

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5488 SRES SCR 45 - SCR 62

1060

# Alaska State Legislature

## Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman  
Sen. Paul Fischer, Vice-Chairman  
Sen. Lloyd Jones  
Sen. Arliss Sturgulewski  
Sen. Jim Duncan  
Sen. Fred Zharoff  
Sen. Dick Etason

Box V  
Juneau, Alaska 99811  
(907) 465-1907

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

To: Senate Resource Committee Members

From: Senate Resource Committee Staff *ALG*

Subj: SCR 45; Encouraging the state to join the Clean Coal Technology Coalition and assist acceptance of state projects in the clean coal technology program.

Date: February 29, 1988

This resolution has two resolve clauses. The first encourages the state to join the Clean Coal Technology Coalition. Annual membership for the Coalition is \$10,000.00, but resolutions are not binding on the administration so you will find a zero fiscal note in your packets. The second resolve requests the state's department of natural resources to assist projects in the state, that are seeking research and development funds from the federal Clean Coal Technology Reserve Fund.

You will find in your packets:

1. Senator Coghill's Sponsors Statement
2. DNR Position Paper and Zero Fiscal Note
3. A letter from the Clean Coal Technology Coalitions Chairman, R.E. Disbrow (President and CEO of American Electric Power Service Corporation); to Curtis McVee, Executive Director of the Alaska Miners Association. This letter includes a goals and objectives paper and list of current members.
4. Two articles by Dr. John Sims entitled:
  - 1) "Despite oil wealth, Alaska is a 'coal state'"  
Fairbanks Daily News-Miner, Sept. 29, 1987
  - 2) "Alaska can cash in on 'clean coal' studies"  
Fairbanks Daily News-Miner, Feb. 9, 1988

# Alaska State Legislature

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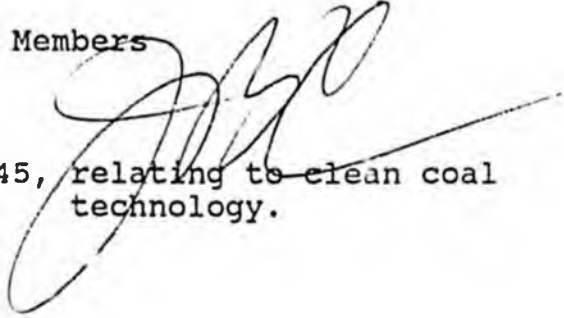
### M E M O R A N D U M

To: Senate Resource Committee Members

From: Senator Coghill

Subj: Sponsor Statement on SCR 45, relating to clean coal technology.

Date: February 29, 1988



I introduced this resolution shortly after being made aware of the federal program to develop technologies that result in "clean" emissions from coal fired power plants. Alaska already has clean burning coal, but a technological problem that needs to be solved is the high water content which reduces the BTU output of Alaska coal. It takes special equipment to dry Alaska coal, so this decreases our coals marketability. If Alaskan projects, looking to solve these problems, can qualify for federal research dollars we could see an increase in demand for Alaska coal in pacific rim markets. Not only would Alaska research projects create jobs but so would the long term development of coal resources for export.

I urge your support on this concurrent resolution.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400

February 29, 1988

The Honorable Jack Coghill  
Chair, Senate Resources Committee  
P.O. Box V  
Juneau, AK 99811

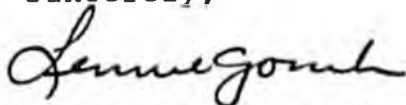
Dear Senator Coghill:

Subject: SCR 45, Encouraging the state to join the Clean Coal Technology Coalition.

Background: This resolution requests the Governor to seek state membership in the Clean Coal Technology Coalition and directs the Commissioner of DNR to seek qualification in the Clean Coal Technology Reserve Fund.

Position: The department believes that a commitment to research directed at adding value to Alaska's coal, for example in coal drying technology, would be a significant component of the state's coal policy. The Clean Coal Technology Coalition provides the best avenue to receive federal funds through the Department of Energy for such research. As a resolution, this bill has no cost of implementation. However, participation in the Clean Coal Technology Coalition requires an annual fee of \$10,000 plus additional operating costs. This amount is not reflected in the department's current priorities.

Sincerely,



Judith M. Brady  
Commissioner

cc: Rod Swope  
Bob Evans

American Electric Power  
Service Corporation  
1 Riverside Plaza  
Columbus, OH 43215



December 7, 1987

R. E. Disbrow  
President and  
Chief Operating Officer  
614 223 1400

Mr. Curtis McVee  
Executive Director  
Alaska Miners Association  
501 West Northern Lights Blvd.  
Suite 203  
Anchorage, Alaska 99503

Dear Mr. McVee:

I recently assumed the Chairmanship of the Clean Coal Technology Coalition, an ad hoc group of utilities, coal producers, manufacturers, industrials, state governments, universities and others interested in advancing the use of clean coal technologies. As one whose company is committed to the development of these technologies, I urge you to join this Coalition.

As you may know, the Coalition has enjoyed significant success. Since its organization in early 1985, a \$750 million Clean Coal Technology Reserve Fund has been created to support the development of clean coal technologies; Congress has appropriated nearly \$400 million from that Fund; and the Department of Energy has already awarded federal monies to several projects proposing to demonstrate new clean coal technologies. As a result of the Coalition's efforts this year, Congress is on the verge of appropriating more funding for a second round of clean coal technology projects that would be jointly funded by the private sector and the federal government.

On the Administration front, the Coalition is working with the President's Task Force on Regulatory Relief, chaired by the Vice President, to develop recommendations for changes to existing regulations that will encourage the use of clean coal technologies by the utilities and others.

Another important Coalition initiative has been our participation in the development of legislation introduced by U.S. Senate Majority Leader Robert C. Byrd that would

help to overcome financial and regulatory risks associated with the early commercial deployment of clean coal technologies. The Senator's bill provides \$3.5 billion, over the next ten years, for further cost-shared demonstrations of clean coal technologies and removes federal regulatory disincentives in order to encourage utilities to deploy these technologies. In March of 1987, the President requested that Congress provide a total of \$2.5 billion to the clean coal program to honor a commitment made by this country to Canada to implement recommendations of the two countries' special envoys on acid rain. We are on the verge of obtaining a major national commitment to the development of clean coal technologies.

Continued Congressional and Administration support for the clean coal program, however, is dependent upon a strong private sector commitment to incorporate these important technologies into the commercial marketplace. Membership in the Coalition and participation in the pursuit of the Coalition's ambitious agenda for 1988 are the best, most productive and most visible means of demonstrating that commitment to key leaders in Congress and the Administration.

We can ill afford to depend on others to shoulder the entire burden of advancing these technologies. Senator Byrd, one of the staunchest opponents to enactment of acid rain control legislation and one of the strongest proponents of clean coal technology development, must have our help -- our commitment -- to demonstrate a private sector commitment and to assist in maintaining and enhancing the federal government's efforts toward providing responsible and cost-effective assistance to encourage development and use of promising clean coal technologies.

I have enclosed additional material about the Coalition that I hope you will take a few minutes to review. If you require any further information, I hope you will get in touch with either Ben Yamagata, the Executive Director of the Coalition, or Kateri Callahan, the Executive Assistant to the Coalition.

I look forward to hearing from you and, on behalf of the members of the Coalition, I greatly appreciate your consideration of this matter.

Sincerely,



R. E. Disbrow

Enclosures

## **IMPORTANCE OF MEMBERSHIP IN THE CLEAN COAL TECHNOLOGY COALITION**

This broad-based, national coalition is the only group organized exclusively to advance the demonstration and widespread use of emerging clean coal technologies. The Clean Coal Technology Coalition's important activities in 1987 and 1988 include:

### **SEEKING FEDERAL FUNDING TO SUPPORT TECHNOLOGY DEMONSTRATIONS AND COMMERCIAL DEPLOYMENT:**

The Coalition was instrumental in the creation of the Department of Energy (DOE) clean coal program which is currently funded at nearly \$400 million dollars. The Coalition is seeking another \$850 million appropriation for the program to be available for use in fiscal years 1988 and 1989. The Coalition seeks to involve the federal government in helping industry to overcome the financial and regulatory barriers associated with the early commercial deployment of immature clean coal technologies. We advocate enactment of legislation that would establish a \$3.5 billion, ten year program to cost-share commercial-scale demonstrations of clean coal technologies with private industry.

### **SEEKING FEDERAL REGULATORY CHANGES TO ENCOURAGE COMMERCIAL USE OF EMERGING TECHNOLOGIES:**

The Coalition also supports legislation, now pending in Congress, that would provide regulatory relief at the federal level to utilities to encourage their participation in the early commercial deployment of these technologies. The Coalition is also working with the President's Task Force on Regulatory Relief to support modifications to current regulations that now impede use of these technologies.

### **ASSURING STATE REGULATORY SUPPORT:**

The Coalition is working to assure that clean coal technologies are a high priority on individual state's energy agendas, and to convince state regulatory bodies that the use of clean coal technologies is beneficial to ratepayers and the state's overall economy. A major focus of the Coalition for 1988 is likely to be a program intended to persuade states to remove existing regulatory barriers to the use of these technologies, thereby encouraging utilities within the state to undertake clean coal projects.

### **ADVOCATING INCREASED USE OF COAL:**

The Coalition seeks to preserve coal markets and to make coal a fuel of choice for incremental capacity requirements.

### **ADVOCATING A COST-EFFECTIVE MEANS TOWARD ACHIEVING EMISSIONS REDUCTION:**

The Coalition is the principal spokesman for the rapid and widespread commercial use of clean coal technologies as the best means by which to realize the long-term, sustained emissions reductions that are sought by proponents of so-called acid rain legislation -- at a much reduced socio-economic cost to the Nation.

### **PROVIDING CONGRESSIONAL AND ADMINISTRATION INSIGHT FOR MEMBERS:**

The Coalition has gained the respect and trust of key Members of Congress and the Administration, allowing us to impact federal decisions regarding clean coal technologies.

### **PROVIDING UNIQUE MEMBERSHIP SERVICES:**

Membership dues support a number of services including monthly meetings; annual conferences in Washington, D.C.; special meetings with Members of Congress, federal and state officials; periodic newsletters, legislative and regulatory alerts; and analyses of pertinent law, legislation and regulations.

Annual membership dues for the Coalition are \$10,000.00. If preferred, dues can be paid in two \$5,000.00 increments.

# CLEAN COAL TECHNOLOGY COALITION

## MEMBERSHIP

November 6, 1987

Allied-Signal, Inc.  
Allison Gas Turbine Division, General Motors Corporation  
Amax Coal Company  
American Electric Power Service Corporation  
Arch Mineral Corporation  
Babcock & Wilcox  
Baltimore Gas & Electric Company  
Bethlehem Steel Corporation  
Centerior Energy  
Central Illinois Public Service Company  
Combustion Engineering, Inc.  
Consolidation Coal Company  
Cyprus Coal Company  
Duke Power Company  
Duquesne Light Company  
Edison Electric Institute  
Florida Power Corporation/Electric Fuels Corporation  
Florida Power & Light Company  
General Electric Company  
General Public Utilities, Inc.  
Illinois Power Company  
Indianapolis Power & Light  
Industrial Fuels Corporation  
Island Creek Corporation  
Jersey Central Power & Light Company  
M. W. Kellogg Company  
Madison Gas and Electric Company  
Metropolitan Edison Company  
MID Development Corporation  
National Coal Association  
National Lime Association  
Northern Indiana Public Service Co. (NIPSCO)  
Ohio Edison  
Oklahoma Gas & Electric Company  
Orange and Rockland Utilities, Inc.  
Peabody Holding Company, Inc.  
Pennsylvania Electric Company  
Pennsylvania Power & Light Company  
Pittsburg & Midway Coal Mining Co.  
Public Service Company of Indiana  
Sargent & Lundy  
Southern Company Services  
Southern Illinois University at Carbondale  
Texaco, Inc.  
The Commonwealth of Kentucky  
The State of Illinois  
The State of Indiana

The State of Minnesota  
The State of Ohio  
The State of West Virginia  
TransAlta Utilities Corporation  
Union Electric Company  
United Mine Workers of America  
School of Mines and Energy Development, University of Alabama  
University of Southern Indiana  
West Virginia University

# Opinion

Tuesday, February 9, 1988

## Alaska can cash in on 'clean coal' studies

The term "clean coal" was born in the 1980s. To many it probably sounds incongruous—how, they ask, can you possibly have clean coal? How can that black dusty rock possibly qualify for such a spic-and-span, lily-white image?

Well, for starters "clean coal" is still black and what really is meant by the term is coal which has low sulfur and low ash content. Clean coal is defined as coal which contains low levels of major pollutants. Add the word "technolog," and the ballgame becomes greatly expanded.

"Clean coal technology" describes a whole spectrum of activity embracing ways of burning coal more efficiently and with much lower levels of pollution than ever before. It includes programs to retrofit existing power plants with new pollution abatement methods and focuses on technologies to process or beneficiate coal into an upgraded fuel prior to being burned. Clean coal technology is the subject of a major federal program, one which Alaska should push aggressively to participate in. The benefits could be enormous and the outlay minimal.

The CCT program is administered by the Department of Energy



Views expressed here do not necessarily represent those of the Daily News-Miner

and is currently funded at almost \$400 million. Appropriations totaling \$850 million are being sought over the next two years with the very real prospect of as much as \$5 billion being allocated before the turn of the century. Congress and the president support the program.

While much of the impetus and certainly the dollar allocations for CCT stem from the great "acid rain" debate with Canada, there are other forces at work. First and foremost is energy security and the acceptance that coal is the dominant energy source which powers our nation—a role which is increasing with time. Equally, social pressures demand that energy be produced as cleanly and safely as possible no matter what is the fuel of choice.

The CCT program is exciting because it could go far towards assuring our energy security while protecting the environment. America is on the leading edge of a whole gamut of scientific and engineering achievements which could translate to major foreign exchange earnings in the future as we sell our technology and the products of that technology to other countries. Alaska could and should be centrally involved, especially as we could be a big winner.

What's in it for Alaska, you may ask? Well, first Alaska is a coal-rich state and it is time to recognize this fact in our public policy and economic expectations. Alaska is a coal state by virtue of the fact that it contains more than 40 percent of the entire U.S. coal resource, totaling trillions of tons and enough to power our nation for thousands of years. Currently, of course, our coal potential is largely undeveloped since only one mine is in production, producing less than 0.2 percent of the total U.S. production of 900 million tons per year.

The vast resource of Alaska coal is low in sulfur compared with other major coal producing centers around the world. That low sulfur content will be recognized as an

attribute and we are seeing signs of this already in international and perhaps interstate markets. In one sense, we already have the largest resource of "clean" coal in the nation and perhaps the entire world.

In Alaska our problem is not "clean" coal but "wet" coal. The major marketing constraint affecting Alaska coal is the high moisture content of the coal—on average 27 percent for the large coal resources of the Railbelt region. High moisture lowers the heat value, or contained energy, of the coal which in turn affects the power output in plants not designed specifically to cope with the problem. To date only one plant in the Pacific-Rim, at Honam in South Korea, has been retrofitted to accept Alaska coal. There is a reluctance in countries like Japan and Taiwan to build power plants specially designed for Alaska coal. However, remove the moisture from the coal to produce a stable higher heat value product and Alaska coal could then be used in almost any current or proposed power plant. The market spectrum opens up dramatically and, because of its low sulfur, the resulting fuel would command premium prices.

Removing moisture from coal

may sound simple and uncomplicated, but in fact routine drying does not work. Moisture can be driven off quite readily but the resultant dry coal is extremely unstable, will rapidly reabsorb moisture from the air and spontaneously combust. The good news is that new coal technologies produce an upgraded fuel without the unwanted side-effects.

Thus is born an exciting opportunity for Alaska. I believe that the scope of the CCT program could be broadened to provide a federal funding source for qualifying Alaskan projects. The impetus may not be on solving the acid rain problem with our northern neighbor, but rather on cracking a market constraint which could open up enormous opportunities for Alaska as an exporter of "super coal"—a high heat value, low-sulfur fuel derived from an abundant Alaskan resource.

Part of Alaska's destiny is to supply energy to world markets. We can create opportunity—isn't that what economic development, job creation and our nation's best interests all about?

Dr. John Sims served as director of the state Office of Mineral Development and is presently vice-president of marketing for Usibelli Coal Mine.

"Rumors, quips and inside tips"

On the **INSIDE**

# Opinion

Fairbanks Daily News-Miner

Tuesday, September 29, 1987

## Despite oil wealth, Alaska is a 'coal state'

Ask the average Alaskan what is the state's most abundant energy resource and the chances are almost overwhelming that the answer will be either oil or natural gas. Sure Alaska is an oil state if having North America's largest oil field and a pipeline that carries 2 million barrels of crude a day and a governmental superstructure that is 85 percent plus dependent on the "black gold" gushing from the North Slope are the criteria.

How many characterize Alaska as a coal state like West Virginia, Illinois or Wyoming? Precious few by my reckoning despite the fact that Alaska has perhaps 40 percent of the nation's coal resource base. That resource base could be as high as 5.6 trillion tons, a modest 171 billion tons of which could be loosely regarded as mineable identified reserves.

Impressive numbers, but what do they mean? Using a rather simplistic conversion of three barrels of crude oil having the equivalent heat value of one ton of coal, the comparisons start to take on some



John Sims

*Views expressed here do not necessarily represent those of the Daily News-Miner*

meaning. That 5.6 trillion tons of coal equates to 16.8 trillion barrels of oil, while the 171 billion tons of mineable reserves equals 523 billion barrels!

Starting to grasp my point? Yes, Alaska should be thinking of itself as a coal rich state. State policies should reflect this realization and we should earnestly strategize to ensure that this super abundance of fossil energy is wisely used.

Consider the position of our coal industry today. Basically it is represented by one producing mine at Healy and the future prospect of additional mines on the western side of Cook Inlet and in the Mata-

nuska Valley near Palmer. Annual production from Usibelli Coal Mine runs at about 1.5 million tons with short, medium and long-term potential to expand both domestic and export markets. That annual production of 1.5 million tons, while impressive to most people, is less than two-tenths of 1 percent of the total U.S. production of approximately 900 million tons. Hardly a stunning figure for a state said to contain 40 percent of the U.S. resource base.

Can this enormous resource potential be developed to the extent that Alaska becomes a key supplier of coal to international markets? I am sure that it can. At the same time, our domestic energy policy should focus on the expanded use of coal to energize our communities, reserving oil and natural gas for higher and better uses and especially as capital generators in domestic and foreign markets. This makes sense since it follows the successful lead of our competitors. All countries with substantial exports of coal complement that export capability with domestic

energy policies that focus on coal as a major component of electrical power generation. This is true for Australia, South Africa, Canada and the Lower 48 states, all exporters of large quantities of coal matched by strong domestic consumption.

Alaska coal has both attributes and adverse characteristics. The major impediment is high moisture content which depresses the heat value of typical Railbelt coal. Currently coal importing countries evaluate coal rather simplistically in terms of price per million BTU's. By this token, Alaska coal experiences difficulty retaining its market share in South Korea, let alone expanding to other Pacific-rim countries. A major attribute characteristic of Alaska coal is its exceptionally low sulfur content, a constituent linked with acid rain. In essence, Alaska has just about the cleanest coal on this planet.

The challenge is obvious; overcome the serious marketing constraint of the high moisture, and voila, we have a premium low-

sulfur fuel possessing the capability of capturing, if the economics are favorable, a strong position in Pacific-rim markets.

If we looked upon ourselves as a coal state, like Illinois and West Virginia, we would be rigorously researching a solution to this problem. Perhaps, Alaska's political leadership will seize this opportunity to establish a joint public-private sector research and development initiative to address the fundamental marketing constraint for Alaska coal.

The Australian experience shows what the rewards could be. In 1972 Australia exported a mere 200,000 tons of coal. Now, 15 years later, that export tonnage has ballooned to almost 90 million tons, worth \$3.5 U.S. billion annually.

We in Alaska can twist the kangaroo's tail. Get it together Alaska and we could become an oil and a coal state at one and the same time, for the benefit of all Alaskans and Uncle Sam as well.

*Formerly director of the state Office of Mineral Development, Dr. John Sims is presently vice-president of marketing for Usibelli Coal Mine.*

SCR

49

SENATE COMMITTEE REPORT

FURTHER

3/11/88

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

Resources \_\_\_\_\_ Committee considered SCR 49 \_\_\_\_\_

Encouraging mining education and earth science programs within the state

and recommended

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

[x] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [ ] attached or [x] adopted fiscal note(s)

[ ] new [ ] updated or [ ] previous

[x] zero [ ] fiscal impact

MEMBERS SIGNING ~~DO~~ PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures: Paul Frick, etc.]*

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

*[Handwritten signature]*  
Chairman signature and recommendation

[ ] Committee Backup attached

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: Encouraging mining education  
Sponsor: Coghill  
Requestor: Sponser

Agency Affected: Education  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

Prepared by: Steve Hole Phone: 465-2800  
Division: Commissioner's Office Date: 3-10-88  
Approved by Commissioner: William G. Demmert Date: 3-10-88  
Agency: Department of Education

**Distribution (by preparer):**

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

SCR

59





**STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS**

<b>DEPARTMENT</b> Fish and Game	<b>DIVISION</b> Game	<b>BILL NUMBER</b> SGR 59	<b>SPONSOR</b> Senate Resources Committee
<b>SHORT TITLE OF BILL</b> Relating to the Transplanting of Sitka black-tail deer.			
<b>DEPARTMENT POSITION</b> Opposed			
<b>PREPARED BY</b> Donald E. McKnight	<b>DATE</b> 4/11/88	<b>COMMISSIONER'S SIGNATURE</b> <i>Conrad Collinsworth</i>	<b>DATE</b> 4-11-88

**SUMMARY**

<b>OTHER AGENCIES AFFECTED BY BILL</b> U.S. Fish & Wildlife Service (Kenai Wildlife Refuge)	<b>CONSTITUENT GROUP(S) AFFECTED BY BILL</b> Sport and Subsistence Hunters
<b>ORGANIZATIONAL SUPPORT FOR BILL</b> Unknown	<b>ORGANIZATIONAL OPPOSITION TO BILL</b> Unknown

**FISCAL IMPACT:**       NONE       FISCAL NOTE ATTACHED

**BACKGROUND/LEGISLATIVE INTENT**

The natural range of Sitka black-tailed deer extends from northern British Columbia north on the mainland to about Berners Bay, where winter snow depth is excessive for deer survival. These deer also occur naturally on all of the islands of the Alexander Archipelago. From 1916 through 1923 deer from Southeastern were translocated to the islands of Prince William Sound where they have established thriving populations. Beginning in 1924, deer were transplanted to Kodiak Island and by 1953 hunting was initiated at Kodiak. Deer have moved naturally to Afognak Island (continued next page).

**ANALYSIS OF BILL/PROGRAM EFFECTS**

SCR 59 directs to Administration to conduct a feasibility study of a proposed transplant of up to 100 deer from Kodiak to the Chugach Islands and southern end of the Kenai Peninsula. This study should first determine whether appropriate habitat is available to support deer in this area. If habitat is available and it is determined that deer would not compete with or cause other problems with existing wildlife species in this area, then the availability of deer on Kodiak and the expense of capturing and transporting deer for transplant must be determined. Before a transplant could be conducted it would also be necessary to determine if the public in Kodiak and on the Kenai Peninsula would support such a transplant.

**AMENDMENTS PROPOSED**

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS  
SCR 59  
Page 2 of 2

BACKGROUND/LEGISLATIVE INTENT (continued)

and some of the smaller islands as well. Not all deer transplants have been so successful. In 1934 deer were transplanted to islands in Yakutat Bay. They established a huntable population and even moved naturally to the mainland. The deep snow winter of 1971-72 virtually eliminated deer from the Yakutat area and now, even though a few animals persist, hunting is not allowed. Deer were also transplanted to the Taiya Valley near Skagway and to Sullivan Island in Lynn Canal. Deer are occasionally seen in the Skagway and Haines vicinities, but these may be animals that have worked their way north from natural ranges. The only transplant which was a complete failure was a 1923 transplant to the Homer spit on the Kenai Peninsula. It appears that winter snow accumulations were too deep for deer survival in this area and on the mainland along Prince William Sound where deer from Hawkins and Montegue Islands have been unable to establish viable populations. The intent of SCR 59 is have a study conducted to determine the feasibility of establishing deer on the Chugach Islands and the lower Kenai Peninsula.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Relating to the transplanting of Sitka black-tail deer.  
Sponsor: Resources  
Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
BRU: Game  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		30.9	32.1			
TRAVEL		4.0	4.0			
CONTRACTUAL		10.0	10.0			
SUPPLIES		2.0	2.0			
EQUIPMENT		2.0	0			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	48.9	48.1	0	0	0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	48.9	48.1	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME	0	.5	.5	0	0	0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This study would require approximately 6 months of a Game Biologist II's time for 2 years to analyze existing information on deer habitat requirements and to conduct field studies in and analyze existing snow records for the proposed transplant sites. This would be a 2-year study.

Prepared by: Donald E. McKnight  
Division: Game

Phone: 465-4190  
Date: April 11, 1988

Approved by Commissioner: [Signature]  
Agency: \_\_\_\_\_

Date: 4-11-88

Distribution (by preparer) :

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

SCR

61

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 4-14 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

\*\*FISCAL NOTE(S) ATTACHED \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

4/14/88  
Mr. President:

DATE TURNED INTO OFFICE \_\_\_\_\_

Resources \_\_\_\_\_

Committee considered SCR 61 \_\_\_\_\_

allocation of salmon among gill net fishermen using different types of gear

and recommended:

[ ] replace with CS \_\_\_\_\_ [ ] same title  
[ ] attached amendment(s) and [ ] new title

[ ] do pass

[ ] do not pass

[ ] no recommendation

[x] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted and attached

\*\* Committee [x] attached or [ ] adopted fiscal note(s)  
[x] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

[Signature] W.P.R.  
[Signature] W.P.R.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature] DO PASS  
Chairman signature and recommendation

[ ] Committee Backup Attached

# STATE OF ALASKA



## SENATE JUDICIARY COMMITTEE

SEN. JAY KERTTULA  
SEN. ARLISS STURGULEWSKI  
SEN. JAN FAIKS  
SEN. JOE JOSEPHSON  
SEN. PAT RODEY

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JUNEAU, ALASKA 99811  
(907) 465-3717  
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DATE: April 20, 1988  
TO: Senator Jack Coghill  
FROM: Senator Jay Kerttula  
RE: SCR 61, Allocation Among Salmon Among  
Gillnet Fishermen

Attached is a copy of Governor Jay Hammond's statement on SCR 61 and an analysis of the bill from the Governor's Office. I wanted to send you a copy for your files since this legislation is now in the Senate Resources Committee. If I can provide you with additional information please do not hesitate to contact my office.

"FAIR SHARE" SALMON HARVEST ALLOCATION PROPOSAL

Submitted by Jay S. Hammond

March 28, 1988

The attached two items relating to allocations of salmon harvest between competing gill-net gear types are but more evidence of increasing aggravation among commercial fishermen. Since the fish board and Department of Fish and Game should neither be obliged or permitted to formulate harvest allocation policy, it appears high time the Legislature did so.

In the current policy vacuum, the peculiar spate of regulations which wildly vary between areas will serve but to make matters worse as drift and set-net fishermen jockey for increased percentages of total harvest. Consider: in Bristol Bay and Prince William Sound, drifters by regulation are allocated 150 fathoms of gill-net. Set-netters are limited to only 50. In Cook Inlet, however, the ratio is 150 fathoms drifters, 105 fathoms set-net. In the Alaska Peninsula area both are allocated 200 fathoms; while in Kodiak and Kotzebue set-netters are allocated 150 fathoms and drifters nothing.

In addition to such non-uniform gear allocations, there are substantial area differences in time of fishing allocations and even distances permitted between set and

drift gear. For example, the ex-Fish and Game Board member who was convicted for drifting within 600 feet of a set-net in Cook Inlet would have been completely legal had he fished up to but 100 feet of a set-net in Bristol Bay. This seems most curious. It would appear that these area disparities were designed not so much to serve sound resource management as reflect the political dominance of one gear type above another.

Absent a uniform harvest allocation policy, such political dominance not only inflicts itself upon local resource managers in such a way as to aggravate the problem; but also inundates the fish board with increasingly strident demands for changes in gear, time or effort allocations. Exhibit A: a suit relating to the 48 hour waiting period before which fishermen may transfer from one district to another; and Exhibit B, concerning outcry from pinched-off upper Cook Inlet set-netters urging that drifters be allocated no more gear than they have, are but two examples.

In addition, the fish board is increasingly assaulted by demands for such things as increased gear or fishing time by set-netters and equally strident and almost universally successful counter arguments from drifters.

Most fishermen believe, as do I, that, if anything, there's already too much gear within most Alaskan waters. Therefore, permitting one gear type to fish more gear is not

a likely answer. Nor is further political inhibition of management's authority to orchestrate gear transfers or openings and closures the proper way to go. On the contrary, only by reducing such splintered politically induced unfair allocation pressures through a uniform state policy, can management best achieve not only what is in the best interest of the resource but also the most equitable harvest allocation possible. Of course, establishment and adherence to such a policy would, as well, help reduce fish board workload, while neutralizing charges that one interest group or another dominates. Moreover, it would curb abuse now heaped on local resource managers who might wish to stagger gear type openings and closures to achieve better distribution of both harvest and escapement.

Any fishing harvest allocation policy should assure, to the best degree possible, equitable division among competing interest groups; especially in those instances where current practices had denied a "fair share" to the type of gear operated by the greatest percentage of Alaskan residents. Of course, since I was once a drifter and am now a set-netter, it will be charged that my concerns are prompted by belief that under present incidental harvest allocations set-netters in Bristol Bay are not accorded their "fair share". These charges are completely true. However, I would hope that I never will be blinded to inequity simply because by directing focus to it I might profit. Let me stress might, for it is not at all assured that such would be the case.

However, you, not biased, competing, fishermen, should judge whether the following example abuses or approximates fair share allocation: in Bristol Bay though set-nets comprise 16 percent of the total effort and are 76 percent resident dominated, they catch an average of but 9 percent. Drifters, by contrast constituting 84 percent of the effort, yet one third less resident dominated, catch 91 percent.

Moreover, the drift fleet has become comparatively much more efficient since the days of wooden sailboats when the 50 fathoms allocated set-nets versus three times that amount of gear for drifters was more appropriately deemed a "fair share" allocation. As a consequence, in many cases set-net harvests have so dwindled in recent years that the collective harvest in some districts has been as low as 4 percent with large banks of set-netters catching no fish whatsoever. By contrast set-netters in Cook Inlet, fishing more than twice the gear allotted set-netters in the Bay, catch almost 40 percent of the total harvest. In other districts one type of gear or another seems to have been accorded unfair advantage.

Rather than try to make uniform such things as gear length transfer time, or means and methods, state policy should simply obligate as best as possible "fair share" harvest allocation.

What then is a "fair share"? Some contend fair share

allocation should be based on historical precedence. Since back in those sailboat days set-nets took a far greater percentage of the harvest than their percentage of the total gear, that might be fine with me. But it would be unfair to drifters. By contrast, to take an average between them now each year would simply further aggravate the seemingly unfair allocation now occurring in the Bay.

Others will assert that fair share allocation should be based on comparative investment magnitude. While this again might be fine with me, the fact that I, as do many set-netters, have far more invested in our operations than do many drifters, should not accord me by regulation any greater harvest share through added fishing time than that old Native lady down the beach who cannot afford to match my investment.

Still others would assert that "fair share" allocation can better be achieved by permitting both types of gear precisely equal fishing time. Again, I would be delighted. However, I fear the drift fleet harvest would fall far below its fair share if they were compelled to wait until my set-nets were flooded and then pull their gear when mine went dry.

Any only fair share harvest policy upon which most fair-minded gill-net fishermen agree seems to be one which would, as best as possible, collectively permit each fathom of gill-net the opportunity to catch the same amount as any other

fathom. In other words, a collective fair share of the harvest for each gear type would seem to be a percentage of the total harvest equal to their percentage of the total fathoms fished by both gear types.

Obviously, there is no way possible to insure that every fathom will catch the same amount. However, this objective can be collectively far better met than now occurs absent any policy at all.

How such a policy might be achieved without change of regulations is very simple. By merely staggering openings and closures for respective gear types, virtually any harvest allocation desired can be achieved. Absent any policy direction, local fishery management personnel are understandably reluctant to employ such staggered openings when to do so will bring down the wrath of whatever interest group enjoys the unfair incidental allocation of the moment.

The attraction of this management approach compared to attempting to meet the demands of competing gear types through any of the aforementioned regulation changes requiring board action is its simplicity and flexibility. Unlike, say, a regulation changing gear ratios which, once in place, might for years dramatically distort fair share allocation; through staggered openings and closures, a fine tuning of fair share allocation could be made on almost a daily basis.

Conversely, to counter pleas from those who feel unfairly treated, management is compelled to piously assert that it is not within their province to concern themselves with harvest allocation. Yet by continuing past practices which have led to unfair shares being harvested by one gear type or another, they are doing now precisely what they contend they won't: perpetuating allocations which seem blatantly unfair.

Absent a state policy on this matter, you can count on nothing but increased aggravation; increased demands that set-netters be appointed to the board; increased accusations of self interest bias against incumbent drifters on the board; increased efforts to reconstitute the board with full-time professionals not engaged in fishing; increased requests that the percentage of one gear type be increased at the expense of another; and increased reluctance of local managers to do anything at all to keep the situation from further degenerating. Meanwhile, you can expect a rolling snowball of litigation. Adoption of a long overdue firm, fair state policy on this matter could go far to staunch what will otherwise continue to draw blood.

Accordingly, I would urge the committee to hold hearings on this matter and once you determine for yourselves what the best "fair share" allocation policy may be for gill-net fisheries, urge the governor through resolution to direct the

Department of Fish and Game to utilize whatever emergency powers are accorded them to achieve it.

Attachments

Item A.

exceed ninety days if the assigned judge consents or the chief justice so orders. Thus, we conclude that Administrative Rule 24 does not support Kochutin's position.

[5] "Temporary" has been defined as "[t]hat which is to last for a limited time only, as distinguished from that which is perpetual, or indefinite, in its duration. Opposite of permanent." *Black's Law Dictionary* 1312 (5th ed. 1979). Each of the special orders assigning Judge Fuld is expressly limited in duration or subject matter. None purport to confer upon him all the benefits of regular superior court service.<sup>8</sup> These assignments do not interfere with the legislature's power to fix the number of superior court judges,<sup>9</sup> nor do they prevent the governor and judicial council from filling a vacancy on the superior court.<sup>10</sup> The assignments of Judge Fuld were clearly not permanent. We therefore conclude that they were temporary assignments within the constitutional authority of the chief justice.<sup>11</sup>

AFFIRMED.

RABINOWITZ, C.J., not participating.



Joseph M. MEIER, Appellant,

v.

STATE of Alaska, BOARD OF FISHERIES, Appellee.

No. S-1704.

Supreme Court of Alaska.

July 10, 1987.

Commercial salmon fisherman who operated drift gillnet gear challenged validity

8. For example, the district court judge does not receive the salary of a superior court judge. Compare AS 22.10.190(a) with AS 22.15.220(a). Furthermore, he remains subject to retention elections every four years, whereas a superior court judge faces retention every six years. Compare AS 15.35.100 with AS 15.35.060.

of regulation of the Board of Fisheries requiring salmon fishermen who wished to transfer from one district to another in bay fishing area to register in new district at least 48 hours before transferring, and cease fishing in any district during that 48-hour period. The Superior Court, First Judicial District, Juneau, Rodger W. Pegues, J., entered summary judgment upholding regulation, and appeal was taken. The Supreme Court, Moore, J., held that: (1) power of Board of Fisheries to control fishery resource utilization allowed Board to promulgate challenged regulation, and (2) regulation of Board of Fisheries was not arbitrary or unreasonable.

Affirmed.

#### 1. Fish ⇄ 12

Power of Board of Fisheries to control fishery resource utilization allowed Board to allocate salmon harvest between two competing subgroups of commercial users by requiring commercial salmon fisherman who wished to transfer from one district to another in bay fishing area to register at least 48 hours before transfer, and to cease fishing in any district during that 48-hour period.

#### 2. Fish ⇄ 12

Regulation of Board of Fisheries requiring that salmon fishermen who wished to transfer from one district to another in bay fishing area to register at least 48 hours before transfer, and to cease fishing in any fishing district during that 48-hour period, was not arbitrary or unreasonable; record showed that deviating from 48-hour rule had altered allocation of harvest and that regulation was consistent and reasonably necessary to conservation and development of Alaska fishing resources.

9. Alaska Const. art. IV, § 3; AS 22.10.120.

10. Alaska Const. art. IV, § 5.

11. We further conclude that Kochutin's claim that the chief justice abused his discretion is without merit.

Richard M. Burnham, Findley & Burnham, Juneau, for appellant.

Larri Irene Spengler, Asst. Atty. Gen. and Ronald W. Lorensen, Acting Atty. Gen., Juneau, for appellee.

John W. Hendrickson, Anchorage, for amici curiae.

Before RABINOWITZ, C.J., and BURKE, MATTHEWS, COMPTON and MOORE, JJ.

### OPINION

MOORE, Justice.

Joseph Meier challenges the validity of 5 AAC 06.370(b), a Fish and Game regulation governing commercial sockeye salmon fishing in Bristol Bay. Meier is a commercial salmon fisherman who operates drift gillnet gear in Bristol Bay. The superior court entered summary judgment upholding the regulation.<sup>1</sup> We affirm.

Fish and Game regulations divide Bristol Bay into a number of fishing districts. 5 AAC 06.200. A commercial salmon fisherman must register in a district before he may fish there 5 AAC 06.370(a). The regulation challenged in this appeal, 5 AAC 06.370(b), requires a salmon fisherman who wishes to transfer from one district to another to register in the new district at least 48 hours before transferring, and to cease fishing in any district during the 48-hour period.<sup>2</sup> The waiting period is not insignificant, since the typical sockeye salmon run lasts only about ten days.

The Board of Fisheries promulgated 5 AAC 06.370 in 1986. In so doing, the Board returned to a scheme it had relied on for many years. The Board deviated from the 48-hour waiting period for only one year, in 1985. Regulations effective during 1985 permitted a fisherman to transfer 24 hours after registering in a new district,

and to fish in the original district during those 24 hours.

Commercial salmon fishermen may operate either set gillnet gear or drift gillnet gear in Bristol Bay. 5 AAC 06.330. Setnet fishermen work from shore, and generally remain at the same location throughout the season. Driftnet fishermen work exclusively from boats, and are by definition more mobile. Although some driftnetters confine their activities to one area of the Bay, others prefer to "follow the fish." The percentage of the total fish harvest achieved by setnetters depends on the number of driftnetters fishing offshore. If driftnetters saturate an area, few fish reach the beach where setnetters have an opportunity to catch them.

An obvious effect of the waiting period in 5 AAC 06.370(b) is to discourage mobility among Bristol Bay salmon fishermen. Because driftnetters are more mobile than setnetters, the waiting period burdens driftnetters more heavily.

There is no question that the Board of Fisheries complied with the Administrative Procedure Act in promulgating 5 AAC 06.370(b). Accordingly, our inquiry on review is two-fold. First, we must consider whether the Board exceeded its statutory mandate in promulgating the regulation, either by pursuing impermissible objectives or by employing means outside its powers. Second, we must consider whether the regulation is reasonable and not arbitrary. *Kelly v. Zamarello*, 486 P.2d 906, 911 (Alaska 1971).

The Board of Fisheries' undisputed purpose in promulgating 5 AAC 06.370(b) was to "assist in maintaining the historic [pre-1985] harvest percentages between the setnet and drift gillnet fisheries." Meier argues that this objective is outside the Board's statutory mandate because it is not consistent with and reasonably necessary

1. Meier moved for a preliminary injunction to bar enforcement of the regulation while his suit for declaratory relief was pending. With the parties' agreement, the court treated the motion as a motion for summary judgment.

2. The regulation directs the Commissioner of the Department of Fish and Game to waive the 48-hour waiting period when continuous commercial fishing is allowed in a district. 5 AAC 06.370(f). At other times, the Commissioner may reduce the waiting period by announcement. 5 AAC 06.370(b).

to the purposes for which the Board was created. *Id.* We disagree.

The Alaska legislature created the Board of Fisheries "[f]or purposes of the conservation and development of the fishery resources of the state..." AS 16.05.221. We have previously held that the duty to conserve and develop fishery resources implies a concomitant power to allocate fishery resources among competing users. *Kenai Peninsula Fisherman's Co-op Ass'n v. State*, 628 P.2d 897, 903 (Alaska 1981).

In *Kenai Peninsula*, an association of commercial fishermen challenged a Board of Fisheries management policy for Upper Cook Inlet which established priorities for use between commercial and recreational fishermen. Like Meier, the association argued that establishing priorities among competing users was not related to conservation or development, and therefore was outside the Board's powers. We rejected the association's argument, reasoning that

[t]he legislature established the Board for the purposes of conserving and developing fishery resources. The terms "conserving" and "developing" both embody concepts of utilization of resources. "Conserving" implies controlled utilization of a resource to prevent its exploitation, destruction, or neglect. "Developing" connotes management of a resource to make it available for use. If the Board is going to accomplish its designated purposes, it is necessarily going to make decisions concerning utilization of the resources it is charged with managing.

628 P.2d at 903 (footnote omitted). We went on to hold that the Board's power to control resource utilization permitted it to establish priorities for use between commercial and recreational fishermen as a response to sharp competition between the two groups for a limited fishery resource. *Id.*

[1] Competition between setnet and driftnet fishermen for Bristol Bay sockeye salmon is equally keen, and our reasoning

3. AS 16.05.251 was amended in June, 1986. Prior to that time, this subsection was numbered

in *Kenai Peninsula* is equally applicable. Therefore, we hold that the Board's power to control fishery resource utilization allows it to allocate the salmon harvest between these two competing subgroups of commercial users.

Not only was the Board's purpose in promulgating 5 AAC 06.370(b) permissible, but the means it employed were within its powers. Alaska Statute 16.05.251(a)(11) explicitly vests power in the Board to adopt regulations it considers advisable for "establishing the times and dates during which the issuance of fishing licenses, permits and registrations and the transfer of permits and registrations between registration areas is allowed."<sup>3</sup>

[2] In considering whether 5 AAC 06.370(b) is arbitrary or unreasonable, this court's task is simply to determine whether the regulation is reasonably related to its goal of allocating the salmon harvest between driftnet and setnet fishermen. We have no authority to substitute our own judgment for the Board of Fisheries', particularly since highly specialized agency expertise is involved. "The 'wisdom' of the regulation is not a subject of review." *Kingery v. Chapple*, 504 P.2d 831, 835 (Alaska 1972).

The Board reasoned that "[r]eimposing and improving the enforceability of the 48-hour waiting period will assist in slowing down the movement of the more mobile component of the drift gillnet fishery, which will spread out the harvest more evenly among all participants promoting a more orderly fishery and enhancing economic stability as a whole."—Bristol Bay's experience during 1985 provides a sound basis for this conclusion.

Apparently as a result of eliminating the waiting period, the number of fishermen transferring between districts dramatically increased during the 1985 season. The number of transfers effected through the King Salmon Fish and Game office, for example, rose from an eleven-year average

AS 16.05.251(a)(12).

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of 945 to 3,876 in 1985. The number effected through the Dillingham office rose from a nine-year average of 403 to 957.

At the same time, setnetters' share of the total Bristol Bay salmon harvest fell from a pre-1985 average of 11% to 9%.<sup>4</sup> Setnetters fared worst in the Egegik and Ugashik districts of Bristol Bay, where salmon runs were especially strong. A Fish and Game biologist reported that fleet sizes in those districts "vastly exceeded historic peak levels while other districts' effort decreased accordingly." In Egegik, setnetters' share of the total harvest fell from a ten-year average of 15% to 6%. In Ugashik, their share fell from 11% to 3%. Not surprisingly, "[d]iscontent among the setnet communities at both Egegik and Ugashik increased due to increased competition for fish in both districts."<sup>5</sup>

We cannot say whether returning to a more restrictive regulation governing transfer is the best or most efficient way to protect setnetters' historic share of the salmon harvest. But the record shows that deviating from the 48-hour rule in 1985 altered the allocation of the harvest in a specific way. If the Board's goal was to restore the pre-1985 allocation, then returning to the 48-hour rule was clearly a reasonable approach.

We are convinced that 5 AAC 06.370(b) is consistent with and reasonably necessary to the conservation and development of Alaska fishery resources, and therefore that the Board of Fisheries acted within its mandate in promulgating the regulation. We are further convinced that the regulation is reasonable and not arbitrary. Accordingly, the superior court is AFFIRMED.



<sup>4</sup> Setnetters' share of the harvest was 9% during 1965-1974 and 12% during 1975-1985, a twenty-year weighted average of 11%. Setnetters' share during 1983 and 1984 was 10%.

<sup>5</sup> By contrast, setnetters in districts with weak salmon runs appear to have benefitted under the 1985 regulation. As large numbers of drift-

Nathan McREYNOLDS, Appellant,

v.

STATE of Alaska, Appellee.

No. A-924.

Court of Appeals of Alaska.

June 26, 1987.

Defendant was convicted by jury in the Superior Court, Third Judicial District, Anchorage, Joan M. Katz, J., of sale of heroin in the second degree and was sentenced to adjusted presumptive term of five years with one year suspended, and he appealed. The Court of Appeals, Bryner, C.J., held that: (1) evidence was insufficient to sustain entrapment defense; (2) sentencing goals of rehabilitation and personal deterrence did not independently justify imposition of unsuspended imprisonment above statutorily authorized two and one-half year minimum; and (3) sentence could not exceed five years with two and one-half years suspended.

Conviction affirmed; sentence vacated and remanded.

1. Criminal Law §569

Evidence that undercover informant told defendant he was sick and asked defendant "to stand pat" for him, in effect, guaranteeing that money would be paid to heroin distributor, and that later, upon belief that heroin had been delivered to informant, defendant accepted money from informant for payment to distributor, was insufficient to sustain defendant's entrapment defense in trial for sale of heroin in the second degree; there was no evidence

netters left those districts in search of stronger runs, the setnetters took a larger share of what fish there were. In Naknek-Kvichak, setnetters' share of the total harvest rose from a ten-year average of 10% to 12% in 1985. In Nushagak, their share rose from 17% to 30%; in Togiak, from 17% to 24%.

## Set-netters step up campaign to even out fish allocations

By Harry McFarland  
Times Business Writer

Two Anchorage set-netters have been steadily waging a campaign to convince politicians and business leaders in the community that the northern district of Cook Inlet is being shorted by the state Board of Fisheries' annual allocations.

But Ted Whip and Roland Elledge aren't finding necessarily sympathetic ears in the spots they need them most: on the fish board and in the Department of Fish & Game fisheries management.

"The board's policy has always been that a Cook Inlet fish is a Cook Inlet fish," said John Hilsinger, regional resources management biologist with Fish & Game. "The major problem is that all the northern district fish have to go through all the other districts."

Whip and Elledge have made several recommendations that they say will allow more fish to reach the northern district to

spawn.

The recommendations include:

- Moving the drift opening date to July 10. The normal opening is the first Monday or Friday after June 25. By delaying the opening by two weeks, Whip and Elledge believe salmon runs bound for the Susitna River will make it to Barber's Triangle, an area about 60 miles southwest of Anchorage.

"We don't want to kill the drifters," Whip said. He believes they still will have plenty of fish bound for the Kenai and Kaslof rivers.

- Limit the size of drift gill-nets to 105 fathoms. The current maximum is 150 fathoms. "That would really increase the efficiency of the drifters," Hilsinger said.

- Remove Paul Reusch, who is the area management biologist in Soldotna. The fishermen say Reusch has not implemented any plan ensuring northern district

See Inlet, page A-7

## Inlet

Continued from page A-1

salmon escapement for spawning goals.

Hilsinger termed that unfair to Reusch, who has been on the job since 1981. Reusch has proved to be an "extremely capable" manager of salmon. Cook Inlet now is seeing the results of "parent runs" during Reusch's first years on the job, Hilsinger said; salmon and runs are catches are increasing.

The fish board has rejected setting goals that ensure a northern district allocation, Hilsinger said, because "anything you do in one part of Cook Inlet affects another part."

Whip and Elledge have not launched a new campaign. It's been a perennial battle since about 1948, the year that is generally acknowledged as the birth-date of the driftnet fleet. Prior to that, northern district set-netters hauled in 20 to 30 percent of the annual Cook Inlet catch. Since their percentage of the harvest has been marked in single digits: 3, 4, 8 percent.

Hilsinger said northern district catches are "above average" when compared to the number of salmon produced by the river systems in the area.

He estimated that 1.5 million fish annually migrate into the Susitna River, the largest drainage system in upper Cook Inlet; northern district catches in recent decades have averaged about 20 to 25 percent of that total.

Fish & Game is caught in the middle, Hilsinger said.

Item A.

exceed ninety days if the assigned judge consents or the chief justice so orders. Thus, we conclude that Administrative Rule 24 does not support Kochutin's position.

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AFFIRMED.

RABINOWITZ, C.J., not participating.



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8. For example, the district court judge does not receive the salary of a superior court judge. Compare AS 22.10.190(a) with AS 22.15.220(a). Furthermore, he remains subject to retention elections every four years, whereas a superior court judge faces retention every six years. Compare AS 15.35.100 with AS 15.35.060.

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Affirmed.

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Richard M. Burnham, Findley & Burnham, Juneau. *Appellant.*

Larri Irene Spengler, Asst. Atty. Gen. and Ronald W. Lorensen, Acting Atty. Gen., Juneau, for appellee.

John W. Hendrickson, Anchorage, for amici curiae.

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### OPINION

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v.

STATE of Alaska, Appellee.

No. A-924.

Court of Appeals of Alaska.

June 26, 1987.

Defendant was convicted by jury in the Superior Court, Third Judicial District, Anchorage, Joan M. Katz, J., of sale of heroin in the second degree and was sentenced to adjusted presumptive term of five years with one year suspended, and he appealed. The Court of Appeals, Bryner, C.J., held that: (1) evidence was insufficient to sustain entrapment defense; (2) sentencing goals of rehabilitation and personal deterrence did not independently justify imposition of unsuspended imprisonment above statutorily authorized two and one-half year minimum; and (3) sentence could not exceed five years with two and one-half years suspended.

Conviction affirmed; sentence vacated and remanded.

1. Criminal Law §569

Evidence that undercover informant told defendant he was sick and asked defendant "to stand pat" for him, in effect, guaranteeing that money would be paid to heroin distributor, and that later, upon belief that heroin had been delivered to informant, defendant accepted money from informant for payment to distributor, was insufficient to sustain defendant's entrapment defense in trial for sale of heroin in the second degree; there was no evidence

netters left those districts in search of stronger runs, the setnetters took a larger share of what fish there were. In Naknek-Kvichak, setnetters' share of the total harvest rose from a ten-year average of 10% to 12% in 1985. In Nushagak, their share rose from 17% to 30%; in Togiak, from 17% to 24%.

of 945 to 3,876 in 1985. The number effected through the Dillingham office rose from a nine-year average of 403 to 957.

At the same time, setnetters' share of the total Bristol Bay salmon harvest fell from a pre-1985 average of 11% to 9%.<sup>4</sup> Setnetters fared worst in the Egegik and Ugashik districts of Bristol Bay, where salmon runs were especially strong. A Fish and Game biologist reported that fleet sizes in those districts "vastly exceeded historic peak levels while other districts' effort decreased accordingly." In Egegik, setnetters' share of the total harvest fell from a ten-year average of 15% to 6%. In Ugashik, their share fell from 11% to 3%. Not surprisingly, "[d]iscontent among the setnet communities at both Egegik and Ugashik increased due to increased competition for fish in both districts."<sup>5</sup>

We cannot say whether returning to a more restrictive regulation governing transfer is the best or most efficient way to protect setnetters' historic share of the salmon harvest. But the record shows that deviating from the 48-hour rule in 1985 altered the allocation of the harvest in a specific way. If the Board's goal was to restore the pre-1985 allocation, then returning to the 48-hour rule was clearly a reasonable approach.

We are convinced that 5 AAC 06.370(b) is consistent with and reasonably necessary to the conservation and development of Alaska fishery resources, and therefore that the Board of Fisheries acted within its mandate in promulgating the regulation. We are further convinced that the regulation is reasonable and not arbitrary. Accordingly, the superior court is AFFIRMED.



4. Setnetters' share of the harvest was 9% during 1965-1974 and 12% during 1975-1985, a twenty-year weighted average of 11%. Setnetters' share during 1983 and 1984 was 10%.

5. By contrast, setnetters in districts with weak salmon runs appear to have benefitted under the 1985 regulation. As large numbers of drift-

## SUGGESTED RESOLUTION

WHEREAS, the Legislature finds that there is increasing aggravation among commercial salmon drift and set-net fishermen over alleged inequitable allocations of salmon harvests among gear types; and

WHEREAS, the situation is aggravated by confusing and inconsistent allocations between gear types in different areas which in some cases run all the way from permitting set-net fishing only, while in others allowing drifters and set-netters both to fish 200 fathoms; in others restricting drifters but one third more than allocated set-netters; while in still others drifters are permitted to fish 3 times the gear allocated set-netters; and

WHEREAS, these allocations of gear seem not so much to serve sound management ends as perhaps reflect the political dominance of one gear type over another; and

WHEREAS, most of these gear allocations were established years ago under entirely different circumstances; and

WHEREAS, changes in those circumstances have altered the resultant allocation of harvest between gear types in a manner which can deny one type or the other their "fair share" of the harvest; and

WHEREAS, the Legislature believes a collective "fair share" of any gill-net harvest should be a percentage of the total harvest equal to the percentage of total fathoms of gill-net fished by either drift or set-netters; and

WHEREAS, in many districts the type of gear most often disadvantaged is the one fished by the greatest percentage of Alaskan residents;

NOW, THEREFORE, BE IT RESOLVED: The Legislature urges the Governor to direct the Department of Fish and Game to so manage such gill-net fisheries as to best assure fair share allocation through such means as staggering or adjustment of openings and closures during which the respective types of gear are permitted to fish;

AND, BE IT FURTHER RESOLVED, that close monitoring of efforts to secure a "fair share" harvest be undertaken; especially in those districts where one type of gear is significantly more predominantly operated by Alaskan residents, to assure they are not penalized as now appears to be the case.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Commercial Fish	BILL NUMBER SCR 61	SPONSOR Senate Judiciary
SHORT TITLE OF BILL Allocation of salmon among gill net fishermen using different types of gear			
DEPARTMENT POSITION Neutral			
PREPARED BY <i>Robert C. Clasby</i>	DATE 4/19/88	COMMISSIONER'S SIGNATURE <i>[Signature]</i>	DATE 4/19/88

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL Unknown	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial salmon gill net fishermen
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown
FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL NOTE ATTACHED	

BACKGROUND/LEGISLATIVE INTENT

The resolution is an attempt by the legislature to address increasing complaints by salmon setnetters, particularly those who fish in Bristol Bay, that they are not receiving what they believe to be their fair share of the harvest.

ANALYSIS OF BILL/PROGRAM EFFECTS

Currently there are no commercial salmon gill net fisheries being managed inseason by time or area to achieve predetermined allocations between the drift net and set net components of the fleet. The Board of Fisheries uses techniques such as area, gear length, season, etc., to achieve their allocation objects. Changes are not made inseason, but the allocation patterns are reviewed on a fairly regular basis to determine if adjustments are needed. A shift to inseason management will place an additional burden on the staff. Lacking experience in this type of management, the staff may appear to be overly conservative in their actions.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: 4/14/88  
 Title: Allocation of salmon among gill net fishermen using different gear.  
 Sponsor: Senate Judiciary  
 Requestor: Senate Resources  
 Agency Affected: Fish and Game  
 BRU: Commercial Fisheries  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert Clasby Phone: 465-4210  
 Division: Commercial Fisheries Date: 4/18/88

Approved by Commissioner: *Norman* Date: 4/18/88  
 Agency: Fish and Game

Distribution (by preparer) :

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

SCR

62

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 4-14 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

\*\*FISCAL NOTE(S) ATTACHED \*\*  
IN ACCORDANCE WITH AS 24.08.035  
(see below)

4/14/88  
Mr. President:

DATE TURNED INTO OFFICE \_\_\_\_\_

Resources \_\_\_\_\_ Committee considered \_\_\_\_\_ SCR 62

use of helicopters in Chugach State Park

and recommended:

[ ] replace with CS \_\_\_\_\_ [ ] same title  
[ ] attached amendment(s) and [ ] new title

[x] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted and attached

\*\* Committee [x] attached or [ ] adopted fiscal note(s)  
[x] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

[Signature] Do Pass  
Chairman signature and recommendation

[ ] Committee Backup Attached

FISCAL NOTE

REQUEST:

Revision Date: 4/19/88 Agency Affected: DNR  
 Title: An act relating to use of helicopters DRU: Park Management  
in Chugach State Park  
 Sponsor: Senate Resources Components: \_\_\_\_\_  
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Passage of this Resolution will have no fiscal impact upon the department.

Prepared by: Lawrence Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 4/19/88

Approved by Commissioner: Judith H. Eady Tom Hawkins Date: 4/19/88  
 Agency: Department of Natural Resources

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)



## Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

### SCR 62 RECONSIDER USE OF HELICOPTERS IN CHUGACH STATE PARK

SCR 62 reflects a flagrant disregard for a clear and systematic planning process used in managing Alaska's state parks. Recently the Division of Parks and the Chugach State Park Citizens Advisory Board held hearings and received extensive public input on the issue of allowing helicopter landings in Chugach State Park near Eagle River.

Responders who testified at these hearings overwhelmingly opposed allowing landings even at the one site which had been under consideration by DNR. In addition, nearly 80% of those writing individual letters opposed any commercial helicopter landing activity for either recreational or sightseeing pursuits.

SCR 62 requests the Commissioner of DNR, a public official in charge of public lands to discount a mandated public process, in order to accommodate a private pursuit for profit which is opposed by local users and adjacent community residents.

AEL is opposed to SCR 62 for the following reasons:

- Appropriate public hearings on the issue were already held in four locations in the vicinity of Chugach State Park
- Public review and comment records were open on this issue for eight months, from February to October 1987.
- Use of helicopters to access the wilderness is inconsistent with other wilderness-dependent uses, primarily because of the noise impact and pressure on wildlife; low fly-overs already cause conflict.
- Access to alpine areas for physically disadvantaged people is more easily, safely, and economically achieved by the use of motor vehicles to other accessible sites in the park.

SCR 62 undermines the public input process which has clearly outlined the incompatibility of helicopter use in a natural area. It requires a duplication of effort at public expense. AEL opposes this resolution and urges DNR to stand by its conclusions published in the Chugach State Park Master Plan Amendments, October 1987.

Issue paper prepared by Patty Brown, 19 April 1988.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB  
KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY  
DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY  
KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE  
SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL  
KNIK KANGERS AND KAYAKERS

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400

March 30, 1988

The Honorable Sam Cotten  
The Honorable Adelheid Herrmann  
House Resources Committee  
P.O. V Juneau, Alaska 99811

Dear Representatives Cotten and Herrmann:

Subject: HCR 51, Relating to the use of helicopters and snowmachines in Chugach State Park.

Background: In January, 1987, the Division of Parks received a permit application for flightseeing landings in Chugach State Park. In February, 1988, a preliminary decision was issued to solicit concessionaire proposals for this service in the park. As a result of substantial public opposition, the Division of Parks decided to consider the decision in more detail through an update of the park master plan which would entail additional public meetings. In the master plan process, eight public meetings were held, and written and oral comments solicited. As a result of this process, the decision was made to prohibit helicopter landings in Chugach State Park.

Also resulting from this process was the decision to prohibit snowmachine use in the Eagle River greenbelt. The master plan directs that a separate land management plan be completed for the Eagle River greenbelt and the question of snow machine use will again be considered.

The Department of Natural Resources would consider passage of HCR 51 direction to reconsider its decisions with respect to helicopter and snowmachine use.

We welcomes legislative direction and recommendation with respect to this difficult decision.

Sincerely,

*Judith M. Brady*  
Judith M. Brady  
Commissioner

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: \_\_\_\_\_  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 3/31/88  
 Title: Relating to use of helicopters in Chugach State Park HCR 51 in Agency Affected: Dept. of Natural Resources  
 BRU: Park Management  
 Sponsor: House Resources  
 Requestor: House Resources Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORAR /						

ANALYSIS : (Attach a separate page if necessary)

Passage of this Resolution will have no fiscal impact upon the department.

Prepared by: Lawrence Ostrovsky Phone: 465-2400  
 Division: Commissioner's Office Date: 3/31/88

Approved by Commissioner: [Signature] Date: 3/31/88  
 Agency: Department of Natural Resources

Distribution (by preparer) :

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



Our Ref.:

Your Ref.:

(907) 243-3404

**HELICOPTERS, Inc.**

P.O. BOX 190283

ANCHORAGE, AK 99519-0283

TELEX: 25372

Subsidiary of COLUMBIA HELICOPTERS, INC. • P.O. BOX 3500, PORTLAND, OREGON 97208 • (503) 678-1222

October 23, 1987

Alaska Department of Natural Resources  
Ms. Judy Brady, Commissioner  
P.O. Box M  
Juneau, AK 99811

Dear Commissioner Brady;

We wish this letter to serve as a "Formal Request for Reconsideration" of the prohibition of helicopter landings on the edge of Chugach State Park for the purpose of helicopter flight-seeing. We offer two site-specific areas for consideration we feel could be utilized without effecting the environment, the park or its users.

#### TWIN PEAKS

This site is located on Chugach State Park land on the periphery of the park adjacent to a military reserve. The land is on a long term lease to the Anchorage Ski Club and is known as Arctic Valley or Alpenglow. The site is depicted on the map (see attached) is 3900' above sea level. Helicopter access to the area would be over the military reserve where no hikers or skiers are permitted. Over flights of the military area are permitted. We have flown over this exact area well over 400 times this past summer and have received no complaints.

#### MT. GORDON LYON

This site was our original choice. The area, as quoted by Chugach State Park officials has little if any impact upon the environment. The area is 400' inside the park. It has been proven by Chugach State Park Citizens Advisory Board members particularly Fish and Game, that there would be little or no impact on wildlife in the area as long as flight restrictions were adhered to. The site is adjacent to a known aircraft entry/exit corridor from the Anchorage Area. It would be under strict control with regard to flight altitudes and approach/departure routes and, again, has no over flight of park land since it is adjacent to the military reserve.

This company complies with the CODE OF ETHICS of the Helicopter Association of America.

Member of the Alaska Air Carriers Association.



Commissioner Brady  
October 23, 1987  
Page 2

The State of Alaska Attorney Generals Office advised the Department on May 1, 1987 that the Director has discretion to issue permits for the helicopter access (see enclosed). As a matter of policy, the directors office has chosen not to do this.

The Park has evolved from an area that "at one time you could apply for a permit" to "Directors Discretion" to "Prohibition". The negative attitude of the majority of the Chugach State Park Citizens Advisory Board is paralleled by the Attorney General's letter. It appears more time and effort is being spent to keep helicopters from this activity than is being spent to see if it is a compatible use or even discuss it.

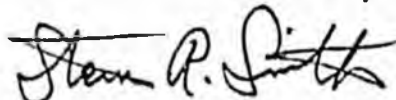
It is our desire during Re-evaluation that you take into consideration the non-negative impact this will have on the park since we would be landing only on the exterior edge of the periphery and the flight paths involved would have a zero impact and no park overflight.

In your master plan amendments you mention "flightseeing over-flights should be minotored." "This information should be retained to help provide an improved information base for policy development and decision making concerning helicopter activities in the park." We feel this can be accomplished immediately. Allow us to form an Advisory Council, reporting to the director. The council would be made up of two members from the Aviation Industry and two members of the Concerned Public. Their goal would be to investigate the possibility of using the above sites as landing areas and setting strict guidelines that would need to be followed. Our position is, and has been, to find a method of performing helitour flightseeing safely and use-compatible with regards to all concerned. If we can, at least, try to see if it will work by setting guidelines ahead of time, then testing them for a season then we will know for sure if the helitour landings are feasible. If they are not, then we can say we tried every avenue and used all available input to determine the feasibility of such landings.

We urgently request a meeting in Juneau or Anchorage at your earliest convenience to discuss our request for reconsideration.

Sincerely,

ALASKA HELICOPTERS, INC.



Steven R. Smith  
Director of Operations

SRS/ah

Enclosures

Commissioner Brady  
October 23, 1987  
Page 3

cc: Steve Cowper  
Governor  
Third Floor State Capitol  
P.O. Box A  
Juneau, AK 99811

Mr. Sam Cotten  
Chairman House Resources Committee  
3111 C Street  
Anchorage, AK 99503

Ms. Adelheid Herrmann  
Chairwoman House Resources Committee  
3111 C Street  
Anchorage, AK 99503

Mr. Jack Coghill  
Chairman Senate Resources Committee  
P.O. Box 55028  
North Pole, AK 99705

Senator Lloyd Jones  
Chairman Senate Transportation Committee  
352 Front Street  
Ketchikan, AK 99901

Representative Bette Cato  
Chairwoman House Transportation Committee  
3111 C Street  
Anchorage, AK 99503

\*\* With one exception (Girdwood -- where support still exceeds opposition by 15%) there is at least 2:1 support for development and utilization of public lands for a wide variety of visitor and local usage...

	Percentage Generally/ Strongly Support	Percentage Generally/ Strongly Oppose
Waterfront development/ cruise ship docking.....	87%	10%
Playing fields and grassy areas.....	74%	22%
Develop Eagle River ski resort.....	73%	21%
Complete Coastal Trail..	69%	21%
'Copter tours and landing pad in Chugach State Park	61%	31%
Golf course and summer recreation in Girdwood...	53%	38%

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

STEVE COWPER GOVERNOR

3601 C STREET  
ANCHORAGE, ALASKA 99503  
PHONE (907) 561 2020

MAILING ADDRESS:  
PO BOX 107001  
ANCHORAGE, ALASKA 99510-7001

October 15, 1987

Re: Update of Chugach State Park Master Plan

Dear Interested Alaskan,

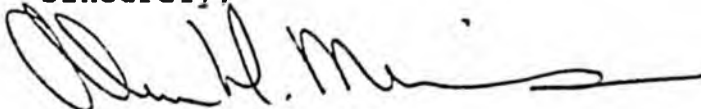
The attached amendments to the Chugach State Park Master Plan have been adopted by the Department of Natural Resources.

We appreciate the time you have taken to provide input into the amendment process.

For your information our analysis of public comment is also attached.

Should you have any questions or comments regarding this matter please feel free to contact me or John Thiede at 762-2617. Your continued interest in the management of Chugach State Park is appreciated.

Sincerely,



Al Meiners  
Southcentral Regional Manager

attachments: 1) 1987 amendments to Chugach State Park Master Plan  
2) Analysis of Public Comment

## Chugach State Park Master Plan Amendments

The Chugach State Park Master Plan (prepared by the Alaska Division of Parks, DNR, February 1980) is amended to include the following:

### Resort Development

Resort development, with proper controls, is compatible with the purposes of Chugach State Park. Resorts shall not be located in the parks' wilderness zone. Prior to allowing for the development of a resort, the division shall conduct appropriate environmental and recreational impact reviews as required by AS 41.21.027 (park concession law). The results of these reviews shall be used to develop mitigation measures to protect other park values.

A downhill ski resort may be developed at the Eagle River site identified in the report by the division titled Comparison of Potential Alpine Ski Areas in Chugach State Park: An Analysis of Terrain Capability provided the requirements of AS 41.21.027 and other measures deemed appropriate by the division are met. Expansion of a resort developed at the Eagle River site into the South Fork of Eagle River or into the Highland Mountain East and West sites also identified in the above study, may not occur until potential conflicts with fish and wildlife, water quality, community growth and development and values, land ownership (i.e. military lands) are adequately dealt with through additional community involvement and environmental/social impact studies. However, the awarding of a park concession contract for the Eagle River site may include an option for the concessionaire to expand into these areas if the above work is completed and found by the division to be in conformance with AS 41.21.027 and other standards as determined necessary by the director. Boundaries of the sites identified in the above study may be adjusted by the director. The division may require impact and mitigation studies to be prepared by the bidders or concessionaire.

Alpenglow, an existing ski area in the park formerly called Arctic Valley, may be expanded provided the above conditions are met. Expansion of the area into the Ship Creek Wilderness Zone is expressly prohibited by this plan. Also, future developments at the resort shall be undertaken to minimize visual and noise impacts being projected into the Ship Creek Wilderness Zone.

Up to two additional ski resorts may be allowed in the non-wilderness portions of the Eagle River and Eklutna-Peters Creek

Planning Units. Any sites considered should be among those identified in the division's study of potential ski areas. However, the director may consider other sites if they possess suitable terrain and have a reasonable potential to comply with the requirements of AS 41.21.027 and other requirements and standards established by the division. If possible the division should begin snow surveys and wildlife studies of these sites to assist in any future decisions about these areas.

Other types of resorts or recreational facilities, such as an environmental education center or nordic skiing center, may be considered on a case by case basis, according to a set of general compatibility criteria under AS.41.21.027 and summarized as follows:

- implements or is consistent with the park's purposes, as specified in its enabling legislation and this plan;
- enhances public use and enjoyment of the park while maintaining a high quality environment and recreational opportunities;
- provides services not feasible or appropriate for the state to provide;
- is based on a public need and desire;
- accommodates ordinary uses, at no cost;
- is not more appropriately located on private lands inside the park or on other lands outside the park.
- is not to be located in a wilderness zone,
- will not result in unacceptable impacts on park resources or existing recreational use of the park,
- no substantial impacts to adjoining wilderness areas,
- the facility and its operation is designed to minimize scenic and visual quality impacts,
- meets other requirements of AS 41.21.027 and other requirements as established by the division.

### Helicopter Use

The landing of helicopters by private parties for recreational or scenic access or other activities in the park is prohibited. Commercial helicopters may not be chartered for general recreational access to the park.

The director may authorize helicopter landings for management purposes. Management purposes include: conducting or supporting scientific research including wildlife inventories, maintaining communications facilities which have been located in the park under special use permit, search and rescue operations, law enforcement, park ranger patrols, park facility development and maintenance. To the greatest extent possible, fixed wing aircraft should be used for these purposes because of their lower noise impact. Also, non-aircraft methods of accomplishing these projects or activities shall be considered before fixed-wing or

helicopter aircraft are used, particularly in wilderness areas.

The director may authorize helicopter landings for special events such as commercial filming or community festivals. In all cases, special event landings will not be allowed in or within 1 mile of a wilderness zone. The director shall consult with the Chugach State Park Citizens Advisory Board prior to issuing a permit. In issuing a permit for special events, the director shall take reasonable steps to avoid:

- landings in or low level flights over areas or at times of visitor use of the park,
- low level overflights of residential areas,
- disturbance to wildlife,
- landings in or low level flights over park wilderness areas,
- flights that will constitute a significant threat to public safety, or,
- landings that would be more appropriately located on lands outside the park or private lands within the park,
- other impacts which the division or director determines are significant.

The division shall, to the extent staff and budget allows, monitor and record authorized and unauthorized helicopter activities in the park. Flightseeing overflights should also be monitored. This information should be retained to help provide an improved information base for policy development and decision-making concerning helicopter activities in the park.

The division should focus law enforcement efforts on unauthorized landings in the park. Further the division should begin to work with the FAA, military, pilots associations and other land management agencies to resolve or reduce conflicts between aerial and ground users of the park.

#### Eagle River Greenbelt

The division shall establish a planning team to develop a detailed management plan for the Lower Eagle River Valley (Eagle River Greenbelt) planning unit. The team shall be comprised of representatives from the park's citizen advisory board, local community councils and organizations, state and local agencies, and others. The Lower Eagle River Planning Unit is established from within the existing Eagle River Planning Unit to focus planning and management efforts on this important portion of the park. It is comprised of the lands acquired by the state from Eklutna, Inc., in a land exchange and existing park lands in T13N, R1E, S8. The existing park lands in T13N, R1E, S8 that are to be included in the Lower Eagle River Planning Unit include all lands in the valley bottom and a portion of the valley sidewall from the former Eklutna, Inc., land to the Eagle River Visitor Center. The planning team shall prepare a base map that determines the exact boundaries of the planning

unit. The unit may be renamed by the director after receiving nominations from the park advisor board.

Until such time as a management plan is prepared for the unit, the division shall adopt the Municipality of Anchorage's plan for the greenbelt on an interim basis.

Interim management of the unit under the municipality's plan and the development of the management plan shall adhere to the following policies:

1) Trails, shall be developed as determined appropriate in the detailed management plan for the area. Recreational access sites may be developed as identified in the MOA plan or the management plan which is to be prepared. When possible, facilities shall be sited to be buffered or screened from view of the river. The Eagle River Campground may be expanded if appropriate.

2) Facilities will be phased so as to satisfy existing recreational demand and anticipated demands of the near-term future.

3) Motorized recreational activities (including boats, snowmachines and ATVs) are prohibited.

4) Commercial activities shall be limited in number through concession contracts rather than through park use permits. Activities related to the possible development of a downhill ski area may be allowed but shall be controlled to insure that the natural and recreational resource values of the unit are maintained. The management plan shall determine the carrying capacity of the river for both commercial and non-commercial uses.

5) Pursuant to AS 41.21.022, the division shall seek the concurrence of the Board of Game to close the unit to hunting and designate it as a wildlife viewing area. The division and the planning team shall make wildlife viewing and wildlife education a goal of the area.

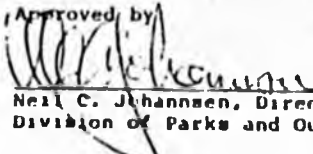
6) Motorized vehicle access on the existing 109 (Homestead Road) right-of-way is allowed for use by local residents and others. The road may be relocated, redesigned and upgraded so long as natural and recreational values of the unit are maintained. Special park use permits may be issued under 11 AAC 18.010 (B) to provide nearby landowners with access to the 109 road. Authorizations for public utilities to be located in or across parklands and water shall be under the permitting process authorized by 11 AAC 18.010. The division shall work closely with DOT/PE and the Municipality of Anchorage to insure that the proposed Eagle Loop Road connection to Hland Road/Glen Highway crossing of the greenbelt minimizes adverse impacts on the unit.

7) Modification of the river to enhance boater safety or improve whitewater kayaking should only be considered after a thorough

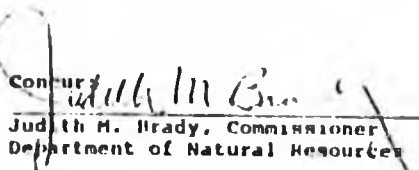
review of impacts and coordination with appropriate agencies (i.e. ADFLG, Corps of Engineers, Municipality of Anchorage, etc.). This issue should be addressed during the development of the management plan.

ANALYSIS OF PUBLIC COMMENTS ON  
CHUGACH STATE PARK MASTER PLAN UPDATE ALTERNATIVES

Approved by

  
Neil C. Johannsen, Director  
Division of Parks and Outdoor Recreation

9 OCT 87  
Date

Concurred  
  
Judith M. Brady, Commissioner  
Department of Natural Resources

9 OCT 87  
Date

The following is a summary of both verbal comments, made either at hearings held in Eagle River, Wasilla, Girdwood and Anchorage, or written comments sent to the Division of Parks and Outdoor Recreation. Comments are divided into three groups representing the three areas of concern; Ski Area Development; Alternatives for Helicopter use; and, Alternatives of Use and Management for the Eagle River Greenbelt. It is further divided into group comments, individual comments, form letter comments, and finally a grand total of all comments (each group comment receiving one tally).

(1) Ski Area Development

Summary of written and verbal comments made by groups. If an individual gave an oral presentation stating the preferred chosen alternatives and later the Division received written comment from the group stating the same chosen alternatives the groups comments were counted only once.

\*Group Comments\*

14 individuals wrote and/or testified on behalf of groups regarding ski area development.

Alternative:	A	B	C
Responses:	5	1	8
Percentage:	36%	7%	57%

Alternative A Groups included:

- Alaska Survival
- Alaska Wildlife Alliance
- Sierra Club
- Alaska Center for the Environment
- Friends of Chugach State Park

Alternative B Groups included:

- Resource Development Council (B\*)

Alternative C Groups included:

- Carrs Quality Centers (B/C Don't close the door)
- Eklutna, Inc.
- Re/Max of Eagle River, Inc.

- Eagle River Chamber of Commerce
  - Chuquiak-Eagle River Chamber of Commerce
- (Alternative C groups continued)

- Chris Nyman, Alpine Park Resort
- Alaska Visitor & Convention Bureau
- Eagle River Community Council

**\*Individual Comments - Oral Testimony\***

60 individuals, representing themselves, commented on ski area development.

Alternatives:	A	B	C
Responses:	19	6	35
Percentage:	32%	10%	58%

**\*Individual Comments - Written Testimony\***

25 persons wrote individual letters commenting on ski area development.

Alternatives:	A	B	C
Responses:	17	2	6
Percentage:	68%	8%	24%

91 persons signed form letters commenting on ski area development.

Alternatives:	A	B	C
Responses:	10	0	81
Percentage:	11%	-	89%

116 persons commented on ski area development by either an individually written letter or by signing a form letter.

Alternatives:	A	B	C
Responses:	27	2	87
Percentage:	23%	2%	75%

**\*Grand Total - All Responses received on ski area development\***

190 responses on ski area development.

(Grand Total - All Responses on ski area development - cont.)

Alternatives:	A	B	C
Responses:	51	9	130
Percentage:	27%	5%	68%

**Reasons FOR Ski Area Development included:**

- Economic boost to local and statewide economy
- Ski areas have proven to be compatible with the with the environment in the "lower 48"
- It would provide facilities not presently available in Alaska
- There would be economic returns to the Parks Division
- Could help attract the Winter Olympics to Anchorage
- Broadens a stable economic base for the state

**Reasons AGAINST Ski Area Development included:**

- The natural zone of the park is suppose to accommodate low impact forms of recreation
- Wildlife impacts will be irreparable
- It will erode the values that make parks special
- Other areas not designated park lands are available for ski area development (i.e. Bachelor Pass)
- Water quality will be threatened

**(2) Alternatives for Helicopter Use**

**\*Group Comments\***

11 individuals wrote and/or testified on behalf of groups regarding alternatives for helicopter use.

Alternatives:	A	B	C
Responses:	7	1	1
Percentage:	64%	27%	9%

**Alternative A Groups Included:**

- Alaska Survival
- Kirk Kanner's and Kayaker's, Inc.
- Alaska Wildlife Alliance
- Sierra Club
- Alaska Center for the Environment

- Kirk Kanzer's and Kayaker's, Inc.
- Friends of Chugach State Park

**Alternative B Groups Included:**

- Resource Development Council (10 One yr. trial)
- Chugiak-Eagle River Chamber of Commerce
- Alaska Visitor and Convention Bureau

**Alternative C Groups Included:**

- Alaska Helicopters

**\*Individual Comments - Oral Testimony\***

27 individuals, representing themselves, commented on Alternative Helicopter Use.

Alternatives:	A	B	C
Responses:	7	5	5
Percentage:	63%	18.5%	18.5%

**\*Individual Comments - Written Testimony\***

19 persons wrote individual letters regarding Alternatives for Helicopter Use.

Alternatives:	A	B	C
Responses:	15	2	2
Percentage:	79%	10.5%	10.5%

66 persons signed form letters regarding Alternatives for Helicopter Use.

Alternatives:	A	B	C
Responses:	0	0	66
Percentage:	0%	0%	100%

85 persons commented on Alternatives for Helicopter Use by either an individually written letter or by signing a form letter.

Alternatives:	A	B	C
Responses:	15	2	68
Percentage:	18%	2%	80%

**(Alternatives for Helicopter Use continued)**

**\*Grand Total\* - All responses received on Alternatives for Helicopter Use\***

124 responses received regarding Alternatives for Helicopter Use

Alternatives:	A	B	C
Responses:	39	10	74
Percentage:	32%	8%	60%

**Reasons FOR Helicopter Landing sites included:**

- Does not fly over private homes
- Potential economic returns for the Park
- Gives the handicapped and elderly access to the park
- Could allow locals to cheaply get into the park

**Reasons AGAINST Helicopter Landing sites included:**

- Irreversible effect on wildlife
- Low stimulus to economy
- Benefits few people
- Elderly and handicapped can drive to areas and get similar views
- Integrity of the park is threatened
- Does not fit in with Park philosophy
- Helicopters can hover outside Park boundary for same view
- Negative effect on other visitors in the Park

**(1) Alternatives for Eagle River Greenbelt**

**\*Group Response\***

7 individuals wrote and/or testified on behalf of groups regarding Alternatives for Eagle River Greenbelt.

**(Eagle River Greenbelt - Group response continued)**

Alternatives:	A	B	C
Responses:	1	4	2

Percentage: 14% 57% 29%

**\*Individual Comment - Oral Testimony\***

21 individuals commented on Alternatives for Eagle River Greenbelt.

Alternatives:	A	B	C
Responses:	2	13	6
Percentage:	1%	62%	20%

**\*Individual Comment - Written Testimony\***

14 persons wrote individual letters regarding Alternatives for Eagle River Greenbelt. No form letters were received.

Alternatives:	A	B	C
Responses:	0	6	8
Percentage:	0%	43%	57%

**\*Grand Total\* - All Responses regarding Alternatives for Eagle River Greenbelt**

42 responses were received regarding Alternatives for Eagle River Greenbelt.

Alternatives:	A	B	C
Responses:	1	23	16
Percentage:	7%	55%	38%

Reasons FOR high intensity Use and Management of Greenbelt (Alternative A) include:

- Provide a wide array of recreational opportunities for all
- Continued use of snowmachines

Reasons AGAINST high intensity Use and Management of Greenbelt (Alternative A) include:

- Deterioration of water quality
- Damage to existing trails

- Spoilage of river experience for the majority of users
- Motorized vehicles will cause serious conflicts for users of the greenbelt

Reasons FOR moderate intensity Use and Management of Greenbelt (Alternative B) included:

- Provide trail system for users
- Natural values will be maintained

Reasons AGAINST moderate intensity Use and Management of Greenbelt (Alternative B) included:

- Destroy the natural conditions that now exist
- Displace wildlife

Reasons FOR low intensity Use and Management of Greenbelt (Alternative C) included:

- Will keep the area as close to a wild area as possible
- Will not disturb or displace wildlife
- More closely follows park philosophy

Reasons AGAINST low intensity Use and Management of Greenbelt (Alternative C) included:

- Little or no access
- Would allow experience only to a few

**\*Conclusion\***

This document will not be used as a "vote" or "total count". Many considerations will be used in helping Division staff formulate final alternatives to propose to the Director. Questions regarding the weight of responses or lack of responses will be taken into consideration (i.e. group responses vs. individual letters, or form letters vs. individually written letters, or oral testimony vs. written testimony, or explanations of why individuals preferred certain alternatives over others vs. a response with no explanation, and finally, persons who responded vs. persons who did not or could not respond).

**(2) Alternatives for Helicopter Use**

**\*Group Comments\***

11 individuals wrote and/or testified on behalf of groups regarding alternatives for helicopter use.

Alternatives:	A	B	C
Responses:	7	1	1
Percentage:	63%	23%	9%

**Alternative A Groups Included:**

- Alaska Seaweed
- Anch Kanner's and Kayaker's, Inc.
- Alaska Wildlife Alliance
- Sierra Club
- Alaska Center for the Environment

- Anch Kanner's and Kayaker's, Inc.
- Friends of Chugach State Park

**Alternative B Groups Included:**

- Resource Development Council 10+ Day yr. trail
- Chugach-Edie River Chapter of Commerce
- Alaska Visitor and Conservation Bureau

**Alternative C Groups Included:**

- Alaska Helicopters

**\*Individual Comments - Oral Testimony\***

17 individuals, representing themselves, commented on Alternative Helicopter Use.

Alternatives:	A	B	C
Responses:	17	5	5
Percentage:	63%	18.5%	18.5%

**\*Individual Comments - Written Testimony\***

19 persons wrote individual letters regarding Alternatives for Helicopter Use.

Alternatives:	A	B	C
Responses:	15	2	2
Percentage:	79%	10.5%	10.5%

26 persons signed form letters regarding Alternatives for Helicopter Use.

Alternatives:	A	B	C
Responses:	20	6	6
Percentage:	77%	23%	23%

25 persons commented on Alternatives for Helicopter Use by either an individually written letter or by signing a form letter.

Alternatives:	A	B	C
Responses:	15	7	6
Percentage:	60%	28%	24%

**Alternatives for Helicopter Use continued:**

Overall Total: 233 responses received on Alternatives for Helicopter Use\*

122 responses received regarding Alternatives for Helicopter Use

Alternatives:	A	B	C
Responses:	14	10	7
Percentage:	12%	8%	6%

**Reasons FOR Helicopter landing sites included:**

- Used not by some private homes
- Potential economic returns for the Park
- Given the handicapped and elderly access to the park
- Could allow locals to cheaply get into the park

**Reasons AGAINST Helicopter landing sites included:**

- Irreversible effect on wildlife
- Low stimulus to economy
- Benefits few people
- Elderly and handicapped can drive to areas and get quality views
- Integrity of the park is threatened
- Does not fit in with Park philosophy
- Helicopters can hover outside Park boundary for some view
- Negative effect on other visitors in the Park

**(6) Alternatives for Eagle River Greenbelt**

**\*Group Comments\***

7 individuals wrote and/or testified on behalf of groups regarding Alternatives for Eagle River Greenbelt.

(Eagle River Greenbelt - oral testimony continued)

Alternatives:	A	B	C
Responses:	1	4	2

TESTIMONY - SENATE RESOURCES COMMITTEE - APRIL 20, 1988

ALASKA HELICOPTERS, INC.

STEVEN R. SMITH

Chairpersons, Committee Members, Ladies and Gentlemen.

I appreciate the opportunity to appear before you today.

In front of you is the cumulation of approximately twelve (12) months of meetings and correspondence with the DNR, CSP and CSPCAB.

I am here today out of a frustration one feels when they have done everything reasonably expected of, under the law, to attain a landing area for helitour purposes on the edge, the periphery of Chugach State Park.

In our initial proposal, we wanted our request for a landing area to stand on its own merit. However, it was formulated at a time when the Eagle River Green Belt and proposed Rogner Ski Development required changes to the C.S.P. Master Plan. Both of those issues were under extreme scrutiny.

We were advised by C.S.P. officials that our proposal would be grouped with the other two. It is important to note prior to the Green Belt and Rogner Proposals the C.S.P. Master Plan allowed for helicopter permits. After hearings were conducted, the Green Belt and Rogner Proposals were given a green light. The helicopter proposal had not only been given a "NO" but now they were forbidden in the park. This all being done without any justifiable evidence that helicopters are incompatible, as multiple use, on the outer or periphery zone of the park.

D.N.R. claims to base their evidence on the results of the meetings they conducted and the input or responses received. Yet review of their responses reflects a far larger percentage in favor of the helicopter landings than opposed. Independent surveys conducted by Dittman Research Corporation for the ACVB conclude 61 - 65% of those polled think helicopter landings are appropriate. DNR's response sheets, of which you have a copy show the grand total to be 68% for and 32% against. Because of these figures, and the approach we have taken regarding this issue, we feel we have not been treated objectively with regards to this use of the park.

Testimony  
April 20, 1988  
Page 2

Both proposals as indicated in the October 23, 1987 letter to Commissioner Brady are clean, non-obtrusive and environmentally sound. Impact on total environment would be zero to negligible. The Twin Peaks proposal is a prime example of how we can increase tourism, increase our economy, utilize a proven resource, complete it with private enterprise and involve no government spending. It also affords the possibilities of revenue for the CSP System.

It is evident that more physical numbers are for this use of the park than against it. The DNR's decision leads one to believe they rate public input. If the DNR weights the method of receipt of the public input (example: public testimony vs letters vs form letters) then it penalizes civically and professionally minded people, if they express their position other than by public appearance or formal letter. In an election "Is a vote by absentee ballot less significant than if completed at a balloting site?"

I am asking for a clarification on the intended use of the periphery zone of the park. Did the Legislature intend to prohibit this possible use of the park?

We believe SCR #62 is justified. We feel it is in appropriate that a park, set aside for wilderness, natural area and multiple use not be used for those intended purposes.

Since the park's inception in 1970 and the original master plan of the early 1980's the plan has been ammended and regulated to no longer allow anyone other than a hiker or skier to utilize the park. No other level of use is allowed.

If Federal Lands, under the most restrictive regulations, still allow helicopter permits why not state land - where the issue of wilderness or natural zones of the park are not even the issue.

Allow us, under strict guidelines, to show this can be done in an environmentally sound manner.

Thank you.



## Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-586-2345

### SCR 62 RECONSIDER USE OF HELICOPTERS IN CHUGACH STATE PARK

SCR 62 reflects a flagrant disregard for a clear and systematic planning process used in managing Alaska's state parks. Recently the Division of Parks and the Chugach State Park Citizens Advisory Board held hearings and received extensive public input on the issue of allowing helicopter landings in Chugach State Park near Eagle River.

Responders who testified at these hearings overwhelmingly opposed allowing landings even at the one site which had been under consideration by DNR. In addition, nearly 80% of those writing individual letters opposed any commercial helicopter landing activity for either recreational or sightseeing pursuits.

SCR 62 requests the Commissioner of DNR, a public official in charge of public lands to discount a mandated public process, in order to accommodate a private pursuit for profit which is opposed by local users and adjacent community residents.

AEL is opposed to SCR 62 for the following reasons:

- Appropriate public hearings on the issue were already held in four locations in the vicinity of Chugach State Park
- Public review and comment records were open on this issue for eight months, from February to October 1987.
- Use of helicopters to access the wilderness is inconsistent with other wilderness-dependent uses, primarily because of the noise impact and pressure on wildlife; low fly-overs already cause conflict.
- Access to alpine areas for physically disadvantaged people is more easily, safely, and economically achieved by the use of motor vehicles to other accessible sites in the park.

SCR 62 undermines the public input process which has clearly outlined the incompatibility of helicopter use in a natural area. It requires a duplication of effort at public expense. AEL opposes this resolution and urges DNR to stand by its conclusions published in the Chugach State Park Master Plan Amendments, October 1987.

Issue paper prepared by Patty Brown, 19 April 1988.

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • JUNEAU GROUP, SIERRA CLUB • SITKA GROUP, SIERRA CLUB  
 KNIK GROUP, SIERRA CLUB • DENALI GROUP, SIERRA CLUB • ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY  
 DENALI CITIZENS' COUNCIL • ALASKA FRIENDS OF THE EARTH • JUNEAU AUDUBON SOCIETY • KACHEMAK WAY CONSERVATION SOCIETY  
 KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • ALASKA WILDLIFE ALLIANCE  
 SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER • SOUTHEAST ALASKA CONSERVATION COUNCIL  
 KNIK KANGERS AND KAYAKERS

ALASKA AIR CARRIERS ASSOCIATION

RESOLUTION #2

WHEREAS, Chugach State Park was created to provide the public with a variety of recreation oppcrtunities; and

WHEREAS, the Department of Natural Resources has refused to permit any form of helicopter tour to Chugach State Park; and

WHEREAS, there are no reasonable and affordable opportunities for Anchorage based helicopter tours to alpine areas other than Chugach State Park; and

WHEREAS, nothing in the statute which created Chugach State Park precludes the use of helicopters for access to the Park; and

WHEREAS, helicopter tours are allowed under a permit system in federal wilderness, which is the most restrictive form of federal land management; and

WHEREAS, reasonable conditions and limitations have been offered to reduce the impact of helicopter tours to other users of the Park; and

WHEREAS, the hearing on the decision to reject helicopter use of the Park was held at the same time as the decision to allow a ski development within the Park, which was a much larger issue,

NOW THEREFORE, BE IT RESOLVED, that the Alaska Air Carriers Association strongly endorses HCR 51 and urges its passage this session.

BY: Bob Engelbrecht DATE: 3/21/88  
Bob Engelbrecht  
Executive Committee  
Alaska Air Carriers Association

# We Alaskans

THE ANCHORAGE DAILY NEWS MAGAZINE

NOVEMBER 29, 1967

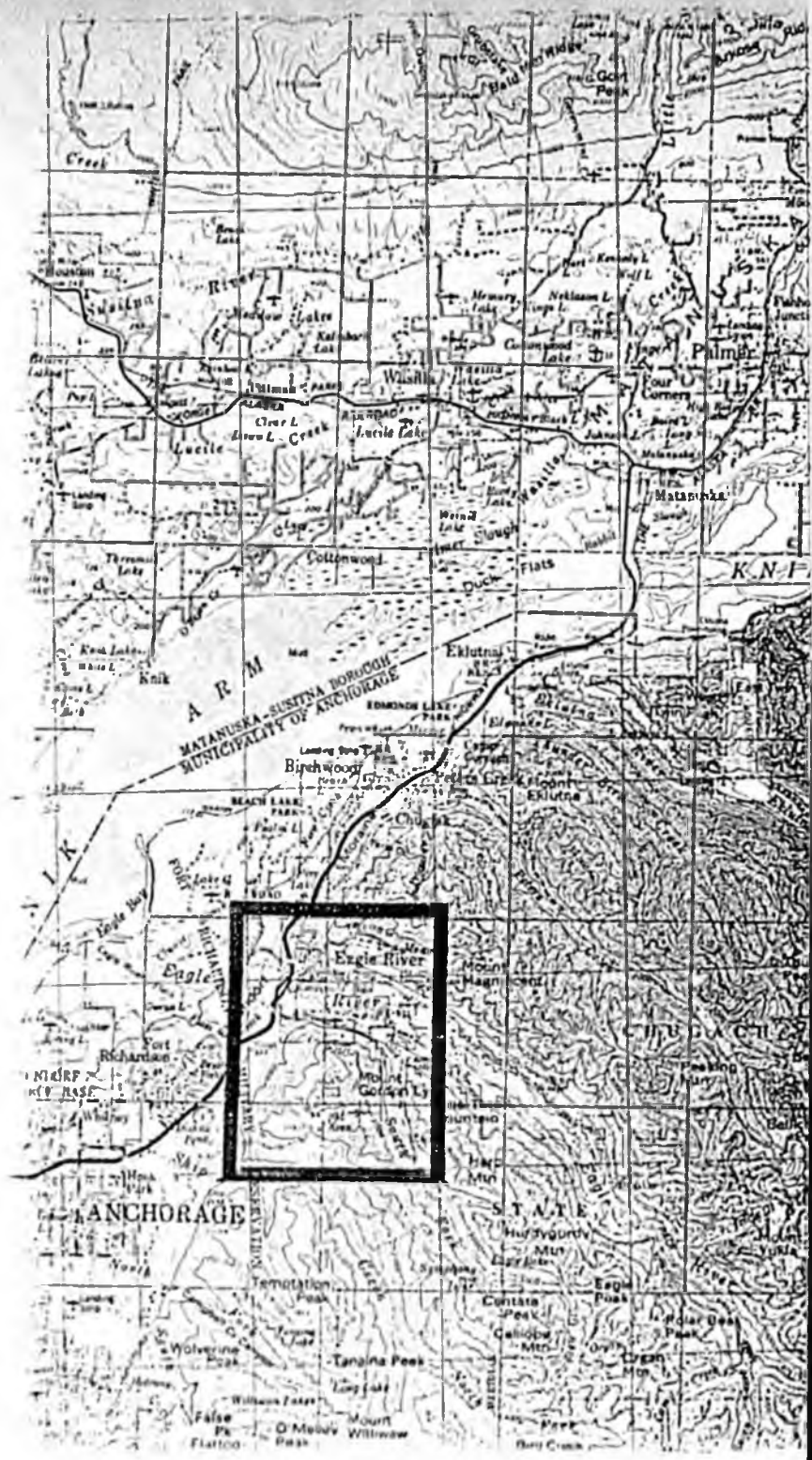
## Marketing the wilderness in lean times

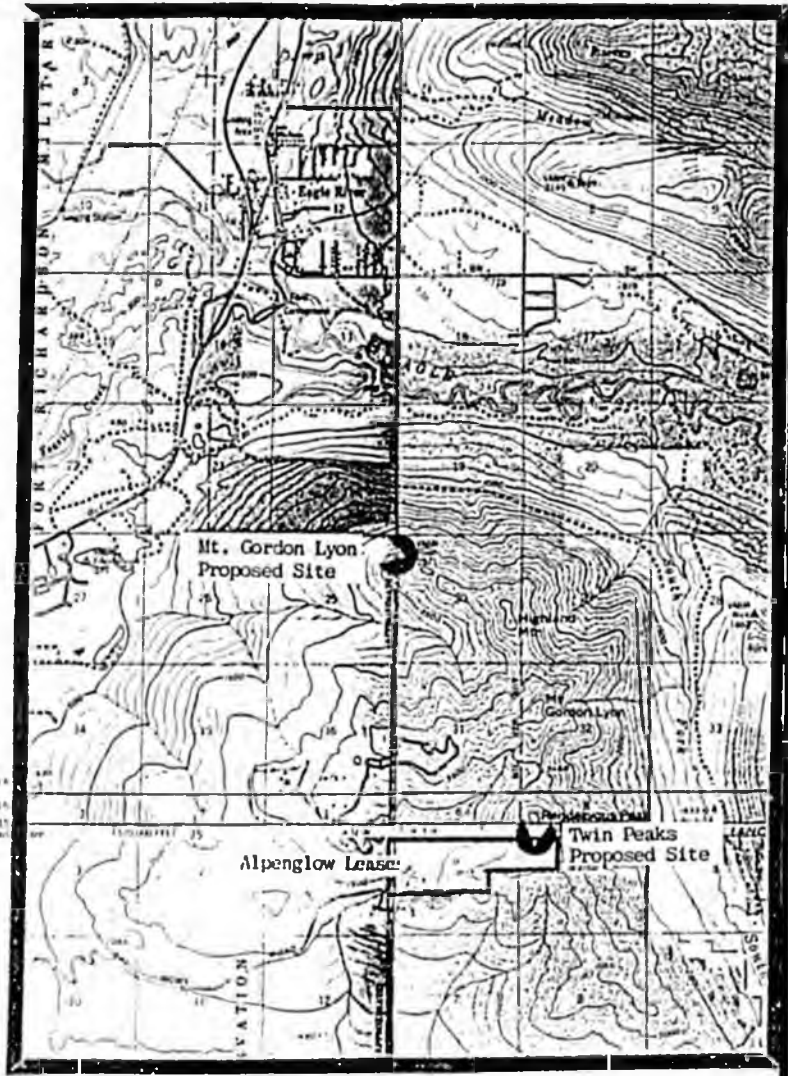
**Parks Boss Neil Johannsen**



Anchorage Daily News/Bob Halinen

Neil Johannsen, Alaska's state parks director, surveys the Eagle River Valley from a helicopter.





LANE 017



**ATs**

**Alaska Travel Specialists, Inc.**

March 30, 1988



House Resource Committee  
Rep. Sam Cotten/Adelheid Hermann  
Co-Chairman  
PO Box V  
Juneau, Alaska 99811

*File  
SO  
Her  
SI*

Dear Rep. Cotten,

This letter is to voice my approval for Resolution No. 51 in allowing landing areas to be designated on the edge of Chugach State Park.

If other developments are allowed to take place inside the park, then this landing area is quite reasonable. Federal Lands even allow this type of operation, so why not a State Park?

I like the idea of the park being put to multiple uses, and this would open it up even more for other people to enjoy in a different way. It would open up other ways of tourism to prosper in our great state!

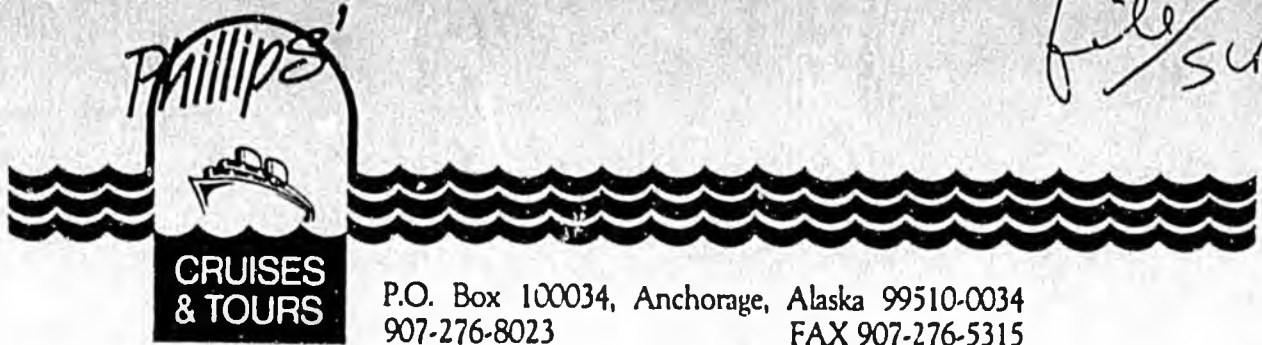
Thank you for your attention to this letter.

Sincerely,

Les Reynolds  
President



123 EAST FIREWEED LANE • ANCHORAGE, ALASKA 99503  
907/274-2473 TELEX: 495-6514



March 30, 1988

Representative Sam Cotten  
Co-Chairman  
House Resource Committee  
P.O. Box V  
Juneau, Alaska 99811

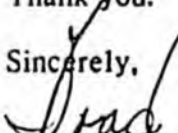
The Honorable Sam Cotten:

It is my understanding that you have before your committee, HCR-51 and further that you anticipate hearings on this measure on April 4, 1988.

Although our company would not directly benefit from favorable consideration of this resolution, we fully understand how the entire tourist industry and consequently, the entire state benefits when we make it possible for visitors to visit new attractions. I have spent 40 years in Alaska helping develop new attractions for our visitors and I strongly support this resolution because I don't believe that any detrimental effects can be anticipated.

Chugach State Park is a scenic attraction and visitors and Alaskans should be able to enjoy it. The Feds do it and so should we. Count me for a strong YEA.  
Thank you.

Sincerely,

  
BRAD PHILLIPS  
President

The originators of Alaska's "26 Glaciers In One Day" cruise.



Alaska Helicopters, Inc.

---

April 2, 1988

Representative Sam Cotten  
Chairman House Resources Committee  
Alaska State Legislature  
Juneau, AK 99811

Dear Representative Cotten,

In regards to HCR #51, I would like to state my support for the reconsideration of the use of helicopters within Chugach State Park. I base my statement on two major concerns:

First, when the issue was originally considered it was a secondary issue included in the public hearing process along with the Eagle River ski area proposal. I feel that it was treated more as an attachment and ultimately as a trade off than an issue considered on its own merits and demerits.

Second, that the issue of helicopter access in Chugach State Park is inherently biased as a local matter due to the nature of the populace who would actually benefit. The very people who would benefit are those persons who are the future Alaska visitors and not the residents of the area who have little or no interest and thus oppose the matter. The market for helitour adventures is over 90% cruise only or cruise/tour passengers. These potential visitors do not have a voice. It is only these "absentee" persons and those in the tour industry who are the real proponents of the proposed program. Thus, the public hearing process allows only those who are sympathetic to Alaska Helicopters' effort and the opponents who have no direct benefits to derive from such an activity. The indirect "trickle-down" benefit is a hard sell in such a case.

The second concern is one which I see as a very difficult problem to address in light of the public process. I feel it is a valid concern and hope that the Committee sees it as such also.

Sincerely,

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

L. Frederick Dure  
Marketing  
HeliTour Alaska Program/Alaska Helicopters, Inc.

*Discover Another World!*

6400 S. Airpark Drive Anchorage, Alaska 99502 (907) 243-1466/243-3404 Telex: 25-372



# Alaska Sightseeing Tours

TravAlaska

349 Wrangell St., Anchorage, AK 99501  
(907) 276-7141 • Telex: (090) 26563 • Fax: (907) 276-2155

April 1, 1988

House Resource Committee  
Representative Sam Cotten/Adelheid Herman Co-Chairman  
P.O. Box V  
Juneau, AK 99811

Dear Mr. Cotten:

The tourism industry has been growing steadily each year. With such growth, additional adventurous tours would be very beneficial.

Alaska Helicopters, Inc. has a proposed itinerary to land on the edge of Chugach State Park with an air tour. It seems that one or two areas of the Park would be permissible, and environmentally sound to land a helicopter.

One item that baffles me is the fact that if Federal Lands, under the most restrictive regulations allow this type of operation, why not state lands.


I feel such a program (itinerary including landing at the Park) will be an enhancement to those tours currently offered. Any help you could lend would be greatly appreciated.

Sincerely,

*Megan Mellor*

Megan Mellor  
Sales Supervisor

cc: Harry Wheeler  
John Kreilkamp  
Dale V. Sellin

ROYAL VIKING LINE 

750 Battery Street San Francisco, California 94111 Phone (415) 398-8000

31 March 1988

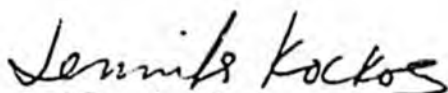
House Resource Committee  
Representatives Sam Cotton/Adelheid Hermann Co-Chairmen  
P.O. Box V  
Juneau, AK 99811

I am writing to you in support of House Concurrent Resolution No. 51, relating to the use of helicopters and snowmachines in Chugach State Park.

A landing strip for helicopters on the edge of the park would better serve our passengers by providing another tour option. It would seem reasonable to assume that such an area could be found that is both convenient and environmentally sound.

I urge you to pass this legislation in a timely fashion.

Sincerely,



Jennifer Kockos  
Manager, Shore and Land Programs  
Royal Viking Line

BJS/

cc: Steven Smith, Dir. of Operations  
Heli-Tour Alaska



March 30, 1988

House Resource Committee  
Representatives Sam Cotten/Adelheid Hermann Co-Chairman  
P.O. Box V  
Juneau, Alaska 99811

Dear Sirs:

As a major tour operator in Alaska, we encourage the development of a great variety of attractions in Alaska. We believe that the more variety of attractions available in Alaska the more visitors will be attracted to visit "the Great Land". The Anchorage area in particular needs additional quality attractions to continue to build our visitor base and tourism employment.

It is for this reason that I am writing to support the request by Alaska Helicopters to allow landing area on the edge of Chugach State Park.

As I am sure you are aware the helicopter trip to Mendenhall Glacier has become a major attraction in Juneau and they have been operating safely for several years and with a minimum of environmental impact.

I don't believe that the Chugach service would develop to anywhere near the volume that has happened in Juneau. We believe strongly that such a service could be operated in a safe and environmentally sound way while adding to the attractiveness of Anchorage and Alaska as a visitors destination.

We are in no way involved in the helicopter or air business other than as being an agent to sell such sightseeing tours.

If I can be of any further assistance please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Tougas", written over a light-colored background.

Thomas C. Tougas  
Vice President  
TRANSPORTATION DIVISION

TCT/sch



# Alaska Sightseeing Tours

**TravAlaska**

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March 31, 1988

House Resources Committee  
Representatives Sam Cotten/  
Adelheid Hermann  
P.O. Box V  
Juneau, AK 99811

Dear Rep. Cotten and Rep. Hermann:

I am writing to urge your support of House Resources Concurrent Resolution No. 51, relating to the use of helicopters in Chugach State Park. As operators of a sightseeing service in Anchorage and a tour operator bringing many visitors to the Anchorage area, we welcome the expansion of opportunities for visitors in this area.

The Chugach Range skyline east of Anchorage provides a very attractive backdrop to the city, but opportunities to actually use the mountains and Chugach State Park are very limited to the casual visitor. Helicopter tours to the peaks would provide a thrilling experience to a limited number of visitors, and need not disturb the natural ambiance of the park, if chosen landing areas were carefully sited.

If federal lands allow this type of operation, why shouldn't state lands?

Sincerely,

Floyd E. Fickle  
Administrative Manager

cc: Steven R. Smith

ARA OUTDOOR



WORLD LTD.

April 1, 1988

House Resource Committee  
Representatives Sam Cotten/Adelheid Hermann Co-Chairman  
P. O. Box V  
Juneau, AK 99811

Gentlemen:

This letter is being sent in support of Concurrent Resolution  
No. 51.

While all use in protected areas is subject to high environmental  
standards, the areas are for public use and proper locations within areas  
can usually be found to protect and provide access.

Cordially,

A handwritten signature in cursive script, appearing to read "George C. Fieharty".

George C. Fieharty  
President

GCF:ln

cc: Steven R. Smith