

**ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672**  
**7160 HOUSE RESOURCES**

1 priority classification based solely upon the applicant's qualifications as of January 1, 1973.

2 \* Sec. 12. AS 16.43.260(e) is amended to read:

3 (e) Except as provided in (f) of this section, when [WHEN] the commission establishes  
4 the maximum number of entry permits for a particular fishery under AS 16.43.240 after  
5 January 1, 1975, an applicant shall be assigned to a priority classification based solely upon the  
6 applicant's qualifications as of January 1 of the year during which the commission establishes  
7 the maximum number of entry permits for the fishery for which application is made.

8 \* Sec. 13. AS 16.43.260 is amended by adding a new subsection to read:

9 (f) When the commission establishes the maximum number of entry permits under  
10 AS 16.43.240 for a fishery that is subject to a moratorium under AS 16.43.225, an applicant for  
11 an entry permit for the fishery shall be assigned to a priority classification based solely upon the  
12 applicant's qualifications as of the effective date of the regulation establishing the moratorium.

13 \* Sec. 14. This Act takes effect immediately under AS 01.10.070(c).

STEVE COWPER, GOVERNOR

**COMMERCIAL FISHERIES ENTRY COMMISSION**

P.O. BOX KB  
JUNEAU, ALASKA 99811-0302  
PHONE: (907) 465-4081

October 29, 1990

Glen A. Wilber  
Vice-President  
Alaska Underwater Harvesters Association  
3311 Halibut Point Rd.  
Sitka, Ak. 99835

Dear Mr. Wilber:

Thank you for your letter of Sept. 25, 1990, and the petition from concerned citizens and members of the Alaska Underwater Harvesters Association. Your petition asks us to "to issue an immediate "moratorium" on the issuance of any new permits for the harvest of sea cucumbers in Alaska and that a study be conducted into the possibility of future "limited entry".

We must deny your request for the moratorium as we lack the statutory authority to implement a simple moratorium. Under the existing limited entry statutes, the only way we can restrict the number of participants in a fishery is by committing to a full-scale, salmon-type limited entry program.

As the State's limited entry program can be relatively expensive to implement (due to the initial allocation process), we must necessarily be conservative in using the program. We usually do not undertake a limitation unless we are convinced that the program is appropriate, will serve the purposes of the statute, and will produce substantial benefits. At this point, we do not feel that we can draw such conclusions in this fishery.

As you may be aware, we recently directed our research staff to conduct a study into the possibility of using the existing limited entry program in the Southeastern Alaska diving fisheries. There are many issues to consider. We would like to see the results of our staff's study and hear the thoughts of the Board of Fisheries on appropriate management measures before we contemplate any full-scale limitation proposals.

In the meantime, we are hopeful that the interim management measures in the sea cucumber fishery will be adequate and will discourage those who might seek to enter the fishery on a speculative basis. Hopefully, the new plan will "buy time" so that other potential management measures can be considered more carefully.

Even though we lack the power to act, we are sympathetic toward your request for a moratorium on new entrants and we might consider using such authority if we had it. Representative Ben Grussendorf has indicated that he wants to explore the need for new legislation to provide the Commission with the authority to implement a simple moratorium in such situations. We plan to work with Representative Grussendorf to help in every way that we can.

Again, thank you for your letter and petition. We share your concerns about the fishery. Your continued help as we investigate these issues will be greatly appreciated. If you have further questions or thoughts on these matters, please do not hesitate to contact us.

By Direction of the

COMMERCIAL FISHERIES ENTRY COMMISSION

Bruce Twomley, Chairman  
Phil Smith, Commissioner  
Rich Listowski, Commissioner

By: 

cc: All Petitioners  
The Honorable Ben Grussendorf  
State House of Representatives  
✓ Doug Rickey, Aide to Rep. Grussendorf  
Eric Jordan, Chair - Sitka Advisory Committee

*Handwritten mark*

RECEIVED

SEP 27 1990

COMMERCIAL FISHERIES  
ENTRY COMMISSION

September 25, 1990

Entry Commission  
Alaska Commercial Fisheries  
8800-109 Glacier Highway  
Juneau, Alaska 99801

Dear Sirs:

Please accept the enclosed petition from concerned citizens and members of the Alaska Underwater Harvesters Associated based in Sitka, Alaska. In this petition we ask that the commission issue an immediate "moratorium" on the issuance of any new permits for the harvest of sea cucumbers in Alaska and that a study be conducted into the possibility of future "limited entry".

If you have any questions, please feel free to contact me by correspondence (3311 Halibut Point Rd., Sitka, AK 99835) or phone (907-747-3177). Thank you for your assistance.

Sincerely,

Glenn A. Wilber  
Vice President  
Alaska Underwater Harvesters Association

Enclosure: Petition With 75 Signatures

*147-324-5*

*Response  
Deadline  
10/29/90*



WE THE UNDERSIGNED PETITION THE STATE OF ALASKA LIMITED ENTRY COMMISSION AS CONCERNED CITIZENS AND MEMBERS OF THE ALASKA UNDERWATER HARVESTERS ASSOCIATION. IN THIS PETITION WE ASK THAT THE COMMISSION ISSUE AN IMMEDIATE "MORATORIUM" ON THE ISSUANCE OF ANY NEW PERMITS FOR THE HARVEST OF SEA CUCUMBERS IN ALASKA AND THAT A STUDY BE CONDUCTED INTO THE POSSIBILITY OF FUTURE "LIMITED ENTRY".

PRINTED NAME	SIGNATURE	ADDRESS	DATE
Larry Pearson	Larry Pearson	Box 1143	5-9-90
Jim Cushing	Jim Cushing	404 Lake St.	5/9/90
Terry Lindvall	Terry Lindvall	313 Lake	5/9/90
DIANNE LINDVALL	Dianne Lindvall	313 Lake	5/9/90
Thomas A Summers	Thomas A Summers	P.O. Box 21	5-14/90
Jim Giddard	Jim Giddard	Box 1362	5/9/90
Jim Stewart	Jim Stewart	717 Kattikan	5/9/90
Les Richardson	Les Richardson	214 Brady	5/9/90
STEPHEN C. SHAFER	Stephen C. Shafer	315 Seward St.	5-9-90
Carl R Sangster	Carl R Sangster	101 Kubale dr	5-10-90
Ron Heathman	Ron Heathman	1511-3 SMC	5/10/90
Ross R. Brigham	Ross R. Brigham	3106 HPR	5/10/90
William Frost	William Frost	3109 HPR.	5/10/90
Larry S. How	Larry S. How	4014 HPR.	5/11/90
FRON'S LOUCKS	FRON'S LOUCKS	Box 3154 SITKA	5/11/90
BRITAN OMAN	BRITAN OMAN	Box 2991 SITKA	5/11/90
George Kubik	George Kubik	1752 HPR Sitka	5/11/90
Jan Kubik	Jan Kubik	713 Kattikan SITKA	
Pat Miller	PAT MILLER	Box 1354 SITKA	
Byron J Paul	Byron J Paul	1022 ANCE DR Apt 2	5/11/90

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SEP 27 1990

WE THE UNDERSIGNED PETITION THE STATE OF ALASKA LIMITED ENTRY COMMISSION AS CONCERNED CITIZENS AND MEMBERS OF THE ALASKA UNDERWATER HARVESTERS ASSOCIATION. IN THIS PETITION WE ASK THAT THE COMMISSION ISSUE AN IMMEDIATE "MORATORIUM" ON THE ISSUANCE OF ANY NEW PERMITS FOR THE HARVEST OF SEA CUCUMBERS IN ALASKA AND THAT A STUDY BE CONDUCTED INTO THE POSSIBILITY OF FUTURE "LIMITED ENTRY".

PRINTED NAME	SIGNATURE	ADDRESS	DATE
Eric Quintin	Eric Quintin	3914 HPR	5-11-90
C-J MURKEY	C.J. Mulky	P.O. Box 1649	5-11-90
Ben Taylor	Ben Taylor	Box 965	5-10-90
MILTON HUNT	Milton Hunt	Box 2355	5-11-90
SANDRA HUNT	Sandra H. Hunt	Box 2355	5-11-90
Bradley F. Scougale	Bradley F. Scougale	Box 6276	5-11-90
David M. Owens	DAVID OWENS	617 KAZIAN STR. D.	5-11-90
MIKE ANGLUS	Mike Anglus	Box 3209 SITKA	5-11-90
LAUREN ROGERS	Lauren Rogers	Box 6102 SITKA	5-11-90
TONI DEPUE	Toni E. DePue	Box 6102 SITKA	5-11-90
Kirk Van Winkle	Kirk Van Winkle	P.O. 842 SITKA	5-11-90
Steve Branch	Steve Branch	Schaefer #23 SITKA	5-11-90
Jerome Brown	Jerome Brown	Box 1947 SITKA	5-11-90
Stuart Denslow	Stuart Denslow	Box 6191 SITKA	5-11-90
Carrell Campbell	Carrell Campbell	2604 Sawmill Creek SITKA	5-11-90
Kelly L. White	Kelly L. White	P.O. Box 2402 SITKA	5/11/90
Beverly S. Brill	Beverly S. Brill	Box 1439 SITKA	5/11/90
JEFF D. BAUMANN	Jeff D. Baumann	210 Marine Blvd	5/11/90
EARL B. SHAPIRO	Earl B. Shapiro	Box 1421 SITKA	5/11/90
ED CAITY	Ed Caity	Box 423 Nestevia, AK SITKA	



WE THE UNDERSIGNED PETITION THE STATE OF ALASKA LIMITED ENTRY COMMISSION AS CONCERNED CITIZENS AND MEMBERS OF THE ALASKA UNDERWATER HARVESTERS ASSOCIATION. IN THIS PETITION WE ASK THAT THE COMMISSION ISSUE AN IMMEDIATE "MORATORIUM" ON THE ISSUANCE OF ANY NEW PERMITS FOR THE HARVEST OF SEA CUCUMBERS IN ALASKA AND THAT A STUDY BE CONDUCTED INTO THE POSSIBILITY OF FUTURE "LIMITED ENTRY".

PRINTED NAME	SIGNATURE	ADDRESS	DATE
JACK WEDDEL	Jack Weddel	Box 920	5/8/9
RANNY SPRIGGS	Randy Sprigg	110 EAGLE WAY	5/8-
Greta L Eliason	Greta Eliason	207 Cedar Hts	5-8-
MITCH COWAN	Mitch Cowan	Box 6349	5-8
MARION KUEHA	Marion Kueha	408 LACE ST	5-8-90
Boquslaw Fryze	Fryze	806 Lake St	5-8-7
Glenn A Wilber	Glenn Wilber	3311 HPR	
Joan N. Roehen	Joan N. Roehen	3311 - HPR	5-8-
Greg Myers	Greg Myers	P.O. - Box 604	5-8-
Clyde COURSEY	Clyde Coursey	230 KOGWANTON	9 MAY 90
KRIS HOFFMANN	Kris Hoffmann	10 1/2 WAKSOUTOFF	5-9-9
D. FORD	D. Ford	Box 2351 SITKA AK.	5/9/90
PAUL L DRAKE	Paul L Drake	1812 Sawmill Creek	5/9/90
Ch. Keener	Ch. Keener	470 KATHIAN SITKA	5/9/90
L.T. Smotherman	L.T. Smotherman	Box 6270 SITKA AK	
Paul B. Maren	PAUL B MARENO	Box 295 SITKA AK	5-
J.C. Lock	J.C. Lock	617 KATHIAN M-	
DEBBAN M. REEDER	Debban M. Reeder	107 SHELKOFF DR	
DRIAN G. BERGMAN	Brian G. Bergman	212 LAKEVIEW DR SITKA, I	
GARY ATKINSON	Gary Atkinson	P.O. Box 1953 Sitka, AK	5-9-90

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# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

VICE CHAIRMAN  
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

## MEMORANDUM

DATE: April 10, 1991

TO: Representative Cliff Davidson, Chair  
House Resources Committee

FROM: Representative Mark Boyer *MB*

RE: Scheduling of CSHB 138 (State Affairs)

I would like to request that you waive CSHB 138 (State Affairs), making a special appropriation to the Department of Environmental Conservation for a solid waste characterization and recycling market study. The House State Affairs Committee passed CSHB 138 (SA) out of committee on April 10.

As originally drafted the bill contained over \$6.4 million for capitalization of the Alaska Clean Water Fund and for other pollution prevention and management projects. Since its introduction all but this study have been included in the recently passed House operating budget. Should you not elect to waive HB 138, I would appreciate your scheduling it at your earliest convenience.

Attached is a copy of the bill and back-up materials. HB 138 asks for \$150,000 in general fund money to be given to the Department of Environmental Conservation for a comprehensive study. The study would cover all waste streams that are used and recycled in Alaska or those that can and should be recycled.

Communities from Ketchikan to Dutch Harbor are running out of room at their landfills. There must be alternative solutions to solve this garbage dilemma. Many bush communities do have any transportation routes to move their recycled products and many other communities are not aware of the sources available for assistance in solid waste management and recycling. This study would provide us with these answers.

We need to aid communities in cleaning up their garbage problems and provide them with incentives for recycling and I believe HB 138 is a start in the right direction.

If you need additional information, please contact Alexis Miller of my staff at 465-3467. Thanks for your consideration of this request.

FAIRBANKS 20B

2/19/91

## Recycling and Waste Reduction

### Proposed Legislation — 1991

As a follow-up to "W.R.R.A.P." (Waste Reduction, Recycling and Pollution Prevention) package of legislation enacted last session, Representatives Kay Brown, Mark Boyer, David Finkelstein, and Fran Ulmer have put together a package of legislation for the 1991 session to help further Alaska's waste reduction and recycling efforts.

- House Bill 138 — sponsored by Rep. Mark Boyer of Fairbanks, would appropriate \$6.5 million for a variety of recycling and waste reduction purposes, including solid waste/recycling planning grants for local governments and hazardous waste reduction demonstration matching grants for small businesses.
- House Bill 139 — sponsored by Rep. Kay Brown of Anchorage, would establish recognition awards for pollution prevention and recycling, including provision for an award to public schools of up to \$5,000 for the development of innovative recycling programs.
- House Bill 140 — sponsored by Rep. David Finkelstein of Anchorage, would allow utilities regulated by the Alaska Public Utilities Commission (APUC) to include recycling costs in their rates.

The 1990's have become the decade of global awareness concerning resource scarcity and waste management. It is essential that Alaskans support legislative efforts to deal with these important issues. Communities throughout Alaska are looking for leadership on the issue of recycling. Funding is needed to encourage local efforts to control waste management. Education will be the key to insuring future generations are "recycle wise."

Please take the time to phone or write your local legislator (a listing of state legislators is provided on the other side). A free Public Opinion Message can be sent by contacting the Legislative Information Office (LIO) in your area.

*To send a letter...*  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

*To send a Public Opinion Message...*  
Anchorage LIO: 561-7007  
Fairbanks LIO: 452-4448  
Juneau LIO: 465-4648

*For information: Rep. Kay Brown (Cathy Donadio) at 465-4998.*

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Alaska State Legislature  
Representation By District  
17th Legislature  
1991-1992

1/21/91

SENATE				HOUSE			
A	Jones	(R)	Ketchikan	1-A 1-B	Taylor Davis, C	(R) (R)	Wrangell Ketchikan
B	Ellason	(R)	Sitka	2 3	Mackie Grussendorf	(D) (D)	Craig Sitka
C	Duncan	(D)	Juneau	4-A 4-B	Hudson Ulmer	(R) (D)	Juneau Juneau
D	Fischer	(R)	Soldotna	5-A 5-B	Navarre Phillips, G	(D) (R)	Kenai Homer
E-A E-B	Kerttula Menard	(D) (D)	Palmer Wasilla	6 7 16-A 16-B	Kubina Zawacki Carney Larson	(D) (R) (D) (D)	Valdez Girdwood Wasilla Palmer
F-A F-B	Sturgulewski Collins	(R) (R)	Anchorage Anchorage	8-A 8-B 10-A 10-B	Bruckman Choquette Baker Parnell	(D) (R) (R) (D)	Anchorage Anchorage Anchorage Anchorage
G-A G-B	Pearce Rodey	(R) (D)	Anchorage Anchorage	9-A 9-B 11-A 11-B	Leman Hanley Donley Gruenberg	(R) (R) (D) (D)	Anchorage Anchorage Anchorage Anchorage
H-A H-B	Pourchot Uehling	(D) (R)	Anchorage Anchorage	12-A 12-B 13-A 13-B	Brown Ellis Finkelstein Martin	(D) (D) (D) (R)	Anchorage Anchorage Anchorage Anchorage
I-A I-B	Halford Cotten	(R) (D)	Anchorage Eagle River	14-A 14-B 15-A 15-B	Barnes Davis, B Miller, Mary Phillips, R	(R) (D) (R) (R)	Anchorage Anchorage Chugiak Eagle River
J	Shultz	(R)	Tok	17 18	Gonzales, J Miller, M.W.	(R) (R)	Clear North Pole
K-A K-B	Frank Fahrenkamp	(R) (D)	Fairbanks Fairbanks	19 20-A 20-B 21	Moyer Sharp Boyer Koponen	(D) (R) (D) (D)	Fairbanks Fairbanks Fairbanks Fairbanks
L	Adams	(D)	Kotzebue	22 23	MacLean Foster	(D) (D)	Barrow Nume
M	Hoffman	(D)	Bethel	24 25	Lincoln Ivan	(R) (D)	Rampart Akiak
N	Zharoff	(D)	Kodiak	26 27	Jacko Davidson	(D) (D)	Pedro Bay Kodiak

# Alaska State Legislature

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JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3468

PRESS RELEASE

DATE: February 13, 1991

CONTACT: Alexis Miller  
465-3467

## WRRAP REVISITED: BOYER BILL PUTS MONEY INTO SOLID WASTE, RECYCLING AND POLLUTION PREVENTION PROGRAMS

On Wednesday, Rep. Mark Boyer (D-Fairbanks) introduced legislation (HB 138) requesting a special appropriation to provide funding for solid waste, recycling and pollution prevention programs in Alaska.

Exactly a year ago, a package of four bills, commonly referred to as the Waste Reduction, Recycling and Planning Act or WRRAP Act, was introduced in the House. This year Rep. Boyer and his colleagues, Rep. Kay Brown (D-Anchorage), Rep. Fran Ulmer (D-Juneau), and Rep. David Finkelstein (D-Anchorage), have again introduced legislation to target the growing problem of garbage in the State.

Last session, Rep. Boyer's bill passed the legislature and expanded the Alaska Clean Water Fund to include solid waste facilities. The idea behind the bill was for communities to borrow funds to develop solid waste facilities and to finance recycling equipment. However, the newly expanded fund was not capitalized and no loans were made.

Numerous communities have requested funding under this new law. According to the Department of Environmental Conservation, 72 project proposals totaling \$96 million have been submitted for FY92. But since the Department has no money, there is no way for these communities to receive funding. Fairbanks has requested \$16 million alone for an anaerobic digester for their landfill.

Expanding on last year's theme, Rep. Boyer and his WRRAP colleagues, have decided to appropriate money for projects like this and others. HB 138 would appropriate \$6.5 million to fund the following programs or projects:

FAIRBANKS 20B

1. \$5.5 million for loans for solid waste management facilities under the Clean Water Fund;
2. \$300,000 for community solid waste planning grants;
3. \$50,000 for a hazardous waste reduction grant to DEC;
4. \$150,000 for a solid waste characterization and recycling study;
5. \$50,000 to the Pacific Northwest Pollution Prevention Center; and
6. \$240,000 for hardware and software to the Department of Administration's data centers

"That figure doesn't even come close to the amount needed, but it is a start in the right direction," Rep. Boyer said, "and it sends a message to communities that the State is willing to alleviate the growing garbage problem facing many communities."

"Most communities are running out of room at their landfills. In Fairbanks, an average of 180 tons of garbage a day accumulates. Residents have been dumping their garbage on that landfill for more than 30 years. Currently it stands over 40 feet above the surrounding land and covers 50 acres. It is a problem that needs to be addressed now. Money needs to be appropriated this session and communities must start cleaning up their garbage problems," Rep. Boyer said.

"I said it last year and I'll say it again, communities from Ketchikan to Unalaska are finding a need for expansion of their solid waste facilities," Rep. Boyer said, "and putting our money where our mouths are would give these communities the tools necessary to combat their growing waste disposal needs."

HB 138 heads first to the House State Affairs Committee. A hearing should be scheduled within the next two weeks, along with the other bills in this year's WRRAP package. HB 139 by Rep. Brown would establish an awards program for exemplary pollution prevention achievements by individuals, businesses, schools and government agencies.

HB 140 by Rep. Finkelstein would allow a utility collecting and disposing waste to recover capital and operating costs through its rates to users.

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
1	DEC FY 92 Budget — Spreadsheet By Components																				
2																					
3																					
4	COMPONENT	92 GOV GF	91AuthGF (+COLA-GF)	91Auth COLA-GF/PR	HS TARGET 91AuthTotalGF Plus COLA	HS INCS GF	HS INCS GF/PR	HS DECS GF	HS DECS GF/PR	HOUSE Total GF	HS INCS OthFnds	HS DECS OthFnds	HS GF vs. GOV GF	HS GF vs. HS TARGET							
5																					
6																					
7	Commissioner	487.8	452.6	.0	452.6	79.2		-32.6		499.2			11.4	46.6							
8	Admin Services	1,668.2	1,501.3	.0	1,501.3	256.6		-83.7		1,674.2	53.3	-49.3	6.0	172.9							
9																					
10	Fac Const/Opers	2,328.9	2,182.4	50.0	2,232.4	818.9		-218.8		2,832.5		-120.0	503.6	600.1							
11														.0							
12	Env Quality Direct	443.9	513.1	.0	513.1			-69.2		443.9			.0	-69.2							
13	Monitoring & Lab	1,234.0	1,256.4	.0	1,256.4			-22.4		1,234.0			.0	-22.4							
14	Env Qual Projects	11,160.5	11,783.3	.0	11,783.3	2,196.1		-1,425.0		12,554.4	1,331.5	-346.8	1,393.9	771.1							
15	Storage Tank/UST	4,509.2	6,023.9	.0	6,023.9			-6,023.9		.0			-4,509.2	-6,023.9							
16																					
17	Env Health Direct	192.2	195.8	.0	195.8			-3.6		192.2			.0	-3.6							
18	Anml Hlth/Dairy	190.7	198.7	.0	198.7			-8.0		190.7			.0	-8.0							
19	Meat & Poultry	266.0	309.1	.0	309.1			-37.0		272.1			6.1	-37.0							
20	Seafood Industry	1,577.9	1,793.3	.0	1,793.3			-104.5		1,680.8			110.9	-104.5							
21	Sanitation	1,347.0	1,408.4	.0	1,408.4	52.0		-29.1		1,431.3			84.3	22.9							
22	Palmer Lab	441.2	456.3	.0	456.3			-15.1		441.2			.0	-15.1							
23																					
24	TOTALS	25,847.5	28,074.6	50.0	28,124.6	3,402.8	.0	-8,072.9	.0	23,454.5	1,384.8	-516.1	-2,393.0	-4,670.1							
25																					

DEPARTMENT OF ENVIRONMENTAL CONSERVATION — INCREMENT/DECREMENT NOTES

COMPONENT	GF	GF/PR	Other	Notes/Comments
<b>Commissioner's Office</b>				
Doc: Delete Clerk Typist	-32.6			
Inc: Transfer in Special Assist	79.2			
Change	46.6			
<b>Admin Services</b>				
Inc: provide EQ Support Svcs	256.6			
Inc: offset of fed fund loss		53.3		transfer charges to OHSR
Doc: delete two clerk positions	-53.2			
Doc: Reduced fed indirect		-49.3		loss of federal indirect
Doc: increase vacancy 2%	-28.6			
Doc: reduce travel 10%	-1.9			
Change	172.9		4.0	
<b>Facility Const/Opers</b>				
Dec: utility management	-178.8			eliminates utility management assistance program
Dec: one-time equipment	-40.0			
Dec: federal RMW grant		-120.0		loss of federal funds
Inc: Coordinate Water Prgms	371.4			funding for pers svcs shortfall; transfer in from EQ Projects
Inc: full funding for 91 pos.	66.1			anticipated as Hickel amendment
Inc: Bethel RMW	81.4			
Inc: RMW contracts salary/trvl/equip	180.0			increase in funding for all RMW contractors
Inc: RMW university interns	120.0			enables RMW staff to work more cost-effectively
Change	600.1		-120.0	
<b>Env Quality Director</b>				
Dec: planner to EQ Projects	-59.0			
Doc: increase vacancy 2%	-6.5			
Doc: reduce travel 10%	-3.7			
Change	-69.2			

COMPONENT	GF	GF/PR	Other	Notes/Comments
<b>Monitoring &amp; Lab</b>				
Doc: increase vacancy 2%	-20.3			
Doc: reduce travel 10%	-2.1			
<b>Change</b>	<b>-22.4</b>			
<b>Env Quality Projects</b>				
Doc: one-time equipment	-162.0		-40.0	
Doc: support svcs to Admin	-256.6		-53.3	transfer of 4 positions to provide support for EQ Projects
Doc: Spec Asst funding	-79.2			special assistant transferred from EQ Projects to Comm Office
Doc: funding shift to FC&O	-371.4			funding for FC&O pers svcs shortfall plus 2 additional positions
Doc: delete one-time salary	-63.6			
Doc: delete AHFC funds			-253.5	
Doc: contractual reductions	-250.0			
Doc: pers svcs vacancy inc 2%	-178.0			
Doc: reduce travel by 10%	-64.2			
Inc: planner frm EQ Director	59.0			
Inc: full funding for 6 mo. pos.	597.1			
- Inc: federal grant projects			951.5	anticipated as Hickel amendment
Inc: state match for asbestos	40.0			federal fnds for various projects
Inc: domestic wastewater	800.0			state match for asbestos compliance enforcement
Inc: drinking water program	400.0			
- Inc: Pollution Prevention increment	130.0			additional funding to retain state primacy
- Inc: Haz Waste Reduction match grants	50.0			add Env Eng (60.0), Clerical (30.0) plus 40.0 support
Inc: additional 470 Fund site staff			380.0	provide funding for four additional staff to manage additional
Inc: Pac NW Pollution Prev Rsrch Ctr	50.0			grant to support the foundation's pollution prevention research
Inc: Mining Impact Increment	70.0			additional SE mining impact position
<b>Change</b>	<b>771.1</b>		<b>984.7</b>	
<b>Storage Tank/UST</b>				
Doc: eliminate GF funding	-6,023.9			FY 92 program funded from FY 91 authorization
<b>Change</b>	<b>-6,023.9</b>			
<b>Env Health Director</b>				
Doc: incr pers svcs vacany 2%	-3.4			
Doc: reduce travel 10%	-0.2			
<b>Change</b>	<b>-3.6</b>			

COMPONENT	GF	GF/PR	Other	Notes/Comments
<b>Anml Health/Dairy</b>				
Doc: one-time equipment	-3.0			
Doc: incr pers svcs vacancy 2%	-2.7			
Doc: reduce travel 10%	-2.3			
Change	-8.0			
<b>Meat &amp; Poultry Inspect</b>				
Dec: delete Juno inspector position	-37.0			
Change	-37.0			
<b>Seafood Industry</b>				
Doc: one-time equipment	-34.5			
Doc: delete inspector	-70.0			deletes vacant Bethel position; keeps Homer Inspector
Change	-104.5			
<b>Sanitation</b>				
Dec: delete Anch part-time position	-29.1			
Inc: fund Interior inspector	52.0			
Change	22.9			
<b>Palmer Lab</b>				
Doc: one-time equipment	-2.5			
Dec: incr pers svcs vacancy 2%	-8.1			
Dec: reduce travel 10%	-4.5			
Change	-15.1			

\* \* \* ADDED ALREADY \* \*

3/22/91 Rep. Kay Brown

**DEC FY 92 Budget — POTENTIAL DECREMENT PROPOSALS by Component**

COMPONENT	GF	OTH/GFPR	NOTES
<b>Proposal #1</b>			
Admin Services	-54.8		delete 1 information officer position
<b>Proposal #2</b>			
Sanitation	-150.0	150.0	delete GF, replace with GF/PR to support regulatory programs fund regulatory programs with new program receipt collections
Env Qual Projects	-300.0		delete GF, replace with GF/PR to support regulatory programs
Admin Services		300.0	fund regulatory programs with new program receipt collections
		150.0	increase GF/PR — administrative costs for permit fee collection
<b>TOTAL</b>	<b>-504.8</b>	<b>600.0</b>	

Intent: The department shall identify opportunities to collect fees for permits and services rendered by the department as authorized by law and report back to the legislature by January 15, 1991 with a plan for collection of program receipts.

AMENDMENTS

*10/10/91*  
*AMENDMENTS*

2/23/91 Rep. Kay Brown

DEC FY 92 Budget — GOV AMENDMENTS By Components\*

COMPONENT	GF	OTHER	PFT	PPT	Recommendation
<b>Commissioner</b>					
Trans In Clerk Typist	31.9		1		deny
FY 92 Health Benefits reduction	-1.2				accept
<b>Admin Services</b>					
Trans In PCN/\$ frm Tank Program		154.1	3		accept
Trans In 2 PCN/\$ frm EQ Projects		96.5	2		accept
Trans out PCN/\$ to Spill Prev & Response		-182.1	-3		accept
Delete 3 Accounting Positions		-53.6	-3		accept
FY 92 Health Benefits reduction	-5.5				accept
<b>Fac Const/Opers</b>					
FY 92 Health Benefits reduction	-4.2				accept
<b>Env Quality Direct</b>					
Trans out Positions to new Spill Prev BRU	-163.6		-2		accept
FY 92 Health Benefits reduction	-1				accept
<b>Monitoring &amp; Lab</b>					
FY 92 Health Benefits reduction	-3.6				accept
<b>Env Qual Projects</b>					
Trans Admin Asst frm Storage Tank Prgrm			1		accept
Trans out Env Spec IV to Spill Prev & Response	-85.1		-1		accept
Trans 2 Admin PCNs/\$ to Admin Svcs		96.5	-2		accept
Add I/A receipts for Pipeline Coordinator		28			accept
FY 92 Health Benefits reduction	-27.4				accept
<b>Storage Tank Program</b>					
Trans Admin Asst pos to EQ Projects			-1		accept
Trans 3 Accounting PCNs to Admin Svcs			-3		accept
Trans grants \$ to pers Svcs 2 PPT to 2 PFT			2	-2	accept

*Names*

TO OUR LEGISLATORS

We, the undersigned, as residents of the State of Alaska do petition you, our legislators, to enact and provide funding for the following proposed legislation:

- HB 121 - Requires Railbelt utilities to undertake "least cost planning"
- HB 138 - Appropriates funding for recycling and waste reduction
- HB 139 - Establishes recognition awards for pollution prevention and recycling
- HB 140 - Would allow refuse utilities to recover reasonable recycling costs in their rates

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>House Dist. #</u>
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<i>Scott Martinez</i>		P.O. Box 770126 Eagle River A	
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<i>Eric J. Sorensen</i>	ERIC SYRENE	P.O. Box 795 Cordwood, AK	9958
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<i>Tom Webber</i>	TOM WEBBER	8155 Crankberry St Anch	9952
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<i>Donna Jefferson</i>	DONNA JEFFERSON	Box 393 TALLEKETA, AK	996
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<i>Blaine Knapik</i>		Box 361 Cordwood	9958
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<i>Barbara Jones</i>		7021 Henniger Anchorage	9950
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These bills may be voted on at any time. Petitions need to be returned as soon as possible to the Alaska Center for the Environment - 519 W. 8th Ave., Ste. 201, Anchorage, AK 99501.

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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>House Dist. #</u>
<i>Carol L. Pamey</i>	Carolyn L. Pamey	403 W. 22 <sup>nd</sup> Ave #212, Anch	99503
<i>Maurice K. White</i>	MAURICE K WHITE	5246 Emmanuel Ave	99508 #1
<i>Christine M. Myers</i>	Christine M. Myers	13300 Badger Ln. Anch.	99576
<i>Penelope Cordes</i>	Penelope M. CORDES	6731 Crooked Tree Dr Anch.	99571
<i>Maria Stevens</i>	Mira. Stevens	1306 W. 6 <sup>th</sup> #7 Anch	99501
<i>RASHAD</i>	Rashed	1306 W. 6 <sup>th</sup> #8 Anch	
<i>Lloyd Eggen</i>	Lloyd Eggen	6731 Crooked Tree Dr Anchorage AK	
<i>H. Thomas</i>	Heidi Thomas	4300 Arctic #6 Anch	99503
<i>Susan Beeman</i>	Susan Beeman	P.O. Box 243972 Anch. AK	99504
<i>Steve J. Kendall</i>	Steven J. Kendall	Box 231322 Anch AK	99523

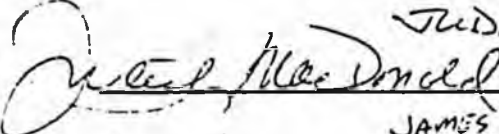
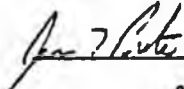
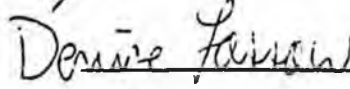
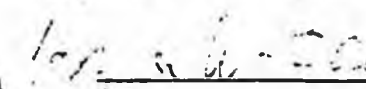
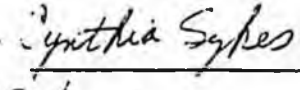
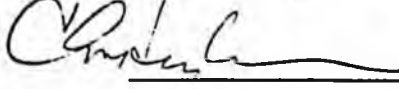
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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>House Dist. #</u>
	JUDITH MACDONALD	8205 MENTRA #B ANCH AK 99518	9
	JAMES PRATER	6134 Eastwood Ct Anch. AK 99504	
	Denise Lassau	HC 67 Box 912 Anchorage AK	
	Benedict	P.O. Box 294 Pillingham, AK	#16 99576
	Cynthia Sykes	P.O. Box 68 Talkeetna 99676	
	Christina R. Loais	P.O. Box 190551 Anch. AK 99519	H.D. 1

These bills may be voted on at any time. Petitions need to be returned as soon as possible to the Alaska Center for the Environment - 519 W. 3th Ave., Ste. 201, Anchorage, AK 99501.

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- HB 138 - Appropriates funding for recycling and waste reduction
- HB 139 - Establishes recognition awards for pollution prevention and recycling
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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>	<u>House Dist. #</u>
<i>Jerry Thomas</i>	Jerry Thomas	6301 Bunnyshee Anch.	8
<i>John Nannema</i>	John Nannema	4661 Cascade Cr. Anch AK	9
<i>Marge Edais</i>	Marge Edais	4511 Felter 18-A Anch AK	2
<i>Helen Blum</i>	Helen Blum	P.O. Box 230974 Anch. AK	10
<i>Constance Ktasse</i>	Constance Ktasse	5000 Kenai Ave Anch.	13
<i>Judith Macdonald</i>	JUDITH MACDONALD	8205 MEWTRAB ANCH 99518	
<i>Mary Schalkert</i>	MARY SCHALKERT	12600 TURKIS TURN ST Anch 99516	
<i>Erica Mahaney</i>	ERICA MAHANEV	608 N. Pine Anch 99508	
<i>Robert Rosman</i>	ROBERT ROSMAN	7123 Henderson Cr. Anch 99505	
<i>Cecilia F. Hingblom</i>	CECILIA F. HINGBLOM	2085 E. Cecok Anch. AK	

These bills may be voted on at any time. Petitions need to be returned as soon as possible to the Alaska Center for the Environment - 519 W. 8th Ave., Ste. 201, Anchorage, AK 99501.

199501

HB

139

## SPONSOR STATEMENT

CS HB 139 (HESS) - Pollution Prevention & Recycling Recognition Awards

### CS HB 139 (HESS)

CS HB 139 (HESS) would provide for the public recognition of pollution prevention, waste reduction and recycling efforts.

Specifically, the legislation would:

- 1) Establish an Alaska school recycling awards program. Subject to available funding, DEC would be authorized to award grants of up to \$2,000 each to public schools in recognition of their waste reduction and recycling efforts;
- 2) Authorize DEC to "identify, document and publicly acknowledge exemplary pollution prevention achievements by individuals, businesses or government agencies;" and
- 3) Authorize DEC to accept contributions from private sources to fund the recognition awards.

### Discussion

Each day, Alaskans produce approximately 3 to 5 pounds of solid waste per person. Each year, it is estimated that the state produces as much as 1 billion pounds of trash. Many communities throughout Alaska are confronted with a landfill capacity shortage that will require substantial capital investments to address. The Department of Environmental Conservation has identified the need for tens of millions of dollars in additional investment for new landfills and to address solid waste management problems. At the same time, new federal landfill design requirements are making the development of new landfills increasingly expensive.

Last legislative session, the legislature enacted a statutory hierarchy as part of HB 478 (see AS 46.06.021) that promotes solid and hazardous waste management practices in the following order of priority:

- 1) waste source reduction
- 2) recycling of waste
- 3) waste treatment; and
- 4) waste disposal.

**Waste reduction and recycling must be a fundamental part of Alaska's solid waste management effort. While significant opportunities exist for waste reduction and recycling, public education is essential to ensure that individuals are aware of these opportunities. Furthermore, the future success of Alaska waste reduction and recycling is critically dependent upon the positive attitudes and behavior of young Alaskans.**

**CS HB 139 (HESS) is a cost-effective investment in Alaska's future solid waste management. By establishing a recognition awards program for waste reduction and recycling efforts, the state can help educate and promote opportunities for pollution prevention. The extent to which Alaskans can succeed in diverting solid waste from our landfills and establish successful recycling programs will enable the state to avoid the needless expenditure of millions of dollars for costly landfill capacity additions.**

**Recognition awards for successful pollution prevention efforts will also help small business by identifying positive solutions to pollution problems that can have economic as well as environmental benefits. Some examples include,**

- **the efforts of an Anchorage manufacturing company to automate its bottle filling process resulting in the reduction of discharged ammonia;**
- **the decrease in solvent waste by an Anchorage dry-cleaner through a modification of its process allowing for the reuse of solvent and a reduction in solvent discharges; and**
- **the success of an Alaska newspaper to substitute non-toxic soy-based inks for petroleum based inks resulting in a reduction in the paper's hazardous waste management liabilities as well as a reduction in occupational health hazards.**

**These are the kinds of pollution prevention, waste reduction and recycling efforts that CS HB 139 (HESS) will recognize, encourage and award.**

**A recent survey of Alaska consumers found that 90% of the respondents felt that solid waste recycling was a community priority. The survey also found that about a third (31%) of the respondents lacked sufficient information about how to recycle more. In significant part, these impediments can be overcome by better education together with the kind of positive incentives and reinforcement provided through CS HB 139 (HESS).**

## CS FOR HOUSE BILL NO. 139 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/15/91

Referred: Resources, Finance

Sponsor(s): REPRESENTATIVES BROWN, Ellis, Ulmer, Boyer, Finkelstein, Koponen, Kubina, Navarre

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to public recognition of, and incentives for, pollution prevention and  
2 waste reduction and recycling efforts; and providing for an effective date."

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

4 \* Section 1. FINDINGS. The legislature finds that

5 (1) waste reduction and recycling must be a fundamental part of a comprehensive solid  
6 waste management effort;

7 (2) the success of waste reduction and recycling initiatives is largely dependent upon the  
8 current and future behavior of consumers in the state; and

9 (3) while significant opportunities for waste reduction and recycling exist, public  
10 education is required to ensure that consumers are aware of these opportunities.

11 \* Sec. 2. AS 46.03 is amended by adding a new section to article 2 to read:

12 Sec. 46.03.045. PUBLIC RECOGNITION OF POLLUTION PREVENTION EFFORTS.

13 In addition to the school awards program under AS 46.11.070, the department may identify,

14 document, and publicly acknowledge exemplary pollution prevention achievements by individuals.

1 businesses, or government agencies in the state.

2 \* Sec. 3. AS 46.11 is amended by adding a new section to read:

3 Sec. 46.11.070. WASTE REDUCTION AND RECYCLING AWARDS FOR SCHOOLS.

4 (a) In consultation with the Department of Education, the Department of Environmental  
5 Conservation shall establish a waste reduction and recycling awards program under which the  
6 Department of Environmental Conservation may annually, subject to available funding, award  
7 grants of up to \$2,000 each to public schools in recognition of their efforts and the efforts of  
8 their students to reduce and recycle waste generated in the administrative offices, classrooms,  
9 laboratories, cafeterias, and maintenance operations of the schools.

10 (b) The Department of Environmental Conservation shall, on request, provide technical  
11 assistance to schools concerning their opportunities to reduce and recycle wastes.

12 (c) The Department of Environmental Conservation shall adopt regulations to implement  
13 the awards program. For purposes of evaluating school waste reduction and recycling programs,  
14 the department may group schools according to geographical location, student population,  
15 distance to recycling markets, or other criteria considered appropriate by the department.

16 (d) The Department of Environmental Conservation may accept and use restricted grants  
17 of money or other assistance from private persons or groups to fund the awards made under (a)  
18 of this section.

19 (e) The Department of Environmental Conservation may not use state money to fund  
20 awards made under (a) of this section unless an appropriation is made specifically for the  
21 purposes of (a) of this section.

22 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

## Sectional Analysis

### CSHB 139 (HESS) — Pollution Prevention Recognition Awards

#### Section 1

Findings.

#### Section 2

Provides authority for the Department of Environmental Conservation to "identify, document, and publicly acknowledge exemplary pollution prevention achievements by individuals, businesses or government agencies in the state."

#### Section 3

Establishes a school recycling awards program to be administered by the Department of Environmental Conservation in consultation with the Department of Education. Subject to available funding, DEC is authorized to award recognition grants of up to \$2,000 each to public schools in recognition of efforts to reduce and recycle waste generated by the school. The department would provide technical assistance to schools upon request.

Allows the department to accept contributions from private sources to fund the recognition awards and requires that the department may not use state money to fund awards unless an appropriation is made specifically for that purpose.

#### Section 4

Effective date.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB 139 (HES)

Revision Date: 3/28/91  
 Title: An Act relating to public  
recognition of pollution prevention  
 Sponsor: Rep. Kay Brown  
 Requestor: \_\_\_\_\_

Department Affected: DEC  
 BRU: Environmental Quality  
 Component: EQ Projects

COMPONENT SERIAL NO. 1 1 0 1 1 6

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0	10.0	10.0	10.0	10.0	10.0
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS	20.0	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	30.	30.	30.	30.	30.	30.

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	20.0	20.0	10.0	10.0	10.0	10.0
FEDERAL FUNDS						
OTHER / PR	10.0	10.0	20.0	20.0	20.0	20.0
TOTAL	30.	30.	30.	30.	30.	30.

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

See Attached

Prepared by: Janice Adair  
 Division: Commissioner's Office

Fphone: 465-2600  
 Date: March 28, 1991

Approved by Commissioner: [Signature]  
 Agency: Dept. of Environmental Conservation

Date: 3/29/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CSHB 139 (HES)

FISCAL NOTE ANALYSIS

\$10.0 will be used to publicly recognize exemplary pollution prevention efforts by individuals, businesses, or government agencies and to promote the waste reduction and recycling awards for schools. \$20.0 will be used to award grants of up to \$2.0 each to public school in recognition of their reduction and recycling efforts. \$10.0 is anticipated as being collected from private sources in each of the first two fiscal years. By FY 94, the Department would propose to fund all school grants from private donations.

Survey by Anchorage Recycling Center-Sent to Anchorage  
Refuse customers in April 1990:

1. Do you consider a solid waste recycling program a community priority?

YES: 3162/3514 90%                      NO: 367/3514 10%

2. Do you currently recycle?

YES: 2701/3514 77%                      NO: 812/3514 23%

3. Would you be willing to separate your recyclables if pick-up occurred at your home?

YES: 3307/3514 94%                      NO: 207/3514 6%

4. The value of recyclables will not support curbside pick-ups. Will you be willing to pay more than your current refuse bill for curbside pick-up of recyclables?

YES: 1994/3514 57%                      NO: 1520/3514 43%

5. If yes, how much more?

\$5.00: 1617/3514 46%                      \$10.00: 291/3514 8%

\$15.00: 75/3514 2%                      N/A: 1532/3514 44%

6. Should recycling be subsidized by:

Grants: 969/3514 28%                      Taxes: 673/3514 19%

User: 967/3514 27%                      None:1018/3514 29%

N/A: 545/3514 16%

7. What prevents you from recycling more?

Does not pay:	437/3514	13%
Not sure where to take it:	1095/3514	31%
Inconvenient	1894/3514	54%
Not interested	44/3514	1%
N/A	702/3514	20%

8. Do you believe garbage pick-up should be mandatory in Anchorage?

Yes: 1901/3514	54%	NO: 1611/3514	46%
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9. Business using cardboard: Will you put cardboard in a separate dumpster if you receive a 10% rebate on disposal pick-up?

YES: 1139/3514	32%	NO: 2313/3514	66%
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# Focus

## THE WASTE NOT WASHINGTON ACT

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The 1989 Washington Legislature passed ESHB 1671, a comprehensive solid waste bill that will bring about significant changes in the way Washington citizens handle their garbage. The bill calls for waste reduction and source separation to become the fundamental strategies of solid waste management and establishes an aggressive state goal to achieve a fifty percent recycling rate by 1995. Local governments will play a very important role in meeting this goal by including waste reduction and recycling elements in their comprehensive solid waste management plans. Other key provisions of the bill are outlined below.

Funding for the activities under the bill will be provided partly through a surcharge of one percent on solid waste collection. A family setting out one garbage can per week will pay a maximum of 96¢ per year. Those with two cans or more per week will pay up to \$1.44 per year. Counties may also impose a fee on collection services in unincorporated areas to pay for solid waste planning and administration expenses.

### Waste Reduction and Recycling Elements of Local Plans

Local governments have been required to prepare solid waste management plans detailing how they will manage their garbage since the early 1970s. Now, cities and counties will be required to include waste reduction and recycling elements in their solid waste management plans written according to guidelines developed by the Department of Ecology. Curbside collection of recyclable materials will likely be required in most urban areas of the state. The plans must also address collection of recyclables in rural areas, monitoring of collection at nonresidential sites, and collection of yard wastes.

### Waste Reduction and Recycling Education

A comprehensive statewide public information program to encourage waste reduction, source separation, and recycling will be developed by the Department of Ecology. Local governments must also conduct educational programs to inform residents how to reduce and recycle their wastes. The Department will provide grants to local governments to assist with their educational efforts.

### Waste Composition/Recycling Survey

The Department of Ecology will conduct a yearly waste composition and recycling survey to track the progress toward meeting waste reduction and recycling goals. Washington was one of the first states in the nation to conduct waste stream analysis and will continue to lead the way in this regard.

### Collection Authority for Recyclables

The bill clarifies under what circumstances a city, county, or the Utilities and Transportation Commission has the authority to arrange for the collection of recyclable materials. Haulers regulated by the UTC will be required to use rate structures which encourage waste reduction and recycling.

### State Agency Waste Reduction and Recycling

State government will put additional emphasis on its own waste reduction and recycling program to ensure that all employees have the opportunity to participate in waste reduction and recycling at work. State agencies must also increase their use of recycled paper products by 50 percent.

### School Recycling

Public schools will be required to implement waste reduction and recycling programs according to guidelines developed by the Department. Schools will be provided with an incentive to maximize waste reduction and recycling through a new award's program. Three awards of \$10,000 will be given each year to public schools in the state.

Revision Date: \_\_\_\_\_ Department Affected: Environmental Conservation  
 Title: An Act relating to public recognition of BRU: Environmental Quality  
pollution prevention and waste reduction ... Component: Environmental Quality Projects  
 Sponsor: Rep. Brown COMPONENT SERIAL  
 Requestor: House HESS Committee NUMBER 1016

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	10.0	10.0	10.0	10.0	10.0	10.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	20.0	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	30.0	30.0	30.0	30.0	30.0	30.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	30.0	30.0	30.0	30.0	30.0	30.0
FEDERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	30.0	30.0	30.0	30.0	30.0	30.0

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

\$10.0 will be used to publicly recognize exemplary pollution prevention efforts by individuals, businesses, or government agencies and to promote the waste reduction and recycling awards for schools. \$20.0 will be used to award grants of up to \$5.0 each to public schools in recognition of their waste reduction and recycling efforts.

Prepared By: Jeff Mach  
 Division: Environmental Quality

Phone: 465-2671  
 Date: \_\_\_\_\_

Approved by Commissioner: *Jeff Mach*  
 Agency: Environmental Conservation

Date: 3-12-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency (ies).



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

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

TO: Representative Pat Carney, Co-chair  
Representative Georgianna Lincoln, Co-chair  
Health, Education and Social Services Committee

FROM: Representative Kay Brown *KJB*

DATE: March 12, 1991

SUBJ: House Bill 139/Waste Reduction and Recycling Awards

In reference of the House Health, Education and Social Services Committee hearing on House Bill 139 on Wednesday, March 13 please find attached the following materials:

1. Sponsor Statement
2. Sectional Analysis
3. Copy of HB 139
4. Additional Background Material
  - Survey of Consumer Interest in Recycling
  - Summary of the Waste Not Washington Act

If you have questions concerning this legislation, please let me know or contact Cathy Donadio of my staff at 465-4998.

enclosures



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

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

Rep. Kay Brown  
3/12/91

### Sectional Analysis

HB 139

#### Waste Reduction and Recycling Recognition Awards

##### Section 1

Findings include that public education regarding recycling is necessary to ensure that the public is aware of recycling opportunities.

##### Section 2

Provides authority for the Department of Environmental Conservation to "identify, document, and publicly acknowledge exemplary pollution prevention achievements by individuals, businesses or government agencies in the state."

##### Section 3

Establishes a school recycling awards program to be administered by the Department of Environmental Conservation, in consultation with the Department of Education. Subject to available funding, DEC would be authorized to award recognition grants of up to \$5,000 each to public schools in recognition of their efforts and the efforts of their students to reduce and recycle waste generated by the school. The department would provide technical assistance to schools upon request.

##### Section 4

Effective date.

Survey by Anchorage Recycling Center-Sent to Anchorage  
Refuse customers in April 1990:

1. Do you consider a solid waste recycling program a community priority?

YES: 3162/3514 90%                      NO: 367/3514 10%

2. Do you currently recycle?

YES: 2701/3514 77%                      NO: 812/3514 23%

3. Would you be willing to separate your recyclables if pick-up occurred at your home?

YES: 3307/3514 94%                      NO: 207/3514 6%

4. The value of recyclables will not support curbside pick-ups. Will you be willing to pay more than your current refuse bill for curbside pick-up of recyclables?

YES: 1994/3514 57%                      NO: 1520/3514 43%

5. If yes, how much more?

\$5.00: 1617/3514 46%                      \$10.00: 291/3514 8%

\$15.00: 75/3514 2%                      N/A: 1532/3514 44%

6. Should recycling be subsidized by:

Grants: 969/3514 28%                      Taxes: 673/3514 19%

User: 967/3514 27%                      None: 1018/3514 29%

N/A: 545/3514 16%

7. What prevents you from recycling more?

Does not pay:	437/3514	13%
Not sure where to take it:	1095/3514	31%
Inconvenient	1894/3514	54%
Not interested	44/3514	1%
N/A	702/3514	20%

8. Do you believe garbage pick-up should be mandatory in Anchorage?

Yes: 1901/3514	54%	NO: 1611/3514	46%
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9. Business using cardboard: Will you put cardboard in a separate dumpster if you receive a 10% rebate on disposal pick-up?

YES: 1139/3514	32%	NO: 2313/3514	66%
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# Focus

## THE WASTE NOT WASHINGTON ACT

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The 1989 Washington Legislature passed ESHB 1671, a comprehensive solid waste bill that will bring about significant changes in the way Washington citizens handle their garbage. The bill calls for waste reduction and source separation to become the fundamental strategies of solid waste management and establishes an aggressive state goal to achieve a fifty percent recycling rate by 1995. Local governments will play a very important role in meeting this goal by including waste reduction and recycling elements in their comprehensive solid waste management plans. Other key provisions of the bill are outlined below.

Funding for the activities under the bill will be provided partly through a surcharge of one percent on solid waste collection. A family setting out one garbage can per week will pay a maximum of 96¢ per year. Those with two cans or more per week will pay up to \$1.44 per year. Counties may also impose a fee on collection services in unincorporated areas to pay for solid waste planning and administration expenses.

### Waste Reduction and Recycling Elements of Local Plans

Local governments have been required to prepare solid waste management plans detailing how they will manage their garbage since the early 1970s. Now, cities and counties will be required to include waste reduction and recycling elements in their solid waste management plans written according to guidelines developed by the Department of Ecology. Curbside collection of recyclable materials will likely be required in most urban areas of the state. The plans must also address collection of recyclables in rural areas, monitoring of collection at nonresidential sites, and collection of yard wastes.

### Waste Reduction and Recycling Education

A comprehensive statewide public information program to encourage waste reduction, source separation, and recycling will be developed by the Department of Ecology. Local governments must also conduct educational programs to inform residents how to reduce and recycle their wastes. The Department will provide grants to local governments to assist with their educational efforts.

### Waste Composition/Recycling Survey

The Department of Ecology will conduct a yearly waste composition and recycling survey to track the progress toward meeting waste reduction and recycling goals. Washington was one of the first states in the nation to conduct waste stream analysis and will continue to lead the way in this regard.

### Collection Authority for Recyclables

The bill clarifies under what circumstances a city, county, or the Utilities and Transportation Commission has the authority to arrange for the collection of recyclable materials. Haulers regulated by the UTC will be required to use rate structures which encourage waste reduction and recycling.

### State Agency Waste Reduction and Recycling

State government will put additional emphasis on its own waste reduction and recycling program to ensure that all employees have the opportunity to participate in waste reduction and recycling at work. State agencies must also increase their use of recycled paper products by 50 percent.

### School Recycling

Public schools will be required to implement waste reduction and recycling programs according to guidelines developed by the Department. Schools will be provided with an incentive to maximize waste reduction and recycling through a new awards program. Three awards of \$10,000 will be given each year to public schools in the state.

TABLE OF CONTENTS

HB 139      An Act relating to public recognition of  
pollution prevention and waste reduction and  
recycling efforts; and providing for an effective  
date.

1.            HB 139
2.            Sponsor's Sectional Analysis
3.            Fiscal Note

Department of Education  
Department of Environmental Conservation



## Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366

### AEL TESTIMONY

#### HB 139 - POLLUTION PREVENTION RECOGNITION

I am a volunteer with the Alaska Environmental Lobby which is a coalition of 19 member groups throughout the State. We strongly support HB 139 and applaud the Representatives who introduced and support this bill.

I believe we are all familiar with the merits of recycling and waste reduction. We know it will save energy and natural resources, reduce air and water pollution, and reduce the amount of waste entering our landfills.

This bill through public recognition will make a positive step toward reducing the waste stream in Alaska.

By encouraging recycling and waste reduction in schools we can provide environmentally sound knowledge and skills to future generations.

We encourage you to approve this bill and provide the recognition that those involved in preventing pollution deserve.

Theresa Svancara, AEL Volunteer  
House Education and Social Services Committee  
March 13, 1991

CLEAN AIR COALITION • PRINCE WILLIAM SOUND CONSERVATION ALLIANCE • ALASKA CENTER FOR THE ENVIRONMENT  
ALASKA CHAPTER SIERRA CLUB • JUNEAU GROUP SIERRA CLUB • KNIK GROUP SIERRA CLUB • DENALI GROUP SIERRA CLUB  
ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • DENALI CITIZENS COUNCIL • ALASKA FRIENDS OF THE EARTH  
JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY  
LYNN CANAL CONSERVATION • SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER  
SOUTHEAST ALASKA CONSERVATION COUNCIL • KNIK CANOERS AND KAYAKERS

3/13/91  
Rep. Kay Brown

AMENDMENT

by BROWN

OFFERED IN THE HOUSE  
TO: HB 139

Page 2, line 7, after "up to":

Delete "\$5,000", insert "\$2,000"

Page 2, after line 15:

Insert a new subsection to read:

"(d) The Department of Environmental Conservation may accept and use restricted grants of money or other assistance from private persons or groups to fund the awards made under (a) of this section.

(e) The Department of Environmental Conservation may not use state money to fund awards made under (a) of this section unless an appropriation is made specifically for the purposes of (a) of this section."



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

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

TO: Representative Cliff Davidson, Chair

FROM: Representative Kay Brown *afm*

DATE: March 19, 1991

SUBJ: CSHB 139 (HESS) — Pollution Prevention Recognition Awards

The purpose of this memorandum is to request that you schedule CSHB 139 (HESS) at your earliest possible convenience. Enclosed is a copy of the bill together with a sectional analysis.

If you have any questions please contact me, or Cathy Donadio of my staff at 465-4998.

Your consideration of this request is appreciated.

enclosure

## Sectional Analysis

### CSHB 139 (HESS) — Pollution Prevention Recognition Awards

#### Section 1

Findings.

#### Section 2

Provides authority for the Department of Environmental Conservation to "identify, document, and publicly acknowledge exemplary pollution prevention achievements by individuals, businesses or government agencies in the state."

#### Section 3

Establishes a school recycling awards program to be administered by the Department of Environmental Conservation, in consultation with the Department of Education. Subject to available funding, DEC would be authorized to award recognition grants of up to \$2,000 each to public schools in recognition of their efforts and the efforts of their students to reduce and recycle waste generated by the school. The department would provide technical assistance to schools upon request.

Allows the department to accept contributions from private sources to fund the recognition awards and requires that the department may not use state money to fund awards unless an appropriation is made specifically for these awards.

#### Section 4

Effective date.

CS FOR HOUSE BILL NO. 139 (HES)  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/15/91

Referred: Resources, Finance

Sponsor(s): REPRESENTATIVES BROWN, Ellis, Ulmer, Boyer, Finkelstein, Koponen, Kubina, Navarre

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public recognition of, and incentives for, pollution prevention and  
 2 waste reduction and recycling efforts; and providing for an effective date."

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

4 \* Section 1. FINDINGS. The legislature finds that

5 (1) waste reduction and recycling must be a fundamental part of a comprehensive solid  
 6 waste management effort;

7 (2) the success of waste reduction and recycling initiatives is largely dependent upon the  
 8 current and future behavior of consumers in the state; and

9 (3) while significant opportunities for waste reduction and recycling exist, public  
 10 education is required to ensure that consumers are aware of these opportunities.

11 \* Sec. 2. AS 46.03 is amended by adding a new section to article 2 to read:

12 Sec. 46.03.045. PUBLIC RECOGNITION OF POLLUTION PREVENTION EFFORTS.

13 In addition to the school awards program under AS 46.11.070, the department may identify,  
 14 document, and publicly acknowledge exemplary pollution prevention achievements by individuals,

1 businesses, or government agencies in the state.

2 \* Sec. 3. AS 46.11 is amended by adding a new section to read:

3 Sec. 46.11.070. WASTE REDUCTION AND RECYCLING AWARDS FOR SCHOOLS.

4 (a) In consultation with the Department of Education, the Department of Environmental  
5 Conservation shall establish a waste reduction and recycling awards program under which the  
6 Department of Environmental Conservation may annually, subject to available funding, award  
7 grants of up to \$2,000 each to public schools in recognition of their efforts and the efforts of  
8 their students to reduce and recycle waste generated in the administrative offices, classrooms,  
9 laboratories, cafeterias, and maintenance operations of the schools.

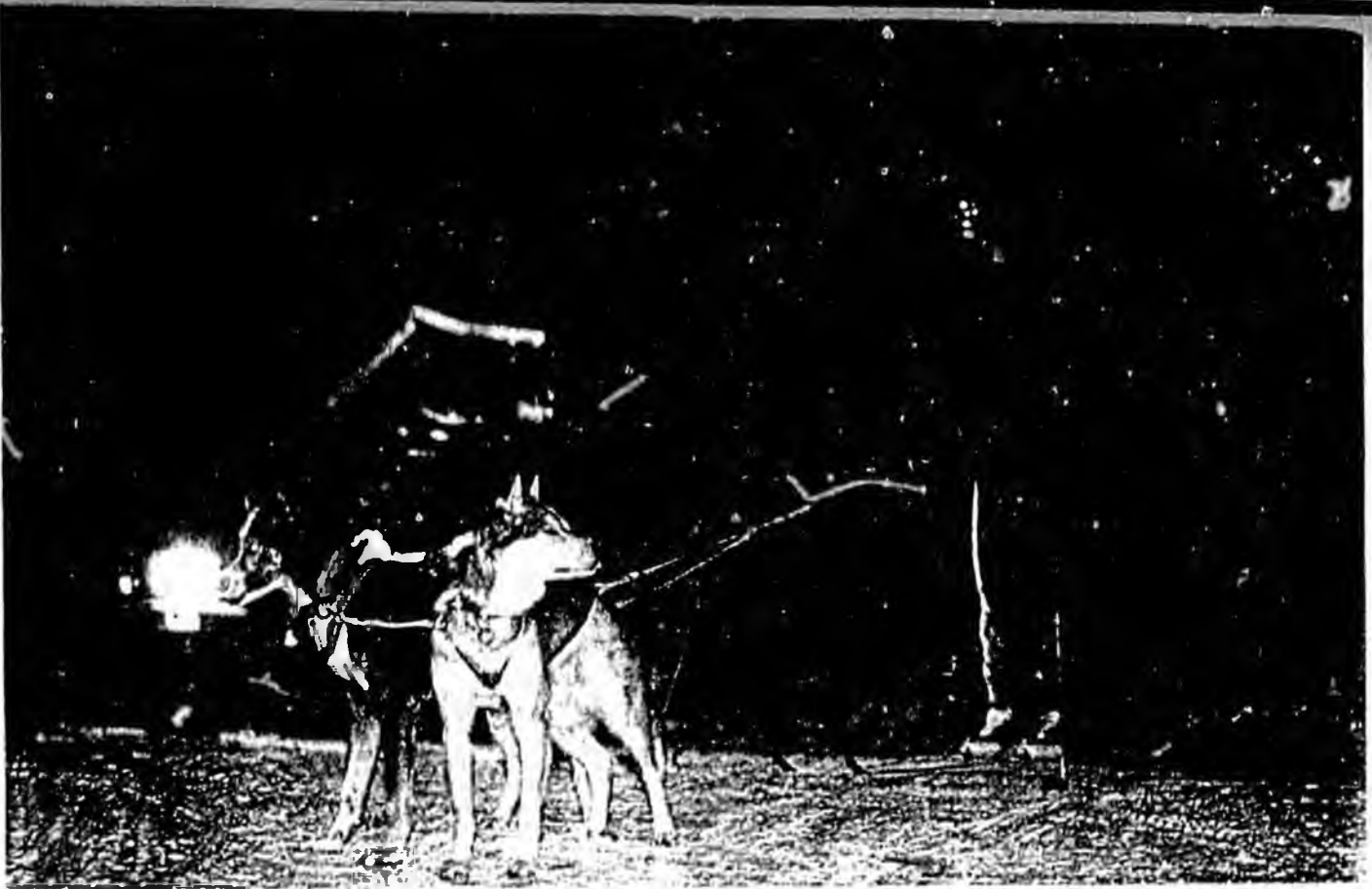
10 (b) The Department of Environmental Conservation shall, on request, provide technical  
11 assistance to schools concerning their opportunities to reduce and recycle wastes.

12 (c) The Department of Environmental Conservation shall adopt regulations to implement  
13 the awards program. For purposes of evaluating school waste reduction and recycling programs,  
14 the department may group schools according to geographical location, student population,  
15 distance to recycling markets, or other criteria considered appropriate by the department.

16 (d) The Department of Environmental Conservation may accept and use restricted grants  
17 of money or other assistance from private persons or groups to fund the awards made under (a)  
18 of this section.

19 (e) The Department of Environmental Conservation may not use state money to fund  
20 awards made under (a) of this section unless an appropriation is made specifically for the  
21 purposes of (a) of this section.

22 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).



Nora Gruner News-Miner

**HEADING HOME**—Tim Cater gets ready to skijor home from the Alaska Biological Research building. Cater skijors to and from work to save fuel. ABR compensates him \$3 per day not to drive his car.

# It pays to save fuel for these workers

By **KELLY BOSTIAN**  
Staff Writer

Bob Ritchie is paying his employees not to drive to work.

They still have to come to work, mind you. They just have to find another way of getting there.

And so employees of Alaska Biological Research, Inc. are walking, bicycling, skiing and car pooling their way to work these days.

Their reward? The knowledge that they're conserving fuel—and getting a \$3 daily bonus.

Ritchie, who is a co-founder and manager of

the environmental consulting firm, confesses that the idea first was one of convenience. The business was outgrowing its 2-acre plot in Goldstream Valley. "We were running out of parking space," he said.

The idea worked so well they continued with it. The program cost the company \$700 last year and Ritchie figures the 25-employee company saved at least 1,000 gallons of gas.

Among the benefits to the company have been lower electricity costs to keep cars warm in winter and not having to expand the parking lot, he said.

Employees are taking the challenge in stride, so to speak. Those who live close walk or jog. Several bedeck themselves in lights and reflectors and bicycle even at 40 below.

"Rick Johnson is our hero. He pedaled 100 days last winter," Ritchie said.

Tim Cater skijors the seven or so miles from his home on the Old Nenana Highway with the help of his two dogs, Frankie and Tipper. "We made it to work in 42 minutes today," Cater said Thursday. "That's about as fast as it gets."

The company is so proud of its energy-  
(See **WORK**, Back Page)

## WORK: Firm practices what it preaches

(Continued from page 1)

saving efforts that it has expanded into nearly every facet of company operations, from the toilets to the copy machine, with the help of Suzann Speckman.

Speckman has been appointed "conservation officer," for lack of a more formal title, Ritchie said.

She is gathering as much information as she can to help the company become more energy-efficient. She rattles off ways to save energy and reduce pollution: water-saving dams in the toilets, energy-efficient light bulbs, the "energy save" button on the copy machine, and receptacles for recycling trash.

Speckman doesn't nag, but puts up a lot of signs and reminders. "People seem to catch on to things eventually and then it becomes a

habit. I don't push," she said.

Speckman posts announcements and energy-saving tips on a bulletin board near the entrance to the office building.

Ritchie helps by providing company support. Before recycle bins were put up in most areas of town, Ritchie arranged for the company expediter to make a weekly trip to Sandy's Recycling.

"Most people want to do these kinds of things, and he just makes it available," Speckman said.

Ritchie also kicks in dollars for volunteerism and contributions to social or environmental organizations. The company matches up to \$25 donated to any organization and pays employees' out-of-pocket hours spent volunteering to local organizations.

"Those are all real incentives,

but it all comes back as profit for us as a company and as individuals," Ritchie said. "And, actually, I think people here are ethical enough that they would do it without the incentives."

Speckman is available to talk with other businesses about creating incentives at their workplaces. She can be reached at 455-6778.

## SANTA

(Continued from page 1)

James Moor	25.00
In memory of Tim Turner	25.00
Harry Lubjell	25.00
Ed Murphy Family	25.00
Rea and Nola Harner	25.00
Total	\$1,370.00
Previous Total	\$26,306.66
Total to Date	\$27,676.66

HB

143



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

Hickel Administration Position on HB 143

The Departments of Community and Regional Affairs, Natural Resources, and Fish and Game, support the concept of transferring state land to municipalities to help ensure local and statewide economic health. We believe the formation of additional boroughs should be encouraged. To that end we support the removal of the 20 acre per capita municipal land selection restriction (Section 1 of the bill) for new boroughs and boroughs whose entitlements have not yet been certified (Aleutians East, Lake and Peninsula, Denali). We do not, however, believe the cap should be retroactively removed.

The Hickel Administration municipal grant land entitlement policy assures that additional land will be made available to boroughs that are already formed, as well as new boroughs, above what has already been certified as their statutory entitlement, if a need for the additional land can be demonstrated.

We do not believe that wildlife habitat should become part of the vacant, unreserved, unappropriated land (VUU) from which basic statutory municipal selections can be made.

We believe that keeping some restrictions on the size and shape of parcels is in the public interest. Adjustments to the 4 to 1 ratio should be made on a case-by-case basis, to meet statewide and local needs.

The Department of Natural Resources is the state's land manager and has the expertise to approve or disapprove municipal land selections. The Department of Natural Resources will consult with the Departments of Fish and Game and Community and Regional Affairs when determining whether a municipal land conveyance is in the best interest of the state.

Municipalities may appeal municipal selection decisions of the Director of Land and Water to the Commissioner of Natural Resources, according to the department's standard appeal process.

In line with this philosophy, the Departments recommend the following additions and deletions to HB 143:

1. Add a Section to the bill that requires the Governor to present a policy on municipal selection of state land to the first session of each Legislature. Included with the policy will be information about selections approved and disapproved to date.
2. In Section 1, make it clear that the cap is removed only for boroughs incorporated after July 1, 1987.
3. Delete sections 4, 5, 6, 9, 10, and 11.
4. Modify Section 2 to allow more time for certification and selection by municipalities or the state, if both parties agree.

## MUNICIPAL GRANT LAND ENTITLEMENT POLICY

March 12, 1990

The Hickel Administration supports the transfer of state land to municipalities to help ensure local and statewide economic health. Accordingly, it is the policy of the State of Alaska that the basic municipal land entitlement shall not be less than 10% of the vacant, unappropriated, unreserved state land within the municipality's boundaries. It is also the policy of the State of Alaska that a municipality be granted additional land, above the municipal entitlement certified under AS 29.65.030 (b), when the municipality demonstrates that additional land is necessary for:

1. A public facility site;
2. Revenue production through sales or leases;
3. The overall economic vitality of the municipality;
4. Local public recreation;
5. Protection of locally unique or important cultural, traditional, archeological, or other public resources;
6. Other important local or statewide needs.

Municipalities may select additional land, above the amount certified under AS29.65.030 (b), from any land classification category, including wildlife habitat, but must demonstrate that the conveyance of land currently classified as non-VUU land is in the public interest. The size and shape of parcels selected by municipalities can be adjusted from the standard 4:1 ratio, as necessary, to meet statewide and local needs and concerns.

The Department of Natural Resources will consult with the Department of Community and Regional Affairs and the Department of Fish and Game when considering whether conveyance of a municipality's land selection is in the best interest of the state.

Municipalities may appeal municipal selection decisions of the Director of Land and Water to the Commissioner of Natural Resources, according to the department's standard appeal regulations.

In response to the House Committee on Community and Regional Affairs interest, particularly Representative Gail Phillips' questions on House Bill 143, the Departments' of Community and Regional Affairs, Fish and Game and Natural Resources are pleased to provide the following responses:

Question 1: Should wildlife habitat land be added to the land base that is selectable by a municipality?

The administration supports the selection of wildlife habitat or any other state land when a municipal entitlement is not adequate to meet the municipalities needs, and those needs outweigh the state's interest in retention of the land. Existing law allows such a transfer.

Question 2: Will land be added to the VUU land base by the addition of wildlife habitat lands?

The addition of wildlife habitat lands to the VUU land base would not add to the VUU land base for municipalities formed prior to 1986. For new municipalities formed after 1986 the base would be increased as shown on the attached chart. We have no figures available for areas in the unorganized borough.

Question 3: With regard to fairness among municipalities, how will existing municipalities be affected by HB 143 if enacted. If they are not affected by HB 143 as drafted, what would be the effect on these municipalities if HB 143 were applied to them?

As drafted HB143 does not affect existing municipalities created prior to 1986. The eleven boroughs established prior to that date had their entitlement established by statute. It is possible to retroactively add any cities or boroughs to this legislation if desired which would require DNR to recertify all entitlements not previously established by statute. See the attached chart for a conveyance summary.

Question 4: Should shape criteria be a part of municipal land entitlement selections? If not, what are the possible effects on state land and state land policy? If kept, what are the effects on land selections?

Shape criteria as currently used today generally involve a four to one ratio length to width. There is authority to waive this requirement in proposed DNR regulations when it can be proved to be in the best interest of all parties. Size and shape requirements have always been a part of a variety of land selection programs to include mining claims, state land selections, and homestead programs to name a few. Without these criteria a municipality could select a narrow strip of land along the banks of a river course. Such a strip would reduce the value of adjacent land and reduce access. Shape criteria tend to limit selections to useful parcels and to permit better land management patterns.

Deleting shape criteria for the selection process would restrict management opportunities

to the state and invites possible abuse.

Question 5: What agency within the executive branch is in charge of land policy? Would this change with HB 143?

DNR is the lead agency on land policy. Often agencies, such as DF&G or DCRA have occasional roles, usually through interagency coordination to facilitate reaching established goals.

HB 143's inclusion of DCRA in an appeal process would alter that by introducing an appeal board comprised of a DNR representative, a DCRA representative, and an elected municipal official appointed by the Governor. This would appear to alter the basic responsibility authority of state land management.

Municipal Entitlement Estimates for New Boroughs under SSHB 143

<i>Borough</i>	<i>Incorporation Date</i>	<i>Population</i>	<i>Total State Land</i>	<i>VUU Land ****</i>	<i>Present Entitlement</i>	<i>Entitlement W/O 20 Acre Cap</i>	<i>Entitlement W/ Wildlife Hab</i>
<i>Northwest Arctic*</i>	6/2/86	6,696	2,669,552	131,402	133,920***	285,438	285,438
<i>Alutians East</i>	10/23/87	2,091	1,122,016	76,334	7,633	7,633	35,000
<i>Lake and Peninsula</i>	4/24/89	1,800**	4,885,000	150,000	15,000	15,000	115,000
<i>Denali</i>	12/7/90	2,000**	2,898,000	494,000	40,000***	49,400	189,400

\*The first acreage figures are for the original certification prior to 1987 law change

The second set is after passage of Chap. 34, SLA 87, which defined Resource Management land as VUU

\*\*Estimates from DCRA

\*\*\*Established by 20 acre cap

\*\*\*\*VUU is defined as Statehood Act Sections 6(a) or 6(b) land that is unclassified or if classified is agricultural, grazing, material, public recreation, settlement or resource management (if classification effective on or after Sep 1, 1983). Further, land that has been set aside by statute for one or more particular uses or purposes is not VUU land.

CONVEYANCE SUMMARY:  
UNIFIED HOME RULE MUNICIPALITIES AND BOROUGHS

CONVEYANCES BY AUTHORITY

Municipality	Incorp	38.05.347	AS 07	AS 29	38.05.810	38.05.320	Legislative	Other
Aleutians East Borough	Oct-87							
Bristol Bay Borough	Oct-62			2,672.7				
City & Borough of Juneau	Jul-70			4,279.6	11.4	852.9		
City & Borough of Sitka	Dec-71	1.8		2,276.4	6,237.7	194.5		0.6
Fairbanks North Star Borough	Jan-64			83,964.9	44.9			
Haines Borough	Jul-68			1,082.8				
Kenai Peninsula Borough	Jan-64			79,206.0	181.9			117.0
Ketchikan Gateway Borough	Sep-63			4,033.3				
Kodiak Island Borough	Sep-63			11,654.0	14.3			
Lake & Peninsula Borough	Apr-89							
Matanuska-Susitna Borough	Jan-64		40.3	201,771.0	432.1			79.3
Municipality of Anchorage	Sep-75	391.1		12,883.7	5,897.1	1,328.5		1,256.4
North Slope Borough	Jul-72							
Northwest Arctic Borough	Jun-86							
	TOTALS	392.9	40.3	403,824.4	12,819.4	2,375.9	0.0	1,453.3

The state has conveyed land to municipalities under various authorities; AS 38.05.347, AS 07.05, AS 07.10, AS 29.18, AS 29.65, AS 38.05.315, AS 38.05.810 and AS 38.05.320.

The authority for many early conveyances is not always stated. Where the authority is unknown, the conveyance is included in the AS 29 column.

The figures in this table represents the actual amount of land conveyed to each individual municipality and does not reflect the entitlement. In most cases, however, the municipality manages its full entitlement. Land cannot be conveyed to a municipality until a land survey is complete.

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 143

Revision Date: 27-Feb-91 Department Affected: Natural Resources  
 Title: An Act relating to general grant BRU: Land & Water Management  
 land selections; and providing for date Components: Land & Water Management  
 Sponsor: Rep. MacLean  
 Requestor: House Community and Regional Affairs COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	136.6	136.6	136.6			
TRAVEL	3.5	3.5	3.5			
CONTRACTUAL	7.5	7.5	7.5			
SUPPLIES	0.5	0.5	0.5			
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	148.1	148.1	148.1	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	148.1	148.1	148.1			
FEDERAL FUNDS						
OTHER						
TOTAL	148.1	148.1	148.1	0.0	0.0	0.0

POSITIONS:

FULL-TIME	3.0	3.0	3.0			
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)
See Attached

Prepared by: Dennis Daigger Phone: 762-2680  
 Division: Land & Water Management Date: 27-Feb-91

Approved by Commissioner: Harold Heinze <sup>cu</sup> Date: 27-Feb-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
& Impacted Agency(ies).

Fiscal Note HB 143, continued.

Enactment of HB 143 will result in approximately 246,000 new municipal selection acres for the Northern Region Office of the Division of Land and Water to process, and approximately 125,000 new acres for the Southcentral Region Office to process.

100	Personal Services	136.6
	1 NRO II (Fbx)	
	1 NRO I (Fbx)	
	1 NRO II (Anch.)	
200	Travel (to visit affected communities and sites)	3.5
300	Contractual (required public notices in newspapers)	7.5
400	Supplies	.5

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 143

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs  
 Title: "An Act..general grant land selections...." BRU: Local Government Assistance  
 Component: Local Government Support

Sponsor: Rep Maclean  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

	6	7	5
--	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708

Division: Administrative Services Date: 2/28/91

Approved by Commissioner: *[Signature]*

Agency: Community & Regional Affairs Date: 2/28/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 143

Revision Date: 3-14-91 Department Affected: Fish and Game

Title: Municipal Land Grant Selections BRU: Habitat

Component: Habitat

Sponsor: Representative MacLean

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

	4	8	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: no impact on current year

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank Rue, Director Phone: 465-4105

Division: Division of Habitat Date: 3/14/91

Approved by Commissioner: CARL ROSIER by [Signature] Date: 3/14/91

Agency: Department of Fish and Game Date: 3/14/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

February 27, 1991

The Honorable Jerry Mackie, Chair  
House Community and Regional Affairs Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Mackie:

Subject: HB 143, relating to general grant land selections for municipalities.

Position: The Department of Natural Resources is unable to support this bill. It would increase the land entitlement of certain municipalities (those incorporated after July 1, 1978) by a large amount, whether or not a local need for additional land exists (as is required under current state policy). While we firmly support municipal land transfers as a basis for local government self-determination, the approach in this bill is contrary to existing state law and policy. If it is the Legislature's intent to place more state land under local control, the entire policy for state land needs to be changed.

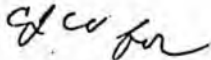
Background: In 1978, after 15 years of disputes between municipalities and the state over interpretations of the existing law, a number of amendments to the municipal land entitlement law (AS 29.18) were enacted. The new version of the law granted unified home rule municipalities and all boroughs specific state land acreage entitlements, and specified important policies and procedures. In 1987, the law was again amended. Additions expanded the category of land eligible for selection by a municipality and, among other things, placed an upper limit on the amount of "vacant, unappropriated, unreserved" land a municipality could select. The law also specified that the new land entitlement for the Northwest Arctic Borough was a partial entitlement that could be increased on a recommendation by the Governor to the Legislature. The Governor then submitted his general grant land entitlement policy to the legislature.

This bill removes the current 20 acre per capita limit on the land entitlement of a new municipality, and eliminates the criteria for the shape of a land selection. The 20 acre per capita limit is approximately equal to the maximum per capita acreage any borough has received from the state since statehood. Removal of this per capita limit, combined with the inclusion of wildlife habitat land within the "vacant, unappropriated, unreserved" land category eligible for selections, will greatly increase the land entitlement for new boroughs. Shape criteria are important if public access to adjacent state land is to be protected and sound land management

policies are to be maintained.

Recommendations: The municipalities affected by this bill have not yet received any entitlement land. It seems logical to allow them to receive their existing land entitlement before determining that additional land is needed for municipal purposes. However, the department supports Section 2 of this bill. It allows municipalities that wish to receive their land early an opportunity to have their land entitlements certified within six months of incorporation. Currently, municipalities must wait two years for certification. We would be happy to work with the committee to improve other municipal land entitlement administrative procedures that present problems to municipalities.

Sincerely,



Harold C. Heinze

cc: Committee Members  
Representative MacLean  
Bruce Kendall, Legislative Liaison, Office of the Governor  
Edgar Blatchford, Commissioner, Department of Community and  
Regional Affairs  
Gary Gustafson, Director, Division of Land and Water

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 143

Revision Date: 27-Feb-91 Department Affected: Natural Resources  
 Title: An Act relating to general grant BRU: Land & Water Management  
land selections; and providing for date Components: Land & Water Management  
 Sponsor: Rep. MacLean  
 Requestor: House Community and Regional Affairs COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	136.6	136.6	136.6			
TRAVEL	3.5	3.5	3.5			
CONTRACTUAL	7.5	7.5	7.5			
SUPPLIES	0.5	0.5	0.5			
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	148.1	148.1	148.1	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	148.1	148.1	148.1			
FEDERAL FUNDS						
OTHER						
TOTAL	148.1	148.1	148.1	0.0	0.0	0.0

POSITIONS:

FULL-TIME	3.0	3.0	3.0			
PART-TIME						
TEMPORARY						

Estimate of Current year impact:

ANALYSIS: (Attach a separate page if necessary)
See Attached

Prepared by: Dennis Daigger Phone: 762-2680  
 Division: Land & Water Management Date: 27-Feb-91

Approved by Commissioner: Harold Heinze Date: 27-Feb-91  
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,  
& Impacted Agency(ies).

Fiscal Note HB 143, continued.

Enactment of HB 143 will result in approximately 246,000 new municipal selection acres for the Northern Region Office of the Division of Land and Water to process, and approximately 125,000 new acres for the Southcentral Region Office to process.

100	Personal Services	136.6
	1 NRO II (Fbx)	
	1 NRO I (Fbx)	
	1 NRO II (Anch.)	
200	Travel (to visit affected communities and sites)	3.5
300	Contractual (required public notices in newspapers)	7.5
400	Supplies	.5

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

February 23, 1991

**SUBJECT:** General Grant Land Selections (HB 143)

**TO:** Representative Eileen MacLean

**FROM:** Tamara Brandt Cook *TBC*  
Director

Here is the sectional summary that you requested.

Sec. 1. Deletes the limitation on the size of a general grant land entitlement for a municipality based on population.

Sec. 2. Permits the governing body of a city to request expeditious certification of its entitlement by resolution and requires the entitlement to be certified within six months after receipt of the resolution.

Sec. 3. Adds a cross reference to the new appeal procedure added under section 5 of the bill.

Sec. 4. Requires the director of the division of lands to disapprove a selection only upon a finding that the public interest in retaining state ownership of the land outweighs the municipality's interest in obtaining the land. The Department of Community and Regional Affairs is required to review each selection and recommend approval or disapproval of it to the director.

Sec. 5. Before disapproving a selection, the director is required to notify the municipality. The municipality may submit a written response and, if the selection is disapproved, file notice of an appeal. The appeal will be heard by a municipal land mediation committee and the decision of that committee may be appealed by the municipality to the superior court.

Sec. 6. No restrictions may be placed on the shape of a parcel of land that may be selected by a municipality.

Representative Eileen MacLean

February 23, 1991

Page 2

Sec. 7. Requires the commissioner of natural resource to consult with the Department of Community and Regional Affairs before adopting regulations to carry out the general grant land entitlement program.

Sec. 8. Adds a statement of policy to the general grant land entitlement program.

Sec. 9. Amends the definition of "vacant, unappropriated, unreserved land" to include land classified for wildlife habitat other than critical wildlife habitat for purposes of determining both the size of an entitlement and the land that may be selected in fulfillment of the entitlement.

Sec. 10. Requires the director of lands to redetermine and recertify the entitlement of each municipality incorporated after June 2, 1986 in accordance with the new provisions of the bill. If the entitlement of a municipality is increased, land may be selected within one year after the recertification.

Sec. 11. Makes two bill sections retroactive to June 2, 1986. These sections may have the effect of increasing entitlements for certain municipalities.

Sec. 12. The bill has an immediate effective date.

TBC:gc

91-098.glc

## THE NEED FOR HB 143

The purpose of HB 143 is to restore equity in the General Grant Land Entitlement process, to return the emphasis of the program to its original intent of developing independent and strong local governments, and to temper the Department of Natural Resource's (DNR's) broad discretion in determining the process and procedure for transferring general grant land to municipalities.

The Mandatory Borough Act, enacted in 1963, created opportunities for municipalities to acquire state land for their local use. The intent was "to provide maximum local self-government". General grant land provides a means of creating a tax base, of generating revenues through land sales and leases, and a land base for community and public purposes.

The State Constitution was based on the premise that municipalities should be independent and self governing. Clearly, the intent is to provide for strong local governments. It can be argued that the state's best interest is best served by allowing local governments the opportunity to manage and develop their own land base, thereby developing local economies and strengthening the statewide economy.

However, DNR's report (entitled Municipal General Grant Land Entitlements, A State-Municipal Partnership) predetermines that it may not be in the best interests of the state that land in rural Alaska be managed and developed by local governments because the rural character of the state land "is often not well suited for development or other municipal purposes".

Because many areas in remote parts of Alaska are in the very initial stages of development, it is premature to make broad generalizations about the use or character of land in rural Alaska. Furthermore, subsistence is a major influence in the rural economy and therefore could result in large selections of land being held sacrosanct.

Finally, it is important for the legislature to evaluate the municipal entitlement statutes, to include language to provide for liberal construction of the law, as provided for by the State Constitution and, to make changes which favor the original intent of this program.

## POPULATION CAP

Section 1 removes the requirement that a municipality incorporated after July 1, 1978, not receive a general grant land entitlement that exceeds 20 acres per resident; and returns to the former "10 percent of vacant, unappropriated and unreserved land".

A per capita limit on municipal grant land was established at 20 acres, based on the Mat-Su Borough entitlement in 1978. At that time it was the highest per capita entitlement to any municipality.

DNR has suggested that the 20 acre cap is the most generous entitlement formula because it represents the highest per capita entitlement given to any municipality. While this may at first seem a fair and equitable justification, it is neither, given the very broad range of values of lands. Urban area lands are often worth three times the rural acreage. A more equitable distribution of land would be based on a 'value' determination, not a per capita determination which is discriminatory to sparsely populated areas. Since establishing values of lands is such a difficult, if not impossible effort in rural selections, it makes more sense to rely upon the historical 10 percent of available land formula.

It should be noted that had the Matanuska-Susitna Borough been restricted to the 20 acre cap based on the population on the date of incorporation, (which is the way current law reads), their entitlement would have been no more than 216, 680 acres, not the 355, 210 acre entitlement they received in 1978.

Legislative records for the 1978 legislation allude to a number of considerations that influenced final acreage determinations, but little, if no, information is available which describe the need to limit entitlements to municipalities using a population cap.

Finally, the population cap was put into effect in 1987, and only after urban areas organized leaving rural areas with greater restrictions and less available land on which to base their future growth and development.

## STATE INTEREST VS. MUNICIPALITY'S INTEREST

Section 4 of the bill requires that before the Division of Lands acts on a selection, the Department of Community and Regional Affairs must review the selection and recommend approval or disapproval. A selection may be disapproved only upon a finding that the public interest in retaining state ownership of the land outweighs the municipality's interest in obtaining the land. A decision to disapprove would be subject to a new appeal process which specifically evaluates state and municipal interests.

This process does not exclude DNR's usual practice of consulting with resource agencies to evaluate municipal land selections. It assures, however, that the agency established by the Constitution to advise and assist local governments is inherently involved in this process.

Most municipalities received entitlements as part of the 1978 statutes. At that time they played a greater role in determining their municipal land selections by influencing both legislative and regulatory provisions. For example, these municipalities negotiated a compromise in the 1978 legislation which required a municipality's consent for classification over 3,200 acres; established a joint planning process where DNR and municipalities jointly considered state and municipal interests; and which provided the state and municipalities to jointly determine what areas would be available for selection.

Through efforts to expedite the land disposal process, the provisions which required consent and joint planning were dropped and replaced with a one-year deadline for both the state and municipalities to determine selectable lands. There was no need for a special appeal process because DNR and municipalities were constrained by the one year period. That is, DNR had little time to decide state interests and new classifications within this one-year period had little potential to negatively affect these municipalities. As a result of dropping consent and joint planning, however, DNR was left with greater discretion and responsibility for making policy decisions with little or no mechanism for oversight by the newer municipalities.

DNR exercises tremendous discretion in deciding the rules by which justifications are reviewed for municipal purposes and for evaluations of selections for state interest. Municipalities have little say in the award process, have no ability to work with DNR to jointly determine land classifications, and have no appeal process which evaluates these land selections for municipal interests.

### MUNICIPAL LAND MEDIATION COMMITTEE / APPEAL PROCESS

Section 5 provides for a notification process to be made to municipalities and, for an appeal process by a municipal land mediation committee composed of a person appointed by the commissioner of DNR, an appointee by the commissioner of C&RA, and an elected municipal official. An adverse decision of the committee may be appealed to the superior court.

This section is necessary to insure that the municipalities' interests are protected in the land selection process. As stated above, the ability of new municipalities to influence the municipal land selection process has been greatly diminished. DNR exercises tremendous discretion in deciding the rules by which justifications are reviewed for municipal purposes and for evaluations of these selections for state interest. An appeal section should be included to insure the public interest is served. It should be noted that the public interest is served when municipal interest is considered.

Drafters of the early municipal entitlement program clearly intended for municipalities to play a role in the decision making process. This requirement will restore parity between the two philosophically differing agencies.

### SIZE AND SHAPE OF PARCELS

Section 6 of the bill requires that the commissioner may not impose restrictions on the shape of a parcel and land selected by a municipality.

DNR currently uses a 4:1 width to depth ratio as a standard policy for limiting the size of municipal land selections. The length of any parcel cannot be more than four times its width.

DNR has suggested a ratio of 4 to 1 because it is the same one they use for their mineral leasing program. It does not logically follow that a rule used for leased lands is one which should be used for lands which become the management responsibility of a municipality. It is cumbersome and unwieldy for efficient land selection processes and can quadruple the cost of surveying.

Furthermore, DNR has imposed this stipulation because "it would not serve the state's best interest to convey long narrow tracts that could block public access to adjacent state land and interfere with sound management". However, the state's interest in protecting public access could easily be granted by reserving easements on municipal land selections.

DNR has also stated that regulations require municipal selections to be compact and that they will implement a 4 to 1 ratio on the erroneous premise that rural land development should meet the same standards of compact development on urban land.

On the contrary, rural land selections, by definition, should have greater flexibility to meet changing and diverse needs of sparsely populated communities spread out over vast areas. Rural selections should not be restricted by the same guidelines used for urban selections.

### DNR REGULATIONS

Section 7 requires the Commissioner of Natural Resources to consult with the Department of Community and Regional Affairs prior to adopting regulations necessary to carry out the General Grant Land program.

DNR has developed elaborate regulations to carry out the municipal land entitlement program. Although these regulations deeply affect the municipal statutes (Title 29), the Department of Community and Regional Affairs has no vested authority in the promulgation of those regulations.

Fish and Game statutes for example have similar provisions in Title 16 which require DNR to consult ADF&G before adopting regulations which govern public use areas managed by DNR.

## POLICY STATEMENT

Section 8 adds a statement of policy to the general grant land entitlement program.

The 1987 legislation included a reference that the entitlement for the Northwest Arctic Borough was a partial entitlement and that the governor would submit recommendations to the legislature for additional general grant land entitlements for the the Northwest Arctic and other newly formed municipalities, consistent with a general grant land entitlement policy.

The policy statement in HB 143 clarifies that the intent of the legislature is that no less than 10 percent of vacant, unappropriated, or unreserved land will be provided to newly formed municipalities; and that the transfer of such land will be prompt and efficient.

In addition, the state has 20 million acres of land still to select of its entitlement under the Statehood Act and it is important, as a policy matter, to encourage full and expeditious transfers of land. Because the municipal entitlement program was created as an incentive for borough formation and was based on a 10% formula, it is only reasonable to return to its original intent. This will still leave the state with 90% of its land base.

## WILDLIFE HABITAT IN "VUU"

Section 9 expands the definition of "vacant, unappropriated and unreserved land" used to determine both the amount of land and the classes of land that a municipality may select, to include certain land classified wildlife habitat, other than critical wildlife habitat.

Using land classifications to define selectable land (vuu land) was put into place in 1979. Past municipalities had to select their land by 1980, so the use of land classifications had no affect on the amount of their entitlement and little potential to impact which lands could be selected.

Newly formed municipalities, on the other hand, are detrimentally impacted by classifications which were imposed on millions of acres of land between 1978 and the present

time. These classifications were developed with little or no regard to municipal interests and are based on broad, generalized resource information. There is no justifiable reason to restrict this entire category as a general rule.

There will be occasions where state and municipal interests may conflict. DNR will continue to exercise substantial discretion and will not be easily overturned when valid interests are shown. The discretion of any regulatory agency is great and could adequately protect the state concerns, even given the appeal committee's existence. Thus, there is no reason to automatically exclude wildlife habitat from consideration, particularly when the state is still left with 90% of its land base.

### **RECERTIFICATION OF ENTITLEMENTS**

Section 10 requires Department of Natural Resources to recertify entitlements for municipalities incorporated after June 2, 1986 to determine final entitlement lands that may be selected as a result of this legislation.

**HB 143 GENERAL GRANT LAND SELECTIONS**

"An Act relating to general grant land selections; and providing for an effective date"

Section 1: removes the requirement that a municipality incorporated after July 1, 1978 can not receive a general grant land entitlement that exceeds 20 acres per resident; returns to the former "10 percent of vacant, unappropriated or unreserved land".

Section 2: allows a city to request an expedited entitlement to be determined within six months.

Section 3: after a municipal selection is rejected, existing law grants a municipality 90 days to select additional land in fulfillment of its entitlement. A reference to the appeal process is added so that the 90 day period begins after the final appeal decision.

Section 4: before the Director of the Division of Lands acts on a selection, the Department of Community & Regional Affairs (DCRA) must review the selection and recommend approval or disapproval. A selection may be disapproved only upon a finding that the public interest in retaining state ownership of the land outweighs the municipality's interest in obtaining the land.

Section 5: provides for a notification process to be made to municipalities, and for an appeal process by a municipal land mediation committee composed of a person appointed by the Commissioner of Natural Resources, an appointee by the Commissioner of Community & Regional Affairs, and an elected municipal official. An adverse decision of the committee may be appealed to the superior court.

Section 6: the Commissioner of Natural Resources may not place restrictions on the shape of a parcel of land that may be selected by a municipality.

Section 7: requires the Commissioner of Natural Resources to consult with Department of Community and Regional Affairs prior to adopting regulations necessary to carry out the General Grant Land Entitlement program.

Section 8: the policy of the state is to provide newly formed municipalities with entitlements that are no less than 10 percent of "vuu" property; and to provide for expeditious transfer of land.

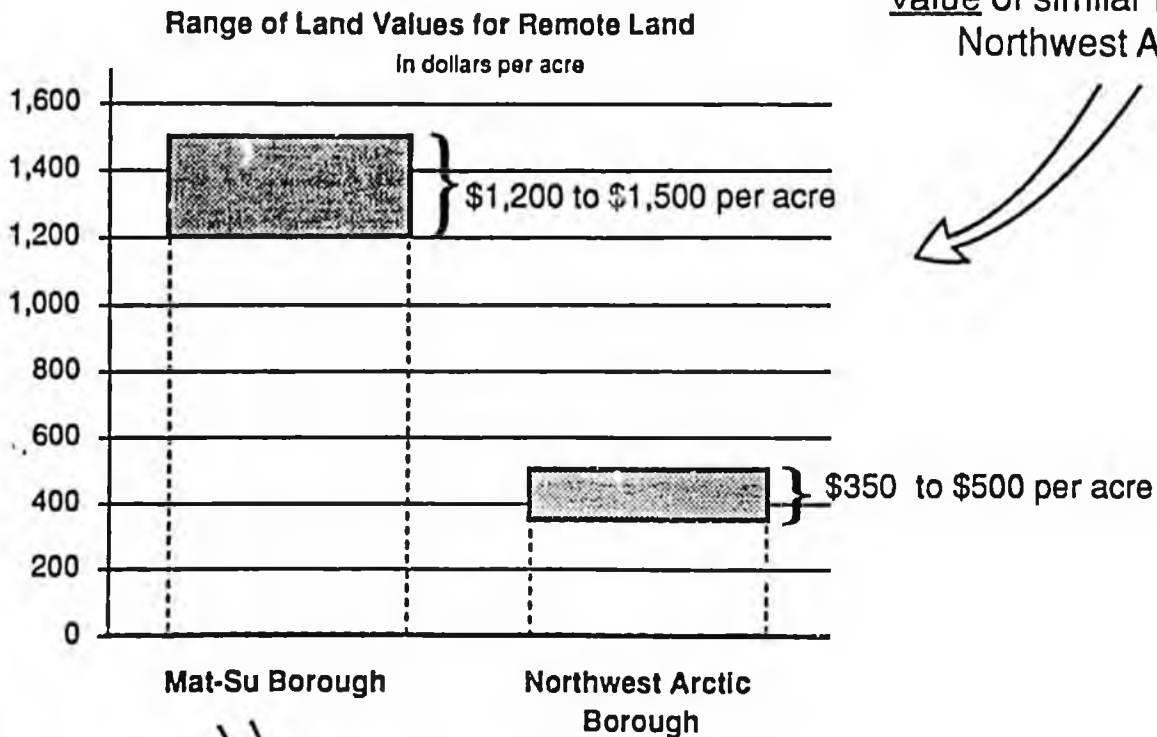
Section 9: the definition of "vacant, unappropriated, and unreserved land" used to determine both the amount of land and the classes of land that a municipality may select is expanded to include certain land classified as wildlife habitat, other than critical wildlife habitat.

Section 10: the Department of Natural Resources will recertify entitlements for municipalities incorporated after June 2, 1986, to determine the final entitlement that may be selected as a result of this legislation.

Section 11: sections 1 and 9 are retroactive to June 2, 1986.

Section 12: this Act takes effect immediately.

# A Population Cap on Acreage is Not an Equitable Approach for Municipal Land Entitlements:



Remote land located in the Mat-Su Borough has about three times the value of similar land located in the Northwest Arctic Borough.

The Mat-Su Borough land entitlement of 355,210 acres was processed in 1978. At that time, the Borough population was 17,760 — the land entitlement represented 20 acres per capita. At an average value of \$1,350 per acre, this equates to \$27,000 per capita. A similar entitlement in the Northwest Arctic Borough would equate to \$8,500 per capita.

Therefore, to receive an equivalent value per capita for its land entitlement, the Northwest Arctic Borough would have to receive three times the acreage per capita compared to the Mat-Su Borough, or approximately 60 acres per capita.

# ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

February 22, 1991

Representative Eileen MacLean  
P.O. Box V  
Juneau, Ak 99811

Re: HB 143

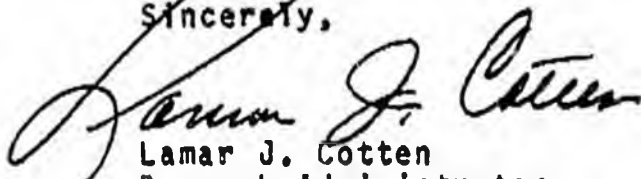
Dear Representative MacLean:

The Aleutians East Borough was formed in 1987. In the existing municipal land entitlement program, it is eligible to receive approximately 7,000 + acres. The program allows for possibly up to 40,000 acres based on the 20 acre per person category requirement. The Borough, because of land classification restrictions, obviously will receive considerably less.

In light of the land entitlements by those who incorporated in the '60's, the AEB is concerned about being treated fairly and equitably under this program. This is compounded by the fact that the State of Alaska settled a dispute with the University of Alaska and an important element of that settlement was the conveyance of some of the little State-owned property in any settlement within the Borough. Additionally, most lands that are available to the Borough, are not of comparable value to that of say the Mat-Su or Kenai Peninsula Borough under their municipal entitlement program. The Borough therefore views the changes as proposed in the HB 143 as a positive step in the right direction to assist not only this Borough with its land entitlement programs but also serve as needed changes which will serve as incentive for other areas to seriously consider a borough organization in the future.

The AEB therefore supports the concept of HB 143 and recommends its passage.

Sincerely,



Lamar J. Cotten  
Borough Administrator

LJC:emn

LAKE AND PENINSULA BOROUGH  
P.O. Box 495  
King Salmon, Alaska 99613

MEMORANDUM

To: Rena  
From: Chow Taylor, Borough Manager  
Date: February 22, 1991  
Re: HB 143

The Lake and Peninsula Borough supports HB 143. By including wildlife habitat other than critical wildlife habitat in the definition of VUU lands the amount of lands selectable by this borough would be significantly increased.

In the Lake and Peninsula Borough, although DNR has not yet certified VUU lands, we believe we will be entitled to select only around 8,000-9,000 acres. If habitat lands were added, since there is a large amount of habitat land in the north end of the borough, we would be entitled to much more. I do believe, under this scenario you are right in removing the 20 acres per person cap.

In the event wildlife habitat is not added to the VUU definition, I would suggest language be added to increase the percentage of VUU lands a borough may select to at least seventy percent. In a borough which covers over 25,000 square miles, the amount of land available to us under current law is unreasonably small.

We also support the addition of Community and Regional Affairs as the first agency to review selections. That agency works extensively and closely with municipalities statewide and therefore has a better perspective as to what is reasonable and what is not. We also agree DCRA should be consulted as regulations are developed.

Thank you for the opportunity to comment.

A SPECIAL REPORT

**MUNICIPAL GENERAL GRANT  
LAND ENTITLEMENTS**

A State-Municipal Partnership

DEPARTMENT OF NATURAL RESOURCES  
Division of Land and Water Management

January 1990

Prepared by Dennis P. Daigger

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