



483 HB - HB 54

that given sufficient time the deer population would recover but the time that apparently will be required is not acceptable to the residents who want to enjoy good hunting returns nor to those of us involved in the management of the wildlife resources.

Historical Information

Deer populations have fluctuated many times during the past throughout Region I, but to our knowledge, populations in Unit 3 are now lower than at any time since the early 1940's. There have been periods when Unit 3 had the highest deer population within the region. Deer were abundant in Unit 3 from 1956 through 1964. From 1965 through 1968 the area experienced a series of colder-than-average winters resulting in a steady decline in deer numbers. This decline was climaxed by the most severe winter in recent history in 1968-69 and another severe winter in 1971-72. Since 1972, winters have been relatively mild but deer populations have not responded. Weather has apparently not been a major limiting factor since 1972.

Harvest data provide good indications of deer abundance. From 1960 throughout 1966 Petersburg and Wrangell hunters usually took over 2000 deer, primarily from Unit 3, and the average number of deer taken per hunter was usually over two deer with a high of 3.5 deer for Petersburg hunters in 1961 (Table 1). From 1967 through 1971 there was a reduction in numbers of deer taken, the average dropped below two deer per hunter and in 1972, 73, and 74 less than five

Table 1. Estimates of deer harvest and hunter success, by Petersburg and Wrangell residents, Unit 3 total deer harvest and deer seasons and bag limits.

Year	By residents of Petersburg		By residents of Wrangell		Unit 3 Total Deer Harvest	Season	Bag limit
	Harvest	Deer/Hunter	Harvest	Deer/Hunter			
1960	1320	2.4	920	2.5	3350	8/20-12/15	4 deer
1961	1922	3.5	785	2.2	3700	8/01-11/30	4 deer
1962	1180	2.0	860	2.0	2310	8/01-12/15	4 deer
1963	1160	2.1	820	2.4	2750	8/01-12/31	4 deer
1964	1400	2.3	670	2.1	2490	8/01-12/31	4 deer
1965	1260	1.8	420	1.5	1890	8/01-12/31	4 deer
1966	1730	2.4	570	1.4	2710	8/01-12/31	4 deer
1967	1030	1.3	590	1.4	2230	8/01-12/31	4 deer
1968	1090	1.4	520	1.3	1990	8/01-12/15	4 deer
1969	310	0.5	490	0.6	800	8/01-12/15	4 ^a
1970	300	1.4	140	0.4	350	8/01-12/15	4 ^a
1971	506	0.8	130	0.4	190	8/01-11/30	3 ^b
1972	132	0.3	89	0.3	60	8/01-11/30	2
1973	442	1.1	124	0.6	50	9/01-11/30	1
1974	335	0.9	116	0.6	40	9/01-11/30	1
1975	NO OPEN SEASON						

a 2 antlered deer on Mitkof Island

b 2 antlered deer on Mitkof, Wrangell, Etolin and Woronkofski Island

percent of deer killed by Petersburg and Wrangell residents were taken within Unit 3. From 1960 through 1968 the bag limit was four deer of either sex with the season generally from August 1 through December 31. From 1969 through 1972 the bag limit was reduced to two antlered deer in parts of Unit 3 and in 1973 and 1974 was further reduced to only one antlered deer. In 1975 Unit 3 was closed to deer hunting. In spite of all the hunting restrictions and subsequent reduced harvest, deer populations continued to decline. This decline continued during years when winters were mild and deer survival should have been good.

The northern portion of Kupreanof Island has historically been one of the major deer wintering areas in Unit 3. When deer were abundant there were so many tracks that it was impossible to determine numbers. On March 2, 1976, not a single deer track was observed on a foot transect in this area.

Wolves

Wolves have always been present within Units 1(B) and 3 in varying abundance. Wolf populations normally follow deer trends, but there is usually a lag of several years before wolf populations begin to decrease after a deer low. Wolf bounty and sealing records provide some idea of wolf abundance. As bounties are still paid in Units 1, 2, and 3, there is more incentive to submit wolves for sealing and records may be more accurate than for non-bounty units. From 1963 through 1971, an average of 44 wolves were taken

annually from Unit 3 with highs of 82 in 1967-68, and 72 in 1969-70. In 1974-75, only 11 wolves were taken and in 1975-76, ¹¹ ~~17~~ have been taken to date. There is no question that wolf populations are now lower in Unit 3 than during the 1960's. The deer population is so low however, that the ratio of wolves to deer is unacceptably high.

When deer were plentiful almost every wolf stomach or scat examined contained deer. In a study within Unit 3 in 1958, 125 of 131 scats examined contained deer remains. During the first five years after wolves were introduced to Coronation Island, of 499 scats collected, 450 contained deer. When deer become scarce, wolves utilize other food sources which has happened in Unit 3. In 1975-76, of nine wolf stomachs and scats examined, only two contained deer remains.

Adjacent Areas in Unit 4

The northern portion of Unit 3 and the southern portion of Admiralty Island (Unit 4) are separated by a water body only 15 miles in width. In a recent survey of a six-mile segment of beach on Admiralty Island, 69 deer were observed. In over 11 hours of aerial survey time covering hundreds of miles of Kupreanof and Mitkof Islands in Unit 3, no deer were observed. Winter conditions are normally more severe on Admiralty Island than in Unit 3. More deer were lost per unit area on Admiralty Island in the late 1960's than in Unit 3. Range conditions are presently much better in Unit 3 than in Unit 4 and Unit 3 has a greater potential for

producing deer than Unit 4. Hunting pressure is higher on Admiralty than in most of Unit 3. In the past, there have been times when deer were more abundant in Unit 3 than in Unit 4. Deer populations on Admiralty have recovered from the severe winters of 1968-1969 and 1970-1971, however, in Unit 3 they have not shown any signs of recovery. A major difference between the two areas is wolves which are present in Unit 3 but absent in Unit 4. Similarly during a foot survey in July 1975 the deer populations on six small islands in Unit 3 without wolves were higher than adjacent areas which did support wolves.

Many game biologists consider predation a natural factor which can contribute to healthy prey populations. In recent years, however, almost every investigator of predator-prey relationships has determined that given certain conditions, predators can reduce prey species below acceptable levels. This has happened in Unit 3 as it has gone from one of the best deer areas in Region I to a level so low that no hunting is allowed.

Recent Surveys

During February and early March, 1976, aerial surveys were flown in Unit 3 to evaluate the deer and wolf population status. Most of these surveys were flown shortly after snow storms so that tracking conditions were good to excellent. Surveys were concentrated on Wrangell, Etolin, Mitkof and Kupreanof Islands as these were the areas most intensively

hunted by Petersburg, Kake and Wrangell residents. Both fixed-wing aircraft and helicopters (11.0 hrs. fixed-wing and 7.5 hrs. helicopter) were used. Generally a fixed-wing aircraft was used initially and location of tracks were marked on a map. A helicopter was then used to land near any tracks that could not be identified with certainty from the fixed-wing. The following number of different sets of wolf and deer tracks were observed on each island.

	<u>Deer Tracks</u>	<u>Wolf Tracks</u>	<u>Hr's. Flying</u>
Mitkof Island	6	6	4.3
Kupreanof Island	2	10	6.9
Wrangell Island	0	10	3.4
Etolin Island	<u>0</u>	<u>12</u>	<u>3.9</u>
TOTALS	8	38	18.5

It is significant that there were more observations of wolf tracks than deer tracks.

In addition to the aerial surveys, nine transects were walked on locations of Mitkof and Kupreanof Islands which have supported some of the highest deer populations in the past. These transects extended from the beach inland approximately on-half mile. With existing snow conditions, they transversed the majority of usable winter range. On these nine transects, only two deer tracks were observed. Wolf tracks were present (4 separate tracks) on three transects. On similar transects in Unit 4, hundreds of deer tracks can be observed. During beach counts utilizing boats within the survey areas, no deer have been observed. On a boat survey around Wrangell Island, stopping at several locations, the

Only deer tracks observed were on Blake Island (6 tracks).

Blake Island normally does not support a wolf population.

Present Program

We have contracted most trappers in Unit 3 and are collecting specimen material from wolves that are being taken by local trappers and hunters, however, trapping pressure is light and spotty because of the low wolf population. To obtain additional specimen material from areas not presently being hunted or trapped we have recently employed two trappers, one from Wrangell and one from Petersburg. Materials obtained from any wolves taken will be valuable in further documenting the deer-wolf situation in Unit 3 and will add to our knowledge of predator-prey relationships. Trapping is not a very effective method of taking wolves when the population is low, however.

Proposed Program

The basic objective is to expedite the recovery of the deer population to a level that will allow their use by both humans and wolves. To accomplish this, the Department of Fish and Game considers it necessary to reduce the current wolf population as much as possible on certain islands and maintain it at a lower level until the deer population recovers. Wolves commonly move from island to island in Unit 3 and from the mainland in Unit 1B to the islands. Efforts to maintain lowered wolf populations would be concentrated on those islands that were traditionally the most popular

islands for deer hunting. Based on our surveys, our estimate of the wolf population on these islands is:

	<u>Estimated Population</u>
Mitkof Island	6
Kupreanof Island	10
Wrangell Island	10
Etolin Island	12

In addition, recent surveys have shown that approximately 11 wolves are present within the Stikine River drainage (below the Canadian Boundary). These wolves can cross both to Wrangell and Mitkof Islands. Efforts to maintain a desired wolf population on Mitkof and Wrangell Islands would be ineffective unless comparable measures were initiated on the Stikine River.

Presently hunting and trapping are the only available options for taking wolves and these seem to be ineffective in reducing the wolf population to a level to allow a normal recovery of the deer in Unit 3. We request the Board of Game to authorize Department personnel to use helicopters to take those wolves that hunters or trappers do not take to maintain the wolf population at the desired level until the deer population recovers. We recognize that the expense involved in a large systematic aerial hunting program in Southeastern Alaska would be unjustified. However during regular activities in the past, Department personnel could have taken wolves from helicopters and this is the authority we are now requesting. It would be a useful tool in our overall program to re-establish deer and wolf population levels.

similar to those that were present in the 1960's. The general public from Unit 3 and the Petersburg and Wrangell advisory Committees support this concept.

Summary

Deer populations in Unit 3 are presently extremely low. We believe there is adequate evidence to demonstrate that predation by wolves is presently the major limiting factor. We recommend that most wolves be removed from Mitkof, Kupreanof, Wrangell and Etolin Islands in Unit 3 and on the Stikine River in Unit 1(B) this year and that the wolf populations be maintained at that level until deer populations recover. We request authority to use helicopters to take wolves on an opportunity basis. The extremely low deer population in Unit 3 has caused a loss of public confidence in the Department's game management programs. We wish to not only correct this situation, but to be allowed to manage game in the best interest of the resource and the user. We recognize the State and National implications but hold that such game management measures to be consistent with the best public interests and professional game management standards.

Feb. 1, 1977

AMENDMENT

OFFERED IN THE HOUSE:

BY: Resources Committee

TO: _____ HOUSE BILL No. 18

SENATE BILL No. _____

PAGE: 1

LINE: 12

" 14
" 18

Line 12 delete "at any time)

Line 14 delete "resident"

Line 18 delete "Legislative Council"
and insert "Commissioner"

by:
Rick Union
adopted by
Resources
on 2/22/77

Just amend forms
Check

34-
06-

1 IN THE HOUSE

BY SWANSON

2 HOUSE BILL NO. 18

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management of wolves; and
7 providing for an effective date."

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

9 * Section 1. AS 16.05 is amended by adding a new section to read:

10 Sec. 16.05.784. MANAGEMENT OF WOLVES. (a) Notwithstanding the
11 authority of the Board of Game in sec. 255 of this chapter,

12 (1) nothing prohibits a person from taking a wolf at any time *out*
13 in any game management unit or subunit by any means except the use of
14 poison, if the person holds a valid resident hunting license;

15 (2) upon taking a wolf, any person, whether resident or
16 nonresident, shall notify, within 30 days, the appropriate person in the
17 division of fish and wildlife protection of the Department of Public
18 Safety as designated by the Commissioner *out* Legislative Council the notification shall
19 specify, but not be limited to, the date of taking, the location of
20 taking, and the sex of the animal; the division of fish and wildlife
21 protection shall compile a record of all notifications under this para-
22 graph and submit it to the Legislative Council and the Department of
23 Fish and Game at least once every six months.

24 (b) The Legislative Council shall review the record submitted
25 under (a) of this section and advise the legislature within 10 days of
26 the beginning of each regular session on whether to repeal or retain
27 this section.

28 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

#

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU 99801

February 9, 1977

The Honorable Alvin Osterback, Chairman
House Resource Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback:

Re: Request for information on wolf harvest and cost to state of
wolf control, Unit 20A

I have attached statewide wolf harvest information for the year 1976.

The cost figure for the wolf control effort in game management Unit 20A
follows:

Helicopter Charter	\$16,759.00
Estimated line item 100, 200, 300 & 400 costs	<u>\$ 8,000.00</u>
	\$24,759.00

Total wolves taken - 66

Sale of 50 wolf skins @\$275+ per skin	(13,789)
Remaining skins held by Div. of Admin.	<u>(4,000) Est.</u>
Net cost to state of central operations	6,970


The average net cost per wolf killed equals approximately \$106.00.

During questions on House Bill 20 Representative Urion requested information
on the 1976 harvest of moose in Unit 16. The projected harvest follows:

16B	215 Bulls and 135 females	- 350
16A	80 Bulls and 40 females	- <u>120</u>
	Total	470

If you should require additional information, please contact me.

Sincerely,


Robert A. Rausch, Director
Division of Game

cc: Commissioner Brooks

HB
18

HB
20

SPECIES: Wolf

x Bounty Records

** From Aerial Permits & Bounty Records

*** Mandatory Sealing

Unit	YEAR														
	x	x	x	x	x	x	x*	x	x	x	**	**	***	***	***
1			67	23	36	36	17	24	53	41	53	67	97	35	50
2			12	43	53	57	50	66	78	113	83	59	42	29	15
3			18	26	37	27	52	40	82	15	72	38	57	24	27
5					1	4	7	3	6	8	2	10	2	5	2
6					1	1	5	0	0	0	1	0	0	3	6
7	-----Closed-----														
9			4	9	16	44	27	51	24	22	26	7	24	24	31
10	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
11			8	21	24	30	117	70	40	7	10	23	56	48	28
12		1	8	-	17	24	47	38	57	31	123	14	94	64	37
13							64	31	120	1	41	91	111	80	75
14				3	8	11	19	30	17	1	1	8	12	16	8
15	-----Closed-----														
16				5	21	37	84	36	66	6	2	21	40	13	13
17				15	14	1	18	26	24	15	3	13	28	20	20
18	0	0	2	2	0	0	0	1	3	0	0	0	4	0	2
19	1	1	12	34	53	57	110	147	17	18	21	42	95	59	39
20	24	49	90	95	237	267	262	366	265	134	256	141	249	296	304
21	11	14	75	132	43	33	187	189	105	26	32	32	93	48	102
22	-	-	-	6	0	4	11	15	28	6	7	2	11	5	7
23	18	20	71	23	41	35	47	164	177	134	80	4	70	83	40
24	5	47	12	85	17	45	67	219	276	58	35	23	129	100	60
25	32	62	82	86	50	25	59	59	145	61	34	36	121	47	56
26	117	63	45	37	49	59	41	102	83	67	47	0	0	71	46
Unk	3	0	15	4	0	3	1	2	45	0	-	4	0	41	-
Total	211	257	605	675	713	800	1292	1679	1711	764	929	635	1335	1071	970

SPECIES: Wolf

x Bounty Records

** From Aerial Permits & Bounty Records

*** Mandatory Sealing

Unit	YEAR	
	*** 74-75	*** 75-76
1	62	65
2	10	44
3	11	24
5	9	11
6	4	7
7	1	9
9	52	27
10	1	0
11	34	18
12	40	40
13	103	110
14	24	19
15	5	12
16	41	34
17	111	47
18	4	3
19	63	82
20	291	335
21	37	77
22	21	2
23	47	144
24	65	45
25	48	49
26	6	34
Urk	--	5
Total	1090	1243

1/ Records for these three years are incomplete because of the transition from statewide bounties to a mandatory sealing provision..

NANA REGIONAL CORPORATION, INC.

POST OFFICE BOX 49 / KOTZEBUE, ALASKA 99752 / TELEPHONE (907) 442-3301



February 3, 1977

NANA-77-A054

Leslie E. (Red) Swanson
State Representative
Alaska State Legislature
Juneau, Alaska 99811

Dear Representative Swanson:

I am responding to your letter requesting comments on House Bill No. 18 and House Bill No. 20 introduced by yourself. The former relates to funding and the latter to the taking of antlerless moose.

Unfortunately we do not feel that NANA can support these bills at this time. It seems to us that you are attempting to legislate game management. One of the reasons that we have a Fish & Game Department is to manage our wildlife resources. To attempt to manage it by the legislation is to take away the very flexibility that is needed in order to assure good management of wildlife resources.

We understand the intent of what you are trying to do and do not disagree necessarily with the programs you have outlined. However we have very strong feelings that these programs should be initiated by the Department of Fish & Game and not by the Legislature.

Thank you for giving us the opportunity to comment. We'd be glad to discuss the bills with you at anytime.

Sincerely yours,

NANA REGIONAL CORPORATION, INC.

A handwritten signature in cursive script that reads "John Shiveiy".

John Shiveiy
Vice President, Operations

JS/ar

cc: Leo Schaeffer, Jr.
Frank Ferguson
Al Osterback ✓
Kay Poland
James Brooks



Member Villages: Ambler, Buckland, Candle, Deering, Klana, Kivalina, Kohuk, Kotzebue, Noatak, Noorvik, Seiawik, Shungnak

File. A 12
1-29-77

Committee on Resources.

I urge you to recommend House Bills
no. 18 - & no 20. - for passing - with
the strongest emphasis.

I have lived in Alaska 35 years - and
have hunted widely - until the last 4
years - when I considered the game too
scarce to jeopardize by my taking any
game.

I have killed a lot more moose than
any other - but they went to feed a lot
of kids - (not my own) - and I never
wasted any meat -

The ignoramuses in game management
would go broke as cattle farmers - or
ranchers - in two years - any farm
boy of 12 years of age - know that you
protect all cows & high calves -
killing or selling only mature bulls -
and that you prevent all predation!

America gained 9 million population
from 1970 - to 1975 - & they forecast
another 41 million in the next 20
years. And we need predators?

Somebody is mixed up - & it is
the game management suits.
Let them go as they are - and the only
game we will have - will be in

goas!

Why don't you take a page from the
Scandinavians - They harvest moose
by the 10's of thousands every year.
Predators are eliminated -

Thank you

Joe Vogler

Box 7

Fish Hawk

99707

How is to the same kind of
hunting for the young that
I've enjoyed!

HB

20

CS HB
15N

CS

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 3, 1977

SUBJECT: Comments on HB 18 and HB 20
TO: Representative Alvin Osterback
FROM: Joel F. Bennett *J.F.B.*
Legislative Counsel

You have asked me to comment on the bill analysis done by the Department of Fish and Game on HB 18 and HB 20, both by Representative Swanson.

HB 18 seeks to institute wolf control by allowing private persons full license to hunt, at any time, by any means. The Department of Fish and Game objected to this on two grounds: (1) that it violated article VIII, section 4; and (2) that it violated federal law (P.L. 92-159). The "General Authority" provision of Alaska Constitution, article VIII, section 2, empowers that legislature to provide for the "utilization, development and conservation of all natural resources..." In section 4 it further specifies that this shall be done on the sustained yield principle, subject to preferences among beneficial uses." I find no clear violation of article VIII, section 4. HB 18 is merely a legislative scheme for the management of wolves, presumably having biological as well as public policy justification. As evidence of concern for the potential overharvest of wolves, a notification procedure was established. At the beginning of each year the legislature will evaluate the number of animals taken and where, and determine whether a proper balance of wolves has been attained.

Furthermore, in reviewing the minutes of the Constitutional Convention (Part 4) on article VIII, section 4, I find no clear-cut interpretation or helpful elaboration of the sustained yield concept. It was intentionally loosely defined. The Secretary of the committee on Resources discusses it briefly on P.2451 as follows:

"...in our reference to sustained yield, we have in mind no narrow definition of "sustained yield, "as is used, for example, in forestry, but the broad premise that insofar as possible a principle

Representative Alvin Osterback
February 3, 1977
Page #2

of sustained yield shall be used with respect to administration of those resources which are susceptible of sustained yield, and where it is desirable. For example, predators would not be maintained on a sustained yield basis...." and on P.2457: "For fish, for wild life, and for some other replenishable resources, such as huckleberries, as an example, it is difficult or even impossible to measure accurately the factors by which a calculated sustained yield will be determined. Yet, the term "sustained yield principle" is used in connection with the management of such resources. When so used in this article, it denotes conscious application insofar as practicable, of principles of management intended to sustain the yield of the resource being managed."

(2) The second objection to HB 18 is well founded and will require an amendment that prohibits taking of wolves by means of aircraft. Although resisted by the U.S. Attorney General on legal grounds, an amendment to the Fish and Wildlife Act of 1956 (P.L. 92-159) imposed a federal criminal penalty of \$5,000 or 1 year imprisonment for the offense. This, of course, subjects those taking wolves from aircraft under HB 18 to federal prosecution, regardless of state law.

HB 20 clearly removes a management function from the Department of Fish and Game. Without judging the merits of such a policy, it must be concluded that it is within the authority of the legislature to do so. Under article III, section 22:

"...executive and administrative departments and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments..."

What authority the legislature grants under law it can take away. By the passage of an Act such as HB 20, it is presumed that management guidelines and data were fully considered and that the legislature has acted in the best interest of the state, with attention to the dictates of article VIII, sections 1-7 of the Alaska Constitution. There is no apparent violation of the sustained yield principle in HB 20. Presumably, the intent of the bill is to restore moose to their former levels, at numbers compatible with other species. It could be argued that the bill further's sustained yield by producing more moose for the "utilization, development, and conservation of all natural resources...for the maximum benefit of the people." (article VIII, section 2).

In addition, the "sustained yield" and "wildlife...reserved to the people for common use, phrases in the Alaska Const:

Representative Alvin Osterback
February 3, 1977
Page #3

tution are not necessarily synonymous with "harvest" - "use" may reasonably be interpreted as availability for recreational viewing, photography or scientific study. "Sustained yield" in the sense of "harvest" may give way to preferences for certain non-consumptive uses under a reasonable interpretation of article VIII, section 4. I might add that the legislature recognizes other legitimate "uses" of wildlife when it creates state parks, and game sanctuaries, not oriented to hunting. Chapter 219 SLA 1975 further illustrates this expanded use concept, in the preamble to creation of the Department's wildlife photography concept:

"...encourage other necessary public uses of wildlife in addition to their legitimate harvest."

The fact that HB 20 goes against the current local option, antlerless scheme, and effectively takes a portion of the management authority from the board of game may or may not be poor policy but it violates no constitutional law.

I hope this will be of some assistance to the committee.

JFB:smh

803(b) (42 U.S.C. 296b 'b'))⁸³ is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's". Section 841 (a) (42 U.S.C. 298(a))⁸⁴ is amended by striking out "Surgeon General" and inserting in lieu thereof "Secretary (or his delegate)".
Approved November 18, 1971.

FISH AND WILDLIFE—SHOOTING FROM AIRCRAFT

For Legislative History of Act, see p. 1735

PUBLIC LAW 92-159; 85 STAT. 480

[H. R. 5060]

An Act to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

The Fish and Wildlife Act of 1956 is amended by adding at the end thereof the following new section:

"Sec. 13. (a) Any person who—

"(1) while airborne in an aircraft shoots or attempts to shoot for the purpose of capturing or killing any bird, fish, or other animal; or

"(2) uses an aircraft to harass any bird, fish, or other animal; or

"(3) knowingly participates in using an aircraft for any purpose referred to in paragraph (1) or (2);

shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

"(b)(1) This section shall not apply to any person if such person is employed by, or is an authorized agent of or is operating under a license or permit of, any State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops, and each such person so operating under a license or permit shall report to the applicable issuing authority each calendar quarter the number and type of animals so taken.

"(2) In any case in which a State, or any agency thereof, issues a permit referred to in paragraph (1) of this subsection, it shall file with the Secretary of the Interior an annual report containing such information as the Secretary shall prescribe, including but not limited to—

"(A) the name and address of each person to whom a permit was issued;

"(B) a description of the animals authorized to be taken thereunder, the number of animals authorized to be taken, and a description of the area from which the animals are authorized to be taken;

83. 42 U.S.C.A. § 296b(b).

84. 42 U.S.C.A. § 298(a).

“(C) the number and type of animals taken by such person to whom a permit was issued; and

“(D) the reason for issuing the permit.

“(c) As used in this section, the term ‘aircraft’ means any contrivance used for flight in the air.”

Sec. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429)⁸⁵ is amended by inserting “(a)” immediately after “Sec. 609.” and by adding at the end thereof the following new subsection:

“VIOLATION OF CERTAIN LAWS

“(b) The Administrator, in his discretion, may issue an order amending, modifying, suspending, or revoking any airman certificate upon conviction of the holder of such certificate of any violation of subsection (a) of section 13 of the Fish and Wildlife Act of 1956, regarding the use or operation of an aircraft.”

(b)(1) Immediately after the section heading of such section 609, insert the following:

“PROCEDURE”

(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

“Sec. 609. Amendment, suspension, and revocation of certification.” is amended by adding the following:

“(a) Procedure.

“(b) Violation of certain laws.”

Sec. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section; except that, in any case in which a State is not authorized to issue any permit referred to in the amendments made by such first section, such amendments shall take effect in any such State as of the thirtieth day after the expiration of the next regular session of the legislature of such State which begins on or after the date of enactment of this Act.

Approved November 18, 1971.

MILITARY CONSTRUCTION APPROPRIATION ACT, 1972

PUBLIC LAW 92-160; 85 STAT. 482

[H. R. 11418]

An Act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1972, for military

85. 49 U.S.C.A. § 1429(a), (b).

Nov. 18 MILIT

construction function other purposes, namel

For acquisition, co permanent public w as currently author. Acts, and in sections to remain available 1

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MI For acquisition, permanent public Force as currently tion Acts, and in \$250,180,000, to rem

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6 For an Act entitled: "An Act prohibiting the taking of antlerless moose."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 16.05.780 is repealed and re-enacted to read:

9 Sec. 16.05.780. TAKING OF ANTLERLESS MOOSE PROHIBITED. The taking
10 of antlerless moose at any time in any game management unit or subunit
11 is prohibited.
12
13

We the following Alaskians convey with
Representatives Don Burnett and Red Subrison
on this bill

Jimmie W. Snyder 916 Galena St. Fairbanks Alaska

~~LeRoy Rich~~ 3795 Grand St. Colby Ak.
(LeRoy Rich)

Ray J. Green 102 "B" St #6 Fairbanks AK

Bob Hartney 6 1/2 Mile Bodey Rd Ebr., Ak

C. H. Hayes 1067 Lakewood Terrace - Fairbanks, Ak

J. M. Ruckman 2535 Dole Rd - Fairbanks -

W. H. Reagen #409 NORTHWARD BLDG, Fairbanks

John H. Bethune 1607 2125 Ave FAIRBANKS AK.

Frank Brumson 1010 Evergreen Fairbanks AK

Jack Cario Jr. 1902 MARYJAN FBKS. AK.

J. A. Finch 1320 6th Ave FBKS AK.

Jimmy Sunday 3033 Riverview DR FBKS. AK

J. Thomas Meyer 7 Mi. Old Richardson FBKS, AK.
SR. Box 60343

Cliff Hife 10 miles Steese FAIRBANKS AK.

David Copeland 1 M. NELSON RR. NORTH POLE
PO BOX 60398

Selwyn Cant 425 B St. FBK.

Sam Gray 101 OAK DRIVE FBKS ALASKA

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act prohibiting the taking of antlerless moose."

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

* Section 1. AS 16.05.780 is repealed and re-enacted to read:

Sec. 16.05.780. TAKING OF ANTLERLESS MOOSE PROHIBITED. The taking of antlerless moose at any time in any game management unit or subunit is prohibited.

We the following Alaskians Concur with Representatives Don Burnett and Red Swanson on this bill.

- Fred DeLeon 327 Antoinette St Fairbanks Alaska
- Harold J Fuller 417 Juniper St Fairbanks, Alaska
- Paul Kachuk 2095-A JACK ST. Fairbanks, Alaska.
- Tom Hoffman 2113 JACK ST. Fbks, AK.
- James A Hart 24 N. E. Hurst Rd. Fairbanks Alaska
- Wallace O. Turner 6 1/2 mile Badger Rd. Fairbanks Alaska
- Gary Seybold 516 Jewell FAIRBANKS AK.
- Allen Fleming 304 Badger Street Fairbanks, AK
- Lu Richards 967 Stewart St Fairbanks Ak.
- Quane Anderson 501 Ketchikan FBK.
- H. E. Woods Box 594 FBKS.
- Dave Knight Box 60654 FBKS.
- Art Matrya 137 8th FBKS.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU 99801

February 9, 1977

The Honorable Alvin Osterback, Chairman
House Resource Committee
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback:

Re: Request for information on wolf harvest and cost to state of
wolf control, Unit 20A

I have attached statewide wolf harvest information for the year 1976.

The cost figure for the wolf control effort in game management Unit 20A
follows:

Helicopter Charter	\$16,759.00
Estimated line item 100, 200, 300 & 400 costs	<u>\$ 8,000.00</u>
	\$24,759.00

Total wolves taken - 66

Sale of 50 wolf skins @\$275+ per skin	(13,789)
Remaining skins held by Div. of Admin.	<u>(4,000) Est.</u>
Net cost to state of central operations	6,970

The average net cost per wolf killed equals approximately \$106.00.

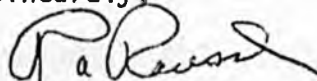
During questions on House Bill 20 Representative Union requested information
on the 1976 harvest of moose in Unit 16. The projected harvest follows:

16B	215 Bulls and 135 females	- 350
16A	80 Bulls and 40 females	- <u>120</u>

Total 470

If you should require additional information, please contact me.

Sincerely,



Robert A. Rausch, Director
Division of Game

cc: Commissioner Brooks

HB
18

HB
20

Alaska Wolf Harvest
1959 - 1974

SPECIES: Wolf

x Bounty Records

** From Aerial Permits & Bounty Records

*** Mandatory Sealing

Unit	YEAR														
	x	x	x	x	x	x	x*	x	x	x	**	**	***	***	***
1			67	23	36	36	17	24	53	41	53	67	97	35	50
2			12	43	53	57	50	66	78	113	83	59	42	29	15
3			18	26	37	27	52	40	82	15	72	38	57	24	27
5					1	4	7	3	6	8	2	10	2	5	2
6					1	1	5	0	0	0	1	0	0	3	3
7	-----Closed-----														
9			4	9	16	44	27	51	24	22	26	7	24	24	31
10	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
11			8	21	24	30	117	70	40	7	10	23	56	48	28
12		1	8	-	17	24	47	38	57	31	123	14	94	64	37
13							64	31	120	1	41	91	111	80	75
14				3	8	11	19	30	17	1	1	8	12	16	8
15	-----Closed-----														
16				5	21	37	84	36	66	6	2	21	40	13	13
17				15	14	1	18	26	24	15	3	13	28	20	20
18	0	0	2	2	0	0	0	1	3	0	0	0	4	0	2
19	1	1	12	34	53	57	110	147	17	18	21	42	95	59	39
20	24	49	90	95	237	267	262	366	265	134	256	141	249	296	304
21	11	14	75	132	43	33	187	189	105	26	32	32	93	48	102
22	-	-	-	6	0	4	11	15	28	6	7	2	11	5	7
23	18	20	71	23	41	35	47	164	177	134	80	4	70	83	240
24	5	47	12	85	12	45	67	219	276	58	35	23	129	100	60
25	32	62	82	86	50	25	59	59	145	61	34	36	121	47	56
26	117	63	45	37	49	59	41	102	83	67	47	0	0	71	46
Unk	3	0	15	4	0	3	1	2	45	0	-	4	0	41	-
Total	211	257	605	675	713	800	1292	1679	1711	764	929	635	1335	1071	970

SPECIES: Wolf

x Bounty Records

** From Aerial Permits & Bounty Records

*** Mandatory Sealing

Unit	YEAR	
	*** 74-75	*** 75-76
1	62	65
2	10	44
3	11	24
5	9	11
6	4	7
7	1	9
9	52	27
10	1	0
11	34	18
12	40	40
13	103	110
14	24	19
15	5	12
16	41	34
17	111	47
18	4	3
19	63	82
20	291	335
21	37	77
22	21	2
23	47	144
24	65	45
25	48	49
26	6	34
Unk	--	5
Total	1090	1243

1/ Records for these three years are incomplete because of the transition from statewide bounties to a mandatory sealing provision..

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Fish and Game	Rep. Swanson	HB 20
DEPARTMENT POSITION		
The Department of Fish and Game opposes HB 20		
DIVISION DIRECTOR	DATE	COMMISSIONER
<i>Robert A. Rausch</i> Robert A. Rausch	1/31/77	<i>James W. Brooks</i> James W. Brooks
		DATE
		1/31/77
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:	DATE:	
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
none		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
unknown		unknown
(3) PROGRAM EFFECTS OF BILL		
<p>The bill would place an additional drain on alternate food species in rural areas, e.g., caribou, sheep and goats. Further, it would prohibit presently legal, local option antlerless moose hunts and it would prohibit moose management programs designed to maintain moose populations in optimum balance with available range.</p>		
(4) FISCAL IMPACT:	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> FISCAL ANALYSIS ATTACHED
(5) AMENDMENTS PROPOSED:		
none		

(6) COMMENTS: The enactment of this bill, prohibiting the taking of antlerless moose at any time in any game management unit, would appear to violate Article VIII, Section 4 of the State Constitution which requires that "...resources belonging to the State shall be utilized, developed and maintained on the sustained yield principle, subject to preferences among beneficial uses." A continuous closure on a species such as moose could hardly qualify as sustained yield of beneficial uses. At present the authority for establishing antlerless moose seasons is vested with the Board of Game and they are limited by a complex system which requires that the department recommend such a season and that the advisory committee(s) for a game management unit or a subunit favorably recommend on the department's proposal. The present system provides an indepth review of such proposals by the public and the board. There are relatively few antlerless moose seasons in the State of Alaska at this time and all of them have the support of the appropriate advisory committees if such exist. The proposals that will be before the Board of Game at the next meeting, March 1977, will all have been favorably considered by the appropriate advisory committees. Imposition of this bill would seriously detract from a progressive systems management

HB

40

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

P.O. Box 1628, Juneau, AK 99802

1510

January 25, 1977

The Honorable Alvin Osterback
Chairman House Resources
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811



*File AB
40
in
Out of
Committee*

Dear Representative Osterback:

This responds to your request for a statement on forestry activities at the State level. The Forest Service strongly supports measures which will strengthen the professional forestry staff and organization of State governments so that professional forestry expertise can better serve the needs of people in the management of forests and related resources. With the imminent acquisition of the full 103.4 million acres of land provided by the Statehood Act and approximately 44 million acres transferring to Native ownership, such measures are timely.

The State forestry staff is already charged with responsibility for protecting State and private lands from fire, insect, and disease attack. A statewide organization able to meet these demands needs the equipment, experienced managers, and training to provide this support. It needs the cooperation of local communities to provide the manpower during periods of extreme fire hazard, and it must be able to react rapidly to minimize delays in meeting these demands. A trained statewide organization can effectively handle such situations.

Our present State forestry organization is beginning the major task of fielding fire protection forces to protect Alaskan life and property with the gradual phase out of the Bureau of Land Management protection contract. Experience in firefighting and organization of a cadre of district personnel capable of leading temporary firefighters is of paramount importance for making the operation function.

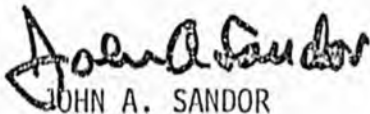
In the area of management, the renewable resources of forest and rangelands include timber production, fish and wildlife habitat, recreational opportunities, wilderness experiences, and watersheds. Minerals management is also related to these resources. The State Forestry organization, working through cooperative Federal-State programs, can provide technical, and in some cases financial, assistance to establish, protect, manage, and use forest and related resources.

The Forest Service works closely with the State Forestry organization of the States and Territories. The National Association of State Foresters is an organization with substantial leadership in promoting sound forest practices on all non-Federal lands. We would encourage the State to examine the opportunities to strengthen its organization to meet the rapidly expanding challenge of its forests. The National Association of State Foresters and individual State organizations have demonstrated the merits of sound forest management practices. A number of States have established forest practice laws and regulation. Their experience could be very helpful in your efforts.

In summary, we believe Alaska now needs a strong State forestry organization operating at a level of government that reflects the emerging importance of this resource activity. Additionally, a comprehensive State forestry program is needed that focuses not only on State lands but is also designed to provide forestry assistance of all kinds to Alaska's new landowners. Numerous federal grant programs exist requiring some state matching funds that are specifically directed to this purpose. The State Forester needs authority and a mandate to participate in these programs.

Many bush communities, wanting to develop sound management programs for their lands, are now requesting forestry and land management assistance. With a strong forestry organization and program the state can be responsive to their citizens needs. We believe it very important that any forestry legislation considered this session address these concerns.

Sincerely,



JOHN A. SANDOR
Regional Forester



gave copy to Sally Smith, Juneau

Alaska Rural Development Council

INCREASED AWARENESS • IMPROVED COMMUNICATION
BROADENED UNDERSTANDING • COORDINATED ASSISTANCE

2221 E. Northern Lights Blvd., Suite 129, Anchorage, AK 99504

MEMBERSHIP

US DEPT AGRICULTURE

Secretary's Program Rep
Agric Research Svc
Agric Stabilization & Conservation Svc
Coop Extension Svc
Coop State Research Svc
Farmers Home Adm
Food & Nutrition Svc
Forest Service
Soil Conservation Svc

US DEPT ARMY

Corps of Engineers

US DEPT COMMERCE

Anch District Office
National Marine Fisheries Svc

US DEPT HEALTH, EDUCATION & WELFARE

Alaska Liaison
Alaska Area Native Health Svc

US DEPT HOUSING & URBAN DEV

Regional Director

US DEPT INTERIOR

Regional Rep
Alaska Power Adm
Bureau of Indian Affairs
Bureau of Land Mgmt
Bureau of Mines
Fish & Wildlife Svc
National Park Svc

ENVIRONMENTAL PROTECTION AGENCY

FEDERAL ENERGY ADM

ALASKA, STATE OF

OFFICE OF THE GOVERNOR
Division Policy Dev & Planning

DEPT COMMERCE & ECONOMIC DEVELOPMENT

DEPT COMMUNITY & REGIONAL AFFAIRS

Div of Community Planning

DEPT EDUCATION

Div of Educational Svc

DEPT ENVIRONMENTAL CONSERVATION

DEPT HEALTH & SOCIAL SVC

Div of Public Health

DEPT HIGHWAYS

DEPT LABOR

DEPT NATURAL RESOURCES

Div of Agriculture
Div of Lands

FEDERAL-STATE LAND USE PLANNING COMMISSION

UNIVERSITY OF ALASKA

Arctic Env Info & Data Center
Coop Extension Svc
Geophysical Inst
Inst Agricultural Sciences
Inst Arctic Biology
Inst Marine Science
School of Ag & Land Resources Mgmt
School of Management
Sea Grant Program
School of Mineral Industry

ALASKA FEDERATION OF NATIVES, INC.

ALASKA METHODIST UNIV

ALASKA NATIVE FOUNDATION

ALASKA VILLAGE ELECTRIC COOP

BERING STRAITS NATIVE ASSN

COMMUNITY ENTERPRISE DEV CORP

FAIRBANKS NORTH STAR BOROUGH

FAIRBANKS TVA DEV, INC

RURAL CAP

SEALASKA CORP

YUKON-KUSKOKWIM HEALTH CORP

January 20, 1977

Mr. Alvin Osterback
Chairman, House Resources Committee
Alaska State Legislature
Pouch A
Juneau, Alaska 99811

Dear Mr. Osterback:

The enclosed Resolution regarding establishment of a State Division of Forestry was adopted today in Anchorage, during a regular quarterly meeting of this Council.

The Resolution specifically relates to House Bill No. 40 which proposes to create a Division of Forestry within the Department of Natural Resources. We believe the valuable forest land resources on the State and private lands of Alaska need increased professional attention under a stronger State Forester's organization than now exists.

Establishment of a Division of Forestry would help to accomplish this by elevating the existing resource management of forested lands from a Section of Forestry within the Division of Land and Water Management in the Department of Natural Resources, to a higher level of management and authority.

Forest land management is a type of agricultural use, and it affects State-wide development of rural areas in which our Council is specifically concerned. We join with other organizations and groups in the State in support of establishing a State Division of Forestry.

Sincerely,

Ted Freeman
Chairman
Alaska Rural Development Council

enclosure

CHAIRMAN—Ted Freeman, Soil Conservation Service, 204 East Fifth Ave., Rm. 217, Anchorage, AK 99501.
VICE-CHAIRMAN—Pete Probasco, Cooperative Extension Service, 3211 Providence Ave., Anchorage, AK 99504.
EXECUTIVE SECRETARY—James Matthews, Cooperative Extension Service, University of Alaska, Fairbanks, AK 99701.

ALASKA RURAL DEVELOPMENT COUNCIL

RESOLUTION

To support legislation for establishing a State Division of Forestry within the Department of Natural Resources

WHEREAS, the State of Alaska is in the process of selecting 103.4 million acres of land under the Statehood Act, and Native Corporations are in the process of selecting 43 million acres of land under the Alaska Native Claims Settlement Act, and

WHEREAS, State selection lands now comprise a significant portion, approximately 6 million acres, or 25% of the commercial forest lands of Alaska, with significant additional acreage of similar value to be selected in the near future, and

WHEREAS, Native Corporation lands now comprise approximately 15 million acres of forest land containing high value renewable resources, and

WHEREAS, the forest resource industry has a high expansion potential on both State and private lands which will contribute significantly to State and local economy in rural areas of Alaska, and

WHEREAS, strong State leadership is essential to provide professional forest land management and protection against wildland fire, insect, and disease losses for all State and private lands, and at the same time enhance and sustain high resource values consistent with other high environmental values, and

WHEREAS, House Bill No. 40 has been introduced in the First Session of the Tenth Legislature of the State of Alaska, to create a Division of Forestry within the Department of Natural Resources, and

WHEREAS, a State Division of Forestry should develop increased professional capability to not only more effectively manage State forested lands under its jurisdiction, but also to more effectively deliver technical assistance to new Native Corporation and other private landowners at a critical time in development and management of their lands, and

WHEREAS, a State Division of Forestry should also stimulate increased federal financial assistance, and related federal assistance through regular U.S.D.A. agency programs, such as extension forestry education, and through cooperative state and federal programs of forest fire control, forest management, and forest insect and disease management,

NOW THEREFORE BE IT RESOLVED, the Alaska Rural Development Council supports legislative action such as House Bill No. 40 to create a

State Division of Forestry and strengthening of professional forestry leadership and authority within the State Forester's organization, and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Jay S. Hammond, Governor of Alaska; Guy R. Martin, Commissioner, Alaska Department of Natural Resources; and the House Resources Committee and Senate Resources Committees of the Alaska State Legislature.

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

SOCIETY OF AMERICAN FORESTERS

Alaska Section



HB
40

March 1, 1977

The Honorable Alvin Osterback
Chairman, House Resources Committee
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Osterback:

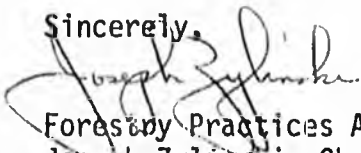
This is in regard to H.B. No. 40 "An Act Creating a Division of Forestry within the Department of Natural Resources...".

The Alaska Section of the Society of American Foresters views H.B. No. 40 as a companion bill to S.B. No. 59 which is an Act relating to forest practices. We favor the establishment of a Division of Forestry. However, we are concerned that the bill does not speak to the establishment of the position of a professionally qualified State Forester. We believe this is essential to provide the professionalism and leadership needed to the conduct and promotion of a sound forestry program within the State of Alaska.

For your additional information and use, we have enclosed a copy of the Society's evaluation of S.B. No. 59 and our letter to Senator Kay ~~Poland~~ **Poland** which essentially reiterates our position.

We would be pleased to assist you in any way in the development of H.B. No. 40.

Sincerely,


Forestry Practices Act Committee
Joseph Zylinski, Chairman, P.O. Box 1305, Juneau, Ak 99802
Michael S. Leach
Frank Price
Robert Janes

Enclosure

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

SOCIETY OF AMERICAN FORESTERS

Alaska Section



February 11, 1977

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

Dear Senator Poland:

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

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

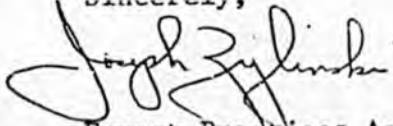
In 1976, we tested S.B. No. 563 against the Society criteria, but unfortunately, only one of our recommendations was incorporated into S.B. No. 59. We have again tested S. B. No. 59 against this same criteria. We sincerely hope that our enclosed analysis and recommendations will be helpful and useful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

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

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

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

Sincerely,

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

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

Enclosure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We endorse subsection (i) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

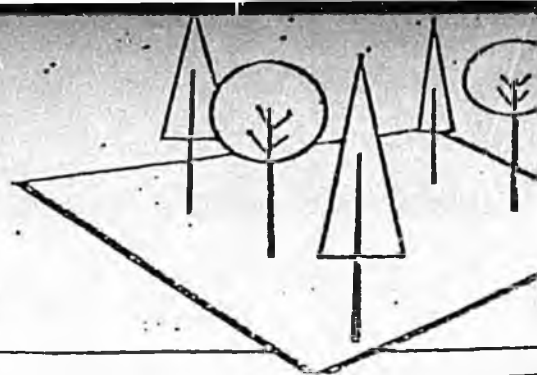
12. "A Forest Practices Act should not preclude the legitimate conversion of forest land to other uses."

Senate Bill No. 59 appears to meet this criteria.

General Comment

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

SOCIETY OF AMERICAN FORESTERS



CRITERIA FOR A COMPETENT STATE FOREST PRACTICES ACT*

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

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

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

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

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

*A statement approved by the Society of American Foresters, July 1975.

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

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

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

Criteria for a Competent State Forest Practices Act

1. A Forest Practices Act should encourage the application of scientific knowledge and forest management principles in order that society can obtain the largest net sum of benefits from forest lands. Such an Act should reflect full consideration of both its social and private costs and benefits.
2. A Forest Practices Act should insure the productivity of forest lands and protect the environment, including air and water quality.
3. State-initiated regulation of forest practices is preferable to regulation initiated by federal and local governments. A Forest Practices Act should recognize regional forest variations within a state's boundaries.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ABOUT THE SOCIETY

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

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

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

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





Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

M E M O R A N D U M

4 March 1977

SUBJECT: Forest Resources & Practices

TO: House Resources Committee Members

FROM: Alvin Osterback, Chairman
House Resources Committee

Comments on SB 59 An Act relating to forest practices

Comments on SB 59 An Act relating to forest resources and practices are filed in your drawer under SB 59 etc. Although that bill is in the Senate Resources Committee at this time, these comments are relative to HB 40 also.

Alvin Osterback

STATEMENT MADE TO ALASKA HOUSE OF REPRESENTATIVES
RESOURCES COMMITTEE

MARCH 2, 1977
HOUSE BILL 40

"AN ACT CREATING A DIVISION OF FORESTRY WITHIN THE
DEPARTMENT OF NATURAL RESOURCES; AND PROVIDING FOR
AN EFFECTIVE DATE."

MISTER CHAIRMAN, MY NAME IS PETER HUBERTH, I AM GENERAL MANAGER
OF THE FOREST PRODUCTS DIVISION OF THE SEALASKA CORPORATION, THE
NATIVE REGIONAL CORPORATION FOR SOUTHEAST ALASKA.

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

ADDITIONALLY, IT IS MY OBSERVATION FROM DISCUSSIONS WITH
NATIVES FROM OTHER REGIONAL AND FROM MANY VILLAGE CORPORATIONS

THAT CONCERN FOR PROPER USE OF NATURAL RESOURCES IS A TRADITION WHICH HAS NOT BEEN LOST.

WITH THIS AS BACKGROUND, WE HAVE REVIEWED HOUSE BILL 40 AND WISH TO OFFER COMMENTS TO YOU AND THE MEMBERS OF YOUR COMMITTEE IN ORDER TO ASSIST YOU IN ASSURING THAT RESPONSIBLE AND EQUITABLE FOREST REGULATIONS ARE IMPLEMENTED IN A TIMELY FASHION SO AS TO REASSURE THE STATE THAT PRIVATE FOREST LANDS WILL BE WISELY MANAGED.

WITH THIS GENERAL INFORMATION AS BACKGROUND, I WISH TO COMMENT ON HOUSE BILL 40 ON BEHALF OF MY CORPORATION. WE HAVE REVIEWED THE PROPOSED LEGISLATION AND AGREE WITH THE CONCEPTS WHICH HAVE BEEN INCLUDED THEREIN. BASED ON ANALYSES OF FOREST PRACTICE LAWS IN THE THREE STATES WHICH BORDER ON THE PACIFIC IN THE LOWER '48, WE FEEL THAT THE SPONSORS OF THIS LEGISLATION HAVE DONE A VERY COMMENDABLE JOB OF INSURING THAT THERE ARE BROAD ARTICLES CONTAINED IN THE ACT WHICH WILL PROVIDE FOR THE RESPONSIBLE DEVELOPMENT OF THE COMMERCIAL FORESTS ON STATE, MUNICIPAL GOVERNMENT, AND PRIVATE LANDS.

OF PRIME IMPORTANCE TO THE FOREST LANDOWNER AND USER IS THAT THERE BE A STRONG DIVISION OF FORESTRY WITHIN THE DEPARTMENT OF NATURAL RESOURCES. SUCH A DIVISION MUST BE AT A SUFFICIENTLY

HIGH LEVEL TO ALLOW THE STATE FORESTER TO BE ABLE TO SET POLICY AND MAKE DECISIONS INVOLVING THE ADMINISTRATION OF REGULATIONS AND THE MANAGEMENT OF FOREST LANDS. THEREFORE, THE STATE FORESTER WILL BE AN INDIVIDUAL WHO REPORTS DIRECTLY TO THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND WILL HAVE A BACKGROUND WHICH INCLUDES A FORMAL EDUCATION AND SIGNIFICANT EXPERIENCE IN FOREST MANAGEMENT. TO DILUTE THE ADMINISTRATION OF FOREST RESOURCES AND PRACTICES IN ANY WAY OTHER THAN JUST DESCRIBED PLACES A SIGNIFICANT BURDEN ON THE FOREST LANDOWNER AND DENIES TO THE CITIZENS OF THE STATE THE TYPE OF RESPONSIBLE IMPLEMENTATION OF FOREST REGULATIONS WHICH EVERYBODY DESERVES.

IN REFERENCE TO SEC. 38.05.041, DIVISION OF FORESTRY, SEALASKA CORPORATION ENDORSES THE 12 DUTIES AND FUNCTIONS RELATING TO THE MANAGEMENT OF FORESTS WITHIN THE STATE. IT IS FELT THAT A STATE FORESTER WHO HAS THE APPROPRIATE EDUCATION AND EXPERIENCE IN THE FIELD OF FOREST MANAGEMENT WILL BE ABLE TO TAKE RESPONSIBILITY FOR THE FUNCTIONS LISTED AND PROMULGATE REGULATIONS WHICH WILL PROVIDE APPROPRIATE INCENTIVES FOR THE PRIVATE LANDOWNER TO IMPLEMENT RESPONSIBLE FOREST PRACTICES.

WE WOULD HOPE THAT SUCH FOREST PRACTICES AND TIMBER MANAGEMENT REGULATIONS WHICH MIGHT BE PROMULGATED AT A LATER DATE WOULD TAKE INTO CONSIDERATION THE ECONOMIC NEEDS OF THE PRIVATE

LANDOWNER. THIS IS LARGELY DUE TO THE VERY HIGH COSTS OF UNDERTAKING FOREST PRACTICE OPERATIONS IN OUR STATE COMPARED TO THE LOWER '48.

ASSUMING THAT THERE WILL BE AT A LATER DATE SOME REGULATIONS INVOLVING A DEFINITION OF COMMERCIAL FORESTS AND FOREST LANDS, WE WOULD HOPE THAT SUCH REGULATIONS WOULD STILL ALLOW THE INDIVIDUAL COMMERCIAL FOREST LANDOWNER TO HAVE THE OPPORTUNITY TO SPEED UP HIS HARVEST SCHEDULE IF MARKETS AND PERSONAL ECONOMIC NEEDS ARE CRITICAL TO HIM. EVEN IN SOUTHEAST ALASKA, WHERE A NATIVE VILLAGE CORPORATION MAY OWN MORE THAN 20,000 ACRES OF COMMERCIAL FOREST RESOURCE, THERE WOULD PROBABLY BE ONLY SIX SEPERATE TIMES DURING A FOREST ROTATION IN WHICH A COMMERCIAL LOGGER WOULD BE BROUGHT IN TO OPERATE ON HIS LANDS. THIS IS DUE TO THE LARGE AMOUNT OF VOLUME WHICH MUST BE MOVED FAIRLY RAPIDLY IN ORDER TO UNDERWRITE THE VERY HIGH COSTS OF MOVING TO A NEW OPERATION AND SETTING UP THE NECESSARY SOCIAL AND INDUSTRIAL INFRASTRUCTURE FOR ITS SUPPORT.

WHILE THERE ARE FOREST PRACTICES ACTS EXISTING WHICH PROTECT AGAINST "OVER-HARVESTING" AND UNSATISFACTORY FOREST MANAGEMENT, ETC., THESE ARE VERY DIFFICULT TERMS TO DEFINE. IT MIGHT BE BETTER FOR SUBSEQUENT REGULATIONS TO LEAVE THESE TERMS ALONE, BUT THEN ASSURE THAT COMMERCIAL FOREST LANDS ARE PROPERLY REFORESTED AND STOCKED AFTER HARVESTING.

THERE IS A CONSIDERABLE RANGE OF COMMERCIAL FOREST TYPES IN THE STATE OF ALASKA INCLUDING OLD-GROWTH, VERY LARGE TREES IN THE PANHANDLE AND CHUGACH, TO RELATIVELY SMALL ASPEN AND SPRUCE IN THE INTERIOR. THEREFORE WE WOULD ENCOURAGE THE DIVISION OF FORESTRY TO UNDERTAKE A REGIONALIZATION PROGRAM WHICH WOULD ALLOW FOR REGIONS OF SIMILAR FOREST TYPES AND COVER WITH THE ATTENDENT PROBLEMS OF MANAGEMENT IN EACH REGION.

ADDITIONALLY, A NOTIFICATION PROCESS INSTEAD OF AN APPLICATION IN ORDER TO UNDERTAKE VARIOUS FOREST PRACTICES IS OF REAL BENEFIT TO ALL OF THE CITIZENS IN THE STATE BECAUSE IT REDUCES TIMBER HARVEST AND SILVICULTURE COSTS TO THE INDIVIDUAL PRIVATE LANDOWNER THEREBY PROVIDING MORE FUNDS WHICH CAN BE OF ECONOMIC BENEFIT TO THE STATE. IT WOULD BE MORE EFFICIENT FOR ALL PARTIES IF THE NOTIFICATION PROCESS OPERATED SIMILARLY TO A "ONE STOP" PERMIT SYSTEM. THE STATE FORESTER WOULD CIRCULATE THE NOTIFICATION TO ALL INTERESTED STATE AGENCIES SO THAT THOSE CONCERNED COULD MONITOR LAND MANAGEMENT ACTIVITIES UNDERTAKEN BY AN OPERATOR.

ASSUMING THERE IS A REASONABLE BODY OF REGULATIONS PROMULGATED AT A LATER DATE, THE PRIVATE LANDOWNER SHOULD BE ABLE TO VARY HIS FOREST PRACTICES ASSUMING THAT HE STAYS WITHIN THE REGULATIONS AND GUIDELINES FOR HIS REGION.

FINALLY WHERE ALLEGED VIOLATIONS ARE DISCOVERED BY EMPLOYEES OF THE STATE FORESTRY DIVISION, THERE SHOULD BE A PROVISION FOR THE OPERATOR TO IMMEDIATELY CORRECT THE SITUATION IF HE AGREES WITH THE REPRESENTATIVE OF THE STATE FORESTER. IF THE OPERATOR DOES NOT AGREE, THEN THERE SHOULD BE AN EQUITABLE HEARING PROCESS IN THE REGULATIONS WHICH INCLUDES THE FACT THAT (1) THE HEARING OFFICER WILL HAVE A FORESTRY BACKGROUND IN ORDER TO BE ABLE TO PROPERLY ASSESS THE ALLEGED VIOLATION, (2) THE PROCEDURES OF ANY SUCH HEARING WILL INCLUDE THE FACT THAT THE OPERATOR DOES NOT HAVE TO HAVE A LAWYER PRESENT IN ORDER TO FULLY PRESENT HIS CASE, AND (3) THE HEARING WILL TAKE PLACE AS CLOSE TO THE AREA OF OPERATION AS POSSIBLE AND IN MANY CASES AT THE ACTUAL SITE IN ORDER FOR THE HEARING OFFICER TO MAKE HIS OWN INDEPENDENT ASSESSMENT OF THE ALLEGED VIOLATION. ADDITIONALLY, THE HEARING SHOULD TAKE PLACE IN A TIMEFRAME WHICH IS VERY CLOSE TO THE DISCOVERY OF THE ALLEGED VIOLATION.

ALTHOUGH NOT DIRECTLY GERMAIN TO THE SECTIONS IN THE ACT, I WOULD LIKE TO COMMENT ON SOME PROVISIONS IN SENATE BILL 59. THESE PROVISIONS ARE ESPECIALLY ONEROUS TO THE PRIVATE FOREST LANDOWNER AND YOU MAY HAVE THEM CALLED TO YOUR ATTENTION, AT A LATER DATE.

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

OF SIGNIFICANT IMPORTANCE TO THE CITIZENS OF THE STATE AND THE FOREST LANDOWNER IS THAT AN EQUITABLE HEARING PROCESS BE IMPLEMENTED WHICH ALLOWS THE REVIEW OF ALLEGED VIOLATIONS BY INDEPENDENT HEARING EXAMINERS WHO ARE QUALIFIED WITHIN THE FORESTRY FIELD. SENATE BILL 59 PROVIDES FOR THE COMMISSIONER TO APPOINT A STATE EMPLOYEE AS HEARING OFFICER AND THE COMMISSIONER DETERMINES THE HEARING PROCEDURES. IF MISUSED, SUCH A SITUATION COULD LEAD TO HAVING THE ALLEGED VIOLATOR BEING PLACED IN A VERY UNEQUAL SITUATION. WITH APPROPRIATE INPUT FROM INTERESTED PARTIES, A STATE FORESTER CAN SET EQUITABLE PROCEDURES FOR THE HEARING OF ALLEGED VIOLATIONS AND CAN ASSURE THE ALLEGED VIOLATOR THAT THE STATE IS SYMPATHETIC TO HIS SITUATION AND YET IS PROPERLY

DISCHARGING ITS RESPONSIBILITIES TO ALL OF THE CITIZENS IN THE STATE. NATURALLY, SHOULD THE ALLEGED VIOLATOR FEEL THAT THE HEARING PROCESS WAS NOT SUFFICIENTLY FAIR TO HIM, THEN HE WOULD HAVE RECOURSE TO APPEALS AND JUDICIAL REVIEW.

SEALASKA CORPORATION HAS OTHER CONCERNS ABOUT SOME LINE ITEMS CONTAINED IN SENATE BILL 59, AND WE WILL BE HAPPY TO MAKE THEM AVAILABLE TO YOU SHOULD YOUR COMMITTEE CONSIDER A BILL SIMILAR TO IT AT A LATER DATE.

I CONSIDER HOUSE BILL 40 TO BE A LOGICAL PIECE OF LEGISLATION WHICH WILL PROVIDE FOR THE ORGANIZATION OF A STATE FORESTRY DIVISION WITH THE SUBSEQUENT PROMULGATION OF RESPONSIBLE FOREST REGULATIONS WHICH PROVIDE FOR THE COMMERCIAL FOREST LANDS THROUGHOUT THE STATE AND YET MINIMIZE THE COMPLEXITY OF SUCH REGULATIONS IN ORDER TO MEET THE NEEDS OF INDIVIDUAL REGIONS AND COMMERCIAL FOREST LANDOWNERS.

IT WILL BE VERY IMPORTANT THAT THE HOUSE ACT IN A FORCEFUL MANNER TO INSURE THAT THIS PIECE OF LEGISLATION PREVAILS AND IS OFFERED TO THE GOVERNOR FOR HIS APPROVAL.

THANK YOU FOR ALLOWING ME TO APPEAR BEFORE YOU AND I WILL BE GLAD TO ANSWER ANY QUESTIONS WHICH YOU OR THE MEMBERS OF YOUR COMMITTEE MAY HAVE.

I THANK YOU MISTER CHAIRMAN.



JUNEAU ALASKA

Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

8 MARCH 1977

AGENDA

Call Meeting to Order. _____

Bill Under Consideration: _____

HB 40 Dvsn. of Forestry - Within D.N.R. _____

Discussion, Questions.

Adjournment.

Terry Gardiner - Citizens

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

BY GARDINER, ELIASON AND
FREEMAN

1 IN THE HOUSE

2 HOUSE BILL NO. 40

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 ARTICLE 4. DIVISION OF FORESTRY.

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

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

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

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

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

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

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

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

Statehood P

- 2 -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~4/15/77~~

Area

Sec. 41.17.070 - State Employee

(SB 59)

Consider ~~Area~~ later -
CALL (SEALASKA)

#

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU 99811

November 5, 1976

DNR 4

JAY S. HAMMOND, GOVERNOR

M E M O R A N D U M

TO: The Honorable Jay S. Hammond
Governor

FROM: Avrum M. Gross *6-1*
Attorney General *AMG*

RE: Attached bill on forest resources
and practices
Our File No. J-77-001-77

Attached is a bill (a slightly revised version of last legislature's SB 563) which has been requested and reviewed by numerous agencies, although the lead agency is the Department of Natural Resources. A few relatively minor modifications of last year's bill have been worked out with Alaska Lumber and Pulp Company and the Alaska Loggers Association.

We have spent considerable time soliciting the comments of interested organizations on this subject, and made numerous changes to reflect their recommendations before introduction of the bill last year. We will continue to work with these organizations up to and during the upcoming session to obtain consensus on this legislation if possible.

A draft transmittal letter to the legislature, explaining the bill, is attached.

AMG:md:JH

D R A F T

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill which relates to state forest resources and practices. This bill has been extensively reviewed by various state agencies and interested organizations, including representatives of the forest products industry; it contains provisions responding to concerns expressed by them.

In addition to Alaska's incomparable mineral wealth, the forest land and water resources of Alaska are among the most valuable natural resources of the state. This land not only holds timber resources which are vital to the economic well-being of the state and the numerous businesses and activities dependent on timber, but the land is also important as the habitat for fish and wildlife, as collection areas for our water resources, and as places for people to fish, hunt, or simply find peace with themselves.

The purpose of this bill is to provide, with a minimum of new bureaucracy, the essentials necessary to foster the longevity of Alaska's forest products industries while concurrently benefiting from all other forest values along the way. This can be done only through adopting some controls over forest practices, but the controls in the bill have intentionally been kept to a minimum.

The focus of the bill throughout is to create new authority only where gaps exist in present authority, and specifically to avoid the creation of a new bureaucracy to deal with forest practices. Furthermore, the authority to be exercised over private forest land, which is treated distinctly from state forest land, emphasizes only a few basic objectives. Our intention is, above all, to keep government regulation at the basic minimum necessary to do the job.

Instead of creating a new entity to deal with forest practices, responsibility is housed in the Department of Natural Resources which, with its experience in land administration, is the most logical choice. The commissioner would administer the Act, with full powers of delegation to existing structures and personnel resources within the department. This will provide for implementation of the Act with a minimum of disruption and expense and without significant inconvenience to the affected public.

Not all timber harvest activities in the state are subject to regulation. Certain activities are exempted. For example, with regard to private and municipal forest land, only commercial forest land, as defined by the Act, is covered. In addition, unconnected small tracts of 160 acres or less under single ownership are excluded from the provisions of the bill to avoid regulation of activities which have minimal impact. The commissioner

also may exempt certain types of operations of forest land from regulation regardless of where they occur, if unnecessary to achieve the objectives of the legislation.

Fostering a continuous supply of timber is another objective, and, here, no complex or restrictive system of allowable cuts or production limits is imposed. Rather, the commissioner is simply charged with reporting to the legislature at two-year intervals on his administration of the Act; his report must demonstrate his plan for insuring a long-term sustained yield of timber.

As to utilization of timber in a manner compatible with other resource values, this bill does not copy the approach used in several other states of incorporating highly detailed forest practice restrictions and codes. Instead, the commissioner is authorized to adopt regulations governing forest practices with respect to subject matter areas that are common in forest practices legislation. He is guided by certain regulatory and administrative standards which are flexible enough to encourage practicality without sacrificing the objectives of the legislation. Most important, these guiding standards distinguish private forest land (which may not be available for general public use) from state and municipal forest land (which will normally be open to the public), and designate the objectives that are appropriate for each. For example, forest administration on public forest

land must be based on the principle of multiple use of all of the resources and values, and encourages recognition of all resources and values. On the other hand, since private forest land owners may elect to concentrate on particular uses and exclude others, their land is not subject to the multiple use directive.

Timber harvesting will be taking place across the state. Some of this harvesting will be covered by the policies of the bill and the regulations issued under it. Consequently, there must be some means of assuring that those regulations are complied with and that the objectives of the bill are reached. Two different systems have been used in other states. The notification system merely requires a timber harvester to notify the state that he intends to operate on forest land; no advance approval is necessary. The advantage of the notification system is that it is simple and administratively inexpensive (at least the process itself is). The disadvantages are that the government may be largely unaware of what is happening in particular projects and violations may escape notice. In addition, the timber harvester has little or no contact with the administrative authority, leading to the likelihood of misunderstandings and a large number of inadvertent violations. Other states use varying degrees of a prior-approval system. In some cases, highly detailed plans approaching impact-statement detail are required; in addition, they may have to be prepared by a licensed forester. The benefits of this system

include a much greater familiarity with operations taking place around the state, the opportunity to identify undesirable aspects of operations before any damage occurs, and the chance to work out differences with the operator before the project is initiated. On the negative side, the prior-approval system can be highly expensive, onerous to the operator, and may lead to extensive delays.

This bill uses neither system exclusively; rather, it incorporates the positive and eliminates the negative aspects of each. Before operating, the timber harvester must submit a brief description of the proposed project. It is to be reviewed during a relatively brief time by the commissioner (with input from affected agencies) for consistency with the applicable policies and regulations, and approved or conditioned to insure that consistency. Only if substantial problems appear would more detailed plans be required, and these would apply only to the particular problem area rather than to the entire project. To protect against bureaucratic footdragging, there is a statutory maximum time which the commissioner may use for review and approval, and there are no exceptions. There is also a statutory directive that paperwork be kept to a minimum to prevent inconvenience to the operator. This approach will require only that amount of information and participation from the operator necessary to provide the commissioner with familiarity as to the nature of forest development operations and to identify in advance serious problems.

Finally, in the event of a violation, the bill uses an administrative fine system (with full due process guarantees) rather than criminal penalties. Criteria are set out for establishing the amount of the fine. Judicial review of the administrative fine is provided.

I am convinced that this bill is well suited to Alaska and will greatly benefit the natural resources and general well-being of the state. I urge your favorable consideration.

Sincerely,

Jay S. Hammond
Governor

HB

54



Alaska State Legislature
House

JUNEAU ALASKA

Memo to: Rep. Alvin Osterback, Chairman
House Resources Committee

Date: February 7, 1977

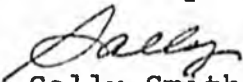
From: Rep. Sally Smith, Chairman
Subcommittee on Parks, Lands, Timber

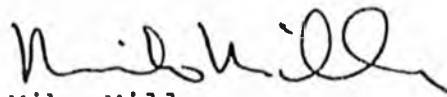
The Subcommittee on Parks, Timber and Lands met at noon with Ted Smith and Jack Roderick of the Dept. of Natural Resources to discuss:

HB 54-----Administration of State Lands
HB 114-----Fire Suppression Fund
HB 115-----Appropriation for Fire Suppression Fund

Attached are copies of information received on these subjects--
Note some are quite old. The subcommittee recommends that the bills be given the attention of the complete Resource Committee to receive testimony from Mr. Smith.

Sincerely,


Sally Smith, Chairman


Mike Miller


Dick Eliason

TO: ROGER LEWIS
Legislative Liaison

THRU: DALE P. TUBBS ~~DD~~
Deputy Director

DATE: February 9, 1975

FROM: L. A. CUTTON
Management Forester
State Forester's Office

SUBJECT: House Bill No. ~~54~~
57

Forestry and Water Resources had proposed amendments to AS 38.05.115 to be included in this bill. One of these, and the most important to Forestry, was an amendment to sub-sec. (b) of this statute. The proposed amendment which would facilitate the processing of contracts for minor amounts of timber or materials has been entirely omitted from HB ~~54~~. 57

Section 115(b) presently provides:

"Negotiated sales for timber or materials not exceeding a value of \$250 are exempt from the provisions of AS.34.15.150."

Sec. 115(b) as proposed for amendment would read:

"Negotiated sales [FOR TIMBER OR MATERIALS] not exceeding 50 cu. ft. [A VALUE OF \$250] or the equivalent other measure of timber or more than \$500 of materials are exempt from the provisions of AS 34.15.150.

The problem with AS 38.05.115(b) as presently written is that \$250 does not buy anywhere near the amount of timber or materials today that it did seven years ago. Consequently, we do not have many sales for \$250 and Sec. 115(b) is not accomplishing what it was intended to do; i.e.; reduce the burdensome, inconvenient, and impractical necessity of having simple contracts for the sale of minor amounts of timber or materials acknowledged as required by AS.34.15.150.

A volume rather than a value limitation applicable to timber is used in the proposed amendment, as this conforms to the volume limitation for negotiated sales in Sec. 115(a). Also, this will make the statute less dated with regard to timber, so that future amendments of this nature should not be necessary.

Please forward a copy of this memorandum through the appropriate channels with a request that the amendment be incorporated in HB ~~54~~. Otherwise, please let us know why AS 38.05.115(b) should not be thus amended.

H.B. 4.

Sec. 38.05.115. Limitations and conditions of sale. (a) The commissioner, upon recommendation of the director, shall determine the timber and other materials to be sold, and the limitations, conditions, and terms of sale. The limitations, conditions, and terms shall include the utilization, development, and maintenance of the sustained yield principle, subject to preference among other beneficial uses. The director may negotiate sales of timber or materials without advertisement and on the limitations, conditions, and terms which he considers are in the best interests of the state, subject to the approval of the commissioner. However, not more than 500,000 board feet [M.B.M.] or the equivalent of timber or more than ^{25,000}~~20,000~~ cubic yards [\$2,500] of materials may be sold by nonadvertised, negotiated sale to the same purchaser within a one year period.

(b) Negotiated sales [FOR TIMBER OR MATERIALS] not exceeding 50,000 board feet [A VALUE OF \$250] or the equivalent of timber or 1000 cubic yards of materials are exempt from the provisions of AS 34.15.150.

Justification for amendment:

The amendment is proposed, because due to inflation the volume of material that can be purchased for \$2,500 today is far less than could have been purchased in 1969. For the same reason, the \$250 limit on the exemption from AS 34.15.150 (notorizing contracts) is now impractical. It is felt that a volume rather than a dollar limitation will be more practical, make the statute less dated, and make future amendments of this nature unnecessary.

HOUSE BILL NO. 54 by the Rules Committee by Request of the Governor, entitled:

HB
54

"An Act relating to the administration of state land; and providing for an effective date."

was introduced, read the first time and referred to the Committees on Resources and Judiciary.

"January 14, 1977

The Honorable Hugh Malone
Speaker of the House
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. Speaker:

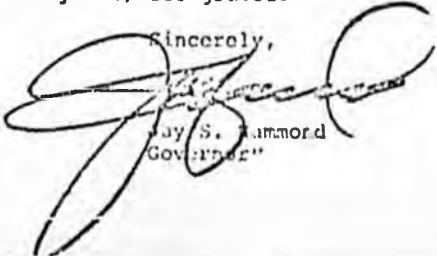
Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to the administration of state land. This bill makes three changes in the Alaska Land Act (AS 38.05):

1. It eliminates the requirement in AS 38.05.050 that land sales be held in the recording district where the property sold is located because recording district boundaries have been modified with the result that some districts do not include a site appropriate or convenient for the holding of a sale of land located in the district. In other cases, it is possible that a sale site in an adjacent recording district may be closer to the property for sale than any possible site in the same district.

2. The bill also adjusts the maximum amount of materials which may be sold by non-advertised, negotiated sale under AS 36.05.115(a). The measure of the maximum amount of materials which may be sold in this manner is changed from dollar value (\$5,000) to volume (25,000 cubic yards) to be consistent with the volume measure of timber in the same section, to adopt the standard industry measurement, and to provide for a more flexible measurement in the face of rising prices and inflation.

3. In AS 38.05.115(b), the bill also adjusts in the same manner and for the same reasons, measures of the maximum amounts of timber and material which may be sold by negotiated sale without notarization as required by AS 34.15.150. This maximum is changed from dollar value (\$500) to board feet (50 M.D.M.) for timber and cubic yards (2,500 cubic yards) for gravel.

Sincerely,



Jay S. Hammond
Governor"

TO: Guy R. Martin
Commissioner

THRU: Michael C. T. Smith
Director

DATE : November 3, 1975

FROM: George K. Mollett
State Forester

SUBJECT: Fire Suppression Fund

One of the items that will have to be resolved before we start in the fire suppression business on the Kenai Peninsula next summer is where does the out-of-pocket money come from to pay our bills. As long as we use State crews and equipment, there is no problem as they are funded in our budget. The problem will be in paying the individuals we hire and the equipment owner that may be needed at times to supplement our crews. No money has been included in our budget for this unknown. All our previous bills have been to BLM and have been paid up to a year or so after they expended the funds. When we hire an individual, he is going to want his pay within a short period of time after the fire.

The amount of money needed for out-of-pocket fire suppression costs is really an unknown. If we were to look at the last five years' costs on the Kenai, we find the following:

<u>Year</u>	<u>Acres Burned</u>	<u>Cost</u>	<u># Fires</u>
1970	2375	\$354,424.39	33
1971	1	1,454.84	5
1972	205	11,145.65	11
1973	47	14,637.29	20
1974	40	24,036.16	13
Total	3168	\$405,747.24	102

This then gives us an average cost of \$1,199.45, which you can see does not come close to any of the years. These figures are not a true picture of what the out-of-pocket cost will be as a good bit of these costs will be covered by State crews and equipment.

The same thing shows up when we look at the fire suppression costs for all State and private lands.

<u>Year</u>	<u>Costs</u>
1970	\$1,451,445.63
1971	1,304,955.70
1972	59,546.79
1973	235,907.31
1974	339,537.49

I am not sure what is the best way to handle the situation, but do feel that there should be some way to have money available on a non-expiring basis. This way everyone who has to be involved with the money from payor to payee knows there is money available.

I would like to suggest that the idea of having a "Fire Suppression Fund" be established by the Legislature be looked into. I can see where it could be worked out somewhat similar to the Disaster Relief Fund (copy attached). Since the fire law A.S. 41.15 refers to the Commissioner, it would then be natural to tie the operation of the suppression fund there also.

Since we are really dealing with an unknown figure at this time, I would suggest we ask for an initial funding of \$50,000.00. This would give us some protection for our job on the Kenai Peninsula. It would mean we would have to come in each year as we take over different areas of the State for subsequent financing. This may be easier than asking for a large amount at first. I would be most happy to work with someone on the working of such a fund and also the amount, if you feel it is worthwhile.

If we do not go the fund route, it will then be necessary to ask for a supplemental to the FY 76 budget to be assured there are funds available to make payments. Since the fire season starts in May, it would be best to have about \$20,000.00 in case we do have any trouble. I am not sure what code something like this would go under since they appear to have removed the 800 code. If there is something like the old 800 code, I would say that is where it belongs as we pay both salaries and equipment rental from the funds.

Let me know if there is any more information I can put together or any way I can help.

Attachment

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HOUSE BILLS NO. 114 & 115
 Title Fire Suppression Fund
 Requested by Office of the Governor Date 1/18/77

II. FISCAL DETAIL
 Agency Affected Department of Natural Resources
 Program Category Affected Division of Lands
 Budget Request Unit(s) Affected _____

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		750.0	566.8	595.2	624.9	
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL		750.0	566.8	595.2	624.9	

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND		750.0	566.8	595.2	624.9	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME		0	0	0	0	
PART TIME		0	0	0	0	
TEMPORARY		0	0	0	0	

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 The requested legislation establishes a Fire Suppression Fund and appropriates from the General Fund monies sufficient to initiate the Fund and maintain it in future years at a level adequate to meet anticipated costs of annual fire fighting activities. The Fire Suppression Fund is a reserve from which fire fighting expenses will be paid; it is not a planned expenditure. Future annual inputs from the General Fund to the Fire Suppression Fund are difficult to predict, however, from 1970 through 1975 State outlays for fire suppression have ranged from \$1.2 million to \$99,646, averaging approximately \$539,055. Creation of a Fire Suppression Fund will enable prompt payment of fire fighting costs. With increasing State ownership of land, and responsibility for fire protection, the base cost can be expected to rise, even aside from inflation. Previously these payments have been met through supplemental or annual appropriations and have been subject to the delays implicit in that process.

IV. DATE _____ PREPARED BY George Hollett
 AGENCY Division of Lands
 Original: Legislative Finance PHONE Gay Martin 1/19/77
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

BRIEFING

Bureau of Land Management - State of Alaska Fire Control Contract

February 4, 1977

BACKGROUND

With realization of Alaska statehood in 1959, BLM entered a contract with the State to protect State lands from wildfire. This was an interim measure to protect State resources until the State established its own fire control capability.

In 1971, after considerable dialogue, serious contract disengagement proposals were discussed with Mr. Charles Herbert, Commissioner, Department of Natural Resources. These proposals called for BLM disengagement in the Cook Inlet - Kenai Peninsula areas by 1975.

In 1972, BLM disengaged from the lands in Southeast Alaska. The Cook Inlet disengagement plan was reiterated this same year by letter to Governor William Egan.

In 1973, Governor William Egan informed BLM, by letter, that he had directed the Department of Natural Resources to review the problem and prepare a detailed program for building a State organization.

In a 1975 letter, Governor Jay Hammond was briefed on BLM's disengagement plans.

By contract amendment dated June 17, 1976, the State removed 21,206,381 acres of land from BLM contract protection. The State established a fire control organization to fight fire on the Kenai Peninsula and the Chugach State Park. This amendment also eliminated all protection on approximately 10,500,000 acres of burnable resources on State lands in western Alaska. During the 1976 fire season, problems were identified with the "let burn" decision on this 10.5 million acres. Since time did not allow a formal contract adjustment, BLM agreed by memorandum to protect these acres on a fire by fire basis despite contract deletion and lack of associated presuppression monies.

Also in 1976, a formal plan of BLM disengagement from lands bounded by the Alaska Range, Talkeetna Mountains, Chugach Mountains, and Kenai Mountains was presented to the State. More specifically, this area includes the Kenai Peninsula, Anchorage Bowl, and the Mat-Su Valley.

This brief chronology brings us to the present. Three situations require attention:

1. 10.5 million acres of unprotected State land in western Alaska.
2. BLM's planned disengagement from the Mat-Su area.
3. Contract rewrite to optimize the contract dollar and optimize protection on BLM and State lands.

One last comment is made. BLM can contractually protect State lands only as long as mutual agency benefit is realized. In other words, BLM cannot sell its fire control services unless it realized reciprocal benefits such as the State protecting portions of BLM land. The opportunity exists for a contract incorporating this concept.

BLM has responsibility lands in locations where the State is major land holder. The features of these locations include people/property density, road accessibility, and compact area. Fire attack can be accomplished with vehicular pumper trucks and some helicopter support.

The State has responsibility lands in locations where BLM is the major responsible land administrator. The features of these locations include limited people/property density, no road access, and vast area. Fire attack can only be accomplished utilizing major aircraft involvement. Annually, BLM must obligate 3.0 million dollars to acquire contract aircraft. This cost is exclusive of flying time.

The point is made that no technical organizational duplication will exist if the State elects to focus fire protection in the population/property density areas and BLM focus its protection in the vast roadless areas. Mutual benefit is realized and the resulting fire control organizations are complementary.

The briefing will describe the current contractual situation and offer a new contract approach to better solve our mutual fire control problem.