ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6492 SENATF RESOURCES

896

Township 22 North, Range 8 East, Copper River Meridian

Sections 1 - 5

Sections 8 - 18

Sections 20 - 24

Sections 27 - 32

Sections 34 - 36

Township 22 North, Range 9 East, Copper River Meridian

Township 23 North, Range 5 East, Copper River Meridian

Sections 1 - 3

Sections 10 - 15

Sections 21 - 24

Township 23 North, Range 6 East, Copper River Meridian

Sections 5 - 7

Township 23 North, Range 7 East, Copper River Meridian

Sections 1 - 30

Township 23 North, Range 8 East, Copper River Meridian

Township 24 North, Range 5 East, Copper River Meridian

Sections 1 - 5

Sections 9 - 17

Sections 20 - 29

Sections 34 - 36

Township 24 North, Range 6 East, Copper River Meridian

Township 24 North, Range 7 East, Copper River Meridian

Sections 1 - 30

Sections 32 - 36

Township 25 North, Range 6 East, Copper River Meridian

Township 25 North, Range 8 East, Copper River Meridian

Township 26 North, Range 5 East, Copper River Meridian

Township 26 North, Range 6 East, Copper River Meridian

1 Township 1 South, Range 3 East, Fairbanks Meridian
2 Section 1
3 Sections 11 - 14
4 Section 15: S1/2, S1/2N1/2
5 Section 16
6 Section 23: NE1/4
7 Section 24: N1/2
8 Township 1 South, Range 4 East, Fairbanks Meridian
9 Sections 1 - 2
10 Section 4: S1/2
11 Section 5: S1/2, NW1/4
12 Sections 6 - 7
13 Section 8: north of Chena River
14 Section 9: the NW1/4 north of Chena River, N1/2NE1/4
15 Section 10: NE1/4
16 Section 11
17 Section 12: N1/2
18 Section 17: north of Chena River
19 Section 18
20 Township 1 South, Range 5 East, Fairbanks Meridian
21 Section 6
22 Township 1 South, Range 3 West, Fairbanks Meridian
23 Section 26: S1/2 south of Parks Highway
24 Sections 27 - 28: south of Parks Highway
25 Section 29: west of Old Nenana Highway and south of
26 Parks Highway
27 Sections 31 - 34: south of Parks Highway
28 Section 35
29 Township 1 South, Range 4 West, Fairbanks Meridian

Section 4: SW1/4

Sections 7 - 8

Section 9: NW1/4

Section 18: N1/2

Section 23: SE1/4, SE1/4NE1/4

Sections 24 - 29

Section 32: N1/2N1/2

Section 34: excl. NW1/4NW1/4

Sections 35 - 36

Township 1 South, Range 5 West, Fairbanks Meridian

Sections 2 - 12

Section 13: N1/2

Sections 14 - 23

Sections 28 - 30

Section 31: N1/2, N1/2S1/2

Section 32: N1/2, N1/2S1/2

Township 1 South, Range 6 West, Fairbanks Meridian

Sections 1 - 4

Sections 9 - 16

Sections 21 - 28

Sections 32 - 34

Section 35: E1/2

Section 36: N1/2

Township 1 South, Range 8 West, Fairbanks Meridian

Sections 3 - 10

Sections 15 - 22

Sections 27 - 34

Township 1 South, Range 10 West, Fairbanks Meridian

Sections 1 - 6

1 Township 1 South, Range 11 West, Fairbanks Meridian
2 Sections 1 - 24
3 Sections 27 - 34
4 Township 1 South, Range 12 West, Fairbanks Meridian
5 Sections 1 - 2
6 Sections 11 - 14
7 Section 21: south of the unnamed creek
8 Sections 22 - 28
9 Sections 31 - 32: south of right limit of Tanana
10 River
11 Sections 33 - 36
12 Township 1 South, Range 13 West, Fairbanks Meridian
13 Section 27: north of a branch of Tanana River
14 Sections 34 - 36: north of a branch of Tanana River
15 Township 2 South, Range 3 West, Fairbanks Meridian
16 Section 2: N1/2, tract F, ASLS 80 - 118
17 Sections 3 - 10
18 Section 13: Lots A and C
19 Section 14: Lots 5 - 7, NE1/4, SW1/4
20 Section 15: west of left limit of Tanana River
21 Sections 16 - 19
22 Sections 20 - 24: north of military reservation
23 Sections 28 - 29: north of military reservation
24 Sections 30 - 31
25 Section 32: north of military reservation
26 Township 2 South, Range 4 West, Fairbanks Meridian
27 Sections 1 - 3
28 Section 7: SE1/4SE1/4
29 Section 8: south of Parks Highway

Section 9: south of Parks Highway

Sections 10 - 16

Section 17: south of Parks Highway

Section 18: south of Parks Highway

Section 19: south of Parks Highway

Sections 20 - 36

Township 2 South, Range 5 West, Fairbanks Meridian

Sections 1 - 2

Sections 7 - 23

Section 24: north of Parks Highway

Section 26: north of Parks Highway

Section 27: north of Parks Highway

Township 2 South, Range 6 West, Fairbanks Meridian

Section 3

Section 4: N1/2, SE1/4, SW1/4SW1/4

Section 5

Sections 10 - 12

Section 16

Township 2 South, Range 7 West, Fairbanks Meridian

Section 35: SE1/4SE1/4

Section 36: SE1/4, SE1/4NE1/4, E1/2SW1/4, SW1/4SW1/4

Township 2 South, Range 11 West, Fairbanks Meridian

Section 6

Township 2 South, Range 12 West, Fairbanks Meridian

Sections 1 - 24

Sections 27 - 34

Township 2 South, Range 13 West, Fairbanks Meridian

Sections 1 - 6

Section 7: Tracts A, B and C, ASLS 81-54 SW1/4

Section 8: NE1/4, Tracts D, E, F, ASLS 81-54
Sections 9 - 30
Sections 33 - 36
Township 3 South, Range 3 West, Fairbanks Meridian
Sections 6 - 7: north of military reservation
Township 3 South, Range 4 West, Fairbanks Meridian
Sections 1 - 11
Section 12: north of military reservation
Sections 14 - 15: north of military reservation
Section 16
Section 17: north of military reservation
Sections 20 - 22: north of military reservation
Township 3 South, Range 5 West, Fairbanks Meridian
Section 1
Sections 11 - 12
Section 13: NW1/4NW1/4, Lots 2 - 4
Sections 14 - 15: north of left limit of Tanana River
Section 19: north of left limit of Tanana River, excl. NE1/4NE1/4
Section 20: north of left limit of Tanana River, excl. Lot 3
Section 21: north of left limit of Tanana River
Section 31: Lot 2
Township 3 South, Range 6 West, Fairbanks Meridian
Sections 13 - 36
Township 3 South, Range 7 West, Fairbanks Meridian
Section 1
Section 2: E1/2, E1/2SW1/4, SW1/4SW1/4

Section 3: SE1/4SE1/4

Section 9: south of Parks Highway

Section 10: that portion of NE1/4 which lies south of Parks Highway: SW1/4SE1/2

Section 11: N1/2, N1/2SE1/4

Section 12: N1/2, N1/2S1/2

Section 20: S1/2

Sections 22 - 29

Section 31 - 36

Township 3 South, Range 12 West, Fairbanks Meridian

Sections 3 - 10

Sections 15 - 19

Section 30

Township 3 South, Range 13 West, Fairbanks Meridian

Section 12: E1/2

Section 13

Section 14: E1/2

Sections 24 - 25

Section 26: E1/2

Sections 35 - 36

Township 4 South, Range 4 East, Fairbanks Meridian

Sections 30 - 32: west of Richardson Highway

Township 4 South, Range 6 West, Fairbanks Meridian

Sections 1 - 12

Sections 14 - 18

Township 4 South, Range 7 West, Fairbanks Meridian

Sections 1 - 12

Sections 13 - 14: north of left limit of Tanana River

1 Section 18: Lots 3-6
2 Township 4 South, Range 13 West, Fairbanks Meridian
3 Sections 1 - 2
4 Sections 3 - 4: east of left limit of Kantishna
5 River
6 Sections 8 - 10: east of left limit of Kantishna
7 River
8 Section 17
9 Section 15
10 Sections 16 - 17: east of left limit of Kantishna
11 River
12 Sections 20 - 21: east of left limit of Kantishna
13 River
14 Section 22
15 Sections 27 - 29: east of left limit of Kantishna
16 River
17 Sections 33 - 34: east of left limit of Kantishna
18 River
19 Township 5 South, Range 4 East, Fairbanks Meridian
20 Sections 5 - 6
21 Section 7: east of military reservation
22 Section 8
23 Section 17
24 Sections 18 - 19: east of military reservation
25 Section 20
26 Section 29
27 Section 30: east of military reservation
28 Section 31
29 Section 32: excl. NE1/4SE1/4, Lots 1-4

1 Township 5 South, Range 5 East, Fairbanks Meridian
2 Sections 25 - 29
3 Sections 33 - 36
4 Township 5 South, Range 6 East, Fairbanks Meridian
5 Sections 28 - 29
6 Section 30: S1/2
7 Sections 31 - 34
8 Section 36: S1/2
9 Township 5 South, Range 8 East, Fairbanks Meridian
10 Sections 1 - 6
11 Sections 8 - 17
12 Sections 20 - 30
13 Sections 32 - 36
14 Township 5 South, Range 9 East, Fairbanks Meridian
15 Sections 4 - 9
16 Sections 13 - 36
17 Township 6 South, Range 4 East, Fairbanks Meridian
18 Section 5: excl. Lots 1, 2
19 Sections 6 - 7: east of military reservation
20 Section 8
21 Section 9: excl. N1/2NE1/4SE1/4, S1/2S1/2NE1/4, GL-5
22 Section 14: Lot 4
23 Section 15: south of Tanana River
24 Section 16
25 Section 21: east of military reservation
26 Section 22
27 Section 23: NE1/4NE1/4, that portion west of
28 Richardson Highway
29 Section 25: south of Richardson Highway

1 Section 26: excl. Lot 1
2 Section 27: east of military reservation
3 Section 35
4 Section 36: W1/2SW1/4
5 Township 6 South, Range 5 East, Fairbanks Meridian
6 Sections 1 - 4
7 Sections 9 - 15
8 Section 16: S1/2, NE1/4
9 Section 20: S1/2
10 Sections 21 - 28
11 Section 29: N1/2
12 Section 36
13 Township 6 South, Range 6 East, Fairbanks Meridian
14 Section 1
15 Sections 3 - 9
16 Section 10: W1/2
17 Section 11: E1/2
18 Sections 12 - 36
19 Township 6 South, Range 7 East, Fairbanks Meridian
20 Sections 3 - 36
21 Township 6 South, Range 8 East, Fairbanks Meridian
22 Township 6 South, Range 9 East, Fairbanks Meridian
23 Township 6 South, Range 10 East, Fairbanks Meridian
24 Township 7 South, Range 6 East, Fairbanks Meridian
25 Sections 1 - 5
26 Sections 8 - 15
27 Sections 21 - 24
28 Sections 25 - 27: north of left limit of Tanana
29 River

1 Section 28
2 Section 29: S1/2
3 Section 30: S1/2
4 Sections 31 - 32
5 Section 33: north of left limit of Tanana River
6 Township 7 South, Range 7 East, Fairbanks Meridian
7 Sections 1 - 18
8 Sections 23 - 26
9 Sections 35 - 36: excl. ASLS 81-213 except Tract A
10 Township 7 South, Range 8 East, Fairbanks Meridian
11 Sections 1 - 12
12 Sections 15 - 21
13 Sections 28 - 34
14 Township 7 South, Range 9 East, Fairbanks Meridian
15 Sections 3 - 10
16 Sections 15 - 16: N1/2
17 Township 7 South, Range 10 East, Fairbanks Meridian
18 Sections 24 - 25
19 Sections 35 - 36
20 Township 7 South, Range 11 East, Fairbanks Meridian
21 Sections 1 - 2
22 Sections 11 - 14
23 Sections 19 - 34
24 Section 35: W1/2
25 Section 36: N1/2N1/2
26 [SECTIONS 19 - 36]
27 Township 7 South, Range 12 East, Fairbanks Meridian
28 Section 3: W1/2
29 Section 4 - 9

1 Section 10: W1/2
2 Section 16 - 21
3 Township 8 South, Range 7 East, Fairbanks Meridian
4 Section 1
5 Township 8 South, Range 8 East, Fairbanks Meridian
6 Sections 1 - 3
7 Sections 4 - 6
8 Sections 10 - 13
9 Township 8 South, Range 9 East, Fairbanks Meridian
10 Sections 16 - 22: south of the North bank of the
11 Tanana River
12 Sections 25 - 29
13 Sections 33 - 36
14 Township 8 South, Range 10 East, Fairbanks Meridian
15 Sections 1 - 5
16 Sections 8 - 11
17 Section 12: N1/2
18 Section 15: N1/2
19 Section 30: S1/2
20 Sections 31 - 32
21 [SECTION 1
22 SECTIONS 12 - 13]
23 Township 8 South, Range 11 East, Fairbanks Meridian
24 Sections 3 - 4
25 Section 5: N1/2, SE1/4
26 Section 6: N1/2, SW1/4
27 Section 9: N1/2
28 Section 10: NW1/4
29 [SECTIONS 1 - 18

1 SECTIONS 22 - 27
2 SECTION 36
3 TOWNSHIP 8 SOUTH, RANGE 12 EAST, FAIRBANKS MERIDIAN
4 SECTIONS 1 - 10
5 SECTIONS 15 - 22
6 SECTIONS 27 - 34
7 TOWNSHIP 8 SOUTH, RANGE 13 EAST, FAIRBANKS MERIDIAN
8 SECTIONS 25 - 26
9 SECTIONS 33 - 36]
10 Township 9 South, Range 10 East, Fairbanks Meridian
11 Section 18: south of the Tanana River
12 Section 19 - 20: south of the Tanana River
13 Section 28: south of the Tanana River
14 Section 29 - 30
15 Section 32
16 Section 33: W1/2
17 [TOWNSHIP 9 SOUTH, RANGE 11 EAST, FAIRBANKS MERIDIAN
18 SECTION 3: S1/2
19 SECTIONS 4 - 5
20 SECTIONS 8 - 11
21 SECTION 13 - 16
22 SECTION 17: E1/2, NE1/4SW1/4, SW1/4NW1/4
23 SECTIONS 21 - 27
24 SECTION 28: EXCL. FO2662
25 TOWNSHIP 9 SOUTH, RANGE 12 EAST, FAIRBANKS MERIDIAN
26 SECTIONS 19 - 21
27 SECTIONS 28 - 36
28 TOWNSHIP 9 SOUTH, RANGE 13 EAST, FAIRBANKS MERIDIAN
29 SECTIONS 1 - 3

1 SECTION 10: E1/2
2 SECTIONS 11 - 13
3 SECTIONS 24 - 25
4 SECTION 26: S1/2
5 SECTION 27
6 SECTIONS 34 - 36]
7 Township 9 South, Range 14 East, Fairbanks Meridian
8 Township 9 South, Range 16 East, Fairbanks Meridian
9 Township 10 South, Range 10 East, Fairbanks Meridian
10 Section 4: S1/2, NW1/4
11 Section 5
12 Sections 8 - 9
13 Section 16: N1/2,SW1/4
14 Section 17
15 Section 19: S1/2S1/2, N1/2S1/2
15 Section 20
17 Section 21: W1/2
18 Section 28: north of Fort Greeley boundary
19 Section 29 - 30
20 Sections 31 - 33: north of Fort Greeley boundary
21 Township 10 South, Range 12 East, Fairbanks Meridian
22 Sections 1 - 3
23 Sections 4 - 6: north of left limit of Tanana River
24 Sections 10 - 12: north of left limit of Tanana
25 River
26 Township 10 South, Range 13 East, Fairbanks Meridian
27 Section 1
28 Section 2: E1/2
29 Sections 5 - 6: south of the right limit of Tanana

River

[SECTIONS 1 - 6]

Sections 7 - 8: north of right [LEFT] limit of Tanana River

Sections 9 - 10: south of right limit of Tanana River

Section 11: W1/2 south of Tanana River, E1/2

Section 12

[SECTIONS 9 - 12]

Sections 14 - 15: N1/2

Township 10 South, Range 14 East, Fairbanks Meridian

Sections 1 - 20

Section 21: NE1/4SE1/4, W1/2, N1/2NE1/4

Sections 22 - 24

Section 25: excl. Tract C

Section 26: excl. SW1/4SW1/4

Section 27: N1/2NE1/4, NE1/4NW1/4

Section 28: W1/2

Section 29

Section 30: NE1/4NE1/4

Section 32: excl. Tract U, Delta I

Section 33: W1/2

Township 10 South, Range 16 East, Fairbanks Meridian

Sections 1 - 35

Township 11 South, Range 14 East, Fairbanks Meridian

Section 4: NW1/4, Tracts A,B,E

Section 5: excl. [EXCLUDING] Tract U, Del a Barley I

Section 9: Tracts A,B,E1/2

Section 10: Tracts B,C

1 Section 15: Tracts B,C
2 Section 16: E1/2, Tracts A,B
3 Section 21: Tracts A,B
4 Section 22: NW1/4, Tracts A,B,D
5 Section 23: Tracts A,B,D,E
6 Section 26: Tracts A,B,C,D
7 Section 35: E1/2, Tracts A,B
8 Section 36: Tracts A,B,C,D,E
9 Township 11 South, Range 16 East, Fairbanks Meridian
10 Township 12 South, Range 14 East, Fairbanks Meridian
11 Section 1: excl. USS 4013
12 Section 2: excl. ASLS 79-93
13 Section 11: excl. ASLS 79-93
14 Sections 12 - 13
15 Section 14: excl. ASLS 79-93
16 Sections 23 - 25: excl. ASLS 79-93
17 Section 36: excl. ASLS 79-93
18 Township 12 South, Range 15 East, Fairbanks Meridian
19 Sections 2 - 6
20 Section 7: excl. SE1/4SW1/4
21 Sections 8 - 14
22 Section 15: E1/2, E1/2NE1/4
23 Sections 18 - 19: W1/2W1/2
24 Section 21: S1/2SE1/4
25 Section 22: excl. N1/2NW1/4
26 Sections 23 - 30
27 Section 31: SW1/4
28 Section 32: SE1/4, S1/2SW1/4
29 Sections 33 - 36

1 Township 12 South, Range 16 East, Fairbanks Meridian
2 Sections 1 - 5
3 Sections 9 - 16
4 Sections 21 - 28
5 Sections 34 - 36
6 Township 13 South, Range 15 East, Fairbanks Meridian
7 Sections 1 - 3
8 Section 4: N1/2SE1/4, NE1/4, N1/2NW1/4, SW1/4NW1/4,
9 NW1/4SW1/4
10 Section 5: Tracts A and C
11 Section 6: north of Alaska Highway
12 Section 11: Tracts D and F
13 Section 12
14 Section 13: Tracts B and C
15 Township 13 South, Range 16 East, Fairbanks Meridian
16 Section 1
17 Sections 6 - 7
18 Section 12: excl. George Lake Subdivision
19 Sections 16 - 18
20 Sections 19 - 20: north of left limit of Tanana
21 River
22 Section 21
23 Section 27
24 Sections 28 - 29: north of left limit of Tanana
25 River
26 Sections 32 - 33: north of left limit of Tanana
27 River
28 Sections 34 - 35
29 Township 14 South, Range 16 East, Fairbanks Meridian

1 Sections 1 - 3
2 Section 4: north of left limit of Tanana River
3 Sections 10 - 11: north of left limit of Tanana
4 River
5 Section 12;
6 (2) Special Forest Management Land:
7 Township 7 South, Range 11 East, Fairbanks Meridian
8 Section 35: E1/2
9 Section 36: S1/2, S1/2N1/2
10 Township 7 South, Range 12 East, Fairbanks Meridian
11 Section 1 - 2
12 Section 3: E1/2
13 Section 10: E1/2
14 Section 11 - 15
15 Sections 22 - 36
16 Township 8 South, Range 10 East, Fairbanks Meridian
17 Section 12: S1/2
18 Section 13
19 Township 8 South, Range 11 East, Fairbanks Meridian
20 Sections 1 - 2
21 Section 5: SW1/4
22 Section 6: SE1/4
23 Sections 7 - 8
24 Section 9: S1/2
25 Section 10: S1/2, NE1/4
26 Sections 11 - 18
27 Sections 22 -27
28 Section 36
29 Township 8 South, Range 12 East, Fairbanks Meridian

1 Sections 1 - 10
2 Sections 15 - 22
3 Sections 27 - 34
4 Township 8 South, Range 13 East, Fairbanks Meridian
5 Sections 25 - 26
6 Sections 33 - 36
7 Township 9 South, Range 11 East, Fairbanks Meridian
8 Section 3: S1/2
9 Sections 4 - 5
10 Sections 8 - 11
11 Sections 13 - 16
12 Section 17: E1/2, NE1/4SW1/4, SW1/4NW1/4
13 Section 21 - 27
14 Section 28: excl. FO2662
15 Township 9 South, Range 12 East, Fairbanks Meridian
16 Sections 19 - 21
17 Sections 28 - 36
18 Township 9 South, Range 13 East, Fairbanks Meridian
19 Sections 1 - 3
20 Section 10: E1/2
21 Sections 11 - 13
22 Sections 24 - 25
23 Section 26: S1/2
24 Section 27
25 Sections 34 - 36
26 Township 10 South, Range 13 East, Fairbanks Meridian
27 Section 2: W1/2
28 Sections 3 - 4
29 Sections 5 - 6: north of right limit of Tanana River

Sections 9 - 10: north of right limit of Tanana River

Section 11: W1/2 north of the Tanana River.

* Sec. 2. AS 41.17.400 is amended by adding a new subsection to read:

(e) Notwithstanding AS 41.17.200 - 41.17.230 and (a) - (c) of this section and, except as provided in this subsection, the commissioner may not allow the harvest of timber and a state or municipality may not establish a road, trail, or highway, on the land of the Tanana Valley State Forest described in (d)(2) of this section. The commissioner may permit commercial development of timber at the head of Indian Creek within Township 8 South, Range 11 East, Fairbanks Meridian, Sections 8 - 10 and 17: NE1/4 only during the winter and only through the Shaw Creek Flats and Rapid Creek. The commissioner may permit commercial development of timber along the north bank of the Tanana River within the following sections only during the winter and only with access across the Tanana River:

Township 9 South, Range 11 East, Fairbanks Meridian

Section 9

Sections 10 - 11: South of an unnamed slough

Section 13: West of an unnamed slough

Sections 14 - 16

Sections 21 - 23

Section 24: West of an unnamed slough

Sections 25 - 28

Township 9 South, Range 12 East, Fairbanks Meridian

Section 30: South of an unnamed slough

Sections 31 - 36

Township 9 South, Range 13 East, Fairbanks Meridian

Sections 31 - 33

1 Township 10 South, Range 13 East, Fairbanks Meridian
2 Section 2: W 1/2
3 Sections 3 - 4
4 Sections 5 - 6: north of right limit of Tanana River
5 Sections 9 - 10: north of right limit of Tanana
6 River
7 Section 11: W1/2 north of the Tanana River.
8 * Sec. 3. AS 41.23 is amended by adding new sections to read:
9 Sec. 41.23.140. PURPOSE. The purpose of AS 41.23.140 - 41.23.-
10 170 is to establish the area described in AS 41.23.170 as the Good-
11 paster Public Use Area. The Goodpaster Public Use Area is established
12 to
13 (1) protect and maintain fish and wildlife habitat, partic-
14 ularly moose calving and wintering habitat, trumpeter swan and other
15 waterfowl nesting habitat, and otter, beaver, mink, muskrat, fox, and
16 other furbearer habitat so that traditional public uses of fish and
17 wildlife populations may continue;
18 (2) protect and maintain public enjoyment of fish and
19 wildlife and their habitat including fishing, hunting, trapping,
20 viewing, and photography;
21 (3) protect and maintain general public recreation in a
22 quality environment;
23 (4) protect and maintain winter recreation including dog-
24 sledding, cross-country skiing, skijoring, snowmachining, and camping;
25 (5) allow additional public uses of the area in a manner
26 compatible with the purposes specified in (1) - (4) of this section.
27 Sec. 41.23.150. MANAGEMENT. (a) Management of the surface and
28 subsurface estate of the Goodpaster Public Use Area is the respon-
29 sibility of the commissioner. After adequate public hearings the

1 commissioner may designate incompatible uses under AS 41.23.160 and
2 shall adopt and may revise a management plan for the Goodpaster Public
3 Use Area. With regard to the management of land within the Goodpaster
4 Public Use Area described in AS 41.23.170, the commissioner shall
5 consult with the Department of Fish and Game in the adoption and
6 revision of the management plan.
7 (b) The Department of Fish and Game is responsible for the
8 management of fish and game resources and public use of fish and
9 wildlife in the Goodpaster Public Use Area consistent with the pur-
10 poses of AS 41.23.140. Nothing in AS 41.23.140 - 41.23.170 prohibits
11 the Department of Fish and Game from engaging in protection and main-
12 tenance of the fish and wildlife habitat within an area described in
13 AS 41.23.170. The Department of Public Safety and the Department of
14 Fish and Game shall have necessary access for fish and game manage-
15 ment, research, and enforcement purposes.
16 (c) The state may not acquire by eminent domain privately-owned
17 land for inclusion in the Goodpaster Public Use Area but may acquire
18 privately-owned land lying within the boundaries of the Goodpaster
19 Public Use Area by purchase, exchange, or otherwise.
20 (d) Subject to valid existing rights, the commissioner may not
21 dispose of the surface estate in state land within the Goodpaster
22 Public Use Area.
23 (e) The state or a municipality may not construct a road, trail,
24 or highway within the Goodpaster Public Use Area.
25 (f) The commissioner may not dispose of timber commercially
26 under AS 38.05.110 - 38.05.120, AS 41.15, or AS 41.17 within the
27 Goodpaster Public Use Area. The commissioner may permit the harvest-
28 ing of timber for personal use.
29 (g) The commissioner may not manage the Goodpaster Public Use

1 Area as a unit of the state park system.
2 Sec. 41.23.160. INCOMPATIBLE USES. (a) Except as provided in
3 this section, the commissioner may prohibit or restrict incompatible
4 uses under the management plan adopted under AS 41.23.150 within the
5 state-owned land and water described in AS 41.23.170.
6 (b) The commissioner may not restrict lawful sport and subsis-
7 tence fishing, hunting, or trapping rights allowed under a regulation
8 of the Board of Fisheries or the Board of Game within the Goodpaster
9 Public Use Area.
10 (c) The Goodpaster Public Use Area shall be open to mineral
11 entry under AS 38.05.185 - 38.05.275, and the commissioner may adopt
12 regulations to achieve the purposes specified in AS 41.23.140. A
13 valid existing right or permit remains valid and continues in full
14 force and effect according to its terms. Exploration, development,
15 and extraction of subsurface resources shall be allowed in a manner
16 that is compatible with the purposes specified in AS 41.23.140(1) -
17 (4).
18 (d) The commissioner shall allow traditional access to the
19 Goodpaster Public Use Area by motorized or nonmotorized means of
20 transportation to private land, interests in private land, and for
21 lawful sport and subsistence hunting, fishing, trapping, mining, and
22 recreational purposes in a manner that is compatible with purposes
23 specified in AS 41.23.140(1) - (4).
24 (e) If the commissioner determines that a use is incompatible
25 with one or more other uses in a portion of the Goodpaster Public Use
26 Area, the commissioner shall state in the management plan adopted or
27 revised under AS 41.23.150
28 (1) each determination of incompatibility;
29 (2) the specific area where the incompatibility is

1 determined to exist;
2 (3) the time within which the incompatibility is determined
3 to exist; and
4 (4) the reasons for each determination of incompatibility.
5 Sec. 41.23.170. GOODPASTER PUBLIC USE AREA. The vacant and
6 unappropriated state-owned land and water and the state land and water
7 acquired in the future that lie within the boundaries described in
8 this section are designated as the Goodpaster Public Use Area, are
9 reserved for all uses compatible with their primary function as public
10 use land, and are assigned to the department for control and manage-
11 ment:
12 Township 5 South, Range 14 East, Fairbanks Meridian
13 Sections 1 - 4
14 Sections 9 - 16
15 Sections 21 - 28
16 Sections 33 - 35
17 Township 5 South, Ranges 15 - 18 East, Fairbanks
18 Meridian
19 Sections 1 - 30
20 Township 6 South, Range 13 East, Fairbanks Meridian
21 Section 20: E1/2
22 Sections 21 - 28
23 Section 29: E1/2
24 Sections 31 - 36
25 Township 6 South, Range 14 East, Fairbanks Meridian
26 Sections 2 - 4
27 Sections 9 - 11
28 Sections 14 - 16
29 Sections 19 - 23

1 Sections 26 - 35
2 Township 7 South, Range 13 East, Fairbanks Meridian
3 Township 7 South, Range 14 East, Fairbanks Meridian
4 Sections 3 - 10
5 Sections 15 - 22
6 Sections 27 - 34
7 Township 8 South, Range 10 East, Fairbanks Meridian
8 Section 14
9 Section 15: S1/2
10 Sections 16 - 17: Excluding Quartz Lake
11 Sections 20 - 21: Excluding Quartz Lake
12 Sections 22 - 24
13 Sections 25 - 28: North of the Tanana River
14 Section 29: Excluding Quartz Lake
15 Section 33: North of the Tanana River
16 Township 8 South, Range 11 East, Fairbanks Meridian
17 Sections 19 - 21
18 Sections 28 - 30
19 Section 31: North of the Tanana River
20 Sections 32 - 35
21 Township 8 South, Range 12 East, Fairbanks Meridian
22 Sections 11 - 14
23 Sections 23 - 26
24 Sections 35 - 36
25 Township 8 South, Range 13 East, Fairbanks Meridian
26 Sections 1 - 24
27 Sections 27 - 32
28 Township 9 South, Range 11 East, Fairbanks Meridian
29 Sections 1 - 2

Section 3: N1/2

Section 12

Township 9 South, Range 12 East, Fairbanks Meridian

Sections 1 - 18

Sections 22 - 27

Township 9 South, Range 13 East, Fairbanks Meridian

Sections 4 - 9

Section 10: W1/2

Sections 14 - 23

Section 26: N1/2

Sections 28 - 33.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

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

OFFICE OF THE COMMISSIONER

March 3, 1989

The Honorable Bettye Fahrenkamp
Alaska State Senator
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

I wanted to follow up on our meeting in which we discussed the proposed Goodpaster legislation.

The Department of Natural Resources prefers addressing your concerns (e.g., access, timber harvest and land disposal) through a review of the Tanana Basin Area Plan. In that regard, the Department of Natural Resources would commit to the following:

- Immediately open up the Tanana Basin Area Plan for public review and comment.

- Guarantee that the plan review and any subsequent revision or amendments will be completed by November 1, 1990.

- Guarantee that no timber harvest activities, land disposals, access improvements or other actions in the Goodpaster drainage (as defined in the legislation) occur prior to completion of the plan review.

- Guarantee that the plan review will specifically address and reconsider the issue of access, timber harvest and land disposals.

Changes to the existing plan would depend, primarily on the desire and interests expressed by the public during the review period. Assuming that the majority of the public does want to restrict access and prohibit timber harvest and land disposals in the Goodpaster area, the plan would be amended to reflect those desires.

Again, thanks for taking the time to meet with me. Like you, I'm anxious to resolve this issue to everyone's satisfaction. I would be glad to meet with you to discuss this matter further.

Sincerely,

Lennie Gorsuch

Lennie Gorsuch
Commmissioner

# Alaska State Legislature

## Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kerttula, Vice Chairman
Senator Dick Eliason
Senator Steve Frank
Senator Rick Halford
Senator Arliss Sturgulewski
Senator Fred Zharoff

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

MEMORANDUM

TO: Senate Resources Committee Members

FROM: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

DATE: March 8, 1989

RE: SB 167 An Act establishing the Goodpaster Public Use Area

SB 167 would create a public use area in the Goodpaster River drainage. The Goodpaster River flows into the Tanana River about eight miles north of the Richardson Highway bridge near Delta Junction. The proposed public use area would encompass approximately 970,000 acres.

The language of the bill is similar to existing public use areas such as the Nelchina Public Use Area. Distinctive features of the bill are found in section 41.23.150 subsections (d), (e), and (f) which would prohibit the disposal of land, the construction of roads, and the commercial harvest of timber. All of these activities relate to the primary thrust of the bill: maintaining traditional access.

Access to the Goodpaster River area traditionally has been by motorboat, plane, or winter overland routes. Maintaining this traditional access is important to ensure that the customary uses of the area can continue. Great concern exists among the land holders along the river and other users that a road into the drainage will lead to overuse, threatening fur and game harvesting, fishing, and high value recreation.

Timber
Sections identified in the Tanana Valley Forest Plan for timber harvest, lying in the Goodpaster drainage, would be withdrawn under this bill. The stands identified for exclusion from the forest are a mix of qualities, and in quantities and densities likely unsuitable for commercial harvesting purposes.

Land
With increased itinerant use and the continued development of currently undeveloped holdings, it is likely that the capacity of the river will be strained. Concern of river users would be that future land disposals would certainly lead to overuse and concomitant problems as currently existing on the Salcha River.

Mineral Entry

The intent of the legislation was to allow mineral entry. An amendment has been drafted to make this explicitly clear. The mineral potential is generally low in this area. Nonetheless, the area would be open to mineral entry. No incompatibilities between mining and other uses have arisen to date, and it's not likely that conflicts will arise in the future because of low mineral potential.

Cross references. — For additional definitions, see AS 41.99.900.

*Sec. 41.10.150. Short title. [Repealed, § 14 ch 69 SLA 1983.]*

## Chapter 12. Western Interstate Nuclear Compact.

*[Renumbered as AS 41.98.110 — 41.98.150.]*

## Chapter 15. Forests.

Article
1. Protection of Forested Land (§§ 41.15.010 — 41.15.170)
2. Forest Reserve Fund (§ 41.15.180)
3. Fire Suppression Fund (§§ 41.15.200 — 41.15.240)
4. Haines State Forest Resource Management Area (§§ 41.15.300 — 41.15.330)
5. Miscellaneous Provisions (§ 41.15.900)
6. General Provisions (§ 41.15.950)

### Article 1. Protection of Forested Land.

Section
10. Intent
20. Regulations
30. Contracts for forest protection
40. Right of entry to control and suppress fires
50. Fire season
60. Permits
70. Disposal of burning materials
80. Equipment and notice required
90. Building or leaving fires
100. Setting fires without consent
110. Uncontrolled spread of fire; leaving fire unattended
120. Failure to assist in preventing or suppressing fires
130. Backfires excluded
140. Penalty for misdemeanor
150. Malicious or wanton setting of fires
160. Double damages in civil actions
170. Definitions

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Collateral references. — 52 Am. Jur. 2d, Logs and Timber, §§ 64-65; 63A Am. Jur. 2d, Public Lands, § 17.

98 C.J.S., Woods and Forests, § 1 et seq.

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

Constitutionality of fire prevention provisions of forest conservation legislation. 13 ALR2d 1129.

Liability for spread of fire purposely and lawfully kindled. 24 ALR2d 241.

Measure of damages for destruction of or injury to fruit, nut, or other productive trees. 90 ALR3d 800.

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**Sec. 41.15.010. Intent.** It is the intent of AS 41.15.010 — 41.15.170 to provide protection, commensurate with the value of the resources at risk, for the natural resources and watersheds on land that is owned privately, by the state, or by a municipality. (§ 1 ch 138 SLA 1961; am § 1 ch 88 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section, which formerly read "It is the intent of AS 41.15.010 — 41.15.170 to provide protection for the timber resources and watersheds on all land in the state."

**Sec. 41.15.020. Regulations.** The commissioner shall, by regulation, make provision for the protection of forested land in the state from fire and other destructive agents. (§ 2 ch 138 SLA 1961)

**Sec. 41.15.030. Contracts for forest protection.** (a) The commissioner may enter into necessary protection contracts.

(b) The commissioner may hire emergency fire-fighting personnel, and shall establish classifications and rates of pay for the emergency fire-fighting personnel consistent with the compensation paid by other fire-fighting agencies. The commissioner may adjust the classifications and rates based on findings of the federal Bureau of Land Management for Alaska. (§ 2 ch 138 SLA 1961; am § 1 ch 100 SLA 1976; am § 2 ch 88 SLA 1984)

**Effect of amendments.** — The 1984 amendment deleted "up to a total of 30,000 man-hours each year" preceding "and shall establish" in the first sentence in subsection (b).

**Sec. 41.15.040. Right of entry to control and suppress fires.** Upon approval by the commissioner or an authorized agent, employees of the division of lands, or of any organization authorized to prevent, control or suppress fires or destructive agents, and others assisting in the control or suppression of fires upon request of an officer or employee of the United States or the state may at any time enter upon any land, whether publicly or privately owned, for the purpose of preventing, suppressing or controlling forest fires and destructive agents. (§ 2 ch 138 SLA 1961)

**General references.** — 35 Am. Jur. § 2.

Constitutionality of fire prevention provisions of forest conservation legislation. 13 ALR2d 1129.

**Sec. 41.15.050. Fire season.** The period from May 1 to September 30, inclusive, of each year is designated the fire season. The commissioner may designate other periods as fire season. The commissioner may proclaim an additional period for all or any portion of the state when weather or other conditions require action for the protection of forested land. The commissioner may also, during the fire season, prohibit, or allow only by permit, the setting of fires, smoking, entry or other use on the land, when, in the judgment of the commissioner, the activities would unduly increase the fire danger. (§ 3 ch 138 SLA 1961; am § 1 ch 27 SLA 1973)

**Sec. 41.15.060. Permits.** The commissioner shall, by regulation, prescribe the conditions of and the manner for obtaining a permit. Failure to obtain the required permit, or violation of a condition of the permit is a misdemeanor. (§ 3 ch 138 SLA 1961; am § 1 ch 179 SLA 1970)

**Sec. 41.15.070. Disposal of burning materials.** A person who, during the fire season, throws away lighted tobacco, cigar, cigarette, match, firecracker or other burning material on forested land, whether public or private, is guilty of a misdemeanor. (§ 4 ch 138 SLA 1961)

**Sec. 41.15.080. Equipment and notice required.** Every conveyance operated through or above forested land shall be equipped at all times in each compartment with a suitable receptacle for the disposition or reception of burning material mentioned in AS 41.15.070. Every owner or operator of a public conveyance operated through or above forested land shall post and keep displayed at all times a copy of AS 41.15.050 — 41.15.080 and 41.15.140 in a conspicuous place within the smoking compartment of the conveyance. Every person owning or operating a sawmill or logging camp or other commercial plant or operation in forested land shall post and keep displayed at all times a copy of AS 41.15.050 — 41.15.080 and 41.15.140 in a conspicuous place upon the building or ground of the milling, logging or commercial operation. A person may not deface or destroy the notices required under this section. A violation of this section is a misdemeanor. (§ 5 ch 138 SLA 1961)

**Sec. 41.15.090. Building or leaving fires.** A person who builds a fire in or near timber, brush, grass or other inflammable material without first clearing the ground immediately around it free from materials which will carry fire or who leaves the fire before totally extinguishing it, is guilty of a misdemeanor. (§ 6 ch 138 SLA 1961)

**Sec. 41.15.100. Setting fires without consent.** A person who sets on fire timber, brush, grass or other inflammable material located or growing on land that is not owned, possessed or controlled by the person, without the consent of the owner or lawful occupant of the land, is guilty of a misdemeanor. (§ 7 ch 138 SLA 1961)

**Sec. 41.15.110. Uncontrolled spread of fire; leaving fire unattended.** (a) A person who knows of a fire or sets a fire on forested land owned, possessed, or controlled by the person, shall exercise due care to prevent the uncontrolled spread of the fire. A person failing to exercise due care which results in spread of the fire and damage to property of another is guilty of a misdemeanor.

(b) A person who neglects to make every effort possible to extinguish a fire the person knowingly sets on forested land or who leaves such a fire unattended is guilty of a misdemeanor.

(c) In a criminal action brought under this section, the escape of the fire is presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted is sufficient to sustain a conviction. (§ 8 ch 138 SLA 1961; am § 2 ch 179 SLA 1970)

**Sec. 41.15.120. Failure to assist in preventing or suppressing fires.** If an officer or employee of the United States or the state who is authorized to prevent or suppress fires requests a person to assist in the prevention or suppression of a fire and informs the person of the officer or employee's official status, and the person fails to assist the officer or employee in the performance of duties, the person is guilty of a misdemeanor. (§ 9 ch 138 SLA 1961)

**Sec. 41.15.130. Backfires excluded.** AS 41.15.010 — 41.15.170 do not apply to the setting of a backfire under the direction of an officer or employee of the United States or the state who is authorized to prevent or suppress fires. (§ 9 ch 138 SLA 1961)

**Sec. 41.15.140. Penalty for misdemeanor.** A person who is convicted of a misdemeanor under AS 41.15.010 — 41.15.170 is punishable by a fine of not less than $25 nor more than $500, or by imprisonment in jail for not less than 10 days nor more than six months, or by both. (§ 10 ch 138 SLA 1961)

**Sec. 41.15.150. Malicious or wanton setting of fires.** A person who maliciously or wantonly sets on fire timber, brush, grass or other inflammable material located or growing on land that is not owned, possessed or controlled by the person is guilty of a felony and upon conviction is punishable by a fine of not less than $100 or not more than $1,000, or by imprisonment for not less than one year nor more than 10 years, or by both. (§ 11 ch 138 SLA 1961)

NOTES TO DECISIONS

**Sentence held excessive.** — See Smith v. State, Sup. Ct. Op. No. 1121 (File No. 2155), 531 P.2d 1273 (1975).

**Sec. 41.15.160. Double damages in civil actions.** In addition to the criminal punishment provided for by AS 41.15.010 — 41.15.170, the United States, the state, a municipality, or any person may recover in a civil action double the amount of damages sustained as a consequence of a violation of AS 41.15.010 — 41.15.170. In a civil action brought under AS 41.15.010 — 41.15.170 or any other law

relating to the subject matter of AS 41.15.010 — 41.15.170, the escape of a fire is presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted is sufficient to sustain the recovery. (§ 12 ch 138 SLA 1961)

**Sec. 41.15.170. Definitions.** In AS 41.15.010 — 41.15.170

(1) *[Repealed, § 43 ch 85 SLA 1988.]*

(2) "damages" includes costs incurred in suppressing, controlling or extinguishing a fire;

(3) "forested land" includes all land on which grass, brush, timber and other natural vegetative material grows;

(4) "forest fire" includes the uncontrolled burning of grass, brush, timber and other natural vegetative material. (§ 1 ch 138 SLA 1961; am § 3 ch 179 SLA 1970; am § 43 ch 85 SLA 1988)

**Revisor's notes.** — In 1983 this section was reorganized to place the terms defined in alphabetical order.

**Effect of amendments.** — The 1988 amendment repealed former paragraph (1), which defined "commissioner."

## Article 2. Forest Reserve Fund.

Section
180. National forest income

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**Collateral references.** — 52 Am. Jur. 2d, Logs and Timber, § 65.

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**Sec. 41.15.180. National forest income.** (a) When the commissioner of administration receives national forest income under 16 U.S.C. 500, the commissioner shall immediately pay to every organized borough in which national forest land is located a share of the income from that forest. A borough's share of income from a national forest shall be proportional to the area of the national forest located within its boundaries. The payments shall be made under an appropriation made for that purpose.

(b) The national forest income paid to an organized borough under this section shall be expended for public schools or roads.

(c) The commissioner shall deposit income from national forest land outside of organized boroughs in the general fund of the state, 25 percent to be used for public schools and 75 percent for roads. (§ 47 5-1 ACLA 1949; am § 1 ch 106 SLA 1965; am § 1 ch 32 SLA 1969)

## Article 3. Fire Suppression Fund.

Section
200. Statement of purpose
210. Fire suppression fund
220. Composition of fund
230. Disbursement
240. Records of fire suppression fund

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**Collateral references.** — 35 Am. Jur. 2d, Fires, §§ 1-4.
36A C.J.S., Fires, §§ 15, 16.

Constitutionality of fire prevention provisions of forest conservation legislation. 13 ALR2d 1129.

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**Sec. 41.15.200. Statement of purpose.** The purpose of AS 41.15.200 — 41.15.230 is to provide a readily available fund for the payment of expenses incurred by the Department of Natural Resources in suppressing fires. (§ 1 ch 10 SLA 1978)

**Sec. 41.15.210. Fire suppression fund.** A fire suppression fund is established in the state treasury for the use of the Department of Natural Resources. The fund shall be used for actual expenses incurred in the suppression of fires. The fund may not be used for capital expenditures. (§ 1 ch 10 SLA 1978; am § 1 ch 30 SLA 1982)

**Sec. 41.15.220. Composition of fund.** The legislature may appropriate from the following sources to the fire suppression fund:

(1) money received in settlement of a claim or loss caused by damage as a consequence of a violation of AS 41.15.010 — 41.15.170;

(2) money received from federal, state, or other governmental unit, or from a private donor for actual fire suppression work;

(3) money received from other sources as the legislature may consider appropriate and necessary to satisfy the purpose of the fund. (§ 1 ch 10 SLA 1978)

**Sec. 41.15.230. Disbursement.** Upon authorization of the governor, disbursements from the fire suppression fund shall be paid by the proper state officer on presentation of vouchers signed by the governor or the governor's authorized representative. (§ 1 ch 10 SLA 1978)

**Sec. 41.15.240. Records of fire suppression fund.** The Department of Natural Resources shall maintain accounting records showing the income and expenses of the fire suppression fund. The department shall submit a report on the operation of the fund to the governor and the legislature no later than the 10th day of each regular session of the legislature. (§ 1 ch 10 SLA 1978)

## Article 4. Haines State Forest Resource Management Area.

Section
300. Haines State Forest Resource Management Area
305. Establishment and boundaries
310. Coordinated management
315. Multiple-use management
320. Management plan and regulations
325. Cooperative management agreements
330. Existing rights

Cross references. — For preparation of management plan, see § 4, ch. 95, SLA 1982, in the Temporary and Special Acts.

**Sec. 41.15.300. Haines State Forest Resource Management Area.** (a) The purpose of AS 41.15.300 — 41.15.330 is to establish the land and water presently owned by the state and all land and water acquired in the future by the state lying within the boundaries described in AS 41.15.305(a) as the Haines State Forest Resource Management Area. The primary purposes for the establishment of the Haines State Forest Resource Management Area are the utilization, perpetuation, conservation, and production of the land and water including but not limited to the use of renewable and nonrenewable resources through multiple-use management and the continuation of other beneficial uses including traditional uses and other recreational activities.

(b) The responsibility for the management, control, development, and maintenance of the Haines State Forest Resource Management Area established under AS 41.15.300 — 41.15.330 is assigned to the Department of Natural Resources. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.500. Renumbered in 1983.

**Sec. 41.15.305. Establishment and boundaries.** (a) Subject to valid existing rights, the land and water presently owned by the state and all land and water acquired in the future by the state lying within the following described parcels are designated as the Haines State Forest Resource Management Area:

(1) all land encompassed by U.S. Survey 3708, Tracts A, B and C but excluding U.S.M.S. 2206;

(2) that mental health land (MH-153) approved in the state selection letter from the United States Bureau of Land Management dated August 26, 1974, described as follows: Beginning at corner No. 1 of this tract which is common to angle point No. 5 of U.S. Survey 3708, then north 02°13'51" west 52.639 chains along the survey line to corner No. 2 of this tract which is common to angle point No. 6 of U.S.

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Survey 3708, then north 12°01′18″ west 13.346 chains to corner No. 3 of this tract which is common to angle point No. 7 of U.S. Survey 3708, then north 53°57′42″ west 537.070 chains to corner No. 4 of this tract which is common to angle point No. 7-A of U.S. Survey 3708, then south 0°0′30″ east 63.06 chains to corner No. 5 of this tract, then south 53°57′42″ east 542.00 chains to corner No. 1 of this tract and angle point No. 5, U.S. Survey 3708, the point of beginning;

(3) Township 28 South, Range 56 East, Copper River Meridian
Section 29: that portion of the N½ lying east of U.S.S. 3708
Section 34: NW¼, SE¼;

(4) Township 28 South, Range 57 East, Copper River Meridian;

(5) Township 28 South, Range 58 East, Copper River Meridian;

(6) Township 29 South, Range 57 East, Copper River Meridian
Section 36: that portion of Lots 1, 5, 6, and 10 lying east of U.S.S. 3708;

(7) Township 29 South, Range 58 East, Copper River Meridian;

(8) Township 29 South, Range 59 East, Copper River Meridian;

(9) Township 29 South, Range 60 East, Copper River Meridian
Sections 19 — 36;

(10) Township 29 South, Range 61 East, Copper River Meridian
Sections 19 — 36;

(11) Township 29 South, Range 62 East, Copper River Meridian
Sections 19 and 20
Sections 29 — 32;

(12) Township 30 South, Range 57 East, Copper River Meridian
Section 1: that portion of Lot 1 lying east of U.S.S. 3708;

(13) Township 30 South, Range 58 East, Copper River Meridian
That portion lying east and south of U.S.S. 3708;

(14) Township 30 South, Range 59 East, Copper River Meridian
Sections 1 — 10
Section 12
Sections 14 — 23
Section 27: that portion lying west of the Haines Corporation boundary
Sections 28 — 31
Section 33;

(15) Township 30 South, Range 60 East, Copper River Meridian;

(16) Township 30 South, Range 61 East, Copper River Meridian;

(17) Township 30 South, Range 62 East, Copper River Meridian
Sections 5 — 8
Sections 17 — 20
Sections 29 — 32;

(18) Township 31 South, Range 58 East, Copper River Meridian;

(19) Township 31 South, Range 59 East, Copper River Meridian
Sections 6 — 8
Sections 16 — 22

Sections 27 — 34;

(20) Township 31 South, Range 60 East, Copper River Meridian
Sections 1 — 4
Sections 9 — 15
Sections 22 — 24
Sections 35 and 36;

(21) Township 31 South, Range 61 East, Copper River Meridian
Sections 1 — 30;

(22) Township 31 South, Range 62 East, Copper River Meridian
Sections 5 — 8
Sections 17 — 20
Sections 31 and 32;

(23) Township 32 South, Range 59 East, Copper River Meridian
Sections 3 — 33
Sections 34 — 36: that portion lying north of the Tongass National Forest boundary.

(b) Private land, University of Alaska grant land, existing transportation corridors, and borough selections within the Haines State Forest Resource Management Area are excluded from the Haines State Forest Resource Management Area. The commissioner of natural resources may not acquire private land or University of Alaska grant land located within the Haines State Forest Resource Management Area by eminent domain for any purpose.

(c) Approved or pending Native allotment applications located partially or completely within the Haines State Forest Resource Management Area are not adversely affected by the establishment of the Haines State Forest Resource Management Area and all approved allotments and all pending allotments shall be treated as private land. (§ 2 ch 95 SLA 1982)

**Revisor's notes.** — Formerly AS 41.15.510 (c). Renumbered in 1983.

**Sec. 41.15.310. Coordinated management.** (a) The division of forestry shall consult with the division of parks, the Department of Fish and Game, including each local fish and game advisory committee with jurisdiction in the area, and the Alaska Chilkat Bald Eagle Preserve Advisory Council to promote effective, efficient, and coordinated administration of the Haines State Forest Resource Management Area and the Alaska Chilkat Bald Eagle Preserve for the values for which each is established.

(b) Resource studies undertaken by the Department of Natural Resources shall be designed to benefit the management and administration of the Haines State Forest Resource Management Area and the Alaska Chilkat Bald Eagle Preserve. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.510(d), (e). Renumbered in 1983.

**Sec. 41.15.315. Multiple-use management.** (a) The Haines State Forest Resource Management Area shall be managed under the principles of multiple use and sustained yield, under AS 41.17, and under a management plan prepared by the Department of Natural Resources. The plan may not be adopted or revised without prior review by the Board of Forestry or without a public hearing held in Haines and Klukwan.

(b) The Department of Fish and Game is responsible for the management of fish and game resources in the Haines State Forest Resource Management Area under applicable law and in a manner consistent with AS 41.15.300 — 41.15.330 except that an opportunity for continued traditional use of the Haines State Forest Resource Management Area at levels and by traditional methods and means is guaranteed. The traditionally compatible uses include but are not limited to fishing, hunting, trapping, berry picking, subsistence, and recreational uses, operation of motorized vehicles, and the harvest of personal-use firewood.

(c) The control of highway access within the Haines State Forest Resource Management Area is the responsibility of the Department of Natural Resources except that the Department of Transportation and Public Facilities is responsible for the repair and maintenance of public roads in the Haines State Forest Resource Management Area.

(d) The state land and water described in AS 41.15.305(a) are closed to sale under state land disposal laws. The commissioner of natural resources may lease the land described in AS 41.15.305(a) under AS 38.05.070 — 38.05.105 for a purpose consistent with AS 41.15.300(a) and a municipality may select land in the Haines State Forest Resource Management Area under law. (§ 2 ch 95 SLA 1982)

Revisor's notes. — Formerly AS 41.15.520(a), (d)-(f). Renumbered in 1983.

**Sec. 41.15.320. Management plan and regulations.** (a) A copy of a management plan and any revision to it prepared by the Department of Natural Resources, reviewed by the Board of Forestry and adopted by the department after public hearings required under AS 41.15.315(a) shall be provided to the legislature within 30 days of its adoption or revision or within the first 10 days of the first session of the legislature to convene after its adoption or revision.

(b) The Department of Natural Resources shall periodically review and revise the management plan adopted for the Haines State Forest Resources Management Area under AS 41.15.315(a). The management plan should be based on a current operational level inventory

completed within the last 10 years and revised as future inventory information becomes available to the department.

(c) The Department of Natural Resources shall consult with the Department of Fish and Game and the governing bodies of each municipality in the general area during preparation of a management plan under AS 41.15.315(a) and subsection (b) of this section during formulation of regulations governing the use of the Haines State Forest Resource Management Area. The Department of Fish and Game shall consult with the Department of Natural Resources and local fish and game advisory committees before adopting regulations governing fish and wildlife management in the Haines State Forest Resource Management Area. Regulations may not be adopted by either department without prior review at a public hearing in Haines and Klukwan. (§ 2 ch 95 SLA 1982)

**Revisor's notes.** — Formerly AS 41.15.520(b), (c), (g). Renumbered in 1983.

**Sec. 41.15.325. Cooperative management agreements.** The Department of Natural Resources may enter into cooperative management agreements with a person who holds title to or has a valid entry on land within or adjoining the boundaries of the Haines State Forest Resource Management Area. (§ 2 ch 95 SLA 1982)

**Revisor's notes.** — Formerly AS 41.15.520(h). Renumbered in 1983.

**Sec. 41.15.330. Existing rights.** The establishment of the Haines State Forest Resource Management Area has no effect on the terms and conditions of an existing permit or contract involving use of the land, water, or other resources of the Haines State Forest Resource Management Area. (§ 2 ch 95 SLA 1982)

**Revisor's notes.** — Formerly AS 41.15.510(f). Renumbered in 1983.

## Article 5. Miscellaneous Provisions.

Section
900. Observance of Arbor Day

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**Collateral references.** — 52 Am. Jur. 2d, Logs and Timber, §§ 64, 65.
98 C.J.S., Woods and Forests, § 1 et seq.

**Sec. 41.15.900. Observance of Arbor Day.** To increase public awareness of the vital importance of the conservation and propagation of trees and forests to the everyday life of the citizens of Alaska, the third Monday in May of each year is designated "Arbor Day." It shall be observed by appropriate school assemblies and programs and shall be the occasion for other suitable observances and exercises by civic groups and the public in general. (§ 1 ch 11 SLA 1966; am § 1 ch 15 SLA 1973)

**Revisor's notes.** — Formerly AS 41.15.400. Renumbered in 1983.

### Article 6. General Provisions.

Section
950. Enforcement authority

**Sec. 41.15.950. Enforcement authority.** (a) The following persons are peace officers of the state and they shall enforce the provisions of this chapter and the regulations adopted under this chapter:

(1) solely for the purpose of enforcing this chapter, an employee of the Department of Natural Resources, or other person, authorized by the commissioner;

(2) a police officer in the state.

(b) A person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation adopted under this chapter,

(1) execute a warrant or other process issued by an officer or court of competent jurisdiction;

(2) administer or take an oath, affirmation or affidavit; and

(3) arrest a person who violates a provision of this chapter or a regulation adopted under this chapter. (§ 4 ch 179 SLA 1970)

**Revisor's notes.** — Formerly AS 41.15.700. Renumbered in 1983.

## Chapter 17. Forest Resources and Practices.

Article
1. Administration and Management (§§ 41.17.010 — 41.17.110)
2. Enforcement (§§ 41.17.120 — 41.17.143)
3. State Forest System (§§ 41.17.200 — 41.17.230)
4. State Land Reforestation (§§ 41.17.300 — 41.17.320)
5. Tanana Valley State Forest (§ 41.17.400)
6. General Provisions (§§ 41.17.900 — 41.17.950)

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

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

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

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

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

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

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

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

(1) the state forester ex officio has one seat;

(2) a nominee of the regional forester, United States Forest Service has one seat;

(3) a nominee of the Society of American Foresters has one seat;

(4) nominees of Native corporations owning or likely to own commercial timber stands have four seats;

(5) a nominee of the Alaska Loggers' Association or of a timber processor doing business in Alaska has one seat;

(6) a nominee of an Alaskan environmental group has one seat;

(7) a nominee of the Alaska Coastal Management Council has one seat;

(8) a nominee of unions engaged in processing forest products has one seat;

(9) a nominee of the United Fishermen of Alaska has one seat;

(10) a nominee of the Alaska Miners' Association has one seat; and

(11) a member from the public at large has one seat.

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

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

**Revisor's notes.** — Formerly AS 41.17.040(a)-(d), (g). Renumbered in 1983.

**Sec. 41.17.043. Terms of office.** The term of office of a member of the board is three years. The state forester serves an indefinite term, ex officio. (§ 1 ch 108 SLA 1978; am § 32 ch 85 SLA 1988)

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

**Effect of amendments.** — The 1988 amendment deleted "the governor shall make the initial appointments to the board in such a way that four nominations expire during 1980, four appointments expire during 1981, and three appointments expire during 1982" at the end of the first sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) there may not be any significant impairment of the productivity of the land and water with respect to renewable resources; and

(6) where economically practicable, allowance may be made for scenic quality in or adjacent to areas of substantial importance to the tourism and recreation industry. (§ 1 ch 108 SLA 1978)

NOTES TO DECISIONS

Applied in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

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

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

(c) *[Repealed, § 108 ch 6 SLA 1984.]*

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

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

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

(1) harvesting and removal from the site of timber and tree products;

(2) reforestation, revegetation, and prescribed burning;

(3) brush, slash, and debris, and salvage of trees;

(4) soil erosion and wasting;

(5) fire and flood hazards;

(6) prevention and control of disease and insect infestation.

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

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

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

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

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

**Revisor's notes.** — Formerly AS 41.17.080(b). Renumbered and reorganized in 1983.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Article 2. Enforcement.

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

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

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

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

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

**Sec. 41.17.133. Notice and hearing; final orders.** (a) If an investigation discloses probable cause to believe a violation has occurred, the commissioner shall serve upon the alleged violator, referred to in AS 41.17.133, 41.17.141 as the "respondent," written notice and a formal complaint that describes the alleged violation and requires the respondent to answer the charges at a hearing not more than 10 days thereafter. The respondent shall be granted 10-day extensions up to a total of 60 days upon request. The notice must also describe any damage that has occurred or might occur as a result of the violation. At the hearing, the state shall show by clear and convincing evidence that the respondent has caused or permitted a violation described in AS 41.17.131.

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

(1) a directive to stop the violation;

(2) the imposition of a civil fine under AS 41.17.131, which is payable immediately;

(3) a directive to repair damages;

(4) a finding that the charges are wholly or partially unjustified; or

(5) a combination of (1) — (4) of this subsection. (§ 1 ch 108 SLA 1978)

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

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

(1) the character and degree of injury to forest resources and values;

(2) the degree of intent or negligence of the respondent in causing or permitting the violation;

(3) the character and number of past violations caused or permitted by the respondent; and

(4) if the information is available, the net economic savings realized by the respondent through the violation described in AS 41.17.131. (§ 1 ch 108 SLA 1978)

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

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

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

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

**Sec. 41.17.139. Procedures.** (a) Unless otherwise specified, proceedings under AS 41.17.131 — 41.17.139 are not subject to the Administrative Procedure Act (AS 44.62). A hearing under AS 41.17.131 — 41.17.139 shall be held before a hearing officer, appointed by the attorney general from among members of the Alaska Bar Association who have been nominated by the Board of Forestry and who are knowledgeable and experienced in the subject matter. A person who has assisted in the preparation of the state's case or who is a state employee is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence which appears to be reliable and trustworthy. All hearings shall be open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena under AS 44.62.430, offer testimony or other evidence, and cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to ensure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented. Hearings shall be held as close as practicable to the location of the alleged violation. Testimony given at the hearing shall be recorded.

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

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

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

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

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

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

(b) All orders issued under AS 41.17.131 — 41.17.141 are enforceable by injunction, attachment, garnishment, or other appropriate remedy. (§ 1 ch 108 SLA 1978)

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

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

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

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

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

NOTES TO DECISIONS

Quoted in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

## Article 3. State Forest System.

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

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

**Sec. 41.17.210. State forests.** (a) The governor may propose to the legislature the establishment of state forests consisting primarily of commercially valuable forest land determined by the governor to be necessary for retention in state ownership for management under the principles of multiple use and sustained yield and consistent with AS 38.04.005. The proposal of the governor shall include a report and recommendations of the commissioner including

(1) a preliminary forest inventory;

(2) a summary of the testimony offered at public hearings held on the management of the proposed state forest in communities proximately located to a proposed state forest;

(3) the findings of the commissioner on anticipated incompatibilities of uses described in AS 41.17.230(e) under AS 41.17.230(f);

(4) written comments from appropriate state agencies on the compatibility of the uses described in AS 41.17.230(e) within the proposed state forest;

(5) an estimate of the cost of a full implementation of an operational level forest inventory and the management plan.

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

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

(1) the principles of multiple-use and sustained yield;

(2) this chapter; and

(3) a management plan prepared by the department. (§ 1 ch 91 SLA 1983)

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

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

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

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

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

(1) commercial timber harvest and related activities;

(2) harvest of forest products for personal use;

(3) mining, mining claim, and mineral leasehold location;

(4) mineral leasing;

(5) material extraction;

(6) recreation;

(7) wildlife and fisheries habitat management including critical habitat management;

(8) greenbelts;

(9) trapping and sport and subsistence fishing and hunting;

(10) grazing;

(11) watershed management;

(12) research;

(13) uses consistent with the policies of AS 38.04.015; and

(14) other traditional, compatible uses.

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

## Article 4. State Land Reforestation.

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

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

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

(1) compensation for loss or damage to land within a state forest; and

(2) the federal government and other governmental units for reforestation.

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

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

## Article 5. Tanana Valley State Forest.

Section
400. Tanana Valley State Forest

**Sec. 41.17.400. Tanana Valley State Forest.** (a) Subject to valid existing rights and except for land owned by or transferred to the University of Alaska under a settlement agreement between the state and the university, the state-owned or acquired land and water lying within the parcels described in (d) of this section is designated as the Tanana Valley State Forest.

(b) The commissioner shall prepare a management plan for the Tanana Valley State Forest under AS 41.17.230.

(c) In addition to the uses described in AS 41.17.230(e), the commissioner may establish transportation corridors within the Tanana Valley State Forest.

(d) The Tanana Valley State Forest includes the state-owned or acquired land and water lying within the following described parcels:

## Article 6. General Provisions.

Section
900. Applicability
950. Definitions

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

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

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

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

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

(d) Notwithstanding any other provision of this chapter, the commissioner may not employ the authority vested by this chapter so as to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for

(1) regulations under the Coastal Management Act; and

(2) regulations, if authorized by the commissioner of environmental conservation, relating to control of nonpoint source pollution. (§ 1 ch 108 SLA 1978)

**Revisor's notes.** — Subsections (a) — (c) were formerly AS 41.17.050 and subsection (d) was formerly AS 41.17.020(j). Renumbered in 1983.

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

(1) "board" means the Board of Forestry established in AS 41.17.041;

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

(A) used for silvicultural management or related purposes;

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

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

(3), (4) *[Repealed, § 43 ch 85 SLA 1988.]*

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

(6) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for nonforest use, regardless of whether presently available or accessible for commercial

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purposes, and includes any such land under state, municipal, or private ownership;

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

(8) "multiple use" means

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

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

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

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

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

(11) "person" has the meaning given in AS 01.10.060 and also includes a joint venture;

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

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

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

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

(B) permit a variety of beneficial uses;

(15) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does

not require that timber be harvested in a non-declining yield basis over a rotation period; and

(16) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself. (§ 1 ch 108 SLA 1978; am § 88 ch 59 SLA 1982; am § 43 ch 85 SLA 1988)

**Revisor's notes.** — In 1983 paragraphs (12) — (16) were reorganized to place the terms defined in alphabetical order. Paragraph (11) was rewritten in 1988 to conform to the style of the Alaska Statutes.

**Cross references.** — For additional definitions, see AS 41.99.900.

**Effect of amendments.** — The 1988 amendment repealed former paragraphs (3) and (4), which defined "commissioner" and "department," respectively.

NOTES TO DECISIONS

The "sustained yield principle' as used in Alas. Const. art. VIII, § 4 accords with the definition set forth in AS 38.04.910(10), and the added language in the definition of "sustained yield" in this section that it "does not require that timber be harvested in a nondeclining yield basis over a rotation period'; and it should be read as permitting timber cutting at a level that cannot be sustained over a forest rotation period only in unusual circumstances. Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

## Chapter 20. Parks and Recreational Facilities.

*[Renumbered as AS 41.21. See parallel reference table at the front of this pamphlet.]*

## Chapter 21. Parks and Recreational Facilities.

Article

1. Administration (§§ 41.21.010 — 41.21.040)
2. State Parks (§§ 41.21.110 — 41.21.183)
3. Alaska Marine Parks (§§ 41.21.300 — 41.21.306)
4. State Recreation Areas (§§ 41.21.410 — 41.21.495)
5. Special Management Areas (§§ 41.21.500 — 41.21.514)
6. Alaska Chilkat Bald Eagle Preserve (§§ 41.21.610 — 41.21.630)
7. Roadside Rests, Beaches (§§ 41.21.800 — 41.21.805)
8. Trails, Footpaths and Campsites (§§ 41.21.850 — 41.21.872)
9. Miscellaneous Provisions (§§ 41.21.900 — 41.21.918)
10. General Provisions (§§ 41.21.950 — 41.21.990)

### Article 1. Administration.

Section

10. Purpose
20. Duties of Department of Natural Resources
22. Discharge of firearms
25. Zoning of private land within state parks
26. Fees for the use of state park system facilities
27. Concession contracts in the state park system
28. Definitions
30. Disposition of funds
40. Division within department

development actually occurs. The regulations adopted under this section shall ensure that the state receives a fair return from the land.

(b) The provisions of AS 38.05.085(b) are applicable to reappraisals of leases required by this section, except that, in determining an adjusted market value,

(1) subject to the provisions of (c) of this section, changes in property value due to governmental actions, including zoning reclassifications, shall be included; and

(2) changes in property value due to private improvements made to the property or other privately owned or leased property since originally entering into the lease shall be excluded.

(c) Changes or adjustments of annual rent on land under lease and used for single-family residential purposes in an area zoned for commercial or other nonresidential uses shall be based on an adjusted fair market value determined by reference to the actual use of the property and not by reference to the other uses permissible under the zoning ordinance. (§ 7 art V ch 169 SLA 1959; am § 1 ch 44 SLA 1964; am § 8 ch 257 SLA 1976; am § 1 ch 267 SLA 1976; am § 11 ch 138 SLA 1977; am §§ 12, 13 ch 182 SLA 1978)

**Revisor's notes.** — AS 38.05.105(a) was amended by both § 8, ch. 257, SLA 1976, and § 1, ch. 267, SLA 1976. Since the two amendments appear to be inconsistent, and ch. 257 is superseded by ch. 267, only the later enactment has been given effect here.

NOTES TO DECISIONS

Applied in Wessells v. State, Dep't of Hwys., Sup. Ct. Op. No. 1402 (File No. 2834), 562 P.2d 1042 (1977).

Quoted in Alyeska Ski Corp. v. Holdsworth, Sup. Ct. Op. No. 406 (File No. 620), 426 P.2d 1006 (1967).

*Sec. 38.05.107. Compensation relating to easements or rights-of-way across state leases. [Repealed, § 1 ch 203 SLA 1975.]*

## Article 4. Disposal of Timber and Materials.

Section

110. Sale of timber and materials
115. Limitations and conditions of sale
118. Negotiated timber sales in areas of high unemployment
120. Disposal procedure

**Sec. 38.05.110. Sale of timber and materials.** The commissioner shall provide for cruises of timber and appraisals of other materials in or upon state land and shall assess the supply of and current markets for timber on and other materials in privately owned land in close proximity to state land to determine

(1) the timber and other materials that should be offered for sale, and

(2) the terms of sale of the timber or other materials. (§ 1 art VI ch 169 SLA 1959; am § 31 ch 152 SLA 1984)

**Effect of amendments.** — The 1984 amendment in the introductory language, substituted "commissioner" for "director" and "state land and shall assess the supply of and current markets for timber on and other materials in privately owned land in close proximity to state land to determine" for "lands and transmit this data to the commissioner, together with his recommendations with respect to" and substituted "that" for "which" in paragraph (1).

NOTES TO DECISIONS

**Cited** in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

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**Collateral references.** — 63 Am. Jur. 2d, Public Lands, §§ 18, 19.
73A C.J.S., Public Lands, §§ 13 to 16.

**Sec. 38.05.115. Limitations and conditions of sale.** (a) The commissioner shall determine the timber and other materials to be sold, and the limitations, conditions and terms of sale. The limitations, conditions and terms shall include the utilization, development and maintenance of the sustained yield principle, subject to preference among other beneficial uses. The commissioner may negotiate sales of timber or materials without advertisement and on the limitations, conditions, and terms that are considered to be in the best interests of the state. However, not more than 500 M.B.M. or equivalent other measure of timber or more than 25,000 cubic yeards of materials may be sold by nonadvertised, negotiated sale to the same purchaser within a one-year period.

(b) Negotiated sales not exceeding 50 M.B.M. or the equivalent other measure of timber or 2,500 cubic yards of materials are exempt from the provisions of AS 34.15.150.

(c) The limitations of this section are not applicable to timber which becomes state property under the provisions of AS 45.50.210 — 45.50.235. (§ 2 art VI ch 169 SLA 1959; am § 1 ch 66 SLA 1969; am § 9 ch 257 SLA 1976; am §§ 2, 3 ch 73 SLA 1978; am § 32 ch 152 SLA 1984)

**Effect of amendments.** — The 1984 amendment, in subsection (a), deleted "upon recommendation of the director" following "commissioner" in the first sentence and "subject to the approval of the commissioner" at the end of the third sentence and substituted "commissioner" for "director" and "that are considered to be" for "which he considers are," also in the third sentence.

NOTES TO DECISIONS

As the federal government consistently endorsed restrictions on interstate shipment of timber from federal lands to protect the local processing capability of isolated areas, there was implicit approval of this section, authorizing the imposition of conditions on the sale of state-owned timber that were designed to protect local timber processors from the slack in demand for their services during a temporary suspension of federal timber sales from the area national forests. South-Central Timber Dev., Inc. v. LeResche, 693 F.2d 890 (9th Cir. 1982).

**Sec. 38.05.118. Negotiated timber sales in areas of high unemployment.** (a) Notwithstanding any other provision of AS 38.05.110 — 38.05.120, the commissioner may negotiate a sale of timber to a local manufacturer at appraised value. The period of a contract for a sale of timber negotiated under this section may not exceed 25 years. The contract shall provide that the appraised value of timber remaining to be harvested under the provisions of the contract shall be redetermined at least once every five years.

(b) Notice of intent to negotiate a contract authorized by (a) of this section shall be given in accordance with AS 38.05.945.

(c) A sale of timber may not be negotiated by the commissioner under this section except on a finding that, within an area proximate to the business site which the manufacturer may economically serve, there exists

(1) a high level of local unemployment;

(2) an underutilized timber manufacturing capacity; and

(3) an underutilized allowable cut of state timber. (§ 4 ch 73 SLA 1978; am § 101 ch 6 SLA 1984; am §§ 33, 34 ch 152 SLA 1984)

**Effect of amendments.** — The first 1984 amendment changed the internal reference in subsection (b).

The second 1984 amendment substituted "commissioner" for "director, with the approval of the commissioner" in the first sentence in subsection (a) and "A sale of timber may not be negotiated by the commissioner under this section except on a finding" for "No sale of timber may be negotiated by the director under this section unless he first finds" in the introductory language of subsection (c).

NOTES TO DECISIONS

**Quoted** in Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

**Sec. 38.05.120. Disposal procedure.** Timber and other materials shall be sold either by sealed bids or public auction, depending on which method is determined by the commissioner to be in the best interests of the state, to the highest qualified bidder as determined by the commissioner. An aggrieved bidder may appeal to the commissioner within five days after the sale for a review of the determination. The sale shall be conducted by the commissioner, and at the time of sale the successful bidder shall deposit the amount specified in the terms of

sale. The means by which the amount of deposit is determined shall be prescribed by appropriate regulation. The commissioner shall immediately issue a receipt containing a description of the timber or materials purchased, the price bid, and the terms of sale. The receipt shall be accepted in writing by the bidder. A contract of sale, on a form approved by the attorney general, shall be signed by the purchaser and the contract shall be signed by the commissioner on behalf of the state. The commissioner may impose conditions, limitations, and terms considered necessary and proper to protect the interests of the state. Violation of any provision of this chapter or the terms of the contract of sale subjects the purchaser to appropriate legal action. (§ 3 art VI ch 169 SLA 1959; am § 13 ch 61 SLA 1960; am § 3 ch 137 SLA 1962; am § 1 ch 200 SLA 1970; am § 35 ch 152 SLA 1984)

**Effect of amendments.** — The 1984 amendment substituted "commissioner" for "director" in the first and seventh sentences, "commissioner" for "director or his representative" in the third and fifth sentences, "accepted" for "acknowledged" in the sixth sentence, and "commissioner" for "director, with the approval of the commissioner" and "considered" for "which he considers" in the next-to-last sentence and deleted "director's" preceding "determination" in the second sentence and "following the approval of the commissioner" preceding "the contract" in the seventh sentence.

NOTES TO DECISIONS

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

Cited in State v. University of Alaska, Sup. Ct. Op. No. 2303 (File No. 4579), 624 P.2d 807 (1981); Southeast Alaska Conservation Council, Inc. v. State, Sup. Ct. Op. No. 2662 (File No. 5855), 665 P.2d 544 (1983).

## Article 5. Reservation of Rights to Alaska.

Section

125. Reservation
127. Access to navigable or public waters
130. Damages and posting of bond

**Sec. 38.05.125. Reservation.** (a) Each contract for the sale, lease or grant of state land, and each deed to state land, properties or interest in state land, made under AS 38.05.045 — 38.05.120, 38.05.321, 38.05.810 — 38.05.821, AS 38.08, or AS 38.50 except as provided in AS 38.50.050 is subject to the following reservations: "The party of the first part, Alaska, hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and

## MANAGEMENT UNIT 9
## RAPID CREEK

### A. SUMMARY OF MANAGEMENT INTENT

This unit includes most of the uplands between Shaw Creek and the Goodpaster River.

Subunit 9A will be managed for commercial timber production while protecting fish and wildlife values near Liscum Slough and Rapid Creek. The state will defer a decision whether or not to designate subunit 9B as a research natural area until further field investigation is completed. Until then, the land will be managed in its natural state. Subunit 9C will be managed passively for multiple use because of currently low timber and recreational values.

### B. EXISTING RESOURCES

1. Cultural Resources

Although no cultural sites have been identified in this unit, probability of sites is high along creeks.

2. Fish and Wildlife

Lower elevations contain prime moose, black bear, and furbearer habitat; uplands are prime caribou habitat. Lowland areas are used intensively for trapping. Shaw and Rapid Creeks support spawning silver and chum salmon.

3. Recreation

Most recreation in this area occurs outside of the State Forest near Quartz Lake or in the Goodpaster River Valley. The ridge that bisects the unit offers a good view and is accessed by trails used by local residents. "Lake 992" in subunit 9B has low recreational value.

4. Scientific Resources

Land within subunit 9B appears to contain representative upland and lowland stands of tamarack suitable for research uses.

5. Subsurface Resources

Mineral potential is low to moderate within this unit. No mining claims currently exist in the area.

6. Timber

The Rapid Creek drainage contains substantial stands of spruce sawtimber; hills north of the Goodpaster River support moderate levels of spruce. A 40,000-acre fire destroyed most of the mature forest in the Liscum Slough drainage, but site productivity remains high.

Timber values are low in most of subunit 9C because of remoteness and steep slopes.

7. Transportation and Access

Trails provide the only access to this unit. The historic Fortymile-Big Delta Trail and two spur trails are used chiefly in winter for access to traplines and cabins on the Goodpaster River. This trail is listed as an RS-2477 by DOT/PF. Access to Rapid Creek is via the Indian Creek Trail that links to an old army maneuver trail in Shaw Creek Flats. The army trail is currently being used as a temporary winter road to haul timber salvaged from a fire in lower Rapid Creek.

C. MANAGEMENT GUIDELINES AND ACTIVITIES

1. Minerals. All of this unit will remain open to mineral location and leasing. Mineral exploration or development will be restricted within subunit 9B if they conflict with tentatively identified research values (see below).

2. Research Natural Area. Guidelines for research natural areas (p. 2-56) will apply to subunit 9B until DNR decides whether to amend this plan to designate the area permanently. This decision will be made considering the recommendations of the Interior Alaska Forest Research Advisory Committee. In making its recommendations, the Committee will place priority on finding similar tamarack sites on retained state land outside the State Forest. The subunit will be merged with subunit 9A and managed similarly if permanent designation is not made by October 1, 1988.

3. Streamside and Lakeshore Management. Guidelines for special management zones (p. 2-52) will apply to the following waterbodies:

Lake 992
Liscum Slough
Rapid Creek
Shaw Creek

4. Timber Sales. Suitable lands in subunit 9A will be managed for commercial timber production. Timber on approximately 650 acres will be offered for sale within the next 20 years. Harvest activities during this period will occur chiefly within the Rapid Creek drainage.

Timber sales are prohibited in subunit 9B on an interim basis and are not scheduled in subunit 9C. Timber will be made available in subunit 9C if warranted by a change in demand or accessibility.

5. Trails. Guidelines for trail corridors of regional or statewide significance (p. 2-59) apply to the following trails within the State Forest:

Indian Creek Trail
Prospect Trail
Jolly's Cabins Trail
Fortymile - Big Delta Trail

6. Transportation. Subunit 9A is planned to be accessed by a primary road by upgrading the Army Trail over Shaw Creek Flats or by utilizing a portion of the trail accessed west from Quartz Lake Road to provide winter access to the Rapid Creek drainage. Access to the remaining portion of Unit 9 will be analyzed for alternative routes during the next five year period before inclusion in this plan. Final route location can only be implemented during the five year period provided public consensus is reached.

Approximately 5 miles of secondary winter road will be constructed in subunit 9A within the next 20 years.

The Forestwide Management Guidelines which also apply to this unit are presented in Chapter 2. Those most likely to apply are:

Fish and wildlife habitat
Timber
Transportation
Riparian and instream flow management
Scientific resources
Trails

LAND USE SUMMARY
MANAGEMENT AREA: Delta
UNIT 9 Rapid Creek

| SUBUNIT/ ACRES | SUMMARY OF MANAGEMENT INTENT | SUMMARY OF MANAGEMENT ACTIVITIES | PRIMARY ROAD ACCESS | -----SUBSURFACE----- DESIGNATION LOCATABLE | LEASABLE | PROHIBITED SURFACE USES* | COMMENTS |
|---|---|---|---|---|---|---|---|
| 9A 56,950 A. | Commercial timber production Habitat and public use near water-bodies | Timber sales | Accessible by primary roads | Open to mineral entry | Available for leasing | Remote cabins | |
| 9B 1,870 A. | Assess suitability as research natural area | Research | Accessible by primary winter road | Open, but restricted | Available for leasing | Commercial leases Developed recreation Material sales Remote cabins Timber sales Trapping cabins | Management intent finalized by October 1, 1988 |
| 9C 16,360 A. | Passive multiple use | None planned | Inaccessible | Open to mineral entry | Available for leasing | Remote cabins | |

*Other uses, such as material sales or land leases, etc., that are not specifically prohibited may be allowed. Such uses will be allowed if consistent with the management intent statement and management guidelines of this unit and with the relevant management guidelines in chapter 2.

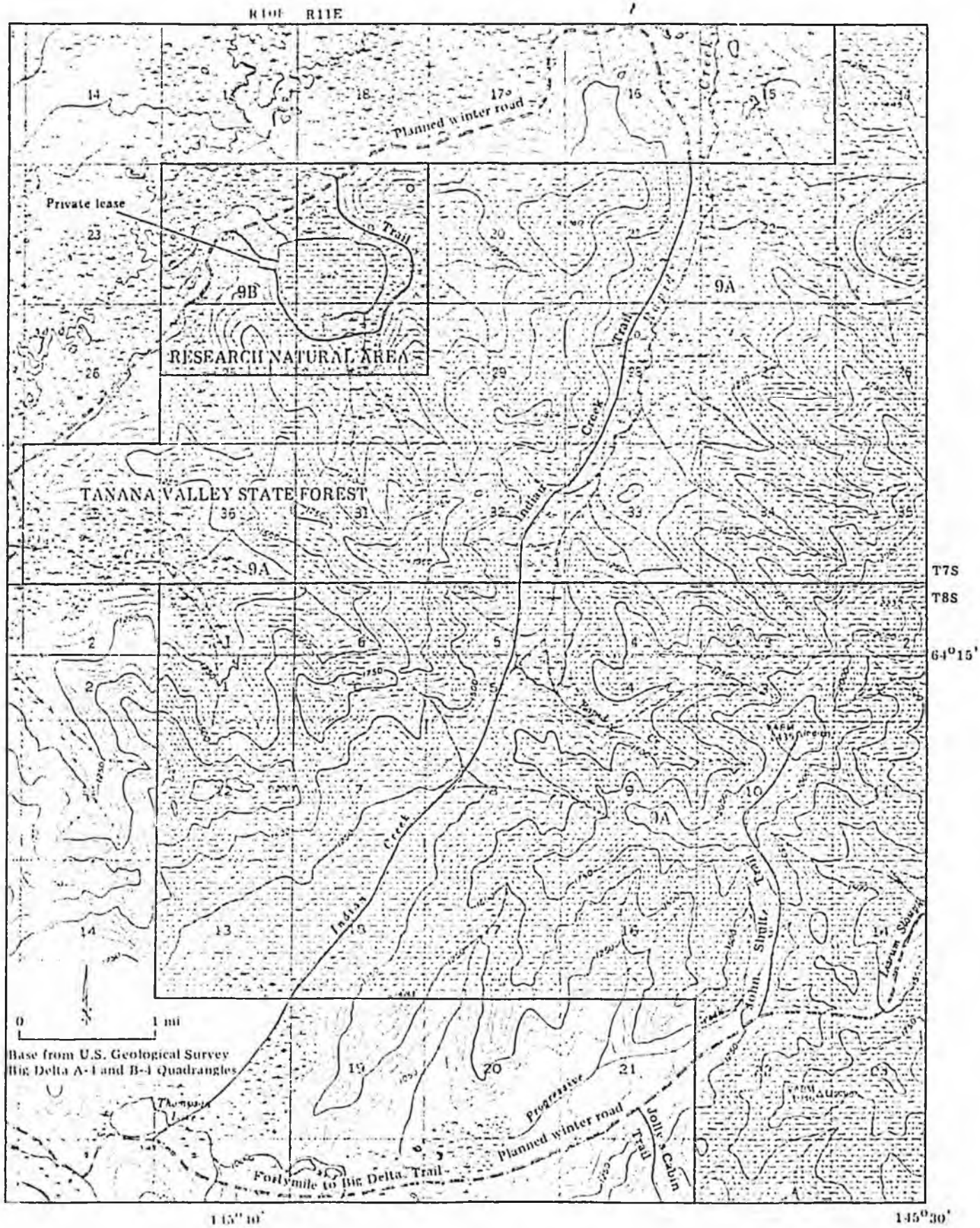


Figure 3.5. Shaw Creek Tamarack Potential Research Natural Area.

6-0453Aa
Bradley

# A M E N D M E N T

OFFERED IN THE SENATE BY FAHRENKAMP

TO: SB 167

Page 2, after line 15:

Insert a new subsection to read:

"(c) The Goodpaster Public Use Area shall be open to mineral entry under AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the purposes specified in AS 41.23.140. A valid existing right or permit remains valid and continues in full force and effect according to its terms. Exploration, development, and extraction of subsurface resources shall be allowed in a manner that is compatible with the purposes specified in AS 41.23.140(1) - (4)."

Reletter following subsections accordingly.

# Goodpaster Property Holders Association

Goodpaster River
Watershed Briefing Paper

The Goodpaster River drainage enters the Tanana River approximately 8 miles above the Tanana River bridge at Delta. The watershed of the river was a subsistence food gathering region for Upper Tanana Athabaskan Indians prior to gold exploration activities reaching Alaska during the last decades of the 1800's. It was part of the route for Alaska's short lived overland telegraph lines in the early 1900's and an avenue for gold miners travelling to the Yukon on early trails paralleling todays Richardson Highway.

The watershed, extending to the Northeast initially and more easterly after the river forks at the upper edge of the Goodpaster Flats, traditionally has been an important recreation setting for Interior Alaska residents. Beginning in the early 1930's with the advent of outboard motors, summer recreation was the primary focus. During the 1970-80s, improved recreation vehicle transport encouraged more winter use.

The watershed on the periphery of major Public Planning efforts, such as the Delta-Salcha Plan, Tanana Basin Area Plan, and Tanana Valley State Forest Plan, when mentioned in such plans, is most frequently referenced as having high recreational values. It is also frequently referenced as having traditional use patterns, particularly fur and game harvest. The watershed is labelled as a good habitat for moose. The Goodpaster is also frequently referenced as an important King Salmon spawning river, one of the few streams in Interior Alaska retaining such historical resource renewal capacity. It is the last such stream in the Tanana River drainage.

Comments by planners, through considerable correspondance from them to interested groups and users, picture the watershed as a high value Interior Alaska recreation resource. Comments also reflect that other resource values are modest. Agriculture for example is excluded as a potential because of wetland characteristics in the lowlands and elevation substantially above marginal limits for Interior Alaska. Similarily, while there are some good quality timber resources immediately adjacent to the river, such resources are not concentrated and their distance from consumption areas sharply limit use potential, beyond that small amount used to build human shelter along the river.

Recognizing the importance of these high value renewable recreation, wildlife and fishery resources, property holders along the river organized the Goodpaster Property Holders Association incorporated as a non-


991 Vailview Drive, Fairbanks, Alaska 99712 (457-2545)

profit association under Alaska law in August, 1982. Annual membership in the Association has averaged 40 families per year and includes a majority of the users of the river. Fairbanks and Delta area residents form the primary membership.

The purposes of the Association as stated in organizing documents are:

1. The preservation, perpetuation and enhancement of the wilderness characteristics of the Goodpaster River Area and the sound management of the fish and game resources of that area and of other areas in which game and fish migratory thereto are affected.

2. The representation of the common interests and goals of the membership....

Use of the river ranges from that of recent newcomers to persons living in Alaska more than 50 years. Many users have a lifetime of experience on the river and have seen it evolve from a remote little used part of the interior to an area that faces increasing pressures from intinerant as well as continuing users. Distribution of cabin sites and expanse of the river provide very high quality camping and day use in addition to cabins located along the river.

Since its formation, leaders for the Association have been involved in numerous Public Hearings and meetings of many kinds striving to encourage planning approaches that recognize and seek to maintain this high quality outdoor environment for Alaskans. In efforts to further crystallize such values, the Association is initiating legislation to designate the watershed as a permanent Public Use area. The designation would emphasize long standing traditional resource uses such as trapping hunting, fishing and wildlife viewing, and equally long standing recreational uses. Through extensive study, public hearings and conferences with public officials, the Association has become convinced such a step is essential to achieve the resource enhancement and protection values identified as its major purposes.

The Association, while taking such leadership, has established that there is a broad and deep reservoir of similar sentiment existing among more itinerant recreational users of the watershed. Too often in the past, such leadership has been secondary to government agency resource managers seeking bureaucratic rather than citizen goals. As population grows in

# Goodpaster Property Holders Association

Interior Alaska itinerant and seasonal users are expected to increase and place continually expanding demands on the watershed.

The designation to be established through proposed legislation would recognize that extensive overriding public concerns should exist before development of any kind occurs or crosses the watershed in a manner that would adversely impact current use patterns, and important renewable wildlife, fishery, or recreation resource values contained in the watershed.

Interior Alaska does not contain other regions that have as high recreational values that are not already heavily impacted by other uses. The legislation proposed protects such values for future generations as well as current users, and more importantly assures that the public will play a leading role in agenda setting that would establish any change. It is simply good policy to involve the public users in changing any longtime use of an area.

2/28/89 991 Vailview Drive, Fairbanks, Alaska 99712 (457-2545)

April 10, 1989

Mary B. Malcolm
PO Box 256
Delta Junction, Ak 99737

Senator Bette Fahrenkamp
Pouch V
Juneau, Ak 99811

Senator Fahrenkamp:

Accompanying this letter you will find a petition consisting of approximately 100 signatures requesting hearings on the two bills, SB167 and HB239 intended to turn the Goodpastor River drainage into a Public Use Area, before any legislative action is taken.

The statement at the head of the petition pretty much speaks for itself. We would like our opinions heard as the legislation does affect us in the community of Delta Junction.

I feel fairly safe in stating that the majority of the people on this petition feel that the legislation is not in the best interests of the people of our area. While we want to see the river preserved as much as you do, we feel that these bills are not the way to do it. Please give us the opportunity to express our views.

Thank you.

Respectfully;

Mary B Malcolm

Mary B. Malcolm

cc: Richard Shultz
Jack Coghill
Mark Boyer

We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.

| Signature | Print Name | Address | Soc Sec No. or Voter # |
|---|---|---|---|
| Darrell Johnson | Darrell Johnson | Box 386 Delta Jct. | 538-32-7517 |
| [illegible] | Leotral G. Stepanof | Box 683 Delta Jct. | [illegible] |
| Bonnie Ricks | Bonnie Ricks | PO 70 Delta | 313-20-2486 |
| John E Benson | JOHN E BENSON | H329 J Allbaker Rd [illegible] | [illegible] |
| Robert Weeks | Robert Weeks | 7087 Remington Rd. D.J. | 538-26-1416 |
| [illegible] | Nancy Moreofield | 7087 Remington Rd | 534-01-5092 |
| Peter D Buck | Peter D Buck | 3054 Clearwater Lk | 516-62-9175 |
| PETER SORENSEN | [illegible] | 62 DJAK | 524-80-8006 |
| R.W. Trustek | R.W. Trustek | Mile 275½ Rich Hwy. | 398-26-4850 |
| Henry Ward | HENRY WARD | Mile 266½ Rich Hwy | 462-14-1842 |
| Harley G. Olberg | HARLEY G. OLBERG | Box 1068 D.J. | 537-38-2237 |
| L. Lynn Olberg | Harley G. Olberg | Box 1068 DJ | 538 44-8833 |
| Richard A. Bride | RICHARD A. BRIDE | BOX 185 D.J. AK | 497-34-8737 |
| Byron Hollembaek | BYRON J HOLLEMBAEK | Mile 1403½ Alaska Hwy DJ | 485-18 7846 |
| Don Kobierowski | DON KOBIEROWSKI | BOX 832 - DJ - AK | 571-09-5357 |
| James F Watford | JAMES F WATFORD | PO Box 214 Delta Jct AK | 472-34-5427 |
| Claire Holland | CLAIRE HOLAND | PO Box 53 Delta Jct AK 99737 | |
| | | | |

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13 10

We, the people of the Delta Junction area are aware that there is legislation in both the House and Senate that would turn the Goodpastor drainage into a Public Use Area. Since we are the closest community to this area and use the drainage both for recreation and development of resources, we respectfully request that you extend us the courtesy of holding hearings in Delta to discuss this legislation and the impact on the people of this area.

| Signature | Print Name | Address | Soc Sec No. or Voter # |
|---|---|---|---|
| Lyell R. Bressler | Lyell Bressler | P. O. Box 483, Delta Jct, Ak. | |
| Charles L Carlson | Charles L Carlson | P.O. Box 95's Delta Jct. | 521 44 4012 |
| Richard Baird | Richard Baird | P.O. Box 1062 | 438-88-0446 |
| James Terry | James Terry | 5077 North Pike | 431-08-6167 |
| Belinda Bray | Belinda Bray | Box 521 | 458-21-7371 |
| Robert D. Torp | Robert D. Torp | P O Box 1212 | 530-22-8368 |
| Lee M Fox | Lee M Fox | Box 881 | 391-14-1962 |
| Karen Benson | Karen Benson | 5115 Tanana Loop Ext | 444-68-9353 |
| Ron Mull | Ron Mull | 5469 Remington Rd | 047-24-5919 |
| Edith L Walker | Edith L. Walker | P.O. Box 614 1½ mi Harrison Rd | 516-50-4610 |
| Art Koeninger | Art Koeninger | Box 22 Chitina 99566 | |
| Oswald P Jenson | Oswald Jenson | P O Box 463 Delta | 542 22 6686 |
| Stan McCsbrocke | STAN MCCSBROCKE | 14035 Ak Hwy | |
| Connie Frerichs | Connie Frerichs | P.O. Box 947 Delta | |
| Robert E Brown | ROBERT E. BROWN | P.O Box 1063 | 848-16-6636 |
| Wanda G Rasmussen | WANDA G RASMUSSEN | P.O. Box 97 | 510-40-8685 |
| Sigurd B. Bergstad | SIGURD BERGSTAD | P.O. Box [illegible] | 127-14-5291 |
| Robert M Lee | Robert M. Lee 967 Cleowater Rd | Delta Jct | [illegible] |

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| Signature | Print Name | Address | Soc Sec No. or Voter # |
|---|---|---|---|
| [illegible] | Mary Harris | Dallas Dr. | 052974145 |
| [illegible] | Judy Windsor | Box 173 Delta | 536.56 1700 |
| [illegible] | Bonnie C.S. Bergeron | 5001 Willow Str Delta | 477-84-8786 |
| [illegible] | Patricia H Dekeman | 4523 Jack Warren Delta | 4407128 |
| [illegible] | JACK ADAMS | BOX 580 DELTA | 400-30-2108 |
| Gwen Payne | Gwen Payne | Box 1192 " | 895-4075 |
| Laura Crandall | Laura Crandall | Box 1007 " | — |
| [illegible] | HARRIETT F. HARKNESS | BOX 852 " | — |
| [illegible] | JOHN R CALLAHAN | Box WRRRAN CALLAHAN WAY | 477-18-5647 |
| Brenda E. Joslin | Brenda E. Joslin | Old Nistler Rd | 003-32-9690 |
| Carmen Gerry | CARMEN GERRY | BOX 1044 | 499-50-0414 |
| Orin Wear | ORIN WEAR | BOX 805 | 309-90-2239 |
| [illegible] | WILLIAM L LAPPART | BOX 45 DELTA Jct | 523 645272 |
| Pamela R Ellis | Pamela R Ellis | 6873 Remington Rd Delta | |
| Karen L. Eldridge | KAREN L ELDRIDGE | Delta Camp Delta | |
| [illegible] | David P. Pagge | MP 1414 Alt. Hwy Delta | 480-58-2541 |
| [illegible] | | | |
| Deborah Divinney | Deborah Divinney | P.O. Box 438 | 264-64-1658 |

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|---|---|---|---|
| [illegible] | Norman Cosgrove | Box 861 D.J. 99737 | 492-24-1677 |
| [illegible] | John Brown | Box 685 99737 | |
| [illegible] | Toni Jo Johnson | Box 818 99737 | 527-21-6315 |
| Bill McCreuish | BETHIN CREUISION | Box 302 99737 | |
| Elizabeth A. Johnson | Elizabeth A Johnson | Box 601 99737 | 016-48-4267 |
| Larry L Garner | GARRY L. GARNER | Box 1317 99737 | |
| [illegible] | Natasha Sauls | 5187 Williams Rd 99737 | |
| [illegible] | Beth McCulloch | Box 502 | 302 8355 |
| Jane Oliver | Jane Oliver | Box 1152 | 529933 |
| Nancy Johnson | Nancy Johnson | Box 386 Delta | 538-34-1567 |
| Mike Bolio | Mike Bolio | MP 1 Rich Hwy Delta | ~~862-8~~ |
| D Shurtz | DD Shurtz | MP 934-6 Rich. Hwy Delta Jct. AK 99737 | 528-22-4629 |
| E Shurtz | E Shurtz | MP 934-6 Rich Hwy Delta Jct AK 99737 | 503-78-3[illegible] |
| Richard McCorquodale | Richard McCorquodale | Box 884 | Delta Jct AK 99737 |
| Bill Mason | BILL MASON | Harold Rita Hwy | Delta Jct |
| Cynthia McClain | CYNTHIA MCCLAIN | 1½ Mile Blue Creek Delta AK | 533-32-6497 |
| Mary M Pratt | MARY M PRATT | Box 73 Delta | 534-22-3390 |
| [illegible] | Bob Goss | P.O. Box 755 | 895-4664 |

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|---|---|---|---|
| Lee Schultz | LEE SCHULTZ | Bx 356 - D.J. | 90728 |
| Chris B Baker | Chris Baker | Box 393 Delta | 538-54-6728 |
| Melinda D. Eggleston | Melinda D Eggleston | Box 722 Delta | 572-74-3916 |
| Larry Deichorst | Larry Deichorst | Box 329 Delta | 576-40-4851 |
| Mary Corcoran | Mary Corcoran | S.R.3.C. AK Hwy Delta | 039-38-0288 |
| Bill Rieder | Bill Rieder | POB 432 Delta JCT | 031-38-6124 |
| John Saunby | John Saunby | PO Box 150 DJ | 408 94 5851 |
| Camille Schleining | Camille Schleining | Box 54 D.J. | 544-48-2614 |
| Lois Cosgrove | Lois Cosgrove | Box 861 Delta Jct. | 347-18-2215 |
| J. Harley Wheeler | J. HARLEY WHEELER | BOX 555 DELTA | 574-10-7705 |
| Daniel Emerick | D. Emerick | Box 356 Delta | 4597714 |
| Ronald Johnson | Ronald Johnson | Box 604 " | |
| Nancy King | NANCY KING | MP 1414 AK Hwy-Delta | 574-21-8169 |
| Gerald F Breitmeier | GERALD BREITMEIER | Mi 1403½ AK Hwy, Delta | 501 60 6605 ~~895-4317~~ |
| Peter i. Chytil | PETER i. CHYTIL | 4.5 CLEARWATER RD. | 104-44-0993 |
| Rebecca J. McTaggart | REBECCA J McTaggart | 4432 OLMSTEAD RD DJ | 612689 |
| Steven J. Joslin | Steven J. Joslin | P.O. Box 377 Delta JCT | 478-72-0845 |
| Eddy Dee Groneien | Eddy Dee Groneien | P.O. Box 922 D.J. | 895-4514 |

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|---|---|---|---|
| Hannelore H Dennison | Hannelore H Dennison | Box 893 Delta Jct. AK | 549-38-8301 |
| Robert L. Jenks | Robert L. Jenks | 5553 Nome Tr, Delta Jct | Voter # 6094 |
| Arlene I. Jenks | Arlene I. Jenks | 5553 Nome Tr, Delta Jct. | " " #5552 |
| William A Arrington | William A Arrington | Box 302 Delta Jc | 534-32-0790 |
| Eldon G Harrild | ELDON G. HARRILD | Box 4 D.J. | 552-24-3264 |
| James R Borsetti | JAMES Borsetti | Box 774 Delta Jct | [redacted] |
| Deborah M. Snovel | Deborah M. Snovel | Box 1297 Delta Jct | [redacted] |
| Bruce R Robert | Bruce R Robert | Box 1148 Delta Jct | 53[illegible]-54-2812 |
| Robert Houston | Robert Houston | Box 801 Ft Greely | |
| Howard Echo-Hawk | Howard Echo-Hawk | POB 526, Delta | |
| Karl R Woodruff | Karl R Woodruff | Box 561 Delta | 845 4098 |
| Floyd Thornbrough | Floyd Thornbrough | Box 1251 Delta Jct | 445 52 9685 |
| [illegible] | [illegible] | [illegible] | [illegible] |
| Elizabeth Packard | Elizabeth Packard | 4857 Berkeley Lane | |
| Harvey Anderson | Harvey Anders | Box 981 Delta Jct. | 436480 |
| Lee C. Yelliott | Lee C. Yelliott | Box 875 Delta | None |
| Ann Rasmussen | Ann Rasmussen | Box 97 Delta Jct. | 1144517 |
| Mary B Malcolm | Mary B Malcolm | Box 256 Delta | 470-52-2983 |

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|---|---|---|---|
| Wesley A. Davis | Wesley A Davis | P.O. 17 - A.P.O. 98733 | 259-02-4792 |
| Maggie K Wilson | Maggie K Wilson | P.O. Box 409 Delta Jct. | 574-09-9872 |
| Rosemary Hand | Rosemary Hand | P.O. Box 653, Delta | 131-42-1049 |
| Loretta Lewis | Loretta Lewis | Po Box 604 Delta | ~~566-94-4516~~ |
| Lloyd Kaneyck | Lloyd Kaneyck | PO Box 1104 Delta | 595-[illegible]53 |
| Michael O. McGowan | Michael O. McGowan | 1712 Tanana Loop Ext | 45 290 3034 |
| Patricia Smith | PATRICIA SMITH | 102 CLEARWATER RD | |
| Thomas E. Theisen | THOMAS THEISEN | P.O. Box 212, DJ AK. | |
| LaNell Theisen | LaNell Theisen | Po Bx 212 DJ AK | 564-66-7057 |
| Patricia Theisen | Patricia Theisen | P.O. Box 180, DJ AK | 523-54-5736 |
| Cathy Marlow | Cathy Marlow | P.O. 1073 DJ | |
| Andrew D. Schneider | Andrew D. Schneider | 2870 Fales Rd DJ | 3318601 |
| Tracy L. Blais | TRACY L. BLAIS | 505 Tamarack Way DJ AK | 1937848 |
| Linda M. Spears | Linda M. Spears | 5294 Spears Ln DJ | |
| Craig H. Eakland | Craig H. Eakland | POB 1272 Delta Junc. | 340-42-7794 |
| Irene McEld | Irene McEld | Box 1860 Delta Jct. AK | 524-12-6788 |
| Kat McElroy | KAT McELROY | MP 1418.75 ALASKA Hwy. | 554-23-1658 |
| Pauline Palmer | Pauline Palmer | B255 Delta Jct. | 444-44-8816 |

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|---|---|---|---|
| Leigh B. Dennison | LEIGH B. DENNISON | BOX 873 DELTA JCT. | 36-9-34-6588 |
| Judith H. Smith | Judith H Smith | Box 708 Delta Jct | 006-34-5066 |
| John Schandelmeier | John Schandelmeier | Paxson, AK 99737 | 574-34-8579 |
| Nancy Rothschild-Kennedy | Nanci Rothschild-Kennedy | 3078 Jackson Blvd Delta Jct 99737 | Voters 467687 |
| Robert A. Kezer | ROBERT KEZER | Box 942 DELTA | 530-55-4185 |
| Margaret R. Gerhart | Margaret R. Gerhart | Box 287, Delta Jct, AK. | |
| Gregory Gerhart | Gregory Gerhart | Box 287 D.J. | |
| Sabrina McAfee | Sabrina McAfee | Box 126 DJ | 574-54-8698 |
| Walt Kopp | WALT KOPP | Box 427 DELTA | 094-14-5877 |
| Leston L. McNeil | Leston L. McNeil | 2740 Old Richardson Hwy. | 454-38-6558 |
| Loa Busche | LOA BUSCHE | Mile 1401 Alaska Hwy Delta | 561-28-2243 |
| Max & Mrs AW Schueke | MR & MRS AW SCHUEKE | 2624 DEBORAH ST | 453-50-0093 367-34-2664 |
| Adaline Blum | Adaline Blum | Box 841 - Delta | 574-18-5889 |
| Terry Rubincan | Terry Rubincan | Box 691 - Delta | 555-98-8236 |
| Shirley A. Gibson | Shirley A Gibson | Box 257 - DELTA | 00699819 |
| Sue Martinuik | SUE MARTINUIK | 607 7th AVE | [illegible] |
| Maribeth Miller | Maribeth Miller | 3022 Tanana Court | 502-70-5354 |
| Earl F Malcolm | Earl F Malcolm | Box 256 Delta Jct | 468-48-7397 |

Alaska Farmers & Stockgrowers
Association, Inc.
"Alaska Farm Bureau"

March 16, 1989

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

Dear Legislators;

The Alaska Farmers and StockGrowers are very concerned with the precident being set in SB 167, "An act establishing the Goodpaster public use area.

At a time when the economy is depressed, people in areas like Delta Jct. are barely surviving. To lock up an area like the Goodpaster drainage can be devastating. First of all the area is subject to three management plans now and the Commissioner of Natural resources is charged with determining any and all incompatible uses. Recreation on this river has coincided with other activities in the larger drainnage for years.

To summarize, there is no need for this bill and further restrictions. Over twenty seasonal jobs could be lost and the original intent of the Tanana Valley State Forest violated.

While this is not an agricultural issue, our members feel strongly enough to make the firmest of recomendations to our lawmakers. Please consider the economic interests and the health of a struggling community versus the few recreational property owners who are behind this special interest.

Respectfully submitted,

Terence W. Wieland, pres.

cc: Governor Cowper
Commissioner DNR

# Opinion

Wednesday, March 15, 1989

# Use Interior forests or see them deteriorate

**William R. Wood**

*Views expressed here do not necessarily represent those of the Daily News-Miner*

Consider the boreal forest of Interior Alaska. Here are over 22 million acres of accessible timberland covered with some scattered, some dense growth of white spruce, paper birch, aspen, black spruce, cottonwood, poplar, tamarack, alder, willow, and a few other species. Despite relatively small-scale efforts over the years to harvest a portion of Interior timberlands, not much use has been made of the asset. There is a small cut annually of sawlogs, less than one-fourth of what is imported from Canada and the Lower 48 for local use here. A lesser amount is salvaged for firewood. In the early 20th century cordwood was harvested along the Yukon, the Tanana, and lesser streams to fuel the riverboats. For many generations throughout the Interior logs have been used for shelter and a few other purposes.

The boreal timberlands of Interior Alaska remain an idle resource, one of great promise if utilized sensibly. In idleness they constitute a recurring cost to the state and its residents—plus the burden of lost opportunity.

In Georgia where modern forest management techniques are practiced there are more trees harvested each year than were on the land when Oglethorpe landed in 1703. Here there are probably about as many trees standing today as were here when the Fort Yukon trading post was established well over a century ago.

In the boreal timberlands of Interior Alaska wildfire has consumed more timber than humankind. Unfortunately, not all of the burned-out acreage manages to regenerate itself. There are self-destructive forces at work in the boreal forest. Overmature stands tend to retard their own growth. White spruce, a splendid tree of many uses, gives way to scrawny black spruce of limited usefulness. Where the black spruce takes over, there is not much food for wildlife. Its attraction as a recreation asset is minimal. Such areas are largely avoided by humankind and most other living things.

Set aside, left alone, the boreal forest as we know it today will deteriorate and likely in large part disappear in a few generations.

This need not happen, for sensible timberland management technology is known. It is possible not only to preserve but to enhance the total boreal forest habitat. State-of-the-art techniques are not static. There is much more to be learned leading to a wide-range of improvements.

Good husbandry of a living asset takes time. There is not much immediate pay-off in prospect, but the long-term outlook is exciting. An appropriate tree-improvement program for Interior Alaska will take at least two generations, but the growth cycle of the white spruce, scientists are confident, can be reduced from 120 years to 80 years or less. The present scattering of wildflowers and berries can be increased manyfold, the entire habitat for wildlife enhanced.

There are ways to learn, to earn, and to enjoy a satisfying way of life that can become a reality by the enhancement and use of the boreal forest of Interior Alaska. There is a choice for us now: just preserve it and lose it or improve it and use it intelligently.

Trees are good. Let's plant a lot more of them of the very best stock. Let's take good care of them. Modern techniques of good stewardship are unfolding. We can augment natural reseeding with selected additional plantings of the very best. Reforestration of cut-over and burnt-over areas is a must. Other areas can be thinned and replanted with better types. The term afforestation is becoming familiar.

The state lawmakers have recognized this, in part at least, and have set aside a portion of annual income from forest products for reforestation purposes. Yet this first step seems stalled for some reason, perhaps the overlapping and duplication of jurisdictions among state and federal administrative agencies as well as by competing special interests in the private sector.

When each of these insists on its own special-interest agenda that would exclude all other interests, not much happens. In fact, the lawmakers' intent to establish a meaningful forest management improvement program in Alaska, it seems, is being ignored.

It is time to straighten out the unnecessary tangle, to thin out the political underbrush and get on with the pleasant task of planting more trees—for the good future for Interior Alaska residents.

*William R. Wood is a retired president of the University of Alaska now volunteering his time as executive director of Festival Fairbanks '91.*

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March 16, 1989

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Respectfully submitted,

Terence W. Wieland, pres.

cc: Governor Cowper
Commissioner DNR

**Doyon, Limited**

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Tel: (907) 452-4755 Telecopier: (907) 456-5785

March 9, 1989

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

Dear Senator Fahrenkamp:

Doyon, Limited has reviewed the draft of SB 167 regarding the proposed Goodpaster Public Use Area and would like to take this opportunity to comment on this proposed legislation.

We are very concerned with the large acreage involved with the proposal. The several hundred thousand acres included in the proposed Public Use Area and the restrictions on access and use in the bill will essentially lock up well in excess of a million acres of public and private lands. The bill severely restricts access to the Fortymile and Goodpaster Mining Districts, which are some of this state's most promising mineralized areas. The near park like restrictions on land uses within the Goodpaster Public Use Area would make access and development of minerals in those districts an impossibility. It should be recognized that access to the northern part of the Public Use Area is effectively prohibited by a military withdrawal and the Yukon-Charlie National Preserve. Access to the eastern portion of the Public Use Area is precluded by a Wild and Scenic River corridor. This bill would greatly diminish development opportunities in the state.

Moreover, the bill duplicates actions and intentions already addressed in the Tanana Basin Area Plan and the Tanana Valley State Forest Plan. If the protection of fish and wildlife habitat is a major concern then perhaps the issue should be addressed in the Tanana Basin Area Plan which is now in the process of review for possible revision. Timber harvest is an issue addressed in the bill. The Tanana Valley State Forest Plan has been revised to make commercial timber harvest subject to a consensus of the property owners within the proposed Public Use Area.

In sum, the administrative process is already geared to meeting apparent concerns stated in the bill without effectively closing large areas of public and private land to development.

For these reasons, Doyon, Limited must strenuously object to SB 167.

Sincerely,

James Q. Mery
Vice-President
Lands and Resources

1977 Melanie Lane
Fairbanks, ALASKA 99709
13 May 1989

Senator Bettye Fahrenkamp
Alaska State Legislature
119 No. Cushman Street, Suite 201
Fairbanks, Alaska 99701

Dear Senator Fahrenkamp:

Thank you for your letter dated 5 May 1989 which I received on 11 May 1989. I have read and reread your letter and attachment to learn what your intentions are. I have assumed that you wished comment, specifically informed comment. This letter attempts to give informed comment for the statements in the two documents; good land management ethics require the best qualty information. Please review my lettert and respond to the questions. My response is lengthy and for that I apopogize--commenting on the the issues is not simple; there is potential for more confusion.

One thing that I want to make very clear to you and any other legislator is that I am a professional forester and as such I am dedicated to the "wise use of the land"; and associated with that concern is maintenance and enhancement of the productivity of the soil and waters of that land in perpetuity. Also, as a professional forester, I am fully committed to two basic concepts: "multiple use" and "sustained yield".

I too am most concerned about the confusion and misunderstanding over the Goodpaster River bill. I have heard stories from both sides, proponents and opponents, which are blatantly untrue. I have been told that you are a property owner and prior to our telephone conservation, my basic response regarding that was "I have heard that, I have been unable to confirm that, and it is up to you to find out for yourself." I have been told publicly that an all season road was going to go right up the drainage. I have been told there is no timber in the drainage. I have been told that we don't want more people in the drainage. I have been told it is not a "lock up". I have been told there are approximately 80 property owners in the area; I have been told there are only 40-45 families who own property with cabins/homes in the watershed; I have been led to believe that many of the cabins in the drainage are there through "personal use cabin permits" which will not be renewed on expiration. With the amount of misinformation about the area, no objective assessment can be made nor can an objective forum be held.

If I accept the public statement of one property owner, there are 40-45 families who own property outright and have homes/cabins on them. This means in simple terms. that if the Goodpaster bill passes in its simplest terms and incorporates only 420,000 acres, one could liken this to creating a feudal estate of nearly 10,000 acres for each property owner who has a an investment of forty