

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982

1922 SRES SB 769 - SB 794



Alaska State Legislature

Official Business

Senate Resources Committee

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RF: 3/22/82 Committee Hearing
DATE: March 19, 1982

Please find attached background information for Monday's hearing on the following bills:

SB 731 Establishing the Shuyak Island State Park.
(This bill has been heard before. Technical language changes were required, resulting in the attached Committee Substitute.)

SB 769 Removing the requirement that power projects constructed under the energy program for Alaska be owned by the State.
(This bill has been heard before. A Committee Substitute has been prepared.)

SB 843 Relating to surface coal mining and the surface effects of underground coal mining.
(This will be a continuation of the Friday, 3/19/82, meeting. Materials have been distributed.)

SJR 70 Relating to commercial fishing of North Pacific chinook salmon.

SJR 79 Requesting the National Park Service to adopt procedures providing public notice of proposed regulations, emergency regulations, and field orders for national parks, preserves, and monuments in Alaska.



Alaska State Legislature

SENATE Resources Committee

Office Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK EL'ASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

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

March 22, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

- SB 731 Establishing the Shuyak Island State Park.
SB 769 Removing the requirement that power projects constructed under the energy program for Alaska be owned by the State.
SB 843 Relating to surface coal mining and the surface effects of underground coal mining.
SJR 70 Relating to commercial fishing of North Pacific chinook salmon.
SJR 79 Requesting the National Park Service to adopt procedures providing public notice of proposed regulations, emergency regulations, and field orders for national parks, preserves, and monuments in Alaska.

SB 731

Senator Mulcahy said a Committee Substitute had been prepared, changing the word "compatible" to "other".

Jim Lieb, Alaska Department of Fish and Game, expressed support for the Committee Substitute.

Senator Gilman moved the acceptance of the Committee Substitute. He then moved CSSB 731 with individual recommendations.

SB 769

Senator Gilman explained that a Committee Substitute with a changed title had been prepared. It requires that federal power projects in which the State participates must meet the same tests as all State projects, and gives the Alaska Power Authority approval to proceed with the Bradley Lake project.

Senator Mulcahy moved the acceptance of the Committee Substitute. He then moved CSSB 769 with individual recommendations.

SB 843

Jay Nelson, Alaska Environmental Lobby, stated that some provisions of SB 843 are not strong enough to protect the people and the environment. He stressed the need for revegetation with native species, the designation as unsuitable for surface coal mining areas that are highly biologically productive, and the recognition of the fisheries value.

Mark Wittow, Department of Natural Resources, stated that the Department of Fish and Game and the Department of Environmental Conservation both have permitting requirements that protect fisheries which would still stand. He further stated that performance standards will determine the type of reclamation and the amount of habitat protection required.

Senator Sturgulewski stated that State lands on which surface mining will not be allowed should be further defined.

Phil Holdsworth, COAL, in supporting the bill, clarified the point that all State agencies will continue to work together, so there are "built in" protections.

Senator Fahrenkamp stated that SB 843 would be held until 3/24/82.

SJR 70

Senator Mulcahy stated that SJR 70 had been heard in the Fisheries Subcommittee. He moved the acceptance of the Committee Substitute. He then moved CSSJR 70 with individual recommendations.

SJR 79

Senator Mulcahy stated that SJR 79 had been heard in the Fisheries Subcommittee. He moved the acceptance of the Committee Substitute. He then moved CSSJR 79 with individual recommendations.

The meeting was adjourned at 2:35 p.m.



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

Remarks of David Allison, Executive Director
of the Alaska Environmental Lobby, before the
Senate Finance Committee, regarding CS SB 769 (Finance),
on April 7, 1982.

For further information:
David Allison or
Paul Lowe
586-2345



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

Mr. Chairman, members of the Committee, Senator Gilman, my name is Dave Allison, I'm an attorney, a consultant, and currently the Executive Director of the Alaska Environmental Lobby, a coalition of eleven environmental and outdoor recreation organizations in Alaska. By conservative estimates, our combined membership is more than 4,000 Alaskans.

We appreciate the opportunity to testify before you today on CS for SB 769.

This proposal to construct a power generating facility at the head of Kachemak Bay brings clearly into focus the often competing issues of energy development and protection of the environment.

Kachemak Bay has for years, especially since the buy-back of the oil leases almost eight years ago, been the focus of concern by the environmental community. Those concerns continue today.

Energy issues have also long been a priority for the various groups that AEL represents. The Alaska Center for the Environment, based in Anchorage, and the Northern Alaskan Environmental Center, based in Fairbanks, have been especially active in the area of energy policy and made considerable efforts toward the development



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

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of an environmentally acceptable and fiscally responsible energy future for Alaska. Particularly because some have perceived these efforts as anti-development or obstructionist, we greatly welcome this opportunity to clarify our position on hydroelectric development generally and the proposed Bradley Lake project specifically.

AEL feels strongly that the Bradley Lake project has an important role to play in establishing an energy mix to meet the need for electrical energy demand in Alaska's railbelt region. Representation from our member groups have reviewed available information on the project and it is our conclusion that development of Bradley Lake hydropower is an appropriate investment in Alaska's energy future. The Bradley Lake project is especially attractive because of its minimal environmental impacts and because all indications are that the project is economically sound as well. I should be absolutely clear: AEL supports responsible hydroelectric development and Bradley Lake is a project that fits that description both environmentally and economically.

With regard to CS for SB 769 (Resources), we specifically note our support of the section which provides for the approval of feasibility studies and plan of finance by the Division of Budget



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328

Juneau, Alaska 99801

907-586-2345

and Management in the Office of the Governor. We still are not certain how the project's financing would relate to the electrical rate provisions established by SB 25 (the Energy Program for Alaska) last year, but the important point to be made is that the project is a good one that deserves support.

The Bradley Lake project provides an important example of responsible hydro development. Recent work done by Battelle Northwest shows Bradley Lake to be very competitive economically with other major baseload generating alternatives. Most importantly, however, the size of the Bradley Lake project (approximately 100MW) is such that the need for the capacity addition is unquestioned and the project will enjoy optimal utilization. There is no need to fear over-built, under-utilized, and unnecessarily expensive excess capacity as we have repeatedly contended is the case with the Susitna dams proposal. In sum, the Bradley project would be a part of a sensible energy mix in response to the Kenai Peninsula and railbelt future demand requirements for at least the next 10-20 years.

AEL feels that the Bradley Lake project is exemplary of the kinds of projects that the State should invest in because they are of medium to large scale, and well sized in relation to reasonable



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801

907-586-2345

demand projections. The possibility of developing Lake Chackachamna (approximately 400MW depending on the information) is also extremely attractive for the same reasons. Other projects that are attractive to AEL include Chester Creek, Terror Lake, and Solomons Gulch, while the Green Lake project for Sitka is virtually an ideal example of appropriate hydro development.

Because these projects are of small to medium size, they are not subject to the risks that are likely to plague a far more ambitious project like Susitna, the need for which is based on a pyramid of tenuous assumptions. We encourage further investigation of the potential use of gas-turbine power generation and amendment of Alaska Statutes and appropriate regulations to encourage maximum conservation and wise use of all of our energy resources.

In conclusion, I should note that funding for the Bradley Lake project is among this year's AEL energy priorities, along with other energy projects and programs which we feel will provide for a sustainable, environmentally acceptable and fiscally responsible energy future for Alaska.

I encourage your further review of the two documents and thank you for the opportunity to testify today.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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

MEMORANDUM

March 4, 1982

SUBJECT: Bradley Lake hydroelectric project
(CSSB 769)

TO: Senator Donald E. Gilman

FROM: Linn H. Asper
Legislative Counsel

I have prepared a draft of a Resources Committee substitute for SB 769 that would change the bill into legislation dealing specifically with the Bradley Lake hydroelectric project. It is my opinion, however, that if enacted the bill would violate the prohibition on special legislation set out in the Constitution of the State of Alaska (Article II, Sec. 19). Since this draft is requested for tomorrow, I am not doing more at this time than to notify you of the constitutional problem.

LHA:ljb

Enclosure

SEARCH - QUERY
00010 '44.83.396'.CITATION.

AS44.83.396 DOCUMENT= 1 OF 1

HEADINGS TITLE 44.
STATE GOVERNMENT.
CHAPTER 83.
ALASKA POWER AUTHORITY.
ARTICLE 9.
ENERGY PROGRAM FOR ALASKA.

CITATION SEC. 44.83.396.

CATCH LINE
OPERATION OF POWER PROJECT.

TEXT (A) A POWER PROJECT THAT IS ACQUIRED OR CONSTRUCTED AS PART OF THE ENERGY PROGRAM FOR ALASKA IS OWNED BY THE STATE AND SHALL BE ADMINISTERED BY THE AUTHORITY.
(B) WHEN A POWER PROJECT HAS BEEN ACQUIRED G.. CONSTRUCTED BY THE AUTHORITY, THE PROJECT MAY BE OPERATED FOR THE AUTHORITY UNDER A CONTRACT OR LEASE ENTERED INTO BY A QUALIFIED UTILITY AND THE AUTHORITY.
(C) THE AUTHORITY SHALL ENTER INTO A CONTRACT OR LEASE UNDER REASONABLE TERMS AND CONDITIONS TO PERMIT THE APPLICANT UTILITY TO OPERATE THE POWER PROJECT WHEN THE APPLICANT UTILITY IS THE ONLY WHOLESALE POWER CUSTOMER TO BE SERVED DIRECTLY BY THE POWER PROJECT UNLESS THE AUTHORITY DETERMINES A UTILITY MAKING APPLICATION FOR A CONTRACT OR LEASE TO OPERATE A POWER PROJECT IS NOT CAPABLE OF OPERATING THAT POWER PROJECT.
(D) THE AUTHORITY SHALL ADOPT REGULATIONS TO DETERMINE THE MANNER OF SELECTING A QUALIFIED UTILITY TO OPERATE A POWER PROJECT UNDER A CONTRACT OR LEASE WHEN THERE IS MORE THAN ONE WHOLESALE POWER CUSTOMER TO BE SERVED DIRECTLY BY THE POWER PROJECT.
(E) WHEN THE AUTHORITY PERMITS A POWER PROJECT TO BE OPERATED BY A QUALIFIED UTILITY UNDER A CONTRACT OR LEASE, THE AUTHORITY SHALL
(1) REVIEW AND APPROVE THE ANNUAL BUDGET FOR THE OPERATION AND MAINTENANCE OF THE POWER PROJECT;
(2) ASSURE THAT THE PROJECT IS BEING OPERATED EFFICIENTLY AND IN A MANNER THAT IS CONSISTENT WITH NATIONAL STANDARDS FOR THE INDUSTRY.

HISTORY (AS 44.83.480; SEC. 1 CH 118 SLA 1981)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

IDENTIFICATION:

BILL NAME: "An Act removing the requirement that power projects constructed under the energy program for Alaska be owned by the state; and providing for an effective date."

SPONSOR(S): Gilman

RELATED BILLS PENDING:

DATE INTRODUCED: 2/16/82

REFERRALS Resources
Finance

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED *yes*

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP

MATERIALS: - 3/1 - Gilman - CS language by 3/3

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED:

TO: Billy Berrier
Director
Legal Services
Attn: Asper
A

DATE: 3/22/82

FROM: Bettye Fahrenkamp
Chairman

RE: Final Committee Substitute
SB 769

Attached is a work draft of CSSB 769 (Res) which the Committee would like incorporated into ~~as a final bill~~ as a final bill.

If you have any questions please contact Resa King at 465-3834. When the bill is completed please return it to Room 211 Capitol Building.

Attachment

S

B

7

7

2

COMMITTEE REPORT
SENATE

2/16/82

FURTHER: FINANCE

Date: 2/20/82

Mr. President:

The Committee on RESOURCES has had SB 772

special appropriation for construction of a plant quarantine station at the plant materials center operated in cooperation with the Institute of Agricultural Sciences

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 recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN



Alaska State Legislature

SENATE

Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Bradley
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturuglewski

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

March 26, 1982
1:40 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

- SB 772 Making a special appropriation to the Department of Natural Resources for construction of a plant quarantine station at the plant material center operated in cooperation with the Institute of Agricultural Sciences.
- SB 803 Establishing the land clearing account in the agricultural revolving loan fund.
- SB 804 Making a continuing appropriation of repayments of the principal and interest on loans made by the Alaska Agriculture Action Council for land clearing to the land clearing account in the agricultural revolving loan fund.
- SB 843 Relating to surface coal mining and the underground effects of underground coal mining.
- SB 697 An Act relating to the Alaska Renewable Resources Corporation.

SB 772

Paul Huppert, Matanuska Valley farmer, explained that a quarantine center is needed at the latitudes of the Matanuska Valley for plants brought in from that latitude. This would require modification of existing facilities at the plant material center, and employment of a person to collect plant material worldwide.

Nick Carney, Director, Division of Agriculture, Department of Natural Resources, explained that the appropriation would pay for construction of a "screen house". Bud materials would be reproduced inside, with the screen restricting movement of insects, thus inhibiting the spread of disease. The long term fiscal needs are minor, as most of the infrastructure is already in place.

Bob Palmer, Alaska Agriculture Action Council, expressed support for the bill, stating that it was long overdue.

Senator Sturgulewski moved SB 772 with individual recommendations.

SB 803 and SB 804

Nick Carney expressed support for SB 803. It helps small farmers who do not presently qualify for land clearing loans.

Bob Palmer said he supports both SB 803 and SB 804.

Senator Sturgulewski pointed out that SB 804 has a negative impact on the general fund, by allowing repayment of principal and interest of loans to the revolving loan fund rather than to the general fund, and thinks this should be reflected in a fiscal note.

Senator Fahrenkamp stated this should be brought to the attention of the Finance Committee.

Ken Vassar, Assistant Attorney General, Department of Law, expressed concern over the constitutionality of SB 804, specifically the dedicated fund prohibition.

Paul Huppert supports SB 803 as curing the current inequity, by allowing all farmers to obtain land clearing loans.

Senator Mulcahy moved SB 803 and SB 804 with individual recommendations.

SB 843

Mark Wittow, Special Assistant to the Commissioner, Department of Natural Resources, discussed several amendments DNR is proposing, mostly of a technical nature.

Howard Roitman, Consultant to DNR, explained DNR's suggested solution to the issue raised by the Office of Surface Mining, namely the prepayment of penalties into an escrow account pending appeal. DNR's proposed alternative would require submitting a bond for the amount of the penalty.

Phil Holdsworth, COAL, expressed the coal operators support for the bond alternative.

Senator Gilman moved and asked unanimous consent for several amendments to SB 843. (For brevity's sake, please see attached copy of memo to Billy Berrier, Legal Division.)

Senator Fischer moved and asked unanimous consent for several amendments which serve to neuter SB 843. (Again, see attached copy of memo.)

Senator Mulcahy moved CSSB 843, as amended, with individual recommendations.

SB 697

Senator Fahrenkamp explained that three Committee Substitutes had been prepared for SB 697.

Senator Rodey testified in support of Committee Substitute #3, which reflects the work done by the Banking Committee.

Senate Resources Committee
March 26, 1982
Page 3

Dean Olson, Chairman of the Board, Alaska Renewable Resources Corporation,
endorsed Committee Substitute #3.

Senator Sturgulewski emphasized the drastic changes Committee Substitute #3 makes to the Corporation, and expressed concern over what impact these changes would have on the current investments made through ARRC.

Wayne Littleton, President, ARRC, stated that funding is adequate to continue the Corporation.

Senator Rodey explained that the sunset provision for ARRC, which is much longer than most other sunset provisions, is a traditional banking concept, as a longer period is required to adequately judge the competency of such a corporation. He also explained that there is a confusing section at the top of page 5, and that correct language will be prepared by the time the bill goes to Finance Committee.

Don Hostak, Director, Division of Business Loans, Department of Commerce, stated that a fiscal note is needed, because the Department of Commerce will need operating funds for ARRC.

Senator Fischer moved the acceptance of Committee Substitute #3.

Senator Sturgulewski moved CSSB 697 with individual recommendations.

The meeting was adjourned at 3:05 p.m.

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

BILL NUMBER SB 772

IDENTIFICATION:

BILL NAME: "An Act making a special appropriation the the Department of Natural Resources for construction of a plant quarantine station at the plant materials center (AS 03.22) operated in cooperation with the Institute of Agricultural Sciences; efd."

SPONSOR(S): Kerrtula
Bradley

RELATED BILLS PENDING:

DATE INTRODUCED: 2/16/82

REFERRALS Resources
Finance

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED *yes*

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP
MATERIALS:

FISCAL NOTE: 3/4/82

AGENCY RESPONSE:
3/22/82 Mr. [unclear] - [unclear]

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

*Dr. Duro 3/10 Letter
Rec # 9 Snodgrass.*

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPRATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTEL:

CH - QUERY

1 '37.25.020'.CITATION.

7.25.020 DOCUMENT= 1 OF 1

CHANGES TITLE 37.

PUBLIC FINANCE.

CHAPTER 25.

MISCELLANEOUS PROVISIONS.

CITATION SEC. 37.25.020.

ATCH LINE

UNEXPENDED BALANCES OF APPROPRIATION FOR CAPITAL PROJECTS.

EXT AN APPROPRIATION MADE FOR A CAPITAL PROJECT IS VALID FOR THE LIFE OF THE PROJECT AND THE UNEXPENDED BALANCE SHALL BE CARRIED FORWARD TO SUBSEQUENT FISCAL YEARS. BETWEEN JULY 1 AND AUGUST 31 OF EACH FISCAL YEAR, A STATEMENT SUPPORTING THE AMOUNT OF THE UNEXPENDED BALANCE REQUIRED TO COMPLETE THE PROJECTS FOR WHICH THE INITIAL APPROPRIATION WAS MADE AND THE AMOUNT THAT MAY BE LAPSED SHALL BE RECORDED WITH THE DEPARTMENT OF ADMINISTRATION.

HISTORY (SEC. 2 CH 113 SLA 1962)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.



UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701

Senator Jalmar Kerttula
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Kerttula:

I am sorry that I am unable to come to Juneau to testify personally before your committee concerned with a plant quarantine facility associated with the Plant Materials Center. I support your efforts to establish a quarantine center in Alaska and would like to relate some experiences and offer some observations that may be useful in developing legislation for this purpose.

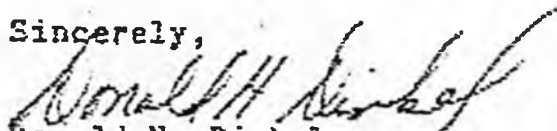
There are many potentially hardy and adapted varieties of food, fibre and ornamental crops available from foreign sources that ought to be tested in Alaska. The other states have had the opportunity of utilizing the genetic resources of the world in developing a more dependable food supply and esthetically satisfying environment. This opportunity existed because of their efforts to import plants prior to the advent of more stringent import regulations and because the federal plant quarantine facilities are more appropriately located from a climate standpoint. The federal plant quarantine facilities are less useful to us in Alaska because of the great difference in photoperiod and climate. Plants from northern sources tend to go into dormancy at longer daylengths which confuses the officials into thinking that they are diseased and therefore they are destroyed before they can be tested in Alaska. This ability to develop hardiness at the longer daylengths is essential for winter survival in the northern latitudes. Since plant material from the northern sources will have the most potential for adaptation to our climate we need a method of importing these for test and possible distribution to users.

Certain plants are more restricted in the import regulations that pertain to them. Members of the rose family are in the most restricted categories. This family contains most of the temperate zone tree fruits and the raspberries and strawberries as well as many ornamental trees and shrubs. The residents of the state are very interested in obtaining the material available in Canada and other northern countries but have been unsuccessful during the last 10 to 15 years. The interest has been so great that I understand that there have been efforts to illegally import these restricted plants. Illegal importation is certainly a much less desirable option for Alaska than is a well run and responsive plant quarantine facility in the state.

The federal officials have been quick to inform us that there are ways to get these materials imported, however we have been largely unsuccessful. The system does seem to work for the people in the rest of the U.S.

I have even been unsuccessful in obtaining plant materials that I know is available at the National Arboretum that I have offered to pay propagation costs on. We need better systems for importing plant material to Alaska.

Sincerely,



Donald H. Dinkel
Professor of Plant Physiology

520 Resources Bldg.

474-7187



Official Business

Alaska State Legislature

776

Senate Resources Committee

March 18, 1982

Pouch V
State Capitol
Juneau, Alaska 99811

Dr. James Drew
Dean and Director
School of Agriculture and Land
Resources Management
University of Alaska
Fairbanks, Alaska 99701

Dear Jim:

Thank you for your thorough response to my request for comments on SB 776 and SB 772.

We will be holding a hearing on SB 772, which appropriates funds for construction of a plant quarantine station at the plant materials center, in the near future, and I will make sure your comments on this bill are shared with the members of the Resources Committee. The establishment of a quarantine station was urged by Charles Logsdon in his presentation on Alaska Agriculture to the Committee last week. I am enclosing a copy of the minutes of that meeting so you can see his other recommendations.

The issue of the location of the agriculture experiment station is almost a non-issue with me because I believe that it should remain at the University.

Again, thank you for your comments and help on these important issues.

Best regards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bettie".

Bettie Fahrenkamp
Chairman

BF:ss

Enclosure

LEGISLATION SUMMARY

- SB 772: "An Act making a special appropriation to the Department of Natural Resources for construction of a plant quarantine station at the plant materials center (AS 03.22) operated in cooperation with the Institute of Agricultural Sciences; and providing for an effective date."
- Sec. 1: Appropriates \$400,000 from the general fund to the Department of Natural Resources for construction of a plant quarantine station at the plant materials center operated in cooperation with the Institute of Agricultural Sciences.
- Sec. 2: The appropriation is a capital project and is subject to relevant existing law, which requires that the funds will not lapse to the general fund, but shall be carried forward to subsequent fiscal years (AS 37.25.020).
- Sec. 3: Immediate effective date.

PRIME SPONSOR: Kerttula

CO-SPONSOR(S): Bradley



MAR 16 1982

UNIVERSITY OF ALASKA, FAIRBANKS
Fairbanks, Alaska 99701

School of Agriculture and Land Resources Management
Agricultural Experiment Station

March 10, 1982

The Honorable Bettye Fahrenkamp
Chairman, Senate Committee on Resources
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

This is in response to your request for comments about SB 776 and SB 772.

SB 776. This bill would transfer the Alaska Agricultural Experiment Station from the University of Alaska to the Alaska Department of Natural Resources.

From an operational standpoint, there are major advantages in locating the Agricultural Experiment Station within the University of Alaska, as is now the case, rather than within a state agency. The U.S. Congress recognized the value of close relationships between agricultural experiment stations and universities when it passed the Hatch Act in 1887. The full title of the Hatch Act is "An Act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto". The colleges established in the several states were the land grant colleges created by the Morrill Act of 1862.

Specifically, the Hatch Act established a partnership between the federal government and the states and provided continuing federal funds for state agricultural experiment stations. An article in the January 25, 1982, issue of Fortune magazine, entitled "The right remedy for R and D lag", specifically mentioned federal support of agricultural research in the United States as the most successful government subsidy of all time.

Nevertheless, the Hatch Act did not preclude the use of federal Hatch funds for agricultural experiment stations that are established by state legislatures as units separate from land grant universities. In actual practice, however, all state agricultural experiment stations in the United States are

now associated administratively with universities in their respective states. Moreover, Title XII programs of the federal Foreign Assistance Act foster this administrative association in underdeveloped countries to enhance agricultural development in those countries.

An advantage of this arrangement is that agricultural scientists have the opportunity to work with university scientists in related disciplines. This association fosters cooperation among workers in various areas of scientific inquiry and has led to discoveries involving ideas and concepts from agricultural as well as non-agricultural sciences. In addition, it gives agricultural scientists the opportunity to teach in undergraduate and graduate programs and to participate in extension education that transfers new technology to the agricultural community.

These advantages are summarized in the following statement published in 1981 by the Division of Agriculture (including the Resident Instruction, Experiment Station and Extension Sections) of the National Association of State Universities and Land Grant Colleges:

A unique strength of the agricultural colleges of the Division is the interrelationship of teaching, research and public service programs. Generally, staff members work in basic research, and students are the beneficiaries because they are taught by educator-researchers. An integrated academic departmental structure (teaching, research and extension) makes it possible to disseminate practical information not only to students but also to farmers and other practitioners in related fields. The mutually supportive functions of teaching, research and extension strengthen institutional academic programs and provide an excellent environment for students to learn about the interdependency of research and teaching.

Nevertheless, these advantages can be obtained in Alaska only if the staff, research programs and facilities of the Alaska Agricultural Experiment Station are funded according to a plan that will bring the Experiment Station to the level necessary to support Alaska's agricultural development goals. Numerous reviewers and consultants have indicated that the Alaska Agricultural Experiment Station now lacks the capability to provide research that is essential to meet the goal of 500,000 acres of new land in crop production by 1990. A report to the Alaska State Legislature in February, 1982, from the Alaska Agricultural Action Council outlined a plan for the development of the Agricultural Experiment Station.

Although the Alaska State Legislature appropriated over \$112 million for agricultural development since 1977, as outlined in House Research Agency Report 81-5, the University of Alaska budget request for FY 83 contained no new operational increment packages for the Agricultural Experiment Station. In view of the intense competition for new budget increments within the University, I am at a loss to know how the Agricultural Experiment Station can secure funds to provide research essential for the success of current and

projected state investments in agricultural development. In a number of states, however, the Agricultural Experiment Stations are administratively associated with the land grant universities, but state appropriations for the Experiment Stations are independent of the general university budgets.

SB 772. This bill would appropriate \$400,000 to the Alaska Department of Natural Resources for the construction of a plant quarantine station at the Plant Materials Center near Palmer to be operated in cooperation with the Agricultural Experiment Station. This facility would have important benefits for Alaskan agriculture.

The Plant Materials Center is an integral part of Alaska's agricultural industry. The Center produces foundation seed from new and improved varieties of breeder seed developed by the Agricultural Experiment Station. This work is valuable because it increases seed of new varieties of small grains, grasses and legumes adapted to Alaska, and makes this seed available to seed growers in sufficient quantities for commercial production of certified seed. In addition, the Plant Materials Center also tests seed for growers and farmers to ensure high quality standards in Alaska's seed industry.

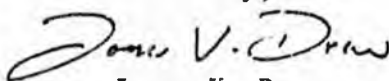
Another major function of the Plant Materials Center is to evaluate and propagate varieties of trees, shrubs, and other plants that are adapted to various uses and conditions in Alaska. Unfortunately, many perennial trees, shrubs and other plants that are propagated asexually and that perform well in states at more southerly latitudes are not adapted to Alaska's soil, climate and day length. In other northern countries such as Canada, the Scandinavian countries and Russia where northern agriculture is more fully developed than in Alaska, superior varieties of these plants have been developed and could have economic value in Alaska.

Plants cannot be brought into the United States, however, without going through a quarantine for as much as two or three years. This quarantine is important to prevent the importing of detrimental insects and plant diseases into the United States. However, federal plant quarantine stations are located in the "Lower 48" and not in Alaska. Consequently, many plant materials developed for superior performance in other northern countries cannot be imported into Alaska because they are not adapted to survive a length quarantine in a more southerly state.

Consequently, a plant quarantine station in Alaska would permit Alaskans to benefit from plant materials developed and selected at northern latitudes, and would save the time and costs required to develop and select similar plant materials in Alaska. In addition, a plant quarantine station in Alaska would provide a means for the Agricultural Experiment Station to obtain plant materials from northern countries to incorporate in its research program.

In summary, a plant quarantine station at the Plant Materials Center would be a major benefit for Alaskan agriculture.

Sincerely,



James V. Drew
Dean and Director

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. SB 772
Title Quarantine Facility
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected DNR
Program Category Affected _____
ERU, Program, or Subprogram(s) Affected _____
(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 83	FY 84	FY 85	FY 86	FY 85	FY 86
	XXXXX	XXXXX	XXXXX	XXXXX		
100 PERSONAL SERVICES	84.8	84.8	84.8	84.8		
200 TRAVEL	11.4	9.4	9.4	9.4		
300 CONTRACTUAL	13.8	13.8	13.8	13.8		
400 COMMODITIES	5.0	5.0	5.0	5.0		
500 EQUIPMENT	35.0	6.0	6.0	2.0		
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	150.0	119.0	119.0	115.0		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 85	FY 86
GENERAL FUND	150.0	119.0	119.0	115.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

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

To operate properly and to be accredited the Center will need a reasearch pathologist at U of A, Ag Experiment Station. Estimated cost for one professional man/year is \$130.0. The Quarantine Station would need the services of such a person for 1/3 of the year. The costs for this service, a necessity of approval by USDA, are not included in either this fiscal note or the 5 page project report.

IV. DATE 2/24/82 PREPARED BY [Signature]
AGENCY DNR
PHONE 376-3276

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



Agricultural Experiment Station
Palmer Research Center
Box AE
Palmer, Alaska 99645

UNIVERSITY OF ALASKA

MAR 4 1982

March 1, 1982

The Honorable Senator B. Fahrenkamp
Pouch V
Juneau, Alaska

Dear Senator:

I have been asked to prepare a fiscal note for the proposed Plant Quarantine Station legislation S.B. 772. It is my understanding that the \$400,000 proposed in the bill would be for the capital improvements of a modest facility located within a buffer zone from agriculturally developable areas of at least 100 acres.

To operate the facility in a manner that would meet the federal criteria for such a facility the staff, the facility, and the procedures would have to be approved by APHIS (Animal and Plant Health Inspection Service). They have expressed a willingness to work with the state in developing a program.

It is anticipated that a high priced virologist, plant pathologist would be working about one-third time on plant pathology research in the state in connection with the Agricultural Experiment Station.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sigmund H. Restad".

Sigmund H. Restad
Assistant Director

cc: Senator Jalmar Kerttula

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 772
Title Establishing a Plant Quarantine Station in Alaska
Requested by Senator Bertello Date _____

II. FISCAL DETAIL

Agency Affected University of Alaska - Agricultural Experiment Station
Program Category Affected 1 - Agricultural Research in Horticultural and
BRU, Program, or Subprogram(s) Affected Plant Pathology

(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICE*	86,000	94,000	103,000	113,000	124,000	136,000
200 TRAVEL	7,000	3,000	5,000	6,000	9,000	8,000
300 CONTRACTUAL	3,000	4,000	4,500	5,000	3,500	6,000
400 COMMODITIES	5,000	2,000	6,500	6,500	7,500	8,000
500 EQUIPMENT	30,000	10,000	5,000	5,000	10,000	3,000
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	136,000	119,000	124,000	135,300	149,000	163,000

FUNDING (Thousands of Dollars)

GENERAL FUND	133,000	119,000	124,000	132,500	149,000	163,000
FEDERAL FUNDS	3,000	-0-	-0-	3,000	3,000	3,000
OTHER (Specify Fund Source)						

POSITIONS

	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME ^{4 TECHNICIAN} VIROLOGIST-PLANT PATHOLOGIST	2	2	2	2	2
PART TIME					
TEMPORARY					

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

THE PROPOSAL IS BASED ON THE ASSUMPTION THAT THE PLANT QUARANTINE PROGRAM HAS TO BE QUALIFIED VIROLOGIST STAFF WILL MEET U.S. D. H. THIS STANDARDS FOR THEIR PROGRAM AND THAT QUARANTINE WORK WOULD NOT BE FULL TIME BUT THE REMAINING TIME COULD BE RESEARCH AND COVER AN AGRICULTURALLY VIROLOGY PROGRAM THAT DOES NOT EXIST AT PRESENT BUT IS EXTREMELY IMPORTANT TO THE DEVELOPEMENT OF ALASKA'S AGRICULTURE. THIS STAFF SHOULD BE 1/3 PLANT QUARANTINE AND 2/3 AGRICULTURAL RESEARCH WITH A.E.S.

IV. DATE 2-26-82 PREPARED BY Leonard J. Bertello
AGENCY AGRICULTURAL EXPERIMENT STATION
PHONE 545-3257 UOFA

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

S

B

7

9

4

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

BILL NUMBER SB 794

IDENTIFICATION:

BILL NAME: "An Act establishing certain areas as units of the state marine park system; and providing for an effective date."

SPONSOR(S): Fischer

RELATED BILLS PENDING:

DATE INTRODUCED: 2/16/82

REFERRALS Resources Finance

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED ✓

SUMMARY BY LEGAL DIVISION: DEPT. OF LAW SUMMARY:

request 3/1

SPONSOR CONTACTED FOR BACKUP MATERIALS: *3/9*

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

*SB U.S. Forest Service Jim Kaplan
Some denied others in legislation*

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES *Jim Deigin [Econ. dev.] ~2023* SUGGESTED AMENDMENTS/CS DRAFTED:

*3/22
Jim Kaplan - U.S. Forest Service
Sharon Burton - DNR
Chugach, Natives, Inc. DNR - intro & their knowledge
Gene Wiles - keep posted 6-26-80*

COMMITTEE REPORT
SENATE

2/10/82

FURTHER: Finance

Date: _____

Mr. President:

The Committee on RESOURCES has had SB 794

establishing certain areas as units of the state marine park system

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 794 same title
 new title
- and recommends _____
- 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:

Don Blinn

Bob McCall

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 794
 Title Esc. certain areas as units of the Marine Park System
 Requested by Senator Fischer Date 4/16/82

II. FISCAL DETAIL
 Agency Affected Division of Parks
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		-0-				
PART TIME						
TEMPORARY						

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

IV. DATE 4-1-82 PREPARED BY Jeff Haynes
 AGENCY Department of Natural Resources
 Original: Legislative Finance PHONE 465-2400
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Alaska State Legislature

BETTYE FAHRENKAMP, CHAIRMAN
VIC FISCHER, VICE-CHAIRMAN
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLIGS STURGULEWSKI



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

Senate

Committee on Resources

MEMORANDUM

TO: Billy G. Berrier, Director
Division of Legal Services, LAA

FROM: Bettye Fahrenkamp, Chairman
Senate Resources Committee *Bettye Fahrenkamp*

DATE: March 1, 1982

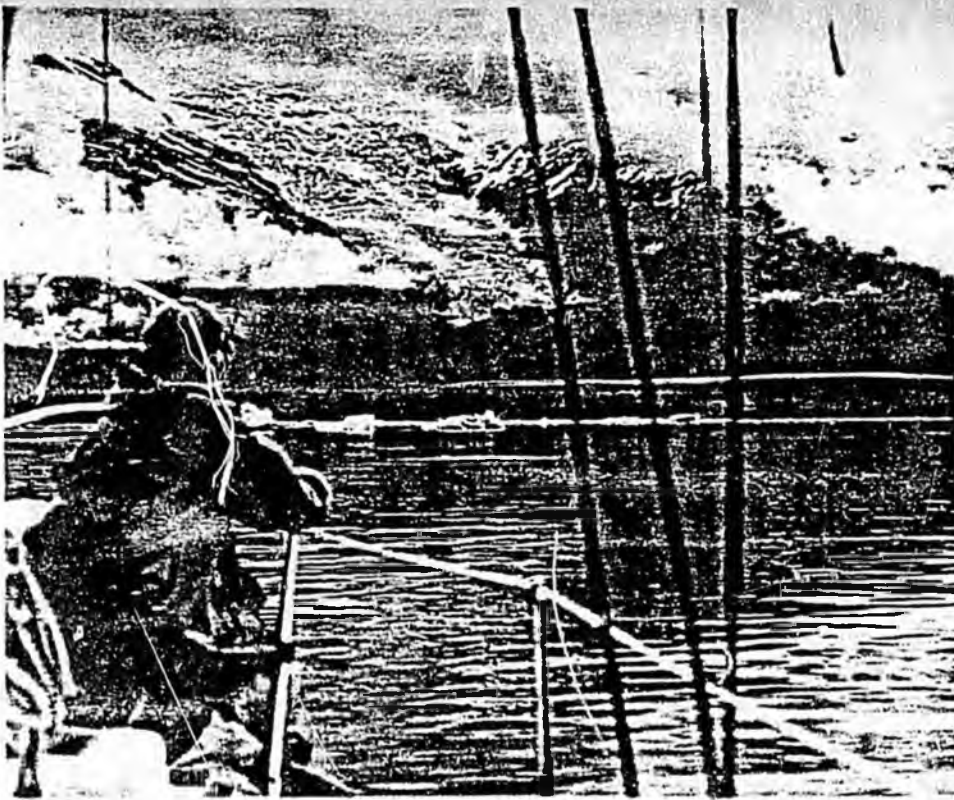
RE: Legal sectional analysis of SB 794 and SB 795

The following legislation has been referred to the Senate Resources Committee for consideration:

SB 794: "An Act establishing certain areas as units of the state marine park system; and providing for an effective date."

SB 795: "An Act relating to outdoor recreation and historic projects; and providing for an effective date."

The sponsor of the bills has requested that the bills be scheduled for hearing. Preparatory to the hearing(s), I would like a legal sectional analysis of the bills to be completed by the Division of Legal Services, and submitted to the Senate Resources Committee.



Sumdum Glacier marks the site of a proposed unit of the marine park system on the south shore of Endicott Arm, off Stephens Passage south of Juneau. Remains of the 1880 gold mining camp of Sumdum can be found near the base of the glacier. (Nancy Sinmerman)

national forest land, which in Alaska covers most of the convoluted shorelines of Southeastern and Prince William Sound. State selections from the U.S. Forest Service domain must be for purposes of community expansion and for recreational purposes. Alaska Governor Hammond and Attorney General Avrum Gross saw the legal opportunities afforded by the Statehood Act and agreed that the state use a portion of its land entitlement to build the last link in an international marine park system. With 85% of Alaskans residing near the coastline, public reception to the plan was enthusiastic.

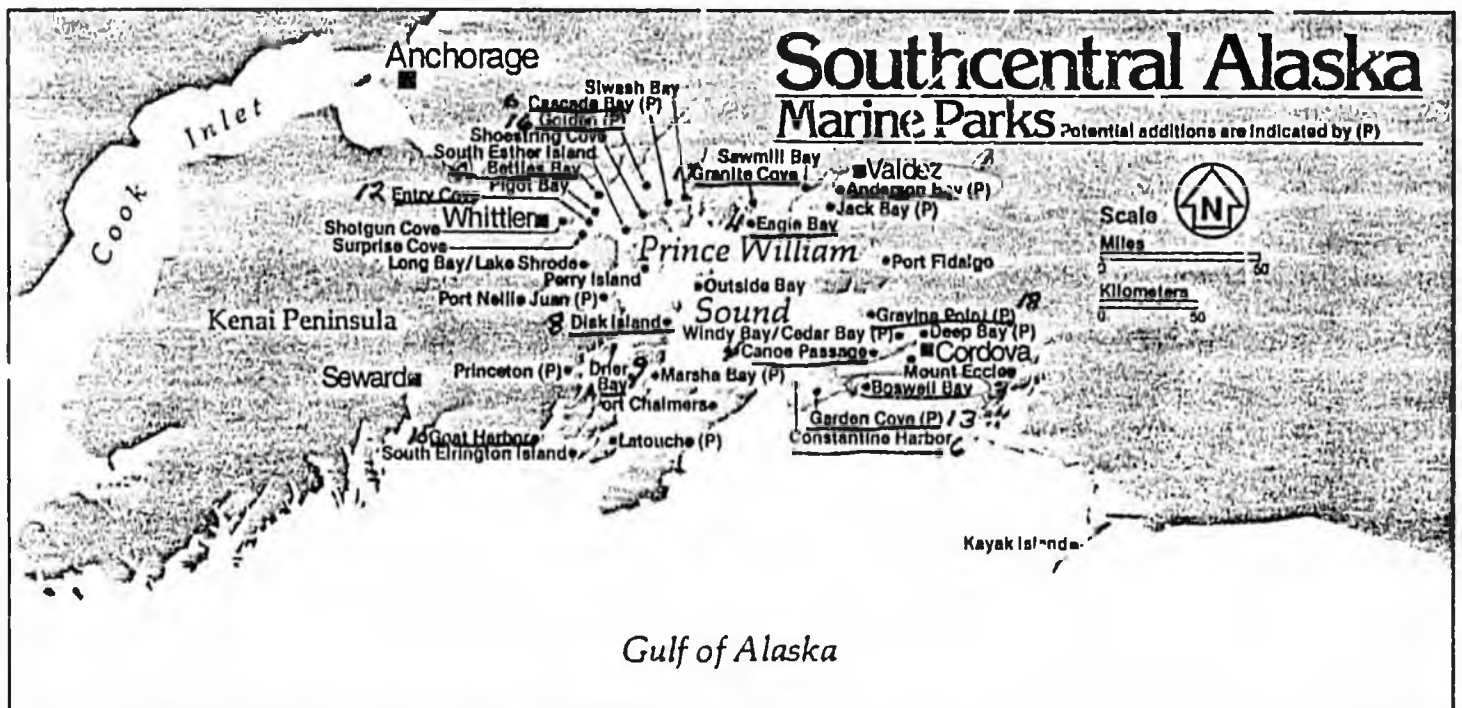
Through 2 years of research and meetings with residents of coastal communities, the plan slowly took shape. The result was a decision to allocate 70,000 acres of Forest Service land to a comprehensive plan for the proposed marine parks. Selections for the system were filed with the Forest Service on December 19, 1977.

Overall strategy focused on the idea that numerous small parks would allow for a wider variety of accessible coastal environments than selection of just a few large areas. In addition, the theme used in British Columbia and Washington could be followed. Thus, within Alaska's marine parks, facilities such as docks, mooring floats, beach campsites, trails and toilets could be developed. The vast majority of these proposed Alaska parks are near well-

national average. Boat ownership in the Seattle area is the highest of any large city in the nation. Demand for boat slips in the Vancouver and Victoria areas is many times higher than the supply. A result has been that the state of Washington and the province of British Columbia are working hard to establish 99 marine parks stretching up the coast north from Olympia to a

scant 5 miles south of the Alaska-Canada border.

And now Alaska has drawn plans to continue such marine parks up the coast to the northern Gulf of Alaska. Alaska's opportunity to tie into this international system had its genesis when the Statehood Act, drafted in 1958, included Section 6(a), which allows Alaska to select up to 400,000 acres of



LEGISLATIVE SUMMARY

SB 794 "An Act establishing certain areas as units of the state marine park system; and providing for an effective date."

Sec. 1 Declaration of Purpose: The purpose is to restrict, subject to valid existing rights, state-owned or acquired lands and waters as units of the state marine park system.

Primary purpose is to protect and provide the public use of the recreational, natural, cultural, scenic, wilderness and wildlife resources and protect the natural and wilderness character of the coastline of these areas.

Only an act of the legislature can close more than 640 acres of state land or water. Some of the areas in this bill exceed 640 acres.

.515 Designation of Management Responsibility: The Department of Natural Resources is assigned the lands for control, maintenance, and development. The Department shall develop a management plan.

The Department of Fish and Game is responsible for the management of fish and game in these areas.

The Department of Natural Resources, during the preparation of a management plan shall consult with the Department of Fish and Game, local governments, the U.S. Forest Services and others.

The Department of Fish and Game shall consult with the Department of Natural Resources before adopting regulations governing fish and game management.

The commissioner of natural resources shall designate incompatible uses that are prohibited or restricted by regulation.

The commissioner of natural resources may not restrict the exercise of valid fishing rights or privileges.

The commissioner of natural resources can allow aquaculture facilities within the park.

520. Designated Land and Water. The following state-owned or acquired land and water in the following parcels:

1. Anderson Bay State Marine Park
2. Bettles Bay State Marine Park
3. Boswell Bay State Marine Park
4. Canoe Passage State Marine Park

5. Cascade Creek State Marine Park
6. Constantine Harbor State Marine Park
7. Decision Point State Marine Park
8. Disk Island State Marine Park
9. Drier Bay State Marine Park
10. Driftwood Bay State Marine Park
11. Eagle Bay State Marine Park
12. Entry Cove State Marine Park
13. Falls Bay State Marine Park
14. Garden Cove State Marine Park
15. Goat Harbor State Marine Park
16. Golden Creek State Marine Park
17. Granite Cove State Marine Park
18. Gravina Point State Marine Park
19. Horseshoe Bay State Marine Park
20. Jack Bay State Marine Park
21. Long Bay State Marine Park
22. Main Bay State Marine Park
23. Marsha Bay State Marine Park
24. Outside Bay State Marine Park
25. Perry Island State Marine Park
26. Port Chalmers State Marine Park
27. Port Fidalgo State Marine Park
28. Port Nellie Juan State Marine Park
29. Princeton Creek State Marine Park
30. Safety Cove State Marine Park
31. Salmon Creek State Marine Park
32. Sawmill Bay State Marine Park
33. Shoestring Cove State Marine Park
34. Shoup Bay State Marine Park
35. Siwash Bay State Marine Park
36. South Elrington Island State Marine Park
37. South Esther Island State Marine Park
38. Nuchek Island State Marine Park
39. A large unnamed island

Sec. 2. The commissioner of natural resources may relinquish ~~the~~ the state's selection in (38) and (39) to resolve the Chugach Native land claims if the commissioner determines in his discretion that it is in the best interest of the state to relinquish the selection.

Sec. 3. Effective date: immediately.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY TO:
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

Billy Berrier
Director Legal Services

DATE: 4/9/82

ATTN: Richard Bradley

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

FROM: Bettye Fahrenkamp
Chairman

RE: SB 794
Marine Park System

I would appreciate you drafting a work draft Committee Substitute for SB 794 to incorporate language to clarify Sec. 41.20.515(d). This section was point out in your March 11th (Work order No. 12-2667) Memorandum as Sec. 41.20.515 (f). The sponsor's intent in this section by use of the language "other privileges" was to assure that the commissioner can not restrict any use in the marine park system.

If you have any questions please contact Resa King at 465-3834. When the draft is completed please have it retuned to Room 211 Capitol Building.

Attachments

Senator Bettye Fahrenkamp
Page 2
March 11, 1982

Sec. 41.20.515(c) directs the Department of Natural Resources to consult with the Department of Fish and Game and others during the preparation of a management plan "for the marine park system".

Sec. 41.20.515(d) directs the Alaska Department of Fish and Game to consult with the Department of Natural Resources before adopting regulations governing fish and game management "in the marine park system".

Sec. 41.20.515(e) grants the commissioner of natural resources the usual authority to establish by regulation "incompatible uses within the areas".

* Sec. 41.20.515(f) provides that the commissioner of natural resources may not restrict the exercise of "valid fishing rights or privileges obtained under law". The phrase seems not as clear as it might and may mean any of the following:

- (1) the commissioner may not restrict non-fishing privileges granted by a statute;
- (2) the commissioner may not restrict non-fishing rights granted by a statute (the distinction between "rights" and "privileges" is largely lost in modern law); and
- (3) the word "privileges" is associated with "valid fishing rights" and nothing more than fishing rights and privileges are being described here.

The phrase should be clarified.

Sec. 41.20.515(g) authorizes the commissioner of natural resources to permit aquaculture developments within the marine park system.

One point about the style of the language in the section may be noted. Some 39 marine parks are established. At this time, I cannot say whether the law requires that they be managed as a unit or discretely. The suggestion in the language of the section is that the usual management decision will apply to the system as a unit but the point should be clarified.

TESTIMONY

BY

CHUGACH NATIVES, INC.

ON

SENATE BILL No. 794

BEFORE THE

SENATE RESOURCES COMMITTEE

JUNEAU, ALASKA

MARCH 24, 1982

MY NAME IS CARL PROPE, AND I AM PLEASED TO BE HERE BEFORE THE SENATE RESOURCES COMMITTEE TO TESTIFY ON BEHALF OF S.B. 794 -- A BILL ESTABLISHING THE ALASKA MARINE PARK SYSTEM. I AM THE DIRECTOR OF LANDS AND NATURAL RESOURCES FOR CHUGACH NATIVES, INCORPORATED, THE REGIONAL NATIVE CORPORATION FOR THE PRINCE WILLIAM SOUND AREA.

IT IS WITH GREAT PLEASURE THAT I CAN WHOLEHEARTEDLY ENDORSE THE PROPOSED MARINE PARK SYSTEM. RARELY DOES ANY PROPOSED LEGISLATION MEET WITH THE NEARLY UNANIMOUS SUPPORT THAT THIS BILL HAS. IT IS MY UNDERSTANDING, FOR INSTANCE, THAT THE THREE MAJOR COMMUNITIES IN PRINCE WILLIAM SOUND -- WHITTIER, VALDEZ AND CORDOVA -- HAVE ALL EXPRESSED SUPPORT FOR THIS PROPOSAL, AS HAVE THE MAJOR USER GROUPS, REPRESENTATIVES OF THE STATE'S TOURISM AND RECREATION INDUSTRY, AND WE, THE LARGEST PRIVATE LANDOWNERS.

MUCH OF THE CREDIT FOR THIS EFFORT MUST GO TO THOSE INDIVIDUALS WHO WORKED ON THE NATIONAL FOREST SELECTION TEAM OUT OF FORMER COMMISSIONER LERESCHE'S OFFICE IN 1977 -- SPECIFICALLY CHIP DENNERLEIN AND CRAIG LINDH. THEY DID A THOROUGH AND EXEMPLARY

JOB -- BOTH ON THE PHYSICAL SIDE OF IDENTIFYING THE OPTIMUM SYSTEM OF COVES AND BAYS FOR STATE ACQUISITION, AND ON THE PUBLIC RELATIONS SIDE OF DRUMMING UP WIDESPREAD LOCAL SUPPORT FOR THEIR EFFORTS. IT IS DUE TO THEIR SKILL AND PROFESSIONALISM THAT WE CAN SIT HERE TODAY AND DISCUSS THESE ISSUES INTELLIGENTLY AND WITHOUT THE DEVISIVENESS THAT ISSUES OF LAND ALLOCATION SO OFTEN CREATE BETWEEN PEOPLE.

MOREOVER, IT CANNOT GO UNSTATED HOW REMARKABLE IT IS FOR CHUGACH NATIVES -- THE ONLY NATIVE CORPORATION IN ALASKA STILL WITHOUT A LAND SETTLEMENT -- TO SUPPORT THIS BILL. WE HAVE BEEN STRUGGLING FOR OVER TEN YEARS NOW TO ACHIEVE OWNERSHIP OF THE SMALL PERCENTAGE OF THE PRINCE WILLIAM SOUND THAT OUR SHAREHOLDERS WILL BE ABLE TO CALL FOREVER THEIRS -- AND DESPITE THE MANDATE OF THE U. S. CONGRESS THIS GOAL STILL GOES UNMET. YOUR SUPPORT AND UNDERSTANDING OF OUR EFFORTS TO MOVE THE FOREST SERVICE AND THE FEDERAL BUREAUCRACY TO A FAIR AND JUST SOLUTION TO THIS PROBLEM WHICH IS SO CRITICAL TO CNI IS MOST APPRECIATED.

DURING THE COURSE OF THE CHUGACH REGION STUDY LAST YEAR AGREEMENT WAS REACHED BETWEEN CHUGACH NATIVES AND THE STATE ADMINISTRATION ON FIVE STATE SELECTIONS (OR PORTIONS THEREOF) IN THE PRINCE WILLIAM SOUND WHICH WOULD BE RELINQUISHED TO CHUGACH AS PART OF OUR TOTAL LAND SETTLEMENT. OUR PRIMARY CONCERN WITH S.B. 794 IS THAT IT RECOGNIZE AND HONOR THIS TENTATIVE AGREEMENT. HOWEVER, TWO OF THE FIVE AGREED-UPON SITES ARE INCLUDED IN THE BILL AT THIS TIME. DURING THE PAST SEVERAL DAYS WE HAVE REACHED AGREEMENT WITH THE ALASKA DIVISION OF PARKS THAT THESE TWO CONFLICT AREAS BE DELETED. THEY ARE DESCRIBED AS:

T. 17 S., R. 8 W., C.R.M.

SECS. 32-34

T. 18 S., R. 8 W., C.R.M.

SECS. 4-5, 8

WHICH REPRESENTS THE 800 ACRES ON NUCHEK ISLAND WHICH SHOULD BE DELETED FROM THE CONSTANTINE HARBOR STATE MARINE PARK (A.S. 41.20.520(6)) AND:

A LARGE UNNAMED ISLAND LYING WITHIN:

T. 11 S., R. 11 W., C.R.M.

SEC. 14: SE $\frac{1}{4}$

SEC. 23: ALL

WHICH REPRESENTS 180 ACRES WHICH SHOULD BE DELETED FROM THE EAGLE BAY STATE MARINE PARK (A.S. 41.20.520(11)). CHUGACH HAS AGREED TO ACCEPT BOTH OF THESE CONVEYANCES WITH CERTAIN RESTRICTIVE COVENANTS TO ENSURE THAT THE RESOURCE VALUES IN THE ADJACENT MARINE PARKS WILL NOT BE COMPROMISED.

THIS PROPOSED AMENDMENT WILL ALSO ALLOW THE DELETION OF THE EXISTING SECTION 2 IN THE BILL, WHICH ADDRESSES CHUGACH NATIVES' INTEREST IN THESE SITES, AS WELL AS MAKING 41.20.520(38) AND (39) UNNECESSARY. THEREFORE, WE WOULD REQUEST THAT THOSE PROVISIONS, WHICH WOULD CONFLICT WITH WHAT WE HAVE JUST ACCOMPLISHED, BE DELETED AS WELL.

NEXT, WE PROPOSE THAT A NEW SECTION BE ADDED, NUMBERED A.S. 41.20.525, ENTITLED ADDITIONAL LANDS AND WATERS. THIS SECTION SHOULD READ:

"(A) THE COMMISSIONER OF NATURAL RESOURCES MAY RELINQUISH THE STATE'S SELECTION OF THE FOLLOWING-DESCRIBED PARCELS, IN HIS DISCRETION, TO MAKE SUCH LANDS AVAILABLE TO CHUGACH NATIVES, INCORPORATED,

IN PARTIAL SETTLEMENT OF ITS LAND CLAIMS UNDER
THE ALASKA NATIVE CLAIMS SETTLEMENT ACT:

(1) EAGLE BAY STATE MARINE PARK A LARGE
UNNAMED ISLAND LYING WITHIN:

T. 11 S., R. 11 W., C.R.M.

SECTION 14: SE $\frac{1}{4}$

SECTION 23: ALL

(2) CONSTANTINE HARBOR STATE MARINE PARK
NUCHEK 'ISLAND'

T. 17 S., R. 8 W., C.R.M.

SECS. 32-34

T. 18 S., R. 8 W., C.R.M.

SECS. 4-5, 8

(B) IF, AFTER FINAL SETTLEMENT OF CHUGACH
NATIVES, INC.'S LAND CLAIMS, OR TEN YEARS FROM THE
EFFECTIVE DATE OF THIS ENACTMENT, WHICHEVER IS LESS,
CHUGACH NATIVES, INCORPORATED HAS NOT SELECTED THE
LANDS DESCRIBED IN SUBSECTION (A), THEN THOSE LANDS
SHALL BE ADDED TO THE STATE MARINE PARK SYSTEM."

THESE AMENDMENTS WOULD AMPLIFY UPON THE PREVIOUS CHANGES TO MAKE
CLEAR THAT IF THE LANDS DESIGNATED FOR CHUGACH NATIVES IN THE
EAGLE BAY AND CONSTANTINE HARBOR MARINE PARK PROPOSALS ARE NOT
INCLUDED IN CHUGACH'S FINAL LAND SETTLEMENT WITHIN A TIME CERTAIN,
IN THIS CASE TEN YEARS, THEN THEY WILL BE INCLUDED IN THE MARINE
PARK SYSTEM AUTOMATICALLY.

OUR THIRD PROPOSED AMENDMENT WOULD CREATE A SUBSECTION (B) IN
A.S. 41.20.520, AND WOULD READ AS FOLLOWS:

"(B) THE MANAGEMENT PLAN REQUIRED BY SUBSECTION (A) SHALL PROVIDE FOR APPROXIMATE ACCESS ACROSS LANDS DESCRIBED IN THAT SUBSECTION. IN PARTICULAR, THE COMMISSIONER OF NATURAL RESOURCES SHALL ENSURE THAT APPROPRIATE ROAD AND POWERLINE EASEMENTS ARE PROVIDED FOR ACROSS THE HORSESHOE BAY STATE MARINE PARK."

THE PURPOSE OF THIS AMENDMENT IS TO GUARANTEE THAT A PRACTICAL ROAD RIGHT-OF-WAY CONNECTING THE LATOUCHE ISLAND TOWNSITE DEVELOPMENT WITH ADDITIONAL PRIVATE LANDS AT HORSESHOE BAY WILL BE ENSURED, RATHER THAN REMAIN AT THE DISCRETION OF SOME FUTURE DIRECTOR OF PARKS WHO MAY NOT BE AS SYMPATHETIC AS THE CURRENT ONE.

THE SAME PRINCIPLE HOLDS TRUE IN OTHER AREAS AS WELL. FOR INSTANCE, THE WATER SUPPLY FOR CHUGACH'S EAGLE BAY LODGE MAY NEED TO BE SECURED FROM STATE LANDS IN THE MARINE PARK ON GLACIER ISLAND. IN THAT EVENT WE WILL NEED THE UNDERSTANDING AND COOPERATION OF THE DEPARTMENT OF NATURAL RESOURCES TO CONSTRUCT A DAM AND DIVERSIONARY STRUCTURE THERE. THE SAME HOLDS TRUE FOR THE CONSTANTINE HARBOR STATE MARINE PARK, WHERE THE MOST APPROPRIATE LOCATION TO BUILD A DOCK AND SMALL AIRSTRIP APPEAR TO BE ON STATE SELECTED LAND ADJACENT TO NUCHEK ISLAND WHICH WILL BE CONVEYED TO CHUGACH NATIVES.

OUR FOURTH PROPOSED AMENDMENT TO S.B. 794 CONCERNS THE NUMEROUS HISTORICAL PLACES AND CEMETERY SITES IDENTIFIED BY CHUGACH NATIVES UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT WHICH ARE IN THE VICINITY OF THESE MARINE PARK UNITS. TO ADDRESS THIS WE PROPOSE THAT THE FOLLOWING LANGUAGE BE ADDED TO SECTION 1:

"SECTION 41.20.515(H)

IN THE DEVELOPMENT AND MANAGEMENT OF THESE

AREAS THE COMMISSIONER OF NATURAL RESOURCES SHALL CONSULT AND COOPERATE WITH THE NATIVE CORPORATION WHICH OWNS ANY HISTORICAL OR CULTURAL SITE SELECTED PURSUANT TO SECTION 14(H)(1) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AND WHICH IS IN THE VICINITY OF OR ADJACENT TO ANY OF THOSE AREAS. IN THE DEVELOPMENT AND MANAGEMENT OF THESE AREAS THE COMMISSIONER OF NATURAL RESOURCES SHALL ADDRESS POTENTIAL CONFLICTS WITH THE CULTURAL AND HISTORICAL VALUES OF SECTION 14(H)(1) LANDS AND SHALL PROVIDE FOR THE PROTECTION OF THESE VALUES."

TO FURTHER THIS POLICY I WOULD LIKE TO PROVIDE THE COMMITTEE WITH A PRELIMINARY LISTING WHICH WE HAVE COMPILED OF ALL OVERLAPS BETWEEN OUR 14(H)(1) SITES AND THESE MARINE PARK SYSTEM PROPOSALS,

FIFTHLY, WE WOULD LIKE TO LEND OUR STRONG SUPPORT TO THE AGREEMENT WORKED OUT BETWEEN THE TATITLEK CORPORATION AND SENATOR FISCHER'S OFFICE TO MAKE ALLOWANCE FOR THREE ADDITIONAL AREAS -- SNUG CORNER COVE, EMERALD COVE, AND HELL'S HOLE -- WHICH ARE NOW UNDER THE OWNERSHIP OF THE TATITLEK VILLAGE CORPORATION, TO BE INCLUDED AS UNITS OF THE STATE MARINE PARK SYSTEM UPON THE EFFECTUATION OF A LAND EXCHANGE BETWEEN THE STATE OF ALASKA AND THE TATITLEK CORPORATION. MOREOVER, WE STRONGLY URGE YOU TO USE THIS VEHICLE TO PROVIDE THE DEPARTMENT OF NATURAL RESOURCES WITH THE REQUESTED FUNDING SO THAT THEY MAY PURSUE THIS LAND EXCHANGE IN FY83 WHICH IS SO CLEARLY IN THE INTERESTS OF ALL CONCERNED.

IN CLOSING, I WOULD LIKE TO REITERATE THE IMPORTANCE WHICH WE ATTACH TO THIS LEGISLATION. IT IS ONE OF THE FEW PIECES OF LEGIS-

LATION BEFORE YOU THIS YEAR THAT WOULD ACHIEVE SO MUCH AT SO LITTLE EXPENSE AND WITH SO LITTLE CONTROVERSY.

FOR INSTANCE, WHEN THESE STATE SELECTIONS WERE ORIGINALLY FILED A DELIBERATE ATTEMPT WAS MADE TO EXCLUDE KNOWN MINERALIZED AREAS AND AREAS OF COMMERCIAL TIMBER POTENTIAL. THIS EFFORT WAS LARGELY SUCCESSFUL. IF IT HAD NOT BEEN, WE WOULD NOT BE HERE BEFORE YOU TODAY SUPPORTING THIS BILL.

THE ORIGINAL INTENT BEHIND THE VAST MAJORITY OF THESE STATE SELECTIONS WAS TO PROVIDE A SYSTEM OF REMOTE RECREATIONAL OPPORTUNITIES FOR THE RESIDENTS OF THE EXISTING COMMUNITIES AND ANY FUTURE COMMUNITIES IN THE CHUGACH NATIONAL FOREST. FAVORABLE ACTION BY THE LEGISLATURE DURING THIS SESSION ON THIS BILL WOULD BE CONSISTENT WITH THIS ORIGINAL INTENT OF THE ALASKA STATEHOOD ACT. MOREOVER, A DIVERSIFIED SYSTEM OF STATE PARKS WHICH WE CAN ALL BE PROUD OF GIVES THE STATE OF ALASKA GOOD AMMUNITION WITH WHICH TO COMBAT THE ENVIRONMENTAL EXTREMISTS OUTSIDE WHO ARE FOREVER TRYING TO LOCK UP ALASKA UNDER THE FALSE PRETENSE THAT WE WHO LIVE HERE CANNOT MANAGE OUR LANDS ADEQUATELY OURSELVES.

CONFLICTS BETWEEN STATE MARINE PARK PROPOSAL (S.B. 794) AND CHUGACH NATIVES, INC.
 ANCSA §14(h)(1) CEMETERY AND HISTORICAL SITE SELECTION APPLICATIONS

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Canoe Passage	AA-10779	T. 15 S., R. 5 W., CRM, Sec. 32: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F NW $\frac{1}{4}$ NE $\frac{1}{4}$, F SW $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	Not Available
Canoe Passage	AA-10996	T. 16 S., R. 5 W., CRM, Sec. 1: F NE $\frac{1}{4}$ SE $\frac{1}{4}$, F SE $\frac{1}{4}$ SE $\frac{1}{4}$ T. 16 S., R. 4 W., CRM, Sec. 6: F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SW $\frac{1}{4}$	T. 16 S., R. 5 W., CRM, Sec. 1: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ T. 16 S., R. 4 W., CRM, Sec. 6: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Constantine Harbor	AA-10764	T. 17 S., R. 8 W., CRM, Sec. 22: F SE $\frac{1}{4}$ SE $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27: F NW $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 17 S., R. 8 W., CRM, Sec. 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27: NE $\frac{1}{4}$
Constantine Harbor	AA-11049	T. 17 S., R. 8 W., CRM, Sec. 31: F SE $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32: F SW $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ SW $\frac{1}{4}$	T. 17 S., R. 8 W., CRM, Sec. 31: F SE $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32: F SW $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Constantine Harbor	AA-11050	T. 17 S., R. 8 W., CRM, Sec. 33: F NW $\frac{1}{4}$ NW $\frac{1}{4}$, F NE $\frac{1}{4}$ NW $\frac{1}{4}$ F SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$	Not Available
Constantine Harbor	AA-10766	T. 17 S., R. 8 W., CRM, Sec. 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$, F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F SW $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	Not Available
Constantine Harbor	AA-10767	T. 17 S., R. 8 W., CRM, Sec. 33: F SW $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$, F NW $\frac{1}{4}$ SE $\frac{1}{4}$, F NE $\frac{1}{4}$ SE $\frac{1}{4}$	Not Available

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Disk Island	AA-12587	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
Disk Island	AA-12591	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$	T. 5 N., R. 10 E., SM, Sec. 26: NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$
Drier Bay	AA-12584 AA-12592	T. 3 N., R. 9 E., SM, Section 34: SE $\frac{1}{4}$ SE $\frac{1}{4}$	T. 3 N., R. 9 E., SM Section 34: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Drier Bay	AA-11143	T. 3 N., R. 9 E., SM, Sec. 32: F SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33: F SW $\frac{1}{4}$ SW $\frac{1}{4}$	N/A
		T. 2 N., R. 9 E., SM, Sec. 4: F NW $\frac{1}{4}$ NW $\frac{1}{4}$, F SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	N/A
Drier Bay	AA-11038	T. 2 N., R. 9 E., SM, Sec. 4: F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5: NE $\frac{1}{4}$ SE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 2 N., R. 9 E., SM, Sec. 4: F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5: F NE $\frac{1}{4}$ SE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$
Eagle Bay	AA-10959	T. 11 S., R. 11 W., CRM, Sec. 21: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22: F SW $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ NW $\frac{1}{4}$	N/A
Entry Cove	AA-12590	T. 8 N., R. 6 E., SM, Sec. 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$	N/A

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Garden Cove	AA-10772	T. 18 S., R. 7 W., CRM, Sec. 6: F NE $\frac{1}{2}$ NW $\frac{1}{2}$, F SE $\frac{1}{2}$ NW $\frac{1}{2}$, F NW $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$	T. 18 S., R. 7 W., CRM, Sec. 6: NE $\frac{1}{2}$, SW $\frac{1}{2}$, NW $\frac{1}{2}$ T. 18 S., R. 8 W., CRM, Sec. 1: SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NW $\frac{1}{2}$
Garden Cove	AA-10773	T. 18 S., R. 8 W., CRM, Sec. 11: NE $\frac{1}{2}$ NE $\frac{1}{2}$, F SE $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$, F NW $\frac{1}{2}$ NE $\frac{1}{2}$	T. 18 S., R. 8 W., CRM, Sec. 11: SW $\frac{1}{2}$ Sec. 10: SE $\frac{1}{2}$ SE $\frac{1}{2}$ Sec. 11: NE $\frac{1}{2}$ NE $\frac{1}{2}$, F SE $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$, F NW $\frac{1}{2}$ NE $\frac{1}{2}$
Golden Creek	AA-10984	T. 10 N., R. 8 E., SM, Sec. 10: F NE $\frac{1}{2}$ NE $\frac{1}{2}$, F SE $\frac{1}{2}$ NE $\frac{1}{2}$	N/A
Golden Creek	AA-10984	T. 10 N., R. 8 E., SM, Sec. 11: F NW $\frac{1}{2}$ NW $\frac{1}{2}$, F SW $\frac{1}{2}$ NW $\frac{1}{2}$	N/A
Horseshoe Bay	AA-12550	T. 2 S., R. 9 E., SM, Sec. 5: NE $\frac{1}{2}$ NE $\frac{1}{2}$	T. 1 S., R. 9 E., SM, Sec. 32: SE $\frac{1}{2}$ SE $\frac{1}{2}$ T. 2 S., R. 9 E., SM, Sec. 5 N $\frac{1}{2}$ NE $\frac{1}{2}$
Long Bay	AA-10719	T. 7 N., R. 7 E., SM, Sec. 17: NW $\frac{1}{2}$ NE $\frac{1}{2}$, F SW $\frac{1}{2}$ NE $\frac{1}{2}$, F NE $\frac{1}{2}$ NW $\frac{1}{2}$, F SE $\frac{1}{2}$ NW $\frac{1}{2}$	N/A
Marsha Bay	AA-12586	T. 3 N., R. 10 E., SM, Sec. 14: SW $\frac{1}{2}$ SW $\frac{1}{2}$	N/A
Perry Island	AA-10753	T. 7 N., R. 9 E., SM, Sec. 20: F NW $\frac{1}{2}$ NW $\frac{1}{2}$, F NE $\frac{1}{2}$ NW $\frac{1}{2}$, F SW $\frac{1}{2}$ NW $\frac{1}{2}$, F SE $\frac{1}{2}$ NW $\frac{1}{2}$	N/A

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Port Chalmers	AA-11033	T. 2 N., R. 13 E., SM, Sec. 16: F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 21: F NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$	T. 2 N., R. 13 E., SM, Sec. 16: NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20: NE $\frac{1}{4}$ Sec. 21: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$
Port Chalmers	AA-12463	T. 2 N., R. 13 E., SM, Sec. 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$	T. 2 N., R. 13 E., SM, Sec. 15: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$
Princeton Creek	AA-12572	T. 2 N., R. 7 E., SM, Section 18: NE $\frac{1}{4}$ SW $\frac{1}{4}$	N/A
Princeton Creek	AA-12574	T. 2 N., R. 7 E., SM, Sec. 8: NW $\frac{1}{4}$ SE $\frac{1}{4}$	N/A
Princeton Creek	AA-10725	T. 2 N., R. 6 E., SM, Sec. 24: F NE $\frac{1}{4}$ SW $\frac{1}{4}$, F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	T. 2 N., R. 6 E., SM, Sec. 13: SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24: W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Siwash Bay	AA-11044	T. 10 N., R. 10 E., SM, Sec. 13: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14: F SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23: F NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24: F NW $\frac{1}{4}$ NW $\frac{1}{4}$	N/A
Nuchek Island	AA-12547	T. 17 S., R. 8 W., CRM, Sec. 33: SE $\frac{1}{4}$ SW $\frac{1}{4}$	T. 17 S., R. 8 W., CRM, Sec. 33: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
Nuchek Island	AA-11051	T. 17 S., R. 8 W., CRM Sec. 33: F SW $\frac{1}{4}$ SW $\frac{1}{4}$, F NW $\frac{1}{4}$ SW $\frac{1}{4}$, F NE $\frac{1}{4}$ SW $\frac{1}{4}$, F SE $\frac{1}{4}$ SW $\frac{1}{4}$	N/A

STATE MARINE PARK PROPOSAL	14(h)(1) SITE IN CONFLICT	LEGAL DESCRIPTION OF SELECTION AREA IN CONFLICT W/ PROPOSAL	LEGAL DESCRIPTION OF ACTUAL SURVEYED SITE
Nuchek Island	AA-10769	T. 17 S., R. 8 W., CRM, Sec. 33: SE $\frac{1}{4}$ SE $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ T. 18 S., R. 8 W., CRM, Sec. 4: F NE $\frac{1}{4}$ NE $\frac{1}{4}$, F NW $\frac{1}{4}$ NE $\frac{1}{4}$	N/A
Nuchek Island	AA-11053	T. 18 S., R. 8 W., CRM, Sec. 5: F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8: F NE $\frac{1}{4}$ NW $\frac{1}{4}$, F NW $\frac{1}{4}$ NE $\frac{1}{4}$	N/A
Nuchek Island	AA-11054	T. 18 S., R. 8 W., CRM, Sec. 5: F NE $\frac{1}{4}$ SW $\frac{1}{4}$, F SE $\frac{1}{4}$ SW $\frac{1}{4}$, F NW $\frac{1}{4}$ SE $\frac{1}{4}$, F SW $\frac{1}{4}$ SE $\frac{1}{4}$	N/A

SEC. 5. The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Title to
property.

SEC. 6. (a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture and with the approval of the Secretary of the Interior as to other public lands: *Provided*, That nothing contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied: *Provided further*, That for the purposes of this section the term "public lands of the United States in Alaska which are vacant, unappropriated, and unreserved" shall include, without limiting the use thereof, the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals.

Selection from
public lands.

Effect of amendment.—Act of Sept. 14, 1960, Pub. L. No. 85-786, § 4, 74 Stat. 1025, added the second proviso beginning "Provided further."

rights-of-way legally exercised. *Mer- cer v. Yutan Constr. Co.*, Sup. Ct. Op. No. 371 (File No. 631), 420 P.2d 323 (1966).

Lease rights are subordinated to

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: *Provided*, That nothing herein contained

shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

The purpose of land grants under the Alaska Statehood Act is to serve Alaska's overall economic and social well-being. Some of the lands so selected will probably be used to protect mineral deposits. Others will safeguard wildlife. Still others will be used to protect domestic water supplies. *Udall v. Kalerak*, 396 F.2d 746 (9th Cir. 1968).

The grant of lands to Alaska under this subsection operates in praesenti. Use of the words "is hereby granted" signifies a present grant of lands to be thereafter identified by selection. By virtue of that grant the state became at once vested with the right of property in selected lands. It cannot be thereafter di-

vested of such right. The United States Supreme Court has so held. 1969 Op. Att'y Gen., No. 6 (Supp.).

Compensation of natives.—As to whether the United States may compensate Alaskan natives by taking a royalty out of lands already granted in fee to the State of Alaska, see 1969 Op. Att'y Gen., No. 6 (Supp.).

Indian trapping, hunting and camping could constitute a condition which would deprive the selected lands of the status of being "vacant, unappropriated, and unreserved." *Alaska v. Udall*, 420 F.2d 938 (9th Cir. 1969).

Cited in *McCubbins v. Keenan*, Sup. Ct. Op. No. 645 (File No. 1165), 475 P.2d 696 (1970).

(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after

Fish and
wildlife
resources.

the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservation for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section (8) (a) of the Act of September 2, 1937, as amended (16 U.S.C., 55 Stat. 632. sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), 64 Stat. 434. shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Fur Seal Act of 1966. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the payments made to any municipal corporation established pursuant to section 206 of the Fur Seal Act of 1966 and to the civil service retirement and disability fund pursuant to section 208 of the Fur Seal Act of 1966. In administering the Pribilof Islands fund established by section 407 of the Fur Seal Act of 1966, the Secretary shall consult with the State of Alaska annually. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772—772i).

Effect of amendments. — Act of June 25, 1959, Pub. L. No. 86-70, § 2(b), 73 Stat. 141, substituted "ninety calendar days" for "ninety legislative days" in the first sentence.

Act of Nov. 2, 1966, Pub. L. No. 89-702, Title IV, § 408(b), 80 Stat. 1098, substituted "Fur Seal Act of 1966" for "Act of February 26, 1944 (56

Stat. 100; 16 U.S.C., secs. 631A-631Q), as supplemented and amended" in the third sentence, substituted "Fur Seal Act of 1966" for "Act of February 26, 1944, as supplemented and amended" in the fourth sentence, added the language beginning "and the payments made to any municipal corporation"

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in that sentence, added the fifth sentence, and substituted "Fur Seal Act of 1966 and the Northern Pacific Halibut Act of 1937" for "Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as amended" in the last sentence.

(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection or, in the case of selections under subsection (a) of this section, one hundred and sixty acres. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C., sec. 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute

conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words "equitable claims subject to allowance and confirmation" include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

Effect of amendment.—Act of Oct. 8, 1963, Pub. L. No. 88-135, 77 Stat. 223, added the words "or, in the case of selections under subsection (a) of this section, one hundred and sixty acres" at the end of the second sentence.

(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181 and the following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U.S.C. 432 and the following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless an application to select such lands is filed with the Secretary of the Interior within a period of ten years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act. When all of the lands subject to a lease, permit, license, or contract are selected, the patent for the lands so selected shall vest in the State of Alaska all the right, title, and interest of the United States in and to that lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all the rentals, royalties, and other payments accruing after that date under that lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of that lease, permit, license, or contract: *Provided*, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder. Where only a portion of the lands subject to a lease, permit, license, or contract are selected, there shall be reserved to the United States the mineral or minerals subject to that lease, permit, license, or contract, together with such further rights as may be necessary to the full and complete enjoyment of all rights, privileges, and benefits under or with respect to that lease, permit, license, or contract; upon the termination of the lease, permit, license, or contract, title to the minerals so reserved to the United States shall pass to the State of Alaska.

Effect of amendments. — Act of Aug. 18, 1959, Pub. L. No. 86-173, 73 Stat. 395, deleted the words "unless such lease, permit, license, or contract is in effect on the date of approval of this act, and" following

"State of Alaska under this act" in the first sentence.

Act of Sept. 14, 1960, Pub. L. No. 86-786, 74 Stat. 1025, deleted the former last two sentences and inserted three new ones in their place.

Act of March 25, 1964, Pub. L. No. 88-289, 78 Stat. 169, substituted "ten years" for "five years" in the first sentence.

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express conditions that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U. S. C., sec. 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U. S. C., sec. 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or an interest therein made prior to such repeal.

Cross reference.—See note to AS 38.05.180

Proviso as to grants of school and university lands and mental health

lands.—The grants by the federal government of school and university lands and mental health lands were confirmed and transferred to the

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State of Alaska upon its admission to the Union under this subsection, with the express proviso that they be used for the purposes for which they were reserved. 1964 Op. Att'y Gen. No. 7.

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U. S. C., sec. 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U. S. C., sec. 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 186 (amended) (12 Stat. 503; 7 U. S. C., secs. 301-308), which grants are hereby declared not to extend to the State of Alaska.

Internal improvements.

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

Submerged lands.
43 USC 1301 note.

Alaska's ownership of tidelands same as other states.—By this subsection, Alaska was given the same ownership of tidelands and lands beneath navigable waters as other states of the Union. State v. A.J. Indus., Inc., Sup. Ct. Op. No. 263 (File No. 477), 397 P.2d 280 (1964); City of Juneau v. Cropley, Sup. Ct. Op. No. 415 (File No. 752), 429 P.2d 21 (1967).

The State of Alaska became owner of the submerged lands underlying the waters of Tustumena Lake as an incident to Statehood, and under its rights of admission to the Union on an equal footing with the original states, according to the United States Constitution. 1967 Ops. Att'y Gen., No. 7.

SEC. 7. Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.

Certification by President.

SEC. 8. (a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: *Provided*, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for

Election of officers; date, etc.

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March 12, 1982

William B. Kenney
Coordinator
State & Local Relations
Government Affairs

Alaska Legislation - 1982
HB 759 - Willow Creek State Recreation Area
SB 730 - Baranov State Game Refuge
SB 812 - Nelchina Public Use Area
SB 794 - State Marine Park System
Alaska Reserves

Mr. Eugene F. Wiles
Hotel Baranof
Suite 504
Juneau, AK 99801

Dear Gene:

HB 759 and SB 730 create reserves in Alaska that have little impact on Chevron. Thus, we take no position on these bills.

S.B. 812 also has little impact on our company. However, identical boundaries are listed for items (6) and (10), page 2, lines 4 and 12. Boundary (6) should read "Township 22 North, Range 5 East ...".

S.B. 794 appears to have the following discrepancies:

- (1) Item (13), page 7 designates Goat Harbor State Marine Park as a unit of the state marine park system. However, we have determined that these boundaries appear to lie wholly in the ocean. We would appreciate verification.
- (2) Item (23), page 11 reads as "Township 5 North, Range 7 East, Copper River Meridian". This should be listed as "Township 5 North, Range 7 East, Seward Meridian."
- (3) ~~Item (33), page 14 reads as "Township 17 South, Range 3 West, Seward Meridian". This should be "... Copper River Meridian".~~
- (4) Item (39), page 14 and 15 describes "a large unnamed island ...". If the boundaries lie within township 9 and 10 North, Range 11 West, we would not object. However, we would be detrimentally affected if the township designation should actually be "... South ...". We also would appreciate verification of this boundary. (Either the Copper River Meridian or Seward Meridian are acceptable to us.)


William B. Kenney

WJK:at

7072



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

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

April 14, 1982
1:35 p.m.

Beltz Room
Room 211 - Capitol

Hearing:

- SB 794 Establishing certain areas as units of the Alaska marine park system.
- SB 795 Relating to outdoor recreation and historic projects.
- SSSB 796 Providing for the management of state owned land in the Haines area, establishing the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area.
-

SSSB 796

Resa King, Administrative Assistant, described the two meetings that had been held with Klukwan, Tlingit/Haida Central Council, Audubon Society, City of Haines, and the Department of Natural Resources since the April 7th hearing on SSSB 796, and stated that memos outlining those meetings were in the Committee members' packets. The meetings were to, 1) satisfy the concerns of Klukwan, and 2) answer questions raised by the legal division.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, expressed support for the bill, but indicated that technical amendments may need to be made before final passage.

Senator Mulcahy moved CSSSB 796 with individual recommendations.

SB 794

Phil Holdsworth, Juneau, expressed concern that the areas listed in Section 2 of the bill include many which are the only potential sites for log transfer facilities and industrial docks, especially in Southeast.

Jeff Haynes, DNR, explained that the areas listed in Section 2 are study areas, and will not necessarily be included in the marine park system. Decisions on which lands to include will involve a visible

Senate Resources Committee

April 14, 1982

Page 2

public process, and no lands will be included without legislative approval. Haynes stated that areas other than those listed in Section 2 can be studied also.

Senator Gilman expressed concern over language in the bill that would close the park lands to multiple use. He moved an amendment deleting page 1, lines 22-29 (CS) and asked unanimous consent.

Senator Fischer moved CSSB 794, as amended, with individual recommendations.

SB 795

Senator Fischer moved an amendment deleting page 3, lines 14-17 (CS #2) and asked unanimous consent. He then moved CSSB 795 as amended with individual recommendations.

The meeting was adjourned at 2:05 p.m.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MCLEAHY
ARLISS STURGULEWSKI

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

TO: Senate Resources Committee
FROM: Senate Resources Committee Staff
RE: Committee Meeting, 4/14,'82
DATE: April 12, 1982

Please find attached background information for
Wednesday's hearing on the following bills:

- SB 794 Establishing certain areas as units of the
Alaska Marine Park System.
- SB 795 Relating to outdoor recreation and historic
projects.
- SSSB 796 Providing for the management of state owned
land in the Haines area, establishing the
Alaska Chilkat Bald Eagle Preserve and the
Haines State Forest Resource Management Area.
- SB 872 Relating to sanitation, sanitary practices,
and quality assurance in the seafood
processing industry.

The meeting will be held at 1:30 p.m. in the Beltz Room.



Alaska State Legislature

SENATE

Resources Committee

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

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

MEMBERS PRESENT

Senator Fahrenkamp
Senator Fischer
Senator Eliason
Senator Gilman
Senator Mulcahy
Senator Sturgulewski

March 24, 1982
1:30 p.m.

Beltz Room
Room 211 -- Capitol

Teleconference Hearing:

- SB 794 An Act establishing certain areas as units of the state marine park system.
 - SB 795 An Act relating to outdoor recreation and historic projects.
-

Senator Fischer stated that he introduced SB 794 as a response to hearings held in the Resources Subcommittee on Parks and Recreation, and SB 795 as the result of requests from municipalities.

Jeff Haynes, Deputy Commissioner, Department of Natural Resources, strongly endorsed a marine park system, but offered a Committee Substitute allowing for various management methods within the system. Haynes further urged that the system get started this year with inclusion of a few areas, and that DNR make recommendations for further inclusions after looking closely at all the proposals.

Chip Dennerlein, Director, Division of Parks, explained that SB 795 is based on current law, but with many technical improvements. He supports the 5% surcharge provision.

SB 794

Ray Menaker, Haines, expressed support for SB 794, and for DNR's idea of including only the noncontroversial areas the first year.

Celia Hunter, Fairbanks, stated that a marine park system is long overdue, and expressed the hope that it can be expanded to Southeast.

George Weiss, Whittier, urged passage of both SB 794 and 795, as a benefit to all Alaskans and the tourism industry.

David Finkelstein, Anchorage, spoke on behalf of several environmental groups. He supports the marine park system concept to assure that some coastline land in Prince William Sound remains available for public use. He further urged land exchanges to get some private land into the marine park system.

Carl Propes, Director of Lands and Natural Resources, Chugach Natives, Inc., stated that he supports SB 794 with several changes, and will be submitting amendments within the next few days. He would like some proposed areas to become Chugach lands, and urged proper management of cultural and historical sites.

Dave Allison, Alaska Environmental Lobby, expressed support for SB 794 and 795 as expansion of the State's economic base that would preserve environmental values. He would like to see the system established this year, and called DNR's suggested approach "valid and viable".

Sally Kebisch, Anchorage, Sierra Club, expressed support for SB 794 and 795.

Peg Tileston, Anchorage, stated that she supports SB 794, and urged that the marine park system be expanded to other areas of the state.

Julie Kelly, Anchorage, expressed support for SB 794 and the expansion of the marine park system to other areas of the state.

Nancy Gross, Anchorage, expressed support for SB 794.

Jim Brennan, Anchorage, expressed support for SB 794.

Gene Camieron, Dive Alaska, stated that he supports SB 794, but urged consideration of underwater sports.

Nancy Lethcoe, Alaska Wilderness Sailing Safaris, Valdez, said she supports SB 794 with reservations. She expressed concern over the incomplete U.S. Forest Service land use planning, the conflict between the natural environment and park development, the need for public comment during the development of DNR's management plans, and the cost of park maintenance.

Jim Hall, Director of Parks for the City and Borough of Juneau, and member of the Alaska Parks and Recreation Association, expressed support for SB 794 and 795.

SB 795

Karen Hofstad, Petersburg Chamber of Commerce, said she supports SB 795, and expressed Petersburg's need for an RV park close to town.

Dotty Olson, Wrangell Chamber of Commerce Task Force, expressed support for SB 794, and urged expansion of the marine park system to Southeast, and for SB 795, explaining Wrangell's desire for an outdoor logging museum.

Pat Watson, Director/Curator Wrangell Museum, and Wrangell Cooperative IRA Association, expressed support for SB 795, referring to the preservation of the state's history as "vital".

Maurane Laurence, Wrangell Chamber Task Force, said she supports SB 794, urging it be extended to include areas in Southeast. She also supports SB 795.

Mike Schmidt, City and Borough of Sitka, expressed support for SB 795, urging that the law get on the books this year even if there is no funding available.

Bob Doyle, Community Schools, Sitka, said he supports SB 795, but is concerned about how funds will actually be disbursed.

Chip Dennerlein explained that an advisory commission composed of four citizens, the Lieutenant Governor, and the Director of Parks selects projects based on their merits.

John Cooper, Assistant Director, Alaska Historical and Transportation Museum, Palmer, stated he supports the concept of SB 795, but raised several questions: What constitutes historic property? How are advisory commission members chosen? Is equitable distribution of funds assured? He further urged that qualified nonprofit groups be considered for participation in the program, and that grants for purchase of historical objects be provided.

Carol Kirkpatrick, Haines, expressed support for SB 795.

Norman Blake, Haines, said he supports SB 794, urging its expansion to Southeast, and supports SB 795.

Paul Wilman, City of Haines, expressed support for both SB 794 and 795, stating that historic sites are great visitor attractions. He favors the portion of SB 795 that places the responsibility for initiation of a project with the municipality.

John Noble, Director, Parks and Recreation, Seward, supports SB 795.

Karen Hornaday, Chairman, Parks and Recreation Commission, Homer, expressed support for SB 795.

Jane Williams, Circle City Trail, Fairbanks, expressed support for SB 795, urging that Youth Hostels, historical buildings along trails, and archeological and anthropological sites be addressed in the bill.

Floyd Reishus, Fairbanks North Star Borough Nordic Ski Club, expressed support for both SB 794 and SB 795.

George Hall, Alaska Historical Society, Anchorage, stated that he supports SB 795, but urged inclusion of a mechanism to assure that historic projects get as much attention as recreation projects.

Janet McCabe, Anchorage, expressed support for SB 795, urging that a fiscal note be included to at least get the program started this year.

Pat McGee, Alaska Youth Hostel Council, said she supports SB 794 and SB 795.

Senator Fahrenkamp asked that those people who were unable to testify today send written comments.

The meeting was adjourned at 3:05 p.m.




Alaska State Legislature

Senator Vic Fischer · Pouch V · Juneau, Alaska 99811 · (907) 465-4954

February 16, 1982

To: Members of the Senate and
interested parties

From: Senator Vic Fischer 

Re: SB 794 - establishing the Alaska Marine Park System

This legislation establishes the Alaska Marine Park System and designates certain lands within Prince William Sound as part of that system.

Modeled after a similar marine park program in British Columbia and Washington state, the purpose of the system is to provide for the public use of the recreational, natural, cultural, scenic, wilderness and wildlife resources, and to protect the natural and wilderness character of the coastline of these areas.

Prince William Sound is a major recreational area of national significance in close proximity to Alaska's major population center. Overwhelming public and agency sentiment expressed during a hearing conducted in December on Prince William Sound Recreation, urged reserving these state lands for maximum public use.

Of the 36 sites proposed by the Division of Parks in 1977, only 18 have been approved by the Forest Service for transfer under the Alaska Statehood Act. The division has filed a complaint against the Forest Service to obtain approval of the remaining sites and views the federal position as a violation of the Statehood Act. The Attorney General concurs that the state's case may be strengthened by designation of park system lands at this time.

There has been concern that state recreation land in Prince William Sound would be sold or leased through a land disposal program. This must be prevented. Selections in the park system were filed for the purpose of community expansion, development of resources use, fish hatchery sites, and recreation. This legislation reconfirms the state selection intent and establishes a commitment for maximum use by the public of state-owned lands in Prince William Sound.

The bill ensures a continuation of commercial, sport, and subsistence fishing rights and allows for the development of aquaculture facilities in these areas.

Habitat protection afforded by park status and increased tourism and recreation use of the Sound should result in a high level of public concern for and awareness of the Sound's resources.

Committees: State Affairs, *Chairman*; Resources, *Vice-Chairman*; Health, Education & Social Services

Strong public support has been expressed for the marine park system through resolutions of support from Whittier and Valdez, letters and testimony from the Alaska Visitors Association, Cordova's city manager, sportfishing and conservation organizations, and recreational users. Representatives of the U.S. Forest Service have agreed that the concept of a marine park system is a good one, that it would improve cooperative planning and management possibilities, and that it should be pursued regardless of land ownership or proprietary issues.

The state marine park system established by the bill would eventually be extended to include land in Southeast Alaska and other parts of the state.

LEGISLATION SUMMARY

CSSB 794 (Res): "An Act establishing certain areas as units of the state marine park system; and providing for an effective date."

Sec. 1: The purpose of the bill is to restrict, subject to valid existing rights, state-owned or acquired lands and waters as units of the state marine park system.

Primary purposes are: maintenance of natural, cultural and scenic values; maintenance of fish and wildlife resources; development of recreational uses and facilities; promotion and support of Alaska tourism.

Only an Act of the legislature can close more than 640 acres of state land or water. Some of the areas of this bill exceed 640 acres.

.515 Assigns the lands to the Department of Natural Resources for control, maintenance and development.

Assigns responsibility for management of fish and game resources in the park units to the Department of Fish and Game. The Department of Fish and Game shall consult with the Department of Natural Resources before adopting fish and game regulations for the units.

The Department of Natural Resources shall develop a management plan for each unit. The commissioner shall consult with the Department of Fish and Game, nearby municipalities and private landowners, the U.S. Forest Service, conservation, recreation and tourism organizations, and other interested parties during the preparation of a management plan.

Prohibits the commissioner of natural resources from restricting valid fishing rights or other privileges under state law in a unit.

Authorizes the commissioner to allow the development of aquaculture facilities within units, and to enter into cooperative management agreements for units with federal agencies, state municipalities, or nearby private landowners.

Requires the commissioner to consult and cooperate with Native Corporations owning historical or cultural sites granted under the Alaska Native Claims Settlement Act (ANCSA) nearby a unit in the management of that unit. In managing units, the commissioner shall address potential conflicts with cultural and historic values of Native land granted under ANCSA, and protect those values.

.520 Designates state-owned or acquired land and water within described sections of the following parcels as units of the state marine park system:

1. Bettles Bay Marine Park
2. Decision Point Marine Park
3. Entry Cove Marine Park
4. Oliver Inlet Marine Park
5. Sawmill Bay Marine Park
6. Shoup Bay Marine Park
7. South Esther Island Marine Park
8. Surprise Cove Marine Park
9. Swanson Harbor Marine Park
10. Ziegler Cover Marine Park

Sec. 2: Requires the commissioner of natural resources to assess the state selected, tentatively approves, and patented land and water in certain areas, considering the values of each area, as set out in sec. 506, and with regard to private land ownership, community expansion, and other potential uses.

Requires the commissioner to consider recreational opportunities, and the demand and desirability of selecting land for inclusion in the state marine park system in selections under sec. 6(a) of the Alaska Statehood Act.

Lists 81 areas for assessment by the commissioner.

Sec. 3: Requires the commissioner to report to the Governor on actions under this Act by December 1 of each even-numbered year, to be submitted to the legislature by the tenth day of the first session of each legislature. Requires the report to include progress in assessments required under sec. 2, and recommendations by the Governor for additional areas for inclusion as units and other recommendations for legislation.

Sec. 4: Immediate effective date.

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 14, 1982

SUBJECT: Privileges within a marine park
(CSSB 794 (Resources))

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: Richard A. Bradley 
Legislative Counsel

I have been asked to clarify the language within Sec. 41.-
20.515(d).

I am advised that the language is intended to allow for the continued use within a marine park of the various activities such as the erection of docks for use by hunters and other activities associated, perhaps, with fishing or hunting.

It may be that such activities may be fairly described as "privileges obtained under law" in the former language of subsec. (d). But the solution seems somewhat circular since the former language denied the commissioner of natural resources the discretion to do things that seem to be part of his normal discretion.

I believe that the ideas may need more elaborate treatment than the bill gives them at this time. Alternatively, recognize that Sec. 41.20.515(c) seems to give the commissioner discretion to develop the parks for various purposes. The authority to do the things that the committee is concerned about may already be located in the management plan authority granted by this subsection.

And as rewritten, subsec. (d) limits the authority of the commissioner of natural resources to regulate fish and game activities permitted by the Department of Fish and Game.

If I may assist further, please advise.

RAB:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-7800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 11, 1982

SUBJECT: Marine park system -- SB 794
(Work Order No. 12-2667)

TO: Senator Bettye Fahrenkamp
Chairman, Senate Resources Committee

FROM: Richard A. Bradley
Legislative Counsel

SB 794 establishes a "state marine park system".

Sec. 41.20.506 constitutes a declaration of purposes. The section states that the purpose of the bill is to restrict, subject to valid existing rights, the state owned lands and waters as well as acquired lands and waters described in sec. 41.20.520 to use as units of the state marine park system. More specific purposes are "to protect and provide for the public use of the recreational, natural, cultural, scenic, wilderness, and wildlife resources" and to protect the "natural and wilderness character of the coastline in these areas".

The bill also contains in sec. 41.20.506(b) the usual recitals regarding Article VIII, Sec. 7 of the Alaska Constitution and of AS 38.05.300.

Sec. 41.20.515(a) designates the Department of Natural Resources as the agency assigned to control, maintain, and develop the state land and water consistent with the purposes of the bill. The Department is required to develop a management plan "for these areas".

Sec. 41.20.515(b) assigns the Department of Fish and Game responsibility for fish and game management consistent with the purposes of the bill "in these areas".

Sec. 41.20.515(c) directs the Department of Natural Resources to consult with the Department of Fish and Game and others during the preparation of a management plan "for the marine park system".

Sec. 41.20.515(d) directs the Alaska Department of Fish and Game to consult with the Department of Natural Resources before adopting regulations governing fish and game management "in the marine park system".

Sec. 41.20.515(e) grants the commissioner of natural resources the usual authority to establish by regulation "incompatible uses within the areas".

Sec. 41.20.515(f) provides that the commissioner of natural resources may not restrict the exercise of "valid fishing rights or privileges obtained under law". The phrase seems not as clear as it might and may mean any of the following:

- (1) the commissioner may not restrict non-fishing privileges granted by a statute;
- (2) the commissioner may not restrict non-fishing rights granted by a statute (the distinction between "rights" and "privileges" is largely lost in modern law); and
- (3) the word "privileges" is associated with "valid fishing rights" and nothing more than fishing rights and privileges are being described here.

The phrase should be clarified.

Sec. 41.20.515(g) authorizes the commissioner of natural resources to permit aquaculture developments within the marine park system.

One point about the style of the language in the section may be noted. Some 39 marine parks are established. At this time, I cannot say whether the law requires that they be managed as a unit or discretely. The suggestion in the language of the section is that the usual management decision will apply to the system as a unit but the point should be clarified.

Senator Bettye Fahrenkamp
Page 3
March 11, 1982

Sec. 41.20.520 provides the identification of the 39 units of the system.

* Sec. 2 of the bill permits the commissioner of natural resources to relinquish state selections as to the last two units on stated conditions.

An immediate effective date is provided.

RAB:ljb



United States
Department of
Agriculture

Forest
Service

Regional
Office

P.O. Box 1628
Juneau, AK 99802

Reply to: 1510

Date: **MAR. 23 1982**

Honorable Bettye Fahrenkamp
Chairman, Committee on Resources
Pouch V
State Capital
Juneau, AK 99811

Dear Ms. Fahrenkamp:

Please find enclosed a listing of those sites identified in SB 794. I have designated those that fail to meet the criteria of Section 6 of the Statehood Act. These sites are being litigated.

Allocation of these sites to marine oriented recreation is compatible with the present management of National Forest lands. In accordance with the National Forest Management Act, we are developing a land management plan for the Chugach National Forest. The draft plan will be available for public review in May. A number of alternatives under consideration include allocation of many of these as well as other sites to marine oriented recreation. I expect that after finalization of the plan, use of these sites for marine oriented recreation will continue to be a compatible use of National Forest land.

We continue to believe that marine oriented recreation facilities in Prince William Sound should result from a joint planning effort with the State of Alaska. Provision of these facilities to State and National publics is best accomplished through a coordinated program between the State, the Forest Service, and private industry, as appropriate.

If I can be of any further assistance, please let me know.

Sincerely,

Michael A. Barton

MICHAEL A. BARTON
Deputy Regional Forester

Enclosure



Senate Bill 794	<u>Name-State Park (Proposed)</u>	<u>Meets Criteria of Section 6 Statehood Act</u>	<u>Does not meet Criteria of Section 6 Statehood Act</u>	<u>Remarks</u>
1	Anderson Bay	X		
2	Bettles Bay	X		
3	Boswell Bay	X		
4	Canoe Passage	X		
5	Cascade Creek		X	
6	Constantine Harbor		X	includes part of #38 also
7	Decision Point	X		within Whittier - Shotgun State selection
8	Disk Island		X	
9	Drier Bay		X	
10	Driftwood Bay	No USDA Action		selected prior to National Forest Status (ANILCA)
11	Eagle Bay		X	
12	Entry Cove	X		
13	Falls Bay		X	
14	Garden Cove	X		within Port Etches State selection
15	Goat Harbor		X	

Senate Bill 794	NAME-State Park (Proposed)	Meets Criteria of Section 6 Statehood Act	Does not meet Criteria of Section 6 Statehood Act	Remarks
16	Golden Creek		X	
17	Granite Cove		X	
18	Gravina Point	X		
19	Horseshoe Bay	X		within Latouche State selection
20	Jack Bay	X		within Valdez-Jack Bay selection
21	Long Bay		X	
22	Main Bay		X	
23	Marsha Bay		X	
24	Outside Bay		X	
25	Perry Island		X	
26	Port Chalmers		X	
27	Port Fidalgo		X	
28	Port Nelli Juan		X	
29	Princeton Creek		X	
30	Safety Cove	No USDA Action		selected prior to National Forest status
31	Salmon Creek	X		Part of Valdez- Anderson Bay Selection

Senate Bill 794	NAME-State Park (Proposed)	Meets Criteria of Section 6 Statehood Act	Does not meet Criteria of Section 6 Statehood Act	Remarks
32	Sawmill Bay	X		
33	Shoestring Cove		X	
34	Shoup Bay	No USDA Action		Not within National Forest boundary
35	Siwash Bay		X	
36	South Elrington Island		X	
37	South Esther Island	X		
38	Nuchek Island			Already included in #6 Constantine Harbor
39	"Unnamed Island"	No USDA Action		Not within National Forest Boundary



United States
Department of
Agriculture

Forest
Service

Regional
Office

P.O. Box 1628
Juneau, AK 99802

Reply to: 1510

Date: MAR 26 1982

Honorable Bettye Fahrenkamp
Chairman, Committee on Resources
Pouch V
State Capital
Juneau, AK 99811

Dear Senator Fahrenkamp:

During your hearing Wednesday on Senate Bill 794, you inquired as to whether or not any of the proposed State Marine Parks were considered by the Chugach Regional Study for the Chugach Natives, Incorporated land settlement.

I find that four sites proposed by SB 794 for State Marine Parks are included in the Federal proposal for settlement. They are Horseshoe Bay Site #19, Eagle Bay Site #11, Nichek Island Site #38 and Shotgun Cove Site #7 (called Decision Point Marine Park).

I have enclosed a copy of the study recommendations that were transmitted to Congress in response to Section 1430 of Alaska Land Act.

Please let me know if you have additional questions or if we might assist you in any way.

Sincerely,

THOMAS P. LENNON
Acting Director of Lands, Minerals,
and Watershed Management

Enclosure (2)

cc: Department of Natural Resources

11/18/82 Horseshoe
11/18/82 Eagle
11/18/82 Nichek
11/18/82 Shotgun (Decision)





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

November 13, 1981

Alaska Land Use Council
P.O. Box 120
Anchorage, Alaska 99510

Dear Sirs:

Sec. 1430 of the Alaska National Interest Lands Conservation Act (ANILCA) mandates that the Department of the Interior, the Department of Agriculture, the Alaska Land Use Council, Chugach Natives, Inc. (CNI) and the State of Alaska (if it so chooses) participate in conducting a study of the lands within the Chugach Region to identify lands which can be made available for selection by CNI in satisfaction of its land entitlement under the Alaska Native Claims Settlement Act. ANILCA stipulates that the study shall be complete and the President shall transmit to the Congress no later than December 2, 1981 the study report and recommendations, including any legislation that might be necessary to implement the study's recommendations.

That deadline is almost upon us and we are advised that the study participants have failed to come to any conclusion or recommendation for settlement of the issue.

In light of these circumstances, the Departments of Interior and Agriculture are compelled to transmit a recommendation so that the President may comply with the legislative mandate. Accordingly, the Land Use Council is herewith advised that our respective Secretaries propose to transmit the attached settlement proposal to the President in time to meet the December 2, 1981 deadline. Since this is the last meeting of the Council prior to that deadline date, we are advising you of this intended action.

Sincerely,

Sincerely,

William P. Horn
DEPUTY UNDER SECRETARY
DEPARTMENT OF THE INTERIOR

John B. Crowell, Jr.
ASSISTANT SECRETARY
DEPARTMENT OF AGRICULTURE

PER *[initials]*

11/13/81⁽²⁾

PROPOSED CHUGACH LANDS SETTLEMENT

<u>Location</u>	<u>Agency</u>	<u>Acres</u>
Shotgun Cove (4)	SOA/FS	100.0
Horseshoe Bay (4)	SOA/FS	900.0
Bering River Coal Field	FS	48,677.0
Eagle Bay-Glacier Island (4)	SOA/FS	180.0
Miles Lake	FS	685.0
Nelson Townsite	BLM	2,000.0
Whittier	BLM	333.0
Seward Townsite Block #9 (2)	BLM	.460
Cordova Federal Reserve (3)	BLM	1.258
Cordova Lutheran Homesite	BLM	2.5
Snow River	FS	960.0
Nuchek Island (4)	SOA/FS	800.0
Latouche Island (5)	FS	13,367.0
Patton Bay (montague Island) (7)	FS	15,000.0
McCleoud Harbor Transfer Area	FS	1,500.0
Icy Bay Addition	BLM	12,868.0
In-Region Existing Selections:		
°Icy Bay 12(c)	BLM	47,750.0
°Cape Yakataga 14(h) (8) (6)	BLM	1,078.0
°Copper River 12(c) - 3 parcels	FS	9,212.0
°Carbon Mountain	BLM	25,757.0
Small Federal Holdings:		
°Cape Yakataga FAA Site (1)	DOT	38.75
°Middleton Island FAA Site (1)	DOT	1,944.8
Knight Island	FS	9,000.0
Knight Island (Drier Bay) (8)	FS	4,564.0
Tonsina Pipeline Corridor:		
within T. 2 S., R. 1 E. CRM (PLO 5150 as amended) (9)	BLM	8,000.0
Sub Total		<u>200,154.77</u>
ANCSA 12(c) Deficiency Areas:	DOI	<u>177,845.23</u>
Total:		<u><u>378,000.0</u></u>

-
- (1) Available only after declared surplus to Federal needs.
 - (2) Subject to State of Alaska continued free use and occupancy of existing ADF&G warehouse and appurtenant facilities.
 - (3) Subject to State of Alaska continued free use and occupancy of existing DOT/PF buildings and appurtenances.
 - (4) Existing State of Alaska Selection. Conveyance subject to stipulations contained in agreement already developed with CNI and State of Alaska.

(Continued on Next Page)

PROPOSED CHUGACH LANDS SETTLEMENT
(Continued)

- (5) Subject to reservation of 40 acre public use site on southwest tip of Island.
- (6) State supports selection without prejudice to its assertion to a 90-day preference right authorized by the Alaska Statehood Act on Federal unimproved surplus properties.
- (7) Reference map: Blying Sound D-1 and D-2 USGS Quad and Seward A-2 and A-1 USGS Quad. Dated November 12, 1981.
- (8) Subsurface estate only; described as those lands within existing Iron Mountain 14(h)(8) selection area and draining into Drier Bay.
- (9) Subject to all prior valid existing rights and AHTNA Regional Corp. non-objection. All selections must include all available lands with any section selected. Selections must be in reasonably compact form.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D C 20250

December 2, 1981

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The Alaska National Interest Lands Conservation Act (ANILCA) provides at Section 1430 for a study of the land ownership and use patterns of Chugach Natives, Incorporated, a corporation existing under the laws of the State of Alaska and the Alaska Native Claims Settlement Act (ANCSA). The now completed study was the joint endeavor of the Secretaries of Agriculture and the Interior, the Alaska Land Use Council and the Chugach Natives, Inc. Its purpose was to identify lands which would achieve a fair and just land settlement for the Corporation as well as other objectives enumerated in Section 1430 of ANILCA.

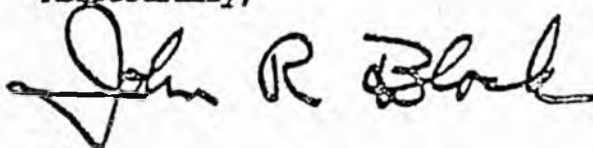
The participants to the study failed to reach agreement on a land settlement for Chugach Natives, Inc. On November 13, 1981, the federal government proposed a final settlement which would grant the Corporation its full acreage entitlement of 378,000 acres under ANCSA. The federal proposal satisfies all the requirements of Section 1430 of ANILCA and is valued at \$111.1 million, well in excess of the values of land to which the Corporation is entitled. Notwithstanding, the Corporation has declined the proposal of the federal government. The enclosed position paper of the Departments of Agriculture and the Interior discusses in greater detail the basis of the federal proposal.

In case the study required by section 1430 of ANILCA failed to result in an agreement, Congress provided at Section 1429 for a fallback settlement that would allow the selection of approximately 33,000 acres from the Chugach National Forest in addition to other existing selection rights. Since the study failed to provide an agreement on lands to be conveyed, the Corporation may exercise its selection rights under Section 1429 of ANILCA. In the alternative, the Corporation may elect to accept the federal proposal. In all cases, legislation is not necessary to effectuate the transfer of lands since the respective Secretaries have adequate administrative authority to make conveyances pursuant to Section 22(f) of ANCSA.

Section 1430(d) of ANILCA requires the President to report the results of the study to the Congress along with proposed legislation that may be needed to implement study recommendations. No legislation is required since there were no recommendations forthcoming from the study. Legislation would not be required to implement the federal proposal.

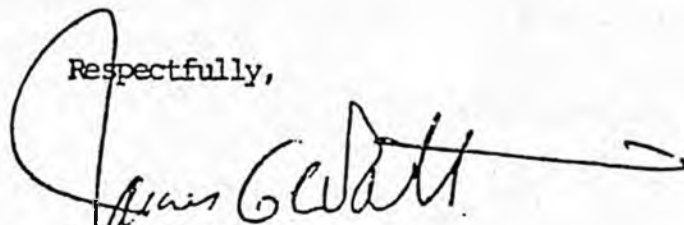
In a letter to you dated November 19, 1981, the Corporation proposed three counteroffers to the federal proposal of November 13, 1981. These counteroffers would provide the Corporation with a settlement which greatly exceeds the value of their ANCSA entitlement. The three counteroffers are unacceptable to the Departments of Agriculture and the Interior, being that there is no justification for going beyond the lands and resources already offered to the Corporation. The federal proposal of November 13, 1981, fulfills the requirements of Section 1430 of ANILCA and will result in a fair and just settlement for the Corporation and the American people.

Respectfully,



JOHN R. BLOCK
Secretary of Agriculture

Respectfully,



JAMES G. WATT
Secretary of the Interior

Enclosure

TO THE CONGRESS OF THE UNITED STATES:

Pursuant to the provisions of Section 1430 of the Alaska National Interest Lands Conservation Act (ANILCA), I hereby transmit the Chugach Region Study. The participants to the study failed to agree upon a settlement of the land claims of Chugach Natives, Incorporated. However, the Chugach Natives, Incorporated, may elect to satisfy their land entitlements pursuant to existing law under Section 1429 of ANILCA, or pursuant to land exchanges in accordance with a federal proposal dated November 13, 1981.

RONALD REAGAN

THE WHITE HOUSE,

December 8, 1981.