

533

HRES

SB 181

- SB 337

0002

SB

181

Wednesday, May 25, 1977, statement by Alaska Department of Fish and Game concerning:

Orca Inlet-Controller Bay  
Critical Habitat Nomination  
(Senate Bill No. 181)

The Alaska Department of Fish and Game strongly supports this bill. This area is probably the major shore bird/waterfowl migration/staging area in Alaska and possibly in North America. It encompasses tidelands and adjacent lowlands south and east of Cordova and of Hawkins Island, and also in the Copper River Delta and Controller Bay areas east and west of Katala.

Importance: During the spring migration period in excess of 20-million shore-birds (plover sandpipers, snipe, etc.) and an additional one-million waterfowl (ducks plus geese) utilize the food and water resources on these tidelands while waiting for the northern breeding grounds to open. This tremendous number of birds includes over 180 individual species. This resting period is extremely important to the migrating birds in permitting them to regain some of the fat reserves expended during the northward flight.

During the fall migration, depending on environmental factors, 10-20 million shore-birds, about one-million ducks and geese, and thousands of Sandhill cranes stop again at these tidelands, resting and feeding while preparing for the migration to their wintering grounds. These are located principally within the Pacific flyway, but also extend

throughout the United States, Mexico, South America, Australia, New Zealand, and the Hawaiian Islands.

In addition to this extensive use by migrating birds, some 50-100,000 shore-birds and waterfowl, hundreds of thousands of sea-birds, hundreds of bald eagles, and many other birds utilize the area throughout this spring-fall period. In total, 219 species have been recorded in the region: 72 occur in the tens of thousands, 10 in the millions.

National Significance: This habitat is one of the most important shore-bird migration/staging areas in North America. It also provides the nesting, molting, and feeding habitat for the largest known concentration of Trumpeter Swans in North America, nearly the entire world's population of Dusky Canada Geese, and large numbers of bald eagles.

Rationale for this Critical Habitat Designation: The preceding discussion outlines well the extensive use of this region as a breeding, resting, and staging area by countless numbers of various species of waterbirds and shorebirds. Many of these (e.g. the ducks and geese, et al.) provide exceptional recreational opportunity for both consumptive (hunters) and non-consumptive (bird watchers) users. More importantly, however, it is a key area for the migration of a major portion of Alaska's waterbird populations by providing a valuable rest stop for the "energy refueling" necessary to sustain long migrational flights. The major responsibility of the Alaska Department of Fish and Game is to manage and sustain Alaska's fish and wildlife resources for the enjoyment and use of all Alaskans, and in fact of all Americans. A "critical habitat" designation for this area will demonstrate the State's concern for such resources and will help control unrestrictive use that could be detrimental to these vast bird populations. The designation is not prohibitive of other uses, but does direct attention and consideration to all resources and does help provide for rational "development" planning by the State.

Public Support: The designation of this area as a "critical habitat" has received strong support from the Alaska Waterfowl Association, the Alaska Conservation Society, conservationists generally, and numerous members of the public at large, especially waterfowl hunters and bird watchers. A public hearing was held by the Alaska Department of Fish and Game in Cordova on February 26, 1976, and there was general strong support. Recommendations from that meeting resulted in the deletion of certain areas proposed and the addition of others.

Possible Problems: The Department of Natural Resources has indicated that there is low hydrocarbon potential in the Orca Inlet portion of the area, but better potential elsewhere in the area for both oil and gas. That kind of development could be detrimental, but need not if properly planned. There is nothing in the current statutes that prohibits mining or oil and gas development or other development from occurring within designated "critical habitats".

Permitting Requirements: As indicated on the following page, Alaska Statute 16.20.260 requires that any person or organization contemplating "use" or "construction work" on a "critical habitat" obtain the written approval of the Commissioner of the Alaska Department of Fish and Game.

Statute Authority: Pertinent language of the Alaska Statutes, Title 16, Article 5, are restated here for your information.

Article 5. Fish and Game Critical Habitat Areas

Sec. 16.20.220. Purpose. The purpose of §§ 220-270 of this chapter is to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose.

Sec. 16.20.240. Regulations. The board shall promulgate regulations it considers advisable for conservation and protection purposes governing the taking of fish and game in state fish and game critical habitat areas.

Sec. 16.20.250. Multiple land use. Before the use, lease or other disposal of land under private ownership or state jurisdiction and control, within state fish and game critical habitat areas created under this chapter, the period or responsible state department or agency shall notify the commissioner of fish and game. The commissioner shall acknowledge receipt of notice by return mail.

Sec. 16.20.260. Submission of plans and specifications. When the board so determines, it shall instruct the commissioner, in the letter of acknowledgement, to require the person or governmental agency to submit full plans for the anticipated use, full plans and specifications of proposed construction work, complete plans and specifications for the proper protection of fish and game, and the approximate date when the construction or work is to commence, and shall require the person or governmental agency to obtain the written approval of the commissioner as to the sufficiency of the plans or specifications before construction is commenced.

Sec. 16.20.270. Additional critical habitat areas. The commissioner shall submit a list of additional critical habitat areas to the legislature annually.



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Resources  
Alvin Osterback, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

24 April 1978

### AGENDA

- CSSB 477 Sport hunting, fishing & trapping license requirements
- SB 181 Orca Inlet and Controller Bay Critical Habitat
- HB 625 Taking moose
- HJR 48 Migratory bird hunting in springtime

# TELEGRAM

NEW ALASKA COMMUNICATIONS, INC.

PHONE: 907-544-8440

TELETYPE: 907-544-8441

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EMS REP DATED

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RE UNCE SUPPORT OF PASSAGE OF HOUSE ORCA INLET-CONTROLLED  
MAY CRITICAL NATURAL WILL.

FOR FLAG CHAIRMAN CONDOVA DISTRICT FISHERIES UNION

1977 MAY 27 20 46

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



April 11, 1978

*Jessie  
Bliss  
Answer*

Representative Al Osterback.  
Chairman, House Resources Committee  
Pouch V  
Juneau, Alaska 99811

Dear Representative Osterback,

It has come to our attention that Senate Bill 181, "An Act creating the Orca Inlet and Controller Bay critical habitat area" is, and has been, hung up since last May in your committee.

We have achieved deletion of this area as a Wilderness Study Area from HR 39. However, we still want to see in place the degree of environmental protection from the State level this bill will achieve.

It is our request that you move this bill as soon as possible to gain passage this session.

Your prompt action on this matter will be appreciated.

Sincerely,

*Bob Blake  
me*

Bob Blake  
Chairman

BB/mh



Official Business

# Alaska State Legislature

## House of Representatives

Committee on Resources  
Alvin Osterback, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

13 April 1978

Mr. Bob Flake, Chairman  
Cordova District Fisheries Union  
Box 939  
Cordova, Alaska

Re: SB 181

Dear Mr. Blake:

Thank you for your April 11 letter requesting review SB 181 as soon as possible.

The bill has been scheduled for Monday, April 24. If you have any other comments or testimony you would like to submit to the Committee please do so before the day of the meeting. If you care to appear in person please let the staff know so that if there is a change in the schedule you can be notified ahead of time.

Sincerely,

Alvin Osterback, Chairman  
House Resources Committee  
House Bush Caucus

AO/sh

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



April 11, 1978

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please  
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Chairman, House Resources Committee  
Pouch V  
Juneau, Alaska 99811

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Your prompt action on this matter will be appreciated.

Sincerely,

*Bob Blake  
mh*

Bob Blake  
Chairman

BB/mh

# Cordova District Fisheries Union

Headquarters: Box 939, Cordova, Alaska



*Copy*

Date; 8-17-78

The Honorable Representative Alvin Osterback  
Chairman, House Resources Committee  
Alaska House of Representatives  
Pouch V, Juneau Alaska 99801

Dear Representative Osterback,

I am writing to request your committee to take action on SB-181 (Orca Inlet-Controller Bay Critical Habitat Area). SB-181 has recieved full support of the community of Cordova at a public hearing followed by supporting resolutions from the Cordova Chamber of Commerce, Cordova District Fisheries Union, and the Copper River-Prince William Sound Fish & Game Advisory Committee.

Please notify this office when the bill comes up for hearing so we can alert the parties who wish to testify on its behalf before your committee.

Respectfully  
Yours,

*Bob Blake*  
Bob Blake  
Chairman

BB/gf

cc: Representative Merle Snider  
" " Hugh Malone  
" " Mike Miller  
" " Sarah J. Smith  
" " William Akers  
" " Don Bennett  
" " Richard I. Eliason  
" " Richard K. Urion  
" " Pete Lovseth

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. \_\_\_\_\_  
 Title An Act creating the Orca Inlet/Controller Bay critical habitat area  
 Requested by Office of the Governor Date 2/18/77

II. FISCAL DETAIL

Agency Affected Fish and Game  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Administration and Support

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Establishment of this critical habitat area will have no fiscal impact on the Department of Fish and Game.

IV. DATE 2/18/77 PREPARED BY Jeffrey J. Morrison  
 AGENCY Fish and Game  
 PHONE 465-4120  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

February 23, 1977

The Honorable John L. Rader  
President of the Senate  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill creating the Orca Inlet and Controller Bay critical habitat area.

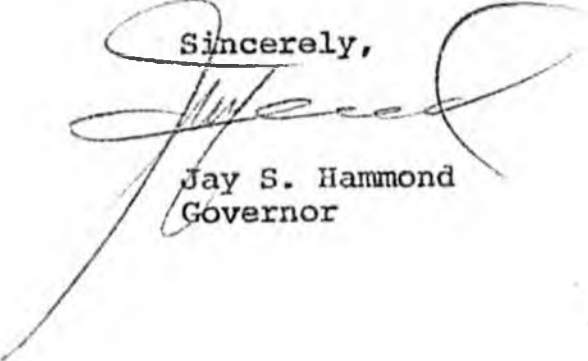
This area is probably the major shore bird/waterfowl migration/staging area in Alaska and possibly in North America. It is located adjacent to and east of Cordova, south and east of Hawkins Island and the Copper River Delta.

During the spring migration period, 20 million shore birds as well as an additional one million waterfowl (ducks and geese) use the food and water resources on these tidelands while waiting for the northern breeding grounds to open. This tremendous amount of birds includes over 180 individual species.

During the fall migration, depending on environmental factors, 10-20 million shore birds as well as an additional one million ducks and geese stop at these tidelands, resting and feeding while preparing for the migration to their wintering grounds, principally located within the Pacific flyway, but extending throughout the United States, Mexico, South America, Australia, New Zealand, and the Hawaiian Islands. In addition to this immense migrational use, there are 50-100,000 shore birds and waterfowl using this area throughout the summer.

This habitat is one of the most important shore bird migration/ staging areas in North America. It also provides the nesting, molting and feeding habitat for the largest known concentration of Trumpeter Swans in North America as well as nearly the entire world's population of Dusky Canada Geese.

Sincerely,



Jay S. Hammond  
Governor



# Alaska State Legislature

POUCH Y, STATE CAPITOL  
JUNEAU, ALASKA 99801  
907 465-3800

## SB 181 - Typo Error

SB 181, p. 2, line 24: "Section 34" is supposed to be "Section 35"

per Bob Rausch, Director, Division of Game.

Amending necessary

SB

196

ANALYSIS OF MAJOR CHANGES BETWEEN SB 196 AND CSSB 196  
BY JOHN FARLEIGH, ADMINISTRATIVE ASSISTANT, SENATE RESOURCES

300 Thursday

SB 196

CSSB 196

- |  |  |
|--|--|
| (a) Requires tags for <u>all</u> shellfish pots.   | (a) Requires tags only for king crab pots in areas with pot limits.  |
| (b) Tags are issued by Dept. of Revenue with each shellfish pot license.   | (b) Tags are issued by Dept. of Fish & Game at the time the fisherman notifies the Dept. of his intent to fish in an area with a pot limit. (He must notify the Dept. by August 1) |
| (c) Requires the tags to be attached directly to the pot (the pot would have to be pulled to be checked for the proper tag). | (c) Requires the tags to be attached to the pot <u>and/or</u> buoy at the Board of Fisheries' discretion.  |
| (d) Allows the Dept. of Revenue to set the fees in an appropriate manner.  | (d) Requires the Dept. of Fish & Game to charge the fisherman for the cost of the tags including reasonable administrative costs.  |
| (e) Requires <u>all</u> shellfish pots to be connected to a "sea lion" buoy.   | (e) Requires only king crab pots to be connected to a "sea lion" buoy (license revocation clause does not apply to this requirement).  |

In addition to these changes CSSB 196 also includes:

- (f) A provision to make tags nontransferable unless the gear license is transferred under emergency provisions. (A.S. 16.05.670)
- (g) A prohibition against unauthorized sale, reproduction, exchange, or use of tags.
- (h) A definition of "registration tags" that allows the Board of Fisheries to require any device or method determined to be appropriate.
- (i) A requirement that the court, in addition to any other penalty imposed by law, revoke the shellfish pot license of a person convicted of fraud or misuse of registration tags for a period of one to five years.

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THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SENATE BILL 196  
Title Regulation of Shellfish Pots & Buoys Used In Taking King Crab  
Requested by POLAND Date 4/13/77

II. FISCAL DETAIL

Agency Affected Department of Fish and Game  
Program Category Affected NRMEC  
Budget Request Unit(s) Affected Commercial Fisheries

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	0	12.7	12.7	12.7	12.7	12.7
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	7.3	7.3	7.3	7.3	7.3
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	0	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	12.7	12.7	12.7	12.7	12.7

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

See attached.

GENERAL FUNDS TO BE OFFSET BY PROGRAM RECEIPTS.

I DATE 4/19/77

PREPARED BY Robin Glauthier

AGENCY Commercial Fisheries

PHONE 465-4210

Original: Legislative Finance

cc Budget and Management

Prime Sponsor (First Legislator Named)

ANALYSIS: CS for SB 196, Regulation of Shellfish pots

Passage of CS for SB 196 will require positive identification of shellfish pots and buoys used in taking King Crab by means of individually numbered registration tags designating year of issuance which are to be issued with each license and permanently affixed to each pot.

A reliable manufacturer estimates that a tag suitable for this use can be produced for approximately \$.20 each. Approximately 280 vessels will be affected by the requirement to identify shell fish pots (Sec 16.05.632). The pot limit is 75 pots that can be fished per vessel in regulated areas. Lost gear and replacement pots average approximately 25% of the total shellfish pots. Therefore, approximately 26,250 tags will be needed at a cost of approximately \$5,250.00. Shipping, postage, and other handling charges would amount to approximately \$2,000.00.

Personal services to administer tag issuance and maintain records will be necessary for six months per year at Homer, Kodiak, Juneau, and Petersburg. This requirement will be satisfied by four temporary Clerk III's, totaling 12 man-months per year at a total cost of \$12,721.00.

Registration tags could be issued for a fee of \$.75 per tag to offset General Funds.

IV. DATE 4/19/77

PREPARED BY Robin Glauthier

AGENCY Commercial Fisheries

PHONE 465-4210

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

TO: R.D. Stevenson  
Special Assistant  
Department of Revenue

DATE : March 9, 1977

FROM: R. H. Pilcher, Manager  
Juneau Field Office  
Department of Revenue

SUBJECT: SB 196 Regulation of Shellfish Pots

Passage of SB 196 will require positive identification of shellfish pots (and buoys) by means of individually numbered registration tags designating year of issuance which are to be issued with each license and permanently affixed to each pot.

It is believed the tag would have to be of a composition that would withstand rough handling and exposure to the elements, including long periods of submersion in salt water. The information required on the tag, Individually numbered designating year of issuance, will necessitate a tag at least 3/4 inch by 2 1/2 inches in size, if not larger. A reliable manufacturer estimates that such a tag could be produced in .032 gauge stainless steel with stamped in eight digit numbers and with drilled holes at each end, for approximately \$.20 cents each.

In 1976, 989 shellfish pot licenses were sold. Pot limits run from 40 to 900 pots that can be legally fished, but the average in 1976 was approximately 200 pots per license. Therefore, approximately 200,000 tags would have to be produced at a cost of approximately \$40,000.00. Shipping, postage and other handling charges would amount to approximately \$20,000.00. Therefore, it is believed that registration tags could be issued for a fee of \$1.00 per tag.

SB 196 requires registration tags and buoys to conform to regulations, other specifications and requirements considered appropriate by the Board of Fisheries, and be issued under procedures considered appropriate by the Department of Revenue. If these regulations, specifications, requirements and procedures result in a tag different from that proposed above, the fee per tag may have to be adjusted.

There is no effective date on the bill. An effective date of January 1, 1978 is required to allow time to design, order, manufacture and ship the tags.

#

14313 NL KODIAK ALASKA 76 04-15 145P AST

PMS SENATOR KAY POLAND, CHAIRMAN, SENATE RESOURCE COMMITTEE  
SUB

WE, THE FOLLOWING FISHERMEN, HAVE HEARD ABOUT AN IMPROVED  
METHOD TO ENFORCE THE KING CRAB POT LIMIT. WE STRONGLY ENDORSE  
THIS METHOD.

OLE HARDER

MISS D DONNA J, VINBERG

SEANAC, JIM CUTHBERG

US F4, JIM BALL

ARCTIC FOX, RON JOLIN

POLAR STAR, THOR OLSEN

J AND M, LEONARD MUSIAL

THE POINT OMEGA, KEN HOLLAND SR AND JR

STEVE HORN

THE SUSAN, DANNY OLSEN

PACIFIC LADY, RON THOMPSON

LUCKY LADY, HANS OLSEN

MISS MINDA, MITCH SUTTON

MAJOR, POKEY SARGEANT



THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SENATE BILL 196  
 Title Regulation of Shellfish Pots & Buoys Used In Taking King Crab  
 Requested by POLAND Date 4/13/77

II. FISCAL DETAIL

Agency Affected Department of Fish and Game  
 Program Category Affected NRMEC  
 Budget Request Unit(s) Affected Commercial Fisheries

EXPENDITURES (Thousands of Dollars)

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300 CONTRACTUAL	0	7.3	7.3	7.3	7.3	7.3
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>	<b>20.0</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	0	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	12.7	12.7	12.7	12.7	12.7

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

See attached.

GENERAL FUNDS TO BE OFFSET BY PROGRAM RECEIPTS.

IV. DATE 4/19/77 PREPARED BY Robin Glauthier  
 AGENCY Commercial Fisheries  
 PHONE 465-4210

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

ANALYSIS: CS for SB 196, Regulation of Shellfish pots

Passage of CS for SB 196 will require positive identification of shellfish pots and buoys used in taking King Crab by means of individually numbered registration tags designating year of issuance which are to be issued with each license and permanently affixed to each pot.

A reliable manufacturer estimates that a tag suitable for this use can be produced for approximately \$.20 each. Approximately 280 vessels will be affected by the requirement to identify shell fish pots (Sec 16.05.632). The pot limit is 75 pots that can be fished per vessel in regulated areas. Lost gear and replacement pots average approximately 25% of the total shellfish pots. Therefore, approximately 26,250 tags will be needed at a cost of approximately \$5,250.00. Shipping, postage, and other handling charges would amount to approximately \$2,000.00.

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Registration tags could be issued for a fee of \$.75 per tag to offset General Funds.

IV. DATE 4/19/77

PREPARED BY Robin Glauthier

AGENCY Commercial Fisheries

PHONE 465-4210

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

## DRAFT RESOLUTION

The Board recognizes the socio-economic advantages of pot limits in certain areas and urges the Protection Division to enforce it to the best of its abilities.

Furthermore, Mr. Harder's proposal may be applicable on some king crab fisheries of the state while in other major production areas new refinements may be necessary to implement it on a reasonable cost-benefit-ratio. *basis*

The Alaska Board of Fisheries urges the legislature to explore the possibilities of funding a comprehensive program that would incorporate a realistic and enforceable approach to this pot limit problem.

My name is Ole Harder, I'm a crab fisherman from Kodiak. I started fishing in Kodiak in 1948, and except for a few years I've fished there ever since. I'd like to express myself on the King Crab pot limit to the Resources Committee and the House and Senate. I'd like to start out with a little background on the pot limit. We started with 30 pots in Kodiak, then went to 60 pots, and then to 75. Kodiak fishermen signed a petition to bring it back to 60 a number of years ago, and everyone signed it with the exception of a few boats. Somehow the petition was lost at the Board meeting in Seward. Since that time we have had a 75 pot limit, and up until three or four years ago we hadn't had major problems. Somewhere, and somehow the chiseling has gotten worse. I would say that guys are fishing as high as 250 pots in Kodiak now, while fishermen who abide by the limit and fish 75 pots could be penalized for \$100,000 or better in gross stock because he is living within the law. Now we have to find an answer to this problem. One of the things we can do is throw the pot limit out. If we do that let's see how that might affect Kodiak. We have a population of around ten or eleven thousand people that are totally dependent on fishing. Without fishing there would be nothing, except a little logging. I can predict what might happen without the pot limit. I understand we have a quota of around 12 or 13 million pounds of 7 inch crab this season. If a hundred boats fished with 200 pots, 50 with 150, and 50 with 75 pots. If my arithmetic is right, it would come to around 31,250 pots. If in three days we came up with a thousand pounds per pot (which, by the way, is a very reasonable catch at around 120 crab per pot in three days) we would then be talking around 31,000,000 pounds. While these figures are high, believe

you me, in not too many years you might see to throw the pot limit out. What this will do to the local economy I'm sure I don't have to tell you. Even if I cut my figures in half, or even in thirds, it would be disastrous. For instance if the Bering Sea and Dutch Harbor opens on September 15, and we open on September 1, we might be seeing the beginning of the end to the local fishermen and particularly the smaller boats. We also have to consider the resource. If fishing is better than the Department of Fish and Game anticipated, we could very well catch more than the allowable harvest which would, of course, be disastrous for the future. The pot limit is not any different in my opinion than the size of the seine or gill net in this state. If we get away with the size of the seines and gill nets and so forth, we will also see a drastic change in the gearing of the boats. Most everybody who wants to stay in business will have to buy a bigger boat in order to compete with the bigger seines and bigger gill nets and so on. Now I've heard the argument quite frequently as a matter of fact, that the National Marine Fisheries Service wants to do away with it. Well, I talked to Mr. Chingham who is on the Council and he reassured me that if the Council would implement whatever the State does and it will stick. And furthermore, I think that the new administration in Washington, D.C. is committed to put people to work, not take work away from them, which would be the case if the pot limit were thrown out. The Department of Fish and Game or the enforcement people so far have not been able to come up with a workable solution to the pot limit. My suggestion is that the State has a tape made up and put on every pot the fishermen fish. It can be a four

inch tape by the Fish and Game Department and they can be numbered from 1 to 75. They can even have reflector tape stuck on the tape that will work for radar. The reflector could also work for lights, and the tape could even be infrared. All we have to do is apply it around the center of the buoy (I think a 60 inch buoy is the biggest size to my knowledge anyone uses) and every year we can change the color code. In other words, once you use the color one year that color is out - the next year you use a different color. I also suggest that you have ten extra tags. If a fisherman loses a pot, for instance pot number 16, you then put pot number 76 on after notifying the Department of Fish and Game. A total of ten extra pots should be sufficient to cover what might be lost in one year. There might be various questions about the enforcement of this policy. The fishermen I have talked to so far all seem to think that there is a workable solution, and they will in turn testify. I feel that if I am on the grounds and I see a pot without the State tag on the pot bouys, I will consider it a lost pot and treat it as such. I also suggest that we put a permanent plastic tag with the Fish and Game number on it fastened below the pivot buoy. Thank you very much.

My name is Kenneth Moore from Homer, Alaska. I have fished lower Cook Inlet area. I've fished for 11 years, the past 7 I've fished in the king crab area. In lower Cook Inlet and Kachemak Bay, we have a problem with people fishing too many pots. It's an unenforceable problem, as near as we can see there is very little attempt has been made to enforce it, however, it is a very difficult thing to enforce. The tape that Ole just brought up is probably the only possible means that I have heard that might work to enforce it. I feel very strongly that it would work, and I think it should be considered along with considering in

however, there is also enforcement would have to take place, and I think that if enforcement would look into it, they will probably find that it could be enforced in this manner. Thank you very much.

My name is Hank Gain, I am a commercial fishermen from Seldovia. I have been fishing Kachemak Bay since 1953. We feel that removing the pot limit at this time would be disaster to the communities bordering on Kachemak Bay. As it is, we have a law on the books, and to my knowledge has never been even attempted to be enforced. We have asked the department previously while the protection agency was with the department to enforce this law and they said it was unenforceable. Since the State Police have taken over the protection, we hear the same thing. We think we do have a workable plan now that can be enforced, and with the enforcement of this law, it will stop a lot of the influx of the gear coming into the Bay, which is over the pot limit. Some of the boats fishing as high as 150 pots are causing an economic hardship on the fishermen and the residents of Seldovia. Therefore, we recommend that they adopt the proposal that was submitted previously on this tape to put, in effect, taping of the bouys which we highly endorse. This tape can be made or bought in its form now that cannot be peeled off the bouy that you will destruct, whereas other tapes can possibly be removed. But this tape can be applied to these bouys and cannot be used over again. We firmly and highly endorse this method of identifying pots and with this, we feel certain that the pot limit can be enforced and preserve the fishers of the small areas and preserve the economy of the towns surrounding Kachemak and Kamishak Bay.

Members of the House and Senate Committees, I'm Bill Bledso, a fishermen from Homer, and I fish king and tanner crab in the lower Cook Inlet. I think it's a real good idea to get some kind of enforcement going on this pot limit thing. The law has been on the books for quite a long time and the many comments we get when we bring it up to people who are supposed to be enforcing it, is that they don't have any way to do it, because at the present time they have to go out and pull every pot that a fisherman has to be sure that the pot itself is fishing king crab before they can even start to make a case. In addition, there are quite a number of pots in Cook Inlet that are fishing, and people are using them are completely unmarked with even Fish and Game numbers of the boats, there are a couple of bouys tied on. If we could set up some system where the pots could be accounted for, and this tape idea that Ole presented earlier might be a real good idea. Might make the whole system a lot more enforceable and help us out a lot and help out the resource as far as conserving the crab and making the season last a little bit longer and spreading it out so the processors could handle the crab. I think it would also be necessary to enact some kind of a rule or regulation or a law that stated that any pot that had this particular tape on it was a king crab pot, and that would not make it necessary for the enforcement people to have to pull the pot and determine that it was a king crab pot. There are going to have enough trouble locating all 75 pots or more of person's string anyway to be sure that they have more than 75 pots there. So I think it would be a real good idea, all in all, to somehow enforce this provision. I talked to a fisherman the other day and he said that he didn't know of anybody fishing in Cook Inlet who had only 75 pots. So that might give you some idea of the magnitude of this problem. So I would urge you to adopt this proposal and how to get us some help there on enforcing this regulation.

Thank you.

Ruel Homberg from Sand Point. I've fished here since 1954. My organization has a proposal to the Fish and Game to abolish the pot limit for our area. However, we've considered this a long time before we finally did put the proposal in. I wasn't one of the original members, that submitted that proposal this year, however, after talking to various people about the , someway to enforce the pot limit, I would feel that may be we should consider or take another look that the pot limit before we go to far. However, I don't know what the Board's action is going to be, but I would say if the Board did abolish the pot limit for our area now, possibly when they did come up with some way of enforceing the pot limit, I could see where this could really be a great help to us because as we are looking at some other things with the tanner crab, for instance, wanting a area registration or a an exclusive area registration were we could work a pot limit into that to be in effect and would probably eliminate need for area registration then. I have been trying to get ahold of some of the people from other organizations to find out what their feeling was on what we have talked about here but I haven't been able to , so what I'm saying here, I just have to speak for myself right now. I don't have much more to say other than that after talking with Ole here, I think maybe what he has is probably about the only way that there may be some way to enforce this.

Thank you.



# Alaska State Legislature

## House

### HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

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

#### M E M O R A N D U M

16 May 1977

FROM: Rep. Al Osterback, Chairman  
House Resources Committee

*alvin Osterback*

I am a crab fisherman myself; and as I see it, passage of (SB 196) will only result in a gear fight. Through the years I have witnessed several gear fights. I have seen one crab boat shoot at another crab boat to chase it out of an area. There have been several cases of one boat shooting another boat's buoys and sinking the pots.

If we pass this bill, all a guy would have to do to get rid of another guy is take up his tagged buoys and replace them with untagged buoys when no one is around. Then Fish & Game comes along and sticks the second guy in jail because he can't prove someone else switched his buoys.

Now let's look at enforcement costs. To enforce something like this, you would need night and day coverage. Four areas of the state have pot limits and would be affected by this bill. They are:

1. Southeast Alaska - 5 mo. season for Red King Crab and 12 month season for Brown King Crab.
2. Cook Inlet - 6 mo. season.
3. Prince William Sound - 6 mo. season.
4. Kodiak Area - 2 mo. season.

One enforcement boat could cover Southeastern and would operate year around. Two boats would be necessary to cover Cook Inlet, Prince William Sound, and the Kodiak Area. Seasons in these 3 areas all fall within the same 6 month period. That means three new boats at \$1 million each, an initial cost of \$3 million.

Annual operating costs would run about \$1 million.

See attachment for breakdown of annual costs.



# TELEGRAM

RCA ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

17 5 33

02003 PDF TDA KODIAK AK 273 5-17 1228A ADT

PMS HON HUGH MALONE

JUN 689

THE UNITED FISHERMEN MARKETING ASSOC. REPRESENTING FISHERMEN IN KODIAK AND THE BERING SEA IS OPPOSED TO COMMITTEE SUBSTITUTE FOR SB196 CONCERNING BIODEGRADABLE SHELL FISH POT MECHANIZATION AND ENFORCEMENT OF THE KING CRAB POT LIMIT. WHILE IT MAY BE DESIREABLE TO ENFORCE THE PRESENT POT LIMIT, CONSIDERING THE LIMITED CAPABILITY OF THE PROTECTION DIVISION, WE FEEL IT SHOULD BE A HIGHER PRIORITY TO PROTECT THE RESOURCE ITSELF. NAMELY PROTECTING CLOSED AREA TO PREVENT OVER FISHING AND ENDANGERING THE RESOURCE.

THE POT LIMIT IS NOT A BIOLOGICAL MEASURE BUT IS A SOCIAL DEVICE DESIGNED TO ACHIEVE SOME PARITY AMONG VESSELS OF VARIOUS SIZES. THERE IS ALSO SOME QUESTION AS TO WHETHER POT LIMITS ARE CONSISTENT WITH THE NATIONAL STANDARD OF THE F.C.M.A. OF 1976 THAT REQUIRES THE MANAGEMENT MEASURES PROMOTE EFFICIENCY.

IN REGARD TO BIODEGRADABLE MECHANISM, WHILE IT MAY BE NECESSARY IN A FEW FISHERIES IN SOME SPECIFIC AREAS, WE FEEL THAT IS SHOULD BE LEFT TO THE DISCRETION OF THE BOARD OF FISHERIES AS TO WHEN AND WHERE THIS SHOULD BE IMPERMENTED. IT HAS BEEN SCIENTIFICALLY DEMONSTRATED THAT THERE IS NOT A PROBLEM FOR KING CRAB AND TANNER CRAB POTS. THE BOARD OF FISHERIES IS CURRENTLY CONDUCTING STUDIES OF FISH POTS AND DUNGENESS CRAB POTS AND THE APPROPRIATE MECHANISM THAT COULD BE USED. BOTH ON THE SCENE OBSERVATION BY FISHERMAN AND SCIENTIFICALLY CONDUCTED DERELICT POT STUDIES SHOW THAT CRAB READILY ESCAPE FROM UNBAITED POTS. VERY THOUGHTFUL CONSIDERATION SHOULD BE GIVEN TO IMPOSEING INPEDIMENTS ON THE DEVELOPMENT OF THE FISHING INDUSTRIES AT A CRUCIAL TIME WHEN IT IS HAVING TO COMPETE WITH FOREIGN FLEETS, ESPECIALLY WHEN THESE RESTRICTIONS CANNOT BE BIOLOGICALLY JUSTIFIED.

BOARD OF DIRECTORS UNITED FISHERMEN MARKETING ASSOC  
OF  
KODIAK

SB

227

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 3, 1977

SUBJECT: HCS for CS for SB 227

TO: Representative Alvin Osterback, Chairman  
House Resources Committee

FROM: Richard A. Bradley *B*  
Legislative Counsel

The House Committee Substitute requested is enclosed with this memorandum.

Changes proposed in secs. 10 and 20 of the bill introduce the suggestion Federal agencies will participate in the simplified application procedure [Sec. 20(1)] as well as in the review process.

The bill formerly only referred to Federal agencies in Sec. 20(5), a section allowing for the dissemination of information on Federal law.

It seems clear that the State cannot require Federal agencies such as the Corps of Engineers or the Coast Guard to use the Department of Environmental Conservation as the agency accepting filings for their permits. To this extent, addition of the word "federal" at lines 24 and 26, page 1, is beyond the authority of the State and perhaps misleading to applicants.

It also seems inappropriate to suggest that State procedures are involved in the review of Federal applications. Line 3, page 2.

The amendments at line 7 and line 8, page 2 present no such problem.

The remaining sections of the bill (except for §60(d)) contain no references to Federal agencies. No problems are presented by this approach.

Although I have reservations about the Committee's proposal, the bill is delivered as requested.

RAB:hjd

Enclosure

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 227

Title Procedure on applications for permits for state air, land, water.

Requested by Poland & Tillion

Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Environmental Conservation

Program Category Affected NPM & EC

Budget Request Unit(s) Affected Program Coordination

EXPENDITURES (Thousands of Dollars)

Inflation at 6%

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		56,725	60,128	63,736	67,560	71,614
200 TRAVEL		15,000	15,900	16,854	17,855	18,937
300 CONTRACTUAL		21,500	27,790	24,157	25,607	27,143
400 COMMODITIES		1,200	1,272	1,348	1,429	1,515
500 EQUIPMENT		4,000	---	---	---	---
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>98,425</b>	<b>100,090</b>	<b>106,095</b>	<b>112,461</b>	<b>119,209</b>

FUNDING (Thousands of Dollars)

	98,425	100,090	106,095	112,461	119,209
GENERAL FUND					
FEDERAL FUNDS					
OTHER (Specify)					

POSITIONS

	4	4	4	4	4
FULL TIME					
PART TIME					
TEMPORARY					

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

See attached

IV. DATE 4-15-77

PREPARED BY

A. L. Eagle

AGENCY

Environmental Conservation

PHONE

465-2544

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

FISCAL ANALYSIS SB 227

The difficulty in preparing a fiscal analysis for this bill stems from its optional nature. We are not sure how often this procedure will be utilized by the public. Washington State established a similar optional system in 1973. By 1976 of the 119 applications received, 10 were active, 25 permits had been issued and 84 were withdrawn. Basically their system is used in determining the various agency positions on a permit prior to withdrawal. Assuming similar usage in Alaska, say for the purposes of this analysis, 30 permits per year for major projects; the tasks required by this bill and their associated costs are:

1. Develop master application format, print and distribute.

<u>Object Code</u>	<u>Item</u>	<u>Cost</u>
300	development, printing and distribution	\$2,000.00

2. Local government certification of project proposals

Fiscal impact on local governments only

3. Receive screen and process master applications

Costs can be absorbed in Field Office and Permit Information Centers.

4. Establish a tracking mechanism. Once established, log and process master applications to other agencies.

<u>Object Code</u>	<u>Item</u>	<u>Cost</u>
100	Clerk IV	\$15,270

5. Process agency responses to master applications

Costs included in #4 above.

6. Mail necessary applications to applicant. Send complete applications to other agencies.

Costs included in #4 above.

7. Verify land and water ownership

Costs may increase for applicant but can probably be absorbed by the Department. The applicant would be required to submit the proof of ownership.

8. The Department must cause an advertisement to be placed at the applicants expense in the local papers, once a week for three weeks.

To avoid costs here the applicant would be required to show proof of publication. Therefore State costs can be absorbed into the position established under item #4 above.

9. Public hearings must be held on controversial permits. Assuming half of the 30 permits per year require hearings at a cost of \$1,500.00 per hearing costs become \$22,500.00

<u>Object Code</u>	<u>Item</u>	<u>Cost</u>
200	travel	\$15,000.00
300	hearing and transcription	\$7,500.00

10. Hearing information must be summarized and distributed.

Because this activity is already done to some extent, the cost to summarize the additional hearings can probably be absorbed by existing and new positions and associated costs discussed above.

11. Final decisions by other agencies must be received and processed through to the applicant as a final permit.

Costs included in #4, above.

12. Information Centers are required at each regional office and in the Commissioners Office in Juneau. Assuming a contractual arrangement with a municipality where Regional Offices exist to be just as expensive as establishing these centers "inhouse", the costs become.

<u>Object Code</u>	<u>Item</u>	<u>Cost</u>
100	Ad. Assistant I - Anchorage	\$18,465.00
100	Ad. Assistant I - Valdez	\$21,885.00
100	Ad. Assistant I - Fairbanks	\$21,105.00
100	*Ad Assistant I - Juneau	-0-

Total \$41,455.00

- \* Costs for Juneau position can be absorbed in #4 above.

13. Contracts for Local Permit Information Centers may be initiated with outlying communities. Assuming no additional personnel would be hired, the costs should be minimal. Estimate 1,000/year support costs for perhaps a dozen centers

<u>Object Code</u>	<u>Item</u>	<u>Cost</u>
300	12 Local Information Centers	\$12,000.00

14. Miscellaneous support costs for each center and new position

<u>Object Code</u>	<u>Item</u>	<u>Cost</u>
400	Commodities	\$1,200.00
500	Equipment for new positions	\$4,000.00



SIINEAU ALASKA

# Alaska State Legislature

## MEMORANDUM

April 20, 1977

To: Representative Alvin Osterback  
From: Senator Kay Poland  
Re: CSSB 227 "Permitting"

CSSB 227 relative to securing state permits for various projects involving use of state land, air, or water has been referred to your committee.

Passage of this Bill would be a distinct public service in providing a certainty of time, procedure, and definitive policy where none now exists.

Attached is an analysis of the Bill prepared by the staff of the DEC and of the Resources Committee, as well as a summary of that analysis. In addition, I am prepared to give any personal testimony your Committee may wish.

## SUMMARY OF ANALYSIS, CSSB 227

The Bill is designed to facilitate communications between the public and state agencies having jurisdiction over various permits. The Bill establishes a single procedure of application, hearings, and processing. The procedure is optional with the applicant who remains free to follow existing procedures if his/her purpose is better served thereby. The Bill provides;

1. Regularly accessible local offices for information and assistance.
2. A single master application and time certain for the initial reply of all agencies. Agencies not responding lose their right to subsequently require a permit.
3. Provides an expedited process. The Department of Environmental Conservation coordinates the processes of all other agencies. The decision making authority of any other agency is not altered or diminished.
4. A single hearing is coordinated for all agencies and public.
5. A firm time sequence is established, ending guesswork and undue delays.
6. Compliance with local government ordinances and planning is mandatory.
7. Existing fee schedules are retained. Amending of fee schedules is not prohibited.

## ANALYSIS OF CSSB 227, "PERMITTING"

CSSB 227, the proposed "Environmental Coordination Procedures Act" (ECPA) is designed largely around a bill passed by the Washington State Legislature in 1973. The bill is designed to facilitate communications between the public, including applicants for permits, and state agencies which have jurisdiction over various permits. The bill establishes a procedure, optional with the applicant, by which all permits necessary for a particular project may be applied for, and processed, as a single unit. A single, joint public hearing on all permits is provided for, as well as a single public notice procedure.

As envisioned, the bill has the following objectives:

1. To provide a regularly, accessible local office where information on the requirements for federal, state, and local permits may be acquired. These, the so-called "Permit Requirements Information Centers", are to be established in the Office of the Commissioner of Environmental Conservation, and each regional office of the Department of Environmental Conservation.

2. To provide a single master application form, which is submitted to the Department, and circulated by it directly to other state agencies. The other agencies must declare, within 15 days, whether they require permits of the applicant and, if so, which permits. Agencies which do not so declare may not subsequently require a permit of the applicant for that project.

3. To provide for an expedited process by which all permit applications, as identified by state agencies, are transmitted by the Department, which subsequently coordinates the permit processes of other agencies. Thus, the contacts between an individual and a potentially large number of state agencies can be limited to a single contact with one agency. In the event of problems with a particular project, communications between all agencies and the applicant are facilitated, but if no such problems arise, the applicant contacts only the Department of Environmental Conservation.

4. ECPA would help coordinate the decision-making process for all state agencies, through a mandated information flow, but it would not remove or alter an individual agency's decision-making authority.

5. If a public hearing is found to be required after polling all affected agencies, ECPA would require a single public hearing at which all the various views of the agencies, the applicant, and the public can be heard.

6. The ECPA process would eliminate guesswork and undue delays in permit processing; a firm time sequence is established by law, this sequence can be extended only for over-riding considerations.

7. The Department of Environmental Conservation would be the administrator of the program, coordinating the efforts of the various state agencies. ECPA would not give DEC any new jurisdiction or new power over the other state agencies. ECPA specifically retains the existing authorities of state agencies.

8. ECPA would provide for proof of conformance with local government requirements before state permits are issued. In a real sense, local governments would then have a "veto" or certification power over a project through denial of certification.

9. The bill allows for the withholding of the final permit until ownership of the land is established, but requires the application process to continue concurrently with acquisition. As a practical matter, any state land involved is usually a part of the application process.

It should be understood that the ECPA process does not, necessarily, expedite the permit process. An applicant can choose to handle each required permit on an individual basis, although this could potentially be more time consuming. Most permits for small projects are handled routinely by state agencies, many simple ones in a matter of days or hours. The ECPA process, in that it has a minimum time requirement of 150 or so days between master application filing and permit issuance, would not be chosen by a project sponsor which had only a few, simple permits needed.

More complex projects, such as oil refineries, power plants, etc., would be required to have a much larger number of permits, some of which, because of legal requirements or built-in delay factors, may take 180 days or more for processing. For example, the discharge permit issued by the Environmental Protection Agency under the National Pollutant Discharge Elimination System requires that permits be applied for 180 days prior to discharge. State requirements vary; many have mandatory 30 or 60-day waiting periods, although extensions for cause are allowed. Many state permit processes do not mandate time schedules, and potentially the applicant could suffer undue delays without recourse. By mandating a maximum time schedule by which all permits must be processed and issued, ECPA would assure the applicant of an answer within a time certain.

The ECPA permit process is not without some cost to the public. Costs previously borne by the applicant, and his consultants, if any, would be partly borne by the state in copying permit applications, distribution, and coordination costs. Many state permit and approval programs are conducted at no cost to the applicant, and those that do not always relate actual costs of permit processing to the fee. In addition, the establishment of the Permit Requirements Information Center would entail costs, both in manpower and material.

CSSB 227 Analysis  
Page 3

Existing fee schedules are retained, and nothing in the Act prohibits amending the fee schedules, if necessary, to meet any added costs.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

227  
JAY S. HAMMOND, GOVERNOR

DIVISION OF LANDS

323 E. 4TH AVENUE - ANCHORAGE 99501

April 28, 1977

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

Dear Mr. Chairman:

Please add my following statement to the record on CSSB 227.

I sympathize wholly with the aim of CSSB 227, that is, the applications in the permitting process for state agencies should be coordinated and simplified. It is certainly undesirable for a timber operator, for instance, to have to contact over 30 different federal and state agencies in order to obtain requisite operating permits.

It is my opinion, however, that the subject bill does not meet this objective in any significant way. I think it is necessary to separate the type of permits which the state issues into two separate categories. These are regulatory permits, i.e., the permits the State issues through its police power and proprietary permits, i.e., the permits issued by the State because it is the owner of the resources to be used. A permit issued under the police power of the State is one in which the aim is to protect the general public health and welfare. A proprietary permit, on the other hand, is issued to insure that use of state owned resources is in the best interest of the owners of those resources - all the people of the State.

Title 38 deals extensively with the authority of the Department of Natural Resources as the steward of the state's natural resources. AS 38.05 in particular details statutory requirements which the Department must meet in granting any permit to utilize state resources.

CSSB 227 does not (nor should it) relieve the Department from complying with any of these requirements. Thus, for those actions for which the permitting authority falls under Title 38, the procedure outlined under CSSB 227 would have the opposite effect of that which is intended. Instead of shortening and simplifying the process for the applicant, it would merely add another layer of bureaucracy to the already substantial

April 28, 1977

statutory requirements. The time span which currently has a roughly six month minimum would be substantially increased and a separate hearing process added.

I urge that in your deliberations on this bill that you consider exclusion of those permits which the State issues in its role as landlord as opposed to permits which it issues in its role as sovereign. We will be happy to work with you in drafting necessary amendments to Title 38 which could make the "one-stop" process of CSSB 227 more workable.

Please contact me if I may be of assistance to you.

Yours truly,



Theodore G. Smith, Director  
Division of Land and Water Management

cc: Ernst W. Mueller  
Frances A. Ulmer



SB

2800

# MEMORANDUM

TO: [ The Honorable Alvin Osterback  
Chairman, House Resource Comm.

DATE: May 19, 1977

FROM: F.S. Hensinger, DVM  
Dept. of Nat. Res. (Agric.)

SUBJECT: Soil Survey Report (Requested  
during the hearing on SB 250)

Attached is some material referencing the soil survey work that was done this past year under a cooperative effort indicated in the report.

There was a 25.0 contribution by the State for their share. A final report by the Soil Conservation Service will be available in July, and a copy will be furnished your committee.

Please see that Rep. Malone receives the second copy, as he was the member of your Resource Committee that specifically requested the information.

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

2221 East Northern Lights Blvd., Suite 129, Anchorage, Alaska 99504

May 13, 1977

Mr. Allan Linn, Director  
Division of Agriculture  
P.O. Box 1088  
Palmer, Alaska 99645

As the result of a request from the NANA Regional Native Corporation to the Alaska Soil Conservation District, Range and Soil Surveys were conducted by the USDA Soil Conservation Service on the reindeer grazing lands within the NANA Corporation boundaries last summer. A cooperative agreement between the SCS, Alaska SCD, NANA Corporation and the BLM was executed calling for cooperation among each of these agencies to accomplish the work. In addition, a cooperative agreement was signed between SCS, the Alaska SCD and the Bureau of Indian Affairs which provided for BIA funding up to \$50,000 to be used in part for the Kotzebue area Range and Soil Survey. A breakdown of funding that went into the field work is as follows:

SCS	55,000
NANA Corp.	25,000
BIA	25,000
State of Alaska	25,000

Funds were used for a variety of purposes including a \$45,000 contract with the University of Alaska, Geophysical Institute for assistance in using LANDSAT imagery and for collaborating in developing new technology for making surveys in the tundra areas of the State. Other sizable expenditures were for helicopter service, helicopter fuel, salaries for plant scientists and soil scientists, aides, per diem costs and airplane transportation.

A great deal more SCS time has gone into the development of the Range and Soil Survey Report after the close of the field season. It is estimated that an additional \$25,000 of SCS funds will be expended to complete the Kotzebue area Range and Soil Survey Report which is due to be published in July 1977. This includes time spent in developing range site descriptions, soil descriptions, LANDSAT imagery map work, plant and soil laboratory analysis and printing costs.



Allan Linn  
May 13, 1977

page 2.

During the past winter SCS initiated a study of snow conditions and its relation to reindeer range management in the area. This will be an ongoing study but during the past year SCS spent \$5,000 in this endeavor.

The total area covered in the survey is approximately 4.5 million acres including the grazing permit areas of NANA Corporation, Karmun, Hadley and Grey. Development of new survey methods using LANDSAT imagery, computer technology and ground truth data collection by a team of field scientists using a helicopter for transportation permitted us to survey this large area in a short time. It was also done at a very low cost when compared to costs using conventional methods. BLM estimated that it would cost \$104,000 to make range surveys on only 500,000 acres in the area.

The purpose of making the Range and Soil Survey is to provide inventory data necessary for range management planning. Through good range management by the reindeer herders, red meat production should be increased and the winter and summer grazing areas will be properly utilized. The Survey will present a scientific documentation of the potential value of the various range sites in the region.

Upon completion of the Range Survey the SCS will work with the reindeer herders and the BLM in developing individual range management plans.

The reindeer herders association at Nome have asked that range and soil surveys and the range planning work of the SCS and Alaska Soil Conservation District continue until all of the grazing lands on the Seward Peninsula are covered. That is an additional 12 to 15 million acres.

We feel that this project has been very successful in developing new methodology that will have far reaching benefits to the State of Alaska. I am attaching other documents that may provide additional information.

*T. G. Freeman, acting*

Weymeth E. Long  
State Conservationist.

UNITED STATES GOVERNMENT

# Memorandum

- \_\_\_ St. Cons.
- \_\_\_ St. Cons. Sec.
- \_\_\_ St. Res. Cons. ✓
- \_\_\_ Res. Cons.
- \_\_\_ Soil Scientist
- \_\_\_ In. Agr. Soc.
- \_\_\_ So. Surv. Sup.
- \_\_\_ Wtr. Res. Sp.
- \_\_\_ Fairbanks
- \_\_\_ Homer
- \_\_\_ Palmer
- \_\_\_ PM Sp.

TO : Ted Freeman, State Resource Conservationist  
Anchorage

DATE: September 10, 1976

FROM : Jim Preston, Range Conservationist, Homer

SUBJECT: CONS - NANA Range/Soil Survey including the following four reindeer grazing leases: Karmun, NANA (old Clark), Hadley, and Gray.

### Objective of Survey:

To provide the soil/range resource inventory data necessary for range management planning interpretations.

1. Increasing reindeer red meat production within the scope of range conservation planning.
2. Depicting in scientific documentation the potential value of surveyed area as its best use being for reindeer range.
3. To prepare a range plan for each of the four grazing leases.

### Work Done:

Starting on 7-28-76 and finishing up one month later (about 8-26-76) SCS surveyed 4,500,000 acres. (refer to forthcoming memo from Preston to Freeman on use of Landsat in range/soil survey on Seward Peninsula-1976. This memo by Preston was also inputted by T. George, B. Fibich, and P. Scorup. Therefore, its tardiness is explained.)

Twelve to fifteen range <sup>site</sup> descriptions will be extracted from the 75 SCS - RANGE - 417's, "Plant Yield Records," executed on this 4,500,000 acre survey. Landsat color products dictate perimeters of study. If a range site could be called a sample area,  $75 \div 15 = 5$  SCS-417's. Each SCS-417 reflects ten sample plots, thus  $5 \times 10 = 50$  sample plots per sample area. This, of course, is guesstimation only as we are a long way from actually knowing how many range site descriptions we will end up with in this 4,500,000 acre NANA survey.

### Work Remaining:

Refer to Umnak/Unalaska Survey Report dated 9-10-76 for step by step procedures in progressing from raw "plant yield record" data to planning stage, including follow-up.

### Recommendations:

That a comprehensive range plan be prepared for the four grazing leases. In these plans will exist the basic and necessary maps, interpretations and narratives (Refer again to Umnak/Unalaska Report) plus an interpretive map showing accumulated snow depth, hard pack areas, prevailing wind direction and blown bare areas. Year by year follow-up will refine this data.



JEP:rw

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

THE USE OF SATELLITE IMAGERY IN THE RANGE AND SOIL SURVEY OF NANA CORPORATION  
LANDS OF THE SEWARD AND BALDWIN PENINSULAS

by

William R. Fibich, Soil Conservation Service  
April 1977

A range survey is an inventory of the vegetation present on the land. The vegetation occurs in definite patterns, or native plant communities which can be identified and located on a map. A native plant community usually consists of a variety of different species of plants which are well adapted to living together on a particular part of the landscape.

The purpose of a range survey is to identify and describe the native plant communities in an area, to determine their food potential, and to indicate on a map their size and location. This vegetative inventory can then be used in planning the overall management of particular kinds of animals which will be living in harmony with these native plant communities. Plants are selective in regard to the kind of soil on which they live. There are different kinds of soil. Some soils are too wet, some are too dry, and some are just right for certain kinds of plants. Just as there are different soils there are different kinds of plant communities which inhabit these various soils. We, therefore, have a definite correlation between a particular soil and the plants which live on that soil. An inventory of the soils is an important part of the range survey.

In the process of making this range survey for the NANA Corporation the use of satellite imagery contributes mostly by showing the locations, patterns, and size of the various plant communities and their associated

soils. Satellite images are very similar to colored aerial photographs in appearance and are the result of variously reflected light from the earth's surface. These different light intensities are assigned individual colors. Each unique native plant community and its associated soil exhibits a particular ability to reflect light. The reflected light is collected by the satellite and a color-patterned image is the result. Since the color blue is usually assigned to the reflectance of water, the oceans, lakes, and streams are clearly defined. The land and water surface of the earth is easily identified, and a comparative linear scale can be established for the image.

The next step in this range survey was to investigate the various colors of the image. This investigation includes the complete inventory and classification of the principal plants and soils within the individual colors. This data supplies information such as pounds of feed available per acre, time of the year and location on the range the feed is available, and soil conditions which may affect the movement and health of the reindeer.

There are a few considerations one must understand when using these images to assist in the inventory of the range and soils. Within any one color there usually are two or more native plant communities and their associated soils. Also, in less than 10 percent of this study area of four million acres, there were instances where two different plant communities were represented by the same color, and where two different colors represented the same plant community.

## NANA CORPORATION AREA RANGE AND SOIL SURVEY

It is recognized by the NANA Regional Native Corporation that a good range inventory is the first step toward a successful reindeer herding operation. During the summer of 1975 the NANA Corporation requested the assistance of the Alaska Soil Conservation District and the USDA Soil Conservation Service in conducting Range and Soil Surveys on the designated Reindeer Grazing Permit Areas within the region.

In a range survey plant communities are identified and correlated with soil types. The extent and location of plant communities are mapped to be used in management plans. Yield data is then obtained to allow computation of the volume of plant material available for grazing. With this information, recommended stocking rates can be developed and management practices planned to allow for optimum production of the herd and proper protection of the range. The range and soil surveys will be the basis for comprehensive range management plans.

PRELIMINARY WORK

The total area involved is approximately five million acres in size and includes the current reindeer allotments held by Lawrence Grey (1,190,400 acres), Paul Hadley (2,232,320 acres), Charlie Clark (814,080 acres), and Alfred Karmun (689,250 acres). The NANA Reindeer Enterprises, Inc. expects to soon be granted the permit for the Grey allotment by BLM. Because this area was too large to permit the SCS to complete the requested surveys within a reasonable time using conventional methods, it was necessary to devise a new and modern system to do the job. With the aid of the University of Alaska Geophysical Institute, a system using Satellite Imagery and computer

analysis of Landsat data was developed. A field test of the process was conducted on a small portion of the reindeer range of the Baldwin Peninsula during the late summer of 1975. It was found that with adequate ground truth field work by competent soil and range technologists that it was feasible to produce the range and soil inventory using Landsat data.

#### 1976 WORK PLAN

This project is to refine the new technique, developed in 1975 and to test applicability over the whole area. During the 1976 field season, SCS will work with the University of Alaska Geophysical Institute in developing the use of Satellite Imagery and Landsat data in conducting soil and range surveys in the NANA region. Extensive field work will be conducted throughout the four permit areas by a technical team consisting of an SCS range specialist, a soil scientist, and a technologist from the University of Alaska Geophysical Institute. Field information will be correlated with Landsat data during the field season. It is estimated that four weeks of field time, using a helicopter for transportation, will be required to complete the investigation on the four to five million acres. Field studies are scheduled to be carried out during the month of August.

Estimated budget for the project is as follows:

#### SCS

SCS technical assistance (field and office)	\$30,000
SCS per diem and misc. expense	7,000
Helicopter 72 hours @ \$400	28,000
Landsat technology cost	<u>45,000</u>
Total	\$110,000

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

2221 East Northern Lights Blvd., Suite 129, Anchorage, Alaska 99504

May 13, 1977

Mr. Allan Linn, Director  
Division of Agriculture  
P.O. Box 1088  
Palmer, Alaska 99645

As the result of a request from the NANA Regional Native Corporation to the Alaska Soil Conservation District, Range and Soil Surveys were conducted by the USDA Soil Conservation Service on the reindeer grazing lands within the NANA Corporation boundaries last summer. A cooperative agreement between the SCS, Alaska SCD, NANA Corporation and the BLM was executed calling for cooperation among each of these agencies to accomplish the work. In addition, a cooperative agreement was signed between SCS, the Alaska SCD and the Bureau of Indian Affairs which provided for BIA funding up to \$50,000 to be used in part for the Kotzebue area Range and Soil Survey. A breakdown of funding that went into the field work is as follows:

SCS	55,000
NANA Corp.	25,000
BIA	25,000
State of Alaska	25,000

Funds were used for a variety of purposes including a \$45,000 contract with the University of Alaska, Geophysical Institute for assistance in using LANDSAT imagery and for collaborating in developing new technology for making surveys in the tundra areas of the State. Other sizable expenditures were for helicopter service, helicopter fuel, salaries for plant scientists and soil scientists, aides, per diem costs and airplane transportation.

A great deal more SCS time has gone into the development of the Range and Soil Survey Report after the close of the field season. It is estimated that an additional \$25,000 of SCS funds will be expended to complete the Kotzebue area Range and Soil Survey Report which is due to be published in July 1977. This includes time spent in developing range site descriptions, soil descriptions, LANDSAT imagery map work, plant and soil laboratory analysis and printing costs.



Allan Linn  
May 13, 1977

page 2.

During the past winter SCS initiated a study of snow conditions and its relation to reindeer range management in the area. This will be an ongoing study but during the past year SCS spent \$5,000 in this endeavor.

The total area covered in the survey is approximately 4.5 million acres including the grazing permit areas of NANA Corporation, Karmun, Hadley and Grey. Development of new survey methods using LANDSAT imagery, computer technology and ground truth data collection by a team of field scientists using a helicopter for transportation permitted us to survey this large area in a short time. It was also done at a very low cost when compared to costs using conventional methods. BLM estimated that it would cost \$104,000 to make range surveys on only 500,000 acres in the area.

The purpose of making the Range and Soil Survey is to provide inventory data necessary for range management planning. Through good range management by the reindeer herders, red meat production should be increased and the winter and summer grazing areas will be properly utilized. The Survey will present a scientific documentation of the potential value of the various range sites in the region.

Upon completion of the Range Survey the SCS will work with the reindeer herders and the BLM in developing individual range management plans.

The reindeer herders association at Nome have asked that range and soil surveys and the range planning work of the SCS and Alaska Soil Conservation District continue until all of the grazing lands on the Seward Peninsula are covered. That is an additional 12 to 15 million acres.

We feel that this project has been very successful in developing new methodology that will have far reaching benefits to the State of Alaska. I am attaching other documents that may provide additional information.

*T. G. Freeman, Acting*

Weymeth E. Long  
State Conservationist.

UNITED STATES GOVERNMENT

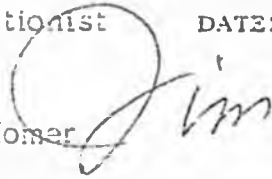
# Memorandum

- \_\_\_ St. Cons.
- \_\_\_ St. Cons. Sec.
- \_\_\_ St. Res. Cons. ✓
- \_\_\_ Res. Cons.
- \_\_\_ Soil Scientist
- \_\_\_ Mgr. Sp.
- \_\_\_ Sr. Surv. Sup.
- \_\_\_ Wtr. Res. Sp.
- \_\_\_ Fairbanks
- \_\_\_ Homer
- \_\_\_ Palmer

TO : Ted Freeman, State Resource Conservationist  
Anchorage

DATE: September 10, 1976

FROM : Jim Preston, Range Conservationist, Homer



SUBJECT: CONS - NANA Range/Soil Survey including the following four reindeer grazing leases: Karmun, NANA (old Clark), Hadley, and Gray.

### Objective of Survey:

To provide the soil/range resource inventory data necessary for range management planning interpretations.

1. Increasing reindeer red meat production within the scope of range conservation planning.
2. Depicting in scientific documentation the potential value of surveyed area as its best use being for reindeer range.
3. To prepare a range plan for each of the four grazing leases.

### Work Done:

Starting on 7-28-76 and finishing up one month later (about 8-26-76) SCS surveyed 4,500,000 acres. (refer to forthcoming memo from Preston to Freeman on use of Landsat in range/soil survey on Seward Peninsula-1976. This memo by Preston was also inputted by T. George, B. Fibich, and P. Scorup. Therefore, its tardiness is explained.)

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### Recommendations:

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April 25, 1977

TO: Senator John Sackett  
FROM: Senator Jalmar Kerttula  
SUBJECT: Department of Natural Resources, Div. of Agri.

The proposed appropriation provides State funding for contractual services with U.S. Department of Agriculture, Soil Conservation Service. Services provided will be soil and/or range surveys on the soils of Alaska to increase the resources data for the benefit of State Department of Natural Resources, other State agencies and the using public. Service will be arranged to allow the State a higher voice in establishing priorities to S.C.S. work activities in Alaska by having Soil Conservation Board of Alaska participate in survey area priority decisions.

At a current cost near 75¢ per acre, this amount will provide survey services to up to 67,000 acres of Alaska land. Exact locations are not finalized. Reconnaissance studies by S.C.S. indicate Alaska contains about 20,000,000 acres of tillable lands. Soil surveys facilitate land-use planning and implementation programs.

Senator Larsen Kerttula  
State of Alaska  
Pouch Y, State Capitol  
Juneau, Alaska 99811

Dear Senator Kerttula:

I would like to provide additional justification for Senate Bill No. 280, an Act making a special appropriation to the Department of Natural Resources, Division of Agriculture, to fund state participation in the National Cooperative Soil Survey.

1. The needs for resource inventories in Alaska are enormous. Decisions involving the use of Alaska's lands now and in the future will have substantial impact on the well being of future generations of Alaskans.

2. Soil inventories produced through the National Cooperative Soil Survey provide resource data of considerable value for all types of land planning and use. No maps of large areas of land are made in such detail and involve so many significant factors as do soil maps.

3. The soil survey program includes: (1) determining the important characteristics of soils, (2) classifying soils into defined classificational units, (3) establishing and plotting on maps the boundaries among kinds of soil, and (4) correlating and predicting the behavior of soils under defined sets of management practices including agriculture, forestry, civil engineering and wildlife management.

4. The ultimate usefulness of soil surveys depends upon accurate soil correlation. This process involves (1) comparing local classificational units with those already defined and named in the general system of classification, (2) recognizing, establishing and naming new units consistent with the system, (3) grouping geographic units into named and defined soil associations, and (4) arranging the units into keys or groups to bring out principles and relationships.

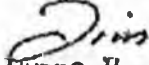
5. In spite of the need for soil surveys in Alaska, detailed soil surveys are available for a smaller acreage of land in Alaska than in any other state, except the very smallest states. Nevertheless, Alaska's needs for detailed soil surveys are greater than any other state.

6. At the present time, soil surveys in Alaska are accomplished entirely by soil scientists of the Soil Conservation Service, USDA, ostensibly in cooperation with the Agricultural Experiment Station, University of Alaska, under a cooperative agreement. In actuality, the State of Alaska employs no soil scientists to cooperate with the Soil Conservation Service in the National Cooperative Soil Survey.

7. Thus, the State of Alaska has no direct contact with the soil survey program in the state, and no voice in decisions regarding soil classification or correlation within the state. Yet Alaska relies heavily on soil surveys published by the USDA in developing legislation regarding land use and in making long term decisions regarding land use.

8. Senate Bill No. 280 would provide funds to permit the State of Alaska to be directly involved operationally and in a decision-making capacity regarding the classification, correlation and survey of soils in Alaska.

Sincerely,

  
James V. Drew  
Director, Agricultural Experiment Station

BILL ANALYSIS

ASSIGNMENT DATE \_\_\_\_\_

UNASSIGNED \_\_\_\_\_

DEPARTMENT Natural Resources	SPONSOR (PRINCIPAL) State Affairs	BILL NO. SB 280
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DEPARTMENT POSITION
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DIVISION DIRECTOR <i>Alan Linn</i>	DATE 4-20-77	COMMISSIONER	DATE
---------------------------------------	-----------------	--------------	------

GOVERNOR'S OFFICE USE

POSITION NOTED                       POSITION APPROVED                       POSITION DISAPPROVED

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SUMMARY

(1) RELATED BILLS (SIMILAR OR CONFLICTING)                      Unknown

(2) a. ORGANIZATIONAL SUPPORT FOR BILL Agricultural Agencies, Soil Conservation Subdistricts		(2) b. ORGANIZATIONAL OPPOSITION TO BILL Unknown
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(3) PROGRAM EFFECTS OF BILL

Requires request to other Divisions of DNR regarding their nominations for areas of priority for soil survey. Effort should be very nominal.

(4) FISCAL IMPACT:                       NONE                       FISCAL ANALYSIS ATTACHED

(5) AMENDMENTS PROPOSED:

None

(6) COMMENTS:

a) See fiscal note for expenditure procedure and use of data.

b) Department and Administration priority regarding this type of expenditure for this FY budget unknown.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 280  
 Title Appropriation to Fund State Participation in National Crop Soil Survey  
 Requested by Senate Finance Date 4-26-77

II. FISCAL DETAIL

Agency Affected Dept of Natural Resources, Division of Agriculture  
 Program Category Affected Livestock  
 Budget Request Unit(s) Affected Administration & Support

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		50.0				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLANS, ETC						
TOTAL		50.0				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		50.0				
OTHER (SPECIFY)						

POSITIONS

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

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

Proposed appropriation provides state funding for contractual services with U.S. Department of Agriculture. Soil Conservation Service. Services provided will be soil and/or range surveys on the soils of Alaska to increase the resources data for the benefit of State Department of Natural Resources, other State agencies and the using public. Services will be arranged to allow the State a higher voice in establishing priorities in SCS work activities in Alaska by having Soil Conservation Board of Alaska participate in survey area priority decisions.

At a current cost near 75¢ per acre, this amount will provide survey services to an 67,000 acres of Alaska land. Exact locations are not finalized. Reconnaissance studies by SCS indicate Alaska contains about 10,000,000 acres of tillable lands. Soil survey facilitates land-use planning and implementation programs.

IV. DATE APRIL 20, 1977

PREPARED BY *Allen Linn*

AGENCY Alaska, Division of Agriculture

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 10/76)

745-3238

SB

306

TESTIMONY OF RUSSELL W. CAHILL, DIRECTOR

ALASKA STATE PARKS

ON SENATE BILL 106

"CABINS IN STATE PARKS"

*Merle Under  
Sen. Poland  
needs copy  
Put in log*

Mr. Chairman, Members of the Committee, the Department of Natural Resources believes this legislation is superfluous. Division of Parks has full authority to construct cabins in State Parks at this time. The master plans for Denali Park and Kachemak Park call for public use cabins. However, during the public process of producing a bond bill and bond issue for the ballot in 1976, we heard nothing from either the public or the Legislature which would have indicated that public use cabins were in the high priorities for State Park development.

Those of you who were here in the last session may recall that the request for capital funds for State Parks was cut in half by this Committee before it ever reached the Finance Committee of the House. The development needs passed on to us in legislative and public meetings were for campgrounds, auto access, sanitary facilities, and trail access to the back country: not cabins. Our proposed projects reflected those needs and are now  
etc.

There is a letter of intent which was passed by the Senate with this bill and which not only instructs the Division to build the cabins, but tells us where to put them. It seems to me that the Senate Resources Committee, which has been reluctant even to hold hearings on any new park proposals, now wants to manage the existing Park System.

Considering the issues here, I believe this bill doesn't have any substance and is unnecessary. The Senate cut our district operations budget by more than \$100,000 this year. The Free Conference Committee version of that budget still includes a \$75,000 cut in district operations. The majority of that money was for garbage pickup in the State Park System and yet, funds to implement this cabin legislation (approximately \$135,000 of general fund expenditures the first year), are nowhere to be found in the '78 fiscal budget.

Finally, this legislation calls for the Division of Parks to consult with local organizations to minimize the costs associated with this construction. In my experience, these groups then receive a preference right for the use of the cabins. Indeed, in many cases, such as the Sierra Club's former lodge in Yosemite National Park and many others, the cabins become a bone of contention between the general public and the organizations. In addition, this bill suggests that primary consideration be given to potential use of trails, rivers, lakes, and seashore by residents of Alaska. If you look at status plate around most of the lakes in southcentral Alaska and around the coast of Kachemak Bay State Park and several other coastal areas of Southcentral, you will find that the State, under the "open to entry" program, turned over much of the lakeshores and rivershores of the State to private ownership for recreation purposes. We have no quarrel with that use, however, we have found that the public has been effectively cut-off from many of these lakeshore areas by this allocation of land. We in the Division of Parks and I in particular feel that some of these lakes and rivers should be left open to continued public use without cabins or other structures. I believe

you would be surprised to find the number of people who wish to canoe and kayak along the few lakeshores that are in the State Park System and to camp in a place where there are no cabins.

I suggest that if this Legislature wishes to have public cabins in State Parks, it should pass a small bond issue in 1978 and go to the voters with it. Unless the funds are provided to do this work, passage of this bill is tantamount to handing a hungry person a photograph of a meal and asking that person to eat the picture.

I. REQUEST  
 Bill No. S.B. 306  
 Title: Cabins Within State Parks and State Game Refuges  
 Requested by: Senator Croft Date: 5/4/77  
 Return Date Requested: 5/4/77  
 Agency: Natural Resources Program: Parks and Recreation

II. FISCAL DETAIL 10-46-7-02-00-00 District Operations  
 Budget Request Unit(s) Affected: 10-46-7-03-00-00 Park Management  
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES			26.4	29.0		
200 TRAVEL			4.0	4.4		
300 CONTRACTUAL			5.0	5.5		
400 COMMODITIES			6.0	6.6		
500 EQUIPMENT			10.0	2.0		
600 LAND & STRUCTURES			95.0			
700 GRANTS, CLAIMS, ETC.						
TOTAL			146.4	47.5		

B. FUNDING: (Thousands of dollars)

GENERAL FUND			146.4*	47.5		
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	2/	2/	/	/
MAN MONTHS (P./T.)	/	/	20/	20/	/	/

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

See attachment.

\*As indicated on the fiscal analysis form (attached), potential Federal funds are obligated through FY 79. If the program were not implemented until FY80, then 50 percent of the cost for constructing the cabins (50% of 95.0) could come from Federal funds rather than general funds.

IV. ATTACHMENTS

V. DATE: 5/4/77 PREPARED BY: Russell W. Cahill

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

FISCAL ANALYSIS

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.	
Natural Resources	Croft	SB 306	
DIVISION POSITION	CO-SPONSORS OR COMMITTEE SPONSORS	DATE LAST AMENDED	
Cautious neutrality	Huber		
DIVISION DIRECTOR	DATE	COMMISSIONER	DATE
Russell Cahill	4/15/77	Lelesche	

FISCAL EFFECTS OF BILL

(1) CHANGES IN PERSONNEL

Add 10 man months Park Ranger I  
 10 man months Trades Helper WG VII

(2) CHANGES IN GOVERNOR'S PROPOSED BUDGET

(3) CAN COSTS BE ABSORBED

No

(4) REVENUE/EXPENDITURE CLASSIFICATION AND FUND — SOURCE (GENERAL FUND/BUDGET, FEDERAL FUNDS, BONDS, SPECIAL APPROPRIATIONS)

Add: Personal Services - annually	26.4 G.F.
Travel	4.0 G.F.
Contractural Services	5.0 G.F.
Commodities (repairs & maintenance)	6.0 G.F.
Equipment - 10.0 the first year and 2.0 per year thereafter	
Capital costs - 9 cabins one time	*FY78 95.0 G.F. or bonds
	*FY80 47.5 G.F. or bonds
	47.5 Federal funds

COMMENTS:

\*Federal funds would be available in FY80. State has them obligated through FY79. State funds could be obtained through a general obligation bond in 1978 if this becomes law.

V. DATE: 5/4/77

PREPARED BY: \_\_\_\_\_

**BILL ANALYSIS**

ASSIGNMENT DATE \_\_\_\_\_

UNASSIGNED \_\_\_\_\_

DEPARTMENT Natural Resources	SPONSOR (PRINCIPAL) Croft	BILL NO. SB 306
---------------------------------	------------------------------	--------------------

DEPARTMENT POSITION  
Cautious Neutrality. If decision regarding placement of cabins is left in the hands of DNR or ADF&G, the Department is supportive. Fiscal Impact is adverse and cannot be absorbed by existing programs.

DIVISION DIRECTOR	DATE	COMMISSIONER	DATE
Russell Cahill	4/15/77	LeResche	

GOVERNOR'S OFFICE USE:

POSITION NOTED                       POSITION APPROVED                       POSITION DISAPPROVED

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

SUMMARY

(1) RELATED BILLS (SIMILAR OR CONFLICTING)      None

(2) a. ORGANIZATIONAL SUPPORT FOR BILL Unknown	X	(2) b. ORGANIZATIONAL OPPOSITION TO BILL Unknown
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(3) PROGRAM EFFECTS OF BILL

If cabins are constructed in very remote areas, the costs in manpower and materials for maintenance are normal. If close to roads, they are inordinately high. Cabins attract high vandalism levels and are places for very high visitor conflict levels. Cost of operations are much higher than equal camping site costs. Reservation system will be costly to operate.

(4) FISCAL IMPACT:       NONE                       FISCAL ANALYSIS ATTACHED

(5) AMENDMENTS PROPOSED:  
Page 1 - line 10, delete (each State Park) and replace with State parks. Page 1 - lines 12-8-13, delete (each state game refuge) and add State Game refuges. Page 2 - line 10, after "reservation" add and fee

(6) COMMENTS:  
Director of Parks is cautious on this. Hundreds of private cabins exist on state leased lands. Often the only undeveloped shore accessible to the public is in state parks. Initial development would require 9 cabins in Parks and Refuges. Fees should be charged. Director considers letter of intent an attempt by legislature to run program. No funds available to do this job in FY78 budget. Would require new appropriation or 1978 bond issue.



# Alaska State Legislature

## House

### HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

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

18 May 1977

The Honorable Hugh Malone  
Speaker  
Alaska State House of Representatives

Dear Representative Malone:

The following is the intent of the House Resources Committee with the passage of HCS for SB 306.

During Fiscal Year 1978 this Act shall be administered as a pilot program, with nine cabins to be constructed in the following state parks and game refuges.

- (1) One cabin in Chugach State Park;
- (2) one cabin in Kachemak Bay State Park;
- (3) one cabin in Denali State Park;
- (4) one cabin in Susitna Flats State Game Refuge; and
- (5) five cabins in other state parks and state game refuges, to be chosen by the Commissioner of Natural Resources with the concurrence of the Commissioner of Fish and Game.

Sincerely,

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

Alvin Osterback  
Chairman  
House Resources Committee

AO:jn

SB

337

# MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF THE COMMISSIONER

TO: [ Bob Palmer, Special Projects  
Phil Hubbard, Commissioner of Commerce  
Mike Smith, Assistant Commissioner  
Ted Smith, Director of Lands  
Allan Linn, Director of  
Agriculture

DATE : April 15, 1977

FROM: Bob LeResche  
Commissioner

SUBJECT: Delta Agricultural Action  
Plan

The feasibility report by the Ad Hoc Delta Barley Group, has been completed and reviewed by the Division of Policy Development and Planning. In addition, the Delta Land Management Planning Study is essentially completed. All three of these studies have been very well done, and fit together very well as a guide to future action. The purpose of this memorandum is to establish an action plan for aggressive accomplishment of the recommendations in these three studies.

I am requesting those indicated below to move with all practical speed to accomplish the tasks outlined:

TANANA LOOP AREA: In accordance with the Delta Land Management Planning Study, the Division of Lands should proceed to lay out, plat, and make available for sale around 5,000 acres of land for small farmsteads. This land should be in approximately half-section parcels, and should be an agricultural rights sale. The Division of Lands should work closely with the Division of Agriculture and the University of Alaska, to lay out this land disposal, and to derive the procedure by which it shall occur. Hopefully, disposal can begin by January, 1978.

#### GENERAL ADMINISTRATIVE TASKS:

1. Definition of "agricultural rights." The Division of Lands should immediately get together with the Department of Law and draw up an acceptable definition of agricultural rights to be included in any sale or lease of these rights. The Division of Agriculture should be consulted during this process. This definition might well contain identification of permitted uses, and the covenants/easements to sale, as well as provisions for recreational access and liability against crop depredation. The Department of Fish and Game should be consulted concerning the latter.

The Director of Lands should report progress to me on this item on June 1.

045.13

2. Appraisal policy for "agricultural rights." The Division of Lands, the Department of Law, and Division of Agriculture should get together once a working definition of agricultural rights is established, to consider principles whereby these rights will be appraised precedent to sale or lease. These agencies should consider whether potential economic viability of a specifically stated farming venture on the land should be an overriding factor in appraisal. The Director of Lands should report to me on this on July 1.

3. Resolution of potential statutory conflicts regarding how much land can be transferred to an individual. The Department of Law and the Division of Lands should work together to resolve these conflicts as they affect conveyance of agricultural rights. The Director of Lands should recommend action to me by July 1.

4. Determination of appropriate method of disposal of agricultural rights. The Division of Lands and Division of Agriculture should derive a set of principles from which decisions can be made in individual cases whether to offer agricultural rights for purchase, lease, or lease-purchase. In addition, they should establish the principles under which future decisions should be made regarding whether leases or purchases should be by bidding, lottery, or negotiation. The Director of Agriculture should make recommendations to me in this regard by July 1.

5. Classification of agricultural lands in the Delta Land Management and Planning Study area. The Division of Lands should complete classification of lands designated as agricultural by the Delta Land Management Plan.

"DELTA BARLEY PROJECT" :

1. Lay out of project. The Division of Lands and the Division of Agriculture should prepare a final project lay-out plan, using the recommendations of the Ad Hoc barley project group, the Delta Land Management planning Study, and the Division of Policy development and Planning report. This final layout should be reviewed by all concerned parties, including especially those who had active involvement with the three above studies. I hope that the project layout can be finalized and accepted by all parties by July 1. The Director of Lands should report progress in this regard to me on July 1.

2. Platting the Division of Lands should proceed rapidly with platting the area pursuant to the approved layout plan. On July 1, the Director of Lands should give me a schedule under which platting will occur.

3. The Division of Parks should initiate an archaeological and historical survey, pursuant to AS 41.35.070, as soon as the final development plan for both the barley project area

and the Tanana Loop area is available. The Director of Parks should let me know as soon as possible a reasonable time schedule for completing this survey.

4. Test plot clearing. The Division of Agriculture, with cooperation from the Division of Lands should arrange for clearing a half-section or full section test plot. The purpose of this clearing will be to test clearing methods, to test moisture retention and blowoff tendencies, and to test barley production. The Division of Agriculture should ensure that representatives of the Department of Fish and Game, Department of Environmental Conservation, the Ad Hoc Group and the University all have ample opportunity to help design the test procedures, and to be present and participate in the actual clearing and manipulation of the test plot as well as any subsequent measurements they may wish to undertake. The Director of Agriculture should give me an action plan and schedule for this test clearing, as well as for all test procedures to be undertaken during fiscal year 1978, by June 1.

5. Design of environmental studies. The Division of Lands should immediately contact the Departments of Fish and Game and Natural Resources, as well as interested members of the Ad Hoc Committee, and request that they design by May 15 specific environmental studies that will be necessary in order to evaluate clearing methods, prepare the final project layout plan, and assist in development of the conservation plan. These studies should be designed in detail and costed out so that we may proceed to implement them without delaying the project unnecessarily.

6. Soil conservation plan. The Division of Agriculture, Division of Lands, Department of Environmental Conservation and the Soil Conservation Service, should begin preparation of a soil conservation plan for the entire Delta Clearwater area. This plan should at least cover soil conservation and erosion control, pesticide use, herbicide and fertilizer use, and water quality. In addition, the plan may consider such things as energy conservation, suggestions for clearing and farm management practices. The Director of Agriculture should give me by June 1, a schedule for completion of this soil conservation plan.

7. Funding alternatives. The Division of Agriculture and the Department of Commerce and Economic Development should assist Mr. Palmer as much as possible in his quest for non-State funds that may be available to finance the Delta Barley project. Hopefully, some specific avenues of approach should be available to us by July.

In addition, Bob Palmer and I are presently preparing a supplemental budget for accomplishing the other directives

included in this memorandum. All interested parties should telephone me by May 1 with specifics regarding any additional funding they will need to accomplish these directives during fiscal year 1978.

8. Timber sales. The Division of Lands should make announcements as soon as possible offering timber within areas planned for clearing to local residents at a minimal fee, to cover at least the cost of administration of timber removal. These announcements should be in compliance with the final project layout to be derived above, and should be offered if possible by August 1.

9. Local government and farmers cooperative. The Division of Agriculture, Department of Community and Regional Affairs and Department of Commerce and Economic Development should develop an active program of contact with the City of Delta Junction and local farmers, designed to clarify the long-term role of local government and any potential farmers cooperative organizations in future agricultural development in the Delta area. I would suggest it would be very beneficial for the State to provide a similar level of aid to Delta farmers, including both those involved in the Tanana Loop "small" acreage farms and in the Delta Barley project, as we are currently providing to fishermen interested in nonprivate, nonprofit aquaculture projects. I would suggest that the Department of Commerce and Economic Development review the contract that the Division of Policy Development and Planning has with the Southeast aquaculture Organization and consider creating a similar relationship between the State and Delta farmers.

10. The Division of Agriculture, Division of Lands, Department of Commerce and Economic Development should together prepare a draft of qualifications for those who will qualify to purchase or lease large tracts of agricultural rights in the Delta barley area. These criteria should follow those discussed by the Ad Hoc Group and the Division of Policy Development and Planning, and should include experience factors, financial qualifications, and other factors. I would suggest that these criteria be derived solely on the basis of maximizing the probability of success of the Delta farming venture, and not on the basis of insuring that enough qualified farmers will be immediately available. The Director of Agriculture should give me a draft list of criteria by July 1.

I feel if we can accomplish all of the above on approximately the time scale outlined, we will have made a very positive step toward achieving a new and viable renewable resource industry in Alaska, planned and endorsed by local residents, financially responsible, and environmentally sound. Upon our accomplishment of all of the above, and upon qualification of the requisite number of potential private participants (i.e., upon sufficient showing of private demand by qualified

individuals) I would intend to make approximately 50,000 acres of land available for barley production in the Delta area as outlined by previous plans.

I sincerely hope we all can work together compatibly in pursuing this exciting prospect.

cc: Governor Jay S. Hammond

BL: lb

The primary purpose of this land clearing operation is to test an alternative method of clearing land when the vegetative cover consists primarily of heavy moss cover and black spruce timber.

Technicians of the U.S. Soil Conservation Service have devised this system and believe that it has a number of significant advantages over the conventional method of bulldozing all material--including the top soil that adheres to the roots of the vegetation--into large "berm piles". Those berm piles are then burned or allowed to decompose over the next 20 years or so.

The clearing process proposed is explained in some detail in the accompanying correspondence from Mr. Burt Clifford, U.S. Soil Conservation Service.

Recent estimates for clearing and breaking costs received from Mr. Dennis Green, heavy equipment contractor in Delta Junction and generally recognized in that area as one of the most qualified and reasonable land clearing contractors, yield the following cost data regarding the clearing method to be tested:

Clearing	\$100/acre
Clean-up of burn residue	\$20/acre
"Breaking	\$30/acre
TOTAL	\$150/acre

Mr. Green recently completed clearing 2,000 acres of somewhat similar timber for a private individual, using the conventional "berm pile" method. His charges were \$338,000.

It is hoped that the alternative method of land clearing that will be used on the test plot will result in a number of advantages:

1. No loss of top soil since the vegetation and any soil adhering to the roots will only be moved the width of a bulldozer blade;
2. No berm piles to inhibit farming operations, reduce acreage available for production and provide an eyesore;
3. Lower costs--since the vegetation will be moved to a much shorter distance than with the conventional methods of clearing land.

Contractors in the Fairbanks-Delta Junction area who are expected to bid on the large clearing project (60,000 to 70,000 acres), if the legislature ultimately approves such a project, recently stated to Dr. C. E. Lewis, Agricultural Economist, University of Alaska, that at least 2,000 acres should be included in the test plot. They stated that anything less would not yield significant data on which they could base contract bids.

Enclosure