

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 8672

2891 SRES SJR 38 - HB 130 2891

Number 035

Senator Kelly: Said that he felt anything that will further chip away at the use of nuclear weapons is helpful. Someday we will have no more nuclear arms.

The next order of business was SB 425.

Theda Pittman, Alaska Public Offices Commission: Testified that there should be a balance between public access to information and reporting burden of candidates. Felt that the \$1,000. limit that passed in 1974 would equal the \$2,000. limit of 1984.

Number 245

Discussion occurred on the current problems of APOC.

Chair V. Fischer adjourned the meeting at 3:30 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

### MINUTES

April 27, 1984  
3:08 pm

Beltz Room  
Room 211, Capitol

---

### MEMBERS PRESENT

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

---

### CALENDAR

CSSJR 38 (State Affairs), Relating to a nuclear free arctic.

HB 479, An Act relating to the issuance of citations for the violation of certain offenses within state park and recreational facilities.

---

### CSSJR 38 (State Affairs)

Senator Vic Fischer, sponsor of the resolution, explained that SJR 38 would call upon the Governor and the Alaska Congressional delegation to promote efforts to establish a nuclear free zone in the arctic. He spoke in support of a proposed Resources committee substitute that defines the "arctic" as the region above the arctic circle, and clarifies that safe and benign uses of nuclear technology would not be limited by this resolution. Fischer moved CSSJR 38 (Resources) from committee with individual recommendations. There was no objection.

### HB 479

Senator Mulcahy asked the Department to submit to the committee a list of citations and appropriate fines when available.

Senator Sturgulewski moved CSHB 479 (Finance) from committee with individual recommendations. There was no objection.

Korean Cattle Proposal

Bob Breeze, representing the HanA-Samick Corporation, gave an overview of the proposal to lease State of Alaska and University of Alaska lands on the Kenai Peninsula for a beef export project.

The meeting adjourned at 3:30 pm.

Offered: 3/23/84  
Referred: Resources

Original sponsors: V.Fischer, Ferguson,  
Moss, et al

~~RESOURCES~~  
BY THE ~~STATE AFFAIRS~~ COMMITTEE

1 IN THE SENATE  
2 CS FOR SENATE JOINT RESOLUTION NO. 38 (~~State Affairs~~) (RESOURCES)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to a nuclear free arctic.  
6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
7 WHEREAS the main purpose of establishing nuclear free zones, as of all  
8 good security policies, is to prevent nuclear war; and  
9 WHEREAS other states, cities, and nations have pursued resolutions  
10 establishing nuclear free zones; and  
11 WHEREAS these zones would add to the likelihood of peace in the world;  
12 and  
13 WHEREAS the Soviet Union has deployed nuclear missiles capable of  
14 hitting Alaska and Western Canada, and the resultant escalation may further  
15 endanger the lives of the state's population; and  
16 WHEREAS nuclear weapons are themselves nuclear targets, and to remove  
17 the targets will reduce the risk of destruction to the territory in which  
18 they are located in case of nuclear war; and  
19 WHEREAS the radioactive contamination of the ~~arctic~~ <sup>ABOVE THE ARCTIC CIRCLE</sup> region from the  
20 previous use and testing of nuclear weapons has caused the permanent inhab-  
21 itants of the arctic to carry body-burdens of long-lived, biologically  
22 dangerous radionuclides in amounts in excess of all the world's people  
23 except for the victims in Hiroshima and Nagasaki during August, 1945; and  
24 WHEREAS any further deposition of nuclear materials in the arctic  
25 food-chain will result in biologically unacceptable radiation standards for  
26 arctic people and ecosystems; and  
27 WHEREAS the Inuit Circumpolar Conference passed a resolution restrict-  
28 ing the arctic to uses that are peaceful and environmentally safe, and  
29 prohibiting the use of, testing of, storage of, and exploration for

1 materials related to nuclear devices; and

2 WHEREAS the people of Alaska desire to continue to live in freedom in  
3 a world that is at peace and safe from nuclear pollution;

4 BE IT RESOLVED by the Alaska State Legislature that the Governor and  
5 Alaska congressional delegation are requested to promote and initiate  
6 efforts to

7 (1) encourage bilateral and multi-lateral agreements and treat-  
8 ies between nations establishing the <sup>REGION ABOVE THE ARCTIC CIRCLE</sup> arctic as a nuclear free zone;

9 (2) obtain agreements and treaties to ban from the <sup>REGION</sup> arctic all  
10 items capable of nuclear weapons delivery;

11 (3) prevent all parties, including the military, from disposing  
12 of radioactive and nuclear wastes and materials in the <sup>REGION</sup> arctic and

13 (4) obtain agreements and treaties to prevent nuclear testing or  
14 nuclear devices in the <sup>REGION</sup> arctic or elsewhere in the atmosphere, because these  
15 activities result in increased levels of radiation in the arctic.

16 BE IT FURTHER RESOLVED that the Alaska State Legislature does not  
17 seek to limit the use of nuclear technology for the purpose of medical  
18 treatment or other safe and benign uses.

16 COPIES of this resolution shall be sent to the Honorable Ted Stevens  
17 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don  
18 Young, U.S. Representative, members of the Alaska delegation in Congress.

# NUCLEAR FREE ZONES

history of...

Nuclear Free Zone Treaties

Nuclear Free Zone Proposals

Grass-Roots Nuclear Free Zone Declarations

## NUCLEAR FREE ZONE TREATIES

- 1959 Antarctica Treaty (21 signatories, including USA and USSR) Declares that Antarctica shall be used for peaceful purposes only. Prohibits the deployment or testing of nuclear weapons and the disposal of nuclear waste. Expires in 1992.
- 1967 Outer Space Treaty (over 100 signatories, including the USA and the USSR) Prohibits the deployment of weapons of mass destruction in space. It was originally adopted as a U.N. resolution in 1963.
- 1967 Treaty for Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco, signed by all Central and South American nations\* except Cuba and Guyana and guaranteed by all five nuclear powers) The treaty was proposed in 1963 in response to the Cuban missile crisis and it was negotiated through the United Nations. Garcia Robles, its architect and chief negotiator, received the Noble Peace Prize in 1982 for his work.
- 1971 International Seabed Treaty (over 100 signatories, including USA and USSR) The treaty prohibits the deployment of nuclear weapons or other weapons of mass destruction on or under the seabed beyond 12 miles offshore.

## NUCLEAR FREE ZONE PROPOSALS

- 1956 Rapacki Plan for a Nuclear Free Zone encompassing Poland, Czechoslovakia, East Germany, and West Germany. Proposed by Adam Rapacki, Polish Foreign Secretary. The Zone was to be ratified independently via unilateral declarations of the countries involved. It was to be reinforced by a commission of non-aligned, NATO, and Warsaw Pact states aided by a system of investigation posts. The proposal was rejected by NATO because it did not address the broader issues of conventional force reduction as well. Versions of the Treaty were resubmitted in 1958 and 1962 but rejected for the same reason. The plan has been on hold indefinitely since France's development of an independent nuclear capability. (See article in section on international perspectives.)
- 1957 Romania proposes a Balkans Nuclear Weapons Free Zone, modelled after the Rapacki plan. Proposal is rejected by NATO.
- 1959 Ireland proposes a gradual plan for region by region creation of a global Nuclear Free Zone.

\* Argentina, Brazil, and Chile refuse to waive the Treaty's "entry into force" clause which means they will not be bound by the Treaty until all countries affected have signed (i.e. Cuba and Guyana).

## NUCLEAR FREE AMERICA

2521 Guilford Ave., Baltimore, MD 21218 (301) 235-3575  
the national clearinghouse and resource center for Nuclear Free Zones

*Nuclear Free Zone*

- 1959 USSR proposes a Nordic NFZ and a Balkans/Adriatic NFZ (the latter to include Albania, Bulgaria, Italy, Romania, Yugoslavia, Turkey, and Greece)
- 1960 Fourteen African states propose a Nuclear Weapons Free Zone for all Africa in response to French nuclear testing in the Sahara. The zone has been consistently endorsed by the Organization of African Unity and opposed by the United States, Britain, and South Africa.
- 1961 Uden Plan (proposed by Swedish Foreign Minister Uden) calls for a Nordic NFZ to include Norway, Sweden, Denmark, and Finland. Norway and Denmark have unilaterally refused to deploy nuclear weapons in peacetime and Sweden renounced any deployment in 1969 (see below).
- 1963 Finland repeats call for a Nordic NFZ.
- 1968 Sweden unilaterally renounces any deployment or use of nuclear weapons and declares itself a Nuclear Free Zone. Renews call for a Nordic NFZ.
- 1970 Shah of Iran proposes a Middle-Eastern NFZ. Proposal is supported by most Arab states but blocked by Israel, which insists on bilateral negotiations with each state rather than a blanket treaty.
- 1975 United Nations adopts a formal definition of NFZs which all nations agree to recognize. To be sanctioned by the U.N., an NFZ must be codified by a statute declaring the total absence of nuclear weapons within the zone and supported by an international system of verification and control. States of the region must solemnly declare that they will refrain, on a reciprocal basis from producing, acquiring or in any other way possessing nuclear explosive devices, and from permitting the stationing of nuclear weapons on their territory by any third party. They also agree to place all of their nuclear activities under International Atomic Energy Agency safeguards. In addition, a set of protocols is required between the nations of the zone and the existing nuclear-weapons powers. The nuclear-weapons states must agree to respect the zone's nuclear-weapons free status by neither introducing nor transporting nuclear weapons within the zone, they must "refrain from contributing to tensions in the zone which might encourage the violation of the treaty, and lastly, they must refrain from using or threatening to use nuclear weapons against any state in the region."
- In summary, an NFZ treaty should include guarantees that the zone is both free of nuclear weapons and immune from the threat of having nuclear weapons used against it.
- 1978 United Nations definition is expanded to include all sea and air-space within a zone. Installations capable of supporting or basing nuclear weapons are banned from the NFZs.
- 1979 U.N. Micronesian Trust Territory of Belau (administered by the United States) adopts the world's first Nuclear Free constitution, banning all nuclear materials. (See article in section on international perspectives.)
- 1980 The European Nuclear Disarmament campaign is founded and immediately proposes a Nuclear Free Europe, stretching from Poland to Portugal.

- 1981 Norway resubmits a Nordic NFZ proposal. It is endorsed by the Norwegian Labor Party, Norwegian Trades Union Congress, and the Social Democratic parties of all the countries involved.
- 1981 Israel proposes a framework for negotiating a Mid-East NFZ in response to nuclear weapons development programs underway in Libya and Iraq. All Arab states have refused to negotiate since Israel's bombing of the Iraqi reactor.
- 1982 The Independent Commission on Disarmament (Palme Commission), represented by 17 countries, recommends a Battlefield Nuclear Weapons Free Zone extending 150 km on both sides of the Iron Curtain (see article in section on international perspectives).
- 1982 Bulgaria, Greece, and Romania all propose plans for a Nuclear Free Balkans. Romania's is contingent upon cancellation of U.S. Pershing and Cruise missile deployments. Together with Yugoslavia, all the countries agreed to hold a summit meeting on NFZs in 1983. (See enclosed article in section on international perspectives.)
- 1983 Belauans reaffirm their Nuclear Free constitution by rejecting a "compact of free association" with the United States. Although the compact itself was actually approved by 62%, it contained a clause permitting U.S. stationing of nuclear weapons in Belau. According to the Belauan constitution, any such agreement must be specifically approved by at least 75% of the voters. Only 53% did so in a separate question. The compact is, therefore, voided and must be either renegotiated or withdrawn. Whether the United States, which wants to establish a Trident submarine base and guerrilla warfare training center in Belau, will respect the constitution is unclear, however.

#### GRASS-ROOTS NUCLEAR FREE ZONE DECLARATIONS

The following history is by no means complete. We have no doubt overlooked many NFZ declarations. Please inform us of any corrections and/or additions. A full list is available from Nuclear Free America.

##### Australia

The NFZ movement originated in Australia in 1975, sparked by the Movement Against Uranium Mining. In support of a ban on all uranium mining, the movement asked sympathetic city councils to endorse NFZ resolutions that banned all non-medical nuclear materials. The first town to declare itself Nuclear Free was Fitzroy. Fitzroy was also the first to put up signs saying "You are now entering a Nuclear Free Zone." There are at least 50 other Nuclear Free cities and counties in Australia.

##### England

The City Council of Manchester adopted an NFZ resolution in November 1980 and, within two years, was followed by over 150 British towns, cities, and counties, including all of Wales. Thirty-two of fifty-one million Britons are represented by Nuclear Free Local Authorities. Acting together, the Nuclear Free Local Authorities have refused to participate in civil defense planning for nuclear war and, through their civil disobedience, forced the federal government to cancel its annual national civil defense exercise two years in a row (1982 and 1983). Many Nuclear Free Local Authorities are now boycotting TARMAC, the largest construction firm in Britain, to protest its work in preparing the Cruise missile base at Greenham Common. TARMAC must choose between one contract at Greenham Common and hundreds with the Nuclear Free Local Authorities, including all the largest cities in England.

---

#### NUCLEAR FREE AMERICA

2521 Guilford Ave., Baltimore, MD 21218 (301) 235-3575  
 the national clearinghouse and resource center for Nuclear Free Zones

## United States

The first NFZ campaign in the United States\* took place in Santa Cruz County, CA, in June 1980. The proposed ordinance was defeated by a 63-37% margin. The Lockheed Missile and Space Company which would have been forced by the measure to terminate work on the Trident missile system, spent over \$150,000 on voter opinion research and direct mail to defeat it.

Garrett Park, MD became America's first NFZ in May, 1982. Inspired by the declarations of English communities, its citizens overwhelmingly approved an NFZ ordinance, the world's first. (The vote was 245 to 46.)

The City Council of Sykesville, MD passed an NFZ resolution in June, 1982, by a vote of 5 to 1. At the same meeting, they unanimously approved the Freeze resolution and rejected crisis relocation planning for nuclear war.

Ashland, OR adopted an NFZ ordinance by referendum in the November, 1982, elections; 55% in favor. The ordinance was the first to detail penalties for violations - up to \$500 fine and/or six months in jail.

Roosevelt Park, NJ, passed an NFZ resolution in the November elections, 89% in favor. In January, 1983, the town council and mayor unanimously adopted the NFZ as an ordinance, with the same penalties as in Ashland (above).

For a complete and up-to-date list of Nuclear Free Zones in the United States and major campaigns underway, see the enclosed map of Nuclear Free America.

## Other Nuclear Free Zone Movements

Nuclear Free Zone campaigns are underway in all of the following countries. The number of locally-declared Nuclear Free Zones (as of May, 1983) is given in parenthesis.

Australia	(51)
Belgium	(over 40)**
Canada	(4)***
Denmark	(2)
Great Britain	(154)
Ireland	(24)
Italy	(26)
Japan	(24)
Netherlands	(55)
New Zealand	(15)
Norway	(81)
W. Germany	(40)



\* Nuclear Free declarations directed specifically at the prohibition of nuclear power and nuclear waste disposal proliferated in the 1970s but none, to our knowledge, addressed the issue of nuclear weapons. The Hawaii County Council (Big Island) passed a Nuclear Free ordinance in 1981 which prohibited "nuclear materials" but, again, nuclear weapons were not specified.

\*\* Includes Evere, command headquarters of NATO.

\*\*\* Includes Cold Lake, Alberta, site of the proposed flight-testing of the Cruise missile.

INUIT CIRCUMPOLAR CONFERENCE

RESOLUTION 83-01

RESOLUTION STATING THE INUIT CIRCUMPOLAR CONFERENCE  
POSITION ON NUCLEAR ACTIVITY IN THE ARCTIC AND SUB-  
ARCTIC AREAS.

WHEREAS, the Inuit Circumpolar Conference developed a fundamental policy restricting the arctic and sub-arctic to those uses which are peaceful and environmentally safe;

WHEREAS, this policy is reflected in the several resolutions adopted by the General Assembly and the Executive Council since the formation of the Inuit Circumpolar Conference in 1977;

WHEREAS, the governments of the United States and Canada intend to cooperate with each other to test the cruise missile in our northern Canadian homeland;

WHEREAS, the government of the United States has entertained the idea of basing the massive MX missile system in our Alaskan homeland;

WHEREAS, the Atomic Energy Canada, Limited, plans to test the environmental and economic feasibility of the mini-CANDU and the SLOWPOKE 3 (small nuclear reactors for generating electricity) in the Canadian north since they are prohibited from testing them in the Canadian south due to environmental restrictions; and

WHEREAS, the arctic and sub-arctic shall not be used for any nuclear testing or as a nuclear dump-site;

NOW THEREFORE BE IT RESOLVED THAT the Inuit Circumpolar Conference emphatically restates its nuclear position:

1. that the arctic and sub-arctic be used for purposes that are peaceful and environmentally safe;
2. that there shall be no nuclear testing or nuclear devices in the arctic or sub-arctic;
3. that there shall be no nuclear dump-sites in the arctic or sub-arctic;
4. that exploration and exploitation of uranium, thorium, lithium or other materials related to the nuclear industry in our homeland be prohibited;

*Inuit Circumpolar Conference Res. 83-01 - 9/87*

FURTHERMORE BE IT RESOLVED THAT the Canadian government be notified of our opposition to the testing of the cruise missile in our Canadian homeland and that they be requested to refrain from such tests;

FURTHERMORE BE IT RESOLVED THAT the Atomic Energy Canada, Limited, be notified of our opposition to the testing of nuclear reactors in the Canadian arctic or sub-arctic and that they be notified to refrain from such tests;

FURTHERMORE BE IT RESOLVED THAT the United States government be notified of our opposition to the placement of the MX missile in our Alaskan homeland and that they be requested to cease with any such plan;

FURTHERMORE BE IT RESOLVED THAT the Inuit Circumpolar Conference study and research current international treaties to determine whether or not they comply with the Inuit Circumpolar Conference Arctic Policy; and

FURTHERMORE BE IT RESOLVED THAT the Executive Council of the Inuit Circumpolar Conference lobby the United Nations and various international organizations to encourage members of the United Nations to adopt a policy for a nuclear free zone in the arctic.

INTRODUCED THIS 29th DAY OF JULY, 1983.

ADOPTED THIS 29th DAY OF JULY, 1983.

# Anchorage Daily News

Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly  
Publisher



Howard Weaver  
Managing Editor

Steve Lindbeck, Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983  
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded in 1948 by Norman C. Brown

3/15/84

## To keep the north free of nuclear arms

Keeping the arctic from becoming either tool or target in the world's nuclear arms race is the object of a proposed arctic nuclear free zone under consideration in the Alaska Legislature. The idea deserves your attention and comment.

A resolution calling for a nuclear free zone was introduced this year in the state Senate with some heavyweight sponsors: Senate President Jalmar Kerttula, Sen. Vic Fischer, Sen. Frank Ferguson, Sen. Joe Josephson and Sen. Pappy Moss. Sen. Fischer will convene his State Affairs Committee in Anchorage on Friday to take public testimony on the issue.

The resolution calls upon the governor and Alaska's delegation in Congress to seek a ban on nuclear weapons, radioactive waste disposal and nuclear testing in arctic and subarctic regions. The resolution calls for bilateral and multi-lateral treaties among arctic nations to establish the nuclear free zone, and specifically asks a ban on "all items capable of nuclear weapons delivery."

That is a sweeping non-nuclear agenda, with considerable political hurdles to clear along the way. Gaining international agreement on such a zone is surely some distance over the horizon.

But progress comes in small, gradual steps. The Alaska resolution would be a useful step toward arctic consensus on the issue. And the arctic still enjoys one considerable advantage: it is substantially free of nuclear deployment. If governments can be motivated to make affirmative decisions against pushing nuclear weapons into the arctic, the status quo can be preserved.

It is not at all a far-fetched idea. A nuclear free zone already exists in Antarctica by international treaty. The Inuit Circumpolar Conference — an organization of arctic Native peoples from Alaska, Canada and Greenland — has sought an arctic nuclear ban since at least 1977. The Scandinavian nations all have made serious efforts in international forums to achieve a Nordic nuclear free zone.

Residents of the arctic already know the biological risks of nuclear arms activities. Radiation from atmospheric nuclear testing in the 1950s and early 1960s has been absorbed into arctic ecosystems in extraordinary concentrations; evidence of arctic contamination provided part of the impetus behind the first international bans on atmospheric testing.

Now Alaska can join further efforts to exclude the nuclear arms race from the arctic as much as possible. The Senate State Affairs Committee will accept comments on the proposed resolution at a public hearing Friday at 1 p.m. in the Anchorage Legislative Information Office, 1024 West Sixth Avenue. Alaskans would do well to show up and be heard.

Anchorage Daily News Edition  
3/15/84

NOTE: STATE AFFAIRS C.S. - LIMITS  
NUCLEAR FREE ZONE TO ARCTIC,  
NOT SUBARCTIC.

Offered: 3/23/84  
Referred: Resources

Original sponsors: V.Fischer, Ferguson,  
Moss, et al

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE JOINT RESOLUTION NO. 38 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to a nuclear free arctic.  
6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
7 WHEREAS the main purpose of establishing nuclear free zones, as of all  
8 good security policies, is to prevent nuclear war; and  
9 WHEREAS other states, cities, and nations have pursued resolutions  
10 establishing nuclear free zones; and  
11 WHEREAS these zones would add to the likelihood of peace in the world;  
12 and  
13 WHEREAS the Soviet Union has deployed nuclear missiles capable of  
14 hitting Alaska and Western Canada, and the resultant escalation may further  
15 endanger the lives of the state's population; and  
16 WHEREAS nuclear weapons are themselves nuclear targets, and to remove  
17 the targets will reduce the risk of destruction to the territory in which  
18 they are located in case of nuclear war; and  
19 WHEREAS the radioactive contamination of the arctic region from the  
20 previous use and testing of nuclear weapons has caused the permanent inhab-  
21 itants of the arctic to carry body-burdens of long-lived, biologically  
22 dangerous radionuclides in amounts in excess of all the world's people  
23 except for the victims in Hiroshima and Nagasaki during August, 1945; and  
24 WHEREAS any further deposition of nuclear materials in the arctic  
25 food-chain will result in biologically unacceptable radiation standards for  
26 arctic people and ecosystems; and  
27 WHEREAS the Inuit Circumpolar Conference passed a resolution restrict-  
28 ing the arctic to uses that are peaceful and environmentally safe, and  
29 prohibiting the use of, testing of, storage of, and exploration for

Introduced: 2/10/84  
Referred: State Affairs and  
Resources

BY V. FISCHER, FERGUSON,  
MOSS, KERTULA AND  
JOSEPHSON

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 38

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

Relating to a nuclear free arctic.

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

7

WHEREAS the main purpose of establishing nuclear free zones, as of all  
8 good security policies, is to prevent nuclear war; and

9

WHEREAS other states, cities, and nations have pursued resolutions  
10 establishing nuclear free zones; and

11

WHEREAS these zones would add to the likelihood of peace in the world;

12

and

13

WHEREAS the Soviet Union has deployed nuclear missiles capable of  
14 hitting Alaska and Western Canada, and the resultant escalation may further  
15 endanger the lives of the state's population; and

16

WHEREAS nuclear weapons are themselves nuclear targets, and to remove  
17 the targets will reduce the risk of destruction to the territory in which  
18 they are located in case of nuclear war; and

19

WHEREAS the radioactive contamination of the arctic and subarctic  
20 regions from the previous use and testing of nuclear weapons has caused the  
21 permanent inhabitants of the arctic and subarctic to carry body-burdens of  
22 long-lived, biologically dangerous radionuclides in amounts in excess of  
23 all the world's people except for the victims in Hiroshima and Nagasaki  
24 during August 1945; and

25

WHEREAS any further deposition of nuclear materials in the arctic and  
26 subarctic food-chain will result in biologically unacceptable radiation  
27 standards for arctic and subarctic people and ecosystems; and

28

WHEREAS the Inuit Circumpolar Conference passed a resolution restrict-  
29 ing the arctic and subarctic to uses that are peaceful and environmentally

**CORRECTION**

**CORRECTION**

NOTE: STATE AFFAIRS C.S. - LIMITS  
NUCLEAR FREE ZONE TO ARCTIC,  
NOT SUBARCTIC.

Offered: 3/23/84  
Referred: Resources

Original sponsors: V.Fischer, Ferguson,  
Moss, et al

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE JOINT RESOLUTION NO. 38 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION  
5 Relating to a nuclear free arctic.  
6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
7 WHEREAS the main purpose of establishing nuclear free zones, as of all  
8 good security policies, is to prevent nuclear war; and  
9 WHEREAS other states, cities, and nations have pursued resolutions  
10 establishing nuclear free zones; and  
11 WHEREAS these zones would add to the likelihood of peace in the world;  
12 and  
13 WHEREAS the Soviet Union has deployed nuclear missiles capable of  
14 hitting Alaska and Western Canada, and the resultant escalation may further  
15 endanger the lives of the state's population; and  
16 WHEREAS nuclear weapons are themselves nuclear targets, and to remove  
17 the targets will reduce the risk of destruction to the territory in which  
18 they are located in case of nuclear war; and  
19 WHEREAS the radioactive contamination of the arctic region from the  
20 previous use and testing of nuclear weapons has caused the permanent inhabi-  
21 tants of the arctic to carry body-burdens of long-lived, biologically  
22 dangerous radionuclides in amounts in excess of all the world's people  
23 except for the victims in Hiroshima and Nagasaki during August, 1945; and  
24 WHEREAS any further deposition of nuclear materials in the arctic  
25 food-chain will result in biologically unacceptable radiation standards for  
26 arctic people and ecosystems; and  
27 WHEREAS the Inuit Circumpolar Conference passed a resolution restrict-  
28 ing the arctic to uses that are peaceful and environmentally safe, and  
29 prohibiting the use of, testing of, storage of, and exploration for

1 materials related to nuclear devices; and

2 WHEREAS the people of Alaska desire to continue to live in freedom in  
3 a world that is at peace and safe from nuclear pollution;

4 BE IT RESOLVED by the Alaska State Legislature that the Governor and  
5 Alaska congressional delegation are requested to promote and initiate  
6 efforts to

7 (1) encourage bilateral and multi-lateral agreements and treat-  
8 ies between nations establishing the arctic as a nuclear free zone;

9 (2) obtain agreements and treaties to ban from the arctic all  
10 items capable of nuclear weapons delivery;

11 (3) prevent all parties, including the military, from disposing  
12 of radioactive and nuclear wastes and materials in the arctic; and

13 (4) obtain agreements and treaties to prevent nuclear testing or  
14 nuclear devices in the arctic or elsewhere in the atmosphere, because these  
15 activities result in increased levels of radiation in the arctic.

16 COPIES of this resolution shall be sent to the Honorable Ted Stevens  
17 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don  
18 Young, U.S. Representative, members of the Alaska delegation in Congress.

Introduced: 2/10/84  
Referred: State Affairs and  
Resources

BY V. FISCHER, FERGUSON,  
MOSS, KERTTULA AND  
JOSEPHSON

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 38

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

Relating to a nuclear free arctic.

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

7 WHEREAS the main purpose of establishing nuclear free zones, as of all  
8 good security policies, is to prevent nuclear war; and

9 WHEREAS other states, cities, and nations have pursued resolutions  
10 establishing nuclear free zones; and

11 WHEREAS these zones would add to the likelihood of peace in the world;  
12 and

13 WHEREAS the Soviet Union has deployed nuclear missiles capable of  
14 hitting Alaska and Western Canada, and the resultant escalation may further  
15 endanger the lives of the state's population; and

16 WHEREAS nuclear weapons are themselves nuclear targets, and to remove  
17 the targets will reduce the risk of destruction to the territory in which  
18 they are located in case of nuclear war; and

19 WHEREAS the radioactive contamination of the arctic and subarctic  
20 regions from the previous use and testing of nuclear weapons has caused the  
21 permanent inhabitants of the arctic and subarctic to carry body-burdens of  
22 long-lived, biologically dangerous radionuclides in amounts in excess of  
23 all the world's people except for the victims in Hiroshima and Nagasaki  
24 during August 1945; and

25 WHEREAS any further deposition of nuclear materials in the arctic and  
26 subarctic food-chain will result in biologically unacceptable radiation  
27 standards for arctic and subarctic people and ecosystems; and

28 WHEREAS the Inuit Circumpolar Conference passed a resolution restrict-  
29 ing the arctic and subarctic to uses that are peaceful and environmentally

1 safe, and prohibiting the use of, testing of, storage of, and exploration  
2 for materials related to nuclear devices; and

3 WHEREAS the people of Alaska desire to continue to live in freedom in  
4 a world that is at peace and safe from nuclear pollution

5 BE IT RESOLVED by the Alaska State Legislature that the Governor and  
6 Alaska congressional delegation are requested to promote and initiate  
7 efforts to

8 (1) encourage bilateral and multi-lateral agreements and treat-  
9 ies between nations establishing the arctic and subarctic as a nuclear free  
10 zone;

11 (2) ban from the arctic and subarctic all items capable of  
12 nuclear weapons delivery;

13 (3) prevent all parties, including the military, from disposing  
14 of radioactive and nuclear wastes and materials in the arctic and sub-  
15 arctic; and

16 (4) prevent nuclear testing or nuclear devices in the arctic and  
17 subarctic, or elsewhere in the atmosphere, because these activities result  
18 in increased levels of radiation in the arctic and subarctic.

19 COPIES of this resolution shall be sent to the Honorable Ted Stevens  
20 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don  
21 Young, U.S. Representative, members of the Alaska delegation in Congress.

40

SSTP

SJR 40

# alaska department of fish & game

P.O. Box 3-2000, Juneau, Alaska 99802 Phone 465-4113



Bill Sheffield  
Governor

Don W. Collinsworth  
Commissioner

## NEWS

FOR IMMEDIATE RELEASE

March 14, 1984

### MARINE MAMMALS TO BE TOPIC OF PUBLIC HEARING

JUNEAU--The Alaska Board of Game will hear public testimony on marine mammals during its upcoming meeting in Anchorage. A public hearing is set for Saturday, April 7 on the topic.

The Department of Fish and Game (ADF&G) is considering requesting return of marine mammals management from the federal government, which has had authority over these species since 1972. In December, Governor Bill Sheffield concurred in state plans to begin a year-long process of public meetings, hearings, scientific findings, and consideration of legislation and regulations pertaining to the state's role in management.

Although the board has before it now only three "framework" regulations (not management regulations) which deal with definitions, the board will accept testimony on the entire issue of marine mammal management at the April 7 hearing.

The 10 species under consideration are polar bears, sea lions, sea otters, walrus, belukha whale, and harbor,

-More-

(MAR 21 1984

bearded, spotted, ringed and ribbon seals. These species were chosen because they are ecologically significant functioning elements in the coastal zone; are affected by Alaskans through development, commercial fishing or direct harvesting; contribute significantly to regional economic health; and are those for which the state has research background and scientific expertise.

Local fish and game advisory committee meetings, being held this month and next in more than 70 communities around the state, are the first step in a series of public meetings aimed at asking Alaskans what they think about state management, what form it should take, and how it should work. In addition to participating in discussions at advisory committee meetings, the Department has prepared information on marine mammals that will be presented at public meetings sponsored by varied interest groups around the state.

The schedule for the proposed return of management requires several decisions before an application will be submitted to the U.S. Departments of Commerce and Interior, where marine mammal management rests with NOAA and the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

A bill has been introduced in the Alaska Legislature regarding non-wasteful and humane take of marine mammals. This legislation is still pending. A decision also is required by the Guide Licensing and Control Board in order

to provide maximum economic opportunity to rural coastal residents. Both these actions are required by the Marine Mammal Protection Act before management may be returned to states.

The Act also requires the state to make a scientific finding of the status and health of marine mammal populations, to be determined at a hearing called the OSP or Optimum Sustainable Population Hearing. This hearing will then set a recommended range of population for marine mammal species, limiting all take by humans to numbers that will allow the population to remain within that range.

Following the OSP determination, the Board of Game will solicit from the public and the department proposed regulations that would actually describe the management programs for the 10 species. Items such as methods, means, seasons and bag limits would be considered at this time. These proposals would be forwarded to advisory committees and the public for further review and comment before the board would enact them as regulations.

The entire process is expected to take more than a year, and avenues of public comment and review remain open throughout the procedure.

#####

SJR

42

FDNM

## Help from the EPA

Inviting a federal agency to find a sort of new home in Alaska at first glance seems contrary to the state's desire to get out from under the enduring federal yoke.

But Sen. Frank Murkowski's proposal to the federal government that it make Alaska a separate region for the Environmental Protection Agency—though it would increase the federal presence here—makes sense.

Working out of its Region 10 office in Seattle, the EPA has been making plenty of trouble for Alaskans lately.

In Fairbanks, we're struggling to come up with a plan that will clean up our air in an efficient way and satisfy the EPA too; in Anchorage, they've knuckled under to EPA threats and drawn up an air clean up plan.

Throughout Alaska—including the Interior—miners are struggling to convince the EPA that wastewater discharge rules are technically impossible to comply with. If the EPA enforces them, almost all miners will be forced out of business.

In Southeast Alaska, the pulp mills are having the same trouble over water discharge regulations. They'll be forced to shut down unless variances are granted.

In a speech to the Legislature last week, Sen. Murkowski urged Alaskans to "continue to struggle against outside domination—particularly from the federal government."

One way to do that, he believes, is to urge the federal officials with whom we must deal to make their headquarters in our state.

"I propose that we create a special EPA Alaska regional headquarters here in Alaska, not Seattle," the senator said. "Our new EPA region must be headed by an administrator who is vested with the knowledge and authority to create standards specifically tailored to meet Alaska's unique requirements while protecting our environment, and to insure that the beauty of our state and the lifestyle of our people is maintained."

Sen. Murkowski has been meeting with the EPA to pursue this idea. If necessary, he says, he'll introduce federal legislation to accomplish it.

Though it might make Alaskans a bit uncomfortable to invite the EPA to, in a sense, increase its presence here, we believe our state would gain from it. As it is now, EPA is well on the way to hamstringing several of our basic industries. If the officials lived and worked in the affected communities, they would be working from a different sort of background—a background of knowledge of Alaska, instead of somewhere else.

We think it's worth a try.

# Murkowski seeks Alaskan EPA office

Anch Times 2/17

tion," Murkowski said. The maritime lobby has generously contributed Congressional campaign funds in order to block efforts at ending the ban, he said. Shippers oppose the export of North Slope oil because it would reduce the shipping distances for the oil, he said.

Apprehension about the pace of the federal leasing of Alaska's Outer Continental Shelf for oil and gas leasing should be balanced with the recognition that oil provides most of the state's revenues, he said. "Before we initiate too many delays in the OCS sale process, we must remind ourselves that these sales are really only rights to look for oil," he said, and there's no guarantee

overturn the Export Administration Act could pay off in the long run, Murkowski said. "If Alaskans were to simply roll over and give up on the issue, we would fail to show Congress how important it is to us," Murkowski told a joint legislative session. "We must continue to fight for our right to sell our natural resources in the market of our choice," Alaska's junior senator said in his fourth address to lawmakers since his 1980 election.

Murkowski explained to legislators why he thinks the odds are long on stopping Congress from extending the oil export ban, which expires at the end of the month. "The deck is stacked, and the politics may override the merits of the export legisla-

Murkowski explained to legislators why he thinks the odds are long on stopping Congress from extending the oil export ban, which expires at the end of the month. "The deck is stacked, and the politics may override the merits of the export legisla-

tion," Murkowski said. The maritime lobby has generously contributed Congressional campaign funds in order to block efforts at ending the ban, he said. Shippers oppose the export of North Slope oil because it would reduce the shipping distances for the oil, he said.

Associated Press

Juneau — The Alaska legislature should back a proposal to create an Alaska regional office of the Environmental Protection Agency, Sen. Frank Murkowski, R-Alaska, told state lawmakers Thursday.

Murkowski berated the EPA for requiring two Southeast Alaska pulp mills to meet national water quality standards. The senator urged the legislature to back his proposal to create an Alaska region of EPA, forcing the agency to establish headquarters in the state. Alaska is now part of EPA's Region X, which encompasses the Pacific Northwest. On the subject of exporting North Slope oil, Murkowski said Congress is likely to extend the ban on overseas sales, but efforts to

FDNMM

## Help from the EPA

Inviting a federal agency to find a sort of new home in Alaska at first glance seems contrary to the state's desire to get out from under the enduring federal yoke.

But Sen. Frank Murkowski's proposal to the federal government that it make Alaska a separate region for the Environmental Protection Agency—though it would increase the federal presence here—makes sense.

Working out of its Region 10 office in Seattle, the EPA has been making plenty of trouble for Alaskans lately.

In Fairbanks, we're struggling to come up with a plan that will clean up our air in an efficient way and satisfy the EPA too; in Anchorage, they've knuckled under to EPA threats and drawn up an air clean up plan.

Throughout Alaska—including the Interior—miners are struggling to convince the EPA that wastewater discharge rules are technically impossible to comply with. If the EPA enforces them, almost all miners will be forced out of business.

In Southeast Alaska, the pulp mills are having the same trouble over water discharge regulations. They'll be forced to shut down unless variances are granted.

In a speech to the Legislature last week, Sen. Murkowski urged Alaskans to "continue to struggle against outside domination—particularly from the federal government."

One way to do that, he believes, is to urge the federal officials with whom we must deal to make their headquarters in our state.

"I propose that we create a special EPA Alaska regional headquarters here in Alaska, not Seattle," the senator said. "Our new EPA region must be headed by an administrator who is vested with the knowledge and authority to create standards specifically tailored to meet Alaska's unique requirements while protecting our environment, and to insure that the beauty of our state and the lifestyle of our people is maintained."

Sen. Murkowski has been meeting with the EPA to pursue this idea. If necessary, he says, he'll introduce federal legislation to accomplish it.

Though it might make Alaskans a bit uncomfortable to invite the EPA to, in a sense, increase its presence here, we believe our state would gain from it. As it is now, EPA is well on the way to hamstringing several of our basic industries. If the officials lived and worked in the affected communities, they would be working from a different sort of background—a background of knowledge of Alaska, instead of somewhere else.

We think it's worth a try.

# Murkowski seeks Alaskan EPA office

Anch Times 2/17

tion," Murkowski said.

The maritime lobby has generously contributed Congressional campaign funds in order to block efforts at ending the ban, he said. Shippers oppose the export of North Slope oil because it would reduce the shipping distances for the oil, he said.

Apprehension about the pace of the general leasing of Alaska's Outer Continental Shelf for oil and gas leasing should be balanced with the recognition that oil provides most of the state's revenues, he said.

"Before we initiate too many delays in the OCS sale process, we must remind ourselves that these sales are really only rights to look for oil," he said, and there's no guarantee

overturn the Export Administration Act could pay off in the long run, Murkowski said.

"If Alaskans were to simply roll over and give up on the issue, we would fail to show Congress how important it is to us," Murkowski told a joint legislative session.

"We must continue to fight for our right to sell our natural resources in the market of our choice," Alaska's junior senator said in his fourth address to lawmakers since his 1980 election.

Murkowski explained to legislators why he thinks the odds are long on stopping Congress from extending the oil export ban, which expires at the end of the month.

"The deck is stacked, and the politics may override the merits of the export legisla-

Associated Press

Juneau — The Alaska legislature should back a proposal to create an Alaska regional office of the Environmental Protection Agency, Sen. Frank Murkowski, R-Alaska, told state lawmakers Thursday.

Murkowski berated the EPA for requiring two Southeast Alaska pulp mills to meet national water quality standards. The senator urged the legislature to back his proposal to create an Alaska region of EPA, forcing the agency to establish headquarters in the state. Alaska is now part of EPA's Region X, which encompasses the Pacific Northwest.

On the subject of exporting North Slope oil, Murkowski said Congress is likely to extend the ban on overseas sales, but efforts to

# Alaska State Legislature

*Sandra*

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



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

## Senate

### Committee on Resources

#### MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senate Resources Committee Staff

RE: Committee Meeting, Wednesday, February 29, 1984

DATE: February 29, 1984

---

On Wednesday, February 29, 1984, at 3:00 pm in the Beltz Room the Senate Resources Committee will be hearing HCR 45, Requesting a review of all terrain vehicles, and SJR 42, Requesting the Administrator of the Environmental Protection Agency to establish an EPA regional office in Alaska.

HCR 45 urges the Department of Public Safety to review its regulations and "confer" with municipalities and federal agencies (USFS, BLM, NPS) for the purpose of establishing federal and state regulations which would allow for increased use of all-terrain vehicles (ATVs) on State and Federal land.

Prior to November 8, 1982, the Division of Motor Vehicles, Department of Public Safety, registered three-wheeled ATVs as motorcycles usable on streets and highways in the state. Having determined that registration of ATVs for street use was in conflict with the Federal Standards Act, the Department changed its policy so that three-wheelers are now classed with snowmobiles and limited to off-road use. Manufacturers openly state that ATVs are neither safe nor recommended for street use.

The U.S. Forest Service has a national policy, implemented on a regional level, to support the use of ATVs in National Forests. The use of federal logging roads is determined on a case by case basis with four-wheeled vehicles having preference. The USFS Division of Recreation in Alaska annually re-evaluates its off-road vehicle plan, through means which include soliciting public input.

SEN 42 requests the Administrator of the U.S. Environmental Protection Agency to establish an EPA regional office in Alaska. Senator Murkowski proposed this idea to the Legislature during his address to the Joint Session in mid-February. ~~Two newspaper articles are attached for your additional information.~~

Alaska is now part of Region ~~X~~ (Northwest) - <sup>based in</sup> Seattle

the hope is that by locating an office in Alaska the EPA will be better informed to deal with Alaska's unique requirements.

- pulp mills S.E. - Clean Water Act
- placer miners - water quality
- Anch & Fbx - Clean Air Act

# 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

UTES

February 29, 1984  
3:07 pm

Beltz Room  
Room 211, Capitol

---

#### MEMBERS PRESENT

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

---

#### CALENDAR

HCR 45, Requesting a review of all terrain vehicles.

SJR 42, Requesting the Administrator of the Environmental Protection Agency to establish an EPA regional office in Alaska.

---

#### HCR 45

Rep. Grussendorf, sponsor of the resolution, spoke in support of HCR 45, urging the Department of Public Safety to review its regulations.

John Sholer, Department of Public Safety, spoke in support of the resolution.

Senator Ziegler moved the resolution from committee with individual recommendations. There was no objection.

#### SJR 42

Senator Fahrenkamp spoke in support of the resolution, which requests the Administrator of the U.S. Environmental Protection Agency to establish a regional office in Alaska.

Don Kubley testified in support of the resolution, citing the problems of obtaining variances for Southeast Alaska pulp mills.

Senator Paul Fischer moved SJR 12 from committee with individual recommendations. There was no objection.

The meeting adjourned at 3:22 pm.

SJR 42

SJR 42 REQUESTS THE ADMINISTRATOR OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH AN EPA REGIONAL OFFICE IN ALASKA. SENATOR MURKOWSKI PROPOSED THIS IDEA TO THE LEGISLATURE DURING HIS ADDRESS TO THE JOINT SESSION IN MID-FEBRUARY.

ALASKA IS NOW PART OF REGION 10, THE NORTHWEST REGION BASED IN SEATTLE. THE HOPE IS THAT BY LOCATING AN OFFICE IN ALASKA, THE EPA WILL BE BETTER INFORMED TO DEAL WITH OUR UNIQUE SITUATIONS AND REQUIREMENTS.

THERE ARE PLENTY OF EXAMPLES OF EPA STANDARDS NOT MEETING THE UNIQUE ALASKA REQUIREMENTS:

PULP MILLS IN SOUTHEAST (CLEAN WATER ACT)  
PLACER MINERS IN INTERIOR (WATER QUALITY)  
ANCHORAGE, FAIRBANKS (CLEAN AIR ACT)

SJR

44

\* The Southeast Alaska Information Center Study continues under the auspices of the Alaska Land Use Council. The Council Work Group is chaired by the Forest Service and includes membership of a number of State and Federal agencies as well as native interests. The Work Group has worked closely with the three communities and is now completing the review of proposals from the communities. A final report and recommendation from the Work Group is expected to be available for review by the communities, ALUC members and others by April 23. Council action on the Work Group recommendation is scheduled for the May Council meeting, the date of which has not been established. The Communities may also wish to present their proposals directly to the Council.

Juneau, by action of the City and Borough Council, chooses to not compete for the Cooperative Center citing as its reasons that Sitka and Ketchikan are having more difficult economic problems than Juneau is experiencing at this time. The City and Borough of Juneau is to be commended for this action and the broad view of cooperation among Southeast Communities which it represents. Sitka and Ketchikan should also be commended. Each community put considerable effort into developing strong professional proposals. I certainly do not envy the Work Group their task of putting together a recommendation. However, the Cooperative Center will not be just a Sitka or Ketchikan Center but rather a Southeast Center. Through a continuation of the strong support and cooperation among all of the Southeast communities, the Cooperative Visitor Center will be a success that all of Southeast and indeed Alaska can be proud of.

I again appreciate the opportunity to participate in the Southeast Conference. Even more, I appreciate the generally strong cooperative efforts we have underway to strengthen the economy of this important Region.

I know major problems remain but believe we can effectively deal with them through this cooperative effort and spirit.

\* EXCERPTS FROM SPEECH BY REG.  
FORESTER JOHN SANDOR TO SOUTHEAST CONFERENCE.  
- 8 -

# 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 23, 1984  
3:03 pm

Beltz Room  
Room 211, Capitol

---

#### MEMBERS PRESENT

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

---

#### CALENDAR

CSHB 376, An Act amending the Limited Entry Act; providing for landing permits.

CSSB 624, An Act relating to qualifications for a homesite.

HJR 19, Relating to United States observers on foreign fishing vessels.

SJR 44, Requesting the establishment of an Alaska National Interest Lands Act information and education center in Ketchikan.

---

#### HJR 19

Representative Grussendorf, sponsor of the resolution, explained that CS HJR 19 requests the U.S. Congress to amend the Magnuson Act to ensure that U.S. observers be stationed aboard all foreign fishing boats in the Fishery Conservation Zone.

Senator Mulcahy moved CS HJR 19 from committee with individual recommendations. There was no objection.

CSHB 376

Christine Kelly, Licensing Administrator, Commercial Fisheries Entry Commission, explained that the fiscal note for HB 376 was to cover costs that would be incurred if the commissioner finds that landing permits should be issued in several fisheries in FY 85.

Senator Mulcahy moved that the fiscal note be eliminated and moved SCS CSHB 376 (Res) from committee with individual recommendations. There was no objection.

HB 624

Sandra Schubert, Aide to Senator Fahrenkamp, explained that CSHB 624 amends the homesite program to conform with the homestead program by allowing transfer of a homesite entry permit in the case of an extreme emergency or illness that disables the applicant.

Senator Mulcahy moved CSHB 624 from committee with individual recommendations. There was no objection.

SJR 44

Senator Ziegler spoke in support of the resolution.

Senator Eliason explained that Sitka is also a potential site for the center, and supported its location there.

Senator Ziegler moved CS SJR 44 from committee with individual recommendations. There was no objection.

The meeting adjourned at 3:23 pm.

# Sitka Visitors Bureau



TO: SENATE RESOURCE COMMITTEE  
FROM: THE SITKA CONVENTION AND VISITORS BUREAU  
RE: SENATE RESOLUTION 44

THE SITKA CONVENTION AND VISITORS BUREAU IS OPPOSED TO THE SENATE RESOURCE COMMITTEE TAKING A STAND ON THE LOCATION OF THE ANILCA VISITOR INFORMATION CENTER TO BE LOCATED IN EITHER SITKA OR KETCHIKAN. IT SHOULDN'T BE THE UNDERTAKING OF YOUR COMMITTEE TO SET THE COMMUNITIES IN SOUTHEAST ALASKA AGAINST ONE ANOTHER, BUT RATHER, TO ALLOW THE PRESENTATIONS OF EACH OF THESE COMMUNITIES TO STAND ON THEIR OWN MERIT.



Sen. J. ...  
GREATER SITKA

# Chamber of Commerce, Inc.

April 20, 1984

To: All Members of the Senate Resources Committee

The Greater Sitka Chamber of Commerce strongly opposes  
SJR 44 - Requesting the Establishment of an ANILCA  
Information and Education Center in Ketchikan. We feel  
this is not a legislative function.

Sincerely,

*Dave Knapp*  
Dave Knapp,  
President

DK:kf

cc: Assembly -  
City and Borough of Sitka

APR 23 1984

*Bill Withers*

TO: SANDRA  
FM: EDIE  
RE: SJR 44 - establishing an ANILCA visiting center in Ketchikan  
DT: 3/20/84

---

Section 1305 of ANILCA authorizes the Secretary of the Department of Interior "to investigate and plan for an information and education center for visitors to Alaska" in Fairbanks, Tok, and Anchorage.

The Visitor Center in Tok has been established; the Fairbanks and Anchorage centers will be established in the old federal buildings of each town in August 1984 and May 1985 respectively. All three centers receive, or will receive, money in whole or in part by the U.S. Park Service.

Janet McCabe of the U.S. Park Service is responsible for organizing the establishment of each Northern office. At the time of this writing, she was not available to speak with. I understand she'll be in Juneau on Wednesday, 3/21, and hopefully I'll be able to reach her then.

---

Section 1305 of ANILCA authorizes the Secretary of the Department of Agriculture "to investigate and plan for, in a similar manner, an information and education center for visitors to Alaska in either Juneau, Ketchikan, or Sitka, Alaska." Unlike the other three offices, a site for the Southeast office is not designated in statute and the Department responsible for it's location is Agriculture, not Interior.

David Allen of the U.S. Forest Service has responsibility for the Department of Agriculture to handle the investigation end of determining the best site for the Southeast office. He was not available to talk to today, so Walt Sheridan of the local U.S. Forest Service office filled me in.

Sheridan says that the Alaska Land Use Council will make a recommendation this Spring to the Department of Agriculture on a site for the information center. The Council designated a number of state and federal agencies to work with Dave on:

1) Gathering an inventory from the three communities being considered on what facilities they have available, or could make available, for a information center.

2) Coming up with a "selection criteria" for a site. ie, how many tourists visit each community a year, what they do when they're there, what they're interested in, what the variety of transportation access there is to each community and what the schedules are for each mode of transportation, etc.

Upon completion of this task, the Council Task Group has asked each community to submit a written proposal for a visitor center and to prepare to submit that proposal orally to members of the Task Group. Once this has been completed, the Task Group does a summary of requirements 1 & 2 and a summary of the proposals. They then submit that with a recommendation to the Alaska Land Use Council. The Council in turn makes a recommendation to the Department of Agriculture.

Juneau has recently requested that they no longer be considered a site for the Center, so the decision will be made between Ketchikan and Sitka. David Allen is presently in Ketchikan taking their written and oral proposal. He has already received it from Sitka, and should be back in Juneau on Friday.

IT IS IMPORTANT TO NOTE HERE THAT THE COUNCIL WILL BE RECOMMENDING A SITE ONLY TO THE DEPARTMENT OF AGRICULTURE. THE SERVICES TO BE PROVIDED TO THE TOURISTS IS THE NEXT PHASE OF THIS PROCESS AND WON'T BE ADDRESSED UNTIL A DECISION HAS BEEN MADE ON THE LOCATION.

Also, regardless of the conflict between the Resolution superseding what is required under 1305, 1305 also states, with respect to the Southeast office, that "No information center shall be developed pursuant to investigations and plans conducted under authority of this section unless and until such development is specifically authorized by Congress." [I've enclosed a copy of 1305 for your reference].

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 SENATE JOINT RESOLUTION NO. 44  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 Requesting the establishment of an  
6 Alaska National Interest Lands Act  
7 information and education center in  
8 Ketchikan.

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

10 WHEREAS the United States Forest Service and other [state and] federal  
11 agencies are required by the Alaska National Interest Lands Conservation  
12 Act (ANILCA) to evaluate the feasibility of establishing four regional  
13 visitor information and education centers in Alaska; and

14 WHEREAS <sup>an</sup> ANILCA center <sup>has</sup> ~~have~~ been established in Tok, <sup>and</sup> Anchorage and  
15 Fairbanks; ~~and~~ <sup>are designated in Sec. 1305 of ANILCA as additional</sup>  
16 <sup>sites for ANILCA centers</sup>

17 WHEREAS the cities of Ketchikan, Sitka, and Juneau are being evaluated  
18 for the fourth regional center site; and

19 WHEREAS the City of Ketchikan is the gateway to Southeast Alaska and  
20 is usually the first port of call for most visitors traveling in the south-  
21 eastern region; and

22 WHEREAS the City of Ketchikan has actively supported tourism through  
23 the development or shared development and operation of such facilities as:

24 1. the Totem Heritage Center, that houses a major sites col-  
25 lection of Southeast Alaska totems and Native art and artifacts;

26 2. the port of Ketchikan, the point of arrival for 155 cruise  
27 ships and nearly 100,000 visitors in 1983;

28 3. a convention and hotel site near Ketchikan's downtown; and

29 4. the City of Ketchikan Museum; and

WHEREAS the City of Ketchikan further supports tourism through a

1 transient room tax, the proceeds of which are used to underwrite the op-  
2 erations of the Ketchikan Visitors Bureau, with a total city contribution  
3 of \$97,000 in 1983; and

4 WHEREAS an ANILCA center located in Ketchikan would provide the  
5 earliest possible opportunity for visitors to obtain information and  
6 assistance on the features and opportunities in Southeast Alaska; and

7 WHEREAS an ANILCA center would further <sup>complement</sup> compliment efforts of the City  
8 of Ketchikan, Ketchikan Visitors Bureau, and other local private and public  
9 agencies to promote and improve travel and visitor opportunities in South-  
10 east Alaska;

11 BE IT RESOLVED that the Alaska State Legislature respectfully requests  
12 the United States Congress to establish and fund the fourth regional Alaska  
13 National Interest Lands Conservation Act information and education center  
14 in the City of Ketchikan.

15 COPIES of this resolution shall be sent to the Honorable John Block,  
16 Secretary of Agriculture; the Honorable William Clark, Secretary of the  
17 Interior; and to the Honorable Ted Stevens and the Honorable Frank  
18 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
19 members of the Alaska delegation in Congress.

H B

1 1 8

SENATE RESOURCES COMMITTEE  
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: CSHB 118 (Fin)

BILL NAME: Relating to a brown & grizzly bear tag fee for a resident

SPONSOR(S): Shultz & Liska

RELATED BILLS PENDING:

DATE INTRODUCED: in Senate 2-28-83

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: .

+ Dept. Public Safety  
Statement  
+ 2 advisory board  
letters

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:

notified: ADT-AG - Paddy McGuire  
House Resources  
Rep Shultz  
Rep Liska  
Jay Nelson, Environ. Lobby



P. O. Box 28  
Glennallen, AK 99588  
December 30, 1982

The Honorable Richard Shultz  
District 17 Representative  
Pouch V  
Juneau, AK 99801

Dear Representative Shultz:

At the December 7, 1982 Copper Basin Fish and Game Advisory Committee meeting held in Glennallen, an in-depth discussion was held by the committee and a number of local citizens.

At that time, the focal subject of much of this discussion was of brown bear and grizzly bear predation problems and their effects on local game, people and property.

As Unit 11 and 13, in the Copper Basin, are by far the most hunted for caribou and moose, our game numbers are constantly under pressure from hunters. In addition, recent studies have shown that these two units harbor the heaviest concentration of brown bear in the state and per capita possibly the world.

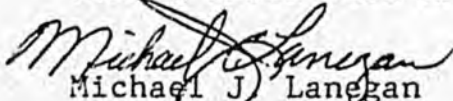
As you may know, we have many adverse confrontations between people and bears each year in our area. Within a half mile of the community of Glennallen, as many as twelve bears wander freely to and from the local garbage dump at all times of the day and night. Some residents have found it necessary to maintain an all-night watch to keep their houses from entry by bears.

In view of the many problems involved with these bears, and their tremendous predation on game animals, this committee and these citizens would like to solicit your aid in the temporary removal of the required \$25 brown bear tag fees. As most residents here cannot justify the \$25 expenditure, we feel that the removal of these fees would allow the taking of many local bears, which are not removed because of the cost of these tags.

On behalf of the people of this community, please consider our request an urgent one and worthy of your efforts to help us in the removal of this required expenditure, which many cannot afford. Thank you for your help in this matter.

Sincerely,

COPPER BASIN FISH AND GAME ADVISORY BOARD

  
Michael J. Langan  
Secretary

ML/11

Issuance of permits based on verbal instructions to agents held improper. — The issuance of permits for the killing of caribou in certain specified areas of the state based on verbal instructions to the permit agents as to the need of individual applicants does not conform to requirements of the Administrative Procedure Act (AS 44.62). State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board

of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions to regulations involving requirements of substance are unauthorized and unenforceable. State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Reasonable basis for Board of Game's quota of caribou to be killed. — See State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Sec. 16.05.260. Advisory committees.

NOTES TO DECISIONS

Establishment of use priorities. — While the Board of Fisheries did have the authority to establish priorities of use between recreational and commercial fisheries of the salmon stocks in the Upper Cook Inlet, the policy and option establishing these priorities were regulations which should have been adopted pursuant

to the provisions of the Administrative Procedure Act, AS 44.62.010 — 44.62.650. Kenai Peninsula Fisherman's Coop. Ass'n v. State, Sup. Ct. Op. No. 2358 (File No. 5072), 626 P.2d 897 (1981).

Cited in State v. Tanana Valley Sportsmen's Ass'n, Sup. Ct. Op. No. 1716 (File No. 3433), 583 P.2d 654 (1978).

Sec. 16.05.290. Compensation of board members. Each member of a board is entitled to travel expenses and \$150 per diem for each day going to and from and for each day in actual attendance at board meetings. For other meetings or conferences authorized by a board a member shall receive \$100 per day. (§ 8 art I ch 94 SLA 1959; am § 6 ch 206 SLA 1975; am § 1 ch 81 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "\$150" for "\$100" near the beginning of the first sentence, substituted "For" for "and" at the end of

the present first sentence to create the present second sentence, and added "a member shall receive \$100 per day" at the end of the present second sentence.

Article 3. Licensing of Sport Fishing and Hunting.

- Section
- 340. License and tag fees
- 341. Free license for disabled veterans
- 345. [Repealed]
- 346. Permit applications
- 390. Fees and compensation for issuance of licenses and tags

- Section
- 400. Persons exempt from license requirement
- 407. Nonresident hunting game animals must be accompanied by guides
- 408. Nonresident alien hunter to be accompanied by guide

Sec. 16.05.340. License and tag fees. (a) Fees for licenses and tags are as follows:

- (1) Resident sport fishing license . . . . . \$10

However, the fee is 25 cents for a resident who is blind.

- (2) Resident hunting license . . . . . 12
- (3) (A) Resident hunting and trapping license . . . . . 15
- (B) Resident trapping license . . . . . 3
- (4) Resident hunting and sport fishing license . . . . . 22
- (5) Resident hunting, trapping, and sport fishing license . . . 25

However, the fee is 25 cents for the head of a family or a dependent member of his family or one solely dependent upon himself for support upon proof presented by the applicant that the applicant

(A) is obtaining or has obtained assistance during the preceding six months under any state or federal welfare program to aid the indigent, or

(B) has an annual family gross income of less than \$5,600 for the year preceding application.

(6) [Effective until January 1, 1983] Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 10-day license . . . . . \$15
- (B) For one-day license . . . . . \$ 5

[Effective January 1, 1983] Visitor's special sport fishing license — valid for the period inscribed on the license

- (A) For 14-day license . . . . . \$20
- (B) For three-day license . . . . . 10

(7) [Effective until January 1, 1983] Nonresident sport fishing license . . . . . 30

[Effective January 1, 1983] Nonresident sport fishing license . . . . . 36

(8) Nonresident hunting license . . . . . 60

(9) [Effective until January 1, 1983] Nonresident hunting and sport fishing license . . . . . 90

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to him as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for any other animal of the species named for which the tag fee is of equal or less value.

[Effective January 1, 1983] Nonresident hunting and sport fishing license . . . . . 96

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued to the nonresident as provided in (16) of this subsection. The tag shall be affixed to the animal immediately upon capture and shall remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for any other animal of the species named for which the tag fee is of equal or less value.

- (10) Nonr
- (11) Repe
- (12) Repe
- (13) Fur
- (A) Resic
- (B) Nonr
- (14) Taxi
- (A) Resic
- (B) Nonr
- (15) Fish
- (16) [Eff
- (A) Bear
- (B) [dele
- (C) Bear
- (D) Bear
- (E) Biso
- (F) Cari
- (G) Deer
- (H) Elk,
- (I) Goat
- (J) Moos
- (K) She
- (L) Wal
- (M) Wol
- (N) Wol
- (O) Mus
- [Effec
- (A) Bea
- (B) [del
- (C) Bea
- (D) Bea
- (E) Biso
- (F) Car
- (G) Dee
- (H) Elk
- (I) Goa
- (J) Moc
- (K) Sho
- (L) Wa
- (M) Wo
- (N) Wo
- (O) Mu
- (17) Re
- (18) Re
- (A) Be

(10) Nonresident hunting and trapping license . . . . .	\$200
(11) Repealed by § 2 ch 32 SLA 1968.	
(12) Repealed by § 2 ch 32 SLA 1968.	
(13) Fur dealers:	
(A) Resident fur dealer license . . . . .	50
(B) Nonresident fur dealer license . . . . .	200
(14) Taxidermists:	
(A) Resident taxidermy license . . . . .	75
(B) Nonresident taxidermy license . . . . .	200
(15) Fish, fur or game farming license . . . . .	100
(16) [Effective until January 1, 1983] Nonresident big game tags:	
(A) Bear, black, each . . . . .	100
(B) [deleted]	
(C) Bear, brown or grizzly, each . . . . .	250
(D) Bear, polar, each . . . . .	250
(E) Bison, each . . . . .	250
(F) Caribou, each . . . . .	200
(G) Deer, each . . . . .	35
(H) Elk, each . . . . .	125
(I) Goat, each . . . . .	125
(J) Moose, each . . . . .	200
(K) Sheep, each . . . . .	250
(L) Walrus, each . . . . .	250
(M) Wolf, each . . . . .	50
(N) Wolverine, each . . . . .	50
(O) Musk oxen, each . . . . .	1,000
[Effective January 1, 1983] Nonresident big game tags:	
(A) Bear, black, each . . . . .	200
(B) [deleted]	
(C) Bear, brown or grizzly, each . . . . .	350
(D) Bear, polar, each . . . . .	500
(E) Bison, each . . . . .	350
(F) Caribou, each . . . . .	300
(G) Deer, each . . . . .	135
(H) Elk, each . . . . .	250
(I) Goat, each . . . . .	250
(J) Moose, each . . . . .	300
(K) Sheep, each . . . . .	400
(L) Walrus, each . . . . .	500
(M) Wolf, each . . . . .	150
(N) Wolverine, each . . . . .	150
(O) Musk oxen, each . . . . .	1,100
(17) Repealed by § 2 ch 32 SLA 1968.	
(18) Resident big game tags:	
(A) Bear, brown or grizzly, each . . . . .	25

(B) Musk oxen, each . . . . . \$500  
However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

(19) Repealed by § 4 ch 57 SLA 1980.

(20) [Repealed effective January 1, 1983] King salmon (oncorhynchus tshawytscha) and steelhead trout (Salmo gairdneri) sport fishing permit . . . . . 5

A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge.

(b) The commissioner of fish and game may issue without cost a permit to collect fish and game, including fur animals, subject to the limitations and provisions he considers appropriate, for scientific, propagative, or educational purpose. In addition, the commissioner may issue a permit for (1) the collecting of wild fur animals for fur farming, or (2) the recapturing of fur animals that have escaped from fur farms. The annual fee for a permit for collecting fur animals for fur farming purposes is \$100.

(c) The commissioner of revenue may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$2 shall be charged for each duplicate license or tag and the duplicate shall not be issued unless the commissioner of revenue or his delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a)(5) of this section.

(d) [Effective until January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at the nonresident rate, under (a)(16) of this section.

[Effective January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(16) of this section.

(e) Each r  
tered guide l  
amount for e  
bear taken c  
guide:

(1) polar,

(A) for eac  
brown or gr  
or grizzly be

(B) for ea  
polar, brow  
brown or gr

(C) for ea  
polar, brow

(2) moose:

(A) for eac  
season — \$2

(B) for ea  
— \$100;

(C) for ea

(3) sheep:

(A) for eac  
season — \$2

(B) for ea  
— \$100;

(C) for ea

(4) caribov

(A) for ea  
— \$20;

(B) for ea  
— \$100;

(C) for ea

94 SLA 1959

am § 1 ch 1

1963, am §§

32 SLA 1968

§§ 2, 3 ch 8

SLA 1976; ar

2, 4 ch 57 SL

SLA 1982)

Effect of ar  
amendment, in

"\$5,600" for "\$3  
of paragraph (5)

The first 1  
"(permit requir  
following "spor

(e) Each master guide licensed under AS 08.54.100 and each registered guide licensed under AS 08.54.110 shall pay a fee in the following amount for each caribou, sheep, moose, brown or grizzly bear and polar bear taken on a hunt guided by or under the active supervision of the guide:

(1) polar, brown or grizzly bear:

(A) for each polar, brown or grizzly bear taken over a total of 5 polar, brown or grizzly bear per season and up to a total of 10 polar, brown or grizzly bear — \$20;

(B) for each polar, brown or grizzly bear taken over a total of 10 polar, brown or grizzly bear per season and up to a total of 25 polar, brown or grizzly bear — \$100;

(C) for each polar, brown or grizzly bear taken over a total of 25 polar, brown or grizzly bear per season — \$500;

(2) moose:

(A) for each moose taken over a total of 5 and up to a total of 10 per season — \$20;

(B) for each moose taken over 10 and up to a total of 25 per season — \$100;

(C) for each moose taken over 25 per season — \$500;

(3) sheep:

(A) for each sheep taken over a total of 5 and up to a total of 10 per season — \$20;

(B) for each sheep taken over 10 and up to a total of 25 per season — \$100;

(C) for each sheep taken over 25 per season — \$500;

(4) caribou:

(A) for each caribou taken over 5 and up to a total of 10 per season — \$20;

(B) for each caribou taken over 10 and up to a total of 25 per season — \$100;

(C) for each caribou taken over 25 per season — \$500. (§ 2 art II ch 94 SLA 1959; am § 1 ch 96 SLA 1959; am §§ 7 — 13 ch 131 SLA 1960; am § 1 ch 16 SLA 1963; am § 1 ch 29 SLA 1963; am § 2 ch 31 SLA 1963; am §§ 2, 3 ch 75 SLA 1964; am § 1 ch 83 SLA 1966; am § 2 ch 32 SLA 1968; am § 1 ch 4 SLA 1972; am §§ 1, 2 ch 180 SLA 1972; am §§ 2, 3 ch 82 SLA 1974; am § 1 ch 198 SLA 1976; am §§ 1, 2 ch 268 SLA 1976; am §§ 1, 2 ch 73 SLA 1979; am § 2 ch 19 SLA 1980; am §§ 1, 2, 4 ch 57 SLA 1980; am §§ 16, 17 ch 94 SLA 1980; am §§ 1—6 ch 40 SLA 1982)

**Effect of amendments.** — The 1979 amendment, in subsection (a), substituted "\$5,600" for "\$3,600" in subparagraph (B) of paragraph (5) and added paragraph (20).

The first 1980 amendment deleted "(permit required north of Yakutat only)" following "sport fishing permit" near the

beginning of paragraph (20) in subsection (a).

The second 1980 amendment added subparagraph (O) of paragraph (a)(16), inserted "big game" at the beginning of paragraph (a)(18), substituted a colon for "for bear, brown or grizzly, each . . . 25"

near the beginning of paragraph (a)(18), and added subparagraphs (A) and (B) and the last sentence in paragraph (a)(18), and repealed paragraph (a)(19).

The third 1980 amendment transferred the former last sentence of subsection (b) to the end of paragraph (9) of subsection (a).

The 1982 amendment, effective January 1, 1983, in subsection (a)(6) substituted "14-day" for "10-day" in paragraph (A) and substituted "three-day" for "one-day" in paragraph (B). The amendment also increased the fees in paragraphs (6), (7), (9) and (16) of subsection (a) and repealed subsection (a)(20), which read: "(20) King salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Salmo gairdneri*) sport fishing permit . . . . . 5 A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout

sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge." Further, the amendment, in subsection (d), inserted "one-half of" preceding "the nonresident rate."

Editor's notes. — As enacted, § 1, ch. 21, SLA 1982, added a second sentence to paragraph (a)(4) of this section. This new material, however, was transferred and renumbered as AS 16.05.341 by the revisor of statutes pursuant to AS 01.05.031.

This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

**Sec. 16.05.341. Free license for disabled veterans.** [Effective January 1, 1983] A person may receive a resident hunting and sport fishing license (AS 16.05.340(a)(4)) without charge if the person

- (1) has been discharged from military service under honorable conditions;
- (2) is eligible for a loan under AS 18.56.101; and
- (3) is certified by the United States Veterans' Administration as having incurred a 50 percent or greater disability during military service. (§ 1 ch 21 SLA 1982; AS 16.05.340(a)(4))

Revisor's notes. — This section was enacted as the second sentence of AS 16.05.340(a)(4) but was renumbered by the revisor of statutes under AS 01.05.031.

Effective dates. — Section 2, ch. 21, SLA 1982, makes this section effective January 1, 1983.

**Sec. 16.05.345. Musk oxen.**

Repealed by § 4 ch 57 SLA 1980.

Revisor's notes. — Section 3, ch. 57, SLA 1980, repealed and reenacted this section; however, the repeal was moved to § 4 of ch. 57 by the revisor of statutes and the

language enacted by § 3 of ch. 57 was renumbered as AS 16.05.346.

Editor's notes. — The repealed section derived from § 1 ch. 20 SLA 1969.

**Sec. 16.05.346. Permit applications.** (a) If the Board of Game declares an open season for musk oxen and has not reduced or eliminated the \$500 resident tag fee under AS 16.05.340(a)(18), the department shall conduct a drawing for permits to take the musk oxen. If the Board of Game declares an open season for musk oxen for which the Board of Game has reduced or eliminated the resident tag fee, the department shall issue permits to take the musk oxen in the order in

which appl eligible for may not ch open season resident tag cation fee f (b) Excep fee for all s ch 57 SLA

Revisor's r from AS 16 reenacted by

Sec. 16. and tags. appointed 16.05.380

(1) retail or 25 cents (2) comp during the (b) Each shall, as d ceeds from to be retail for deposit under AS manner.

(c) On 1 year the earned by exceeds \$ than 30 d. If the cor compensa in which compensa tags for v required

(d) Con priations

(e) Th employe 16.05.38 ch 131 S § 3 ch 2

from H. Res.

Difference between Resources CS and Finance CS

On line 11, following the word "regulation," the Finance CS adds the words "effective for not more than one year." The purpose of this amendment, which was proposed by the Representative from Kodiak, is to ensure that the Board reviews its decisions to reduce or eliminate tag fees on at least an annual basis.

In conversation with Bob Hinman, Director of the Division of Game, it was clear that the wording of the amendment would not present any impediment to the purpose of the bill.

Alaska's game management is currently one of the most public-participation-oriented in the nation. This proposal would use that system of local advisory committees to best advantage, by giving the Game Board one more very important tool to manage predation by bear, on a unit by unit basis, as advised by the committees and department personnel.

Difference Between Original HB 118 and Resources CS:

The language in the original bill restricts the Board of Game to "conservation and development of bear resources" in any decision to lift the \$25 fee, when, in fact, the problem is conservation and development of moose resources.

The predation on moose calves by brown and grizzly bears has become an enormous problem in some game management units.

It only makes sense that if we expect the Board to be made up of thinking individuals, experts in their fields, that they can be given the discretion to decide when, where and why to lift the tag fee.

In addition to being less semantically restrictive on the Board, the Resources Committee substitute is more consistent with the language currently in statute immediately following, which deals with the tag fee for musk oxen.

AS 16.05.340 (a)(18)(B)

§ 16.05.340

ALASKA STATUTES SUPPLEMENT

§ 16.05.340



(B) Musk oxen, each ..... \$500  
However, the Board of Game may by regulation reduce or eliminate the fee for a resident big game tag for musk oxen for an open season.

(19) Repealed by § 4 ch 57 SLA 1980.

(20) [Repealed effective January 1, 1983] King salmon (oncorhynchus tshawytscha) and steelhead trout (Salmo gairdneri) sport fishing permit ..... 5

A person who possesses a 25-cent license under (1) or (5) of this subsection may receive a king salmon and steelhead trout sport fishing permit without charge. A king salmon and steelhead trout sport fishing permit is nontransferable and must be signed by the bearer before use. The permit shall be used in conjunction with an appropriate sport fishing license. A person exempted from licensing under AS 16.05.400 may obtain a king salmon and steelhead trout sport fishing permit without charge.

(b) The commissioner of fish and game may issue without cost a permit to collect fish and game, including fur animals, subject to the limitations and provisions he considers appropriate, for scientific, propagative, or educational purpose. In addition, the commissioner may issue a permit for (1) the collecting of wild fur animals for fur farming, or (2) the recapturing of fur animals that have escaped from fur farms. The annual fee for a permit for collecting fur animals for fur farming purposes is \$100.

(c) The commissioner of revenue may issue a duplicate license or a duplicate tag as a replacement for a license or tag issued under (a) of this section. A fee of \$2 shall be charged for each duplicate license or tag and the duplicate shall not be issued unless the commissioner of revenue or his delegate is satisfied that the original has been lost or destroyed. This subsection does not apply to a 25-cent license issued under (a)(5) of this section.

(d) [Effective until January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at the nonresident rate, under (a)(16) of this section.

[Effective January 1, 1983] Members of the military service on active duty who are permanently stationed in the state, and their dependents, who do not qualify as residents under AS 16.05.940(14), may obtain special nonresident military small game and sport fishing licenses at the rates for resident hunting and sport fishing licenses, but may not take a big game animal without previously purchasing a regular nonresident hunting license and a numbered, nontransferable appropriate tag, issued at one-half of the nonresident rate, under (a)(16) of this section.

*Open - means State wide  
unit by unit basis*

January 24, 1983

Representative Dick Schultz  
State Capitol Building  
Juneau, Alaska 99801

Dear Dick:

On January 5, 1983 the Tok Cutoff-Nabesna Road Advisory Committee met in a general meeting to discuss hunting regulations. There were several things discussed with two of them pertaining to you.

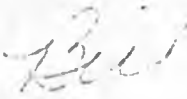
#1 We would like to see legislation written and passed that would control or rather stop harrassment of hunters, trappers, and fishermen. We would be able to carry on our life-style without harrassment from the "greenies".

#2 We would like to see legislation written and passed that would eliminate the \$25 trophy tag for resident grizzly/brown bear hunters. We believe the State is rich enough without charging its residents a \$25 fee.

Our committee will be meeting within a few weeks and correspondence from you would be appreciated. I would like to be able to tell the folks something about these two items.

Good luck and if there is anything I or this committee can do to help, please let me know.

Sincerely,

  
Bill Ellis, Chairman  
Tok Cutoff-Nabesna Rd. Advisory Committee  
S. P. Box 360  
Gakona, Alaska 99586  
907/822-3426

Reasoning behind the proposed CS for HB 118

The committee substitute is very simply better language, that gives the Board of Game the option of lifting the \$25 tag fee, should they decide it is in the best interest of resource management to do so.

The language is also more consistent with that used for the same purpose regarding musk oxen tags, in AS 16.05.340(a)(18)(B).

*passed  
ind rec.*

First of all this legislation is a management tool only.

It provides for the local advisory board to have input into and more to say about this particular problem.

The board will not simply waive the fee upon request but will determine if the problem is in fact substantiated and base their decision accordingly.

This legislation will have little or no impact on the sports hunter, but addresses rather the opportunity for local residents to control bears that are becoming a menace in certain areas.

With the overpopulation of bears in several hunting units - the risk to human life and unprovoked attacks become more eminent.

The moose population is on a drastic decline in these areas and it is directly attributed to the overpopulation of bears. As you know this has a detrimental affect on the primary food source in the rural villages.

As the food supply becomes more and more scarce for the bears they begin to move closer to communities and feed from the garbage dumps. As a result of this, community members and local residents become concerned about their families and of the many children that walk to and from school.

I'll give you an example of what happens every year in rural Alaska. A bear begins hanging around someone's house and they shoot the bear. Well first of all, they are immediately in violation unless the bear was charging. So the person either gets into town and buys a permit, returns home, tags the bear, then takes it back into Fish and Game and has it tagged by them or he can simply go in and have the bear tagged and lie about how it happened. Violator or liar is the consequence.

We are not talking about <sup>devastation</sup> ~~devastation~~, destruction, or annihilation, but sound, logical control of the bear population by the local residents of a particular area.

If you lived in Anchorage and a bear wandered onto a school ground or into a residential area you would immediately hear a tremendous outcry from the citizens in that area. Because of the sensationalism of such a happening (which does in fact happen quite frequently in rural Alaska) the people would be out in mass to corner the critter and probably <sup>shoot</sup> ~~shoot~~ him with a tranquilizer. So the problem is solved for them. After doing that they would study the bear to determine why he was so foolish.

The next thing that would probably happen is that the bear would be transported into my area that is already overpopulated with bears.

Of course this should be of no consequence as the masses have been protected at the expense of a few ruralites.

The rural resident if the fee is waived still has to abide by all the rules and regulations of the State including having a license -- and tagging the bear.

In rural Alaska it is not just a matter of running down town and buying a bear tag. If you see a bear that is becoming a nuisance and possibly dangerous, by the time you go to wherever you have to go to buy the permit, sometimes a hundred miles or more, you have defeated the purpose.

While you were gone the bear broke into your home causing several hundred or thousands dollars worth of damage. You are legal but the bear didn't wait for you to get back.

To the eloquent Representative from Juneau I would suggest that he manage the bears in Juneau and leave the management of bears in rural Alaska to the people attuned to the situation.

I personally have confidence in the ability of the citizens of a particular area or of the State to determine what is best for them.

# Alaska State Legislature

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



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

## Senate Committee on Resources

TO: Senate Resources Committee  
FROM: Senate Resources Committee Staff  
RE: March 16, 1983 Committee Hearing  
DATE: March 14, 1983

---

On Wednesday, March 16 at 3:00 p.m. in the Beltz Room the Resources Committee will hear the following four bills:

### SB 101 RELATING TO THE ISSUANCE OF CITATIONS FOR FISH AND GAME VIOLATIONS.

Sec. 1 would give peace officers the authority to issue citations for fish and game misdemeanors under a procedure similar to the issuance of traffic citations. The supreme court is to identify the minor misdemeanors that are appropriate for disposition without court appearance and establish a schedule of bail amounts.

Sec. 2 generally exempts persons who have been convicted of two or more fish and game misdemeanors from the mandatory license forfeiture required by current statute. However, it allows a peace officer to petition the district court to seek an offender's license revocation.

The intent of SB 101 is to expedite the enforcement procedure by reducing court loads. Among the attachments is a list of recommended changes to SB 101 given to us by the Alaska Court System. These recommendations will be discussed at the hearing.

### SB 138 CONTINUING THE GUIDE LICENSING AND CONTROL BOARD, AND AUTHORIZING THE BOARD TO LICENSE MARINE MAMMAL GUIDES.

Sec. 1 would extend the life of the Guide Licensing and Control Board through FY 86. The Guide Board is currently scheduled to sunset June 30, 1983. An extension was recommended by the Budget

and Audit Committee in their December 1981 review of the Board.

Sec. 2 authorizes the Board to establish qualifications, set license fees, and issue licenses for marine mammal guides. While most agree that the Board probably already has the authority to regulate marine mammal guides, there have been some questions raised, and the amendment is designed to clarify this authority. The amendment might also assist the State in the return of management to the State from the federal government of some marine mammal species by clarifying and emphasizing its management authorities for marine mammals.

A similar bill passed the Resources Committee and both the Senate and the House last session, but was vetoed by the Governor because of a section relating to Board regulations (see attachments). This section is not in the current bill:

#### SB 139 REPEALING THE LICENSING OF BIG GAME TRANSPORTERS

This bill would repeal the licensing of big game transporters. The Budget and Audit Committee recommended the repeal after finding that the transporter laws are not needed to protect the safety of the public or manage the game resources.

#### CSHB 118 RELATING TO A BROWN AND GRIZZLY BEAR TAG FOR A RESIDENT.

This bill would allow the Board of Game to reduce or eliminate the \$25 fee for a resident brown or grizzly bear big game tag for a game management unit for a period of up to one year. This would provide the Board with a management tool for controlling the bear population in certain areas by encouraging the taking of bear incidental to hunting of other animals.

It is hoped that, after hearing testimony, action could be taken by the Committee on one or more of these bills.

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Committee Substitute for House Bill 118  
 Title Brown and Grizzly bear tag fee for residents  
 Requested by House Resources Date 2/04/83

II. FISCAL DETAIL

Agency Affected Department of Fish and Game  
 Program Category Affected Game Resource Conservation IRMEC  
 BRU, Program, Or Subprogram(s) Affected Division of Game  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

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

This proposal would result in a reduction of fish and game tag receipt revenues ranging from zero to \$4,000. No other fiscal impact.

At Resources Committee meeting of 2/04/83, ADF&G indicated the impact would be zero.

IV. DATE February 4, 1983 PREPARED BY John Rinestad, Chairman

AGENCY \_\_\_\_\_

Original: Legislative Finance

PHONE \_\_\_\_\_

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

REC 3-29-83

I. REQUEST

Bill/Resolution No.: SCSCSHB 118 (Res)  
 Title: "Act relating to a brown & grizzly..."  
 Sponsor: Senate Resources  
 Requestor: Senate Finance

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: FWP  
 BRU, Program of Subprogram(s) Affected: Fish & Wildlife Protection

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 36	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis No fiscal impact anticipated

Prepared By: Col. Robert J. Stickles, Director Phone: 269-5532  
 Division: Fish & Wildlife Protection Date: \_\_\_\_\_

Approved by Commissioner: [Signature] Date: 3/25/83  
 Department: Public Safety

Distribution:

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

3/8/83

# STATE OF ALASKA

**DEPARTMENT OF PUBLIC SAFETY**  
**DIVISION OF FISH & WILDLIFE PROTECTION**

**BILL SHEFFIELD GOVERNOR**  
**ROBERT J. SUNDBERG**  
**COMMISSIONER**

P. O. BOX 6188, ANNEX  
ANCHORAGE, ALASKA 99502

January 31, 1983

*Rec'd  
Feb 4 '83*

Representative John Ringstad  
Chairman, House Resources Committee  
State Capitol  
Pouch V  
Juneau, AK 99811

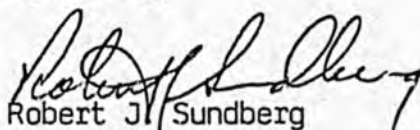
Dear Representative Ringstad:

I would like to present the following position which the Division of Fish and Wildlife Protection, Department of Public Safety holds with regard to House Bill 118 under proposal:

HB 118 - Support

This will increase the incidental take of brown/grizzly bear in selected areas and assist in meeting species management plan.

Sincerely,

  
Robert J. Sundberg  
Commissioner

pass 17-1  
6-10-83

HB 118 RELATING TO A BROWN AND GRIZZLY BEAR TAG FEE FOR A  
RESIDENT.

THERE IS A SENATE RESOURCES COMMITTEE SUBSTITUTE (CHANGES  
HIGHLIGHTED ON ATTACHED COPY OF BILL).

GENERALLY:

Would allow the Board of Game to eliminate the resident brown  
or grizzly bear tag and \$25 fee for a game management  
unit or a portion of a game management unit. This would  
be done by regulation effective for not more than 1 year.

INTENT:

To provide the Board with a management tool for controlling the  
bear population in certain areas by encouraging the taking  
of bear incidental to hunting of other animals.

The bill has the support of the Department of Fish and Game.

Offered: 2/15/83  
Referred: Rules

Original sponsors: Shultz and Liska

1 IN THE HOUSE Resources  
2 BY THE ~~FINANCE~~ COMMITTEE  
3 SCS FOR HOUSE BILL NO. 118 Resources  
4 IN THE LEGISLATURE OF THE STATE OF ALASKA (Finance)  
5 THIRTEENTH LEGISLATURE - FIRST SESSION  
6 A BILL  
7 For an Act entitled: "An Act relating to a brown and grizzly bear tag fee  
8 for a resident; and providing for an effective date."  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
10 \* Section 1. AS 16.05.340(a)(18)(A) is amended to read:  
11 (A) Bear, brown or grizzly, each.....25  
12 The Board of Game may, by regulation effective for not more than  
13 one year, [reduce or eliminate the fee for a resident brown or  
14 grizzly bear big game tag for a game management unit]  
15 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
10.070(c).

REPLACE PHRASE IN BRACKETS WITH:

"eliminate the resident brown or grizzly bear tag and fee  
for a game management unit or portion thereof."





Senate  
Resources Committee

Special Business  
Senator Bettye Fahrenkamp  
Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811

March 16, 1983  
4:05 p.m.

Beltz Room 211

MEMBERS PRESENT

Senator Fahrenkamp  
Senator Ziegler  
Senator Eliason

Senator Paul Fischer  
Senator Mulcahy  
Senator Sturgulewski

- SB 138 - An Act continuing the Guide Licensing and Control Board, and authorizing the board to license marine mammal guides; and providing for an effective date.
- SB 139 - An Act repealing the licensing of big game transporters.
- SB 101 - An Act relating to the issuance of citations for fish and game violations
- CSHB 118 - An Act relating to a brown and grizzly bear tag fee for a resident; and providing for an effective date.

The Committee heard testimony on the above bills.

SB 101 - Stephanie Cole, Deputy Director of the Alaska Court System testified in support of SB 101 with some technical and minor changes. These changes have been incorporated into the Committee Substitute.

Bob Stickles, Department of Public Safety, testified in support of SB 101.

Dennis Kelso, Acting Deputy Commissioner of Fish and Game testified in support of SB 101.

Gale Horetski, State of Alaska Department of Law, spoke in support of the Committee substitute with the letter of intent.

Senator Mulcahy expressed concern that only true "minor" violations be covered. The Chairman directed staff to meet with Administration officials to develop a list of violations in the letter of intent as examples to guide the work of the courts in implementing the bill.

Senator Sturgulewski moved the adoption of the letter of intent and asked unanimous consent.

Senator Sturgulewski moved the acceptance of the Committee Substitute. She then moved SB 101 with individual recommendations.

CCHB 118 - Representative Dick Shultz, Representative from District 17 testified in support of CCHB 118.

Bob Hinman, Department of Fish and Game testified in support of CSHB 118. Committee discussion resulted in changing the wording on line 11 to read "The

Board of Game may by regulation effective for not more than one year eliminate the resident tag and fee for brown or grizzly bear for a big game management unit or portion thereof."

Senator Eliason moved and asked unanimous consent for adoption of the committee substitute. He then moved the committee substitute and asked unanimous consent. There were no objections.

SB 138 and SB 139, Mark Jensen, Guide Board Representative, gave background information and spoke in support of the two bills.

The following people also spoke in support of SB 138 and SB 139: Harry Traeger, Department of Commerce; Colonel Stickle, Department of Public Safety; Bob Hinman and Dennis Kelso, Department of Fish and Game; Kelly Vrem; Hank Hankered; Rod Coburn; Butch Hautanen; F. W. Ingledve; Ray McNutt; Jim Kufuie; Clark Engle; Ron Somerville; Phil Driver; and Keith Johnson.

Senator Mulcahy moved and asked unanimous consent that SB 138 and SB 139 be moved from committee with individual recommendations. There were no objections.

Meeting adjourned at 5:40 p.m.

HB

130

# 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

June 10, 1983  
3:10 p.m.

Beltz Room  
Room 211, Capitol

---

#### MEMBERS PRESENT

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

---

#### CALENDAR

- HCR 31- Relating to protection and preservation of the Kenai River.
- SB 43 An Act granting homesteads to Alaska citizens; and providing for an effective date.
- SB 102 An Act relating to homesteads; and providing for an effective date.
- HB 130 An Act relating to homesteads; and providing for an effective date.
- HCR 37 Relating to an economic development policy.
- HCR 27 Requesting the state to collect and use information on trapping for land use planning and land disposal.

---

#### HCR 31

Representative Fritz, sponsor of HCR 31, explained why the resolution is needed and urged its passage.

Senator Gilman supported the bill, and pointed out that the resolution will not solve the problems of the Kenai River, but will more succinctly identify them.

There was discussion of fiscal notes, the need for a Senate letter of intent, and regulatory power.

Jay Hogan, director of the Office of Management and Budget Governmental Coordination, said the Administration supports the resolution and stated that necessary work could be done between departments with existing funds.

Randy Bayliss, Department of Environmental Conservation, supported the intent of the resolution.

Senator Fahrenkamp said the bill would be held until Monday, 6/13.

#### HB 130, SB 43, and SB 130

Sharon Barton, Department of Natural Resources, explained how a homestead program would fit in with current land disposal programs offered by the State. She addressed the provisions of the proposed committee substitute for HB 130, and recommended a lottery be used to limit the number of stakers in some areas.

Doug Woodby, Alaska Environmental Lobby, encouraged study of whether a homestead program is necessary and urged a restriction on conveyance to limit speculation.

#### HCR 37

Dave Gray, Resource Development Council, supported the resolution.

Senator Sturgulewski moved to report HCR 37 out of committee with individual recommendations. The motion passed without objection.

#### HCR 27

Senator Fahrenkamp said HCR 27 would be held over until Monday.

The meeting was adjourned at 4:00 p.m.

HOMESTEAD BILL SUMMARY

Prepared 4/4/83  
Amended 4/15/83

	SB 102 Governor	CSHB 130 (Res) Passed out of House Resources 3/29/83	CSHB 130 (Fin) Passed out of House Finance 4/14/83
Method of Disposal	Lottery, over-the-counter designated parcels	Staking	Strike corners and flag boundaries
Parcel Size	160 acre maximum	40-160 acres	2.5-160 acres
Fee	\$500/\$400 refund	\$5 per acre	\$5 per acre
Survey Required	Within 18 months	Within 2 years	Within 2 years
Build Habitable Dwelling	Within 3 years, with fixtures/facilities required, customary	Within 3 years, with fixtures/facilities required, customary	Within 3 years, with fixtures/facilities required, customary
Occupy the Land	None	25 months within 5 years	25 months within 5 years
Clearing Required	25% in 5 years, and put into production or prepare for cultivation	Must brush boundaries within 30 days	Must brush boundaries within 90 days
Nature of Patent Issued	Ag. rights patent	Surface estate patent	Surface estate patent
Applicant Qualifications	age 18, 1-year resident; only one homestead	age 18, 1 year resident, only one homestead	age 18, 1-year resident, only one homestead
Comments:	Provides for AMFC construction loan for veterans.		



Not adopted



25 mi  
out  
8  
5 years

SCS for CS for HB 130 (Res)

AMENDMENT

by Vic Fischer

page 5, line 11.

Add new subsections:

(d) A patent to homestead entry land not purchased under 38.09.090 shall contain the following conditions:

(1) the land may not be sold, leased, or otherwise conveyed before five years after the date that the patent is issued except under the provisions of AS 38.09.030(c); and

(2) the land may not be subdivided before five years after the issuance of patent.

(e) A patent to homestead entry land purchased under 38.09.090 shall contain the following conditions:

(1) the land may not be sold, leased, or otherwise conveyed before ten years after the date that the patent is issued except under the provisions of AS 38.09.030(c); and

(2) the land may not be subdivided before ten years after the issuance of patent.

page 6, after line 4

Delete the language after "commissioner." through "patent." before line 6.

The effect of this amendment would be to change the prohibition against sale or subdivision of purchased land from five to ten years and to prohibit sale or subdivision of land gained through "sweat equity" for five years. This would help discourage speculation.

HB 130

A M E N D M E N T

Offered in the HOUSE

By Bettisworth

TO:

"\* Sec. . AS 38.05 is amended by adding a new section to read:

Sec. 38.05.064. SALE OF SMALL CABIN SITES. A person who has acquired rights to a small cabin site on state-owned land under existing law for hunting, trapping, mining or prospecting, recreational, or other use before January 1, 1980 may request the commissioner to issue a patent to not to exceed one acre of the land occupied by the cabin and surrounding it. A person may exercise rights under this section only if the law under which the rights to the cabin were acquired does not also authorize the issuance of a patent. The commissioner may require, if necessary, the completion of a survey of the land at the expense of the person possessing the rights to the small cabin site. The commissioner shall issue a patent on the completion of a survey satisfactory to the commissioner and the payment to the commissioner of the amount determined by the commissioner to equal the fair market value of the land."

If the committee needs to act on the bill, the approach that makes best sense to me is to amend it so that the homesteads are clearly for agricultural use, as an alternative to the ag development projects. Arguments can be made that it makes sense to give away 160 acres of land in exchange for "sweat equity" in developing a farm; this would result in less subsidy than the present system of selling very large acreages at nominal prices and then piling on million-dollar loans.

Of course, the very basic issue of whether we need a homesteading program at all should be discussed. What signals does "free land" send Outside, compared to PF dividends? What needs are not being met by the existing disposal programs? Is "homesteading" not a romanticized concept which results in land destruction and dashed dreams? Does giving away land in large acreages, in so random a fashion, serve the best interests of Alaskans? Should we not take the time to learn some lessons from our existing disposals (conflicting uses, loss of habitat, poor quality or totally unsuitable land being disposed of for ag or homesites, loss of lands for public use-- state forests and marine parks, conflicts with subsistence uses)?

These are the main issues, as I see them, and some suggestions:

1. Rights conveyed-- ag or all surface. This hinges on the question of whether homesteading is for ag use or just a windfall that a person can use for speculation purposes. Suggestion-- ag only. This

restriction should include clearing and production requirements, restrictions to ag soils, and provisions discouraging speculation-- such as you can't sell for x years, if you do you pay the state the market value of the land less your improvements.

2. Staking or lottery. Staking is part of the romantic vision but results in overstaking, odd shaped pieces, access and easement problems, confusion, etc. Suggestion-- lottery.

3. Size. 160 acres is OK for ag-- too much otherwise.

4. Occupancy and dwelling requirements. Again, is the intent that the owner live on the land and do something with it or just get a windfall? Requiring ag use pretty much moots the occupancy question (unless you worry about share cropping). Requiring x months/year encourages summer homes, seasonal (e.g. oil) workers. Requiring a dwelling encourages on-site living but also something shoddy.

5. Applicability of land classification/use statutes. Any homestead program should be in accordance with related statutes in 38.04 and 38.05. None of the bills now do this.

# Tanana Chiefs Conference, Inc.

Doyon Building  
201 First Avenue  
Fairbanks, Alaska 99701  
Phone (907) 452-8251

May 19, 1983

The Honorable Betty Fahrenkamp  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

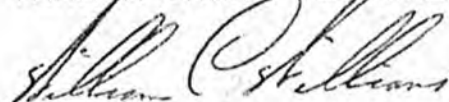
The Tanana Chiefs Conference has some specific concerns about the homesteading bill, HB 130:

1. We would like homestead disposals to be covered under the existing disposal statutes and regulations rather than create additional disposal programs. This is not entirely clear in HB 130 language.
2. Following the terms of the remote parcel system, we would like to see a 10-year restriction on subdivisions. This provision is critical in terms of discouraging speculation. Considering all the problems associated with current subdivision disposals, a multitude of private subdivisions could really wreck havoc with local economics and social structures. Obviously, those subdivisions would not have agency or public review.
3. A clearing requirement on parcels of non-agricultural quality would be quite disruptive to wildlife habitat, as well as nonsensical. If additional sweat equity is desired on those parcels, perhaps requirements such as the ones for federal trade and manufacturing sites would be appropriate.
4. Agricultural entries should have some sort of soil requirement such as 50% Class II-III soils.

We strongly urge you to incorporate these concerns in any homestead bill passing out of your committee.

Sincerely,

TANANA CHIEFS CONFERENCE, INC.



William C. "Spud" Williams  
President

WCW:LJ/1155m

cc: John Sackett

136n1

MAY 23 1983

Senate Resources Committee

HB 130

Amendment 1

Sec. 38.09.010 (a) delete all and insert:

The commissioner shall classify for agricultural use and make available for homestead entry state land in accordance with AS 38.04 and AS 38.05.

Rationale

This amendment makes two changes. First, the purpose of homestead disposal will clearly be for agricultural uses rather than a remote parcel or homesite disposal. This is a more responsible dispensation of public trust lands than is the undirected give-away proposed in the current bill. Second, language requiring land to be disposed throughout the state is deleted. This would be an undue constraint given the limited distribution of productive agricultural soils. Additionally, disposal of lands in rural Alaska, as in western and northwestern sectors, may create user conflicts with existing subsistence uses.

Amendment 2

Sec. 38.09.010 (c) a new section, insert:

Land designated for homestead entry shall have at least 50% of the surface area of soil classes II - III as defined by the U.S. Soil Conservation Service.

Rationale

This limits disposal to those lands of known agricultural potential and will serve to restrict the majority of disposals to areas already experiencing development.

Amendment 3

Sec. 38.09.020 (a) A homestead entry permit entitles an applicant to enter land within a designated parcel and to survey, occupy, and improve the land in order to qualify for [A] an agricultural rights patent pursuant to AS 38.05 [UNDER THIS CHAPTER].

Sec. 38.09.050. ISSUANCE OF PATENT. (a) The commissioner shall issue [A] an agricultural rights patent to homestead entry land if the permit holder....

Rationale

This limits the rights conveyed to agricultural only in keeping with the agricultural intent of homesteading.

Sec. 38.09.050 (4) clears and puts into production for cultivation 25 percent of the land within five years after the date of issuance of the homestead entry permit.

#### Rationale

This provision would assure that each homestead parcel was actually used for agricultural purposes, as intended by this legislation.

Amendment 4

Sec. 38.09.020 (b) [AN APPLICANT FOR A HOMESTEAD ENTRY PERMIT SHALL STAKE THE CORNERS AND FLAG THE BOUNDARIES OF THE LAND ENTERED AND SHALL FILE WITH THE COMMISSIONER A DESCRIPTION OF THE LAND ENTERED] The commissioner shall issue homestead entry permits either by lottery or in order of application. Simultaneous applications shall be determined by lottery. A homestead entry may not exceed 10 percent of the total acreage of a parcel of state land made available after the effective date of this Act. A homestead entry shall be described by aliquot parts and may not be less than 2 1/2 acres or greater than 40 [160] acres.

Rationale

This replaces claim by staking with selection by lottery to prevent over staking, odd shaped parcels, and litigation associated with staking, as well as to protect easements and to control land use. The maximum size of each homestead is decreased to a reasonably adequate acreage.

Amendment 5

add a new section:

Sec. 38.09.100(?) RESTRICTIONS. (a) A grantee of homestead entry land may not convey title to the land for 20 years after a grant of patent under AS 38.05.440 except by testate or intestate succession.

(b) For a period of 99 years following grant of patent, upon conveyance of the homestead land or parts thereof, except for conveyance by testate or intestate succession, the grantee or person who has received title under (a) shall pay to the state the full appraised market value of the conveyed land, exclusive of all improvements to the land, including but not limited to structures, wells, roads, and clearings.

Rationale

This inhibits speculation via resale and protects the interests of the state which is disposing of the land to encourage homesteading. Section (b) provides for repayment of the land's value to the state should the land be sold, yet allows the seller to reap full benefits from any improvements to the land.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M  
JUNEAU, ALASKA 99811  
PHONE: 465-2400

June 2, 1983

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

Dear Senator Fahrenkamp:

We have been asked for a statement regarding the Committee Substitute for House Bill 130 (Finance), which is now before the Senate Resources Committee. While we were pleased with the improvements made on the bill in the House Resources Committee, there are two or three areas of remaining difference between the Administration recommendations on a homestead program and the current version of the bill. We appreciate the opportunity to comment on these differences.

1. CSHB 130 provides for a homestead program by staking. We recommend that the department be allowed the flexibility to offer homestead by staking or by lottery. While we would envision offering most homestead areas by staking, such a lottery provision would provide the opportunity to offer a more orderly disposal in areas where we expect very high demand.

2. The current proposed legislation authorizes parcels ranging in size from 2 1/2 acres to 160 acres with very little flexibility for the department to regulate the parcel size or density of staking. We recommend that, in the interest of good land management, the flexibility be given to the department to regulate both parcel size and density.

3. The bill currently envisions a maximum parcel size of 160 acres regardless of proposed use. We believe that a maximum size of 160 acres is appropriate on lands with agricultural potential. However, it does not seem to be a good balance of State resources to offer parcels of 160 acres at no cost for individual residential or recreational

The Honorable Bettye Fahrenkamp  
Page 2  
June 2, 1983

use. The department recommends a maximum size of 40 acres for residential or recreational parcels, which is the current maximum acreage in the remote parcel program, and a maximum of 160 acres for areas classified as agricultural. The "sweat equity" requirement on those larger agricultural parcels might then include an additional clearing requirement.

4. The bill requires cadastral survey at pivot points on the area boundary, which will result in lower cost to the State on the front end and increased cost to the applicant as individual parcel boundaries are surveyed. While we do not object to passing the survey cost on to the applicant, State survey of the current statutory minimum (i.e. 2-mile monumentation) will result in substantial savings in administrative costs and will serve the State and private development interests in the future. Furthermore, once a surveyor is mobilized in an area, additional points are relatively cost effective to place as part of an original survey.

To clarify the zero fiscal note, it should be noted that the department would view a homestead program as another method of disposing of state land within our current land disposal program. The cost of administering the program would be covered by the current appropriation to DNR for land disposal. Therefore, the department will be required to reduce offerings by other land disposal methods in order to absorb the cost of the homestead program.

As you know, the Administration supports the homestead concept, and we look forward to working with Senate Resources toward a workable program. We are available to testify at your convenience and offer other assistance as needed.

Sincerely,



Esther C. Wunnicke  
Commissioner

cc: Emil Notti, Legislative Assistant  
Office of the Governor

Tom Hawkins, Director  
Div. of Land & Water Management