

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
5952 HOUSE RESOURCES

354

Frederick (Bud) D. Hodson

Summer Address:

P.O. Box 265  
Dillingham Alaska 99576  
(907) 842-5464

Winter Address:

6661 Lawlor Circle  
Anchorage, Ak 99502  
(907) 243-8450

OCCUPATION:

Owner / Operator, Tikchik Narrows Lodge, located in the Wood-Tikchik State Park, Bristol Bay Alaska.

Tikchik Narrows Lodge operates from June 1st through October 10th, accommodating and guiding sportfishermen. Tikchik is a daily fly out lodge fishing the entire western half of Bristol Bay and rivers in the Askokwim drainage.

EXPERIENCE:

1974-75 - employed as a sportfishing guide for Royal Coachman Lodge, Bristol Bay Alaska. Summers.

1976-78 - employed as a sportfishing guide/pilot for Tikchik Narrows Lodge under the ownership of Bob Curtis.

1979-85 - managing/partner of Golden Horn Lodge, located in Bristol Bay Alaska.

1986-present - owner/operator Tikchik Narrows Lodge.

EDUCATION:

Rio Hondo Junior College, Wittier CA., AS. 1974; Fullerton State, Fullerton, CA., 75 Education.

AFFILIATIONS

1979 to present - Alaska Professional Sportfishing Association, founding board member currently V.P., Board of Directors. Worked on several sportfishing issues and participated with past board of fisheries proposals. Participated in the Bristol Bay Management Plan, C.R.S.A., Bristol Bay Rainbow Trout management plan, Togiak Wildlife Refuge plan, Wood-Tikchik State Park plan.

1984 to present - Wildlife Federation of Alaska, Board of Directors, chairman wildlife committee.

1980 to present - Alaska Sportfishing Ass., business member, one of the original founding members.

1984 to present - Alaska Outdoor Council, trustee member.

Member - Trout Unlimited, Federation of Flyfishermen, National Wildlife Federation.

PERSONAL: Age 32, married two children

RESUME  
CLARENCE VAIL CHATTERTON

FEB 1 1989

2308 Boniface Parkway  
Anchorage, Alaska 99504

Office: 907-279-1423  
Home: 907-333-8161

CHAIRMAN - Alaska Oil and Gas Conservation Commission

OBJECTIVE:

SUMMARY:

Forty-five years of experience in oil and gas drilling, construction, exploration and production operations. Twenty-eight years in Alaska, which includes eleven plus years, guiding and being held accountable for Standard Oil Company of California - Drilling & Production activities in Alaska including engineering, production, drilling and construction, nine years with Rowan Drilling - U. S. as Vice-President-Alaska and seven as Commissioner/Chair of Alaska Oil and Gas Conservation Commission. Concurrent with Rowan assignment served four years 1977-1981 in the Alaska State Legislature as a member of the House of Representatives.

EXPERIENCE:

1/18/82 to  
Present

Commissioner/Chair - Alaska Oil and Gas Conservation Commission.

Jan. 1973 to  
Jan. 18, 1982

Rowan Drilling - U. S., 601 West 5th Avenue, Suite 531, Anchorage, Alaska 99501. Vice-President, an oil and gas well drilling contractor with five drill rigs in Alaska.

April 1961 to  
January 1973

Standard Oil Company of California, P. O. Box 7-839, Anchorage, Alaska, 99510. District Superintendent, Producing Department, Alaska. Responsible and accountable for the guidance and direction of 61 employees, including professional engineers, foremen, operating, drilling and construction personnel. This period covered the drilling-campaign at Swanson River, the installation of production facilities, the installation of a complete gas cycling-pressure maintenance plant as well as company's exploratory drilling activities in remote areas of Alaska, such as the Arctic North Slope. Assignment also includes negotiating all labor contracts for the Producing Department, Alaska. Also included an 8 month assignment in 1965 to an Organization and Cost Control Survey team for Standard of California to review their producing operations in the seven Western states for the purpose of developing a streamlined organization, work force, and cost saving methods.

CLARENCE VAIL CHARTERION

2

2308 Boniface Parkway  
Anchorage, AK 99504

November 1957  
April 1961 Standard Oil Company of California, P. O. Box 455, to Vernal, Utah 84078. District Superintendent, Producing Department, Utah. Responsible and accountable for the guidance and direction of 54 employees, including professional engineers, foremen, operating, drilling and construction personnel. This period covered an active development drilling campaign in the Redwash Oilfield, initiation of pressure maintenance by water flooding and gas injection, initiation of gas sales to El Paso Natural Gas as well as responsibility for exploratory drilling operations in other parts of Utah and producing operations in the Anath Oilfield.

November 1952  
November 1957 Standard Oil Company of California, 225 Bush Street, San Francisco, California 94120. Staff Formation Evaluation Engineer, San Francisco. Responsible for establishing well bore formation evaluation procedures for the Producing Department, Western Operations, Incorporated. Assignment included holding formation evaluation seminars for the purpose of training Producing Department Engineers in formation evaluation techniques. Also functioned as the Department's expert on difficult well completion practices based on formation evaluation interpretations.

December 1944  
November 1952 Standard Oil Company of California, P. O. Box 397, La Habra, California, 90631. Subsurface Petroleum Engineer, La Habra, California. Assignment carried responsibility of developing drilling and completion programs for oil and gas wells, sub-surface structural interpretation, the assurance that operations fulfilled engineering requirements and supervision of two or more Professional Engineers.

May 1942  
November 1944 Lockheed Aircraft Corporation, Victory Boulevard, Burbank, California. Stress Analyst. Assignment covered the analytical stress analyses of designed component parts of aircraft such as the P-38 and the Lockheed Constellation, and the writing of reports to prove airworthiness of air frame for Civil Aeronautics Board.

**EDUCATION:** Professional Engineer in Petroleum Engineering, Colorado School of Mines, 1942. Major: Petroleum Engineering and Geology. Minor: Mining Engineering.

**PERSONAL:** Married, no children at home. Height: 5'11", Weight 190 lbs. Excellent health.

**LICENSE:** Registered Professional Engineer in Petroleum Engineering, State of California. Alaska extends reciprocity to California.

CLARENCE VAIL CHATTERTON

3

2308 Boniface Parkway  
Anchorage, AK 99504

COMMUNITY  
ACTIVITIES:

- 1964: President, Petroleum Club of Anchorage.
- 1966: General Campaign Chairman, Greater Anchorage Community Chest.
- 1967: President, Board Trustees, Greater Anchorage Community Chest.
- 1968: President, Rotary Club of Anchorage.
- 1969: President, Greater Anchorage Chamber of Commerce.
- 1976: Member of Governor's Management & Efficiency Review Group.
- 1977-
- 1980: Served as an elected member of the Alaska State Legislature, House of Representatives.

RESUME'

SHARON E. MCCLINTOCK

Box 671089

Chugiak, Alaska 99567

(907) 688-4143 Home -

561-7452 Work -

- 4499

Summary of Qualifications

Sixteen years of professional experience in ANCSA and ANCSA land implementation. Directly involved with incorporation of ANCSA village corporations, organized land selection seminars, completed and submitted land selection applications, completed resource evaluations, and easement and navigability studies, identified third party interests, participated in planning and development of private land, and development of land use policies and lands records system.

Familiar with public land laws, Alaska State land laws, thorough knowledge of ANCSA, ANILCA and 1991 bill provisions, and general knowledge of Canadian land settlement issues. Studying international aboriginal claims.

Extensive familiarity with statewide village corporation land issues gained from employment with a regional corporation, a village corporation, and a statewide nonprofit organization responsible for statewide technical assistance in ANCSA 14(c) implementation.

Established, designed and implemented ANF's successful statewide ANCSA 14(c) technical assistance program. Developed numerous training sessions on 14(c) issues.

Writing skills include principal authorship of ANF's Village Land Reconveyance Planning, A Handbook on ANCSA § 14(c), now in its fourth edition. Editor of ANF's Land Newsletter. Many land articles published in regional and statewide newspapers.

Extensive travel to numerous villages in all regions of the state. Familiar with traditional land use patterns and customs, particularly of Inupiat people of Northern Alaska.

Extensive public speaking experience gained from facilitating workshops, seminars and lectures on land selection, 14(c), 1991, public land laws, land management, board member responsibilities, trespass, easements, townsites, and ANCSA and ANILCA implementation to groups ranging from several to over 200 people. Frequent guest lecturer on ANCSA to high schools and universities, at regional seminars and through statewide audio teleconference. Keynote speaker at two village corporation annual shareholders meetings and commencement speaker at one village high school graduation.

Certified instructor on ANCSA through the University of Alaska in Anchorage, Northwest Community College in Nome, and the Kuskokwim Community College in Bethel.

Responsible for initiating the establishment of a statewide Native Allotment Advocacy Group.

Responsible for initiating working relationship between ANF and the Alaska Bar Association Alaska Native Law Section. In process of developing a comprehensive board member training manual.

Leadership and management capabilities include presidency of a nonprofit organization, supervision for four member staff, chairmanship of a major subcommittee of the Alaska Native Land Managers Association and owner of own business. Involved also with day to day operations of the ANF.

Professional Experience:

10/83-Present

ALASKA NATIVE FOUNDATION

Director of ANF's 14(c) Technical Assistance Program which provides technical assistance and training to ANCSA village corporations in meeting the reconveyance obligation of ANCSA Section 14(c). Supervisor of four member land staff. Responsible for development of program, coordination of services, funding, budgeting, reporting, and overall program management. Editor of bi-monthly ANF Land Newsletter. Principal author of ANF's 14(c) Handbook, Village Land Reconveyance Planning, which is now in its fourth edition. Project includes identification of statewide 14(c) legal issues and overseeing actual legal research. Chairperson of Alaska Native Land Managers Association Federal Townsite Committee. Involved in project to develop model land lease for village corporations. Personally provided workshops to in every region, and provided direct assistance to over 150 village corporations. Extensive travel.

4/83-10/83

QUEENE ALICE GOLD MINING COMPANY

Self-employed in family placer gold mining operation in interior Alaska.

3/81-4/83

ALASKA NATIVE FOUNDATION

ANCSA Land Specialist for the Village Management Assistance Program. Resource person for village corporation board member/land staff on land issues. Development and design of assistance program for ANCSA 14(c) reconveyance to village corporations. Principal author, Village Land Reconveyance Planning. Conducted 14(c) workshops and technical assistance to village corporations. ANF representative on AFN Land Managers Association and member of its DOT/PF 14(c)(4), Land Planning and Access/Easement Committee. Researched Native land issues. Extensive statewide travel. Provided 14(c) assistance to 112 village corporations.

3/78-2/81

COHO TECHNICAL SUPPORT

Majority partner and manager of consulting firm. Performed land status research, mining claim validity checks, mining claim staking as well as consultant in ANCSA land matters. Worked in support of survey crew and general office management.

10/76-11/77

LARSON, TIMBERS AND VANWINKLE

Paralegal Investigator and Juvenile Youth Advocate for Nome law firm. Investigation of criminal and juvenile cases. Research into background and social histories of clients. Conducted interviews, took witness statements and affidavits. Legal research, agency contact, court appearances and preparation of defenses in cases. Technical report writing. Extensive travel in Northwest Alaska and contact with numerous villages. Upkeep of law books.

8/74-10/76

SITNASUAK NATIVE CORPORATION

Land Planner. Responsible for setting up land department. Primary responsibility for implementation of ANCSA for large Native corporation. Established land management and selection criteria after extensive public and land committee meetings and data gathering. Responsible for village land selection and application. Organized permanent land committee, land records system, and initiated resource study and inventory. Developed criteria in 14(c)(1) which has been used by other Native corporations. Extensive study into 14(c)(3) municipal reconveyance and alternatives for community expansion. Extensive mapwork and identification of third party interest using aerial photos and status plats. Title searches. Performed on-site inspections of various leases, campsites, and alternative village sites. Coordinated efforts with BIA in identification of Native Allotments on village lands. Compiled and updated existing information for village profile. Represented corporation in easement hearings. Navigability study and mining claim validity checks. Coordinated with regional corporation in land matters.

7/73-8/74

BERING STRAITS NATIVE CORPORATION

Land Clerk and Research Specialist for BSNC land department. Organization of village training seminars in 12(a) and 12(b) land selections. Responsible for coordination of meetings with various land committees and board of directors regarding land selections priorities. Extensive travel. Map work and identification of third party interest on village

lands. Conducted regional resource studies and evaluation. Coordinated with the FSLUPC in village meetings in land selection and resource evaluations. Participated in land intern training program sponsored by the Alaska Native Foundation in Anchorage. Conducted evaluation of the training project which enabled ANF to continue program. Emphasis of training in land matters, including selection, planning, and development of land, legalities of land transference, ownership, and recordation of land under state and federal recording systems. Easement and navigability study. Agency familiarization for land information.

6/72-9/72

CITY OF NOME

Employment Officer. Job placements, interviews and aiding in filling applications for jobs.

6/70-9/70

FEDERAL AVIATION ADMINISTRATION

Clerk Typist. Typing. correspondence, filing and general office work.

6/69-9/69

FEDERAL AVIATION ADMINISTRATION

Clerk Typist. Typing, correspondence, filing and general office work.

Education:

1970

NOME HIGH SCHOOL  
Nome, Alaska

1970-73

UNIVERSITY OF ALASKA - Major: Political Science  
Fairbanks, Alaska

1975-77

NORTHWEST COMMUNITY COLLEGE - Major: Criminal Justice  
Nome, Alaska

1979

UNIVERSITY OF ALASKA - Major: Justice  
Anchorage, Alaska

1981

UNIVERSITY OF ALASKA - Major: Planning  
Anchorage, Alaska

1973

ALASKA NATIVE FOUNDATION  
Anchorage, Alaska  
Completed Land Intern Training Program  
BLM Ratings as Supervisor Field Investigator and Realty Specialist

Professional Affiliations:

1985- Interagency Cadastral Coordinating Council Member  
1984- International Right-of-Way Association member  
1981 ANF Representative, Alaska Natives Land Managers Association  
1984 Chairperson of ANLMA Townsite Committee  
1982 Nonlawyer Member, Alaska Bar Association, Paralegal Committee  
1981 Alaska Native Women's Statewide Organization, Anchorage, Alaska  
1983 Alaska Association of Legal Assistants Member  
1975-77 President, Board of Directors, Nome Community Center, Nome, Alaska  
1974-77 Sitnasuak Native Corporation Land Committee, Nome, Alaska  
1976 Chairman, BiCentennial Committee, City of Nome  
1974-75 Secretary, Arctic Native Brotherhood, Nome, Alaska  
1972-73 President, Native Student Organization, U.A. Fairbanks

Special Recognition

ANF Board of Directors citation for service, 1985.  
Recognition Plaque from the Unalakleet Board of Directors and Shareholders,  
November, 1985  
AFN Citizen of the Year Nomination, 1986

References: Emil Notti, President  
Alaska Native Foundation  
561-7452

Jane Angvik, former President  
Alaska Native Foundation  
277-6903

Robert Fagerstrom, President  
Sitnasuak Native Corporation  
443-5296

Bryan Timbers, Attorney  
Larson, Timbers and Van Winkle  
Box 80  
Nome, Alaska 99762

RESUME

of

Bruce Twomley  
P.O. Box 020972  
Juneau, Alaska 99802-0972

Work Phone: 586-9577  
Home Phone: 586-3251

Height: 5'11"  
Weight: 158  
Marital Status: Married to Sara Minton

WORK EXPERIENCE: Chairman, Alaska Commercial Fisheries Entry Commission (CFEC). 1983 to present.  
Commissioner, CFEC. 1982 to present.  
Member, Governor's Fisheries Cabinet. 1983 to present.  
Attorney, Alaska Legal Services. 1973 - 1982.  
VISTA Volunteer. 1972 - 1973.  
Legal Research for San Francisco Neighborhood Legal Assistance Foundation (as a law student).  
Indigent Adult Criminal Appeals (as a law student).  
Legal research for Professor Roscoe T. Steffen and private attorneys (as a law student).

LAW SCHOOL: National Judicial College, University of Nevada, Administrative Law: Fair Hearing. 1983.  
Hastings College of Law, San Francisco, California. 1967 - 1970. Graduated with J.D. in upper 15% of the class.

EDUCATION: Northwestern University, Evanston, Illinois. 1963-1967. Graduated with A.B. in upper quarter of the class.  
Elgin High School, Elgin, Illinois. 1960-1963

BAR MEMBERSHIPS: Alaska State Bar  
California State Bar  
United States District Court for the District of Alaska  
United States Court of Appeals for the Ninth Circuit

HONORS: Alaska Legal Services Distinguished Service Award.  
1983  
Martindale-Hubbell highest (a v) lawyer rating.  
1983  
Subject of Notice in Vol. XX of the Dictionary of  
International Biography. 1986  
Elected to Senior Men's Honorary, Northwestern  
(Deru)  
Elected to Junior Men's Honorary, Northwestern  
(Norleggama)  
Illinois State Scholarship Winner  
Elected Most Outstanding Male Graduate (Marie K.  
Ekvall Award), Elgin High School (student body:  
2000)

MAJOR LITIGATION  
AND PRESENTATIONS:

Co-Counsel for plaintiff class of 2667 Alaska  
Native secondary school age children in Tobeluk v.  
Lind (known as the Molly Hootch case), 589 P.2d 873  
(Ak. Sup. Ct. 1979), which by consent decree  
established the entitlement of Alaska Native  
children in 126 villages throughout the state to  
attend secondary school in their home villages and  
further required the state to expend more than  
\$158-million for the construction of local secondary  
facilities. (Worked directly with more than 40  
Alaska Native villages.)

Wilson v. Watt, 703 F.2d 395 (9th Cir. 1983).

Fairbanks Correctional Center Inmates v. Williamson,  
600 P.2d 743 (Ak. Sup. Ct. 1979).

Ferdinand v. City of Fairbanks, 599 P.2d 122 (Ak  
Sup. Ct. 1979)

Horton v. Horton, 519 P.2d 1131 (Ak. Sup. Ct. 1974)

Attorney for plaintiff class of Alaska Native women  
and minor children in Finnesand v. Kleppe, No.  
A75-42 Civ. (U.S. District Court Alaska), which by  
consent decree abolished a discriminatory  
eligibility standard for Bureau of Indian Affairs  
General Assistance.

Represented more than 100 Alaska Native Allotment applicants before the Department of Interior.

Amicus Curiae in cooperation with the Office for Civil Rights in The Matter of Alaska State Department of Education and Twenty-One Regional Educational Attendance Area School Districts S-134, a proceeding before the Department of Health, Education and Welfare, to enforce Title VI of the 1964 Civil Rights Act on behalf of Alaska Native school children against the State of Alaska and the regional school districts of the unorganized borough.

Attorney for the Akiak Indian Reorganization Act Council and parents of school children in Akiak v. Lind, No. 4BR 8-39 Civ., a suit against state officials seeking a declaratory judgment as to the status of an Indian Self-Determination Act Contract School.

"Local Control and Quality Education Under the Hootch Consent Decree," Alaska Native Education Association. Juneau, April 1978.

"Legal and Policy Bases for the Hootch Consent Decree," Statewide Meeting of Alaska Corrections Officials. Anchorage, November 1978.

"Alaska Native Control of Local Village Secondary School Programs," Lawyers Clinic on Parental Liberty in Education, Washington, D.C. December 1978.

"Parental Involvement, Local Control, and Quality of Education," Alaska Native Education Association. Anchorage, 1981.

"The IRS and Alaska Limited Entry Permits," University of Alaska Commercial Fishing Business Seminar, Federal Tax Impact on Commercial Fishermen. Anchorage, 1987.

"Current Issues Affecting Limited Entry," United Fishermen of Alaska. Juneau, 1988.

Bruce Twomley  
Resume  
Page 4

ACTIVITIES:           Reading, Skiing, Hiking, Camping, Kayaking,  
                          Traveling  
                          International Law Club, Hastings  
                          Kappa Sigma Fraternity, Northwestern  
                          President, Interfraternity Council, Northweste  
                          President, Student Council, E.H.S.

References will be furnished upon request.

RESUME

MICHAEL B. CHIHULY "MIKE"

Born Tacoma Washington  
Age 36

Current Residence: 16170 North Star Circle  
Ninilchik, Alaska 99639

Mailing Address: P.O. Box 39294  
Ninilchik, Alaska 99639

FAMILY

Wife Shirley Ann  
Age 35  
Born Afognak Island, Alaska

Daughter Michelle Coe  
Age 8  
Born Fairbanks, Alaska

Daughter Theresa Catherine  
Age 6  
Born Fairbanks, Alaska

Son John Michael  
Age 5 months  
Born Soldotna, Alaska

RESIDENCY

Anchorage Resident	12 years
Fairbanks Resident	12 years
Ninilchik Resident	7 years
Bush Resident	1 year
Wood/Tikchiks	

EDUCATION

East Anchorage High School Graduate

EDUCATION continued...

1975 Graduate University of Alaska Fairbanks  
B.S. Fisheries Biology

1979 Graduate University of Alaska Fairbanks  
M.S. Fisheries Biology

COMMUNITY INVOLVEMENT/PERSONAL INTERESTS

Active EMT-I Ninilchik

Active Volunteer Fireman Ninilchik

Board of Directors Ninilchik Volunteer Fire Department

Central Peninsula Fish and Game Advisory Board Member

Board of Directors Ninilchik Chamber of Commerce

Member Parish Council St. Peter's Catholic Church

Active Supporter Kenai Peninsula State Fair and 4-H Livestock Program

Water Safety Instructor (WSI) Community Swim Program

Hunting, Trapping, and Fishing since age 10

University of Alaska Fairbanks X-Country Ski Team 1971-1975

Competitive Hockey Enthusiast; played High School, College and  
currently involved in Senior Men's Program, Scldotna

Youth Hockey Coach Fairbanks

Hunter Safety Instructor

EMPLOYMENT

1984-1988 Self-employed owner/operator Chihuly's Charters

1984-1988 Self-employed partner Porcupine Gift Shop

1983-1988 Substitute teacher Kenai Peninsula Borough  
School District

EMPLOYMENT continued...

1984-1987 Water Safety Instructor Community Swim Program  
1982/1983 Winter Caretaker/Trapper Wood River Lodge  
1980-1982 Habitat Biologist, ADF&G Pipeline Surveillance  
1979-1980 Fisheries Biologist, LGL Alaska Limited, Northwest  
Alaskan Gas Pipeline Fisheries Studies  
1977-1979 Resident Advisor, Student Affairs, Uof Ak. Fbks.  
1975-1977 Research Assistantship, Northern Pike Research  
Universtiy of Alaska Graduate Studies  
1975 Assistant Athletic Coach, University of Alaska  
1974 Fisheries Technician IV, ADF&G  
1973 Fisheries Technician III, ADF&G  
1972 Fisheries Technician III, ADF&G  
1971 Fisheries Technician II, ADF&G  
1970 Fisheries Technician I, ADF&G and FRI, University  
of Washington  
1967-1969 Commercial Fisherman, Bristol Bay Setnet

PUBLICATIONS

Include:

Master's Thesis on Northern Pike

Primary Author for six major fisheries studies reports prepared  
for Northwest Alaskan Pipeline Company

Numerous Outdoor Articles written for ALASKA magazine and  
ALASKA OUTDOORS magazine

REFERENCES

William Bailey, owner Will's Copper King Charters, Ninilchik  
Doug Blossom, Chairman Central Peninsula Advisory Board, Ninilchik  
Sam Bushon, Principal, Ninilchik High School  
Darrel Kellum, former Principal Ninilchik High School  
Elain Thomas, Teacher Ninilchik High School  
Frank Miller, Teacher Ninilchik High School  
Robert Jones, Teacher Ninilchik High School  
Penny Brett-Vadla, Teacher Ninilchik High School  
John Lindeman, Commercial Fisherman/Teacher Ninilchik High School  
Pat Oskolkoff, EMT Instructor Ninilchik Emergency Services  
Joseph Meier, Commercial Fisherman Ninilchik  
Darwin Waldsmith, Commercial Fisherman Ninilchik  
Larry Van Ray, State Coordinator Duck's Unlimited  
Gerry Byrne, Commercial Fisherman/President Ninilchik Vol. Fire Dept.  
James Greiner, Author and former Editor Alaska Trapper's Magazine  
Al Ott, Supervisor Habitat Division, ADF&G, Fairbanks  
Richard Shideler, Supervisor Habitat Division, ADF&G, Fairbanks  
Carl Yanagawa, Supervisor Habitat Division, ADF&G, Fairbanks  
Dr. Stephen Johnson, President Alaska Office, LGL Alaska  
Dr. Richard Stenard, Student Affairs, University of Ak., Fbks.  
Dr. Harris Sheldon, Student Affairs, University of Ak., Fbks.  
Dr. Sam Harbo, former member Board of Game  
Russel Redick, former Supervisor ADF&G Sport Fish Division

Resume

*Aug 6.*

NAME: Ben G. Ballenger  
SS# 560-28-1913

DGB: May 12, 1924  
Greeley, Colorado

EDUCATIONAL BACKGROUND:

San Diego High School  
Graduation 1941 - General Courses

U. of A. Wildlife Class - One week course, 1957

Military Justice School June 1959-August 1959

Deep Sea Diving School July 1943 - January 1944 Master Diver  
U.S. Navy  
Dept. of Supervised Study

Alaska Troopers Academy - one week 1979  
Orientation on Enforcement Sitka, Alaska

EMPLOYMENT HISTORY:

March 1962 to December 30, 1985 STATE OF ALASKA  
ALASKA DEPARTMENT OF FISH & GAME  
GAME DIVISION

At the beginning of employment with the State my position was that of Fish and Game Aide. This consisted of performing the following duties:

Under general direction, conduct ground and aerial game surveys of deer, elk, bear, goat, caribou and moose. Collect and preserve specimens used for reproduction and aging studies from elk, deer, bear and caribou. Conduct hunter surveys, analyze and compute harvest data including sex and age composition of deer and elk from analysis of the lower mandibles. Participate in the bear-cattle program, including predator control, determination of the extent of predation, public relations and capturing and tagging brown bears. Conduct range surveys to determine the trend and utilization of key plants used by elk. Conduct winter mortality surveys to determine its effect on elk and deer populations. Assist in transplant of elk and moose including capturing and caring for the young animals until their release. Recommend regulation changes pertaining to Unit 8 to my immediate supervisor.

Resumé (Continued)  
Ben G. Ballenger

-2-

As the Department grew in management techniques and responsibilities and the hunt pressure increased so did the responsibilities of my position resulting in a new job classification.

July 1970-December 30, 1985 FISH AND GAME TECHNICIAN V

The main purpose of this position was to assist the Area Game Biologist in all phases of game management duties in the Kodiak area. In his absence assume all the responsibilities of the Area Game Biologist.

Primarily, duties consisted of setting up and accomplishing the mammal inventories and aerial and ground surveys. Issue permits and harvest tickets for hunts in Alaska; inform hunters as to where, when and how to hunt on Kodiak. Continual elk and deer range evaluations to determine the condition of the winter food supply. Collecting data and specimens from various animals. Answer correspondence from the public on securing permits, licenses, and other information on hunting, viewing, photographing wildlife on Kodiak and adjacent islands in GMU 8. Also during the open hunt seasons went on enforcement patrols which required checking hunters for licenses and permits. Conducted winter mortality transects for deer and elk. This work consisted of in the field inspections of key winter areas; searching the area for deer/elk carcasses; determine sex and age, physical conditions and cause of death. When time permitted I also gave talks to civic groups, school classes, sportsmans groups on hunting and wildlife management programs. Attend all meetings held by the public and speak on game regulations and policies in an effort to secure public support for our programs; inform people on regulations and laws. There was also the need for capturing of live animals, use of drugs in the captures and utilizing other marking equipment.

Because of the close work with the public and the Kodiak/Afognak/Shuyak area guides it was extremely important to have a knowledge of the State and Federal laws and Alaska State Game Regulations. In this way it was easier to to make recommendations to the staff regarding changes in the hunting and trapping regulations that the public and guides were most concerned about. Then these regulation changes would be recommend to the Board of Game.

December 1941 - November 1961 Chief Boatswain's Mate  
U.S. NAVY, deck supervisor, various responsibilities in connection with maintaining, seamanship, gunnery, navigation, boat handling, marlin spike seamanship and training junior officers of the deck-duties.

March 1956 - July 1958

U.S. Deputy Game Warden, Game and fish patrol on road system of Kodiak.

Resumé (Continued)  
Ben G. Ballenger

-3-

During my employment with the State of Alaska I also assisted in various wildlife projects throughout the State. These projects are listed below:

Southeastern Alaska - elk transplant in the summers of 1962 and 1963.

Alaska Peninsula - moose and bear hunt monitoring in winter 1967.

Kenai Peninsula - collect biological specimens from moose kills early 70's.

Point Hope/Kotzebu - monitoring polar bear hunts, data and specimen collection for polar bear research teams. Also collected wolf specimens for research teams in Fairbanks.  
Winters of 1969 and 1970.

Amchitka - live capturing of sea otters for reintroduction into Washington Oregon and other parts of Alaska. Late 60's.

Administered the Guide Test to individuals in Kodiak in 1962 and 1963 then mailed to Anchorage for correction and evaluation.



# FROST GUIDE SERVICE, INC.

P.O. BOX 112449 ANCHORAGE, ALASKA 99511

January 3, 1983

Resume of: Stanley (Stan) Frost

Personal:

Master Alaskan Guide  
Born in Toronto, Canada Nov.1, 1924  
U.S.Citizen April 4,1944  
Alaska resident since March 1954  
Wife Marta plus four children- Konstanze, Karen,  
Cathy & Candace  
Pilot since 1962  
World War II served in E.T.O. Combat Engr. 1943-46

Business:

1965-present Pres.: Frost Guide Service, Inc.  
1970-present Owner operator: Farewell Lake Lodge  
1966-1969 Owner operator: Frost Refrigeration, Anchorage (sold)  
1960-1966 Owner operator: Domestic Appliance Service Anch. (sold)  
1954-1960 Owner operator: Alaskan T.V. Service, Palmer AK (moved to Anchorage 1960)  
1954 Service manager: American T.V. Anchorage  
Serviceman: Tom's Radio, 4th Ave., Anchorage

Organizations:

Served three terms as president, Alaska Professional Hunters Assn., 1975,76,77. Ten years on board of directors, also as secy, treasurer, and vice pres.

Board of Directors, 76-77, Citizens for Mgmt. Alaskan Lands.

Board of Directors, 1980, Safari Club International

Member: Alaska Professional Hunters Assn, National Rifle Assn.  
International Professional Hunters Assn., Safari  
Club International, Game Conservation International,

Also Editor of THE ALASKA PROFESSIONAL HUNTER magazine 1978-79

## RESUME

DAVID W. JOHNSTON  
940 Tyonek Drive  
Anchorage, Alaska 99501

Phone: (907) 277-7868 (Home)  
762-2592 (Work)

### EXPERIENCE:

Natural Resource Manager II (March 1, 1988 to present)

Alaska Department of Natural Resources, Division of Oil and Gas (DO&G) 3601 C. Street, Anchorage, Alaska

In addition to duties described below, I am now providing staff support for Governor Cowper and Commissioner of Natural Resources Judith Brady in matters related to the Interstate Oil Compact Commission (IOCC). The IOCC is an organization of 29 producing states dedicated to the conservation of oil and gas; Governor Cowper is the current chairman of the IOCC. My principal functions include planning, coordinating and implementing the governor's IOCC goals and objectives, scheduling the governor's IOCC activities, planning meetings and preparing meeting agenda, writing letters for the governor's signature, preparing remarks for the governor, and interacting with other states' official representatives to IOCC and individuals doing business with IOCC, including Congressional staff and industry representatives.

Natural Resource Manager II (November 15, 1984 to present)

Natural Resource Manager I (September 15, 1984 to November 15, 1984)

Geologist III (January 1, 1984 to September 15, 1984)

Alaska Department of Natural Resources, Division of Oil and Gas (DO&G)

I currently manage DO&G's environmental analysis unit. My principal responsibilities include directing the division's environmental research effort in support of each state oil and gas lease sale; developing lease sale stipulations and permit terms; negotiating with other state and local agencies which offer comments and recommendations to modify proposed stipulations and permit terms to achieve concurrence; supervising the publication of the state's best interest finding and decision, and ACMP consistency determination for each state oil and gas lease sale; coordinating the acquisition of social, economic and environmental information for each lease sale; directing the division's public outreach program to educate local residents about oil and gas development; supervising the publication of the annual Five-Year Oil and Gas Leasing Program; and administering the state's seismic exploration permit and data acquisition program (MLUP Administration Project). I supervise four employees.

Duties of position required progressive upgrades from Geologist III to Natural Resource Manager II.

Geologist III (January 20, 1981 to January 1, 1984)

Alaska Department of Natural Resources, Division of Oil and Gas (DO&G)

Managed Alaska's MLUP Administration Project. This project coordinates all geophysical seismic exploration for oil and gas resources on state land. Principal responsibilities included review and approval of exploration plans, addressing environmental and legal issues and insuring compliance with state regulations governing oil and gas exploration, including submittal of geophysical data. Also, assisted in the review of lease operations and unit plans, and helped evaluate state land for oil and gas potential prior to a lease sale. Supervised one employee.

Managed own business (January 1, 1979 to January 20, 1981)

Provided expertise in the area of Arctic construction. Evaluated soils for proper foundation design and provided recommendations for appropriate construction methods. Prepared bid estimates and proposals for construction and assisted clients in obtaining necessary financing for their projects. Concurrently worked on Masters degree at University of Alaska.

Geologist (October 25, 1975 to January 1, 1979)

R&M Consultants, Inc., Box 2630, Fairbanks, Alaska

Drill rig geologist primarily devoted to soils and permafrost investigations, material site evaluations, and geotechnical studies. Responsible for the geologic logging of drill borings, and collecting of core samples. Results compiled in geotechnical reports, which company engineers used for facility design. Worked on projects throughout the state, including the Trans-Alaska Pipeline. Became head of field operations for R&M on its subsurface investigation of the Northwest Gas Line right-of-way. Additional experience in hard rock geology, mineral prospecting and aerial reconnaissance.

Geologist (September 1, 1975 to October 25, 1975)

U.S. Forest Service, Fort Missoula, Missoula, Montana

Researched geology and mining history of federal forest service lands in Montana to determine mineral potential. Concluding papers were published in Environmental Impact Statements, which outlined management alternatives for these lands.

**EDUCATION:** University of Alaska, Fairbanks, Alaska.  
Master of Science in Engineering Management - 1985

Montana State University, Bozeman, Montana  
Bachelor of Science in Geology - 1974

**TECHNICAL:** Oxford University, College of Petroleum Studies - Crude Oil Supply, Transportation, Refining and Trading  
American Association of Petroleum Geologist - Petroleum Exploration  
Schlumberger - Production Well Log Analysis  
University of Alaska - Well Log Analysis  
IED - Seismic Exploration  
EROS - Remote Sensing School

**OTHER:** Mediation Institute - Dispute Resolution  
Batten Seminar - Negotiation

**REFERENCES:** Available on request.

**HOUSE AND  
SENATE OIL  
SPILL  
LEGISLATION**

M E M O R A N D U M

HOUSE & SENATE OIL SPILL LEGISLATION INTRODUCED

SESSION 1989

HOUSE BILLS

<u>BILL #</u>	<u>SHORT TITLE:</u>	<u>STATUS:</u>
HB 68 -	RELEASE OF HAZARDOUS SUBSTANCES	(S) JUD
HB 258 -	APPROP: OIL SPILL EXPENDITURES	(H) FIN
HB 263 -	ARBITRATION COMMISSION/VALDEZ DISASTER	(H) JUD
HB 287 -	HAZARDOUS SUBSTANCES RESPONSE CORPS	(H) RES
HB 288 -	OIL/HAZ. SUBST. CONTINGENCY PLANS	(H) RES
HB 289 -	SEVERANCE TAX ON OIL TO CONTROL POLLUTION	(H) RES

HOUSE RESOLUTIONS

HCR 29 -	JOINT COMMITTEE ON OIL SPILLS	(H) FIN
HJR 41 -	CONGRESSIONAL OVERSITE OF TANKER SAFETY	(H) RES

SENATE BILLS

SB 60 -	APPROP: LOBBY FOR EXPORT OF ALASKA OIL (cs res)	(S) FIN
SB 247 -	APPROP: OIL SPILL EXPENDITURES	13 SLA 89 4/12
SB 255 -	ARBITRATION COMMISSION/VALDEZ DISASTER	(S) JUD
SB 256 -	REIMBURSEMENT FOR COSTS/HAZARDOUS SUB	(H) CRA
SB 260 -	SEVERANCE TAX ON OIL TO CONTROL POLLUTION	(S) RES
SB 261 -	OIL/HAS. SUBST. CONTINGENCY PLANS	(S) O & G
SB 264 -	HAZARDOUS SUBSTANCES RESPONSE CORPS	(S) O & G
SB 266 -	OIL SPILL FEE ON OIL TO CONTROL POLLUTION	(S) RES

SB 271 - CIVIL PENALTIES; DISCHARGE OF CRUDE OIL (S) RES

SB 277 - VALDEZ DISASTER INVESTIGATIVE PANEL (S) FIN

SENATE RESOLUTIONS

SCR 30 - COORDINATED RESEARCH/OIL SPILL TECHNOLOGY (S) O & G

SCR 31 - JOINT COMMITTEE ON OIL SPILLS (H) FIN

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Prince William Sound Recovery  
7 Authority; and providing for an effective date."

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

9 \* Section 1. AS 30 is amended by adding a new chapter to read:

10 CHAPTER 35. PRINCE WILLIAM SOUND RECOVERY AUTHORITY.

11 ARTICLE 1. CREATION AND ORGANIZATION.

12 Sec. 30.35.010. PRINCE WILLIAM SOUND RECOVERY AUTHORITY CREATED.

13 There is created within the Office of the Governor the Prince William  
14 Sound Recovery Authority.

15 Sec. 30.35.020. STRUCTURE OF THE AUTHORITY. (a) The authority  
16 shall be governed by a board of directors consisting of the commis-  
17 sioners, or the delegates of the commissioners, of environmental  
18 conservation, fish and game, community and regional affairs, and  
19 natural resources, and three public members. The public members shall  
20 be appointed by the governor and confirmed by the legislature for  
21 staggered terms of two years. A public member, upon expiration of the  
22 term, continues to hold office until a successor is appointed. A  
23 vacancy shall be filled for the balance of the unexpired term. A  
24 public member may not have a direct economic interest in the petroleum  
25 industry or in the redevelopment of Prince William Sound. However,  
26 one public member may have a limited economic interest in the redevel-  
27 opment of the sound.

28 (b) Public members of the board receive an honorarium of \$200  
29 for each day spent at a meeting of the board or at a meeting of a

1 subcommittee of the board or at a public meeting as a representative  
2 of the board. Members of the board are entitled to per diem and  
3 travel allowances as provided by law for members of state boards and  
4 commissions.

5 (c) The governor shall appoint the executive director of the  
6 authority. The authority may employ additional staff. The executive  
7 director, hearing officers, and other professional staff of the  
8 authority are in the partially exempt service under AS 39.25.120.

9 (d) The governor may remove members of the board for cause.

10 (e) Four members of the board constitute a quorum of the board.  
11 Action may be taken by the board at a meeting by the affirmative vote  
12 of a majority of the directors.

13 (f) The board shall elect a chair annually and may elect other  
14 officers it considers necessary. The board shall meet at the call of  
15 the chair or at the request of a majority of members.

16 Sec. 30.35.030. ATTORNEY GENERAL. The attorney general shall  
17 act as legal counsel for the authority.

18 Sec. 30.35.040. ADMINISTRATIVE PROCEDURE ACT. The authority may  
19 adopt regulations under the Administrative Procedure Act (AS 44.62) to  
20 carry out the purposes of this chapter. Hearings held by the author-  
21 ity are not subject to AS 44.62.

#### ARTICLE 2. PURPOSE, POWERS, AND DUTIES.

22 Sec. 30.35.100. PURPOSE. The purpose of the authority is to  
23 provide an integrated, holistic response to the short-term and long-  
24 term consequences, both direct and indirect, of the oil spill in  
25 Prince William Sound, on March 24, 1989, to the people, vegetation,  
26 fish, shellfish, animals, land, air, and water of the region.

27 Sec. 30.35.110. CONSTRUCTION OF POWERS AND DUTIES. The powers  
28 and duties of the authority shall be liberally construed to further  
29

1 the accomplishment of its purposes.

2 Sec. 30.35.120. IDENTIFICATION OF REGION. The authority shall,  
3 by regulation, identify the region included within its jurisdiction.  
4 The authority shall include within the boundaries the land and water  
5 directly affected by the oil spill and may, to accomplish its  
6 purposes, include land and water indirectly affected by the spill.

7 Sec. 30.35.130. REMEDIAL PLAN AND PROGRAM. (a) The authority  
8 shall prepare, adopt, and revise a long-term optimum remedial plan for  
9 the recovery of the region from the effects of the oil spill. In  
10 preparing and revising the plan, the authority may undertake evalu-  
11 ation studies of the consequences of the spill and may contract with  
12 others to prepare studies. The authority shall report to the legisla-  
13 ture on the plan and revisions to the plan not later than the 10th day  
14 of each legislative session.

15 (b) The authority shall implement the plan through an optimum  
16 remedial program.

17 Sec. 30.35.140. POWERS. The authority may

18 (1) accept gifts, grants, or loans from, and enter into  
19 contracts of other transactions regarding them, with any person;

20 (2) enter into contracts with the United States, another  
21 state, or a person, and subject to the laws of the United States and  
22 subject to the concurrence of the legislature, with a foreign country  
23 or its agencies, to carry out its purposes;

24 (3) hold hearings and resolve claims for losses caused  
25 directly or indirectly by the oil spill disaster;

26 (4) make grants to further the recovery of the region from  
27 the direct and indirect results of the oil spill disaster;

28 (5) perform studies or contract with others to perform  
29 studies concerning the causes, appropriate remedies for, and future

1 prevention of oil spill disasters;

2 (6) make recommendations to federal, state, and local  
3 governments concerning matters related to its purposes;

4 (7) sue and be sued.

5 Sec. 30.35.150. PUBLIC PARTICIPATION. The authority shall  
6 involve the people of the region in the policy decisions respecting  
7 its purposes. The authority may establish advisory committees with  
8 respect to any facet of its work. Membership on advisory committees  
9 may be drawn from individuals, businesses or other groups, and repre-  
10 sentatives of local, state, and federal agencies.

11 Sec. 30.35.160. STATE AND FEDERAL COORDINATION. (a) The  
12 authority is the state agency responsible for all state activities  
13 related to the oil spill disaster. Notwithstanding powers and duties  
14 assigned to other state agencies, the authority shall direct the  
15 state's response to the disaster and shall prepare the budget request  
16 for the money needed by all departments involved in the recovery  
17 effort.

18 (b) The authority may make recommendations to the legislature,  
19 federal agencies, and to the Congress with respect to all matters  
20 relative to its purposes.

21 (c) The authority may enter into a cooperative agreement with an  
22 agency of the state, federal, or local government for the administra-  
23 tion of its powers or for a project authorized by the authority.

24 Sec. 30.35.170. TRAINING AND EDUCATION PROGRAMS. The authority  
25 may offer or sponsor educational and training programs to people  
26 affected, directly or indirectly, by the oil spill disaster to assist  
27 in alleviating the effects of the oil spill disaster, to encourage  
28 recovery from the disaster, and to ensure that the chance of ill  
29 effects from future oil spills is reduced or eliminated.

1           Sec. 30.35.180. FISHERIES. If the authority finds that the  
2 welfare of a fishery in the state is adversely affected by the oil  
3 spill disaster, the authority may recommend to the Alaska Commercial  
4 Fisheries Entry Commission that the number of permits issued for a  
5 fishery be reduced. If the authority finds that the number of limited  
6 entry permits in a fishery is greater than the desirable number of  
7 permits because of the effects of the oil spill disaster on that  
8 fishery, the authority may make funds available to the commission for  
9 the buy-back program for the fishery under AS 16.43.320 or for the  
10 rental program for the fishery under AS 16.43.325.

11           Sec. 30.35.190. VOLUNTEERS. The authority may establish a  
12 system for the use of volunteers in its rehabilitation and cleanup  
13 efforts. The authority is not liable for the negligent, reckless, or  
14 intentional acts of a volunteer.

15           Sec. 30.35.200. CLAIMS FOR COMPENSATION. (a) A person who was  
16 damaged directly or indirectly by the oil spill disaster may file a  
17 written claim for compensation with the authority. Staff of the  
18 authority shall investigate the claim and grant or deny compensation  
19 for the damages. The claims staff may make a partial award of compen-  
20 sation pending final determination of injury. The claimant may appeal  
21 the staff decision to the board of directors. The board may delegate  
22 its responsibility for appeals to a hearing officer.

23           (b) An appeal shall be conducted on the record under procedures  
24 adopted by the board. Hearings are not subject to the Administrative  
25 Procedure Act (AS 44.62). A decision of the board may be appealed to  
26 the superior court.

27           (c) The authority shall award compensation for damages that were  
28 caused directly or indirectly by the oil spill disaster. The state  
29 shall be subrogated to a claim of a person awarded compensation under

1 this section to the extent the person is entitled to receive compensa-  
2 tion for the same damages. The authority shall seek reimbursement  
3 from the third party.

4 Sec. 30.35.210. ENHANCEMENT OR RECOVERY PROJECTS. The authority  
5 may award a grant to an applicant for an enhancement or recovery  
6 project. The authority shall seek reimbursement for the cost of the  
7 project from the persons responsible for the oil spill disaster.

8 ARTICLE 3. FINANCIAL MATTERS.

9 Sec. 30.35.300. PRINCE WILLIAM SOUND RECOVERY ACCOUNT. (a)  
10 There is created in the general fund the Prince William Sound recovery  
11 account.

12 (b) Notwithstanding any other provision of law, that part of the  
13 state's recovery in damages, fines, and civil penalties from the oil  
14 spill disaster that is not direct compensation to another state agency  
15 for expenses incurred in responding to the oil spill disaster shall be  
16 deposited in the account. The legislature may appropriate additional  
17 money to the account, including an amount equal to the annual proceeds  
18 of the oil spill disaster fee under AS 30.35.310..

19 (c) The account shall be used to carry out the purposes of this  
20 chapter. Money from an appropriation made to the fund remaining in  
21 the fund at the end of a fiscal year remains available for expenditure  
22 in successive fiscal years.

23 (d) Money recovered as a criminal penalty may not be used to  
24 fund compensation or a project for which a person, including the  
25 state, may recover actual damages.

26 Sec. 30.35.310. OIL SPILL DISASTER FEE. (a) A fee of \$.50 per  
27 barrel is imposed on each barrel of crude petroleum oil brought into  
28 the Prince William Sound region from another part of the state. The  
29 fee is payable to the Department of Revenue on or before June 30 of

1 the taxable year. The department may provide for voluntary prepayment  
2 and for payment by installments. AS 43.05 applies to the collection  
3 of the fee.

4 (b) When a fee under this section becomes delinquent, a penalty  
5 of 10 percent shall be added. Interest on the delinquent fees, exclu-  
6 sive of penalty, shall be assessed at a rate of eight percent a year.

7 (c) The fee, interest, and penalties collected with respect to  
8 the fee shall be deposited in the general fund. The commissioner of  
9 administration shall separately account for the money deposited in the  
10 general fund under this section. The annual estimated balance in the  
11 account may be used by the legislature to make appropriations to the  
12 Prince William Sound recovery account to carry out the purposes of  
13 this chapter.

#### 14 ARTICLE 4. SAFETY PROGRAM.

15 Sec. 30.35.400. ENVIRONMENTAL SAFETY. The authority shall  
16 prepare an emergency response plan and provide emergency response  
17 resources for the region to prevent the occurrence of harm from the  
18 shipment of crude petroleum oil. The plan shall take into considera-  
19 tion oil discharge contingency plans approved or submitted for appro-  
20 val by the Department of Environmental Conservation under AS 46.04.-  
21 030. The authority may enter into agreements for the emergency use of  
22 the authority's emergency response resources in other locations.

#### 23 ARTICLE 5. GENERAL PROVISIONS.

24 Sec. 30.35.990. DEFINITIONS. In this chapter,

25 (1) "authority" means the Prince William Sound Recovery  
26 Authority;

27 (2) "board" means the board of directors of the authority;

28 (3) "oil spill disaster" means the disaster following the  
29 discharge of oil from the oil tanker Exxon-Valdez in Prince William

1 Sound beginning on March 24, 1989;

2 (4) "region" means the region identified under AS 30.35.-  
3 120.

4 \* Sec. 2. AS 16.43 is amended by adding a new section to read:

5 Sec. 16.43.325. PERMIT RENTAL PROGRAM. (a) At the request of  
6 the Prince William Sound Recovery Authority and if the commission  
7 determines that the optimum number of entry permits is less than the  
8 number of entry permits outstanding in a fishery because of the  
9 affects of the oil spill disaster, the commission shall establish and  
10 administer an entry permit rental program to reduce the entry permits  
11 operating within the fishery. The commission may rent a permit from a  
12 permit holder at a rate and for a length of time determined by the  
13 commission.

14 (b) For each rental program, the commission shall adopt regula-  
15 tions providing for the rental of the entry permits at fair market  
16 value. The regulations shall establish procedures for the commission  
17 to use in determining the length of the rental period. The rental  
18 program shall terminate when the number of entry permits is reduced to  
19 the optimum.

20 (c) The rental program shall be financed by money made available  
21 by the Prince William Sound Recovery Authority.

22 (d) In the section, "oil spill disaster" has the meaning given  
23 in AS 30.35.990.

24 \* Sec. 3. AS 39.25.120(c) is amended by adding a new paragraph to read:

25 (21) the executive director, hearing officers, and other  
26 professional staff of the Prince William Sound Recovery Authority.

27 \* Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

28 (50) Prince William Sound Recovery Authority (AS 30.35.-  
29 010);

1 \* Sec. 5. AS 44.66.010(a) is amended by adding a new paragraph to read:

2 (17) Prince William Sound Recovery Authority (AS 30.35.010)

3 -- June 30, 1993.

4 \* Sec. 6. AS 46.03.770 is amended to read:

5 Sec. 46.03.770. DETENTION OF VESSEL WITHOUT WARRANT AS SECURITY  
6 FOR DAMAGES. A vessel that is used in or in aid of a violation of  
7 AS 46.03.740 - 46.03.750 may be detained after a valid search by the  
8 department, an agent of the department, a peace officer of the state,  
9 or an authorized protection officer of the Department of Fish and  
10 Game. Upon judgment of the court having jurisdiction that the vessel  
11 was used in, or was the cause of, a violation of AS 46.03.740 -  
12 46.03.750 with knowledge of its owner or under circumstances indicat-  
13 ing that the owner should reasonably have had this knowledge, the  
14 vessel may be held as security for payment to the state of the amount  
15 of damages assessed by the court under AS 46.03.758, 46.03.760, and  
16 46.03.822. If the damages assessed are not paid within 30 days after  
17 judgment or final determination of an appeal, the vessel shall be sold  
18 at public auction, or as otherwise directed by the court, and the  
19 damages paid from the proceeds. The balance, if any, shall be paid by  
20 the court to the owner of the vessel. The court shall permit the  
21 release of the vessel upon posting of a bond set by the court in an  
22 amount not to exceed the maximum amount of damages available under  
23 AS 46.03.758, 46.03.760, and 46.03.822. Except as provided in AS 30.-  
24 35.300, the [THE] damages received under this section shall be trans-  
25 mitted to the proper state officer for deposit in the general fund. A  
26 vessel seized under this section shall be returned or the bond exon-  
27 erated if no damages are assessed under AS 46.03.758, 46.03.760, or  
28 46.03.822.

29 \* Sec. 7. AS 46.04.010 is amended to read:

1           Sec. 46.04.010. REIMBURSEMENT FOR CLEANUP EXPENSES. Except as  
2 provided in AS 30.35, the [THE] department shall promptly seek reim-  
3 bursement under AS 46.03.760(e), AS 46.08.070, or from an applicable  
4 federal fund, for the expenses it incurs in cleaning up or containing  
5 a discharge of oil. If the department obtains reimbursement for a  
6 portion of its expenses from a federal fund, the remainder of the  
7 expenses incurred may be recovered under AS 46.03.760(e) or AS 46.08.-  
8 070. Except as provided in AS 30.35.300, money [MONEY] received by  
9 the department under this section shall be deposited in the general  
10 fund and credited to a special account called the "oil and hazardous  
11 substance release mitigation account".

12 \* Sec. 8. AS 46.08.020(b) is amended to read:

13           (b) Except as provided in AS 30.35.300, money [MONEY] received  
14 by the state under (a)(2) and (a)(3) of this section shall be deposit-  
15 ed in the general fund and credited to the special account called the  
16 "oil and hazardous substance release mitigation account." The legis-  
17 lature may annually appropriate to the fund from this account a sum  
18 equal to the amount received under (a)(2) and (a)(3) of this section,  
19 other than the amount deposited in the Prince William Sound recovery  
20 account, during the calendar year preceding the legislative session in  
21 which the appropriations are to be made.

22 \* Sec. 9. Notwithstanding AS 30.35.020(a), enacted by sec. 1 of this  
23 Act, one of the initial public members of the Prince William Sound Recovery  
24 Authority shall be appointed for a term of one year.

25 \* Sec. 10. This Act takes effect July 1, 1989.  
26  
27  
28  
29

***MAT SU  
HEARING***



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 488-3718

HOUSE RESOURCES COMMITTEE HEARING  
March 11, 1989  
Wasilla City Hall  
Wasilla, Alaska  
9:00a.m.-3:30p.m.

## AGENDA

- 9:00 a.m. Opening by Chairman Menard
- 9:15 Marty Welbourn, Division of Land & Water Management, Resource Allocation Section, and Lance Trasky, Habitat Division, (D&FG) - DNR timber management plan.  
Questions from Committee
- 9:45 John Duffy, Mat-Su Borough, and Bill Luria, Resource Management Associates - Mat-Su Borough forest plan.  
Questions from Committee
- 10:15 Bob Dick, Director of Forestry; Ted Smith/ Alan Phipps, Board of Forestry - Forestry Budget, Forest Practices & 5-Yr. Plan.  
Questions from Committee
- 11:00 Frank Rue, Director of Habitat (DF&G)- Forest Practices Act Review, riparian management group.  
Questions from Committee
- 11:30 Alan Phipps, Alaska Center for the Environment- Forest Practices Act Review, process group.  
Questions from Committee
- 12:00 - 1:10 p.m. Brownbag Lunch  
Lunch speaker - Dr. John Kim, UAA  
Center for International Business
- 1:10 REDCOR presentation  
Questions from Committee
- 1:35 Susitna Valley Association presentation  
Questions from Committee

House Resources Comm. Agenda

Page 2

2:00	Mat-Su Loggers Assn. presentation
	Questions from Committee
2:25	Break
2:30 - 3:30	Public Comment
3:30	Closing by Chairman Menard; ADJOURN Depart for Hatcher Pass
4:30	Independence Mine State Historical Park - Dale Bingham
5:30	Hatcher Pass Lodge
5:00 - 7:00	REDCOR Reception Mat Su Resort

## Chapter 17. Forest Resources and Practices.

### Article

1. Administration and Management (§§ 41.17.055, 41.17.070, 41.17.090)
2. Enforcement (§§ 41.17.120 — 41.17.143)
3. State Forest System (§§ 41.17.200 — 41.17.230)
4. State Land Reforestation (§§ 41.17.300 — 41.17.320)
5. Tanana Valley State Forest (§ 41.17.400)
6. General Provisions (§§ 41.17.900 — 41.17.950)

**Legislative history reports.** — For the governor's transmittal letter on SB 59 (1978), with a sectional analysis, see 1978 Senate Journal, p. 656. AS 41.17 derives from CSSSB 59 (Rules) am H, which was enacted as chapter 108, SLA 1978.

**Opinions of attorney general.** — Proposed regulation establishing compliance with management practice under AS

41.17 and regulations as an affirmative defense to prosecution for alleged water quality violations for the forestry industry alone would cause an equal protection problem; executive agency cannot, by regulation, create an affirmative defense to what the legislature has determined should be prosecuted. 1980 Op. Att'y Gen. No. 10.

### NOTES TO DECISIONS

Cited in *Kenai Lumber Co. v. LeResche*, Sup. Ct. Op. No. 2516 (File Nos. 5733, 5755), 646 P.2d 215 (1982); *Southeast*

*Alaska Conservation Council, Inc. v. State*, Sup. Ct. Op. No. 2662 (File No. 5855), P.2d (1983).

**Collateral references.** — 52 Am. Jur. 2d, *Logs and Timbers*, § 1 et seq. 98 C.J.S., *Woods and Forests*, § 1 et seq.

Constitutionality of reforestation or forest conservation legislation, 13 ALR2d 1095.

### Article 1. Administration and Management.

Section	Section
10. Declaration of intent	60. Regulatory and administrative standards
20. Division of forestry established	70. Administrative plan and report
30. Responsibilities of division	80. Regulations
41. Board of forestry	85. Permit applications
43. Terms of office	90. Notification and review of operations
45. Removal of members	100. Deployment of broadcast chemicals
47. Powers and duties of board	110. Conversion of forest land to other uses
55. Powers and duties of the commissioner	

**Sec. 41.17.010. Declaration of intent.** The legislature declares that

(1) the forest resources of Alaska are among the most valuable natural resources of the state, and furnish timber and wood products, fish and wildlife, tourism, outdoor recreation, water, soil, air, minerals, and general health and welfare;

(2) economic enterprises and other activities and pursuits derived from forest resources warrant the continuing recognition and support of the state;

(3) the state has a fundamental obligation to insure that management of forest resources guarantees perpetual supplies of renewable resources, provides nonrenewable resources in a manner consistent with that obligation, and serves the needs of all Alaska for the many products, benefits, and services obtained from them;

**Sec. 41.17.030. Responsibilities of division.** (a) The division shall manage state forests and, as directed by the commissioner, provide technical advice to the division of lands on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of this chapter or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally. (§ 1 ch 108 SLA 1978)

**Opinions of attorney general.** — The Department of Natural Resources, under the authority of AS 41.17.030(j), cannot preempt the regulatory authority of the commissioner of fish and game under AS 16.05.870 over nonpoint source pollution of anadromous streams caused by logging activities. March 4, 1982, Op. Att'y Gen.

**Sec. 41.17.041. Board of forestry.** (a) The Board of Forestry is established in the Department of Natural Resources, division of forestry.

(b) The board is composed of 14 members appointed by the governor from nominations submitted from the groups listed in (c) of this section. The board shall elect its own presiding officer.

(c) Seats on the board shall be allocated as follows:

- (1) the state forester ex officio has one seat;
- (2) a nominee of the regional forester, United States Forest Service has one seat;
- (3) a nominee of the Society of American Foresters has one seat;
- (4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;
- (5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;
- (6) a nominee of an Alaskan environmental group has one seat;
- (7) a nominee of the Alaska Coastal Management Council has one seat;
- (8) a nominee of unions engaged in processing forest products has one seat;
- (9) a nominee of the United Fishermen of Alaska has one seat;
- (10) a nominee of the Alaska Miners' Association has one seat; and
- (11) a member from the public at large has one seat.

(d) Each group entitled to make nominations under (c) of this section shall submit three names to the governor for the vacancy on the board it is entitled to make nominations for.

(e) Members of the board, except the state forester, do not serve at the pleasure of the governor. (§ 1 ch 108 SLA 1978; am § 87 ch 59 SLA 1982)

**Revisor's notes.** — Formerly AS 41.17.040(a)-(d), (g). Renumbered in 1983. amendment substituted "division of forestry" for "division of forest, land, water management" in subsection (a).  
**Effect of amendments.** — The 1982

**Sec. 41.17.043. Terms of office.** The term of office of a member of the board is three years; the governor shall make the initial appointments to the board in such a way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982. The state forester serves an indefinite term, ex officio. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.040(e). Renumbered in 1983.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

## Chapter 17. Forest Resources and Practices.

### Article

1. Administration and Management (§§ 41.17.055, 41.17.070, 41.17.090)
2. Enforcement (§§ 41.17.120 — 41.17.143)
3. State Forest System (§§ 41.17.200 — 41.17.230)
4. State Land Reforestation (§§ 41.17.300 — 41.17.320)
5. Tanana Valley State Forest (§ 41.17.400)
6. General Provisions (§§ 41.17.900 — 41.17.950)

**Legislative history reports.** — For the governor's transmittal letter on SB 59 (1978), with a sectional analysis, see 1978 Senate Journal, p. 656. AS 41.17 derives from CSSSB 59 (Rules) am H, which was enacted as chapter 108, SLA 1978.

**Opinions of attorney general.** — Proposed regulation establishing compliance with management practice under AS

41.17 and regulations as an affirmative defense to prosecution for alleged water quality violations for the forestry industry alone would cause an equal protection problem; executive agency cannot, by regulation, create an affirmative defense to what the legislature has determined should be prosecuted. 1980 Op. Att'y Gen. No. 10.

### NOTES TO DECISIONS

Cited in Kenai Lumber Co. v. LeResche, Sup. Ct. Op. No. 2516 (File Nos. 5733, 5755), 646 P.2d 215 (1982); Southeast

Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), P.2d (1983).

**Collateral references.** — 52 Am. Jur. 2d, Logs and Timbers, § 1 et seq. 98 C.J.S., Woods and Forests, § 1 et seq.

Constitutionality of reforestation or forest conservation legislation, 13 ALR2d 1095.

### Article 1. Administration and Management.

#### Section

10. Declaration of intent
20. Division of forestry established
30. Responsibilities of division
41. Board of forestry
43. Terms of office
45. Removal of members
47. Powers and duties of board
55. Powers and duties of the commissioner

#### Section

60. Regulatory and administrative standards
70. Administrative plan and report
80. Regulations
85. Permit applications
90. Notification and review of operations
100. Deployment of broadcast chemicals
110. Conversion of forest land to other uses

**Sec. 41.17.010. Declaration of intent.** The legislature declares that

(1) the forest resources of Alaska are among the most valuable natural resources of the state, and furnish timber and wood products, fish and wildlife, tourism, outdoor recreation, water, soil, air, minerals, and general health and welfare;

(2) economic enterprises and other activities and pursuits derived from forest resources warrant the continuing recognition and support of the state;

(3) the state has a fundamental obligation to insure that management of forest resources guarantees perpetual supplies of renewable resources, provides nonrenewable resources in a manner consistent with that obligation, and serves the needs of all Alaska for the many products, benefits, and services obtained from them;

(4) government administration of forest resources should combine professional management services, regulatory measures, and economic incentives in a complementary fashion, and should draw upon the expertise of professional foresters in conjunction with other disciplines;

(5) under the leadership of the Department of Environmental Conservation, the state should exercise its full responsibility and authority for control of nonpoint source pollution with respect to the Federal Water Pollution Control Act, as amended;

(6) subject to 16 U.S.C. 1456(f) (§ 307(f) of the Coastal Zone Management Act of 1972, P.L. 92-583), the provisions of this chapter shall be the basis for forest management standards, policies, and guidelines developed under the Alaska Coastal Management Act. (§ 1 ch 108 SLA 1978)

**Opinions of attorney general.** — The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it seems appropriate for resolution by the adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and

applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981, Op. Att'y Gen.

The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981, Op. Att'y Gen.

**Sec. 41.17.020. Division of forestry established.** (a) The governor may establish, within the Department of Natural Resources, a division of forestry to carry out this chapter and other appropriate duties designated by the governor.

(b) The division shall be headed by a director who shall be the state forester, appointed to the partially exempt service in accordance with law by the commissioner, from a list of two or more candidates submitted by the board. The commissioner may reject all candidates, in which case the board shall submit a new list. The state forester shall be a natural resources land manager with generally accepted educational credentials, familiar and experienced with the renewable and nonrenewable resources the values of forest land and the products, benefits, and services obtained from them.

(c) The commissioner shall administer this chapter and is authorized and encouraged to delegate responsibilities for carrying out this chapter to the state forester. (§ 1 ch 108 SLA 1978; am § 42 ch 113 SLA 1981; am § 5 ch 91 SLA 1983)

**Revisor's notes.** — In 1983, this section was reorganized into present subsections (a)-(c) and two other sections. Present (b) was formerly part of (a) and present (c) was formerly designated (b). Former subsections (d)-(i) and (k) were renumbered as AS 41.17.055(a)-(g) and former subsection (j) was renumbered as AS 41.17.900(d).

**Effect of amendments.** — The 1981 amendment substituted "may" for "shall" and "forestry" for "forest, land, and water management" in the first sentence of subsection (a).

The 1983 amendment repealed former subsection (c) of this section.

**Opinions of attorney general.** — The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it

seems appropriate for resolution by the adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981, Op. Att'y Gen.

The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981, Op. Att'y Gen.

**Sec. 41.17.030. Responsibilities of division.** (a) The division shall manage state forests and, as directed by the commissioner, provide technical advice to the division of lands on sound forest practices necessary to ensure the continuous growing and harvesting of commercial forest species on other state land.

(b) The division shall regulate operations on private forest land as authorized by the provisions of this chapter or state law.

(c) The division shall provide public information and assistance regarding forest practices and timber management generally. (§ 1 ch 108 SLA 1978)

**Opinions of attorney general.** — The Department of Natural Resources, under the authority of AS 41.17.030(j), cannot preempt the regulatory authority of the commissioner of fish and game under AS 16.05.870 over nonpoint source pollution of anadromous streams caused by logging activities. March 4, 1982, Op. Att'y Gen.

**Sec. 41.17.041. Board of forestry.** (a) The Board of Forestry is established in the Department of Natural Resources, division of forestry.

(b) The board is composed of 14 members appointed by the governor from nominations submitted from the groups listed in (c) of this section. The board shall elect its own presiding officer.

(c) Seats on the board shall be allocated as follows:

- (1) the state forester ex officio has one seat;
- (2) a nominee of the regional forester, United States Forest Service has one seat;
- (3) a nominee of the Society of American Foresters has one seat;
- (4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;
- (5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;
- (6) a nominee of an Alaskan environmental group has one seat;
- (7) a nominee of the Alaska Coastal Management Council has one seat;
- (8) a nominee of unions engaged in processing forest products has one seat;
- (9) a nominee of the United Fishermen of Alaska has one seat;
- (10) a nominee of the Alaska Miners' Association has one seat; and
- (11) a member from the public at large has one seat.

(d) Each group entitled to make nominations under (c) of this section shall submit three names to the governor for the vacancy on the board it is entitled to make nominations for.

(e) Members of the board, except the state forester, do not serve at the pleasure of the governor. (§ 1 ch 108 SLA 1978; am § 87 ch 59 SLA 1982)

**Revisor's notes.** — Formerly AS 41.17.040(a)-(d), (g). Renumbered in 1983. **Effect of amendments.** — The 1982 amendment substituted "division of forestry" for "division of forest, land, water management" in subsection (a).

**Sec. 41.17.043. Terms of office.** The term of office of a member of the board is three years; the governor shall make the initial appointments to the board in such a way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982. The state forester serves an indefinite term, ex officio. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.040(e). Renumbered in 1983.

**Sec. 41.17.045. Removal of members.** (a) The governor may initiate the removal of a board member for inefficiency, neglect of duty, or misconduct in office by delivering to the member a written copy of the charges and giving the member an opportunity to be heard in person or by counsel at a public hearing before the governor or the governor's designee on at least 10 days written notice by registered mail. The member has a right of confrontation and cross-examination of witnesses testifying.

(b) The removal is effective 15 days after the governor files a complete statement of all charges made against the member and the findings on those charges, in the main office of the board, except that a member may appeal the findings to the superior court. The court shall limit its review to a determination of whether the findings on the charges are substantiated by the evidence presented. The removal is suspended for any period of time during which an appeal from the findings of the governor or the governor's designee is pending. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS reorganized into two subsections in 1983.  
41.17.040(h). Renumbered and

**Sec. 41.17.047. Powers and duties of board.** The board shall review and comment to the commissioner on regulations proposed for adoption under this chapter. The board shall also report to the legislature its recommendations for changes in the provisions of this chapter and its comments on the regulations adopted by the commissioner under this chapter. It may also review and advise the legislature on the activities of the division. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS  
41.17.040(f). Renumbered in 1983.

**Sec. 41.17.055. Powers and duties of the commissioner.** (a) The commissioner may designate and operate experimental and research forests on state land consistent with the limitations of AS 38.05.300. Laboratories and other facilities may be employed in conjunction with those forests.

(b) The commissioner may establish and maintain forest vegetation nurseries and greenhouses for planting stock to be made available, with or without charge, to organizations, institutions, government agencies, individuals, and businesses for reforestation, afforestation, and related purposes.

(c) The commissioner is authorized to undertake cooperative forestry programs, extension services and education programs, and to otherwise offer a full range of professional management services to the interested public. When the commissioner considers it beneficial, the commissioner may participate in federal assistance programs by accepting assistance in whatever form offered.

(d) The commissioner may develop proposed regulations under this chapter as part of the state program for control of nonpoint source pollution under the Federal Water Pollution Control Act, as amended, and shall seek to enter into a cooperative agreement with the commission of environmental conservation for that purpose. However, the Department of Environmental Conservation is the lead agency for water quality and control of nonpoint source pollution under that Act, and the regulations and cooperative agreement are therefore subject to the advance approval of the commissioner of environmental conservation.

(e) In the administration of this chapter, the commissioner shall consult with and draw upon the expertise of interested organizations, enterprises, individuals, government agencies, educational institutions, and landowners. The commissioner may enter into cooperative agreements and contracts with them to carry out this chapter.

(f) The commissioner shall locate department personnel with forestry expertise throughout the state to facilitate public access to professional management services and other forest resources programs.

(g) The commissioner may take other actions necessary and proper for the administration of this chapter, including the adoption of regulations under the Administrative Procedure Act (AS 44.62) and AS 41.17.047. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.020(d)-(i), (k). Renumbered in 1983.

**Opinions of attorney general.** — The adoption of forest practices regulations by the Department of Natural Resources in

11 AAC 95 has completely preempted the coastal policy council's regulations, 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981, Op. Att'y Gen.

**Sec. 41.17.060. Regulatory and administrative standards.** (a) All regulations, administrative actions, and other activities and duties undertaken under this chapter shall be in full accordance with the standards set out in this section.

(b) With respect to state, municipal, and private forest land, the following standards apply:

(1) to the maximum extent possible, all applicable data and information of applicable disciplines shall be updated and used in making decisions relative to the management of forest resources;

(2) environmentally sensitive areas and best management practices shall be recognized in the implementation of any nonpoint source pollution control measures authorized under this chapter;

(3) administration of forest land shall consider marketing conditions and other economic constraints affecting the forest landowner, timber owner, or the operator;

(4) to the fullest extent practicable, harvested forest land shall be reforested, naturally or artificially, so as to result in a sustained yield of merchantable timber from that land; if artificial planting is required, silviculturally acceptable seedlings must first be available for planting at an economically fair price in Alaska.

(c) With respect to state and municipal forest land only, the following standards also apply:

(1) forest land shall be administered for the multiple use of the renewable and nonrenewable resources and for the sustained yield of the renewable resources of the land in the manner which best provides for the present needs and preserves the future options of the people of Alaska;

(2) any system of allocating predominant uses or values to particular units within a contiguous area of land shall reflect in reasonable proportion the various resources and values present in that area;

(3) to the extent its capacity permits, forest land shall be administered so as to provide for the continuation of businesses, activities, and lifestyles which are dependent upon or derived from forest resources;

(4) timber harvesting is limited to areas where data and information demonstrate that natural or artificial reforestation techniques will result in the production of a sustained yield of merchantable timber from that area;

- (5) there shall be no significant impairment of the productivity of the land and water with respect to renewable resources; and
- (6) where economically practicable, allowance may be made for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry. (§ 1 ch 108 SLA 1978)

#### NOTES TO DECISIONS

Applied in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No 5855), P 2d (1983).

**Sec. 41.17.070. Administrative plan and report.** (a) The commissioner shall develop and continually maintain a long-range plan for the administration of this chapter which demonstrates that the provisions of AS 41.17.010 are being recognized and that the standards of AS 41.17.060 are being met. The commissioner shall maintain a current inventory or assessment of timber on forest land to assist in meeting the requirements of this section.

(b) On December 31, 1980, and at two-year intervals after that date, the commissioner shall submit a detailed report to the legislature reviewing the administration of this chapter over the preceding two years, demonstrating compliance with (a) of this section, and describing how the plan will affect the welfare of the forest products industry and other activities and pursuits derived from or affected by forest resources.

(c) [Repealed, § 108 ch 6 SLA 1984.]

(d) [Repealed, § 108 ch 6 SLA 1984.]; (§ 1 ch 108 SLA 1978; am § 108 ch 6 SLA 1984)

**Effect of amendments.** — The 1984 amendment, effective February 14, 1984, relating to the report and recommendations submitted on December 31, 1980, repealed former subsections (c) and (d).

**Sec. 41.17.080. Regulations.** (a) The commissioner may adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) and AS 41.17.047 governing operations on forest land with respect to the following:

- (1) harvesting and removal from the site of timber and tree products;
- (2) reforestation, revegetation, and prescribed burning;
- (3) brush, slash, and debris, and salvage of trees;
- (4) soil erosion and wasting;
- (5) fire and flood hazards;
- (6) prevention and control of disease and insect infestation.

(b) The commissioner may establish regions, districts, or other subdivisions of forest land in the state in which different regulations apply to reflect varying conditions in the state, or to facilitate administration.

(c) The commissioner shall adopt only those regulations necessary to accomplish the purposes of this chapter, and shall avoid those which increase operating costs without yielding significant benefits. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — As enacted, subsections (b) and (c) were subsections (c) and (d), respectively. Former subsection (b) was renumbered as AS 41.17.085 in 1983 and the remaining subsections were redesignated.

**Sec. 41.17.085. Permit applications.** (a) An operator may apply through the commissioner for permits required by other state agencies to operate on forest land, which applications may be forwarded to the commissioner of environmental conservation for procedures in accordance with AS 46.35. The commissioner shall notify the operator of the action taken.

(b) Where practicable and desirable, the commissioner may enter into cooperative agreements with federal agencies authorizing the department to serve as a collection point for federal permit applications. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.090. Notification and review of operations.** (a) Operations on forest land shall be reviewed under this section for consistency with the policies and provisions of this chapter and regulations adopted under this chapter.

(b) The commissioner shall make full use of professional management services and other educational and assistance programs of the department to encourage early contact between operators and the state and to minimize reliance on this section as a principal means of achieving the purposes of this chapter.

(c) Before operating on forest land, an operator shall give notification to the commissioner consisting of

- (1) a brief written description of the proposed operation;
- (2) a USGS map of the largest available scale showing the location of all proposed activities;
- (3) proposed measures for soil conservation and reforestation; and
- (4) evidence that the landowner and timber owner (if different from the operator) have approved the proposed operation.

(d) Within five days after receipt, the commissioner shall distribute the notification materials to affected state agencies. The agencies shall make their recommendations within 20 days after receiving the materials.

(e) Within 30 days of receipt of a notification under (c) of this section, the commissioner may inspect the proposed operation to ensure that the proposed operation is in accord with the standards established by this chapter.

(f) The operator may legally commence operations upon the expiration of the 30-day period or upon notice from the commissioner that the inspection has been completed, whichever occurs first. Whether or not an inspection is conducted, the operator is liable for a violation of this chapter or other violation of law.

(g) An operator shall notify the commissioner of a proposed substantial change in operations by following the procedure specified in (c) — (d) of this section.

(h) Information and paperwork required of the operator under this section shall be limited to that necessary to accomplish the purposes of this section. Site examinations, including an interdisciplinary review, may be undertaken by the commissioner.

(i) The commissioner may limit the review process under this section to 10 days where such action is immediately necessary for the preservation of the public peace, health, safety or general welfare, and is undertaken in concert with affected agencies.

(j) *[Repealed, § 109 ch 6 SLA 1984.]* (§ 1 ch 108 SLA 1978; am § 109 ch 6 SLA 1984)

**Effect of amendments.** — The 1984 amendment, effective February 14, 1984, repealed former subsection (j), relating to operations which began before January 1, 1979.

**Sec. 41.17.090. Notification and review of operations.** (a) Operations on forest land shall be reviewed under this section for consistency with the policies and provisions of this chapter and regulations adopted under this chapter.

(b) The commissioner shall make full use of professional management services and other educational and assistance programs of the department to encourage early contact between operators and the state and to minimize reliance on this section as a principal means of achieving the purposes of this chapter.

(c) Before operating on forest land, an operator shall give notification to the commissioner consisting of

(1) a brief written description of the proposed operation;

(2) a USGS map of the largest available scale showing the location of all proposed activities;

(3) proposed measures for soil conservation and reforestation; and

(4) evidence that the landowner and timber owner (if different from the operator) have approved the proposed operation.

(d) Within five days after receipt, the commissioner shall distribute the notification materials to affected state agencies. The agencies shall make their recommendations within 20 days after receiving the materials.

(e) Within 30 days of receipt of a notification under (c) of this section, the commissioner may inspect the proposed operation to ensure that the proposed operation is in accord with the standards established by this chapter.

(f) The operator may legally commence operations upon the expiration of the 30-day period or upon notice from the commissioner that the inspection has been completed, whichever occurs first. Whether or not an inspection is conducted, the operator is liable for a violation of this chapter or other violation of law.

(g) An operator shall notify the commissioner of a proposed substantial change in operations by following the procedure specified in (c) — (d) of this section.

(h) Information and paperwork required of the operator under this section shall be limited to that necessary to accomplish the purposes of this section. Site examinations, including an interdisciplinary review, may be undertaken by the commissioner.

(i) The commissioner may limit the review process under this section to 10 days where such action is immediately necessary for the preservation of the public peace, health, safety or general welfare, and is undertaken in concert with affected agencies.

(j) Operations which begin before January 1, 1979 have one year to comply with this chapter. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.100. Deployment of broadcast chemicals.** The commissioner of environmental conservation, in consultation with the commissioner, shall formulate necessary plans and measures to ensure that application of broadcast chemicals and other substances foreign to the Alaska forest ecosystem do not lead to results contrary to the objectives and provisions of this chapter and other applicable laws and regulations relating to renewable resources. Regulations adopted by the commissioner of environmental conservation may include requirements for advance testing, posting of security, written reports, and other matters. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.110. Conversion of forest land to other uses.** An intention to convert forest land to other uses after timber harvesting may be stated in the notification submitted under AS 41.17.090. In that event, reforestation requirements adopted under this chapter do not apply, except that conversion shall be completed during the time set by regulation for minimum reforestation of the land, and other requirements for revegetation may be imposed to the extent permitted by law. If the commissioner finds at any time that the responsible party has failed to conform to the intent to convert as stated in the notification, the commissioner shall revoke approval of the conversion and require full compliance with reforestation requirements. (§ 1 ch 108 SLA 1978)

## Article 2. Enforcement.

Section	Section
120. Inspections and investigations	137. Temporary orders
131. Prohibitions and penalty	139. Procedures
133. Notice and hearing; final orders	141. Enforcement of orders
135. Civil fines	143. Appeals and judicial review

**Sec. 41.17.120. Inspections and investigations.** The commissioner may inspect and investigate forest land and activities on it and may enter upon it in conjunction with any operations as necessary to insure compliance with applicable regulations and requirements and to otherwise enforce the provisions of this chapter. Other state agencies have this same authority to the extent necessary to enforce their own laws and regulations on forest land. Those agencies and the commissioner shall coordinate their actions under this section. (§ 1 ch 108 SLA 1978)

**Sec. 41.17.131. Prohibitions and penalty.** (a) A person may not violate or permit a violation of a provision of this chapter, a regulation adopted under this chapter, or a term or condition of any approval granted under AS 41.17.090 — 41.17.110.

(b) A person who commits a violation is liable for a civil fine to be assessed by the commissioner not to exceed \$10,000. (§ 1 ch 108 SLA 1978)

*Revisor's notes. — Formerly AS 41.17.130(a). Renumbered and reorganized into two subsections in 1983.*

**Sec. 41.17.133. Notice and hearing; final orders.** (a) If an investigation discloses probable cause to believe a violation has occurred, the commissioner shall serve upon the alleged violator (the "respondent") written notice and a formal complaint which describes the alleged violation and requires the respondent to answer the charges at a hearing not more than 10 days thereafter. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. The notice shall also describe any damage which has occurred or might occur as a result of the violation. At the hearing, the state shall show by clear and convincing evidence that the respondent has caused or permitted a violation described in AS 41.17.131.

(b) Within 10 days after the hearing, or upon nonappearance of the respondent, the hearing officer shall enter a final order. The order shall be based on the evidence presented at the hearing, and shall be accompanied by a written opinion stating the reasons for the decision. The commissioner shall immediately notify the respondent of the order by registered mail. The order may include:

- (1) a directive to stop the violation;
- (2) the imposition of a civil fine under AS 41.17.131, which is payable immediately;
- (3) a directive to repair damages;
- (4) a finding that the charges are wholly or partially unjustified; or
- (5) a combination of (1) — (4) of this subsection. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.130(b), (c). Renumbered in 1983.

**Sec. 41.17.135. Civil fines.** In determining the amount of any civil fine imposed, the following shall be considered, as appropriate:

- (1) the character and degree of injury to forest resources and values;
- (2) the degree of intent or negligence of the respondent in causing or permitting the violation;
- (3) the character and number of past violations caused or permitted by the respondent; and
- (4) if such information is available, the net economic savings realized by the respondent through the violation described in AS 41.17.131. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.130(d). Renumbered in 1983.

**Sec. 41.17.137. Temporary orders.** (a) If the commissioner finds that a violation described in AS 41.17.131 has occurred and that continuation of the violation or failure to repair damage would likely result in irreversible or irretrievable damage to the forest resources or values affected, and it would be prejudicial to the welfare of the state to delay action pending a hearing, the commissioner may, without prior hearing, issue a temporary order in addition to the documents required by AS 41.17.133(a) requiring the respondent to stop the violation or repair damage or both.

(b) The order remains in effect for 21 days unless a final order is issued earlier; an extension of time granted under AS 41.17.133(a) extends the order issued under this subsection until the hearing officer issues a final order under AS 41.17.133(b). Proceedings in conjunction with the alleged violation must otherwise be the same. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.130(e). Renumbered and reorganized into two subsections in 1983.

**Sec. 41.17.139. Procedures.** (a) Unless otherwise specified, proceedings under this section are not subject to the Administrative Procedure Act (AS 44.62). A hearing under this section shall be held before a hearing officer, appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter. A person who has assisted in the preparation of the state's case or who is a state employee is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence which appears to be reliable and trustworthy. All hearings shall be open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena

under AS 44.62.430, offer testimony or other evidence, and cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to insure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented. Hearings shall be held as close as practicable to the location of the alleged violation. Testimony given at the hearing shall be recorded.

(b) If the respondent notifies the commissioner within five days before the hearing provided for in (a) of this section, the following rules and procedures apply to the hearing:

(1) the hearing shall be a nonadversary proceeding, with the hearing officer fully and impartially representing the interests of the state and the respondent;

(2) the hearing officer shall thoroughly investigate the facts and circumstances relating to the alleged violation, including taking testimony from appropriate persons, collecting and examining documents and other evidence, and performing other actions consistent with due process of law;

(3) issue a decision in accordance with the applicable procedures of (a) of this section. (§ 1 ch 108 SLA 1978)

*Revisor's notes.* — Formerly AS 41.17.130(h). Renumbered in 1983.

**Sec. 41.17.141. Enforcement of orders.** (a) If a person fails to comply with an order issued under AS 41.17.133(b) or 41.17.137, the attorney general, at the request of the commissioner, may seek an injunction suspending all or part of the operations being conducted by the respondent until the respondent complies with the order. If the order directs the respondent to repair damage, the commissioner may proceed with department staff or contractors to repair the damage, and the respondent is liable for the cost of the repair after delivery by the commissioner of an itemized statement of expenses incurred.

(b) All orders issued under this section are enforceable by injunction, attachment, garnishment, or other appropriate remedy. (§ 1 ch 108 SLA 1978)

*Revisor's notes.* — Formerly AS 41.17.130(f), (g). Renumbered in 1983.

**Sec. 41.17.143. Appeals and judicial review.** (a) An administrative action of the department under this chapter, except actions under AS 41.17.131 — 41.17.141 and except for adoption of regulations, may be appealed to the commissioner within 30 days after it is taken. The commissioner shall hold a hearing, at which all substantial issues shall be considered, within 15 days after an appeal is filed. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. Within 10 days after conclusion of the hearing, the commissioner shall issue a written decision based upon the evidence, which shall be provided to the appellant. The commissioner may delegate duties, in whole or in part, under this subsection to a hearing officer appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter.

(b) A final decision under (a) of this section or a final order under AS 41.17.133 may be appealed to the superior court within 30 days after it is issued. Judicial review shall be as provided in AS 44.62.560 and 44.62.570.

(c) A temporary order issued under AS 41.17.137 may be immediately appealed to the superior court as to its propriety (§ 1 ch 108 SLA 1978)

Revisor's notes. — Formerly AS 41.17.140. Renumbered in 1983.

#### NOTES TO DECISIONS

Quoted in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), P 2d (1983)

### Article 3. State Forest System.

Section	Section
200. State forest purposes	220. Management of state forests
210. State forests	230. Management plans

**Sec. 41.17.200. State forest purposes.** The purpose of AS 41.17.200 — 41.17.230 is to permit the establishment of designated state-owned or acquired land and water areas as state forests. The primary purpose in the establishment of state forests is the perpetuation of personal, commercial, and other beneficial uses of resources through multiple-use management. (§ 1 ch 91 SLA 1983)

**Sec. 41.17.210. State forests.** (a) The governor may propose to the legislature the establishment of state forests consisting primarily of commercially valuable forest land determined by the governor to be necessary for retention in state ownership for management under the principles of multiple use and sustained yield and consistent with AS 38.04.095. The proposal of the governor shall include a report and recommendations of the commissioner including

- (1) a preliminary forest inventory;
- (2) a summary of the testimony offered at public hearings held on the management of the proposed state forest in communities proximately located to a proposed state forest;
- (3) the findings of the commissioner on anticipated incompatibilities of uses described in AS 41.17.230(e) under AS 41.17.230(f);
- (4) written comments from appropriate state agencies on the compatibility of the uses described in AS 41.17.230(e) within the proposed state forest;
- (5) an estimate of the cost of a full implementation of an operational level forest inventory and the management plan.

(b) A state forest established by the legislature shall be retained in state ownership. (§ 1 ch 91 SLA 1983)

**Sec. 41.17.220. Management of state forests.** Land within a state forest or within a unit of a state forest shall be managed under

- (1) the principles of multiple-use and sustained yield;
- (2) this chapter; and
- (3) a management plan prepared by the department. (§ 1 ch 91 SLA 1983)

**Sec. 41.17.230. Management plans.** (a) The commissioner shall prepare a management plan consistent with AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to assist in meeting the requirements of this chapter. An operational level forest inventory shall be completed before a management plan for the state forest or the unit of a state forest is adopted. The management plan shall be adopted, implemented and maintained within three years of the establishment of a state forest by the legislature.

(b) The commissioner shall review a management plan at least once every five years and may revise the plan when necessary.

(c) A management plan may not be adopted or revised after the establishment of the state forest without prior review by the Board of Forestry and by other appropriate state agencies or without prior public hearings held in a community proximately located to the state forest or to a unit of a state forest.

(d) A copy of a management plan or a revision to a management plan adopted or prepared by the commissioner shall be provided to the legislature within 30 days of its adoption or revision or within the first 10 days of the first regular session of the legislature to convene after its adoption or revision.

(e) The commissioner shall consider and permit the following uses under a management plan prepared under (a) or (b) of this section subject to a determination under (f) of this section:

- (1) commercial timber harvest and related activities;
- (2) harvest of forest products for personal use;
- (3) mining, mining claim, and mineral leasehold location;
- (4) mineral leasing;
- (5) material extraction;
- (6) recreation;
- (7) wildlife and fisheries habitat management including critical habitat management;
- (8) greenbelts;
- (9) trapping and sport and subsistence fishing and hunting;
- (10) grazing;
- (11) watershed management;
- (12) research;
- (13) uses consistent with the policies of AS 38.04.015; and
- (14) other traditional, compatible uses.

(f) A management plan prepared by the commissioner shall consider and permit the uses described in (e) of this section. If the commissioner finds that a permitted use is incompatible with one or more other uses in a portion of a state forest, the commissioner shall affirmatively state in the management plan that finding of incompatibility for the specific area where the incompatibility is anticipated to exist and the time period when the incompatibility is anticipated to exist together with the reasons for each finding. (§ 1 ch 91 SLA 1983)

#### **Article 4. State Land Reforestation.**

##### **Section**

300. State land reforestation fund  
310. Appropriations to state land reforestation fund  
320. Report to the legislature

**Sec. 41.17.300. State land reforestation fund.** A state land reforestation fund is established in the department. The money in the state land reforestation fund may be used only for the reforestation of state land, including site preparation, seed and seedling acquisition and cultivation, planting, and other reforestation measures, timber stand improvement, and the development of materials and techniques for the reforestation of state land. (§ 2 ch 91 SLA 1983)

**Sec. 41.17.310. Appropriations to state land reforestation fund.** (a) The state land reforestation fund consists of money appropriated by the legislature and contributions from private donors. It is the intent of the legislature that the appropriations made to the fund equal no less than 25 percent of the revenues from the sale of timber and other forest products from state land as well as the total revenues from

(1) compensation for loss or damage to land within a state forest; and  
(2) the federal government and other governmental units for reforestation.

(b) Money appropriated to or paid into the state land reforestation fund does not lapse. (§ 2 ch 91 SLA 1983)

**Sec. 41.17.320. Report to the legislature.** The commissioner shall make an annual report to the legislature within the first 10 days of each session of the legislature on the uses of the money in the state land reforestation fund, the proposed uses of the fund in the following fiscal year, and the balance in the fund. (§ 2 ch 91 SLA 1983)

#### **Article 6. General Provisions.**

##### **Section**

900. Applicability

950. Definitions

**Sec. 41.17.900. Applicability.** (a) Unless otherwise specified, this chapter applies to forest land under state, municipal, or private ownership.

(b) The provisions of this chapter applicable to state land are applicable to forest land under federal ownership to the extent permitted by law.

(c) The commissioner shall exempt by regulation from the provisions of this chapter

(1) minor, small scale, or incidental commercial operations of little significance with respect to the purposes of this chapter; and

(2) operations for primarily noncommercial purposes, including but not limited to the harvesting of timber for personal use.

(d) Notwithstanding any other provision of this chapter, the commissioner may not employ the authority vested by this chapter so as to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for (1) regulations under the Coastal Management Act; and (2) if authorized by the commissioner of environmental conservation, regulations relating to control of nonpoint source pollution. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Formerly AS 41.17.020(j), 41.17.050. Renumbered in 1983.

**Sec. 41.17.950. Definitions.** In this chapter, unless the context otherwise requires,

(1) "board" means the Board of Forestry established in AS 41.17.043;

(2) "broadcast chemicals" includes pesticides, herbicides, fungicides, fertilizers, poisons, and any other substances

(A) used for silvicultural management or related purposes;

(B) not native to the ecosystem in which they are being applied; and

(C) having a foreseeable adverse impact on the welfare of renewable resources, as determined by the commissioner of environmental conservation;

(3) "commissioner" means the commissioner of natural resources;

(4) "department" means the Department of Natural Resources;

(5) "division" means the division of forestry;

(6) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for nonforest use, regardless of whether presently available or accessible for commercial purposes, and includes any such land under state, municipal, or private ownership;

(7) "forest landowner" means a person who owns forest land;

(8) "multiple use" means

(A) the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of Alaska, making the most judicious use of the land for some or all of these resources or related values, benefits, and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;

(B) that some land will be used for less than all of the resources; and

(C) harmonious and coordinated management of the various resources, each with the other, without significant impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(9) "operations" means timber harvesting or activities associated with timber harvesting or forest development unless exempted under AS 41.17.900(a)-(c);

(10) "operator" means a person who is engaged in timber harvesting or activities associated with timber harvesting or forest development, or who contracts with others to conduct operations for that person, except a person who is engaged in an operation as an employee with wages or piecework as the sole compensation;

(11) "person" includes a joint venture as well as the entities set out in AS 01.10.060(7);

(12) "significant impairment of the productivity of the land and water" means any activity which may foreseeably result in prolonged or substantial damage to renewable resources or prolonged or substantial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels;

(13) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(14) "state forest" means an area which is retained in state ownership in order to

(A) provide a base for sustained yield management of renewable resources; and

(B) permit a variety of beneficial uses;

(15) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period; and

(16) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself. (§ 1 ch 108 SLA 1978; am § 88 ch 59 SLA 1982)

**Revisor's notes.** — In 1983 paragraphs (12) — (16) were reorganized to place the terms defined in alphabetical order.

**Effect of amendments.** — The 1982

amendment substituted "forestry" for "forest, land, and water management" in paragraph (5).

#### NOTES TO DECISIONS

The "sustained yield principle" as used in Alas. Const. art. VIII, § 4 accords with the definition set forth in AS 38.04.910(10), and the added language in the definition of "sustained yield" in this section that it "does not require that timber be harvested in a nondeclining yield

basis over a rotation period"; and it should be read as permitting timber cutting at a level that cannot be sustained over a forest rotation period only in unusual circumstances. Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), P.2d (1983).

**CHAPTER 95.  
FOREST RESOURCES AND PRACTICES**

**Article**

1. Forest Practices Procedures  
(11 AAC 95.010-11 AAC 95.060)
2. Forest Practices Standards  
(11 AAC 95.100-11 AAC 95.180)
3. Forest Fire Protection  
(11 AAC 95.400-11 AAC 95.490)
4. Log Brands  
(11 AAC 95.700-11 AAC 95.790)
5. General Provisions (11 AAC 95.900)

**ARTICLE 1.  
FOREST PRACTICES PROCEDURES**

**Section**

10. Purpose
20. Applicability
30. Notification
40. Inspections
50. Forest practices standards
60. Best management practices

11 AAC 95.010. **PURPOSE.** (a) The purpose of 11 AAC 95.010 - 11 AAC 95.180 is to establish forest practices which will carry out the standards contained in AS 41.17.060, recognizing the intent of the legislature set out in AS 41.17.010.

(b) Regulations contained in this chapter are specifically intended to preempt forest practices regulations promulgated in the form of 6 AAC 80.100 under the Coastal Management Act. (Eff. 2.15.81, Reg. 77)

Authority: AS 41.17.010  
AS 41.17.020  
AS 41.17.080

11 AAC 95.020. **APPLICABILITY.** (a) Unless otherwise noted, 11 AAC 95.010 - 11 AAC 95.180 apply to state, municipal, and private forest land.

(b) 11 AAC 95.010 - 11 AAC 95.180 apply if all of the following criteria are met:

(1) the operation is on forest land as defined by AS 41.17.950(6):

(2) the operation involves any of the following activities:

(A) harvesting, including felling, bucking, yarding, decking, hauling, log dumping, log storage, log rafting, and road construction, improvement and maintenance within the operation area;

(B) road construction, reconstruction, and maintenance of existing roads not within the operation area, but connected with the harvesting operation;

(C) site preparation;

(D) precommercial thinning;

(E) slash treatment; or

(F) any other activity leading to, or connected with, commercial harvest; and

(3) the operation is a commercial operation which equals or exceeds in the aggregate the following acreage, or borders upon surface waters (in Region IIa or IIb):

(A) 10 acres in Region I;

(B) 40 acres in Region IIb; or

(C) 160 acres in Region IIa.  
(Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.050  
AS 41.17.080

**11 AAC 95.030. NOTIFICATION.** (a) Operations on state-owned forest land are exempt from the notification procedure of AS 41.17.090 and of this section.

(b) Notification must be received by the state forester at least 30 days before commencing an operation on forest land. Notification must be submitted on form 10-1033 (Notification of Operation) and form 10-1034 (Forest Practices Information) which are supplied by the division and available at any of the district or area offices of the division.

(c) Notifications may be mailed or delivered in person to any of the district or area offices of the division. Applications will be accepted only for those portions of the operation which the applicant states will be completed by

December 31 of the year following the year in which the notification is made. If the operation continues, notification must be renewed to reflect changes in or additions to the operation. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020

AS 41.17.080

AS 41.17.090

AS 41.17.120

**11 AAC 95.040. INSPECTIONS.** (a) Forest practices personnel will make every reasonable effort to notify the operator or his representative of a pending inspection at least five days in advance, and will give the operator the opportunity to accompany state personnel during the inspection. This section, however, does not prevent unannounced inspections.

(b) A written forest operation inspection report will be prepared by the forest practices forester after each inspection and will be distributed to the operator, landowner and timber owner.

(c) An inspection under this section may serve as an investigation for purposes of AS 41.17.130(b). (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020

AS 41.17.080

AS 41.17.120

**11 AAC 95.050. FOREST PRACTICES STANDARDS.** (a) Forest practices standards are set out in 11 AAC 95.100 – 11 AAC 95.180, and constitute the specific standards which carry out the purposes stated in 11 AAC 95.010. The state forester will, in his discretion, grant a waiver of one or more of the standards contained in 11 AAC 95.100 – 11 AAC 95.180 if, in a specific situation, he finds that the purposes set out in 11 AAC 95.010 would not be furthered by enforcing the standard. Waivers granted under this subsection must be in writing and signed by the state forester, with a copy submitted to the Board of Forestry within 45 days of issuance.

(b) The state forester will act within 30 days in processing a request for a waiver.

(c) Nothing in this section prevents the state forester from granting variances from laws or regulations administered by other agencies if a cooperative agreement is reached between the various agencies which will grant the state

forester this authority. (Eff. 2/15/81, Reg. 77)  
 Authority: AS 41.17.020  
 AS 41.17.080

11 AAC 95.060. **BEST MANAGEMENT PRACTICES.** (a) Best management practices constitute the approved methodology by which the standards referred to in 11 AAC 95.100 – 11 AAC 95.180 may be achieved. Best management practices are contained in the department's "Forest Practices Field Manual" (1st Ed., October, 1981) for the region of the state in which the forest operation occurs and as established by 11 AAC 95.100.

(b) Repealed 11/21/82.  
 (Eff. 2/15/81, Reg. 77; am 11/21/82, Reg. 84)  
 Authority: AS 41.17.020  
 AS 41.17.080

Editor's Note. Copies of the Forest Practices Field Manual are obtainable, in person, from any of the district or area offices of the Division of Forest, Land and Water Management in Anchorage, Delta, Fairbanks, Glennallen, Haines, Juneau, Ketchikan, Soldotna or Wasilla, or in writing from the division at 323 East 4th Avenue, Anchorage, Alaska 99501.

## ARTICLE 2. FOREST PRACTICES STANDARDS

### Section

- 100. Designation of regions
- 110. Road construction and maintenance
- 120. Harvesting
- 130. Cleanup and stabilization
- 140. Aesthetics
- 150. Log transfer and storage facilities
- 160. Slash
- 170. Reforestation
- 180. Insect and disease prevention and control

11 AAC 95.100. **DESIGNATION OF REGIONS.** For the purposes of this chapter, the forest land of the state is divided into regions as follows:

(1) Region I (Coastal Sitka Spruce/Hemlock Region). Forest land comprised primarily of Sitka spruce, western hemlock, mountain hem-

lock, Alaska cedar, red alder, black cottonwood, western red cedar and lodgepole pine, and located within the following area: Beginning at Tongass, Alaska and then in a northwesterly direction along the boundary between Alaska and Canada to Mount Saint Elias; then westerly along the crest of the Chugach Mountains to a point where the Knik River empties into the Knik Arm; then in a southerly direction along the west slope of the Chugach Mountains to Potter; then in a southwesterly direction along the west slope of the Kenai Mountains to the southwestern tip of Tustumena Lake; then in a northwesterly direction to Clam Gulch; then in a northerly direction up Cook Inlet to the mouth of the Susitna River; then in a northerly direction up the Susitna River to its confluence with the Yentna River; then in a northwesterly direction up the Yentna River to a point approximately halfway between Susitna and McDougal; then in a westerly and then southwesterly arc lying north of Beluga Mountain to Mount Spur; then southwesterly along the crest of the Aleutian Range to Cape Igvak; then along a line in a southeasterly direction to Cape Sitkinak on Sitkinak Island; then along a line in a north-easterly direction to Cape Suckling; then along the coastline in a southeasterly direction to Cape Spencer; then in a southeasterly direction along the outer coasts of southeastern Alaska including all the islands of the Alexander Archipelago to Cape Muzon; then in an easterly direction through Dixon Entrance to Tongass, the point of beginning; and

(2) Region II (Interior Spruce/Hardwood Region). Forest land comprised primarily of white spruce, paper birch, balsam poplar, quaking aspen, black spruce, tamarack and black cottonwood, and located within the following area: Beginning at Mount Saint Elias and then in a westerly direction along the crest of the Chugach Mountains to a point where the Knik River empties into the Knik Arm; then in a southerly direction along the west slope of the Chugach Mountains to Potter; then in a southwesterly direction along the west slope of the Kenai Mountains to the southwestern tip of Tustumena Lake; then in a northwesterly direction to Clam Gulch; then in a northerly direction up Cook Inlet to the mouth of the Susitna River; then in a northerly direction up the Susitna River to its confluence with the Yentna River; then in a northwesterly direction

up the Yentna River to a point approximately halfway between Susitna and McDougal; then in a westerly and then southwesterly arc lying north of Beluga Mountain to Mount Spur; then southwesterly along the crest of the Aleutian Range to Cape Igvak; then along a line in a northwesterly direction to Togiak; then along a line in a northwesterly direction to Bethel; then along a line in a northwesterly direction to Mountain Village; then in a northerly direction down the Yukon River to its mouth; then along the shoreline of Norton Sound to Nome; then along a line in a northerly direction to Mount Jarvis in the DeLong Mountains; then in an easterly direction along the crest of the Brooks Range to Demarcation Point; then south along the boundary between Alaska and Canada to Mount Saint Elias, the point of beginning. That portion of Region II lying north and west of the Alaska Range is designated IIa; the portion lying south of the Alaska Range is designated IIb. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.110. ROAD CONSTRUCTION AND MAINTENANCE.** (a) No change may be made in the course or channel of natural streams except with the written approval of the Department of Fish and Game under AS 16.05.840 or AS 16.05.870 or, for waters not identified under AS 16.05.840 or AS 16.05.870, of the state forester.

(b) Road design standards and specifications must be adapted to the terrain and soil materials in order to minimize surface disturbance and to minimize impact on water quality.

(c) Water-crossing structures must provide for passage and movement of fish, as required by the Department of Fish and Game under AS 16.05.840, and minimize impact on water quality. Structures for permanent roads must also accommodate the 25-year frequency storm and passage of upstream debris. Where storm data does not exist, it will be estimated from stream scour marks, existing debris, and other data customarily used to determine the history of storms in the area.

(d) Water-crossing structures must be installed in a manner to minimize disturbance of streambed or streambank, erosion, or other adverse

impacts on water quality and fish habitat; and at a time of year that minimizes interference with spawning or migration of fish, as required by the Department of Fish and Game.

(e) In Region IIa, ice bridges must be constructed following accepted practices. In all cases, ice bridges must be constructed so as to go out with natural ice breakup or be breached before breakup if necessary to protect downstream structures or resources.

(f) Construction equipment and machinery may not be operated in or through surface water except with the written approval of the Department of Fish and Game under AS 16.05.870 or, for waters not identified under AS 16.05.870, by the state forester.

(g) Areas of exposed soil must be stabilized to the extent feasible at the normal angle of repose, or less, to minimize soil erosion and subsequent siltation of surface waters.

(h) Vegetative debris deposited as a result of an operation must be removed from surface water which supports fish, or has a permitted use under AS 46.15, within 48 hours of its deposition to avoid toxic leaching or obstruction of streamflow.

(i) Rock, overburden, and other materials associated with road construction must be placed so as to minimize the possibility of their entry into surface waters.

(j) No petroleum product may be allowed to enter surface waters.

(k) Drainage features and structures such as ditches, cross-drains, crowning, outsloping, culverts, and bridges must be maintained to prevent blockage and erosion during periods that the road is in use, and stabilized and maintained or removed once the road has been abandoned or its use otherwise terminated.

(l) Any quarry or borrow site for road construction and maintenance purposes under this chapter which is located on state land must have the approval required by AS 38.05.330. Any quarry or borrow site for road construction and maintenance purposes under this chapter which is located within a 25-year

floodplain must have the approval of the Department of Fish and Game under AS 16.05.840 or AS 16.05.870, or the state forester for waters within a 25-year floodplain which are not subject to AS 16.05.840, AS 16.05.870, or AS 38.05.330.

(m) Upon abandonment of upland quarry or borrow sites as a source of material, the banks, headwall, and other exposed surfaces of the site must be stabilized to the extent necessary to prevent soil erosion or mass soil movement.

(n) For operations on state-owned forest land, a detailed transportation plan must be developed by the district involved and approved by the state forester before commencement of road building activities. The plan must recognize the long-range transportation needs of the area with regard to forest management and associated uses, and must be revised and updated at five-year intervals unless circumstances indicate more frequent revisions should be undertaken. Before approving any plan, the state forester will consult with and consider the views of the Department of Environmental Conservation and the Department of Fish and Game. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.120. HARVESTING.** (a) Felling, bucking, and yarding must be conducted so as to

(1) avoid depositing vegetative material in surface waters to the extent feasible; if vegetative material enters surface waters, it must be removed as an ongoing process during harvesting activities;

(2) protect the integrity of the streambank and its vegetative cover;

(3) provide for shading and water filtering effects of vegetation along streams when necessary to protect water quality and aquatic habitat; and

(4) minimize soil erosion from the cutover area.

(b) Landings, skid trails, and fire trails must be located, constructed, maintained, and revegetated, if necessary, to minimize siltation of surface waters.

(c) On state and municipal forest land, harvesting plans must recognize, and operations protect, species and their habitats identified by the Department of Fish and Game as threatened or endangered.

(d) On state and municipal forest land, a buffer 330 feet in radius must be retained around each bald eagle nesting tree.

(e) For operations on state-owned forest land, a detailed harvesting plan must be developed by the district involved and approved by the state forester before harvesting commences. The plan must take into consideration other forest resources and the extent to which these resources will be affected by the harvesting activities. Before approving any plan, the state forester will consult with and consider the views of the Department of Environmental Conservation and the Department of Fish and Game. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.130. CLEANUP AND STABILIZATION.** (a) Waste material, such as crankcase oil, fuel, grease, filters, hydraulic fluid, and their containers, resulting from road construction and harvesting activity must be disposed of in accordance with provisions of 18 AAC 60.

(b) Machine parts, wire rope, or similar scrap wastes must be disposed of in a stable location where there is no realistic potential of their entering surface waters or becoming a hazard to big game.

(c) Drainage systems must be provided and maintained to control the dispersal of runoff water from exposed soils on landings, skid trails, fire trails, and other unstable or erodible areas to minimize soil erosion and subsequent siltation of surface waters.

(d) Unstable or erodible exposed soils must be stabilized by a suitable method to minimize siltation of surface waters. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.140. AESTHETICS.** Where major scenic attractions, highways, recreation areas,

or other high-use areas are located on state or municipally owned forest land, special consideration must be given to scenic values by the layout and design of cutting units in these areas to minimize visual impact and by prompt cleanup and regeneration after harvesting. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.150. LOG TRANSFER AND STORAGE FACILITIES.** (a) Where feasible, preference must be given to onshore storage and barging of logs.

(b) Sites for in-water dumping and in-water storage of logs must be minimized, and must be selected in areas having the steepest and the least productive intertidal and subtidal zones to minimize detrimental impact to land and water resources. Safety considerations will be taken into account in selection of in-water dumping and storage sites

(c) Intertidal sites within 300 feet of the mouths of anadromous streams or in areas known to be important for fish spawning or rearing are prohibited unless prior written approval is obtained from the Department of Fish and Game. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.160. SLASH.** (a) In areas where slash treatment is necessary to prevent or reduce the spread of fire, concentrations of slash must be reduced by scattering, piling or windrowing, mechanized chipping, compacting, burying, or controlled burning.

(b) When slash is to be disposed of by burning, vegetative buffers must be protected from fire, and the burning must be accomplished under weather conditions that will minimize air-quality degradation and fire escape.

(c) Unstable slash concentrations around landings must be disposed of or dispersed to prevent their entry into streams and other water bodies.

(d) Within Region II, when beetle brood is present in concentrations of white spruce slash with an outside bark diameter greater than five inches, it must be treated by burning or by some

other method to destroy developing insects and prevent bark-beetle buildup. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.170. REFORESTATION.** (a) On forest land economically suited for growing and harvesting commercial wood products, reforestation must be accomplished following a harvest, except when the silvicultural objective is to thin the existing stand, in which case the residual stocking must be at the recommended level as defined in the reforestation guidelines of the manual referred to in 11 AAC 95.060(a) for the region of the state in which the forest operation is located.

(b) Reforestation must be accomplished following harvest within

(1) five years in Region I;

(2) 10 years in Region IIa; or

(3) seven years in Region IIb.

(c) Seedlings must be evenly distributed over the area at a minimum density per acre as defined in the reforestation guidelines of the manual referred to in 11 AAC 95.060(a) for the region in which the operation is located, or at least equivalent to the original stand. Seedlings may be established naturally, or by seeding or planting.

(d) On forest land where artificial reforestation has been selected as the management option and suitable seedlings or seeds from appropriate seed source zones are unavailable, or weather conditions or other circumstances beyond the landowner's control require delay in planting or seeding, a reasonable extension of time will be allowed by the state forester.

(e) On forest land, seedlings must have survived two winters on the site, and must exhibit growth, before they can be considered established.

(f) Reforestation will be encouraged, but will not be required on forest land when harvesting of insect- and disease-killed, fire-killed, or wind-thrown timber reduces stocking levels below the acceptable limit.

(g) Trees left for future harvest must be adequately protected from damage resulting from harvest operations to assure their survival and growth. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

**11 AAC 95.180. INSECT AND DISEASE PREVENTION AND CONTROL.** (a) Silvicultural systems employed on state and municipally owned forest land must be designed to prevent or control insect infestations and disease infection.

(b) When the commissioner finds forest land or timber that is infested by forest insect pests, infected by forest tree disease, or threatened by insect pests or forest tree disease, he will determine whether measures of control are necessary and available and to which areas the control measures should be applied. Thereafter, the commissioner will, in his discretion, designate a disease or insect control area with definite boundaries. The area may include threatened forest land or timber as well as forest land or timber already affected.

(c) The commissioner will immediately notify in writing all owners of forest land or timber within the designated control areas. The notice will be served by delivery of a copy of the notice to the owner, or by mail addressed to the owners' last known place of address. In addition, the commissioner will publish a legal description of the designated control area at least once a week for two consecutive weeks in one or more newspapers of general circulation in or near the designated control area.

(d) The commissioner will assist, upon request of the owners of forest land or timber within the designated control area, with the control and salvage measures necessary, to the extent that there is available funding for undertaking the assistance.

(e) When the commissioner determines that forest insect pest or forest tree disease control work within the designated control area is no longer necessary or feasible, the commissioner will terminate the designation.

(f) When trees on state and municipally owned forest land contain insects or disease which pose

a significant threat to surrounding healthy trees, they must be salvaged as rapidly as is practicable, dependent upon access and marketability, to prevent spread of the forest pests or disease. Trees must also be salvaged where environmental catastrophes such as wind or flooding cause them to be highly susceptible to bark-beetle infestation.

(g) Where salvage of trees killed by insects or disease is conducted for the sole purpose of using wood fiber and is consistent with the management objectives for state and municipal forest land, salvage should occur before wood deterioration results, if a significant loss of merchantability is to be avoided. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.17.020  
AS 41.17.080

### ARTICLE 3. FOREST FIRE PROTECTION

#### Section

- 400. Purpose
- 410. Permit
- 420. Content of permit
- 430. Denial, suspension, or revocation of permit
- 440. Place of burning
- 450. Emergency closure
- 460. Public notice
- 470. Environmental control
- 480. Additional equipment for operations
- 490. Other governmental laws

**11 AAC 95.400. PURPOSE.** It is the purpose of 11 AAC 95.400 – 11 AAC 95.490 to provide for the protection of forested land from fire. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
AS 41.17.020  
AS 41.17.080

**11 AAC 95.410. PERMIT.** (a) A burning permit is required during the fire season for the burning of any material in areas designated by the commissioner. A burning permit is not required when the burning is contained within an approved device, or for cooking, warming, or signaling fires.

(b) A burning permit may be obtained by applying to the commissioner. The applicant

shall provide the commissioner with information as to the type, location, and person in charge of the burning, the area and material to be burned, and the number of persons controlling the burn.

(c) An applicant issued a burning permit may not burn any material covered by the permit unless he has the permit in his possession. The permit must be displayed to a designee of the commissioner upon request.

(d) Before issuing a permit, the commissioner will, in his discretion, require that he inspect the area and material to be burned. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.17.020  
AS 41.15.060 AS 41.17.080

**11 AAC 95.420. CONTENT OF PERMIT.** (a) Each permit must be on a form provided by the department and must contain

- (1) the name and address of permittee;
- (2) the name of the person designated by the commissioner to issue the permit;
- (3) the forest protection area where the burning will be conducted;
- (4) the dates of issuance and expiration of the permit;
- (5) a detailed description of the area where the burning will be conducted, designated by borough, subdivision, section, township, range, meridian, and local landmarks; and

(6) the amount of acres or area to be burned.

(b) Each permit may provide

- (1) a specific time and date for the burn;
- (2) the minimum number of persons and equipment employed to control or extinguish the burn; and

(3) limitation as to the size of the burn and the number of burns. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
AS 41.15.050  
AS 41.17.080

**11 AAC 95.430. DENIAL, SUSPENSION, OR REVOCATION OF PERMIT.** (a) A burning permit will be denied, in the commissioner's discretion, if the commissioner is not permitted to inspect the area and material to be burned. The commissioner will, in his discretion, deny, suspend or revoke a permit, to protect life or property.

(b) A permit is suspended by an emergency closure to burning in the permit area. If the emergency closure remains in effect past the expiration date of a permit, the permit is revoked, and a new permit must be obtained. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.15.090  
AS 41.15.050 AS 41.17.080  
AS 41.15.060

**11 AAC 95.440. PLACE OF BURNING.** A permitted burn must be confined to an area surrounded by mineral soil, gravel or rock, or must be surrounded by a natural or constructed firebreak. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.15.090  
AS 41.15.050 AS 41.17.080  
AS 41.15.060

**11 AAC 95.450. EMERGENCY CLOSURE.** The commissioner will, in his discretion, during the fire season, close an area to setting of fires, burning, smoking, entry, or other use of land, when, in his judgment, the activities would unduly increase the fire danger. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
AS 41.15.050  
AS 41.17.080

**11 AAC 95.460. PUBLIC NOTICE.** An emergency closure will be announced by publication in a newspaper of general circulation in the area closed of a public notice issued by the commissioner specifying the area closed and the effective date of closure. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020 AS 41.15.060  
AS 41.15.050 AS 41.17.080

**11 AAC 95.470. ENVIRONMENTAL CONTROL.** Any burning authorized by a permit obtained under this chapter must be conducted in the manner required by 18 AAC 50, Air Quality Control Regulations, and 18 AAC 60, Solid

Waste Regulations. (Eff. 2/15/81, Reg. 77)  
 Authority: AS 41.15.020 AS 41.15.060  
 AS 41.15.050 AS 41.17.080

**11 AAC 95.480. ADDITIONAL EQUIPMENT FOR OPERATIONS.** (a) All saws must be equipped with a spark-arresting device constructed to retain or destroy 90 percent or more of the carbon particles having a major diameter greater than 0.023 inches (0.584 mm). A spark-arresting device equipped with a woven screen with a maximum opening size of 0.023 inches (0.584 mm), constructed of heat- and corrosion-resistant wire at least 0.013 inches (0.330 mm) in diameter, will be considered in compliance with the requirement if the total screen opening area is not less than 125 percent of the engine exhaust-port area. The unit must be constructed to permit easy removal of the screen for field inspection, replacement, and cleaning.

(b) The commissioner will, in his discretion, in writing, modify or waive any requirement of this section if he finds that conditions so warrant. The commissioner will take into consideration factors including, but not limited to, the type, size, and location of the operation and type of equipment in use, in making his decision. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.020  
 AS 41.17.080

**11 AAC 95.490. OTHER GOVERNMENTAL LAWS.** A permit issued under 11 AAC 95.400 – 11 AAC 95.430 is subject to local laws and regulations which are more restrictive. (Eff. 2/15/81, Reg. 77)

Authority: AS 41.15.050  
 AS 41.15.060

#### ARTICLE 4. LOG BRANDS

##### Section

- 700. Log brand
- 710. Barged logs
- 720. Brand design
- 730. Acceptance or rejection of application
- 740. Cancellation of registration
- 750. Fees for registration or transfer of registration
- 760. Reservation of brands
- 770. Registration upon transfer
- 780. Use of unregistered brand
- 790. Notice or demand

**11 AAC 95.700. LOG BRAND.** In this chapter and in AS 45.50.210 – 45.50.325, "brand" means

(1) a mark or other designation that has been registered with the department; or

(2) an impression stamped on timber property with a branding hammer. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
 AS 45.50.315  
 AS 45.50.325

**11 AAC 95.710. BARGED LOGS.** Timber property transported by a self-dumping barge will be presumed, upon being loaded on the barge, to be intended to be put in a waterway of the state within the meaning of AS 45.50.230(a). (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
 AS 45.50.230(a)  
 AS 45.50.315

**11 AAC 95.720. BRAND DESIGN.** (a) A diagram or design on paper, within the meaning of AS 45.50.210(b), will be considered acceptable if it is a sketch or drawing with exact dimensions shown, or a paint or ink impression of the brand. The department will, in its discretion, request the owner of a brand to furnish a paint or ink impression of the brand on paper at any time in order to confirm that the owner's branding hammer conforms to the design of the brand as registered.

(b) The actual size of the brand must be at least two inches in diameter or dimensions. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
 AS 45.50.210  
 AS 45.50.315

**11 AAC 95.730. ACCEPTANCE OR REJECTION OF APPLICATION.** No application will be accepted unless accompanied by the registration fee and, if requested by the department, an impression of the brand and additional descriptive information. (Eff. 2/15/81, Reg. 77)

Authority: AS 45.50.210(b) AS 45.50.260  
 AS 45.50.220 AS 45.50.315

**11 AAC 95.740. CANCELLATION OF REGISTRATION.** (a) The department will, in its

discretion, cancel a brand registration, following notice and an opportunity to be heard

(1) if the owner fails to furnish an impression of the brand or information about the brand or use of the brand when requested to do so by the department;

(2) upon conviction under AS 45.50.320; or

(3) if the applicant or owner fails to reply to a certified or registered letter from the department requesting information concerning the log brand within a specified period of time; the time period will not be less than 15 days from the date the letter is metered.

(b) A brand registration will be cancelled by request of its owner. The cancellation will be effective upon receipt by the department of a written notice from the owner requesting the cancellation. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020 AS 45.50.315  
AS 45.50.210 AS 45.50.320

**11 AAC 95.750. FEES FOR REGISTRATION OR TRANSFER OF REGISTRATION.** (a) The fee for registration or transfer of a registration is set out in a fee schedule posted in the district offices of the division.

(b) The fee may be forfeited if an application is rejected.

(c) The fee is forfeited if a brand registration is cancelled before the expiration of the period of registration. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020 AS 45.50.260  
AS 45.50.210 AS 45.50.280  
AS 45.50.220 AS 45.50.315

**11 AAC 95.760. RESERVATION OF BRANDS.** When an acceptable application has been received for registration or renewal of brand registration, the brand will be reserved to the applicant. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
AS 45.50.315

**11 AAC 95.770. REGISTRATION UPON TRANSFER.** No registered brand may be transferred to or used by or on behalf of a third party except after prior written notice to the department, accompanied by a true copy of the

instrument of transfer as required by AS 45.50.260, together with the registration fee. Upon receipt and filing for record of a copy of the transfer instrument and the fee, the department will register the brand and issue a certificate to the new owner. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020 AS 45.50.280  
AS 45.50.260 AS 45.50.315

**11 AAC 95.780. USE OF UNREGISTERED BRAND.** Logs branded with an unregistered brand, or with a registered brand used by a person not authorized to use it, will be considered for all purposes to be unbranded. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
AS 38.50.315  
AS 38.50.320

**11 AAC 95.790. NOTICE OR DEMAND.** Any notice or demand under this chapter or under AS 45.50.215 - AS 45.50.325 must be in writing, and must be sent by certified or registered mail to the other party at the address of record. Either party may designate in writing a new address to which the notice or demand is to be mailed. A written notice or demand is considered delivered when mailed from a U.S. general or branch post office. (Eff. 2/15/81, Reg. 77)

Authority: AS 38.05.020  
AS 38.50.315  
AS 38.50.320

## ARTICLE 5. GENERAL PROVISIONS

### Section 900. Definitions

**11 AAC 95.900. DEFINITIONS.** In this chapter, unless the context otherwise requires

(1) "abandonment" will be considered to have occurred where the operator leaves a site intending not to return, or has not used a site for a period of one year;

(2) "alternative practice" means a practice which, in the judgment of the operator, is equal to or better than a practice identified in the manual referred to in 11 AAC 95.060(a) for the region in which the forest operation is located;

(3) "approved device" includes conventional and portable stoves, fireplaces, and incinerators with adequate safeguards to prevent escapement of fire;

(4) "aquatic and terrestrial habitat" means habitat normally used by fish or wildlife to sustain life;

(5) "beach log salvage" means the recovery of timber property that is no longer in possession or control of its owner or rightful transporter;

(6) "borrow site" means an excavation site outside the limits of construction to provide materials necessary to that construction, such as fill material;

(7) "burning" includes setting fires and excludes smoking;

(8) "commercial operation" means an operation or harvest producing wood products for sale;

(9) "commissioner" means the commissioner of natural resources or his authorized designee;

(10) "cooking, warming, or signaling fire" means a small fire, contained within a natural or artificial barrier to prevent its escape, used for cooking, signaling, or warming, and attended at all times;

(11) "cross-drain" means a cross ditch used to move water from one side of a road to the other to prevent accumulation of runoff without the need of a culvert or bridge;

(12) "crowning" means to shape the running surface of a road higher in the center in order to direct runoff to roadside ditches rather than channel it down the centerline;

(13) "department" means the Department of Natural Resources;

(14) "display" or "displayed" means situated or placed in a readily discernible manner on timber property;

(15) "division" means the division of forestry in the Department of Natural Resources;

(16) "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, technical, and safety factors;

(17) "forest land," in 11 AAC 95.010 - 11 AAC 95.180, is as defined by AS 41.17.950(6);

(18) "forested land," in 11 AAC 95.400 - 11 AAC 95.490, is as defined by AS 41.15.170(3);

(19) "forest practices forester" means the field person assigned by the department to implement the Act;

(20) "land economically suited for the growing and harvesting of wood products" means forest land capable of producing repeated crops of forest products including, but not limited to, sawlogs, pulpwood, and firewood;

(21) "material" includes any organic or inorganic flammable substance such as trees, brush, weeds, grass, wood, lumber, trash, papers, clothes, tires, and chemicals;

(22) "mineral soil" means a soil containing insufficient organic material to sustain fire;

(23) "normal angle of repose" means the angle at which cut slopes will stand naturally, and varies by type of material;

(24) "operation," in 11 AAC 95.010 - 11 AAC 95.180, is as defined by AS 41.17.950(6); in 11 AAC 95.400 - 11 AAC 95.490, "operation" has the same meaning, plus land clearing activities on forested land;

(25) "outsloping" means to shape the running surface of a road in a manner to carry runoff to the downslope side of the road, and is used for roads without roadside ditches;

(26) "permit" means burning permit;

(27) "stabilize" means to make resistant to shifting or erosion by mechanical or other means;

(28) "state forester" means the state forester or his authorized representative;

(29) "surface waters" means ponds and lakes greater than 10 acres in size, and streams, creeks, and rivers which are valuable for domestic use, spawning, rearing, or migration of fish, or have value to protect water quality;

(30) "upstream debris" means slash or debris located 50 feet or less upstream from a culvert or bridge that may reasonably be expected to plug the inlet or damage the structure; and

(31) "waiver" means a deviation from standards set out in 11 AAC 95.100 - 11 AAC 95.180 which is approved by the state forester with the concurrence of the Department of Fish and Game and the Department of Environmental Conservation. (Eff. 2/15/81, Reg. 77: am 11/21/82, Reg. 84)

Authority: AS 41.15.050                      AS 41.17.020  
                   AS 41.15.060                      AS 41.17.080  
                   AS 41.15.090

## CHAPTER 96. MISCELLANEOUS LAND USE

### Article

1. Provisions for General Land Use Activity (11 AAC 96.010-11 AAC 96.150)
2. Additional Provisions for Geophysical Exploration and Stratigraphic Tests (11 AAC 96.210-11 AAC 96.240)
3. General Provisions (11 AAC 96.250)

### ARTICLE 1. PROVISIONS FOR GENERAL LAND USE ACTIVITY

#### Section

10. Operations requiring permits
20. Equipment use not requiring a permit
30. Application
40. Term and conditions
50. Effective date
60. Bonds
70. Completion of operations
80. Confidential status of information
90. Inspection of operation
100. Penalty
110. Appeals
120. Purpose
130. Applicability
140. General stipulations
150. (Repealed)

**11 AAC 96.010. OPERATIONS REQUIRING PERMITS.** A permit is required for the following activities on state lands:

(1) activity requiring

(A) the use of explosives and explosive devices, except firearms;

(B) the use of any equipment not included in the list specified in 11 AAC 96.020;

(C) the use of hydraulic prospecting or mining equipment methods;

(D) drilling to a depth in excess of 300 feet, including exploratory drilling or stratigraphic test wells on state land not under oil or gas lease;

(E) conducting geophysical exploration for oil or gas resources;



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## JOHN CHOON K. KIM

Dr. John Choon K. Kim is the Executive Director of the Alaska Center for International Business at the University of Alaska Anchorage. Dr. Kim is also a professor of the School of Business at UAA. Dr. Kim received his doctoral degree in American Government (Public Policy Emphasis) from the University of Southern California, Los Angeles. Dr. Kim is the recipient of the Most Outstanding Faculty Member Award at Pepperdine University (1975-1976) and the first recipient of the Chancellor's Award for Excellence in Teaching at the University of Alaska Anchorage in 1984. The State of Alaska Legislature passed a resolution recognizing Dr. Kim's outstanding contribution to higher education in the state.

Dr. Kim has published extensively in the fields of energy policy and implementation, international trade and business, socio-economic impacts of natural resource development, and emergency management, including Energy Resources Development: Politics and Policies (1987) and Crisis Management (1988).

Dr. Kim is the founding director of the Alaska Center for International Business, which has become the educational, informational and research center, focusing on trade and business with Asian-Pacific nations and other nations of the world. The Center is the University of Alaska's think tank for the state's economic development and international trade and was established by the State Legislature at the request of Governor Steve Cowper. Dr. Kim was a member of Governor Cowper's Transition Team in 1986 and is a member of the Governor's Working Group for Trade Alaska. Dr. Kim has been an advisor to the Alaska Land Use Council since 1983. Dr. Kim has been invited to address many public groups (54 appearances during (1987 - 1988); chambers of commerce, industry groups, symposia, learned societies, universities, conferences, and government agencies throughout the state, nationally, and internationally.

Dr. Kim is a travelling speaker for Campus Crusade for Christ and an elder at Korean Open-Door Church in Anchorage, Alaska.

**OIL SPILL  
RESPONSE  
AND PLANNING**



# Alaska State Legislature

HOUSE OF REPRESENTATIVES  
COMMITTEE ON RESOURCES

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3715

## HOUSE RESOURCES COMMITTEE, OIL SPILL HEARING

Wednesday, January 17, 1990  
3:00 to 5:00 p.m.  
Capitol Room 124

### SPILL RESPONSE AND CONTINGENCY PLANNING

**Dennis Kelso** - Commissioner  
Department of Environmental Conservation  
Post spill response planning, use of ICS and review of  
industry contingency plans.

**Frenchie Mallot** - Department of Natural Resources, Forestry  
Incident Command System and its utility for major oil spills.

**Mike Williams** - V.P. Environmental Planning and Control,  
Alyeska Pipeline Service  
Alyeska's proposed changes in both contingency planning and  
response capability in Prince William Sound.

**Robert Weatherford** - Business Analysis Mgr.,  
Exxon Shipping Co.  
Contingency planning

**Captain Bodron** - Chief, Marine Safety Division  
U.S. Coast Guard, Alaska  
Regional Response Team and its role in response planning and  
the Coast Guards On Scene Coordinator's report.

# ALASKA OIL SPILL COMMISSION

## 300. Planning and Response Organization.

### 301. Spill and Response Activities and Coordination - General.

For pollution response activities, Federal on-scene coordination is accomplished through a single predesignated agent, the OSC, who presents information to and receives advice from the RRT. The EPA and USCG respond to incidents and provide predesignated On-Scene Coordinators (OSCs) within their respective areas. However, DOD will designate OSCs for hazardous substance releases from DOD facilities and vessels. The EPA will provide OSCs for oil discharges and hazardous substances releases into or threatening the inland zone and, unless otherwise agreed, for all planned removals and remedial actions. The USCG will provide OSCs for oil discharges, and for the immediate removal of hazardous substances, pollutants or contaminants into or threatening the coastal zone. The USCG will not provide predesignated OSCs for discharges and releases from hazardous waste management facilities or in similarly chronic incidents.

### 302. Regional Response Team.

A. This Plan uses the Alaska RRT as an advisory body to the OSC which enables Federal, State and local governmental agencies to participate in response to pollution incidents. The primary members include representatives of specified Federal agencies in each state as well as a designated State representative. These members are responsible for the coordination of all input from their respective agencies, as well as providing resources and other available assistance.

#### B. Federal Agency RRT Membership:

Agency	Representative
1. Dept. of Agriculture	U.S. Forest Service, Juneau, AK
2. Dept. of Commerce	National Oceanic and Atmospheric Administration, Anchorage, AK
3. Dept. of Defense	Commander, 6th Infantry Division, Fort Richardson, AK
	U. S. Army Engineer District, Alaska, Anchorage, AK

- |  |   |
|--|---|
| 4. Dept. of Energy                         | Richland Operations<br>Office, Richland, WA                                   |
| 5. Dept. of Health and                     | HHS, Alaska Area<br>Human Services<br>Native Health Service,<br>Anchorage, AK |
| 6. Dept. of Interior                       | Regional Environmental<br>Officer, Anchorage, AK                              |
| 7. Dept. of Justice                        | U. S. Attorney,<br>Anchorage, AK  |
| 8. Dept. of Labor                          | OSHA, Anchorage, AK   |
| 9. Dept. of State                          | Department of State,<br>Washington, D. C.                                     |
| 10. Dept. of<br>Transportation             | Commander, Seventeenth<br>Coast Guard District,<br>Juneau, AK                 |
| 11. Environmental<br>Protection Agency     | EPA Region X, Alaska<br>Operations Office,<br>Anchorage, AK                   |
| 12. Federal Emergency<br>Management Agency | FEMA Region X,<br>Bothell, WA   |

**C. State Agency RRT Membership:**

- |           |  |
|-----------|--|
| 1. Alaska | Department Of<br>Environmental<br>Conservation, Juneau, AK |
|-----------|--|

**D. Roles and Responsibilities of Federal RRT Member Agencies**

1. The roles and responsibilities of the RRT member agencies are described below. Included also are each agency's resources and types of assistance that may be provided to the OSC. Each agency provides one member and at least one alternate member to the RRT.

2. The Department of Agriculture (USDA) provides expertise in managing agriculture, forest and wilderness areas. The Soil Conservation Service can be helpful in predicting effects of pollutants on soil and their movements over and through soil. The U. S. Forest Service (USFS) has responsibility for certain Federal lands. The USFS can provide local knowledge about communications, logistics, contractors, and equipment availability. They also have in-house radio communications, field housing, and air, land and water transportation capability within their areas.

3. The Department of Commerce (DOC), through the National Oceanic and Atmospheric Administration (NOAA), provides support to the NRT, RRT, and OSC with respect to living marine resources for which it has management authority, including marine fisheries, marine mammals and certain endangered species. They provide meteorological, hydrologic, ice and oceanographic data for marine, coastal and certain inland waters; tide and current information; charts and maps; and satellite imagery. In response to requests from the OSC, NOAA provides on-scene scientific assistance for releases in coastal and marine areas through the regional Scientific Support Coordinator (SSC). (See Section 300.34 for further SSC information.) NOAA acts on behalf of the Secretary of Commerce as a Federal trustee for living and nonliving natural resources in coastal and marine areas. Resources of concern to NOAA include all life stages, wherever they occur, of fishery resources of the exclusive economic zone and continental shelf; anadromous and catadromous species throughout their ranges; endangered and threatened species and marine mammals for which NOAA is responsible; tidal wetlands and other ecosystems supporting these living marine resources; and resources of National Marine Sanctuaries and Estuarine Research Reserves. For resources in coastal waters and anadromous fish streams, NOAA may be a co-trustee with the Department of the Interior, other Federal land managing agencies, and possible Indian tribes as well as the affected state. It will coordinate with co-trustees in investigating damages. Other DOC resources and support that can be provided are described below.

a. Through the National Weather Service (NWS), DOC can provide information on the current and predicted climatological and meteorological conditions at the scene of a significant spill incident. They can provide hydrometeorological observations and forecasts; satellite imagery; use of the NWS communications network and special-purpose aircraft. Site-specific forecasts are available to assist aircraft and ship operations or to provide real-time weather data for pollutant trajectory analyses. Weather Service Forecast Offices (WFSO) responsible for this region are located in: Juneau, Anchorage, and Fairbanks.

b. Through the National Environmental Satellite, Data, and Information Service (NESDIS), DOC can provide satellite imagery of coastal regions. Data buoys can be tracked through the use of the NIMBUS F Satellite. NESDIS can also provide climatological data on marine weather, oceanic conditions, and water column characteristics.

c. The National Marine Fisheries Service (NMFS), provides a broad variety of biological and oceanographic services which can address the impact of spill contaminants and cleanup operations on marine organisms and the marine ecosystem. Such services include population assessments to determine mortalities, laboratory facilities for specific contaminant impact at sublethal levels on marine organisms, and a nationally recognized group of marine pathologists. The regional office maintains extensive contacts with the commercial fishing industry, marine recreational interests, and state fisheries agencies. Chemists and toxicologists may be consulted on properties and toxic potential of various hydrocarbon contaminants to provide information on marine fisheries, marine mammals and certain endangered species to assist in identifying resources at risk and thus determine areas requiring priority protection. Regional personnel alert fishermen to oil slicks and other contamination hazards that may adversely affect fishing operations or equipment.

4. The Department of Defense (DOD) provides representatives from the U. S. Army, and U. S. Army Engineer District, Alaska to the RRT. Resources and assistance available from DOD agencies are outlined below.

a. The U. S. Army has various military facilities, vehicles, equipment, and, in some cases, aircraft which can be made available in the event of critical incidents. In addition, construction-related equipment may be locally available.

b. The U. S. Army Corps of Engineers (USACE) can provide expertise in all disciplines of engineering. USACE can also provide assistance in the area of dredging, surveying, supply vessels, and manpower. Their expertise can be used for clearing channels, locating obstructions, etc. Activation of USACE resources in support of an RRT activity would be in the form of a written mission assignment which outlines the parameters of work to be done and estimated dollar authority to accomplish the mission.

c. The U. S. Navy is the Federal agency most knowledgeable and experienced in ship salvage, shipboard damage control and diving. The USN has an extensive array of specialized equipment and personnel available for use in these areas as well as for open sea pollution incidents.

5. The Department of Energy (DOE), through its Radiological Assistance Program, provides assistance in recommending radiological control and protective measures. In addition, DOE coordinates Federal radiological assistance through the Federal Radiological Monitoring Assessment Program.

6. The Department of Health and Human Services (HHS).

a. HHS is responsible for providing direct on-scene or indirect assistance for chemical spills and emergencies in which there is a potential or actual threat to the public's health. Such assistance includes health related field guidance and laboratory support, access to toxicology data bases for health and medical data, biological sampling and testing and recommendations for environmental testing.

b. During an emergency response, the OSC may call upon the HHS representative to provide consultation and advice on whether potential or real threats to human health may exist. HHS response capabilities include but are not limited to:

(1) Reviewing available background information on the incident and estimating the potential for human exposure to hazardous substances on-site and to hazardous substances which may have migrated off-site via all pathways.

(2) While on-site, in order to determine if a threat to human health exists, recommending any additional environmental sampling or monitoring procedures needed to define extent of exposure, including identification of persons at high risk or particularly high exposure.

(3) Accessing computerized toxicological data bases through remote video and hard copy terminals maintained by the Center for Disease Control (CDC) and National Library of Medicine. The data base is an interactive data file containing chemical, physical, biological, pharmaceutical, toxicological, and environmental data on approximately 6,000 known and potential toxicants. This system supplements CHRIS and OHMTADS and is a useful source of information during an emergency response.

(4) Providing advice concerning evacuation or taking other preventive measures.

(5) Investigating possible toxic contamination of the food chain.

(6) Outlining potential pathways to human populations based upon soil kinetics/contamination, wind direction, aquifer contamination and/or food chain involvement.

(7) Obtaining and reviewing information regarding allegations of human illness associated with the incident.

(8) Investigating health complaints reported by on-site workers and nearby off-site residents.

(9) Conducting needed health studies which may include any one or a combination of methods, e.g., vital records reviews, review of medical records, administer surveys, conduct clinical examinations, test and analyze human specimens, conduct laboratory and hospital investigations, establish disease/exposure follow-up registries, etc.

(10) Reviewing plans for the safety and health of response workers, and providing advice about operations for compliance with appropriate OSHA regulations for worker safety and health.

(11) Coordinating appropriate health response with Federal, State and local health agencies and the private medical community.

(12) Providing advice and assistance as required by the OSC on health matters in community relations, and dealing with the media.

(13) Coordinating proficiency testing for laboratories analyzing human biological specimens.

7. The Department of the Interior (DOI) provides technical expertise with respect to geology, hydrology, minerals, fish, wildlife, history, and recreation as well as information on lands and resources specifically under its jurisdiction. Within the Department, individual bureaus have specific responsibilities and capabilities as follows:

a. The U. S. Fish and Wildlife Service (FWS) provides expertise on migratory birds, endangered and threatened species, and critical habitats, as well as information on national wildlife refuges and national fish hatcheries. It can resolve problems such as dispersal of birds, habitat identification, protection, damage assessment, and bird rehabilitation, including coordination of volunteers. Liaison with Audubon Society Chapters is maintained by the FWS and can be activated in response to spill incidents involving oiled and injured wildlife. FWS may be able to provide vehicles and boats locally for spill cleanup near national wildlife refuges.

b. The Minerals Management Service (MMS) has expertise in geology, geophysics, petroleum engineering, and oil spill modeling. It also has expertise and responsibility in well control and abatement of pollution sources from Outer Continental Shelf (OCS) oil and gas facilities. It can provide expertise in oil drilling, producing, handling, pipeline transportation, and information from the OCS Environmental Assessment Program. It has access to continuously manned facilities which can be used for command, control, and surveillance of spills occurring from operations conducted under the Outer Continental Shelf Lands Act. MMS can direct a lessee to clean up pollution resulting from its lease activities with their equipment or via direct contract under the authority of OCS Order No. 7 and 30 CFR 250.43. MMS may also coordinate helicopter transportation from a lessee operating in the area during emergencies. The MMS has the authority to suspend any activity within a 500 meter radius of any pollution source for abatement purposes as stated by the Memorandum of Understanding (MOU) of August 16, 1971 between the Departments of the Interior and Transportation. Through the MMS's Offshore Inspection Program, the MMS maintains a representative in each area of drilling activity who could act as the initial Federal observer for a pollution incident related to oil and gas operations. MMS has primary review and approval authority for oil-spill-contingency plans submitted under the Outer Continental Shelf Lands Act, as amended, and authority for regulating air quality which could result from in situ burning of oil spills on the OCS.

c. The National Park Service (NPS) can provide information on all national parks, monuments, and preserves in Alaska. NPS also provides expertise on historical, archaeological, architectural, recreational, and subsistence resources. NPS may be able to provide local logistical support, such as vehicles, aircraft, and boats for spill surveillance, damage assessment, or cleanup on or near national park lands.

d. The U. S. Geological Survey (USGS) can provide expertise on geologic, geohydrologic, and geochemical resources as well as ground and surface water properties.

e. The Bureau of Land Management (BLM) has responsibility for certain Federal lands and minerals. BLM may be able to provide local logistical support such as camps, vehicles, and aircraft for spill surveillance and damage assessment or cleanup on or near BLM managed land. BLM is responsible for providing the On-Scene Coordinator for Trans-Alaska Pipeline System spills on Federal lands.

8. The Department of Justice (DOJ), through the U. S. Attorney, provides legal advice concerning legal questions arising from discharges, releases, and Federal agency responses.

9. The Department of Labor (DOL), through the Occupational Safety and Health Administration (OSHA), provides advice, guidance, and assistance regarding hazards to persons involved in removal or control of oil or chemical spills.

10. The Department of State (DOS) will lead in developing joint international contingency plans. It will help to coordinate an international response when a pollution incident crosses international boundaries or involves foreign flag vessels. Additionally, DOS will coordinate requests for assistance from foreign governments and offer U. S. proposals for conducting research at incidents that occur off other countries.

11. The Department of Transportation (DOT).

a. On behalf of DOT, the U. S. Coast Guard provides the predesignated On-Scene Coordinators (OSCs) for the coastal zone and chairs the RRT when it is activated during a coastal zone response. The Coast Guard provides representatives to the RRT when activated for inland spills. In the coastal zone, the Coast Guard will ensure that the NCP is effectively and efficiently implemented with optimum coordination among Federal agencies and will recommend changes in the Plan as necessary. For an inland zone response, the Coast Guard provides technical expertise and resources relative to environmental protection and mitigation during periods of RRT activation. The Coast Guard offers expertise in marine environmental protection, port safety and security, marine law enforcement, ship navigation and construction, and the manning, operation and safety of vessels and marine facilities. For the purpose of planned RRT meetings, the Coast Guard will serve as Co-Chairman with the EPA.

b. The Coast Guard maintains facilities, vessels, aircraft and vehicles which can be used for command, control, and surveillance of pollution incidents occurring in coastal areas. The USCG also maintains special forces and teams including the staff of the National Response Center (NRC), the National Strike Force (NSF), the OSC Emergency Task Force (ETF), the Coast Guard District Staff Emergency Task Group (ETG), and the Public Information Assist Team (PIAT). See Section 308 for further discussion of these special forces.

12. The Environmental Protection Agency (EPA).

a. The EPA provides predesignated On-Scene Coordinators for the inland zone and chairs the RRT during an inland spill response. EPA provides a representative to the RRT when activated for coastal spills. In the Inland zone, EPA will ensure that the NCP is effectively and efficiently implemented with optimum coordination among Federal agencies and will recommend changes in the Plan as necessary. During a coastal zone response, EPA provides technical expertise and resources relative to environmental protection and mitigation during periods of RRT activation. For the purpose of planned RRT meetings, EPA will serve as Co-Chairman with the Coast Guard.

b. The Alaska Operations Office, Anchorage (AOO), has no clean-up or containment equipment for use should an incident occur. In a major inland spill situation, manpower and equipment will be obtained from commercial contractors, state, Federal, military, industry, public municipalities and local contractors on an availability basis.

c. EPA resources available through the Alaska Operations Office are:

(1) Sample analysis performed by the Regional EPA laboratory, Seattle, Washington or at commercial laboratories in Alaska.

(2) Environmental effects monitoring and advice to the OSC on the use of chemical dispersants. EPA will coordinate scientific interests for on-scene research and provide lab facilities.

(3) Aerial photographic over flights for inland spills: EPA has pre-established arrangements for rapid acquisition of commercial aircraft for aerial photographic services and for rapid processing of the resultant film.

(4) Oil/Hazardous Substance disposal sites: The EPA Region X office maintains necessary liaison with state and local governments to assist the OSC in identifying suitable disposal sites for oil/hazardous substances recovered during a spill response.

(5) EPA maintains special forces to assist the OSC including the Environmental Response Team (ERT) based in Edison, New Jersey, and the Technical Assistance Team (TAT) available from Seattle, Washington. The Oil and Hazardous Materials Technical Assistance Data System (OHMTADS) is accessible by EPA. See section 307 of this plan for further discussion of these special forces.

13. The Federal Emergency Management Agency (FEMA).

a. FEMA monitors the status of pollution emergencies and would evaluate a request for a major disaster declaration if received from the Governor of Alaska pursuant to the Disaster Relief Act of 1974, as amended. If the President declares that a pollution emergency constitutes a major disaster, the Director of FEMA will coordinate and direct the Federal response.

b. FEMA is delegated responsibility under CERCLA and Executive Order 12316 for temporary housing and permanent relocation of residents, businesses and community facilities as a result of hazardous material incidents covered by CERCLA.

E. Role and Responsibilities of the State of Alaska.

1. The Governor of Alaska has designated the Alaska Department of Environmental Conservation as the state RRT representative. ADEC also represents and coordinates the RRT involvement of various other state, county, and municipal organizations.

2. ADEC provides the State On-Scene Coordinator (SOSC) and State Spill Response Team (SSRT) for oil or hazardous substances incidents in accordance with Alaska Oil and Hazardous Substances Pollution Contingency Plan as authorized by the Alaska Oil Pollution and Other Hazardous Substances Control Act.

3. ADEC has various functions, capabilities and resources both before and during a pollution incident. They include:

a. maintaining and making proper disbursements from the Oil Spill Expense Reserve.

b. maintaining a current listing of available containment and cleanup equipment, providing on-scene monitoring of all discharge cleanup activities for which ADEC is designated as the lead State Agency, coordinating technical expertise concerning the biological impact of a probable or existing discharge.

c. determining and approving the locations to be used as pollutant disposal sites.

d. pre-planning and concurring on the use of dispersants for the State of Alaska, along with EPA. (See Annex X concerning Dispersant Use.)

e. providing notification of a hazardous material incident to the appropriate State, local and Federal agencies.

f. providing a Public Information Officer, in coordination with Office of the Governor, and

g. arranging for emergency hazardous substance response with private contractors.

h. providing population data for all locations throughout the State of Alaska through the Alaska State Demographer: Dr. Greg Williams, (907)465-4500.

F. The planning and preparedness functions of the Regional Response Team are outlined below:

1. Maintain a continuing review of regional pollution emergency response operations and equipment readiness to insure adequacy of regional planning and coordination for combating discharges of oil and hazardous substances.

2. Develop procedures to promote the coordination of Federal, State and local governments, and industry groups and private agencies to respond to pollution incidents.

3. Provide information to the NRT on research requirements.

4. Maintain a readiness posture to respond to significant discharges of oil or other hazardous substances.

5. Recommend revisions of the National Plan to the NRT on the basis of observations of response operations.

G. The response and coordination functions of the RRT are outlined as follows:

1. Respond whenever the RRT is activated. The degree of response and therefore the extent of RRT activity will depend on the particular situation.

2. Monitor and evaluate reports generated by the OSC ensuring their completeness. Based on this evaluation, the RRT may recommend courses of action in combating a discharge.

3. Assist the OSC in acquiring and employing response resources from Federal, State, and Local governments and private agencies.

4. Coordinate all Federal public information activities with the OSC and act as the focal point for information transfer between the OSC and the NRT, so as to minimize or prevent dissemination of spurious or incomplete information. Public information actions are discussed in Annex VI of this plan.

5. Submit POLREPs to the NRT as determined necessary by the appropriate Co-chairman.

### 303. RRT Activation.

A. The RRT comprises members of many agencies who must, with no prior notice, be capable of responding to an incident and call out personnel and equipment from their agency in an expeditious manner. The key to successful response actions is prompt activation and implementation of this Plan. The appropriate RRT Co-Chairman will activate whenever one of the following situations exists:

1. A major or potential major discharge or release (activation is automatic);

2. Any pollution emergency when the OSC/RPM or any member of the RRT makes a request to the RRT Co-Chairman;

3. At any time when determined by either Co-Chairman.

B. The RRT may be activated by any means of communications, but will normally be done by telephone to the persons designated in Annex II of this Plan. The activation call will specify the time of RRT activation, the meeting place if assembly is planned, and as much about the incident and the requirements to be placed on the particular agency as are known. (A full membership activation will normally be called whenever a major incident occurs.) A limited membership activation may be called by either co-chairman, whenever it is apparent that the service of only selected members is needed.

C. The Co-Chairman will determine if assembly of the RRT is advantageous or whether telephone activation and electronic mail is sufficient to respond to the incident.

D. It is anticipated that lesser incidents for which a limited membership activation has been called will normally be handled by telephone or electronic mail. Activated members will operate from their home or business location and will coordinate their agency's on-scene staff tasks and RRT staff tasks from that point. The Regional Response Center (RRC) will be staffed by USCG or EPA personnel and a contact system will be maintained with each activated member. Members will call into the RRC whenever the member needs to discuss matters with the Co-chairman or whenever the member is about to make a change of location and telephone contact number.

E. Assembly of the RRT will normally occur whenever a major incident occurs; all members are activated; extensive briefings are necessary for members; or whenever a drill activation for training occurs. The assembly of the RRT will normally occur at the RRC or alternate RRC site indicated in section 304 below. Members should be prepared to operate from the RRC. Therefore, members are encouraged to provide all necessary contact lists, agency phone books, technical manuals, etc., necessary to implement the appropriate tasks assigned the agency. In prolonged RRT activations, it is anticipated that members will return to their homes or place of business after the RRT assembly briefing to continue their RRT tasks and attend future RRT meetings as prescribed by the Co-Chairman.

F. Deactivation of the RRT will occur after mutual agreement by the senior USCG and EPA members. Deactivation will normally be by telephone notification unless the RRT is assembled.

#### 304. Regional Response Center.

A. The Regional Response Center is the regional coordinating site for notification, communication, and inter-agency coordination during a pollution incident. The primary Regional Response Center is located within the Operations Center of the Commander, Seventeenth Coast Guard District and is staffed around - the - clock. It may be contacted at (FTS) 759-7340 or (907) 586-7340. The alternate Regional Response Center is located in the EPA, Alaska Operations office at Anchorage, and is staffed on an as needed basis. It may be contacted at (907) 271-5083 or (206)442-1263 after normal working hours.

B. Additional alternate sites for the Regional Response Center may be designated at the discretion of the appropriate Co-Chairman when needed.

#### 305. RRT Communications.

A. RRT activation will normally be conducted by the appropriate RRT Co-Chairman by the most rapid means available, normally the telephone. Upon activation, RRT members will automatically begin receiving copies of all message traffic from the OSC to the Regional Response Center and from the Regional Response Center to the National Response Center.

B. Routine Communications will be performed by telephone and use of the electronic mail system (See Tab A of Annex V for a description of the E-mail system). General messages can be transmitted using the "Mail" function. Information concerning spill reports will be transmitted to RRT members, using the "RRT" function.

**306. On-Scene Coordination.**

A. As the single Federal official responsible for ensuring proper pollution response and enforcement, the OSC is the most important component in the national response organization. Federal on-scene coordination during a response is accomplished through the OSC, who provides reports to and receives advice from the RRT. The U.S. Coast Guard designates the OSC for discharges of oil or release of hazardous substances in the coastal zone; EPA designates the OSC for inland response operations dealing with discharges of oil or hazardous substance releases. If the incident involves a release from a chemical waste site, EPA will provide the OSC. DOD will furnish the OSC for hazardous substance releases from DOD facilities or vessels.

The OSC/RPM directs Federal Fund-financed response efforts and coordinates all other Federal efforts at the scene of a release or discharge. Should the circumstances indicate, the OSC/RPM can request support from special forces with expertise in containment and cleanup, environmental protection, and public affairs. The OSC/RPM:

- a. shall collect pertinent facts about the discharge or release such as its source; potentially responsible party; nature, amount, and location of the material; and potential impact upon the environment and human health, welfare and safety;
- b. shall promptly advise the appropriate State agency;
- c. should notify the affected land managing agency and trustees of natural resources, as promptly as possible;
- d. shall address worker health and safety at the response scene;
- e. shall direct response operations as described in Subparts E and F of the NCP;
- f. should consult regularly with the incident-specific RRT when it has been activated;
- g. shall evaluate incoming information and immediately advise FEMA of potential major disaster situations and the HHS representative when a possible public health emergency exists;
- h. should consult with DOI and DOC/NOAA representatives if a discharge or release may adversely affect any endangered or threatened species, or result in destruction or adverse modification of the habitat of such species;