed or denied.

We endorse subsection (i) of this section.

Subsection (j) limits State approval of deviations from approved plans. Approval is contingent upon consultation with other affected State agencies. We believe a strong professional head of the Forestry Agency can provide an appropriate and expeditious decision on such matters without violating valid concerns of other agencies and without delaying a crucial decision to an operator.

Section 41.17.080 adopts the attitude that chemicals are not a bonafide attribute of productive forest management. The burden of proof is put on the landowner to prove no adverse consequences. We believe the State's policy should be the other way around, i.e. any application of chemicals for forestry purposes which is lawful is acceptable unless evidence in the hands of the State Forestry Agency shows otherwise. To do otherwise is to deprive a landowner of the opportunity to profit by modern day forest practices.

8. "Where boards, commissions or advisory bodies are used, their composition should represent the broad public interest with at least a majority of the membership being knowledgeable and experienced in the scientific management of forest resources."

A major weakness of the bill is that it creates weakness in the administering agency. First, there is no recognition that a strong Forestry Agency is needed to achieve competent and beneficial regulation of forest practices. A demonstrably effective arrangement for achieving such a goal is to provide for a professional State Forester to administer the Act and a Forest Practices Board to promulgate those necessary procedures or

regulations which can't be efficiently established through the legislative process. Forest practices in the State of Oregon have been, over the years, notably more advanced than other west coast states and without the forest practice legislative upheavals experienced in sister states. Oregon has long operated under the State Forester-Forest Practices Board approach.

Next is the problem of gaining support for a forest practices act from forest landowners or forestry experienced residents of the State when the Act will be administered by an appointee subject to change with each new State administration. Forestry programs and regulations must have more continuity and stability to be successful.

Our suggestions for solving this dilemma is to establish a board and a State Forester or Director, perhaps along the lines outlined in the EPA model Forest Practices Act. An additional suggestion varying from the EPA model is that a majority of the board members be knowledgeable and experienced in the scientific management of forest resources. Such a board should include at least one member from the Forest Products Industry and one from an Alaskan Native Corporation.

Recognizing that the question of establishing a strong and professional forestry agency is a major philosophical difference between the Administration and the Society, we wish to point out that the Alaska Section of the Society has been a leader, possibly the first, in advocating that it is timely for Alaska to adopt forest practices legislation. We will not support legislation that is not competent in the forest practices field.

9. "The development of forest practice regulations should be accomplished with due consideration of the knowledge and opinions of forest landowners, timber operators, forestry and related professionals and the public, and should take into account regional forest variations and disparities in land ownership patterns. Public hearings are necessary to achieve these purposes.

It appears that SB No. 59 meets this criteria. However, we recommend emphasis on technical assistance and incentive programs rather than on regulation of activities.

10. "Using appropriate State administrative procedures, forest practice regulations should be adopted by a State forestry agency or board with responsibility for interagency coordination. Forest practice regulations should rest upon scientific knowledge and professionally recognized forest management principles. The regulations should be administered and enforced by a single state agency with adequate staffing and forestry expertise."

The bill fails to provide for a state forestry agency or a board with responsibility for interagency coordination. All powers are vested in the Commissioner who may delegate authority to his subordinate employees or units within the Department of Natural Resources to the extent he considers advisable. This does not guarantee that regulations would be

administered and enforced by an entity within the Department with either adequate staffing, forestry expertise, and funding.

The conversion of nearly 150 million acres of federal land to state and private ownership will occur in the near future. This will involve many millions of acres of forest land. It is reasonable to assume that the Commissioner could satisfactorily perform all of the administrative and regulatory functions as described in SB No. 59 without delegation. The very scope of other activities and responsibilities vested within his Department would necessitate delegation.

The Governor, in transmitting essentially this same bill to the previous Legislature, indicated a desire to administer and regulate forest practices on state and private lands within existing structures and personnel resources of the Department to avoid the creation of a new bureaucracy and to keep government regulation at a minimum. We subscribe to that philosophy. However, we contend that the existing structure, personnel, and professional resources of the Department are insufficient to perform satisfactorily the state and private forestry workload presently existent within the State without even considering the 150 million acres moving from federal to State and private status.

While the Governor's motives are admirable, we believe that the imposition of an additional sizable workload upon an existing skeletal capability would be a disservice to the State, its forest and related resources and a derogation of the stated findings and purposes of SB No. 59.

In this regard, we urge the identification of a State Forester established within and heading a Division of Forestry. In addition, funding and professional forestry manpower needed by the State Forester to administer and enforce a Forest Practice Act need to be recognized and provided for in SB No. 59.

11. "A Forest Practices Act should provide for effective administration and enforcement, with adequate provisions for due process, to achieve the objectives and purposes of the Act. Administrative and enforcement procedures should be efficient and expeditious. Provisions should also be included for the use of continuing education, information and training programs to implement regulations adopted under the Act. Forest management operations conducted in accordance with adopted forest practice regulations should be considered to have met the requirements of laws pertaining to soil sedimentation and air and water quality."

Senate Bill No. 59 contains a considerable amount of administrative and regulatory detail. We believe the Bill should provide for these features in broad terms. The development of details should be left to the State Forester who would work with the various publics in a series of scheduled and well-advertised public meetings. Resultant administrative and regulatory details developed within that medium would be substantially more palatable, relevant, and acceptable.

The Bill should provide for the use of continuing education, information,

and training programs designed to implement regulations adopted under the Act. The State Forester should play a key role in this activity.

These features would go a long way toward developing public acceptance of a Forest Practices Act.

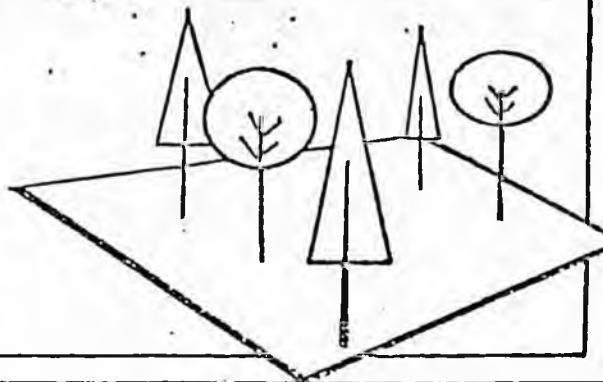
12. "A Forest Practices Act should not preclude the legitimate conversion of forest land to other uses."

Senate Bill No. 59 appears to meet this criteria.

General Comment

Section 41.17.040 (c) (3) states that "...all resources and values are of equal priority;...." This is inconsistent with the definition for multiple use contained in Section 41.17.950. We concur with the definition of multiple use and that consideration in any activity must be given to the relative value of the various resources.

SOCIETY OF AMERICAN FORESTERS



CRITERIA FOR A COMPETENT STATE FOREST PRACTICES ACT*

The Society of American Foresters (SAF) has prepared its "Criteria for a Competent State Forest Practices Act" to aid legislators and other groups considering the development or adoption of legislation to regulate forest practices. The paragraphs below are provided as an introduction and should be read carefully so that the "Criteria" can be considered in its proper perspective.

Controversy over the regulation of forest practices in the United States has reached national proportions in three periods prior to the current debate, namely 1910-1911, 1923-1924 and 1938-1952. The sources of these earlier controversies were widespread public concern over future timber supplies, poor timber harvesting practices and wildfire, and the consequent damage in terms of soil erosion and sedimentation of watercourses.

The present focus on state forest practice legislation is a result of the recent sharp increase in public concern over the quality of life in the United States. This change has caused Federal enactment of several far-reaching environmental laws, many of which apply to water quality, to include the Federal Water Pollution Control Act Amendments of 1972. This law is the basis for the Environmental Protection Agency's development of a "Suggested State Forest Practices Act" in late 1974.

There has been and remains a concomitant concern for the potential and actual productivity of the forest lands in the United States. When some activities related to forest land management are improperly performed, accelerated soil erosion can result in a significant reduction in water quality and the capacity of the land to produce vegetation. In addition to man-caused siltation of watercourses, other forms of water pollution can result. Certainly, occurrences of this kind ought to be discouraged or at least kept within acceptable limits. This can be done through various education, training and financial incentive programs. Activities which diminish a forest's capacity to grow trees can also be discouraged or prevented through regulation by states or other authority. For this purpose regulation might be useful, and in some cases, necessary.

If the forest management activities involving soil disturbance are properly performed, water quality and the potential productivity of forest soil can be maintained. In fact, certain forest management practices can increase tree growth and provide for wildlife habitat and recreational opportunities substantially beyond the natural limitations of many forest lands. These practices ought to be encouraged, and can be through various education and incentive programs. However, the efficacy of legal coercion in the form of regulation of forest practices is questionable so far as encouraging intensive forest management. The bulk of experience indicates that regulation is better employed to enforce minimum performance standards. Expectations to achieve anything more appear unwarranted.

The Society of American Foresters does not advocate that states should enact laws which regulate forest practices. This is for each state to decide based on its needs in terms of environmental protection and forest land productivity which are likely to vary from state to state. Nevertheless, SAF is concerned that if a Forest Practices Act is enacted in a given state, it be a competent law. To this end SAF undertook the task of developing its "Criteria for a Competent State Forest Practices Act" set forth below.

There are twelve criteria. In some cases it was found necessary to either expand on a given criterion or to address a current issue. These are the purposes of the short paragraphs which follow some of the criteria.

SAF is prepared to elaborate, where necessary, upon any of the following "Criteria" and to assist in discussions or deliberations regarding the regulation of forest practices.

Criteria for a Competent State Forest Practices Act

1. *A Forest Practices Act should encourage the application of scientific knowledge and forest management principles in order that society can obtain the largest net sum of benefits from forest lands. Such an Act should reflect full consideration of both its social and private costs and benefits.*

2. *A Forest Practices Act should insure the productivity of forest lands and protect the environment, including air and water quality.*

3. *State-initiated regulation of forest practices is preferable to regulation initiated by federal and local governments. A Forest Practices Act should recognize regional forest variations within a state's boundaries.*

One of the principal arguments for state regulation of forest practices is the immense variability of forest types within the boundaries of most states. A regular practice of states which have forest practices acts is to divide the state in two or more forest districts. Subsequently, separate forest practice regulations are developed for each forest district. This procedure is quite defensible.

4. *A Forest Practices Act should be coordinated and in compliance with related regulatory programs in order to minimize jurisdictional conflicts and administrative costs. Such an Act should be consistent with public forestry research, education, technical assistance and financial incentive programs.*

If a Forest Practices Act becomes law in a state, it would be but one part of a body of laws, regulations and programs relating to forest resources. Efforts to integrate elements of a Forest Practices Act with other existing laws, regulations and programs should be encouraged. Duplications in agency jurisdictions should be minimized.

5. *A Forest Practices Act should clearly define the forest land to be covered under the Act as well as any standards and terms applied with respect to forest practices, air and water quality and soil erosion. A Forest Practices Act should use terminology which is generally accepted by the professions concerned.*

Because a Forest Practices Act deals directly with scientific phenomena, to clarify the Act's purposes and scope technical terminology should be employed where appropriate, and standards and terms should be operationally defined.

6. *A Forest Practices Act should establish procedures and guidelines for the development and adoption of regulations, but make no attempt to specify the regulations themselves.*

Forests are inherently heterogeneous. Furthermore, scientific knowledge of forests and forest management techniques is rapidly evolving. Therefore, a Forest Practices Act would be best designed if it prescribed the procedures by which forest practice regulations are developed and implemented rather than specify the regulations themselves.

Where a Forest Practices Act provides for reforestation, specific stocking standards should evolve from the same process used to develop forest practice regulations.

7. *A Forest Practices Act should allow a forest landowner latitude in applying professional forestry expertise and forest management principles. Administrative requirements for forest landowners and operators should not be unduly burdensome.*

A Forest Practices Act could so encumber a forest landowner with its requirements that he would forego opportunities to sell his timber, and hence, would have little inducement to manage his land for timber production. In such cases, timber supplies will be adversely affected. There will also be a misallocation of resources if, as a result, intensive timber management techniques are applied to lands which are relatively less suited for timber production.

8. *Where boards, commissions or advisory bodies are used, their composition should represent the broad public interest with at least a majority of the membership being knowledgeable and experienced in the scientific management of forest resources.*

A widely accepted arrangement for developing forest practice regulations is through an appointed board or commission. If this arrangement is employed, at least a majority of the board's members should be selected on the basis of their education, knowledge and experience in the scientific management of forest resources. Together the board members should be broadly representative of the public interest in forest resources, to include the interests of private forest landowners and timber operators.

9. *The development of forest practice regulations should be accomplished with due consideration of the knowledge and opinions of forest landowners, timber operators, forestry and related professionals and the public, and should take into account regional forest variations and disparities in land ownership patterns. Public hearings are necessary to achieve these purposes.*

10. *Using appropriate state administrative procedures, forest practice regulations should be adopted by a state forestry agency or board with responsibility for interagency coordination. Forest practice regulations should rest upon scientific knowledge and professionally recognized forest management principles. The regulations should be administered and enforced by a single state agency with adequate staffing and forestry expertise.*

11. *A Forest Practices Act should provide for effective administration and enforcement, with adequate provisions for due process, to achieve the objectives and purposes of the Act. Administrative and enforcement procedures should be efficient and expeditious. Provisions should also be included for the use of continuing education, information and training programs to implement regulations adopted under the Act. Forest management operations conducted in accordance with adopted forest practice regulations should be considered to have met the requirements of laws pertaining to soil sedimentation and air and water quality.*

Two methods by which an administrative agency may be advised of an intended timber harvesting operation are by a so-called "notification scheme" and by a system requiring state approval prior to the commencement of timber harvesting. Under a notification scheme, the forest landowner, timber owner, or timber operator notifies the administering agency of his intent to harvest and the location of the harvesting site, together with other pertinent information. Under the "prior approval" system, the forest landowner, timber owner or timber operator submits an explicit statement, application or plan stating his intentions and must await approval by the administering state agency. To date there is no evidence which of these schemes ultimately results in a greater degree of environmental protection or more productive forest land. However, the costs of a prior approval system appear to be inherently greater than those of a notification scheme, all other things being equal. Therefore, a notification scheme should be given preferential consideration.

Instruments which have been effective in enforcing forest practice regulations include: (1) informal conferences, (2) notices to comply, (3) "stop work orders," and ultimately, (4) agency authority to take corrective action at the violator's expense where environmental damage has occurred or is imminent. It should be recognized that the effectiveness of these instruments does not preclude the existence or the possible development of other effective means for enforcement.

12. *A Forest Practices Act should not preclude the legitimate conversion of forest land to other uses.*

A Forest Practices Act which would prevent a forest landowner from converting his land to uses other than timber production would severely infringe upon his property rights. Nevertheless, the landowner's legal right to such conversion should not become a means for evading the provisions of a Forest Practices Act.

ABOUT THE SOCIETY

The Society of American Foresters, with over 19,000 members, is the national organization representing all segments of the forestry profession of the United States including public and private practitioners, researchers, administrators, educators, and forestry students.

Objectives of the Society are: To advance the science, technology, education, and practice of professional forestry in America, and to use the knowledge and skills of the profession to benefit society.

Gifford Pinchot and six other pioneer foresters established the Society in 1900.

Members subscribe to a strict code of professional ethics. The Society is the accreditation authority for professional forestry education in the U.S. It publishes the *Journal of Forestry* and *Forest Science*.



SOCIETY OF AMERICAN FORESTERS

1010 SIXTEENTH ST., N.W.
WASHINGTON, D. C. 20036

Testimony of Warren Weathers
Shee Atika Corporation
February 11, 1977
Hearing on SB 59

Madam Chairman, Honorable Committee Members, I would like to apologize for not having anything in writing, but we would like to submit something in writing within the next two weeks which would include a draft of the revision of SB 59.

I am Warren Weathers, I speak on behalf of Shee Atika, Incorporated which is the urban native corporation for the native road to Sitka. We have 1,800 stockholders. I am also a professional forester, with a background of having worked for the U. S. Forest Service, having worked in the State of Oregon as a land manager, as an extension forester in the field of State and Private Forestry, and also, I was extensively involved in the enforcement of the Oregon State Forest Practices Act before the revision and then after the new Forest Practices Act was passed. I have worked in Alaska in the forest industry since 1972 as a professional forester.

Shee Atika has selected 23,040 acres of forest land. Roughly 4,000 acres of this has been logged, and the corporation plans to manage it in such a manner that the 4,000 acres that has been logged will grow trees and produce quality water, and recreation opportunities, etc. Everything will be managed under the multiple use of sustained yield basis.

Our estimates indicate that under intensive sustained yield management, the corporation's timber resources alone will produce an annual cut of roughly twelve million board feet: This is under intensive management. Conservatively, with a multiplier, this would indicate that this annual cut could be expected to produce someplace in the neighborhood of seventeen million dollars annually in new money that would be put into the economy of Southeast Alaska, and this just from our native corporation's timber reserve. The corporation has the policy of managing lands for multiple use of all resources. We are interested in producing fish. Many of our stockholders are fishermen. We are interested in recreation. We are, at the present time, in the process of putting together a hotel in Sitka. We are very interested in tourism, and our stockholders have an historic interest in the wildlife resources. All this in addition to the timber.

Until 1983, our land must be managed under the same set of standards as the Forest Service manages their lands, under the provisions of the Native Claims Settlement Act. It's not 1977 so we have some time, I think, to look at the situation and draft a very well thought out planned bill that would be equitable to the landowners, and achieve the interest that the general public is looking for.

Testimony of Warren Weathers Cont.
Shee Atika Corporation
February 11, 1977
Hearing on SB 59

On some comments on the bill. I think it's dangerous from the standpoint that it places an awful lot of authority on one person, in this case the Commissioner, who is not necessarily a professional forester. Basically he is a politician. I think it would be an improvement to have a strong forestry division with a professional state forester leading it, and having a board in which landowners were heavily represented. In this case of the commercial forest land in the state, roughly over 99% of it is going to be native owned. I think that landowners should be heavily represented and professional land managers and resource managers should be heavily represented on an advisory board that would assist the State Forester in drafting regulations that are going to be implemented under this act, so that it will be something that won't be an unnecessary burden on the landowner and the industry. I think that if you have somebody that's administering it and drafting the regulations that is not familiar with the problems intimately, there's a good chance you are going to have a negative impact on the landowner and on the industry.

One portion of the bill discusses aesthetics. It more or less indicates that somebody from the State is going to evaluate what is aesthetically pleasing, what's pretty and what looks good, etc. as far as forest practices goes on private land. I feel that this would be very difficult to do from the standpoint that what I think is attractive is not necessarily what somebody else thinks is attractive. The evaluation of aesthetics is a value judgement, and you can't tie it down to anything to decide what is good and what's not. You have a tremendous conflict and you wouldn't be treating all the landowners equitably. The State has the power to do this on their own lands anyway, and if the State would like to manage its forest land for aesthetics then they can control what they feel is attractive. That's fine, but I don't think it's fair to try and place this type of thing on the private landowner.

The way SB 59 is drafted, an operator can make application, and it will be up to 80 days before he really gets a response. The way the weather is and operations are in the industry in southeastern Alaska, lots of times things will come up where landowners have to make a change in plans due to the weather, etc., and if it takes him 80 days to make the change, he will have lost the opportunity, and we will have serious economic consequences to the landowner and to the operator. Not only from the operating problems that might come up where he'd need to change his operation, but also to respond to changes in marketing conditions, etc. I think that something more like a maximum of 30 days would be more appropriate.

There is a provision in SB 59 that requires the operator to submit a performance bond prior to getting his operation. I feel that this is an unnecessary burden on an operator from a standpoint that the law provides penalties that is another means of satisfying the problem in case he does break the law and is not in compliance with the act.

Testimony of Warren Weathers Cont.
Shee Atika Corporation
February 11, 1977
Hearing on SB 59

I don't think the bond is necessary, and could eliminate a lot of the small operators. Although the bill is drafted, they attempted to draft it with a combination of both the prior approval and notification systems. I think in reality, it's going to end up being enforced as a prior approval type forest practices act, in which case it would be expensive and it would place the burden on the landowner and not on the state. Having worked with the notification system, and the way it worked in Oregon was an operator would submit plans to us essentially the same as those that are listed in SB 59. We would review them. We had a very short period of time. I don't remember exactly what it was now. We would review the plans. As a matter of course, if I had not worked with the landowner before, I'd make a point to go and find him and walk over his operation with him and point out some of the areas where he might have problems. If he had a slope that looked like it might be unstable if you put a road across it, I'd help him with his road location. To try and minimize erosion problems, I'd give him advice as to what areas he could expect to grass seed or something like this to prevent erosion problems. As a matter of course, if there were a fish stream in the area, and I could see that there was potentially some impact on the quality of the water with his operation, I'd call up the Department of Fish and Game and they would send a fisheries biologist out and he would go out with me and we would both talk to the operator, and this was generally before he started his operation, and he was then familiar with what we were going to expect or what his alternatives were. Then he could go ahead and operate. We checked up on him occasionally, and if he broke the law, he paid for it, and the situation was corrected. If the burden was on us to go out and check up on him, and work with him, it wasn't on him to submit plan after plan and wait 80 days before he could start doing anything. I think that as things progress, and the State has worked with one operator and they are familiar with an area the way he operates and all this, there may not be quite as much need to spend that much time with an operator once they did become educated to what you are going to require and they are aware that you are going to go out and check up on them, and they are familiar with the law, under the notification system.

Under the prior approval system, I don't think that would be possible. I would like to read some comments that I jotted down that were given to me by our attorney, Mr. Lanahan, who specializes in forest resources law. He is also a professional forester. Point No. 1 discusses the constitutionality, federal preemption. He said, I have not had the opportunity to any in-depth research on some of these points. As a matter of federal law of the U. S. Constitution is the supreme law of the land, the well established doctrine of constitutional law provides when congress has occupied the field or preempted it by specific legislation, the states do not have the authority to legislate or

Testimony of Warren Weathers Cont.
Shee Atika Corporation
February 11, 1977
Hearing on SB 59

regulate in this same area. Examples of the preemption field are the National Labor Relations Act which governs all matters relating to labor and employee relations and cases affecting inter-state commerce. More perscriptive state laws can only apply to strictly local or intra-state matters. The Native Claims Settlement Act is special federal legislation designed to settle all original claims in Alaska. Many areas of potential regulation of native lands acquired under the Claims Settlement Act have been dealt with by specific provisions of the Act. For example, Section 20A exempts revenues originating from the native fund from all federal, state, and local taxation at the time of receipt by regional and village corporations or individual natives.

Section 20B exempts shares of stock of village or regional corporations received by natives from any form of federal, state or local taxation. Receipt of land or cash is exempt from federal, state or local taxes by Section 20C, and its basis for income tax purposes is for market value at the time of receipt.

Section 20D exempts real property interests from state and local taxation until 1991 unless they are earlier transferred, leased, or developed. Section 20E continues to treat lands distributed to native corporations as public lands for stated reasons as long as the exemption from state and local taxes remain in effect. Specifically, Section 21K requires all lands selected from within the boundaries of a National forest to be managed under principals of state yield and under management practices for the protection and enhancement of environmental quality no less stringent than such management practices on adjacent National forest through 1983. Mr. Lanahan goes on to say, in my opinion this is a specific preemption by Congress in the field of forest practices. Any attempt by the state to impose more stringent restrictions will be regarded as unconstitutional. The second point discussed is denial of equal protection. The 14th Amendment to the U. S. Constitution guarantees all citizens relief from State action that denies them equal protection under the law.

Forest practices legislation that regulates private ownership of commercial forest lands of 160 acres or more probably effects virtually no private ownership other than the native corporation. I speculate that other than native lands, less than one tenth of one percent of all private forest land ownership in the state exceeds a tract of 160 acres. From this, one may infer that proposed forest practices legislation regulating private ownership of tracts of 160 acres or more is discriminatory, and special purpose in scope. If so, equal protection regulation in this instance is being denied by the likes of Senate Bill 59.

Third point - other federal and State constitutional issues. It may be argued that SB 59, because of the lack of standards and regulatory authority of scope may be unconstitutionally vague. I believe serious questions can be raised as to whether or not the State can constitutionally impose a burden of management to protect or enhance adjacent scenic

Testimony of Warren Weathers Cont.
Shee Atika Corporation
February 11, 1977
Hearing on SB 59

recreation, aesthetic, tourism, or other natural values on private land other than as a valid exercise of police power. If not this requirement could result on an unconstitutional taking of private property without compensation.

Section 20C of the bill appears to create a potential for conflict between the Commissioner of Natural Resources and other State or local agencies.

Section 60D may further this proposition. I suspect the intent of the drafter is to insure that there would be only one set of regulations in print that is required for each type of activity, rather than having to go through 3 or 4 agencies. I suggest that these provisions can be reworded to better accomplish that intent.

Section 60C can be reworded to give the Department exclusive authority in the field rather than subordinate to other agencies. The proposed notification system has some advantages over a permit system, however, the time lag and the ability to give qualified approval could create problems. If the operations are going to be conducted on public lands, in all likelihood, contractual provisions containing all the operating restrictions necessary will be used so that the notification system should be a mere formality. In the case of operations on private lands, without more definitive standards of what and when activities will be permitted, we could end up with dual standards. The procedure for notice-in hearing of claimed violations is a good one. Mr. Lanahan thinks the exemption of hearings from the provisions of the Administrative Procedures Act and Sections 110J may be unwise unless it is to free the hearings from the requirements of formality.

Section 130 he felt was interesting. The addition of penal provisions for spacious or groundless suits might be added to discourage i.a. _____ from suing the State without good cause.

In recommendations, he said, I would recommend you tax SB 59 or any other similar bill on unconstitutional grounds primarily on the issues of federal preemption under the 14th Amendment "Equal Protection Argument. Bills such as SB 59 may involve reported police power regulation that is so stringent that it causes the unconstitutional taking of property. SB 59, if it were to exclude private land could, with a few changes, be made into a decent bill. You could approach supporting a modified bill with specific exemption of all native lands through 1983, or you could flatly oppose the bill on unconstitutional or other grounds to kill it insofar as it might pertain to private land. If legislation effecting your lands is passed, its constitutionality can be promptly tested in an action instituted for a three judge federal court. i.a. _____ the event of adverse decision from the three judge panel as direct to the United States Supreme Court as a matter of right. I suggest that

Testimony of Warren Weathers Cont.
Shee Atika Corporation
February 11, 1977
Hearing on SB 59

you adopt a forestry board and a state forester approach incorporated with the draft forest practices act that SANTICO has been working on. SANTICO is the Southeast Alaska Native Timber Corporation of which Shee Atika is part of.

The bill that SANTICO is working on, is based on the Oregon Forest Practices Law which is considered to be a model for State laws of this type. Mr. Lanahan felt, lastly, in any event that date of interest should be marshalled to oppose this type of forest practices legislation as it effects native lands. The natives have been and are the original conservationists. We will manage our lands in a fashion that will be environmental for all, including the State of Alaska.

I think that House Bill 40 would be a lot easier to work with, and with a few amendments, it could be a pretty good bill. However, within a matter of a week, we will have a revised draft of Senate Bill 59 that we would like to submit. Thank you.

CHAIRMAN POLAND - Thank you Mr. Weathers. Are there any questions?

SENATOR TILLION - I think he ought to find a better lawyer.

SENATOR MELAND - You say you worked closely with the Oregon Forest Practices Act, does that differ too much from SB 59, or is it more along the lines of 40?

WARREN WEATHERS - It's closer to 40. It's strictly notification.

SENATOR MELAND - Is the man in charge a professional forester?

WARREN WEATHERS - He's a professional forester, but he's appointed by an advisory board, and the advisory board has representatives of conservation minded groups, the industry, landowners, county commissioners, Oregon cattlemen's association and this type of thing. They are the ones that supervise essentially the State Forester, and then the school of forestry chairs the Board. Something similar to that would be, maybe, just an advisory board as far as drafting the regulations. I think the regulations are the most important thing that, as far as the road goes, they be drafted to where they are realistic, and those are the big differences in the State of Oregon's bill.

CHAIRMAN POLAND - Thank you Mr. Weathers.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/90
Date

FINANCE COMMITTEE
February 22, 1977
Letter of Intent


HB
47

HB 47

It was the instruction of the Committee in passing HB 47 from Committee that the measure be accompanied by a letter of intent. The letter was to contain requirements for public hearings and the receipt of public input prior to the determination of the transportation corridor by the Commissioner of Highways. The requirements are as follows:

At least thirty (30) days prior to the delineation of a corridor for the proposed extension of the Alaska Railroad to the Canadian Border, the Commissioner of Highways shall send notice of the proposed delineation to each municipality and each Native Regional And Village Corporation in the area affected by the transportation corridor, the general public by publication in newspapers of general circulation in the area affected by the transportation corridor and each member of the Legislature. The notice shall include a map showing the location of the proposed transportation corridor.

Any person may petition the Department for a public hearing to precede the Department's delineation of the transportation corridor. Upon receipt of a petition requesting a public hearing, the Department shall schedule at least one public hearing as provided for in the Administrative Procedures Act (A.S. 44.62) in each of the Department's regional offices located within the affected area.


Steve Cowper, Chairman

The Finance Committee has had HOUSE BILL NO. 48 (special appropriation, Department of Highways, interior division, for delineation of a utility corridor and railroad right-of-way for extension of the Alaska Railroad; effective date) under consideration and a majority of the members recommends it do pass with the following amendment:

HB
48

Amendment No. 1 by the Finance Committee:

Page 1, line 18: Change "1978" to "1979".

Concurring: Freeman (Vice Chairman), Meekins, Schaeffer, Duncan, Buchholdt, Swanson, Guy and Cowper. Not concurring: Rhode has no recommendation.

The fiscal note on HB 48 with attached letter of December 13, 1976 appears in House Supplement No. 23.

HB 48 was referred to the Rules Committee for placement on the calendar.

HB 106 The Commerce Committee has had HOUSE BILL NO. 106 (Alaska Business License Act; effective date) under consideration and a majority of the members recommends it be replaced with COMMITTEE SUBSTITUTE FOR HB 106 (same title) and that it do pass. Concurring: McKinnon (Chairman), Chatterton, Bradley, Parr, Carpenter, Hayes and Brown.

HB 106 was referred to the Finance Committee.

The fiscal note on HB 106 appears in House Supplement No. 23.

HB 146 The Health, Education and Social Services Committee has had HOUSE BILL NO. 146 (scholarship loan program; effective date) under consideration and the members report it back with individual recommendations. Parr (Chairman), Bennett, Nakak and Ose recommend do pass; Chatterton, Cotten, Phillips and Beirne recommend do not pass.

HB 146 was referred to the Rules Committee for placement on the calendar.

HB 192 The Finance Committee has had HOUSE BILL NO. 192 (supplemental appropriation to the Department of Natural Resources for ch. 113 SLA 1976; effective date) under consideration and a majority of the members recommends it do pass. Concurring: Cowper (Chairman), Gruening, Duncan, Buchholdt, Swanson, Meekins, Schaeffer and Guy. Not concurring: Haugen has no recommendation; Rhode and Freeman recommend do not pass.

HB 192 was referred to the Rules Committee for placement on the calendar.

HB 215 The Community and Regional Affairs Committee has had HOUSE BILL NO. 215 (supplemental appropriation, Department of Community and Regional Affairs for the day care assistance program; effective date) under consideration and a majority of the members recommends it be replaced with COMMITTEE SUBSTITUTE FOR HB 215 (same title) and that it do pass. Concurring: Rudd (Chairman), Snider, Phillips and Smith. Not concurring: Ose and Kelly have no recommendations.

HB 215 was referred to the Finance Committee.

HB 223 The Commerce Committee has had HOUSE BILL NO. 223 (materialmen's and mechanics' liens) under consideration and a majority of the members reports it back without recommendation. Concurring: McKinnon (Chairman), Bradley, Parr and Carpenter. Not concurring: Chatterton, Hayes and Brown recommend do pass.

HB 223 was referred to the Rules Committee for placement on the calendar.

"An Act relating to creation of a utility corridor for extension of the Alaska Railroad; and providing for an effective date."

1/27/77

COMMITTEE REPORT

HOUSE

Mr. Speaker:

Date 2/1/77

The Committee on Finance has had HR 67

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT (S)

Letter of Intent

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>Greening</u>	<u>Lawson</u>	_____
<u>Freeman</u>	<u>Mickens</u>	_____
<u>W. J. ...</u>	<u>...</u>	_____
<u>Thompson</u>	<u>...</u>	_____

Members NOT concurring in the Majority report:

<u>Rhodes</u>	recommends: <u>No Rec</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

Freeman Chairman

HOUSE JOURNAL

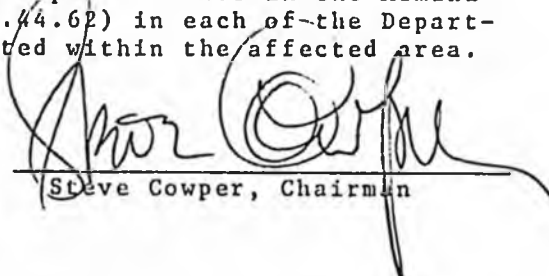
FINANCE COMMITTEE
February 22, 1977
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Any person may petition the Department for a public hearing to precede the Department's delineation of the transportation corridor. Upon receipt of a petition requesting a public hearing, the Department shall schedule at least one public hearing as provided for in the Administrative Procedures Act (A.S. 44.62) in each of the Department's regional offices located within the affected area.


Steve Cowper, Chairman

Introduced: 1/13/77
Referred: State Affairs and
Finance

BY SWANSON, BRADLEY, CHATTERTON,
HAYES, KELLY, MCKINNON, MEEKINS,
MILES, PARR AND PHILLIPS

1 IN THE HOUSE

2 HOUSE BILL NO. 47

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to creation of a utility corridor for
7 extension of the Alaska Railroad; and providing for an
8 effective date."

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

10 * Section 1. AS 19.05 is amended by adding a new section to read:

11 Sec. 19.05.122. UTILITY CORRIDOR FOR EXTENSION OF THE ALASKA RAIL-
12 ROAD. (a) The interior division of the department shall delineate a
13 proposed utility corridor for the extension of the Alaska Railroad to
14 the Canadian border. The proposed utility corridor shall include a
15 delineation of a proposed railroad right-of-way.

16 (b) The commissioner shall, in conformity with the Administrative
17 Procedure Act (AS 44.62), adopt a regulation approving, modifying, or
18 rejecting the proposed utility corridor and railroad right-of-way.

19 (c) If the commissioner approves or modifies the proposed utility
20 corridor and railroad right-of-way,

21 (1) the Department of Natural Resources shall classify, or
22 reclassify, and reserve any state land within the utility corridor for
23 use as a utility corridor and railroad right-of-way; and

24 (2) the department shall exercise its authority under sec. 40
25 of this chapter to acquire rights-of-way across land within the utility
26 corridor which is subject to the state's power of condemnation.

27 (d) The requirements of the Alaska Land Act (AS 38.05) relating to
28 classification and reclassification of land are inapplicable to actions
29 taken under this section.

1 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 47/48 (HB 47--Authorization, HB 48--Appropriation)
 Title Extension of the Alaska Railroad
 Requested by Representative Swanson/ phone request Date January 24, 1977
Representative Freeman

II. FISCAL DETAIL
 Agency Affected Highways
 Program Category Affected Transportation
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		409,500				
200 TRAVEL						
300 CONTRACTUAL		455,500				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		865,000				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0			
PART TIME		0			
TEMPORARY		3			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum from Mr. Backland to Mr. Zahare, both of the Interior Division of the Department of Highways.

IV. DATE January 21, 1977 PREPARED BY Frank S. Baxter, Administrative Director
 AGENCY Department of Highways
 PHONE 364-2121 Ext. 124/125
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Introduced: 1/13/77
Referred: State Affairs and
Finance

BY SWANSON, BRADLEY, CHATTERTON,
HAYES, KELLY, MCKINNON, MEEKINS,
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25 of this chapter to acquire rights-of-way across land within the utility
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2 070(c).
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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LANDS

323 E. 4TH AVENUE-ANCHORAGE 99501

JAY S. HAMMOND, Governor

February 1, 1977

RE: HB 47

Representative Steve Cowper
House Finance Committee
Pouch W, State Capitol
Juneau, Alaska 99811

Dear Steve:

As we discussed in our phone conversation, the Division has some concerns about HB 47.

Our most immediate concern is that HB 47 directs the Department of Highways to delineate a corridor for a proposed extension of the Alaska Railroad to the Canadian border. In all probability this route will pass through the region around Delta Junction which is currently the subject of a planning study by our agency. A map showing the study area is attached.

Our Northcentral District Office has worked closely with the public in the study area throughout the planning process.

A Citizen's Council of 45 people, 30 of them from the study area, was appointed nearly two years ago. These people, who represent a diverse spectrum of interests, established goals for their area and have been actively involved in making recommendations for its future management.

The Citizen's Council has frequently expressed concern about corridors through the area and strongly recommended that they be consolidated. They are now entering the final phase of the study, during which they will make final management recommendations. I feel it would be a mistake to bypass this public process in designating a railroad routing and that the substantial amount of work that has been invested to date should be utilized.

I recommend that the bill direct the Department of Highways to consult with a variety of groups in delineating a railroad corridor, such as local municipalities, native regional and village corporations, and the Delta Citizen's Council; and that the bill require concurrence of the Commissioner of Natural Resources in designating the route of the proposed corridor.

I am also concerned about provision (d) which exempts actions under this bill from Title 38. As recently as last year the legislature added to Title 38 provisions requiring public notice and review prior to classification action. To now authorize state action and exempt it from public review seems inconsistent.

Page 2
February 1, 1977

RE: HB 47

If it would be helpful, I can have a member of my staff attend a hearing on this bill to explain the effect it would have, as written, on the Delta Plan.

I also suggest that if the bill gets to a hearing, you request testimony from the Division of Policy Development and Planning. I understand they have been negotiating with Canada regarding the Canol Pipeline and may prove to be helpful.

Thanks for the opportunity to comment and if you have any questions give me a call.

Sincerely yours,

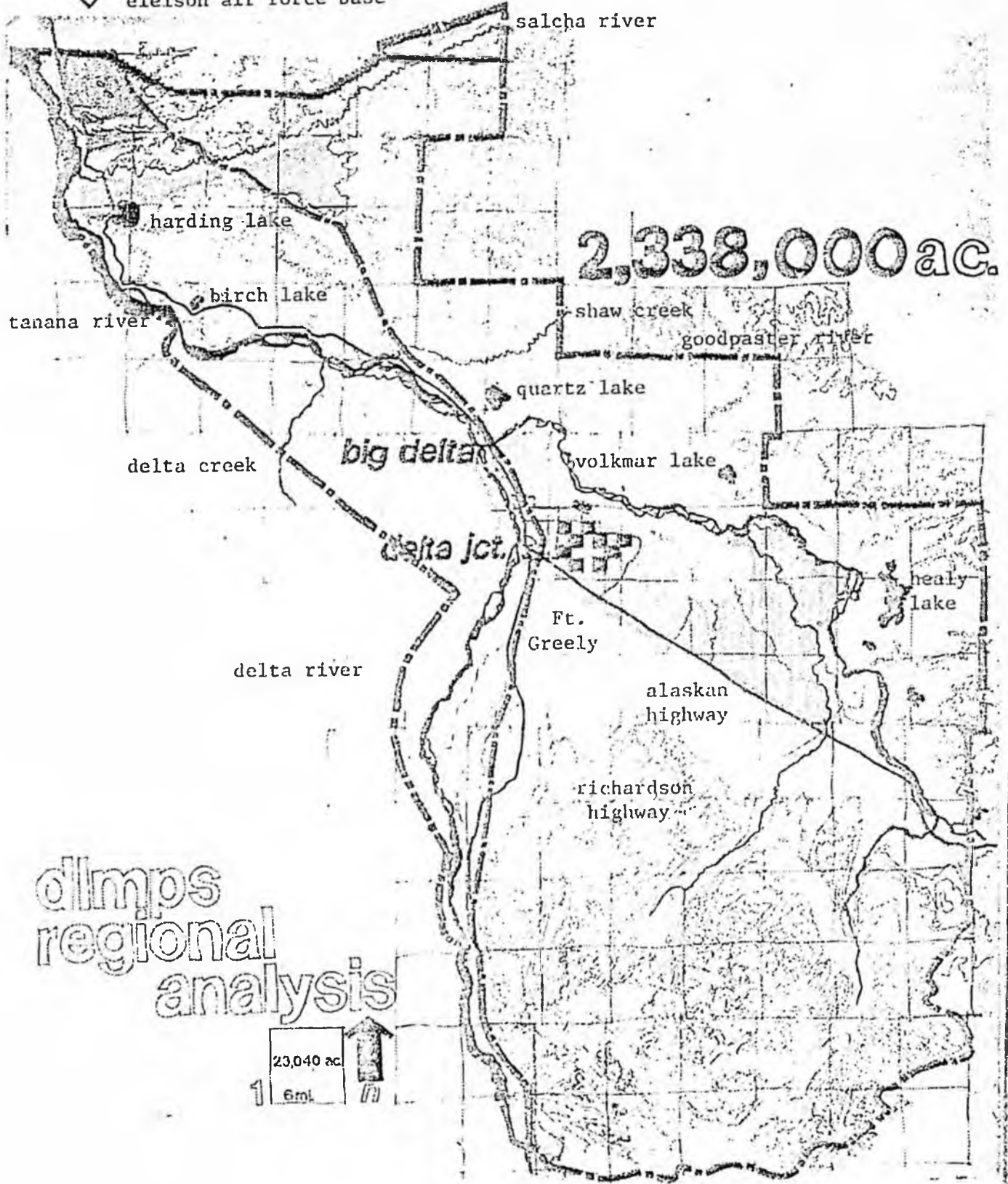


Theodore G. Smith
Director
Division of Lands and Water Management

CC: Representative Leslie E. Swanson
Guy Martin, Commissioner



to fairbanks
eielson air force base



copy (

Introduced: 1/13/77
Referred: State Affairs and
Finance

BY SWANSON, BRADLEY, CHATTERTON,
HAYES, KELLY, MCKINNON, MEEKINS,
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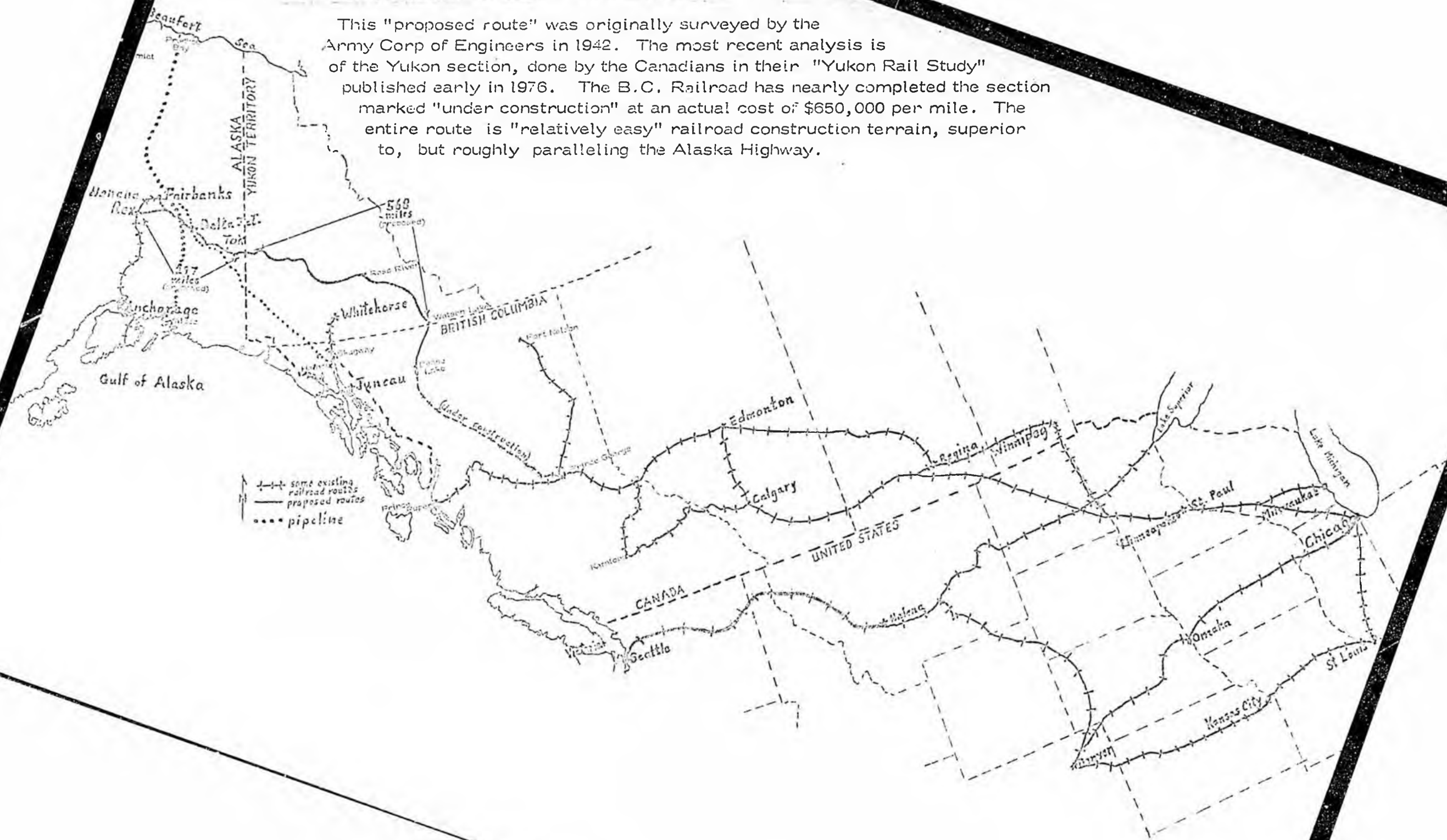
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Proposed Rail Connection

This "proposed route" was originally surveyed by the Army Corp of Engineers in 1942. The most recent analysis is of the Yukon section, done by the Canadians in their "Yukon Rail Study" published early in 1976. The B.C. Railroad has nearly completed the section marked "under construction" at an actual cost of \$650,000 per mile. The entire route is "relatively easy" railroad construction terrain, superior to, but roughly paralleling the Alaska Highway.





RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/90
Date

COMMITTEE REPORT
SENATE

5/19/77

May 27 1977 Date

Mr. President:

The Committee on FINANCE has had HB 47
creation of a utility corridor for extension of the Alaska Railroad
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) Referenced Bill

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>Do Pass</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>Do Pass</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 47
 Title Extension of the Alaska Railroad
 Requested by Representative Swanson/ phone request Date January 24, 1977
Representative Freeman

II. FISCAL DETAIL

Agency Affected Highways
 Program Category Affected Transportation
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		409,500				
200 TRAVEL						
300 CONTRACTUAL		455,500				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		865,000				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		3				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum from Mr. Backland to Mr. Zahare, both of the Interior Division of the Department of Highways.

Introduced: 1/13/77
Referred: State Affairs and
Finance

BY SWANSON, BRADLEY, CHATTERTON,
HAYES, KELLY, MCKINNON, MEEKINS,
MILES, PARR AND PHILLIPS

1 IN THE HOUSE

2 HOUSE BILL NO. 47

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to creation of a utility corridor for
7 extension of the Alaska Railroad; and providing for an
8 effective date."

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

10 * Section 1. AS 19.05 is amended by adding a new section to read:

11 Sec. 19.05.122. UTILITY CORRIDOR FOR EXTENSION OF THE ALASKA RAIL-
12 ROAD. (a) The interior division of the department shall delineate a
13 proposed utility corridor for the extension of the Alaska Railroad to
14 the Canadian border. The proposed utility corridor shall include a
15 delineation of a proposed railroad right-of-way.

16 (b) The commissioner shall, in conformity with the Administrative
17 Procedure Act (AS 44.62), adopt a regulation approving, modifying, or
18 rejecting the proposed utility corridor and railroad right-of-way.

19 (c) If the commissioner approves or modifies the proposed utility
20 corridor and railroad right-of-way,

21 (1) the Department of Natural Resources shall classify, or
22 reclassify, and reserve any state land within the utility corridor for
23 use as a utility corridor and railroad right-of-way; and

24 (2) the department shall exercise its authority under sec. 40
25 of this chapter to acquire rights-of-way across land within the utility
26 corridor which is subject to the state's power of condemnation.

27 (d) The requirements of the Alaska Land Act (AS 38.05) relating to
28 classification and reclassification of land are inapplicable to actions
29 taken under this section.

1 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
2 070(c).

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