

ALASKA LEGISLATION, COMPILLED UNDER DOZ

1882

SRES

HABITAT REGS.

3/25/81

112

P.O. Box 71
Petersburg, Alaska 99833
March 18, 1981

Boards of Fisheries and Game
Support Building
Juneau, Alaska 99801

Dear Sirs:

I appreciate the opportunity to make comments on the draft of proposed habitat protection regulations. I would have liked a longer period to review these but will at this point offer a few suggestions.

Article 2. Habitat protection permit system, 5AAC 95.020, 030 and 040.

I consider it dangerous to exclude activities not listed in this section from the need for written approval or notification. Unanticipated activities may arise in the future and without procedures for approval or notification, there will be no way to control them. There is no way to predict what may come up in the future. Some provision needs to be written into the regulation to provide for new developments.

5AAC 95.065 (a) (2)

It is most important that this section requiring ADF&G authorization of DNR permits be retained.

I am particularly concerned that Fish and Game have more influence over Department of Natural Resources permits involving tidelands and estuaries important to fish and wildlife. Log dumping, log rafting and log storage areas come immediately to mind. There are numerous non-conforming log handling areas scattered throughout southeast Alaska yet these permits continue to be authorized.

I would like to see this section expanded to require ADF&G authorization for projects in salt water bodies such as bays that are important to fish and wildlife that are also being adversely affected by log handling and soon to be affected by mining.

Article 3. Standards of General Application to Fish Habitat. 5 AAC 95.170 should be expanded to include estuaries and bays necessary as fish habitat.

Sincerely yours,

Dixie M. Brade
Mrs. Dixie M. Brade

PC/11

MINUTES

FAIRBANKS
Advisory Committee

Place of Meeting: CHAMBER COMMERCE BLDG.

Date of Meeting: 7:30 PM 3-11-81

Members Present: HALEY, KESNER, DIXON, McCARTY, BURGGRAF, WOOD AND WAUGAMAN
MEMBERS ABSENT: SCARBOROUGH, BUIST AND MATSCHKE

Others Present: LARRY JENNINS ADF&G GAME DIVISON, SCOTT GRUNDY ADF&G HABITAT FBKS.
OFFICER L. BEHAN F&WP
RICK SUBSISTION SECTION FAIRBANKS.
RON STANEK ADF&G SUBSISTENCE SECTION ANCHORAGE
BOB TOBEY ADF&G GLENMADEN

Changes in Membership (additions ore deletions):
(Please include addresses for new members)

Subjects Discussed and/or Action Taken:

MEETING CALLED TO ORDER BY BYRON HALEY SEC. AT 7:40 PM MARCH 11, 1981.
MINUTES OF LAST MEETING WERE READ AND APPROVED (MEETING OF MARCH 4, 1981)
OLD BUSINESS: HALEY REPORTED ON SUBSISTENCE COMMITTEE AND THEY ARE STILL WORKING ON A
SUBSISTENCE PAPER FOR THE FISH BOARD. HAD A DISCUSSION ON PISON AND BROUGHT MR. WAUGAMAN
UP TO DATE ON THE PISON AND OF THE VIEWS OF ARE COMMITTEE.
NEW BUSINESS:
MR. RON STANEK OF ADF&G SUBSISTENCE SECTION ANCH. GAVE A PRESENTATION ON SUBSISTENCE USE
OF THE MELCHINA CARIBOU HERD AND THE WORK THEY HAVE BEEN DOING ON THIS ISSUE.
MR. BOB TOBEY ADF&G RICOLOTT GLENMADEN GAVE BIOLOGICAL DATA ON THE MELCHINA CARIBOU HERD.
THE MEETING WAS THEN OPENED TO THE COMMITTEE TO ASK QUESTIONS OF MR. STANEK AND MR. TOBEY
AND ALSO TO STATE ARE VIEWS ON THE MELCHINA CARIBOU HERD OF WHICH THE COMMITTEE AGREED TO
INCREASE THE DRAWING PERMIT TO 1600 FROM 1300 AS PER ARE VOTE ON PROPOSAL # 102 ON 2-25-81.
ONE QUESTION WAS HOW WOULD THE SUBSISTENCE EFFECT THE TOTAL ALLOWABLE HARVEST? ANSWER IF
300 CARIBOU WERE NEEDED FOR SUBSISTENCE THAT WOULD LEAVE 500 FOR OTHERS AND THE PERMITS
MAY HAVE TO BE REDUCED ACCORDANTLY. (THE PROJECTED 1981 HARVEST IS APPROXIMATELY 800)
THE QUESTION WAS ASKED FOR A LEGAL DESCRIPTION OF SUBSISTENCE THIS CAN NOT BE DONE IT WILL
BE LEFT UP TO THE BOARDS OF FISH AND GAME. THERE WAS ~~XXXXXX~~ A LOT OF DISCUSSION ON THIS
SUBJECT. HALEY READ A PAPER ON WHO IS A SUBSISTENCE USER AND IT STATED THAT A RESIDENT OF
THE STATE OF ALASKA WHO HUNTS OR FISHES AND USES THE FISH OR GAME FOR HIS TABLE AS FOOD IS
A SUBSISTENCE USER. THE PAPER WENT ON TO SAY THAT IF THE FISH OR GAME BECAME SCARCEST IT
COULD BE RESTRICTED TO LOCAL RESIDENTS OF A AREA AND SOME OF THEM MAY NOT QUALIFY.
THE MEETING WAS OPEN TO PUBLIC QUESTIONS AND COMMENTS. THERE WER A RANGE OF QUESTIONS ON
CARIBOU, MOOSE AND PREDAION OF WHICH THE ADV. COMMITTEE AND MEMBERS FROM ADF&G AND F&WP
TRIED TO ANSWER.

Con't Next Page.

Submitted by: Byron Hale
Secretary of Glenmaden

Please fill out separate page for each day the meetings lasts.

PC/12

NEXT WE HAD A PRESENTATION FROM MR. SCOTT GRUNDY HABITAT SECTION FERRIBANKS ON THERE PROPOSAL PACKET. THE ADVISORY COMMITTEE HAD A LONG AND VERY EDUCATIONAL DISCUSSION WITH SCOTT ON THIS PROPOSAL PACKET. WE AGREED TO SUPPORT THIS HABITAT PACKET WITH THE EXCEPTION OF 5 AAC 95.030 WHICH WOULD HAVE TO BE AMENDED IN ORDER FOR US TO SUPPORT 5 AAC 95.030.

- (1) USE OF ANY WHEELED OR TRACKED EQUIPMENT IN THE WATERS, THIS SHOULD BE REMOVED SO AS RECREATION NEEDS ARE PROVIDED FOR.
- (13) DELETE THE WORDS "OR WHEN WATER IS REMOVED FROM UNDER THE ICE." IF THIS IS LEFT IN YOU COULD NOT LEGALLY CUT A HOLE IN THE ICE AT YOUR CABIN TO GET COOKING OR DRINKING WATER IF YOUR CABIN IS ON AN ANADROMOUS FISH RIVER, STREAM OR LAKE SYSTEM.

IN REGION 3 WE NEED A GENERAL PERMIT SYSTEM EXCEPT FOR CRITICAL SPAWNING AREAS. THIS PERMIT WOULD BE FOR ALL RECREATION ACTIVITY WITH SOME WEIGHT RESTRICTION ON RECREATION VEHICLES SOME WHERE AROUND 4000 LBS. SO IF THE ABOVE CHANGES OR ANY OTHER AMENDMENT THAT WOULD BENEFIT RECREATION ACTIVITY, ARE MADE WE COULD SUPPORT 5 AAC 95.030.

THIS MEETING WAS TAPED BY THE ADVISORY COMMITTEE. MR. STANEK ALSO TAPED THE SUBSTANCE PART OF THE MEETING FOR HIS RECORDS.

MEETING ADJOURNED 11:10 PM

Byron W. Haley Sec.

Byron W. Haley

1002 Pioneer Rd

FbY. 99701

pc/13

ARCO Alaska, Inc.
Post Office Box 360
Anchorage, Alaska 99510
Telephone 907 277 5637



March 20, 1981

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

The Boards of Fisheries and Game
Support Building
Juneau, Alaska 99801

DEPARTMENT OF FISH AND GAME

Commissioner Ronald Skoog
Alaska Department of Fish and Game
Support Building
Juneau, Alaska 99801

Gentlemen:

SUBJECT: ARCO ALASKA INC. COMMENTS ON PROPOSED FISH
AND GAME REGULATIONS

ARCO Alaska, Inc, a wholly owned subsidiary of Atlantic Richfield Company, wishes to thank the Alaska Boards of Fisheries and Game and the Alaska Department of Fish and Game for an opportunity to comment on proposed regulations governing fish and game habitat protection.

As an oil and gas producer in the state of Alaska, ARCO recognizes the importance of protection of fish and game habitat that is critical to the state. Any proposed industrial activities need to be carefully examined, with due consideration to all the natural resources that may be affected by such plans.

We believe the existing system employed by the State of Alaska for oil and gas related exploration and development activities includes careful scrutiny by the Alaska Department of Fish and Game. Inclusion of the Alaska Department of Fish and Game in review and comment on permit applications before the Alaska Department of Natural Resources, allows for a decision making process which accounts for fish and game considerations along with other concerns. A careful balancing of all natural resource elements can thereby take place. This permit review process by the state includes review by other regulatory agencies, resulting in permissible activities which are consistent with state policy. The permit applicant receives a permit which is assured to be acceptable to all agencies.

Contrary to assurances from the Department of Fish and Game, these proposed regulations add another permitting procedure to already complex regulatory mechanisms which presently include fish and game habitat protection concerns. A "habitat protection permit" will have to be obtained where no such "permit" was required before. When

PC/14

The Boards of Fisheries and Game
Commissioner Ronald Skoog
Page Two
March 20, 1981

procedures already exist which address a given concern, it is redundant, wasteful, and unnecessary to invent another mechanism.

The Alaska Department of Natural Resources is currently the principal agency that regulates oil and gas activities in Alaska. If the State of Alaska leases land for the purpose of exploring oil and gas resource potential, there is an obligation that this resource be developed for the benefit of all Alaskans in an environmentally sound manner.

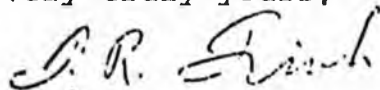
If the Department of Fish and Game is allowed to review and "endorse" Department of Natural Resources permits, this authority would create conflict over competing resource use that was supposedly resolved when the land was leased originally.

A conflict of resource development could result in an operator being given clearance for a project on the one hand by the Department of Natural Resources, and denied a permit to the same project by the Department of Fish and Game on the other hand. Under this proposed process, there would be no mechanism for resolution of this dilemma, where presently this dilemma does not exist.

ARCO objects to the regulations as proposed, and believes that the habitat protection provisions should be re-structured into guidelines. The guidelines would have the force of regulation, yet would be more flexible in applying to different and varying circumstances prevalent from one region in Alaska to another.

Enclosed are specific written comments on the proposed habitat regulations. Although we are commenting on the proposed regulatory language, our so doing should not be misinterpreted to mean that we agree with the concept of these proposed regulations.

Very truly yours,



T. R. Fink, Manager
Environmental Conservation Department

tmw

Enclosure

(2/15)

COMMENTS ON PROPOSED
FISH AND GAME REGULATIONS

5 AAC 95.020: Activities in Streams and Rivers Frequented by Fish.

This section of the proposed regulations requires the submission of plans and specifications for review and approval by the Department. Currently, the Department of Fish and Game reviews plans for activities in nonanadromous fish streams, as part of the overall review and comment process for permits already required by other agencies. This proposed approval constitutes a permit which presently does not exist. Contrary to declarations made by the Department, this proposed procedure would introduce numerous new permits for activities that are already reviewed by the Department through existing mechanisms. Protection of streams frequented by fish is already provided by the existing mechanisms of permit procurement. The phrase "frequented by fish" is very broadly defined, such that an applicant would not know beforehand if a stream that may be affected by activities is "frequented by fish" or not. The regulation does not "increase the predictability of departmental decisions", nor does it "establish statewide consistency", nor does it "increase efficiency of operations", nor "eliminate permit requirements for certain activities." In fact, this proposed section expands the number of permits required.

5 AAC 95.020(1): The proposed regulation in this subsection calls for a permit to be needed when snow and ice bridges are to be used. Construction of snow and ice bridges have no impact on fish in the winter. For the past several years, ice roads and bridges have been built for exploration, crossings on numerous creeks. No impact to the fisheries has been observed in any of these instances. The Department proposes to require permits for activities that have no basis on fish impact mitigation. This unnecessary requirement should be eliminated.

5 AAC 95.030: Activities in or Affecting Anadromous Fish Streams.

Subsection (6) of this proposed regulation would require a permit for construction of snow ramps. Construction of a snow ramp does not impact fish in a stream in winter. See comments on 5 AAC 95.020(1) above. This unnecessary requirement should be eliminated.

PC/116

5 AAC 95.060: Habitat Protection Permit Required.

This proposed regulation sets a limit for a "habitat protection permit" at a maximum term of five years. A permit through the Department of Natural Resources for lease operations approved, as referenced in 5 AAC 95.065, may not be subject to this short a time limit, as a lease operations approved activity may extend beyond five years. Where lease operations approval extends beyond five years, a "habitat protection permit" should also be extended for this period.

5 AAC 95.065: Adoption of Department of Natural Resource Authorizations.

This section of the proposed regulations states that a "habitat protection permit" need not be separately applied for if the activity for which a permit is required under 5 AAC 95.040(b) or (c) is approved under a plan of operations approval through the Division of Minerals and Energy Management. 5 AAC 95.040 concerns only activities in State of Alaska critical habitat areas, sanctuaries, and refuges. Stopping short of including adoption of all Department of Natural Resource authorizations for activities in the state, including activities which occur in anadromous fish streams and activities in streams and rivers frequented by fish in Sections 5 AAC 95.020 and 95.030, essentially creates a separate permitting process for those activities. The Department is creating more permits where it has a genuine opportunity to exercise regulatory reform. By adopting authorizations for all activities requiring Department of Natural Resource approval, the Department would still "allow public critique of procedures and standards used in issuing permits, increase predictability of departmental decisions involving issuance of permits, establish statewide consistency in the Department's habitat protection permitting program, avoid litigation over matters of interpretation, increase efficiency of operations and eliminate permit requirements for certain activities."

If "endorsed", as used in 5 AAC 95.065(2), means separate departmental approval, a conflict may exist between the agencies. Endorsement will more likely occur prior to the Department of Natural Resources authorizing the activity pursuant to 11 AAC 65. This procedure should be continued.

5 AAC 95.120: Amendments to the Permit.

Section (b) of the proposed regulations should include a clause, where if the applicant for an amendment does not receive approval or denial of the amendment within 30 days

after submittal of all required information, the project may proceed as set forth in the amendment application. It is inherent that an applicant for an amendment receive a timely response. Also, amendments should be allowed to be approved verbally by the Department, with later confirmation in writing.

5 AAC 95.200: Culvert Installation Standards.

The standards included for culvert velocities would be almost impossible to attain, and are very restrictive compared to current Department guidelines. The standards are unrealistic and are generally not achievable on the North Slope. Groups II and V in the table on page 15 are species most prevalent on the North Slope. These groups would require for a 60 foot long culvert, a 2.3 cfs velocity at a Q2.33 flood and a 1.6 cfs velocity at normal summer flows. Comparing these proposed values to current Department of Fish and Game guidelines, shows that culverts would require 4 cfs at Q5 discharge.

Literal implementation of these proposed regulations in streams which may naturally exceed these velocities, makes these standards unrealistic. The velocities presented on the table should be used as guidelines only, and each project in a stream should be examined on a case by case basis to establish criteria tailored to that instance, as is currently done by the Department.

5 AAC 95.990: Definitions (8).

As stated in specific comments on the proposed regulations, the definition of "frequented by fish" does not allow for any predictability by departmental decisions involving issuance of permits. The definition does not help clarify consistency in permitting programs, nor does it necessarily eliminate permit requirements for certain activities. The definition is overly broad, and shows no guidance for Department involvement.



Alaska Conservation Society

Incorporated in 1960

P.O. Box 80192

College Branch, Fairbanks, Alaska 99708

3/19/81

Alaska Boards of Fisheries and Game
Support, Juneau, 99801

Dear Mr. Chairman:

Our Society supports the intent and in most cases the content of the regulations proposed to govern habitat protection. It seems to us that although Alaska's legal basis for habitat protection leaves much to be desired - especially for protecting terrestrial areas and wetlands - it is getting harder to secure broad public support for those we have. No doubt most Alaskans value wildlife and want habitats to be protected. However, efforts to get money and people for adequate field education and enforcement perennially fall short. Even our oil wealth has not improved the situation.

Therefore, we support the simplification of regulation and elimination of the rough edges that can cause losses of public support that outweigh gains in habitat maintenance, as long as the basic effectiveness of the habitat protection effort is not eroded. The proposed regulations seem to be acceptable in this regard. For example, the proposed general permits for minor activities (effectively, no permit) are desirable as long as the Boards maintain the cautions expressed in the proposals. The same is true of the

PL/19

proposed uniform application procedures.

We are concerned about the exemption proposed (5 AAC 95.050, page 5) for emergency firefighting. The title targets emergencies, yet firefighting is given a blanket exemption. We do not believe that all "normal" (whatever that is) firefighting activities merit freedom from regulation. It is bad enough to put out fires that could improve habitats of certain wildlife; to exempt firefighters from control over aquatic habitat disturbance is additional folly. Firefighting can cause more ecological damage than the fire itself. Earthmoving equipment, at least, should come under permit restraints when used in ways that would impact fish habitats.

We appreciate the chance to comment on these proposals.

Sincerely yours,

Robert B. Weeden

Robert B. Weeden

President

06/20

Mc Kay Bldg Box 1215
Anchorage, Ak. 99501
March 20, 1981

Boards of Fisheries & Game
Support Building
Juneau, Alaska 99811

Dear Sirs:

My husband, Fred, and I have been residents of Alaska since January 1969 and live & work in the Municipality of Anchorage. We also own water front property in the Mat-Su Borough where we spend much of our time, summer & winter.

We appreciate the opportunity to comment on the Proposed Regulations Concerning Fish & Game Habitat Protection. The following comments are offered:

5 AAC 95.030(1) This regulation would require the day-to-day activities of a great number of people to have a permit, particularly during the winter months. The use of wheeled or tracked vehicles greater than 2500 lbs is arbitrary and would include the activities of a large portion of the state's population. We recommend this paragraph be deleted.

PL/21

5AAC 95.030 (13) Appropriation of Water is obtained through application to the Dept. of Natural Resources. There is no need for a duplicate permit from Fish & Game. The volume indicated is arbitrary, restricting to the ridiculous amount of 'any' water removed from under the ice. This paragraph should also be deleted.

5AAC 95.070 The activities listed for general permits are too specific and/or limited. A broader spectrum of activities should come under general permits. Perhaps this section should more appropriately contain standards for determining what types of activities would qualify for a general permit.

5AAC 95.990 (10) The definition for "lake" is too broad and could be interpreted to mean any pond, pothole or marsh.

We thank you for the opportunity to comment.

Sincerely
Justin ?? Local
(PC/22)

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

P. O. Box 1628, Juneau, AK 99802

1560

MAR 23 1981



Alaska Boards of Fisheries and Game
Support Building
Juneau, Alaska 99801

Sirs:

Thank you for the opportunity to review and comment on the proposed regulations governing fish and game habitat protection. Though the proposed regulations will not apply to projects on National Forest land, the Forest Service is supportive and is complying with their intent in the management of National Forest lands in Alaska. We offer the following suggestions:

1. Throughout the proposed regulations the intent does appear to switch emphasis back and forth between project planning and project operation. This is confusing. We recommend the proposed regulations be divided into two major divisions. One division which deals with regulations and standards for project development and another division which deals with project implementation.

2. Section 5 AAC 95.180 Adherence to Standards. Recommend clause (a) be amended to read as follows: Permit requirements must meet the intent of the standards stated in Sections 190 - 260 of this chapter. This would change the focus of the Standard from the permittee to the Department habitat protection administrators. We believe this would allow more flexibility in administering the habitat protection regulations. We realize there will be a potential for inconsistent interpretations of the Standards by the Department personnel but we believe that this will be offset by the reduced need to invoke Section 5 AAC 95.910 waiver of standard clause which requires the Department to detail rationale why there is a need to waive a standard.

3. Define what constitutes significant, for:

a. 5AAC 95.200 Culvert Installation Standards. If a culvert is proposed for installation at a site which, in the determination of the department, is used for fish spawning or has significant use from rearing, the department will not approve the

PC/24

culvert installation plan. Instead, the department will require that an alternative site be proposed and approved, or that a bridge be installed at the proposed crossing.

b. 5AAC 95.210 Diversion Channel Standards. The bed and banks of the diversion channel must be constructed of material that will not significantly erode at expected flows.

c. 5AAC 95.230 Stream, River and Lake Bed Stabilization. No person may excavate gravel from any portion an anadromous fish stream which is used for spawning, or has significant use for rearing.

4. Need to define what constitutes "substantially free of dirt and debris" in Section 5AAC 95.220 Stream, River and Lake Bank Stabilization.

(b) snow ramps and snow bridges must be composed only of snow or ice and must be substantially free of dirt and debris;

5. Need to strengthen Section 5AAC 95.220 Stream River and Lake Bank Stabilization clause b-2 by adding language to cover spring breakup.

6. Please clarify in either Section 5AAC 95.050 Habitat Protection Permit Required or Section 5AAC 95.160 Renewal of Permit as to the intent regarding permit renewal. The way we read 95.050 and 95.160 it appears a permit would need to be renewed for projects already approved if the project has not been completed within 5 years after being issued. If this is a correct interpretation, it could create significant additional work for the Department as a major portion of the permit activity on some projects could take longer than 5 years.

7. We recommend Section 5AAC 95.190 Standards for Free Pass and Protection and Section AAC 95.200 Culvert Installation Standards be incorporated together.

8. We recommend Section 5AAC 95.220 Stream River and Lake Bank Stabilization Standards be incorporated with Section 5AAC 95.260 Shoreline Standards.

9. Section 5AAC 95.200 is too specific. We recommend the specific standards on culvert placement and dimensions and alignment be changed to guidelines for assuring fish passage.

10. Recommend the deletion or rationale in Section 5AAC 95.260 Shoreline Standards.

PC/25

11. We wonder whether the following standard clauses are necessary:

a. Section 5AAC 95.190 Standard for Free Passage and Protection of Fish (c) Blasting is prohibited within one-eighth mile of the edge of the water in any river, lake, or stream unless a lesser distance is specified by the department on the permit. We think the Department will have to issue a variance to this clause for the majority of proposals in which blasting is part of the project.

b. Section AAC 95.200 Culvert Installation Standards. Subsection (a) All of subsection (b) except for clause 3: We agree the subsections (a) and (b) provide the permittee with excellent information to use when designing a stream crossing structure to pass fish but this information should not be presented as standards. It should be used as suggested criteria or guidelines for the permittee as the standards proposed are not the only specifications available for use to achieve fish passage.

c. Section 5AAC 95.220 Stream River and Lake Bank Stabilization Standards clause (g). Delete the statement concerning bridge pilings removal. By deleting bridge pilings must be extracted or cut off level with or below the stream bottom and change the wording slightly the intent of the proposed clause will remain. We think your intent is when channel structure is removed the channel is to be restored to its former configuration.

d. Section 5AAC 95.240 Water Quality Standards clause (2). The Forest Service is unaware of any acute or chronic toxicity problems caused from using treated timber stream crossings as worded in clause two.

Clause (3) Informal discussion with the Department surfaced the intent of this clause was aimed primarily at drainage in urban and metropolitan areas. If this is the case then it should be specified in the clause. On climbing roads which are not outsloped, the inside ditch may often discharge into a stream directly. Thus, there is a need to expand the clause to reflect drainage ditch discharge for non-urban and metropolitan areas.

e. Section 5AAC 95.260 Shoreline Standards Clause (c). Informal discussion with the Department indicated the intent of this clause was to eliminate the potential of the non-biodegradable net getting into a body of water containing fish and creating a gill net type of problem. Their concern was with the plastic and monofilament stabilization net. Though the plastic and monofilament nets are not biodegradable, they do degrade rather quickly when

PC/26

exposed to ultraviolet rays. Further, once vegetation is intertwined in the netting it is essentially impossible to remove it without damaging the erosion control vegetation.

f. Section 5AAC 95.130 Retention of Permit for Inspection and INSPECTION OF PERMIT SITES clause (a) We think in most instances this would be impractical. At which work site for example should the permit be located on a project involving construction of 20 miles of road with 25 stream crossings requiring fish passage and the project has 10 subcontractors?

Again, thank you for the opportunity to comment.

for Michael A. Barton
JOHN A. SANDOR
Regional Forester

(PC/27)

20th March 81

LAMB # 22
2321 MERCIER
FAIRBANKS

99701

FISH - AND FEATHERS;

GET OFF OUR BACKS!

MORE RESEARCH - BEFORE

DREAMING UP REGS. AND RULES.

R. E. Lamm

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

Boyd

Com. Novice D. Koenig
Reward if Fisheries & game
Department Albany

Juneau ALB 99801

Dear Sir

I like a mess of fish
ones for Australia with about
seven of the same things
three times a day 3 U.S. Cans
be given
just a little good for us
and coffee

Bill Tal-Lion

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF FISH AND GAME

PC 29

Commissioner Ronald Skoog
Board of Fisheries & Game
Sub Post Bldg.
Juneau, Alaska, 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

March 20, 1981

DEPARTMENT OF FISH AND GAME

Dear Mr Skoog

I'm writing you regard to your
proposed regulations for the fish & game.

In all due respect I can't conceive
out of his right frame of mind
trying to implement such an outrageous
form of interference to private industry
no what do you people mention
How much damage is done by the
Sportsman, camper, and R.V. users
mess.

I'm involved in a private
Business, plus mining, now I feel
I don't need a marine biologist with
no experience to tell me how I should
run my business

I'm opposed to these regulations and
the short sightedness of the agency
I'm involved and will fight with all
my knowledge to beat this

Garland W. Ackman

NATIONAL
4231 100 FEET 1 SQUARE
4231 100 FEET 1 SQUARE
4231 100 FEET 1 SQUARE

Mar. 20, '81

Fish & Game ~~Fanhook~~ Ah
PO Box 92933

Placer, ZIP 99909

Why should we miners ever con-

up something Fish & Game Regs,
when our people don't consider high
water in Spring time for lost 22 1/2

Million yrs. - Summer Rain etc etc.

When our people have proof of
considerable silt damage from small
or/and large Placer mining?

J. B. Lyde Metcalf

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

Pr 2

POB 73734
FBKS, AR 99707

COMM SKOOG,

I would like to take this opportunity to convey to you my bitter discontent with the Dept of Fish & Game in reference to the latest proposed regulations governing fish & game habitat protection. These proposals were drawn up to effectively put the placer miner out of business.

There is more damage being done to the river bottoms by jet boats, outboard motors, fishermen, hunters, hawks, bears, moose... than the placer miner.

I feel these regulation proposals are premature, they need more research but most of all are open ended regulations to control the placer miner.

I feel it was very unprofessional, inconsiderate, unfair and not in the interest of the miners for fish & game to schedule a public hearing in Anadarko the same night of our miners conference in Fairbanks.

It certainly is not in the interest of democracy to run business the way fish & game has performed in this case.

Let's clean it up and fight fair. PLEASE!

Respectfully
Chuck Delgado
Gold Miner

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

D, 27

GOVERNMENT OF ILLINOIS AND COUNTY

RECEIVED
MAR 29 1881

To Whom it may Concern

I object to W. J. E. P. D. and
regulators by John and James
Greening John and James
Kabatay. Because there is no
no evidence that has been
compiled to show damage to
John and James Kabatay.
Also the Lewis & Clark
Change from season to season's
from morning to afternoon hours
day to day from hour to hour
from week to week. Where is
the evidence of damage from
mining in case of mining
from nature.

me Paul Daulton

1315 9th Ave
St. Louis Mo

7.9.1881

NATIONAL
42 381 50 SHEETS 440 SQUARE
42 382 100 SHEETS 880 SQUARE
42 383 200 SHEETS 1760 SQUARE

RECEIVED

MAR 23 1981

MARCH 20, 1981

DEPARTMENT OF FISH AND GAME

Dear Commissioner Deoog:

I just wanted to briefly address

the subject of Alaska boards of fisheries & game and Alaska dept. of fish and game's proposed regulations governing fish and game habitat protection.

to be reviewed and decided on in their westerns open 1-4, 1981. in anchorage.

It's interesting how the states "the dept is proposing these regulations to (1) make explicit (2) allow public critique of procedures and standards used in issuing permits, (3) i don't believe a couple of weeks time is fair enough time to get the public's views point on these rules and regs. but even more so they seem very biased and were very hastily thrown together. i would like to see something to back up the reasoning for some of these (on most of these) rules and regs. i can't address each and everyone and won't night


 42-381 50 SHEETS 5 SQUARE
 42-382 100 SHEETS 5 SQUARE
 42-389 200 SHEETS 5 SQUARE

MEMO

DATE: 1/11/68

now but ^{many} ^{of} ^{participants} ^{don't} ^{not} ^{know}.
are being pushed through as quickly
as possible to avoid the public's
viewpoints

I do agree ~~there~~ there is a need
for some rules and regs in all fields,
but please lets keep them in pers
perspective and not set for just

change parties and groups of
(MIBES) people or activities. ^(8th proposed memo & needs)
merit, but a good portion just don't have
a y backing and i think it may
~~even~~ that these be reviewed further
before initiation.
Thank you

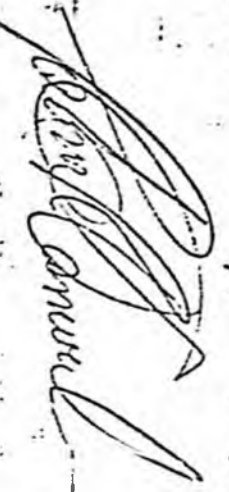
Alba M Bates
Charles E. Miller
(Spencer)

Mr. Skooc,

Let's hold it a minute. It
looks like to show up a set of new
rules we, the price makers of
Alaska, remove to be made a part
of other action. This new list
of proposed regulations for fish and
game habitat protection has been designed
and directed solely against the way we
make our lives. And what we would
to stand still for in the world's fair
these regulations could be more accurately
titled regulations to control market and
recovery. We will not be controlled without
being heard. We still live in a democracy
so lets slow down and give us a
chance to respond. More research and time
needs to be employed.

Concurred
Menden,

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981



DEPARTMENT OF FISH AND GAME

PC 35

RE-PROPOSED NEW MINING REGULATIONS 3-20-81

TO WHOM IT MAY CONCERN:

I wish to protest the Biased efforts to PUT US MINORS OUT OF BUSINESS... A THREAT TO the very existence of our American free People.

By these proposed mining regulations, please read & try to follow the Constitution of the United States of America... our good old U.S.A. not dictatorship Russia & stop try to put us in chains because when if they we you continue on this wild course we will all including you WILL BE IN CHAINS and have lost our free country.

So lets get some common sense & fairness in the necessary laws only & keep them to a minimum before we lose our free country & become slaves of the worlds sneaky dictators. Do I need to mention names or are these law makers taking orders from these would be freedom

Stealing Dictators.

Sincerely & patriotically YOUR

Let's keep our Country FREE of the People By the People & FOR the People

James Altius

PC 36

Dear Sir

I believe that more public input should be included into these proposed regulations governing Fish & Game habitat protection.

I also believe that more in-state research should be done on the proposed regulations.

I also believe that these proposed regulations and others that have come up lately are just another attack on small miners.

Sign
Donald Lubbock
March 20-81

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC 37

Mar. 20, 81
Board of fish & Game

Shilling
Box 81424
College of
99708

Dear Sirs,

I strongly oppose the proposed regulations governing fish & game. Habitat protection as being unworkable. They are aimed at the mining industry but could be detrimental to much of the sport hunting in the state also. Paragraph 5 APC 95.100 leaves entirely too much power in the hands of the (deciding officer) it could also place him in great danger at times.

If the mining industry was as detrimental to Fish & Game as the Preservationists contend then we would already be out of game due to the enormous amount of mining activity at the turn of the century until world war II. Sincerely
Arthur L. Shilling PC 38

Fairbanks, Alaska
99707

3/20/81

Commissioner Ronald Skoog
Board of Fisheries & Game
Support Bldg.
Juneau Alaska 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

Dear Commissioner,

I have just been made aware of the proposed regulation on fish habitat protection. Rather than comment on specific proposals in the regulations I wish to comment on the intent behind the regulations.

About $1\frac{1}{2}$ years ago I (a peace officer) was served by one of your officers and a state trooper a summons to appear for criminal arraignment. The gist of the arraignment was that I and several others were conducting a mining operation on an anadromous stream without a fish & game permit. I am mining on a tributary of a tributary of an anadromous stream (Bink Creek). Three days later the summons was squashed because your officer ~~didn't~~ suddenly found out Bink C was not a stream. The point is in case

PC 37

a sick culture that originates in the
educational system that educates that
people are subservient to other species
of life except for an elite that collect
under you. I repeat that that culture
y **DEVELOPED** **DEVELOPED** **DEVELOPED** **DEVELOPED** **DEVELOPED**
1891 S. PAUL
regulations only reinforce that opinion.

DEPARTMENT OF FISH AND GAME

Sincerely
Fred Wilkerson

THE HONORABLE RONALD SKOOG
COMMISSIONER
BOARD OF FISHERIES & GAME
SUBPOUT BUILDING
JUNEAU, ALASKA 99811

RE: PROPOSED REGULATIONS

DEAR COMMISSIONER SKOOG:

MANY SUGGESTIONS WILL NO DOUBT BE MADE
FOR CHANGES IN THE PROPOSED REGULATIONS.
ONLY ONE CHANGE IS NECESSARY -- JUST
CHANGE THE TITLE TO READ:

"A SCHEME FOR CLOSING
DOWN ALASKA"

THIS WOULD SILENCE ALL CRITICISM
OF THE SUBSTANCE OF THE REGULATIONS.

SINCERELY YOURS

Barry Donnellan

BARRY DONNELLAN

PO BOX 73795

FAIRBANKS AK 99707

456-2329

COMMISSIONER'S OFFICE

RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC 40

The Honorable Ronald Skoog
Boards of Fisheries and Game
Sub Post Building
Juneau, Alaska 99801

March 20, 1981
Fairbanks, Alaska

Subject: Proposed Regulations
Governing Fish and Game
Habitat Protection.

Dear Sir,

I am very opposed to the new
regulations. We are over regulated now.
we do not feel the State should interfere
with our business. I see where they will
hurt the construction business also.
Consider repeal of these regulations.

Sincerely

Alice C Eberal

President

A-C-E General Contractors Inc

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC41

Com. Robert Spooz

3/20/81

Boards of Fisheries & Game

Support Bldg 99301 Geneva

I feel that the state is imposing regulations on mining that have not had sufficient study open ended and seemingly with out end fish & game reg hearing 10 days with from notice ample time? hearings that take place some time to mining conference?

please give us a break!

John Stately

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC 42

To Whom It May Concern,

I feel the proposed regulations governing fish and game habitat protection is just another step to trying to suppress the people into a socialist type of government. We are over our heads in regulations, stick to your jobs and off our backs. We provide jobs and industry to Alaska. The Governor should be aware of all these regulations.

Thankyou,
Brooks Bailey

I appreciate your concern in this matter

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME
(PC 43)

3-20-81

Comm Ronald Hoag
Boards of Fisheries & Game
Subport Bldg.
Juneau, Ak. 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

Dear Sir:

The fish and game has recently produced some proposed regulations for placer mining operations.

It appears to me these regulations have been made without sufficient input from the miners as to feasibility and sufficient time is not allowed for response. It is also pointed toward miners.

We would all agree some protection of the environment is necessary, however placer mining must be allowed to continue.

Implementation of these proposed regulations will have the effect of eliminating placer mining.

Please give consideration to re-consideration.

Sincerely,
Jimmie Deannette James
R.D. Box 74528
" " " "

PC 214

43 SHEETS 1 SQUARE
43 SHEETS 3 SQUARE
43 SHEETS 5 SQUARE
43 SHEETS 7 SQUARE
43 SHEETS 9 SQUARE
NATIONAL

P.O. Box 60408
Fairbanks, Ak 99706
March 18, 1981

Comm. Ronald Skoog
Board of Fisheries & Game
Support Building
Juneau, Alaska 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

Dear Sir:

We as placer miners would like to go on record as being very displeased with the proposed regulations governing fish & game habitat.

We feel that the over-regulations have been proposed without thorough investigation, that they are unnecessary, which you would probably decide upon sufficient research, and that we as miners have a hard enough time surviving without these unnecessary regulations. Maybe it would have been a good idea to get some input from some knowledgeable miners to assist in producing some equitable solutions.

Sincerely,
Bernie Karl & Connie Parks
The Last Rush Mine

PC
45

March 20, 1981

Commissioner Ronald Skoag
Board of Fisheries & Game
Subpost Building
Juneau, Alaska 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

Regarding the Proposed Regulations governing Fish
& Game Habitat Protection

After reviewing the proposed regulations I am
totally and ^{of Dept of Natural Resources} firmly convinced that the
Dept of Fish & Game desires to have total
control over all activities within the state
of Alaska. The drastic affect that these
regulations would impose on the people of
Alaska goes beyond and far beyond any Federal
regulations ever imposed on Alaskans.

Where is the scientific data backing
up damage done to fish, streams
or lakes. Where is the expert information
officer who determines section dredges
damage streams or fish.

Our business firm with stores in
both Anchorage & Fairbanks initially brought
section dredges into Alaska several years
ago. I suspect that I and Jim Madann
have more knowledge about using these
units than any other person in the state

PC
4

of Alaska. We also have more technical
information than anyone else in the state.
about ~~sections~~ dredges.
Where ~~were~~ your fish & game people
getting their information on dredges. What
tests have they run? What damage
have they found to require permits?

How did fish survive over the
years since miners first developed
this great state in the late 1800's
till today. How much study has proven
the mine has caused damage to
fish.

These regulations in their entirety
are absolutely insulting to all people
residing in Alaska.

I cannot believe that the Fish
& Game or Dept of Natural Resources
has such an unbalanced ego and
desire to destroy the future of
Alaska, two legged people. It seems
all for fish but what about the
people, homes, cabins, recreation,
mining, timber and other industry?

Respectfully,

Leah Madonna
Alaskan Prospector & Geologist
504 Collier Road

(46 1/2)

Dear Sirs

I am most upset by
your new proposed Regulations
under Title 5 for the
protection of fish & game
habitat. They are simply
stating that if you are a
miner you will be on
the welfare rolls by
the end of the year.

I feel they are unjust,
unfair and totally unnecessary.

[Handwritten Signature]

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
47

Dear Sis:

MAY 30-1961

We are absolutely against any leasing program in the state of Alaska.

Neither can we live with the regulations of the Dept. of Fish & Game,

By these regulations all miners will be outlaws just by their very presence on any mining land, patd, or otherwise.

NBA-Gillycat Enterprises

Robert Nelson

Marshall Nelson

Hanna Nelson

See Nelson Thank You
(948)

MARCH 20, 1981

COM. REARAD Skoob
BOARD OF FISHERIES AND GAME
SUPPORT BUILDING
TUPACAL, ALASKA

MR. SKOOB

THIS SHORT COMMENT IS ABOUT THE PROPOSED REGULATIONS GOVERNING FISH AND GAME HABITAT PROTECTION. WHY WAS THE PUBLIC NOT MADE AWARE OF THESE REGULATIONS DURING THE PAST MONTHS THEY WERE BEING PROPOSED? MAYBE THE PUBLIC WAS, BUT I DIDN'T HEAR OR SEE THE PROPOSED CHANGES UNTIL TODAY, AND TO SAY THE LEAST I'M VERY UNPLEASED.

TO ME THIS SEEMS LIKE ANOTHER WAY THE GOVT IS TRYING TO WALK-ON AND HURT THE SMALL BUSINESS MAN. I THINK THERE SHOULD BE MUCH MORE RESEARCH TO PROVE WITHOUT A QUESTION THE DAMAGE THAT IS BEING DONE, BEFORE THESE PROPOSED REGULATIONS ARE ADOPTED.

Respectfully
Robert Bengard
5R. Box 80398
FBKS.

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

7C 49

43 SHEETS SQUARE
43 SHEETS SQUARE
43 SHEETS SQUARE
NATIONAL

RECEIVED

MAR 23 1981

Dear Sirs

DEPARTMENT OF FISH AND GAME

All your fish and game Regs

are unnecessary ^{to} ~~and~~ have
no basis in fact

I am opposed to all of it

and will follow none of it

Neil Thurman

Box 107 Eagle

99 738

PCT
50

5/20/81

Mr. Commissioner,

I am writing in regards to the new fish & game regulations pertaining to placer gold mining. I feel that due to the way these regulations are trying to be slipped through without the miners having a chance to respond proves to me, we are dealing with irrational & illogical men and that we can no longer even listen to them at all.

Steve R. Weber
Fairbanks Miner Assoc

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
51

RECEIVED

MAR 25 1981

DEPARTMENT OF FISH AND GAME

Mr. Hansen
Box 246
Nome, AK 99762
3-20-81

To all those in Elected Authority

I have lived all my life

in Alaska lived in - worked -

mined - farm over - 5 years

at U of A - received - &

imprisoned through much of

the state

I consider myself an independent

& experienced Alaskan

These new fish & game

habitat regulations etc

are imposed to my integrity

as an Alaskan

if you have more money of

them were able to be used

either by uneducated people

or were introduced by to

Alaska then they are ridiculous

at all

PC 5

Board of Fisheries & Game
Support Budget, 99801
Alaska, Alaska 99701

March 20-81
4. Alaska Alaska
99701

Sir - Here we are at a minor meeting
and again we are featuring the E.P.A.
or, New Fish and Game
and what next.
What to do.

We better get off of the Permit
System and added regulations or
hell will be out with in our
own people.

Should we buy fuel-oil or
equipment, or

Should we buy boats and buoys.

Please, work with us.

Not against us.

Thank you



COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
53

COMMUNICATIONS
RECEIVED
MAR 22 5 49 81

DEPARTMENT OF FISH AND GAME 3-20-81

Comm, Shoag,

The latest proposed fish and Game regulations, conveniently scheduled for public hearing April 2, 1981, are ridiculous, why does the Fish & Game Dept. it should control the mining industry, why does the govt want to stop mining (progress employment etc) Concerning stream pollution, Every time a natural or straight produced ^{heavy} rain occurs it muddies the streams, river boats, muddy the stream. The River Boat Discovery shows up the change. I was born in Alaska, born in Wash, lived here after that, I was Born an American and do not or will not be a Slave or Ward of the state like half the unhealed from population. Your lease proposals are just ridiculous also which would stop the economy of Alaska also

Any way - I protest -

God Bless America!
Dell Johnson
2110 Broadway PC
D.H.

3-20-81

Commissioner Ronald Skoog
Boards of Fisheries & Game
Support Building
Juneau, AK 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF FISH AND GAME

Your ~~method~~ ^{method} of implementing your proposed regulations governing fish and game habitat protection is so grossly unfair, undemocratic and unintelligent that it borders on being criminal.

You seem to ignore the fact that miners are also American citizens. The miners are demanding to be treated fairly as American citizens. They demand to be treated as fairly as you are treating the fish and game.

Please have the decency to give the miners sufficient time to comment on your proposed regulations governing fish and game habitat protection.

George Radloff
Mining Engineer

Energy Mgmt

PC
55

RECEIVED

MAR 25 1981

DEPARTMENT OF FISH AND GAME

To Ronald Skoog

I a placer miner in the state of Alaska feel the Regulations proposed by the Fish and Game are one sided and very unreasonable. The whole Idea is very unprofessional and low down dirty. These regulations had no input by anyone having to do with any miners or anyone having to do with mining. I feel the Regulations are written from a negative point of view and are very one sided. I do believe there can be regulations to control the guarantee of the existence of the sport fish and beauty of streams. I agree that there should be some protection but no body has evidence to show any damage to fish habitat.

Deeply Concerned

D || ||

PC

56

C D M M RONALD SKOG
BOARD OF FISHERIES & GAME
Support Bldg.
JUNEAU ALASKA 99801

Your proposed regulations are not
at all fair to the working people of
Alaska. Specially miners and owners
Fairbanks. I am a member of the Alaska
Miners Assoc as well as a business man
in Fairbanks

Gene Daulton

Box 74482

Fairbanks AK

99707

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
58

NATIONAL
42.381 50 SHEETS 3 SQUARE
42.382 100 SHEETS 3 SQUARE
42.383 200 SHEETS 3 SQUARE

March 20, 81

8:00 P.M.

Mr Ronald Skoog

Dear Sir

We attended an emergency meeting to discuss the Fish and Game anti-placer mining regulations.

We find the regulations unacceptable and we reject them in their entirety.

Sincerely

Jim Luksa

Alaska Miners Association

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

(PC 59)

30 SHEETS 3 SQUARE
100 SHEETS 3 SQUARE
NATIONAL

COMMISSIONER'S OFFICE

RECEIVED

MAR 25 1981

DEPARTMENT OF FISH AND GAME

413 Glacier Ave
Fairbanks, Alaska 99701
Mar. 20, 1981.

Commissioner Ronald Shoog

We are tired of controls and regulations.

It is now time for action from us, the miners of Fairbanks region.

Before we accept your so called rules, we demand much more research on your part.

We will not accept nor live under Communist control and it appears that you and all the other boards or whatever, are trying to force us into that way of life.

Under no circumstances will we miners bend to your ideas - Before we do, there will be blood shed - Go to hell or come up with a democratic system that will help us - Not control us.

Vernon T. Nelson

Allen L. Nelson

PC
60

Re. Regulations Proposed
Governing Fish & Game Habitat Protection

Commissioner Ronald S. Koos
Board of Fish & Game
Support Building
Juneau, Alaska 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF FISH AND GAME

Commissioner S. Koos,

After looking through the proposed regulations, the only things I think you have overlooked are jetboats, outboards, fishermen, moose, bears & other threats to your fish.

It seems that the Dept. of Fish & Game will be in control of placer mining in Alaska. We are already regulated by all of the permits we are required to have.

Just what damage has mining done to fish in Alaska? The EPA standards for discharge water are already stricter than the naturally occurring water in most of our glacial streams. If fish can't stand silt, Alaska would have no fish.

Rosalyn Stowell
Charles Stowell

Manley Hot Springs, Alaska
9975

(PC
h1)

Commissioner Ronald Skoog
Boards of Fisheries & Game
Subport Building
Juneau, Alaska 99801

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF FISH AND GAME

We have just reviewed a copy of the new fish and game regulations. We feel these regulations are premature. There has not been enough evidence compiled to mandate these decisions.

The regulations are indirectly trying to control placer mining business, - assuming that mining is damaging to the environment without having more research. - It's also very discriminating, - saying nothing to the impact of Jet Boats, outboard motors, fishermen and horses etc. to the environment.

We need more research, and an unbiased opinion.

Sincerely,

Fred R + Patricia Hall
Castle Creek Mines
Flat Cr. Via Bettles
Alaska 99726

(DC
162)

Com. Ronald Spooey
Boards of Fisheries & Game

Sub part B LG. Juveniles, Alaska 998

RE: Al. Board of Fisheries & Al. Dept. of Fish
& Game Proposed Regulation
Gov. FISH & Game HAB. Protection

Dear Sir;

I have been a resident of Alaska
for thirty one years. I have voted consistently
for most every important question including
local, city, borough, state & federal elections.
I have traveled & talked extensively
with others across the state as well
as the lower states. A great many
people expressed admiration for our
state due to our growth as a state,
because of the lack of regulations,
particularly in the areas of overregulation.
It is a genuine concern among the
business people, those of us supply
the mines with their needs will be
stating their position to Vice, shortly
to you, Betty Jarentamp, Gov. Hammond,
La Pesch.

I believe it is incumbent on both
the elected officials & appointed officials.

support their proposals. With documentation of valid facts; NOT supposition. Once regulations take effect they can & probably will be opposed.

I make a suggestion that all the affected principals; i.e., Sportmen, fishermen, Congress, Business people, Miners & any other including any and all citizens plus industry be afforded an open opportunity to fully be heard on such an important issue as their proposed regulations.

In closing Gentlemen I ask
1. Gov: further input from all concerned,
2. Much more input from the state biologist in charge of determining damage to our fish, this to be supported by documented evidence to leave little not be too hasty in passing regulation for the sake of passing something. Lets work together & see if we can't come up with something that will work for all 63.1

The negative power that seems
to prevail through out the
law regulations ~~is~~ ^{is} ~~not~~ ^{not} ~~help~~ ^{help} -
and confused. I think what
you trying to do ~~is~~ ^{is} ~~to~~ ^{to} ~~bring~~ ^{bring}
it ending in this state

If we don't look for the
problems now, how will we
have them when this country
needs them?

Why does this still feel
that it has to be done
Eisen's demands thinking?

I hope you find your
candidates if you that you
consider what you feel to

Say -

Waring DeWitt
1839 Ave East Ave
FBIK. ~~PAK~~ 99707
Ph. 456-5861

(632)

to

Ronald Shoop
Board of Fisheries and Game

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

Gene Sir i am writing this letter in regards
to the proposed Regulation governing fish and
game habitat i don't think there is fair
to push up on or inflict upon the poorer
mining industries of the state of Alaska with out
a lot more research into fish and game
habitats and if there is not a lot more
research into the proposed Regulations then
the miners have no choice but to tell
you and the rest of the fish and
game department to go to Hell

Wes Shoop
Placer Miner
critical ab

PC
64

42 SHEETS 30 SHEETS 3 SQUARE
22 SHEETS 100 SHEETS 3 SQUARE
NATIONAL

March 20

To:

Commissioner Randall Stoop
Board of Fisheries and Game

Mining in Alaska has been opening
since the early 1900's and thus far
the damage done yet to be done
to the population of wild fish and wildlife
is not understood. The mining operation by
the natives who abuse the rights privilege of
the commercial fishermen and which
regulations will do no good and you
should already realize this. Instead of
protecting the fish and game area you should
let them do what they could wish a little to do
to this area for regulations and control and
as fast we can hardly begin to complete but
not before another company can you determine
what the loss of the mining industry in this
state would do to it. This state is
really full over the rest of the states as a
dry state in which you had a permit to
mine you can. In this case some of the
that will straighten in further our part
of us
I heard you.

Jerry Robinson

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

(Handwritten initials)

3-20-81

Fairbanks Alaska 99707
PO Box 1836

Boards of Fisheries & Game
Support Building
Juneau Alaska
99801

Also we are not in favor of these regulations
that are on moving tent. We do not feel that
we have had the proper time to discuss them
and feel that the date to adopt them should be
moved forward to give us that time

Thanking you
Kenneth W. Gosholt
PO Box 1836
Fairbanks Alaska 99709

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF FISH AND GAME

PC
66

NATIONAL
42-381 50 SHEETS 1 SQUARE
42-382 100 SHEETS 1/2 SQUARE
42-383 100 SHEETS 1/4 SQUARE

RECEIVED

MAR 23 1981

March 20, 1981
George R. Haskins
P.O. Box 1777
Fairbanks, Alaska
99707

DEPARTMENT OF FISH AND GAME

Com. Ronald Skoog
Boards of Fisheries and Game
Subport Bldg.
Junnan, Alaska. 99801

Dear Sir:

I feel that you people have put to gather a hasty set of regulations and left very little room for input from other groups. Because of this it makes the regs. very one sided in favor of fish and game with no concern with people that make a living off the land. It is impossible for miners, loggers, farmers, guides and other people to live by these regs when the enforcing officer has the final interpretation of them for enforcement. In this day and age people with high interest rates and other problems do not need to be beholden to your open ended regs. and enforcing officer's interpretation with little concern for industry.

This set of regs show no evidence in the form of studies to back them. Industry does not exist on dreams and ideas but on working solutions and research. To be favorable with industry fish and game should be able to back up their regs. with proof for the need of each and every reg.

I will name a few problems with your proposed regs. They do not address the damage that boats, outboards motors, fisherman horses and people that cross streams do but they are able to address the damage mining, road const. logging and other groups do to streams with very little visible evidence that fish and game has proposed these regs with a open mind.

Being a person that makes a living from placer mining I do not appreciate their reg. being forced on us with very little notice for input. Above all any government agency should do research and do in fact statements on what these new regs do for and against industry.

30 SHEETS 3 SQUARE
42 SHEETS 4 SQUARE
42 SHEETS 5 SQUARE



PC 6

20 Mar 1981
Nemana Alaska
99760

Com. Ronald Stong.

I protect these Reg. as
written. With out much real
study & input from people
affected by these Reg.

Al Muthens
SR mile 328 pt Hwy
Nemana Alaska
99760

Clair Osiner

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
68

42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
NATIONAL

COM. Ronald Skoag
Boards of Fisheries & Game
Support Bldg
Juneau AK 99801

The Republic of the United States was founded
on the right of the people. The right to live,
and feed, our family, and work. Now we have
reached a point in time that are. Livly hood is
being took away, with out much chance to
fight. We feel that ^{we the} ~~the~~ minnts are being cut
short by the state's new proposals. Who is
the state we the people give us are right
thank you

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
69

RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

20 March 81
FELS
SCOTT HASKINS

COMMISSIONER RONALD SKOOGS —
BOARD OF FISHERIES & GAMES
SUPPORT BUILDING
UNREAU, ALASKA. 99801

DEAR SIR,

YOUR TO QUICK ANSWERS FOR
PROPOSED REGULATIONS ARE IMPOSSIBLE
ALTHOUGH I KNOW THIS IS YOUR DESIRE.

MINING IS A METHOD FEED PEOPLE
WITHOUT DAMAGING TO NON/MIGRATING
FISH. IT APPEARS YOU DESIRE TO MAKE
LAW BY COMMISSION NOT BY VOTE OF PEOPLE.
BRING THIS BEFORE THE PEOPLE NOT BY
BOARD OF FISHERIES.

I AM AGAINST YOUR REGULATIONS
YOU HAVE NO EVIDENCE TO DAMAGE TO NON/
MIGRATION FISH —

YOU HAVE NO RIGHTS TO CONTROL METHODS
OF PLACIER MINING. YOU HAVE NOT SUFFICIENT
RESEARCH TO BACK YOUR THOUGHTS —

SCOTT HASKINS
147 KELSANUA CT FELS 99741

PC
76

March 20, 1981

Dear Henry:

It has come to my attention that your paternal point of view towards the people of Alaska is consistently trying to put the people of Alaska (in this case) out of the picture totally! Your prime thing that you are doing, is to control all people in Alaska who do not join unions, class, do go to church & are generally able & willing to fend for themselves. That is what our country is now doing. People's fund control!!

It is a sorry state of affairs that our country is going Socialistic. Adding jobs for the same commissions (such as yours) that go for regulations to incorporate jobs for paternal boards, so they can take over our lives.

We, here in Alaska, love & honor America but do not want our basic life imperiled by the Federal agencies or State against us.

Most Sincerely

Mrs. L. J. Hawkins

147 Nelson Way #48

Woodside North

Pril Banks, Alaska 99701

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF HEALTH AND CARE

PC
11

20 March 1981

George W Bell

921 9th Ave

Saukanequa WI 53081

Comm Ronald Skoog

Due to the fact that I have just found the new Regulation proposal at this late date, I feel that to be fair to all, the mining ~~and~~ industries and fish and game more time should be allowed.

Thank you
George W Bell

42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
NATIONAL

COMMISSIONER'S OFFICE

RECEIVED

MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
72

Com. Ronald Skoog
Board of Fisheries Game
Support Building
Juneau Alaska 99801

Dear Sir.

I am surprised to hear of your new set of regulation, surprised at the the very negative outlook toward the miners. I am very much against your timing of your next meeting, I also would encourage your department to do more research on damage to fish by mining operations. Fish & Game should not have a direct control of placer business. you are putting the small miner out of business. please take in consideration that Jet-boats + outboard motors and fishermen are general do more damage to fish than the miners

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

Fordman Richter

Box 1255

Fairbanks AK 99707

(PC)

Commonwealth of Alaska
Board of Fish & Game
Subpoena Order
Juneau, Ak. 99801

March 23, 1981

Dear Sir:

I am concerned as a placer miner about
your proposed fish & game regulations and
feel they are premature and without
proper study and research.

Fred E. Wilson
820 5th Ave.
Fairbanks, Ak.
99701

Sincerely,
Fred E. Wilson

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

P2
174

COMM. RONALD SKOOG
BOARDS OF FISHERIES & GAME
SUPPORT Bldg
JUNEAU, AK. 99801

Dear Sir,

What the hell is the Fish & Game
doing or trying to do. We feel you
are trying to: 1. Force something on us
without justification. 2. Sitting up
the Fish & game to regulate us miners.
who the hell do you think you
are. 3. one more thing. What is
this bullshit giving us 11 days to
present our views on your so called
Proposed Regulations

Rev. Wood

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC
75

To: Commissioner Ronald Skoog
Re: The proposed Fish & Game Regulation
on Alaskan Miners.

The time frame under which
these regulations were put upon
the Alaskan people did not give
the industry related miners
sufficient time to give any input.
I don't believe this is in the
people's best interest & the
people involved should make regulations
to regulate them selfs and not
some un-related branch of the
State government. I would like
to be counted as an Alaskan
against those regulations and
~~that~~ the push on rushing them
through with out the people
involved getting to be involved.

COMMISSIONER'S OFFICE
RECEIVED

MAR 25 1981

Sincerely

A. Station
and
T. Station

PC
176

March, 20 1981

TO: Commissioner Ronald S Roog
RE: Proposed Habitat Regulations by the State, fish & Game on mining in Alaska

MAR 22 1981

Dear Sir,

RECEIVED

42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
42 SHEETS 3 SQUARE
NATIONAL

I would like to disagree with the proposed Regulations on Mining in Alaska. The Regulations seemed to be put upon the people in such a fast manner that the industry related people can not give any input. The meeting that is being held in regards to these regulations is being held ^{in Anchorage} at the same time as our Alaska Miners Assoc. is having a state conference ^{in Fairbanks}. It makes me wonder about the coincidence of most of the people who should be involved in the making up of these regulations ~~are~~ being at the opposite end of the state while its going on.

In the very least we should have more input from the Miners and more time to accomplish this.
Thank-you Sincerely,
M. A. Staton

PC 7



42-381 30 SHEETS 3 SQUARE
42-382 100 SHEETS 3 SQUARE
42-389 300 SHEETS 3 SQUARE



Com Ronald E Koog
I Protest the Proposed
B Fish + wildlife regulations
which will stop Alaska mining
If you love to live with
total rules + regulations why
don't you move to Russia
there where they have total
control

BR/oyt
537-10th ave
Fols A K

COMMISSIONER'S OFFICE

RECEIVED

MAR 25 1981

DEPARTMENT OF FISH AND GAME

PC
78

20 Mar 81

This whole business of the proposed Regulation on Fish & Game Habitat what will effectively put me out of Business and on to welfare, was handled in a very sneaky manner.

This will destroy Place mining in Alaska and effectively put thousands of Alaskans out of work.

There needs to be a hell of a lot ^{more} research on the effects of Equip on stream bottom crossings.

The restriction that J. Scott County imposed since the threats of the miners that had to fight for the privilege to cross the Chena River area is a joke, and an outrage. We had had I had thought \$15,000 to bridge the Chena river so that Equip wouldn't leave the rocks on the stream bottom. Stupid - stupid - stupid.

E. J. Gordon

COMMISSIONER'S OFFICE
RECEIVED
MAR 23 1981

DEPARTMENT OF FISH AND GAME

PC 79

42,381 50 SHEETS 5 SQUARE
42,382 100 SHEETS 5 SQUARE
42,389 500 SHEETS 5 SQUARE
NATIONAL

3-21-81
SR3-Box 30608
Fairbanks AK 99701

Dear Sir:

As a 30 year Alaskan resident and an Alaskan miner I object to the proposed bill covering Fish and Game Habitat Protection. We feel that more research should be conducted before this proposal is passed. We do not feel mining does, in any way, affect fish and game habitat protection in Alaska.

We, at this time, have more regulations than we have time to take care of.

Thank you for your consideration and prompt attention to this matter.

Glenn D Boutin
W. Iena AK.
P.O. Box 30608 Fairbanks AK
99701

COMMISSIONER'S OFFICE
RECEIVED
MAR 25 1981

DEPARTMENT OF FISH AND GAME

PC
80

March 20, 1981

Dear Governor Hammond,

I would like to protest the "Proposed Regulations Governing Fish and Game Habitat Protection". I feel that, in the first place, the time element is too short for allowing persons within the mining industry to respond to the Dept of Fish and Game proposed regulations.

I feel that the proposed regulations place undue and unfair stipulations on the placer industry, which is a majorstay for state economics, which are not necessarily founded on a sound platform.

The premise that destruction of fish and game habitat will be avoided by regulating the placer industry is not necessarily valid. We, as a group, are all interested in future generations and the rest citizens. However, it has not to my knowledge been proven what fish and game suffer under any but the most extreme polluting situations.

I would suggest that more research is necessary to better determine which of these regulations have a sound basis, and which would only be detrimental to the placer industry without necessarily being beneficial to fish and wildlife.

By adopting the proposed regulations, Fish and Game Board would have indirect control over the placer industry. This is an attempt to destroy the free enterprise system upon which our country is founded.

I request you strike these regulations until such time as fair representation from the placer industry can provide input to fairly represent both sides.

Thank you

Ed Armstrong

Tri-Cor Mining, Inc

COMMISSIONER'S OFFICE

RECEIVED

MAR 25 1981

DEPARTMENT OF FISH AND GAME

DC
181



Southeast Alaska Conservation Council

BOX 1692, JUNEAU, ALASKA 99802

907-586-6942

SEACC

Boards of Fisheries and Game
Support Bldg.
Juneau, AK 99801

LYNN CANAL
CONSERVATION
Haines, Alaska

March 22, 1981

JUNEAU GROUP-
SIERRA CLUB
Juneau, Alaska

Re: Proposed regulations governing fish and game habitat protection

SITKA GROUP
SIERRA CLUB
Sitka, Alaska

Dear Boards of Fish and Game: .

PETERSBURG
CONSERVATION
SOCIETY
Petersburg, Alaska

Thank you for the opportunity to comment on the proposed regulations governing fish and game habitat protection. Overall we find the regulations very satisfactory. They provide the resources with the essential habitat protection in a balanced manner with the activities that are needed for the economic well-being of Southeast Alaska. We do have several suggestions that we feel are important to insure the perpetuity of healthy fish and game populations.

SITKA
CONSERVATION
SOCIETY
Sitka, Alaska

5AAC 95.030

SIKINE
CONSERVATION
SOCIETY
Wrangell, Alaska

(4) addition of "sedimentation" and "change in water temperature". Any activity that will result in sedimentation or a change in water temperature in an anadromous fish stream will cause damage to the resource. As such, these types of activities should be required to submit detailed plans and specifications for approval.

TAKU CHAPTER ACS
Juneau, Alaska

(5) should be rewritten to read:

"Use of any log yarding equipment that drags all or part of a log through a body of water, over the bank or through the flood plain."

TONGASS
CONSERVATION
SOCIETY
Ketchikan, Alaska

(14) The distance requirement should be 100 feet instead of 50 feet. The US Forest Service uses the 100 foot minimum for stream protection. A study by Erman, Newbold and Roby of the University of California at Berkeley entitled "Evaluation of Streamside Buffer Strips for Protecting Aquatic Organisms" identified 30 meters (100 feet) as the minimum required for protection. They found that streams with buffers of less than 30 meters resulted in the same loss of aquatic organisms as streams having no buffer. As such, any activity within the 30 meter (100 foot) distance will cause damage to anadromous fish and should be required to submit detailed plans and specifications for approval.

PC/82

5AAC 95.040

(2) "Timber harvesting" should be added to the list of activities subject to the requirements of this section. Timber harvesting can have as much, if not more, impact on habitat as the other activities listed.

5AAC 95.220

(2)(c). the phrase "...or spawning habitat" inserted after "overwintering populations of fish." The snow cover is needed on spawning streams as thermal cover to prevent the development of anchor ice.

5AAC 95.230

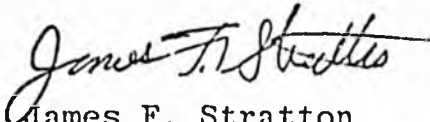
add:

(j) No person may yard logs across a stream in any way that causes all or part of the log to drag through the streambed or along the bank.

This fits in with the other activities that are not allowed.

If you have any questions regarding our suggestions or reasoning behind them, please contact us for clarification.

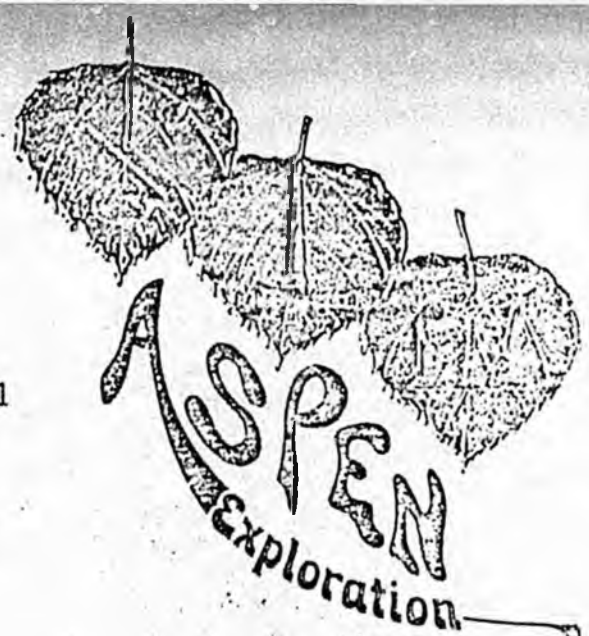
Sincerely,



James F. Stratton
Executive Director

JS/ats

March 21, 1981



Boards of Fishery and Game
Support Building
Juneau, Alaska 99801

Gentlemen:

We have reviewed your proposed regulations governing fish and game habitat protection and offer the following comments:

A. General Comments

1. Throughout the regulations the Department of Fish and Game has total discretion to approve or disapprove a habitat permit. If the regulations are adopted at all, which we question, there should be a section setting forth guidelines which the Department must follow when approving or disapproving a permit. If such procedures are followed it will prevent inconsistent and arbitrary denials which may result from imposition of different standards by different employees in the Department.

2. There are no standards or guidelines set out for a prospective operator to prepare the plans and specifications required for approval of a habitation protection permit nor are the standards of acceptance of such plans or specifications set forth. For example, the purpose of the regulations, among other things, is to provide for an unobstructed path of fish in streams, rivers and lakes. If one proposes to put a culvert across the stream, the engineering standards of that culvert are set out with specificity, but if one proposes to placer mine gravels near a stream, it is not certain what would constitute a plan that would provide unobstructed passage for fish.

3. The list of legislative designated areas where fish, game and their natural habitat are the primary values would be widely published and widely disseminated. In a like manner, the list which identified anadromous fish streams should be widely published, widely disseminated and opportunities to comment should be provided.

4. These regulations could seriously disrupt the potential for multiple land use of many kinds, especially mineral exploration and development. A long, hard look should be given to the redundancy

Aspen Exploration Corporation

PC/84

and interference between this proposal and already-existing regulations and the result of their combined effect. Existing regulations are probably adequate.

5. We question whether adequate notice was given in the issuance of the proposed regulations. The copy we received was undated and we do not know when the proposed regulations were distributed. Ample time for review and comment should be provided.

B. Specific Comments

1. Section 5 AAC 95.020 concerning streams and rivers frequented by fish is a trap for the unwary. Although "frequented by fish" is defined as containing resident or migratory fish, there are certainly many streams where it may be arguable whether or not they contain resident or migratory fish on a continuous basis.

2. In 5 AAC 95.300 (2) we question the inclusion of the excavation of materials from an annual flood plain of an anadromous fish stream.

3. Likewise in 5 AAC 95.030 (9) we question the inclusion of disposal of stockpiling of any materials in the flood plain of an anadromous fish stream.

4. It is also questioned why in 5 AAC 95.030 (14) land clearing and filling earth and materials within 50 feet from an anadromous fish stream should be included as an activity affecting such streams. This may be especially true if such activity doesn't affect the stream itself.

5. A habitat protection permit is only issued for fixed term not to exceed 5 years. It should be pointed out that many placer mining operations will exist for more than five years. Under the regulations, the Department has a continuing right to inspect the operation and impose additional standards, which could adversely affect excavation planning. The relatively short term is not understandable.

6. The way we understand the regulations, operations can be excluded for up to 30 days in any calendar year, if determined necessary by the Department. This could be disastrous to a placer mining operation if that 30-day period comes in during the short placer mining season.

7. The application for a habitat protection permit must be on a form and in the manner approved by the department. This is very general language and to submit "in the manner approved by the Department" could mean several different things.

pc/85

8. We appreciate that an application for a habitat protection permit may be included in the submission to the Department of Natural Resources on a tri-agency placer mining permit application form. Your efforts to consolidate permits and to expedite the permitting process are beneficial.

9. 5 AAC 95.190 states that scheduling of instream activities will be determined by the Department. There must be close coordination with the operator of any mining operation since the mining season is extremely short and disallowing instream activities during a portion of that period could be disastrous.

10. 5 AAC 95.230 (2) (c) taken to its extreme will completely prevent anyone from placer mining an anadromous fish stream. 5 AAC 95.23 (2) (h) and (i) seem to be inconsistent with 5 AAC 95.23 (c) in that (h) and (i) deal with disposing mine tailings in an anadromous fish stream.

11. 5 AAC 95.240 (1) states that no person may fuel in excess of 10 gallons any type of wheeled or tracked equipment in any anadromous fish stream. The term "stream" must be clearly defined in this context. If spillage is the main concern, then it should be so written.

12. 5 AAC 95.260 is concerned with shoreline standards. Paragraph (a) states that the distance from the shore wherein a riparian disruption may affect the quality of aquatic habitat is dependent on several things, but finally "the type of activity causing the disruption." Does mean that these regulations are aimed at specific types of activity rather than types of disruption? Has placer mining been singled out as a target even though that activity founded Alaska, and has been going on for many years without adversely affecting Alaska's fish. Or is it rather that the distance from the shore is dependent on the "type of the disruption"? In addition, it is not clear if a habitat protection permit is required for placer mining operations within 50 feet of the mean high water line of an anadromous fish stream.

13. 5 AAC 95.910 states that the Department may waive or alter any requirements of previous sections. If one plans his operations based on those regulations, then this would mean that the Department may impose additional or different requirements on his operation. Before the Department should be allowed to waive any standards, there should be a very obvious and extreme necessity.

14. 5 AAC 95.930 states that upon issuance of a permit the Department has unobstructed access at any reasonable time on the permit site. As a matter of courtesy, safety and security there should be at least a 10-day notification prior to allowing governmental employees to inspect an operation site.

01/26

15. 5 AAC 95.940 requires the permittee to submit reports to the Department on the form and on the date satisfactory to the Department. We believe this requirement to be unnecessary and a form of harassment. Field personnel are not report writers, and if regulations and procedures are adequately promulgated in the first place, reports should not be necessary.

In conclusion, those of us in the mineral exploration and development business have been severely harassed and restricted by regulations and land withdrawals at the Federal level. It is our sincere hope that the State of Alaska does not now join those who oppose multiple use concepts and who would like to see the mining business go out of existence.

Sincerely,

ASPEN EXPLORATION CORPORATION

James G. Bush
gk

James G. Bush, Alaska Manager

JGB:gk

107



ALASKA MINERS ASSOCIATION, INC.

FAIRBANKS BRANCH

March 20, 1981

PRESIDENT

DONALD STEIN
105 Dunbar Avenue
Fairbanks, Alaska 99701
(907) 456-7642

VICE PRESIDENT

DONALD MAY
4545 Woodriver Drive
Fairbanks, Alaska 99701
(907) 479-2493

SECRETARY

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STATE VICE PRESIDENT

DICK SWAINBANK
P.O. Box 81315
Fairbanks, Alaska 99708
(907) 479-6093

The Honorable Jay Hammond
Governor - State of Alaska
Pouch A
Juneau, Alaska 99811

*Boards of Fisheries and Game
Support Building
Juneau, Alaska 99801*

RE: Alaska Department of Fish and Game
Proposed Regulations
Governing Fish and Game Habitat Protection

Dear Governor Hammond: *v Board Members:*

The Fairbanks Branch of the Alaska Miners Association first became aware of the proposed regulations on March 12, 1981.

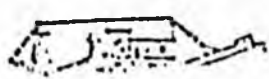
We were informed that written comments are to be received in Juneau by March 23, 1981 to assure proper consideration of our testimony. It was also brought to our attention that the hearings covering the proposed regulations are being held on April 2, 1981 in Anchorage the same day Alaska Placer Miners Conference is held in Fairbanks.

We would like to protest the very unprofessional and unethical way the above has been handled. We had no knowledge of what was "in the mill" and the Department of Fish and Game made no effort to obtain input from the Miners Association and the Placer Miners in preparing the proposed regulations. This is not the way a republic form of government is meant to operate.

The short time allowed for us to reply to the proposed regulations and the holding of the Hearings when the annual Placer Miners Conference is being held will not allow the Alaska Miners Association and its members sufficient time or opportunity to submit input into the process of formulating regulations, which the people involved in Alaska can live with.

We do not have time to respond point by point on

pc/88





ALASKA MINERS ASSOCIATION, INC.

FAIRBANKS BRANCH

PRESIDENT

DONALD STEIN
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VICE PRESIDENT

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STATE VICE PRESIDENT

DICK SWANBARK
P.O. Box 81315
Fairbanks, Alaska 99708
(907) 479-6093

the context of the proposed regulations but would like to make it clear that we oppose the attempt by the Department of Fish and Game to promulgate regulations without getting the proper input from industry.

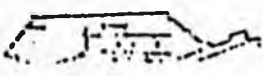
The proposed regulations appear to be one-sided. No attempt is being made to regulate recreational equipment such as out-board boats, jet boats, fishermen and other people, or pack animals and horses who pass thru spawning grounds. We maintain the above activities are more detrimental to fish habitat than most mining ventures. If the Fish & Game propose to regulate the "protection of habitat", then the above endeavors must require permits before they can conduct activities on streams that contain fish.

The Department of Fish and Game has expanded its management powers beyond what was originally conceived at the time of statehood. The term anadromous fish originally meant the different species of salmon, but now has been expanded to include many other species of fish. Now the regulations are being drawn up in such a way that the Department of Fish and Game is assuming to completely control the management of streams where any fish reside or migrate thru. If these regulations are approved it will give the Department of Fish & Game total control over streams where industry is competing for the water resource. The economic benefits that an industry can provide must be considered in relation to what a stream produces in fish for commercial and recreational purposes.

These regulations as proposed will have a monumental impact on the mining industry, farming and other construction and development oriented industries. It is another step by the government to regulate and slow down development and increase overhead and production cost in industry.

It appears as if this is one of the first steps being taken by the administration to regulate the activities of Alaskans by a permit system.

PC/89





ALASKA MINERS ASSOCIATION, INC.

FAIRBANKS BRANCH

PRESIDENT

DONALD STEIN
105 Dundas Avenue
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(907) 479-4572

STATE VICE PRESIDENT

DICK SWAINBANK
P.O. Box 81315
Fairbanks, Alaska 99708
(907) 479-6093

The proposed regulations use nebulous phraseology through-out and do not clearly define conditions requiring permits. The regulations leave too much interpretive discretion up to the enforcement officer who will dictate to industry how they are to conduct their business.

We have no choice but to oppose these proposed regulations and request that more time be given to study the impact of mining and activities in streams where fish live. The Department of Fish and Game are attempting to regulate industry without having the proper scientific data to back up their contentions. Too little study has been done to determine the beneficial vs. the detrimental effects of placer mining on fish habitat.

Regulations of this magnitude will have a dire effect on industry. We suggest that an economic impact statement be prepared and reviewed before any regulations are put into effect.

Sincerely yours,

Donald Stein, President

RCB:dlb

c.c. Boards of Fisheries and Game

PC/90

