

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6493 SENATE RESOURCES

897

acres or less. Other than day use, where are people going to stay if they do not have a place at which to stay? There are no developed campgrounds. Will camping be permitted unrestricted along the riverbanks? What about toilet facilities? How many people recreationally camp when it is 30 below or colder?

I fully recognize the value of the Goodpaster River Corridor as a recreation resource. I recognize that three plans also recognize the recreational potential of the river as a recreational resource for all Alaskans. I further recognize that the "wise use" of this recreational resource, to provide benefits to all Alaskans in perpetuity, will require management of the land.

You indicate that you "welcome informed comments." For the record, let's get one thing straight, I try to work with data and principles. I try to separate emotion from fact. I've listened to the proponents of the bill; I've read the bill; I've read the statement attached to your letter of 5 May; I've obtained volume estimates of the timber in the area. My response to your concerns is premised on the implied understanding that you will read my comments and respond to the questions/concerns raised. Composing this letter has taken one Saturday of my personal time.

I am convinced that you and I have to sit down and discuss this in a non-controversial, rational manner for several reasons: 1) we have a considerable amount of common ground; 2) there is a need to resolve conflicting statements/information; 3) the resources of the state are too valuable to not be used wisely for the greatest good of the greatest number of people.

Attached to my letter is a one page summary "TIMBER AND LAND IMPACTS - GOODPASTER PUBLIC USE AREA (HB 239)" dated April 11, 1989. There is an error in the number of acres in the second column under "Total" for "Other State Lands"; apparently portions of townships not in the proposed Public Use Area were included in the total, the total acres should be reduced by approximately 30,000 acres. I was advised of this by the Division of Forestry. I was also advised that this error has a negligible effect on acres of timberland or timber volumes. I also am aware that proponents of the bill have had access to this table since late April--they were given a copy or copies. I have used this table as an informed source for some of my calculations. I have used your information regarding the acreage of timberland within the Tanana Valley State Forest.

Turning to specifics and addressing your letter of 5 May 1989, I am concerned about the following:

- 1) The Goodpaster "... is considered by many to be the last of the Interior rivers in a nearly natural state." I must raise several questions or concerns:
  - a) How many rivers in the interior of Alaska are already preserved in a nearly natural state? How many are in the

Yukon-Charley National Preserve? How many are in the Wrangell Mountains-St. Elias National Park and National Preserve? How many are in Denali National Park? How many are the Tetlin National Wildlife Refuge? How many are in the Yukon Flats National Wildlife Refuge? In addition how many Scenic Rivers do we have?

- b) How many "nearly natural state" rivers do we need? When is enough, enough? Is this the last one not "tied up"?
  - c) What is meant by "nearly natural state" and how do we as custodians maintain that in perpetuity? This is a particularly vexing question when one accepts the ecological and biological truism that the forests of interior Alaska are disturbance (most commonly fire) rejuvenated on a periodic basis. A simple generality is, if disturbance does not occur, the natural ecological succession is from lofty white spruce forests to black spruce and permafrost. I have been advised that in some areas permafrost is beginning to re-appear under white spruce in the general area of the Goodpaster River.
  - d) Finally, although not stated, is the idea of preserving in perpetuity a living organism or community of living organisms. Living organisms have a finite life. How do we preserve them in perpetuity, either individually or as a community? Evidence of permafrost under productive white spruce stands questions the health of the ecosystem.
- 2) "Characterizing this issue as a development vs. recreation battle...is an unfair portrayal"; if this is not a conflict between preserving the river drainage in its near natural state and developing the resources of the drainage in an appropriate multiple-use manner, then what is it? I would prefer "conflict" over your choice of the word, "battle"; the two concepts, preserve and develop are, however, mutually exclusive. I must point out, again, there are three plans that recognize the Goodpaster's recreational potential; these plans were developed with much debate and discussion and in a public forum, but in the end there was a reasonable spirit of harmonious agreement. Some proponents of the bill have clearly stated, they do not want development and they are unhappy with the outcome of the public forum process.
- 3) With respect to Alaskans visiting other parts of the State to recreate, hunt, fish, this is fully recognized, but should not obfuscate the issues concerning the Goodpaster. These same people also visit Bonanza Creek, Rosie Creek, the Tanana all of which have development.

I have read your five page statement attached to your letter of 5 May 1989. Some of the statements and ideas really perplex me and some are downright confusing. Some are general innuendo and others are just plain impossible to interpret. Some are simply wrong. I will address the more critical issues by section title.

*Background*

The statement regarding a logging road to be built into the Goodpaster River drainage is misleading. Unless someone is familiar with the plan (which by the way is being reconsidered), one can easily assume a road up the drainage for logging only.

Firstly, the proposed road does not go up the Goodpaster drainage! The road goes from the Quartz Lake road system to join the Fortymile-Big Delta Trail/Wamcats Trail. The first of these trails is definitely designated as RS-2477 route by DOT/PF; I am told the other trails also are RS-2477 routes. There is some confusion regarding the exact nature of the road; however, the maximum distance the "Quartz Lake Extension" goes into the drainage is to the creek at the head of Liscum Slough.

Secondly, the initial effort is to provide adequate access to the Rapid Creek drainage. The Tanana Valley State Forest Plan states with reference to the area in question, "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." Proponents of the Goodpaster bill are attempting to circumvent due process already delineated.

I can assure you as a member of the Tanana Valley State Forest Public Advisory Committee, I am interested in hearing all sides of the issue; I am not particularly enamored with the idea of having the responsibility which I do not take lightly usurped just as you would not take lightly to attempts of having your senatorial responsibilities usurped by the federal government. Also, Mr. Haight was appointed to the same Advisory Committee and I assume he will provide considerable input; yet, if he has little faith in the process, why did he get himself appointed?

Thirdly, the proposed road is not a "logging" road. The road will be a multiple-use road providing access and egress for the currently existing RS-2477 trail system. Such access will provide additional opportunities for recreation access, trapping, hunting, mining (including removal of ore), and timber harvest. Right now, logging is the primary reason for its consideration. However, I should like to point out that elsewhere in Alaska and North America, "logging" roads are the way the majority of the public obtain access to their public lands. In the case of the Goodpaster, the RS-2477 trails are considered winter roads. So during the summer, their use would be extremely limited. Denying improved access will reduce opportunities for many Alaskans.

You state, "We believe it is perfectly legitimate to have the concerns of this group settled by the legislature." To this, I personally object to strenuously. There is a mechanism already in place for their concerns to be heard publicly and objectively. I alluded to this two paragraphs earlier. Why do we create mechanisms for the general public to resolve differences and then

ignore them? If the mechanism doesn't work, then lets fix it. But here is a situation where the mechanism has not been implemented. By circumventing the mechanism now, it is giving notice to everyone that the mechanism should be ignored whenever it is most expedient. MORE IMPORTANTLY, I OBJECT TO THIS PIECE OF LEGISLATION BECAUSE IT IS SPECIAL INTEREST LEGISLATION WHICH WILL RESULT IN BENEFITTING A FEW (40-45 families) AT THE EXPENSE OF THE MAJORITY OF ALASKANS. One of the biggest problems in Alaska has been the valiant attempt to satisfy every individual's needs and ignoring the havoc that it has created on the "commons" --all one has to look at are the subsistence issues which are having deleterious effects on both the resource and users.

### *Hearings*

I applaud you on your commitment to hearings. I urge you to hold these hearings in the fall when people are back home from their summer activities: fishing, mining, vacation. Hopefully, they will be well-advertised; the facts will be available; and they will not be stacked by the proponents.

### *What is a Public Use Area?*

A Public Use area does not necessarily allow multiple use. Multiple use of renewable natural resources includes five basic components: timber, water, forage for domestic livestock, recreation, and fish and wildlife. Precluding timber as a legitimate component precludes multiple use! Let's stop suggesting that multiple use is to be practiced on this area when, by components it isn't. Your letter talks about confusion and misunderstanding, multiple use is a good example. Multiple-use requires active management for the uses; just allowing the uses to occur without planning and actively managing is not multiple use. The term multiple use is a concept. It is not defined in any state legislation or the constitution. I have traced its origins in North America back more than a century. The concept is well documented. Multiple recreational activities (fishing, hunting, ski-joring, snowshoeing, hiking) does not imply multiple use.

How can the bill preclude timber harvesting and at the same time "allow some winter harvesting by a WINTER trail when and if the timber is of commercial value"? This is stated on page 4, first paragraph of statement. This really leaves me confused since yes and no are mutually exclusive!

I fully recognize that mineral entry is allowed. However, why prospect and develop a claim if it is going to be difficult to remove the ore in commercial quantities? Does this mean that the winter trails (RS-2447) will be used and appropriate roads hooked up to them? If "logging" roads are an issue, why are not "mining" roads?

*Why the bills were introduced: The best use of the area.*

The argument presented on the best use of the area is specious. Where are the data? What basis do the river users have to come to the conclusion "these stands are of a mix of qualities, and of insufficient quantity, and density to be commercially viable for harvesting now or in the immediate future."

The issue here is really not one of a "lock up"; Mr. Haight is right when he objected to my public use of that term! The correct term is "LOCK OUT"--"occasional and regular visitors seek a river that is not overdeveloped like the Chena or Salcha." "New road access would negatively impact traditional uses of the area." Is it not so much the negative impact on the "traditional uses" that is at issue, as it is the perceived, negative impact on the "traditional USERS" and the general public be damned? This is special interest legislation at its worse, at the expense of the majority of Alaskans.

Assuming the statement is correct that the Goodpaster is an important grayling producer and king salmon spawning river, then does it not behoove us as stewards of the land to ensure that the productivity is maintained and/enhanced in a balanced multiple use fashion? I certainly have no qualms answering this question. The Tanana Valley State Forest plan takes into account this issue by designating riparian management zones. A riparian management zone is defined in the State Forest Management Plan as "an area near a stream or lake that will be managed primarily to protect or enhance recreational values, significant fish and wildlife habitat and human uses and water quality." Good management of the terrestrial/water interface can benefit fish populations. This is well documented in the literature. This does not mean leaving the riparian zone in a pristine condition! Management activities must be such so as to ensure that basic stream productivity is at a high level; this means the appropriate amount of sunlight, litter fall, large debris inputs, and maintenance of streambank stability. I cannot over-emphasize the importance of streambank stability. This means management.

Pergerine falcon habitat can also be maintained without designation of the area as a public use area. Again, maintenance of a pristine habitat is not essential. Pergerine falcons have taken up residence in business districts of large metropolitan areas much to the disdain of pigeons and starlings!

*The size of the area has been reduced*

True, the size of the area has been reduced. Now each family that owns property within the area has approximately 10,000 acres of public land as part of their personal estate and how much land additional land that is relatively inaccessible to the general public should be added to this 10,000 acres? When one private landowner was queried if he would be willing to donate his inholding to the state, he waffled and his reply was a weak or sheepish no. Now, if he were truly concerned about the best

interests of the public and the true importance/value of the area to the public as he was pontificating, then a more appropriate response would have been a qualified yes. On page 4, paragraph 2, the bill protects these personal interests of the elite few, the property owners, "The bill does not give the state any authority over private property. Nor does the bill allow the state to obtain land through eminent domain." Thus, the monetary value of each individual estate within the Goodpaster is ensured and possibly enhanced at the expense of the general public. Property in the Goodpaster now becomes a rare commodity with many privileges attached to it--like 10,000 free acres.

I am confused as to why there are approximately 15,137 acres of the Quartz Lake uplands included in the bill? The proposed bill is to protect the Goodpaster, not the Quartz Lake system. One obvious reason is to create an additional blockage for access to the area. How does the Quartz Lake drainage relate to maintaining the river in its near natural state?

#### *Forested Lands and Access*

Many ideas are involved in this section. The way the information is presented can be easily misunderstood or misinterpreted. Hence, as a forester, I address each idea separately.

#### ACREAGE

According to the State Forest Management Plan there are 1.81 million acres (gross) within the State Forest. Another figure I have seen suggests 1.79 million acres which corresponds to your figure of 1.786 million acres.

The Management Plan states that there are 1.061 million acres of timberland--land that is capable of producing more than 20 cubic feet per acre per year of industrial wood under management. Timberland has been divided into two categories which are based on the Alaskan state-of-the-art in the mid-1980's. Emphasis at the time was and still is spruce sawtimber and a limited amount of hardwood with the major use of the latter being fuelwood. The two categories:

Suitable Timberland: "timber resources that can be harvested by ground yarding systems and whose long-term value is capable of offsetting development costs of access and reforestation under current conditions."

Marginal Timberland: "timber resources that can only be harvested by cable yarding systems or whose value is not capable of offsetting development costs under current conditions."

Both definitions include the qualifying phrase "under current conditions"; this is a most important qualifier. As you are well aware, the last five years have seen major change in species utilization and harvesting equipment throughout Boreal North America. Elsewhere, stands of aspen and birch are now considered economic prizes; mechanized logging equipment has reduced

production costs and increased the value of marginal stands. Today's forest products are reconstituted wood products such as oriented strandboard (waferboard), medium-density fiberboard, strandwood (parallam), thermomechanical pulp (whole fiber), pulp/plastics. Today's lumber demands are mainly for boards less than 10 inches wide. Ideal log sizes for lumber and plywood are under 14 inches in diameter--smaller logs are easier and less costly to handle. The weed species, aspen, is fully committed in Alberta and overcommitted in Minnesota--an aspen shortage! Three years ago, no one would have believed that possible.

Unless one is aware of how these two categories came into being and how they relate or do not relate to the current situation, their usage will be fraught with confusion. In interior Alaska, by today's standards and average operator's ability, many stands of timber are inoperable. However, for one current Alaskan operator with modern, efficient equipment many of the stands are now operable and markets are developing. I reiterate the important qualifier, "under current conditions."

Now let's look at the figures you provide. There are 392,300 acres of "suitable timberland" within the State Forest; 70,300 are in the Delta Management Area and 19,840 acres are proposed for withdrawal from the Delta Management Area. This is 28.2 percent of the acreage of "suitable timberland" in the Delta area--the area in which Delta residents cut wood. Most Delta residents do not travel daily to Fairbanks or Tok to cut wood commercially or for personal use. In essence, the issue "under current conditions" is that this bill eliminates 28.2 percent of the opportunities that the Forest could provide for the Delta area. Using the average potential acreage harvested per year from 1986 to 2005, this means instead of 116 acres being harvested annually, 33 fewer acres are available annually or 660 acres for the 20 year period. Assuming average volumes per acre, annually this means 366,600 fewer board feet of spruce sawtimber or 663 fewer cords of spruce and hardwood firewood (do not add them together). I am not going to try to equate how many households will not have sufficient wood for the winter.

Alternatively, using average annual acres harvested per year (116) and average volume offered per year, average per acre volume of spruce sawtimber is 11,207 board feet or the average number of cords per acre of all species is 20.3 (again, do not add these two numbers together). Because of the way the inventory was done, there is no reason to believe that the withdrawn acreage of 19,840 acres has significantly less volume per acre than the average for the Delta Management Area. In fact your statement states that "364,000 board feet of suitable timber on those 19,840 acres would be removed annually"; using my calculated mean average board-foot volume of 11,207 and multiplying the average annual acreage withdrawn from harvest (33) gives a volume is 369,831. This also checks quite closely with the volume/area value of 366,600 board feet. I am not going to quibble over a difference of one percent or less.

The figure of "at least 60 board feet" per acre to be considered commercially harvestable that is attributed to the Department of Commerce and Economic Development Division of Business Development is totally absurd. This value is equivalent to one or two marginally commercial trees per acre! Talk about an example of incompetency; if this is the kind of information they provide, it is no wonder Alaska can't attract forest industry investment to the interior.

The calculation of the average number of board feet, 18.4 board feet per acre, to be removed annually is equally ridiculous. Some one has given you erroneous information. The Tanana Valley State Forest Management Plan states with respect to subunit 9A which includes that portion of the State Forest north of the Goodpaster River's main channels, "Timber on approximately 650 acres will offered for sale within the next 20 years. Harvest activities during this period will occur chiefly within the Rapid Creek drainage." With respect to the area of the State Forest south of the Goodpaster river which is within Subunit 10A, the Management Plan states, "Timber sales are not scheduled during this planning period within subunit 10A because of its low timber values. If demand or value increases to warrant harvest in this area, access must be in a manner acceptable to existing recreational users of the surrounding area."

The ridiculous figure of 18.3 board feet per acre was determined, I believe, as follows: Whoever did the calculations assumed 364,000 board was the total volume for the entire parcel of land to be withdrawn. That incorrect total volume was then divided by the total acreage of the withdrawal:  $364,000/19,840 = 18.347$  In reality the actual volume per acre is closer to 11,200 board feet. If they used 19,840 acres, it is obvious that they either misinterpreted the Tanana Valley State Forest Management Plan or they didn't bother to read it.

The figure of 19,840 acres, the acreage proposed for withdrawal, is the acreage that is suitable for harvest over the next 20 years. It is not included in the specific acreage to be cut over the next 20 years. This is clearly demonstrated by the quotations in my preceding paragraphs. However, these acres must be included within the sustained-yield calculations for the Delta Management Area and the State Forest. All productive acres of a management unit contribute to the annual allowable cut; you remove any you reduce the annual allowable cut of the entire unit. The idea that "there is more timber over the next hill" is long gone--it was this practice of "cut and move on" that initiated the establishment of the National Forests in the United States; and it was timber and water that were specifically mentioned, the two original multiple uses.

Hopefully, you can see by this discussion that the timber volumes, values, and withdrawal impacts related only to the Tanana Valley State Forest are not clearly presented nor as

simple as suggested in the statement. I have not even addressed the marginal timberland category, the potential productivity of the land nor the implications of management on rotation age, calculation of the annual allowable cut, correct valuation in terms of world markets. Simply put, the likelihood is for a dramatic increase in productivity, reduction in rotation age, a higher annual allowable cut, and greater value for the lands of the State Forest--withdrawal of both suitable and marginal lands will reduce these opportunities.

Another aspect that has been glossed over is the timber outside the State Forest. There are an additional 161,216 acres of timberland on other state lands within the drainage; these lands have approximately 236,410,000 board feet of spruce sawtimber. Although simple per acre figures suggest only 1,500 board feet of spruce per acre; there is a considerable amount of hardwoods mixed with the spruce and spruce volumes can range from nearly nil to several thousand board feet per acre.

#### PROHIBITION ON TIMBER HARVESTING

"The prohibition on timber harvest is in the bills to eliminate pressure to build a logging road." Already, the issue of a road has been addressed. The winter trails already exist, they are RS-2447 routes. Prohibition of any road will not reduce access except from the Liscum Slough area; the access is already in the drainage. Mining and logging activity in the Goodpaster drainage can use the already existing RS-2447 routes and temporary winter trails to the such routes.

How does the use of winter roads significantly affect adversely river travel, plane travel, game harvesting, and access to the area during the summer? Except in the immediate vicinity of the winter access road or a logging or mining activity, how does a winter road negatively impact winter use? In fact, if you really look at this whole question objectively, might not a winter road provide more opportunity for greater disbursement of winter recreational activities over more acres? In essence, what the proponents want is to minimize access; it is "use by a few instead of for the greatest number."

The discussion on the quality of the timber north of the Goodpaster is also misleading. Emphasis is on spruce and what people perceive as being harvestable by Alaska's outdated, 20-year behind industry. The proponents of the bill will and have used every excuse to legitimize their position for minimizing access into their retreat. Here are volume figures for all species within the Public Use Area that would be locked up (for details see my attachment): 1.35 billion board feet or 290 million cubic feet which is equal to an annual allowable cut of 37.5 million board feet or 6.6 million cubic feet. Based on these figures, you can see a good portion of the area should be included in the Tanana Valley State Forest; there is a

considerable volume of timber--not just a small amount of marginal material as some would like the public to believe.

#### ACCESS AND PROHIBITION OF THE CONSTRUCTION OF ROADS

The first three paragraphs are historical action and not germane to the current issue. The legislature and governor acted on the concerns of a vociferous public which really was a select number of property owners in the drainage. The question I raise however is, "Was there a valid public hearing on the issue or were only the concerns of the vested interest heard and considered?" I know there was a private campaign, I have seen the letters, on tying up the Goodpaster. I have listened to proponents of the bill and publicly, they have provided much misinformation. They did this recently at two Unified Fairbanks meetings and also at a local Society of American Foresters meeting. They have tried to leave the impression that roads are going way up the Goodpaster and everywhere in the drainage. I agree, "there is quite a bit of confusion and misunderstanding" and much of it has been generated deliberately by proponents of the bill!

The fourth paragraph of this section is simply unbelievable! There is not a small number of board feet of timber in the area. That is only a false perception, again created by proponents and now also by your statement which I just read. It is not a "start at whittling away the state's resource base"; the reality is that this whittling away has been going on for so long that the timber base is becoming sufficiently small that there will be no place for a competitive industry that provides reasonably good paying jobs! I can look to the Susitna Valley with all of the special use areas down there and frankly, there may be no longer an opportunity to provide the raw material for a competitive industry except for the export of round logs. Just keep in mind, the export of round logs is the same as exporting Alaskan jobs; if you do not believe me, find out why British Columbia stopped the export of round logs from Vancouver Island effective 1 April 1989. I am opposed to the wholesale export of Alaskan jobs!

The idea, "There is no rational reason to support that notion," is invalid. You yourself use the some of the same rational in your letter of 5 May to me and also on page 1 of the statement. There is rationale to support the notion that this is another example of eroding the timber base and the idea is and has been copied wherever groups want to block development.

I cannot believe the argument that there is a rational reason "to remove lands from the forest because their proximity to the river should have precluded them from the forest in the first place," came from Senator Bettye Fahrenkamp. You championed the Tanana Valley State Forest bill and you fought other special interest groups to keep the designated lands in the bill. The Tanana Valley State Forest by design includes banks and islands of large portions of the Totchaket River, the Tolovana River, Tatalina River, the Tanana River, the Chena River, the Volkmar River, the

Robertson River, the Tok River plus many smaller streams. Ecologically, a watershed consists of the both terrestrial and aquatic ecosystems; their interrelationship is unquestioned. The first national forests, created at the turn of the century recognized the important interrelationship between the forest and water; the first specifically mentioned timber and water. Legislation and regulation exist regarding riparian zones. In the case of the Tanana Valley State Forest, considerable efforts, as required, on fish and wildlife habitat management and concerns, were put into the Forest Management plan by Fish and Game people; and, now you suggest that this input is not to be respected? The waterways of the Goodpaster River within the Tanana Valley State Forest are within a riparian zone; Liscum Slough is specifically mentioned. There are specific management requirements for that zone.

The paragraph also states, "During the formation of the Tanana Valley State Forest in 1983, the users of the river were not organized, and did not realize the boundaries of the forest reached into the Goodpaster drainage." Is this the fault of the general public? Everyone had equal opportunity to review the bill, I did and sent letters of support, but only after reading the bill. I was impressed about how broad the backing for the bill was. The users of the river have had opportunity and have commented on use with regards to the three plans for the area-- completion of the Delta-Salcha plan predates creation of the Tanana State Forest and the work on the Tanana Basin Plan was, I believe, underway in or before 1983. I am told by a good source, that as individuals they did have input into the Tanana Valley State Forest bill and were well aware of the acreage in the Quartz Lake drainage and the lower Goodpaster; However, I cannot verify this knowledge at this time, however.

I do not believe that a small pressure group, whether organized before or after the fact, should cavalierly be able to change the law for their personal gain at the expense of the majority. If they were sincerely being damaged, then there is cause for relief. They are not being harmed by the State Forest plans. The river is within a riparian zone and will be managed accordingly. Summer access is not being improved except possibly at Liscum Slough, so the only change in access could be a possible boat launch into Liscum Slough (such an option are not in any of the plans at this time, however) and possibly greater winter use.

#### *SEASONAL HARVESTING OF TIMBER?*

The contradiction and confusion of prohibiting and then saying yes have already been addressed.

#### *Other Land Issues*

Personal use cabin permits was never an issue with me. I commented on the issue of eminent domain previously.

I agree with the land disposal prohibition. Even if the bill does not pass; I believe land disposals in this area and many other areas of the state should be curtailed. They are being carried out in a haphazard manner without really looking at all of the resources and the consequential impacts on all of the resources. However, I disagree with the rationale behind the prohibition in the Goodpaster; the way it is worded and recent comments of the proponents (for example, the second motorboat up the river was one too many) smacks of "lock out" by the few, elite, property owners. Strictly from a land use perspective, some organized campsites along the river so would reduce abuse provides some use control--this would reduce fire risk, unnecessary streambank damage, unsanitary conditions, and garbage problems.

I am concerned about the carrying capacity of the river! Under what conditions does certain levels and kinds of river use begin to impact the summer recreational setting? What levels and kinds of uses negatively impact the important grayling and king salmon populations?

#### *Mining*

I have no problem with the mining activity as long as it is adequately supervised in terms of downstream water quality and as long as appropriate egress is available for extraction of ore.

#### *Who would have management authority over the Public Use Area?*

This concerns me greatly. I am not impressed by management of state lands by either the Department of Natural Resources Department of Lands or Parks or by the Department of Fish and Game. Their performance is generally abysmal. The Division of Forestry's performance also leaves much to be desired; however, I have hope for the Division of Forestry and would expect to see much more if they were adequately funded for forest management. They are committed to multiple use and sustained yield of all the renewable resources--not just to me.

Lands and Parks are largely responsible for the creation of many of the silvicultural slums we have in Alaska. Some of the worst management practices are the result of Lands personnel dictating how to manage a stand--and they know nothing about the biology and ecology of the species, much less stand dynamics. Fish and Game commonly has a two track mind--preserve standing trees in perpetuity along and near streams and where people might see them and/or manage for maximum number of moose at the expense of the carrying capacity of the range and forest. If you don't believe me, I invite you to visit the woods--we can start on the Kenai and travel to Anchorage, up the Parks, out the Richardson to Tok. The offer is open to you or any of your colleagues; I am afraid that much of what you will see, you will not like.

With respect to the Goodpaster, I really feel that one valid alternative is to include it within the Tanana Valley State Forest. If the Advisory Committee and the enabling legislation and regulations work as intended, the values of the Goodpaster can be maintained and enhanced. Appropriate management can be planned and carried out. A multiple-use balance can be struck. Management guidelines can be developed in such ways that the users and the professionals in forestry, fisheries, wildlife, soils, geology, recreation work on the issues together. The mechanism is there. For examples, I refer to two clauses in the Tanana Valley State Forest Management Plan: 1) "The following activities are prohibited within research natural areas and the Bonanza Creek Experimental Forest unless they are consistent with a particular area's management objectives"; and 2) "Forty-four rivers, streams, and lakes have been identified within the Tanana Valley State Forest as having significant fish, wildlife, recreation, or water values that will be protected within a Special Management Zone." The legislation to incorporate Goodpaster lands into the State Forest can provide guidelines of what is expected, but not how to accomplish goals. This would provide an opportunity to educate all parties and broaden management perceptions and approaches. This would lessen the polarization that develops when one group tries to outmaneuver the other and force a constructive approach to conflict resolution. On the otherhand, lack of well-balanced legislation which establishes bias can result in nothing but conflict and adversary roles.

I refer back to the concern over the Pergerine falcon. What regulations are there in the Goodpaster to "protect" the nesting sites of the Pergerines now? Appendix C of the Tanana Valley State Forest Management Plan provides "Recommended Protection measures for Pergerine falcons during the nesting period". The measures include activities within on, two, and fifteen miles of nest sites. Concerns include minimum altitudes over nesting sites, ground activity, habitat alterations, noise levels, and critical habitat alteration. Does such protection exist for Pergerine falcons in the Goodpaster today--frankly, I do not know.

If no new state positions are created by this bill--who is going to do the management work in the area? Or is it the intent to leave Mother Nature take her course and risk the chance of the quality and productivity of the ecosystem going downhill?

#### *Traditional Uses*

I have two concerns here; otherwise the statement is good.

Personal use timber harvesting can cause serious damage to the forest resource. In essence, unless carefully supervised, personal use results in the taking of the best trees and leaving the worst trees behind for seed. This is negative genetics. Instead of selecting for the biologically best, selection is for

the biologically poorest because harvesting takes the best. How serious the problem could be, I do not know. Also, selection of trees is commonly for those which are most accessible and if they are on the river banks, then harvesting them could result in changes to the river morphometry and negatively impact fish habitat.

The other is the use of power boats. I am not opposed to the use of boats. I am concerned about the wake created by power boats and the damage to river banks. The wake of boats can cause sloughing of the bank which adds additional sediments to the water. If there is a genuine concern for grayling and king salmon, the impact of sediments entering the stream must be considered. Accelerated sediment inputs to a salmonid stream are a major concern to most fisheries personnel. It is well documented that sediments are a problem. I believe that there is a genuine need from the point of view of protecting salmonid spawning and nursery areas for a maximum motor size on the river. Similarly, any activities that negatively impact the integrity of the river bank should be managed. If the property owners are not willing to consider horsepower limitations, then are they genuinely concerned about the fishery values of the river or the public's recreational enjoyment of the river? This is another example why I am convinced the legislation is special interest oriented and the proponents are only sincerely interested in preserving their lifestyle at the expense of the general public. They are defining what they mean by a "nearly natural state" as what they want to be able to do and are currently doing now.

#### *Economic Impacts*

The questions, or more importantly the answers, regarding employment have little meaning. The real questions that must be addressed are: What are the average annual wages? How many people are unemployed--seasonally as well as year round? How many people/families receive unemployment/welfare/other benefits? How many want to work more? How many are satisfied with their current employment? Many jobs in the service sector are low paying and the only thing available. Let me give an example, many restaurants pay minimum or slightly above minimum wage; top wage is commonly \$6-8 per hour with tips being extra. By comparison, the oriented strandboard plant in Dawson Creek pays an average hourly wage of approximately US\$14 plus a profit sharing bonus plus health and other benefits. Because people are employed in the service sector does not mean the pay is adequate or job rewarding. Frankly, the Commissioner of the Department of Labor does not really know what is really is going on; he does not see into the future beyond the fiscal year budget.

If I use a simple model and assume all available woodfibre in the Goodpaster-Quartz Lake areas included in the bill is to be used at one, chemithermomechanical pulpmill which is 90 percent efficient, non-odorous, and does not use chlorine (no dioxins), the impact of removing 6,600,000 cubic feet of wood from the

annual allowable cut is equal to approximately 62,000 tons of pulp. The value of 62,000 tons of pulp at \$400 per ton is \$24,800,000. A 300 ton per day pulpmill would be able to operate about 200 days per year on this volume. Certainly, do not get the idea that I advocate using all of the fibre from that area for pulp nor that I am suggesting that a pulp mill is imminent. I am trying to illustrate how valuable the fibre within the proposed Public Use Area really is and the kind of opportunity that could be lost. I do not believe the Commissioner of Labor is the appropriate person to consult on the potential economic impact of the Public Use Area--he can only see as far as yesterday with the statistics he uses. People who say there is little value in that timber or it is insignificant in terms of volume have not looked at the real potential.

The DNR spokesman did not address the issue of sustained yield and allowable cut. If you remove timber from the sustained yield base, you cannot go to some place else on the State Forest and cut it--if you do the principle of sustained yield is violated. Now what may be happening is that there is some other timber available on state land that is not currently included in the Tanana Valley State Forest and is not regulated regarding an annual allowable cut--it is currently uncommitted. An example of such an area that is being developed into a campground or an area in which flooding has killed trees. The idea of moving to some place else is only a temporary solution; it is the equivalent of "cut and move-on." It also ignores the future--again the qualifying phrase "under current conditions" comes into play. Unfortunately, in this case it shows that there is no commitment by the state to long term timber management. This lack of commitment is a real concern to industry considering locating in Alaska!

*Why the existing planning process is not satisfactory*

The first thing that must be recognized is the principle that planning is not static. Every plan must be reviewed and ways to improve it to better meet the needs of society as a whole or the organization must be considered. Plans are updated. I don't believe that a Commissioner would go ahead and change a plan as suggested just for the sake of changing the plan. There are checks and balances including the hearing process.

With respect to the Tanana Valley Forest Plan, the plan must be reviewed every five years to determine if revisions are necessary. The plan must be flexible so that it can accommodate economic and social changes. Society is not static; society's needs changes. Procedures are laid out as to how the plan can be revised. Major amendments require public notice and public hearings; amendments may be proposed by agencies, municipalities, or members of the public. "A proposal to remove an area from the commercial timber base, to harvest the timber from an area where it is prohibited...are examples of changes requiring amendment."

Why have the proponents of the Public Use Area not formally proposed an amendment before trying the legislative route?

I believe all too often, excessive political pressure initiated by a few is brought to bear to change a plan. This is the worst thing that can happen to society if the pressure is from a private interest group--look at the efforts of the tobacco industry, the oil industry, and the defense industry. Look at the problems with local hire in Alaska and the pressure brought to bear on that issue. Look at the political pressure that has been brought to bear on the Tongass National Forest. You suggest that legislation is more permanent than the action of a Commissioner. I must question that. Legislation is no less secure than a plan under the administration of the commissioner. The Tongass legislation (appropriation) was changed. The Alaskan legislature changed ELF. An attempt is being made to legislatively change the land designation of a portion of the Tanana Valley State Forest to benefit a select few. In all three cases, the action is far more sweeping than the power of any Commissioner.

Enactment of a statute should be the last resort to the resolution of a conflict. Legislative action such as proposed here causes divisiveness, polarizes communities or segments of communities, destroys working relationships. It creates opportunities for power trips, not by legislators, but proponents of various actions. If you do not believe me, look at the situation in Fairbanks with regards to the tax issues.

The statement states, "The Tanana Basin Area Plan suggests that the river corridor be considered for legislative designation as a recreation area." I note the words, "river corridor". How does the Quartz Lake acreage of 15,137 acres fit into this corridor? The Recreation River Corridor contains 47,290 acres; yet the area proposed by the bill, reduced by about 55%, of about 418,000 acres (see page 2, paragraph 2 of the statement) is considerably more than what has been recognized as the Goodpaster River Corridor. Your letter refers to the confusion and misunderstandings regarding the area; well, frankly, I am confused how the River Corridor has grown to be 8.9 times the size it was. Certainly, the Tanana Basin Plan suggestion regarding the river corridor did not include 418,000 acres much less the original proposal that was more than double that figure. This last sentence is simply misleading!

I have had my say. It is more than I anticipated. Senator Fahrenkamp, I supported you strongly in your effort to pass the Tanana Valley State Forest bill. I am most perplexed by your ready willingness to start dismembering the Forest. I wish more of your effort were placed in getting the minimum 25 percent of timber receipts returned to timber management so that the timber supply would remain secure. You indicated that the Goodpaster area comprises approximately five percent of the Tanana Valley State Forest. Remember five percent of a dollar is a nickel, and

right now the timber base of the Tanana Valley State Forest is being nicked and dined to death just like the timber base is being nicked and dined to death elsewhere in the state. My livelihood depends on the forest resource and I am concerned.

I am opposed to the proposed legislation. I am opposed to legislation that benefits the select few, in this case a small number of self-righteous property owners on the Goodpaster River who have gained your undivided attention and have you convinced they are the most noble of all.

Formal copies of this letter have been sent to the State Forester and to the Regional Forester in Fairbanks. Please provide Representative Boyer access to this letter. When I referred to the "bill," I was referring to both the House and Senate versions.

My invitation to you to look at the forest still holds. I look forward to the answers to the questions that I have raised in my response to your letter. We have to sit down and talk facts; I hope you agree.

Sincerely,

Edmond C. Packee, Ph.D.  
Forester

cc: M. "Bob" Dick, State Forester  
L. Fortune, Regional Forester

**TIMBER AND LAND IMPACTS - GOODPASTER PUBLIC USE AREA (HB 239)**  
 Prepared by Northern Region Office, Alaska Division of Forestry, April 11, 1989

1, Acreage and timber within proposed Goodpaster River Public Use Area (HB 239)

	ACREAGE		TIMBER VOLUMES		ANNUAL ALLOWABLE CUT <sup>3</sup>	
	Total (Acres)	Timberland (Acres)	Spruce Sawtimber (MMBF) <sup>1</sup>	Mixed Fiber (MMCF) <sup>2</sup>	Spruce Sawtimber (MMBF)	Mixed Fiber (MMCF)
TVSF Unit 9	47,050	36,621	41.12	26.55	.63	.71
TVSF Unit 10	28,121	21,298	30.66	12.64	.47	.34
Quartz Lake	15,137	10,924	16.08	7.30	.25	.19
Rec. River Corridor	47,290	32,396	48.99	23.99	.75	.64
Other State Lands	312,020	161,216	236.41	119.57	4.05	3.19
<b>Total</b>	<b>449,618</b>	<b>259,455</b>	<b>400.26</b>	<b>190.24</b>	<b>6.16</b>	<b>5.07</b>

1.35 billion board ft.  
or  
290 million cubic ft.

37.5 million board ft.  
or  
6.6 million cubic ft.

*Note:  
error  
30,000 ft  
1055  
Timberland  
Volume*

- 1, MMBF = million board feet
- 2, MMCF = million cubic feet
- 3, Von Mantel's formula; 130 year sawtimber rotation, 75 year fiber rotation.

2, HB 239 reductions of current operable timberland and annual sale offerings

	<u>Suitable Timberland</u>	<u>Allowable Sale Quantities</u>	
TVSF UNIT 9A:	16,000 acres	364 MBF	200 CCF
QUARTZ LAKE:	10,900 Acres	250 MFB	500 CCF
TOTAL	26,900 Acres	614 MFB	700 CCF

The existing Delta area operable allowable cut on the TV/SF is 1.3 MMBF, total state land AAC is estimated at 2 MMBF.

# 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

February 2, 1990

Dear Fairbanks and Delta Junction Residents:

The Senate Resources Committee will be holding a hearing on SB 167, a bill creating the Goodpaster Public Use Area. The hearing will be teleconferenced to the Fairbanks Legislative Information Office, 119 N. Cushman St., Suite 101 and to the Delta Junction Legislative Information Office, Jarvis Office Center, Room 210, on February 7, 1990 from 1:30 to 3:30pm. Public testimony is invited.

Since the introduction of this bill, a Department of Natural Resources Goodpaster Working Group was established to review the various management plans as they relate to the Goodpaster River corridor. Public workshops were conducted in Delta and Fairbanks and a preliminary management plan will be presented for public hearings in April.

In spite of this effort, several crucial issues remain which unfortunately, could not be addressed in the plan. As a result, a new version of SB 167 has been drafted.

The enclosed draft, dated January 29, 1990, reduces the size of the public use area to about 200,000 acres and does not remove any land from the Tanana Valley State Forest. It adds timberland to the state forest and sets up a special unit of the forest in which no harvesting or roads are allowed.

In addition to restating legal descriptions (over 30 pages), these major changes are described as follows:

A new unit of the forest is created, "Special Forest Management Land". The legal description of its boundary begins on page 29. Previously, these areas were proposed to be put in the public use area. On page 31, this special unit is described. In the section known as 9A in the Tanana Valley Forest Plan (about 57,000 acres), no timber harvesting would be allowed, nor could any roads be constructed under this bill. The remaining special lands could be harvested in the winter (about 16,000 acres).

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An act establishing the  
Goodpaster Public Use Area  
Sponsor: Fahrenkamp  
Requestor: \_\_\_\_\_

Agency Affected: Dept. of Fish and Game  
BRU: Habitat  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

**FUNDING:** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

No FY90 Impact

Prepared by: for Frank Rue  
Division: Habitat  
Approved by Commissioner: James P. Wilby  
Agency: Department of Fish and Game

Phone: 465-4105  
Date: 2/7/90  
Date: 2/7/90

**Distribution (by preparer):**

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



# Alaska State Legislature

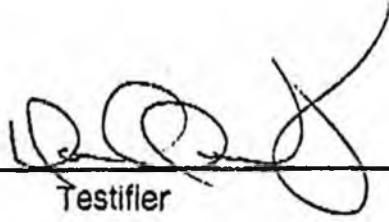
Please enter into the record my testimony to the Senate Resources  
 committee name  
 committee on SB #167, dated February 7, 1990  
 bill/subject

This bill is unnecessary! The Alaska Department of Natural Resources is given the responsibility of managing most of Alaska's natural resources. Section 41.23.150 of this bill even states that "management . . . is the responsibility of the commissioner". This responsibility has been exercised in the past as evidenced by the tremendous expenditures of time and effort from both the public and private sectors that have resulted in three land management plans being developed which include the Goodpaster River area.

1. Delta Land Management Plan
2. Tanana Valley State Forest Plan
3. Tanana Basin Area Plan

All of these plans were developed from public hearings and workshops. They all contain provisions for public review and modifications if deemed necessary. In other words, the current process works with ample opportunity for the land holders along the Goodpaster River to provide their input. The Legislature does not have to usurp the land management responsibility of the Department of Natural Resources and legislate land use for individual watersheds, especially for the 80 or so Goodpaster land holders. Remember, that land belongs to all of us!

Thank you.

Signed: 

Don Quarberg

Testifier

Self

Representing (Optional)

P.O. Box 349, Delta Junction, AK 99737

Address

895-4215

Phone No.

# **CORRECTION**

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

# Alaska State Legislature

## Senate Resources Committee

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



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This no harvest, no roads approach satisfies the concerns of the river users. All other multiple uses would be allowed in this area. By not removing the land from the forest, neither its boundaries nor the annual allowable cut would be reduced. In fact, the bill proposes to add approximately 32,000 acres of nearby timbered land to the state forest.

A great deal of time has been spent crafting this version of the bill in an effort to settle this issue. Your thoughtful consideration of it is requested.

Thank you very much.

Sincerely,

  
Senator Bettye Fahrenkamp, Chairman  
Senate Resources Committee

Enclosure

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An act establishing the  
Goodpaster Public Use Area  
 Sponsor: Fahrenkamp  
 Requestor: \_\_\_\_\_

Agency Affected: Dept. of Fish and Game  
 BRU: Habitat  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

No FY90 Impact

Prepared by: Frank Rue  
 Division: Habitat

Phone: 465-4105  
 Date: 2/7/90

Approved by Commissioner: [Signature]  
 Agency: Department of Fish and Game

Date: 2/7/90

**Distribution (by preparer):**

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



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources committee name

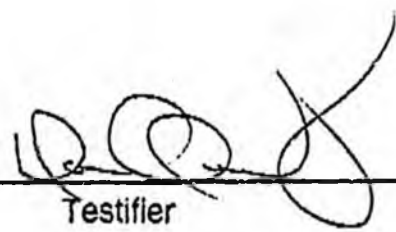
committee on SB #167 , dated February 7, 1990 bill/subject

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Thank you.

Signed:  \_\_\_\_\_ Don Quarberg

Testifier

Self \_\_\_\_\_

Representing (Optional)

P.O. Box 349, Delta Junction, AK 99737 \_\_\_\_\_

Address

895-4215 \_\_\_\_\_

Phone No.




# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
committee name  
committee on SB 167, dated February 7, 1990  
bill/subject

The government has their fingers in enough pies now. The Goodpaster should be left as is with no more government interference. Government's track record isn't great while falling prey to too many special interest groups.

Signed:

  
Testifier

Toni Jo Johnson

Representing (Optional)

P.O. Box 818, Delta Jct., AK 99737

Address

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the Senate Resources  
committee name  
committee on Senate Bill 167, dated 2-7-90  
bill/subject

In my opinion, SB 167 was bad legislation last year and despite a new version, it is still bad legislation.

The State Department of Natural Resources along with other state agencies and public comment has developed a management plan for the Goodpasture River area as part of the update of the Tanana Basin Area Plan. A letter that I received from Senator Fahrenkaap stated that several crucial issues remain which could not be addressed in the DNR proposal and that was the reason for a new version of SB 167. That in fact is not the case. The DNR preliminary proposal addresses timber harvest, access roads, future land disposal, visual impacts, multiple uses, ATV use, as well as other management guidelines for the Goodpasture River Corridor and Units 9 and 10 of the Tanana Valley State Forest. These are the issues and concerns that are being addressed in SB 167.

The support for SB 167 seems to come from a special interest group made up of landowners on the Goodpasture River who want to follow a no timber harvest and no roads management approach. It is because the DNR proposal does not follow that approach that they continue to push passage of SB 167.

I do not feel that the legislature should circumvent the states planning process on management of state lands. The DNR proposal incorporates sound technical data from the state agencies that currently manage the Goodpasture area along with public comment from all users of the Goodpasture River. This is a much better approach to solving resource management concerns than proposing legislation on the request of small special interest groups.

If the committee intends to continue support of this legislation, I request that a Public Hearing be held on this issue in Delta Junction prior to finalization of this bill. This will allow all of the public users of the Goodpasture River the opportunity to express their views to the committee. A one and one half hour teleconference hearing is woefully inadequate to allow local residents the opportunity to voice their opinion.

Management of the Goodpasture River and the surrounding uplands to protect and maintain the natural resources and the public use and enjoyment of those resources is and should continue to be the states management objective. The states existing planning process is the best method to resolve potential conflicts. Legislation action to meet the needs of special interest groups does not result in management that will meet the needs of the resource base or provide the best interest of all of the state residents.

I ask the committee to drop this legislation and support the DNR planning process for management of the Goodpasture River.

Thank you for the opportunity to voice my opinion on this important issue.

Signed: Gary N. Champlin  
Testifier Gary Champlin

Myself  
Representing (Optional)

Box 428, 2141 Mullins Rd, Delta Junction, AK  
Address

895-5004  
Phone No.

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907. 465. 3800

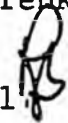
## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1989

SUBJECT: Distinctions between Public Use Areas and  
State Parks (SB 167)

TO: Senator Bettye Fahrenkamp

FROM: Richard A. Bradley   
Legislative Counsel

Tom Moyer has asked that I comment on the distinctions between the laws establishing and regulating state parks and those regulating the more recent creation, the public use areas. State parks (and recreational areas, a subset of state parks) are established under AS 41.21. Public use areas are established under AS 41.23.

The easy and clear distinction between the two groups of land management areas is the multiple use concept. The general consistent pattern is that state parks are closed to multiple use. Thus the following laws close state parks to multiple use:

- (1) AS 41.21.110 - Chilkat State Park;
- (2) AS 41.21.120 - Chugach State Park;
- (3) AS 41.21.130 - Kachemak Bay State Park;
- (4) AS 41.21.140 - Kachemak Bay State Wilderness Park;
- (5) AS 41.21.150 - Denali State Park;
- (6) AS 41.21.160 - Wood-Tikchik State Park;
- (7) AS 41.21.170(b) - Shuyak Island State Park;
- (8) AS 41.21.180 - Point Bridget State Park;
- (9) AS 41.21.300(b) - state marine parks.

The laws regarding the establishment of the Kachemak Bay State Wilderness Park and the Point Bridget State Park are not explicit regarding their closure to multiple use but in my opinion they are nonetheless closed.

A similar pattern exists relative to the state recreation areas; they are closed to multiple use:

- (1) AS 41.21.410 - Captain Cook State Recreation Area;
- (2) AS 41.21.430 - Caines Head State Recreation Area;
- (3) AS 41.21.450 - Nancy Lake State Recreation Area;
- (4) AS 41.21.470 - Chena River State Recreation Area;
- (5) AS 41.21.491(c) - Willow Creek State Recreation Area;
- (6) AS 41.21.502(b) - Kenai River Special Management Area;
- (7) AS 41.21.610(d) - Alaska Chilkat Bald Eagle Preserve.

On the other hand, public use areas are established under AS 41.23 and the chapter title describes the result:  
"Multiple Use Management of Public Resources."

To some extent, the lands within public use areas are subject to closures to certain uses administratively. Thus the commissioner of natural resources is typically given the management authority to determine "incompatible uses" after the legislature recites certain "purposes" for the establishment of the area.

The law typically addresses the status of mining within these areas:

- (1) AS 41.23.020(c) - Nelchina PUA: open to mineral entry;
- (2) AS 41.23.050 - 41.23.080 - Ernia Haugen PUA: the law is silent but the PUA is relatively small and perhaps urban;
- (3) AS 41.23.110(e) - Hatcher Pass PUA: closed to mineral entry after September 1, 1986;
- (4) AS 41.23.470 - recreation rivers: if permitted under the management plan, on upland areas.

Senator Bettye Fahrenkamp

Page 3

April 27, 1989

The Goodpaster PUA is silent on mining access and the question of its future will be determined by the commissioner as compatible, or not, with the purposes of the PUA.

In short, the essential distinction between a state park or recreation area and a public use area is the multiple use concept; parks are not multiple use areas and public use areas are.

If I may be of further assistance, please advise.

RB:kb  
wkk4/054



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 167	SPONSOR Fahrenkamp
SHORT TITLE OF BILL An Act Establishing Goodpaster Public Use Area			
DEPARTMENT POSITION Support			
PREPARED BY Frank Rue, Director	DATE 2/16/89	COMMISSIONER'S SIGNATURE <i>Frank Rue</i>	DATE 3/8/89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL  Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL  All Users of State Land
ORGANIZATIONAL SUPPORT FOR BILL  Unknown	ORGANIZATIONAL OPPOSITION TO BILL  Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This measure designates nearly all vacant and unappropriated state-owned land within the Goodpaster River watershed as a Public Use Area to be managed by the Department of Natural Resources (ADNR). The Public Use Area is established to protect and maintain (1) fish and wildlife habitat and harvest opportunities and (2) general public recreation in a quality environment.

ANALYSIS OF BILL/PROGRAM EFFECTS

This measure requires the DNR to develop a management plan, in consultation with the Department of Fish and Game, to regulate public uses of the area consistent with the protection of fish and wildlife habitat, harvest opportunities and general recreational uses. Management of this area may not restrict lawful subsistence and sport hunting, fishing or trapping allowed under the auspices of the Board of Game or the Board of Fisheries. Traditional access to private inholdings for hunting, fishing, trapping, and recreational purposes allowed consistent with the purposes for establishment of this area. Commercial logging, road construction, or disposal of the surface estate is prohibited.

AMENDMENTS PROPOSED

None at this time. However, clarification is needed regarding the effect dedication of this public use area will have on potential habitat enhancement activities, in particular fire management for moose habitat enhancement. The proposed prohibition against commercial logging in Section 41.23.150 coupled with restrictions, if any, on an active fire management program could significantly impact the ADF&G's ability to manipulate boreal forest successional rates to enhance moose production.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act Establishing the  
Goodpaster Public Use Area  
Sponsor: Fahrenkamp  
Requestor: \_\_\_\_\_

Agency Affected: Dept. of Fish and Game  
BRU: Habitat  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

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

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

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING:** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Frank Rue  
Division: Habitat

Phone: 465-4105  
Date: 2/16/89

Approved by Commissioner: *James A. Hickley*  
Agency: Department of Fish and Game

Date: 3/3/89

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

TESTIMONY TO SENATE RESOURCES COMMITTEE

MARCH 8, 1989

Madame Chair and Committee Members, my name is Barry Haight. I represent the Goodpaster River Property Holders Association. The Goodpaster River Property Holders formed in 1982 as year round use of the river increased, causing concern for the future of the watershed. Goals of our organization include preservation, perpetuation and enhancement of wilderness characteristics of Goodpaster drainage and sound fish and game management.

Since forming, the organization has maintained continuous involvement in various public processes which have involved the Goodpaster River area. We have taken the lead in encouraging planning approaches that recognize and seek to maintain a high quality outdoor environment for Interior Alaskans. While taking such leadership, the Association has established that there is a deep reservoir of similar sentiment among itinerant users of the river. Too often in the past such citizen sentiment has been secondary to government agency resource managers seeking bureaucratic rather than citizen goals.

The Goodpaster watershed is 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, it is most frequently referenced as having high recreational values. It is also frequently referenced as having traditional use patterns, particularly fur and game harvest, and is good habitat for moose. The Goodpaster River is an important King Salmon spawning river and the last such stream in the Tanana River drainage.

Comments by planners through input from interested groups and users picture the watershed as a valuable Interior recreation area. Comments also reflect that other resource values are modest. Agriculture, for example, is excluded as a potential. Similarly, while there are some timber resources immediately adjacent to the river, such resources are not concentrated. Presently, there is a small placer mining effort in the area, but historically the Goodpaster drainage has not been a significant mineral producing region.

Therefore, it is our contention that the highest and best use for the Goodpaster watershed is traditional recreation and wildlife habitat. Senate Bill 167 would help maintain the high quality of these uses and minimize user impact and conflicts for the greatest number of Alaskans. SB 167 provides for a broad range of uses with minimum exclusions and regulations.

The South Central region of the state has similar designated lands such as the Nelchina Public Use Area, Ernie Haugen Public Use Area, the Hatcher Pass Public Use Area, and the six South Central recreation rivers as classified in House Bill 93 of 1987.

Interior Alaska near Fairbanks does NOT have other navigable clear water streams that are not already restricted or heavily impacted by other uses.

Finally, we are aware of the inflammatory accusation that current users or property owners seek only to maintain a private domain, and exclude others. Such a notion may pose an interesting philosophical question, and stir emotions, but does not address the central question of: What is the carrying capacity of the Goodpaster River area?

We know that as a practical matter, not everyone in Fairbanks or Delta Junction can own property on the river. We also know that with passage of time and population increases, the itinerant visitor will become the dominant user of the Goodpaster area. We believe those visitors will seek, as we have, an uncrowded place to camp and enjoy while avoiding the various user restrictions which most Alaskans seem to abhor. The proposed Legislation protects such values for future generations, as well as current users. We ask favorable passage of Senate Bill 167 from this Committee.

3/11/89

Habitat Biologist's Notes on the Value  
of the Goodpaster River for  
King Salmon, Chum Salmon and Grayling Production

As you might expect, there is no valid way to quantitatively compare this stream with everything else in the state. However, there are qualitative ways to assess it.

King Salmon - The Goodpaster River is less important as a king producer than several other streams in the Tanana drainage (for example, the Chena or the Salcha). However, biologists have felt that the aggregate production from small and medium producers may well be greater than the production from the few "big" producers. Although the Goodpaster is not a leading producer of kings, it is important as a part of the complex that provides king runs in the Tanana. In turn, the Tanana is a very important component of the Yukon drainage production.

The following is survey data for the Goodpaster and is useful as index material to compare run strength between years, but it underestimates the number of fish in the river, especially since they are the result of one-time surveys.

Dates of king salmon records: 7/16/54 81 fish, 7/31/60 126, 7/27/61 402, 8/8/65 60, 8/2/70 239, 8/?/72 8 (not a survey, just an observation), 8/8/72 21, 8/7/73 14, 7/29/74 194, 7/29/76 65 (partial survey), 8/3/77 29, 7/29/83 148, 8/8/84 165, 8/15/85 132.

For comparison, the Salcha, which is usually the big producer on the Tanana had numbers in the thousands for many of those years. So did the Andreafsky River, the Chena River in some years, and Canadian/Yukon streams in aggregate.

Chum Salmon - Although the production of chum salmon in the Goodpaster is not high, radio-tracking surveys by department biologists indicate the important contribution that areas of lesser importance, when taken together, make to the overall chum salmon production in a larger, major drainage system.

Grayling - Although the Goodpaster is again not a real heavy producer, it is important for grayling since it has been shown that fish produced in the river move elsewhere and provide fishing at heavily used areas like the Delta Clearwater. Also, the Goodpaster has been used for grayling egg take by ADF&G.

The Goodpaster is a heavily used recreation stream - again not as much as the Salcha, which has road access to its mouth, a larger run of kings, is closer to Fairbanks and the military bases, and is more easily boatable. The Goodpaster does support a lot of use, much of it coming from the boat ramp on the Tanana at Delta. In summary, the Goodpaster is a well-known, heavily-used river affording high-quality fishing/hunting opportunities.

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF FISH AND GAME

P.O. BOX 605  
DELTA JUNCTION, ALASKA 99737-0605

Bryon Haley  
1002 Pioneer Rd.  
Fairbanks, Alaska, 99701

Nov. 22, 1989

Dear Mr. Haley,

Thank you for informing us of the tagged grayling you caught in the Goodpaster River. The Department uses tags to individually mark fish for estimates of population size, growth, mortality, and recruitment. Recaptures of these tags by anglers and the Department also provides movement data and exploitation (harvest) rates. The preliminary estimate of the number of grayling 6" and larger in the lower 33 miles of the Goodpaster this past August is 8,044  $\pm$  17%. The estimate is based on a sample of 1,936 fish. Sixty-eight percent of these were 6 to 10.5 inches, 28% were 10.5 to 13 in., and 3% were larger than 13 in..

Recaptures of tagged Goodpaster grayling have also been made in the Delta and Richardson Clearwater Rivers, Clear and Blue Creeks, and the Tanana River at Shaw Creek and Big Delta. We have also tagged in other waters in the area and some of these fish have been caught in the Goodpaster! The pattern that has developed shows the importance of the Goodpaster. The river serves as a spawning and rearing area for grayling. Some of these grayling move to these other streams for summer feeding, to the Tanana for overwintering, and some remain in the Goodpaster. The clearwater streams have important summer fisheries of their own yet have no spawning and hence are dependent on the Goodpaster.

Your tagged fish:

Tag #	G	-----At tagging:-----				-----At recapture-----	
		Date	Location	Size	Age	Date	Size
83236	G	8/17/88	Goodpaster mi20	10.7"	5	5/14/89	11"

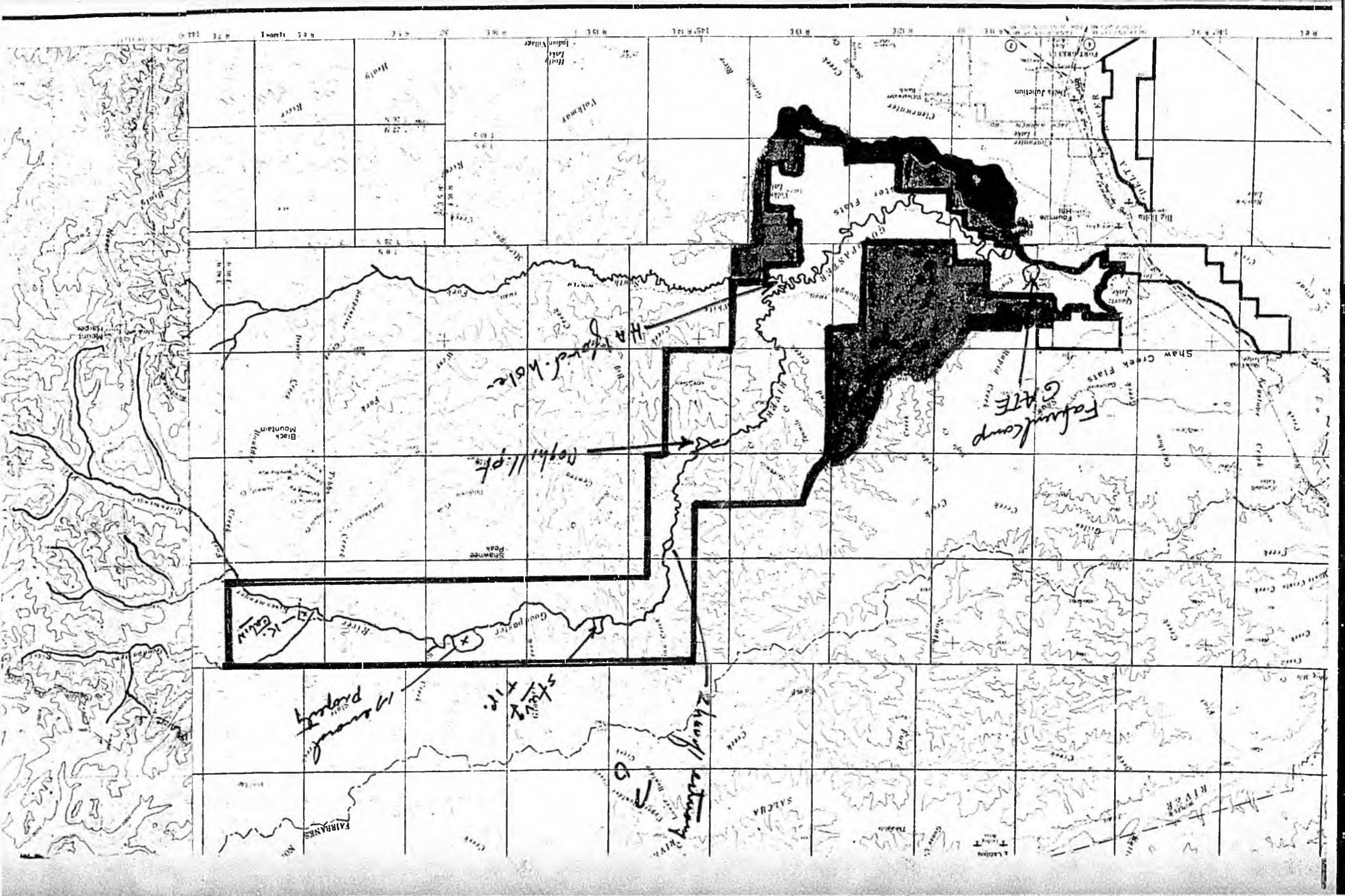
We measure from the nose to the "V" of the tail. Add an inch if you've measured to the "tip" of the tail. Grayling in the 8 to 12" range grow between 1 to 2.5" a year and are generally 4 to 6 years old. They can live to 14 years but growth decreases the older they get.

The Department and myself appreciate your information and interest and I apologize for the late reply. If you have questions or would like more info, please call or write. Again, thank you and good fishing!

Sincerely,

*Bill*

Bill Ridder  
Fishery Biologist  
Sport Fish Division  
(907)895-4632



**S B**

**176**

2/16/89

Mr. President:

RESOURCES

Committee considered

SB 176

use of big game harvest permits as prizes or premiums in fund-raising activities for fish and game conservation and law enforcement purposes conducted by qualified nonprofit organizations.

and recommended:

replace with CS SB 176 (Res)  same title

attached amendment(s) and

new title

\_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S) attached  zero

fiscal impact

appropriation no FN attached

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*William*  
*...*  
*Cecil Sturgis*  
*...*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Letter February 20 1989*  
Chairman signature and recommendation

Committee backup attached

permit is issued.

(c) In this section "qualified organization" means a nonprofit corporation established to promote fish and game law enforcement that complies with applicable laws governing activities under this section.

## FISCAL NOTE

**REQUEST:**

Revision Date: 3/20/89 Agency Affected: Fish and Game  
 Title: An Act Relating to the Use of Big Game Harvest Permits as Prizes for Fundraising BRU: Wildlife Conservation  
 Sponsor: Senator Frank Components: \_\_\_\_\_  
 Requestor: Senate Resources Committee

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>	0	25.0	30.0	35.0	35.0	35.0

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Passage of CSSB 176 would result in no additional expenditures by the department. There is a potential, however, for adding considerable revenue to the Fish and Game Fund for subsequent appropriation to conservation programs.

Prepared by: Donald E. McKnight Phone: 465-4100  
 Division: Wildlife Conservation Date: 3/21/89

Approved by Commissioner: Don W. Collinsworth Date: 3-21-89  
 Agency: Fish and Game

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

FISCAL NOTE

REQUEST:

Revision Date: 3/21/89  
Title: Big game harvest permits as prizes  
Sponsor: Senator Frank  
Requestor: Senate Resources

Agency Affected: Public Safety  
BRU: Fish and Wildlife Protection  
Component: \_\_\_\_\_

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Since this bill does not create any added impact on the resource or additional resource users in the field, we do not anticipate any additional expenditure of funds.

Prepared by: Lt. William Valentine  
Division: Fish and Wildlife Protection  
Approved by Commissioner: Arthur English  
Agency: Department of Public Safety

Phone: 789-2161  
Date: 3/21/89  
Date: 3/21/89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: Big game harvest permits as prizes BRU: Fish and Wildlife Protection  
 Sponsor: Senator Frank Component: \_\_\_\_\_  
 Requestor: Senate Resources

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

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

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

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Since this bill does not create any added impact on the resource or additional resource users in the field, we do not anticipate any additional expenditure of funds.

*JM*  
*2/8/89* Prepared by: Lt. William Valentine  
Division: Fish and Wildlife Protection

Phone: 789-2161  
Date: 3/8/89

Approved by Commissioner: *B.A. English*  
Agency: Department of Public Safety

Date: 3/8/89

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1989

SUBJECT: Dedication of proceeds of certain  
fund-raising activities; SB 176

TO: Senator Bettye Fahrenkamp  
Chair  
Senate Resources Committee

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum is in response to a query by Nancy Peterson of your staff, as to whether the proceeds of fund-raising activities proposed by SB 176 could be placed directly into the fish and game fund without violating the state constitutional prohibition against dedicated funds.

The short answer is no.

The Alaska constitution provides:

The proceeds of any state tax or license shall not be dedicated to any special purpose, except . . . when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska. (Article IX, sec. 7)

For the purpose of the prohibition against dedicated funds "proceeds of any state tax or license" means any source of revenue including a tax, license, rental, sale, or royalty. State v. Alex, 646 P.2d 203, 210 (Alaska 1982); 1975 Alaska Op. Atty. Gen. No. 9. The only exceptions to the prohibition against dedicated funds are those dedicated funds existing at the time the constitution was ratified or those dedicated funds required for participation in a federal program or those dedicated funds created by amendment of the constitution such as the Permanent Fund. The fish and game

fund did not exist at the time the constitution was ratified, so it does not qualify under this exception. However the state is required as a condition of participation in certain federal programs for fish and wildlife restoration programs (Dingell-Johnson program and Pittman-Robertson program) to dedicate license fees from sport fishing, hunting, and trapping licenses to the state's sport fish and wildlife programs. Thus the fish and game fund is excepted from the prohibition against dedicated funds to the extent that the dedication is required to comply with the federal program (1959 Op. Atty. Gen. No. 14), however state revenues other than sport fish and wildlife license fees cannot be dedicated to the fish and game fund. State revenues other than the required license fees may be deposited into the fish and game fund to support fish and game activities, but they first must be appropriated to the fund by the legislature.

SB 176 establishes a system whereby certain qualified organizations may enter into agreements with the commissioner of fish and game to conduct fund-raising activities in which the prize or premium to be awarded is a big game harvest tag. The commissioner would issue the tag to the winner of the fund-raising activity. The qualified organization would be able to retain sufficient money from the proceeds of the activity to reimburse itself for the cost of administering the fund-raising activity plus 10 percent of the proceeds. The remainder of the proceeds was to be given to the commissioner under AS 16.05.050 for purposes determined by the qualified organization. Under the proposed CS SB 176 (Resources) the qualified organization must transmit the money to the commissioner for deposit into the general fund from which the legislature could appropriate the money to the fish and game fund.

The mechanism for conveying the money to the commissioner under SB 176, as introduced, probably would not be considered a dedicated fund because the procedure retains sufficient attributes of a gift so as not to be considered state revenue. Gifts of money to the state are not state revenues and may be used in the manner determined by the donor.

On the other hand the procedure proposed by the Resources CS requires that the money be transmitted to the commissioner without any discretion on the part of the qualified organization as to how it would be used. In this case the whole

Senator Bettye Fahrenkamp  
Page 3  
March 9, 1989

nature of the transaction is like payment of a license fee to conduct the fund-raising activity and the proceeds are state revenues. The proceeds cannot be placed directly into the fish and game fund because the proceeds of fund-raising activities are not covered by the requirements of the federal programs and thus are not exempt from the prohibition against dedicated funds.

The accepted procedure for achieving the net effect of a dedication of funds, albeit less direct, less certain, and more cumbersome, is to have the legislature appropriate the funds to the intended fund or account.

If I may be of further assistance, please advise.

GU:gc  
WKG7/126

STEVE FRANK  
DISTRICT K  
SEAT A

119 N. Cushman. Rm. 213  
Fairbanks, Alaska 99701

*While in Juneau*  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 514

# Alaska State Legislature



Senate

MEMBER  
Finance Committee  
Resources Committee  
Legislative Council  
Special Committee on Banking &  
Economic Development

VICE-CHAIR  
Community & Regional  
Affairs Committee

TO: All Senate Members  
FROM: Senator Steve Frank  
RE: CSSB 176(Fin)  
DATE: April 11, 1989

CSSB 176(Fin) provides a mechanism for the Department of Fish and Game to contract with qualified organizations to conduct an auction or raffle for the purpose of annually issuing a harvest permit for one bison from the Delta herd. At least 90% of the net proceeds will be deposited directly into the Fish and Game Fund, thus providing an additional source of revenue for the department's conservation programs.

This legislation was suggested by Alaska Fish and Wildlife Safeguard. They are supportive because, as a qualifying organization, they view this as a successful means of gaining public exposure and promoting their goal of fish and game law enforcement in Alaska, while at the same time raising funds for conservation and management programs of the Department of Fish and Game.

CSSB 176(Fin) is supported by the Department of Fish and Game and the Department of Public Safety - Division of Fish & Wildlife Protection. It has also been endorsed by the Alaska Outdoor Council, representing 54 sportsmen and outdoor organizations statewide.

I see this as a very worthwhile proposal and, given our current budget situation, I think it is a timely and positive step toward finding new revenue sources for fish and game management and habitat enhancement. I urge your support of CSSB 176(Fin).



U  
A  
U



SB176

1 IN THE SENATE

CS FOR SENATE BILL NO. 176 (Finance)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SIXTEENTH LEGISLATURE - FIRST SESSION  
A BILL

6 For an Act entitled: "An Act relating to auctions and raffles for bison  
7 harvest permits; and providing for an effective  
8 date."

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

10 \* Section 1. AS 16.05 is amended by adding a new section to read:  
11 Sec. 16.05.343. AUCTIONS AND RAFFLES FOR BISON HARVEST PERMITS.  
12 (a) The department, subject to regulations adopted by the Board of  
13 Game, may issue one bison harvest permit each year for a bison from  
14 the Delta bison herd through a competitive auction or raffle. Not-  
15 withstanding AS 36.30, the department may authorize a qualified orga-  
16 nization to conduct the auction or raffle on behalf of the department.  
17 If the auction or raffle is conducted by a qualified organization, the  
18 organization may retain an amount from the gross proceeds of the  
19 auction or raffle equal to the administrative cost of the auction or

Selection=>

PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT  
BASIS Text for CSSB 176(FIN) Screen 2 of 2  
SB 176 Printed Page 1

20 raffle plus an amount not to exceed 10 percent of the net proceeds.  
21 All remaining proceeds from the auction or raffle of the bison harvest  
22 permit whether conducted by the department or as otherwise authorized  
23 by the department shall be deposited in the fish and game fund under  
24 AS 16.05.100.

25 (b) The exercise of a privilege conferred by a bison harvest  
26 permit issued under this section is subject to laws relating to the  
27 time, place, and manner of taking bison from the Delta bison herd.

28 (c) In this section "qualified organization" means a nonprofit  
29 corporation established to promote fish and game law enforcement that  
30 complies with applicable laws governing activities under this section.

31 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Selection=>

PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12  
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT

Senate Finance CS changed the  
title from lotteries to raffles  
and limited the species to "bison"  
at the suggestion of AOC.

Sen Frank agreed with those changes

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1989

SUBJECT: Technical, nonsubstantive amendments  
to existing statutes contained in SB 176

TO: Senator Steve Frank

FROM: George Utermohle *GU*  
Legislative Counsel

As per your request this memorandum reviews the technical, nonsubstantive amendments to existing statutes contained in SB 176, An Act relating to auctions and lotteries for big game harvest permits.

Section 2 of the bill amends AS 16.05.255(a) by adding a new paragraph to give the Board of Game the authority to allocate big game harvest permits for issuance by competitive lotteries and raffles.

In addition to the substantive amendment to AS 16.05.255(a), the bill also contains technical amendments to the existing text of the subsection as part of a continuous effort to improve the statutes in order to make the drafting style of the subsection consistent with other statutes and the Manual of Legislative Drafting. In particular, commas are inserted before the "and" in the series of items listed in paragraphs (1), (3), (5), (7), and (9) of the subsection and the word "under" is substituted for the archaic phrase "in accordance with" in the beginning of the subsection. These changes to AS 16.05.255(a) are not substantive and do not change the legal effect of the statute. The effect of each amendment was considered before it was included in a bill. If a change in punctuation would alter the meaning of the existing law, the change would not be made because any such change of law would be outside of the sponsor's bill request and outside of the title of the bill.

6-0539E  
Utermohle  
3/8/89

Original sponsor: Frank

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 176 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of big game harvest  
7 permits as prizes or premiums in fund-raising activi-  
8 ties for fish and game law enforcement purposes  
9 conducted by qualified nonprofit organizations."

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

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

12 Sec. 16.05.058. BIG GAME HARVEST PERMITS AS PRIZES AND PREMIUMS.

13 (a) The commissioner, subject to regulations adopted by the Board of  
14 Game, may enter into annual agreements with qualified organizations  
15 established to promote fish and game law enforcement to issue a big  
16 game harvest permit without charge to an individual determined by  
17 lottery, public auction, or other fund-raising procedure conducted by  
18 the organization.

19 (b) A qualified organization that enters into an agreement with  
20 the commissioner under (a) of this section may retain from the pro-  
21 ceeds of the fund-raising activity an amount equal to the administra-  
22 tive cost of the fund-raising activity plus an amount not to exceed 10  
23 percent of the proceeds. The qualified organization shall remit the  
24 remaining balance of the proceeds to the commissioner for deposit into  
25 the general fund. The legislature may appropriate the amount de-  
26 posited under this subsection to the fish and game fund under AS 16.-  
27 05.100.

28 (c) The exercise of a privilege conferred by a big game harvest  
29 permit issued under this section is subject to regulations relating to

# **CORRECTION**

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

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 21, 1989

SUBJECT: Technical, nonsubstantive amendments  
to existing statutes contained in SB 176

TO: Senator Steve Frank

FROM: George Utermohle *GU*  
Legislative Counsel

As per your request this memorandum reviews the technical, nonsubstantive amendments to existing statutes contained in SB 176, An Act relating to auctions and lotteries for big game harvest permits.

Section 2 of the bill amends AS 16.05.255(a) by adding a new paragraph to give the Board of Game the authority to allocate big game harvest permits for issuance by competitive lotteries and raffles.

In addition to the substantive amendment to AS 16.05.255(a), the bill also contains technical amendments to the existing text of the subsection as part of a continuous effort to improve the statutes in order to make the drafting style of the subsection consistent with other statutes and the Manual of Legislative Drafting. In particular, commas are inserted before the "and" in the series of items listed in paragraphs (1), (3), (5), (7), and (9) of the subsection and the word "under" is substituted for the archaic phrase "in accordance with" in the beginning of the subsection. These changes to AS 16.05.255(a) are not substantive and do not change the legal effect of the statute. The effect of each amendment was considered before it was included in a bill. If a change in punctuation would alter the meaning of the existing law, the change would not be made because any such change of law would be outside of the sponsor's bill request and outside of the title of the bill.

Senator Steve Frank  
Page 2  
March 21, 1989

If a further explanation of the technical, nonsubstantive changes contained in the bill is necessary, please contact me.

~~cc: Senator Bettye Fahrenkamp  
Chair, Senate Resources Committee~~

GU:gc  
WKG8/050

6-0539E  
Utermohle  
3/8/89

Original sponsor: Frank

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 176 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of big game harvest  
7 permits as prizes or premiums in fund-raising activi-  
8 ties for fish and game law enforcement purposes  
9 conducted by qualified nonprofit organizations."

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

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

12 Sec. 16.05.058. BIG GAME HARVEST PERMITS AS PRIZES AND PREMIUMS.

13 (a) The commissioner, subject to regulations adopted by the Board of  
14 Game, may enter into annual agreements with qualified organizations  
15 established to promote fish and game law enforcement to issue a big  
16 game harvest permit without charge to an individual determined by  
17 lottery, public auction, or other fund-raising procedure conducted by  
18 the organization.

19 (b) A qualified organization that enters into an agreement with  
20 the commissicner under (a) of this section may retain from the pro-  
21 ceeds of the fund-raising activity an amount equal to the administra-  
22 tive cost of the fund-raising activity plus an amount not to exceed 10  
23 percent of the proceeds. The qualified organization shall remit the  
24 remaining balance of the proceeds to the commissioner for deposit into  
25 the general fund. The legislature may appropriate the amount de-  
26 posited under this subsection to the fish and game fund under AS 16.-  
27 05.100.

28 (c) The exercise of a privilege conferred by a big game harvest  
29 permit issued under this section is subject to regulations relating to

1 the time, place, and manner of taking the species for which the permit  
2 is issued.

3 (d) In this section "qualified organization" means a nonprofit  
4 corporation that complies with applicable laws governing fund-raising  
5 activities of nonprofit organizations.

6 \* Sec. 2. AS 16.05.255(a) is amended to read:

7 (a) The Board of Game may adopt regulations it considers advis-  
8 able under [IN ACCORDANCE WITH] the Administrative Procedure Act  
9 (AS 44.62) for

10 (1) setting apart game reserve areas, refuges, and sanctu-  
11 aries in the water or on the land of the state over which it has  
12 jurisdiction, subject to the approval of the legislature;

13 (2) establishing open and closed seasons and areas for the  
14 taking of game;

15 (3) establishing the means and methods employed in the  
16 pursuit, capture, and transport of game;

17 (4) setting quotas, bag limits, harvest levels, and sex,  
18 age, and size limitations on the taking of game;

19 (5) classifying game as game birds, song birds, big game  
20 animals, fur bearing animals, predators, or other categories;

21 (6) methods, means, and harvest levels necessary to control  
22 predation and competition among game in the state;

23 (7) watershed and habitat improvement, and management,  
24 conservation, protection, use, disposal, propagation, and stocking of  
25 game;

26 (8) prohibiting the live capture, possession, transport, or  
27 release of native or exotic game or their eggs;

28 (9) establishing the times and dates during which the  
29 issuance of game licenses, permits, and registrations and the transfer

1 of permits and registrations between registration areas and game  
2 management units or subunits is allowed;

3 (10) regulating sport hunting and subsistence hunting as  
4 needed for the conservation, development, and utilization of game;

5 (11) annually allocating big game harvest permits for dis-  
6 tribution by the commissioner under AS 16.05.058.

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6-0539H  
Utermohle  
3/16/89

Original sponsor: Frank

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 176 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to auctions and lotteries for big  
7 game harvest permits."

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

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

10 Sec. 16.05.343. AUCTIONS AND LOTTERIES FOR BIG GAME HARVEST  
11 PERMITS. (a) The department, subject to regulations adopted by the  
12 Board of Game, may issue big game harvest permits through a competi-  
13 tive auction or lottery. A qualified organization may be authorized  
14 by the department to conduct the auction or lottery on behalf of the  
15 department. If the auction or lottery is conducted by a qualified  
16 organization, the organization may retain an amount from the gross  
17 proceeds of the auction or lottery equal to the administrative cost of  
18 the auction or lottery plus an amount not to exceed 10 percent of the  
19 net proceeds. All remaining proceeds from the auction or lottery of a  
20 big game harvest permit whether conducted by the department or as  
21 otherwise authorized by the department shall be deposited in the fish  
22 and game fund under AS 16.05.100.

23 (b) The exercise of a privilege conferred by a big game harvest  
24 permit issued under this section is subject to laws relating to the  
25 time, place, and manner of taking the species for which the harvest  
26 permit is issued.

27 (c) In this section "qualified organization" means a nonprofit  
28 corporation established to promote fish and game law enforcement that  
29 complies with applicable laws governing activities under this section.

1 \* Sec. 2. AS 16.05.255(a) is amended to read:

2 (a) The Board of Game may adopt regulations it considers advis-  
3 able under [IN ACCORDANCE WITH] the Administrative Procedure Act  
4 (AS 44.62) for

5 (1) setting apart game reserve areas, refuges, and sanctu-  
6 aries in the water or on the land of the state over which it has  
7 jurisdiction, subject to the approval of the legislature;

8 (2) establishing open and closed seasons and areas for the  
9 taking of game;

10 (3) establishing the means and methods employed in the  
11 pursuit, capture, and transport of game;

12 (4) setting quotas, bag limits, harvest levels, and sex,  
13 age, and size limitations on the taking of game;

14 (5) classifying game as game birds, song birds, big game  
15 animals, fur bearing animals, predators, or other categories;

16 (6) methods, means, and harvest levels necessary to control  
17 predation and competition among game in the state;

18 (7) watershed and habitat improvement, and management,  
19 conservation, protection, use, disposal, propagation, and stocking of  
20 game;

21 (8) prohibiting the live capture, possession, transport, or  
22 release of native or exotic game or their eggs;

23 (9) establishing the times and dates during which the  
24 issuance of game licenses, permits, and registrations and the transfer  
25 of permits and registrations between registration areas and game  
26 management units or subunits is allowed;

27 (10) regulating sport hunting and subsistence hunting as  
28 needed for the conservation, development, and utilization of game;

29 (11) annually allocating big game harvest permits for

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issuance through a competitive auction or lottery by the department  
under AS 16.05.343.

**ZENITH 3377**



**ALASKA FISH & WILDLIFE  
SAFEGUARD**

5700 East Tudor Road, Anchorage, Alaska 99507

March 7, 1989

The Honorable Steve Frank  
Alaska State Senate  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Frank,

The Southeast Board of Directors for Alaska's Fish and Wildlife Safeguard program wishes to express its support and appreciation for your sponsorship of SB 176. This bill, paving the way for a hunting permit raffle or auction, will help further the wildlife causes in Alaska.

We understand there are several amendments proposed to the bill, and offer our suggestions. Concerning the type of organization the permits may be made available to, we believe it should read "fish and game law enforcement organization" rather than the proposed "fish and game conservation or fish and game law enforcement organization." We believe this will more closely match the permit recipients with the intent of the legislation.

The other amendment concerns the portion of raised funds which are turned over to the Department of Fish and Game. We do not believe the recipient organization should necessarily direct where the funds are to be applied. We trust to the professional determination of the Commissioner and his staff to allocate those funds, and would prefer to see those decisions remain with the Department.

Thank you for your effort on behalf of Alaska's wildlife.

Sincerely,

A handwritten signature in dark ink, appearing to read 'James B. Leet'. The signature is written in a cursive style and is positioned above the typed name.

James B. Leet  
Vice Chairman, Southeast Board of Directors  
Fish & Wildlife Safeguard

**TAKE AIM ON VIOLATIONS**

gation as the commissioner may deem advisable. (Eff. 9/7/60, Register 2)

Authority: AS 05.15.060  
AS 05.15.130

**15 AAC 105.210. PERSON IN CHARGE OF ACTIVITIES.** An organization applying for a permit shall designate on the original application a bona fide and active member to be responsible for the conduct of the activities on each occasion of holding a game of chance and skill. That member shall be responsible for maintaining all records required under this chapter. The member in charge shall be present during the conduct of each of the specific activities stated on the permit. An alternate member may be designated to conduct the authorized activities during the absence of the member in charge. (Eff. 9/7/60, Register 2; am 11/6/76, Register 60)

Authority: AS 05.15.060  
AS 05.15.130

**15 AAC 105.220. NET PROCEEDS.** (a) "Net proceeds" means the gross income from the sale of tickets or rights (including advance sales) to participate in an authorized activity, less the cost of prizes and authorized expenses as defined in (b) of this section.

(b) Authorized expenses are charges, fees and deductions which are reasonable and necessary to the operation of the activity as stated on the permit. Authorized expenses include payment for

- (1) equipment actually purchased for games;
- (2) printing of tickets or cards;
- (3) advertising for games;
- (4) nonalcoholic refreshments for games;
- (5) hall rentals, but only if the building is not owned by the permittee and only for the time actually used for operation of the games;
- (6) utility, repair and maintenance, and depreciation costs of a building owned by the permittee; these costs are allowable on a prorated basis for the actual hours used for the games in accordance with (c) of this section;
- (7) repairs for damages to equipment used for the games;
- (8) wages paid to workers operating the games, which may include members of the organization; these wages shall be paid only for the number of hours the games are actually being conducted and may not exceed one dollar per hour over the state minimum hourly wage;
- (9) postage, freight or accounting actually necessary for the games;
- (10) miscellaneous expenses directly pertaining to games only.

(c) The proration of building expenses shall be computed using a maximum use factor of 14 hours per day. For example, a bingo game is conducted two days a week at five hours per day for a total of 10 hours a week. Since there are 98 use hours in a week (14 use hours per day times seven days per week equals 98 use hours per week), 10.20 percent (10 hours per week divided by 98 hours per week equals 10.20 percent) of the prorable expenses for the week may be included in the authorized expenses. For depreciation purposes, the life of the building must be the guideline life provided in the Internal Revenue Code and the only approved method of depreciation is straight line.

(d) Unauthorized expenses are those not directly related to the operation of the games and they cannot be deducted. Unauthorized expenses include, but are not limited to, payment for

(1) expenses on buildings except as provided in (b) of this section on a pro-rata basis;

(2) mortgage or interest payments;

(3) purchase of furniture, fixtures or equipment, except those necessary for the operation of the games and used exclusively for the games;

(4) payments to members as gifts, excluding authorized prizes;

(5) travel or per-diem expenses outside the state under any circumstances;

(6) organization membership fees to national or international, affiliated or unaffiliated, organizations;

(7) personal or organizational vehicle expenses;

(8) consultant fees paid to a member or paid for a member's benefit;

(9) legal fees paid to a member for services or paid for a member's benefit;

(10) organizational advertising or notices;

(11) organizational entertainment (picnics, dinners, parties, etc.);

(12) organizational accounting or other operating expenses except those directly related to the operation of the games;

(13) taxes on real or personal property and taxes based on net income;

(14) purchase of alcoholic beverages.

(Eff. 9/7/60, Register 2; am 11/6/76, Register 60)

Authority: AS 05.15.060  
AS 05.15.159

**15 AAC 105.230. ANNUAL FINANCIAL STATEMENT.** A statement accounting for all money generated from authorized games of chance and skill for the year must be filed by January 31 following the end of the calendar year. The permittee shall also file with the financial statement a copy of the Internal Revenue Service Form 1099

STEVE FRANK  
DISTRICT K  
SEAT A

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701

*While in Juneau*  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 514

# Alaska State Legislature



## Senate

MEMBER  
Finance Committee  
Resources Committee  
Legislative Council  
Special Committee on Banking &  
Economic Development

VICE-CHAIR  
Community & Regional  
Affairs Committee

TO: Senator Bettye Fahrenkamp, Chair  
Senate Resources Committee

FROM: Senator Steve Frank

RE: Senate Bill 176 - big game harvest permits as  
prizes or premiums

DATE: February 23, 1989

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I would like to request that you schedule a hearing in Senate Resources on Senate Bill 176, which I have sponsored, at your earliest convenience.

The bill is entitled, "An act relating to the use of big game harvest permits as prizes or premiums in fund raising activities for fish and game conservation and law enforcement purposes conducted by qualified nonprofit organizations."

Thank you for your consideration.

STEVE FRANK  
DISTRICT K  
SEAT A

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701

*While in Juneau*  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 514

# Alaska State Legislature



## Senate

MEMBER  
Finance Committee  
Resources Committee  
Legislative Council  
Special Committee on Banking &  
Economic Development

VICE-CHAIR  
Community & Regional  
Affairs Committee

TO: Senate Resources Committee  
FROM: Senator Steve Frank  
RE: Senate Bill 176 - big game harvest permits as prizes or premiums  
DATE: February 28, 1989

SB 176 gives the Department of Fish and Game the authority to enter into agreements with any non profit corporation established to promote fish and game conservation or fish and game law enforcement for the purpose of distributing a big game harvest permit through a raffle, auction, or other fund raising activity. Nearly all of the money raised would go to the department under AS 16.05.050 (4) for the protection, rehabilitation, propagation, and preservation of fish and game resources.

The number of permits and the species of big game for harvest would be determined by the Board of Game. The department has indicated that very few permits, usually one and probably no more than three or four, would be allocated annually under this proposal.

Currently a person can buy one chance on a harvest permit for each designated permit hunt under the Department of Fish and Game's drawing system, and all entrants for each permit hunt have an equal chance of being drawn.

Under SB 176, a person could purchase more than one chance on a harvest permit, thus allowing that individual to increase his or her odds of winning.

From the net proceeds of the fund raising activity, the organization is required to give at least 90% to the Department, and may give the full 100% if they so choose.

I see this as a very worthwhile proposal and, given our current budget situation, I think it is a timely and positive step toward finding new revenue sources for fish and game management and habitat enhancement. I urge your support of SB 176.

SB176

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 21, 1989

SUBJECT: Sectional summary of SB 176; An Act relating to the use of big game harvest permits as prizes or premiums in fund-raising activities for fish and game conservation and law enforcement purposes conducted by qualified nonprofit organizations

TO: Senator Steve Frank

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum is a sectional summary of SB 176 requested by Teresa Sager of your staff.

Please note that a summary of a bill should not be considered an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section to AS 16.05 that authorizes the use of big game harvest permits as prizes and permits.

The commissioner of fish and game is authorized to make annual agreements with qualified organizations to issue a big game harvest permit to a person who wins the right to the permit through an auction, lottery, or other fund-raising procedure conducted by the organization. The permit is issued to the winner without charge. The agreements entered into by the commissioner and the issuance of permits are subject to regulations adopted by the Board of Game.

A qualified organization that has entered into the agreement with the commissioner is allowed to recover the cost that it incurred in conducting the fund-raising activity and to retain for its own purposes an amount equal to 10 percent of the proceeds of the fund-raising activities. The amount of proceeds that the organization does not retain must be given to the commissioner under AS 16.05.050(4) for protection,

Senator Steve Frank

Page 2

February 21, 1989

rehabilitation, propagation, preservation, or investigation of the fish and game resources of the state. The organization may determine the specific purpose for which the money is to be spent.

The person who wins the big game harvest permit must abide by all regulations governing the time, place, and manner in which the game animal for which the permit is issued may be taken.

A qualified organization must be established to promote fish and game conservation or fish and game law enforcement. A qualified organization is defined as a nonprofit corporation that complies with the laws governing fund-raising activities of nonprofit organizations. The conduct of raffles and lotteries by nonprofit organizations are subject to the statutes regulating charitable games of chance under AS 05.15.

Section 2 of the bill amends AS 16.05.255(a) by adding a new paragraph that gives the Board of Game the authority to annually allocate big game harvest permits for distribution by the commissioner of fish and game to persons who win the right to a permit in a fund-raising activity conducted by a qualified organization approved by the commissioner.

GU:kb  
wkk2/031



## ALASKA OUTDOOR COUNCIL, INC.

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

March 6, 1989

Senator Steve Frank  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Frank:

This is to advise you that the Alaska Outdoor Council is officially supporting SB 176 relating to the use of big game harvest permits as prizes.

Our Board of Directors met recently and established the AOC position. The Board also advised that they are most concerned that the permits go to primarily conservation organizations and public purposes like Wildlife Safeguard. We also fully support the concept of raffling or auctioning special permits in order to raise badly needed monies for the Fish and Game Fund.

The requirement that the permits be subject to regulations adopted by the Board of Game will provide the safeguards necessary to guarantee public purposes benefits.

We appreciate your interest in this worthwhile endeavor and pledge to give you our full support in gaining passage.

Sincerely,

Ron Somerville  
Executive Director

# Alaska State Legislature

## Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kertula, 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

Letter of Intent  
For  
CS SB 176 (Res)

It is the intent of the Legislature that the amount of funds given to the Commissioner and deposited into the general fund under this legislation be appropriated by the Legislature into the Fish and Game Fund under AS 16.05.100 for wildlife conservation, protection and management.

**S B**

**178**

Date of 5-DAY NOTICE 4/13/89  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

finance

\*\*FISCAL NOTE(S) MUST BE ATTACHED  
IN ACCORDANCE WITH AS 24.08.035  
2/16/89

DATE TURNED INTO OFFICE 4/25/89

Mr. President:

RESOURCES

Committee considered

SB 178

review and reporting requirements of agencies of the state relating to  
the state mineral policy

and recommended:

- replace with CS SB178 (Res)  same title
- attached amendment(s) and  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to

Commerce, DEC, VOA, Revenue, Fish & Game

DNR

FISCAL NOTE(S) attached  zero % OMB  fiscal impact

appropriation no FN attached  Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Steve Frost

Colin Sturgis

Keith Halpern

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John Thompson No Rec

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Doty's Signature Do Pass

Chairman signature and recommendation

Committee backup attached

and forward them, unedited, to the governor and the legislature

Resources  
CS

6-0790E  
Bradley  
4/20/89

Original sponsors: Coghill and Frank

new ~~sections~~  
language

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 178 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the review and reporting require-  
7 ments of agencies of the state relating to the state  
8 mineral policy."

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

10 \* Section 1. AS 44.99.110 is amended by adding new subsections to read:

11 (b) Each agency listed in (e) of this section shall review its  
12 statutory authority, its administrative regulations, and its proce-  
13 dures applicable to mineral exploration and development to determine  
14 whether there are deficiencies or inconsistencies that must be  
15 addressed in order to comply with the policy established in (a) of  
16 this section.

17 (c) Each agency listed in (e) of this section shall forward its  
18 comments and recommendations on the resolution of the deficiencies and  
19 inconsistencies in its statutory authority, its administrative regula-  
20 tions, and its procedures applicable to mineral exploration and devel-  
21 opment to the commissioner of natural resources on October 1 of each  
22 year. Each agency listed in (e) of this section shall also report on  
23 the progress that it has made on the resolution of the deficiencies  
24 and inconsistencies that were identified in earlier reports. The  
25 commissioner shall assemble the comments, recommendations, and reports  
26 and forward them, unedited, to the governor and the legislature within  
27 the first 10 days of each regular session of the legislature.

28 (d) Each agency listed in (e) of this section shall work with  
29 mining interests, coastal resource service areas, the public, and

1 other resource users to propose solutions to inconsistencies and  
2 deficiencies identified.

3 (e) The requirements of (b) - (d) of this section apply to

4 (1) the Department of Commerce and Economic Development;

5 (2) the Department of Environmental Conservation;

6 (3) the Department of Fish and Game;

7 (4) the Department of Natural Resources;

8 (5) the Department of Revenue;

9 (6) the office of management and budget;

10 (7) the Alaska Railroad Corporation;

11 (8) the University of Alaska; and

12 (9) any other agency of the state designated by the Alaska

13 Minerals Commission.

14 \* Sec. 2. AS 44.99.110(b), 44.99.110(c), 44.99.110(d), and 44.99.110(e)  
15 are repealed July 1, 1994.

CS SB 178 (Res) Relating to the review and reporting requirements of agencies of the state relating to the state mineral policy.

SPONSOR: Coghill and Frank

The Resources version of the bill recommends replacing "Each Agency" with a list of only those that relate to mining. Included in the list are:

Department of Commerce and Economic Development

Department of Environmental Conservation

Department of Fish and Game

Department of Natural Resources

Department of Revenue

the office of management and budget

the Alaska Railroad Corporation

the University of Alaska

any other agency of the state designated by the Alaska Minerals Commission.

CS SB 178 (Fin) Mineral Policy of the State

The Finance version of the bill adds an effective date.

The sponsor agrees with the changes.

There is no fiscal impact.

The original version (and all others) has a sunset provision of July 1994 for the new provisions. Enclosed is the current law 44.99.110.

Department of  
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See editor's note for

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a catalyst to responsible economic development in the state for the benefit of its citizens. It is the policy of the state to

(1) develop and provide information to domestic and foreign investors to use in evaluating project feasibility;

(2) with cooperation from investors, identify constraints to orderly and beneficial economic development and work with government agencies to eliminate unnecessary impediments to economic development;

(3) with cooperation from investors, identify constraints to economic development that would impede the extraction, production, and transport of resources to markets and manufactured products, and implement capital improvement or other programs to resolve the deficiencies;

(4) provide a stable tax and regulatory climate that encourages expansion of the state's economic base;

(5) encourage "value-added" processing in the state;

(6) improve the state's domestic and international competitive position by offering economic incentives that support the constitutional mandates for utilization, development and conservation of natural resources. (§ 1 ch 63 SLA 1985)

Revisor's notes. — Enacted as AS  
44.67.010. Renumbered in 1985.

**Sec. 44.99.110. Declaration of state mineral policy.** The legislature, acting under art. VIII, sec. 1 of the Constitution of the State of Alaska, in an effort to further the economic development of the state, to maintain a sound economy and stable employment, and to encourage responsible economic development within the state for the benefit of present and future generations through the proper conservation and development of the abundant mineral resources within the state, including metals, industrial minerals, and coal, declares as the mineral policy of the state that

(1) mineral exploration and development be given fair and equitable consideration with other resource uses in the multiple use management of state land;

(2) mineral development be encouraged through reasonable and consistent nonduplicative regulations and administrative stipulations;

(3) mineral development and the entry into the market place of mineral products be considered in developing a statewide transportation infrastructure system;

(4) mineral development be encouraged through appropriate public information and education, scientific research, technical studies, and University of Alaska program involvement;

(5) economic development with respect to the state mineral industry be encouraged with Pacific Rim nations. (§ 1 ch 138 SLA 1988)

Current  
law

Editor's notes. — Section 2, ch. 138, SLA 1988, provides:

"(a) Within 10 months after June 9, 1988, each department, board, commission, or agency of the state shall review its statutory authority, its administrative regulations, and its procedures applicable to mineral exploration and development to determine whether there are deficiencies or inconsistencies that must be addressed in order to comply with the policy enacted in sec. 1 of this Act.

"(b) Each department, board, commission, or agency of the state shall forward its comments and recommendations to the

commissioner of natural resources. The commissioner of natural resources shall assemble the comments and recommendations and forward them unedited to the governor and the legislature within the first 60 days of the First Session of the Sixteenth Alaska State Legislature.

"(c) If inconsistencies or deficiencies are identified under (a) of this section, a state department, board, commission, or agency should work with mining interests, coastal resource service areas, the public, and other resource users to propose solutions to the inconsistencies or deficiencies."

**Sec. 44.99.120. Declaration of nuclear freeze policy.** It is the policy of the State of Alaska:

(1) to recognize that the greatest challenge facing the earth is to prevent the occurrence of nuclear war by accident or design;

(2) to recognize that the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war;

(3) to promote a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems in order to halt the nuclear arms race and to reduce the risk of nuclear war. (1986 Initiative Proposal No. 1, § 1)

**Sec. 44.99.125. Implementation of policy.** (a) The governor shall conduct the affairs of state and carry out state programs in conformity with this policy.

(b) The lieutenant governor shall deliver copies of this Act to Congress and the President of the United States. (1986 Initiative Proposal No. 1, § 2)

a

# FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
Title: An Act relating to state mineral policy  
Sponsor: Senator Coghill  
Requestor: Senator Coghill

Agency Affected: DEC  
BRU: Environmental Quality  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS: None**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

Prepared by: Amy D. Kyle  
Division: Commissioner's Office

Phone: 465-2600  
Date: 4/27/89

Approved by Commissioner: ADK  
Agency: Department of Environmental Conservation

Date: 4/27/89

**Distribution (by preparer):**

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

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 178(Res)  
PUBLISH DATE: 4/25/89

### FISCAL NOTE

REQUEST: \_\_\_\_\_

REVISION DATE: 4-25-89  
TITLE: An Act relating to the  
state mineral policy  
SPONSOR: Coghill  
REQUESTOR: Senate Resources Committee

AGENCY: Natural Resources  
BRU: Mining Management  
COMPONENTS: Mining Management

#### EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
OPERATING						
PERS. SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND/BUILD.						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL		0	0	0	0	0
CAPITAL						
REVENUE						

#### FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

#### POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

#### ANALYSIS:

PREPARED BY: Larry Ostrovsky, Commissioner's Office

*LO* 4/25/89

DATE: 4-25-89  
PHONE NO.: 465-2400

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Reporting requirements for  
state mineral policy  
Sponsor: Coghill, Frank  
Requester: Senate Resources

Agency Affected: Commerce & Economic Dev.  
BRU: Business Development and  
Alaska Railroad Corporation  
Components: \_\_\_\_\_

EXPENDITURES / REVENUES : (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Passage of this legislation is not expected to result in increased costs for either the department itself or the Alaska Railroad Corporation, administratively located within DCED.

Prepared by: Guy Bell, Director  
Division: Administrative Services

Phone: 465-2505  
Date: 4-21-89

Approved by Commissioner: Larry Mercurieff  
Agency: Department of Commerce & Economic Development

Phone: 465-2500  
Date: 4-21-89

Distribution (by preparer):

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

## FISCAL NOTE

**REQUEST:**

Revision Dates: \_\_\_\_\_ Agency Affected: Fish and Game  
 Title: An Act relating to the mineral BRJ: Habitat  
policy of the state.  
 Sponsor: Coghill and Frank Components: \_\_\_\_\_  
 Requestor: Coghill

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

Prepared by: *Bruce H. Baker* Phone: 465-4105  
 Division: Habitat Date: 4/24/89

Approved by Commissioner: *Donli Callenworth* Date: 4.24.89  
 Agency: Fish and Game

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

# FISCAL NOTE

(e)

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the review and reporting requirement of agencies...."  
 Sponsor: Cochill and Frank  
 Requestor: Senate Resources Committee

Agency Affected: Office of the Governor  
 BRU: Office of Management and Budget  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *Man* Phone: 465-3616  
 Division: Division of Administrative Services Date: 4/24/89  
 Approved by Commissioner: Garrey M. Peska Date: 4/24/89  
 Agency: Chief of Staff

Distribution (by preparer) :

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

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CS SB 178 (RES) (f)  
PUBLISH DATE: 4/25/89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An act relating to the review and reporting requirements/mineral policy  
Sponsor: Coghill and Frank  
Requestor: Resources Committee

Agency Affected: Revenue  
BRU: Income & Excise Audit  
Components: Operating

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
<b>OPERATING</b>						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

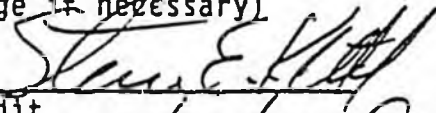
FUNDING: (Thousands of Dollars)

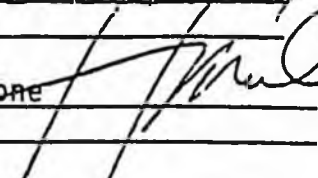
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Steven E. Kettel  Phone: (907) 465-2320  
Division: Income and Excise Audit Date: April 21, 1989

Approved by Commissioner: Hugh Malone  Date: April 21, 1989  
Agency: Department of Revenue

Distribution (by preparer):

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

Prepared by:  
Steven E. Kettel  
Department of Revenue  
Income and Excise Audit Division  
April 21, 1989

CS SB 178  
Bill Analysis

This proposal will require the Department of Revenue to review its statutes and regulations concerning mining license tax (AS 43.65), and annually file a report with the Commissioner of Natural Resources recommending resolution of any deficiencies which might hinder mineral exploration and development in the state as provided for in the state's Mineral Policy (AS 44.99.110).

No fiscal costs are estimated in the preparation of this report.

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB178Res  
PUBLISH DATE: 4/25/89

### FISCAL NOTE

REQUEST: Senate Resources

REVISION DATE: 4/21/89  
TITLE: State Mineral Policy

AGENCY: University of Alaska  
BRU: \_\_\_\_\_

SPONSOR: Coghill/Frank  
REQUESTOR: Senate Resources

COMPONENTS: \_\_\_\_\_

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERS. SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND/BUILD.						
GRANTS/CLAIMS						
MISCELLANEOUS						
TOTAL		0				
CAPITAL		0				
REVENUE		0				

FUNDING: (THOUSANDS OF DOLLARS)

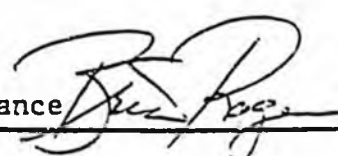
GENERAL FUNDS		0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS:

The review and recommendations can be accomplished within existing budget levels.

PREPARED BY: Brian Rogers Vice President for Finance 

DATE: 4/21/89  
PHONE NO.: 474-7448