

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7678 SENATE RESOURCES

DATE: 5/3/91

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

Resources Committee considered CS FOR HOUSE BILL NO. 134 (RESOURCES)

"An Act relating to the effective date of the veterans' land discount applicable to state land and to land discounts allowed under that program; and providing for an effective date."

and recommended:

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

- same title
- new title
- technical title change (HB only)

ATTACHES NEW FISCAL NOTE(S):

- fiscal note(s) _____ Dept/Date: _____
- zero fiscal note(s) _____
- appropriation-no fiscal note

APPROVES PREVIOUS:

- fiscal note(s) _____ Dept/Date: _____
- zero fiscal note(s),
REVISOR NR 4/15/91
- Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

 Chair: Signature and Recommendation

Alaska State Legislature

House of Representatives

Rep. Ivan, Chair
Rep. Davidson
Rep. Foster
Rep. Gruenberg
Rep. M.W. Miller



P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4527

Special Committee on Military & Veterans Affairs

M E M O R A N D U M

TO: Senator Lloyd Jones, Chair
Senate Resources Committee

FROM: Representative Ivan M. Ivan, Chair *Ivan*
House Special Committee on Military and Veterans Affairs

DATE: May 6, 1991

RE: House Bill 134

Please consider this request to hear CSHB 134 (Res) at your earliest possible convenience.

CSHB 134 (Res) is an act relating to the effective date of the veterans land discount applicable to state land and to land discounts allowed under that program.

The original discount for veterans on state land purchases was enacted by the legislature in 1978. Residency discounts were also made available in 1979. The residency discounts were challenged and ruled unconstitutional by the Alaska Supreme Court on April 1, 1983. As a result of the court's ruling, and based on advice from the Attorney General's office, the Commissioner of Natural Resources discontinued all discounts as of April 1, 1983.

The legislature subsequently established a new veterans land discount program which took effect on July 6, 1984. CSHB 134 (Res) would allow veterans, who were not permitted to claim the veterans discount between April 1, 1983, and July 6, 1984, to retroactively claim that discount.

Thank you for your consideration of my request. If you have any questions or need additional information, please do not hesitate to contact me or Tom Wright of my staff.

IMI:tw

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

MAY 16 1991

WALTER J. HICKEL, GOVERNOR

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

May 14, 1991

The Honorable Lloyd Jones, Chair
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

Dear Senator Jones:

Subject: CSHB 134 (Res), which relates to the effective date for a state veteran's land discount program.

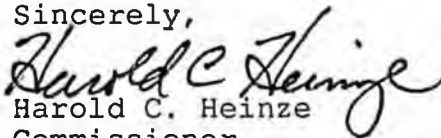
Position: The Department of Natural Resources supports this bill.

Background: In 1978, AS 38.05.058, which allowed residents a 5% discount on state land lottery purchases for each year of Alaska residency (up to 50% of the parcel purchase price), was enacted. In 1979, this law was amended to allow veterans an additional discount of up to 75% or \$37,500, whichever was less. The Kenai Peninsula Borough, under borough ordinance, offered a similar discount to purchasers of borough land. The borough program was challenged in court, and ruled unconstitutional by the Alaska Supreme Court on April 1, 1983. As a result of the court's ruling, and based on advice from the Attorney General, the Commissioner of Natural Resources determined that state land purchase discounts would be discontinued as of April 1, 1983.

The Legislature subsequently established a new veteran's land discount program that took effect on July 6, 1984. HB 134 would allow veterans who were not permitted to claim the veteran's discount between April 1, 1983 and July 6, 1984 to retroactively claim that discount.

Please let me know if you need additional information related to this bill.

Sincerely,


Harold C. Heinze
Commissioner

cc: Committee members
Bruce Kendall, Legislative Liaison, Office of the Governor
Representative Ivan
Major General Hugh L. Cox Commissioner, Department of Military
and Veterans Affairs

FISCAL NOTE

No. 2

Bill Version: CSHB 134 (RES)

(H) Publish Date: 4/17/91

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Revision Date: 4/15/91 Department Affected: Natural Resources

Title: Veterans Land Discount BRU: Land & Water Management

Applicable to state land Component: Land & Water Management

Sponsor: House Military & Veteran Affairs

Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

4	3	1	
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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	12.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	12.0	-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	12.0	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	12.0	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Representative Mike Navarre, Co-Chair *Mike Navarre* Phone: 465-3706
Representative Eileen MacLean, Co-Chair *Eileen MacLean* Phone: 465-3722
 Division: HOUSE FINANCE COMMITTEE Date: April 15, 1991

Approved by Commissioner: _____ Date: April 15, 1991
 Agency: _____

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

WALTER J. HICKEL, GOVERNOR

FEB 20 1991

DEPARTMENT OF NATURAL RESOURCES

February 20, 1991

OFFICE OF THE COMMISSIONER

The Honorable Ivan Ivan, Chair
House Military and Veterans Affairs Committee
P.O. Box V
Juneau, AK 99811

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

Dear Representative Ivan:

Subject: HB 134, which relates to the effective date for a state veteran's land discount program.

Position: The Department of Natural Resources supports this bill.

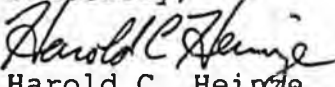
Background: In 1978, AS 38.05.058, which allowed residents a 5% discount on state land lottery purchases for each year of Alaska residency (up to 50% of the parcel purchase price), was enacted. In 1979, this law was amended to allow veterans an additional discount of up to 75% or \$37,500, whichever was less. The Kenai Peninsula Borough, under borough ordinance, offered a similar discount to purchasers of borough land. The borough program was challenged in court, and ruled unconstitutional by the Alaska Supreme Court on April 1, 1983. As a result of the court's ruling, and based on advice from the Attorney General, the Commissioner of Natural Resources determined that state land purchase discounts would be discontinued as of April 1, 1983.

The Legislature subsequently established a new veteran's land discount program that took effect on July 6, 1984. HB 134 would allow veterans who were not permitted to claim the veteran's discount between April 1, 1983 and July 6, 1984 to retroactively claim that discount.

Recommendations: To lessen the fiscal impact of this bill on DNR, (see attached fiscal note), we suggest establishing a time limit (60 days to 1 year) during which eligible veterans can apply to the department for the retroactive discount. Discount applicants should be required to document their eligibility for the program and provide parcel eligibility information. The department should be required to provide public notice about the program in newspapers throughout the state for a certain period of time (perhaps once a week for four consecutive weeks). We also recommend deletion of the word "apparently" from line 7 page 2 of the bill. The department ended the discount program on the advice of the Department of Law.

We look forward to working with you on this bill.

Sincerely,


Harold C. Heine
Commissioner

MAY 13 1983

Jim Lewis
POB 772423
Eagle River, AK.
99577

Dear Senator:

Your resource committee currently is considering HB 134 - a bill to provide discounts to land purchases made by veterans from the state during 1983, when the discount program temporarily lapsed.

I would like you to hear my feelings regarding HB 134.

The bill states that:

"The purpose of this act is to ensure that all veterans are treated equally ..."

and
"The effect of this Act is to provide the benefit of the veterans' land discount of current law to certain veterans who did not receive a discount under the former land discount program ..."

Section C 3 of the bill then says that
"DNR shall credit, without interest, to the account of a person who qualifies for the veterans' land discount ... an amount equal to the difference between the amount of the original purchase price and an adjusted discounted price."

It seems to me that the purpose and effect of this law will not in fact accomplish its intent the way it is currently written.

After my down payment I owed the state approximately \$14,000.⁰⁰ During the last 8 years, I've paid the state of Alaska over \$13,000 in payments. My current balance is just under \$12,000. I've paid about \$11,000 interest.

My discounted purchase price would have been about \$7700, the discount amounting to \$6300 or so.

The way the bill reads now, I will be given a \$6300 credit on my balance due, with no interest.

My question is, what about the interest I paid!!

If the intention of the bill is as stated, why am I expected to have now spent \$11,000 interest that will not apply to a "retroactive" purchase price. If I am getting "treated equally" and receiving the "benefit of the veterans' land discount of current law", then where did my \$11,000 go? Am I supposed to feel that the State of Alaska, in its benevolence, now expects me to feel as grateful as all the other veterans who received a well-earned discount on their land purchases?

To be honest, I have long ago ceased to expect anything other than the lack of the government's hand, for reasons I do not have time to list here. If, in your gracious wisdom, you choose to keep my \$11,000 and say 'tough luck buddy', I will not be surprised.

Jim Lewis

HB

137

DATE: 5/16/91

FURTHER: *Rub*

DATE TURNED INTO OFFICE: 5-17-91

Resources Committee considered CS FOR HOUSE BILL NO. 137 (JUDICIARY)

Authorizing the Alaska Commercial Fisheries Entry Commission to establish a moratorium on new entrants into the Southeast Alaska dungeness crab fishery and certain other commercial fisheries, relating to petitions by the commissioner of fish and game for the establishment of a moratorium, and relating to qualifications for entry permits; EFD.

and recommended: ^{and a majority of the committee recommends it be replaced with}

- replace with Senate CS CS HB 137 (Res) same title
- or adopt _____ CS _____ new title
- attached amendment(s) technical title change (HB only)
- _____ ^{and do pass} letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

P.F.M.S

ATTACHES NEW FISCAL NOTE(S): Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS: Dept/Date:

fiscal note(s) _____

zero fiscal note(s) Fishes
F+G 2/25/91
F+G 5/13/91

Governor's bill w/fiscal note

SIGNING DO PASS:

Sen Gota Cot
Sen Mendenhall Mha
Rep Pleasant Gls

OTHER RECOMMENDATIONS:

W. not no rec 3/11
Fred J. Zhanoff No Rec Zha

David Jones (Do Pass)
Chair: Signature and Recommendation

SOUTHEAST DUNGENESS CRAB ASSOCIATION
P.O. BOX 935
PETERSBURG, ALASKA 99833

April 25, 1991

WHY IS THE DUNGENESS RESOURCE IN TROUBLE?

- * Over saturation of gear on the fishing grounds.
- * More efficient gear, and sophisticated electronics.
- * Ever increasing Non-resident participants.
- * Greater mobility and experience in the present fleet.

WHY WOULD A MORATORIUM BE MORE APPROPRIATE NOW
THAN TRADITIONAL LIMITED ENTRY?

* Limited entry was designed for the salmon fisheries and has been successful. However, CFEC is adamant that this form of Limited Entry is dangerously inappropriate for crab. Therefore, time is needed to develop the appropriate Limited Entry program.

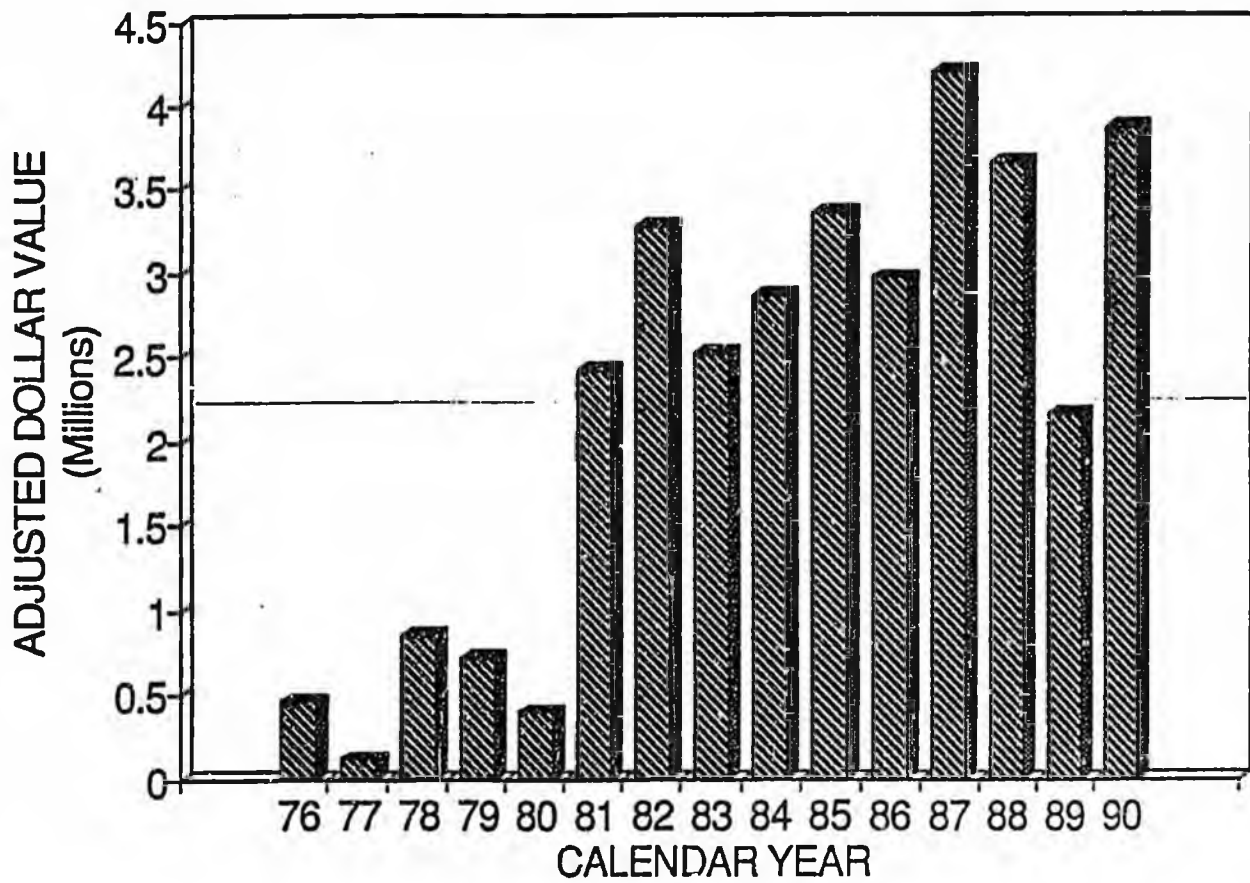
WHY NOT ADDRESS THE THREAT TO THE DUNGENESS FISHERY
THROUGH THE BOARD OF FISH?

- * Pot limits: ineffective without first limiting the number of participants.
- * Quota: At the present there is insufficient data due to lack of funding.
- * Shorter season: Creates derby mentality which is extremely dangerous to the resource in the name of efficiency and greed, i.e. Halibut and Black Cod.
- * Present 3 S Management: It provides the Department a simplified management approach to a complex resource - By definition "management by default".

SUMMARY

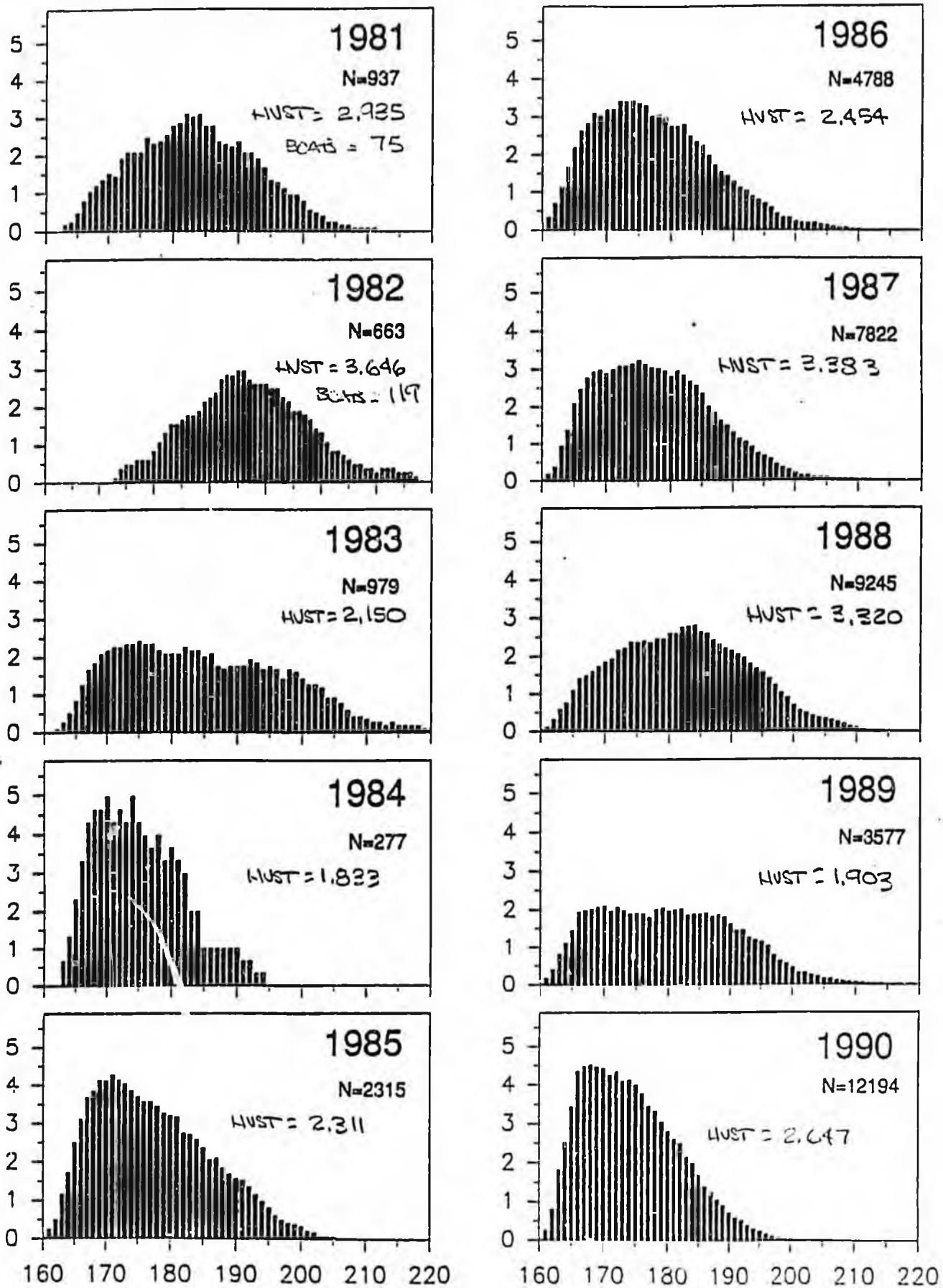
Dungeness is similar to emerging fisheries in their lack of department funding and hence biological data. Pressure from out of state also threatens these resources of our Southeast coastal communities.

VALUE OF SE ALASKA DUNGENESS FISHERY BASED UPON DOLLARS ADJUSTED TO 1990 CPI



Size Frequency of Dungeness Crabs (new shell) All of Southeast Alaska

Percent of Crabs



Shoulder Width (mm)

FISCAL NOTE

No. 1

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill Version: CSHB 137(RES)

(H) Publish Date: 5/13/91

Revision Date: 2-26-91 Department Affected: Fish and Game

Title: Moratorium on Commercial Fisheries Entry BRU: Commercial Fisheries

Component: Commercial Fisheries

Sponsor: Rep. Gussendorf

Requestor: Governor

COMPONENT SERIAL NO.

	4	5	9
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Expenditures/Revenues: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Bob Clasby Phone: 465-4210

Division: Commercial Fisheries Date: 2/25/91

Approved by Commissioner: *[Signature]*

Agency: _____ Date: 2/26/91

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

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Authorizing OESC to Implement
Maratorium in Certain Fisheries
 Sponsor: Rep. Gausman
 Requestor: Rep. Davidson
 Agency Affected: Fish + Game
 BRU: Commercial Fisheries
Fishery Commission
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Phil Smith Phone: 789-6160
 Division: Commercial Fisheries Safety Commission Date: 5/17/91
 Approved by Commissioner: [Signature] Date: 5/13/91
 Agency: Commercial Fisheries Safety Commission

Distribution (by preparer):

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

7-LS0479S
Utermohle
5/16/91

SENATE CS FOR CS FOR HOUSE BILL NO. 137 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GRUSSENDORF, Hudson, Koponen, Ulmer, Gruenberg, B.Davis, Mackie, C.Davis, Kubina, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the Alaska Commercial Fisheries Entry Commission to establish a
2 moratorium on new entrants into the Southeast Alaska dungeness crab fishery and certain
3 other commercial fisheries, relating to petitions by the commissioner of fish and game for
4 the establishment of a moratorium, and relating to qualifications for entry permits; and
5 providing for an effective date."

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

7 * Section 1. FINDINGS. The legislature finds that

8 (1) the continuation of a new and emerging commercial fishery may be threatened by the
9 lack of adequate biological and resource management information necessary to determine the amount
10 of fishing effort that a fishery resource can sustain;

11 (2) the continuation of a new and emerging commercial fishery may be threatened by an
12 increase in fishing effort that is coupled with a lack of sufficient biological and resource management
13 information necessary to ascertain, consistent with the principles of sustained yield, whether the fishery

1 can support additional fishing effort;

2 (3) the provisions of the current commercial fisheries limited entry statutes, developed
3 for commercial salmon fisheries, may not be appropriate for certain new and emerging commercial
4 fisheries in the state;

5 (4) the time consuming process required to consider, adopt, and implement a limited entry
6 program for a fishery, coupled with public discussion of a proposal for limiting entry into the fishery,
7 can stimulate a rush of new entrants into the fishery before the limited entry program can be
8 implemented.

9 * Sec. 2. AS 16.05.050 is amended by adding a new paragraph to read:

10 (20) to petition the Alaska Commercial Fisheries Entry Commission to establish
11 a moratorium on new entrants into certain commercial fisheries as provided in AS 16.43.225 if
12 the commissioner ^{requests funding,} requests approval of the petition from the Board of Fisheries under
13 AS 16.05.251(g) and the Board of Fisheries does not disapprove the petition.

14 * Sec. 3. AS 16.05.251 is amended by adding a new subsection to read:

15 (g) The Board of Fisheries shall consider a request of the commissioner for approval of
16 a petition to the Alaska Commercial Fisheries Entry Commission to establish a moratorium on
17 new entrants into a commercial fishery under AS 16.43.225 at the board's next regular or special
18 meeting that follows the receipt by the board of the request for approval of the petition and that
19 allows time for the notice required under this subsection. The board may consider the request
20 of the commissioner for approval of the petition only after 15 days' public notice of the board's
21 intention to consider approval of the petition. ^{commissioner} ~~In reviewing the petition, the board shall consider~~
22 ~~whether the fishery that is the subject of the petition has experienced recent increases in fishing~~
23 ~~effort that are beyond a low, sporadic level of effort and has achieved a level of harvest that may~~
24 ~~be approaching or exceeding the maximum sustainable level for the fishery and whether there~~
25 ~~is insufficient biological and resource management information that is necessary to promote~~
26 ~~conservation and sustained yield management of the fishery.] Unless the board by a majority vote~~
27 ~~of its members at the meeting when the petition must be considered disapproves the petition, the~~
28 ~~petition shall be transmitted to the Alaska Commercial Fisheries Entry Commission~~

29 * Sec. 4. AS 16.43.100(a) is amended to read: ^{cons. board approved by the Board}

30 (a) To accomplish the purposes set out in AS 16.43.010, the commission shall [.]

31 (1) regulate entry into the commercial fisheries for all fishery resources in the

- 1 state;
- 2 (2) establish priorities for the application of the provisions of this chapter to the
- 3 various commercial fisheries of the state;
- 4 (3) establish administrative areas suitable for regulating and controlling entry into
- 5 the commercial fisheries;
- 6 (4) establish, for all types of gear, the maximum number of entry permits for each
- 7 administrative area;
- 8 (5) designate, when necessary to accomplish the purposes of this chapter,
- 9 particular species for which separate interim-use permits or entry permits will be issued;
- 10 (6) establish qualifications for the issuance of entry permits;
- 11 (7) issue entry permits to qualified applicants;
- 12 (8) issue interim-use permits as provided in AS 16.43.210, [AND] 16.43.220, and
- 13 16.43.225:
- 14 (9) establish, for all types of gear, the optimum number of entry permits for each
- 15 administrative area;
- 16 (10) administer the buy-back program provided for in AS 16.43.310 and 16.43.320
- 17 to reduce the number of outstanding entry permits to the optimum number of entry permits;
- 18 (11) provide for the transfer and reissuance of entry permits to qualified
- 19 transferees;
- 20 (12) provide for the transfer and reissuance of entry permits for alternative types
- 21 of legal gear, in a manner consistent with the purposes of this chapter;
- 22 (13) administer the collection of the annual fees provided for in AS 16.43.160;
- 23 (14) administer the issuance of commercial fishing vessel licenses under
- 24 AS 16.05.490;
- 25 (15) issue educational entry permits to applicants who qualify under the provisions
- 26 of AS 16.43.340 - 16.43.390;
- 27 (16) establish reasonable user fees for services;
- 28 (17) issue landing permits under [IN ACCORDANCE WITH] AS 16.05.675 and
- 29 regulations adopted under that section; [AND]
- 30 (18) establish and collect annual fees for the issuance of landing permits that
- 31 reasonably reflect the costs incurred in the administration and enforcement of provisions of law

1 related to landing permits; and

2 (19) establish a moratorium on entry into commercial fisheries as provided
3 in AS 16.43.225.

4 * Sec. 5. AS 16.43.180(a) is amended to read:

5 (a) The commission shall adopt regulations providing for the temporary emergency
6 transfer of entry permits and interim-use permits when illness, disability, death, required military
7 or government service, or other unavoidable hardship prevents the permit holder from
8 participating in the fishery. To alleviate hardship pending a final determination of the permit
9 holder's eligibility for an entry permit, the commission shall adopt regulations providing for the
10 temporary emergency transfer of an interim-use permit issued under AS 16.43.210(b) or
11 16.43.225.

12 * Sec. 6. AS 16.43.210(a) is amended to read:

13 (a) Pending the establishment of the maximum number of entry permits under
14 AS 16.43.240 and the issuance of entry permits under AS 16.43.270, the commission shall issue
15 interim-use permits under regulations adopted by the commission for each fishery, not subject
16 to a moratorium under AS 16.43.225, to all applicants who can establish their present ability
17 to participate actively in the fishery for which they are making application.

18 * Sec. 7. AS 16.43 is amended by adding new sections to read:

19 Sec. 16.43.225. MORATORIUM ON NEW ENTRANTS INTO CERTAIN FISHERIES.

20 (a) Subject to (b) of this section, the commission may establish a moratorium on new entrants
21 into a fishery

22 (1) that has experienced recent increases in fishing effort that are beyond a low,
23 sporadic level of effort;

24 (2) that has achieved a level of harvest that may be approaching or exceeding the
25 maximum sustainable level for the fishery; and

26 (3) for which there is insufficient biological and resource management information
27 necessary to promote the conservation and sustained yield management of the fishery;

28 (b) The commission may establish a moratorium on new entrants into a fishery described
29 in (a) of this section if

30 (1) the commissioner of fish and game, subject to AS 16.05.251(g), petitions the
31 commission under AS 44.62.220 to establish a moratorium on new entrants into the fishery; and

1 (2) the commission finds that

2 (A) the fishery has reached a level of participation that may threaten the
3 conservation and the sustained yield management of the fishery resource and the
4 economic health and stability of commercial fishing; and

5 (B) the commission has insufficient information to conclude that the
6 establishment of a maximum number of entry permits under AS 16.43.240 would further
7 the purposes of this chapter.

8 (c) The commission may establish a moratorium under this section for a continuous
9 period of up to four years. A fishery that has been subject to a moratorium under this section
10 may not be subjected to a subsequent moratorium under this section unless five years have
11 elapsed since the previous moratorium expired.

12 (d) While a moratorium is in effect, the commission shall conduct investigations to
13 determine whether a maximum number of entry permits should be established under
14 AS 16.43.240 by

15 (1) conducting research into conditions in the fishery;

16 (2) consulting with the Department of Fish and Game and the Board of Fisheries;
17 and

18 (3) consulting with participants in the fishery.

19 (e) The commission shall establish by regulation the qualifications for applicants for an
20 interim-use permit for a fishery subject to a moratorium under this section. The qualifications
21 must include the minimum requirements for past or present participation and harvest in the
22 fishery. The commission may not issue an interim-use permit for a fishery subject to a
23 moratorium under this section unless the applicant can satisfy the qualifications established under
24 this subsection and establish the present ability and intent to participate actively in the fishery.

25 Sec. 16.43.227. SOUTHEAST ALASKA DUNGENESS CRAB FISHERY. (a) The
26 commission may establish a moratorium on new entrants into the southeast Alaska dungeness
27 crab fishery for a continuous period of up to four years without complying with
28 AS 16.43.225(a) - (c). While the moratorium is in effect, the commission shall

29 (1) conduct the investigation required under AS 16.43.225(d);

30 (2) establish by regulation the qualifications for an interim-use permit for the
31 fishery, including minimum requirements for past or present participation and harvest in the

1 fishery; and

2 (3) issue interim-use permits for the fishery to applicants who satisfy the
3 qualifications established under (2) of this subsection and who establish the present ability and
4 intent to participate actively in the fishery.

5 (b) Notwithstanding AS 16.43.225, for the purposes of this chapter

6 (1) an interim-use permit issued under this section shall be treated as an interim-
7 use permit issued under AS 16.43.225;

8 (2) a moratorium established under this section shall be treated as a moratorium
9 established under AS 16.43.225.

10 * Sec. 8. AS 16.43.240(b) is amended to read:

11 (b) When the commission finds that a fishery, not designated as a distressed fishery under
12 AS 16.43.230 or not subject to a moratorium under AS 16.43.225, has reached levels of
13 participation that [WHICH] require the limitation of entry in order to achieve the purposes of
14 this chapter, the commission shall establish the maximum number of entry permits for that
15 fishery.

16 * Sec. 9. AS 16.43.240 is amended by adding a new subsection to read:

17 (c) When the commission finds that a fishery subject to a moratorium under
18 AS 16.43.225 has reached levels of participation that require the limitation of entry in order to
19 achieve the purposes of this chapter, the commission shall establish the maximum number of
20 entry permits for that fishery.

21 * Sec. 10. AS 16.43.260(a) is amended to read:

22 (a) The commission shall accept applications for entry permits only from applicants who
23 have harvested fishery resources commercially while participating in the fishery as holders of
24 gear licenses issued under AS 16.05.536 - 16.05.670 or [AND] interim-use permits under
25 AS 16.43.210(a) or 16.43.225 before the qualification date established in (d), [OR] (e), or (f) of
26 this section. The commission may specify by regulation the calendar years of participation that
27 will be considered for eligibility purposes.

28 * Sec. 11. AS 16.43.260(d) is amended to read:

29 (d) Except as provided in (e) or (f) of this section, an applicant shall be assigned to a
30 priority classification based solely upon the applicant's qualifications as of January 1, 1973.

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

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

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

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

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

MEMORANDUM

STATE OF ALASKA

TO: Bruce Twomley
Larry Cotter

DATE: May 16, 1991

FILE NO:

FROM: Susan Shirley *SS*

TELEPHONE NO:

SUBJECT: Petition to Sen.
Jones opposing the
inclusion of S.E.
Dungeness crab in
HB 137

Eight of the 22 persons who signed the petition held interim use permits for Dungeness crab in at least one of the past 5 years (1986 through 1990). One additional person purchased a Dungeness permit for the first time in 1991.

Five of the 8 permit holders recorded Dungeness crab landings in Southeast Alaska on their permits from 1986 through 1990. Two persons fished 4 years, one person fished 3 years and 2 persons fished 1 year. Some of the annual landings were sizeable; some could be considered minimal.

Limited entry permits currently held by the petitioners include the king/Tanner crab permits - K69A, K59A and K49A (5 persons). Limited entry permits previously held by the petitioners include Southeast hand troll (S05B, 5 persons), Norton Sound herring gill net (G34Z, 1 person), Southeast herring gill net (G04A, 1 person) and Southeast salmon gill net (S03A, 1 person).

If you have any questions regarding this information, please give me a call.

cc: Rich Listowski
Phil Smith
Kurt Schelle

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
Rocky Littleton	P.O. Box 1373 Psg	Rocky Littleton	Carolyn Allen
VERONIQUE E. BOSWORTH	P.O. Box 553 Psg AK	Veronique E. Bosworth	Moonrise
CARL R. ANDERSON	Box 1422 Psg AK	Carl R. Anderson	Aerie
Michael L. Nilson	Box 1084 Psg AK	Michael L. Nilson	Carole Louise
Bobbie A. Anderson	Box 1672 Psg AK	Bobbie A. Anderson	AERIE
RUDY NANNACK	Box 732 Psg AK	Rudy Nannack	Cannery Lumpkin
Steve Clausen	Box 2081 Seward, AK	Steve Clausen	Deborah
JOHN P. DEBOER	Box 455 PETERSBURG	John P. DeBoer	INGOT
George J. Steek	Box 742 Petersburg	George J. Steek	Keku Connie
Robert D. Minton	Box 1414 Petersburg	Robert D. Minton	Fire Fly
Brian L. Gorman	P.O. Box 1234 Petersburg	Brian L. Gorman	" "
Stacey Thorsen	P.O. Box 784 Psg	Stacey Thorsen	
Augusta M. Anderson	P.O. Box 1672 Psg	Augusta M. Anderson	AERIE
Chris Sharpsteen	P.O. Box 1255 Psg	Chris Sharpsteen	Woodstock
John W. Enge	P.O. Box 166	John W. Enge	
DAN VICK	P.O. Box 1271	Dan Vick	FRIGIDLAND
GENE KAWASHIMA	Box 1428	Gene Kawashima	
Jane Kawashima	Box 1428 Psg, AK	Jane Kawashima	
Glorianne M. DeBoer	Box 455 Psg	Glorianne M. DeBoer	INGOT

MAY-16-91 THU 16:12

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
Ole R. Nilsen	Box 1287	Ole R. Nilsen	Sweet P
Andy Jimbach	Box 844	Petersburg AK	
BRENDA NORHEIM	Box 935	Brenda Norheim	Brenda Lee
Todd B. Nohem	Box 935 Petersburg, AK	Todd B. Nohem	Brenda Lee
Elaine Whittemore	Petersburg, AK	Elaine Whittemore	
Richard Tambini	Box 1657	Richard Tambini	
Lerald J. Whitehorn	Box 1550	Lerald J. Whitehorn	None
Norman J. Tenjoid	Box 476	Norman J. Tenjoid	Reel Lady
Andy J. Felt	Box 1738	PETERSBURG AK 99833	
Steve DAVIS	Box 1554	Steve Davis	
Charles Narraway	Box 1056	Charles Narraway	
Dick M. Kowitz	Box 1011	Dick M. Kowitz	
Ronald Norheim	Box 748 Petersburg		
Tora Nohem	" " "		
Evelyn Norheim	" " "		
Arnold P. Warwick	Box 493 Petersburg		
MARK WEAVER	Box 1181 PETERSBURG AK	Mark Weaver	SKIFF
Hunt & Robin Parr	Box 418 Petersburg	Hunt & Robin Parr	Dancer
Marce & Marva Martinsen	Box 331 Petersburg	Marce & Marva Martinsen	MARVA ANNE
1 ANK 5 1199DS N	Box 257 PETERSBURG AK	Lance Deeden	SEAWEED II

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
Job Cummings	Box 1754	Job Cummings	Ridge Runner
Patricia A. Starr	Box 632	Patricia Starr	Princess
RONALD B. SIMPSON	Box 632	Ronald B. Simpson	Princess
ROBERT T. ROGERS	Box 893	R.T. Rogers	N/A
Mr. & Mrs Ken Maden	Box 918	Ken Maden	
Arlin Litterer	Box 546	Arlin Litterer	
BORY SMITH	Box 38	Bory B. Smith	
CHARLES F. INFANGER	Box 1530	C. F. Infanger	
THOMAS SMITH	Box 1123	Thomas Smith	
ERLING W. HUSVIK	Box 297	Erling W. Husvik	
Majine S. Husvik	Box 297	Majine S. Husvik	
CHARLES W. FLINT	Box 690	Charles W. Flint	
Terry L. Brokaw	Box 1646	Terry L. Brokaw	
Peter J. Brokaw	Box 1646	Peter J. Brokaw	
CHRIS CHRISTENSEN, SR	Box 1	Chris Christensen Sr.	
Charles Christensen			
GENEVA M. CHRISTENSEN	Box # 1113 Nordic	Geneva Christensen	
Charles Christensen	Box # 824	Charles Christensen	
PATRICIA NORHEIM	Box 642	Patricia Norheim	
Genevieve R. Short	Box 1724	Genevieve R. Short	

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	"SIKA" VESSEL
WILLIAM P. FLOE	Box 262	William P. Floe	BARANOF
DAVID M. BEEBE	BOX 148	David M. Beebe	PAMELA
DAN KOWALSKI	BOX 477	Dan Kowalski	SUE ANN
GARY MERRILL	BOX 1065	Gary Merrill	JLADOR
JAMES STROMOAH	Box 1326	James Stromoah	Amber Tide
BILL BEAL	Box 561	William Beal	MISS LEE II
BOB CURTIS R. NOBENCK	Box 1165	Curtis R. Nobenck	SKIFF
DANIEL V. HUCKMAN	Box 108	Daniel Huckman	CINDY
Harold Bergman	" 607	Harold Bergman	Delight
Jack H. Torrey	Box 215	Jack H. Torrey	Tamron
J. Pederson	" - 403	James Pederson	Andrew Henry III
Earl N. Benitz	Box 1113	Earl N. Benitz	Hawarden
Deborah A. Hurley	Box 1551	Deborah A. Hurley	
LOYD PEDERSON	" 447	Lloyd Pederson	Middleton
Jeff Erickson	Box 53	Jeff Erickson	SKIFF
Debora Cross	Box 1575	Debora Cross	Zephyr
Scott Cross	Box 1575	Scott A. Cross	Zephyr
Kuer Wohlhueter	Box 1312	Kurt Wohlhueter	70. Betty
Sheri Wohlhueter	Box 1312	Sheri Wohlhueter	70. Betty
Kenneth K. Pederson	Box 122	Quincy A. Pederson	

MAY-17-91 FRI 11:08

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
JOSEPH S. BELLINA	GEN DEL PETERSBURG AK	Joseph S Bellina	TERRY
MILDRED T. ZINK	GEN. DEL. PETERSBURG AK	Mildred T. Zink	PINTA
Kraig Vonheim	Box 878 Psg.	Kraig J. Vonheim	Hood Point
Linda K. Kito	Box 1567 Psg.	Linda Kay Kito	
DENNIS L. HEIMDANL	Box 256 Psg.	Dennis L. Heimdahl	SEILER
CHARLES H. HARRIS	Box 555 Psg	Charles H Harris	Cathy - II
GAYLE M EASTWOOD	Box 1185 PETERSBURG	Gayle M Eastwood	CHARLES T
Dave N. Ohmer	Box 13 Petersburg	Dave N. Ohmer	AG5F
CHRISTINE RUMPLE	Box 52 Psg. AK	Christine M. Rumpel	
Mary Helena Silva	Box 58 Psg AK	Mary Helena Silva	
Marylene P. Silva	BOX 58 Psg AK	Marylene P. Silva	
Diane M. Olson	Box 1055 Psg. AK	Diane M. Olson	Amber ID
Juan R. Slavin	Box 534 Psg. AK	Juan R. Slavin	Gold 'n Pride
Theodora M. Smith	Box 841 Psg AK	Theodora M. Smith	EDWARD J
Patricia Thomassen	Box 608 206 1/2 2nd St	Patricia Thomassen	SARA BRAN
BARBARA A. GRENIER	Box 114 Psg AK 99833	Barbara A. Grenier	Charles W
JENICE CHRISTOPHER	Box 513 Psg. AK 99833	Jenice Christopher	MAJIE NAK
Heltzer Olson	Box 814 1056, AK 99833	Heltzer W. Olson	Circi 15
Catherine Harris	Box 555 Psg. AK 99833	Catherine Harris	stiff
HIGH HARRIS	Box 207 Pt 99833	High Harris	

MAY 17 11:51 AM '87

PETITION

We the undersigned strongly support adoption of SB 241 to allow the Commercial Fishery Entry Commission to implement a moratorium on the Southeast Dungeness Fishery.

NAME (PRINT)	ADDRESS	SIGNATURE	VESSEL
John N. Williams	Box 867	John N. Williams	
Deborah M. Williams	Box 867	Deborah M. Williams	
Lloyd Roundtree	Box 552	Lloyd Roundtree	
Irene Roundtree	Box 552	Irene Roundtree	
Liv Ewing	Box 1335	Liv Ewing	
Heidi S. Lyons	Box 527	Heidi S. Lyons	
Andy Wright	Box 1432	Andy Wright	Lady Lisa
L. Sydney Wright	Box 624	L. Sydney Wright	Chau III
Peter B. Wright	4107 Oakkerby	Peter B. Wright	Sharon Kay
Rob Schwartz	Box 1533	Rob Schwartz	F/V Ladyhawk
Michael Schwartz	Box 434	Michael Schwartz	Wind Power
Dean Juwek	Box 257	Dean Juwek	SEA-WEED
Evelyn A. Swick	Box 493	Evelyn A. Swick	
Elda A. Reid	Box 463	Elda A. Reid	
Stanley D. Reid	Box 463	Stanley D. Reid	
David M. Muir	Box 1712	David M. Muir	
William Moulton	Box 456	William Moulton	
PAT WEAVER	Box 1181	Pat Weaver	
Camille MARIFERN	Box 175	Camille Mariferen	
Jeannette L. Snider	Box 1307	Jeannette L. Snider	

MAY-17-91 FRI 11:06

This is a result of a quick pass through POTENSE JRG

5-15-91

HERE IS A LIST OF PEOPLE OPPOSED TO DUNGEONESS AS BEING PART OF HOUSE BILL 131.

NAME	ADDRESS
1. JOHN E. JENSEN	Box 681 PETERSBURG AK
2. Max Workatch II	Box 986 Petersburg, AK
3. PETER A. NILSEN	Box 427 PS6, AK
4. Richard W. Durant	1620 Broadway, Boise, ID.
5. Phillip Z. Max	PHILIP Z. MAX Box 1514 P55 AK 99
6. Gordon Scott OLSEN	Box 433 Psg AK 998
7. MARK LEE JENSEN	Box 457 Psg AK 998
8. Terry S. Hasbrouck	Box 486 P56 AK 998
9. Brian D. Lapeyre	Box 44 " " "
10. Jim Miller	Box 1184 " " "
11. Davis Whitteberry	Box 636 P56 AK 99
12. Jenni Jensen	Box 572 Psg " 99
13. Cole Rhoden	Box 426 P56, AK 99
14. Pamela R. Jensen	Box 681 Petersburg, AK 99
15. Nathan Midkiff	Box 1607 Petersburg, AK 99
16. Max Workatch OR	Box 1455 PETERSBURG AK
17. Max Workatch	Box 1208 PETERSBURG AK 99
18. Maxine Workatch	Box 986 Petersburg AK 99
19. Dan Vick	Box 1271 PETERSBURG AK
20. Douglas M. Kono	Box 295 PETERSBURG, AK
21. George Wood	Box 902 Petersburg
22. Rick D. Verstug	Box 63 Petersburg, Alaska 99933

This is a result
of a quick pass
through Petersburg

5-15-91

HERE IS A LIST OF PEOPLE OPPOSED
TO DINGELISS LAB BEING PART
OF HOUSE BILL 1371

NAME	ADDRESS
1. JOHN E. JENSEN	John Jensen Box 681 PETERSBURG AK
2. Max Worchatch II	Max Worchatch Box 984 Petersburg, AK
3. PETER A. NILSEN	Peter A. Nilsen Box 427 P. 56, AK
4. Richard W. Durant	Richard W. Durant 1620 Broadway, Boise, ID
5. Phillip E. Meeks	Phillip E. Meeks Box 1514 P. 55 AK 99
6. Gordon Scott Olsen	Gordon Scott Olsen Box 433 Psg AK 998
7. MARK LEE JENSEN	Mark Lee Jensen Box 457 Psg AK 998
8. Terry S. Hasbrouck	Terry S. Hasbrouck Box 486 P. 56 AK 998
9. Brian D. Lapeyre	Brian D. Lapeyre Box 44 " " "
10. Jim Miller	Jim Miller Box 1184 " " "
11. DAVIS WHITATHUM	Davis Whitathum Box 636 P. 56 AK 99
12. JAMES ROSE	James Rose Box 572 Psg " " "
13. Cole Rhoden	Cole Rhoden Box 426 P. 56, AK 99
14. Pamela R. Jensen	Pamela R. Jensen Box 681 Petersburg, AK 99
15. Nathan M. Kiff	Nathan M. Kiff Box 1607 Petersburg AK 99
16. Richard W. Durant	Richard W. Durant Box 1455 PETERSBURG AK
17. Max Worchatch	Max Worchatch Box 1208 PETERSBURG AK 99
18. Gladys Maxine Worchatch	Gladys Maxine Worchatch Box 986 Petersburg AK 99
19. Dan J. Dick	Dan J. Dick VICK Box 1271 PETERSBURG AK
20. Douglas M. Kano	Douglas M. Kano Box 295 PETERSBURG AK
21. George Wood	George Wood Box 902 Petersburg
22. Rick D. Versteeg	Rick D. Versteeg Box 63 Petersburg, Alaska 99933

Alaska Department of Fish and Game
March 26, 1991
Approved Regulatory Language
Management Plan for High Impact Emerging Fisheries

5AAC 39.XXX. MANAGEMENT PLAN FOR HIGH IMPACT EMERGING FISHERIES

(a) Many of Alaska's fishery resources are not yet commercially harvested to a significant extent. However, changes in catching and processing technology or in markets, coupled with fisheries that a open-to-entry, can precipitate rapid expansion of a fishery. When new fisheries are small, they can be successfully managed under the department's existing statutory and permitting authorities. However, rapid development of a fishery can proceed faster than the department's ability to manage, protect, and maintain the resource. The consequences include resource depletion, boom-bust development, and de facto reallocation among users. When these circumstances develop, only total closure of the fishery or the implementation of a very conservative management plan, that discourages large effort, can ensure that newly exploited stocks are conserved. This can hinder the orderly development of the state's under utilized resources. Compliance with the department's statutory responsibilities, to manage commercial fisheries, makes it reasonable to differentiate high impact emerging fisheries commercial fisheries from other new or small scale commercial fisheries based upon evaluation of recent growth in participation, purpose of fishery, impact on existing users, conservation concerns, and status of management programs. A plan is needed to guide management of high impact emerging commercial fisheries that ensures resource conservation, minimizes impacts on existing users, and provides orderly development of new fishery resources.

(b) A commercial fishery may be regulated as a high impact emerging fishery if the commissioner determines that any of the following conditions apply to a species or species group in an area or region:

(1) harvesting effort has recently increased beyond a low sporadic level;

(2) interest has been expressed in harvesting the resource by more than a single user group;

(3) the level of harvest may be approaching what may not be sustainable on a local or regional level;

(4) the board has not developed comprehensive regulations to address issues of conservation, allocation, and conduct of an orderly fishery.

(c) The commissioner shall notify the board when a determination is made to manage a fishery as a high impact emerging fishery.

(d) The department shall close a high impact emerging fishery once it is designated as such by the commissioner and may not reopen the fishery until an interim management plan and associated regulations have been developed. If an interim management plan and regulations have been adopted, the commissioner may allow the fishery to continue.

(e) The department shall develop interim management plans for high impact emerging commercial fisheries. Interim management plans shall contain at least the following information:

(1) a review of the history of commercial exploitation of the species in Alaska and other relevant jurisdictions;

(2) a review of the life history of the organism;

(3) identification of specific management goals and objectives;

(4) an evaluation of potential impacts on existing users;

(5) designation and justification of the preferred management measures;

(6) an evaluation of the conservation impacts of the preferred management approach on non-target species and on non-target individuals of the same species;

(7) a plan for determining the productivity of the species and impact of the fishery;

(8) a listing of proposed interim regulations;

(9) a cost estimate for plan implementation;

(10) analysis of customary and tradition subsistence use patterns.

(f) The commissioner may adopt regulations and open the fishery consistent with measures identified in the plan; the regulations would remain in effect until the board adopts regulations under section (g).

(g) The department, upon completion of a draft interim plan, shall petition the board under 5AAC 96.625 to consider adoption of the management plan and associated regulations at its next regularly scheduled meeting.

RCV BY: XEROX Telecopier 7017; 3-27-91 ; 10:27 ;
SENT BY: XEROX Telecopier 7017; 3-27-91 ; 10:28 ;

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9074652804→

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9077896170:# 4

(h) The department may require onboard observes aboard fishing vessels, catcher/processor, and floating processors, as specified in 5AAC 39.141 and 5AAC 39.645, that participate in high impact emerging fisheries.

TESTIMONY ON HB 137

by

Larry Cotter
Southeast Alaska Dungeness Crab Association

May 10, 1991

Mr Chairman, Members of the House Resources Committee:

I appear today on behalf of the Southeast Alaska Dungeness Crab Association in support of the proposed Committee Substitute for HB 137. The Southeast Alaska Dungeness Crab Association is an organization of dungeness crab fishermen from throughout Southeast who fear for the future of the dungeness crab resource and their ability to derive a living from the commercial harvest of that resource.

The Southeast dungeness crab fishery is a fairly unique fishery in Alaska. The fishery occurs totally in the relatively sheltered inside waters, and is the only crab fishery in Southeast which has not been limited. The fishery is prosecuted predominantly by small boat, resident Alaska fishermen. According to the Commercial Fishery Entry Commission Briefing Report 90-5 (CFEC 90-5), less than 1% of the vessels in the fleet since 1986 have exceeded 60 feet in length. In fact, during the 1988-89 season, "the predominant vessel size class was 29 feet or less (45%), and over 75% of the fleet was smaller than 40 feet". (pg.70, CFEC 90-5) Seven vessels were between 50 and 59 feet, and only 2 were larger than 70 feet. (pg. 88, CFEC 90-5) Ninety percent of the total dungeness catch since 1981-82 was harvested by vessels less than 50 feet.

	<u>1989/80</u>	<u>1988/89</u>	<u>1987/88</u>	<u>1986/87</u>
Less than 50 foot boat:	222	312	373	428
More than 50 ft. boat:	13	16	21	32

The fishery is also one in which new participants have been entering at a rapid pace. 86% of current participants have fished dungeness for less than 5 years. Sixty-six persons entered the fishery for the first time in 1989-90. (CFEC 90-5) Anecdotal information indicates substantial new entrants for 1991, including several large boats from West Coast Dungeness crab fisheries.

In terms of residency, the most recent year for which information is available, the 1988-89 fishing year, showed that 91% of the participants in the Southeast dungeness fishery were Alaskan residents. This is a dramatic shift from the early 1980's when 30% of the participants were non-residents. (pg. 12, CFEC 90-5) The level of resident and non-resident participation appears directly related to the health of West Coast dungeness stocks. According to the CFEC Briefing Report, "[t]he number of non-residents in the... fishery was highest in 1983: historically one of the lowest harvest periods in the Pacific Coast fishery". The high level of non-resident participation continued through 1985/86 when it dramatically dropped. This coincided with substantially increased harvest levels of dungeness off the coast of Washington State.

One of the concerns of Southeast dungeness fishermen is that West Coast Dungeness stocks are once again declining and we will experience a large influx of non-resident fishermen with large vessels entering the Southeast fishery during the next few years. Dungeness crab populations in northern California, Oregon and Washington have exhibited cyclic variations in abundance during the past several decades. The period of the cycle has been fairly regular at about ten years, with very large harvests occurring toward the later part of a decade followed by very low harvests the remainder of the decade. The following table shows West Coast dungeness landings since 1985 (in thousands of pounds):

	<u>1985/86</u>	<u>1986/87</u>	<u>1987/88</u>	<u>1988/89</u>	<u>1989/90</u>
Wash.	5,430	4,806	17,858	23,892	6,700*
Oregon	7,171	4,747	8,685	11,154	N/A
Calif.	5,990	8,597	8,754	9,552	N/A

Source: Pacific Marine States Fishery Commission/Wash. Dept. of Fisheries
 * Does not include Puget Sound landings which were approx. 1 million pounds.

There is little dispute the West Coast dungeness stocks are currently entering their cyclical downturn. Washington State Dept. of Fisheries reports that total landings to date for the 1990/91 dungeness season are 6 million pounds. They do not expect the total harvest to exceed 7 million pounds. Typically, the Washington State harvest occurs during December and January (approx. 55% of total harvest) with most of the remainder taken early in the spring. (personal communication)

Southeast dungeness crab fishermen fear these vessels will move north to Alaska and displace them from their fishery and adversely affect the overall health of the stocks.

A substantial increase in effort may adversely affect the biological health of the stocks as well as cause social and economic harm to participants. The CFEC Briefing Report states: "...Significant changes in effort in the southeast Alaska fishery may affect biological interpretation of population abundance and may mask cycles of abundance". In other words, increases in effort may result in a larger overall harvest which may indicate a large and healthy legal age population. If, however, the amount of effort (or numbers of pots) used in the harvest is inaccurately accounted, the reason for the increased harvest may not be due to a large and healthy population but to increased effort. This could lead to misinterpretation by the managing biologists of the overall health of the stocks.

The CFEC Briefing Report continues: "An additional problem for management... is the overlap of part of the dungeness crab season with the sensitive molting and mating periods of the crab. An intense fishery such as this can inflict substantial handling mortality on newly molted crab". (pg. 87)

Most crab fisheries are scheduled to avoid the molting period in order to minimize adverse impact upon the sensitive crab. Southeast dungeness, however, does overlap the molting period (at least in some areas) due to the positive economic benefit derived from the sale of dungeness during the summer tourist season. Allowing effort to continue increasing in this fishery, particularly if the increased level of effort stems from several large vessels intensely fishing 300 pots, will likely result in increased handling mortality which could adversely affect the overall health of the stocks. An alternate choice would be to close the commercial fishery during the molting period, but this would have severe adverse economic impacts upon the small boat fleet that depends upon the summer trade.

Finally, this is the only crab fishery in Southeast Alaska which is not currently subject to limited entry. As a result, there is no method currently available to control new entry to this fishery. We know that new entrants are increasingly entering the fishery. We fear additional entrants on a scale we haven't seen before. There are legitimate reasons for concern for the resource, and legitimate reasons for concern for the social and economic impact upon existing Dungeness participants. We believe the future of our fishery is at stake, and urge you to provide CFEC with the ability to address our problems in the event the evidence warrants action.

Thank you.

5AAC 39.210. MANAGEMENT PLAN FOR HIGH IMPACT EMERGING FISHERIES.

(a) Many of Alaska's fishery resources are not yet commercially harvested to a significant extent. However, changes in catching and processing technology or in markets, coupled with fisheries that are open-to-entry, can precipitate rapid expansion of a fishery. When new fisheries are small, they can be successfully managed under the department's existing statutory and permitting authorities. However, rapid development of a fishery can proceed faster than the department's ability to manage, protect, and maintain the resource. The consequences include resource depletion, boom-bust development, and de facto reallocation among users. When these circumstances develop, only total closure of the fishery or the implementation of a very conservative management plan, that discourages large effort, can ensure that newly exploited stocks are conserved. This can hinder the orderly development of the state's under utilized resources. Compliance with the department's statutory responsibilities, to manage commercial fisheries, makes it reasonable to differentiate high impact emerging fisheries commercial fisheries from other new or small scale commercial fisheries based upon evaluation of recent growth in participation, purpose of fishery, impact on existing users, conservation concerns, and status of management programs. A plan is needed to guide management of high impact emerging commercial fisheries that ensures resource conservation, minimizes impacts on existing users, and provides orderly development of new fishery resources.

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(3) the level of harvest may be approaching what may not be sustainable on a local or regional level;

(4) the board has not developed comprehensive regulations to address issues of conservation, allocation, and conduct of an orderly fishery.

(c) The commissioner shall notify the board when a determination is made to manage a fishery as a high impact emerging fishery.

(d) The department shall close a high impact emerging fishery once it is designated as such by the commissioner and may not reopen the fishery until an interim management plan and associated regulations have been developed. If an interim management plan and regulations have been adopted, the commissioner

may allow the fishery to continue.

(e) The department shall develop interim management plans for high impact emerging commercial fisheries. Interim management plans shall contain at least the following information:

(1) a review of the history of commercial exploitation of the species in Alaska and other relevant jurisdictions;

(2) a review of the life history of the organism;

(3) identification of specific management goals and objectives;

(4) an evaluation of potential impacts on existing users;

(5) designation and justification of the preferred management measures;

(6) an evaluation of the conservation impacts of the preferred management approach on non-target species and on non-target individuals of the same species;

(7) a plan for determining the productivity of the species and impact of the fishery;

(8) a listing of proposed interim regulations;

(9) a cost estimate for plan implementation;

(10) analysis of customary and tradition subsistence use patterns.

(f) The commissioner may adopt regulations and open the fishery consistent with measures identified in the plan; the regulations would remain in effect until the board adopts regulations under section (g).

(g) The department, upon completion of a draft interim plan, shall petition the board under 5AAC 96.625 to consider adoption of the management plan and associated regulations at its next regularly scheduled meeting.

(h) The department may require onboard observers aboard fishing vessels, catcher/processor, and floating processors, as specified in 5AAC 39.141 and 5AAC 39.645, that participate in high impact emerging fisheries. (Effective ___/___/91, Register)
Authority: AS 16.05.251

WALTER J. HICKEL, GOVERNOR

COMMERCIAL FISHERIES ENTRY COMMISSION

8800-109 GLACIER HIGHWAY
JUNEAU, ALASKA 99801
(907) 789-6150 Licensing Calls
(907) 789-6160 Other CFEC Calls
(907) 789-6170 FAX

April 24, 1991

Hon. Lloyd Jones, Chair
Committee on Resources
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Re: Southeast Alaska Dungeness Crab Fishery

Dear Senator Jones:

This letter will address the Commission's reluctance, under current statutory constraints, to establish a maximum number ("limit entry") in the Southeast Alaska Dungeness crab fishery.

Our staff has conducted considerable research into conditions within the fishery. We have met, on several recent occasions, with fishermen, management biologists, and other interested individuals. Further, some six years ago, we did propose limited entry and held hearings on the proposal in almost all Southeast Alaska communities. The result of all of that effort is that we are very concerned that moving to limited entry in the fishery may not, in the long run, serve either the interests of the current participants or the purposes set forth in the Limited Entry Act.¹ In short, under current constraints, limiting entry may serve no practical purpose and (as a result) such an action may be vulnerable to legal challenges for failure to demonstrate that the purposes of the Limited Entry Act would be served.

Alaska's Limited Entry Act was originally designed for the salmon fisheries in the early 1970's. It provides for licenses (limited entry permits) to be issued to individuals on the basis of the individual's past participation in, and economic dependence on, the fishery in question. Although it provides for a limitation on the number of people who may

¹ ...to promote the conservation and sustained yield management of Alaska's fishery resource and the economic health and stability of commercial fishing in Alaska by regulating and controlling entry into the commercial fisheries in the public interest ... AS 16.43.010

April 24, 1991

participate in a fishery it does not address the amount of fishing effort those people may put forth. Therefore, in many fisheries, limiting entry by itself will not have the effect of controlling the total effort directed against a particular species.

This is certainly the case with the Southeast Dungeness fishery. Data developed by our Research staff show that the current level of effort (i.e., the number of crab pots registered to fish), as reported to the Department of Fish and Game, is approximately 48,000. The pot limit established by the Board of Fish is 300/fisherman. If the Commission issued 272 entry permits (the maximum number that would be required by the Act), and every permit holder fished 300 pots, the total number of pots could increase to 81,600 (a 70% increase over current effort). Limiting entry in the fishery would encourage this increased capitalization, as "competition" would be limited; ironically, it would also defeat the purpose of limiting entry in the first place.

We believe, therefore, that other regulatory (or, perhaps, statutory) steps need to be taken before we can conclude that limiting the number of permits issued will accomplish anything of value for the fishery and those who currently participate in it. Meanwhile, current participants are concerned that significant increases in effort (from new entrants in the fishery) may well be imminent. Under the terms of your SB 241, the Commission could adopt a moratorium regulation and foreclose new entry. During the time that the moratorium would be in effect, the Commission, together with the fishermen, the Department of Fish and Game, the Board of Fish (and, possibly, the Legislature) could work together to devise a regulatory framework for the fishery that would be more appropriate to actual conditions.

Thank you for your inquiry. Be assured that we remain available to further explore this topic with you, your constituents, and other legislators at your convenience.

Sincerely,

COMMERCIAL FISHERIES ENTRY COMMISSION
Bruce Twomley, Chairman
Rich Listowski, Commissioner
Phil Smith, Commissioner

By: 

H B

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SENATE COMMITTEE REPORT

DATE: 5/3/91

FURTHER: Finance

DATE TURNED INTO OFFICE: 5-18-91

Resources Committee considered CS FOR HOUSE BILL NO. 139 (HES)

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

and a majority of the committee recommends do pass

and recommended:

- replace with _____ CS _____
- or adopt _____ CS _____
- attached amendment(s)
- _____ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

P. HFN

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) Dept/Date: _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) Dept/Date: DEC 3/28/91 2130.0

zero fiscal note(s) _____

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chair Signature and Recommendation

Representative Kay Brown

ALASKA STATE

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99505
(907) 561-7627

During Ses.
P.O. Box V
Juneau, Alaska 998.
(907) 465-4998

TO: Senator Lloyd Jones, Chair
Senate Resources Committee

FROM: Representative Kay Brown

DATE: May 8, 1991

SUBJ: CS HB 139 (HES), Pollution Prevention School Awards

CS HB 139 (HES), legislation that would provide for the public recognition of pollution prevention, waste reduction and recycling efforts, was recently referred to the Senate Resources Committee.

I would appreciate your consideration of waiving CS HB 139 (HES) from the Senate Resources Committee. As you may recall, a very similar bill passed both the House and the Senate last session, but died in the closing minutes of the session because it was not physically transmitted between the two bodies before final adjournment.

As you will see from a review of the committee hearing record and testimony on this bill, this legislation has received wide-spread public and legislative support as a cost-effective means of encouraging pollution prevention and waste reduction. For your reference, please find enclosed a packet of documents in support of this legislation. If you determine that it is necessary to have a hearing on the bill, I would appreciate your scheduling of this bill at the earliest possible time.

I appreciate your consideration of this request. If you have any questions, please contact Cathy Donadio of my staff at 465-4998.

attachments

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace
Eastridge • Penland Park • Airport Heights • Government Hill

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 473 (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).

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

No. 2
Bill Version: CSHB 139 (HES)
(H) Publish Date: 4/26/91

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

Phone: 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.

COMMITTEE COPY

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%
----------------	-----	---------------	-----

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%
----------------	-----	---------------	-----



FOCUS

THE WASTE NOT WASHINGTON ACT

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.

Alaska State House of Representatives
Seventeenth Legislature

RCS# 499
Item 335

05-02-91
19:03:18

CSHB 139(HES)

Reconsideration

Yeas:	34	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, Davis, B., Davis, C., Donley, Ellis, Finkelstein, Foster, Gonzales, Gruenberg, Grussendorf, Hanley, Hudson, Ivan, Jacko, Koponen, Kubina, Larson, Lemman, Mackie, MacLean, Miller, M.A., Miller, M.W., Moyer, Navarre, Parnell, Phillips, G., Phillips, R., Sharp, Ulmer
Nays:	5	Baker, Barnes, Martin, Taylor, Zawacki
Excused:	0	
Absent:	1	Lincoln

Overview of the 1989-1990 Washington State Waste Reduction and Recycling Awards Program

Introduction

The first annual In-School Waste Reduction and Recycling Awards Program established by the ESHB 1671, the Waste Not Washington Act, section 54, (RCW 70.95C.120) presented three \$10,000 awards on June 8, 1990. The winners were Tulalip Elementary School, Riverside Middle School and Shorecrest High School. The Committee for Litter Control and Recycling gave out eight additional awards.

Fifty-six schools applied for awards, or about 5% of the total public schools in Washington. Approximately 20 more schools notified the awards coordinator that they had a recycling program in their school, but they didn't submit an application.

Summary

From the official applications the following recycling statistics were obtained. Aluminum was recycled by 100% of the schools, while 89% recycled white paper, 91% recycled mixed paper, 87% recycled cardboard, and 39% recycled newsprint. Steel "tinned" cans were recycled by 46%. PET plastics were recycled by 14%, and 19% recycled HDPE plastic milk or juice jugs. Glass was recycled by 41% of the schools. They also composted yard waste at a 23% rate, and 30% composted their food waste. The following chart provides a more detailed listing.

Recycling in Schools Item	Figures Rounded to Nearest percent					
	Elementary		Middle/Junior High		Senior High	
White paper	26	87%	12	92%	12	92%
Mixed paper	28	93%	12	92%	11	85%
Cardboard	26	87%	12	92%	11	85%
Newsprint	16	53%	3	23%	3	23%
Paper bags	4	13%	0	0%	0	0%
Books	2	7%	1	8%	1	8%
Catalogues	1	3%	3	23%	1	8%
Aluminum	30	100%	13	100%	13	100%
Tinned cans	13	43%	6	46%	7	54%
PET plastic	4	13%	1	8%	3	23%
HDPE plastic	4	13%	2	15%	5	38%
Styrofoam	1	3%	0	0%	2	15%
Glass	15	50%	5	38%	3	23%
Oil	3	10%	1	8%	4	31%
Food	12	40%	3	23%	2	15%
Yard waste	4	13%	3	23%	6	46%

Total applicants: 30 Elementary, 13 Middle/Junior High, 13 Senior High

Profile of 1989-1990 Washington State Waste Reduction and Recycling Awards Program

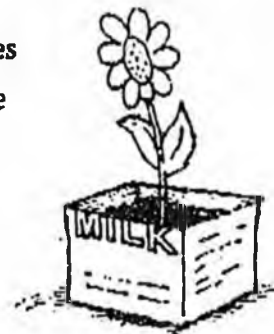
Elementary School Division

Introduction

Thirty elementary schools applied for the 1989-1990 In-School Waste Reduction and Recycling Awards Program. Many presented creative and innovative programs. In an effort to share with all schools the information gathered from these outstanding programs, we have compiled the following information gathered from the applications and from on-site visits.

Waste Reduction Methods

- half-sheets for memos
- reduce memos sent to staff
- lessons and student drills on blackboard instead of paper
- oral response for evaluation instead of paper and pencil
- back-to-back work sheets
- paper copies for exact student count
- waste paper scraps used for note or scratch paper
- cardboard boxes reused for storage
- sharing newspapers with second and third families each day
- writing on both sides of the paper
- having a school "paperless" day
- eliminate paper towels in bathrooms
- clothing drive for sharing with other families
- ceramic cups instead of styrofoam
- alternative purchases for hard-to-recycle plastic items
- exchange table for "naturally packaged" foods
- operate a thrift store for exchange of reusable items
- refurbish and repair district tables, chairs and desks
- reusable aluminum and hard plastic trays for hot lunches
- metal silverware to replace disposable plastic silverware
- copy paper covers distributed for textbook book covers
- milk cartons used as planter cups
- cloth towels (not paper) for cleanup in the science room
- bottle caps and pop tops used for counting activities
- egg cartons and plastic jugs used for storing supplies



1989-1990 In School Waste Reduction and Recycling Awards

Elementary School Award: for 10,000 goes to Tulalip Elementary School in the Marysville School District.

Tulalip elementary recycled over 4,100 lbs of paper in 1989-1990. They have saved the school district 114 dollars a month in dumpster fees. Tulalip Elementary has developed a school recycling guide which they have used to help other schools start a recycling program. From October to December 1989 They recycled 7,300 lbs of materials.

Middle School Award: for 10,000 goes to Riverside Middle school in Spokane County.

Riverside Middle School has collected 12,750 lbs of glass, 1,553 lbs of aluminum cans and 60,844 lbs of newsprint since march of 1989. Riverside repairs and refurbishes tables, desks and chairs for the middle school. All the yard wastes are composted. The district provides a remodeled school bus to haul recyclables.

High School Award: for 10,000 goes to Shorecrest High School of the Shoreline School District.

Shorecrest High School has co-authored two pieces of legislation with Senator Patty Murray for recycling newspaper, and for purchasing of recycled materials on availability. Shorecrest has a styrofoam recycling project which recovers a 30 gallon barrel of styrofoam each week. A bench made of recovered styrofoam from the school is now used by students in the commons area. Students have recovered 1,420 lbs of cardboard and 2,135 lbs of white ledger paper this school year. Students participate in a "community improvement" projects including recycling activities as a requirement for graduation.

Committee for Litter Control and Recycling Awards

Outstanding district-wide recycling award: for 1,000 dollars to Lake Washington School District.

Lake Washington has 20,400 students participating in their district-wide program. This school year, the recycler has collected 23,206 lbs of paper and aluminum from the elementary schools.

Outstanding combination school recycling award: for 1,000 dollars goes to Riverside and Chattaroy Elementary Schools.

The two schools recycle newsprint, aluminum, cardboard, white paper, mixed paper and they compost yard waste. The schools operate a thrift store for recycling clothing, small appliances and books.

Outstanding high school program: for 500 dollars to John Rogers High School in Spokane.

John Rogers students collect paper from every classroom. The program includes recycling aluminum, plastic, wood shavings motor oil and glass bottles.

Outstanding high school program: for 500 dollars goes to Mercer Island High School.

Led by the student organization "Committee To Save The Earth," Mercer Island students operate a recycling center for the school and the community. In the 1989-1990 school year, the school reduced the amount of solid waste disposed by 7.5 tons from the previous year.

Outstanding Junior high/middle school program award: For 500 dollars goes to Eatonville Middle School.

Eatonville Middle School environmental education classes have set up 25 recycling bins in the school. The school has received approximately 120 dollars for recyclables. The school is composting lawn clippings for a vegetable garden and wildlife habitat near the school.

Outstanding junior high/middle school award: For 500 dollars goes to Sultan Middle School.

Sultan Middle School has cut in half the number of dumpsters used for solid waste disposal. Sultan has saved over 2,000 dollars in disposal fees. Food waste, metals, paper and oil are recycled.

Outstanding elementary school award: For 500 dollars goes to Lincoln Elementary in Toppenish.

Lincoln which is a school for kindergarten and first grade, reduces waste by reusing plastic containers, and sharing newspapers from one family to another each day. Students write on both sides of the paper. Excess food is composted.

Outstanding elementary school award: For 500 dollars goes to Deming Elementary school in Whatcom County.

Deming students sort paper into seven different categories. They have recycled 1,200 lbs of white paper and 911 lbs of "tinned cans." A worm bin is used to recycle food from the cafeteria.

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SENATE COMMITTEE REPORT

DATE: 5/19/91

FURTHER:

DATE TURNED INTO OFFICE: 5-20-91

Resources Committee considered CS FOR HOUSE BILL NO. 143 (FINANCE)

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

and recommended:

replace with _____ CS
 or adopt SCS CS HB 143 (CRA)

same title
 new title
 technical title change (HB only)

attached amendment(s)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

Previous DNR 4/12/91
Previous CRA 2/29/91

Governor's bill w/fiscal note

SIGNING DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

[Signature]

_____ DO NOT PASS
UNLESS APPROVED
AND PROPER FISCAL
NOTE

[Signature]
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SCSCSHB 143 (CRA)

Revision Date: 20-May-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: Senate Resources COMPONENT SERIAL NO. 431

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			
TRAVEL	0.0	0.0	0.0			
CONTRACTUAL	0.0	0.0	0.0			
SUPPLIES	0.0	0.0	0.0			
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0.0	0.0	0.0			
PART-TIME						
TEMPORARY						

Estimate of Current year impact: 0

ANALYSIS: (Attach a separate page if necessary)

Existing staff will process the additional land entitlement allowed by this bill.

Prepared by: Dennis Daigger Phone: 762-2680
 Division: Land & Water Management Date: 20-May-91
 Approved by Commissioner: Harold Heinze Date: 20-May-91
 Agency: Department of Natural Resources

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

**HB 143 (Finance) Relating to General Grant Land Selections
(5/8/91)**

- Sec. 1: POPULATION CAP - removes 20 acres per capita population cap instituted in 1987
- Sec. 2: EXPEDITED ENTITLEMENT - an expedited entitlement can be requested rather than waiting for 2 1/2 years
- Sec. 3: CROSS REFERENCE TO NEW APPEAL PROCEDURE
- Sec. 4: DCRA REVIEW / ADDS STATE VS. MUNICIPAL INTEREST DETERMINATION
- Sec. 5: APPEAL PROCESS ESTABLISHED
- Sec. 6: SIZE AND SHAPE OF PARCEL - when restricting the size and shape of a selection the burden of survey costs on the municipality; and alternatives to preserve access will be considered
- Sec. 7: DCRA CONSULTATION ON REGULATIONS
- Sec. 8: POLICY STATEMENT - returns to the original policy of 10% of vuu lands (without the 20 acre cap)
- Sec. 9: RECERTIFICATION - of existing entitlements and new certifications will be delayed until DNR completes federal land transfers by January 1, 1994
- Sec. 10: POPULATION CAP REMOVAL IS RETROACTIVE TO JUNE 2, 1986
- Sec. 11: EFFECTIVE DATE IMMEDIATELY

ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
Co-Chair House Finance Committee
P.O. Box 830
Barrow, Alaska 99723



WHILE IN JUNEAU
Box V
Juneau, Alaska 99811
465-4525
465-4833

HOUSE OF REPRESENTATIVES

District 22

North Slope
Borough

Anaktuvuk Pass
Atkasuk
Barrow
Kaktovik
Nuiqsut
Point Hope
Point Lay
Wainwright

Northwest Arctic
Borough

Ambler
Buckland
Deering
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
Selawik
Shungnak

MEMORANDUM

DATE: May 17, 1991

TO: Steve Frank, *Senator Frank*
Chairman
Senate Community & Regional Affairs Committee

FROM: Representative Eileen P. MacLean *Rep. MacLean*

SUBJ: Scheduling HB 143

This is to request scheduling of HB 143, relating to general grant land entitlements, at your earliest convenience. The purpose of HB 143 is to amend Alaska Statutes relating to general grant land selections to return the formula for awarding general grant land to "10% of vacant, unreserved, and unappropriated land" as provided for in the original Mandatory Borough Act of 1963; to establish an appeal process for municipal entitlements; to allow DNR to work cooperatively with DCRA in developing regulations; and, to encourage DNR to work more closely with municipalities when determining land entitlements.

The Administration is in support of this bill. An amendment was made in the Finance committee which will place a moratorium on all new certifications and recertifications until after January 2, 1994. This will enable DNR to complete the transfer of 20 million acres of land from the federal government by January 1, 1994 without being burdened with additional deadlines for the municipal entitlement program.

A section which would have added land classified as wildlife habitat, other than critical wildlife habitat, to the definition of "vacant, unappropriated, and unreserved land", or "vuu", was also

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taken out in the House Finance committee. Although I believe that the addition of this category to vuu is justified, in the interests of time I agreed to have this section taken out.

A revised position paper from the Administration supporting HB 143 is included in the back up. The clarifying adjustments referred to on line 3 are technical changes and will not substantially change the bill. With the Administration's support I hope to see this bill move quickly through the process.

If you have any questions or problems with HB 143, please contact me, or my staff, Rena Bukovich at your earliest convenience.

SENATE CS FOR CS FOR HOUSE BILL NO. 143 (CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MACLEAN, Boyer

A BILL

FOR AN ACT ENTITLED

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

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

3 * Section 1. AS 29.65.030(a) is amended to read:

4 (a) The general grant land entitlement of a municipality incorporated after July 1, 1978,
5 that does not qualify for an entitlement under AS 29.65.010 or 29.65.020 is 10 percent of the
6 maximum total acreage of vacant, unappropriated, unreserved land within the boundaries of the
7 municipality between the date of its incorporation and two years after that date. [HOWEVER,
8 A MUNICIPALITY MAY NOT RECEIVE AN ENTITLEMENT UNDER THIS SUBSECTION
9 THAT EXCEEDS 20 ACRES PER PERSON RESIDING IN THE MUNICIPALITY ON THE
10 DATE OF ITS INCORPORATION. FOR PURPOSES OF THIS SECTION THE POPULATION
11 OF A MUNICIPALITY SHALL BE DETERMINED BY THE DEPARTMENT IN
12 ACCORDANCE WITH AS 29.60.020 AND 29.60.150.]

13 * Sec. 2. AS 29.65.030(b) is amended to read:

14 (b) Within two years and six months after the date of incorporation of the municipality,

1 the director shall determine the entitlement of each municipality eligible to receive general grant
2 land under (a) of this section and certify the entitlement to the municipality. However, the
3 governing body of a city may, by resolution, request the director to certify the entitlement
4 to the city on an expeditious basis. The director shall determine and certify the entitlement
5 within six months after receipt of the resolution.

6 * Sec. 3. AS 29.65.040(c) is amended to read:

7 (c) Land may be selected or nominated for selection by a municipality to satisfy a
8 general grant land entitlement under former AS 29.18.201 and 29.18.202 at any time before
9 October 1, 1980. Land may be selected or nominated for selection by a municipality to satisfy
10 a general grant land entitlement under AS 29.65.010 at any time before October 1, 1990.
11 However, if a municipal selection or nomination or a part of a municipal selection or nomination
12 is rejected by the director, the municipality may, not later than 90 days after receipt of the
13 rejection or final decision on an appeal filed under AS 29.65.050(d), select additional state
14 land as necessary to satisfy its entitlement.

15 * Sec. 4. AS 29.65.050(c) is amended to read:

16 (c) The director shall approve or disapprove each selection for patent within nine
17 months of its selection by a municipality. Before a decision is issued the Department of
18 Community and Regional Affairs shall review the selection and recommend approval or
19 disapproval of it. The director may disapprove a selection only upon a finding that the
20 public interest in retaining state ownership of the land outweighs the municipality's interest
21 in obtaining the land. A [, AND A] patent shall be issued to the municipality for land selected
22 in satisfaction of a general grant land entitlement vested under AS 29.65.010 - 29.65.030 within
23 three months after approval by the director of a plat of survey.

24 * Sec. 5. AS 29.65.050 is amended by adding a new subsection to read:

25 (d) Before disapproving a selection, the director shall notify the municipality in writing
26 of the decision and set out reasons for it. The municipality may submit a written response within
27 30 days after receipt of the notice. Within 30 days after the period for responding has expired,
28 the director shall affirm, modify, or reverse the decision and supply the municipality with written
29 notice of that action. If the selection is disapproved, the municipality may file notice of an
30 appeal with the director. The appeal shall be heard under procedures adopted by regulation of
31 the Department of Natural Resources. Before reaching a decision on an appeal the Department

1 of Natural Resources shall request the Department of Community and Regional Affairs to review
2 the matter and submit a recommendation. After reviewing the recommendation, a decision on
3 the appeal shall be submitted by the Department of Natural Resources to the municipality in
4 writing within 30 days after the notice of appeal was filed with the director. A municipality may
5 appeal an adverse decision to the superior court under AS 44.62.560 - 44.62.570.

6 * Sec. 6. AS 29.65.070 is amended by adding a new subsection to read:

7 (d) The commissioner of natural resources shall require that each selection be compact
8 in form with its length not exceeding approximately four times its width. The restrictions on
9 form may be waived by the commissioner based on land use, terrain, effect of the form of the
10 selection on access to it and other parcels, and effect of the form of the selection on surveying
11 and management costs to the state and the municipality.

12 * Sec. 7. AS 29.65.120 is amended to read:

13 Sec. 29.65.120. ADMINISTRATION. The commissioner of natural resources may, after
14 consultation with the Department of Community and Regional Affairs, adopt regulations in
15 accordance with the Administrative Procedure Act (AS 44.62) necessary to carry out the purposes
16 of this chapter.

17 * Sec. 8. AS 29.65 is amended by adding a new section to read:

18 Sec. 29.65.129. POLICY. Consistent with the best interest of the state, it is the policy
19 of the state to provide a newly formed municipality with a general grant land entitlement that is
20 no less than 10 percent of vacant, unappropriated, unreserved land located within its boundaries.
21 It is the policy of the state to provide for expeditious transfer and patent of land to a municipality
22 in fulfilling its entitlement.

23 * Sec. 9. Notwithstanding AS 29.65.030(b) as amended in sec. 2 of this Act, the director of lands
24 may not certify an entitlement to a municipality until after January 2, 1994. Each entitlement for which
25 certification is delayed under this section shall be certified by the director no later than January 1, 1996.
26 The director shall by January 1, 1996, for each municipality incorporated after June 1, 1986, for which
27 an entitlement was certified before the effective date of this section, redetermine and recertify the
28 entitlement in accordance with AS 29.65.030(a), as amended in sec. 1 of this Act.

29 * Sec. 10. Section 1 of this Act is retroactive to June 2, 1986.

30 * Sec. 11. This Act takes effect immediately under AS 01.10.070(c).

SPONSOR STATEMENT

CS FOR HB 143 (FINANCE) GENERAL GRANT LAND SELECTIONS

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 without considering the burden of survey costs to the municipality, and evaluating other alternatives to preserve access or uses of statewide concern.

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.

NEW CERTIFICATION'S AND RECERTIFICATION'S OF ENTITLEMENTS

Section 9 provides that the director of lands may not certify any new entitlements to a municipality until after January 2, 1994. This will enable the Department of Natural Resources to complete the transfer of 20 million acres of land from the federal government without the burden of meeting deadlines for municipal certifications. Each certification which has been delayed shall be certified by no later than January 1, 1996.

The director will also recertify entitlements for municipalities incorporated after June 1, 1986 to determine final entitlement lands that may be selected as a result of this legislation. The recertification will also be delayed until January 1, 1996.