

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2


3601 HRES SCR 24 - SJR 14 47



# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

SCR

24

# Alaska State Legislature

REPRESENTATIVE  
ADELHEID HERRMANN

P. O. BOX 63  
NAKNEK, ALASKA 99633  
(907) 246-4495

While in Juneau  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4942, 465-4943



CO-CHAIRMAN  
RESOURCES COMMITTEE

MEMBER  
TRANSPORTATION  
COMMITTEE

## House of Representatives

### MEMORANDUM

#### DISTRICT 26

ADAK  
AKUTAN  
ALEKNAGIK  
ATKA  
BELKOFSKI  
CLARK'S POINT  
COLD BAY  
DILLINGHAM  
DUTCH HARBOR  
EGEGIK  
EKUK  
EKWOK  
FALSE PASS  
IGIUGIG  
ILIAMNA  
KING COVE  
KING SALMON  
KOKHANOK  
KOLIGANEK  
LEVELOCK  
MANOKOTAK  
NAKNEK  
NELSON LAGOON  
NEWHALEN  
NEW STUYAHOK  
NIKOLSKI  
NONDALTON  
PEDRO BAY  
PILOT POINT  
PORT ALSWOOTH  
PORT HEIDEN  
PORT MOLLER  
PORTAGE CREEK  
SAND POINT  
SOUTH NAKNEK  
SQUAW HARBOR  
ST. GEORGE  
ST. PAUL  
TOGIAK  
TWIN HILLS  
UGASHIK  
UNALASKA

TO: Members, House Resources Committee

FROM: Representative Adelheid Herrmann, Co-Chair

DATE: January 22, 1986

SUBJECT: SCR 24/Pacific Fisheries Legislative Task Force

#### Purpose of the Resolution

The purpose of the resolution is to allow the Speaker of the House and the President of the Senate to appoint two members respectively from each body to serve on the newly forming Pacific Fisheries Legislative Task Force.

#### What is the Purpose of Task Force?

The purpose of the task force is to encourage communication between the legislators of fisheries states in the west that have common concerns for a shared resource. The task force will serve as an additional mechanism for western state legislators to inform Congress, and other federal, regional and international bodies of their position on fisheries issues and legislation.

#### Who is Involved in the Task Force?

The states of Oregon and California have passed resolutions to establish their participation in the Pacific Fisheries Legislative Task Force. A similar resolution has passed the first committee of referral in the state of Washington. Also, attending the two meetings of the Task Force with the expectation of passing similar resolutions were legislators from the states of Idaho and Hawaii. Senators Zharoff and Eliason attended from Alaska.

#### What are Some of the Issues the Task Force Might Address?

The issues addressed and positions taken by the Task Force have included: endorsement of the Dungeness Crab quality control program in Oregon, endorsement of the House version of the Magnuson Reauthorization Act, cosponsorship of a Seafood Quality Workshop in Oregon, endorsement of the

request for the weather station in Hawaii, endorsement of a salmon allocation agreement on the Klamath River, endorsement of a request to the North Pacific Fisheries Management Council to continue traditional fisheries on the Klamath, endorsement of a request that someone from the fishing industry sit on any technical committees addressing seabed mining, and, endorsement of a resolution on marine insurance.

#### How Does the Task Force Work?

The members elect a chairman, and this position is currently held by Senator Bill Bradbury of California. The group's bylaws have established that the Task Force is limited to meeting four times a year. The state of California has volunteered staff to help with the Task Force, and the Alaska Department of Fish and Game has indicated that they will be available to brief the Alaska members on issues addressed at the meetings. The next meeting will be held in Juneau on April 5-6, and the public is welcome to attend.

#### How Might Alaska Benefit from Participation in the Task Force?

Alaska stands to gain from the exchange of information and could benefit from the Task Force as a vehicle to make certain positions on fisheries heard in Washington, D.C. and abroad. However, the state might risk being out-voted on a small number of issues where Alaska does not agree with the other states. On the other hand, the Task Force might serve as a forum for coming to some kind of understanding on the issues where all the Pacific states do not see eye to eye. One way to make sure the state would not be at any risk, might be to urge the Task Force to adopt a policy of coming to a consensus before adopting any formal positions.

One example of issues about which the states have not always agreed is the terms of the US/Canada Salmon Treaty. However, Alaska has common interests with the other states on issues including OCS revenue sharing, fisheries development programs, and seafood marketing. The Task Force could serve as a useful forum for the legislators of one state to understand the problems faced by fishermen of other western states.

#### The Alaska Department of Fish and Game

The Alaska Department of Fish and Game recognizes the potential for this group and has indicated their willingness to help brief the Alaska membership on any resolutions awaiting action by the Task Force. The department did however point out the need for the Task Force to communicate with the agencies charged with fisheries management and allocation in order to ensure that their positions and those of the Task Force's are coordinated as much as possible.



SENATE OFFICE OF RESEARCH

Elisabeth K. Kersten, Director

October 11, 1985

Honorable Richard Matsuura  
Senator  
131 Halai Street  
Hilo, Hawaii 96720

Dear Dick:

I hope the Council of State Governments staff person got the information you needed on Sam Farr's Midway resolution, and that the council will have more success than we've had up to now with convincing the Navy to be reasonable.

I'm writing on behalf of the new Pacific Fisheries Legislative Task Force to invite you and any of your colleagues with an interest in fisheries to participate in the second meeting of the task force on Saturday and Sunday, January 18-19, 1986, in Monterey, California, in Sam's district.

The Alaska, California, Idaho, Oregon and Washington legislators who attended the first full meeting of the task force last month in Portland asked me to see that items of interest to Hawaii are included on the January agenda and that the Hawaii Legislature receives a special, early invitation to participate.

The task force is intended to be a mechanism for coordinating state legislative and administrative action, arriving at common positions, making the Pacific states' views known to federal, regional and even international bodies, and sharing information and ideas on matters of mutual concern. A copy of the agenda of the first meeting, and the interim bylaws adopted there, are enclosed. As you can see, the task force views its charge as broad enough to encompass commercial, sport and native fishing, seafood, and aquaculture.

Meetings will rotate among the participating states. The members also appear eager to meet in Washington, D.C., from time to time, perhaps beginning as early as the summer of 1986, to take Pacific fisheries concerns directly to Congress and federal executive-branch officials.

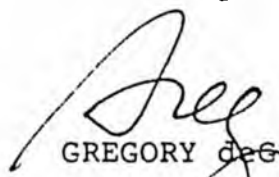
Among the items of possible interest to Hawaii on the Monterey agenda are marine insurance, ocean habitat issues, and the outlook for fishery legislation in Congress in 1986. On the last of those points, I expect we'll have reports from A.D. Chandler of the National Fisheries Institute, Lucy Sloan of the National Federation of Fishermen, and Lawrence Six of the Pacific Marine Fisheries Commission, to my knowledge the only Pacific fishery lobbyists in D.C.

The agenda is far from final, and other items or potential witnesses that you might suggest certainly could be added.

Please contact the task force chairman, Oregon Senator Bill Bradbury, P.O. Box 1499, Bandon, Oregon 97411, (503) 347-9614, or me, for any further information you need.

I hope to see you in Monterey.

Sincerely,



GREGORY deGIERYE

GD:bg  
Enclosures

cc: Honorable Bill Bradbury  
Honorable Fred Zharoff  
Honorable Sam Farr



SENATE OFFICE OF RESEARCH

Elisabeth K. Kersten, Director

October 11, 1985

Honorable Peter J. Apo  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Representative Apo:

Alaska Senator Fred Zharoff asked me to write you to invite the Hawaii House of Representatives, and you personally, to participate in the second meeting of the Pacific Fisheries Legislative Task Force on January 18-19, 1986, in Monterey, California.

The Alaska, California, Idaho, Oregon and Washington legislators who attended the first full meeting of the task force last month in Portland asked me to see that items of interest to Hawaii are included on the January agenda and that the Hawaii Legislature receives a special, early invitation to participate.

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Sincerely,



GREGORY deGIERYE

GD:bg

Enclosures

cc: Honorable Bill Bradbury  
Honorable Fred Zharoff



SENATE OFFICE OF RESEARCH

Elisabeth K. Kersten, Director

October 11, 1985

Honorable Henry H. Peters  
Speaker  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Representative Peters:

Alaska Senator Fred Zharoff asked me to write you to invite the Hawaii House of Representatives, and you personally, to participate in the second meeting of the Pacific Fisheries Legislative Task Force on January 18-19, 1986, in Monterey, California.

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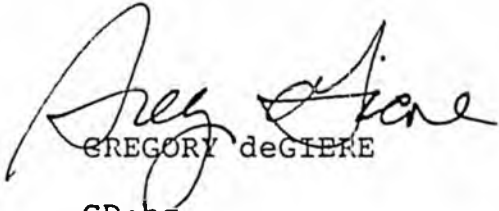
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Please contact the task force chairman, Oregon Senator Bill Bradbury, P.O. Box 1499, Bandon, Oregon 97411, (503) 347-9614, or me, for any further information you need.

I hope to see you in Monterey.

Sincerely,



GREGORY deGIERE

GD:sg  
Enclosures

cc: Honorable Bill Bradbury  
Honorable Fred Zharoff

BILL BRADBURY  
COOS, CURRY, DOUGLAS COUNTIES  
DISTRICT 24



Post Office Box 1499  
Bandon, Oregon 97411

OREGON STATE SENATE  
SALEM, OREGON  
97310-1347

October 7, 1985

Senator Fred Zharoff  
Mail Pouch V  
Juneau, Alaska

Dear Senator Zharoff:

I want to thank you for taking the time to attend our first Pacific Fishery Legislative Task Force meeting in Portland on September 17th and 18th. Your presence was valuable and I hope to see the Senate and House in Alaska become regular members of this Fishery Task Force.

Because of concerns expressed by you and members of the Idaho delegation, the Task Force did not take any action on the resolution that was before us and instead deferred action until we had more states as members to try to make sure that the Task Force represented a well balanced viewpoint.

It will probably be necessary for the Task Force's next meeting to be held on January 18th and 19th in Monterey, California because of prior scheduling commitments by California legislators and the desire to have our conference at the same time the West Coast Fish Wives meeting in Monterey. We will then probably have a third meeting sometime in the Spring and would hope to hold that meeting in Alaska to welcome our new members.

None of this is fixed and concrete and I would welcome any feedback you could provide about this arrangement. I hope it is acceptable to you, but I would certainly like to hear from you if it wasn't.

Again, thanks for attending our first meeting.

My best,

A handwritten signature in cursive script that reads "Bill Bradbury". The signature is written in dark ink and is positioned above the typed name.

Bill Bradbury, Chairman  
Pacific Fishery Legislative Task Force

PACIFIC FISHERIES LEGISLATIVE TASK FORCE  
c/o Senate Office of Research  
1100 J Street, Suite 650  
Sacramento, California 95814  
(916) 445-1727

December 13, 1985

TO: Members and potential members, Pacific Fisheries  
Legislative Task Force;  
Interested persons

FROM: Gregory deGiere, Consultant *Greg deGiere*

RE: Second meeting: January 18-19, 1986, Monterey, California

The second full meeting of the task force is scheduled 9 to 5 Saturday, January 18, and 9 to 12 Sunday, January 19, in the Colton Room, 3rd floor, Monterey Conference Center, One Portola Plaza (corner of Del Monte and Alvarado), Monterey, California. The first day of the meeting will be in conjunction with the Pacific Coast Fishermen's Wives Coalition.

The task force's tentative agenda calls for it to gather information and hear user-group and public concerns on the first day, then discuss and act on task force business (including any resolutions) on the second day. All sessions both days are scheduled to be open to the public.

The tentative agenda topics for Saturday include:

- Federal fishery-related legislation: review of 1985 and outlook for 1986.
- Fishery and seafood marketing and development.
- California salmon restoration report.
- 1986 salmon season.
- Marine insurance: possible federal and state legislation.
- Use of U.S. satellite technology by U.S. tuna fleet.
- Ocean habitat issues, including: oil and gas drilling; seabed mining; radioactive waste dumping; and toxic waste burning.

As with the task force's first meeting in August in Portland, some subjects may be added or postponed in the final agenda,

which the task force itself will adopt at the beginning of the meeting in Monterey. Those with subjects to suggest may contact the chair, Senator Bill Bradbury, P.O. Box 1499, Bandon, Oregon 97411, (503) 347-9614, or me.

User-group representatives and anyone else who wishes to speak on subjects on the tentative agenda should complete the enclosed registration form and return it to me; we'll try to arrange time on the final agenda. We'll also try to accommodate those not on the agenda, if time permits.

Those with resolutions for task force consideration should submit them to me by Friday, January 3, if possible, for distribution to task force members along with the draft final agenda before the meeting. Resolutions generally should be limited to subjects the task force discussed in Portland or will discuss in Monterey, and each resolution should cover a single subject.

The Doubletree Inn, next door to the conference center, will give us a rate of \$93.50 plus tax per room per night (compared with the usual rates of \$130 single and \$140 double) if and only if we give them a deposit in advance for the exact number of rooms. Anyone who wishes to take advantage of this rate needs to get a check to me for \$102.85 (including tax) for the first night by Friday, January 3.

Note for calendars: The third meeting of the task force is scheduled tentatively for Saturday and Sunday, April 5-6, 1986, in Juneau, Alaska.

I look forward to seeing you in Monterey.

SECOND MEETING

PACIFIC FISHERIES LEGISLATIVE TASK FORCE

REGISTRATION FORM

Saturday and Sunday, January 18-19, 1986

Colton Room

Monterey Conference Center

Monterey, California

NAME \_\_\_\_\_

Title (if any) \_\_\_\_\_

Representing (if anyone) \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

If time permits, I wish to present testimony on the following tentative agenda item or items:

\_\_\_\_\_  
\_\_\_\_\_

My state legislators are:

Senator \_\_\_\_\_

Representative (or Assemblyman) \_\_\_\_\_

The task force meeting will be open to the public, with no registration requirement. Those who wish to speak to the task force during the meeting should register; if time does not allow the task force to hear all who wish to testify, those who register in advance will be given preference.

Return as soon as possible to:

Pacific Fisheries Legislative Task Force  
c/o Office of Senate Research  
1100 J Street, Suite 650  
Sacramento, California 95814

A-Engrossed  
**House Joint Resolution 2**

Ordered by the Senate March 5

Including House Amendments dated February 1 and Senate Amendments dated March 5

Ordered printed by the Speaker pursuant to House Rule J2.00A(5). Pre-session filed (at the request of House Task Force on Fishery Resources)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs President of the Senate and Speaker of the House of Representatives to appoint, respectively, two Senators and two Representatives to serve on Pacific Fisheries Legislative Task Force.  
Prescribes operative date.

**JOINT RESOLUTION**

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Whereas fishing on the Pacific Coast plays a vital role in economic development; and  
Whereas there is an obvious need for developing means for protecting and fostering Pacific fishing so as to maximize yield while protecting the resource for future generations; and  
Whereas the subjects that require interstate cooperation are many and know no state boundaries; now, therefore,  
**Be It Resolved by the Legislative Assembly of the State of Oregon:**  
(1) The President of the Senate and the Speaker of the House of Representatives, joining with the presiding officers of other jurisdictions, shall appoint, respectively, two Senators and two Representatives to represent Oregon on the Pacific Fisheries Legislative Task Force, which shall operate as a clearinghouse for opinion from all the various interests involved in Pacific fishing and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions.  
(2) Participation in the activities of the task force by individuals appointed to represent the State of Oregon is subject to the following conditions:  
(a) Members may not attend more than four meetings in each calendar year.  
(b) Members must use existing staff personnel for administrative support work.  
(c) Members shall receive no compensation or per diem for service as a member, but may receive actual and necessary travel and other expenses incurred in the performance of their official duties.  
(3) This resolution does not become operative until appropriate action is taken by two of the states to create a Pacific Fisheries Legislative Task Force.  
(4) Copies of this resolution shall be sent to the presiding officers of the legislatures of Washington, California and Alaska.

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NOTE: Matter in bold face in an amended section is new, matter [*italic and bracketed*] is existing law to be omitted.

03 JUN 1985

Introduced: 5/3/85  
Referred: Resources

1 IN THE SENATE

BY ELIASON

2

SENATE CONCURRENT RESOLUTION NO. 24

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to appointment of representa-

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tives to the Pacific Fisheries Legisla-

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tive Task Force.

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

9 WHEREAS fishing on the Pacific Coast plays a vital role in economic  
10 development; and

11 WHEREAS there is an obvious need for developing means for protecting  
12 and fostering Pacific fishing so as to maximize yield while protecting the  
13 resource for future generations; and

14 WHEREAS the subjects that require interstate cooperation are many and  
15 know no state boundaries;

16 BE IT RESOLVED by the Alaska State Legislature that the President of  
17 the Senate and the Speaker of the House of Representatives, joining with  
18 the presiding officers of the other jurisdictions shall appoint, respec-  
19 tively, two senators and two representatives to represent Alaska on the  
20 Pacific Fisheries Legislative Task Force, which shall operate as a clear-  
21 inghouse for opinion from all the various interests involved in Pacific  
22 fishing, and which shall include among its duties the duty to report to the  
23 legislatures of the participating jurisdictions and to the state delega-  
24 tions in the United States Congress concerning means of protecting and  
25 fostering Pacific fishing in the participating jurisdictions.

26 COPIES of this resolution shall be sent to the presiding officers of  
27 the legislatures of Washington, California, and Oregon.

Senate Concurrent Resolution No. 22

RESOLUTION CHAPTER 67

Senate Concurrent Resolution No. 22—Relative to the Pacific Fisheries Legislative Task Force.

[Filed with Secretary of State July 19, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 22, Mello. Pacific Fisheries Legislative Task Force.

This measure would require the Senate Committee on Rules and the Speaker of the Assembly to appoint 2 Senators and 2 Assembly Members, respectively, to represent the California Legislature on the Pacific Fisheries Legislative Task Force and, subject to the approval of the Senate Committee on Rules and the Assembly Committee on Rules, would make funds available, in equal amounts, from the Senate Contingent Fund and the Assembly Contingent Fund, respectively, for the California share of the task force expenses.

The measure would request that each state share in the cost of the task force based on the formula contained in specified provisions of the Pacific Marine Fisheries Compact. The measure would request that the task force and other specified agencies meet in conjunction with one another. The measure would also invite the task force to locate its headquarters in Sacramento and, if it does so, would require the Senate Office of Research to offer staff support to the task force, as specified.

WHEREAS, The fishing, seafood, and aquaculture industries of the Pacific states and provinces of North America play a vital role in the economy of the region; and

WHEREAS, There is an obvious need to develop means for protecting and fostering these industries to maximize yield while protecting the resources for future generations; and

WHEREAS, The establishment of a task force composed of legislators of Pacific states and provinces would serve as a clearinghouse for opinions from all the interests involved in the Pacific fishing, seafood, and aquaculture industries, including reporting to the legislatures of the participating states and provinces and to their delegations to the United States Congress and the Parliament of Canada concerning means of fostering and protecting those industries in the region; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Senate Committee on Rules and the Speaker of the Assembly shall appoint two Senators and two Assembly Members, respectively, to represent the California Legislature on the Pacific Fisheries Legislative Task Force; and be

it further

*Resolved*, That the Senate Committee on Rules and the Assembly Committee on Rules shall, subject to their respective approvals, make funds available, in equal amounts, from the Senate Contingent Fund and the Assembly Contingent Fund, respectively, for the payment of the California share of expenses for the task force; and be it further

*Resolved*, That each state share the cost of the task force based on the formula contained in Article X of the Pacific Marine Fisheries Compact as set forth in Section 14001 of the California Fish and Game Code; and be it further

*Resolved*, That the California Legislature requests the task force, the Pacific Marine Fisheries Commission, the Pacific Fishery Management Council, and the West Coast Fisheries Development Foundation to meet in conjunction with one another when practicable in order to bring state executive and legislative fisheries leaders and industry and public representatives together to cooperate in common actions and strategies, to resolve interstate disputes, to share information, to allow legislators from each state to oversee those agencies, and to reduce travel and meeting expenses; and be it further

*Resolved*, That the California Legislature invites the task force to locate its headquarters in Sacramento; and be it further

*Resolved*, That, if the task force locates its headquarters in Sacramento, the Senate Office of Research shall offer to provide the task force with minimal staff support to the extent funds are available and it is consistent with the office's other functions; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the presiding officers of the legislative bodies of British Columbia, Hawaii, Idaho, Oregon, and Washington, to the executive directors of the Pacific Marine Fisheries Commission, the Pacific Fishery Management Council, and the West Coast Fisheries Development Foundation, and to the California Director of Fish and Game.

O

COMMITTEE REPORT

HOUSE

1/29

Rules

(9)

5/11/35

FURTHER:

Date: January 24, 1986

RESOURCES

SCR 24

The Committee on \_\_\_\_\_ has had \_\_\_\_\_  
Relating to appointment of representatives to the Pacific Fisheries  
Legislative Task Force.

under consideration and recommends:

- do pass with individual recs.  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

         Cato  
         Jenkins  
         Sund  
         M.W. Miller  
         Shultz  
         Thompson  
         Herrmann  
         Wallis

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 CO- CHAIRMAN Y

PACIFIC FISHERIES LEGISLATIVE TASK FORCE  
c/o Senate Office of Research  
1100 J Street, Suite 650  
Sacramento, California 95814  
(916) 445-1727

INTERIM BYLAWS

Adopted September 17, 1985, Portland, Oregon

PREAMBLE

The Pacific Fisheries Legislative Task Force is a group of designated state legislators, whose decisions do not necessarily bind either the legislatures or state governments of their respective states. Each participating state, by appropriate leadership, shall dispatch appointed members to this Task Force, two from its Senate and two from its House of Representatives or Assembly.

The life and work of this Task Force are considered infinite; that is, there neither can nor should be a termination of its deliberations as long as the assurance of an abundant Pacific fishery resource remains an issue in this nation. Individual members may come and go, as their terms of office or legislative considerations dictate, but the Task Force job of working for abundant fisheries must continue.

Any state or territory of the United States bordering or with streams tributary to the Pacific Ocean may become a participating state. Any province or territory of Canada bordering or with streams tributary to the Pacific Ocean may participate as an observer.

"Fisheries," as used in these interim bylaws, includes aquaculture consistent with the health of commercial, sport and Native American fisheries.

ARTICLE 1: Tasks

The tasks of the Task Force include:

1. Advocating actions needed for healthy fisheries in the Pacific states, for both present and future generations.

2. Overseeing federal, interstate and international fishery agencies with jurisdiction affecting participating states, including regional fishery management councils, fishery and seafood development foundations, and the Pacific Marine Fisheries Commission.

3. Monitoring congressional actions of importance to the Pacific states' fisheries.

4. Fostering cooperation among the Pacific states and their fisheries on legislation and other matters affecting common fishery concerns.

5. Serving as a clearinghouse for information and opinions from all the interests involved in Pacific states' fisheries.

6. Reporting to the legislatures of participating states, and their congressional delegations, on means of protecting and fostering Pacific fisheries.

#### ARTICLE 2: Interim Officers

1. The members from each participating state shall elect from among themselves an Executive Committee member. Each state delegation shall elect its Executive Committee member annually prior to or during the first task force meeting following the November election date. Each state's member of the Executive Committee shall serve until the delegation elects a successor, unless the member ceases to be a member of the Task Force or is removed by the delegation as the state's Executive Committee member. A state delegation may reelect its Executive Committee member for an unlimited number of terms.

2. The Task Force shall elect from among its members a Chair and Vice Chair, who shall not be from the same state. The Task Force shall elect the Chair and Vice Chair annually, during the first meeting following the November election date. The Chair and Vice Chair shall serve until their successors are elected, unless they cease to be members of the Task Force or are removed by the Task Force as Chair and Vice Chair. The Task Force may re-elect the Chair, Vice Chair, or both, once. In the event of a vacancy in the office of Chair, the Vice Chair shall become Chair and shall serve the remainder of the Chair's unexpired term, and the Task Force at its next meeting shall elect a new Vice Chair who shall serve the remainder of the Vice Chair's unexpired term. In the event of vacancies in the offices of both Chair and Vice Chair, the Executive Committee shall select a member to fulfill the functions of the Chair until the next meeting, when the Task Force shall elect a new Chair and Vice Chair to fill the remainder of the unexpired terms.

3. The Executive Committee shall consist of the Chair, the Vice Chair, and the members elected by the state delegations. The Chair and Vice Chair of the Task Force shall serve as Chair and Vice Chair of the Executive Committee.

4. The Executive Committee shall implement policy adopted by the Task Force, and shall perform other functions delegated to it by the Task Force.

5. The Executive Committee member elected by each state delegation shall keep in contact with that state's task force members, and with the Chair, concerning all task force policy and business.

6. The Chair shall call meetings of the Task Force and of the Executive Committee, after consulting the other members of the Executive Committee; shall cause the required meeting notices to be sent; and shall perform other functions as directed by the Task Force or the Executive Committee.

#### Article 3: Interim Headquarters and Staff

1. The interim headquarters of the Task Force is in Sacramento, California.

2. The Task Force accepts the California Legislature's offer of minimal staff support from the Senate Office of Research pursuant to Resolution Chapter 67, California Statutes of 1985 (SCR 22, Mello).

3. The consultant assigned to the Task Force by the California Senate Office of Research shall act at the direction of the Task Force, Executive Committee and Chair, and shall perform the functions they direct to the extent they are consistent with the consultant's other duties.

4. The consultant shall maintain a calendar of Pacific fishery-related events for the benefit of the Task Force members, Pacific fishery interests and the public, and to assist the Chair in selecting meeting times and places. Task Force members shall inform the consultant of events in their states for the calendar.

#### Article 4: Quorum and Voting

1. A quorum of the Task Force, the Executive Committee, or any other formal committee of the Task Force consists of a majority of its members, or 50 percent of its members if each of two thirds of the participating states is represented by at least one member.

2. For purposes of establishing a quorum and voting, "member" includes a legislator or legislative staff member from the member's state exercising a proxy delegated to him or her in writing by the member or appointing authority. A legislator may

exercise the proxies of any number of other members from the same state. A staff member may exercise the proxy of one member. A person exercising the proxy of a member shall vote in accordance with any instructions given him or her by that member.

3. The determination of a quorum may be challenged by any member within ten(10) days of the determination by filing a challenge in writing with the Chair. Upon the filing, the Executive Committee shall review and decide the challenge. If the Executive Committee does not uphold the challenge within ten (10) working days of the filing, the determination of the quorum shall stand.

4. Voting shall be by roll call of the individual members. No action shall be taken unless the Chair determines a quorum to be present, and unless a majority of the members present vote affirmatively. No action shall be taken to remove the Chair or Vice Chair except by a majority of all the members, with at least two-thirds of the participating states being represented at the meeting by at least one member.

5. No action shall be taken by the Task Force, Executive Committee, or other formal committee of the Task Force by mail or telephone unless a majority of all the members vote affirmatively, all members having been notified as required by Article 5.

6. Any policy resolution shall be reduced to writing before the Chair puts it to a vote, unless no member requests it.

#### Article 5: Meetings and Notice

1. Regular meetings of the Task Force shall be four times per year, rotating among the participating states or in other places as the Chair determines to be necessary.

2. The Chair shall convene a special meeting of the Task Force or of the Executive Committee within 21 days of receiving a demand for a special meeting signed by a majority of the members of that body.

3. All meetings of the Task Force, the Executive Committee, and all other formal committees of the Task Force shall be open and public and the proceedings shall be conducted openly, except as otherwise provided in this section. The Task Force, the Executive Committee, or another committee may meet in closed session to consider the election, removal, appointment, employment, or dismissal of the Task Force officers, committee members or staff, or to hear complaints or charges brought against them; to consider matters affecting the safety and security of members of

the Task Force or its staff; or to discuss pending litigation (including any adjudicatory proceeding) when discussion in open session would prejudice the position of the Task Force in the litigation.

4. Special meetings of the Task Force, Executive Committee, or any other formal committee of the Task Force may be conducted by mail or telephone when considered necessary by the Chair.

5. A notice of a regular or special meeting of the Task Force, the Executive Committee, or any formal committee of the Task Force shall be sent at least 14 days before the meeting to each member of that body and to each newspaper or broadcast station in a participating state which has made written request to the Chair for notice, except as provided in Section 6 of this article. The notice shall include a list of the subjects proposed to be discussed at the meeting.

6. The Chair may call an emergency meeting of the Task Force or Executive Committee, and the chair of another formal committee of the Task Force may call a meeting of that committee, with less than the 14-day notice required by Section 5 of this article if he or she determines that urgent circumstances exist which require a meeting. In that case, each member of the body, and each newspaper or broadcast station in a participating state which has made written request to the Chair pursuant to Section 5 of this article, shall be notified by phone as many days as possible before the meeting, or sent a written notice as many days as possible before the meeting and in any case in time to receive it before the meeting.

#### Article 6: Fiscal

1. Eighty percent of the budget of the Task Force shall be shared equally by participating states having a boundary on the Pacific Ocean. Not less than five percent shall be contributed by each other participating state. The balance of the budget shall be shared by the participating states in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year records. The annual contribution of each participating state shall be figured to the nearest one hundred dollars (\$100), except that no state shall contribute less than \$100 in any year.

2. Contributions from participating states shall be deposited in a bank account in Sacramento, California, in the name of the Task Force. The consultant, with the concurrence of the Chair, shall disburse funds from the account in accordance with a budget adopted by the Task Force. All disbursements shall be by check, signed by the consultant and by the Chair or other member of the Executive Committee designated by the Chair.

3. All fiscal records of the Task Force shall be reviewed annually by a certified public accountant selected by the Executive Committee. Copies of the fiscal records shall be made available to each member and to the appropriate legislative committees and fiscal control agencies of each participating state, as determined by that state's delegation.

Article 7: Members Attendance

1. If a member misses three consecutive meetings and is not excused by the Chair, the Chair shall write the appointing authority in the member's state and ask the appointing authority to excuse the member officially or to appoint another legislator to exercise the member's proxy.

Article 8: Interim Bylaw Duration and Amendments

1. These interim bylaws shall remain in effect until the legislatures of at least three states act formally to become participating states and appoint members, and until the Task Force adopts permanent bylaws.

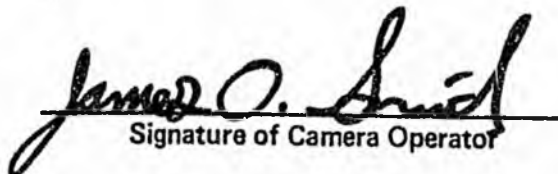
2. The Task Force may amend these interim bylaws by a two-thirds vote of all the members, or by a majority vote of all the members if a draft of the proposed amendment is included in the 14-day written notice of the meeting at which it is to be adopted.

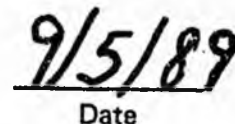


# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

SJR

z

# Alaska State Legislature

SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE  
1117 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
907-456-2899



Senate

WHILE IN JUNEAU  
POUCH V  
JUNEAU, ALASKA 99811  
OFFICE (907) 465-3763  
HESS COMMITTEE  
(907) 465-3834  
HOME 907-780-6027

January 31, 1985

Representative Dick Shultz  
Chair, House Resources Committee  
Pouch V  
Juneau, AK 99811

Dear Dick:

SJR 3, requesting that the State of Alaska pursue a land exchange with the U.S. Department of Interior to exclude the Dunkle Mine Township from the Denali National Park and Preserve has been referred to the House Resources Committee.

The Alaska National Interest Lands Conservation Act (ANILCA) of 1980 adjusted the boundaries of Denali National Park to include the Dunkle Mine Township, and, in recognition of the township's mineral potential, mandated that the Alaska Land Use Council (ALUC) conduct a study of the relationship of mineral resources to the other resources of the area. The study team presented management options for the Dunkle area to the Council in May of 1984; one of the options was a land exchange which would remove the Dunkle township from the park.

Although the exchange option was not selected by the Council as the preferred management alternative, the benefits of conducting a land exchange continue to be discussed by both the State Department of Natural Resources and the U.S. Department of Interior, and the ALUC is scheduled to reconsider its position on the exchange at its February 14, 1985 meeting. Action by the Legislature on SJR 3 before this time would be a strong indication of Legislative support for the exchange option to not only the Council but to State and Federal land managers as well.

I urge you to schedule SJR 3 for consideration by the Committee as soon as possible, and would be happy to discuss this with you further at your convenience.

Best regards.

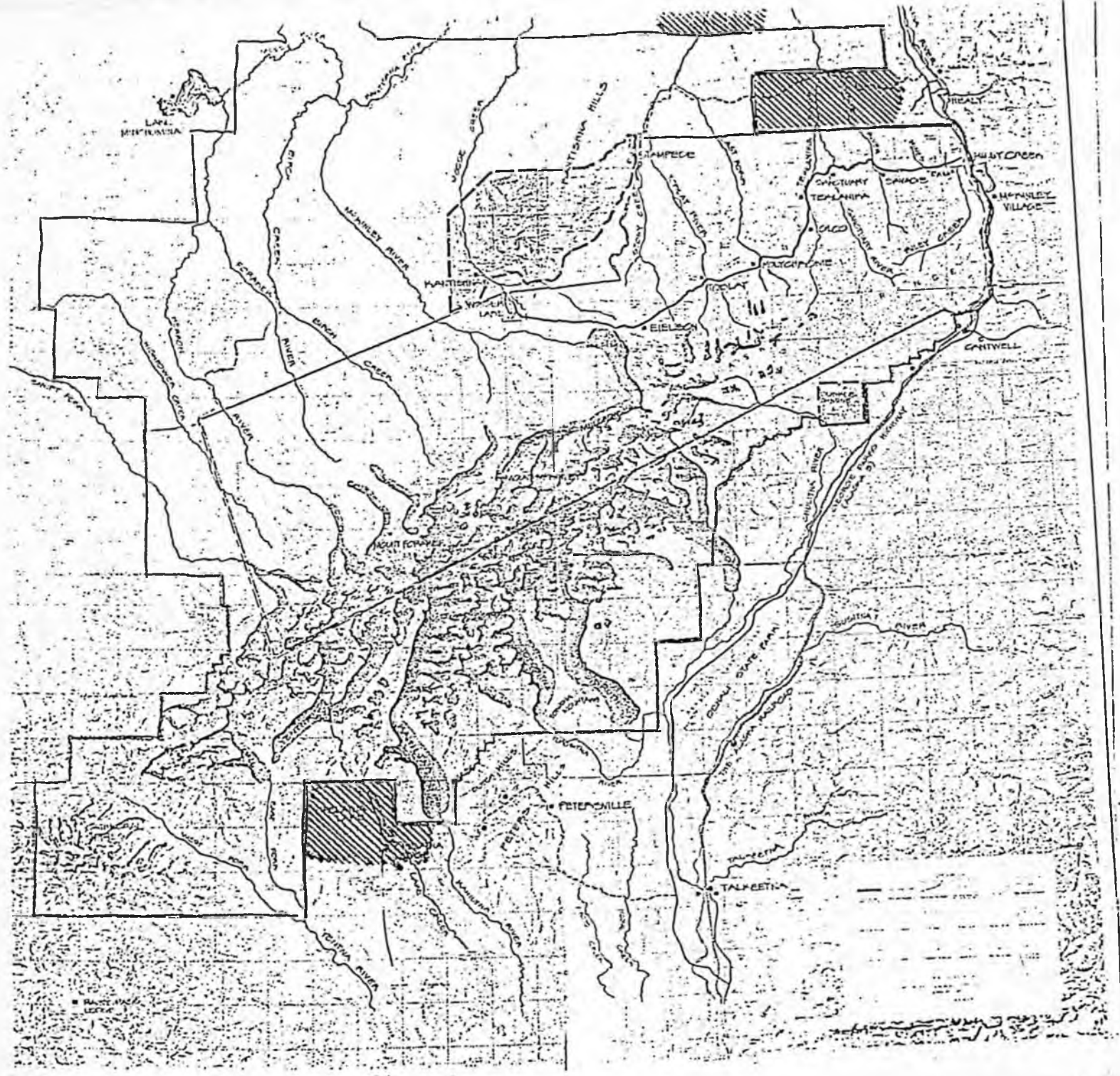
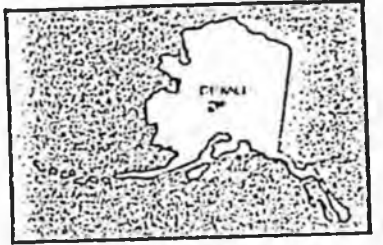
Sincerely,

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

Bettye Fahrenkamp  
Alaska State Senate

BF/ss

cc: House Resources Committee members



- DENALI NATIONAL PARK AND PRESERVE BOUNDARY
- DENALI WILDERNESS BOUNDARY
- AIRFIELD
- GLACIER
- ▭ STUDY AREA
- ▨ AREAS FOR 1966 BULLY EDDY



**Exchange Areas**  
 Kantishna Hills and  
 Dunkle Mine Study Areas  
 Denali National Park and Preserve



# Alaska State Legislature

Backup

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



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

## Senate

### Committee on Resources

May 19, 1984

Governor Bill Sheffield, State Co-chairman  
Vernon R. Wiggins, Federal Co-chairman  
Alaska Land Use Council  
P.O. Box 100120  
Anchorage, AK 99510

Dear Governor Sheffield and Mr. Wiggins:

A major item on the agenda for the May 23rd meeting of the Alaska Land Use Council will be the consideration of the recommended options for the Kantishna Hills and Dunkle Mine study areas in Denali National Park. The Interior delegation of the Alaska State Legislature is very concerned about the recommendations which have been made by the study group.

The study group's recommendations for a minerals leasing system in the Kantishna Hills area and the maintenance of the "status quo" for the Dunkle township are not realistic alternatives and we do not consider them an acceptable response to the mandate of Sections 202(3)(b) and (c) of ANILCA. The following alternative recommendations are presented for consideration by the Council:

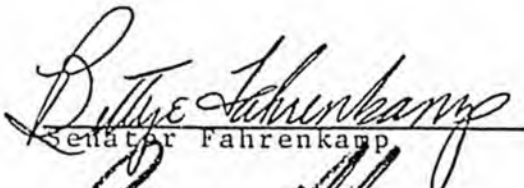
- 1) Kantishna Hills: Because the National Park Service does not currently have a mechanism in place designed to accommodate a mineral leasing program within the national park system, the delegation would recommend that management of mining claims and mining activity continue under the current system. Federal regulations under 36 CFR, Part 9, as well as existing State regulations and standards, are more than adequate to manage mineral activity in this area. Institution of a minerals leasing system would simply add another, unnecessary, layer of regulation and constraint. In addition, acquisition of any claims should be only on a willing seller/willing buyer basis and not through condemnation.

Governor Bill Sheffield  
Vernon R. Wiggins  
May 19, 1984  
Page 2

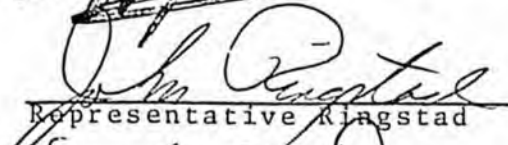
2) Dunkle Mines area: the best alternative for the Dunkle Township would be a land exchange which would remove it from the park. There has been no conclusive evidence presented during the study process that the Dunkle Township contains critical habitat for the Denali caribou herd. While realizing that the herd is a major attraction within the park, it is felt that, if necessary, any adverse effects from mining activity can be mitigated under the direction of State agencies. The Alaska Department of Natural Resources has indicated that it would consider exchanging the Dunkle area for the "Wolf Townships" located to the north of the park entrance. This would add an area of proven critical wolf habitat to the park.

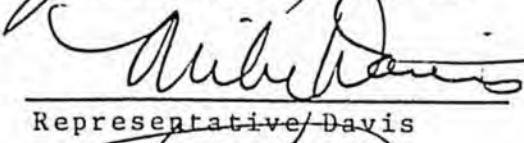
We strongly urge the Alaska Land Use Council to consider these proposed alternatives for the Kantishna Hills/Dunkle Mine Study areas. These alternatives can provide for both the protection of park resources and the continuation of mineral activity in these two valuable areas. Thank you for your consideration of these proposals.

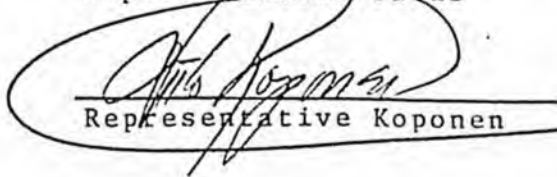
Sincerely,


  
Senator Fahrenkamp

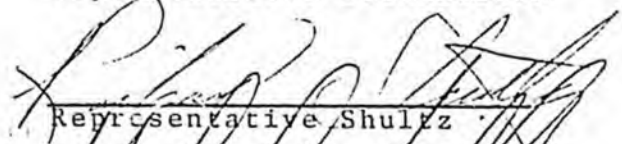
  
Senator Moss

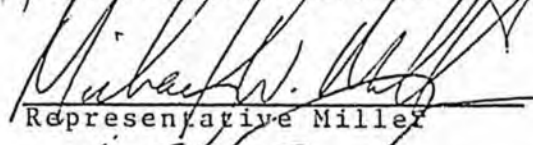
  
Representative Ringstad


  
Representative Davis

  
Representative Koponen

  
Representative Bettisworth

  
Representative Shultz

  
Representative Miller

  
Senator Bennett

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

CC *Sheffield*  
BILL SHEFFIELD, GOVERNOR

POUCH M  
JUNEAU, ALASKA 99811  
PHONE:

December 26, 1984

G. Ray Arnett  
Assistant Secretary for Fish, Wildlife and Parks  
Office of the Secretary  
U.S. Department of the Interior  
Washington, D.C. 20240

Dear Assistant Secretary Arnett:

Your correspondence of November 13, 1984 indicated the National Park Service (NPS) will soon initiate formal discussions with the State of Alaska regarding possible NPS acquisition/exchange of the so-called "Wolf Townships," adjacent to Denali National Park and Preserve. You further note that the Secretary of Interior has the authority to acquire land contiguous to National Park Service units under Section 1302(i)(1-2) of ANILCA through donation or exchange.

I wish to emphasize that the state has absolutely no intention at this time of donating land to NPS. However, the state is willing to entertain exchange negotiations pursuant to Section 1302(h) of ANILCA that may result in NPS acquisition of this state land. I expect, of course, that the NPS will correspondingly nominate land of commensurate interest to the state as a prerequisite to any exchange negotiations.

As you suggested, I now look forward to hearing from Roger Contor on this matter.

Sincerely,

*Esther C. Wunnicke*  
Esther C. Wunnicke  
Commissioner

cc: Ric Davidge, DOI  
Roger Contor, NPS  
Vern Wiggins, ALUC  
Bob Grogan, OMB  
Bill Horn, DOI  
Tom Hawkins, DLWM

DEPARTMENT OF  
NATURAL RESOURCES

JAN 7 1984

COMMISSIONER'S OFFICE  
JUNEAU

Backup



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

July 12, 1984

Mr. Dick Swainbank  
Geoprize Ltd.  
P.O. Box 81315  
Fairbanks, Alaska 99708

Dear Dick:

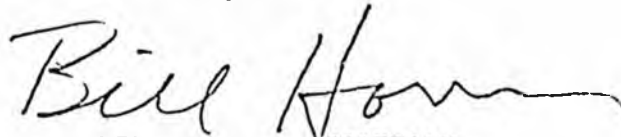
Thank you for your letter of June 23 regarding the Dunkle Mine study area and the Governor's correspondence. The Department is persuaded that the law clearly authorizes exchanges that can transfer the Dunkle Mine township (in whole or in part) out of the National Park status. Indeed, this is one of the Alternatives specifically outlined in the Draft Environmental Impact Statement issued in conjunction with the section 202(3)(b) study of the area. As a consequence, I must take exception to any conclusion that the law requires that the area remain within the park. Furthermore, the Act authorizes boundary adjustments up to 23,000 acres; such an adjustment could be made to excise the area from the park.

Regarding the status of the November 12, 1980 remarks in the Congressional Record, such comments have limited value under the rules of statutory construction. The actual language of the statute is the primary controlling factor. Only if the language is not clear is the legislative history reviewed. In that case, the reports issued by the authorizing committees are examined first in an effort to discern Congressional intent. Should the report language prove insufficient, debate among Representatives or Senators at the time of passage is then scrutinized. Generally, the unilateral remarks of a Member of Congress carry relatively little weight in determining the legislative intent of a specific provision of law.

Be assured that the Department continues to regard a land exchange involving the Dunkle Mine township as one of the better solutions for the problems identified in the Kantishna Hills/Dunkle Mine study. The Secretary will shortly be reviewing the final EIS, the Alaska Land Use Council study and recommendations, and the Park Service's caribou study. When that review is completed, the Department will be making its recommendations to Congress as well as commencing appropriate administrative action which might include an invitation to the State to negotiate a land exchange, with a possible boundary adjustment. 3 yrs?

Thanks again for your letter and please stay in contact with us on this important matter.

Sincerely,



DEPUTY UNDER SECRETARY

cc: Senator Ted Stevens  
Senator Frank Murkowski  
Congressman Don Young  
Senator Don Bennett  
John Katz, Alaska Governor's office

backup

# MEMORANDUM

## State of Alaska

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING  
TO: Esther Wunnicke  
Commissioner

DATE: April 16, 1984

FILE NO:

TELEPHONE NO: 276-2653

FROM: Pedro Denton  
Director



SUBJECT: Dunkle Township

I am concerned that the state's position on the Dunkle Mine area in the Denali National Park may be based on a misunderstanding of the impact that continued park status will have on development of the well known mineral potential of the area. It is clear from information in the study group report and draft FEIS that the Dunkle area has significant mineral potential. It has potential for small high-grade gold-silver deposits, large low grade copper/precious metal porphyry type deposits, coal deposits and placer gold deposits. The potential is well summarized on page 13 of the study prepared by Salisbury & Dietz, Inc., (copy attached).

It is also clear that the potential for development will probably be lost if the area stays in the park. The reason is simple. Park status will not allow any new mining claims. Most of the present claims would be invalidated by an Interior Department validity determination. The FEIS states on page 18 that the claims would be adjudicated on the basis of the date of withdrawal and any claims found invalid would revert to Park status. Consequently, there is simply not enough of the area under secure land status to justify further exploration or development of any except perhaps the small high grade deposits.

The FEIS assumes only 9 unpatented placer mining claims in the area to be valid. All of the unpatented lode claim area is assumed invalid (page 18 4/9/84 draft). Of course this assumption is for purposes of the FEIS only and the claimant, Dick Swainbank, assumes a much larger number to be valid, but knowing the strictness of the application of the discovery rule, which, according to the analysis in the FEIS must be applied at the time the lands were placed in the park, and from discussions with Mr. Swainbank, it is highly probable that the mineral deposit would not be viable without the claims that can be invalidated by NPS. Certainly the question of validity would make it almost impossible to obtain financing for either exploration or development.

Thus, the only real hope for development of the mineral potential of this area is some of the other alternatives. The most logical alternative seems to be the land trade for one of the "wolf" townships. It is difficult to understand why this was not an acceptable alternative to all the voting agencies, especially the State agencies (DEC, DF&G, DNR).

From the Park Service perspective, they would acquire in the exchange a township presently surrounded on three sides by the park for a township presently nearly surrounded on three sides by state lands. Apparently they have not thought about the potential impacts on the park from development of the Wolf township area over which they presently have no control. It's interesting that the FEIS did not address this point except to mention that

some of the exchange lands would have value for wildlife and wilderness. If the primary concern is over the potential for disturbance of the caribou, we can address it by conditions in the trade agreement. For example, we could agree to:

1. Close the key sections used for caribou calving in the NW corner of the township to surface mining operations.
2. Close certain areas to surface prospecting activities during periods when such activities would interfere with caribou.
3. Require the area be mined only under a state lease through agreement with the present claimholder and through classification for future locations. These leases could contain provisions, spelled out in the exchange agreement, which would add further protection to the caribou.
4. The state could agree to consult, or seek the approval of the Park Service on caribou management plans for the area.

The Park Service position is understandable, but it is difficult to understand the position of DEC and DF&G. It would seem that the state's position should be that it can manage its fish, wildlife and water resources without regard to land ownership. Certainly this is the position with regard to water quality. However, the language regarding control of water quality in the study team report and the FEIS seems to say that we can't manage it so let's lock it up in the park. I can understand the frustration with placer mining water use during the past few years, but the state must and will find solutions to these problems long before there is significant development in this area. Even if we don't, placer mining water quality problems in the Dunkle area will have little effect on the caribou (i.e., most of the effects will be down stream). Thus, we should be able to secure DEC agreement to go along with us on this point.

Similarly it would seem F&G would have no basic objection to the state controlling the land and that seems to be the case from discussions I have had with Al Ott in Fairbanks.

In conclusion I believe the land exchange option is still the best approach, especially if we can unite the involved state agencies. Without our help I believe the Dunkle potential will never be realized. I recommend we:

1. Develop an exchange proposal along the following lines:
  - a. Dunkle township for equal <sup>value</sup> ~~amount~~ in the Wolf townships.
  - b. Provide for (1) mining by lease only in Dunkle township,  
(2) no surface entry during caribou calving in critical areas,  
(3) no surface mining in critical calving areas  
(4) other mining lease provisions necessary to protect caribou.

- c. Agreement between State and Park Service on caribou management plan.
  - d. Provisions for public access to the Kantishna Mining District through the Wolf township.
2. Develop an absolute bottom line DNR position that the "status quo" is only acceptable for two years to allow Congress to appropriate funds for study of the caribou and mineral potential of the area.
  3. Unite DEC, DF&G and DNR on these points.

If you would like, I can develop these ideas further or could pursue agreement with DEC and F&G on an exchange proposal.

cc: J.K. Barnett, Deputy Commissioner  
Dee Frankfourth  
Bill Beaty

PD/1kb/1110M

## DUNKLE AREA

At least four high-grade gold-silver vein deposits occur in the study area along the Chulitna structural zone (figure 6). Others as yet undiscovered probably exist along the zone or on associated structures. The vein deposits are narrow and strike lengths are unknown. This type of target is probably not attractive to major companies, but mining may be profitable on a small-scale for small companies or individuals.

The shear zones in which the high-grade veins are located may contain lower-grade precious metal mineralization across sufficient width to permit bulk-mining. Such deposits would be of considerably more interest to larger companies.

The Golden Zone Mine is a gold deposit associated with a breccia pipe located several miles west of the study area. The mine has produced in the past, and is currently being further evaluated. The deposit has a potential for several million tons of low to moderate grade gold ore. Geology, structure, and mineralogy associated with the igneous complex in the Dunkle Mine study area present an environment favorable for the occurrence of similar deposits. This interpretation is supported by geochemical and geophysical evidence (figures 7 and 8).

Associated with this igneous complex, several potential targets have been identified for copper/molybdenum or copper/precious metal porphyry-type deposits. These targets have not been adequately tested. Should an economic deposit be developed a mine scenario of plus or minus 100 million tons of low grade ore may be expected.

Good quality coal has been mined from the Dunkle Mine. Movable reserves in the range of 100,000 to 350,000 tons are drill indicated. Additional reserves may be identified with further drilling in the Costello-Colorado-Camp Creek basin in the magnitude of several million tons. Small scale mining by open cut development may be feasible.

The presence of auriferous gravels in several streams was confirmed. Small-scale mining may be feasible in some locations but physical conditions would probably prohibit any major placer mining development.

Some evidence exists for antimony and tin mineralization. The potential for these minerals has not been adequately determined.

The Dunkle Mine study area is a highly metalliferous, geologically complex environment (figure 9). If the land status were not restrictive, mining companies would consider the area an attractive exploration target. The proximity of the Dunkle area to the railroad and the Parks Highway further enhances the favorability of the areas mining potential.

# ALASKA LAND USE COUNCIL

P.O. Box 100120  
Anchorage, Alaska 99510

MAY 10 1984



State Co-Chairman  
Bill Siegfried

(907) 272-3422

Federal Co Chairman  
Vernon R. Wiggins

MEMORANDUM

May 10, 1984

To: Members  
Alaska Land Use Council

COPY

From: Vernon R. Wiggins  
Federal Cochairman

Subject: Kantishna Hills/Dunkle Mine Study, Section 202(3)(b) and (c)  
ANILCA

The Council, at its scheduled May, 1984 meeting, will consider the study group's recommended options for the Kantishna Hills and Dunkle Mine areas in Denali National Park. The purpose of this memorandum is to advise the Council that the Federal Cochairman disagrees with the recommended options offered by the study group and will submit an independent recommendation to the Secretary of the Interior with respect to the two areas.

I have noted that in the course of the recent Staff Committee meeting, the Special Assistant to the Commissioner of Natural Resources indicated that the State may offer "minor substantive amendments" to the report before the Council considers action at its scheduled May 23 meeting. Being unaware of what these amendments may be, the Federal Cochairman reserves the right to change the conclusions stated in this memorandum based on what may be offered by the State of Alaska.

The Council's study group has issued its recommendations in a report transmitted by memorandum to the Council dated May 3, 1984. Essentially, the study group's recommendation to the Council is in two parts:

- a. Kantishna Hills area: those portions of the Kantishna Hills study area (presumably, then, not the entire area) identified as having known or suspected significant mineral resources be opened for disposition under a "mineral leasing program" administered by the National Park Service. An act of the Congress would be required before such a recommendation could be implemented.
- b. Dunkle Mine area: maintenance of the so called "status quo" for the Dunkle Mine area; i.e., the area would remain within the Denali National Park and Preserve, under the management of the National Park Service as it is currently; and inholdings and existing mining claims would be managed according to existing and applicable laws and rules governing mining claims within National Park areas.

2

The Federal Cochairman does not agree with either of these two recommendations, for different reasons in each case, and will submit a recommendation to the Secretary of the Interior substantially different from those offered by the study group, but within the range of alternatives considered by the study group and evaluated by the National Park Service during the course of its preparation of the environmental impact statement for the report. The Federal Cochairman is advising the members of the Council of this intention in part as a matter of comity, and in part to afford the individual members the opportunity to evaluate for yourselves the contrasting points of view represented by the differing recommendations.

The Federal Cochairman is not soliciting the Council's support for his position nor urging your voting with his recommendations to the Secretary of the Interior. You are welcome to do so if you wish. The Federal Cochairman will, however, vote "no" to concur with the study group's preferred alternative, or, to adopt it as the Council's position, or, to forward it as the Council's recommendation to Congress. Certainly, however, the study group's report and associated work should be transmitted as part of the total body of information submitted to both the Secretary of the Interior and to the Congress.

In both cases, Kantishna and Dunkle, the study group seems to have been, and unfortunately so, driven by the need to select a "preferred alternative;" i.e., the NEPA process has "driven" and directed the decision making process of the study itself. Instead, the "need" to select a preferred alternative has forced the agencies to adopt the posture of protecting their institutional philosophies with the result that sound land management and resource protection have fallen to a second position.

#### Kantishna Hills area:

With respect to the Kantishna Hills area, the Federal Cochairman does not believe that the study group's recommended alternative i.e., "establishment of a mineral leasing program under the management of the National Park Service," is a workable or feasible solution to the problem. Indeed, I question, whether it is even possible short of a massive rewrite of the entire body of laws governing Denali National Park and Preserve, mining claims procedures under the 1872 mining law and the Mining in the Parks Act, and a Congressional restatement of the purpose for Congress' creating Denali National Park and Preserve (ANILCA 202(3)(u) and 206). I note from reading correspondence from the several study participants and the report itself that the study group's recommendation reflects a significantly compromised position in that, all members of the study group, excepting Alaska D.N.R., had a first choice (among the considered options) different from the one jointly and finally agreed to by the study group. This represents, in my judgement, a classic case where the bureaucracy has failed to adequately fulfill the charge given to it. Congress did not ask, and the Council did not ask, for a compromised and watered-down solution to the troublesome problem of what to do about mining claims in the Kantishna area. A well reasoned recommendation based on careful study and analysis as to how best to protect park resources and at the same time deal fairly with the rights of the several mining claim holders was requested. Certainly, the study group's preferred alternative is not based on that kind of reasoned consideration. Instead, it is based on inter-agency compromise designed to achieve protection of each agency's "turf."

The National Park Service is neither equipped, from the standpoint of staffing and funding nor expertise and experience, to establish and manage a mineral leasing program at this park. There are other agencies within the Department of the Interior programmatically charged with this responsibility. The Park Service's duty, as outlined by law, is to manage and protect park resources and encourage park use by people--not to develop, implement, and manage a "National Park mineral leasing program." Such would, in my judgment, be contrary to the mandate of the Park Service and the specific management requirements of ANILCA. The study group's recommendation will require significant legislative action by the Congress to permit its implementation. I can not conceive of the present or for that matter future Congress' acting favorably to grant such an authority. While of itself, a recommendation requiring an act of Congress to implement is not objectionable, offering up a recommendation which is so clearly unacceptable to the many forces at work on this issue seems to me to be counter productive and folly.

The Federal Cochairman will recommend to the Secretary of the Interior that he recommend to Congress the implementation of Alternative # 4 "term operating rights." This alternative seems to provide sufficient protection of park resources, while at the same time, respecting the rights of mining claim holders within the Kantishna area. This will require an act of the Congress to implement. I feel, however, that this alternative is far more realistic in its political assumptions and is realistic from a sound park management point of view. Such a direction will enable the NPS to exercise sound management judgement within existing regulations and programs over the mining operations in order to insure maximum protection for the park resources in the Kantishna area. It will afford the unpatented mining claim holders an opportunity to operate their claims for a specified period of time, at the end of which, it is agreed that the claims will be nullified and the area revert to "park status" as it were. An election by an unpatented claim holder to proceed either to patent his claim through the regular process or to select the term rights to operate is an equitable solution to the NPS and the claim holders both.

#### Dunkle Mine area:

The Federal Cochairman disagrees with the study group's preferred alternative ("Status Quo") for the Dunkle Mine area for several reasons. There continues to be, in the Federal Cochairman's opinion, a lack of evidence that the Dunkle township habitat is as critical to the McKinley caribou herd as is often alleged. The arguments that this one area of the herd's total range is essential to the herd's survival does not seem to have been substantiated. Indeed, the Alaska Department of Natural Resources believes that only the northwest corner of the Dunkle Township is important to the calving activities of the caribou herd. No source has said to date with certainty that the entire Dunkle Township is in fact critical caribou habitat.

Mining has occurred in the Dunkle area historically with no apparent negative impact on the McKinley herd. There is no reason to conclude, given enforcement of applicable laws regarding water quality, etc., etc., that mining could not continue in the future without significant impact on the caribou population.

A viable mining operation is economically feasible in the Dunkle area given the reports of the mineral assessments on the claims and the proximity of the

mine site(s) to existing transportation services. The claim holders established their rights to the minerals in the area prior to the time the Park was expanded to take in the claims. Fairness dictates, in my opinion, that these claim holders be afforded their legal right to the benefits of their claims or compensated for denial of that right. Continued "status quo" is tantamount to denial of ability to proceed as financing is unavailable (reportedly by the claim holders) pending Congressional resolution of this issue.

Other than the question of the caribou habitat, there seems to be no overwhelming resource reason for the Dunkle township's inclusion in Denali National Park and Preserve. The area has no unique esthetic qualities to distinguish it.

The Federal Cochairman will recommend that the Secretary of the Interior recommend to Congress implementation of either Alternative # 7 ("Remove mineralized areas from the park") or as a second priority, Alternative # 3 ("Acquire all mining claims"). Specifically, the exchange of park lands, involving at least a portion of the Dunkle Mine Township, for State of Alaska owned land known as the "Wolf Township" north of the park entrance should, in my opinion, be given more consideration. The addition of the "Wolf Township" lands to the park through an exchange for the Dunkle lands, seems to offer a truly workable solution to the question of what to do with the Dunkle area while significantly contributing to the value of Denali National Park and Preserve. Habitat critical to the wolf population inhabiting the park would be added to the park and lands of marginal natural or recreational resource value could be put to a more productive use. I believe this is in the overall public interest. The State of Alaska has stated its willingness to consider such an exchange. If, however, this alternative proves unworkable then the only equitable course of action is for the Federal government to acquire all the Dunkle area mining claims. Unfortunately, this solution will not add the critical wolf habitat that, from a wildlife management perspective, would seem to be important to park values. Such an exchange involving at least a portion of the Dunkle Township would not seem to in anyway impair the integrity of the Cantwell calving area, of which only a portion of the Dunkle Township is part thereof.

The argument that maintenance of the "status quo" will preserve options for some later time ignores the fact that Congress mandated a solution to this issue in recognition of the need for fairness and equity with the valid existing rights existed within the Dunkle Township in the form of the claims. Status quo is not an equitable, and thus not, a viable, alternative in the opinion of the Federal Cochairman.

cc: LUAC  
R. Davidge

(5)

Backup  
RECEIVED

TO SANDORA / Dunkle file

NOV 14 1984

Alaska Land Use  
Council Advisors Committee  
P.O. Box 100120  
Anchorage, Alaska 99510-0120

Citizens Advisory Commission  
on Federal Areas Alaska Land Use Council  
515 Seventh Avenue, Suite 31 Anchorage, AK  
Fairbanks, Alaska 99701

November 12, 1984

Governor Bill Sheffield  
State Cochairman  
Alaska Land Use Council  
Pouch A  
Juneau, Alaska 99811

Mr. Vernon Wiggins  
Federal Cochairman  
Alaska Land Use Council  
P.O. Box 100120  
Anchorage, Alaska 99510-0120

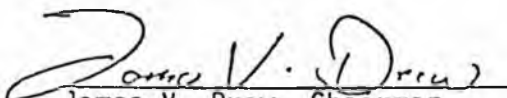
Gentlemen:

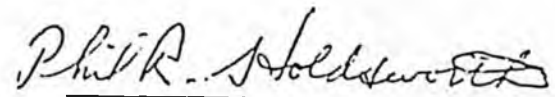
The following Motion concerning the Dunkle Mine area in Denali National Park, Alaska, was PASSED UNANIMOUSLY at the joint meeting of the Alaska Land Use Council Advisors Committee and the Citizens Advisory Commission on Federal Areas on October 30, 1984:

MOTION: THE LAND USE ADVISORS COMMITTEE AND THE CITIZENS ADVISORY COMMISSION ON FEDERAL AREAS, JOINTLY ASSEMBLED THIS 30TH DAY OF OCTOBER, 1984, RECOMMEND TO THE ALASKA LAND USE COUNCIL THAT IT RESCIND ITS PRIOR ACTION REGARDING THE DUNKLE MINE AREA AND, THAT UPON THIS RESCISSION, THAT IT URGE THE STATE OF ALASKA AND THE DEPARTMENT OF INTERIOR TO IMMEDIATELY TAKE SUCH ACTION AS IS NECESSARY TO EXCLUDE THE DUNKLE MINE AREA FROM THE DENALI NATIONAL PARK THROUGH A LAND EXCHANGE, AND THAT COPIES OF THIS RESOLUTION BE CIRCULATED TO THE FOLLOWING:

The Honorable Ted Stevens, Senator  
The Honorable Frank Murkowski, Senator  
The Honorable Don Young, Congressman  
The Honorable William Clark, Secretary of Interior  
Mr. William Horn, Deputy Undersecretary, DOI  
Mr. Ray Arnett, Assistant Secretary, FWP  
Mr. Russ Dickenson, Director, NPS  
Mr. Roger Contor, Regional Director, NPS

Sincerely,

  
James V. Drew, Chairman  
Alaska Land Use Council  
Advisors Committee

  
Phil Holdsworth, Chairman  
Citizens Advisory Commission  
on Federal Areas



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

May 31, 1984

Backup

The Honorable Bettye Fahrenkamp  
Alaska State Senate  
Pouch V  
Juneau, AK 99801

Dear ~~Senator~~ *Bettye* Fahrenkamp:

Thank you for your letter dated May 19, endorsed by you and the other members of the Interior delegation, regarding the Kantishna Hills/Dunkle Mine Study.

The preferred alternatives adopted by the Alaska Land Use Council for the Kantishna Hills/Dunkle Mine areas represent options which allow the continuation of existing operations and look toward expanded mineral development in the future. The preferred alternative in the Kantishna area, implementation of a mineral leasing program, not only maintains the status quo on existing claims but proposes to open up new, unclaimed areas to a mineral leasing program. The existing patented and unpatented claims retain all rights vested in them at the time of staking through federal mining law. Under the recommendation being transmitted to Congress, areas of high mineral potential that are not available for mining would be opened in 1989 through a leasing program, if by that time operators on existing placer claims are able to meet applicable water quality standards. We think that the adoption of this alternative which supports increased development emphasizes the State's intention to see mining continue on existing claims as well as on unclaimed areas.

The decision to adopt the status quo alternative in the Dunkle mine area was a difficult one. The status quo allows rights of the existing mining claims to be maintained, although we understand the difficulty of developing some of these deposits under the present circumstances. This recommendation represents a compromise between the diverse objectives of the Federal and State agencies involved in the Kantishna Hills/Dunkle Mine Study.

While the State of Alaska is concerned with the development and operation of the area's lode claims, it cannot choose to

JUN 4 1984

May 31, 1984


ignore the constraints imposed by Congress. Congress placed the Dunkle township in the Denali National Park, and legislative history says that these lands (including the Kantishna) are to remain within the park.

By placing the Dunkle within the park, it has become part of the focus for investigation of the decline of the Denali caribou herd. Accordingly, the National Park Service is conducting a three-year caribou study, and until its completion, is not amenable to trading this area out of the park.

However, during the course of the Alaska Land Use Council negotiations, agreement was reached with the Park Service that it will not adjudicate the mining claims in this area while the studies are in progress. Should the studies show that the area is not critical to survival of the Denali herd, the National Park Service is willing to reconsider a future exchange of this area. Given the congressional constraints, this seems to be the most viable option and strategy available to the State.

Please let me know if you have any further questions regarding the actions taken by the Alaska Land Use Council on this matter.

Sincerely,



Bill Sheffield  
Governor



*Citizens' Advisory Commission  
on Federal Areas*

BACKUP

515 Seventh Avenue  
Suite 310  
Fairbanks, Alaska 99701  
(907) 456-2012

July 25, 1983

Ms. Linda Nebel, Chief  
Division of Planning and Design  
National Park Service  
2525 Gambell St. Room 107  
Anchorage, AK 99503

Dear Ms. Nebel:

Enclosed are the Commission's comments on the Draft Environmental Impact Statement for the Kantishna Hills/Dunkle Mine Study. The Commission is primarily concerned with the deficiencies of the document, particularly in relation to a complete description and analysis of each resource being studied.

Hopefully, the data generated by this year's field work will provide additional information which will be useful in the final study report. Identification of a preferred alternative for recommendation to Congress will be a difficult task with the limited time remaining. The Commission will continue its involvement in the study process until the December, 1983 deadline.

If there are any questions concerning the comments or if there is any additional information which we may be able to provide, please contact the staff offices.

Sincerely,

*Bettye Fahrenkamp* by P.C.

Bettye Fahrenkamp, Chairman  
Alaska State Senator

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT  
KANTISHNA HILLS/DUNKLE MINE STUDY

Section 202(3)(b) of the Alaska National Interest Lands Conservation Act mandated a study to evaluate the various resources in the Kantishna Hills and Dunkle Mine areas of Denali National Park and Preserve. The study was the result of the controversy which surrounded the inclusion of these two historic mining areas in the expanded boundaries of the park.

As early as 1965, there was an effort on the part of the National Park Service to annex most of the Kantishna Mining District into Mt. McKinley National Park. At the time, there was little popular support for the annexation of this area. The withdrawal of the Kantishna area was not made final until Public Land Order 5179 was issued in March, 1972. In the interim, the result was a de facto land withdrawal which complicated the status of mining claims in the area and has left a number of unresolved lawsuits.

The Dunkle Mine area was withdrawn by Public Land Order 5653 in November, 1978 and subsequently, both areas were included in Presidential Proclamation 4616 which created Denali National Monument in December, 1978. Finally, in December, 1980, ANILCA placed these areas into Denali National Park and Preserve. In recognition of the fact that these areas have known mineral production and potential, Congress mandated the study to further evaluate the significance of the resources within the two areas.

Since the beginning of the Kantishna Hills/Dunkle Mine Study, the integrity of the study has been questioned by many people throughout the State of Alaska. Concern was expressed that there was not enough time nor money allocated to conduct a realistic study on the effects of continued mineral development on the other resources within the areas and make a fair report to Congress by the December, 1983 deadline.

One of the initial concerns was eliminated when Congress appropriated additional funds for the study, even though there was only one field season left before the deadline and it was unclear how much useful data could be gathered.

This DEIS again raises serious doubts about the integrity of the entire study. The decision that an Environmental Impact Statement would be necessary in order to meet NEPA requirements was made very late in the study process. As a result, the DEIS appears to have been hastily compiled merely to satisfy these requirements. There are sentence fragments, typographical errors and unclear statements which are difficult to follow. In its present form, its usefulness to the study is questionable.

The DEIS contains entirely too many conclusions based upon assumptions which may or may not be accurate. If these assumptions prove to be incorrect, it will be necessary to make extensive changes in the proposed alternatives for the study areas. This may be difficult to do and still allow time for public review and comment prior to December.

One serious deficiency is immediately obvious when the list of preparers of the DEIS is read: No geologist or mining engineer helped prepare the document. There should have been one of each. Several geologists in the study group are listed as consultants, but in a study whose main purposes include those of, (1) focusing on mineral activity, (2) interpreting mineral data, and (3) evaluating mineral deposits, it was a serious oversight not to have included a geologist with mineral experience and training, and a mining engineer in the actual preparation of the DEIS.

One of the major errors in this DEIS is the assumption that many of the claims within the study areas are invalid. Even though these validity assumptions are for the "purposes of this document only", they are a prejudgment which has a significant deleterious effect on the development of the alternatives presented in the document. One result is that these "invalid" claims are wrongly excluded from several of the alternatives.

In December, 1982, the Department of Interior Regional Solicitor's Office issued a memo to the regional director of the National Park Service. One of the areas covered dealt with the question of claim validity. The memo states that a mining claim cannot be presumed to be invalid, but rather, must be treated as a valid claim until its validity has been adjudicated. It then goes on to advise that each claim should be treated as valid, even though any estimated acquisition cost determined by the overall study may be zero.

Because the assumptions of invalidity are incorrect, the figures cited for the cost of validity determinations, employment opportunities, annual gross mineral values and costs for claims acquisition must be adjusted before the final report is submitted to Congress.

As a general rule, the DEIS presents what can only be called a "worst possible case" view of the effects of continued mineral activity within the study areas. A "worst case" assumption is made that all placer mining operations will fail to meet the water quality standards. The assumption is also made that any additional mining activity in the Dunkle Area will necessarily have a significant adverse effect on the Denali caribou herd, even though the study data is still incomplete. In short, only the possibly negative effects of mining are emphasized.

The assumption is made in the DEIS that the only type of recreational resource available in the study areas is of the wilderness experience type. This assumption fails to recognize the many other recreational activities, some more land use intensive, that ANILCA demands. Based upon this assumption, it is easy to conclude that increases in mining activities will automatically decrease the recreational potential. However, this would be a gross error.

There are several types of recreational activities which could be made available to park visitors. An interpretive program dealing with the historic and cultural resources associated with past and present mining activity in the areas could be developed. NPS could engage in a cooperative effort with the mine operators to provide a first hand look at a modern mining operation and provide for recreational gold panning in a bona fide mining area. Not every visitor to Denali National Park is solely interested in a wilderness experience.

Along the same lines, the very limited treatment of the cultural and historical resources of the areas is not adequate for the purposes of this study. There is no mention of any preservation or restoration planned for any of the historic buildings. Is there any plan to have any of the buildings or facilities formally designated as a National Historical Site? These resources need to be more completely addressed in the final report.

The description of the subsistence use of resources within the study areas is totally inadequate. No mention is made of the types of subsistence activities qualified users enjoy. Without a complete inventory of subsistence activities, it is extremely difficult to assess the impacts of increased mineral development on subsistence uses.

Considering the focus of the study, economic impacts must be analyzed with as much detail as environmental impacts. The assessments of the potential secondary impacts on local communities which supply goods or provide support services for mining activity in the study areas are insufficient. In a study which can quantify how much fuel will be used under the development scenarios in a given alternative, it should be possible to determine how much revenue this would generate locally. If the total value of mineral production can be estimated, tax revenues which would be generated can also be estimated.

The sections on employment and mineral production for the study areas should be expanded upon and discussed in considerably more detail in the final report.

#### Alternative 1 - Maintain Status Quo

This alternative would allow mining operations and mining-related activities to continue only on existing patented and assumed valid unpatented claims.

A mining claim cannot be presumed to be invalid. The actual status quo would be to allow mining and mining-related activity on any properly located claim within the study areas, subject to approval of a plan of operations. A plan of operations could not be denied on the basis of presumed invalidity. Each claim would have to undergo a validity determination.

#### Alternative 2 - Acquire All Mining Claims

This alternative would not be acceptable to the Commission. Any acquisition of claims by NPS should be initiated by the claim owner, and not under threat of condemnation.

#### Alternative 3 - Offer Term Operating Rights

Under this alternative, why would only those claims with proven production on or before December 2, 1980 be offered term operating rights? The two study areas were withdrawn from mineral entry prior to the enactment of ANILCA. Some explanation of this apparently arbitrary date should be given.

If this alternative is chosen, any claim owner who has a properly located claim and has complied with the annual requirements should be offered the same terms, provided the claim proves valid.

The conditions of the term operating rights are unclear. Page ix of the summary states that term operating rights would be terminated if there was no proven production within 5 years following election of this right or if there was a lapse in production for two consecutive seasons thereafter. On page 26, it states that term operating rights would be terminated if there was no proven production within 3 years following election of this right or following a lapse in production for five consecutive seasons thereafter. This discrepancy needs to be corrected.

#### Alternative 4 - Allow Additional Time For Perfecting Claims

Allowing additional time for perfecting claims would be an acceptable alternative, but it is unclear why Congressional action would be required. There would be no new mineral entry, location or leasing, only an opportunity to perfect already existing claims. Pending a validity determination or a decision by the Secretary of the Interior to terminate

all mining activity in the study areas, any person holding a properly located claim would continue to be allowed to conduct exploration or assessment work.

#### Alternative 5 - Expand Mineral Development Possibilities

This alternative is not even a remotely viable option. It is highly unlikely that Congress would agree to opening additional areas to either mineral leasing or mineral entry and location, as long as the areas lie entirely within a National Park System Unit.

#### Alternative 6 - Remove Mineralized Areas From the Park

Alternative 6 would be the most acceptable option. It would remove mineralized areas and mining activity from the park boundaries and place them under the jurisdiction of the State of Alaska. These areas were outside the park boundaries until 1980, so their removal from the present boundaries would in no way affect the "old" part of the park.

On page 49 is the statement: "Congress has identified certain state lands adjacent to Denali National Park and Preserve and has directed that these lands be considered for addition to the park." Section 1302(i)(1-2) authorizes the Secretary of the Interior, not Congress to enter into a land exchange.

Section 101(d) of ANILCA further states:

"This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas has been obviated thereby."

Clearly, ANILCA does not make any provisions for the addition of State lands to Denali National Park and Preserve by Congress.

Another oddity in this alternative is the proposed area to be removed in the Dunkle Study Area. In sections 9 and 10 of the Dunkle township, a small segment of Camp Creek is excluded from the area to be removed from the park. There

is no explanation for this choice of boundary in either the explanation for Alternative 6 or the section on environmental consequences.

Section 103(b) of ANILCA states that wherever possible boundaries will be drawn to follow hydrographic divides or embrace other topographic or natural features. This proposed boundary does not follow any of the criteria above. The only apparent reason for retaining this small segment of the creek in the park is to maintain control of the drainage from the entire claim block to the east. Is there another reason for the exclusion of this small segment of Camp Creek?

#### ENVIRONMENTAL CONSEQUENCES

As mentioned earlier in these comments, this DEIS presents mining activity in the worst possible light. A good example of this is the narrative accompanying the section on the impacts on soils under alternative 1. There are several paragraphs which explicitly describe the damage which will be done to the soils in the study areas due to mining activity, access road construction and other associated activities. The conclusion then places everything in perspective by stating that slightly more than 1 percent of the Kantishna Hills area and slightly less than 1 percent of the Dunkle Mine area will be disturbed under alternative 1. In the same section under alternative 4 for the Dunkle Mine area, rather than simply state that this alternative would result in disturbance of 2 percent of the study area, the statement is made that a 200 percent increase in the amount of soil disturbed would occur. The choice of terms is clearly an attempt to raise a red flag over this alternative. Similar comments are made for alternatives 5 and 6.

For most of the remaining resources such as water quality, fisheries and aquatic habitat, wildlife, and vegetation, the conclusions for each resource are basically the same, that is, that there is insufficient data to make an accurate determination on the effects mining activity will have on each of these resources.

What has become the most important question is the effect of increased mining activity in the Dunkle Mine area on the Denali caribou herd. The information in this DEIS shows that there is insufficient data to make a reasonable determination on this question.

The Denali caribou herd has been observed and studied more than any other herd in the State of Alaska. Its rapid decline in the last 15 years is unexplained, although it has been the subject of extensive speculation. It would be useful for the purposes of this study to provide some

background information on the original purposes for the caribou studies. The methods used to gather data on the caribou should also be outlined.

While the Dunkle township lies almost entirely within the Cantwell calving grounds, the caribou distribution map on page 111 of the DEIS shows the majority of the township is one of the most lightly used areas. The map shows that the portion of the township containing almost all of the mining claims was used by from 1 to 100 caribou during the periods of observation from 1976 to 1982. The 1982 paper prepared by Duff and Singer contains maps which indicate the number of caribou found on or near the mining claims was toward the extreme low end of the 1 to 100 animal range.

The DEIS makes frequent reference to the Cantwell calving grounds as an area which is of critical importance to the survival of the Denali caribou herd. This is probably an accurate statement for a large part of the area adjacent to the Dunkle township, but Duff and Singer state that in recent years caribou have used the areas near the mining claims for only a "very brief period." (Duff & Singer, pg 15).

Other statements indicate that the mineralized portions of the Dunkle Mine area which contain the mining claims are not the critical portions of the calving or post-calving grounds, but the DEIS has basically ignored these and concentrated upon the most negative impacts of increased mining activity.

Data does exist which shows that increased activity by man can have some adverse effects on a herd which is at a very low point in terms of population and reproductive rate. This would include such things as overflights by aircraft and biological surveys; as well as mining activity. (Duff & Singer, 1982) Certainly there is no suggestion to halt the caribou studies.

On page 162 of the DEIS, it states that the Dunkle Mine study area has the potential for an NPS visitor and staging center. This has never been mentioned in any previous planning document for Denali National Par.. Large numbers of visitors and support facilities would have a more adverse effect on the caribou herd than would mining.

backups



# ALASKA MINERS ASSOCIATION, INC.

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

May 14, 1984

The Honorable Esther Wunnicke  
Commissioner of Natural Resources  
STATE OF ALASKA  
Pouch M  
Juneau, Alaska 99811

Dear Commissioner Wunnicke:

As you know, the members of the minerals industry have maintained a strong interest in the decisions to be made concerning the future of the Dunkle Mines Township.

The township contains good quality coal, at least four high grade gold-silver deposits and several potential targets for copper-molybdenum or copper-precious metal deposits of the porphyry type. Should an economic deposit be developed, a mine scenario of about 100 million tons may be expected. So far, the potential mineral targets have not been adequately tested.

A minerals study of the township shows it to be an highly metalliferous, geologically complex environment. Further evaluation of the mineralization will require expensive diamond drilling which is unlikely to cause any significant environmental impact. Unfortunately, private-sector funding of the necessary tests is not likely so long as the National Park Service retains control of the area.

The Park service has repeatedly expressed strong concern with the potential for impact of mining operations on the caribou population in the area. Their own studies, however, have shown that the caribou are more or less restricted to the extreme northwest corner and to the north and west of the township. The study also concluded that mining operations in the area had little impact on the caribou population and that more problems were caused by predators.

MAY 17 1984



ALASKA MINERS ASSOCIATION, INC.

Unlike many mineralized areas of Alaska, the Dunkle Township is very close to transportation access. It lies only five miles west of the Alaska railroad and the Parks Highway midway between Anchorage and Fairbanks and has existing right-of-way to the coal mine. Development of deposits in the area could be accomplished with relative speed and would provide badly needed economic diversity for our state.

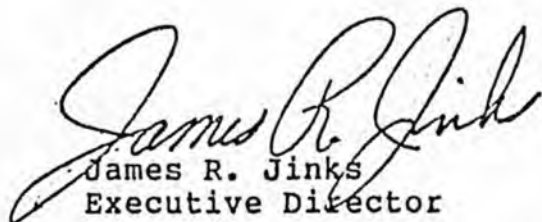
There are many townships contiguous to Denali National Park with scenic and wildlife values equal to or greater than the Dunkle Township. ANILCA makes specific provisions for land exchanges in conservation units. Recent public comment concerning this issue was overwhelmingly in favor of such an exchange. It is our belief that it is to the state's advantage to obtain ownership of the Dunkle Township.

We understand that the National Park Service has indicated there is an opportunity for the state to negotiate a land exchange that would transfer the township to state ownership. The Wolf township has been cited as one of those areas that would possibly be of interest to them.

The Alaska Miners Association urges the state to pursue a land exchange with the National Park Service allowing them to acquire a non-mineralized area with better scenic and wildlife habitat values. The state, concurrently, would acquire a highly mineralized area which could quickly benefit Alaskans and the nation.

Sincerely,

ALASKA MINERS ASSOCIATION

  
James R. Jinks  
Executive Director

cc: Governor Sheffield  
Senate Resources Committee  
House Resources Committee



OFFICE OF THE  
ASSISTANT SECRETARY

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
WASHINGTON

DEPARTMENT OF  
NATURAL RESOURCES

JAN 15 1984

COMMISSIONER'S OFFICE  
JUNEAU

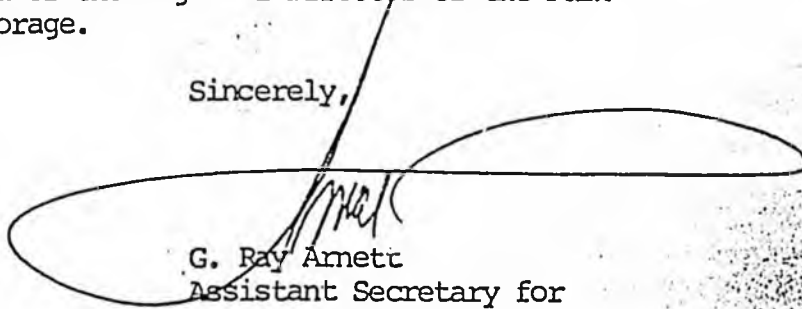
Ms. Esther C. Wunnicke  
Commissioner  
Department of Natural Resources  
Pouch M  
Juneau, Alaska 99801

Dear Ms. Wunnicke:

Your letter of December 26, 1984, regarding our acquisition of State lands adjacent to Denali National Park is appreciated. We are most interested in acquiring this important wildlife habitat for the park. We accept your offer to negotiate an exchange and would appreciate your letting us know what lands the State may be interested in acquiring in the area.

If you have any further concerns, please contact my office in Alaska or the Regional Director of the Park Service in Anchorage.

Sincerely,

  
G. Ray Amett  
Assistant Secretary for  
Fish and Wildlife and Parks

January 10, 1985

The NPS recommendations have been  
incorporated in the Resources C.S.

TESTIMONY

BY THE NATIONAL PARK SERVICE ALASKA REGIONAL OFFICE

TO THE SENATE RESOURCES COMMITTEE

ALASKA STATE SENATE

REGARDING SENATE JOINT RESOLUTION NO. 3

January 17, 1985

We are pleased to hear of the Senate Resource Committee's interest in support for an equal value land exchange that would substitute lands of high wildlife and scenic value for mineralized lands in the Dunkle Township area. We believe an exchange of this nature could be feasible and mutually beneficial and we are committed to working with the Department of Natural Resources to develop the terms of such an agreement.

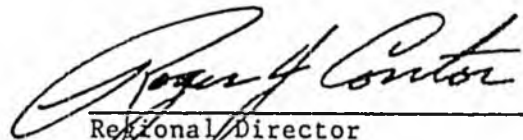
The National Park Service has long been interested in acquiring state lands at the northeast boundary of the old park, commonly known as the Wolf Townships. Wildlife which inhabit and travel through this region are a major source of the attraction of Denali National Park and Preserve for Alaskan visitors and residents. The proposed park addition would, in the long run, benefit the state and its economy by enhancing one of the state's prime visitor attractions.

For similar reasons, in negotiating this exchange, we will seek an agreement with the State of Alaska which will assure that the caribou herds which use the Dunkle Township are protected from further decline. The National Park Service is in the process of completing a study of the caribou herds in this part of Alaska and by the first of February we will be able to release the results. There is ample documentation that the Denali caribou herd has used

the Dunkle area since at least 1939. In many years, the Dunkle Township is used as a calving and post-calving habitat. I believe we are in agreement with the state Department of Fish and Game, as well as the Department of Natural Resources, that protection of the herd is an important goal that must be addressed in the exchange.

We are also appreciative of the mineral values of the Dunkle Township. We are fortunate to be able to start our negotiations on a sound basis of research and documentation for both mineral and wildlife values in the region and we look forward to developing an exchange which improves the overall pattern of land ownership in Alaska.

Though we find that the proposed resolution is generally well written, there are several changes we would recommend. These are as follows:

  
\_\_\_\_\_  
Regional Director  
Alaska Region

Noted to indicate changes  
recommended by the National  
Park Service, January 17, 1985

Introduced: 1/14/85  
Referred: Resources  
and Finance

1 IN THE SENATE

BY FAHRENKAMP, FAIKS  
AND COGHILL

2

SENATE JOINT RESOLUTION NO. 3

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Requesting that the State of Alaska

6

pursue a land exchange with the U.S.

7

Department of the Interior to exclude

8

the Dunkle Mine Township from Denali

9

National Park and Preserve.

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

11 WHEREAS the boundaries of Denali National Park and Preserve were  
12 expanded by the passage of the Alaska National Interest Lands Conservation  
13 Act in 1980 to include the historic Dunkle Mine Township; and

14 WHEREAS the Dunkle Mine Township contains good quality coal deposits,  
15 at least four high-grade gold/silver vein deposits, placer gold deposits,  
16 and large low grade copper/precious metal deposits; and

17 WHEREAS the proximity of the Dunkle Township to the Alaska Railroad  
18 and the Parks Highway enhances the favorability of the area's mining poten-  
19 tial; and

20 WHEREAS claimholders had established rights to the minerals in the  
21 area before the time the park was expanded to include the claims; and

22 WHEREAS in recognition of the fact that the Dunkle Township has known  
23 mineral potential, Section 202(3)(b) of ANILCA mandated that a study of the  
24 relationship of mineral resources and mining activity to the other resourc-  
25 es of the area be done by the Alaska Land Use Council in cooperation with  
26 the Secretary of Interior; and

Delete.  
Study will  
be completed  
Feb. 1

27 ~~WHEREAS a primary reason for including the Dunkle Township in the park~~  
28 ~~was protection of habitat for the Denali caribou herd and there has been no~~  
29 ~~conclusive evidence presented during the study process that the area~~

1 ~~contains critical habitat for the herd or that increased mining activity~~  
2 ~~will necessarily have a significant adverse effect on the herd, and~~

3 WHEREAS <sup>some</sup> ~~the~~ potential for mineral development of the Dunkle Township  
4 will be lost if the area stays within the park, as park status will not  
5 allow new mining claims and may invalidate many of the present claims; and

6 WHEREAS one of the alternatives offered in the 1983 Draft Environ-  
7 mental Impact Statement of the Dunkle Mine Study was to remove mineralized  
8 areas and mining activity from the park boundaries and place them under the  
9 jurisdiction of the State of Alaska; and

10 WHEREAS there is no conclusive evidence that deletion of the Dunkle  
11 Township from the park would result in a lack of protection for the caribou  
12 herd, as any adverse effects that may occur from increased mining activity  
13 could be mitigated under the direction of the state; and

14 WHEREAS there is state owned land contiguous to Denali National Park  
15 and Preserve with scenic and wildlife values equal to the Dunkle Township;  
16 and

17 WHEREAS Section 1302(h) of ANILCA clearly authorizes exchanges in  
18 conservation units; and

19 WHEREAS public testimony solicited during the study process was in  
20 strong support of an exchange; and

21 WHEREAS the Department of Interior has indicated that it regards a  
22 land exchange as one of the better solutions for the problems identified in  
23 the Dunkle Mine Study, and initial discussions have occurred between the  
24 State Department of Natural Resources, the National Park Service, and the  
25 Office of the Assistant Secretary for Fish, Wildlife and Parks indicating a  
26 willingness by all parties to negotiate and exchange;

27 BE IT RESOLVED by the Alaska State Legislature that the State of  
28 Alaska and the Department of Interior take whatever action is necessary to  
29 mineralized lands in area  
~~exclude the Dunkle Township from~~ the Denali National Park and Preserve

1 through a land exchange that would allow the National Park Service to  
2 acquire <sup>lands</sup> ~~a non-mineralized township~~ with high scenic and wildlife habitat  
3 values and allow the state the opportunity to develop the mineralized lands  
4 in the Dunkle Township; and be it

5       FURTHER RESOLVED that the land exchange be as simple and uncomplicated  
6 as possible, preferably for lands of equal value to the Dunkle Township and  
7 adjacent to the Denali National Park and Preserve.

8       COPIES of this resolution shall be sent to the Honorable William  
9 Clark, Secretary of the U.S. Department of Interior; the Honorable Bill  
10 Sheffield, Governor; the Honorable Ted Stevens and the Honorable Frank  
11 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
12 members of the Alaska delegation in Congress.



### LAND EXCHANGE FACT SHEET

The disposal of state land or interests in state land by exchange is governed by Alaska Statutes - Title 38.50 and Alaska Administrative Code - 11 AAC 67.200 to 11 AAC 67.280. These statutes and regulations ensure that the commissioner may exchange state land or interests only to achieve public purposes, after proper consideration of alternatives, agency coordination, public notice and public hearing(s). Unless the land or interests which the state receives in an exchange equals, or exceeds, the appraised fair market value of the land or interests exchanged by the state, the Alaska legislature must approve the exchange. Legislative review is also necessary if a exchange involves state land having an appraised or estimated fair market value of more than \$5,000,000.

The land exchange process is usually detailed and time consuming. The department must adhere to the following chronological regulatory steps in order to complete a land exchange:

1. Initial pre-application discussions.
2. Application filed with department.
3. Department reviews application and responds within 60 days.
4. Land status checked.
5. Preliminary exchange agreement signed.
6. Notation of state title records to segregate land from third-party interests.
7. Fair market value appraisal report initiated.
8. Mineral closing order.
9. Land classification action.
10. Land survey completed, if necessary.
11. State agency coordination.
12. Appraisal report completed, reviewed and approved.
13. Preparation of alternative findings and exchange report.
14. Public notice.
15. Public hearing(s) and comment period.
16. Final exchange agreement signed.
17. Deed preparation and review.
18. Execution of exchange.

In addition, if the exchange requires legislative approval, the governor must transmit the proposal to the legislature within ten days of the convening of a regular legislative session. The department is authorized to conclude the exchange upon approval by the legislature of the proposed exchange agreement.

The commissioner may also revise a proposed land exchange to reflect comments or other information provided through the agency and public comment period [AS 38.50.130(b)].

Land Exchange Fact Sheet

Page 2

Land exchange application forms may be obtained and submitted at any of the Division of Land and Water's Regional Offices located in Anchorage, Fairbanks or Juneau. If the exchange proposal involves a small tract of state land it will usually be negotiated directly by the applicable regional office. If, however, the exchange proposal involves either a large tract of state land, a federal government agency or Native corporation, or is considered by the department to be unusually complex or sensitive, the exchange will be negotiated by the division's Central Office Land Management Section.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSSJR 3 (Res)  
Title: Dunkle Mine Land Exchange

FISCAL DETAIL

Agency Affected: Natural Resources  
Program Category Affected: NRMEC

Sponsor: Fahrenkamp  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

BRU, Program or Subprogram(s) Affected:  
Land and Water

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No direct fiscal impact

Prepared By: Ned Farquhar  
Division: Commissioner's Office

Phone: 465-2400  
Date: January 23, 1985

Approved by Commissioner: William D Arnold  
Agency: Natural Resources

Date: January 23, 1985

Distribution (by Agency preparing fiscal note):

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

7/1/84

W

STATEMENT OF ESTHER C. WUNNICKE  
COMMISSIONER  
ALASKA DEPARTMENT OF NATURAL RESOURCES  
on  
SJR 3 (Dunkle Land Exchange)  
January 17, 1985

MADAME CHAIR, MEMBERS OF THE SENATE RESOURCES COMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU TODAY IN SUPPORT OF SENATE JOINT RESOLUTION 3, REQUESTING THAT THE STATE OF ALASKA PURSUE A LAND EXCHANGE THAT WILL EXCLUDE THE DUNKLE MINE TOWNSHIP FROM DENALI NATIONAL PARK AND PRESERVE.

IN YOUR PACKETS, YOU WILL SEE RECENT CORRESPONDENCE BETWEEN ME AND THE ASSISTANT SECRETARY OF THE INTERIOR INDICATING THAT THE U.S. INTERIOR DEPARTMENT IS INTERESTED IN ACQUIRING STATE LANDS ADJACENT TO THE NATIONAL PARK AND PRESERVE, AND THAT THE STATE WOULD BE INTERESTED IN PURSUING AN EXCHANGE FOR THESE LANDS.

TODAY THE NATIONAL PARK SERVICE IS ALSO TESTIFYING BEFORE YOU THAT IT FAVORS THE EXCHANGE OF THE DUNKLE LANDS TO THE STATE. I WOULD LIKE TO COMMEND THE PARK SERVICE'S STAFF AND LEADERSHIP FOR RECOGNIZING OUR INTEREST IN THIS MATTER AND EXPEDITING THE CARIBOU STUDIES RECOMMENDED LAST SPRING BY THE ALASKA LAND USE COUNCIL.

AT PRELIMINARY LAND EXCHANGE MEETINGS BETWEEN OUR STAFFS NEXT WEEK, THE STATE AND THE INTERIOR DEPARTMENT WILL BEGIN TO DISCUSS THE POSSIBILITY OF A STATE-PARK SERVICE LAND EXCHANGE THAT MAY INCLUDE THE DUNKLE MINE TOWNSHIP. THE DEPARTMENT OF NATURAL RESOURCES MAINTAINS THAT THE DUNKLE TOWNSHIP'S RESOURCE VALUES WARRANT A LAND EXCHANGE PLACING THE TOWNSHIP IN STATE OWNERSHIP AND REMOVING IT FROM THE NATIONAL PARK AND PRESERVE.

YOU WILL ALSO SEE IN YOUR INFORMATION PACKETS A BRIEFING PAPER ENTITLED "LAND EXCHANGE FACT SHEET". THIS PAPER SHOWS THE COMPLICATED AND TIME-CONSUMING STEPS OF A LAND EXCHANGE UNDER OUR STATUTES. I HAVE PROVIDED YOU WITH THIS SUMMARY OF THE LAND EXCHANGE PROCESS SO THAT YOU WILL BE AWARE OF THE POTENTIAL PITFALLS IN ANY PROPOSED LAND EXCHANGE, INCLUDING THE DUNKLE PROPOSAL. LAND EXCHANGES ARE OFTEN MENTIONED AS A POSSIBLE SOLUTION TO LAND MANAGEMENT CONTROVERSIES, BUT THEY ARE DIFFICULT TO ACCOMPLISH.

I WOULD CALL TO YOUR ATTENTION SEVERAL IMPORTANT POINTS ABOUT THE PROPOSED DUNKLE EXCHANGE AND THE WORDING OF THE PROPOSED RESOLUTION.

FIRST, ALTHOUGH MOST OF THE MINERALIZED LANDS OF CONCERN IN THE DUNKLE AREA ARE WITHIN THE DUNKLE TOWNSHIP, THERE ARE MINERALIZED LANDS JUST OUTSIDE THE TOWNSHIP THAT SHOULD BE CONSIDERED FOR EXCHANGE AND A POSSIBLE AMENDMENT OF THE DENALI PARK/PRESERVE BOUNDARY. YOU HAVE A MAP OF DUNKLE AREA CLAIMS IN YOUR PACKET AND YOU CAN SEE THAT THERE ARE A NUMBER OF CLAIMS WEST OF THE TOWNSHIP ITSELF.

SECOND, WE ARE CLEARLY INTERESTED IN EXCHANGING LANDS WITH THE INTERIOR DEPARTMENT ON AN EQUAL VALUE BASIS. IT IS NOT OUR INTENTION TO DONATE LAND TO THE NATIONAL PARK AND PRESERVE. WE UNDERSTAND THAT THE FEDERAL GOVERNMENT IS INTERESTED IN ADDING CERTAIN HIGH-VALUE WILDLIFE HABITAT, NOW OWNED BY THE STATE, TO THE PARK AND PRESERVE, AND WE HOPE THAT THE PARK BOUNDARIES WILL ALSO EVENTUALLY BE AMENDED TO EXCLUDE THE DUNKLE TOWNSHIP.

THIRD, WE EXPECT OUR LANDS -- IF THE EXCHANGE IS SUCCESSFULLY ACCOMPLISHED -- TO BE LARGELY FREE OF MANAGEMENT RESTRAINTS BY THE FEDERAL GOVERNMENT. SECTION 906 (o) (2) OF THE ALASKA NATIONAL INTEREST LANDS ACT PROVIDES THAT FEDERAL LANDS WITHIN CONSERVATION UNITS SHALL BE MANAGED FOR CONSERVATION PURPOSES ONLY UNTIL THEY ARE CONVEYED TO THE STATE.

LAST, WE RECOMMEND THAT YOU RECONSIDER THE WORDING OF THE PROPOSED RESOLUTION WHERE IT SUGGESTS THAT THE NATIONAL PARK SERVICE MAY ACQUIRE A NONMINERALIZED TOWNSHIP FROM THE STATE (p.3, line 2). THIS MAY BE INTERPRETED AS A RECOMMENDATION THAT THE STATE PURSUE AN EQUAL ACREAGE EXCHANGE, RATHER THAN THE EQUAL VALUE EXCHANGE THAT WE BELIEVE IS INTENDED. EQUAL ACREAGE EXCHANGES ARE SOMETIMES UNEQUAL IN VALUE AND REQUIRE SEVERAL MORE STEPS TO COMPLETE.


IN SUM, I WOULD LIKE TO THANK YOU FOR CONSIDERING THIS JOINT RESOLUTION. IT IS A GOOD IDEA AND WE SUPPORT IT.



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

SJR

14

Original sponsor: Zharoff

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR SENATE JOINT RESOLUTION NO. 14 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Urging the United States Fish and Wild-  
6 life Service to postpone the proposed  
7 cattle slaughter on Simeonof Island.

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

9 WHEREAS cattle have been on Simeonof Island since 1894; and

10 WHEREAS the United States Fish and Wildlife Service has indicated that  
11 it plans to kill the cattle on this island; and

12 WHEREAS the people in the communities near Simeonof Island are suffer-  
13 ing difficult economic times due to the decline of the fishery stocks; and

14 WHEREAS the people in the communities near Simeonof Island have used  
15 the cattle on Simeonof Island as a supplemental food source in the past,  
16 and would like to continue to do so in the future; and

17 WHEREAS there are cattle holding pens and loading chutes on Simeonof  
18 Island to facilitate removal of the cattle; and

19 WHEREAS the Shumagin Village Corporation desires to transplant the  
20 cattle from Simeonof Island to Unga Island, but the Shumagin Village Corpo-  
21 ration may require until September 1985 in order to do so; and

22 WHEREAS the slaughter of the cattle would constitute a waste of thou-  
23 sands of pounds of beef that could be used by needy Alaskans in the immedi-  
24 ate area; and

25 WHEREAS the elimination of the cattle will be very expensive; and

26 WHEREAS the cost of the destruction of the cattle could be used to  
27 better advantage to help the Shumagin Village Corporation transplant the  
28 cattle to Unga Island;

29 BE IT RESOLVED by the Alaska State Legislature that it respectfully

1 urges the United States Fish and Wildlife Service to postpone its ultimate  
2 termination action related to the cattle until at least October 1985; and  
3 be it

4 FURTHER RESOLVED that the legislature respectfully urges the United  
5 States Fish and Wildlife Service to assist the Shumagin Village Corporation  
6 in its effort to transplant the Simeonof Island cattle to Unga Island; and  
7 be it

8 FURTHER RESOLVED that the Alaska State Legislature urges the Alaska  
9 delegation in Congress to ensure that the United States Fish and Wildlife  
10 Service postpones the cattle slaughter on Simeonof Island until at least  
11 October 1985.

12 COPIES of this resolution shall be sent to the Honorable Ronald  
13 Reagan, President of the United States; the Honorable Donald Hodel, Secre-  
14 tary of the Interior; and to the Honorable Ted Stevens and the Honorable  
15 Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Repre-  
16 sentative, members of the Alaska delegation in Congress.  
17  
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28  
29

# Alaska State Legislature

REPRESENTATIVE  
ADELHEID HERRMANN

P O BOX 63  
NAKNEK, ALASKA 99633  
(907) 246 4495

*While in Juneau*  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4942, 465-4943



CHAIRMAN  
SPECIAL COMMITTEE  
ON FISHERIES

MEMBER  
TRANSPORTATION  
COMMITTEE

## House of Representatives

### DISTRICT 26

ADAK  
AKUTAN  
ALEKNAGIK  
ATKA  
BELKOFSKI  
CLARK'S POINT  
COLD BAY  
DILLINGHAM  
DUTCH HARBOR  
EGEGIK  
EKUK  
EKWOK  
FALSE PASS  
IGIUGIG  
ILIAMNA  
KING COVE  
KING SALMON  
KOKHANOK  
KOLIGANEK  
LEVELOCK  
MANOKOTAK  
NAKNEK  
NELSON LAGOON  
NEWHALEN  
NEW STUYAHOK  
NIKOLSKI  
NONDALTON  
PEDRO BAY  
PILOT POINT  
PORT ALSWORTH  
PORT HEIDEN  
PORT MOLLER  
PORTAGE CREEK  
SAND POINT  
SOUTH NAKNEK  
SOUAW HARBOR  
ST GEORGE  
ST PAUL  
TOGIAK  
TWIN HILLS  
UGASHIK  
UNALASKA

### MEMORANDUM

TO: House Resources Committee Members  
FROM: Representative Adelheid Herrmann  
DATE: February 25, 1985  
SUBJECT: Background on Shumagin Island Cattle Issue

This memorandum provides back-up information regarding Senate Joint Resolution 14 (am) and similar resolutions which I have sponsored on the House side.

#### Background

Three islands within the Alaska National Maritime Wildlife Refuge currently support populations of wild cattle: Caton, Chernabura and Simeonof. The cattle of Caton and Chernabura were put there as a result of grazing permits issued by the Bureau of Land Management (BLM) in the early 1960's; cattle have been on Simeonof Island since 1984.

The United States Fish and Wildlife Service (USFWS), which has inherited management of the islands, plans to eliminate all cattle from the three islands. The grazing permits originally issued by the BLM have expired and the cattle are now the responsibility of the USFWS. The USFWS wants to eliminate the cattle because the cattle, in the opinion of the USFWS, have overgrazed the islands and are otherwise damaging the habitat values of the islands. The original grazing permits issued by the BLM allowed for 275 head. During the late 1970's, the unmanaged population grew to over 700. More recently, the cattle population is estimated at 240. (The USFWS estimates the grazing capacity of the island as 300 head. Talbot, et al, 1984.)

In an effort to get rid of the cattle, the USFWS has offered to give away the cattle. In July of 1984, the USFWS began allowing unrestricted taking on the islands. During the late summer of 1984, local residents of the area, represented by the Shumagin Village Corporation approached

the USFWS with a plan to relocate cattle from Simeonof to near-by Unga Island. In contrast to many of the earlier proposals, the Shumagin Corporation proposal was a locally developed proposal based on the experience and expertise of people who live in the region.

Although the open taking period was to have ended officially in October, that deadline was extended until March 4th. On that date, the USFWS planned to shoot any cattle remaining on the island.

This prompted the resolution now before the Committee.

#### Current Situation

Local residents of the region remain interested in removing a large number of cattle from Simeonof where there are estimated to be 240 head. However, the Shumagin Corporation, which has been coordinating the relocation effort, requires additional time to finalize the transplant proposal.

Part of the difficulty involves getting consent for the use of Unga Island from all of the affected land owners with an interest in Unga Island. A substantial number of the landowners have provided letters of non-objection and it is anticipated that the rest will be forthcoming. Also, lining up a barge to transport the animals has proven difficult because of the there are only a few such vessels which are available in the region.

Local residents of the region want the USFWS to defer the cattle slaughter until the relocation plan can be implemented. As a practical matter, this means putting off the slaughter until the end of the September. This would allow local residents sufficient time to finalize arrangements and execute their plan.

#### Senate Joint Resolution 14 (am)

Senate Joint Resolution 14 (am) addresses the need for a brief delay in the USFWS cattle kill. The resolution calls upon the USFWS to hold off until October 1985 so that the cattle can be moved. In light of the fact that cattle have been on Simeonof since 1894, it is apparent that another six months will not make a material difference. Also, it should be noted that the USFWS estimates the Simeonof Island grazing capacity at about 300 head which is greater than the number of cattle currently on the island.

Although the resolution would not, of course, be binding on the federal government it would be an expression of support from the Legislature for a delay in order to accommodate the local interest in the wild cattle as a supplemental food resource.

Anyone who has had the opportunity to visit the lower Alaska Peninsula and knows how expensive freight and travel expenses are in this part of the state can readily appreciate the value of this locally available wild food resource.

During the Resources Committee meeting I will update the Committee on recent developments concerning this issue.