

ALASKA LEGISLATURE COMMITTEE FILES 1905-1900 00/2

3811 HTRA HCR 36 - HJR 14

CSHCR 36(Fin)

CSHCR 36(FIN)

Yeas: 37 Adams, Binkley, Boucher, Cato,
Clocksin, Collins, Cotten, Davis,
Duncan, Frank, Fuller, Furnace,
Goll, Gruenberg, Grussendorf,
Hanley, Herrmann, Hurley, Jenkins,
Koponen, Larson, Martin,
Miller, M.M., Miller, M.W., Navarre,
Phillips, Pignalberi, Pourchot,
Rieger, Ringstad, Shultz, Sund,
Szymanski, Taylor, Thompson,
Uehling, Wallis

Nays: 3 Marrou, Pearce, Pettyjohn

Excused: 0

Absent: 0

And so, CSHCR 36(Fin) passed the House and was referred to the Chief Clerk for engrossment.

SECOND READING OF SENATE RESOLUTIONSCSSCR 32(SA)

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 32 (State Affairs) (relating to the bicentenary of the United States Constitution) was read the second time with the State Affairs Committee report (page 2414).

Amendment No. 1 by Martin:

Page 1, lines 28 and 29:

Page 2, lines 1 - 4:

Delete all material and insert:

"BE IT RESOLVED that the Alaska State Legislature respectfully requests the Governor to request the Alaska Historical Commission to work together with the University of Alaska Board of Regents, local school boards throughout the state, local service clubs and their affiliates, as well as any other interested groups to commemorate the bicentennial of the United States Constitution during 1987, 1988 and 1989; and be it

FURTHER RESOLVED that the Department of Education is encouraged to develop a program for the school year 1987-1988 that puts special emphasis in

FILE

CSHB 436(R1s)

The question being: "Shall CSHB 436(R1s) pass the House?"
The roll was taken with the following result:

CSHB 436(RLS)

Yeas:	33	Adams, Binkley, Boucher, Cato, Clocksin, Collins, Cotten, Duncan, Fuller, Furnace, Goll, Gruenberg, Grussendorf, Hanley, Herrmann, Hurley, Jenkins, Koponen, Larson, Miller, M.M., Miller, M.W., Navarre, Pearce, Phillips, Pignalberi, Rieger, Shultz, Sund, Szymanski, Taylor, Thompson, Uehling, Wallis
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Nays:	7	Davis, Frank, Marrou, Martin, Pettyjohn, Pourchot, Ringstad
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Excused: 0

Absent: 0

Larson changed from "nay" to "yea".

And so, CSHB 436(R1s) passed the House.

Representative Marrou gave notice of reconsideration of his vote on CSHB 436(R1s).

SECOND READING OF HOUSE RESOLUTIONS

HCR 36

HOUSE CONCURRENT RESOLUTION NO. 36 (relating to intrastate airline travel) was read the second time with the Transportation Committee report (page 2085) and the Finance Committee report (page 2549).

Representative Clocksin moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 36 (Finance) (same title) be adopted in lieu of the original resolution. There being no objection, it was so ordered.

CSHCR 36(Fin)

The question being: "Shall CSHCR 36(Fin) pass the House?"
The roll was taken with the following result:

HCR 43

Page 2567: Under Committee Reports:

HCR 43 was referred to the Finance Committee.

MESSAGES FROM THE GOVERNORHB 706

A second fiscal note on HOUSE BILL NO. 706 (relating to the ethical conduct of governmental activities; effective date), which had been noted as forthcoming (page 2570), was received from the Governor and appears in House Journal Supplement No. 110.

MESSAGES FROM THE SENATE

A message dated April 4, 1986, was read stating the Senate has approved the following citation and it is transmitted for consideration:

In Memoriam - Charles Clinton Young
by Senators P. Fischer, Sturgulewski
and DeVries; and Representative Marrou

The citation was referred to the Rules Committee for placement on the calendar.

The message also stated the Senate approved the following citations and they are being enrolled:

Honoring - Robert A. Lochman

Honoring - James A. Hanson

In Memoriam - F.H. Green

REPORTS OF STANDING COMMITTEES

The Resources Committee has held a confirmation hearing on the following nominations for appointment to the Board of Fisheries:

Bix Bonney

Representatives Herrmann (Co-chair), Wallis, Sund and Cato recommend confirmation; Jenkins recommends do not confirm; M.W. Miller, Thompson, Pearce and Shultz have no recommendation.

Jesse Foster
Val Angasan

Representatives Herrmann (Co-chair), Wallis, Sund and Cato recommend confirmation; M.W. Miller, Thompson, Pearce, Jenkins and Shultz have no recommendation.

SJR 47

The Rules Committee has considered SENATE JOINT RESOLUTION NO. 47 (requesting additional action by the United States to reduce high seas interception of Alaska-bound salmon) and reports it back as follows: M.W. Miller (Chairman), Martin, Grussendorf, Fuller and Davis recommend do pass.

SJR 47 was returned to the Rules Committee for placement on the calendar.

HCR 36

The Finance Committee submitted a zero fiscal note for the Finance committee substitute offered in place of HOUSE CONCURRENT RESOLUTION NO. 36 (relating to intrastate airline travel).

HCR 36 appears on today's calendar.

HB 15

The Rules Committee submitted a fiscal note for the Community & Regional Affairs committee substitute offered in place of HOUSE BILL NO. 15 (requiring an advisory election before an annexation may be proposed to the legislature).

The fiscal note appears in House Journal Supplement No. 110.

HB 15 appears on today's calendar.

HB 430

The Finance Committee has considered HOUSE BILL NO. 430 (regulating audiologists, hearing aid dealers and the dispensing of hearing aids), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 430 (Finance) (same title) and reports it back as follows: Adams (Chairman), Ringstad, Duncan, Larson, Pourchot, Uehling, Binkley and Cotten recommend do pass; Szymanski, Rieger and Frank have no recommendation.

A fiscal note appears in House Journal Supplement No. 110.

HB 430 was referred to the Rules Committee for placement on the calendar.

April 8, 1986

2267

SB 57 cont'd

The Secretary was requested to notify the House.

HOUSE CS FOR CS FOR SENATE BILL NO. 57 (FIN) was referred to the Secretary for enrollment.

Message of April 7 was read, stating the House passed and transmitted for consideration:

FIRST READING AND REFERENCE OF HOUSE RESOLUTIONS

HCR 36 *file*

CS FOR HOUSE CONCURRENT RESOLUTION NO. 36 (FIN) by the Finance Committee,

Relating to intrastate airline travel,
was read the first time and referred to the Transportation Committee and the Labor and Commerce Committee.

FIRST READING AND REFERENCE OF HOUSE BILLS

HB 15

CS FOR HOUSE BILL NO. 15 (C&RA) by the Community and Regional Affairs Committee, entitled:

"An Act relating to advisory elections on certain annexation proposals."

was read the first time and referred to the State Affairs Committee, the Community and Regional Affairs Committee and the Finance Committee.

HB 160 *file*

CS FOR HOUSE BILL NO. 160 (FIN) by the Finance Committee, entitled:

"An Act relating to utilities and encroachments in state airports, public facilities, and highways; relocation of utilities; and providing for an effective date."

was read the first time and referred to the Transportation Committee.

Alaska State Legislature

House of Representatives

Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

DATE: 12 FEBRUARY 1986
TO: COMMITTEE MEMBERS
FROM: STAFF
RE: CSHCR 36

January 29, 1986 hearing on CSHCR 36:

Representative Herrmann, sponsor of the resolution, explained that the intent of HCR 36 was to direct the departments of Transportation and Commerce to develop information on what is causing the prices on travel to rural areas to be so high and to determine whether these prices are reasonable.

The change to HCR 36 and adopted as a committee substitute provided language clarification that the object of the study effort is to target on the major carriers who provide air service from the state's urban areas to and from rural Alaska... not directed to the small bush taxi operators.

There were several close-up students who testified in favor of the resolution who were from Sand Point, St. Paul; along with the Department of Transportation and Representative Wallis who also favored the resolution.

The committee discussed the use of the adjective "profiteering" of which a motion was made to remove the term; that motion failed.

A vote was taken to pass CSHCR 36 out of committee.

January 30, 1986

CSHCR 36 was brought before the committee to consider two fiscal notes and to allow testimony.

Reed Stoops, representing the Alaska Air Carriers Association stated that they are in favor of the study and that the focus of the study ought to be whether service to rural areas is even viable, not on an investigation that would focus on

unreasonable profits. AACA is not aware of the significant increases which are cited in the resolution, rather profits are at a historically low point right now. He requested the opportunity for additional information to work with the committee and/or sponsor on this resolution.

A motion was made to rescind the committee's action of the previous day and bring the resolution back before committee to allow the departments of Transportation and Commerce to revise their fiscal note and further clarify the intent of the resolution.

February 12, 1986

Additional information has been provided which is:

-2/12/86 fiscal note from DOT

-2/12/86 DOT position paper

-December 2, 1985 ALASKA/LOWER 48 STATES AIR FARES

It is staff's understanding that the Department of Transportation will be the lead agency on the directives of HCR 36 and will consult with the Department of Commerce as necessary. Thus, the reason for not having an up-dated fiscal note or position paper from the department of Commerce.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

July 3, 1985

MEMORANDUM

TO: Representative Adelheid Herrmann

FROM: Jonathan Sherwood
Legislative Analyst

RE: Airfares in Rural Alaska
Research Request 85-345

You requested that we provide information on the rise in airfare for routes in rural Alaska, and on the costs and other factors associated with such rises. We have examined an informal survey of rural airfares provided by the U.S. Department of Transportation and contacted individuals familiar with rural airlines operation and obtained the following information.

Recent Trends in Rural Airfares

It was the consensus among the individuals I contacted that, taken as a whole, rural airfares have not increased substantially during the last few years. Dianna Strain, Transportation Analyst for the U.S. Department of Transportation, provided an informal survey of rural airfares which compared rural airfares in 1982, 1983, and 1985 for over 100 routes (see attachment). The points included in the survey are locations designated "Essential Air Service Communities" under Section 419 of the Airline Deregulation Act of 1978. While it should be emphasized that the results of this survey are not conclusive, they are somewhat indicative of overall trends in rural airfares.

My review of the survey indicates that, based on data from 75 routes, the cost per mile of rural air travel increased at an annual rate of 3.7 percent between 1982 and 1985.¹ Based on data from 86 routes,

¹Fares were not available for all points for all years. Some routes were excluded because of inadequacy in the data. In addition, I compared fares only between the same carrier or comparable carriers. Discussions with officials in air transportation indicated that jet travel is priced at a premium compared to prop aircraft. While it is not possible to determine which aircraft are used on a particular route, I did not compare airlines which use jets extensively to those which do not.

rural airfares increased at an annual rate of 2.6 percent from 1983 to 1985. One reason why the rate of increase is greater for the 1982 to 1985 period is that the period includes an increase in the federal tax on airfares of 3 percent. The annual growth rate between 1982 to 1985 drops to 2.7 percent when this tax increase is factored out.

It should be noted that although the overall growth in rural airfares was small for the periods of comparison, airfares increased sharply on some routes. For example, fares for 39 of the 75 routes (52 percent) compared between 1982 and 1985 increased. Almost all of these increased by at least 10 percent; more than half increased by more than 25 percent (or 7.7 percent annual growth) and six of the routes increased by over 50 percent (or 14 percent annual growth). However, these increases were partially offset by many instances of sharp decreases in fares on other routes.

Between 1982 and 1985, four of the airlines whose fares were included in the survey went bankrupt. It is interesting to note that all six of the fares that increased by more than 50 percent in this period involved routes that were initially served by one of the bankrupt carriers. Three of these routes are in the Kodiak area and three routes were in the Interior.

~~According to Dianna Strain, the overall increases in rural airfares were less than the increases in fares of larger national and regional carriers over the same period of time. In comparison to rural airfares, Alaska Airlines reported a 10 percent increase in base fares in 1983 and a 12 percent increase in 1984. Thus, over roughly the same period that rural airfares were increasing by 2.6 percent annually, a national carrier operating in Alaska was increasing fares by 11 percent annually.~~

Ted Lamb, with Seair Alaska, stated that one of the reasons rural airfares generally have not increased significantly is that there are currently too many seats available among rural carriers for all of the carriers to operate profitably. Currently, airlines are trying to capture a market share in recognition that not all existing carriers will be able to sustain profitable operations. Bob Jacobson, of Wings of Alaska and President of the Alaska Air Carriers Association, stated that because of deregulation, there are now more carriers and more competition. He noted that many carriers are operating with little or no profit margin.

Mr. Jacobson also cited stable insurance rates as a factor contributing to the small growth in rural airfares. Over the last few years, accident rates had been improving and rates have stabilized. However, he

²Alaska Airlines, Annual Report 1984, p.9.

noted that accident rates appear to be increasing this year and carriers could be faced with increases in insurance rates in the near future.

Discount Fares

Recently, major, national, and some regional airlines have begun offering very low discount fares. These fares, which are usually less than one-half the regular fare, make it possible for some people to fly most of the larger routes in the country for a significantly lower fare than was previously available. However, these fares usually have several restrictions; a limited number of such fares are available for each flight, reservations and payment must be made well in advance, and penalties are imposed for any changes or cancellations.

According to Dianna Strain, the larger carriers are offering these discount fares for competitive reasons. According to Alaska Airlines, the "discount fares implemented in early 1985...are expected to stimulate additional travel without affecting yields materially."³ It would appear that these fares are intended to capture marginal fliers, not lower the cost of flying for the larger public.

Ms. Strain noted that although rural airlines generally have not instituted these fares, some carriers are instituting other types of discount fares to compete in their own markets. For example, Seair is offering a one-half price fare on some of its routes for tickets purchased after 4 p.m. on the day before the flight. Ted Lamb stated that rural carriers currently offer discounts to capture a larger market share; however, he questioned whether rural carriers could afford to offer discounts indefinitely, given the current financial status of many carriers.

Costs of Operation for Rural Airlines

According to Ted Lamb, the cost of operating large commercial jet aircraft is significantly less than operating small aircraft when compared on a per-seat basis. Mr. Jacobson noted that insurance costs are a greater factor for small rural airlines in Alaska than for large carriers. Mr. Lamb acknowledged that some of the cost disadvantages of small carriers are offset by lower labor costs per hour; however, he did not believe that these costs would be lower if they were also computed on a per-seat basis. According to Dianna Strain, some rural airlines do price their fares below jet fares on the same route, but

³Alaska Airlines, Annual Report 1984, p.9.

Representative Herrmann
July 3, 1985
Page Four

she explained that this was a competitive move, intended to offset the market's preference for jets, and it did not reflect lower operating costs.

* * *

I hope that you find this information useful. If you have any questions, or if we can be of further assistance to you, please do not hesitate to contact us.

JS

Attachment



Dept. of Transportation & Public Facilities

Position Paper

BILL NO: CSHCR 36 TRANS

TITLE: Intrastate Air Travel

APPROVED: *P. G. Knapp*

Commissioner

DATE:

2/12/86

The Department supports the goals of this bill which we assume to be a concern for reducing, insofar as practicable, the costs for air travel within the State of Alaska. However, there is some question as to how involved the State should get in private industry decisions in a deregulated environment.

The DOT&PF has undertaken a cursory review of air fares for one airline only. This paper (attached) indicates that for one air carrier serving in and out of Alaska, the per mile fare is higher for routes within the State. In evaluating this information, however, it is crucial to consider the different characteristics of the individual routes involved (traffic loads, staging length, competition, etc.)

Part of this analysis also compared costs for in-State routes with costs for routes of comparable length in the lower 48 states. In general, it appeared that the in-State routes were quite comparable and, in some cases, lower than the lower 48 routes of comparable length.

This information is very cursory and cannot be viewed as conclusive, but it does indicate that if there is unfair pricing within the State, it will likely be very difficult to prove.

The DOT&PF will administer the study suggested in HCR 36 if the Legislature deems it advisable. A description of the study is shown on the accompanying fiscal note.

For further information call Susan Fleischhauer at 465-3900.

to make a preliminary recommendation as to the justification for any higher fares if the comparison indicates substantially higher fare costs within Alaska.

The study will identify if there are any state or federal laws regarding air fares that intrastate carriers may be violating and will identify options for legislative action if the study results indicate action is advisable.

ASSUMPTIONS:

1-3 are same

4. Consultant will not do any on-site inspections of airline operations. Instead, they will rely on any information airlines will divulge.

Cost Breakdown:

DOT&PF Costs for Consultant Selection	\$1,500
Travel for Selection Committee	
Graphics, Reproduction and Mail	
for Statement of Interest and RFP	500
	<u>\$2,000</u>

Consultant:

Staff time 45 days @ \$120.00/hr.	43,200
Graphics and Clerical for Report	3,000
Travel and Per Diem Allowance	1,800
	<u>\$48,000</u>

Total DOT&PF and Consultant Cost = \$50,000

Summary of Passenger Fares
as published in the OAG

MAY 1982

MAY 1983

May 1982 vs May 1983

1983
&
per
mile

May 29
1985

	HUB	CARRIER	FARE	FARE	INCREASE	% INCREASE	great circle miles	1983 & per mile	1985	
ADAK ISLAND	ADK	ANC RV	379.00	419.00	40.00	10.55	1192	.35	395.00	REVE 23
ANCHORAGE	ANK	ADD KO	53.48	55.00	1.52	2.84	84	.65	50.00	fair .60
AKTACIAK	KKT	BET K3 WC	19.00 21.00	19.55 21.00	.55	2.89	16	1.22 1.31		
AKIAK	BKT	BFT K5 WC	19.00 21.00	19.55 21.00	.55	2.89	22	.88 .95		
AKUTAN	KQA	CDB RV	75.50	84.00	11.50	15.23	143	.58	84.00	REVE .59
ALAKANUK	AUK	KSM WC	45.00	49.00	4.00	8.88	61	.80	49.00	REVE .20
ALEKNAGIK	WKK	DLG 4Y	21.00	21.60	.60	2.85	17	1.27	20.00	REVE 1.18
ALLAKAKET	AFT	BTT WC XG	28.00	31.88	3.88	13.85	40	.79		
AMBLER	ABL	OTZ XY WC	60.00 68.00	61.70 74.00	1.70	2.83	130	.47 .56		11
ANCHITKA		NO SERVICE REQUIRED UNDER EAS								
ANMOOK BAY	AOS	ADD KO	32.10	33.00	.90	2.80	54	.61	57.00	SEAIR 1.06
ANAKTUVUK PASS	AKP	RTT XG WC	59.00 68.00	70.00 70.00	11.00	18.64	85	.82 .82		
ANAKIAK	ANT	ANC WC	132.00	143.00	11.00	8.33	318	.44	134.00	Alaska .42
ANGCON	AGN	JNU IH AS	AS 53.00	IH 57.00	4.00	7.54	59	.76	60.00	Channel 1.02
ANNETTE IS. (METLAKATLA)	ANN	KTN AS KN	AS 25.00	KN 25.00			27	1.13	15.00	25 RT TYPE .128
ANVIK	ANV	ANI WC	56.00	61.00	5.00	8.92	77	.79		
ARCTIC VILLAGE	ARC	FYU XG WC	50.00 59.00	61.00 61.00	11.00	22	108	.56 .56		
ARCTICA ISLAND	ATK	Reve OAG								
ATMAUTLUAK	ATT	BET K3 WC	19.00 24.00	19.55 21.00	.55 -3.00	2.89 -12.5	16	1.22 1.31		
ATTU ISLAND	ATU	ANC Reve OAG								
BARROW/PT. BARROW	BRW	FAT WC	147.00	159.00	12.00	8.16	503	.31	250.00	BR .50
BARTER ISLAND (KAKTOVIK)	BTI	FAT XG WC	99.00 114.00	100.00 100.00	1.00	1.01	386	.25 .25		
BEAVER	WRQ	FAT XG WC	54.00 62.00	69.00 69.00	7.00	11.29	108	-.63 .63		
BETHEL	BET	ANC K3 WC	95.00	97.92	2.92	3.07	399	.24	134.00	SPECIAL FARE 67.00 (17)
BETTLES	BTT	FAT XG WC	72.00	75.00	3.00	4.16	179	.41		
BIG LAKE		NO SERVICE REQUIRED UNDER EAS								

MAY 14 1985 10:49 DOT DEPUTY COMMISSIONER-PHIL

P. 002

May Fare Survey

MAY 14 '83 10:50 DU DEPUTY COMMISSIONER-MICH

P.007

	HUB	CARRIERS	MAY 1982 FARE	MAY 1983 FARE	\$ INCREASE	% INCREASE	great circle miles	1983 \$ per mile	
SIRCI CREEK	KBC	FYU	XG WC 26.25 / 30.00	34.00 / 34.00	7.75 / 4.00	29.52 / 13.33	27	1.25 / 1.25	
DOSWELL BAY	RDW	CDV	Robin OAG						
BREVIG MISSION	KTS	OME	XY WC 45.00 / 56.00	46.30 / 60.00	1.30 / 4.00	2.88 / 7.14	104	.72 / .93	40 ⁰⁰ Alaska .63
HUCKLAND	BKC	OTZ	XY WC 40.00 / 45.00	41.15 / 49.00	1.15 / 4.00	2.87 / 8.88	75	.54 / .65	40 ⁰⁰ Alaska .53
BRIDLE	CDL	OME/OTZ	Robin OAG						
CAPE LISBURNE	LUR	OTZ	XY WC 20.00 / 28.00	22.30 / 106.00	2.30 / 8.00	2.87 / 8.16	165	.49 / .64	80 ⁰⁰ Alaska .48
CAPE NEVENIAK	FHM	BET	KJ WC 59.00 / 68.00	60.70 / 67.00	1.70 / -1.00	2.88 / -1.47	148	.41 / .45	
CAPE ROMANZOF	CZF	BET	KJ WC 59.00 / 68.00	60.70 / 67.00	1.70 / -1.00	2.88 / -1.47	156	.38 / .42	
CAPE YAKATAGA	CYT	CDV	Robin OAG						
CENTRAL	CEM	FAT	XG WC 44.00 / 50.00	54.00 / 54.00	10.00 / 4.00	22.72 / 8	104	.51 / .51	50 ⁰⁰ Hawaii's .48
CHALKYITSIK	CIK	FYU	XG WC 26.25 / 30.00	34.00 / 34.00	7.75 / 4.00	29.52 / 13.33	41	.82 / .82	
CHANDALAR	WCR	BTT	Robin OAG						
CHATHAM	CYM	JNU	Robin OAG						
CHERNOFSKI	KCN	DUT	Robin OAG						
CHEVAK	VAR	BET	KJ WC 52.00 / 60.00	53.48 / 59.00	1.48 / -1.00	2.84 / -1.66	136	.37 / .43	59 ⁰⁰ ALASKA .43
CHICKEN	CKX		Robin OAG						
CHIFORMAK	CJF	BET	KJ WC 42.00 / 48.00	43.20 / 48.00	1.20 / 0	2.85 / 0	90	.48 / .53	48 ⁰⁰ ALASKA .53
CHIGNIK	KCG	PTH							
CHIGNIK LAKE	KCE	PTH	Robin OAG						
CHIGNAK LAGOON	KCL	PTH							
CHISANA	CZN	CDV	Robin OAG						
CHITINA	CXC	CDV							
CIRCLE	CRC	FAT	XG WC 44.00 / 50.00	54.00 / 54.00	10.00 / 4.00	22.72 / 8	131	.41 / .41	59 ⁰⁰ Hawaii's .45
CIRCLE HOT SPRINGS	CHP	FAT	XG WC 44.00 / 50.00	54.00 / 54.00	10.00 / 4.00	22.72 / 8	106	.50 / .50	
CLARK'S POINT	CLP	DLG	4Y KO 21.00 / 14.58	21.60 / 21.60	.60 / 7.02	2.85 / 48.14	14	1.51 / 1.34	20 ⁰⁰ YUTE 1.43
COLE BAY	CDB	ANC	RV	256.00 / 283.00	27.00	10.54	621	.45	290 ⁰⁰ Rene .47

Tax Fare Survey

HUB	CARRIERS	MAY 1992	MAY 1993	INCREASE	% INCREASE	great Circle miles	1993			
		FARE	FARE				\$	per mile		
CORDOVA	CDV	ANC	KJ AS	53.00	59.00	11.00	20.75	160	.36 / .40	70° Alaska .44
COUNCIL	CIL	OME	RA8	in OAG						
CRAIG	CGA	KTN	KN AS	53.00 / 55.00	55.00	.200	3.77	59	.93	50° 85° TEE
CROOKED CREEK	CKD	ANT	WC	28.00	31.00	3.00	10.71	51	.60	
DEERING	DRG	OTZ	XY WC	40.00 / 45.00	41.15 / 49.00	1.15 / 4.00	2.87 / 8.88	56	.73 / .87	
DUTCH HARBOR	DUT	ANC	AS RV	336.00 / 330.00	339.00 / 339.00	3.00 / 9.00	.87 / 2.72	792	.42 / .42	297° AS RV .38
EAGLE	FAA	FAT	XG WC	69.00 / 79.00	82.00 / 82.00	13.00 / 3.00	18.84 / 3.79	198	.41 / .41	
EEK	FEK	BET	KJ WC	22.00 / 25.00	22.63 / 25.00	.63	2.86	40	.56 / .62	25° ALASKA .63
EGECIK	FGX	AKN	K5 KO	50.00 / 55.33	51.45 / 54.00	1.43 / .67	2.86 / 3.87	42	1.23 / .57	50° Peninsula 1.19
ENUK	KKU	DLG	K5 KO	21.00 / 14.58	21.60	1.60	7.61	16	1.35	
EKWOK	KEK	DLG	K3 KO	27.00 / 25.27	27.77 / 26.00	.77 / .73	2.85 / 2.88	43	.64 / .60	
ELFIN COVE	ELV	JNU	IH	NOT IN OAG	68.00			64	1.06	72° Channel 1.13
ELIM	ELI	OME	XY WC	50.00 / 56.00	51.43 / 60.00	1.43 / 4.00	2.86 / 7.14	95	.54 / .63	
EXCURSION INLET	EXT	JNU	JF AS	38.00 / 40.00	50.73	12.73	33.5	32	1.58	55° Alaska 1.72
FAI PASS	KFP	CDB	RV	50.00	55.00	5.00	10	37	1.48	
FAREWELL	FWL	MCG	WC	37.00	41.00	4.00	10.81	63	.65	
FLAT	FLT	MCG	WC	35.00	39.00	4.00	11.42	83	.46	
FORT YUKON	FYU	FAT	XG WC	32.00 / 55.00	35.00 / 35.00	3.00 / -20.00	9.37 / -36.36	144	.24 / .24	61° Islands .47
FUNTER BAY	FNR	JNU	JF AS	34.00 / 33.90	35.00	1.00	2.94	14	2.50	35° Channel 2.50
GALENA	GAL	FAT	XG WC	68.00 / 78.00	70.00 / 80.00	2.00 / 2.00	2.94 / 2.56	268	.26 / .29	92° Islands .34
GAMBELL	GAM	OME	XY WC	70.00 / 79.00	72.00 / 108.00	2.00 / 38.00	2.85 / 36.70	197	.36 / .54	
OLDEN HORN		ON DEMAND								
OLOVIN	GLV	OME	XY WC	45.00 / 56.00	46.30 / 60.00	1.30 / 4.00	2.88 / 7.14	72	.64 / .83	
OODNEWS BAY	GANU	BET	KJ WC	48.00 / 56.00	49.37 / 55.00	1.37 / -1.00	2.85 / -1.78	116	.42 / .47	55° ALASKA .47
RAYLING	KGX	ANI	WC	68.00	75.00	7.00	10.29	93	.30	
	GKAI	ANC								

MAR 14 '86 10:51 DOT DEPUTY COMMISSIONER-PHCH

P.008

MAR 14 '86 10:52 DOT DEPUTY COMMISSIONER-RMCH

P. 009

	HUB	CARRIERS	82 FARE	83 FARE	\$ INCREASE	% INCREASE	great circle miles	1983 \$ per mile		
GUSTAVUS	GST	JNU JF LMA AS det	45.00 43.00	54.00 45.00	9.00 3.00	20 7.14	41	1.31 1.09	60° Alaska 1.46	
GAINES	HNS	JNU JF JF	43.00 30.00	55.00 60.00	12.00 10.00	27.90 30	70	.78 .85	65° AS .93	
HAWK INLET	HWI	JNU	N/A	OAG			-	-		
HAYCOCK	HAY	OMP	N/A	OAG			-	-		
HOCATZA (HOG RIVER)	HZA	FAT	N/A	OAG			-	-		
HOLY CROSS	HCR	ANT	WC	35.00	39.00	4.00	11.42	43	.90	
HOMER	HOM	ANC	VC	43.35	44.60	1.25	2.88	117	.38	60° Alaska 51
HOONAJI	HNH	JNU	JF SE	37.00 33.00	45.00 42.00	8.00 9.00	21.62 27.27	35	1.28 1.20	47° AS 1.34
HOOPER BAY	HPB	BET	KS WC	52.00 60.00	53.48 59.00	1.48 -1.00	2.84 -1.66	153	.34 .38	59° AS .39
HUGHES	HUS	GAL	XG WC	- 61.00	64.00 69.00	- 8.00	- 13.11	119	.53 .57	70° Alaska 1.6
HUSLIA	HSL	GAL	XG WC	- 35.00	39.00 39.00	- 4.00	- 11.42	109	.56 .56	45° Alaska 1.65
HYDABURG	HYG	KTN	KN AS	53.00 55.00	55.00 -	2.00 -	3.77 -	47	1.17 -	45° 85° PT TYEF 96.00
ICY BAY	ICY	CDV	N/A	OAG			-	-		
IGIUCIG	IGG	AKN	KO/KS	KO	KS			52		40° Peninsula .77
ILIANA	ILT	ANC	WC	75.00	81.00	6.00	8	195	.41	80° Alaska .42
IVANOFF BAY	KIB	PTH	N/A	OAG			-	-		
KAKE	KAE	PSG	AS/60	41.00	44.28	3.28	8	40	1.10	
KALAKAKET	KAL	NO SERVICE	REQUIRED	UNDER EAS			-	-		
KALSKAC	KLG	ANI	WC	24.00	28.00	4.00	16.66	26	1.07	
KALTAC	KAL	GAL	XG WC	- 35.00	39.00 39.00	4.00 4.00	11.42 11.42	61	.63 .63	45° Alaska 74
KARLUK	KYK	ADQ	KO	36.94	37.99	1.05	2.84	74	.51	50° Alaska .68
KENAI	ENA	ANC	KS/WC JF/JF	20.00 E 35.00	20.57 E 33.48	-	-	60	Varies .54 to .55	37° Alaska
KETCHIKAN	KTN	SEA	AS	149.00	156.00	7.00	4.69	679	.22	184° Alaska western .27
KIANA	IAN	OTZ	XY WC	40.00 45.00	41.5 49.00	1.5 4.00	2.87 4.88	59	.69 .83	40° Alaska .68
KING COVE	KVC	CDB	RV	38.00	42.00	4.00	10.52	19	2.21	42° Alaska .21
KIPRUK	KPN	BET	KS WC	42.00 48.00	43.20 48.00	1.20 0	2.85 0	96	.45 .50	

MR. J. R. 10:53 DOT DEPUTY COMMISSIONER-MICH

P. 010

	HUB	CARRIERS	82 FARE	83 FARE	\$ INCREASE	% INCREASE	great circle miles	¢ per mile		
KITOI BAY	KKB	ADQ	KO	21.40	22.00	.60	2.80	31	.70	34 ⁰⁰ <i>Adair</i> 1.10
KIVALINA	KVL	OTZ	XY WC	50.00	51.43	1.43	2.86	78	.65	.78
KLANOCK	KLUI	KTN	KN AS	53.00	55.00	2.00	3.77	58	.94	50 ⁰⁰ 85 ^{RT} TUBE 91
KOBUK	OBV	OTZ	XY WC	65.00	66.85	1.85	2.84	156	.42	.53
KOLICANEK	KKK	DLG	4Y KO	35.00	36.00	1.00	2.85	109	.52	.49
KONGICANAK	KKH	BET	KJ WC	42.00	43.20	1.20	2.85	76	.56	.63
KOTLIK	KOT	KSM	WC	56.00	61.00	5.00	8.92	108	.89	101 ⁰⁰ <i>Kenner</i> .90
KOYUK	KKA	OME	XY WC	25.00	27.14	2.14	2.85	130	.59	
KOYUKUK	KYU	GAL	XG WC		27.00			25	1.08	1.12
KWETHLUK	KWT	BET	KJ WC	19.00	19.55	.55	2.89	13	1.50	1.61
KWIGILLINGOK	KWIK	BET	KJ WC	42.00	43.20	1.20	2.85	80	.54	.60
KWICUK (EYMONAK)	EMK	KSM	WC	45.00	49.00	4.00	4.16	63	.77	49 ⁰⁰ <i>Kenner</i> 78
KWINHAGAK/QUINHAGAK	KWIN	BET	KJ WC	34.00	34.97	1.97	5.79	71	.49	.56
LAKE MINCHUMINA	LMA	FAZ	XG WC	64.00	69.90	1.90	2.79	148	.47	.33
LARSEN BAY	KLN	ADQ	KO	44.72	46.00	1.28	2.86	58	.79	40 ⁰⁰ <i>Adair</i> 1.1
LAZY BAY/ALITAK	ALZ	ADQ	KO	53.48	55.00	1.52	2.84	89	.61	74 ⁰⁰ <i>Adair</i> .83
LEVELOCK	KLL	AKN	KJ KO	50.00	51.43	1.43	2.86	31	1.65	40 ⁰⁰ <i>Peninsula</i> 1.29
HANLEY HOT SPRINGS	MLY	FAT	XG WC	30.00	37.00	7.00	23.33	83	.44	.44
HANOKOTAK	KMO	DLG	4Y KO	21.00	21.60	.60	2.85	20	1.08	.75
MARSHALL/FORTUNA LEDGE	FTL	BET	KJ WC	48.00	49.35	1.35	2.85	75	.65	.73
MAY CREEK	MYK	CDV	Rad	in OAG						
McCARTHY	MYX	CDV	Rad	in OAG						.38
McCRATH	MCG	ANC	WC	79.00	73.00	-6.00	-7.59	221	.33	84 ⁰⁰ <i>Adair</i> #84 we planned 6.55 10. NOV 52 - 4/11
MEDFRA	MDR	MCG	Rad	in OAG						
MEXORYUK	MDV	---	KJ	52.00	53.48	1.48	2.84	151	.34	.70

MAR 14 '86 10:54 DOT DEPUTY COMMISSIONER-PACH

P.011

	HUB	CARRIERS		82 FARE	83 FARE	\$ INCREASE	% INCREASE	great circle miles	¢ per mile		
HINTO	MNT	EAT	XG WC	27.00	33.90	3.00	11.11	39	.86		
MOSER BAY	KMY	ADD	KO	53.48	55.00	1.52	2.84	64	.85	67 ⁰⁰	Chair 1.05
MOUNTAIN VILLAGE	MOU	KSM	WC	24.00	28.00	4.00	16.66	14	2.00		
NAKEEN		NO SERVICE	REQUIRED	UNDER EAS							
NAKNEK	NKK	AKN	Not in OAG								
NAPAKIAK	WALA	BET	KJ WC	19.00 21.00	19.55 21.00	.55	2.89	11	1.77		
NAPASKIAK	PKA	BET	KJ WC	19.00 21.00	19.55 21.00	.55	2.89	6	3.25		
NERKA LAKE		NO SERVICE	REQUIRED	UNDER EAS							
NEW STUYAHOK	KNU	DLG	XY KA	20.00 23.27	20.57 26.00	.57 .63	2.85	50	.41		
NEWTOK	WWT	BET	KJ WC	42.00 48.00	43.20 49.00	1.20	2.85	96	.45	48 ⁰⁰	AWASA .50
NOATAK	WTK	OTZ	XY WC	40.00 45.00	41.15 49.00	1.15	2.87	48	.85	40 ⁰⁰	Alaska .83
NOORVIK	ORV	OTZ	XY WC	35.00 40.00	36.00 43.00	1.00	2.85	43	.83	35 ⁰⁰	Alaska .81
NORTH DUTCH ISLAND		NO SERVICE	REQUIRED	UNDER EAS							
NORTHEAST CAPE		NO SERVICE	REQUIRED	UNDER EAS							
NULATO	NUL	GAL	XG WC	24.00	27.00	4.00	16.66	34	.79	32 ⁰⁰	Harolds .94
NUNAPITCIUK	NUP	BET	KJ WC	19.00 21.00	19.55 21.00	.55	2.89	23	.85		
NYAC	ZNC	ANE	Not in OAG								
OLD HARBOR	OLH	ADD	KO	36.95	38.00	1.05	2.84	49	.77	30 ⁰⁰	Chair .61
OLGA BAY	KOY	ADD	KO	53.48	55.00	1.52	2.84	77	.71	66 ⁰⁰	Chair .36
OUZINKIE	KOZ	ADD	KO	14.58	15.00	.42	2.88	11	1.36	20 ⁰⁰	Chair 1.81
PARKS	KPK	ADD	KO	44.72	Not in OAG			57		60 ⁰⁰	Chair 1.05
PEDERSON POINT		NO SERVICE	REQUIRED	UNDER EAS							
PELICAN CITY	PEC	JNU	IA AS	63.00	68.00	5.00	7.93	167	1.01	72 ⁰⁰	Channel 1.07
PERRYVILLE	KPV	PTH	Not in OAG								
PETERSBURG	PSG	JNU	AS	62.00	67.00	5.00	8.06	123	.54		
PLOT POINT	PIP	AKN	KJ KO	40.00 45.00	42.30 47.00	2.30	2.87	84	.97	80 ⁰⁰	Point on .95

Pay Fare Survey

	HUB	CARRIERS	82 FARE	83 FARE	\$ INCREASE	% INCREASE	great circle miles	1983 & Per mile		
PILOT STATION	PQS	KSM	WIC	24.00	28.00	4.00	16.66	116	1.75	28 ⁰⁰ <i>Hermes</i> 1.75
PLATINUM	PTU	BET	K7 WIC	48.00 56.00	49.57 55.00	137 -1.00	2.85 -1.78	123	.40 .44	55 ⁰⁰ ALASKA .45
POINT HOPE	PHO	OTZ	XY WIC	65.00 75.00	66.85 84.00	1.85 9.00	2.84 12	150	.44 .56	70 ⁰⁰ <i>Golden</i> .47
POINT LAY	PIZ	BRW	LC	Not listed in OAG	60 114.48	-	-	180	.63	130 ⁰⁰ CAPE SMITH .72
PORCUPINE CREEK	PCK	BTT	NA	NA				-	-	
PORTAGE CREEK (UGSONOKLE)	PCA	DLG	4Y KO	20.00 18.47	21.60	1.60	8	28	.77	
PORT BAILEY	KPY	ADD	KO	23.33	24.00	.67	2.87	24	1.00	29 ⁰⁰ <i>Levin</i> 1.21
PORT HEIDEN	PTH	ANC	RV	192.00	212.00	20.00	10.41	424	.50	212 ⁰⁰ <i>Levin</i> .50
PORT LIONS	ORI	ADD	KO	20.40	21.00	.60	2.94	16	1.31	20 ⁰⁰ <i>Levin</i> 1.25
PORT MOLLER		NO SERVICE REQUIRED	UNDER EAS					-	-	
PORT WILLIAMS	KPR	ADD	KO	37.92	39.00	1.08	2.84	47	.82	51 ⁰⁰ <i>Levin</i> 1.09
PRUDHOE BAY (DEADHORSE)	^{SEC} PUO	ANC	WC/AS	192.00	211.00	19.00	9.89	631	.33	257 ⁰⁰ AS .41 284 ⁰⁰ BE .45
QUEEN	UQF	DLG	K5/4Y	K5 21.00	4Y 21.60	.60	2.85	12	1.80	
RAMPART	RMP	FAF	X6 WIC	44.00 50.00	54.00 54.00	10.00 4.00	22.72 8	82	.65 .65	
RED DEVIL	RDV	ANT	WIC	37.00	41.00	4.00	10.81	73	.56	
RUBY	RBY	GAL	X6 WIC	34.00 31.00	31.00 31.00	7.00 7.00	7.00 7.00	44	.70 .70	35 ⁰⁰ <i>Stanley's</i> .51
RUSSIAN MISSION	RSH	BET	K5 WIC	48.00 56.00	49.37 55.00	137 -1.00	2.85 1.78	71	.69 .77	55 ⁰⁰ ALASKA .77
SAGINAW BAY	SGW	PSG	No service required					-	-	
ST. GEORGE	SNG	AKN	No service required					-	-	
ST. MARY'S	KSM	ANC	WIC	147.00	159.00	12.00	8.16	442	.35	192 ⁰⁰ Alaska .43
ST. MICHAEL	SMK	UNK	WIC	35.00	38.00	3.00	8.57	47	.80	
ST. PAUL ISLAND	SNP	ANC	RV	354.00	392.00	38.00	10.73	767	.51	392 ⁰⁰ <i>Levin</i> .51
SAND POINT	SDP	ANC	RV	245.50	272.00	26.50	10.79	557	.48	270 ⁰⁰ <i>Levin</i> .48
SAN JUAN/UCANIK	UGI	ADD	KO	21.40	31.00	9.60	44.85	31	1.00	40 ⁰⁰ <i>Levin</i> 1.29
SARICIEF/SCOTCH CAP	CSH	COB	No service required					-	-	
SAVOONCA	SVA	OME	XY WIC	68.00 76.00	69.94 102.00	1.94 36.10	2.85 34.21	1162	.43 .62	70 ⁰⁰ ALASKA .43

MAR 14 '86 10:55 DOT DEPUTY COMMISSIONER-RICH

P. 912

Pay Fare Survey

MAR 14 '86 10:55 DOT DEPUTY COMMISSIONER-HIGH

P.013

	HUB	CARRIERS	82 FARE	83 FARE	\$ INCREASE	% INCREASE	great Circle miles	1983 \$ Per mile	
SCAMMON BAY	SCM	BET	KS WC 52.00	53.48	1.48	2.84	145	.36	
SELAWTK	WLK	DTZ	XY WC 40.00	41.15	1.15	2.87	74	.55	40° - (1.0) Alaska .54
SHACELUX	SHX	ANT	WIC 56.00	61.00	5.00	8.92	77	.79	
SHAKTOOLIK	SKK	OME	XY WC 75.00 UNK 35.00	77.14 UNK 37.00	2.14 UNK 4.00	2.85 UNK 11.42	130	.59	60° ALASKA .46
SHELDON POINT	SXP	KSM	WC 45.00	49.00	4.00	8.88	59	.83	49° - Kennebec .83
SIEMYA ISLAND	SYB	ANC	RV 510.50	565.00	54.50	10.67	1456	.38	565° - Kennebec .39
SIKISHMAREF	SHH	OME	XY WC 58.00	59.60	1.60	2.86	122	.48	60° ALASKA .49
SIUNGNAK	SHG	DTZ	XY WC 60.00	61.70	1.70	2.83	148	.41	
SITKA	SIT	JNU	AS 50.00	54.00	4.00	8	95	.56	65° - (1.0) Alaska .68
SITKINAK		NO SERVICE REQUIRED UNDER EAS							
SKAGWAY	SGY	JNU	SE 3F 48.00	65.00	17.00	35.41	81	.80	
SKWENTNA	SKW	ANC	Radw OAG -	denied by Alaska Co. Service					USPS Contract
SLEETHUTE	SLQ	ANT	WC 37.00	41.00	4.00	10.81	78	.52	
SOLOMON	SOL	OME	Radw OAG						
SOUTH NAKNEK	WSN	AKN	KS 30.00	30.86	.86	2.86	13	2.37	
STEBBINS	WBB	UNK	WC 35.00	39.00	4.00	11.42	52	.75	
STEVENS VILLAGE	SVS	FAT	XG WC 44.00	54.00	10.00	22.72	90	.60	
STONY RIVER	SRV	ANT	WC 41.00	45.00	4.00	9.75	98	.45	
TAKOTNA	TCT	MCG	WC 24.00	28.00	4.00	16.66	15	1.86	
TANANA	TAL	FAT	XG WC 32.00	35.00	3.00	9.37	127	.27	48° - (1.0) Alaska .38
TATALINA	TLJ	MCG	WC 24.00	28.00	4.00	16.66	13	2.15	
TATITLEK	TER	COV	Radw OAG	denied by Chisana Flying Service					USPS Contract
TAYLOR		NO SERVICE REQUIRED UNDER EAS							
TELLER	TLA	OME	XY WC 45.00	46.30	1.30	2.88	59	.78	40° ALASKA .63
TEHAKEE (TEHAKEE SPRINGS)	TYE	JNU	AS/IA 42.00	45.00	3.00	7.14	50	.90	47° Channel .94
TEKOROK BAY	KTY	ADQ	KO 27.23	28.00	.67	2.46	26	1.07	34° - Kennebec 1.31

	HUB	CARRIERS	P2 FARE	83 FARE	% INCREASE	% INCREASE	great circle miles	1983 Per Mile			
TEKCHIK LAKE		ON DEMAND					-				
TIN CITY	TAC	OME	XY WC 40.00 68.00	61.70 75.00	1.70 7.00	2.83 10.29	103	.59 .72			
TOGIK	TOG	DLG	YY KO 35.00 33.05	36.00 34.00	1.00 .95	2.85 2.87	67	.53 .50	20 ⁰⁰	YUKA .30	
TOKSOOK	OOK	BET	K3 WC 42.00 48.00	48.20 48.00	1.20 0	2.85 0	113	.38 .42			
TULUKSAK	TLT	BET	K3 WC 24.00 28.00	24.70 29.00	.70 1.00	2.91 3.57	36	.68 .80			
TUNTATULIAK	WTL	BET	K3 WC 22.00 25.20	22.63 25.00	.63 0	2.86 0	41	.55 .60			
TUNUNAK	TNK	BET	K3 WC 42.00 48.00	43.20 48.00	1.20 0	2.85 0	118	.36 .40			
TWIN HILLS	TWA	DLG	K3	35.00	36.00	1.00	2.85	63	.57		
UCANIK		SEE SAN JUAN					-	-			
UCASHIK	UGA	AKN	KS	80.00	82.30	2.30	2.87	86	.95	80 ⁰⁰ Peninsula .93	
UMIAT	UMT	FAI	Row in OAG				-	-			
UPKAK ISLAND (NIKOLSKI)	TKO	CDB	RV	140.00	155.00	15.00	10.71	294	.52		
UNALAXLEET	UNK	ANC	WC	140.00	152.00	12.00	8.57	-	.38		
UTOPIA	UTO	GAL	XG WC - 69.00	78.00 75.00	- 6.00	- 8.69	128	.60 .58	86 ⁰⁰	Wards .67	
VALDEZ	VDZ	ANC	XX VC 68.00 57.70	70.00 59.35	2.00 1.65	2.94 2.85	125	.56 .47	75 ⁰⁰	Alaska .60	
VENETIE	VEE	FYU	XG WC 26.25 30.00	34.00 34.00	7.75 4.00	29.52 13.33	45	.75 .75			
WAINWRIGHT	AIN	BRW	WC	45.00	69.00	24.00	53.33	87	.79	69 ⁰⁰	CAPE SMYTH .74
WALES	WAA	OME	XY WC 60.00 68.00	61.70 74.00	1.70 6.00	2.83 8.82	109	.56 .67			
WEST POINT	KWP	ADQ	KO	30.14	31.00	.86	2.85	39	.79	42 ⁰⁰	1.08
WHITE MOUNTAIN	WMO	OME	XY WC 45.00 56.00	46.30 60.00	1.30 4.00	2.88 7.14	67	.74 .96			
WISEMAN	WSM	FAI	XG	NOT IN OAG	126.00	-	-	190	.66		
WOOD RIVER		ON DEMAND					-	-			
WRANGELL	WRG	JNU	AS	69.00	75.00	6.00	8.69	154	.48		
YAKAT	YAK	ANC	AS	99.00	107.00	8.00	8.08	372	.28	118 ⁰⁰	Alaska .32
ZACHAR BAY	KZB	ADQ	KO	40.83	42.00	1.17	2.86	47	.85	55 ⁰⁰	Alaska 1.12

MAR 14 '86 10:57 DOT DEPUTY COMMISSIONER-PHCH

P.014

FEB 13 1986

*
* DELIVER TO: JFOM *
* *
* ORIGINAL *
* SENT: 02/11/86 TIME: 16:14 *
* FROM: LIODLG *
* SUBJECT: PUBLIC OPINION MESSAGE *
* PRINT DATE: 02/11/86 TIME: 16:15 *
* *

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, MARROU, PIGNALBERI, SCHULTZ

SENATOR ZHAROFF

FROM: JUDITH MORRIS, BOX 255, KING SALMON, AK. 99613
PHONE 246-3469

RE: HCR 36, AIRLINE TRAVEL

REQUEST YOUR CONSIDERATION OF HCR 36. AIR TRANSPORTATION COSTS TO RURAL ALASKA CONTINUE TO RISE. RARELY ARE WE ABLE TO TAKE ADVANTAGE OF PRICE WARS OR SPECIAL FARES. WE HAVE NO ALTERNATE MEANS OF TRANSPORTATION. I WOULD LIKE TO KNOW WHY, AND IF THESE FARES ARE NECESSARY.

EOM

*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 02/11/86 TIME: 16:02
* FROM: LICDLG
* SUBJECT: PUBLIC OPINION MESSAGE
* PRINT DATE: 02/11/86 TIME: 16:02
*

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS
FURNACE, MARROU, PIGNALBERI, SCHULTZ
SENATOR ZHAROFF

FROM: FAY YOAS, BOX 398, KING SALMIN, AK. 99613
PHONE 246-3321

FEB 13 1986

RE: HCR 36, AIRLINE TRAVEL

INTRASTATE RATES ARE SO HIGH. I HOPE THEY CAN BE LOWERED.

EOM

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, MARROU, PIGNALBERI, SCHULTZ
SENATOR ZHAROFF

FROM: DOREEN WILLIAMS, BOX 233, KING SALMON, AK. 99613
PHONE 246-3403

RE: HCR 36, AIRLINE TRAVEL

AT THE PRESENT AIR FARES, WE IN THE BUSH CAN'T AFFORD NECESSARY
TRIPS TO OTHER TOWNS IN THE STATE.

EOM



FEB 13 1986

 *
 * DELIVER TO: JPOH *
 *
 * ORIGINAL *
 * SENT: 02/11/86 TIME: 15:57 *
 * FROM: LIODLG *
 * SUBJECT: PUBLIC OPINION MESSAGE *
 * PRINT DATE: 02 .1/86 TIME: 15:57 *
 *

TO: HOUSE TRANSPORTATION COMMITTEE MEMBER:
 REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS
 FURNACE, HERRMANN
 MACROU, PIGNALBERTI, AND SHULTZ

 SENATOR ZHAROFF

FROM: SHIRLEY CHAPMAN, P.O. BOX 442, KING SALMON, AK. 99613
 PH 246-4442

RE: HCR 36: AIRLINE TRAVEL

AIRLINE RATES ARE SO HIGH MOST PEOPLE IN THE BUSH AREAS CAN'T AFFORD THEM.

EOM

* ORIGINAL
* SENT: 02/11/86 TIME: 10:14
* FROM: LIODLG
* SUBJECT: PUBLIC OPINION MESSAGES
* PRINT DATE: 02/11/86 TIME: 10:21
*

9

FEB 12 1986

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, MARROU, PIGNALBERI, SCHULTZ

SENATOR ZHAROFF

FROM: DUANE DURAND, BOX 358, KING SALMON, AK. 99613

RE: HCR 36, AIRLINE TRAVEL

I WOULD LIKE TO EXPRESS MY INTEREST AND SUPPORT FOR HCR36
REGARDING AIRLINE TRAVEL FARES INSIDE ALASKA. THANK YOU.

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, MARROU, HERRMANN, PIGNALBERI
AND SHULTZ

SENATOR ZHAROFF

FROM: PEGGY LOBDELL, BOX 61, KING SALMON AK. 99613

RE: HCR36, AIRLINE TRAVEL

PLEASE SUPPORT AND PASS HCR36. HOPE YOU CAN BEGIN WORK TO LOWER
AIRLINE FARES WITHIN ALASKA. THANK YOU.

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS
FURNACE, HERRMANN,
MARROU, PIGNALBERI AND SHULTZ

SENATOR ZHAROFF

FROM: FLOYD STEELE, KING SALMON, AK. 99613

RE: HB460, OFF ROAD VEHICLES

A KNOWLEDGE AND PERFORMANCE TEST SHOULD BE REQUIRED PRIOR TO
OPERATION OF AN ATV. EDUCATIONAL MATERIAL ON THE SAFE OPERATION
OF THE MACHINE SHOULD BE PROVIDED TO ALL SCHOOL CHILDREN. ATV'S
SHOULD BE TITLED AND REGISTERED TO ASSIST LAW ENFORCEMENT IN
RECOVERING STOLEN ATVS

856

JAN 29 1986

 *
 * DELIVER TO: JFOM *
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 * *
 * ORIGINAL *
 * SENT: 01/29/86 TIME: 09:14 *
 * FROM: DOROTHY LARSON *
 * SUBJECT: HCR36-POM *
 * PRINT DATE: 01/29/86 TIME: 09:14 *
 * *

TO: HOUSE TRANSPORTATION COMMITTEE
 REPRESENTATIVES CATO, CHAIR, DAVIS, FURNACE
 HERRMANN, MARROU, FIGNALBERI, SHULTZ

 REPRESENTATIVES WALLIS AND THOMPSON

 SENATOR ZHAROFF, ALASKA STATE SENATE

 FROM: LEE HOTCHKISS, BOX 10201, DILLINGHAM, AK. 99576

 RE: HCR36-RELATING TO AIRLINE TRAVEL

PLEASE CONSIDER PASSAGE OF HCR36 TO UNDERTAKE A STUDY OF AIR
 FARES TO RURAL ALASKA, WE LIVING OUT HERE KNOW THE AIR FARES
 CHARGED ARE EXTREMELY HIGH. WHY IS IT CHEAPER TO GO FROM
 ANCHORAGE TO THE LOWER 48 THAN IT IS FOR US TO GET TO ANCHORAGE?

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
 REPRESENTATIVES CATO, CHAIR, DAVIS, FURNACE,
 HERRMANN, MARROU, FIGNALBERI, SHULTZ

 REPRESENTATIVES WALLIS AND THOMPSON

 SENATOR FRED ZHAROFF, ALASKA STATE SENATE

 FROM: MARK LISAC, BOX 2818, DILLINGHAM, AK. 99576

 RE: HCR36-AIRLINE TRAVEL

HOPE THAT YOU WILL CONSIDER HCR36 FAVORABLY. AIRLINE TRAVEL TO
 RURAL AREAS NEEDS TO BE STUDIED AND REASONS GIVEN FOR THE
 DISCREPANCY AND DIFFERENCES IN AIR TRAVEL FROM URBAN TO RURAL
 AREAS VERSUS THE COST OF TRAVEL FROM OUR URBAN CENTERS TO LOWER
 48 AND HAWAII.

JAN 29 1986

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 * DELIVER TO: JPOM *
 * *
 * ORIGINAL *
 * SENT: 01/29/86 TIME: 09:05 *
 * FROM: DOROTHY LARSON *
 * SUBJECT: HCR36--POM *
 * PRINT DATE: 01/29/86 TIME: 09:08 *
 * *

TO: HOUSE TRANSPORTATION COMMITTEE
 REPRESENTATIVES CATO, CHAIR, DAVIS, FURNACE
 HERRMANN MARROU, FIGNALBERI, SHULTZ
 REPRESENTATIVES WALLIS AND THOMPSON

SENATOR ZHAROFF, ALASKA STATE SENATE

FROM: DAVE FISHER, BOX 10201, DILLINGHAM, 99576

RE: HCR36, AIRLINE TRAVEL

URGE SUPPORT OF HCR 36 CONCERNING INTRASTATE AIRLINE TRAVEL.
 COST OF TRANSPORTATION TO RURAL AREAS IS PROHIBITIVE COMPARED TO
 TRAVEL OUT OF THE STATE. URGE CONSIDERATION THAT THESE AIR FARES
 BE STUDIED.

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
 REPRESENTATIVES CATO, CHAIR, DAVIS, FURNACE,
 HERRMANN, MARROU,
 FIGNALBERI AND SHULTZ

REPRESENTATIVES WALLIS AND THOMPSON

SENATOR ZHAROFF, ALASKA STATE SENATE

FROM: JOHANNA BOUKER, BOX 241, DILLINGHAM, ALASKA 99576
 - PH 842-5433

RE: HCR36-RELATING TO AIRLINE TRAVEL

IT APPEARS MAJOR STRUCTURAL CHANGES WILL TAKE PLACE AMONG RURAL
 CARRIERS DUE TO DEREGULATION. INSURANCE RATES ARE AT A
 PREMIUM-ONE OF THE CAUSES FOR HIGH FARES. (LOWERING FARES MIGHT
 CONSTITUTE HAZARD TO RURAL TRAVELERS IN CARRIERS ATTEMPT TO SAVE
 ON MAINTENANCE COSTS, ETC..) MAJOR CARRIERS RATES BETWEEN CITIES
 AND BUSH SHOULD BE STUDIED.

JAN 29 1986

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 * DELIVER TO: JFOM *
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 * *
 * ORIGINAL *
 * SENT: 01/29/86 TIME: 09:38 *
 * FROM: DOROTHY LARSON *
 * SUBJECT: HCR36-FOM *
 * PRINT DATE: 01/29/86 TIME: 09:39 *
 * *

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
 REPRESENTATIVES CATO, CHAIR; DAVIS, FURNACE,
 HERRMANN, MARROU, PIGNALBERI, AND SHULTZ
 REPRESENTATIVES WALLIS AND THOMPSON
 SENATOR FRED ZHAROFF, ALASKA STATE SENATE

FROM: SHELLEY FARLER, BOX 10018, DILLINGHAM, AK. 99576

RE: HCR36, AIRLINE TRAVEL

PLEASE PASS HCR36 OUT OF YOUR COMMITTEE, AIR FARES ARE EXTREMELY HIGH WHEN TRAVELING FROM RURAL ALASKA TO THE LARGER CITIES. STUDY SHOULD BE CONDUCTED TO DETERMINE WHY THIS IS SO.

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS,
 REPRESENTATIVES CATO - CHAIR, DAVIS, FURNACE,
 HERRMANN, MARROU, PIGNALBERI, SHULTZ
 REPRESENTATIVES WALLIS AND THOMPSON
 SENATOR FRED ZHAROFF, ALASKA STATE SENATE

FROM: KEN HARPER, DILLINGHAM, AK. 99576

RE: HCR36 - AIRLINE TRAVEL

URGE PASSAGE OF HCR36 TO STUDY THE TARIFFS THAT ARE CHARGED RURAL ALASKANS TO TRAVEL. WE PAY HIGH PRICES TO TRAVEL WITHIN THE STATE. WHY IS IT CHEAPER TO TRAVEL TO THE LOWER 48 THAN TO TRAVEL INTRASTATE?

JAN 29 1986

*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/28/86 TIME: 16:32
* FROM: DOROTHY LARSON
* SUBJECT: HCR 36 - POM
* PRINT DATE: 01/28/86 TIME: 16:54
*

TO: HOUSE TRANSPORTATION COMMITTEE
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, HERRMANN,
MARROU, PIGNALBERI, AND
SHULTZ
REPRESENTATIVES WALLIS AND THOMPSON
FROM: SOUTHWEST REGION SCHOOLS, DILLINGHAM, AK. 842-5287
RE: HCR 36 - RELATING TO AIRLINE TRAVEL

THE SOUTHWEST REGION BOARD OF EDUCATION SUPPORTS HCR 36 AND FURTHER REQUESTS THAT THE LEGISLATURE INVESTIGATE SOME FORM OF SUBSIDY AS CURRENTLY PRACTICAL WITH STUDENT TRAVEL ON THE STATE FERRY SYSTEM.

AIR TRAVEL IS THE ONLY FORM OF TRANSPORTATION BETWEEN OUR SITES OR MAJOR COMMUNITIES OUTSIDE OF OUR DISTRICT.

IT MAY BE OF INTEREST TO KNOW THAT THE COST OF A ROUND TRIP TICKET TO ANCHORAGE, 300 MILES FROM DILLINGHAM APPROXIMATES THE COST OF A ROUND TRIP TICKET FROM ANCHORAGE TO SAN FRANCISCO, 2,018 AIR MILES.

JAN 29 1986

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* DELIVER TO: JPOM *
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* *
* ORIGINAL *
* SENT: 01/28/86 TIME: 16:30 *
* FROM: JEAN MILLER *
* SUBJECT: POM *
* PRINT DATE: 01/28/86 TIME: 16:53 *
* *

TO: HOUSE TRANSPORTATION COMMITTEE

REPRESENTATIVES CATO, DAVIS, SHULTZ, HERRMANN, FURNACE
PIGNALBERI AND MARROU

FROM: DR. LEROY OWENS
SUPERINTENDENT, ALEUTIAN REGION SCHOOL DISTRICT
640 WEST 36TH, SUITE 3
ANCHORAGE, AK 99503 PHONE: 562-2924

SUBJECT: HCR 36 - INTRASTATE TRAVEL

THE ALEUTIAN REGION SCHOOL DISTRICT SUPPORTS THE ATTENTION OF HCR 36 TO INVESTIGATE THE RATE CHARGE FOR INTRASTATE TRAVEL. RATE INCREASES HAVE RESTRICTED THE ABILITY OF RURAL DISTRICT TO OPERATE EFFECTIVELY. SEVERAL RURAL DISTRICTS ARE INVOLVED IN AN ATTEMPT TO NEGOTIATE THEIR RATES FOR REQUIRED DISTRICT TRAVEL. THIS EFFORT COULD BE GREATLY AIDED BY PASSAGE OF HCR 36.

*
* DELIVER TO: JPOM

* ORIGINAL

* SENT: 01/28/86 TIME: 16:42

* FROM: DOROTHY LARSON

* SUBJECT: HCR 36 - POM

* PRINT DATE: 01/28/86 TIME: 16:54

*

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVES CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, HERRMANN,
MARROU, PIGNALBERI, AND SHULTZ
REPRESENTATIVES WALLIS AND THOMPSON

FROM: NORMAN ANDERSON, BOX 112 NAKNEK, AK. 99633

RE: HCR 36, RELATING TO AIR TRAVEL INTRASTATE

I WISH TO EXPRESS MY VIEWS ON HCR36. TRANSPORTATION COSTS IN THE BRISTOL BAY AREA ARE AT AN ALL TIME HIGH. ALTHOUGH WE ARE ENJOYING A REDUCED FARE PRESENTLY, THIS IS A TEMPORARY AND TIMELY FIXED RATE. IN A COUPLE OF WEEKS, WE AGAIN, WILL HAVE TO PAY THE INFLATED SCHEDULED RATES WHICH, FIRSTLY MAKES TRAVEL BY SMALL CHARTER AIRLINES MORE ATTRACTIVE WHICH IS PLACING MORE OF A RISK TO TRAVELERS. SMALL PLANES ARE MORE SUSCEPTIBLE TO THE HARSH WEATHER AND TERRAIN CONDITIONS BETWEEN THE ANCHORAGE AND BRISTOL BAY AREA.

SECONDLY, TRAVEL BETWEEN ANCHORAGE AND OUR AREAS IS COMPARED TO TRAVEL COAST TO COAST OUTSIDE. MANY PEOPLE ARE LIMITED TO TRAVEL OUTSIDE THE METROPOLITAN AREA BECAUSE OF THE HIGH COST OF AIRFARE LIMITING THE AVAILABILITY AND ACCESS TO LESS EXPENSIVE PRODUCTS FORCING US TO PAY THE HIGH COST LOCALLY. WE ARE A CAPTIVE AUDIENCE AND AT THE MERCY OF THESE AIR PIRATES.

TO: HOUSE TRANSPORTATION COMMITTEE
REPRESENTATIVE CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, HERRMANN, MARROU
PIGNALBERI, SHULTZ

REPRESENTATIVES WALLIS AND THOMPSON

FROM: BILLIE BENEDICT, BOX 10019, DILLINGHAM, AK.

RE:

I WOULD LIKE TO FULLY SUPPORT REPRESENTATIVE HERRMANN'S, THOMPSON'S AND WALLIS' LEGISLATION FOR LOOKING INTO AIR FARES TO RURAL ALASKA AREAS. IN CHOOSING TO LIVE IN ISOLATION, WE WERE AWARE OF THE SACRIFICES. HOWEVER, THE HIGH AIR FARES ARE NOT ONLY AN INCONVENIENCE WHICH PREVENTS US FROM TAKING VACATION OUTSIDE OUR AREA, BUT MOST OF US LEFT FAMILIES BEHIND FROM WHOM WE ARE CUT OFF. ALSO, CONSIDER THE COST TO THE STATE FOR THESE AIR FARES WHEN STATE WORKERS AND WORKERS FROM STATE FUNDED ORGANIZATIONS TRAVEL. THE COST IN OUR COMMUNITY ALONE IS INCREDIBLE. I WOULD LIKE TO SEE SOMETHING POSITIVE DONE TO INCLUDE US IN THE REST OF THE WORLD.

JAN 29 1986

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* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 01/28/86 TIME: 16:14
* FROM: DOROTHY LARSON
* SUBJECT: HCR 36 FOM
* PRINT DATE: 01/28/86 TIME: 16:40
*

TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
REPRESENTATIVES CATO, CHAIR, REPRESENTATIVES DAVIS,
FURNACE, HERRMANN, AND MARROU,
PIGNALBERI AND SHULTZ

REPRESENTATIVES WALLIS AND THOMPSON

SENATOR FRED ZHAROFF, ALASKA STATE SENATE

FROM: SUE FLENSBURGER, BOX 174, DILLINGHAM, AK., 842-2666

RE: HCR36-RELATING TO AIRLINE TRAVEL

BRISTOL BAY REGION IS ACCESSIBLE TO THE REST OF ALASKA BY AIR AND WATER ONLY. THE COMMERCIAL AIRLINES SERVING OUR REGION HAVE EXCESSIVE FARES CREATING AN ECONOMIC HARDSHIP. AN AUTHORIZED INVESTIGATION INTO THIS SITUATION IS WARRANTED. A MEANS OF ALLEVIATING INSURANCE PROBLEMS FOR AIR TAXIS ALSO DESERVES CONSIDERATION AND ATTENTION.

JAN 29 1986

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* DELIVER TO: JPOM
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* ORIGINAL
* SENT: 01/28/86 TIME: 16:06
* FROM: LIKOD
* SUBJECT: KODIAK POM
* PRINT DATE: 01/28/86 TIME: 16:32
*
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TO: REPRESENTATIVES CATO, DAVIS, FURNACE, HERRMANN, MARROU, PIGNALBERI, SHULTZ

FR: NANCY GROSS, MANAGER
CITY OF UNALASKA
P.O. BOX 89
UNALASKA, ALASKA 99685
PH: 581-1251

RE: HCR 36 - INTRASTATE AIRLINE TRAVEL

UNALASKA SUPPORTS HCR 36. THREE CARRIERS NOW SERVE US AND THE TICKETS HAVE GONE UP. WE WOULD LIKE TO KNOW WHY.

JAN 29 1986

*
* DELIVER TO: JPOM *
* *
* ORIGINAL *
* SENT: 01/28/86 TIME: 15:01 *
* FROM: DOROTHY LARSON *
* SUBJECT: POM - HCR 36 *
* PRINT DATE: 01/28/86 TIME: 15:02 *
* *

TO: HOUSE TRANSPORTATION COMMITTEE
REPRESENTATIVES CATO, DAVIS, FURNACE, HERRMANN,
MARROU, PIGNALBERI, SHULTZ

FROM: IDA APOKEDAK, PRESIDENT, EXECUTIVE COMMITTEE,
BRISTOL BAY AREA HEALTH CORPORATION, DILLINGHAM,
ALASKA 99576
PHONE - 842-5201

RE: HCR 36, RELATING TO INTRASTATE AIRLINE TRAVEL

THE EXECUTIVE COMMITTEE OF THE BRISTOL BAY AREA HEALTH CORPORATION MET TODAY AND VOTED BY RESOLUTION TO SUPPORT HCR 36 RELATING TO THE HIGH COST OF AIRLINE TRAVEL IN RURAL AREAS. WE HOPE THAT SOMETHING CAN BE DONE TO LOWER AIRFARES. PLEASE PASS HCR 36. OTHER MEMBERS OF THE EXECUTIVE BOARD ARE JOHN MARK, ANDREW WASSILLIE AND ALVIN BOSKOFKY.

JAN 29 1986

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* DELIVER TO: JPOM *
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* *
* ORIGINAL *
* SENT: 01/28/86 TIME: 15:46 *
* FROM: DOROTHY LARSON *
* SUBJECT: HCR36 POM *
* PRINT DATE: 01/28/86 TIME: 15:47 *
* *

TO: HOUSE TRANSPORTATION COMMITTEE
REPRESENTATIVE CATO, CHAIR
REPRESENTATIVES DAVIS, FURNACE, HERRMANN, MARROU,
PIGNALBERI AND SHULTZ

REPRESENTATIVES WALLIS AND THOMPSON

SENATOR ZHAROFF, ALASKA STATE SENATE

FROM: CARLOS TENIENTE, BOX 34, ADAK, ALASKA, FPO
SEATTLE 89791

RE: HCR36, RELATING TO AIRLINE TRAVEL

URGE YOUR POSITIVE CONSIDERATION AND PASSAGE OF HCR36. AIRLINE TRAVEL IS AN AREA OF GREAT CONCERN TO THOSE OF US IN THE RURAL AREAS AND THOSE WHOSE PRIAMRY MODE OF TRAVEL IS BY AIR CARRIER AND QUITE COSTLY. THANK YOU.

JAN 29 1986.

*

TO: HOUSE TRANSPORTATION COMMITTEE
REPS. CATO, DAVIS, SHULTZ, HERRMANN, FURNACE, PIGNALBERI,
MARROU
AND REP. HERRMANN
FROM: LAMAR COTTEN/CITY OF SAND POINT, BOX 177, SAND POINT,
AK, 99661, 383-2696
SUBJECT: HCR 36, INTRASTATE AIRLINE INDUSTRY

CITY OF SAND POINT SUPPORT THE EFFORTS OF REP. HERRMANN AND OTHERS TO ANALYZE AND DETERMINE THE HIGH COST OF INTRA STATE TRANSPORTATION AND RECOMMEND THAT THE TRANSPORTATION COMMITTEE INVESTIGATE THIS MATTER.

*

TO: HOUSE TRANSPORTATION COMMITTEE
REPS. CATO, DAVIS, SHULTZ, HERRMANN, FURNACE, PIGNALBERI,
MARROU
AND REP. HERRMANN
FROM: LAMAR COTTEN/CITY OF KING COVE, KING COVE, AK 99612
SUBJECT: HCR 36, INTRASTATE AIRLINE INDUSTRY

CITY OF KING COVE SUPPORT THE EFFORTS OF REP. HERRMANN AND OTHERS TO ANALYZE AND DETERMINE THE HIGH COST OF INTRA STATE TRANSPORTATION AND RECOMMEND THAT THE TRANSPORTATION COMMITTEE INVESTIGATE THIS MATTER.

Introduced: 5/9/85
Referred: Transportation
and Finance

BY HERRMANN, WALLIS AND
THOMPSON

1 IN THE HOUSE

2

HOUSE CONCURRENT RESOLUTION NO. 36

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to intrastate airline travel.

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

7

WHEREAS intrastate air travel is an essential and often the only
8 effective means of transportation in rural areas of the state; and

9

WHEREAS competitive market forces in many other states has caused a
10 decline in commercial air fares; and

11

WHEREAS these same competitive forces have not caused a ^{significant} decline in
12 air fares, ^{offered by the major carriers for travel to and from} ~~in the~~ rural areas of the state; and

13

WHEREAS the cost of air travel, ^{to and from} ~~in~~ rural areas of the state has become
14 prohibitively expensive; and

15

WHEREAS the high cost of ^{air travel to and from Alaska} ~~air travel~~ has the appearance of
16 profiteering and may constitute a violation of state or federal law;

17

BE IT RESOLVED by the Alaska State Legislature that the Governor is
18 respectively requested to direct the Department of Transportation and
19 Public Facilities, and the Department of Commerce and Economic Development
20 to jointly investigate the tariffs charged by ^{major air carriers serving} ~~rural air carriers in the~~
21 state; and be it

22

FURTHER RESOLVED that the results of the investigation and in parti-
23 cular recommendations for action by the legislature be reported to the

24

~~Second~~ Session of the ^{First} ~~Fourteenth~~ ^{15th} Legislature by January 31, 1986 ⁷

SB 356 cont'd

Senator Kelly moved and asked unanimous consent that CS FOR SENATE BILL NO. 356 (FIN) am be held until May 5. Without objection, it was so ordered and the bill will be on the May 5 calendar in third reading on reconsideration.

CITATIONS

Honoring - Alaska State Elks Association - Know
Your State Government Program
by Representatives Cato, Marrou, Thompson, Cotten,
Uehling, Martin and Navarre
Senators: Bennett, Ziegler, Sturgulewski, Zharoff,
Eliason, Fahrenkamp, DeVries, Rodey, Halford,
Paul Fischer, Kerttula, Vic Fischer and Abood

Senator Halford moved and asked unanimous consent that the citation calendar be adopted. Without objection, the citation was adopted and referred to the Secretary for transmittal.

UNFINISHED BUSINESS

HCR 36 *file*

Senator Zharoff, Chairman, moved and asked unanimous consent that the Labor and Commerce Committee referral on CS FOR HOUSE CONCURRENT RESOLUTION NO. 36 (FIN) (intrastate airline travel) be waived. Without objection, it was so ordered.

CS FOR HOUSE CONCURRENT RESOLUTION NO. 36 (FIN) was referred to the Rules Committee.

Senator Halford moved and asked unanimous consent that a letter of thanks be sent on behalf of the State Senate to the City and Borough of Juneau for the certificates of appreciation and flowers. Without objection, it was so ordered.

ANNOUNCEMENTS

Senator Sackett, Co-Chairman, moved and asked unanimous consent that the five-day notice and publication requirements be waived for the Finance Committee meeting on May 3 to consider CS FOR HOUSE BILL NO. 500 (FIN) (making appropriations for the operating and loan program expenses of state government; efd) (budget)). Without objection, it was so ordered.

Announcements appear at the end of the journal.

SPECIAL ORDERS

Senator Fahrenkamp moved and asked unanimous consent that she be excused from the Senate, not subject to a call, May 16 through June 2. Without objection, Senator Fahrenkamp was excused.

Senator Kerttula moved and asked unanimous consent that he be excused from a call of the Senate on May 6. Without objection, Senator Kerttula was excused.

Senator Ray moved and asked unanimous consent that he be excused from a call of the Senate, May 16 through July 23. Without objection, Senator Ray was excused.

Senator Rodey moved and asked unanimous consent that he be excused from a call of the Senate, May 3 - 4. Without objection, Senator Rodey was excused.

Senator Sturgulewski moved and asked unanimous consent that she be excused from a call of the Senate, May 3 - 4. Without objection, Senator Sturgulewski was excused.

ENROLLMENT

SJR 33

SENATE JOINT RESOLUTION NO. 33 (Supporting National Friendship Week) was enrolled, signed by the President and Secretary, Speaker and Chief Clerk of the House and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:30 a.m., May 2, 1986.

SB 8

CS FOR SENATE BILL NO. 8 (HESS) (Relating to a personal safety curriculum in public schools) with Legislative Letter of Intent, was enrolled, signed by the President and Secretary, Speaker and Chief Clerk of the House and the engrossed and enrolled copies transmitted to the Office of the Governor at 8:30 a.m., May 2, 1986.



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.

James O. Smith
Signature of Camera Operator

10/31/89
Date

HJR

14

Bradley
3/26/85 ✓

Original sponsor: Shultz

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE JOINT RESOLUTION NO. 14 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the navigability of Alaska's
6 rivers and lakes.

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

8 WHEREAS Alaska's rivers and lakes have always been a primary means of
9 transportation and access for the people of the state; and

10 WHEREAS a great many of these same waterbodies have traditionally and
11 historically served as routes for commerce and trade; and

12 WHEREAS the geographic features of the State of Alaska necessitate the
13 continued use of these rivers and lakes for traditional travel purposes;
14 and

15 WHEREAS the federal government is not considering several traditional
16 means of transportation used in Alaska, such as [float plane] jet unit and
17 aluminum river boat, inflatable boats, air boats, and winter use, when
18 determining whether bodies of water in Alaska are navigable; and

19 WHEREAS all other states have had the opportunity to demonstrate
20 navigability of waterbodies within their boundaries on a much less restric-
21 tive basis; and

22 WHEREAS the State of Alaska has several test cases now in litigation
23 that will help establish a basis for claiming navigability of its water-
24 bodies; and

25 WHEREAS trade, travel, commerce, subsistence, and recreational activi-
26 ties should continue on a traditional basis on Alaska's navigable rivers
27 and lakes; and

28 WHEREAS the federal government may propose waterbodies in Alaska for
29 classification as wild and scenic rivers without knowing whether or not

1 they will be determined navigable; and

2 WHEREAS such classification may prevent the citizens of this state
3 from continuing their historical and traditional uses of Alaskan water-
4 bodies;

5 BE IT RESOLVED that the Alaska State Legislature respectfully requests
6 the President of the United States and the Congress to direct the Secretary
7 of the Interior to suspend further classification of Alaskan waterbodies as
8 wild and scenic rivers until such time that a final decision is reached on
9 the issue of navigability, thus allowing historical and traditional activ-
10 ities to continue on the Alaskan waterbodies in dispute or in litigation.

11 COPIES of this resolution shall be sent to the Honorable Ronald
12 Reagan, President of the United States, the Honorable George Bush, Vice-
13 President of the United States and President of the U.S. Senate; the Honor-
14 able Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives;
15 the Honorable Donald Hodel, Secretary of the Interior; and to the Honorable
16 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
17 Honorable Don Young, U.S. Representative, members of the Alaska delegation
18 in Congress.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

March 26, 1985

The Honorable Bette Cato
Chair, Transportation Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Cato:

Thank you for inviting this department's views with regard to HJR 14 (relating to navigability and designation of Wild and Scenic Rivers). The department earlier provided several suggested wording changes which are being incorporated into the Committee Substitute. Those changes provide consistency with terms as they are being used to present the state's position in certain litigation on navigation.

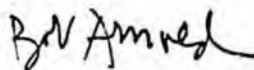
With the passage of ANILCA in December, 1980, Congress designated 26 Alaskan rivers to the list of National Wild and Scenic Rivers. At the same time 12 other rivers were withdrawn from the public domain, subject to valid existing rights, to complete studies on their suitability for inclusion in the system. These studies were to be complete and submitted to the Secretary of the Interior last fall.

Only these 12 rivers would be addressed by this resolution, and three have been administratively determined to be navigable. Thus, its impact may be somewhat limited. Inasmuch as wild and scenic river designation may have consequences upon the uses of the river and its bed, it is desirable to settle the issue of ownership ahead of such designation.

One other suggested change to HJR 14 would be to delete the reference to float planes in the fourth whereas. On February 28, 1985, the Ninth Circuit Court of Appeals found in the Slopbucket Lake case that "... float planes and related incidental watercraft is insufficient as a matter of law to render the lake navigable for purposes of title."

Mike Vediner from our Division of Land and Water Management will be available at the committee hearing to answer questions.

Sincerely,



Robert D. Arnold
Deputy Commissioner

WILD AND SCENIC ISSUE

BECAUSE THERE ARE RIVERS IN ALASKA THAT HAVE BEEN DETERMINED AS BEING WILD AND SCENIC WITH OUT A DETERMINATION AS TO THEIR BEING CONSIDERED NAVIGABLE, THERE EXISTS THE DISTINCT POSSIBILITY THAT TRADITIONAL USES ON THESE AND OTHER RIVERS MAY NOT CONTINUE AT HISTORIC LEVELS.

IF A GIVEN WATER BODY IS FOUND TO BE NAVIGABLE, THE STATE WILL HAVE TITLE TO THE LAND UNDER SUCH A BODY THUS ALLOWING LOCAL RESIDENTS, AS CITIZENS OF THE STATE, TO BE IN A STRONGER POSITION TO ARGUE FOR CUSTOMARY AND TRADITIONAL USES BOTH ON THE WATER AS WELL AS ALONG EACH ONE OF IT'S SHORES.

IN TERMS OF ESTABLISHING RESOURCE AND RECREATIONAL PRIORITIES ON OUR ALASKAN WATER BODIES IT ESSENTIAL THAT LOCAL, STATE, AND FEDERAL CONCERNS BE ADDRESSED IN AN ORDER THAT ALLOWS THOSE PEOPLE WHO ARE MOST DIRECTLY AFFECTED TO CONTINUE THEIR CUSTOMARY AND TRADITIONAL USES OF THE RIVER TO THE GREATEST DEGREE POSSIBLE.

TO THAT END IT DOES NOT MAKE SENSE TO ESTABLISH A FEDERAL CLASSIFICATION OF A WATER BODY BEFORE A LOCAL AND STATE PRIORITY SUCH AS NAVIGABILITY IS RESOLVED.

TO HELP ELIMINATE FUTURE CONTROVERSIES I HAVE SUGGESTED VIA THIS RESOLUTION THAT THE FEDERAL GOVERNMENT RECOGNIZE AND ADHERE TO A PRACTICAL POLICY OF WAITING FOR A SOLUTION TO THE NAVIGABILITY ISSUE BEFORE PROCEEDING WITH ANY ADDITIONAL WILD AND SCENIC CLASSIFICATIONS.

IT IS MY HOPE THAT BY ENCOURAGING THE FEDERAL GOVERNMENT TO FOLLOW A MORE PRUDENT PATH, WE MAY INSURE A GREATER DEGREE OF LOCAL CONTROL IN THE LONG TERM USE OF OUR WATERWAYS BY ALASKAN RESIDENTS.

BACKGROUND ON HJR 14

The purpose of this resolution is to request the President and Congress to suspend any further classifications of Alaskan waterbodies as wild or scenic until such time as a final decision is reached on the issue of navigability. This would allow traditional activities to continue on any waterbodies in dispute.

Traditional activities would include subsistence, recreation, trade and commercial use.

Alaska State Legislature

House of Representatives

Committee on Transportation

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

Rep. Bette Cato, Chairman



M E M O R A N D U M

Date: 26 March 1985
To: Legal Services
From: Rhonda Cargill, Professional Assistant
House Transportation Committee
Re: HJR 14

Please make the following changes to HJR 14 so that we can submit a committee substitute at tomorrow morning's 7:00 House Transportation Committee meeting:

<u>Page/Line</u>	<u>Change</u>
Page 1, Lines 13-14	Delete: [BOTH COMMERCIAL AND NONCOMMERCIAL] Replace with: <u>traditional travel</u>
Page 1, Line 15	Delete: [BUREAU OF LAND MANAGEMENT] Replace with: <u>federal government</u>
Page 1, Line 17	Delete: [FLAT BOTTOM] Replace with: <u>jet unit and aluminum</u>
Page 1, Line 17	Delete: [DOG SLED, AND SNOW MACHINE] Replace with: <u>inflatable boats, air boats, and winter use</u>

Page 1,
Line 25

Insert between "trade," and "commerce": travel

Page 2,
Line 3

Delete: [LEGALLY]

Please note that the committee meets at 7:00 a.m. We would deeply appreciate your giving us a work draft before day's end.

Introduced: 1/23/85
Referred: Transportation and
Resources

1 IN THE HOUSE

BY SHULTZ

2

HOUSE JOINT RESOLUTION NO. 14

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

Relating to the navigability of Alaska's

6

rivers and lakes.

7

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

8

WHEREAS Alaska's rivers and lakes have always been a primary means of

9

transportation and access for the people of the state; and

10

WHEREAS a great many of these same waterbodies have traditionally and

11

historically served as routes for commerce and trade; and

12

WHEREAS the geographic features of the State of Alaska necessitate the

13

continued use of these rivers and lakes for ^{traditional travel} ~~both commercial and noncommer-~~

14

cial purposes; and

15

WHEREAS the ^{federal government} Bureau of ~~Land~~ Management is not considering several

16

traditional means of transportation used in Alaska, such as float plane,

17

~~Jet unit and aluminum flat-bottom river boat, dog sled, and snow machine,~~ ^{inflatable boats, air boats, and winter use} when determining

18

whether bodies of water in Alaska are navigable; and

19

WHEREAS all other states have had the opportunity to demonstrate

20

navigability of waterbodies within their boundaries on a much less restric-

21

tive basis; and

22

WHEREAS the State of Alaska has several test cases now in litigation

23

that will help establish a basis for claiming navigability of its water-

24

bodies; and

25

WHEREAS trade, ^{travel} commerce, subsistence, and recreational activities

26

should continue on a traditional basis on Alaska's navigable rivers and

27

lakes; and

28

WHEREAS the federal government ^{may propose} [is now studying] waterbodies in Alaska

29

for classification as wild and scenic rivers without knowing whether or not

1 they will be determined navigable; and

2 WHEREAS such classification may prevent the citizens of this state
3 from ²²legally continuing their historical and traditional uses of Alaskan
4 waterbodies;

5 BE IT RESOLVED that the Alaska State Legislature respectfully requests
6 the President of the United States and the Congress to direct the Secretary
7 of the Interior to suspend further classification of Alaskan waterbodies as
8 wild and scenic rivers until such time that a final decision is reached on
9 the issue of navigability, thus allowing historical and traditional activ-
10 ities to continue on the Alaskan waterbodies in dispute or in litigation.

COMMITTEE REPORT
HOUSE

3/29

(7)

FURTHER: RESOURCES

1/23/85

Date: 27 March 1985

The Committee on TRANSPORTATION has had HJR 14

Relating to the navigability of Alaska's rivers and lakes.

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HJR 14 (TRSP) same title
 new title
- and recommends it do pass
- 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:

Bette Gato

John J. ...

Mike Davis

Walter ...

W. Sigmundson

Bette Gato
CHAIRMAN

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

FEB 14 1985

POUCH M
JUNEAU, ALASKA 99811
PHONE: 907-465-2400

February 7, 1985

HJR 14

The Honorable Bette Cato
Member, House Resources Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Cato:

As a follow up to Senator Fahrenkamp's question on other states' support for our navigability position, I am enclosing an Amici Curiae brief of several western states for your information. I will provide copies to each member of the Senate and House Resources Committees.

Sincerely,



Esther C. Wunnicke
Commissioner

Enclosure

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Civil No. 84-3625

EW → ~~OK~~
MV for
Slogobucket Lake case
(floatplane use)
b

STATE OF ALASKA,)
)
 Plaintiff/Appellant,)
)
 v.)
)
 UNITED STATES OF AMERICA)
 ET AL.,)
)
 Defendants/Appellees.)

DEPARTMENT OF
NATURAL RESOURCES

JAN 14 1984
CORNER'S OFFICE
JUNEAU

Appeal from the United States District Court for the
District of Alaska Case No. 84-205

AMICI CURIAE BRIEF OF THE STATE OF CALIFORNIA,
EX REL. STATE LANDS COMMISSION AND THE STATES
OF HAWAII, IDAHO, NEVADA, NORTH DAKOTA AND
OREGON IN SUPPORT OF THE STATE OF ALASKA

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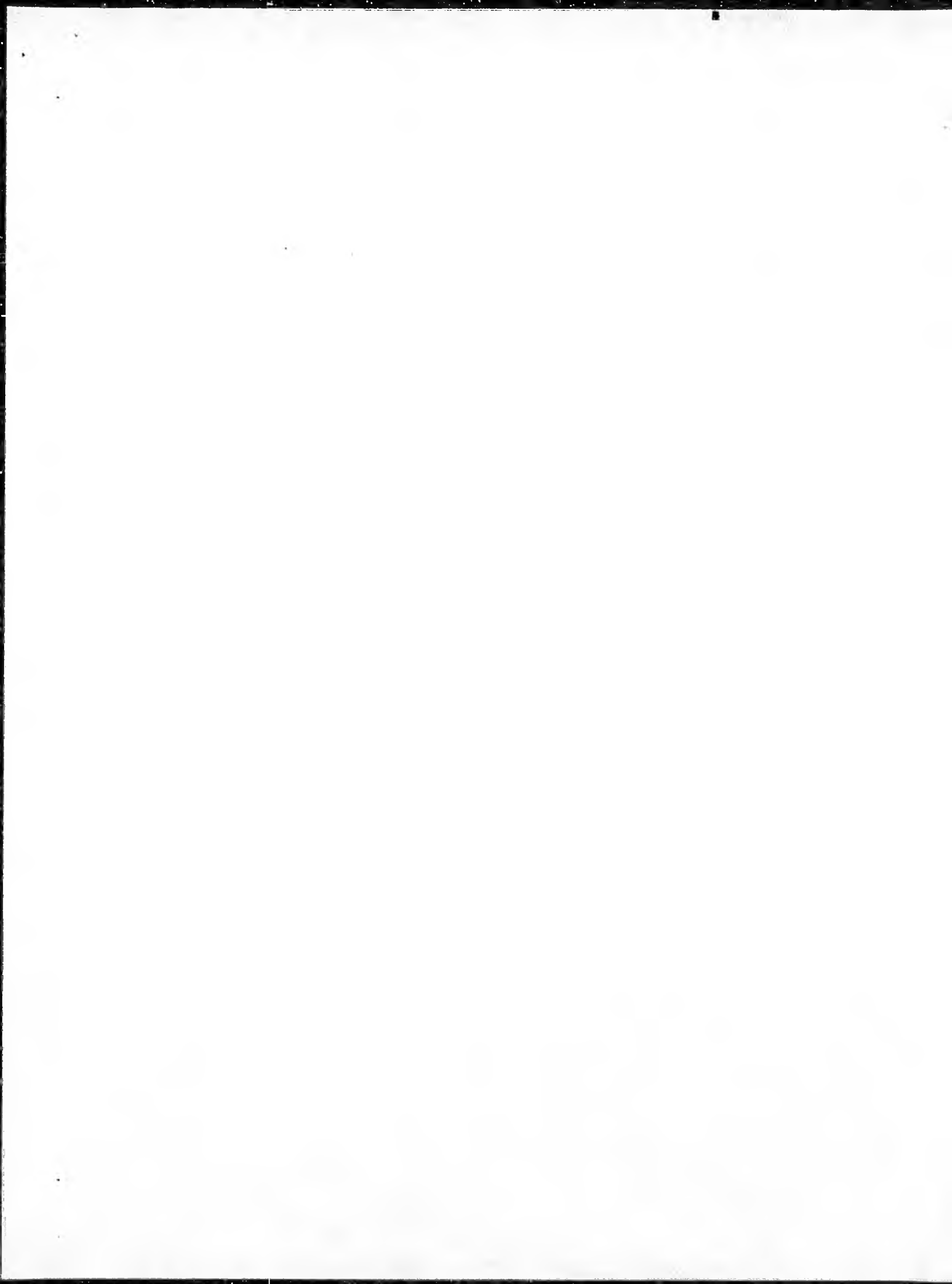


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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Civil No. 84-3625

STATE OF ALASKA,)
)
 Plaintiff/Appellant,)
)
 v.)
)
 UNITED STATES OF AMERICA)
 ET AL.,)
)
 Defendants/Appellees.)

AMICI CURIAE BRIEF OF THE STATE OF CALIFORNIA,
EX REL. STATE LANDS COMMISSION AND THE STATES
OF HAWAII, IDAHO, NEVADA, NORTH DAKOTA AND
OREGON IN SUPPORT OF THE STATE OF ALASKA

This amici curiae brief is respectfully submitted pursuant to Federal Rule of Appellate Procedure 29 ^{1/} by the State of California ex rel. State Lands Commission ^{2/} ("California") and the States of Hawaii, Idaho, Nevada, North Dakota and Oregon in support of plaintiff-appellant State of Alaska. As will be demonstrated below, the judgment of the District Court is based on an error of law and should therefore be reversed.

1. Rule 29 provides that consent or leave to file an amicus curiae brief shall not be required when the brief is presented by a state.

2. The State Lands Commission is the administrative agency of the State of California having jurisdiction, management and control of public lands held by the State of California, including the beds of navigable lakes and rivers and other sovereign trust lands. (See Cal. Pub. Resources Code, § 6100 et seq.; see esp. § 6301.)

INTEREST OF AMICI

Amici's extensive systems of lakes and rivers constitute a vital public resource. The states acquired the beds of their navigable waterways as an incident of sovereignty upon admission to the Union, and hold these lands in trust for the benefit of their citizens. (Montana v. United States, 450 U.S. 544, 551-552 (1981); Martin v. Waddell, 41 U.S. 367, 410 (1842); State of California v. Superior Court (Lyon), 29 Cal.3d 210 (1981) cert. den., 454 U.S. 865 (1981).) These inland waterways have played a crucial role in the historical development of the American West. They continue to furnish the public with substantial commercial, navigational, recreational and ecological benefits. (See, e.g., State of California v. Superior Court (Lyon), supra; State of California v. Superior Court (Fogerty), 29 Cal.3d 240 (1981), 172 Cal.Rptr. 713, cert. den. 454 U.S. 865 (1981).)

The importance of these waterways is matched by their extensive nature. A recent survey in California, for example, reveals that there are approximately 807 miles of shoreline around navigable lakes and 3,046 miles of shoreline along that state's nontidal navigable rivers. (Summary for State-owned Tide and Submerged Lands, Shoreline Mileages, State Lands Division (May 1972).)

Particularly in recent years, substantial attention has focused on the ownership of the beds of

particular inland waterways. This is due in large part to general population increases, migration to previously-undeveloped areas, increased demand for public recreational facilities and the developmental pressures engendered by these other factors. The states, riparian owners and the general public have increasingly turned to the courts to determine their respective rights and obligations concerning Western waterways. A substantial amount of litigation has resulted in both federal and state courts with the principal issue often being who owns the bed of the waterway in question. This, in turn, leads inevitably to the particular lake or river's navigable status. ^{3/}

The decision of the district court, to the extent it signals a departure from that tradition, will prejudice amici's efforts to perfect their own sovereign ownership claims. Based as it is upon a fundamental misperception of applicable law, the ruling could abrogate amici's sovereign interest in these vital resources.

The importance of these sovereign rights has been recognized repeatedly by Congress. In adopting California's Act of Admission, for example, it declared the State's

3. In California, for example, see State of California ex rel. State Lands Commission v. Yuba Goldfields, Inc. et al., appeal pending, Ninth Circuit Court of Appeals, Case No. 83-2409 (Yuba River); Brandenberger et al. v. State of California, Nevada County Superior Court No. 21947 (Donner Lake).

navigable waterways to be "common highways, and forever free" (9 Stat. 452; see also Northwest Ordinance of 1787, 1 Stat. 50, 52.) Moreover, their value has consistently been reflected in federal and state case law. (See, e.g., People of the State of California ex rel. Younger v. Tahoe Regional Planning Agency, 516 F.2d 215 (9th Cir. 1975) cert. den. 423 U.S. 868 (1975); State of California v. Superior Court (Lyon), supra, 29 Cal.3d 210; People v. Gold Run Ditch & Mining Co., 66 Cal. 138 (1884).)

II

STATEMENT OF THE CASE

Amici adopt the statement of the case set forth in appellant State of Alaska's Opening Brief.

III

DECISION BELOW

The decision of the district court below is reported at 563 F.Supp. 1223.

IV

QUESTION PRESENTED

Whether evidence of extensive and longstanding use of a waterway by floatplanes and incidental small boats for a variety of trade and commerce-related purposes is relevant in determining sovereign title to the bed of that waterway.

V

ARGUMENT

This appeal presents the Court with a simple, straightforward legal issue: the legal status of commercial

floatplane operations in litigation where a state is seeking to perfect its sovereign title to the bed of a navigable waterway. Applicable decisions of both this and other federal and state appellate courts indicate that use by floatplane and incidental boating uses are fully relevant in determining navigability for federal title purposes.

A. Longstanding Federal Precedent Establishes That Navigability for Title Purposes is a Broad and Flexible Concept

There is apparently no dispute among the parties and amici as to the general standard to be applied in cases involving the issue of whether a lake or river is navigable for title purposes. That test was first enunciated by the United States Supreme Court in The Daniel Ball, 77 U.S. (10 Wall.) 557, 563 (1870):

"Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."

Although The Daniel Ball was an admiralty case, the seven Supreme Court cases that have directly dealt with

navigability for title purposes 4/ have adopted The Daniel Ball definition as the basic federal test by which to locate those submerged beds to which the states hold title.

The Supreme Court has evolved certain related principles that are applicable to this appeal. For example, it is the capability of use rather than the extent or manner thereof by the public for transportation and commerce that affords the true criteria of navigability. (United States v. Holt State Bank, 270 U.S. 49, 56 (1926).) Susceptibility to navigation is the test. Thus, while actual historical use is not required, such use can constitute evidence of susceptibility to navigation. (The Daniel Ball, supra, 77 U.S. (10 Wall.) at 563; United States v. Utah, 283 U.S. 64, 75 (1931).) The waterway must be susceptible of navigation in its natural and ordinary condition. (United States v. Holt State Bank, supra, 270 U.S. at 56.)

While navigability for title purposes is determined as of the date the particular state was admitted to the Union, more recent history is relevant to the inquiry assuming that the waterway remains in a natural or near-natural condition. (Utah v. United States, supra, 403 U.S. at 9-10; United States v. Utah, supra, 283 U.S. at 82.)

4. Utah v. United States, 403 U.S. 9 (1971); United States v. Oregon, 295 U.S. 1 (1935); United States v. Utah, supra, 283 U.S. 64; United States v. Holt State Bank, supra, 270 U.S. 49; Brewer-Elliott Oil & Gas Co. v. United States, 270 U.S. 77 (1922); Oklahoma v. Texas, 258 U.S. 574 (1922); Packer v. Bird, 137 U.S. 661 (1891).

A watercourse may be navigable notwithstanding serious obstructions occasioned by natural barriers such as rapids and sand bars. (The Montello, 87 U.S. (20 Wall.) 441-442 (1874); United States v. Utah, supra, 283 U.S. at 86-87.) Nor is it determinative that a lake or river is not navigable in fact on a year-round basis. (Id., at 87.) The fact that a waterway is not part of an interstate or international commercial highway in no way interferes with the principle of public ownership of its bed. (Utah v. United States, supra, 403 U.S. at 10.)

Finally and most important for purposes of this appeal, navigability does not depend on the particular mode of use. The requisite navigation may be by any "customary method of trade or travel." (The Daniel Ball, supra, 77 U.S. at 563; United States v. Holt State Bank, supra, 270 U.S. at 56.) In Holt State Bank, for example, the Supreme Court held that historic use of a waterway by small boats was adequate to support a finding of navigability for title purposes. (270 U.S. at 56-57.) Operation of lumber rafts has also been found by the Court to constitute meaningful evidence of navigability. (United States v. Utah, supra, 283 U.S. at 79.) Most recently, the Supreme Court found the Great Salt Lake to be navigable on the basis of historical evidence that the lake was used by small craft to transport livestock between the mainland and one or more islands. (Utah v. United States, supra, 403 U.S. 9, 11.)

In State of Oregon v. Riverfront Protective Assn., 672 F.2d 792 (9th Cir. 1982), this Court reversed a district court holding that evidence of commercial logging activities was insufficient as a matter of law to demonstrate navigability for title purposes. Riverfront stands for the proposition that logging, while perhaps not a conventional mode of navigation, satisfies the liberal and expansive title test of navigability.

B. Floatplanes Constitute Proper Evidence of Navigability Under Judicial Precedents, Administrative Decisions Issued by Appellees Themselves, and Federal Statutes and Regulations

As might be expected, the specific issue on appeal has not heretofore been addressed by the federal courts. Yet the relevance of floatplane use to determine a waterway's navigability for sovereign title purposes is mandated by analogous judicial precedents, federal statutes, regulations, the government's own administrative decisions and -- most importantly -- the expansive and flexible nature of the general federal standard of navigability itself.

The antecedents of the current law of navigability go back to the early part of the nineteenth century. Even the earliest Supreme Court cases on the subject stressed that the test of navigability was dynamic in nature. Indeed, the same capacity for growth and accommodation for societal change that has been the hallmark of American constitutional law has formed the touchstone of

the navigability test. The Supreme Court reiterated this fundamental point when it reviewed the first century of navigability jurisprudence in United States v. Appalachian Electric Power Co., 311 U.S. 377, 405-406 (1940):

"It is obvious that the uses to which the streams may be put vary from the carriage of ocean liners to the floating out of logs; that the density of traffic varies equally widely from the busy harbors of the seacoast to the sparsely settled regions of the western mountains. The test as to navigability must take these variations into consideration.

". . . Each application of this test . . . is apt to uncover variations and refinements which require further elaboration." (Fns. omitted; emphases added.)

The first navigability cases, which dealt with admiralty rather than title disputes, anticipated that the standard must necessarily be flexible enough to respond to technological and societal changes. The language of The Montello, supra, 87 U.S. (20 Wall.) at 441-442 is prophetic in that regard:

"If [a waterway] be capable in its natural state of being used for purposes of commerce, no matter in which mode the commerce may be conducted, it is navigable in fact and becomes in law a public river or highway. Vessels of any

kind that can float upon the water . . . are or may become, the mode by which a vast commerce can be conducted, and it would be a mischievous rule that would exclude either in determining the navigability of a river." (Emphases added.)

Later Supreme Court decisions applying the navigability rule to state sovereign title disputes echoed this sentiment:

"The rule long since approved by this court in applying the constitution and laws of the United States is that streams and lakes which are navigable in fact must be regarded as navigable in law . . . and further, that navigability does not depend on the particular mode in which such use is or may be had . . . but on the fact, if it be a fact, that the stream in its natural and ordinary condition affords a channel for useful commerce." (United States v. Holt State Bank, supra, 270 U.S. at 56; emphases added.)

The Court expanded upon this motion in more recent cases upholding Utah's sovereign claims to the beds of its lakes and rivers:

"[A]s the title of a state depends upon the issue, the possibilities of growth and future profitable use are not to be ignored. . . . The question remains one of fact as to the capacity of the rivers in their ordinary condition to meet the

needs of commerce as these may arise in connection with the growth of the population, the multiplication of activities, and the development of natural resources." (United States v. Utah, supra, 283 U.S. at 83.)

And in Utah v. United States, supra, 403 U.S. at 11, the Supreme Court expressly rejected a narrow and formalistic construction of the navigability test proposed by the United States that closely parallel the government's theory here:

"[I]t is suggested that [the type of historical use of the Great Salt Lake relied upon by Utah] was not the use of the lake as a navigable highway in the customary sense of the word. . . . We think that is an irrelevant detail. The lake was used as a highway and that is the gist of the federal test." (Emphasis added.)

Like The Montello, the instant case concerns a craft, capable of floating upon water, that indisputably forms a vital link of Alaskan commerce. As alluded to in United States v. Utah, floatplanes have developed to serve the state's citizenry in a multitude of ways, and the craft are wholly dependent on waterbodies such as Slopbucket Lake for their operation. Finally, the approach evidenced by the decision below was rejected in Utah v. United States. There is no reasonable dispute that Slopbucket Lake was and is used as a highway for transportation, i.e., for extensive

floatplane operations. The federal title test demands no more.

Notably, the United States has embraced these principles in its own administrative decisions. Appeal of Doyon, Ltd., 86 Interior Dec. 692 (1979) was a decision of the Alaska Native Claims Appeal Board. The board, a part of the United States Department of the Interior, was established to administer the Alaska Native Claims Settlement Act. (43 U.S.C. § 1601 et seq., as implemented in 43 C.F.R. §§ 2650.0-1 - 2650.8 and 43 C.F.R. §§ 4.900-4.913.) Title to the Kandik and Nation Rivers, which are tributaries to the Yukon, was contested. The issue was whether these rivers were navigable. If so, they passed as sovereign lands to Alaska upon its admission to the Union. If non-navigable, the beds of these rivers remained available for federal conveyance to Native tribes or private interests.

In a unanimous decision, the board reversed the prior decision of the Bureau of Land Management, another branch of the Department of the Interior. The board held that the Kandik and Nation Rivers in Alaska are navigable for title purposes and therefore held in trust by the state.

Relying on The Montello, the board first rejected BLM's narrow interpretation of the navigability rule and held that innovative craft capable of travel on these isolated Alaskan rivers "constituted the customary modes of trade and travel in the tributaries of the Middle-Yukon

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area, and the use of these watercraft may be appropriately considered in determining whether rivers in this area were used or are susceptible of being used as highways of commerce." (86 Interior Dec. at 705.) The board echoes Utah v. United States, supra, by stating that "to be navigable, a river must be so situated and have such length and capacity as will enable it to accommodate the public generally as a means of transportation." (Id., at 708.) Finally, the board concluded its lengthy decision by spurning BLM's suggestion that it attempt to fashion a blanket standard of navigability:

"[The board] will not undertake to do what the United States Supreme Court has not attempted, i.e., to define in precise, checklist fashion the requirements for navigability of a body of water.

. . . Considerations of factual determinations made in other cases can no more than assist in the process. United States v. Utah, supra, at 87:

' . . . Each determination as to navigability must stand on its own facts.'" (Id., at 709.)

Amici suggest that Appeal of Doyon, Ltd. correctly states and applies federal law. If the same reasoning is applied in the present case, it is difficult to see how the ruling below can be sustained.

Turning to those cases which have addressed the question of a waterway's use by floatplane or similar craft, the courts have characterized them as watercraft capable of

navigation. (See, e.g., United States v. Northwest Air Service, Inc., 80 F.2d 804, 805 (9th Cir. 1935) (suggesting in dicta that seaplane, while afloat on navigable waters, a vessel within maritime jurisdiction of United States); Humble Oil & Refining Co. v. Sun Oil Co., 190 F.2d 191 (5th Cir. 1951) (reliance in part on evidence of seaplane use to determine public character of bed of waterway); Nalco Chemical Corp. v. Shea, 294 F.Supp. 479 (E.D. La. 1968), affirmed 419 F.2d 572 (5th Cir. 1969) (operations of seaplane "maritime" in nature so as to trigger application of Longshoremen's and Harbor Workers' Compensation Act); Lambros Seaplane Base, Inc. v. The Batory, 215 F.2d 228 (2d Cir. 1954) (seaplane, when on the water, a marine object subject to maritime law); Hubschman v. Antilles Air Boats, Inc., 440 F.Supp. 829, 840-841 (D.C. Virgin Islands 1977) (seaplane performs commercial functions similar to more conventional "watercraft"); Hark v. Antilles Air Boats, Inc., 355 F.Supp. 683, 685 (D.C. Virgin Islands 1973) (floatplane a vessel for purposes of navigational rules and admiralty jurisdiction); see also United States v. Commodore Park, 324 U.S. 386, 389-392 (1945) (seaplane-connected onshore facilities related to commerce and navigation); Reinhardt v. Newport Flying Services Corp., 232 N.Y. 115, 133 N.E. 371 (1921) (floatplanes "vessels" for purposes of admiralty jurisdiction); cf. Snively v. State, 167 Wash. 385, 9 P.2d 773 (1932).)

A similar approach is reflected in federal statutes and regulations concerning the legal status of such craft. (See, e.g., 33 U.S.C. § 1601(1) (International Navigation Rules Act of 1977); 33 U.S.C. § 2003(a) (Inland Navigation Rules); 43 C.F.R. § 2650.0-5 (BLM regulations implementing Alaska Native Claims Settlement Act defining "major waterway" as one having significant use "by watercraft, including floatplanes . . ."); 36 C.F.R. § 328(a) (requiring that seaplanes while upon water operate in accordance with marine rules for power boats and other vessels; 35 C.F.R. § 111.160 (establishing rules of navigation for seaplanes and related craft on waters within Panama Canal).)

A ruling that floatplanes constitute relevant evidence of navigability for title purposes, therefore, is both mandated under applicable judicial precedents and consistent with analogous federal statutes, regulations and administrative determinations.

C. The District Court's Decision Is Premised on Three Specific Errors of Law

The ultimate holding of the decision below is predicated on three basic legal conclusions -- each of which is legally incorrect. Of critical importance is the fact that this Court has addressed these issues on past occasions, ruling contrary to the district court in each.

1. The Title Test of Navigability is
No More Stringent Than the Federal
Commerce Clause Standard for
Purposes of this Appeal

First, the decision below draws a major distinction between navigability for title purposes and under the Commerce Clause. The lower court strongly suggests that while evidence of floatplane use would be relevant in determining navigability for purposes of federal jurisdiction under the Commerce Clause, it is wholly irrelevant under the title test. This holding results from the court's apparent belief that the latter standard is more stringent than the Commerce Clause test. (563 F.Supp. 1223, 1226-1227.)

This Court specifically rejected that view in State of Oregon v. Riverfront Protective Assn., supra, 672 F.2d 792. There the Court noted that there are but three respects in which the two tests differ. The first two, that navigability under the Commerce Clause may arise after statehood and as a result of reasonable improvements, are wholly irrelevant to the present proceeding. (672 F.2d at 794 (fn. 1); see also United States v. Appalachian Power Co., supra, 311 U.S. at 406-408.) The third is that to support federal regulatory jurisdiction, a waterway must be available for interstate transportation. No such requirement exists under the federal title test. (Ibid.; see also Sierra Pacific Power Co. v. Federal Energy Regulatory Comm., 681 F.2d 1134 (9th Cir. 1982) (Truckee

River non-navigable for Commerce Clause purposes due to lack of navigable interstate link, though probably navigable for title purposes).)

Thus, the district court erred in finding a more stringent standard of navigability to be applicable for federal title test purposes than for Commerce Clause jurisdiction. Established case law demonstrates that the two standards are functionally indistinguishable for purposes of this appeal. Amici concurs in the district court's apparent belief that evidence of floatplane use is relevant in assessing navigability under the Commerce Clause. The same conclusion logically follows regarding the title test of navigability.

2. There is No Requirement that Craft Operate Primarily on Water to Satisfy the Navigability Standard; Rather, the Mode of Transportation Must Simply Rely on Water to Conduct its Operations

The second major flaw in the reasoning of the district court is the determination that the navigability test is ". . . limited to consideration of modes of commerce that operate primarily on water. That is, the mode must be primarily waterborne in nature." (563 F.Supp. at 1227; emphases added.)

Amici is unaware of any prior decision engrafting this requirement upon the federal title test of navigability. Significantly, the lower court cites no authority in support of its novel proposition.

Indeed, it would appear that this holding is inconsistent with prior decisions of this and other appellate courts. The logging cases are particularly instructive. This Court has repeatedly held that the transportation of logs and timber products is sufficient to prove navigability. (State of Oregon v. Riverfront Protective Assn., supra, 672 F.2d 792; Puget Sound Power & Light Co. v. Federal Energy Regulatory Commission, 644 F.2d 785, 788-789 (9th Cir. 1981), cert. den. 454 U.S. 1053 (1981); see also United States v. Appalachian Electric Power Co., supra, 311 U.S. at 405; Wisconsin v. Federal Power Comm., 214 F.2d 334, 336 (7th Cir. 1954), cert. den. 348 U.S. 883 (1954).) Yet waterways were and are commonly used to transport these products for only a portion of their lengthy journey from harvest to market. For example, it is usually necessary to transport logs and timber by land from the logging site to a lake or river. Following water transport, animals or machines have commonly been used to move these resources overland to their ultimate destination.

The holding of the lower court is inconsistent with these and similar rulings, and would severely circumscribe the federal title test of navigability. As the Supreme Court observed 110 years ago:

"[T]he capability of use by the public for purposes of transportation and commerce affords the true criterion of the navigability of a river, rather than the extent and manner of that use."

(The Montello, supra, 87 U.S. (20 Wall.) at 441;
emphases added.)

The fact that floatplanes have utilized Slopbucket Lake as an important and indeed essential part of their operations satisfies the applicable legal standard.

3. The Mere Fact that the States' Title Claims Might "Complicate" Other Administrative Programs is No Reason to Abrogate Amici's Sovereign Trust Rights

Finally, the district court expressly based its ruling on the "absurd result" that "would no doubt occur" if floatplane use were deemed relevant evidence of navigability for title purposes. The court went on to state that a contrary ruling "would severely complicate" the land selection scheme established for federal proprietary lands under two congressional enactments. (563 F.Supp. at 1227 (fn. 5).)

Amici do not desire to belabor the obvious. Yet the above language of the district court completely ignores the fact that waterways such as Slopbucket Lake form a fundamental attribute of state sovereignty. (See Montana v. United States, supra, 450 U.S. at 551; Block v. North Dakota, ___ U.S. ___, 103 S.Ct. 1811, 1826 (O'Connor dissent) (1983); United States v. Aranson, 696 F.2d 654, 663-664 (9th Cir. 1983); Woodruff v. North Bloomfield Gravel Mining Co., 18 F. 753, 785-786 (9th Cir. 1884).) The vital importance of these sovereign lands to the states was observed by the Supreme Court some 50 years ago:

"Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged, in construing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself."

(United States v. Oregon, supra, 295 U.S. at 14.)

The important objectives of the Alaska Native Claims Settlement Act (43 U.S.C. § 1611 et seq.) and similar legislation certainly cannot be ignored. Yet rejection of a state's sovereign title claims to the beds of its waterways should not be rejected merely on the fragile premise that to do so might "complicate" certain statutory programs. (See part V(D), infra.) Such a result would contravene a century and a half of federal law.

D. Important Public Policy Considerations Require That the Sovereign States Not Be Divested of the Beds of Their Vital Waterways Through an Excessively Narrow Interpretation of "Navigability"

Amici have earlier described the extensive nature of the natural resources that will likely be affected by the Court's ruling in this case. Also discussed at length above are the legal principles demonstrating that the district court erred as a matter of law in disregarding evidence of floatplane use in applying the title test of navigability.

Yet what must not be lost in all this are the policy ramifications underlying the issue before the Court.

To rule that evidence of floatplane use is inadequate as a matter of law to establish sovereign title would do a great wrong to the public for whom these lands are held in trust. The waterways of this country represent important commercial arteries and resources, opportunities for recreational diversion in our increasingly hectic society and irreplaceable environmental treasures. These attributes have been repeatedly recognized in case law, statutes and academic studies. (See, e.g., Illinois Central Railroad v. Illinois, 146 U.S. 387 (1892); Genesee Chief v. Fitzhugh, 53 U.S. (12 How.) 443, 454-456 (1851); Coastal Zone Management Act, 16 U.S.C. §§ 1451, 1453-1464; R. Dewsnap, Public Access Rights in Waters and Shorelands (1971).) To fail to recognize the navigability of lakes and rivers for title purposes would be to impose serious restrictions on their use and forego the safeguards of the public trust in which all navigable waters are held. (E.g., Illinois Central Railroad v. Illinois, supra; Woodruff v. North Bloomfield Gravel Mining Co., supra, 18 F. 753.)

Early in our nation's history, the courts perceived that mechanical and rigid views of navigability would have an untoward effect on the public interest. For example, American courts quickly rejected the so-called English common law rule limiting navigable waters to those in which the tide ebbed and flowed. They did so based on the ineluctible view that this country's countless inland navigable waters, encountered and utilized in conjunction