

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2788 SRES • APPOINTMENT CONFIRM. - COMINCO/RED DOG MINE

MAJOR CASES,  
PRESENTATIONS AND  
CONFERENCES  
(continued):

Status of Relief under the Molly Hootch Case,  
First Meeting of the Alaska Native Education  
Association, Anchorage, March 1978.

Local Control and Quality Education Under the  
Hootch Consent Decree, Alaska Native Education  
Association Board, Juneau, April 1978.

Legal and Policy Bases for the Hootch Consent  
Decree, Statewide Meeting of Alaska Corrections  
Officials, Anchorage, November 1978.

Alaska Native Control of Local Village Secondary  
School Programs, Lawyers Clinic on Parental  
Liberty in Education, Washington, D.C.,  
December 1978.

Alaska Native Education Association Convention,  
Anchorage, March 1979.

Indian Education Law Conference, Santa Fe,  
New Mexico, June 1980.

Education Administrative Hearing Conference,  
Oakland, California, September 1980.

Education and the Economy Conference, Chevy Chase,  
Maryland, September 1981.

Effective Schools Project Conference, Boston,  
Mass., December 1981.

Parental Involvement, Local Control, and Quality  
of Education, Alaska Native Education Association  
Workshops, Anchorage, 1981.

ACTIVITIES:

Skiing, Hiking, Camping, Kayaking, Traveling  
Interantional Law Club, Hastings  
Kappa Sigma Fraternity, Northwestern  
President, Interfraternity Council, Northwestern

References will be furnished upon request.

File Fish Boards



# UNITED FISHERMEN OF ALASKA

319 Seward Street, Suite #208  
Juneau, Alaska 99801-1188  
(907) 586-2820

JUN 21 1983

Cass M. Parsons  
Executive Director

June 20, 1983

To: All Members, Alaska State Legislature

While I know there are many very important pieces of legislation to be acted on before the close of this session, I would like to express my concern about the Board of Fisheries and urge legislative action.

In spite of the Board's possible deficiency in sport's representation, the persons named to those seats were some of the finest members of the fishing communities. The two members who were voted down during confirmations will be a true loss to the industry and the Governor will be hard pressed to try and find replacements of their caliber. It is a sad thing when board members get voted down, not because of their individual merits, but because of an intense lobbying effort directed against the general make-up of the board. However, what is done is done. There are now three other board members whose appointments are in limbo. These members have neither been confirmed nor denied and their status won't change until the legislature takes action or until adjournment. If the legislature adjourns without acting on these appointments the Board of Fisheries will no longer exist until the Governor appoints new people. This may take several weeks and cost precious time in the middle of the most important season of the year.

As I understand it, there are three options at this point. First, the legislature could convene in joint session to act solely on the Board of Fisheries. Second, the Governor has introduced legislation (HB 440) which would extend these appointments until next session. Third, the legislature could simply adjourn and effectively kill the appointments. I urge you to do everything within your means to encourage your leadership to call a joint session. Failing that, swift and immediate action on House Bill 440 or similar legislation should be taken.

If you care anything for the fishing community, I would ask that you express your concern to other members of the legislature and not leave the industry in turmoil and controversy.

Thank you.

Sincerely,

Cass M. Parsons  
UFA Executive Director

CMP/jb

ALASKA CENTRAL COMMERCIAL FISHERMEN'S ASSN.  
3542 Northpoint Drive  
Anchorage, Alaska 99502  
(243-3626)

JUN 3 1983

June 3, 1983

The Honorable Bettye Fahrenkamp  
Chairman, Senate Resources  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Fahrenkamp:

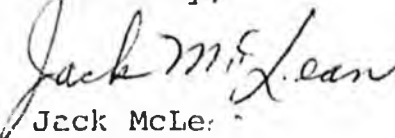
We are highly impressed with the new appointees to the Board of Fisheries.

There are presently 3,750 commercial permit holders in the Anchorage area. Our organization represents a large number of these commercial fishermen.

We feel that Paul Waller does an extremely good job at representing the Kenai sportsfishing interests.

Please take our comments into consideration when you review the appointees.

Sincerely,

  
Jack McLean  
President



Official Business

# Alaska State Legislature

Senate

Office of the Secretary

June 17, 1983

Pouch V  
State Capitol  
Juneau, Alaska 99811

MEMORANDUM TO: Senator Fahrenkamp, Chairman  
Resources Committee

From: Peggy Mulligan, Secretary of the Senate <sup>AM</sup>

Subject: Governor's Letter of June 15 on  
appointees to the Board of Fisheries

The President referred the letter dated June 15 from the Governor on the subject of appointees to the Board of Fisheries to the Resources Committee.

Encl: Gov Ltr

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

*Res*

June 15, 1983

The Honorable Jalmar Kerttula  
Senator  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

I wish to convey my regret over the actions taken June 8, 1983 during the Joint Session of the Legislature related to confirmation of my appointees to the Board of Fisheries.

As you are aware, Val Angason of E llingham and Ron Goessel of Stevens Village were denied confirmation by a majority vote of those present at the Session. The Session adjourned without taking any action on Ron Jolin of Kodiak, Pete Isleib of Cordova, and Paul Weller of Kenai.

I deeply regret the loss of Angason and Goessel. They are fine men who had a lot to offer all of us by serving on the Board.

Many people have asked what can be done now to save the remaining three appointees, and many people have suggested that I simply withdraw these names from further legislative consideration and reappoint them following adjournment of the current Session.

I have been advised by the Attorney General that this action would almost certainly lead to legal action that would cloud the integrity of the Board's decisions for months to come.

My staff and I have looked at several other options as well. Our conclusion is that only legislative initiative can save these three appointees now.

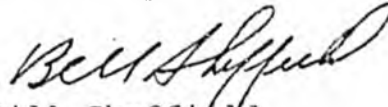
Honorable Jalmar Kerttula

-2-

June 15, 1983

In the event that the Legislature adjourns without taking further action on the remaining appointees to the Board of Fisheries, I am preparing to make five new appointments to ensure that the important work of this Board is not critically hampered.

Sincerely,

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

Bill Sheffield  
Governor

# Alaska State Legislature

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



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

## Senate

### Committee on Resources

TO: Senator Kerttula  
Senate President

FROM: Senator Fahrenkamp, Chairman  
Senate Resources Committee

RE: Governor's Appointments

DATE: May 16, 1983

Pursuant to your instructions, and in accordance with AS 39.05.080, the Senate Resources Committee has had under consideration the Governor's appointments named on the attached sheet.

There were no stated objections to confirmation of the named individuals by committee members. This does not necessarily indicate an intention to vote for or against the individuals named at the time of the joint session on confirmations.

Sincerely,

Senator Fahrenkamp, Chairman  
Senator Ziegler, Vice-Chairman  
Senator Eliason  
Senator Paul Fischer  
Senator Vic Fischer  
Senator Mulcahy  
Senator Sturgulewski

*Bettye Fahrenkamp*  
*Robert H. Ziegler, Sr.*  
*Dick Eliason*  
*Paul Fischer*  
*Vic Fischer (except fish board)*  
*Bob Mulcahy*  
*Arliss Sturgulewski*

# Alaska State Legislature

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



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## Senate

### Committee on Resources

#### COMMISSIONERS

Richard A. Neve  
Department of Environmental Conservation

Esther C. Wunnicke  
Department of Natural Resources

#### BOARDS AND COMMISSIONS

##### Board of Game

Joel F. Bennett, Juneau, 1/31/84  
Kirk D. Gay, Anchorage, 1/31/86  
Brenda Johnson, Nome, 1/31/86  
John Shively, Anchorage, 1/31/86

##### Oil and Gas Conservation Commission

Clarence Chatterton, Anchorage, 12/31/88

##### Commercial Fisheries Entry Commission

Richard Listowski, Juneau, 7/1/85  
Bruce Twomley, Anchorage, 7/1/84

##### Guide Licensing and Control Board

Douglas Pope, Juneau, 6/15/85  
Phillip Driver, Anchorage, 6/15/85  
Charles Wier, Anchorage, 6/15/86  
Ray McNutt, Sterling, 6/15/86

BRISTOL

BAY

COOPERATIVE

MANAGEMENT

PLAN

COMMENTS ON BRISTOL BAY COOPERATIVE MANAGEMENT PLAN

BY

JAMES R. JINKS, EXECUTIVE DIRECTOR

ALASKA MINERS ASSOCIATION

TO

RESOURCES COMMITTEE, ALASKA STATE SENATE

MAY 4, 1984

Good afternoon. I am James R. Jinks, Executive Director of the Alaska Miners Association. I appreciate the opportunity to speak to you today about the Association's concerns with the Bristol Bay Cooperative Management Plan.

Before offering specific comments, I would like to note the excellent efforts of those who have compiled this final document. Although the Association still has very strong reservations about the plan, we recognize the dedicated efforts of the work group in attempting to accommodate the concerns of those who have commented on this plan in its earlier forms.

Although many of the concerns expressed by the Miners Association have been at least partially addressed, we continue our opposition to the adoption and implementation of this plan. We firmly believe that effective management of the lands and protection of the environment can be attained through the proper enforcement of existing statutes and regulations. Throughout the process there has been an apparent perception that this plan was being developed in the absence of any other laws or regulations to protect the area and its resources. Nothing could be further from reality. There is a plethora of laws and regulations which govern the use and protection ~~on~~ virtually every facet of our entire

state -- including the Bristol Bay region. The creation of a plan such as this is duplicative and, in a number of cases, contradictory of existing state and federal requirements. We have not solved a problem with this plan, we have only compounded it.

It is well known that Bristol Bay is the most ~~productive~~ ~~Salmon~~ ~~fishery is the most~~ productive fishery in the world. The Miners Association recognizes that for that reason alone ~~that~~ fishing should be one of the primary uses of the region. We do not agree that it should be the sole primary use. Proper application of the principles of multiple use would provide for the continuance of fishing as a primary use and at the same time allow for the proper development, where appropriate, of the other resources of the region. By designating fishing as the primary use of the regions waters , the BRCMP has sentenced the region to a monoecconomy which is at the mercy of nature. On February 7, I had the pleasure of attending a hearing by this committee. At that meeting, many of you heard Mr. Kelly Ross of Oregon recite the tragedy of his area which had adopted a similar plan and then had experienced a natural disaster which decimated the fishing industry. We have no guarantee written in stone that this can't happen in Alaska.

When we consider the fishing in Bristol Bay, one ponders the questions of what percentage of those fishing there live in Alaska? How much of the fish caught there is processed here? What financial return accrues to the region and the state from the fish caught there? If we had accurate answers to those questions, I

believe we would be dismayed to learn that we would find that other states and nation gain more direct employment and financial benefits from fishing in Bristol Bay than we do in Alaska.

If we consider the minerals industry however, I believe we would find the answers to those question favoring our state and people. We would also realise that thh minerals industry would provide an alternative economy and off-season jobs for the region.

Mining and fishing have coexisted in Alaska for more than a century. Streams which have had significant placer mining activities for more than seventy years remain viable and productive salmon spawning streams. It is interesting to note that when certain streams in Washington state become silted to where they are no longer productive fish spawning grown, the accepted method of rejuvenating those streams is to dredge them!

There is a more important question at stake in this matter. The Bristol Bay Cooperative Management Plan results in the classification of millions of acres of Alaska land. Is that properly done without the approval of this state's legislative body? Additionally, it has the effect of obligating the state's money to administer the plan. Is such obligation of money without the approval of the legislature within the intent of our constitution?

We have been assured that the BBCMP is a one of a kind document

and would not be a "landmark" document for other plans to be developed in Alaska. It is interesting to note that the management plan concept for the Coastal Zone Management of the Seward Peninsula area has many striking similarities to the initial efforts on the BBCMP. One wonders why.

Yesterday I had the opportunity to participate in an excellent program dealing with hazards in the work place held at APU. A member of the panel I participated in described efforts by the Nondalton traditional tribal council to deal with the problems of industrialization in their community. One comment she made was particularly interesting to me however. She said " There are no walls separating one community from another (that applies to the regions of our state also). What happens in one may affect another." Certainly this is true of the BBCMP. What happens with this plan as it applies to that region will most assuredly affect all the other regions and people of Alaska.

SOHIO ALASKA PETROLEUM COMPANY  
COMMENTS ON THE DRAFT ERISTOL BAY COOPERATIVE MANAGEMENT PLAN

TESTIMONY BEFORE THE SENATE RESOURCES COMMITTEE

MAY 4, 1984

SOHIO ALASKA PETROLEUM COMPANY

COMMENTS ON THE DRAFT BRISTOL BAY COOPERATIVE MANAGEMENT PLAN

TESTIMONY BEFORE THE SENATE RESOURCES COMMITTEE

MAY 4, 1984

MY NAME IS DEBRA BORAH. I AM AN ENVIRONMENTAL SCIENTIST WITH SOHIO ALASKA PETROLEUM COMPANY IN ANCHORAGE. I HAVE BEEN FOLLOWING THE DEVELOPMENT OF THE BRISTOL BAY COOPERATIVE MANAGEMENT PLAN FOR SOHIO FOR THE PAST 2 YEARS. DURING THIS TIME THERE HAS BEEN A CONSIDERABLE AMOUNT OF ORAL AND WRITTEN COMMENTS PREPARED BY THE OIL AND GAS INDUSTRY AND PRESENTED AT EVERY OPPORTUNITY WHERE INPUT WAS ALLOWED. YOUR COMMITTEE WAS PROVIDED COPIES OF THESE PAST EFFORTS AND I HAVE PREVIOUSLY PRESENTED TESTIMONY BEFORE THIS COMMITTEE. SOHIO APPRECIATES THIS OPPORTUNITY TODAY TO AGAIN DISCUSS OUR CONCERNS.

WE ARE CURRENTLY IN THE PROCESS OF REVIEWING THE LATEST VERSION OF THIS PLAN WHICH WAS MADE AVAILABLE ONE WEEK AGO TODAY. IN THIS SHORT TIME IT HAS BECOME READILY EVIDENT THAT OUR PREVIOUS COMMENTS HAVE NOT BEEN GIVEN SERIOUS CONSIDERATION. THERE HAVE ONLY BEEN TOKEN MODIFICATIONS--MORE COSMETIC THAN SUBSTANTIVE--MADE TO THE PLAN IN RESPONSE TO OUR CONCERNS.

THIS PLAN WAS DEVELOPED BY AN 8 MEMBER STUDY GROUP: 4 MEMBERS REPRESENTING LOCAL INTERESTS, 2 STATE AGENCIES AND 2 FEDERAL AGENCIES. NEITHER THE OIL AND GAS INDUSTRY NOR THE MINING INDUSTRY WAS INVOLVED IN THE DECISION-MAKING ASPECTS OF THIS PLAN. WE ARE CONCERNED THAT THE PLAN IS NOT BALANCED AND DOES NOT ACCOMPLISH WHAT WAS MANDATED BY ANILCA.

THE PLAN WILL "CAST IN CONCRETE" A DECISION THAT COMMERCIAL FISHING AND RECREATION ARE TO BE THE ECONOMIC RESOURCES FOR WHICH "RATIONAL AND ORDERLY" DEVELOPMENT IS PROVIDED. THE DECISION WILL BE "IN CONCRETE" BECAUSE THE PLAN ESTABLISHES A COMPLICATED SYSTEM THAT WILL EFFECTIVELY BLOCK ANY AND ALL EFFORTS TOWARD DEVELOPMENT OF ANY OTHER ECONOMIC RESOURCES IN THE 31 MILLION ACRES COVERED BY THE PLAN. THIS DECISION IS NOT IN THE STATE'S BEST INTEREST.

AN EFFECTIVE WAY TO ILLUSTRATE THIS POINT IS TO DESCRIBE A RECENT EXAMPLE IN WHICH SOHIO WAS DENIED A MISCELLANEOUS LAND USE PERMIT TO CONDUCT SEISMIC EXPLORATORY OPERATIONS ON THE ALASKA PENINSULA. EXHIBIT "A", INCLUDED WITH YOUR COPIES OF THE TESTIMONY, SUMMARIZES BACKGROUND INFORMATION ON THE SEISMIC PERMITTING FOR YOUR REFERENCE. ANNE BROWN FROM THE SOHIO LANDS DEPARTMENT HAS A VU-GRAPH INDICATING THE LOCATION OF THE PROPOSED SEISMIC LINES IN THE PORT MOLLER, NELSON LAGOON AND HERENDEEN BAY AREA OF THE ALASKA PENINSULA. NO TITLE 16 PERMITS WERE NEEDED FROM THE ALASKA DEPARTMENT OF FISH AND GAME AND NO FEDERAL PERMIT WAS NEEDED. ONLY A MISCELLANEOUS LAND USE PERMIT WAS REQUIRED FROM THE DEPARTMENT OF NATURAL RESOURCES (DNR), THEREBY ESTABLISHING DNR AS THE COORDINATING AGENCY UNDER THE STATE'S NEW PERMITTING PROCEDURES.

DNR HAS A LEGAL MANDATE TO BALANCE STATE INTERESTS AND DETERMINED THAT THERE WAS SIGNIFICANT PUBLIC NEED FOR SOHIO'S PROGRAM AND THAT THERE WERE NO FEASIBLE AND PRUDENT ALTERNATIVES. THIS WAS THE BASIS FOR DNR'S ISSUANCE OF A PRELIMINARY CONSISTENCY DETERMINATION REQUIRED BY THE ALASKA COASTAL MANAGEMENT PROGRAM (ACMP) BEFORE A PERMIT COULD BE APPROVED.

IT IS IMPORTANT AT THIS POINT TO DESCRIBE THE BBCMP AND HOW RELATES TO EXISTING PROCEDURES. THE PLAN INCLUDES A SET OF HABITAT MAPS DEPICTING "ESSENTIAL" AND "IMPORTANT" HABITAT AREAS FOR FISH, CARIBOU, MOOSE, BROWN BEAR, WATERFOWL, MARINE BIRDS, MARINE MAMMALS AND BALD EAGLES. (AS A SIDE NOTE, INDICATING ONE OF THE COSMETIC CHANGES TO THE PLAN. THE TERM "ESSENTIAL" HAS BEEN SUBSTITUTED FOR WHAT USED TO BE CALLED "CRITICAL" IN RESPONSE TO INDUSTRY COMMENT THAT ONLY THE LEGISLATURE COULD DESIGNATE "CRITICAL" HABITAT.) PROPOSED PROJECTS MUST BE EVALUATED WITH RESPECT TO THE MAPS TO DETERMINE THE APPLICABILITY OF THE GUIDELINES--THERE IS AN OVERWHELMING TOTAL OF 74--IN CHAPTER V OF THE PLAN. THE HABITAT DESIGNATIONS ON THE MAPS AND THE RESTRICTIVE GUIDELINES PRESCRIBED FOR THESE HABITATS ARE KEY TO CONTROLLING THE ENTIRE AREA. EXHIBIT "B" ILLUSTRATES THE VAST AREA COVERED BY "ESSENTIAL" HABITAT WHEN THE MAPS FOR ALL THE SPECIES ARE SUPERIMPOSED. TO GIVE YOU A PERSPECTIVE REGARDING THE "VASTNESS" OF THESE AREAS, REMEMBER THAT THE ENTIRE PLANNING AREA REPRESENTS 31 MILLION ACRES.

SOHIO HAS TWO SIGNIFICANT CONCERNS WITH THIS SITUATION. FIRST, A REQUIREMENT IS ESTABLISHED FOR A BBCMP CONSISTENCY DETERMINATION IN THE COURSE OF PERMITTING ACTIVITIES. AS MENTIONED PREVIOUSLY, THERE IS ALREADY THE REQUIREMENT FOR AN ICMP CONSISTENCY DETERMINATION. THE BBCMP ESTABLISHES A SEPARATE AND ADDITIONAL CONSISTENCY REQUIREMENT. SECOND, THE MAPS AND GUIDELINES ARE THE SIGNIFICANT KEYS TO CONTROLLING THE ACTIVITIES IN THE AREA. FISH & GAME DEVELOPED THE GUIDELINES AND DRAFTED THE MAPS AND WILL, THEREFORE, BE THE CONTROLLING AGENCY REGARDING PERMITTING DECISIONS FOR THE 31 MILLION ACRES. YET FISH & GAME HAS NO LEGAL MANDATE TO BALANCE STATE INTERESTS.

IN THE SEISMIC PERMITTING EXAMPLE, SOHIO CONDUCTED AN IN-HOUSE BBCMP EVALUATION USING THE HABITAT MAPS CONTAINED IN THE PUBLIC REVIEW DRAFT PLAN. THIS REVIEW DETERMINED THAT NONE OF THE PROPOSED LINES WERE IN ESSENTIAL CARIBOU CALVING HABITAT. I MUST ADMIT THAT WE WERE PLEASANTLY SURPRISED GIVEN THE VASTNESS OF THE CARIBOU HABITAT AS INDICATED IN EXHIBIT "B". AFTER FILING THE APPLICATION, HOWEVER, SOHIO WAS ADVISED BY FISH & GAME THAT ONE OF THE LINES WAS IN ESSENTIAL CARIBOU CALVING HABITAT--THE MAP HAD BEEN CHANGED BY ADF&G ON THE BASIS OF 1983 INFORMATION. THIS CHANGE, DEPICTED IN EXHIBIT "C" IN YOUR PACKAGES AND SHOWN IN THIS VU-GRAPH, RECEIVED NO REVIEW, COMMENT OR APPROVAL FROM OTHER AGENCIES OR THE PUBLIC. IT COVERS ALMOST 50 SQUARE MILES AND TRIGGERED THE APPLICABILITY OF 3 RESTRICTIVE CARIBOU GUIDELINES FROM CHAPTER V OF THE PLAN.

TWO OF THESE 3 CARIBOU GUIDELINES ARE MODIFIED BY THE TERM "WILL". THEREFORE, BEFORE DNR CAN DEVIATE FROM THE REQUIREMENT OF THE GUIDELINES AND ISSUE A PERMIT, A COMPLICATED BBCMP PROCESS MUST BE FOLLOWED. UNRESOLVED ISSUES ARE ELEVATED TO THE ALASKA LAND USE COUNCIL FOR RESOLUTION. UNDER THE STATE'S NEW PERMITTING REGULATIONS, UNRESOLVED CONFLICTS WITH THE ACMP CONSISTENCY REVIEW ARE ELEVATED TO THE GOVERNOR FOR RESOLUTION.

FISH & GAME OBJECTED TO DNR'S PRELIMINARY ACMP CONSISTENCY DECISION BASED IN PART ON THE DRAFT BBCMP CHAPTER V GUIDELINES FOR CARIBOU, WATERFOWL AND GEOPHYSICAL SURVEYS. THE GEOPHYSICAL SURVEY REQUIREMENT UNJUSTIFIABLY DISCRIMINATES AGAINST OIL AND GAS EXPLORATION SINCE IT PROHIBITS THE USE OF EXPLOSIVES FOR GEOPHYSICAL WORK. BUT ALLOWS EXPLOSIVES ON A CASE-BY-CASE

BASIS FOR ANY PURPOSE OTHER THAN GEOPHYSICAL SURVEYS WHEN THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE. AS PROVIDED FOR IN THE NEW PERMITTING REGULATIONS, FISH & GAME ELEVATED THE PERMIT REVIEW. THE CONFLICT REMAINED UNRESOLVED AT THE DIRECTOR AND COMMISSIONER LEVELS UNTIL POLICY GUIDANCE FROM THE GOVERNOR RESULTED IN A DENIAL OF THE PERMIT.

SOHIO'S EXPERIENCE WITH THE SEISMIC PERMIT SHOWS THAT THESE ARE TWO METHODS BY WHICH DNR'S PERMITTING AUTHORITY AND DISCRETION CAN BE SEVERELY LIMITED. BOTH METHODS CAN BE TRIGGERED BY ANY AGENCY OR COASTAL RESOURCE SERVICE AREA; ALTHOUGH FISH & GAME, FOR EXAMPLE, HAS NO LEGAL MANDATE TO BALANCE STATE INTERESTS AND THE COASTAL RESOURCE SERVICE AREAS SHOULD NOT HAVE THE LEGAL AUTHORITY OF GOVERNMENTAL AGENCIES.

IN MANY PERMITTING INSTANCES, SUBSTANTIAL DELAYS ARE EQUIVALENT TO DENIALS. THESE PROCEDURES COULD RESULT IN LITERALLY EVERY ACTION THAT REQUIRES A PLAN OF OPERATION, LEASE, DEVELOPMENT PLAN, MISCELLANEOUS LAND USE PERMIT, CONTRACT, OR TITLE 11 (c) PERMIT BEING AT SOME STAGE OF ELEVATION IN EITHER THE ACMP PROCESS OR THE BBCMP PROCESS FOR SUCH A PERIOD OF TIME THAT THE PERMITS, EVEN IF THEY WERE GRANTED, WOULD NOT BE TIMELY ENOUGH TO BE MEANINGFUL. THE BBCMP REVIEW PROCESS WILL BE USED AS A BASIS FOR OBJECTING TO THE ACMP CONSISTENCY DETERMINATIONS FURTHER COMPLICATING THE PROCESS.

THE BBCMP'S DESIGNATION OF VAST EXPANSES OF SO-CALLED "ESSENTIAL" HABITAT HAS NOT BEEN JUSTIFIED. THE DEVELOPMENT OF THE 74 GUIDELINES DID NOT RESULT FROM THE LOGICAL PROCESS OF FIRST IDENTIFYING SIGNIFICANT CONFLICTS. IN FACT, THE EIS, CHAPTER VIII, WAS WRITTEN AFTER THE

GUIDELINES WERE. IT SEEMS THAT THE EIS SHOULD HAVE IDENTIFIED THE POTENTIAL AREAS OF SIGNIFICANT CONFLICT AND SUGGESTED POSSIBLE MITIGATION MEASURES. YET THE GUIDELINES WERE DEVELOPED BY FISH & GAME ASSUMING A REGULATORY VACUUM AND, BY DESIGN, SIGNIFICANTLY LIMIT EXISTING PERMITTING PROGRAMS, REGULATORY PROCESSES, AND DEVELOPMENT ACTIVITIES WITHOUT PROVIDING JUSTIFICATION FOR THESE SEVERE LIMITATIONS. SOHIO DISAGREES WITH THE ASSUMPTION OF SIGNIFICANT CONFLICT INHERENT IN THE DEVELOPMENT OF THE GUIDELINES BETWEEN THE OIL AND GAS INDUSTRY AND THE BIOLOGICAL RESOURCES.

ON PAGE 4 OF THE REVISED DEIS THE FOLLOWING STATEMENTS ARE MADE: "THE MANAGEMENT GUIDELINES ARE JUST THAT, BUT THEY ARE DESIGNED, IN GENERAL, TO SUPPLEMENT EXISTING STATE AND FEDERAL REGULATIONS TO FURTHER REDUCE OR ELIMINATE ADVERSE DEVELOPMENT IMPACTS ON FISH AND WILDLIFE RESOURCES. GUIDELINES RANGE CONSIDERABLY IN SPECIFICITY FROM GENERAL, OPTIONAL GUIDANCE, TO SOME DETAILED, BINDING STANDARDS. ADHERENCE TO SPECIFIC STANDARDS IS REQUIRED IN SOME CASES BY THE TERMS 'WILL', OR 'WILL, TO THE EXTENT FEASIBLE AND PRUDENT', AND IN THOSE CASES CAN ONLY BE WAIVED BY A WRITTEN DECISION OR AN AMENDMENT TO THE PLAN."

SOHIO IS VERY CONCERNED WITH WHAT THE BBCMP WILL ACCOMPLISH. ALTHOUGH ONLY IN DRAFT FORM, IT PROVIDED THE MAJOR BASIS FOR THE RECENT SEISMIC PERMIT DENIAL. THE SEISMIC PROGRAM WOULD HAVE PROVIDED INFORMATION FOR THE EVALUATION OF OCS SALE 92 AND STATE SALE 56. IT WOULD HAVE ALSO PROVIDED GEOLOGIC INFORMATION FOR THE TIDELANDS AREA--AN AREA FOR WHICH THE PLAN MANDATES A 10 YEAR LEASING MORATORIUM. GIVEN THAT SOHIO COULD NOT OBTAIN A PERMIT FOR A MINOR EXPLORATION PROJECT WHILE THE PLAN WAS STILL IN DRAFT FORM, WE ARE EXTREMELY PESSIMISTIC REGARDING THE POSSIBILITY OF OBTAINING

PERMITS FOR DEVELOPMENT FACILITIES AFTER THE PLAN HAS BEEN APPROVED BY THE GOVERNOR.

THE PROCEDURE FOR DETERMINING CONSISTENCY WITH THE BBCMP GUIDELINES WILL FURTHER COMPLICATE AN ALREADY COMPLEX PERMITTING PROCESS. IT WILL EFFECTIVELY PRECLUDE THE DEVELOPMENT OF NON-RENEWABLE ECONOMIC RESOURCES AND WILL ESSENTIALLY GIVE CONTROL OF THE 31 MILLION ACRE AREA TO FISH & GAME.

AS READILY ADMITTED IN THE PLAN, THERE ARE EXISTING REGULATORY PROCESSES WHICH THIS PLAN WILL RESTRICT. SOHIO BELIEVES THAT THIS RESTRICTION ON EXISTING REGULATORY PROCEDURES REPRESENTS RULEMAKING AND, AS SUCH, SHOULD NOT CIRCUMVENT THE LEGISLATIVE PROCESS. ADDITIONALLY, IF THERE IS SUPPORTING INFORMATION FOR A PARTICULAR HABITAT THAT WOULD WARRANT RESTRICTIVE CONTROL, THEN THE LEGISLATIVE PROCESS OF DESIGNATING A STATE CRITICAL HABITAT AREAS SHOULD BE FOLLOWED, RATHER THAN ALLOWING FISH & GAME TO EXERT RESTRICTIVE CONTROL BASED ON ARBITRARY HABITAT DESIGNATIONS.

SOHIO IS ENCOURAGED BY THE LEGISLATURE'S INTEREST IN THE BBCMP AND HOPES THAT THESE COMMENTS ARE USEFUL IN YOUR EVALUATION OF WHAT THE PLAN REALLY MEANS TO THE STATE. THANK YOU ONCE AGAIN FOR THE OPPORTUNITY TO PROVIDE INPUT TO THIS IMPORTANT REVIEW PROCESS.

EXHIBIT A

INFORMATION ABOUT SOHIO'S PROPOSED SEISMIC PROGRAM IN WESTERN ALASKA

SOHIO PROPOSED MAKING 4 SEISMIC TIES FROM EXISTING ONSHORE WELLS TO THE EXISTING OFFSHORE SEISMIC GRID. THE TOTAL PROGRAM COVERED LESS THAN 70 MILES. THE INFORMATION WOULD BE USED TO EVALUATE ACREAGE IN THE AUGUST 1985 OCS NORTH ALEUTIAN SHELF SALE AND THE SEPTEMBER 1988 STATE SALE #56. THE INFORMATION WOULD ALSO ASSIST IN THE EVALUATION OF THE RESOURCE POTENTIAL OF THE TIDELANDS AREA--AN AREA FOR WHICH A TEN YEAR LEASING MORATORIUM IS REQUIRED BY THE BBCMP.

HAVING KNOWLEDGE OF AND APPRECIATION FOR THE IMPORTANCE OF THE FISHERIES RESOURCES TO THE BRISTOL BAY AREA, SOHIO CAREFULLY EVALUATED THE PROGRAM IN-HOUSE BEFORE INITIATING THE PERMITTING PROCESS. LINES WERE MOVED TO AVOID CROSSING TITLE 16 ANADROMOUS FISH STREAMS AND STATE CRITICAL HABITAT AREAS.

HAVING KNOWLEDGE OF AND APPRECIATION FOR THE IMPORTANCE OF THE DRAFT BRISTOL BAY COOPERATIVE MANAGEMENT PLAN, SOHIO EVALUATED THE PROGRAM USING THE HABITAT MAPS AND GUIDELINES FROM THE BBCMP. SOHIO ALSO EVALUATED THE PROGRAM USING THE ALASKA COASTAL MANAGEMENT PROGRAM REQUIREMENTS AND THE NEW PERMITTING PROCEDURES REGULATIONS. AN IN-HOUSE PROJECT REVIEW DOCUMENT PRESENTING THESE RESULTS WAS PREPARED AND IS AVAILABLE ON REQUEST.

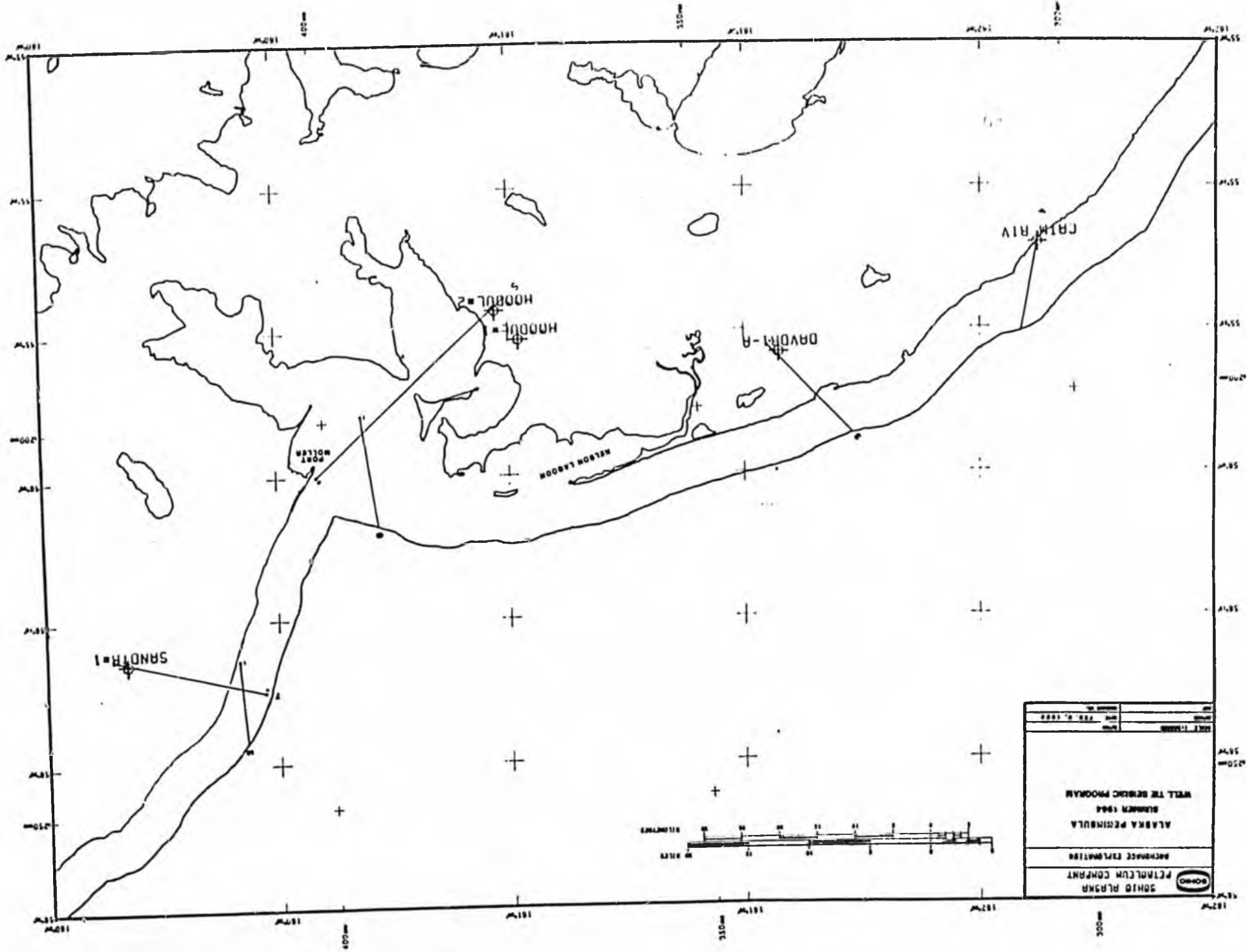
SOHIO'S PROGRAM CONTAINED A CONTROVERSIAL ELEMENT--THE USE OF PRIMACORD, AN

EXPLOSIVE, AS AN ENERGY SOURCE TO OBTAIN THE SEISMIC INFORMATION. THE PRIMACORD WOULD ONLY HAVE BEEN USED IF CONVENTIONAL TECHNIQUES DID NOT RESULT IN OBTAINING THE REQUISITE QUALITY OF DATA. ADDITIONALLY, PRIMACORD WOULD ONLY HAVE BEEN USED IN AN AREA CALLED THE "TRANSITION ZONE", WHICH EXTENDS FROM SHORE OUT TO THE 40 FT WATER DEPTH, FOR A TOTAL OF 5 MILES (2 MILES ON ONE LINE AND 1 MILE EACH FOR THE REMAINING 3 LINES).

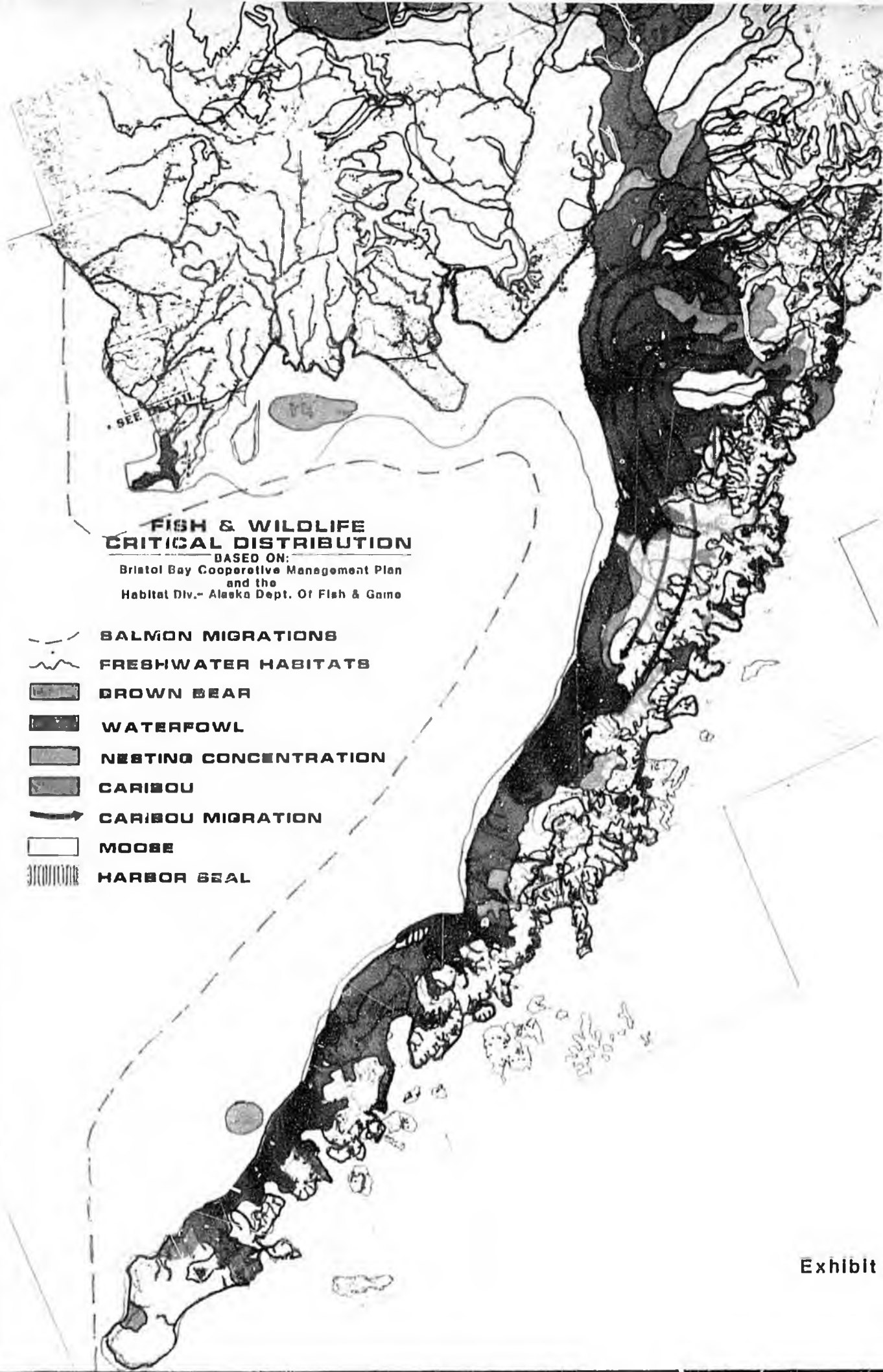
DNR ISSUED A PRELIMINARY CONSISTENCY DETERMINATION WHICH INCLUDED OVER 40 STIPULATIONS ENSURING CONSISTENCY WITH THE ACMP. ADDITIONALLY, DNR RESTRICTED THE USE OF PRIMACORD TO THE FIRST 15 DAYS IN MAY TO MINIMIZE POTENTIAL CONFLICTS WITH THE FISHERIES RESOURCE. DNR ALSO CONDUCTED A PUBLIC MEETING.

THE MAJORITY OF THE TESTIMONY PRESENTED AT THE PUBLIC HEARING INDICATED THAT IF THE PROGRAM WERE CONDUCTED IN OCTOBER, THERE WOULD BE NO CONFLICT WITH THE FISHERIES RESOURCE. THEREFORE, ALTHOUGH INCREASING THE RISK OF SUCCESSFULLY COMPLETING THE PROGRAM GIVEN THE UNCERTAINTIES OF THE WEATHER WINDOW, SOHIO AGREED TO CONDUCT THE PROGRAM IN OCTOBER. ALTHOUGH THE MOVE TO OCTOBER ENSURED NO CONFLICT WITH FISHERIES, IT WAS STILL REQUESTED THAT SOHIO TEST THE USE OF AIRGUNS. THEREFORE, SOHIO AGREED TO MOVE THE PROGRAM TO SEPTEMBER 15 (AFTER FISHING) AND TEST THE AIRGUNS.

THIS IS THE COMPROMISE THAT WAS PRESENTED AT THE COMMISSIONER LEVEL DURING THE ELEVATION PROCESS. FISH & GAME NEVER CONCEDED ON ANY POINT. THEREFORE, AFTER RECEIVING POLICY GUIDANCE FROM THE GOVERNOR WHICH IN PART INCLUDED BBCMP CONSIDERATIONS, THE PERMIT WAS DENIED.



NOTE: ORIGINAL DOCUMENT IS COLOR-CODED. IF NECESSARY  
TO PROPER INTERPRETATION, REFER TO ORIGINAL DOCUMENT  
IN THE ALASKA STATE ARCHIVES



**FISH & WILDLIFE  
CRITICAL DISTRIBUTION**

BASED ON:  
Bristol Bay Cooperative Management Plan  
and the  
Habitat Div.- Alaska Dept. Of Fish & Game










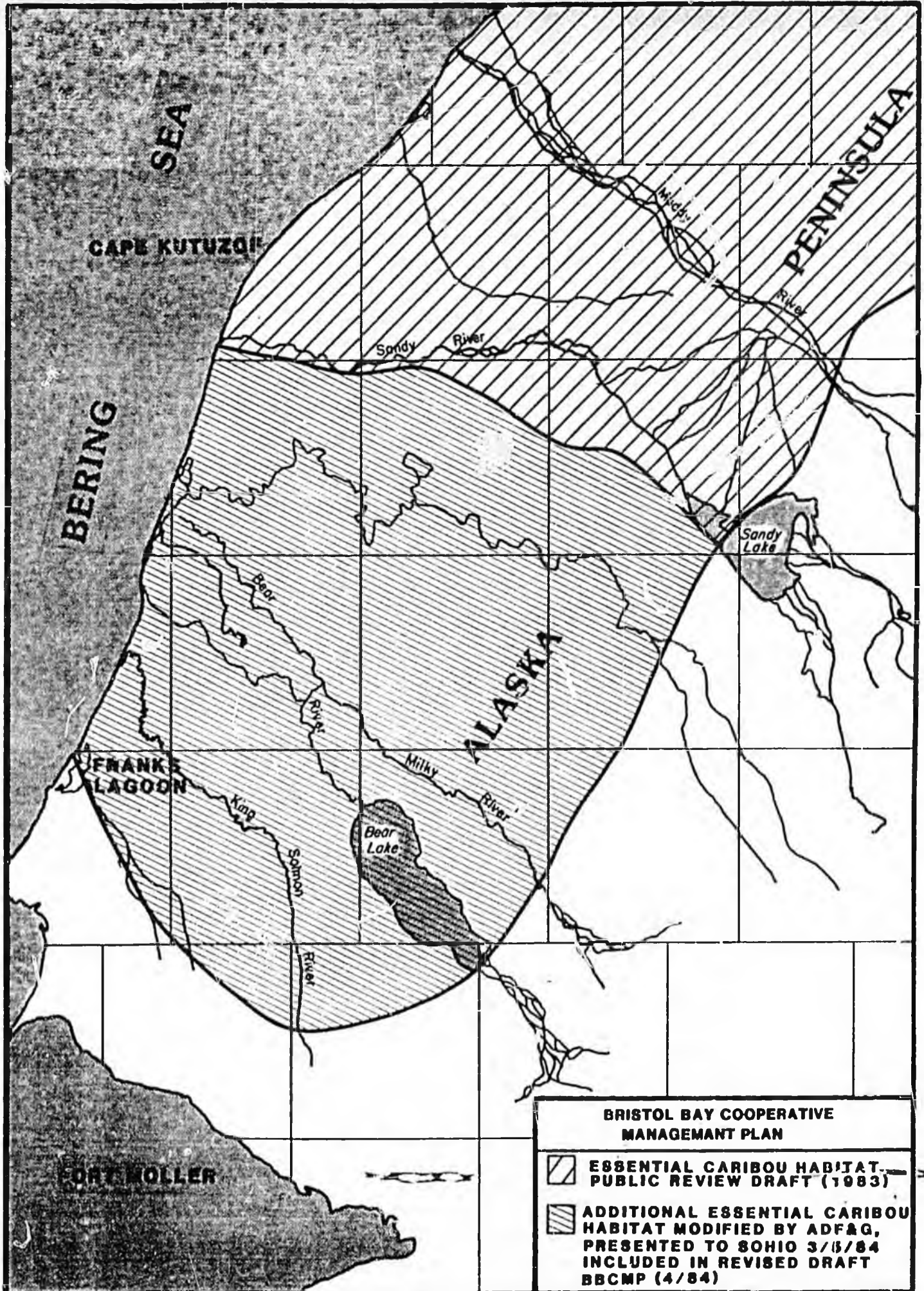


-  SALMON MIGRATIONS
-  FRESHWATER HABITATS
-  BROWN BEAR
-  WATERFOWL
-  NESTING CONCENTRATION
-  CARIBOU
-  CARIBOU MIGRATION
-  MOOSE
-  HARBOR SEAL

Exhibit B



**BRISTOL BAY COOPERATIVE  
MANAGEMENT PLAN**

-  **ESSENTIAL CARIBOU HABITAT - PUBLIC REVIEW DRAFT (1983)**
-  **ADDITIONAL ESSENTIAL CARIBOU HABITAT MODIFIED BY ADF&G, PRESENTED TO SOHIO 3/15/84 INCLUDED IN REVISED DRAFT BBCMP (4/84)**

# Alaska State Legislature

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



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

## Senate

### Committee on Resources

#### MINUTES

May 4, 1984  
2:11 pm

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Ziegler, Vice-chairman  
Senator Eliason  
Senator Paul Fischer  
Senator Vic Fischer  
Senator Sturgulewski

---

#### CALENDAR

HB 650, An Act making special appropriations for certain state loan and grant programs.

Hearing on the status of the Bristol Bay Cooperative Management Plan. TELECONFERENCED TO: Anchorage, Fairbanks, Kodiak and Dillingham.

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#### HB 650

Senator Eliason moved to adopt SCS CSHB 650 (Resources) and to report it from committee with individual recommendations. There was no objection.

#### Bristol Bay Cooperative Management Plan

Bob Arnold, Deputy Commissioner, Department of Natural Resources, spoke in support of the plan, and welcomed all comments.

Frank Rue, Division of Land and Water Management, Resource Allocations, Department of Natural Resources, reviewed changes made to the plan, its current status, and public hearings planned. He answered questions on mineral entry procedures in the area.

Don Glass, Alaska Oil and Gas Association, spoke in opposition to the plan, claiming it fails to provide a balance between resource conservation and development, fails to achieve the objectives of ANILCA, and circumvents existing legislative processes.

Debra Borah, Environmental Scientist, SOHIO, expressed concern that the plan is not balanced and does not accomplish what was mandated by ANILCA. She reviewed problems SOHIO has had obtaining permits for seismic survey work in the area.

Paula Easley, Resource Development Council, testified that although many of the Council's concerns had been met in this latest draft, she felt that a "mono-economy" was being forced on the area. She spoke in opposition to the 10-year moratorium on oil and gas drilling.

Jerry Liboff, Bristol Bay Native Association, testified that the plan adequately protects and provides for the development of the area's resources and urged implementation of the plan.

William Johnson, Director of Lands, Bristol Bay Native Corporation, testified that over the past three years much work and compromise has been done. He urged implementation of the plan as now drafted.

Jim Jinks, Executive Director, Alaska Miners Association, testified in opposition to the plan, expressing concern that the classification of land in the area was not properly done, that by designating fisheries as the primary use in the area other resource development would be hampered, and that existing statutes and regulations sufficiently protect the area.

Representative Hermann testified in support of the plan, and noted that upcoming hearings in Bristol Bay were planned for a time when many residents would be out fishing.

George Day, Public Affairs Manager, Chevron, USA, testified that the plan failed to balance developmental and environmental goals. He specifically opposed the 10-year moratorium on oil and gas drilling, the premature location of transportation corridors, and the conflicts with the existing state permitting process.

Phil Daniel, United Fishermen of Alaska, spoke in support of the plan, testifying that fishermen had made many compromises, and that in many areas oil and gas and mining are designated as primary uses.

Rick Davidge, Special Assistant to Assistant Secretary of the Interior, explained that federal law requires the Secretary to prepare a plan that protects the fish and wildlife of the area. The Governor has the opportunity to participate in the development of the plan. The U.S. Fish and Wildlife Service now feels that the fishery is not adequately protected.

Bruce Baker, Director of Habitat Division, Department of Fish and Game, testified that the Department supports the plan as drafted, and explained the use of the terms "critical", "essential", and "Critical Habitat".

The meeting adjourned at 4:26 pm.

CHANGES - DRAFT TO PROPOSED PLAN - NOV. 83

Draft Plan (Preferred Alternative)

Proposed Final Plan

Oil & Gas Leasing

- Uplands - no leasing in Black Hills caribou calving grounds
- all other State lands open
- secondary use on NWR land

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- no leasing in major bays and lagoons along peninsula
- State can schedule lease sales along peninsula

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- ten year moratorium on leasing this area

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- all BLM & State uplands open to entry
- primary use in Goodnews, Nyac & Perendeen Bay areas
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- closed all (225+) anadromous streams & tributaries (1,000s) to mining (active stream channels only)
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- secondary use on all other state or BLM land not legislatively closed
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- leasehold location around east end of Iliamna Lake & Upper Mulchatna

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- 14,250 acres
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  - Lower Nushagak - 3,000 ac.
  - Upper Mulchatna - 2,000 ac.
  - Lake Iliamna - 3,000 ac.
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  - Cold Bay - 1,000 ac.

- 11,000 acres
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  - same
  - same
  - same

Guidelines

- 75% were dropped, rewritten, or added.
- Few were strengthened
- 50% were rewritten more as performance standards

Draft Plan (Preferred Alternative)  
Continued

Performance Process

- Secretary & Governor do not need to act if Management Group can come to unanimous agreement & there is no appeal
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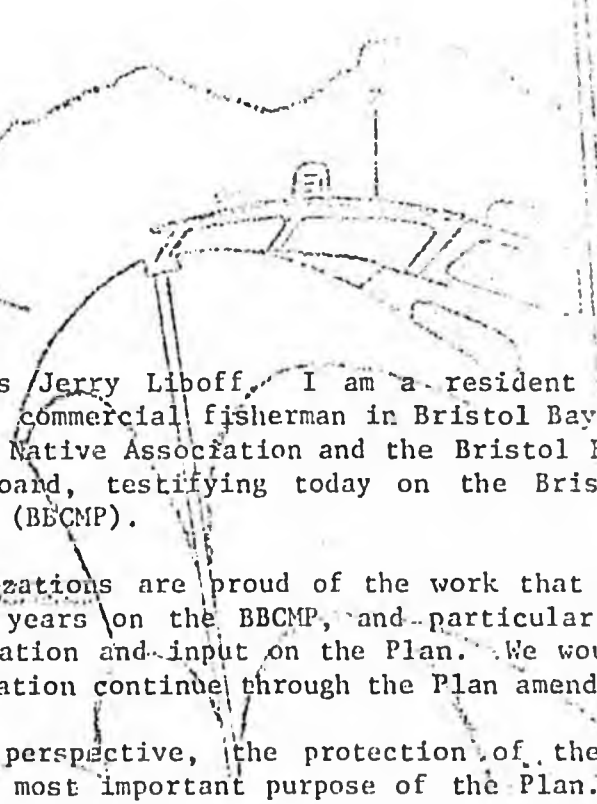
Proposed Final Plan

- Secretary & Governor make all amendment decisions.
- Advisory Group makes a recommendation to them (and does the legwork)
- All amendment proposals considered
- Overall process could run 70 days plus time for Governor & Secretary to act.

**BRISTOL BAY NATIVE ASSOCIATION**

P. O. BOX 189  
DILLINGHAM, ALASKA 99576  
PHONE (907) 842-5257 — 842-5258

May 2, 1984



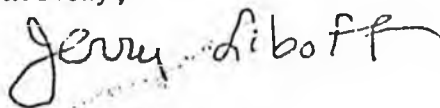
My name is Jerry Liboff. I am a resident of the Village of Koliganek and a commercial fisherman in Bristol Bay. I am representing the Bristol Bay Native Association and the Bristol Bay Coastal Resource Service Area Board, testifying today on the Bristol Bay Cooperative Management Plan (BBCMP).

Our organizations are proud of the work that has been done during the past three years on the BBCMP, and particularly the inclusion of local representation and input on the Plan. We would like to see such local representation continue through the Plan amendment process.

From our perspective, the protection of the fish and wildlife resource is the most important purpose of the Plan. At the same time, the plan should provide for rational development of other resources. Most of the people living in the region are heavily dependent on the fish and game for subsistence and for employment. We feel the BBCMP adequately protects these resources and provides for appropriate development of oil and gas, minerals and other resources.

We support the passing of the plan as it is written and urge the State and Federal governments to sign and implement it without further change or delay. This position is clearly outlined in the attached resolution from the December 1983 Bristol Bay Native Convention.

Sincerely,



Jerry Liboff

1983 BRISTOL BAY NATIVE CONVENTION

BRISTOL BAY COOPERATIVE MANAGEMENT PLAN

RESOLUTION NO. 83-02

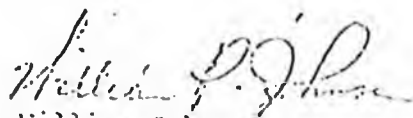
- WHEREAS, The Bristol Bay Region is one of the most diverse, rich and productive areas in the world, it was mandated in ANILCA that the Bristol Bay Cooperative Management Plan be created to protect the region's resources; and
- WHEREAS, wildlife is a major source of food and a basic element in the economy and lifestyle of the residents of the region; and
- WHEREAS, the habitat supporting the region's wildlife resources would be threatened by premature and extensive development; and
- WHEREAS, without "rational and orderly" development as provided for in the Bristol Bay Cooperative Management Plan, the region's resources habitats would be unduly jeopardized; and
- WHEREAS, three years have been spent in gathering data, and adjustments and compromises have been made to satisfy all those affected by the Plan while protecting the existing economy and resources in the region; and
- WHEREAS, the Bristol Bay Cooperative Management Plan is essential for proper and sensible management of the land in Bristol Bay.
- NOW THEREFORE BE IT RESOLVED that the delegates of the Bristol Bay Native Convention, meeting in Dillingham, Alaska on December 2, 3, and 4, 1983, hereby give their unanimous support to the Bristol Bay Cooperative Management Plan and urge that it be passed without further change.

CERTIFICATION OF RESOLUTION 83-02

I hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the delegates to the 1983 Bristol Bay Native Convention, December 2, 3, and 4, 1983, Dillingham, Alaska, at which a quorum was present. Resolution 83-02 received unanimous approval.

WITNESS my hand and seal this 4th day of December, 1983.

SIGNED:



William Johnson

Chairperson

Bristol Bay Native Convention

Resolution 83-02 (cont.)

WITNESSED:

*Sally Smith*

Sally Smith  
Resolution Committee Chairperson

# Alaska State Legislature

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



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

## Senate

### Committee on Resources

#### MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Committee Meeting, Friday, May 4th  
TELECONFERENCED TO: Anchorage, Fairbanks, Kodiak and  
Dillingham. (For listening only)  
2:00 pm - 5:00 pm

DATE: May 1, 1984

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On Friday, May 4th at 2:00 pm in the Beltz Room, the Senate Resources Committee will receive an overview and hear public comments on the proposed Bristol Bay Cooperative Management Plan and Revised Draft Environmental Impact Statement.

Back-up information is attached.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M  
JUNEAU, ALASKA 99811  
PHONE:

March 22, 1984

The Honorable Bettye Fahrenkamp  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Bettye:

To to keep you apprised of the development of the Bristol Bay Cooperative Management Plan I have summarized below the actions taken by the Alaska Land Use Council (ALUC) Wednesday morning in Juneau.

As you know, in early 1981 the state opted to participate in preparation of a joint plan for the 28 million-acre Bristol Bay region pursuant to Section 1203 of the Alaska National Interest Lands Conservation Act. Normally the state would have prepared its own Area Plan for the 12 million state acres in the region, but the opportunity for cooperative planning spurred the State to sign onto the joint planning effort. With this shared commitment, the State was integrated into the National Environmental Policy Act (NEPA) and the Environmental Impact Statement (EIS) process.

After 83 public meetings in 30 Alaskan communities and 1,000 pages of public comment gathered last fall, the State and federal agencies have prepared a proposed plan and Revised Draft EIS to offer again to the public. (The U.S. Fish and Wildlife Service determined that a "Revised Draft" was needed under NEPA rather than the usual Final EIS because of the substantive changes that had been made as a result of the public comments.) While this adds another step in an already lengthy process, the Governor and other state members of the ALUC believe that further public hearings could be useful. (~~See the attached press release.~~)

At the Council meeting the state pressed for a schedule that would not unreasonably delay completion of a cooperative plan. We proposed to hold further public meetings in May in order to provide sufficient opportunity for fishermen and miners to comment before they go out for the summer field season. The federal members protested this schedule as well as local government involvement in conducting the final round of field meetings, even though previous hearings had been organized by the same group. Unfortunately we were unable to reach an agreement on the next step of this cooperative planning process.

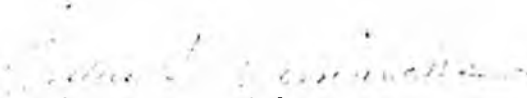
At some point, however, we must move beyond planning and get on with the business at hand. While work has continued on the plan, the Department has held off on certain management actions such as land disposals. The Department also has an oil and gas lease sale scheduled for the Bristol Bay uplands this fall. It would be desirable to have a plan in place as we move forward with development of this region.

I am hopeful that we will still be able to work out a cooperative plan, but after having spent three years and \$2 million (on resource inventory as well as the actual planning work) the state will be hard-pressed to extend this monumental effort much beyond June 30 of this year when funding for work on the plan runs out.

As you and I have discussed, many of the criticisms we have both heard of the Bristol Bay plan are directed at the Draft that was presented to the public last July. A number of significant changes have been incorporated since then which is why I see merit in presenting the current draft for public comment. I believe that the majority of Alaskans will see it for the compromise that it is.

You have also asked about the state's authority to implement provisions in the Plan should it ultimately be adopted. I have enclosed a summary of "Major State Actions which Result from the Governor's Signature of the Plan" and their statutory citations. Should you have any questions about this document, the Plan in general, or yesterday's activities at the ALUC please give me a call. I am going to be leaving for Hawaii tomorrow to be with my daughter for a week, but I will be returning on April 2.

Sincerely,

  
Esther C. Wunnicke  
Commissioner

JDF:rlq

cc: Representative Adelheid Herrmann  
Senator Bob Mulcahy  
Senator John Sackett  
Representative Tony Vaska  
Representative Fred Zharoff

MAJOR STATE ACTIONS WHICH RESULT  
FROM GOVERNOR'S SIGNATURE OF THE PLAN

DNR Area Plan for State Lands (authority AS 38.04 and 11 AAC 55,  
Commissioner of Natural Resources)

- designates primary and secondary uses on state lands
- will require DNR to classify state lands accordingly following Governor's approval of the plan
- will guide DNR's land management decisions for approximately 12 million acres of land, including what lands will be sold
- leaves nearly all state uplands open to mineral entry, requires DNR to close 66 anadromous streams and requires DNR to use leasehold location for approximately 1.5 million acres of state land
- contains guidelines for DNR land managers when making decisions on actions requiring leases, permits, or plans of operation

State Five Year Oil and Gas Lease Schedule (prepared by Commissioner of Natural Resources under AS 38.05.180(b)), also AS 38.05 gives the Commissioner the authority to determine when and under what terms state land will be leased.

- DNR will not schedule any oil and gas lease sales in tide and submerged lands of the State Fishery Reserve and west and north to Quinhagak, or in major bays and lagoons of the Alaska

Peninsula. DNR will not hold lease sales in tide and submerged lands on the Bristol Bay side of the peninsula before 1994.

- ° DNR has scheduled and can conduct lease sales in all upland areas, including caribou calving grounds.

ADF&G Permits (authorized under Title 16 to the Commissioner of ADF&G)

- ° After approval of the plan by the Governor, all ADF&G permits under Title 16 (fish passage, anadromous fish, state game sanctuaries, game refuges, and state critical habitat areas) will be consistent with BBCMP guidelines.

Additional State Selections/Relinquishments of Selections (authority given to Commissioner of Natural Resources under AS 38.05.290)

- ° will require DNR to select various scattered parcels of BLM land
- ° will require no action on 4 large tracts of BLM land the state could select, but which the BBCMP recommends not be selected
- ° will require DNR to relinquish various isolated selections, most which are invalid anyhow, within National Wildlife Refuges.

Recommends settlement of 11(a)(3) lands issue pursuant to out of court settlement in Alaska vs. Reagan

The BBCMP recommends a resource based settlement to the longstanding dispute over the validity of these state selections. Whether the plan resolves the issue and the state

should relinquish 4 of these 5 areas, or whether the settlement goes back to the court, may be a question for the A.G.'s office.

Addition to Wood Tikchik State Park (authority under AS 41.20.479(b) given to Governor)

- ° the plan proposes that approximately 126,720 acres on the southern border of Wood Tikchik State Park be added to the park. The legislature excluded this area from the park because of uncertain land status, but authorized the Governor to add this area by proclamation once land ownership patterns became clear. State Park's recommends that such a proclamation accompany the Governor's approval of the plan.

Land Exchanges

- ° the plan only recommends land exchanges which should be pursued in the future. No exchanges are consummated by the Governor's signature of the plan. DNR is responsible for executing land exchanges involving state lands. Exchanges involving lands in State Critical Habitat Areas would require approval of the Commissioner of Fish and Game. Any exchanges involving unequal appraised values would require the approval of the State Legislature. A concern of the Governor might be that these exchanges would require additional funds in either DNR and ADF&G's budgets to be implemented. The plan does not require the State to pursue these exchanges.

### Process of Cooperative Amendment

- ° the plan recommends a process (required in Sec. 1203 of ANILCA) for the Governor and Secretary of the Interior to cooperatively amend the plan. The plan recommends that an advisory group, with a structure similar to the Study Group, be established to make recommendations on plan amendments. The process for amendment of the plan would be similar to that used to amend DNR area plans, however, the Governor and Secretary would have to approve the amendment. In terms of budget, time and bureaucracy, the process is no different than for a DNR plan.

### Recommendations for Further Study

- ° several future studies are recommended which would require additional funding by the Legislature. These include:
  - a recreation/access study
  - a study of a possible exchange to open mineralized areas on Togiak NWR
  - water resources study
  - a study of mineral potential
  - instream flow quantification
  - management plans for state land.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POJCH M  
JUNEAU, ALASKA 99811  
PHONE:

April 23, 1984

The Honorable Bettye Fahrenkamp  
Chairman, Senate Resources Committee  
Pouch V  
Juneau, Alaska 99811

  
Dear Senator Fahrenkamp:

The Governor and the Federal Co-Chairman of the Alaska Land Use Council have directed Bob Putz, Regional Director of the U.S. Fish and Wildlife Service, and myself to hold additional public meetings on the Proposed Bristol Bay Cooperative Management Plan. The proposed plan and a revised draft Environmental Impact Statement will be distributed this week, and comments are being solicited by the Department of Natural Resources and U.S. Fish and Wildlife Service through June 15. You should be receiving a copy of the plan shortly.

Four public meetings have been scheduled for May. The meeting schedule is planned to give adequate time for public review of the plan prior to the meetings, yet not to conflict with the most active fishing seasons in the region. I encourage you to attend any or all of these meetings, which will be chaired by Bob Putz and/or myself. The meeting times and locations are:

Friday, May 18, Naknek Borough Hall, 7:30 pm

Saturday, May 19, Dillingham Senior Citizens Center, 7:30 pm

Monday, May 21, Sand Point City Hall, 7:30 pm

Tuesday, May 22, Anchorage, U.S. Fish and Wildlife Service Conference  
Room, 1011 East Tudor Road, 7:30 pm

As you know, the proposed Bristol Bay plan has been the subject of considerable discussion in recent months. These meetings should be very informative, as those who represent local, state and national interests continue to have a keen interest in the plan.

APR 26 1984

If you have questions or concerns regarding the plan please do not hesitate to call me. If you have questions regarding the meeting schedule or logistics please call Dick Mylius of my staff at 265-4432.

Sincerely,



Esther C. Wunnicke  
Commissioner

This same letter was sent to all Bristol Bay area legislators and the Chairs of the House and Senate Resources Committees.

CHANGES - DRAFT TO PROPOSED PLAN - NOV. 83

Draft Plan (Preferred Alternative)

Proposed Final Plan

Oil & Gas Leasing

- Uplands - no leasing in Black Hills caribou calving grounds
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- 14,250 acres
  - Dillingham area - 4,250 ac.
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- 75% were dropped, rewritten, or added.
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Draft Plan (Preferred Alternative)  
Continued

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- Secretary & Governor do not need to act if Management Group can come to unanimous agreement & there is no appeal
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  - Overall process could run 165 days
- Secretary & Governor make all amendment decisions.
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# BRISTOL BAY

## COOPERATIVE MANAGEMENT PLAN

### SUMMARY OF BRISTOL BAY COOPERATIVE MANAGEMENT PLAN ISSUES/RECOMMENDATIONS

#### ISSUES/RECOMMENDATIONS:

##### Fish and Wildlife Habitat and Harvest

- \* A primary use of all lands in the region. (Same as draft)
- \* Salmon fishery is the most important resource in the region, (over \$250 million annually paid to fishermen).
- \* Recreational use of these is the second largest industry, (up to \$40 million annually).
- \* Subsistence use is a fundamental part of the local economy and culture.

##### Oil and Gas

- \* Lease all uplands with favorable potential.
- \* DNR has two (2) lease sales proposed. (Draft excluded Black Hills Caribou Calving Area.)
- \* State owned tide and submerged lands along the north side of the Alaska Peninsula would not be scheduled for oil and gas leasing before 1994.
- \* Public hearing draft allowed leasing these tidelands with high oil and gas potential.
- \* Tide and submerged lands would not be leased in the State Fisheries Reserve, north and west to Quinhagak, and the bays and lagoons along the north side of the Alaska Peninsula.
- \* Most respondents, including local residents, favor no leasing of tidelands. Industry supports leasing.

##### Mineral Exploration and Development

- \* Plan provides for mineral exploration and development on all uplands not previously closed by State or Federal legislation.
- \* Plan recommends opening approximately 2 million acres currently closed to new mineral entry.
- \* 66 streams would be closed to new mineral entry in drainages which produce 40-70% of the regions salmon.
- \* Mining in the eastern Iliamna Lake and Upper Mulchatna drainages would be governed by the State's Mining Leasehold Location laws.

### Land Patterns

- \* Resolution of contested (11(a)(3)) lands on the Alaska Peninsula gives 147,000 acres with resource development potential to the State and 215,000 acres to the USFWS. (Kujulik Bay lands unsettled in draft go to USFWS.)
- \* Adds 126,720 acres to Wood Tikchik State Park, which AS 41.20.470 allows to occur by Governor's proclamation.
- \* Study exchange possibilities for mineralized areas in Togiak National Wildlife Refuge for other fish and wildlife habitat (Recommendation not in draft).
- \* State should not select large blocks of BLM land near Goodnews Bay, the Kvichak River or Nyac. Delete recommendation for Goodnews Addition to Togiak National Wildlife Refuge.
- \* Other Significant changes in recommended exchanges:
  1. Drop Cold Bay-Izembek tidelands as a possible exchange;
  2. Add under long term an exchange of Native Corporations dinosaur track lands near Black Lake to USFWS.
- \* Cooperative Agreement changes:
  1. Add a guideline to require public and agency notification;
  2. Delete recommendations for Nushagak/Mulchatna and Upper Chilikadrotna agreements.
- \* Delete option for boundary adjustments in Upper Mulchatna/Chilikadrotna area of Lake Clark National Park.

### Amendment Process

- \* Establishes process for advising secretary and governor on plan amendments.
- \* Recommends Advisory Group with local participation and composition similar to existing Study Group.
- \* Makes it clear that the authority to implement and amend the plan rests with governor and secretary.
- \* Comments, especially from industry, were concerned with creating a new layer of regional government.
- \* Option exists as to approval of amendments by Alaska Land Use Council or Governor and Secretary of Interior.

- \* Public hearing draft recommended closing all salmon spawning streams and their tributaries to new mineral entry.
- \* Local residents, including most other respondents, favored the draft plan alternative. Industry supports status quo.

#### Remote Settlement

- \* State to sell up to 14,000 acres of land, primarily in the Iliamna Lake and Dillingham areas.
- \* B.L.M. would have no disposals.
- \* Draft plan called for 14,250 acres, scattered throughout the region.
- \* Local residents strongly favor alternatives that range from no remote land disposals to a maximum of 2,250 acres around Dillingham. Most other respondents supported local position.
- \* Recommend the State Legislature re-evaluate the land disposal program for remote areas.

#### Other Plan Recommendations

- \* Identifies three (3) transportation corridors across the Alaska Peninsula. Recognizes and allows for other potential routes. (Same as draft.)
- \* Allows for other transportation to serve resource development. (Same as draft.)
- \* Some local villages and native corporations supported transportation corridor identification, while industry and environmental groups are in opposition.
- \* Encourages APA to continue studies for regional hydroelectric projects. (Same as draft.)
- \* Many respondents favored further study of localized alternative energy approaches.
- \* Encourages only small scale agricultural and forestry due to limited resource potential. (Same as draft.)

#### Guidelines

- \* Guidance for land managers when issuing permits, leases or approving other actions.
- \* Makes development possible while protecting environment.
- \* Guidelines were re-examined based on public commentary to eliminate duplication of existing regulations or to establish guidelines more as performance standards.

### Additional Future Studies

- \* Recreation potential.
- \* Cultural resources
- \* Togiak Refuge, possible exchange of mineralized land for wildlife habitat land.

### BACKGROUND

- \* BBCMP was initiated under Section 1203 of the Alaska National Interest Lands Conservation Act, (ANILCA), December, 1980.
- \* The BBCMP is a plan for both State and Federal lands in the Bristol Bay and Alaska Peninsula region.
- \* BBCMP provides guidance to Native Corporations and other private lands.

### Planning Process

- \* The planning process has been underway for 2½ years.
- \* Has included over 82 public meetings.
- \* 750 copies of the Draft Plan and E.I.S. were circulated for comments between June 20, 1983 and October 20, 1983.
- \* 32 public meetings or hearings were held during August.
- \* Over 160 letters from throughout the nation were received.
- \* Public comments overwhelmingly supported the plans priority on protection of fish and wildlife resources.
- \* Developmental interests felt the draft plan was overly protective at the expense of potential mineral and oil and gas developments.
- \* The draft plan has been substantially revised based on public comments.

HEARING BEFORE  
THE SENATE RESOURCES COMMITTEE

May 4, 1984

Madam Chairman,

Members of the Senate Resources Committee:

My name is William P. Johnson and I am Director of Lands for the Bristol Bay Native Corporation, President of the the Bristol Bay Native Association, "Native Interest" representative on the Bristol Bay Cooperative Management Plan Study Group and a Bristol Bay commercial fisherman. I am proud to be able to speak to you today about the Bristol Bay Cooperative Management Plan. This Plan represents an enormous effort on the part of local people, State agencies, and the Federal government. This effort covers a span of more than three years and over 87 public meetings and hearings throughout the Bristol Bay area and Alaska. The Plan which has resulted from this effort represents a substantial accomplishment and is a product of cooperation.

The Plan provides for rational and orderly development of the resources of Bristol Bay while at the same time protecting the fish and wildlife which are the foundation of our economy. Commercial fishing, subsistence activities, and the recreation industry provides the majority of our local economy. The Plan provides for the continued prosperity of this economy and at the same time, provides for

development of oil and gas and minerals. The Native corporations and their affiliates are potentially the major developer of subsurface resources in the Bristol Bay area. The Bristol Bay Native Corporation strongly feels that the plan provides for continued activities in the development of subsurface resources. Through our participation, we assured the inclusion of certain elements critical to future development such as transportation corridors, the availability of State uplands and fish and wildlife refuge areas for oil and gas development, and the availability of State uplands for mineral development. We believe the Plan does a good job of providing for future subsurface resource development.

Many major issues in this Plan were resolved through painful and difficult compromises. All of the parties involved in this Plan felt strongly on the various issues. For example, in the area of land disposal, the local people did not want to see State land disposals. On the other hand, the State wanted substantial State land disposals. We compromised on this issue by defining exactly where land disposals would take place and the amount of land to be disposed of. Another area involved the closure of salmon spawning streams. Originally the Plan called for the closure of more than 200 streams, rivers and lakes. After much debate, a compromise was reached that only closed 66 streams. This compromise was worked out between the Department of Natural Resources and Fish and Game after considering land status, the importance of salmon spawning areas, and mineral potential. In addition, by looking at land status, the Plan recognized that there was no need to close lakes and streams within the State Park and National

Wildlife Refuges as they are already closed. It should be pointed out that the National Parks in the area, though not included within the Plan boundary, also prohibit mineral development ~~to~~<sup>in</sup> 10 salmon spawning streams.

In light of the compromises which were worked out and agreed to by all members of the study group over the past year, we do not believe it is appropriate to reopen major issues such as stream closures which have been settled. Though we may have wanted different results, we negotiated in good faith to reach the compromises that we can live with. Again, I would like to emphasize that all parties representing the Federal government, the State government, the local governments, and the local people agreed to the compromises established in this Plan. That is quite an accomplishment.

Madam Chairman, we strongly urge the adoption of this Plan as it is written with no further changes. We have been working on this for over three years and have come to agreement. We have bent over backwards to address the many difficult concerns raised. Its time to stop bickering and implement the Plan. Thank you Madam Chairman.

# Alaska State Legislature

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



POUCH V  
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JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3935

## Senate

### Committee on Resources

#### MINUTES

February 3, 1984  
3:07 pm

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Vic Fischer  
Senator Paul Fischer  
Senator Mulcahy  
Senator Sturgulewski

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#### CALENDAR

- SB 322 An Act relating to the Alaska Agricultural Loan Board; and providing for an effective date.
- SB 342 An Act amending the Alaska Agricultural Loan Act.
- SB 339 An Act repealing the expiration date of the Agricultural Action Council; and providing for an effective date.
- SB 358 An Act amending the expiration date of the Alaska Agricultural Action Council.

Briefing on Bristol Bay Cooperative Management Plan

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#### SB 339

Vince O Reilly, Deputy Commissioner, Department of Commerce and Economic Development, testified against SB 339. He stressed the Administration's commitment to agriculture, with an emphasis on production for in-state market needs. A Memorandum of Understanding is being written that would divide the responsibilities of the Alaska Agricultural Action Council between the Departments of Natural Resources, Commerce and Economic Development, and Transportation. Also, by transferring those duties to line agencies, more emphasis would be placed on forest product marketing.

Senator Mulcahy moved to adopt the Resources Committee Substitute for SB 339, and move it from committee with individual recommendations. There was no objection.

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SB 342

Alex Shadura, testified in favor of SB 342, supporting horticulture as an important part of the agriculture industry. He expressed concern that the definition of horticulture as "growth in greenhouses or nurseries" contained in the Committee Substitute was restrictive.

Senator Mulcahy moved to adopt the Resources Committee Substitute for SB 342, and moved the bill from Committee with individual recommendations. There was no objection.

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SB 322

Senator Mulcahy moved the bill from Committee with individual recommendations. There was no objection.

---

Frank Rue, Department of Natural Resources, Division of Land and Water Management, Resource Allocations, presented the committee with a brief overview of the changes that were made to the draft version of the Bristol Bay Cooperative Management Plan. Changes were made in the areas of oil and gas leasing, mineral exploration and development, and land disposals. Many of the original guidelines were seen as too specific and were dropped or rewritten in the final draft. Senator Sturgulewski and Senator Fahrenkamp had questions about the amendment process and asked for a more in-depth report on how Legislative authority over the lands will be affected under the plan.

The meeting adjourned at 4:38 pm.

# Alaska State Legislature

BETTYE FAHRENKAMP, Chairman  
ROBERT H. ZIEGLER, SR., Vice Chairman  
DICK ELIASON  
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## Senate

### Committee on Resources

#### M E M O R A N D U M

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Bristol Bay Coastal Management Plan

DATE: February 20, 1984

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Please find attached additional information from the Department of Natural Resources on the Bristol Bay Coastal Management Plan.

At our February 3 briefing, Frank Rue, DNR, offered to deliver to Committee members copies of the "flip charts" he used. They are attached. Also attached is DNR's "white paper" entitled State and Federal Commitments in BBCMP.

CHANGES - DRAFT TO PROPOSED PLAN - NOV. 1983

Draft Plan (Preferred Alternative)

Proposed Final Plan

Oil & Gas Leasing

- Uplands - no leasing in Black Hills caribou calving grounds
- all other State lands open
- secondary use on NWR land

- could be leased subject to guidelines
- all State land open
- same

- Tidelands/submerged lands - no leasing in Fisheries Reserve, or west & north to Quinhagak
- no leasing in major bays and lagoons along peninsula
- State can schedule lease sales along peninsula

- same
- same
- ten year moratorium on leasing this area

Mining/Mineral Entry

- all BLM & State uplands open to entry
- primary use in Goodnews, Nyac, & Herendeen Bay areas
- secondary use in some areas
- closed all (225+) anadromous streams & tributaries (1,000s) to mining (active stream channels only)
- no use of leasehold location

- same, except along certain streams
- primary use wherever mineral terranes occur on state or BLM lands
- secondary use on all other State or BLM land not legislatively closed
- closes 66 anadromous streams (& 100 ft. buffer on each side)
- leasehold location around east end of Iliamna Lake & Upper Mulchatna

Settlement

- 14,250 acres
- Dillingham area - 4,250 ac.
- Lower Nushagak - 3,000 ac.
- Upper Mulchatna - 2,000 ac.
- Iliamna Lake - 3,000 ac.
- Port Moller-Stepovak - 1,000 ac.
- Cold Bay - 1,000 ac.

- 14,000 acres
- 8,500 ac.
- none
- 500 ac.
- same
- same
- same

Guidelines

- 75% were dropped, rewritten, or added.
- Few were strengthened
- 50% were rewritten more as performance standards

Draft Plan (Preferred Alternative)  
Continued

Proposed Final Plan

Performance Process

- Secretary & Governor do not need to act if Management Group can come to unanimous agreement & there is no appeal
- 30 day process to determine if amendment will be considered
- Overall process could run 165 days

- Secretary & Governor make all amendment decisions.
- Advisory Group makes a recommendation to them (and does the legwork)
- All amendment proposals considered
- Overall process could run 70 days plus time for Governor & Secretary to act.

# MEMORANDUM

# State of Alaska

DEPARTMENT OF NATURAL RESOURCES - Division of Land and Water Management

TO: Ned Farquhar  
Special Assistant

Thru: Tom Hawkins, Director

DATE: February 10, 1984

FILE NO:

TELEPHONE NO:

FROM: Dick Mylius   
Resource Allocations

SUBJECT: State and Federal  
Commitments in BBCMP

The following is a draft of a response to the question posed by members of the Senate Resource's Committee at the February 3 briefing on the Bristol Bay Cooperative Management Plan (BBCMP). I am sending a copy of this memo to Ken Powers in the Attorney General's office for a second opinion on my legal analysis. The question (as translated by Frank Rue) is, "What commitments does the state bind itself to if both the governor and the Secretary of the Interior sign the BBCMP?"

## ANILCA Requirements

The BBCMP was established pursuant to Section 1203 (Attachment "A") of the Alaska National Interest Lands Conservation Act. Section 1203(c) provides for voluntary participation by the state in preparing the plan if the governor so desires. Governor Hammond indicated a willingness for the state to participate in a letter to Secretary Watt dated February 26, 1981 (Attachment "B"). Section 1203(c) of ANILCA spells out what the purposes of the cooperative plan are. Federal, state and local agencies have developed a cooperative plan which fulfills the requirements of Section 1203(c) and the plan has received conceptual approval by the Alaska Land Use Council.

Section 1203(d) states that if the governor desires to terminate participation in the BBCMP, he must notify the Secretary in writing. Section 1203(d) states:

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

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

(2) after the state agrees to so participate, the governor submits to the Secretary written notification that the state is terminating its participation; the Secretary shall prepare a plan containing the provisions referred to in subsection (c)(1) (and containing a specification of those elements in the plan which the Secretary may modify without prior approval of Congress), and submit copies of such plan to the Congress, as provided in subsection (e)(2), within three years after the date of the enactment of this Act.

## State Authority to Participate in the BBCMP

The BBCMP is the area plan for state land in the Bristol Bay region. The department's authority to develop plans comes from AS 38.04 and the authority of the commissioner to coordinate planning with other landowners is specifically stated in AS 38.04.065(b)(8). The authority to enter into agreements with state and federal agencies is stated in AS 38.05.020 (b)(2).

## Nature of the Agreement

A February 23, 1982 memo related to the scope of the E.I.S. by Jeff Parker, attorney for the Sierra Club, provides a legal view on the nature of the agreement which would result from the governor and Secretary of Interior signing the plan. (This memo was sent to the USFWS on March 11, 1982.) Mr. Parker states:

"A purpose of §1203 is to provide for preparation and implementation of a cooperative management plan, "agreed to by the United States and the state..." §1203(b). Thus, on the face of the statute, an agreement is contemplated.

Setting aside NEPA for the moment, it will be useful to first understand the legal status of the Plan. Since it is an agreement, the Plan must be viewed as being in the nature of a contract between the federal government and the state government. (If private parties as well become involved through cooperative management agreements or land exchanges under the Plan, then they would become parties as well to the Plan, though probably in a more limited sense.

It is an elementary principle of contract law that a contract is an expression of promises enforceable at law. When the federal government enters into this agreement, it not only will promise to perform its duties under the Plan, but the federal government will also be agreeing to accept the promise of the state to perform the state's duties under the Plan. Thus, federal agreements to the Plan must be viewed as agreement to all rights, duties, and obligations contained therein, and not merely as agreement to the federal portions of the Plan. To have the law be otherwise would contravene the most basic principles of contract law."

## Conclusion

It seems that as long as both the Secretary and governor have agreed to the plan, they are obligated to implement the plan. The proposed plan contains, in Chapter 7, a mechanism for the state (and federal) agencies to modify certain specified parts of the plan without prior approval of other parties, and a mechanism for plan modifications which would require

approval of the other party. These latter modifications are labeled plan amendments. This fulfills the requirements of Section 1203(c)(2) of ANILCA.

It seems quite clear, however, that there is no federal requirement for the state to participate in the BBCMP and Section 1203(d)(2) provides a mechanism for the state to terminate its participation altogether by the governor providing written notification to the Secretary of the Interior.

The state would still be bound to certain requirements for public notice (and perhaps meetings) before it could unilaterally alter the plan, as the Alaska Statutes require public involvement for amendments to plans and changes in classification.

cc: Ken Powers, Attorney General's Office  
Lisa Parker, Alaska Land Use Council  
Lance Trasky, Alaska Dept. of Fish and Game

"A"

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

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

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

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

FEDERAL COORDINATION COMMITTEE

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

BRISTOL BAY COOPERATIVE REGION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The plan shall also—

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

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

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

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

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

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

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

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

(e) TAKING EFFECT OF PLAN.—

Establishment USC 3182.

Publication in Federal Register.

USC 3183.

Cooperative management plan.

Cooperative management plan, submitted to Congress.

opposed  
islation,  
omitted to  
gress and  
ate  
gislature.

(1) If within three years after the date of the enactment of this Act, a plan has been prepared under subsection (c) which is agreed to by the Secretary and the Governor, the plan shall take effect with respect to the United States and the State.

(2) If the plan prepared pursuant to this section is agreed to by the Secretary and the Governor includes any recommendations regarding (i) the exchange of State lands, (ii) the management of Federal lands within any conservation system unit, or (iii) any other actions which require the approval of either the Congress or the Alaska State Legislature, then the Secretary and the Governor shall submit to the Congress and the State Legislature as appropriate, their proposals for legislation necessary to carry out the recommendations contained in the plan.

(f) **TRANSITIONAL PROVISIONS.**—On the date of the enactment of this Act, and for a period of three years thereafter, all Federal land within the region (except that land conveyed by title IX of this Act to the State of Alaska and Federal lands located within the boundaries of conservation system units) shall be withdrawn from all forms of appropriation under the public land laws, including selections by the State, and from location and entry under the mining laws and from leasing under the Mineral Leasing Act, and shall be managed by the Bureau of Land Management under its existing statutory authority and consistent with provisions of this section.

## TITLE XIII—ADMINISTRATIVE PROVISIONS

### MANAGEMENT PLANS

SEC. 1301. (a) Within five years from the date of enactment of this Act, the Secretary shall develop and transmit to the appropriate Committees of the Congress a conservation and management plan for each of the units of the National Park System established or to which additions are made by this Act.

(b) **NATIONAL PARK SERVICE PLAN REQUIREMENTS.**—Each plan for a unit established, redesignated, or expanded by title II shall identify management practices which will carry out the policies of this Act and will accomplish the purposes for which the concerned National Park System unit was established or expanded and shall include at least the following:

(1) Maps indicating areas of particular importance as to wilderness, natural, historical, wildlife, cultural, archeological, paleontological, geological, recreational, and similar resources and also indicating the areas into which such unit will be divided for administrative purposes.

(2) A description of the programs and methods that will be employed to manage fish and wildlife resources and habitats, cultural, geological, recreational, and wilderness resources, and how each conservation system unit will contribute to overall resources management goals of that region. Such programs should include research, protection, restoration, development, and interpretation as appropriate.

(3) A description of any areas of potential or proposed development, indicating types of visitor services and facilities to be provided, the estimated costs of such services and facilities, and whether or not such services and facilities could and should be provided outside the boundaries of such unit.

(4) A plan for access to, and circulation within, such unit, indicating the type and location of transportation routes and facilities, if any.

(5) A description of the programs and methods which the Secretary plans to use for the purposes of (A) encouraging the recognition and protection of the culture and history of the individuals residing, on the date of the enactment of this Act, in such unit and areas in the vicinity of such unit, and (B) providing and encouraging employment of such individuals.

(6) A plan for acquiring land with respect to such unit, including proposed modifications in the boundaries of such unit.

(7) A description (A) of privately owned areas, if any, which are within such unit, (B) of activities carried out in, or proposed for, such areas, (C) of the present and potential effects of such activities on such unit, (D) of the purposes for which such areas are used, and (E) of methods (such as cooperative agreements and issuance or enforcement of regulations) of controlling the use of such activities to carry out the policies of this Act and the purposes for which such unit is established or expanded.

(8) A plan indicating the relationship between the management of such unit and activities being carried out in, or proposed for, surrounding areas and also indicating cooperative agreements which could and should be entered into for the purpose of improving such management.

(c) **CONSIDERATION OF FACTORS.**—In developing, preparing, and revising a plan under this section the Secretary shall take into consideration at least the following factors:

(1) The specific purposes for which the concerned conservation system unit was established or expanded.

(2) Protection and preservation of the ecological, environmental, wildlife, cultural, historical, archeological, geological, recreational, wilderness, and scenic character of the concerned unit and of areas in the vicinity of such unit.

(3) Providing opportunities for Alaska Natives residing in the concerned unit and areas adjacent to such unit to continue performing in such unit activities which they have traditionally or historically performed in such unit.

(4) Activities being carried out in areas adjacent to, or surrounded by, the concerned unit.

(d) **HEARING AND PARTICIPATION.**—In developing, preparing, and revising a plan under this section the Secretary shall hold at least one public hearing in the vicinity of the concerned conservation unit, hold at least one public hearing in a metropolitan area of Alaska, and, to the extent practicable, permit the following persons to participate in the development, preparation, and revision of such plan:

(1) The Alaska Land Use Council and officials of Federal agencies whose activities will be significantly affected by implementation of such plan.

(2) Officials of the State and of political subdivisions of the State whose activities will be significantly affected by implementation of such plan.

(3) Officials of Native Corporations which will be significantly affected by implementation of such plan.

(4) Concerned local, State, and National organizations and interested individuals.

transmitted to  
Congressional  
committees.

16 USC 3191.

"B"

Jan 30  
Riffe  
Hardy  
Jan drafted a  
reply which in WDC 3/13/81  
February 26, 1981  
g

The Honorable James G. Watt  
Secretary  
U. S. Department of the Interior  
Washington, DC 20240

Dear Mr. Secretary:

Section 1203 of the Alaska National Interest Lands Conservation Act (P.L. 96-497) provides for a joint State-federal study to prepare and implement a comprehensive management plan for the Bristol Bay region in Southwest Alaska. The purpose of this letter is to notify you that the State of Alaska intends to participate in this study, and will otherwise comply with the requirements of Section 1203(c) of the Act.

For the purposes of coordinating State involvement in this effort, I have designated the Alaska Department of Natural Resources as the lead State agency. This Department will work closely with other key State agencies in representing the State's interests, and will coordinate State efforts with those federal agencies involved in the study. In this regard, I propose an early meeting between participating State and federal agencies. It would be my intention that our joint efforts be closely coordinated through the Alaska Land Manager's Cooperative Task Force and, eventually, the Alaska Land Use Council.

As you know, I have long been a proponent of cooperative planning efforts of this kind, and my Administration looks forward to working with the federal government on this project.

Sincerely,

Jay S. Hammond  
Governor



# BRISTOL BAY

## COOPERATIVE MANAGEMENT PLAN



### SUMMARY OF BRISTOL BAY COOPERATIVE MANAGEMENT PLAN ISSUES/RECOMMENDATIONS

#### ISSUES/RECOMMENDATIONS:

##### Fish and Wildlife Habitat and Harvest

- \* A primary use of all lands in the region. (Same as draft)
- \* Salmon fishery is the most important resource in the region, (over \$250 million annually paid to fishermen).
- \* Recreational use of these is the second largest industry, (up to \$40 million annually).
- \* Subsistence use is a fundamental part of the local economy and culture.

##### Oil and Gas

- \* Lease all uplands with favorable potential.
- \* DNR has two (2) lease sales proposed. (Draft excluded Black Hills Caribou Calving Area.)
- \* State owned tide and submerged lands along the north side of the Alaska Peninsula would not be scheduled for oil and gas leasing before 1994.
- \* Public hearing draft allowed leasing these tidelands with high oil and gas potential.
- \* Tide and submerged lands would not be leased in the State Fisheries Reserve, north and west to Quinhagak, and the bays and lagoons along the north side of the Alaska Peninsula.
- \* Most respondents, including local residents, favor no leasing of tidelands. Industry supports leasing.

##### Mineral Exploration and Development

- \* Plan provides for mineral exploration and development on all uplands not previously closed by State or Federal legislation.
- \* Plan recommends opening approximately 2 million acres currently closed to new mineral entry.
- \* 66 streams would be closed to new mineral entry in drainages which produce 40-70% of the regions salmon.
- \* Mining in the eastern Iliamna Lake and Upper Mulchatna drainages would be governed by the State's Mining Leasehold Location laws.

- \* Public hearing draft recommended closing all salmon spawning streams and their tributaries to new mineral entry.
- \* Local residents, including most other respondents, favored the draft plan alternative. Industry supports status quo.

#### Remote Settlement

- \* State to sell up to 14,000 acres of land, primarily in the Iliamna Lake and Dillingham areas.
- \* B.L.M. would have no disposals.
- \* Draft plan called for 14,250 acres, scattered throughout the region.
- \* Local residents strongly favor alternatives that range from no remote land disposals to a maximum of 2,250 acres around Dillingham. Most other respondents supported local position.
- \* Recommend the State Legislature re-evaluate the land disposal program for remote areas.

#### Other Plan Recommendations

- \* Identifies three (3) transportation corridors across the Alaska Peninsula. Recognizes and allows for other potential routes. (Same as draft.)
- \* Allows for other transportation to serve resource development. (Same as draft.)
- \* Some local villages and native corporations supported transportation corridor identification, while industry and environmental groups are in opposition.
- \* Encourages APA to continue studies for regional hydroelectric projects. (Same as draft.)
- \* Many respondents favored further study of localized alternative energy approaches.
- \* Encourages only small scale agricultural and forestry due to limited resource potential. (Same as draft.)

#### Guidelines

- \* Guidance for land managers when issuing permits, leases or approving other actions.
- \* Makes development possible while protecting environment.
- \* Guidelines were re-examined based on public commentary to eliminate duplication of existing regulations or to establish guidelines more as performance standards.

### Land Patterns

- \* Resolution of contested (11(a)(3)) lands on the Alaska Peninsula gives 147,000 acres with resource development potential to the State and 215,000 acres to the USFWS. (Kujulik Bay lands unsettled in draft go to USFWS.)
- \* Adds 126,720 acres to Wood Tikchik State Park, which AS 41.20.470 allows to occur by Governor's proclamation.
- \* Study exchange possibilities for mineralized areas in Togiak National Wildlife Refuge for other fish and wildlife habitat (Recommendation not in draft).
- \* State should not select large blocks of BLM land near Goodnews Bay, the Kvichak River or Nyac. Delete recommendation for Goodnews Addition to Togiak National Wildlife Refuge.
  
- \* Other Significant changes in recommended exchanges:
  1. Drop Cold Bay-Izembek tidelands as a possible exchange;
  2. Add under long term an exchange of Native Corporations dinosaur track lands near Black Lake to USFWS.
  
- \* Cooperative Agreement changes:
  1. Add a guideline to require public and agency notification;
  2. Delete recommendations for Nushagak/Mulchatna and Upper Chilikadrotna agreements.
- \* Delete option for boundary adjustments in Upper Mulchatna/Chilikadrotna area of Lake Clark National Park.

### Amendment Process

- \* Establishes process for advising secretary and governor on plan amendments.
- \* Recommends Advisory Group with local participation and composition similar to existing Study Group.
- \* Makes it clear that the authority to implement and amend the plan rests with governor and secretary.
- \* Comments, especially from industry, were concerned with creating a new layer of regional government.
- \* Option exists as to approval of amendments by Alaska Land Use Council or Governor and Secretary of Interior.

### Additional Future Studies

- \* Recreation potential.
- \* Cultural resources
- \* Togiak Refuge, possible exchange of mineralized land for wildlife habitat land.

### BACKGROUND

- \* BBCMP was initiated under Section 1203 of the Alaska National Interest Lands Conservation Act, (ANILCA), December, 1980.
- \* The BBCMP is a plan for both State and Federal lands in the Bristol Bay and Alaska Peninsula region.
- \* BBCMP provides guidance to Native Corporations and other private lands.

### Planning Process

- \* The planning process has been underway for 2½ years.
- \* Has included over 82 public meetings.
- \* 750 copies of the Draft Plan and E.I.S. were circulated for comments between June 20, 1983 and October 20, 1983.
- \* 32 public meetings or hearings were held during August.
- \* Over 160 letters from throughout the nation were received.
- \* Public comments overwhelmingly supported the plans priority on protection of fish and wildlife resources.
- \* Developmental interests felt the draft plan was overly protective at the expense of potential mineral and oil and gas developments.
- \* The draft plan has been substantially revised based on public comments.

CANADIAN

ARCTIC

MINING

TOUR

# Alaska State Legislature

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



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

## Senate

### Committee on Resources

#### MINUTES

April 18, 1984  
3:08 pm

Beltz Room  
Room 211, Capitol

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#### MEMBERS PRESENT

Senator Fahrenkamp, Chairman  
Senator Ziegler, Vice Chairman  
Senator Eliason  
Senator Paul Fischer  
Senator Vic Fischer  
Senator Mulcahy  
Senator Sturgulewski

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#### CALENDAR

CSHB 684, An Act making special appropriations to the Alaska Power Authority.

Presentation by the Alaska Miners Association on the 1984 Canadian and Greenland Arctic Mine Tour.

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#### CSHB 684

Senator Mulcahy moved SCS CSHB 684 (Resources) and the letter of intent for SCS CSHB 684 (Resources) from committee with individual recommendations. There was no objection.

#### Alaska Miners Association presentation

Ron Sheardown, Alaska Miners Association, presented a slide show and proposed itinerary for the 1984 Canadian and Greenland Arctic Mine Tour scheduled for July 8-13, 1984.

The meeting adjourned at 3:27 pm.

# Alaska State Legislature

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



POUCH V  
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(907) 465-3834  
(907) 465-3835

## Senate Committee on Resources

### MINUTES

May 18, 1983  
3:10 p.m.

Feltz Room  
Room 211, Capitol

### MEMBERS PRESENT

Senator Fahrenkamp, Chair  
Senator Ziegler, Vice Chair  
Senator P. Fischer

Senator V. Fischer  
Senator Mulcahy  
Senator Sturgulewski

### CALENDAR

Slide Presentation by Alaska Miners Association, Inc., regarding the Canadian Arctic mining tour.

- SB 279 An Act relating to wholesale prices for salmon; and providing for an effective date.
- SB 289 An Act relating to discharge of firearms, and hunting and fishing in state park and recreation areas.
- SB 268 An Act relating to the sale of Prudhoe Bay royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; and providing for an effective date.
- SB 285 An Act relating to the sale of Cook Inlet royalty oil by the State of Alaska to the Tesoro Alaska Petroleum Company; and providing for an effective date.

### Canadian Mining Tour:

Russ Babcock and Ron Sheardown of the Alaska Miners Association, presented a slideshow describing the Canadian Arctic mine tour.

### SB 279

Pat Pourchot, committee aide, said the bill sets out the process of reporting prices for canned salmon to the Department of

Revenue in order to provide average wholesale price information. He said that representatives of processors and the fishing industry had met and discussed the proposed committee substitute. He explained the committee substitute and amendment #7, regarding types and amounts of discounts to be allowed in the calculation of wholesale prices.

Senator Sturgulewski moved to adopt the committee substitute. The motion passed without objection.

Senator Sturgulewski moved to adopt Amendment #7. The motion passed without objection.

Senator Mulcahy moved to report the committee substitute, as amended, out of committee with individual recommendations. The motion passed without objection.

#### SB 289

Neil Johannson, Director of the Division of State Parks, read a letter from Bob Arnold explaining the hunters' dilemmas due to conflicting laws regarding hunting and discharging firearms in state parks. The Department requested postponement of action on the bill so that it could initiate regulations addressing the situation.

Senator Fahrenkamp expressed concern that the regulations would not be in place in time for the hunting season this fall. Mr. Johannson said that the Division of Parks had always taken a reasonable approach toward hunting in state parks, and that he would proceed in a timely manner. No action was taken on the bill.

#### SB 285 and SB 268

Senator Mulcahy moved to report SB 285 and SB 268 out of committee with individual recommendations. The motion passed without objection.

The meeting was adjourned at 3:45 p.m.

# Alaska State Legislature

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



POUCH V  
STATE CAPITAL  
JUNEAU, ALASKA 99811  
(907) 465-3234  
(907) 465-3235

## Senate

### Committee on Resources

TO: Senate Resources Committee Members

FROM: Senator Fahrenkamp, Chairman

RE: Briefing by Alaska Mining Association on Canadian Mine  
Tour

DATE: May 17, 1983

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As part of our Wednesday, May 18 hearing, the AMA will give a slide presentation to the Senate Resources Committee on last summer's tour of mine developments in the Canadian Arctic. I personally made this trip last summer and found it to be especially interesting and educational due to the similarity of mining development opportunities and problems encountered in the Canadian Arctic to those experienced in Alaska.

The Canadian tour will again be offered to legislators and others this summer, July 25-30. Attached is a letter from the AMA describing the trip and itinerary in more detail. I would encourage you to make this trip if at all possible.

The Resources hearing will be held at 3:00 p.m. in the Beltz Room.

For your information, the Committee's letter regarding confirmation of the Governor's appointments will be read across tomorrow. I have withheld the names of the appointees to the Board of Fish and the Commissioner of Fish and Game for possible further consideration.



# ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

May 2, 1983

The Honorable Bettye Fahrenkamp  
ALASKA STATE LEGISLATURE  
Pouch V (MS 3100)  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

The Alaska Miners Association is conducting a mining tour of the Canadian Arctic and Greenland the week of July 25-30, 1983. The purpose of the trip will be to assemble a group of government and industry leaders concerned with the mineral development of Alaska and to examine first hand the viability of hard rock mining under remote Arctic conditions. We anticipate that this educational visit to the Canadian Arctic and Thule, Greenland will encourage new ideas on what is needed to stimulate mining activity in Alaska.

The trip is coordinated by Ron Sheardown, a miner and businessman with extensive experience in the Canadian Arctic and Alaska. We plan one trip this year leaving Anchorage by chartered Convair 580 aircraft on July 25, 1983. Approximately 40 persons can be accommodated on this trip. An itinerary is enclosed. The total cost of the trip, including all accommodations, air fare, transfers and meals, will be \$2400.00.

We are inviting prominent Alaskan opinion makers and believe the trip will be very informative for those persons interested in the future development of Alaska's mineral resources. The tour will have numerous engineers and geologists along who are familiar with Alaska's mineral potential and development problems. We would be very honored if your schedule will allow you to participate in this educational and exciting tour.

Enclosed is a registration form to make your confirmed reservation for the trip. Each participant will receive a guidebook of the areas visited. We hope you or your designate will be able to join us!

Sincerely,

ALASKA MINERS ASSOCIATION

Paul S. Glavinovich  
President

Enclosures



# ALASKA MINERS ASSOCIATION, INC.

509 W. Third Ave., Suite 17, Anchorage, Alaska 99501 (907) 276-0347

## ITINERARY 1983 CANADIAN AND GREENLAND ARCTIC MINE TOUR

<u>Day</u>		<u>ACTIVITY</u>
<u>July 25, 1983</u>		
Depart Anchorage	7:00 AM	Leave Anchorage International Airport on "JET ALASKA" Convair 580 from "ERA AVIATION CENTER" 6160 South Airpark Drive, (907) 243-3316. Fly to Whitehorse, Yukon Territory. Clear Canadian Customs and refuel. (2 hour time change, later than Anchorage)
Arrive Whitehorse	11:00 AM	
Depart Whitehorse	12:00 PM	On to Yellowknife, Northwest Territories. Tour COM GOLD MINE. This gold mine has been in production for 45 years operating under sub-arctic conditions. Dinner meeting with the Northwest Territorial Government. (1 hour time change)
Arrive Yellowknife	3:35 PM	
Overnight accommodations at the Explorer Hotel (403) 873-3531		
<u>July 26, 1983</u>		
Depart Yellowknife	8:00 AM	Fly to Contwoyto Lake, NWT, and tour LUPIN GOLD MINE. The Lupin mine is a totally air supported mine in the Arctic. One of the world's few mining operations accessible only by air.
Arrive Lupin	9:10 AM	
Depart Lupin	2:00 PM	On to Cambridge Bay, NWT for fuel.
Arrive Cambridge	3:15 PM	
Depart Cambridge	4:00 PM	On to Resolute Bay, NWT, staying overnight at the Resolute Bay Air Hotel, (819) 252-3802 and/or the Narwhal Arctic Services Hotel (819) 252-3968. (1 hour time change)
Arrive Resolute	7:50 PM	
<u>July 27, 1983</u>		
Depart Resolute	8:00 AM	Fly to Arctic Bay, NWT and tour the NANISIVIK MINE. Nanisivik is a lead/zinc producer on North Baffin Island. The work force lives year round at the mine site and local native miners are a large portion of the work force. (1 hour time change)
Arrive Arctic Bay	10:10 AM	
Depart Arctic Bay	3:00 PM	On to Thule, Greenland. This is a USAF base operated in Greenland. We will stay overnight. (1 hour time change)
Arrive Thule	5:50 PM	
<u>July 28, 1983</u>		
Depart Thule	8:00 AM	Fly to Resolute Bay, NWT, clear customs back into Canada. (2 hour time change)
Arrive Resolute	7:50 AM	
Depart Resolute	10:00 AM	On to Little Cornwallis Island, NWT, and tour of the POLARIS MINE. Polaris is a new arctic development 75 miles from the magnetic North Pole and is accessible by water for shipping only 2 months of the year. The complete mill facility was constructed in southern Canada and hauled intact on a barge to the mine site in 1981.
Arrive Polaris	10:30 AM	
Depart Polaris	5:00 PM	Return to Resolute Bay, NWT, staying overnight at the Resolute Bay Air Hotel (see above) and/or the Narwhal Arctic Services Hotel (see above).
Arrive Resolute	5:30 PM	
<u>July 29, 1983</u>		
Depart Resolute	8:00 AM	Fly to Cambridge Bay, NWT, for fuel and tour of a DEW Line Station. (1 hour time change)
Arrive Cambridge	8:50 AM	
Depart Cambridge	11:00 AM	On to Tuktoyuktuk, NWT. TUK is on the Canadian Arctic Beaufort Sea, and is an oil exploration and development port and supply base serving the offshore oil area.
Arrive Tuktoyuktuk	12:30 PM	
Depart Tuktoyuktuk	5:00 PM	Clear Customs in Anchorage.
Arrive Anchorage	5:40 PM	

ALASKA MINERS ASSOCIATION  
CANADIAN ARCTIC MINE TOUR

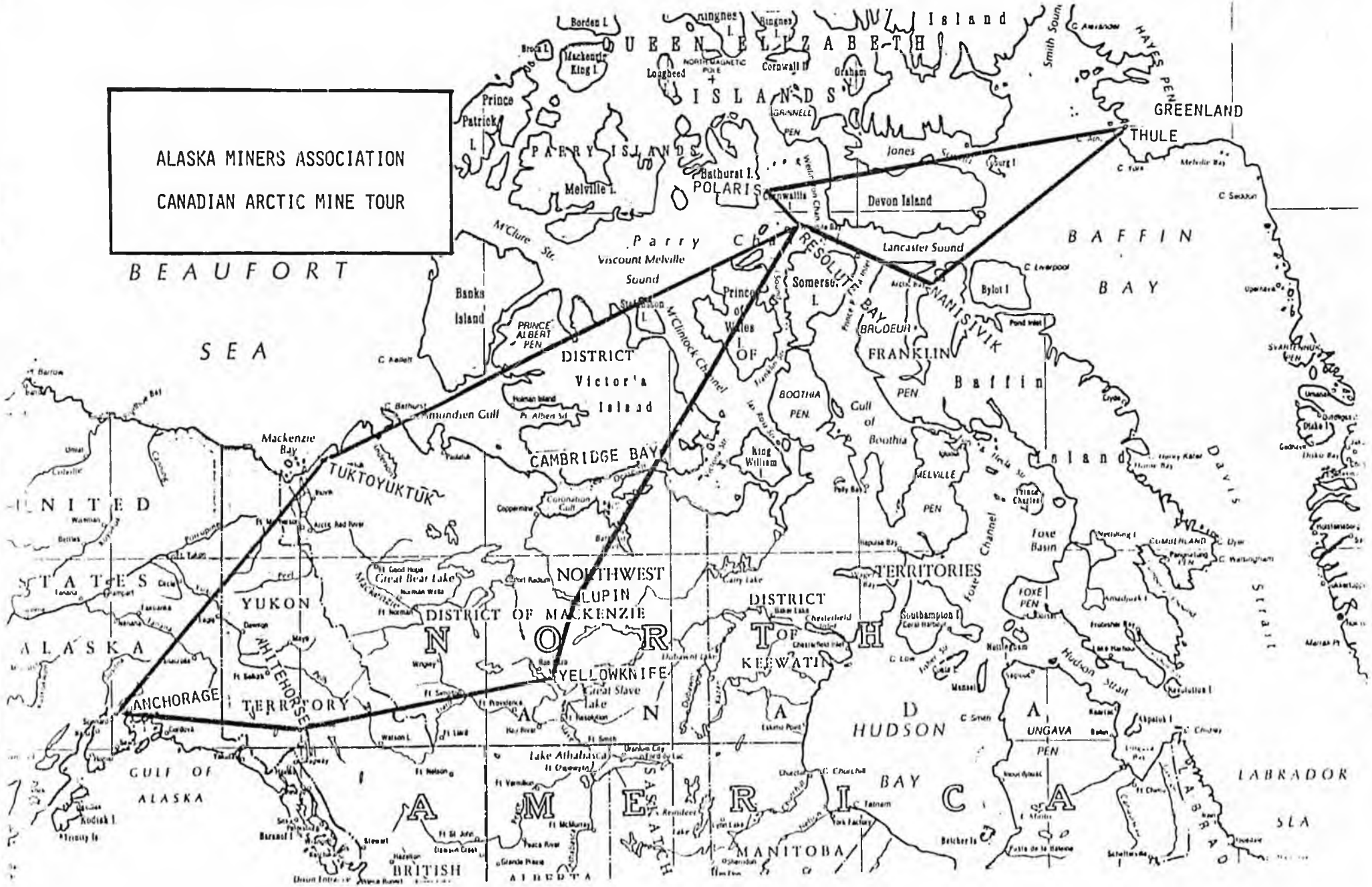
BEAUFORT  
SEA

UNITED STATES

ALASKA

GULF OF ALASKA

BRITISH



GREENLAND

BAFFIN BAY

DISTRICT OF VICTORIA

CAMBRIDGE BAY

DISTRICT OF MACKENZIE

NORTHWEST TERRITORIES

YUKON

WHITEHORSE TERRITORY

ALBERTA

DISTRICT OF MACKENZIE

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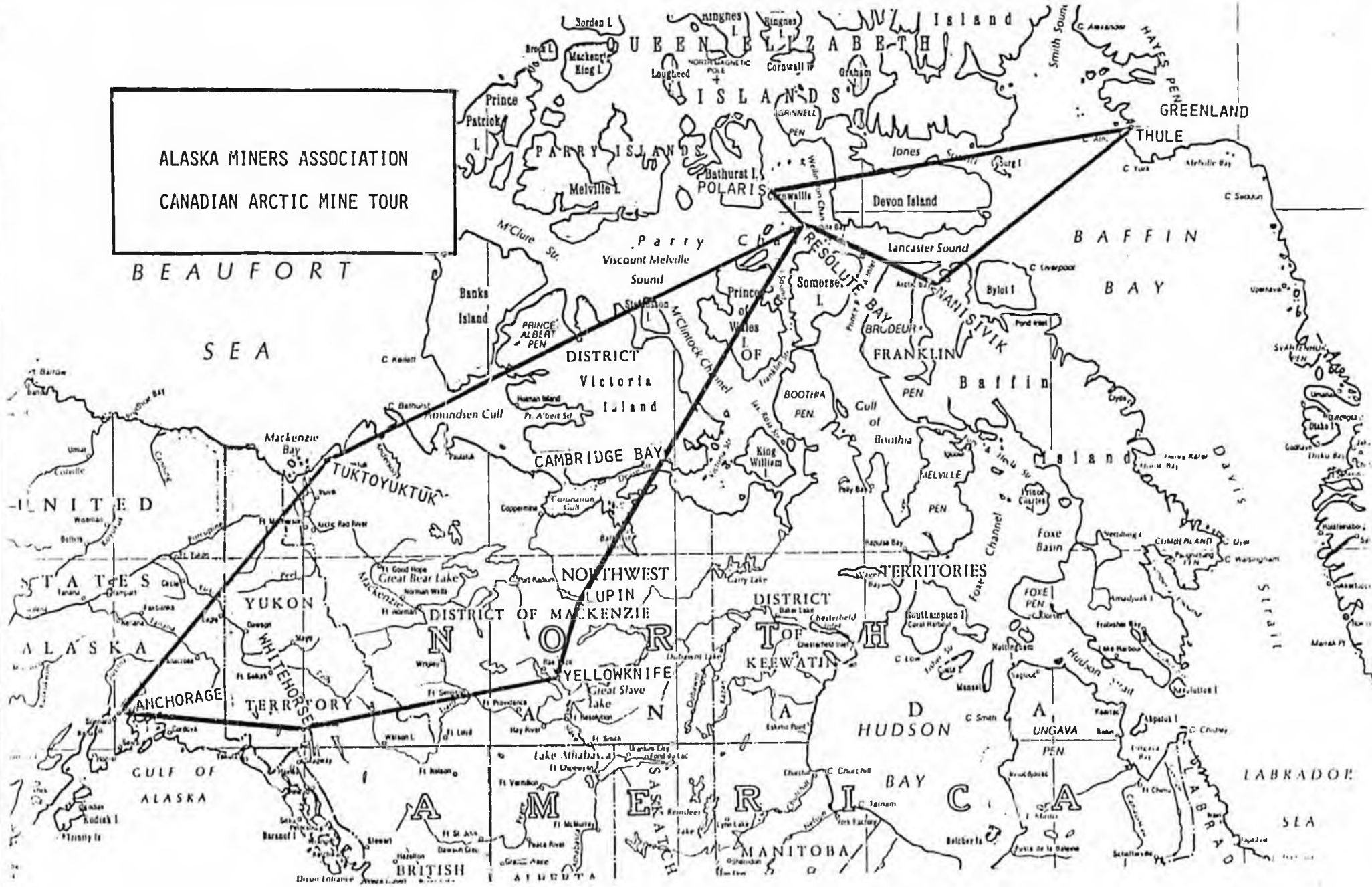
WHITEHORSE TERRITORY

ALBERTA

LABRADOR

SLA

ALASKA MINERS ASSOCIATION  
CANADIAN ARCTIC MINE TOUR





## **The Alaska Miners Association**

Welcomes You to Participate  
in our

### **1984 CANADIAN AND GREENLAND ARCTIC MINE TOUR JULY 8 - 13, 1984**

The polar regions, both Arctic and Antarctic, have long been the focus of scientific interest, and the Arctic has also played an important role in a variety of strategic considerations. Only in relatively recent years, however, have these beautiful but bleak landscapes attracted widespread attention for their potential economic wealth. This interest in exploration and exploitation has intensified as nations have become increasingly aware of the available natural resources. In the Arctic major national efforts are already under way to find and tap the resources hidden beneath the polar seas, ice, and permafrost. New towns and even cities are being created in these environmentally hostile regions. Whole new technologies are being developed. The polar scene is rapidly changing.

The Alaska Miners Association Canadian and Greenland Mine Tour 1984 is possibly the most unique adventure around today, a chance to see the thriving mining industry in the high Arctic.

This year the tour, July 8 through July 13, includes a leap to Greenland.

The adventure of the trip is seeing first-hand how profitable mining enterprises can overcome the harsh Arctic climate and bring an industry to a region of the world that once was ignored for development potential and employment expansion.



**ALASKA  
MINERS ASSOCIATION, INC.**

509 W Third Ave., Suite 17, Anchorage Alaska 99501

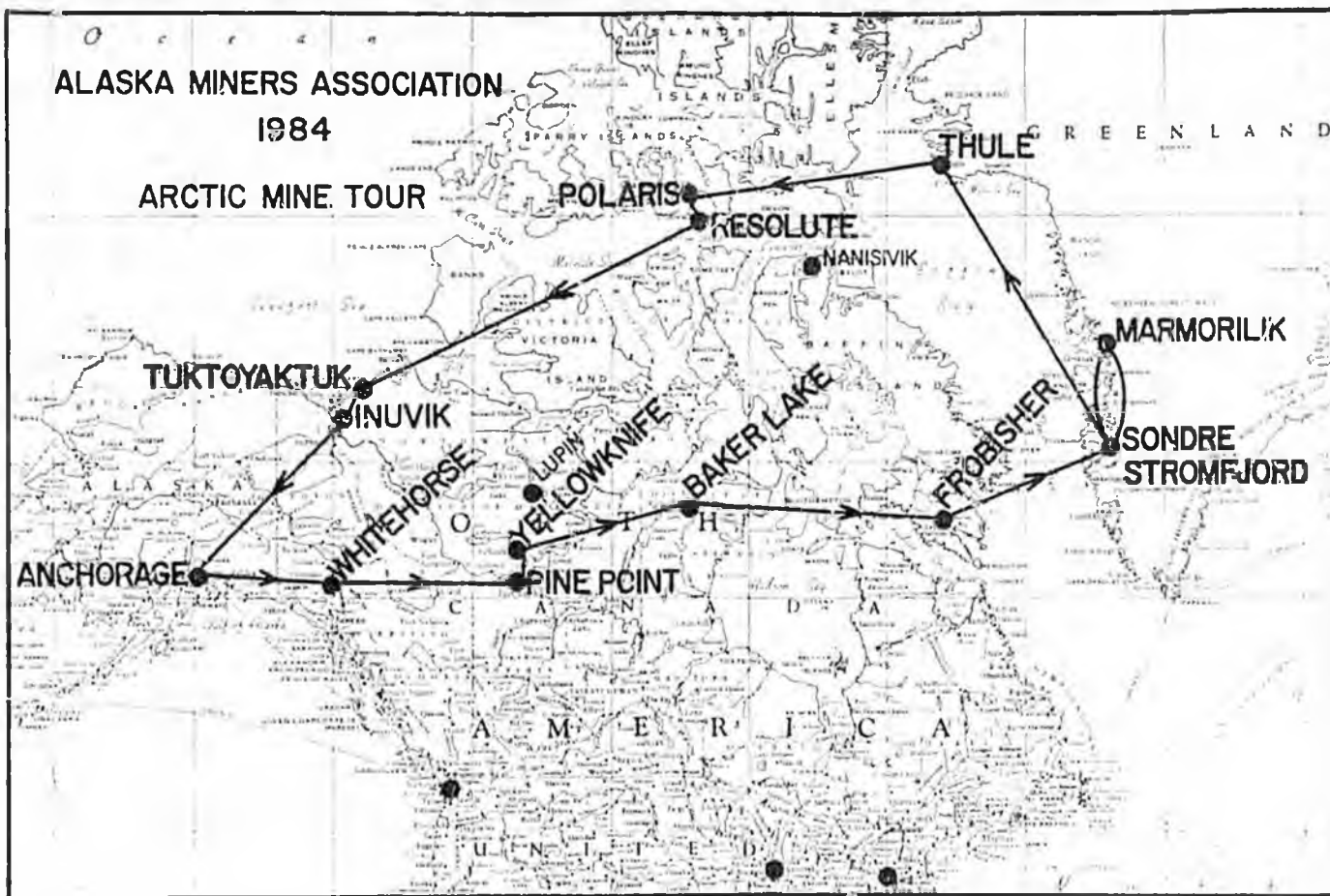
# ITINERARY 1984 CANADIAN & GREENLAND ARCTIC MINE TOUR

DAY	ACTIVITY	
<b>Sunday - July 8, 1984</b>		
Depart Anchorage ..... 8:00 a.m. Arrive Whitehorse ..... 11:00 a.m. Flight time 2.0 hrs ..... 541 miles	Leave Anchorage International Airport on JET ALASKA Convair 580 from ERA AVIATION CENTER, 6160 South Airpark Drive, (907) 248-4422. Fly to Whitehorse, Yukon Territory. Clear Canadian Customs and Immigration. Have Lunch and meet with Government and Industry representatives. (1 hour time change, later). Population 10,000.	
Depart Whitehorse ..... 2:00 p.m. Arrive Pine Point ..... 5:30 p.m. Flight time 2.5 hrs ..... 760 miles	On to Pine Point, Northwest Territories. Staying overnight at the PINE POINT HOTEL (403) 393-2851. (1 hour time change, later). Population 1763.	
<b>Monday - July 9, 1984</b>		
Depart Pine Point ..... 1:30 p.m. Arrive Yellowknife ..... 2:00 p.m. Flight time 0.5 hrs ..... 115 miles	Breakfast 6:30 a.m. - 8:00 a.m. Tour PINE POINT MINES and railroad facilities. Pine Point is a major lead zinc producer which was developed as a result of the building of a 450 mile railroad and hydro power dam with a tax incentive program by the Canadian Government.  On to Yellowknife N.W.T., staying overnight at the EXPLORER HOTEL (403) 873-3531. (no time change). Population 9981.  Tour CON GOLD MINE surface facilities and/or the NWT MUSEUM. This mine is a major Gold producer in the Canadian sub-arctic and has been in production for over 45 years. The mine is located within the city and both co-exist very well. 6:30 p.m. cocktails and dinner with Government and Industry representatives to discuss government and northern mine development.	
<b>Tuesday - July 10, 1984</b>		
Depart Yellowknife ..... 8:00 a.m. Arrive Baker Lake ..... 11:00 a.m. Flight time 2.0 hrs ..... 575 miles	Breakfast 6:30 a.m. Depart for airport 7:30 a.m. 8:00 a.m. fly to Baker Lake, NWT., for fuel. Baker Lake is a northern community on the north shore of Baker Lake near Hudson Bay. (1 hour time change, later). Population 1007.	
Depart Baker Lake ..... 12:00 Nn Arrive Frobisher ..... 4:00 p.m. Flight time 3.0 hrs ..... 829 miles	On to Frobisher Bay, NWT., for fuel. Frobisher is the main administration and supply center for the eastern arctic. (1 hour time change, later). Population 2693.	
Depart Frobisher ..... 4:30 p.m. Arrive Sondrestrom ..... 6:35 p.m. Flight time 2.1 hrs ..... 549 miles	On to Sondre Stromfjord, Greenland. Clear Customs and Immigration. (no time change). Population 700.	
Depart Sondrestrom ..... 7:30 p.m. Arrive Marmorilik ..... 10:30 p.m. Flight time 2.0 hrs ..... 275 miles	Fly to Marmorilik, Greenland, on Umanak Fjord (Black Angel Mine) via Greenland Air S-61 Helicopter, staying overnight at Greenex Mine camp. (1 hour time change, later). Population 300. The phone can be reached via overseas operator via Umanak Greenland and ask for Greenex Mine at Marmorilik.	
		<b>Wednesday - July 11, 1984</b>
		Tour the BLACK ANGEL MINE. This mine is very unique as the mine is located at 3000 feet above sea level on the face of a sheer cliff with a cable car crossing the fjord to the mill, port and camp site. They produce lead, zinc and silver to European markets. Stay overnight at Greenex Mine camp. There will be time to fish and possibly visit the local village of Umanak in the evening.
		<b>Thursday - July 12, 1984</b>
		Depart Marmorilik ..... 6:00 a.m. Arrive Sondrestrom ..... 7:00 a.m. Flight time 2.0 hrs ..... 275 miles
		Depart Sondrestrom ..... 8:00 a.m. Arrive Thule ..... 9:35 a.m. Flight time 2.6 hrs ..... 765 miles
		Depart Thule ..... 11:00 a.m. Arrive Polaris ..... 10:40 a.m. Flight time 1.7 hrs ..... 470 miles
		Depart Polaris ..... 8:00 p.m. Arrive Resolute ..... 8:25 p.m. Flight time 0.4 hrs ..... 68 miles
		Fly via Greenland Air S-61 helicopter to Sondre Stromfjord, and Board the Convair 580, for flight to Thule. (1 hour time change, earlier). Population 700.  On to Thule, Greenland for fuel. Thule is a U.S.A.F. BEMEWS site in the high arctic. This is the farthest north we go on the trip at 77° north latitude. (1 hour time change, earlier). The phone can be reached through McQuire Air Force Base.  On to Little Cornwallis Island, NWT, Canada, clear Customs and Immigration. Tour POLARIS MINE. Polaris is a new arctic development 75 miles from the magnetic North Pole and is accessible by sea for shipping only 2 months of the year. The complete mill, administration and power facility was constructed on a barge in southern Canada and towed to the mine site in 1981. Polaris is the farthest north base metal mine in the World and ships lead and zinc to European markets. (2 hour time change, earlier). Population 200.  On to Resolute Bay, NWT., staying overnight at the AIR HOTEL (819) 252-3802 and/or NARWHALE ARCTIC SERVICES HOTEL. (819) 252-3968. Population 267.
		<b>Friday - July 13, 1984</b>
		Depart Resolute ..... 8:00 a.m. Arrive Tuktoyuktuk ..... 9:05 a.m. Flight time 3.1 hrs ..... 842 miles
		Depart Tuktoyuktuk ..... 1:30 p.m. Arrive Inuvik ..... 1:55 p.m. Flight time 0.4 hrs ..... 78 miles
		Depart Inuvik ..... 2:30 p.m. Arrive Anchorage ..... 4:10 p.m. Flight time 2.7 hrs ..... 741 miles
		Return to Anchorage, Alaska and home. Clear U.S. Customs and Immigration. (1 hour time change, earlier). Population 230,000.
		Total miles 6,883

# ALASKA MINERS ASSOCIATION

1984

## ARCTIC MINE TOUR



### PERSONAL EQUIPMENT INFORMATION FOR ARCTIC TOUR

#### General Information:

Temperature Range +30° to +75° F

Although we have hotel reservations for our overnight stops, it is requested that each individual bring a light sleeping bag in the event we have to overnight at a mine site. In such a circumstance we would be inside buildings. However, it is doubtful that enough beds would be available thus the need for sleeping bags.

#### Equipment List:

Valid Passport is required  
Sleeping Bag  
Light Weight Rain Gear  
Light Weight Winter Clothing (for the cooler portions of the tour, ie: winter parka, hat & gloves, sweater, etc.).  
Insect Repellant and Sun Glasses

#### AMA Will Provide the Following:

Hard Hats for each participant and a Briefing Manual

**ALL INDIVIDUAL GEAR (all items) NOT TO EXCEED 40 POUNDS**

#### PLEASE NOTE:

- 1) It would be wise to exchange American money for Canadian and Danish money before leaving as we will not be in a position to do so once we reach our destination.
- 2) The following are not included in the tour price:  
Alcoholic beverages on the ground, Non-Tour arranged meals.
- 3) Souvenirs: The U.S. Government is very strict about the kind of souvenirs allowed into this country. Be advised you cannot clear U.S. Customs with any ivory, narwhale tusks, or animal skins (Endangered Species Act).

#### DEPARTURE DAY

Your vehicle can be left in ERA's parking area for the duration of the tour. However, they request you leave your keys with them in the event they need to move your vehicle. Be sure to **LOCK YOUR CAR.**

Departure time is 8:00 a.m.

**CHECK IN IS ONE HOUR BEFORE DEPARTURE**

ADVANCE REGISTRATION FORM

**CANADIAN & GREENLAND  
ARCTIC MINE TOUR**

JULY 8 - 13, 1984

Please enclose a brief resume of yourself, interests, hobbies, etc. (this will be compiled for the information of the other participants on the tour and will help each to get to know fellow travelers and their interests more quickly).

A deposit of \$200.00 is required to confirm your reservation and must be included with your reservation. The deposit is non-refundable. Full payment (\$2975) for the trip must be received at the AMA office by June 15, 1984. Any cancellation after this date will be subject to any penalties levied by hotels, airlines or other transportation companies. A valid passport will be required for the Greenland portion of the tour.

The AMA Board of Directors have passed a resolution declaring the Canadian & Greenland Arctic Mine Tour an educational program to promote the development of the mineral industry in the State of Alaska.

I will attend the 1984 Canadian & Greenland Arctic Mine Tour,  
July 8-13, 1984.

Name \_\_\_\_\_

Affiliation \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

Enclosed \$ \_\_\_\_\_

Deposit \$ \_\_\_\_\_

Full Payment \_\_\_\_\_

Send this form and your remittance to:  
Canadian & Greenland Arctic Mine Tour, ALASKA MINERS ASSOCIATION,  
509 West Third, Suite 17, Anchorage, Alaska 99501.  
Phone (907) 276-0347

Confirmation of receipt of your reservation  
will be sent by return mail.

COMINGO /

RED DOG

MINE

# Alaska State Legislature

BETTYE FAHRENKAMP  
CHAIRMAN  
ROBERT H. ZIEGLER, SR.  
VICE-CHAIRMAN  
DICK ELIASON - PAUL FISCHER  
VIC FISCHER - BOB MULCAHY  
ARLISS STURGULEWSKI



POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3634  
(907) 465-3835

## Senate

### Committee on Resources

TO: Senate Resources Committee Members  
FROM: Senate Resources Committee Staff  
RE: February 9 Cominco Briefing  
DATE: February 8, 1983

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Tomorrow's briefing by Cominco on potential mineral development in Northwest Alaska will include a proposal for State legislation to create regional transportation authorities. Enclosed for your information is a report, prepared by the NANA Corporation and Cominco, describing this proposal.

The briefing will be held at 3:00 p.m. in the Senate Finance Room. Please bring the attached information packet to the briefing with you.



- The Honorable Senator Bettye Fahrenkamp  
4016 Evergreen  
Fairbanks AK 99701

October 11, 1982

Dear Bettye:

I would like to express my appreciation for the effort you made to visit our Red Dog Mine site on August 27, and the interest you have shown in our project.

In relation to our conversation regarding the regulatory regime, I have presented below a review of those environmental regulations which are adversely effecting the development of mining in the State of Alaska. My comments are subdivided into two major groups; State administered regulations and Federally mandated regulations. This review has been prepared to highlight our appreciation of problems relative to critical environmental regulations. A more detailed review of any specific topic will be prepared at your request. Major topics discussed include the transfer of regulatory responsibility from the Environmental Protection Agency to the Alaska Department of Environmental Conservation, State Water Quality Standards, new EPA rule making and problem areas within provisions outlined in the Alaska National Interest Land Conversation Act.

I. State of Alaska

1. Air Quality Management Program (PSD) of the State of Alaska.

The Alaska Department of Environmental Conservation (DEC) is now in the process of reviewing guidelines which allow the take-over of the Federal mandated PSD program (Potential for Significant Deterioration of Air Quality) from the Environmental Protection Agency (EPA). The PSD program is a Federal program which has caused a significant amount of confusion among industry, and major problems for regulatory agencies. The law has undergone major revisions and the confusion of guideline changes has resulted in significant cost to industry. The transfer of regulatory responsibility from the Federal government to the State of Alaska will be a positive step, in the long term, of reducing the problems associated with this law. However, in

the short term and most likely during the permit acquisition period of the Red Dog Project, this changeover will cause significant problems in obtaining actual permits. During EPA's administration of the program, they have established internal policies which have provided "ground rules" to allow interpretation of vague or incompletd rules and guidelines. This has allowed industry the opportunity to identify clear problem areas and time schedules for individual projects. The transfer of regulatory responsibilities to the State will cause a new review of such "ground rules" which will directly effect project planning. Further, the State is presently inexperienced in the management of the PSD program, and such inexperience can result in a slow review of applications and cautious interpretations of regulations.

We would like to suggest the following areas be monitored by the Legislature:

- a. The Department of Environmental Conservation should be closely reviewed as to how the PSD program will be managed.
- b. The timetable for the transfer of regulatory responsibility should be clearly defined.
- c. The specific role of EPA should be clearly identified. Ill-defined responsibilities between the two agencies will lead to confusion when an individual permit application is being processed.

Specific areas of concern relative to the Red Dog Project include:

- a. Identification of where the Red Dog Project will need to meet ambient air quality standards.

The present EPA guidelines state that ambient air quality standards must be at the edge of the property boundary. The property boundary is defined as that area to which the public does not have access. This definition is quite unclear when dealing with remote mining projects. Meeting ambient air quality standards directly adjacent to the point of discharge is unreasonable and extremely costly. EPA has previously identified the property boundaries as the boundary of the mining claims. Cominco suggests DEC take the same approach.

- b. Determination of the timing of when a PSD permit is required. In the planning of many fast track projects, there is not sufficient time to obtain all permits before construction of some components begins. Therefore, some permits are staggered and are granted before specific components are constructed. One such example is the granting of the PSD permit and construction of the milling and power generating facilities. The PSD permit