

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5997 HOUSE RESOURCES

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ALASKA STATUTES

Title 46

Water, Air, Energy, and Environmental Conservation

SEPTEMBER 1987

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Alaska Statutes

Title 46. Water, Air, Energy, and Environmental Conservation.

Chapter

- 03. Environmental Conservation (§§ 46.03.010 — 46.03.900)
- 04. Oil Pollution Control (§§ 46.04.010 — 46.04.120)
- 06. Recycling and Reduction of Litter (§§ 46.06.010 — 46.06.150)
- 07. Village Safe Water Act (§§ 46.07.010 — 46.07.080)
- 08. Oil and Hazardous Substance Releases (§§ 46.08.005 — 46.08.900)
- 09. Hazardous Substance Release Control (§§ 46.09.010 — 46.09.900)
- 11. Conservation of Energy and Materials (§§ 46.11.010 — 46.11.900)
- 15. Water Use Act (§§ 46.15.010 — 46.15.270)
- 16. Management and Use of Water in Mining (§§ 46.16.010 — 46.16.100)
- 17. Supervision of Safety of Dams and Reservoirs (§§ 46.17.010 — 46.17.900)
- 30. Certification of Operators (§§ 46.30.010 — 46.30.130)
- 35. Environmental Procedures Coordination (§§ 46.35.010 — 46.35.210)
- 40. The Alaska Coastal Management Program (§§ 46.40.010 — 46.40.210)
- 45. Northwest Interstate Compact on Low-level Radioactive Waste Management (§§ 46.45.010 — 46.45.020)

Revisor's notes. — The provisions of SLA 1982 and to make other minor word changes.
this title were redrafted in 1987 to remove
personal pronouns pursuant to § 4, ch. 58,

Chapter 05. Environmental Conservation.

Article

- 1. Declaration of Policy (§ 46.03.010)
- 2. Department of Environmental Conservation (§§ 46.03.020 — 46.03.040)
- 3. Water Pollution Control and Waste Disposal (§§ 46.03.050 — 46.03.130)
- 4. Air Pollution Control (§§ 46.03.140 — 46.03.240)
- 5. Radiation and Hazardous Waste Protection (§§ 46.03.250 — 46.03.314)
- 6. Pesticide Control (§§ 46.03.320 — 46.03.330)
- 7. Prohibited Acts and Penalties (§§ 46.03.710 — 46.03.850)
- 8. General Provisions (§§ 46.03.860 — 46.03.900)



Fact Sheet: WATER RIGHTS IN ALASKA

SEPTEMBER 1985

WHAT ARE WATER RIGHTS?

A water right is a property right for the use of surface and subsurface waters by the public as provided by the Alaska Water Use Act (Alaska Statutes 46.15). This water right allows specified amounts of water from particular water sources to be diverted, impounded and withdrawn for specified uses. When a water right is granted, it becomes attached to the land where the water is being used for as long as you use it. If the land is sold, the water right goes with the land to the new owner, unless it is separated from the land with the approval of the Department of Natural Resources.

HOW DO I OBTAIN WATER RIGHTS?

To obtain water rights in Alaska you submit an Application for Water Rights to the Alaska Division of Land and Water Management. You are issued a permit to develop a water source and construct the means to use the water. Once you prove you are beneficially using the water, a certificate of appropriation is then issued. This is a legal document which conveys water rights once the water is being used. In Alaska, there are no automatic rights to ground water because of ownership of overlying land and there are no rights to surface waters because of ownership of adjoining or surrounding land. Use of water without a permit or certificate does not give the user defensible legal rights to the water, no matter how long the water use continues.

WHAT COSTS ARE INVOLVED?

To insure that the public is notified of the proposed water use, you are required to pay the cost of legal advertisement in at least one issue of a local newspaper in the vicinity of the proposed appropriation. However, if the proposed use will not exceed 1,000 gallons of water per day in a single-family domestic household there is no requirement to publish an advertisement. If there are more potential users than the source of water can supply, the Department may require legal advertisement of all types of water rights applicants.

WHY SHOULD I APPLY FOR WATER RIGHTS?

1. If you have established water rights, you have a legal standing to assert those rights against conflicting uses of water with people who do not have water rights.

2. A person with established water rights has priority to the use of water over persons who later file for water rights from the same water source.
3. Anyone who constructs works for the taking of water (an appropriation), or uses a significant amount of water without a permit or certificate of appropriation is guilty of a misdemeanor. (Alaska Statutes 46.15.180)

A significant amount of water as defined by regulation [Alaska Administrative Code 11 AAC 93.970(14)] is the:

- use of 5,000 or more gallons of water in a day from a single source, or;
 - the regular daily or recurring seasonal use of 500 or more gallons of water per day for 10 days or more per year from a single source, or;
 - any water use that may affect the water rights of other users or the public interest.
4. By filing for water rights, you provide valuable information about water use and consumption in Alaska. This is essential in estimating the present uses of water, predicting future withdrawals, protecting the rights of prior appropriators, and providing for proper management for this important resource.

WHAT OTHER WATER RESOURCES PERMITS MIGHT BE NEEDED FROM THE DEPARTMENT OF NATURAL RESOURCES?

A certificate of approval is required if you want to construct or modify a dam of 10 feet or more in height, or if the storage capacity exceeds 50 acre-feet. A separate application form along with a sliding filing fee applies for various size dams as set forth in the regulations (11 AAC 93.200).

An application for reservation of water may be filed to maintain a specified flow or level of water in a water body at a specified point for specified times. By statute, an instream flow reservation can be made to ensure sufficient water is maintained for protection of fish and wildlife, recreation and park purposes, navigation or transportation purposes, and sanitary and water quality purposes.



HOW DO I OBTAIN AUTHORIZATION FOR SHORT-TERM WATER USE?

Temporary authorization may be required for significant short-term water uses such as construction projects. This authorization does not establish a water right but may help avoid problems with fisheries or existing water right holders. Applications should be made in the form of a letter request to the Department with an associated map showing the location of the water take point and location and amount of water use.

Further information about water rights and copies of the application forms may be obtained from one of the following offices. Applications for water rights must be submitted to a Division of Land and Water Management regional office.

DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND AND WATER MANAGEMENT

SOUTHEASTERN REGIONAL OFFICE

400 Willoughby Avenue
Suite 400
Juneau, Alaska 99801
465-3400

NORTHERN REGIONAL OFFICE

4420 Airport Way
Fairbanks, Alaska 99701
479-2243

SOUTHCENTRAL REGIONAL OFFICE

Frontier Building
3601 C Street, 10th Floor
Pouch 7-005
Anchorage, Alaska 99510
762-2277

Mat-Su Area Office
Central Plaza, Suite 202
Pouch 874008
Wasilla, Alaska 99687
376-4595

DIVISION OF FORESTRY

HAINES AREA OFFICE

Room 6, Gateway Building
Main Street
Post Office Box 263
Haines, Alaska 99827
766-2120

KETCHIKAN AREA OFFICE

318 NBA Building
Post Office Box 5220
Ketchikan, Alaska 99901
225-3070

PETERSBURG AREA OFFICE

Petersburg State Office Building
215 Sing Lee Alley
Box 1580
Petersburg, Alaska 99833
722-3236

DELTA AREA OFFICE

Mile 267.5 Richardson Highway
Post Office Box 1149
Delta Junction, Alaska 99737
895-4225

TOK AREA OFFICE

Mile 124.1 Glenn Highway
Post Office Box 10
Tok, Alaska 99780
883-5134

SOUTHWEST (McGRATH) AREA OFFICE

McGrath Airport
Box 130
McGrath, Alaska 99627
524-3010

KENAI PENINSULA AREA OFFICE

Mile 92.5 Sterling Highway
S.R.2, Box 107
Soldotna, Alaska 99669
262-7559

COPPER RIVER AREA OFFICE

Mile 110 Richardson Highway
Post Office Box 185
Glennallen, Alaska 99588
822-5534



Fact Sheet: FEDERAL RESERVED WATER RIGHTS

MARCH, 1986

WHAT ARE FEDERAL RESERVED WATER RIGHTS?

- Federal reserved water rights are created when federal lands are withdrawn from entry (by Congress or other lawful means) for federal use.
- Federal reserved water rights:
 - apply to both instream and out-of-stream use
 - may be created without actual diversion or beneficial use
 - are not lost by non-use
 - priority dates are established as the date the land is withdrawn for the primary purpose(s)
 - are created for the minimal amount of water reasonably necessary to satisfy both existing and reasonable foreseeable future uses of water for the primary purpose(s) for which the land is withdrawn
- Water rights for secondary purposes must be obtained under state law, AS 46.15.

WHY ARE FEDERAL RESERVED WATER RIGHTS IMPORTANT TO YOU?

- Water users in areas where there are federal land withdrawals should file for water rights with DNR in order to protect their use of water. If a basin wide adjudication is started for your river basin, you can then be assured of being included in the adjudication.
- Holders of water rights with priority dates established before the withdrawal of federal lands within a basin will have water rights senior to the federal government. Water users filing for water rights after the withdrawal of federal lands within a specific basin will have water rights with priority dates later than those of the federal government.

HOW ARE FEDERAL RESERVED WATER RIGHTS ADJUDICATED?

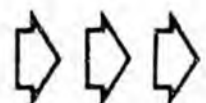
- Federal reserved water rights are a judicial creation. The United States Supreme Court first recognized federal reserved water rights in

Winters v. United States, 207 U.S. 564 (1908), an Indian reservation case. Since that time, court cases have extended the Winters Doctrine to other types of federal land withdrawals.

- Federal law, the McCarran Amendment (43 U.S.C. 666), allows judicial adjudication of federal reserved water rights in state court.
- The McCarran Amendment requires that state court adjudications include all water rights in a river basin, including all claimed federal reserved water rights and state administered water rights.

WHY ARE WE CONCERNED ABOUT FEDERAL RESERVED WATER RIGHTS?

- Because federal reserved water rights are unquantified, DNR does not know how much water is needed or used for the primary purposes of federal land withdrawals in Alaska. Because the unappropriated water available from a water source and the amount of water reserved by a federal withdrawal is unknown, water resources cannot be effectively managed.
- Alaska's growing population and development pressures have caused water supply and water rights conflicts in several areas of unquantified federal reserved water rights. Examples include Sitka's Indian River and Anchorage's Ship Creek.
- For DNR to effectively manage and allocate the state's water and adjudicate water rights, it is necessary to have the federal reserved water rights in Alaska inventoried and quantified by the appropriate federal land management agencies in cooperation with the State of Alaska. The state can then integrate federal reserved water rights with state administratively adjudicated water rights and manage water sources with greater certainty.



HOW MUCH LAND IN ALASKA HAS FEDERAL RESERVED WATER RIGHTS?

- Of the 367.7 million acres in Alaska, almost 49 percent, or more than 178 million acres are reserved federal lands which may have federal reserved water rights:

These federal lands are made up of:

Military land - 2.5 million acres
National Forests - 23.2 million acres
BLM lands - 26.1 million acres
National Parks - 51 million acres
Fish and Wildlife Refuges - 76 million acres

For more information about federal reserved water rights and application forms for water rights, please call, write, or come to one of the following Offices:

DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND AND WATER MANAGEMENT

SOUTHEASTERN REGIONAL OFFICE
400 Willoughby Avenue
Suite 400
Juneau, Alaska 99801
465-3400

NORTHERN REGIONAL OFFICE
4420 Airport Way
Fairbanks, Alaska 99701
479-2243

SOUTHCENTRAL REGIONAL OFFICE
Frontier Building
3601 C Street, 10th Floor
P.O. Box 7005
Anchorage, Alaska 99510
561-2020

Mat-Su Area Office
Century Plaza, Suite 202
P.O. Box 874008
Wasilla, Alaska 99687
376-4595

DIVISION OF FORESTRY

HAINES AREA OFFICE
Room 6, Gateway Building
Main Street
Post Office Box 263
Haines, Alaska 99827
766-2120

KETCHIKAN AREA OFFICE
318 NBA Building
Post Office Box 3361
Ketchikan, Alaska 99901
225-3070

PETERSBURG AREA OFFICE
Petersburg State Office Building
215 Sing Lee Alley
Box 1580
Petersburg, Alaska 99833
772-3236

DELTA AREA OFFICE
Mile 267.5 Richardson Highway
Post Office Box 1149
Delta Junction, Alaska 99737
895-4225

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Tok, Alaska 99780
883-5134

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Soldotna, Alaska 99669
262-7559

COPPER RIVER AREA OFFICE
Mile 110 Richardson Highway
Post Office Box 185
Glennallen, Alaska 99588
822-5534



Alaska Department of

NATURAL RESOURCES

ESTHER WUNNICKE,
COMMISSIONER

Fact Sheet: RESERVING WATER FOR INSTREAM USE

SEPTEMBER 1985

WHAT ARE RESERVATIONS OF WATERS?

A reservation of water is a type of water right. The use of water within a stream, lake, or other surface water body may be reserved to maintain an adequate instream flow or level of water for specific activities, such as fish spawning or a river rafting enterprise. Water can be reserved for one or more permissible uses at a particular point or part of a stream or other waterbody, during a certain period of time. Under Alaska Statute 46.15.145, permissible instream uses include:

- Protection of fish and wildlife habitat, migration and propagation.
- Recreation and park purposes.
- Navigation and transportation purposes, and
- Sanitary and water quality purposes.

A reservation of water for one use may also serve as a reservation for another purpose. For example, a reservation for fish spawning may also benefit recreation.

Like out-of-stream water rights, a reservation of water is a property right. However, it cannot be abandoned, conveyed, transferred, assigned, or converted to another use without the approval of the Department of Natural Resources.

WHO CAN APPLY FOR A RESERVATION OF WATER?

Private individuals or organizations as well as government agencies may apply for a reservation of water for instream use. This is not a required permit, but rather an optional water right. Those who wish to divert, impound, or withdraw water from a surface or ground water source will continue to file for their water rights under Title 46 for obtaining diversionary water rights.

HOW CAN I APPLY FOR A RESERVATION OF WATER

- You can get an Application for Reservation of Water (Form 10-1151) at any Department of Natural Resources, Division of Land and Water

Management regional office. Your application, however, must be submitted to the regional office in the area where your proposed reservation of water will occur.

- Before submitting your application, you should talk with the regional office people about the type of work or study needed to quantify the instream water use, and information needed in your application.
- When your application is complete and has been accepted, it will be reviewed to ascertain the need for the reservation of water, impacts on other water right holders, and the public interest. An assessment will be made to determine if water is available for the reservation, and if the hydrologic and technical information in the application is accurate and adequate. Public notice of your application must be given.
- Certificates of reservation, when issued, will be granted to the applicant. Conditions may be placed on certificates.
- Certificates of reservation must be reviewed by the Division of Land and Water Management every ten years, but can be reviewed in less than ten years if changed conditions warrant a review.

WHAT COSTS ARE INVOLVED?

- The Application for Reservation of Water should be accompanied by the appropriate filing fee as set forth in the fee schedule of the Department of Natural Resources.
- You will be required to pay the cost of a legal advertisement to notify the public of your proposed reservation of water.
- If a certificate is issued, you may be required to install and maintain measuring devices, such as stream gages, weirs, or staff gages, and monitor and report on the instream flow or level of water.
- You may also be responsible for additional data collection or analysis during the certificate review period.

WHY SHOULD I APPLY FOR A RESERVATION OF WATER?

You should apply if you want to ensure that the level or flow of water in a stream or lake that you need for your purposes will be available when and where you need it, and will not be appropriated or diverted for another use.

If you have an established instream water right, you have priority use of that water over people who file later for water rights as well as legal standing in case of conflicting uses of water by those without a water right.

Further information about reservations of water for instream uses and application forms may be obtained from the following offices. Applications for reservations of water must be submitted to a Division of Land and Water Management regional or area office.

DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND AND WATER MANAGEMENT

SOUTHEASTERN REGIONAL OFFICE

400 Willoughby Avenue
Suite 400
Juneau, Alaska 99801
465-3400

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Anchorage, Alaska 99510
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376-4595

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STATE AGENCY POSITIONS

JOINT ADMINISTRATION POSITION PAPER:
DEPARTMENT OF FISH AND GAME
DEPARTMENT OF NATURAL RESOURCES
ALASKA POWER AUTHORITY

2. We agreed on page 2, lines 8 and 9, to revise this sentence to read: A reservation of water under this section does not affect rights and applications on record [IN EXISTENCE] before [ON] the effective date of this Act. The rationale for this change is to make clear that all water rights applications, permits, and certificates on record before the effective date of the act will not be affected. The word "on" was changed to "before" to clarify the date the act becomes effective.

3. We agreed to delete the word "instantaneous" and substitute the words "instream flow" in its place on page one, lines 15, 18, and 22. The rationale for this change is to make the language more consistent with the intent of the bill. The word "instantaneous" is already defined as part of the definition of instream flow in DNR's regulations, 11 AAC 93.970.19.

4. We agreed to delete "out of stream" before the word "appropriation" on page one, line 23. The reason of this change is because constitutionally in Alaska, "appropriation" refers to both surface and ground water. In this case, a shallow ground water appropriation could affect surface water and by deleting "surface water" this eventuality is covered.

5. Both agencies agreed that the use of the words "reservation" and "reserve" in the bill on page one, lines 6, 15, 18, 21, 22, 25, 28 and page two, lines 4 and 8, may be misleading and confusing but is probably technically correct. There seems to be uncertainty as to whether these words refer to a reservation of water under the procedures of AS 46.15.145 or whether the words refer to simply withdrawal of water from appropriation. Both agencies agreed that water should be administratively withdrawn from appropriation rather than generating an application for reservation of water, adjudication, and granting a certificate of reservation under AS 46.15.145.

6. Both agencies agreed that on page one, line 26, the words "an application on record or" be added before the words "...a right to appropriate...". This change will make this subsection consistent with the changes proposed above for subsection (d), page two, line 9.

7. Both agencies agreed on page two, lines 3 and 4 to delete the words "or the percentage of mean annual flow" because they are redundant.

8. Both agencies agreed on page two, line 1 to add language as follows, "Notwithstanding (a) of this section, and pursuant to AS 46.15.145, the commissioner may...". Both agencies agreed that any necessary adjustments to the quantity of water needed to improve

Rod Swope Memo
April 5, 1989
Page 3

fish habitat can be addressed through the procedures in AS 46.15.145. Both agencies agreed that it is not the intent of this bill to affect valid existing water rights that might be received between the dates of an original reservation under this bill and any subsequent adjustments to the quantity of the reservation. Using the procedures in AS 46.15.145 will ensure protection of valid existing rights filed before any such adjustments.

9. Both agencies agree that on page two, lines 7 and 8, the first sentence in subsection (d) should be deleted and language similar to the following be substituted in its place. "(d) Waters specified pursuant to AS 16.15.870(a) (the DFG Anadromous Fish Catalog) and the DFG Regional Guides prior to the effective date of this Act have priority dates effective the date of this Act. Waters specified pursuant to the DFG Anadromous Fish Catalog and Regional Guides after the effective date of this Act have priority dates when they become effective. A reservation of water under this section does not effect rights and applications on record before the effective date of this Act." Both agencies agreed that this language is needed to clarify when water reserved in fish streams is given a priority date, especially those streams that are added as fish streams after the effective date of this bill.

AREAS OF DISAGREEMENT

The following two issues generated considerable discussion by both agency representatives and we were unable to come to agreement.

1. DNR believes the present water rights application review and comment procedures under AS 46.15.133 and the present statute to reserve water under AS 46.15.145 are adequate to protect fish habitat in the state. However, with respect to this bill, DNR supports limiting the scope of this bill to anadromous fish streams only rather than having a broad scope inclusive of all fish streams. DNR takes this position because administratively DFG cannot conclusively identify which stream reaches in the state have only resident fish population? DFG does have a public process for listing and cataloging anadromous fish streams, and DNR can easily identify which streams in the state would qualify for reservations under this bill, thus making the process administratively clear and less cumbersome. In addition, DNR believes that resident fish can be protected under the present water rights application notification and comment procedure under AS 46.15.133. DFG disagrees and supports the present version of the bill which would reserve flows in all fish streams. DFG believes it is important to maintain all fish in the legislation, including sport, commercial, and subsistence species (anadromous and resident). Both agency representatives did agree, however, that the bill will need to define the word "fish" and that DFG will need to identify

DNR - 5/1/89
AUTH. OK.

ANAD ONLY

Rod Swope Memo
April 5, 1989
Page 4

resident fish stream reaches statewide.

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2. The thorniest issue with this bill is the 60% and 30% mean annual flow reservation requirement. DNR does not believe the results of estimating mean annual flows for most ungaged streams and the application of unsubstantiated percentages to determine reservation flows is technically and hydrologically sound. If this scheme of determining reservation flows is supported, DNR recommends the percentages be lowered to 10% for the winter months and either 30% (the Tennant fair category) or 40% (the Tennant good category) for the summer months. DFG representatives support maintaining the 60% and 30% optimum level of protection for fish, with the possible exception of reducing the winter flow percentage on the North Slope where streams freeze solid. DFG supports an allocation system that would differentiate between gaged and ungaged streams, but did not have a specific proposal. Both agencies agreed that it would be desirable to modify the allocation formula, both the numbers and months of the year, on a regional or basin-wide basis, but that this kind of effort will require a commitment of time and resources by both agencies.

ISSUES FOR FURTHER DISCUSSION

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Finally, the group identified two areas that might warrant additional consideration, but would also require research. One suggestion was to exempt non-consumptive surface water rights from this bill, due to the non-consumptive nature of the water use. If this were done, a good definition of "non-consumptive" would be needed. A second suggestion was to develop a public interest determination process to reduce reserved flows if it were determined to be in the best interest of the state to reduce flows in favor of another use or circumstance.

At the conclusion of the meeting, all representatives believed the meeting was useful as a thorough review of the bill.

cc. Larry Ostrovsky
Shocky Greenburg
Gary Gustafson
Robert Forbes
Frank Rue
Norval Netsch
Bill Long
Mark Inghram
Gary Prokosch
Kim Sundberg
Mike Mills
Lance Trasky

Department of Fish and Game
Department of Natural Resources

House Bill 210
An Act Relating to the Reservation of Instream Flows
in Water Important for Fish

The Administration's position, formulated by the Departments of Fish and Game and Natural Resources, is in support of the concept of House Bill 210. House Bill 210, introduced by Representative Davidson and co-sponsored by Representatives Goll, Jacko, Ellis, and Brown, provides for the reservation of instream flows in waters supporting fish. Because of the complexity of the issues involved in this bill and the need to further examine the fiscal consideration of this legislation, the Administration recommends that the committee hold the bill over the interim for further work by a subcommittee that involves the Administration and all interested parties.

We are providing two documents for consideration by the committee: 1) this background paper and 2) a memorandum from technical staff suggesting amendments to the bill that are supported by both agencies, and identifying topics that need further work.

Background

The following is a summary of Alaskan Water Law. More detailed information specific to Alaska can be derived from the publications listed in the references.

In Alaska, water can be appropriated for out-of-stream or diversionary uses such as municipal or private water supplies, mining operations, hydroelectric generation, fish hatcheries, recreational lodges, pulp mill operations, etc. It may also be appropriated for instream uses (sometimes referred to as an instream flow reservation) such as fish and wildlife, habitat, hatcheries, drinking water, recreation and park purposes, water quality, and navigation.

Alaska's instream flow statutes and regulations are unique because they enable private individuals and federal agencies, in addition to state agencies, to apply for instream flow appropriations.

The Alaska State Constitution in Article VIII, Section 13 provides that:

All surface waters and subsurface waters reserved to the people for common use,....are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall

be limited to state purposes and subject to preferences among beneficial uses, . . . as prescribed by law, and to the general reservation of fish and wildlife.

The Alaska Water Use Act, enacted in 1966, established procedures for maintaining existing water rights and for obtaining new rights. In 1980, instream flow amendments were enacted to provide for a mechanism by which private parties or public agencies could apply for instream flow reservations. Regulations were adopted and an application form was made available to the public and agencies for reserving instream flows in November 1983. ADNR is responsible for adjudicating applications for both out-of-stream and instream flow water appropriations.

Since 1980, twenty-five instream flow reservation applications have been filed. Six of them were filed by the private sector and were denied. All eighteen of the ADF&G applications filed have been accepted as has an application from the Bureau of Land Management. Six of the ADF&G applications have been approved. The remainder have not been adjudicated yet, but it is anticipated they will be approved. The BLM application is in the final stages of the adjudication process stage. The majority of these have been filed for streams that are particularly important for fisheries resources and where there is a higher danger of over-appropriation. It is anticipated the ADF&G will file an additional eight applications by July 1989.

House Bill 210 sets up a uniform method of reserving water in the stream to ensure support for fisheries by reserving 60 percent of the mean annual flow in the summer months and 30 percent in the winter months.

The concept of the bill is to ensure that there is enough water in the stream to support fish, while allowing out-of-stream/diversionary appropriations and preventing over-appropriations.

If enacted, House Bill 210 would require reservation of a set percentage of water in all fish streams. The remainder of the water would be available for out-of-stream/diversionary appropriations, (or other in-stream appropriations). Under this system the burden of providing the hydrological data to justify the out-of-stream or diversionary appropriation is on the appropriator, or ADNR. Currently, instream flow applicants, including ADF&G, bear the burden of providing both hydrologic and biologic data to document the request.

The size of the state, the large number of river systems, and, the limited amount of flow information make any system for determining water appropriations difficult at best.

In Alaska, hydrologic data is not available for the vast majority of streams. According to a Division of Geological and Geophysical Survey hydrologist, the extreme variations in terrain and climate influencing streams in various parts of the state make it difficult to obtain reliable flow data for ungaged streams. Similar size stream channels in close proximity may receive substantially different volumes of water, depending on local differences in weather, precipitation, and snow melt, which can be substantial.

Because very little actual hydrological data exist for Alaska drainages, and competition for water in the majority of streams is presently minimal or nonexistent, the bill uses the "Tennant" approach. Under this generalized, "umbrella" approach, the optimum flow for maintaining fisheries in streams is set at 60 percent for the high flow months and 30 percent for the low flow months.

Under the system set up by the bill, when a person comes in with an application for an appropriation, if no data exist for the water body from which they want to appropriate, a hydrologist may have to extrapolate the stream flow from information of a stream with some similar topographical and hydrological situations.

Summary of the Problem

Some critics of the bill are concerned because under the "Tennant" approach data is extrapolated from one stream and applied to another stream that may be very different but for which no data exist, and therefore appropriations may be based on "the best available" but inaccurate data. Proponents of the bill have expressed concern that appropriations and preference rights can now be granted without necessarily protecting against over-appropriation and without reserving enough water to support fish.

Another issue of concern that will be raised by the bill and by reviewing the current appropriation system is determining who will have responsibility for collecting the data to justify instream and out-of-stream/diversionary appropriations: The state? ADNR? the in-stream-appropriator? the out-of-stream-appropriator? or some combination of these?

The Administration recognizes that the bill provides some flexibility with respect to this problem, but also recommends adjusting the percentages on a regional basis, differentiating between gaged and ungaged streams and/or developing alternatives to consider different stream types. Because of the complexity of the issues involved, and the likelihood that the provisions of the bill may change, the Administration recommends that fiscal considerations associated with the bill be examined in detail over the interim along with any other issues that may be addressed at that time.

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Alaska Power Authority

State of Alaska

March 6, 1989

Mr. Stosh Anderson
P.O. Box KS
Levelock, Alaska 99627

Subject: Proposed Instream Flow Reservation Regulation Amendments

Dear Mr. Anderson:

The Alaska Power Authority has reviewed your proposed amendments to AS 46.15.145.

As a general comment, we support the adoption of an amendment that simplifies the reservation of public waters not only for fisheries, but for other public uses such as navigation and recreation. We also expect the amendment would simplify the permitting and feasibility analysis of hydroelectric projects as well.

Tennant's method of determining the minimum flow requirements for maintaining fisheries, which is the basis for the quantities of water to be reserved by the proposed amendment, has been demonstrated to be a very suitable methodology and compares favorably with the incremental flow types of analysis. Tennant's method, however, is simple to apply and far less costly with respect to data gathering and analysis.

With respect to the manner in which a reservation would be effected, we do have some specific comments. We believe that it may be most beneficial to the state to enact an amendment that withdraws from appropriation the 50% and 30% flows for all anadromous fish streams specified under AS 16.05.870(a) at the time of enactment.

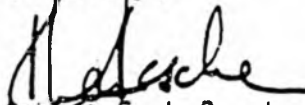
We have discussed this concept cursorily with the Attorney General's Office and have been told that there is probably no legal or constitutional impediment to doing this. In fact, this type of statewide reservation would implement constitutional requirements related to maintaining fish and wildlife resources at sustained yields. The burden would rest upon the party requesting water rights to demonstrate that the request would still maintain the minimum flow requirements. If the requested appropriation diminishes flows below the minimums, the burden would be upon the user to demonstrate that he could adequately mitigate to maintain sustained yields of fisheries or compensate for their loss in an out-of-kind manner.

The advantage to this approach is that the reservation is made statewide immediately, not piece-meal only as applications for water rights are submitted.

Enclosed with this letter is a capsule discussion of some of the issues we see related to this bill and reservations in general.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Robert E. LeResche
Executive Director

TA/REL/bw

Enclosure as stated

Discussion of Issues

Concern/AgreementComment

The State Constitution and AS 16 already protect anadromous fish streams.

While they require protection of fisheries and maintenance or enhancement of populations, they do not quantify and reserve flows for these purposes.

The use of Tenant's method to quantify the flow requirements for fisheries will not determine the true need.

Where time and funding are not available to do detailed instream flow studies, Tenant's method has proven to be a very useful tool. While it is only an approximation of the flow requirements, in studies where it has been compared on a case by case basis with detailed incremental type analysis, it shows good correlation.

This reservation is too large and will preclude many use of streams if adopted.

In the proposed amendments, the applicant may conduct an instream flow study to show that it may be possible to decrease flows further. The language in the amendment should be revised, however, to allow other types of mitigation so that flows can be reduced to less than those needed to maintain fisheries in a particular reach of water, but compensation provided elsewhere.

Furthermore, we envision that this type of reservation will not greatly impact users who divert water from streams temporarily for uses such as run-of-river hydroelectric generation or placer mining provided suitable mitigation is proposed for the reach of water between the points of take and discharge.

The administrative burden related to these amendments are onerous.

Several things can be done to reduce the administrative burdens of the amendments. The first thing

that could be done is to require the applicant to make a determination of the average annual flow of the water body in question. The U.S.G.S. or engineering consulting firms could provide this information. The applicant would then be required to demonstrate that their requested appropriation would not infringe upon the in-stream flow reservation.

If the idea of having the applicant determine flows is not acceptable, an application fee could be charged that would allow DNR to maintain staff to make the determinations.

One thing to recognize is that the majority of the applications will be made on only a limited number of streams, primarily those in population centers. Usually there is some hydrologic data and estimations of average annual flows

already available.

We would suspect that after the first few years of this requirement the number of streams for which flow estimates would need to be made would drop off dramatically.

CORRESPONDENCE WITH AGENCIES



STATE OF ALASKA

HOUSE OF REPRESENTATIVES

Box V, Juneau, Alaska 99811

(907) 465-2487 • 465-2498

REPRESENTATIVE CLIFF DAVIDSON • DISTRICT 27 • Box 746, Kodiak, Alaska 99615 • (907) 486-8250

M E M O R A N D U M

TO: Gary Gustafson, Director
Division of Land and Water Management
Attn: Mary Lu Harle, Water Resources Manager

FROM: Representative Davidson
Co-Chairman, House Resources Committee

DATE: February 6, 1990

SUBJECT: House Bill 210

Last year in a memorandum dated April 10th you provided information upon request regarding the number of out of stream applications pending adjudication (398), the number of out of stream permits issued (1,607), and the number of out of stream certificates issued (2,889) as of October, 1989.

I am requesting more specific information regarding these statistics before 2:00 p.m. today for the hearing on House Bill 210.

- 1) Prior to April, 1968, how many applications were filed for the withdrawal, impoundment, or diversion of streams?
- 2) How many applications were filed and accepted for the withdrawal, impoundment, or diversion of streams for the rest of 1968?
- 3) How many applications for the withdrawal, impoundment or diversion of streams have been filed and accepted per year from 1968 through 1989?
- 4) What out of stream users of water have applied for 100,000 gallons a day or more appropriation of streams, or what type of uses would require 100,000 gallons of water a day appropriation?

My direct fax line is 465-2418. In addition, I request the following information in writing no later than next Tuesday, February 13th:

- 4) Names of these streams or rivers for these applications
- 5) The quantity of water requested for these appropriations

Page 2

Of all of the above, please differentiate between diversions, withdrawals, and impoundment appropriations. How many of the diversions would be classified as a nonconsumptive use of water under your proposed regulation revisions?

Of all the above, on how many streams have you calculated or estimated the water available for appropriation and by which techniques?

Please contact my office at 465-2487 if you have any questions. Thank you for your prompt consideration of this request.

FEB- 6-90 TUE 12:32

P. 04

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

February 6, 1990

The Honorable Cliff Davidson
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

Below is the list of fish that spend part or all of their life cycle in fresh water by user category. I hope this is helpful to you as you continue work on instream flow legislation.

COMMERCIAL FISH

Five species of salmon
Small Arctic char
Sheefish
Some whitefish

SUBSISTENCE AND PERSONAL USE

Five species of salmon
Char (Arctic and various species)
Sheefish
Grayling
Alaska whitefish
Broad whitefish
Humpback whitefish
Round whitefish
Various trout
Burbot
Pike
Blackfish
Sculpin
Smelt (Eulachon)
Cisco

Representative Davidson

- 2 -

February 6, 1990

SPORT FISH

Five species of salmon

Rainbow/steelhead trout, cutthroat trout, lake trout, brook trout

Arctic char (including Dolly Varden)

Sheefish

Grayling

Burbot

Pike

Humpback whitefish

Round whitefish

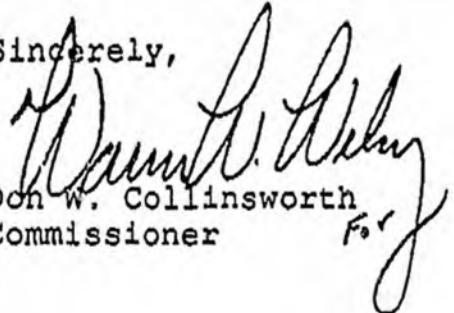
Broad whitefish

Cisco

Smelt (Eulachon)

Please let me know if further detail or any additional information is useful to you in your deliberations on House Bill 210.

Sincerely,


Don W. Collinsworth
Commissioner



STATE OF ALASKA

HOUSE OF REPRESENTATIVES

Box V, Juneau, Alaska 99811

(907) 465-2487 • 465-2498

REPRESENTATIVE CLIFF DAVIDSON • DISTRICT 27 • Box 746, Kodiak, Alaska 99615 • (907) 486-8250

90
January 24, 1989

Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources
P.O. Box 107005
Anchorage, Alaska 99510-7005

Dear Director Gustafson:

Thank you for your response to my December 4th letter requesting an update regarding House Bill 210. I appreciate your attention to this issue.

I would like to bring to your attention a statement in your letter that is of great concern to me. You stated, "While we remain opposed to the bill's provision to require a mean annual flow percentage reservation..."

This statement surprises me because during formal hearings and in the administration's official position paper prepared by the Department of Natural Resources and the Department of Fish and Game, and again in a letter to the Kodiak Island Borough, you clearly supported the concept of House Bill 210.

The comment in your December 22nd letter confuses me because reserving some percentage of the mean annual flow is precisely the concept of House Bill 210.

Prior to receiving your letter it was my understanding your agency supported the percentage concept but wanted to refine the percentages to better reflect regional hydrology, not eliminate the percentages altogether. The purpose of this bill after all is to provide a cost-effective approach to prevent the over allocation of water while meeting the provisions of Article VIII Section 13 of Alaska Constitution. I therefore request you clarify your position in writing. It is my wish to clear up any serious miscommunication and move this legislation through the process.

Page 2

With best wishes,

Cordially,

A handwritten signature in cursive script that reads "Cliff Davidson".

Representative Cliff Davidson
Co-Chairman, House Resources Committee

CD/hbs

Enclosures

cc: Lennie Gorsuch, Commissioner
Alaska Department of Natural Resources
Don Collinsworth, Commissioner
Alaska Department of Fish and Game
Denby Lloyd, Special Staff Assistant to the Governor

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

3601 C STREET
P.O. Box 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 752-2592

December 20, 1989

The Honorable Cliff Davidson
Alaska State Legislature
112 Mill Bay Rd.
Kodiak, Alaska 99615

Dear Representative Davidson:

When we last met in Kodiak on November 8th, you asked for information pertaining to several subjects. My departure on annual leave as well as the task of obtaining some information from other sources both served to delay my response. Please accept my apologies for this delay.

First, you asked what the department was doing in the Kenai area concerning threatened groundwater resources. The Division of Geological and Geophysical Surveys (DGGS) has three related projects in the area; a groundwater study, a water quality data management pilot project, and a surficial geologic mapping project. The legislature appropriated \$100,000 last year for the groundwater study while the groundwater quality data management project is a cooperative effort with the U.S. Geological Survey. The geologic mapping project is funded with general funds. Enclosed are several documents describing these projects. If you have further questions about the DGGS aspects of this work, I suggest you contact Bob Forbes at DGGS directly (451-2761).

Within my division, the Water Resources Board held a meeting in Soldotna in October focusing on groundwater and hazardous waste contamination in the Kenai area. The meeting summary provides a good overview of the problems in this area. I have enclosed the summary along with the resolutions the Board adopted at the meeting. Also, given the level of water resources concerns and effort underway in the Kenai area, we placed advertisements in the Peninsula Clarion during the latter part of November encouraging local residents and businesses to file for water rights.

In response to your inquiry, I also inquired of Dr. Forbes if DGGS has any information regarding the effects of water reinjection on groundwater supplies on the North Slope. Unfortunately, this appears to be a subject for which there is little available research. Again, you might contact Dr. Forbes directly for clarification.

The Honorable Cliff Davidson
December 22, 1989
Page 2

You also asked me to outline how the statutes might be changed to allow aqua farmers who obtain permits under AS 38 to receive state loans under the Agricultural Revolving Loan Fund or the Fisheries Revolving Loan Fund. It seems to me this could be accomplished by adding a section to the aqua farm statutes (AS 38.05.083, 38.05.855-856) which would specifically allow aqua farmers to apply under terms of the Alaska Agricultural Loan Act (AS 03.10.010-03.10.060). I am unfamiliar with the Alaska Fisheries Loan programs, but similar language could be developed for that program. I suggest working with the Legislative Counsel's Office to develop precise language.

You also requested a comparison between the House and Senate versions of the commercial leasing bill. I have enclosed a comparison prepared by my staff and recently met Johanna Munson of Rep. Menard's staff to attempt to narrow these differences. I believe we were successful in this regard. As I mentioned, this bill would provide considerable benefits to the state through enhanced revenue generation and tourism opportunities. I hope to work closely with you to achieve its passage this session.

On December 4th, you also asked for an update on the Department of Natural Resources' work on House Bill 210 during the interim. Commissioner Gorsuch asked that I respond to you on her behalf. While we remain opposed to the bill's provision to require a mean annual flow percentage reservation, we have met with the Department of Fish and Game (DFG) and identified four general areas where we might revise and improve the bill.

First, we suggest limiting the applicability of the bill to anadromous streams only, rather than to all fish bearing water bodies. The bill would then apply to over 12,000 streams, plus any streams that are subsequently identified as anadromous in the Anadromous Fish Catalog. Second, we suggest that lakes be deleted from the bill, since an instream flow rate cannot be determined for lakes. We believe the DFG will agree with this suggestion. Third, we suggest that the bill include a mechanism to recognize regional hydrologic differences rather than apply equally on a state-wide basis. Finally, we suggest that the bill include an exceptions clause to allow the department to reduce an instream flow reservation provided there is a best interest finding by the state that a particular flow is excessive or there is an overriding state interest to be achieved if it is reduced.

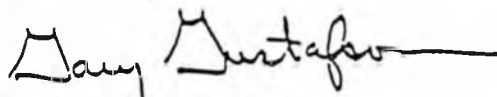
During the interim we also wrote to the western states to get copies of their instream flow bills and received responses from twelve states. This information is on file in the Division of Land and Water Management and is available for your review.

The Honorable Cliff Davidson
December 20, 1989
Page 3

We have also talked with Craig Bell, Executive Director of the Western States Water Council, and he is willing to make a presentation to the Legislature on how other western states reserve instream flows. Let us know if you would be interested in Mr. Bell's presentation.

I very much enjoyed our time together in Kodiak and look forward to seeing you again soon in Juneau. Please let me know if I can be of further assistance.

Cordially,



Gary Gustafson
Director

cc: Lennie Gorsuch, Commissioner
Rod Swope, Deputy Commissioner
Bob Forbes, Division of Geological and Geophysics Survey
Larry Ostrovsky, Special Assistant
Don Collinsworth, Commissioner, Department of Fish & Game
Representative Mike Navarre
Representative C. E. Swackhammer
Representative Curt Menard

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

January 11, 1990

The Honorable Cliff Davidson
Co-Chairman, House Resources Committee
Alaska State Representative
P.O. Box V
Juneau, AK 99503

Dear Representative Davidson:

Thank you for your letter regarding the redrafting of House Bill 210 and requesting a description of department activities on the bill. Since the Legislature adjourned, my staff have met with Department of Natural Resources personnel to further discuss and refine issues pertaining to the bill. Discussion topics included the priority of public water supplies, development of a mitigation option if it is determined that it is not in the public interest to reserve all of the required instream flows, the exemption of nonconsumptive water uses, and establishing regional criteria for instream flow reservations.

Department of Fish and Game staff are developing draft language intended to clarify provisions within the draft legislation. We have also responded to requests from the public and other agencies for background information concerning the instream flow reservation process.

The department has worked cooperatively with the Department of Natural Resources in support of their efforts to modify the Water Use Act regulations. Although the Department of Fish and Game strongly supports these regulatory changes which will provide more equity between the water appropriation and the instream flow reservation processes, we concur with your statement that these revisions will not guarantee instream flow protection.

January 11, 1990

I will be pleased to make my staff available to assist you with the proposed redraft of this legislation. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,


Don W. Collinsworth
Commissioner

cc: Lennie Gorsuch
Warren Wiley
Brian Allee
Norval Netsch
Lew Pamplin
Ken Parker
Frank Rue

bcc: Deborah Greenberg
Mike Mills
Lance Trasky
Christopher Estes
Kim Sundberg



STATE OF ALASKA
HOUSE OF REPRESENTATIVES
Box V, Juneau, Alaska 99811
(907) 465-2487 • 465-2498

REPRESENTATIVE CLIFF DAVIDSON • DISTRICT 27 • Box 746, Kodiak, Alaska 99615 • (907) 486-8250

December 4, 1989

Don Collinsworth, Commissioner
Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802-2000

Dear Commissioner Collinsworth:

Thank you for your support of the concept of House Bill 210, "An Act relating to the reservation of instream flows in water important to fish". I appreciated your staff's assistance and participation in our hearings during the last legislative session.

As sponsor of House Bill 210, I am planning to redraft this legislation in response to suggestions from your and other state agencies and public commentary last session.

Prior to improving this legislation, however, I am requesting a written update from each department of any work on this legislation during the interim, including copies of written materials. I would greatly appreciate your response by December 15th.

I will also be contacting staff that provided information at our hearings to provide assistance with this redraft if necessary.

House Bill 210 is required to provide a statutory guarantee that sufficient instream flow reservations exist in waters important to fish and wildlife. Although there has been proposed water use regulatory improvements, the existing and proposed regulations do not appear to provide this guarantee.

Thank you for your assistance on this matter.

Sincerely,

Cliff Davidson
by HB

Representative Cliff Davidson
Co-chairman, House Resources Committee

CD/hb

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
P.O. BOX O, JUNEAU, AK 99811-1800

Telephone No.
(907) 465-2600

December 27, 1989

RECEIVED JAN 08 1990

The Honorable Cliff Davidson
Co-Chairman
House Committee on Resources
Alaska State Legislature
3111 C Street, Suite 150
Anchorage, AK 99503

Dear Representative Davidson:

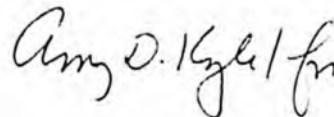
Thank you for your letter of December 4 requesting an update of the Department's views on House Bill 210, "An Act relating to the reservation of instream flows in water important to fish," since the last legislative session.

As you recognized in your letter, the Department did not testify on this legislation last session, although we did attend hearings and participate in discussions of the administration's position. Our primary interest is in instream reservations for dilution and water quality purposes. Reservations for these purposes were included in HB 210.

I am appointing Doug Redburn, Chief of the Water Quality Management section, as the Department's contact person to provide assistance on this legislation. He can be reached at 465-2653.

Thank you for seeking our comments on this issue. I look forward to working with you during the next session.

Sincerely,



Dennis D. Kelso
Commissioner

cc: Commissioner Collinsworth
Commissioner Gorsuch



STATE OF ALASKA

HOUSE OF REPRESENTATIVES

Box V, Juneau, Alaska 99811

(907) 465-2487 • 465-2498

REPRESENTATIVE CLIFF DAVIDSON • DISTRICT 27 • Box 746, Kodiak, Alaska 99615 • (907) 486-8250

December 4, 1989

Dennis Kelso, Commissioner
Department of Environmental Conservation
P.O. Box 0
Juneau, Alaska 99811-1800

Dear Commissioner Kelso:

As sponsor of House Bill 210, "An Act relating to the reservation of instream flows in water important to fish", I am planning to redraft this legislation in response to suggestions from state agencies and public commentary last session.

I realize your Department has not actively been involved in this issue. However, I will always look forward to hearing any comments or concerns you may have.

Prior to redrafting this bill, I am requesting a written update from each department of any work on this legislation during the interim, including copies of written materials. I would greatly appreciate your response by December 15th.

I would also like to request that a staff person be appointed to provide assistance on this legislation. While your Department did not testify last session, I would appreciate if you could appoint a contact person to at minimum follow this issue.

Thank you for your assistance on this matter. Please do not hesitate to contact my office if you have further questions.

Sincerely,

Cliff Davidson
by HB

Representative Cliff Davidson
Co-chairman, House Resources Committee

CD/hb

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

April 17, 1989

The Honorable Cliff Davidson
Co-Chair, House Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

At the House Resources Committee meeting on April 11, 1989, for House Bill 210, you asked the Department of Natural Resources to answer two questions in writing. The department's responses to those questions follow.

1. What are the similarities and differences between in-stream and out-of-stream water rights?

Both in-stream and out-of-stream water rights are appropriations of water under the Alaska Water Use Act. AS 46.15.260(1) defines an appropriation to be the diversion, impounding or withdrawal of a quantity of water from a source of water for a beneficial use or the reservation of water in accordance with AS 46.15.145.

The first step to obtain either type of water right is to submit an application to DNR. In both cases, a private person, or local, state or federal agency can apply for an in-stream or out of stream water right. Also in both cases, the date the completed application is accepted by DNR establishes the priority date. An out of stream applicant can apply for any beneficial use of water listed in AS 46.15.260(3). These uses include domestic, agricultural, irrigation, industrial, manufacturing, fish and shellfish processing, navigation and transportation, mining, power, public, sanitary, fish and wildlife, recreational uses, and maintenance of water quality.

In-stream uses are limited to those listed in AS 46.15.145: Protection of fish and wildlife habitat, migration, and propagation; recreation and park purposes; navigation and transportation purposes; and sanitary and water quality purposes.

For both types of applications, an applicant must provide similar information, such as the source of water and the location of the water source and use, the proposed water use or purpose of water reservation, a location map, a quantification and justification for the amount of water to be withdrawn or reserved, and the months of the year water use is requested.

For routine types of out-of-stream uses, such as domestic, livestock, or irrigation uses, standard water use quantities can be requested by using the application water use chart. Out-of-stream users must also supply ownership documents for the place of water use, and if applicable, a water well log or sketch and plans for dams or diversion structures.

In-stream applicants must also explain why the reservation is needed, describe how the requested quantity was determined, and describe provisions the applicant may have made to monitor the proposed reservation.

A difference between the two applications is that the in-stream applicant must fully quantify the requested reservation quantity before submitting an application, while an out-of-stream applicant must estimate and justify a reasonable quantity when submitting an application.

DNR is presently drafting regulations to relieve this inequity by allowing in-stream applicants to estimate the requested reservation quantity and then allowing time to complete the work necessary to fully quantify the requested reservation of water.

After both types of completed applications are received, they are assigned LAS (Land Administration System) numbers.

When adjudication or processing of applications is begun, both types of applications are subject to investigation to clarify information presented or further determine the quantity of water, legal descriptions, and generally how the applicant plans to appropriate the water.

This investigation may include clarification of information with the applicant, review of relevant data such as hydrology or use quantification, negotiation with the applicant regarding the quantity of water requested, or field investigations.

Both types of applications are then required to have the same type of public notice. This includes notice once in a newspaper in the vicinity of the proposed appropriation, individual notice to prior appropriators, the Departments of Fish and Game and Environmental Conservation, and boroughs and Native corporations with management responsibility in the area, and to other interested parties on file to receive such notice. Regulations for in-stream flow applications also require notice to federal or local governments in whose jurisdiction the proposed reservation would occur. All objections are responded to, including those of private parties and agencies, and optional hearings may be held similarly for both types of appropriations.

An out-of-stream water rights permit must be granted if (1) the rights of prior appropriators will not be unduly affected, (2) the proposed means of diversion or construction are adequate, (3) the proposed use of water is beneficial, and (4) the proposed appropriation is in the public interest as listed in AS 46.15.080 (b).

An in-stream flow certificate of reservation must be granted if (1) the rights of prior appropriators will not be affected, (2) the applicant has demonstrated that a need exists for the reservation, (3) there is unappropriated water sufficient for the reservation, and (4) the proposed reservation is in the public interest as defined in AS 46.15.080 (b).

These public interest criteria include the following: (1) the benefit to the applicant resulting from the proposed appropriation; (2) the effect of the economic activity resulting from the proposed appropriation; (3) the effect on fish and game resources and on public recreational opportunities; (4) the effect on public health; (5) the effect of loss of alternate uses of water that might be made within a reasonable time if not precluded or hindered by the proposed appropriation; (6), harm to other persons resulting from the proposed appropriation; (7) the intent and ability of the applicant to complete the appropriation; and (8) the effect upon access to navigable or public waters.

Both out-of-stream permits and certificates and instream certificates may be granted subject to conditions to protect prior appropriators or the public interest. Statute and regulations require that a finding of fact be written before an instream flow reservation is issued, while this is not required for out of stream water rights. Out of stream water rights are

first issued a permit to develop the water source and diversion structures and establish beneficial water use. This permit is issued for a stated period of time, usually two to ten years. When water use is established and all permit conditions have been met, a certificate of appropriation is issued. AS 46.15.145 provides that instream water rights do not go through the permit stage, but are granted a certificate of reservation directly upon completion of application adjudication.

In-stream flow certificates must by law be reviewed every ten years to determine whether the purposes for the reservation and the findings described above still apply to the reservation. The certificate may then be continued, modified or revoked if it is determined to be in the best interest of the state to do so. There is no statutory review process for out of stream certificates although these are reviewed as necessary and can be revoked for non-use.

2. How does the Department of Natural Resources measure or monitor the amount of water out of stream water rights holders are using?

The department requires as a condition of out-of-stream water rights permits that the permittee meter water use and report water use information when (1) the water use is for 30,000 gallons of water per day or more, excluding water use for mining purposes or for hydroelectric power generation less than 50 kilowatts, (2) the water use is for irrigating 40 acres of land or more, or (3) when it is determined necessary to protect prior appropriators or the public interest.

When water use meter records are received by the department, the water use is compared with the granted right and the data becomes part of the permanent file. This data is transferred to the Division of Geological and Geophysical Surveys for inclusion in the statewide computerized water use data system, where it is available for statistical evaluation when needed.

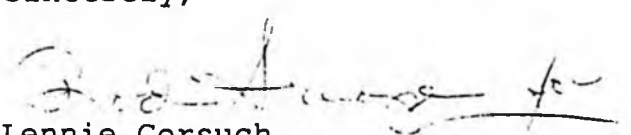
Representative Davidson

-5-

April 17, 1989

Please contact me if you have additional questions about the department's water rights program. It is our desire to continue to work with your office as this legislation proceeds.

Sincerely,



Lennie Gorsuch
Commissioner

cc: Commissioner Don W. Collinsworth
Department of Fish and Game
Assistant Commissioner Warren Wiley
Department of Fish and Game
Commissioner Dennis Kelso
Department of Environmental Conservation
Commissioner Larry Mercurieff
Department of Commerce and Economic Development
Denby Lloyd, Special Staff Assistant
Office of the Governor
Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources
Bob Forbes, Director
Division of Geological and Geophysical Surveys
Department of Natural Resources

FISCAL NOTE

REQUEST:

Revision Date: 3/23/89
 Title: An act relating to the reservation of instream flows in water...
 Sponsor: Davidson
 Requestor: _____

Agency Affected: Natural Resources
 BRU: Geological Management
 Components: Water Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		182.0				
TRAVEL		70.0				
CONTRACTUAL		290.0				
SUPPLIES		10.0				
EQUIPMENT		150.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		702.0				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		702.0				
FEDERAL FUNDS		100.0				
OTHER						
TOTAL		802.0				

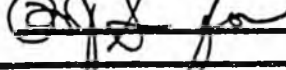
POSITIONS:

FULL-TIME		4.0				
PART-TIME						
TEMPORARY		2.0				

ANALYSIS : (Attach a separate page if necessary)

See attached sheet

Prepared by: Bill Long Phone: 696-0070
 Division: Geological & Geophysical Surveys Date: 3/23/89

Approved by Commissioner:  Date: _____
 Agency: _____

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

HB 210: Instream Flow

ANALYSIS:

The Instream Flow Project provides a DGGs hydrologist at each DNR regional office to work with water managers to determine flows for streams from which out-of-stream water rights are requested. Provides one more senior hydrologist at the DGGs office to conduct a statewide gaging program to produce data needed to calculate flows for instream flow needs and other uses. The hydrologist will conduct office, laboratory, and field work needed for various levels of instream flow analyses. The project will modify the DNR LAS system in order to accommodate instream flow data and out-of-stream appropriation data relative to instream flows.

The project will conduct water quality sampling and laboratory analysis as needed. To provide the stream gaging equipment necessary for a statewide gaging program.

The project will develop a cooperative agreement with USGS Water Resources Division to cooperatively establish more critical and permanent streamflow gaging stations using joint (federal/state) funds.

HB 210, Instream Flow DNR Budget

100	4 Hydrologists	
	3 Hydro, II	115.0
	1 Hydro, III	40.0
	1 Hydro, VI (Supervisor)	7.0
	Student Interns	<u>20.0</u>
		182.0
200	Field Travel	50.0
	Educational Training	<u>20.0</u>
		70.0
300	LAS modification	200.0
	Lab Work	30.0
	USGS	50.0
	Other	<u>10.0</u>
		290.0
400	Supplies	10.0
500	Equipment	
	Stream gages	
	20 Datapods @ 5.0	100.0
	Other	<u>50.0</u>
		150.0
Total		702.0

HB

219

HOUSE COMMITTEE REPORT

(9)
Date Referred: March 15, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4-4-89

The RESOURCES Committee considered:

HB 219

HOUSE BILL NO. 219 [BAN BROWN BEAR TAKING NEAR GARBAGE SITES]
"An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with CS HB 219 (RES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note Pub. Safety
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

Dip Davidson

Sam Mendenhall

Richard Dodge

Steph Jackson

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Bert Sharp</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dip Davidson

Chairman's signature

nuisance by the person who takes the bear; and

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Taking Bears Near Waste Disposal Sites
Sponsor: Representative Grussendorf
Requestor: House Resources

Agency Affected: Public Safety
BRU: Fish & Wildlife Protection
Component: Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Enforcement of this bill would be undertaken along with enforcement of existing fish and wildlife protection laws. No additional fiscal impact is anticipated.

Prepared by: Gayle A. Horetski
Division: Deputy Commissioner

Phone: 465-4322
Date: 3-28-89

Approved by Commissioner: J.A.H. / Arthur English
Agency: Department of Public Safety

Date: 3-28-89

6-0848E
Utermohle
4/3/89

Original sponsors: Grussendorf, Goll,
and Davidson

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 219 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting the taking of brown or grizzly
7 bear near solid waste disposal facilities; and pro-
8 viding for an effective date."

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

10 * Section 1. AS 16.05 is amended by adding a new section to read:

11 Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE
12 DISPOSAL FACILITY PROHIBITED. (a) A person who with criminal negli-
13 gence takes a brown or grizzly bear within one mile of a solid waste
14 disposal facility is guilty of a class A misdemeanor.

15 (b) In addition to the penalty imposed by law, the court shall
16 order forfeiture of the hide and skull of the bear, but if the hide
17 and skull are not salvaged then the court shall impose an additional
18 fine equal to the fair market value of the bear.

19 (c) It is a defense to prosecution under this section that the
20 person took the bear in defense of life or property if the

21 (1) necessity for the taking is not brought about by
22 harassment or provocation of the bear or by an unreasonable invasion
23 of the bear's habitat by the person who takes the bear;

24 (2) necessity for the taking is not brought about by the
25 improper disposal of garbage or the creation of a similar attractive
26 nuisance by the person who takes the bear; and

27 (3) person exhausts all other practicable means to protect
28 life and property before the bear is taken.

29 (d) In this section

1 (1) "criminal negligence" has the meaning given in AS 11.-
2 81.900(a);

3 (2) "property" means
4 (A) a dwelling, permanent or temporary;
5 (B) an aircraft, boat, automobile, or other convey-
6 ance;

7 (C) a domestic animal;

8 (D) other property of substantial value necessary for
9 the livelihood or survival of the owner;

10 (3) "solid waste disposal facility" has the meaning given
11 in AS 46.03.900.

12 * Sec. 2. This Act takes effect July 1, 1989.
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AMENDMENT #1

Offered in the HOUSE

TO: HB 219

Page 1, line 12:

Delete "may not recklessly take"

Insert: "who, with criminal negligence, takes"

Page 1, line 14:

After "facilty" insert: "is guilty of a ^{Class A} misdemeanor"

Page 2, line 8:

Delete "recklessly"

Insert: "criminal negligence"

IN THE HOUSE

HOUSE BILL NO. 219
IN THE LEGISLATURE OF THE STATE OF ALASKA
SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date."

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

* Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.782. TAKING OF BROWN OR GRIZZLY BEAR NEAR SOLID WASTE DISPOSAL FACILITY PROHIBITED. (a) A person who, with criminal negligence, takes a brown or grizzly bear within one mile of a solid waste disposal facility is guilty of a misdemeanor.

(b) In addition to the penalty under AS 16.05.925, the court shall order forfeiture of the hide and skull of the bear, but if the hide and skull are not salvaged then the court shall impose an additional fine equal to the fair market value of the bear.

(c) It is a defense to prosecution under this section that the person took the bear in defense of life or property if the

(1) necessity for the taking is not brought about by harassment or provocation of the bear or by an unreasonable invasion of the bear's habitat by the person who takes the bear;

(2) necessity for the taking is not brought about by the improper disposal of garbage or the creation of a similar attractive nuisance by the person who takes the bear; and

(3) person exhausts all other practicable means to protect life and property before the bear is taken.

(d) In this section

(1) "property" means

(A) a dwelling, permanent or temporary;

(B) an aircraft, boat, automobile, or other convey-

ance;

(C) a domestic animal;

(D) other property of substantial value necessary for the livelihood or survival of the owner;

(2) "criminal negligence" has the meaning given in AS 11.81.900(a);

(3) "solid waste disposal facility" has the meaning given in AS 46.03.900.

* Sec. 2. This Act takes effect July 1, 1989.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

STEVE COWPER, GOVERNOR

POSITION PAPER FOR HB 219

Title

An Act prohibiting the taking of brown or grizzly bear near solid waste disposal facilities; and providing for an effective date.

Effect of the Bill

The bill would prohibit a person from recklessly taking a brown or grizzly bear within one mile of a solid waste disposal facility, except in defense of life or property, as provided by the bill.

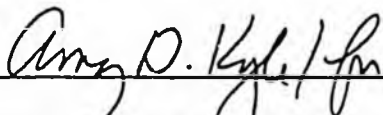
Department Position

The Department supports the intent of the legislation.

The Department is well aware of the problems associated with the attraction of bears to community landfills. We have been working with the Departments of Public Safety, Fish and Game, the U.S. Forest Service, and many communities in Southeast Alaska, to try to correct the underlying causes of these problems. A prohibition on the hunting of brown bears near solid waste disposal facilities seems appropriate. DEC defers to Department of Fish and Game to set hunting regulations.

Fiscal Effect

The bill will have no fiscal effect on the Department.



Dennis D. Kelso, Commissioner



THE SOUTHEAST ALASKA NATURAL RESOURCES CENTER

130 Seward Street • P.O. Box 20212 • Juneau, Alaska 99802 • (907) 463-5333

RECEIVED MAR 30 1988

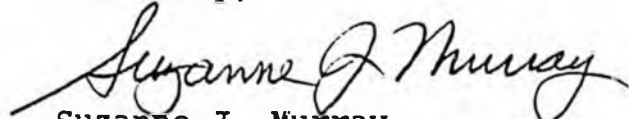
March 28, 1989

Representative Cliff Davidson
House of Representatives
P.O. Box V
Juneau, AK 99811

Dear Representative Davidson:

We urge support of HB 219 to ban hunting of Brown Bears statewide within one mile of a dump. Research shows a disproportionate harvest in areas around dumps since the bears tend to be extremely vulnerable when feeding within the dumps. Bears have a slow reproductive rate so we need support HB 219 and make efforts to clean dumps in areas of bear concentrations if we are going to maintain a healthy population within the state.

Sincerely,



Suzanne J. Murray
Regional Associate

MY NAME IS JAY MASSEY AND MY ADDRESS IS P.O. BOX 429, GIRDWOOD, AK 99587. I'VE LIVED IN ALASKA FOR THE PAST 21 YEARS, AND WAS EMPLOYED BY THE ALASKA DEPARTMENT OF FISH & GAME FOR NINE YEARS. I'M A FORMER MEMBER OF THE ALASKA BOARD OF GAME.

I'M PLEASED TO TESTIFY ON HB 219 BECAUSE I FEEL THIS LEGISLATION IS BADLY NEEDED. GARBAGE DUMPS ACT AS UNNATURAL ATTRACTANTS TO BEARS. BEARS ARE ~~LIKE SOME HUMAN BEINGS. THEY'RE~~ ^{opportunistic.} BASICALLY LAZY. MOST OF THEM WOULD PREFER A FREE HANDOUT OVER FORAGING FOR FOOD IN THE WILD. SO IT SHOULD BE NO SURPRISE TO ANYONE THAT A GARBAGE DUMP WILL DRAW IN BEARS FROM ALL DIRECTIONS.

I FEEL HUNTING BROWN/GRIZZLY BEARS SHOULD BE ILLEGAL AT ALL GARBAGE DUMPS IN ALASKA, AND THAT PERHAPS YOU SHOULD CONSIDER EXTENDING THIS PROHIBITION TO BLACK BEARS AS WELL. I HAVE THREE MAJOR CONSIDERATIONS: FIRST IS THAT GARBAGE DUMP BEAR HUNTING ^{have} CAN - AND HAS - HAD A CONSIDERABLE IMPACT ON SOME LOCAL BEAR POPULATIONS. IT'S A VERY EFFICIENT MEANS OF HARVESTING BEARS, ^{and it is easily abused.}

SECONDLY, GARBAGE DUMP BEAR HUNTING ~~SOMETIMES HAS COME TO BE~~ ^{is all too often} ASSOCIATED WITH ILLEGAL HUNTING - HUNTING OUT OF SEASON AND TAKING OVERLIMITS AND SOWS WITH CUBS. I THINK MOST OF THESE ILLEGAL BEARS WOULD NOT HAVE BEEN TAKEN HAD THERE BEEN A FLAT PROHIBITION ON ^{which were} HUNTING FROM GARBAGE DUMPS. I PERSONALLY KNOW OF SEVERAL BEARS TAKEN ILLEGALLY AT SUCH SITES.

MY THIRD OBJECTION TO GARBAGE DUMP HUNTING HAS TO DO WITH THE CONCEPT OF FAIR CHASE HUNTING. IT IS SIMPLY NOT GOOD FOR THE SPORT. IT IS AN UGLY SIDE OF HUNTING AND IT BOTHERS ME PERSONALLY.

I THINK YOU ALSO MIGHT ~~SPEND SOME TIME DEFINING WHERE CONSTITUTED~~ ^{check into the definition of} ~~SOLID WASTE DISPOSAL SITE.~~
 "GARBAGE DUMP." I KNOW OF AT LEAST THREE ~~SUPPOSEDLY LEGAL~~ BEAR BAITING STATIONS WITHIN 15 MILES OF MY HOME WHICH COULD ACCURATELY BE DESCRIBED AS GARBAGE DUMPS. THE LAST TIME I CHECKED THEM, EACH OF THESE BEAR BAITING STATIONS CONTAINED AT LEAST ONE HUNDRED POUNDS OF ASSORTED TRASH...OLD BEEF BONES, FISH CARCASSES, PLASTIC BAGS, GREASE CANS, ETC. ~~I'd like to see some restrictions placed on the amount of trash & garbage a person can dump out into the woods.~~

I THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON THIS NEEDED BILL.

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: DIANE MCBRIDE
TITLE:
ADDRESS: P. O. BOX 956
CITY: HOMER ZIP: 99603
PHONE: 235-8910
BILL NO: HB 219
SUBJECT: BAN BROWN BEAR TAKING NEAR GARBAGE SITES
MESSAGE: PLEASE DO NOT ALLOW BROWN OR BLACK BEARS TO BE TAKEN WITHIN ONE MILE
OF GARBAGE SITES ANY WHERE IN ALASKA. BEARS ARE INTELLIGENT AND CREATURES OF
HABIT AND WILL RETURN CONTINUOUSLY TO A LOCATION OF EASY FEEDING. THIS IS NOT
FAIR CHASE.

POMID: 18153708
DATE: 03/29/89
TIME: 15:37:08
LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES

MENARD
JACKO
FOSTER
NAVARRE
FURNACE
SHARP
HUDSON
DAVIS, M.



PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: ROBERTA HIGHLAND
TITLE:
ADDRESS: P. O. BOX 15312 FCB
CITY: HOMER ZIP: 99603
PHONE: 235-8214
BILL NO: HB 219
SUBJECT: BAN BROWN BEAR TAKING NEAR GARBAGE SITES
MESSAGE: I FEEL BLACK BEARS SHOULD ALSO BE INCLUDED, OTHERWISE I STRONGLY
SUPPORT HB-219. SHOOTING BEARS AT DUMPSITES IS NO DIFFERENT THAN BAITING. I
QUESTION PEOPLES SPORTSMANSHIP WHEN HUNTING AT DUMPSITES.

POMID: 18154012
DATE: 03/29/89
TIME: 15:40:12
LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES

MENARD
JACKO
FOSTER
NAVARRE
FURNACE
SHARP
HUDSON
DAVIS, M.



PUBLIC OPINION MESSAGE

DEAP: REPRESENTATIVE DAVIDSON

NAME: EDGAR BAILEY
TITLE:
ADDRESS: P. O. BOX 2994
CITY: HOMER
PHONE: 235-6546

ZIP: 99603

BILL NO: HB 219
SUBJECT: BAN BROWN BEAR TAKING NEAR GARBAGE SITES
MESSAGE: BESIDES BEING UNSPORTSlike HUNTING, SHOOTING BEARS AT
GARBAGE DUMPS IS INCREASINGLY ADVERSLEY EFFECTINBROWN BEAR POPULATIN,
PARTICULARLY IN SOUTHEAST AND OTHER AREAS EXPERENCING EXPANDED LOGGIN
OPERATIONS. IT IS ILLEGAL TO BAIT BROWN BEARS FOR HUNTING PURPOSES YET
DUMP HUNTING IS ESSENTIALLY THE SAME. PLEASE SUPPORT HB-219 WHICH PR
PROHIBITS HUNTING.

POMID: 18140450

DATE: 03/29/89

TIME: 14:04:50

LIONAME: HOMER INFORMATION OFFICE

COPIES: REPRESENTATIVES SENATOR

SWACKHAMMER FISCHER
NAVARRE
MENARD
JACKO
FOSTER
FURNACE
SHARP
HUDSON
DAVIS, M.

Alaska State Legislature

Representative
BEN GRUSSENDORF
Rules Committee Chairman
Legislative Council
Transportation Committee

District 3
Elfin Cove
Pelican
Port Alexander
Sitka
Tenakee



House of Representatives

1221 Halibut Point Road
Sitka, Alaska 99835
(907) 747-8458

While in Juneau
P.O. Box V
Juneau, Alaska 99811

(907) 465-3764
(907) 465-3824

MEMORANDUM

To: Rep. Cliff Davidson
Rep. Curt Menard
Co-Chairmen
House Resources Committee

From: Rep. Ben Grussendorf

Date: March 28, 1989

Subject: House Bill 219

Over the past several years, the number of bears killed in and around solid waste disposal facilities - at least in my legislative district - has increased dramatically. The reason is simple: bears are naturally attracted to the waste food found in garbage dumps. The closer these dumps are to the bears' natural habitat, the easier it is for the bears to access them and, not surprisingly, be killed by hunters.

House Bill 219 would prohibit the taking of brown or grizzly bears within one mile of any solid waste disposal facility in Alaska, except in those instances when life or property is directly threatened by the bear. Anyone found guilty of violating the prohibition would be subject to a \$5,000 fine, a jail sentence of up to one year, and the forfeiture of the bear's hide and skull or an additional fine equal to the fair market value of the bear.

I realize that HB 219 is not a cure for the larger problem of improper waste disposal in those areas of rural Alaska where industries such as timber and mining must co-exist with wildlife. Several departments of the state and federal governments have been grappling with that issue for a number of years and have achieved limited success in certain instances. For example, in those areas where industry has been required to install incinerators for waste disposal, the incidence of "problem bears" will decrease. While I applaud and fully endorse the efforts being made to deal with the waste disposal issue, it appears to me that the solutions to those problems are several years down the road. I'm not at all sure that Alaska's brown and grizzly bear populations can stand the wait.

I want to bring to the Committee's attention the fact that the Alaska Board of Game this past week adopted a regulation which prohibits the taking of brown or grizzly bear within one-quarter mile of any solid waste disposal facility located on Admiralty, Baranof or Chichigof Islands. Because these areas are in my legislative district, and are home to a relatively high number of bears, my concern about this issue has been somewhat alleviated. I'm not yet convinced that one-quarter mile is a large enough area of prohibition, but it is a step in the right direction.

The decision of the Board of Game has no effect in other areas of the state. For this reason, I believe it is important for other House members to have a chance to review the issue in light of any concerns about their own districts and as matter of state policy. Attached to this memorandum is a list of those solid waste disposal facilities that have received operating permits from the Department of Environmental Conservation. This should give the Committee members a good indication of the facilities in their own districts that would be affected by the legislation.

Finally, I would urge the Committee to give particular attention to the testimony of Mr. Charles Rice; his research confirmed my suspicions about the high number of bears being taken in my district, and I believe he will be able to shed light on the problem as it relates to other areas of Alaska. A number of supporting documents provided to my office by Mr. Rice are also attached to this memorandum.

My thanks to the Co-Chairmen for granting me the opportunity to bring this matter to the attention of the House Resources Committee.

ALASKA SPORT AND NONSPORT HARVESTS OF BROWN BEAR 10 YRS PRECEDING LEGAL BAITING OF BLACK BEARS (1984-1987)

YEAR	1974	75	76	77	78	79	80	81	82	BAITING					
											* 83	84	85	86	87
<u>SPORT</u>	779	827	832	774	819	883	882	887	823	974	1118	1155	1105	1190	
<u>NONSPORT</u>	52	47	39	45	59	34	47	56	50	60	68	81	73	64	
	47.6 AVERAGE										71.5 AVERAGE (51% INCREASE IN DEFENSE NONSPORT KILLS OF BROWN BEARS)				
<u>TOTAL KILL</u>	831	874	871	819	878	917	929	943	873	1034	1186	1237	1178	1254	
	882 AVERAGE										1214 AVERAGE (38% INCREASE IN TOTAL BROWN KILLS)				

* IN 1983 BAIT WAS LEGAL FOR ½ SEASON

THERE HAS BEEN A DECREASE IN HUMAN POPULATION IN AK SINCE 1984
SEASONS AND BAG LIMITS HAVE CHANGED LITTLE

IN A SPOT CHECK OF ABOUT 10% OF TOTAL DLPS AND AFFIDAVITS FROM PUBLIC SAFETY RECORDS
WE FOUND AT LEAST 12 GRIZZLIES KILLED AT BAIT SITES.

THIS DOES NOT INDICATE THAT THE TOTAL INCREASE IS DUE TO ILLEGAL HARVEST, BUT BEARS WOULD UNDOUBTEDLY BE ATTRACTED TO MORE POPULATED AREAS DUE TO DIFFICULTY IN HAULING BAIT LONG DISTANCES FROM ROAD, FLOAT OR AIR ACCESS. THIS WILL ALSO CAUSE MORE HUMAN ENCOUNTERS AND DEFENSE KILLS.

IN AREAS WITH FEW OR NO BLACK BEAR AND DIFFICULT ACCESS, HARVESTS HAVE CHANGED LITTLE. UNITS 13, 14, 15, 16 AND 20 WITH CONVENIENT AND EASY ACCESS, AND BLACK BEARS, HAVE EXPERIENCED FROM 28 TO 135% INCREASES OVER THE FIVE YEARS PRECEDING THE LEGALIZATION OF BAITING.

HUNTER EFFORT HAS INCREASED BY ABOUT 400 PER YEAR (FROM # TAGS SOLD), HOWEVER HUNTER SUCCESS HAS DECREASED FROM 21% IN 1977 TO 14% IN 1986/87

Total Brown Bear Harvests
(including Nonsport) on
N.E. Chichagof Is. 1961-88

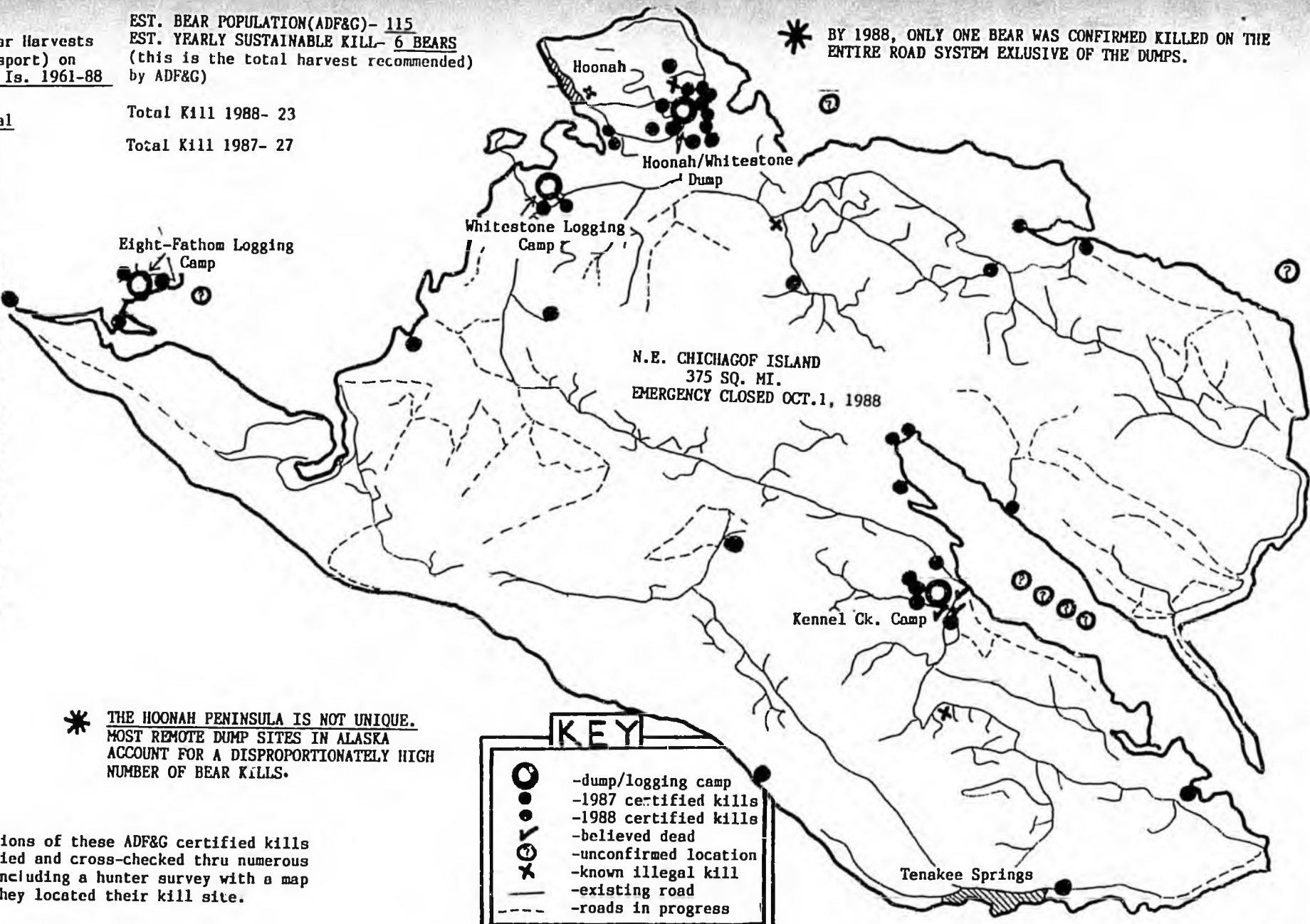
EST. BEAR POPULATION(ADF&G)- 115
EST. YEARLY SUSTAINABLE KILL- 6 BEARS
(this is the total harvest recommended)
by ADF&G)

Total Kill 1988- 23

Total Kill 1987- 27

Yr	Nonsport	Total
88	7	21
87	4	25
86	1	17
85	1	16
84	5	14
83	2	7
82	1	8
81	3	10
80		10
79		9
78		4
77	2	8
76		14
75	1	15
74		13
73		6
72		6
71		5
70		6
69		6
68		5
67		6
66		1
65		4
64		3
63		6
61		4

* BY 1988, ONLY ONE BEAR WAS CONFIRMED KILLED ON THE ENTIRE ROAD SYSTEM EXCLUSIVE OF THE DUMPS.



* THE HOONAH PENINSULA IS NOT UNIQUE.
MOST REMOTE DUMP SITES IN ALASKA
ACCOUNT FOR A DISPROPORTIONATELY HIGH
NUMBER OF BEAR KILLS.

The locations of these ADF&G certified kills were verified and cross-checked thru numerous sources, including a hunter survey with a map on which they located their kill site.

KEY

- -dump/logging camp
- -1987 certified kills
- -1988 certified kills
- -believed dead
- -unconfirmed location
- -known illegal kill
- -existing road
- - -roads in progress

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

Page: 1

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Adak	Dept. of the Navy, NAVFACENGCOM	8321-BA001	12/01/85	9/30/1988
Adak	Department of the Navy	8521-BA024	3/28/86	2/28/1991
Afognak-Koncor Camp	Koncor Forest Resource Management	8621-BA002	7/21/86	6/30/1991
Afognak-Koncor Log Debris	Koncor Forest Resource Management Corp	8621-BA003	7/21/86	6/30/1991
Afognak-Marmot Bay Log Debris	Afognak Native Corporation	8621-BA007	2/24/88	1/31/1993
Afognak-Marmot Bay Camp Waste	Afognak Native Corporation	8621-BA006	2/24/88	1/31/1993
Akhiok	Kodiak Island Borough	8521-BA002	6/14/85	6/20/1990
Amchitka - DERA	Corps of Engineers	8521-BA021	4/16/86	4/30/1988
Amchitka-ROTHR Facility	Dept. of the Navy, PACNAVFACENGCOM	8621-BA020	4/14/87	3/31/1992
Anchorage Regional Landfill	Municipality of Anchorage	8721-BA018	10/30/87	10/30/1992
Anchorage-Kincaid	Municipality of Anchorage	8721-BA010	3/22/88	2/28/1993
Aniak	City of Aniak	8621-BA004	7/09/86	6/30/1991
Anvik	City of Anvik	8621-BA013	11/13/86	10/31/1991
Atka - DERA	Corps of Engineers	8521-BA023	4/15/86	4/30/1988
Attu	USCG Loran Station, Attu	8721-BA001	3/03/88	2/28/1993
Becharof State Well #1	AMOCO Production Company	8421-BA021	1/09/85	10/01/1989
Beluga BRU 224- 34 BRU 211-3	Chevron U.S.A., Inc.	8523-BA005	1/22/86	12/31/1988
Beluga BRU 232-26 & BRU 224-23	Chevron U.S.A. Inc.	8423-BA005	3/11/85	1/01/1990
Beluga BRU 232-9	Chevron U.S.A	8423-BA013	3/11/85	1/01/1990
Beluga Central Drill Waste Facility	ARCO Alaska, Inc.	8623-BA006	5/26/87	4/30/1992

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 CURRENT SOLID WASTE PERMITS
 SOUTHCENTRAL REGION

File: WASTE

Page: 3

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
English Bay	Kenai Peninsula Borough	8423-BA002	2/26/88	7/31/1991
Fort Richardson	U.S. Army	8421-BA005	8/29/84	8/31/1989
Funny River	ARCO	8323-BA001	5/11/84	12/31/1988
Glennallen	Copper Valley Construction	8324-BA002	5/16/85	3/31/1990
Hatcher Pass-Willow Cr. Mill	Enserch Exploration Inc.	8322-BA002	5/07/84	4/01/1989
Homer	Kenai Peninsula Borough	8323-BA007	10/25/83	9/30/1988
Homer-Honey Bear Pumping	Betty & Henry Hofeling	8323-BA006	10/12/83	9/30/1988
Homer-Ohlson Mt. DERA	U.S. Corps. of Engineers	8723-BA004	11/12/87	11/30/1988
Houston Landfill	City of Houston	8722-BA002	3/25/88	2/28/1993
Kanakanak-Asbestos Site	AK Area Native Health Service	8721-BA009	4/22/87	3/31/1992
Katalla	Alaska Crude	8524-BA003	10/17/85	9/30/1990
Kenai	Kenai Peninsula Borough	8623-BA007	12/01/86	5/31/1988
Kenai Sludge	General Permit	8520-BA001	11/04/85	11/30/1988
King Cove	City of King Cove	8721-BA017	2/29/88	2/28/1993
King Salmon	USAF	8321-BA007	3/05/84	12/31/1988
Kipnuk	Kipnuk Traditional Council	8521-BA022	9/17/86	8/30/1991
Kodiak - USCG Asbestos Tank 167	U.S. Coast Guard	8721-BA020	12/24/87	11/30/1992
Kodiak Borough Landfill	Kodiak Island Borough	8621-BA005	7/23/86	6/30/1991
Kodiak USCG	U.S. Coast Guard	8321-BA009	5/13/85	3/31/1990
Kodiak-Bells Flats	Brechan Enterprises, Inc.	8621-BA019	5/07/87	4/30/1992
Kodiak-Chiniak DERA	Corps of Engineers	8621-BA015	11/24/86	12/31/1988
Kodiak-Long Island DERA	Corps of Engineers	8621-BA016	11/24/86	12/31/1988
Koliganek	City of Koliganek	8521-BA012	9/23/85	9/22/1990

CORRECTION

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

Page: 1

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Adak	Dept. of the Navy, NAVFACENGCOM	8321-BA001	12/01/85	9/30/1988
Adak	Department of the Navy	8521-BA024	3/28/86	2/28/1991
Afognak-Koncor Camp	Koncor Forest Resource Management	8621-BA002	7/21/86	6/30/1991
Afognak-Koncor Log Debris	Koncor Forest Resource Management Corp	8621-BA003	7/21/86	6/30/1991
Afognak-Marmot Bay Log Debris	Afognak Native Corporation	8621-BA007	2/24/88	1/31/1993
Afognak-Marmot Bay Camp Waste	Afognak Native Corporation	8621-BA006	2/24/88	1/31/1993
Akhiok	Kodiak Island Borough	8521-BA002	6/14/85	6/20/1990
Amchitka - DERA	Corps of Engineers	8521-BA021	4/16/86	4/30/1988
Amchitka-ROTHR Facility	Dept. of the Navy, PACNAVFACENGCOM	8621-BA020	4/14/87	3/31/1992
Anchorage Regional Landfill	Municipality of Anchorage	8721-BA018	10/30/87	10/30/1992
Anchorage-Kincaid	Municipality of Anchorage	8721-BA010	3/22/88	2/28/1993
Aniak	City of Aniak	8621-BA004	7/09/86	6/30/1991
Anvik	City of Anvik	8621-BA013	11/13/86	10/31/1991
Atka - DERA	Corps of Engineers	8521-BA023	4/15/86	4/30/1988
Attu	USCG Loran Station, Attu	8721-BA001	3/03/88	2/28/1993
Becharof State Well #1	AMOCO Production Company	8421-BA021	1/09/85	10/01/1989
Beluga BRU 224-34 BRU 211-3	Chevron U.S.A., Inc.	8523-BA005	1/22/86	12/31/1988
Beluga BRU 232-26 & BRU 224-23	Chevron U.S.A. Inc.	8423-BA005	3/11/85	1/01/1990
Beluga BRU 232-9	Chevron U.S.A	8423-BA013	3/11/85	1/01/1990
Beluga Central Drill Waste Facility	ARCO Alaska, Inc.	8623-BA006	5/26/87	4/30/1992

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

Page: 2

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Beluga-ARCO Commercial Waste Site	ARCO Alaska, Inc.	8423-BA011	10/06/87	9/30/1992
Beluga-Power Plant	Chugach Electric Assoc.	8423-BA001	8/29/84	9/30/1989
Bethel	City of Bethel	8321-BA008	1/08/86	12/31/1990
Big Lake	Matanuska Susitna Borough	8422-BA003	12/30/86	7/31/1990
Boswell Bay	New Horizons Construction Co., Inc.	8724-BA001	5/05/87	4/30/1988
Bradley Lake	Alaska Power Authority	8523-BA006	3/03/86	1/25/1991
Bradley Lake Construction Debris	Alaska Power Authority	8623-BA005	7/02/86	6/30/1991
Broad Pass	Alaska Railroad Corporation	8722-BA001	7/17/87	6/30/1992
Butte Landfill	Matanuska Susitna Borough	8422-BA002	12/31/86	7/31/1988
Cape Newenham	USAF	8221-BA009	3/29/83	4/01/1988
Cape Romanzof	USAF	8221-BA004	3/29/83	4/01/1988
Chefornak	City of Chefornak	8421-BA006	8/29/84	8/30/1989
Chenega Bay	City of Chenega Bay	8523-BA002	10/15/85	9/30/1990
Chignik	Chignik Pride Fisheries, Inc.	8621-BA008	9/23/86	8/31/1991
Cold Bay - DOT	Alaska Dept. of Transportation	8421-BA002	3/06/86	2/28/1991
Cold Bay DERA	Chris Berg Inc.	8521-BA007	6/18/85	6/20/1990
Cold Bay-White Alice DERA	United States Air Force	8721-BA015	11/20/87	11/30/1989
Cordova Balefill	City of Cordova	8324-BA001	12/23/83	9/30/1988
Cordova Sludge	City of Cordova	8524-BA002	3/19/86	2/28/1991
Dutch Harbor - DERA	Chris Berg Inc.	8521-BA005	6/18/85	6/20/1990
Egegik	Village of Egegik	8321-BA002	6/13/83	4/01/1988
Ekuk	Columbia Wards Fisheries	8421-BA004	3/14/88	2/28/1993
Emmonak	City of Emmonak	8321-BA006	10/25/83	9/30/1988

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 CURRENT SOLID WASTE PERMITS
 SOUTH CENTRAL REGION

File: WASTE

Page: 3

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
English Bay	Kenai Peninsula Borough	8423-BA002	2/26/88	7/31/1991
Fort Richardson	U.S. Army	8421-BA005	8/29/84	8/31/1989
Funny River	ARCO	8323-BA001	5/11/84	12/31/1988
Glennallen	Copper Valley Construction	8324-BA002	5/16/85	3/31/1990
Hatcher Pass-Willow Cr. Mill	Enserch Exploration Inc.	8322-BA002	5/07/84	4/01/1989
Homer	Kenai Peninsula Borough	8323-BA007	10/25/83	9/30/1988
Homer-Honey Bear Pumping	Betty & Henry Hofeling	8323-BA006	10/12/83	9/30/1988
Homer-Ohlson Mt. DERA	U.S. Corps. of Engineers	8723-BA004	11/12/87	11/30/1988
Houston Landfill	City of Houston	8722-BA002	3/25/88	2/28/1993
Kanakanak-Asbestos Site	AK Area Native Health Service	3721-BA009	4/22/87	3/31/1992
Katalla	Alaska Crude	8524-BA003	10/17/85	9/30/1990
Kenai	Kenai Peninsula Borough	8623-BA007	12/01/86	5/31/1988
Kenai Sludge	General Permit	8520-BA001	11/04/85	11/30/1988
King Cove	City of King Cove	8721-BA017	2/29/88	2/28/1993
King Salmon	USAF	8321-BA007	3/05/84	12/31/1988
Kipnuk	Kipnuk Traditional Council	8521-BA022	9/17/86	8/30/1991
Kodiak - USCG Asbestos Tank 167	U.S. Coast Guard	8721-BA020	12/24/87	11/30/1992
Kodiak Borough Landfill	Kodiak Island Borough	8621-BA005	7/23/86	6/30/1991
Kodiak USCG	U.S. Coast Guard	8321-BA009	5/13/85	3/31/1990
Kodiak-Bells Flats	Brechan Enterprises, Inc.	8621-BA019	5/07/87	4/30/1992
Kodiak-Chiniak DERA	Corps of Engineers	8621-BA015	11/24/86	12/31/1988
Kodiak-Long Island DERA	Corps of Engineers	8621-BA016	11/24/86	12/31/1988
Koliganek	City of Koliganek	8521-BA012	9/23/85	9/22/1990

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CURRENT SOLID WASTE PERMITS
SOUTHCENTRAL REGION

File: WASTE

Page: 4

Printed on 7/08/88
Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Kwethluk	City of Kwethluk	8321-BA011	3/22/84	3/31/1989
Larsen Bay	City of Larsen Bay	8321-BA004	9/13/83	9/30/1988
Lower Kalskag	City of Lower Kalskag	8521-BA003	6/24/85	6/15/1990
McGrath	City of McGrath	8621-BA018	11/18/86	10/31/1991
Naknek	Bristol Bay Borough	8321-BA010	2/29/84	4/01/1989
Napaskiak	City of Napaskiak	8521-BA016	10/16/85	9/30/1990
Newhalen	City of Newhalen	8421-BA020	4/10/85	4/01/1990
Nikolski	U.S. Air Force	8721-BA026	1/29/88	12/31/1989
Peters Creek	Municipality of Anchorage	8621-BA009	9/17/86	8/30/1991
Landfill				
Port Bailey	Columbia-Wards Fisheries	8421-BA028	5/23/85	5/30/1990
Port Graham	Kenai Peninsula Borough	8423-BA003	2/26/88	7/31/1991
Port Heiden DERA Site A	U.S. Army Corps of Engineers	8721-BA012	2/05/88	12/31/1989
Port Heiden DERA Site B	U.S. Army Corps of Engineers	8721-BA013	2/05/88	12/31/1989
Port Moller	Peter Pan Seafoods	8321-BA003	7/11/83	6/30/1988
Port Moller DERA	U.S. Army Corps of Engineers	8721-BA014	2/05/88	12/31/1989
Qinagak	City of Qinagak	8621-BA001	3/11/87	2/29/1992
Sand Point	City of Sand Point	8521-BA009	11/07/85	10/31/1990
Scammon Bay	City of Scammon Bay	8621-BA011	11/13/86	10/31/1991
Seldovia	Kenai Peninsula Borough	8523-BA004	9/04/85	9/04/1990
Seward	Kenai Peninsula Borough	8323-BA004	7/25/83	6/30/1988
Shemya Island	USAF	8421-BA025	2/27/85	1/01/1990
Sitkinak - DERA	Corps of Engineers	8621-BA014	11/20/86	12/31/1988
Soldotna	Kenai Peninsula Borough	8623-BA009	12/01/86	12/01/1991
Soldotna Sludge	City of Soldotna	8123-BA003	9/12/83	9/30/1988
Soldotna-Alaska	Alaska Septage	8423-BA006	9/10/84	7/01/1989
Septage (Town&Country)	Disposal Facilities			
South Naknek	Bristol Bay Borough	8421-BA017	3/31/88	2/28/1993

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 CURRENT SOLID WASTE PERMITS
 SOUTHCENTRAL REGION

File: WASTE

Page: 5

Printed on 7/08/88

Selection Criteria: EXPIDATE > 1/07/88

Facility Name	Permittee's Name	Permit No.	Issued Date	Expiration Date
Sparrevohn	USAF	8221-BA006	3/29/83	5/01/1988
Sparrevohn-Backside Cleanup	United States Air Force	8721-BA002	11/20/87	11/30/1989
St. George	City of St. George	8721-BA006	3/25/88	2/28/1993
St. George - DERP	St. George Tanaq Corporation	8521-BA020	1/29/86	1/30/1988
St. Mary's	City of St. Mary's	8220-BA001	3/15/83	4/01/1988
St. Mary's-Pitkas Point	City of St. Mary's	8621-BA012	9/23/86	8/31/1991
St. Paul - DERA	Chase Construction, Inc.	8521-BA019	6/06/86	6/30/1988
St. Paul-Asbestos Demolition Waste	Tanadgusix Corporation	8721-BA011	11/02/87	9/30/1989
Sterling-Aardvark Pumping	Jerry K. Holland	8323-BA002	6/29/83	7/01/1988
Sunshine	Matanuska Susitna Borough	8422-BA005	6/20/86	5/31/1991
Swanson Central Disposal Facility	ARCO Alaska, Inc.	8623-BA004	9/24/86	8/31/1991
Talkeetna	Matanuska Susitna Borough	8422-BA004	6/20/86	5/31/1991
Tatalina AFB	USAF	8221-BA007	3/29/83	4/01/1988
Togiak	City of Togiak	8221-BA021	3/15/83	4/01/1988
Toksook Bay	City of Toksook Bay	8421-BA026	12/30/86	11/30/1991
Trading Bay Scrap Steel	Marathon Oil Company	8623-BA006	5/26/87	4/30/1992
Tuntutuliak	Tuntutuliak Traditional Council	8421-BA029	6/25/85	6/15/1990
Tyonek	Kenai Peninsula Borough	8423-BA004	11/18/85	8/31/1990
Unalaska	City of Unalaska	8421-BA022	5/03/85	3/31/1990
Wasilla-Palmer Central Landfill	Matanuska Susitna Borough	8522-BA001	12/22/86	11/30/1991
Whittier	City of Whittier	8521-BA017	11/07/85	10/31/1990
Wolf Lake #2	ARCO	8423-BA012	5/17/85	5/17/1990

Total Records Displayed: 114

Operating Solid Waste Disposal Facilities
Report for Doc. County

FILE #

Printed on 7/06/86
Deletion Criteria (BTEEP) 7/01/84

Page 1

PERMIT #	FILE #	APPLICANT	FACILITY	DATE RECEIVED	REVISION DATE	EXPIRES	REVISION TYPE	COM (first line)	COM (second line)
8331-80005	100.15.013	U.S. Army	Clear Creek Airfield	11/10/83	2/01/84	11/30/86	Issued		
8331-80006	140.15.008	U.S. Army	Wills Creek Airfield	11/10/83	2/01/84	11/30/86	Issued		
8331-80001	140.15.004	Allyaska Pipeline Service Company	Pump Station 010 (00 30-1)	8/08/83	11/15/83	9/30/86	Issued		
8331-80002	330.15.002	Allyaska Pipeline Service Company	00 117-19	8/08/83	11/15/83	9/30/86	Issued		
8431-80002	140.15.001	United States Army	Fl. Grealy Landfill	4/05/84	6/05/84	5/01/89	Issued	FORMERLY 00-11-79	
8431-80003	330.15.006	Allyaska Pipeline Service Company	Pump Station 02	3/12/84	5/17/84	5/31/89	Issued		
8431-80007	300.15.027	ARC0 Alaska, Inc.	Reparat Off 01	8/05/84	11/19/84	11/30/89	Issued		
8431-80008	330.15.014	Allyaska Pipeline Service Company	Pump Station 07 008 67-53	12/11/84	1/15/85	1/15/90	Issued		
8531-80001	150.15.002	Falco Services, Inc.	Clear Air Force Base Landfill	2/05/85	2/18/85	3/01/90	Issued		
8531-80002	230.15.001	Tekila Village Council	Tekila Landfill	4/01/85	5/07/85	1/01/90	Issued	AS OF 6-7-85, UNTIL NOW NOT RECEIVED RELEVANT INFORMATION BEING APPLICABLE	
8531-80003	150.15.003	Ushelli Coal Mines, Inc.	Peter Fields	4/19/85	4/22/85	5/01/90	Issued		
8531-80006	100.15.002	Henley Hot Springs Community Association	Henley Hot Springs Landfill	6/26/85	9/21/85	3/31/91	Issued	Modifications to permit see 0731-0001	
8531-80007	104.15.003	James A. Crabbe	Crabbe's Landfill - Central, AK	8/15/85	10/16/85	10/01/90	Issued	Objections received 9/9/85 - resolved 10/15/85	
8531-80009	100.15.001	8007 PF	Livingsand Landfill	11/08/85	12/02/85	7/01/90	Issued		
8531-80021	704.15.001	Wagner Village Council	Wagner Landfill	11/08/85	1/12/86	8/31/91	Issued		
8531-80001	300.15.004	Halsarichs	Colville River Basin	1/15/85	2/11/85	3/15/90	Issued	First info request response rec'd 3-7-85. Additional info request sent	6-17-85. Draft permit sent 12/23/85. Response rec'd 1/11/86.
8531-80008	300.15.016	Standard Alaska Production Company	Elleem Hill Pad 01	3/25/85	1/22/86	12/31/86	Issued	First info request response rec'd 5-7-85. Additional info request letter	6-17-85. Draft permit sent 12/23/85. Response rec'd 1/11/86.
8531-80009	300.15.017	Standard Alaska Production Company	Elleem Hill Pad 02	3/25/85	1/22/86	12/31/86	Issued	First info request response rec'd 5-7-85. Additional info request letter	6-17-85. Draft permit sent 12/23/85. Response rec'd 1/11/86.
8531-80010	000.15.057	North Slope Borough	Debra Landfill	6/25/85	5/13/86	5/31/91	Issued	Draft permit sent to NSB 2/21/86. See file for further information.	
8531-80021	310.15.002	North Slope Borough	Service Landfill	9/16/85	3/14/86	3/01/91	Issued		
8531-80022	300.15.055	8007 PF	Sag River Maintenance Camp	8/30/85	11/15/85	11/30/90	Issued		
8531-80023	370.15.001	North Slope Borough	Alayash Landfilling Operat.	12/29/85	4/11/86	4/01/91	Issued	CR 401 4-80005, Waste River 2. CR Record 000160100007.	
8531-80001	100.15.010	Inletier Services	RF fuel plant - Fairbanks, AK	4/19/86	5/07/86	4/01/91	Issued		
8531-80002	000.15.001	U.S. Air Force	Campion AF9 Landfill	4/08/86	4/16/86	4/01/89	Issued		
8531-80003	000.15.002	Fairbanks North Star Borough	FGS South Cochran Landfill	4/22/86	5/07/86	5/31/91	Issued		
8531-80004	100.15.005	U.S. Air Force	Eielson AF9 Landfill	5/20/86	6/27/86	5/31/91	Issued		
8531-80005	700.15.003	U.S. Air Force	Beer Creek AF9 Landfill	6/04/86	6/12/86	10/01/90	Issued		
8531-80006	700.15.003	U.S. Air Force	Fl. Yonon White Rice AF9	6/04/86	6/12/86	10/01/90	Issued		
8531-80007	775.15.001	U.S. Air Force	Indian Mountain AF9 Landfill	6/04/86	6/12/86	10/01/90	Issued		
8531-80008	000.15.002	U.S. Air Force	Katishat Creek AF9	6/04/86	6/12/86	10/01/90	Issued		
8531-80010	110.15.001	City of Hnaha	Hnaha Solid Waste	6/27/86	9/10/86	10/01/91	Issued		
8531-80015	100.15.012	U.S. Air Force	Norphy Base AF9	12/09/86	1/27/87	1/31/92	Issued		
8531-80001	474.15.001	U.S. Air Force	Tin City AF9 Landfill	3/13/86	4/08/86	10/01/88	Issued		
8531-80003	610.15.003	U.S. Air Force	Granite Mountain AF9	6/05/86	6/12/86	10/01/90	Issued		
8531-80004	475.15.003	U.S. Air Force	Cape Lisburne AF9 Landfill	6/04/86	6/12/86	10/01/90	Issued		
8531-80005	475.15.007	U.S. Army Corps of Engineers	Cape Thompson BERR Cleanup	2/09/86	3/25/86	4/30/91	Issued		
8531-80002	025.15.002	North Slope Borough	Point Lay Landfill	2/05/86	4/17/86	3/01/91	Issued		
8531-80003	335.15.001	Inlet Enterprises, Inc.	Inlet Landfill	6/08/86	5/23/86	5/31/91	Issued		
8531-80008	365.15.001	North Slope Borough	Avulavak Pass Landfill	4/28/86	5/01/86	3/01/91	Issued		
8531-80010	320.15.003	U.S. Air Force	POW I (Lowly) Baseline	6/02/86	7/31/86	8/01/91	Issued		

Modified to include asbestos removal and to extend expiration date.
Modified to extend expiration period.
Modified to extend expiration date.
Officially began starting 2/6/86. Draft permit sent to CRB on 4/25/86.
Expect 60-120 days delay due to CRB project coordination per March 2/21/86
Renewal.
CRB consistency received on 5/21/86.

Operating Solid Waste Disposal Facilities
Report for Doug Lowery

File: BCL10

Page: 2

Printed on 7/06/00
Selection Criteria: DATEEPI > 7/01/00

PERMIT #	FILE #	APPLICANT	FACILITY	DATE			DECISION TYPE	COM-1 (first line)	COM-2 (second line)
				DATE RECEIVED	DECISION REACHED	DATE EXPIRES			
0635-00012	330.15.001	Yukon Venture Alaska	Yukon River Crossing Landfill	6/15/00	7/10/00	5/15/90	Issued	At B.S. 76-2	
0635-00013	330.15.016	Alaska Pipeline Service Company	Disposal Site 100-1	6/20/05	7/16/00	5/30/00	Issued	Modification to allow disposal of sludge at Pump Station 5.	
0635-00016	360.15.002	U.S. Air Force	L12 J (Malmright) Baseline	9/22/06	12/09/06	11/30/91	Issued	CEN consistency determination rec'd 12/1/06.	CDE 401 ARCTIC COEPM 13.
0635-00017	310.15.003	U.S. Navy	Pt. Barrow MRL Landfill	11/12/00	11/24/00	11/30/00	Issued	Modification to 0635-00009	Requested site map of new boundaries.
0635-00023	300.15.060	North Slope Borough	Oil Waste - Debar Landfill	11/17/06	3/03/07	3/01/92	Issued		
0635-00024	300.15.017	U.S. Air Force	POM 2 (Oil/Mok Pl.) Baseline	12/01/00	3/10/07	3/20/92	Issued		
0731-00001	100.15.005	U.S. Air Force	Eielson RFB Landfill		1/20/07	1/31/92	Issued		
0731-00002	100.15.020	City of North Pole	Petty Farm Storage Land Appl.	2/02/07	4/00/07	3/31/92	Issued	Meeting with Sam Design 4/28/07 to discuss progress of project.	
0731-00004	150.15.005	Tri-Valley Volunteer Fire Department	Tri-Valley WFD-Healy Landfill	5/22/07	7/10/07	7/31/92	Issued		
0731-00005	100.15.022	U.S. Air Force	Canyon Creek RFD Cleanup	5/21/07	8/25/07	8/31/92	Issued	Environmental Assessment rec'd 8/7/07. Pre-opening inspection 8/25/07	
0731-00006	150.15.006	U.S. Air Force	Bald King JRB Landfill	5/21/07	9/02/07	8/31/92	Issued		
0731-00007	175.02.001	Citigold Alaska, Inc.	Ryan Lake Miner-Heap Leach	5/29/07	11/19/07	11/30/00	Issued	SEE PNR	
0731-00008	100.15.007	Far North Bicycle Association	MC3 Bike Track	6/03/07	7/09/07	7/31/00	Issued	One time landfilling.	
0731-00010	175.02.000	The Adler Mine	The Adler Mine - Heap Leach	7/14/07	3/00/00	12/31/92	Issued		
0731-00012	090.15.002	Evansville Council	Evansville Landfill	8/13/07	11/19/07	11/30/92	Issued	Received CEN Consistency Determination 2/15/08.	
0732-00001	475.15.004	U.S. Coast Guard	Port Clarence Loran Station	1/05/07	1/20/00	1/31/93	Issued		
0732-00002	640.15.001	City of St. Michael	St. Michael Landfill	5/20/07	8/10/07	7/31/92	Issued		
0732-00003	400.15.004	America North, Inc.	Woodsen Field Cleanup	5/04/07	1/15/00	11/30/92	Issued	Draft permit mailed to Alaska Gold 10/22/07. Comments from America North	rec'd 10/21/07. Public Hearing held due to public concerns.
0732-00004	475.15.000	Alaska Industrial Development Authority	Red Dog Material Site 2-cont.	5/09/07	10/02/07	2/01/91	Issued	Modified to include open burning.	
0732-00005	540.15.001	Brevig Mission City Council	Brevig Mission Landfill	7/01/07	8/24/07	8/31/92	Issued	In wetlands - CDE permit 4-070003 also issued	
0733-00001	170.15.007	Bot Lake Village Council	Bot Lake Landfill	2/27/07	5/11/07	1/01/90	Issued		
0733-00002	200.15.001	Eagle Village Council	Eagle Landfill	7/17/07	10/15/07	8/31/91	Issued	Modified to include septic tank waste disposal.	
0733-00003	200.15.003	James B. Layman	James B. Layman Landfill	7/20/07	10/29/07	10/31/92	Issued	Received by Tel 08 7/13/07.	
0730-00002	300.15.070	ARCO Alaska, Inc.	Pad 3 Oil Waste Pit	8/12/07	9/11/07	9/15/92	Issued		
0735-00003	370.15.001	North Slope Borough	Melqvist Landfill	4/23/07	4/29/07	4/30/92	Issued	Error found in permit - honeybucket location.	
0735-00004	330.15.000	PROT/PF	Jin River Camp Landfill	5/21/07	7/15/07	7/31/92	Issued		
0735-00005	350.15.001	IL S. Air Force	Bar-Main (Kaktovik) Baseline	5/27/07	8/11/07	8/01/92	Issued		
0735-00007	300.15.006	Standard Alaska Production Company	M Pad (Eileen West End Pad 01)	7/31/07	9/29/07	12/31/90	Issued		
0735-00008	300.15.007	Standard Alaska Production Company	Z Pad (Eileen West End Pad 02)	7/31/07	9/29/07	12/31/90	Issued		
0735-00009	400.15.004	North Slope Borough	Point Hope Landfill	8/12/07	9/04/07	6/31/92	Issued		
0735-00011	300.15.077	Tenacs, Inc.	Wolfbottoms 01, 02, & 03	11/27/07	5/00/00	12/31/92	Issued		
0735-00016	300.15.051	ARCO Alaska, Inc.	Drill Site 3-0	12/10/07	3/22/00	11/30/09	Issued		
0031-00004	100.15.001	Fairbanks Municipal Utilities System	FMSM 04 Agricultural Site	4/20/00	7/01/00	6/01/00	Issued		
0031-00006	100.15.007	U.S. Army	Pt. Malmright Landfill	4/21/00	8/10/00	8/15/91	Issued	Modification of monitoring well sampling.	
0032-00003	475.15.002	Coinco Alaska, Inc.	Red Dog Mine Site	5/09/00	5/25/00	1/01/09	Issued	Extension of 0032-00001	
0033-00001	130.15.001	J.D. Refuse Service	Tek Landfill	2/02/00	2/09/00	3/01/93	Issued		
0035-00011	360.15.003	North Slope Borough	Malmright Landfill	5/04/00	5/25/00	12/31/91	Issued	Modification request; expansion needed due to high school fire fall 1907.	

SOLID WASTE DISPOSAL SITES
SOUTHEAST ALASKA (CRM)
March, 1988

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
11000	A	Channel Landfill, Inc. 5 1/2 Mile Glacier Hwy, Juneau, Municipal waste & incinerator or ash, (asbestos type) T41S, R67E, S34	... 8511-BA016 exp. 12-31-88	<u>2/5/86</u>	<u>7/29/86</u>	NOV issued <u>9/14/87</u>
11001	A	City/Borough of Juneau..... 1 mile South Thane Road, Tract A, Channel Side - Sludge Disposal - Renewed/Renumbered from SE-3-80	8411-BA010 exp. 12-31-88	<u>4/25/85</u>	<u>8/18/87</u> <u>7/20/88</u>	<u>Renewed/Extended</u>
11002	I *	J-D Mendenhall Sewage Treatment Plant, Curtis Rd.... Sludge Disposal - Juneau, T40S, R66E, S25	SE 5-78 exp. 08-01-82	<u>5/2/85</u>	<u>1985</u>	<u>Closed</u>
11003	I	J-D Thane Treatment Plant, Tract A, Parcel A..... Aerobically Digested Sludge - Juneau	8210-BA016 exp. 12-31-83	<u>6/7/85</u>	<u>7/87</u>	<u>Closed</u>
11004	A	Goldbelt, Inc., Hobart Bay, T51S, R75E, S33 Camp Waste (Mainland) 100 person camp	..... 8210-BA021 exp: 12-31-90	<u>11/87</u>	<u>2/19/87</u> <u>3/24/87</u>	NOV issued <u>7/87</u>
11005	A	Goldbelt, Inc., Klukwan Inc. Hobart Bay, T52S, R75E, S29, Sort Yard Waste Quantity <u>180 cy</u> per week	..... 8312-BA023 exp. 3-31-90	<u>6/10/85</u>	<u>8/18/86</u> <u>3/24/87</u>	<u>Renewed/Trans. 1/87</u>
11006	A	Alaska Power Authority, Port Snettisham..... Camp Waste, T43S, R71E, SW 1/4, NE 1/4, S 13 (Note: old permit SE-3-77 shows Sec. 23 as landfill site)	8310-BA005 exp. 12-31-87	<u>1/5/84</u>	<u>5/8/87</u>	<u>Closed</u>
11007	I	Belardi & Schneider, Inc. - Juneau T41S, R68E, S25.. Thane Road Rock Dump - Demolition Waste	SER 1-76 exp: 07-15-76	<u>4/29/85</u>	<u>8/28/84</u>	<u>Closed</u>
11008	I	City/Borough of Juneau..... Douglas Island, Glory Hole - Derelict Autos	SER 1-73 exp. 08-24-76	<u>8/26/85</u>	<u>1973</u>	<u>Closed</u>
11009	I	Tonsgard, William B. - Douglas Island..... 1 1/4 Mile North Douglas Road - Demolition Waste, Private Landfill, upper road site	SER 2-74 exp. 08-31-74	<u>8/27/85</u>	<u>1974</u>	<u>Closed</u>

* A = Active
I = Inactive
P = Pending

* Note File SE-5-78 sent to K. Keltner on 5/6/88

(2)

SW Fac. Number	Status*	Permit Title/Description	Permit Number	Site Inventoried	Last Date Inspected	Comment
11010	I	McNabb Construction Company, Inc. - Juneau..... Glacier Highway Loop & Nancy - Gravel Borrow Site, Stumps and Overburden (Jim McCounghy is now owner of site)	SER 3-73 exp. 09-17-74	<u>8/27/85</u>	<u>1984</u>	<u>Closed 85</u>
11011	I	Valley Court, Larry O. Knudson - Juneau..... Valley Court - Demolition Waste (abolishing Trailer Court - Site will be gravel pit - Red Samm)	SER 5-75 exp. 12-31-75	<u>8/27/85</u>	_____	<u>Gravel Pit</u>
11012	I	Lavender, Robert L. - Douglas..... Lawson Creek, Lot 2-B - Concrete Waste, Private Property	SER 3-75 exp. 06-01-75	<u>8/27/85</u>	<u>1984</u>	_____
11013	I	Fields, Dudley - Douglas..... Block 66, Lot 11, Acs. 3, Douglas Building - Demolition Waste	SER 2-75 exp. 05-15-75	<u>8/27/85</u>	<u>1975</u>	_____
11014	A	MP&M - (Miller, Pugn & Miller) Illegal Fill off Valley Boulevard..... Juneau, assorted organic material, (near Thunder Mtn. Trailer Court)		<u>8/27/85</u>	<u>1985</u>	_____
11015	A	US Corps of Engineers, Port Snettisham, Crator Cove, Borrow Pit, incineration of domestic waste. T43S, R71E, Sec.23, <u>3-20 tons per month</u>	8711-BA002 exp. 3/31/1991	_____	<u>5/8/87</u>	_____
11016	P	Echo Bay Exploration Inc., Kensington Venture, Pt. Sherman, camp waste, T35S, R62E, Sec. 6 SW 1/4, NW 1/4, (100 lbs. per day - 1 1/2 Tons per month)	8711-BA015 exp. 12/31/90	_____	<u>8/10/88</u>	_____

11017

*Goldberg Inc, Hobart Bay, 8811-BA006
 T51S, R 75E, S&1, 90cy perWK
 Soft yard waste*

Ex 1

(3)

Page 3

<u>SW Fac. Number</u>	<u>Status*</u>	<u>Permit Title/Description</u>	<u>Permit Number</u>	<u>Site Inventoried</u>	<u>Last Date Inspected</u>	<u>Comment</u>
11500	A	Haines Sanitation - F. and A. Shull..... T.31S., R.56E, Section 2, Lots 20 & 21 - Municipal Waste - Haines (Asbestos site) 2 tons per day	8311-BA022 exp. 12-31- 87 90	12/87	7/21/87 5/5/88	Requesting water samples for fecal coliform
11501	A	City of Skagway - T28S, R59E, S1, Lot 20 USS 3312, Municipal Waste - 100 cy per week	8511-BA005 exp. 12-31-90	5-6-85	9/4/86 11/88	
11502	I	City of Klukwan - about 1/3 mile west of Klukwan adjacent to Chilkat Ave., Domestic waste.	No Permit Old site	7-12-85	7/21/87	Closed recent dumping
11503	I	Pacific & Arctic Railway & Navig. Co. - Skagway..... Shop, Solid Waste Disposal	SER 4-73 exp. 11-05-76	8/27/85	1985	Closed
11504	I	Mile 24 Haines Hwy., Landfill site..... Municipal waste, access roads to site maintained by AK. Dept. of Highways in early 1970s.		5/2/85	--	
11505	I	Porcupine Spur Road Site, Solid waste site used by highway residents. 3/4 mi. off main highway. Site used in early 1970 and prior to that date.		5/2/85	--	
11506	A	Klukwan Sanitation Facilities Corp., T23S, R56E, S23, NE of 1/4 of NE 1/4 of SE 1/4,.. Klukwan Village, Domestic waste. New site	8511-BA006 exp. 12-31-89	7/12/85	7/21/87	Dumping in large area work face too large
11507						
11508						
11509						
11510						

(5)

<u>SW Fac. Number</u>	<u>Status*</u>	<u>Permit Title/Description</u>	<u>Permit Number</u>	<u>SW Sites Inventoried</u>	<u>Last Date Inspected</u>	<u>Comments</u>
12010	I	Reuter, Steve, T56S, R64E, S 5, Sitka Clarence Kramer Subdivision Dredged material and rock - build road to home - 500 600 cu yds.	8812-BA001 exp: 12/31/90	_____	<u>2/18/88</u>	_____
12011						

SW Fc Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comments
12000	A	City of Sitka - Block 28 & 29 USS 3303B & USS 3858.. Municipal Solid Waste	8312-BA007 exp. 12-31-88	12/27/83 ^{11/1/85}	4/29/88 ^{4/29/88}	
12001	A	Alaska Lumber & Pulp Co. Inc., (ALP) Industrial Dump, Silver Bay, Sawmill Creek, <u>Asbestos Site</u> USS 3551, 57° 02' N 135° 12' W 5 miles East of Sitka, Sawmill Creek	8412-BA001 exp. 12-31-88	8/9/88 ^{11/1/88}	5/11/88 ^{4/29/88}	Water samp- ling at 3 sites
12002	A	ALP, Herring Cove, in Silver Bay, Sitka (SE-5-80) Wood Waste, sludge, & dredged material T56S, R64E, S2. Quantity _____	8512-BA010 exp. 12-31-90	8/7/85	2/10/88 ^{10/88} ^{4/29}	Violation noted 7/87 Permit Re- voke 8/31/87
12003	I	LDS Church, Sitka, USS 2571, Lot 1..... Dredge Material ALP's pond for fill at Church site. Need to formally revoke this permit	8210-BA015 Revoke	8/7/85	2/19/88	
12004	I	David Cocchi, Sitka, USS 3481, 4100 B1. Lot 20C..... Dredge Material On-Lot. Quantity <u>600 cy.</u>	8210-BA023 exp. 12-31-83	6/10/85	1982	
12005	I	Helen Niesen, Sitka, Lots.10 & 11 of USS 3695..... Woodwaste, primary dredge & secondary sludge fill for building sites.	Permit denied	8/12/85	1982	
12006	I	David Winters, Sitka, 2107 Sawmill Creek Rd. Sea- view Hts., Subdivision, Lot 2 - Dredge material for leveling lot. Quantity <u>800 cy</u>	8310-BA003 exp. 12-31-87	6/21/85	8/7/85	
12007	I	DOT/PF - Granite Creek, Sitka..... Vehicle disposal - T55S, R63E, S15 Overburden/logs	SE-2-78 exp. 08-31-81	5/2/85	10/24/85	
12008						
12009	I	Henke, Virgil, dredged wood waste and "hog fuel" 2105 Sawmill Creek Road, Lot 1 of Seaview Hts. Sub., Sitka. Quantity <u>900 cy.</u>	8412-BA012 exp. 12-31-89	8/7/85	8/7/85	

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12210	I	Mitkof Lumber Company - 3 1/2 mile Mitkof Hwy., USS.. 1517 Lot 25, Wood Waste & Earth Fill, Petersburg. Quantity <u>not specified</u>	SE-2-79 exp. 09-30-82	<u>5/2/85</u>	<u>8/30/85</u>	
12211	I	ALP, Woodrucker Cove, Mitkof Island..... Camp Waste, L56°30' N, L132°50' W	SE-9-80 exp. 12-31-83	<u>4/25/85</u>	<u>--</u>	
12212						
12213	I	U.S. Dept. of Air Force (White Alice Site)..... Duncan Canal, Kupreanof Island, T59S, R78E, S17 Clean up/Restoration of Site. (Asbestos site)	8412-BA007 exp. 12-31-87	<u>1/31/85</u>	<u>1984</u>	<u>Renewed</u>
12214	I	Sealaska Timber Corp. T56S, R72E, Sec. 17..... Old Rock Pit Site, woodwaste, 5 miles NW of Kake. Quantity <u>25,000 cy total.</u>	8310-BA001 exp. 12-31-89	<u>6/10/85</u>		
12215	I	Kake Tribal Logging & Timber Corp., Kupreanof Island, Camp waste, T56S, R72E, S18, NW 1/4, NW 1/4, South of Spur Road 1001, about 2000' west of Pt. Mc Cartney Log Camp, 5 miles NW of Kake.	.....8612-BA004 Denied 7/2/87	<u>8/7/86</u>	<u>6/29/87</u>	<u>Dump closed</u>
12216	A	Saginaw Bay Dump Site, Kuiu Island Unknown sources about 12 miles SW of Kake, northend of Island, T58S, R71E, USFS Lands		<u>6/21/86</u>	<u>6/20/86</u>	<u>Viewed from air</u>

12217

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12200	A	City of Petersburg - Mitkof Island - Municipal Waste (from Petersburg & Kupreanof) R79E, T58S, S3,5 (asbestos site) Note: fecal colif. <u>sampling required quarterly.</u>	8312-BA008 exp. 12-31-89	10/88 <u>9/19/86</u>	2/19 5/21/86 <u>6/29/87</u>	<u>Better maintenance</u>
12201	A	City of Kake - Kupreanof Island, T57S, R73E, S 1&12, Municipal Waste - 30 cy per week	8412-BA009 exp. 9-15-89	<u>5/28/84</u>	<u>6/29/87</u>	<u>NOV - 7/87</u>
12202	A	Sealaska Timber Company - 5 miles NW of Kake..... Wood Waste & ash residue, T56S, R72E, NW - 1/4 of Sec. 18. Quantity <u>2750 cy</u> woodwaste/ash	8210-BA026 exp. 3-31-90	<u>6/10/85</u>	<u>1982</u>	<u>Renewed</u>
12203	I	ITT Rayonier, Inc., Kake, T56S, R73E, S 32,..... SW 1/4, NW 1/4, Sort Yard Waste Quantity <u>not specified</u>	8210-BA027 exp. 12-31-84	<u>6/10/85</u>	<u>1982</u>	<u>Closed-1986</u>
12204	A	Kake Tribal Corp, Pt. McCartney, Kake Wood/Soil Waste, T56S, R72E, S18 (sort yard expansion). Quantity <u>22 cy</u> per day over a 200 day work season.	8312-BA021 exp. 12-31-85 8812-BA004 915	<u>8/8/85</u>	<u>6/25/87</u>	<u>Looks good</u>
12205	I	Sealaska Timber Corporation, Kake Salvage Area..... Wood and Soil Waste, Kake, T57S, R73E, 1/4 of S12, Kupreanof Island. Quantity <u>2000 cy</u>	8310-BA002 exp. 12-31-84	<u>6/21/85</u>	<u>6/20/86</u>	
12206	I	Sealaska Timber Corporation, 3 1/2 mile SE Kake..... Wood Waste, T57S, R73E, Sec. 12	8210-BA025 Permit Denied 11-19-82	<u>6/10/85</u>	--	<u>Trees growing on fill</u>
12207	I	ITT Rayonier, Burning Sort Yard Pile near Jenny Creek, 4 1/2 Mile So. of Kake, Kupreanof Island		<u>8/27/85</u>	<u>6/20/86</u>	
12208	I*	U.S. Forest Service (Soderberg Log)(Portage Bay Logging Camp) T 57S, R77E, S 3, Kupreanof Island, Camp waste.	8312-BA014 exp. 12-31-87	<u>5/15/85</u>	<u>6/19/86</u>	<u>NOV issued 7/29/86</u>
12209	A	Alaska Pulp Corp., T60S, R71E, S 4, NW 1/4 Camp Waste, Kuiu Island, Rowan Bay 150 person camp.	8312-BA015 exp. 12-31-90	<u>11/87</u>	<u>6/20/86</u>	<u>NOV issued 7/25/86 Need trans.</u>

(8)

Page 8

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12400	A	City of Angoon, USS 3756, (R68E, Sec. 31 1.5 miles S of Angoon. Municipal solid waste. 180 cy per week.	8312-BA013 exp. 12-31-88	11/87 10/88	8/17/86 12/88	
12401	I	Greens Creek Mining Co., Hawk Inlet,..... Admiralty Island, (adit site)... Camp Waste, T44S, R66E, NW, NW of Sec. 9	8512-BA001 exp. 12-31-86	1/31/85	1982	Closed 1986
12402	I	Shee Atika, Cube Cove, T45S, R66E, S 20-29 & S 32-36, Wood Waste & Campwaste Quantity _____	8312-BA010 exp. 12-31-87	7/3/85	6/25/87	Site moved to Peanut Lake Rock
12403	A	Greens Creek Mining Co., Admiralty Island,..... Sewage sludge and residue from commercial incinerator (burning camp/marine terminal waste) USS 793-Hawk Inlet Cannery, T43S, R65E, S 22E	8512-BA007 exp. 12-31-90	6/13/85	10/6/87	Looks clean
12404	A	Atikon/Shee Atika, Cupe Cove, R66E, T45S, S 28,..... Admiralty Island - 150 cy per week. SORT YARD WASTE	8712-BA017 exp. 12/31/90		5/18/88	
12405	A	Atikon/Shee Atika, Cube Cove, R66E, T46S, S 3,..... Admiralty Island - Camp waste, 10 cy per week	8712-BA016 exp. 12/31/90		5/18/88	
12406	P	Greens Creek Mining Co., R66E, T43S, S 26,..... Admiralty Island, Hawk Inlet Ash & Sludge. 60 lbs, incinerator ash/ 60 lbs. of sludge per day	8712-BA014 exp. 12/30/90		6/6/88 10/88	
12407						
12408						
12409						
12410						

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12511	I	Old Hoonah Dump - now rifle range.....		<u>6/3/85</u>	<u>6/6/85</u>	<u>Closed</u>
12512	I	Promiscuous dump behind old Hoonah Cannery..... Chichagof Is.		<u>8/28/85</u>	<u>6/19/86</u>	
12513	I	Old Hoonah Totem sortyard waste off RCA road..... Chichagof Island		<u>8/28/85</u>	<u>6/19/86</u>	
12514	P	USFS, Camp waste, oak residue. Corner Bay, Tenakee Inlet, R 64E T 48S, L 1250 08' L 57 1/2' Chichagof Is. 5 Cy per week.	8812-BA003 Exp: 12/31/91		<u>8/17/88</u>	
12515	P	Abk Pulp Corp, Corner Bay Camp Waste Incinerated & buried, 4 tons/month Chichagof Island,	8812-BA010 Exp 12/31/91			
12516	P	Abk Pulp Corp, Kennel Creek Camp Waste Incinerator Residue T 46S R 62E, SW 1/4 of S 2 Freshwater Bay, Chichagof Is. (about 20 lbs per day of camp waste incinerated & buried)	8812-BA013 Exp 12/31/91			

SW Fac. Number	Status*	Permit Title/Description	Permit Number	SW Sites Inventoried	Last Date Inspected	Comment
12500	A	City of Pelican - T45S, R57E. S 17 & 18..... Municipal Waste, Chichagof Island	8210-BA008 exp. 12-31-90	11/87	3/3/86 8/24/88	
12501	A	City of Hoonah - Municipal Waste, T43S, R61E, S 26, NE 1/4, SE 1/4 - Hoonah (amended 8210-BA024), Chichagof Island 2 tons per day	8512-BA011 exp. 12-31-90	6/3/85	9/21/87 12/1/87	Over all good
12502	I*	<i>Alaska Pulp Corp</i> Sullivan Logging , Kennel Creek, Freshwater Bay..... Chichagof Island, T52S, R64E, Sec. 5 Camp Waste (old #SE-7-77) <i>ash + incinerator residue from 9 tons camp waste</i>	8512-BA012 8512-BA008 8512-BA012 exp. 12-31-87 12/31/91	11/87	8/1/88 6/25/87 Permit Revoke 8-19-88	NOV issued 7/87 - non-renewal, 2/88 sent notice
12503	A	Alaska Pulp Co., Neka Bay, Chichagof Island..... T44S, R60E, S17, S 1/2, SE 1/4, Camp Waste 5 cy per month.	8312-BA016 exp. 12-31-88	11/87 88	6/30/87	Acceptable - bears
12504	I	Sealaska Timber Corp. West Point Frederick..... Camp Waste, T44S, R60E, S4, Chichagof Island	8512-BA002 exp: 12-31-89	12-20-83		No camp No waste 11/25/86
12505	A	AK Lumber & Pulp, Log Logging Co., 57° 44' N Lat., 135° 27' W Long. - T48S, R62E, E 1/2 of S 12, Chichagof Island, Corner Bay - Camp waste.	8312-BA017 exp. 12-31-90	6/25/87	6/25/87	NOV issued 7/87
12506						
12507	I	U.S. Dept. of Air Force (White Alice Site)..... Hoonah, Chichagof Island, T43S, R61E, S28	8412-BA005 exp. 12-31-84	6/21/84	6/21/84	Closed
12508	A	False Island, USFS (or contractor)..... Log camp waste - (Peril Strait)		7/10/84	--	
12509	A	Huna Totem Corp., Long Island, T43S, R61E, S32..... Wood waste (near Hoonah) (expand sortyard and construct spur road). Quantity 15 tons per day	8412-BA002 exp. 12-31-88	8/9/85	6/30/87	Need separation of waste
12510	A	Sealaska Timber Corp., Chichagof Island..... W. Port Frederick (near Hoonah) Sortyard Waste, 2 sites adjacent to each other, T44S, R60E, S 3 SW 1/4. Quantity 20 cy per day over a 200 day season.	8512-BA002 exp. 12-31-89	3/20/85	9/23/86	Good