

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6475 SENATE RESOURCES

879

- ASSUMPTIONS: (1) THE FIRST HALF OF FY90 WILL HAVE LICENSES SOLD AT 25 CENTS
 (2) 25% OF THOSE PREVIOUSLY PURCHASING 25 CENTS LICENSES WILL
 BUY A FULL PRICE HUNTING/FISHING COMBINATION LICENSE
 (3) HALF WILL BUY A \$5 LOW-INCOME LICENSE
 (4) SEPARATE LOW INCOME LICENSE CREATED
 (5) HB124, THE LICENSE FEE INCREASE, PASSES

IN FY88 17,500 LICENSES WERE SOLD AT 25 CENTS PER LICENSE

THE VALUE EQUATED $17,500 \times .25 = \$4,375$

PROJECTED SALES IN FY90 (FIRST HALF OF YEAR AT 25 CENTS)

FIRST SIX MONTHS OF FY90	9400 x .25 =	2350
SECOND SIX MONTHS OF FY90		
NEW LOW INCOME LICENSE	6075 x 5	\$30,375
COMBINATION LICENSE AT FULL PRICE	2025 x 40	\$81,000
TOTAL SALES FY90		\$113,725

PROJECTED SALES FY91 AND BEYOND

LOW INCOME LICENSES	13125 x 5	\$65,625
COMBINATION LICENSE AT FULL PRICE	4375 x 40	\$175,000
TOTAL SALES FY91		\$240,625

EXPENSES:

PRINTING 15,000 LOW INCOME LICENSES	\$5,000
DISTRIBUTION/POSTAGE COSTS	\$2,500
TOTAL EXPENSES	\$7,500

TOTAL NEW RECEIPTS = \$0

TOTAL RECEIPTS = \$240,625

Income Guidelines for Public Assistance Programs

(Source: Department of HESS)

Aid to Families with Dependent Children (one adult and children.):

<u>Number in Family</u>	<u>Maximum Gross Yearly Income For Eligibility</u>
2	\$8,628
3	\$9,708
4	\$10,788
5	\$11,868

Food Stamps:

1	\$9,384
2	\$12,564
3	\$15,744
4	\$18,936
5	\$22,116

Adult Public Assistance:

One Adult	\$8,220
Two Adults	\$12,180

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

March 6, 1989

The Honorable Dick Eliason
Alaska State Senator
P.O. Box V
Juneau, AK 99811

Dear Senator Eliason:

This letter is to follow-up on the teleconference discussions between yourself, Lew Pamplin, and myself regarding SB 30. You will recall that during those discussions you advocated modifying the present requirements for purchase of the 25-cent (low income license) by changing the present statute to require that purchasers obtain such licenses only at a Department of Fish and Game facility or through the mail. This concept has been discussed within the department on several occasions and, in fact, has been broadly advocated by spokesmen for several outdoor organizations. As I recall, some members of the Senate Resources Committee also brought up the idea during the recent hearing on SB 30.

In all of the discussions regarding this subject, I have never heard anyone suggest that Alaska not provide some monetary relief to genuinely low income citizens from the cost of hunting and fishing licenses. The Department of Fish and Game has always maintained that such relief is appropriate and most other states have similar laws in effect. In fact, the Western Association of Fish and Wildlife Agencies has adopted a policy statement suggesting that all member states, for the relief of the indigent, charge one-half the normal resident license fee.

I have enclosed for your review copies of a recent letter/memorandum to Commissioner Collinsworth and the brief summary report provided to ADF&G from the Department of Health and Social Services pertaining to a randomly selected list of 500 purchasers of the 25-cent license. On page 1 of that summary, please refer to zip codes: 99501, 99502, 99503, 99504, 99506, 99507, 99508. Note the large number of license purchasers that appear under the "number not matched" column. These are all metropolitan Anchorage zip codes. If there are abuses of the 25-cent program, it appears the abuses are appearing most often in urban areas. This is also the impression we are given from conversations with vendors.

As I pointed out to the members of the Senate Resources Committee, the present program is costing Alaska money. In addition, the department has come under increasing criticism from sportsmen across the state who are paying the full fee to hunt and fish, and who, while they have no quarrel with special consideration being given to genuinely indigent Alaskans object strongly to what they see as an abuse of a program initiated 30 years ago. Enforcement of this program is not so easy as it might first appear. In fact, it is possible that under some circumstances, enforcement personnel would have to request Internal Revenue Service records of a purchaser in an attempt to verify that the individual did in fact have a gross family income of less than \$5,600. Therefore, your suggestion that these licenses be purchased only through ADF&G offices or by mail has merit since that requirement alone might slow the fraudulent purchase of these licenses.

The only concern the department has had regarding such a proposal would be the costs incurred by our Licensing Section to administer and operate such a "specialty" license. At the minimum, we would estimate it would be necessary to add a Clerk III, at a total annual cost of \$25,884, plus postage, supplies, and office equipment. There is little doubt we could easily find that the Licensing Section was burdened with an additional \$50,000 per year in associated costs to administer such a program. To recover these costs and, at the same time, make a positive impact on the Fish and Game Fund, we would propose the following:

- * The special licenses sell for \$10.
- * Licenses would be sold only at ADF&G facilities in Anchorage, Fairbanks, Juneau, Ketchikan, Sitka, and Kodiak.
- * Vendors would be provided special prepaid mail-in applications which they would simply hand to anyone applying to them for the low income license. The purchaser would then be responsible for completing the application and dropping it in the mail.
- * Periodically, ADF&G would provide randomly selected lists of purchasers of the low income license to the Department of Public Safety, Division of Fish and Wildlife Protection, for their review.

I believe it is possible to provide monetary relief to those Alaskans who genuinely need help, while at the same time, protecting the interests of those Alaskan hunters and fishers who, through payment of full license fees, provide the necessary funding support to ADF&G for the management and protection of the resources used by all citizens of the state. It is my impression that the people of Alaska are convinced the present statute needs to be changed.

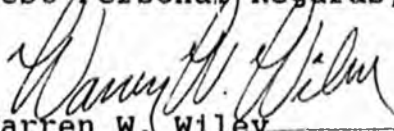
The Honorable
Dick Eliason

-3-

March 6, 1989

If I can provide further assistance, please call.

Best Personal Regards,


Warren W. Wiley
Assistant Commissioner

Enclosures

cc: The Honorable Bettye Fahrenkamp
The Honorable Jay Kerttula
The Honorable Steve Frank
The Honorable Rick Halford
The Honorable Arliss Sturgulewski
The Honorable Fred Zharoff
Don W. Collinsworth
Norman A. Cohen

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH AND GAME

TO: Don W. Collinsworth
Commissioner

DATE: January 25, 1989

FILE NO.:

TELEPHONE NO.: 465-4100

SUBJECT: Twenty-five Cent
License Sales

FROM: Warren W. Wiley
Assistant Commissioner
Department of Fish and Game

As you know, we have received a great many inquiries regarding the sale of twenty-five cent hunting and fishing licenses. There seems to be a strong feeling that this program, which has been with us since statehood, is being abused. Sales of the twenty-five cent license have increased by more than 200 percent over a relatively short period of time. During the last legislative session there was some discussion aimed at eliminating this license. During the current legislative session Senator Fischer has introduced a bill which would do away with this license. I expect we will be called upon to testify. As you have noted, the "low income" license is not generally seen so much as a hunting license as it is a form of public assistance. It therefore should probably be discussed in the context of a social/welfare issue rather than a bona fide license to take fish or game resources.

Since ADF&G has assumed the responsibility for the sales of hunting, fishing, and trapping licenses the sale of the twenty-five cent licenses has brought to light an additional aspect of the program. At present, many vendors are paid a minimum of one dollar for each license they sell. Thus, vendors are regularly selling a license which returns to the department twenty-five cents but which costs us, at a minimum, one dollar to sell. Of course, this does not take into account the time involved for administrative processing for the sale of the twenty-five cent license. Therefore this program is directly impacting receipts to the Fish and Game Fund and to the General Fund. Some have suggested that if, indeed, this is a form of public assistance, some provisions should be considered which would reimburse the Fish and Game Fund for the lost revenue.

Since there seems to be so much concern that the twenty-five cent license program was being abused, I have tried to determine whether this is so. Obviously, that is not an easy task. With the cooperation of the Department of Health and Social Services (H&SS), I have endeavored to track the sale of licenses and tie those sales to individuals who have received some form of public assistance. The process was simple; I requested that our licensing section randomly select 500 names from our computerized records and submit that list to the

Department of Health and Social Services. I then asked H&SS Public Assistance employees to compare our list against their list of individuals who had received public assistance within the prior six months. In fact, they compared our license sales to those individuals who had received public assistance for the period January 1 through June 30, 1988. I did not ask for any comparison based upon individual names. I doubt H&SS would even consider such a request and it was not important to the issue that we make any attempt to do so. The results of the comparison indicate that of 500 twenty-five cent license purchasers, 273 names did not match H&SS's list of those Alaskans receiving any form of public assistance. Based on only this comparison it would appear that more than half of those who purchased twenty-five cent licenses between January 1 and June 30, 1988, did not qualify. I spoke with a representative of H&SS and asked what the possibilities were than an individual could be receiving some form of public assistance that would not appear on their records. I was told that was not likely.

Our most recent figures show that more than 17,000 of the twenty-five cent licenses are being sold annually. If the pattern indicated in our test sample were to hold consistent, that would mean more than 50 percent of that number could be going to people who do not qualify for the low income license. That is a substantial loss of revenue to the state and to the Fish and Game Fund. Aside from the loss of license sale receipts there is the additional loss created by costs associated with issuing the licenses.

If we were to assume that one-half of those now purchasing the twenty-five cent license would instead purchase a resident hunting/fishing license instead, an additional \$176.0 in revenue would accrue to the Fish and Game Fund. If the Legislature approves an increase in license fees for 1990 (to \$40.00) for the same combined license, the Fish and Game Fund would realize an additional \$320.0.

Since there has been so much discussion of the twenty-five cent license and, since several individuals and organizations became aware of my request to H&SS, I expect there will be some requests for this information. I further expect that Senator Fischer, and perhaps other Legislators, will ask to see our work.

cc: Norman A. Cohen
Division Directors

bcc: Ron Somerville
Ron McAlpin

WWW/nl
WWWN2/commissioner

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

STEVE COWPER, GOVERNOR

REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX KC
JUNEAU, ALASKA 99811-0310
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

March 21, 1989

The Honorable John Binkley
Alaska State Senator
P.O. Box V
Juneau, Alaska 99811

Dear Senator Binkley:

During the Senate Finance Committee hearing on SB 30, a bill relating to fees for fishing licenses, you expressed concern about the penalties provided for making false statements on license applications. The simplest way to provide misdemeanor penalties for false statements is to repeal and reenact AS 16.05.420 to read:

Sec. 16.05.420. Violations (a) A false statement in an application for license makes the license issued upon it void.

(b) A person who knowingly makes a false statement, or knowingly omits a material fact, in an application for license is guilty of unsworn falsification under AS 11.56.210.

(c) A person to whom a license or tag has been issued under this chapter may not alter, change, loan, or transfer the license or tag. A person may not use a license or tag that has been issued under this chapter to another person.

If you have any additional questions about this piece of legislation, please let me know.

Very truly yours,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By: 

Laurie H. Otto
Assistant Attorney General

cc: Warren Wiley
Bob Evans

Senator Paul Fischer
March 31, 1989
REVISED

PROPOSED SENATE FINANCE COMMITTEE

LETTER OF INTENT

FOR

CS FOR SENATE BILL 30 ()

With the passage of CS Senate Bill 30 (), changing the fee for the sportsfishing/hunting/trapping license available to low-income residents, it is the intent of the Legislature to direct the Department of Fish and Game to decrease the number of people who obtain the low-income licenses fraudulently with the following:

- * use of a separate form for low-income application which clearly spells out the qualifications for a low-income license; the penalties for both falsification of information on the application and the use of a license that is obtained fraudulently; and a notice to all applicants that they may be called upon to supply proof of eligibility at any time.
- * increased education of licensing vendors on the eligibility requirements and penalties for low-income licenses.
- * increase enforcement efforts by the Department's licensing section, including biannual cross-check with the Department of Health and Social Services public assistance records. The names of those who have indicated their eligibility for the low-income license because of their receipt of public assistance but do not appear on public assistance records will be immediately sent to the Department of Public Safety for prosecution.
- * The Department of Fish and Game and the Department of Public Safety shall report back to the Legislature by January 31, 1991 on the results of these efforts.

MAR 06 1989

ALASKA OUTDOOR COUNCIL, INC.

3780 McGINNIS DR. JUNEAU, AK 99801
(907) 789-3450



March 6, 1989

Senator Paul Fischer
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fischer:

This is to advise you that the Alaska Outdoor Council is again officially supporting SB 30 which would repeal the present 25 cent license.

Our Board of Directors met recently and established the AOC position. The Board also advised that they are most concerned that major changes be made to the 25 cent license system before any support is given to increasing sport license fees. Recent exposure of the 25 cent license fee abuses requires legislative corrective actions.

We appreciate your interest in this worthwhile endeavor and pledge to give you our full support in gaining passage of some legislation correcting this situation.

Sincerely,

Ron Somerville
Executive Director

6-0259H
Utermohle
3/27/89

Original sponsor: Fischer

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 30 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the resident hunting, trapping,
7 and sport fishing license for low income or indigent
8 persons and to applications for certain fish and game
9 licenses, tags, and permits."

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

11 * Section 1. AS 16.05.340(a)(6) is amended to read:

12 (6) Resident hunting, trapping, and sport fishing li-
13 cense..... 32
14 however, the fee is \$5 [25 CENTS] for an applicant who is the head of
15 a family or a dependent member of that family, or who is solely self-
16 supporting, upon proof presented by the applicant that the applicant

17 (A) is obtaining or has obtained assistance during the
18 preceding six months under any state or federal welfare program
19 to aid the indigent, or

20 (B) has an annual family gross income of less than
21 \$8,200 [\$5,600] for the year preceding application.

22 * Sec. 2. AS 16.05.340(a)(17)(A) is amended to read:

23 (A) A person may not engage in waterfowl hunting
24 without having the current year's waterfowl tag in the person's
25 actual possession, unless that person

26 (i) qualifies for a \$5 - [25 CENT] license fee
27 under (6) of this subsection [AS 16.05.340(a)(6)];

28 (ii) is a resident under the age of 16;

29 (iii) is 60 years of age or older and has been a

1 resident for at least one year;

2 (iv) is a disabled veteran eligible for a free
3 license under AS 16.05.341.

4 * Sec. 3. AS 16.05.340(c) is amended to read:

5 (c) The commissioner may issue a duplicate license or a dupli-
6 cate tag as a replacement for a license or tag issued under (a) of
7 this section. A fee of \$2 shall be charged for each duplicate license
8 or tag and the duplicate may [SHALL] not be issued unless the commis-
9 sioner or a delegate is satisfied that the original has been lost or
10 destroyed. [THIS SUBSECTION DOES NOT APPLY TO A 25-CENT LICENSE
11 ISSUED UNDER (a)(6) OF THIS SECTION.]

12 * Sec. 4. AS 16.05.420 is repealed and reenacted to read:

13 Sec. 16.05.420. LICENSE, TAG, AND PERMIT VIOLATIONS. (a) A
14 false statement of a material fact in an application for a license,
15 tag, or permit issued under AS 16.05.330 - 16.05.430 voids the li-
16 cense, tag, or permit for which the application is made.

17 (b) A person who knowingly makes a false statement, or knowingly
18 omits a material fact, in an application for a license, tag, or permit
19 issued under AS 16.05.330 - 16.05.430 is guilty of unsworn falsifica-
20 tion under AS 11.56.210.

21 (c) A person to whom a license or tag has been issued under this
22 chapter may not alter, change, loan, or transfer the license or tag.
23 A person may not use a license or tag that has been issued under this
24 chapter to another person.

25 * Sec. 5. AS 16.05.430(a) is amended to read:

26 (a) Except as provided in AS 16.05.420(b), a [A] person who
27 violates AS 16.05.330 - 16.05.420 or a regulation adopted under
28 AS 16.05.330 - 16.05.420 is guilty of a misdemeanor and upon convic-
29 tion is punishable by a fine of not more than \$1,000, or by

1 imprisonment for not more than six months, or by both.

2 * Sec. 6. AS 16.05.660 is amended to read:

3 Sec. 16.05.660. LICENSE EXEMPTION. A person may, by complying
4 with the \$5 [25-CENT] license requirement of AS 16.05.340(a)(6), take
5 not more than 2,000 pounds each of tom cod, blue cod, smelt, pickerel,
6 white fish, and spider crab a year from waters of the state.
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SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 2-9-89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 2-15-89

1/9/89

Mr. President:

RESOURCES Committee considered SB 33

establishing the Willow Mountain Critical Habitat Area; efd

and recommended:

- replace with CS _____ same title
- attached amendment(s) and _____ new title
- _____ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Richard Hallford
W. G. ...
Paul F. ...
Carlisle Stungulovich

Debbie ... Do Pass
Chairman signature and recommendation

Committee backup attached

Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kertula, Vice Chairman

Senator Dick Ellason

Senator Steve Frank

Senator Rick Hallford

Senator Arliss Sturgeon

Senator Fred Zharoff



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

M E M O R A N D U M

TO: Committee Members, Senate Resources Committee

FROM: Committee Staff *[Signature]*

RE: Committee Meeting, February 13, 1989

DATE: February 13, 1989

On Monday, February 13 at 1:30 pm in the Butrovich Room, the Senate Resources will hear SB 33, Establishing the Willow Mountain Critical Habitat Area, and SB 60, Making a special appropriation to the Office of the Governor for activities to encourage the federal government to permit export of oil from the state.

SB 33 provides for the management of 22,720 acres of land near Hatcher Pass and Willow in Southcentral Alaska under the State Critical Habitat Area program. The Willow Mountain area supports unusually large concentrations of moose. The purpose of the bill is to preserve the high quality moose habitat supporting the high moose population.

SB 60 would appropriate \$1.5 million for a major lobbying and public relations effort to remove the current ban on exporting North Slope oil.

This session, the U.S. Congress will probably begin to focus on reauthorizing the Export Administration Act (EAA), which expires in 1990. Section 7(d) now effectively prohibits the export of crude oil transported through TAPS.

Arlon Tussing, an oil and energy consultant and adjunct professor of economics at the Institute of Social and Economic Research at the University of Alaska, will present an overview of the political climate in Washington, D.C. and the prospects for successful state efforts to remove the ban.

John Katz, Director of State/Federal Relations, Office of the Governor, testifying on the teleconference network from Washington, D.C., will present the administration's perspective on the proposed lobbying effort.

At a time when the state is seeking to increase revenues without adversely impacting individuals or industry, allowing the foreign export of oil would provide a positive alternative to other revenue enhancement proposals.

Because of the glut of ANS on the West Coast, Alaska currently delivers about one third of its oil through the Panama Canal to the U.S. Gulf coast. Due to the lower cost of shipping Alaska North Slope oil (ANS) to Pacific Rim markets rather than the U.S. Gulf coast, oil exported overseas would have a higher wellhead value. This increase would result in greater industry profits, increased state royalties and taxes, incentives for development of marginal fields, greater federal revenues and reduction of the trade imbalance with Japan, and more trade opportunities with Pacific Rim nations.

The current export ban depresses the value of all crude oil produced in Alaska (and California) by \$1.50 to \$4.00 per barrel. Any new development suffers the full \$4.00 penalty, and some analysts believe one effect of the ban is to reduce U.S. oil output by 500,000 barrels a day. An increase in wellhead value through removing the ban may make major projects in Alaska, such as West Sak Sands development, commercially viable.

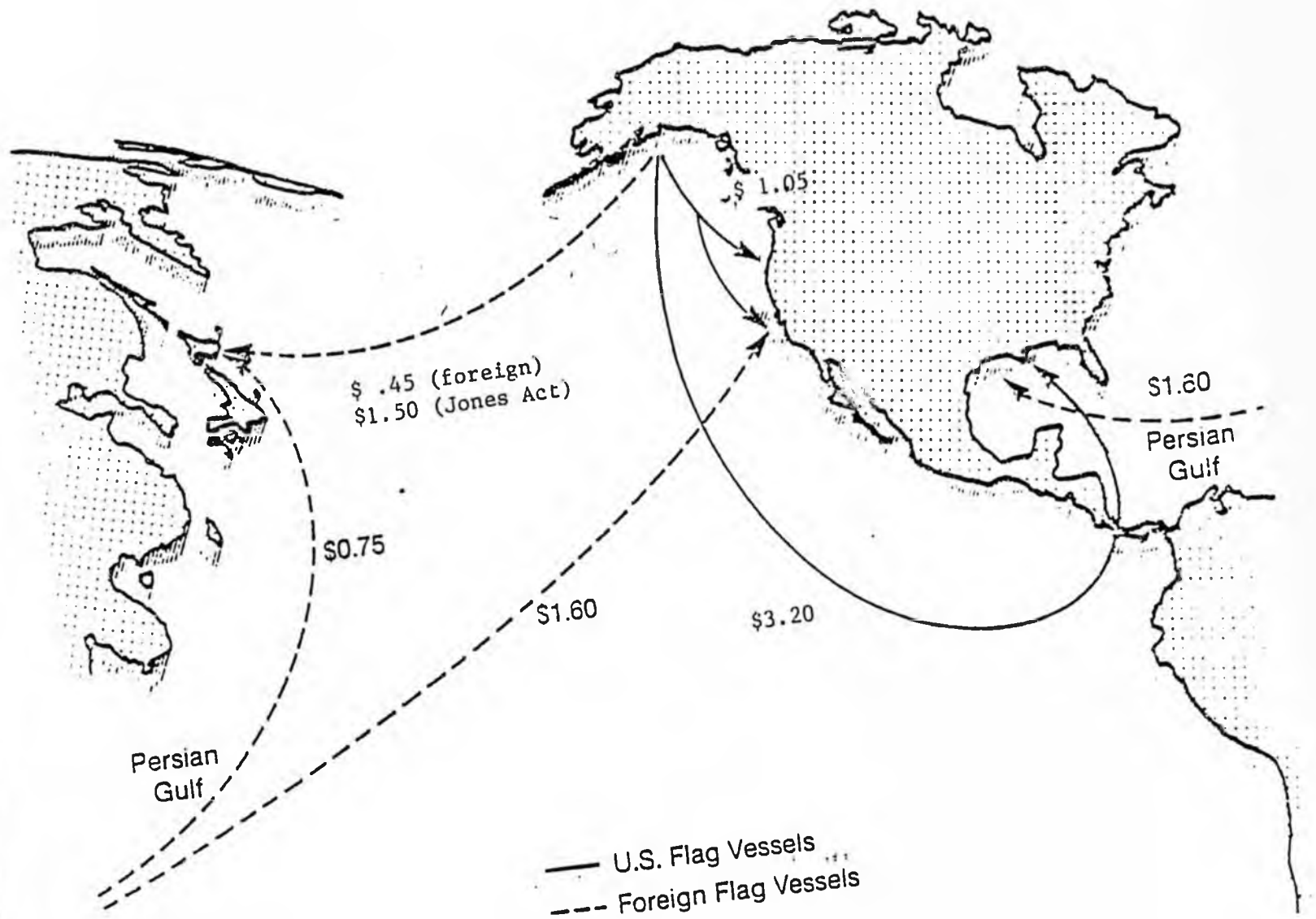
Depending on the type and amount of exports allowed, additional revenues to the state are estimated to be anywhere from \$56 million up to \$1 billion per year.

Federal revenues would be expected to increase by about \$1 billion a year due to higher leasing and tax revenues.

Of course reducing deliveries of ANS to the U.S. Gulf coast would require those refiners to increase their imports of foreign oil, but the net result would be less reliance by both the U.S. and the world as a whole on OPEC imports. Removing the ban would likely reduce the U.S. balance of payments deficit by about \$3 billion per year.

In addition, the committee will take action on SJR 26, Urging adoption of a national energy strategy.

Figure 1
SHIPPING RATES
(\$/Barrel)



SOURCE: Oil industry estimates.

#87-003162
f- OTC - export of AK oil

Alaska State Legislature

SENATE ADVISORY COUNCIL



Pouch V
State Capital
Juneau, Alaska 99811
Phone: (907) 465-3114

MEMORANDUM

TO: Senator Don Bennett
Alaska State Senate

ATN: Janice Adair

FROM: Lee Ann Lucas *AL*
Senate Advisory Council

DATE: 2/5/87

RE: Oil Export Restrictions

Referencing your request that this agency determine if other states have an oil export restriction act similar to Alaska's, I offer the following.

Congress has placed a number of statutory restrictions on the export of U.S. crude oil. These restrictions are:

- * Section 7 of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2406);
- * Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212);
- * Section 28(u) of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Trans-Alaska Pipeline Authorization Act of 1973 (43 U.S.C. 1652);
- * Section 201 of the Naval Petroleum Reserve Production Act of 1976 (10 U.S.C. 7430);
- * Section 28 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1343).

The main reason for this legislation was Congressional concern about the adequacy of oil supplies for the U.S. domestic market and the maintenance of low oil prices under the then prevalent price controls. It was widely held that any exports of price-controlled crude would have to be replaced by higher priced imports, which would raise consumer prices and add to inflationary pressures. Congress was also concerned about growing U.S. dependence on foreign oil supplies and wanted to ensure that U.S. crude oil reserves were utilized to reduce import dependence.

Senator Bennett
2/5/87
Page 2

In 1973, Congress passed the Trans-Alaska Pipeline Authorization Act. In order to obtain Congressional support, the TAPS bill was amended to make Alaska North Slope (ANS) crude available only for domestic consumption. Subsequent legislation strengthened the export restrictions and no ANS crude has ever been available for export.

The Export Administration Act of 1979, as amended, is the principal statute that restricts the export of ANS crude oil. It applies the most stringent conditions of any legislation that restricts crude oil exports. Specifically, Section 7(d) of the EAA effectively prohibits the export of ANS crude oil unless it is pursuant to a bilateral international oil supply agreement entered into by the United States before June 25, 1979, or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency. Section 7(d) does allow for ANS crude exports if the President makes certain findings and recommends to the Congress that exports be allowed, and thereafter obtains express Congressional approval within 60 days of the recommendation.

Congress recently passed the Export Administration Amendments Act of 1985 (EAAA). The EAAA continued and strengthened the restrictions on the export of ANS crude oil. While the EAAA runs for three years, the ban on ANS crude oil exports (Section 7(d)) was extended for five years.

Since Cook Inlet crude oil is not transported through TAPS, it does not fall under the above restriction. However, it is subject to the federal export restrictions generally applicable to domestic crude oil.

Section 103 of the Energy Policy and Conservation Act (EPCA) generally requires the President to prohibit the export of domestically produced crude oil, subject to certain possible exceptions. Should the President determine that the export of crude oil is in the national interest and consistent with the purposes of EPCA, a national interest finding may be made by the President and such oil can be exported.

In 1985, the Secretary of Commerce, with the concurrence of the Secretaries of State, Energy, and Treasury, determined that permitting the export of crude oil derived from Alaska's Cook Inlet is in the national interest and consistent with the purposes of the EPCA.

I contacted Steven Porter, Assistant Attorney General for the Department of Law in Anchorage. Mr. Porter has worked closely with DNR on oil issues. Attached is a copy of a memorandum written by Mr. Porter to Representative Szymanski in 1985 which summarizes federal restrictions on the foreign export of Alaska crude oil. The report by Congress on the export of Alaska North Slope crude oil mentioned on page 2 of Mr. Porter's memo is available in the Senate Advisory Council Library if you would like to review it.

Senator Bennett
2/5/87
Page 3

There does not appear to be any other statutory restrictions on the export of U.S. domestic crude oil as strigent as the Export Administration Act of 1979 and subsequent amendments which focuses on the export of Alaska North Slope crude.

If I can provide additional information or be of further service, please call me.

LAL:lal
Attachments

U.S. oil export ban involves costs that hurt economy, rein energy search

The U.S. makes too many economic tradeoffs in its ban on crude oil exports outside North America.

The ban, a product of the Trans-Alaska Pipeline Act and adjustments to the Export Administration Act, is grounded in assumptions that no longer are valid. And it creates unnecessary costs that thwart development of new energy supply and clog the economy.

During the hectic environment created by the 1973-74 Arab oil embargo, Congress adopted the view that the U.S. should let none of its own production be sold overseas. At a time when the industrialized world felt doomed to perpetual petroleum shortage, when the strategic importance of crude oil became glaringly apparent, that seemed sensible. But events since then—mainly a dramatic decrease in consumption leading to what appears to be an extended oil surplus that will be magnified by new discoveries off California—have overturned the enduring-shortage scenario.

Strategic considerations of domestic production remain important, but they involve more than concern over where U.S. oil is sold. The export ban has produced economic inefficiencies far more threatening than near term chances for a supply interruption. By allowing exports, the U.S. could correct those inefficiencies and thus promote vital economic growth. It also could spur domestic energy development. And the ban could always be reimposed if these shipments ever posed a threat to energy security.

The export ban mainly affects production from Alaska, natural markets of which are the U.S. West Coast and Asia. The West Coast needs only about one-half the oil shipped from Valdez, so the remainder crosses Panama or circuits South America to reach refineries on the Gulf and East Coasts and in the Caribbean.

Shipment to Asia—probably Japan—in exchange for crude from foreign sources closer to those markets would be cheaper. That's partly because the routes are shorter. Also, the Jones Act requires that cargoes moving between U.S. coasts be shipped in U.S. vessels with U.S. crews, both of which are expensive by international standards. Thus, by proscribing international

markets within easy reach of production, the U.S. creates a cost equal to the substantial difference between current shipping charges and what they would be if the less expensive alternative were legal. Ultimately, the cost is borne at the wellhead in the form of lower netbacks for North Slope production.

Depressed wellhead netbacks don't hurt just producers and Alaska. They limit exploration and development and thus reduce additions to U.S. oil reserves, which have much more to do with U.S. energy security than foreign sale of domestic production. Consumers, who have a great stake in energy supply security, therefore snare the cost of wellhead netbacks depressed by nonmarket forces.

In fact, the main beneficiaries of the export ban are the ship owners. They enjoy Jones-Act protection from foreign competition as well as a guaranteed market, so long as the U.S. closes foreign markets to Alaskan oil. The Heritage Foundation estimates that the Alaskan oil shipping business accounts for one-half of Jones Act traffic. It's not surprising, therefore, that U.S. ship owners and their friends in Congress lead the opposition to changes in laws blocking Alaskan crude exports or in the Jones Act itself.

Other groups could be hurt by an end to the export ban. Export of Alaskan crude might prove more profitable than movement of the oil inland from the West Coast via the proposed Northern Tier pipeline or alternative projects. Likewise, lifting of the export ban might encourage development of a North Slope LNG industry based on trade with Japan. That could doom the proposed gas pipeline from Alaska to the Lower 48. The Northern Tier oil pipeline and Alaskan gas line are major projects that would do much to facilitate U.S. energy transportation. But, if and when they are built, their economics shouldn't hinge on government market restrictions.

An end to the export ban might not trigger immediate exports to Japan because most North Slope producers already are committed to transportation arrangements linking U.S. markets. But it would encourage development of new petroleum supplies by opening market opportunities now closed by legalities that no longer serve U.S. economic or security objectives.

Alaska's well-travelled oil



America should sell it to the Japanese

Anybody seeking evidence that America could try harder to reduce its trade deficit with Japan need look no further than the Panama Canal. More than a third of the 1.8m-or-so barrels of oil gushing out of Alaska every day is shipped south to Panama, pumped through a pipeline across the isthmus, and reloaded on the other side bound for refineries on America's eastern seaboard. This tropical cruise is necessary because Congress forbids the export of Alaskan oil, choosing to ignore the first rule of salesmanship: do what your customers want. Since the 1970s, Japan has been begging to buy several billion dollars of Alaskan oil a year—enough to cut 5-10% off America's merchandise trade deficit with Japan.

It is true that most of the billions this would save from America's bilateral deficit with Japan would not reduce America's overall trade deficit as well. America now buys abroad one out of every three barrels it guzzles. So the crude sold to Japan would have to be replaced with stuff bought elsewhere. But the costs of America's present muddled policy are not really in dispute. Over half the crude now pumped from Alaska is used on America's west coast, where Alaska is indeed the cheapest source of supply. For the larger markets of America's east coast, Alaska plainly is not. According to guesses by America's

THE ECONOMIST MAY 23 1987

own Federal Trade Commission, it would be about \$800m a year cheaper to ship Alaskan oil to Japan, and supply America's east coast from South America or even the Middle East.

A main reason why America refuses to earn this money from Japan lies in a vague Congressional instinct that a ban on oil exports should make America more immune to OPEC's fiddling. This is the reverse of the truth. When the Americans entangle restrictive practices around their marketing of Alaskan oil, instead of sending it to the places where they could sell it most competitively, by definition they make the OPEC cartel's attempts at worldwide price-fixing easier. More immediately, much of the annual \$800m that would be saved by eliminating the long trek across Panama would boost oil companies' profit margins on Alaskan oil. That should encourage the development of the vast new tracts of Alaska now being opened for oil exploration, and damage OPEC by increasing America's domestic production.

Two lobbies that weaken America

These facts are being hidden from the American public through hard lobbying by two special interest groups: merchant sailors and military planners. The sailors reckon 13

Alaskan oil exports would cost them jobs. The Jones Act requires cargoes bound from one American port to another, like Alaskan crude, to be carried in ships bearing the American flag. Cargoes bound for foreign ports escape the Jones Act, and are usually carried on foreign-flag ships at a fraction of the cost of sailing under the trade-unionised stars and stripes. The defence department wants to keep the flags flying because it has its eye on a fleet of American-flag tankers that could be commandeered in case of war. It prefers to tag the cost of maintaining that fleet on to oil consumers' bills rather than have the government pay it a subsidy directly.

Now that more of Alaska is being opened to oil

explorers, the need to remove the ban on exports has become more urgent. Fewer oilmen will bid to dig in those frozen wastes if they cannot sell any output where they want. Unfortunately, because the ban has been written into the Export Administration Act, new laws will be required to change it. With Congress in its present protectionist mood, introducing trade legislation is like poking a hornets' nest. But protectionists should note that letting Japan buy Alaskan oil could prove a more useful bargaining tool than tariffs in extracting trade concessions from it. Unlike tariffs, which raise prices in America, exporting Alaska's oil would bring new benefits and strengths to the United States.

f-oil export ban

Lift Export Ban on Alaskan Crude

By ALAN BAYLESS

With U.S. oil production declining and imports rising, some legislators in Washington are casting about for ways to stimulate the oil industry. The best policy would be to lift the ban on the export of Alaskan crude.

The U.S. could learn from Canada's example. In 1983, Ottawa decided to phase out the export restrictions it had imposed in 1975. The restrictions, and a decision to leave some Alberta oil in the ground, made Canada increasingly dependent on imports—contrary to the government's goal. As the nearby graph illustrates, Canada, which was a net crude exporter in the early 1970s, became a net importer in 1975 and remained one until 1983.

Along with the restrictions, Ottawa forced Alberta crude to move through a subsidized pipeline to Montreal and from there by subsidized tankers to the Maritime provinces. "It was inefficient. The best netback for Alberta oil producers was to sell in Chicago," admits David Oulton, director general of the Oil and Emergency Planning Branch of Canada's Department of Energy, Mines and Resources.

To be sure, the turnaround since 1983 isn't due only to the lifting of the export restrictions. Deregulation and higher prices also stimulated the oil industry and encouraged Canadians to use much less crude. Even so, Canada's re-emergence as a net oil exporter amazed energy experts, who had underestimated the country's ability to respond to market forces.

Lifting the export ban on Alaskan crude won't make the U.S. a net oil exporter, but it could increase U.S. oil output by up to 500,000 barrels daily in the early 1990s, according to a recent study by Arlon Tussing, a Seattle-based energy consultant, and his colleague Samuel Van Vactor.

Asia is the natural market for Alaskan crude, but in 1973, before the state's huge Prudhoe Bay field was developed, Congress decided to keep the supplies for the domestic market to promote oil self-reli-

ance. Under the Jones Act of 1920, only high-cost, U.S.-flag tankers can carry Alaska crude to Panama, where it is unloaded, moved through an 80-mile pipeline, and reloaded onto more U.S.-flag tankers for shipment to Gulf Coast refineries.

Mr. Tussing, also an adjunct professor at the University of Alaska, and Mr. Van Vactor, formerly a senior economist with the International Energy Agency, say that removal of the ban would likely boost oil production by 300,000 barrels a day in Alaska and by 200,000 barrels a day in California, assuming world oil prices of about \$15 a barrel. The U.S. trade deficit would be cut by up to \$3 billion a year and the federal budget deficit by up to \$1 billion a year, while Alaska would gain \$1 billion a year and state and local governments in California would get \$500 million a year.

All this extra wealth would be created, they say, because the export ban depresses the wellhead value of all crude produced in Alaska and California by up to \$4 a barrel. California's crude prices are hurt because Alaska producers flood that market to minimize the costly transit through Panama. Moreover, Messrs. Tussing and Van Vactor conclude that the California-crude discounts benefit refiners, not consumers, because refined products aren't subject to trade restrictions and are closely linked to world prices.

Of course, exports of Alaskan crude would force Gulf Coast and East Coast refiners to increase imports of foreign crude,

a prospect that alarms many Americans even if there is a net trade benefit. From a security perspective, however, the U.S. has only exchanged one vulnerability for another, as demonstrated last month when a political strike closed the Panama pipeline for two days. Moreover, contracts could be worded to allow U.S. oil companies to divert Alaskan crude back to the

tion by asserting that the export ban has little impact on U.S. crude production and prices, even though the marginal cost of shipping Alaskan crude to Japan is as little as 50 cents a barrel, according to Mr. Van Vactor, compared with \$3.69 or more to the Gulf Coast. The maritime industry also claims that a U.S.-flag tanker fleet is needed for national emergencies, but Mr. Tussing argues that an oil-supply crisis would create a surplus of foreign tankers, because higher world prices would reduce global oil demand. He says the foreign tankers—many of them controlled by U.S. companies—could readily be hired to serve U.S. interests on a commercial basis.

Although Alaska favors lifting the export ban, Gov. Steve Cowper is reluctant to press the issue, fearing it will hurt efforts to convince Congress that the Arctic National Wildlife Refuge should be opened to oil exploration. "People don't want to support the development of oil if it is going to be exported to foreign countries," he says.

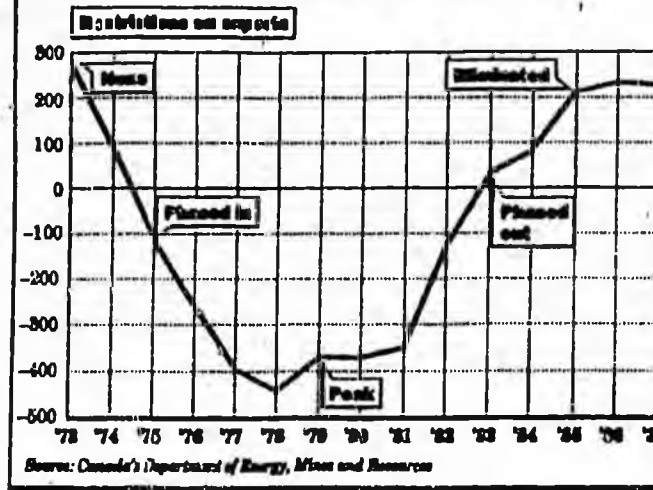
Nevertheless, the Reagan administration has managed to put one chink in the ban by permitting exports from Alaska's relatively small Cook Inlet oil deposit. A second chink is contained in the proposed U.S.-Canada Free Trade Pact, which would permit the sale to Canada of 50,000 barrels of Alaskan crude daily.

Even though the crude would first be landed in the lower 48 states and would use U.S. tankers, a pro-maritime lobby group called the Coalition to Keep Alaska Oil opposes the exports to Canada. In recent testimony before a congressional subcommittee, coalition spokesman Howard Marlowe expressed concern that the opening will set a precedent when the export ban comes up for review again next year.

Judging from Canada's experience and the political volatility in Panama, Congress should overlook the coalition's concerns and permit all Alaskan oil to be exported. The prospect of 500,000 barrels a day of additional crude production ought to outweigh the interests of the maritime industry.

Canada's Oil-Trade Balance

Surplus and deficit, in thousands of barrels per day



domestic market if the U.S. faced a supply cutoff.

In any event, lifting the ban wouldn't lead to gas lineups, even in a crisis, as long as Washington didn't repeat the 1970s policy of imposing price controls and rationing. The U.S. would pay more for oil imports, but could charge more for exports. As with Canada, greater domestic production would be available before and during a crisis.

Removal of the U.S. export ban would hurt U.S. shipowners and seamen, since Alaskan crude could be moved less expensively in foreign tankers. Until now, the maritime industry has protected its posi-

REVIEW & OUTLOOK

Crude Question

When Japan's Prime Minister Yasuhiro Nakasone visits Washington next week, we hope he asks President Reagan when the U.S. is going to get serious about opening the Japanese market to American products. That's right. When is the U.S. going to allow American goods into Japan?

Under the Export Administration Act of 1979, crude oil from the North Slope of Alaska must be sold within the United States. Removing this export prohibition would simplify a Rube Goldberg system of oil transport and reduce the U.S.-Japan trade deficit, perhaps by several billion dollars.

Every day, 1.5 million barrels of crude flow through the Alaska pipeline into tankers at the port of Valdez. From there, 900,000 to one million barrels are transported to West Coast refineries, at a cost of about \$1.25 per barrel. Most of the remainder makes an unnecessarily long and expensive trip—by tanker to the West Coast of Panama, through a pipeline or the Panama Canal to Caribbean tankers, and thence to the U.S. Gulf Coast, at a cost of \$4.50-\$5.50 a barrel.

Without the export prohibition, one would expect much of the Gulf Coast oil to be sold to Asian countries, especially Japan. For one thing, transport costs across the Pacific are about 50 cents a barrel. For another, Japan wants to diversify its oil sources, to reduce its heavy dependency on the Persian Gulf. Meanwhile, it would be advantageous for Gulf Coast refiners to purchase more crude from Mexico and Venezuela (transport costs about \$1 per barrel), which incidentally, could use the foreign exchange.

For the U.S., exporting more oil to

Asia, importing more from the Caribbean, the balance of payments would be a wash. But trade tensions with Japan could be reduced. The U.S. would have more leverage in asking the Japanese not to underwrite Soviet development of energy resources in Sakhalin. And assuming 500,000 barrels a day of sales to Japan, at a wellhead price of \$20, the U.S.-Japan deficit could fall by \$3.65 billion.

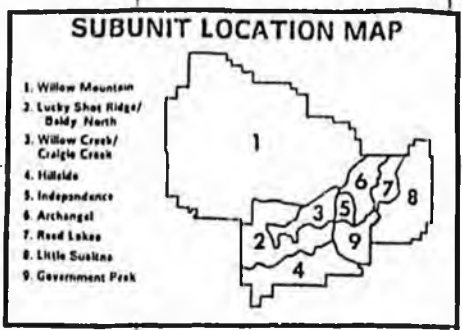
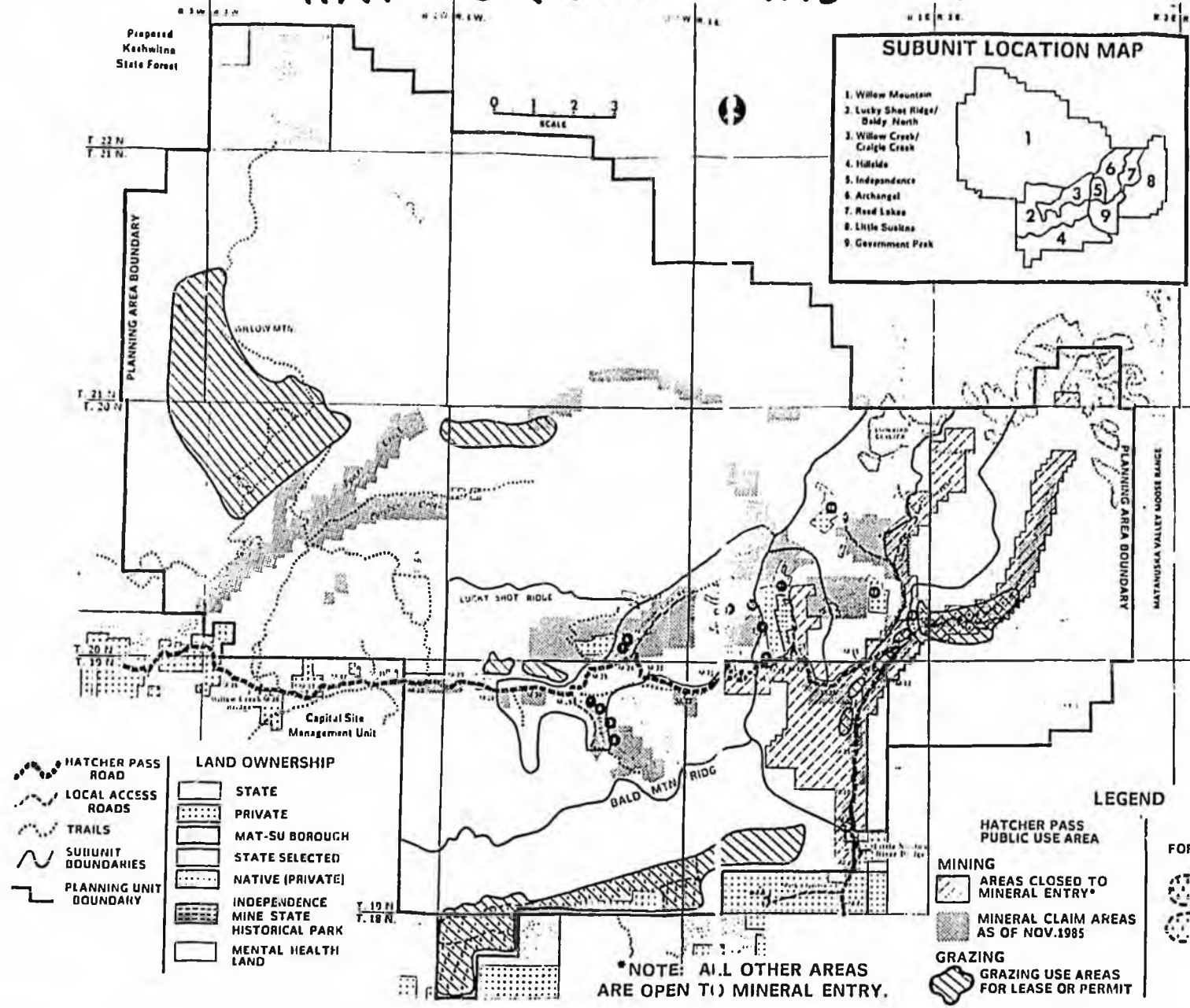
It isn't clear that Japanese refiners would buy that much, of course. They have long-term contracts with existing suppliers, and their total demand for crude has been declining. Meanwhile, U.S. oil companies will want to recoup the investments they have made—in tanker fleets, the \$600 million Panama pipeline—under the assumption that the export ban would continue. But over time, it will make more logistic and economic sense to send Alaskan oil to the Far East than to the Gulf.

The export ban was originally enacted as a result of heavy lobbying by environmentalists who opposed the Alaska pipeline, and wanted to make sure it was built only for reasons of national energy independence. But today, the ban is primarily supported by maritime unions. Oil shipped across the Pacific would go in foreign bottoms; in the U.S. trade, under the Jones Act, cargoes must be carried in overmanned U.S.-flagships with overpaid U.S. seamen.

So perhaps Mr. Nakasone should ask Mr. Reagan whether his trade negotiators will jawbone the U.S. Congress and domestic maritime unions as much as they press against the Japanese government in keeping the Japanese market closed. Both sides are culpable.

-FINAL-

HATCHER PASS MGMT PLAN - ADOPTED 11/86



**HATCHER PASS
MANAGEMENT PLAN**

MAP 11

**LAND USE PLAN:
MINING,
GRAZING,
FORESTRY**

HISTORICAL MINING SITES

SHA #	DIST	NAME
1817	M.S. Adams	L. Newman
1854	A. Edart	
1903-06	Klamath & Bonner	Mining Co.
1906	Wes. Alaska	Ironman Bros.
1906	Robert	Hatcher
1918	Wes. Baby	Mine
1917	Lucky Shot	Mine
1907	Gold	Basket Mine
1908	Felix	Wright
1927	Independence	Mine
1917-43	Gold	Cord Mine
1911	Mallet	Mine
1919-24	Gold	Went Mine
1910	Fern	Mine

- HATCHER PASS ROAD
- LOCAL ACCESS ROADS
- TRAILS
- SUBUNIT BOUNDARIES
- PLANNING UNIT BOUNDARY

- LAND OWNERSHIP**
- STATE
 - PRIVATE
 - MAT-SU BOROUGH
 - STATE SELECTED
 - NATIVE (PRIVATE)
 - INDEPENDENCE MINE STATE HISTORICAL PARK
 - MENTAL HEALTH LAND

- LEGEND**
- HATCHER PASS PUBLIC USE AREA**
- MINING AREAS CLOSED TO MINERAL ENTRY*
 - MINERAL CLAIM AREAS AS OF NOV. 1985
 - GRAZING GRAZING USE AREAS FOR LEASE OR PERMIT

- FORESTRY FORESTRY HARVEST AREAS**
- HIGH VALUE
 - MODERATE VALUE

*NOTE: ALL OTHER AREAS ARE OPEN TO MINERAL ENTRY.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB33	SPONSOR Senator Kerttula
SHORT TITLE OF BILL Willow Mountain Critical Habitat Area			
DEPARTMENT POSITION Support			
PREPARED BY Frank Rue, Habitat Div.	DATE 1/23/89	COMMISSIONER'S SIGNATURE <i>Don Collinsworth</i>	DATE 2-2-89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUPS AFFECTED BY BILL Hunting, fishing, trapping, recreational interests, Palmer/Wasilla area residents
ORGANIZATIONAL SUPPORT FOR BILL Matanuska-Susitna Borough (see attached letter) Department of Natural Resources Environmental Organizations	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of establishing Willow Mountain Critical Habitat Area is to protect and preserve the habitat that is most crucial to the perpetuation of fish and wildlife populations, especially moose.

ANALYSIS OF BILL/PROGRAM EFFECTS

The bill establishes Willow Mountain Critical Habitat Area. It provides for the management of the area under the State Critical Habitat Area program. It establishes the purpose for which the area is to be managed and ensures protection of essential moose habitat.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Fish and Game
 Title: An Act establishing the Willow Mountain Critical Habitat Area BRU: Habitat
 Sponsor: Kerttula Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

REVENUE	0					
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

Prepared by Frank Rue, Director
 Division: Habitat

Phone: 465-4105

Date: 1/24/89

Approved by Commissioner Orin Cullensworth
 Agency: Department of Fish and Game

Date: 2.2.89

Distribution (by preparer):

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

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

January 31, 1989

The Honorable Bettye Fahrenkamp
Chair, Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Subject: SB 33, Willow Mountain Critical Habitat Area.

Background: According to the Department of Fish and Game, Willow Mountain contains a high moose population, brown and black bears, and furbearers. Because of its proximity to urban locations, it is an important hunting and trapping area. The Hatcher Pass Planning Team agreed that the area would be managed to maintain wildlife productivity and provide opportunities for hunting, trapping, and recreation. The team also agreed that the area would remain open to mineral entry.

Most of the area is sub-alpine shrubs and grasses. Forestry operations are allowed only for habitat enhancement or disease control. The option was kept open for grazing in the future, but the plan recommended that research be conducted to determine whether grazing can take place without major adverse impact to wildlife habitat.

Position: The Department of Natural Resources supports the creation of the Willow Mountain Critical Habitat Area as provided in the department's Hatcher Pass Management Plan.

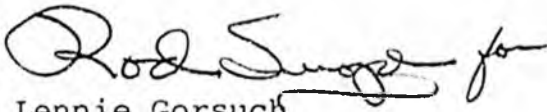
The management plan required in the bill should address guidelines for uses allowed in the Hatcher Pass Plan, adopted in October, 1986, or as amended, and should apply to land now owned or acquired in the future.

Technical changes:

Under Section 3, add "or as amended" to the last sentence.

We look forward to working with you and the members of the committee on this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lennie Gorsuch for".

Lennie Gorsuch
Commissioner

cc: Committee Members
Bill Sponsors
Bob Evans
Denby Lloyd
Gary Gustafson

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION : SB 33
PUBLISH DATE : _____

FISCAL NOTE

REQUEST:

Revision Date: 25-Jan-89 Agency Affected: Natural Resources
 Title: Willow Mountain Critical BRU: Land and Water Management
 Habitat Area: _____
 Sponsor: Kertulla Components: Land & Water
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0					

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioners Office Date: 25-Jan-89
 Approved by Commissioner: Lennie Gorsuch Date: 25-Jan-89
 Agency: Department of Natural Resources

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

Proposed Willow Mountain Critical Habitat Area
Background Information

Location: The proposed Willow Mountain Critical Habitat Area is located on the western slopes of Willow Mountain between Willow Creek and the Kashwitna River in Southcentral Alaska approximately 10 miles northwest of Hatcher Pass and 10 miles northeast of Willow.

Area Description: Located along the western slopes of Willow Mountain, the area ranges in elevation from 1000 to 2600 feet. The area is vegetated with mixed stands of birch, white spruce, cottonwood, and aspen which grade into willow and alder at higher elevations. Extensive grasslands cover the ridge-tops and intermix with the willow/alder stands. Wetland communities of black spruce are scattered throughout. The unusually extensive stands of willow provide vegetative cover and browse attractive to moose.

Justification: Willow Mountain supports unusually large concentrations of moose in late fall and early winter. The area contains some of the highest quality moose habitat in the lower Susitna River Valley. High quality browse, shallow snow cover, and other habitat characteristics provide moose with essential habitat. The seasonal density of moose in this area is one of the highest in the state. At present moose populations in the area are estimated to number well over 1000 animals and with maintenance of habitat and enhancement of adjacent areas, could further increase. Large numbers of moose are also known to utilize the mountain slopes during summer and early fall. Maintaining habitat on Willow Mountain, including the proposed critical habitat area, is key to sustaining the integrity of the area's moose populations.

Land Status: The proposed critical habitat area encompasses 22,720 acres and is composed entirely of state and state selected land. There are 5,120 acres of state selected land in the northern end of the proposed critical habitat area. There is no mental health land within the boundaries of this area.

Current Uses: The area is used year-round for a variety of wildlife oriented activities. Moose hunting is the primary activity with moose hunters coming primarily from the Anchorage or Palmer/Wasilla and Willow areas. Willow Mountain receives intensive moose hunting effort by ORV. Trapping is also an important use of the area.

Important furbearers include mink, weasel, beaver, coyote, lynx, and otter. All three species of ptarmigan are hunted in the winter. It is also a popular snowmachining area due to the extensive stretches of wide open terrain. Dog mushing and cross country skiing also occur in the area.

Public Access: Presently, public access into the Willow Mountain area is gained via the "Peters-Purchases Creek" trail. It is used primarily by moose hunters in the fall and ptarmigan hunters, recreational snow machiners and fur trappers during the winter. The trail begins near MP 14 of the Hatcher Pass Road at the north end of the bridge over Willow Creek and terminates near timberline on the south side of Willow Mountain. The trail traverses numerous swampy areas, requiring either track vehicles or ATV's with low pressure tires. A new bridge and road is planned for construction (spring 1987) across Willow Creek at approximately MP 5 of the Hatcher Pass Road and will create additional access to Willow Mountain in the future.

Other Natural Resources: The Willow Mountain plateau has low mineral potential. Portions of four placer mining claims are located in the southeastern corner of the area, (T20N, R2W, Section 19, Seward Meridian) near Peters Creek.

Currently no grazing occurs in the area. Potential grazing lands within the area have been identified, however, a majority of the potential rangeland is interspersed with an abundance of standing water and boggy areas which limits its use for grazing purposes. Provisions of the Hatcher Pass Management Plan reserve development of the grazing potential within the Willow Mountain Unit until existing grazing resources are utilized within the eastern portion of Hatcher Pass.

The Hatcher Pass Management Plan identifies a dense stand of white spruce on the western slopes of Willow Mountain below 1000 feet as the only significant forestry potential in the vicinity.

Area's History: Because the area has had limited public access to date, and few attractions other than moose, it has received relatively little impact from human use. High densities of moose have been the primary inhabitants of the area, which in turn attracted hunters beginning in the early 1950's. Hunters, trappers, and more recently, recreational snow machiners, have been the primary users of the Willow Mountain area.

Threats: Recent plans to bridge Willow Creek and extend a road into the Kashwitna management unit (adjacent to the proposed critical habitat area) for the purpose of a timber sale will alter the undisturbed nature of Willow Mountain's critical moose habitat. Development of road access into this area threatens its integrity with new land use activities. Improved road access may mean an increase in snowmachine use within the area which could result in significant disturbance and additional stress to moose populations during already stressful seasons. Increases in motorized vehicle use impact habitats, wildlife distribution, and the quality of the outdoor experience, particularly hunting. Although settlement is not allowed in this area in the Hatcher Pass Management Plan, the potential for settlement activity in the area is raised by development of road access.

Support and Opposition: The Matanuska-Susitna Borough Assembly has sent a letter (dated February 5, 1987) to legislators requesting the establishment of the Willow Mountain Critical Habitat Area. The October 1986 Hatcher Pass Management Plan documents several groups in support of critical habitat area designation: the Wildlife Federation of Alaska; the Alaska Chapter of the Wildlife Society; the Alaska Center for the Environment; and several individual citizens. The Alaska Frontier Trappers Association is also on record as supporting protection of the critical habitat in this area. In the October 1986 Hatcher Pass Management Plan the Department of Natural Resources endorsed legislative designation of the area for the purpose of protecting moose habitat.

There is no known group opposition to this proposal.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

January 31, 1989

FEB 1 1989

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Position: The Department of Natural Resources supports the creation of the Willow Mountain Critical Habitat Area as provided in the department's Hatcher Pass Management Plan.

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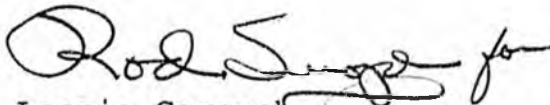
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Lennie Gorsuch
Commissioner

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Location: The proposed Willow Mountain Critical Habitat Area is located on the western slopes of Willow Mountain between Willow Creek and the Kashwitna River in Southcentral Alaska approximately 10 miles northwest of Hatcher Pass and 10 miles northeast of Willow.

Area Description: Located along the western slopes of Willow Mountain, the area ranges in elevation from 1000 to 2600 feet. The area is vegetated with mixed stands of birch, white spruce, cottonwood, and aspen which grade into willow and alder at higher elevations. Extensive grasslands cover the ridge-tops and intermix with the willow/alder stands. Wetland communities of black spruce are scattered throughout. The unusually extensive stands of willow provide vegetative cover and browse attractive to moose.

Justification: Willow Mountain supports unusually large concentrations of moose in late fall and early winter. The area contains some of the highest quality moose habitat in the lower Susitna River Valley. High quality browse, shallow snow cover, and other habitat characteristics provide moose with essential habitat. The seasonal density of moose in this area is one of the highest in the state. At present moose populations in the area are estimated to number well over 1000 animals and with maintenance of habitat and enhancement of adjacent areas, could further increase. Large numbers of moose are also known to utilize the mountain slopes during summer and early fall. Maintaining habitat on Willow Mountain, including the proposed critical habitat area, is key to sustaining the integrity of the area's moose populations.

Land Status: The proposed critical habitat area encompasses 22,720 acres and is composed entirely of state and state selected land. There are 5,120 acres of state selected land in the northern end of the proposed critical habitat area. There is no mental health land within the boundaries of this area.

Current Uses: The area is used year-round for a variety of wildlife oriented activities. Moose hunting is the primary activity with moose hunters coming primarily from the Anchorage or Palmer/Wasilla and Willow areas. Willow Mountain receives intensive moose hunting effort by ORV. Trapping is also an important use of the area.

Important furbearers include mink, weasel, beaver, coyote, lynx, and otter. All three species of ptarmigan are hunted in the winter. It is also a popular snowmachining area due to the extensive stretches of wide open terrain. Dog mushing and cross country skiing also occur in the area.

Public Access: Presently, public access into the Willow Mountain area is gained via the "Peters-Purchases Creek" trail. It is used primarily by moose hunters in the fall and ptarmigan hunters, recreational snow machiners and fur trappers during the winter. The trail begins near MP 14 of the Hatcher Pass Road at the north end of the bridge over Willow Creek and terminates near timberline on the south side of Willow Mountain. The trail traverses numerous swampy areas, requiring either track vehicles or ATV's with low pressure tires. A new bridge and road is planned for construction (spring 1987) across Willow Creek at approximately MP 5 of the Hatcher Pass Road and will create additional access to Willow Mountain in the future.

Other Natural Resources: The Willow Mountain plateau has low mineral potential. Portions of four placer mining claims are located in the southeastern corner of the area, (T20N, R2W, Section 19, Seward Meridian) near Peters Creek.

Currently no grazing occurs in the area. Potential grazing lands within the area have been identified, however, a majority of the potential rangeland is interspersed with an abundance of standing water and boggy areas which limits its use for grazing purposes. Provisions of the Hatcher Pass Management Plan reserve development of the grazing potential within the Willow Mountain Unit until existing grazing resources are utilized within the eastern portion of Hatcher Pass.

The Hatcher Pass Management Plan identifies a dense stand of white spruce on the western slopes of Willow Mountain below 1000 feet as the only significant forestry potential in the vicinity.

Area's History: Because the area has had limited public access to date, and few attractions other than moose, it has received relatively little impact from human use. High densities of moose have been the primary inhabitants of the area, which in turn attracted hunters beginning in the early 1950's. Hunters, trappers, and more recently, recreational snow machiners, have been the primary users of the Willow Mountain area.

Threats: Recent plans to bridge Willow Creek and extend a road into the Kashwitna management unit (adjacent to the proposed critical habitat area) for the purpose of a timber sale will alter the undisturbed nature of Willow Mountain's critical moose habitat. Development of road access into this area threatens its integrity with new land use activities. Improved road access may mean an increase in snowmachine use within the area which could result in significant disturbance and additional stress to moose populations during already stressful seasons. Increases in motorized vehicle use impact habitats, wildlife distribution, and the quality of the outdoor experience, particularly hunting. Although settlement is not allowed in this area in the Hatcher Pass Management Plan, the potential for settlement activity in the area is raised by development of road access.

Support and Opposition: The Matanuska-Susitna Borough Assembly has sent a letter (dated February 5, 1987) to legislators requesting the establishment of the Willow Mountain Critical Habitat Area. The October 1986 Hatcher Pass Management Plan documents several groups in support of critical habitat area designation: the Wildlife Federation of Alaska; the Alaska Chapter of the Wildlife Society; the Alaska Center for the Environment; and several individual citizens. The Alaska Frontier Trappers Association is also on record as supporting protection of the critical habitat in this area. In the October 1986 Hatcher Pass Management Plan the Department of Natural Resources endorsed legislative designation of the area for the purpose of protecting moose habitat.

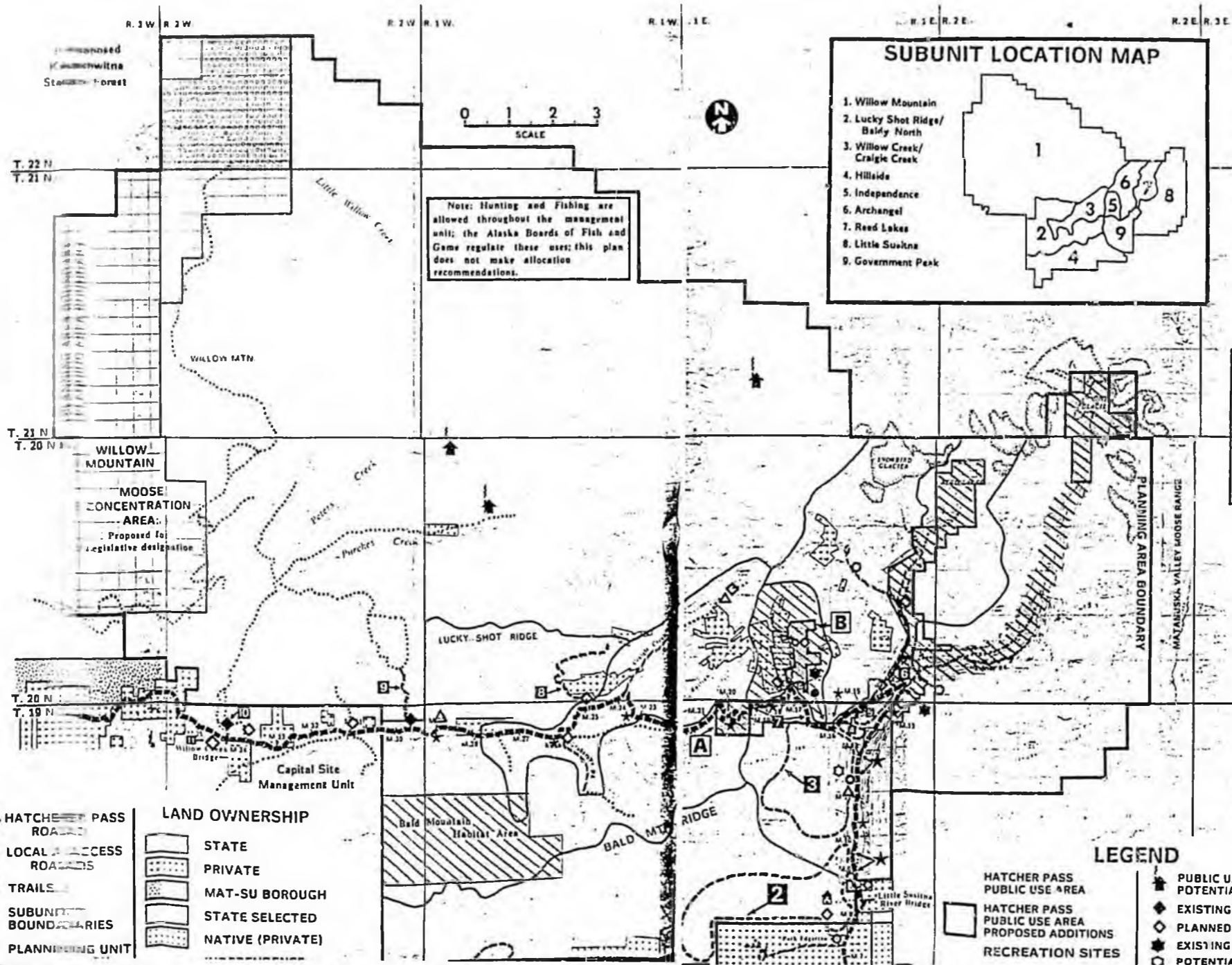
There is no known group opposition to this proposal.

<u>REFUGE</u>	<u>ACTIVITY</u>	<u>DECISION</u>
Palmer Hay Flats	Personal Use Cabins (8)	Approved
Palmer Hay Flats	Pipeline Survey	Approved
Palmer Hay Flats	Natural Gas Pipeline	Approved
Palmer Hay Flats	Grazing Lease	Denied
Palmer Hay Flats	Gravel Fill and Bridge	Approved
Trading Bay	Personal Use Cabins (19)	Approved
Trading Bay	Negotiated Lease (Set Net Cabin)	Approved
Susitna Flats	Personal Use Cabin (111)	Approved
Susitna Flats	Gravel Mining	Approved
Susitna Flats	Negotiated Lease (3 Commercial Cabins)	Approved
Susitna Flats	Negotiated Lease (Set Net Cabin)	Approved

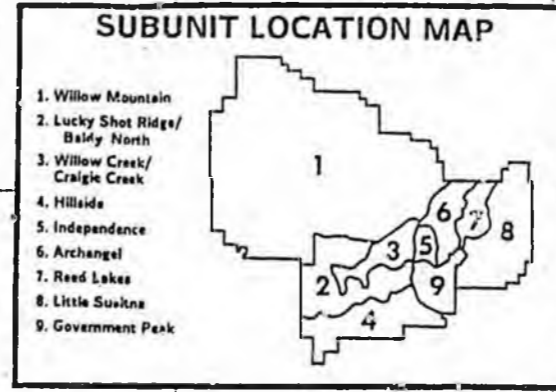
<u>REFERENCE</u>	<u>ACTIVITY</u>	<u>DECISION</u>
Susitna Flats	Insect poisoning removal	Approved
Susitna Flats	Seismic Exploration	Approved
Susitna Flats	Negotiated Lease (Set Net Cabin)	Approved
Susitna Flats	Negotiated Lease (6 Commercial Cabins)	Approved
Susitna Flats	Gravel Mining	Approved
Susitna Flats	Transmission Line Upgrade	Approved
Susitna Flats	Bridge Repair/Log Jam Removal	Approved
Susitna Flats	Fisheries Research Station	Approved
Susitna Flats	Gas Wells/Pipeline	Approved
Susitna Flats	Gravel Extraction	Approved
Susitna Flats	Gravel Extraction	Denied

<u>PHASE</u>	<u>ACTIVITY</u>	<u>DECISION</u>
Susitna Flats	Pipeline Survey	Approved
Susitna Flats	Road Upgrade	Approved
Susitna Flats	Natural Gas Pipeline	Approved
Susitna Flats	Motorized Vehicle Use	Approved
Susitna Flats	Barge Landing	Approved
Susitna Flats	Storage Yard	Approved
Susitna Flats	Hydrological Research	Approved
Susitna Flats	Winter/Ice Road	Approved
Susitna Flats	Survey/Brush Clearing	Approved
Susitna Flats	Material Extraction	Denied
Susitna Flats	Transmission Line	Approved
Goose Bay	Leach Field Construction	Approved
Goose Bay	Seismic Exploration	Approved

<u>REFUGE</u>	<u>ACTIVITY</u>	<u>DECISION</u>
Goose Bay	Road and Utility Corridor Construction	Approved
Potter Point	Erosion Control Outfall/ Stilling Basin	Approved
Potter Point	Roadway/Parking Area	Approved
Izembek	Gravity Survey	Approved
Mendenhall Wetlands	Buried Sewer Outfall Line	Approved
Mendenhall Wetlands	Airport Maintenance	Approved
Mendenhall Wetlands	Salmon Rearing Pens	Approved
Mendenhall Wetlands	Stream Channel Alternation	Denied
Mendenhall Wetlands	Log Transfer and Storage	Approved



Note: Hunting and Fishing are allowed throughout the management unit; the Alaska Boards of Fish and Game regulate these uses; this plan does not make allocation recommendations.



**HATCHER PASS
MANAGEMENT PLAN**

**MAP 12
LAND USE PLAN:
RECREATION AND
WILDLIFE HABITAT**

- SPECIAL RECREATION USE AREAS**
- 1 West Hillside Non-Motorized Trail Area
 - 2 East Hillside Non-Motorized Trail Area
 - 3 Government Peak Alpine Ski Area
 - 4 Downhill Ski Route
 - 5 Snowmachine Trail Area/Trellis Corral
 - 6 Intensive Winter Sports Node
 - 7 Snowmachine Trail to Hatcher Pass
 - 8 Planned Hiking Trail to Lucky Shot Ridge
 - 9 Motorized Trail Improvement/Repair and Trailhead Area
 - 10 Motorized Trail Improvement/Repair and Trailhead Area
 - 11 Dog Mushing Trail

- LAND OWNERSHIP**
- STATE
 - PRIVATE
 - MAT-SU BOROUGH
 - STATE SELECTED
 - NATIVE (PRIVATE)
- TRAIL TYPES**
- HATCHER PASS ROADS
 - LOCAL ACCESS ROADS
 - TRAILS
 - SUBUNIT BOUNDARIES
 - PLANNING UNIT

- LEGEND**
- HATCHER PASS PUBLIC USE AREA
 - HATCHER PASS PUBLIC USE AREA PROPOSED ADDITIONS
 - RECREATION SITES
 - PUBLIC USE CABINS - POTENTIAL SITES
 - EXISTING TRAILHEAD
 - PLANNED TRAILHEAD
 - EXISTING LODGE
 - POTENTIAL LODGE SITE

- FINAL -

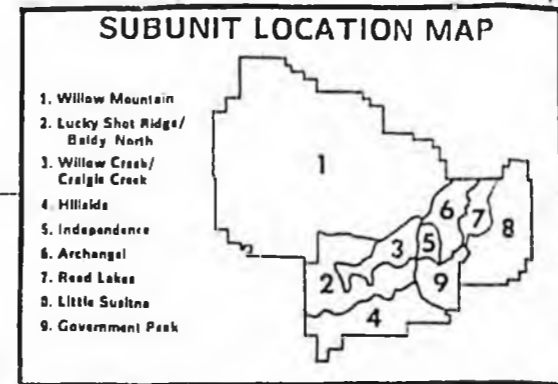
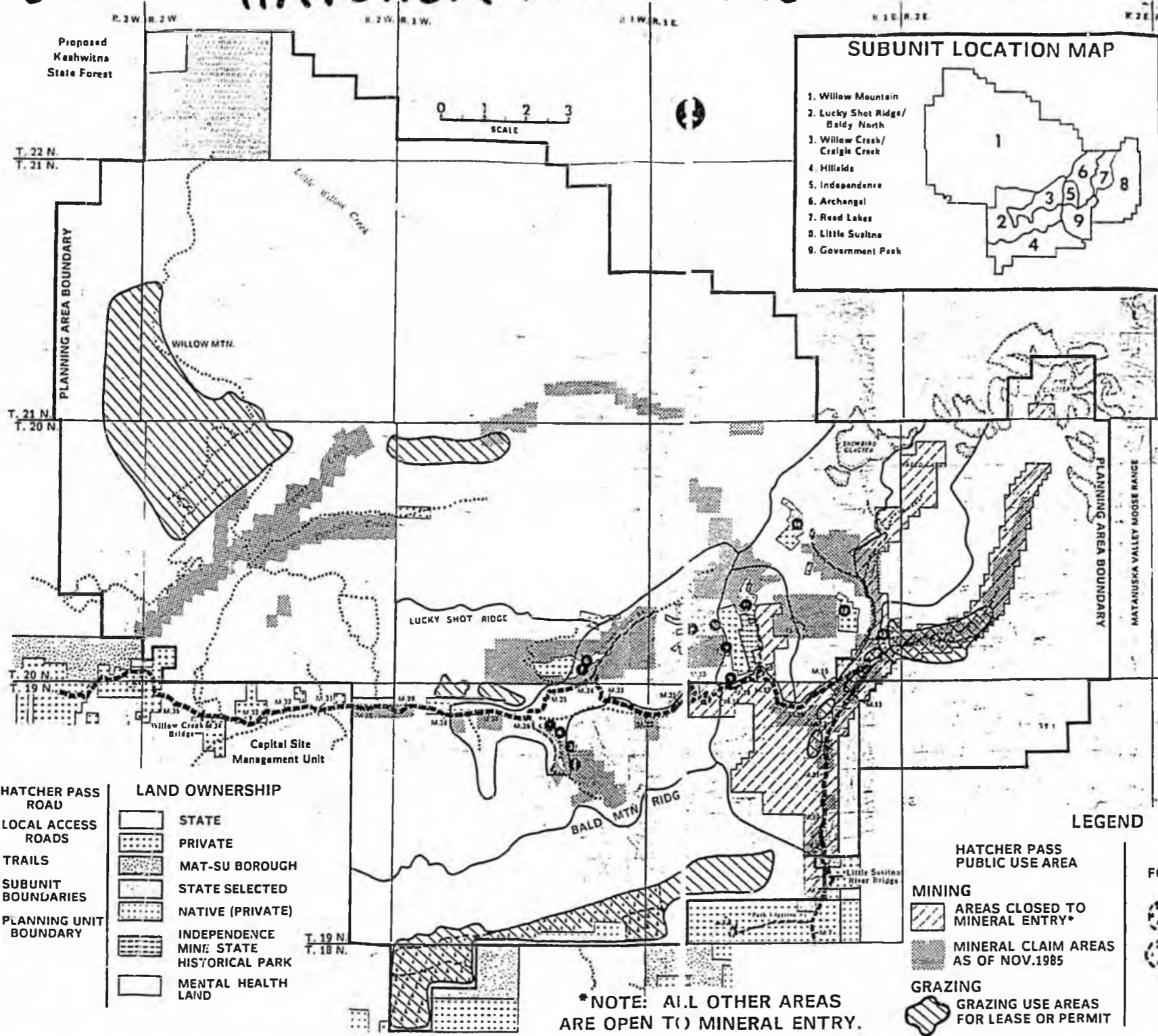
HATCHER PASS MGMT PLAN - ADOPTED



**HATCHER PASS
MANAGEMENT
PLAN**

MAP 11

**LAND USE
PLAN:
MINING,
GRAZING,
FORESTRY**



1. Willow Mountain
2. Lucky Shot Ridge/
Baldy North
3. Willow Creek/
Craig Creek
4. Hillside
5. Independence
6. Archangel
7. Reed Lakes
8. Little Sustna
9. Government Peak

HISTORICAL MINING SITES

AREA	DATE	USM
1	1897	M.S. Morris, L. Herndon
2	1898	A. Gilbert
3	1903-06	Klondike & Boston Mining Co
4	1898	Wm. Mack, Herndon Bros.
5	1906	Robert Hatcher
6	1918	War Baby Mine
7	1917	Lucky Shot Mine
8	1907	Cold Bullion Mine
9	1908	Kelly Wilson
10	1937	Independence Mine
11	1917-42	Cold Curt Mine
12	1911	Mabel Mine
13	1919-36	Cold Mint Mine
14	1910	Fern Mine

- LAND OWNERSHIP**
- [Blank Box] STATE
 - [Dotted Box] PRIVATE
 - [Cross-hatched Box] MAT-SU BOROUGH
 - [Horizontal Lines Box] STATE SELECTED
 - [Vertical Lines Box] NATIVE (PRIVATE)
 - [Diagonal Lines Box] INDEPENDENCE MINE STATE HISTORICAL PARK
 - [Stippled Box] MENTAL HEALTH LAND

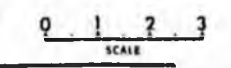
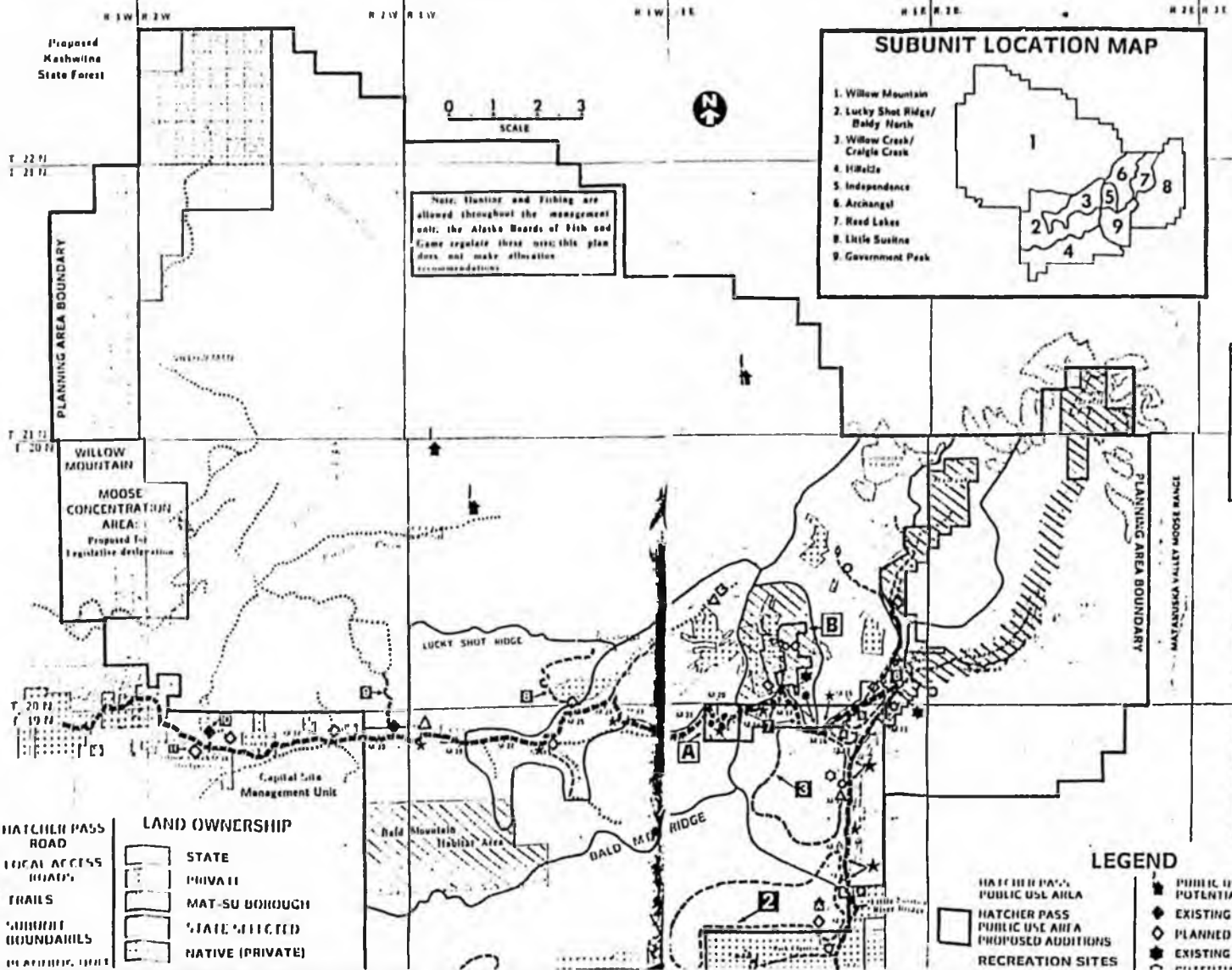
- [Dashed Line] HATCHER PASS ROAD
- [Wavy Line] LOCAL ACCESS ROADS
- [Dotted Line] TRAILS
- [Solid Line] SUBUNIT BOUNDARIES
- [Thick Solid Line] PLANNING UNIT BOUNDARY

- LEGEND**
- HATCHER PASS PUBLIC USE AREA**
- [Diagonal Lines Box] MINING AREAS CLOSED TO MINERAL ENTRY*
 - [Stippled Box] MINERAL CLAIM AREAS AS OF NOV. 1985
 - [Hatched Box] GRAZING GRAZING USE AREAS FOR LEASE OR PERMIT

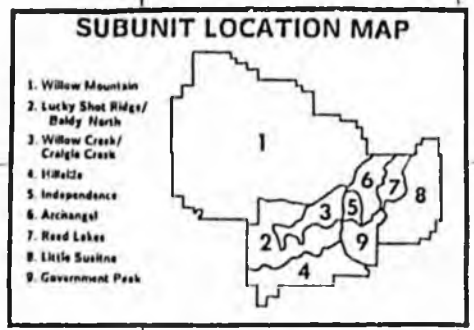
- FORESTRY FORESTRY HARVEST AREAS**
- [Dotted Circle] HIGH VALUE
 - [Stippled Circle] MODERATE VALUE

*NOTE: ALL OTHER AREAS ARE OPEN TO MINERAL ENTRY.

Proposed
Kashwina
State Forest



Note: Hunting and fishing are allowed throughout the management unit; the Alaska Boards of Fish and Game regulate these uses; this plan does not make allocation recommendations.



**HATCHER
PASS
MANAGEMENT
PLAN**

MAP 12

**LAND USE
PLAN:
RECREATION
AND
WILDLIFE
HABITAT**

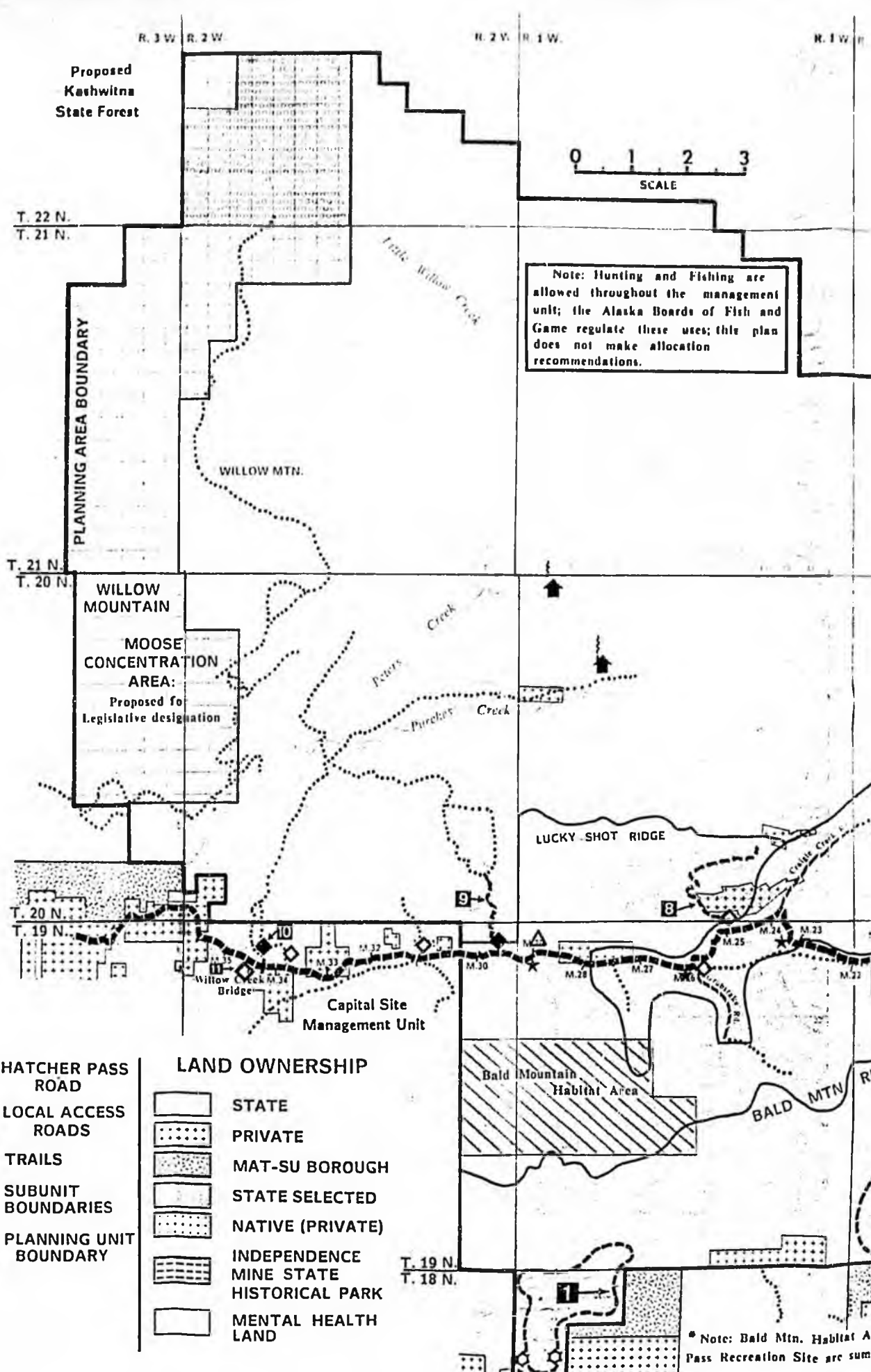
**SPECIAL
RECREATION
USE AREAS**

- 1 West Hillside Post-Maintained Trail Area
- 2 East Hillside Post-Maintained Trail Area
- 3 Government Peak Alpine Ski Area
- 4 Overlook 442 Boney
- 5 Newmachin Trail Area Trailside Corral
- 6 Interior Winter Sports Node
- 7 Newmachin Trail to Hatcher Pass
- 8 Planned Hiking Trail to Lucky Shot Ridge
- 9 Historical Trail Improvement Regate and Trailhead Areas
- 10 Maintained Trail Improvement Regate and Trailhead Areas
- 11 Dog Tracking Trail

LEGEND

- HATCHER PASS PUBLIC USE AREA
- HATCHER PASS PUBLIC USE AREA PROPOSED ADDITIONS
- RECREATION SITES
- PUBLIC USE CAMP'S POTENTIAL SITES
- EXISTING TRAILHEAD
- PLANNED TRAILHEAD
- EXISTING LODGE

- LAND OWNERSHIP**
- STATE
 - PRIVATE
 - MAT-SU BOROUGH
 - STATE-AFFECTED
 - NATIVE (PRIVATE)
- HATCHER PASS ROAD**
- LOCAL ACCESS ROAD
 - TRAILS
 - BOUNDARY BOUNDARIES
 - BOUNDARY BOUNDARIES



- HATCHER PASS ROAD
- LOCAL ACCESS ROADS
- TRAILS
- SUBUNIT BOUNDARIES
- PLANNING UNIT BOUNDARY

- LAND OWNERSHIP**
- STATE
 - PRIVATE
 - MAT-SU BOROUGH
 - STATE SELECTED
 - NATIVE (PRIVATE)
 - INDEPENDENCE MINE STATE HISTORICAL PARK
 - MENTAL HEALTH LAND

* Note: Bald Mtn. Habitat Area Pass Recreation Site are summer

HATCHER PASS

MANAGEMENT PLAN

FINAL
OCTOBER, 1986



Prepared by:

Alaska Department of Natural Resources

In cooperation with:

Alaska Department of Fish and Game

Alaska Department of Transportation and Public Facilities

Matanuska-Susitna Borough



Alaska Department of
**NATURAL
RESOURCES**

EXCERPT: HATCHER PASS MANAGEMENT PLAN - FINAL -

Temperature inversions are common on calm clear nights. Where cold air collects and drains down the valley floors, winds may develop to as much as 15 mph, particularly in valleys having large air drainage basins. During sunny portions of the day, areas within the steep canyons may experience temperature differences in short vertical distances.

VEGETATION. As a result of the marine climatic influence and altitudinal extremes, vegetative cover in the Hatcher Pass area is highly diverse. Spruce-deciduous forests occur on the southern and western borders and extend like fingers up the stream valleys. Most of the management area lies above timberline, which is about 1800 feet in the upper Cook Inlet region. Vegetative cover above timberline consists primarily of alder and willow brushfields, bluejoint meadows, and at higher elevations in the alpine zone, low-growing woody plants including blueberries, mosses and lichens. The array of wildflowers found in these subalpine and alpine areas is one of the most diverse in southcentral Alaska.

ACCESS. (Note: For purposes of clarity, the Fishhook-Willow Road will be referred to as the Hatcher Pass Road throughout the text of this plan.) The Hatcher Pass Road is the only public road access to the management area. It is a state-maintained road which rises from the forested Little Susitna River Canyon north of Palmer at 1200 feet through shrub and subalpine zones to open, alpine tundra. Unimpeded views of the valleys below and the glacially carved peaks above make this a popular scenic drive. The narrow, winding, gravel road climbs to 3800 feet at Hatcher Pass and drops down to parallel Willow Creek at the 1800 foot level. Heavy snows and avalanches close the pass for more than half the year. The only other access within the management unit is on spur roads constructed for mining and on off-road vehicle-made trails.

FISH AND WILDLIFE. The Hatcher Pass Management Unit has significant wildlife populations. Moose populations of 2,000-2,500 in forested western and southern portions of the management unit are reputed to be among the greatest in southcentral Alaska. Other wildlife includes caribou, sheep, black and brown bears, wolf, wolverine, coyote, beaver, fox, marten, mink, weasel, lynx, hare, marmots and other small mammals, ptarmigan and spruce grouse. Nesting tundra birds also occur within the area as well as a variety of raptors and songbirds. The area is popular for southcentral Alaska moose hunters, as well as for ptarmigan hunting, trapping and wildlife viewing. Most streams within the Hatcher Pass area have sport fish. The headwaters of the Little Susitna River and Willow Creek, which support intensive sportfishing in their lower reaches, occur within the study area.

MINERALIZATION has occurred in the area with gold being the primary economic mineral interest. Gold has been mined in the area since 1899. Both hard rock and placer mining techniques were used within the Willow Creek Mining District. Many historic and recent mining activities are evident as there are approximately 510 mining claims in the management unit. There is high potential for new discoveries of gold-bearing veins. Only a limited area has been intensively explored, and drilling has been done only to a depth of 1000 feet.

CHAPTER FOUR:

HATCHER PASS SUBUNIT MANAGEMENT PLAN

This chapter gives specific information on how each of the nine subunits within the Hatcher Pass area will be managed. For each subunit, details of land use designations, background, management intent, planned actions, and guidelines specific to that subunit are included. Map 6, pages 196/197 illustrates the land use designations.

Many of the planned actions require funding and will only happen when and if funding is available. It is expected that they will take place over the twenty-year life of the plan as increasing use of the area makes them necessary. Some actions are needed now, such as providing parking areas, separating motorized and non-motorized winter recreational uses, establishing a recreation management presence and an avalanche safety program east of the Pass, or providing an off-road snowmachine trail east of Hatcher Pass. Others may not be needed for a number of years. Even this limited level of work will require some funding. Since funding is expected to be limited, every effort will be made to utilize volunteer help to accomplish as much as possible.

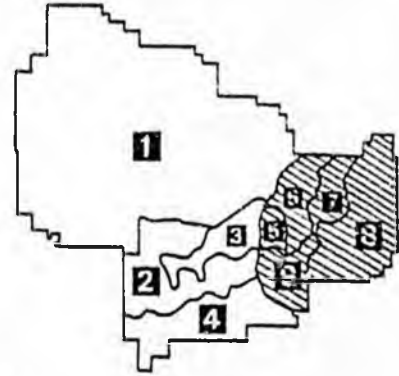
The plan establishes the priorities for implementing these planned actions, so limited resources can be applied in an organized and cost-efficient manner.

Many of the actions will be implemented as part of existing agency budgets such as authorization of leases for grazing or recreational developments or review of mining plans. Such specific items are listed under agency responsibilities in Chapter Five.

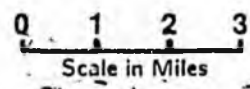
LAND USE DESIGNATIONS

SUBUNIT LOCATION MAP

- 1 Willow Mountain
- 2 Lucky Shot Ridge/
Baldy North
- 3 Willow Creek/
Craigie Creek
- 4 Hillside



PLANNING AREA BOUNDARY

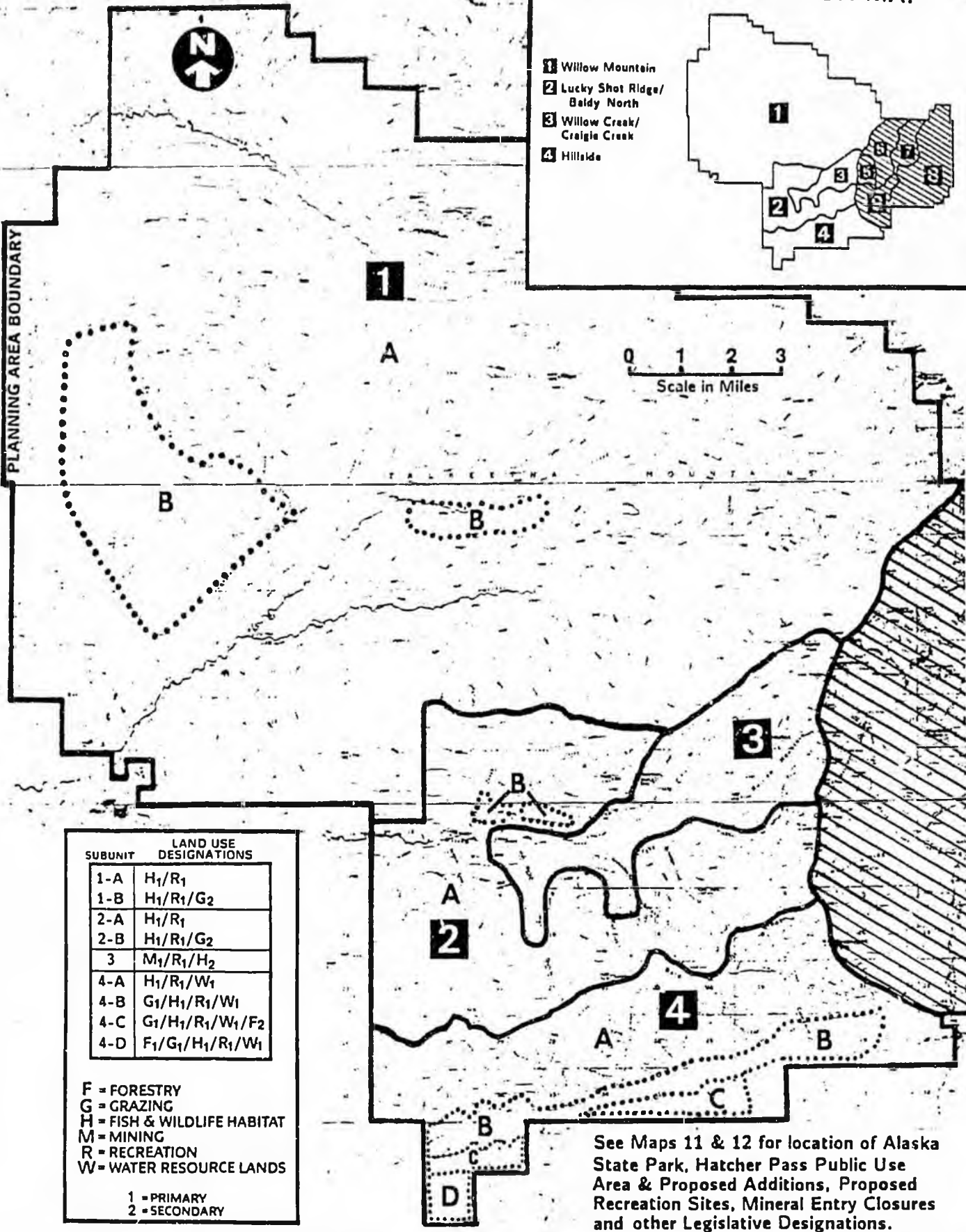


SUBUNIT	LAND USE DESIGNATIONS
1-A	H ₁ /R ₁
1-B	H ₁ /R ₁ /G ₂
2-A	H ₁ /R ₁
2-B	H ₁ /R ₁ /G ₂
3	M ₁ /R ₁ /H ₂
4-A	H ₁ /R ₁ /W ₁
4-B	G ₁ /H ₁ /R ₁ /W ₁
4-C	G ₁ /H ₁ /R ₁ /W ₁ /F ₂
4-D	F ₁ /G ₁ /H ₁ /R ₁ /W ₁

- F = FORESTRY
- G = GRAZING
- H = FISH & WILDLIFE HABITAT
- M = MINING
- R = RECREATION
- W = WATER RESOURCE LANDS

- 1 = PRIMARY
- 2 = SECONDARY

See Maps 11 & 12 for location of Alaska State Park, Hatcher Pass Public Use Area & Proposed Additions, Proposed Recreation Sites, Mineral Entry Closures and other Legislative Designations.



LAND USE DESIGNATIONS

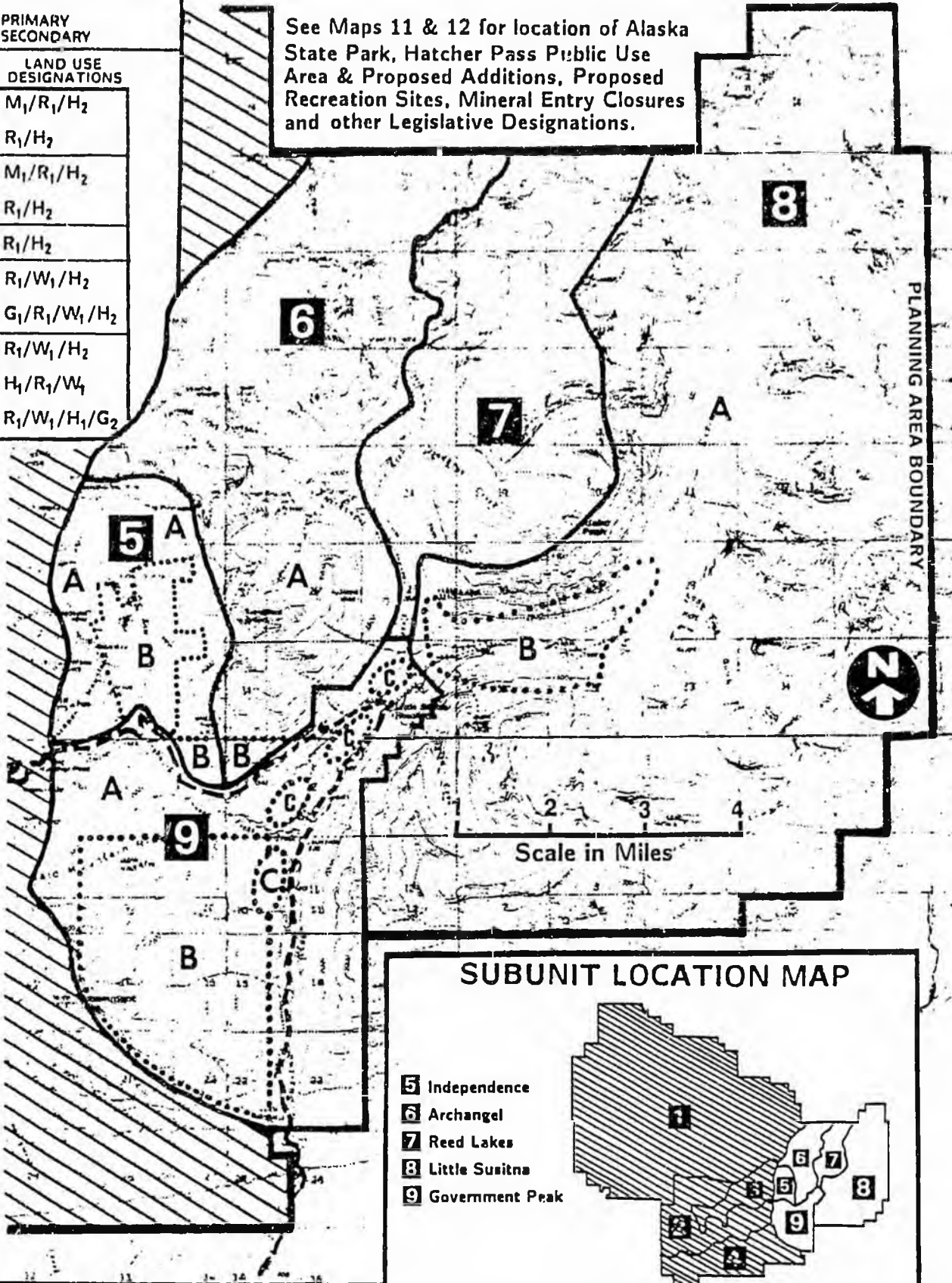
- F = FORESTRY
- G = GRAZING
- H = FISH & WILDLIFE HABITAT
- M = MINING
- R = RECREATION
- W = WATER RESOURCE LANDS

- 1 - PRIMARY
- 2 - SECONDARY

LAND USE
SUBUNIT DESIGNATIONS

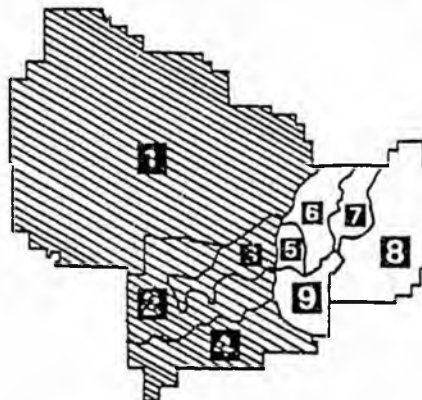
5-A	M ₁ /R ₁ /H ₂
5-B	R ₁ /H ₂
6-A	M ₁ /R ₁ /H ₂
6-B	R ₁ /H ₂
7	R ₁ /H ₂
8-A	R ₁ /W ₁ /H ₂
8-B	G ₁ /R ₁ /W ₁ /H ₂
9-A	R ₁ /W ₁ /H ₂
9-B	H ₁ /R ₁ /W ₁
9-C	R ₁ /W ₁ /H ₁ /G ₂

See Maps 11 & 12 for location of Alaska State Park, Hatcher Pass Public Use Area & Proposed Additions, Proposed Recreation Sites, Mineral Entry Closures and other Legislative Designations.

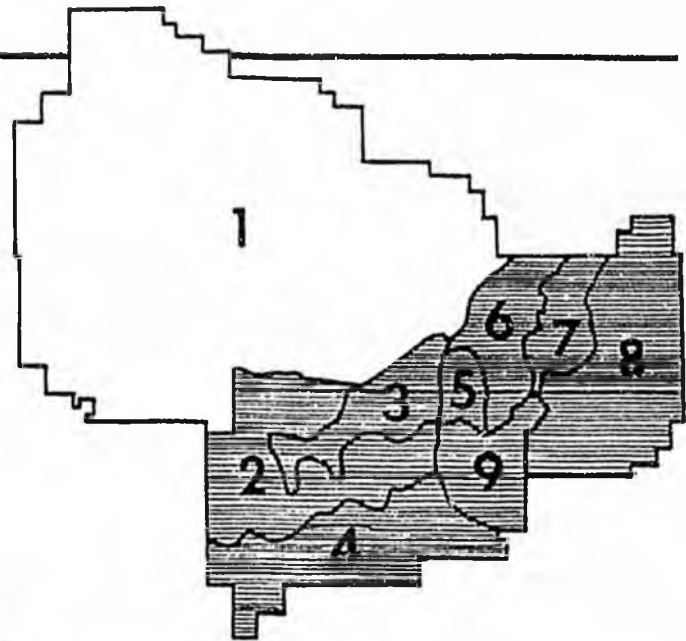


SUBUNIT LOCATION MAP

- 5 Independence
- 6 Archangel
- 7 Reed Lakes
- 8 Little Susitna
- 9 Government Peak



I. Willow Mountain



A. LAND USE DESIGNATIONS

Primary Uses: Fish and Wildlife Habitat, Recreation

Secondary Uses: Grazing (see Map 11 for location)

Prohibited Uses: Settlement, Remote Cabin Permits, Commercial Recreation Development, Grazing outside designated areas (see Map 3, pages 116/117)

Mining: Open

B. BACKGROUND

The rugged peaks of the Talkeetna Mountains end in a gently sloped plateau known as Willow Mountain in this subunit. Peters, Purches and Little Willow Creeks flow out of steep-walled mountain valleys to the north and south of the Willow Mountain plateau. The lowlands portions of the subunit contain many swampy areas that make access difficult.

Willow Mountain is an important moose habitat area. Year-round populations between 1,500 and 2,000 moose occur in western portions of this unit and are among the highest in the Susitna Basin. Willow Mountain provides winter and summer moose habitat that supports breeding and calving activities. This is an important moose hunting area due to its relative accessibility to urban areas and an abundance of moose. The alpine zone (above 2,800 feet in elevation) is good bear, sheep, and caribou habitat, and brown and black bear are often seen in these areas. Furbearing animals are also common and trapping is an important use of the area. Black bear and ptarmigan hunting are popular as well.

Extensive placer claims occur along Peters and Purches Creeks; mineral potential in the eastern mountainous portion is high. However, the Willow Mountain plateau has low mineral potential.

The Willow Mountain subunit contains a significant portion of the potential range resources within the management unit. However, many portions of the Willow Mountain plateau where most of the grazing resources occur in the subunit has boggy and standing water areas, and access is difficult.

Currently, there are no roads to this subunit. Motorized access is by aircraft, snowmachine or all terrain vehicle. This is a popular snowmachining area due to extensive, wide-open terrain. A cabin built by the Mat-Su Motor Musers and used by the public is located on the southeast corner of the Willow Mountain plateau. Dog mushing also occurs in some areas. Views of the Susitna Valley and Alaska Range from Willow Mountain are spectacular. Wilderness foot travel occurs in the steep eastern portions. Bogs, brush, wetlands and creeks limit summer and fall access in the lowlands portions of this subunit. Extensive ORV trails occur in the wetlands in the southwest corner of the subunit. The Peters-Purches trail which goes over Lucky Shot Ridge receives its heaviest use during moose hunting season. However, erosion and trail widening is occurring in the steep portions and in bogs along the existing trail alignment.

There is high forestry potential on the western edge below 1000 feet where a dense white spruce forest occurs. Access for forestry to the proposed Kashwitna State Forest area west of Willow Mountain is planned in the near future.

C. MANAGEMENT INTENT

The Willow Mountain subunit will be managed primarily to maintain its exceptional wildlife productivity and to continue to provide opportunities for hunting, trapping and other dispersed recreational activities to meet existing and future demand. The entire subunit is open to mineral entry.

The management intent includes reserving the option to utilize existing grass forage resources for future grazing; however, the priority is to utilize the grasslands in the Hillside and Little Susitna subunits prior to those in the Willow Mountain subunit. In the interim, research should be conducted to determine whether grazing can take place without major adverse impact to wildlife habitat.

Forestry is an allowed use in the western perimeter of the subunit. The intent is that any forestry operations will be limited to disease control or habitat enhancement as defined by ADF&G and compatible with scenic views from the ridge above.

Motorized access is an important use for hunting, trapping, and general recreation. The intent is for these uses to continue. The management intent is to limit summer/fall use to designated trails to minimize erosion and trailmaking. An exception will be to allow retrieval of

downed big game animals. This policy will be put into effect after working with users to clearly map and sign designated trails. No highway vehicles will be allowed in the Willow Mountain Subunit (unless authorized as part of a mineral development). New trails may be established within the subunit and designated for a specific use, such as for dog mushing, ATV and snowmachine use.

D. PLANNED ACTIONS

1. HABITAT DESIGNATION

The moose concentration area on the west slope of Willow Mountain is proposed for legislative designation to ensure long term retention in public ownership and management for its wildlife values (see Map 11). ADF&G originally proposed that the plan recommend that the entire subunit be legislatively designated as a Critical Habitat Area and a portion closed to mineral entry. However, the planning team was unable to agree on this. See Appendix X for further explanation.

2. TRAIL REPAIR

Where erosion and extensive trail making in boggy areas is occurring, DNR and ADF&G should work with users to reduce trail damage, establish trail erosion prevention measures and do minimal trail improvements to maintain motorized access opportunities.

3. SNOWMACHINE USE AND MOOSE

If there is documentation that snow machine use is adversely affecting overwintering moose in certain areas, seasonal closures in these key areas may be established.

4. MOTORIZED USE MANAGEMENT POLICY

A special use area will be established for off-road vehicle use. When there is insufficient snow cover to protect the soil and vegetation from cutting and erosion, motorized use will occur on designated trails only by non-highway vehicles. An exception will be to allow retrieval of big game. This policy will be put into effect once DNR and ADF&G work with users to map and designate a trail system. See Chapter Three, ORV Management Guidelines, page 160, for more information.

5. IDENTIFY BROWN BEAR CONCENTRATIONS

ADF&G will identify brown bear concentration areas and habitat use areas and make a recommendation to DNR on when a significant potential or actual conflict with grazing may exist.

6. PUBLIC USE CABINS

The existing cabin on Willow Mountain built by the Mat-Su Motor Musers should be converted to a public use cabin. Agreements with recreational groups may be negotiated for its maintenance. Other cabins on public land in the subunit should also be evaluated for suitability as public cabins.

Other public cabins may be established at three possible backcountry locations. Potential sites are indicated on the land plan map.

7. DOG MUSHING TRAIL

Establish a 20-mile dog mushing loop trail. The location is to be determined by DNR based on consultation with ADF&G, and recreational users.

8. CROSS COUNTRY SKI TRAIL

Establish a cross-country ski trail in the forest/alpine transition zone accessible to the Hatcher Pass Road.

E. GUIDELINES1. FORESTRY/BROWSE ENHANCEMENT

Type of Forestry Cuts. Timber harvest to enhance moose habitat may occur. If this occurs cutting areas will be located on the western perimeter of this unit and must receive concurrence with ADF&G and DNR. DOF maintains the option, however, to institute emergency harvests for insect control after receiving ADF&G approval. ADF&G maintains the statutory obligation to institute habitat enhancement activities when necessary and appropriate.

2. GRAZING

- a. Grazing on Important Habitat Lands. Grazing is proposed to occur on Willow Mountain only after complete utilization of the grass resources of the Little Susitna and Hillside units. The option to graze livestock in this unit shall be retained and research should be initiated and continued to determine how to make livestock and wildlife uses compatible in this area. There are approximately 8600 acres of land that is potentially feasible for grazing between Canyon

Creek and an unnamed stream in Section 24, Township 21 North, Range 3 West. About 17-20 miles of fence may be required.

- b. Grazing Season. Cattle shall be removed from the range two weeks prior to opening of the moose hunting season.
- c. Grazing in Habitat Areas. See area-wide policy in Chapter 3, page 121.

3. ACCESS

- a. Minimize Wildlife Impacts. Any new roads and trails proposed for forestry, mining, recreation or grazing within or near the subunit will be designed to minimize negative impacts to the wildlife resources and related public uses. Access routes will be centralized and of very low density. ADF&G will be consulted on location prior to authorization.
- b. Public Use of Mining Roads. The public use of access roads developed for mining will be determined on a case-by-case basis by ADF&G and DNR, based on what will be most beneficial to the management of the moose population. The options are private or public access, temporary or permanent. That is, use of the access road by highway vehicles may be restricted to mine personnel only if necessary to minimize impacts to wildlife. The mine operator may be required to remove the road upon completion of the project. The other option would be to keep it open as a public access road. Seasonal use restrictions may be authorized.
- c. Wetlands. Where an ever-widening network of trail making is occurring in the Willow Mountain subunit, DNR and ADF&G will work with user groups and/or state correctional facility labor to do primitive corduroy-type improvements to enable access through the bogs for hunting purposes. The level of damage to these wetlands should be assessed by DNR and ADF&G and recommendations made for rehabilitation and prevention of further damage.

4. RECREATIONAL OPPORTUNITY SPECTRUM

- a. Setting. The intended recreational setting described in Part "a" is for the purpose of guidance to land managers who must adjudicate land use requests. It is not intended to be a hard and fast set of rules.
 - (1) Physical Setting: Predominantly natural appearing environment in western portions; unmodified, natural environment in the eastern, mountainous portions
 - (2) Social Setting: Low concentration of users except in moose season; low interaction between users

Current Policy

- (3) Managerial Setting: Minimum of on-site controls
 - (4) Access and Mode of Travel: Designated trails for ORV use with minimum improvements to prevent rutting and erosion in western portions; cross-country foot travel in mountains; aircraft access
 - (5) Vegetative Alterations and duration of impact: Moderate loss of vegetation and soil on major trail routes and where camping occurs, trail impacts persist from year to year. Non-trail areas should only show temporary impacts.
 - (6) Type of Experience: High probability of seeing wildlife, experiencing quiet and solitude (except for trail areas), freedom, challenge, risk, closeness to nature
- b. Facilities. The purpose of this section is to describe the intended level of recreation facility development. Where no facilities are proposed, this does not mean it is a prohibited use.
- (1) Public Facilities: Public cabins: one each in Peters and Purches below timberline, one existing Willow Mountain, one in alpine north of Dogsled Pass; parking at Peters-Purches trailhead
 - (2) Camp Sites: No developed sites
 - (3) Picnic Sites: None planned
 - (4) Water Supply: None planned
 - (5) Sanitation: Outhouses at public cabins
 - (6) Signs: Limited signing for designated trails
 - (7) Water Crossings: Ford crossings, no bridges
 - (8) Interpretative: Interpretation through self-discovery
- c. Guidelines for Appropriate Commercial or Other Private Uses to be Authorized by Lease or Permit
- (1) Commercial and Other Private Uses: None by lease; generally permitted activities as listed in the Division of Land and Water Management Policy and Procedure Manual (Chapter 5122, Section 01) will not be affected; applications for permit will be considered on a case-by-case basis if compatible with guidelines and management intent.
 - (2) Stipulations on Private Uses: It is important that private uses maintain the recreation setting as described above and provide a clear public benefit. Additionally, private recreational uses must require no roads and not negatively impact wildlife populations.

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3534



Alaska State Legislature

SENATE

APR 3 1989

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

To: Senator Bettye Fahrenkamp
 Senator Resource Committee Chairperson

From: Senator Jack Coghill

Re: SB 34; An Act relating to State land Withdrawn from
 Mineral Location or Mining

Date: March 22, 1989

Intent: The purpose of the bill is to provide the legislature and the governor with a documentation process, for state lands closed to mineral entry. It also provides for a legislative mechanism to disapprove mineral closing orders.

Background: This legislation was originally proposed by the Minerals Commission in 1987. The issue moved through the legislative process as CS for Senate Bill 137 during the 15th Legislature. CSSB 137 died in House Rules.

An issue that has not been previously raised in relation to this bill, but may be of concern to you, is the relationship this legislation may have with Section 6(i) of the Statehood Act. I need not remind you of the directive contained in 6(i), that mineral lands are "subject to lease as the State legislature may direct." The question being, how does the legislature allow for "lease" of mineral lands, if the legislature has no way of assessing administrative closing orders on potential mineral lands?

The following is a tabulation of present land classifications containing minerals:

Coal Land -----	2,560
Coal/Forest/Wildlife Habitat Land -----	89,573
Coal/Oil & Gas/Wildlife Habitat Land -----	52,010
Forest/Oil & Gas/Wildlife Habitat Land -----	37,330
Mineral Land -----	739,279
Mineral/Public Recreation Land -----	8,360
Mineral/Public Recreation/Wildlife Habitat Land ----	2,407,428
Mineral/Transportation/Wildlife Habitat Land -----	153,541
Mineral/Wildlife Habitat -----	905,785
Oil & Gas/Public Recreation/Wildlife Habitat Land --	2,396,537
Oil & Gas/Settlement Land -----	1,520
Oil & Gas/Wildlife Habitat Land -----	<u>226,192</u>
Total	7,020,115

The total number of acres of state land now classified is: 73,814,527

Therefore, only 10% of classified State lands are known to have mineral potential or minerals, at this time. This also means there is about 11,185,473 acres of State land (received title) not classified.

However, how many of the 66,794,412 acres classified for uses other than mineral, contain administrative mineral closing orders or mineral lands?

I think the Alaska Minerals Commission is right, the legislature should have this information.

Attachments:

1. Description of Classification Categories, DNR, 1989.
2. DNR, Position Paper and Fiscal Note, dated March 15, 1989.
3. DNR, Position Paper and Fiscal Note, dated April 13, 1987.
4. Alaska Minerals Commission Recommendations, 1987.
5. Alaska Minerals Commission Recommendations, 1989.
6. Availability of Land for Mineral Exploration and Development in Alaska, U.S. Bureau of Mines, 1986.

Recommendations:

1. Schedule the bill for public hearing as soon as possible.
2. Move the bill out of committee with "do pass" recommendations.

Thank you.

APPENDIX

Description of Classification Categories 11 AAC 55

Agricultural Land. Land classified agricultural is, by reason of climate, physical features, and location, suitable for present or future agricultural cultivation or development and is intended for present or future agricultural use. When agricultural land is disposed of, only an agricultural interest may be conveyed.

Coal Land. Land classified coal is where known coal resources exist and development is occurring or is reasonably likely to occur, or where the coal potential has been determined to be high or moderate under 11 AAC 58.010.

Forest Land. Land classified forest is, or has been, forested and is suited for forest management because of its physical, climatic, and vegetative conditions.

Geothermal Land. Land classified geothermal is where known geothermal resources exist and where development is occurring or is reasonably likely to occur, or where there is reason to believe commercial quantities of geothermal resources exist.

Grazing Land. Land classified grazing is suitable in the cultivated or uncultivated state for supporting domestic livestock or reindeer.

Heritage Resources Land. Land classified heritage resources is where there is active preservation of, or research for, significant historical, prehistorical, paleontological, or other cultural values or where there is reason to believe that these values exist.

Material Land. Land classified material is land suitable for the extraction of common varieties of sand, gravel, stone, peat, clay, and similar materials.

Mineral Land. Land classified mineral is where known mineral resources exist and where development is occurring, or is reasonably likely to occur, or where there is reason to believe that commercial quantities of minerals exist.

Oil and Gas Land. Land classified oil and gas is where known oil and gas resources exist and where development is occurring, or is reasonably likely to occur, or where there is reason to believe that commercial quantities of oil and gas exist.

Public Recreation Land. Land classified public recreation is suitable for recreation uses, waysides, parks, campsites, scenic overlooks, hunting, fishing or boating access sites, trail corridors, or greenbelts along bodies of water or roadways.

Reserved Use Land.

- (1) Land classified reserved use is:
 - (a) reserved for transfer to another governmental or nongovernmental agency that is performing a public service;
 - (b) reserved for transfer through land exchange; or
 - (c) designated for a public facility.

-
-
- (2) Nothing in this section requires classification of land identified for a future land exchange under AS 38.50.

Resource Management Land. Land classified resource management is presently inaccessible and remote and may have a number of resources but the lack of adequate resource, economic, or other relevant information combined with the unlikelihood of resource development within the next 10 years makes a specific resource allocation decision unnecessary.

Settlement Land. Land classified settlement is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development.

Transportation Corridor Land. Land classified transportation corridor is identified for the location of easements and rights-of-way under AS 38.04.065(f), including transportation, pipeline, or utility corridor purposes, or is under consideration for a right-of-way lease.

Water Resources Land. Land classified water resources encompasses watersheds or portions of watersheds and is suitable for such uses as water supply, watershed protection, or hydropower sites.

Wildlife Habitat Land. Land classified wildlife habitat is primarily valuable for:

- (1) fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or a diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
- (2) a unique or rare assemblage of a single or multiple species of regional, state, or national significance.



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, AK 99503 (907) 276-0347

Jan. 27, 1989

FEB 1 1989

Senator Bettye Fahrenkamp
P.O. Box V
Juneau, AK 99811

RE: SB 34

Dear Senator Fahrenkamp:

The Alaska Miners Association has reviewed SB 34 "An Act relating to State land withdrawn from mineral entry". This is the same bill submitted in 1988 and it is an excellent attempt to have DNR track the status of state lands and to know what actions are planned and which are proposed for state lands.

There are two potential problems with the bill which need clarification before the AMA can endorse the bill. 1) In line 28 section 1(f) it is not known why the 5120 acre limit was chosen before a mineral assessment is required. Many mineral deposits, and in fact many very large mineral deposits (ie: Red Dog, and Quarts Hill) can be hidden in 8 square miles, also if mineral assessments are not required until this limit is reached an agency can by withdrawing 5000 acres per year over a period of years can accumulate large acreages, locking up lands using the 5120 acre limit. 2) In section 1(g) and again in section 2 a term of 10 years is required before a re-evaluation of a closure takes place. This period should be no more than 3 years. A 10 year moritium essentially places the land in withdrawn status which becomes final "ex post facto". If land is not needed for a given purpose the legislature should be informed so the land can be returned to multiple use status for the benefit of all users.

The other option is to write sunset clauses into administrative land withdrawals which then would require a full review and reprocessing at the end of their term, prior to renewal.

We support the concepts and general requirements of SB 34 and believe it will protect the multiple use phylosophy as applied to the management of state lands.

Sincerely,

Curtis V. McVee
Executive Director
Alaska Miners Association

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 485-2400

OFFICE OF THE COMMISSIONER

March 15, 1989

The Honorable Bettye Fahrenkamp
Chair, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:


Subject: Senate Bill 34, An act relating to state land withdrawn from mineral location or mining.

Background: This legislation requires the department to submit an annual report to the Legislature regarding areas closed to mineral location during the previous year. It also states that the Legislature may make recommendations to the commissioner on the future management of closed areas, and that every 10 years the department shall submit a report to the Governor and Legislature on land that has been withdrawn from mineral location or mining, or withdrawn from multiple use by the Legislature.

Position: The department generally supports the concept that lands closed to mineral entry should be reviewed periodically, and that such a review would aid the Legislature in its deliberations on legislatively designated areas. However, the department also recognizes that such review has fiscal impact, which is reflected in the attached fiscal note.

Thank you for the opportunity to comment on this legislation. We look forward to working on it with the committee and sponsor.

Sincerely,


Lennie Gorsuch
Commissioner

cc: Senator Coghill

Committee Members

Commissioner Merculieff
Department of Commerce

Commissioner Collinsworth
Department of Fish and Game

Commissioner Kelso
Department of Environmental Conservation

Bob Forbes, Director
Division of Geological and Geophysical Surveys
Department of Natural Resources

Jerry Gallagher, Director
Division of Mining
Department of Natural Resources

Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources

Denby Lloyd, Special Staff Assistant
Office of the Governor

Bob Evans, Legislative Liaison
Office of the Governor

FISCAL NOTE

REQUEST:

Revision Date: 10-Mar-89 Agency Affected: Natural Resources
 Title: An Act relating to State Land BRU: Geological Management
withdrawn from mineral location of mining.
 Sponsor: Coghill, Pearce, Frank, et al. Components: Minerals/Materials
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		35.0	35.0	35.0	35.0	35.0
TRAVEL		5.0	5.0	5.0	5.0	5.0
CONTRACTUAL		25.0	25.0	25.0	25.0	25.0
SUPPLIES		5.0	5.0	5.0	5.0	5.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	70.0	70.0	70.0	70.0	70.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		70.0	70.0	70.0	70.0	70.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	70.0	70.0	70.0	70.0	70.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The fiscal consequences of SB 34 are difficult to quantify precisely because the projected offer is related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resources information readily available for each parcel. Personal services for Geologist III for 8 months. Contract services will include helicopter contracts and petrologic, geochemical and mineralogical analyses.

Prepared by: Bob Forbes, Wyatt Gilbert Phone: 451-2760/762-2356
 Division: DGGS Date: 10-Mar-89

Approved by Commissioner: Lennie Gorsuch Date: 10-Mar-89
 Agency: Department of Natural Resources

Distribution (by preparer) :

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

March 15, 1989

The Honorable Bettye Fahrenkamp
Chair, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:


Subject: Senate Bill 34, An act relating to state land withdrawn from mineral location or mining.

Background: This legislation requires the department to submit an annual report to the Legislature regarding areas closed to mineral location during the previous year. It also states that the Legislature may make recommendations to the commissioner on the future management of closed areas, and that every 10 years the department shall submit a report to the Governor and Legislature on land that has been withdrawn from mineral location or mining, or withdrawn from multiple use by the Legislature.

Position: The department generally supports the concept that lands closed to mineral entry should be reviewed periodically, and that such a review would aid the Legislature in its deliberations on legislatively designated areas. However, the department also recognizes that such review has fiscal impact, which is reflected in the attached fiscal note.

Thank you for the opportunity to comment on this legislation. We look forward to working on it with the committee and sponsor.

Sincerely,


Lennie Gorsuch
Commissioner

- SB 34

ATTACHMENT 2.

cc: Senator Coghill

Committee Members

Commissioner Merculieff
Department of Commerce

Commissioner Collinsworth
Department of Fish and Game

Commissioner Kelso
Department of Environmental Conservation

Bob Forbes, Director
Division of Geological and Geophysical Surveys
Department of Natural Resources

Jerry Gallagher, Director
Division of Mining
Department of Natural Resources

Gary Gustafson, Director
Division of Land and Water Management
Department of Natural Resources

Denby Lloyd, Special Staff Assistant
Office of the Governor

Bob Evans, Legislative Liaison
Office of the Governor

FISCAL NOTE

REQUEST:

Revision Date: 10-Mar-89 Agency Affected: Natural Resources
 Title: An Act relating to State Land BRU: Geological Management
withdrawn from mineral location of mining.
 Sponsor: Coghill, Pearce, Frank, et al. Components: Minerals/Materials
 Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		35.0	35.0	35.0	35.0	35.0
TRAVEL		5.0	5.0	5.0	5.0	5.0
CONTRACTUAL		25.0	25.0	25.0	25.0	25.0
SUPPLIES		5.0	5.0	5.0	5.0	5.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	70.0	70.0	70.0	70.0	70.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		70.0	70.0	70.0	70.0	70.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	70.0	70.0	70.0	70.0	70.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The fiscal consequences of SB 34 are difficult to quantify precisely because the projected offer is related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resources information readily available for each parcel. Personal services for Geologist III for 8 months. Contract services will include helicopter contracts and petrologic, geochemical and mineralogical analyses.

Prepared by: Bob Forbes, Wyatt Gilbert Phone: 451-2760/762-2356
 Division: DGGS Date: 10-Mar-89

Approved by Commissioner: Lennie Gorsuch Date: 10-Mar-89
 Agency: Department of Natural Resources

Distribution (by preparer) :

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

100 WILLOUGHBY AVE.
JUNEAU, ALASKA 99 01-1798
PHONE: (907) 465-2400

OFFICE OF THE COMMISSIONER

April 13, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: CSSB 137, an act relating to state land withdrawn from mineral location or mining.

Position: The Department of Natural Resources recommends passage of CSSB 137, with modification to Section 1(e), page 1, lines 24-26.

Background: CSSB 137 calls for the Commissioner of Natural Resources to provide a report to the Governor and Legislature detailing state land closed to mineral location and mining during the previous calendar year.

Additionally, the bill states that a section closed to mineral location and mining by the Commissioner shall remain closed until the Commissioner issues an order altering its status, or the Legislature disapproves of the closure.

In Section 1(e), lines 24-26, of CSSB 137, the proposed language states that "[a]n act of the legislature disapproving a closure by the commissioner may direct the commissioner on future management of the area involved." Such language appears to pre-empt the authority of the Commissioner of Natural Resources. In the opinion of the Department, a preferable substitute would be as follows: "[a]n act of the legislature disapproving a closure by the commissioner may make recommendations to the commissioner on future management of the area involved."

Section 1(f) of CSSB 137 calls for a mineral assessment report for each area that exceeds 5,120 acres for which a report to the Legislature is prepared.

SB 34

ATTACHMENT 3.

Senator Coghill

-2-

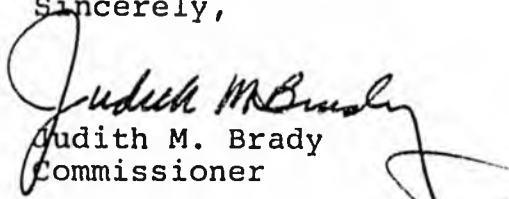
April 13, 1987

Finally, under Section 1(g), the commissioner is required to submit a report, every 10 years, concerning land that is withdrawn from mineral location or mining and may make recommendations regarding existing closures.

Recommendation: With the suggested language change in Section 1(e), the Department of Natural Resources supports CSSB 137 and recommends its passage.

I would be pleased to make my staff available to the committee for additional information or further work with the committee staff.

Sincerely,


Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
George Sullivan
Rod Swope

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 137

Publish Date: _____

Revision Date: 4/13/87

Agency Affected: Natural Resources

Title: An act relating to state land
withdrawn from mineral location, etc.

BRU: Geological and Geophysical Surveys

Sponsor: Coghill, Faiks. et al

Components: _____

Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	35	35	35	35	35	35
TRAVEL	5	5	5	5	5	5
CONTRACTUAL	25	25	25	25	25	25
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70	70	70	70	70	70
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	70	70	70	70	70	70
FEDERAL FUNDS						
OTHER						
TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year, and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert
Division: Geological and Geophysical Surveys

Phone: 465-2520
Date: 4/13/87

Approved by Commissioner: [Signature]
Agency: Natural Resources

Date: 4/15/87

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: 3/8/88
Title: An act relating to state land withdrawn from mineral location, etc.
Sponsor: Coghill, Faiks, et. al.
Requestor: House Resources

Agency Affected: Natural Resources
BRU: Geological and Geophysical Surveys
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	35	35	35	35	35	35
TRAVEL	5	5	5	5	5	5
CONTRACTUAL	25	25	25	25	25	25
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70	70	70	70	70	70

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	70	70	70	70	70	70
FEDERAL FUNDS						
OTHER						
TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary) The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520
Division: Geological and Geophysical Surveys Date: 3/8/88

Approved by Commissioner: Jennie Gomb Date: 3-8-88
Agency: Natural Resources

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

Senate Bill 137

Bill Analysis

One can give a general estimate needed to track the withdrawals and to carry out a minimum field analysis and sampling program. The projected expenditures for each fiscal year are as follows:

100 - 35.0	6 months' salary and benefits for Geol. IV
200 - 5.0	Travel to withdrawal and field per diem
300 - 25.0	Helicopter expenses (18.0) Geochemical, mineral and petrographic analyses (7.0)
400 - 5.0	Field supplies and equipment (3.0) Office supplies (2.0)

Fiscal Note
3/8/88
page 2 of 2

3. The Legislature redefine, to conform with constitutional intent, the various definitions of "multiple use" in the Alaska Statutes to require the management of state lands for the use of all resources rather than allocating or selectively denying resource use;

4. The Legislature make closures of land to mineral entry only where documented and demonstrated incompatible use is proven and only when preceded by a mineral assessment;

5. The Legislature and Governor periodically review lands closed to mineral entry to assess the need for continued closure and, if there is no longer a compelling need for closure, return the land to multiple-use designation;

6. The Governor require state planning agencies to encourage the use of all resources on its lands rather than designating single or primary uses and require that only when a documented and demonstrated incompatible use is proven should there be any restrictions on the use of any resource;

7. The Governor direct the Commissioner of the Department of Natural Resources to review state lands presently classified other than Resource Management Lands and reclassify most of the state's lands as Resource Management Lands as per 11 AAC 55.200 to be managed for multiple-use;

8. The Governor make clear to the U.S. Congress and Federal Administration that further restrictions or withdrawals of federal land from multiple-use designation are not acceptable and assure that regulations enacted to implement the provisions of the Alaska National Interest Lands Conservation Act protect the "prior existing rights and exemptions" allowed in that act;

9. The Governor establish that mineral development is a priority in the best interest of the state that must be recognized in all state land management actions requiring a "Best Interest Finding".

B. Coastal Zone Management

FINDINGS: Coastal Zone Management programs have exceeded the intent of the law and are being challenged by the federal government. The programs include unwarranted extensions of boundaries far beyond a reasonable definition of coastal areas (in some cases hundreds of miles inland); have designated subsistence and fisheries as primary uses, subordinating all other uses even when they are "Uses of State Concern and National Interest"; and have included absolute prohibitions on certain activities. The approval of these programs by the Alaska Coastal Policy Council constitutes the relinquishment by the state of its authority to manage and regulate resource development.

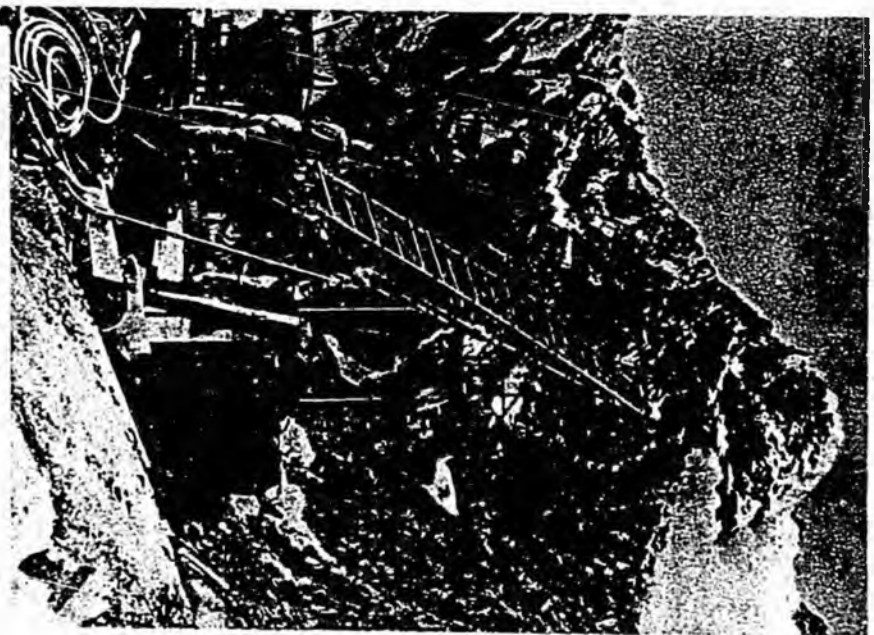
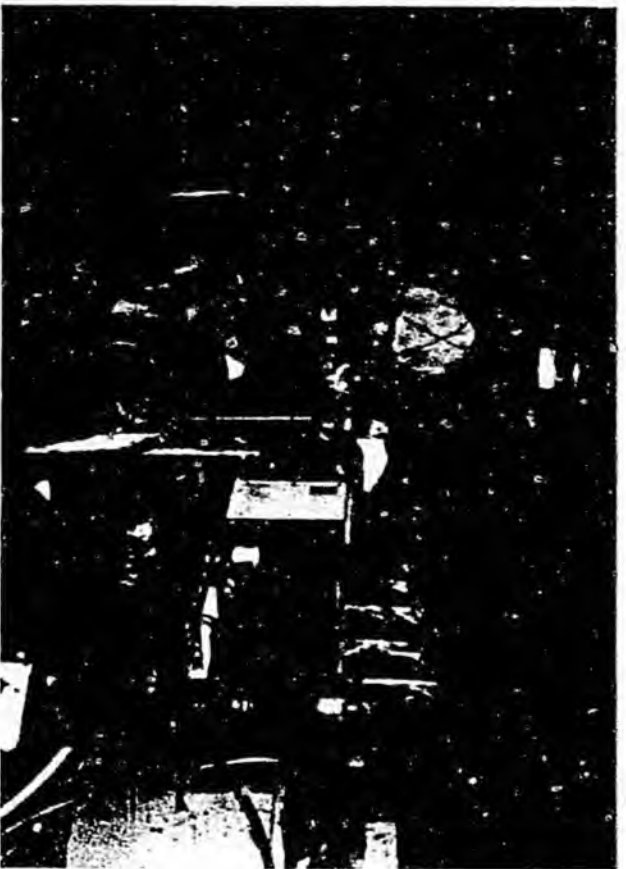
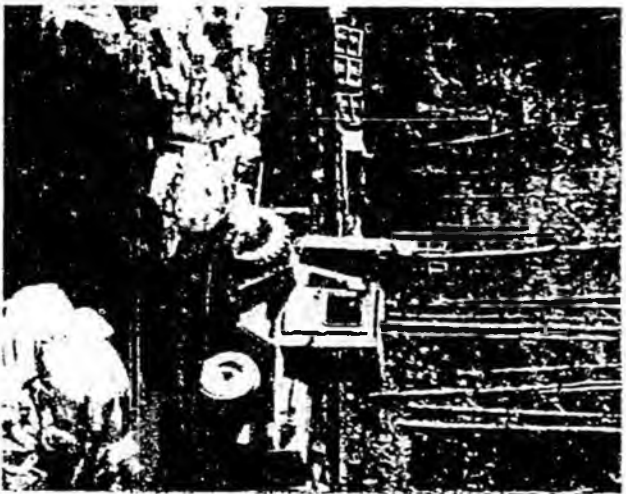
Additionally, the making of "consistency determinations" within the Office of the Governor, Division of Governmental Coordination has added a new layer of government to the permitting process for projects in the coastal zone. Not only has this removed authority from those agencies already vested to manage Alaska's lands, but has increased the likelihood that the permitting process be subject to political pressures rather than solely technical considerations.

THE COMMISSION RECOMMENDS THAT:

10. The Legislature affirm coastal zone boundaries as originally defined by biophysical areas in 1978 by the Alaska Department of Fish and Game and approved by the legislature in 1979;

Alaska Minerals Commission

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SB 34

ATTACHMENT

5.

RECOMMENDATIONS OF THE ALASKA MINERALS COMMISSION

I. LEGISLATIVE PRIORITIES

Implementation of the 6(i) Court Decision

- The highest priority of the Alaska Minerals Commission is the fair and equitable implementation of the Alaska Supreme Court's interpretation of section 6(i) of the Alaska Statehood Act. (For a summary of the 6(i) issues and lawsuit, see Appendix C.)

The Commission supports the positions of both the Alaska Miners Association¹ and Governor Steve Cowper² on the following three critical aspects of any legislation to be enacted.

1. The traditional discovery, location and recordation system recognizes the unique nature of mineral resource development as well as the needs of individuals and companies carrying out mineral exploration and development. The right of self-initiation is guaranteed by the Alaska Constitution and no fundamental changes should be made in the way preferential minerals rights are initiated on state land.
2. Because of the long lead time commonly required between the discovery of a deposit and its initial production, there should be no arbitrary time limits placed upon the tenure of a mining claimant on state lands. This is especially important in Alaska where the need to construct basic infrastructure and to await financial and market "windows" will often result in longer development lead times than in more developed states and countries.
3. The setting of rental and/or royalty fees for mining claims on subject state lands should neither penalize claimants nor create disincentives for individuals or companies doing mineral exploration. In Alaska, exploration, development, capital and operating costs are commonly higher than in more developed states and countries. Alaska's cumulative mineral tax schedule, including existing corporate income taxes, mining license taxes and new rental and/or royalty fees should not unduly burden the small miner nor increase total development costs to the point where diminished economic feasibility precludes mine development or mineral exploration on subject state lands.

A fourth aspect of the implementation of the 6(i) court decision is the definition of lands to which the new legislative provisions will apply. The Commission agrees with Governor Cowper that it is in the interests of both the state and the mining industry that this aspect be resolved in a manner that minimizes the risk of lengthy and expensive litigation. As the Alaska Supreme Court ruled that the 6(i) provisions are applicable only to those state lands "known to be mineral in character at the time of state selection," the Commission also recommends that a clear definition of such lands be developed, and that workable and expeditious procedures be developed to allow timely classification of lands and claims subject to 6(i).

Finally, the Commission strongly recommends that proposed legislation implementing the 6(i) court decision be limited to only those issues specifically required by the court.

¹ *Communication from Richard A. Hughes, President, Alaska Miners Association to Governor Steve Cowper, September 9, 1988.*

² *Communication from Governor Steve Cowper to Richard A. Hughes, President, Alaska Miners Association, October 19, 1988.*

Allowance for Flexible Work Weeks

- The passage of legislation allowing work schedules to be set on the basis of project specific considerations will allow for more efficient use of labor and provide more desirable time-off patterns for employees. This will be particularly significant for mines in remote locations with employees who reside in communities distant from the work site.

Extension of Underground Work Hours

- Legislation is required to amend current statutes limiting shifts at the work face of underground mines from the current maximum of eight hours to a maximum of ten hours. The antiquated statute presently in effect does not recognize the implementation of modern safety programs and penalizes mine efficiency and employee time-off schedules on remote mining projects.

Multiple Use of State Lands

- The Commission would like to reemphasize four recommendations made in the Commission's 1987 report regarding the management of state lands.

1. Alaska Statute 38.05.300 should be amended as follows:

Classification of lands. (a) The commissioner shall, where considered necessary and proper, classify land for surface use. This section does not prevent reclassification of land, where the public interest warrants reclassification, nor does it preclude multiple use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state legislature, be closed to multiple use or to mineral entry if the area involved contains more than 640 acres.

2. The Legislature should redefine, to conform with constitutional intent, the various definitions of "multiple use" in the Alaska Statutes to require the management of state lands for the use of all resources rather than allocating or selectively denying resource use.
3. The Legislature should only make closures of land to mineral entry where documented and demonstrated incompatible use is proven and only when preceded by a mineral assessment.

4. The Legislature and Governor should periodically review lands closed to mineral entry to assess the need for continued closure and, if there is no longer a compelling need for closure, return the land to multiple-use designation.

Amending the Reporting Requirements of the Minerals Policy Act.

- Sec. 44.99.110(2) should be amended to require each department, board, commission, or agency, including the University of Alaska, to fulfill its reporting requirements as set out in this section on an annual basis through 1994 rather than once only in 1989.

Industrial Minerals Inventory

- The Legislature should reintroduce and enact legislation similar to SB 71 (or companion legislation HB 69), Senate Concurrent Resolution 4 and House Concurrent Resolution 5 as introduced during the Second Session of the 15th Legislature. These bills and resolutions address the need for systematic identification, inventory and reserve of sand and gravel resources to meet the present and future needs of transportation systems, populated areas and large-scale developments within the state and Pacific Rim.

SECRETARY of THE SENATE
1/26/86

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II. LAND MANAGEMENT

A. Multiple-Use

FINDINGS: The amount of land in Alaska that will ever be used for mining is very small (less than three-tenths of one percent of the land area of the United States has been disturbed by mining since 1776). Yet the majority of Alaska lands have been withdrawn from mineral entry. In 1968, only 53 million acres (14%) were closed to mineral entry. In 1986, 234 million acres (62%) of Alaska's lands have been closed to mineral entry.

Over 80% of all federal land in Alaska is closed, much of it having been withdrawn by ANILCA and subsequent federal land management plans. In recent years the implementation of regional state land-use plans and the legislative creation of state parks or other special use areas have resulted in the present closure of 8% of state owned lands.

Additionally, complex, overlapping and restrictive land management policies as well as on-going lawsuits cloud the rights of the holders of mining claims or leases, and discourage further investment in the development of Alaska's mineral resources.

On state lands not closed to mining, the principle of multiple-use management has been abrogated to emphasize the primacy of recreational, habitat and aesthetic uses. At present, the legislature has defined "multiple-use" to mean management for more than one use but not necessarily more than two uses. Therefore, the designation of wildlife habitat and scenic values as primary land uses satisfies the state's interpretation of "multiple-use" management though it results in the restriction or prohibition of mining.

This practice subordinates the use of mineral resources and discourages the development and extraction of mineral resources. For example, in the Nelchina Public Use Area (which is designated as a multiple-use area) exploration, development and extraction of subsurface resources is allowed only if found to be compatible with the primary uses of wildlife habitat and recreation. While state lands classified for such uses are technically open for mineral entry, the risk that the development and extraction of minerals will be restricted is sufficient to discourage investment on these lands, further reducing the effective land base in Alaska available for mineral use.

Before the state disposes of its resources, whether through leases or sales, the Department of Natural Resources must make a determination that the action will serve the best interests of the state. The benefits of economic development have not always been adequately addressed in making best interest determinations.

THE COMMISSION RECOMMENDS THAT:

2. The Legislature amend Alaska Statute 38.05.300 as follows:

Classification of lands. (a) The commissioner shall, where considered necessary and proper, classify land for surface use. This section does not prevent reclassification of land, where the public interest warrants reclassification, nor does it preclude multiple use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state legislature, be closed to multiple use or to mineral entry if the area involved contains more than 640 acres.

THIS IS A U.S. BUREAU OF
MINES REPORT

AVAILABILITY OF LAND FOR MINERAL EXPLORATION AND DEVELOPMENT IN ALASKA¹

by
Robert Bottge
Alaska Field Operations Center
Juneau, Alaska

INTRODUCTION

The Bureau of Mines' Alaska Field Operations Center is currently conducting a mineral land inventory of Alaska to determine the availability of federal, state, and private land, for mineral exploration and development through six regional studies. The objective of these studies is to provide government land use planners and the mineral industry with information which,

1. displays land ownership and land availability for mineral exploration and development,
2. shows the location of known metallic mineral deposits, and discusses associated geologic mineral terranes, and
3. compares known metallic mineral deposits and associated geologic terranes, to land ownership and land availability patterns.

Concern over the accessibility of federal lands was expressed as early as 1964, when Public Law 88-606 established the Public Land Law Review Commission "...to study existing laws and procedures related to the administration of the public lands of the United States, and for other purposes." However, it was not until the study, "Is Our Account Overdrawn," in 1976, that real concern for the availability of federal lands for mineral exploration and development became an issue. That study estimated that a large portion of public lands were excluded from the mining and leasing laws (67% and 73%, respectively).

The Bureau showed its interest in this problem in 1977 when it contracted with the Arizona Bureau of Mines to study and make recommendations for an inventory of the public lands in the United States for their availability to

¹Presentation made at the Agency Session, Alaska Miners Convention, in Anchorage, Alaska, October 30, 1986.

mineral exploration and development. The 12-state study presently underway by the Bureau shows its continued efforts to address the availability of mineral resources of federal lands to the United States mineral and materials policy objectives.

The Alaska Field Operations Center is in its third year of investigating the federal, state, and private lands available to mineral exploration and development in Alaska. To date we have addressed the land that is available in eighty four, 1:250,000-scale quadrangles in southeast, southcentral, northcentral and northern Alaska. We have published one report on the southeast region, and the reports on the southcentral, northcentral and the northern regions are in various stages of publication. We have completed perhaps 30% of the work on the 38 quadrangles in western Alaska, leaving the 31 quadrangles in southwestern Alaska. We should complete our assessment of the state in FY 1987.

Each published regional report includes 1:500,000-scale maps showing the land availability patterns for the region. The 1:250,000 scale work maps for the southeast, southcentral and northcentral regions have been put on open file and are available for viewing in our Anchorage, Fairbanks, and Juneau offices

SCOPE AND METHODOLOGY

The inventory of land availability currently being conducted by the Bureau in the other 11 western states addresses only federal land, but because of the complex nature of land ownership in Alaska, we felt we could not adequately explain federal ownership without portraying ownership of all land. Our reports are composed of three parts: (1) an inventory of federal, state, and private lands, (2) a comparison of mineral terranes and land availability categories, and (3) a comparison of mineral deposits and mineral terranes versus land availability categories.

Inventory of Land Ownership

Computer generated 1:250,000-scale maps, showing state and Native selections and conveyances of federal lands, were purchased from the Bureau of Land Management (BLM) Public Office in Anchorage. These maps were plotted from information in the Alaska Automated Land Records System (AALRS). The information was traced onto mylars, labelled, and checked against the Master Title Plats (MTP's) of the BLM and the State of Alaska. We then obtained the land management plans from all the federal and state agencies having land management responsibility in each region.

Land selections allowed under the Statehood Act, ANCSA, and ANILCA were plotted to the nearest whole section; Native allotments and other private parcels were shown as a dot centered on the sections in which they occur. State mineral closing orders were plotted as whole sections whether or not the closing order included the entire section. Maps and plans from towns in the regions were used to determine land where mining would be discouraged.

Because of the continuing selection and conveyance of land from the federal domain to the state and to Native corporations, this information is quickly outdated. The computer data for the southcentral, northcentral and northern study areas are for October, 1984, but the corrections made from the MTP's were from cards updated as recently as June, 1986. While the use of one final date for all data would be preferable, the use of the federal and state MTP's during 1985 and 1986 to check the computerized data received in 1984 made this impractical as the MTP's are constantly updated. This situation exemplifies the very dynamic nature of federal land ownership in Alaska.

LAND STATUS CATEGORIES

Up to 15 land status categories were plotted on 1:250,000 scale quadrangle maps and reduced to 1:500,000 scale for our reports. The 15 sub-categories were part of three major categories: land available for mining, land available