

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6473 SENATE RESOURCES

877

1985 TIER II HUNTS

Species	Hunt No.	Permits Avail.	Hunt Description
Bison	406	12	Either sex, Chitina Herd
Bison	451	40	Either sex, Farewell Herd
Bison	403	15	Bulls, Delta area
Bison	404	40	Cows, Delta area
Caribou	501	200	Either sex, Kenai Mountains
Caribou	510	350	Either sex, Wrangell Mountains
Caribou	515	1800	Either sex, early season, Nelchina Antlerless, late season, Nelchina
Caribou	530	140	Bulls, Macomb Plateau
Caribou	570	200	Either sex, Delta Herd
Mt. Goat	831	2	Resurrection Creek, west, Kenai Peninsula
Mt. Goat	834	4	Mills Creek, Kenai Peninsula
Mt. Goat	835	4	Placer River, west, Kenai Peninsula

Attachment C

Species	Hunt No.	Permits Avail.	Hunt Description
Mt. Goat	843	2	Andy Simons Mountain, Kenai Peninsula
Mt. Goat	855	4	Twin Lakes, Kenai Peninsula
Mt. Goat	872	20	Crown Mountain, Kodiak

Moose	901	15	Either sex, Berners Bay
Moose	959	45	Bulls, Upper Lynn Canal
Moose	961	200	Bulls, Yakutat Forelands
Moose	967	20	Bulls, west Copper River Delta
Moose	968	20	Cows, west Copper River Delta
Moose	910	20	Antlerless, Portage area
Moose	911	40	Antlered, Portage area
Moose	913W	200	Bulls, Nelchina except part of 13(A)
Moose	919	200	Antlerless, Matanuska Valley, east
Moose	920	200	Antlerless, Matanuska Valley, west
Moose	923	up to 50	Late winter, Fort Richardson
Moose	925	15	Antlerless, Knik River/Hunter Creek

Species	Hunt No.	Permits Avail.	Hunt Description
Moose	927	20	Antlerless, Ship Creek
Moose	928	15	Antlerless, Peters Creek
Moose	974	75	Either sex with bulls having spike/fork, Eagle River archery
Moose	975	125	Either sex with bulls having spike/fork, Eklutna archery
Moose	978	up to 30	Either sex with bulls having spike/fork, Anchorage archery, late winter
Moose	929	Closed	Antlerless, 15(A) part
Moose	931	14	50" antlered, 15(B) south of Skilak Lake
Moose	933	6	50" antlered, 15(B) Funny and Killey Rivers
Moose	935	12	50" antlered, 15(B) Timberline Lake
Moose	937	8	50" antlered, 15(B) southwest of Funny River
Moose	939	10	50" antlered, 15(B) Indian Creek
Moose	981	up to 75	Either sex, 16(B) north, late winter
Moose	982	up to 75	Either sex, 16(B) south, late winter
Moose	985	60	Bulls, Minto Flats, split-early/late seasons
Moose	994	60	Bulls, portion of 25(D)

Species	Hunt No.	Permits Avail.	Hunt Description
Dall Sheep	1102	120	Full curl ram, Tok area
Dall Sheep	1103	150	Full curl ram, Delta area
Dall Sheep	1110	10	Ewe, 14(A) Matanuska Valley
Dall Sheep	1130	26	7/8 curl ram, 14(C) Eklutna area, early hunt
Dall Sheep	1131	26	7/8 curl ram, 14(C) Eklutna area, late hunt
Dall Sheep	1132	18	7/8 curl ram, 14(C) north side of Eagle River and Peters Creek, early hunt
Dall Sheep	1133	18	7/8 curl ram, 14(C) north side of Eagle River and Peters Creek, late hunt
Dall Sheep	1134	16	7/8 curl ram, 14(C) south side of Eagle River, early hunt
Dall Sheep	1135	16	7/8 curl ram, 14(C) south side of Eagle River, late hunt
Dall Sheep	1106	4	Full curl ram, 20(D) & (E), Mt. Harper area
Dall Sheep	1107	4	Full curl ram, 20(E), Seventy-mile River area
Dall Sheep	1108	4	Full curl ram, 20(E), Upper Charley River area

APPENDIX

APPENDIX TABLE 1

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0403	15	15	90	85	29	6	0	248	11	259
0404	40	40	90	85	40	31	0	417	20	437
0406	12	12	70	65	6	4	0	45	4	49
0451	40	40	55	50	9	5	0	116	12	128
0501	200	200	31	30	12	4	0	239	5	244
0510	350	170	10				104	171	9	180
0515	1800	1800	47	46	58	29	0	2710	92	2810
0530	140	134	15				6	134	8	142
0570	200	200	41				0	266	14	280
0831	2	2	75				0	10	0	10
0834	4	4	60	55	4	3	0	14	0	14
0835	4	4	30				0	6	0	6
0843	2	2	65				0	19	0	19
0855	4	4	57				0	14	1	15
0872	20	20	60	55	10	9	0	30	2	32
0901	15	15	70				0	158	12	170
0910	20	20	66				0	87	4	91
0911	40	40	66	65	21	10	0	209	10	219
0913W	200	200	71	70	57	11	0	506	16	522
0919	200	200	71	70	46	10	0	658	26	684
0920	200	200	71	70	56	22	0	637	29	666
0923	50	50	80	75	24	23	0	110	6	116
0925	15	15	66				0	35	3	38
0927	20	20	60				0	42	2	44
0928	15	15	80	75	4	2	0	51	2	53

APPENDIX TABLE 1 (Cont.)

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0931	14	14	66				0	61	2	63
0933	6	6	61				0	21	5	26
0935	12	12	61	60	5	3	0	54	6	60
0937	8	8	70	65	11	2	0	42	3	45
0939	10	10	66				0	65	5	70
0959	45	45	66	65	4	1	0	69	12	81
0961	200	173	5				27	173	25	198
0967	20	20	71	70	5	1	0	74	7	81
0968	21	21	75				0	95	11	106
0974	75	59	10				16	59	3	62
0975	125	92	25				33	92	7	99
0978	30	30	50	50	8	ALTS	0	41	3	44
0981	75	56	10				12	57	5	62
0982	75	43	20				34	43	5	48
0985	60	60	42	40	2	1	0	68	3	71
0994	60	60	30				0	60	26	86
1102	120	120	36	35	12	2	0	155	9	164
1103	150	150	ALL				0	150	5	155
1106	4	3	ALL				1	3	0	3
1107	4	0					4	0	0	0
1108	4	1	ALL				3	1	0	1
1110	10	10	76	75	3	1	0	43	1	44
1130	26	26	66				0	92	1	93
1131	26	26	46	45	6	3	0	35	0	35
1132	18	18	56	55	10	3	0	53	1	54

APPENDIX TABLE 1 (Cont.)

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
1133	18	18	56	55	8	2	0	37	2	39
1134	16	16	75				0	59	0	59
1135	16	16	56				0	34	2	36
8888	0	0					0	0	158	158
*** Total ***	4856	4535					320	8676	595	9271

APPENDIX TABLE 2

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B I S O N

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0403	15	15	90	85	29	6	0	248	11	259
0404	43	40	90	85	40	31	0	417	20	437
0406	12	12	70	65	6	4	0	45	4	49
0451	40	40	55	50	9	5	0	116	12	128
*** Total ***	107	107					0	826	47	873

APPENDIX TABLE 3

C A R I B O U

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0501	200	200	31	30	12	4	0	239	5	244
0510	350	170	10				184	171	9	180
0515	1800	1800	47	46	58	29	0	2718	92	2810
0530	140	134	15				6	134	8	142
0570	200	200	41				0	266	14	280
*** Total ***	2690	2504					190	3528	128	3656

APPENDIX TABLE 4

H T. G O A T

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	TIRU SCORE	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0831	2	2	75				0	10	0	10
0834	4	4	60	55	4	3	0	14	0	14
0835	4	4	30				0	6	0	6
0843	2	2	65				0	19	0	19
0855	4	4	57				0	14	1	15
0872	20	20	60	55	10	9	0	30	2	32
*** Total ***	36	36					0	93	3	96

APPENDIX TABLE 5
M O O S E

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0901	15	15	70				0	130	12	170
0910	20	20	66				0	87	4	91
0911	40	40	66	65	21	10	0	209	10	219
0913W	200	200	71	70	57	11	0	506	16	522
0919	200	200	71	70	46	10	0	658	26	684
0920	200	200	71	70	56	22	0	637	29	666
0923	50	50	80	75	24	23	0	110	6	116
0925	15	15	66				0	35	3	38
0927	20	20	60				0	42	2	44
0928	15	15	80	75	4	2	0	51	2	53
0931	14	14	66				0	61	2	63
0933	6	6	61				0	21	5	26
0935	12	12	61	60	5	3	0	54	6	60
0937	8	8	70	65	11	2	0	42	3	45
0939	10	10	66				0	65	5	70
0959	45	45	66	6	4	1	0	69	12	81
0961	200	173	5				27	173	25	198
0967	20	20	71	70	5	1	0	74	7	81
0968	21	21	75				0	95	11	106
0974	75	59	10				16	59	3	62
0975	125	92	25				33	92	7	99
0978	30	30	50	50	8	ALTS	0	41	3	44
0981	75	56	10				12	57	5	62
0982	75	43	20				34	43	5	48
0985	60	60	42	40	2	1	0	68	3	71

APPENDIX TABLE 5 (Cont.)

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M O O S E

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	TIRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0994	60	60	30				0	60	26	86
*** Total ***	1611	1484					122	3567	238	3805

APPENDIX TABLE 6

S H E E P

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
1102	120	120	36	35	12	2	0	155	9	164
1103	150	150	ALL				0	150	5	155
1106	4	3	ALL				1	3	0	3
1107	4	0					4	0	0	0
1108	4	1	ALL				3	1	0	1
1110	10	10	76	75	3	1	0	43	1	44
1130	26	26	66				0	92	1	93
1131	26	26	46	45	6	3	0	35	0	35
1132	18	18	56	55	10	3	0	53	1	54
1133	18	18	56	55	8	2	0	37	2	39
1134	16	16	75				0	59	0	59
1135	16	16	56				0	34	2	36
*** Total ***	412	404					8	662	21	683

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman
Senator Jay Kerttula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Hallford
Senator Athiss Sturgulewski
Senator Fred Zharoff



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

March 15, 1990

The Honorable Don Collinsworth
Commissioner of Fish and Game
P.O. Box 3-2000
Juneau, AK 99802

Dear Commissioner Collinsworth:

As you know, the Senate Resources Committee is currently exploring possible solutions to the subsistence issue. I have held several hearings in order to brief members on what options the administration has pursued and to provide an historical perspective in regard to subsistence at both the state and federal levels.

In order to more fully understand the issue, it would be useful if you could illustrate for the committee the current level of subsistence use and what you envision as potential conflicts between subsistence use and sport or commercial use. In that regard it would be helpful if you could provide an enumeration of each subsistence hunt or fishery in the state, and the rationale the board used to determine the need for the subsistence use. Has the subsistence priority has ever been invoked, and if so, when? For example, are resident sport hunters or other classes of hunters precluded from some hunts as a result of the state's subsistence law? To what extent do you anticipate the enlarged class of subsistence users under McDowell to impact hunting and fishing? What specific restrictions, if any, apply to subsistence users under methods and means? For example, are subsistence users restricted from using aircraft or motorized vehicles while subsistence hunting or fishing?

I would like your suggestions for a definition of "rural" that, if placed in state statute or federal law, would resolve some or all of the legal issues in reference to litigation such as the Kenaitze case, the Sitka suit, and McDowell's continuation of his suit challenging federal constitutionality of the subsistence law.

The administration has provided the Senate Resources Committee with a list of nine subsistence options. It would be helpful to us to have a list of actions that would be necessary to carry out each option.

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March 15, 1990

I believe that in order to find solutions to the subsistence issue it is necessary for the legislature to understand the level of subsistence, actions that the board has taken to date, and what potential problems you anticipate occurring. I appreciate your attention to this matter.

Sincerely,

Bettye Fahrenkamp
Bettye Fahrenkamp
Chairman

BF:res/np

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Attorneys for the Plaintiffs

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ALASKA AT FAIRBANKS

SAM E. McDOWELL; ISAAC WALTON LEAGUE;)
 JOHN ALSWORTH; MARY ALSWORTH;)
 KEN ALSWORTH, JR.; MARGARET CLUM;)
 ALASKA WATERFOWL ASSOCIATION;)
 ALASKA SPORTFISHING ASSOCIATION, INC.;)
 ALASKA FISH & WILDLIFE CONSERVATION)
 FUND; ALASKA FISH AND WILDLIFE)
 FEDERATION AND OUTDOOR COUNCIL, INC.;)
 KEN OWSICHEK; DALE BONDURANT;)
 WARREN OLSON; HAROLD EASTWOOD;)
 MATANUSKA VALLEY SPORTSMEN;)
 MUSKEG MUZZLELOADERS CLUB;)
 ALASKA BOWHUNTERS; JIM REARDON;)
 RUSS REDICK; LOREN CROXTON;)
 LOUIE BRUNNER; ALASKA PROFESSIONAL)
 SPORTSMENS ASSOCIATION;)
 STERLING EIDE; ALASKA GUN COLLECTORS)
 CLUB,)

Plaintiffs,

vs.

UNITED STATES OF AMERICA; UNITED STATES)
 DEPARTMENT OF THE INTERIOR; MANUEL J.)
 LUJAN JR., IN HIS OFFICIAL CAPACITY AS)
 SECRETARY OF THE INTERIOR,)

Defendants.

COMPLAINT FOR
 DECLARATORY AND
INJUNCTIVE RELIEF

Case No. 90-F- _____ Civil

LAW OFFICES OF
ROSS, GINGRAS, BAILEY & MINER
 A PROFESSIONAL CORPORATION
 1007 W. THIRD AVENUE, SUITE 204
 ANCHORAGE, ALASKA 99501
 TELEPHONE (907) 276-5307

Plaintiffs, SAM E. McDOWELL, ISAAC WALTON LEAGUE, JOHN ALSWORTH, MARY ALSWORTH, KEN ALSWORTH, JR., MARGARET CLUM, ALASKA WATERFOWL ASSOCIATION, ALASKA SPORTFISHING ASSOCIATION, INC., ALASKA FISH AND WILDLIFE CONSERVATION FUND, ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR COUNCIL, INC., KEN OWSICHEK, DALE BONDURANT, WARREN OLSON, HAROLD EASTWOOD, MATANUSKA VALLEY SPORTSMEN, MUSKEG MUZZLELOADERS CLUB, ALASKA BOWHUNTERS, JIM REARDON, RUSS REDICK, LOREN CROXTON, LOUIS BRUNNER, ALASKA PROFESSIONAL SPORTSMENS ASSOCIATION, STERLING EIDE and ALASKA GUN COLLECTORS CLUB, by and through their attorney of record, Cheri C. Jacobus, of Ross, Gingras, Bailey & Miner, a professional corporation, complain against the Defendants, UNITED STATES OF AMERICA, UNITED STATES DEPARTMENT OF THE INTERIOR, and MANUEL J. LUJAN JR., in his official capacity as Secretary of the Interior as follows:

JURISDICTION

1. This case presents a claim arising under the Constitution, laws and treaties of the United States, of which this court has jurisdiction of this case under 28 U.S.C. 1331 (General Federal Question Jurisdiction).

DESCRIPTION OF THE PLAINTIFFS

2. Plaintiff SAM E. McDOWELL has resided in Alaska since 1948. He has had a lifelong commitment to hunting and fishing. It is not a sport for him, and he and his family have always lived off of the fish and game of the State of Alaska. It

is, in fact, a way of life for them. Sam McDowell lives in Anchorage, and has been denied the opportunity to participate in subsistence on Federal lands as a direct result of the passage of Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2376 (hereinafter referred to as ANILCA).

3. The Plaintiff ISAAC WALTON LEAGUE is the oldest conservation organization in America, founded in 1922, with over 55,000 members nationwide, including members in rural Alaska. It is dedicated to the preservation, protection and management of fish, wildlife, and renewable natural resources in America, as well as to the protection and enhancement of America's waters, air, woods and environment. It and its members are dedicated to the conservation of all renewable resources.

4. Plaintiff JOHN ALSWORTH is an Aleut Indian, and a member of Bristol Bay Native Corporation, who was born in Anchorage, Alaska, and has lived in Alaska for all of his 38 years. He was raised at Lake Clark and has participated in subsistence harvesting all of his life. Plaintiff Alsworth has a cultural need to pass on the subsistence traditions of his family and as a Native American. He presently resides in Anchorage, Alaska.

5. Plaintiff MARY ALSWORTH is an Aleut Indian, and a member of Bristol Bay Native Corporation, who was born at Pilot Point in 1924. Plaintiff MARY ALSWORTH moved to Lake Clark in May 1942 and resided there until September 1977. Throughout all of

the years that she lived in Alaska, she participated in subsistence harvesting, and it is an important part of her cultural heritage. She owns property in Port Alsworth and the Lake Clark area. She is now residing in Kauai, Hawaii, and can no longer participate in subsistence harvesting in Alaska even on her own property. ANILCA penalized her for moving.

6. Plaintiff KEN ALSWORTH, JR. was born at Lake Clark in 1969 and is an Aleut Indian who is a member of the Bristol Bay Native Corporation. He lived in Lake Clark until 1985, and has since that time resided in Anchorage, Alaska. Like other Native Americans, subsistence harvesting is an important part of his cultural heritage and he has now found that he can no longer participate in subsistence harvesting when he returns to his birth place to visit with his relatives. He must stand idly by and watch members of his family continue this important cultural heritage if he wants to comply with the law.

7. Plaintiff MARGARET CLUM, is an Aleut Native who has lived in Alaska all of her 42 years, and is a member of Cook Inlet Native Association. Plaintiff CLUM has a cultural need to pass on the subsistence traditions in her family and as a Native American. Margaret CLUM owns nearly 80 acres of Native allotment within the Lake Clark National Park and Preserve and although she has participated in subsistence harvesting for nearly all of her life, because she lives in Anchorage, Alaska, she has been denied the right to participate in subsistence harvest even on her own Native

allotment land.

8. Plaintiff ALASKA WATERFOWL ASSOCIATION is a voluntary non-profit organization with approximately 200 regular members, including some rural members, dedicated to the conservation of waterfowl and primarily concerned with waterfowl management and waterfowl habitat. It is the seventh largest waterfowl association in the United States.

9. Plaintiff ALASKA SPORT FISHING ASSOCIATION, INC. has over 1,800 members made up of sport fishermen throughout Alaska, including rural Alaska, and internationally. The purpose of the Alaska Sport Fishing Association is to promote and support fishing in the State and oversee the governing bodies which make up the rules and regulations and, in particular, to ensure a sustained yield of the resources for the benefit of all users.

10. Plaintiff, ALASKA FISH AND WILDLIFE CONSERVATION FUND and its members, including rural Alaskans, are dedicated to the perpetuation of a renewable natural resource base that allows the sustained activities of its member groups and individuals. It is dedicated to the conservation of natural renewable resources of the State of Alaska.

11. Plaintiff ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR COUNCIL, INC. is a federation of Alaskan organizations and individuals who have an interest in outdoor activities and resources and believe in conservation, (i.e. the wise use of Alaska's natural resources). Their individual members include

individuals living in rural Alaska. The common bond of all council members is the desire to perpetuate the natural resource base that allows the sustained activities of its member groups. It places particular emphasis on the maintenance of Alaska's fish and wildlife resources and their uses, and continued access to public lands. It is committed to the maintenance of Alaska's fish and wildlife resources, preservation of critical wildlife habitat, assurance of access to, and use of public resources, perpetuation of the public's hunting, fishing, trapping and shooting rights, equality among public resource users, the support of professional, State management of Alaska's wildlife and other natural resources, dedication to continue public education on renewable resource management, and participation in regulatory, legislative, administrative, and judicial policy decision affecting Alaska's natural resources and their uses.

12. Plaintiff KEN OWSICHEK has been an Alaskan resident for 22 years. He is a resident of Port Alsworth, Alaska, votes there, and makes his livelihood there. He has been involved in subsistence harvesting the renewable resources of Alaska for 22 years. He recently applied to the United States Park Service for a subsistence permit to harvest firewood, a renewable resource, in Lake Clark National Park and Preserve.

13. Plaintiff DALE E. BONDURANT has resided in Alaska since 1951, and has hunted and fished all of his life. He began as a young boy on a farm in Ohio, and has passed this tradition

from generation to generation. He lives on the Kenai Peninsula at Cooper Landing, a small community of 346 individuals spread out over a large area. The closest store is 25 miles away. Plaintiff BONDURANT has a deep respect and lifelong commitment to the protection, promotion, enjoyment and the use of Alaska's fish and wildlife, for all people. He and his family have eaten and enjoyed Alaska's fish and game for almost 40 years. They have always shared the animals or fish taken. It is a way of life for him and his family. He eats fish or game 3 or 4 times a week and as a direct result of ANILCA, can no longer participate in subsistence, no matter what his circumstances, on Federal lands.

14. Plaintiff WARREN OLSON has been a resident of the State of Alaska for more than 30 years. He is the past President of the Alaska Outdoor Council and has been a member of the Anchorage Advisory Board for Fish and Game. He was a member of the State Commission on Oversight of Federal Lands. He has fed his family of two children from fish and game harvested through subsistence. He lives in Anchorage and has participated in the harvest of renewable resources from nearly all areas on a personal basis. He has been denied hunting use permit of the Wrangell St. Elias Park area, and as a result of ANILCA, can no longer participate in subsistence harvesting of renewable resources in the State of Alaska on Federal lands.

15. Plaintiff HAROLD EASTWOOD has lived in Alaska for more than 30 years and is retired. Plaintiff EASTWOOD formerly

held a "permanent" subsistence permit issued by the Department of the Interior to subsist in his local area, McKinley Park, Alaska. McKinley Park has no services, no schools, no year-round grocery stores, restaurants or police, no libraries, no medical clinics, and no maintained roads. In order to receive a Federal subsistence permit, Plaintiff EASTWOOD had to prove customary and traditional use. Plaintiff EASTWOOD lost his permit when the State of Alaska declared the area non-rural and the Department of the Interior accepted the State of Alaska's definition.

16. Plaintiff MATANUSKA VALLEY SPORTSMEN represents more than 100 members. It is one of the oldest sport organizations in the State of Alaska and a charter organizing organization of the Alaska Fish and Wildlife Federation and Outdoor Council, Inc.. The MATANUSKA VALLEY SPORTSMEN and its members are dedicated to protecting the sustained yield principle in order to support recreational activities such as hunting, fishing and trapping.

17. Plaintiff MUSKEG MUZZLELOADERS CLUB represents approximately 60 members dedicated to the perpetuation of black powder muzzleloaders for hunting and target shooting. Plaintiff MUSKEG MUZZLELOADERS CLUB and its members are dedicated to conserving the renewable resources in order to ensure that all Alaskans have an opportunity to participate in hunting.

18. Plaintiff ALASKA BOWHUNTERS represents over 1,000 sustaining and regular members, including rural Alaskans. The

Plaintiff ALASKA BOWHUNTERS is dedicated to fostering and perpetuating the fair chase hunting with bow and arrow and is the only sport hunting group which represents sport hunting in Alaska. The ALASKA BOWHUNTERS and its members are dedicated to the conservation of the renewable natural resources in order to ensure that there are sufficient resources available for all Alaskans.

19. Plaintiff JIM REARDON, is a conservationist. He is a wildlife biologist who has resided in the State of Alaska for 40 years. Plaintiff REARDON's wife is a member of Bristol Bay Native Corporation. He and his wife have fed their family of 8 children on Alaska's fish and game taken for subsistence. He is dedicated to the good scientific sound management of Alaska's renewable resources. Plaintiff REARDON was on the Alaska Board of Fish and Game and the Game Board for 12 years and organized the Department of Wildlife Management at the University of Alaska where he taught for four years. He is a recognized outdoor editor and contributor to several outdoor magazines.

20. Plaintiff RUSS REDICK has been a resident of Alaska for more than 25 years. He is a wildlife biologist who is the former South Central Director of the Alaska Division of Fish and Game and has been dedicated throughout his entire life to the preservation and conservation of renewable resources, in particular, fish and game. He has participated in subsistence harvesting of Alaska's resources for most of his 25 years in Alaska.

21. Plaintiff LOREN CROXTON has been a resident of the State of Alaska for more than 30 years, is a game biologist, and the former Game Division Director of the Alaska Department of Fish and Game. Plaintiff CROXTON has participated with his family in the harvest of renewable resources in Alaska.

22. Plaintiff LOUIE BRUNNER is the past President of Safari Club Alaska Chapter and past Commander at Galena Air Force Base. Plaintiff BRUNNER has participated in the harvest of renewable resources from nearly all areas in Alaska and is dedicated to the conservation of renewable resources. He has participated in numerous out-of-door clinics and is dedicated to the principle of the conservation of Alaska's wild renewable resources.

23. Plaintiff, ALASKA PROFESSIONAL SPORTSMENS ASSOCIATION is a Statewide professional organization which developed out of the Alaska Outfitters Association in 1989. Plaintiff Alaska Professional Sportsmens Association has a professional membership of over 200 and a supporting membership of over 1,500 members, including rural Alaskans. The main objective of ALASKA PROFESSIONAL SPORTSMENS ASSOCIATION is to support and advocate equal and open access for sportsmen and women to all public lands within the State of Alaska be they Federal or State. Specifically, the ALASKA PROFESSIONAL SPORTSMENS ASSOCIATION supports the wise use of natural renewable resources consistent with the sustained yield principles found in the Alaska State

Constitution. It is a broad based membership association representing not only professional guides and outfitters, but Alaskan sportsmen, air taxi operators, and boat transporters, fishing guides, lodges, equipment providers, meat processors and any persons who use the resources for recreation or make their living in professional outdoor sports. The ALASKA PROFESSIONAL SPORTSMENS ASSOCIATION supports the concept of the common use of all fish and wildlife and waters in the State of Alaska and believes in the principles of sustained use. It supports the concept that allocations of limited resources must be based on scientific principles and not economic or socio-political goals.

24. Plaintiff STERLING EIDE is a retired resident of the State of Alaska, having lived in Alaska for more than 20 years. He is a wildlife biologist and was the former regional supervisor for the South Central and the South Eastern division of the Alaska Department of Fish and Game. He has devoted his life to the conservation, protection, and enhancement of wildlife habitat. He and his family have participated in the harvest of Alaska's wild renewable resources.

25. Plaintiff ALASKA GUN COLLECTORS CLUB is a non-profit corporation, incorporated in Alaska in 1978, comprised of over 300 members who use the outdoors and the renewable resources of Alaska. It fosters and encourages the collection, study and protection of the right to use firearms and a significant number of its members use those firearms in harvesting the renewable

resources of Alaska on Federal lands. Many of the members are rural residents and many of its rural and non-rural members participate in subsistence activities.

ACTS OF THE DEFENDANTS

26. In 1980, the defendant UNITED STATES OF AMERICA enacted the Alaska National Interest Lands Conservation Act (Public Law 96-487, December 2, 1980, 94 Stat. 2376 (hereinafter referred to as ANILCA) and in particular passed Title VIII which created two classes of United States citizens, "rural" Alaskan residents and all other citizens of the United States. The defendants DEPARTMENT OF INTERIOR and MANUAL J. LUJAN have proposed interim regulations enforcing ANILCA which are proposed to become effective July 1, 1990.

ANILCA IMPROPERLY DISCRIMINATES AMONG CITIZENS

27. ANILCA creates a preference for the use of Federal public lands for non wasteful subsistence uses and requires those uses be accorded a priority over the taking of all fish and wildlife on those lands. ANILCA defines subsistence uses in terms of residency, namely, limiting it to rural Alaska residents, thereby depriving all other United States citizens of the right to participate in subsistence harvesting on Federal lands in Alaska, and giving priority to rural Alaskan residents for subsistence harvesting over any other use of the Federal lands. It is a fundamental right of all citizens to subsist on fish and wildlife resources. The allocation of the right to participate in

subsistence activities and harvest on Federal lands is limited to persons based on where they live, and specifically not on their need or dependence on the resource. This priority exists even when there is an abundance of fish and wildlife available for harvest.

28. Scientific studies have demonstrated that rural subsistence users are heavily dependent on a cash economy because the cost of subsistence activities largely depends on equipment and the amount of gasoline needed to reach various harvest areas. Most harvest activities are conducted from snow machines and outboard motor boats, expensive to purchase and maintain. Consequently, studies by the State of Alaska demonstrate that each rural individual's harvest activities reflect that individual's access to cash. (Final finding and decision of the director and ACMP consistency determination regarding oil and gas lease sale 50, Camden Bay, State of Alaska Department of Natural Resources, April 30, 1987, page 26-27). In addition, other studies demonstrate that rural subsistence users engage in the majority of their subsistence activities on the weekends and after work, or during vacation or leave time.

29. ANILCA Title VIII, passed by the United States Congress in 1980, created a special class of persons, namely rural Alaskan residents, entitled to take fish and game on Federal lands on a preferential basis, regardless of need or dependency. The creation of a subsistence priority and preference which depends

totally on domicile in a rural Alaska area violates the plaintiffs' Constitutional rights by creating a public law which operates unequally on all persons in like circumstances and by creating what is in essence a private law protecting a class of individuals in a way in which the same rights of other persons are not protected, in direct violation of the Fifth Amendment of the United States Constitution. Under the Fifth Amendment of the United States Constitution, not only must a statute embrace all persons in a like situation, but the classifications must be natural and reasonable, not arbitrary and capricious. The guarantees of the Fifth Amendment of the United States Constitution are violated by a statute which embodies a classification which is not based on some real and substantial distinction.

30. In addition, the classification created by ANILCA serves to penalize the exercise of each Plaintiff's fundamental right to move from one area of Alaska to another, and from rural Alaska to other states, by denying those choosing to leave a rural area the continued enjoyment of the use of the Federal public lands for subsistence harvesting activities.

31. With respect to the individual Plaintiffs, ANILCA violates their Constitutional right to due process of law guaranteed to them by the Fifth Amendment of the United States Constitution in that it treats people unequally by allocating fish, wildlife and other renewable resources solely on the basis

of rural Alaska residence and not based on any type of need. The individual plaintiffs are denied subsistence rights on Federal land because they are not in the favored class. That is an improper criterion for the granting of fishing and hunting priorities on Federal lands.

32. ANILCA, Title VIII, violates the Constitutional rights of some of the members of the organizational Plaintiffs because it serves to penalize the exercise of those rural residents' rights to move from one area to another within these United States, thus unduly burdening their Constitutional right to travel freely throughout these Unites States.

ANILCA VIOLATES THE DUE PROCESS GUARANTEES OF THE FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION IN THAT VARIOUS TERMS WITHIN ANILCA ARE UNCONSTITUTIONALLY VAGUE AND THEREFORE VOID FOR VAGUENESS

33. Each of the individual Plaintiffs and the members of the organizational Plaintiffs are subject to criminal penalties for participating in subsistence harvests of non-renewable resources, including but not limited to, fish and wildlife on Federal lands. Title VIII of ANILCA is unconstitutionally vague in several aspects. The following terms are void for vagueness, "subsistence", "customary and traditional", "continued viability of all wild renewable resources in Alaska", "barter", "customary trade" and the term "rural".

34. It is a general principle of statutory law that a statute must be definite to be valid. ANILCA is so vague as to

violate the due process clause of the Fifth Amendment of the United States Constitution, because its language does not convey sufficiently definite warning with respect to what is prohibited, and its language is such that men and women of common intelligence must necessarily guess as to its meaning as demonstrated by the numerous court decisions since ANILCA was passed. Because it is so vague, it is impossible for a person exercising ordinary common sense to sufficiently understand it and comply with it in order to avoid criminal penalties.

PASAGE OF TITLE VIII OF ANILCA VIOLATED THE STATEHOOD ACT,
THE EQUAL FOOTING DOCTRINE AND THE ELEVENTH AMENDMENT
OF THE UNITED STATES CONSTITUTION

35. The Alaska Statehood Act, PL 85-508 (72 Stat. 339) became effective on July 7, 1958, and proclaimed the State of Alaska to be a State of the United States, admitted into the union on an "equal footing with the other states in all respects whatever". The Alaska Constitution was approved by Congress on July 7, 1958 (72 Stat. 339) and was accepted, ratified and confirmed by the people of Alaska in an election held April 24, 1956. The Alaska Constitution, which was approved by the United States Congress, included Article Eight, §§ 2, 3, 4, 16 and 17, which specifically guaranteed to the people of the State of Alaska the common use of the renewable natural resources and prohibits the State Government from granting exclusive rights in any of the renewable natural resources to any one group of people. Title VIII of ANILCA forces the State of Alaska into violating its own

State Constitution, a State Constitution which was specifically approved by the United States Congress in 1956, by threatening Federal takeover of subsistence uses on Federal lands if the State does not create an exclusive priority to the fish and game of the State of Alaska for persons based solely on their residency. In fact, in hearings before the Alaska State legislature in 1986, the Defendant Department of Interior, through Undersecretary William Horn, specifically threatened the Alaska State legislature with a takeover of fish and game management if they did not pass legislation specifically granting exclusive hunting and fishing rights to people based solely on where they lived. Undersecretary Bill Horn testified that the Alaska State legislature was not permitted to grant a subsistence priority on the basis of direct dependence or need. He also stated that the Department of Interior recognized that this would mean that the State would be required to provide subsistence priorities to people who in fact did not depend on the resource, and at the same time deny access to those who in fact did depend on access to the resource.

36. On December 22, 1989, the Alaska State Supreme Court in McDowell v. State of Alaska, 785 P.2d 1 (Alaska 1989), ruled that the Alaska 1986 subsistence law was unconstitutional as violating several provisions of the Alaska State Constitution, namely Article VIII, §§ 3, 15, and 17. The United States Department of Interior has now proposed interim regulations to take over subsistence regulation on Federal lands. This

threatened takeover of subsistence on Federal lands directly affects all of the plaintiffs, both individual and organizational.

37. Section 807 of ANILCA, which grants aggrieved rural subsistence users the right to directly sue the State of Alaska in Federal District Court, violates the Eleventh Amendment of the United States Constitution, the Statehood Act, and the Equal Footing Doctrine. It directly affects each Plaintiff organization and those individual Plaintiffs directly involved in or concerned about the protection and conservation of fish, wildlife and other non-renewable resources because this provision (§ 807 of ANILCA) directly interferes with overall fish and wildlife management plans designed to protect and conserve particular wildlife, and, possibly, fish populations. Most recently, in Kwethluk IRA Counsel v. State of Alaska, A90-107 (U.S. D.C. Alaska), the Federal District Court issued a preliminary injunction specifically overruling the Alaska Board of Fish and Game and directing the State of Alaska to allow the Kwethluk people to hunt immediately and to issue them 50 special caribou permits to hunt a particular caribou herd, namely the Killbuck herd. Judge Holland ruled in the preliminary injunction that the Board's attempt to ban hunting of the Killbuck herd on the basis of the "sustained yield" principle found in the Alaska State Constitution was arbitrary and capricious because the words "sustained yield" were vague and subject to arbitrary and capricious definitions. That decision demonstrates that every decision of the Alaska Fish

Boards and Game Boards made on the basis of a sustained yield principle (a biological principle) is subject to attack and injunctive relief by aggrieved subsistence users. In essence, every fish and game management decision which is based on a biological decision is subject to a reversal by the U.S. District Court of Alaska.

38. The case, itself, involved few animals. It was filed after the Board of Game in March, 1990, rejected an emergency petition from Kwethluk for an immediate, limited subsistence hunt of the Killbuck Mountain caribou herd. All hunting of the Killbuck herd had been suspended since 1985, because the herd had decreased to less than 100 animals. Based on the information before it, the Board of Game found that all hunting should remain suspended in order that the herd might further increase. Significantly, the Association of Village Council Presidents (Kwethluk is a member) had recently passed a resolution in favor of keeping the closure in effect for several more years rather than opening it up in 1990. The U.S. Fish and Wildlife representative agreed with the Board's decision. The Board of Game also found that another caribou herd (the Mulchatna herd) was close enough to meet the subsistence needs of the Kwethluk people, and the Kwethluk people had previously identified the herd as a traditional hunting area. Now, the Kwethluk people asserted that it was less convenient. The Motion for Preliminary Injunction was filed on March 30, 1990. Judge Holland overruled

the Board and issued a preliminary injunction on April 4, 1990, directing the State of Alaska to allow the Kwethluk people to hunt immediately and to issue them 50 special caribou permits to hunt the Killbuck herd. This case clearly demonstrates that with Federal Court direct intervention in management decisions, there is no longer any overall management of the game populations in the State of Alaska on Federal lands. Since game animals migrate from one land to another, this decision also impacts on the State game populations that may migrate onto Federal lands. Such case by case decisions directly and adversely impact on fish and game populations in the State of Alaska. These decisions specifically hurt the Plaintiff organizations and individual Plaintiffs who are directly involved or concerned with the protection and conservation of the fish and wildlife resources in the State of Alaska.

CLAIMS SPECIFIC TO THE ISAAC WALTON LEAGUE, THE ALASKA WATERFOWL ASSOCIATION, THE ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR COUNCIL AND THE ALASKA FISH AND WILDLIFE CONSERVATION FUND

39. The common purpose of the Plaintiffs, ISAAC WALTON LEAGUE, THE ALASKA WATERFOWL ASSOCIATION, THE ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR COUNCIL AND THE ALASKA FISH AND WILDLIFE CONSERVATION FUND, is to perpetuate the natural renewable resource base that allows the sustained activities of its member groups and individuals. In particular, each of these Plaintiffs promote fish and wildlife conservation and scientific fish and wildlife management practices. The Plaintiff ALASKA WATERFOWL

ASSOCIATION's primary concern is for waterfowl management and the management of waterfowl habitat with an emphasis on the conservation of waterfowl. The Plaintiff ISAAC WALTON LEAGUE is the nation's oldest conservation organization and is specifically concerned about the conservation of fish and wildlife and waterfowl as well as other renewable resources.

40. Great Britain (acting on behalf of Canada) entered into the Convention for the Protection of Migratory Birds in 1916. This Convention applies to the taking of migratory waterfowl on Federal lands. (39 Stat. 1702 (1916)) Likewise, the Migratory Bird Treaty Act applies to the taking of migratory waterfowl in the State of Alaska on Federal Lands. Section 807 of ANILCA, as applied, contravenes the Convention and the Treaty Act, because of the fact that any aggrieved subsistence user can, pursuant to § 807 of ANILCA, immediately go to the Federal District Court, and possibly receive a preliminary injunction, the overall wildlife management plans of either the State of Alaska or the Federal Government, with respect to the protection of migratory waterfowl, are in jeopardy. The Plaintiff organizations and its members are harmed by the implications of § 807 because the members use these Federal lands and participate in and support the conservation of waterfowl and waterfowl habitat.

CERTAIN INDIVIDUAL PLAINTIFFS ARE ENTITLED TO ADMINISTRATIVE RELIEF PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT

41. Plaintiff KEN OWSICHEK, SAM McDOWELL, WARREN OLSON,

DALE BONDURANT, MARGARET CLUM, JOHN ALSWORTH AND HAROLD EASTWOOD have all either been denied a Federal permit for subsistence uses by the DEPARTMENT OF INTERIOR or the National Park Service, a part of the DEPARTMENT OF INTERIOR. Plaintiff HAROLD EASTWOOD had a "permanent" Federal Subsistence Permit to use in McKinley National Park for subsistence purposes. The National Park Service revoked his permit when the State of Alaska determined the area to be non-rural. Plaintiff KEN OWSICHEK was turned down for a subsistence use permit on May 31, 1990, on the basis that he was not a rural resident. Plaintiffs SAM McDOWELL, DALE BONDURANT and WARREN OLSON have all been rejected for subsistence use permits by the Park Service. Plaintiff MARGARET CLUM has been denied the right to subsistence activities on the 80 acres of Native Allotment land which she owns in the Lake Clark National Park. Each of these Plaintiffs should have been granted the requested permits.

THE EFFECT OF ANILCA IS TO FORCE THE STATE OF ALASKA
TO ABRIDGE THE PRIVILEGES & IMMUNITIES CLAUSE

42. Article IV, § 2, the Comity Clause, of the United States Constitution, provides that citizens of each state are entitled to all the Privileges and Immunities of the citizens in the several states. No state may discriminate in favor of its own citizens where the discrimination concerns an essential activity or basic right. ANILCA forces the State of Alaska to violate this important constitutional provision by forcing it to adopt a subsistence law which divides people into two arbitrary groups,

the rural Alaskan subsistence user and all other subsistence users. Only those subsistence users who lived in an area in Alaska identified as "rural" would continue to be able to engage in the essential and basic activity of subsisting.

43. While the Alaska Supreme Court struck down the 1986 State subsistence law in the McDowell decision, the State of Alaska Legislature is presently going into special session to consider either a change to the State Constitution or another state law which would discriminate against the Plaintiff MARY ALSWORTH, an Alaskan Native, a member of the Bristol Bay Native Corporation, by again limiting subsistence uses to rural Alaskans on state land or private land. MARY ALSWORTH is a resident of the State of Hawaii and still owns property in rural Alaska, yet she would be denied the right to subsist on her own property.

WHEREFORE, the Plaintiffs request that this court:

1. Declare the Title VIII of the Alaska National Interest Lands Conservation Act of 1980 unconstitutional and therefore invalid;
2. Declare that any discrimination among subsistence users based on domicile alone be declared unconstitutional;
3. Declare that the provisions of Title VIII of Alaska National Interest Lands Conservation Act are unconstitutionally vague and violate the Due Process clause of the United States Constitution;
4. Grant the Plaintiffs appropriate injunctive relief

against the enforcement of Title VIII of ANILCA;

5. Order the issuance of the various permits referred to in this Complaint;

6. Grant the Plaintiffs their full costs and attorneys fees for maintaining this public interest litigation; and

7. Grant the Plaintiffs such other and further relief as the court deems proper.

DATED at Anchorage, Alaska this 22nd day of June, 1990.

ROSS, GINGRAS, BAILEY & MINER
A Professional Corporation

BY: Cheri C. Jacobus
CHERI C. JACOBUS
Attorneys for Plaintiffs

Bettye - Please distribute
Bert - Please distribute

April 10, 1990

MEMORANDUM

TO: Interior Delegation

c/o Bert Sharp

FROM: Samantha Castle
Chair, Board of Game

RE: Wildlife legislation

I just spent over three weeks dealing with wildlife issues in this state, over 450 proposals. Thousands of state dollars were spent flying advisory committees into Anchorage and thousands of personal dollars were spent by affected users who are not members of advisory committees. I believe wildlife issues are fully discussed. Hours of wrangling, compromising, agonizing debate usually occur. I think the Board of Fish and Game members do an excellent job, especially when you consider that we do it out of concern for the resource and the allocation process for affected people. Obviously we do not do it for money. This past month cost me several thousand dollars in loss of income and actual per diem expenses.

Also obvious to me is that I should have spent the time and money on vacation in Mexico. Everyone is a biologist lately. Federal court judges and legislators know a hell of a lot more than professionals and lay people who really care about each of the issues you make decisions on.

I've heard from one of you this session. Bert Sharp called about the bill which would increase reimbursement amounts for Board members. As to wildlife questions or background, not a word. In your collective wisdoms, though, I see that the moose farming bill, bear baiting bill, aviculture bill and goat bill are well on their way to becoming law.

You may not do any great resource harm by passing these bills, probably. But I tell you that the spectre of seeing a moose chained to a gas pump to attract people to buy gasoline is totally repulsive to me. I just saw a moose who is too weak to move from the Willow grocery store porch, surrounded by hay which has no nutritional value to moose, and a sign out front which advertises "moose rides, \$2.00". I am sickened by people degrading moose in that way. I am furious that you would spend your valuable time writing a statute specifically for one person who may have the financial resources to engage in such a scheme and two who don't. How in the hell are you going to get the "right" moose into an orphanage or off the railway tracks. The whole concept is too

bizarre and expensive to even seriously consider. This is obviously another example of zealots having access to the Legislature but the rest of us common, average folk who have great faith that you will make wise, statesmen-like choices, being too quiet and trusting. Maybe I have followed Bettye's campagne too closely.

By the way, a couple of years ago you passed an elk bill for Mr. Columbo. He hasn't raised those yet, either. No one has even applied for a permit. What has this guy got on you all? Certainly not overwhelming public sentiment.

Bear baiting -- I will tell you again. There is no biological reason for you to consider a statewide ban. The Board of Game has written regulations twice in the past two years to restrict this activity in places where it is inappropriate. Frankly, I'm very tired of the issue, so go for it. I don't like baiting either, but I could not in good conscience and fair dealing, restrict an activity that is entirely emotional in its' arguments. Bear baiting is a good management tool and part of a long term management program. It is not a casual or random activity. We have more black bears than ever before, so obviously the plan has been working. If your considerations are on the ethics of the activity, I suggest you spend your time on ethics dealing with the package before you for your Legislative members. That's probably more important and will affect more Alaskans.

Aviculture -- now we are down to two affected users. These people want to sell their progeny. Hundreds of people have disagreed with them over a five year period. But don't let that stop you. Maybe we can put pen reared ptarmigan next to the moose chained to the gas pump.

If I sound bitter about commercialization of wildlife, I am. I have travelled all over the world and witnessed reptile farms and other game ranches fail. I have talked with owners of these facilities and professionals who have had to clean up the messes after a few years of wildlife in private ownership. After the novelty wears off or the dollars run out, it becomes a state problem. Even in Texas and Africa, they are deciding there is a better way. Why do we have to reinvent the wheel in Alaska?

The goat bill. The Board of Game has an unwritten rule about writing the same regulations year after year in a seesaw manner. We just don't do it. We try to give a regulation a couple or more years to work to see if the rationale was correct. Last session, you decided a guide was required. This year, you will probably decide that it isn't. By the way, the Legislature spent hundreds of thousands of dollars on the guide task force which presented last year's bill. Mr. Duncan is responding to one or two constituents who had ample opportunity to respond in public testimony last year.

Do I sound discouraged and somewhat cynical? Yes, I

believe you have capable bodies to work on wildlife issues. Apparently you choose to write garbage bear bills, cow moose bills, bear baiting bills and dabbling in other ways and obviously you do not care to ask those of us who spend most of our days and nights dealing with these same issues. Am I offended that one or two people can by-pass the system and get legislation through you after they have been turned down in the normal process. Of course!

I have asked the Division of Boards staff to deliver to each of you a copy of the proposal book for this year. You are welcome to work on those issues as well as these you are dabbling in. I think I will go to Mexico.

**Water
Resources
Board**

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

WATER RESOURCES BOARD

STEVE COWPER, GOVERNOR

3601 C STREET
P.O. BOX 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 561-2020

January 30, 1990

Nancy Peterson
Office of Senator Bettye Fahrenkamp
P.O. Box V
Juneau, Alaska 99811

Dear Ms. Peterson:

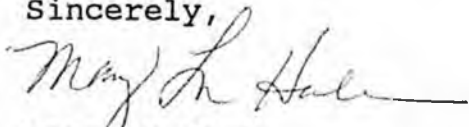
As we discussed on the phone, the Water Resources Board would like to meet with the Senate Resources Committee as part of its semi-annual meeting in Juneau on March 13-15, 1990. The Water Resources Board is a seven member citizen advisory board established under the Alaska Water Use Act, AS 46.15, to advise the governor on all water-related matters. Because the Board is made up of private citizens, it is a good forum to provide public input in public policy formulation. Enclosed is a list of Water Board members and some background information about the Water Board.

The Board has been meeting with the Senate Resources Committee for a number of years and looks forward to the opportunity to do so again this year. Topics the Board will likely want to discuss include pending water resources legislation, groundwater contamination issues in the Kenai area, and recommendations for funding water resources programs in the Departments of Natural Resources and Environmental Conservation.

As we discussed, the afternoon of March 14, 1990 would be a good time on the Board's agenda to meet with the Senate Resources Committee. Another option would be to meet jointly with both the Senate and House Resources Committees during that afternoon. I will keep in touch with you as the meeting draws closer to finalize the time and arrangements.

Thanks for your help in setting up this meeting. If you need further information, please call me at 762-2263.

Sincerely,



Mary Lu Harle
Water Resources Board Coordinator

cc: Peg Tileston
Gary Gustafson

Alaska Water Resources Board

Established pursuant to AS 46.15.190-240

January 1990

Margaret B. (Peg) Tileston
Chairwoman
4780 Cambridge Way
Anchorage, AK 99503
Work: 563-4375
Home: 561-0540
Term ends: 2/21/92
Occupation: Researcher and
Writer

Thomas E. Meacham
Vice-Chairman
810 N Street
Anchorage, AK 99501
Work: 276-6100
Home: 346-2981
Term ends: 2/21/90
Occupation: Attorney

Lauri J. Adams
325 Fourth Street
Juneau, AK 99801
Work: 586-2751
Home: 586-3872
Term ends: 2/21/93
Occupation: Attorney

Stosh Anderson
P.O. Box 310
Kodiak AK 99615
Home: 486-3673
Term ends: 2/21/93
Occupation: Commercial
Fisherman

Alan "Mike" Neimeyer
503 East Sixth Avenue
Anchorage, AK 99501
Work: 279-5516
Home: 272-3948
Term ends: 2/21/93
Occupation: Land Analyst-
Calista

Keith E. Tryck
P.O. Box 310
Girdwood, AK 99587
Work: 277-2204
Home: 783-2666
Term ends: 2/21/92
Occupation: Miner

Wayne Westberg
P.O. Box 110378
Anchorage, AK 99511
Office: 345-4000
Term ends: 2/21/93
Occupation: Well driller

Lennie Gorsuch
Commissioner
Department of Natural Resources
400 Willoughby Avenue
Juneau, AK 99801
Office: 465-2400
(executive secretary)

Dennis D. Kelso
Commissioner
Department of Environmental
Conservation
Box O
Juneau, AK 99811-1800
Office: 465-2600
(ex-officio member)

ALASKA WATER RESOURCES BOARD

The Alaska Water Resources Board was created by Article 3 of AS 46.15, the Water Use Act of 1966. This seven member citizen Board serves as an advisory group to the Governor on all matters relating to the use and appropriation of water in the State of Alaska. The Commissioner of Environmental Conservation is an ex-officio member and the Commissioner of Natural Resources is the executive secretary and provides staff to the Board. Members are appointed by the Governor, subject to confirmation by the Legislature. Board members represent a geographic diversity and a variety of occupations and professions associated with water resources. A list of current members is attached.

The Board is charged by AS 46.15.220 to hold at least two meetings per year, with one of these meetings being held in the State capital. The Water Resources Board functioned as an active group from the Water Use Act's passage until 1975. The Board did not meet in 1976 and 1977. In late 1977, a concerted effort was made to re-establish the Board as a citizen advisory group to provide input on an increasingly complex array of water resources issues facing the State, and the Board began meeting again in May 1978. Due to lack of funds, the Board did not meet from April 1982 to July 1983. In August 1983, sparked by the interest of the new Sheffield administration, the Board held a meeting in Anchorage and funding for the Board for FY'85 was requested. The Board has continued to meet twice a year.

The Water Resources Board covers a wide range of topics at its meetings. In general, a presentation on a topic is given by an agency, industry or interest group representative, or member of the public followed by a discussion of the topic by the Board members. Action taken by the Board is usually in the form of a resolution to the governor, but the Board may also send a resolution or letter to the appropriate agency or informally discuss problems with agency representatives.

The required annual Juneau meeting is held in the spring when a principal activity of the Board is to review pending or proposed legislation affecting water resources. The Board also meets with the Governor and appropriate Legislative Committees during the Juneau meeting. The Board attempts to hold the other meetings in different parts of the state to discuss regional water issues and to afford residents of all areas an opportunity to voice their water resources concerns to the Board.

The Board has been particularly supportive of water resources legislation, including amendments to the Alaska Water Use Act for reservations of water for instream uses, basin-wide water rights adjudications, and housekeeping amendments to improve water rights adjudication. The Board has also been supportive of dam safety legislation. The Board strongly encouraged and supports state participation in the Western States Water Council. The Board has taken a keen interest in the state's water quality programs and water quality standards. Most recently, the Board has concentrated on evaluating the effects of declining budgets on the state's water resources-related programs.

Quoted in *G & A Contractors, Inc. v. Alaska Greenhouses, Inc.*, Sup. Ct. Op. No. 987 (File No. 1763), 517 P.2d 1379 (1974).

Sec. 46.15.185. Appeals. Appeals to the superior court under this chapter are subject to the provisions of the Administrative Procedure Act, AS 44.62.560 — 44.62.570. (§ 1 ch 50 SLA 1966)

Article 3. Water Resources Board.

Section	Section
190. The Water Resources Board	220. Board meetings
200. Term of office	230. Public meetings
210. Duties of the board	240. Compensation of board members

Sec. 46.15.190. The Water Resources Board. There is created the Water Resources Board composed of seven members having a general knowledge of the use and requirements for use of the waters of the state and the conservation and protection thereof, and the commissioner of environmental conservation or his designee shall serve as an additional, ex officio member serving without a vote. The commissioner of natural resources shall act as the executive secretary of the board, and shall provide clerical staff for the board. Members of the board are appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. (§ 1 ch 50 SLA 1966; am § 1 ch 58 SLA 1972)

Sec. 46.15.200. Term of office. The term of office for members of the board is four years. The first members appointed serve as follows: two members serve for one year, three for two years and two for three years. If a vacancy occurs, the governor shall fill it by appointment for the unexpired term. The appointment shall be submitted to the legislature for confirmation at the next regular or special session. (§ 1 ch 50 SLA 1966)

Sec. 46.15.210. Duties of the board. The board shall inform and advise the governor on all matters relating to the use and appropriation of water in the state, including, but not limited to: the effect and adequacy of all state laws and regulations governing the establishment of water rights, the multi-purpose uses of water, the prevention of pollution and the protection of fish and game, studies of the state's water supplies and plans for future requirements, development of water resources, participation of local governmental units in the management of water resources, lands which are or may be needed for dams, reservoirs, flood dams, flood ways, canals or ditches for the impoundment, storage, flow and control of waters. (§ 1 ch 50 SLA 1966)

Sec. 46.15.220. Board meetings. The board shall hold one regular meeting annually at the state capital and one or more additional meetings at the time and place in the state the board selects for the

transaction of business. (§ 1 ch 50 SLA 1966)

Sec. 46.15.230. Public meetings. The board may hold and conduct public meetings at any time or any place in the state in order to obtain public opinion on a water use problem or proposal and it may, by majority vote of all members, formally or informally delivered, authorize one or more of its members to hold and conduct a public meeting. (§ 1 ch 50 SLA 1966)

Sec. 46.15.240. Compensation of board members. Each member of the board is entitled to travel expenses and per diem as authorized for state boards by AS 39.20.180 while traveling to or from, or in attendance at, regular or special meetings or conferences authorized by the board. (§ 1 ch 50 SLA 1966)

Article 4. General Provisions.

Section
250. Enforcement authority
260. Definitions
270. Short title

Sec. 46.15.250. Enforcement authority. The following persons are peace officers of the state and they shall enforce this chapter:

- (1) a state employee authorized by the commissioner;
- (2) a police officer of the state. (§ 1 ch 50 SLA 1966)

Sec. 46.15.260. Definitions. In this chapter, unless the context otherwise requires,

(1) "appropriate" means to divert, impound, or withdraw a quantity of water from a source of water, for a beneficial use or to reserve water in accordance with AS 46.15.145;

(2) "appropriation" means 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;

(3) "beneficial use" means a use of water for the benefit of the appropriator, other persons or the public, that is reasonable and consistent with the public interest, including, but not limited to, 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;

(4) "source of water" means a substantial quantity of water capable of being put to beneficial use;

(5) "water" means all water of the state, surface and subsurface, occurring in a natural state, except mineral and medicinal water;

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

(7) "director" means the director of the division of lands, Department of Natural Resources;

MEETING SUMMARY
ALASKA WATER RESOURCES BOARD
Soldotna, Alaska
October 23-24, 1989

Board members in attendance:

Peg Tileston, Chairwoman, Anchorage
Tom Meacham, Vice-chair, Anchorage
Lauri Adams, Juneau
Stosh Anderson, Levelock
Mike Neimeyer, Anchorage
Keith Tryck, Girdwood
Wayne Westberg, Anchorage

Peg Tileston, Chairwoman, called the meeting to order.

Rod Swope, Deputy Commissioner, Department of Natural Resources (DNR), opened DNR's agency report by emphasizing the importance of the Board and expressing the commitment of the Commissioner's Office to participate in Board meetings. He then presented a budget update, noting that the Division of Land and Water Management (DLWM) FY 90 appropriation for water rights adjudication is \$524,700. New increased fee regulations for water rights became effective in August and the Legislature has approved up to \$50,000 of these fees to be used by this project for increased field work, computer capabilities, and public information materials. The proposed FY 91 budget for this project includes an increment for instream flow adjudication (\$101,000). For FY 90, \$72,000 was appropriated for dam safety. Dam safety regulations, including new fees, became effective in August and the Legislature has approved up to \$50,000 of these fees to be used for this project. DNR also expects to receive \$10,000 from the Corps of Engineers to update the dam safety inventory. In the Division of Geological and Geophysical Surveys (DGGS), \$810,000 was appropriated in general funds, and \$150,000 in interagency receipts and \$50,000 in federal receipts is expected. New FY 90 increments included the Taku Glacier investigation and North Kenai groundwater investigation. FY 91 increments include glacial hazards investigations and water resources inventory in ANWR.

Mr. Swope next discussed DNR's instream flow work. The water management regulation revisions, including instream flow regulations, have completed public review and are being revised. Last spring DNR testified at two House Resources Committee hearings on HB 210. During the interim, DNR has met with the Department of Fish and Game (DFG) and Representative Davidson and has written to other western states to gather their instream flow laws. Field work on three recreational rivers this summer included installing of two stream gages and numerous staff gages. The National Park Service assisted by conducting user and instream flow needs surveys

on the three rivers. The Bureau of Land Management (BLM) instream flow application for Beaver Creek Wild and Scenic River was granted and DNR staff assisted BLM hydrologists this summer to collect instream flow data on the Delta River. DLWM, with DGGS assistance, is currently adjudicating four instream flow applications.

Major recent dam safety projects include approval of large sedimentation dams for two placer mines, reconstruction of the Campbell Lake dam and preliminary review of the A-J Mine tailings dam. Work is ongoing to notify dam owners of the new regulations, upgrade the dam inventory and re-start the periodic dam safety inspection program under the new regulations.

Regarding resolutions from the last meeting, DGGS has begun planning for a groundwater quality data base and a large-scale test of interagency data systems is being conducted for the Sterling area. A North Kenai groundwater investigation was funded by the Legislature and DGGS is beginning that work. DNR appreciated the Board's support of its FY 90 budget request, and all the water programs were funded at maintenance level. The Fin Fish Task Force was funded and has been meeting; reports are due to the Legislature in December and January.

Questions and discussion followed on the Campbell Lake dam, state employee use of private aircraft, data collection and funding needs for recreational rivers, fiscal requirements related to HB 210, and glacier investigations.

Dennis Kelso, Commissioner, Department of Environmental Conservation (DEC), began with a summary of oil and hazardous spills actions. Work is underway to increase the safety of Prince William Sound and Cook Inlet tanker traffic. The Alyeska Contingency Plan is being reviewed along with all other contingency plans statewide. The Governor has asked the Coast Guard to improve navigational aids and tanker traffic control systems. The recommendations from the Glacier Bay spill in Cook Inlet have been implemented. More funding is needed for Cook Inlet investigations. Regarding the Exxon Valdez spill, winter work is underway evaluating and mapping beaches and staff is in Valdez continuing to work with local citizens.

On other topics, Commissioner Kelso reported that the drinking water regulations that include new federal requirements are out for public review. DEC received funding to begin a rural health and environment program to work on basic water, air, solid waste issues and oil and hazardous spill sites. He noted that Alaska natives are now included in the Clean Water Act. The Skagway lead cleanup is proceeding. Groundwater is not contaminated and the public water supply is not affected. Low levels of solvents are present in drinking water, but not lead. He described efforts to resolve the Cherrier, King, and Cherrier contaminated water system in

Girdwood and noted that certification is ongoing for the Alyeska Wastewater Ballast Treatment system. He noted that solid waste issues will need attention in the 1990's, especially for coastal communities affected by MARPOL.

Commissioner Kelso thanked the Board for its assistance with the FY 90 budget and noted that progress was made to increase funding. He reported that DEC is asking for one-third of its projected budget shortfall for FY 91 and listed a number of projects that need funding. He concluded by noting federal legislation is being considered including national wetlands "no net loss" legislation and both good and bad oil spill legislation.

Questions and discussion followed on funding for rural health, costs to the private sector for service station underground tank replacement, discussion of the Exxon Valdez oil spill, Alyeska's oil spill contingency plan, and oil spill contingency planning generally.

Jim Hayden, Kenai Cleanup Project Coordinator for DEC, described work on this project. This three year project began in 1988 and has five goals: (1) increase staff, (2) provide training for staff, (3) pre-qualify contractors in hazardous waste site investigation and expedite contracting, (4) contract for an inventory of all sites on the Kenai, and 5) write reports for all investigations. One hundred sites have been identified that need further reconnaissance investigations. A special council in the Governor's office is concentrating on compliance agreements and cost recovery of money spent on cleanup. DEC is involved in two types of actions in this program; cleanups, such as the Tesoro plant, and investigations as at Anchor Point, Scout Lake, and Sterling, among others. The main problem in the Kenai area is contamination of groundwater by petroleum and chlorinated hydrocarbons. Both of these contaminants will be regulated in the new drinking water regulations. Project accomplishments to date include the backlog of sites is under control, working relationships with industry have been established and a professional staff has been hired. Questions and discussion followed on information and data sharing between industry and state agencies, time required to complete cleanups, and deep injection wells.

Jim Munter, Division of Geological and Geophysical Surveys, DNR, described the Central Kenai Peninsula Project being conducted by DGGs. The project has three goals: (1) subregional hydro-geological evaluations combining new and historical data, (2) site specific technical assistance to DEC or the public, and (3) long-term data management of well logs, water use data, and water level data. FY 90 components include emphasis on Sterling and Nikiski, and area-wide data management. He reported that in the Sterling area, the Sterling Special Waste Site is in a recharge area and a

hydrologic divide and the geology is complex. Liquid waste has been disposed of at the site for ten years, but the type and amount of liquids is not documented. Monitoring shows low levels of contamination, but the nature and extent is not clear. There are several hundred wells in three directions around the site, but most are not directly adjacent to the site. He then reported that the Port Nikiski area is very industrialized and that the use of groundwater likely rivals that of the Anchorage area. There is abundant groundwater in three aquifers; the shallow unconfined aquifer, the upper confined aquifer, and the lower confined aquifer. He noted that water quality and water use are related. Questions and discussion followed on the need for coordinated and comprehensive data collection, the timeline for maps produced from the investigations, and the nature of the aquifers.

Dick Troeger, Planning Director for the Kenai Peninsula Borough discussed the borough's perspective on groundwater quality issues. The borough does not have land use regulations, such as zoning, and the borough is non-regulatory regarding water quality. A number of programs relate to groundwater contamination issues, such as the cooperative program with USGS to study water availability, permitting actions in the borough, and solid waste issues. Solid waste is the biggest present problem, and a plan is underway to study waste disposal. There are also some problems with underground storage tanks at school sites. The Public Works Department, the Planning Department and the Maintenance Department all work together to find solutions and reorganization is being looked at. The absence of land use regulations has caused problems with regard to waste disposal. There is an ordinance that can be used, but it is complaint driven. The assembly formed a task force to re-write the ordinance which would set up a permitting system and this is still underway. The borough has completed a draft of its coastal management plan which will give additional local control over environmental issues along the coast. The comprehensive plan for the borough is also being revised. He then listed several projects on borough property, including landfills, ground water sampling at schools and landfills, the Sterling Waste Site, and underground storage tanks. He described the operation and closure of the Sterling Special Waste Site. He also noted that twelve underground tanks have been removed and five were contaminated. A program is in place so that all the tanks will be inspected and in compliance by 1993. Questions and discussion followed on the land use ordinance, the Sterling Special Waste Site, and drilling mud disposal site selection.

John Hammelman, Unocal Chemicals Division, began by showing location maps of the industrial plant. Ammonia and uria were discovered in the groundwater and twelve monitoring wells were installed in 1974. Wells 5 and 8 are the most contaminated, but contamination levels are decreasing. The source of the contamination is thought to be early spills during the plant start-

up. In September, 1988 a workplan was completed and a contractor hired to conduct a new groundwater investigation. Eight new monitoring wells have been installed. Arsenic has also shown up with the other two contaminants, but it is unclear if the source is the soil or something else. Arsenic background levels are unknown at this time. Questions and discussion followed regarding the sharing of data, using Cabin Lake for drinking water, and the nature of the monitoring wells.

Roy Roberts, Unocal Oil and Gas, began by reviewing past and current practices. Wastes were initially put into evaporation pits but now two injection wells are used. Drill cuttings are now boxed and other wastes are now reduced and segregated, then recycled or sent Outside for disposal. Actions to prevent contamination or remediate contamination include reviewing files to find problems and sites, looking for disposal alternatives, doing assessments, and research. Recommendations for further efforts include cooperation between industry and the agencies, regulations that include public participation and that are performance based, and a new transfer and storage disposal facility. Questions and discussion centered on drill cuttings, assessments of reserve pits and the Poppy Lane gravel pit, groundwater contamination sites, disposal of wastes, and injection wells.

Damon King, Tesoro Alaska Petroleum Company, reported that benzene was discovered contaminating groundwater in well #2 in February, 1987. In March, 1987, a contractor was hired to find the source, which was found to be the oily water sewer recovery system. Well #2 is completed in the upper confined aquifer and more area is contaminated than first thought. Investigations now include property adjoining the industry site. In 1989 a second contamination plume was discovered and a recovery and remediation program to cleanup and treat the problem is underway. Improved prevention procedures have been instituted. Three million dollars have been spent so far with 115 exploratory, monitoring and recovery wells and test bores completed. Under an EPA order, five to seven million dollars are expected to be spent over the next five to seven years on clean up. Questions and discussion followed on the location of the contamination plumes, the quantity of recovered hydrocarbon, monitoring wells, cleanup of a recent jet fuel spill, and potable drinking water.

Tom Brooks, Marathon Oil Company, began with a historical overview. The company's first lease was in 1957 and operations now include four offshore platforms, two onshore facilities at Trading Bay and Granite Point to prepare gas for marketing, the Beaver Creek onshore production field in the Kenai Wildlife Refuge, 50% interest in the Kenai gas field, and work involved at the Poppy Lane gravel pit. The contamination prevention program includes proper waste

management, such as waste segregation, minimization, and recycling; facility inspections; and spill prevention and equipment surveys, including pipelines, tanks, and employee awareness. He next described pollution assessment and remediation. At the Beaver Creek field where there is hydrocarbon contamination, the soil has mostly been excavated. Two million dollars have been spent to date at the Poppy Lane gravel pit, which between 1965 and 1985 was used as a gravel pit, then a refuse dump and also to deposit Kenai gas field wastes. Soils assessment and groundwater investigations started in 1987 and 270 soil borings have been done. During 1988 and 1989 groundwater assessment work was done. Soil remediation is planned. Most groundwater samples show no hydrocarbons and only one offsite well (the Hardy well) shows contamination. He concluded by recommending that regulations and procedures developed in the 1980's be allowed to work. Questions and discussion followed on EPA testing, a waste disposal site on the West side of Cook Inlet, the injection well at Beaver Creek, incineration of soils, and the need for a work plan.

Fritz Krusen, Phillips Petroleum Company, described current operations. The company operates one offshore platform and exports liquid natural gas (LNG) to Japan. He described the process of liquefying natural gas for transport. He then reported that the company has three water wells, but uses only one of them. Well #1 produces 750 gallons of water per minute (gpm) and is completed into the upper confined aquifer. It is contaminated and is surrounded by five test wells, one of which is also contaminated. Well #2 is in the upper confined aquifer, but is not used. Well #3 is in the upper confined aquifer, produces 550 gpm and is used for potable water. Most of the water used in the LNG plant evaporates, but the remaining water is treated.

Jim Ives, ARCO Alaska, Inc., reported that the company operates the Swanson River oil and gas field, the Beluga Field and the King Salmon platform. The Swanson River field is on the Kenai National Wildlife Refuge; BLM manages the subsurface and the U.S. Fish and Wildlife Service (USFWS) manages the surface use. He described the wells and sewage treatment facility. Most pads have water wells for oil drilling needs that are shallow, generally less than 100 feet deep. There are four class two injection wells for water and non-hazardous wastes below 2,100 feet. Waste management techniques include minimization, recycling, and segregation. Hazardous wastes are shipped outside. No underground storage tanks are used; all of them have been removed and above ground tanks are used when needed. The PCB remediation is overseen by USFWS, BLM, EPA, and DEC. The contamination resulted from a 1972 explosion, and the contaminated material was subsequently used on roads. Excavation of soils began in 1987 and the soils are being incinerated. This cleanup will cost approximately \$40 million and is one of the largest in the country. In 1988, an old spill was detected and

mitigation plans are underway. There has been no contamination of production wells or contamination around the disposal site.

Public Comment Session

Vesta Leigh began by showing a schematic of the three area aquifers. She explained that there is no complete hydrology study for the Nikiski area, and that the 1981 report by Nelson of the U.S. Geological Survey (USGS) is the most comprehensive study. She noted that most private wells are in the upper unconfined aquifer and that most industry and city wells are in the upper confined aquifer, with a few in the lower confined aquifer. She further noted that the upper unconfined aquifer is connected to Beaver Creek, which is used by the city for public water supply. She concluded by urging that the area be included in the USGS basin studies, and that a hydrology study for the area is needed.

Betty Farrally of Soldotna spoke regarding the Sterling Special Waste Site. She explained that the Borough has created a committee to study options for a new waste disposal site. She urged support for an area hydrology study and full funding for SB 15 and HB 13. She also listed various potential contaminants in the area.

Charles Dickson displayed a map of the east side of the Kenai Peninsula with locations of city wells, known contaminant sites and large areas of known contamination. He noted that there are 330 suspected contaminated sites and that a contaminated site is 1,700 feet from the city well. He also passed around a number of pictures showing specific examples of water pollution in the area. He commented that there are too many documents being produced and not enough action, and that DEC is not doing its job. He suggested that Board members look at the bluff below the Tesoro and Unocal plants, and he believes the clam beds are contaminated. He also commented that resident and non-resident fish in the Kenai River are contaminated. He concluded by urging the Board not to accept all that industry and the state agencies say.

Cliff Sisson of Sterling began by showing a map of fault lines and an area of intense ground breakage. He expressed concern about deep injections wells, and commented that industry should recycle, separate, and treat water and return it clean rather than inject it. He further noted that resources are being abused and that is it best to err on the side of the environment and put money into prevention rather than have to put it into cleanup. He noted that industry should be treated the same as others, and that action is needed. He commented that pipelines are leaking and that a blowout at 100 feet has affected surface water. Discussion followed on his well and the effects of water pollution on local citizens.

Mary Sisson commented that property devaluation resulting from contaminated water is a problem in the community. She detailed health problems experienced by her family as a result of water contamination. She has had her water tested and given the results to DEC and ARCO. She urged that a hydrology study is needed for the Sterling Waste Site.

Billie Hardy owns 160 acres and explained that her barn well is polluted. As a result, they cannot raise cows and cannot safely live on their property which is by the Poppy Lane gravel pit. The oil company has agreed to supply water to her family.

Tom Hipsman of Sterling described well problems at the Resurrection Christian Academy and contamination of a local spring used by residents for drinking water. He noted that problems that are reported are not investigated. He urged that a hydrology study is needed.

Tuesday, October 24

Bill Ashton, Department of Environmental Conservation, began with an update of the Groundwater Quality Protection Strategy. Public meetings were held in October, 1988. Revisions are being done now, but were disrupted by the oil spill. The final Strategy will be complete in several months. He listed actions that are underway to implement the Strategy: enforcement and compliance in the drinking water program, working with boroughs on areas needing attention under the coastal zone program, the Mat-Su Borough groundwater study, above and underground storage tank legislation, drinking water regulation revisions, waste minimization legislation, working with boroughs on solid waste, setting up an enforcement unit in DEC, and working with DGGS on the Kenai hydrologic study.

He next talked about the Kenai area and explained the hydrologic cycle in the Nikiski area. He noted that there is leakage between the upper unconfined and upper confined aquifers, but how much is unknown. He discussed underground tanks, noting leaks are often from the fittings, and showed a schematic of product movement underground. He next described the Tesoro investigation and noted that DEC is negotiating a compliance order with Tesoro. He described four interim measures which must be done within two weeks after signing the order: additional recovery wells and evaluation of existing wells, evaluating effects of pumping production wells on the movement of contaminants, delineating plumes of contamination, and modeling the aquifer system and the effects of

pumping. Other steps will include a RCRA facility investigation and additional investigation of the facility site outside known plumes.

He noted that Unocal has submitted a workplan to define the area of contamination at that facility, monitoring wells will determine gradients between aquifers, and the company will then further define needed work and remediation. A RCRA facility assessment will follow. At Poppy Lane, Marathon has submitted a preliminary remediation plan and is working on a final plan. He noted that the PCB cleanup is underway at the Swanson River Oil Field. The Sterling Special waste Site is now closed. He showed a schematic of the site layout and monitoring wells. DGGs is doing a subregional hydrologic study of this area. With regard to DEC, DGGs and DLWM work in the Kenai area, he explained that DEC is doing site specific work, while DGGs and USGS are doing regional studies. Ambient water quality also needs to be studied. A water use summary is planned for the Nikiski area and is needed to model pumping effects. Data management is also being coordinated. The DLWM is also working on water rights in the Nikiski area. In summary, progress is being made, but it is taking some time.

Questions and discussion followed on the scope, adequacy and required resources for a regional groundwater study. Under present funding levels, the DGGs study will take four to five years. Industry representatives expressed possible willingness to help finance a study, if they can participate in the study design. Discussion also centered on the need to clearly define the questions that the study should answer, that a speedy process is needed, and that the public also needs to be involved. Discussion also focused on public dissatisfaction with DEC's response to contamination reports.

Mary Sisson, Public Awareness Committee for the Environment, spoke to the Board about the Sterling Special Waste Site. She described the history of the site and presented a map of the site and monitoring wells. She described health problems in the area and noted that they result from environmental problems. She also gave a general description of local well problems. She then showed a video of the site before, during and after closeout, and commented that the closeout is not adequate. She also described the effects of the gas well blowout.

Daniel Doshier, Refuge Manager of the Kenai National Wildlife Refuge, U.S. Fish and Wildlife Service, described the PCB cleanup that is underway. He described the 1972 explosion and that appropriate cleanup for that time was done. In the early 1980's, the material was used for dust control on roads and in 1984 PCB's and heavy metals were found. A sampling plan and risk assessment was done and active cleanup began in 1987 by ARCO who was then the

unit operator. It was determined that the most sensitive animal is the red back vole, so cleanup is being done to 10 parts per billion to protect this animal. 83,000 tons of soil was removed and stockpiled and 17,000 tons have been incinerated thus far. Processing is around the clock and cleansed soils have non-detectable levels of contamination. The cleanup is expected to be complete in two years. Approximately 20,000 soil and water samples have been analyzed; a lab is onsite. This is the largest cleanup on any USFWS refuge in the United States and will cost an estimated \$35 million dollars. He concluded by saying that industry is doing an admirable job.

Gordon Nelson, U.S. Geological Survey (USGS), reported that no USGS investigations have occurred on the Kenai since 1980, and nothing is on the horizon. He described the stream gage stations and monitoring wells maintained by USGS in the area. He next discussed the small stream program, which was a USGS - Department of Transportation and Public Facilities (DOTPF) cooperative program of index stream gage stations used to predict flood frequency. The program has died because of lack of funding, but DOTPF has requested funding to re-start the program. Discussion followed on costs to establish and maintain stream gages and possibilities of future studies for the Kenai River basin.

Water Board Work Session

The Board adopted the following resolutions:

- Resolution 90-1: Kenai Peninsula Hydrology Study
- Resolution 90-2: Kenai Peninsula Illegal Dump Sites
- Resolution 90-3: Response to Previous Resolutions

The Board has scheduled its next meeting during the first half of March, 1989 in Juneau. The meeting will focus on pending water resources legislation and the proposed A-J Mine in Juneau.

ALASKA WATER RESOURCES BOARD
Resolution No. 90-1
Kenai Peninsula Hydrology Study

- WHEREAS: The Alaska Water Resources Board has previously requested that the Kenai Peninsula be targeted for a hydrological study in Resolution 89-16 (enclosed); and
- WHEREAS: The Alaska Water Resources Board has just concluded a meeting in Soldotna during which it received testimony documenting many serious groundwater problems in the area which reinforced the premise of Resolution 89-16; and
- WHEREAS: The public presented much support for the study, as outlined in the Division of Geological and Geophysical Surveys (DGGs) Administrative Report 89-1, and stressed the urgent need for it; and
- WHEREAS: Industry representatives expressed support for the study and presented the possibility of participation therein; and
- WHEREAS: The DGGs received approximately one-half the funding in FY 90 necessary to do justice to the immediacy of the situation and the pressing need for a coordinated effort to begin the study this year;

NOW THEREFORE BE IT RESOLVED: That the commissioners of the Department of Natural Resources and the Department of Environmental Conservation identify as an immediate priority the need to convene a special task force of appropriate representatives from their agencies, the industry, the Borough and the public which will have the specific charge of developing and accomplishing a DGGs and industry jointly-funded regional hydrogeologic study of the Central Kenai Peninsula area; and

BE IT FURTHER RESOLVED: That the Commissioners agree upon and appoint one individual who will be responsible for contacting participants, convening, and facilitating the initial meeting of the task force before November 30, 1989; and

BE IT FURTHER RESOLVED: That the task force endeavor diligently to finalize a design for a jointly funded regional hydrogeologic study, (1) with deadlines for completion of each portion of the work, (2) which will meet the needs of the public, the industry, the Borough, and the agencies; and (3) which will be submitted to industry for a voluntary commitment of funding in cooperation with DGGs current efforts by January 31, 1990.

Adopted this 24th day of October, 1989
Alaska Water Resources Board



Peg Tileston, Chairwoman
Alaska Water Resources Board

Alaska Water Resources Board
Resolution No. 89-16

Kenai Peninsula Hydrological Survey

WHEREAS: The central Kenai Peninsula area contains the heaviest concentration of industry in the state.

WHEREAS: This area contains many known landfills and several industrial waste disposal sites which may contain hazardous wastes.

WHEREAS: This area contains one of the larger population concentrations in the state.

WHEREAS: Known instances of groundwater contamination exist.

WHEREAS: Much hydrologic information on this area exists as a result of private sector and government studies.

WHEREAS: This information needs to be compiled into an area-wide study with any gaps in data researched and reported.

WHEREAS: This study should be of use to everyone in the area, providing benefits and the basis for planning of:

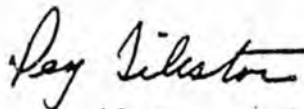
- Zoning and development
- Waste disposal sites
- Sewage disposal sites
- Groundwater contamination containment and reclamation measures
- Landfill reclamation
- Water production well siting and wellhead protection zones

WHEREAS: This study could be the basis for an area-wide water management plan.

WHEREAS: This is a study in which industry could and should be encouraged to participate with information sharing and support with funding and logistical aid.

THEREFORE, BE IT RESOLVED: That the Alaska Water Resources Board supports the Kenai Peninsula Water Study as a necessary and vital step in the process of solving the current water problems of the area and in providing the basis for the longterm planning and development of the area. The Alaska Water Resources Board urges the Governor, legislators and state agencies involved to support legislation and funding of this activity.

Adopted this 9th day of March, 1989
Alaska Water Resources Board

A handwritten signature in cursive script, appearing to read "Peg Tileston".

Peg Tileston, Chairwoman
Alaska Water Resources Board

ALASKA WATER RESOURCES BOARD

Resolution No. 90-2

Kenai Peninsula Illegal Dump Sites

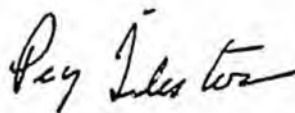
WHEREAS: At the Alaska Water Resources Board's fall, 1989 meeting on the Kenai Peninsula the Board heard testimony from numerous individuals regarding the existence of illegal dump sites on the Peninsula; and

WHEREAS: Individuals and members of the public testified that they have brought the existence and location of possible illegal dump sites to the attention of the Department of Environmental Conservation (DEC) and have not been satisfied that investigations have been undertaken and appropriate action taken to address any contamination associated with these sites; and

WHEREAS: The Board believes that the suspected illegal dump sites have deleterious impacts on water quality and public health;

NOW THEREFORE BE IT RESOLVED: That the Alaska Water Resources Board urges DEC to establish a hotline system which encourages the reporting of illegal dump sites including a mechanism for anonymous reporting, assures timely investigation and remedial action by agency personnel, and includes appropriate follow-up communication with the concerned members of the public to ensure public confidence in DEC's response to the information.

Adopted this 24th day of October, 1989
Alaska Water Resources Board



Peg Tileston, Chairwoman
Alaska Water Resources Board

ALASKA WATER RESOURCES BOARD

Resolution No. 90-3

Response to Previous Resolutions

WHEREAS: The Alaska Water Resources Board has previously urged action to authorize immediate oil spill response by State or Federal authorities in its Resolution No. 89-17; and


WHEREAS: The Alaska Water Resources Board has twice previously requested the Governor to establish a multi-agency task force to improve water and sanitation delivery programs in rural Alaska in its Resolutions No. 89-10 and 89-18; and

WHEREAS: The Alaska Water Resources Board has not received a response to these resolutions; and

WHEREAS: The Alaska Water Resources Board continues to be concerned about immediate oil spill response and improved village safe water conditions;

NOW THEREFORE BE IT RESOLVED: That the Alaska Water Resources Board urges the Governor to review and respond to the Board's Resolutions No. 89-10, 89-17 and 89-18.

Adopted this 24th day of October, 1989
Alaska Water Resources Board



Peg Tileston, Chairwoman
Alaska Water Resources Board

Alaska Water Resources Board
Resolution No. 89-17

Authority For Immediate Oil Spill Response by
State or Federal Authorities

WHEREAS: Recent oil spills by tankers and other vessels in Alaska waters have demonstrated that immediate and effective response may make a critical difference between success or failure of the eventual containment and clean-up of the spill; and

WHEREAS: Conventional assumptions regarding the vessel and cargo owner's responsibility hold that the owners must be given first opportunity to take effective measures to contain and clean-up the spill, and that only after a demonstrated failure to do so may the state or federal agencies assume control of the clean-up and control strategy; and

WHEREAS: The vessel and cargo owners' motivations and actions regarding clean-up may in some instances be influenced by economic rather than environmental considerations; and

WHEREAS: The potential for delay while inadequate or ineffective control measures are attempted has potentially drastic consequences for the natural environment and the economic livelihood of Alaskans.

NOW THEREFORE BE IT RESOLVED: The Alaska Water Resources Board urges the Governor to request that the Attorney General analyze any legal constraints on the ability of the State to enact legislation permitting the Alaska Department of Environmental Conservation or the U.S. Coast Guard, as appropriate, to take control of the containment and clean-up of an oil spill immediately after it is discovered, if the agency has reason to believe that effective response may otherwise be delayed, or the resources potentially affected are of such high value, that immediate governmental direction is required.

Adopted this 9th day of March, 1989
Alaska Water Resources Board



Peg Tileston, Chairwoman
Alaska Water Resources Board

Alaska Water Resources Board
Resolution No. 89-10

Village Safe Water

WHEREAS: There is a direct connection between the quality of drinking water and waste disposal and human health; and

WHEREAS: A number of Alaska's rural communities have numerous health problems that are caused by water-borne factors; and

WHEREAS: Many federal and state agencies and some private entities have projects in rural Alaska which require the availability of both water and waste disposal; and

WHEREAS: Increased communication and data exchange among these agencies and organizations is an important step in addressing the problem;

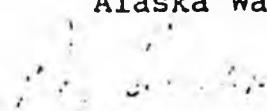
NOW THEREFORE BE IT RESOLVED: That the Alaska Water Resources Board requests the Governor to establish a multi-agency task force consisting of representatives from Department of Environmental Conservation, Department of Community and Regional Affairs, Department of Transportation and Public Facilities, and the Department of Health and Social Services; and

Further: That the governor request the participation in the multi-agency task force by representatives from Bureau of Indian Affairs and Public Health Service; and

Further: That the Governor request representation on the multi-agency task force by regional corporations and appropriate non-profit organizations; and

Further: That the Governor request the multi-agency task force determine the current and planned activities of each agency which affects, or will affect, water quality and waste disposal in Alaska villages, and method of interagency cooperation, and shared resource allocations, both data and financial, to improve the serious existing problem.

Adopted this 6th day of October, 1988
Alaska Water Resources Board


Peg Tileston, Chairwoman

Alaska Water Resources Board
Resolution No. 89-18

Multi-Agency Task Force

WHEREAS: The Alaska Water Resources Board has previously requested the Governor to establish a multi-agency task force in its Board Resolution No. 89-10; and

WHEREAS: The Water Resources Board has received no response to its resolution; and

WHEREAS: The Alaska Water Resources Board continues to be very supportive of improved village safe water conditions;

NOW THEREFORE BE IT RESOLVED: That the Alaska Water Resources Board urges the Governor to review the Board's previous request that a multi-agency task force be established to improve water and sanitation delivery programs to rural Alaska.

Adopted this 9th day of March, 1989
Alaska Water Resources Board

Peg Tileston

Peg Tileston, Chairwoman
Alaska Water Resources Board

March 8, 1990

To the Alaska Water Resources Board:

I am writing on behalf of the Kenai Groundwater Task Force, which was created in response to the Water Board's Resolution No. 90-1. The members of the group are pleased with the open forum for discussion between government resource agencies, industry, and community/environmental interests. We have no official chair, but operate under the direction of a steering committee consisting of a representative from each of the three main interests represented on the task force. With the approval of the other task force members, I volunteered to update the Water Board on our activities to date.

We have met in full twice this year, both times in Soldotna. Thus far, we have adopted the purpose stated in Resolution 90-1 as our overall goal. We are using the Division of Geological and Geophysical Surveys administrative report 89-1 as our starting point. We have identified an initial nine objectives that will lead us toward the design and implementation of a regional hydrogeological study. We foresee the project operating in several phases, and are prioritizing the most important needs to be accomplished in Phase I in order to get things started. Task force members expect that as more information becomes available and we move along in the project, our priorities may change. The objectives are as follows:

- I. Identify principle issues (all phases).
- II. Identify tasks to address issues (all phases).
- III. Prioritize and select tasks and issues for Phase I.
- IV. Estimate Phase I costs.
- V. Develop study plan (Phase I).
- VI. Develop funding (Phase I).
- VII. Initiate work (Phase I).
- VIII. Report results (Phase I).
- IX. Plan Phase II.

At our March 7th meeting, the task force accomplished Objective I and identified principle issues. They are:

- I. Identify principle issues (all phases).
 - A. Lack of regional groundwater water information.
 1. Flow direction
 2. Water quality
 3. Water quantity
 4. Surface/groundwater interaction
 - B. Lack of data quality control.

- C. Lack of information transfer.
 - 1. Agencies
 - 2. Public
 - 3. Industry

- D. Importance of Subregional and Site-specific variability on regional trends.
 - 1. Directional flow
 - 2. Quality
 - 3. Quantity
 - 4. Contaminant movement

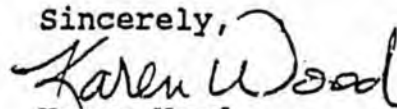
- E. Aquifer protection strategy
 - 1. Quality
 - 2. Quantity
 - 3. Alternate Sources

The task force also accomplished Objective II by adopting a series of technical components developed by the hydrology committee at a meeting February 20th. The hydrology committee, which consists of resource agency personnel, is currently working to develop an overall project outline designed to address Phase I needs. Phase I was initially identified as addressing issues A, B and C. The task force is happy to provide the Water Board with any of the documents we are using and developing in this process.

The task force recognizes the importance of our task: to develop a hydrogeologic study that, when completed, answers the questions of the public, industry and the state. We appreciate the need for adequate state funding to show strong state commitment to a background study of Kenai's water in order to complement any industry commitment. People must be able to trust the water they use. The task force strongly urges the Water Board to pass a resolution in support of House Concurrent Resolution 13 and Senate Concurrent Resolution 15, both of which request funding for hydrogeologic work on the Kenai. We also urge the Board to support these resolutions in their report to the Legislature.

We thank the Water Resources Board for its support of the task force, and look forward to continuing our work.

Sincerely,



Karen Wood

Kenai Peninsula Groundwater Task
Force Member

ST

ALASKA / Membership

09510-7005

WATER RESOURCES MEMBER

REVISION DATE: 2/6/89

APPT	REAPT	REAPT	TERM
87/09/01	0/00/00	0/00/00	89/02/21
89/01/00	0/00/00	0/00/00	0/00/00
87/01/05	0/00/00	0/00/00	0/00/00
82/09/17	86/03/03	0/00/00	90/02/21
85/01/09	0/00/00	0/00/00	89/02/21
80/02/28	84/03/27	88/05/12	92/02/21
88/05/12	0/00/00	0/00/00	92/02/21
81/02/03	85/03/08	0/00/00	89/02/21
81/02/03	35/06/05	0/00/00	89/02/21

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Second, increasing numbers of water resources "crisis" projects
have demanded use of larger portions of the small budget and staff
time. Examples include Kenai groundwater pollution, the proposed
Alaska-Juneau Mine, and placer mining water studies. Third, USGS
has increased their annual billing costs in terms of fewer gages

CORRECTION

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

membership

REVISION DATE: 2/6/89

WATER RESOURCES

MEMBER	APPT	REAPT	REAPP1	TERM
① Lauri J Adams 419 Sixth St., Suite 323 Juneau 99801 Public/Restricted	87/09/01	0/00/00	0/00/00	89/02/21
② Lennie Gorsuch Commissioner, DNR Juneau 99811 Comm./Mandated	89/01/00	0/00/00	0/00/00	0/00/00
③ Dennis D Kelso Commissioner, DEC Juneau 99811 Comm./Designee	87/01/05	0/00/00	0/00/00	0/00/00
④ Thomas E Meacham 810 "N" Street Anchorage 99501 Public/Restricted	82/09/17	86/03/03	0/00/00	90/02/21
⑤ A. Michael Neimeyer 503 East Sixth Anchorage 99501 Public/Restricted	85/01/09	0/00/00	0/00/00	89/02/21
⑥ Margaret B Tileston 4780 Cambridge Way Anchorage 99503 Public/Restricted Chair	80/02/28	84/03/27	88/05/12	92/02/21
⑦ Keith E Tryck P.O. Box 310 Girdwood 99587 Public/Restricted	88/05/12	0/00/00	0/00/00	92/02/21
⑧ David Vanderbrink P.O. Box 1236 Homer 99603 Public/Restricted	81/02/03	85/03/08	0/00/00	89/02/21
⑨ Wayne E Westberg P.O. Box 110378 Anchorage 99511 Public/Restricted	81/02/03	85/06/05	0/00/00	89/02/21

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

WATER RESOURCES BOARD

APR 9 1990

STEVE COWPER, GOVERNOR

3601 C STREET
P.O. BOX 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 561-2020

April 2, 1990

Senator Bettye Fahrenkamp
Chairwoman
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

During the meeting between the joint House and Senate Resources Committees and the Water Resources Board on March 14, 1990, you asked for information on the stream gaging cooperative program between the U.S. Geological Survey (USGS) and DNR's Division of Geological & Geophysical Surveys (DGGS). You also asked for information on the small stream cooperative program between USGS and the Department of Transportation and Public Facilities (DOTPF).

Funding for the cooperative stream gaging program between DNR's Division of Geological & Geophysical Survey (DGGS) and USGS has declined significantly during the last few years (since 1982). FY90 cooperative program funding is \$75,000, and DNR is projecting a similar commitment for FY91. The following table lists the history of state general funding for this USGS cooperative program.

<u>FY</u>	<u>(\$1000)</u>	<u>FY</u>	<u>\$1000)</u>
82	672.0	87	166.0
83	544.0	88	105.0*
84	515.0	89	98.0
85	345.0	90	75.0
86	310.0	91	75.0 (estimated)

*All DGGS hydrologists become seasonal, 10-month employees to to save funds.

There are several reasons for declining funding. Generally, cuts in funding for water resource activities correlate with decreases in general funds allocated to DGGS over the last few years. Second, increasing numbers of water resources "crisis" projects have demanded use of larger portions of the small budget and staff time. Examples include Kenai groundwater pollution, the proposed Alaska-Juneau Mine, and placer mining water studies. Third, USGS has increased their annual billing costs in terms of fewer gages

April 2, 1990

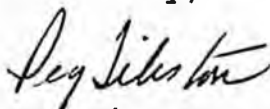
"per dollar." Fourth, DGGs has developed the skill and equipment to install and operate gages at less cost than USGS. DGGs operates approximately 30 gages other than the 8 USGS-DGGs cooperative gages. Thus, the total number of state-supported gages operated per year totals about the same number as when USGS operated all of the DGGs gages.

This cooperative stream gaging program is important to Alaska and should be supported by a larger general fund budget for DGGs, large enough to maintain DGGs hydrology programs and improve the DGGs-USGS cooperative activities. Also enclosed is a letter from the USGS describing recently discontinued stream gages.

Your second question relates to the small stream cooperative program between USGS and DOTPF. The small stream program involves collecting peak stream flow data at many sites throughout the state to assist in road and bridge design. This stream flow data is also useful to resource managers in other state departments, including DNR and ADF&G. In past years, the state through DOTPF has contributed \$160,000 annually to the USGS for a cooperative program. There has been no state funding for this program since October 1, 1989, but USGS has continued the program in hopes of getting the necessary state match. No state funding for this program has been requested for FY91. We have been informed that at least two of the DOTPF regions are still trying to locate funds. The Water Board believes this is a very valuable program and that funding is needed to continue the baseline data collection.

We appreciate your interest in the state's water resources data collection programs. If you have further questions, please contact me at the above address or phone 563-4375, or Bob Forbes, Director of the Division of Geological & Geophysical Surveys.

Sincerely,



Peg Tileston, Chairwoman
Alaska Water Resources Board

jls

cc: Lennie Gorsuch
Bob Forbes
Gary Gustafson
Alaska Water Resources Board Members
Mary Lu Harle



United States Department of the Interior

GEOLOGICAL SURVEY
Water Resources Division
4230 University Drive - Suite 201
ANCHORAGE ALASKA 99508-4664

RECEIVED
MAR 2 1990

March 22, 1990 Div. of Land & Water Mgmt.

Dear Water Resource Personnel,

In an effort to keep all interested parties informed of changes in U.S. Geological stream-gaging activities in Alaska, we have prepared the following list of stations that have been discontinued as of the dates indicated:

USGS No.	Station name	Drainage area sq. mi.	Years of Record	Remarks
Stream-gaging stations discontinued October 1, 1989				
15067900	Upper Mahoney Lk Outlet nr Ketchikan	2.03	12	(1)
15087690	Indian River nr Sitka	10.1	9	(2) (3)
15303010	Silver Salmon Creek nr Aleknagik	4.46	4	(4) (5)
15744500	Kobuk River nr Kiana	9,520	13	(2) (6)
15747000	Wulik R below Tutok Cr nr Kivalina	705	5	(2) (7)
Stream-gaging stations discontinued January 1, 1989				
15277600	East Fork Eklutna Cr nr Palmer	38.2	5	(8)
15277800	West Fork Eklutna Cr nr Palmer	25.4	5	(8)
Stream-gaging stations discontinued October 1, 1988				
15087545	Municipal Watershed Cr nr Petersburg	2.20	10	(9)
15087545	Rocky Pass Cr nr Point Baker	2.72	12	(10)
15106980	Tonalite Cr nr Tenakee	14.5	20	(10)
15637000	Gold Run Cr nr Teller	24.2	3	(11) (12)

Remarks-

- (1) Funded jointly by the Corps of Engineers and the USGS. This station was established because of the potential for hydroelectric development. It has served its original purpose for data collection.
- (2) Funded jointly by the Alaska Dept. of Natural Resources, Division of Geological and Geophysical Surveys (DGGS) and the USGS. Funding was discontinued by DGGS July 1, 1989.
- (3) Data from this station has transfer value to ungaged sites and it would be desirable to collect an additional 10 years of data for that purpose. Water downstream of the the gage is subject to several water-rights claims.
- (4) Funded jointly by the Alaska Department of Transportation-Public Facilities and the USGS. Discontinued because of the stage-discharge relationship continuously changed due to beaver activity.
- (5) Operated only during the open water season for 2 years and operated throughout the water year for another 2 years..

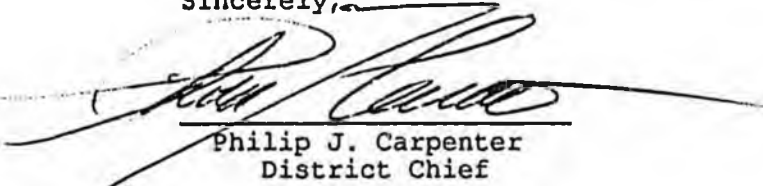
- (6) This station is the only remaining large stream north of the Yukon River in the USGS data base network. It would be desirable to operate this station indefinitely.
- (7) This station is downstream from the newly developed Red Dog Mine and is in an area where little data have been collected.
- (8) Funded jointly by the Municipality of Anchorage and the USGS. The station had served its original purpose to provide data on inflow to Eklutna Lake- A major source for Anchorage's water supply.
- (9) Funded by the USGS. The station served its purpose to provide data for regional network studies.
- (10) Funded by the U.S. Forest Service. This station served its original purpose.
- (11) Funded cooperatively by the Alaska Department of Transportation-Public Facilities and the USGS. The stage-discharge relationship was poor and stream-gaging activities were moved to the nearby site 15635000, Eldorado Creek nr Teller.
- (12) Operated only during the open-water season.

If your agency has a need for additional information or is interested in funding these or other sites, we would like to discuss our program with you. Please contact me or Ken Thompson at 271-4138 if you have questions or comments.

We are making every effort to operate as many stream-gaging stations as possible, but the number of stations continues to decline in response to a loss of matching funds from State and local agencies. Since 1972, the number of stations has decreased from 130 to 79. A bar graph showing the history of stream-gaging activity in Alaska by the USGS since 1945 is attached. Another discouraging trend shows the loss of numerous stations that have transfer value to unengaged sites in Alaska.

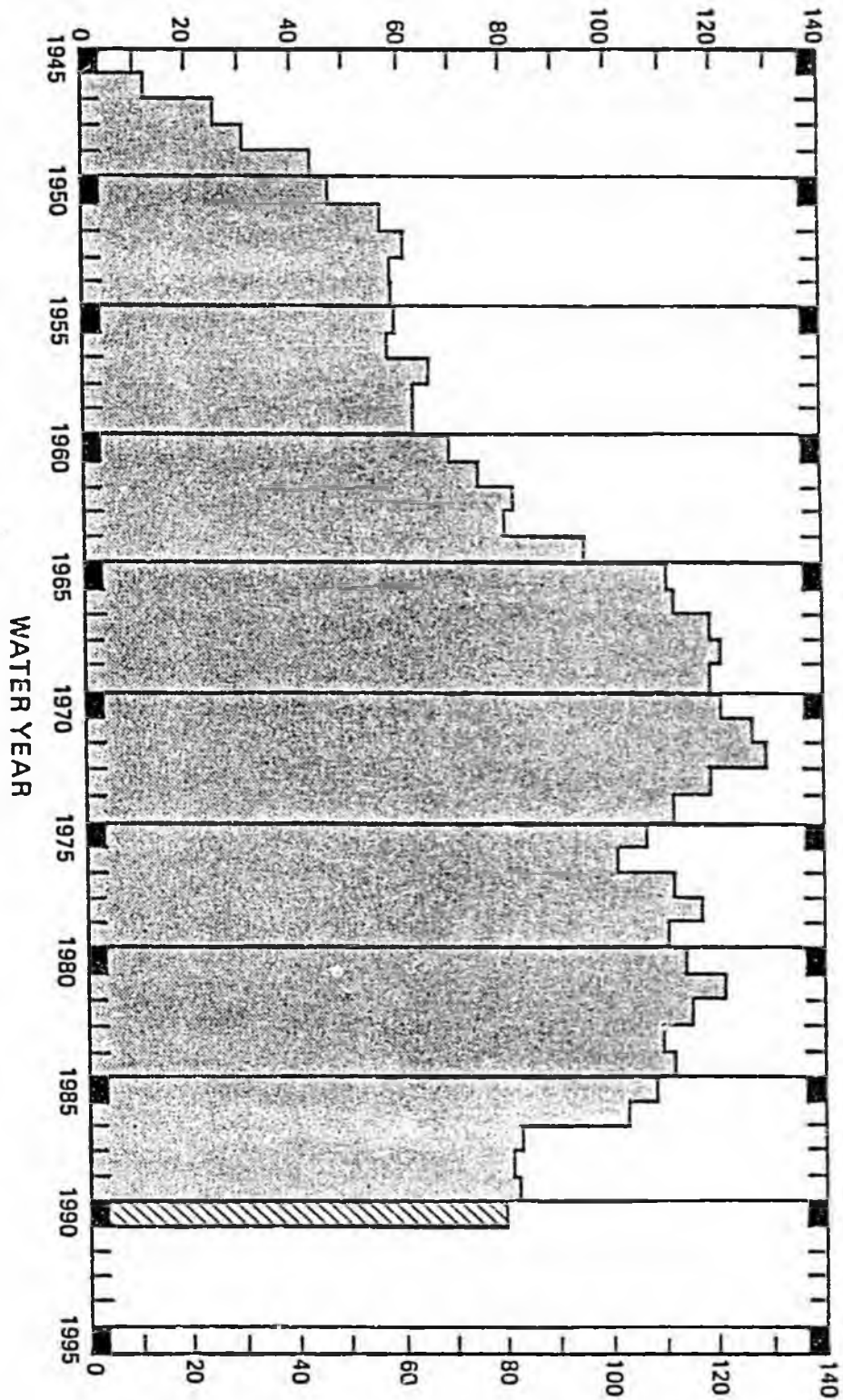
For your information, we have also attached a list of the remaining active stream-gaging stations operated by the USGS:

Sincerely,



Philip J. Carpenter
District Chief

NUMBER OF CONTINUOUS-RECORD STREAM GAGES OPERATED



U.S. GEOLOGICAL SURVEY
ALASKA DISTRICT

Active stream-gaging stations in 1990 water year.
Updated March 15, 1990

SOUTHEAST

15022000	Harding River near Wrangell
15248000	Stikine River near Wrangell
15020300	Farragut River near Wrangell
15039900	Dorothy Lake Outlet near Juneau
15041200	Taku River near Juneau
15049900	Gold Creek near Juneau
15051008	Salmon Creek above canyon mouth near Juneau
15052500	Mendenhall River near Auke Bay
15056560	Klehini River near Klukwan
15070000a	Swan Lake (Falls Creek) near Ketchikan
15072000	Fish Creek near Ketchikan
15081497	Staney Creek near Klawock
15081580	Black Bear Lake Outlet near Klawock
15083500	Perkins Creek near Metlakatla
15085100	Old Tom Creek near Kasaan
15087570	Hamilton Creek near Kake
15090000a	Green Lake Outlet near Sitka
15101490	Greens Creek at Greens Creek Mine near Juneau
15101500	Greens Creek near Juneau
15106920	Kadashan River above Hook Creek near Tenakee
15129500	Situk River near Yakutat

SOUTHCENTRAL

15200280	Gulkana River near Sourdough
15212000	Copper River near Chitina
15214000	Copper River at Million Dollar Bridge near Cordova
15216000	Power Creek near Cordova
15226000b	Solomon Gulch near Valdez
15237360	San Juan River near Seward
15238648	Upper Nuka River near Homer
15238820	Barbara Creek near Seldovia
15238990	Upper Bradley River near Homer
15239000	Bradley River near Homer
15239050	Bradley River Tributary near Homer
15239070	Bradley River near tidewater near Homer
15239500	Fritz Creek near Homer
15258000	Kenai River at Cooper Landing
15266300	Kenai River at Soldotna
15271000	Sixmile Creek near Hope
15272200c	Placer River near Portage
15272280	Portage Creek at Portage Lake near Whittier
15272302c	Portage Creek at mouth at Portage
15272400c	Twentymile River near Portage
15274550	Little Campbell Creek at Nathan Drive at Anchorage
15274600	Campbell Creek near Spenard
15275100	Chester Creek at Arctic Blvd. at Anchorage
15276000	Ship Creek near Anchorage
15290000	Little Susitna River near Palmer
15292000	Susitna River at Susitna Station
15292700	Talkeetna River near Willow
15294005	Willow Creek near Willow
15294350	Susitna River at Susitna Station
15295700	Terror River at mouth near Kodiak
15297485	Kizhuyak River near Port Lions

SOUTHWEST

15302000	Nuyakuk River near Dillingham
15302500	Nushagak River at Ekwok
15303650	Tatalina River near Takotna (seasonal)
15304000	Kuskokwim River at Crooked Creek
15304393	Browns Creek near Bethel (seasonal)

YUKON

15344400	King Creek near Dome Creek (seasonal)
15356000	Yukon River at Eagle
15388950d	Porcupine River at Old Crow
15388960d	Porcupine River near International Boundary
15453500	Yukon River near Stevens Village
15476000	Tanana River near Tanacross
15484000	Salcha River near Salchaket
15485500	Tanana River at Fairbanks
15493000	Chena River near Two Rivers
15493700	Chena River below Moose Creek Dam near North Pole
15511000	Little Chena River near Fairbanks
15514000	Chena River at Fairbanks
15515500	Tanana River at Nenana
15518080	Lignite Creek near Healy
15564875	Yukon River at Pilot Station

NORTHWEST

15621000	Snake River near Nome
15743850	Eldorado Creek near Teller (seasonal)
15743850	Dahl Creek near Kobuk (seasonal)

ARCTIC SLOPE

15798700	Nunavak Creek near Barrow
15896000	Kuparuk River near Deadhorse
15906000	Sagavanirktok River Tributary near Pump Station 3 (seasonal)
15908000	Sagavanirktok River near Pump Station 3

Footnotes:

- a. Records furnished by power-plant operators.
- b. This site has 4 stations, but the records have to be combined to get the discharge at the mouth.
- c. Stations operated to obtain inflow to Turnagain Arm in a special project.
- d. Discharge records furnished by Water Survey of Canada.



United States Department of the Interior

GEOLOGICAL SURVEY
Water Resources Division
4230 University Drive - Suite 201
ANCHORAGE ALASKA 99508-4664

RECEIVED
MAR 2 1990

March 22, 1990 Div. of Land & Water Mgmt.

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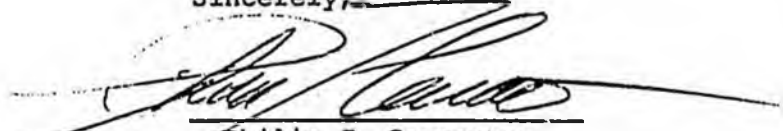
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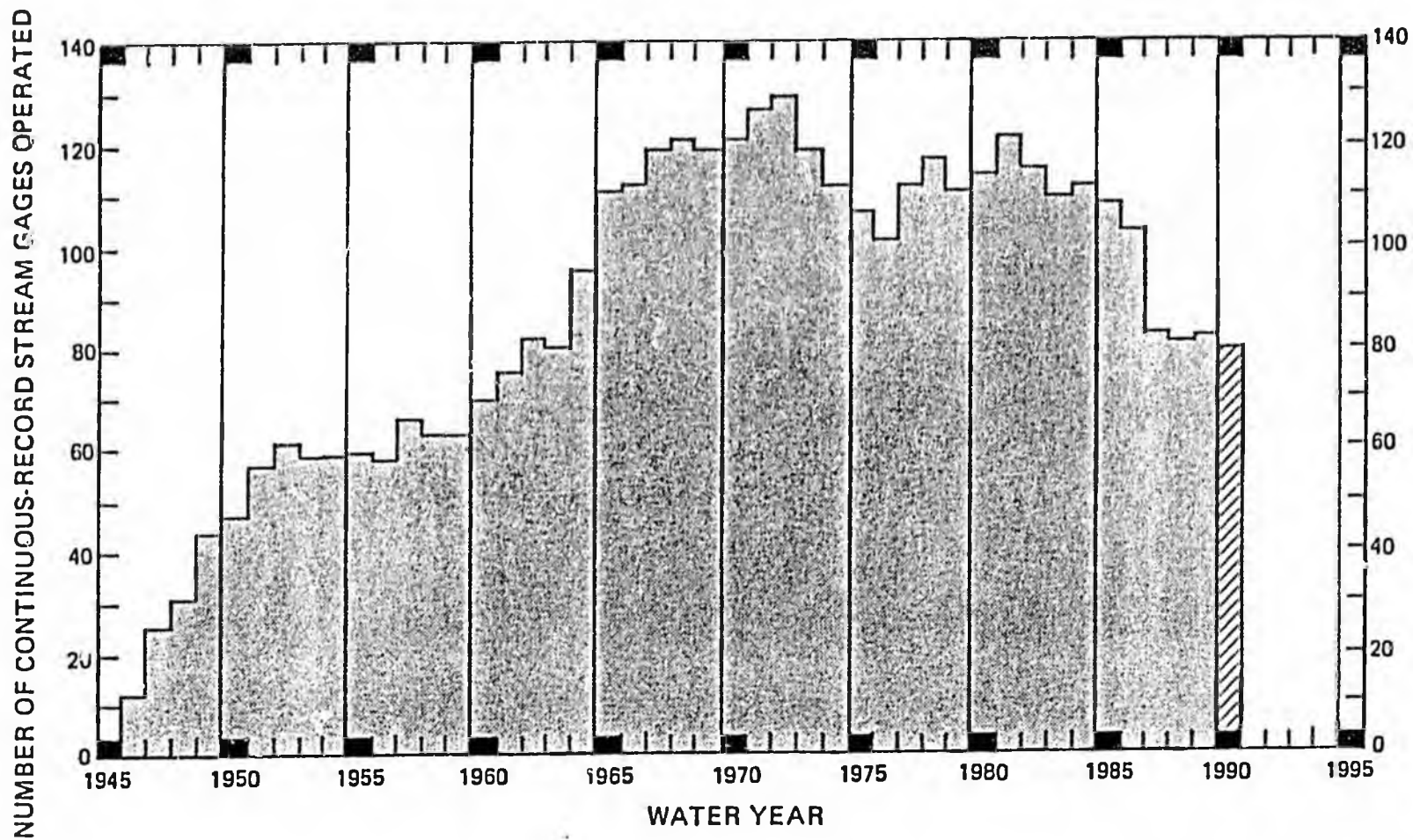
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Sincerely,



Philip J. Carpenter
District Chief

U.S. GEOLOGICAL SURVEY
ALASKA DISTRICT



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Updated March 15, 1990

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15072000	Fish Creek near Ketchikan
15081497	Staney Creek near Klawock
15081580	Black Bear Lake Outlet near Klawock
15083500	Perkins Creek near Metlakatla
15085100	Old Tom Creek near Kasaan
15087570	Hamilton Creek near Kake
15090000a	Green Lake Outlet near Sitka
15101490	Greens Creek at Greens Creek Mine near Juneau
15101500	Greens Creek near Juneau
15106920	Kadashan River above Hook Creek near Tenakee
15129500	Situk River near Yakutat

SOUTHCENTRAL

15200280	Gulkana River near Sourdough
15212000	Copper River near Chitina
15214000	Copper River at Million Dollar Bridge near Cordova
15216000	Power Creek near Cordova
15226000b	Solomon Gulch near Valdez
15237360	San Juan River near Seward
15238648	Upper Nuka River near Homer
15238820	Barbara Creek near Seldovia
15238990	Upper Bradley River near Homer
15239000	Bradley River near Homer
15239050	Bradley River Tributary near Homer
15239070	Bradley River near tidewater near Homer
15239500	Fritz Creek near Homer
15258000	Kenai River at Cooper Landing
15266300	Kenai River at Soldotna
15271000	Sixmile Creek near Hope
15272200c	Placer River near Portage
15272280	Portage Creek at Portage Lake near Whittier
15272302c	Portage Creek at mouth at Portage
15272400c	Twentymile River near Portage
15274550	Little Campbell Creek at Nathan Drive at Anchorage
15274600	Campbell Creek near Spenard
15275100	Chester Creek at Arctic Blvd. at Anchorage
15276000	Ship Creek near Anchorage
15290000	Little Susitna River near Palmer
15292000	Susitna River at Susitna Station
15292700	Talkeetna River near Willow
15294005	Willow Creek near Willow
15294350	Susitna River at Susitna Station
15295700	Terror River at mouth near Kodiak
15297485	Kizhuyak River near Port Lions

SOUTHWEST

15302000 Nuyakuk River near Dillingham
15302500 Nushagak River at Ekwok
15303650 Tatalina River near Takotna (seasonal)
15304000 Kuskokwim River at Crooked Creek
15304393 Browns Creek near Bethel (seasonal)

YUKON

15344400 King Creek near Dome Creek (seasonal)
15356000 Yukon River at Eagle
15388950d Porcupine River at Old Crow
15388960d Porcupine River near International Boundary
15453500 Yukon River near Stevens Village
15476000 Tanana River near Tanacross
15484000 Salcha River near Salchaket
15485500 Tanana River at Fairbanks
15493000 Chena River near Two Rivers
15493700 Chena River below Moose Creek Dam near North Pole
15511000 Little Chena River near Fairbanks
15514000 Chena River at Fairbanks
15515500 Tanana River at Nenana
15518080 Lignite Creek near Healy
15564875 Yukon River at Pilot Station

NORTHWEST

15621000 Snake River near Nome
15743850 Eldorado Creek near Teller (seasonal)
15743850 Dahl Creek near Kobuk (seasonal)

ARCTIC SLOPE

15798700 Nunavak Creek near Barrow
15896000 Kuparuk River near Deadhorse
15906000 Sagavanirktok River Tributary near Pump Station 3 (seasonal)
15908000 Sagavanirktok River near Pump Station 3

Footnotes:

- a. Records furnished by power-plant operators.
- b. This site has 4 stations, but the records have to be combined to get the discharge at the mouth.
- c. Stations operated to obtain inflow to Turnagain Arm in a special project.
- d. Discharge records furnished by Water Survey of Canada.