

286 HRES. OUTER CONTINENTAL SHELF - HR 9

TABLE 6

Projected Present Value of the North Gulf of Alaska OCS Sale to  
State of Alaska and Other Local Governments assuming  
State of Alaska DNR NOAA economic model.

(in thousands of dollars)

<u>Year</u>	<u>Present Value of Cash Outflows</u>	<u>Present Value of Cash Inflows</u>
1975		
76	17014	3520
77	19271	5420
78	18164	6143
79	16879	6973
1980	18377	8202
81	16551	8007
82	15759	8537
83	20364	13166
84	17370	11356
1985	14490	10247
86	12058	9418
87	9918	9086
88	8521	8547
89	6883	7665
1990	5494	6775
91	4277	6076
92	3240	5402
93	2362	1489
94	1609	1288
1995	1369	1109
96	1247	954
97	1136	821
98	1032	697
99	939	589
2000	853	500
01	776	418
02	705	347
03	641	287
04	583	232
2005	<u>530</u>	<u>192</u>
TOTAL	238,416	143,469

Thus, the net present value of this project (assuming the DOR economic model) is a negative \$94,947,000 or -\$271 per capita.

Assumption: All cash flows are discounted at 10%.

TABLE 6A

Projected Present Value of the North Gulf of Alaska OCS Sale to  
State of Alaska and Other Local Governments assuming  
State of Alaska DNR NGOA economic model.

(in thousands of dollars)

<u>Year</u>	<u>Present Value of Cash Outflows</u>	<u>Present Value of Cash Inflows</u>
1975		
76	17653	3652
77	20375	5737
78	19547	6611
79	18482	7636
1980	20528	9162
81	18809	9100
82	18223	9872
83	24015	15526
84	20835	13622
1985	17761	12560
86	15007	11720
87	12586	11530
88	11016	11049
89	9072	10103
1990	7358	9075
91	5832	8285
92	4500	7503
93	3341	2107
94	2311	1850
95	2018	1635
96	1866	1428
97	1724	1246
98	1602	1079
99	1480	935
2000	1369	803
01	1267	688
02	1176	583
03	1085	487
04	1004	402
2005	<u>933</u>	<u>340</u>
Total	282,775	176,326

Thus, the Net Present Value of this project (assuming the Department of Revenue economic model) is a negative \$106,449,000 or -\$304 per capita.

Assumption: 1. All cash flows are discounted at 8%.

TABLE 7

Projected Net Cash Flows Generated from the North Gulf of Alaska  
OCS Sale to the U. S. Government assuming the  
draft EIS economic model.

<u>Year</u>	<u>Cash Outflows</u>	<u>Cash Inflows</u>	<u>Net Cash Flow</u>
1975		436000	436000
76			
77			
78			
79		1000	1000
1980		3000	3000
81		34000	34000
82	1500	88000	86500
83	3375	182000	178625
84	7700	290000	282300
1985	10160	434000	423840
86	14760	463000	448240
87	15600	484000	468400
88	15600	453000	437400
89	15320	433000	417680
1990	14760	412000	397300
91	14200	405000	390800
92		385000	385000
93		364000	364000
94		343000	343000
1995		322000	322000
96		302000	302000
97		281000	281000
98		255000	255000
99		239000	239000
2000		218000	218000
01		197000	197000
02		166000	166000
03		145000	145000
04		125000	125000
2005		104000	104000

Assumptions:

1. Bonus payments of \$436 million are received by the Federal Government in December, 1975.
2. Royalties paid to the U. S. Government are computed on the basis of 16.67%.
3. Oil is valued at a constant \$2.50 per barrel at the wellhead.
4. Gas is valued at a constant \$1.00 per M.c.f. at the wellhead.
5. Cash outflows are based upon federal revenue sharing provisions set forth in SB 586(k).

TABLE 8

Projected Net Present Value of the North Gulf of Alaska  
OCS Lease Sale to the U. S. Government  
assuming draft EIS economic model.

<u>Year</u>	<u>Present Value of Cash Outflows</u>	<u>Present Value of Cash Inflows</u>
1975		414000
76		
77		
78		
79		621
1980		1692
81		18468
82	701	46700
83	1431	81832
84	2972	116958
1985	3556	157150
86	4708	152801
87	4524	138910
88	4103	123084
89	3661	106833
1990	3218	92868
91	2812	80190
92		69300
93		59696
94		51107
1995		43470
96		37146
97		31472
98		26010
99		21988
2000		18312
01		14972
02		11454
03		9135
04		7125
2005		5408
TOTAL	31,686	1,938,702

Thus, the net present value of this project (assuming the draft EIS economic model) is a positive \$1,907,015,000.

Assumption: All cash flows are discounted at 10%.

TABLE 8A

Projected Net Present Value of the North Gulf of Alaska  
OCS Lease Sale to the U. S. Government  
assuming draft EIS economic model.

(in thousands of dollars)

<u>Year</u>	<u>Present Value of Cash Outflows</u>	<u>Present Value of Cash Inflows</u>
1975		
76		
77		
78		
79		680
1980		1890
81		19822
82	810	47520
83	1688	91000
84	3565	134270
1985	4359	186186
86	5860	183811
87	5741	170752
88	5304	154020
89	4826	136395
1990	4310	120304
91	3834	109350
92		96250
93		84448
94		73402
1995		64078
96		55568
97		47770
98		40290
99		34894
2000		29430
01		24625
02		19256
03		15515
04		12375
2005		9568
Total	40,297	1,963,469

Thus, the Net Present Value of this project (Assuming the draft EIS economic model is a positive \$1,923,172,000.

Assumption: 1. All cash flows are discounted at 8%.

TABLE 9

Comparison of Net Cash Flow Patterns of the North Gulf of Alaska  
OCS Lease Sale to State of Alaska and the U.S. Government.

(in thousands of dollars)

Year	Net Cash Flow to State of Alaska			Net Cash Flows to U.S. Government
	draft EIS model	draft EIS model corrected	DIRR model	draft EIS model
1975				436000
76	(9000)	( 9000)	(16338)	
77	(6000)	( 6000)	(18436)	
78	(2926)	( 2818)	(17600)	
79	694	902	(15951)	1000
1980	(1795)	( 1623)	(18041)	3000
81	(5146)	( 6378)	(16654)	34000
82	(3773)	( 5804)	(15465)	86500
83	(4278)	( 1317)	(16978)	178625
84	( 37)	2542	(15579)	282300
1985	1663	2364	(12122)	423840
86	6255	6285	( 8278)	448240
87	6790	6700	( 2868)	448400
88	8305	8135	( 97)	437400
89	7740	7450	3272	417680
1990	8695	8245	5810	397300
91	8190	20	9085	390800
92	(5955)	( 6985)	12010	385000
93	(5876)	( 7370)	( 5320)	364000
94	(6161)	( 5935)	( 2155)	343000
1995	(6446)	( 6102)	( 1924)	322000
96	(6731)	( 6467)	( 2379)	302000
97	(7016)	( 6832)	( 2809)	281000
98	(7341)	( 7257)	( 3309)	255000
99	(7666)	( 7702)	( 3734)	239000
2000	(7971)	( 8107)	( 4189)	218000
01	(8276)	( 8512)	( 39)	197000
02	(8581)	( 8917)	( 5109)	166000
03	(8886)	( 9302)	( 5584)	145000
04	(9231)	( 9727)	( 6074)	125000
2005	(9616)	(10272)	( 6444)	104000

TABLE 9

Comparison of Net Cash Flow Patterns of the North Gulf of Alaska  
OCS Lease Sale to State of Alaska and the U.S. Government.

(in thousands of dollars)

Year	Net Cash Flow to State of Alaska			Net Cash Flows to U.S. Government
	draft EIS model	draft EIS model corrected	DNR model	draft EIS model
1975				436000
76	(9000)	( 9000)	(16338)	
77	(6000)	( 6000)	(18436)	
78	(2926)	( 2818)	(17600)	
79	694	902	(15951)	1000
1980	(1795)	( 1623)	(12041)	3000
81	(5146)	( 6378)	(16654)	34000
82	(3773)	( 5804)	(15465)	86500
83	(4278)	( 1317)	(16978)	178625
84	( 37)	2542	(15579)	282300
1985	1663	2364	(12122)	423840
86	6255	6285	( 8278)	448240
87	6790	6700	( 2868)	448400
88	8305	8135	( 97)	437400
89	7740	7450	3272	417680
1990	8695	8245	5810	397300
91	8190	7220	9085	390800
92	(5955)	( 6985)	12010	385000
93	(5876)	( 7370)	( 5320)	364000
94	(6161)	( 5935)	( 2155)	343000
1995	(6446)	( 6102)	( 1924)	322000
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97	(7016)	( 6832)	( 2809)	281000
98	(7341)	( 7257)	( 3309)	255000
99	(7666)	( 7702)	( 3734)	239000
2000	(7971)	( 8107)	( 4189)	218000
01	(8276)	( 8512)	( 4639)	197000
02	(8581)	( 8917)	( 5109)	166000
03	(8886)	( 9302)	( 5584)	145000
04	(9231)	( 9727)	( 6074)	125000
2005	(9616)	(10272)	( 6444)	104000

THE PRECEDING PAGES WERE TREATED AS  
A UNIT IN THE ORIGINAL FILE.

INTERIOR MAKES TRACT LIST AVAILABLE FOR POSSIBLE OFFSHORE SALE (OCS #39)

The Department of the Interior announced today that it is making available a list of 330 tracts totaling 726,127 hectares (1.8 million acres) which are being considered for a possible oil and gas lease sale on the outer continental shelf (OCS) in the Gulf of Alaska tentatively scheduled for late 1975.

Interior's Bureau of Land Management said that the submerged areas are considered primary tracts, offering the highest priority for leasing based on the number of industry nominations, the promising geological structures involved, and the degree of environmental risk.

This selection of tracts for the proposed OCS Sale #39 follows a November 27, 1974, request by Interior for tract priority bidding preferences from the petroleum industry and an identification from other Federal agencies, State, and local governments, and all segments of the general public of tracts which should not be offered for lease sale because of environmental risk.

Based on the industry and public response, Interior's tract selection announcement defines the area for the tentative lease sale, and provides the focus for the preparation of a draft environmental impact statement (EIS) which weighs the environmental risks and considers alternatives to leasing.

A multidisciplinary team of environmental specialists assigned to the Bureau of Land Management's Alaska OCS Office in Anchorage is preparing the draft statement which is tentatively scheduled for publication this spring.

These orderly and sequential steps in the process of a proposed lease sale are defined by the National Environmental Policy Act of 1969 (NEPA), guidelines issued by the President's Council on Environmental Quality (CEQ), and Departmental Regulations.

When the draft statement has been published, and after the public has had time to study the planning document, public hearings will be held. The hearing record is used as the basis for a final environmental impact statement.

None of these steps constitutes an actual decision to hold an OCS oil and gas lease sale. No decision can be made until at least 30 days after the final EIS has been submitted to CEQ for evaluation and public comment again invited. When all these requirements have been met, Secretary of the Interior Rogers C. B. Morton is authorized to make a decision.

He may decide to hold a sale, not to hold a sale, or to hold a sale on only part of the area originally considered in today's tract selection announcement. He may also determine what tough environmental stipulations should be written into the terms of the proposed lease sale.

The interval between the call for nominations and comments and the actual decision on whether to hold sale is generally at least a year.

The Gulf of Alaska is in what has been termed "frontier areas." These are areas in which no oil and gas drilling has been done, and no actual lease sales have been held.

Frontier areas are along the Atlantic seaboard, offshore California and the outer reaches of the Gulf of Mexico, as well as in offshore Alaskan waters.

The Federal Government is attempting to accelerate oil and gas leasing into OCS frontier areas in an effort to achieve greater energy self-sufficiency.

The area of the proposed sale extends off the State of Alaska's southern shores seaward from the three-mile territorial waters boundary out to the 200-meter line (approximately 600 feet of depth) from north of Middleton Island east to Icy Bay. The area is on a general East-West line north of Juneau.

All frontier OCS areas are being described in metric system measurements as the Nation begins to move into widespread useage of the metric system. A hectare is about 2.5 acres, and a frontier area OCS tract is 5,760 acres in size. In establishing OCS areas of leasing in the Gulf of Mexico, however, tracts are described in acres and are about 5,000 acres in size.

A list of the tracts will be mailed upon request to the Manager, Bureau of Land Management, Alaska OCS Office, P.O. Box 1159, Anchorage, Alaska 99510; street address: 800 A Street, Anchorage, Alaska, or to the Bureau of Land Management (730), Washington, D.C. 20240.

List of Tracts Proposed for Leasing  
 Gulf of Alaska, Sale #39  
 March 20, 1975

Middleton Island Area, Map 6-2

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
18	2304	228	2304	312	2304
19	2304	229	2304	319	2304
103	2304	230	2304	320	2304
104	2304	231	2304	321	2304
105	2304	232	2304	322	2304
106	2304	233	2304	323	2304
107	2304	234	2304	324	2304
108	2304	235	2304	325	2304
144	2304	236	2304	326	2304
146	2304	237	2304	327	2304
147	2304	238	2304	328	2304
148	2304	239	2304	338	2304
149	2304	240	2304	339	2304
150	2304	241	2304	340	2304
151	2304	243	2304	341	2304
152	2304	251	2304	342	2304
153	2304	252	2304	343	2304
154	2304	253	2304	344	495.38 est
155	2304	254	2304	356	2304
156	2304	255	2304	357	2304
183	2304	256	286.87 est	358	2304
184	2304	275	2304	363	2304
185	2304	276	2304	364	2304
186	2304	277	2304	365	2304
187	2304	278	2304	366	2304
188	2304	279	2304	367	2304
189	2304	280	2304	368	2304
190	2304	281	2304	369	2304
191	2304	282	2304	370	2304
192	2304	283	2304	382	2304
193	2304	284	2304	383	2304
194	2304	294	2250 est	384	2304
195	2304	295	2304	385	2304
196	2304	296	2304	386	2304
197	2304	297	2304	387	2304
198	2304	298	2304	388	599.56 est
199	2304	299	2304	400	2304
211	2304	300	391.15 est	401	2304
212	182.55	311	2304	402	2304

List of Tracts Proposed for Leasing  
 Gulf of Alaska, Sale #39  
 March 20, 1975

Middleton Island Area, Map 6-2

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
407	2304	414	2304	458	2304
408	2304	420	2304	463	2304
409	2304	453	2304	464	2304
410	2304	454	2304	501	2304
411	2304	455	2304	502	2304
412	2304	456	2304		
413	2304	457	2304		

Icy Bay, Map 7-1

3	2000 est	76	2304	150	2304
4	2100 est	77	2295 est	151	2304
5	2175 est	78	1900 est	152	2304
6	2150 est	79	250 est	153	2304
7	1400 est	99	2304	154	2304
9	150.00 est	100	2304	155	2304
23	2304	101	2304	156	2304
24	2304	104	2304	157	2304
25	2304	105	2304	158	2304
26	2304	106	2304	159	2304
27	2300 est	107	2304	160	2304
28	2250 est	108	2304	161	2304
29	2300 est	109	2304	162	2304
30	2200 est	110	2304	163	2304
31	1200 est	111	2304	164	2304
32	650 est	112	2304	165	2304
33	200 est	113	2304	166	2304
59	2304	114	2304	167	2304
60	2304	115	2304	168	2304
61	2304	116	2304	169	2150 est
62	2304	117	2304	185	182.55 est
63	2304	118	2304	186	2304
64	2304	119	2304	187	2304
65	2304	120	2304	188	2304
66	2304	121	2304	189	2304
67	2304	122	2304	193	2304
68	2304	123	2000 est	194	2304
69	2304	124	1000 est	195	2304
70	2304	125	400 est	196	2304
71	2304	142	2304	197	2304
72	2304	143	2304	198	2304
73	2304	144	2304	199	2304
74	2304	145	2304	200	2304
75	2304	149	2304	201	2304

List of Tracts Proposed for Leasing  
 Gulf of Alaska, Sale #39  
 March 20, 1975

Icy Bay, Map 7-1

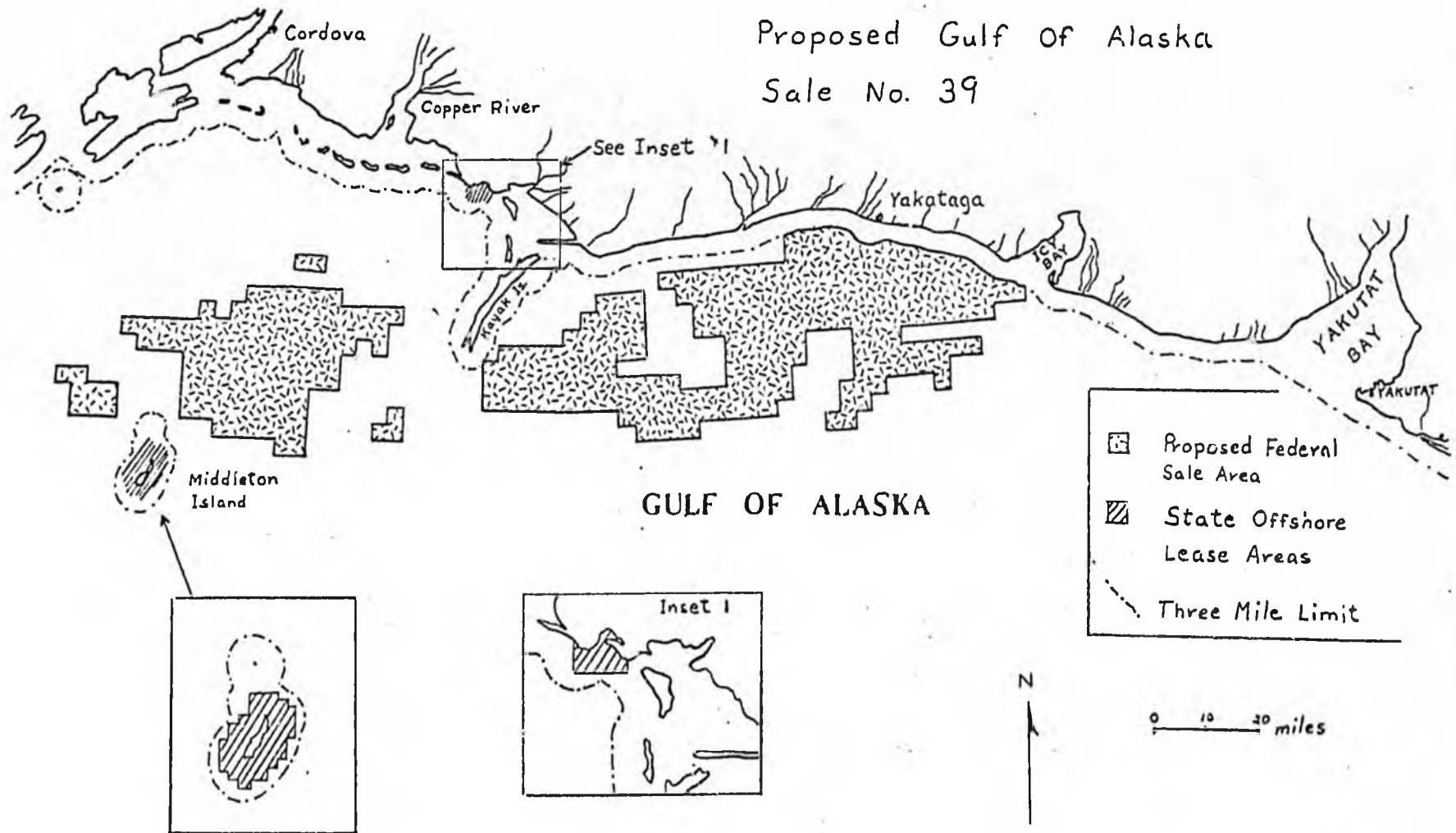
<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
202	2304	291	2304	367	2304
203	2304	292	2304	368	2304
204	2304	293	2304	369	2304
205	2304	294	2304	370	2304
206	2304	295	2304	371	2304
207	2304	296	2304	372	2304
208	2304	297	2304	373	2304
209	2304	298	2304	374	2304
210	2304	317	495.38 est	378	2304
211	2304	318	2304	379	2304
229	286.87 est	319	2304	380	2304
230	2304	320	2304	384	2304
231	2304	321	2304	408	2304
232	2304	322	2304	409	2304
233	2304	323	2304	410	2304
239	2304	327	2304	411	2304
240	2304	328	2304	412	2304
241	2304	329	2304	413	2304
242	2304	330	2304	414	2304
243	2304	335	2304	415	2304
247	2304	336	2304	416	2304
248	2304	337	2304	417	2304
249	2304	338	2304	422	2304
273	391.15 est	339	2304	423	2304
274	2304	340	2304	453	2304
275	2304	361	599.56 est	454	2304
283	2304	362	2304	455	2304
284	2304	363	2304	456	2304
285	2304	364	2304	465	2304
286	2304	365	2304	466	2304
287	2304	366	2304		

List of Tracts Proposed for Leasing  
Gulf of Alaska, Sale #39  
March 20, 1975

Icy Bay, Map 7-1

<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>	<u>Block</u>	<u>Hectares</u>
202	2304	291	2304	367	2304
203	2304	292	2304	368	2304
204	2304	293	2304	369	2304
205	2304	294	2304	370	2304
206	2304	295	2304	371	2304
207	2304	296	2304	372	2304
208	2304	297	2304	373	2304
209	2304	298	2304	374	2304
210	2304	317	495.38 est	378	2304
211	2304	313	2304	379	2304
229	286.87 est	319	2304	380	2304
230	2304	320	2304	384	2304
231	2304	321	2304	408	2304
232	2304	322	2304	409	2304
233	2304	323	2304	410	2304
239	2304	327	2304	411	2304
240	2304	328	2304	412	2304
241	2304	329	2304	413	2304
242	2304	330	2304	414	2304
243	2304	335	2304	415	2304
247	2304	336	2304	416	2304
248	2304	337	2304	417	2304
249	2304	338	2304	422	2304
273	391.15 est	339	2304	423	2304
274	2304	340	2304	453	2304
275	2304	361	599.56 est	454	2304
283	2304	362	2304	455	2304
284	2304	363	2304	456	2304
285	2304	364	2304	465	2304
286	2304	365	2304	466	2304
287	2304	366	2304		

Proposed Gulf of Alaska  
Sale No. 39



## COASTAL ZONE MANAGEMENT: A SUMMARY

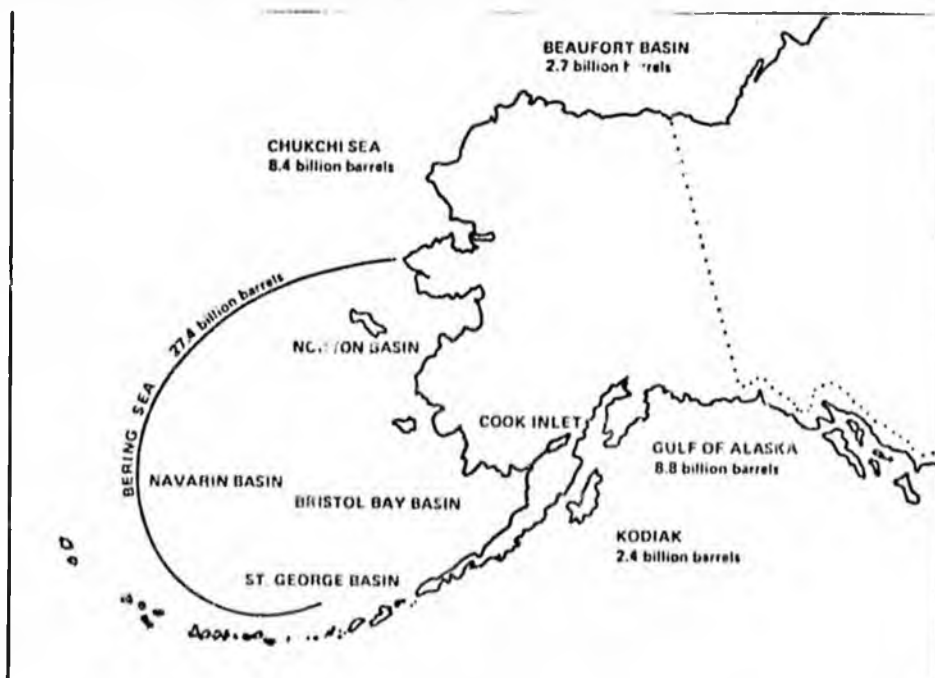
### I

#### The Need for Early Passage of Coastal Zone Management Legislation

The need for early passage of coastal zone management legislation is related to the Department of the Interior's program to accelerate the leasing of oil and gas in the outer continental shelf surrounding Alaska (OCS). Below is a map depicting the proposed lease areas and tentative leasing schedules:

### **Leasing Schedule**

Sale Area	Tentative Sale Date
Cook Inlet	Aug. '75
Gulf of Alaska	Nov. '75
Bering Sea-St. Geo.	Oct. '76
Gulf of Ak.-Kodiak	Dec. '76
Beaufort Sea	Sept. '77
Outer Bristol Basin	Oct. '77
Bering Sea-Norton	July '78
Gulf of Ak.-Aleutian	Sept. '78
Chukchi Sea	Dec. '78



\* From "Alaska Seas and Coast", Alaska Sea Grant Program (April 15, 1975)

The rapid development of the OCS resources will result in onshore support centers for offshore activity. The exploration and development stages will result in such facilities as tank farms, ports, harbors, facilities for processing natural gas, dredging and laying of pipelines, warehouses, oil rig fabricating yards, as well as the secondary developments needed to service

the primary industry. Much of the development will occur in small coastal communities completely unprepared for this development.

Coastal zone legislation can help to channel onshore development in a constructive, reasoned way. The Scottish communities on the North Sea subjected to similar OCS activities learned that the only way to control onshore OCS development was to engage in what can be characterized as coastal zone planning. \*

## II

### Relationship of State Legislation to the Federal Coastal Zone Management Act of 1972

A state coastal zone management program would result in reasoned allocation of space in the coastal zone considering broad social, economic and environmental values. Additionally, if the state program is "approved" by the Department of Commerce as complying with the federal Coastal Zone Management Act of 1972, two additional benefits flow to the state. First, the state receives grants from the Department of Commerce to aid the state in both coastal zone planning and in administration of the program. Approximately \$900,000 will come to the state in the coming fiscal year for coastal zone planning. Second, and most important, is that once the state program is "approved", federal agencies conducting or supporting activities or undertaking development projects in the coastal zone must perform, "to the

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\* Baldwin, "Onshore Planning For Offshore Oil, Lessons From Scotland". Conservation Foundation (1975)

maximum extent practicable, consistent with approved state management programs." Finally, federal licensees and permittees performing activities in the coastal zone must certify that their proposed activities comply and are consistent with the approved programs. Also a coastal state can establish procedures, including public hearings regarding the certification of activities of federal permittees and licensees in the coastal zone and may render objections to the activities if inconsistent with the state management program. While the federal "consistency" requirements will not give the state complete control over federal activities in the coastal zone, including OCS activities, it will give the state greater leverage in relation to the federal OCS leasing program and a greater voice than presently exists.

### III

Sponsor Substitute for SB No. 175  
The Administration Bill Relating to  
Coastal Zone Management

After extensive public debate, the administration has introduced a sponsor substitute for SB 175, attempting to utilize the best concepts raised by the debate. The administration also largely utilized the recommendations of the Alaska Growth Policy Council.

The policy of the sponsor substitute is:

"to improve and coordinate land and water use planning in the coastal zone of the state, in cooperation with the regions, local governments, other public and private organizations and concerned individuals, through the development and implementation

of a coastal zone plan designed to achieve wise use of the land and water uses of the coastal zone giving full consideration to economic, ecological, historic and aesthetic values."

The bill divides the planning and the regulating responsibilities of coastal zone management. Planning begins with the creation of the Alaska Coastal Zone Planning Council composed of five Commissioners, the Lieutenant Governor, and seven public members. Three of the seven members are selected by the Governor and four by the legislature. The council, after public hearings, establishes guidelines for preparation of the coastal zone plan at the local level. Municipalities with planning and zoning capability may elect to participate in the coastal zone management program and prepare coastal zone plans for their municipalities. The plans of the municipalities are reviewed by the council for consistency with the guidelines and are incorporated as a part of the statewide plan.

In the unorganized borough, regional planning advisory boards are created which prepare recommendations for coastal zone plans in their regions in the unorganized borough. The recommendations for coastal zone plans of the boards must be followed by the council to the largest extent feasible.

The council itself may define and develop additional standards for "large-scale development", "geographical areas of particular concern", and "uses of regional benefit", concepts which, because of their nature or magnitude, are clearly of greater than local concern. These particular areas or uses will entail a higher degree of state involvement than matters of local concern. The guidelines and regulations prepared by the council, as well as the coastal zone plan itself, are filed with the legislature for

45 days before taking effect. The legislature may disapprove the guidelines, regulations or plans, in which case they do not take effect.

Implementation of the Alaska Coastal Zone Plan occurs at the local level in the municipalities which have elected to participate in coastal zone management. Subject to guidelines prepared by the council, the municipalities would develop regulatory mechanisms for implementing the plan within their jurisdictions.

In the unorganized borough, and with respect to large-scale development, the Department of Environmental Conservation would administer the plan.

Finally, the bill provides for interim regulation of coastal zone activities in three areas of the state targeted for early OCS activity: the northeastern Gulf of Alaska, the southeastern Bering Sea, and the Beaufort Sea. Any large-scale development of the type associated with offshore oil and gas development would require a permit from the council. A permit would be granted if the net social, economic and environmental benefits of the development outweighed the net social, economic, and environmental detriments of the development. The information developed in the permit procedures, hopefully, would result in early flagging of problems and stimulate a reasoned response by state and local government.

In sum, coastal zone management provides a coordinated approach to the allocation of space in the coastal zone. It would bring together the jurisdictional fragmentation of authorities over regulation of the coastal zone and allow quick, responsive, reasoned mechanisms to coastal zone planning and regulation. It would provide a local voice and legislative oversight.

HB

3

do pass with amendment(s)  
1/31/75  
FINANCE  
SERVICES

1/20/75

# COMMITTEE REPORT

## HOUSE

Mr. Speaker:

Date 1-31-75

The Committee on Resources has had House Bill

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
- "other"

Members signing the Majority report:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman

AMENDMENT

OFFERED IN THE HOUSE:

By: House Community and Regional Affairs Committee

To: \_\_\_\_\_ HOUSE BILL No. 445

SENATE BILL No. \_\_\_\_\_

PAGE: 1

LINE: 21

(3). After Sub-section (2), add a new subsection--Sub-section

The land, fees, or combination thereof shall be used only for the purpose of providing park, recreational, or open space facilities.

# TELEGRAM

SCA ALASKA COMMUNICATIONS, INC.  
PHONE: 523-6440  
JUNEAU, ALASKA 99801

*H/B 3 file*

1975 JAN 28 PM 10 41

02047 NL TDA CHUGIAK ALASKA 50 01-23 640P AST

PMS HOUSE RESOURCES COMMITTEE

JUN 1963

PARK SUPPORTS LEGISLATION WHICH WOULD PERMIT MUNICIPALITIES  
AT THEIR OPTION TO REQUIRED PARK DEDUCTION AS A CONDITION  
TO SUBDIVISION APPROVAL

PARKS AND RECREATION COUNCIL OF ANCHORAGE

# TELEGRAM

*4B 3 file*

BOA ALASKA COMMUNICATIONS, INC.  
PHONE: 586-6440  
JUNEAU, ALASKA 99801

1975 JAN 28 PM 8 11

#  
02024 POM ANCHORAGE ALASKA 15 01-28 220P AST

FMS REP NELS ANDERSON

**1049**

JUN

PLEASE SUPPORT TED SMITHS HOUSE BILL 3 IN HOUSE RESOURCES

HEARING THANK YOU

ELIZABETH SHERRY 7200 THIEL CIRCLE 99502

Minutes  
House Commuinty and Regional Affairs Committee  
February 20, 1974  
8:30 a.m.

Present

Chairman Carrol  
V. Chairman Hackney  
Rep. Laktonen  
Rep. Gardiner

Excused

Rep. Guy  
Rep. Fritz  
Rep. Petersen

Guests

Don Berry-Alaska Municipal League  
James Wiedeman-Office of the Governor, Division of Planning and  
Research  
Lawrence Kimball-Dept. of Community and Regional Affairs, Div-  
ision of Research and Planning

The Committee considered HB 445.

Mr. Berry-AML requested Rep. Fischer to introduce the bill. It is an attempt by the Municipal League to guarantee recreational and open lands in any subdivision to be developed from now on. It provides that a certain proportion of land must be dedicated to open space in a development.

Rep. Gardiner-Did any of the smaller communities feel that this type of legislation was going to pose problems for them?

Mr. Berry-Not in the communities I talked with.

Chairman Carrol-Will there be any problems with public parking because of this?

Mr. Berry-There shouldn't be, because most builders are required to provide for public parking in their plans, if the area is to be used by the public.

Rep. Gardiner-What is this Sec. B, the exemption for industrial zoned land?

Mr. Berry-There seems to be trouble in zoning an area of a community strictly for industry, and this bill gives a plan for planning bith industrial and recreational areas.

V. Chairman Hackney-How about the provision in Line 11?

Mr. Berry-Why give the developer the right to pay a money fee instead of dedicating open land?

Mr. Wiedeman-Usually the payment of fees is for areas where a subdivision goes in adjacent to an existing park, in which case, the fees paid by the developer might be used to either help maintain the existing park or to purchase recreational land in another lccation.

Page 2,  
Feb. 20

Rep. Gardiner-Would there be any problem with these fees being used for anything other than their originally intended purpose?

Chairman Carrol-Rep. Malone has provided us a copy of his reaction to this bill.

The memo was read by the secretary to the Committee. It was addressed to Rep. Fritz, from Rep. Malone.

Mr. Kimball-The Dept. of CRA is in favor of the bill. Other states have passed the same type of legislation and its constitutionality has been upheld in these states, provided the standards set by the municipalities are reasonable. The idea of leaving the standards to the discretion of the local governments is a good one, because it will allow the different Alaskan communities to design around their own topographical problems.

V. Chairman Hackney-Do you see restrictions on developers making their own plans, and having these plans not be accepted by the local government?

Mr. Kimball-Not really, because the developer would already have had to consult with the proper local authorities before going ahead anyway.

V. Chairman Hackney-How many boroughs would have a parks and recreation plan at this time, to implement this legislation?

Mr. Kimball-Probably Anchorage, maybe Fairbanks. The main object in all this is to simply locate the recreational areas near the residential sections.

V. Chairman Hackney-Hawaii has this type of plan, including the idea of industrial parks. They also have a green strip policy, in which there are certain areas in an industrial section where no buildings may be built.

Mr. Kimball-Yes, Connecticut also has this policy.

V. Chairman Hackney-Is this bill really necessary?

Mr. Kimball-This type of planning ordinance usually requires state legislation to be effective on a local level.

V. Chairman Hackney-Is there any virtue in requiring the boroughs to have this type of comprehensive plan?

Mr. Wiedeman-It gets very complicated at the local level. There almost has to be a pre-existing plan in an area for this type of ordinance to be effective. The bill is enabling legislation.

The municipalities have to do certain things first:

- 1) There has to be some sort of parks plan to relate the new ordinance to.
- 2) There has to be a set of standards or conditions as to where

the ordinance shall apply. It would be unreasonable, in most cases, for the city to ask a developer who was subdividing only 20 lots to dedicate 5 to open space. But the passage of this type of legislation may get the different localities to look at the idea of planning.

Chairman Carrol-Do you think the bill needs more specific language concerning this point?

Mr. Kimball-These standards are usually developed at the local level.

V. Chairman Hackney-Is there no danger of municipalities using this bill as a rip-off on the subdividers?

Mr. Kimball-Usually representatives of the developer work with the local governments in these cases, so there should be no problem.

V. Chairman Hackney-There needs to be something in the bill to specify that the fees acquired in lieu of open space property should be earmarked for the purpose of recreation.

Mr. Berry-It all goes into a general fund from which the parks and recreation monies are drawn anyway, so what difference can it make?

V. Chairman Hackney-There is the possibility of the money going elsewhere.

Mr. Berry-If it makes Rep. Hackney feel better, language can be inserted to specify that the funds must be used for this purpose only.

Chairman Carrol-I disagree. When funds are earmarked, they are sometimes spent needlessly. The local governments need the latitude to decide what to do with the funds, to use them where they are needed.

Mr. Berry-So much is spent by the municipalities on parks and recreation in comparison to what might be received from any fees a developer might pay, that there really seems little point in specifying.

V. Chairman Hackney-If the city is going to pick someone's pocket for a specific purpose, let the money be earmarked for that specific purpose.

Mr. Wiedeman-Seldom, in my experience, is the land commuted to a fee payment anyway.

Chairman Carrol-What would be an example of such a case?

Mr. Wiedeman-The case I mentioned before, where an already existing park makes more open land unnecessary. Surplus park property can be detrimental to a community, and payment of a fee can be substituted in this case.

Page 4,  
Feb. 20

Mr. Kimball-Or, in the case of a large development owned by several holders, the fees may be taken to develop one larger area for recreation.

Because of the lateness of the hour, Chairman Carrol adjourned the meeting at 9:30, to be continued tomorrow at 8:30 a.m.

Minutes  
House Community and Regional Affairs Committee  
February 21, 1974  
8:30 am

Present

Chairman Carrol  
V. Chairman Hackney  
Rep. Fritz  
Rep. Gardiner  
Rep. Petersen

Excused

Rep. Guy

Guests

Billy Berrier--City Attorney, Juneau City and Borough  
Don Berry--AML  
Dorie Clark--Parks and Recreation, Greater Anchorage Area Borough  
Rep. Helen Fischer--sponsor of HB 445  
Karen Hedley--League of Women Voters, Anchorage  
Lawrence Kimball--Dept. CRA, Division of Research and Planning  
Gary Thurlow--Greater Anchorage Area Borough, City Attorney

Continuing hearings on HB 445.

Mrs. Hedley: The subdivider should bear the burden of seeing that there is a minimum amount of open land in the development. The in lieu fee should be up to the local government, as should be the required minimum amount of land to be dedicated. The League of Women Voters is urging a speedy do pass recommendation.

Rep. Fritz: Have you had problems with the developers over this type of thing?

Mrs. Hedley: Not unless the requirements are too stringent.

Rep. Fritz: There have been no complaints from anyone on your committee?

Mrs. Hedley: There were some minor disputes.

Rep. Hackney: Did you have contact with real estate people?

Mrs. Hedley: Most could see the advantage of the program.

Chairman Carrol: What about the claim that the tenant pays for the park anyway in a bigger markup?

Mrs. Hedley: The price is passed on to the consumer, so he pays for the parks anyway, but I would rather do it.

Rep. Gardiner: A community as it grows will want parks, and they're more expensive later; it's just a question of when you pay, and how much.

Rep. Hackney: Where several small developers own a general area, they would have to decide who gives up the park land.

Mrs. Hedlen: Most of the land we are talking about is owned by two or three people, so that problem really isn't what concerns us directly in Anchorage.

Mrs. Clark: Each community in Alaska is unique and has its own needs and the formula in HB 445 is flexible and workable.

There is a real estate representative on the Greater Anchorage Area Park Board and he favors this legislation.

The opposition to this kind of thing is usually to the unknown. The developers don't know what formula will be adopted at the local level.

HB 445 will not provide all the parkland needed by the communities, but the land it does set aside will be acquired at its least expensive. We urge passage of this bill.

Rep. Hackney: What do you do for Anchorage, Mrs. Clark?

Mrs. Clark: I am the manager of the Parks and Recreation Dept.

Rep. Fritz: We only have one chance at parks. I urge passage.

Rep. Hackney: Would you have any objection to requiring fees in lieu of dedication to be especially earmarked for parks and recreation.

Mrs. Clark: No, I would have assumed they would be used for this purpose anyway.

Mr. Van Doren: How about the following amendment: The land, fees, or combination thereof shall be used only for the purpose of providing park, recreational, or open space facilities to serve the subdivision.

Rep. Fischer--I was going to ask for this type of amendment.

Rep. Gardiner--Is the phrase, "to serve the subdivision" too restrictive?

Mr. Van Doren: Perhaps the fees could be used for the upkeep of an adjacent area, so the subdivider can see a benefit to his area through the fees he has paid.

Mr. Kimball: In California courts, it is felt that the subdivider should provide certain services in return for land pressures, but they are not held responsible for programs normally supported by the community.

Mrs. Clark: Some subdivisions might have a park nearby in various stages of development. In this case, couldn't the fee be used in a different area?

Mr. Bernier: The phrase, "to serve the subdivision" ties it down.

Page 3  
Feb. 21

unnecessarily.

Mr. Thurlow: It wouldn't create a problem in Calif., but it might here.

Rep. Hackney: I just don't want the borough ripping off the developers.

Rep. Gardiner: There have to be certain stipulations on the local level. If the cities were ripping off the subdividers, it would never hold up in court.

Mr. Thurlow: I represented a developer in Calif. Their ordinance works well and protects the responsible developer. If there is no statute covering this, the parks situation, especially in Anchorage, will be irretrievable.

Rep. Carrol: How do you see Fairbanks?

Mr. Thurlow: Fairbanks needs small community parks.

Rep. Carrol: This would seem to be a timely bill for Alaska.

The meeting was adjourned at 9:30 because of the lateness of the hour. Further consideration to be held at the meeting Monday, Feb. 25.

Minutes  
House Community and Regional Affairs Committee  
February 25, 1974  
8:30 a.m.

Present

Chairman Carrol  
V. Chairman Hackney  
Rep. Fritz  
Rep. Gardiner  
Rep. Laktonen  
Rep. Petersen

Excused

Rep. Guy

Guests

Rep. J. Miller  
Mr. Don Berry--AML  
Mr. Billy Berrier--City Atty., Juneau

The Committee continued to deliberate on HB 445.

Rep. J. Miller testified on the bill.

The bill was passed out of committee with a unanimous vote,  
amendment attached.

There being no further business, the meeting was adjourned at  
9:30 a.m.

MEMORANDUM

Alaska House of Representatives



POUCH V  
JUNEAU  
99801

P. O. BOX 9  
KENAI  
99611

HUGH MALONE

TO: Honorable Milo Fritz  
Committee on Community & Regional  
Affairs

DATE: January 28, 1974

FROM: Representative Hugh Malone

RE: HB 445, Platting Powers

The evident purpose is to allow municipalities to require developers to provide land for parks and open spaces. This is a bona-fide public purpose. It costs a great deal to acquire this land after development - and the developer is the prime beneficiary, since he is assured that the development will have, if the overall plan is carried out, adequate open area for recreation and related activities.

The bill does not in any way restrict local government - it broadens their powers. It does not restrict developers unless unfairly administered by a municipality.

One other point to consider is that a municipality might possibly be faced with a suit on the grounds a person would be deprived of private property for a public use without fair compensation. (References - U.S. and Alaska Constitutions; 5th Amendment, U.S. Constitution; Art. 1, Sec. 18, Alaska Constitution.)

I would argue against this on the following basis:

1. A developer is already required to provide adequate street rights-of-way and utilities easements as a condition of approval of the development. HB 445 is merely an extension of the types of public areas deemed necessary for development.
2. Land use is already limited in most urban areas to that specified in the overall zoning. Park or greenspace zoning is probably within the scope of zoning power of a municipality.

It should be noted that a local government could only use this power as part of an overall parks plan. Also, while some savings would occur, the costs of providing parks in a quickly growing area would only be slightly mitigated in most cases. But this does not detract from the value of the bill.

I would be glad to testify on HB 445 at your convenience. I respectfully suggest you invite comments and testimony from Mr. Robert Pavitt, Director of Planning and Research, Office of the Governor. Mr. Pavitt is an expert in this field.

H. M.

cc: Robert Pavitt

## Legal Issues

There are two major legal issues regarding mandatory dedication of land or fees-in-lieu of land for schools and parks as a prerequisite to subdivision plat approval: (1) whether the conceived purpose of the regulation comes within the constitutional limits of the police power--the protection of health, safety and morals, or the general welfare. And, (2) whether the specific requirements are "reasonable," that is, whether they exceed the limitations on the exercise of regulatory power.<sup>3</sup>

### The Constitutionality of Subdivision Exactions

Subdivision regulations requiring the mandatory dedication of land or fees-in-lieu of land as a precedent to plat approval must generally be authorized by state legislation. Several states have passed dedication and fees-in-lieu provisions statutes.<sup>4</sup> One indication of the increasing interest in such legislation is the ACIR State Legislative Program for 1970<sup>5</sup> in which a bill (reproduced in Appendix A) is proposed for mandatory dedication of park and school sites. In its introduction to the model draft bill, ACIR states that it is now generally recognized that land for open space, park and recreation areas, and school sites is a vital feature of sound subdivision design. Providing land is as necessary as is providing common physical facilities, such as streets and sewers.

California has one of the finest examples of state enabling legislation in the Quimby Act (AB 1150 of Chapter 1809). This section reads as follows:

Section 1. Section 11510 of the Business and Professions Code is amended to read:

11510. "Design." Refers to street alignment, grades and widths, alignments and widths of easements and rights-of-way for drain-

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<sup>3</sup>Ibid., p. 1122.

<sup>4</sup>Arkansas -- Ark. Stat. Ann. 19-2829 (Supp. 1959); Washington -- Wash. Rev. Code 58. 16.130 (1951); Minnesota -- Minn. Stat. Secs. 462. 391-452.303 (1965); California -- Business and Professions Code section 11546, Ab 1150, chapter 1809 (1965); New York -- Section 277, Town Law, Section 179-1, Village Law, Section 33, General City Law; Hawaii (proposed) S.B. No. 282 (1966). ASPO did not survey states concerning enabling legislation for subdivision dedication and/or fees-in-lieu requirements and does not contend that this list is complete.

<sup>5</sup>Advisory Commission on Intergovernmental Relations, ACIR State Legislative Program: New Proposals for 1970. (Washington, D.C.: Advisory Commission on Intergovernmental Relations, 1969) p. 31-37-00,1.

age and sanitary sewers and minimum lot area and width. "Design" also includes land to be dedicated for park or recreational purposes.

Section 2. Section 11546 is added to said code, to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

The provisions of this section do not apply to industrial subdivisions.<sup>6</sup>

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<sup>6</sup>A recent appellate court in California has generally validated the ordinance for the city of Walnut Creek which was basically patterned after the suggested ordinance prepared by the League of California Cities based on the state enabling legislation. The court in this decision (Associated Home Builders of the Greater East Bay, Inc. v. City of Walnut Creek, filed on October 13, 1970) commented negatively on certain aspects of the Walnut Creek ordinance and determined that subsection (g) of section 1154b was ambiguous in that the use of the term "parcel" was not subject to definition. Aside from this, it does appear that the appellate court sustained the California law in this field.

## Appendix A

### ACIR SUGGESTED STATE LEGISLATION

[Title should conform to state requirements. The following is a suggestion: "Amendment to state legislation authorizing counties and municipalities to exercise subdivision regulation powers."]

(Be it enacted, etc.)

Section 1. [Appropriate citation to existing subdivision regulation law] is hereby amended by adding the following new sections at the end thereof:

Section [ ]. Dedication of School, Park and Playground Sites. For those portions of [municipalities, counties] for which plans for future sites for schools and parks and playgrounds have been adopted and published pursuant to [cite local planning enabling statute], the [governing body] may be resolution or ordinance include, as a part of the [municipality's, county's] subdivision control regulations, requirements that a subdivider of land dedicate such land areas, sites and locations for school, park and playground purposes as are reasonably necessary to service the proposed subdivision and the future residents thereof, but in no case more than [ ] percent of the gross area of the proposed subdivision. The regulations may provide that the dedication shall be a condition precedent to the approval of any subdivision plat. They shall set forth the standards to be applied in determining the amount of land that is required to be dedicated. These standards shall be based upon the number and type of dwelling units or structures to be included in each subdivision. These standards shall also be based upon studies and surveys conducted by the [municipality, county] in order to determine the need, if any, for school, park and playground sites generated by existing subdivisions within the [municipality, county] containing various types of dwelling units or structures.

The regulations may also provide that the [municipality, county], or a designated department or agency thereof, shall have the authority to select the location of land areas to be dedicated for school, park and playground purposes. If such authority is exercised, the dedication provision shall take into con-

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The suggested state legislation cited in this appendix is taken from Advisory Commission on Intergovernmental Relations, ACIR State Legislative Program: New Proposals for 1970 (Washington, D.C.: 1969), Sec. 31-37-00, p. 2.

sideration variations in the relative desirability and market value of the land that may be included within the area of any particular, proposed subdivision.<sup>1</sup>

Section [ ]. Payment in Lieu of Dedication. When the [governing body] adopts regulations requiring a subdivider to dedicate school, park and playground sites, as authorized by section [the preceding section], it may also adopt, as part of the [municipality's, county's] subdivision control regulations, provisions requiring a subdivider, in lieu of dedicating the sites, to pay to the [municipality, county] a sum of money equal to the value of land that would otherwise be required to be dedicated for school, park and playground purposes, whenever the department or agency charged with administering the dedication provisions determines that it would not be in the public interest to accept the dedication in connection with a particular proposed subdivision.<sup>2</sup> The provisions shall enumerate the standards to be applied in determining when it is not in the public interest to accept the dedication and shall provide for the manner of making payment. All funds so received shall be held by the [municipality, county], or a designated department or agency thereof, in a special account, and shall be applied and used by the [municipality, county] to acquire school, park and playground sites for the benefit of the residents of the subdivision for which the payment was made. Provisions may be adopted establishing standards for the application and use of the funds in accordance with the foregoing limitation. The provisions may also provide that the payment in lieu of dedication shall be a condition precedent to the approval of any subdivision

---

<sup>1</sup>The legislature may wish to spell out the procedure for adjusting the area of land dedicated to the varying value of property throughout the subdivision. Following is one suggestion:

Such consideration shall be in the form of provisions that adjust the total amount of land that may be required to be dedicated in accordance with the value of the particular land area or areas selected for dedication as opposed to the average per acre or other unit value of all land within the proposed subdivision, in accordance with the following formula:

Average value (per acre or other unit) of all land within subdivision

"x"

---

Average value (per acre or other unit) of the land selected for dedication.

Number of acres (or other units of land) required to be dedicated under standards relating to number and type of dwelling units or structures

where "x" equals the total amount of land that may be required to be dedicated.

<sup>2</sup>The legislature may consider it desirable to specify the procedure for determining the amount of the in-lieu payment. Following is a possible approach: (Footnote continued)

plat, or may provide that the payment be deferred or made in installments following approval of a subdivision plat, or may provide that the payment be deferred or made in installments following approval of a subdivision plat upon the subdivider's posting of a good and sufficient surety bond guaranteeing the payment.

[Section [ ]]. Certification of Standards by School and Park Districts. When the boundaries of the [municipality, county] do not coincide with those of the [school district] [park district] responsible for administering the school and park programs, the governing body of the [municipality] [county] shall refer the standards required by [the preceding two sections] to the [school district] [park district] in which the proposed subdivision is located. The standards shall not be effective until the [school district] [park district] certifies, pursuant to procedures set forth in an interlocal agreement, that they are the same as those prevailing throughout the jurisdiction of the [school district] [park district].]

Section 2. Separability. [Insert separability clause.]

Section 3. Effective Date. [Insert effective date.]

---

(Footnote continued.)

Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based on the average price per acre which the [school board] and the [park authority] would be required to pay for an amount of land equivalent to that which the subdivider or developer would otherwise be required to dedicate, pursuant to section [ ] hereof. The average price per acre used to calculate the fee shall be established annually by the [school board] and the [park authority], subject to [governing body's] approval, based on their best knowledge of trends in site costs, and such price shall be applied [municipal-, county-] wide. The average price per acre used to establish the fee for the current calendar year shall be that for land to be purchased in the following calendar year. An appropriate schedule of fees shall be published in the [planning agency], subject to the approval by the [governing body], and shall become effective January 1. This schedule of fees shall be reviewed annually and revised as necessary.

HB

4

"An Act making a special appropriation to the Department of Fish and Game to purchase real property within Potter Point State Game Refuge: and providing for an effective date."

1/30/75

COMMITTEE REPORT

FINANCE

HOUSE

Mr. Speaker:

Date FEB 20, 1975

The Committee on Resources has had RD 4

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)

(X) recommends it BE REPLACED WITH CS FOR RD 4 AND THAT

CS FOR RD 4 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
<u>[Signature]</u>	<u>TITUS H. HARRINGTON</u>	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

STATE AFFAIRS COMMITTEE WORK SHEET

CSHB

1/22 1/24

BILL NO. 1 DATE PAGE TITLE Guide SPONSOR FURTHER REFERRALS

This Bill If Enacted Would: Relate to Guide Boards

When Bill Considered by SA Committee: Jan 22, 1973

Action Taken by Committee: To Approve CSHB 1 and  
Review the bill taken in final draft.

Amendments: Amended to Provide That: Sec. 15 08.54-190 Line 21

After license add; however, to require, for a license  
which has passed a former master guide, is not required to  
comply with Sec 100 (2) or a former registered guide is not  
required to comply with Sec. 110 (8) of this Chapter

Page 6 - Strike from line 10 - master guide (not) registered guide.

Witnesses Testifying Before Committee: (summary of testimony)

Joe Bennett Legislative Affairs 1/24/73

None

Hardin debate carried out on page 1  
Go Ann Miller move (CS) with Bill 1  
to sent out with CS as approved  
Milton Carri is so ordered

1/24/73

Other Comments:

FOTTER-POINT STATE GAME REFUGE  
ACQUISITION PRIORITIES

<u>Priority</u>	<u>Area</u>	<u>Parcel No.</u>	<u>Justification</u>
1	A	23-29	Existing marsh conditions support the greatest variety of waterfowl. As a result of the large number of birds and variety of habitat, the greatest occurrences of school field trips, bird watching, dog training, hunting and cross country skiing takes place here.
1	B	14-18	This is the only existing access to the central portion of the refuge. The area supports large numbers of spring migrating waterfowl and, within the refuge, is second only to Area A in public use.
2	C	19-22	This area has the highest potential for increasing waterfowl reproduction through habitat manipulation. It now has little public access, but at a later date access could be extended from adjoining state lands.
3	D	11-13	These parcels lie within the experimental pond/berm nesting habitat manipulated area and should be purchased for protection from other development.
4	E	1-10	This area attracts large numbers of fall migrating duck and geese. It also has sandy beaches found nowhere else on the refuge.

POTTER MARSH LAND OWNERSHIP

Private

<u>Map No.</u>	<u>Acreage</u>	<u>Name</u>	<u>Address</u>	<u>Assessed value of parcels completely within Marsh</u>
1	4	R. Retherford	6/28 W. Dimond Blvd., Anchorage, Ak.	
2	3	E. Nail	902 Jackson Pl., Wenatchee, Wa.	
3	10	Parts of 8 lots - several owners		
4	2	Parts of 5 lots - several owners		
5	45	T. Carey	3317 Mt. View Dr., Anchorage, Ak.	
6	7	R. Thomas and R. Rhodes	1801 W. Dimond Blvd., Anchorage, Ak.	
7	35	R. Chadwick	Box 437, Chugiak, Ak.	
8	7	R. Huff	9557 Endicott St., Anchorage, Ak.	
9	10	D. Kyzer and J. McManamin	Box 923, Anchorage, Ak.	
10	2	D. Kyzer	1601 East 1st Ave., Anchorage, Ak.	
11	13	W. Hinkel	Box 1700, Anchorage, Ak.	
12	4	W. Hancock and M. Bowdish	3538 Knik Ave., Anchorage, Ak.	
13	10	R. Slaymaker	117 W. Fireweed Ln., Anchorage, Ak.	
14	60	J. B. Gottstein	1400 E. St., Anchorage, Ak.	
15	1	J. White Co.	909 W. 9th Ave. #12, Anchorage, Ak.	
16	32	J. White Co.	909 W. 9th Ave. #12, Anchorage, Ak.	
<del>17</del>	20	L. Thomas	St Rt. A, Box 199C, Anchorage, Ak.	
<del>18</del>	4	Parts of 7 lots - several owners		
<del>19</del>	20	G. Moo	232 Fifth Ave., Anchorage, Ak.	\$ 89/acre
<del>20</del>	12	R. Johns	Box 393, Anchorage, Ak.	
<del>21</del>	55	Johns Road Company	2804 Northern Lights, Anchorage, Ak.	\$15 1/4/acre

POTTER MARSH LAND OWNERSHIP

Private (Continued)

<u>Acres</u>	<u>Name</u>	<u>Address</u>	<u>Assessed value of parcels completely within Marsh</u>
70	Ocean View Manor	P.O. Box 4-1141, Anchorage, Ak.	\$173/acre
3	Ocean View Manor	P.O. Box 4-1141, Anchorage, Ak.	
33	K. Buckner	1135 W. Eighth Ave., Anchorage, Ak.	
1	E. Jarvi	6401 W. Chestnut, Yakima, Wa.	
86	W. Hancock	St. Rt. A, Box 1462, Anchorage, Ak.	\$227/acre
95	W. Hancock	St. Rt. A, Box 1462, Anchorage, Ak.	\$261/acre
30	H. Clements	825 W. Eighth Ave., Anchorage, Ak.	\$165/acre
<u>62</u>	Alaska Range Association	St. Rt. A, Box 4003-U, Anchorage, Ak.	

Total: 745 acres

State

<u>Type</u>	<u>Acres</u>
Marsh	1,212
Tidal	<u>1,750</u>
Total:	2,962

Borough

<u>Type</u>	<u>Acres</u>
Marsh	35

Potter Refuge

<u>Ownership</u>	<u>Total</u>	<u>Marsh Land Only</u>
Private	745	745
State	2,962	1,212
Borough	<u>35</u>	<u>35</u>
Total:	3,742 acres	1,992 acres

HB

5

"An Act making a special appropriation to the Department of Public Safety for the establishment of an undercover unit of fish and game enforcement, and providing for an effective date."

1/20/75

# COMMITTEE REPORT

FINANCE  
IMMEDIATE

## HOUSE

Mr. Speaker:

Date 3-28-75

The Committee on Resources ~~XXXX~~ has had House Bill 5

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 HR 5 AND THAT  
CS FOR HR 5 DO PASS
- ( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE
- ( ) reports it back WITHOUT RECOMMENDATION
- ( ) "other" \_\_\_\_\_

Members signing the Majority report:

[Signature] \_\_\_\_\_

\_\_\_\_\_

[Signature] \_\_\_\_\_

\_\_\_\_\_

[Signature] \_\_\_\_\_

\_\_\_\_\_

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

March 25, 1975

HOUSE RESOURCES COMMITTEE REPORT

The special appropriation would initially establish two investigator positions, both of whom would be assigned to the existing criminal investigation unit.

Incumbents would be graduates of the State Public Safety Academy and would be scheduled for advanced investigative training outside the State of Alaska. A typical course of study suggested is the Internal Revenue Service Special Agent School offering an agenda of seven weeks duration in Washington D.C. where emphasis is placed on techniques, fraud, and investigative procedures. Upon completion of the training, immediate efforts would be directed towards operations to deter the unlawful commercial utilization of game resources, as well as to apprehend violations in the area of commercial fisheries.

Specifically, the two positions would be trained and would be directed to pursue a method of investigation in fish and wildlife that would include techniques normally associated with drug and narcotic units. Unlawful purchases would be made upon opportunity, hunts would be booked with individuals known to be conducting unlawful hunts, officers would be placed aboard fishing vessels to observe areas and vessels where fishing violations have been known to occur.

Funds appropriated for the specific purpose of this program would be assigned an individual code, and funds expended would be accountable for review. An annual report of activity and expenditure would be prepared and available for legislative review.

# STATE OF ALASKA

JAY S. HAMMOND, Governor

## DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH AND WILDLIFE PROTECTION

Pouch N  
Juneau, Alaska 99811

March 27, 1975

Honorable Nels A. Anderson, Jr.  
Chairman  
House Resource Committee  
Room 106, 109 Capitol  
Juneau, Alaska 99801

Dear Representative Anderson:

Previous discussion with you and with members of your committee have adequately clarified and conveyed the thoughts and interpretation of the committee toward the intent of House Bill No. 5. It is the desire of the Division of Fish and Wildlife to conform with the opinion and intent of the committee, and I suggest the following program to conform with these previous discussions.

There presently exists within the Division of Fish and Wildlife, Department of Public Safety, an investigative unit comprised of three officers charged with responsibility to methodically pursue and prepare for court prosecution, evidence of unlawful activity in fish and wildlife resources. An addition to this existing unit of two full time positions would be provided by special appropriation.

The two investigator incumbents would be specifically charged with the responsibility of devoting full attention to the unlawful commercial utilization of fish and game resources with the goal of bringing the offenders before the courts in criminal actions. The appropriation would provide the potential to accomplish a style of undercover enforcement in fish and wildlife proven to be successful in such areas as narcotics and consumer fraud.

An outline of projected costs for the initial program is attached. Funds appropriated for the specific purpose of this program would be assigned an individual code, and funds expended would be accountable for review. A report of activity and expenditure would be made available for legislative review.

Sincerely yours,

RICHARD L. BURTON  
COMMISSIONER



By: Fred M. Woldstad  
Deputy Director  
Fish & Wildlife Protection

A. Salaries and Wages

<u>Position</u>	<u>Monthly</u>	<u>Annual</u>
1 Investigator II (Anchorage - Range 18)	1,555	18,660
1 Investigator I (Anchorage - Range 17)	1,445	<u>17,340</u>
		36,000
Overtime		<u>6,645</u>
		42,645
Benefits @ 18%		<u>7,355</u>
		50,000
	TOTAL	<u>50,000</u>

B. Travel and Per Diem

Outside Travel for training 2 men - total of 140 days @ 40.00	5,600
Outside Travel for investigation	3,000
Travel within state	<u>2,400</u>
	11,000

C. Contractual Services

Contracts (Guide), Purchase (unlawful game and fish	18,000
Vessel and equipment charter	14,000
Undercover participation (outside Alaska)	<u>5,000</u>
	37,000

D. Commodities

Uniform and supplies	<u>2,000</u>
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TOTAL	<u>\$100,000</u>
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The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. House Bill No. 5  
 Title: Undercover Unit Fish and Wildlife Protection  
 Requested by: \_\_\_\_\_ Date: 3/27/75  
 Return Date Requested: 3/28/75  
 Agency: Public Safety Program: Fish & Game Resources (41)

II. FISCAL DETAIL

Budget Request Unit(s) Affected: 04.41.05.01.01

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		50.0	57.5	99.2	114.1	175.0
200 TRAVEL		11.0	11.6	18.3	19.2	26.7
300 CONTRACTUAL		37.0	40.7	68.0	74.8	100.0
400 COMMODITIES		2.0	1.0	2.0	1.5	2.5
500 EQUIPMENT				20.0		20.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		100.0	110.8	207.5	209.6	324.2

B. FUNDING: (Thousands of dollars)

GENERAL FUND		100.0	110.8	207.5	209.6	324.2
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	2 /	2 /	3 /	3 /	4 /
MAN MONTHS (P./T.)	/	24 /	24 /	36 /	36 /	48 /

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

See attached sheet.

IV. ATTACHMENTS

Summary

V. DATE: 3/27/75 PREPARED BY: Vona L. Hall, Fiscal Officer  
Department of Public Safety

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

CHAIRMAN:  
NELS A. ANDERSON, JR.

STAFF ASSISTANT:  
GUY VANDOREN

POUCH V  
JUNEAU, ALASKA 99811



VICE CHAIRMAN:  
TED SMITH

SECRETARY:  
BETH O'DONNELL

PHONE: 465-3715  
.85-3781

## House Resource Committee

FRED BROWN

ALVIN OSTERBACK

DICK ELIASON

LEO RHODE

MIKE HERSHBERGER

LESLIE (RED) SWANSON

JAMES HUNTINGTON

### HOUSE RESOURCES COMMITTEE REPORT

The special appropriation would initially establish two investigator positions, both of whom would be assigned to the existing criminal investigation unit.

Incumbents would be graduates of the State Public Safety Academy and would be scheduled for advanced investigative training outside the State of Alaska. A typical course of study suggested is the Internal Revenue Service Special Agent School offering an agenda of seven weeks duration in Washington D.C. where emphasis is placed on techniques, fraud, and investigative procedures. Upon completion of the training, immediate efforts would be directed towards operations to deter the unlawful commercial utilization of game resources, as well as to apprehend violations in the area of commercial fisheries.

Specifically, the two positions would be trained and would be directed to pursue a method of investigation in fish and wildlife that would include techniques normally associated with drug and narcotic units. Unlawful purchases would be made upon opportunity, hunts would be booked with individuals known to be conducting unlawful hunts, officers would be placed aboard fishing vessels to observe areas and vessels where fishing violations have been known to occur.

Funds appropriated for the specific purpose of this program would be assigned an individual code, and funds expended would be accountable for review. An annual report of activity and expenditure would be prepared and available for legislative review.

Explanation

PURPOSE: Establish an undercover unit of the Division of Fish and Wildlife Protection.

BACKGROUND: Problems of commercial use of Alaska's game resources is not a new area, but rather an element of wildlife enforcement work that is extremely time consuming, as well as expensive, and has been set aside to be pursued when funds and personnel permit. Priorities are essentially established by the people of the State, and the priority of undercover work and investigation in commercial use of resources has perhaps not reached the top of the pile, due to the fact the public is yet unaware of the magnitude of the problem.

The attached narrative has been taken from a prepared speech given in February 1974 to over 200 Wildlife Officers attending the Northwest Wildlife Law Enforcement Association meeting in Calgary, Alberta. It does describe a degree of problem in one area of game enforcement work. Other problems exist such as:

Alaska moose and caribou has been purchased in Chicago and on the east coast in a special canned pack and packed somewhere in Alaska.

Nine individuals within one game management unit, all aircraft owners and operators, are known to be guiding without a license, when the price is right and opportunity exists.

Bear hides, brown and polar bear, are available for sale from \$2,000 to \$6,000 each.

Innumerable guiding violations could be pursued from present investigative information files provided funds were available to travel and contact the non resident client and bring him back to the State for testimony in legal action.

OBJECTIVE: The primary purpose of the program is to establish a unit within the Division to devote full attention and time to working with this problem and bringing the offenders before the courts. Not only would our officers gain the training and expertise to conduct this type of work, it would be necessary for the State to enlist the services of a number of other states where mutual agreements could be executed for exchange of officers for undercover investigations.

The potential for securing officers from other states presently exists and costs are those of transportation and contractual arrangements for booking of hunts. Additionally, the federal government has officers available for this unique use.

In addition to prosecution of offenders, the objectives include creating a deterrent to discourage commercialization

BRU \_\_\_\_\_ BRU CODE \_\_\_\_\_ REVISED \_\_\_\_\_

EXPLANATION



# Explanation

Page 2 - continued

of game resources and impress upon the potential offender that the risk is significant.

SUGGESTED INITIAL EXPENDITURE:

\_\_\_\_\_ )

PERSONNEL - Two Investigators stationed in Anchorage

TRAINING - Nine week Treasury School in Washington, D. C.

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BRU CODE \_\_\_\_\_

REVISED \_\_\_\_\_



EXPLANATION



....."The guiding industry and its effect on our wildlife resources is one of our major areas of concern. By statute it is unlawful for nonresidents to pursue or take brown bear, grizzly bear, polar bear or sheep in the State, unless personally accompanied by a person who is licensed as a master, registered or assistant guide. At the present time we license 28 master guides. Hunting effort by nonresidents varies annually between 9 to 12 thousand hunters and approximately 925 of these are in pursuit of brown or grizzly bear and thus require services of a guide.

Annual take of brown or grizzly bear in Alaska in recent years has averaged approximately 650 animals. One of twenty-six game management units, Unit 9, has consistently contributed 25% (160 bear) of the average annual harvest. Research activities have been concentrated in this unit to take advantage of the high bear densities and thus it was in this area it became evident that harvest statistics were apparently inaccurate.

A mandatory sealing program has been in effect since 1961 and the sealing documents were the primary source of harvest information. To confirm or refute the exodus of brown bear trophies from the state without compliance with sealing requirements, two biologists and one enforcement officer were sent to the states of Washington and Colorado to visit four taxidermy establishments who were known to process a significant quantity of Alaskan trophies taken by both resident and nonresident hunters. The U. S. Fish and Wildlife Service was requested to accompany our personnel at the time of the visits as a matter of courtesy and to assist with legal procedures in the event that a voluntary inspection of taxidermy receiving records could not be obtained. The visit at this time was not planned with the intent to pursue the matter beyond a statistical gathering of information.

Results from the invoices viewed at the four taxidermy shops, produced a total of 198 bear hides had been received by these studios during a period of approximately eighteen months that could not be identified by Alaska bear sealing records. This quantity presented a potential error of alarming proportions in the accuracy of sealing statistics and bear management.

Upon return to Alaska, the three began a detailed review of bear sealing records and the entire matter was reviewed at staff level. It was determined necessary to find the origin of the unidentified bear hides received at the four studios and if a significant number of these were Alaskan, to find the means to prevent this from occurring in the future. A thorough search of sealing records in Anchorage and Juneau plus soliciting sealing certificates from all Department field personnel, reduced the number of unidentified hides to 164.

The identity of the owners of the 164 hides as indicated by taxidermy receipts were separated as follows: 22 with Alaskan addresses, 13 with addresses outside of the United States, and 129 addresses scattered in 27 states. The task of trying to make contact with each of these was begun through the cooperation of the Fish and Wildlife Service and Wildlife Enforcement Agents in all of the 27 states and in the Canadian provinces. Results of the interviews were analyzed.

It is known that many nonresident hunters depend entirely upon their guide for direction and advice concerning laws and regulations and, that advice received is not always in the best interest of the state and the resource. The investigation revealed one guide associated and responsible for 15 bear hides shipped

from Alaska without sealing during a fourteen month period. This period did coincide with the same period in which regulations limited the number of brown or grizzly bear each guide could contract or hunt for, and requiring harvest control tags. One conclusion that appeared evident is that voluntary compliance was not statistically sufficient for accurate management. Further, the problem was large enough to devote funds and manpower to methodically revisit the four taxidermy studios and 10 additional establishments located in Washington, Wyoming, Montana, Oregon and Colorado.

A team of two men were sent outside the state and in visiting the 14 taxidermy studios, sorted through over 40,000 taxidermy invoices and reduced 158 questionable hides and trophies that, having been taken in Alaska, were questionable as to legality. This figure of 158 included 30 polar bear hides, 93 brown bear hides and 35 miscellaneous trophies including fur animals and protected species. This number was in addition to the previous trip.

Personnel were assigned the task of sorting, investigating and putting the information in usable form. With the assistance of many enforcement officers outside of the state, including Mr. Fitzgerald of the Yukon Territory, Mr. James Hatter of British Columbia, Mr. Ferguson of the Department of Lands and Forests in Toronto, U. S. Fish and Wildlife Agents too numerous to mention, and many state officers, we organized a picture of what was happening and gave us an insight on what must be done to combat the problem.

Many of the investigations led to frustration only, however, we were successful in a number of prosecutions, revocation of guide licenses and perhaps most important, an aware and aroused public. Rather drastic changes are now occurring in guide control, the guides themselves have initiated an aroused role in attempting to police themselves, legislation and regulation has been passed to assist the enforcement of resource laws, and we as an organization have modified our approach to the enforcement of the laws associated with the guiding profession."

# 12 New Position Summary

CLASSIFICATION TITLE (11)	P R I O R I T Y (2)	PCN (3)	PAY RGE. (4)	MTHLY. SALARY (5)	REVISED PROGRAM NO. (6)	TOTAL POSITION COST (7)	BUDGET YEAR (BY)				
							NO. POS. (8)	NO. MO. (9)	ANNUAL AMOUNT		GOVERNOR (12)
									AGENCY		
									MAINTENANCE (10)	CHANGE (11)	
1 Investigator II Anchorage	1		18	1,555		51,364	1	12	18,660		
2 Investigator I Anchorage	2		17	1,445		39,517	1	12	17,340		
3											
4							2	24	36,000		
5											
6 Overtime									6,645		
7											
8									42,645		
9 Benefits @ 15%									7,676		
10											
11											
12 Subtotal Maintenance									50,321		
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
						23 SALARIES			36,000		
						24 OVERTIME			6,645		
						25 BENEFITS			7,676		
						26 SUB-TOTAL			50,321		
						27 VACANCY					
TOTAL ANNUAL AMOUNT											
PERMANENT FULL TIME POSITIONS & (months)							2	24			
PERMANENT PART TIME/SEASONAL POSITIONS and (months)											
TEMPORARY, FULL TIME EQUIVALENT POSITIONS & (months)											
TOTAL MONTHS									24		

BRU Enforcement

BRU CODE 12.41.3.05.01

REVISED

12 PERSONAL SERVICES  
NEW POSITION SUMMARY

request for New Position

POSITION TITLE <u>Investigator II</u>		RANGE <u>18</u>	LOCATION <u>Anchorage</u>	APPROVED CLASSIFICATION
TYPE OF POSITION (PFT, PPT, SEAS) <u>PFT</u>	NEW <input checked="" type="checkbox"/> ESTABLISHED	M/C:	PRIORITY <u>1</u> PAGE/LINE <u>12/1</u>	
TYPE OF EXPENDITURE	BUDGET YEAR (BY)		DETAIL OF RELATED EXPENSES	CLASS CODE
	AMOUNT	FUNDING SOURCE		
PERSONAL SERVICES	26,084	GF	Salary 18,660; OT 3,445; Benefits 3979	RANGE
TRAVEL	5,500			
CONTRACTUAL	10,000			
COMMODITIES	1,000			
EQUIPMENT	5,000			
OTHER	3,780			
TOTAL	51,364		GF	
EXPLANATION:				APPROVED BY:
<p>TRAVEL - Outside travel for training 2,800, outside travel for investigation 1,500, Inside travel 1,200.</p> <p>CONTRACTUAL - Guide contracts 3 @ 3,000 ea. = 9,000, unlawful game purchases 1,000</p> <p>COMMODITIES - Uniform \$600, enforcement supplies \$400</p> <p>EQUIPMENT - Vehicle and radio</p> <p>OTHER - Vehicle rental, Department of Highways</p>				
EFFECTIVE DATE		LOCATION		PCN
GOVERNOR APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>		LEGISLATURE APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>		
CERTIFICATION BY AGENCY HEAD			DATE	

BRU Enforcement

BRU CODE 12.41.3.05.01

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13

PERSONAL SERVICES  
REQUEST FOR NEW POSITION

# Request for New Position

POSITION TITLE <u>Investigator I</u>		RANGE <u>17</u>	LOCATION <u>Anchorage</u>	APPROVED CLASSIFICATION
TYPE OF POSITION (PFT, PPT, SEAS) <u>PFT</u>	NEW <input checked="" type="checkbox"/> ESTABLISHED	M/C	PRIORITY <u>2</u> PAGE/LINE <u>12/2</u>	
TYPE OF EXPENDITURE	BUDGET YEAR (BY)		DETAIL OF RELATED EXPENSES	CLASS CODE
	AMOUNT	FUNDING SOURCE		
PERSONAL SERVICES	24,237	GF	Salary 17,340; OT 3,200; Benefits 3,697	
TRAVEL	5,500			
CONTRACTUAL	0			
COMMODITIES	1,000			
EQUIPMENT	5,000			
OTHER	3,780			
TOTAL	39,517	GF		
EXPLANATION:				RANGE
TRAVEL - Outside travel for training 2,900, outside travel for investigation 1,500, Inside travel 1,200.				APPROVED BY:
COMMODITIES - Uniform \$600, supplies \$400				EFFECTIVE DATE
EQUIPMENT - Vehicle and radio				LOCATION
OTHER - Vehicle rental, Department of Highways				PCN
GOVERNOR	APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>	LEGISLATURE	APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>	CERTIFICATION BY AGENCY HEAD
			DATE	

BRU Enforcement

BRU CODE 12.41.3.05.01

REVISED \_\_\_\_\_

**13** PERSONAL SERVICES  
REQUEST FOR NEW POSITION



# STATE OF ALASKA

## DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH AND WILDLIFE PROTECTION

JAY HAMMOND,  
~~WILHELM K. EGAN~~, GOVERNOR

Richard L. Burton  
Commissioner

Pouch N, Juneau, Alaska 99811

March 6, 1975

Honorable Nels A. Anderson, Jr.  
Chairman  
House Resource Committee

Dear Representative Anderson:

For the purposes of explanation and to establish a declaration of intent, I would like to propose the following program for your consideration.


A special appropriation would initially establish two investigator positions, both of whom would be assigned to our existing criminal investigation unit. Incumbents would be graduates of our Public Safety Academy and would be scheduled for advanced investigative training outside the State of Alaska. A typical course of study suggested is the Internal Revenue Service Special Agent School offering an agenda of seven weeks duration in Washington, D.C. where emphasis is placed on techniques, fraud, and investigative procedures. Upon completion of the training, immediate efforts would be directed towards operations to deter the unlawful commercial utilization of game resources, as well as to apprehend violations in the area of commercial fisheries.

Specifically, the two positions would be trained and would be directed to pursue a method of investigation in fish and wildlife that would include techniques normally associated with drug and narcotic units. Unlawful purchases would be made upon opportunity, hunts would be booked with individuals known to be conducting unlawful hunts, officers would be placed aboard fishing vessels to observe areas and vessels where fishing violations have been known to occur.

Funds appropriated for the specific purpose of this program would be assigned an individual code, and funds expended would be accountable for review. An annual report of activity and expenditure would be prepared and available for legislative review.

Sincerely yours,

RICHARD L. BURTON  
COMMISSIONER

  
By: Fred M. Woldstad  
Deputy Director  
Fish & Wildlife Protection



Alaska State Legislature

HOUSE OF REPRESENTATIVES

COMMITTEES

EDUCATION

RESOURCES

HEALTH & SOCIAL SERVICES

REPRESENTATIVE LESLIE E. "RED" SWANSON

HOUSE DISTRICT 19

POUCH V

JUNEAU, ALASKA

99811

P.O. BOX 3

NENANA, ALASKA

99760

It is the intention of the sponsor of this bill that the money appropriated by this act will be used only for under-cover work. Also that none of the appropriated money may be transferred to any other function of the Department.

*Leslie E. Swanson*

The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. House Bill No. 5  
 Title: Undercover Unit Fish & Wildlife Protection  
 Requested by: Beth O'Donnell Date: 2/21/75  
 Return Date Requested: ASAP  
 Agency: Public Safety Program: Fish & Game Resources (41)

II. FISCAL DETAIL

Budget Request Unit(s) Affected: 04.41.05.01.01

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		50.3	82.0	94.3	108.4	124.7
200 TRAVEL		11.0	10.8	13.4	15.0	16.5
300 CONTRACTUAL		17.6	20.2	23.3	26.8	30.8
400 COMMODITIES		2.0	2.6	2.7	2.9	3.0
500 EQUIPMENT		10.0	10.0			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		90.9	125.6	133.7	153.1	175.0

B. FUNDING: (Thousands of dollars)

GENERAL FUND		90.9	125.6	133.7	153.1	175.0
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	2 /	3 /	3 /	3 /	3 /
MAN MONTHS (P./T.)	/	24 /	36 /	36 /	36 /	36 /

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

See attached sheet.

IV. ATTACHMENTS Budget pages: Explanation - 2  
 Speech excerpts - 2  
 Form 12 - Position Summary  
 Form 13 - Position Request - 2

V. DATE: 2/21/75 PREPARED BY: Vona L. Hall  
 Fiscal Officer  
 Dept. of Public Safety

Original: Legislative Finance - Beth O'Donnell  
 cc: Budget and Management - Jeff Morrison  
 Prime Sponsor (First Legislator Named) Swanson

## Analysis

Problem: Illegal depletion of bear/moose/caribou herds by guides who combine air charter service and guiding activity.

Scope of problem: From one 3 man trip "outside", to 4 taxidermy shops we identified 164 illegal bear hides. A subsequent trip of 2 men to 14 shops identified an additional 158 animals of dubious legality.

Assumption: The creation of a specially trained investigative unit to pursue presently known violations, and participate in the hunting activities of suspected violators, would result in violators being brought to court. There are State and Federal agencies willing to supply supplemental undercover agents to participate in hunts, at a cost to us of only travel and hunt costs.

In addition, a significant chance of prosecution would deter potential offenders.

Explanation

PURPOSE: Establish an undercover unit of the Division of Fish and Wildlife Protection.

BACKGROUND: Problems of commercial use of Alaska's game resources is not a new area, but rather an element of wildlife enforcement work that is extremely time consuming, as well as expensive, and has been set aside to be pursued when funds and personnel permit. Priorities are essentially established by the people of the State, and the priority of undercover work and investigation in commercial use of resources has perhaps not reached the top of the pile, due to the fact the public is yet unaware of the magnitude of the problem.

The attached narrative has been taken from a prepared speech given in February 1974 to over 200 Wildlife Officers attending the Northwest Wildlife Law Enforcement Association meeting in Calgary, Alberta. It does describe a degree of problem in one area of game enforcement work. Other problems exist such as:

Alaska moose and caribou has been purchased in Chicago and on the east coast in a special canned pack and packed somewhere in Alaska.

Nine individuals within one game management unit, all aircraft owners and operators, are known to be guiding without a license, when the price is right and opportunity exists.

Bear hides, brown and polar bear, are available for sale from \$2,000 to \$6,000 each.

Innumerable guiding violations could be pursued from present investigative information files provided funds were available to travel and contact the non resident client and bring him back to the State for testimony in legal action.

OBJECTIVE: The primary purpose of the program is to establish a unit within the Division to devote full attention and time to working with this problem and bringing the offenders before the courts. Not only would our officers gain the training and expertise to conduct this type of work, it would be necessary for the State to enlist the services of a number of other states where mutual agreements could be executed for exchange of officers for undercover investigations.

The potential for securing officers from other states presently exists and costs are those of transportation and contractual arrangements for booking of hunts. Additionally, the federal government has officers available for this unique use.

In addition to prosecution of offenders, the objectives include creating a deterrent to discourage commercialization

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EXPLANATION



# Explanation

Page 2 - continued

of game resources and impress upon the potential offender that the risk is significant.

SUGGESTED INITIAL EXPENDITURE:

PERSONNEL - Two Investigators stationed in Anchorage

TRAINING - Nine week Treasury School in Washington, D. C.

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EXPLANATION



....."The guiding industry and its effect on our wildlife resources is one of our major areas of concern. By statute it is unlawful for nonresidents to pursue or take brown bear, grizzly bear, polar bear or sheep in the State, unless personally accompanied by a person who is licensed as a master, registered or assistant guide. At the present time we license 28 master guides. Hunting effort by nonresidents varies annually between 9 to 12 thousand hunters and approximately 925 of these are in pursuit of brown or grizzly bear and thus require services of a guide.

Annual take of brown or grizzly bear in Alaska in recent years has averaged approximately 650 animals. One of twenty-six game management units, Unit 9, has consistently contributed 25% (160 bear) of the average annual harvest. Research activities have been concentrated in this unit to take advantage of the high bear densities and thus it was in this area it became evident that harvest statistics were apparently inaccurate.

A mandatory sealing program has been in effect since 1961 and the sealing documents were the primary source of harvest information. To confirm or refute the exodus of brown bear trophies from the state without compliance with sealing requirements, two biologists and one enforcement officer were sent to the states of Washington and Colorado to visit four taxidermy establishments who were known to process a significant quantity of Alaskan trophies taken by both resident and nonresident hunters. The U. S. Fish and Wildlife Service was requested to accompany our personnel at the time of the visits as a matter of courtesy and to assist with legal procedures in the event that a voluntary inspection of taxidermy receiving records could not be obtained. The visit at this time was not planned with the intent to pursue the matter beyond a statistical gathering of information.

Results from the invoices viewed at the four taxidermy shops, produced a total of 193 bear hides had been received by these studios during a period of approximately eighteen months that could not be identified by Alaska bear sealing records. This quantity presented a potential error of alarming proportions in the accuracy of sealing statistics and bear management.

Upon return to Alaska, the three began a detailed review of bear sealing records and the entire matter was reviewed at staff level. It was determined necessary to find the origin of the unidentified bear hides received at the four studios and if a significant number of these were Alaskan, to find the means to prevent this from occurring in the future. A thorough search of sealing records in Anchorage and Juneau plus soliciting sealing certificates from all Department field personnel, reduced the number of unidentified hides to 164.

The identity of the owners of the 164 hides as indicated by taxidermy receipts were separated as follows: 22 with Alaskan addresses, 13 with addresses outside of the United States, and 129 addresses scattered in 27 states. The task of trying to make contact with each of these was begun through the cooperation of the Fish and Wildlife Service and Wildlife Enforcement Agents in all of the 27 states and in the Canadian provinces. Results of the interviews were analyzed.

It is known that many nonresident hunters depend entirely upon their guide for direction and advice concerning laws and regulations and, that advice received is not always in the best interest of the state and the resource. The investigation revealed one guide associated and responsible for 15 bear hides shipped

from Alaska without sealing during a fourteen month period. This period did coincide with the same period in which regulations limited the number of brown or grizzly bear each guide could contract or hunt for, and requiring harvest control tags. One conclusion that appeared evident is that voluntary compliance was not statistically sufficient for accurate management. Further, the problem was large enough to devote funds and manpower to methodically revisit the four taxidermy studios and 10 additional establishments located in Washington, Wyoming, Montana, Oregon and Colorado.

A team of two men were sent outside the state and in visiting the 14 taxidermy studios, sorted through over 40,000 taxidermy invoices and reduced 158 questionable hides and trophies that, having been taken in Alaska, were questionable as to legality. This figure of 158 included 30 polar bear hides, 93 brown bear hides and 35 miscellaneous trophies including fur animals and protected species. This number was in addition to the previous trip.

Personnel were assigned the task of sorting, investigating and putting the information in usable form. With the assistance of many enforcement officers outside of the state, including Mr. Fitzgerald of the Yukon Territory, Mr. James Hatter of British Columbia, Mr. Ferguson of the Department of Lands and Forests in Toronto, U. S. Fish and Wildlife Agents too numerous to mention, and many state officers, we organized a picture of what was happening and gave us an insight on what must be done to combat the problem.

Many of the investigations led to frustration only, however, we were successful in a number of prosecutions, revocation of guide licenses and perhaps most important, an aware and aroused public. Rather drastic changes are now occurring in guide control, the guides themselves have initiated an aroused role in attempting to police themselves, legislation and regulation has been passed to assist the enforcement of resource laws, and we as an organization have modified our approach to the enforcement of the laws associated with the guiding profession."

# 12 New Position Summary

CLASSIFICATION TITLE (1)	P R I O R I T Y (2)	PCN (3)	PAY RGE (4)	MTHLY. SALARY (5)	REVISED PROGRAM NO. (6)	TOTAL POSITION COST (7)	BUDGET YEAR (BY)				
							NO. POS. (8)	NO. MO. (9)	ANNUAL AMOUNT		GOVERNOR (12)
									AGENCY		
									MAINTENANCE (10)	CHANGE (11)	
1 Investigator II Anchorage	1		18	1,555		51,364	1	12	18,660		
2 Investigator I Anchorage	2		17	1,445		39,517	1	12	17,340		
3											
4							2	24	36,000		
5											
6 Overtime									6,645		
7											
8									42,645		
9 Benefits @ 18%									7,676		
10											
11											
12 Subtotal Maintenance									50,321		
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
						23 SALARIES			36,000		
						24 OVERTIME			6,645		
						25 BENEFITS			7,676		
						26 SUB-TOTAL			50,321		
						27 VACANCY					
TOTAL ANNUAL AMOUNT											
PERMANENT FULL TIME: POSITIONS & (months)							2	( 24 )	( )	( )	
PERMANENT PART TIME/SEASONAL: POSITIONS and (months)							( )	( )	( )	( )	
TEMPORARY, FULL TIME EQUIVALENT: POSITIONS & (months)							( )	( )	( )	( )	
TOTAL MONTHS								24			

BRU Enforcement BRU CODE 12.41.3.05.01 REVISED

**12** PERSONAL SERVICES  
NEW POSITION SUMMARY



# Request for New Position

POSITION TITLE <b>Investigator II</b>		RANGE <b>18</b>	LOCATION <b>Anchorage</b>	CLASSIFICATION
TYPE OF POSITION (PFT, PPT, SEAS) <b>PFT</b>		NEW <input checked="" type="checkbox"/> ESTABLISHED	PRIORITY <b>1</b> PAGE/LINE <b>12/1</b>	
TYPE OF EXPENDITURE	BUDGET YEAR (BY)		DETAIL OF RELATED EXPENSES	APP. DATE
	AMOUNT	FUNDING SOURCE		
PERSONAL SERVICES	26,084	GF	Salary 18,660; OT 3,445; Benefits 3979	CLASS CODE
TRAVEL	5,500			
CONTRACTUAL	10,000			RANGE
COMMODITIES	1,000			
EQUIPMENT	5,000			APPROVED BY:
OTHER	3,780			
<b>TOTAL</b>	<b>51,364</b>	<b>GF</b>		EFFECTIVE DATE
<b>EXPLANATION:</b>  TRAVEL - Outside travel for training 2,800, outside travel for investigation 1,500, Inside travel 1,200.  CONTRACTUAL - Guide contracts 3 @ 3,000 ea. = 9,000, unlawful game purchases 1,000  COMMODITIES - Uniform \$600, enforcement supplies \$400  EQUIPMENT - Vehicle and radio  OTHER - Vehicle rental, Department of Highways				
GOVERNOR APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>	LEGISLATURE APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>	CERTIFICATION BY AGENCY HEAD	DATE	PCN

BRU Enforcement BRU CODE 12.41.3.05.01 REVISED \_\_\_\_\_

13 PERSONAL SERVICES  
 REQUEST FOR NEW POSITION

HB

9

1/20/75

COMMITTEE REPORT

FINANCE

HOUSE

Mr. Speaker:

Date 1-20-75

The Committee on Resources ~~XXXXXXXXXXXX~~ has had House Bill 20

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 1851 AND THAT  
CS FOR 1851 DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_  
COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

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

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:  
\_\_\_\_\_ recommends:

\_\_\_\_\_ Chairman



The Legislature of the State of Alaska  
FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. HR 9  
 Title: An Act creating the Goose Bay State Game Refuge  
 Requested by: House Resources Committee Date: 2/13/75  
 Return Date Requested: \_\_\_\_\_  
 Agency: Fish and Game Program: Natural Resources  
Management & Environmental Conservation

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \_\_\_\_\_

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-			

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS: -0-

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

Subject piece of Legislation merely establishes a State Game Refuge. The Department of Fish & Game envisions no impact upon operating budget in the foreseeable future of this department as a result of this piece of Legislation. It is conceivable that at some point in the future it may be desirable to develop access to the land in question.

IV. ATTACHMENTS

V. DATE: 2/13/75 PREPARED BY: Vern Roberts  
 Vern Roberts, Admin. Director

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

First Session - Ninth Legislature

I. REQUEST

Bill No. HB 8  
 Title: An Act creating the Palmer Hav Flats Game Refuge  
 Requested by: House Resources Committee Date: 2/13/75  
 Return Date Requested: \_\_\_\_\_  
 Agency: Fish and Game Program: Natural Resources  
Management & Environmental Conservation

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \_\_\_\_\_

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-			

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS: -0-

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

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

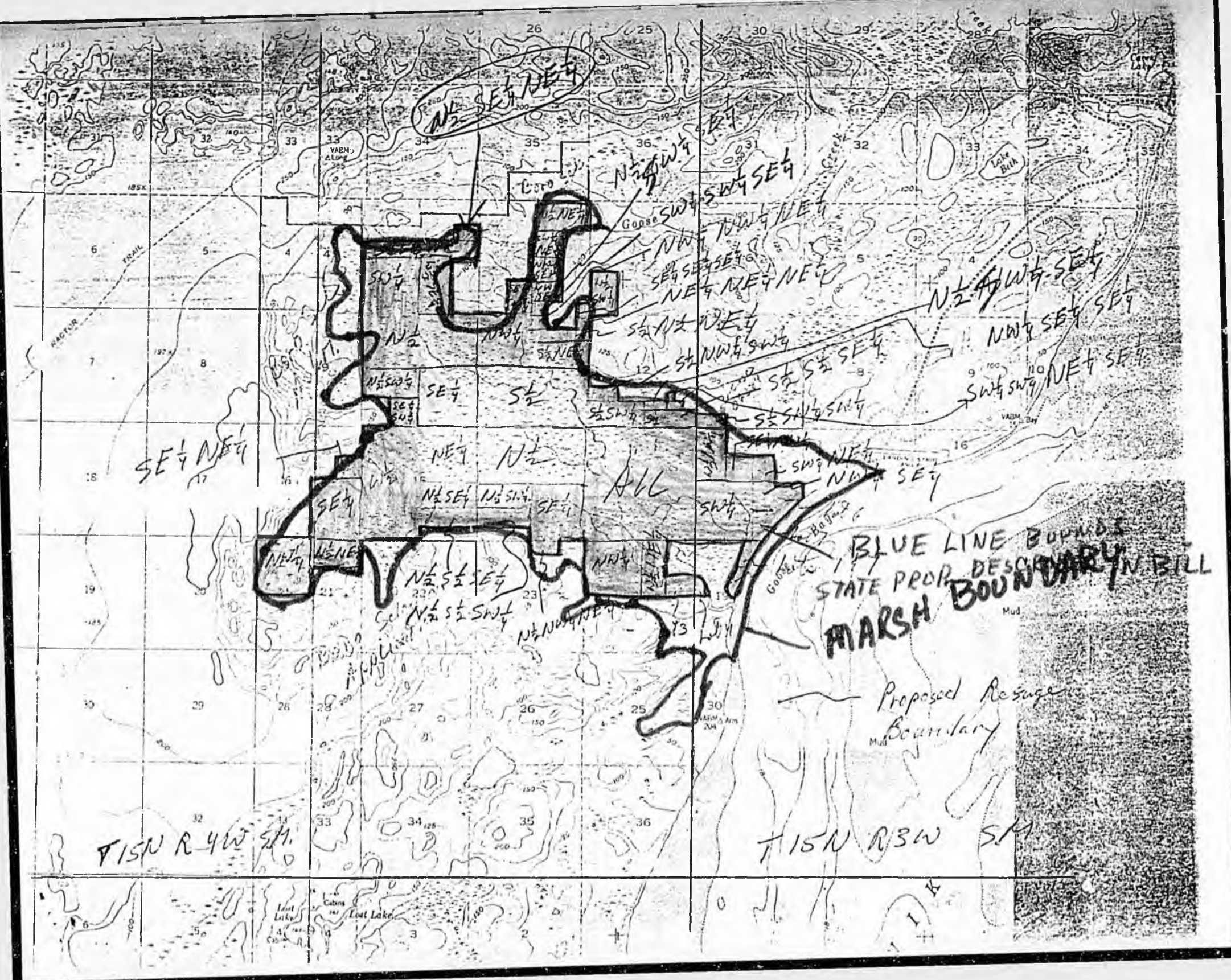
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IV. ATTACHMENTS

V. DATE: 2/13/75 PREPARED BY: Vern Roberts

Vern Roberts, Admin. Director

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



NE 1/4 SE 1/4

N 1/4 NW 1/4  
SW 1/4 SE 1/4

N 1/2 NW 1/4 SE 1/4

NW 1/4 SE 1/4  
SW 1/4 NE 1/4 SE 1/4

SE 1/4 NE 1/4

All

BLUE LINE BOUNDARY  
STATE PROP. DESCR.  
MARSH BOUNDARY IN BILL

Proposed Resurge  
Boundary

T15N R4W S11

T15N R3W S11

Cabins  
Lost Lake

K

