

534 HRES

SB 337 - SCR 68

00072

LAND CLEARING
SHEAR AND BURN METHOD

Burton L. Clifford - Resource Conservationist
USDA - Soil Conservationist

The method of shearing stands of woodland and removal of the woody materials by fire is not a new method. It has several distinct advantages for clearing large blocks of agricultural lands which include speed, low cost, and nutrient retention.

STANDARD CLEARING METHOD

Land clearing is done with large crawler tractors equipped with angle blades, bulldozing the vegetation after the ground is frozen. The vegetation (woods and moss) is dozed into long berm rows, normally running lengthwise of the field. The berms, depending on vegetation and snow conditions will be 150 to 200 feet apart. Width ranges from 30 to 45 feet, height approximately 20 feet. If a good job of dozing is completed, the newly cleared area between the large berms can be broken (plowed). If not, hand labor is needed to remove remaining sticks and small logs before breaking. Approximately 20-25 percent of the field will be under berms.

The berms are allowed to dry through the summer. After the fire season they are set ablaze. The residue is generally rebunched and reburned. Any soil residue in the berm piles is scattered or disbursed in the field. The process of berm removal is slow, usually requiring 2 - 3 years to dispose of the debris. It is expensive costing three to four times per acre over the original clearing method.

A disadvantage of this clearing method is that the berms hinder farm operations. The area between the berms is generally irregular. The area under the berms cannot be farmed. By the time the berms are removed, and the soils under them planned, five to six years have been spent developing this 25 percent of the field. This method is slow and expensive. Total costs including berm removal is running approximately \$150+ per acre for the complete clearing job.

Another disadvantage is that the operator must be skilled in clearing methods. An unskilled operator generally includes a high volume of top soil in the berm rows, adding to both cost and time for removal. Land clearing by this method is a specialized art.

This has become the "standard" method in Alaska. This is largely due to restrictions about burning during the dry season. Fire has an important role in development. Homesteading started in the late fifties in the Clearwater because of old wildfire burns. These burns removed the moss ground cover, stripped the boughs from the spruce trees, and allowed the remaining standing residue to dry. With only dry tree stems left, clearing was easy. The bulldozed residue burned clean in the berms. Clearing cost ran about 50% below unburned areas. These areas have now been developed and all future agricultural lands will be developed from mature woodland stands.

In summary, the main disadvantages of this present method are:

1. Slow and costly - In unburned areas, approximately 1/2 to 3/4 of an acre can be cleared per tractor hour. At \$60 per hour, costs would be \$80 to \$120 per acre for the initial bulldozing. With berm removal included, costs will run \$150 to \$200 per acre.

2. Berms are created. They have a considerable amount of moss and green plant materials in their composition. Any snow included is slow to thaw, and berms remain wet for long periods of time. Assuming that berms only have vegetation materials, it takes an average of three years for final removal. Berms and berm removal also seriously affects the establishment of windbreaks.

3. Snow conditions - Heavy snow conditions not uncommon to the Clearwater, rapidly increase cost, place berms closer together, increase size, and decrease their removal rate.

4. Operators - Operators inexperienced in agricultural clearing tend to place too much soil in the berms. Operators are generally experienced in construction clearing where cost and soil removal are not major factors.

SHEAR AND BURN CLEARING METHOD

This method was used in the Fairbanks area in the late 1950's with considerable success. An old Army surplus D-8 caterpillar tractor with an angle cable dozer was used for the shearing operation. Used grader blades were welded flat at the base of the dozer to form a knifelike blade that would float over the frozen soil, shearing the vegetation. The blade was angled and the tractor operated around a field, much the same way as cutting hay. The blade sheared the vegetation and rolled it into small compact dirt free windrows.

The field was allowed to dry part of the summer then a fire was set around the entire perimeter. The resulting fire thoroughly burned the dried vegetation, leaving the field almost completely cleared and ready for the breaking process with little additional dozer work. This work was done on permafrost soils with black spruce and deep moss ground cover. The dry moss was necessary to provide fuel to burn the large trees. The method was fast and cheap, but was discontinued with the inability of farm operators to obtain fire permits for burning during summer months.

Modern tractors equipped with hydraulically controlled angle blades can shear better than the above described blade. They have the advantage of "down" pressure, where the older cabled blades had to "float". The hydraulic blade provides positive control that allows an operator to shear vegetation with ease. He can easily control the blade for depth of cut.

The shear and burn method of land clearing is briefly:

1. To shear the vegetation at the soil surface from its root or ground support, and roll into small (4' to 6' diameter) windrows.
2. Dry the vegetation to a low enough moisture content that the materials would be totally consumed in place by fire.
3. Burn in predesigned fuel cells based on vegetation type and compartment size at a time that total consumption of the materials will occur.

It is proposed that the shear and burn method be used in all large scale clearing operations. On a project level adequate fire control can be provided to burn residues during the dry summer months.

The vegetation would be sheared on frozen soil conditions with angled blade to form the vegetation into windrows. In the black spruce areas, this, because of the frost conditions, could extend well into the summer months.

The windrows, small and close together, would range from approximately 10' to 20' apart. Width depends on clearing method (figure 1.). The merits of each method needs to be examined, for both ease and speed of clearing, drying capabilities, and burning capabilities.

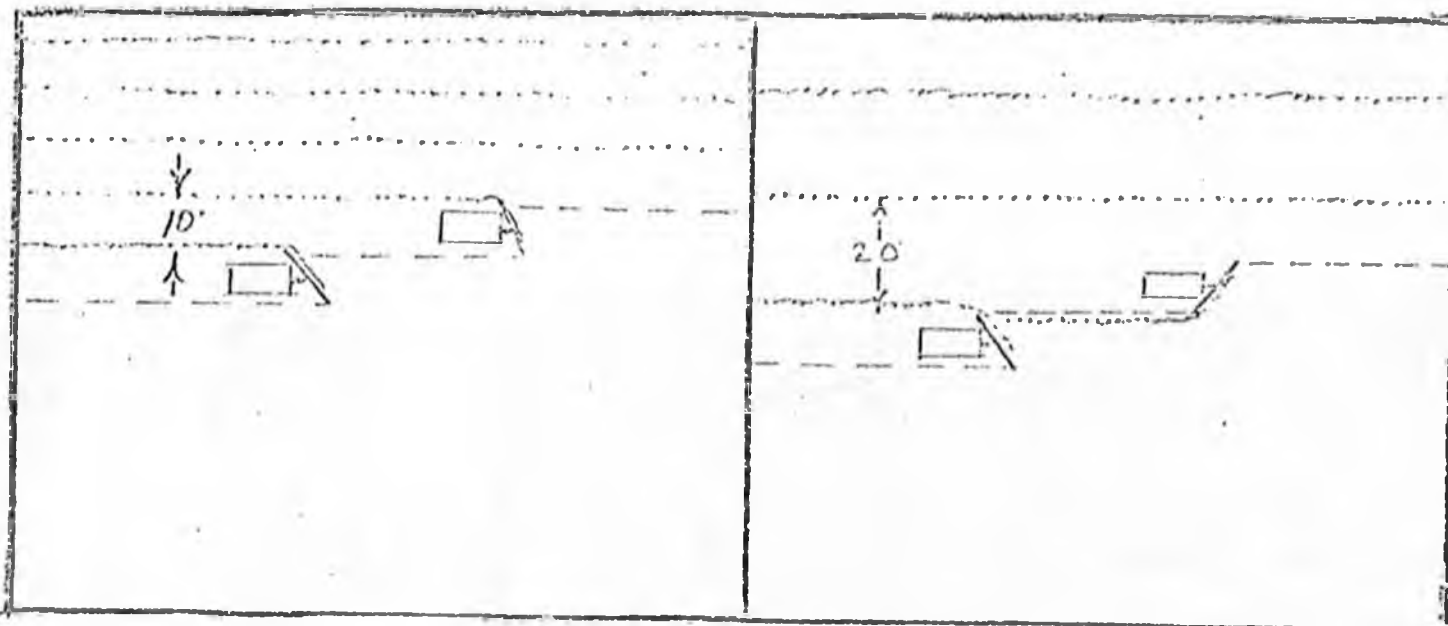


Figure 1: Two tractors are working together - on the left, they are working around a field making single windrows. On the right the tractors are combining two into a single windrow. The advantages and disadvantages of each need evaluation.

All woodland can be cleared by this method. The main difference would be burning dates. Total consumption of the materials should occur in black spruce and heavy moss ground cover the first summer following clearing. Hardwoods would require a second season for drying. In both cases, the date of the burn should be determined by the dryness (moisture content) of the largest tree stems in the proposed burn. Fuel cells will be formed in compartments for (1.) the type of vegetation to be burned and (2.) the size of the desired burn. It is most important to restrict all burning before and after clearing until the cell has dried to provide the maximum burn efficiency. The more vegetation present, the hotter and cleaner the burn. The large tree stems must be consumed completely during the burn for maximum efficiency of time and money. In case some stems were not completely consumed by the burn, clean up would be relatively fast and economical. Burning can be conducted when favorable atmospheric conditions prevail causing little likelihood of local smoke problems. Dry materials create less smoke.

In summary, the shear and burn clearing method has the following advantages:

1. Low cost - The ground is covered much faster. One operator noted he thought he could maintain three miles per hour. At this rate, 3.6 acres per hour would be covered @ \$60/hour = \$17.00 per acre. At two miles per hour, 2.42 Ac/Hr = \$25.00 per acre; at one mile per hour, 1.2 Ac/Hr = \$50.00 per acre. In all of the above, the cost is far below standard methods, and no berms are created. Without the necessity of berm removal land clearing costs are reduced far below the "standard" clearing method. Allowing cost for burning and some clean up, it is suggested with good operators that the cost may be well below \$100.00 per acre.
2. Less soil disturbance - Soil would not be pushed into large berms. Any soil that is disturbed would not be piled. Breaking and farming methods would level any disturbed situations.
3. Operators without clearing experience can be used. Again any soil disturbance created by such an operator can easily be remedied. The ground fire would do an excellent cleanup of small sticks and broken stems normally left on the ground.
4. Heavy snow conditions presents no major problems. The material is only to be sheared and rolled. The snow would not be a load factor under these conditions. It would melt rapidly and thoroughly during break up.
5. Excellent fire control - With the clearing residue rolled and fuel cells delineated, excellent control can be maintained during burning.
6. The land can be cropped earlier. Dr. Wooding, Agronomist, Alaska Experiment Station, suggests that this method would save a full year during the development stage by eliminating the need for decomposition of organic material on the soil surface, normally a problem when "standard" clearing methods are used.

7. Scarification for new forestation - Windbreaks could be developed from natural regeneration of the woodland. Fire acts as a scarifier for this new start. Areas formally burned in the Clearwater have excellent stands of hardwoods with a spruce understory.

Questions and Concerns:

1. The materials must be burned during the warm dry summer months which is the peak fire season. Will agencies with fire management responsibilities cooperate so the burn can be carried out with reasonable safety and still attain maximum effectiveness?

2. Methods to determine ideal time to burn for maximum benefits are needed. This involves the moisture content of the vegetation, and design and construction of the fuel cells.

3. Actual costs - It would be well to demonstrate this method on the conditions found in the Clearwater to determine the true results. At present, contractors do not fully understand this concept, and do not have a feel for costs.

4. The advantage (if any) of a single versus double blade windrow relating to speed of clearing, burning efficiencies, and fire control is needed.

It is suggested that a trial be started immediately on the two predominant vegetation types found in the Clearwater area, black spruce and hardwoods. Two 160 acre tracts are proposed as a minimum, one in each vegetation pattern.

The layout should be such that each tract is a mile long. On 160 acre tracts, this would amount to four 40 acre tracts end to end - 1320' x 5280'. The mile run is needed to test travel time rates. In the actual clearing process, it is envisioned that the runs would be very long between turns. The 40 acre tracts might be ideal for fuel cells for trial burning this summer.

One technique that has surfaced is chaining the vegetation before clearing. This process mainly orientates the vegetation. The question is if it is necessary, or could a heavy roll bar frame be attached to the top of the tractor blade achieve the same purpose. A roll bar would eliminate one operation (chaining) saving time and money. This is necessary information on both vegetation types.

Such a trial would place the Delta barley proposal on a much firmer footing relative to clearing costs. This is a major aspect of the proposal, and should be verified. It would create a demonstration for contractors to observe, putting them on a more competitive bid basis. If this is a viable method, it would serve as a pattern to plan all future agricultural development in interior Alaska.

... (Arizona, Colorado, Nevada, New Mexico, and Utah) is underway to mine the cost of producing and marketing crops and stock on irrigated lands in the Southwestern States. This nation will afford a sound basis for planning and assisting agri-businesses in these areas with special lists for American Indians, Mexican-Americans, and low-income people.

... erative work with a national consulting firm and ... try has determined factors which motivate industries establish plants in nonmetropolitan areas, the role of communities in plant establishment, and the reaction of studied communities to new plants. This work is im- ... g communities' opportunities to attract branch plants.

... perative project (Economic Development Adminis- ... n, Montana State University and Agricultural Ex- ... tent Station, and Economic Development Association ... stern Montana) has determined the feasibility and ... of producing, processing, and marketing livestock from ... n Montana. This will, hopefully, upgrade returns to ... ana stockmen, who are currently producing livestock ... ed at over \$600 million annually, and may provide ... tional employment to as many as 200 people, including ... ican Indians.

... program is available to all persons without regard to race, creed, ... sex, national origin, or political affiliation.

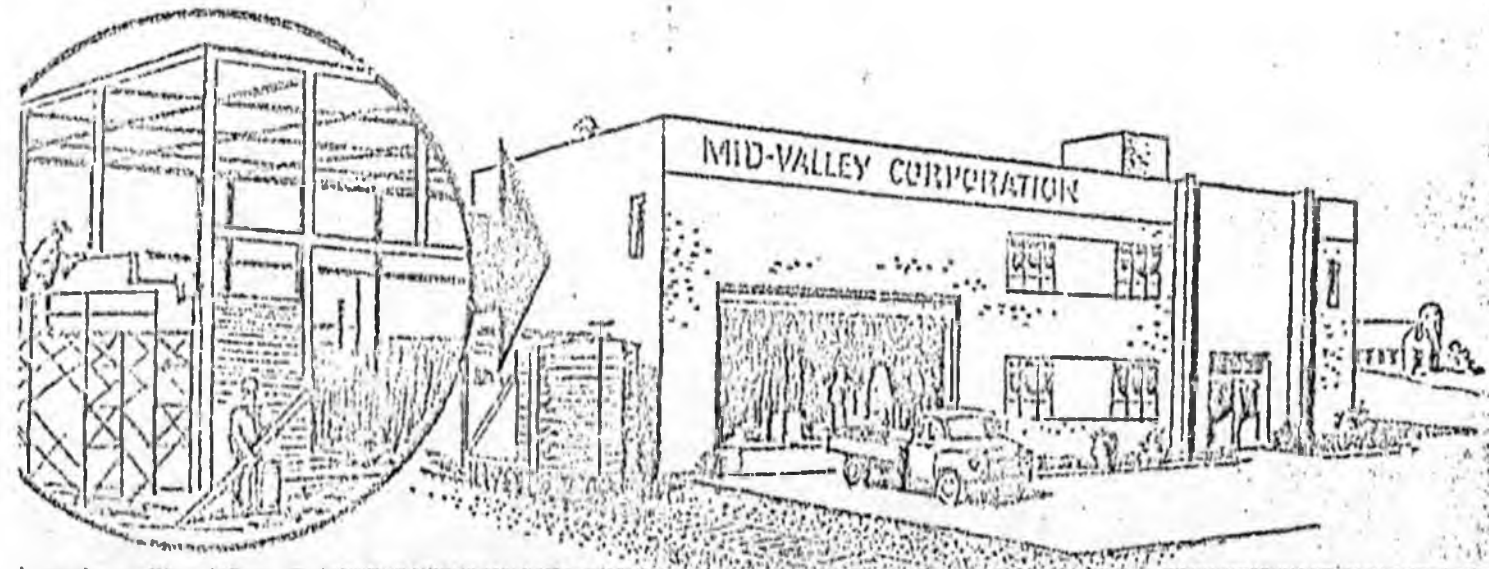
Address inquiries for assistance to:
 Dr. Jackson E. Simpson, Director
 Agri-business Program
 Agricultural Research Service
 Federal Center Building
 Hyattsville, Maryland 20782
 Telephone 301-436-8194

Washington, D.C.

Issued August 1972

Agricultural Research Service

AGRI- BUSINESS PROGRAM



U.S. Department of Agriculture

AGRI-BUSINESS PROGRAM helps plan and establish profit-making businesses that provide jobs foricans. The aim is more jobs and higher paying jobs for rural people. This is the key to helping rural people themselves - and the basis for giving people pride, hope, and a desire to keep trying. It will mean more people finding rural America the most desirable place to live.



AGRI-BUSINESS PROGRAM works cooperatively on projects suggested by the following groups -

Federal organizations such as Regional Economic Development Commissions, Economic Development Administration, Office of Economic Opportunity, and Bureau of Indian Affairs.

State groups including industrial development agencies, Governor's Office, Cooperative Extension Service, Agricultural Experiment Station, and universities.

U.S. Department of Agriculture agencies principally Extension Service, Cooperative State Research Service, Farmers Home Administration, Rural Electrification Administration, Soil Conservation Service, Forest Service, Agricultural Marketing Service, Farmer Cooperative Service, Agricultural Stabilization and Conservation Service, and Economic Research Service - plus their counterparts in the States.

AGRI-BUSINESS PROGRAM provides leadership in -

- Planning and making feasibility investigations
- Converting favorable feasibility findings into workable project plans
- Seeking activation of projects by private enterprise

AGRI-BUSINESS PROGRAM scope of assistance - Provides complete project planning that puts to work research findings and practical "know-how" concerning manufacturing, raw materials, management, distribution, marketing, and financing requirements.

...practical time (e.g., livestock, soils, water, raw products and processes, human nutrition, food needs, and marketing facilities and techniques).

Assists in production of commodities and materials, manufacturing, distribution, warehousing, selling, servicing operations, construction, and related activities.

Expedites needed research-development to bolster existing projects.

Commercializes new products, operations, and services through demonstration projects rather than through normal development channels.

AGRI-BUSINESS PROGRAM has given assistance in all 50 states and Puerto Rico on more than 2,000 projects - concerning installation of more than \$1 billion of agri-business facilities generate annual returns of over \$3 billion. Typical examples -

Cooperative investigations (Four-Corners Regional Commission, Arizona Department of Economic Planning Development, and USDA Forest Service) have shown feasibility for establishing a Southwestern pine stump plant which would produce products valued above \$5 million and employ more than 300 people, including many American Indians.

Cooperative work (National Broom Council, Economic Development Administration, and Texas Agricultural Experiment Station) is developing a mechanical broom harvester that will stabilize a \$40 million industry, make broomcorn farmers in depressed areas, and give employment to several hundred Negroes and handicapped people in 30 States.

Cooperative assistance (Vincennes University, Purdue University, Economic Development Administration, and U.S. Farmers Home Administration) to depressed area Indians for the first commercialization of cranberry (oilseed) is giving added income to over 100 farmers and employment to more than 150 people.

Commercialization of newly developed quick-cooking bean products is being realized from a cooperative study (Four-Corners Regional Commission, Colorado State University, USDA Economic Research Service) of the potential for these products. Will increase returns to bean growers and provide additional jobs.

DELTA AGRICULTURE PROJECT

An Approach to Baseline Surveys and Research

A well designed and coordinated series of studies would contribute to the success of the proposed farming project and related resource uses in the Delta Project area and would permit improved planning for later agricultural developments elsewhere. Delta baseline studies would assess hydrologic, meteorologic, soil, vegetation, and wildlife resources in the project area and in nearby, similar, undisturbed areas, both before and during project implementation.

Many state and federal agencies and units of the University of Alaska have the talents, equipment, and other resources to accomplish the varied elements of these ecosystem studies. None of these agencies presently has the funds to put these resources to work. Moreover, no means has been identified to assure that individual agency studies are part of a systematic program designed to meet objectives efficiently.

The following approach is proposed:

- 1) The Legislature should be asked to appropriate \$10,000 for baseline studies critically needed in May-June 1977 (see attached list A).
- 2) The FY 78 budget should contain \$90,000 for state share of baseline studies and project coordination in FY 78 (see attached list B and C)
- 3) The supplemental and FY 78 monies should be appropriated to the Department of Natural Resources for redistribution to state agencies as per lists A, B, and C.
- 4) The School of Agriculture and Land Resources Management should be designated as coordinator of research design, research activities, and reporting.

additional funding from appropriate federal agencies such as ARS, SCS, USGS, FS, and others (List C).

List A. Critical projects for May-June 1977.

- 1) Meteorologic data collection, especially wind force and direction, evaporation rates, ground temperatures

(DNR) \$4,000

- 2) Hydrologic studies: spring runoff patterns, water quality in Delta-Clearwater (DNR) \$3,000

- 3) Spring mammal and bird population and distribution; fish distribution (ADFG) \$3,000

TOTAL

FY 77 \$10,000

List B. FY 78 Baseline research

*1) Hydrologic studies (DNR) \$20,000

*2) Soil characteristics, chemical residue levels (DEC) \$15,000

3) Water quality Delta-Clearwater (DEC) \$ 5,000

*4) Meteorologic studies (DNR) \$20,000

*5) Vegetation mapping (DNR) \$ 5,000

*6) Fish and wildlife populations (ADFG) \$15,000

List C. FY 78 Coordination

1) Salary, travel, services \$10,000

TOTAL

FY 78 \$90,000

*Studies to be done on Delta project area and control area.

SB

428

STATE OF ALASKA

H R
JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU 99811

March 7, 1978

The Honorable Alvin Osterhack
Chairman, House Resources Committee
Alaska State House of Representatives
Capitol Building, Room 118
Juneau, Alaska 99801

Re: Comments on Senate
floor amendment to
SB 428 am (Page 3,
lines 14-16)

Dear Representative Osterback:

The Commercial Fisheries Entry Commission has asked me to attend the House Resources Committee hearing this afternoon to offer testimony on a provision added to SB 428 am on the floor of the Senate. Unfortunately, an unexpected conflict in my schedule will prevent my attendance at the hearing today, so I am writing to briefly summarize my comments on the floor amendment. These comments were, for the most part, offered to the Senate Rescissions Committee at a hearing on this bill on February 6, 1978 and discussed at some length before the committee declined to amend the bill along the lines of the floor amendment which narrowly passed.

The floor amendment at issue is Part II of Amendment 3 offered by Senator Huber, which substituted new language for AS 16.43.355(h) as follows:

(h) The permit holder may appeal to the superior court for, and is entitled to, trial de novo of the board's action. Ei-ther party to the appeal may demand a jury trial. SB 428 am, Page 3, Lines 14-16; Senate Journal on page 241. (Emphasis added).

There are three problems with this amendment, in my view, and they are underlined above. First, it states that a permit holder, aggrieved by the administrative revocation of his permit because he supplied false information to the commission, is entitled to trial de novo on appeal. In many

appeals to court of administrative decisions, trial de novo is unnecessary, redundant, and wasteful of the time and resources of the court and both parties. A record containing all the evidence considered by the agency is before the court and, therefore, there is usually no reason to develop the evidence over again. AS 44.62.570(d) governs all appeals from administrative decisions not specifically the subject of a particular statute to the contrary. It gives the court discretion to augment the administrative record or hold a hearing (not "trial") de novo, if appropriate; i.e., if there is new relevant evidence that could not have been offered to the agency, or if relevant evidence was improperly excluded by the agency. This approach is much more efficient and flexible than that embodied in the above quoted floor amendment, which would allow permit holders to drag out appeals to the detriment and expense of all involved.

The second problem with the amendment is that it refers to "the board's action" (Page 3, Line 15) when the decision involved is that of the commission; i.e., the Commercial Fisheries Entry Commission.

The third problem is that the amendment states that either party to an appeal "may demand a jury trial" (Page 3, Line 16). This is a novel and inappropriate approach to appeals of administrative decisions. The only questions involved in such an appeal are legal issues (See AS 44.62.570(a) and (b)), whereas juries are only capable of considering factual issues. Nonetheless, the implication of the objectionable language of the floor amendment is that, if a party demands a jury trial, the court has no discretion and must grant one. This incongruity would render such appeals unworkable, if not impossible to conduct in practice.

In conclusion, I strongly suggest that the original language of AS 16.43.355(h) be reinstated in place of the Senate floor amendment at Page 3, Lines 14-16 of the bill. This would insure that appeals of permit revocation decisions would be conducted in the same time-tested manner as nearly all other appeals from administrative decisions, and in accord with AS 44.62.560 and .570 of the Administrative Procedure Act. It would be the most equitable and efficient means to provide for judicial review.

Alternatively, the following language would give an aggrieved permit holder a right to request a hearing de novo before a judge, even if there is no new or improperly excluded evidence, while foreclosing the totally inappropriate possibility of "jury trial."

March 7, 1978

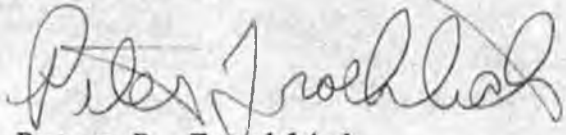
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(h) A permit holder may appeal the commission's decision to a superior court. At the request of either party to an appeal, the court, in its discretion, may hold a hearing de novo.

I hope these comments are of some assistance in your consideration of this bill.

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By:


Peter B. Froehlich
Assistant Attorney General

PBF:bvd

cc: House Resources Committee Members
Art Peterson, Assistant Attorney General
Commercial Fisheries Entry Commission

STATE OF ALASKA

H 123
JAY S. HAMMOND, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH KB
JUNEAU, ALASKA 99811

March 6, 1978

The Honorable Alvin Osterback
Chairman, House Resources Committee
Alaska State House of Representatives
Capitol Bldg. - Room 118
Juneau, Alaska 99801

Dear Representative Osterback:

You have requested the comments of the Commercial Fisheries Entry Commission SB 428 am, which is currently before the House Resources Committee.

Upon second reading in the Senate, SB 428 was amended by several floor motions, about which we would submit the following for your committee's consideration:

The first amendment offered appears at page 2, line 5, beginning with the words "The hearing place..." (Senate Journal page 241). The purpose of this amendment is to provide that the revocation hearing take place at or near the place of residence of the permit holder. The Commission anticipates few revocation hearings and therefore it does not feel that these provisions are unduly oppressive. However, it may well be that the permit holder would desire to have a hearing at a place other than the Judicial District in which he resides. Inasmuch as the referenced section of SB 428 mandates a hearing within the permit holder's Judicial District, the Commission would suggest that the language of that section be amended to allow the permit holder to waive the mandatory requirements appearing on page 2, line 5-7. In this regard, the following language is offered:

"Unless waived in writing, the hearing place shall be held within the Judicial District in which the permit holder resides for those residing in the State of Alaska. The hearing place shall be at the discretion of the Commission for those permit holders residing outside the State of Alaska;"

While this amendment will undoubtedly have some impact on the Commission's budget because of the added requirement for Commission and staff travel, possible transportation of records, etc., the exact magnitude cannot be determined at this time. The Commission would expect revocation hearings to be rare, and if that is the case attendant costs could probably be absorbed without a specific budgetary increase. Consequently, we recommend no change in the fiscal note accompanying this bill.

The second amendment offered is of two parts (Senate Journal pp. 241-2). Part I appears at page 1, line 21 of SB 428. That amendment added the word "materially" after the word "correct" appearing at line 21. The Senate Resource Committee version of SB 428 did not contain the word "materially." Inasmuch as the word "knowingly" appears in the language of section 16.43.355(a), it is felt by the Commission, that if a person intentionally submitted false information knowing of the falsehood, the use of the modifier "materially" served a superfluous purpose. In effect, what Part I of the amendment accomplishes is to attach culpability to big lies while protecting those lies which are small. A problem also exists in defining the term "materially" as it is necessarily vague. The Commission feels that where proscribed action can result in the revocation of a person's entry permit, the statute should be drawn without words of vagueness. In light of the gravity of permit revocation, it is only fair that a person be specifically apprised of the prohibited conduct.

The second portion of this floor amendment appears at page 3, line 14-16 of SB 428. SB 428 as passed by the Senate Resources Committee provided for an appeal of a Commission permit revocation decision pursuant to the Administrative Procedure Act. A discussion of the scope of that appeal process appears in the House Resource Committee file on SB 428. The floor amendment offered provides that all appeals of a Commission decision to revoke a permit shall be in the scope of a trial de novo. In reference to section (h) appearing at page 3, lines 14-16, Peter Froehlich of the Department of Law will attend the Tuesday committee meeting and offer testimony on those provisions.

While this amendment does not directly affect the Commission's function, it does place what may be excessive burdens upon the permit holder. A full trial over matters previously presented at an administrative hearing will result in added and repetitive costs to the permit holder due to the formal and extended nature of court trials. A

March 6, 1978

full trial, as opposed to oral arguments, would be more difficult to accommodate on the court calendar due to the amount of time a trial requires. This could result in delays of the resolution of the permit holder's case. It should also be noted that the appeal is from the "Commission's" decision rather than the "board's" decision.

In light of the foregoing, it is respectfully submitted that the interest of the fisherman would be furthered by reinstatement of the language originally appearing in the bill as passed out by the Senate Resource Committee:

- h. "Judicial review of a commission determination under this section may be had in accordance with AS 44.62.560-44.62.570." (SB 428 as passed by the Senate Resources Committee page 3, lines 10-12.)


This would provide the fisherman with the option of an appeal to the courts at a lower cost and consuming less time than a full scale trial de novo, with or without a jury.

A third floor amendment was offered as section 5 of SB 428 and relates to the transfer of a permit after court ordered suspension of use privileges thereunder (Senate Journal pp. 242-3). The Commission supports this amendment.

The Commission concurs with the remainder of SB 428 am in the form in which it is now before you.

Thank you for the opportunity to comment on this bill. A member of the Commercial Fisheries Commission will be present when SB 428 am comes before the House Resources Committee, Tuesday March 7, 1978 at 1:30 p.m. to answer any questions.

Sincerely,


Allan Adasiak
Chairman

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

POUCH KB - JUNEAU 8337

February 3, 1978

The Honorable Kay Poland
Chairman, Senate Resources Committee
Alaska State Senate Pouch V
Juneau, Alaska 99811

Dear Senator Poland:

Re: SB 428

Regarding Senator Tillion's question regarding the term "willfully" as it appears in Sec. 3 of SB 428 at page 3 line 13 and page 4 line 2, we have contacted Dan Hickey at the Department of Law. Mr. Hickey indicated that the term "willfully" appearing at page 3 line 13 should be omitted. The term "willfully" as used at page 4 lines 2 and 6 should be deleted and the word "knowingly" substituted in its place. A letter from Ann Carpinetti of Mr. Hickey's office confirming the above-mentioned amendments should be received by your committee shortly, if it has not been received already.

The propriety of the term "other unavoidable hardship" appearing at page 1 line 12 has been addressed by Pete Froehlich, the Commission's Assistant Attorney General. His statements regarding this wording should have been received by you by now. If not, his letter will be forthcoming shortly.

The Commission will be happy to send a representative to the Monday, February 6, Committee meeting to answer any questions. The Commission has also requested that Pete Froehlich attend the meeting to answer any legal questions the Committee may wish to advance.

If there are any further questions or other service you may require, please feel free to contact me at the Commission. Your assistance in this matter is greatly appreciated. The Commissioners are presently out of town holding previously scheduled public hearings or I'm sure one of them would have

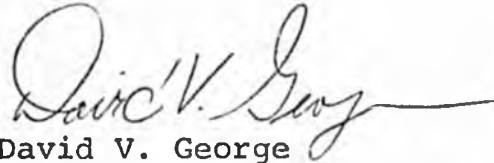
Senator Poland

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February 3, 1978

responded personally to the Committee's inquiries.

Respectfully,

A handwritten signature in cursive script, reading "David V. George", with a long horizontal flourish extending to the right.

David V. George
Legal Advisor

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
JUNEAU 99811

February 1, 1978

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

Re: SB 428, relating to commercial fishing permits

Dear Senator Poland:

It has come to my attention that a question arose at the January 31, 1978 hearing on this bill before your committee concerning the words "other unavoidable hardship" as used on page 1, line 12 of the bill. I am writing to share with you and the committee my thoughts on this language.

In my opinion, it is possible for the Commercial Fisheries Entry Commission to administer this criteria for temporary emergency transfer of permits both fairly and restrictively. The entire sentence containing the language at issue reads:

The commission shall adopt regulations providing for the temporary emergency transfer of entry permits and interim use permits when illness, disability, death, or other unavoidable hardship prevents the permit holder from participating in the fisher." (Emphasis added).

In accordance with the well-established principle of statutory construction of ejusdem generis, where general words follow a listing of specific words, the general words are construed to embrace only circumstances similar in nature to those enumerated by the previous specific words. (See 2A Sands, Sutherland Statutory Construction, § 47.17, 4th Ed. 1973). Thus, "other unavoidable hardship" includes only circumstances similar in nature and gravity to illness, disability and death.

The phrase "unavoidable circumstances" is used in the Commission's regulations at 20 AAC 05.630(a)(5). In that context, the Commission has interpreted the phrase to mean circumstances (1) beyond one's control which prevent his participation in a fishery, (2) in frustration of his specific definite intent to do so, (3) despite all reasonably possible efforts. Applying the same meaning to "unavoidable hardship," along with the principle of ejusdem generis, results in the interpretation that only serious hardship beyond one's control which frustrates his specific and definite intent to participate in a fishery despite all reasonably possible efforts would be included within the scope of those words.

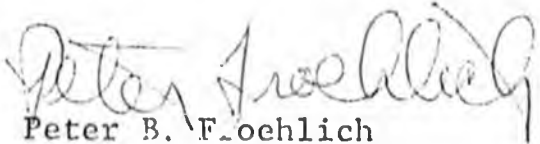
This seems to be a sufficiently narrow criteria for emergency transfers, while at the same time allowing for the myriad of possible types of unavoidable hardship which may properly justify such a transfer.

I hope this letter is of some help in your further consideration of this bill. Please contact me if any questions on this matter remain.

Sincerely,

AVRUM M. GROSS
ATTORNEY GENERAL

By:


Peter B. Floehlich
Assistant Attorney General

PBF:bvd

cc: Allan Adasiak

STATE OF ALASKA

SB 428 am

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

CRIMINAL DIVISION

POUCH KC - STATE CAPITOL
JUNEAU, ALASKA 99811

February 6, 1978

The Honorable Kay Poland
Senator
State of Alaska
Pouch V
Juneau, Alaska 99811

Re: SB 428

Dear Senator Poland:

It is my understanding, after discussing Senate Bill 428 with a representative from the Commercial Entries Fisheries Commission, that your committee desired some comment from the Criminal Division of the Department of Law regarding the level of culpability under proposed amendments which would be required to be proven for conviction of certain prohibited acts under AS 16.43, which regulates entry into Alaska commercial fisheries.

Section 3 of Senate Bill 428 amends AS 16.43.360(a) in part by adding the requirement that a person be proved to have acted wilfully before he may be convicted of a statutory or regulatory violation of the chapter. (p.3, line 13). Presently no proof of the violator's state of mind is necessary under the language of the statute to establish a violation under AS 16.43.360(a). I would recommend deleting this portion of the amendment from the bill. It is difficult to establish a wilfull state of mind in prosecuting violations of regulatory provisions, and generally no conscious state of mind is constitutionally required for regulatory violations. Unless there is some other purpose for the amendment, I see no reason to make enforcement of AS 16.43 more difficult for the state.

Section 4 of the bill amends AS 16.43.360(b), which prohibits making a false statement of fact in an application

February 6, 1978

for renewal of an interim use or entry permit. The proposed amendment in part adds the requirement that a person be proved to have acted wilfully (p. 4, lines 2 and 6) before he may be convicted of violating the subsection. Apparently the purpose of this amendment is to avoid the prosecution under the sub-section of persons who mistakenly mistate facts on an application or renewal form. I would recommend substituting "knowingly" for "wilfully" on page 11, lines 2 and 6. While both terms are similar and indicate a state of mind where the offender is aware that he or she is making a false statement, the use of "knowingly" is suggested because it is more precise and additionally, complies with the efforts by the Criminal Code Revision Subcommittee to clarify and limit the terms used to define culpable mental states for criminal offenses. The proposed criminal code employs four mental states: intentional, knowing, reckless, and criminal negligence. If criminal prohibitions in other titles of the Alaska Statutes also use these states of mind, our statute will be easier for people to understand and for the courts to interpret.

Thank you for the opportunity to comment on Senate Bill 428.

Very truly yours,

AVRUM M. GROSS
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By: Anne Carpeneti
Anne Carpeneti
Assistant Attorney General

AC:lw

cc: Art Peterson
Assistant Attorney General

MEMORANDUM

TO: [The Honorable Kay Poland
Chairman, Senate Resources Committee
Alaska State Senate

DATE : February 3, 1978

FROM: David V. George *Sub*
Commission Legal Advisor
Commercial Fisheries Entry
Commission

SUBJECT: Letter of Explanation of
SB 428 re cost of proceeding under
proposed section relating to
administrative revocation of permit

Senator Huber has raised the question of whether judicial review under the Administrative Procedure Act (APA) as provided in Section 2 of SB 428, would act as a defacto financial prohibition to the permit holder's judicial review of the administrative agency's action. The sections of the APA brought into issue are AS 44.62.560 and 570. Copies of these sections are appended to this reply.

SB 428 Section 2 of the Administrative Level:

Due process requires that the proposed revocation of a permit be preceded by notice of the proposed action, and that the permit holder be afforded an opportunity to be heard prior to a resolution of the issues.

SB 428 Section 2 proposes a mechanism for administrative revocation of a permit by the Commercial Fisheries Entry Commission. This power does not presently exist. SB 428 could have stopped there and left the Commission with the obligation to adopt regulations regarding the procedure to be employed which were consistent with due process. However, because of the gravity of the potential consequences of permit revocation, the Commission felt it was appropriate for the Legislature to provide for an administrative revocation procedure which ensured the respect of the permit holder's due process rights. This legislative statement in effect says: "If you cheat you'll be punished, but we are going to make sure that the State plays by the rules so that it doesn't cheat you."

Before any administrative hearing then, the State must give notice of the proposed action. The permit holder is given the opportunity to appear at the hearing, with or without counsel, and give his side of the story. The responsibility of the permit holder at the hearing is no greater than that required at any administrative hearing--he may, if he wishes, show up and contest the proposed action.

Section 2(b)(2) imposes a greater burden on the State, however. Section 2(b)(2) requires that before the Commission acts it must have received an affidavit setting forth facts warranting permit revocation. The notice requirements of Section 2(b)(2-6) were drafted requiring specificity on everything reasonably necessary to apprise the permit holder of the potential loss involved and the basis of the proposed action. This specificity will help guarantee a meaningful hearing.

Under SB 428, the State is also required, when holding the hearing, to provide a hearing officer who will act as the presiding officer of the hearing. The hearing officer is at the expense of the State, but will employ his legal background to aid both the permit holder and the Commission in the presentation of necessary facts. It is believed that use of a hearing officer will help insure greater impartiality as well as a more concise record.

In review, the formal hearing procedures required by SB 428 at the administrative level impose additional burdens only upon the State and not upon the party against whom the action is proposed.

SB 428 Section 2 and the Judicial Level:

Senator Huber has expressed concern that affording judicial review of the Commission's decision pursuant to AS 44.62.560-570 might be financially unfeasible for the permit holder to pursue. It was apparently Senator Huber's concern that a "de novo" judicial review might lower the cost of this review were a less formal administrative hearing held at the outset.

Due process requires the right of judicial review of the Commission's decision, whether the administrative hearing is formal or informal. The nature of the review would ultimately dictate the amount of expense to the permit holder. The proper forum for review is the Superior Court. [AS 22.10.020, 22.15.050, 44.62.560]

Were the Superior Court to hold a "trial de novo", cost to the litigant would be greatly increased. Evidence submitted at the administrative hearing, whether it was formal or informal, would have to be reintroduced at a "trial de novo" subject to all appropriate objections and cross-examination rights of the State. Witnesses would have to appear, perhaps for the second time, and the litigant himself would be making a second appearance thus increasing travel expenses.

Pre-trial discovery may be in order, requiring additional costs. Since a trial of three or four days is much more difficult to schedule on the court calendar than a half-day argument (as would be the case were there not a "trial de novo"), greater delay could be anticipated than if the case were one of simple appellate review. All told, an informal administrative hearing followed by a trial "de novo" at the judicial level would substantially increase, rather than decrease, the direct cost to the permit holder.

Review under AS 44.62.560 generally amounts to a review of the record of the administrative hearing to determine the propriety of the administrative action taken. An appellant is required to transmit the record of the administrative agency hearing to the Superior Court at his own cost and provide a cost bond on appeal. In the Commission's experience, for cases involving permit decisions, this is usually no more than \$350.00. The Superior Court may, in its discretion, order additional evidence or require a hearing "de novo." [570(d)] Therefore, Sections 560 and 570 of AS 44.62 do provide for the possibility of a "de novo" hearing where justice requires.

Conclusion

Section 2 of SB 428 as proposed will increase the responsiveness of State government at the administrative level, while imposing no greater burden upon the permit holder than would a less formal administrative hearing procedure.

Judicial review of an administrative determination under AS 44.62.560 and 570 provides a much less costly avenue of review than would a mandatory trial "de novo." Notwithstanding, Sections 560 and 570 do allow sufficient discretion whereby the Superior Court may order a trial "de novo" where justice dictates.

It would therefore appear that SB 428 provides a fair method of civil revocation of an entry permit, which is also the least costly alternative available.

DVG:eb

requires the agency to make findings of fact regarding conditions which have changed since the imposition of the penalty at least one year previous. 1963 Ops. Att'y Gen., No. 10.

Sec. 44.62.560. Judicial review. (a) Judicial review by the superior court of a final administrative order may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. Except as otherwise provided in this section, the notice of appeal shall be filed within 30 days after the last day on which reconsideration can be ordered, and served on each party to the proceeding. The right to appeal is not affected by the failure to seek reconsideration before the agency.

(b) The complete record of the proceedings, or the parts of it which the appellant designates, shall be prepared by the agency. A copy shall be delivered to all parties participating in the appeal. The original shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

(c) The complete record includes (1) the pleadings, (2) all notices and orders issued by the agency, (3) the proposed decision by a hearing officer, (4) the final decision, (5) a transcript of all testimony and proceedings, (6) the exhibits admitted or rejected, (7) the written evidence, and (8) all other documents in the case.

(d) Upon order of the superior court, appeals may be taken on the original record or parts of it. The record may be typewritten or duplicated by any standard process. Analogous rules of court governing appeals in civil matters shall be followed where this chapter is silent, and when not in conflict with this chapter.

(e) The superior court may enjoin agency action in excess of constitutional or statutory authority at any stage of an agency proceeding. If agency action is unlawfully withheld or unreasonably withheld, the superior court may compel the agency to initiate action. (§ 24 (ch 2) ch 143 SLA 1959)

Cross reference. — See note to AS 44.62.570.

This section and AS 44.62.570 prescribe the manner and scope of judicial review. *Mobil Oil Corp. v. Local Boundary Comm'n*, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

But they do not address the form of an agency's determinations. *Mobil Oil Corp. v. Local Boundary Comm'n*, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

When review is proper. — Review is proper where postponement of appellate review until a final judgment is entered by the superior court may result in injustice because of impairment of a legal right and where the order sought to be reviewed is of

such substance and importance as to justify deviation from the normal appellate procedure by way of appeal and to require the immediate attention of this court. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

When order is final. — An order by the trial court as a general rule is said to be final if it completely and finally disposes of the contested claims on their merits. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

The term "finality" is subject to several definitions. *Mukluk Freight Lines v. Nabors Alas. Drilling, Inc.*, Sup. Ct. Op. No. 967 (File No. 1870), 516 P.2d 408 (1973).

the superior court to assert jurisdiction and grant preliminary relief in a case where an agency has established a permanent rate. *A.J. Industries, Inc. v. Alaska Pub. Serv. Comm'n*, Sup. Ct. Op. No. 622 (File No. 1173), 470 P.2d 537 (1970), rev'd on other grounds on rehearing, 483 P.2d 198 (1971).

Appeal to court to obtain review and return to court to continue litigation are separate processes. — Appealing to a court for the purpose of obtaining review of an inferior tribunal's order and returning to a court with retained jurisdiction for the purpose of continuing litigation are separate and distinct legal processes. *Greater Anchorage Area Borough v. City of Anchorage*, Sup. Ct. Op. No. 856 (File No. 1569), 504 P.2d 1027 (1972).

Court apprising parties of right to seek review did not retain jurisdiction. — A lower court which merely apprised the parties of their rights to seek judicial review of an administrative adjudication under this chapter did not retain jurisdiction. *Greater Anchorage Area Borough v. City of Anchorage*, Sup. Ct. Op.

No. 856 (File No. 1569), 504 P.2d 1027 (1972).

Applied in *Wilson v. Employment Security Comm'n*, 6 Alaska L.J. No. 3, p. 93 (March, 1968); *Jager v. State*, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975); *Moore v. State*, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

Stated in *Alaska Transp. Comm'n v. Alaska Airlines, Inc.*, Sup. Ct. Op. No. 429 (File No. 881), 431 P.2d 510 (1967); *Matanuska-Susitna Borough v. Lum*, Sup. Ct. Op. No. 1179 (File Nos. 2241, 2250), 538 P.2d 994 (1975).

Cited in *Leege v. Martin*, Sup. Ct. Op. No. 131 (File No. 256), 379 P.2d 447 (1963); *R.C.A. Serv. Co. v. Liggett*, 2 Alaska L.J. No. 1, p. 7 (Jan., 1964); *King v. Alaska State Housing Auth.*, Sup. Ct. Op. No. 917 (File No. 1613), 512 P.2d 887 (1973); *Alaska Pub. Util. Comm'n v. Greater Anchorage Area Borough*, Sup. Ct. Op. No. 1139 (File No. 2314), 534 P.2d 549 (1975).

Am. Jur. reference. — 42 Am. Jur., Public Administrative Law, § 185.

Sec. 44.62.570. Scope of review. (a) An appeal shall be heard by the superior court sitting without a jury.

(b) Inquiry in an appeal extends to the following questions: (1) whether the agency has proceeded without, or in excess of jurisdiction; (2) whether there was a fair hearing; and (3) whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

(c) The court may exercise its independent judgment on the evidence. If it is claimed that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by (1) the weight of the evidence, or (2) substantial evidence in the light of the whole record.

(d) The court may augment the agency record in whole or in part, or hold a hearing *de novo*. If the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing, the court may (1) enter judgment as provided in (e) of this section and remand the case to be reconsidered in the light of that evidence; or (2) admit the evidence at the appellate hearing without remanding the case.

(e) The court shall enter judgment setting aside, modifying, remanding, or affirming the order or decision, without limiting or controlling in any way the discretion legally vested in the agency.

(f) The court in which proceedings under this section are started may stay the operation of the administrative order or decision until (1) the

court enters judgment, (2) a notice of further appeal from the judgment is filed, or (3) the time for filing the notice of appeal expires.

(g) No stay may be imposed or continued if the court is satisfied that it is against the public interest.

(h) If further appeal is taken, the supreme court may, in its discretion, stay the superior court judgment or agency order.

(i) If a final administrative order or decision is the subject of a proceeding under this section, and the appeal is filed while the penalty imposed is in effect, finishing or complying with the penalty imposed by the administrative agency during the pendency of the proceeding does not make the determination moot. (§ 25 (ch 2) ch 143 SLA 1959)

This section and AS 44.62.560 prescribe the manner and scope of judicial review. Mobil Oil Corp. v. Local Boundary Comm'n, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

But they do not address the form of an agency's determinations. Mobil Oil Corp. v. Local Boundary Comm'n, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).

Questions for review. — One type of administrative decision on questions of law involves questions in which the particularized experience and knowledge of the administrative personnel goes into the determination. When this type of question is presented to the court for review, deference should be given to the administrative interpretation, since the expertise of the agency would be of material assistance to the court. The other kind of case presents questions of law in which knowledge and experience in the industry affords little guidance toward a proper consideration of the legal issues. These cases usually concern statutory interpretation or other analysis of legal relationships about which courts have specialized knowledge and experience. Consequently, courts are at least as capable of deciding this kind of question as an administrative agency. Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

Leasing decisions of the division of lands and Department of Natural Resources are subject to judicial review. Such judicial review would be governed by the relevant provisions of the Administrative Procedure Act (AS 44.62). Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

Four principal standards of review. — In interpreting this section the supreme court has recognized at least four principal standards of review of administrative decisions. These are the "substantial

evidence test" for questions of fact; the "reasonable basis test" for questions of law involving agency expertise; the "substitution of judgment test" for questions of law where no expertise is involved; and the "reasonable and not arbitrary test" for review of administrative regulations. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

The reasonable basis approach should be used for the most part in cases concerning administrative expertise as to either complex subject matter or fundamental policy formulations. Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

Application of the reasonable basis test is extremely useful where the administrative action under review resembles executive as opposed to legislative or judicial activity, where the decision under review clearly has nothing to do with the agency's rule making function. Swindel v. Kelly, Sup. Ct. Op. No. 812 (File Nos. 1416, 1418), 499 P.2d 291 (1972).

This section is made applicable to review of final orders of the Public Utilities Commission by AS 42.05.551. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

Whether proposed utility rates were designed to and could meet competition, shift sales of gas from winter to summer, and achieve interruptibility, are all questions of fact of the type traditionally reviewed under a substantial evidence standard. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

Public Utilities Commission's decision whether to conduct a rate investigation is similar to the type of decision involving agency expertise in a mixed law and fact setting subject to the "reasonable basis" standard of review. Jager v. State, Sup. Ct. Op. No. 1161 (File No. 2057), 537 P.2d 1100 (1975).

LETTER OF INTENT

The Honorable Hugh Malone
Speaker of the House

Dear Mr. Speaker:

In passing out the Committee Substitute for SB 428 am the
Committee hereby recommends that the Judiciary Committee
review the new language in the bill.

Sincerely,



Alvin Osterback, Chairman
House Resources Committee

SB

447

COMMITTEE REPORT

HOUSE

4/20/78

FURTHER: FINANCE

Date: April 24, 1978

Mr. Speaker:

The Committee on RESOURCES has had CSSB 477 (Fin)
"An Act relating to licensing of sport fishing, hunting and trapping."

under consideration and (a majority of the committee) (the committee reports it back as follows)

recommends it do pass recommends it do not pass

recommends it do pass with attached amendment(s)

recommends it be replaced with CS for _____

and _____ new title same title

AND attaches a Letter of Intent New Fiscal Note

reports it back without recommendation

and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

POSITION PAPER ON
CS FOR SENATE BILL NO. 477

An Act entitled: "An Act relating to licensing of sport fishing, hunting and trapping."

This bill would provide privileged access to Alaska's fish and game resources through 25¢ hunting, fishing, and trapping licenses to persons whose need for same included both financial hardship, and substantial use of these resources for personal use as food.

This department would be required to provide to the Department of Revenue a sum equal to the difference in revenues received for the special licenses, and the normal cost of \$25, for each year this provision was in effect.

The department supports the concepts contained in this legislation, as it would appear to benefit persons with legitimate needs, while restricting widespread and indiscriminate participation.

There would be no administrative impact on this department. The amount of general funds required to reimburse the Department of Revenue for the cost of subsidizing the purchase price of the licenses themselves however, is not budgeted and would be needed if the subsidy is to be made available without jeopardizing current programs.

At current rates of participation, 6,000 such licenses could reasonably be expected to be sold by Department of Revenue agents, if no restrictive policies were implemented in FY79.

Therefore, the Department estimates a maximum subsidy amount of \$148,500. As the impact of future regulations for this program cannot readily be predicted from our information, a lesser amount may suffice, however we would not wish to speculate in this area and would therefore request funds for the current projection of 6,000 license subsidies.

Recommended by: Richard R. Wilson
Richard R. Wilson, Director
Division of Public Assistance

4-18-78
Date

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health & Social Services

4-20-78
Date

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 477

Title "An Act relating to licensing of sport fishing and hunting."

Requested by _____ Date 4/12/78

II. FISCAL DETAIL

Agency Affected DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Program Category Affected SOCIAL AND ECONOMICS ASSISTANCE TO THE GENERAL POPULATION

Budget Request Unit(s) Affected ELIGIBILITY DETERMINATION

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.	148,500	148,500	148,500	148,500	148,500	148,500
TOTAL	148,500	148,500	148,500	148,500	148,500	148,500

FUNDING (Thousands of Dollars)

GENERAL FUND	148,500	148,500	148,500	148,500	148,500	148,500
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 4/12/78

PREPARED BY ERIC S. HANSEN, TRAINING SPECIALIST
AGENCY DHSS/DIVISION OF PUBLIC ASSISTANCE
PHONE 465-3347

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

Eric S. Hansen

1973 Twenty-five Cent License Survey Estimates

A random sample of 511 of 6,658 was selected.

141 (27.6%) of the sample responded.

2,412 (36.2%) of the 6,658 did not fish.

1973 Annual Income of 25¢ Licenses

<u>Income (dollars)</u>	<u>Number</u>	<u>Percentage</u>
Less than 5000	5,715	85.8
5,000 - 10,000	577	8.7
10,000 - 15,000	262	3.9
15,000 - 20,000	52	0.8
20,000 - 25,000	52	0.8
More than 25,000	0	0.0
Total	6,658	100.0

14.2% had annual incomes exceeding \$5,000

CSSB
#77
Make
Copies

1973 Expenditures (Dollars) or 25¢ Licensees

<u>Type of Expenditure</u>	<u>Amount</u>	<u>Mean Per Licensee</u>	<u>Percentage</u>
Gear	195,207	29.32	10.7
Boat	1,215,045	182.49	66.9
Food	234,447	35.21	12.9
Transportation	94,189	14.15	5.2
Lodging	28,993	4.35	1.6
Miscellaneous	46,417	6.97	2.6
Licenses	<u>1,665*</u>	<u>.25</u>	<u>0.1</u>
Total	1,815,963	272.75	100.0

*Includes expenditures for 25¢ licenses only.
 \$12,702 (a mean of \$1.90 per licensee) was spent on other licenses (commercial and 25¢ replacements).

Residences of 254 Licensees¹

	1973		1974		1975		Total	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Anchorage	844	18.3	1017	18.1	809	16.9	2670	17.8
² Fairbanks	487	10.6	446	7.9	204	4.3	1137	7.6
³ Juneau	126	2.7	191	3.4	159	3.3	476	3.2
Palmer	84	1.8	165	2.9	150	3.1	399	2.7
Kenai	109	2.4	169	3.0	97	2.0	375	2.5
Nome	114	2.5	136	2.4	123	2.6	373	2.5
Homer	86	1.9	134	2.4	139	2.9	359	2.4
Bethel	50	1.1	87	1.5	117	2.4	254	1.7
Seward	98	2.1	98	1.7	41	.9	237	1.6
Ketchikan	66	1.4	74	1.3	95	2.0	235	1.6
Fort Yukon	80	1.7	74	1.3	77	1.6	231	1.5
Willow	66	1.4	85	1.5	78	1.6	229	1.5
Wasilla	63	1.4	88	1.6	66	1.4	217	1.4
Soldotna	55	1.2	63	1.1	51	1.1	169	1.1
Talkeetna	49	1.1	65	1.2	52	1.1	166	1.1
Elsewhere	2234	48.5	2735	48.6	2536	52.9	7505	49.9
Total	4611	100.1	5627	99.9	4794	100.1	15032	100.1

1. Fifteen residences with highest three year totals.
2. Includes College, Alaska
3. Includes Auke Bay, Alaska

1974* Ages of 25+ Licensees

<u>Age Category</u>	<u>Number</u>	<u>Percentage</u>
16-20	656	9.8
21-25	1513	22.7
26-30	1211	18.2
31-35	605	9.1
36-40	555	8.3
41-45	403	6.1
46-50	454	6.8
51-55	151	2.3
56-60	151	2.3
61-65	404	6.1
Over 65	555	8.3
Total	6,658	100.0

Mean Age = 36.6

*There was a mean delay of about one year between purchase of license (1973) and receipt of questionnaire (1974). No respondents indicated they were 16 years of age. An estimated 50 fishermen were 17 years of age at the time they received the questionnaire.

SCR

68



J. WILSON STEEN Chairman
Idaho State Senator
ROBERT J. BROWN, Vice-Chairman
Montana State Senator

CALIFORNIA
Senator John Garamendi
Senator Ray Johnson
Assemblyman Barry Keene
Assemblyman Norm Waters

IDAHO
Senator Kermit Kiebert
Representative Gary Ingram
Representative C. Wendell Mills

OREGON
Senator Ted Hallock
Senator Mike Thorne
Representative Bud Byers
Representative Robert "Bob" Brogotti

WASHINGTON
Senator Lowell Peterson
Senator Pat Wanamaker
Representative John Martinis
Representative Art Moreau

MONTANA
Senator John Manley
Representative Dorothy Bradley
Representative Joe Kanduch

RICHARD A. ROBYN
Executive Secretary

January 25, 1978

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

SCR 68

Dear Representative Osterback:

We were pleased to learn that the Alaska Legislature is considering a resolution which would permit your state to become a member of the Western States Legislative Forestry Task Force.

I thought perhaps the enclosed information might be of help to you in considering membership. Enclosed is a copy of a letter to Representative Mike Miller, as well as our 1976 Annual Report, a recent report prepared by Chairman Steen, and a presentation made by the Task Force on the RARE II issue to the Governors of our member states and Ted Smith of your state's Department of Natural Resources.

The Task Force would welcome Alaska as a member, and if we can be of any assistance to you, please do not hesitate to let us know.

Sincerely,

RICHARD A. ROBYN
Executive Director

RAR/m

enc

COMMITTEE REPORT

HOUSE

1/24/73

FURTHER: _____

Date: 1/31/78

Mr. Speaker:

The Committee on RESOURCES has had SCR 68
Relating to Alaskan participation in the Western States Legislative Forestry
Task Force.

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass recommends it do not pass
 recommends it do pass with attached amendment(s)
 recommends it be replaced with CS for _____

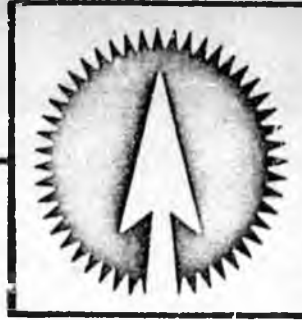
and _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back w' hout recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Alaska Loggers Association, Inc.



111 STEDMAN, SUITE 200
KETCHIKAN, ALASKA 99901
Phone 907-225-6114

July 26, 1977

Honorable Robert Ziegler
Alaska State Senator
Box 7500
Ketchikan, Ak. 99901

Dear Senator Ziegler:

During the Directors' meeting in Fairbanks on July 22, 1977, the most important item of statewide interest was Alaska Loggers Association unanimous endorsement of proposed State of Alaska participation in the Western State Legislative Task Force. The enclosures supply the purposes of the Task Force.

It follows that Alaska Loggers Association desires that legislative support be given this program, hence you and the other members of the Southeastern delegation are being urged to introduce and support enabling legislation.

Sincerely,

Donald A. Bell
General Manager
ALASKA LOGGERS ASSOCIATION

DAB/mjh
cc. Mike Valentine
Clarence Kramer
Don Finney

OREGON FOREST PROTECTION ASSOCIATION

AN ASSOCIATION OF PRIVATE FOREST LANDOWNERS IN OREGON

1326 AMERICAN BANK BUILDING, PORTLAND OREGON 97205

PHONE 226-4562

JAMES B. CORLETT
Manager

June 6, 1977

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ASSISTANT MANAGER

David M. Jessup

*Executive Committee

Mr. Donald A. Bell, Secretary Manager
Alaska Loggers Association
111 Stedman Street
Ketchikan, Alaska 99901

Dear Don:

It was good to visit with you briefly by phone regarding the Western States Legislative Forestry Task Force and to learn of your interest in possibly supporting participation by Alaska.

The WSLFTF consists of two Senators and two Representatives respectively, from California, Oregon, Washington, Idaho and Montana. These twenty members are appointed by the Senate and House Leadership of each state.

Each legislative session, which in Oregon is every two years, the legislature must pass a measure which authorizes continued participation in the T.F. The other four states have adopted resolutions similar to Oregon's.

In addition to the Joint Resolution each state adopts an appropriation bill to finance expenses of the T.F. The dollar amount depends on a formula based on the state budget plus the volume of available standing timber. Current assessment allocations are California \$37,000, Oregon \$16,000, Washington \$14,000, Idaho \$5000 and Montana \$4000; these are round figures. A new Executive Secretary was hired at the meeting in Burlingame on June 4. He is Dick Robyn and he maintains the T.F. office at 1107 9th Street, Sacramento, California 95814, phone (916) 322-4395.

The T.F. has concerned itself with a wide range of Western Forestry issues including major legislation affecting forestry, USFS management budgets, impacts of NEP Act, Endangered Species, Wilderness and land withdrawals, SETA Funding to the states, reforestation, Monongahela and the Zieske case, Sections 208, 303 and 404 and their impacts on the states, in-lieu payments, Resources Planning Act, BLM Organic Act, the National Forest Management Act including a T.F. trip to Congress which was helpful to the cause, Clarke-McNary appropriations, Western insect problems, the drought, Grizzly Bear range set-asides, roadless areas, sealed bidding, etc.

Mr. Bell
Page 2

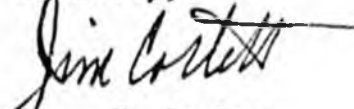
The T.F. has developed numerous resolutions and followed through with many contacts to Congress and the Administrations. The T.F. has worked hard at representing the Western viewpoint on many issues.

On several occasions T.F. members have expressed an interest in Alaskan participation and it came up again last week at the California meeting. The consensus was that Alaska should be invited to participate. My contact with you is intended to provide background information so your associations can make a judgement about supporting enabling legislation in your state.

One other item, twenty-three western forestry oriented associations comprise the Western Forest Resource Council. The Council meets on call of the chairman to consider forestry matters affecting the west. The Council considers liaison with the WSLFTF to be a matter of high priority. For several years my Board of Trustees has authorized me to serve as the liaison man with the T.F. as requested by the Council and it has been a rewarding experience. I believe the T.F. has been very helpful on many western forestry problems of mutual interest to Council members and can be even more effective in the future.

Enclosed are a number of documents which may be helpful as you review this matter.

Sincerely,


James B. Corlett
Manager

Enclosures: 1. Oregon Legislative HJR-2
2. Membership of WSLFTF
3. Listing of Task Force meetings
4. Listing of Western Forest Resource Council membership
5. Agenda of WSLFTF meeting June 4 & 5, 1977

cc: Sen. J. Wilson Steen, Chairman WSLFTF
Sen. Bob Brown, Vice Chairman WSLFTF
Rep. Bernard Byers
Sen. Ted Hallock
Dick Robyn
Members Western Forest Resource Council

JC/kp

House Joint Resolution 2

Sponsored by Representative BYERS, Senators HALLOCK, THORNE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Directs President of Senate and Speaker of House to appoint two Senators and two Representatives to serve on Western States Forestry Task Force.

NOTE: Matter in bold face in an amended section is new matter (*italic and bracketed*) is existing law to be omitted, complete new sections begin with SECTION

1

HOUSE JOINT RESOLUTION 2

2 Whereas the forest industries of the Western States play a vital role in the
3 economic development of these states; and

4 Whereas there is an obvious need for developing means for protecting and fostering
5 these forest industries so as to maximize yield while protecting the resource for future
6 generations; and

7 Whereas the subjects that require interstate cooperation include but are not limited
8 to insect infestations, conservation, production and marketing, all of which know no
9 state boundaries; now, therefore,

10 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

11 (1) The President of the Senate and the Speaker of the House of Representatives
12 join with the presiding officers of the legislatures of Washington, Idaho, Montana and
13 California, each in appointing two Senators and two Representatives to represent
14 Oregon on the Western States Forestry Task Force, which shall operate as a
15 clearinghouse for opinion from all the various interests involved in the Western States
16 forest industries, and which shall include among its duties the duty to report to the
17 legislatures of the participating states and to the state delegations in the United States
18 Congress concerning means of protecting and fostering the forest industries of the
19 participating states.

20 (2) Copies of this resolution shall be sent to the presiding officers of the legislatures
21 of Washington, Idaho, Montana and California.

WESTERN STATES ELECTRICITY TRANSMISSION
TASK FORCE MEMBERS

California

Senator John Garamendi

Senator Ray Johnson

Assemblyman Barry Keene

Assemblyman Norm Waters

Idaho

Senator J. Wilson Steen (Chairman)

Senator Kermit Kiebert

Representative Gary Ingram

Representative C. Wendell Miller

Oregon

Senator Ted Hallock

Senator Mike Thorne

Representative Bud Byers

Representative Robert "Bob" Brogitt

Washington

Senator Lowell Peterson

Senator Pat Wanamaker

Representative John Martinis

Representative Art Moreau

Montana

Senator Robert J. Brown (Vice Chairman)

Senator John Manley

Representative Dorothy Bradley

Representative Joe Kanduch

WESTERN STATES FORESTRY TASK FORCE
LISTING OF MEETINGS

<u>Meeting #</u>	<u>Date</u>	<u>Location</u>
#1	July 12, 13, 1974	Fairmont Hotel, San Francisco, California
#2	September 16, 1974	Haydon Lake, Idaho
#3	November 18, 1974	Benson Hotel, Portland, Oregon
#4	December 12, 13, 1974	State Office Bldg., San Francisco, California
#5	February 23, 1975	State Capitol, Helena, Montana
#6	April 26, 1975	Benson Hotel, Portland, Oregon
#7	July 28, 1975	Edgewater Hotel, Seattle, Washington
#8	January 24, 25, 1976	Hilton Hotel, Portland, Oregon
#9	May 7, 8, 1976	State Capitol Bldg., Sacramento, California
#10	March 22, 23, 1976	Statler Hilton Hotel, Washington, D.C.
#11	August 7, 8, 1976	Rodeway Inn, Boise, Idaho
#12	November 21, 1976	Davenport Hotel, Spokane, Washington
#13	January 29, 1977	Ramada Inn, Boise, Idaho
#14	March 26, 27, 1977	Portland, Oregon
#15	June 4, 5, 1977	Hyatt House, Burlingame, California

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1977

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Weyerhaeuser Company

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Mr. Douglas David - Land Owner Committee

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Mr. Starr Reed
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15th Meeting

AGENDA
WSLFTF
June 4 and 5, 1977
Burlingame Hyatt House

Saturday, June 4

- 8:30 AM Meeting called to order
- 8:45 Item I-Reports and discussion
1. Sealed Bidding
 2. Other aspects, National Forest Management Act, 1976
 3. RPA Assessment update
 4. Wilderness legislation
 5. Section 404, Water Pollution Control Act
 6. Miscellaneous
- 10:00 Break
- 10:15 Item II-The drought and its impact on forestry
- 12:15 PM Lunch
- 1:30 Item III-Mill closures due to limited timber supplies - Impact of factors such as Small Business Set Aside Program
- 2:30 Item IV-Executive Session - Personnel Matters
- 5:30 Recess

Sunday, June 5

- 8:30 AM Reconvene. Item V-Legislative reports of states
- 9:30 Item VI-Staff Report on Task Force Budget
- 10:00 Item VII-Unfinished business
- 11:00 Adjourn



WILDERNESS OVERKILL

A supplement to the APA Management Report
spotlighting preservationist efforts to set aside
more wilderness than the nation can afford.



No. 6

July 21, 1977

National Support Needed For S. 1787...

The Only Alaska Land Management Bill That Fairly Reconciles Environmental & Economic Interests!

When Alaska was ceded to the United States by Russia 110 years ago, in exchange for the then staggering sum of \$7.2 million, many citizens called the acquisition "Seward's Folly," after the Secretary of State who negotiated the purchase.

In recent years, particularly since the attainment of statehood in 1959, most Americans have become aware that in addition to its strategic significance, the immense Alaskan land and water mass, 586,000 square miles in area, is a priceless treasury of scenic grandeur and diverse natural resources of a magnitude that has not even begun to be adequately inventoried.



Alaska is a virtual sub-Continent—a state one-fifth the size of the nation. In the national interest, it's essential that narrow preservationist-backed legislative proposals affecting the state's natural resources should be set aside and more balanced solutions found, such as S. 1787. The most devastating of the environmentalist-inspired proposals, H.R. 39, would lock up as much as one-third of Alaska—or more than Illinois, Indiana, Wisconsin and Michigan combined. (Map drawn by the Cooperative Extension Service, University of Alaska)

"If the far-sighted William Henry Seward were alive today, we think he would approve of this statement by Alaska's Senator Ted Stevens, to the U.S. Senate on June 30, 1977:

"Alaska is at the same time the nation's final storehouse of wilderness and resource values. Natural wonders abound and scores of species of wildlife flourish in unparalleled numbers throughout the state. Natural resources also are found in quantities not available elsewhere in the nation. Thus, Alaska is called upon to be America's principal source of supply for natural resources and also its primary showcase for wilderness and wildlife values. These demands cannot be met to everyone's satisfaction, but this does not mean that a reasonable balance between both goals cannot be struck. That balance can be found, and it is up to Congress to find it."

During recent months, in response to this challenge, Congress has been overwhelmed by legislative proposals that could deeply affect Alaska's future, as well as the national interest, for generations to come.

It is vital for Americans to realize that the great majority of these proposals—in particular H.R. 39, the Alaska National Interest Lands Conservation Act drafted by Congressman Morris Udall (D-Ariz.) with the fervent support of environmental groups—are one-sided efforts to achieve wilderness designation for vast areas of Alaska, well knowing that this designation denies consideration of numerous other values.

S. 1787 Offers Imaginative Plan For Cooperative Land Management

The key to S. 1787, introduced on the Senate floor June 30 by Senator Stevens, is a working partnership between federal, state and private land management that will enable Alaska to avoid the virtual downgrading to a "poor relation" territorial status that would accompany the enactment of the Udall and other extreme preservationist proposals.

It provides a realistic framework for safeguarding Alaska's unique natural heritage while encouraging a carefully considered approach to the continued development of resources for the benefit of both the regional and national economies.

The Stevens proposal suggests the addition of 25 million acres of new national parks, wildlife refuges, national forests and wild and scenic rivers. Included in these additions would be two new park units, the Gates of the Arctic and Wrangell-St. Elias National Parks, located in the central Brooks Range and South Central Alaska respectively.

H.R. 39 and its counterparts will not achieve the true balance sought by Senator Stevens for the disposition of what has been called the d-2 lands issue.*

THE ONE MEASURE THAT MAKES A SERIOUS EFFORT TO REACH THIS BALANCE IS S. 1787, THE ALASKA NATIONAL INTEREST LANDS ACT DEVELOPED BY SENATOR STEVENS, ALASKA GOVERNOR JAY HAMMOND AND THE STATE'S ONE CONGRESSMAN, DON YOUNG.

Unlike H.R. 39—which would lock up about 150 million of the best of Alaska's 350 million acres as a "no development" zone and playground for wilderness enthusiasts—S. 1787 responsibly addresses the need for flexible management of Alaskan lands, fairly acknowledging the aspirations of native groups, business and tourist interests, resource development interests, and preservation groups.

*Section 17 (d) (2) of the Alaska Native Claims Settlement Act authorized the Secretary of the Interior to withdraw up to 80 million acres of vacant, unreserved and unappropriated federal public lands for study as potential additions to the national parks, wildlife refuges, forests, and wild and scenic rivers systems. Congress authorized these withdrawals to continue through 1978, at which time they will terminate by operation of law. Thus, unless this time frame is extended, Congress has approximately 18 months to make a "final" decision on the d-2 lands issue—an issue aggressively seized by preservationist organizations and their supporters in the "lower 48" states as an opportunity to rush through Congress more legislation meeting narrow single purpose wilderness goals.

TIMBER POTENTIAL RECOGNIZED

The proposal would also establish two major national forests in Alaska's interior. The areas comprising the Porcupine and Yukon Flats National Forests have been identified as containing high potential for agricultural development and timber harvest, and the establishment of these areas as national forests would allow this potential to be developed.

An imaginative aspect of S. 1787 would be the designation of 56 million acres of other lands, withdrawn under Section 17 (d) (2) as Federal Cooperative Lands to be managed by existing federal agencies, including the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.

These lands would be managed in conjunction with the lands designated for cooperative management by the State of Alaska and private landowners under the classification authority of an Alaska Land Classification Commission that would be established by the legislation. In effect, the Commission would

function as a planning and zoning body for lands under its jurisdiction. This would allow for cooperative management and protection of entire ecosystems, avoiding piecemeal and conflicting management of land as often experienced in the "lower 48" states.

Sponsors of the legislation point out that there is considerable incentive for the State of Alaska and private landowners to dedicate lands to cooperative management. The summary of S. 1787 notes that without the dedication of a substantial amount of state lands, the cooperative management program will not be created and lands would continue to be managed by the federal government without any Alaskan participation in management and classification decisions.

It has been proposed that the eight-member Commission should consist of four Commissioners appointed by the President of the United States and four by the Governor of the State of Alaska.

S. 1787 is proof that Alaskans' plea to be heard in the Congress deserves the immediate attention and support of legislators—and citizens everywhere. *This is responsible legislation*—generously framed to allow the rest of America a full partnership role with local citizens, rather than a dictatorial role—in the management of a state that is one-fifth the size of the rest of the nation.

SPECIAL TRUST FUND PROPOSED

The measure includes the innovative and meritorious suggestion that funds derived from the cooperative management of federal lands in Alaska be placed in a special trust fund to be used exclusively for the purchase of private lands in the other 49 states which have been or will be designated as part of the national park, wildlife refuge or wild and scenic rivers system. There is a backlog of such lands, and sufficient funds for their purchase are not anticipated to be appropriated by Congress in the near future.

Alaska

LAND AND WATER

- Alaska has 375,303,000 acres of land and inland waters

OIL AND GAS

- Alaska contains 29.4 percent of *all* U.S. domestic proven reserves of oil
- The Trans Alaskan pipeline will provide 1.2 million barrels of oil a day or 2.9 percent of our total U.S. daily consumption
- Alaska has 11.8 percent of *all* U.S. domestic proven gas reserves
- Alaska has 170 million acres of sedimentary basin (potential oil and gas deposits)

HYDRO-ELECTRIC POTENTIAL

- Alaska has 76 sites with potential for 171,839 million Kw/year

MINERALS

- Immense deposits throughout the State. According to the Bureau of Mines, 28 out of 37 mineral commodities *now imported* into the U.S. are found in Alaska.

AGRICULTURE

- Alaska has 20 million acres with potential for agricultural crops

FOREST PRODUCTS

- Alaska has approximately 106 million acres of forest lands, including about 28 million acres of commercial grade timber

. . . AND MUCH MORE THAT HASN'T EVEN BEEN FOUND YET!

H.R. 39 Hits At S.E. Alaska's No.1 Industry

Land withdrawals proposed in H.R. 39 would do grievous harm to timber harvesting in Southeast Alaska, where the state's wood products industry is concentrated.

Industry spokesmen strongly refute nonsensical but widely publicized preservationist claims that the Tongass National Forest is being destroyed by logging. In the 16-million acre forest, Forest Service plans call for timber harvest on 4 million acres. In addition, just 280,000 acres have been harvested since 1903. This is 4.6 percent of the commercial forest land or 1.8 percent of the total national forest. Moreover, the harvested areas contain some of the most vigorously growing new stands of timber to be found anywhere in the United States.

The point is that in the Tongass National Forest there is an appropriate balance between economy and environment.

Need To Correct Hearings Imbalance

Hearings on the Udall bill, H.R. 39, were held at several locations in the "lower 48" states earlier this spring and summer. The vociferous and superbly drilled preservationist minority was quite successful in dominating testimony at several of the hearings. As the hearings process continues in Alaska through July and August, the need becomes more urgent for correction of this misleading imbalance, and for total rejection of H.R. 39 and other patently inequitable approaches!

As Senator Stevens has stated, "only now are we realizing the immensity of the decision which we created for ourselves in the passage of Section 17 (d) (2). As we approach consideration of this decision in earnest, members of Congress on both sides of the Hill are beginning to realize the tremendous burden that has been placed on us by an artificial deadline. *While there may be a need to provide some immediate protection for some d-2 lands, it is becoming obvious that it is neither necessary nor wise to make a final decision for all time on all d-2 lands in Alaska.*"

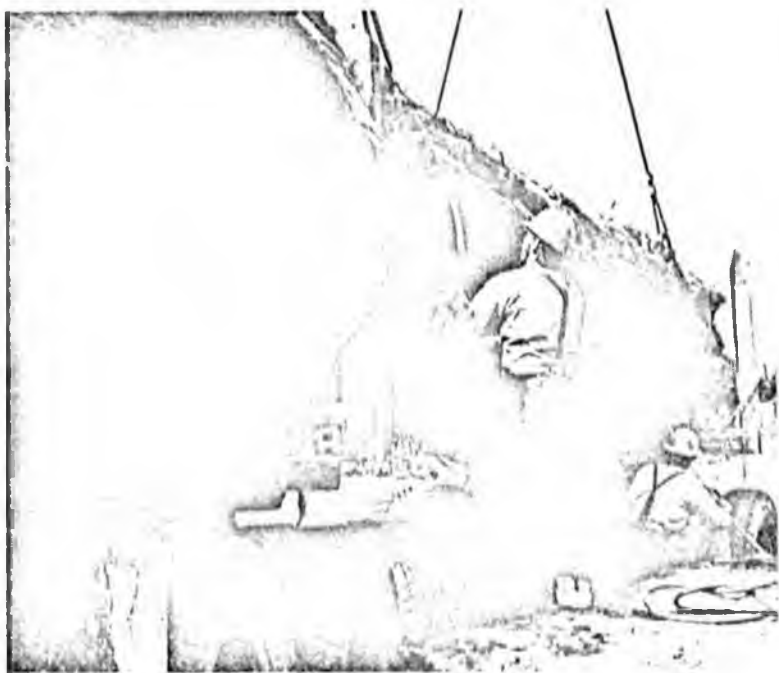
The heart of the d-2 question, Senator Stevens reminds us, is that Congress is called upon to pass final judgment on an area exceeding the combined size of the states of California and Washington, and over five times the size of the acreage presently under the administration of the National Park System created by Congress over the past 100 years.

HASTY ACTION UNDESIRABLE

The issue is of such importance not only to Alaska but to the entire nation that it demands careful, measured action rather than hasty overkill—action that will assure flexible management responsive to many needs.

The American Plywood Association wholeheartedly endorses Senator Stevens' view that S. 1787 strikes the right balance between the dual goals of environmental protection and providing for appropriate and necessary development of Alaska's resources. We strongly urge all our readers to join in the efforts to assure passage of Alaska land management legislation embodying these wise and eminently fair principles, in preference to the self-centered and economically devastating prescriptions of environmental special interest groups.

PLEASE WRITE YOUR CONGRESSMAN TODAY IN SUPPORT OF S. 1787—AND IN NO UNCERTAIN TERMS TELL THE HOUSE SUBCOMMITTEE ON GENERAL OVERSIGHT AND ALASKA LANDS (LISTED ON PAGE 5) THAT H.R. 39, H.R. 3454, AND OTHER ONE-SIDED PROPOSALS DESERVE DECENT BUT IMMEDIATE BURIAL!



Harvesting the over-mature, dead and dying coastal forests of Southeast Alaska allows for the growth of healthier trees, as well as providing jobs in the timber industry and badly needed wood products for the public. (Pictures courtesy Alaska Loggers Association)

**WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE
1st ANNUAL REPORT
DECEMBER 15, 1976**



MEMBERS - WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE

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VICE-CHAIRMAN, Senator Ted Hallock

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Senator Lou Cusanovich
Assemblyman Barry Keene
Assemblywoman Pauline Davis *

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Senator Joe Roberts
Senator Bob Brown
Representative William Gwynn *
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Senator Harry Lewis *
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Senator Kermit Kiebert
Representative Israel Merrill *
Representative Gary Ingram

OREGON

Senator Ted Hallock
Senator Mike Thorne
Representative Dick Bonebrake *
Representative Bud Byers

EXECUTIVE SECRETARY

Dean Cromwell

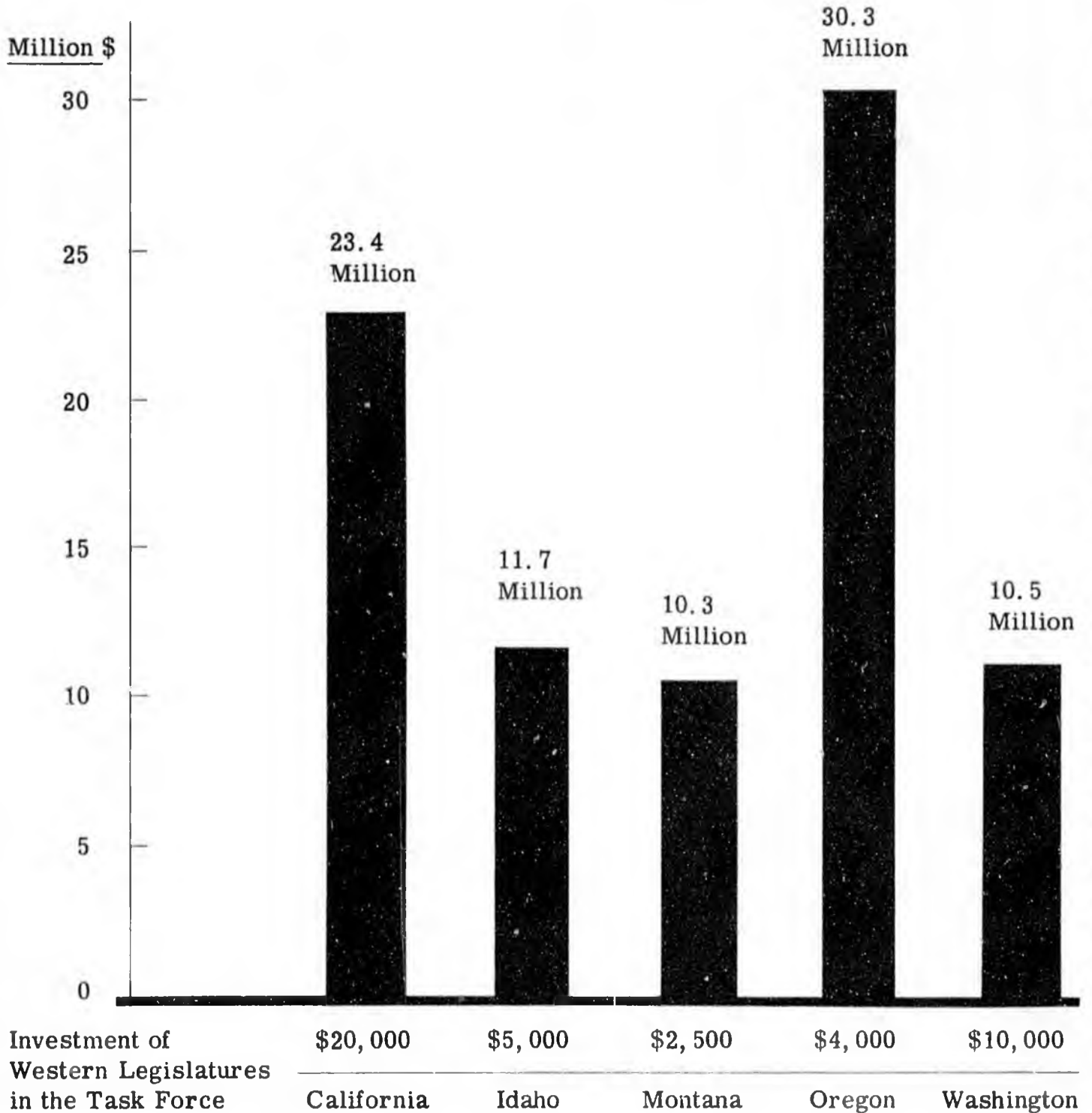
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* These members worked on the Task Force until January 1977, but for various reasons will be replaced for the next biennium.

TASK FORCE IN ACTION *

Small legislative investment helped influence increases in federal dollars paid to local governments in the Western States:



* Increase in federal dollars.

TABLE OF CONTENTS

	Page
<u>TASK FORCE MEMBERSHIP</u> -----	i
<u>TASK FORCE IN ACTION - CHART</u> -----	ii
<u>OVERVIEW</u> -----	1
Mandate -----	1
Current Programs -----	1
Actions in 1976 -----	1
Congressional Response -----	2
<u>CREATION OF THE TASK FORCE</u> -----	3
<u>THE 1976 YEAR - POLICY AREAS</u>	
Major Forestry Legislation Passes Congress -----	5
Payments to Local Governments Increased -----	5
Progress Made on Water Quality Role of States -----	7
Need for Congressional Priorities and Targets for Forestland Use -----	8
<u>THE 1976 YEAR - PROGRAM AREAS</u>	
Congress Maintains Cooperative Fire Funding -----	10
Greater Federal Role Assumed in Road Building -----	10
Greater Wood Utilization and Reforestation Planned -----	11
Congressional Action Needed on Insect Problems -----	12
<u>THE FUTURE</u>	
Aggressive Task Force Action Planned Next Two Years -----	13
Expansion Planned -----	14
<u>TASK FORCE INCOME AND BUDGET</u> -----	15
<u>TASK FORCE MEETINGS AND WITNESSES IN 1976</u> -----	18
<u>TASK FORCE RESOLUTIONS</u> -----	21

OVERVIEW

Mandate

- Monitor policy of federal agencies and Congress with respect to public resource lands of the West.
- Develop coordinated actions to assure maximum public benefit from management of Western forest resources.
- Develop and coordinate new forestry programs of mutual benefits to the Western States.

Current Programs

- Review proposed congressional forestry legislation.
- Review federal agency actions affecting Western public resource land.
- Review federal agency program and budget needs affecting forestry in the West.
- Review new state forestry programs which could be of mutual benefit.
- Review forestry program proposals of various interest groups and adapt such proposals to the benefit of the Western States.

Action in 1976

Via resolution or testimony in person

in Washington, D. C., the Task Force called on Congress to:

- Firmly set into law the authorization to sell timber in national forests and to give the Forest Service flexibility to manage timber subject to environmentally sound guidelines.
- Increased payments to local governments to offset tax losses and larger service requirements caused by federal land ownership.
- Give states maximum control in developing water quality standards on forest lands.
- Provide direction to on-going land use planning in the national forests by establishing national priorities and use goals.

At a specific program level, the Task Force urged Congress to:

- Maintain present levels of federal funds allocated to federal-state cooperative fire protection programs.
- Accelerate access roading in selected areas of the national forests.
- Promote programs for greater wood fiber availability via utilization and reforestation.
- Focus attention on programs to diminish damage caused by forest insects and to increase salvage of

the damaged trees.

Congressional Response

Congressional actions in which the Task Force played a role:

- National Forest Management Act passed to permit sale of timber from national forests and to give U.S. Forest Service management flexibility.
- Payments in Lieu of Taxes Act passed, authorizing about \$37.2 million which could be paid to local governments in the member states with qualifying federal lands; legislation passed authorizing an increase approximately \$49 million in member states' share of National Forest timber sales receipts.
- Legislation clarifying role of states in setting water quality standards passed both houses, died in conference committee.
- Legislation passed requiring additional information upon which Congress can establish priorities for the national forests; however, no hearings were held to discuss programs that have been recommended for the national forests.

At a program level:

- Cooperative fire fighting funding largely maintained, preserving approximately \$3 million for the member states.
- Congress increased federal share

of road construction allowing for possibly more access roading.

- Legislation passed calling for greater wood fiber utilization and authorizing up to \$200 million for reforestation.
- Congress ordered completion of a Forest Service study on forest insect problems in the West to provide direction and expected funding levels of programs to reduce the impact of forest insects.

CREATION OF THE TASK FORCE

The clash of concerns over jobs and the environment is seldom more clear or vocal than in the debates over the use of the forest resources in the West. This is not surprising. Harvesting and processing of timber, from both public and private land, comprises a mainstay of the economic well-being of thousands of people. At the same time timberland, especially that in the public domain, is subject to intense multiple use pressure. Many of these uses conflict with harvesting timber or serve to point out environmental damage that occurs through such operations.

Since it can pass laws affecting land use and because it owns a substantial amount of the forest resource in the West, the federal government strongly influences the region's welfare. Seemingly minor changes in federal policies can set off major controversies between regional and even national interests and, in turn, become major policy issues.

There seems to be little likelihood that these issues will diminish. By 2020, according to an assessment made under the Resource Planning Act:

- All major recreation activities will increase 50-400%.
- Demand for range forage will increase by 60%.
- Consumptive use of water will rise by 50%.
- Use of wildlife and fish resources will grow greatly.
- Timber demand will double.

The national forests and private timberlands will be under heavy pressure to meet these demands.

Yet, it is critical that we recognize the need to preserve for future generations the freedom of choice to meet new and developing needs. Under the pressure to meet today's growing demands, there is the danger of destroying future options by committing forest lands to uses with irrevocable impacts on the land.

As the forest resource is vitally important to the West and as federal policies directly affect this resource, it is essential that the Western States play a stronger role in the development of federal policies affecting public and private resource lands. This need compelled the state legislatures of California, Idaho, Montana, Oregon and Washington to form, from within their memberships, the Western States Legislative Forestry Task Force in 1974. The Task Force was charged with developing coordinated actions to assure the maximum benefit from the management of all of the region's forest resources.

The Task Force consists of two representatives and two senators from each of the legislatures of the member states. It meets approximately every two months to review national legislative proposals and to analyze actions and budgets of federal agencies having jurisdiction on public resource

lands. Testimony is taken from experts in various forestry-related fields, viewpoints are exchange with various interest groups, and action is taken on common problems.

THE 1976 YEAR - POLICY AREAS

Major Forestry Legislation Passes Congress

The major forestry issue in Congress this year was legislation proposed to rewrite the enabling laws and management directives of the Forest Service. The need for this legislation came from a court decision regarding the Monongahela National Forest in West Virginia which severely limited the ability of the Forest Service to market timber. In response to this decision, timber sales were halted in four Southern States.

Task Force action was sparked when the Monongahela precedent was applied in a decision affecting timber sales on the Tongass National Forest in Alaska, and was thought to jeopardize sale of national forest timber in the five Western States. Because of the gravity of this issue, the Task Force journeyed to Washington, D. C. in March to meet with congressmen and various interest groups. After discussing the issue personally with many of the Western senators and representatives, the Task Force adopted a position calling for support of management flexibility for the Forest Service. This position was made known to Western congressmen in person and through testimony to the Forest Subcommittee of the House Agriculture Committee. It was also vigorously pushed throughout the ensuing congressional debates over proposed forestry legislation.

After considerable debate, each house passed a different bill. In October, the conference committee agreed on major forestry legislation, S. 3091. In October, President Ford signed S. 3091 into law as the National Forest Management Act of 1976.

This Act is favorable to Western forestry and contains a number of items advocated by the Task Force. The Forest Service is given authority to sell timber and flexibility, subject to environmental guidelines, to manage the forest resource in appropriate ways.

Task Force members regard passage of this law as an indication that the Task Force can help provide Congress with input necessary for developing pragmatic forestry legislation. The Act provides the foundation for a strong timber economy in the West. Of equal importance, major steps are taken towards preserving and maintaining the forest resource base.

Payments to Local Governments Increased

One of the major concerns of the Task Force is the impact on the local tax base of the high proportion of land owned by the federal government in the Western States. On many of these lands, national parks and wilderness areas, for example, no federal payments are made. In addition, where payments are made, they are sometimes not sufficient to reimburse local government for providing services to people

using the areas.

As a result of this concern, the Task Force strongly supported legislation before the 94th Congress that provided for greater payments to local governments. Specifically, the Task Force actively pushed the National Forest Management Act of 1976, which adds about \$49 million to local payments, and the Payments in Lieu of Taxes Act, which increases local payments by about \$37 million. In passing both of these acts, Congress potentially has added over \$86 million to the financial base of local governments. This is indicated on page ii of the Report.

The National Forest Management Act was signed into law in October, 1976. The Act contains a provision supported by the Task Force which will increase the payments to counties for roads and schools. Presently 25% of all monies received from each national forest must be paid to the state for distribution in the county of origin for roads and schools. These payments are based on the stumpage value of the timber sold. The National Forest Management Act of 1976 adds to this value the worth of reforestation expenditures and timber purchaser credit road allotments.

The increased base means more dollars to local government. For the five Western States, the increased payments each year will be approximately:

California	\$12.6 million
Idaho	2.4
Montana	1.4
Oregon	25.7
Washington	6.9
	<hr/>
	\$49.0 million

Also in October, 1976, the President signed into Law H. R. 9719, the Payment in Lieu of Taxes Act. This Act sponsored by the National Association of Counties and advocated by the Task Force staff in a special trip to Washington, D. C. to discuss the issue with Western congressmen, provides for payments to local governments for the first time on a large federal acreage.

This Act provides for maximum payment of 75¢ per acre to counties within whose boundaries are located certain federal lands. Lands include National Park lands, wilderness areas under jurisdiction of the U. S. Forest Service, National Forest lands, lands administered by the Bureau of Reclamation, and lands utilized as reservoirs as part of water development projects under the Army Corps of Engineers or Bureau of Reclamation.

Current federal payments to these counties are not reduced. There is, however, a payment ceiling based on population and total current payments. If existing payments exceed 75¢ an acre, then an additional 10¢ per acre, limited by population, is provided for general expenditure by the counties.

Upon appropriation by Congress, the Payments in Lieu of Taxes Act would bring over \$37 million each year to member states of the Western States Legislative Forestry Task Force. By state, these values are:

California	\$10.8 million
Idaho	9.3
Montana	8.9
Oregon	4.6
Washington	3.6
	<hr/>
	\$37.2 million

The Task Force members see the \$37 million from the Payments in Lieu of Taxes Act and the \$43 million from the National Forest Management Act of 1976 as major gains for local governments in the Western States. These firmly establish a federal commitment to reimburse local governments for services rendered to users of federal lands. Of equal importance, they indicate the size of the federal commitment in Western public lands and reaffirm the need for a group such as the Western States Legislative Forestry Task Force to speak for the interest of the Western States.

Progress Made on Water Quality Role of States

For a number of months the Task Force has been concerned about the impact of the Amendments to the Federal Water Pollution Control Act of 1972. This concern has been centered on two portions of the Act, Section 404 and Sections 208 and 303.

Section 404 provides the Secretary of the Army and the Administrator of the Environmental Protection Agency with authority to regulate "the discharge of dredged or fill material into the navigable waters at specific disposal sites". A U.S. District Court decision in 1975 defined navigable waters as all waters of the United States and required the Army Corps of Engineers to develop revised regulations which expanded its dredge and fill authority to include normal forestry and agriculture activities.

The Task Force strongly objected to the extension of Corps permit authority

to normal forestry operations. Traditionally, states, not the Corps, have had responsibility for controlling the effects of timber harvesting and have, in recent years, strongly exercised this authority in the West. In addition, under another section of the Amendments to the Water Pollution Control Act, the Environmental Protection Agency is monitoring state laws regulating water quality from forestry operations.

In an effort to reverse the court decision, the Task Force actively supported attempts in Congress to remove the permit authority of the Corps from forestry operations. The House and the Senate passed different bills (H. R. 9760 and S. 2710) which would have allowed state control. However, a major difference over regulation of wetlands could not be resolved and the bills died in conference committee.

During the congressional debate, the Task Force staff again journeyed to Washington to explain the views of the Task Force to the Western congressional delegations. These meetings with congressmen played a major role in obtaining an exemption of forestry operations from Corps permit authority. More importantly, the principle was clearly set forth that Western States possess the right and responsibility to regulate their forest resources.

Although no legislation was passed, the Task Force feels that considerable progress was made in clarifying with Congress the role of states in regulating private forestry. The Task Force plans to reiterate this position in the next Congress and to once again support

legislation to limit Corps permit authority.

Within the Western States, the Task Force is concerned over the impact of Sections 208 and 303 of the Water Pollution Control Act Amendments of 1972. Section 303 requires that each state have a continuing statewide planning process dealing with water quality standards and implementation that is approved by the Environmental Protection Agency. Section 208 requires that areawide waste treatment management plans be prepared for areas with potential water quality problems, including regulatory programs to control all point and non-point sources of pollution.

In a court suit over these sections, it was ruled that Section 208 planning must be done for all areas of the state rather than just those areas facing water quality problems. Although the decision has been appealed, the EPA has promulgated its final planning regulations. Under these regulations, states are responsible for developing and implementing a program of control non-point sources of water pollution. A state may prescribe "best management practices" which are the required non-point source control programs.

Forestry operations are termed non-point source operations as they do not cause pollution from a single outlet and consequently, are subject to regulations calling for best management practice regulations.

As regulations can prescribe specific harvesting techniques which must be followed, Sections 208 and 303 have a

potentially major impact on state forest practice laws. At the very least, the impact of these sections will be to force a review of the effectiveness of present laws. At the other extreme, the Environmental Protection Agency could probably dictate a forest practice act to the state.

The Western States Legislative Forestry Task Force, recognizing both the urgency to protect water quality and the need that the states, not a federal agency undertake this function, have instructed the staff on monitor developments. As the Task Force views water quality control as a critical aspect of forestry problems in the West, it plans to seek pragmatic, effective regulations.

Need for Congressional Priorities and Targets for Forestland Use

A major concern to the Task Force is the fact that Congress has not yet established clear priorities and targets for all uses on the national forests. Until such priorities are set, the Forest Service has no clear guidelines for its planning procedures and must use its own judgement about the optimum combination of uses. Under such circumstances, it is subject to severe pressure from special interest groups. As the planning process is completed in this atmosphere and the land base is allocated to various uses, the nation may find its forestland options restricted by action of a federal agency without specific congressional direction.

A vehicle for examining priorities was developed when Congress passed the Forest and Rangeland Renewable Resources Planning Act of 1974. Under

this legislation, the Forest Service was to assess the forest resource, prepare a series of possible development options, and make a recommendation for a program to be approved and funded by Congress.

In 1976 the Forest Service submitted a program for congressional approval. Congress, so far, has not critically examined the program and has not committed the level of funding needed to sustain the recommended program.

Congress, however, has taken steps to obtain information necessary to a critical examination of any programs recommended for the national forests. Under the National Forest Management Act of 1976, the Secretary of Agriculture is required to report on the potential for increasing wood fiber utilization and wood products recycling. In addition, an increased inventory was directed of the non-timber aspects of the national forests. Requirements for data to evaluate the long term cost and benefits of the program are also strengthened.

The Task Force believes that these steps indicate that Congress intends to examine the recommended program for the national forests. While members of the Task Force are pleased with the National Forest Management Act of 1976, the Task Force feels that too much uncertainty still surrounds the programs recommended under the Resources Planning Act. As decisions made about these programs will have far-reaching effects in the West, steps must be taken to clarify congressional priorities and funding commitments. For this reason the Western States Legislative Forestry Task Force has urged

Congress to undertake hearings on the recommended program, to set clear priorities for all forest uses, and to reaffirm the commitment made to a strong multiple use forestry program by augmenting the budget of the Forest Service.

PROGRAM AREAS

Congress Maintains Cooperative Fire Funding

The Task Force, joining with the National Association of State Foresters, asked Congress to maintain a cooperative fire program that provides over \$3 million a year in federal funds to the member states for fire control.

Under Section 2 of the Clarke-McNary Act (CM-2) the Forest Service is authorized to help states develop and fund cooperative fire protection programs with the states. Over the years, CM-2 programs have been among the most effective and justifiable cooperative programs. National expenditures have grown to over \$23 million with the share of the five Western States being over \$3 million. These funds have become an integral part of the member states' firefighting budgets, representing, for example, 21% of Idaho's fire prevention funds.

The Administration in the 1976 Budget had proposed to halve the funding and then to terminate the program in 1978. On the recommendation of the Task Force, the National Association of State Foresters, and others, Congress rejected the Administration's proposal and provided \$20 million nationally. About \$4 million will flow to the Western States.

Greater Federal Role Assumed in Road Building

The Western States Legislative Forestry Task Force believes that one of the major factors slowing management of the national forests, particularly in the West, is that roads have not been constructed to provide access. Many miles of roads still need to be constructed to permit timber management, recreational activity, and other forest uses demanded by a large segment of the population. Rooding is also a key element in increasing salvage and management in diseased and dying stands of trees.

The Task Force has taken an active role in trying to identify rooding needs and in urging that Congress focus on rooding questions. The Task Force has felt that such a focus could lead to greater federal appropriations designated for national forest road development which would facilitate resource protection and management capabilities.

Discussion of rooding questions on the national forests took place in the 94th Congress, both in the budget hearings and in the debates over the National Forest Management Act of 1976. In the budget hearings, Congress agreed that the federal government should assume a larger role in road building on the national forests and raised the general appropriation for roads by about \$38 million. However, because of an offsetting decrease by Congress in money available to permit timber purchasers to build roads, the \$38 million does not significantly increase the

number of miles of access roads that will be constructed.

In the National Forest Management Act of 1976, Congress has also indicated a greater reliance on general appropriations for road building. In an effort to increase the competitive posture of small timber purchasers, a provision was added that would allow these purchasers the option to request that the Forest Service construct roads. Also, in an action supported by the Task Force, Congress reaffirmed a current policy that requires that the Forest Service must use appropriated funds to construct roads of a quality superior to those strictly required for seasonal transportation of forest products. This policy is necessary to insure that the costs of roads designed for public use should be borne by the public and not by the timber purchasers.

These actions of the 94th Congress are generally consistent with Task Force thinking. However, the Task Force believes that more money will be necessary to support an accelerated program of access roading. The Task Force recognizes that complex questions and trade-offs are raised by speeding the access road program. Access roads, for example, can severely conflict with desires that some areas be classified or studied as wilderness. In addition, there is a great need to coordinate an accelerated access roading program with a final determination of lands that are to be withdrawn from timber production.

Still, consistent with this recognition, the Task Force supports a greater level

of funding for access roading in selected areas of the Western national forests. In the coming year the Task Force will work to help select areas needing access roads and will attempt to obtain the level of funding necessary to construct these roads.

Greater Wood Utilization and Reforestation Planned

A recurring theme at the 1976 Task Force meetings was that valuable timber assets are being lost by failing to reforest understocked lands and by wasting usable material at harvest sites. The loss of these assets is particularly acute in the Western States. About one million acres of national forest land needs to be restocked. In addition, a large amount of wood fiber is left on the ground at harvest locations.

Since the pressure is constantly increasing to provide more wood fiber from the national forests, the Task Force strongly feels top priority must be given to thriftier utilization and accelerated reforestation. As early as 1974 and continuing through 1976, the Task Force has requested that the Forest Service and Congress focus attention on problems of reforestation and underutilization.

The 94th Congress was particularly receptive to requests for greater wood fiber utilization. The National Forest Management Act of 1976 requires that the Secretary of Agriculture assess the potential for greater wood fiber production and utilization and for more wood product recycling. In addition, the Secretary of Agriculture is required to develop utilization standards

and harvesting practices to promote more effective wood use.

Congress also took strong action to reforest understocked national forest lands. Under the National Forest Management Act of 1976, Congress has authorized \$200 million annually for reforestation and has instructed that the backlog of understocked acres be reforested within eight years.

The Task Force believes that these actions positively address the needs for more efficient and thorough use of the national forest resources. As it is a large task to reforest and to increase the utilization from national forests in the West, the Task Force plans to monitor these programs and to work for their effective implementation.

Congressional Action Needed on Insect Problems

Estimated annual timber mortality in the four western regions of the U.S. Forest Service totals 1.95 billion board feet lost to insects and 1.85 billion board feet lost to disease as compared to only 140 million consumed by fire. An example of the impact of insect and disease mortality is that a billion board feet of timber is enough to build 900,000 housing units, each with 11,000 board feet of lumber.

Of the amount of timber lost to insects and disease, only a small part is harvested each year. Prompted by the staggering losses and meager salvage, the Task Force has petitioned Congress to take steps to reduce losses and to raise harvest levels of diseased and dead material. These steps include

completion of a major survey of insect problems, expanded insect research and control programs, improved pesticide registration procedures, more funding for intensive management programs, and better cooperative prevention programs.

The Task Force, in particular, is pressing for highly accelerated access roading in carefully selected areas and for rapid completion of land use planning in insect prone areas. These steps are prerequisites to effective management and salvage programs.

With the input of the Task Force and others, Congress has recognized the existence of insect and disease problem and possible solutions. Thus Congress has, in budget language, directed completion of a forest insect study by the Forest Service. This analysis, entitled the Western Forest Insect Issues Study, should be available by early in 1977. It is intended to provide needed cost and benefit data on various program proposal.

The Task Force firmly believes that Congress must take action to reduce the amount of timber lost to insects and disease. Consequently, it is the intent of the Task Force to aggressively support congressional funding for programs necessary to meet the insect and disease problems of the Western forests.

THE FUTURE

Aggressive Task Force Action Planned Next Two Years

Based on success to date, the Western States Legislative Forestry Task Force plans an aggressive program for the next biennial period. The Task Force will continue to monitor proposed congressional legislation and to actively advocate the common interest of the Western States in forestry legislation.

The Task Force staff has travelled to each state in an effort to become familiar with regional and local problems and to lay the groundwork for a series of meetings in 1977. These meetings will deal with six areas of critical importance to Western forestry. They are:

1/ Review of the impact of the increasing number of federal laws affecting forestry on private and public lands.

Federal laws affecting use of forest lands in the West have proliferated greatly. No analysis has yet been completed that clearly spells out limitations and extra costs imposed by this growth of legal requirements. The Task Force considers an inventory of the laws and their impact to be an essential element to policy coordination and improvement.

2/ Selective analysis of the budget needs of the Forest Service in each of the Western regions.

The budget process of the U. S. Forest Service, especially as a result of the current implementation of the Resources Planning Act, is extremely complex. As the major management agency on Western public forestland, program needs and performance of the Forest Service are crucial to the interests of the Western States. Consequently, the Task Force believes that it should carefully analyze and, where necessary, work to improve selected programs of the Forest Service. This analysis will also provide information necessary to advocate programs of special Western interest before Congress.

3/ Definition and promotion of areas needing congressional action on the Resources Planning Act.

In 1974, Congress passed the Forest and Rangeland Renewable Resources Planning Act. Commonly called the "Resources Planning Act", this law is the basic planning and budgeting document for the U. S. Forest Service. Under the Act the Forest Service is required to present a recommended program with funding requests to Congress. Congress, then, will review the program and funding needs.

Congress has not yet reviewed the recommendations made by the Forest Service. Because of the

potentially great impact that the recommended program will have in the West, the Task Force will attempt to have Congress review the program next year and to set priorities to guide planning on the national forests.

4/ Analysis of state efforts under federal guidance to control water quality impacts from forestry operations.

A major Task Force concern is the impact of the regulations of federal agencies on water quality control laws in the Western States. An analysis of the entire water quality area is therefore planned.

5/ Development of strong programs for forest insect and disease control.

The Task Force is greatly concerned over the nearly 4 billion board feet of timber lost each year to insects and disease. Strong action is planned to develop and fund appropriate management and control programs.

6/ Review programs for state and federal incentives for forestry on private lands.

One area which has had little attention is the use of federal funds to encourage private timber owners, particularly small owners, to plant trees and manage forestlands. A number of slightly funded federal programs currently exist but, in total, have little impact in the West. The Task Force believes incentives programs should be reviewed critically. It is particularly

important to establish the effectiveness and the level of funding that would be required to fully implement a meaningful program.

Expansion Planned

The Task Force, in an effort to significantly expand the amount of national forestland represented by the Task Force, is extending an invitation to the state of Alaska to join the membership. With addition of Alaska, the Task Force would represent about 70% of the volume of softwood growing stock and about one quarter of all the commercial timberland in the United States.

As such it can speak effectively for the forestry interests of the Western States. More importantly, it can speak as the pragmatic voice of practitioners of public policy and can present a unique and vital addition to the development of the nation's forest policy.

TASK FORCE INCOME AND BUDGET

The Western States Legislative Forestry Task Force is funded entirely from appropriations by the state legislatures of the member states. For the biennium 1975 thru 1977, the Task Force income originates as follows:

<u>State</u>	<u>Appropriation</u>	<u>Billed and Recieved</u>	<u>To Bill (Assuming Reappropriation)</u>
California	\$20,000 (annual)	\$20,000	\$10,000
Idaho	5,000 (annual)	5,000	2,500
Montana	2,500 (biennial)	2,500	-
Oregon	4,000 (biennial)	4,000	-
Washington	10,000 (biennial)	10,000	-
		<u>\$41,500</u>	<u>\$12,500</u>

The Task Force commenced staff operations in February, 1976. The biennial budget has therefore been prorated over 17 months. This is a monthly expenditure of approximately \$3,200.00. It should be noted that for a full biennium the monthly budget would be about \$2,800.00.

For the 1976-1977 fiscal year the Task Force adopted the following monthly budget guide:

1/	Staff payments	
	a. Executive Secretary	\$1,500
	b. Stenographer	400
2/	Office rental and utilities	125
3/	Office supplies	40
4/	Phone	250
5/	Publications and mailings	65
6/	Travel	400
7/	Miscellaneous costs	120
8/	Operating reserve	275
		<hr/>
		\$3,175

At a business meeting in December in Spokane, the Task Force adopted a staff support budget for the next biennium of \$76,500. A new formula for sharing the staff support budget was also adopted.

The formula, based on ability to pay and benefits received, is indicated on the next page:

As a measure of benefit it is possible to use the net volume of soft-wood sawtimber on commercial timberland in the United States as of 1970, (The Outlook for Timber in the United States, Appendix I, p. 245).

	<u>Volume</u> (Million BF)	<u>% Total in West</u>
California	271, 671	21. 7
Idaho	130, 986	10. 4
Montana	100, 925	8. 1
Oregon	434, 671	34. 9
Washington	309, 802	24. 9
	<u>1, 248, 055</u>	<u>100. 0</u>

As a measure of ability to pay, it is possible to use the general revenues for each state in 1975, (State Government Finances in 1975, Table 3, Financial Aggregates: 1975, p. 9).

	<u>Revenue</u>	<u>% Total in West</u>
California	\$ 15, 628 million	75. 0
Idaho	527	2. 6
Montana	505	2. 5
Oregon	1, 534	7. 3
Washington	2, 631	12. 6
	<u>\$ 20, 825</u>	<u>100. 0</u>

Weighting each of these factors equally gives the following combined share of any proposed budget:

<u>State</u>	<u>Factor</u>		<u>State Share</u>
	<u>Ability</u>	<u>Benefit</u>	
California	75. 0%	21. 7%	48. 35%
Idaho	2. 6	10. 4	6. 45
Montana	2. 5	8. 1	5. 30
Oregon	7. 3	34. 9	21. 15
Washington	12. 6	24. 9	18. 75
	<u>100. 0</u>	<u>100. 0</u>	<u>100. 00</u>

Using these percentages the \$76, 500 budget is allocated as follows:

	<u>Formula</u> <u>Percentage</u>	<u>Share of Total</u> <u>\$76, 500 Budget</u>
California	48. 35	\$36, 987. 75
Idaho	6. 45	4, 934. 25
Montana	5. 30	4, 054. 50
Oregon	21. 15	16, 179. 75
Washington	18. 75	14, 343. 75
	<u>100. 00</u>	<u>\$76, 500. 00</u>

TASK FORCE MEETINGS AND WITNESSES

Portland, Oregon
January 23, 24 and 25, 1976

Mr. John Crowell, Chairman, National Forest Products
Association Monongehela Task Force

Mr. Bill Clothier, Environmental Protection Agency
Region 10, Seattle

Mr. Donald E. Lawyer, United States
Corps of Engineers, Portland

Dr. Barney Dowdle, College of Forest
Resources, University of Washington

Dr. John L. Walker, Director of Resources
Services, Simpson Timber Company, Seattle

Washington, D. C.
March 22, 1976

Dr. Dennis LeMasters, Society of American Foresters,
Washington, D. C.

Mr. Joseph McGraff, General Counsel, National Forest
Products Association, Washington, D. C.

Dr. John Muench, Chief Economist, National Forest
Products Association, Washington, D. C.

Mr. Brock Evans, Chief Legislative Advocate,
Sierra Club, Washington, D. C.

Mr. John Davenport, Western Forest
Industries Association, Portland

Sacramento, California
May 7 and 8, 1976

Mr. George Craig, Western Timber Association,
San Francisco