

ALASKA LEGISLATIVE COMMITTEE ON GOVERNMENT

1853 HRES SB 25 - SB 36

53

1 sales of power at rates determined under (b) of this section to the  
2 commissioner of revenue for deposit in the state general fund.

3 (d) The legislature may appropriate to the authority an amount  
4 to exceed five percent of the amount determined under (b)(1) and  
5 (2) of this section which the commissioner of revenue estimates will be  
6 deposited into the general fund for paying costs of operating and main-  
7 taining power projects which it acquired or constructed as part of the  
8 energy program for Alaska. The balance of the amount determined under  
9 (b)(1) and (2) of this section which the commissioner of revenue esti-  
10 mates will be deposited into the general fund may be appropriated by  
11 the legislature to the power production cost assistance fund. The  
12 estimates of amounts required for each of the appropriations shall be  
13 provided to the governor in the budget submitted under AS 37.07.

14 (e) A rate for an industrial consumer under (a)(2) of this section

15 (1) may exceed the wholesale power rate determined under (b)  
16 of this section;

17 (2) may not be less than the rate charged residential con-  
18 sumers.

19 (f) The legislature may, by law, annul or change the wholesale  
20 power rate for sales of power which the authority adopts under (b) of  
21 this section.

22 Sec. 44.33.500. DEFINITIONS. In AS 44.83.400 - 44.83.500,

23 (1) "busbar" means the substation which serves as the de-  
24 livery point from the generation and transmission system of the author-  
25 ity to the transmission and distribution system of the utility;

26 (2) "fund" means the power development fund;

27 (3) "industrial consumer" means a customer of a utility  
28 which customer has a peak power demand in excess of 500 kilowatts per  
29 month and uses the power principally for

- 1 (A) manufacturing;  
2 (B) pipeline transportation;  
3 (C) the recovery or processing of minerals;  
4 (D) the processing of timber, agricultural, or seafood  
5 products or their by-products; or  
6 (E) the operation of facilities owned by the federal  
7 government;

8 (4) "qualified utility" means any of the following which the  
9 authority determines is capable of operating and maintaining a power  
10 project of the kind and magnitude which has been constructed or is to  
11 be constructed to provide power for a market area:

- 12 (A) a corporation organized under the Alaska Nonprofit  
13 Corporation Act (AS 10.20);  
14 (B) an electric cooperative organized under the Electric  
15 and Telephone Cooperative Act (AS 10.25);  
16 (C) a public utility which generates, transmits, or  
17 distributes electrical service to the public; and  
18 (D) a regional electrical authority (AS 18.57).

19 \* Sec. 2. AS 44.83.030 is amended to read:

20 Sec. 44.83.030. MEMBERSHIP OF THE AUTHORITY. [(a)] The author-  
21 ity shall consist of the following directors:

22 (1) two [FOUR] directors at large to be appointed by the  
23 governor and confirmed by the legislature;

24 (2) three persons appointed by the governor from among the  
25 heads of the principal departments of the executive branch of the  
26 state government [THE COMMISSIONER OF COMMERCE AND ECONOMIC DEVELOPMENT.

27 (b) THE COMMISSIONERS OF COMMUNITY AND REGIONAL AFFAIRS, NATURAL  
28 RESOURCES, TRANSPORTATION AND PUBLIC FACILITIES, AND REVENUE SHALL HAVE  
29 THE RIGHTS AND PRIVILEGES OF DIRECTORS EXCEPT FOR THE RIGHT TO VOTE AND

1 MAY NOT BE CONSIDERED FOR PURPOSES OF QUORUM OR VOTING].

2 \* Sec. 3. AS 44.83.040 is amended to read:

3 Sec. 44.83.040. OFFICERS AND QUORUM. The directors [DIRECTOR]  
4 shall elect one of their number [THE DIRECTORS AT LARGE] as chairman  
5 and may elect other officers they determine desirable.. The powers of  
6 the authority are vested in the directors, and three directors of the  
7 authority constitute a quorum. Action may be taken and motions and  
8 resolutions adopted by the authority at a meeting by the affirmative  
9 vote of at least three directors. The directors of the authority serve  
10 without compensation, but they shall receive the same travel pay and  
11 per diem as provided by law for board members.

12 \* Sec. 4. AS 44.83.045(a) is amended to read:

13 (a) The directors at large shall [MUST] be residents and qualified  
14 voters of Alaska and shall comply with the requirements of AS 39.50  
15 (conflict of interests). The directors at large shall serve over-  
16 lapping four-year terms. [THE FOUR ORIGINAL DIRECTORS AT LARGE HAVE  
17 TERMS OF ONE, TWO, THREE, AND FOUR YEARS, RESPECTIVELY.]

18 \* Sec. 5. AS 44.83.080(16) is amended by adding new subparagraphs to  
19 read:

20 (G) an appropriation for a power project acquired or  
21 constructed under the energy program for Alaska (AS 44.83.400 -  
22 44.83.500);

23 (H) appropriations for the power production cost assis-  
24 tance fund (AS 44.83.162), and for operation and maintenance of  
25 power projects developed under the energy program for Alaska  
26 (AS 44.83.400 - 44.83.500).

27 \* Sec. 6. AS 44.83.090(a) is amended to read:

28 (a) The authority shall, in addition to the other methods which  
29 it may find advantageous, provide a method by which municipal electric,

1 rural electric, cooperative electric, or private electric utilities and  
 2 regional electric authorities, or other persons authorized by law to  
 3 engage in the distribution of electricity may secure a reasonable share  
 4 of the power generated by a project, or any interest in a project, or  
 5 for any right to the power and shall sell the power or cause the power  
 6 to be sold at the lowest reasonable prices which cover the full cost of  
 7 the electricity or services, including capital and operating costs,  
 8 debt coverage as considered appropriate by the authority, and other  
 9 charges that may be authorized by this chapter. Except for a contract  
 10 entered into under AS 44.83.400 - AS 44.83.500, a [A] contract for the  
 11 sale, transmission and distribution of power generated by a project or  
 12 any right to the capacity of it shall provide:

13 (1) for payment of all operating and maintenance expenses of  
 14 a project and costs of renewals, replacements and improvements of it;

15 (2) for interest on and amortization charges sufficient to  
 16 retire bonds of the authority issued for the project and reserves for  
 17 them, plus a debt service coverage factor as may be determined by the  
 18 authority to be necessary for the marketability of its bonds;

19 (3) for monitoring of the project by the authority or its  
 20 agents;

21 (4) for full and complete disclosure to the authority of all  
 22 factors of cost in the transmission and distribution of power, so that  
 23 rates to any persons may be fixed initially in the contract and may be  
 24 adjusted from time to time on the basis of true cost data;

25 (5) for periodic revisions of the service and rates to  
 26 persons on the basis of accurate cost data obtained by the accounting  
 27 methods and systems approved by the directors and in furtherance and  
 28 effectuation of the policy declared in this chapter;

29 (6) for the cancellation and termination of a contract upon

1 violation of its terms by any person;

2 (7) for security for performance as the authority may con-  
3 sider practicable and advisable, including provisions assuring the  
4 continuance of the distribution and transmission of power generated by  
5 a project and the use of its facilities for these purposes; and

6 (8) other terms not inconsistent with the provisions and  
7 policy of this chapter as the authority may consider advisable.

8 \* Sec. 7. AS 44.83 is amended by adding a new section to read:

9 Sec. 44.83.105. BONDS FOR POWER PROJECTS UNDER THE ENERGY PROGRAM  
10 FOR ALASKA. The authority shall borrow money and shall issue its bonds  
11 on which the principal and interest are payable exclusively from money  
12 derived from the power project financed with the proceeds of the bonds  
13 for a power project financed under AS 44.83.400 - 44.83.500 from the  
14 power development fund if

15 (1) appropriations to the power development fund for the  
16 power project, and interest earned on those appropriations, are insuf-  
17 ficient to cover the cost of acquiring or constructing the power  
18 project; and

19 (2) the amount of interest which the authority will pay on  
20 its bonds is not more than alternative costs of securing money to pay  
21 for the acquisition or construction of the power project.

22 \* Sec. 8. AS 44.83.181(b) is amended by adding a new paragraph to read:

23 (5) a recommendation as to whether the proposed project is  
24 economically feasible; a power project is "economically feasible" if  
25 the authority determines that the total costs of the power project are  
26 cheaper for the estimated life of the project than other alternatives;  
27 in making a determination of economic feasibility under this paragraph,  
28 the authority shall evaluate the estimated life of the power project  
29 and its alternatives applying the following standard factors:

1 (A) a general inflation factor for construction and  
2 operating costs of seven percent annually;

3 (B) an interest rate of 10 percent for money borrowed  
4 for the power project; and

5 (C) an escalation factor for measuring the comparative  
6 cost of oil, gas or coal; the rate to be applied for oil is 11  
7 percent annually, and the rate shall be applied to the fuel cost  
8 on the date of determination of economic feasibility.

9 \* Sec. 9. AS 44.25.020 is amended by adding a new paragraph to read:

10 (5) invest and manage the balance of the power project  
11 development fund in accordance with AS 44.83.430.

12 \* Sec. 10. APPLICABILITY OF ACT TO DIRECTORS. (a) The terms of office  
13 of all members of the Board of Directors of the Alaska Power Authority  
14 serving on the effective date of this Act terminate on the effective date of  
15 this Act.

16 (b) The governor shall appoint two members at large. When making his  
17 appointments under this subsection, the governor shall specify the length of  
18 the term of office of each member he appoints. Of the members at large first  
19 appointed by the governor under this subsection,

20 (1) one member shall serve a two-year term;

21 (2) one member shall serve a four-year term.

22 \* Sec. 11. This Act takes effect immediately in accordance with AS 01.-  
23 10.070(c).

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DRAFT IV

Original sponsors: Kerttula, Dankworth,  
Ziegler, et al

1  
2 IN THE SENATE

BY THE RESOURCES COMMITTEE

3 HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 25 (Resources)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 TWELFTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to the Alaska Power Authority, amend-  
8 ing the Alaska Power Authority Act, and providing for  
9 the investment of money appropriated for power projects  
10 of the Alaska Power Authority; and providing for an  
11 effective date."

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

13 \* Section 1. AS 44.83 is amended by adding new sections to read:

14 ARTICLE 8. ENERGY PROGRAM FOR ALASKA.

15 Sec. 44.83.400. PROGRAM ESTABLISHED. (a) The energy program for  
16 Alaska is established. The program shall be administered by the Alaska  
17 Power Authority.

18 (b) The energy program for Alaska is a program by which the  
19 authority may acquire or construct power projects with money appro-  
20 priated by the legislature to the power development fund established in  
21 AS 44.83.410. A power project may be acquired or constructed as part  
22 of the energy program for Alaska only if the project is submitted to  
23 and approved by the legislature in accordance with procedures set out  
24 in AS 44.83.177 - 44.83.185.

25 (c) The provisions of AS 36.10.010 - 36.10.125 apply to power  
26 projects constructed by the authority under AS 44.83.400 - 44.83.510.

27 Sec. 44.83.410. POWER DEVELOPMENT FUND ESTABLISHED. (a) A power  
28 development fund is established in the Alaska Power Authority to carry  
29 out the purposes of the energy program for Alaska (AS 44.83.400 -  
44.83.510).

1 (b) The fund includes

2 (1) all money appropriated to it by the legislature; and

3 (2) interest earned by investment of money in the fund by  
4 the Department of Revenue.

5 Sec. 44.83.420. USE OF FUND BALANCE. (a) The fund may be used  
6 by the authority to provide money for

7 (1) reconnaissance and feasibility studies and power project  
8 finance plans prepared under AS 44.83.177 - 44.83.181;

9 (2) the cost of a power project, including but not limited  
10 to costs of acquiring necessary licenses, preparing engineering designs,  
11 obtaining land, and constructing the power project;

12 (3) the defeasance of bonds, or the payment of debt service  
13 on an issue of bonds sold in connection with a power project; and

14 (4) the power production cost assistance fund (AS 44.83.162).

15 (b) Money in the fund may be used under (a) of this section only  
16 for a power project which

17 (1) meets the revenue requirements of AS 44.83.470; and

18 (2) operates or will operate using one or more of the follow-  
19 ing:

20 (A) renewable energy resources, including but not  
21 limited to hydroelectric power, wind, biomass, geothermal, tidal  
22 or solar energy, or a method which uses temperature differentials  
23 or other physical properties of the ocean;

24 (B) coal or peat;

25 (C) energy derived from waste heat from thermal gener-  
26 ating plants; or

27 (D) fossil fuel if none of the other resources or fuels  
28 listed in this subsection are economically feasible.

29 Sec. 44.83.430. INVESTMENT OF FUND. The Department of Revenue

1 shall invest the balance of the fund which exceeds the amount the  
2 authority determines is necessary to meet requirements of AS 44.83.420  
3 during the current fiscal year. An investment by the Department of  
4 Revenue under this subsection shall be made in accordance with AS 37.-  
5 10.070 and 37.10.075.

6 Sec. 44.83.440. ALLOTMENT TO PROJECTS. (a) The authority shall  
7 maintain records of power project allocations from the fund for each  
8 power project

9 (1) approved in accordance with AS 44.83.185; and

10 (2) for which an allocation is made from an appropriation  
11 made by the legislature without specifying an appropriation to a  
12 project.

13 (b) Income earned from investment of money appropriated to the  
14 fund shall be allotted by the authority to power projects for which  
15 appropriations have been made by law. The allotment shall be based on  
16 the amount of investment income earned during each state fiscal year  
17 during or after which the legislature appropriated money to the fund.  
18 An allotment of income under this subsection shall be made to each  
19 power project for which a specific appropriation has been made in  
20 proportion to the unexpended amount appropriated for that project as a  
21 percentage of the total unexpended amount appropriated by the legis-  
22 lature to the fund.

23 Sec. 44.83.450. REAPPROPRIATION OF FUND BALANCE. (a) If a power  
24 project designated by the legislature by law is not constructed, the  
25 amount appropriated to it may be reappropriated to other power projects  
26 by the legislature.

27 (b) The legislature may reappropriate money under (a) of this  
28 section only for a power project which is economically feasible under  
29 AS 44.83.181(b) and only if the project will serve the market area that

1 would have been served by the power project designated by the legisla-  
2 ture and not constructed.

3 Sec. 44.83.460. LAPS OF EXCESS APPROPRIATIONS. If at the end of  
4 construction of a power project appropriations for the power project  
5 exceed the amount required for construction of it, the excess lapses  
6 into the general fund.

7 Sec. 44.83.470. REVENUE REQUIREMENTS. The authority may not use  
8 money in the fund for a power project unless the authority determines  
9 that, after construction, operation of the power project will provide  
10 revenue sufficient to cover

11 (1) operation, maintenance, and equipment replacement costs  
12 of the power project;

13 (2) debt service costs associated with the power project;  
14 and

15 (3) the costs of safety inspections and investigations of  
16 the power project by the authority.

17 Sec. 44.83.480. OPERATION OF POWER PROJECT. (a) A power project  
18 which is acquired or constructed as part of the energy program for  
19 Alaska is owned by the state and shall be administered by the authority.

20 (b) When a power project has been acquired or constructed by the  
21 authority, the project may be operated for the authority under a con-  
22 tract or lease entered into by a qualified utility and the authority.

23 Sec. 44.83.490. SALE OF POWER FROM POWER PROJECT. (a) The  
24 authority shall sell power produced from power projects acquired or  
25 constructed under the energy program for Alaska. A utility which  
26 purchases power produced by a power project of the authority shall  
27 agree with the authority

28 (1) to give preference in the sale of power at retail to all  
29 classes of consumers of power except industrial consumers;

1 (2) to charge industrial consumers of power a rate determined  
2 by the authority in accordance with (d) of this section.

3 (b) The authority shall establish a wholesale power rate structure  
4 applicable to sales of power to its customers at the busbar of the  
5 power project as follows:

6 (1) If, by July 1, 1986, the legislature has not appro-  
7 priated at least \$5,000,000.000 to the power development fund, the  
8 authority shall, beginning on that date, establish and maintain a  
9 wholesale power rate for each power project which rate will return to  
10 the authority, on an annual basis, 10 percent of the amount appropriated  
11 to the power development fund for each project.

12 (2) After the effective date of this Act and until June 30  
13 of the fiscal year in which the production capacity of all power pro-  
14 jects acquired or constructed by the authority under the energy program  
15 for Alaska exceeds 500 megawatts, the authority shall establish and  
16 maintain a wholesale power rate for each power project which rate will  
17 return to the authority, on an annual basis, not less than five percent  
18 of the amount which the authority has invested in the power project  
19 from the fund for each project, including loans and grants made by the  
20 state.

21 (3) Beginning July 1 of the first fiscal year following the  
22 date on which the production capacity of all power projects acquired or  
23 constructed by the authority under the energy program for Alaska exceeds  
24 500 megawatts, the authority shall establish and maintain a single  
25 wholesale power rate applicable to all power projects which it has  
26 acquired or constructed under the energy program for Alaska; the whole-  
27 sale power rate shall be computed by the authority annually, and shall  
28 equal the rate which the authority estimates is necessary to produce  
29 revenue which is sufficient to pay

1 (A) operation, maintenance, and equipment replacement  
2 costs of the power projects;

3 (B) debt service costs of the power projects;

4 (C) safety inspections and investigations of the power  
5 projects by the authority; and

6 (D) annual costs of the power production cost assistance  
7 program (AS 44.83.162).

8 (c) The authority shall transmit the money which it receives from  
9 sales of power at rates determined under (b) of this section to the  
10 commissioner of revenue for deposit in the state general fund.

11 (d) From the amount collected under (b)(2) and (3) of this section  
12 which the commissioner of revenue estimates will be deposited into the  
13 general fund, the legislature may appropriate to the authority the  
14 amount required under AS 44.83.470 for paying costs of operating and  
15 maintaining power projects which it acquired or constructed as part of  
16 the energy program for Alaska. The balance of the amount collected  
17 under (b)(2) and (3) of this section and estimated by the commissioner  
18 of revenue to be deposited into the general fund may be appropriated by  
19 the legislature to the power production cost assistance fund. The  
20 estimates of amounts required for each of the appropriations shall be  
21 provided to the governor in the budget submitted under AS 37.07.

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24 of this section;

25 (2) may not be less than the rate charged residential con-  
26 sumers.

27 (f) The legislature may, by law, annul or change the wholesale  
28 power rate for sales of power which the authority adopts under (b) of  
29 this section.

1           Sec. 44.83.500. ENERGY CONSERVATION. The authority shall ensure

2           (1) that communities served by energy projects built from  
3 amounts appropriated to the power development fund implement cost-effec-  
4 tive energy conservation measures for residences, commercial and public  
5 buildings, and industries; and

6           (2) that communities shall fulfill their responsibilities  
7 under ( ) of this section by cooperating with state agencies concerned  
8 with development and conservation of energy, including but not limited  
9 to

10           (A) the Alaska Public Utilities Commission;

11           (B) the Alaska Energy Center;

12           (C) the division of energy and power development,  
13 Department of Commerce and Economic Development; and

14           (D) the division of business loans, Department of  
15 Commerce and Economic Development.

16           Sec. 44.83.510. DEFINITIONS. In AS 44.83.400 - 44.83.510,

17           (1) "busbar" means the substation which serves as the de-  
18 livery point from the generation and transmission system of the author-  
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4 project of the kind and magnitude which has been constructed or is to  
5 be constructed to provide power for a market area:

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2 resolutions adopted by the authority at a meeting by the affirmative  
3 vote of at least three directors. The directors of the authority serve  
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5 per diem as provided by law for board members.

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29 to be sold at the lowest reasonable prices which cover the full cost of

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 2 debt coverage as considered appropriate by the authority, and other  
 3 charges that may be authorized by this chapter. Except for a contract  
 4 entered into under AS 44.83.400 - AS 44.83.510, a [A] contract for the  
 5 sale, transmission and distribution of power generated by a project or  
 6 any right to the capacity of it shall provide:

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 8 a project and costs of renewals, replacements and improvements of it;

9 (2) for interest on and amortization charges sufficient to  
 10 retire bonds of the authority issued for the project and reserves for  
 11 them, plus a debt service coverage factor as may be determined by the  
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 27 continuance of the distribution and transmission of power generated by  
 28 a project and the use of its facilities for these purposes; and

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3 Sec. 44.83.105. BONDS FOR POWER PROJECTS UNDER THE ENERGY PROGRAM  
4 FOR ALASKA. The authority shall borrow money and shall issue its bonds  
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7 for a power project financed under AS 44.83.400 - 44.83.510 from the  
8 power development fund if

9 (1) appropriations to the power development fund for the  
10 power project, and interest earned on those appropriations, are insuf-  
11 ficient to cover the cost of acquiring or constructing the power  
12 project; and

13 (2) the amount of interest which the authority will pay on  
14 its bonds is not more than alternative costs of securing money to pay  
15 for the acquisition or construction of the power project.

16 \* Sec. 8. AS 44.83.177(a) is amended to read:

17 (a) To identify power project alternatives and energy needs and  
18 consumption patterns for a community, the authority shall, after  
19 consultation with other state agencies and after review of information  
20 on alternative sources of power, complete a reconnaissance study for  
21 each proposed new power project.

22 \* Sec. 9. AS 44.83.177(b) is repealed and reenacted to read:

23 (b) A reconnaissance study shall

24 (1) survey all energy sources available to the community and  
25 adjacent area and evaluate the relative economic merits of alternative  
26 sources of energy, including energy conservation and capture and  
27 utilization of waste energy as provided for in AS 44.83.170(b)(1); if  
28 the study surveys

29 (A) potential hydroelectric sites, the study shall

1 include one-year data collection on water flow;

2 (B) wind energy, the study shall include a one-year  
3 collection and evaluation of data on wind speed, direction, and  
4 other information valuable to development of wind generation;

5 (2) include an assessment of the total energy needs of the  
6 community, including but not limited to, electricity, space heating,  
7 and transportation fuels based on the nature and amount of energy use  
8 and the purpose of its use;

9 (3) include an assessment of the effect of the development  
10 of alternative sources of energy on the environment so as to assure  
11 that there is no adverse effect to the environment which would make the  
12 project inadvisable;

13 (4) include public comment from residents of the community  
14 and adjacent areas.

15 \* Sec. 10. AS 44.83.177 is amended by adding a new subsection to read:

16 (d) In completing a reconnaissance study, the authority shall  
17 consult with the division of energy and power development in the Depart-  
18 ment of Commerce and Economic Development, and with the Alaska Energy  
19 Center to determine the information which each may require for energy  
20 planning and the development of technology.

21 \* Sec. 11. AS 44.83.224 is amended by adding a new subsection to read:

22 (b) Each reconnaissance study completed in accordance with AS 44.-  
23 83.177 shall become part of the long-term energy plan provided for  
24 under (a) of this section.

25 \* Sec. 12. AS 44.25.020 is amended by adding a new paragraph to read:

26 (5) invest and manage the balance of the power project  
27 development fund in accordance with AS 44.83.430.

28 \* Sec. 13. APPLICABILITY OF ACT TO DIRECTORS. (a) The terms of office  
29 of all members of the Board of Directors of the Alaska Power Authority

1 serving on the effective date of this Act terminate on the effective date of  
2 this Act.

3 (b) The governor shall appoint two directors of the Alaska Power  
4 Authority at large. When making his appointments under this subsection, the  
5 governor shall specify the length of the term of office of each member he  
6 appoints. Of the members at large first appointed by the governor under  
7 this subsection,

8 (1) one member shall serve a two-year term;

9 (2) one member shall serve a four-year term.

10 \* Sec. 14. This Act takes effect immediately in accordance with AS 01.-  
11 10.070(c).

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COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

3/12/81

(11)

Date:

4/23/81

Mr. Speaker:

The Committee on RESOURCES has had CSSB 26(Fin)

"An Act making special appropriations to the Alaska Power Authority for energy projects and for the power production cost assistance program; and providing for an effective date."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for CSSB 26  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:

Tony Dardner  
Frank DeYoung  
Eric C. Saitoff  
A. Smith

Robert B. ...  
Rule 11(b) (DONOT PASS UNLESS AMENDED)  
Remain in House Do NOT Pass unless Amended  
To be more certain with Senate version

Tony Dardner  
 CHAIRMAN  
Frank DeYoung

March 27, 1981

The Honorable Terry Ga        r  
The Honorable Fred Zhai.    r  
Co-Chairman  
Alaska State House Resources Committee  
Pouch "V" State Capitol Building  
Juneau, Alaska 99811

RE: CSSB 26

Dear Co-Chairman:

Sealaska Corporation supports CSSB 26 in its present form except for an additional appropriation which is explained below and urges your support in passage of this bill.

CSSB 26 provides for a number of power project developments throughout the state and establishes a program to meet the growing need for power as our state develops. At the present time, both rural and urban communities are in need of power supplies at a cost that will enable them to ensure sound economic and social growth. The appropriations to the power project development fund and the Alaska Power Authority for feasibility studies for proposed power project sites is a major positive step in the future of Alaska.

Sealaska Corporation urges your consideration of an additional project of constructing a Juneau-Hoonah transmission line using Snettisham Power between Douglas Island to Hawk Inlet to Hoonah. An Alcat Engineering Inc. study, commissioned by the Alaska Power Administration, has indicated that such a transmission line is technically and financially feasible at a cost of \$996,000 for a complete system engineering and design. The cost of transmission could be accomplished for as little as four cents a kilowatt, added to the cost of power from Snettisham, would provide a kilowatt at five and a half cents to ten cents which would be less than half of the current cost of power to the residents of Hoonah who presently pay approximately one hundred eight dollars per household per month. In addition, such a development would be compatible with the Noranda mining development and would do much to encourage the development of the mine.

The additional Juneau-Hoonah transmission line should be incorporated in CSSB 26 by amending Section 4, Item 10 to include

Page Two

Hoonah the additional cost for the project. I urge you consideration of this project and feel strongly that it could have a positive impact within the foreseeable future that would benefit both the public and industry.

Sincerely,

SEALASKA CORPORATION

*Byron I. Mallott*

Byron I. Mallott  
Chairman of the Board

**THELMA  
BUCHHOLDT**

Alaska State Legislature  
House of Representatives  
Juneau, Alaska 99811

April 14, 1981

To Rep. Terry Gardiner  
Rep. Fred Zharoff

From Rep. Thelma Buchholdt *Thelma*

Subject Coal Export Port Facility  
and road/rail connections

Terry and Fred, please consider including the sum of \$2 million for a feasibility study for a major coal export port facility site selection and preliminary design and land transportation (road and rail) to the coal fields in Southcentral Alaska. I'd like to see this appropriation included in the House Committee (Resources) Substitute for CS SB 26.

Back up information will be forthcoming. This budget request comes as a result of the hearings held by the Finance Development Subcommittee a few days ago.

Thank you.



Alaska State Legislature  
House of Representatives  
Juneau, Alaska 99811

April 14, 1981

To Rep. Terry Gardiner  
Rep. Fred Zharoff

From Rep. Thelma Buchholdt

Subject Preliminary Budget Detail for the Major  
Coal Export Port Facility Feasibility Study

Total requested \$2,000,000

- #1) Define coal resource in state. \$50,000
- #2) Define potential market: \$200,000
  - a) Market potential will vary according to coal quality, quantity and location.
- #3) Location and shipping: \$500,000
  - a) Facility needs/coal export
  - b) Short term (Anchorage, Seward) and long term (Granite Point-Baluga coal fields, example) needs.
- #4) Feasibility sites: \$750,000
  - a) Resource availability, location of coal, location of shipping, shipping mode requirements.
- #5) Site specific analysis: \$500,000
  - a) Infrastructure requirements, impact of infrastructure development, transportation to port, port facility, export of raw material shipping mode vessels/barges), possibly investigate receiving facilities, ie, foreign buyers

to have a document drafted or introduced is the prerogative and responsibility of the sponsoring member. The agency or its staff may not endorse or comment on policy matters involved in a bill or resolution. The substance and merits of a bill or resolution are the responsibility of the sponsor.

Delivered to sponsor: 4-14-81

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-  
7 ment of Natural Resources for a feasibility study on  
8 site selection and rail and road connections for a  
9 major coal export facility; and providing for an  
10 effective date."

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

12 \* Section 1. The sum of \$2,000,000 is appropriated from the general fund  
13 to the Department of Natural Resources for a feasibility study on site  
14 selection and rail and road connections for a major coal export facility.

15 \* Sec. 2. The unexpended and unobligated portion of the appropriation  
16 made by this Act lapses into the general fund June 30, 1982.

17 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.  
18 070(c).

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# Rural Alaska Community Action Program, Inc.

APR 9 1981

April 6, 1981

Fred F. Zharoff  
Alaska House of Representatives  
Pouch V  
Juneau, AK 99811

REF: RESOLUTION #81-03 (copy attached)


Dear Representative Zharoff,

By means of this letter, I am transmitting a copy of Rural CAP Resolution #81-03 (copy attached), adopted unanimously by the Board of Directors of Rural CAP at our meeting in Juneau on the 14th of March.

The Resolution is, I believe, self-explanatory. Certainly, the efforts that the Legislature and the Administration have been making during the past month to address the critical need for adequate energy conservation activities in rural Alaska is noted and appreciated. Meanwhile, please don't hesitate to contact me should you have any questions or comments.

Thanks, again, for your continuing interest in this important concern. Be assured we are willing and able to work with you as you resolve it.

Sincerely,



Phil Smith  
Executive Director

PS:lw  
Enc.

# Rural Alaska Community Action Program, Inc.

## RESOLUTION #81 - 03

ENTITLED: Urging Full Funding for the Village Energy  
Reconnaissance and Conservation Program

WHEREAS, energy costs of up to 50¢ per kilowatt-hour for electricity and \$3.00 per gallon for fuel oil are distressingly common in rural Alaskan communities, and

WHEREAS, low-income residents of rural Alaska are unable to bear the impact of these high and steadily rising costs, and

WHEREAS, the very existence of many communities is threatened by these excessive costs, and

WHEREAS, state and federal welfare payments make up more than 50% of the total income of some rural communities, including a total of \$10 million per year statewide for direct energy welfare bill-paying assistance, and

WHEREAS, the need for these energy welfare payments will continue to grow dramatically unless the state acts to lower the cost of energy in rural Alaska, without recourse to operating subsidies, and

WHEREAS, agencies such as the Alaska Power Authority, the Division of Energy & Power Development, the Department of Community and Regional Affairs, the Institute for Social and Economic Research, the Alaska Regional Energy Association and RurAL CAP have joined together to develop a program that would reduce household energy bills by an average of at least 30% per household statewide, and

WHEREAS, the present value of the net energy savings from this program would be at least \$433 million in avoided energy costs over the next 20 years, and

WHEREAS, every house in rural Alaska could be properly insulated to meet Alaskan climatic conditions by the fourth and final year of this program, and



tingit & haida regional electrical authority

P.O. Box 2517 • Juneau, Alaska 99803 • (907) 789-3196



April 3, 1981

Honorable Fred Zharoff  
House of Representatives  
Pouch V  
Juneau, Alaska 99811

Dear Representative Zharoff:

The following is a summary of my testimony before your committee on the evening of April 1, 1981.

The deplorable conditions in rural Alaska resulting from high-cost energy are well documented. We believe and have evidence that the very survival of rural Alaska is now in question.

Very early in our short history we saw that hydro was going to be the answer to high cost energy and we have been working to develop hydro now for five years. The problems we experienced are those that other rural areas soon will be seeing as they begin their own development process.

As we began to receive results from the various studies, it was immediately obvious that financing costs would exceed our present diesel costs and the results would be an immediate rate increase. It was obvious that diesel costs would exceed stabilized hydro costs at some time in the future, so we continued our efforts.

We also tried to decrease the costs by several methods some of which were successful. For example, we took advantages of better economics of scale by planning the development of Black Bear Lake as a regional project serving three or more communities. We also took advantage of larger nearby hydro developments such as Tye Lake or Snettisham. Those proposals are for construction of transmission interties to Kake and Hoonah respectively.

While we had some success in reducing energy costs with these and other methods, we were still faced with very high investments and any rate of interest resulted in staggering debt-service payments.

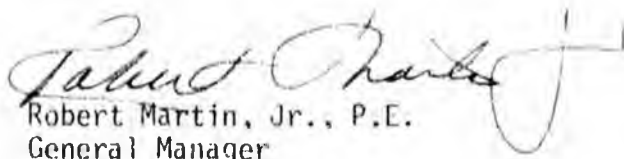
Now, we see an array of possible financing plans all of which are designed to counter-act the problem of financing costs having such a drastic effect on end-user energy costs. My testimony is in favor of the plan represented by CS SS SB 25 and CS SB 26 for the following reasons:

The Honorable Fred Zharoff  
April 3, 1981  
Page 2

1. Because of higher costs and reverse economies of scale, any statewide interest rate places the rural areas at a disadvantage.
2. The same arguments can be made against a one-time, "per capita" grant.
3. The plan allows development of other alternates including wind, geothermal, solar, bio-moss, etc. and is not limited to hydro.
4. Allows use of non-renewable resources if locally plentiful as if no other resource is economically feasible.
5. Allows the opportunity to consider projects on a regional scale, to take advantage of economics of scale.
6. The plan protects the State from wholesale construction of every conceivable project, because each project must meet specific criteria for economic feasibility before it can be financed under this program.
7. Provides funds for reconnaissance, feasibility and/or design and construction of projects in certain areas where specific projects have yet to be identified. Where FERC is not needed, construction of feasible projects could actually begin very soon.
8. We see this plan as a way to distribute benefits from oil revenue dollars to Alaskan residents without having part of those benefits go to the feds in the form of increased income taxes.

There is tremendous pressure on us to do something and to do it quickly. Passage of this plan appears to be the quickest because of its approval in the Senate. We strongly urge your favorable consideration of the two bills.

Sincerely,

  
Robert Martin, Jr., P.E.  
General Manager

cc: Representative Jim Duncan  
Representative Ernie Haugan

RM:cmg

*File*

# TELEGRAM

ALASCOM, INC.  
PHONE: 586-0422  
JUNEAU, AK 99804

1961 MAR 27 AM 10 37

02004 TDA HOONAH ALASKA 59 03-27 0750A AST

PMS REP FRED ZHAROFF

JUNEAU **0428**

HOONAH TOTEM CORPORATION STRONGLY URGE YOU TO SUPPORT THE PASSAGE OF CSSP25 (FINANCE) AND CSSP26. THE HIGH COST OF ENERGY IN RURAL AREAS SUCH AS HOONAH CONTINUES TO BE A CAUSE OF GREAT CONCERN, AND A HINDRANCE TO ECONOMIC DEVELOPMENT. WE FEEL THAT THE PASSAGE OF THE ABOVE MENTIONED BILLS IS AN IMPORTANT STEP TOWARD ALLEVIATING THE SITUATION.

JAMES AUSTIN PRESIDENT

Kristine

# TELEGRAM

ALASCOM, INC.  
PHONE: 586-6442  
JUNEAU, AK 99802

02005 TDA KAKE ALASKA 33 04-10 0655A AST

1 MS REP FRED ZHAROFF

JUNEAU

*9-20*

THE KAKE IRA COUNCIL SUPPORTS SENATE BILL 25 AND 26 WITH HOPES  
THAT OUR UTILITY RATES WILL DECREASE IN THE FUTURE. WE URGE YOU  
TO PASS THE BILL. OUT OF THE RESOURCE COMMITTEE.

DANIEL PAUL

IRA PRESIDENT

*Kristina*

# TELEGRAM

ALASCOM, INC.  
PHONE: 586-6442  
JUNEAU, AK 99802

02013 TDA KAKE ALASKA 48 04-10 0740A AST

PMS REP FRED ZHAROFF

JUNEAU **06927**

THE CITIZENS AND THE CITY COUNCIL OF KAKE URGES THAT YOU PASS SB25  
AND SB26. WE FEEL THAT IN THE VILLAGES WE WILL CONTINUE TO HAVE  
OUR HATS IN OUR HANDS ASKING TO BE BAILED OUT OF OUR ENERGY  
PROBLEMS IF THESE BILLS ARE NOT PASSED. SINCERELY

LONI ANDERSON

MAYOR CITY OF KAKE

APR 14 1981

April 14, 1981

Southwest District Representative

Chairman, House Resource Committee

Room V (D753100)

Juneau, Alaska 99801

Gentlemen,

If the word "Help!"

were only a magic word that would change our outrageous predicament in our electric costs - there'd be a lot of "happy" people in Homer - but as we know our legislators help is just as powerful, if I can use the word "powerful".

Compassion for our fellowman is a blessing earned, in many a way. And we in Homer need your compassion - knowing that there is so much to be done in passing, amending, and preparing in bills & your work for all Alaska - We are in one word: Desperate! Please let the funds pass for the subsidy - and also for the Hydro development. I thank you and we do appreciate you.

F.O. Box 114  
Mr. James M. Jackson  
Homer, Alaska 99824

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COMMITTEE REPORT

HOUSE

2/24/81

FURTHER: JUDICIARY

(11)

Date: March 17 1981

Mr. Speaker:

The Committee on RESOURCES has had CSSB 29(Jud)

"An Act relating to nuclear materials."

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 HC 5 for CSSB 29(Jud)  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 Judiciary Committee

MEMBERS SIGNING  
DO PASS

Tommy Anderson

Frank J. Zboroff

D. Smith

William J. ...

Eric A. ...

...

...

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_

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\_\_\_\_\_

Tommy Anderson

Frank J. Zboroff

CO-CHAIRMAN

Kristina



# KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669  
PHONE 262-4441

DON GILMAN  
MAYOR

February 25, 1981

The Honorable Hugh Malone  
Alaska House of Representatives  
Pouch V  
Juneau, AK 99811

Re: Senate Bill CSSB-29, which prohibits the transportation of high level nuclear waste in the State and which bans nuclear fuel facilities in Alaska and bans storage or disposal of nuclear waste in Alaska.

Dear Hugh:

Let's don't do this to our government at this time. Instead of that let's try to encourage nuclear facilities and try to solve the nuclear problems. Certainly we can dispose of nuclear waste in Alaska easier than they can in the more crowded areas of say, Illinois or Pennsylvania, or wherever. Let's try to encourage it. Let's encourage nuclear facilities. Let's not join with the preservationists, etc., who are screaming to stop our nuclear plants.

I hope you will use common sense in this and go along with opposing this Senate Bill.

Sincerely,

Stan Thompson  
Borough Mayor

ST:tm  
cc: The Honorable Patrick O Connell

*For your information*  
*H Malone*

STATE OF ALASKA  
THE LEGISLATURE

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

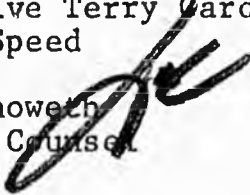
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 11, 1981

SUBJECT: Nuclear materials and hazardous wastes, draft  
HCS CSSB 29 (Resources)

TO: Representative Terry Gardiner  
Attn: Bob Speed

FROM: John B. Chenoweth  
Legislative Counsel 

This bill is drafted on the premise that

- (1) nuclear waste disposal in the state may be allowed in specially constructed facilities [sec. 2] or otherwise [sec. 5];
- (2) all other nuclear facilities are banned from the state [sec. 1] unless the ban is found unconstitutional or invalid [sec. 18], in which case their construction and operation is permitted under stringent regulation and financial responsibility requirements [secs. 3 - 5].

I could not follow the convolutions in the definitions of "high level nuclear waste" and "low level nuclear waste" which you provided. Please check these carefully.

I also may have botched the distinction between "extremely hazardous wastes" and "hazardous wastes" in AS 46.32. You should check this carefully in context. I am not satisfied with the introduction of these concepts in a title where the administering agency is already to be concerned with "hazardous substances". See AS 46.03.822 and 46.03.826(3). Is there some better way to tie these together?

Please note that there is no provision speaking to the transportation of "hazardous wastes". Is this an oversight? Did I just miss this in your notes?

Representative Terry Gardiner

Page 2

March 11, 1981

As a practical matter -- rather than a drafting concern -- is the requirement of the financial responsibility provisions regarding in perpetuity care of nuclear material one that can be met reasonably?

It is of concern, though I have not taken the time to do research, that the standards applicable to attempting to distinguish "extremely hazardous waste" and "hazardous waste" may be too vague to support the distinctions which the Department of Environmental Conservation shall make under AS 46.32.040, and that prosecutions based on the statute and any regulation adopted under it may be set aside for failure to give adequate notice as a violation of the constitutional protection of due process.

JBC:ljb

Enclosure

Lynn Rice  
SR 20186-A  
Fairbanks, Alaska 99701

March 12, 1981

Senate and House Representatives  
Pouch V  
Juneau, Alaska 99811

Dear House and Senate Members,

I submit the following as written testimony for HB 72 and CS for SB 29.

I am testifying on this matter because I am concerned about the proliferation of nuclear activity, the resulting toxic wastes that this activity produces, and its affect on the environment, and ultimately, men, women, and children.

My recommendations for changes in these bills comes from document #1, Montana Initiative #80. I am enclosing a copy of this initiative for your information. I hope you will notice Section 1, a through g, which gives a good description of the unresolved issues regarding nuclear activity.

I would like to point out that while it has been reported that nuclear power is not feasible in Alaska, these bills (HB 72 and SB 29) describe other nuclear facilities related to nuclear power and therefore are just as much to blame for contributing to the addition of highly toxic and extremely long term nuclear wastes as a nuclear power plant - a legacy to future generations I don't want the responsibility for.

Because we all must take the responsibility for these important decisions, it is for this reason I am submitting testimony. It is also for this reason that we must add the important requirement of a vote of the people before a nuclear facility permit is issued. (As number 5 under item b, section 18.45.025).

The reason for including in section 18.45.025 the item on emergency approval authority invalid for nuclear facilities, is to prevent federal fast-tracking procedures which might attempt to eliminate usual channels of permit approval.

The reason for deleting "high level" is because it seems inappropriate and misleading for what I see as the intentions of this section. For example, plutonium is a product of nuclear power plants, and lasts for thousands of years, but is classified as a transuranic waste. Low level wastes can last for hundreds of years (see p. 22, A Nuclear Waste Primer, for half-lives examples), and can also be a product of nuclear power plants. For these reasons I believe "high level" should be deleted and left to read simply nuclear waste materials.

I am including as part of my testimony a copy of A Nuclear Waste Primer, published by the League of Women Voters Education Fund. I urge you to look this pamphlet over, as it presents a comprehensive yet brief and understandable study of nuclear power.

In CS for SB 29, I would like to point out that low level radiation, as men-

tioned in section 46.03.250, is carcinogenic, just as high level waste is carcinogenic, just as high level waste is carcinogenic, especially if the low level waste contains transuranic elements. (Low level wastes are classified as such if they contain less than 10 nanocuries of transuranic elements per gram of material (p.12); some low level wastes are completely free of transuranic elements).

Alpha-emitting isotopes such as plutonium, if it enters the body through a cut, or by breathing the air, eating food or drinking water containing the isotope, can cause highly concentrated local damage (cancer) from its decay.

The same is true for beta radiation. "The chemical similarities of some of these radioisotopes to naturally occurring elements in the body make them especially dangerous. For example, the chemical resemblance of strontium-90 to calcium results in its concentrating in the bones". (p.20) The decay of this material usually results in bone cancer.

To give you an idea of how toxic these low level wastes can be, "Most LLW will decay to the hazard level of uranium ore after 100 years, according to DOE officials". (p.22).

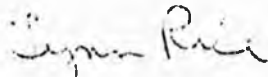
About 25% of low level waste comes from medical and research facilities, 18% from industry, and 14% from government and military operations. The remainder 43% comes from nuclear plants. (p.33).

I am not familiar with the specific wastes that are created in Alaska by medicine, education, or scientific research. I suggest that the legislature look into this to see exactly what you are dealing with.

The problem with storing anything but short lived nuclear waste materials, is the problem of guaranteeing containment for the hazardous life of the material. A Nuclear Waste Primer describes various LLW storage sites where the waste has leaked and migrated into the surrounding environment, causing contamination. Again, I urge you to read this document to gain a better understanding of nuclear power and specifically, nuclear waste storage.

Thankyou for your time and consideration of these recommendations for HB 72, and CS for SB 29.

Sincerely,



Lynn Rice

Enclosures: three pages of recommendations, A Nuclear Waste Primer - published by the League of Women Voters Education Fund, Initiative number 80 from the Montana state election of 11/80.

The following documents are used in this discussion:

1. Initiative number 80 from the Montana state election of November, 1980. (I believe this initiative was passed into law at that time).
2. Alaska State Legislature House Bill 72.
3. Alaska State Legislature Senate Bill (Committee Substitute for) 29.
4. A Nuclear Waste Primer, published by the League of Women Voters Education Fund.

Initiative 80, Section I (1) (a) through (g) gives a good overview of the unresolved issues of nuclear power.

In Section 2 of HB 72, I would suggest the following changes to amend Sec. 18.45.025, Facilities Siting Permit Required: Mark out from "fuel" up to "in the state" and replace all that with "facility". (It now reads "nuclear facility".) Now, include "Definitions", "(1) (a) "Nuclear facility" means each plant, unit, or other facility designed for, or capable of, (i) generating electricity by means of nuclear fission, (ii) converting, enriching, fabricating, or reprocessing uranium minerals or nuclear fuels, or (iii) storing or disposing of radioactive wastes or materials from a nuclear facility".

In Section 2 of HB 72, Sec. 18.45.025, (a), after "unless he (or she) has first obtained a permit", insert "which demonstrates environmental compatibility and public need" ("from the Department of Environmental Conservation").

In Section 2 of HB 72, Sec. 18.45.025, insert at the end of (a), after "Department of Environmental Conservation.", "A facility, with respect to which a permit is issued, may not thereafter be constructed, operated or maintained except in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to this chapter."

I suggest adding the following to this section: "This chapter does not apply to any aspect of a facility over which an agency of the federal government has exclusive jurisdiction, but applies to any unpreempted aspect of a facility over which an agency of the federal government has partial jurisdiction."

Again in this same section, I suggest adding the following as item (b)"(5): the majority of the voters in a statewide election called by initiative or referendum according to the laws of this state has approved the permit."

I recommend the following requirements be included in the regulations adopted by the Department of Environmental Conservation governing the issuance of a permit for a nuclear facility: The Department of Environmental Conservation may not issue a permit to construct a nuclear facility unless it finds that (a) no legal limits exist regarding the rights of a person or group of persons to bring suit for and recover full and just compensation from the designers, manufacturers, distributors, owners, and/or operators of a nuclear facility for damages resulting from the existence or operation of the facility; and further, that no legal limits exist regarding the total compensation which may be required from the designers, manufacturers, distributors, owners and/or operators of a nuclear facility for damages resulting from

the existence or operation of such facility;

(b) the effectiveness of all safety systems, including but not limited to the emergency core cooling systems, of such nuclear facility has been demonstrated, to the satisfaction of the department, by the comprehensive laboratory testing of substantially similar physical systems in actual operation;

(c) the radioactive materials from such nuclear facilities can be contained with no reasonable chance, as determined by the board, of intentional or unintentional escape or diversion of such materials into the natural environment in such manner as to cause substantial or long-term harm or hazard to present or future generations due to imperfect storage technologies, earthquakes or other acts of God, theft, sabotage, acts of war or other social instabilities, or whatever other causes the department may deem to be reasonably possible, at any time during which such materials remain a radiological hazard; and

(d) the owner of such nuclear facility has posted with the board a bond totaling not less than 30 percent of the total capital cost of the facility, as estimated by the department, to pay for the decommissioning of the facility and the decontamination of any area contaminated with radioactive materials due to the existence or operation of the facility in the event the owner fails to pay the full costs of such decommissioning and decontamination. Excess bond, if any, shall be refunded to the owner upon demonstration, to the satisfaction of the department, that the site and environs of the facility pose no radiological danger to present or future generations and that whatever other conditions the department may deem reasonable have been met.

(2) Nothing in this section shall be construed as relieving the owner of a nuclear facility from full financial responsibility for the decommissioning of such facility and decontamination of any area contaminated with radioactive materials as a result of the existence or operation of such facility at any time during which such materials remain a radiological hazard.

Please note: If there is the slightest chance the Department of Environmental Conservation will not include the above requirements in their regulations which will govern the issuance of a permit for a nuclear facility, I suggest that these additional requirements be included in the legislation.

I suggest the following items be added to Sec. 18.45.025. Annual review of evacuation and emergency medical aid plans. (1) The governor shall annually publish, publicize, and release to the news media and to the appropriate officials of affected communities, in a manner designed to inform residents of the affected communities, the entire evacuation plan specified in the licensing of each permitted nuclear facility within this state. Copies of such plan shall be made available to the public upon request at no more than the cost of reproduction. (2) The governor shall establish procedures for annual review by state and local officials of established evacuation and emergency medical aid plans with regard for, but not limited to such factors as the adequacy of such plans, changes in traffic patterns, population densities, the locations of schools, hospitals, and industrial developments, and other factors as requested by locally elected representatives.

Finally, in this section include the following important item: Emergency approval authority invalid for nuclear facilities. The department may not waive compliance with any of the provisions of this act relating to certification of a nuclear facility.

Going on to the next section, (after Sec. 46.03.842) Section 46.03.844, I suggest deleting "high level" in "Storage and disposal of high level nuclear waste material". (It now reads "Storage and disposal of nuclear waste material"). Delete "high level" throughout this section. Deletions would include "(a)The storage and disposal of ~~high level~~ (delete) nuclear waste material in the state is prohibited." It would also include "(b) For purposes of this section, "~~high level~~ (delete) nuclear waste material."

In this same section, I suggest adding item (C) under (b) (1). It would read "(C) nuclear waste materials produced or the by-product of mining of uranium;"

In this same section, under item (b)(1)(B), I suggest adding the following: "material of a kind or quantity which, when stored or disposed, would constitute a threat to the health or safety of the public and or pose a substantial present or potential hazard to the environment, as determined by the department under AS 46.03.250 by regulation;"

In this same section, under item (b) (2), I suggest adding the following: "does not include radioactive materials used in medicine, education, or scientific research which are short lived low-level wastes and are stored or disposed of in conformity with procedures established by the department by regulation".

LR.



# 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: March 12, 1971

TO: Jack Chenowith  
Legal Counsel

FROM: Bob Speed, *B.S.A.*

RE: HCS CSSB 29/Nuclear and hazardous materials and waste

In its meeting of March 11, the House Resources Committee adopted the following amendments to the draft for HCS CSSB 29 by the Resources Committee. Please redraft in final for presentation to the committee for its review and approval. The bill has been scheduled for review next Tuesday, March 17 prior to a motion to move the bill out of committee.

Page 6, line 14: delete subsection (D) having to do with uranium mine and mill tailings.

Page 8, line 14: delete subsection (D) having to do with uranium mine and mill tailings, as on page 6.

Page 5, line 3: after "scientific research" add ", non-destructive testing or security screening" and continue the remainder of the sentence.

Page 7, lines 24 and 28: delete references to AS 46.03.842-844 and insert in their place a new reference, as per page 5, line 29 to page 7, line 4 of this bill (and specifically page 5, line 29 and page 6, line 20), "AS 18.45.130 and 18.45.140" in both references.

Page 9, line 7: after "properties" add "to the greatest extent feasible." and delete "in accordance with regulations adopted by the department"

Page 9, line 8: changed "and" to "or"

Page 9, line 9: change "protect" to "ensure protection of"

page 9, line one (1): delete "a quantity of"

page 9, line 22: after "wastes" add "or hazardous wastes in excess of 1,000 kilograms per month" and complete sentence.

-more-

amendments: HCS CSSB 29 (Resources)  
memo: 3-12-81: page 2

in all references to nuclear disposal facility(ies) insert  
"high level" before the word "nuclear"

page 11, line 6: after "human health" insert "livestock, wildlife,  
property, or the" before the word "environment".

Thanks, Jack. These represent the changes the committee requested  
by adoption of amendments.

If you have any questions, call me (465-3734 or 3779).

A handwritten mark, possibly initials or a signature, consisting of a stylized 'B' or '3' shape with a vertical line extending downwards from the bottom curve.

S

B

3

6

COMMITTEE REPORT

HOUSE

FURTHER:

4/9/81

(11)

Date: MAY 14, 1981

Mr. Speaker:

The Committee on RESOURCES has had CSSSSB 36(R1s)

"An Act establishing the Citizens' Advisory Commission on Federal Management Areas in Alaska; 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 \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without <sup>INDIVIDUAL</sup> recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature] No Rec

[Signature] No Rec

[Signature]  
cc - CHAIRMAN

Teleconference - SB36 / SB 162

SB 36 -

Rick Devige - initiators assoc.

Don Parimeter - Ex Dir. of Citz. Comm. (Miami)

Fbks. Paul Bollbeck -

Donald Stien - Alaska Miners Assoc.  
balance between environmental  
& industry concerns -

Anch. Ray Crosby - patented from sted.

Tanana  
Skogway

Skip Elliot - city mgr - skogway

Russel Bortwo - regional / advisory  
councils -

Fbks Don Logan - Alpine club -

do support -

suggest 4 by gov - 6 by speaker 6 by Pres -

Doug Buchanan - Alaska Alpine Club -

support SB36

Tanana Phil Holdsworth -

Roger Allington

Anch. David (Hinklester ??) Sierra Club -

Valdez Ron Brooks - self support -

gov. appointee -

Ted Dickson - Tanana Valley sportsman Pres.

support SB36

Tan. Chip Tome

# Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
DICK ELIASON  
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BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

MEMORANDUM

TO: SENATE RESOURCES COMMITTEE MEMBERS

FROM: JIM PALMER  
RESOURCES COMMITTEE STAFF

RE: SSSB 36 A SECTION BY SECTION ANALYSIS

DATE: FEBRUARY 13, 1981

---

SSSB 36 is legislation that establishes a Citizen's Advisory Commission on federal management areas in Alaska. Senators Fahrenkamp and Bennett are the sponsors of this bill.

#### SECTION I

Sec. 41.37.010 establish the Citizen's Advisory Commission on federal areas in Alaska. The Commission is a temporary advisory agency of the executive branch. It is charged with considering the views of the citizens of the state in its deliberations.

Sec. 41.37.020 deals with the membership and officers of the Commission. The Commission shall be comprised of 16 members. Eight shall be appointed by the Governor, four by the Speaker of the House of Representatives (2 legislators and two citizens) and four by the President of the Senate (2 legislators and 2 citizens). The Commission will elect its own officers.

Sec. 41.37.030 states that the members of the Commission shall broadly represent the land users of the state. The purpose of this section is to insure that all the land users of the state have a voice on the Commission and to avoid the Commission becoming a spokesperson for any one particular interest.

Sec. 41.37.040 establishes the length of the terms of service for the Commissioners. Commissioners appointed by the Governor will serve for four years. Commissioners appointed by the Legislature will serve for two years. Legislators appointed to the Commission will serve for the length of their legislative terms.

Sec. 41.37.050 provides that a Commissioner can be removed from office for cause or for missing three consecutive Commission meetings.

Sec. 41.37.060 states that a Commissioner will receive compensation at the rate of \$50 per day for time spent working on Commission business. A legislator or other member employed by state or municipal government will not receive compensation. This section also provides for per diem and travel expenses to be paid.

Sec. 41.37.070 allows the Commission to hire staff and contract for outside services.

Sec. 41.37.080 establishes the duties of the Commission. These duties include the consideration of public policy concerns of the state, municipalities and citizens of the state as they relate to or result from federal management of land in Alaska. The Commission can make recommendations to an agency of the state or federal government after it considers public policy. These recommendations must be made available to the Legislative Reference Library and all public libraries in the state. This section also requires the Commission to submit an annual report to the Governor and Legislature.

Sec. 41.37.090 allows the Commission to establish advisory groups. The membership of each advisory group must broadly represent the individuals affected by the management of federal lands.

Sec. 41.37.100 gives the Commission the authority to request the Attorney General to file suit if the Commission determines that the federal land manager is acting in violation of the law, intent of the law or the best interests of the state. The Attorney General will decide on whether to initiate the suit in accordance with AS Sec. 44.23.020.

Sec. 41.37.150 defines the word Commission.

## SECTION 2

Section 2 defines the length of the terms of services for the first Commission members.

## SECTIONS 3 AND 4

These sections mandate that the Commission terminate on June 30, 1988 unless the Legislature amends this legislation to allow the Commission to function past this date.

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, RESOURCES COMMITTEE

4016 EVERGREEN  
FAIRBANKS ALASKA 99701

907-479-3550



Senate

MEMORANDUM

WHILE IN JUNEAU

POUCH V

JUNEAU, ALASKA 99811  
OFFICE 907-465-3763  
RESOURCES COMMITTEE  
907-465-3834  
HOME 907-789-9182

To: Resource Committee Members

FROM: Senator Bettye Fahrenkamp  
Senator Don Bennett

RE: Background Information on:  
SB 36, "An Act establishing the Citizens' Advisory  
Commission on Federal Management Areas in  
Alaska; and providing for an effective date."

DATE: February 12, 1981

The purpose of this legislation is to create a citizens' advisory commission which will stand between the state, its citizens, and federal land management agencies in order to prevent some of the abuses which have occurred in other areas when federal and state interests have conflicted.

The problem has been identified through GAO investigation and through congressional reports. From a report by the Committee on Appropriations relating to the budget of the Department of Interior, October 10, 1979:

The Federal Government already owns well more than one-third of the Nation's land, and the Committee believes the current drive to acquire still more should be reassessed. Too often, it seems, Federal land acquisition is seized upon as a quick fix for recreation, resource conservation, preservation, and environmental protection proposals. Meanwhile, the rush to bring more and more acreage into Federal ownership has at times trampled upon individual property rights, vastly inflated land values and, in some cases, fostered profiteering and corruption. Preliminary findings from a current General Accounting Office investigation have suggested widespread problems in this area and seriously questioned the real need for many land acquisition proposals and practices.

The purpose of the commission is to conduct research and meetings on all matters related to the establishment and operation of federal interest lands in Alaska, and to make recommendations to the National Park Service and other state and federal agencies as the commission seems advisable. It may also recommend to the Attorney General that suit be filed when congressional intent is ignored or if the best interests of the state are not served.

In Minnesota, similar legislation was passed in 1975, five years after Voyager's National Park was created. Management plans for the area were already far along, and in those management plans, use of the park through traditional means of access such as snowmachines, powerboats and float planes was denied. During the years which intervened between the establishment of the Park and the establishment of the Voyager's Park Citizen's Advisory Committee, ill feelings were bred between park users and park managers. However, since 1975, the committee has been able to establish lines of communication with the federal management agencies, to help the Minnesota citizens become more knowledgeable about the operations and potential uses for the park, and to impact some NPS decisions. The committee has been able to defuse some bitter rivalries and hostile actions.

Although the citizen's committee on Voyager's National Park does not have any official status as far as Washington, D.C. is concerned, it has managed to earn the respect of people on both sides of the management issue. The stated objectives of the Voyager's Park Citizen's Committee are:

1. Research and discuss matters related to the management and operations of the park and make recommendations to the National Park Service and other agencies to ensure the proper balance between resource protection and visit or use and enjoyment.
2. Research and discuss matters related to planning, zoning, and development in the peripheral area of the park, and make recommendations to state and local agencies in order to ensure proper consideration of the relationship between management of the park and development of the area adjacent to it.
3. Research and discuss matters related to the economic development of the park area and make recommendations to appropriate agencies for promotion and advertising plans in order to ensure an appropriate level and type of visitation to the area.
4. Research and discuss matters related to transportation in and around the park and make recommendations to the appropriate agencies in order to provide for the travelling needs of the visiting public.

The commission may be one way that the state will be able to prevent some of the problems which occurred elsewhere. Lake Chelan National Recreation Area, in Washington State, is a prime example. The area was created to allow for flexible management which included subsistence hunting, limited timber cutting and continued development in the community of Stehekin. (There are 1600 acres of private

land in Stehekin and the Park Service was instructed, by federal statute, to allow development of small compatible eating and sleeping accommodations and to provide a base camp for management of the surrounding wilderness areas). The Park Service ignored the congressional directive, threatened condemnation on over 1,000 acres of the 1,600 and purchased over 1,000 acres, most of the existing developed facilities that served the public. They even closed some. The Assistant Regional Director of the park was asked why he ignored Congressional direction, and stated, "We felt it was a bad law." This situation must be prevented from occurring in Alaska.

The Alaska Lands Legislation, primarily dealing with the d-2 issue, does establish the "Alaska Land Use Council." The federal Co-Chairman of the Council will be appointed by the President of the United States and the other Co-Chairman will be the Governor of Alaska. Members of the Council shall include: the head of the Alaska offices of each of the following federal agencies:--National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service (whatever that is), National Oceanic and Atmospheric Administration, and the Department of Transportation; the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, and Transportation and Public Facilities; and, two representatives selected by the Alaska Native Regional Corporations (in consultation with their respective Village Corporations) which represent the twelve geographic regions described in section 7(a) of the Alaska Native Claims Settlement Act. The council is mandated to have a public participation program which shall include a committee of land-use advisors, and a system for the identification of persons or communities which may be affected by the Council's recommendations, and the guidelines for participation by such persons. A Federal Coordination Committee is also established, (no Alaskan member) to coordinate those programs and functions of their respective agencies which could affect the administration of lands and resources in Alaska.

The Citizens' Advisory Commission, recommended by this legislation, is composed of users of the parks, people who are directly affected by federal legislation or regulation. While the federal Alaska Lands Council is represented by five Alaskan members, the Council is certainly loaded with eight federal votes.

In his recent overview of the Alaska lands legislation before the Senate Resource Committee, John Katz stated that d-2 allowed an absolute guarantee to inholdings, subject to reasonable regulation and that there is an absolute guarantee to traditional means of access. If there is little or no representation of traditional user groups on the Council and that Council is supposed to be looking out for the state's interests, it seems that the situation is a little like the fox watching the henhouse, especially in light of prior relationships with federal agencies.

One additional comment. It is difficult, if not impossible, for the individual to keep up with federal regulations, proposed regulations, and interim regulations for one area. The citizens' commission would at least allow 12 members of the public, the staff and resources to become involved in the entire land management process without investing all of one's financial resources in the effort.

# Alaska State Legislature

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POUCH V  
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Senate

## Committee on Resources

### MEMORANDUM

TO: SENATE RESOURCES COMMITTEE MEMBERS

FROM: SENATE RESOURCES COMMITTEE STAFF

RE: MATERIALS ON SSSB 36

DATE: FEBRUARY 13, 1981

-----

Attached are materials relevant to Monday's hearing and possible markup of SSSB 36.

The materials include:

- (1) A memorandum on SSSB 36 prepared by Senators Fahrenkamp and Bennett.
- (2) A memorandum prepared by Jim Palmer supplying a sectional analysis of SSSB 36.
- (3) A fiscal note on SSSB 36
- (4) Pages 2466-2470 of PL 96-487 "The Alaska National Interest Lands Conservation Act" which establishes the Alaska Land Use Council.
- (5) Xerox copies of SSSB 36.
- (6) Two pieces of information that the Chairman thought the Committee should have. These pieces are a memorandum from the Associate Solicitor, Conservation and Wildlife to the Director of the National Park Service and selected pages from the final environmental impact statement on Voyageurs National Park.

# League of Women Voters of Alaska

8926 Birch Lane  
Juneau, Alaska 99801  
April 28, 1981

House Resources Committee  
State Capitol  
Pouch V  
Juneau, Alaska 99811

Re: Senate Bill 36: Citizens Management Commission  
on Federal Management Areas in Alaska

Dear Co-chairmen Zharoff and Gardiner and Committee Members:

The League of Women Voters of Alaska supports enactment of Senate Bill 36, and urges your committee to report out CS SS SB 36 (Rules) with a "do pass" recommendation.

We shall not be able to testify orally at your committee's hearings on Friday, May 1, as we shall be in Fairbanks attending the biennial statewide convention of the League of Women Voters of Alaska.

Sincerely,

*for Elizabeth Louadra*  
Margaret E. Holland  
Action Chair

MEH:DEC:rm

# Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN  
VIC FISCHER, VICE-CHAIRMAN  
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Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, RESOURCES COMMITTEE

4016 EVERGREEN  
FAIRBANKS ALASKA 99701

907-479-3550



WHILE IN JUNEAU  
POUCH V  
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Senate

M E M O R A N D U M

To: Resource Committee Members

FROM: Senator Bettye Fahrenkamp  
Senator Don Bennett

RE: Background Information on:  
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DATE: February 12, 1981

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FISCAL NOTE

I. REQUEST

Bill/Resolution No. SS SB 36  
 Title "An Act establishing the Citizens' Advisory Commission on  
Requested by Federal Management Areas in the State; Date 2/13/81  
and providing for an effective date."

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected General Government  
 BRU, Program, or Subprogram(s) Affected Executive Operations  
 (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		22.8	25.8	117.5	151.8	258.8
200 TRAVEL		5.0	60.0	65.4	71.3	77.7
300 CONTRACTUAL		20.0	126.0	137.3	140.7	162.2
400 COMMODITIES		2.5	2.0	11.1	11.5	11.8
500 EQUIPMENT		4.8	5.2	5.7	6.2	6.8
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC.		0	2	0	0	0
<b>TOTAL</b>		<b>77.1</b>	<b>330.4</b>	<b>360.0</b>	<b>386.5</b>	<b>421.3</b>

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		77.1	330.4	360.0	386.5	421.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		5	5	5	5	5
PART TIME						
TEMPORARY						

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

- Assume:
1. Start-up costs in FY 81;
  2. Need for coordination of Commission's activities by an Executive Director with clerical support offered by an Administrative Assistant and three Research Analysts. Positions will last for the duration of the Commission, termination effective June 30, 1981;
  3. Need for legal services, research and advisement by an attorney for the duration of the Commission's activities;
  4. Four meetings, minimum, per year, of the Commission;
  5. Commission staff support located in Fairbanks;
  6. One trip for one person representing Commission to Washington, DC;
  7. Use of legislative and gubernatorial staff in Washington, DC, offices.
  8. Use of overall annual expense increase of 9 percent.

IV. DATE 2/13/81 PREPARED BY Estyve Eahnkamp, Chairman  
 AGENCY Senate Resource Committee  
 Original: Legislative Finance PHONE \_\_\_\_\_  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE (Continued)

III. ANALYSIS

Personal Services includes salaries & benefits for an Executive Director (Range 21A), an Administrative Assistant II (Range 14), and three Research Analysts I (Range 13). Travel included for staff work in state and a single trip to Washington, D.C. Contractual for printing and advertising costs as well as for office support (rentals of space, typewriters, copier, telephone, etc.). Commodities and Equipment are basic to start-up and maintenance expenditure for a small office.

# Windham Bay Independent Company

BOX 915, JUNEAU, ALASKA 99802

TESTIMONY BEFORE THE SENATE RESOURCES COMMITTEE, FEBRUARY 16, 1981.

MADAM CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS CHIP THOMA. I AM THANKFUL TO THE CHAIR TO BE ABLE TO TESTIFY IN FAVOR OF SB 36 TO SET UP A CITIZEN ADVISORY COMMISSION OF FEDERAL LAND POLICIES, ESPECIALLY AS THEY AFFECT INHOLDERS, THOSE OF US OWNING PROPERTY WITHIN FEDERALLY DESIGNATED AREAS.

I AM A PROPERTY OWNER IN WINDHAM BAY, THE FIRST GOLD DISCOVERY IN ALASKA, 60 MILES SOUTH OF JUNEAU, IN THE TONGASS NATIONAL FOREST. MANY WHO HAVE BEEN TO WINDHAM DESCRIBE IT AS THE MOST PICTURESQUE BAY IN S. E. ALASKA, AND I WILL NOT DENY IT FOR A MOMENT. I WAS FORTUNATE TO SUCCESSFULLY BID ON THIS PROPERTY IN 1973, AT AN OUTCRY BID AUCTION CONDUCTED BY THE STATE. THESE WERE GOLD MINING CLAIMS THAT REVERTED TO THE STATE AFTER 1959; IN FACT MY PROPERTY CONTAINS A 900' TUNNEL, THE MILDRED MINE.

THE OWNERSHIP OF THIS PRIVATE, RURAL PROPERTY IN SUCH AN ESTUARY AS WINDHAM BAY HAS BEEN THE PRINCIPLE JOY IN MY LIFE; ENCOURAGING LENGTHY PIPELINE AND FISHING EMPLOYMENT, NECESSITATING THE PURCHASE OF VESSELS, PLANS, TOOLS, LUMBER, LABOR, FUEL AND SUPPLIES--ALL OF WHICH CONTRIBUTE TO AN ALASKAN LIFESTYLE THAT IS WORTH PRESERVING. IT HAS ALSO CAUSED A CLOSE AND OFTEN ADVERSARIAL RELATIONSHIP WITH THE LAND MANAGER OF THIS REGION, THE U. S. FOREST SERVICE.

IN 10 YEARS, I HAVE ATTENDED OVER 30 FOREST SERVICE PLANNING MEETINGS, VISITED THEIR OFFICES IN JUNEAU, SITKA, KETCHIKAN AND PETERSBURG, SERVED AS A PUBLIC MEMBER ON THE FISHERY TASK FORCE TEAM FOR TLUMP--TONGASS LAND USE MANAGEMENT PLAN--AND I HOLD RECREATION PERMITS FOR ADMIRALTY ISLAND AND THE MAINLAND. AS I PLAN ON LIVING IN S. E. ALASKA FOR ANOTHER 70 YEARS, GOD-WILLING, AND A FEW MORE MEDICAL SCIENCE ADVANCEMENTS FORTHCOMING, I AM VERY CONCERNED ABOUT THE FUTURE OF THIS FOREST.

HOWEVER, MY NEARLY COMPLETED SMALL LODGE IN WINDHAM IS DIRECTLY THREATENED BY FOREST SERVICE PLANS TO LOG THE SURROUNDING AREA, JUST AS THERE ARE PLANS TO LOG ALL ACCESSIBLE TIMBER AREAS IN S. E. WITHIN THE NEXT 15 YEARS, WITH THE EXCEPTION OF ADMIRALTY ISLAND. THESE CUTTING PLANS ARE UNDER A 1974 FOREST SERVICE - SMALL BUSINESS ADMINISTRATION SET ASIDE AGREEMENT THAT GIVES 80 MMBF/YEAR TO "INDEPENDENT OPERATORS", HOWEVER THE PURPOSE IS TO LAY TO REST ANTITRUST VIOLATIONS, WHILE THE IMPACT IS GREAT AND THE BENEFACTORS ARE QUESTIONABLE.

WE HAVE A CRISIS OF MANAGEMENT IN THE TONGASS FOREST AND, I CLAIM, A CRISIS FAR MORE EXTREME THAN ANY AREA OF THE STATE MANAGED BY ANY FEDERAL AGENCY. FOR IN THE MINDS OF F. S. MANAGEMENT AND THE TIMBER INDUSTRY, EVERY BAY IS A LOG STORAGE AREA, RIVERS ARE HIGHWAYS AND STREAMS ARE ARTERIAL ROADS THAT GIVE ACCESS TO THE TIMBER ON HILLSIDES. IN ANOTHER 15 YEARS NEARLY 60 MORE MAJOR BAYS WILL BE LOGGED UNDER FEDERAL DIRECTION AND AT LEAST 30 UNDER PRIVATE OWNERSHIP. THE NEXT FIVE YEARS ALONE WILL SEE THE ENTIRETY OF EAST CHICHAGOF ISLAND, EVERY AVAILABLE BAY ON THE MAINLAND AND THE REMAINDER OF PRINCE OF WALES AND KUIU ISLANDS LOGGED AND SHIPPED TO JAPAN AS CANTS, PULP AND ROUND LOGS.

JUST THIS 1981-86, 5-YEAR PERIOD WILL SEVERELY IMPACT THE TOWNS OF HOONAH, PETERSBURG, JUNEAU, TENNEKEE, KAKE, CRAIG AND KLAWOCK, WHOSE RESIDENTS USE THESE AREAS FOR FISH, WILDLIFE AND TOURISM. I WOULD LIKE TO CONCENTRATE ON A FEW BRIEF THEMES THAT THIS COMMITTEE SHOULD CONSIDER:

(1) THIS REGION KNOWN AS THE TONGASS NATIONAL FOREST SHOULD BE KNOWN AS THE S. E. ALASKA FISHERY RESERVE, AS THIS REGION IS THE LARGEST NATURAL SPAWNING HABITAT FOR SALMON IN THE WORLD. WITH 5 MAJOR RIVERS, OVER 500 BAYS AND 2500 MAJOR STREAMS, S. E. ALASKA HAS HISTORICALLY PRODUCED MORE FISH THAN THE BEST YEARS IN BRISTOL BAY. S. E. ALASKA HERRING, HALIBUT, COD AND CRAB POPULATIONS ARE ALSO, HISTORICALLY, AMONG THE WORLD'S BEST, BUT OVERFISHING HAS TAKEN ITS TOLL ON THESE BYGONE CLAIMS-TO-FAME.

HOWEVER, OUR DEER, BEAR AND SMALL FUR-BEARER POPULATIONS ARE LARGE AND HEALTHY--AT LEAST IN AREAS THAT HAVE NOT YET BEEN LOGGED.

I SHOULD ALSO POINT OUT THAT THE 25 TOWNS OF S. E. ARE LOCATED IN CLOSE PROXIMITY TO AREAS RICH IN FISH AND WILDLIFE; EVEN A FLUKE LIKE JUNEAU IS ADJACENT TO THE TAKU RIVER. OUR PEOPLE HAVE ALWAYS USED THESE RESOURCES AS LIVELIHOOD, FOR SUSTENANCE AND ENJOYMENT. BUT FOR A VARIETY OF RAPIDLY CONVERGING INTERESTS, THIS USE OF NEARBY AREAS FOR PERSONAL FISH AND WILDLIFE USAGE, MAY, LIKE COMMERCIAL USES, BE A THING OF THE PAST.

(2) THE TONGASS FOREST WAS COMMITTED IN THE EARLY 1950'S TO TWO, 50-YEAR TIMBER SALES--ONE BASED IN KETCHIKAN AND ONE IN SITKA. AT THAT TIME, THE FOREST SERVICE WAS BRAND NEW TO ANY SORT OF LARGE-SCALE MANAGEMENT, IT'S RANKS SWELLED BY G. I. BILL GRADUATES. THESE TWO, 50-YEAR CONTRACTS, THE LARGEST IN HISTORY, WERE SOLD ON THE BASIS OF TIMBER CRUISING METHODS THAT WERE NOT SCIENTIFIC, BUT SEAT-OF-THE-PANTS OBSERVATIONS FROM THE WINDOWS OF DEHAVILLANDS, WHICH NEVER CONSIDERED FISH AND WILDLIFE AS FACTORS OF CAUTION. CONSEQUENTLY, THE VOLUME OF TIMBER WAS OVERESTIMATED, BY AT LEAST 15%.

THE TIMBER COMPANIES REALIZED THIS AND HAVE ALWAYS PETITIONED THE FOREST SERVICE TO ENTER AREAS EARLIER THAN SCHEDULED, WHICH HAS OCCURRED, AND HAS BEEN THE CAUSE OF CONFLICT EVER SINCE; WITHIN THE INDUSTRY, BETWEEN INDUSTRY AND MANAGEMENT AND BETWEEN MANAGEMENT, PUBLIC AND PRIVATE OWNERS. FOR THERE HAS BEEN NO FLEXIBILITY IN THE FOREST SINCE 1965--EVERY SINGLE AREA IS COMMITTED. THE SMALL LOGGERS AND MILLS HAVE FOLDED FROM FIERCE COMPETITION AND LACK OF CUT AREAS.

THE LARGE COMPANIES HAVE ENGAGED IN QUESTIONABLE BIDDING AND MARKETING PRACTICES TO THWART ANTIQUATED MANAGEMENT AND THE TROUBLESOME, SMALLER COMPETITION. THE PUBLIC HAS BEEN FORCED TO VENT ITS ANGER THROUGH THE BEGINNING RUDIMENTS OF PLANNING AND CLASS ACTION SUITS. AND PRIVATE OWNERS, INCLUDING

NATIVE CORPORATIONS, ARE A FACTOR CAUSING INDUSTRY AND MANAGEMENT TO SCRAMBLE AND CLAIM ALL REMAINING LANDS FOR HARVEST.

IMPORTANTLY, THIS FOREST VOLUME HAS BEEN OVERESTIMATED AND IS BEING OVERHARVESTED. THE MANAGERS ARE SWIFTLY RUNNING OUT OF TIME BEFORE THIS IS EVIDENT TO ALL.

(3) A THIRD IMPORTANT FACTOR HAS BEEN RECENT HISTORY. WHEN THIS PRESENT STATE ADMINISTRATION WAS INVITED TO WORK WITH THE FOREST SERVICE ON THE TONGASS LAND USE MANAGEMENT PLAN, A VERY SMALL GROUP OF AIDES WERE DISPATCHED FROM BOTH FISH AND GAME AND NATURAL RESOURCES TO COME TO TERMS WITH THE FORESTERS. IMPORTANTLY, NONE OF OUR STATE AIDES HAD ANY FORESTRY BACKGROUND AT THE TIME.

THE FORESTERS CONVINCED THESE AIDES THAT A 450 MMBF, ANNUAL FEDERAL SALE LEVEL WAS NECESSARY TO KEEP INDUSTRY AFLOAT-- EVEN THOUGH THIS IS THE CLASSIC NUMBER SHELL GAME THAT HAS RUN AMOK EVER SINCE, BECAUSE PRIVATE INTERESTS ARE CAPABLE AND WILL TO CUT UP TO 200 MMBF/YEAR; A TOTAL OF 650 MMBF/YEAR. THIS IS ENVIRONMENTALLY PREPOSTEROUS AND WITHOUT ANY SCIENTIFIC BASIS.

ADDITIONALLY AT THIS JUNCTURE, THE COMMISSIONER OF DNR ASSUMED THE LEAD ROLE OF NEGOTIATIONS WITH THE FOREST SERVICE AND HAS REMAINED SO SINCE 1978; A HINDRANCE TO ANY FRANK DISCUSSION OF FOREST POLICY.

I MUST INSIST THAT DNR BE REMOVED FROM TONGASS DECISION MAKING. THE STATE OWNS NO LAND OUTSIDE ESTABLISHED BOROUGHES AND DNR HAS NO EXPERTISE IN FISH AND WILDLIFE MATTERS. THIS ROLE PROPERLY RESIDES WITH THE DEPARTMENT OF FISH AND GAME IN THE HABITAT DIVISION, WHO ARE FAR BETTER EQUIPPED TO ADVOCATE THE PROPER PROTECTION OF LIVING RESOURCES, AND THEY HAVE THE SUPPORT OF THE BOARDS IN THESE MATTERS.

THIS CONCLUDES MY FORMAL TESTIMONY, YET I MUST AGAIN EMPHASIZE THAT IF WE ALLOW THIS NATIONAL FOREST SITUATION TO

CONTINUE, AS SEEMS LIKELY UNDER THE NEW ADMINISTRATION, ALL THE RESIDENTS OF THIS FOREST ARE FACING DETRIMENTAL IMPACTS THAT WILL LAST HUNDREDS OF YEARS.

I TRUST THAT ANY CITIZEN MEMBERS OF THIS PROPOSED COMMISSION FROM THIS REGION BE THOSE WHO ADVOCATE A REVIEW OF CUTTING AND ALLOCATION PRACTICES.

AS A FINAL COMMENT BOTH THE FISH AND GAME BOARDS AND THE ASSOCIATION OF WILDLIFE MANAGERS HAVE FOUND GREAT FAULT WITH THE FOREST SERVICE STYLE OF MULTIPLE ABUSE AND THEIR RESOLUTIONS ARE CONTAINED IN MY APPENDIX. MY RECOMMENDATIONS FOR THE FUTURE ARE THESE:

(1) STATE MONIES SHOULD BE SPENT TO BUY UP THE REMAINING 30 YEARS OF CUTTING CONTRACTS FOR ONE OF THE PULP MILLS--THERE ARE GOOD REASONS TO BUY OUT EITHER CONTRACT, ESPECIALLY IN LIGHT OF PRIVATE SELECTIONS.

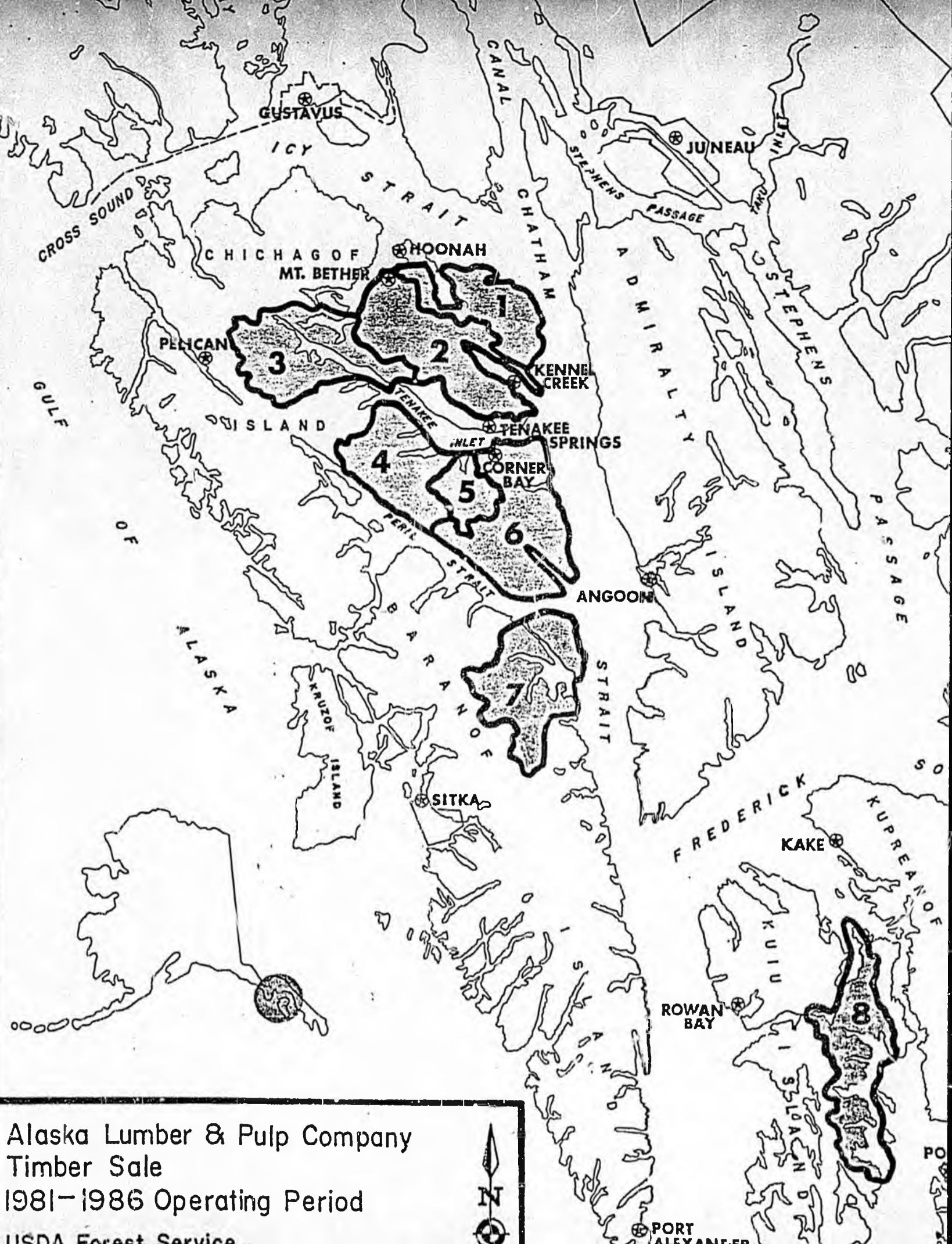
(2) SECTION 705 OF THE LANDS BILL, MANDATING A 4.5 BILLION BOARD FOOT CUT EVERY DECADE SHOULD BE REPEALED AS EXTRAVAGANT.

(3) FISH AND GAME SHOULD BE THE LEAD AGENCY IN DEALING WITH THE FOREST SERVICE AND INDUSTRY--NOT NATURAL RESOURCES.

END

APPENDIX

1. FIVE YEAR CUTTING PLAN (1981-86) FOR ALASKA LUMBER AND PULP, CHATHAM DISTRICT (MAP)
2. LIST OF INDEPENDENT TIMBER SALES, CHATHAM DISTRICT, WITH TWO MAPS (THREE PAGES)
3. STATEMENT OF THE ALASKA CHAPTER OF THE WILDLIFE SOCIETY, MAY 1979 (THREE PAGES)
4. JOINT RESOLUTION OF THE BOARDS OF FISHERIES AND GAME ADOPTED 12/7/81, 2 pages



Alaska Lumber & Pulp Company  
 Timber Sale  
 1981-1986 Operating Period

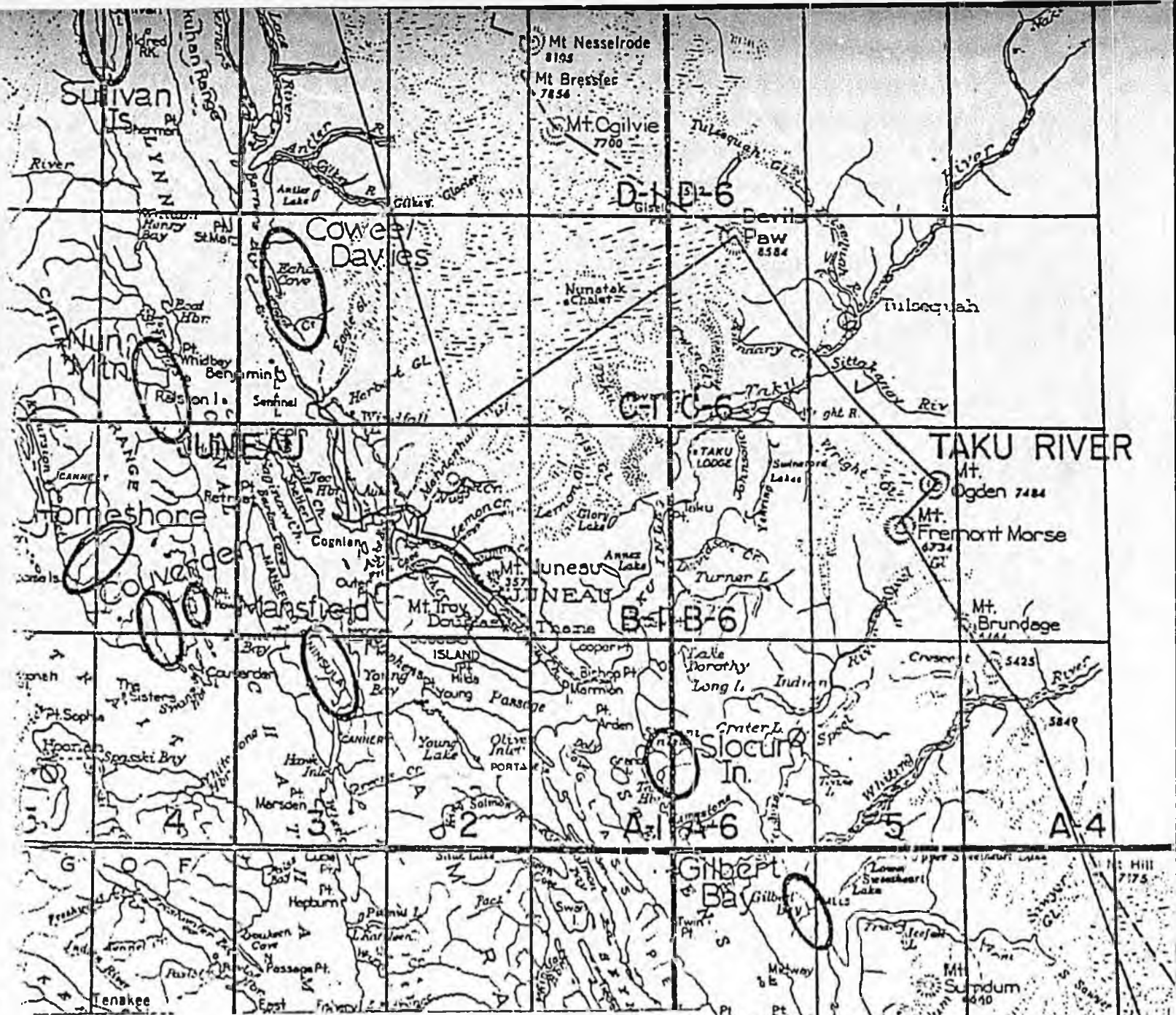
USDA Forest Service

U.S.D.A. Forest Service, Tongass N.F., Chatham Area, Juneau Ranger District 5 Year Action Plan for Independent Timber Sales

Name of Sale Area    Quad. Name & #    Mgmt. A    #    VCU #    Proposed Sale Date    Estimated Acreage (acres)    Estimated Volume (MMBF)    Estimated Rd. Const. (Miles)

Homesore	Jn. B3	C-19	119	August "78"	503	9.0	---
Gilbert Bay	Sum. D5+6	C-10	57	September "80"	995	30.9	15
Cowee/Davies	Jn. C3	C-3	17,23,24	September "82"	1000	35	18
Sandborn Canal	Sum. A+B4	C-14	84	September "83"	800	20	10
Port Houghton	Sum. B5	C-14	83	September "83"	800	20	10
North Windham	Sum. C5	C-13	70	September "83"	600	15	4
Chuck River	Jn. C4	C-13	76	September "84"	1200	35	17
Couverden	Jn. A+B4	C-18	117	September "84"	760	19	9
Yakutat	Yak. B3	C-53	373	August "85"	500	15	7
Slocum In.	Tak. A6 Jn. A1	C-10	51	June "85"	1000	20	10
Sullivan Is.	Jn. D4	C-15	94	September "85"	500	10	5
Mansfield Pt.	Jn. A3	C-21	128	March "86"	1000	20	10
Nun Mtn.	Jn. B4	C-18	113	September "86"	750	15	---

265 mmbf












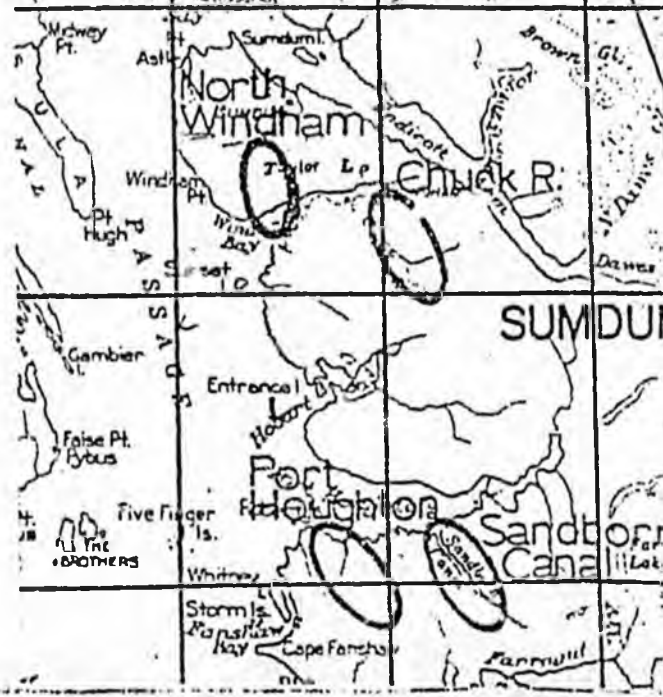
5 Year Action Plan Area Map - Independent Timber Sales  
Scale

10 20 30 40 50 Miles

Scale: 12 miles to 1 inch

**LEGEND**

-  National Forest Boundary
-  International Boundary
-  National Monument Boundary
-  Paved Road
-  Dirt Road
-  Railroad
-  Trail
-  House, Cabin, or other Building
-  Glacier
-  Supervisor's Headquarters
-  Landing Strips
-  Commercial or Municipal Airfield
-  Lands within proclaimed
-  National Forest Boundary
-  Proposed Sale Area





# THE WILDLIFE SOCIETY

## ALASKA CHAPTER

### FOREST PRACTICES IN ALASKA

A Position Statement of the  
Wildlife Society, Alaska Chapter  
May 1979



More than 15 million acres, or about two-thirds, of southeast Alaska is National Forest. This represents the major area of high-volume, coastal climax (old-growth) forest remaining in northwestern North America. About one-third of southeast Alaska has timber presently classified as commercially harvestable. Thirteen percent of this commercial forest land has already been harvested and about 18,000 acres, or 500 million board feet, are harvested annually by clearcutting, the most economically efficient method of harvest. This commercial forest land represents a unique ecological community that provides important habitat for the indigenous fish and wildlife of southeast Alaska.

Federal laws and management policies mandate multiple-use forest management. Equal consideration must be given to all resource values, including fish and wildlife and maintenance or enhancement of habitat for both. However, the Alaska Chapter of the Wildlife Society believes that these mandates are not being met on the Tongass National Forest.

Maintaining wildlife habitat, while at the same time retaining current timber harvest levels, appears to be an impossibility in southeast Alaska. Few quantitative data are currently available on the impacts of climax forest removal upon wildlife, but there is strong evidence that clearcutting adversely affects marten, deer, and eagles. Studies now underway should provide increased information on these and several other species. It is becoming clear that under the existing management practice of even-aged silviculture on a 100-120 year rotation, the climax forests of southeast Alaska are in fact a nonrenewable resource. Although timber as a crop is renewable, the closed canopy, even-aged, regrowth stands which result from clearcutting are, for several centuries following cutting, very distinct from the more diverse, uneven-aged, climax forest. This is especially serious because the high-volume, old-growth stands, which are of critical importance to wintering deer and other species, are being harvested in much greater proportion than they occur throughout the forest.

Federal law dictates that National Forests must be managed in the best interests of all the people of the Nation and that equal consideration of all resource values is basic to the planning process established by the National Forest Management Act. Lumber has become an exceedingly valuable National resource. The interests of the American public require that this commodity be reserved and used only for those purposes having no reasonable substitute for wood. The use of high quality timber solely to generate income, to yield products such as paper pulp, or to support an export trade, is not a responsible use of publicly owned timber.

The Alaska Chapter of the Wildlife Society believes that current management of Federal lands in southeast Alaska is in conflict with the following laws of the United States and policies of the U.S. Forest Service:

Multiple-Use Sustained Yield Act of June 12, 1960 (74 Stat. 215);  
Sikes Act (P.L. 93452), amended October 1974, Section 205(6);  
Federal Land Policy and Management Act of 1976 (P.L. 94579),  
Section 302(b);  
Forest Service Manual, Title 2600-Wildlife Management,  
Sections 2602, 2603, 2610.3, and 2611.01b.

Specifically, the Alaska Chapter believes that Federal constitutional, legislative, and departmental regulatory mandates to the U.S. Forest Service are violated in the process of committing National Forest lands to the production of timber at the expense of the production of fish and wildlife without full concurrence from the Alaska Department of Fish and Game. The Chapter believes that it was inappropriate and in violation of Federal law for the U.S. Forest Service to enter the Government into long-term contractual obligations to provide timber to private individuals or corporations without such concurrence. The Chapter further believes that the State of Alaska violates its Constitutional mandates by failing to specifically require that fish and wildlife habitat on National Forest lands be maintained to the extent and in the condition that will best serve the long-term interests of all Alaskans.

The Alaska Chapter of the Wildlife Society recommends the following:

1. The State of Alaska should advise the Federal Government that long-term management plans for the Tongass National Forest may be in violation of laws and policies pertaining to fish and wildlife and their habitats.
2. The State of Alaska should, through the Department of Fish and Game with assistance from the Department of Law, immediately initiate negotiations with the U.S. Forest Service to develop a mutually agreed upon policy insuring adequate protection for fish and wildlife habitat capable of supporting the diversity and abundance of native populations representative of the Forest and region.
3. The U.S. Forest Service should cooperate fully with the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service in providing that forest management satisfactorily meets the objectives and responsibilities of those two agencies.
4. The U.S. Forest Service should fully consider economic factors in making forest management decisions. Long-term loss of economic benefits derived from wildlife-related guiding, hunting, and tourism as a result of habitat alteration related to clearcutting should be considered along with the direct, short-term economic benefits of logging. Economic analyses should consider the net financial return to U.S. citizens after deductions for Federal and State costs of maintaining the timber industry. Timber regrowth rates in southeast

Alaska as compared to other areas should also be part of an economic analysis.

5. Where substantive data on wildlife ecology are lacking or incompleter, the U.S. Forest Service should defer land use decisions with the potential of causing irreversible adverse impacts on wildlife populations and their habitat until more adequate data on wildlife-timber relationships become available. To fill in these data gaps, the U.S. Forest Service, U.S. Fish and Wildlife Service, and Alaska Department of Fish and Game should immediately enter into cooperative research agreements to provide information on the ecological relationships of wildlife to old-growth forests and of the effects of clearcutting on wildlife.
6. To provide for maintenance of optimal deer winter habitat, and to ensure survival of deer during severe winters, substantial portions of high-volume commercial forest land should never be clearcut.
7. Cutting of high-volume timber sites, which have historically been harvested in greater proportion than their occurrence within the Forest, should not exceed the proportion of their occurrence in order to provide a balance and diversity of habitat.
8. U.S. Forest Service timber managers must obtain more accurate and complete information on dates and acreages of past timber harvests and locations and volumes of existing timber resources, and insure that excessive use of these resources does not occur.
9. If the amount of timber allocated for cutting under present management is not compatible with the long-term maintenance of diversity and abundance of native fish and wildlife, consideration should be given to phasing out short-term timber sales and buying back timber committed to long-term contracts.
10. Finally, the Alaskan and U.S. public must be fully informed about the long-term and, from a practical standpoint, permanent and irreversible consequences for fish and wildlife of current forest practices in southeast Alaska. Of critical importance is the concept that the coastal climax forest of southeast Alaska is, under existing forest management policy, a nonrenewable resource.

JOINT RESOLUTION BY BOARDS OF FISHERIES AND GAME

PROPOSED AND ADOPTED ON 12/7/80

WHEREAS, the Alaska Boards of Fisheries and Game are statutorily charged with the conservation and development of fish and game resources of the State and the Alaska Constitution mandates maintenance of fish and game populations on a sustained yield basis, and

WHEREAS, the U.S. Forest Service is committed to multiple use management through various federal acts and its own regulations, and

✓ WHEREAS, the present forest management practice of clearcut logging throughout Southeast Alaska on a 90-125 year rotation is permanently converting diverse old growth stands with high fish and wildlife values to less diverse second growth stands of much less value to fish and wildlife, and

WHEREAS, the U.S. Congress has mandated a 4.5 billion board foot timber harvest over the next decade from the Tongass Forest, and a timber harvest up to 400 million board feet per year may be harvested from State and private lands, and

WHEREAS, past and projected timber harvest is concentrated in the higher volume stands of limited occurrence and current research has shown these stands to be highly important Sitka black-tailed deer winter habitat, and

WHEREAS, current scientific knowledge of other fish and wildlife species needs in relation to old growth forest is limited, yet indicates  
X goats, marten, Vancouver Canada geese, bald eagles, salmonids and other species of fish and wildlife may be old growth dependent during some periods of the year, and

WHEREAS, the salmon commercial fisheries are one of the most valuable industries in Southeast Alaska and both subsistence and recreational use of fish and wildlife is highly important from both an economic and social standpoint, and

WHEREAS, the State Forest Practices Act, which regulates forest management  
X activities on State and private lands, does not adequately address wildlife concerns,

Now therefore be it resolved by the Joint Boards of Fisheries and Game that:

1. The public be fully informed by the Department of Fish and Game and the U.S. Forest Service of the long term known and potential impacts of clearcut logging on fish and wildlife habitat and subsequent population levels.
2. The Tongass Land Management Plan be revised by the Forest Service to provide more protection for valuable fish and wildlife habitat and reflect recent research findings.

3. If information is not adequate to ensure the protection of fish and wildlife resources, then targeted timber outputs should be reduced by the Forest Service rather than risk permanent damage to these resources.
4. Research be expanded by both the Department of Fish and Game and the U.S. Forest Service to determine the effects of timber harvest on fish and wildlife habitat requirements, and as new information becomes available, results be incorporated in the Forest Service planning process.
5. In all future timber harvests by the State and U.S. Forest Service, timber stands of more than 50,000 board feet per acre not be cut and other volume classes be cut only in proportion to their occurrence.
6. Multiple use management of all resources be maintained by the U.S. Forest Service on the remaining lands not withdrawn for wilderness management nor selected by Native Corporations.
7. Any assessment of resource values by the U.S. Forest Service include a full economic analysis of fish and wildlife resources and their human use.
8. Selective cutting with techniques such as balloon and helicopter logging be considered by the U.S. Forest Service as an alternative to clearcutting.
9. The State Forest Practices Act be amended to adequately address wildlife concerns.
10. Major islands or management units as proposed for the Forest Service Regional Plan, whichever are smaller, should be used by the U.S. Forest Service as the basis for individual forest management planning units.

impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) **RELEASE.**—The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) **APPLICATION OF SECTION.**—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the Road at Prudhoe Bay.

#### STIKINE RIVER REGION

SEC. 1113. Congress finds that there is a need to study the effect of this Act upon the ability of the Government of Canada to obtain access in the Stikine River region of southeast Alaska. Accordingly, within five years from the date of enactment of this Act, the President shall consult with the Government of Canada and shall submit a report to the Congress containing his findings and recommendations concerning the need, if any, to provide for such access. Such report shall include, among other things, an analysis of the need for access and the social, environmental and economic impacts which may result from various forms of access including, but not limited to, a road along the Stikine and Iskut Rivers, or other alternative routes, should such access be permitted.

### TITLE XII—FEDERAL-STATE COOPERATION

#### ALASKA LAND USE COUNCIL

SEC. 1201. (a) **ESTABLISHMENT.**—There is hereby established the Alaska Land Use Council (hereinafter in this title referred to as the "Council").

(b) **COCHAIRMEN.**—The Council shall have Cochairmen. The Federal Cochairman shall be appointed by the President of the United States with the advice and consent of the Senate. The State Cochairman shall be the Governor of Alaska.

(c) **MEMBERS.**—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska offices of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation;

(2) the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, and Transportation; and

(3) two representatives selected by the Alaska Native Regional Corporations (in consultation with their respective Village Corporations) which represent the twelve geographic regions described in section 7(a) of the Alaska Native Claims Settlement Act.

Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) **STATE DECISION NOT TO PARTICIPATE.**—If the State elects not to participate on the Council or elects to end its participation prior to termination of the Council, the Council shall be composed of the Federal Cochairman, the agencies referred to in subsection (c)(1) and the representatives of the Alaska Native Regional Corporations referred to in subsection (c)(3). The Council, so composed, shall carry out the administrative functions required by this title and shall make recommendations to Federal officials with respect to the matters referred to in subsections (i) and (j). In addition, the Council may make recommendations from time to time to State officials and private landowners concerning such matters.

(e) **COMPENSATION AND EXPENSES.**—

(1) The Federal Cochairman shall be compensated at a rate to be determined by the President but not in excess of that provided for level IV of the Executive Schedule contained in title V, United States Code.

(2) The other members of the Council who are Federal employees shall receive no additional compensation for service on the Council.

(3) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are Federal employees, or members of the Council referred to in subsection (c)(3), shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(4) The State Cochairman and other State members of the Council have been compensated in accordance with applicable State law.

(f) **ADMINISTRATIVE AUTHORITY.**—

(1) The Cochairmen, acting jointly, shall have the authority to create and abolish employments and positions, including temporary and intermittent employments; to fix and provide for the qualification, appointment, removal, compensation, pension, and retirement rights of Council employees; and to procure needed office space, supplies, and equipment.

(2) The office of the Council shall be located in the State of Alaska.

(3) Except as provided in subsection (d), within any one fiscal year, the Federal Government shall pay only 50 per centum of the costs and other expenses other than salaries, benefits, et cetera of members, incurred by the Council in carrying out its duties under this Act.

(4) The Council is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement. Each department and agency of the Federal Government is authorized and directed to cooperate fully in making its services, equipment, personnel, and facilities available to the Council. Personnel detailed to the Council in accordance with the provisions of this subsection shall be under the direction of the Cochairman during any period such staff is so detailed.

(5) The Council is authorized to accept donations, gifts, and other contributions and to utilize such donations, gifts, and contributions in carrying out its functions under this Act.

5 USC 5315.

Federal costs and expenses.

consultation  
with Canadian  
Government and  
report to  
President.  
5 USC 3173.

5 USC 3181.

residential  
appointment.

(6) The Council shall keep and maintain complete accounts and records of its activities and transactions, and such accounts and records shall be available for public inspection.

(g) **MEETINGS; AUTHORITIES; REPORTS.**—The Council shall meet at the call of the Cochairmen, but not less than four times each year. In addition, the Council may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, receive such evidence and print or otherwise reproduce and distribute reports concerning so much of its proceedings as the Council deems advisable. No later than February 1 of each calendar year following the calendar year in which the Council is established, the Cochairmen shall submit to the President, the Congress, the Governor of Alaska, and the Alaska Legislature, in writing, a report on the activities of the Council during the previous year, together with their recommendations, if any, for legislative or other action in furtherance of the purposes of this section.

(h) **RULES.**—The Council shall adopt such internal rules of procedure as it deems necessary. All Council meetings shall be open to the public, and at least fifteen days prior to the date when any meeting of the Council is to take place the Cochairman shall publish public notice of such meeting in the Federal Register and in newspapers of general circulation in various areas throughout Alaska.

(i) **FUNCTIONS OF THE COUNCIL.**—

(1) The Council shall conduct studies and advise the Secretary, the Secretary of Agriculture, other Federal agencies, the State, local governments, and Native Corporations with respect to ongoing, planned, and proposed land and resources uses in Alaska, including transportation planning, land use designation, fish and wildlife management, tourism, agricultural development, coastal zone management, preservation of cultural and historical resources, and such other matters as may be submitted for advice by the members.

(2) It shall be the function of the Council—

(A) to make recommendations to appropriate officials of the United States and the State of Alaska with respect to—

- (i) proposed regulations promulgated by the United States to carry out its responsibilities under this Act;
- (ii) management plans and studies required by this Act including, but not limited to, plans and studies for conservation system units, wild and scenic rivers, and wilderness areas;
- (iii) proposed regulations promulgated by the State of Alaska to carry out its responsibilities under this Act and other State and Federal laws;

(B) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to improve coordination and consultation between said governments in wildlife management, transportation planning, wilderness review, and other governmental activities which appear to require regional or statewide coordination;

(C) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to ways to insure that economic development is orderly and planned and is compatible with State and national economic, social, and environmental objectives;

(D) to make recommendations to appropriate officials of the governments of the United States and the State of

Alaska with respect to those changes in laws, policies, and programs relating to publicly owned lands and resources which the Council deems necessary;

(E) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the inventory, planning, classification, management, and use of Federal and State lands, respectively, and to provide such assistance to Native Corporations upon their request;

(F) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to needed modifications in existing withdrawals of Federal and State lands; and

(G) to make recommendations to appropriate officials of the governments of the United States and the State of Alaska with respect to the programs and budgets of Federal and State agencies responsible for the administration of Federal and State lands; and

(H) to make recommendations to appropriate officials of the governments of the United States, the State of Alaska, and Native Corporations for land exchanges between or among them.

(j) **COOPERATIVE PLANNING.**—

(1) The Council shall recommend cooperative planning zones, consisting of areas of the State in which the management of lands or resources by one member materially affects the management of lands or resources of another member or members including, but not limited to, such areas as the Northwest Arctic, the North Slope, and Bristol Bay. Federal members of the Council are authorized and encouraged to enter into cooperative agreements with Federal agencies, with State and local agencies, and with Native Corporations providing for mutual consultation, review, and coordination of resource management plans and programs within such zones.

(2) With respect to lands, waters, and interests therein which are subject to a cooperative agreement in accordance with this subsection, the Secretary, in addition to any requirement of applicable law, may provide technical and other assistance to the landowner with respect to fire control, trespass control, law enforcement, resource use, and planning. Such assistance may be provided without reimbursement if the Secretary determines that to do so would further the purposes of the cooperative agreement and would be in the public interest.

(3) Cooperative agreements established pursuant to this section shall include a plan for public participation consistent with the guidelines established by the Council pursuant to subsection (m).

(k) **NONACCEPTANCE OF COUNCIL RECOMMENDATIONS.**—If any Federal or State agency does not accept a recommendation made by the Council pursuant to subsection (i) or (j), such agency, within thirty days of receipt of the recommendation, shall inform the Council, in writing, of its reason for such action.

(l) **TERMINATION.**—Unless extended by the Congress, the Council shall terminate ten years after the date of enactment of this Act. No later than one year prior to its termination date, the Cochairmen shall submit in writing to the Congress a report on the accomplishments of the Council together with their recommendations as to whether the Council should be extended or any other recommenda-

Publication in Federal Register.

Cooperative agreements.

Report to Congress.

tions for legislation or other action which they determine should be taken following termination of the Council to continue carrying out the purposes for which the Council was established.

(m) **PUBLIC PARTICIPATION.**—The Council shall establish and implement a public participation program to assist the Council to carry out its responsibilities and functions under this section. Such program shall include, but is not limited to—

(1) A committee of land-use advisors appointed by the Cochairmen made up of representatives of commercial and industrial land users in Alaska, recreational land users, wilderness users, environmental groups, Native Corporations, and other public and private organizations. To the maximum extent practicable, the membership of the committee shall provide a balanced mixture of national, State, and local perspective and expertise on land and resource use issues; and

(2) A system for (A) the identification of persons and communities, in rural and urban Alaska, who or which may be directly or significantly affected by studies conducted, or advice and recommendations given by the Council pursuant to this section, and (B) guidelines for, and implementation of, a system for effective public participation by such persons or communities in the development of such studies, advice and recommendations by the Council.

#### FEDERAL COORDINATION COMMITTEE

SEC. 1202. There is hereby established a Federal Coordination Committee composed of the Secretaries (or their designees) of Agriculture, Energy, the Interior, and Transportation; the Administrators of the Environmental Protection Agency, and the National Oceanic and Atmospheric Administration; and the Federal and State Cochairmen of the Council. Such Committee shall meet at least once every four months in order to coordinate those programs and functions of their respective agencies which could affect the administration of lands and resources in Alaska. The Federal Cochairman shall be the Chairman of the Committee. He shall be responsible for formulating an agenda for each meeting, after consultation with the other agency heads referred to herein, for providing any necessary staff support, and for preparing a brief summary of the disposition of matters discussed at each meeting. Such summary shall be published in the Federal Register.

#### BRISTOL BAY COOPERATIVE REGION

SEC. 1203. (a) **DEFINITIONS.**—For purposes of this section—

(1) The term "Governor" means the Governor of the State of Alaska.

(2) The term "region" means the land (other than any land within the National Park System) within the Bristol Bay Cooperative Region as generally depicted on the map entitled "Bristol Bay-Alaska Peninsula", dated October 1979.

(b) **PURPOSE.**—The purpose of this section is to provide for the preparation and implementation of a comprehensive and systematic cooperative management plan (hereinafter in this section referred to as the "plan"), agreed to by the United States and the State—

(1) to conserve the fish and wildlife and other significant natural and cultural resources within the region;

(2) to provide for the rational and orderly development of economic resources within the region in an environmentally sound manner;

(3) to provide for such exchanges of land among the Federal Government, the State, and other public or private owners as will facilitate the carrying out of paragraphs (1) and (2);

(4) to identify any further lands within the region which are appropriate for selections by the State under section 6 of the Alaska Statehood Act and this Act; and

(5) to identify any further lands within the region which may be appropriate for congressional designation as national conservation system units.

(c) **FEDERAL-STATE COOPERATION IN PREPARATION OF PLANS.**—(1) If within three months after the date of enactment of this Act, the Governor notifies the Secretary that the State wishes to participate in the preparation of the plan, and that the Governor will, to the extent of his authority, manage State lands within the region to conserve fish and wildlife during such preparation, the Secretary and the Governor shall undertake to prepare the plan which shall contain such provisions as are necessary and appropriate to achieve the purposes set forth in subsection (b), including but not limited to—

(A) the identification of the significant resources of the region;

(B) the identification of present and potential uses of land within the region;

(C) the identification of areas within the region according to their significant resources and the present or potential uses within each such area;

(D) the identification of land (other than any land within the National Park System) which should be exchanged in order to facilitate the conserving of fish and wildlife and the management and development of other resources within the region; and

(E) the specification of the uses which may be permitted in each area identified under paragraph (C) and the manner in which these uses shall be regulated by the Secretary or the State, as appropriate, if such plan is approved.

(2) The plan shall also—

(A) specify those elements of the plan, and its implementation, which the Secretary or the Governor:

(i) may modify without prior approval of both parties to the plan; and

(ii) may not modify without such prior approval; and

(B) include a description of the procedures which will be used to make modifications to which paragraph (A)(i) applies.

(d) **ACTION BY SECRETARY IF STATE DOES NOT PARTICIPATE IN PLAN.**—If—

(1) the Secretary does not receive notification under subsection (c) that the State will participate in the preparation of the plan; or

(2) after the State agrees to so participate, the Governor submits to the Secretary written notification that the State is terminating its participation;

the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) (and containing a specification of those elements in the plan which the Secretary may modify without prior approval of Congress), and submit copies of such plan to the Congress, as provided in subsection (e)(2), within three years after the date of the enactment of this Act.

(e) **TAKING EFFECT OF PLAN.**—

Establishment.  
5 USC 3182.

Publication in  
Federal  
Register.

6 USC 3183.

Cooperative  
management  
plan.

Cooperative  
management  
plan, submitted  
to Congress.

Comments on the Draft Environmental Statement  
for Voyageurs National Park

General Comments

I believe the Draft Environmental Impact Statement is really at the heart of much of the misunderstanding and controversy that surfaced at the public meetings on the Draft Master Plan for Voyageurs National Park. I therefore feel it is essential to provide a comprehensive analysis of the DEIS as it relates to certain management proposals and to the NEPA process in general.

There is no question that the DEIS for Voyageurs satisfies the procedural requirements of the National Environmental Policy Act of 1969. It is with the substance of the document that I have a most serious problem. The Environmental Impact Statement can and should be an important tool used in the planning and decision-making process. However, to be useful and meaningful, it is essential that the document satisfy two fundamental criteria: (1) Accuracy, and (2) Objectivity. I believe the DEIS for Voyageurs National Park fails on both counts. As a result, many of the proposals contained in the Master Plan have an extremely weak basis for support. Unfortunately, many of those who testified at the hearings either in support or in opposition of certain proposals, treated information in the DEIS as being both accurate and objective. The credibility of such testimony is therefore open to serious question. More importantly, the credibility of the National Park Service, the originator of the document, has been jeopardized in the process.

It appears to me that the NEPA process has worked in reverse in the case of Voyageurs National Park. Rather than having produced a document which will provide the necessary background and technical information on which to base sound and reasonable management proposals, it is obvious that the DEIS was produced largely to support pre-determined proposals. Instead of an objective research document in this case, the DEIS is merely a self-serving publication with little credibility or technical validity.

Detailed Comments

- p. 1: No mention is made of the purpose of a Draft Environmental Impact Statement. A short explanation could provide a better understanding of the process to those not familiar with NEPA. } 92
- p. 7: Data related to private land acquisition is not consistent with reports issued by the local Land Acquisition Office. } 93
- p. 10-16: The discussion of land classification is confusing at best. What is the basis for classifying lands? What is the relationship of land classification to geology and/or to planned use? } 94

The four major lakes and the center section of the Peninsula are given the same classification, but certain uses are allowed in one area and not in the other. Classification, therefore, appears to be rather arbitrary. Yet, there were some who testified at the hearings that certain uses should not be allowed because areas were classified primitive or natural. I would like to see a detailed explanation of the entire process as applied to Voyageurs National Park.

p. 16:

How much coordination has been and will be done with the U.S. Forest Service in the adjacent B.W.C.A? Do management policies of that area have any impact on how Voyageurs is managed?

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p. 17:

It is stated that low altitude flights will be prohibited, but no attempt is made to define "low-level flight." For anyone to comment intelligently on this statement, they should be given further explanation.

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It is stated that approximately 90 percent of water within park boundaries would be accessible to aircraft. This statement is almost completely irrelevant and grossly misleading. It is a self-serving statement that to the casual reader appears to justify the National Park Service proposal with regard to seaplane use. The fact is, there would be very little reason to land on the vast majority of this water surface, and wave conditions would often prevent landings even if there were a practical reason to land. Furthermore, the practical benefit of a seaplane is to provide access to lakes that are not accessible by motorboat. The Park Service proposal puts seaplanes in direct competition with motorboats, which, for several reasons, is no contest.

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In conclusion, what appears on the surface to be a somewhat liberal policy for the use of seaplanes, is nothing more than lip service to a use that was intended to be an integral part of Voyageurs National Park since its inception.

p. 18:

It is stated that one of the major goals of the park is to recreate a setting that existed during the time of the Voyageurs. To avoid misunderstanding, perhaps it would be wise to discuss the practical, policy, and legislative constraints

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that will largely prevent the National Park Service from achieving that goal.

How was the figure of 400 campsites arrived at? It seems awfully high. I would like to see an environmental assessment done on such a project.

p. 23:

The dual purpose trail concept is fine, but there are constraints other than trail width to consider. The Rainy Lake ski trail, for instance, is generally too swampy for hiking in summer. The Lost Bay hiking trails, on the other hand, are too steep in places for safe skiing.

The discussion of snowmobile use in the park is very misleading to those not familiar with the sport or with the area. From reading page 23, one would get the impression that there are no safety problems associated with the Park Service proposal, since crossings are proposed to avoid areas of dangerous ice or flowing waters. The fact is that ice conditions vary, not only annually, but daily and weekly. There are many more areas of dangerous ice than can be avoided by the proposed crossings, which deal only with those areas that are traditionally dangerous throughout the season. Secondly, a person not extremely familiar with the area could not reasonably be expected to even find those crossing trails, as navigation on these waters is extremely difficult.

It is further stated that aerial and land observation data tabulated by the Park Service during the past three years indicate most snowmobile activity in the park today is associated with the major lakes. This is another misrepresentation of fact that is misleading to the general public. The sole purpose of this statement appears to be to justify the Park Service proposal as being fair and reasonable. The fact is that there has been no trail maintenance on land in the past three years, signs have been removed by the National Park Service, and there has been considerable uncertainty about snowmobiling in the park, since it is technically illegal until trails are designated. Also, does the Park Service generally plan uses based on present use? The Master Plan states that future visitors will generally have urban backgrounds. In light of this, how meaningful would present use statistics be, even if they were accurate and objective?