

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2774 HRES SB 108 - SB 128 277

Chapter 12

11 AAC 12.120 HORSES. Horses and pack stock shall not be ridden, driven, led, or otherwise used in a State park except in an area or on a roadway or trail of the State park designated by the Director for the use of horses. (Eff. 1/13/71, Reg.44)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.130. PETS. Dogs and other pets, while in a building, campground or other developed area of a State park, shall be on a leash not exceeding nine feet in length at all times. The Director may prohibit dogs and other pets from areas or buildings in a State park. Seeing-eye dogs are exempt from prohibitions against pets in a building, campground, or other area of a State park. A dog or other pet running at large in a State park may be destroyed by a State park official. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg.44)

Authority: AS 03.55.010

AS 03.55.020

AS 18.75.020

AS 41.20.020

AS 41.20.040

11 AAC 12.140 CONSTRUCTION OF STRUCTURES. No dock, cabin, home, building, or other structure may be constructed or maintained on State park lands or waters unless authorized by the Director under 11 AAC 18.010. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_\_, Reg. \_\_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.150. CONSTRUCTION OF SIGNS. Construction or display of signs in a State park is prohibited (UNLESS) except as authorized by the Director: under 11 AAC 18.010. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_\_, Reg. \_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.160. ASSEMBLY. (a) An assembly of more than 20 people in a State park is prohibited without a permit. A permit may be (OBTAINED BY APPLYING TO) authorized by the Director under 11 AAC 18.010. Where more than one application for the same period of time is received by the Director, a permit shall be issued to the applicant filing the first application.

(b)(THE PERMIT MAY PROVIDE)

1. (RESTRICTIONS AS TO FACILITIES OR AREA;)
2. (THE MAXIMUM NUMBER OF PEOPLE TO OCCUPY A FACILITY OR AREA; AND)
3. (ANY OTHER PROVISION THE DIRECTOR DEEMS NECESSARY TO PROTECT THE HEALTH AND WELFARE OF PEOPLE USING THE FACILITY OR AREA AND THE ENVIRONMENT.) (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_\_, Reg. \_\_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

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11 AAC 12.170. DISTURBANCE OF NATURAL MATERIAL. (a) Disturbing, damaging, defacing, or removing natural objects including plants, minerals, or fossils is prohibited except that a permit may be obtained from the Director under 11 AAC.18.010 to remove certain materials for collection, preservation for study and interpretation purposes.

(b) A person may gather berries, fruits, mushrooms and similar edibles for personal consumption, but not for sale or distribution.

(c) Dead wood lying on the ground may be gathered for personal use in designated campfire sites within a State park. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_, Reg. \_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.180. FIRES. On State park land all fires shall be in a (PORTABLE OR OTHER) camp stove or confined to a structure or facility provided in the park for this purpose, unless otherwise authorized by the Director under 11 AAC 18.010 or by regulation. State fire permit regulations apply to park lands. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_, Reg. \_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

Chapter 12

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Authority: AS 41.20.020

AS 41.20.040

Chapter 12

11 AAC 12.190. EXPLOSIVES AND FIREWORKS. Discharge of explosives, (MECHANICAL OR AIR-OPERATED GUNS,) gas-operated explosive devices, fireworks or similar devices in a State park is prohibited except that the Director may authorize use of (SUCH ITEMS) explosives when required for construction or maintenance purposes or for the general public safety or welfare. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am 7/19/73, am Reg. 47; am \_\_\_\_, Reg. \_\_)

Authority: AS 11.55.050

AS 41.20.020

AS 41.20.040

11 AAC 12.200. UNDERWATER DIVING SAFETY. A person engaged in underwater diving, using scuba or other special gear shall place a flagged buoy in the area. The flag shall be red with one white diagonal stripe and large enough to be identifiable at 100 yards. (The diver shall rise to the surface within 50 feet of the flagged buoy.) (Eff. 8/1/68, Reg. 27; am 1/13/73, am. Reg. 44; am \_\_\_\_, Reg. \_\_)

Authority: AS 41.20.020

11 AAC 12.210. LIMITATION AS TO NUMBERS. The number of vehicles and persons occupying a campsite unit may be limited by a (LOCAL) park officer for the preservation of the site and safety of the campers. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_\_, Reg. \_\_\_\_\_)

Authority: AS 41.20.020

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11 AAC 12.220. UNATTENDED CAMPS. A campsite shall be occupied on the first night after camping equipment has been set up or a vehicle has been parked in a campsite. Equipment or vehicle left unattended for a period of 72 hours at a campsite may be impounded (BY A PARK OFFICER) unless advance arrangements have been made with a park officer. (Eff. 1/13/73, Reg. 44; am \_\_\_\_, Reg. \_\_\_\_)

Authority: AS 41.20.020

11 AAC 12.230. CAMPING. (a) Within a developed campground camping is permitted only in a developed campsite. Camping is prohibited within one mile of a developed campground, and within one-half mile of a road within a park except in an area designated by the Director.

(b) It is unlawful for a person to camp in any State park area designated for camping for more than 15 days in a calendar year except when authorized by a park officer. If the Director determines that a campsite in a State park is in danger of being damaged or subject to unusual demand, they (HE) may limit camping at that site to a period of less than 15 days. Notification of a time limit of less than 15 days shall be posted at the campsite or in the campground.

(c) Vehicles and camping equipment may not remain in a campsite for longer than the posted time limit or for more than 15 days in a calendar year. Owners are responsible for compliance with this regulation.

(d) District Superintendents may promulgate and post campground rules to limit certain activities, or hours of activity within established campgrounds.

(Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_\_ Reg. \_\_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.240. VANDALISM. Disturbing, damaging, defacing or removing State park property and/or facilities is prohibited. (Eff. \_\_, Reg. \_\_)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.250. DISCHARGE OF FIREARMS. Discharge of firearms, including pistols, rifles, shotguns, revolvers, and mechanical air- or gas-operated guns in a State park is prohibited except for the purpose of lawful hunting in areas where discharge of firearms is specifically authorized by the Director. (Eff. \_\_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.260 USE OF WEAPONS IN DEVELOPED AREAS. Use of weapons, including but not limited to a firearm, bow and arrow, crossbow or slingshot is prohibited within 1/4 mile of a campground, trailhead or other developed area. (Eff. \_\_\_\_\_)

Authority AS 41.20.020

AS 41.20.040

ARTICLE 3

GENERAL PROVISIONS

Section

300. Peddling

310. Fees

320. (repealed)

330. Transfer to local agencies

340. Definitions

11 AAC 12.300. PEDDLING. Engaging in a business of soliciting, selling, or peddling any liquids or edibles for human consumption, or distributing circulars, or hawking, peddling, or vending any goods, wares, services or merchandise in a State park is prohibited except as provided in 11 AAC 14.200, unless the service is not exclusive in a park or providing the service does not require construction or use of any structure, permanent improvement, or enclosure in which case the service may be authorized as provided in 11 AAC 18.010-460.

(Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_, Reg. \_\_\_\_).

Authority: AS 41.20.020

AS 41.20.040

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11 AAC 12.310. FEES. (a) Fees for use of a State park facility (SHALL) may be established by the Director and posted at the facility. Use of the facility without payment of the prescribed fee is prohibited. Fees shall be subject to annual review.

(b) Is repealed.

(Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am 7/19/73, Reg. 47)

Authority: AS 11.55.040

AS 41.20.020

AS 41.20.040

11 AAC 12.330. TRANSFER TO LOCAL AGENCIES. Title to a State park facility located in a political subdivision may be transferred to the subdivision, provided that the transfer document contains a suitable reservation to guarantee continued operation of the facility in accordance with these regulations for a period of time deemed adequate by the Director. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.20.020

AS 41.20.040

11 AAC 12.340. DEFINITIONS. In this chapter

(1) "Aircraft" means any device that is used or intended for flight in the air;

(2) "Assembly" means the gathering or meeting of a group of people for a common purpose;

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- (3) "Boat" means any device in which a person or property may be carried on or beneath the surface of the water;
- (4) "Campground" means an area developed and maintained by the division which contains one or more campsites as defined in (5) of this section;
- (5) "Campsite" means any space designated or authorized for (INDIVIDUAL OR FAMILY) camping (AND NORMALLY CONTAINING A TABLE AND FIREPLACE AND PARKING SPACE) within the park boundaries;
- (6) "Director" means the Director of the Division of Parks, Department of Natural Resources or (HIS)their authorized agent;
- (7) "Division" means the Division of Parks, Department of Natural Resources;
- (8) "Firearm" means a pistol, rifle, shotgun, revolver, mechanical, gas or air-operated gun;
- (9) "Park officer" means an employee of the State or a political subdivision whose duties include responsibility for management, protection, or maintenance of State park lands, waters or facilities;
- (10) "Road" or "trail" means each road or trail established and designated by the Director;
- (11) "Snowmachine" means a self-propelled vehicle designed to travel over ice or snow and steered by skis, wheels, or skids and includes all terrain vehicles;
- (12) "State park land" means the State land managed by the Division and designated for use as public recreation land; (AND INCLUDES WAYSIDES, RECREATION AREAS, PARKS AND HISTORIC SITES)
- (13) "State park water" means the water located within the State park (LAND,) boundary managed by the Division and designated for use as public recreation water;

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- (14) "Vehicle" means a self-propelled device by which a person or property is or may be transported or drawn and includes bicycles, air cushioned vehicles, tractors, and other tracked or wheeled devices;
- (15) "Weapon" means any firearm or anything designed for and capable of causing physical injury or death, including bow and arrow, sling shot or crossbow. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44; am \_\_\_\_\_ Reg. \_\_\_\_\_)

Authority: AS 41.20.020

AS 41.20.040

CHAPTER 18

PARK SPECIAL LAND USE PERMITS

Article

1. Park Uses (11 AAC 18.010 - 18.040)
2. General Provisions (11 AAC 18.050)

ARTICLE I

PARK USES

Section

10. (STATE PARK INCOMPATIBLE USES) Park Land Use Permits
20. (ACCESS ROUTES) Procedure
30. Issuance guidelines
40. Provisions of permit
50. Definitions

11 AAC 18.010 is proposed for repeal and readoption as follows:

11 AAC 18.010. PARK LAND USE PERMITS.

(a) Each of the following activities is prohibited within the boundaries of a State park unless a permit authorizing the activity is first obtained:

- (1) An organized or promoted assembly of more than twenty persons;
- (2) any promotional or entertainment event (including but not limited to an organized athletic event, competitive recreational event, or spectator event), whether or not an admission or fee is charged;
- (3) camping within a park longer than the number of days designated by the Director for the site or area in which the camp is made;
- (4) placing, removing, or disturbing material within a park;
- (5) constructing or placing any improvement, structure or property within a park, including but not limited to any sign, fixture, shelter or cabin, personal property, road, trail, excavation, fill, or buttress;
- (6) discharge of explosives;
- (7) scientific, exploratory, research, or information-collection activities;
- (8) commercial activities;
- (9) use of park land or water for recurring or permanent access, including access by aircraft, to land not owned or controlled by the State, except non-motorized access;
- (10) any use which is incompatible with the purposes for which the park was established, as those purposes are expressly limited by statute, regulation, or adopted master plan, or which does not have authorized recreation as its primary purpose.

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(b) A permit issued for an activity listed in subsection (a) #1-7 above shall be a "Park Land Use Permit I."

(c) A permit issued for an activity listed in subsection (a) #8-10 above, shall be a "Park Land Use Permit II."

Authority: AS 41.20.020

AS 41.20.040

11 AAC 18.020 is proposed for repeal and readoptions as follows:

11: AAC 18.020. PROCEDURE. (a) An application for a Park Land Use Permit shall be filed at the Division of Parks district office nearest the location of the intended activity.

(b) A Park Land Use Permit I may be issued by a district superintendent or their authorized agent.

(c) A Park Land Use Permit II may be issued only by the Director of the Division of Parks.

(d) An applicant whose application for a permit has been denied, or a permittee who disagrees with an action taken by the Division concerning an issued permit, may timely appeal that decision to the Director (in the case of a District Office decision) or to the Commissioner of Natural Resources (in the case of a Director's decision). An appeal will be considered timely only if

made in writing and postmarked or date stamped by the Division of Parks within 30 days after the date of issuance of the decision being appealed from.

11 AAC 18.030. PERMIT ISSUANCE GUIDELINES. (a) A Park Land Use Permit shall be issued if the appropriate issuing officer determines that:

(1) prehistoric, historic, archaeological, and cultural resources of park land, and the quantity or quality of park waters, will not be affected adversely;

(2) park administration of the affected area may continue without significant hinderance and without adversely affecting public enjoyment of the purposes for which the park was established;

(3) aesthetic and visual values and related subjective qualities attributable to the park and its purposes are protected and maintained for public use and enjoyment;

(4) in the case of a Park Land Use Permit I, the activity for which a permit is sought bears a reasonable, demonstratable relationship to the park resources or to a particular area within a park which would be the location of the proposed activity;

(5) in the case of a Park Land Use Permit II, no feasible and prudent alternative to use of the land, water, or air of a park exists;

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(6) the permittee's activity is not reasonably anticipated to conflict with the lawful activities of other permittees or of the public, or to seriously threaten their health or safety, or to threaten injury to structures or improved areas;

(7) it is in the best interest of the State.

11 AAC 18.040. PROVISIONS OF A PARK LAND USE PERMIT. (a) A Park Land Use

Permit must include:

(1) complete and accurate identification of the individual or corporate permittee, including its business address within Alaska;

(2) commencement date, annual review date if a permit is valid for longer than 18 months, and expiration date for the permit;

(3) a statement that issuance of the permit grants no interest in park land, water, nor any right, expectation or preference whatsoever that the permit will be reissued, or that a subsequent permit will be issued;

(4) a complete description of the nature of activities authorized by the permit and any restrictions on the performance or time of performance of those activities;

(5) a provision stating that the permittee agrees to indemnify and hold the State, its officer, agents and employees harmless from liability of any kind or nature, including costs and expenses for or on account of any and all legal actions or claims of any character whatsoever which results from injuries or damages sustained by any person or to any property arising from the permittee's activities, whether or not authorized under the permit, unless the sole cause of injury is due to the negligence of the State or its employees;

(6) provisions designed to enforce the terms of the permit, including penalties as provided by AS 41.20.043 for substantial violation of the permit, and requiring cash, surety bond, or insurance if appropriate;

(7) provisions governing suspension, revocation, or re-issuance of the permit including provisions stating that the permit is not transferable, and is revocable upon notice, with cause, by the issuing officer or their superior;

(8) a provision authorizing amendment on approval of the Director of an existing permit, provided, that no amendment may be approved which authorizes activities, of a different kind, or at a different location, than those originally permitted;

(9) most effective by the issuing officer to protect the health, welfare, and safety of persons within the boundaries of a park, and to maintain the purposes for which the park was established.

ARTICLE 2

GENERAL PROVISIONS

Section

050. Definitions

11 AAC 18.050. DEFINITIONS. As used in 11 AAC 65.400.450:

- (1) "Assembly" means the gathering or meeting of a group of people for a common purpose;
- (2) "Campsite" means any space designated or authorized for camping within the park boundaries;
- (3) "Commercial activity" means any activity undertaken by a person for remuneration or on a recurring basis for benefit (including profit or non-profit objectives), and aside from or in addition to any recreational experience derived from the activity;
- (4) "Director" means the Director of the Division of Parks, Department of Natural Resources or their authorized agent;
- (5) "Division" means the Division of Parks, Department of Natural Resources;

(6) "Incompatible use" means an activity involving or resulting in surface or subsurface mineral exploration or extraction (including common varieties of sand, gravel or rock), except for recreational, non-commercial mineral collecting; removing or cutting live timber or other living plant growth; grazing or pasturing of domestic animals, except for one mount per person when used for authorized recreational activities within a park in areas authorized for such use; appropriation, storage or diversion of water other than for immediate personal consumption; introduction of any substance into the waters within park boundaries; or flowing into a park, which may degrade the quality of the water or any other activity which may adversely affect the purposes for which the park has been established and the uses and public benefits which have been provided for in that park by statute, regulation, or adopted master plan;

(7) "Permit" means a Park Land Use Permit I, or Park Land Use Permit II;

(8) "Person" means the work defined in AS 01.10.060 (f) and includes any governing entity;

(9) "Park" means any area of State land which has been established pursuant to AS 41.20.020 or by other legislative or administrative act and which is administered by the Division of Parks.

Apt. 4G1 Fairview Manor  
Fairbanks, ALASKA 99701  
21 May 1983

Representative Richard Shultz  
Alaska State Legislature  
Pouch V. (MS 3100)  
Juneau, Alaska 99811

File  
NB108  
(Resource File)  
Personal

Dear Representative Shultz:

Recently I wrote your associate, Representative Ringstad, regarding the State Forest bill. I had asked him to see that all committee members receive a copy of my letter. I assume that was done and I write you regarding statements made more recently, and particularly those attributed to Mr. Roberts of your constituency.

As an industrial forester familiar with forest inventorying methods, I must question Mr. Roberts' assertion that improper methods have been used in identifying lands for inclusion in the state forest as reported in the Daily News-Miner. The use of aerial photographs for basic inventory and land classification has been long accepted as an efficient, relatively accurate, cost effective means of stratifying and inventorying the landscape. The fact that the acreage of the proposed state forest was reduced from 2.4 million acres to 1.7 million acres is an example of how the accuracy of aerial photo interpretation can be used efficiently. The reduction came about as a result of better imagery becoming available.

In terms of accuracy, I know of basic road location work, selection of bridge sites across canyons, identification of soil stability problems, location of potential gravel pits, identification of crop problems (in the cases of citrus to specific trees) and many more cases where aerial photographs have been used. I must really wonder where Mr. Roberts obtained his information.

Mr. Roberts' concern with regard to not protecting more appropriate forest lands and protecting less appropriate land is of little consequence. If you take the Delta area, this is certainly true of the agricultural project where lands better suited for forestry are now in agricultural fields. Small inclusions cannot be eliminated of one or the other. It is just impractical. However I do believe that in the case of the Delta farms, there are some rather large areas which should have been left in timber. The argument presented is just not valid to hold up passage of the bill!

The current land classification procedure is inadequate to ensure good economic management of the forest. A state forest implies commitment. In Alberta the commitment to sustained forest management resulted in the development of the Forestry Trunk road, a new transportation corridor, along the east slope of the Rockies. Industry, not just forestry came in behind such

commitment. Industry meant more jobs and a better economy. Appropriately sized parcels are essential for such development! Such parcels cannot be fractionated as suggested by Mr. Roberts.

I urge you to support the bill with a minimum of land removal. Only remove that acreage that is truly classified incorrectly as to best use and only where it is sufficiently large to not interfere with the basic concept of multiple use. Because 10,000 acres more or less were slated for land disposal is not a valid reason for excluding them for inclusion in the state forest. They may have a much higher use being available to the public than in the hands of individuals. We are looking at the common good over that of individuals personal gain at everyone's expense.

Incidentally at this time I do not represent any private interest and I am willing to meet with you at your pleasure to discuss the potential of forest management in the Interior.

Sincerely



Edmond C. Packee

895-4697

Mike Carlson of the  
Soil Conservation Committee  
— Committee is totally  
opposed to ANY Park  
(Forestry) in Dist. 17. Mike  
said we had better figure  
some way to buy this  
both.

He doesn't know ~~where~~  
where Pappy is coming  
from as he is for it and  
they don't like this.

If Dist. 17 could be  
deleted from the bill  
that it would matter.

He is very adamant

File ~~SB~~ SB 108

Personal File (Resources)

Keith,

Mike Carlson called - He would appreciate anything that you can do to stall 108 in Committee. The land grab is even taking over Agriculture land that had been set aside for that purpose. I understand the Fairbanks Mining Assoc. is now against it. Maybe John Kingstad can get them to send in some P.O.M.s to see legislators.

Mike is going to try and get more people to send in P.O.M.s but he said that every one is planting now and it's hard to get them out from the farms.

John



# Soil Conservation Subdistrict

P.O. Box 547  
Delta Jct., Alaska 99737  
422-6525  
May 20, 1983

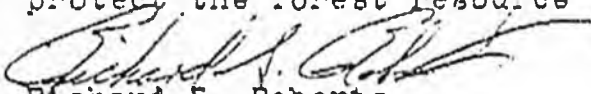
File  
108 SB

Representative John Ringstad  
Representative Richard Shultz

Reference: SB-108

Following a special meeting with representatives from the Alaska State Divisions of Forestry and Lands on May 19th, the Salcha-Big Delta Soil Conservation Sub-District Board of Supervisors, by unanimous vote, chose not to support SB-108 for the following reasons:

1. The public hearing process of land resources assignment was circumvented in the preparation of this bill.
2. Competing resource use of relatively small areas of land in this area were not addressed.
3. Other small areas not included in the forest resource designation of the Delta Land Management Planning Study are included.
4. Further, areas having no forest resources have been added in the legislative process.
5. The methods used to accomplish the forest resource inventory is inadequate to identify the real value of forest areas as proven by past experience with this same type of assessment (Timber appraisals in Delta I) and legislative designation precludes change of designation without additional legislation.
6. We feel current land classification procedures adequately protect the forest resource from non-compatible uses.

  
Richard S. Roberts  
Chairman Board of Supervisors  
Salcha-Big Delta Soil Conservation Sub-District.

cc: Senator H. (Pappy) Moss

Commercial Sales - Delta Area

File  
SB 108  
Resources - Personal File

COMPANY NAME	SALE NUMBER	TOTAL VALUE	VOLUME	UNIT
D & K ENTERPRISES	NC-4220	300.00	150.0	CD
FOUR STAR LUMBER	NC-4010	51000.00	5000.0	MBF
DRY CREEK ENTERPRISES	NC-4270	35.00	55.0	CCF
DRY CREEK ENTERPRISES	NC-4271	27.00	27.0	CCF
DRY CREEK ENTERPRISES	NC-4280	350.00	70.0	CD
DRY CREEK ENTERPRISES	NC-4280	275.00	545.0	CD
DRY CREEK ENTERPRISES	NC-4280	3742.20	152.0	MBF
D & K ENTERPRISES	NC-4280	2450.00	150.0	MBF
<b>DONALD VANDIVER</b>	NC-4250	300.00	100.0	CD
WADSWORTH POWER PRODUCTS	NC-3870	6000.00	400.0	MBF
ALLEN SAWMILL	NC-3890	4074.50	145.0	MBF
ALLEN SAWMILL	NC-3890	1250.00	45.0	MBF
WEST WOODCOTTING	NC-4090	300.00	100.0	CD
BEAR VALLEY TRADING POST	NC-4110	300.00	100.0	CD
TOR PILOT CAR SERVICE	NC-4200	150.00	50.0	CD
HIGH TIMES WOOD HAULERS	NC-4210	210.00	70.0	CD
GATEWAY INDUSTRIAL SERVICES	NC-4240	120.00	40.0	CD
ROSE'S FIREWOOD	NC-4610	700.00	700.0	CCF
ROSE'S FIREWOOD	NC-4620	504.00	504.0	CCF
W.P. DULER & EQUIPMENT SERVICE	NC-4250	61.77	4.1	MBF

COMPANY NAME	SALE NUMBER	TOTAL VALUE	VOLUME	UNIT
McCRAKER LUMBER COMPANY	NC-4260	12628.00	271.0	MBF
McCRAKER LUMBER COMPANY	NC-4260	318.00	77.0	CCF
MBF VALUE	#	31,797.07		
CCF Value	#	1,533.20		
CD VALUE	#	4865.00		
<b>Total</b>		<b>\$118,235.27</b>		
MBF VOLUME		6107.1		
CCF VOLUME		1152.0		
CD VOLUME		1195.0		
<b>total</b>		<b>7.46 million b.f.</b>		

Rep Shultz

For your information, there are sales currently under contract in Delta-Tap.

Steve Classics

# *League of Women Voters of Alaska*

TESTIMONY ON CS for SB 108 (RESOURCES)  
REGARDING MANAGEMENT OF STATE FORESTS  
AND  
ESTABLISHING A TANANA VALLEY STATE FOREST

House Resources Committee Hearing  
May 6, 1983

The League of Women Voters of Alaska supports CSSB 108. One state forest has been established and several others have been proposed. It is important to have clear guidelines in place for their management. It is equally important to maintain renewable resource lands in productive uses by establishing certain state forests. The Tanana Valley State Forest proposal is composed of high quality forest lands and would aid in the development of a renewable resource economy in the Interior. It would also help maintain traditional uses of the land such as hunting, gathering personal firewood, mining, berry-picking and others near the state's second largest urban area and along other Alaska highway communities.

There are five local Leagues in Alaska in Fairbanks, Anchorage, Juneau, Ketchikan, Kenai-Soldotna, a provisional League in the Mat-Su area and a small unit in Kodiak. The League of Women Voters operates by developing positions and principles following study and consensus among the membership. Leagues in Alaska participated in a nationwide study of land use beginning in 1972. In 1973 we also began to study land use issues at the state level. The League of Women Voters of the United States adopted a land use position in 1975. League of Women Voters of Alaska adopted a land use position in 1975 and a land disposal position in 1980. Our position statements advocate a mix of public and private uses of land, with certain lands retained for public use. Government should identify and manage areas such as renewable resource lands to protect long-term productivity.

The League of Women Voters of Alaska endorses a program for identifying, designating and managing state forests in Alaska. We recognize that there is an abundance of public land in the state. This land is not always available for certain uses such as timber harvest, mineral extraction, or destructive research activities. Some communities lack resource lands in close proximity. In addition, the continuing program of state land disposal as well as municipal disposal programs will reduce the amount of public resource lands near the state's Interior communities. This will meet the needs of community expansion. It also makes it particularly important to maintain the productivity of high quality resource lands.

We believe it is appropriate for the legislature to establish state forests as provided in the bill. This allows for full public consideration of the benefits of forest designation. Multiple-use

management as provided by the bill will insure that state forests will meet the need for a broad range of uses of public land.

The League of Women Voters believes that land ownership implies stewardship responsibilities. By this we understand that care will be taken to insure sustained yield and proper management. We support the requirement in the bill for management under principles of multiple-use and sustained yield. We also support the creation of a reforestation fund provided by section 2 of the bill. Such a fund, with revenues from the proceeds of timber sales, should reduce competition for general fund monies. This will insure that the timber resource will be renewed for the long-term benefit of the state.

CSSB 108 contains some excellent provisions regarding management plans, particularly requirements for public hearings, a resource inventory, regular review, and a list of uses to be considered.

The bill requires public hearings before adoption of a management plan. One of the principles of the League of Women Voters is that citizen participation is essential in our government. We think this is especially true in land use planning and to ensure that public lands meet the needs of all the public. It is important to include the public in land use planning decisions to ensure that the best decisions are made and that they will be carried out. We endorse this requirement for public hearings before any management plan is adopted or revised.

There is also a requirement in section 1 of the bill for review of a management plan by other appropriate state agencies before its adoption or revision. Our positions state that there should be coordination among all levels of government, public agencies, and public and private parties affected in decisions about land resources. We recommend that this requirement be expanded to include consultation with affected local governments as well as state agencies.

We support the requirement for a forest inventory before adoption of a management plan. However, we recommend that this wording be changed to a resource inventory. This will help insure that all resources of the forest lands are considered and aid in making decisions that balance competing multiple uses. We believe it is a responsibility of government to inventory land resources in order to make the best management and use decisions.

The bill provides that a management plan be adopted and implemented with five years of establishment of a state forest. We support this requirement to encourage timely development of the management plan. The bill also requires periodic review of the management plan at least every five years. This provides clear direction to land managers and may help insure that the review will actually take place on a regular basis.

The listing of permitted uses in the bill gives clear direction to forest planners and managers to consider the full range of activities in any state forest. We support inclusion of this list of uses. The public will know that their concerns will be addressed if land managers must consider these in their planning.

The League of Women Voters of Alaska supports designation of a Tanana Valley State Forest. We have discussed our support for retention of certain lands for public use. The proposed state forest will meet a public need in the area. The parcels in the bill have been chosen to represent the highest quality forest land in the area.

The Tanana Valley area contains a large amount of state land, much of which has been and will continue to be made available in various disposal programs. There have been large agricultural disposals at Delta and small agricultural disposals on Chena Hot Springs Road and in Salcha outside of Fairbanks. There have been remote parcel disposals throughout the Interior. Although the state has a limited amount of land close to town, there have already been a number of subdivision offerings ten to fifteen miles outside of Fairbanks. In addition, the Fairbanks North Star Borough has 112,000 acres from its municipal entitlement. The borough has stated its intention to dispose of nearly all of its land. This should allow for community expansion far into the future. These state and borough disposals will meet demands for private development. As these disposal lands are developed, the existing demand for forest products including firewood, hunting and other recreation lands reasonably nearby will continue to increase.

We need to balance the demand for private development of land with the demand for activities that are best conducted on larger public blocks of land. The time to designate these lands for a variety of public uses is now, before the resource is lost to us. There will certainly be economic benefits to the community and the state as a whole from properly managed multiple use forest lands.

We urge the committee to recommend passage of CSSB 108. We believe this is a good bill.

Submitted by Mary Beth Juday  
Natural Resources Chair  
4837 Palo Verde Dr.  
Fairbanks, AK 99701  
479-3765



FD-36 (Rev. 10-15-70) 1510

Date February 25, 1983

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

Dear Senator Fahrenkamp:

Please refer to your letter of February 10 regarding SB 108.

A stable land base dedicated to forestry in Interior Alaska will greatly facilitate the development of a forest products industry. A reliable source of timber (managed to produce a regular supply of timber in perpetuity) is a prerequisite inducement for the front-end capital investments required for the establishment of a healthy industry and resulting employment opportunities.

In addition, management under the principles of multiple use will assure the public opportunities such as recreation, hunting, and fishing on these lands while providing for protection or utilization of other resources. Often times the management of one resource can enhance another; for example timber management can be used to enhance wildlife habitat for certain species in certain locations. Similarly, in many situations, timber management can be used to influence the timing and amount of water run-off in a watershed or affect water quality. In other situations the management of one resource may have an adverse impact upon another and informed trade-off decisions need to be made.

Further, designation of State Forests managed under multiple use principles should not impair the public's lawful use of these lands for other purposes such as mining or certain occupancies.

The establishment of a State Land Reforestation Fund is an excellent approach to funding reforestation needs. I suggest that legislation clearly state that any monies so appropriated remain available until expended. Such a provision would provide the manager with the flexibility to allow for the vagaries of climate with regard to planting and stock availability and changes in operating harvest plans.



I understand from your letter that the boundaries proposed for the Fairbanks State Forest have been carefully drawn to avoid conflicts with higher and better uses of these lands. No doubt many hours of discussion have gone into this configuration. However, I would be remiss if I did not say that, in my opinion the present configuration may serve to confuse the public and present future challenges for the manager of this State Forest.

I am not acquainted with the present or planned ownership of adjoining lands but presumably this could be a mix of private and State-owned lands administered by different agencies. If this were to come to pass the public could be faced with use policies and regulations that vary by ownership or administering agency while not knowing just where boundaries are. Inadvertent violations could occur by the visitor to the area or in planned management activities such as timber sales.

Another consideration in designing boundaries is future access needs for management and public purposes. These access needs may be more easily provided for across State-owned lands and foreseeable needs across lands destined for private ownership can also be provided.

One final consideration is the impact of the management of lands upstream in a watershed upon the lands in the lower reaches. Conflict can develop when these lands are administered by different agencies or are in different ownerships.

These considerations were no doubt discussed when the proposed boundaries were identified. I mention them now as a matter of conscience from a land managers viewpoint.

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

Sincerely,



MICHAEL A. BARTON  
Member, Board of Forestry

# *League of Women Voters of Alaska*

May 12, 1983

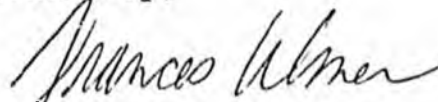
To: Members of the House Resources Committee:

Attached you will find a copy of a resolution regarding CSSB 108 (Resources) which establishes the Tanana Valley State Forest.

The resolution was adopted unanimously by the State Convention of the Alaska League of Women Voters which was held in Kenai last weekend. We would appreciate your favorable and expeditious consideration of this bill.

Thank you.

Sincerely,



Frances Ulmer, State Chair for  
Natural Resources for the  
League of Women Voters

MEMORANDUM  
LEAGUE OF WOMEN VOTERS OF ALASKA

TO: Mike M. Miller

DATE: May 11, 1983

FROM: Mary Beth Juicy

SUBJECT: Resolution on SB 108 for Fran Ulmer

Whereas the League of Women Voters of Alaska believes that there needs to be a balance between public and private uses of land with certain lands retained for public use, and

Whereas certain activities are best conducted on large parcels of public land, and

Whereas a Tanana Valley State Forest is proposed for an area with a large amount of land planned for state and municipal land disposal, and

Whereas the proposed forest is composed of high quality forest land, and

Whereas the League of Women Voters of Alaska believes that land planning must include citizen participation and ongoing evaluation, and

Whereas land planning and management should include resource inventories, conservation of resources and reclamation of lands damaged by various activities, and

Whereas proposed legislation on a state forest system addresses these concerns, and

Whereas one state forest has already been established without clear guidelines for developing a forest management plan,

Therefore be it resolved that the League of Women Voters of Alaska urge the Alaska Legislature to pass CS SB 108 (Resources) which establishes the Tanana Valley State Forest and a program for the management of state forests.

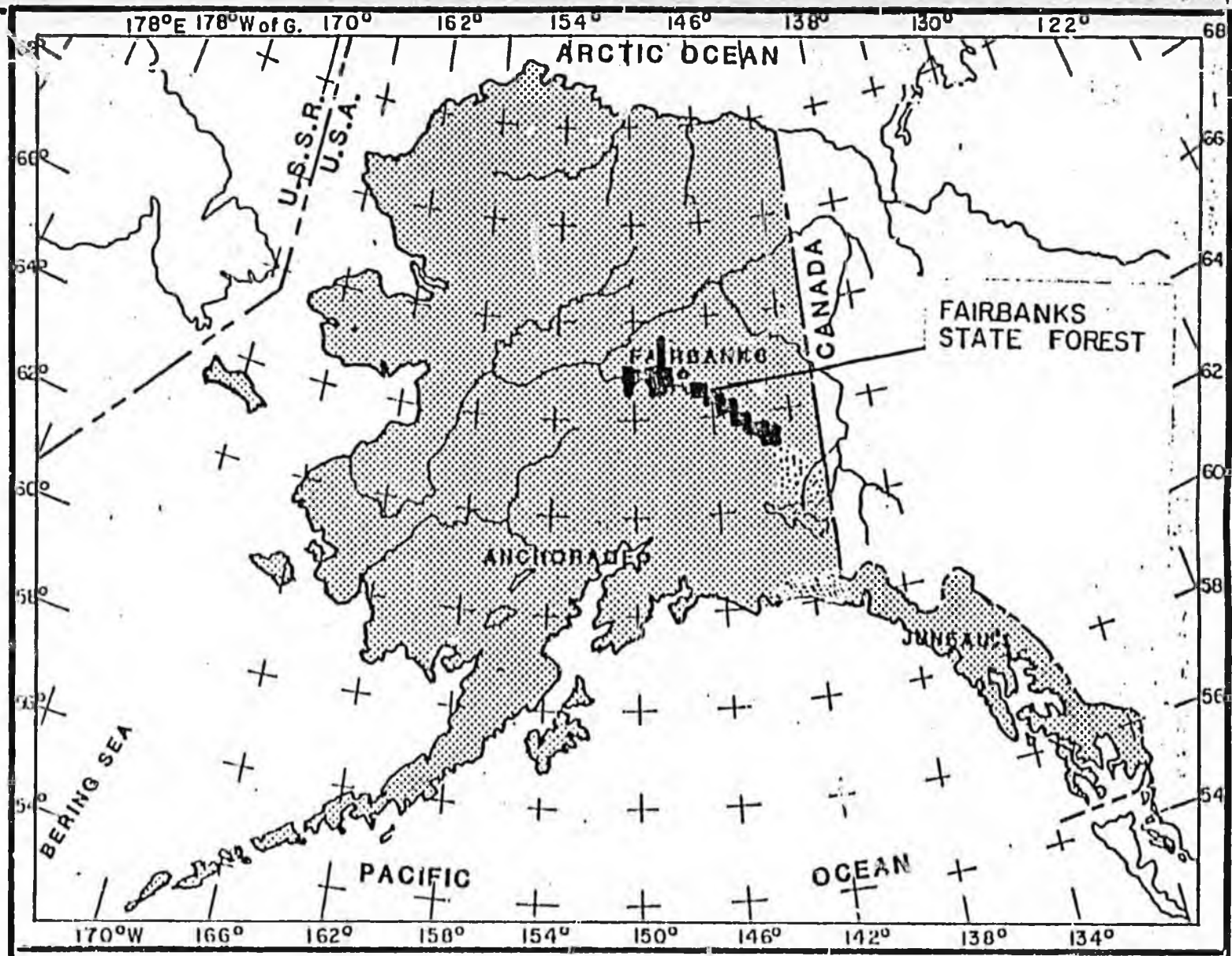
Some additional thoughts for you:

Sustained yield on a 60-100 year rotation requires the amount of acreage included in the forest.

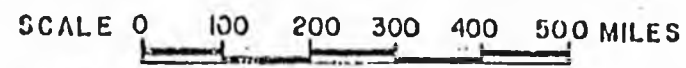
There is demand for forest land accessible by road reasonably close to Fairbanks for hunting, personal firewood, etc.

Wood products industry in the interior currently employs about 100 persons. With this forest the number could multiply 3-4 times. In addition, woodcutting for firewood could add employment for about 80 persons on a seasonal basis.

4837 Palo Verde  
Fairbanks, AK 99701  
474-3765



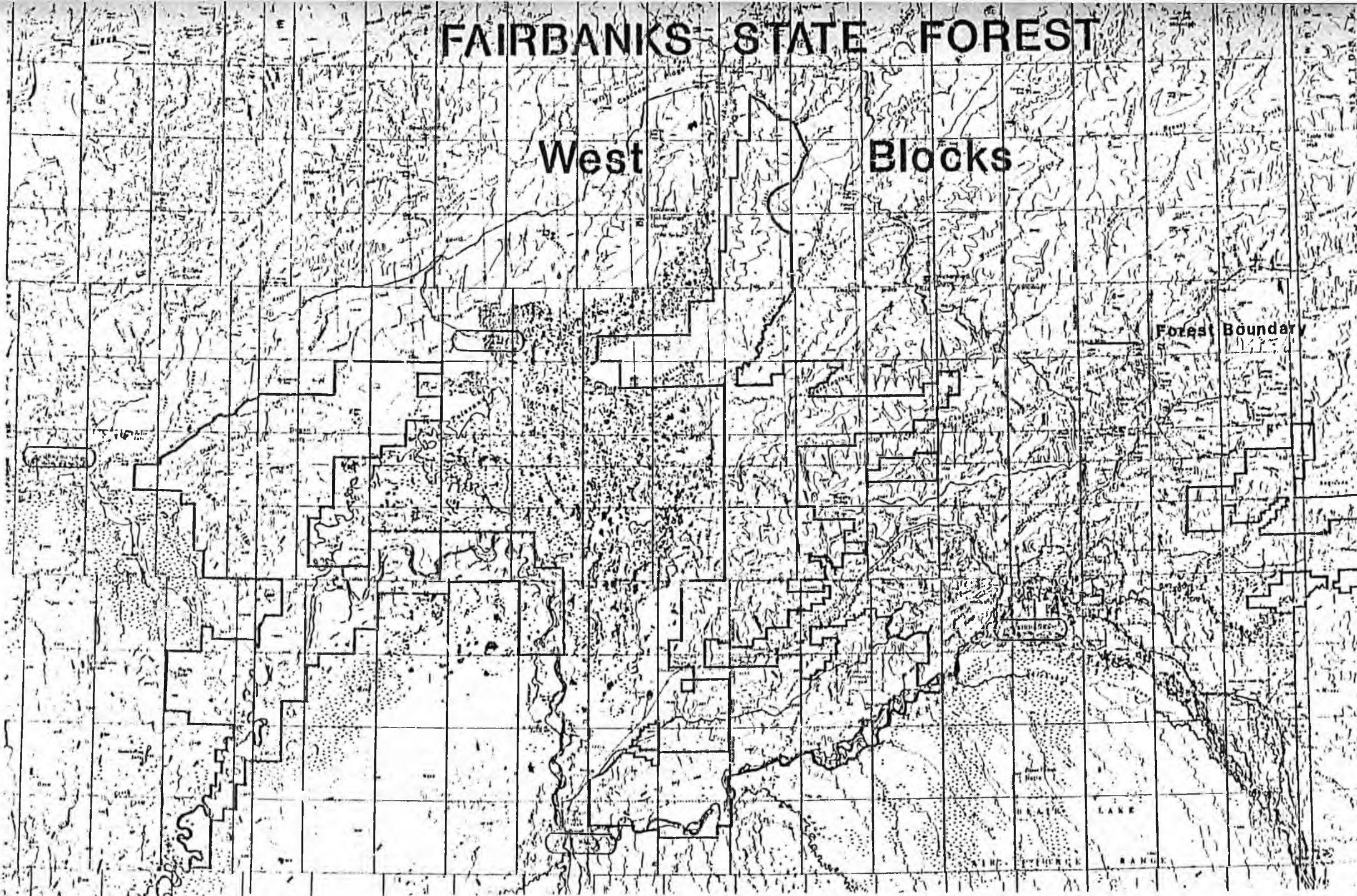
ALASKA  
LOCATION MAP OF FOREST AREAS



# FAIRBANKS STATE FOREST

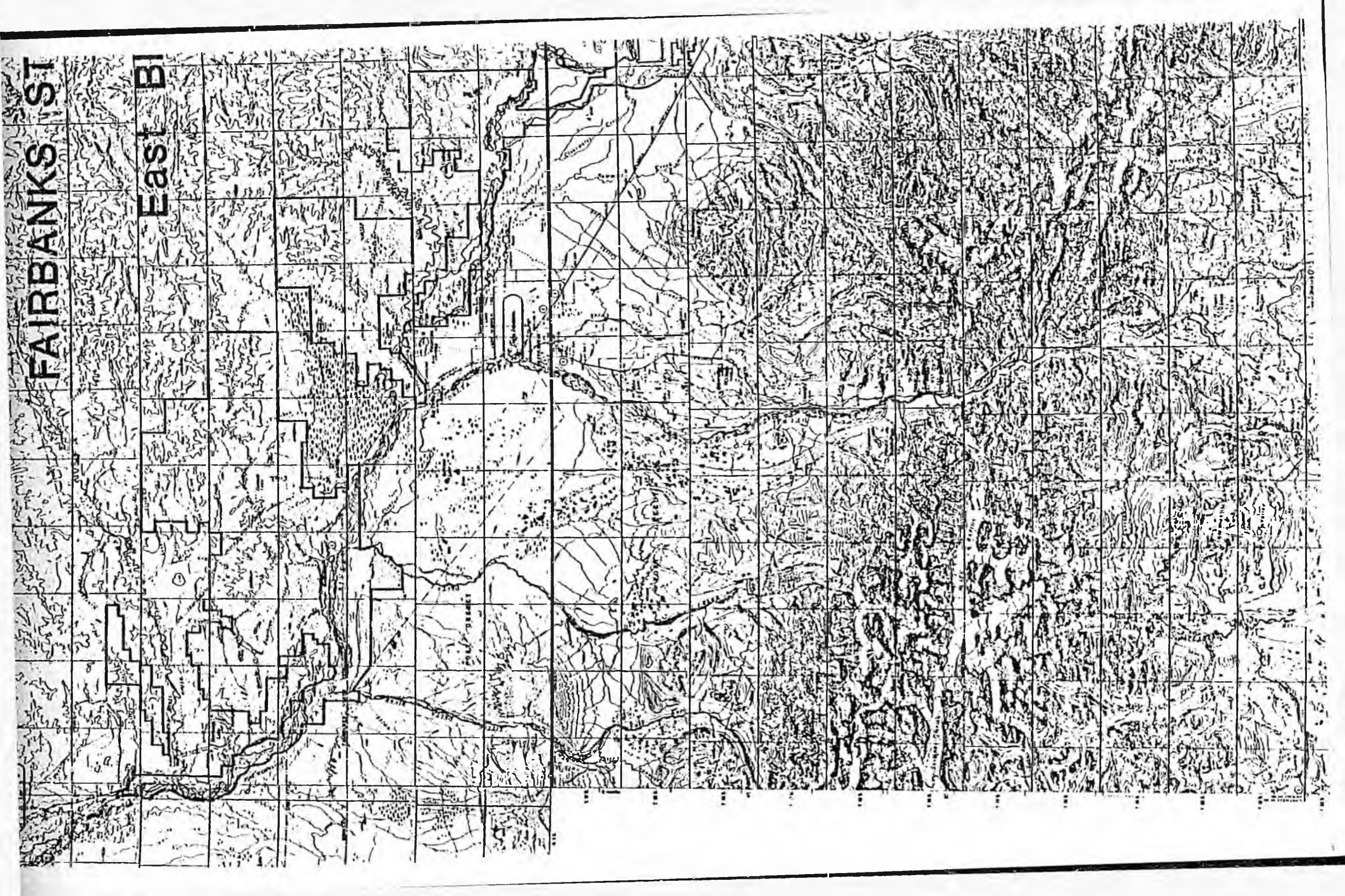
## West Blocks

Forest Boundary



FAIRBANKS ST

East Bl



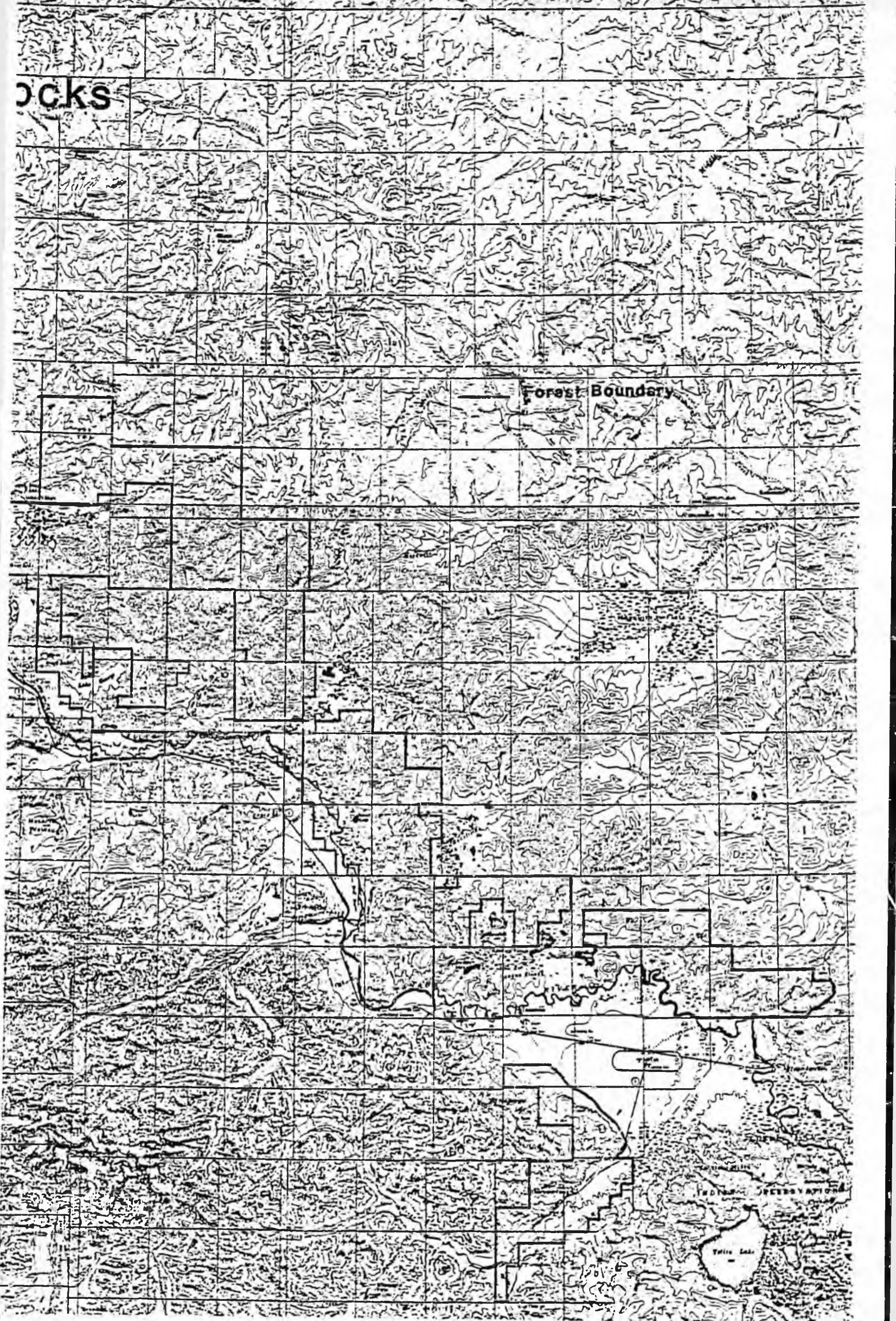
# ATE FOREST

ocks

Forest Boundary

RESERVATION

Talis Lake



# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
PAUL FISCHER  
VIC FISCHER  
BOB MULCAHY  
ARLISS STURGULEWSKI



POUGH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Senate

### Committee on Resources

May 5, 1983

#### LAND STATISTICS FOR THE TANANA BASIN, ALASKA \*

STATE LAND (Patented, TA'd, pending)-----	17.3 million acres
PRIVATE NATIVE CORPORATION LANDS -----	3.0 million
FAIRBANKS NORTH STAR BOROUGH -----	.112 million (112,000)
OTHER (private, military, etc.) -----	.588 million +
<hr/>	
TOTAL -----	21.0 million acres +

LANDS IN PROPOSED TANANA VALLEY STATE FOREST- 1.7 million acres

GROSS ACRES IDENTIFIED AS SUITABLE FOR STATE  
DISPOSAL OUTSIDE TANANA VALLEY STATE FOREST  
AND CHENA STATE RECREATION AREA ----- 2.51 million acres

#### ALLOCATION FOR STATE LAND DISPOSALS UNDER VARIOUS MANAGEMENT PLANS OUTSIDE STATE FOREST

Recreation, Wildlife Habitat Emphasis ----	778,000 acres
Forestry and Mineral Emphasis -----	979,000 acres
Agriculture Emphasis -----	1,732,000 acres
Settlement Emphasis -----	2,184,000 acres

\* Source: Department of Natural Resources from Tanana Basin Area Plan

Language requiring management plan  
within 2 yrs. of completion of inventory.

Preliminary  
Inventory/Planning Schedule  
Tanana Valley State Forest

Inv. FY	Unit	Acreage	Thousands of Dollars	
			Forestry Upgrade	Total Mgt. Resources
1. 1985	Salcha	520,000	243.0	620.0
2. 1986	Goldstream/Chena	460,000	279.0	540.0
3. 1987	Delta	240,000 50,000	126.0 261.0	280.0 500.0
4. 1987	Tok	260,000	135.0	300.0
5. 1988	Kautishna	220,000	117.0	260.0
		<u>1,700,000</u>	<u>900.0</u>	<u>2,000.0</u>
			<u>minimum</u>	<u>desired</u>

Land Disposal Estimate

Since - ~~Stalland~~ → 1978 106,415 acres

Since - FY79 → 82 ± 210,000 acres incl. ag & <sup>project</sup> im. ag.

± 58,800 acres non-ag.

# Alaska Statutes

## Title 38. Public Lands.

### Chapter

- 04. Policy for Use and Classification of State Land Surface (§§ 38.04.005 — 38.04.910)
- 95. Miscellaneous Provisions (§§ 38.95.010 — 38.95.160)

### Chapter 4. Policy for Use and Classification of State Land Surface.

#### Article

- 1. Public and Private Land Use (§§ 38.04.005 — 38.04.015)
- 2. Land Availability for Private Use (§§ 38.04.020 — 38.04.055)
- 3. Inventory, Planning, and Classification (§§ 38.04.060 — 38.04.070)
- 4. General Provisions (§§ 38.04.900 — 38.04.910)

Editor's notes. — As to designation of land for disposal under the homesite entry program established in AS 38.08.010 — 38.08.120 and the open-to-entry program established in AS 38.05.077 and the assessment of supply and demand of land under such programs, see §§ 1 and 2, ch. 181, SLA 1978, in the 1978 Temporary and Special Acts and Resolves.

As to redesignation and disposal of

mental health land, see § 3, ch. 181, SLA 1978.

Section 49, ch. 113, SLA 1981, provides: "The commissioner of natural resources may disallow a municipal selection of mental health lands allowed under sec. 1(b), ch. 181, SLA 1978 if the commissioner determines that the municipality is not complying with land disposal requirements in chapter 181, SLA 1978."

### Article 1. Public and Private Land Use.

#### Section

- 05. Policy
- 10. Public interest in making land available for private use

#### Section

- 15. Public interest in retaining state land in public ownership

**Sec. 38.04.005. Policy.** (a) In order to provide for maximum use of state land consistent with the public interest, it is the policy of the State of Alaska to plan and manage state-owned land to establish a balanced combination of land available for both public and private purposes. The choice of land best suited for public and private use shall be determined through the inventory, planning, and classification processes set out in AS 38.04.060 — 38.04.070.

(b) In classifying state land for private use and settlement purposes, the director shall make adequate provision for public open space which

(3) to protect critical wildlife habitat and areas of special scenic, recreational, scientific, or other environmental concern;

(4) to restrict development in hazardous locations such as floodplains and avalanche zones; and

(5) to guide the location of settlement and development to minimize public costs and maximize social and economic benefits. (§ 5 ch 181 SLA 1978)

**Article 2. Land Availability for Private Use.**

Section	Section
20. Land disposal bank	35. Criteria for program selection
21. Disposal of municipal grant land entitlements	40. Availability of university land
25. Variety of uses	45. Survey and subdivision
30. Land availability programs	50. Access to private use areas
	55. Access through private use areas

**Sec. 38.04.020. Land disposal bank.** (a) The commissioner shall establish a land disposal bank containing state land classified for disposal into private ownership.

(b) The land disposal bank does not include

(1) land nominated for selection or selected by a municipality to satisfy a general grant land entitlement under AS 29.18.201 — 29.18.213;

(2) land retained in state ownership for multiple-use management;

(3) land where less than a fee simple title has been conveyed;

(4) land retained in state ownership under an enactment of the legislature or by the governor or a state agency under authority of law.

(c) Land to be retained in state ownership may be classified by the commissioner into multiple-use management categories under AS 38.05.300. Land within a municipality retained in state ownership consists of land classified for retention in state ownership as of December 31, 1980. Land outside a municipality to be retained in state ownership consists of land classified for retention in state ownership by the commissioner by July 1, 1983. Land conveyed to the state by the federal government that is to be retained in state ownership consists of land classified by the commissioner within two years of receipt of tentative approval or patent, whichever occurs first. State land not classified for retention in state ownership or selected by the municipality under this section shall be classified and included in the land disposal bank. The commissioner shall ensure that the bank includes at least 500,000 acres.

(d) On January 15 of each year, the commissioner shall report to the legislature on the status of land in the land disposal bank under the following categories:

(1) land suitable for remote parcel disposal;

is accessible to communities so that natural areas are easily reached from all communities and settled areas. The amount of that land shall be sufficient to meet existing and projected needs for accessible public recreation land. Special care shall be taken to preserve public access to public water and to retain state ownership of sufficient land which combine high value for recreation and other public purposes with accessibility to settled areas. This classification for public purposes does not constitute dedication to open space, but the division's management of land so classified shall be in a manner to preserve the identified values.

(c) In allocating land for private use and public retention, the requirements of future generations shall be considered. To this end, a supply of state land of a variety of types and locations shall be reserved to provide an opportunity for future decisions.

(d) Private land use rights are integral to the material well-being of the people of Alaska and our society.

(e) Involvement of municipalities and local residents is essential in the decision-making process which leads to making state land available for private use. (§ 5 ch 181 SLA 1978)

**Sec. 38.04.010. Public interest in making land available for private use.** (a) The primary public interest in conveying rights to state land surface to private parties is to make them available to individuals and other persons for direct use in areas classified as suitable for these purposes. In making state land available for private use, the director shall seek to guide year-round settlement to areas where public services already exist, or can be extended with reasonable economy, or where development of a viable economic base is probable.

(b) State land which is located beyond the range of existing schools and other necessary public services, or which is located where development of sources of employment is improbable, may be made available for seasonal recreational purposes or for low density settlement, with sufficient separation between residences so that public services will not be necessary or expected. (§ 5 ch 181 SLA 1978)

**Sec. 38.04.015. Public interest in retaining state land in public ownership.** The primary public interests in retaining areas of state land surface in public ownership are

(1) to make them available on a sustained-yield basis for a variety of beneficial uses including subsistence, energy development, aquaculture, forestry, grazing, sport hunting and fishing, hiking, snowmobiling, skiing, and other activities of a type which can generally be made available to more people and conducted more successfully if the land is in public rather than private ownership;

(2) to facilitate mining and mineral leasing by managing appropriate public land for surface uses which are compatible with subsurface uses;

(h) The Department of Natural Resources may enter into cooperative management agreements with a person who holds title to or has a valid entry on land within or adjoining the boundaries of the Haines State Forest Resource Management Area. (§ 2 ch 95 SLA 1982)

**Editor's notes.** — Section 4, ch. 95, SLA 1982, provides: "The management plan for the Haines State Forest Resource Management Area prepared by the Department of Natural Resources under AS 41.15.520 enacted in sec. 2 of this Act shall be adopted and implemented within two years after July 1, 1982. The Haines-Skagway Area Land Use Plan adopted by the Department of Natural Resources in 1979 shall be used as the

basis for preparation of the initial management plan for the Haines State Forest Resource Management Area. Before approval of the management plan prepared under AS 41.15.520, management of the Haines State Forest Resource Management Area shall be conducted under the land use of allocations and the appropriate management provisions of the Haines-Skagway Area Land Use Plan."

### Chapter 17. Forest Resources and Practices.

Section	Section
10. Declaration of intent	90. Notification and review of operations
20. Division of forest, land, and water management established	100. Deployment of broadcast chemicals
30. Responsibilities of division	110. Conversion of forest land to other uses
40. Board of forestry	120. Inspections, investigations, and enforcement
50. Applicability	130. Prohibitions, penalties, and enforcement procedures
60. Regulatory and administrative standards	140. Appeals and judicial review
70. Administrative plan and report	950. Definitions
80. Regulations	

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**Legislative history reports.** — For report on ch. 108, SLA 1978 (SB 59), see 1978 Senate Journal, p. 656.

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#### NOTES TO DECISIONS

Cited in *Kenni Lumber Co. v. LeResche*, Sup. Ct. Op. No. 2516 (File Nos. 5733, 5755), 646 P.2d 215 (1982).

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**Sec. 41.17.010. Declaration of intent.** The legislature declares that

(1) the forest resources of Alaska are among the most valuable natural resources of the state, and furnish timber and wood products, fish and wildlife, tourism, outdoor recreation, water, soil, air, minerals, and general health and welfare;

(2) economic enterprises and other activities and pursuits derived from forest resources warrant the continuing recognition and support of the state;

(3) the state has a fundamental obligation to insure that management of forest resources guarantees perpetual supplies of renewable resources, provides nonrenewable resources in a manner consistent with that obligation, and serves the needs of all Alaska for the many products, benefits, and services obtained from them;

(4) government administration of forest resources should combine professional management services, regulatory measures, and economic incentives in a complementary fashion, and should draw upon the expertise of professional foresters in conjunction with other disciplines;

(5) under the leadership of the Department of Environmental Conservation, the state should exercise its full responsibility and authority for control of nonpoint source pollution with respect to the Federal Water Pollution Control Act, as amended;

(6) subject to § 307(f) of the Coastal Zone Management Act of 1972 (P.L. 92-583), the provisions of AS 41.17.010 — 41.17.950 shall be the basis for forest management standards, policies, and guidelines developed under the Alaska Coastal Management Act. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.020. Division of forest, land, and water management established.** (a) The governor may establish, within the Department of Natural Resources, a division of forestry to carry out AS 41.17.010 — 41.17.950 and other appropriate duties designated by the governor. The division shall be headed by a director who shall be the state forester, appointed to the partially exempt service in accordance with law by the commissioner, from a list of two or more candidates submitted by the board. The commissioner may reject all candidates, in which case the board shall submit a new list. The state forester shall be a natural resources land manager with generally accepted educational credentials, familiar and experienced with the renewable and nonrenewable resources the values of forest land and the products, benefits, and services obtained from them.

(b) The commissioner shall administer AS 41.17.010 — 41.17.950 and is authorized and encouraged to delegate responsibilities for carrying out AS 41.17.010 — 41.17.950 to the state forester.

(c) After planning and classification procedures under AS 38.05.005 — 38.05.370 have been completed, the governor may propose to the legislature, state forests, to consist of forest land determined by him to be desirable for retention in state ownership as multiple-use land.

(d) The commissioner may designate and operate experimental and research forests on state land consistent with the limitations of AS 38.05.300. Laboratories and other facilities may be employed in conjunction with those forests.

(e) The commissioner may establish and maintain forest vegetation nurseries and greenhouses for planting stock to be made available, with or without charge, to organizations, institutions, government agencies, individuals, and businesses for reforestation, afforestation, and related purposes.

(f) The commissioner is authorized to undertake cooperative forestry programs, extension services and education programs, and to otherwise offer a full range of professional management services to the interested public. When he considers it beneficial, the commissioner may participate in federal assistance programs by accepting assistance in whatever form offered.

(g) The commissioner may develop proposed regulations under AS 41.17.010 — 41.17.950 as part of the state program for control of nonpoint source pollution under the Federal Water Pollution Control Act, as amended, and shall seek to enter into a cooperative agreement with the commissioner of environmental conservation for that purpose. However, the Department of Environmental Conservation is the lead agency for water quality and control of nonpoint source pollution under that act, and the regulations and cooperative agreement are therefore subject to the advance approval of the commissioner of environmental conservation.

(h) In the administration of AS 41.17.010 — 41.17.950, the commissioner shall consult with and draw upon the expertise of interested organizations, enterprises, individuals, government agencies, educational institutions, and landowners. The commissioner may enter into cooperative agreements and contracts with them to carry out AS 41.17.010 — 41.17.950.

(i) The commissioner shall locate department personnel with forestry expertise throughout the state to facilitate public access to professional management services and other forest resources programs.

(j) Notwithstanding any other provision of AS 41.17.010 — 41.17.950, the commissioner may not employ the authority vested by AS 41.17.010 — 41.17.950 so as to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for (1) regulations under the Coastal Management Act; and (2) if authorized by the commissioner of environmental conservation, regulations relating to control of nonpoint source pollution.

(k) The commissioner may take other actions necessary and proper for the administration of this chapter, including the adoption of regulations under the Administrative Procedure Act (AS 44.62.010 — 44.62.650) and under AS 41.17.040(f). (§ 1 ch 108 SLA 1978; am § 42 ch 113 SLA 1981)

**Effect of amendments.** — The 1981 amendment substituted "may" for "shall" and "forestry" for "forest, land, and water management" in the first sentence of subsection (a).

**Sec. 41.17.030. Responsibilities of division.** (a) The division shall manage state forests and, as directed by the commissioner, provide technical advice to the division of lands on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of AS 41.17.010 — 41.17.950 or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.040. Board of forestry.** (a) The Board of Forestry is established in the Department of Natural Resources, division of forestry.

(b) The board is composed of 14 members appointed by the governor from nominations submitted from the groups listed in (c) of this section. The board shall elect its own presiding officer.

(c) Seats on the board shall be allocated as follows:

- (1) the state forester ex officio has one seat;
- (2) a nominee of the regional forester, United States Forest Service has one seat;
- (3) a nominee of the Society of American Foresters has one seat;
- (4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;
- (5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;
- (6) a nominee of an Alaskan environmental group has one seat;
- (7) a nominee of the Alaska Coastal Management Council has one seat;
- (8) a nominee of unions engaged in processing forest products has one seat;
- (9) a nominee of the United Fishermen of Alaska has one seat;
- (10) a nominee of the Alaska Miners' Association has one seat; and
- (11) a member from the public at large has one seat.

(d) Each group entitled to make nominations under (c) of this section shall submit three names to the governor for the vacancy on the board it is entitled to make nominations for.

(e) The term of office of a member of the board is three years; the governor shall make his initial appointments to the board in such a way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982. The state forester serves an indefinite term, ex officio.

(f) The board shall review and comment to the commissioner on regulations proposed for adoption under AS 41.17.010 — 41.17.950. The board shall also report to the legislature its recommendations for changes in the provisions of AS 41.17.010 — 41.17.950 and its comments on the regulations adopted by the commissioner under AS 41.17.010 — 41.17.950. It may also review and advise the legislature on the activities of the division.

(g) Members of the board, except the state forester, do not serve at the pleasure of the governor.

(h) The governor may initiate the removal of a board member for inefficiency, neglect of duty, or misconduct in office by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or by counsel at a public hearing before the governor or his designee on at least 10 days written notice by registered mail. The member has a right of confrontation and cross-examination of witnesses testifying. The removal is effective 15 days after the governor files a complete statement of all charges made against the member and the findings on those charges, in the main office of the board, except that a member may appeal the findings to the superior court. The court shall limit its review to a determination of whether the findings on the charges are substantiated by the evidence presented. The removal is suspended for any period of time during which an appeal from the findings of the governor or his designee is pending. (§ 1 ch 108 SLA 1978; am § 87 ch 59 SLA 1982)

**Effect of amendments.** — The 1982 amendment, effective May 28, 1982, substituted "division of forestry" for "division of forest, land, water management" in subsection (a).

**Sec. 41.17.050. Applicability.** (a) Unless otherwise specified, AS 41.17.010 — 41.17.950 applies to forest land under state, municipal, or private ownership.

(b) The provisions of AS 41.17.010 — 41.17.950 applicable to state land are applicable to forest land under federal ownership to the extent permitted by law.

(c) The commissioner shall exempt by regulation from the provisions of AS 41.17.010 — 41.17.950

(1) minor, small scale, or incidental commercial operations of little significance with respect to the purposes of AS 41.17.010 — 41.17.950; and

(2) operations for primarily noncommercial purposes, including but not limited to the harvesting of timber for personal use. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.060. Regulatory and administrative standards.** (a) All regulations, administrative actions, and other activities and duties undertaken under AS 41.17.010 — 41.17.950 shall be in full accordance with the standards set out in this section.

(b) With respect to state, municipal, and private forest land, the following standards apply:

(1) to the maximum extent possible, all applicable data and information of applicable disciplines shall be updated and used in making decisions relative to the management of forest resources;

(2) environmentally sensitive areas and best management practices shall be recognized in the implementation of any nonpoint source pollution control measures authorized under AS 41.17.010 — 41.17.950;

(3) administration of forest land shall consider marketing conditions and other economic constraints affecting the forest landowner, timber owner, or the operator;

(4) to the fullest extent practicable, harvested forest land shall be reforested, naturally or artificially, so as to result in a sustained yield of merchantable timber from that land; if artificial planting is required, silviculturally acceptable seedlings must first be available for planting at an economically fair price in Alaska.

(c) With respect to state and municipal forest land only, the following standards also apply:

(1) forest land shall be administered for the multiple use of the renewable and nonrenewable resources and for the sustained yield of the renewable resources of the land in the manner which best provides for the present needs and preserves the future options of the people of Alaska;

(2) any system of allocating predominant uses or values to particular units within a contiguous area of land shall reflect in reasonable proportion the various resources and values present in that area;

(3) to the extent its capacity permits, forest land shall be administered so as to provide for the continuation of businesses, activities, and lifestyles which are dependent upon or derived from forest resources;

(4) timber harvesting is limited to areas where data and information demonstrate that natural or artificial reforestation techniques will result in the production of a sustained yield of merchantable timber from that area;

(5) there shall be no significant impairment of the productivity of the land and water with respect to renewable resources; and

(6) where economically practicable, allowance may be made for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.070. Administrative plan and report.** (a) The commissioner shall develop and continually maintain a long-range plan for the administration of AS 41.17.010 — 41.17.950 which demonstrates that the provisions of AS 41.17.010 are being recognized and that the standards of AS 41.17.060 are being met. The commissioner shall maintain a current inventory or assessment of timber on forest land to assist in meeting the requirements of this section.

(b) On December 31, 1980, and at two-year intervals after that date, the commissioner shall submit a detailed report to the legislature reviewing the administration of AS 41.17.010 — 41.17.950 over the preceding two years, demonstrating compliance with (a) of this section, and describing how the plan will affect the welfare of the forest products industry and other activities and pursuits derived from or affected by forest resources.

(c) As a part of the report to be submitted on December 31, 1980, under (b) of this section, the commissioner shall, after consultation with interested constituencies,

(1) review the structure and operations of the division;

(2) describe the degree to which the division has established a high-profile forestry program utilizing the expertise of professional foresters;

(3) describe the responsiveness of the division to the interest of forest resources constituencies; and

(4) make recommendations to the legislature respecting the legal authority of the Department of Natural Resources relating to forestry, the qualifications of the director of the division, and the location of the division within the department.

(d) On December 31, 1980, the commissioner, after consultation with the commissioner of revenue, shall transmit to the legislature recommendations for legislation establishing economic incentives which would further the purposes of AS 41.17.010 — 41.17.950. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.080. Regulations.** (a) The commissioner may adopt regulations in accordance with the Administrative Procedure Act (AS 44.62.010 — 44.62.650) and under AS 41.17.040(f) governing operations on forest land with respect to the following:

- (1) harvesting and removal from the site of timber and tree products;
- (2) reforestation, revegetation, and prescribed burning;
- (3) brush, slash, and debris, and salvage of trees;
- (4) soil erosion and wasting;
- (5) fire and flood hazards;
- (6) prevention and control of disease and insect infestation.

(b) An operator may apply through the commissioner for permits required by other state agencies to operate on forest land, which applications may be forwarded to the commissioner of environmental conservation for procedures in accordance with AS 46.35.010 — 46.35.210. The commissioner shall notify the operator of the action taken. Where practicable and desirable, the commissioner may enter into cooperative agreements with federal agencies authorizing the department to serve as a collection point for federal permit applications.

(c) The commissioner may establish regions, districts, or other subdivisions of forest land in the state in which different regulations apply to reflect varying conditions in the state, or to facilitate administration.

(d) The commissioner shall adopt only those regulations necessary to accomplish the purposes of AS 41.17.010 — 41.17.950, and shall avoid those which increase operating costs without yielding significant benefits. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.090. Notification and review of operations.** (a) Operations on forest land shall be reviewed under this section for consistency with the policies and provisions of AS 41.17.010 — 41.17.950 and regulations adopted under AS 41.17.010 — 41.17.950.

(b) The commissioner shall make full use of professional management services and other educational and assistance programs of the department to encourage early contact between operators and the state and to minimize reliance on this section as a principal means of achieving the purposes of AS 41.17.010 — 41.17.950.

(c) Before operating on forest land, an operator shall give notification to the commissioner consisting of

- (1) a brief written description of the proposed operation;
- (2) a USGS map of the largest available scale showing the location of all proposed activities;
- (3) proposed measures for soil conservation and reforestation; and
- (4) evidence that the landowner and timber owner (if different from the operator) have approved the proposed operation.

(d) Within five days after receipt, the commissioner shall distribute the notification materials to affected state agencies. The agencies shall make their recommendations within 20 days after receiving the materials.

(e) Within 30 days of receipt of a notification under (c) of this section, the commissioner may inspect the proposed operation to ensure that the proposed operation is in accord with the standards promulgated by this chapter.

(f) The operator may legally commence operations upon the expiration of the 30-day period or upon notice from the commissioner that the inspection has been completed, whichever occurs first. Whether or not an inspection is conducted, the operator is liable for a violation of AS 41.17.010 — 41.17.950 or other violation of law.

(g) An operator shall notify the commissioner of a proposed substantial change in his operations by following the procedure specified in (c) — (d) of this section.

(h) Information and paperwork required of the operator under this section shall be limited to that necessary to accomplish the purposes of this section. Site examinations, including an interdisciplinary review, may be undertaken by the commissioner.

(i) The commissioner may limit the review process under this section to 10 days where such action is immediately necessary for the preservation of the public peace, health, safety or general welfare, and is undertaken in concert with affected agencies.

(j) Operations which begin before January 1, 1979 have one year to comply with AS 41.17.010 — 41.17.950. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.100. Deployment of broadcast chemicals.** The commissioner of environmental conservation, in consultation with the commissioner, shall formulate necessary plans and measures to insure that application of broadcast chemicals and other substances foreign to the Alaska forest ecosystem do not lead to results contrary to the objectives and provisions of AS 41.17.010 — 41.17.950 and other applicable laws and regulations relating to renewable resources. Regulations adopted by the commissioner of environmental conservation may include requirements for advance testing, posting of security, written reports, and other matters. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.110. Conversion of forest land to other uses.** An intention to convert forest land to other uses after timber harvesting may be stated in the notification submitted under AS 41.17.090. In that event, reforestation requirements adopted under AS 41.17.010 — 41.17.950 do not apply, except that conversion shall be completed during the time set by regulation for minimum reforestation of the land, and other requirements for revegetation may be imposed to the extent permitted by law. If the commissioner finds at any time that the responsible party has failed to conform to the intent to convert as stated in the notification, the commissioner shall revoke approval of the conversion and require full compliance with reforestation requirements. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.120. Inspections, investigations, and enforcement.** The commissioner may inspect and investigate forest land and activities on it and may enter upon it in conjunction with any operations as necessary to insure compliance with applicable regulations and requirements and to otherwise enforce the provisions of AS 41.17.010 — 41.17.950. Other state agencies have this same authority to the extent necessary to enforce their own laws and regulations on forest land. Those agencies and the commissioner shall coordinate their actions under this section. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.130. Prohibitions, penalties, and enforcement procedures.** (a) No person may violate or permit a violation of a provision of AS 41.17.010 — 41.17.950, a regulation adopted under AS 41.17.010 — 41.17.950, or a term or condition of any approval granted under AS 41.17.090 — 41.17.110. A person who commits a violation is liable for a civil fine to be assessed by the commissioner not to exceed \$10,000.

(b) If an investigation discloses probable cause to believe a violation has occurred, the commissioner shall serve upon the alleged violator (the "respondent") written notice and a formal complaint which describes the alleged violation and requires the respondent to answer the

charges at a hearing not more than 10 days thereafter. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. The notice shall also describe any damage which has occurred or might occur as a result of the violation. At the hearing, the state shall show by clear and convincing evidence that the respondent has caused or permitted a violation described in (a) of this section.

(c) Within 10 days after the hearing, or upon nonappearance of the respondent, the hearing officer shall enter a final order. The order shall be based on the evidence presented at the hearing, and shall be accompanied by a written opinion stating the reasons for the decision. The commissioner shall immediately notify the respondent of the order by registered mail. The order may include:

(1) a directive to stop the violation;

(2) the imposition of a civil fine under (a) of this section, which is payable immediately;

(3) a directive to repair damages;

(4) a finding that the charges are wholly or partially unjustified; or

(5) a combination of (1) — (4) of this subsection.

(d) In determining the amount of any civil fine imposed, the following shall be considered, as appropriate:

(1) the character and degree of injury to forest resources and values;

(2) the degree of intent or negligence of the respondent in causing or permitting the violation;

(3) the character and number of past violations caused or permitted by the respondent; and

(4) if such information is available, the net economic savings realized by the respondent through the violation described in (a) of this section

(e) If the commissioner finds that a violation described in (a) of this section has occurred and that continuation of the violation or failure to repair damage would likely result in irreversible or irretrievable damage to the forest resources or values affected, and it would be prejudicial to the welfare of the state to delay action pending a hearing, the commissioner may, without prior hearing, issue a temporary order in addition to the documents required by (b) of this section requiring the respondent to stop the violation or repair damage or both. The order remains in effect for 21 days unless a final order is issued earlier; an extension of time granted under (b) of this section extends the order issued under this subsection until the hearing officer issues a final order under (c) of this section. Proceedings in conjunction with the alleged violation must otherwise be the same.

(f) If a person fails to comply with an order issued under (c) or (e) of this section, the attorney general, at the request of the commissioner, may seek an injunction suspending all or part of the operations being conducted by the respondent until the respondent complies with the order. If the order directs the respondent to repair damage, the commis-

sioner may proceed with department staff or contractors to repair the damage, and the respondent is liable for the cost of the repair after delivery by the commissioner of an itemized statement of expenses incurred.

(g) All orders issued under this section are enforceable by injunction, attachment, garnishment, or other appropriate remedy.

(h) Unless otherwise specified, proceedings under this section are not subject to the Administrative Procedure Act (AS 44.62.010 — 44.62.650). A hearing under this section shall be held before a hearing officer, appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter. A person who has assisted in the preparation of the state's case or who is a state employee is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence which appears to him to be reliable and trustworthy. All hearings shall be open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena under AS 44.62.430, offer testimony or other evidence, and cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to insure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented. Hearings shall be held as close as practicable to the location of the alleged violation. Testimony given at the hearing shall be recorded.

(i) If the respondent notifies the commissioner within five days before the hearing provided for in (h) of this section, the following rules and procedures apply to the hearing:

(1) the hearing shall be a nonadversary proceeding, with the hearing officer fully and impartially representing the interests of the state and the respondent;

(2) the hearing officer shall thoroughly investigate the facts and circumstances relating to the alleged violation, including taking testimony from appropriate persons, collecting and examining documents and other evidence, and performing other actions consistent with due process of law;

(3) issue a decision in accordance with the applicable procedures of (h) of this section. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.140. Appeals and judicial review.** (a) An administrative action of the department under AS 41.17.010 — 41.17.950, except actions under AS 41.17.130 and except for adoption of regulations, may be appealed to the commissioner within 30 days after it is taken. The commissioner shall hold a hearing, at which all substantial issues shall be considered, within 15 days after an appeal is filed. The respondent shall be granted 10-day extensions up to a total of 60 days upon

request. Within 10 days after conclusion of the hearing, the commissioner shall issue a written decision based upon the evidence, which shall be provided to the appellant. The commissioner may delegate his duties, in whole or in part, under this subsection to a hearing officer appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter.

(b) A final decision under (a) of this section or a final order under AS 41.17.130 may be appealed to the superior court within 30 days after it is issued. Judicial review shall be as provided in AS 44.62.560 and 44.62.570.

(c) A temporary order issued under AS 41.17.130 may be immediately appealed to the superior court as to its propriety. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.950. Definitions.** In AS 41.17.010 — 41.17.950, unless the context otherwise requires,

- (1) "board" means the Board of Forestry established in AS 41.17.040;
- (2) "broadcast chemicals" includes pesticides, herbicides, fungicides, fertilizers, poisons, and any other substances
  - (A) used for silvicultural management or related purposes;
  - (B) not native to the ecosystem in which they are being applied; and
  - (C) having a foreseeable adverse impact on the welfare of renewable resources, as determined by the commissioner of environmental conservation;
- (3) "commissioner" means the commissioner of natural resources;
- (4) "department" means the Department of Natural Resources;
- (5) "division" means the division of forestry;
- (6) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for nonforest use, regardless of whether presently available or accessible for commercial purposes, and includes any such land under state, municipal, or private ownership;
- (7) "forest landowner" means a person who owns forest land;
- (8) "multiple use" means
  - (A) the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of Alaska, making the most judicious use of the land for some or all of these resources or related values, benefits, and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;
  - (B) that some land will be used for less than all of the resources; and
  - (C) harmonious and coordinated management of the various resources, each with the other, without significant impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(9) "operations" means timber harvesting or activities associated with timber harvesting or forest development unless exempted under AS 41.17.050;

(10) "operator" means a person who is engaged in timber harvesting or activities associated with timber harvesting or forest development himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in an operation as employee with wages or piecework as his sole compensation;

(11) "person" includes a joint venture as well as the entities set out in AS 01.10.060(7);

(12) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(13) "state forest" means an area which is retained in state ownership in order to

(A) provide a base for sustained yield management of renewable resources; and

(B) permit a variety of beneficial uses;

(14) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period;

(15) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself; and

(16) "significant impairment of the productivity of the land and water" means any activity which may foreseeably result in prolonged or substantial damage to renewable resources or prolonged or substantial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels. (§ 1 ch 108 SLA 1978; am § 88 ch 59 SLA 1982)

**Effect of amendments.** — The 1982 amendment, effective May 28, 1982, substituted "forestry" for "forest, land, and water management" in paragraph (5).

## Chapter 20. Parks and Recreational Facilities.

### Article

13. Wood-Tikchik State Park (§§ 41.20.460 — 41.20.490)
14. Nancy Lake State Recreation Area (§§ 41.20.491 — 41.20.496)
15. Chena River Recreation Area (§§ 41.20.497 — 41.20.505)
16. Alaska Chilkat Bald Eagle Preserve (§§ 41.20.506 — 41.20.525)

S

B

120

STATE OF ALASKA  
FISCAL NOTE

Revision Date , 1983

I. REQUEST  
 Bill/Resolution No.: SB 120  
 Title: re: soil & Water conservation  
 Sponsor: Aerzula  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected: Div. of Agriculture  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: Ag. Development

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		
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: Department of Natural Resources Phone: 376-3276  
 Division: Division of Agriculture Date: \_\_\_\_\_  
 Approved by <sup>for</sup> Commissioner: M. Alac... Date: 4/8/83  
 Department: NATURAL RESOURCES

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)

THE ALASKA SOIL AND WATER CONSERVATION DISTRICT IS SUPPORTED BY OVER 900 COOPERATORS STATEWIDE IN THE INTEREST OF WISE LAND USE AND CONSERVATION PLANNING. THE EXISTING 3-MEMBER VOLUNTEER BOARD PROVIDES SERVICES TO THE WHOLE STATE. DEMAND ON THEIR SERVICES HAS INCREASED TO THE POINT THAT RESTRUCTURING OF THE BOARD IS NECESSARY. (SB 120 INCREASES THE MEMBERSHIP FROM 3 TO 5 ALLOWING FOR APPOINTMENT OF 1 MEMBER FROM EACH OF FIVE GEOGRAPHIC AREAS OF THE STATE, AND AUTHORIZES THE COMMISSIONER OF DNR TO APPOINT AN EXECUTIVE DIRECTOR AND CLERICAL STAFF TO ASSIST THE BOARD.)

THERE IS A ZERO FISCAL NOTE. THE DEPARTMENT HAS INDICATED THEY DO NOT HAVE FUNDING AVAILABLE FOR THIS PROPOSAL THIS YEAR, BUT DOES SUPPORT PUTTING THE RESTRUCTURED BOARD ON THE BOOKS.

CHANGES IN RESOURCES COMMITTEE SUBSTITUTE:

- \* MEMBERSHIP IN THE ORIGINAL BILL WAS 6. WE CHANGED IT TO 5 TO ENSURE EQUITABLE REPRESENTATION OF THE RESOURCE AREAS IN THE STATE.
- \* MEMBERS IN ORIGINAL BILL HAD TO BE LAND OCCUPIERS. WE CHANGED IT TO USERS TO ENSURE THAT MEMBERS ACTUALLY WORK THE LAND.
- \* SPECIFIES THAT THE BOARD REVIEW APPEALS PRIOR TO THE COMMISSIONER'S DECISION. IF REVIEWED AFTER, ANY FURTHER APPEAL WOULD BE WITH THE SUPERIOR COURT. (THIS WAS DNR'S RECOMMENDED AMENDMENT.)

SENATE FINANCE AMENDED THE BILL TO DELETE PAGE 4, LINE 14-17, WHICH WOULD HAVE ALLOWED THE COMMISSIONER OF DNR TO ACCEPT CONTRIBUTIONS (MCNEY, SERVICES, MATERIALS) TO CARRY OUT THE PURPOSES OF THE CHAPTER. KERTTULA HAS NO PROBLEM WITH THE AMENDMENT.

TWO REPEALERS:

AS 41.10.020 DEFINED THE ALASKA SOIL AND WATER CONSERVATION DISTRICT AS THE WHOLE STATE (SB 120 DIVIDES INTO 5 GEOGRAPHIC AREAS.)

AS 41.10.050 DEFINED THE CHAPTER'S SHORT TITLE AS "SOIL CONSERVATION LAW". (SB 120 CHANGES ALL REFERENCES TO SOIL AND WATER.)

The Alaska Soil and Water Conservation District is supported by over 900 cooperators statewide in the purpose of promoting positive growth through wise land use and conservation planning. For the past 35 years, Alaskans involved in agriculture and forestry have been dedicated to this goal.

In 1982, some \$195,000 worth of federal cost sharing programs was utilized in conservation practices on more than 15,000 acres of land in Alaska. The Alaska Soil Conservation District has been active in the acquisition of some \$500,000 of state and federal funds to aid in the National Cooperative Soil Survey program in Alaska. In 1981 this money was used to fund soil and range surveys in Susitna Valley, Copper River Valley, Delta, Fairbanks, Kenai Peninsula, and the Seward Peninsula. A recent Memorandum of Understanding was adopted by the Soil Conservation District and the State Department of Environmental Conservation where the Soil Conservation District would address non-point source pollution on agricultural lands for the protection of Alaska's water quality. Alaska is unique in the fact that it requires farm conservation plans on any state land disposed for agriculture. The Soil and Water Conservation Board is vested with the responsibility to perform these conservation plans. However, the development of privately owned land through conservation planning is basically voluntary. The Alaska Soil Conservation District is therefore non-regulatory, and implementation of soil and water conservation practices depends on the educational process and reasonable economic incentive.

With the increased rate of resource development experienced in Alaska at this time, it is increasingly difficult for the Alaska Soil Conservation Board to function as a responsible arm of government without political support from the Legislature and State officials.

The citizens serve in the Soil Conservation District because they are concerned that Alaska not suffer from the same mistakes made by her sister states as they developed. Other states must function under expensive remedial conservation programs while Alaska has an opportunity to continue a less expensive, preventative program. Without the support of this bill, Alaska's conservation program will lose the development race and then we, too will find ourselves operating under the more expensive remedial programs.

5/20 from Kertula's office

Potential House Resources amendment to CSSB 120 (Res) am

page 5, section 13: add

(3) "Alaska Soil and Water Conservation District" means the area of the state not established under Section 41.10.130(a).



Potential House Resources amendment to CSSB 120 (Res) am  
page 5, section 13: add

(3) "Alaska Soil and Water Conservation District" means the  
area of the state not established under Section 41.10.130(a).

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99801  
907 465-3600

## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1983

SUBJECT: Soil and water conservation  
[CSSB 120 (Resources)]

TO: Senator Jalmar M. Kerttula

FROM: Richard A. Bradley *B*  
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, I must advise you that a sectional analysis or summary of a bill should not be considered an authoritative statement of the contents of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please address a specific request to this office.

The bill amends AS 41.20, a chapter relating to the "Soil Conservation District Law." The law has its origins in ACLA, 1949 and 1960 amendments conforming the law to the then newly established structure of state government.

Section 1 of the bill amends AS 41.20.030 and redefines certain technical aspects of the law. The existing law describes the entire state as the "Soil Conservation District of Alaska." See AS 41.20.020 and the commentary on sec. 14 of the bill. The amendment to sec. 30 establishes a "Purpose" to the chapter (AS 41.20) in place of the more awkward "Purpose of [Soil Conservation] District." The amendment also acknowledges that conservation of "water" has also been added as a focus of the chapter.

Section 2 of the bill amends AS 41.10.040. The amendment adds "water" to the name of the former Soil Conservation Board. It provides that the board consists of five members (in place of the former three). It also provides that the commissioner of natural resources (or, in the absence of the

commissioner, the director of agriculture) serves ex officio (by virtue of the office) as a nonvoting member of the board.

In connection with this section note the provisions of sec. 15, a transitional section providing for the termination of the terms of existing members and the appointment of new members.

Section 3 adds a new Sec. 41.20.045. The section directs the commissioner to appoint an executive director and clerical staff to serve the board.

Section 4 amends AS 41.20.060. The section relates to the "Qualifications of Board Members." Existing law requires that board members be "bona fide farmers selected from the major farming areas of the state." As amended by this section, board members would be "bona fide users of land selected from the five major land areas of the state." The term "users of land" is defined [in sec. 13] to mean "producers of renewable resources, including farming and forestry" who have a "current cooperative agreement with a soil and water conservation district." See sec. 13 and its repeal and reenactment of AS 41.20.140(2).

Section 5 adds a new Sec. 41.10.065. It defines the "Major Land Areas of the State."

Section 6 amends AS 41.20.070. The amendment is essentially stylistic; at present, the law provides that initial terms of members of the board are for "one, two, and three" year terms. The provision is, of course, executed and members appointed to those terms presumably have not served on the board for a number of years. The law dealing with this issue for the new board members is not codified in Alaska Statutes but appears in sec. 15 of the bill.

Section 7 adds a new Sec. 41.10.075. It provides for meetings of the board and requires one meeting in the capital and one or more additional meetings at a time and place in the state selected by the board.

Section 8 amends AS 41.10.100. The changes are entirely stylistic.

Section 9 adds a new subsection to AS 41.10.100 to prescribe additional substantive duties for the board.

Section 10 amends AS 41.10.110. The section relates to the "Powers of Commissioner of Natural Resources relating to Soil and Water Conservation." Seven "powers" exist under the current law. With the exception of the changes in sec. 110(4) and (7), whatever changes exist are stylistic.

The amendment to sec. 110(4) deletes the authority of the board to establish conditions on the cooperation, assistance, or agreements that the commissioner offers to users of land.

The finance committee amendment to sec. 110(7) deletes the paragraph as amended. As written, the law permitted the commissioner of natural resources to

(7) accept contributions in money, services, materials, or equipment from the United States or its agencies, from an agency of the state, and from any other source, for use in carrying out the purposes of this chapter.

The deletion of this section, standing alone, constitutes an anomaly to the extent that the deletion does not change the law. This is because any agency of the state has the power to accept contributions "for use in carrying out [statutory functions]" in the absence of an affirmative prohibition. Since no such affirmative prohibition was added to the bill, the deletion of sec. 110(7) was without legal effect. If there is a desire to add such an affirmative prohibition, I suggest putting sec. 110(7) back in the bill and modifying the introductory language to read:

(7) may not accept contributions . . . ."

Section 11 amends AS 41.10.120. The amendment changes "land occupier" to "land user", a defined term. It provides that the commissioner of natural resources (rather than the former soil conservation district) may not carry out a "survey, investigation, or plan for land" without the prior approval of the "user of land."

Section 12 amends AS 41.10.130. The section dealt with the creation of "subdistricts" within the "soil conservation district" which, it will be recalled, was the state. See AS 41.10.020, a section proposed for repeal in sec. 14.

Since that concept is abandoned, the establishment of "districts" is permitted under this section; a "district" is

an area proposed by a petition without change from existing law. Except for the change in nomenclature suggested and except for the added requirement that the soil and water conservation board have recommended the establishment of the district, no other substantive change is provided for in the amendment to sec. 130(a).

The amendment also adds a subsection. Sec. 130(b) provides that the "area of the state that is not located within a district organized under (a) of this section shall be governed by the board."

Section 13 repeals and reenacts AS 41.10.140. It defines the board as the newly established board; it defines "land user" or "user of land" as suggested above. Under existing law, AS 41.10.140 provides:

Sec. 41.10.140. "LAND OCCUPIER" DEFINED. In this chapter "land occupier" or "occupier of land" means a person who holds title to, or is in possession of, three or more acres of land in the state, whether as owner, lessee, renter, tenant, or otherwise.

Section 14 repeals AS 41.10.020 and AS 41.10.150. The sections provide:

Sec. 41.10.020. CREATION AND BOUNDARIES OF SOIL CONSERVATION DISTRICT. The Soil Conservation District of Alaska is created. The district is composed of the area of the state.

Sec. 41.10.150. SHORT TITLE. This chapter may be cited as the Soil Conservation District Law.

Section 15 is uncodified law. It provides that the terms of the members of the Soil Conservation Board terminate on the effective date of the Act [July 1, 1983: see sec. 16]. It establishes staggered terms for the new appointees: two members receive three year terms; two members receive two year terms; and one members receives a one year term. The section also recognizes that the section establishing the qualifications for board members [AS 41.10.060] prevents new members from qualifying until "soil and water conservation districts" have been created under the amendments; to resolve that problem, the section provides that a person qualified for appointment to the former board will be qualified for appointment under the revisions.

Senator Jalmar M. Kerttula  
Page 5  
May 18, 1983

Section 16 establishes an effective date: July 1, 1983.

If I may be of further assistance, please advise.

RAB:ljb  
20/017

Chairman Fahrenkamp and members of the Senate Resources Committee:

I would like to help you develop an awareness of the soil and water conservation program in Alaska and the importance of SB 120 to its future. To accomplish this, it is important for you to understand

- 1) a little of the history behind Alaska's Soil and Water Conservation program;
- 2) the relationship between the Alaska Soil Conservation District, the Governor, and the Commissioner of Natural Resources; and
- 3) some of the current responsibilities of the 48 supervisors throughout the state.

In the mid-1930's, President Roosevelt became deeply concerned with the loss of one of America's most valuable resources due to the extreme effects of wind and water erosion. This resource was of course her soil, the basis of America's economic and physical stability. As a result of the "Dirty Thirties," President Roosevelt authorized the development of what is now the Soil Conservation Service under the United States Department of Agriculture. The mandate of this technical service organization was to find 1) the cause and 2) the effect of this depleting natural resource.

The cause, in short, was the misuse and mismanagement in all phases of land use and included agriculture, forestry, grazing, and mining. Most recently we have seen an increase in land resource abuse due to rapid expansion of urban areas. The effect was lower crop yields, destruction of those areas with commercial timber values, complete loss of native range for livestock grazing, deterioration of water and air quality, and the combined effect of all of these on the standard of living and the American economy.

To overcome what seemed to be an insurmountable problem, each state, as well as the Territories of Alaska and Hawaii, was asked to establish a program that would organize the private sector into a unit of government that would work with the Soil Conservation Service in managing the nations renewable natural resources. A.S. 41-10 adopted in 1947 by the Territory of Alaska and amended in 1961 is a result of that request. For the past 36 years the Alaska Soil Conservation District, through a Memorandum of Understanding with the USDA Soil Conservation Service, has provided assistance to the residents of this state as the private sector moves ahead to develop Alaska's valuable natural resources.

I would like to briefly describe the structure of the soil and water conservation program. The current statewide district is administered by three board members appointed by the Governor. There are nine subdistricts established to service various areas of the state where intense land uses have occurred to assist cooperators in their areas. Subdistrict supervisors are elected by the cooperators in their area. The individual districts are

associated into a state association and are also members of the National Association of Conservation Districts to help provide input into programs developed at the federal government level. (Organizational charts attached.)

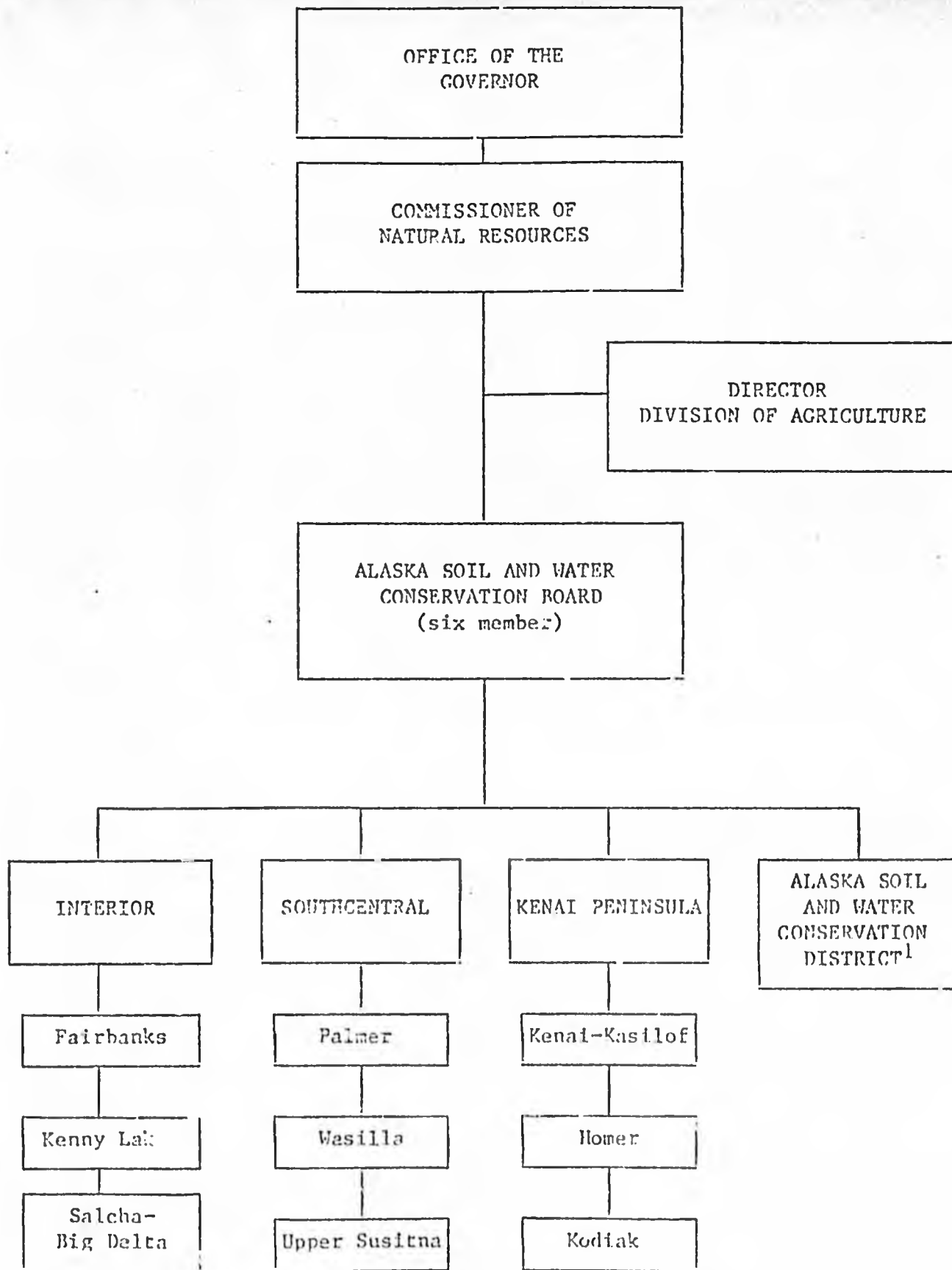
Through long-range and annual plans of operations, the Alaska Soil Conservation District and each of the nine subdistricts identify goals and objectives with regard to the development of the natural resources as a result of settlement. The attitude of the supervisors statewide is that development is a must for Alaska's economic well being, making sure that progress is achieved along reasonable management guidelines. In general, development hazards can be curbed if resource management recommendations are assigned to address the type and intensity of development. An example of such resource management recommendations is the Farm Conservation Plan which is a requirement of the sales contract on all state lands sold for agricultural development. The Farm Conservation Plan is a result of a cooperative effort between the local SCS District Conservationist and the individual farmer and is approved or disapproved by the local soil conservation subdistrict board of supervisors. I would like to emphasize one important aspect of this process. The subdistrict supervisors are elected for three year terms by local land owners in their area who are cooperators with that particular subdistrict.

It is important to remember, however, that development of privately-owned land through conservation planning is basically voluntary. The soil and water conservation program is therefore non-regulatory, and implementation of this program depends on the educational process and reasonable economic incentive.

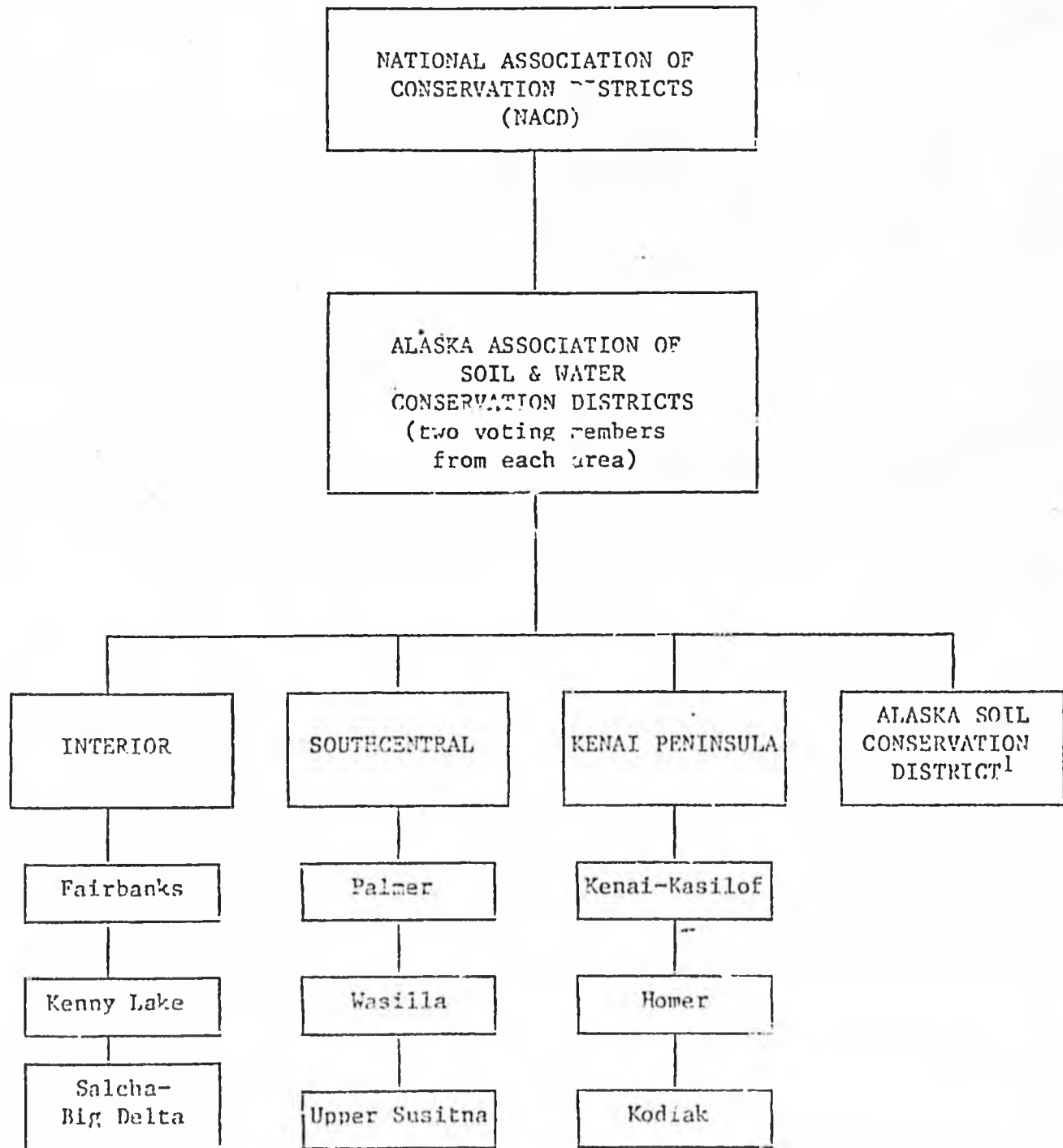
I would like to conclude by reading a brief excerpt from the Executive Summary prepared by the Alaska Soil Conservation District Board of Directors:

"In 1982 our support of federal programs has been responsible for approximately \$195,000 worth of cost-shared conservation practices on more than 15,000 acres of land in Alaska. Recent Soil Conservation Service records indicate 5,595,222 acres of land in Alaska which are adequately treated as a result of conservation planning. The Alaska Soil Conservation District has been active in the acquisition of approximately \$500,000 of state and federal funds to help support the National Cooperative Soil Survey program in Alaska. In 1981 this money was used to fund soil and range surveys in the Susitna Valley, Copper River Valley, Delta, Fairbanks, Kenai Peninsula, and the Seward Peninsula. A recent Memorandum of Understanding with the Alaska Division of Forestry establishes a working relationship for conservation planning with regard to privately owned timber resources. The Department of Environmental Conservation also recognizes the ability of the District to address non-point source pollution on agricultural lands for the protection of Alaska's water quality."

Alaska Association of Soil Conservation Subdistricts



<sup>1</sup> Defined as that area of the state which is not encompassed by an organized district. The Alaska Soil and Water Conservation District is administered by the Soil Conservation Board.



<sup>1</sup> Defined as that area of the state which is not encompassed by an organized district. The Alaska Soil Conservation District is administered by the Soil Conservation Board.

S B


128

LETTER OF INTENT  
TO ACCOMPANY SB 128

Although access to mineral deposits is not expected to require construction of facilities within marine parks, we acknowledge that such construction may be required in park units adjacent to mineral development which could not otherwise take place. In such cases, it is the intent of the Legislature that the access language within the Act be interpreted to allow development of docking facilities under terms prescribed by the Commissioner of Natural Resources.

Two units of the original marine park proposal - Decision Point and Entry Cove - have been removed from designation at this time, in order to allow a more vigorous analysis of other possible higher and better uses for these areas. Such possible alternative uses could include exchange with private or corporate ownerships for State acquisition of other lands, conveyance to the local municipality, and disposal through the State programs. If an in-depth study does not identify some alternative as being more suitable, these two sites may be legislatively included in the Alaska state park system at a later time.

  
\_\_\_\_\_  
John Ringstad, Co Chairman

  
\_\_\_\_\_  
Dick Shultz, Co Chairman

*units original proposal*  
Two of the marine park ~~units~~ - Decision Point and Entry Cove - have been removed from ~~proposed~~ designation at this time, in order to allow a more vigorous analysis of other possible higher and better uses for these areas. Such possible alternative uses could include exchange with private or corporate ownerships for State acquisition of other ~~recreational~~ lands, conveyance to the local municipality, and disposal through the State ~~home site~~ programs. If an in-depth study does not identify some alternative as being more suitable, these two sites <sup>may</sup> ~~can~~ be included in the Alaska state park system at a later time.

*legislatively*

By Shultz

Proposed amendment to HCS CS SB 128 (Resources)

Page 1, line 20:

following the phrase "wildlife resources",

insert:

and valid existing uses of these resources

adopted unanimously

By Shultz

Proposed amendment to HCS CS SB 128 (Resources)

Page 8, line 21:

Following "AS 41.20.534",

Insert:

except as provided in AS 41.20.532(d)

*adopted unanimously*

By Shultz

Proposed amendment to ECS CS SB 128 (Resources)

Page 9, line 7:

Add a new subsection to read:

(f) The commissioner of natural resources may not prohibit the continuation of customary, traditional, or pre-established uses within the state-owned land and water described in AS 41.20.534.

failed 4-4

- yea - shultz, Cowdery, Liska & Vaska  
nay - Larson, Rinstad, Vehling, Goll  
not present - Bussell

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

619 WAREHOUSE AVE., SUITE 210  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-2653

April 25, 1983

DIVISION OF PARKS

The Honorable Richard Shultz  
Alaska State House of Representatives  
State Capitol  
Pouch V,  
Juneau, AK 99811

Dear Mr. Shultz:

You may soon have the opportunity to vote on the bill (S.B. 128) creating State Marine Parks. A considerable effort has gone into making this legislation acceptable to a wide range of Alaskan interests. This bill is different from past measures. Some facts and figures:

- \* of the 400,000 National Forest acres selectable under the Statehood Act, only about ten percent is planned for public recreational use. The fourteen marine parks authorized in the the bill now in the House contains but three percent of the 400,000 acres.
- \* The communities of Whittier, Valdez and Cordova and the Chugach Native Corporation are on record supporting the creation of marine parks.
- \* These recreation sites are open to:
  1. hunting
  2. trapping
  3. commercial and sport fishing
  4. aquaculture
  5. fisheries enhancement
  6. access to adjacent lands and mineral claims
- \* The Alaska marine parks provide a coordinated linkage with Washington State's 57 marine parks and British Columbia's 23 marine parks.
- \* The bill creates nine public recreation sites in Prince William Sound and five units in Southeast; careful planning and selection procedures will provide for additinal marine parks in the future. Again, only about ten percent of land selected from the National Forests is involved.
- \* Over half of all Alaskans participate in boating; recreation and tourism is our second largest industry, worth half a billion dollars a year and employs almost 11,000 Alaskans. This commitment to recreation provides an important linkage to the tourism industry: boat rentals and charters, boat moorage, boat and aircraft sales, maintenance and repairs, air taxi and guide operations and other visitor service related industries.

The Honorable M. Richard Shultz

April 25, 1983

Page 2

The proposed marine park system is designed to guarantee everyone's use of the most scenic small coves, bays, bights and accessible beaches along the Southeast and Southcentral coast of Alaska. The plan has gathered bipartisan support, is carefully thought out and clearly shows that Alaskan's desire to provide for their, as well as their children's, recreational needs.

I ask your support for this Legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Neil C. Johannsen", with a long horizontal line extending to the right.

Neil C. Johannsen  
Director

NCJ:ces

# opinion

## Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Katherine Fanning  
Editor and Publisher

Howard Weaver  
Managing Editor



Gerald E. Grilly  
General Manager

Steve Lindbeck  
Editorial Page Editor

Lawrence Fanning, Editor and Publisher 1967 to 1971  
Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

## Beauty of our coasts

Fourteen of Alaska's most scenic coastal areas would gain state park status — and thus protection against land disposal and timber development — under legislation approved by the Senate Resources Committee this week. Last year the same idea passed the Senate and got stalled in the House; this year it deserves approval from the entire legislature.

Ten of the coastal areas involved are located in Prince William Sound; the other four in Southeast Alaska. Those who've spent time along the water in either region might well divide in partisan debate over which commands more scenic grandeur. But there would be no disagreement that both regions — each blessed with deep fjords, towering mountains, white-water falls, tidewater glaciers and unmatched marine life — are worth protecting.

The proposed legislation would not prevent access across parklands to private land or mineral claims, nor would it exclude hunting, fishing or trapping except by specific regulation from the commissioner of natural resources. What the legislation would do is prevent land disposal or timber development from encroaching on what backers say are the state's "best and most beautiful little coves and bays."

There are places in both regions — perhaps too many places — where private disposal and timber development on public lands will proceed apace in coming years. These 14 coastal parks would set aside small enclaves where the splendor they contain might be reserved for the appreciation of all — not dissipated in the grasp and potential exploitation of a few.

# Editorials

## A better waterway

IT WOULD be understandable if Alaskans were wary of the state's proposal to create 14 marine parks. They are accustomed to the federal government coming in and locking up their acres.

The state plan, however, appears to be quite a different breed of cat. Management of the parks would be right here at home and not at the whim of back-East bureaucrats and politicians. It also could open to visitors some gorgeous areas of Alaska that heretofore have been out of their reach.

The Senate has approved the bill and sent it to the House, where public hearings are scheduled at the end of the week.

THE MARINE units would be part of the state park system, which, if the law passes, would have to maintain the natural, cultural and scenic values of the sites as well as their existing fish and wildlife resources. The bill guarantees a continuation of public hunting, fishing, trapping, commercial fishing and aquaculture activities as well as access to any nearby privately owned land, including mining claims.

Five of the sites are in Southeastern. Nine are in Prince William Sound.

The state parks division feels these areas should be set aside while they are still available. Most of them are small parcels — a total of 13,000 acres — beside and in the water.

ONE OF THE necessities to future enjoyment of the magnificent scenery in Prince William Sound is that there will be preserved in the area some coves and bays and natural harbors that will be open to the public — places where boaters in future years can be assured of a place to anchor overnight and where those aboard can go ashore. The bill would remedy this.

The marine parks would be something new for Alaska, but there are a number of them along the coasts of Washington and British Columbia, where they have had wide use.

The marine parks would be a tremendous boost for tourism, which is the state's second largest industry. A spin-off would be economic benefits to nearby communities.

It would be hoped the House will give favorable attention to this bill.

STATE OF ALASKA  
FISCAL NOTE

Revision Date                     , 1983

REQUEST

Bill/Resolution No.: SB 128  
 Title: Marine Parks  
 Sponsor: V. Fischer  
 Requestor: House Resources Committee

II. FISCAL DETAIL

Agency Affected: DNR  
 Program Category Affected:                       
 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	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
	0	0	0	0	0	0

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						
	0	0	0	0	0	0

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

.None affected

IV. ANALYSIS: Attach a separate page for any Analysis *(see attached memo)*

Prepared By: Ned Farquhar *NF* Phone: 465-2400  
 Division: Commissioner's Office Date: May 11, 1983  
 Approved by Commissioner: *Mrs. D. Smith, Deputy* Date: May 11, 1983  
 Department: Natural Resources

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)

# MEMORANDUM

## State of Alaska

TO: Dave Stancliff  
House Resources Committee

DATE: May 11, 1983

FILE NO:

TELEPHONE NO:

FROM: Ned Farquhar <sup>NF</sup>  
Special Assistant  
Department of Natural Resources

SUBJECT: Marine Parks

For the foreseeable future, the marine parks system will be among passively managed state parklands, although the Division of Parks expects to arrange with the U. S. Forest Service for the cooperative management of some units. The Forest Service has been interested in designating and managing marine parks on federal land. Some private concessions may be arranged, probably returning general fund revenue.

Although no funding will be dedicated to the marine parks system in the next few years, creation of the system is important at this time for several reasons. Primarily, park designation will occur without land acquisition costs. Also, the State can indicate its commitment to recreation management on these lands, which is significant to the U. S. Forest Service as it reviews and conveys state land selections in the National Forests. Last, the designation will clarify the State's management priorities for the affected areas, thereby reducing interagency and interdivisional staff work on management.

cc: Neil Johannsen, Director  
Division of Parks

REMARKS OF DNR DEPUTY COMMISSIONER ROBERT D. ARNOLD BEFORE  
THE HOUSE RESOURCES COMMITTEE ON SB 128 (Marine Parks)  
29 April 1983

Mr. Chairman and members of the Committee, thank you for hearing the Administration's position on the proposed marine parks system. Commissioner Wunnicke had hoped to be here today but has instead been called to Anchorage.

When the marine parks proposal came before the Senate Resources Committee earlier during this session, Governor Sheffield supported it. He remains strongly supportive of the proposal, especially because of the important amendments that have been included in this year's proposal.

Governor Sheffield said today, "I see a need for a marine parks system serving Alaskans who enjoy the excellent recreational opportunities of our oceans and islands, and we have sought to meet this need without infringing on the rights and needs of other Alaskans. That is why this year the marine parks bill includes special consideration for access to privately held lands and mineral claims and for continued hunting and fishing in these areas."

Within the Department, our divisions have worked closely together to balance the various needs -- recreation, development, and settlement -- in the marine parks issue. The result is a balanced bill that the Governor supports and that deserves the full support of the House.

Please allow me to introduce Parks Director Neil Johannsen, who can provide further detail on the proposed legislation and answer your questions. Thank you for your attention.

# Information on Marine Parks

## Proposed for Designation in SB 128

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prepared by

Alaska Division of Parks  
March 1983