

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

5493 SRES SR 14 - HB 18

the land (within the Utility Corridor) is valuable for its hard-rock mineral deposits, recreation, transportation, hunting and fishing features. The area also could be open to community development if residents of the area don't object, she said. Amazingly enough she never mentions the subsistence industry. It is not even being considered by state policy makers. Again, don't the people in Stevens Village and rural Alaska count? or are they not there? or what?? WHAT IS GOING ON IN ALASKA NOW??? What is the plan? Is this just ethnocentric thinking? Or is it just plain ignorance or racism? What is the matter? We need to know the answer so that we can correct it to see that it doesn't happen anymore.

Dinyee was not allowed to select any land near the haul road for economic development purposes because the land was withdrawn under an emergency defense act for the national interest. What has changed now? There could be another energy crisis in the future. The Utility Corridor is for transportation purposes and for reasons of safety and efficiency it needs to remain free of settlement and/or development.

Right now the people of Stevens Village and rural Alaska in general are in a life and death struggle with the State of Alaska and the new western culture in general. Is the State of Alaska going to wake up and realize that they are a people and are not going away because they have no place to go; or is the state not going to let them exist in their present cultural form? The BLM should not let the State of Alaska select land in the previously withdrawn haul road corridor.

# 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 Ehason

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

### MEMORANDUM

TO: Senate Resource Committee Members

FROM: Senate Resource Committee Staff

RE: SR 14; Relating to the Bureau of Land Management draft Utility  
Corridor Resource Management Plan.

DATE: May 1, 1987

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#### Contents of bill packet:

- 1) Sponsors Memorandum
- 2) Zero Fiscal Note
- 3) Public Land Order 5150
- 4) DNR proposed amendment
- 5) Sponsors committee substitute

Senator John B. (Jack) Coghill  
Alaska State Legislature



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Box 55028  
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(907) 488-0862

MEMORANDUM

TO: Senate Resource Committee Members  
FROM: Senator Coghill  
RE: SR 14; Relating to the Bureau of Land Management draft Utility Corridor Resource Management Plan.  
DATE: May 1, 1987

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This BLM management plan is presently under going an in-house technical review. The plan will be released for public review in late June or early July. This resolution will give timely direction to the BLM regarding this management plan.

After having talked with personnel within the BLM in regards to this plan which has been in the drafting process for several months, I have added 6 amendments to the resolution, they are numbers (1) and (11) through (15) of the work draft dated 4/30/87.

I have no objection to the DNR proposed amendment included in your packets.

This resolution has been drafted with the cooperation of not only the BLM, but also those who use the corridor on a regular basis, for this reason I think the resolution says it all. My primary purpose for introducing this resolution is to ensure that the current use of the Utility Corridor remains its primary function in the new management plan.

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## Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5150]

[Fairbanks 14223, Anchorage 6473]

### ALASKA

#### Withdrawal of Public Lands for a Utility Corridor

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4631), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws (except for location for metalliferous minerals under the mining laws (30 U.S.C., ch. 2)) and is also withdrawn from leasing under the mineral leasing laws and from selection by the State of Alaska under the Alaska Statehood Act (72 Stat. 339) and from selection by any native group or village or regional corporation under the Alaska Native Claims Settlement Act of December 18, 1971, Public Law 92-203, and reserved as a utility and transportation corridor within the meaning of section 17(c) of said Alaska Native Claims Settlement Act in aid of programs for the U.S. Government and the State of Alaska:

#### UMIAT MERIDIAN

##### PROTRACTED DESCRIPTIONS

Tps. 1 to 8 N., R. 13 E.  
Tps. 1 to 8 N., R. 14 E.  
Tps. 1 to 8 N., R. 15 E.  
Tps. 16 to 17 S., R. 10 E.  
Tps. 9 to 17 S., R. 11 E.  
Tps. 8 to 15 S., R. 12 E.  
Tps. 1 to 11 S., R. 13 E.  
Tps. 1 to 11 S., R. 14 E.  
Tps. 1 to 7 S., R. 15 E.

#### UMIAT MERIDIAN

##### SURVEYED DESCRIPTIONS

T. 9 N., Rs. 12 to 16 E.  
T. 10 N., Rs. 12 to 17 E.  
T. 11 N., Rs. 12 to 17 E.  
T. 12 N., Rs. 12 to 17 E.  
T. 13 N., Rs. 12 to 17 E.

#### FAIRBANKS MERIDIAN

##### PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.  
T. 2 N., R. 1 W.  
Sec. 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 3, lots 1, 2, 3, S $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{4}$ ;  
Sec. 10, N $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 3 N., R. 1 W.  
Tps. 3 to 5 N., R. 2 W.  
Tps. 4 to 6 N., R. 3 W.  
Tps. 5 and 6 N., R. 4 W.  
T. 7 N., R. 4 W.  
Secs. 19 to 30, inclusive.  
Tps. 6 and 7 N., R. 5 W.  
T. 8 N., R. 5 W.  
Secs. 4 to 9, inclusive;  
Secs. 10 to 21, inclusive;  
Secs. 28 to 33, inclusive.  
Tps. 7 to 9 N., R. 6 W.  
Tps. 8 to 10 N., R. 7 W.  
Tps. 9 to 11 N., R. 8 W.  
Tps. 10 to 12 N., R. 9 W.  
Tps. 33 to 37 N., R. 9 W.  
Tps. 11 to 13 N., R. 10 W.  
Tps. 30 to 37 N., R. 10 W.  
Tps. 12 to 16 N., R. 11 W.  
Tps. 27 to 36 N., R. 11 W.  
Tps. 13 to 18 N., R. 12 W.  
Tps. 25 to 32 N., R. 12 W.  
Tps. 14 to 28 N., R. 13 W.  
Tps. 17 to 25 N., R. 15 W.  
Tps. 19 to 24 N., R. 16 W.  
Tps. 15 to 27 N., R. 14 W.

#### FAIRBANKS MERIDIAN

##### SURVEYED DESCRIPTIONS

T. 4 S., R. 5 E.;  
Secs. 19 and 30.  
T. 10 S., R. 10 E.,  
Secs. 2, 3, and 11.  
T. 11 S., R. 10 E.,  
Sec. 20, lots 6, 7, 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 12 S., R. 10 E.,  
Sec. 3;  
Sec. 4, E $\frac{1}{2}$ ;  
Sec. 9, E $\frac{1}{2}$ ;  
Secs. 10, 14, and 15;  
Sec. 23, E $\frac{1}{2}$ ;  
Sec. 23;  
Sec. 26, W $\frac{1}{2}$ ;  
Sec. 27, E $\frac{1}{2}$ ;  
Sec. 34, E $\frac{1}{2}$ ;  
Sec. 35, that portion west of the lands described in Public Law 87-334.

#### FAIRBANKS MERIDIAN

##### PROTRACTED DESCRIPTIONS

T. 1 S., R. 2 E.,  
Secs. 14 and 15;  
Sec. 21, S $\frac{1}{2}$ ;  
Secs. 23, 26, and 27.  
T. 4 S., R. 5 E.  
T. 5 S., R. 5 E.  
T. 5 S., R. 6 E.  
T. 6 S., R. 7 E.  
T. 6 S., R. 8 E.  
T. 14 S., R. 9 E., that portion south of the lands described in Public Law 87-327.  
Tps. 15 to 18 S., R. 9 E.  
T. 13 S., R. 10 E.,  
Secs. 28, 29, 32, and 33.  
T. 14 S., R. 10 E.,  
Secs. 30 and 31, that portion east of the lands described in Public Law 87-327.  
Tps. 15 to 18 S., R. 10 E.  
Tps. 17, 19, 20 S., R. 11 E.  
T. 21 S., R. 12 E.

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COPPER RIVER MERIDIAN  
 PROTRACTED DESCRIPTIONS

T. 11 N., R. 1 W.,  
 Secs. 28, W $\frac{1}{4}$ ;  
 Sec. 29.  
 T. 5 N., R. 1 W.,  
 Secs. 4 to 9, inclusive;  
 Secs. 17 and 18.  
 T. 4 N., R. 2 W.,  
 Secs. 1, 12, and 13.  
 T. 9 S., R. 3 W.,  
 Secs. 3 to 10, inclusive.  
 T. 9 S., R. 6 W.,  
 Secs. 10 to 30, inclusive.  
 T. 9 S., R. 7 W.,  
 Sec. 13;  
 Sec. 14, SE $\frac{1}{4}$ , E $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 2, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 Sec. 24.

The areas described, including both public and nonpublic lands, aggregate approximately 6,343,300 acres.

2. The following described lands are also withdrawn from prospecting, location, and purchase under the U.S. mining laws (30 U.S.C., ch. 2):

UMIAT MERIDIAN  
 SURVEYED DESCRIPTIONS

T. 9 N., Rs. 12 to 16 E.  
 T. 10 N., Rs. 12 to 17 E.  
 T. 11 N., Rs. 12 to 17 E.  
 T. 12 N., Rs. 12 to 17 E.  
 T. 13 N., Rs. 12 to 17 E.

UMIAT MERIDIAN  
 PROTRACTED DESCRIPTIONS

T. 1 N., R. 13 E.,  
 Secs. 1, 12, 13, 24, 25, and 30.  
 T. 5 N., R. 13 E.,  
 Secs. 1 to 3, inclusive;  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 27, inclusive;  
 Secs. 34 to 36, inclusive.  
 T. 6 N., R. 13 E.,  
 Secs. 1 to 3, inclusive;  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 27, inclusive;  
 Secs. 34 to 36, inclusive.  
 T. 7 N., R. 13 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 Tps. 1 to 6 N., R. 14 E.  
 T. 7 N., R. 14 E.,  
 Secs. 3 to 10, inclusive;  
 Secs. 18 to 21, inclusive;  
 Secs. 29 to 33, inclusive.  
 T. 8 N., R. 14 E.  
 T. 1 N., R. 15 E.,  
 Secs. 3 to 10, inclusive;  
 Secs. 16 to 21, inclusive;  
 Secs. 28 to 33, inclusive.  
 T. 2 N., R. 15 E.,  
 Secs. 4 to 9, inclusive;  
 Secs. 16 to 21, inclusive;  
 Secs. 28 to 33, inclusive.

T. 8 N., R. 15 E.,  
 Secs. 6, 7, 18, 19, 30, and 31.  
 T. 16 S., R. 10 E.,  
 Sec. 13;  
 Secs. 23 to 27, inclusive;  
 Secs. 34 to 36, inclusive.  
 T. 17 S., R. 10 E.,  
 Secs. 1, 2, and 3.  
 T. 10 to 12 S., R. 11 E.  
 T. 13 S., R. 11 E.,  
 Secs. 25, 35, and 36.  
 T. 14 S., R. 11 E.,  
 Secs. 1 to 3, inclusive;  
 Secs. 10 to 13, inclusive;  
 Secs. 24, 25, and 36.  
 T. 15 S., R. 11 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 22 to 28, inclusive;  
 Secs. 33 to 36, inclusive.  
 T. 16 S., R. 11 E.,  
 Secs. 2 to 11, inclusive;  
 Secs. 15 to 22, inclusive;  
 Secs. 28 to 32, inclusive.  
 T. 17 S., R. 11 E.,  
 Secs. 5 and 6.  
 T. 13 S., R. 12 E.,  
 Secs. 2 to 11, inclusive;  
 Secs. 14 to 23, inclusive;  
 Secs. 28 to 35, inclusive.  
 Tps. 1 to 12 S., R. 12 E.  
 T. 14 S., R. 12 E.,  
 Secs. 3 to 10, inclusive;  
 Secs. 15 to 22, inclusive;  
 Secs. 27 to 34, inclusive.  
 T. 15 S., R. 12 E.,  
 Secs. 4 to 9, inclusive;  
 Secs. 16 to 31, inclusive;  
 Secs. 29 to 32, inclusive.  
 T. 2 S., R. 13 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 T. 3 S., R. 13 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 T. 4 S., R. 13 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 T. 6 S., R. 13 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 T. 7 S., R. 13 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.  
 T. 8 S., R. 13 E.,  
 Secs. 1 to 2, inclusive;  
 Secs. 10 to 15, inclusive;  
 Secs. 22 to 28, inclusive;  
 Secs. 32 to 36, inclusive.

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Tps. 9 to 11 S., R. 13 E.  
T. 1 S., R. 14 E.  
T. 2 S., R. 14 E.  
T. 3 S., R. 14 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.  
T. 4 S., R. 14 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.  
T. 5 S., R. 14 E.  
T. 6 S., R. 14 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.  
T. 7 S., R. 14 E.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.  
T. 8 S., R. 14 E.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 33, inclusive.  
T. 9 S., R. 14 E.,  
Secs. 5 to 8, inclusive;  
Secs. 17 to 20, inclusive;  
Secs. 29 to 32, inclusive.  
T. 1 S., R. 15 E.,  
Secs. 6, 7, 18, 19, 30, 31.

PAIRDANCE MERIDIAN  
PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.  
T. 2 N., R. 1 W.,  
Sec. 2, NW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 3, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 10, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 3 N., R. 1 W.  
T. 3 N., R. 2 W.  
T. 4 N., R. 2 W.,  
Sec. 7;  
Secs. 17 to 21, inclusive;  
Secs. 28 to 34, inclusive.  
T. 4 N., R. 3 W.,  
Secs. 1 to 4, inclusive;  
Secs. 9 to 15, inclusive;  
Secs. 23 to 25, inclusive.  
T. 5 N., R. 3 W.,  
Secs. 2 to 6, inclusive;  
Secs. 8 to 11, inclusive;  
Secs. 13 to 17, inclusive;  
Secs. 21 to 23, inclusive;  
Secs. 33 to 36, inclusive.  
T. 6 N., R. 3 W.,  
Secs. 29 to 35, inclusive.  
T. 6 N., R. 4 W.,  
Sec. 1.  
T. 6 N., R. 4 W.,  
Secs. 3 to 11, inclusive;  
Secs. 14 to 18, inclusive;  
Secs. 21 to 27, inclusive;  
Secs. 35 and 36.  
T. 7 N., R. 4 W.,  
Secs. 10 and 20;  
Secs. 29 to 32, inclusive.  
T. 8 N., R. 6 W.,  
Secs. 1 and 12.

T. 7 N., R. 6 W.,  
Secs. 5 to 8, inclusive;  
Sec. 9, that portion bounded as follows:  
Beginning at the corner common to pro-  
tracted secs. 4, 5, 8, and 9, 45° E., 1.4  
miles to the corner common to pro-  
tracted secs. 9, 10, 15, and 16, west, 1  
mile to the corner common to protracted  
secs. 8, 9, 10, and 17; north, 1 mile to  
the point of beginning;  
Secs. 14 to 18, inclusive;  
Secs. 21 to 27, inclusive;  
Secs. 35 and 36.  
T. 8 N., R. 3 W.,  
Secs. 19 and 20;  
Secs. 29 to 33, inclusive.  
T. 7 N., R. 6 W.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive.  
T. 8 N., R. 6 W.  
T. 9 N., R. 6 W.,  
Secs. 18 to 20, inclusive;  
Secs. 29 to 33, inclusive.  
T. 8 N., R. 7 W.,  
Secs. 1 and 2;  
Secs. 11, 12, and 13.  
T. 9 N., R. 7 W.  
T. 10 N., R. 7 W.,  
Secs. 7 and 8;  
Secs. 16 to 22, inclusive;  
Secs. 26 to 36, inclusive.  
T. 9 N., R. 8 W.,  
Secs. 1, 12, 13, 24, 25, and 36.  
T. 10 N., R. 8 W.,  
Secs. 1 to 10, inclusive;  
Secs. 21 to 27, inclusive;  
Secs. 35 and 36.  
T. 11 N., R. 9 W.,  
Secs. 30 to 33, inclusive.  
T. 10 N., R. 9 W.,  
Secs. 1, 2, and 3.  
T. 11 N., R. 9 W.  
T. 12 N., R. 9 W.,  
Secs. 29 to 33, inclusive.  
T. 33 N., R. 9 W.,  
Secs. 6, 7, 18, 19, 30, and 31.  
T. 37 N., R. 9 W.,  
Secs. 30 and 31.  
T. 11 N., R. 10 W.,  
Secs. 1 to 3, inclusive;  
Secs. 10 to 13, inclusive.  
T. 12 N., R. 10 W.  
T. 13 N., R. 10 W.,  
Sec. 10;  
Secs. 29 to 33, inclusive.  
T. 31 N., R. 10 W.,  
Secs. 3 to 10, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 29 to 31, inclusive.  
T. 32 N., R. 10 W.,  
Secs. 2 to 5, inclusive;  
Secs. 8 to 11, inclusive;  
Secs. 14 to 17, inclusive;  
Secs. 19 to 23, inclusive;  
Secs. 27 to 33, inclusive.

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- T. 33 N., R. 10 W.,  
Secs. 1 to 3, inclusive;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 33 to 36, inclusive.  
Tps. 34 to 30 N., R. 10 W.
- T. 37 N., R. 10 W.,  
Secs. 25 to 27, inclusive;  
Secs. 34 to 36, inclusive.
- T. 12 N., R. 11 W.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive;  
Secs. 23 to 26, inclusive.
- T. 13 N., R. 11 W.,  
T. 29 N., R. 11 W.,  
Secs. 6, 7, and 18.
- T. 30 N., R. 11 W.,  
Secs. 1 to 10, inclusive;  
Secs. 16 to 20, inclusive;  
Secs. 29 to 32, inclusive.
- T. 31 N., R. 11 W.,  
Secs. 1, 12, and 13;  
Secs. 23 to 28, inclusive;  
Secs. 32 to 36, inclusive.
- T. 32 N., R. 11 W.,  
Sec. 36.
- T. 13 N., R. 12 W.,  
Secs. 1, 2, and 3;  
Secs. 11 to 14, inclusive;  
Secs. 23 to 25, inclusive.
- T. 14 N., R. 12 W.,  
T. 15 N., R. 12 W.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 32, inclusive.
- T. 16 N., R. 12 W.,  
Sec. 19;  
Secs. 29 to 32, inclusive.
- T. 25 N., R. 12 W.,  
Secs. 5, 6, 7, 18, and 19.
- T. 26 N., R. 12 W.,  
Secs. 30 and 31.
- T. 27 N., R. 12 W.,  
Secs. 5 to 8, inclusive;  
Secs. 17 to 20, inclusive.
- T. 28 N., R. 12 W.,  
Secs. 2 to 5, inclusive;  
Secs. 8 to 11, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 29 to 32, inclusive.
- T. 29 N., R. 12 W.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 30 N., R. 12 W.,  
Secs. 13, 24, 25, and 36.
- T. 14 N., R. 13 W.,  
Secs. 1, 12, 13, and 24.
- T. 15 N., R. 13 W.,  
Secs. 1 and 2;  
Secs. 11, 12, and 13;  
Secs. 24, 25, and 36.
- T. 16 N., R. 13 W.,  
T. 17 N., R. 13 W.,  
Secs. 4 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 26 to 30, inclusive.
- T. 18 N., R. 13 W.,  
Sec. 31.
- T. 24 N., R. 13 W.,  
Secs. 4 to 9, inclusive;  
Secs. 17, 18, 19, and 30.

- T. 26 N., R. 13 W.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive;  
Secs. 21 to 28, inclusive;  
Secs. 32 to 35, inclusive.
- T. 20 N., R. 13 W.,  
Secs. 1 to 3, inclusive;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34 to 36, inclusive.
- T. 27 N., R. 13 W.,  
Secs. 1 and 2;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34 to 36, inclusive.
- T. 28 N., R. 13 W.,  
Secs. 13, 24, 25, 26, 35, and 36.
- T. 17 N., R. 14 W.,  
Secs. 1, 2, and 12.
- T. 18 N., R. 14 W.,  
Secs. 1 to 17, inclusive;  
Secs. 21 to 28, inclusive;  
Secs. 33 to 36, inclusive.
- T. 19 N., R. 14 W.,  
Secs. 18 to 20, inclusive;  
Secs. 28 to 33, inclusive.
- T. 21 N., R. 14 W.,  
Secs. 4 to 9, inclusive;  
Secs. 15 to 21, inclusive;  
Secs. 28 to 33, inclusive.
- T. 22 N., R. 14 W.,  
Secs. 5 to 8, inclusive;  
Secs. 17 to 20, inclusive;  
Secs. 29 to 33, inclusive.
- T. 23 N., R. 14 W.,  
Secs. 2 to 5, inclusive;  
Secs. 7 to 11, inclusive;  
Secs. 15 to 21, inclusive;  
Secs. 28 to 32, inclusive.
- T. 24 N., R. 14 W.,  
Secs. 12 to 14, inclusive;  
Secs. 22 to 28, inclusive;  
Secs. 33 to 36, inclusive.
- T. 19 N., R. 15 W.,  
Secs. 1 to 5, inclusive;  
Secs. 9 to 15, inclusive;  
Secs. 23 to 25, inclusive;  
Sec. 36.
- T. 20 N., R. 15 W.,  
T. 21 N., R. 15 W.,  
Secs. 1 and 2;  
Secs. 11 and 14, inclusive;  
Secs. 23 to 26, inclusive;  
Secs. 35 and 36.
- T. 22 N., R. 15 W.,  
Secs. 1 to 3, inclusive;  
Secs. 11 to 14, inclusive;  
Secs. 23 to 26, inclusive;  
Secs. 35 and 36.
- T. 23 N., R. 15 W.,  
Sec. 13;  
Secs. 23 to 27, inclusive;  
Secs. 34 to 36, inclusive.

FAIRBANKS MERIDIAN  
SURVEYED DESCRIPTIONS

- T. 4 S., R. 5 E.,  
Secs. 10 and 30.
- T. 10 S., R. 10 E.,  
Secs. 2, 3, and 11.
- T. 11 S., R. 10 E.,  
Sec. 28, lots 5, 6, 7, 8, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
SE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$   
NE $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$ .

Federal Register Data

Published: 12/31/71 Vol.: 36  
 No.: 252 Page: 25410

PLO No.: 5150  
 Date PLO signed: 12/28/71

T. 12 S., R. 10 E.,  
 Sec. 3;  
 Sec. 4, E $\frac{1}{2}$ ;  
 Sec. 9, E $\frac{1}{2}$ ;  
 Secs. 10, 14, and 15;  
 Sec. 22, E $\frac{1}{2}$ ;  
 Sec. 23;  
 Sec. 26, W $\frac{1}{2}$ ;  
 Sec. 27, E $\frac{1}{2}$ ;  
 Sec. 34, E $\frac{1}{2}$ ;  
 Sec. 35, that portion west of the lands described in Public Law 87-334.

## FAIRBANKS MERIDIAN

## PROTRACTED DESCRIPTIONS

T. 1 S., R. 2 E.,  
 Secs. 14 and 15;  
 Sec. 21, S $\frac{1}{2}$ ;  
 Secs. 23, 26, and 27.  
 T. 4 S., R. 5 E.  
 T. 5 S., R. 5 E.  
 T. 5 S., R. 6 E.  
 T. 6 S., R. 7 E.  
 T. 6 S., R. 8 E.  
 T. 14 S., R. 9 E.,  
 Secs. 34, 35, and 36.  
 T. 15 S., R. 0 E.,  
 Secs. 1, 2, and 3.  
 T. 16 S., R. 9 E.,  
 Secs. 1 and 2;  
 Secs. 24, 25, and 26.  
 T. 13 S., R. 10 E.,  
 Secs. 20, 21, 32, and 33.  
 T. 14 S., R. 10 E.,  
 Secs. 4 and 5;  
 Secs. 6 and 7, that portion east of the land described in Public Law 87-327;  
 Secs. 8, 9, 10, and 17;  
 Sec. 18, that portion east of the Delta River;  
 Secs. 19, 20, and 21;  
 Secs. 28 to 33, inclusive.  
 T. 15 S., R. 10 E.,  
 Secs. 4 to 9, inclusive;  
 Secs. 16 to 21, inclusive;  
 Secs. 20 to 33, inclusive.  
 T. 16 S., R. 10 E.,  
 Secs. 4 to 9, inclusive;  
 Sec. 10, that portion north of the lands described in PLO 2622 and PLO 1503;  
 Sec. 17, that portion north and west of the lands described in PLO 2622 and PLO 1503;  
 Secs. 18 and 19;  
 Sec. 20, that portion west of the lands described in PLO 2622 and PLO 1503;  
 Sec. 28, that portion south of the lands described in PLO 2622;  
 Sec. 29, that portion south and west of the lands described in PLO 2622;  
 Secs. 30 to 33, inclusive.  
 T. 17 S., R. 10 E.,  
 Sec. 3, excluding that portion described in PLO 1804;  
 Secs. 4 and 5;  
 Secs. 8 and 11, inclusive;  
 Secs. 14 to 28, inclusive;  
 Secs. 35 and 36.  
 T. 18 S., R. 10 E.,  
 Secs. 1 and 2;  
 Secs. 11 to 14, inclusive;  
 Secs. 23 to 26, inclusive;  
 Secs. 35 and 36.

T. 19 S., R. 10 E.,  
 Secs. 1 to 3, inclusive;  
 Secs. 10 to 16, inclusive;  
 Secs. 21 to 27, inclusive;  
 Secs. 34 to 36, inclusive.  
 T. 17 S., R. 11 E.,  
 Secs. 19, 29, 30, 31, and 32  
 T. 18 S., R. 11 E.,  
 Secs. 5 to 8, inclusive;  
 Secs. 17 to 20, inclusive;  
 Secs. 29 to 32, inclusive.  
 T. 19 S., R. 11 E.,  
 Secs. 4 to 9, inclusive;  
 Secs. 16 to 21, inclusive;  
 Secs. 28 to 33, inclusive.  
 T. 20 S., R. 11 E.  
 T. 21 S., R. 12 E.  
 T. 22 S., R. 12 E.,  
 Secs. 3, 4, 5, 8, 9, and 10;  
 Secs. 15 to 22, inclusive;  
 Secs. 28 to 33, inclusive.

## COPPER RIVER MERIDIAN

## SURVEYED DESCRIPTIONS

T. 1 N., R. 1 E.,  
 Sec. 6, E $\frac{1}{2}$ ;  
 Sec. 6, N $\frac{1}{2}$  and SE $\frac{1}{4}$ ;  
 Sec. 8, NW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
 Secs. 9 and 23.  
 T. 2 N., R. 1 E.,  
 Sec. 10;  
 Sec. 30, W $\frac{1}{2}$ ;  
 Sec. 31, W $\frac{1}{2}$ .  
 T. 2 N., R. 1 W.,  
 Secs. 2, 3, 10, 11, 14, 15, 23, and 24;  
 Sec. 25, N $\frac{1}{2}$  and SE $\frac{1}{4}$ .  
 T. 3 N., R. 1 W.,  
 Sec. 8, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 17, E $\frac{1}{2}$ .  
 T. 4 N., R. 1 W.,  
 Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and W $\frac{1}{2}$ ;  
 Sec. 31;  
 Sec. 32, SW $\frac{1}{4}$ .  
 T. 4 N., R. 2 W.,  
 Sec. 24, S $\frac{1}{2}$ ;  
 Sec. 25.  
 T. 1 S., R. 1 E.,  
 Secs. 2 and 3;  
 Secs. 10 and 11;  
 Secs. 14 and 15;  
 Secs. 22 to 27, inclusive;  
 Secs. 34, 35, and 36.

## COPPER RIVER MERIDIAN

## PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.,  
 Secs. 1, 2, and 12.  
 T. 2 N., R. 1 W.,  
 Secs. 4 and 9.  
 T. 5 N., R. 1 W.,  
 Secs. 4 to 9, inclusive;  
 Secs. 17 and 18.  
 T. 6 N., R. 1 W.,  
 Secs. 2 to 11, inclusive;  
 Secs. 14 to 22, inclusive;  
 Secs. 27 to 34, inclusive.  
 T. 7 N., R. 1 W.,  
 Secs. 3 to 11, inclusive;  
 Secs. 14 to 23, inclusive;  
 Secs. 26 to 35, inclusive.

Federal Register Data

Published: 12/31/71 Vol.: 36  
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PLO No.: 5150  
Date PLO signed: 12/28/71

- T. 8 N., R. 1 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 33, inclusive.
- T. 9 N., R. 1 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 33, inclusive.
- T. 10 N., R. 1 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 33, inclusive.
- T. 11 N., R. 1 W.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.
- T. 12 N., R. 1 W.,  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.
- T. 13 N., R. 1 W.,  
Secs. 4 to 9, inclusive;  
Secs. 16 to 21, inclusive;  
Secs. 28 to 33, inclusive.
- T. 14 N., R. 1 W.,  
Secs. 31, 32, and 33.
- T. 3 N., R. 2 W.,  
Secs. 1, 2, 11, 12, 13, and 24.
- T. 4 N., R. 2 W.,  
Secs. 1, 12, 13, and 30.
- T. 5 N., R. 2 W.,  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 6 N., R. 2 W.,  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 7 N., R. 2 W.,  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 8 N., R. 2 W.,  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 9 N., R. 2 W.,  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 10 N., R. 2 W.,  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 6 S., R. 1 W.,  
Secs. 12 and 13;  
Secs. 24 and 25.
- T. 7 S., R. 1 W.,  
Secs. 13 and 14;  
Secs. 22 to 27, inclusive;  
Secs. 31 to 36, inclusive.
- T. 8 S., R. 1 W.,  
Secs. 2 to 9, inclusive.
- T. 8 S., R. 2 W.,  
Secs. 1 to 18, inclusive.

- T. 8 S., R. 3 W.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive;  
Secs. 22 to 28, inclusive;  
Secs. 33, 34, and 35.
- T. 1 S., E. 3 W.,  
Secs. 3 to 10, inclusive.
- T. 2 S., R. 4 W.,  
Secs. 12, 13, and 14;  
Secs. 23 to 35, inclusive.
- T. 1 S., R. 5 W.,  
Secs. 19 to 36, inclusive.
- T. 6 S., R. 6 W.,  
Secs. 13 to 25, inclusive.
- T. 9 S., R. 7 W.,  
Sec. 13;  
Sec. 14, SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 24.
- T. 1 S., R. 1 E.,  
Secs. 4 and 9.
- T. 2 S., R. 1 E.,  
Secs. 1, 2, and 3;  
Secs. 10 to 16, inclusive;  
Secs. 21 to 28, inclusive;  
Secs. 33 to 36, inclusive.
- T. 3 S., R. 1 E.,  
Secs. 2 to 5, inclusive;  
Secs. 8, 9, and 10;  
Secs. 15, 16, and 17;  
Secs. 20, 21, and 22;  
Secs. 27, 28, and 29;  
Secs. 32, 33, and 34.
- T. 4 S., R. 1 E.,  
Secs. 3, 4, and 5;  
Secs. 8, 9, and 10;  
Secs. 14 to 17, inclusive;  
Secs. 21 to 27, inclusive;  
Secs. 34, 35, and 36.
- T. 5 S., R. 1 E.,  
Secs. 1 and 2;  
Secs. 11 to 14, inclusive;  
Secs. 22 to 28, inclusive;  
Secs. 31 to 34, inclusive.
- T. 6 S., R. 1 E.,  
Secs. 4 to 8, inclusive;  
Secs. 17 to 20, inclusive;  
Secs. 29 to 33, inclusive.
- T. 7 S., R. 1 E.,  
Secs. 4 to 9, inclusive;  
Secs. 17 to 20, inclusive.
- T. 4 S., R. 2 E.,  
Secs. 30 and 31.
- T. 5 S., R. 2 E.,  
Secs. 8 to 8, inclusive;  
Secs. 18 and 19.

The areas described, which are also included in the lands described in paragraph 1, aggregate approximately 2,897,520 acres.

3. The lands withdrawn by this order shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and shall continue to be subject to his authority to make contracts and to grant licenses, permits, rights of way, easements, and leases other than mineral leases.

4. This order shall continue in force and effect until expressly modified or amended.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

DECEMBER 28, 1971.

[FR Doc. 71-10157 Filed 12-30-71; 8:47 am]

Federal Register Data

Published: 01/06/72 Vol.: 37  
No.: 3 Page: 142

PLO No.: 5150  
Date PLO signed: 12/29/71

**Title. 43—PUBLIC LANDS:  
INTERIOR**

**Chapter II—Bureau of Land Manage-  
ment, Department of the Interior**

**APPENDIX—PUBLIC LAND ORDERS**

**[Public Land Order 5150]**

**[Fairbanks 14223, Anchorage 6473]**

**ALASKA**

**Withdrawal of Public Lands for a  
Utility Corridor**

*Correction*

In P.F. Doc. 71-19157 appearing at  
page 25410 in the issue for Friday, De-  
cember 31, 1971, in the second column,  
line 25, on page 25411, following "9,"  
insert "S."

Department of Natural Resources proposed amendment to SR 14.

Because the state has already topfiled (over PLO 5150) land selections in the Utility Corridor, the department offers the following revision to section (9), SR 14:

(9) accept the state's selection application for 1.1 million acres of land within the Utility Corridor, topfiled on June 23, 1986 under section 906 (e) of the Alaska National Interest Land Conservation Act and the Alaska Statehood Act.

The department has always held that the state has the opportunity to select land within the corridor under the Alaska National Interest Land Conservation Act and the Alaska Statehood Act. However, the federal Bureau of Land Management has yet to accept these selections.

Department of Natural Resources proposed amendment to SR 14.

Because the state has already topfiled (over PLO 5150) land selections in the Utility Corridor, the department offers the following revision to section (9), SR 14:

(10) now (9) accept the state's selection application for 1.1 million acres of land within the Utility Corridor, topfiled on June 23, 1986 under section 906(e) of the Alaska National Interest Conservation Act and the Alaska Statehood Act.

The department has always held that the state has the opportunity to select land within the corridor under the Alaska National Interest Conservation Act and the Alaska Statehood Act. However, the federal Bureau of Land Management has yet to accept these selections.

dele

Ernie -

Kurt Fredrickson of DNR  
is coordinating the state's position  
and this has been given to him too.

Kurt will ask for this amendment today  
Salli Slaughter (DNR) will be there to  
answer questions. You can call her  
at 465-2400

SR

20

State of Alaska  
**MEMORANDUM**

*Office of the Governor*

*Division of Policy*

*P.O. Box AM, Juneau, AK, 99811  
Tel. 465-3568 / Mail Stop 0164*

TO: Senator Coghill  
Chairman, Senate Resources

DATE: 16 April 1987

FROM: Gregg Erickson *GEE*  
Senior Economist

SUBJECT: SR 20, Export of Royalty Crude Via the Arctic Ocean.

This resolution would ask the Governor to begin exploring steps necessary to export Alaska North Slope (ANS) crude oil directly from the North Slope, by marine transport. This would "end-run" the export restrictions tied to the trans-Alaska pipeline (TAPS), though it would still require a federal administrative waiver. You asked for our views.

Such an export is an intriguing idea, but we see some potential difficulties. I understand that John Katz may have concerns regarding the effects of this type of resolution on efforts to win congressional approval for oil exploration in the Arctic National Wildlife Refuge (ANWR). He may also be concerned with possible repercussions on efforts to export products refined from ANS crude at Valdez. If the reactions of concern to Mr. Katz were to materialize they could produce fiscal impacts on the state. We suggest that you contact John directly at the state's Washington, DC office, 202/624-5858.

There are also technical issues regarding export of ANS crude via the Arctic Ocean route. These include the requirement for storage tankage on the Slope, the need for oil transportation facilities to the Kuparuk "port," the presumably seasonal nature of the exports, and the fact that roughly half of the state's ANS crude is already contractually committed to in-state purchasers.

A further matter is the effect of Arctic Ocean exports on the revenue from severance tax and the rest of the state's ANS royalty. The crude stream to be exported is now flowing through TAPS. If it is diverted and not replaced with increased output from other ANS sources, the TAPS thruput would decrease. Under the terms of the TAPS settlement the pipeline owners would then be entitled to raise their tariffs. This in turn would reduce the wellhead value of the oil, and likewise state severance tax and royalty revenue.

cc: Mary Halloran  
John Katz  
James Eason, DNR

Robert Clarke

3121 Nowell Avenue  
Juneau, Alaska 99801  
907/586-2031

April 10, 1987

Senator Don Bennett

Re: Senate Resolution 20 (Export ANS oil)

You may want to consider inserting the following paragraph to your excellent resolution:

"WHEREAS the United States Department of Energy in March 1987 reported to the President of the United States, results of a study concluding that permitting Alaska North Slope crude oil export would "improve the energy security of the United States", and;

Inserting this paragraph at the beginning of the resolution may give the document a more national and international character, as well as a timely currency.

clarke

p.s. I believe this and other issues being developed for the new revenue work group offer some excellent interim opportunities. A proposal is in process and should be ready next week.

MAKE IT  
the 4th  
Paragraph

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER: FINANCE

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

4/10/87

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

Mr. President:

RESOURCES Committee considered SR 20

export of the state's North Slope crude oil.

and recommended:

replace with CS Sr 20  same title  
 attached amendment(s) and  new title

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

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

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*William*  
*Carl Gule*  
*James*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*John DeKas*  
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version : CSSR 20 (Res)  
Publish Date : 4/20/87

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

Title : Relating to the export of  
state's North Slope crude oil

Agency Affected: Office of the Governor  
BRU: Office of Management and Budget

Sponsor : Bennett

Requestor : \_\_\_\_\_

Components : \_\_\_\_\_

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

<b>REVENUE</b>	0	0	0	0	0	0
----------------	---	---	---	---	---	---

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

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

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

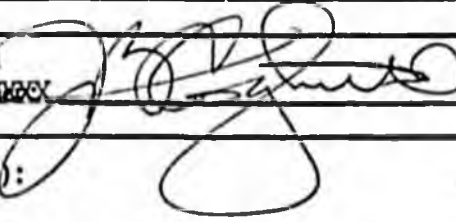
Prepared by: Senate Resources Committee

Phone: 465-4797

Division: \_\_\_\_\_

Date: 4/21/87

Chairman

Approved by 

Date: 4/21/87

Agency: \_\_\_\_\_

Distribution (by preparer):

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

SR

22



Senator John B. (Jack) Coghill  
Alaska State Legislature

Box V  
Juneau, Alaska 99811  
(907) 465-4797

---

Box 55028  
North Pole, Alaska 99705  
(907) 488-0862



May 6, 1987

RE: "Supporting the environmentally sound development  
and construction of a natural gas pipeline system"

Dear Colleague;

The current economic picture is evidence that as a state we must promote prudent and sound development of our other resources.

SR 22 is a step in that direction. A natural gas pipeline can be built within the next decade.

This resolution will send a message to those foreign nations currently interested in purchasing our natural gas that the State Senate supports its construction.

I urge your support on this resolution.

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

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

**REQUEST**

Bill/Resolution No. : SR 22  
 Title : Supporting environmentally sound deve. and construction of natural gas pipeline system.  
 Sponsor : Coghill and Faiks  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

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

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

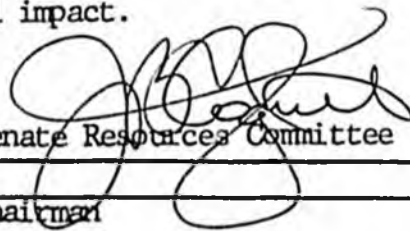
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No fiscal impact.



Prepared by : Senate Resources Committee

Phone : \_\_\_\_\_

Division : Chairman

Date : 4-29-87

Approved by : \_\_\_\_\_

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

Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

5-1098B  
Bannister  
4/30/87

Original sponsors: Coghill, Faiks  
and Bennett

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE RESOLUTION NO. 22 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 Supporting the environmentally sound  
6 development and construction of a  
7 natural gas pipeline system.

8 BE IT RESOLVED BY THE SENATE:

9 WHEREAS the Senate strongly supports policies that promote economic  
10 development and diversification in the state; and

11 WHEREAS the environmentally sound development of the state's vast  
12 natural resources offers the most significant opportunity for the state to  
13 attain the goal of broadening its economic base through economic develop-  
14 ment and diversification; and

15 WHEREAS it is widely recognized that increasing the cultural and trade  
16 exchange and dialogue between the people of the state and the people of the  
17 Pacific Rim nations is highly desirable; and

18 WHEREAS Japan, South Korea, and Taiwan had a combined trade surplus  
19 with the United States of \$81,000,000,000 in 1986; and

20 WHEREAS current oil and gas producers at Prudhoe Bay are reinjecting  
21 natural gas at a rate of 2,600,000,000 cubic feet a day because no trans-  
22 portation system exists to market this vast resource; and

23 WHEREAS Japan currently consumes 28,000,000 metric tons of natural gas  
24 annually; and

25 WHEREAS the Japan Gas Association has forecast that Japanese natural  
26 gas consumption will increase to over 42,000,000 metric tons annually by  
27 the year 2000; and

28 WHEREAS oil exploration, development, and production have occurred on  
29 the state's North Slope without significant adverse environmental effects;

1 and

2 WHEREAS the Trans-Alaska Pipeline System was constructed from Prudhoe  
3 Bay to Valdez without significant adverse environmental effects; and

4 WHEREAS the improved expertise in arctic and subarctic construction  
5 that was gained from previous North Slope oil and gas development experi-  
6 ence has significantly reduced the cost projections for the construction of  
7 a natural gas pipeline; and

8 WHEREAS it has been forecast that over 6,000 Alaskans would be em-  
9 ployed during the last three years of the construction of a natural gas  
10 pipeline and that the peak employment level would be over 10,000;

11 BE IT RESOLVED that the Senate strongly supports the environmentally  
12 sound development and construction of a natural gas pipeline system in  
13 order to provide market access for the vast deposits of natural gas found  
14 in the state.

15 COPIES of this resolution shall be sent to the Honorable Ronald  
16 Reagan, President of the United States; the Honorable Malcolm Baldrige,  
17 Secretary of Commerce; the Honorable John S. Herrington, Secretary of  
18 Energy; the Honorable Donald P. Hodel, Secretary of the Interior; the  
19 Honorable Nobuo Matsunaga, Ambassador of Japan to the United States; the  
20 Honorable Seiji Arimatsu, Consul General, Consulate of Japan in Anchorage,  
21 Alaska; the Honorable Kaz Hayashi, the Alaska State Representative in the  
22 Alaska State Asian Office in Tokyo; the chief executive officer of Yukon  
23 Pacific Corporation; and the chief executive officer of Northwest Alaskan  
24 Pipeline Company.

SR

24

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of \_\_\_\_\_ 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: FINANCE

\*\*FISCAL NOTE(S) ATTACHED \_\_\_\_\_ \*\*  
IN ACCORDANCE WITH AS 24.(8.035  
(see below)

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

Mr. President:

RESOURCES \_\_\_\_\_ Committee considered SR 24

development of an oil refinery in Valdez

and recommended:

replace with CS \_\_\_\_\_  same title  
 new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral \_\_\_\_\_

letter of intent adopted and attached

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

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*[Handwritten signature]*  
\_\_\_\_\_ Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Senate

**REQUEST:** \_\_\_\_\_

Bill Version : SR 24  
Publish Date : 5/8/87

Revision Date: SR 24  
Title : Supporting Valdez Oil Refinery

Agency Affected : \_\_\_\_\_  
BRU : \_\_\_\_\_

Sponsor : Kortulla, Faiks, et al  
Requestor : \_\_\_\_\_

Components : \_\_\_\_\_

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

No Fiscal Impact

Senate Resources Committee

Prepared by : \_\_\_\_\_ Phone : \_\_\_\_\_  
Division : \_\_\_\_\_ Date : 5/9/87

Approved by Chairman [Signature] Date : \_\_\_\_\_  
Agency : \_\_\_\_\_

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

SR

26

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of \_\_\_\_\_ 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

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

5/7/87

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

Mr. President:

RESOURCES \_\_\_\_\_ Committee considered SR 26

development of the mineral resources in the state.

and recommended:

replace with CS SR 26  same title  
 attached amendment(s) and  new title

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted and attached

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

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature]*  
\_\_\_\_\_  
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

**REQUEST:** \_\_\_\_\_

Bill Version : SR 26  
Publish Date : \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: Relating to the development of mineral resources in the state.  
Sponsor: Senate Resource Committee  
Requestor: \_\_\_\_\_

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

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Prepared by: Senate Resource Committee Phone: 465-4797  
Division: \_\_\_\_\_ Date: \_\_\_\_\_  
Approved by Chairman Date: May 11, 1987  
Agency: \_\_\_\_\_

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



# ALASKA STATE LEGISLATURE

Home Address  
3813 Denali Street  
Ketchikan, AK 99901  
907-225-9082




While in Juneau  
P.O. Box V  
Juneau, AK 99811  
907-465-3743

Senator Lloyd Jones

May 11, 1987

TO: Senate Resources Committee  
Senator Jack Coghill, Chairman  
Senator Paul Fischer  
Senator Arliss Sturgulewski  
Senator Jim Duncan  
Senator Fred Zharoff  
Senator Dick Eliason

FROM: Senator Lloyd Jones 

RE: Senate Resolution 26

Certainly, economic diversification is a goal of state government. I think all Alaskans can agree that our state must reduce its dependence on the oil industry. Fluctuations in this market are wreaking havoc with Alaska's economy and its government.

Towards addressing the need to expand our economy; I have introduced legislation to promote responsible resource development. I also have supported my colleague's attempts to improve the way our economy functions. Today, I am writing to ask for your full support for a project that will benefit Alaska. The U. S. Borax Quartz Hill project, located near Ketchikan, holds a bright future for southern southeast Alaska.

The Quartz Hill project seeks to develop one of the world's largest supplies of Molybdenum. Of course, a project of this magnitude has special problems. For example, on a daily basis, the amount of energy needed to supply this project is greater than the total amount of energy consumed in all of Southeast. In order for this project to become a reality it must have the full support and cooperation of our entire state government.

Fellow Senators, please apply the full force of the legislative branch in support of the Quartz Hill project. I am confident that it would be in the best interest of Alaska and her people.

SR

28

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of \_\_\_\_\_ 5-DAY NOTICE  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: *Rubin*

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

1/11/88 DATE TURNED INTO OFFICE \_\_\_\_\_  
Mr. President:

RESOURCES \_\_\_\_\_ Committee considered \_\_\_\_\_ SR 28

Establishing a special committee on resource development.

and recommended:

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

*may* [x] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_ *AFN*

[ ] letter of intent adopted and attached

\*\* Committee [ ] attached or [ ] adopted fiscal note(s)  
[x] zero ~~Fiscal impact~~ *NO*

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

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

*[Signature]*  
Chairman signature and recommendation  
*DO PASS -*

[ ] Committee Backup Attached

Introduced: 1/11/88  
Referred: Rules

1 IN THE SENATE

BY THE RULES COMMITTEE

2 SENATE RESOLUTION NO. 28

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 Establishing a special committee on re-  
6 source development.

7 BE IT RESOLVED BY THE SENATE:

8 WHEREAS the state's economic future will continue to depend heavily on  
9 its natural resources; and

10 WHEREAS the present economy of the state has been tied closely to  
11 state spending of revenue derived from oil; and

12 WHEREAS dependency on oil revenue has resulted in an unstable economic  
13 condition for the residents of the state; and

14 WHEREAS Alaska's other resources play important roles in stabilizing  
15 and diversifying the state's economy; and

16 WHEREAS these resources are worthy of promotion, development, and  
17 marketing; and

18 WHEREAS the state and municipal governments are interested in diversi-  
19 fying the state's economy and reducing the state's dependence on revenue  
20 derived solely from oil;

21 BE IT RESOLVED by the Senate that a Senate Special Committee on Re-  
22 source Development is established to examine other resource-related indus-  
23 tries in light of the potential for furthering and enhancing economic  
24 diversification; and be it

25 FURTHER RESOLVED that the president of the Senate shall determine the  
26 number of members of the Special Committee on Resource Development and  
27 appoint the chair and members of the special committee; and be it

28 FURTHER RESOLVED that the Special Committee on Resource Development  
29 may meet during the session and during the interim after the Second Session

1 of the Fifteenth Legislature; and be it

2 FURTHER RESOLVED that the Special Committee on Resource Development  
3 report its finding to the president of the Senate by January 1, 1989; and  
4 be it

5 FURTHER RESOLVED that the Special Committee on Resource Development is  
6 terminated on the convening of the Sixteenth Legislature.

HB

16

# Alaska State Legislature

## Senate Resources Committee



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

Box V  
Juneau, Alaska 99811  
(907) 465-4907

### AMENDMENT FOR SENATE SC TO CS HB 16

page 2, line 7

add a new subsection (d) to read:

(d) Until regulations are adopted under AS 41.21.026 (c) take effect, existing state regulations otherwise applicable to user fees remain in effect.

reletter the existing (d) as (e) on page 2, line 7

(4)

R

Alaska State Legislature



WHILE IN SESSION:  
PO BOX V  
JUNEAU, ALASKA 99811  
(907) 485-3779

CHAIR, RULES COMMITTEE

✓  
HOME ADDRESS:  
PO BOX 169  
KENAI, ALASKA 99811  
(907) 262-0360

DISTRICT 5

Representative Mike Navarre

May 1, 1987

M E M O R A N D U M

TO: Senator Jack Coghill, Chair  
Senate Resources Committee

FROM: Representative Mike Navarre

SUBJECT: House Bill 16, Park User Fees

---

As you are aware, HB 16 is currently awaiting action in the Senate Resources Committee. This measure is designed to relieve some of the financial burden on a consistently underfunded Division of Parks, thus allowing better maintenance and supervision of existing facilities, and improvement and expansion of the system to better serve all park users.

I feel it is extremely important that this measure become law this session, and would sincerely appreciate your assistance in scheduling this measure for a hearing by the committee as soon as possible.

Thanks very much for your efforts.

SENATE COMMITTEE REPORT

FURTHER: FINANCE

4/24/87

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

Mr. President:

RESOURCES \_\_\_\_\_ Committee considered CSHB 16(Fin) am

levy and collection of fees for the use of state park system facilities; relating to contracts for services and facilities in the state park system;efd.

and recommended:

replace with CS FOR CSHB 16 (res) )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

*Finance Impact of Res.*

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures]*

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

*[Handwritten signature]*  
Chairman signature and recommendation

Committee Backup Attached

# Alaska State Legislature

## Senate Resources Committee



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

Box V  
Juneau, Alaska 99811  
(907) 465-4907

TO: SENATE RESOURCES COMMITTEE  
FROM: COMMITTEE STAFF  
DATE: MAY 8, 1987  
RE: SCSCSHB 16 (CRA) "Fees for use of state park system"

---

The Senate CS for CS for HB 16 (CRA) would allow the Department of Natural Resources to charge fees in a state park unit.

The bill would also spell out the procedure that the state may enter into for awarding concession contracts to provide services or construct facilities in a state park unit.

### CONTENTS OF FOLDER

1. Staff memo and Contents
2. Fiscal Note from DNR
3. Photos of various Parks
4. Letter to Senator Sturgulewski from Neil Johannsen
5. Letters of support for park fees
6. Attorney General's Opinion and statutes and regulations

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_  
 Revision Date: March 4, 1987  
 Title: Fees for use of state park facilities  
 Sponsor: House Resources  
 Requestor: House Finance

Bill Version: CSHB 16(Fin)  
 Publish Date: HOUSE 3/6/87

Agency Affected: Natural Resources  
 BRU: Park Management

Components: \_\_\_\_\_

FY EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		26	30	34	34	34
TRAVEL		18	8	3	3	3
CONTRACTUAL		20	15	10	10	10
SUPPLIES		3	2	2	2	2
EQUIPMENT		27	20	10	10	10
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		96	75	59	59	59

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

REVENUE		30	170	334	490	550
---------	--	----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND		96	75	59	59	59
FEDERAL FUNDS						
OTHER						
TOTAL		96	75	59	59	59

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		1	2	1	1	1

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Neil Johannsen  
 Division: Parks and Outdoor Recreation

Phone: 465-2400  
 Date: 2-3-87

Approved by Commissioner: C. Johnson for JMB  
 Agency: Natural Resources

Date: 3/5/87

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

**RECEIVED**

MAR 05 1987

Fiscal Note Information  
for CSHB 16 (Finance)

No. 2  
CSHB 16(Fin)  
3/6/87

Costs  
FY88

personnel services \$28.0

- \*increase existing Natural Res. Manager I position in charge of concessions and fees from 6 months to 12 months \$25.8
- \*hire one seasonal Alaska Conservation Corps staff person or support a volunteer college intern through a \$15/day stipend cost is \$2.2

Travel \$18.0

- \*statewide regulations hearings to adopt fee structure \$8.0
- \*meetings & hearings on proposed concessions \$5.0
- \*field inspections of concessions \$5.0

Contractual \$20.0

- \*establish campground fee registration and payment systems at 20 campgrounds. \$1,000 per campground as follows:
  - signs \$200
  - Iron Ranger fee device \$350
  - lock device \$ 50
  - labor to install \$400

Supplies and Materials \$3.0

- \*purchase of printed payment envelopes \$2.5
- \*accounting and reporting forms \$0.5

Equipment \$27.0

- \*install fee box device in park ranger vehicles to transport fees to park offices. Prevents tampering with funds 225 vehicles at \$680 per vehicle \$17.0
- \*Safes and lock boxes for 10 area offices. Estimated cost is \$1.0 per office. \$10.0

Revenues  
FY88

Fees:

Commercial Use Permits \$6.0 (120 at \$50 each)  
Public Cabins \$5.0 (1986 level of revenues)

Concessions (Franchise Fee Payments)

Potter Section House \$10.5 (3% of \$350.0 gross receipts)  
Rika's Roadhouse \$8.5 (3% of \$280.0 gross receipts)

estimated total revenue for FY88 is \$30.0

Future Revenues (campground fees are added and additional concessions and commercial use permits are established)

FY 89	\$170	FY 91	\$490
FY 90	\$334	FY 92	\$550

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Bill Version: CSHB 16(SC&RA)  
Publish Date: \_\_\_\_\_

**REQUEST:** \_\_\_\_\_

Revision Date: 5/5/87  
Title: Fees for use of State Park facilities

Agency Affected: Natural Resources  
BRU: Park Management

Sponsor: Rep. Navarre  
Requestor: Senate Resources

Components: \_\_\_\_\_

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

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		42.0	42.0	42.0	42.0	42.0
TRAVEL		8.0	5.0	2.0	2.0	2.0
CONTRACTUAL		20.0	15.0	8.0	8.0	8.0
SUPPLIES		3.0	3.0	2.0	2.0	2.0
EQUIPMENT		23.0	10.0	5.0	5.0	5.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>96.0</b>	<b>75.0</b>	<b>59.0</b>	<b>59.0</b>	<b>59.0</b>

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

REVENUE		30.0	170.0	334.0	400.0	550.0
---------	--	------	-------	-------	-------	-------

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		96.0	75.0	59.0	59.0	59.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>96.0</b>	<b>75.0</b>	<b>59.0</b>	<b>59.0</b>	<b>59.0</b>

**POSITIONS:**

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

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

See attachment. Fiscal note provides for program management, fiscal control, installation of iron rangers, field management and public involvement.

Prepared by: Neil Johannsen Phone: 465-2400  
Division: Parks and Outdoor recreation Date: 5/5/87

Approved by Commissioner: [Signature] Date: \_\_\_\_\_  
Agency: Natural Resources

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

<u>PERSONAL SERVICES</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>	<u>FY 92</u>
Economic Program Manager, HRO 11	4 mos. @ 4.3 = 17.2	17.2	17.2	17.2	17.2
Accounting Technician	8 mos. @ 3.1 = 24.8	24.8	24.8	24.8	24.8
		42.0	42.0	42.0	42.0
<b>TRAVEL</b>					
Statewide Regulation Hearings	8.0	5.0	2.0	2.0	2.0
Statewide Concession Hearings					
Implementation of Fee Program					
Permit Reviews/Compliance					
Cabin Program Management					
<b>CONTRACTURAL</b>					
Fee Program Implementation	20.0	15.0	8.0	8.0	8.0
\$1,000 per camp loop for signs, iron rangers, lock system, safes, installation, repair/ replacement, public notices, vehicle mileage					
<b>SUPPLIES</b>					
Fee envelopes, accounting and office supplies	3.0	3.0	2.0	2.0	2.0
<b>EQUIPMENT</b>					
Iron Rangers, Safes, vehicle outfitting	23.0	10.0	5.0	5.0	5.0

Revenues  
 FY88

Fees:

Commercial Use Permits \$6.0 (120 at \$50 each)  
 Public Cabins \$5.0 (1906 level of revenues)

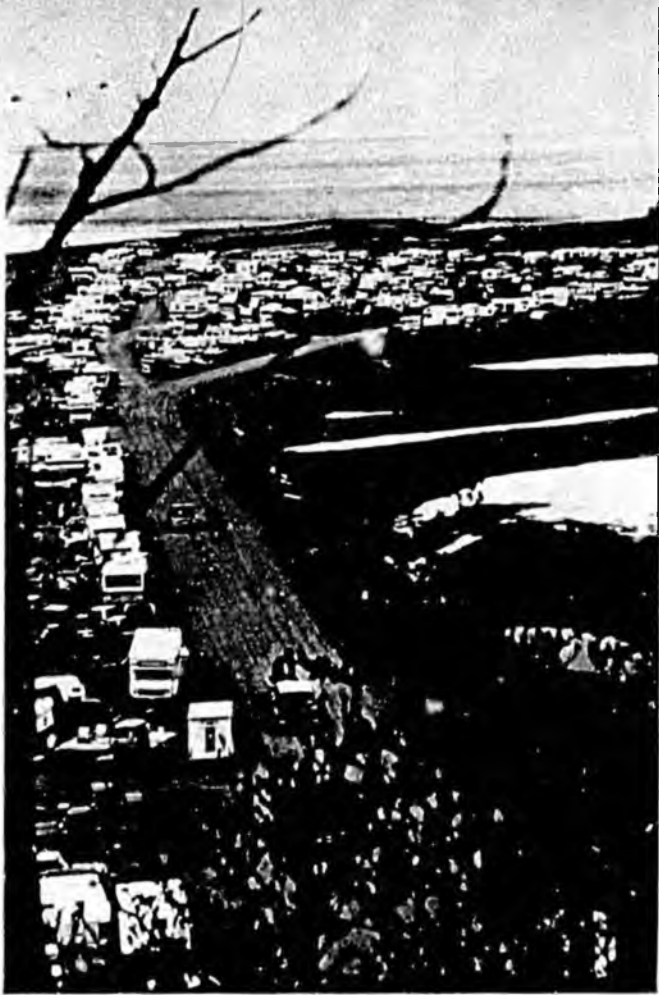
Concessions (Franchise Fee Payments)

Potter Section House \$10.5 (3% of \$350.0 gross receipts)  
 Rika's Roadhouse \$0.5 (3% of \$200.0 gross receipts)

estimated total revenue for FY88 is \$30.0

Future Revenues (campground fees are added and additional  
 concessions and commercial use permits are established)

FY 89 \$170                      FY 91 \$490  
 FY 90 \$334                      FY 92 \$550



Deep Creek State Park on the Kenai Peninsula is the most popular campground in the state. Upwards of 400 motorhomes, campers and travel trailers jam this facility all summer.

The Montana Creek State Park facility near Willow has experienced heavy crowding since its construction in 1985.





Totem Bight State Historic Park in Ketchikan receives heavy use from cruise ship passengers.

Mirror Lake State Park, near Chugiak, is always heavily used during summer months.





The newly restored turn-of-the-century roadhouse within Big Delta State Historic Park, will be operated by a private company. Private sector tourism jobs will result from this preservation project.



Restroom at McHugh Chugach State Park. Typical conditions following summer weekend use.



Vandalism, theft and occasional arson, to the state park system. Remains of a \$20,000 restroom burned in Chugach State Park in Spring of 1986.

STEVE COWPER, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

**DIVISION OF PARKS AND OUTDOOR RECREATION**

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

MAILING ADDRESS  
PO BOX 7001  
ANCHORAGE, ALASKA 99510

December 1, 1986

Honorable Arliss Sturgulewski  
Alaska State Senate  
2957 Sheldon Jackson  
Anchorage, Alaska 99508

Dear Senator *Arliss Sturgulewski*

Each year, prior to the legislative session, I provide each legislator with a short summary of state park activities. I've also enclosed a few snapshots taken in our parks, recreation areas and historic sites this summer.

The 1986 fiscal year was our busiest ever, with 6.4 million visits to our 118 unit state park system; 1.5 million of these visits were by non-resident tourists. Use of the park system was up 14 percent over 1985. Our surveys show that Alaskans pursue outdoor recreation at twice the national average. This, combined with an ever-growing tourism industry, as well as new recreation facilities being provided, has continued to increase use of our accessible state park facilities: campgrounds, picnic areas, fishing access sites, visitor centers and historic sites.

Several new park facilities were built this year. A new visitor center was completed in Chugach State Park, near the Potter Marsh. Also in Chugach State Park, a new self-guiding nature trail was constructed adjacent to the Eagle River Visitor Center. Two new recreation areas were constructed in the Matanuska Valley area: the Kepler-Bradley Lakes State Recreation Area was developed as was a refurbished and expanded park at Big Lake. Substantial work was finished on the Delta State Historic Park and a new campground on Tok River will be completed this Spring. The CIP budget for building new recreation facilities in FY'87 is about \$250,000.

Three years ago, anticipating declining state revenues and budget cuts, we embarked on major strategies to stretch our services. One was our VIP program -- Volunteers-in-Parks (see enclosed folder). In 1986, we recruited 483 volunteers who donated 56,000 hours of free labor as campground hosts, trail crews and visitor center staff. The other is our use of inmate, prison labor. We pay inmates \$5.00 per day and prisoners worked 23,000 hours this past year in park maintenance, light construction and vandalism repairs. A new economic strategy we are now using is non-profit corporations. We helped form three

December 1, 1986

Page 2 -

such organizations this year to stretch our ability to serve people and operate parks during lean times. We also utilize the Alaska National Guard's engineering battalions to build recreation facilities as part of their training exercises.

To utilize these economic strategies will require paid professional staff and unfortunately deep budget cuts are threatening some of these programs. Without our park rangers to recruit, train, supervise volunteers and inmates, many program gains will be lost. The division spends 82 percent of its budget on field operations. Since July 1, we've been cut 25 percent and with additional reductions ahead, we are forced to plan the closures of some recreation areas beginning in the Spring of 1987. Alaskans and our tourist visitors may find several locked gates next year.

We are optimistic over the increasing interest of lawmakers in the tourism industry; we hope that this interest includes keeping our parks, recreation areas and historic sites open for visitors. We appreciate your interest in state parks and if I can provide additional information, please contact me at 762-4505.

Sincerely,



Neil C. Johannsen  
Director

enclosures

NCJ:clk

Arvis,

We need a campground fee bill to raise revenues. Can you help?

NEIL



*SUSITNA RECREATIONAL CAMPS, INC.*  
**MONTANA CREEK CAMPGROUND.**  
MILE 96.5 PARKS HWY.

816 OCEANVIEW DRIVE ANCHORAGE, ALASKA 99515

(907) 345-5764

MAR 9 March 4, 1987  
1987

Senator Jack Coghill,  
P.O. Box V  
Juneau, Ak 99811

Dear Senator Coghill,

I am writing regarding CS HB 16. I support the overall concept of the bill; however, there are some provisions in the bill which I find objectionable. I hope that when this bill reaches the Senate you will consider those objections regarding day use of state parks and recreation facilities without charge. It is my understanding that the underlying principle behind charging user fees is to help offset the cost of maintaining our state parks. Picnickers, fishermen, hikers, etc., who use the facilities for a day are as likely as an overnight camper to leave litter or require cleanup of some type. It is not logical, fair, or equitable to charge user fees only to overnight campers, and I believe that doing so will leave the State open to some type of litigation.

Also, in the past, technically day use parks (no camp spots, no tables, no tent pads) have been used as overnight camp sites by self-contained motorhomes. Those sites have charged no user fees and have effectively made the State a competitor to private camp enterprises who charge user fees. A good example is our own campground still under development at Montana Creek, Mile 96.5 of the Parks Highway. Upon learning that we did charge user fees, many motorhomes would cross the creek to park without charge in the State's "Montana Creek Recreational Site." If day parks are not to charge user fees, then some mechanism should be instituted that restricts use of these areas to day use only.

It is in the best interest of the State and its citizens that good legislation be passed. We feel that the above points are important for you to consider before voting. Please feel free to contact me if I can answer any further questions or be of any assistance. I would also appreciate it if you would let me know your position on the above points. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Joe B. Mathis".

Joe B. Mathis  
Vice President

# PRESIDENT'S LETTER



JOHN LITTEN

With the 1986 AVA Convention still fresh in our minds, I would like to take this opportunity to applaud and personally thank Holland America Line, Westours, Convention Chairmen Tom Tougas, Dale Fox and our office staff for putting together the most educational, prosperous and enjoyable convention in AVA history.

The AVA Board of Directors can be proud of our past year's accomplishments. They are a result of many intense meeting hours and represent a basic refinement of our policies and goals. A new slate of officers has been elected to work on the coming year and several committees are already at work. As your newly-elected president I am certainly looking forward to the challenge of the year ahead and will work to make 1987 a prosperous year for everyone in tourism.

Our government relations team has already gotten a running start on one of our most important goals this year which is to improve the level of funding for the Division of Tourism. Part of our program to achieve this goal will be to rally the tourism advocates in the Alaska House and Senate and remind our newly elected state legislators of their campaign promises to support an \$8.2 million budget for the Division of Tourism.

Newly elected Governor Steve Cowper told AVA delegates at this year's convention that he also supports \$8.2 million for DOT. He wants economic growth to return to Alaska and knows tourism will only grow if properly nurtured and for that reason has pledged 100% support for our funding request.

It will be imperative that each and every Alaskan member of AVA take a leadership role in the grassroots support effort in the coming session. Your representatives and legislators are not facing an easy job. They need to know you support their efforts on behalf of tourism and that tourism is alive and well and working in and for Alaska.

# CALENDAR OF EVENTS

## AVA Board Meeting Dates:

November 21, 1986 ..... Seattle

## AVAMC Meeting Dates:

December 2, 1986 ..... Anchorage, Alaska

March 3, 1987 ..... Juneau, Alaska

May 5, 1987 ..... Fairbanks, Alaska

August 4, 1987 ..... Seattle, Washington

## Other Events:

December 5, 1986 — Anchorage AVA Legislative Reception, Clarion Hotel, 6:30 p.m.

December 16, 1986 — Pacific NW Chapter Christmas Party, Seattle Airport Hilton, 6 p.m.

February 6, 1987 — AVA Travel Auction — Details to come.

ALL AVA MEETINGS ARE OPEN TO THE PUBLIC.

## Membership Passes Four Out of Five Resolutions

This year the Resolutions Committee, chaired by Capt. Jim Binkley, submitted five resolutions to the membership for action. After discussion by the membership four of the five were passed.

Resolutions passed by the membership form the basis of the association's future actions. Given below is a summary of the resolutions passed at this year's Annual Convention:

### Resolution Commending the Staff of the Nieuw Amsterdam

Now, therefore be it resolved that AVA in this membership gathering extends its thanks and appreciation to the staff of the Nieuw Amsterdam and the staff of Holland America Line, Westours Inc. for a truly outstanding conference.

### Resolution Supporting Authorization of Fees for Use of State Campgrounds and Public Use Cabins

Now, therefore be it resolved, that the Alaska Visitors Association requests that the Alaska Legislature authorize the levying of fees for the use of state campgrounds and public use cabins.

### Resolution Supporting Maintenance Budget for State Parks

Now, therefore be it resolved that the Alaska Visitors Association supports a budget for the Division of Parks and Outdoor Recreation which allows for the adequate maintenance of our Alaska State Park System.

### Resolution Supporting Relief for Placer Miners

Therefore be it resolved that the Alaska Visitors Association now appeals to all members of all political parties to join us in prevailing upon the new State of Alaska Administration and Legislature to promptly enact whatever legislation is needed to avert the impending calamity which now hovers over our Great State.



**ALASKA VISITORS ASSOCIATION**

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## PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE FRANK

NAME: DALLAS E. SEARS

TITLE:

ADDRESS: 1660 PEGER ROAD

CITY: FAIRBANKS

PHONE: 474-0216

BILL NO: HB 16

SUBJECT: STATE PARK SYSTEM USE FEES/CONCESSIONS

MESSAGE: PLEASE DELETE WORD "THE" AFTER FEES ON LINE 29 PAGE 1. ALSO DELETE  
ALL OF LINE 1 PAGE 2. MAKE EFFECTIVE DATE IMMEDIATELY. AS IT STANDS, ACTION  
WOULD BE DELAYED ANOTHER FULL YEAR.

\*\*\*\*\*EOM/TM\*\*\*\*\*

ZIP: 99709

POMID: 07150743

DATE: 03/09/87

TIME: 15:07:43

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

SUND

BOYER

DAVIS

KOPONEN

MILLER

BENNETT

COGHILL

FAHRENKAMP

*I've spoken  
with SEN Coghill  
about this & he will review it  
closely for his committee*

## PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE FRANK

NAME: JOY MCDUGALL

TITLE:

ADDRESS: 1009 GALENA

CITY: FAIRBANKS, ALASKA

PHONE: 474-0501

BILL NO:

SUBJECT: KUAC

MESSAGE: I SUPPORT KUAC. TELEVISION AND RADIO GIVES AN IMPORTANT  
EDUCATIONAL ALTERNATIVE TO THE FAIRBANKS RESIDENTS. PLEASE DO ALL YOU CAN TO  
KEEP KUAC FUNDED.

EOM-FZ

POMID: 07151534

DATE: 03/09/87

TIME: 15:15:34

LIONAME: FAIRBANKS LIO

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WALLIS

BENNETT

COGHILL

FAHRENKAMP

BINKLEY

DUNCAN

FISCHER

HENSLEY

UEHLING

ZHAROFF

# MEMORANDUM

State of Alaska

TO: House Finance Committee  
Attn: Eric Meyers


DATE: February 23, 1987

FILE NO:

TELEPHONE NO: 276-3550

THRU: Grace Berg Schaible  
Attorney General

SUBJECT: CSHB No. 16



FROM: Michael J. Frank  
Assistant Attorney General

This memorandum responds to your request for an outline of the existing authority the Department of Natural Resources, through the Division of Parks and Outdoor Recreation, <sup>2</sup>/has to charge fees for use of park facilities and to contract for "concessions and rentals".

## I. CONTRACTS FOR THE OPERATION OF "CONCESSIONS AND RENTALS".

Under AS 41.21.020 DNR "shall"

- (4) control, develop and maintain state parks and recreational areas;
- (5) provide for the care, control, supervision, development, . . . and maintenance of public recreational land, and make necessary arrangements, contracts or commitments for the improvement and development of land acquired under AS 41.21.010 - 41.21.040.  
(Emphasis supplied.)

The foregoing statute was passed in 1959 (ch. 158 SLA 1959), as was AS 41.21.030. The latter statute reads in full:

All money received from the operation of parks and recreational facilities, including money from concessions, rentals, or donations shall be deposited in the general fund of the state.  
(Emphasis supplied.)

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1/ AS 41.21.040, passed as part of ch. 158 SLA 1959, gave the DNR commissioner authority to create a separate division in DNR to "perform functions relative to parks and recreational facilities specified in AS 41.21.010 - 41.21.040. . . ."

AS 41.21.020 and 41.21.030 have provided the legal authority to DNR to adopt the existing concession contract regulations (see attached) at 11 AAC 14.200 et seq. While the two statutes are certainly are not as clear in granting contracting authority as they might be, it seems obvious from them that the 1959 Legislature anticipated that there might be contractors operating concessions or rentals <sup>2/</sup> in State parks.

For your information I am also enclosing existing National Park Service "concession" contracting laws, 16 U.S.C. §§ 20 et seq., and regulations, 36 C.F.R. Part 51.

## II. FEES.

Currently DNR only has express statutory authority to "establish and collect fees for guided tours through historical sites". AS 41.35.045 (1986 Michie Suppl.).

Prior to 1978, DNR did charge fees for entry into and use of a state park or campground. DNR did so via 11 AAC 12.310, a regulation which allowed the division of parks' director to set fees for use of a state park facility and which established an annual \$10.00 vehicle entrance fee to state parks.

In 1978, however, the Legislature nullified this regulation, in effect, by passing AS 28.10.411, governing motor vehicle registration (license tag) fees. Subsection (e) of AS 28.10.411 reads:

Notwithstanding any other provision of law, fees paid for registering a vehicle . . . shall include all fees required for entry and use of a state park or campground.

Since the "nullification" was in a motor vehicle registration statute, it's not exactly clear how broad the 1978 Legislature

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2/ Neither the word "concessions" nor "rentals" is defined in AS 41.21. At common law "concession" was a term "ordinarily applied to the grant of specific privileges by a government". Black's Law Dictionary 361 (4th Ed. 1968). In the context of especially protected lands -- like parks -- the use of the word "concession" is very apt in that it implies that being allowed to operate a commercial venture on such lands is an extraordinary privilege to grant someone.

House Finance Committee  
Attn: Eric Meyers

February 23, 1987  
Page 3

intended AS 28.10.411(e) to be. If, for example, a backpacker had no vehicle registered in Alaska and walked into and used a state park campground, could the backpacker legally be charged a campground user fee?

In any event, the 1986 Legislature resolved any ambiguities, perhaps unintentionally, with the passage of AS 37.10.050(a). That statute prohibits a state agency from charging "for the provision of state services unless the charge is authorized by statute". Although it's not exactly clear what "state services" includes, it seems apparent that entrance fees at campgrounds and other comparable direct levies on park visitors are prohibited. A concessioner's sale of natural history books might, however, not be.

### III. CONCLUSION

From an attorney-to-client standpoint, the existing statutes are in a sufficient muddle to make it difficult for our office to give unambiguous legal advice to DNR when contracting and fee questions arise. Thus, if the Committee should desire further help with the drafting of CSHB 16, our office would be eager to assist it.

MJF:amh

cc: Ron Lorensen, Esq.  
Art Peterson, Esq.

of any default on the part of the contractor in observance or performance of any of the conditions or covenants of the contract is not a waiver of the forfeiture provision or any other provision of the contract. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.21.020  
AS 41.21.040

## ARTICLE 2. CONCESSION CONTRACTS

### Section

- 200. Concession contracts
- 210. Concession rental
- 220. Cancellation by the state
- 230. Improvements by concessionaire
- 240. Chattels and personal property
- 250. Removal of personal property
- 260. Renewal of concession contracts

**11 AAC 14.200. CONCESSION CONTRACTS.** A concession contract may be obtained under the procedure, and is subject to the conditions, in 11 AAC 14.010 through 11 AAC 14.130. The director may enter into a contract with a qualified person to construct, maintain, or operate a concession in a state park. A fee schedule established in a concession contract may be subject to annual review and approval by the director. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020  
AS 41.21.040

**11 AAC 14.210. CONCESSION RENTAL.** The rental charged by the division shall be one of the following:

- (1) percentage of the annual gross receipts;
- (2) guaranteed annual minimum or percentage of the gross, whichever may be the greater;
- (3) annual rental; or
- (4) a combination of the above. (Eff. 3/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020

**11 AAC 14.220. CANCELLATION BY THE STATE.** If the concession is terminated or forfeited during its term, the state shall pay the concessionaire the value of his interest in fixed improvements unless the termination is due to

concessionaire default or request. The value of the interest is calculated by the straight-line depreciation method less any amount due the state at the time of contract termination. (Eff. 8/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020

**11 AAC 14.230. IMPROVEMENTS BY CONCESSIONAIRE.** The concession contract may provide for the construction of fixed improvements or additions to real property. Each improvement or addition to real property shall become the property of the state without cost upon expiration of the contract. The cost of an improvement shall be the principal determinant of the length of the concession contract in order to insure the concessionaire a reasonable return on the original investment of the improvement during the term of the contract. (Eff. 3/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020

**11 AAC 14.240. CHATTELS AND PERSONAL PROPERTY.** The concessionaire shall remove chattels and personal property within 30 days of the notification to vacate. If the personal property is not removed within 30 days the director may forfeit the property. (Eff. 1/13/73, Reg. 44)

Authority: AS 41.21.020  
AS 41.21.040

**11 AAC 14.250. REMOVAL OF PERSONAL PROPERTY.** Nothing in these regulations may be construed to deny the concessionaire the right to sell, remove, or otherwise dispose of any personal property used in the conduct of the concession granted under these regulations. (Eff. 3/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020

**11 AAC 14.250. RENEWAL OF CONCESSION CONTRACTS.** A concession contract for a term of less than 10 years may contain a clause granting the concessionaire the option to renew the contract for a period of time, not to exceed the original term of the contract. (Eff. 3/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020

**ARTICLE 3. GENERAL PROVISIONS**

**Section 300. Definitions**

11 AAC 14.300. DEFINITIONS. In this chapter

(1) "director" means the director of the division of parks, Department of Natural Resources or his authorized agent;

(2) "division" means the division of parks within the Department of Natural Resources;

(3) "state park land or water facilities" means all lands and waters dedicated as public recreation lands and waters or facilities constructed or operated in conjunction with state parks and waters for the purpose of augmenting recreational opportunities. (Eff. 3/1/68, Reg. 27; am 1/13/73, Reg. 44)

Authority: AS 41.21.020

**CHAPTER 15. TRAILS AND FOOTPATHS GRANT PROGRAM**

**Article**

- 1. Jurisdiction and Procedure
- 2. General Provisions

**ARTICLE 1. JURISDICTION AND PROCEDURE**

**Section**

- 10. Jurisdiction
- 20. Qualification
- 30. Application
- 40. Allocation of funds
- 50. Project agreement

11 AAC 15.010. JURISDICTION. The division of parks will administer the trails and footpaths grant program established by AS 41.20.355. (Eff. 3/12/76, Reg. 57)

Authority: AS 41.21.020  
AS 41.21.040  
AS 41.21.364

11 AAC 15.020. QUALIFICATION. Applicants eligible under AS 41.21.364 may establish qualification for grants under this program by adopting a comprehensive trail plan that includes

(1) evidence of the applicant's legal authority to participate in the grant program and to operate and maintain recreation facilities;

(2) a summary of all trails needed during the coming five-year period, a forecast of all funding needs, and a ranking of projects described in the order of the applicant's priorities;

(3) a five-year schedule of trail acquisition, development, and maintenance, which reflects priorities based on need and considers the extent of funding available under other federal, state, and local aid programs and donations of rights-of-way, easements, and volunteer labor;

(4) evidence of citizen input in the preparation of the applicant's comprehensive trail plan;

(5) evidence of coordination between this plan and the long-range program for local services

Cross References

Administration of real estate acquired by United States in payment of debts arising under internal revenue laws, see section 7506 of Title 26, Internal Revenue Code.
Detachment of real estate, see section 6311 et seq. of Title 26.
Purchase of lands sold on execution by United States, see section 3715 of Title 31, Money and Finance.

Notes of Decisions

Property transferred for payment of debts
Sale and disposal of transferred property 2

1. Property transferred for payment of debts

There can be no doubt that this section regulating the duties of former Solicitor had a reference to existing laws in some of the States, which authorize the debtor to set off his real estate on execution, and in other cases where he surrenders all his property to the United States on which he is released, but all the provisions are not limited to these cases and some of them are general and apply to cases of "trusts created for the benefit of the United States in payment of debts due them". U.S. v. Lane, C.C. Ind. 1843, 3 McLean, 365, Fed. Cas. No. 15,552.

2. Sale and disposal of transferred property

The General Counsel [formerly the Solicitor of the Treasury] by virtue of this section and former section 302 of this title, had charge of, and, with the approval of the Secretary of the Treasury, power to rent or sell, lands acquired in satisfaction of judgments on bonds of internal revenue collectors. 1878, 16 Op. Atty. Gen. 144.

There is no imaginable reason why a trustee having power to sell lands should not have power to sell movables and incorporeal rights, and the policy of this section demands it; at any rate, the General Counsel [formerly the Solicitor of the Treasury] is charged with the administration of said trusts and he may do, therefore, under this section, whatever any other trustee would be allowed to do in a court of chancery. 1842, 4 Op. Atty. Gen. 135.

§ 302. Repealed. Oct. 31, 1951, c. 654, § 1(95), 65 Stat. 705

Historical Note

Section, U.S. § 7749, related to the renting or selling of unproductive lands, or other property of the United States acquired under judicial process or otherwise in the collection of debts. See sections 483 and 484 of this title.

§ 303. Repealed. Aug. 5, 1947, c. 493, § 2, 61 Stat. 774

Historical Note

Section, Acts July 28, 1892, c. 316, 27 Stat. 321, May 29, 1928, c. 901, § 1(29), 45 Stat. 988, related to lease of property not required for public use by Secretary of Army. See section 2667 of Title 10, Armed Forces.

§ 303a. Repealed. Oct. 31, 1951, c. 654, § 1(96), 65 Stat. 705

Historical Note

Section, Act Mar. 1, 1879, c. 182, § 1, 20 Stat. 183, related to leasing, by the Secretary of the Treasury, of unoccupied and unproductive property of the United States under his control and annual reports thereon. See sections 483, 484 and 492 of this title. The provision requiring the submission of annual reports had been previously repealed by Act Aug. 7, 1946, c. 770, § 1(49), 60 Stat. 1001.

X § 303b. Lease of buildings by Government; money consideration

On and after June 30, 1932, except as otherwise specifically provided by law, the leasing of buildings and property owned by the United States shall be made for money consideration only, and there shall not be included in the lease any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. The moneys derived from such rentals shall be deposited and covered into the Treasury as miscellaneous receipts. (Act Oct. 3, 1932, c. 314, § 321, 47 Stat. 412.)

Cross References

Lease housing and veterans' housing leases by Secretary of Housing and Urban Development, see section 1514 of Title 42, The Public Health and Welfare.
Lands and improvements administered by National Park Service, privileges, leases, etc., for visitor facilities, see section 201 of Title 16, Conservation.
Lease of real or personal property by secretaries of military departments, see section 2667 of Title 10, Armed Forces.
Leases for maintenance and repairs by grantees notwithstanding this section.
Park visitors' accommodations, see section 301e of this title.
Veterans' Administration leases for assistance to medical schools, see section 5070 of Title 38, Veterans' Benefits.
Veterans' Administration leases in general, see section 5022 of Title 38.
Union Station Building leases for model intermodal transportation terminal, see section 1653 of Title 49, Transportation.

Library References

U.S. Statutes § 58(1)
U.S. United States §§ 75 to 79.

Notes of Decisions

Collection of sums for alteration, repair, or improvements
Concession contract between General Services Administration and Guest Services, Inc., included clause requiring that percentage of Guest Services, Inc. gross profits be credited to receive used for replacement of government property, did not violate this section, in light of historically unique nature of agreement. 1985-64 Op. Comp. Gen. 217.

X § 303c. Maintenance and repair of Government Improvements under concession contracts

Privileges, leases, and permits granted by the Secretary of the Interior for the use of land for the accommodation of park visitors, pursuant to section 3 of Title 16, may provide for the maintenance and repair of Government improvements by the grantee notwithstanding the provisions of section 303 of this title, or any other provision of law.

P.L. 87-608, Aug. 21, 1962, 76 Stat. 4053

Library References

U.S. Statutes § 56, 57
U.S. United States §§ 72, 74.

§ 304. Disposal of lands acquired by devise

The General Services Administration is authorized to take custody, for disposal as excess property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C.A. § 471 et seq.], of such lands as have been or may hereafter be acquired by the United States by devise.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 90-209, see 2150.

**§ 19l. Tax exemptions; contributions toward costs of local government; contributions, gifts, or transfers to or for use of United States**

The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto. The Foundation may, however, in the discretion of its directors, contribute toward the costs of local government in amounts not in excess of those which it would be obligated to pay such government if it were not exempt from taxation by virtue of the foregoing or by virtue of its being a charitable and nonprofit corporation and may agree so to contribute with respect to property transferred to it and the income derived therefrom if such agreement is a condition of the transfer. Contributions, gifts, and other transfers made to or for the use of the Foundation shall be regarded as contributions, gifts, or transfers to or for the use of the United States.

Pub.L. 90-209, § 8, Dec. 18, 1967, 81 Stat. 657.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 90-209, see 2150.

**§ 19m. Liability of United States**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

Pub.L. 90-209, § 9, Dec. 18, 1967, 81 Stat. 657.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 90-209, see 2150.

**§ 19n. Annual reports to Congress**

The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress an annual report of its proceedings and activities, including a full and complete statement of its receipts, expenditures, and investments.

Pub.L. 90-209, § 10, Dec. 18, 1967, 81 Stat. 657.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 90-209, see 2150.

**CONCESSIONS FOR ACCOMMODATIONS, FACILITIES, AND SERVICES IN AREAS ADMINISTERED BY NATIONAL PARK SERVICE**

**§ 20. Congressional findings and statement of purpose**

In furtherance of sections 1 and 2 to 4 of this title, as amended, which directs the Secretary of the Interior to administer national park system areas in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation of park values requires that such public accommodations, facilities, and services as have to be provided within these areas should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that the heavy visitation will not unduly impair these values and so that development of such facilities can best be limited to locations where the least damage to park values will be caused. It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public use and enjoyment of the national park area in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the areas.

Pub.L. 89-249, § 1, Oct. 9, 1965, 79 Stat. 989.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 89-249, see 3159.

**Cross References**

Uniform application of sections 20 to 20g of this title to all areas of national park system when not in conflict with specific provisions applicable to individual section 10(a) of this title.

**Literary References**

Wood and Forests

U.S. Woods and Forests, 1910-19

**§ 20a. Authority of Secretary of Interior to encourage concessioners**

Subject to the findings and policy stated in section 20 of this title, the Secretary of the Interior shall take such action as may be appropriate to encourage and enable private persons and corporations (hereinafter referred to as "concessioners") to provide and operate facilities and services which he deems desirable for the accommodation of visitors in areas administered by the National Park Service.

Pub.L. 89-249, § 2, Oct. 9, 1965, 79 Stat. 989.

## Historical Note

Legislative History. For legislative history and purpose of Publ. L. 89-219, see 1965 U.S. Code Cong. and Adm. News, p. 3159.

## Notes of Decisions

## Bus. tours or sightseeing services—

## Generally 3

Certificate of convenience and necessity 4

## Monopoly 5

Engaging in or selling business without permit 6

Exclusiveness of Secretary's authority 2

Responsibility for providing facilities and services 1

## 1. Responsibility for providing facilities and services

The Secretary is responsible for maintaining national parks and for providing facilities and services for their public enjoyment through concessionaires or otherwise. *Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 194-1 Cal 1968, 89 S. Ct. 351, 393 U.S. 180, 21 L. Ed. 2d 310.

## 2. Exclusiveness of Secretary's authority

Congress, in creating Washington Metropolitan Area Transit Commission, did not disturb exclusivity of control by Secretary over Capitol Mall either by extinguishing entirely his power to contract for transportation services or by burdening the concessionaire with two separate agencies engaged in regulating precisely some aspects of its conduct. *Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 194-1 Cal 1968, 89 S. Ct. 351, 393 U.S. 180, 21 L. Ed. 2d 310.

3. Bus tours or sightseeing services—  
Generally

Secretary was free to enter contract with concessionaire to conduct bus tours on Capitol Mall, and is free to exclude traffic from Mall altogether or to exclude any carrier licensed or instructed by Washington Metropolitan Area Transit Commission. *Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 194-1 Cal 1968, 89 S. Ct. 351, 393 U.S. 180, 21 L. Ed. 2d 310.

*The Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 194-1 Cal 1968, 89 S. Ct. 351, 393 U.S. 180, 21 L. Ed. 2d 310.

## 4. — Certificate of convenience and necessity

Concessionaire under contract with Secretary to conduct bus tours of Capitol Mall could operate without certificate of convenience and necessity from Washington Metropolitan Area Transit Commission. *Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 194-1 Cal 1968, 89 S. Ct. 351, 393 U.S. 180, 21 L. Ed. 2d 310.

## 5. — Monopoly

Even if transit system's franchise would protect mass transportation on Capitol Mall from unrestricted competition, and even if provision giving exclusive transportation rights protected charter or sightseeing services, it did not follow that system had monopoly over sightseeing on Capitol Mall. *Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 194-1 Cal 1968, 89 S. Ct. 351, 393 U.S. 180, 21 L. Ed. 2d 310.

Transit system's franchise did not give it absolute monopoly of sightseeing service on Capitol Mall and did not protect system against competition from concessionaire acting under contract with Secretary. *Id.*

## 6. Engaging in or selling business without permit

Secretary to promulgating regulation prohibiting engaging in or selling business in park areas except in accordance with permit or contract with United States does not exceed statutory authority granted to him. *U.S. v. Carter*, 100 Ariz 1952, 329 F. Supp. 490.

## § 20b. Protection of concessioner's investment—Contract terms; compensation for loss of investment

(a) Without limitation of the foregoing, the Secretary may include in contracts for the providing of facilities and services such terms and conditions as, in his judgment, are required to assure the concessioner

of adequate protection against loss of investment in structures, fixtures, improvements, equipment, supplies, and other tangible property provided by him for the purposes of the contract (but not against loss of anticipated profits) resulting from discretionary acts, policies, or decisions of the Secretary occurring after the contract has become effective under which acts, policies, or decisions the concessioner's authority to conduct some or all of his authorized operations under the contract ceases or his structures, fixtures, and improvements, or any of them, are required to be transferred to another party or to be abandoned, removed, or demolished. Such terms and conditions may include an obligation of the United States to compensate the concessioner for loss of investment, as aforesaid.

## Profit commensurate with capital invested and obligations assumed

(b) The Secretary shall exercise his authority in a manner consistent with a reasonable opportunity for the concessioner to realize a profit on his operation as a whole commensurate with the capital invested and the obligations assumed.

## Reasonableness of concessioner's rates and charges

(c) The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the contract, be judged primarily by comparison with those current for facilities and services of comparable character under similar conditions, with due consideration for length of season, provision for peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

## Determination of franchise fees; reconsideration every five years or oftener

(d) Franchise fees, however stated, shall be determined upon consideration of the probable value to the concessioner of the privileges granted by the particular contract or permit involved. Such value is the opportunity for net profit in relation to both gross receipts and capital invested. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving the area and of providing adequate and appropriate services for visitors at reasonable rates. Appropriate provisions shall be made for reconsideration of franchise fees at least every five years unless the contract is for a lesser period of time.

Pub. L. 89-219, § 3, Oct. 9, 1965, 79 Stat. 969.

## Historical Note

Legislative History. For legislative history and purpose of Publ. L. 89-219, see 1965 U.S. Code Cong. and Adm. News, p. 3159.

**§ 20c. New or additional services; preferential rights; operations by single concessioner**

The Secretary may authorize the operation of all accommodations, facilities, and services for visitors, or of all such accommodations, facilities, and services of generally similar character, in each area, or portion thereof, administered by the National Park Service by one responsible concessioner and may grant to such concessioner a preferential right to provide such new or additional accommodations, facilities, or services as the Secretary may consider necessary or desirable for the accommodation and convenience of the public. The Secretary may, in his discretion, grant extensions, renewals, or new contracts to present concessioners, other than the concessioner holding a preferential right, for operations substantially similar in character and extent to those authorized by their current contracts or permits.

Pub.L. 89-249, § 4, Oct. 9, 1965, 79 Stat. 970.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 89-249, see 1965 U.S. Code Cong. and Adm. News, p. 3189.

**§ 20d. Renewal preference for satisfactory performance; extensions; new contracts; public notice**

The Secretary shall encourage continuity of operation and facilities and services by giving preference in the renewal of contracts or permits and in the negotiation of new contracts or permits to the concessioners who have performed their obligations under prior contracts or permits to the satisfaction of the Secretary. To this end, the Secretary, at any time in his discretion, may extend or renew a contract or permit, or may grant a new contract or permit to the same concessioner upon the termination or surrender before expiration of a prior contract or permit. Before doing so, however, and before granting extensions, renewals or new contracts pursuant to the last sentence of section 20c of this title, the Secretary shall give reasonable public notice of his intention so to do and shall consider and evaluate all proposals received as a result thereof.

Pub.L. 89-249, § 5, Oct. 9, 1965, 79 Stat. 970.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 89-249, see 1965 U.S. Code Cong. and Adm. News, p. 3189.

**§ 20e. Concessioner's possessory interest in concession property; limitations; compensation for taking; determination of just compensation**

A concessioner who has heretofore acquired or constructed or who hereafter acquires or constructs, pursuant to a contract and with the

approval of the Secretary, any structure, fixture, or improvement upon land owned by the United States within an area administered by the National Park Service shall have a possessory interest therein, which shall consist of all incidents of ownership except legal title, and except as hereinafter provided, which title shall be vested in the United States. Such possessory interest shall not be construed to include or imply any authority, privilege, or right to operate or engage in any business or other activity, and the use or enjoyment of any structure, fixture, or improvement in which the concessioner has a possessory interest shall be wholly subject to the applicable provisions of the contract and of laws and regulations relating to the area. The said possessory interest shall not be extinguished by the expiration or other termination of the contract and may not be taken for public use without just compensation. The said possessory interest may be assigned, transferred, encumbered, or relinquished. Unless otherwise provided by agreement of the parties, just compensation shall be an amount equal to the sound value of such structure, fixture, or improvement at the time of taking by the United States determined upon the basis of reconstruction cost less depreciation evidenced by its condition and prospective serviceability in comparison with a new unit of like kind, but not to exceed fair market value. The provisions of this section shall not apply to concessioners whose current contracts do not include recognition of a possessory interest, unless in a particular case the Secretary determines that equitable considerations warrant recognition of such interest.

Pub.L. 89-249, § 6, Oct. 9, 1965, 79 Stat. 970.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 89-249, see 1965 U.S. Code Cong. and Adm. News, p. 3189.

**§ 20f. Use of non-monetary consideration in leases of government property**

The provisions of section 303b of Title 40, relating to the leasing of buildings and properties of the United States, shall not apply to privileges, leases, permits, and contracts granted by the Secretary of the Interior for the use of lands and improvements thereon, in areas administered by the National Park Service, for the purpose of providing accommodations, facilities, and services for visitors thereto, pursuant to sections 1 and 2 to 4 of this title, as amended, or sections 461 to 467 of this title, as amended.

Pub.L. 89-249, § 7, Oct. 9, 1965, 79 Stat. 971.

**Historical Note**

Legislative History. For legislative history and purpose of Pub.L. 89-249, see 1965 U.S. Code Cong. and Adm. News, p. 3189.

### § 20g. Record keeping; audit and examination; access to books and records

Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed, and the Secretary and his duly authorized representatives shall, for the purpose of audit and examination, have access to said records and to other books, documents, and papers of the concessioner pertinent to the contract and all the terms and conditions thereof.

The Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of five (5) calendar years after the close of the business year of each concessioner or sub-concessioner have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner or subconcessioner related to the negotiated contract or contracts involved.

Pub.L. 89-219, § 9, Oct. 9, 1965, 79 Stat. 971.

#### Historical Note

Legislative History. For legislative history and purpose of Pub.L. 89-219, see 1965 U.S. Code Cong. and Adm. News, p. 3199.

## YELLOWSTONE NATIONAL PARK

### § 21. Establishment

The tract of land in the States of Montana and Wyoming, lying near the headwaters of the Yellowstone River and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set apart as a public park, except as provided in section 22 of this title, shall be considered trespassers and removed therefrom.

R.S. § 2174.

#### Historical Note

Declaration. Act Mar. 1, 1872, c. 21, § 1.  
17 Stat. 32

#### Cross References

Change of boundaries see section 21a of this title.  
Limitation on further extension or establishment of national park in Wyoming see section 15a of this title.

#### Library References

Woods and Forests C29

C.F.S. Woods and Forests 121-12

### § 21a. Revision of boundaries; contiguous national forests; Jurisdiction of forests

The boundary of the Yellowstone National Park is changed so as to read as follows:

Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrographic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak; thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Reaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Altice Peaks, Mount Schutz, Mount Humphreys, and Eagle Peak; and

Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River to

inspection in the Office of the Site Manager, the locations within these park areas that are available for the sale or distribution of printed matter. Locations may be designated as not available only if the sale or distribution of printed matter would:

(1) Cause injury or damage to park resources; or

(II) Unreasonably impair the atmosphere of peace and tranquility maintained in commemorative areas; or

(III) Unreasonably interfere with interpretive, living history, visitor services, or other program activities or with the administrative functions of the National Park Service; or

(IV) Substantially impair the operation of public use facilities or services of concessioners or contractors.

(4) The permit may contain such conditions as are reasonably consistent with protection and use of the park area.

(5) No permit shall be issued for a period in excess of 14 consecutive days: *Provided*, That permits may be extended for like periods, upon a new application, unless another applicant has requested use of the same location and multiple occupancy of that location is not reasonably possible.

(6) Persons engaged in the sale or distribution of printed matter under this section shall not conduct activities from other than a stand in the location designated, or hawk or call out from the stand. Each stand shall bear a sign identifying the sponsor, in a form approved by the Unit Manager.

(7) The sale or distribution of printed matter without a permit, or in violation of the terms or conditions of a permit, is prohibited.

(8) Any permit may be revoked under any of those conditions, as listed in paragraph (b)(2) of this section, which constitute grounds for denial of a permit, or for violation of the terms and conditions of the permit. Such a revocation shall be made in writing, with the reasons for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation.

in the sale or distribution of printed matter under this section shall not obstruct or impede pedestrians or vehicles, harass park visitors with physical contact, misrepresent the purposes or affiliations of those engaged in the sale or distribution, or whether the printed matter is available without cost or donation.

(Sec. 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3); 49 Code Code 198 and 245 DM (34 FR 13070), as amended)

144 FR 50936, Oct. 3, 1979, as amended at 47 FR 39602, Oct. 10, 1982

## PART 51—CONCESSION CONTRACTS AND PERMITS

Sec.

51.1 Authority.

51.2 Policy.

51.3 Definitions.

51.4 Solicitation and award of concession contracts and permits where no right of preference exists.

51.5 Solicitation and award of concession contracts and permits or extensions or renewal of concession contracts and permits, where a right of preference exists.

51.6 Preferential right for additional services where a right to additional services and facilities exists by specific contract provisions.

51.7 Sale, assignment, or encumbrance of concession contracts, permits, and assets.

**Authority:** The Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 3 *et seq.*, particularly, the Concessions Policy Act of 1965, 16 U.S.C. 20 *et seq.*

**Source:** 44 FR 62075, Nov. 1, 1979, unless otherwise noted.

§ 51.1 Authority.

Concession contracts and permits are awarded by the Director on behalf of the Secretary pursuant to the authority of the Act of August 25, 1916, as amended and supplemented, 16 U.S.C. 3 *et seq.*, particularly, the Concessions Policies Act of 1965, 16 U.S.C. 20 *et seq.* All concession contracts and permits are subject to the requirements of this Part 51.

§ 51.2 Policy.

It is the policy of the Secretary, as mandated by law, to permit conces-

sion contracts and permits where no right of preference exists. (b) Where no right of preference exists, the Director shall issue a prospectus soliciting proposals describing the concession operation to be authorized, the material terms and conditions of the proposed Concession Contract or Permit, and the principal factors considered in selection. Public notice of the availability of the concession opportunity shall be published in the FEDERAL REGISTER and/or at least once in local or national newspapers or trade magazines, as appropriate, and will be distributed to interested parties and organizations. The prospectus will be made available upon request to all interested parties and will allow a minimum of sixty days for proposals to be submitted unless a written determination is made that a shorter period is necessary because of exceptional circumstances. All proposals received shall be evaluated by the Director, and the proposal considered best by the Director on an overall basis shall be selected as the basis for negotiation of the Concession Contract or Permit. (b) The principal factors to be considered in selection of the best proposal shall be (1) the experience and related background of offerors, (2) the offeror's financial capability, and (3) conformance to the terms and conditions of the prospectus in relation to quality of service to the visitor. Secondary factors shall include franchise offered and other factors as may be specified. (c) The Director may solicit from any applicant additional information, or written or verbal clarification of a proposal, and may extend the solicitation period in his discretion. The Director may choose to reject all proposals received at any time and to allow

§ 51.3 Definitions.

The following definitions shall apply to this Part 51:

(a) "Concession Contracts" and "Concession Permits" (or "contracts" and "permits") are agreements between the Director and a concessioner whereby the concessioner agrees to provide certain public accommodations, facilities or services within a park area under the administration of the Director. Concession Permits are generally utilized where the authorized concession operations are not expected to gross more than \$100,000 annually, where the term of the permit is less than five (5) years, where no possessory interest is to be granted to the concessioner, and where no preferential rights to additional services are authorized. In other instances, Concession Contracts are utilized.

(b) "Right of Preference" refers to the right of existing satisfactory concessioners to a preference in the renewal or negotiation of a new contract or permit covering substantially the same accommodations, facilities and services as provided by the concessioner under the terms of its existing contract or permit. Prior to the expiration or termination of a contract or permit a determination shall be made based on annual evaluations, as to whether or not the concessioner is entitled to a preference in the renewal of its contract or permit. An unsatisfactory rating, results in the loss of the right of preference.

(c) "Preferential Right" refers to the right to provide new or additional services and facilities which may be granted to a concessioner by Concession Contract as the Director may con-

and convenience of the public.

(d) The term "Director" refers to the Director of the National Park Service or his authorized representatives.

(e) The term "Secretary" refers to the Secretary of the Interior or his authorized representatives.

§ 51.4 Solicitation and award of concession contracts and permits where no right of preference exists.

(a) Where no right of preference exists, the Director shall issue a prospectus soliciting proposals describing the concession operation to be authorized, the material terms and conditions of the proposed Concession Contract or Permit, and the principal factors considered in selection. Public notice of the availability of the concession opportunity shall be published in the FEDERAL REGISTER and/or at least once in local or national newspapers or trade magazines, as appropriate, and will be distributed to interested parties and organizations. The prospectus will be made available upon request to all interested parties and will allow a minimum of sixty days for proposals to be submitted unless a written determination is made that a shorter period is necessary because of exceptional circumstances. All proposals received shall be evaluated by the Director, and the proposal considered best by the Director on an overall basis shall be selected as the basis for negotiation of the Concession Contract or Permit.

(b) The principal factors to be considered in selection of the best proposal shall be (1) the experience and related background of offerors, (2) the offeror's financial capability, and (3) conformance to the terms and conditions of the prospectus in relation to quality of service to the visitor. Secondary factors shall include franchise offered and other factors as may be specified.

(c) The Director may solicit from any applicant additional information, or written or verbal clarification of a proposal, and may extend the solicitation period in his discretion. The Director may choose to reject all proposals received at any time and to allow

his discretion when in the best interest of the Government. Any material information made available to any applicant by the Director must be made available to all applicants, and will be available to the public upon request.

(d) Negotiation of a final contract and permit with the selected applicant shall commence promptly. Material amendments to the proposed terms and conditions of the Concession Contract or Permit, as described in the prospectus, may be negotiated only after resolicitation of the concession opportunity for an appropriate period of time by amendment to the prospectus and re-advertising. After negotiation of Concession Contracts with anticipated gross receipts in excess of \$100,000 or five (5) years or more in duration, such contracts shall be forwarded to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs for a 60-day waiting period prior to award. The Director may, in his discretion, terminate negotiation of a Concession Contract or Permit at any time prior to execution by the Government and resolicit or cancel the solicitation when in the best interest of the Government.

(e) The terms and conditions of the solicitation must represent the requirements of the National Park Service and not be developed to accommodate the capabilities or limitations of any particular party.

(f) Upon a written determination that exceptional circumstances warrant waiver of the procedures described in this subsection and that it is in the public interest to protect visitor or park resources or otherwise, the Director may negotiate a Concession Contract or Permit with any qualified party without public notice or advertising.

**§ 51.5** Solicitation and award of concession contracts and permits or extensions or renewal of concession contracts and permits, where a right of preference exists.

The procedures described in § 51.4 shall apply to the solicitation, negotiation and award of extensions, renewals, or replacement of contracts or per-

mits by a new contract or permit where an existing concessioner has a right of preference except as follows:

(a) A fact sheet rather than a prospectus will be developed by the Director and will describe the existing concessioner's right of preference as well as the material terms and conditions under which the National Park Service proposes to negotiate a new concession contract or permit with the existing satisfactory concessioner.

(b) The concessioner with the right of preference shall be required to submit a proposal in response to the fact sheet. If, after evaluation of all proposals received, a proposal other than that of the existing concessioner is determined to be the best proposal, the existing concessioner shall be given an opportunity to meet the terms and conditions of the best proposal. If the existing concessioner does so and its proposal, as amended, is in the judgment of the Director, at least substantially equal to the best proposal, the existing concessioner shall be selected for negotiation of the contract or permit. If not, the contract or permit will be negotiated with the party that submitted the best proposal.

(c) The requirement for public notice and evaluation of proposals received may not be waived.

**§ 51.6** Preferential right for additional services where a right to additional services and facilities exists by specific contract provisions.

Where the Director seeks to authorize new or additional accommodations, facilities and services of generally the same character as provided by an existing satisfactory concessioner in a park area, and such concessioner by Concession Contract has a right to provide such additional services, the Director shall develop a description of the new or additional services and the terms and conditions upon which they are to be provided without reference to any private party and give the existing concessioner a reasonable opportunity to review such description to determine if it wishes to provide the services. If so, the Director shall authorize the additional services by

amendment to the concessioner's contract. If the existing concessioner does not agree to provide the additional services upon the terms and conditions described, the Director shall authorize additional services to be provided by a new concessioner under substantially the same terms and conditions and pursuant to the procedures of § 51.4 hereof.

**§ 51.7** Sale, assignment, or encumbrance of concession contracts, permits, and assets.

(a) Concession Contracts and Permits or operations authorized thereby or controlling interests therein may not be transferred, sold, or assigned, or assets thereof encumbered in any manner, including stock purchases, mergers, consolidations or reorganizations, except with the written approval of the Director. Transfers, sales, assignments, or encumbrances consummated in violation of this requirement shall be considered null and void by the Director and a material breach of the contract or permit.

(b) The term "controlling interest," as used herein means, in the case of corporate concessioners, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the concessioner so as to permit exercise of managerial authority over the actions and operations of the concessioner or election of a majority of the Board of Directors of the concessioner, and, in the instance of a partnership, limited partnership, joint venture or individual entrepreneurship, beneficial ownership of the capital assets of the concessioner so as to permit exercise of managerial authority over the actions and operations of the concessioner.

(c) Prior to consummating any transfer, sale, assignment or encumbrance of a controlling interest, the concessioner will request approval of the Director in writing and provide the following information:

(1) All instruments proposed to implement the transaction;

(2) An opinion of counsel from the buyer to the effect that the proposed transaction is lawful under all applicable Federal and State laws;

(3) A narrative description of the proposed transaction and the operational plans for conducting the transaction;

(4) Statement as to the existence of any litigation questioning the validity of the proposed transaction;

(5) Description of the management qualifications and financial background of the proposed transferee and

(6) A statement as to whether the proposed sale constitutes a controlling interest and the particulars thereof as described in paragraph (b) of this section; and

(7) Such other information as the Director may require.

(d) Prior to the sale, transfer, assignment or encumbrance of anything other than a controlling interest, the concessioner must have notified the Director in writing and must have received acknowledgment from the Director. Information as to why it is not a controlling interest and identification of the transferee must be submitted with the required notification. Failure to comply with this provision shall make the subject sale or transfer null and void and constitute a material breach of the Contract or Permit.

(e) The Director may choose not to approve a proposed sale, transfer, assignment or encumbrance in his discretion or may place appropriate conditions on any approval as are necessary to protect the public interest. Concession Contracts and certain Concession Permits contain provisions which limit the purposes for which they may be encumbered. Such limitations are incorporated by reference herein as an element of the Director's review of such transactions.

## PART 60—NATIONAL REGISTER OF HISTORIC PLACES

### Sec.

- 60.1 Authorization and expansion of the National Register
- 60.2 Effects of listing under Federal law
- 60.3 Definitions
- 60.4 Criteria for evaluation
- 60.5 Nomination forms and instructions for collection

HB

18

SENATE COMMITTEE REPORT

FURTHER: FINANCE

4/29/87

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

Mr. President:

RESOURCES \_\_\_\_\_ Committee considered \_\_\_\_\_ CSHB 18(Res)

establishing the Willow Creek State Recreation Area; efd.

and recommended:

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

[ ] attached amendment(s) and

[✓] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

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

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

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

[ ] new [ ] updated or [✓] previous  
[✓] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures: Harold Jones, Miss Jurgulinski, Steve Duncan, Paul Froh]*

*[Handwritten signature: Fred F. Johnson (Notec)]*

*[Handwritten signature: John G. Smith]* DO PASS  
Chairman signature and recommendation

[ ] Committee Backup Attached

# Alaska State Legislature



Session Address:  
STATE CAPITOL BUILDING  
BOX V  
JUNEAU, ALASKA 99811  
(907) 485-3727

Interim Address:  
BOX 53  
PALMER, ALASKA 99645  
(907) 745-3828 - Palmer  
(907) 378-8628 - Wasilla

Representative Ronald L. Larson  
District 16B

TO: Senator Jack Coghill, Chairman  
Senate Resources Committee

FROM: Representative Ron Larson *R.L.*  
Sponsor of HB18

RE: Willow Creek Recreation Area

DATE: April 28, 1987

The Willow Creek Bill, HB18, is now in your committee for consideration. I would appreciate your scheduling this bill as soon as possible.

My staff and I stand ready to provide any information you may need on this important bill for our district. Thank you.

# Alaska State Legislature



Session Address:  
STATE CAPITOL BUILDING  
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Interim Address:  
BOX 53  
PALMER, ALASKA 99645  
(907) 745-3828 - Palmer  
(907) 376-8628 - Wasilla

Representative Ronald L. Larson  
District 16B

TO: Senator Jack Coghill, Chair  
Senate Resources Committee

FROM: Representative Ron Larson *R.L.*  
Original Sponsor of HB18

SUBJ: Willow Creek State Recreation Area

DATE: May 6, 1987

The intention of HB18 (Resources) is to create a state recreational area in a highly used area of the Matanuska-Susitna Borough. The mouth of Willow Creek is a prime destination for many southcentral residents, especially during the summer sportfishing season.

HB18 allows for development of a cooperative effort between the Mat-Su Borough and the state for the identified 3581 acres (2747-borough/834-state with no mental health land). This bill sets aside public land and offers directives for its future management.

The natural theme of the Matanuska-Susitna valley is tourism. We see this bill as a major step towards that destiny. This Willow Creek concept has been placed high on the local legislative priorities for years.

This bill has a history dating back several years. As of this date the Sportfishing Association, Alaska Miners' Association, Alaska Outdoor Council, and the Alaska Environmental lobby have all offered support for this bill. I am hopeful that this year Willow Creek State Recreational Area will receive your committee's unanimous support.

**Senator John B. (Jack) Coghill**  
**Alaska State Legislature**

Box V  
Juneau, Alaska 99811  
(907) 465-1797

Box 55028  
North Pole, Alaska 99705  
(907) 488-0862



TO: SENATE RESOURCES COMMITTEE  
FROM: COMMITTEE STAFF  
DATE: MAY 11, 1987  
RE: HB 18, "An Act creating the Willow Creek State  
Recreation Area"

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CONTENTS

1. Sponsor's Statement
2. Legislative Affairs Sectional Analysis
3. DNR Fiscal Note
4. Maps of Area
5. Letters of Support

STATE OF ALASKA  
THE LEGISLATURE

POUCHY STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1987

SUBJECT: CSHB 18 (Resources): Willow Creek State  
Recreation Area A sectional analysis

TO: Representative Ron Larson

FROM: Richard A. Bradley  
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 states the purpose of the bill. The provision of the CS vary "purpose (2)."

Section 2 adopts the substantive, permanent law provisions of the bill. The provisions are additions to AS 41.21, a chapter dealing with "parks and recreational facilities."

Sec. 41.21.491(a) establishes the Willow Creek State Recreation Area. It described the land and water that are to be included within the Area.

Sec. 41.21.491(b) permits the Mat-Su Borough to agree that the Department of Natural Resources will manage borough land described in Sec. 41.21.491(a) as a part of the Area.

Sec. 41.21.491(c) constitutes a declaration that the land described in Sec. 41.21.491(a) be dedicated to a less than multiple purpose use. Compare art. VIII, sec. 7, Alaska Constitution.

Representative Larson  
March 31, 1987  
Page 2

Sec. 41.21.491(d) permits oil and gas development within the area and otherwise closes the Area to mining development.

Sec. 41.21.492(a) assigns the land within the Area to the Department of Natural Resources for management. The CS makes stylistic changes to the subsection.

Sec. 41.21.492(b) constitutes reassurances to the Department of Fish and Game, the Board of Fisheries, the Board of Game, the Department of Environmental Conservation, and other state agencies and municipalities about the continued vitality of certain of their responsibilities.

Sec. 41.21.493 directs the commissioner of natural resources to prepare a comprehensive management plan with the concurrence of the Mat-Su Borough.

Sec. 41.21.494 directs the commissioner of natural resources to adopt regulations necessary to implement the Act and the management plan. The regulations are directed to address five stated concerns of the legislature.

Sec. 41.21.495 permits the commissioner of natural resources to acquire land or an interest in land that is within or adjacent to the boundaries of the Area to further the purposes of the Act. The acquisition must be voluntary.

Sec. 41.21.496 permits cooperative management agreements.

Sec. 41.21.497 permits the commissioner to request the attorney general to seek an injunction or damages for violation of a regulation either implementing the management plan or otherwise generally applicable to the Area.

Section 3 of the Act is uncodified temporary law directing the commissioner of natural resources to adopt the management plan for the Area within two years of the effective date of the Act. The CS provides that boating activities within the Area may not be restricted until a boat launch is established.

Section 4 constitutes an immediate effective date.

If I may be of further assistance, please advise.

RAB:csh  
c7/111

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

NO. 1

REQUEST: \_\_\_\_\_  
 Revision Date: March 9, 1987  
 Title: Willow Creek State Recreation Area  
 Sponsor: Rep. Larson, Rep. Menard  
 Requestor: House Resources

Bill Version: CSHB 18(Res)  
 Publish Date: HOBSE 3/20/87

Agency Affected: Natural Resources  
 BRU: Parks and Outdoor Recreation  
 Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This area will not be actively managed until funding for development, as described in the plan for the area, is obtained.

Prepared by: Carol Wilson  
 Division: Commissioner's Office  
 Approved by Commissioner: C. Wilson for S.M.S.  
 Agency: Natural Resources

Phone: 465-2400  
 Date: 4/9/87  
 Date: 4/19/87

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