

2742

HRES

HB

47

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HB

99

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Table 1
Licenses Sold to Nonresident
and Military Hunters: FY 82

Type of License	Number Sold
<u>Nonresidents</u>	
Hunting	4,636
Fishing and Hunting	1,104
Hunting and Trapping	68
<u>Military</u>	
Hunting (Small Game)	1,109
<u>Nonresident Military</u>	
Fishing and Hunting	1,231
Total	<u>8,148</u>

Source: Department of Fish and Game, Division of Game, 2/1/83.

Mr. Henman noted that information regarding the rates of success for all nonresident hunters is not available on short notice. He was able to give us some data on nonresident and resident hunters of big game. Table 2, on the following page, supplies information on hunters of four species of big game in 1980, including rates of success and the percentage of the total take by residents and nonresidents.

While some of the numbers in Table 2 are incomplete (the underlined numbers do not include hunters who participated through drawings), Mr. Henman stated that the rates of success for the hunters who are not included would be approximately the same.

Table 2
Success of Residents and Nonresidents
in Hunting Sheep, Grizzly Bear,
Caribou and Moose: 1980

Species	Resident Harvest					Nonresident Harvest				
	Percentage of Harvest of Species	Successful Hunter		Unsuccessful Hunter		Percentage of Harvest of Species	Successful Hunter		Unsuccessful Hunter	
		#	%	#	%		#	%	#	%
Sheep	67%	<u>561</u>	35%	<u>1,032</u>	65%	33%	<u>278</u>	79%	<u>76</u>	22%
Grizzly Bear	46%	371	9%	4,007	91%	54%	436	44%	551	56%
Caribou*	91% 57.4%	<u>1,886</u>	77%	575	23%	9% 42.6%	<u>1,398</u>	96%	65	4%
Moose	88%	<u>4,669</u>	24%	<u>14,492</u>	76%	12%	<u>680</u>	61%	<u>434</u>	39%

Source: Alaska Department of Fish and Game, Division of Game, 1/31/83.

Note: underlined numbers do not include hunters awarded permits through lotteries.

*In addition, the Division estimates an unreported kill of caribou totaling 10,919 in 1980.

<u>Res.</u>	7,487	Success	<u>Non-Res.</u>	2,792	Success
27,593	72.8%	30.0%	3,918	27.2%	70.0%

Guides

We contacted the State Division of Fish and Wildlife Protection in the Department of Public Safety. This is the office to which all licensed guides must report their activities during the year, including the number of clients they have served.² During 1981, Alaska's guides reported taking some 1,589 clients on hunting trips. Of these, 1,120 (70.5 percent) were nonresidents and 119 were residents; of the non-residents, 350 were aliens.

Table 3
Licensed Guides in Alaska, 1981

Guide Class	Number of Guides
Master Guide	41
Registered Guide	346
Class A Assistant Guide*	122
Assistant Guide*	666
Totals	<u>1,175</u>

Source: State Department of Public Safety, Division of Fish and Wildlife Protection, 2/1/83.

*Guides of these two classes may not take parties out on their own; all clients are accompanied by a registered or master guide.

Meat Taken

None of the sources we spoke with was able to provide an estimate of the amount of meat removed from the state by nonresident hunters. Mr. Henman of the Division of Game did say that the State urges guides to encourage their clients to leave game meat with villagers rather than take it home, and that it is his impression that this is done fairly often.

* * *

If you have any questions regarding this memorandum, or if we can be of any further assistance, please do not hesitate to call on us.

²Kathy Oliverson, Division of Fish and Wildlife Protection, Department of Public Safety, Anchorage; telephone: 269-5535.

Fish + Game Fund		
7% hunters	899655.18	res
63% fund	\$1,510,533.30	non-res

Marc Jensen: Master guide
 Ron Summerville



Alaska State Legislature By Senator Vic Fischer 2/2/83

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

EXPLANATION OF SENATE BILL NO. 5 AND HOUSE BILL NO. 47 (AN ACT ESTABLISHING A RESIDENTS' PRIORITY FOR THE TAKING OF BIG GAME ANIMALS

The majority of big game animals harvested by residents (both urban and rural) is taken to provide meat for Alaskan dinner tables or for other personal or familial consumptive uses. The majority of big game animals harvested by non-residents is taken to obtain a big game trophy. If a big game population is sufficient in size to sustain a harvest by both residents and non-residents without jeopardizing either the sustained yield of the population to obtain food or for other personal or familial consumptive uses, the the Alaska Board of Game should, and indeed does, adopt hunting regulations which authorize both resident and non-residents hunting. But if hunting must be restricted, then logic and sound public policy require that trophy hunting by nonresidents be curtailed by the Board before hunting opportunities by residents are restricted.

Last year the Alaska legislature adopted this policy when it established a resident hunting priority (codified AS 16.05.256) which authorizes, but does not require, the Alaska Board of Game to implement the resident hunting priority in situations in which the Board in its discretion determines that implementation of the priority is appropriate.

SB 5 amends AS 16.05.256 to establish the resident hunting priority as a mandatory, rather than discretionary, state policy. This change is consistent with section 2 of Article VIII of the Alaska Constitution which requires the Alaska legislature (rather than the Alaska Board of Game) to establish state policy for the utilization of big game animals "for the maximum benefit of the people". After the legislature has established state policy for utilization of big game animals, the Board is then responsible for implementing the policy on a case-by-case basis based upon the biological status of, and hunting pressures on, particular big game populations.

SB 5 also includes a series of findings detailing the reasons the legislature established the resident hunting priority. The findings explain to the resident and non-resident public why the resident hunting priority has been established. The findings are also important should the courts ever be requested to review the constitutionality of the legislature's authority to differentiate between resident and non-resident hunting.

Lastly, it should be emphasized that SB 5 does not unnecessarily or arbitrarily restrict or eliminate non-resident hunting. As long as resident and non-resident hunting of a big game population can be authorized without jeopardizing sustained yield, SB 5 does not require, and fundamental principles of Alaska constitutional and administrative law in fact prohibit, the Alaska Board of Game to restrict or eliminate non-resident hunting. Rather, SB 5 merely requires the Board to

Resident and Nonresident Hunters' Success:

Alaska Statewide
1981-1982 Season

Species	Resident Harvest				Nonresident Harvest				Residency Unknown; Unsuc- cessful	Total Hunters	Total Harvest		
	Percentage of Harvest of Species	Successful Hunter		Unsuccessful Hunter		Percentage of Harvest of Species	Successful Hunter					Unsucces- ful Hunter	
		#	%	#	%		#	%					#
Sheep	67%	<u>561</u>	35%	<u>1,032</u>	65%	33%	<u>278</u>	79%	<u>76</u>	22%	<u>33</u>	2,348*	1,041*
Grizzly Bear	46%	371	9%	4,007	91%	54%	436	44%	551	56%	--	5,365	807
Caribou	91%	<u>1,886</u>	77%	575	23%	9%	<u>1,398</u>	96%	65	4%	<u>29</u>	<u>3,952</u>	14,813**
Moose	88%	<u>4,669</u>	24%	<u>14,492</u>	76%	12%	<u>680</u>	61%	<u>434</u>	39%	<u>434</u>	23,550*	6,000*

561
278

839
812

Source: Alaska Department of Fish and Game, Division of Game, 1/31/83.

Note: underlined numbers do not include hunters awarded permits through lotteries.

*Includes hunters who drew permits in lotteries. The Department of Fish and Game is not readily able to separate such hunters by residency status, but staff there have estimated that the proportion of nonresidents among hunters who draw their permits in lotteries is about the same as among other hunters for each species.

**This figure includes an estimated 10,919 unreported caribou kills, and some 500 caribou taken through drawings. In addition, the figure includes more caribou than hunters, because many hunters take more than one caribou with a single permit.

H B

86

INITIAL ANALYSIS

HB 86 "An Act Relating to the Use of Teleconferencing Facilities at Drawings for State Land; and Providing for an Effective Date."

Section 1 makes several technical and wording changes to AS 38.05.057(a), (Disposal of Land by Lottery), and then adds a new sentence making it possible for a person connected by teleconference facilities to the sale location to be present for the purposes of this subsection.

Section 2 adds a new subsection to AS 38.05.057 to require all lottery sales to be conducted by teleconference, using as many teleconference sites as practicable.

Section 3 provides an immediate effective date.

REQUEST

Bill/Resolution No.: HB 86
Title: Teleconference for Land Disposal
Sponsor: Bettisworth
Requestor:

II. FISCAL DETAIL

Agency Affected: Land & Water Mgmt.
Program Category Affected: Land Disposal
BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		44.1	46.7	49.5		
CAPITAL						
REVENUE		29.0	29.0	29.0		

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank G. Mielke
Division: Land and Water Management

Phone: 265-4347
Date: 4/12/83

Approved by Commissioner: Maurice Alloran
Department: NATURAL RESOURCES

Date: 4/13/83

Distribution:

Original to Legislative Finance
Copy to Office of Management and Budget (for Legislature introduced bills)
Copy to Department (for Governor introduced bills)

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - Division of Land and Water Management

TO: Sharon Barton
Special Assistant

DATE: April 13, 1983

THRU: Tom Hawkins
Director

FILE NO: 160.0

TELEPHONE NO: 276-4350

FROM: Frank Mielke *FMM*
Chief, Land Management

SUBJECT: Bill 832, HB 86

Since the bill gives little indication of the extent to which teleconferencing (except section 2, which says sale will be conducted by teleconferencing "...using the practicable number of teleconferencing sites."), certain assumptions are made to estimate fiscal impact:

1. that teleconferencing be limited to the twenty areas where the Legislative Affairs Agency has dedicated circuits and information offices (Anchorage, Barrow, Bethel, Delta, Dillingham, Fairbanks, Juneau, Soldotna, Ketchikan, Kodiak, Kotzebue, Wasilla, Nome, Petersburg, Sitka, and Valdez — Washington, D.C. is not considered here). There are an additional twenty-four sites (such as Ambler, Ektovik, Shishmaref and Uialaska) which have facilities and a system available by the Department of Education that can reach 200 communities;
2. that DNR would staff seventeen of these centers (the locations of the lottery would not need to be staffed) to receipt money, handle necessary paperwork and verify presence);
3. air travel would be required to Barrow, Bethel, Dillingham, Kodiak, Nome, Kotzebue, Petersburg, Sitka and Valdez. Surface transportation would be required for travel to Delta. DNR offices are located in all other teleconference locations;
4. costs quoted over the phone by LAA are \$25/hour per site;
5. lotteries must be staffed at 17 locations, with two staff members (money is to be taken in and paperwork completed) at a minimum, and four to six staff members in locations where there are many applicants present. For the purposes of this analysis, the average of three staff members will be present;
6. additional manpower need will be for 102 man-days (17 locations x 3 staff members x 2 lotteries per year). There will still have to be full staffing at the lottery location.

Based on the above assumptions, the proposed bill would have the following fiscal impact:

- | | |
|--|--------|
| A. Personal Services
(102 man-days, at grade 162,
CGU-ANC @ \$155/day) | 15,810 |
| B. Contractual | 0 |

C.	Travel	24,732
	(to Barrow, Bethel, Dillingham, Kodiak, Nome, Kotzebue, Petersburg, Sitka and Valdez by air; Delta by car for 3 staff members, twice per year)	
	Barrow	($\$343 \times 3 \times 2$) 2,085
	Bethel	($\$315 \times 3 \times 2$) 1,890
	Dillingham	($\$256 \times 3 \times 2$) 1,636
	Kodiak	($\$205 \times 3 \times 2$) 1,230
	Nome	($\$406 \times 3 \times 2$) 2,436
	Kotzebue	($\$406 \times 3 \times 2$) 2,436
	Petersburg	($\$145 \times 3 \times 2$) 876
	Sitka	($\$117 \times 3 \times 2$) 702
	Valdez	($\$143 \times 3 \times 2$) 858
		<u>16,572</u>
	Per Diem - 102 days @ \$80/day	8,160
		<u>\$24,732</u>
D.	Contractual	3,570
	(\$15/site bridge costs x 17 sites x 2/year	510
	\$30/hour/site x 17 site x 2 times/year x 3 hours)	3,060
E.	Commodities	0
	TOTAL	<u>\$44,112</u>

PCY:kmb

The 1979 amendment substituted "AS 38.05.057, 38.05.315(d), and AS 38.08, the sale of state land" for "AS 38.05.057 and 38.05.315(d), the sale" in the first sentence.

The 1981 amendment substituted "unless another method of sale is required under AS 38.05.005 — 38.05.370, under AS 38.07.010 — 38.07.060, or under" for "except as provided in AS 38.05.057, 38.05.315(d), and" at the beginning of the first sentence, added the present second and third sentences, and substituted "five percent" for "one-tenth" preceding "of the purchase price" and added "or if the purchaser elects to use land discounts granted

under AS 38.05.058, five percent of the amount bid after deduction of that discount" in the fifth sentence. The amendment added "the amount deposited" following "the price bid" and added "amount of any discount allowed" in the sixth sentence, substituted "the" for "terms of sale, which" at the beginning of the seventh sentence and deleted the former eighth sentence which read "A contract of sale on a form approved by the attorney general shall be signed by the purchaser and, after approval of the commissioner, the contract shall also be signed by the director on behalf of the state."

NOTES TO DECISIONS

Cited in *State v. University of Alaska*,
Sup. Ct. Op. No. 2303 (File No. 4579), 624
P.2d 807 (1981).

Sec. 38.05.057. Disposal of land by lottery. (a) The commissioner may dispose of land, including land limited to use for agricultural purposes, by lottery. The purchase price of land sold by lottery shall be the fair market value of the land as determined by the commissioner. The commissioner may sell land by lottery for less than the fair market value of the land if he determines that scarcity of land for private use in the area of the land to be sold has resulted in unrealistic land values. Before the commissioner determines the purchase price for land which is located in a municipality and which is to be sold under this section, he shall consult with the assessor of the municipality. The lottery shall be conducted in public by the commissioner or his representative. An applicant may not be selected to purchase land unless he is present on the date and at the place that the lottery is conducted unless medical reasons, attendance at school, or military service outside the state prevent attendance. An applicant may be represented by an agent on the day of the lottery if the land offered for sale is commercial, industrial, or agricultural land. On the day of the lottery a purchaser selected by lot shall deposit an amount equal to five percent of the purchase price, or if the purchaser elects to use land discounts granted under AS 38.05.058, five percent of the purchase price after deduction of the discount.

(b) To qualify to participate in a lottery under (a) of this section, a potential purchaser shall

- (1) at the time of application have attained the age of 18;
- (2) submit proof, as required by regulation, that he has been a resident of the state for not less than one year immediately preceding the date his application was submitted; and
- (3) certify that he has not purchased land at a sale by lottery in the state within eight years immediately preceding the sale date.

(c) The commissioner may adopt regulations under the Administrative Procedure Act (AS 44.62.010 — 44.62.650) which specify qualifications for lottery participants different from those specified in (b) of this section if

(1) an interest in land limited to agricultural purposes is to be sold under (a) of this section;

(2) the sale is a part of a program to develop agricultural land as a renewable resource of the state; and

(3) the regulations include residency, skill, experience, and financial requirements necessary to qualify persons who are competent and financially able to develop the land as a successful agricultural enterprise.

(d) To apply for participation in a lottery under this section an applicant shall

(1) certify that he is qualified under the applicable provisions of this section; and

(2) pay a nonrefundable application fee of not more than \$25 for each application.

(e) The director shall accept applications to purchase particular parcels under the following procedures and conditions:

(1) the application period may not be less than 45 days;

(2) no application may be accepted less than 15 days before each lottery;

(3) notice of the application period and the date of the lottery shall be given in accordance with AS 38.05.345(e); and

(4) the application shall be made on a form provided by the department.

(f) If only one application for a parcel is received, the commissioner shall offer the parcel to the applicant who applied for the parcel if the applicant is qualified to participate in the lottery. If more than one application is received for a parcel, or if more applications are received for the right to select a remote parcel offered under AS 38.05.077 than the number of remote parcels authorized, the commissioner shall select the applicant who is entitled to receive a conveyance of the land by lottery. If the commissioner does not receive an application for a parcel of state land or if a purchaser fails to sign a lease agreement or contract of sale, the parcel shall be offered to the first eligible person to apply for the parcel. If the parcel was designated as a homesite and offered to the public under AS 38.05.047(f), the parcel shall be disposed of under the terms required by AS 38.08.010 — 38.08.120.

(g) After receiving the deposit required under (a) of this section, the director or his representative shall immediately issue a receipt containing a description of the land or property to be conveyed, the price of the land, and the terms of disposal. The receipt shall be acknowledged in writing by the purchaser. A contract of sale shall be executed in the same form and manner as required under AS 38.05.055.

(h) An aggrieved lottery participant may appeal to the commissioner within five days after the lottery is conducted for a review of the lottery procedures.

(i) The director may include in contracts for sale of land under this section terms which

(1) require purchasers to use or occupy, or both, the land purchased for a reasonable period of time after a sale;

(2) prohibit the resale of land purchased by the initial purchaser until the requirements imposed under (1) of this subsection, if any, are satisfied.

(j) The commissioner may require a participant in a lottery under this section for the sale of land that is part of an agricultural development project under AS 44.33.475 to submit a single application for that land. Immediately following the drawing of an applicant's name in the lottery, the applicant shall be given an opportunity to select for purchase one parcel of the land that is offered in the lottery. The names of alternate applicants shall be drawn after all parcels have been selected. If the applicant who originally selected a parcel unequivocally rejects the offer to purchase the parcel or fails to sign the contract of sale within the period of time specified by the commissioner, the parcel shall be offered for sale to alternate applicants in the order in which their names were drawn. (§ 4 ch 176 SLA 1978; am §§ 15 — 22 ch 85 SLA 1979; am § 16 ch 113 SLA 1981; am § 2 ch 129 SLA 1982)

NEW SECTION →
↑

Revisor's notes. — In subsection (a), in the present fifth sentence, a period was added following "representative" and in the present sixth sentence, the word "and" was deleted preceding "an applicant" by the revisor of statutes under AS 01.05.031.

Effect of amendments. — The 1979 amendment, in subsection (a), substituted "commissioner may dispose of land" for "director may sell land" in the first sentence, substituted the language beginning "shall be the fair market value" for "may not be less than the fair market value of that land unless the sale is conducted under the provisions of AS 38.05.035(b)(4)" at the end of the second sentence, added the present third and fourth sentences, and in the former fifth sentence, substituted "commissioner" for "director," inserted "signing a contract of," deleted "with the person conducting the lottery" following "shall deposit," and added the language beginning "or if the purchaser elects" to the end. The amendment also substituted "qualify to participate in a lottery" for "purchase land by lottery" in the introductory language of subsection (b), substituted "one year" for "three years" in paragraph (2) of subsec-

tion (b), substituted "lottery participants" for "potential purchasers" in the introductory language of subsection (c), substituted "25" for "10" in paragraph (2) of subsection (d), substituted "45 days" for "10 days" in paragraph (1) of subsection (e), substituted "AS 38.05.345(e)" for "AS 38.05.345(b)" in paragraph (3) of subsection (e), rewrote subsection (f), and substituted "to be conveyed" for "purchased" and "disposal" for "sale" in the first sentence of subsection (g).

The 1981 amendment deleted "but may not be less than \$400 per acre, or, if the land is limited to use for agricultural purposes, the purchase price may not be less than \$100 per acre" at the end of the second sentence of subsection (a). In subsection (a), the amendment also added the present sixth and seventh sentences and, in the present eighth sentence, substituted "on" for "and at," substituted "day of the lottery" for "time of signing a contract of sale," deleted "discount" preceding "purchase price" and added "after deduction of the discount" following "purchase price."

The 1982 amendment, effective June 25, 1982, added subsection (j).

TO Sharon Barton,
Special Assistant
Commissioner's Office

DATE February 23, 1983

FILE NO. 610.1

TELEPHONE NO 265-4343

FROM J. B. Willis, Head
Land Disposal Unit

SUBJECT Per Request of 2/22/83;
Acreages Sold

BIX

Betterment meeting #6

1. As you know, we have limited computer capability in the Land Disposal Program and have been unsuccessful in getting money to provide the data your office repeatedly requests about the program. Our best guesses are as follows:

a. Statehood through 1977:

<u>Calendar Year</u>	<u>Acres</u>
1960	466
1961	24,011
1962	8,563
1963	5,868
1964	28,628
1965	6,728
1966	2,894
1967	1,699
1968	1,136
1969	2,701
1970	8,001
1971	1,113
1972	5,359
1973	3,643
1974	4,875
1975	1,630
1976	48
1977	52
	<u>106,415</u> Acres sold

b. 1978 - Present:

- Sold approximately 210,000 acres
- 47% major agricultural
- 25% small agricultural
- 17% subdivision
- 11% remote parcels

February 23, 1983.

c. Therefore, we have sold approximately 316,000 acres since statehood, of which approximately one-half has been limited fee agricultural rights. 316,000 acres represents:

- (1) .086% (86/1000 of 1%) of the land in Alaska
- (2) .3% (3/10 of 1%) of the state entitlement

2. There are no statistics as to the location of the lands disposed. That would be extremely costly to develop.

3. Quotas established by statute (by fiscal year):

- 1979 - 30,000
- 1980 - 100,000
- 1981 - 100,000
- 1982 - none (but funded for 100,000)
- 1983 - none

4. AS 38.04.020(g) requires that at least 10% of subdivisions be sold by homesites-by length of residency and at least an additional 10% are homesites by lottery. The Attorney General has ruled that the homesite by residency program is unconstitutional. Therefore, we have been offering 20% of our subdivisions as homesites by lottery. We would like to reduce this percentage, as many of our projects are recreational in nature and not suitable for full-time living.

5. The use of teleconferences for the presence requirement at lotteries would defeat the purpose for that requirement, granting a local preference. It would also be a nightmare to administer, and generate many more complaints than the present system (power failures, transmission problems, identification problems, lack of facilities, etc.). We would suggest in the alternative that we should do away with local lotteries. (They are very expensive for the state) and go back to the old system of two lotteries a year in Anchorage with no attendance requirement. *This does not address a preference for local residents - perhaps, the legislature has recommendations on this issue.*

9/22/82

Dear Honorable Bettisworth

I am very displeased with a particular aspect of the State Lottery system. I do not think that one should have to be present at the drawing in the area in order to obtain a parcel. It makes it an extremely costly gamble. I live in Fairbanks and am interested in land in Southeast Alaska. I object having to spend additional money and time just to be at the drawing (or have someone be there for me) just for the chance that I might win the lottery for that parcel. If I don't win, I have spent a lot of money and time for nothing. It is enough of a cost for me to get down to the land in order to determine what land is worth buying.

Alternative:

There should be one centralized drawing in Juneau for all parcels in the State televised over the teleconference network. This would allow me to be present without excessive expense. (If my presence is absolutely necessary.)

Sincerely,
Carol Meares
Ester, AK
091725

PO Box 24

FROM: ANNIE IN FAIRBANKS
TARGET: LJHL SUBJ: POM

ORIG: LF02 IN= 0005 OUT= 0039
TO: JUNEAU INFO.

TO: REPRESENTATIVES DAVIS, ~~BETTISWORTH~~, RINGSTAD, KOPONEN, SHULTZ, MILLER,
SENATORS BENNETT, FAHRENKAMP, NOSS

FROM: DAVE RASLEY, 819 FIRST AVE., FAIRBANKS 99701 452-8131
DON ILGENFRITZ, SAME ADDRESS
L. D. CORKRAN, SAME ADDRESS

RE: H.B. 86

WE RESPECTFULLY REQUEST THAT YOU SUPPORT HOUSE BILL 86 PERTAINING TO THE USE
OF THE TELECONFERENCE SYSTEM IN THE LAND DISPOSAL PROGRAM.

83-00014919 PRTY 1 03/11/83 18:08:36 ORIG: LF02 IN= 0005 OUT= 0114
TO: GAIL/FBX TO: JNU INFO
SUBJ: LJHL SUBJ: POM

41: FBX 3/11/83

INTERIOR DELEGATION: REP'S DAVIS, BETTISWORTH, RINGSTAD, KOPONEN
SEN'S BENNETT, FAHRENKAMP

EDWARD BUSH, BOX 352, FBX 99707 PH 452-4196 (H), 452-7158 (W)

STATE LAND LOTTERY

THE REQUIREMENT TO ATTEND A LAND LOTTERY DRAWING IN PERSON PLACES
SHIPS AND UNNECESSARY EXPENSE ON THE INDIVIDUAL FOR THE PRIVILEGE OF
ERING. THE \$15.00 ENTRY FEE ALSO SEEMS EXCESSIVE.

-----EOM

83-00001390 PRTY 1 03/17/83 13:28:30 ORIG: LF01 IN= 0007 OUT= 0065
ANNIE IN FAIRBANKS TO: JUNEAU INFO.
SUBJ: LJHL SUBJ: POM

REPRESENTATIVE BETTISWORTH

DIRK TORDOFF, P.O. BOX 60605, FAIRBANKS 99706 HOME 456-9216

H886

FOR YOUR EFFORTS ON HB86. I FEEL IT CAN IMPROVE AN ALREADY GOOD
I WOULD APPRECIATE YOUR CONTINUED EFFORTS ON BEHALF OF HB86

To: Rep. Bettisworth
From: Dave Douley (4907)

RE: Land Disposal Lottery Procedure

At present a citizen who wished to obtain land under the state disposal program must file for each parcel he or she is interested in separately and pay a filing fee for each (even though an individual may only buy one parcel).

Suggestion

Conduct lottery including all individuals interested in any land ~~that~~ available in a particular state offering (I.E. all state land offered at that particular time ~~in~~ in a particular region).

Persons receiving highest numbers would then get to choose parcel desired from total offering in order of lottery number.

Advantages

Persons with lower numbers would not need attend selection meetings held at regional court house - those with higher numbers could be reasonably certain to obtain a desirable selection.

This process would preserve ~~the~~ advantage to local persons (even with low number could attend selection meeting with hope of obtaining parcel) while reducing burden on urban citizens (reduction of unnecessary travel).

Additionally would reduce administrative costs and cost to citizens as only ONE filing fee would be necessary ~~for each regional lottery~~ each regional lottery.

The Resources Committee Substitute makes the following changes:

Pg. 1
lines 13-14

- 1) The commissioner need no longer hold lottery sales in the local of the land being offered.

Pg. 2
lines 5-6

- 2) A person need not be present at the lottery to qualify as a winner.

Pg. 2
lines 10-12

- 3) The commissioner must notify lottery winners by certified mail within 10 days of the drawing.

Pg. 2
lines 13-17

- 4) The lottery winner has 40 days from the drawing to place his or her down payment with the commissioner.

Pg. 2
lines 19-20

- 5) The legislative teleconference network (41 sites statewide) will be used to conduct the lottery.

H B

94

TESTIMONY ON HB 94
HOUSE RESOURCES COMMITTEE

March 11, 1983

Presented by Gregory F. Cook
Faulkner, Banfield, Doogan & Holmes
P.O. Box 1150
Juneau, Alaska 99802
(907) 586-2210

HB 94 seeks to amend existing law relating to seizure and forfeiture of items used in fish and game violations. The bill is a good start, but in my opinion, it needs significant amendments before it should be adopted.

Seizure and forfeiture of equipment used to commit violations of fish and game laws are critical enforcement tools. These tools are needed to conserve fishery and wildlife resources. At the same time, however, it is important for the State to recognize the rights of innocent owners. The bill as it now stands does not recognize these basic, constitutional rights known generally as "due process" requirements.

The Alaska Supreme Court and the United States Supreme Court have each addressed the need to protect the rights of innocent (and non-negligent) owners of property used by a "third person" for the commission of a crime. All persons must be presumed innocent until proven guilty. A seizure of nets, a vessel, or an airplane occurs before a trial showing guilt or


innocence. Due process of law guarantees the following rights to everybody whose equipment is seized under AS 16.05.190:

- (1) judicial review of specific facts supporting the seizure before the seizure happens;
- (2) reasonable notice to the owner that a seizure has occurred;
- (3) the right of the owner to a prompt, meaningful, post-seizure judicial hearing;
- (4) the right to petition for "remission" or "mitigation" of the seizure;
- (5) the opportunity to post a bond and secure release of the item seized.

Seizures and forfeitures are complex areas of law. Drafting a bill that meets the requirements of the Alaska Constitution and the United States Constitution will require significant additional drafting work. I respectfully call the attention of the Resources Committee members to this fact, and suggest that the Judiciary Committee could be the proper forum to make those corrective amendments. I stand ready to assist both committees, and legislative counsel in this matter.

Thank you for your time and attention.

Respectfully submitted,


Gregory F. Cook
March 10, 1983

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 94 (RES) Date on Bill: 2-8-83
 Title: "An Act relating to the seizure of items used in or in aid of fish and game violations."
 Sponsor: Representative Bettisworth
 Requestor: Legislative Budget Review Committee

RECEIVED
 3-4-83

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86	
Capital							
Operative			-	173.9	188.6	199.9	
Total							

b. Revenues:

Revenue							
---------	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

No information provided

3. ASSUMPTIONS: This bill would have a significant negative impact upon the Department of Law's efforts to prosecute violations of the state fish and game laws. It allows seizure of items used in violations of the law only if the seizure is necessary to preserve items of evidence. A defendant who disagrees with this judgment on the officer's part may be expected to sue to regain possession, and this would have to be litigated. The bill would require the commitment of additional attorney time to attend the hearings which must be held within seven days after charges are filed in order to extend a seizure. All items, even those which are clearly evidentiary in nature, must be returned to the defendant unless the department obtains a court order allowing the police to keep it. This is a change in criminal procedure which is not found in any other area of criminal law; it would significantly impair our ability to prosecute these cases. In situations where there were multiple defendants, one defendant could request and obtain the return of his property, the other defendants could move to dismiss their charges because the state had not retained possession of the evidence.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Daniel W. Hickey, Chief Prosecutor

Phone: 465-3428

Division: Department of Law/ Criminal Division

Date: 3-3-83

Approved by Commissioner: Richard L. Bono / Lee / Norman C. Gorsuch, Attorney General

Date: 3/3/83

Department: Department of Law

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

H.R.
RECEIVED

FEB 7 1983

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 94 LEGISLATIVE FINANCE
 Title An Act relating to the seizure of items used in or in aid of F & G violations.
 Requested by House Resources Committee Date 1/31/83

II. FISCAL DETAIL
 Agency Affected Department of Fish and Game
 Program Category Affected Natural Resources Management & Environmental Conservation
 BRU, Program, Or Subprogram(s) Affected Commercial Fisheries, Game & Sport Fish
 (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 SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE January 31, 1983 PREPARED BY Beverly D. Reaume
 AGENCY Department of Fish and Game
 PHONE 465-4120
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/82)
 OMB Reviewed by: Eric Laschever

CSHB 94 ANALYSIS

Section 1

Authorizes the seizure of items discovered under a valid search if the person making the search determines that the items in question should be held as evidence of a fish and game violation. Parts of fish or game nests or eggs of birds taken, transported, or possessed may also be seized.

Disposal of fish and game, or their parts that have been seized, is left up to the court if the person they have been seized from is convicted. If the court sees fit to sell the fish and game used as evidence proceeds shall, by way of the proper state officer, be deposited in the general fund.

Items seized having an individual value of \$2500 or more cannot be held beyond 7 days after charges are filed in court for the associated violation, unless an extension is approved by court order for cause shown.

Policy Question

Should citizens who have had items valued at \$2500 or more seized in an alleged fish and game violation be afforded the opportunity to have the court ascertain within 7 days after charges are filed whether or not the items seized should be held as evidence in the case.

Possible Considerations

- 1) Remedies that are now available without this proposed change in law.
- 2) Costs of implementing this law
- 3) Costs to citizens under present system, should they be found innocent

MAR 4 1983

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 94 Date on Bill: 1 - 20 - 83
Title: An Act relating to the seizure of items used in or in aid of F & G violations
Sponsor: Rep. Bettisworth
Requestor: House Resources

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Source of funds not identified by sponsor

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Col. R.J. Stickles Phone: 269-5532
Division: Fish & Wildlife Protection Date: 3-2-83

Approved by Commissioner: [Signature] Date: 3-3-83
Department: [Signature] Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA
FISCAL NOTE

Revision Date Mar. 11, 1983

I. REQUEST

Bill/Resolution No.: CS HB 94
 Title: "Seizure of items..F & G violations"
 Sponsor: Representative Bettisworth
 Requestor: House Resources Committee

II. FISCAL DETAIL

Agency Affected: FISH AND GAME
 Program Category Affected: NRMEC
 BRU, Program of Subprogram(s) Affected:
Commercial Fisheries, Game & Sport Fish

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Beverly Reaume *Beverly Reaume* Phone: 465-4120
 Division: Administration Date: 03/11/83
 Approved by Commissioner: Don W. Collinsworth *Don W. Collinsworth* Date: 3-11-83
 Department: Fish and Game

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83



Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

MAR 2 - 1983

February 28, 1983

Representative Dick Shultz
Co-Chairman, Natural Resources Committee
Pouch V
Juneau, AK 99811

Dear Representative Shultz:

The Alaska Sportfishing Association urgently requests your support in denying confirmation to Governor Sheffield's appointees to the Board of Fisheries until such time as two, true sportfishing representatives are appointed to the board. Please keep in mind that the Board of Fisheries meets on March 21, 1983, whether these appointees are confirmed or not. Sportfishing and tourism for 1983 and beyond will be affected by their decisions.

The appointments to the Board of Fisheries by Governor Sheffield has triggered a highly indignant response by sportfishing enthusiasts throughout Alaska. The lobbying and pressures brought by commercial-fishing interests have decreased the representation to this critical body from three to what we now consider to be effectively zero.

The Board of Fisheries has the power to allocate fish above escapement requirements to the various fishing interests. We feel that the appointments, as they currently exist, are an absolute insult to the 100,000 licensed sportfishermen in the Anchorage-bowl, and a serious threat to sportfishing interests from the Matanuska Valley to Homer. The five sportfishing associations in the Anchorage area asked for an appointment with Governor Sheffield while he was here. He did not even grant time to listen to our grievance.

We do not contend that the appointees are not highly respected and qualified people. We simply insist on true sportfishermen being placed on the Board of Fisheries to represent sportfishing and the highly valuable tourist industry when allocating fish resources.

We do question the ability of Mr. Paul Weller, the only appointee with sportfishing inclinations, to fairly represent the sportfishing side. The last time a sportfishing representative was chosen from the Kenai-Soldotna area (Dr. Fair), who truly represented the sportfishermen and acted on their behalf, was forced to resign after receiving threatening phone calls, attempted boycott of his business, chiding to his children at school, and malicious acts to his private property. Mr. Weller is backed by Lottie Ettelman, a long-time, setnet-fishing operator and commercial-fishing activist (in addition to being a top democrat in that area). In fairness to Mr. Weller, he was considerate enough to attend our general membership meeting on February 8, 1983, which displayed some interest in representing our cause, though there was a feeling he lacked knowledge of fishing issues (after four years of representation on the Kenai-Soldotna Advisory Committee).

Representative Dick Shultz
February 28, 1983
Page 2

In my earlier letter to Governor Sheffield before the appointments were made, we recommended Mr. William E. Moulton, Jr., and Ms. Toni Salmeier as two superbly-qualified individuals who have been highly involved in both the sportsfishing and tourist industry. Mr. Moulton is also a Fish and Wildlife graduate.

Additionally, your support in the speedy passage of House Bill 63 is requested. This bill would establish sportsfishing on an equal basis with subsistence fishing and would at least minimize the devisiveness of the priority subsistence issue.

These and many other actions are drawing keen interest by sportsfishers throughout Alaska. I assure you that we intend to track actions taken and to keep the public aware of the responsiveness of their legislators.

Sincerely,



Robert L. Hunter, President
Alaska Sportsfishing Association

STATE OF ALASKA
FINAL* STATEMENT OF FISCAL IMPACT

Bill No: CSHB 94 Date on Bill: 2/8/83
 Title: Seizure of items used in or in aid of fish and game violations
 Sponsor: Bettisworth and Grussendorf
 Requestor: House Resources Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		-
Capital								
Operating								
Total			-0-	-0-	-0-	-0-		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

*This statement has been reviewed by the OMB in the Office of the Governor.

Prepared By: Richard P. Barrier *[Signature]* Phone: 264-0545
 Division: Alaska Court System Date: 3/8/83

Approved by Commissioner: _____ Date: _____
 Department: _____

Reviewed by OMB: _____ Date: _____
 Phone: _____

5. Distribution:

- Original to Legislative Finance
- Copy to Department
- Copy to Sponsor
- Copy to Requestor

2/24/83

conducting the search for property which is taken as a result of the search. The enumeration of specific things does not limit the meaning of words of a general nature. (§ 22 art I ch 94 SLA 1959)

This section is constitutional. 1959 Op. Att'y Gen., No. 15.

This section is tailored carefully to art. I, § 14, of the Alaska Constitution and is therefore valid. 1959 Op. Att'y Gen., No. 15.

There is no constitutional requirement that all searches be with warrant. 1961 Op. Att'y Gen., No. 19.

And reasonable searches may be made without warrant. 1961 Op. Att'y Gen., No. 19.

"Reasonable search". — A reasonable search is one made (a) upon probable cause that fruits of a crime or evidence relating to the crime will be found; (b) under circumstances which would make the securing of a warrant impracticable. 1961 Op. Att'y Gen., No. 19.

The mere observation of items which are in plain view or which are open and apparent, is not a search. Consequently, evidence based on such observations is admissible so long as the observing officer was legally in the position where the observations were made. *Klockenbrink v. State*, Sup. Ct. Op. No. 631 (File No. 1149), 472 P.2d-958 (1970).

A search may be made pursuant to a valid arrest, providing that the arrest is made prior to the search. 1961 Op. Att'y Gen., No. 19.

Requirement of written signed statement objectionable but valid. — The amendment requiring a written signed statement of the reason for the search is objectionable but valid. It is objectionable because it unnecessarily ties the hands of the field agents charged with enforcement of the fish and game laws, and is a provision which is quite uncommon, if not unique. 1959 Op. Att'y Gen., No. 15.

Sec. 16.05.190. Seizure without warrant and confiscation by court. Guns, traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other paraphernalia used in or in aid of a violation of this chapter, or rule or regulation of the department may be seized under a valid search, and all fish and game, or parts of fish and game, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this chapter, or rule or regulation of the department shall be seized by any person designated in § 150 of this chapter. Upon conviction of the offender or upon judgment of the court having jurisdiction that the item was taken, transported, or possessed in

Such requirement will not validate an invalid search. — The statutory requirement that fish and game agents fill out a form stating the objects of search will not make an otherwise invalid search valid. 1961 Op. Att'y Gen., No. 19.

But it may invalidate an otherwise valid search if not complied with. 1961 Op. Att'y Gen., No. 15.

This section requires that notice be given to the person "in control" of crab pots. *Nathanson v. State*, Sup. Ct. Op. No. 1310 (File No. 2541), 554 P.2d 456 (1976).

Failure to notify owner of crab pots was not a violation of this section where officers of the Department of Fish and Game approached the crab pots to conduct a search to check the extent of compliance with a regulation providing that fishermen could place their crab pots in the water up to 72 hours prior to the opening of the season and the owner was not present, attending to his crab pots, since there being no "person in control of the property or object to be searched," the officers were unable to give him the required notice. *Nathanson v. State*, Sup. Ct. Op. No. 1310 (File No. 2541), 554 P.2d 456 (1976).

Notice required for search of vessel, building, etc. — The considerations leading to the conclusion that no notice was required for a search of crab pots would not apply to the search of a vessel, building or other effects in which the owner would have a reasonable expectation of privacy. *Nathanson v. State*, Sup. Ct. Op. No. 1310 (File No. 2541), 554 P.2d 456 (1976).

Area of vessel open to search. — In the case of a vessel, the limits of the area open to search probably include the entire vessel. 1961 Op. Att'y Gen., No. 19.

violation of th and game, or disposed of as be transmitted Guns, traps, n and other par: rule or regula court, shall b the fine, if an

A seizure is a under the provisio v. State, Sup. Ct. 391 P.2d 946 (196

Forfeiture act In case of forfeitu acts upon the th interest of all the actually appears the title of the changed, and the forfeiture travel: future progres Pollastrine, 8 Al

It divests titles necessarily dive: whether of title (the thing forfeite it should not e: lienholder equall It binds the int United States v. (1929).

Section d mandatory and — This section mandatory forfe game, birds) discretionary fo (guns, traps, a State, Sup. Ct. O 545 P.2d 629 (19

Not between c proceedings. — legislature sou contraband and mandatory and not between re forfeiture proce Sup. Ct. Op. No P.2d 629 (1976).

Sec. 16.05. fishing gear, paraphernalii regulation pr

violation of this chapter or rule or regulation of the department, all fish and game, or parts of them are forfeited to the state and shall be disposed of as directed by the court. If sold, the proceeds of the sale shall be transmitted to the proper state officer for deposit in the general fund. Guns, traps, nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and other paraphernalia seized under the provisions of this chapter, or rule or regulation of the department, unless forfeited by order of the court, shall be returned, after completion of the case and payment of the fine, if any. (§ 23 art I ch 94 SLA 1959)

A seizure is a prerequisite to forfeiture under the provisions of this section. *Rubino v. State*, Sup. Ct. Op. No. 215 (File No. 395), 391 P.2d 946 (1964).

Forfeiture acts upon the thing itself. — In case of forfeiture, the decree of the court acts upon the thing itself and binds the interest of all the world, whether any party actually appears or not. If it is condemned, the title of the property is completely changed, and the new title acquired by the forfeiture travels with the thing in all its future progress. *United States v. Pollastrine*, 8 Alas. 104 (1929).

It divests titles and liens. — A forfeiture necessarily divests every existing right, whether of title or lien or other interest, in the thing forfeited. There is no reason why it should not extinguish the right of a lienholder equally with that of the owner. It binds the interests of all the world. *United States v. Pollastrine*, 8 Alas. 104 (1929).

Section distinguishes between mandatory and discretionary forfeiture. — This section distinguishes between mandatory forfeiture of contraband (fish, game, birds) upon conviction, and discretionary forfeiture of paraphernalia (guns, traps, aircraft, etc.). *Graybill v. State*, Sup. Ct. Op. No. 1234 (File No. 2386), 545 P.2d 629 (1976).

Not between criminal or civil forfeiture proceedings. — The distinction which the legislature sought to draw between contraband and paraphernalia is between mandatory and discretionary forfeiture, not between requiring criminal or civil forfeiture proceedings. *Graybill v. State*, Sup. Ct. Op. No. 1234 (File No. 2386), 545 P.2d 629 (1976).

Sec. 16.05.195. Forfeiture of equipment. (a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds, and other paraphernalia or gear used in or in aid of a violation of this title, or regulation promulgated under this title, and all fish and game or parts

Forfeitures, even when civil in form, are basically criminal in nature. *Graybill v. State*, Sup. Ct. Op. No. 1234 (File No. 2386), 545 P.2d 629 (1976).

"Order of the court" may refer to orders rendered following criminal conviction. — Since the "case" and "fine" referred to in this section concern criminal proceedings, it is reasonable to interpret an "order of the court" as likewise referring to orders rendered subsequent to a criminal conviction, as well as those following a separate civil action. *Graybill v. State*, Sup. Ct. Op. No. 1234 (File No. 2386), 545 P.2d 629 (1976).

Valid forfeiture where defendant convicted under AS 16.05.920. — Where defendant was convicted under AS 16.05.920, which makes certain acts unlawful, in order to effect a valid forfeiture of defendant's aircraft, it was not necessary for the state to institute a separate civil in rem proceeding against the aircraft. *Graybill v. State*, Sup. Ct. Op. No. 1234 (File No. 2386), 545 P.2d 629 (1976).

While forfeiture is a civil remedy unless otherwise provided by statute, this section, as it applied to a defendant who was convicted under AS 16.05.920, did so provide. *Graybill v. State*, Sup. Ct. Op. No. 1234 (File No. 2386), 545 P.2d 629 (1976).

For cases construing seizure and forfeiture under the provision of ACLA 1949, § 39-2-10, see *United States v. One Fish Trap*, 7 Alas. 215 (1924); *United States v. The Pacific*, 7 Alas. (1924); *United States v. One Floating Fish Trap*, 7 Alas. 334 (1925); *The M. & M.*, 8 Alas. 17 (1928).

Cited in *Wacek v. State*, Sup. Ct. Op. No. 1108 (File No. 2166), 530 P.2d 751 (1975).

be enacted to benefit the state. It is desired that the department participate in the federal aid program on the same basis as other states. (§ 20 art I ch 94 SLA 1959)

Sec. 16.05.150. Enforcement authority. The following persons are peace officers of the state and they shall enforce this chapter:

- (1) an employee of the department authorized by the commissioner;
- (2) a police officer in the state;
- (3) any other person authorized by the commissioner. (§ 21 art I ch 94 SLA 1959)

Enforcement of fish and game laws on military reservations. — Where the military does not assign sufficient personnel to enforce fish and game laws on military reservations, state game officials as well might enforce them, possibly by deputizing state game officials as federal marshals, since 10 U.S.C. 2671(c) makes violation of state fish and game laws a federal offense. 1964 Op. Att'y Gen., No. 2.

Since state fish and game laws operate

on a federal military reservation, not only as federal law but also as state law, both the federal and state officers may enforce these laws. 1964 Op. Att'y Gen., No. 2.

State officers should have full access to military reservations in Alaska, subject to safety and military security requirements, to enforce laws and manage and harvest fish and game resources. 1964 Op. Att'y Gen., No. 2.

Sec. 16.05.160. Duty to arrest. Each person designated in § 150 of this chapter shall arrest a person violating this chapter, or any rule or regulation made under this chapter, in his presence or view, and shall take the person immediately for examination or trial before an officer or court of competent jurisdiction. (§ 21 art I ch 94 SLA 1959)

Cited in *Schuster v. State*, Sup. Ct. Op. No. 1305 (File No. 2911), 553 P.2d 925 (1976).

Sec. 16.05.170. Power to execute warrant. Each person designated in § 150 of this chapter may execute a warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and may, with a search warrant, search any place at any time. The judge of a court having jurisdiction may, upon proper oath or affirmation showing probable cause, issue a warrant in all cases. (§ 21 art I ch 94 SLA 1959)

Sec. 16.05.180. Power to search without warrant. Each person designated in § 150 of this chapter may without a warrant search any thing or place if the search is reasonable or is not protected from searches and seizures without warrant within the meaning of § 14, art. I of the state constitution, which specifically enumerates "persons, houses and other property, papers and effects." However, before a search without warrant is made a signed written statement by the person making the search shall be submitted to the person in control of the property or object to be searched, stating the reason the search is being conducted. A written receipt shall be given by the person

AMENDMENT

To: HB 94

By Shultz

Page: 2

Line: 1

After the word after, delete the word seizure and add the language charges for the associated violation are filed with the court unless an extension is approved by the court order for cause shown.

Initial Analysis -- HB 94 "An act relating to the seizure
of items used in or in aid of
fish and game violations."

This bill would help protect the property rights of persons accused of fish and game violations in two areas. First, it would require that the state could not seize the items in the first place, unless the person making the seizure had determined that his actions were necessary to preserve evidence of a violation. Currently this determination is not necessary for the seizure to take place.

Second, the bill would place a 7-day limit on the amount of time the state may hold the confiscated items before they would have to be returned, unless the court grants an extension for cause shown.

Additionally, the bill would clean up current statutes involved in this section by removing the words "or rule" where they appear unnecessarily (four times).

STATE OF ALASKA
FISCAL NOTE

Revision Date Mar. 11, 1983

I. REQUEST

Bill/Resolution No.: CS HB 94
 Title: "Seizure of items..F & G violations"
 Sponsor: Representative Bettisworth
 Requestor: House Resources Committee

II. FISCAL DETAIL

Agency Affected: FISH AND GAME
 Program Category Affected: NRMEC
 BRU, Program of Subprogram(s) Affected:
Commercial Fisheries, Game & Sport Fish

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Beverly Reaume *Beverly Reaume* Phone: 465-4120
 Division: Administration Date: 03/11/83
 Approved by Commissioner: Don W. Collinsworth *Don W. Collinsworth* Date: 3-11-83
 Department: Fish and Game

Distribution:

Original to Legislative Finance
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3/8/83

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

January 21, 1982

Pat Lawler
Administrative Assistant
House Natural Resources Committee
Alaska House of Representatives
Pouch V
Juneau AK 99811

Re: HB 231

Dear Mr. Lawler:

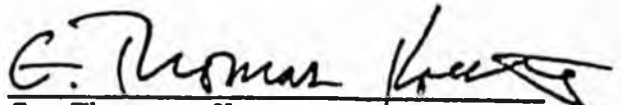
This will confirm our conversation earlier today regarding HB 231, "An Act relating to the the seizure of items used or in aid of fish and game violations."

The Department of Law supports the position expressed by the Department of Public Safety on this bill. In particular, Public Safety's comments regarding the impact of this proposal on the criminal justice system cannot be overstated. Because of the time delays inherent in pursuing fish and game violations in remote areas, and the additional time delays inherent in the criminal justice system, virtually every instance in which an item is seized would require an appearance in court to seek a judicial extension of the seven day period the bill would permit law enforcement officers to hold the item. This, in turn, would divert both field officers and district attorney resources from more substantive pursuits (i.e., the apprehension and prosecution of other criminal violations). In addition, it would further crowd already crowded court calendars.

Summarizing, it is the Department of Law's position that HB 231 would have a severe detrimental impact on the enforcement of the state's fish and game laws. Please communicate our views to the Natural Resources Committee at your convenience. Thank you.

Sincerely,

WILSON L. CONDON

by: 
G. Thomas Koester
Assistant Attorney General



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Public Safety	Sponsor (Principal) Randolph, Abood, Barnes Beirne, Bettisworth, Bvlsma, Fanning, Metcalf, and Montgomery	Bill Number HB 231
Department Position Oppose		
Division Director Colonel Robert J. Stickles	Date 03/10/81	Commissioner <i>[Signature]</i> Commissioner William R. Nix
		Date 03/10/81

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
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SUMMARY

1. a) Related Bills (Similar or Conflicting) None	1. b) Other Agencies Affected by Bill Court System, District Attorney's Office
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill

The position taken on this bill reflects the conclusion that there would be a severe detrimental effect on enforcement of all fish and game laws statewide.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

6. Comments:

- The wording of the first added section on page 1, lines 14, 15, 16 would seem to prohibit the seizure or retention of items used in the commission of a violation, as with a weapon used to take game out of season. The weapon would not be specific evidence of a violation but an instrument used in the commission of it, pointing to the complicity of an individual in the violation. Many times, however, such an instrument of a violation is essential in prosecuting any accused party.
- The wording of the second added section, page 1, line 29, and page 2, line 1, within seven days after the seizure unless an extension is approved by court order for cause shown may lead to several problems.
 - Due to distance from the nearest court and intervening weather much evidence

could not reach a court within seven days nor could the officer(s) involved get to court to present the reasons for a court order.

- b. In the case of an aircraft or vessel seizure a complete inventory is necessary to protect the owner of the equipment and the state, and is no doubt necessary for a court order for retention, but at times an inventory could not be completed in seven days.
 - c. If an item must be returned to the owner because, through communications problems or remoteness of the site no court order has been issued in time, the evidence value of the item is, in many cases, destroyed. This can result in prosecutable violations being dismissed for lack of evidence.
 - d. Requiring the return of the evidence within a seven day period places a burden on the state possibly very difficult to meet. If a Department of Public Safety aircraft or vessel is still enroute to the location of evidence storage or a court, and a court order has not been obtained for whatever reason (difficulty in reaching a magistrate or the necessity of showing the evidence to a court official), apparently despite weather or other considerations the Department aircraft or vessel must return to locate the owner who by now may be enroute elsewhere himself. The bill, as written, makes no provision for difficulty in locating the owner or for delay due to the person attempting to return the evidence becoming engaged in investigating other violations or engaged in work of an emergency nature such as a search and rescue mission.
 - e. Failure to return the evidence in the time allotted would apparently open the state to court suit.
 - f. Return of the evidence within a fixed time may sometimes involve great expense to the state such as when crab pots must be taken many miles by a large vessel in the Bering Sea and may cause serious disruption of a planned patrol effort.
 - g. The issuance of approximately 1,000 court orders per year, at a rate of about 5 per working day, will be a considerable burden on the court system requiring much more time devoted to fish and game violations than at present. This could possibly either disrupt the administration of justice in other areas, or frustrate the proper enforcement of fish and game laws.
 - h. Return of evidence, especially in the case of large items, could frustrate any later attempts by the state to have the item forfeited after the case was completed (a position suggested in the recent Alaska Supreme Court decision in the American Eagle case).
3. The seizure of evidence or instrumentalities of a violation, and whether it can be used in any case against any defendant is presently regulated quite

rigidly by the United States Constitution, sections of Title 16 of the Alaska Statutes, and rules of court concerning both criminal and civil procedure. In addition, there are Department of Public Safety policies on seizure of evidence.

All of the above restrictions presently act in concert to prevent abuse of citizens' rights.

IDENTIFICATION	BILL NAME AN ACT RELATING TO THE SEIZURE OF ITEMS USED IN OR IN AID OF FISH & GAME VIOLATIONS.		BILL NUMBER HB 94
	SPONSOR(S) BETTISWORTH & GRUSSENDORF		DATE INTRODUCED 1/20/83
			RELATED BILLS PENDING -NONE-
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED J. Mandy 1/26	LEGAL DIVISION SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	DEPT OF LAW SUMMARY	
	AGENCY RESPONSE	FISCAL NOTE	
		OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES HB 231 - RANDOLPH 1981		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED	DATE & PLACE SET	
	STAFF MEMO TO COMMITTEE	TELECONFERENCE	
	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Resources	Bill Number CSHB 231
Department Position OPPOSE		
Division Director Ronald J. Somerville	Date 2/9/82	Commissioner's Signature <i>[Signature]</i> Date 2-10-82

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
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SUMMARY

1. a) Related Bills (Similar or Conflicting) Unkown	1. b) Other Agencies Affected by Bill DPS - Division of Fish and Wildlife Protection
2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown

3. Program Effects of Bill

None, except to the extent that this change might make enforcement to Fish and Game regulations less effective. It is emphasized that adequate enforcement is an integral part of a resource management program.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

None

6. Comments:

While law enforcement of Fish and Game regulations is the primary responsibility of DPS, Fish and Game Personnel also enforce Title 16 and Fish and Game regulations. It is our opinion that passage of this legislation would be detrimental to efficient enforcement of these statutes and regulations. Seizure of equipment used in commission of a crime serves 2 purposes: 1) to strengthen a case and substantiate how the crime was committed and 2) such seizures (or the knowledge on the part of a potential violator that equipment used is subject to seizure) acts as a very real deterrent, many cases, to the commission of a crime.

H B

99

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

2/23/83

Date: 4/27/83

Mr. Speaker:

The Committee on RESOURCES has had HB 99

An Act making a special appropriation to the Alaska Power Authority for construction of the Susitna River hydro electric project; and providing for an effective date.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 99 (RESOURCES) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
CHAIRMAN

"SUSITNA IS A HIGH RISK SOLUTION TO A NON-EXISTENT PROBLEM"

Statement by Dr. Elliot Wetzler, Ph.D., Economics, Johns Hopkins University.

(Formerly Economist, Division of Budget and Management,
Office of the Governor, State of Alaska, responsible for
AEIRS forecasts, 1981 to mid-March 1983.)

"Susitna is a high risk solution to a non-existent problem.

List of Risks:

- 1) The project is not completed because the State runs out of money, or cannot pay for Susitna and other projects. All the money invested is lost and there may be a huge state debt involved. As a result, billions of dollars may go down the drain.
- 2) The project is completed but demand for electricity is lower than forecast by APA. As a result, the price of electricity would be higher than alternatives. Either the electricity is not sold, or it is sold at higher price if the alternatives are contractually excluded.
- 3) Cost of construction is higher than forecast. This would lead to the same results as 2), that is, either the electricity is not sold or is sold at higher price.

Comments on points 2 and 3:

Past experience with APA forecasts shows that:

- a) APA demand forecasts have been too high; and
- b) APA construction forecasts have been too low.

The result has been that the price per kilowatt hour is higher than anticipated.

Regarding the second part of the statement, 'a non-existent problem':

The cost of electricity in Anchorage is among the lowest in the world. This is not true of the outlying areas, but they have a low demand for electricity. Electricity in Fairbanks is of moderate cost.

High cost of electricity indicates shortages and bottlenecks.

Low cost indicates plentiful supply.

There is natural gas (in Anchorage), coal, wood and fuel oil in abundant supply, providing alternative sources of power and heat.

So the question is: Why invest in Susitna?

The Acres feasibility study shows, with favorable assumptions, a marginal benefit to investment in Susitna, as compared to alternative energy investments.

A further question is: Can the money be invested more wisely? The answer is yes. The State should invest in the necessary infrastructure where there are bottlenecks. The primary area that should be considered is transportation where costs are high. (Roads, water or air transport, as the case may be.)

Investment in Susitna precludes investment in a lot of other worthwhile projects."

#####

Dr. Wetzler further states that Susitna will be a white elephant, just sitting there. "To build Susitna is to turn oil into cement."

#####

Statement obtained via telephone by Belle Blue, April 7, 1983.

Printed and distributed with verbal permission of Dr. Wetzler.

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
P.O. BOX 478
PALMER, ALASKA 99645
9071376-4215



WHILE IN JUNEAU,
POUCH V
JUNEAU, ALASKA 99811
9071465-4894

House of Representatives

TO: Representative Ringstad
Chairman of House Resources Committee

FROM: Representative Lacher
Chair of House Community and Regional Affairs

DATE: April 1, 1983

RE: HB 99 - Appropriation for Susitna Hydroelectric Project.

Alaska Power Authority has requested \$47 million for FY '84 in order to continue design and studies of the Susitna Hydroelectric project. I have attached a letter from Eric Yould, Executive Director of APA, which breaks out how the appropriation will be used.

The Susitna Hydroelectric Project Draft Summary Report, prepared by APA forecasts that railbelt energy demands could double by the year 2000 ...just seventeen years from now. APA also predicts that the costs of electricity will nearly triple between 1994 and 2010, if thermal energy, which is produced by coal or gas fired plants, is selected as an alternative to hydroelectricity. This is illustrated in the attached charts and graphs, taken from APA's draft Susitna Hydroelectric Summary Report.

On the other hand, Susitna could eventually produce cost advantages as high as \$5.5 billion.

In order to continue the work necessary to receive licensing from the Federal Energy Regulatory Commission, Alaska Power Authority must complete studies of the environment, of the impact of the dams on fisheries and wildlife, and meet other licensing requirements. APA will also continue with engineering and design work.

In light of the great benefits Susitna Hydropower will bring to so many Alaskans, I strongly urge your support for House Bill 99.

ALASKA POWER AUTHORITY

334 WEST 5th AVENUE - ANCHORAGE, ALASKA 99501

Phone: (907) 277-7641
(907) 276-0001

January 27, 1983

The Honorable Barbara Lacher
House of Representatives
P.O. Box 30
Wasilla, Alaska 99687

Dear Representative Lacher:

Through your assistant you have asked for information relating to the Alaska Power Authority's \$47 million FY84 request for the Susitna project.

The basis of the estimate follows:

<u>Item</u>	<u>Amount (\$ Million)</u>
Harza-Ebasco Contract	35.5
Site explorations, logistical support, licensing support, environmental analysis, detailed engineering and design.	
Alaska Department of Fish & Game	4.0
Fish and wildlife data collection program.	
Land Analysis and Acquisition	0.3
USGS Sediment Studies	0.2
External Review	0.2
Legal Support of FERC Licensing	0.2
USF&WS Support of Environmental Program	0.1
Design Review	1.0
Construction Manager Support	2.0
Transmission Facilities Design	2.0
Power Authority Personnel and Related Costs	1.5
Total	47.0

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
P.O. BOX 478
PALMER, ALASKA 99645
9071376-4215



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99911
9071465-4884

House of Representatives

TO: Representative John Ringstad
Co-Chairman of House Resources Committee

FROM: Representative Barbara Lacher
Chair of House Community and Regional Affairs

DATE: April 5, 1983

RE: House Bill 99, Susitna Hydroelectric.

The Alaska Power Authority Board of Directors has recently revised their estimated funding requirements for FY 84 in order to continue work on Federal licensing requirements for the Susitna project.

The revised estimate is \$22,000,000, to be used in approximately the following proportions:

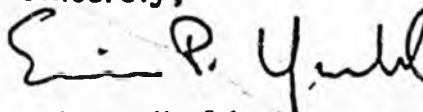
- Environmental studies and activities	55%
- Engineering	10%
- Economic analysis and fiscal impact	3%
- Licensing support and agency coordination	6%
- Program management and consultants	6%
- Alaska Power authority staff	8%
- Contingency	11%

Design work on the project will be delayed for one year at this level of funding. The above information was obtained from Robert Mohn of Eric Yould's office, Executive Director, Alaska Power Authority, on April 5, 1983.

Representative Lacher
January 27, 1983
Page 2

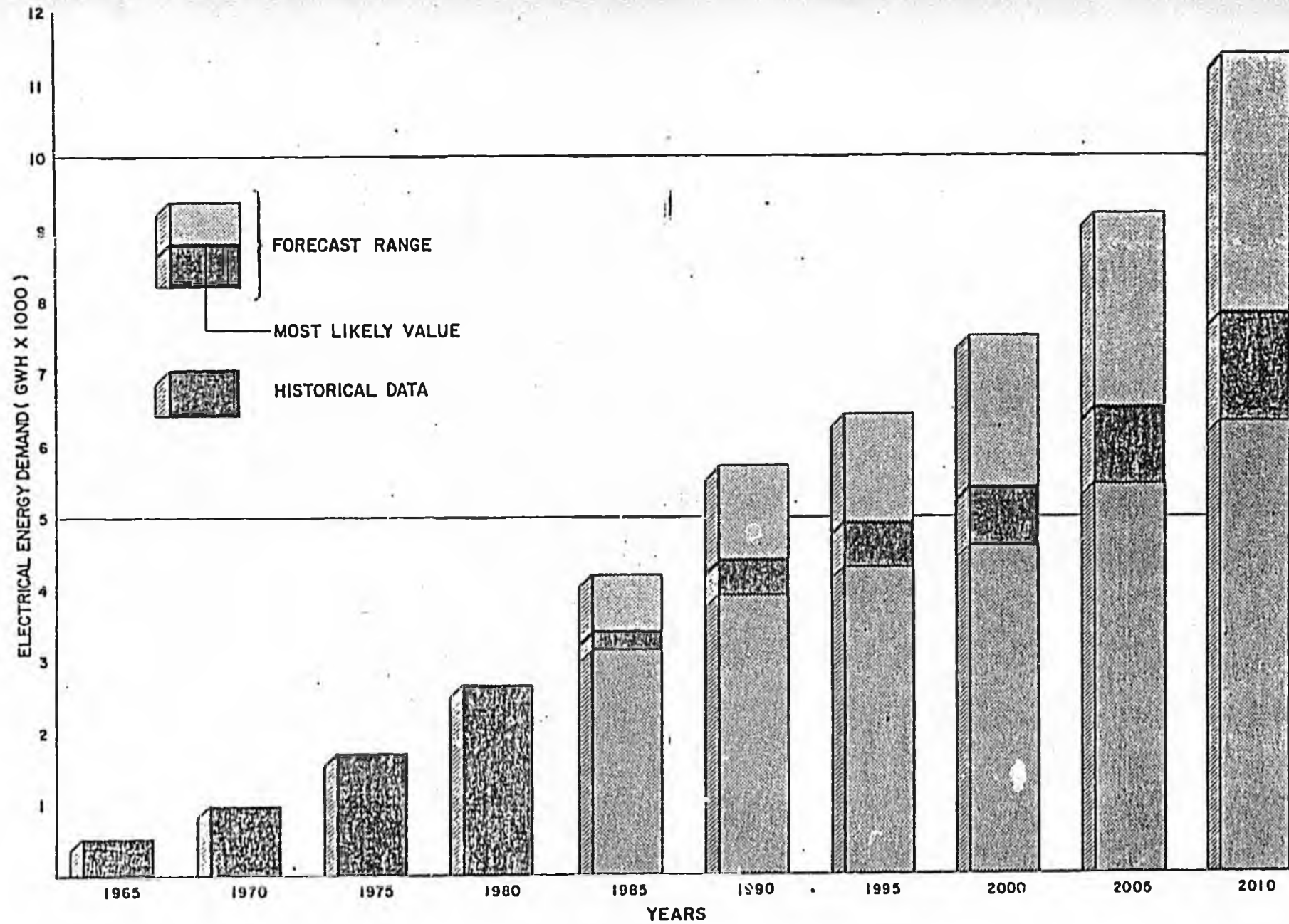
Over the next month, the basis of this estimate will be reviewed in light of the design contract presently under negotiation with Harza- . . . Ebasco and the current outlook for project licensing.

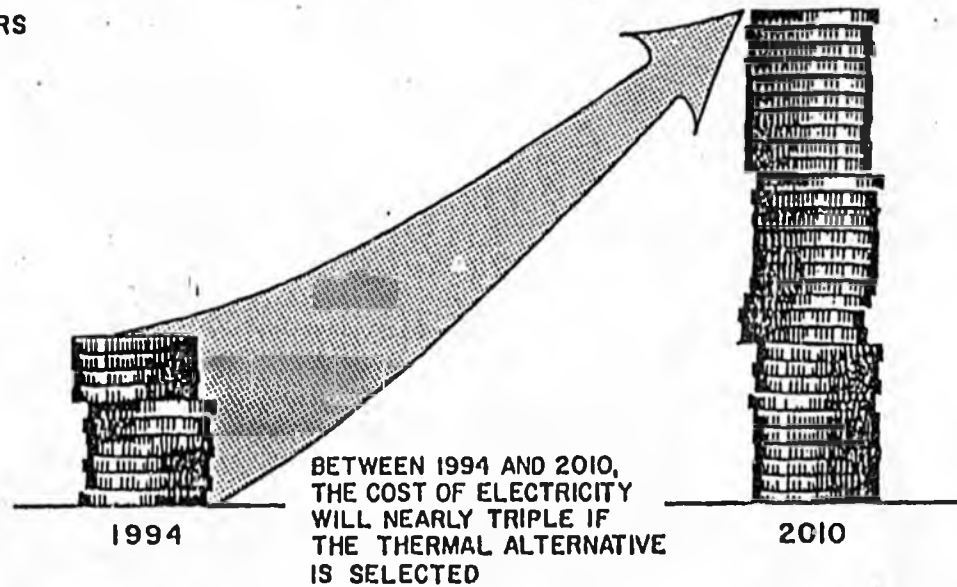
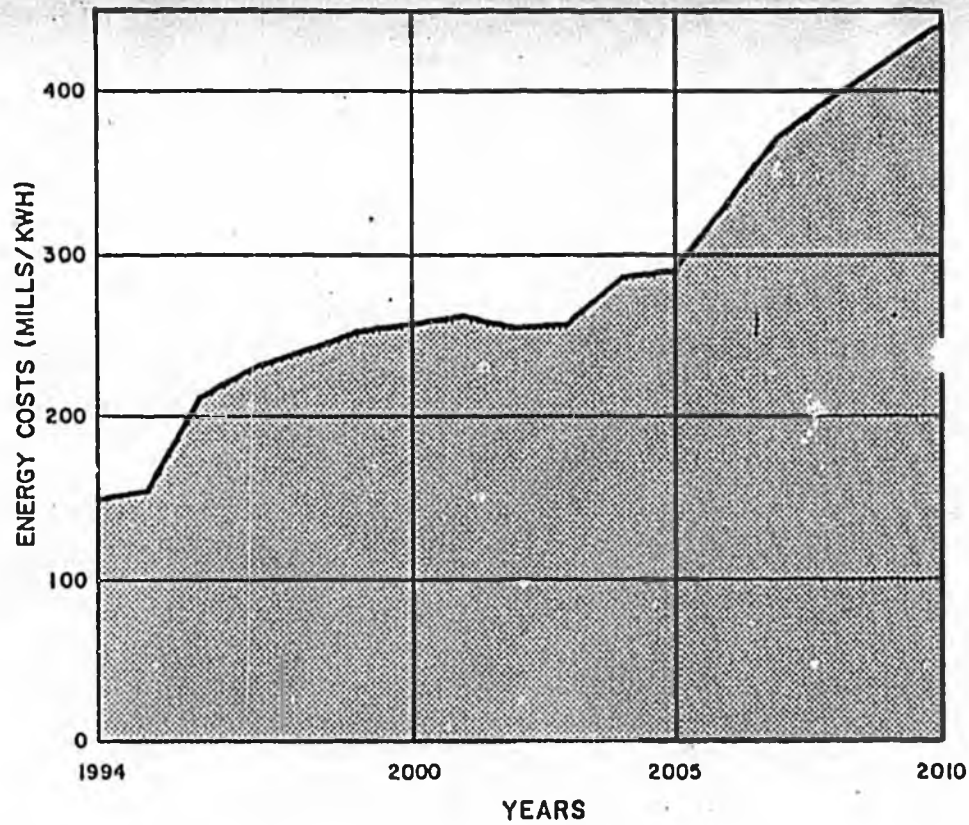
Sincerely,

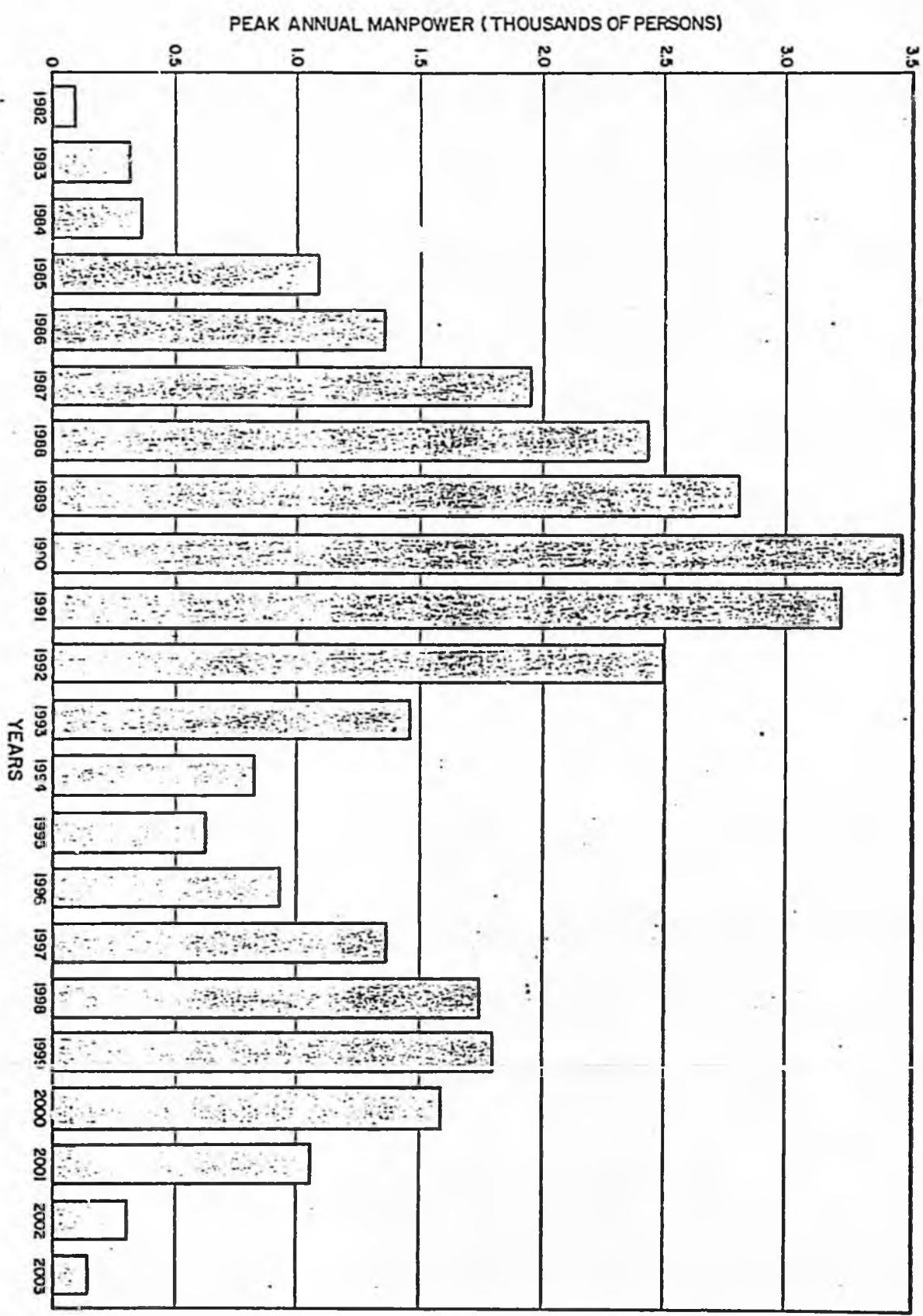
A handwritten signature in dark ink, appearing to read "Eric P. Yould". The signature is written in a cursive style with a large initial "E".

Eric P. Yould
Executive Director

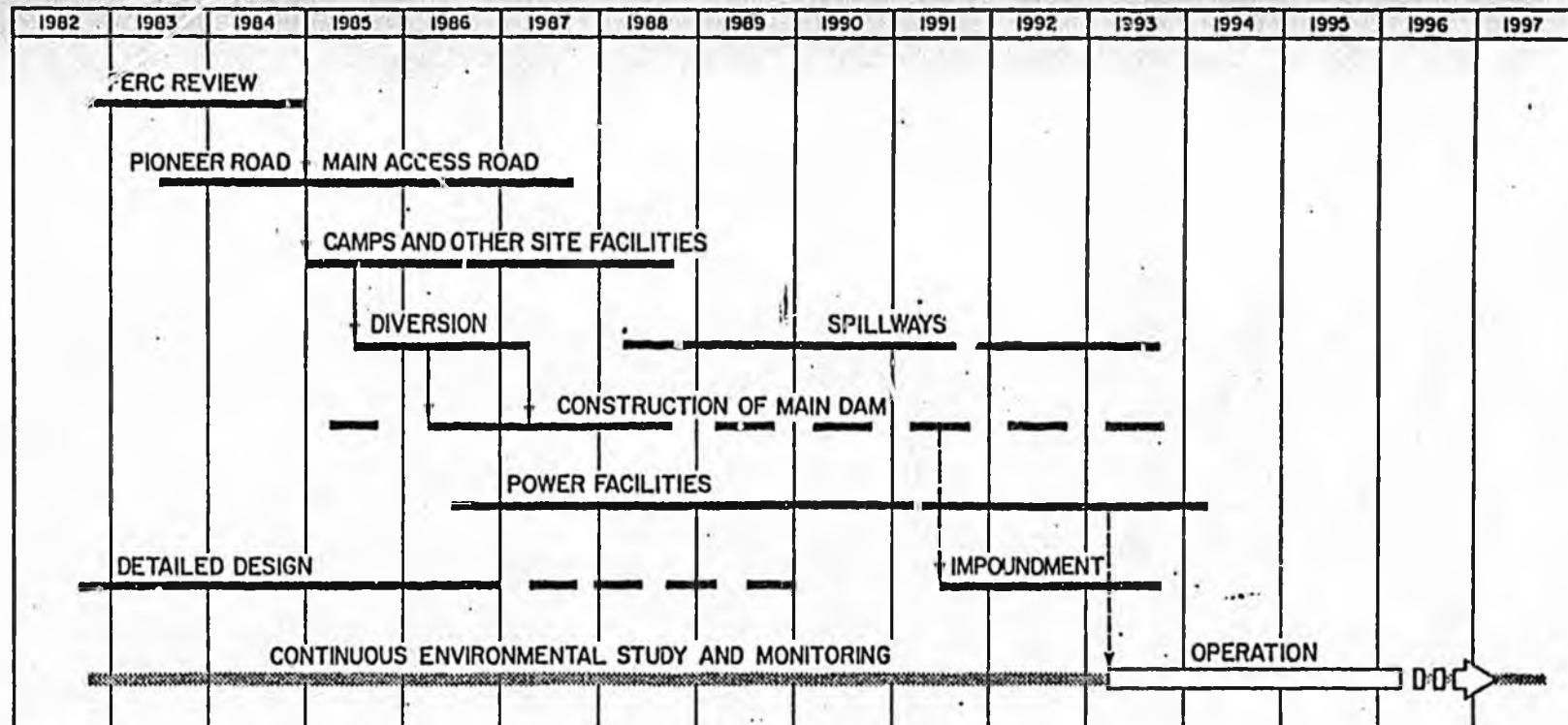
cc: Commissioner Richard Lyon
Pete McDowell
David Wozniak



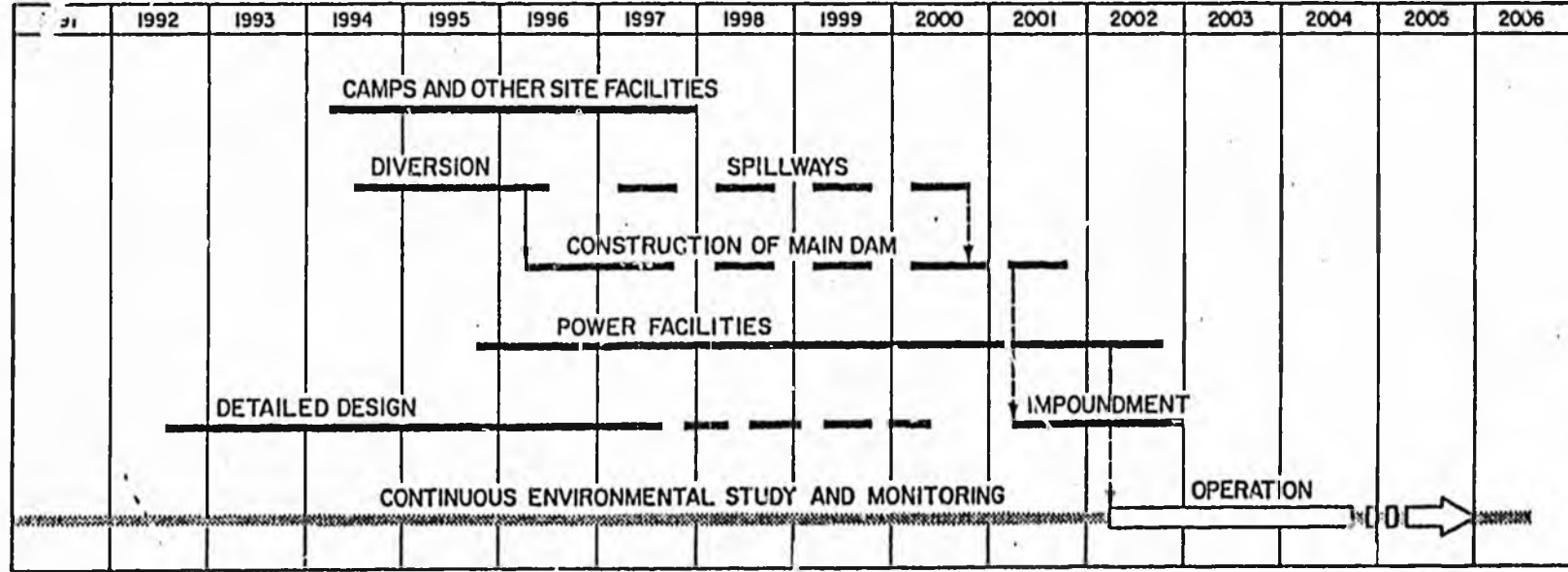


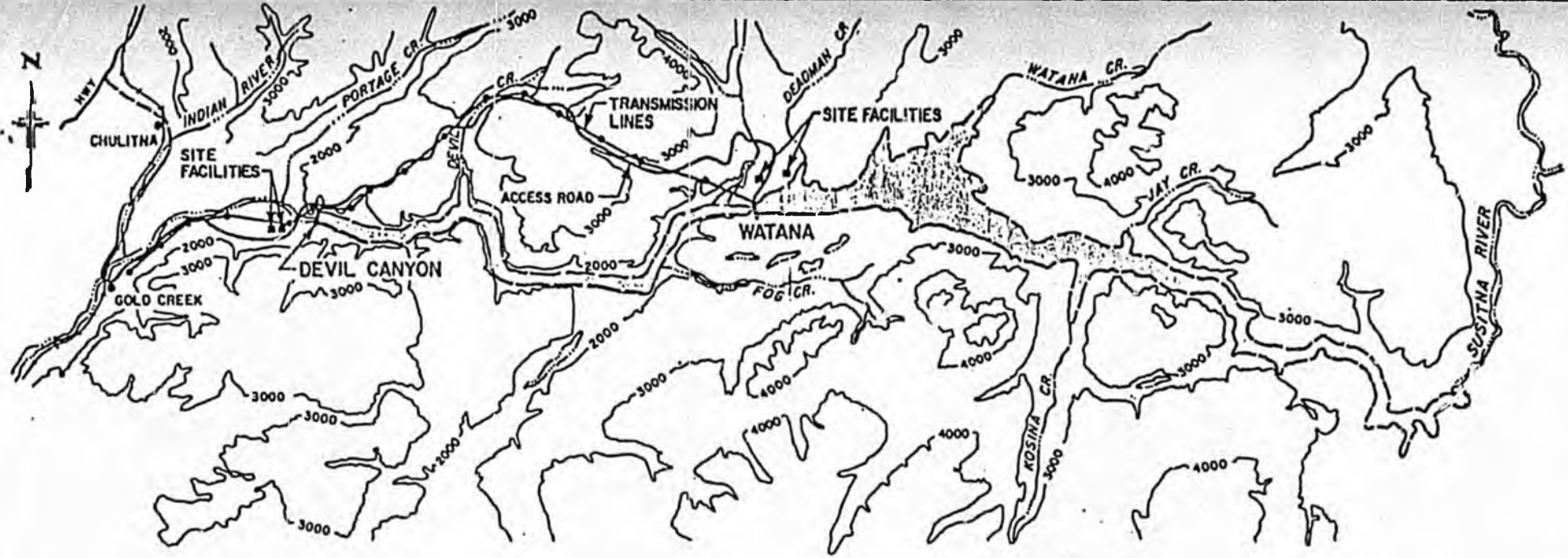


DEVIL CANYON

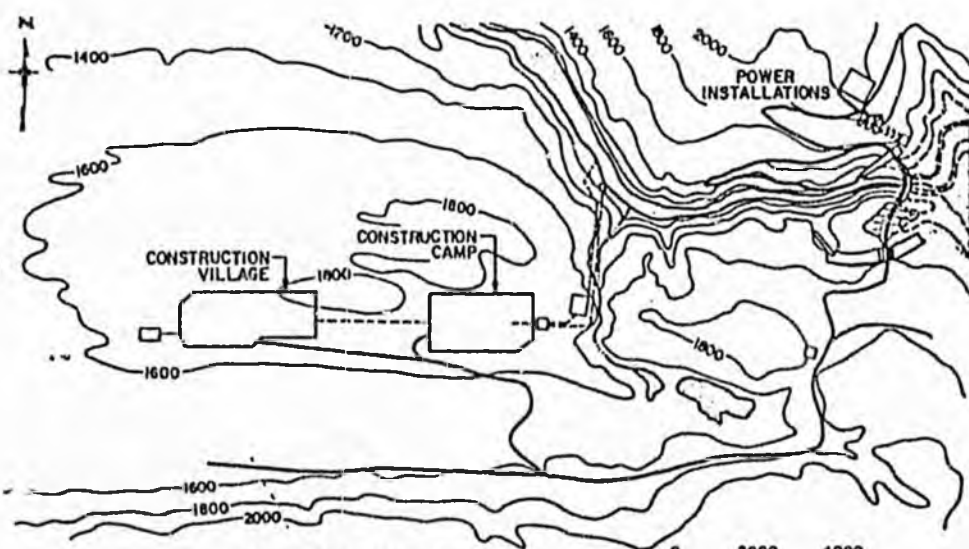


WATANA

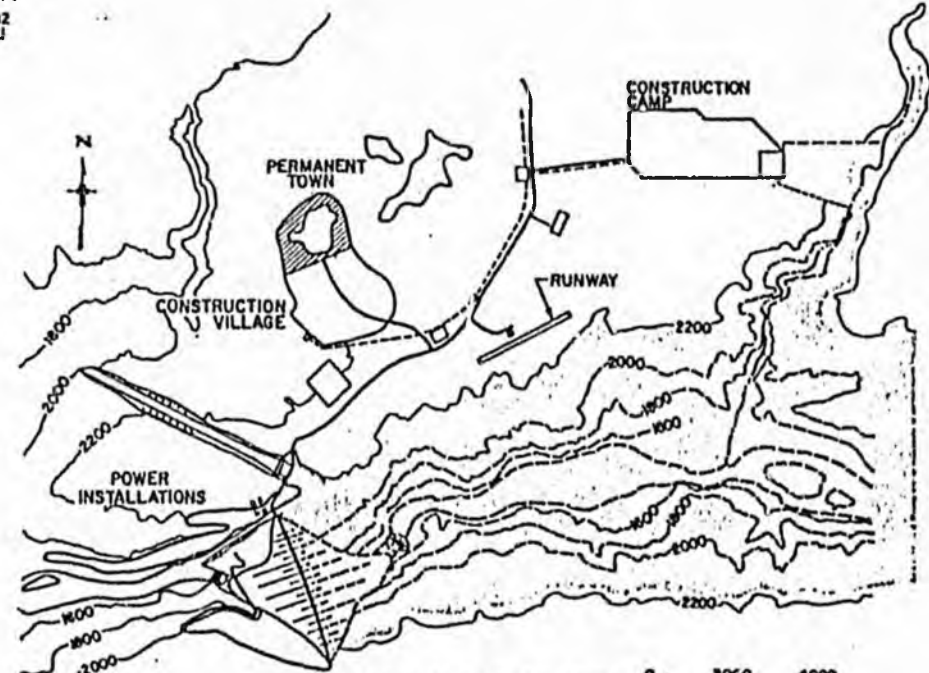




RESERVOIR PLAN



DEVIL CANYON SITE FACILITIES



WATANA SITE FACILITIES



STATUS/SCOPE OF LEGISLATION

ISSUE: HB 99 APPROP/APA/SUSITNA RIVER HYDRO PROJ

SPONSORS: LACHER, HAYES, TISCHER, LARSON, UEHLING

CURRENT STATUS: (Resources)

FISCAL IMPACT: _____

REPRESENTATIVE	A. Comm. Vote	B. Statutory/Tech.	C. Supp. -Memo	D. Opp. -Memo	E. Vote
ABOOD					
ADAMS					
BARNES					
BETTISWORTH					
BUSSEL					
CATO					
CLOCKSIN					
COWDERY	do pass				
DAVIS					
DUNCAN					
FLOOD					
FRITZ					
FULLER					
FURNACE	do pass				
GOLL					
GRUSSENDORF					
HAYES					
HERRMAN					
HURLBERT					
KOPONEN	No Rec.				
LACHER					
LARSON					
LINDAUER					
LISKA					
MALONE	do pass				
MARTN					
MCBRIDE					
MILLER					
MILLER(NP)					
PESTINGER					
PHILLIPS					
RINGSTAD	do pass				
SHULTZ					
SZYMANSKI					
TISCHER					
UEHLING	do pass				
VASKA					
WARD					
WENDTE	do pass				
ZHAROFF					

... might be interested in this letter.

March 7, 1983

Jack

Re: HB 99

Sir :

During the last few years there has been much talk, for and against the construction of the SUSITNA DAM PROJECT. If I may, reflect a few comments about dams in the past. The HOOVER DAM, completed in 1936, was in its days, considered a waste of money, a project started only to put people to work, during the hard depression of those days. The population at that time, did not require a dam of that magnitude, The battle loomed, but it was built, regardless of all the studies that indicated to the negative. Today, the lower fortyeight, cannot get along without it. The T.V.A. project was the same, and now it is all looked upon, as a place that gives forth energy, recreation, land reclamation, an increase in wild life, more fishing, than ever before, and an increase in business activities, tourism, larger intake of taxes from all the above mentioned also, one important item, a reservoir for storage of a large body of water for distribution to the communities without a worry of any shortage of water for its citizens. If Alaska is to prosper, we need that dam. One more important item that needs attention, and that is, the repayment of that project, a project of that magnitude is not repayed in fifteen years or short term notes, it is a long term note of at least fifty years amortization for which the state would reap an income for fifty years on

interest alone. therefore providing lower cost energy to the people, and a guarantee of income to the state treasury for many years ahead.

It appears to me, that these people that are hired to do studies, are a group that is suffering from TUNNEL VISION as were the consultants of the depression Era.

I cannot understand why we should leave all that energy run into the ocean without using all its potential.

Respectfully,

Nick Zerbinos
Nick Zerbinos
Box 371
Glennallen, Alaska 99588

Susitna Hydroelectric Project

LICENSING PROCESS

The Federal Energy Regulatory Commission is charged with the responsibility of fostering the comprehensive development of the Nation's waterways consistent with public safety. The Susitna River is a public resource; therefore, the Commission must ensure that any hydroelectric development on the Susitna River is in the best interest of the public.

When the Susitna Hydroelectric Project license application is filed by the Alaska Power Authority (APA), the application is first reviewed by staff to ensure that it contains all the information necessary for the Commission to assess the project. When the application is deemed acceptable for processing by the Director, Office of Electric Power Regulation, the Commission initiates a public and agency comment period. Public notice in the Federal Register and in Alaskan newspapers will invite the public to comment on and participate in the licensing process. Federal, State, and local agencies are provided copies of the application and are asked to provide comments in their respective areas of expertise.

Concurrent with the public comment period, Commission staff experts initiate a three-pronged evaluation of the Susitna Project. ~~Electrical engineers and economists will evaluate the adequacy of electrical load forecasts for Alaska and the need for Susitna Project power.~~ Geologists and civil engineers will evaluate the integrity of project structures. A team of environmental scientists will prepare an environmental impact statement assessing the project's potential impacts on the Alaskan ecosystem. Upon completion of these analyses, the staff positions on need for power, project integrity, and environmental impacts may be subjected to the scrutiny of hearings before an administrative law judge. At these hearings, intervenors in the Susitna proceeding have the opportunity to support staff's analysis or present opposing positions. At the conclusion of the hearing, the administrative law judge prepares an opinion on the issues.

After the administrative law judge has rendered an initial decision, the five Commissioners will make the final decision on whether or not to issue the license for the Susitna Project and what conditions to attach to the license, if issued. If a hearing has been held, the Office of Opinions and Review, with guidance from the Commissioners, will prepare the license document. The Commissioners will review the entire record for the Susitna Project. In order for the APA to receive a license for the Susitna Project, the record must convince a majority of the Commissioners that the project is needed, that the structures will be safe, and that the environmental impacts of construction and operation will be adequately mitigated.

April 20, 1983

SUSITNA HYDROELECTRIC PROJECT

[REDACTED]
 FOR ALTERNATIVE FUNDING LEVELS

FY 1984
 (\$000)

<u>CATEGORY</u>	<u>ALLOCATIONS</u>			<u>NOTES</u>
	<u>\$22.0M</u>	<u>\$36.0M</u>	<u>\$47.0M</u>	
Harza-Ebasco				
Project Management, cost and schedule control, and overhead (Tasks 1 and 2)	2,800	4,000	4,700	(1)
Conceptual Design (Tasks 3,7,9,40)	2,300 <i>+ 100</i>	2,400	2,400	(2)
Continuing environmental & socioeconomic studies (Task 4)	5,600 <i>+ 500</i>	6,100	6,100	(3)
Licensing and agency coordination (Task 6)	1,100	1,100	1,100	(4)
Public Participation and information (Task 8)	130	200	300	(5)
Logistics (Task 39)	2,200	5,600	8,300	(6)
Geotechnical Exploration Program (Task 5)	3.4 ---	4,000	8,800	(7)
Design of Primary Facilities (Tasks 10-37)	---	1,000	2,000	(8)
Design of Ancillary Facilities (Task 38)	---	1,000	2,000	(9)
Subtotal	<u>14,130</u>	<u>25,400</u>	<u>35,700</u>	
ADF&G				
Aquatic Studies	3,000	3,000	3,000	
Terrestrial Studies	1,000	1,000	1,000	(10)
Subtotal	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>	

0296A

April 20, 1983

CATEGORY	ALLOCATIONS			NOTES
	<u>\$22.0M</u>	<u>\$36.0M</u>	<u>\$47.0M</u>	
USGS				
Hydrology Data Gathering	277	277	277	(11)
Legal Costs	232	232	232	(12)
External review	60	91	91	(13)
Alaska Power Authority				
Staff, Expenses and Overhead	1,000	1,500	1,500	
Need for Power hearings	1,000	1,000	1,000	(14)
Subtotal	<u>20,699</u>	<u>32,500</u>	<u>42,800</u>	
Contingencies	<u>1,301</u>	<u>1,700</u>	<u>1,800</u>	(15)
Subtotal	22,000	34,200	44,600	
Escalation	---	1,800	2,400	
Total	<u>22,000</u>	<u>36,000</u>	<u>47,000</u>	

NOTES:

1. The \$22M case provides a severely reduced management staff consistent with no design or geotechnical work performed in FY 1984. A minimal staff is provided to operate a manual cost and schedule control program, perform logistics and subcontract management, and fund overhead related costs such as office space, transportation, equipment, etc.

The \$36M case adds both management and support staff (as well as increased overhead related costs) to start design and operate a limited geotechnical exploration program.

The \$47M case is similar in that it responds to yet more intense design and geotechnical exploration.

2. The \$22M case funds feasibility level studies and design to confirm or reconfigure the present project proposal consistent with the Railbelt's projected demand for electricity and the State's ability to finance the project.

The \$36M and \$47M cases accommodate more extensive involvement of the technical review panel consistent with commencement of design.

April 20, 1983

3. The \$22M case continues existing environmental and socioeconomic studies at the least possible level consistent with the expedited FERC license processing schedule.

The \$36M and \$47M cases increase the FY 1984 cultural resources investigations to decrease the effort in later years. FERC has indicated a preference for this accelerated investigation regime.

4. Funds responses to supplemental information requests, coordination and consultation meetings, etc.
5. Supports public input to relevant questions (such as preferences for management of project impacts on individual communities) and responses to public/media inquiries.
6. The logistic support for the \$22 million case provides minimal facilities needed for the environmental data collection program.

The \$36 million budget provides the funding needed to expand the camp and to support the limited geotechnical investigation program and the accelerated cultural resources investigation program.

The \$47 million budget includes the funds needed to support the more extensive geotechnical investigation program.

7. The \$22M case does not accommodate any geotechnical exploration. This irrevocably precludes start of construction prior to March 31, 1986.

The \$36M case provides for a limited soils investigation program in the Relict Channel and borrow areas, and initial exploration (via core drilling) of the abutments, powerhouse location and diversion structure sites. Design cannot proceed in the absence of this data.

The \$47M case increases the intensity of the core drilling, provides for a grouting test program, installs rock mechanics instrumentation, performs pump in/pump out tests in the Relict Channel, and associated technical support. Availability of this information facilitates a more responsive (and accordingly more cost effective) design program. If deferred to FY 1985, design can still proceed, but with some impediments.

8. The \$22M program does not provide for design.

Start of design in FY 1984 facilitates a more cost effective design schedule, and accommodates a construction start in advance of March 31, 1986. The precise degree of acceleration is a function of the FY 1984, 1985 and 1986 design funding.

The \$36M case initiates design of diversion facilities.

April 20, 1983

The \$47M case also initiates design of the main structure and long lead time mechanical components.

9. The \$22M case does not accommodate any design.

The \$36M case initiates design of the access road. This permits construction of the access road to start at the earliest possible moment, a situation that would significantly decrease mobilization costs for the initial construction effort.

The \$47M case initiates design of the construction camp and logistics facilities. Again, early design permits early construction which potentially reduces the ultimate cost of construction.

10. Continues existing studies of the project environmental setting.
11. Continues hydrologic data gathering which USGS is uniquely qualified to perform.
12. Funds Washington, D.C. staff highly specialized in dealing with FERC.
13. Provides a multidiscipline project concept review by a panel of independent consultants who are pre-eminent in their field.
14. Funds Power Authority participation in hearings chaired by FERC on "need for power" aspects of project license application.
15. Project Manager's contingency for responding to FERC licensing matters, project related requirements which cannot be anticipated, and cost estimate variances.

ADF&G SUSITNA HYDROELECTRIC PROJECT BIG GAME STUDIES

The Alaska Department of Fish and Game (ADF&G) is under contract to produce information to support large mammal impact assessment and mitigation planning for the Susitna Hydroelectric Project. Moose, caribou, brown bear, black bear, wolf, wolverine, Dall sheep and belukha whales have been studied. Birds, furbearers and small mammals have been studied by the University of Alaska. Vegetation studies which are essential for predicting impacts and developing mitigation plans for some species of wildlife also have been conducted by the University of Alaska.

Sub-contractors to Acres American, initially Terrestrial Environmental Specialists (TES) and subsequently LGL Alaska Research Associates, Inc., had responsibility for preparation of the impact assessment and mitigation planning for all terrestrial resources including big game. The ADF&G staff has participated in meeting and workshops sponsored by TES and LGL to support the assessment and mitigation planning process and to integrate the design of wildlife studies with those of other disciplines, especially vegetation and hydrology.

Evolution of Studies

Studies have evolved through several stages. At first, they were general and qualitative to identify problems. ADF&G had conducted intensive studies of some species in adjacent areas, but little was known of the specific Susitna project area. Therefore, initial studies were aimed at determining what populations inhabited the area and how those populations used the area. The potential mechanisms by which the Susitna Hydroelectric project might affect those populations were then identified. Subsequent studies were directed at evaluating the seriousness of the impacts and, when possible, quantifying them. The final phase is to seek and evaluate methods for mitigating the significant moose impacts.

The study of terrestrial wildlife follows a two-pronged strategy. The management of wildlife populations (including game) uses population information, including numbers, sex, age class structure, distribution and seasonal movements. The wildlife program has gathered this information by periodic flights to determine locations and habitat use. This information has been supplemented by radio collaring animals. Radio collaring permits acquiring specific information on animals including details of movement and habitat use. When placing collars on animals, information on age, sex, and health of the animal is gathered.

An alternative effort, which compliments the population information, has been the development of carrying capacity information. The merit of this strategy is that such determinations should be independent of current population levels, and would identify the potential of the habitat to support a given species. In turn, mitigation planning based upon carrying capacity seeks to replace the lost carrying capacity. Carrying capacity studies have focused upon

vegetation assessment, mapping and quality determination and the development of models that relate game populations potential to habitat. The project is developing models on several animal species including moose, bear and beaver. The development of these models will have broad implications for game management in Alaska. ADF&G's program is supported by a vegetation mapping and browse quality assessment performed by the University of Alaska Agricultural Research Station, Palmer.

ADF&G's wildlife studies have defined the distribution, movement and abundance of major species in the project area. Models for moose and bear populations are being developed and calibrated. This information, reported in their annual reports, describes baseline conditions and identifies impact mechanisms and mitigation opportunities. Harza-Ebasco and LCL Alaska Research, Inc., used this information in preparing the Application for License which includes the Power Authority's assessment of impacts and mitigation plans.

The Department of Fish & Game's wildlife program has placed up to a dozen biologists in the field each year. A preponderance of their field activities require either fixed wing or helicopter support. As new impacts have been identified, studies have been expanded and as other impacts become adequately quantified, studies have been terminated. Some aspects have been repeated annually because potential impacts appear greater in some years than others.

Two examples of evolution of studies are moose and Dall sheep. Loss of critical moose winter range was suspected to be an important impact. Because moose migrate, this loss of winter range could affect densities over a larger area during other seasons. Moose wintering near the proposed impoundment were captured by darting from helicopters, radio-collared and periodically located throughout the year from aircraft fitted with radio receivers. These relocations allowed us to delineate the populations of moose that would be most directly impacted. Aerial surveys were conducted to estimate the numbers of moose in these populations. However, not all moose in the area would be lost to the project. It was necessary to determine how important the habitat that will be lost or altered is to the population. Loss of food during severe winters and in spring prior to calving were identified as potentially significant impacts. Ten times as many moose were in the impoundment areas in March 1983, a moderate snow year, then in March 1981, a mild snow year. Studies of moose near the impoundment during these seasons were intensified to determine which areas were most important. Vegetation studies were redesigned to determine what foods were most important and to compare the availability of these foods inside and outside the impoundments. Studies to be initiated in FY84 will be aimed at quantifying the amount of forage that will be lost. Vegetation and moose studies are being integrated to predict how the moose population will respond to that loss and to evaluate proposed mitigation measures such as enhancement of habitat outside of the impoundments. In the case of Dall sheep, the only impact expected at the beginning of the studies was disturbance during construction. Aerial surveys were conducted to delineate areas to be avoided. However, a mineral lick that would be partially inundated by the Watana Impoundment was located at Jay

Creek. The lick was observed more closely over the next year. It became evident that use of the lick was significant and in 1983 intensive observations of the lick will be made to determine the importance of the portion of the lick that will be altered and to formulate recommendations for preserving the lick. It is anticipated that adequate information will be available by the end of the 1983 season.

Current Status

It appears that adequate information has been collected to identify most significant impacts on big game. The primary emphasis is currently on quantifying those impacts. In many cases, additional field data will do little to enhance quantification. These aspects have been terminated or reduced to levels necessary to detect major changes. The primary emphasis is on providing data needed to evaluate and quantify impacts that may require costly mitigation measures or that require complex interdisciplinary analyses. In particular, there are those that require close coordination with vegetation studies, those where annual variation, such as winter severity, is great, and those where several impacts work together to have a compound influence on the population.

Project Costs

ADF&G's big game studies have been integrated to the extent possible with ADF&G's regular programs. Many of the positions are shared with other projects. This has permitted the use of more experienced individuals at a lower cost. Peak manpower needs such as tagging operations have been met with regular ADF&G staff. Increases in salaries over the life of the project have been primarily related to State pay raises and the increased need for coordination with other APA contractors.

Air charter is the largest item in the operating budget. Animals are captured for radio-collaring by darting from a helicopter. Total costs of tagging range from \$750 for a moose to \$1500 for a wolf. Most of this cost is helicopter charter. Relocation flights are made in fixed-wing aircraft. Similarly, fixed-wing aircraft are used for censuses and other surveys. The lack of charter aircraft and refueling sites in the immediate project area adds to the costs of each flight. Air charter costs have increased approximately 50% since the project started.

Weather has been a major factor influencing costs. Annual variations in weather influences how animals use the project area. This has made it necessary to repeat certain activities each year. Mild winters have hampered a full evaluation of the importance of the area to moose. Poor summer conditions have also hampered certain aerial surveys and tagging operations. If a severe winter had occurred in 1981 or 1982 the amount and quality of information available for the license application would have been far better. Repeated mild winters have forced us to approach the problem less directly, extending the time required to assess impacts.

Susitna Hydroelectric Project - Big Game Studies

Expenditures by Activity by Year

	FY80 (Game only)	FY81	FY82	FY83 (Est)	FY84 (Projected)
Admin & Support	46.0	104.0	164.0	212.0	233.0
Upstream Moose	101.0	181.0	189.0	257.0	235.0
Downstream Moose	44.0	83.0	103.0	127.0	103.0
Wolf	33.0	51.0	66.0	70.0	31.0
Wolverine	14.0	16.0	20.0	20.0	-
Bear	77.0	106.0	137.0	208.0	176.0
Caribou	59.0	80.0	84.0	111.0	97.0
Sheep	4.0	5.0	11.0	19.0	2.0
Belukha	-	-	-	8.0	-
Moose Carrying capacity model	-	-	-	-	23.0
TOTAL	378.0	626.0	774.0	1032.0	900.0

HOUSE RESOURCES COMMITTEE

BUDGET ALLOCATION
ALTERNATIVE BIDDING LEVELS

SUMMARY OF EXPENDITURES
12/19/73 to 3/31/83

SU HYDRO AQUATIC STUDIES PROGRAM

BIG GAME STUDIES

SUSTAINA REPORTS

COMPOSITE REPORT
LEVEL 13
4 SCENARIOS

ALASKA POWER AUTHORITY
Susitna Hydroelectric Project

Summary of Expenditures 12/19/77 to 3/31/83

Cat. #	Description	Funding	Expenditures to Date	Restrictions	Balance Available
100	<u>Personal Services</u>	\$ 1,076,872.64	\$ 890,690.56	\$ 186,182.08	--
200	<u>Travel</u>	162,158.76	114,450.98	47,597.78	--
300	<u>Contractual:</u>				
	- Feasibility Studies Acres American, Inc.	42,445,225.00	39,947,006.35	2,498,218.65	--
	- Big Game Studies, ADF&G	2,808,088.73	2,373,709.68	434,379.05	-0-
	- Fisheries Studies, ADF&G	5,582,700.00	4,105,753.59	1,476,946.41	-0-
	- Land Use Cook Inlet Villages	125,709.67	125,709.67	-0-	
	- Stream Gaging USGS	572,230.00	474,630.00	97,600.00	
	- Power Supply Forecast, ISER #1	30,000.00	30,000.00	-0-	-0-
	- Cost Estimate Ebasco	219,912.61	219,876.61	36.00	-0-
	- External Review Panel	156,023.39	156,023.39		
	- Office of the Governor	4,500.00	4,500.00	-0-	-0-
	- Legal Services Department of Law	19,500.00	-0-	19,500.00	-0-
	- Habitat Studies US Fish & Wildlife	90,672.00	35,472.57	55,199.43	
	- Emergence US Fish & Wildlife				
	- Bond Counsel Wolforth and Flint	12,701.46	7,301.60	6,399.86	-0-

Summary of Expenditures con't 12/19/82 to 3/31/83

Cat. #	Description	Funding	Expenditures to Date	Restrictions	Balance Available
-	Mgmt. Assistance J. Abercrombie	\$ 25,000.00	\$ 17,301.00	\$ 7,698.60	-0-
-	Computerized Acctg Accounting Ltd.	1,000.00	1,000.00	-0-	-0-
-	Permitting Birch, Horton, Bittner	90,000.00	40,417.85	49,582.15	-0-
-	Insurance Consultant McCarthy and Assoc.	12,500.00	10,884.80	1,615.20	-0-
-	Mgmt. Consulting Mgmt. Analysis Co.	25,000.00	24,290.55	709.45	
-	Chakachamna Bechtel	715,035.87	238,799.70	476,236.17	-0-
	Reserve	84,964.13	-0-	84,964.13	
-	Quality Ass/Cost Cont. Harza-Ebasco, interim	8,699,147.00	986,845.00	7,712,302.00	
-	Other Contractuals				
-	Space, T & T, Serv., etc.	148,194.24	141,794.38	6,399.86	
-	Land Field Services	127,000.00	-0-	127,000.00	
-	ISER, #2	27,939.00	27,939.00	-0-	
400	<u>Supplies</u>	15,551.10	9,088.63	64,624.47	
500	<u>Equipment</u>	75,000.00	27,473.00	47,526.97	
CURRENT TOTALS					
TOTAL FUNDING		64,513,800.00			
FUNDING AVAILABLE		1,194,918.92			
999	<u>Project Manager Reserve</u>				
-	Contingency				
-	Uncommitted Reserve				
TOTAL RESERVE					

Alaska Department of Fish and Game Su Hydro Aquatic Studies Program

BACKGROUND

In September of 1979, The Alaska Power Authority (APA) agreed to fund the Alaska Department of Fish and Game (ADF&G), in a short term Reimbursable Services Agreement (RSA), to prepare a plan of study (POS) and budget for fish and wildlife baseline studies for Phase I in support of the Susitna Hydroelectric Project Feasibility Studies. The general objectives of a fishery and aquatic habitat study proposed by the ADF&G in November 1979 were as follows:

"Individual study proposals are designed to provide the necessary background information to enable proper evaluation of impacts. Six general objectives have been outlined:

1. Determine the relative abundance and distribution of adult anadromous fish populations within the drainage.
2. Determine the distribution and abundance of selected resident and juvenile anadromous fish populations.
3. Determine the spatial and seasonal habitat requirements of anadromous and resident fish species during each stage of their life histories.
4. Determine the economic, recreational, social, and aesthetic values of the existing resident and anadromous fish stocks and habitat.
5. Determine the impact the Devil Canyon project will have on the aquatic ecosystems and any required mitigation prior to construction approval decision. This is the primary objective of both Phase I and II studies. This will be discussed in detail in the Phase II work when it is written.
6. Determine a long-term plan of study, if the project is authorized, to monitor the impacts during and after project completion. This is also an objective of Phase II."

After an APA review of the ADF&G November 1979 POS the program was reoriented, and APA funded ADF&G participation in the Susitna Hydro Study program based on a revised POS dated June 2, 1980. The objectives APA designated ADF&G to address were objectives 1, 2 and 3 of the November 1979 POS. Objective 4 was assigned to a private sector contractor under Acres-American, Inc., the prime feasibility study contractor. Objective 5 was also assigned to Acres American, Inc. through a subcontractor, Terrestrial Environmental Services, Incorporated. Objective 6 is a planning and continuing objective which will involve input from ADF&G Su Hydro and other environmental (fish and wildlife) study contractors and subcontractors to the APA and Harza-Ebasco Joint Venture (JV) through the remainder of project activities.

ADF&G programs in FY81, FY82, FY83 did provide and the proposed FY84 program will continue to provide information relevant to the objectives stated in November 1979 and initiated under our revised June 2, 1980 RSA and subsequent revisions.

ADF&G SU HYDRO AQUATIC STUDIES TEAM

The ADF&G created a totally new unit to accomplish the aquatic studies program. ADF&G initiated aquatic studies work in November 1980 after the classification, approval, and receipt of the positions necessary to accomplish the program assigned to us by APA. In November 1980, staffing of positions was initiated, reconnaissance level winter field work was begun and a full scale spring and summer field season was in progress by June 1981.

The Su Hydro Aquatic Studies Team is composed of five organizational units. These are:

1. Administration and Support Unit (AS).
2. Data Processing Unit (DP).
3. Anadromous Adult Project (AA)
4. Resident and Juvenile Anadromous Project (RJ).
5. Aquatic Habitat and Instream Flow Project (AH).

The Administration and Support Unit is composed of administrative, and supervisory, staff for the other four units and the clerical and maintenance staff providing essential services for the Su Hydro Aquatic Studies program.

The Data Processing Unit staff is in charge of project biometric and statistical services, and data processing and data management for the aquatic studies program.

The AA, RJ, and AH projects listed above are each assigned one of the objectives outlined in our November 1979 POS and stated earlier herein. AA is assigned objective 1; RJ, objective 2 and AH, objective 3.

OTHER PROJECT RELATED INFORMATION

Other ADF&G Su Hydro Aquatic Studies information is portrayed in the following attachments:

Attachment A - ADF&G Su Hydro Aquatic Studies Program, FY81 and FY82.

Attachment B - ADF&G Su Hydro Aquatic Studies Program, FY83.

Attachment C - ADF&G Su Hydro Aquatic Studies Program Characteristics and Accomplishments to Date.

Attachment D - ADF&G Su Hydro Aquatic Studies Program, Types of Data Collected and Associated Data Analysis by Field Project Component.

Also, more detailed information on the ADF&G Su Hydro Aquatic Studies program is detailed in the report prepared by the Division of Legislative Budget and Audit this fiscal year.

Attachment A Su Hydro Aquatic Studies Program, FY 81 and FY82

Objectives: Objectives 1, 2, and 3 as stated in the November 1979 POS.

The specific mission of the ADF&G Su Hydro Aquatic Studies Team in FY81 and FY82 was collection and reporting of baseline fisheries and aquatic habitat data on the Susitna River related to the above objectives.

Funding: ADF&G Aquatic Studies by Unit for FY81 and FY82. ^{1/}

Unit	Allocations ^{2/}			Expenditures to 6/30/82	Balance Remaining 6/30/82
	FY 81	FY 82	Total FY 81 & 82		
AS	197.2	560.0	757.2	719.5	37.7
DP	24.1	82.1	106.2	81.6	24.6
AA	247.0	864.5	1,111.5	1,094.4	17.1
RJ	225.0	666.0	891.0	865.8	25.2
AH	152.8	476.5	629.3	588.3	41.0
Total	846.1	2,649.1	3,495.2	3,349.6	145.6 ^{3/}

^{1/} Prepared from ADF&G Su Hydro Aquatic Studies Monthly Budget and Audit Reports.

^{2/} Allocation of project funds within ADF&G Su Hydro Aquatic Studies Team figures rounded to nearest \$100, reflects all RSA changes.

^{3/} Continuing funds returned to APA.

Staffing: In FY81 staffing was initiated in November 1980. These were 20 permanent full time and 18 permanent seasonal positions, provided to conduct the aquatic studies program. In FY82 ADF&G had 26 permanent full time and 34 permanent seasonal positions available.

Attachment B ADF&G Aquatic Studies Program in FY83.

Objectives: Work under general objectives 1, 2, and 3 outlined in the ADF&G November 1979 PGS continued.

In addition to the collection of baseline fisheries and aquatic habitat information, however, the APA requested the ADF&G assume the function of partial analysis of the data we collected to portray the relationship of preproject fisheries and aquatic habitat to changes in mainstem discharge conditions in the Susitna River. Assuming this function added another report series to ADF&G's reporting requirement to the APA which will be completed by June 30, 1983. The Arctic Environmental Information and Data Center (AEIDC) allows plays a role in the preproject analyses task.

Funding: ADF&G Aquatic Studies by Unit in FY83.

<u>Unit</u>	<u>Allocation FY 83</u>
AS	548.3
DP	300.5
AA	653.2
RJ	734.8
AH	815.7
Total	<hr/> 3,052.7

Staffing: The ADF&G Su Hydro Aquatic Studies program in FY83 provided for 33 permanent full time and 46 permanent seasonal positions.

Attachment C ADF&G Program Characteristics and Accomplishments to Date.

The ADF&G Su Hydro Aquatic Studies Program is largely self sufficient in logistics, camp construction operation and support. Maintenance, construction and repair of the equipment used by the project is an important task for ADF&G employees.

We have basically a year around field operation collecting information on fisheries and aquatic habitats during both the ice covered and open water seasons on the Susitna River. The staff work in remote locations from both spike camps and seven more permanently located tent camps which are accessible either by riverboat, float aircraft (3 camps) or helicopter.

A relatively large number of staff are required, particularly in the open water season, to collect concurrent observations on fisheries and aquatic habitats over nearly 200 miles of remote river locations. Staffing at anadromous adult project sites (4 camps) must provide for two shifts of personnel to operate and calibrate Bendix side scan sonars and tag and release salmon in fishwheel live boxes. Anadromous adult project staff are working steadily through each 24 hour period during salmon run peaks or mortalities of salmon in live boxes would be prohibitive. Nearly 9000 salmon were released (4000 tagged) from fishwheels at one station during one 24 period in the summer of 1982 by 8 staff.

In the Talkeetna to Devil Canyon reach of this river, field crews (2 to 3 individuals in each) of the RJ and AH projects are responsible for their own transportation by boat to study sites, and logistics arrangements and resupply before going to the field. All field staff also required to maintain camp cleanliness, their own meal preparation, and take care of their own personal needs.

Literally hundreds of thousands of separate measurements of both the fish and their physical habitat are recorded each year by ADF&G staff. These data are summarized and reported annually to project participants in seven to eight volumes. These reports are required to support the FERC license application process.

The management of data returned from the field and computerized data processing of this information has also been a monumental task. All elements of our data management and data processing were basically started from scratch with hardware unpacked from its boxes and program software and programs for our purposes developed by the DP staff and biometrician.

It was initially assumed that only qualitative levels of information would be available from much of the data collected by ADF&G field programs. In fact, our studies have proven to be sophisticated enough to supply quantifiable information in many areas on fishery resources and their habitats. For example, (a) quantification of salmon escapement rather than indexing, and (b) quantification of flows necessary to support adult salmon migration into slough spawning habitats.

The studies conducted for the evaluation of the Susitna Hydroelectric Project will provide a level of information on fish and their habitats virtually

unmatched for any other river system in Alaska. The studies to date have shown how little we knew about the important salmon and resident fishery resources in the Susitna River prior to the initiation of the program conducted by ADF&G and funded by APA.

Although these studies are specifically designed and focused towards defining the impacts of the Susitna Hydroelectric in support of the FERC license process, it is likely that portions of the information collected can be used to improve fishery and habitat management for the system. Regardless whether the project is constructed or not, the information obtained from these and other studies should prove invaluable in managing the land, water and biological resources of the Susitna River.

Attachment D ADI&G Su Hydro Aquatic Studies Program Types of Data
Collected and Associated Analysis by Field Project
Component.

The following is a list of data types and associated data analysis examples that have been collected over the past two years of the Su Hydro Investigations, Adult Anadromous Studies.

ANADROMOUS ADULT PROJECT DATA

I. Salmon Escapement Population Estimates

- A. Species - All five species of pacific salmon
- B. Locations - Yentna River, Sunshine Station, Talkeetna Station, Curry Station
- C. Methods - Sonar and mark-recapture tagging by fishwheels
- D. Data Analysis Examples
 - 1. Run Timing
 - 2. Population estimates with confidence intervals
 - 3. Correlations of run timing with mainstem discharge
 - 4. Correlations of run timing with mainstem temperature
- E. Data Use Examples
 - 1. Documents the value of the resources that may be affected by the development of the project.
 - 2. Provides a correlative analysis of the possible effects that the project may have on migratory behavior.

II. Sloughs, Tributary, and Mainstem Survey Data

- A. Species - All five species of pacific salmon, Bering Cisco, and eulachon
- B. Locations - Mainstem Susitna below Devil Canyon, tributary populations that may be affected by the dam development, sloughs that may be affected by the dam development.
- C. Methods - Electrofishing, set gill nets, observations
- D. Data Analysis Examples
 - 1. Determination of peak spawning periods
 - 2. Relative abundance of spawners