

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

2879 SRES SR 3 - SJR 5

7879

Ability-Surveys

REGISTERED SURVEYORS
ENGINEERS · PLANNERS

Jerry Anderson · Marvin Hanson

Box 1263 · Homer, Alaska 99603 · (907) 235-8440

May 4, 1982

*PAUL -
I WROTE THIS LETTER
8 MONTHS AGO, & IT STILL
SAYS IT ALL!*

On June 2, 1982, the Department of Environmental Conservation proposes to adopt revised regulations revising Title 18 of the waste water regulations. For the most part, these regulations seem to be an improvement over the current regulations. A glaring exception is the portion dealing with Subdivision Review (18AAC 72.065).

This section remains essentially unchanged from the revision proposed in 1980. The Department has completely ignored testimony from the professional engineers that must complete the reports, recommendations of the Alaska Society of Professional Land Surveyors, who must design and prepare the actual subdivisions, and resolutions of the local government urging that the proposals of the Alaska Society of Professional Land Surveyors be adopted.

The regulations as proposed do not serve to protect the environment, nor do they protect the consumer. The only effect of the regulations is to impede the normal course of land division, raise the price of building lots and interfere with the platting, planning and zoning powers granted to the Borough by Titles 29 and 40.

In my work as a Professional Land Surveyor and Real Estate Broker, and during my tenure as a Borough Assemblyman, I have become painfully familiar with the problems generated by the ADEC Subdivision Regulations. The private sector, in the form of the lending institutions and a better informed consumer, require that the individual wastewater systems be reviewed and approved by a Registered Professional Engineer, rendering the mandatory subdivision review and approval an expensive exercise in futility.

I resent the way the ADEC has ignored the input they received from individuals and local government, and would urge the regulation review committee strike (18AAC 72.065) from the regulations, and substitute the procedure endorsed by resolution 81-14 of the Kenai Peninsula Borough Assembly.

Please contact me if you have any questions or desire further information. I will come to Juneau at my own expense to testify before your committee if it will be of assistance. Please give this matter your immediate attention and let me know your views.

Sincerely,

Jerry A. Anderson

Encl.
JAA/mb

Introduced by: Anderson
Date: Jan. 20, 1981
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION '81-14

URGING THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO AMEND ITS REGULATIONS REGARDING WATER QUALITY STANDARDS AND WASTEWATER REGULATIONS AND TO PROVIDE FOR ADDITIONAL PUBLIC PARTICIPATION IN ITS DECISION MAKING PROCESS.

WHEREAS, the Alaska Department of Environmental Conservation, (DEC) which is responsible for monitoring water quality standards and wastewater disposal, has proposed amendments to its administrative regulations which will make these regulations more understandable, practical and usable while providing adequate protection for the public health and environment; and

WHEREAS, the Department of Environmental Conservation has invited the participation and recommendations of concerned citizens, organizations and local governments in revising and simplifying its regulations; and

WHEREAS, the Borough, through its subdivision platting and approval process, is vitally concerned with the water quality standards and wastewater disposal regulations adopted by the Department of Environmental Conservation; and

WHEREAS, the Kenai Peninsula Chapter of the Alaska Society of Professional Land Surveyors has endorsed the proposed revision of the existing environmental regulations and has proposed further simplifications and improvements in the wastewater regulations; and

WHEREAS, the Assembly, after inquiry into the issue, urges the Department of Environmental Conservation to adopt its proposed revisions to wastewater disposal regulations and to provide for further simplification and improvement of these regulations;

NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Assembly urges the State of Alaska Department of Environmental Conservation to adopt its proposed simplification of the wastewater disposal regulations contained in Title Eighteen of the Alaska Administrative Code and to adopt further regulations providing for the

Kenai Peninsula Borough
Resolution 81-14
Page 1 of 2 pages

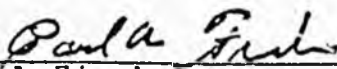
following improvements to the administrative process:

- A. Formulation of regulations which may be executed by a registered professional land surveyor, in the case of subdivision design, and by a registered professional engineer, in the case of wastewater system design, and formulation of practical guidelines which surveyors and engineers could utilize.
- B. Elimination of the redundancy in DEC's process for the approval of proposed subdivisions and wastewater disposal systems by eliminating current procedures which require both approval of the proposed subdivision design and subsequent approval of onsite wastewater disposal systems for individual lots within the subdivision by allowing the subdivider to choose between obtaining initial approval of the entire subdivision or later approval of wastewater disposal systems for individual lots.
- C. Creation of a data bank of approved wastewater disposal systems for various soil conditions.
- D. Revision of Title 18 of Alaska Administrative Code, Section 72.065, entitled Subdivision Plan Review, to provide for a streamlined system of subdivision approval in accordance with the procedures set out in Attachment A of this resolution.

Section 2. That the Clerk shall serve a copy of this resolution upon the Honorable Ernst W. Mueller, Commissioner of the State of Alaska Department of Environmental Conservation and upon Mr. Alex Viteri, Jr., of the Alaska Department of Environmental Conservation.

Section 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 20 DAY OF January, 1981.



Paul Fischer
Assembly President

ATTEST:


Borough Clerk

Kenai Peninsula Borough
Resolution 81-14
Page 2 of 2 pages

+ Attachment A

TABLE I: RECOMMENDED SUBDIVISION REVIEW
 NOTE: ALL CATEGORIES AT SUBDIVIDER'S OPTION

CATEGORY	SUBMITTALS TO A.D.E.C.	RESPONSE FROM A.D.E.C.	OTHER REQUIREMENTS	FURTHER A.D.E.C. APPROVAL
I	Definitive soils investigation report	Definitive approval	None	None
II	Data at subdivider's option: May include record soils, data, new data, topography, etc.	Recommendations to subdivider (no definite approval)	Disclosure statement on plat that A.D.E.C. approval has not been gained, and that approval of individual wastewater systems is required.	Approval of individual wastewater disposal systems*
III	No submittal	None	Disclosure statement on plat that A.D.E.C. approval has not been gained, and that approval of individual wastewater systems is required.	Approval of individual wastewater disposal systems*

*We recommend that approval may be certified by a Registered Professional Engineer in compliance with A.D.E.C. regulations and guidelines.

ATTACHMENT "A"

18 AAC 72.063. DELEGATION OF SYSTEM PLAN REVIEW. (a) A municipality may petition the department to delegate the exercise of plan review under 18 AAC 72.060 within its jurisdiction. The petition must contain a

(1) copy of ordinances governing sewers, wastewater disposal systems, and treatment works;

(2) description of pertinent administrative and judicial enforcement processes available to the municipality; and

(3) description of administrative organization, staff, funding, and other resources available to the municipality to administer and enforce its requirements.

(b) Within 90 days after receipt of a completed petition, the department will grant the petition if it finds, after review of submitted data, that

(1) the ordinances of the municipality governing sewers, domestic wastewater treatment works, and disposal systems are at least as stringent as the requirements of this chapter; and

(2) the municipality has sufficient resources and enforcement authorities to ensure uniform compliance with requirements for sewers, domestic wastewater treatment works, and disposal systems and is consistently enforcing its ordinances.

(c) The department may issue a preliminary decision to deny a petition. Denial of a petition entitles the municipality to an adjudicatory hearing.

(d) If the department believes that a municipality delegated plan review is no longer meeting a requirement of this section, the department will reassert the authority exercised under 18 AAC 72.060. A preliminary decision to reassert authority must be served on the municipality and entitles the municipality to an adjudicatory hearing.

(e) When the department reasserts plan review authority under (d) of this section, the requirements of 18 AAC 72.060 apply to any person who has not substantially built a proposed sewer, disposal system, or treatment works before the effective date of the reassertion of authority.
(Eff. 12/30/82, Register 84)

Authority: AS 46.03.020

AS 46.03.050

AS 46.03.090

18 AAC 72.065. SUBDIVISION PLAN REVIEW. (a) A person proposing a subdivision, except an isolated subdivision, shall submit the following information to the department within five days after the submission of a proposed subdivision plat to a platting authority or, where no plat is filed, 60 days before subdividing:

(1) a drawing and written description showing proposed sewers, domestic wastewater treatment works and disposal systems, and potential or existing drinking water sources for each typical set of onsite conditions existing within the subdivision; the department will, in its discretion, waive the requirements of this paragraph when it finds the information is not needed for plan review;

(2) a plot plan showing spatial relationships between wastewater disposal and drinking water systems on nearby lots; the department will, in its discretion, waive the requirements of this paragraph when it finds the information is not needed for plan review;

(3) soil information sufficient to determine suitability for a domestic wastewater disposal system, if a soil absorption system is proposed, including soil tests, borings, test holes, or percolation tests required by 18 AAC 72.026, approved and signed by a registered engineer;

(4) a map of the proposed subdivision showing

(A) lot and street layout with lot dimensions and areas;

(B) contours which show topography, drainage, muskey, and marshy or wet areas;

(C) existing or proposed improvements;

(D) waters located within and 200 feet around the proposed subdivision;

(E) waters suitable for drinking water sources; and

(F) nearest road or highway accesses;

(5) a statement and timetable concerning the possible development of future community drinking water or sewer systems to the extent known;

(6) a statement identifying persons who will own, operate, and maintain water supply systems, sewers, treatment works, and disposal systems in the proposed subdivision;

(7) types and amounts of sewage, graywater, or other wastes that would be generated on a typical lot in the subdivision;

(8) information, including a timetable, for domestic wastewater disposal systems which require electrical service or road access, including electrical service needed for domestic wastewater treatment and pumping equipment, transportation access for material and equipment needed to construct the proposed domestic wastewater treatment works, disposal system, holding tank, and septic tank pumping service; and

(9) location of storm sewers, drainage ditches, their ultimate discharges, and treatment, if required to protect receiving waters.

(b) The department will issue a decision to the applicant within 30 days after receipt of complete subdivision plans.

(c) The department will, in its discretion, attach terms and conditions to subdivision plans needed to ensure compliance with this chapter.

(d) The subdivider shall include the terms and conditions of the department's subdivision plan approval for domestic wastewater treatment and disposal systems on the subdivision's plat and instruments.

(e) The department will place its approval of the plans on the subdivision's final plat before recording. Department approval must appear on the plat of record and recorded instruments.

(f) A person creating a subdivision after February 3, 1977, except an isolated subdivision, may sell, contract to sell, lease, or otherwise convey an interest in any lot within that subdivision only with plan approval for that subdivision under this section. (Eff. 2/3/77, Reg. 61; am 3/4/78, Reg. 65; am 12/30/82, Register 84)

Authority: AS 46.03.020
AS 46.03.050
AS 46.03.090

18 AAC 72.068. DELEGATION OF SUBDIVISION PLAN REVIEW. (a) A platting authority may petition the department to delegate the exercise of subdivision plan review under 18 AAC 72.055 within its jurisdiction. The petition must contain a

(3) Wastewater Engineering: Collection, Treatment, Disposal; Metcalf and Eddy, Inc., 1972; McGraw-Hill Book Company, New York, N.Y.;

(4) Recommended Standards for Sewage Works, Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, Health Education Service, P.O. Box 7283, Albany, New York 12224.

(h) Copies of the referenced materials are on file in the lieutenant governor's office, and may be reviewed in any of the regional offices of the department.

(i) No person may install a package aerobic sewage treatment plant unless the plant, or a similar model in a series of plants, has been certified by the National Sanitation Foundation, unless it can be demonstrated to the department's satisfaction that the plant meets or exceeds the National Sanitation Foundation certification criteria. Approval of package plants will be made only on receipt of acceptable proof of satisfactory operation of similar systems under conditions of proposed use. A list of approved package aerobic sewage treatment plants is available from any of the regional offices of the department. (Eff. 8/10/73, Reg. 47; am 2/3/77, Reg. 61; am 3/4/78, Reg. 65)

Authority: AS 16.10.010
AS 46.03.020(10)(A)
AS 46.03.050
AS 46.03.090
AS 46.03.720

18 AAC 72.065. SUBDIVISION PLAN REVIEW. (a) Before or within five days after the time of the filing of a proposed subdivision plat with a platting authority, or, where no subdivision plat is filed with a platting authority, at least 60 days before subdividing, the person proposing the subdivision, unless the subdivision is an isolated subdivision, shall submit to the department the following information:

(1) a map of the proposed subdivision

showing lot and street layout with lot dimensions and areas, contours sufficient to show topography, drainage, all marshy or muskeg areas, and any existing or proposed improvements or bodies of water within 200 feet of the proposed subdivision;

(2) recommended or proposed type and location of water sources and sewage treatment and disposal systems on a typical lot diagram in relation to water sources and sewage treatment and disposal systems on adjacent lots;

(3) to the extent ascertainable, a statement concerning the possibility of any future community water or sewerage systems and an approximate timetable for their development;

(4) representative soil testing, logs, and borings, prepared by a professional engineer registered in the State of Alaska, in an area sufficient to determine whether soils are suitable for on-site sewage disposal and to determine the area required for soil absorption systems; however, soil tests, logs, and borings are not required if the subdivision plat clearly indicates that the area for which representative tests, logs, and borings will not be made will not be used for residential or other development which would necessitate domestic sewage treatment and disposal; moreover, representative tests, logs, and borings are not required if a means of sewage treatment and disposal other than soil absorption systems is proposed under (2) of this subsection; and

(5) a statement concerning responsibility for construction, operation and maintenance of water supply and sewage treatment and disposal facilities in the proposed subdivision.

(b) No person creating a subdivision after the effective date of this section, except an isolated subdivision, may sell, contract to sell, lease, or otherwise convey an interest in any lot or lots within that subdivision if plan approval has not previously been granted for that subdivision by the department under this section.

(c) It is the responsibility of the subdivider to provide evidence of plan approval under this section to prospective buyers, lessees or promisees.

(d) Within 30 days of submission of complete plans, the department will approve the plans if the applicant demonstrates that

(1) where the person proposing the subdivision assumes responsibility for sewage treatment and disposal within the subdivision, the proposed manner of sewage treatment and disposal will meet the requirements of this chapter and ch. 70 of this title; or

(2) where the person proposing the subdivision does not assume responsibility for sewage treatment and disposal within the subdivision, there will exist practicable means of sewage treatment and disposal within the subdivision which will meet the requirements of this chapter and ch. 70 of this title.

(e) The department will, in its discretion, attach terms and conditions to approved plans necessary to insure compliance with the requirements of this chapter and ch. 70 of this title. (Eff. 2/3/77. Reg. 61; am 3/4/78. Reg. 65)

Authority: AS 46.03.020(10)(A)
AS 46.03.050
AS 46.03.090

18 AAC 72.068. WAIVER OF SUBDIVISION PLAN REVIEW IN QUALIFIED JURISDICTIONS. (a) A platting authority may petition the department to waive the exercise of sec. 65 of this chapter within its jurisdiction. The petition shall contain

(1) a copy of all pertinent ordinances relating to the review of sewage treatment and disposal matters for subdivisions;

(2) a statement of all pertinent administrative and judicial enforcement processes available to the platting authority; and

(3) a statement of administrative organization, staff, funding and other resources available to the platting authority to administer and enforce its sewage treatment and disposal requirements.

(b) Within 90 days of receipt of a completed petition, the department will grant the petition if the applicant demonstrates that, based upon the information submitted under (a) of this

SCR

19

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
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Senate Committee on Resources

April 28, 1983

Memo

To: Senate Resources Committee Members
From: Senate Resources Committee Staff
Subject: SCR 19, State Trails System

Following the hearing last month on SB 9 which would have established a state trails system, staff was asked to work with the Division of Parks and the bill's sponsor to develop a possible committee substitute to clarify the objectives of the legislation and resolve problems raised by the bill.

At a meeting with Parks and Senator Fischer's staff it was concluded that many of the objectives of the legislation were better met through administrative actions and increased funding rather than specific statutory changes. Thus, it was agreed that a resolution to the Governor recommending certain administrative actions was a more appropriate course at this time.

Attached is a sponsor substitute for SCR 19 which asks the Governor to develop a plan for a trails system that would outline various management and development needs and to report back to the Legislature with a progress report and any recommendations for legislation. Senator Fischer has withdrawn SB 9. The sponsor substitute makes only clarifying changes in the original resolution introduced by Senator Fischer.

Alaska State Legislature

BE MP, Chairman
ROBERT SR., Vice Chairman
DICK
PAUL
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



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Senate

Committee on Resources

MINUTES

April 29, 1983
3:12 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

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

Senator V. Fischer
Senator Mulcahy
Senator Sturgulewski

CALENDAR

- HB 284 An Act designating the bowhead whale as the state marine mammal.
- SCR 19 Relating to a statewide system of trails.
- HB 258 An Act establishing a special investment tax credit; and providing for an effective date.

HB 284

Representative Fuller urged that the Committee support the bill. He stated that the bowhead whale represents Alaska's history, culture and spirit.

Senator Mulcahy moved the bill be reported out with individual recommendations. The motion passed without objection.

SCR 19

Senator V. Fischer said that the State has the authority to coordinate a statewide trails system, but has established no policy. The resolution asks the Governor to develop a plan for a trails system. There would be no fiscal impact, because most agencies involved are already working on various aspects of the system; it would be a matter of coordinating efforts. Fischer

moved that CS SCR 19 be reported out of committee with individual recommendations. The motion passed without objection.

CSHB 258

Deborah Vogt, Assistant Attorney General, said the bill is constitutionally unclear, and explained this point of view.

Joe Donohue, Deputy Commissioner, Department of Revenue, explained language suggested for a committee substitute. He explained how the tax credit might work, and compared it to the federal investment tax credit.

Rov Huhndorf, President, Cook Inlet Region, Inc., explained the bill's potential to stimulate and broaden the Alaskan economy, and urged adoption of the bill.

Dave Heatwole, Alaska Miners Association, said the Association had passed a resolution endorsing the bill, and explained how it would benefit the mining industry. He opposed exempting sand and gravel, and noted that the mining license tax would still generate revenue to the State.

Wayne Allred, Northwest Alaskan Pipeline Company, provided written testimony. He supported the tax credit without limitation of the location of facilities. He felt the bill, as written, is discriminatory and unconstitutional, and requested all geographical references be removed from the bill.

Jeff Day, assistant to Rep. Joe Hayes, agreed to relay questions and concerns to Rep. Hayes.

The Committee adjourned at 4:40 p.m.

Introduced: 4/19/83
Referred: Transportation
and Resources

1 IN THE SENATE SPONSOR SUBSTITUTE BY V.FISCHER
2 SENATE CONCURRENT RESOLUTION NO. 19
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 Relating to a statewide system of
6 trails.
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 WHEREAS Alaska has many historical, recreational, and wilderness
9 trails, waterways, and campsites; and
10 WHEREAS it is in the best interest of the state to develop a statewide
11 trails system to increase recreational opportunities for residents and
12 visitors alike; and
13 WHEREAS it is necessary that the state develop a method of protecting
14 known trails from loss from public ownership; and
15 WHEREAS it is in the best interest of the state to protect, provide
16 for, and enhance the use and enjoyment of publicly owned land and resources
17 by the public; and
18 WHEREAS a statewide trails system would provide access to areas of
19 historical, natural, or recreational interest; and
20 WHEREAS it is in the best interest of the state to provide a method
21 for the connection of state trails with other existing or potential units
22 of a statewide system of trails, including trails located on federal or
23 municipal land; and
24 WHEREAS there is currently no comprehensive statewide plan for devel-
25 oping a trails system or including trails nominated by local governments
26 for inclusion in the state system; and
27 WHEREAS tourism constitutes ^{a major} ~~the third largest~~ industry in the state
28 and the development of recreational opportunities through a statewide
29 system of trails is in the public interest; and

1 WHEREAS it is in the best interest of the state to encourage state
2 agencies to work cooperatively to reserve and develop trail heads to serve
3 a statewide system of trails; and

4 WHEREAS it is in the best interest of the state to design, designate
5 and develop trails, trailheads, and public access areas in conjunction with
6 the construction of transportation and other public works projects; and

7 WHEREAS it is in the best interest of the state to develop standards
8 and guidelines for inclusion of trails into a statewide system of trails;
9 and

10 WHEREAS information to members of the public about the use and loca-
11 tion of state trails is necessary to ensure safe and maximum public enjoy-
12 ment of publicly owned land and resources;

13 BE IT RESOLVED by the Alaska State Legislature that the governor is
14 respectfully requested to direct appropriate state agencies to develop a
15 plan for a comprehensive statewide system of trails that will

16 (1) provide for standards, procedures, and management guidelines
17 for designating trails within a statewide trails system;

18 (2) provide access to areas of historical, natural, or recrea-
19 tional interests;

20 (3) protect and enhance the use and enjoyment of publicly owned
21 land and resources by the public;

22 (4) protect existing trails now in public ownership and access
23 from loss to the public;

24 (5) propose a state and local government capital improvement
25 plan which includes inter-agency coordination and cooperation in the
26 design, development and management of a statewide system of trails; and be
27 it

FURTHER RESOLVED that the governor is respectfully requested to prepare
a report to the Second Session of the Thirteenth Legislature of progress in
developing and implementing a statewide trails system plan, including recommendations
to the Legislature for future action or statutory changes.

SCR

42

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: *SCR 42*
BILL NAME: *Relating to sport fishing of salmon and underutilized species.*
SPONSOR(S): *Resources* RELATED BILLS PENDING:
DATE INTRODUCED: *3/23/84*
REFERRALS: *Resources*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED: SUMMARY BY LEGAL DIVISION:
SPONSOR CONTACTED FOR DEPT. OF LAW SUMMARY:
BACKUP MATERIALS: FISCAL NOTE:
AGENCY RESPONSE: OTHER INTERESTED SENATORS OR REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:
RESPONSES FROM INTERESTED PERSONS/GROUPS:
OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED: DATE AND PLACE SET:
STAFF MEMO TO COMMITTEE: TELECONFERENCE:
BACKGROUND MATERIAL DISTRIBUTED: PSA/PRESS RELEASE:
LIST OF WITNESSES: SUGGESTED AMENDMENTS/COMMITTEE SUBSTITUTES DRAFTED:

ADF:G. 4400 Norm Cohen - will return call
UFA - Cass Parsons 586-2850 will return call Phil Daniel
Bill Hall - S.A.C. - 3114 available to answer questions
Kertulla - Ramsey - won't be in town - Jeff might have someone else
Rick Hauber - 586-1324 might attend
Ron Sommerice 789-3450 will attend - may testify - have
to check w/ Ed 1st

Introduced: 3/23/84
Referred: Resources

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 SENATE CONCURRENT RESOLUTION NO. 42 BY REQUEST
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 Relating to sport fishing of salmon and
6 underutilized species.
7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 WHEREAS demand for fisheries resources by competing user groups has
9 been increasing, in part, because of the state's growing population; and
10 WHEREAS the demand for fisheries resources has, for some areas of the
11 state, grown to exceed the resources available for harvest; and
12 WHEREAS the competition between commercial and sports fishermen over
13 limited quantities of king and coho salmon in Southcentral Alaska has
14 created a conflict of significant proportions that is threatening the
15 social and economic harmony in that area; and
16 WHEREAS the rapid rate of increase in demand by sport fishermen cannot
17 be satisfied by any single run of salmon in any single location in the
18 state; and
19 WHEREAS salmonid aquaculture is a proven means by which populations of
20 both king and coho salmon can be increased; and
21 WHEREAS the state's existing aquaculture program could be modified to
22 provide for expansion of existing facilities or construction of new facili-
23 ties for the propagation of salmon for sports fishermen; and
24 WHEREAS there are populations of fish existing in the state that could
25 sustain increased harvesting by sports fishermen; and
26 WHEREAS art. VIII, sec. 2, of the Constitution of the State of Alaska
27 states: "The Legislature shall provide for the utilization, development,
28 and conservation of all natural resources belonging to the State, including
29 land and waters, for the maximum benefit of its people.";

Sportfish leaders
have indicated
punism, aesthetics

has been little
emphasis on
sportfish

aquaculture
tool we can use
to provide more fish
for sport fishermen.
- so is increasing
access

1 BE IT RESOLVED that the Alaska State Legislature requests the Governor
2 to direct the commissioner of fish and game to immediately ~~initiate a study~~
3 to determine what opportunities exist for (1) increasing access by sport
4 fishermen to presently underutilized fisheries resources, and (2) increas-
5 ing the numbers of king, coho, and red salmon available to sports fishermen
6 through the use of aquaculture; and be it
7 FURTHER RESOLVED that the Governor is requested to direct the commis-
8 sioner of fish and game to submit a report on the findings to the First
9 Session of the Fourteenth Alaska Legislature by February 1, 1985, and to
10 include in the report specific program and budgetary recommendations.

cost?

what are "underutilized fisheries resources"?
"increasing access?" lack of road system, harbors,
launching ramps

what studies been done in past?

success of aquaculture efforts to date?
how many hatcheries?

State's current hatchery program is for commercial
fishing - pink & chum.

Elimendorf & Ft Richardson - State hatcheries -
initially sport Now commercial.

SCR 42
Are some ongoing
efforts -
Kachemak Bay sportfishery } aquaculture
Whittier
upper Copper R.

42

SCR 42 • RELATING TO SPORTFISHING OF SALMON AND UNDERUTILIZED SPECIES.

SPONSOR: KERTTULA

RECEIVED RESOURCES COMMITTEE APPROVAL MARCH 30, 1984 - ALL DO PASS.

REQUESTS DEPT. OF FISH AND GAME TO STUDY OPPORTUNITIES FOR INCREASING ACCESS BY SPORT FISHERMEN TO UNDERUTILIZED FISHERIES RESOURCES (THROUGH HARBORS, LAUNCHING RAMPS, ETC.) AND OPPORTUNITIES FOR INCREASING THE NUMBERS OF KING, COHO, AND RED SALMON (WHICH ARE ALL FISHED FOR SPORT) THROUGH THE USE OF AQUACULTURE.

ACCORDING TO DEPT. FISH AND GAME, THERE ARE 3 ACTIONS THAT CAN BE TAKEN TO ACCOMMODATE GROWING SPORT FISHERIES OF SOUTHCENTRAL ALASKA (AND ULTIMATELY LESSEN COMPETITION BETWEEN SPORT AND COMMERCIAL USERS OF CHINOOK AND COHO SALMON IN SOUTHCENTRAL):

1. REGULATION CHANGES THAT LIBERALIZE SPORT FISHING REGS.
2. CREATE ACCESS TO POTENTIAL FISHERIES TO DISPERSE ACTIVITY
3. ENCOURAGE PRODUCTION THROUGH AQUACULTURE

THIS RESOLUTION ADDRESSES #2 AND #3.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: March 29, 1984

REQUEST

Bill/Resolution No.: SCR 42
 Title: Relating to sport fishing of salmon & underutilized species.
 Sponsor: Resources
 Requestor: Resources Committee
 Date of Request: March 28, 1984

FISCAL DETAIL

Agency Affected: Department of Fish & Game
 Program Category Affected: Fisheries Resource Conservation
 BRU, Program or Subprogram(s) Affected: Fisheries Rehabilitation, Enhancement and Development

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		27.0				
200 TRAVEL		2.5				
300 CONTRACTUAL		1.0				
400 SUPPLIES		.5				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		31.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		31.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Beverly Reame, Director Phone: 465-4120
 Division: Administration Date: 03/29/84

Approved by Commissioner: Beverly Reame for Don W. Collinsworth Date: 3-29-84
 Agency: Department of Fish and Game

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

SENATE CONCURRENT RESOLUTION NO. 42

Response by ADF&G:

The fisheries resources of the State of Alaska are dynamic in that they undergo wide variations in abundance over time. Harvest demands usually follow increases in supply. As a result, downward change in abundance of harvestable fish stocks can result in conflicts between user groups wishing to be given priority consideration for right of harvest.

The competition between sport and commercial users of chinook and coho salmon in Southcentral Alaska may be more imagined than real in 1984 because stocks are now biologically sound. However, increases in catches by the professional sport fishery on the Kenai Peninsula may contribute to increased user needs which may not be met during periods of stock decline.

There are three actions that can be taken to accommodate growing sport fisheries of Southcentral Alaska. The first is regulation changes that for the short-term, liberalize sport fishing regulations and/or restrict the commercial fisheries. The second is to create access to various fisheries and potential fisheries so that sport fishing effort (and success) is dispersed. The third is to encourage the production of wild salmon through aquaculture projects which minimize the hatcheries' influence on the stocks being developed.

Recent testimony before the Alaska Board of Fisheries emphasized a need for fisheries access in Southcentral Alaska. Other testimony either advocated or opposed salmon enhancement projects in certain rivers such as the Kenai.

It is appropriate to further define the roll of aquaculture as applied to sensitive stocks of chinook and coho salmon. The Legislature and the public should be given the opportunity to support carefully designed programs which are not harmful to the genetic composition of natural stocks.

It is also appropriate to identify and catalog the opportunity for public access to fishing locations and accompanying improved sporting experiences. Information regarding fishery access is less complete than that for aquaculture potential. However, proposals for both program approaches can be completed prior to a February 1, 1985 deadline.

Cost: Fiscal Year 1985

Line 100	FB II (report compilation)(optional)	27,000.0
Line 200	Site investigation teams	2,500.0
Line 300	Site investigation charter	1,000.0
Line 400	Materials	500.0
Line 500		-0-
		<u>31,000.0</u>

Explanation of Costs:

Line 100 - Report compiler. This position has written all the Environmental Impact Statements for central region hatchery development projects and (d)(2) land planning projects during recent year. The position is not funded in FY 85, and is optional in this proposal.

Line 200 - Scheduled field travel to survey fishery access sites.

Line 300 - Air charter to survey fishery access routes.

Line 400 - Miscellaneous materials.

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

March 30, 1984
3:55 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

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

CALENDAR

SB 225, Creating the Matanuska Valley Moose Range.

2dSSSB 45, Establishing an agricultural land sale payment moratorium.

SB 369, An Act relating to the planning, designing, and construction of agriculture and forestry facilities by the Department of Natural Resources.

SCR 42, Relating to sport fishing of salmon and underutilized species.

SB 225

Ned Farquhar, Special Assistant to the Commissioner of the Department of Natural Resources, testified in support of the Committee Substitute, and proposed an amendment that would clarify that coal and mineral entry and development would be allowed within the Range.

Deborah Heidecker, Aide to Senator Kerttula, explained that the Committee Substitute, a result of negotiations with the Department of Natural Resources and the Department of Fish and Game, contains specifics on management responsibility, multiple use definitions, and boundaries.

Senator Kerttula explained why the proposed Chickaloon Bench subdivision should remain within the Moose Range and not be disposed.

John Clark, Habitat Division, Department of Fish and Game, spoke in support of the Committee Substitute.

Senator Mulcahy moved to adopt DNR's proposed amendment. There was no objection.

Ron Sommerville, Alaska Outdoor Council, spoke in support of the Committee Substitute.

Jay Nelson, Alaska Environmental Lobby, spoke in support of the Committee Substitute and recommended that a timetable for implementing the management plan be included in the bill.

Senator Sturgulewski moved to adopt the proposed amendment regarding the timetable for a management plan. There was no objection.

Senator Mulcahy moved CS SB 225 from Committee with individual recommendations. There was no objection.

2dSSSB 45

Senator Moss explained that this bill would authorize the Department of Natural Resources to declare a moratorium of up to five years on agricultural land purchase payments if certain conditions are met.

Senator Mulcahy moved 2dSSSB 45 from Committee with individual recommendations. There was no objection.

SB 369

Senator Kerttula reviewed the history of construction cost overruns at the Department of Natural Resources plant materials center. SB 369 would begin to solve those problems by transferring construction responsibilities from the Department of Transportation and Public Facilities to DNR.

Senator Mulcahy moved SB 369 from Committee with individual recommendations. There was no objection.

SCR 42

Phil Daniel, United Fishermen of Alaska (UFA), spoke in support of the resolution, recommending aquaculture as a way of guaranteeing sportsfishermen an adequate supply of fish, and resolving user group conflicts.

Ron Sommerville, Alaska Outdoor Council offered no formal position on the bill, but supported enhancement of sportfishing stocks as a way of resolving user group conflicts.

Senator Mulcahy moved SCR 42 from Committee with individual recommendations. There was no objection.

The meeting adjourned at 4:40 pm.

SCR

44

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 9, 1984
3:05 pm

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

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

CALENDAR

SB 379, An Act establishing a fisheries business tax credit.

SB 391, An Act relating to fees for, sales of and collection of fees for sport fishing and hunting licenses and commercial fishing crewmember licenses.

SB 399, An Act relating to trespassing and posting of land.

SCR 44, Relating to management of state construction materials.

SB 379

Senator Mulcahy stated that this bill was heard in Fisheries Subcommittee and reported back to full Committee with all members recommending do pass. He explained that SB 379 was suggested by the Governor's Task Force on Fisheries and has the support of fishermen and processors. It would allow a tax credit of up to 50% for shore based processors and is intended to help the development of a bottomfish industry.

Senator Sturgulewski asked for clarification that local communities would still receive their full share of fisheries taxes.

Norman Staton, Special Assistant to the Commissioner of the Department of Revenue, explained that the tax credit would apply only to the down payment portion of capital expenditures.

SB 391

Senator Mulcahy reviewed the major provisions of the bill and reported that the Subcommittee on Fisheries recommended do pass.

Martin Richard, Division of Public Services, Department of Revenue, answered questions on Section 1 of the bill, which would allow residents of group homes to qualify for 25¢ licenses, and Section 3, which makes falsification of information on license applications a crime of perjury.

SB 399

Sandra Schubert, Aide to Senator Fahrenkamp explained that the Committee Substitute would require that property owners who choose to post their land place notices at each roadway or apparent way of access onto the property, and that the notices contain the name and address of the property owner.

Senator Ziegler moved CSSB 399 from Committee with individual recommendations. There was no objection.

SCR 44

Senator Vic Fischer explained that SCR 44 requests that the Department of Natural Resources inventory and set aside reserves of sand and gravel on a statewide basis, and establish a program of managing sand and gravel resources.

Ned Marquhar, Special Assistant to the Commissioner of Natural Resources, testified that the Department supports the resolution.

Ross G. Schaff, State Geologist, spoke in support of the resolution as it provides a focus to the State Geological Survey to initiate a statewide inventory of sand and gravel resources.

Randall G. Urdike, State Geological Survey, reviewed the timeline and methodology for implementing the proposed program.

Senator Vic Fischer moved SCR 45 from Committee with individual recommendations. There was no objection.

The meeting adjourned at 3:50 pm.




Dept. of Transportation & Public Facilities

Position Paper

BILL NO: SCR 44

TITLE: "An act relating to state construction materials"

APPROVED: 
R. O. Knapp
Commissioner

DATE: April 9, 1984

The DOT&PF supports SCR No. 44, and is eager to work with the Department of Natural Resources to accomplish the intent of this resolution. The DOT&PF recognizes that, in some areas of Alaska, too high a price is paid for sand and gravel on construction projects. It is hoped that, as one result of the effort proposed by SCR 44, certain State lands could be set aside in such areas for use as a source of construction materials. DOT&PF has been conducting a field inventory program to obtain accurate and definitive data on all materials sites under its control. The preliminary results of this inventory could be made available to DNR to assist them in defining areas where there is a dearth of available materials sources. Additionally, we would encourage the DNR to put a particular effort in addressing the problem of scanty supplies of sand and gravel in the Anchorage area. The need to have sand and gravel from the Matanuska-Susitna Valley adds greatly to the cost of construction in Anchorage. Shortages of gravel (or knowledge of occurrences) in other areas noted in the resolution area also very important. DOT&PF will lend the DNR all the assistance it can in this undertaking.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 4/6/84

REQUEST

Bill/Resolution No.: SCR 44
 Title: Relating to management of
state construction materials
 Sponsor: Sen. Vic Fischer
 Requestor: Senate Resources
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
Resource Inventory

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		85.0	123.5	147.0		
200 TRAVEL		10.0	10.0	15.0		
300 CONTRACTUAL		42.0	35.0	35.0		
400 SUPPLIES		0.5	1.0	1.0		
500 EQUIPMENT		2.5	32.0	3.0		
600 LAND & STRUCTURES		0	0	0		
700 GRANTS, CLAIMS		0	0	0		
800 MISCELLANEOUS		0	0	0		
TOTAL OPERATING		140.0	200.5	201.0		
CAPITAL		0	0	0		
REVENUE		0	0	0		

FUNDING: (Thousands of Dollars)

GENERAL FUND		140.0	200.5	201.0		
FEDERAL FUNDS						
OTHER						
TOTAL		140.0	200.5	201.0		

POSITIONS:

FULL-TIME		1.75	2.5	3.0		
PART-TIME		0	0	0		
TEMPORARY		0	0	0		

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Additional revenue realized to the state in future years based upon sand and gravel material lease sales in terms of an increase in quantities sold, higher quality of materials used, reduction in cost of state projects requiring the resource, more accurate record of resource taken, and estimates of that part of the resource that is renewable.

ANALYSIS: Attach a separate page for analysis

Prepared By: Dr. Randall Updike Phone: 688-3555
 Division: Geological and Geophysical Surveys Date: 4/3/84

Approved by Commissioner: William D. ... Date: 4/6/84
 Agency: DNR

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

DNR BACKUP FOR FISCAL NOTE
SCR 44 -- MANAGEMENT OF CONSTRUCTION MATERIALS

This is a three-year project to be administered by the Division of Geological and Geophysical Surveys.

	FY 85	FY 86	FY 87
100 Personal Services			
Geologist I	40.0 (12 mos)	41.0 (12 mos)	42.0 (12 mos)
Geologist IV	45.0 (9 mos)	62.0 (12 mos)	63.0 (12 mos)
Geologist I	-----	20.5 (6 mos)	42.0 (12 mos)
	85.0	123.5	147.0
200 Travel			
For instate travel only, mostly rural travel, field work, to identify demands, present uses and methods	10.0	10.0	15.0
300 Contractual			
To contract with consultants and agencies on management questions, to provide for aircraft rental, printing, and other costs	42.0	35.0	35.0
400 Supplies			
General supplies	0.5	1.0	1.0
500 Equipment			
For desks, chairs, light tables, map files, aggregate analysis equipment (10.0), survey equipment (8.0), microcomputer and printer (14.0)	2.5	32.0	3.0
TOTAL BY FISCAL YEAR	140.0	200.5	201.0

SAND & GRAVEL COVER LETTER

Uplike DGS

Fundamental to intelligent economic growth of Alaska is the continuous and broad-based supply of the construction materials upon which that growth depends. Sand and gravel aggregate is second only to oil and gas in dollar value among our states non-renewable resources. Annually, hundreds of millions of dollars are involved in sand and gravel sales, much occurring on state lands. However, with the exception of some inventories conducted by DOT-PF for transportation facilities, there is no state-wide resource inventory for sand and gravel. The reasons the state needs to initiate an inventory are basic:

- 1.) We do not know where the gravel is located on state lands
- 2.) We do not know how much is out there as our state reserve.
- 3.) We do not know the value of the commodity, nor how much to charge for the commodity.
- 4.) We do not know where it is non-renewable nor where it is being replenished.

It is safe to say that the ~~resource is abundant~~ state possesses great wealth in this resource but currently the state is not fully benefiting from the revenues it should be receiving from the sale of this resource. Unlike oil, gold, or coal, the value of sand and gravel ~~is~~ is based upon supply and demand. The price per ton for Prudhoe Bay, Palmer, and Ketchikan ~~are~~ will be substantially different, but in every district of the state the demand will continue to increase every year.

-continued-

It is critical that the state establish a trust of ~~our~~ construction materials natural resources. The establishment of that trust is contingent upon the inventory of the resource. This inventory is a task that can be accomplished only through an understanding of regional needs and a careful examination of the commodity within those regions. The sand and gravel assessment requires estimation of ^{each} extent, volumes, and potential use demands within regions. The work should be accomplished by engineering geologists within the Alaska Division of Geological and Geophysical Survey.

Examples of high revenue sand and gravel applications

1. Prudhoe Bay - Kuparuk Oil Fields for gravel islands, roads, airstrips, causeways
2. Red Dog Mine - 60 miles of sand-gravel road
3. Bethel - sand and gravel currently shipped 40 to 100 miles, or from lower 48
4. Anchorage - local supplies exhausted currently hauled from Mat-Su (~40 miles)
5. Alaska Railroad Corridor reserves (unknown)
6. Seward Port Facility expansion
7. Ketchikan - U.S. Borax support facilities
8. Bering Sea / Norton Sound on shore facilities



Official Business


Alaska State Legislature

Senate Committee on State Affairs

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

MEMORANDUM

TO: Senator Bettye Fahrenkamp
Chair, Senate Resources

FROM: Senator Vic Fischer 

DATE: March 21, 1984

RE: Attached resolution -- Management of Construction Materials

For the last several years, Senator Kerttula and I have been trying to get the Department of Natural Resources to inventory and manage the state's sand and gravel resources.

As I'm sure you are aware, numerous "horror stories" exist about DOT/PF paying outrageous prices for materials because reserves are unknown or were previously disposed of. As we classify and dispose of more and more state land and as we prepare for major development activities, the need to know the location and value of construction materials becomes even more acute.

Working recently with the Department of Natural Resources, we came up with the attached draft resolution as the best course to follow at this time. The program that DNR would carry out would be a three-year program costing about \$450,000 total, and would be funded by a fiscal note.

Because of the urgency of this issue, I would like to request its introduction as a Resources Committee resolution and ask that you hold an early hearing on it.

Thank you for your consideration of this important matter.

MAR 22 1984

date?

THE FIVE YEAR PROSPECTUS:

ENGINEERING GEOLOGY SECTION
Alaska Division of Geological & Geophysical Surveys
Randall Updike, Section Chief

OVERVIEW

The Engineering Geology Section has been in existence approximately 6 months. The overall intent of this section is to meet the needs of various state, local, and private agencies for data of a geologic nature that directly enhances or limits the development of populated areas, critical facilities, and natural resources. Generally, the data needed can be attributed to geologic phenomena that are either presently active or passive geologic conditions that could significantly influence the integrity of developing areas. Once recognized, these geologic phenomena can be incorporated into the design of facilities to insure the long-term viability of that development. Because the geologic framework of Alaska is the most active of any area in North America and because of the extreme climate of the state, geologic processes are of paramount consideration to the intelligent development of transportation facilities, energy generation plants and transmission corridors, highways, bridges, water supply systems, urban and rural community planning and development, and natural resource acquisition, transportation, and shipping. Phenomena such as volcanos, earthquakes, landslides, permafrost, off-shore bottom conditions, engineering soil characteristics, avalanches, glaciers, river flow and sediment transport, and coastal processes are particularly noteworthy.

GOALS

Although this section is in its infancy, general goals that logically fall into engineering geology have been emerging for a number of years. As presently recognized, they would include:

1. Interface with other agencies on a short-term response basis.
2. Interagency cooperative projects.
3. Critical area studies.
4. Phenomena monitoring programs.
5. Special engineering geologic studies.

Interface with other agencies. We presently are averaging 15 to 20 inquiries per week which range from requests for general information and advice, to specific data on geologic hazards and engineering parameters for site development. Inquiries are from other state agencies, federal agencies, regional and local governments, private industry, special interest groups, mass media, and individual citizens. It is important for this section to respond to these requests as thoroughly as time and resources permit. Usually, responses can be executed by telephone, memorandum, or personal meetings. This interface with other agencies will be placed as the section's first goal over the five year period.

Interagency cooperative projects. The state is currently in the midst of several multi-million dollar development projects that involve substantial engineering geologic considerations. Historically, much of this work has been diverted to the private sector under contracts. DGGs can provide high quality work (data acquisition and interpretation) in a far more cost-effective and timely framework, and still provide for involvement of private industry. Examples include the Susitna Hydropower Project, the Anchorage State Office

Building, and the Knik Arm Crossing. Other major projects are still in the reconnaissance phase but will be coming on line within the next five years. DGGGS will be directly involved in the engineering geologic aspects of these projects and should be fully budgeted for the technical input we will provide.

Critical area studies. The Engineering Geology Section will be committed over the next five years to a complete and comprehensive engineering geologic study of targeted, critical areas within the state. Critical areas will be identified based upon (1) population, (2) facilities critical to the well-being of economic and/or administrative functions of the state, and (3) potential impact of natural phenomena on the viability of the identified area functions. Again, a team approach utilizing DGGGS staff from appropriate sections will be formulated specific to the targeted area. Anchorage has been studied in detail for the past few years and will essentially be complete by the end of FY85. Valdez, Kodiak, or Ketchikan could be possible, critical areas of study and would each require two years of work. The intent of these studies will be the production of a portfolio of DGGGS Professional Reports dealing with the geologic-related topics. A large scale base map of the target area will be utilized for each phase of the study where appropriate. Some phases of required work may require contracting external consultants, for example, coastal engineering or rock mechanics.

Phenomena monitoring programs. Presently DGGGS has received substantial funding to support seismic monitoring networks in the Cook Inlet and Interior Alaska areas. In addition, support has been provided to establish and operate the Alaska Seismological Data Center as a central repository for seismic data acquired from all networks operational in the state. Strong motion accelerograph instrumentation and monitoring of buildings in Anchorage has

been initiated and will be expanded, both in Anchorage and elsewhere in the state. DGGGS is in the process of installing new seismic monitoring stations in areas presently not instrumented, for example in southeastern Alaska. The seismic monitoring program is critical to the design and development of both state-owned facilities and private sector expansion. The Engineering Geology Section will continue to maintain this effort as a high priority throughout the five-year period but will encourage cooperative agencies, for example the Geophysical Institute and USGS to seek funds from other sources.

DGGGS has also been involved in the monitoring of landslides which pose a potential hazard to life and property. The identification and subsequent monitoring efforts often arise unexpectedly and must be activated quickly. This is difficult under present budgeting procedures. Similarly, volcanic eruptions may emerge as a critical issue with little forewarning. The Engineering Geology Section is making efforts to establish memorandums of agreement with Division of Emergency Service, Department of Transportation and Public Facilities, and the USGS to expedite the monitoring and/or physical investigation of these phenomena as they occur. We must further clarify the method of seeking approval and special funding for such purposes.

Special engineering geologic studies. Construction materials (sand and gravel, quarry rock) represent one of the most critical commodities for the development in the state, and are among Alaska's most valuable natural resources. At the same time, the state has minimal awareness of the distribution and reserves of these resources. The Engineering Geology Section is committed to continuing the pursuit of funding a multi-year inventory study of construction materials, administered through the section, but drawing on the expertise in the Minerals and Materials Inventory Section, Resource Analysis

*

Section, and Data Processing Unit. Although funding does not presently exist, the section will continue to pursue support for this project to start in FY85. *

Engineering design of structures relies heavily on regional seismicity as recorded by monitoring networks and by the identification of active faults (including maximum credible earthquake magnitudes and recurrence interval). In FY85, the section will initiate an active fault delineation project, with a two-year time span anticipated. Initial work will be focused on the Border Ranges and Castle Mountain fault zones and will incorporate cooperative funding and logistics with the USGS and private engineering consultants. Water Resources, Archaeological Investigation, Minerals and Materials Inventory, and Resource Analysis Sections' involvement will enhance the program of study.

Many of Alaska's industrial communities are located along marine coastlines. These areas are subject to dramatic erosion and depositional regimes, as well as engineering soils instability both on and off-shore. In FY88, the Engineering Geology Section will begin a multi-year study of marine port areas to inventory soils conditions and coastal processes impacting those ports. This project will require either a coastal engineer being added to DGGs staff or contracting of an appropriate consultant engineering firm. Substantial interest in this project exists in other state agencies, and several funding options can be pursued.

FY 85 BUDGET YEAR

PROJECT NUMBER	PROJECT TITLE	SERVICE LEVEL 1		SERVICE LEVEL 2		SERVICE LEVEL 3		SERVICE LEVEL 4		TOTAL	
		GENERAL FUNDS	TOTAL	GENERAL FUNDS	TOTAL	GENERAL FUNDS	TOTAL	GENERAL FUNDS	TOTAL	GENERAL FUNDS	TOTAL
			<i>Construction Materials Appraisal</i>	<i>140.0</i>	<i>140.0</i>	<i>126.0</i>	<i>126.0</i>	<i>147.0</i>	<i>147.0</i>	<i>140.0</i>	<i>140.0</i>
	TOTAL										

AGENCY

PROGRAM

BRU

LAND MANAGEMENT

Construction materials

Inventory

FY85

Page of
Revised On

P-1 BRU
PROJECT
LISTING

set-aside long-term reserves of construction materials (including stone) on a state-wide basis and to establish a cost methodology for the utilization of those identified reserves.

OBJECTIVES	SERVICES	PERFORMANCE MEASURES
<p>conduct a preliminary feasibility-cost analysis to meet the goal by</p> <ol style="list-style-type: none"> identification of governmental agencies and other parties involved in sand/gravel use and management identify levels of involvement, present usage levels, and anticipated needs research the major problems of permitting and reservation of sand/gravel resources propose alternative methods for inventory of state land sand and gravel resources provide realistic estimates of costs involved in these alternative inventory methods 	<p>DGGS personnel (one geologist + one assistant) to develop methodology and conduct over-view study of present state-of-knowledge on sand/gravel resources and areas of use.</p> <p>consultant contract to conduct management analysis of proposed alternate methodologies</p>	<p>One exhaustive report (report of investigation) which will serve as a management and planning document for DNR divisions, including flow charts and appropriate maps, to be authored by DGGS personnel in conjunction with consultant</p>

**B-2 BRU
STRATEGY
SUMMARY**

AGENCY _____

PROGRAM _____

BRU LAND MANAGEMENT

Construction Materials Inventory

FY85

Page _____ of _____
Revised Date _____

OBJECTIVES AND PERFORMANCE MEASURES	FY 84 AUTHORIZED PLANNED	FY 85 BUDGET YEAR				FOUNDED
		SERVICE LEVEL 1 PLANNED	SERVICE LEVEL 2 PLANNED	SERVICE LEVEL 3 PLANNED	SERVICE LEVEL 4 PLANNED	
<u>OBJECTIVE</u> To conduct a preliminary feasibility cost analysis for the identification of governmental agencies and other parties involved in sand and gravel management and use, present and projected needs by those groups, permitting, and methods of inventory of state-land sand and gravel resources.	0 (New Project for FY85)	140.0	126.0	147.0	140.0	
<u>PERFORMANCE MEASURE</u> An exhaustive report published by DGGG (Report of Investigation) detailing findings on all objectives.						
TOTAL FUNDS	0	140.0	126.0	147.0	140.0	
100% GENERAL FUNDS		140.0	126.0	147.0	140.0	
OTHER FUNDS		0	0	0	0	
15 FULL-TIME		60.0	60.0	60.0	60.0	

B-3.1 BRU
PERFORMANCE
SUMMARY

AGENCY _____

PROGRAM _____

BRU LAND MANAGEMENT
Construction Materials Inventory

Page _____ of _____
Revised Date _____

FY85

		TOTAL	GENERAL GOVERNMENT	SUPERVISORY	CONFIDENTIAL	PSEA	LTC	NON-COVERED	ELECTIVELY APPOINTED	OTHER
SERVICE LEVEL 1	ALL SALARY COSTS	60.0	45.0	15.0	0	0	0	0		
	FUNDING SOURCES:									
	1002 FEDERAL RECEIPTS & 1004 GENERAL FUNDS/ GENERAL FUND MATCH &	100	100	100						
	1005 INTER-AGENCY RECEIPTS &	—	—	—						
	1028 PROGRAM RECEIPTS &	—	—	—						
	OTHER &	—	—	—						

		TOTAL	GENERAL GOVERNMENT	SUPERVISORY	CONFIDENTIAL	PSEA	LTC	NON-COVERED	ELECTIVELY APPOINTED	OTHER
SERVICE LEVEL 2	ALL SALARY COSTS	60.0	45.0	15.0						
	FUNDING SOURCES:									
	1002 FEDERAL RECEIPTS & 1004 GENERAL FUNDS/ GENERAL FUND MATCH &	100	100	100						
	1005 INTER-AGENCY RECEIPTS &	—	—	—						
	1028 PROGRAM RECEIPTS &	—	—	—						
	OTHER &	—	—	—						

AGENCY _____

PROGRAM _____

BRU LAND MANAGEMENT

COMPONENT Construction Materials Inventory

C-5.1 BASE SALARY
DATA BY
BARGAINING
UNIT

Page _____ of _____
Revised Date _____

FY85

	TOTAL	GENERAL GOVERNMENT	SUPERVISORY	CONFIDENTIAL	PSEA	LTC	NON-COVERED	LEGALLY APPOINTED	OTHER
SERVICE LEVEL 3	60.0	45.0	15.0	—	—	—	—	—	—
FUNDING SOURCES:									
1002 FEDERAL RECEIPTS %	—	—	—						
1004 GENERAL FUNDS/ GENERAL FUND MATCH %	100	100	100						
1005 INTER-AGENCY RECEIPTS %	—	—	—						
1028 PROGRAM RECEIPTS %	—	—	—						
OTHER %	—	—	—						

	TOTAL	GENERAL GOVERNMENT	SUPERVISORY	CONFIDENTIAL	PSEA	LTC	NON-COVERED	LEGALLY APPOINTED	OTHER
SERVICE LEVEL 4	60.0	45.0	15.0						
FUNDING SOURCES:									
1002 FEDERAL RECEIPTS %	—	—	—						
1004 GENERAL FUNDS/ GENERAL FUND MATCH %	100	100	100						
1005 INTER-AGENCY RECEIPTS %	—	—	—						
1028 PROGRAM RECEIPTS %	—	—	—						
OTHER %	—	—	—						

C-5.2 BASE SALARY DATA BY BARGAINING UNIT

AGENCY _____
PROGRAM _____
BRU LAND MANAGEMENT
COMPONENT Construction Materials Inventory

FY85

Page _____ of _____
Revised Date _____

CODE	TRAVEL AND MOVING COSTS	FY 03 ACTUAL	FY 04 AUTHORIZED	FY 85 BUDGET YEAR:				
				SERVICE LEVEL 1	SERVICE LEVEL 2	SERVICE LEVEL 3	SERVICE LEVEL 4	
210/220	FIELD/ADMINISTRATIVE TRAVEL	0	0	3.0	2.7	3.15	3.0	
	III-STATE TRANSPORTATION	}	}					
	III-STATE PER DIEM							
	OUT-OF-STATE TRANSPORTATION							
	OUT-OF-STATE PER DIEM							
230	CONVENTIONS AND MEETINGS			2.0	1.8	2.1	2.0	
240	BOARDS, COMMISSIONS, LEGISLATORS							
280	MOVING OR RELOCATION EXPENSE							
290	NON-EMPLOYEE TRAVEL							
200	TOTAL			5.0	4.5	5.25	5.0	

200
CONF. EXPLAIN MAJOR ITEMS AND MAJOR CHANGES BETWEEN SERVICE LEVELS:

210
220 In-state field travel will be required to travel to various localities in state to assess present and projected needs for sand and gravel, examine existing quarry operations, and transportation requirements for shipment from source to use area.

230 Required to meet with contractors and present results of study to concerned or involved interest groups and governmental units.

C-6.2 TRAVEL
DETAIL
REL.

AGENCY _____
PROGRAM _____
BRU LAND MANAGEMENT
COMPONENT Construction Materials Inventory

FY85

Page _____ of _____
Revised Date _____

CODE	CONTRACTUAL SERVICES	FY 83 ACTUAL	FY 84 AUTHORIZED	FY 85 BUDGET YEAR			
				SERVICE LEVEL 1	SERVICE LEVEL 2	SERVICE LEVEL 3	SERVICE LEVEL 4
310	COMMUNICATIONS	0	0				
320	PRINTING AND ADVERTISING			10.0	9.0	10.5	10.0
330	SPACE EXPENSE AND FEES						
340	REPAIR AND MAINTENANCE						
350	UTILITIES OTHER THAN SPACE						
360	EQUIPMENT RENTAL - OTHER THAN MP AND HWCF						
364	EQUIPMENT RENTAL - WORD PROCESSING (WP)						
368	EQUIPMENT RENTAL - HWCF						
370	JUDICIAL EXPENSE						
380	PROFESSIONAL FEES AND SERVICES - NOT DP			60.0	54.0	63.0	60.0
382	PROFESSIONAL FEES - DATA PROCESSING						
382a	DATA PROCESSING CHARGEBACK						
390	OTHER FEES AND EXPENSES, RISK MANAGEMENT						
3(10)	TOTAL			70.0	63.0	73.5	70.0

CODE EXPLAIN MAJOR ITEMS AND MAJOR CHANGES BETWEEN SERVICE LEVELS:

320 Lengthy final reports including over-sized maps and lay-outs are going to require printing and binding costs beyond that covered by publication unit

380 A preliminary feasibility-cost analysis study is to be contracted out to an Alaska-based consultant firm experienced in feasibility studies and Alaska natural resources
Final report typing.

C-6.3 CONTRACTUAL
DETAIL

AGENCY _____
PROGRAM _____
BRU LAND MANAGEMENT
COMPONENT Construction Materials Inventory

Page _____ of _____
Revised Date _____

FY85

CODE	SUPPLIES AND MATERIALS	FY 83 ACTUAL	FY 84 AUTHORIZED	FY 85 BUDGET YEAR			
				SERVICE LEVEL 1	SERVICE LEVEL 2	SERVICE LEVEL 3	SERVICE LEVEL 4
410	AGRICULTURAL SUPPLIES	0	0				
420	HOUSEHOLD AND INSTITUTIONAL SUPPLIES	↓	↓				
450	STRUCTURAL MATERIALS AND SUPPLIES	↓	↓				
460	EQUIPMENT PARTS AND SUPPLIES	↓	↓				
470	PROFESSIONAL AND SCIENTIFIC SUPPLIES	↓	↓	3.0	2.7	3.15	3.0
480	OFFICE AND LIBRARY SUPPLIES	↓	↓	2.0	1.8	2.1	2.0
490	OTHER OPERATING SUPPLIES	↓	↓				
400	TOTAL			5.0	4.5	5.25	5.0

CODE EXPLAIN MAJOR ITEMS AND MAJOR CHANGES BETWEEN SERVICE LEVELS:

470 Scientific supplies to include sample bags, sieves, compasses, levels, maps, film, Drafting supplies (pens, templates, mylar, etc.)

480 office supplies to include cross-section paper, pencils, typing supplies, portable file cabinets, data files.

C-6.4 SUPPLIES AND
MATERIALS
DETAIL

AGENCY _____
PROGRAM _____
BNU LAND MANAGEMENT
COMPONENT Construction Materials Inventory

Page _____ of _____
Revised Date _____

FY85

CODE	MACHINERY AND EQUIPMENT	FY 83 ACTUAL	FY 84 AUTHORIZED	FY 85 BUDGET YEAR				
				SERVICE LEVEL 1	SERVICE LEVEL 2	SERVICE LEVEL 3	SERVICE LEVEL 4	
510	AUTOMOTIVE	0	0					
520	COMMUNICATIVE	~	~					
530	LABORATORY AND SCIENTIFIC	~	~					
540	SHOP, PLANT AND INDUSTRIAL	~	~					
550	OFFICE AND HOUSEHOLD	~	~					
560	SPECIAL EQUIPMENT	~	~					
590	OTHER EQUIPMENT	~	~					
500	TOTAL			0	0	0	0	
CODE	EXPLAIN MAJOR ITEMS AND MAJOR CHANGES BETWEEN SERVICE LEVELS:						REVISIONS	DATE

C-6.5 MACHINERY AND EQUIPMENT DETAIL

AGENCY _____

PROGRAM _____

BRU LAND MANAGEMENT

COMPONENT Construction Materials Inventory

FY85

Page _____ of _____
Revised Date _____

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LAND AND WATER MANAGEMENT

TO: Esther C. Wunnicke
Commissioner

THRU: James K. Barnett
Deputy Commissioner

FROM: *for* Tom Hawkins
Director

DATE: June 20, 1983

FILE NO: 5800.00 A-6

TELEPHONE NO: 276-2053

SUBJECT: weekly Report
June 13 - June 17

RECEIVED
JUN 21 1983
Div. Of Geological Survey
Anchorage

Land Disposal: The last drawing for lottery #12 was held June 15 in Wrangell with 500 people in attendance. Even without the discount, the popularity of parcels is consistent with past disposals. The majority of "good land" lots offered were awarded in our drawings. We have a 4-week breather before the over-the-counter period starts.

Bank Raises Interest Rate: Effective July 1, 1983, the Federal Land Bank raised the interest rate for Alaska rural home loans to 12 1/4%, which under AS 38.05.065 will raise our interest rate for land sale contracts from 12% to the new rate of 12 1/4%.

Trespass: Agreement between the City of Valdez and the Division of Mental Health has not been reached. If the July 1st deadline is not made, the City will be served with a notice of trespass by SCDO. Two other cases have been sent to the Department of Law for action: Borden Gregory who rents two cabins near Healy that are in trespass and the Quant junkyard in Kenai.

Hearings: SCDO will be holding hearings in Kenny Lake on the controversial community hall and in Cordova on the refuse baler site.

Gravel Question: Matanuska Valley residents are concerned that the North Anchorage Land Agreement has affected their use of the Knik River as a gravel source. The agreement purports to give Eklutna Inc., and the State equal undivided interest in the material and requires a gravel mining plan. SCDO questions whether the state can agree to give up its rights under the Submerged Lands Act. The question: dramatize the need to regularize and implement the "Agreement" process so that all divisions are in tune with the results and may take actions consonant with the plan.

Tidelands Auction: A tideland lease auction of two parcels totaling about 115 acres was conducted at Wrangell on June 15. Annual rentals for these log storage sites will be \$3,700 per year.

Kake Group II State Selection: An addendum to a previous decision memo for the commissioner's review was sent to Anchorage regarding the Kake Group II NFGC State Selection. The addendum recommends the state select 240 acres for airport purposes as requested by the USFS in the event the Kake Tribal Corporation cannot acquire the land. Commitment by DNR is required by July 1st so DOTPF can advertise the project. DRD selection specialist, Gary Gustafson, suggested wording for DNR "commitment" clause.

Pipeline Surveillance: Demobilization has commenced at the erosion control construction site on Brown Creek -- 12 miles from Valdez. Cost of the project is estimated at \$400,000. As a result of the clearing operations, spruce logs for firewood were made available by Alyeska to the residents of Valdez.

MEMORANDUM

26 SCD-001A-1
State of Alaska

DEPARTMENT OF NATURAL RESOURCES, DIVISION OF LAND AND WATER MANAGEMENT

TO: Esther C. Wunnicke, Commissioner
THRU: Bob Arnold
James K. Barnett
Deputy Commissioners
FROM: Tom Hawkins *Tom Hawkins*
Director

DATE: November 7, 1983
FILE NO: 5800.00 A-6
TELEPHONE NO: 276-2653
SUBJECT: Weekly Report
October 31 -
November 4

Public Meetings on FY 86 Disposal Nominations: NCD will be conducting public hearings on FY 86 disposal nominations during November. The November schedule includes: November 17, Fairbanks; November 21, Bettles; November 22, Manley and Tanana; November 28, Delta; November 29, Nenana. Information about the state land bank will also be on the agenda.

Duck Shacks: Commissioner Wunnicke, Attorney General Gorsuch, Doug Mertz, and Frank Mielke met on Tuesday to discuss the resolution of the great duck shack controversy. The favored approach at this time would open an area for permits simultaneously with legal action on a more notorious area.

Offshore Gravel: NCD is discussing a proposal from Sohio for the offshore extraction of between 10 and 20 million cubic yards of gravel off Prudhoe Bay.

Goose Crossing Under Proposed Endicott Road, Prudhoe Bay: At a meeting on October 18, the U.S. Fish and Wildlife Service (USFWS) discussed requesting Sohio to build a one mile long bridge on a section of the proposed road which would transect a preferred goose nesting and feeding area. During the nesting season the geese are molting and unable to fly. The USFWS has reason to believe the road surface gravel would be harmful to the bird's webbed feet when walking across it from nesting to feeding.

Oil Spill: In an effort to simulate the most realistic conditions, Alyeska is proposing the first under ice oil spill recovery drill. Six drills are required annually per the training section of the oil spill contingency plan. Vegetable oil (canola and rapeseed) after extensive testing has been found to be similar to many of the properties of Prudhoe Bay crude and may be used in future spill recovery testing. The locations being considered for this test are: Kanuti River, Hess Creek and Jim River. Environmental damage is not expected.

Tetlin Boundary Dispute Hearing: Craig Calhoun and Gary Stein assisted Assistant Attorney General Barbara Miracle in presenting the state's case in seven days of Interior Board of Land Appeals hearings on Tetlin's appeal of BLM's boundary survey and determination under ANCSA. A thousand documents were introduced into evidence. The decision is not expected before November 1984.

Aniak Gravel Trespass: SCD has been in touch with Jim Wickes in his new job as Land Manager for the Kuskokwim Corporation. We agreed that the state would go after payment for the Aniak gravel trespass, but that we would go out together this spring to stake or flag the ordinary high water mark.

MEMORANDUM

Handy Update
State of Alaska

DIVISION OF GEOLOGICAL AND
GEOPHYSICAL SURVEYS

DATE: December 16, 1983

TO: Red White

RECEIVED
DEC 16 1983

Chief Resource Analysis

Division of Geological Survey FILE NO:
Anchorage

TELEPHONE NO: 786-2187

FROM: Merlin Wibbenmeyer *MW*
Natural Resource Manager

SUBJECT: NANA Meeting

A Regional Land Planning Workshop was held by the Lands Task Force for NANA Regional Strategy in Kotzebue on December 9th. The purpose of the meeting was to review the Regional Strategies, and to discuss data base needs. Attachment I is a list of attendees.

The next meeting of the Lands Task Force is tentatively scheduled for February. Attachment II is a copy of the current Regional Strategies and the actions needed to implement them. Suggestions on changes or additions are requested to be submitted to Matt Conover before January 9, 1984.

I reported the Status of DNR data base and planning activities for the northwest region to be as follows: A firm decision to proceed in this region has not officially been made, but the Department would definitely have an interest in cooperatively developing a data base and a plan. I outlined a rough schedule as follows: Identification of data needs, February-September; Field work, Summer 1984; Mapping and automation, September through June of 1985. I suggested and encouraged cooperative efforts in both the data base and planning activities.

1. Manillaq has basic resource information around villages already mapped. It is based on an expanded version of the Community Village Profiles.
2. NANA Region is near completion of policies affecting 14 C conveyances.
3. A public hearing draft of the NANA Region Coastal Management Plan is scheduled to be out in April of 1984.
- ④ 4. A Gravel Resources Report is out for identifying those resources around communities.
5. An oral economic history and economic profile is being prepared by ADF&G as a part of its subsistence program. Some species mapping is done, but it is on a community base not a regional base.
6. Fire plans are in the making by BLM, one for the Kobuk Valley, Cirokoyukuk, and an interagency plan.

7. The Maniilaq Association would like information on DNR's data and plan development schedule, ADF&G's Regional Guides schedule, DNR's planning process and DNR's data requirements.
8. Don Argetsinger, Vice President NANA Development Corporation asked what the objective of the statewide plan would be - to address only State lands, or Region lands? Will the State plan act as a means to pull together all issues and data needs of region wide land owners?
9. Willie Goodwin, President of Kikiktagruk Inupiat Corporation (KIC) asked whether DNR was going to the Land Use Council to ask for another cooperative planning effort (similar to Bristol Bay) or would they (we) utilize the NANA regional strategies? NANA prefers that the Land Use Council not be involved.

There appears to be interest among the agencies present at the meeting to cooperate in a planning effort. NANA Region is also opposed to and concerned with a proposed road development to "large scale" mining activities in the region. They don't want the region opened up with a road. A railroad is more preferable than a road.

10. NANA and KIC have land use policies already developed, as does the National Park Service.
11. ADF&G-John Coady does not see vegetation and habitat mapping as a need. ADF&G has adequate data to begin regulation and protection of wildlife resources now.
12. If ADF&G can be notified of the specific areas of high concern in the NANA Region by March, they can have those areas scheduled for systematic habitat surveys in preparation for land use planning activities.

cc: Ross Schaff
Bill Barnwell
Bill Beaty

MW/ic

ATTACHMENT I

<u>NAME</u>	<u>ADDRESS</u>	<u>AGENCY</u>
Brian Bigler	Box 686 Kotzebue, AK 99752	ADF&G
David Johnson	Box 686 Kotzebue, AK 99752	ADF&G
John Coady	Box 1148 Nome, AK 99762	ADF&G
Jim Magdany	Box 1148 Nome, AK 99762	ADF&G
Don Emery	P.O. Box 262 Kotzebue, AK 99752	BLM
Keith Woodworth	P.O. Box 1150 Fairbanks, AK 99707	Northwest Reserve Area BLM Fairbanks
Larry Field	P.O. Box 1150 Fairbanks, AK 99707	Northwest Reserve Area BLM Fairbanks
Yvonne Wu Goldsmith	225 Cordova Building B Anchorage, AK 99501	DCRA
Paula Anderson	Box 49 Kotzebue, AK 99752	NANA Corporation
Mack Shaver	Box 287 Kotzebue, AK 99752	National Park Service
Don Artgetsinger	4706 Harding Drive Anchorage, AK 99503	NANA Development Corp.
Willy Goodwin	Kotzebue, AK 99752	KIC

RECOMMENDATIONS

1. Explore the information and policies available in existing plans, Items 1,2,3,6, and 10 above.
2. Confirm that NANA Region is the next priority area to begin data collection for the Department. Answer the questions posed in item 8.
3. Provide the information in item 7.
4. A presentation should be made in Kotzebue before January 9, 1984, to region wide legislative representatives and the various native organization heads to demonstrate the capabilities of DGGS (DNR) and our willingness to work cooperatively. Dave Weingartner has informally suggested such a presentation would help them stimulate interest and support for NANA's efforts to complete a data base and planning effort.

SJR

3

Sup. Ct. Op. No. 1462 (File Nos. 2561, 2671), 566 P.2d 1320 (1977).

While strict or absolute necessity is not required, something more than mere convenience must be shown before an occu-

pant of tidelands is entitled to an easement under subsection (b)(6) of this section.

Talbot's, Inc. v. Cessnun Enterprises, Inc., Sup. Ct. Op. No. 1462 (File Nos. 2561, 2671), 566 P.2d 1320 (1977).

Sec. 38.05.321. Restriction on sale, lease or other disposal of agricultural land.

(a) The sale, lease or other disposal of state land classified as agricultural land transfers only rights for agricultural purposes, and all other interests in the land remain with the state unless otherwise required by law.

(b) State land classified as agricultural land which has been selected by a municipality under AS 29.18.190 — 29.18.200 or 29.18.205(e) may be approved by the director for patent under AS 29.18.205(f); however, only rights in the land for agricultural purposes may be transferred and all other interests in the land will remain with the state. Agricultural land approved for patent to a municipality under AS 29.18.205(f) shall be credited, acre for acre, toward fulfillment of that municipality's entitlement under AS 29.18.201 — 29.18.203. If the director later determines it to be in the best interests of the state to transfer some or all of the additional rights in that approved or patented agricultural land, those rights shall pass without consideration to the municipality in which the land is located. The notice and review provisions of AS 38.05.305 and 38.05.345 are applicable to conveyance of rights under this section.

(c) The provisions of this section do not apply to state land classified as agricultural land which has been selected by a municipality under the provisions of AS 29.18.190 — 29.18.200 if the selection is an approved selection before April 1, 1978 and is otherwise valid under AS 29.18.205(b). (§ 3 ch 71 SLA 1976; am § 3 ch 180 SLA 1978)

Effect of amendments. — The 1978 amendment rewrote this section.

Editor's notes. — Sections 29.18.190 and 29.18.200, referred to in subsections (b) and (c), were repealed by § 5, ch. 180, SLA 1978.

AS 38.05.305, referred to in subsection (b), was repealed by § 45, ch. 113, SLA 1981.

Sec. 38.05.325. Homestead entry.

Repealed by § 45 ch 85 SLA 1979.

Editor's notes. — The repealed section derived from § 6, art. III, ch. 169, SLA 1959; § 1, ch. 72, SLA 1966.

Sec. 38.05.330. Permits. (a) The director, without the prior approval of the commissioner, may issue permits, rights-of-way or easements on state land for roads, trails, ditches, field gathering lines or transmission and distribution pipelines not subject to AS 38.35.010

— 38.35.260, telephone log storage, oil well purposes of recovery and other similar use of timber or materials director, shall establish for these uses, subject to the provisions specified in this section, upon revocation of a permit preference to that benefit to the state preference shall be of tideland, or tid seaward of the up needed by the uple may be granted.

(b) The fee char section shall be wa a transmission or c tive association or purpose of supplyi to its members, and in the best interest ch 61 SLA 1960; am § 13 ch 257 SL

Effect of amendments. — The amendment added the word "ignation, and in that tuted "telephone or el and distribution lines"

Sec. 38.05.335. seeking the sale, l oil and gas or mix mated cost of an deposited fund's r lands are sold or le the party award appraising and su of advertising, an cant.

(b) Except as p lease of state lan sealed bid, the di money deposit wi director may req

SJR 3: BACKGROUND

The purpose of this amendment is to embody in the Alaska State Constitution, the philosophy expressed in the existing statute, AS 38.05.321, relating to preservation of the rights of agricultural land for the purposes of agriculture only and to ensure that that philosophy will not be undermined by future legislation.

The amendment proposes that those state lands which are classified as agricultural and are disposed of either by sale, or long-term lease, must remain forever agricultural in nature. These lands can be abandoned to reforestation, but they cannot be subdivided or used for purposes incompatible with future agricultural use. This affects approximately 1 million acres.

Under this amendment, farmers will own the right to farm but will not have unlimited or fee simple title to the property, which would remain with the State. This is in keeping with the present statute and the philosophy of the Homestead Act of the 1920's.

This amendment has been introduced in response to the destruction of valuable lands suitable for agriculture by using them for commercial or residential purposes. This is a widespread national problem which has become intensified in some areas of Alaska and there is only a limited amount of farming land available in the State.

Unfortunately, valuable agricultural lands on the Kenai and in the Tanana and Matanuska Valleys has been lost to other than agricultural development and it is apparent that the Susitna, Nenana and Copper River Valleys may be next.

It is imperative that we learn from the lessons of the past and of other states and preserve these lands while we still have the opportunity to do so.

4-11-83
from Kerttola's office

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 15, 1983
3:10 p.m.

Beltz Room
Room 211, Capitol

MEMBERS PRESENT

Senator Fahrenkamp, Chair	Senator V. Fischer
Senator Ziegler, Vice Chair	Senator Mulcahy
Senator Eliason	Senator Sturgulewski

CALENDAR

SJR 3 · Relating to agricultural rights on state lands.
SB 11 Special appropriation to Alaska Power Authority
for power projects.
SB 168 Relating to the Alaska Power Authority.

SJR 3

Senator Kerttula testified in support of SJR 3 to retain state agricultural lands.

Bob Arnold, Deputy Commissioner of the Department of Natural Resources, testified that Alaska statutes provide for only the conveyance of agricultural rights on state agricultural lands. In answer to a question, the right of homesteading could be established on designated agricultural lands, but the lands cannot be removed from that designation.

Senator Mulcahy moved that SJR 3 be reported out of committee with individual recommendations. There was no objection.

SB 168

Eric Yould, Executive Director for the Alaska Power Authority, covered the provisions of SB 168. Section 22 repeals the "blackmail clause" which required \$5-billion be funded for

hydroelectric projects or a 10% equity payback was required on all projects.

Tony Dean, of John Nuveen & Co., testified in support of SB 168 and answered questions related to bonding procedures, financing by bonding and the surety of the bond funds.

Laura Davis, Department of Law, testified on legal aspects of the bill.

Vince O'Reilly, Deputy Commissioner of Department of Commerce, offered testimony previously submitted in support of the bill.

Senator Fahrenkamp held SB 168 in committee for consideration of several amendments.

SB 11

Eric Yould, of Alaska Power Authority, reviewed the cuts already made in the administration's proposed budget.

Vince O'Reilly, Department of Commerce, covered the priority process which resulted in \$17.5-million minimum appropriation.

Lonnie Anderson, Mayor of Kake, requested consideration of an appropriation for Kake's inclusion in the Tyee-Petersburg intertie.

Senator Eliason moved for adoption of an amendment for \$535,000 for the design planning for Kake. There was no objection.

David Hutchens, Alaska Rural Electrification Cooperatives Association, testified in support of the intertie, the Black Bear Project, and five other hydropower projects across the state.

Ron Garzini, Manager of the City of Seward, requested consideration of an appropriation for a transmission line for Seward.

Bill Chabot, representing Tlingit-Haida Regional Authorities, testified in support of the Kake intertie and the Black Bear project.

Marvin Kadake, City of Kake Councilman, testified in support of the Kake intertie.

Senator Fahrenkamp held SB 11 for further consideration.

The meeting adjourned at 4:28 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) 465-3834
(907) 465-3835

Senate

Committee on Resources

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff
RE: Hearing, 4/15/83
DATE: April 14, 1983

The following bills will be before the Committee Friday, April 14.

SB 11 MAKING SPECIAL APPROPRIATIONS TO THE ALASKA POWER AUTHORITY.

Please note that a draft Committee Substitute has been prepared for this bill, which would appropriate funds for specific projects. We are expecting testimony on these projects from the APA at our hearing.

SB 168 RELATING TO THE ALASKA POWER AUTHORITY.

Attached are the Governor's transmittal letter and an analysis prepared by the Senate Advisory Council. SB 168 would permit meetings of the APA by electronic media, make it permissive rather than mandatory that the authority issue bonds for the energy program, ensure that a feasibility study of a proposed project include an independent cost estimate, require APA to enter into power sales contracts for energy transmission as well production, and repeal the "Susitna blackmail clause" (the portion of the wholesale power rate provision which makes future rates contingent on the appropriation of \$5,000,000,000 to the power development fund before July 1, 1986).

SJR 3 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ALASKA RELATING TO AGRICULTURAL RIGHTS IN STATE LANDS.

The amendment proposes when State lands which are classified as agricultural and are disposed of either by sale or long term

lease, only agricultural rights to the lands can be conveyed. The amendment is designed to place in the Constitution the requirements of existing law to ensure that agricultural lands are never converted to other uses.

The hearing is scheduled for Friday, April 14th at 3:00 p.m. in the Beltz Room.



Official Business

Alaska State Legislature

Senate

Office of the President

APR 11 1983

Pouch V
State Capitol
Juneau, Alaska 99811

April 8, 1983

TO: Senator Bettye Fahrenkamp
Chairperson
Senate Resources Committee

FROM: Senator Jay Kerttula
Senate President

Please schedule Senate Joint Resolution 3 for hearing by the Resources Committee. This measure, which proposes an amendment to the State Constitution, would insure that land suitable for agricultural use would be used for only that purpose.

Thank you for early consideration of this request.

SJR

5

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SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: *SJR 5*

BILL NAME: *Revenue sharing from Outer Continental Shelf oil
and gas developments*

SPONSOR(S): *Ferguson*

RELATED BILLS PENDING:

DATE INTRODUCED: *1-18-83*

REFERRALS: *Resources
Finance*

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

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: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: SJR 5, Relating to revenue sharing from Outer Continental Shelf oil and gas development.

DATE: April 26, 1983

The prospects of new federal legislation governing revenue sharing from development of the Outer Continental Shelf seem bright at the present time. The principal persons dealing with this issue, Senator Stevens and Senator Hollings of South Carolina, have reached a tentative agreement on this issue. This agreement would provide that 30% of the state's share of OCS revenue would be a direct pass-through to local governments. The State of Alaska would receive between \$20-40 million depending on the total revenue generated under outer continental oil and gas development.

SJR 5 expresses the support of the Legislature for the direct pass-through funding system and for the direct use of these funds by the local governmental unit. The Department of Community and Regional Affairs has expressed support for this concept (see position paper dated February 4, 1983).

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

April 27, 1983

Memo

To: Bettye

From: Pat

Subject: Today's Hearing

SJR 5, Resolution in support of Congressional bill providing for direct pass-through of OCS monies

This bill is now gaining momentum in Congress and is supported by our Delegation. Bill provides for 30% of state OCS revenue entitlement to go directly to local government units. But monies are directed through state.

Our proposed CS addresses concerns by Sen. Sturgulewski that 1) "rural" citizens be changed to "local governments" to take in the case of Anchorage and other "urban" localities targeted for monies; and 2) delete last whereas clause which says local funds should not be subject to federal or state laws or regs.

This changed CS is ok with Sturgulewski, Ferguson, and consistent with Delegation's position on bill. (It does not specify what amount of pass-through monies should go to locals).

SJR 25, Resolution urging Congress to delete Birch and Beaver Creek Wild Rivers

This was drafted on behalf of North Star Borough in response to miners concerns. Environmentalists will oppose.

Birch Creek has many more problems than Beaver Creek.

It's only a resolution.

HB 314., Funding for Joint O&G Committee

Jim says OK.

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
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Senate

Committee on Resources

April 27, 1983

Memo

To: Senate Resources Committee Members

From: Senate Resources Committee Staff

Subject: Proposed CS for SJR 5, OCS revenue distribution

Attached is a proposed CS for the above bill. Changes are shown on the original bill. The changes are:

- 1) To change the words "rural citizens" to "local communities" and "local government units" to reflect the fact that OCS revenues would be distributed to local government units, both urban and rural in character depending on the location of OCS development.
- 2) Delete the last "whereas" clause which would call for direct pass-through of funds to localities without state or federal regulation. As currently drafted federal legislation calls for distribution of local revenues through the state and would require compliance with certain state and federal guidelines, standards and policies. Thus, deletion of this clause would bring the resolution into conformity with the provisions of the federal legislation as supported by Alaska's Congressional Delegation.

Introduced: 1/18/83
Referred: Resources and
Finance

by the Resources Committee

1 IN THE SENATE

2 CS SENATE JOINT RESOLUTION NO. 5 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 Relating to revenue sharing from Outer
6 Continental Shelf oil and gas develop-
7 ment.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS the Congress of the United States is now considering legisla-
10 tion regarding revenue sharing from development of the Outer Continental
11 Shelf; and

12 WHEREAS a significant number of Outer Continental Shelf lease sales
13 over the next five years are to occur offshore Alaska; and

14 WHEREAS the development of oil and gas resources in the Outer Conti-
15 nental Shelf offshore Alaska may cause economic, social, and cultural
16 impact to Alaska's ^{local communities} [rural citizens]; and

17 WHEREAS such an impact will require the expenditure of revenue for
18 necessary projects to assist ^{local government units} [rural Alaskans] in coping with Outer Conti-
19 nental Shelf oil and gas development; and

20 WHEREAS the source for revenue for impacted local government units in
21 Alaska should derive from federal revenue from Outer Continental Shelf
22 lease sales; and

23 WHEREAS people residing in local government units in Alaska are best
24 able to determine the impact of Outer Continental Shelf oil and gas devel-
25 opment upon their communities; and

26 WHEREAS those local government units have the expertise and ability to
27 monitor and expend revenue for their impacted communities; and

28 WHEREAS revenue for impacted local government units should be passed
29 through directly to those affected areas and not be tied to existing state

1 [and federal programs and regulations;]

2 BE IT RESOLVED that the Thirteenth Alaska State Legislature supports
3 legislation in the 98th Congress which would allocate revenue for local
4 government units impacted by Outer Continental Shelf development on a
5 direct pass-through funding system providing revenue for direct use of
6 those local units for expenditures resulting from Outer Continental Shelf
7 oil and gas development.

10:07 a.m. to 10:57 a.m.

The House Committee on Merchant Marine and Fisheries was called to order by Chairman Jones at 10:07 a.m. He read his statement which is included here for the first bill, H.R. 5, sponsored by the Chairman. This legislation is known as a bill "To establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants"

Ranking Member, Rep. Forsythe of New Jersey, spoke briefly as did Chairman D'Amours of New Hampshire. Rep. Forsythe introduced an Amendment in this mark-up session on behalf of Rep. Bateman of Virginia. It would allow states making satisfactory progress toward an approved Coastal Zone Management Plan to be placed in the formula (Summarized on Page 3 of the Committee Advisory, also included). Forsythe said Virginia was the only state which would apply to this section now. Congressmen Breaux and D'Amours spoke on this amendment and it was adopted unanimously.

Rep. Breaux of Louisiana introduced an amendment which would freeze the baseline of his State from which the 3-mile and 200-mile limit is measured. He said this issue was in litigation for 20 years and in 1981 the U.S. Supreme Court specified the boundaries. He said Louisiana is losing 40 miles of shoreline each year and that "the entire State may, one day, disappear".

Rep. Tauzin of Louisiana said that this problem is one for the country as the 200-mile limit is also measured from this baseline. He felt this Congress should permanently settle the issue for all states. Rep. Studts of Massachusetts supported the Breaux Amendment and suggested they might be able to take lands away from Arkansas, which drew a laugh. Rep. Biaggi asked Breaux what would happen if the state did disappear and what about the baseline. Breaux said there would still be a State of Louisiana. The Chairman said that if the Breaux Amendment did pass the bill would be referred to 2 other Committees and he would hope that Breaux would not insist on his Amendment. Breaux asked if he could win the Chairman's support for his amendment on the floor. Chairman Jones said he would not oppose it but he did not say he would support it.

Cong. D'Amours said that there had been no study of this Amendment on other states and that it did not involve lateral boundaries and he would have to give pause before he would support this amendment on the floor. He said he would appreciate Mr. Breaux withdrawing the Amendment. Chairman Jones asked if he did, indeed, withdraw the bill whereupon Breau said he "negotiating to withdraw" it. He said the issue had been studied for 20 years with Louisiana's litigation, that it did not affect any other state, does not affect lateral boundaries at all, and withdrew the amendment "with the support of the Chair on the floor", a highly problematic eventuality.

Cong. Jack Fields of Texas then offered a 7-page amendment to Page 5, Line 7 to replace the block grant section. He said he knew the political deals had been made and that his state had been discriminated against in a "blatant manner". I got the impression that Texas was not in the leadership in its CZM or other programs. Fields said that 96% of the OCS oil comes from Texas bringing in \$34 billion in revenues. Chairman Jones asked if Mr. Fields would defer in offering his amendment.

Congressman Young indicated that Alaska was involved in a similar problem as Texas and that some of the Eastern states cry when only one little well is drilled offshore. He said that four states - Louisiana, Louisiana, California and Alaska - produce a majority of the oil from off-shore facilities but he felt all the states should share the cost. He

said that he had always been a supporter of off-shore development but that he hoped the gentleman from Texas would not ask for a vote on his amendment. He warned that somewhere "down the line" particularly in New England, where \$68 billion is spent for foreign oil imports, we should address this problem which Mr. Fields had brought up.

Rep. Tauzin complimented the gentleman from Alaska and suggested that the Gulf Coast states produce most of the oil and, also, the fish products in the United States. He said that Louisiana had 100% coastal development whereas California only had 20%. He, too, hoped Mr. Fields did not call for a vote but he did feel states, who make an effort at offshore development, should have their problems addressed and he complimented the Texas Representative.

Mr. Fields asked the Chairman if this legislation would have an open rule on the floor and Mr. Jones said that, with the amount of money involved, it would be. Mr. Studts, answering Mr. Young, I felt, in particular, said that the four states mentioned receive most of the money in the bill, as they should and Texas would receive an allocation (which I judged would be the minimum). However, he said the need for this bill was because of the refusal of this Administration to fund programs which had been funded before and he cited the CZM program, as one example. Mr. Fields then withdrew his amendment and the previous question was called for.

Chairman Jones had 8 proxies (Mr. Hubbard later came in and was one of those proxies) and Rep. Forsythe, on the other side, also had a number of proxies - all voted YES, as well as all those present except Mr. Snyder of Kentucky, 2nd ranking minority member) and Mr. Fields. The vote was 37-2 with Cong. Shumway of California abstaining. A small technical amendment was offered prior to this vote by Chairman Jones. This was over at 10:50 a.m.

Cong. Bonker of Washington requested that his bill (along with 5 Members of the Washington State delegation and Mr. Young of Alaska) be considered next since he had another mark-up he had to go to. The Chairman agreed and Mr. Biaggi, who chairs the Merchant Marine Subcommittee, spoke on the bill affecting the "Third Proviso" of the Jones Act. His statement (included) contains his reasoning.

Cong. Bonker congratulated Mr. Jones and Mr. Biaggi for their rapid consideration of his legislation. Chairman Forsythe mumbled something which was incomprehensible but, in effect, he deferred to Mr. Young. He said that he had been under some criticism in Alaska for his co-sponsorship of this bill and that he was working to iron out the shipping problems in the State. He had been against foreign intervention in Alaska's fisheries and was equally opposed to this loophole. Bonker said this provision in the Jones Act was to enable goods shipped to Canadian ports to go by rail and the Great Lakes by rail and barge to New England. Alaska was specifically excluded originally but was included in the language of the Proviso with the Alaska Statehood Act of 1958. The activity ceased years ago. However, in recent years there has been an interest of foreign countries in this trade and he felt it was timely we move to close this loophole. Canada, by the way, he said, has a law which requires Canadian ships to be used in coastal trade. He also thanked Mr. D'Amours (who may run for the Senate in NH) for allowing his bill to be considered first (it took 7 minutes). There were no amendments and on a favorable move to the House floor the vote was unanimous.

H.R. 5 includes Alaska to a considerable degree and, of course, so does H.R. 1076. The third bill, S.2026, has much less impact on Alaska so I did not stay for full consideration of this bill in full Committee.

WALTER B. JONES, N.C., CHAIRMAN

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U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, D.C. 20515

April 20, 1983

R E V I S E D

FULL COMMITTEE MARKUP NOTICE

TO: MEMBERS, MERCHANT MARINE AND FISHERIES COMMITTEE

FROM: HON. WALTER B. JONES, CHAIRMAN

SUBJECT: FULL COMMITTEE MARKUP

DATE: WEDNESDAY, APRIL 27, 1983

TIME: 10:00 A.M.

PLACE: 1334 LONGWORTH HOUSE OFFICE BUILDING

The Full Committee will meet to markup the following bills:

↙ H.R. 5, a bill to establish an Ocean and Coastal Resources Management and Development Fund.

H.R. 2062, a bill to reauthorize Title III of the Marine Protection, Research and Sanctuaries Act of 1972.

↙ H.R. 1076, a bill to strengthen the domestic waterborne commerce of the United States (referred to as the "Third Proviso" bill).

H.R. 1556, a bill to authorize the conveyance of the Liberty Ship JOHN W. BROWN to the JOHN W. BROWN Preservation Project.

Anyone offering amendments to the above bills please submit them to Edmund B. Welch, Chief Counsel, not later than 12:00 noon Tuesday, April 26, 1983.

Contact: Barbara Cavas, Chief Clerk, 225-8182

1 Ocean, the Pacific Ocean, the Arctic Ocean, the Gulf
2 of Mexico, Long Island Sound, or one or more of the
3 Great Lakes, and includes the Commonwealth of
4 Puerto Rico, the Virgin Islands, Guam, the Common-
5 wealth of the Northern Mariana Islands, the Trust
6 Territory of the Pacific Islands, and American Samoa;

7 (2) the term "outer Continental Shelf" means all
8 submerged lands lying seaward and outside of the area
9 of "lands beneath navigable waters" as that term is
10 defined in section 2(a) of the Submerged Lands Act (43
11 U.S.C. 1301(a)), and of which the subsoil and seabed
12 appertain to the United States and are subject to its
13 jurisdiction and control;

14 (3) the term "Secretary" means the Secretary of
15 Commerce; and

16 (4) the term "coastal related energy facilities"
17 means any equipment or facility which, (A) is or will
18 be used primarily in the exploration for, or the devel-
19 opment, production, conversion, storage, transfer proc-
20 essing, or transportation of, any energy resource or for
21 the manufacture, production, or assembly of equipment,
22 machinery, products, or devices which are involved in
23 any such energy-resource activity, and (B) is, or is
24 likely to be, sited, constructed, expanded, or operated

1 in or in close proximity to, the coastal zone of any
2 coastal State because of technical requirements.

3 The term includes, but is not limited to (i) electric
4 generating plants; (ii) facilities associated with the
5 transportation, transfer, or storage of coal; (iii) petro-
6 leum refineries and associated facilities; (iv) gasification
7 plants; (v) facilities associated with the transportation,
8 conversion, treatment, transfer, or storage of liquefied
9 natural gas; (vi) oil and gas facilities, including plat-
10 forms, assembly plants, storage depots, tank farms,
11 crew and supply bases, and refining complexes; (vii)
12 facilities, including deepwater ports, for the transfer of
13 petroleum; (viii) facilities used for alternative ocean
14 energy activities, including those associated with ocean
15 thermal energy conversion; and (ix) pipelines, transmis-
16 sion facilities, and terminals which are associated with
17 any of the foregoing.

18 For the purposes of this paragraph, the siting,
19 construction, expansion, or operation of any coastal re-
20 lated energy facilities shall be "in close proximity to
21 the coastal zone of any coastal State" if such siting,
22 construction, expansion, or operation has, or is likely
23 to have, a significant effect on such coastal zone.

1 OCEAN AND COASTAL RESOURCES MANAGEMENT AND
2 DEVELOPMENT FUND

3 SEC. 2. (a) There is established in the Treasury of the
4 United States a fund to be known as the Ocean and Coastal
5 Resources Management and Development Fund (hereafter in
6 this Act referred to as the "Fund").

7 (b) Beginning in fiscal year 1983, the Secretary of the
8 Treasury shall pay into the Fund not later than the end of
9 each fiscal year the lesser of \$300,000,000 or an amount
10 equal to 10 per centum of the amount by which all sums
11 deposited in the Treasury of the United States pursuant to
12 section 9 of the Outer Continental Shelf Lands Act (43
13 U.S.C. 1338) during each fiscal year exceed all sums deposit-
14 ed in the Treasury of the United States pursuant to such
15 section during fiscal year 1982.

16 (c)(1) As provided in advance by appropriation Acts, the
17 Secretary shall use for fiscal year 1984, and for each subse-
18 quent fiscal year, an amount equal to not less than 10 per
19 centum and not more than 20 per centum of the total amount
20 appropriated from the Fund for the purposes of this Act to
21 carry out the National Sea Grant College Program Act (33
22 U.S.C. 1121-1131).

23 (2) As provided in advance by appropriation Acts, the
24 Secretary shall use the total amount of any sums paid into
25 the Fund during each fiscal year which are not used to carry

1 out the National Sea Grant College Program Act to provide
2 block grants pursuant to section 4.

3 NATIONAL OCEAN AND COASTAL RESOURCES

4 MANAGEMENT AND DEVELOPMENT BLOCK GRANTS

5 SEC. 4. (a) Subject to subsections (b), (c), and (d), for
6 fiscal year 1984 and for each subsequent fiscal year, the Sec-
7 retary shall provide to each coastal State a national ocean
8 and coastal resources management and development block
9 grant (hereafter in this Act referred to as a "block grant")
10 from sums paid into the Fund during the prior fiscal year
11 pursuant to section 3(b).

12 (b)(1) No coastal State may receive a block grant for a
13 fiscal year unless such coastal State has submitted to the
14 Secretary a report for such fiscal year which—

15 (A) specifies the allocation by such coastal State
16 of the block grant among coastal zone management ac-
17 tivities, coastal energy impact activities, living marine
18 resource activities, and natural resources enhancement
19 and management activities pursuant to section 5(a),
20 and

21 (B) describes each activity receiving funds pro-
22 vided by the block grant.

23 (2) Before submitting each report required under para-
24 graph (1), each coastal State shall provide opportunities for

1 the public to review and comment on the report and shall
2 hold at least one public hearing on such report.

3 (c) The amount of each block grant provided under sub-
4 section (a) for a fiscal year to a coastal State shall be deter-
5 mined by the Secretary under a formula established by the
6 Secretary which gives equal consideration to each of the fol-
7 lowing criteria:

8 (1) For each coastal State, the equal combination
9 of—

10 (A) the amount of actual leasing with respect
11 to oil and gas which is carried out under the
12 Outer Continental Shelf Lands Act (43 U.S.C.
13 1331 et seq.) during the previous fiscal year
14 which occurs within the outer Continental Shelf
15 planning area to which such coastal State is adja-
16 cent; and

17 (B) the volume of oil and gas produced from
18 outer Continental Shelf acreage leased by the
19 Federal Government which is first landed in such
20 coastal State during the previous fiscal year.

21 (2) For each coastal State, any proposed oil and
22 gas lease sales which are specified by the outer Conti-
23 nental Shelf leasing program prepared pursuant to sec-
24 tion 18(a) of the Outer Continental Shelf Lands Act
25 (43 U.S.C. 1344(a)) and which are scheduled to occur

1 within the outer Continental Shelf planning area to
2 which such coastal State is adjacent.

3 (3) The coastal related energy facilities (including
4 coal facilities) located within each coastal State during
5 the previous fiscal year.

6 (4) The shoreline mileage of each coastal State for
7 which the Secretary has approved a management pro-
8 gram under section 306 of the Coastal Zone Manage-
9 ment Act of 1972 (16 U.S.C. 1455).

10 (5) The coastal population of each coastal State
11 for which the Secretary has approved a management
12 program under section 306 of the Coastal Zone Man-
13 agement Act of 1972 (16 U.S.C. 1455).

14 (d) No coastal State for which the Secretary has ap-
15 proved a management program under section 306 of the
16 Coastal Zone Management Act of 1972 (16 U.S.C. 1455)
17 shall receive less than one-half of 1 per centum of the total
18 amount available for block grants pursuant to subsection (a)
19 during any fiscal year.

20 ~~REQUIREMENTS ON THE USE OF BLOCK GRANTS~~

21 ~~SEC. 5. (a) Block grants provided to a coastal State~~
22 ~~pursuant to section 1(a) may only be used for the following~~
23 ~~eligible activities:~~