

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982

1830 HRES HB 49 - HB 78

530

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B

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4

COMMITTEE REPORT

HOUSE

2/4/81

FURTHER: FINANCE

(11)

Date: FEBRUARY 17, 1981

Mr. Speaker:

The Committee on RESOURCES has had HB 54

"An Act relating to the salaries of commissioners of the Oil and Gas Conservation Commission; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 54 same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

Eric W. Sutcliffe

[Signature]

Rude Harold Lopez

Walter B. Stewart do Pass

do Pass

[Signature]

[Signature]

[Signature]
CHAIRMAN

Introduced: 2/4/81
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the salaries of commissioners of
7 the Oil and Gas Conservation Commission; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 31.05.015 is repealed and reenacted to read:

11 Sec. 31.05.015. COMPENSATION OF MEMBERS OF THE COMMISSION. Mem-
12 *the chairman is entitled to a monthly salary equal to Step E, Range 28 and the remaining two members*
bers of the commission are in the exempt service and are entitled to [A]
13 monthly salary ^{ies} equal to Step [C] ^D Range [26] ²⁸ of the salary schedule in AS
14 39.27.011(a) for Juneau, Alaska.

15 [* Sec. 2. The salaries of persons serving as members of the Oil and Gas
16 Conservation Commission as of the effective date of this Act will not be re-
17 duced, but will remain at the present rate until the rate set by this Act
18 exceeds their current salaries.]

19 Sec. 3 This Act takes effect immediately in accordance with AS 01.10.
20 070(c).

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 19, 1981

SUBJECT: Oil and Gas Conservation Commission salaries
(CSHB 54)

TO: Representative Terry Gardiner
Chairman, House Resources Committee

FROM: John B. Chenoweth
Legislative Counsel

If the commission conducts business in Anchorage, are they to be paid at the rate for Juneau? I took my cue from the governor's bill on this and, while there is now no distinction between Juneau and Anchorage rates, that may not always be so.

JBC:ljb

Enclosure



Alaska State Legislature

House of Representatives

Committee on Resources

Terry Gardiner, Co-Chairman
Fred F. Zharoff, Co-Chairman
465-3715

Pouch V
State Capitol
Juneau, Alaska 99811

February 17, 1981

HB 54 SUMMARY

- Sec 1. Changes Commissioners compensation from an annual salary (set by DNR) to the salary schedule of other Regulatory Commissions - currently \$57,828.
- Sec 2. A "grandfather clause" which freezes present salaries of Commission members until pay scale catches up to them.

NOTE: Current Commissioners and salaries are:

Harry W. Kugler	\$58,656
Lonnie C. Smith	58,656
Hoyle H. Hamilton	60,792

New commissioners will be paid at Step C, Range 26 (\$57,828)

ALASKA OIL AND GAS CONSERVATION COMMISSION

Commissioners

October 31, 1980

J.F. Green

Resignation.

It is with optimism and regret that I herewith tender my resignation from state service, effective November 21, 1980. I have enjoyed the nearly four years I have been employed both as director of DMEM and as reservoir engineer for the Commission. Both jobs were challenging and rewarding and the people with which I have worked of have been excellent. The recent salary limitation (first imposed by Mr. LeResche and later by the Department of Administration) is however, too restrictive and makes it imperative that I seek other employment. I regret leaving the Commission short handed just when so many issues require experienced reservoir engineering input, however the aforementioned salary "freeze", renders the state no longer competitive and gives rise to this action.

The opportunity for a diversified new career also plays an important part in my decision. I have attempted to stay abreast of many of the facets of petroleum operations and this new opportunity affords me the chance to continue this endeavour. My new duties will be exclusive of Prudhoe and Kuparuk River operations which have occupied my time the past two plus years. Therefore there will be no conflict of interests in this move from state government.

I wish to reemphasize that my action is in no way a reflection of dissatisfaction with the Commission. Even though I will be on the other side of the street, so to speak, I sincerely hope we can continue the warm relations we have enjoyed in the past.

JFG:mmm

January 12, 1981

Speaker of the House
Alaska State Legislature
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill which sets the salaries for commissioners of the Oil and Gas Conservation Commission at the same rate paid to other regulatory commissioners (Alaska Transportation Commission, Alaska Public Utilities Commission, Alaska Pipeline Commission, and Commercial Fisheries Entry Commission).

The bill establishes the salary at Range 26, Step C, of the state pay plan set out in AS 39.27.011(a). This will provide equal treatment for all of the regulatory commissioners, and will avoid the possibility of arbitrary action with regard to their salaries. The salaries of Oil and Gas Conservation Commission members have not been set by statute in the past; it is important to avoid the appearance as well as the fact of possible undue influence on their decisions. This bill will help assure the independence of this commission, as intended by the legislature.

A "grandfather's clause" is included to protect the salaries of the current Oil and Gas Conservation Commission members until the pay scale in AS 39.27.011(a) catches up to them.

Sincerely,

S/JSH

Jay S. Hammond
Governor

I. REQUEST
 Bill/Resolution No. HOUSE BILL NO. 54
 Title An Act Relating to the Salaries of Commissioner of the Oil & Gas Commission
 Requested by Governor's Office Date 11-18-80

II. FISCAL DETAIL
 Agency Affected Natural Resources
 Program Category Affected NRMEC
 BRU, Program, or Subprogram(s) Affected Oil & Gas Commission
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This bill will not change the salaries of present Commissioners, but will freeze present salaries until they are equal to Step C, Range 26 of the salary schedule. New Commissioners will be paid at Step C, Range 26.

IV. DATE 11-18-80 PREPARED BY Judy Crondahl
 AGENCY Administration
 PHONE 465-2277
 Origin: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Introduced: 2/4/81
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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7 the Oil and Gas Conservation Commission; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 31.05.015 is repealed and reenacted to read:

11 Sec. 31.05.015. COMPENSATION OF MEMBERS OF THE COMMISSION. Mem-
12 bers of the commission are in the exempt service and are entitled to a
13 monthly salary equal to Step C, Range 16 of the salary schedule in AS
14 39.27.011(a) for Juneau, Alaska.

15 Sec. 2. The salaries of persons serving as members of the Oil and Gas
16 Conservation Commission as of the effective date of this Act will not be re-
17 duced, but will remain at the present rate until the rate set by this Act
18 exceeds their current salaries.

19 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.
20 070(c).

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23 *We offer them a white hat*
24 *instead of a black hat*
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HB

66

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME
OFFICE OF THE COMMISSIONER

SUPPORT BUILDING
JUNEAU, ALASKA 99801

April 23 1981

Representative Hugh Malone
Alaska State Legislature
Pouch V, State Capitol
Juneau, AK 99811

Dear Mr. Malone:

Thank you for your letter of March 17, 1981, regarding Redoubt Bay State Game Refuge and the copy of your letter of March 16 to Representatives Gardiner and Zharoff. I sincerely appreciate your involvement and concern with this refuge proposal.

It would appear that one of the chief problems with this and similar proposals is the public perception that State Refuge status amounts to a "tack-up" of lands -- a problem we are going to have to address. As we have indicated to the Committee, our real intent in promoting such land designations is to retain them in state ownership for both the maintenance of wildlife and its habitat and the perpetuation of public uses of the area. The most important public uses are connected with the wildlife resources found on the land, so these two goals are generally compatible; and only those uses that would impair the area's ability to produce wildlife would be controlled or restricted. Obviously we have not done a good enough job in explaining these goals to the public.

I concur with the four recommendations listed in your memorandum to the Chairman of the Resources Committee. Based on the concerns expressed by you and the public, my staff will work toward developing a new proposal and will insure that it receives wide public input. It is our intent to present a new or modified proposal on Redoubt Bay to the Legislature next session.

Thank you again for your assistance.

Sincerely,


for Ronald O. Skoog
Commissioner

(907) 465-4100

cc: Sterling Eide
Members Senate and House Resources Committees

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99502

February 19, 1981.

Mike Hershberger
110 Seward Street, Apt. 8
Juneau, Alaska 99801

Dear Mr. Hershberger:

Jack Hendrickson relayed your request for the attached list of private land owners within the proposed Redoubt Bay State Game Refuge. The only source of this information I could find was in the tax assessment files of the Kenai Borough. The information was exchanged over the phone between myself and a volunteer worker in Kenai who compiled the list. Barring any misunderstanding in the verbal exchange, the list should be complete.

There are no private lands adjacent to the proposed refuge; however, several parcels in Section 9, T7N, R14W on the south side of the West Forelands are close. But a refuge should not impact them at all.

Don't hesitate to let me know if you need any other information.

Sincerely,

Richard Sellers

Richard Sellers
Game Biologist

Enclosure

PRIVATE LANDOWNERS WITHIN PROPOSED
REDOUBT BAY STATE GAME REFUGE

<u>Name</u>	<u>Address</u>	<u>Number of Acres</u>	<u>Location</u>
Cook Inlet Pipeline Co.	c/o Frank Lundquist 1822 W. Northern Lights Anchorage, AK 99503	~1300 owned and leased	Portions of sections 19, 29, 30, T6N, R16W and sections 24 and 25 T6N, R17W
Carl E. Martin	626 D Street Anchorage, AK 99501	5 acres	In northeast corner of Section 31, T5N, R17W
Jack Rasmusson	300 East Fireweed Anchorage, AK	4.57 acres	In center of section 5, T8N, R17W
Daniel & Janice Perkins	Box 115 Soldotna, AK	4.22 acres	In southcentral portion of section 28, T9N, R16W

MEMORANDUM

From: Mike Hershberger, Alaska Waterfowl Association
TO: Chairmen, House Resources Committee
Subj: HB66 (Redoubt Bay Game Refuge)

My interest in the above legislation stems from successful efforts in the 1976 legislature for similar waterfowl/game refuges which were established in Potter Marsh, Palmer Hay Flats, Goose Bay and Susitna Flats.

HB66 extends the protection afforded waterfowl throughout the Cook Inlet Area by adding the Redoubt area down the inlet from the Susitna Flats area. The bill language is similar to other bills.

The attached correspondence is my effort to be helpful in securing the list of private landowners asked for by the Committee chairman (Zharoff) during the recent hearing on the bill. I could get the information easily, have done so and am enclosing it for your use.

Please note that the private lands are not adjacent to the proposed refuge but several parcels on the south side of the Forelands are close.

Respectfully,

Mike Hershberger



Alaska State Legislature

PATRICK M. O'CONNELL
REPRESENTATIVE
DISTRICT 13



ROUTE 2, BOX 749
SOLDOTNA, ALASKA 99669
(907) 262-4216

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811

House of Representatives

March 13, 1981

MEMORANDUM

TO: All House Members *PO*
FROM: Representative Patrick O'Connell
RE: Proposed Redoubt Bay Game Refuge (HB 66)

Attached please find a list of individuals who were in attendance at a recent public meeting held in Soldotna dealing with the proposed Redoubt Bay Game Refuge. As can be seen in the far right column, the vast majority of those present are opposed to the passage of such legislation.

It is because of this strong sentiment against the proposal that I ask your help in assuring that this legislation not receive further action from this body during this Legislature.

PUBLIC MEETING -- February 28, 1981

HB 65 - Redoubt Bay

PLEASE PRINT!

PLEASE MAKE A CHECK MARK ✓ IF TESTIFYING

NAME	ADDRESS	PHONE	
G.S. Best	P.O. Box 476 Soldotna	262-4441	Against
DAVE KEATING	P.O. Box 1022 Soldotna	262-5862	✓
D. G. ABSHER	2835 L.RAWOOD DR. Anchorage	2436994	C.I.P.I.C.O.
Bill ChENAULT	Box 70627 PB. Kenai, AK.	776-8578	against
Ed. Crabaugh	RT 1, Box 1120 Kenai AK.	776-8688	against
Bloyd Dyer	RT-1-BOX 1065 KENAI AK.	776-8624	AGAINST
Charles J. Crabaugh	RT 1, Box 1120, KENAI, AK.	776-8688	AGAINST
Petrick Coe	Box 2913 Kenai, AK	776-8422	Against
Jim Doyle	Box 582 Kenai Alaska	283-7655	against
INDIA B. HAMRICK	P.O. Box 2232 SOLDOTNA, AK	262-5213	AGAINST
Thoyd A. Behrman	Box 3 Unalakleet		?
Steve Lundquist	Box 1613 Kenai	283-715	?
P. L. (Bob) Borgen	PO Box 2519 Kenai	283-7912	AGAINST
Sam C. Kenley	Box 100 Kenai		AGAINST
Sam Friedersdorf	Box 3566 Soldotna	262 9886	PRO
DAVE HOLDERMAN	Box 3085 SOLDOTNA	262-9368	
Don Erwin	P.O. Box 1076 Kenai	283-4885	Uninvited
Errol L. Sibbey	PO BOX 2893 KENAI	283-4468	AGAINST
Ray Dousey	PO Box 334 KENAI	283-7743	und
Richard King	RT 2 box 850 Soldotna	2-5191	
Walter C. Coy	PO Box 466 Unalakleet		✓

PUBLIC MEETING -- February 28, 1981

HB 66 - Redoubt Bay

PLEASE PRINT!

NAME	ADDRESS	PHONE	
BILL SHERWOOD	5142 Shorecrest Dr. Anch. 99502	243-4469	PRO.
JOHN W. HENRIKSON	119 E. 6TH ANCHORAGE	272-2561	FOR
Jim Carr	P.O. Box 229	Niuiuk	Against
LOU F. PEARSON	P.O. Box 2098	Seldana AK	" "
Law Hopkins	P.O. Box 3172	SOLDOTNA AK	CON
Bill West	Box 2290	Sold. AK	?
Don POOLE	Box 2200	Sold	262-4947
TED H. SPRAKER	Box 2534	Sold. Idina	262-9592 PRO.
BOB MONTGOMERY	Box 3505	SOLDITNA	262-7641 AGAINST
T.J. HINKLE	Box 250	KENAI	776-8661 AGAINST
Jan. Andersen	Box 3069	KENAI	283 4775 AGAINST
Morris Board	Box 705	Sterling	262-5575
A. STENGA	Box 506	SOLDOTNA	262 4358
Jerome Near	Rt 2	KENAI	262 - 4461
Boris Schelling	Box 7155 NRB	Kenai	776-8662
Fred F. Braun	RT. #1 Box 850 NRB	KENAI	776-8375
George Pelland	Box 40	Kasilof	262-5496
HANK EVERY	RT. 1 BOX 970	KENAI	776-8603 ✓
Edw. L. Garnett	Box 3331	Kenai AK.	283-7189 opposed
George Jackinsky	PO Box 2 Kasilof Alaska 99810	262-4883	opposed
THOMAS P. WALKER	P.O. Box 1926	KENAI, AK 99611	283-3449

<u>NAME</u>	<u>ADDRESS</u>	<u>Phone</u>	<u>FOR/AGAINST</u>
Roger Moulton	P.O. Bx. 3338 Soldotna, AK.	262 4249	FOR
MERRILL SIKORSKI	RT #2 Box 910 Soldotna AK	262 4328	AIHN NEWS
Jim Hanson	Box 3778 Kenai	283-4904	
Glenn M. Mearns	Box 544 Kenai	283-3429	?
Diane Croft	Box 3906 Kenai	283-4624	?
Allen T. Sawyer	Box 6 Sterling	262-9067	AGAINST
Cindy Sawyer	Box 6 Sterling, AK	262 9067	
Bill Busby	Box 3525 Kenai, AK	99611	against
Herb Miller	Box-786 Soldotna AK,		against
Jim Madsen	N. Star Rt 1 Box 755 Kenai AK.		against
Orew Spartin	Box 594 Soldotna AK	283-4095	?
Rudy S. Coyle	Box 466 Kenai AK	283-7754	against
Marcia E. Ward	Box 556 Soldotna	262-5155	undecided
Wayne Regelin	Box 4065 Kenai	283-7403	FOR
Paul Leach	Box 569 Soldotna	262-4547	against
James Javal	Box 858 Soldotna	262-4547	against
Leda Schmidt	Box 1346 Kenai	262-5981	against
R. L. Schmidt	P.O.B. 1346 Kenai	262-5981	against
G. Marzick	P.O.B. 2615 Kenai	283-7082	FOR
David Vroman	P.O. Bx 2081 Kenai	283-3455	For
JEANNE M. COLLINGS	Box 852 Soldotna	262-4587	?
John Kobylarz	Box 830 Soldotna	262-4542	
Floyd Heimlich	Box 850 Soldotna by CIAA		neither ✓
Tom Hillen	Box 282 Kenai AK Anchorage Daily News	283 4317	neither
Vince O'Reilly	P.O. 3718. KENAI.	283-4946	

Alaska State Legislature

SENATOR
DON GILMAN

REPRESENTING
DISTRICT 13
KENAI PENINSULA



State Senate

HOME ADDRESS
P.O. BOX 630
KENAI, ALASKA 99611
(907) 283-4182

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

April 21, 1981

Mrs. Frances Brymer
Borough Clerk
Kenai Peninsula Borough
Box 850
Soldotna, Alaska 99669

Dear Mrs. Brymer:

This will acknowledge receipt of Kenai Peninsula Borough Resolution 81-56 relating to the Redoubt Bay Area proposed state game refuge.

We have circulated a copy of your resolution to the Chairmen of the House and Senate Resources Committees, where these bills currently are.

Thank you for sending the resolution on to me.

Sincerely,

A handwritten signature in ink, appearing to read "Don Gilman".

Don Gilman
State Senator

cc: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee
cc: Representatives Zharoff and Gardiner
Co-Chairmen, House Resources Committee

Introduced by: Sikorski
Date: April 7, 1981
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 81-56

EXPRESSING THE ASSEMBLY'S OPPOSITION TO THE ESTABLISHMENT OF A STATE GAME REFUGE IN THE REDOUBT BAY AREA AND URGING THE DEFEAT OF HOUSE BILL NO. 66 AND SENATE BILL NO. 191.

WHEREAS, the Legislature is currently considering legislation which would establish a 207,000 acre wildlife refuge in the Redoubt Bay area, located on the west side of Cook Inlet; and

WHEREAS, the lands encompassed by the proposed wildlife refuge are within the boundaries of the Kenai Peninsula Borough; and

WHEREAS, the lands encompassed by the proposed refuge have been a traditional hunting area for residents of the Borough; and

WHEREAS, the creation of a game refuge in the Redoubt Bay area would serve little or no useful purpose because these state-owned and controlled lands are wholly undeveloped; and

WHEREAS, the Assembly finds that it is desirable for the State Legislature to refrain from making further withdrawals from vacant and unappropriated public lands, especially in view of the massive withdrawals made by the Federal Government pursuant to Section 17(d)(2) of the Alaska Native Claims Settlement Act; and

WHEREAS, the Assembly finds that the citizens of the Borough are adamantly opposed to the further withdrawal of public lands through the creation of a wildlife refuge in Redoubt Bay:

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Assembly opposes the creation of a wildlife refuge in Redoubt Bay and urges the Twelfth Legislature, First Session, to defeat House Bill No. 66 and Senate Bill No. 191, and further to refrain from making any further withdrawals of state-owned or controlled lands from the public domain.

Kenai Peninsula Borough
Resolution 81-56
Page 1 of 2 Pages

Section 2. That the Clerk shall serve copies of this resolution upon the Honorable Jay S. Hammond, Governor of the State of Alaska, upon the Honorable Jalmar Kerttula, President of the State Senate, upon the Honorable James Duncan, Speaker of the State House, and upon the Honorable Donald E. Gilman, State Senator, and upon the Honorables Bette Cato, Hugh Malone, and Pat O'Connell, State Representatives.

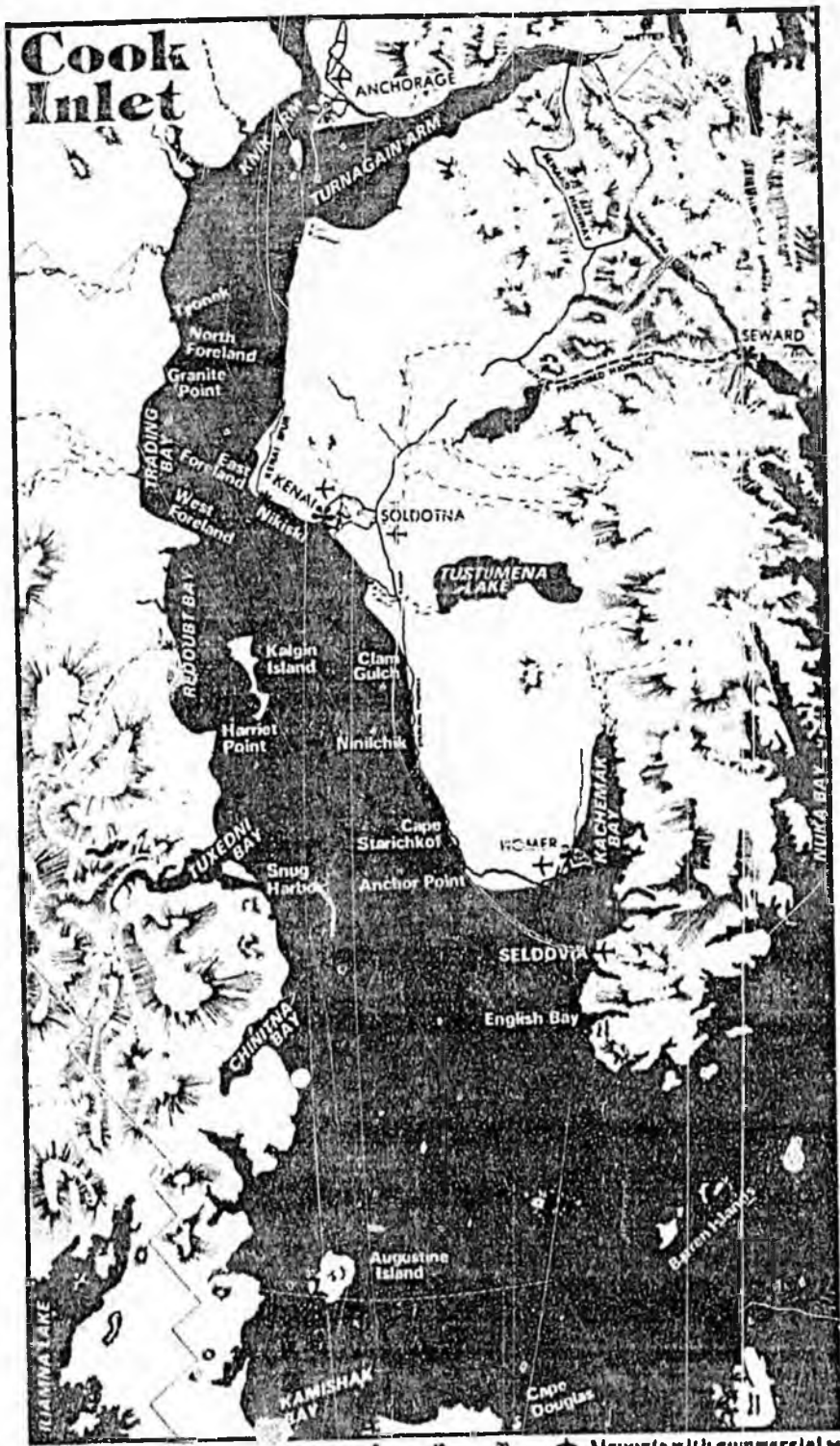
Section 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 7th DAY OF April, 1981.

Paula Fischer
Paul Fischer
Assembly President

ATTEST:

Frances Bryner
Borough Clerk



From Offshore Oil Development in Lower Cook Inlet required for the Kenai Peninsula Borough and State of Alaska by CH2M Hill, 1976.

- ✈ Airports with commercial service
- Proposed highway
- * Port Facility

MEMORANDUM

From: Mike Hershberger, Alaska Waterfowl Association
TO: Chairmen, House Resources Committee
Subj: HB66 (Redoubt Bay Game Refuge)

My interest in the above legislation stems from successful efforts in the 1976 legislature for similar waterfowl/game refuges which were established in Potter Marsh, Palmer Hay Flats, Goose Bay and Susitna Flats.

HB66 extends the protection afforded waterfowl throughout the Cook Inlet Area by adding the Redoubt area down the inlet from the Susitna Flats area. The bill language is similar to other bills.

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Please note that the private lands are not adjacent to the proposed refuge but several parcels on the south side of the Forelands are close.

Respectfully,



Mike Hershberger

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99502

February 19, 1981

Mike Hershberger
110 Seward Street, Apt. 8
Juneau, Alaska 99801

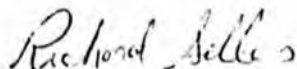
Dear Mr. Hershberger:

Jack Hendrickson relayed your request for the attached list of private land owners within the proposed Redoubt Bay State Game Refuge. The only source of this information I could find was in the tax assessment files of the Kenai Borough. The information was exchanged over the phone between myself and a volunteer worker in Kenai who compiled the list. Barring any misunderstanding in the verbal exchange, the list should be complete.

There are no private lands adjacent to the proposed refuge; however, several parcels in Section 9, T7N, R14W on the south side of the West Forelands are close. But a refuge should not impact them at all.

Don't hesitate to let me know if you need any other information.

Sincerely,



Richard Sellers
Game Biologist

Enclosure

PRIVATE LANDOWNERS WITHIN PROPOSED
REDOUBT BAY STATE GAME REFUGE

<u>Name</u>	<u>Address</u>	<u>Number of Acres</u>	<u>Location</u>
Cook Inlet Pipeline Co.	c/o Frank Lundquist 1822 W. Northern Lights Anchorage, AK 99503	~1300 owned and leased	Portions of sections 19, 29, 30, T6N, R16W and sections 24 and 25 T6N, R17W
Carl E. Martir.	626 D Street Anchorage, AK 99501	5 acres	In northeast corner of Section 31, T5N, R17W
Jack Rasmusson	300 East Fireweed Anchorage, AK	4.57 acres	In center of section 5, T8N, R17W
Daniel & Janice Perkins	Box 115 Soldotna, AK	4.22 acres	In southcentral portion of section 28, T9N, R16W

March 4, 1981

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chairman
Senate Resources Committee

FROM: Senator Don Gilman

SUBJECT: Soldotna Meeting on SB 191 - HB 66 -
Creation of Redoubt Bay State Game Refuge

On February 28, 1981, an informational meeting on the Redoubt Bay State Game Refuge (SB 191 - HB 66) was held in Soldotna. Since the entirety of this proposed refuge is within District 13, all three legislators requested the Department of Fish and Game to hold this meeting (see attached letter).

This proposal has been before the legislature for five consecutive years. This is the first meeting ever held within the boundaries of the Municipality on the proposal.

The preponderance of testimony was opposed to the creation of the refuge. (See attached sign-up sheet.) Most people were afraid that by this creation there would be a restriction on access, cabin sites, and in general felt that there would be more layering of governmental control.

It is interesting to note that those testifying for the refuge wanted to give the Department of Fish and Game more control over actions of the Department of Natural Resources. They did not trust the Department to manage the land for the benefit of the Fish and Wildlife resources.

I have attached a local newspaper account of the meeting as well as the accompanying editorial. The article is as accurate as any press account can be.

A transcript of the meeting will be available from Fish and Game.

As Senator from this area, I recommend against the establishment of the refuge.

cc: ✓ Representative Malone
Representative O'Connell



Alaska State Legislature

House of Representatives

Official Business

March 6, 1981

Pouch V
State Capitol
Juneau, Alaska 99811

Vince O'Reilly
P.O. Box 3718
Kenai, Alaska 99611

Dear Vince:

Thank you for taking the time to attend the public meeting on the proposed legislation (HB 66) creating the Redoubt Bay State Game Refuge. The process of government works best when it is closest to the people and has the consent of the governed. The public hearing on HB 66 that was held February 28 is my attempt to do that. I appreciate your showing up on a Saturday morning, when I am sure, that you have better things to do.

The Saturday meeting was the first public hearing in our district that has been held on the Redoubt Bay State Game Refuge proposal, a bill introduced in this session of the legislature by the Governor.

It is very clear to me, based on the comments of those people who provided testimony at the meeting, that a majority of concerned people on the Kenai Peninsula are opposed to HB 66 as it is now written. Since the bill was introduced by the Governor at the request of the Department of Fish and Game, I am therefore asking the department to take the proposal back to the drawing boards.

If the Department of Fish and Game wishes to pursue the establishment of a State Game Refuge at Redoubt Bay, they must develop a proposal that meets the valid concerns of the people for whom they work. If they can do this, and if, after public hearings, the people are satisfied with the proposal, then the legislature may give consideration to the recommendations. As I see it, this would mean no serious consideration of the Redoubt Bay State Game Refuge by the legislature until 1982.

I have not yet received the tapes of the meeting. From my own notes from the Public Meeting the main concerns expressed were:

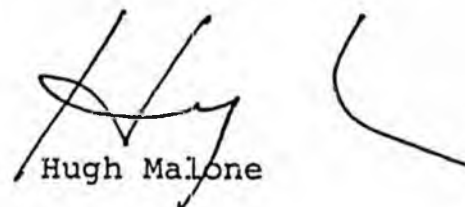
- 1) People do not want to see any more land locked up. The area is presently open and accessible for public use. People want to see it stay that way.
- 2) If the real idea is to reserve this area for public use, then that should be clearly spelled out in any bill setting up the Redoubt Bay State Game Refuge.
- 3) The management authority as it is currently written into HB 66 is divided between two departments of State government. This will lead to "back passing", and a subsequent failure on the part of the State agencies involved to accomplish any purpose, much less the ones set out in the department position paper. In fact, based on the testimony of the people at the public meeting, that is exactly what has happened in the Trading Bay State Game Refuge previously established.
- 4) Any system of permits that may be required for the management of a game refuge should be clearly spelled out in the law with the burden on the responsible department to perform.
- 5) Existing valid uses in the Redoubt Bay flats area must not be jeopardized.

Unless these things are done, HB 66 will receive no further consideration by this legislature, if I have anything to say about it.

I would very much appreciate any comments that you may have on the suggestions I have set out here.

Thank you.

Sincerely,



Hugh Malone



Soldotna
90,669

PUBLIC MEETING -- February 28, 1981

HB 66 - Redoubt Bay

PLEASE PRINT!

PLEASE MAKE A CHECK MARK IF TESTIFYING

NAME	ADDRESS	PHONE	
G.S. Best	P.O. Box 476 Soldotna	262-4441	Against
DAVE KEATING	P.O. Box 1026 Soldotna	262-5862	..
D. G. Absher	2835 L. Rawood Dr, Anchorage	243-6999	C.I.P.K.
Bill Chenaullt	Box 706 #7 RB, Kenai, AK.	776-8528	against
Ed. Crabaugh	RT #1, Box 1120 Kenai AK.	776-8688	against
Rayd Dyer	RT-1-Box 1065 KENAI AK.	776-8624	AGAINST
Charles J. Cabraju	RT #1, Box 1120, KENAI, AK.	776-8688	AGAINST
Patrick Coarty	Box 2913 Kenai, AK.	776-8422	Against
Jim Doyle	Box 582 Kenai Alaska	283-7655	against
Linda R. Hamrick	P.O. Box 2232 SOLDOTNA, AK	262-5213	AGAINST
Floyd A. Blanson	Box 3 Girdvick		?
Alvin Blanson	Box 1613 Kenai	283-715	?
R. L. (Bob) Borgen	PO Box 2519 Kenai	283-7912	AGAINST
Sam C. Kealey	Box 100 Kenai		AGAINST
Jim Friedersdorf	Box 3566 Soldotna	262 9886	PRO
DAVE HOLDERMANN	Box 3085 SOLDOTNA	262-9368	
Don Erwin	P.O. Box 1076 Kenai	283-4885	Uninvited
Genold L. Sibbey	PO BOX 2893 KENAI	283-4468	AGAINST
Ray Dousey	PO Box 334 KENAI	283-7743	und
Richard King	RT 2 box 850 Soldotna	2-5191	
Walter Coy	PO Box 466 Kenai Alaska	283-4754	against

PUBLIC MEETING -- February 28, 1981

HB 66 - Redoubt Bay

PLEASE PRINT!

NAME	ADDRESS	PHONE	
BILL SHEERWOOD	5142 SPOKESCREST DR. ANCHORAGE 99502	243-4469	PRO.
JOHN W. HENRICKSON	118 E. 6TH ANCHORAGE	272-2061	FOR
JIM CARR	P.O. Box 229 Nimschik		Against
ROY H. PARSON	P.O. Box 2098 Soldotna AK	262-5907	" "
DAVE HOPKINS	P.O. Box 3172 SOLDOTNA AK	262-9191	Con
Bill West	Box 2290 Sold.	AK. 262-9171	?
DON POOLE	Box 2200	Sold	262-4947
TED H. SPRAKER	Box 2534 Soldotna	262-9592	Pro.
BOBBY MONTGOMERY	Box 3305 SOLDOTNA	262-7641	AGAINST
T.J. Hillike	Box 250 KENAI	776-8661	AGAINST
Ken Carlson	Box 3069 KENAI	283 4775	AGAINST
Nelores Beard	Box 705 Sterling	262-5575	
H. STENGA	Box 506 SOLDOTNA	262 4358	
Jerome Near	Rt 2 Kenai	262 - 4461	
Gaia Schelling	Box 7155 NRB Kenai	776-8662	
Fred F. Braun	RT.#1 Box 850 NRB KENAI	776-8375	
George Pelland	Box 40 Kasilof	262-5496	
HANK EVERY	RT 1 BOX 970 Kenai	776-8603	✓
Edw. h. Garnett	Box 3331 Kenai AK.	283-7189	opposed
George Jackinsky	PO Box 2 Kasilof Alaska 99610	262-4883	opposed
THOMAS P. WALKER	P.O. Box 1926 KENAI, AK 99611	283-3449	

Name Address Phone

Roger Moulton PO Box 3338 Soldotna, AK 99672

Merrill Skoepki RT #2 Box 910 Soldotna AK 99672

Jim Jensen Box 3998 Kenai 99609

Phyllis Thacker Box 544 Kenai 99609

James Graft Box 3906 Kenai 99609

Alvin J. Sawyer Box 6 Sterling, AK 99682

Cindy Sawyer Box 6 Sterling, AK 99682

Bill Bradley Box 3525 Kenai, AK 99611

Harold Miller Box 786 Soldotna AK, 99672

Ken McStrom Nest Mt Box 755 Kenai, AK, 99609

David Spaulin Box 594 Soldotna AK 99672

Grady J. Caylor Box 466 Kenai, AK 99609

Glenn E. Ward Box 556 Soldotna 99672

Wayne Koppin Box 4065 Kenai B 99609

Frank W. Frank Box 569 Soldotna 99672

James Janki Box 858 Soldotna 99672

John Schmidt Box 1344 Kenai 99609

R. L. Schmidt P.O. Box 1346 Kenai 99609

G. Manzchi P.O. Box 2015 Kenai 99609

David Vroman P.O. Box 2081 Kenai 99609

John Koblarz Box 830 Soldotna 99672

John Heimlich Box 850 Soldotna 99672

Ken K. Kenai Box 228 Kenai, AK 99609

Ken K. Kenai Box 228 Kenai, AK 99609

Ken K. Kenai Box 228 Kenai, AK 99609

Ken K. Kenai Box 228 Kenai, AK 99609



Alaska State Legislature

House of Representatives

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

March 16, 1981

Rep. Terry Gardiner, Co-Chairman
House Resources Committee

Rep. Fred Zharoff, Chairman
House Resources Committee

SUBJECT: HB 66 (Redoubt Bay State Game Refuge)

Dear Chairmen:

At the request of the legislative delegation from House District 13, the Alaska Department of Fish and Game held a public meeting February 28 in Soldotna at the Kenai Peninsula Borough Assembly Hall. This meeting was not a formal public hearing under the law since public hearings by a department require 30 days notice. However, aside from the formalities, the meeting was a public hearing in which testimony from members of the local public concerning the refuge proposal was received by the department.

The meeting was attended by all members of the Kenai Peninsula legislative delegation from House District 13. From the Department of Fish and Game, Mr. Sterling Eide, Regional Supervisor for Game, and support people from his staff also attended. In addition, many interested members of the public were in attendance (see enclosed sign up sheet).

The items covered in the meeting were:

- 1) A presentation of the Redoubt Bay State Game Refuge legislation by the Department of Fish and Game.
- 2) A question and answer period.
- 3) Testimony and comments from the members of the public in attendance.
- 4) A final question and answer period.

MEMORANDUM

page 2

HB 66

In my opinion, the public meeting was very useful to all those in attendance. A high percentage of those people offering testimony on the legislation had personal knowledge of the proposed refuge area based on their fishing, hunting, and trapping experiences. The people who testified quite clearly want to be able to continue using this area for its existing purposes. In addition, testimony offered by the Cook Inlet Aquaculture Association indicated an interest in developing aquaculture potential in the Redoubt Bay area.

The public meeting brought some problems with the legislation to light. I will outline these for the Committee's consideration;

- 1) People do not want to see any more land locked up. The area is presently open and accessible for public use. People want to see it stay that way.
- 2) If the real idea is to reserve this area for public use, then that should be clearly spelled out in any bill setting up the Redoubt Bay State Game Refuge.
- 3) The management authority as it is currently written into HB 66 is divided between two departments of State government. This will lead to "buck passing," and a subsequent failure on the part of the State agencies involved to accomplish any purpose, much less the ones set out in the department position paper. In fact, based on the testimony of the people at the public meeting, that is exactly what has happened in the Trading Bay State Game Refuge previously established.
- 4) Any system of permits that may be required for the management of a game refuge should be clearly spelled out in the law with the burden on the responsible department to perform.
- 5) Existing valid uses in the Redoubt Bay flats area must not be jeopardized.

Based on these and other items developed at the hearing, I would make the following recommendations:

- 1) That the Department of Fish and Game develop a new proposal addressing the valid concerns at the public meeting.

MEMORANDUM

page 3

HB 66

-
- 2) That the Department of Fish and Game be requested to hold public hearings in the affected areas, which include the Kenai Peninsula and Anchorage, to determine if people are reasonably satisfied with the new proposal.
 - 3) If this process can be satisfactorily carried out, the department may then wish to submit a sponsor substitute for HB 66 or an entirely new bill to the legislature.
 - 4) That the committee take no further action on the legislation until this process has been carried out.

I appreciate the Committee's consideration of these recommendations on HB 66, since that legislation directly affects my district.

Enclosed for your information and the review by the committee are copies of the sign-up list for the public meeting on February 28 together with other information which I hope will prove useful to the committee.

Very truly yours,


Hugh Malone

Enclosures

cc: All members Senate Resources Committee
All members House Resources Committee
Commissioner Ron Skoog
Regional Supervisor Sterling Eide

Kristen
March 6, 1981

Resource Committee Member Zharoff
Pouch V
Juneau, Alaska 99801

Dear Sir:

Re: HB 66, A bill to create a "State Game Refuge" in Redoubt Bay.

I am opposed to the creation of any more parks or refuges in the State of Alaska. The Federal Government has already withdrawn more land than is necessary, in my opinion.

I have a duck camp in Redoubt Bay where I have hunted for years. It has always been a productive area and I see no need to increase the size of the State Bureaucracy or create more government regulations.

I could be pleased if you would vote against this Bill.

Sincerely yours,

Bob Barnett
Bob Barnett

Box 132

Homer, Ak. 99603

Kristine

Law Office
Edward L. Garnett
A Professional Corporation
P. O. Box 333
Kenai, Alaska 99611

TELEPHONE 907 - 283-7189

February 23, 1981

The Honorable Fred F. Zharoff
The Honorable Terry Gardiner
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Re: House Bill 66

Gentlemen:

Recently House Bill No. 66 was filed and referred to your Committee for action.

I would like to register my strong opposition to H.B. 66 for a number of reasons, set forth below:

(1) Redoubt Bay is the last area on the West side of Cook Inlet that is still open to the people of Alaska without any restrictions. To the South there is the Illiamna restrictive area, to the West there is the Lake Clark restrictive area, and to the North the McArthur River restrictive area.

(2) The fish, game and fowl can be protected by the Department of Fish and Game without the area being designated a wildlife refuge or any other restrictive classification.

(3) My information is that one of the subspecies of geese, i.e. Tule Goose, uses the entire West side of Cook Inlet for nesting, not just Redoubt Bay. Therefore, there is more than enough area under restrictive classification to protect the Tule Goose. My information is there are about 5,000 to 8,000 Tule Geese nesting on the West side with only about 1,500 in the Redoubt Bay area.

(4) My information also discloses that the Tule Goose leaves the area before September 1st, the day hunting

The Honorable Fred F. Zharoff
The Honorable Terry Gardiner
Page Two
February 23, 1981

season opens. Therefore, there is no need to protect the Tule Goose from hunters.

(5) I have been utilizing the Redoubt Bay area for over eight years for sightseeing, camping, fishing and hunting and I have many friends who also use the area for all or some of the same reasons and the fish, game and fowl have not been disturbed to any great extent, at least not to the extent that they need any protection by the State or anyone else. The most prevalent danger to game and fowl in Redoubt Bay is not man, but the bear population, both Brown and Black Bears.

(6) The last, but by no means the least, of my reasons, is the Federal, State and Local Governments' insatiable appetite to own, control, regulate, manage or otherwise restrict the use of lands in Alaska by Alaskans. The Big Brother syndrome is not always the cure but sometimes the disease.

I cannot urge you too strongly to reject H.B. 66 for the reasons set forth above. It is about time that the people who live in Alaska be given some consideration.

Sincerely,


EDWARD L. GARNETT

ELG/jlp



Alaska State Legislature

House of Representatives

Committee on Resources

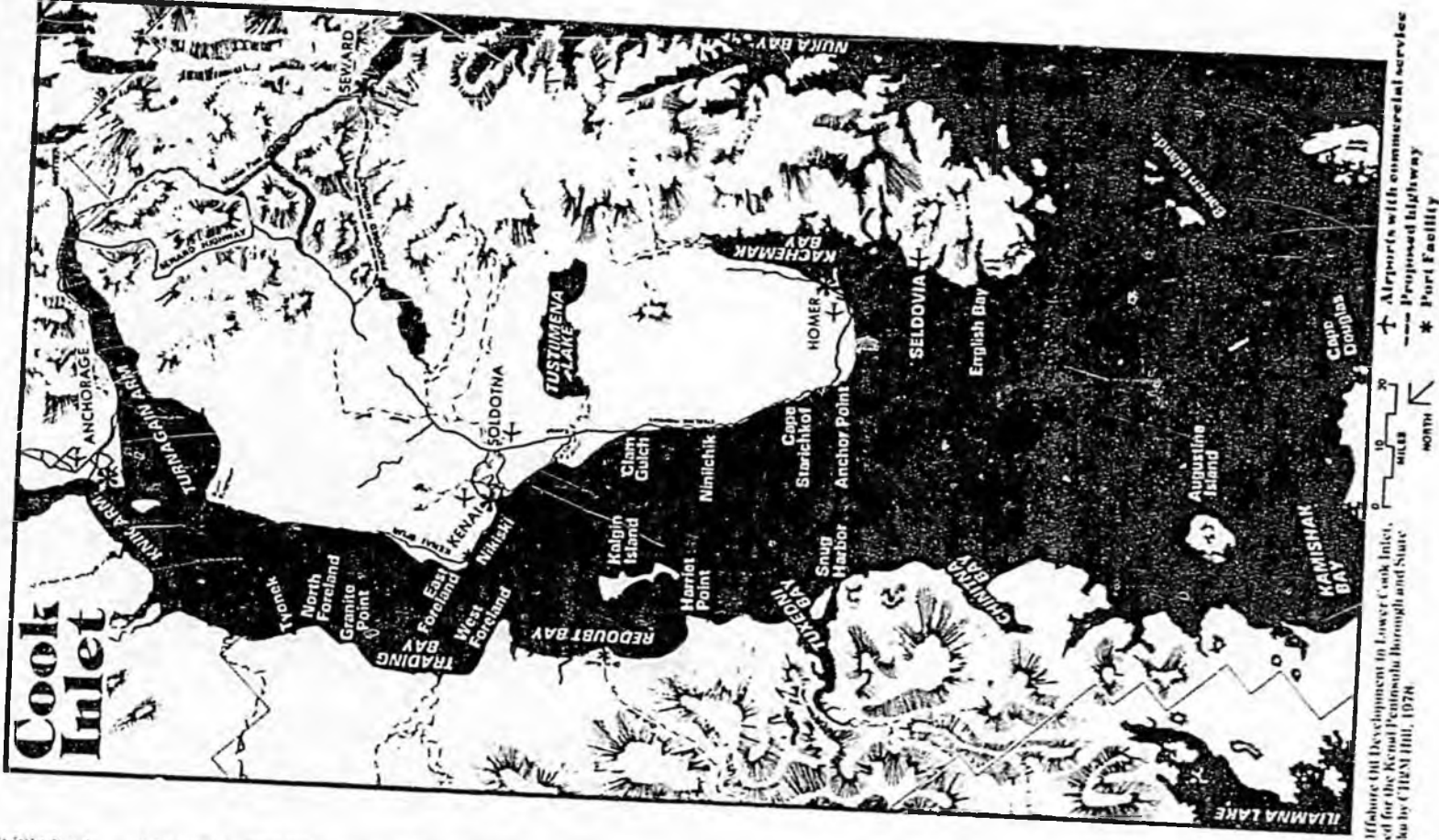
Terry Gardiner, Co-Chairman
Fred F. Zharoff, Co-Chairman
465-3715

Pouch V
State Capitol
Juneau, Alaska 99811

Section by Section Summary HB 66

- (a) Sets out boundry^{ry} of refuge.
- ✓ (b) State may not use eminent domain to acquire private land in withdrawn area. DNR may adopt zoning regulations governing private land only to the extent necessary to insure compatability with the refuge.
- (c) Allows access corridors to private land holdings, including set net leases.
- (d) A list of what refuge is established to protect.
- (e) Oil & Gas exploration and development permitted when compatable with purposes of refuge. Existing leases valid.
- (f) Borough approval before any land is selected within proposed withdrawal can become part of the refuge.
- (g) Rights of borough or city to select entitlement lands are not impaired or altered.
- (h) Land within right-of-ways^s excluded from refuge; however, when these interests revert to the state, the land shall be included.
- (i) DNR shall adopt regulations for permits of seasonal cabins or shelters. Permits are for 5 years and to be renewable.

Cook Inlet



From Oilshore Oil Development in Lower Cook Inlet, prepared for the Kenai Peninsula Borough and State of Alaska by CH2M Hill, 1978.



- ✈ Airport with commercial service
- Proposed highway
- * Port Facility

January 12, 1981

Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Redoubt Bay State Game Refuge.

The purposes in designating Redoubt Bay a refuge are to protect and preserve the natural habitats and associated fish and wildlife populations; and to protect and preserve this area for existing and potential public hunting, fishing, and other forms of recreation.

Redoubt Bay is the last remaining major coastal waterfowl habitat in upper Cook Inlet which presently receives no formal recognition by the state for its fish and wildlife resource values. This area has several outstanding attributes that make refuge status desirable. It has the highest summer population of ducks (14,000) and is probably the most important nesting area for waterfowl in Cook Inlet; its preservation is critical as a nesting, molting, and migration staging area for the majority of the population of tule goose (up to 1,300 geese annually).

This sub-species of the white-fronted goose is estimated to number approximately 1,500 birds or equal to that of the endangered Aleutian Canada goose sub-population. Its presence was confirmed during the summer of 1980 when neck collared tule geese from the California wintering areas were positively identified nesting in the area. The remainder of the sub-species population apparently used other areas in Cook Inlet already covered with protective legislative designation.



Land ownership within the proposed refuge boundary is made up of approximately 144,000 acres of general state selection land; 60,320 acres of state tide and submerged land, and 889 acres of privately owned land.

Sincerely,

S/JSH

Jay S. Hammond
Governor



REPRESENTATIVE SALLY SMITH • 321 CHURCH STREET • FAIRBANKS, ALASKA 99701 • IN JUNEAU: POUCH V • JUNEAU, ALASKA 99811

M E M O R A N D U M

To: Rep. Zharoff
Rep. Gardiner
Co-Chairmen
House Resources Committee

FROM: Rep. Smith *Sally*
Committee member

DATE: February 18, 1981

RE: HB 66 Redoubt Bay State Game Refuge

As a matter of clarification, I asked my staff to look into the language included in HB 66, beginning on page 2 from line 14 through 19. The sentence begins, "... The Department of Natural Resources may..."

In Alaska, there are seven designated game refuges. AS 16.20 provides similar language as in HB 66 for four of the seven game refuges. They are: Palmer Hay Flats, Moose Bay, Susitna Flats and Trading Bay. The statute provides that:

"The department of natural resources may adopt, in accordance with the Administrative Procedure Act (AS 66.62), zoning regulations governing privately owned land within the...Refuge..."

It is interesting to note, that according to the information I have received, that DNR has never implemented this provision. It is only considered as "backup." In other words, if a problem does arise, the department will be in a position to act quickly.

The proposed legislation in HB 66 goes a step further than following the above language, and further states: "...only to the extent that these regulations are necessary to insure compatibility with the intended use of the refuge." The zoning regulation provision is consistent, but the further tightening of that section as indicated above is not.

Dear Mr. Charoff -

It has come to my attention that bill H3 66, that requires 100,000 acres of Alaskan land to be sold each year, is disrupting land management in this state. Both in conservation & development areas. I hope that this law can be repealed at this session of congress & also that your group will make land disposal reform a high priority.

Sincerely,

Karen A. Eronlund
Karen A Zouk
3650 Hazen Circle
Anchorage
Alaska
99502

12

MSG 81-00010257 PRTY 1 03/30/81 12:07:47 ORIG: LF01 IN= 0003 OUT= 0025
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: MEMBERS HOUSE RESOURCES: REPS, ZHAROFF, GARDINER, CHUCKWUK, GRUSSENDORF,
HURLBERT, SMITH, VASKA, BARNES, BETTISWORTH, HALFORD, SUTCLIFFE

FROM: MARILYN SIGMAN, ALASKA CHAPTER, THE WILDLIFE SOCIETY, S.R. BOX 20144 Z
FAIRBANKS 99701 PHONE 452-7417

RE: HB66 CREATING REDOUBT BAY STATE GAME REFUGE

WE URGE YOU TO PASS HB66 TO PROTECT THE UNIQUE WILDLIFE VALUES OF THE REDOUBT
BAY AREA. THIS WOULD PROVIDE PROTECTION FOR THE SOLE KNOWN RESTING GROUNDS
OF THE SMALL POPULATION OF TULE GEESE.

12

MSG 81-00010257 PRTY 1 03/30/81 12:07:47 ORIG: LF01 IN= 0003 OUT= 0025
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: MEMBERS HOUSE RESOURCES: REFS, ZHAROFF, GARDINER, CHUCKWUK, GRUSSENDORF,
HURLBERT, SMITH, VASKA, BARNES, BETTISWORTH, HALFORD, SUYCLIFFE

FROM: MARILYN SIGMAN, ALASKA CHAPTER, THE WILDLIFE SOCIETY S.R. BOX 20144 Z
FAIRBANKS 99701 PHONE 452-7417

RE: HB66 CREATING REDOBT BAY STATE GAME REFUGE

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BAY AREA. THIS WOULD PROVIDE PROTECTION FOR THE SOLE KNOWN RESTING GROUNDS
OF THE SMALL POPULATION OF TULE GEESE.

ALASKA STATE LEGISLATURE



HOUSE OF REPRESENTATIVES

REPRESENTATIVE SALLY SMITH • 321 CHURCH STREET • FAIRBANKS, ALASKA 99701 • IN JUNEAU: POUCH V • JUNEAU, ALASKA 99811

M E M O R A N D U M

To: Rep. Zharoff
Rep. Gardiner
Co-Chairmen
House Resources Committee

FROM: Rep. Smith *Sally*
Committee member

DATE: February 18, 1981

RE: HB 66 Redoubt Bay State Game Refuge

As a matter of clarification, I asked my staff to look into the language included in HB 66, beginning on page 7 from line 14 through 19. The sentence begins, "... The Department of Natural Resources may..."

In Alaska, there are seven designated game refuges. AS 16.20 provides similar language as in HB 66 for four of the seven game refuges. They are: Palmer Hay Flats, Goose Bay, Susitna Flats and Trading Bay. The statute provides that:

"The department of natural resources may adopt, in accordance with the Administrative Procedure Act (AS 66.62), zoning regulations governing privately owned land within the...Refuge..."

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The proposed legislation in HB 66 goes a step further than following the above language, and further states: "...only to the extent that these regulations are necessary to insure compatibility with the intended use of the refuge." The zoning regulation provision is consistent, but the further tightening of that section as indicated above is not.

3,19

Rep. Fred Zerkoff
Pouch V
Juneau, AK 99811

Dear Rep. Zerkoff:

Please repeal the 100,000
acre/year quota of state
land disposal, as per
HB 66.

We oppose wholesale give-
away-unplanned-of our
state lands.

Please work for a more
orderly process. Thank you.

M/M Gene Eskline
SEA Box 470-D
Juneau, AK 99801

HB

72

SUPPLEMENTAL FISCAL NOTE, TO COVER COSTS
ASSOCIATED WITH DEVELOPMENT OF AN IN-STATE
HAZARDOUS WASTE SECURE LANDFILL

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-72
 Title Act relating to the disposal of radioactive and hazardous wastes
 Requested by Rogers, Gardiner, Clocksin and Miller Date _____

II. FISCAL DETAIL

Agency Affected Environmental Conservation
 Program Category Affected Environmental Conservation
 BRU, Program, or Subprogram(s) Affected Environmental Quality Management; Env. Quality Operation:
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-	-	58.3	64.1	70.5	77.6
200 TRAVEL	-	-	12.0	7.0	7.7	8.6
300 CONTRACTUAL	-	150.0	2,225.0	15.0	16.5	18.1
400 COMMODITIES	-	-	2.0	2.0	2.0	2.0
500 EQUIPMENT	-	-	10.0	2.0	2.0	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-	150.0	2,307.3	90.1	98.7	108.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-	150.0	2,307.3	90.1	98.7	108.7
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Fund Source)						

POSITIONS

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

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

HB-72 as originally written did not allow for any in-state disposal of hazardous waste. However, a proposed change to Sec. 18.31.010, if adopted, would allow for in-state disposal of those wastes which could not be recycled or rendered harmless. The only way to safely dispose of those wastes which cannot be recycled is in a "secure landfill", which is a carefully located, designed and operated facility which will assure that the deposited wastes will have no adverse effects on the public health or environment.

Other states are becoming increasingly reluctant to accept out-of-state hazardous wastes, and this reluctance will be more pronounced in years to come, particularly as the quantities of waste increase, as will happen in Alaska. As Alaskan industry develops, there will be a critical need to provide for disposal of hazardous wastes. This fiscal note identifies the steps which

IV. DATE March 10, 1981 PREPARED BY Thomas R. Hanna
 AGENCY Dept. of Environmental Conservation
 PHONE 465-2666
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

must be taken to develop an in-state hazardous waste secure landfill. The assumptions on which this fiscal note are as follows:

1. There are hazardous waste disposal site locations within the state which are accessible, capable of being developed and maintained in an environmentally safe manner for an indefinite time period, and acceptable to the public.
2. Only low-level radioactive waste, and hazardous waste, generated within the state will be disposed in the secure landfill.
3. The state will own the landfill, set standards and criteria for its operation, and periodically inspect to assure that it is operated and maintained in an environmentally acceptable manner. Operation and maintenance of the facility will be carried out by a private operator on contract to the state.
4. There will be a 10% inflation for each year beyond FY-82.

FY-82 ACTIVITIES AND COSTS

During FY-82 a feasibility study to identify suitable sites for a secure landfill is needed. This study would be conducted by consultant under contract from the department, to have several alternative sites selected by January, 1982. The feasibility study will cost \$100,000, plus \$50,000 for sampling of groundwater and soil characteristics at the final candidate site locations (prior to announcing the results of the study).

A detailed plan of developing the site, including the types of wastes expected to be handled, the means of transportation of the wastes, and the associated costs, will be presented to the legislature.

FY-83 ACTIVITIES AND COSTS

During FY-83, the landfill design details will be finalized. One person full-time will be needed to oversee the effort, handle contract negotiations, assure that the landfill is designed and constructed, and operated properly. The costs associated with this phase could vary substantially depending on the site location and final design details, and the costs listed should be considered only appropriate. Underwriting of costs by industry could substantially reduce these costs to the state, and alternative financing means will be evaluated.

1. Cost of Department Position, to oversee design, construction and operation of facility:

Personal Services (R20)	58.3
Travel	12.0
Contractual	25.0
Commodities	2.0
Equipment	10.0

Subtotal

107.3

2. Detailed design of facility (by contract)	\$ 200.0
Will include site layout, support facilities, logistics, in-depth site testing of soils, groundwater, design of cell membranes, cell depths and locations/characteristics, leachage control system design	
3. Construction of facility and startup (by contract)	\$2,000.0
Includes all construction associated with facility and including all items mentioned in (2) above, construction quality assurance and inspections, landfill equipment	
<u>TOTAL FY-83:</u>	<u>\$2,307.3</u>

FY-84 AND BEYOND

Operational costs are likely to run between \$500,000 and \$1,000,000, and will be highly dependent on site location, amount and types of wastes disposed of, and the disposal fees to be charged. The actual costs should be covered by the disposal fees charged, however, and the only costs to the State General Fund would be those to fund the full-time landfill inspection position.

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Membership Comments Requested on Disposal of High-Level Radioactive Waste

The Government, Energy, and Minerals (GEM) Committee of the Society of Mining Engineers reviewed the following policy statement on disposal of high-level radioactive waste. This statement was adopted by the Association of Engineering Geologists with the request that SME-AIME endorse and publicize the statement.

Before presentation to the SME-AIME Board of Directors for endorsement, the GEM Committee requests input from the membership. Address comments to GEM Committee, c/o Claude L. Crowley, Society of Mining Engineers, Caller No. D, Littleton, CO 80127.

Association of Engineering Geologists Policy Statement on Disposal of High-Level Radioactive Waste

Adopted by the AEG Board of Directors
June 27, 1980

It is the position of the Association of Engineering Geologists that radioactive nuclear wastes can be safely isolated and disposed of by deep underground burial in secure geological environments. The scientific and technical means to locate and define the boundaries of these environs and to achieve such safe disposal is well developed and increasing. Sufficient criteria have now been established to permit responsible selection of candidate sites. A sense of urgency regarding safe disposal of nuclear wastes prevails, and it can and must be satisfied.

The waste is dangerous over a long period of time and many people are so conditioned in this concept that they tend to react emotionally rather than objectively when radioactive waste is mentioned. This has resulted in a call to cease construction of nuclear power plants and passage of laws to prohibit the disposal of nuclear waste.

Nuclear waste has been produced from civil and military activity. This accumulated waste must be disposed of soon because present temporary storage facilities are not designed for permanent separation of the waste from the biosphere.

One of the methods of isolation of the waste is deep burial in specially excavated spaces in structurally adequate bedrock where ground water is absent or will not return to the biosphere carrying with it waste materials and where erosion will not expose the waste during its radioactive lifetime. To these conditions is added a requirement for a location such that future societies will most probably never expose the waste inadvertently. The location and demonstration of the feasible, acceptable character of such sites is a geological problem. It can be solved by the investigative and analytical methods now available within the geological professions.

Repository sites should be strategically located, as far as geological and subsurface conditions permit, with respect to the regional distribution of nuclear facilities. Each site should be selected only on the basis of a progressive sequence of comprehensive investigations.

Primary considerations in the selection of each repository site must be long-term geological integrity of the host rock through natural retardation of radionuclide travel and amenability to simple, proven, and reliable methods of engineered design and construction. Safe disposal sites can be found in several types of rock. Technologies exist to ensure selection of disposal sites in these geologic media which can provide long-term integrity without harmful effects due to migration of radioactive materials to the biosphere.

Each disposal site should be selected and developed cooperatively by governmental entities, private industry and academic researchers. Full and open disclosure must be an integral part of the entire process to assure the protection of the health, welfare and safety of the public. The selection process should proceed with all deliberate speed.

Leslie C. Gates
Chairman,
SME-AIME GEM Committee

DRAFT

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

TESTIMONY ON HB-72

RELATING TO THE DISPOSAL OF RADIOACTIVE AND HAZARDOUS WASTES

FEBRUARY 13, 1981

The Department of Environmental Conservation welcomes the opportunity to review and comment on HB-72, relating to the transportation, storage, and disposal of nuclear and other hazardous waste material in Alaska. The Department strongly supports legislation on these two important environmental concerns.

Before getting into our detailed testimony, we would like to indicate that there is other legislation relating to hazardous and radioactive wastes. SB-29, which is now in the Senate Judiciary Committee, covers the transportation and disposal of nuclear waste - our comments today on nuclear wastes will be similar to our earlier testimony on SB-29 which we also support. In addition, the Administration is about to submit a hazardous waste bill within the next one to two weeks. We hope that all of these bills will be made compatible with each other, and possibly consolidated into one comprehensive bill which is suggested by HB-72. We would like to now present our testimony on the bill (HB-72), first discussing the portions dealing with radioactive wastes, and then discussing that portion dealing with hazardous wastes.

Radioactive wastes:

The portion of the bill relating to radioactive wastes (Section 18.45.025 and 46.03.842-844) is similar to SB-29, which has undergone several hearings

already in this legislative session. These sections require that any new facility producing, using, or disposing of high level nuclear waste material must first obtain a permit from the department. It also requires that the department adopt regulations governing issuance of these permits and that these regulations and any permits cannot be issued unless the legislature, local government, and governor have given approval. As written, this portion of the bill will clearly state the legislature's intent that these highly toxic wastes should not be disposed of in Alaska. The Department supports this policy, and would like to recommend several relatively minor changes in wording, to avoid potential problems which are otherwise likely to result:

- (1) As written, Section 18.45.025 may be in conflict with the recent State Supreme Court decision concerning legislative review and approval of regulation and permits, in particular subsections (1) and (3). We have attached SB-29 which eliminated these two conditions, along with a copy of our testimony on that bill. We understand that the Senate Judiciary Committee is now considering language which would be compatible with the court case and yet still provide for legislative oversight on this important environmental issue. This Committee might want to consider changes to this portion of the Act to make it compatible with the court decision.
- (2) Section 46.03.842 covers transportation of "nuclear wastes". As it is now written, it will also prohibit nuclear materials used for medicine, industry, and research, much of which is low-level material which could adequately transported and safely deposited in properly constructed landfills without posing a threat to health or the environment. Especially considering the likely increase in growth in the state and the need for

these activities, we recommend that this section refer only to high-level nuclear wastes, by including "high-level" in front of "nuclear wastes" in the section. This wording is included on the attachment to this testimony.

- (3) The Committee should be aware that there are other existing statutes relating to the disposal of radioactive wastes: AS 46.03.250 and AS 46.03.260 also cover the adoption, regulation, and issuance of permits for disposal of radioactive wastes. In an effort to clarify the jurisdiction of these statutes with those proposed in HB-72, the department recommends that a slight housekeeping amendment be added to the bill to make these statutes to apply only to low-level radioactive wastes. The suggested changes to these statutes are also included on the attachment, which would then allow the department to regulate the disposal of low-level radioactive wastes through regulation and permit, whereas high-level nuclear wastes would come under the considerably more stringent requirements of other sections in this bill.

Hazardous Wastes:

The portion of the bill dealing with all hazardous wastes would provide the department explicit authority to adopt regulations for the safe disposal of hazardous wastes in the state. At this time there are no detailed standards or criteria established in Alaska covering hazardous materials, yet these substances can easily cause a threat to public health and environment if improperly handled, transported, or disposed of.

Hazardous wastes are generated by virtually every part of the Alaskan economy. Not only does major industry generate these materials, but they also are generated by small businesses and commercial establishments, government operations, and virtually every individual in the state. These wastes can include anything which is ignitable, reactive, toxic or corrosive, and would include such common substances as paint thinners, wood preservatives, acids, and a wide variety of chemicals and petroleum substances which can be hazardous if not properly handled and disposed of. However, there is very little widespread knowledge of how these materials should be handled. Worse yet, there are few adequate disposal facilities (none in Alaska) which can handle these substances without eventually causing a hazard to the environment.

The department very strongly supports the need for regulations and safeguards in this environmental effort, and to have specific legislative intent defined in the Alaska statutes. This currently does not exist except for general environmental protection authorities as stated in AS 46.03.020(10).

One concern on HB-72 is that Section 18.31.010 would make it unlawful to dispose of hazardous waste in the state unless "the waste has been processed to remove its harmful properties". The department strongly supports the need to reduce these hazardous to the maximum extent possible, and this can be done through recycling and/or incineration. Through these means about 80-85% of the total volume of hazardous wastes can be eliminated or rendered harmless, provided that proper facilities are available. However, the remaining 15-20% of the wastes will still need some means

ATTACHMENT TO
DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S
TESTIMONY ON HB-72

SUGGESTED CHANGES TO HB-72
RELATING TO RADIOACTIVE AND HAZARDOUS WASTES

ADDITION OF "HIGH-LEVEL" TO SEC. 46.03.842 AS FOLLOWS:

Section 46.03.842. TRANSPORTATION OF NUCLEAR WASTE MATERIAL. The transportation of high level nuclear waste material in the state, except for purposes of disposal outside the state, is prohibited.

MODIFICATION OF SEC. 18.31.010 AS FOLLOWS:

Section 18.31.010. DISPOSAL OF HAZARDOUS WASTE PROHIBITED. It is unlawful to dispose of hazardous waste in the state, unless it has been subjected to best available disposal techniques and cannot be rendered harmless, its harmful properties cannot be removed or the wastes recycled. Disposal shall be in accordance with regulations adopted by the department, and done in such a manner as to protect the public health, livestock, wild-life and the environment.

ADDITION OF THE FOLLOWING NEW SECTIONS:

Sec. 46.03.250. AUTHORITY. The department shall adopt regulations establishing standards governing the discharge of low level radiation (RADIONUCLIDES) to the air, water, land and subsurface of the state.

Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts an operation which results in the discharge of low level radiation (RADIONUCLIDES) to the air, water, land or subsurface land of the state must obtain a permit from the department before commencing the discharge.

A M E N D M E N T

In the SENATE

BY RODEY

To: SB 29

Page 1, line 13:

After "Conservation" insert "to construct the facility on land designated by the legislature under (b) of this section".

Page 1, after line 13:

Insert

"(b) The legislature shall designate by law the land in the state on which a nuclear fuel production, utilization, reprocessing or disposal facility may be located."

Page 1, line 14:

Change "(b)" to "(c)"

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Testimony on SB-29

Relating to the Disposal of Radioactive Wastes

February 4, 1981

The Department of Environmental Conservation welcomes the opportunity to review and comment on SB-29, relating to the disposal of radioactive wastes in Alaska. We support this bill, and feel that it will provide much-needed clarification to existing Alaska Statutes relating to the handling and disposal of nuclear wastes.

As written, SB-29 will accomplish four things. First, it will eliminate certain aspects of the currently existing Alaska Statute 18.45.025 which would be found to be unconstitutional under the terms of a recent state supreme court decision. These changes would take the legislature out of the formal process of reviewing and approving regulations and permits relating to the disposal of nuclear wastes. However, the Department would still have to obtain local government and governor approval to either activity. These conditions are retained from the present AS 18.45.025, and are supported by the Department as desirable preconditions for issuing permits for high level nuclear activities.

The second thing accomplished by the bill will be to prohibit the disposal of high level wastes. This portion of the bill will clearly indicate the legislature's intent that these highly toxic wastes should not be disposed of in Alaska.

The third part of the bill, which was added in the Senate Resources Committee, will amend AS 46.03.250 and AS 46.03.260 to apply to low level radiation only. This change will eliminate overlapping jurisdictions which currently exist between these statutes and AS 18.45.025, which is included in the first part of this bill. The Department supports this change, which will clarify the legislature's intent on regulating low level radioactive waste disposal.

The last effect of this bill will be to prohibit the transportation of nuclear wastes in the state, except for the purpose of disposal outside of the state. The Department supports this portion of the bill, with the understanding that its intent is to apply to high level wastes only. Low level radiation is used in numerous application in Alaska, primarily in research, medicine and instrumentation, and transportation of these materials can be done in a safe manner as long as adequate handling procedures are followed. These low level materials were specifically excluded from the definition of "high level nuclear waste material" found in the bill. To clarify this portion of the bill, the Department recommends that the words "high level" be added to the proposed AS 18.45.027 as follows:

"Section 18.45.027. TRANSPORTATION OF NUCLEAR WASTE MATERIAL.

The transportation of high level nuclear waste material in the state, except ^{for} purposes of disposal outside of the state, is prohibited."

The Department thanks the Committee for consideration of our comments, and we would be glad to respond to any questions or provide additional information.

of disposal. While it would be nice if other states would take these wastes, the trend across the country is that fewer and fewer waste disposal sites (as well as states) are willing to take on the burden of waste disposal from other states.

This trend is likely to continue, and it may be possible out-of-state disposal sites would not be available to Alaskan wastes within the next five years. Consequently, the department recommends that modifications be made to Section 18.31.010 to allow for the disposal of hazardous wastes within the state but only under very carefully prescribed conditions, and at the same time require the best available disposal practices be used so that the amount and risk of these wastes will be minimized. Suggested language is attached to our testimony which should accomplish these two objectives.

This bill will require a fiscal note, to cover the expense of field and technical personnel to help the Alaskan public and industry in properly disposing of these materials. This note will be provided to the Committee no later than February 18, along with an explanation of what is covered in the fiscal note and how the Department will establish an effective hazardous waste control program under this legislation.

The department thanks the committee for consideration of our comments and for the opportunity to present oral testimony on this bill. We would be glad to respond to any questions or provide any additional information which might be requested.

A M E N D M E N T

Offered in the HOUSE

BY VASKA

TO: HB 72

Page 2, lines 24 and 25, delete all material and replace with:

(2) approval of the permit has been obtained as required in (c) of this section [THE LOCAL GOVERNMENT WITH JURISDICTION OVER THE PROPOSED FACILITY SITE HAS APPROVED THE PERMIT];

Page 2, following line 28, insert:

(c) If the nuclear fuel production facility, utilization facility, or reprocessing facility is to be located in a city, borough, or unified municipality, a permit may not be issued under this section unless the governing body of the city, borough, or unified municipality approves the issuance of the permit. If the nuclear fuel production facility, utilization facility, or reprocessing facility is to be located in the unorganized borough, a permit may not be issued under this section unless a majority of the registered voters who live within 100 miles of the proposed facility vote to approve the issuance of the permit for the facility at a general or special election of the state called for the purpose.

League of Women Voters of Alaska

8926 Birch Lane
Juneau, AK 99801
February 12, 1981

The Honorable Terry Gardiner and
Fred Zharoff, Co-Chairmen
House Resources Committee
Alaska Legislature
Juneau, AK 99811

Re: House Bill 72 (Hazardous and Nuclear Wastes)

Dear Representatives Gardiner and Zharoff & Committee Members:

The League of Women Voters of Alaska supports enactment of House Bill 72, especially proposed new AS 46.03.844 (prohibiting in-state storage of high level nuclear waste material).

We do ask, however, that the Committee consider incorporating into the legislative history, as guidance to the Department of Environmental Conservation when drafting its facility siting permit regulations pursuant to AS 18.45.025, the League's "criteria for evaluating suitability of storage or disposal sites for hazards and nuclear (including low-level radioactive) waste." A copy of these criteria is attached as Exhibit A. As the title implies, these criteria are applicable not only to nuclear waste storage and disposal sites, but also to hazardous chemical waste storage and disposal sites. Presumably the only nuclear waste storage facilities which could be permitted (under the legislation written) would be for storage of low level radioactive waste and the League's "criteria" apply to those facilities as well.

With respect to hazardous chemical waste storage and disposal facilities, the League has not attempted in preparing these comments, to analyze House Bill 72 for consistency with the federal Resource Conservation and Recovery Act (RCRA) and pertinent regulations thereunder (e.g., 40 CFR Part 123, State Programs), so that the resulting Alaska statutes would enable the State to take over the

implementation of RCRA in Alaska if that is desired. Such an analysis is recommended, and the Department of Environmental Conservation (based on studies it has under way) may be able to provide valuable comments in that regard. We would not wish to see the nuclear waste provisions of the bill delayed, however, awaiting lengthy analysis of the chemical waste portions.

The Committee's attention is invited to a possible problem posed by proposed AS 46.03.842, which prohibits transportation of all nuclear waste material in this state except for purposes of disposal outside the state. We question whether it was not the intent to prohibit in-state transportation of high level nuclear waste material in the state. The present wording will prohibit all in-state transport of even those low level radioactive materials used in medicine, education or scientific research, which presumably should be taken away from the Alaskan institutions or hospitals where they have been used and stored in a suitably permitted Alaskan disposal facility limited to low level radioactive materials storage. Do Alaskans prefer to continue storing our low-level radioactive wastes in the State of Washington indefinitely, or should we be taking responsibility ourselves for storage of the low-level radioactive wastes we generate?

Finally, the Committee should be aware that since the A.L.I.V.E. decision, statutory provisions for the Legislature to approve regulations by the mechanism of a concurrent resolution no longer have any legal effect. State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980). We are referring specifically to AS 18.45.025(b)(1). It may be that Subsection (b)(3), concerning legislative approval of a facility permit by concurrent resolution, has also been affected by the A.L.I.V.E. decision. Probably Assistant Attorney General Jon Tillinghast could answer this question.

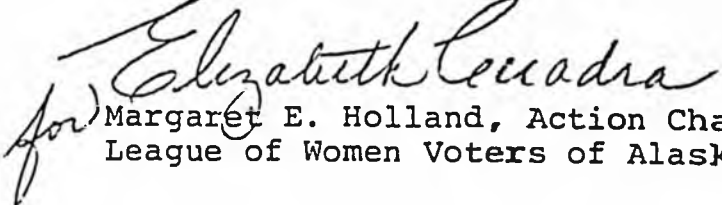
We are pleased that the present statute as amended will afford opportunities for meaningful citizen participation; first, when the regulations to be issued by the Department have been drafted and are out for public site. We invite the Committee's attention, however, to the draft uniform procedural regulations (now out for public comment) resulting from the Governor's Permit Reform Project.

The Honorable Terry Gardiner and
Fred Zharoff, Co-Chairmen
February 12, 1981
Page Three

Under these regulations, the Department will decide whether these facility permits are Class 1 or Class 2 permits. As the procedural regulations are presently drafted, Class 1 permits can be issued without any public notice nor notice to local government. Furthermore, some of the facility sites may be located in the unorganized borough, where there is no municipality involved under AS 18.45.025(b)(2). For the sake of obtaining adequate interagency and public participation in the individual siting permit decision, we believe that permits for hazardous chemical waste storage facilities and for radioactive (even low level) waste storage facilities should be Class 2 permits.

Thank you for considering our comments.

Sincerely yours,


for Margaret E. Holland, Action Chair
League of Women Voters of Alaska

MEH:DEC:rm

Enclosure ("Nuclear Waste Primer," League of Women Voters
Education Fund, 1980, 2 copies)

Criteria for Evaluating Suitability of Storage or Disposal Sites for Hazardous and Nuclear (including Low-Level Radioactive) Waste

These criteria, developed in April 1980, are an arrangement of national Environmental Quality and Land Use positions to help Leagues judge both the process employed in site determination and the suitability of a proposed site.

To ensure safe disposal:

- No disposal or storage sites shall be located in natural hazard areas such as floodplains, areas with high seismic or volcanic activity, areas of unstable geologic, ice or snow formations, or areas subject to extensive damage from hurricanes.
- There should be an examination of alternative sites, methods of storage and methods of treatment.
- Both on and off site monitoring for contamination of ground and surface waters and soils are of the utmost importance.
- Containers should be designed to prevent leakage of the material stored or disposed of.
- When containers are stored there should be regular inspections for possible leakage.

Siting of waste disposal or storage facilities should not take place in areas of critical concern, which include:

- Drinking water supply sources such as reservoirs and other storage facilities and sole source aquifers and watersheds.
- Fragile land areas such as shorelines of rivers, lakes and streams; estuaries and bays or wetlands.
- Where there are rare or valuable ecosystems or geologic formations, significant wildlife habitat or unique scenic or historic areas.
- Areas with significant renewable resource value, such as prime agricultural lands, aquifer or aquifer recharge areas, significant grazing and forest lands.

The waste siting decision-making process should provide for:

- Ample and effective public participation, including adequate funding for such participation.
- Economic, social and environmental impacts statements so that both decision makers and the public have information on which to base a decision. Secondary land use demands, in addition to the actual site, should be considered — roads, sewers, water, etc.
- Site selection in conformance with any adopted comprehensive plan — an example would be an adopted Coastal Zone Management Plan.
- Participation and review by all governmental levels to assure conformance with comprehensive plans at each level of government.
- Procedures for mediation of intergovernmental conflicts.

Exhibit A

TO: House Resources Committee
FROM: League of Women Voters of Alaska
RE: H.B. 72: Erratum for LWVAK Letter of February 12
DATE: February 12, 1981

In the final text of our letter of February 12, we unintentionally omitted some lines on page 2, last paragraph. The first sentence of that paragraph should read:

"We are pleased that the present statute as amended will afford opportunities for meaningful citizen participation; first, when the regulations to be issued by the Department have been drafted and are out for public comment; and second, when municipalities hold their public hearings to develop the municipality's position regarding a permit for a specific proposed facility site."

The underscored portion is the part we unintentionally omitted.

1 IN THE HOUSE

BY ROGERS

et al.

2 CS HOUSE BILL NO. 72

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 PRESENTING A BILL

6 For an Act entitled: "An Act relating to the transportation, storage and
7 disposal of nuclear and other hazardous waste material;
8 and providing for an effective date."

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

10 * Section 1. AS 18 is amended by adding a new chapter to read:

11 CHAPTER 31. HAZARDOUS WASTE.

12 Sec. 18.31.010. DISPOSAL OF HAZARDOUS WASTE PROHIBITED. It is
13 unlawful to dispose of hazardous waste in the state unless the waste
14 has been processed to remove its harmful properties in accordance with
15 regulations adopted by the department.

16 Sec. 18.31.020. REGULATIONS. The department shall adopt regu-
17 lations in accordance with the Administrative Procedure Act (AS 44.62)
18 for the disposal of hazardous waste to protect the public health, live-
19 stock, wildlife, and the environment.

20 Sec. 18.31.030. PENALTIES. (a) A person who violates AS 18.-
21 31.010 or a regulation adopted under AS 18.31.020 is guilty of a Class
22 A misdemeanor.

23 (b) A corporation that violates AS 18.31.010 is subject to a
24 civil penalty of not less than \$10,000.

25 Sec. 18.31.100. DEFINITIONS. In this chapter

26 (1) "department" means the Department of Environmental Con-
27 servation;

28 (2) "dispose" means to abandon, deposit, or otherwise dis-
29 card;

(3) "hazardous waste" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may

(A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(B) pose a substantial present or potential hazard to human health or environment when improperly disposed of;

(4) "waste" means material for which no use or reuse is intended and which is to be disposed of.

* Section 2. AS 18.45.025 is amended to read:

Sec. 18.45.025. FACILITIES SITING PERMIT REQUIRED. (a) A [NO] person may not construct a nuclear fuel production facility, utilization facility, reprocessing facility, or nuclear waste disposal facility in the state unless he has first obtained a permit from the Department of Environmental Conservation to construct the facility on land designated by the legislature under (b) of this section.

(b) The legislature shall designate by law the land in the state on which a nuclear fuel production, utilization, reprocessing or disposal facility may be located.

(c) The Department of Environmental Conservation shall adopt regulations governing the issuance of [THESE] permits required by (a) of this section. However, a [; HOWEVER, NO] permit may not be issued until

[(1) THE LEGISLATURE HAS APPROVED THE REGULATIONS BY A CONCURRENT RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS OF EACH HOUSE;]

(2) the municipality [LOCAL GOVERNMENT] with jurisdiction over the proposed facility site has approved the permit; and
doesn't take care of non-municipal (uninc. boro) areas.

[(3) THE LEGISLATURE HAS APPROVED THE PERMIT BY A CONCURRENT RESOLUTION CONCURRED IN BY A MAJORITY OF THE MEMBERS OF EACH HOUSE;

AND]

(4) the governor has approved the permit.

* Sec. 3. AS 18.45 is amended by adding a new section to read:

Sec. 18.45.027 TRANSPORTATION OF NUCLEAR WASTE MATERIAL. The transportation of ^{HIGH LEVEL Comm. amendment} nuclear waste material, except for purposes of disposal outside the state, is prohibited.

* Section 4. AS 46.03.020(10)(H) is repealed and re enacted to read:

(H) operation, handling, transportation, treatment, storage, and disposal of hazardous waste, and safe handling and storage of hazardous material;

* Sec. 5. AS 46.03.020(10) is amended by adding a new subparagraph to read:

(I) any other purpose which may be required to implement the policy declared in AS 46.03.010;

* Sec. 6. AS 46.03.250 is amended to read:

Sec. 46.03.250. AUTHORITY. The department shall adopt regulation establishing standards governing the discharge of low level radiation [RADIONUCLIDES] to the air, water, land, and subsurface land of the state.

* Sec. 7. AS 46.03.260 is amended to read:

Sec. 46.03.260. USE OF ^{Nuclear} ATOMIC RADIATION. A person who conducts an operation which results in the discharge of low level ^{nuclear} radiation [RADIONUCLIDES] to the air, water, land or subsurface land of the state must obtain a permit from the department before commencing the discharge.

* Sec. 8. AS 46.03 is amended by adding new sections to read:

ARTICLE 6A. HAZARDOUS WASTE.

Sec. 46.03.340. HAZARDOUS WASTE IDENTIFICATION. The department shall adopt regulations (1) establishing criteria for identifying the characteristics of hazardous waste; and (2) listing particular hazardous wastes which will be subject to AS 46.03.350, and identifying the sources of those wastes.

1 L Sec. 46.03.350. HAZARDOUS WASTE PERMITS. No person may generate
2 process, transport, store, or dispose of a hazardous waste listed by
3 the department under AS 46.03.340(2) without a permit and without
4 filing reports which may be required by the department. By regulation
5 the department may exempt a person who generates, processes, transport
6 stores, or disposes of hazardous waste in quantities so small as to not
7 present a hazard to the public health, or to the livestock, fish,
8 wildlife, or environment of the state.

9 * Sec. 9. AS 46.03.790(a) is amended to read:

10 (a) Except as provided in (c) of this section, a [A] person who,
11 violates or who causes or permits a violation of a provision of this
12 chapter or AS 46.04, or of a regulation, lawful order of the department,
13 or permit, approval, or acceptance, or term or condition of a permit,
14 approval, or acceptance issued under this chapter or AS 46.04 is guilty
15 of a violation.

16 * Sec. 10. AS 46.03.790(b) is amended to read:

17 (b) Except as provided in (c) of this section, a [A] person who
18 wilfully violates a provision of this chapter, or of a regulation,
19 lawful order of the department, or permit, approval, or acceptance, or
20 term or condition of a permit, approval, or acceptance issued under
21 this chapter or AS 46.04 is guilty of a misdemeanor.

22 * Sec. 11. AS 46.03.790 is amended by adding a new subsection to read:

23 (c) A person who violates AS 46.03.842 - 46.03.844 is guilty of a
24 class C felony.

25 Sec. 46.03.842. TRANSPORTATION OF NUCLEAR WASTE MATERIAL. The
26 transportation of nuclear waste material in the state, except for pur-
27 poses of disposal outside the state, is prohibited.

Sec. 46.03.844. STORAGE AND DISPOSAL OF HIGH LEVEL NUCLEAR WASTE

MATERIAL. (a) The storage and disposal of high level nuclear waste material in the state is prohibited.

(b) For purposes of this section, "high level nuclear ^{waste} material"

(1) means

(A) nuclear waste materials produced by nuclear power plants; and

(B) material of a kind or quantity which, when stored or disposed, would constitute a threat to the health or safety of the public, as determined by the department under AS 46.03.250 by regulation;

(2) does not include radioactive materials used in medicine, education, or scientific research which are stored or disposed of in conformity with procedures established by the department by regulation.

* Sec. 12. AS 46.03.900 is amended by adding new paragraphs to read:

(30) "dispose" means to abandon, deposit, or otherwise discard;

(31) "generation" means the act or process of producing;

(32) "hazardous material" means a material or combination materials which, because of its quantity, concentration, or physical chemical, or infectious characteristics, may

(A) cause or significantly contribute to an increase mortality or serious irreversible or incapacitating reversible illness, or

(B) pose a substantial hazard to human health or the environment when improperly used, stored, handled, transported, otherwise managed;

(33) "hazardous waste" means a hazardous material for which no use or reuse is intended and which is to be disposed of.

* Sec. 13. AS 18.45.025(1) and (3) are repealed.

* Sec. 14 This Act takes effect immediately in accordance with AS 01.10.-



Alaska State Legislature

House of Representatives

Committee on Resources

Terry Gardiner, Co-Chairman
Fred F. Zharoff, Co-Chairman
465-3715

Pouch V
State Capitol
Juneau, Alaska 99811

MEMO: Feb. 24, 1981

TO: Subcommittee on Hazardous Waste
Rep. Ben Grussendorf, chairman

FROM: Bob Speed, A.A.
House Resources Committee

RE: agenda for discussion of amendments
HB 72

Page 1, lines 12 to 15: Because nuclear waste must be treated differently than other hazardous waste, it has been proposed that disposal of nuclear waste be dealt with separately under AS 46.03, to be titled: "Disposal of nuclear waste prohibited" so that a proposed DEC amendment to this section can be adopted.

DEC proposes that this section (AS 18.31.010) be amended to read:
"Section 18.31.010. DISPOSAL OF HAZARDOUS WASTE PROHIBITED.
It is unlawful to dispose of hazardous waste in the state, unless it has been subjected to best available disposal techniques and cannot be rendered harmless, its harmful properties cannot be removed or the wastes recycled. Disposal shall be in accordance with regulations adopted by the department, and done in such a manner as to protect human health, property, livestock, wildlife, and the environment."

Page 1, line 24: DEC has been asked to clarify whether corporations are already subject to cost of clean-up and financially liable for spills.

Staff also proposes that corporations be subject to criminal prosecution for intentional violation of large amounts of hazardous materials

Page 2, line 8: Staff proposes that subsection (E) be amended to conform with Sec. 18.31.020 (Page 1, lines 18-19) and that it read: "human health or welfare, property, livestock, wildlife or the environment..."

Page 2, line 28: Subsection (2), providing for municipalities, does not provide for the unorganized borough. SEE VASCA AMENDMENT.

MEMO: Feb. 24, 1981
Hazardous waste

page 2

AMENDMENTS AND DISCUSSION POINTS (continued)

Page 3, line 4: The Senate (CS SB29 (Jud)) amended this section to read, after the words "transportation of": "high level"

Staff proposes that this be further amended to read "high level or transuranic nuclear waste"

Page 3, following line 13: add: new section dealing with storage and disposal of nuclear waste (see comments on 13.31.010 on page one of this memo).

Page 3, line 20: delete word "atomic" and add in its place "nuclear"

Page 3, line 21: after the words "low level" add the word "nuclear"

Page 3, line 24: add a provision, if necessary, that failure to comply with this section is unlawful; proposed penalty would be a Class A misdemeanor

Page 4, line 15: change "violation" to "misdemeanor"

Page 4, lines 23-24: DEC has been asked to clarify whether this section and penalty covers corporations and their officers; if not, then this section should be amended to provide for similar penalties for corporations and corporate officers.

Page 5, line 2: after "high level" add "or transuranic"

Page 5, following line 7: Add new section defining "Transuranic nuclear waste"; reletter following section(s).

-- "high level nuclear waste"	
"transuranic nuclear waste"	should all be defined
"low level nuclear waste"	quantitatively

Page 5, lines 12-14: This section should be defined more carefully, to ensure that educational and scientific research uses are strictly controlled. DEC has been requested to provide a stricter definition controls the amount or quantity, and that such activity is strictly small-scale, and within the limits that the legislature envisions under this bill. This is a crucial question, since nuclear waste disposal areas and breeder reactors are both within the definition of "research."

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 72
 Title "An Act Relating to transportation, storage and disposal of nuclear material"
 Requested by Commissioner's Office Date February 26, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Division of Public Health
 BRU, Program, or Subprogram(s) Affected Radiological Health Program
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

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

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

IV. DATE February 26, 1981 PREPARED BY Sidney D. Heidersdorf
 AGENCY Dept. of Health & Social Services
 PHONE 465-3019
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval [Signature] Date 2/27/81

Position Paper
On
HOUSE BILL NO. 72

An Act entitled: "An Act relating to the transportation, storage and disposal of nuclear and other hazardous waste material; and providing for an effective date."

The major provisions of HB 72 prohibit: (1) the disposal of hazardous wastes in the State unless the waste has been processed to remove its harmful properties; (2) the transportation of nuclear waste material in the State except for purposes of disposal outside the State; and (3) the storage and disposal of high-level nuclear waste material in the State.

AS 18, Chapter 31, Hazardous Waste

The requirement that hazardous waste first be "processed to remove its harmful properties" before it may be disposed of appears to have far-reaching ramifications. The assumption in the disposal of many hazardous wastes is that the waste does, in fact, maintain its harmful properties, but it is disposed of in such a way as to reasonably preclude the possibility of any hazard to human health or the environment.

The following wording for Section 18.31.010 is suggested:

Section 18.31.010 DISPOSAL OF HAZARDOUS WASTE. It is unlawful to dispose of hazardous waste in the State unless done so in accordance with regulations adopted by the Department.

Radioactive (Nuclear) Wastes

It is recommended that the word "radioactive" replace the word "nuclear" wherever the term makes reference to waste. This is a more precise description of the kind of waste under consideration.

Section 46.03.842. Transportation of Radioactive Waste Material.

As written, this section prohibits disposal of low level radioactive waste in the State if transportation is involved. This is in conflict with Section 46.03.844, which permits waste disposal from use in medicine, education, and scientific research. If low level radioactive waste material is to be disposed of in the State it may have to be transported to a disposal site away from the facility producing the waste.

It is recommended that the words "high level radioactive" be inserted on page 3, line 2, making the section read: "The transportation of high level radioactive waste material..."

Section 46.03.844. STORAGE AND DISPOSAL OF HIGH LEVEL RADIOACTIVE WASTE MATERIAL.

The definition of "high level nuclear waste materials" includes "material of a kind or quantity which when stored or disposed of, would constitute a threat to the health or safety of the public." Low level wastes, improperly stored or disposed of, fall under that definition. The Department recommends against making definition of high level radioactive waste contingent upon factors of storage and disposal. This is contrary to established practice in radiation protection and may be a source of confusion and debate.

To clarify Section 46.03.244(b), the following definition is suggested to replace (b):

(b) For purposes of this section "high level radioactive waste material" means used reactor fuel or the radioactive wastes produced during the reprocessing of used reactor fuel.

To further clarify existing statutes, AS 46.03.250 and AS 46.03.260, we also suggest a definition for low level radioactive wastes be added as follows:

(c) "Low level radioactive wastes" means wastes other than high-level radioactive wastes, uranium mine or mill tailings, or transuranic wastes containing more than 10 nanocuries per gram.

The Department of Health & Social Services takes a neutral stand on H. B. 72 with incorporation of the proposed changes.

Recommended by:

David Bruce
David Bruce, Deputy Director

Date:

March 5, 1981

Approved by:

Helen D. Beirne
Helen D. Beirne
Commissioner

Date:

3-6-81

NOTE REGARDING THE FOLLOWING FRAME ON MICROFILM:

COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES
IN ALASKA STATE ARCHIVES. TITLE PAGE ONLY HAS
BEEN FILMED.

**A
NUCLEAR
WASTE
PRIMER**

League of Women Voters Education Fund

H

B

78

MEMORANDUM

State of Alaska

TO: Ronald J. Somerville
Director
Division of Game

DATE: March 9, 1981

FILE NO:

TELEPHONE NO: 452-1531

FROM: Richard H. Bishop
Regional Supervisor
Division of Game
Department of Fish and Game
Fairbanks

SUBJECT: Attached Memo on
Wildlife: Agriculture
Interactions

Ron, the attached memo contains one technical refinement in item IV(A)(2) to be more accurate regarding bluetongue disease than was the first version of the memo.

It may be worthwhile to provide the House-Resources Committee a copy of this corrected version to preclude any misunderstanding.

Enclosure

cc: Goady

Handwritten: 9770000
Duke
File

RECEIVED BY DIVISION OF GAME
DIRECTOR _____
DEP. DIR. _____
CHIEF RES. _____
BIOLOGIST _____

MAR 12 1981

BIOLOGIST _____
ADM. ASST. _____
LIBRARY _____
FILE _____
OTHER _____

COMMISSIONER'S OFFICE

RECEIVED

MAR 16 1981

DEPARTMENT OF FISH AND GAME

MEMORANDUM

State of Alaska

TO: Ronald J. Somerville
Director
Division of Game

DATE: March 2, 1981

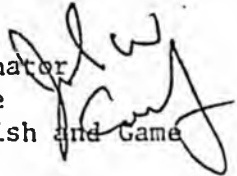
FILE NO:

THRU: Richard H. Bishop
Regional Supervisor

TELEPHONE NO: 452-1531

FROM: John W. Coady
Research Coordinator
Division of Game
Department of Fish and Game
Fairbanks

SUBJECT: Potential Impacts of
Intensive Agricultural
Development on Wildlife
in Alaska



This is to provide an outline of significant interactions which have already occurred or that we should anticipate in the near future between agriculture and wildlife in Alaska. A more detailed and fully documented draft report or "white paper" on this subject will be completed soon.

I. Interaction between agriculture and wildlife will occur.

- A) The history of both favorable and unfavorable influences of agriculture on wildlife in North America is extensively documented.
- B) Small family farms generally benefit some wildlife species, while large fields, crop monocultures, and livestock grazing adversely impact several wildlife species.
- C) In Alaska, the best areas for agriculture are also frequently the best for some wildlife species.

II. Wildlife habitat will be impacted.

- A) Loss or alteration of habitat will occur through crop production, grazing, and use of herbicides.
 - 1) This is a major cause of wildlife population declines in many areas of North America.
 - 2) This may cause major impacts in Alaska on some furbearer, moose, bison, black bear, and small game populations.
- B) Competition for forage may occur.
 - 1) Competition for some willow species occurs between moose and livestock in southeast Idaho and Jackson Hole, and for herbaceous plants between livestock and bison in many areas including Alaska.
 - 2) Competition between livestock and moose for some willows and herbaceous forage is possible in Alaska.

- V. Direct mortality to wildlife will increase.
 - A) Unintentional poisoning of wildlife by fertilizers, herbicides, and pesticides has and will continue to occur.
 - B) Entanglement in fences will occur.
 - C) Shooting of "nuisance" animals and poaching will increase.
- VI. Movements of wildlife will be affected.
 - A) Lengthy fences will create a physical barrier to local movements and seasonal migrations of some species.
 - B) Structures, open fields, and intensive human activity may create behavioral barriers.
- VII. Access-Trespass problems will increase.
 - A) Access to or through areas by hunters and trappers will be limited by agricultural developments.
 - B) Trespass by outdoorsmen, possibly resulting in vandalism and unintentional property damage to agricultural developments, will increase.
 - C) Improved public access via agricultural development may create new wildlife management challenges which we should be prepared to meet.
- VIII. We should provide for the optimum sustained use of all natural resources.
 - A) The agricultural industry should be developed and expanded in Alaska.
 - B) Policy decisions should be deliberate and objective and should strive for careful consideration of soil, water, plant, and wildlife resources.
 - C) Wildlife losses and the loss of traditional uses of wildlife can be mitigated with careful assessment and planning.
 - D) With proper planning, agricultural development can be compatible with the long-term well-being of most wildlife populations in Alaska.