

528

HRES

HCR

105

-

SB

13

HCR

105

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

BOARD OF FISHERIES
C/O DEPARTMENT OF FISH AND GAME
SUPPORT BUILDING, JUNEAU 99801

Box 1633
Kodiak, Alaska 99615
May 22, 1978

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

Dear Representative Osterback:

This is in reply to your April 21 request for comments on
CSHB 807 and HCR 105.

CSHB 807. I have no objection to appropriating additional money to the Sport Fish Division for managing Cook Inlet salmon. I assume this is an appropriation that is an addition to the budget and does not replace another program. Better management of the Cook Inlet fishery would ease some of the uncertainty that the Board faces when it makes its allocation decisions. It has become increasingly apparent during my time on the Board that fishing activity and the demands of Alaska's population on the resource are expanding at a faster rate than the appropriations necessary to meet these demands.

HCR 105. The Legislature has given the responsibility of regulating and protecting the fishery resources of Alaska to the Board of Fisheries. I've enclosed a copy of the upper Cook Inlet management policy that the Board adopted last December. Basically the policy designates the subsistence fishermen and the sport fishermen as the primary harvesters of king and silver salmon before June 30 and after August 15. Cook Inlet is one of the most complicated areas to manage in the state. There is a significant overlap of salmon species that are not of prime recreational interest but are of high commercial value during part of this time period. It is the Board's intent to attempt to utilize as fully as possible the commercial species while protecting the recreational species

The Honorable Alvin Osterback

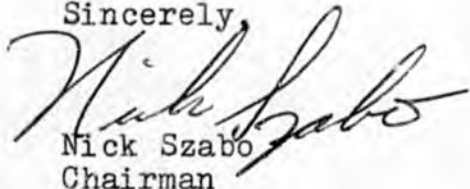
2

May 22, 1978

as much as possible. HCR 105 does not have the flexibility to accomplish this goal. It is for this reason that I am opposed to it. It would result in significant amounts of those salmon which are of no interest to sport fishermen being left unharvested.

If I can be of any further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nick Szabo".

Nick Szabo
Chairman

Enclosure

cc: Commissioner Skoog
Board Members

Correct copy

Policy #77-27-FB

COMPREHENSIVE MANAGEMENT POLICY
FOR THE UPPER COOK INLET


The dramatically increasing population of the Cook Inlet area has resulted in increasing competition between recreational and commercial fishermen for the Cook Inlet salmon stocks. Concurrently, urbanization and associated road construction has increased recreational angler effort and may adversely affect fisheries habitat. As a result the Board of Fisheries has determined that a policy must now be determined for the long-term management of the Cook Inlet salmon stocks. This policy should rest upon the following considerations:

1. The ultimate management goal for the Cook Inlet stocks must be their protection and, where feasible, rehabilitation and enhancement. To achieve this biological goal, priorities must be set among beneficial uses of the resource.
2. The commercial fishing industry in Cook Inlet is a valuable long-term asset of this state and must be protected, while recognizing the legitimate claims of the non-commercial user.
3. Of the salmon stocks in Cook Inlet, the king and silver salmon are the target species for recreational anglers while the chum, pink, and red salmon are the predominant commercial fishery.
4. User groups should know what the management plan for salmon stocks will be in order that they can plan their use consistent with that plan. Thus, commercial fishermen must know if they are harvesting stocks which in the long-term will be managed primarily for recreational consumption so that they may plan appropriately. Conversely, as recreational demands increase the recreational user must be aware of what stocks will be managed primarily for commercial harvest in order that he not become overly dependent on these fish for recreational purposes.
5. Various agencies should be aware of the long-term management plan so that salmon management needs will be considered when making decisions in areas such as land use planning and highway construction.
6. It is imperative that the Department of Fish and Game receive long-range direction in management of these stocks rather than being called upon to respond to annually changing Board directives. Within the Department, divisions such as F.R.E.D., must receive such long-term direction.

EXHIBIT NO. 13
page 1 of 2

Therefore, the Board establishes priorities on the following Cook Inlet stocks north of Anchor Point. In so doing it is not the Board's intent to establish exclusive uses of salmon stocks; rather its purpose is to define the primary beneficial use of the stock while permitting secondary uses of the stock to the extent it is consistent with the requirements of the primary user group.

1. Stocks which normally move in Cook Inlet to spawning areas prior to June 30, shall be managed primarily as a non-commercial resource.
2. Stocks which normally move in Cook Inlet after June 30, shall be managed primarily as a non-recreational resource until August 15; however existing recreational target fish shall only be harvested incidental to the non-recreational use; thereafter stocks moving to spawning areas on the Kenai Peninsula shall be managed primarily as a non-commercial resource. Other stocks shall continue to be managed primarily as a non-recreational resource.
3. The Susitna coho, the Kenai king, and the Kenai coho runs cannot be separated from other stocks which are being managed primarily as non-recreational resources; however, efforts shall be made, consistent with the primary management goal, to minimize the non-recreational catch of these stocks.


Nicholas G. Szabo, Chairman
Alaska Board of Fisheries

ADOPTED: December 13, 1977

VOTED: 5-0

EXHIBIT NO. 13

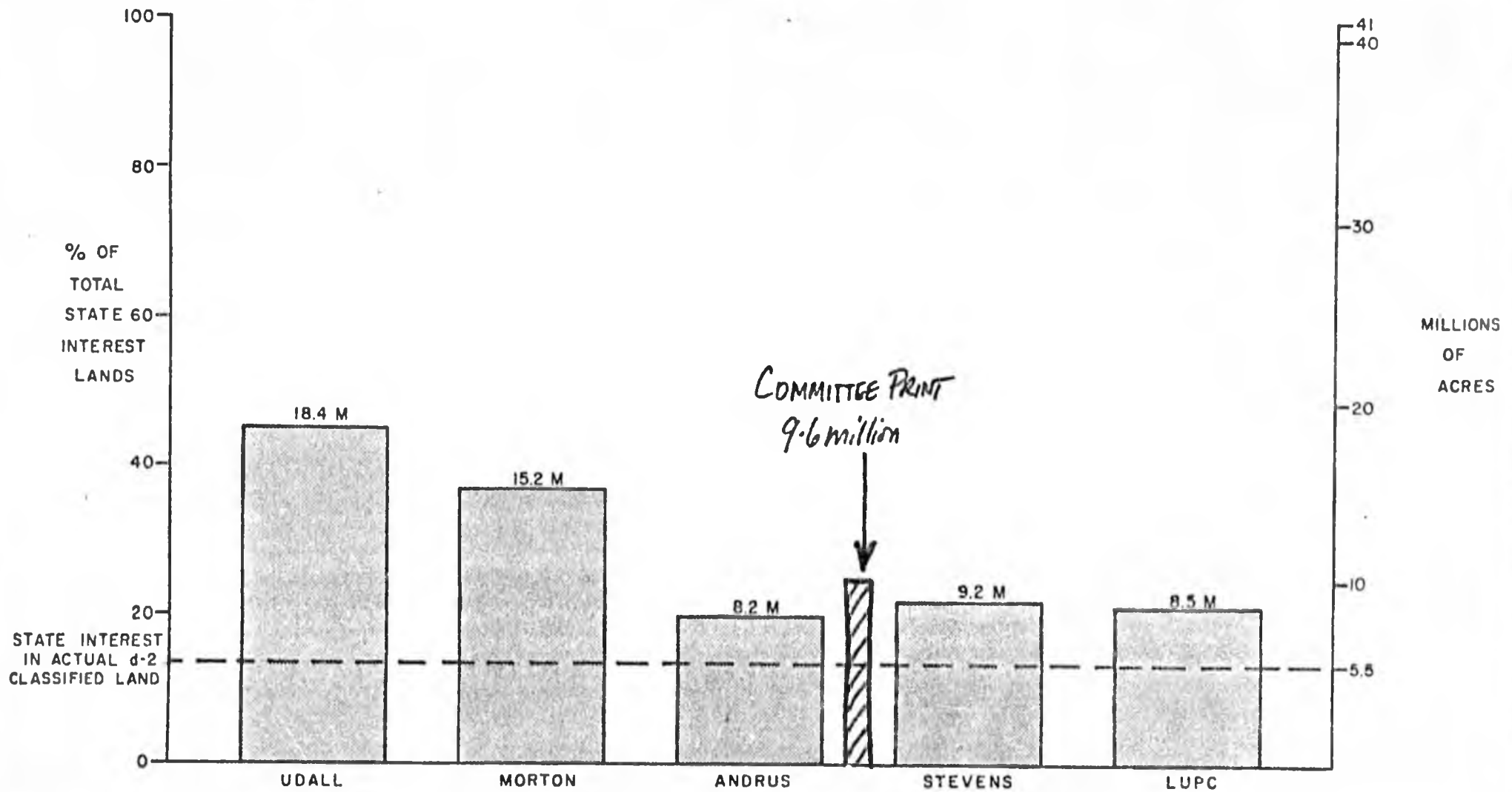
page 2 of 2

(3) Section 6(g) of the Alaska Statehood Act is amended by adding at the end thereof the following new sentence: "As to all selections made by the State after January 1, 1979, pursuant to section 6(b) of this Act, the Secretary of the Interior, in his discretion, may waive the minimum tract selection size where he determines that such a reduced selection size would be in the national interest and would result in a better land ownership pattern.

(h) In furtherance of its entitlement to lands under section 6(b) of the Alaska Statehood Act, the United States hereby conveys to the State of Alaska all right, title, and interest of the United States in and to all vacant, unappropriated, and unreserved lands, including lands subject to subsection (m) of this section, which lie within those townships outside the boundaries of conservation system units established, designated, or expanded by this Act, which are specified in the list of State Selection Interest Lands submitted by the State of Alaska and on file in the office of the Secretary of the Interior, and as depicted on the map entitled " ", dated March 1978.

(i) (1) Lands identified in subsection (h) are conveyed to the State subject to valid existing rights and Native selection rights under the Alaska Native Claims Settlement Act. All right, title and interest of the United States in and to such lands shall vest in the State of Alaska

ANALYSIS OF STATE SELECTION INTEREST AREAS WITHIN D-2 PROPOSALS



PUBLIC INFORMATION PACKET

Considerations For Alaska State Land Selections

Alaska Department of Natural Resources

February 1, 1978

Planning and Research Section
Department of Natural Resources
323 East 4th Avenue
Anchorage, Alaska 99501

I. Why is the State of Alaska selecting land now?

The Alaska Statehood Act

The Alaska Statehood Act grants the State of Alaska the right to choose and gain title to 104 million acres of federal land in Alaska. The majority of this entitlement, 102.5 million acres, is to provide for present and future settlement including residential, industrial, commercial and recreational land needs. To date the state has selected nearly 75 million acres of this general grant lands entitlement, leaving 25-30 million acres remaining to be selected.

Section 17 (d)(2) of The Alaska Native Claims Settlement Act

Section 17(d)(2) of the Alaska Native Claims Settlement Act directed the Secretary of the Interior to classify up to 80 million acres of Federal land in Alaska for inclusion in the National Park, Wildlife Refuge, Forest and Wild and Scenic River Systems. Congress gave itself until December 31, 1978 to act on the Secretary's recommendations, and over the past six years a number of (d)(2) bills have been introduced. Congress is now considering final (d)(2) legislation.

The State of Alaska is urging Congress to address state land selection rights within the context of (d)(2) legislation. The ultimate goal is to gain Congressional assurance for land conveyance to the State of Alaska of the majority of our remaining land entitlement as part of any final (d)(2) bill.

II. Why are General Grant Lands so important to Alaskans?

Most of Alaska's 367 million acres of land will continue to be owned and managed by the federal government even after completion of land selections. The federal government will retain ownership of approximately 218 million acres. As a result of the Alaska Native Claims Settlement Act, a large portion of additional lands (44 million acres) will be owned by private native corporations. After all selections are completed, the state will own approximately 29% of the land area, the natives 12% and the federal government 59%. Although it is certain that both the native and federal lands will play a major role in fulfilling many of Alaska's land related needs, it is the state's land that can best be managed through our state and local governments in a way to assure that Alaskans' land needs are met.

III. How does the state decide which lands to choose?

Land and Resource Inventory and Evaluation

To insure the wisest selection of Alaska's remaining land entitlement Governor Hammond initiated a process to identify federal and native over-selected lands within Alaska suitable for state ownership. The Department of Natural Resources is responsible for this process. During the past two years the department has studied and evaluated Alaska's land and natural resources. Agricultural, mineral, forestry, fisheries, wildlife, recreation, land settlement potential, and other values were assessed based on the best information available to state government, including citizen and industry

input, Federal-State Land Use Planning Commission data, and the collective expertise of state land managers and resource experts.

Based on this assessment, the Department of Natural Resources chose 71 separate "state interest" areas to create a selection pool of 45 million acres including federal and native overselected lands. From this pool the state will choose much of its remaining general grant land entitlement.

Public Review

The 45 million acre land pool does not represent state land selections. Rather it is a first step which will alert Congress to our basic desires and provide the basis for public discussion. In an announcement last November, Governor Jay Hammond said, "It is our intention to press aggressively for conveyance of 25 to 30 million acres from this pool and other lands through the (d)(2) legislation. Our decision of which lands should ultimately be selected will only take place after an extensive process of public meetings, and review. Identification of these tentative state interest lands initiates this process of public review and input to our eventual selection action."

The Department of Natural Resources is now in the process of scheduling public meetings in some 19 communities throughout the state. The Department is interested in gathering more local knowledge about lands within the selection pool, as well as hearing people's thoughts concerning the types of lands and the location of lands which the state is considering. Since the tentative pool must be refined, public input gained from these meetings can play a significant role in shaping the eventual selection package.

IV. How can individual Alaskan citizens participate?

A large map of the State of Alaska should be on display in your city hall or community center. This map will show lands which the state has previously selected and the new interest areas which comprise the 45 million acre pool. Consider both the statewide picture as well as the lands in your specific area. Come and discuss your opinions of the state interest areas at the public meeting in your community. Your participation in this program is an important part of the state land selection process.

The following list briefly highlights the basic guidelines which the state is currently following in the consideration of additional lands for selection. (Please note that the listing does not reflect a priority ranking of the guidelines).

1. **SETTLEMENT LANDS:** The state should select land around regional centers such as Kotzebue, Nome, Bethel and Dillingham as well as additional potential settlement areas for the future in regions such as the Yukon and Kuskokwim River valleys, the uplands of the Yukon Flats and the Bristol Bay drainage.
2. **ROADS:** The state should continue to emphasize selections in the vicinity of existing transportation routes and potential transportation crossroads or key areas.

3. AGRICULTURE: The state should attempt to select all lands made available rated in the top half of Alaska's agricultural land. Any remaining agricultural lands should be selected if other valuable resource capabilities are specifically identified.
4. FORESTRY: Future selections should attempt to acquire forest lands from the best half of Alaska's forest potential areas.
5. COMMERCIAL FISHERIES: Selections should consist of key parcels of limited acreage and prime locations for purposes of fishery enhancement, hatchery sites, research facilities, and access sites.
6. TOURISM: Recreation lands identified in the White Mountain area, Tangle Lakes area, and near the Alaska Yukon border should be selected, if possible, as well as additions to the highway campground system and noted recreation sites along major waterways.
7. HARD ROCK MINERAL LANDS: The state should balance out existing mineral holdings with very selective acquisitions in mineral areas of known potential, and areas which may become mining activity centers, such as on the Seward Peninsula and the southwest portion of the Brooks Range, to facilitate provision of state services.
8. COAL LANDS: The state should acquire appropriate coal lands which rank in the best third of coal potential lands in the state.
9. OIL AND GAS LANDS: The state's goal should be to refine and augment existing oil and gas holdings or select new areas of extremely high resource potential including consideration of heretofore unavailable areas such as the National Petroleum Reserve - Alaska on the North Slope.
10. WILDLIFE HABITAT AND USE AREAS: The state should select strategic small parcels which will provide access for various wildlife user groups and also key areas to insure continuation of the state's resource management options for wildlife.
11. HIGH USE RECREATION AREAS AND PARKS: The state should select 750,000 acres of potential park lands which are needed to fulfill the state's recreational development plan as well as prime areas for recreation facilities along major roads and waterways.
12. LAND QUALITY: The state should select stable and useable lands of high quality and multiple use value throughout the state.
13. RIVERS AND COASTS: The state should select land for settlement, recreation use, and access values along the Yukon and Kuskokwim Rivers as well as appropriate locations along the coastline of Alaska.
14. PYK LINE: The state should continue past policies of generally not encouraging large residential establishments away from main regional centers north of the Porcupine-Yukon-Kuskokwim River line.
15. OWNERSHIP PATTERN: Selections should attempt to ensure adequate access to existing and future state land areas with particular emphasis on accessibility between state lands and major transportation corridors, rivers and coastlines.

BY LETHIN, AKERS, ANDERSON,
BEIRNE, BENNETT, BRADLEY,
CARPENTER, COTTEN, DANKWORTH,
ELIASON, FREEMAN, GRUENING,
GUY, HAYES, KELLY, MCKINNON,
MEEKINS, MILES, PHILLIPS, RUDD,
SWANSON AND URION

1 IN THE HOUSE

2 HOUSE CONCURRENT RESOLUTION NO. 105

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 Relating to fishing in Cook Inlet.

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

7 WHEREAS certain extant and proposed regulations of the Department of Fish
8 and Game concerning the Cook Inlet salmon fishery appear not to be in the
9 best interests of all parties concerned; and

10 WHEREAS equitable treatment of commercial, subsistence and sport fisher-
11 men is of necessity a prime consideration of the law; and

12 WHEREAS the rapidly expanding population of the Anchorage area is in
13 serious need of enhanced recreational opportunities; and

14 WHEREAS the fishery resource of Cook Inlet must be judiciously managed
15 to preserve and expand its production levels; and

16 WHEREAS the contribution of the Cook Inlet fishery to the tourism indus-
17 try, Alaska's fourth largest industry, is substantial and increasing;

18 BE IT RESOLVED by the Alaska State Legislature that the Governor is
19 respectfully requested to direct the Department of Fish and Game to promulgate
20 regulations opening the commercial fishery in ^{North + Central Lethin} all districts of Cook Inlet
21 from July 1 to August 15 of each year, subject to individual openings and
22 closings within those dates by the Department of Fish and Game, and reserving
23 the remainder of the season, before and after that period, for subsistence
24 and sport fishing. This shall not preclude subsistence and sport fishing
25 during the designated period for commercial fishing.

TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02049 NL ANCHORAGE ALASKA 61 04-11 530P AST

PMS REP ALVIN OSTERBACK

JUN

PLEASE STOP ALL ACTION ON KCR105. A SIGNIFICANT AMOUNT

OF THE COMMERCIAL CATCH OF KINGS OCCURS BEFORE JULY 1

A LARGE PORTION OF THE CHUM CATCH AFTER AUGUST 15 IN THE

COOK INLET AREA. LEGISLATURE SHOULD NOT BE INVOLVED IN

THE REGULATORY FUNCTIONS OF THE FISH AND GAME DEPARTMENT

AND THE FISHERIES BOARD.

RANGER NELSON 1035 WEST NORTHERN LIGHTS BLVD

ANCHORAGE ALASKA 99503

HCR

124

TELEGRAM

ECA ALASKA COMMUNICATIONS, INC.

PHONE: 586-8440

JUNEAU, ALASKA 99801

*Made
Copy*

02078 NL TDA UNALAKLEET 50 04-24 430P AST

PMS REP ALVIN OSTERBACK

CHAIRMAN RESOURCES COMMITTEE

JUN

THE UNALAKLEET NATIVE CORPORATION SUPPORTS YOUR RESOLUTION
DECLARE THE MUSK OXEN NEAR THIS TOWN AND THEIR DESCENDANTS
DOMESTIC ANIMALS. SUCH A STATUS ENABLES THE AGRICULTURAL
DEVELOPMENT CUSTOMARY AMONG DOMESTIC ANIMALS IN OTHER AREAS.

PAUL IVANOFF II, PRESIDENT

UNALAKLEET NATIVE CORPORATION

1978 APR 24 PM 9:13

TELEGRAM

HCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

#

02076 POM TDA UNALAKLEET 15 04-24 517P AST

PMS REP ALVIN OSTERBACK

CHAIRMAN RESOURCES COMMITTEE

JUN

NATIVE VILLAGE COUNSEL OF UNALAKLEET SUPPORT RESOLUTION
TO DECLARE THE MUSKOX A DOMESTIC ANIMAL.

R WEAVER IVANOFF, PRESIDENT

NATIVE VILLAGE COUNSEL OF UNALAKLEET

1978 APR 24 PM 9 15

TELEGRAM

ALASKA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02079 POM ANCHORAGE AK 15 04-24 505P AST

PMS REP ALVIN OSTERBACK

CHAIRMAN RESOURCES COMMITTEE

JUN

UNALAKLEET CITY COUNCIL URGES PASSAGE OF THE RESOLUTION

DECLARING OUR LOCAL MUSK OX HERD DOMESTIC.

JOHN ECKELS, MAYOR

1978 APR 24 PM 9 15

'OOMINGMAK'

MUSK OX PRODUCERS' CO-OPERATIVE

604 - H. Street, Anchorage, Alaska 99501



QIVIUT HANDKNITS

Representative Alvin Osterback
Chairman, Resources Committee
Alaska State Legislature
Pouch V, Juneau, Ak. 99801

please reply to:
Box 447
Bainbridge Island
Washington 98110
(206) 842-4849
21 April '78

Dear Representative Osterback:

The purpose of this letter is to express support for the Resolution under consideration by your committee which declares the hornless musk ox to be a domestic animal. It is also to offer additional information which might be considered useful, especially with regard to the present domestic musk ox industry which provides a growing number of tundra/coastal village people with a significant portion of their annual income.

It has been customary for agriculturalists to consider an animal as domestic if it met the following standards: 1) its breeding were under the control of man, and through selection certain characteristics were emphasized which differed from their occurrence in the wild ancestors; 2) it were maintained under a program of complete husbandry management; 3) it, and its products, were utilized in an active economy.

The musk oxen maintained by this Cooperative meet these standards in the following manners:

I. The present domestic musk ox herd has been selectively bred through several generations. Selection was based upon rapid growth, early maturity, and, particularly, the annual yield of qiviut, the underwool upon which the textile industry is based. An additional factor was selection for small body size in comparison to qiviut yield. In achieving these results, the selective breeding has produced an animal which differs markedly from its wild ancestors, grows faster, matures earlier, and yields more qiviut.

II. The domestic musk ox has been maintained on farms since 1954, is tame, and follows a regular daily agricultural routine which extends from the breeding season in September through the calving and qiviut-collecting season in May-June. It is treated and used as a normal domestic animal.

III. The principal product of the domestic musk ox is its qiviut, or underwool, which is knitted into delicate garments and provides employment and cash incomes for over a hundred persons in the tundra/coastal villages of Alaska. These include Mekoryuk, Tanunuk, Nightrute, Bethel, Goo'news Bay, St. Michaels, St. Marys, Unalakleet, Fortuna Lodge, Marshall, Elim, Nome, Tooksook Bay, Shishmaref, Kotzebue, Wainwright, Pt. Barrow, Kodiak, and others. At present, plans are in progress to locate herds and to train textile knitters in Unalaska, Akutan, Atka, Uellar, St. Lawrence, Kivalina, Point Hope, etc.

IV. Specifically, a domestic musk ox can always be distinguished, even from a distance, because it has no horns - in contrast to its wild ancestors. (The horns have either been removed when calves or, when occurring, the hornless characteristic will be extended through selective breeding

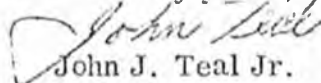
In addition to meeting the above standards for domestic status, these musk oxen have been widely accepted by the general public as domestic, especially with reference to their economic use and farm management. They have also been referred to as domestic animals in the scientific journals, and have been treated as domestic animals in the compilation of agricultural statistics. This followed normal expectations, since domestication has been one of the principal stated goals regarding musk oxen since their importation in 1930.

By means of the Resolution declaring these musk oxen to be domestic, those tundra/coastal people who rely upon them for their livelihood will become eligible for a variety of technical assistance and grants. They also then will enjoy the normal rights and privileges common to the ownership of domestic animals in other areas.

It seems, therefore, that many advantages and benefits will accrue to the participating residents of tundra/coastal Alaska by a declaration that their animal is domestic.

With many thanks for your consideration -

Sincerely yours,


John J. Teal Jr.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 11, 1978

SUBJECT: Technical Assistance Provided by State Agencies to Domestic Livestock Producers

TO: The Honorable Lisa Rudd

FROM: George Utermohler
Research Analyst J.U.

You have requested us to determine what technical assistance state agencies may provide to domestic livestock producers.

The only state agency which provides services to the producers of domestic livestock is the Division of Agriculture within the Department of Natural Resources. The Division of Agriculture provides veterinary services to livestock producers on a regular basis. The state veterinarian is authorized to "study problems incidental to the raising of livestock and other domestic animals, and advise those engaged therein upon matters pertaining to breeding, care and the prevention and cure of diseases of livestock and other domestic animals" (AS 03.25.020 (6)). Other services which the Division provides to livestock producers include: the assistance of a marketing specialist, particularly for meat and dairy products; meat inspection services; and a slaughter house for reindeer in Nome.

The Alaska statutes do not include a generally applicable definition of "domestic animal" or "domestic livestock". The only definition in the statutes is a definition of "domestic animal" which is meant to include goats, sheep, cattle, horses and swine, however this definition is applicable only to state grazing districts. It would seem that, even in its limited context, this definition is not an exclusive definition of domestic animals. Other livestock or animals would not be excluded from use of state grazing districts by this definition. Thus, in the absence of legislative guidance in the form of statute or resolution, the division of agriculture may exercise its discretion in determining which animals constitute domestic animals or livestock in order to determine eligibility for its services.

GU:ftc



QIVIUT HANDKNITS

'OOMINGMAK' MUSK OX PRODUCERS' CO-OPERATIVE

Box 447
Bainbridge Island
Wash. 98110
(206) 842-4849
22 March '78

Ms. Ginger Baim
c/o Representative Lisa Rudd
Alaska State Legislature
Juneau, Alaska 99801

Dear Ginger:

It was great to receive your splendid letter, and to be brought up-to-date on your whereabouts and activities. Your job with Representative Rudd sounds both interesting and exciting, (have you ever not lived excitingly?), and your reasons are plain decent.

Our producers' cooperative and the farm at Unalakleet are going on, completely independent and on their own feet, thanks to the often valiant work of Sigrun and Bart. There are about 170 village people trained as knitters, more than half very active. I hope to answer village requests for more textile workshops so that we can bring this number up to over 200 by the end of this year. As you know, for many years I have thought that there was no occupation so exploited as the cottage industry, and have insisted upon a village woman having the dignity of her labor and her place of work (her home) through decent pay - even for beginners, at least the national minimum wage, and then, their owning the whole works in addition. Now we hope to start training, six at a time, the men and women who have applied for the whole year training program needed to become herders and herd managers. Starting this summer, if possible, in Unalakleet. We still have our original sex mix in occupations, culturally perhaps too early: some female herders; some male knitters.

The Unalakleet herd is to be a distribution center, and the village most eager to have a station is Unalaska, where the social-economic conditions are poor. There are no hoofed native animals on the island, but we still will use the perimeter fencing, etc., for husbandry purposes. The people there really can use the employment.

You kindly asked if there were something you might do to help the project. There is, and it is of great immediate importance. For ten years, since 1968, I have realized that our project must be free to develop in terms of its proper agricultural directions. It cannot do that if we are associated, even in a remote way, with the Department of Fish & Game. Ours are not wild animals, nor animals to be used as targets for trophy hunters. (In fact, they are a relatively recent importation from Greenland.) They are domestic animals selectively bred through some generations, the basis of an agricultural industry providing employment, and hope for more employment, through a product which doesn't require killing them. They belong under the aegis, if anything, of Alaska's equivalent of a department of agriculture; not Fish and Game and wildlife.

Some years ago I corresponded with U.S. Senator George Aiken, who had been chairman of the Senate Agriculture Committee, to have them declared what they are, a domestic animal. He told me that the logical first step was to have the state legislature declare them, by either resolution or act, a domestic animal, and to define them as "Domestic Musk Oxen", *ovibos domesticus*. Such a resolution would automatically shift them from Fish & Game to agriculture - and make the project eligible for technical assistance from the USDA.

I did not bring the matter up in the late Sixties or early Seventies because, frankly, I was warned that my opposition to the trophy-hunting of Nunivak's wild musk oxen had created such a popular animosity that almost anything I proposed would be defeated.

But now, as we are well into the final stage, the spread of this form of agriculture through the tundra/coastal villages, it is appropriate that no time be lost in getting them declared domestic animals - and out to the aegis of agriculture.

It occurs to me that Representative Rudd might be willing to give it a try? It is vital to us, to a large and growing number of remote village people employed by and members of the Cooperative - and the need is immediate.

Would you be interested in approaching Representative Rudd and asking for her help?

Meanwhile, with many thanks for your letter and good news -

Sincerely,





QIVIUT HANDKNITS

'OOMINGMAK'

MUSK OX PRODUCERS' CO-OPERATIVE

604 - H. Street, Anchorage, Alaska 99501

please reply to:
Box 447
Bainbridge Island
Washington 98110
(206) 842-4849
21 April '78

*Drawn
for HCR124*

Representative Alvin Osterback
Chairman, Resources Committee
Alaska State Legislature
Pouch V, Juneau, Ak. 99801

Dear Representative Osterback:

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I. The present domestic musk ox herd has been selectively bred through several generations. Selection was based upon rapid growth, early maturity, and, particularly, the annual yield of qiviut, the underwool upon which the textile industry is based. An additional factor was selection for small body size in comparison to qiviut yield. In achieving these results, the selective breeding has produced an animal which differs markedly from its wild ancestors, grows faster, matures earlier, and yields more qiviut.

II. The domestic musk ox has been maintained on farms since 1954, is tame, and follows a regular daily agricultural routine which extends from the breeding season in September through the calving and qiviut-collecting season in May-June. It is treated and used as a normal domestic animal.

III. The principal product of the domestic musk ox is its qiviut, or underwool, which is knitted into delicate garments and provides employment and cash incomes for over a hundred persons in the tundra/coastal villages of Alaska. These include Mekoryuk, Tanunuk, Nightmute, Bethel, Goodnews Bay, St. Michels, St. Marys, Unalakleet, Fortuna Lodge, Marshall, Elim, Nome, Tooksook Bay, Shishmaref, Kotzebue, Wainwright, Pt. Barrow, Kodiak, and others. At present, plans are in progress to locate herds and to train textile knitters in Unalaska, Akutan, Atka, Uller, St. Lawrence, Kivalina, Point Hope, etc.

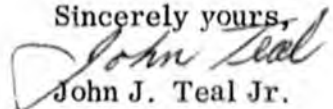
IV. Specifically, a domestic musk ox can always be distinguished, even from a distance, because it has no horns - in contrast to its wild ancestors. (The horns have either been removed when calves or, when occurring, the hornless characteristic will be extended through selective breeding.)

In addition to meeting the above standards for domestic status, these musk oxen have been widely accepted by the general public as domestic, especially with reference to their economic use and farm management. They have also been referred to as domestic animals in the scientific journals, and have been treated as domestic animals in the compilation of agricultural statistics. This followed normal expectations, since domestication has been one of the principal stated goals regarding musk oxen since their importation in 1930.

By means of the Resolution declaring these musk oxen to be domestic, those tundra/coastal people who rely upon them for their livelihood will become eligible for a variety of technical assistance and grants. They also then will enjoy the normal rights and privileges common to the ownership of domestic animals in other areas.

It seems, therefore, that many advantages and benefits will accrue to the participating residents of tundra/coastal Alaska by a declaration that their animal is domestic.

With many thanks for your consideration -

Sincerely yours,

John J. Teal Jr.

HJR

2

Urging renegotiation of the Convention authorizing the International Pacific Halibut Commission so that foreign fishing of North Pacific halibut stocks is prohibited at the earliest possible time.

COMMITTEE REPORT

1-12-77

HOUSE

Jan. 18, 1977 Date

Mr. Speaker:

The Committee on RESOURCES has had HJR 2

under consideration. A majority of the members of the Committee

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

MEMBERS SIGNING THE MAJORITY REPORT:

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

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

Memo to: Rep. Dick Eliason

From: Don Kubley

Date: January 17, 1977

Re: Number of Halibet Licenses Issued on Limited Entry Permits

1974 Total 694 permits (all bottomfish)

1975 654 Halibet licenses, boats smaller than 26'
645 Halibet licenses, boats larger than 26'

39 Bottomfish licenses, boats smaller than 26'
44 Bottomfish licenses, boats larger than 26'

1976 1,080 Halibet licenses, boats smaller than 25'
969 Halibet licenses, boats larger than 26'

66 Bottomfish licenses, boats smaller than 26'
59 Bottomfish licenses, boats larger than 26'

OFFICE OF THE GOVERNOR
JUNEAU

JAY S. HAMMOND
GOVERNOR



FOR INFORMATION CONTACT:

Scott Foster, Press Secretary
Office of the Governor
Pouch A Juneau, Alaska 99811

OR PHONE: 907-485-3540

GOVERNOR HAMMOND SEEKS POSITION ON FISHERIES CONVENTION
March 14, 1977
#47

Governor Jay Hammond has directed the Alaska State Fisheries Council to propose an Alaska position on the future of the International North Pacific Fisheries Convention (INPFC).

The Commission regulates aspects of high seas fishing involving the U. S., Canada, and Japan. Hammond said the U. S. State Department about a month ago gave the required one-year notice of its intention to terminate the INPFC. Hammond said, "The real purpose of that notice is to create a strong sense of urgency that prompts Japan and Canada into renegotiating the treaty within one year."

The annual INPFC meeting is set for Anchorage in October. Hammond said, "During the 23 year life of the INPFC, built-in procedural roadblocks have prevented us from strengthening our long-standing position of terminating the Japanese high seas salmon fishery on stocks of Bristol Bay and Western Alaska origin. One of the benefits for Alaska from adoption of the extended jurisdiction law was the strengthening of that position. Renegotiation of the treaty should bring it into conformity with the extended jurisdiction law. We must take advantage of this opportunity to achieve the best treaty terms for Alaskans and that is why I have asked the Alaska

State Fisheries Council to study and then recommend an Alaska position."

Hammond said the State Fisheries Council will ask for the assistance of others knowledgeable in the activities of the INPFC and of fisheries management in Alaska.

He said the Council will first prepare a draft position paper on renegotiation objectives which will be the basis for public hearings at appropriate locations, after which the Alaska State Fisheries Council will formulate a solid, effective Alaska position.

Hammond added, "A unified Alaskan position will give us the maximum influence in formulating the United States position at meetings later this year, as well as working most effectively at subsequent international negotiating sessions."

HJR

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January 24, 1977

REPORT FROM OIL & GAS SUB-COMMITTEE
ON H.J.R. #11

Mr. Chairman & Members:

The sub-committee on Oil and Gas has unanimously decided to return H.J.R. 11 to the full resources committee with a "do pass" recommendation, following their meeting at 1:00 p.m. January 24.

It has been requested that the full committee hear brief testimony from Ms. Sam dal Piaz, lobbyist for the Alaska Conservation Society. It is my understanding that she will be speaking in favor of the resolution and will be present in the committee room at 1:00 p.m..

It has also been suggested that I contact the office of The Honorable Warren G. Magnuson, Chairman of the Senate Committee on Commerce, requesting a possible "Time-Table" and "Feasibility" reaction. This I will do, the morning of January 25, and report any information I receive to the full committee.

Merle G. Snider

Sub-committee Chairman

Merle G. Snider	Yes
Hugh Malone	Yes
Bill Akers	Yes

HJR

29



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

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

9 March 1977

Ernst W. Mueller, Commissioner
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Dear Commissioner,

The House Resources Committee will be reviewing HJR 29 Federal Oil Spill Liability Legislation on Thursday March 17, 1977, at 1:15 p.m. in Room 118 of the Capitol Building.

Please supply us with a position paper or material you have on this bill by the time of the meeting. If you have any information pertinent to these topics, the committee would appreciate receiving that, too. If you know of other interested groups, please contact them.

If you have suggested amendments, please supply the staff with copies of that prior to the meeting.

If there is a fiscal implication and a note is necessary, please prepare it and submit it to the committee -- preferably prior to the meeting.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Al Osterback".

Al Osterback, Chairman
House Resources Committee

cc: Fran Ulmer
Geoffrey Haynes

AO:ts

HOUSE

DAILY COMMITTEE ANNOUNCEMENTS

DATE: Tuesday, March 29, 1977

*Prepared by the Office of the
Chief Clerk*

	Room	TIME	TOPIC
COMMERCE 465-3889 3824	COURT 628	8:00 a.m. 3/30	HB 102 (Public utility rates) HB 399 (Utility consumer counsel)
FINANCE 465-3795	CAP. 411	1:15 p.m. 3/29	HB 251 (Reconstruction of Twin Hills School) HB 248 (Ak. Pipeline Commission) HB 349 (Sup.App./Legis. Affairs Agency) HB 13 (Ak. longevity bonus) SB 120 (Sup.App./Dept. of Ed.) HB 370 (Green Lake hydroelec. project) HB 252 - HB 253 - HB 264 - Fisheries enhancement bills
HESS 465-3797 3777	CAP. 110	3:00 p.m. 3/29	HB 212 (Instructional units & instructional unit allotments) HB 381 (Construction/comfort stations-Colony Village Museum & Tourist Center) HB 287 (Prohibiting sex discriminating in education)
JUDICIARY 465-3718 3882	CAP. 124	1:15 p.m. 3/29 7:00 p.m. 3/29	w/State Affairs on HJR 7 (Unicameral Legislature Proposal) Joint hearings in Room 112 HB 398 (Implementing the recom. of the Ak. Salary Com. relating to retirement benefits) HCR 45 (Approving certain recom. of the Salary Commission)
LABOR & MGT. 465-4981	ASBLY 207		
C&RA 465-3820	COURT 620	8:00 a.m. 3/30 3:00 p.m. 3/30	HB 219 (permits/fees-construction facilities associated w/Outer Continental Shelf) Joint w/S. on HB 342/SB220 - Coastal zone management In Room 120 of the Capitol
RESOURCES 465-3715 3781	CAP. 118	1-15 p.m. 3/29	HB 383 (State land - leases) HB 387 (Leasing state land other than extraction of nat.res.) CONFIRMATION HEARING: Commercial Fisheries Entry Commission - Charles Stovall; Alan Adas'ak
STATE AFFAIRS 465-3832 4988	CAP. 123-A	1:15 p.m. 3/29	JOINT HEARINGS with House Judiciary in Room 112 HJR 7 (Unicameral Legislature Proposal)
RULES 465-3764	CAP. 101		

SPECIAL MINORITY COMMITTEE ON STATE LAND DISPOSAL, Room 200, Assembly - 1:15 p.m., 3/29
w/reps. of administration

SPECIAL MAJORITY COMMITTEE ON STATE LAND DISPOSAL, Briefing w/Mr. Ted Smith - on adjournment
ANNUAL LEGISLATIVE DINNER - Juneau Democratic Precincts at Mikes in Douglas 4/2 - 7:30 p.m.



Introduced: 3/8/77
Referred: Resources

1 IN THE HOUSE

BY SPECKING AND MALONE

2 HOUSE JOINT RESOLUTION NO. 29

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to federal oil spill liability
6 legislation.

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

8 WHEREAS the United States House of Representatives is presently consider-
9 ing comprehensive oil spill liability legislation which includes a provision
10 for preempting state oil spill liability laws; and

11 WHEREAS Alaska recognizes the great need for comprehensive federal
12 legislation in this critical area to replace the presently inadequate and
13 incomplete liability provisions of present federal law; and

14 WHEREAS oil spill liability law is an essential means for states to
15 encourage safe oil tanker operation, especially considering the great prepon-
16 derance of oil spills which are caused by human error; and

17 WHEREAS Alaska's oil spill liability law provides unique incentives for
18 safe tanker operation; and

add

19 WHEREAS a limitation on oil spill removal liability as proposed in
20 H.R. 776 *and similar legislation* is an arbitrary limit which may not cover the cleanup costs of
21 accidents resulting from present petroleum operations in Alaska nor the pro-
22 bable future petroleum operations in offshore, ice-covered regions; and

23 WHEREAS Alaska's greatest resource wealth is her renewable resources;
24 and

25 WHEREAS these renewable resources should be protected to the greatest
26 degree possible from potential damage from nonrenewable resource development;

27 BE IT RESOLVED that the Alaska State Legislature respectfully requests
28 that the Congress of the United States not preempt the several states from
29 maintaining oil spill liability law which encourages safe petroleum

1 operations; and be it

2 FURTHER RESOLVED that the Alaska State Legislature encourages the U. S.
3 Congress to allow the test of time to determine whether state liability
4 legislation is indeed a complementary component to federal comprehensive oil
5 spill liability law.

6 COPIES of this resolution shall be sent to the Honorable John M. Murphy,
7 Chairman of the House Committee on Merchant Marine and Fisheries; and to the
8 Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the
9 Honorable Don Young, U. S. Representative, members of the Alaska delegation
10 In Congress.

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To Chief Clerk

3/14/77

Irene,

~~§~~

Sorry, but I just got
the CS from upstairs —

Deanna Nelson

OUTGOING TELEGRAM

February 23, 1977
8:20 p.m. PST
Reno, Nevada
Operator 278

The Honorable Don Young
U. S. House of Representatives
Washington, D. C.

I understand that the Subcommittee on the Coast Guard of the House Merchant Marine and Fisheries Committee is again considering legislation on comprehensive oil pollution liability and compensation, and that hearings will be held this week. Last year HR 14862 was passed out of committee, and has been reintroduced as HR 776. While we support the concept of this bill, we strongly object to the provision in Sec. 110(a) preempting State jurisdiction over the field of liability, or State development of funds to provide for cleanup and third party damages. Further, we are of the opinion that any such legislation must serve, not only as a source of readily available funds for recovery of damages, but must also provide an economic incentive to improve vessel construction and operation. HR 776 does not accomplish the latter.

In the last few years, a number of states, including our own, have developed schemes to either provide for state-operated cleanup programs or third party damage claims, or both. Most such programs are funded through per barrel taxes, civil penalties, license fees, premiums, or a combination thereof.

Alaska's program is unique in that it is designed to provide incentives for safer operations and funds only oil spill cleanup costs, rather than including third party damages. We feel that this scheme is compatible with the development of a national program.

As well, we are concerned that the Federal program, through preemption of jurisdiction of State courts, would be unsympathetic to the peculiar needs of Alaskans, particularly those dependent upon ocean resources for their livelihood. State courts, which have traditionally handled liability, are much more acquainted with both the field and local perspective and need.

We will provide you and the Subcommittee with more detailed information soon.

Ernst W. Mueller
Commissioner
Alaska Department of Environmental
Conservation

AMENDMENT

OFFERED IN THE HOUSE:

By: Resources

To: _____

HOUSE BILL No.

Hjr 29

SENATE BILL No.

PAGE: 1

LINE: 20

~~CE~~
After H. R. 776 add -
"and similar legislation"



JUNEAU ALASKA

Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

11 MARCH 1977

AGENDA

Call Meeting to Order.

Bill Under Consideration:

HB 264 Fisheries Enhancement
HJR 29 FEDERAL OIL SPILL LIABILITY Legislation
Discussion, Questions.

Adjournment.

HJR

34

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

SUBPOUR BUILDING - JUNEAU 99801

April 8, 1977

The Honorable Alvin Osterback
Chairman, House Resources Committee
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Mr. Osterback:

This is in reply to your letter of March 21, 1977 requesting information on the proposed Arctic National Wildlife Range resolutions.

The Department supports the passage of HCR 41 Arctic National Wildlife Range Protection and HJR 34 Environmental Defense of the Arctic National Wildlife Range. The resolutions are consistent with the intent of the withdrawal which established the Range to preserve the "unique wildlife, wilderness and recreational values" of the area.

During the Gas Line Public Hearings, the Department opposed development within the Arctic National Wildlife Range. The Range is unique in that it is the United States' last example of virtually undisturbed arctic ecosystems-- coastal plain, foothills, mountains and the plant and animal species that exist there.

The Arctic National Wildlife Range provides habitat for caribou, bears, wolves, musk oxen and other mammals. It is a nesting, molting and staging area for waterfowl, gulls, terns and other birds.

Caribou are probably most dependent upon the Range not being disturbed by development. The Porcupine caribou herd has an estimated population of 100,000 - 120,000 animals which makes it the largest caribou herd in the state. The Porcupine herd's calving grounds are within the boundaries of the Range. Although the herd uses different ranges and migration patterns from time to time, the calving areas tend to remain constant and are critical to the caribou's existence. Development in the calving areas would be extremely detrimental to the herd.

The Range is also a scientific laboratory and asset and a recreational resource. Development within the Arctic National Wildlife Range would diminish the value of these activities and would destroy some of the Range's most important values. The Arctic National Wildlife Range's primary value is as an essentially pristine area that contains the entire sweep of natural ecological communities from the Brooks Range to the Arctic Ocean. This value can be protected only by maintaining the integrity of the Range.

The Department believes the term "commercial development" needs clarification. Although the Department opposes industrial types of development, we have no objection to guiding and related activities. It should be made clear that the guide industry will not be adversely affected by the resolutions.

The Department is not submitting a fiscal note at this time. Although it is not anticipated that additional funds will be necessary, the actions taken by the Governor and the President of the United States will be the determining factor in this regard.

If additional information is needed please let me know.

Sincerely

for J. W. Brooks
James W. Brooks
Commissioner



HJR

55

Identical
to SJR 37

↓
Hand out

SJR 37



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1668 - JUNEAU, ALASKA 99801

file

February 7, 1978

Honorable Kay Poland
Alaska State Legislature
Juneau, AK 99801

Dear Senator Poland:

In response to the request by the Senate Resources Committee in their final day of hearings on Senate Bills 439 and 440, and Senate Joint Resolution 37, the following information is submitted:

The average yearly take of bowhead whales by all Alaskan Eskimo villages for the past ten years is 24.4 whales. The take in 1976 was 48 whales.

The average yearly take of bowhead whales in Barrow for the past ten years is 13 whales. The take in 1976 was 23 whales.

The average yearly take of bowhead whales by Soviet natives for the past five years is 2 whales. They took no bowhead whales in 1976.

A call this morning to Dr. George Harry, Director of the Marine Mammal Division of National Marine Fisheries Service in Seattle, confirms that there has been no take of bowhead whales by Canadian Eskimos in recent years.

Bowhead whale catch statistic tables have been attached for your information. Please do not hesitate to call on us if we can be of any further assistance.

Sincerely,

Harry L. Rietze

Harry L. Rietze
Director, Alaska Region

Table 13.--Bowhead whales taken by USSR natives in recent years

Year	Chukchi Sea	Bering Sea	Total
1972	0	1	1
1973	0	2	2
1974	1	2	3
1975	2	2	4
1976	0	0	0

Source: Personal communication from Dr. V.N. Mineev.

Tables taken from: "The 1976 Catch of Bowhead Whales (Balaena mysticetus) by Alaskan Eskimos, with a Review of the Fishery, 1973-1976, and Biological Summary of the Species." by Willman Marquette, U.S. Dept. of Commerce, May 1977

Table 14 --- Bowhead whales taken by Alaska natives in the western Bering Sea

Year	Barrow	Pt. Hope	Wainwright	Nuigsut	Icy Cape	Kaktovik	Gambell	Savoonga	Kivalina	Misc.	Total
1852	17										17
1853	7										7
1854-79											-
1880											5
1881	18										18
1882	1										1
1883	2										2
1884	10										10
1885	28	12									40
1886											-
1887	6										6
1888	2										2
1889	4										4
1890	1	1									2
1891	18										18
1892	8	0									8
1893											-
1894	10										10
1895	4										4
1896	6	33									39
1897	5										5
1898	42 ¹ / ₂	1									43
1899											-
1900	19										19
1901		1									1
1902		2									2
1903	4	0									4
1904	2	0									2
1905	5										5
1906	1										1
1907	9	0									9
1908	23	13			10-12						46-48
1909	11	13			1						25
1910	2+										2
1911	1	3									4

Table 14 . (continued)

Year	Barrow	Pt. Hope	Wainwright	Nuigsut	Icy Cape	Kaktovik	Gambell	Savoonga	Kivalina	Misc.	Total
1912	2	1									3
1913	4	1									5
1914	1	2			1						4
1915		3									3
1916	5	7	1							1	14
1917		3			3					2	11
1918	1	7									8
1919	1	2									3
1920		3									3
1921		2									2
1922	1	13	3								17
1923										2	2
1924		16								9	25
1925	19	10	2								31
1926	4	13									17
1927	2	3									5
1928	11										11
1929	15										15
1930	7										7
1931	11	1									12
1932	7										7
1933	5										5
1934	4										4
1935	6										6
1936	4	4									8
1937	9										9
1938	4										4
1939	6										6
1940	0	5									5
1941	2	8	1								11
1942	10		1								11
1943	6										6
1944	0		2								2
1945	3	3									6
1946	9	2									11

Table 14. (continued)

Year	Barrow	Pt. Hope	Wainwright	Nuigsut	Icy Cape	Kaktovik	Gambell	Savoonga	Kivalina	Misc.	Total
1947	4	6									10
1948	5	0									5
1949	0	4	1								5
1950	4	2	2							1 (Cape Lisburne)	9
1951	9	4									13
1952	0	2+									2
1953	17	4					2				23
1954	1	3									4
1955	19	1	1				2				23
1956	2	2					1				5
1957	0	3					0				3
1958	0	2					0				2
1959	0	1									1
1960	15	4	0								19
1961	6	2	1				1				10
1962	5	6	1								12
1963	5	3	2								10
1964	17	1	1			2			1		16
1965	4	2	0								6
1966	7	5	1								13
1967	3	1	0								4
1968	10	3	2				1				16
1969	11	3	3							1 (Wales)	18
1970	15	8	0						1		24
1971	13	6	2				1		1	1 (Wales)	24
1972	19	14	2				2		1		38
1973	17	7	3	1		3	2	4			37
1974	9	6	1			2	2		0		20
1975	10	4	0				1		0		15
1976	23	12	3			2	1	7	0	0 (Wales)	48

1/. Combined catch of Eskimos and two vessels.

HJR

60

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

HJR 60
JAY S. HAMMOND, GOVERNOR

POUCH 0 - JUNEAU 99811

February 22, 1978

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

Dear Mr. Chairman:

I understand that your Committee is planning to receive testimony on House Joint Resolution No. 60 (requesting the federal government to remove solid waste on land in Alaska in accordance with the Resource Conservation and Recovery Act). This department played an active role in shaping several provisions of the Federal Resource Conservation and Recovery Act (RCRA). To provide you with some background information on the issue addressed by HJR 60, I thought that it might be useful to include some history of our involvement with the Act and our basic rationale for the provisions which we persuaded Congress to include in the law.

Two years ago Deputy Commissioner Reinwand and I worked closely with the National Governors' Association and Senator Gravel, who is a ranking member of the Senate Environment and Public Works Committee, to win congressional approval of several provisions to the 1976 Resource Conservation and Recovery Act. The key provision waived the federal government's sovereign immunity, thereby requiring federal facilities to obtain state permits for solid waste disposal sites. The definition of a disposal site was purposefully written to be sweeping in its scope so that abandoned junk on federal lands could be regulated under a state's solid waste management program.

Another important provision which we were successful in placing in the Act mandates the federal government to complete a study of the federal lands solid waste problem in Alaska. The results of the study are to be submitted to Congress, together with any recommendations for action to correct the problem. A second report will be completed in mid-April and submitted to Congress. This department is coordinating the study--at EPA's request--and we will be using the data gathered to design a comprehensive program to require the federal government to clean up the problems.

The Honorable Alvin Osterback
Page two
February 22, 1978

During the course of the study, we pinpointed several extremely serious problems which warrant immediate attention. One problem is the environmental messes that exist at certain active DEWLine sites. Through our permit programs we are requiring the Air Force to take action to correct them. I have enclosed a copy of the draft permit which we are proposing to issue to the Air Force for its Barter Island site. The draft permit is being circulated to the Air Force and interested members of the public for review and comment. When we have received comments from the Air Force and public, we will sift through them to determine if changes should be made in finalizing the permit.

We plan to take similar action where problems exist on federal lands throughout the State. The message we are sending to the federal government is that we want compliance with State solid waste laws and regulations, and we want compliance to be accomplished in an expeditious manner.

Therefore, we support the thrust of HJR 60 and deeply appreciate the Legislature's interest in this matter. However, there are a few technical changes which we would like to recommend that the Committee consider. They are:

1. On page 2, line 1, we recommend that the words "the Environmental Protection Agency to implement" be stricken, and replaced with: "all federal agencies administering public lands in Alaska to take swift action to remove or dispose of solid wastes identified in." page
1756

The rationale for this change is that the appropriate land management agencies, not EPA, should be responsible for cleaning up the existing solid waste problems.

2. On page 2, line 7, we recommend the inclusion of the following paragraph:

"BE IT FURTHER RESOLVED that the Alaska Legislature strongly supports the Department of Environmental Conservation in its regulatory programs to require federal agencies to take action to solve the long-standing environmental problems created by the solid waste which the federal government has left throughout the State."

This paragraph would buttress the Department's current and planned efforts to require the federal government to solve the solid waste problem in an expeditious manner.

The Honorable Alvin Osterback
Page three
February 22, 1978

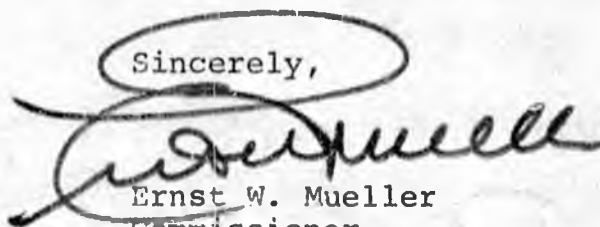
Support from the Legislature would strengthen the Department's efforts in dealing with the federal agencies.

3. On page 2, line 11, between the words "Congress" and "and" insert: "the Honorable Jennings Randolph, Chairman of the Senate Environment and Public Works Committee, the Honorable Harley O. Staggers, Chairman of the House Committee on Interstate and Foreign Commerce."

We recommend inclusion of these two members of Congress as they chair the committees which have jurisdiction over solid waste legislation.

If you have any questions on this matter, please do not hesitate to contact me or my Deputy Commissioner Jerry Reinwand.

Sincerely,



Ernst W. Mueller
Commissioner

Enclosure

A. SITE PREPARATION--The permittee shall

1. Submit to this department for approval, on or before ~~April~~ ^{May} 15, 1978. A disposal site development and operation plan for the permitted facility. The plan shall include:
 - a. a profile of the permitted site's soils.
 - b. detailed facility maps or plan sheets showing existing contours, proposed developments, type of landfill method (trench or area), locations, dimensions and order of refuse cell construction and proposed finished site contours.
 - ~~b.~~ ~~description of the existing site soil profile.~~
 - c. detailed narrative of the proposed developments including step by step descriptions of the proposed operating procedures for trench excavation, cell construction, scrap metal recovery and other activities associated with operation of the disposal facility.

This permit shall be amended to incorporate the development
~~Upon receiving departmental approval, this permit will be amended~~
~~to incorporate the approved plan activities as an integral part~~
~~of the permit. and operation plan as soon as it has received~~
departmental approval.

2. Maintain a working copy of the department approved development and operational plan from A.1. at Bar-M for use in constructing and operating the facility.
3. Submit a proposed schedule of operating hours and days to this department for review and approval within thirty days of the date of issuance of this permit.
4. Erect and maintain signs informing users of the site operating hours and rules, and signs directing users to the active dumping point.

B. CLEAN UP OF EXISTING SOLID WASTE--The permittee shall:

1. Remove all solid wastes from the existing open dump and transfer it to the proposed facility. Salvageable metal shall be separated and stockpiled in the proposed reclaimable metal holding area. The remaining solid waste shall be landfilled in accordance with the department approved site development plan specified in A.1. All solid wastes shall be transferred and processed, and the existing dump closed and restored not later than September 15, 1978.
2. Collect all solid wastes from the shallow waters, inter-tidal areas and beaches near the Bar-M station and the affected portions of the Arctic Wildlife Range. Collected wastes shall be transported to the proposed landfill for processing and disposal as specified in B.1.
3. Transport the abandoned metal tower located about one and one-half miles from the existing open dump to the proposed reclaimable metal holding area, on or before September 15, 1978.

4. Cleanup and restore the Manning Point site by September 15, 1979. Cleanup activities shall be coordinated with the North Slope Borough and the Kaktovik Inupiat Corporation. A plan for the cleanup will be submitted to the North Slope Borough, the Kaktovik Inupiat Corporation and this department's Northern Region Office at least 90 days before the initiation of any cleanup action. The cleanup shall include at a minimum:
 - a. Collection and removal from Alaska of all P.O.L. barrels by September 15, 1979.
 - b. Removal of all collapsed buildings, and collection of all miscellaneous solid waste. Scrap lumber and wood may be open burned under terms of an Open Burning Permit to be obtained from the department's Northern Regional Office. All other materials shall be transported to the proposed landfill for salvage or disposal.
 - c. Surface rehabilitation, including reseedling of disturbed areas, shall be accomplished no later than September 15, 1979.
5. Remove from Alaska, no later than September 15, 1979, all salvageable and reclaimable materials collected during the cleanup operations.

C. OPERATION--The permittee shall:

1. Consolidate and compact the deposited wastes into cells in accordance with the approved submittal required in A.1., above.
2. Cover the compacted refuse with at least six inches of compacted soil at the end of each operating day.
3. Separate salvageable metals and stockpile them in the reclaimable metals holding area indicated on the permit application. The accumulated wastes shall be transported South to a processing center and the holding area cleaned out at least once each year.
4. Collect all littered and windblown wastes in and adjacent to the disposal facility at least once each month and return them to the active dumping point for burial.
5. Prohibit open burning on the landfill and immediately extinguish any fires that may occur.
6. Prohibit the deposition of waste oil and petroleum products and chemical and hazardous wastes.
7. Incinerate all combustible and putrescible waste generated at the Bar-M station prior to disposal.
8. Comply with all portions of the permit application not otherwise addressed herein.

D. GENERAL

1. The permittee shall allow the Commissioner of Environmental Conservation or his authorized representative, upon presentation of credentials,

- a. to enter upon the permittee's premises where waste collection or disposal works are located at such times and upon such terms as the Department may reasonably require, and
- b. at reasonable times, to have access to and to be allowed to copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in this permit.

2. Availability of Records

Except for information relating to secret processes or methods of manufacture, all records and reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Alaska Department of Environmental Conservation.

3. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including but not limited to accidents, equipment breakdowns, or labor disputes.

4. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any other privileges; nor does it authorize any injury to private property or any invasion or personal rights, nor any infringements of federal, State or local laws and regulations.

5. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Notwithstanding the above, in the event that such invalidation materially alters the scope or conditions of this permit, the Department shall have the right, at its sole option, to terminate the permit.

6. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

7. Posting of Permit

The permittee shall post conspicuously and maintain a copy of this permit at the disposal facility.

8. Transfers

This permit is not transferable and is the property of the State of Alaska, Department of Environmental Conservation. Should operation

of the facility be contracted or a change in contractors be made, the new contractor shall be notified in writing of the existence of the permit and its conditions. A copy of the written notification shall be forwarded to the Commissioner of the Department of Environmental Conservation.

9. This permit shall be amended to provide for the upgrading or closure of the site, if the facility is classified as an "open dump" in accordance with the inventory and definitions being developed by the Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976, P.L. 94-580.

updating of standards for recovered materials and for the use of recovered materials in various industrial, commercial, and governmental uses.

“DEVELOPMENT OF MARKETS FOR RECOVERED MATERIALS

“SEC. 5003. The Secretary of Commerce shall within two years after the enactment of this Act take such actions as may be necessary to— 42 USC 6953.

“(1) identify the geographical location of existing or potential markets for recovered materials;

“(2) identify the economic and technical barriers to the use of recovered materials; and

“(3) encourage the development of new uses for recovered materials.

“TECHNOLOGY PROMOTION

“SEC. 5004. The Secretary of Commerce is authorized to evaluate the commercial feasibility of resource recovery facilities and to publish the results of such evaluation, and to develop a data base for purposes of assisting persons in choosing such a system. 42 USC 6954.

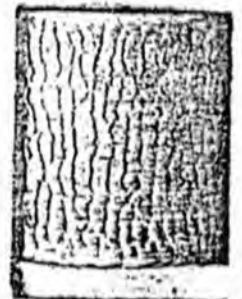
“Subtitle F—Federal Responsibilities

“APPLICATION OF FEDERAL, STATE, AND LOCAL LAW TO FEDERAL FACILITIES

“SEC. 6001. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal of solid waste or hazardous waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. The President may exempt any solid waste management facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption. 42 USC 6961.

Exemptions.

Presidential report to Congress.



SOLID WASTE CLEANUP ON FEDERAL LANDS IN ALASKA

Study.
42 USC 6981
note.

Report to
congressional
committees.

Llangollen
Landfill, Del.,
leachate control
research
program.
42 USC 6981
note.
Cooperation with
EPA.

42 USC 6901
note.

SEC. 3. (a) The President shall direct such executive departments or agencies as he may deem appropriate to conduct a study, in consultation with representatives of the State of Alaska and the appropriate Native organizations, to determine the best overall procedures for removing existing solid waste on Federal lands in Alaska. Such study shall include, but shall not be limited to, a consideration of—

- (1) alternative procedures for removing the solid waste in an environmentally safe manner, and
- (2) the estimated costs of removing the solid waste.

(b) The President shall submit a report of the results together with appropriate supporting data and such recommendations as he deems desirable to the Committee on Public Works of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives not later than one year after the enactment of the Solid Waste Utilization Act of 1976. The President shall also submit, within six months after the study has been submitted to the committees, recommended administrative actions, procedures, and needed legislation to implement such procedures and the recommendations of the study.

SEC. 4. (a) In order to demonstrate effective means of dealing with contamination of public water supplies by leachate from abandoned or other landfills, the Administrator of the Environmental Protection Agency is authorized to provide technical and financial assistance for a research program to control leachate from the Llangollen Landfill in New Castle County, Delaware.

(b) The research program authorized by this section shall be designed by the New Castle County areawide waste treatment management program, in cooperation with the Environmental Protection Agency, to develop methods for controlling leachate contamination from abandoned and other landfills that may be applied at the Llangollen Landfill and at other landfills throughout the Nation. Such research program shall investigate all alternative solutions or corrective actions, including—

- (1) hydrogeologic isolation of the landfill combined with the collection and treatment of leachate;
- (2) excavation of the refuse, followed by some type of incineration;
- (3) excavation and transportation of the refuse to another landfill; and
- (4) collection and treatment of contaminated leachate or ground water.

Such research program shall consider the economic, social, and environmental consequences of each such alternative.

(c) The Administrator of the Environmental Protection Agency shall make available personnel of the Agency, including those of the Solid and Hazardous Waste Research Laboratory (Cincinnati, Ohio), and shall arrange for other Federal personnel to be made available, to provide technical assistance and aid in such research. The Administrator may provide up to \$250,000, of the sums appropriated under the Solid Waste Disposal Act, to the New Castle County areawide waste treatment management program to conduct such research, including obtaining consultant services.



STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
POUCH O
JUNEAU, ALASKA 99811

WASTE DISPOSAL PERMIT
(SOLID WASTE MANAGEMENT PERMIT)

Permit No. NR-1-78

Date of Issuance:

This Waste Disposal Permit is issued to Department of the Air Force,
Detachment 3, 46th Aerospace Defense Wing (ADCOM), Petersen Air Force Base,
Colorado 80914, for the operation and maintenance of a solid waste facility
located in SE 1/4, Sec. 13, T9N, R34E Umiat Meridian, at Barter Island
DEW Line Station, Alaska

and is subject to the conditions and stipulations in sections A.1 through D.9, of this permit and the applicable State laws and regulations.

This permit is issued under provisions of Alaska Statutes, AS 46.03.100-110, Water, Air, and Environmental Conservation, Alaska Administrative Code as amended or revised, and other applicable State laws and regulations.

This permit is effective upon issuance and expires July 31, 1980 ;
it may be terminated or modified in accordance with AS 46.03.120.

This permit is not valid until signed by the Deputy Commissioner of the Department of Environmental Conservation.

Deputy Commissioner
Department of Environmental Conservation

A. SITE PREPARATION--The permittee shall

1. Submit to this department for approval, on or before ~~April~~ ^{May} 15, 1978. A disposal site development and operation plan for the permitted facility. The plan shall include:
 - a. a profile of the permitted site's soils.
 - b. detailed facility maps or plan sheets showing existing contours, proposed developments, type of landfill method (trench or area), locations, dimensions and order of refuse cell construction and proposed finished site contours.
 - ~~b. description of the existing site soil profile.~~
 - c. detailed narrative of the proposed developments including step by step descriptions of the proposed operating procedures for trench excavation, cell construction, scrap metal recovery and other activities associated with operation of the disposal facility.

This permit shall be amended to incorporate the development
~~Upon receiving departmental approval, this permit will be amended~~
~~to incorporate the approved plan activities as an integral part~~
~~of the permit. and operation plan as soon as it has received~~
departmental approval.

2. Maintain a working copy of the department approved development and operational plan from A.1. at Bar-M for use in constructing and operating the facility.
3. Submit a proposed schedule of operating hours and days to this department for review and approval within thirty days of the date of issuance of this permit.
4. Erect and maintain signs informing users of the site operating hours and rules, and signs directing users to the active dumping point.

B. CLEAN UP OF EXISTING SOLID WASTE--The permittee shall:

1. Remove all solid wastes from the existing open dump and transfer it to the proposed facility. Salvageable metal shall be separated and stockpiled in the proposed reclaimable metal holding area. The remaining solid waste shall be landfilled in accordance with the department approved site development plan specified in A.1. All solid wastes shall be transferred and processed, and the existing dump closed and restored not later than September 15, 1978.
2. Collect all solid wastes from the shallow waters, inter-tidal areas and beaches near the Bar-M station and the affected portions of the Arctic Wildlife Range. Collected wastes shall be transported to the proposed landfill for processing and disposal as specified in B.1.
3. Transport the abandoned metal tower located about one and one-half miles from the existing open dump to the proposed reclaimable metal holding area, on or before September 15, 1978.

4. Cleanup and restore the Manning Point site by September 15, 1979. Cleanup activities shall be coordinated with the North Slope Borough and the Kaktovik Inupiat Corporation. A plan for the cleanup will be submitted to the North Slope Borough, the Kaktovik Inupiat Corporation and this department's Northern Region Office at least 90 days before the initiation of any cleanup action. The cleanup shall include at a minimum:

- a. Collection and removal from Alaska of all P.O.L. barrels by September 15, 1979.
- b. Removal of all collapsed buildings, and collection of all miscellaneous solid waste. Scrap lumber and wood may be open burned under terms of an Open Burning Permit to be obtained from the department's Northern Regional Office. All other materials shall be transported to the proposed landfill for salvage or disposal.
- c. Surface rehabilitation, including reseeded of disturbed areas, shall be accomplished no later than September 15, 1979.

5. Remove from Alaska, no later than September 15, 1979, all salvageable and reclaimable materials collected during the cleanup operations.

C. OPERATION--The permittee shall:

- 1. Consolidate and compact the deposited wastes into cells in accordance with the approved submittal required in A.1., above.
- 2. Cover the compacted refuse with at least six inches of compacted soil at the end of each operating day.
- 3. Separate salvageable metals and stockpile them in the reclaimable metals holding area indicated on the permit application. The accumulated wastes shall be transported South to a processing center and the holding area cleaned out at least once each year.
- 4. Collect all littered and windblown wastes in and adjacent to the disposal facility at least once each month and return them to the active dumping point for burial.
- 5. Prohibit open burning on the landfill and immediately extinguish any fires that may occur.
- 6. Prohibit the deposition of waste oil and petroleum products and chemical and hazardous wastes.
- 7. Incinerate all combustible and putrescible waste generated at the Bar-M station prior to disposal.
- 8. Comply with all portions of the permit application not otherwise addressed herein.

D. GENERAL

- 1. The permittee shall allow the Commissioner of Environmental Conservation or his authorized representative, upon presentation of credentials,

- a. to enter upon the permittee's premises where waste collection or disposal works are located at such times and upon such terms as the Department may reasonably require, and
- b. at reasonable times, to have access to and to be allowed to copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in this permit.

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Nothing in this permit shall be construed to preclude the institution of any legal action or relieve permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

7. Posting of Permit

The permittee shall post conspicuously and maintain a copy of this permit at the disposal facility.

8. Transfers

This permit is not transferable and is the property of the State of Alaska, Department of Environmental Conservation. Should operation

of the facility be contracted or a change in contractors be made, the new contractor shall be notified in writing of the existence of the permit and its conditions. A copy of the written notification shall be forwarded to the Commissioner of the Department of Environmental Conservation.

9. This permit shall be amended to provide for the upgrading or closure of the site, if the facility is classified as an "open dump" in accordance with the inventory and definitions being developed by the Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976, P.L. 94-580.

To Rep. Alvin Osterback and members of the House Resources Committee:

Bill Ellis

HC 95

REGISTERED GUIDE & OUTFITTER

DEVIL'S MOUNTAIN LODGE - MILE 42 NARESNA ROAD - GAKONA, ALASKA 99586 - (907) 822-3318

When are the legislators and other businesses going to recognize guiding as an industry, providing a large amount of revenue to this State. Guiding should be given the same consideration as any other industry in the State.

We have accepted restrictions on the number of employees we may have, double jeopardy, exclusive guiding areas and the guide board. If this House Bill 95 is passed, more than three years of hard, steady work will go down the drain. I believe the guide board should be given an opportunity to work the bugs out of the guiding area system. If you annul the guiding areas, you might as well abolish the guide law itself. I believe you should be lending strength to the guiding area concept in order to strengthen the guiding profession.

I have been in the guiding business full time for over 20 years. This State has never recognized our profession or the amount of revenue we bring into the State. I took exception to lines 21-23. There are irresponsible and irresponsible people in every industry, not just the guiding industry. You should be looking at the industry, not the individuals.

I ask that you oppose this House bill and give the Guide Board a chance to make the guiding areas work.

Bill Ellis, Master Guide

HJR

81

PHIL R. HOLDSWORTH, P.E.
CONSULTING ENGINEER & LEGISLATIVE COUNSEL
MINING - GEOLOGY - LANDS

PHONE 907-586-1383

326 FOURTH STREET No. 1009
JUNEAU, ALASKA 99801

May 31, 1978

The Honorable Ted Stevens
United States Senate
411 Russell Senate Office Building
Washington, D.C. 20510

Dear Ted:

Enclosed is a copy of my comments on the BLM's draft Wilderness Review Procedures. Am sure you are familiar with Sec. 1307 of H.R. 39 as it moved between House Committees. I believe every effort should be made to see that a similar provision remains in the final bill as it passes the Congress.

As you may know, WGM has been denied a permit to construct an airstrip to serve two very promising deposits north of Kotzebue; one held by General Crude and Houston Oil & Minerals, and the other by Cominco. These deposits are near enough to each other to be served by a common airstrip. They are on 17(d)(1) lands. This action is, in effect, denying the right of reasonable access to develop valid existing mining claims which is guaranteed under the mining laws.

In another case, a supply train with tracked vehicles and sleds moving fuel and other supplies over the snow early this spring, and on an existing mine road along the upper Tok River southeast of Fairbanks, was stopped by BLM in the field. The destination was valid claims staked on state selected lands. In both cases the movement of needed materials by helicopter would be economically prohibitive, considering the advanced stage of development and the distances involved.

It is because of these incidents, and the policies of BLM as applied in the field, even before finalization of their Wilderness Review Procedures and the application of Sec. 603 of FLMPA, that serious consideration should be given to amending FLMPA. The provisions of Sec. 603 should not apply to the remainder of Alaska public lands following the final identification of the National Interest Lands.

Your comments on the above suggestion, and critique of the enclosed statement, would be appreciated.

Sincerely,



Phil R. Holdsworth, P.E.

cc: Senator Poland
Representative Osterback ✓

PHIL R. HOLDSWORTH, P.E.
CONSULTING ENGINEER & LEGISLATIVE COUNSEL
MINING - GEOLOGY - LANDS

PHONE 907-586-1383

326 FOURTH STREET No. 1009
JUNEAU, ALASKA 99801

May 31, 1978

Director (370)
Bureau of Land Management
Department of the Interior
Washington, D.C. 20240

Dear Sir:

Reference is made to my letter of May 16, 1978 relative to your draft "Wilderness Review Procedures" of February 27, 1978. Specific comments follow.

Exemptions from wilderness review identified on Page 6 include Native lands under ANCSA, 17(d)(2) withdrawals, and TA'd State selections. Why are not other long-standing State selections, filed prior to October 21, 1976, also exempted from the wilderness review?

On Page 11, under paragraph III - Wilderness Review Policy, again only TA'd State selections are exempted from the review. Under paragraph 4, at the top of Page 17, the statement is made "- - - (Alaska inventory will be postponed until native claims land tenure has been finalized);". What about State land tenure, at least for those lands selected prior to October 21, 1976?

Earlier drafts of the proposed review procedures tended to give greater recognition to State selections as valid existing rights. After all, these rights under the Statehood Act preceded those granted to Alaska Natives under ANCSA.

Most of the problems presently posed in Alaska under this program are the result of regional or district applications of the provisions of Sec. 603 of FLPMA. There is a tendency on the part of BLM district managers to apply the provisions of this section now, even though native claims land tenure has not been finalized, and there is even some question as to the permanent status of some of the State TA'd selections. The status of continuing exploration on valid mining claims located on State selected and 17(d)(1) lands prior to October 21, 1976 is also in question.

Attention should be called to what appears to be the intent of Congress, or at least that of the House Interior & Insular Affairs Committee, in Sec. 1307 of H.R. 39 as it moved to the House Merchant Marine & Fisheries Committee. The first sentence of this section reads - "Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Manage-

May 31, 1978

Page Two

ment Act of 1976, shall not apply to any lands in Alaska." The accompanying committee report explained this provision on Page 222 as follows - "Even though there have been no completed BLM studies of Alaskan public lands under this provision of law or under the relevant provisions of the Wilderness Act, the Committee is of the opinion that its review activities and subsequent decisions regarding the areas which have been recommended to the Congress by the present Administration and preceding Administrations have achieved the essential objectives of the review requirements of section 603, and that it is appropriate to relieve the Secretary of the requirement of section 603 of Public Law 94-579 in connection with the remainder of Alaska public lands." It is recognized that this has not been enacted into law, but to the best of my knowledge the House Merchant Marine & Fisheries Committee left this language in their version of the legislation.

Currently, continued mineral exploration and its attendant reasonable access to valid mining claims, located prior to October 21, 1976, have been denied both on 17(d)(1) and State selected lands. It would appear that it may be necessary to push for a specific amendment to FLPMA to exempt Alaska from the provisions of section 603, at least until the land entitlements of the State and Alaska Natives are satisfied.

Respectfully submitted,



Phil R. Holdsworth

cc: Senator Stevens
Senator Gravel
Representative Young
State Director McVee
District Manager Johnson
Assistant Secretary Martin

IPMAFUB AHG

1-025935M123017 05/03/78

TLX RAA FBK

HJR 81

17 FAIRBANKS ALASKA 5-3-78

PMS CLARK GRUENING

ALASKA HOUSE OF REPRESENTATIVES

POUCH V KMAIL STOP 3100

JUNEAU ALASKA 99811

TO THE STATE LEGISLATURE AND ALL LEVELS OF LOCAL GOVERNMENT IN
THE STATE OF ALASKA.

IMPLEMENTATION OF SECTION 603 OF THE BLM ORGANIC ACT OF 1976
MEANS THAT ALL ROADLESS AREAS OF 5000 ACRES OR GREATER ON
FEDERAL LAND ARE SUBJECT TO MANAGEMENT AS WILDERNESS UNDER THE
WILDERNESS ACT OF 1964. THIS MEANS NO MECHANIZED EQUIPMENT OF
ANY KIND IS ALLOWED THEREON. THIS MEANS THAT ALL ECONOMIC OR
PRODUCTIVE ACTIVITY EXCEPT BY HAND METHODS IS PROHIBITED ON THESE
LANDS, INCLUDING PROHIBITION OF RECREATIONAL EQUIPMENT SUCH AS
SNOW MACHINES, BOATS, AIRCRAFT.

SECTION 603 IS CURRENTLY BEING ENFORCED IN ALASKA AS CAN BE
SUBSTANTIATED BY AT LEAST THREE MINERS WHOSE OPERATIONS HAVE BEEN
DIRECTLY AFFECTED THEREBY. CALL ME AT 479-6231 FOR DOCUMENTATION.

I URGE YOU TO CONSIDER ADOPTION OF THE FOLLOWING PROPOSED RESOLUTION
AT THE EARLIEST POSSIBLE TIME.

BEAR IN MIND THAT CURRENT BLM POLICY APPARENTLY DEFINES ROADLESS AS
ONLY THOSE THAT ARE PUBLICLY MAINTAINED YEAR-ROUND. THIS MEANS
SEASONAL ROADS IN ALASKA FAIL TO EXEMPT AN AREA FROM WILDERNESS
MANAGEMENT

WHEREAS, THIS RESOLUTION IS BASED ON THE STATE OF ALASKA'S LONG STANDING UNDERSTANDING AND APPRECIATION OF THE IMPORTANT PART MINING, OIL, AGRICULTURE, TIMBERING, HUNTING, FISHING, AND GUIDING HAVE CONTRIBUTED TO THE BASIC ECONOMY OF THE STATE OF ALASKA AND THE NATION AND TO THE STANDARD OF LIVING OF ALL THE CITIZENS OF THE U.S.

WHEREAS, IT IS THE APPARENT INTENTION OF THE DEPARTMENT OF INTERIOR TO CONDUCT A WILDERNESS REVIEW PROGRAM UNDER SECTION 603 OF BLM ORGANIC ACT THAT WILL EFFECTIVELY PROHIBIT MINING AND OIL EXPLORATION OR DEVELOPMENT AND WILL FURTHER INTERFERE WITH OR PROHIBIT TIMBERING, AGRICULTURE, AND RECREATIONAL OPERATIONS

WHEREAS, THIS PROPOSED WILDERNESS POLICY AS OUTLINED DEPENDS TO A GREAT MEASURE ON THE DEFINITION OF WHAT CONSTITUTES A "ROAD" OR "ROADWAY" AND BECAUSE ROADS AND ROADWAYS INSIDE THE STATE OF ALASKA ARE VITAL TO THE CONDUCT OF COMMERCE, HEALTH, WELFARE, SECURITY AND THE PURSUIT OF HAPPINESS OF ITS CITIZENS

WHEREAS, THE PROPOSED WILDERNESS POLICY AND REVIEW BY THE DEPARTMENT OF INTERIOR WOULD CHANGE THE ADVALOREM TAX STRUCTURE OF FUTURE POSSIBLE PATENTED LANDS THUS REDUCING FUTURE PROPERTY TAX REVENUES FOR THE STATE, THUS INCREASING THE EXISTING INDIVIDUAL TAX BURDEN AND INCREASING THE LOSS OF PERSONAL INCOME TO THE CITIZENS OF THE STATE OF ALASKA BY REMOVING VAST AREAS FROM ANY PRODUCTIVE USE

WHEREAS, THE IMPLEMENTATION OF THIS POLICY WOULD TEND TO ENCROACH ON STATES RIGHTS, REDUCE OR SERIOUSLY LIMIT DOMESTIC EXPLORATION FOR AND PRODUCTION OF VITALLY NEEDED MINERALS, OIL, FOOD AND FIBRE AND OTHER RAW MATERIALS, THUS FORCING INCREASED DEPENDENCE ON UNRELIABLE AND EXPENSIVE FOREIGN SOURCES WITH THE ATTENDANT PROBLEMS OF INSECURITY OF SUPPLIES AND ADDED DEFICITS IN THE BALANCE OF PAYMENTS THUS REDUCING THE TRUE VALUE OF U. S. CURRENCY AND BY SO DOING SERIOUSLY HARM ALL U. S. CITIZENS

WHEREAS, IMPLEMENTATION OF SECTION 603 MAY BE USED AS A THREAT TO FORCE ALASKANS TO QUIT THEIR RESISTANCE AGAINST HR-39 WHICH IS CLEARLY NOT IN THE BEST INTEREST OF MOST ALASKANS AS EXPRESSED IN CITIZEN POLLS

WHEREAS, THROUGH A MOUNTAINOUS MAZE OF BUREAUCRACY AND REGULATION, THE FEDERAL GOVERNMENT ALREADY MAINTAINS EFFECTIVE CONTROL OVER THE MEANS OF PRODUCTION OF U.S. INDUSTRY, AND EXTRACTIVE INDUSTRIES IN PARTICULAR

WHEREAS, THE IMPLEMENTATION OF SECTION 603 TOGETHER WITH RARE 11 AND HR-39 EFFECTIVELY REMOVES ALL FEDERAL LANDS IN ALASKA FROM ANY PRODUCTIVE USE TO SUPPORT THE LIVELIHOODS OF ITS CITIZENS

WHEREAS, THE JOBS OF ALASKANS INVOLVED IN MINERAL EXPLORATION, TIMBERING AND CONSTRUCTION ARE IN IMMEDIATE JEOPARDY BECAUSE OF PROCEDURES ALREADY COMMENCED BY BLM TO DENY PERMITS

NOW THEREFORE, BE IT RESOLVED, WE MEMBERS OF THE ALASKA STATE LEGISLATURE HEREBY WISH TO GO ON RECORD AS OBJECTING TO THE PROPOSED WILDERNESS POLICY PROGRAM AND REVIEW AND FURTHER WISH TO URGE THE ADMINISTRATION, INCLUDING THE DEPARTMENTS OF INTERIOR AND AGRICULTURE TO CONSIDER THE DESIRES OF THE CITIZENS OF THIS STATE AND TO SOLICIT THE ALASKA STATE LEGISLATURE TO PASS ON THE NEED OF FUTURE DESIGNATED WILDERNESS AREAS ON THE PUBLIC LANDS WITHIN THE STATE OF ALASKA

AND BE IT FURTHER RESOLVED THAT WE URGE THE U. S. CONGRESS TO GRANT IMMEDIATE LEGISLATIVE RELIEF TO ALASKA FROM THE IMPLEMENTATION OF SECTION 603 OF THE BLM ORGANIC ACT.

RESPECTFULLY SUBMITTED,

JEFF KNAEBEL

TLX 09035402

2243 EST

IPMAFUB AHG

SB

13

Representative Steve Cowper
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Steve:

Mr. Bruce Boyd relayed your request for items significant in justifying SSSB 13 to operate a research facility for the study of surplus heat utilization at Fort Winwright. The following points represent specific justifications for this appropriation:

1. At the present time, waste heat in the form of hot water from the steam operated electrical power plant at Fort Winwright is dissipated in a cooling pond. This procedure adds water vapor to the atmosphere and generates substantial ice fog in the Fairbanks area during the cold winter months.

2. Consequently, the U.S. Army Cold Regions Research and Engineering Laboratory is currently constructing a system to dissipate the waste heat through pipes buried in the soil and for space heating in a greenhouse.

3. The U.S. Army is accomplishing the necessary engineering design and construction for this project, but does not intend to undertake the technological development necessary to utilize this system in the production of horticultural crops. Nevertheless, the system is ideally suited for this purpose.

4. The facilities would provide an excellent opportunity for the Alaska Agricultural Experiment Station to work cooperatively with this project in developing the necessary horticultural technology and application. SSSB 13 would provide an appropriation to the University of Alaska for the necessary personnel and materials to develop this technology and to provide a significant demonstration for the utilization of waste heat in other areas of Alaska. Without this appropriation the Agricultural Experiment Station will not have sufficient funds to accomplish the cooperative effort.

5. The horticultural industry in Alaska is particularly well adapted to utilize low grade waste heat in the $+70^{\circ}\text{F}$ to 80°F range that is available from power plants such as the plant at Fort Winwright. Successful development of this technology would permit Alaska to produce high value, intensively cultured crops at world market prices and, more importantly, would provide these products for Alaskans.

6. If waste heat can be utilized in soil and greenhouse warming, Alaska will have a plant growth environment that is technically superior to areas at more southerly latitudes. The advantage is due to improved photosynthetic activity of leaves in sunlight and cool air conditions and the longer period of this advantage. The long day lengths from March 20 to September 20 and the better internal plant conditions for photosynthesis are advantages when low soil temperatures do not limit plant growth. Improved soil temperatures allow crops to take full advantage of long sunlight days, and often higher yields are produced than in the best commercial production areas of the nation.

7. The U.S. Army has leveled the land adjacent to the power plant at Fort Winwright, has added peat soil amendment to specifications supplied by the Agricultural Experiment Station, and is in the final stages of installing buried pipes to dissipate waste heat in experimental plots. In addition, plans are underway to construct greenhouse facilities heated by waste heat adjacent to the test plots according to technology transferred from greenhouse research at the Agricultural Experiment Station.

8. Specific tasks to be accomplished cooperatively by the Agricultural Experiment Station at these facilities if an appropriation is provided are as follows:

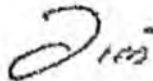
Vegetables under a system of near optimum soil temperature.

- b. To determine the extension of growing season that can be achieved both in the greenhouse and out-of-doors using heated soil.
- c. To determine the proper fertility and irrigation practices necessary for these systems.
- d. To examine the possibility of growing commercial cut flowers such as roses, carnations and chrysanthemums using soil warming in a greenhouse environment.
- e. To detect and correct any disease or insect problems that may develop under these growing systems.

9. Successful development of this technology will demonstrate an effective system for dissipating waste heat from power plants in a manner that will substantially reduce ice fog pollution, and will provide the technology necessary to expand the horticultural industry in Alaska through a system of energy conservation. This work is an essential step in developing energy conservation in Alaska.

Additional details of this research are available in a proposal provided to the House Resources Committee.

Sincerely,



James V. Drew
Director, Agricultural Experiment Station
Fairbanks, Alaska

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 13
 Title "An Act Making a Special Appropriation To University of Alaska...for the study of
~~RESEARCH~~ Surplus Heat Utilization..." Date January 26, 1977
 REQUESTED BY Senator Kerttula

II. FISCAL DETAIL

Agency Affected University of Alaska
 Program Category Affected Education
 Budget Request Unit(s) Affected Agricultural Experiment Station/Organized Research

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	4.2	40.7	43.9	-0-	-0-	-0-
200 TRAVEL	-0-	2.3	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	1.7	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	5.5	2.5	-0-	-0-	-0-
500 EQUIPMENT	-0-	0.5	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	4.2	50.7	46.4	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	4.2	50.7	46.4	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	1	1	1	-0-	-0-	-0-
PART TIME	-0-	-0-	1	-0-	-0-	-0-
TEMPORARY	1	1	1	-0-	-0-	-0-

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

See Attachment

IV. DATE January 27, 1977 PREPARED BY Dr. Donald H. Dinkel, Professor of Plant
 AGENCY Physiology, Agricultural Experiment Station
 Original: Legislative Finance PHONE 479-7652 University of Alaska
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

