

290

HRES

HB

232

-

HB

278

290

interest. It will provide for Palmer a "wilderness backyard", similar to what Chugach State Park has provided for Anchorage; for the greater Anchorage area, it will create a convenient weekend retreat, unspoiled but accessible; and for the state as a whole, it will provide a centrally-located natural buffer against too-rapid growth and development. If, for example, the new state capital were to be located in the Willow-Talkeetna area, this park would serve its recreation needs as well and help stave off the growth of an ugly "railbelt sprawl!"

These are our reasons for urging the adoption of alternative A of the substitute bill, which I characterize as "HB 232-plus", in other words, recreation area plus scenic park. I must mention now that although this is the desire of a majority of our members, there are some who feel strongly that alternative B, which would exclude from the recreation area mining lands and other private inholdings, would be a better approach. The Talkeetna Mountains State Park would keep the boundaries recommended in alternative A, but instead of its southern boundary being the northern boundary of the recreation area, the region approximating the "mineral zone" of HB 232 would be excluded from protection, forming a "doughnut hole" between recreation area to the south and scenic park to the north. If such an area were to be excluded, the Fishhook - Willow road should be designated a scenic roadway, which would extend Division of Parks control to the land $\frac{1}{2}$ mile to either side of the road. This would protect to some extent the scenic values of the drive and allow for parking areas for recreationists.

The reason for excluding this mining region is simply the wealth of contradiction in purpose and conflict in interest management of it could create for Division of Parks. If recreation and scenic goals could be met without this region, why create problems by including it?

We also support within either alternative the restriction of private land within the scenic park and within the recreation area to the type of use to which it was put before the effective date of the Act. This we see not as an infringement of personal liberty but as a necessary regulation to preserve the integrity of the area. It would not stop a miner from working his claim or a cabin-dweller from adding a room; it would stop, to give an extreme example, someone who previously had only a small mining claim from putting up a multi-storied condominium complex. We do support the right of miners with existing claims to work those claims. In fact, for many people the mines in the Hatcher Pass area have a scenic, historic, and recreation value of their own.

Within either alternative, we also support the inclusion of a clause similar to that in the Act creating Chugach State Park that boundaries may be adjusted to exclude areas of conflict or include desirable areas initially left out.

In conclusion, then, the recommendation we as members of the Alaska Chapter of the Sierra Club would like to make is that the legislature not stop with passing just HB 232 or SB 190, but either alter those bills by amendment or replace them with a substitute bill such as the one presented by Mrs. Nienheuser. Either alternative A or alternative B would be acceptable. But "a job worth doing is worth doing right", as the old saying goes. Let's provide an appropriate place for all types of recreation, and create not just a Hatcher Pass State Recreation Area, but a Talkeetna Mountains State Park as well!

A Proposal for the Hatcher Pass Area

(Testimony of the Mountaineering Club of Alaska)

The Mountaineering Club of Alaska is concerned over mounting population pressures in Alaska, particularly in the Cook Inlet and Railbelt areas. Not only do the increasing numbers of people occupy more space, but their activities, which often involve use of mechanized equipment, create an increasing potential for conflict with other land uses. We support all proposals to preserve adequate open space and zoning of conflicting uses while land is still available.

Specifically, the lands under discussion in HB 232,² ~~SB 190~~ and the alternative proposal for a combined recreation area-scenic park contain some of the best opportunities for rock climbing accessible to residents of the Cook Inlet area. They encompass spectacular scenery and provide for a wide range of hiking/climbing activities from family backpacking to technical rock climbs. They also provide winter opportunities ranging from family touring along valley floors to alpine

skiing on crevass-free glaciers.

Many residents of Southcentral Alaska are familiar with the Hatcher Pass area adjacent to the road system--Independence Mine; the Little Susitna, Upper Willow and Craigie Creeks--and many have hiked from Craigie Creek and into the Reed Lakes. Members of the Mountaineering Club and others have felt the mounting pressures of incompatible uses--motorbiking, skiing, snowmobiling, family hiking, hang gliding, and others in this rather confined area.

These pressures have led to an increasing need for some type of control. Many have felt a park was badly needed.

Although studies of potential uses and conflicts in the Hatcher Pass area are incomplete, three facts emerged very quickly. First, the concentration of mining claims along the road system would certainly create problems for the type of management that would protect low-intensity uses of the land, although they might be more nearly compatible with intensive recreational use. Second, we have considered possibilities for zoning of uses within the lands described in NB 232 and ~~SB 190~~. We believe zoning can be accomplished, but experience in the front range of Chugach State Park indicates that zoning on a small scale can reduce but will not eliminate conflicts. We believe that zoning should be on a much larger scale than ^{described in NB 232 and SB 190. The outlying} could be accomplished on these lands. ^{There} These lands are less mineralized and mining activity ^{has} been minimal.

Thirdly, we believe that the less accessible and less familiar lands farther from the road system have a potential as good or even better than closer lands for such low-intensity uses as climbing, hiking, skiing, or snowshoeing. These activities require a minimum of developed access.

The Mountaineering Club of Alaska believes that the alternative proposal that includes both a recreation area and a scenic park will provide opportunities for a wide range of activities and ^{the land area} would be large enough to preclude conflicts between uses and ^{would} provide a buffer against unforeseen developments in surrounding lands.

We believe this proposal would be a major contribution to making the Cook Inlet Basin a desirable place in which to live.

ALASKA CONSERVATION SOCIETY

UPPER COOK INLET CHAPTER

POSITION PAPER: PROPOSED HATCHER PASS STATE RECREATION AREA

Presented to House Resources Committee, April 5, 1975

The Alaska Conservation Society has been a long-term advocate of the concept of a Hatcher Pass State Recreation Area. Our members are hopeful that this session of the legislature will recognize that the recreational use of lands is not a "lock up" of resources as is so commonly expounded by some of our fellow Alaskans; rather, it is a use of land falling within a fabric of overall multiple use of lands. Just as some specific land areas are suitable for oil and gas leasing or timber harvesting, some geographic areas are best suited for recreation. It is our firm belief that the general area known as Hatcher Pass, which includes significant portions of the spectacular Talkeetna Mountains, is one such area. Therefore, we would propose that the House Resources Committee act favorably upon House Bill 232. We do, however, offer the following recommended amendments.

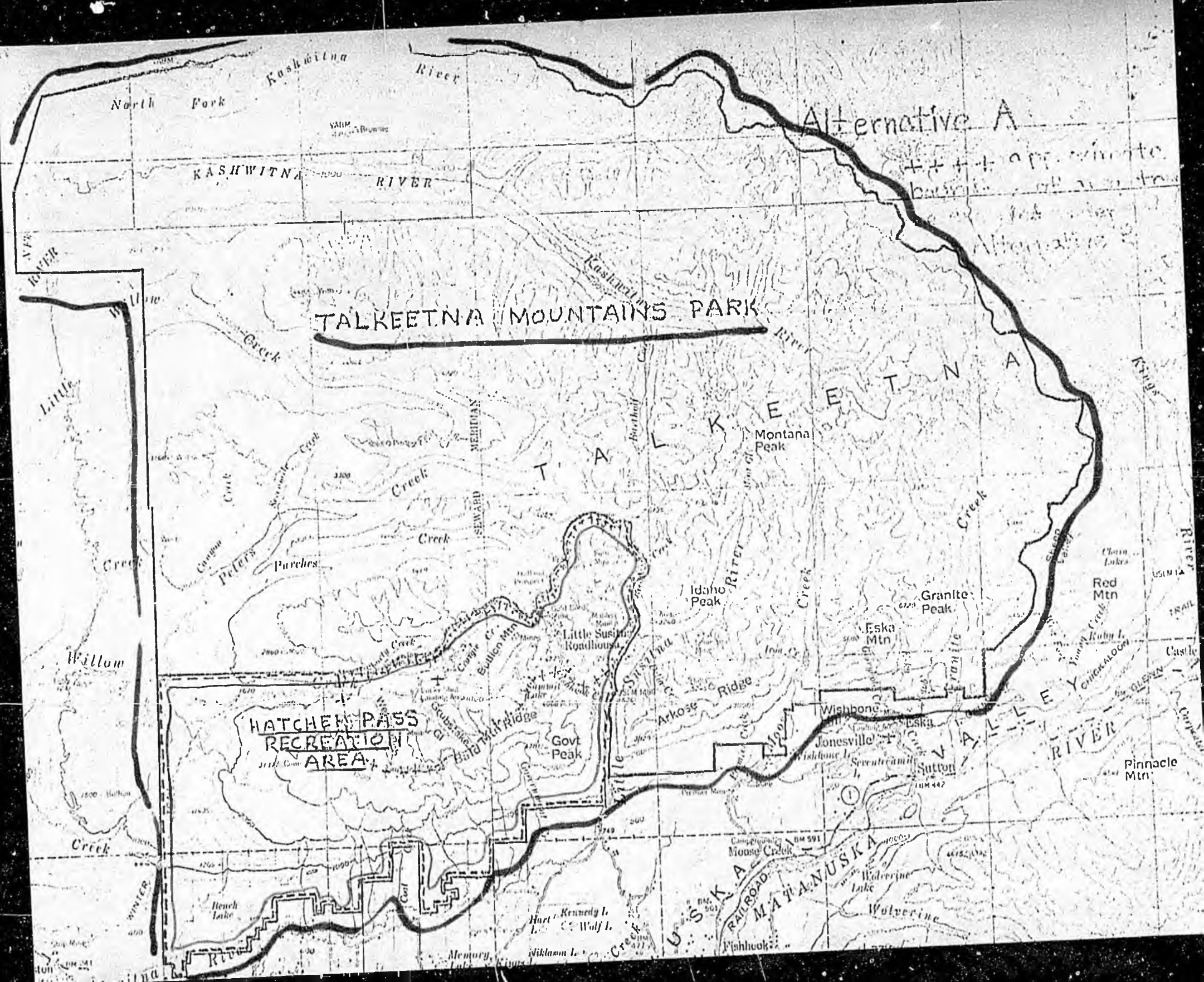
First, it is our belief that potential mining claims deserve protection, but that to zone a major portion of the Willow Creek Mining District to a priority use of mining is not in the best interests of the recreating public. It is our suggestion that H.B. 232 be amended to state, simply, that the highest and best use of only patented mining claims be mineral extraction. Should this not be acceptable, we would propose that

the mining zone be excluded from the recreation area proposal. We qualify this, however, by recommending that the roads which traverse the area be classified as a scenic roadway and be managed to provide for continued use by those seeking recreation in the area. This could be accomplished by identifying trail heads, pull-outs, scenic overlooks, picnic areas and possibly campgrounds and a visitor center oriented to this roadway.

Our next proposal is a recommendation that a more significantly-sized area be encompassed into what we call a proposed Talkeetna Mountains State Park. Essentially, such an area would include the rugged mountains, glaciers and valleys to the north and northeast of the proposed recreation area. The recreation area proposal would be retained as a contiguous heavy-use area south of this larger proposed state park. Geographically, the park would then include portions of the Kashwitna and Granite Creek drainages. This large state park would encompass approximately 400,000 acres. The attached map graphically illustrates our thinking on this proposal.

The management of these lands should include a logical zoning system for mechanized and non-mechanized recreational activities. It is also our desire to see a park ranger force provided as soon as possible to protect both the recreation resources and mining properties within these proposals.

The Upper Cook Inlet Chapter of the Alaska Conservation Society appreciates this opportunity to provide our thoughts on this matter.



On the Subject of Hatcher Pines

I fully expect the chair to rule me irrelevant, and some of this presentation may appear to be irrelevant. However, I can assure both the chair and all present that I shall try not to be irrelevant, and that everything pointed out here leads to the same place. And I shall happily submit this to the chair as written testimony after reading it into the record.

Back in the 20's a man by the name of John Maynard Keynes, notorious as a queer, was acclaimed as a great economist. Incidentally, his ideas on economics are embodied in the textbook, Samuelson's Economics, presently in use in our own University of Alaska.

Keynes gained quite a reputation as an adviser to our administrations, though his ideas were not generally implemented until the administration of Franklin Delano Roosevelt. In the main his advice said that 3% controlled inflation would be good for the United States.

After FDR started the ball rolling, all future administrations followed the Keynes recommendation. According to my prognostications on the subject, the result has been about 459% inflation ~~xxxxx~~ since 1914. However, when 3% was advocated, I asked, "If 3% is good, why wouldn't 100% be at least 30 times as good."

And so I ask this simple question. "If removal of some 200,000 acres from the borough into a recreation area is good, why wouldn't just turning 100% of the Matsu Borough into a recreation area be much better?" Wouldn't it be exciting if that increased over the years by 459% to perhaps take in the whole state?

By taking 100% of the borough now we would soon eliminate borough government, (nobody would be left to govern) which everybody says is the worst form of government they have seen, we would eliminate all borough taxes which everyone says are too high, Anchorage could then have a playroom instead of a bedroom, and we could all go on a picnic financed by our bankrupt state.

In the meantime we are very rapidly running out of food. But the high inflation that everyone complains about has led us to a high degree of civilisation, and there is no ~~starvation~~ starvation to compare to civilized starvation.

What will it be folks, croton or castor oil dressing on your sludge salad? If we can find some castor beans. They tell me they grow wild in Texas.

Thank you

Wayne Hunter

POSITION PAPER ON PROPOSED HB 232 & SB 190
HATCHER PASS RECREATION AREA.

BY ROBERT RISLEY

The State Legislature passed the Mandatary Borough Act a few years ago which required the Local citizens to form these Boroughs and establish Taxing Ordanances to support them.

the Borough's main source of revnue is from Real Property Taxes. The tax base is depended on the purchase and developement of Federal, State, and Borough selected land within the Borough by Private Capital, including mining.

SB 190 and HB 232 will greatly reduce the Borough's potential revnue. The Mat-Su Borough cannot afford this decrease.

The south boundry of the proposed Area takes in prime Agriculture land. All of this land has a South exposure that lends itself to a different type of Agriculture that is not feasable in other parts of the Valley.

Mrs. Risley has been engaged by the U. S. Weather Bureau to report Official weather Observations and Little Susitna River gage readings for the past two years.

From these Official Observations, the yearround tempentures have averaged between 10 degrees to 20 degrees warmer than either Palmer or Anchorage. Early snow with a permanent winter depth of 13 inches is common for this area.

I have planted Kansas winter wheat in September that matured by August of the next year. Due to early snows that stays on the ground, potatoes that were left inthe ground survived the winter without freezing! They were dug the next spring and were as firm as those I had dug the fall before.

I have on order six thousand evergreen trees to be planted this May and I plan to order some apple, peach, apricot, and plum trees and grape vines to be planted this spring. These will be shipped from Minnesota and British Columbia. I visualize orchards and vineyards all along the foot of those mountains within the next 15 years.

At the present time, the dairymen in the Valley are utilizing a portion of the Hatcher Pass area for summer grazing of cattle. No doubt, more area will be required

as the Valley developes.

Back in 1937, I grazed 150 head of sheep with 86 lambs up in the canyon to the left of Hatcher Pass without a herder. I never lost one sheep from predators. The local Coop the four month old lambs that dressed out between 60 and 70 pounds. I visualize private capital, someday, shipping ewes and lambs up here each spring in the right quantity to take advantage of that good grass. By butchering the lambs and waiting about three weeks then butchering the ewes, all meat would be utilized within Alaska.

I am pointing these facts out in order to make you aware of the importance in holding this land for Agriculture purposes. This will in no way prevent the use of Hatcher Pass area for recreation.

When I arrived here in the Valley in 1936, the only established industry, besides Agriculture, was Mining. As I read the papers, there is a strong indication that the known gold, coal, and other minerals will be developed. This is another source of revenue, for the Borough, and employment very greatly needed for this area.

I noticed in the paper recently that the Snowmobile Clubs have taken action to improve their image. Their actions are to be commended.

The ski clubs have already established non-litter ethics in their organization. I believe, given the right encouragement, the Snowmobile Clubs and the Ski Clubs can get together and develop rules and regulations of self discipline which will eliminate the need Recreation Areas supervision from the State or Local level thereby saving thousands of dollars for other needed services.

Another thing I would like to bring to your attention is that we have had a high level Federal-State Land Use Planning Commission making studies of our lands. The results of their studies have not had time to filter down to the Local level. In addition, State House Bill No. 32 is for "An Act To Establish a Land Use Board." This, to me, indicates the State needs more time to study their requirements. This sounds to me like a good bill, if the right qualified people are appointed to

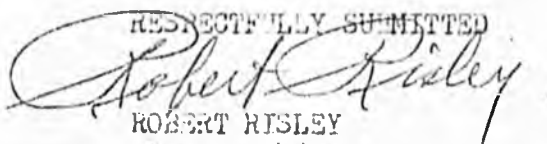
impliment this Law. If the Legislature passes HB 32, it is one more reason for not passing the Hatcher Pass Bill, until the Board has a chance to meet with all Local Borough Planning Commissions to insure that the right decisions are made.

The Corp of Engineers is presently conducting a "Water Resources Study" of all streams in Alaska. The Little Susitna River and Moose Creek are subject to flooding and is a threat to land owners along the lower areas. The Corp's feasibility study a few years ago indicated that a dam would not be feasible for flood control alone. However, now that there is a definite need for irrigation in the Valley, hydroelectric Power, domestic water for City development on the west end of the Knik Arm Crossing, AND Flood Control, a Dam in both streams would be feasible and would enhance the Recreational value by creating man-made lakes for boating and fishing.

Based on the above information, I would like to make the following recommendations:

1. A ten year moratorium be declared on all lands in the Matanuska-Susitna Borough to allow time for private development of Agriculture and Mining potentials.
2. The State establish a few roadside parking areas along the Hatcher Pass Road.
3. Encourage Recreational Organizations to meet with each other and develop a use plan for the area and submit their plan to the Borough Planning Commission for review and coordination with Private Owners, Borough Assembly, State and Federal agencies that have an interest in the Land.
4. Request the Corp of Engineers to include irrigation, domestic water, hydroelectric, flood control, and recreation in their "Water Resources Study".
5. Review HB No. 35, Titled "An act to allow Municipal Property Tax Exemption of Recreational or Conservation Land" as being undesirable, since the Local Municipalities allready have that Power.

RESPECTFULLY SUBMITTED



ROBERT RISLEY
SRA BOX 143-B
PALMER, ALASKA 99645

Testimony at hearing on the establishment of a
Hatcher Pass Recreational Area - 5 April 1975

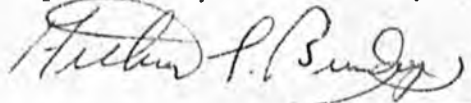
The proposed boundaries of the Hatcher Pass State Recreation Area encompasses grazing land of proven and potential use to the livestock industry of the Matanuska Valley and to the State of Alaska. The grazing lease of the Matanuska Valley Breeders Association, which has been actively used for summer range for more than 20 years, is included in its entirety within the proposed recreation area. Replacement heifers from Matanuska Valley dairy farms are placed on the range during June according to availability of herbage and returned to the Valley during September. A research report by T. L. Compton and myself on cattle behavior on the Matanuska Valley Breeders Association grazing lease during the summer of 1968 is submitted with this testimony and gives a good listing of plant species found on the range and their relative utilization by grazing cattle. Use of this area by these animals during the past 20 and more years has resulted in little if any degradation to this remarkably scenic portion of Alaska. In fact, cattle trails make it easier to hike through some of the dense underbrush along the headwaters of the Little Susitna River.

Although I would go on record as favoring the preservation of the natural beauty of the Hatcher Pass area, I would urge you to give consideration to the possibility of compatible multiple use of selected portions of this area, specifically selected sites having potential for summer grazing by livestock. I do not believe that summer use by livestock will be incompatible with contemplated recreational uses.

This testimony is submitted by me as a professional animal scientist and does not necessarily represent the position of the University of Alaska.

Thank you.

Respectfully submitted,



Arthur L. Brundage, Ph.D.
Professor of Animal Science
University of Alaska
Institute of Agricultural Sciences

CATTLE BEHAVIOR ON SUBALPINE RANGE IN SOUTHCENTRAL ALASKA^{1, 2}

T. L. COMPTON³ AND A. L. BRUNDAGE^{4, 5}

University of Alaska, College 99645

CORY (1927) is credited with initiating the methodical observation and recording of grazing behavior of cattle, although a few studies of less detail and magnitude predated his. Most studies of grazing behavior have been conducted in the United States and the British Commonwealth. Tribe (1950) and Hancock (1953) reviewed these investigations through the early 1950's and stressed their importance to an understanding of pasture utilization and range management. Tribe (1950) emphasized the importance of making observations on animal behavior within different environments to avoid the development of generalizations under one set of conditions and their erroneous application to an environment possessing different conditions.

Alaska's geographic location provides unique environmental conditions in comparison to the other United States. Effects of short, cool growing seasons and extended photoperiods during summer on the grazing behavior of ungulates are essentially unknown. The present study provides quantitative data on the behavior of cattle grazing under conditions encountered on subalpine summer range in boreal Alaska.

Experimental Procedure

This study was made during the summer grazing season of 1968. The site was located above timberline in the Talkeetna Mountains of southcentral Alaska, mostly in the Subalpine Zone described by Mitchell (1968).

About one-third of the accessible area was dominated by herbaceous vegetation and the remainder by shrubs, predominantly green alder (*Alnus crispa*). (Plant nomenclature is according to Hultén, 1968).

The cattle population on the range included 180 animals from 4 to 16 months of age plus seven older, non-lactating cows. Most of these were placed on the range between the middle and the end of June. All were of dairy breeding, mostly heifers and a few steers. Holstein-Friesian was the major breed; the remainder were Red Dane or crosses of these two breeds with Brown Swiss, Guernsey and Ayrshire. Thirty-five animals were marked with bright colored plastic impregnated cloth flags in five colors to provide a specific identity for each animal. These did not include the seven older animals.

Animal behavior was observed and recorded at 15-min. intervals during a series of 12, 24-hr. continuous surveillances at weekly intervals from 15 June through 28 August. Each surveillance was initiated at 1800 hr. Alaska Daylight Savings Time (ADST) by selecting a flagged animal and observing it on an individual basis and all the animals accompanying it on a group basis. Although contact with the flagged animal was maintained throughout the 24-hr. period, the composition of the group varied as animals left or joined it during this time. Nine different animals were selected for the 12 observations, six heifers and three steers.

Animal behavior was observed at distances of 25 to 150 m with 7 x 50 binoculars on either horseback or foot, depending on terrain. Behavior was classified and recorded according to three general categories: feeding, rumination and idling. Rumination and idling were subdivided into standing and lying. The general route followed by the animals was traced on a map of the area and distances traveled recorded. Other observations included notations on plant species utilized, the extent of utilization and species obviously not eaten by the animals.

¹ Alaska Agricultural Experiment Station Journal Paper No. J 108.

² Data presented are from a thesis submitted by Thomas L. Compton to the faculty of the University of Alaska in partial fulfillment of the requirements for a Master of Science Degree.

³ College of Biological Sciences and Renewable Resources, Present address: University of Wyoming, Laramie.

⁴ Alaska Agricultural Experiment Station, Palmer.

⁵ The authors wish to express their appreciation to the Alaska Agricultural Experiment Station and the Department of Biological Sciences of the University of Alaska for financial and logistic support during the study; to Dr. W. W. Mitchell, Alaska Agricultural Experiment Station, for aid in plant identification in the field; and to Dr. D. R. Klein, Alaska cooperative Wildlife Research Unit, and Dr. Brina Kessel and Dr. Bonita Neffand, Department of Biological Sciences, for many helpful suggestions and assistance during the study.

Results and Discussion

The transition from relative inactivity during the night to daytime activity occurred between 0600 and 0700 hr. ADST irrespective of the time of sunrise. The animals formed smaller groups at that time which began to feed and walk in various directions. The observed group engaged in fairly intensive feeding during the morning through 1000 to 1200 hours. By this time feeding and walking would have brought them to an area where some time would be spent salting and/or watering and resting prior to resumption of feeding during the afternoon, usually from 1400 to 1800 hours. The majority of the animals reassembled at the common bedding area between 2000 and 2400 hours.

A considerable amount of threatening and/or physical contact occurred between individuals from different groups each time they assembled during the evening. Size and/or the presence of horns appeared to be the main key to dominance, as found in other studies

(Woodbury, 1941; Beiharz and Mylrea, 1964).

Grooming and rumination became dominant activities on the cessation of agonistic behavior and gradually decreased until most of the animals were lying down. Activity during the resting period included rumination, sleeping and occasionally, rising, stretching and lying down again. The night resting period terminated with the initiation of feeding in the morning.

Although there was considerable variation in the percentage of time actually spent feeding during the first half of the season, there was a definite increase in diurnal feeding time during the latter weeks of the season (table 1). This increase can be related to the maturation of plants with advance of the grazing season. The nutritive value of the vegetation decreases with maturity and it becomes necessary for the animals to spend more time in diet selection to maintain quality of intake (Brundage and Sweetman, 1956; Dietz *et al.*,

TABLE 1. A COMPARISON (ON BOTH A GROUP AND AN INDIVIDUAL BASIS) OF THE PERCENT OF TIME CATTLE SPENT AT DIFFERENT ACTIVITIES DURING 24-HR. CONTINUOUS SURVEILLANCES ON A RANGE NEAR PALMER, ALASKA IN 1968

Surveillance period	Date (1968)	Photo-period (hr.)	Standing				Lying			
			Ruminating	Idling	Feeding	Misc.	Total	Ruminating	Idling	Total
%										
A. Group	15-16	17.8	2.6	14.8	32.7	15.1	65.2	16.1	18.7	34.8
Indiv.	June		5.2	16.6	30.4	17.7	69.9	13.5	16.6	30.1
B. Group	21-22	18.0	1.2	9.7	36.2	18.9	66.0	22.5	11.5	34.0
Indiv.	June		17.7	16.6	37.5	11.5	83.3	11.5	5.2	16.7
C. Group	27-28	17.9	4.5	7.2	35.6	7.8	55.1	24.3	20.6	44.9
Indiv.	June		3.1	5.4	28.0	10.0	44.7	33.3	22.0	55.3
D. Group	3-4	17.4	8.2	11.9	35.2	7.8	63.1	19.8	17.1	36.9
Indiv.	July		8.3	20.0	34.4	8.4	71.1	6.4	22.5	28.9
E. Group	10-11	16.5	8.0	8.0	35.9	11.6	63.5	19.9	16.6	36.5
Indiv.	July		8.4	9.4	36.4	1.0	55.2	29.2	15.6	44.8
F. Group	17-18	15.9	7.1	12.5	37.1	5.3	62.0	26.9	11.1	38.0
Indiv.	July		9.4	11.4	37.5	5.3	63.6	27.0	9.4	36.4
G. Group	24-25	15.1	5.4	17.8	34.1	4.7	62.0	22.0	16.0	38.0
Indiv.	July		3.1	17.7	35.4	4.4	60.6	28.0	11.4	39.4
H. Group	31 July	14.0	7.9	17.3	27.6	3.6	57.0	19.1	23.9	43.0
Indiv.	1 Aug.		4.2	19.8	20.0	3.3	57.3	17.7	24.0	42.7
I. Group	7-8	13.1	3.4	18.8	35.8	2.2	60.2	14.4	25.4	39.8
Indiv.	Aug.		3.1	11.5	36.4	5.4	56.4	21.8	21.8	43.6
J. Group	14-15	12.2	5.4	13.0	41.0	0.8	60.2	14.8	25.0	39.8
Indiv.	Aug.		7.3	8.3	40.5	1.1	57.2	26.0	16.8	42.8
K. Group	21-22	11.1	8.4	13.6	43.0	1.5	66.5	14.0	19.5	33.5
Indiv.	Aug.		8.3	11.4	40.5	2.4	62.6	15.6	21.8	37.4
L. Group	28-29	10.2	5.7	14.3	47.7	0.8	68.5	20.2	11.3	31.5
Indiv.	Aug.		11.5	9.4	46.0	3.8	70.7	12.5	16.8	29.3

1958; Arnold, 1962; Johnston, Bezeau and Somliak, 1968). The possibility cannot be ruled out that the cattle were consuming more to favor storage of fat for the winter as do wild ungulates. Feeding time averaged 8.6 hr. per 24-hr. period in this study.

Feeding occurred during a large number of periods of short duration during the first 7 weeks of the grazing season. These decreased in number and increased in duration as the season progressed until there were only two or three throughout the entire 24-hr. period near the season's end. Although this was observed on a group basis, individual feeding time remained separated into several distinct periods, even at the end of the season.

Subjective estimates were made of the plant species utilized during the observations. Although a major portion of the diet was grasses, mountain timothy (*Phleum commutatum*), bluegrasses (*Poa spp.*), and bluejoint (*Calamagrostis canadensis*), about 25 to 30% of the diet in this study consisted of browse and forbs. Other studies have found browse contributing as much as 45% to animal intake on dry, mixed grassland range (Cory, 1927) and as little as 14% on a sandhill bunchgrass range (Reppert, 1960).

Of the shrubs, willows (*Salix spp.*) were eaten most often. Green alder (*Alnus crispa*) was second, even though it had been considered unpalatable (Mitchell, 1968) and has not been regarded as a browse component for domestic livestock. Other shrubs eaten included high bush cranberry (*Viburnum edule*), mountain ash (*Sorbus scopulina*), northern red currant (*Ribes triste*), and spiraea (*Spiraea Beauverdiana*). Cattle were observed eating the flowering portion of devil's club (*Echinopanax horridum*) on three different occasions.

One of the forbs most commonly eaten on the range was giant fireweed (*Epilobium angustifolium*). This species was utilized fairly intensively until flower buds began to develop; it was ignored thereafter. Other forbs eaten included cow parsnip (*Heracleum lanatum*), lady fern (*Athyrium filixfemina*), oak fern (*Gymnocarpium dryopteris*), and spiny wood fern (*Dryopteris dilatata*).

At least two forbs found on the range, monkshood (*Aconitum delphinifolium*) and false hellebore (*Veratrum viride*), are considered to be toxic to cattle (Dayton, 1960). No toxic effects were observed during this study, although several monkshood plants were found with shoots clipped off and the

flowers of false hellebore were eaten frequently and the leaves occasionally.

Although the cattle were found to utilize practically all species of available herbage to some extent, they apparently did not eat arctic bramble (*Rubus arcticus*), buttercup (*Ranunculus spp.*), large leaf avens (*Geum macrophyllum*), and lupine (*Lupinus nootkatensis*). They ate bunchberry (*Cornus canadensis*) and wild blue geranium (*Geranium erianthum*) less than five times during the observations.

No systematic changes in total time for activities other than feeding were observed. Rumination time ranged from 17.8 to 34.0% of the total for the group under observation and from 20.2 to 28.8% during nine of the 12 observations (table 1). The mean was 25.2%.

Distances traveled during a 24-hr. period ranged from 2.6 to 6.9 km and averaged 4.2. Cory (1927) found that distances per day varied from 2.3 to 7.1 km and averaged 4.8 in a comparable study.

The animals appeared to group randomly, with some exceptions. Sex became an important determinant when a few steers would pursue an estrous heifer, which in turn would become the nucleus of a small group. The seven, older, non-lactating cows from the same farm formed a stable group which, although it was joined by other small groups on occasion, never separated. Others have found prior relationships to be important in grouping tendencies (Hunter and Davis, 1963).

The cattle used definite portions of a 24-hr. period for specific activities on a group basis. Although these did not occur at precisely the same time each day, it was possible to predict their occurrence with reasonable accuracy. The activity of the individual under observation was generally in close agreement with that of the associated group and the time for various activities did not vary appreciably between individual and group. The exceptions were usually explained by an estrous heifer with steers in pursuit. This increased the idling time of the steer or heifer at the expense of time for other activities, such as rumination (table 1). Group and individual feeding time showed the least variation. This suggests that feeding is a priority function, i.e., the steer in observation *d* that spent a number of hours in pursuit of an estrous heifer had an increased idling time and reduced rumination time while feeding time re-

mained in close agreement with that of the group.

In a group of animals as gregarious as domestic cattle, it was interesting to note that there were often two or three individuals engaged in activity different from the majority. The fact that most of the animals in the present study were of mixed breed origin would increase their individuality (Arnold, 1962).

Summary

Grazing behavior of cattle on a boreal, subalpine range in southcentral Alaska was studied during the summer of 1968 by means of 24-hr. continuous surveillances at weekly intervals for 12 weeks.

Cattle initiated feeding each morning between 0600 and 0700 hr. Alaska Daylight Savings Time, irrespective of the time of sunrise. Feeding time increased and the periodicity of this activity became more distinct as the grazing season progressed. Other activities did not vary systematically during the season. Animals traveled an average of 4.2 km per 24-hr. period. Cattle grouped at random with the exception of such mitigating circumstances as sexual activity and individual behavior differed little from that of the group. The cattle habitually came together to bed down at night during most of the grazing season.

All major plant species on the range were utilized by the cattle to some extent. Browse and forbs were important components of the diet in addition to grasses. Green alder (*Alnus crispa*), a browse heretofore thought

unpalatable to domestic livestock, was eaten on numerous occasions.

Literature Cited

- Arnold, G. W. 1962. Effect of pasture maturity on the diet of sheep. *Australian J. Agr. Res.* 13:701.
- Beiharz, R. G. and P. J. Mylrea. 1964. Social position and movement orders of dairy heifers. *Anim. Behav.* 11:524.
- Brundage, A. L. and W. J. Sweetman. 1956. The utilization of smooth brome grass (*Bromus inermis*) under rotational and strip grazing systems of pasture management. III. *Animal Behavior*. *J. Dairy Sci.* 39:297.
- Cory, V. L. 1927. Activities of livestock on the range. *Texas Agr. Exp. Sta. Bull.* 367.
- Dayton, William A. 1960. Notes on Western Range Forbs. U.S.D.A. Handbook No. 161.
- Dietz, D. R., R. H. Udall, H. R. Shepherd and L. E. Yeager. 1958. Seasonal progression in chemical content of five key browse species in Colorado. *Proc. Amer. Foresters.* 117.
- Hancock, J. 1953. Grazing behavior of cattle. *Animal Breed. Abstr.* 21:1.
- Hultén, E. 1968. Flora of Alaska and neighboring Territories. Stanford Univ. Press, Stanford, Calif.
- Hunter, R. F. and G. E. Davis. 1963. The effect of method of rearing on the social behavior of Scottish Blackface hoggets. *Anim. Prod.* 5:183.
- Johnston, A., L. M. Bezeau and S. Somliak. 1968. Chemical composition and *in vitro* digestibility of alpine tundra plants. *J. Wildlife Manage.* 32:773.
- Mitchell, W. W. 1968. On the ecology of Sitka alder in the subalpine zone of southcentral Alaska, p. 45. *In* J. M. Trappe *et al.* (Ed.) *Biology of Alder*. U. S. Forest Service, Pac. Northwest For. and Range Exp. Sta., Portland, Oregon.
- Repperl, J. N. 1960. Forage preference and grazing habits of cattle at the Eastern Colorado Range Station. *J. Range Manage.* 13:58.
- Tribe, D. E. 1950. The behavior of the grazing animal: A critical review of present knowledge. *J. Brit. Grassland Soc.* 5:209.
- Woodbury, A. M. 1941. Changing the "hook order" in cows. *Ecology* 22:410.

Comment on HB 232 and SB 190 Hatcher Pass
Area Proposal.

The proposed Hatcher Pass Recreation Area, as a concept, may be the lesser of many evils concerning the land use of the subject area.

However, I question if any of us, including the State, the Borough, or the resident are ready at this time for any legislative fiat that so firmly establishes the long term use of such a vast land area amidst so many conflicting demands and interests ^{and within} near established population centers.

From the state standpoint, there are already ~~an~~ abundant demands for moneys in managing existing state parks and recreation areas. There is a great need for many more roadside parks and waysides. I would question how well the state could ~~financially~~ manage a Hatcher Pass Recreation area in the next five years, particularly the summer transient attracted to Alaska by the pipeline and looking for a place to squat until employed, utilizing, of course, the convenient park as witnessed by the Chena River campgrounds in Fairbanks and the Eagle River campground.

From the Borough standpoint, the Hatcher Pass recreation area takes away the possibility of revenue sources in the form of ^{state} agricultural land use ~~potential~~ or heavy scale mining. The Borough already has a number of vast state recreation and park lands in its midst serving the Alaskan public.

From the resident's standpoint, any additional long term use of the Hatcher Pass area will undoubtedly refocus developmental activities in the surrounding area. Those of us living close to the recreation area will see the secondary impact of new subdivision and upgraded and new roads as the ^{state} recreation area provides the surrounding lands with an immediate market attraction. Without any land use programs in the Borough, all of us become mere pawns as others determine our quality of life.

Police services and road services are expenses found in the primary impact of ^{substantial} recreation areas, so too are these same services, ^{found} along with the additional school services and general municipal government housekeeping expenses found in the secondary impact of ^{large State} a recreation area.

Already existing in the proposed Hatcher Pass recreation area are private recreation operations. Do not such operations by action and numbers alone bring demands for vehicle oriented public services which spill over into any state recreation area. A push-pull affect takes place. Private operators, trying to survive and maximize their chances for financial success, encourage larger and larger patronage; organized recreational activities, such as we witnessed last Labor Day with the hang gliders and "Little Woodstock", each and all demanding use of the state recreation area; ^{a ventral} ~~seen~~ the dynamics of heavy use, competing use and concentrations of people all demand more governmental regulatory services and expansion of roads and public facilities, and the push - pull cycle begins anew.

I would seriously question whether the alpine meadows and marginal grass and wood lands within the Hatcher Pass recreation area have the carrying capacity for the type of recreation use envisioned for the major use areas.

A number of long term residents of the Valley have voiced their fears to me that the area along the existing ^{Hatcher Pass} road, a seasonal and rough road at that, is already being used beyond its capacity as witnessed by the ~~dimin~~ diminution of wild flowers, blueberries and ground squirrels and the increase of litter and vehicle tracks across the hillsides.

I am in agreement with those who are concerned that another aesthetically pleasing and ~~existing~~ existing popular recreation area will be fouled by recreation misuse or industrial development in the form of hard rock mining.

However, I believe that the state should be treating this as a land use issue and not an attempt to come to the public, particularly the public most effected as we are here in the Valley, with a mixed bag of tradeoffs and compromises detailed by lines on maps which in the long run will only aggravate the situation rather than remedy it. Political reality suggests ~~that~~ the impossibility of drawing lines on maps to control human behavior.

(3)

I would suggest for the near term that the state could program the Hatcher Pass road as a scenic corridor with tight land use controls within the corridor - controls particularly directed to the ^{transient} recreation user rather than the private property holder - build some waysides approaching the area on the Palmer and Willow sides, ~~build~~ designate a small park at Summit Lake and establish Independence Mine as an Historical Site.

For the long term, the Hatcher Pass area should be programed into a long term state land plan and policy which utilizes at an early date input from the Mat Su Borough government and Mat Su residents.

L. R. Johnson

SRA Box 156

Palmer, Alaska 99645

Testimony for Hearing on Hatcher Pass (HB 232) 4/5/75

My name is Helen Nienhueser. I am representing the Alaska Center for the Environment. I am here today at the request of the House Resources Committee to present information which the Center has accumulated on the Hatcher Pass area.

We have talked extensively with recreational users of the Talkeetna Mountains in the Hatcher Pass vicinity--with organized conservation and outdoor recreation groups and with individual members of those groups in an effort to determine whether these organizations and individuals were interested in some sort of park or recreation area designation in the area, and if so what.

We have found strong interest in the area and strong support for some sort of recreational or park designation, but within that broad outline we found several different opinions as to boundaries. We therefore held a series of meetings with representatives of organizations and individuals and as a group developed a new proposal for the Hatcher Pass Area which differs considerably from the bills now under consideration in the legislature.

The main area in which we found a variety of opinions was that of how to handle the heart of the area--the area around Independence Mine, Fern Mine, Craigie Creek, Grubstake, and Wet Gulch--where there are considerable patented private land and active mineral claims. We found serious concern that this area would present grave management problems to the Division of Parks--and that coping with the headaches caused by conflict between park users and private land owners would be a serious drain on the resources of the Division of Parks. There was concern that the legislature might create the area and not adequately fund Division of Parks to handle it.

On the other hand, we found a great deal of support for including this heart area in a recreation area proposal anyway, because it is a beautiful area that is heavily used, because the continuation of those uses needs to be provided for, and at the same time the area needs to be managed in such a

manner as to protect it from overuse.

Because of these two different ideas, our group at its consensus meeting, decided to develop two alternative proposals. These proposals are identical except for the way in which they handle this core area. On the other points in the proposal such as uses and external boundaries, the group was unanimous.

(Read attached proposal)

We have drafted two bills, one for proposal A and one for proposal B. There are several additional items in the bill that should be brought to your attention: on page 2, sec. 425 (c) is a clause which excepts any lands selected by natives from the boundaries of the park; under Uses, sec. 430, in the recreation area, agricultural activity is permitted if it is compatible with recreational use; in the park, existing grazing leases would continue until their expiration date but would not be renewed. Most of the land proposed for inclusion in the park is not suitable for any kind of agricultural activity. We understand that the grazing now taking place in parts of the proposed park is having a damaging effect on the land. We did hear concern from some people that some of the land in the southern portion of ^{the} recreation area proposal ought not to be included because of agricultural potential, but we heard from others who felt that it should be so as to provide a lowland connection with the alpine portion of the recreation area in what is sure to be an increasingly populated area.

The people we talked to Palmer said that they wanted some input into the uses which would take place in the recreation area or park. So the bills provide for an advisory committee which would include representatives from Dept. of Natural Resources, Dept. of Fish and Game, the Matanuska-Susitna Borough, and citizen representatives. To insure that the citizen representatives do in fact represent the recreational public, we suggest that they be appointed by a local Park and Recreation Council; such an organization is very successful in Anchorage; it is made up of representatives of various groups such as ski

clubs, conservation groups, homeowners associations, etc. We hope that such a group might start in the Mat Valley.

These proposals do not purport to be a consensus of what everybody wants for the Hatcher Pass area, but they are a consensus of what the park supporters want. There is strong support for enlarging the boundaries as we have done. The study done on the Hatcher Pass area for the Division of Parks says on page 29: "The boundary of the Hatcher Pass Study Area is not consistent with uses that the site character suggests. Since wilderness pastimes may easily become a major use, the boundary should be extended north and west to take in more of the inaccessible valleys and alpine ice fields with their wilderness character".

It was also felt that the scenic values of the area are so fine that it better fits the definition of a scenic park than a recreation area; however, the past and existing uses preclude park designation for part of the area. But because the scenic values are so fine it is desirable to place in park classification those areas where there appears to be little conflict. Three areas in particular meet this criteria. Reed Lakes, two aqua gems set among granite spires, lie in a high valley that has no mineral claims. The upper Little Susitna River valley is a broad L shaped valley which leads back to the highest peak in the area, Montana Peak; it provides good summertime hiking and winter skiing with ever changing vistas beckoning one on. There is no patented land in this valley and only 3 or 4 mineral claims. Craigie Creek does have patented land and some active mineral claims. But at its head is low Dogsled Pass, to which it is very easy to hike. From this low pass it is possible to wander freely across high alpine valley and low pass to alpine valley all the way to the Kashwitna; it offers a very different experience than do the formidable rock walls enclosing Reed Lakes. For that reason we have drawn the boundary around the private property, putting that in the recreation area, but putting the headwaters

of Craigie Creek and the low Pass, Dogsled Pass, in the park.

I'd like now to introduce John Beebee who has been working with me on this proposal; he can tell you some of the reasons for proposing that this additional acreage be added, and then we'd be happy to answer any questions.

Regarding the exclusion of a finger of land along Willow Creek on the western boundary, we recommend a closer examination before this is done. The effect is to prevent the public from reaching Willow Creek which should be a major attraction. We have not had the opportunity to examine this closely but it is our understanding that the private lands in here are spotty. We would prefer to see an irregular line that excludes private lands from the park but provides as much access to the creek as possible.

A PROPOSAL FOR THE HATCHER PASS AREA

Developed by the Alaska Center for the Environment (913 W. 6th, Anchorage, 274-3621), working with an ad hoc committee of users and representatives of outdoor recreation and conservation groups.

Two proposals were developed. Proposal A is favored, but Proposal B is acceptable.

Proposal A: proposes a scenic park in the northeast (Talkeetna Mountains State Park) and a contiguous recreation area in the southwest (Hatcher Pass State Recreation Area or Garret Heinie Snider State Recreation Area). The Park and Recreation Area combined are larger than the area included in HB 232 (sponsored by Smith and Beirne) and SB 190 (sponsored by Croft, Chance, and Rodey). The park goes north to include the Kashwitna drainage and east to include the Granite Creek drainage. The total area is in the vicinity of 400,000 acres. Alternative A calls for most of the area in HB 232 and SB 190 to be in the recreation area and most of the additional area to be in the park. However, part of the northern area in HB 232 is included in the park proposal, including Reed Lakes, the upper Little Susitna drainage, and the headwaters of Craigie Creek; these are areas of particular scenic and recreational value and with little or no conflict with mining claims and inholdings.

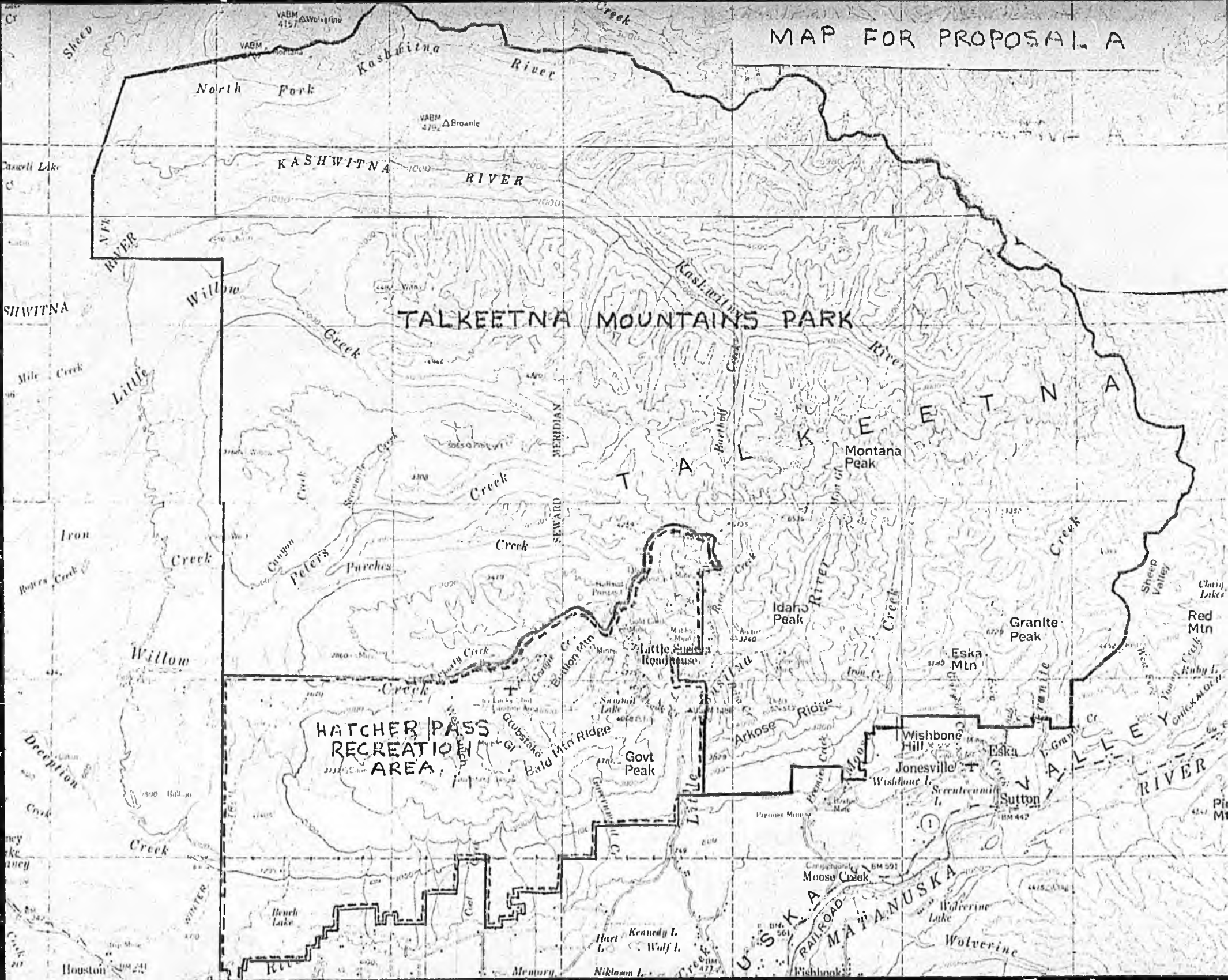
Uses: it is intended that in the park mining would be limited to existing entries only; other uses would be those that are consistent with the preservation of the natural values of the area. In the Recreation Area, more intensive uses could take place; private land is restricted to type of use to which it was put before the recreation area was created; new mining could be permitted if it is done in a manner compatible with recreational use; off-road vehicle use could be permitted at the discretion of the Director of Division of Parks in areas designated by him for that purpose, etc. Hunting would be permitted in both the park and recreation area.

Proposal B: has the same external boundaries as does Proposal A; however, a portion of the area included in the Recreation Area under Alternative A would be excluded. (See attached map for Proposal B.) The area that would be excluded is similar to the area designated as the mineral zone in HB 232 except that Reed Lakes, the upper Little Susitna drainage, and the headwaters of Craigie Creek (all of which are in the mineral zone in HB 232) are included in the park. This proposal would designate the Fishhook-Willow Road where it goes through the excluded portion as a Scenic Roadway with protection afforded to the land on either side of about 1/4 mile in width, but excluded any private lands that might come closer to the road than that. The purpose of the Scenic Roadway is to provide for the continuance of the intensive uses now taking places along that road and to protect that roadside for the Sunday driver. Though the road itself would be under the Dept. of Highways, the land adjacent to it would be managed by Div. of Parks, with the intention that parking areas would be provided for snow machiners, hang gliders, etc. Scenic Roadway designation would also be given to the road up Craigie Creek and the road up Archangel Creek to the junction with the road up Reed Creek. The reason for excluding the area as proposed above is because of the many inholdings in that area and the tremendous burden managing these inholdings would place on the division of parks.

Uses: the uses in the park and in the recreation area under Proposal B would be the same as under Proposal A, but of course there would be no restriction on mining activities in the area to be excluded.

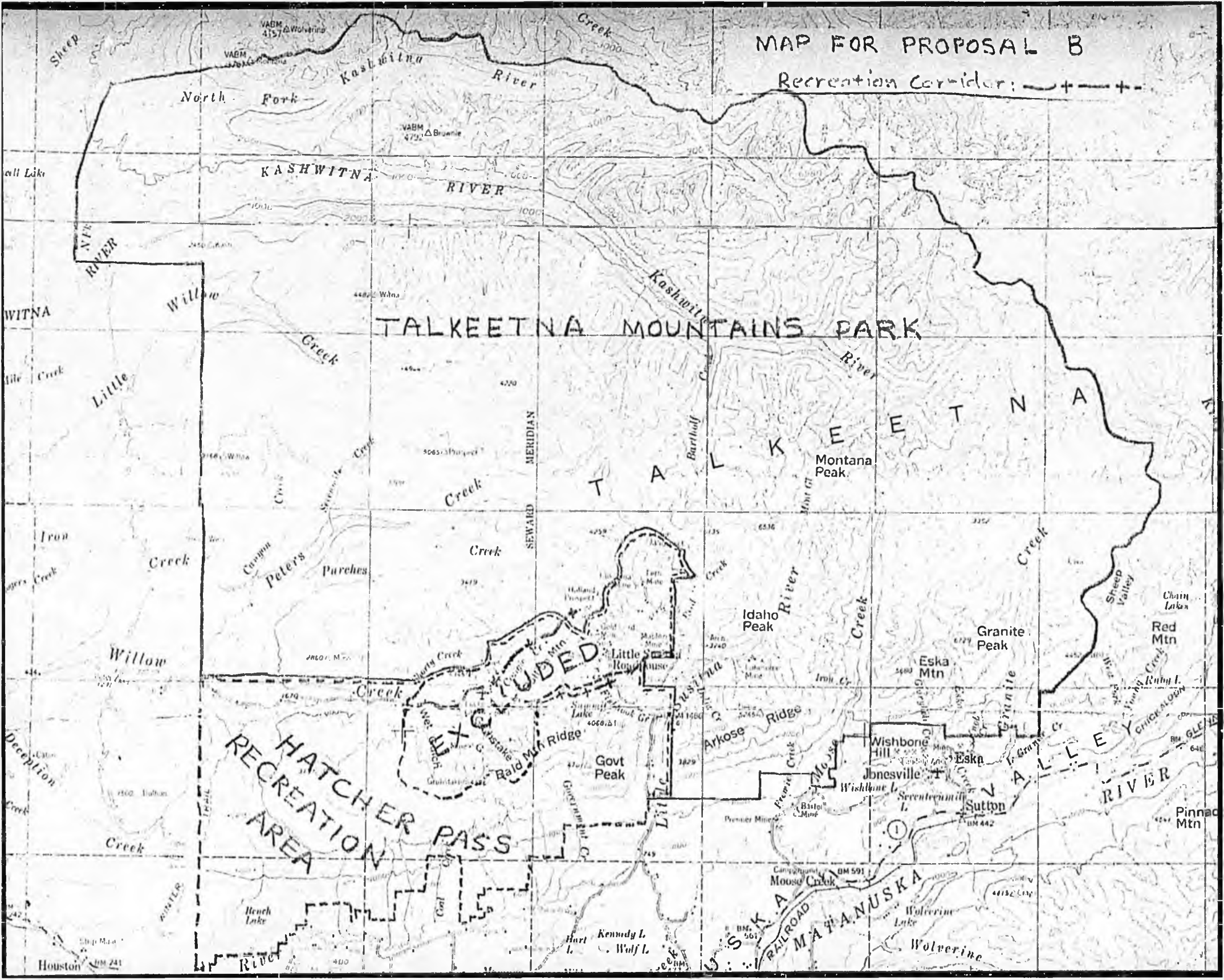
Both proposals contain a clause similar to that in the Act creating Chugach State Park, providing that boundaries may be adjusted to exclude areas of conflict or include desirable areas presently left out.

MAP FOR PROPOSAL A



MAP FOR PROPOSAL B

Recreation Corridor: —+—+—+—



TALKEETNA MOUNTAINS PARK

EXCLUDED

HATCHER PASS RECREATION AREA

T A L K E E T N A

Montana Peak.

Idaho Peak

Granite Peak

Govt Peak

Wishbone Hill

Jonesville

Sutton

Moose Creek

RAILROAD

MAVANUSKA

Wolverine Lake

Wolverine

Testimony of James J. Hurley

Commissioner of the Joint Federal-State Land Use Planning Commission for Alaska.

To the House of Representatives Resources Committee for the Alaska Legislature on HB 185, an Act Expanding Denali State Park.

April 5, 1975

Mr. Chairman, and members of the Committee. My name is James Hurley. In behalf of the Federal-State Land Use Planning Commission for Alaska, I want to thank you for inviting me to testify before your committee on HB 185. I am one of the five gubernatorial appointees to the Commission and am currently serving as a Commission representative on the Mt. McKinley Cooperative Planning and Management Committee.

The Federal-State Land Use Planning Commission recommended development for recreation use, sites and facilities along the southern boundary of the d-2 lands withdrawn around Mt. McKinley. The proposed addition to Denali State Park is within the area considered by the Commission in making that recommendation. The Commission staff find that the area proposed for addition has the following qualities:

1. The terrain is suitable for development of public overnight facilities. It contains sites from which Sydney Lawrence painted his famous landscapes of Mt. McKinley. Lowlands of the area, along the Tokositna River, are the foreground to the scenic mountains north and northeast as viewed from the Peters and Dutch Hills.
2. The area is a relatively short distance from an existing road. About 10 miles of new road would be required to reach the area from the existing Petersville Road.
3. The area is about 10 miles south of an excellent site for viewing and interpreting the Mt. McKinley massif and glaciers.
4. The upland terrain of the proposed addition is suitable for hiking.
5. The area is an integral part of the middle and upper Tokositna River drainage. The river in its middle and lower reaches lies within Denali State Park and its proposed addition. Float boating on the Tokositna River is feasible.

The proposed extension to Denali State Park is under study as part of the Mt. McKinley Cooperative Planning and Management Zone. The Mt. McKinley Cooperative Planning and Management Committee is composed of individuals who are responsible for managing Federal, State, and Borough lands, which as outlined on the attached map, involve those foreground and threshold lands surrounding Mt. McKinley. They have joined together with the Federal-State Land Use Planning Commission to talk about their agency activities and plans for the Mt. McKinley area. Their cooperative effort is intended to eliminate the conflicts and costly duplication in planning and development of the area by formulating a plan for everyone to follow. Such a plan will enhance and protect the various resources and values of the land and make the area more enjoyable for visitors, residents, and landowners.

The Committee meets approximately once every month in the Commission offices in Anchorage. Meetings in the Mt. McKinley area are also held to obtain public comments and ideas. Announcements about the Committee meeting dates and location are published in the newspaper and broadcast on the radio.

Four subcommittees have been formed by the Mt. McKinley Committee to gather the information that is needed to help them make their decisions and plans. The subcommittees are: (1) Nonrenewable Resources, (2) Renewable Resources, (3) Recreation, and (4) Land Use. They will identify current uses, potential use conflicts, and means of assuring compatibility of uses.

The objective of the Committee is to develop recommendations and foster agreements between the Federal government and the State of Alaska, with the cooperation and understanding of the Boroughs and private citizens, that will protect the land from abuse, and will facilitate the use of the land in a coordinated manner.

This Committee does not possess any authority to remove rights or take land from private landowners, but rather will seek to integrally involve private citizens in a coordinated planning and management process.

The planning group expects to make recommendations later this year as to which areas are most suitable or valuable for recreation, mining, community expansion, etc. The Committee will further address the feasibility of a major recreational development, similar to the McKinley Recreation City proposed last year by Senator Mike Gravel.

In closing, I want to thank you for the opportunity to appear here today. If you have any questions, I will be pleased to respond to them.

SIGN IN FOR Palmer
TESTIMONY TO BE HEARD

- 1 - Helen Nionhueser Alaska Center for the Environment
913 W 6th, Anchorage 99501
- 2 - John Beebe 6511 Carlos Court, Anch, 99504
- 3 - Pat Miller Box 405 Wasilla, Alaska 99687
- 4 - Marie Betts Box 14 Wasilla, Alaska 99687
- 5 - L.R Johnson SRA Box 156 Palmer Alaska 99645
- 6 - Jim Barber Talkeetna Alaska
- 7 - Ed Ellis SR Box 2338 Wasilla, AK
- 8 - Ben Wattum Box 787 Palmer Ak.
- 9 - JIM HURLEY Box 157 WASILLA Fed-state Land Use Planning Comm.
- 10 - R. Mellis Box 444 Wasilla 99687
- 11 - Rocky FRANK STAR RT B Box 516 PALMER
- 12 - Noel W. Wood MATANASKA Valley Sportsmen ^{Box 827} Palmer
- 13 - C.E. FURBUSH ST. RT. A Box #1, PALMER AK
- 14 - T. L. Brundage Box 325, Palmer, Alaska
- 15 - SIM VICKARYOOS SRA BOX 91 PALMER, ALASKA
- 16 - HARRY L. SICKWOOD BX 335 PALMER ALASKA 99645
- 17 - Harry Hill Bx 766 Palmer, AK 99645
- ROBERT RISLEY SRA BOX 148-B PALMER AK 99645
- Roy Frank STAR RT B Box 516 Palmer 99645
- Joyce Macbeth Box 10224 Meth. St. Anch. AK 99502
- H. T. ROACH DRAWER AH, PALMER, 99645
- JESS WERNER STAR RTA BOX 10 PALMER 99645

TESTIFY LIST

Palmer

WARREN WARNER

St. Rt B Box 156 C Palmer AK

~~WES DOWE~~

~~Mat Su BORO~~

W. W. Mitchell

Inst. Agric Sci - Palmer, AK.

~~John D Bush~~

~~Clark Wolverine Rd Palmer AK~~

A. L. Penschaw

Alaska Miners Assoc.

X Rilyn J. Hanson

Palmer City Council Palmer

~~Law E. Hanks~~

~~property owner Ind. Min Resort~~

X Mary Lou Briggs

Mat Su Assembly

EDWARD SE. NEWBURY

Box 5-880 PALMER

Arthur J. Kretzer

Alaska Pacific Consolidated Inc. Alaska

Paul & B. Dearborn

517A Box 72 Palmer, AK. 99645

101

Anchorage

HAKHER PASS RECREATION AREA
- HOUSE RESOURCES COMMITTEE -

	Name	Address	TESTIFY	
			YES	NO
1	Helen Nienhueser		✓	
2	John Beebe		✓	
3	Richard Alman		✓	
4	Pam Stevens		✓	
5	R. L. Engelbach	2813 Arlene St. Anchorage		✓
6	DAVE CLINE	BOX 1445 M, SRA ANCH.	✓	
7	Charles D. Evans	Box 1621 SRA	✓	
8	Dale Bordenant		✓	
9	John A. Grouse	3307 E SRA Rd		✓
10	Dan Renshaw		✓	
11	John Jacobsen	700 Ash Place Anch	✓	
12	Burt			NO
13	William A. Buzgers	141 Jelinski Pl. Ave.		No
14	Arthur J. Heeter	2809 W Northway lights	✓	
15	Har Wuelitzer	Box 1145, ANCH. AK.		
16	Sherry Pat Brudie	SRA Box 241, 99507	✓	
17	Pete Scholes	115 W 15th Ave. Anchorage	✓	
18	A. L. Renshaw, Jr.	1850 Wickersham Dr.		Anch (No)
19	Kelly Renshaw	1850 Wickersham Dr. Anch.		(No)

Exchange

- (1) Alaska Conservation Society, Upper Cook Inlet Chapter (Geo. Dickson)
- (2) Sportsman's Game Pres Dale Bondhusen
- 3 Willow Creek Mines Inc Dan Kershaw
- Gold Cord Development Corp. "
- Richard Alman Self
- Charles D. Evans Mountaineering Club of Alaska
- CHARLES H. ILIFF SELF
- ALICE L. ILIFF Self
- Mary Pat Budic self
- RAY GENET - ALASKA MOUNTAINGUIDE
- Amy Paige self
- Sally Gibert self
- Bob Childers self



Matanuska-Susitna Borough, Inc.

BOX B, PALMER, ALASKA 99645 • PHONE 745-3246

BOROUGH ASSEMBLY

April 23, 1975

Resources Committee
House of Representatives
Pouch V
Juneau, Alaska

Re: HB 232

Gentlemen:

When the public hearing was held in Palmer on HB 232, there was considerable objection to the establishment of the Hatcher Pass Recreation Area. As a result of these objections, and objections voiced at Borough Assembly meetings, the Borough Assembly adopted the enclosed resolution opposing HB 232.

Please consider this resolution when making any recommendations on this bill.

Thank you for your assistance to the residents of this area.

Yours truly,

Evelyn Thompson
Borough Clerk

Enc.

MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 75-30

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH OPPOSING HB 232
CREATING HATCHER PASS STATE PARK.

WHEREAS, HB 232 proposes the creation of a Hatcher Pass State Park encompassing 250 sq. miles of the Borough, including agricultural or potential agricultural land; and

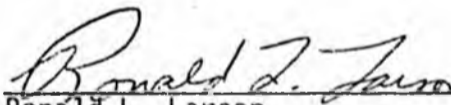
WHEREAS, testimony before the House Resources Committee at its hearing in Palmer on April 5, 1975, brought out potential conflicts with mining and agriculture; and

WHEREAS, the majority of the testimony was opposed to the creation of the park as proposed by HB 232;

NOW THEREFORE, BE IT RESOLVED by the Assembly of the Matanuska-Susitna Borough that:

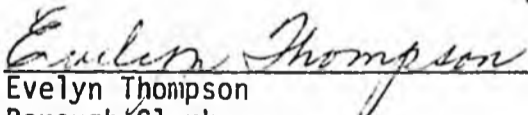
1. The Borough Assembly hereby rescinds Resolution No. 74-20,
2. The Borough Assembly opposes the passage of HB 232,
3. The Borough Assembly favors State management of a corridor along Hatcher Pass Road, to the vicinity of Independence Mine, improvement and maintenance of said road and construction of parking areas.

PASSED AND APPROVED by the Borough Assembly of the Matanuska-Susitna Borough this 15th day of April, 1975.



Ronald L. Larson
Borough Mayor

ATTEST:



Evelyn Thompson
Borough Clerk

(SEAL)

March 8, 1975

Representative Nels A. Anderson, Jr.
Chairman, House Resources Committee
Pouch V
Juneau, Alaska 99801

Dear Representative Anderson:

I am writing regarding HB 232 which has been referred to the Resources Committee. This bill proposes to create the Hatcher Pass State Recreation Area. As a park professional with many years of park planning experience, I cannot allow this bill to come before you without pointing out its fallacies and inherent problems.

This bill is based on a study performed under contract. The contractors, in my opinion, were completely inexperienced in park planning and thoroughly incompetent in this field. A Feasibility Study should have been made to determine the merits and problems of the area where a recreation area is to be created. This was not done. Instead the first line of their report on page 1 states "The purpose of this study was to prepare a long range waste: plan for future development of recreation area encompassing the former mining area in the Talkeetna Mountains known as Hatcher Pass." In other words, they assumed it would be created and never considered the pros and cons of such action. If a feasibility study had been made of a larger area, I am sure some of the lands described in HB 232 would not have been recommended for management within the park system.

This area has over 73 parcels of private ownership, 15 parcels of borough selected lands, 3 federal power project withdrawals within which fee simple title of the land will not go to the state, 4 grazing leases, 71 inactive mining claims which can be activated by doing some assessment work, and 26 active mining claims with assessment work up to date. This array of inholdings and conflicting interests is as great as all such conflicts in our million acre park system. Inholdings are the bane of park managers, law and regulation enforcement becomes impossible without marked boundaries on all inholdings. The park manager gets blamed for all adverse actions affecting private property and its use. The state could become liable for allowing attractive dangers to exist within the area such as mine shafts, rotten and falling buildings, etc.

In addition, no one has given any thought as to what would happen if any of the mining activity resumed. The road system is inadequate to handle the recreational traffic found there on a nice summer day now. How could industrial traffic be added without a problem of great magnitude. This area is one of the most highly mineralized sites in south central Alaska. Why must it be chosen as an area of conflict and future troubles when the state has over a million acres of the same types of land selected to the north and east which is almost free of inholdings, mining claims, and other problems.

I beg of you to request a feasibility study of this whole state selection before taking action on HB 232. In my opinion, Hatcher Pass should be given a Resource Management Classification by the Division of Lands to insure state retention and permit multiple use of the area including recreation, mining, grazing, hunting, and all the other potentials. If this is deemed not desirable, then one and one half townships in the far SW corner south of the Willow Creek Road should be designated a Willow Creek Recreation Area and developed primarily for motorized recreation.

Sincerely,



Richard K. Alman
1514 Marten Street
Anchorage, Alaska 99504

John Colberg, Jr.
Chairman of the Board

File

Ralph A. Johnson
President

COOK INLET
CIRI
REGION, INC.

May 2, 1975

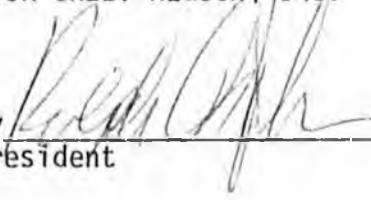
Mr. Nels A. Anderson, Jr.
Chairman, House Resources Committee
Alaska State House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Nels:

Cook Inlet Region, Inc. will have no objections to the Hatcher Pass State Park, as long as the Native selections are excluded and if the wording of the Act is changed so that the owners of land along the highway are not restricted in use any more than the owners of land along any other highway.

Sincerely,

COOK INLET REGION, INC.

By 
President

RAJ:bf
cc: Alaska State Senate
Resource Committee

HB

241

3/31/75

COMMITTEE REPORT

JUDICIARY

HOUSE

Mr. Speaker:

Date 3-31-75

The Committee on RESOURCES has had HB 241

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:

<u>Robert Anderson</u>	_____	_____
<u>Mike Hirschbrenner</u>	<u>_____</u>	_____
<u>_____</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Robert Anderson, Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House Resources
COMM. FILE

To: Amdnd

HOUSE BILL No. HB 241

SENATE BILL No. _____

PAGE: 1

LINE: 15

Delete the words

"Some portion of"



Alaska House of Representatives



HUGH MALONE

POUCH V
JUNEAU
99801

P. O. BOX 9
KENAI
99611

M E M O R A N D U M

TO: Mr. John Elliott
Executive Director
Legislative Affairs Agency

February 24, 1975

FROM: Hugh Malone
Chairman
House Finance Committee

SUBJECT: Corrective Amendment AS 16.05.540 and AS 16.05.670(e)

Attached is a recent District Court Decision providing for a narrow interpretation of the Statutes regulating the operation of fishing gear. In my opinion the Court interpretation of the Statutes is too narrowly drawn, however, a strict interpretation of the Statutes might also be the same result on appeal. It is my belief that the Legislature intended that the gear license holder be present at the operation of fishing and that it take place under his direct charge and supervision. I am sure that the Legislature did not intend that the gear license operator had to have his hand on the net every time his helper did. Therefore I would request that you prepare corrective Amendments to the above Statutes, which would make very clear that the legislative intent is that the gear license holder must be present at the fishing site or on the boat during the operation of fishing and the gear operation take place under his supervision and control. I would appreciate having this bill as soon as possible. Thank you.

24
1975

Attachment

HM:ki's



LAW OFFICES OF
HAHN, JEWELL & STANFILL

A. ROBERT HAHN, JR.
ALLEN L. JEWELL
STAN B. STANFILL

542 WEST SECOND AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE 278-1544

HOMER, ALASKA
TELEPHONE 243-0709
SENAI, ALASKA
TELEPHONE 283-7759

October 1, 1974

Mr. Marvin Eppes
2751 N. Crosby Road
Oak Harbor, Washington 98277

Dear Marvin:

I today received and enclose for your examination the memorandum opinion by Judge Nicholas in your set net cases. As you can see, the court has taken the position that all persons holding licenses must be present at and physically assist in all operations of the fishery from the time the net is put into the water until its taken out. I believe that the position he has taken is an extremely strict interpretation of the statutes and might very well be open to amendment either by the legislature here in Alaska or in a higher court proceeding.

I talked with Judge Nicholas today and he indicated to me that he would really like to see the case appealed to a higher court and I got the impression that his initial opinion took a very narrow position as to "assistance" under the statutes in hopes that the matter would be appealed to a higher court. The Judge was extremely friendly in his conversation and indicated that he was grateful to the parties for proceeding as they had and getting all of the evidence on the record. All of which is, of course, small comfort in view of the fact that we felt that our position was correct and it is disappointing to have the court adopt such a restrictive definition of assistance.

The Judge told me that he would continue the matter for whatever period of time I needed to confer with you and possibly any other set net fishermen who might wish to combine their resources and challenge the decision. Thus, as you can see, the court is not treating the proceeding in any way as a criminal action, and is in fact eager to have the matter resolved at a higher level. The Judge indicated that he would ask only a very nominal fine

Mr. Marvin Eppes
October 1, 1974
Page 2


If you did not decide to press your appeal, such fine amounting to \$50 each for you, Jim, and Dick. The case as to Tom Anderson was, as you know, dismissed so there would be no fine in that regard. I have enclosed a copy of the Order of Dismissal as to Tom so that you can provide him with a copy of same.

Obviously the cheapest and easiest way for you to go would be to pay the fine and let the matter drop. An appeal to a higher court would run at a minimum around \$5,000 I'm sure before we got through. This would only be feasible if you could get up a joint effort with a number of other fishermen in the area. I would suggest that if you would consider an appeal, that you write to any of your friends who do fish the beach and ask them if they would be willing to contribute a certain amount to take the question of assistance up on appeal to a higher court. It would certainly appear to me that under the definition of assistance as rendered by the Kenai Judge, that it will be very difficult for other set net fishermen to remain strictly legal at all times. I would be delighted to handle the appeal as you well know, however, if it is the consensus of you and your fellow fishermen that some other attorney might do a better job, I will understand completely and will be only too happy to assist whoever is chosen for the task in his preparation with any information that I have as a result of handling the initial hearing.

It has been a real pleasure getting to know you and your fine family and we will definitely be looking forward to seeing you next spring. Please let me know as to your thinking with regard to the question of an appeal as soon as possible.

With warmest personal regards to you,

HAHN, JEWELL & STANFILL



A. Robert Hahn, Jr.

ARI/da
enclosure

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT
AT KENAI

STATE OF ALASKA,)
Plaintiff,)
vs.)
MARVIN E. EPPES,)
Defendant.)

No. 74-10538 & 74-10636

MEMORANDUM OPINION

The statutes that the court is called upon to interpret are A.S. 16.05.540 and 16.05.670(e). The thrust of the two statutes as they pertain to the complaint at bar is two-pronged: (1) In order to operate a gill net one must have a license issued by the State; and (2) Such nets as are permitted by law may not be utilized unless the person to whom the nets are licensed operates or assists in the operation. It is the construction to be placed on the underlined language that will be taken up in this opinion.

Counsel for Defendant would have the Court rule that almost any single act required for gill net fishing would be a sufficient act for a person to be "assisting" in the operation of his set gill net. Using this rational if a person assisted in loading his nets into a boat, he need never be present while his nets were being fished by other person. It is this Courts opinion that the Legislature put the words "or assists" for the simple reason of allowing the licensee the opportunity of having some other person assist him in the legal operation of his fish nets should this become necessary.

First, the Court is called upon to define the word operation as it pertains to the use of gill nets. Or, more specifically, what activities are encompassed by the term and what activities are not to

be considered as part of the operation of the nets. The Court has been unable to find any cases that specifically define "operation" as it applies to fishing with nets. The word has been defined in general and non-specific terms: "operation" is doing some act or performance of some type of service, work, deed, production, creation or product of work". Wierman S.S. Corp. V. Snow, 222 F. Supp 892, 897 (Dist. Ct. Ore. 1963). It is quickly apparent that this definition does little to help us here. In Dale V. Saunders Bros., 157 N.Y.S. 1062, 171 App. Div. (1916) the Court dealt with the question of what was encompassed by the phrase "operation of a horse-drawn vehicle." The Court stated, at p. 1063, "the 'operation' of a vehicle drawn by horses, referred to in Workmen's Compensation Law.....as a hazardous employment is not confined merely to moving the vehicle, but relates to everthing incident to the employment, and includes the loading of a wagon with sand in the course of employment. (emphasis added). The rationale of this holding may be readily applied to the statutes at issue here. The legislature obviously intended to restrict the use of the gill nets, to some degree, to those persons to whom the nets were licensed. For if this were not their purpose there would be no justification for either the statute or the language requiring the licensee to personally participate in the utilization of the nets. With this conclusion in hand and mindful of the language in Dale V. Saunder supra, the operation of a gill net should include all activities involved in (1) placing the nets in the water; (2) the periodic checking of the nets and all activities necessary to such checking, including but not necessarily limited to pulling up the nets for this purpose, removing any fish from the nets, and returning the nets to the water after such checking; and (3) removing the nets from the water after the period for gill-net fishing has ended. All of these activities should be performed by the person to whom the nets are licensed, or at least partly performed by him in the event that assistance is required. ^{*} Conversely, none of these activities should be permitted without the participation of the licensee. Similarly, it should not be sufficient under the statute for

a licensee to direct from the shore any of the above mentioned activities when they are being undertaken by others in a boat; nor from a boat when the activities are being performed on shore.

By passage of the statute the legislature intended to restrict the use of gill nets to those in possession of a valid license. And the application for and acceptance of the license signifies an agreement by the licensee to abide by the statutes. For all of these reasons, and mindful of the general rule that criminal statutes are to be narrowly construed, the Court will consider a somewhat narrow construction of the word 'operation' to those activities directly related to gill net fishing.

In the same vein the Court will require, under the language of the statutes permitting a licensee to assist in the operation of the gear, the same type of affirmative conduct in furtherance of successful gill net fishing. In 1960 OP. Atty Gen No. 12, the attorney general stated that the licensee must assist in the operation of the licensed gear (nets). The presumption leaps out that active and affirmative participation in the utilization of the gill nets in accordance with the guidelines suggested above is required by the statute. The legislation was aimed at prohibiting one person from operating gill nets licensed to another and that is precisely the conduct engaged in by the defendant in this case.

In view of the above, it is the Courts opinion that a licensee must be present at, and physically assist, in all operations of gill net fishing, from the time the net is placed in the water, until it is removed from the water at the close of the fishing period; however, he may be assisted by any other person who is licensed as a commercial fisherman, should the need arise.

DATED this 24 day of September, 1974 at Kenai,
Alaska.


MAGISTRATE

February 14, 1975

Governor Jay Hammond
Capitol Hill
Juneau, Alaska

Honorable Sir,

Cook Inlet Fishermen's Fund members present at a February 9, 1975 meeting strongly recommend that we start Cook Inlet on a minimum of a three (3) day (18 hour periods) a week fishery, as even a three day per week fishery is a test fishery.

This recommendation is made on the basis that there has never been adequate evidence that the type of closures that we have had helps build the salmon runs. For example, the King Salmon and early Red Salmon closure for the past 13 years. (The Department of Fish & Game still doesn't know the strength of these runs.)

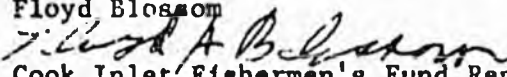
If on a three day per week fishery we find that any given stream still is lacking an adequate escapement, let us enhance this stream with the use of gravel incubators.

Another matter that we are all concerned with is the decision made by Magistrate Jess Nicholas last fall in regards to the case of State of Alaska vs. Marvin E. Eppes Case No. 74-10636 & 74-10538 defining what the word "assist" means in Section 16:05.540 'Limitation of Fishing' Gear Licenses in the Commercial Fishing Regulation book page 7.) Enclosed is a copy of the above case. Having fished before, you no doubt realize that legal gill net fishing will be virtually impossible under the above ruling.

We feel the Legislature should amend or change the wording to read: (Section 16:05.540 Limitations of Fishery - on issuance of Fishing gear licenses.) "Assist" shall be defined as being present on the location and helping with any portion of the operation. Any other licensed crew member may also operate or assist in the operation of the above said gear.

This is protection a family set Gill Net Unit must have; and can see where problems might also arise aboard a drift Gill netter.

Floyd Blossom


Cook Inlet Fishermen's Fund Representative

Enc. 2

copies to: W.I. Palmer - Executive Secretary
Clem Tillion - Senator
Representative - Hugh Malone
Representative - Leo Rhodes
Jim Reardon - Board of Fish & Game
James Brooks.- Comm. of Fish & Game

House Resource Committee
Nels A. Anderson, Jr - Chairman
Room 106 Capitol Bldg.
Meeting Time 8:00 a.m.

HOUSE RESOURCE COMMITTEE SCHEDULE

March 31- HB #130 and HB 241

HB #130- An act relating to initial issuance of commercial fishing entry permits for Prince Williams Sound.

HB #241- An act relating to the operation of fishing gear.

April 2- HJR #13 and HB #312

HJR #13- Relating to the Perenosa timber sale of Afognak Island.

HB #312- Relating to King Crab marketing and control

April 4- HB #278 and HB #313

HB #278- Fishery Water Protection Reports

HB #313- Relating to interference with or pollution of water inhabited by fish or shellfish.

JOINT HOUSE-SENATE CONFIRMATION HEARINGS ON:

FISH AND GAME BOARD MEMBERS

April 8- Hearing on: Mr. Nick Gregory, Egegik; Mr. Nick Szabow, Kodiak;
Mr. Darrell Farman, Anchorage;

2:00 p.m., Room 106 Capitol Bldg.

April 10- Hearing on: Mr. Burton Bliss, Wasilla; Mr. Gordon Jensen, Petersburg;
Mr. Jim Beaton, Juneau; Mr. Clint Buckmaster, Sitka;

2:00 p.m., Room 106 Capitol Bldg.

HOUSE RESOURCES COMMITTEE REPORT

HB # ~~241~~ HB ~~241~~

241

A recent court case has interpreted AS 16.05.540: so restrictively as to require a gear licensee to actually have his hands on each net each time the net is placed, checked, and removed, during rather than just being present at the site of the immediate fishing operation while a crew member acted at his instruction. The original legislative intent was only to keep licenses from being operated by "remote control" from a town on shore or even from Seattle.

The current bill, including a minor amendment suggested by the sponsor, would instead require that the licensee be present "at the gear site and operating, assisting, or supervising the immediate fishing operation," which would more closely fit the original legislative intent and still take into account practical realities of commercial fishing.

HB

269

"An Act expanding the Battery Point State Recreation Area; and providing for an effective date."

COMMITTEE REPORT

3/6/75

HOUSE

Mr. Speaker:

Date 3-20-75

The Committee on Resources has had HB 269

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 HB 269 AND THAT

CS FOR HB 269 DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

Nels A. Anderson, Jr. _____
Thomas Hershberger _____
Alvin St. Pierre _____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Nels A. Anderson, Jr. Chairman



CITY OF HAINES

PHONE 766-2571 — POST OFFICE BOX 239 — HAINES, ALASKA

March 19, 1975

Mr. Guy Van Doren
Legislative Assistant
State Capitol Building
Pouch V
Juneau, Alaska 99801

Dear Mr. Van Doren:

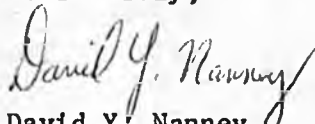
In reference to our telephone conference today and your request for clarification of City and Borough Council preferences for naming the State Park development on the Chilkat Peninsula south of Haines

Please be advised that the primary intent was that the name of the development on the peninsula be called "Chilkat State Park."

Other contending names were: "Battery Point State Park," and "Battery Point Recreation Area" (as per the original proposal). The use of the Battery Point name is not distinctive but seemed to State Parks personnel to eliminate confusion between the proposed Park and the overall proposed "Chilkat Recreation District," which would encompass all State parks and recreation development Borough-wide.

Please keep us informed of the progress of your work, especially in the event you require additional information to finalize the text of the bill. Mr. Chuck Horner of Haines assisted State Parks with recent re-evaluation of their development concepts in the Haines Area, and he will be contracted to assist with research and planning leading to finalization of the State Park development program. He would be an excellent source of additional information.

Yours truly,



David Y. Nanney
Administration & Planning Officer

CITY OF HAINES

PHONE 766-2571 — POST OFFICE BOX 239 — HAINES, ALASKA 99827

March 12, 1975

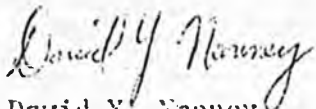
Mr. Hilton Wolfe
Southeast Director
Division of Parks and Recreation
Department of Natural Resources
Pouch M
Juneau, Alaska 99801

Dear Hilton:

Enclosed please find resolutions pertaining to the Haines Area parks and recreation development presently under discussion in the Legislature. The resolutions represent the unanimous opinion of both the City Council and Borough Assembly.

The representatives of the community are aware that the development of additional parks and recreation facilities in this area will provide increased environmental protection during the high use period of the summer tourist season, and will provide the much needed economic advantage of a potential year-round visitor activity.

Yours truly,



David Y. Nanney
Administration & Planning Officer

Enclosures

DEPARTMENT OF
NATURAL RESOURCES

MAR 14 1975

RECEIVED
JUNE 14, 1975

RESOLUTION OF THE HAINES BOROUGH ON THE USE OF THE NAME "CHILKAT" IN CONNECTION WITH STATE PARKS AND RECREATION DEVELOPMENT, AND IN SUPPORT OF THE "CHILKAT STATE PARK" AND "CHILKAT STATE RECREATION DISTRICT" CONCEPTS

WHEREAS, The Haines Borough Assembly has participated extensively in public hearings on the matter of State Parks development in the Haines Area, and

WHEREAS, The Borough has demonstrated its interest in parks and recreation development by the recent construction of trails in the proposed Battery Point Recreation Area in full cooperation with the State Division of Parks, and the State Highway Department; and

WHEREAS, Further parks and recreation development will serve the vital public needs by providing adequate facilities for the large influx of summer visitors, providing recreation areas for Alaskan users, and will directly benefit the Haines Area economically, and

WHEREAS, The name "Chilkat" is well established as the historical name for many of the geographic features in the region and is the name of the native Alaskan tribal group which achieved great recognition during its era of ascendancy.

THEREFORE BE IT RESOLVED THAT:

- V 1) The Haines Borough Assembly supports the use of the name "Chilkat State Park" for the proposed Battery Point Recreation Area on the Chilkat Peninsula south of the City of Haines.
- 2) The Governor of the State of Alaska officially proclaim the Chilkat State Park into existence as authorized by the Legislature of the State of Alaska.
- 3) The Assembly supports the use of the name "Chilkat State Recreation District" for all Parks development Borough-wide to include trail corridors, and expanded facilities in selected areas of special use, scenic and/or historic interest.
- 4) The Borough supports all efforts by the Legislative and Executive Branchs of the State government, and personnel of the State Division of Parks to firmly establish State Parks and Recreation facilities in appropriate areas of the Borough.
- 5) The Haines Borough shall continue to coordinate with State authorities in terms of Borough participation in development of Parks and Recreation Areas in-so-far as Borough resources are available.

Copies of this Resolution shall be sent to the direct political representatives of the Haines Borough in the State government, the State Division of Parks, and the Office of the Governor.

DATED: March 4, 1975

HAINES BOROUGH

BY: Raymond R. Menaker
RAYMOND MENAKER, MAYOR

ATTEST: Gene B. Smith
CLERK

SEAL

CITY OF HAINES

PHONE 766-2571 — POST OFFICE BOX 228 — HAINES, ALASKA 99824

RESOLUTION NO. 31075

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF HAINES ON THE USE OF THE NAME "CHILKAT" IN CONNECTION WITH STATE PARKS AND RECREATION DEVELOPMENT, AND IN SUPPORT OF THE "CHILKAT STATE PARK" AND "CHILKAT STATE RECREATION DISTRICT" CONCEPTS.

WHEREAS, There have been several public hearings on the matter of State Parks development in the Haines Area, and

WHEREAS, Further parks and recreation development will serve vital public needs by providing adequate facilities for the large influx of summer visitors, providing recreation areas for Alaskan users, and will directly benefit the Haines Area economically, and

WHEREAS, The name "Chilkat" is well established as the historical name for many of the geophysical features in the region and is the name of the native Alaskan tribal group which achieved great prominence during its era of ascendancy, and

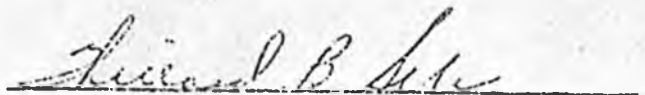
WHEREAS, The City of Haines has a special interest in ensuring that proposed City Parks and Recreation Facilities are coordinated with State of Alaska proposals of similar facilities;

THEREFORE BE IT RESOLVED THAT:

- 1) The Common Council of the City of Haines supports the use of the name "Chilkat State Park" for the proposed Battery Point Recreation Area on the Chilkat Peninsula south of the City.
- 2) The Council supports the use of the name "Chilkat State Recreation District" for all Parks and Recreation development in the Haines Region.
- 3) The Council desires that City of Haines Parks and Recreation proposals be integrated into State planning in-so-far as there is mutual benefit, specifically the development of: Port Chilkoot Facilities for tourist information, museum, and recreation purposes; an area owned by the City along the waterfront for the preservation of a historic cemetery site and the provision of park facilities for tourists and local use; and the development of a small park and picnic area on State land overlooking the waterfront and located in the NW 1/4 of Sec. 26, T30S, R59E, C.R.M. and which is adjacent to the existing Mr. Riplinski Trail.

- 4) The Council supports Legislative and Executive Branch action which will finalize the establishment of the proposed Battery Point Recreation Area (Chilkat State Park).

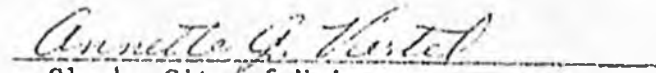
COPIES of this resolution shall be sent to the direct political representatives of the City, the Office of the Governor, and the State of Alaska Division of Parks.



Willard B. Seie, Mayor

CERTIFICATE

I, ANNETTE G. VIERTTEL, being the duly appointed and acting City Clerk of the City of Haines, Alaska, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Haines on the 10th day of March, 1975. Said resolution was adopted at a meeting which was properly called and held.



Annette G. Viertel
Clerk, City of Haines

HAINES CHAMBER OF COMMERCE

Haines, Alaska 99827

NORTHERN GATEWAY TO THE ALASKA MARINE HIGHWAY
HOME OF THE FAMOUS CHILKAT DANCERS

March 18, 1975

Ms. Kay Torzy, Planner
Division of Parks
Dept. of Natural Resources
323 E. 4th St
Anchorage, Alaska 99501

Dear Ms. Torzy:

The Haines Chamber of Commerce requests a visit from you for a joint meeting with the Haines City Council, the Haines Borough and members of the Chamber of Commerce to provide us with the advantages offered by BOR and the development of the Haines area as to parks, recreation areas and trails.

Mr. Neal Johansen and Hilton Wolf have visited us several times and we hope to see them back in support of the HB to establish a recreation area in the Haines Borough. We certainly want to thank the Division for supporting our views and desires.

We believe a visit from you would be a great help. Please advise if this is possible. We have an advisory committee set up to aid the Division of Parks, the makeup of which is the undersigned Charles Horner, Elisabeth Hakkinen (Historian), Paul Swift, an outdoorsman. We are also seeking a Tlinget Indian person to join the committee, or possibly a High School senior. Mr. Horner is a very knowledgeable person in trails and camping activities, both as a civic leader and as a professional in the field of guided tours et al.

May we hear from you on the matter?

Sincerely,

HAINES CHAMBER OF COMMERCE

Carl W. Heinmiller, Chairman
Resources Committee

cc: Larry Talbert, Gov. Office
Bob Weeden, State Planning
Hilton Wolf, Div of Parks,
Juneau

Chuck Horner
Co-Chairman

CWH/g

HAINES CHAMBER OF COMMERCE

Haines, Alaska 99827

NORTHERN GATEWAY TO THE ALASKA MARINE HIGHWAY
HOME OF THE FAMOUS CHILKAT DANCERS

March 19 1975

The Hon. Nels Anderson, Chairman
Natural Resources Committee
of the House
Pouch V
Juneau, Alaska 99801

Dear Mr. Chairman:

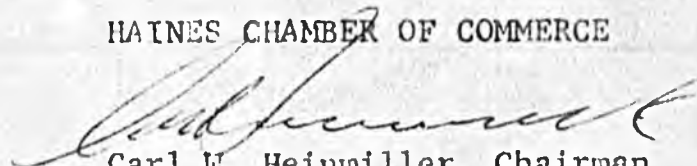
In action taken by the Haines Chamber of Commerce the City and Borough of Haines and the Haines Camp of the Alaska Native Brotherhood and Sisterhood, it is desired that the name for the proposed recreation area be "Chilkat State Park". We definitely desire the use of the name "Chilkat" and want "Park" status.

All the proposed boundaries exclude any private property owners and/or fishing camp sites, of which there is only one at the very southern end of the proposed park. Access to the southern expansion area will go through private property, but again, the State is assured of free access.

We appreciate your consideration of this action

Sincerely, :

HAINES CHAMBER OF COMMERCE



Carl W. Heinmiller Chairman
Resources Committee

CWH/g

ROBERT W. HIATT
PRESIDENT



UNIVERSITY OF ALASKA
OFFICE OF THE PRESIDENT
FAIRBANKS, ALASKA 99701

March 19, 1975

The Honorable Nels A. Anderson, Jr.
Chairman, House Resources Committee
State of Alaska
Juneau, Alaska

Dear Representative ^{Nels}Anderson:

Reference is made to House Bill 269, an act expanding the Battery Point State Recreation Area.

The land area described by the above act includes 480 acres of University of Alaska Trust land. If this act is to pass, we would like to see provisions included for the compensation for the land to be paid into our permanent trust fund. ~~The present act as written does not respond to this~~ problem. Another alternative that might be tried would be the inclusion of instructions to the Division of Lands of the Department of Natural Resources to trade the University for a like acreage in some other area where we could derive some income in future years.

Should there be a hearing on this matter, we would be pleased to present testimony.

Sincerely,

A handwritten signature in cursive script that reads "Bob".

Robert W. Hiatt
President

RWH:dm

cc: Al George
Director, Land Management, U of Alaska

CITY OF HAINES

PHONE 766-2571 — POST OFFICE BOX 239 — HAINES, ALASKA 99827

March 12, 1975

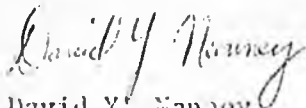
Mr. Hilton Wolfe
Southeast Director
Division of Parks and Recreation
Department of Natural Resources
Pouch N
Juneau, Alaska 99801

Dear Hilton:

Enclosed please find resolutions pertaining to the Haines Area parks and recreation development presently under discussion in the Legislature. The resolutions represent the unanimous opinion of both the City Council and Borough Assembly.

The representatives of the community are aware that the development of additional parks and recreation facilities in this area will provide increased environmental protection during the high use period of the summer tourist season, and will provide the much needed economic advantage of a potential year-round visitor activity.

Yours truly,



David Y. Nanney
Administration & Planning Officer

Enclosures

DEPARTMENT OF
NATURAL RESOURCES

MAR 14 1975

RECEIVED
JUNEAU, ALASKA

RESOLUTION OF THE HAINES BOROUGH ON THE USE OF THE NAME "CHILKAT" IN CONNECTION WITH STATE PARKS AND RECREATION DEVELOPMENT, AND IN SUPPORT OF THE "CHILKAT STATE PARK" AND "CHILKAT STATE RECREATION DISTRICT" CONCEPTS

WHEREAS, The Haines Borough Assembly has participated extensively in public hearings on the matter of State Parks development in the Haines Area, and

WHEREAS, The Borough has demonstrated its interest in parks and recreation development by the recent construction of trails in the proposed Battery Point Recreation Area in full cooperation with the State Division of Parks, and the State Highway Department, and

WHEREAS, Further parks and recreation development will serve the vital public needs by providing adequate facilities for the large influx of summer visitors, providing recreation areas for Alaskan users, and will directly benefit the Haines Area economically, and

WHEREAS, The name "Chilkat" is well established as the historical name for many of the geographic features in the region and is the name of the native Alaskan tribal group which achieved great recognition during its era of ascendancy.

THEREFORE BE IT RESOLVED THAT:

- 1) The Haines Borough Assembly supports the use of the name "Chilkat State Park" for the proposed Battery Point Recreation Area on the Chilkat Peninsula south of the City of Haines.
- 2) The Governor of the State of Alaska officially proclaim the Chilkat State Park into existence as authorized by the Legislature of the State of Alaska.
- 3) The Assembly supports the use of the name "Chilkat State Recreation District" for all Parks development Borough-wide to include trail corridors, and expanded facilities in selected areas of special use, scenic and/or historic interest.
- 4) The Borough supports all efforts by the Legislative and Executive Branches of the State government, and personnel of the State Division of Parks to firmly establish State Parks and Recreation facilities in appropriate areas of the Borough.
- 5) The Haines Borough shall continue to coordinate with State authorities in terms of Borough participation in development of Parks and Recreation Areas in-so-far as Borough resources are available.

Copies of this Resolution shall be sent to the direct political representatives of the Haines Borough in the State government, the State Division of Parks, and the Office of the Governor.

DATED: March 4, 1975

HAINES BOROUGH

BY: Raymond R. Menaker
RAYMOND MENAKER, MAYOR

ATTEST: Vera B. Smith
CLERK

SEAL

CITY OF HAINES

PHONE 766-2571 — POST OFFICE BOX 239 — HAINES, ALASKA 99824

RESOLUTION NO. 31075

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF HAINES ON THE USE OF THE NAME "CHILKAT" IN CONNECTION WITH STATE PARKS AND RECREATION DEVELOPMENT, AND IN SUPPORT OF THE "CHILKAT STATE PARK" AND "CHILKAT STATE RECREATION DISTRICT" CONCEPTS.

WHEREAS, There have been several public hearings on the matter of State Parks development in the Haines Area, and

WHEREAS, Further parks and recreation development will serve vital public needs by providing adequate facilities for the large influx of summer visitors, providing recreation areas for Alaskan users, and will directly benefit the Haines Area economically, and

WHEREAS, The name "Chilkat" is well established as the historical name for many of the geophysical features in the region and is the name of the native Alaskan tribal group which achieved great prominence during its era of ascendancy, and

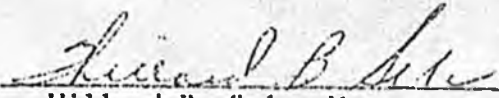
WHEREAS, The City of Haines has a special interest in ensuring that proposed City Parks and Recreation Facilities are coordinated with State of Alaska proposals of similar facilities;

THEREFORE BE IT RESOLVED THAT:

- 1) The Common Council of the City of Haines supports the use of the name "Chilkat State Park" for the proposed Battery Point Recreation Area on the Chilkat Peninsula south of the City.
- 2) The Council supports the use of the name "Chilkat State Recreation District" for all Parks and Recreation development in the Haines Region.
- 3) The Council desires that City of Haines Parks and Recreation proposals be integrated into State planning in-so-far as there is mutual benefit, specifically the development of: Port Chilkoot facilities for tourist information, museum, and recreation purposes; an area owned by the City along the waterfront for the preservation of a historic cemetery site and the provision of park facilities for tourists and local use; and the development of a small park and picnic area on State land overlooking the waterfront and located in the NW 1/4 of Sec. 26, T30S, R59E, C.R.M. and which is adjacent to the existing Mt. Ripinski Trail.

- 4) The Council supports Legislative and Executive Branch action which will finalize the establishment of the proposed Battery Point Recreation Area (Chilkat State Park).

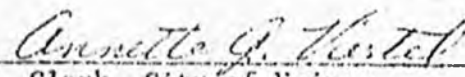
COPIES of this resolution shall be sent to the direct political representatives of the City, the Office of the Governor, and the State of Alaska Division of Parks.



Willard B. Sele, Mayor

CERTIFICATE

I, ANNETTE G. VIERTTEL, being the duly appointed and acting City Clerk of the City of Haines, Alaska, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Haines on the 10th day of March, 1975. Said resolution was adopted at a meeting which was properly called and held.



Annette G. Viertel
Clerk, City of Haines

HB

278

MEMORANDUM

State of Alaska

TO: Honorable Jay S. Hammond
Governor

DATE: February 6, 1975

FILE NO:

TELEPHONE NO:

FROM: James W. Brooks
Commissioner
Department of Fish and Game

SUBJECT: Applicability of AS 16.05.870
(Protection of Anadromous Fish
Streams) on certain Federal
lands.

Recent developments on several fronts have caused us great concern re: the applicability of AS 16.05.870 (Protection of Anadromous Fish Streams) on certain Federal lands. This statute is the backbone of our efforts to protect fish and wildlife habitat from harmful effects of development. In recent weeks our authority to protect designated anadromous fish streams has been denied, specifically or by implication, (1) on National Forest lands (2) within the Alyeska Pipeline Corridor and (3) on Petroleum Reserve Number Four. Non-compliance with AS 16 provisions in these areas could cause very significant degradation of fish and wildlife resources and set a dangerous precedent for the rest of the Federal lands in Alaska, as well as (by extension) in OCS areas.

The specifics of the problem in the three areas are summarized below. It has been difficult to get written statements from responsible Federal officials, but their words and actions make it plain that they are reluctant to recognize our AS 16 authority.

1) National Forest Lands: The US Forest Service has never formally acknowledged our permitting authority on National Forest lands, but has in the past been at least grudgingly cooperative in our efforts to insure that logging complied with AS 16,05,870. The Leo Nelson Case, involving Starrigavan Creek (a catalogued anadromous fish stream) seems to have changed this spirit, however. We have a January 16, 1975 Forest Service memorandum which says in part:

"ADF&G feels that we must obtain permits for any activity that affects salmon streams. However, until they win their appeal in the Starrigavan Case, the Forest Service does not feel their permits are required. The decision in the Starrigavan Case recognizes the supremacy of Federal law and the Forest Service's direction from Congress and the Secretary of Agriculture over State law."

(nb: This case was brought under AS 16.10.010.)

2) Alyeska Pipeline Corridor: General Rollins, Authorized Officer (Secretary Morton's representative) for the Alyeska Pipeline Project has refused to acknowledge that AS 16 permits are required for stream crossings by the pipeline on Federal lands. He refuses to attach our permits to his "Notices to Proceed", and reportedly counsels Alyeska that they do not need such permits. We have informed General Rollins through Chuck Champion that AS 16 applies to all catalogued streams on Federal, State or private lands, but he has not replied directly.

(3) Petroleum Reserve Number Four: Commander Schaeffer (USN), in charge of the massive exploration now beginning in Petroleum Reserve Number Four, has totally refused to cooperate when apprised of our concerns re: fish and wildlife values Pet. 4. In August 1974, we expressed our intention to regulate air cushion vehicle use on Pet. 4 under AS 16. He termed our concerns "ridiculous" and stated his belief that we had no authority whatever within the boundaries of Pet. 4. In fact, he requested that we inform him before any of our employees entered Pet. 4. He has failed to respond to a letter sent to him in September suggesting a meeting and cooperative agreement. The situation in Pet. 4 is especially troublesome because Federal agencies charged with wildlife protection (notably BLM and USF&WS) have been conspicuously absent. In addition to significant fish habitat, Pet. 4 contains not only the calving grounds for our largest caribou herd, but the world's largest concentration of Tundra Peregrine Falcons (classified "endangered" by State and Federal regulations), and the densest concentration of moose north of the Kenai Peninsula. Our concern is thus very great.

We would like to resolve the question of State vs Federal control over streams on Federal lands as quickly as possible.

Resolution could come in two ways:

1. ~~through agreement between the State and the Department of the Interior, Department of Agriculture and Department of Defense.~~
2. ~~Through litigation~~

Several Federal laws require Federal agencies to coordinate activities with State agencies. ~~Among these are the Fish and Wildlife Coordination Act (revised 1965), the Federal Water Pollution Control Act (revised 1972), and (in the special case of the Alyeska Pipeline) the Cooperative Agreement on fish and wildlife resources between Secretary Morton and Governor Egan.~~ We feel that these laws, especially in concert with NEPA, require a degree of compliance with AS 16. In addition, State ownership of navigable waters and the principles of State sovereignty argue for compliance. In light of these facts, it is difficult to imagine that the Secretaries in question could refuse to acknowledge our authority.

If no agreement is possible, we could orchestrate a test case in any of these areas to secure a court determination. In fact, it is likely we will have several cases on our hands quite soon if we enforce AS 16.05.870 vigorously the next few months.

We are taking the following steps in pursuit of this matter:

1. ~~We have written~~ to Charles Yates (Regional Forester, USFS), General Rollins and Commander Schaefer, explaining our concerns and asking for statements describing their ideas regarding AS 16 on lands under their jurisdiction.
2. ~~We have instructed our field personnel to cite any violations of AS 16 they observe on these lands.~~

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

SUPPORT BUILDING
JUNEAU 99801

February 8, 1975

Lieutenant Commander Schaefer
Officer in Charge
Naval Petroleum Reserve No.4
Barrow, Alaska 99723

Dear Commander Schaefer:

I am quite concerned that exploratory activities beginning in Petroleum Reserve No.4 may not be thoroughly considering fish and wildlife values in their planning and implementation. Certainly it will benefit the Navy as well as the resources involved if exploration activities are carried out in a manner resulting in a minimum of disturbance to fish and wildlife habitat, and my staff is prepared to give you every assistance they can in insuring that this is the case.

Involvement of knowledgeable biologists should be especially helpful since no environmental impact statement has been prepared for the exploration of Pet.4, pursuant to the National Environmental Policy Act.

Alaska Statute 16.05.870 requires the following on all lands in Alaska:

"(b) If a person or governmental agency desires to construct a hydraulic project, or use, divert, obstruct, pollute or change the natural flow or bed of a specified river, lake or stream, or to use wheeled, tracked, or excavating equipment or log-dragging equipment in the bed of a specified river, lake or stream, the person or governmental agency shall notify the commissioner of this intention before the beginning of the construction or use.

(c) The commissioner shall acknowledge receipt of the notice by return air mail. If the commissioner determines to do so, he shall, in the letter of acknowledgement, require the person or governmental agency to submit to him full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish and game in connection with the construction or work, or in connection with the use, and the approximate date the construction, work, or use will begin, and shall require the person or governmental agency to obtain written approval from him as to the sufficiency of the plans or specifications before the proposed construction or use is begun."

Lt. Commander Schaefer

-2-

February 8, 1975

I note that several major rivers (including the Colville, Kugrua, Kungok, Ivasaruk, and others) and their tributaries are "specified" rivers listed in our official Anadromous Fish Stream Catalog. I hope that you will urge your men and contractors to contact us as long before a projected stream crossing as possible, so that we might help insure compliance with this statute.

I am sure you are also aware of the relevance of the Fish and Wildlife Coordination Act (PL 89-72) and the Water Pollution Control Act (PL 92-500), as well as the National Environmental Policy Act, to your present operations in Pet.4.

I would appreciate your early reply concerning suggestions of how we might help you and your contractors comply with AS 16 provisions.

Sincerely,

James W. Brooks
Commissioner

cc: Honorable John W. Warner,
Secretary of the Navy



DEPARTMENT OF THE NAVY
OFFICER IN CHARGE
NAVAL PETROLEUM RESERVE NO. 4
BARROW, ALASKA 99723

PET4:S:s
5760
Ser: 073
21 FEB 1975

James W. Brooks, Commissioner
State of Alaska
Department of Fish and Game
Support Building
Juneau, Alaska 99801

Dear Mr. Brooks:

I have received and reviewed your letter of February 10, wherein you expressed concern over the effects our petroleum exploration program might have on the wildlife habitat. We share your concern and appreciate your offer of assistance in evaluating specific plans.

~~We presently have no plans calling for use of the beds of any of the streams mentioned in your letter.~~ It is planned that any freight movements will be made during winter months when the surface of all bodies of water are safely frozen.

It would be appreciated if you will send a complete listing of the "specified" rivers in Naval Petroleum Reserve No. 4 listed in your official Anadromous Fish Stream Catalog, or a copy of the catalog itself.

Sincerely,

R. V. Shafer, P. E.
LCDR, CEC, USN
Officer in Charge

Copy to:
DIRNAVPETRES, Wash DC (w/cy of
Commissioner Brooks' letter)

HABITAT
RECEIVED
MAR 5 1975

HEADQUARTERS
JUNEAU

RECEIVED
MAR 3 1975

DEPARTMENT OF FISH AND GAME

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

SUPPORT BUILDING
JUNEAU 99801

February 8, 1975

General Andrew Rollins
Authorized Officer
Alaska Pipeline Office
808 "E" Street
Anchorage, Alaska 99501.

Dear General Rollins:

I am concerned about your apparent decision not to include permits and stipulations under AS 16.05.870 as parts of your Notices to Proceed, when Alyeska projects involve designated anadromous fish streams. The agreement between Secretary Morton and Governor Egan regarding cooperative consideration of fish and wildlife during pipeline monitoring seems to direct us to administer jointly all State and Federal regulations where fish and wildlife are concerned.

I would appreciate your early reply explaining why AS 16.05.870 provisions might be excluded from your Notices to Proceed.

Sincerely,

James W. Brooks
Commissioner

cc: Chuck Champion

MEMORANDUM

TO: Commissioner James Brooks
Department of Fish and Game

DATE: February 26, 1975

FILE NO:

FROM: C. A. Champion *CA*
State Pipeline Coordinator

SUBJECT: Meeting Notes

Attached, for your information, is a memo by Jay Bergstrand of notes he took during a recent meeting regarding General Rollins' problems with Alaska Statute 16.

CAC/pb

attachment

MEMORANDUM

TO: C. A. Champion

DATE: February 21, 1975

FILE NO:

FROM: J. L. Bergstrand *JLB*

SUBJECT:

*Aleky's Pipeline
Office?*

A meeting was called by Andy Rollins at 3:00 p.m. February 20. In attendance were Jim Hemming, Al Carson and myself.

Gen. Rollins was concerned about the letter written by Commissioner Jim Brooks on February 10, and received today. Rollins apparently had never seen the Hydraulics Specification Addendum, which the JFWAT had been sending to (APO) along with their advices on fish and game concerns.

He did say that he wanted to go along with ADF&G Statutory needs and that the HCA would be included if the wording on the cover letter made it clear that it was ADF&G action. He did point out that ~~he was concerned over the State attempting to extend its jurisdiction over areas which it did not have authority~~ Federal Solicitors would be meeting with State A. G. people within 48 hours to clarify the Federal position on this and other similar matters. He also pointed out the recent decision by the State to drop its appeal of a recent court decision which was favorable to the Forest Service (This action in southeast was ADF&G concern over logging practices on salmon streams.) Rollins asked me how the SPCO was handling the HSA and I explained how we included it within the NTP package but not over the Coordinators signature.

Rollins pointed out that his decision to include the HSA in the NTP would ~~not be setting any precedence for accepting State Authority on the Federal lands involved.~~

State Pipeline Coordinators Office

NOTICE TO PROCEED

Hydraulic Specification Addendum

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, Governor

SUBPORT BUILDING
JUNEAU 99801

February 8, 1975

Mr. Charles Yates
Regional Forester
US Forest Service
709 West 9th Street
Juneau, Alaska 99801

Dear Mr. Yates:

We have a memorandum to "Files" from a US Forest Service Resource Management Assistant that says in part:

"ADF&G feels that we must obtain permits for any activity that affects salmon streams. However, until they win their appeal in the Starrigavan case, the Forest Service does not feel that permits are required. The decision in the Starrigavan case recognizes the supremacy of Federal law and the Forest Service's direction from Congress and the Secretary of Agriculture over State law."

If this is Forest Service policy, it is important that we know it so we might act accordingly. I would appreciate your early reply regarding Forest Service policy on the applicability of AS 16 on Forest Service lands.

Sincerely,

James W. Brooks
Commissioner

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
P.O. Box 1628, Juneau, Alaska 99802

1560
2600

Mr. James W. Brooks, Commissioner
Alaska Department of Fish and Game
Support Building
Juneau, Alaska 99801



L

Dear Jim:

This will acknowledge your letter of February 10, signed by Mr. Rosier, which refers to a memorandum to the files from one of our Resource Management Assistants. We have not seen the letter you refer to, do not know who wrote it, nor in what context it was written.

We presume the letter refers to a permit or license which would be obtained from the Department of Health and Welfare under AS 16.10.010 (3) before rendering water inaccessible or uninhabitable for salmon spawning or propagation purposes.

As you know, Jim, the Forest Service has never considered the need for permits for activities involving non-navigable streams on National Forest lands. To my knowledge we have not been asked to obtain such permits in the past. For one thing, we do not believe our activities are rendering waters "inaccessible or uninhabitable" since the precautions, developed in consultation with your staff, which we take are specifically designed to prevent that from happening.

We recognize, partially as a result of the Leo Nelson case, that our agencies do have differences in interpreting applicability of AS 16, and particularly AS 16.10.010. We hope most strongly that those differences will disappear through development of a mutual understanding and respect for each agency's goals and objectives in resource management. We intend that the requirements of our timber sales and other contracts provide the control necessary for the protection of the fishery values and water quality under the concept of multiple use management. We think that our proper enforcement of those requirements will accomplish the same objectives we believe AS 16 is intended to do.

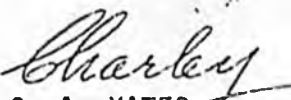
We believe our best chance of establishing strong working relations between us will be through our professional people responsible for

managing the resources. It would be most unfortunate for both our agencies if we had to resolve our differences through legal disputes.

Some of our people will already have met, when you receive this letter, for the purpose of clarifying problem areas and recommending solutions. We will be most disappointed if they do not identify many opportunities for promoting understanding and developing management practices that better recognize the needs of all the resources. If they cannot do that, our troubles are more serious than we presently believe.

~~This letter skirts a direct confrontation over your question regarding AS 16. That was intentional~~ and I hope my expressed thoughts explain why. We have not issued any policy direction to our field people that they will or will not obtain permits. We do not contemplate issuing such direction and certainly hope the approach of working together to provide the needed protection will be found to be the desirable way to go.

Sincerely,


C. A. YATES
Regional Forester

RECEIVED
MAY 3 1975
SIGNER'S OFFICE
DEPARTMENT OF FISH AND GAME

MEMORANDUM

State of Alaska

TO: Bob LeResche
 Chief - Habitat Protection
 Department of Fish and Game
 Juneau

DATE: January 29, 1975

FILE NO:

TELEPHONE NO:

FROM: J. Scott Grundy *Scott*
 Regional Habitat Supervisor
 Habitat Protection Section
 Fairbanks

SUBJECT: Petroleum Reserve No. Four

As discussed, I am extremely disturbed about the lack of cooperation (total) we have received from Commander Shaefer who is the officer in charge of Pet. Four. Attached is a copy of the carbon of the letter sent to Shaefer last September. I did not receive a response. Prior to that occasion, I spoke with him at least once regarding the hovercraft operation and discussed our authority and concerns. ~~He termed the event, "ridiculous."~~

Tom Trent recently informed me that approximately 150 miles of seismic line have been shot within Pet Four this winter and I know of at least two exploratory gas wells also being drilled this winter. GSI will soon shoot three programs in the area: one 70 to 75 miles south of Barrow near the Meade River; another, twenty miles southeast of Barrow down the western side of Admiralty Bay; and the third, about 15 miles southwest of Teshepuk Lake.

~~In my contacts with state and federal agencies all appear frustrated by the situation yet I believe none are really forcing the issue. Since this is occurring in my "kingdom" I believe I must know whether we do or do not have Title 16 authority in Pet Four. Unfortunately, we are limited because there are relatively few anadromous streams in Pet Four. I needn't explain the value of the area to fish and wildlife resources to you but since the area is nearly the size of the state of Indiana I don't see how we can overlook the situation.~~

Please advise Jim and I suggest we obtain an opinion from Attorney General Gross at the earliest possible date.

~~If in fact, we do have authority, I would prefer to see a unified state-federal pressure directed to the Washington level.~~

I see this as a priority item and would very much appreciate your earliest attention to this frustrating situation.

Enclosure

cc: G. Van Wyhe - SF Fairbanks
 R. Regnard - CF Anchorage
 R. Hinman - Game Fairbanks
 P. Cizmich - Habitat Anchorage

HABITAT
RECEIVED
 JAN 31 1975

HEADQUARTERS
 JUNEAU

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

1300 College Road

XXXXXXXXXXXX

September 3, 1974

Lt. Commander Schaefer
Officer in Charge
Naval Petroleum Reserve No. 4
Barrow, Alaska

Dear Lt. Commander Schaefer:


As agreed in our conversation of August 28, 1974 attached is a copy of pertinent portions of Alaska Statutes Title 16 which explain the authority of the Commissioner of the Department of Fish and Game over the fish and wildlife resources in Alaska. There are several drainages within Petroleum Reserve No. 4 classified as anadromous such as the Colville, Rugrua, Kungok, Ivisaruk, Kuk, Avak, etc. A new printing of the anadromous stream catalog will be available in the near future and I will be certain you receive a copy.

I am sorry for the confusion that has developed regarding the use of the air cushion vehicle in the Umiat area, but I do not believe the confusion was the fault of this department.

I am by way of a copy of this letter alerting the supervisors within this region of our department of your request that you be notified prior to our conducting any business within the boundaries of the Petroleum Reserve.

I am looking forward to meeting you in the near future and suggest we develop a memorandum of understanding to assure proper coordination and cooperation.

Sincerely,


J. Scott Grundy
Regional Habitat Supervisor

Enclosure

cc: R. Hinman - Game Fairbanks
G. Van Wyhe - Sport Fish Fairbanks
R. Regnart - Commercial Fish Anchorage
M. Smith - Habitat Juneau

JSG:tj

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

REPLY TO 2430 Commercial Timber Sales

January 10, 1975

SUBJECT: Communications with ADF&G

TO: Files



We apparently have a bad communications problem with ADF&G. Maybe the scheduled meeting with ADF&G will help.

In my original memo of 9/26/74, I asked for recommendations on protective requirements necessary to prevent logging damage to Exchange Creek and outlined the manner in which we were planning to log the unit at that time. On October 23, we received a letter from ADF&G opposing this unit for fisheries reasons. The specific comments were made without visiting the stream and unit, and were unrealistic, solvable, or based on misconceptions. In an October 23 memo, Dennis Blankenbeckler recommended that the Exchange Creek unit and unit 17-6 not be logged because they violate the wildlife guidelines.

On November 6, Dennis Blankenbeckler, Fred Harnisch, Dave Loggy, Bradley Brahy from ADF&G and I visited the Exchange Creek unit. Brahy recommended; 1) no YUM yarding, 2) remove trees felled into the creek immediately after cutting, 3) grass seed any stream bank damage, 4) flag natural windfalls to be removed, 5) cut the unit in June. These recommendations are realistic and would have been followed.

When we were at Exchange Creek, Don Koenig suggested that we also look at three proposed bridge crossings, which we did. Brahy recommended that long stringers be used on one stream and that all bridges be built in June if possible. The June construction date for all bridges would be impossible to meet, but the recommendations were realistic.

In two November 8 memos, Don Siedelman and Bob Wood made recommendations concerning the Exchange Creek unit. Siedelman recommended that trees be lined away from the creek, falling and yarding take place between May 1 and May 15, and that if windthrow need to be pulled from the creek, it be done between the above dates. These recommendations were also realistic, although the time period is a little short to complete yarding. Bob Wood recommended that the Exchange Creek unit not be logged on the Cove side of the road, since this area is especially critical

for wildlife. I was prepared to accept this recommendation, however, when I discovered that I was mistaken on the exact location of the road and it was just barely inside the upper end of the appraised unit, I decided to defer this unit, and it will not be logged during this operating period.

The recommendations of individual ADF&G staff specialists are realistic, however, when we get composite recommendations, unrealistic and impractical stipulations are received. In a December 10 ADF&G letter, they stipulated, regarding the Exchange Creek unit, that a leave strip be left to prevent disturbance of the erosive stream banks and that there be no YUM yarding. Dave Loggy did not feel that the stream banks were especially erosive and they are still confusing YUM yarding with stream cleanup. Brahy, the only ADF&G man who has recently visited Exchange Creek, felt that some stream cleanup would be beneficial and suggested that the natural windthrow to be removed be flagged. Regarding the bridge crossings, they recommended that construction occur only in June and that no encroachment occur upon the stream or flood channels. The June timing is impossible unless the bridges were built in two separate construction seasons. The no encroachment stipulation would require 200-foot bridge stringers on one crossing.

In a December 30 memo, Dennis Blankenbeckler attempted to clarify the situation. He also stated that he did not believe that the adverse effects would be any more severe in April or May than in June.

ADF&G's January 8 response to Dennis Blankenbeckler's memo confuses the situation even more. Here they stated that their December 10 letter referred only to the Exchange Creek unit and the Exchange Creek bridge crossing. They said that "since we have been informed through other sources that this crossing has already been built", they considered it a moot point to continue discussing the Exchange Creek crossing. The Exchange Creek bridge was built last spring, and Bradley Brahy visited it on November 6. Fred Harnisch informs me that the Exchange Creek crossing was visited by Roger Lanse, our fisheries biologist at that time, and that he coordinated with ADF&G concerning the crossing. Regarding the three bridge crossings, ADF&G stipulated: 1) construction in July only, 2) No equipment in the stream at any time, 3) no encroachment upon the stream or flood channel, and 4) stringers long enough on crossing #1 to avoid encroaching upon the stream bank. It is impossible to build these bridges under these stipulations. Equipment must cross the stream to build the abutment on the other side. All bridges cannot be built in July or any other month. There are approximately 50 road crossings a year on fish streams in the Ketchikan Area and the construction