

ALASKA LEGISLATURE COMMITTEE FILES

1993-1994

8672

8061

HOUSE RESOURCES

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Table 1. Multiple-year AS 16.05.870 authorizations issued to reduce administrative redundancy.

Permit No. (Expiration Date)	Description of Activity
FG94-III-0017 (5/30/99)	BPX winter maintenance of the oil pipeline crossing of the Kuparuk River, includes the construction, maintenance, and use of an ice road
FG94-III-0270 (12/31/99)	ARCO winter and summer maintenance activities in the floodplain of the Sagavanirktok River for oil pipelines
FG93-III-0267 (5/15/99)	North Slope Borough winter access to Nuiqsut Oliktok Point
FG93-III-0252 (5/1/99)	BPX winter ice road construction across the Sagavanirktok River for movement of heavy equipment (drill rigs)
FG93-III-0001 (5/30/98)	ARCO winter maintenance of the oil pipeline crossing of the Kuparuk River, includes the construction, maintenance, and use of an ice road
FG92-III-0239 (4/15/97)	City of Bettles construction, maintenance, and use of an ice road crossing of the Jim River and the South Fork of the Koyukuk River
FG90-III-0098 (5/20/99)	Cominco Alaska, Inc. instream work in 14 anadromous fish streams, covers instream work in the spring prior to breakup to remove accumulated snow and ice prior to breakup
FG92-III-0218 (12/31/98)	Alaska Clean Seas - pre-approval issued for 126 waterbodies for emergency oil spill response within the North Slope oilfields and along the Trans-Alaska Pipeline south to Atigun Pass.
FG92-III-0212 (6/1/97)	Alaska Clean Seas - pre-approval issued for 115 waterbodies for summer oil spill containment and recovery training activities within the North Slope oilfields and along the Trans-Alaska Pipeline south to Atigun Pass.
FG92-III-0151 (6/1/97)	ARCO Alaska (Prudhoe/Lisburne) - pre-approval issued for 43 waterbodies for summer oil spill containment and recovery training activities within the North Slope oilfields between the East Channel

of the Sag River and the West Fork of Kalubik Creek.

FG92-III-0153 (6/1/97)

ARCO Alaska (Kuparuk) - pre-approval issued for 43 waterbodies for summer oil spill containment and recovery training activities within the North Slope oilfields between the East Channel of the Sag River and the West Fork of Kalubik Creek.

FG92-III-0208 (6/1/97)

BP Alaska - pre-approval issued for 46 waterbodies for summer oil spill containment and recovery training activities within the North Slope oilfields between the East Channel of the Sag River and the West Fork of Kalubik Creek.

FG92-III-0209 (6/1/97)

BP Alaska - pre-approval issued for 46 waterbodies for winter oil spill containment and recovery training activities within the North Slope oilfields between the East Channel of the Sag River and the West Fork of Kalubik Creek.

FG92-III-0213 (6/1/97)

Alaska Clean Seas - pre-approval issued for 115 waterbodies for winter oil spill containment and recovery training activities within the North Slope oilfields between the East Channel of the Sag River and the West Fork of Kalubik Creek and along the Trans-Alaska Pipeline south to Atigun Pass.

FG92-III-0152 (6/1/97)

ARCO Alaska (Prudhoe Bay/Lisburne) - pre-approval issued for 43 waterbodies for winter oil spill containment and recovery training activities within the North Slope oilfields between the East Channel of the Sag River and the West Fork of Kalubik Creek.

FG92-III-0154 (6/1/97)

ARCO Alaska (Kuparuk) - pre-approval issued for 43 waterbodies for winter oil spill containment and recovery training activities within the North Slope oilfields between the East Channel of the Sag River and the West Fork of Kalubik Creek.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

ATTACHMENT 1

WALTER J. HICKEL, GOVERNOR

1300 COLLEGE ROAD
FAIRBANKS, ALASKA 99701-1599
PHONE: (907) 451-6192
FAX: (907) 465-9091

GENERAL

FISH HABITAT PERMIT

FG93-III-GP-001

ISSUED: December 9, 1993
EXPIRES: December 31, 1995

December 9, 1993

General Public
Nome, Alaska 99762

RE: General Fish Habitat Permit; In-water Equipment/Vehicle Stream Crossings at Traditional Ford Locations

In response to local needs for light vehicular access across several anadromous fish streams designated pursuant to AS 16.05.870(a), the Alaska Department of Fish and Game (ADF&G), upon its own motion, has determined that both the public interest and the proper protection of fish and wildlife would be served by reissuing a general AS 16.05.870 permit for certain classes and types of vehicular crossings at specified locations within the designated waterbodies (Table 1).

In accordance with AS 16.05.870(d) (Anadromous Fish Act) and 6 AAC 50 authorization is hereby given for the general public to ford the following designated waterbodies (Table 1 and Enclosure 1 - Maps) at the identified traditional ford crossings with a wheeled vehicle weighing less than 10,000 pounds gross vehicle weight (GVW).

Table 1

<u>Stream Name</u>	<u>ADF&G Stream Number</u>
Cripple River at mouth	333-10-10900
Penny River at mouth	333-10-10950
Nome River at Buster Creek	333-10-11250
Nome River at Sampson Creek	333-10-11250
Nome River at Divide Creek	333-10-11250
Nome River at Dorothy Creek	333-10-11250
Nome River at Clara Creek	333-10-11250
Snake River at Bangor Creek	333-10-11200
Pilgrim River near Iron Creek	332-00-10250-2110
Solomon River at Lees Camp	333-10-11700
Big Hurrah Creek at mouth	333-10-11700-2082
Lower Glacier Creek access road	333-10-11200-2110

General Permit
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December 9, 1993

Upper Glacier Creek access road	333-10-11200-2110
Shovel Creek	333-10-11700-2061
Niukluk River at Council	333-20-10670-2281
Sweetcake Creek	333-20-10670-2281-3160-4011
Ophir Creek at mouth	333-20-10670-2281-3160
Ophir Creek near Snowball Creek	333-20-10670-2281-3160
Kougarok River near Windy Creek	332-00-10250-2285
Kougarok River near Ryan Gulch	332-00-10250-2285
Kougarok River near Homestake Ck.	332-00-10250-2285

This authorization is subject to the following stipulations which are required to ensure that this activity is consistent with the Standards of the Alaska Coastal Management Program (ACMP), specifically the General Concurrence GC-5 authorization.

1. Crossings shall be made from bank to bank in a direction substantially perpendicular to the direction of stream flow.
2. Crossings shall be made only at locations with gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
3. Banks shall not be altered or disturbed in any way to facilitate crossings. No alteration of the stream bank shall occur which creates conditions which have been documented to result in the loss of or to reduce the productivity of fish habitat. If stream banks are inadvertently disturbed, they shall be immediately stabilized to prevent erosion.

For any activity which significantly deviates from the conditional approval granted by this general permit, the responsible party shall notify the ADF&G and obtain written approval in the form of an individual AS 16.05.870 permit prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination relative to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G. Therefore, it is recommended that the ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. This permit must be retained on site during the permitted activity. Please be advised that this approval does not relieve you of the responsibility of securing other permits, state, federal or local.

Pursuant to 6 AAC 80.010(b), the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Bering Straits CRSA Coastal District Program.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

General Permit
FG93-III-GP-001

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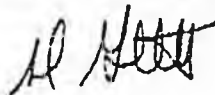
December 9, 1993

The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the department, its agents and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner



BY: Alvin G. Ott, Regional Supervisor
Habitat and Restoration Division
Alaska Department of Fish and Game

cc: Rick Smith, ADNR, Fairbanks
Pete McGee, ADEC, Fairbanks
David McGillivray, USFWS, Fairbanks
Ron Morris, NMFS, Anchorage
Phil North, EPA, Anchorage
Don Kohler, ACOE, Anchorage
Judd Peterson, ADNR-DOM, Anchorage
Mike Tinker, ADOT&PF, Fairbanks
Joel Craft, ADOT&PF, Nome
Steve Borell, AMA, Anchorage
John Coady, ADF&G, Fairbanks
Bob Nelson, ADF&G, Nome
Fred Andersen, ADF&G, Fairbanks
Charlie Lean, ADF&G, Nome
Terry Haynes, ADF&G, Fairbanks
Donna Edmonds, AST-FWP, Nome
Chuck Degnan, BSCRSA, Unalakleet
City of Nome

AGO/BM

ATTACHMENT B

DRAFT

MEMORANDUM

State of Alaska

To: SEE DISTRIBUTION

Date: March 24, 1994

File No:

Telephone Number: 451-6192

From: Aivin G. Ott, Regional Supervisor
Habitat and Restoration Division
Department of Fish and Game

Subject: SEE BELOW

RE: Public Boat Ramp/Launches

The Alaska Department of Fish and Game (ADF&G) Habitat and Restoration Division has issued a number of Fish Habitat Permits to the general public to cover normal use of public boat ramps and launch areas. Activities covered under the general permits include the launching and landing of boats using vehicles with a gross vehicle weight up to 10,000 pounds. Permitting activities do not include gravel removal, streambank alteration, water use, and/or operation of heavy equipment. General permits have been issued for the following public boat launch areas:

Chatanika River

Whitefish Campground, Northwest Corner of Section 15, T3N, R1W, FM (FG93-III-0144)

Elliott Highway Bridge, Southwest Corner of Section 15, T3N, R1W, FM (FG93-III-0152)

Murphy Dome Road Extension, Southwest Corner of Section 19, T2N, R5W, FM (FG93-III-0153)

Steese Highway Milepost 39, Northwest Corner of Section 12, T4N, R2E, FM (FG93-III-0154)

Ptarmigan Creek, Northeast Corner of Section 25, T5N, R4E, FM (FG93-III-0155)

Chena River

South Bank off Davis Road, Sections 14/15 (North/South Section Line), T1S, R2W, FM (FG93-III-0156)

Pikes Landing, Section 13, T1S, R2W, FM (FG93-III-0157)

Public Boat Ramps/Launches

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March 24, 1994

Chena River (Continued)

West Bank off Small Tracts Road, Sections 12/13 (East/West Section Line), T1S, R2W, FM (FG94-III-0052)

Chena River Campground, Section 8, T1S, R1W, FM (FG93-III-0158)

Graehl Park, Section 11, T1S, R1W, FM (FG93-III-0159)

Trainer Road, Section 13, T1S, R1W, FM (FG93-III-0161)

Chena Hot Springs Road Milepost 27, Section 33, T1N, R5E, FM (FG93-III-0162)

Chena Hot Springs Road Milepost 37.8, Section 19, T1N, R7E, FM (FG93-III-0163)

Chisana River

Northway Road Bridge, Southwest Corner of Section 9, T14N, R19E, CRM (FG93-III-0164)

Clearwater Lake

Triple H Road, Southwest Corner of Section 33, T9S, R11E, FM (FG93-III-0165)

Delta Clearwater

Clearwater Campground, Northwest Corner of Section 17, T10S, R12E, FM (FG93-III-0166)

Fortymile River

Fortymile River at Obrien Creek, Northwest Corner of Section 16, T7S, R32E, FM (FG93-III-0167)

Middle Fork Koyukuk River

Near Marion Creek, Southwest Corner of Section 23, T29N, R12W, FM (FG93-III-0168)

Near Intersection of Dalton Highway and Wiseman Road, Southeast Corner of Section 7, T30N, R11W, FM (FG93-III-0169)

South Fork Koyukuk River

Near Dalton Highway, Southwest Corner of Section 6, T25N, R12W, FM (FG93-III-0170)

Jim River

Near Prospect Creek Camp, Northwest Corner of Section 26, T23N, R15W, FM (FG93-III-0171)

Public Boat Ramps/Launches

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March 24, 1994

Moose Creek

Near Tanana River, Southeast Corner of Section 19, T2S, R3E, FM (FG93-III-0173)

Nenana River

Nenana (Western Terminus of 10th Street), Northwest Corner of Section 23, T4S, R8W, FM (FG93-III-0174)

Salcha River

Division of Parks Campground, Concrete Ramp, Northeast Corner of Section 22, T5S, R4E, FM (FG93-III-0175)

Shaw Creek

Near Shaw Creek Lodge, Southwest Corner of Section 35, T7S, R8E, FM (FG93-III-0176)

Tanana River

Manley Hot Springs Landing, Southeast Corner of Section 30, T2N, R15W, FM (FG93-III-0177)

Manley Hot Springs Slough, Southeast Corner of Section 17, T2N, R15W, FM (FG93-III-0178)

Chena Pump Road, Southeast Corner of Section 28, T1S, R2W, FM (FG93-III-0179)

George Lake Lodge, Northwest Corner of Section 29, T13S, R16E, FM (FG93-III-0180)

Big Delta, Northwest Corner of Section 8, T9S, R10E, FM (FG93-III-0181)

Tok Area, Northwest Corner of Section 25, T18N, R14E, FM (FG93-III-0184)

Tanacross, Southeast Corner of Section 32, T19N, R11E, CRM (FG93-III-0185)

Nenana, Southwest Corner of Section 13, T4S, R8W, FM (FG93-III-0186)

Bonanza Creek Experimental Forest, Northeast Corner of Section 2, T3S, R4W, FM (FG93-III-0187)

Yukon River

Galena, Sections 5 and 6, T9S, R10E, KRM (FG93-III-0188)

Circle, Section 31, T12N, R18E, FM (FG93-III-0189)

Eagle, Sections 31 and 33, T1S, R33E, FM (FG93-III-0190)

Public Boat Ramps/Launches

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March 24, 1994

Yukon River Continued

Ft Yukon, Sections 12, 17, and 18, T20N, R12E, FM (FG93-III-0191)

Tanana, Sections 16, 17, and 18, T4N, R22W, FM (FG93-III-0192)

Dalton Highway, Section 7, T12N, R10W, FM (FG93-III-0193)

Copies of general permits for each crossing are available from the Habitat and Restoration Division in Fairbanks (451-6192). If other public use areas are known to exist, information on the location (e.g., area marked on a USGS topographic map with a brief description of the boat launch) of these public launch areas should be sent to the ADF&G, Habitat and Restoration Division in Fairbanks.

cc: Fred Andersen, ADF&G, Fairbanks
Keith Schultz, ADF&G, Fairbanks
Chris Smith, ADF&G, Fairbanks
Terry Haynes, ADF&G, Fairbanks
Tom Kron, ADF&G, Anchorage
John Hilsinger, ADF&G, Anchorage

AGO/ago

REGION II GENERAL PERMITS

RECREATIONAL PLACER MINING -

Location: Caribou Creek and Matanuska River
W $\frac{1}{4}$ Section 28, E $\frac{1}{4}$ Section 29, T. 20N., R. 10E; and
SE $\frac{1}{4}$ Section 32, N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 20N., R. 10E., S.M.

Permit #: FG 94-II-0003

Issued: January 24, 1994

Expires: December 31, 1994

Description: Public recreational mining on unclaimed or otherwise unencumbered lands occurring below the ordinary high water mark of Caribou Creek, its tributaries, and the Matanuska River.

SPECIAL AREAS -

Location: State Game Refuges and Critical Habitat Areas - Shore Fishery Leases

- Susitna Flats State Game Refuge
- Trading Bay State Game Refuge
- Redoubt Bay Critical Habitat Area
- Clam Gulch Critical Habitat Area
- Kalgin Island Critical Habitat Area
- Kachemak Bay Critical Habitat Area
- Egegik Critical Habitat Area
- Pilot Point Critical Habitat Area
- Port Moller Critical Habitat Area

Permit #: FG 92-II-0439

Issued: June 5, 1992

Expires: December 31, 1994

Description: Use of shore fishery leases for fishing authorized under a limited entry permit along the coastline of the above listed special areas. This does not authorize the off-road use of motorized vehicles for the use or construction of buildings in connection with operation of setnet sites.

(2)

Location: Clam Gulch Critical Habitat Area - ORV Use

Permit #: FG 93-II-0795

Issued: February 1, 1994

Expires: December 31, 1994

Description: Off-road use of any wheeled or tracked motorized vehicle is allowed under 5 AAC 95 on the Clam Gulch Critical Habitat Area tidelands for the purpose of normal personal or recreational transit. The off-road use of industrial or construction type equipment is not included in this authorization.

Location: Fox River Flats Critical Habitat Area - Fox River Flats Trail - ORV Use
Sections 20, 21, and 29, T. 4S., R. 10W., S.M.

Permit #: FG 93-II-0653

Issued: August 23, 1993

Expires: June 30, 1994

Description: Use of motorized vehicles less than 1,000 pounds gross vehicle weight on the Fox River Flats Trail within the Fox River Flats Critical Habitat Area. Motorized vehicles such as pick-up trucks, bulldozers, industrial equipment, large all-terrain vehicles, and other similar vehicles are not authorized to use the trail by this general permit because these vehicles may cause substantial damage to the trail. The use of these vehicles may be authorized by an individual Special Area Permit. In addition, no ground-effect motorized vehicle of any type may be operated within the Fox River Flats Critical Habitat Area off of the Fox River Flats Trail without an individual Special Area Permit.

Location: Goose Bay State Game Refuge - ORV Use

Permit #: FG 93-II-0663

Issued: August 26, 1993

Expires: April 1, 1994

Description: Off-road use of any wheeled, tracked, or other ground effect motorized vehicle less than 1,000 pounds gross vehicle weight is all under 5 AAC 95 from August 31 through November 8 on established trails located within the electrical transmission line right-of-way; and from November 9 through March 31 on all refuge land. From April 1 through August 30, off-road use of wheeled, tracked, or other ground effect motorized vehicle is not allowed except by individual Special Area Permit.

Permit #: FG 93-II-0652

Issued: August 23, 1993

Expires: June 30, 1994

Description: Off-road use of any wheeled or tracked motorized vehicle is allowed on all unvegetated critical habitat area tidelands below mean high tide between Anchor Point and Bidart Creek, between Miller's Landing and the Fox River Trail Corridor, between Martin River and Bear Cove, and between Seldovia and the portion of Kasitsna Bay located in T. 8S., R. 13 & 14W. It is the intent of this general permit to provide for normal personal and recreation transit within and through Kachemak Bay Critical Habitat Area and is not intended to authorize use of industrial or construction type equipment.

Location: Palmer Hay Flats State Game Refuge - ORV Use

Permit #: FG 93-II-0639

Issued: August 18, 1993

Expires: April 1, 1994

Description: Off-road use of any wheeled, tracked, or other ground effect motorized vehicle less than 1,000 gross vehicle weight is allowed under 5 AAC 95 from August 15 through November 9 only in a posted corridor extending from the western boundary of the refuge eastward to Wasilla Creek within 100 yards of the north bank of Palmer Slough and Knik Arm (access to this posted off-road vehicle corridor can be made from Hayfield Road on the west end of the corridor); and from November 10 through March 31 on all refuge land except state land in Sections 22, 27, and 34, T. 17N., R. 1E., S.M.; and Sections 3 & 10, T. 16N., R. 1E., S.M. From April 1 through August 14, off-road use of a wheeled, tracked, or other ground effect motorized vehicle is not allowed except by individual Special Area Permit. Aircraft, prohibited from April 1 through November 9; allowed from November 10 through March 31.

Location: Susitna Flats State Game Refuge - ORV Use

Permit #: FG 93-II-0662

Issued: August 26, 1993

Expires: December 31, 1994

Description: Off-road use of any wheeled, tracked, or other ground effect motorized vehicle less than 1,000 pounds gross vehicle weight is authorized from April 1 through November 8 within 1/3 mile of mean high tide; and from November 9 through March 31 on all refuge land. Aircraft is allowed on the refuge except that to avoid harmful disturbance to waterfowl populations during spring staging, the landing or taking off of aircraft is prohibited from April 1 through May 15 along the coast as shown on map except by an individual Special Area Permit.

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Location: Susitna Flats State Game Refuge - Little Susitna River Public Use Facility -
Organized Group Assembly

Permit #: FG 94-II-0002

Issued: January 31, 1994

Expires: December 31, 1994

Description: Group assemblages of more than 20 persons at the Little Susitna Public Use Facility are authorized when space is available and appropriate staff are on hand subject the stipulations outlined in the permit.

STREAM CROSSINGS -

Location: Southcentral Alaska

Permit #: FG 93-II-0803

Issued: February 23, 1994

Expires: December 31, 1994

Description: Movement of certain motorized wheeled and tracked vehicles on the frozen waters of various specified rivers, lakes, and streams within the southcentral region.

Location: Bodenburg Creek
NW $\frac{1}{4}$ Section 1, T. 16N., R. 2E., S.M.

Permit #: FG 94-II-0131

Issued: March 17, 1994

Expires: December 31, 1994

Description: Movement of wheeled, tracked, or other ground contact motorized vehicles below the ordinary high water line on the bed and banks of Bodenburg Creek, from the confluence of Bodenburg Creek and the Knik River to the beginning of the continuously vegetated stream bank approximately 500 feet upstream from the mouth of Bodenburg Creek.

Location: Jim Creek
Sections 31 and 32, T. 17N., R. 3E., S.M.

Permit #: FG 94-II-0132

Issued: March 17, 1994

Expires: December 31, 1994

Description: Movement of wheeled, tracked, or other ground contact motorized vehicles less than 10,000 pounds gross vehicle weight is allowed only at the two existing fords.

Location: Petersville Road Area -

Peters Creek

Section 3, T. 26N., R. 8W., S.M., & Section 6, T. 28N., R. 8W., S.M.

Cachs Creek

E $\frac{1}{2}$ Section 15, T. 28N., R. 9W., S.M., and Section 31, T. 28N., R. 9W., S.M.

Nugget Creek

S $\frac{1}{2}$ Section 15, T. 28N., R. 9W., S.M.

Thunder Creek

Section 30, T. 28N., R. 9W., S.M.

Permit #: FG 94-II-0043

Issued: January 21, 1994

Expires: December 31, 1994

Description: Movement of wheeled, tracked, or other ground contact motorized vehicles across the above listed streams is allowed only at the existing fords.

Location: Rabideux Creek

E $\frac{1}{2}$ Section 16, T. 24N., R. 5W., S.M.

Permit #: FG 94-II-0130

Issued: March 17, 1994

Expires: December 31, 1994

Description: Movement of wheeled, tracked, or other ground contact motorized vehicles below the ordinary high water line on the bed and banks of Rabideux Creek is allowed at the two existing fords immediately upstream from the confluence of Rabideux Creek and the Susitna River.

Location: Susitna River
E $\frac{1}{4}$, Section 15, T. 24 N., R. 5 W., S.M.

Permit #: FG 94-II-0129

Issued: March 17, 1994

Expires: December 31, 1994

Description: Movement of wheeled, tracked, or other ground contact motorized vehicles below the ordinary high water line on the bed and banks of the Susitna River at the existing fords west of the Parks Highway at the north end of the Susitna River Bridge.

MEMORANDUM

State of Alaska

TO: Distribution

FROM: Lance L. Trasky ~~AS~~
 Regional Supervisor
 Region IV
 Habitat Division
 Department of Fish and Game

DATE: February 24, 1987

FILE NO:

TELEPHONE NO.: 267-2346

SUBJECT: General Permits for
Kodiak Stream
Crossings

On February 11, Kim Sundberg met with Kodiak fisheries division staff to determine whether Habitat Division should issue general Fish Habitat (Title 16) Permits (GP's) for motorized vehicle crossings in specified anadromous fish streams. The following consensus was reached:

1. Issue GP's for vehicle crossings in certain non-critical segments of streams. Many people are fording anadromous streams in vehicles without obtaining ADF&G approval. Crossings are occurring within spawning beds and some individuals use the stream bed as a road. Fish & Wildlife Protection will more readily enforce crossing violations if the Department adopts a clear position on where stream crossings are and are not allowed. It was agreed that the following stream segments are suitable for GP's:
 - A. American River (AWC No. 259-23-10010-2020). Sites where American River has washed out Saltery Cove Road.
 - B. Saltery Creek (AWC No. 259-41-10050). Traditional crossing site near ADF&G weir.
 - C. Hurst Creek (AWC No. 259-41-10040). Traditional crossing site off Saltery Cove Road.
 - D. Sid Olds River and tributary (AWC Nos. 259-24-10020-2008 and 2018). Traditional crossing sites on Ben Deadman's Road.
 - E. Kalsin Creek (AWC No. 259-24-10030). Traditional fording site on Northland Ranch Road.
 - F. Pasagshak Creek (N.W. corner of Pasagshak Bay, AWC No. 259-41-10013-2005). Traditional fording site on old Military Trail.

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Distribution

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G. Snag Lake (No AWC Number). Fording site at lake outlet where road is washed out.

~~X. Devil's Creek (AWC No. 259-31-10120-2005-3012). Fording site where Burma Road is washed out.~~

I. Burton Ranch Streams (AWC Nos. 259-30-10050 and 10040). Traditional ford sites on Burton Ranch Road and on beach below mean high tideline.

J. Sacramento River (AWC No. 259-30-10010). On beach below mean high tideline.

Subsequent to the meeting three additional crossings have been proposed by Pate Murray. They are listed as follows:

K. Joe Creek (AWC No. 259-41-10017). Traditional fording site on old Military Trail.

L. Portage Creek (AWC No. 259-41-10020). Traditional fording site on old Military Trail.

M. Rough Creek (AWC No. 259-41-10060). Traditional fording site above intertidal lagoon.

Upon further review, Snag Lake does not appear appropriate for a GP because the crossing is above the designated upper limit of anadromous fish use and it is outside of ADF&G jurisdiction (as shown in An Atlas to the Catalog of Waters Important to the Spawning, Rearing, and Migration of Anadromous Fish). With the exception of site G, GP's would be issued for sites A - M.

2. Limit GP's to pickup trucks and lighter vehicles. A limit of not more than 5,000 pounds gross vehicle weight was agreed to. Heavier vehicles will require individual permits.
3. Issue a public notice and press release requesting comments on the GP's, and hold a public meeting. Although a public meeting and comment period are not required for Fish Habitat Permits, we should take this opportunity to educate the public on the provisions of the permits and on the problems associated with uncontrolled stream crossings.
4. Post the GP's at ADF&G, FWP, Borough and City offices. If funds are available, erect signs at the the

Distribution

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February 24, 1987

crossings. However, it is doubtful that signs will survive very long at the remote crossing sites.

If there are no objections to this proposal, Habitat will prepare the GP's, public notices, etc., and route them for your review. We would appreciate the names and addresses of individuals and groups that should receive notices of the public meeting. If you have any questions, please contact Kim Sundberg, 267-2334. Thank you for your cooperation.

Distribution:

Bruce Baker, Habitat Division, Juneau
Paul Krasnowski, Sport Fish Division, Anchorage
Larry Nicholson, Commercial Fisheries Division, Kodiak
Dave Daisy, FRED Division, Anchorage
Carl Yanagawa, Habitat Division, Anchorage

cc: Pete Murray
Bruce Barrett
Roger Blackett
Roger Smith

(10)

STATE OF ALASKA**WALTER J. HICKEL, GOVERNOR****DEPARTMENT OF FISH AND GAME
HABITAT AND RESTORATION DIVISION**333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99514-1779
PHONE (907) 344-6241
FAX (907) 348-4223**FISH HABITAT PERMIT FG 94-II-0130****ISSUED: March 17, 1994
EXPIRES: December 31, 1994****General Public**

Re: Movement of wheeled, tracked, or other ground contact motorized vehicles below the ordinary high waterline on the bed and banks of Rabideux Creek (Stream No. 247-41-10200-2291), at the existing ford approximately 0.4 miles west of the Parks Highway at Milepost 104.8 (within the SW $\frac{1}{4}$, Section 9, T. 24 N., R. 5 W., S.M.) as follows:

1. There shall be no disturbance of vegetation or vegetated stream banks; no vehicles shall be operated on the bed or banks of Rabideux Creek except that vehicles may cross at the existing ford, at the referenced location, directly from bank to bank, in a direction substantially perpendicular to the stream flow.
2. Ground contact vehicles shall not be parked with wheels, tracks, or other ground contact appurtenances below the ordinary high waterline, or in contact with the bed or banks of Rabideux Creek, or other specified anadromous fish bearing waters.
3. There shall be no digging, placement of rock, sand, or other fill material, or disposal of wastes (including wastewater) in or on the bed or banks of Rabideux Creek. The stream banks shall not be altered in any way to facilitate crossing without the prior written approval of the Alaska Department of Fish and Game.

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit authorizing the use of the existing ford, crossing Rabideux Creek approximately 0.4 miles west of Milepost 104.8 of the George Parks Highway, by wheeled and tracked vehicles. The use of any wheeled or tracked vehicles below the ordinary high waterline of Rabideux Creek, except at the location and in the manner specified herein, is not allowed except by individual Fish Habitat Permit issued by the ADF&G, Habitat and Restoration

COPIES AVAILABLE IN ROOM A247

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FG 94-II-0130

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March 17, 1994

Division. This General Permit does not authorize the harassment or interference with migrating salmon or other fish or wildlife, except for taking by lawful means in accordance with regulations adopted pursuant to Title 5 of the Alaska Administrative Code.

Rabideux Creek has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). It is utilized by chinook and coho salmon in the vicinity of the ford site. The use of the existing ford, as authorized herein, will not adversely affect these fish or fish habitat at the crossing site.

In accordance with AS 16.05.870(d), the use of wheeled or tracked vehicles to cross Rabideux Creek at the existing ford as described herein is hereby approved.

The vehicle owner and the operator, or the legal guardian of minor dependents is responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the ADF&G and obtain written approval in the form of an individual permit before beginning the activity. Any action taken that increases the scope of the approved activity, or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the ADF&G, Habitat and Restoration Division. Therefore, it is recommended that the ADF&G, Habitat and Restoration Division, be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

Pursuant to 6 AAC 80.010 (b), the conditions of this permit are consistent with the Alaska and Matanuska-Susitna Borough Coastal Management Programs.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the activity and which were a direct result the failure to comply with this permit or any applicable law

(12)

PG 94-II-0130

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March 17, 1994

The recipient of this permit (the responsible party or permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner



By: Kevin L. Gilleland
Habitat Biologist
Habitat and Restoration Division
(907) 267-2284

cc: R. Thompson, DNR/DL
A. Smet, DNR/DL
P. Pinard, DEC
D. Webster, MSE
C. Whitmore, ADF&G
J. Westlund, ADF&G
M. Kincaid, FWP

(13)

STATE OF ALASKA**WALTER J. HICKEL, GOVERNOR****DEPARTMENT OF FISH AND GAME****HABITAT AND RESTORATION DIVISION**333 RASPIERRE ROAD
ANCHORAGE, ALASKA 99512-1199
PHONE (907) 344-0544
FAX (907) 349-1723**FISH HABITAT PERMIT PG 94-II-0129****ISSUED:** March 17, 1994
EXPIRES: December 31, 1994**General Public**

Re: Movement of wheeled, tracked, or other ground contact motorized vehicles below the ordinary high waterline on the bed and banks of Susitna River (Stream No. 247-41-10200), at the existing fords west of the Parks Highway at the north end of the Susitna River Bridge (within the E $\frac{1}{4}$, Section 15, T. 24 N., R. 5 W., S.M.) as follows:

1. There shall be no disturbance of vegetation or vegetated stream banks; no vehicles shall be operated in the open waters of the Susitna River except that vehicles may cross at the existing fords, at the referenced location, directly from bank to bank, in a direction substantially perpendicular to the stream flow.
2. There shall be no digging, placement of rock, sand, or other fill material, or disposal of wastes (including wastewater) in or on the bed or banks of the Susitna River. The stream banks shall not be altered in any way to facilitate crossing without the prior written approval of the Alaska Department of Fish and Game.

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit authorizing the use of the existing fords within the above described area, by wheeled and tracked vehicles. The use of any wheeled or tracked vehicles below the ordinary high waterline of the Susitna River, except at the location and in the manner specified herein, is not allowed except by individual Fish Habitat Permit issued by the ADF&G, Habitat and Restoration Division. This General Permit does not authorize the harassment or interference with migrating salmon or other fish or wildlife, except for taking by lawful means in accordance with regulations adopted pursuant to Title 5 of the Alaska Administrative Code.

The Susitna River has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to

COPIES AVAILABLE IN ROOM A247

FG 94-II-0129

-2-

March 17, 1994

AS 16.05.870(a). It is utilized by all five North American species of Pacific salmon in the vicinity of the ford sites. The use of the existing fords, as authorized herein, will not adversely affect these fish or fish habitat at the crossing sites.

In accordance with AS 16.05.870(d), the use of wheeled or tracked vehicles to cross the Susitna River at the existing fords as described herein is hereby approved.

The vehicle owner and the operator, or the legal guardian of minor dependents is responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that deviates from this approval, the responsible party shall notify the ADF&G and obtain written approval in the form of an individual permit before beginning the activity. Any action taken that increases the scope of the approved activity, or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the ADF&G, Habitat and Restoration Division. Therefore, it is recommended that the ADF&G, Habitat and Restoration Division, be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

Pursuant to 6 AAC 80.010 (b), the conditions of this permit are consistent with the Alaska and Matanuska-Susitna Borough Coastal Management Programs.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the activity and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the responsible party or permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

(5)

FG 94-11-0129

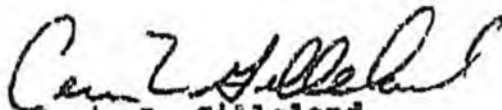
-3-

March 17, 1994

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner



By: Cevin L. Gilleland
Habitat Biologist
Habitat and Restoration Division
(907) 267-2284

cc: R. Thompson, DNR/DL
A. Samet, DNR/DL
P. Pinard, DEC
D. Webster, MSB
C. Whitmore, ADF&G
J. Westlund, ADF&G
M. Kincaid, FWP

(16)

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1199
PHONE (907) 344-0541
FAX (907) 349-1723

FISH HABITAT PERMIT FG 94-II-0043

ISSUED: January 21, 1994
EXPIRES: December 31, 1994

General Public

Re: Petersville Road Area;
Movement of wheeled, tracked, or other ground-contact motorized vehicles across the listed anadromous fish streams at the existing fords (approved crossing sites), as follows:

Vehicle Stream Crossings, Anadromous Fish Streams:

Peters Creek - Stream No. 247-41-10200-2053-3150-4060

Section 3, T. 26 N., R. 8 W., S.M.

Section 6, T. 28 N., R. 8 W., S.M.

Cache Creek - Stream No. 247-41-10200-2053-3150-4120

East $\frac{1}{2}$ of Section 15, T. 28 N., R. 9 W., S.M.

Section 22, T. 28 N., R. 9 W., S.M.

Section 21, T. 28 N., R. 9 W., S.M.

Section 29, T. 26 N., R. 9 W., S.M.

Section 30, T. 28 N., R. 9 W., S.M.

Section 31, T. 28 N., R. 9 W., S.M.

Nugget Creek - Stream No. 247-41-10200-2053-3150-4120-5041

South $\frac{1}{2}$ of Section 15, T. 28 N., R. 9 W., S.M.

Thunder Creek - Stream No. 247-41-10200-2053-3150-4120-5031

Section 30, T. 28 N., R. 9 W., S.M.

1. Stream crossings shall be made directly from bank to bank in a direction substantially perpendicular to the stream flow and are authorized only at the existing fords located as shown on the attached map.
2. Ground contact vehicles shall not be driven upstream or downstream below the ordinary high water line of any specified anadromous fish bearing waters.
3. Stream banks, stream beds, or the existing fords shall not be modified, expanded, repaired, or otherwise changed without the prior written approval of the Alaska Department of Fish and Game, Habitat and Restoration Division.

FG 94-II-0043

- 2 -

January 21, 1994

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has determined that both the public interest and the proper protection of fish and wildlife would be served through the issuance of a general permit for vehicle stream crossings of the above listed anadromous fish bearing waters. Stream crossings at the existing fords identified by the legal description and indicated on the enclosed map are not expected to impact fish and wildlife resources, habitats, or public access to fish and wildlife resources provided the stipulations contained herein are adhered to. The use of any ground-effect motorized vehicles for stream crossings other than described in this general permit is not allowed except by an individual Fish Habitat Permit issued by the ADF&G, Habitat and Restoration Division.

Please be advised that the stream ford located in the west $\frac{1}{2}$ of Section 6, T. 27N., R. 9W., S.M., and part of the road system that parallels Cache Creek is not included in this general permit. Stream crossings of Cache Creek at this location or any other stream crossing downstream of this location is allowed only by individual Fish Habitat Permit.

The streams within the described areas have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). They are utilized by salmon species for either spawning, rearing, or migration. These stream crossings occur at well established sites along an approved Right-of-Way (unimproved road system). Consolidated stream crossing sites within this area will reduce impacts elsewhere along these stream systems.

In accordance with AS 16.05.870(d), stream crossings, as described above, are hereby authorized with no additional conditions or stipulations.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee, or an agent of the permittee, that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this general permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G, Habitat and Restoration Division. Therefore, it is recommended that the ADF&G, Habitat and Restoration Division be consulted immediately when a deviation from the approved plan is being considered.



FG 94-II-0043

- 3 -

January 21, 1994

This letter constitutes a general permit issued under the authority of AS 16.05.870. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

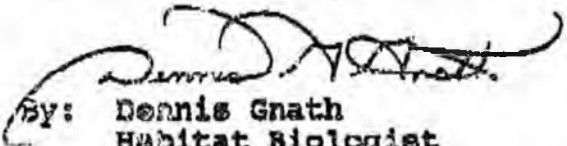
In addition to the penalties provided by law, this general permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this general permit (the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this general permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner


By: Dennis Gnath
Habitat Biologist
Region II
Habitat and Restoration Division

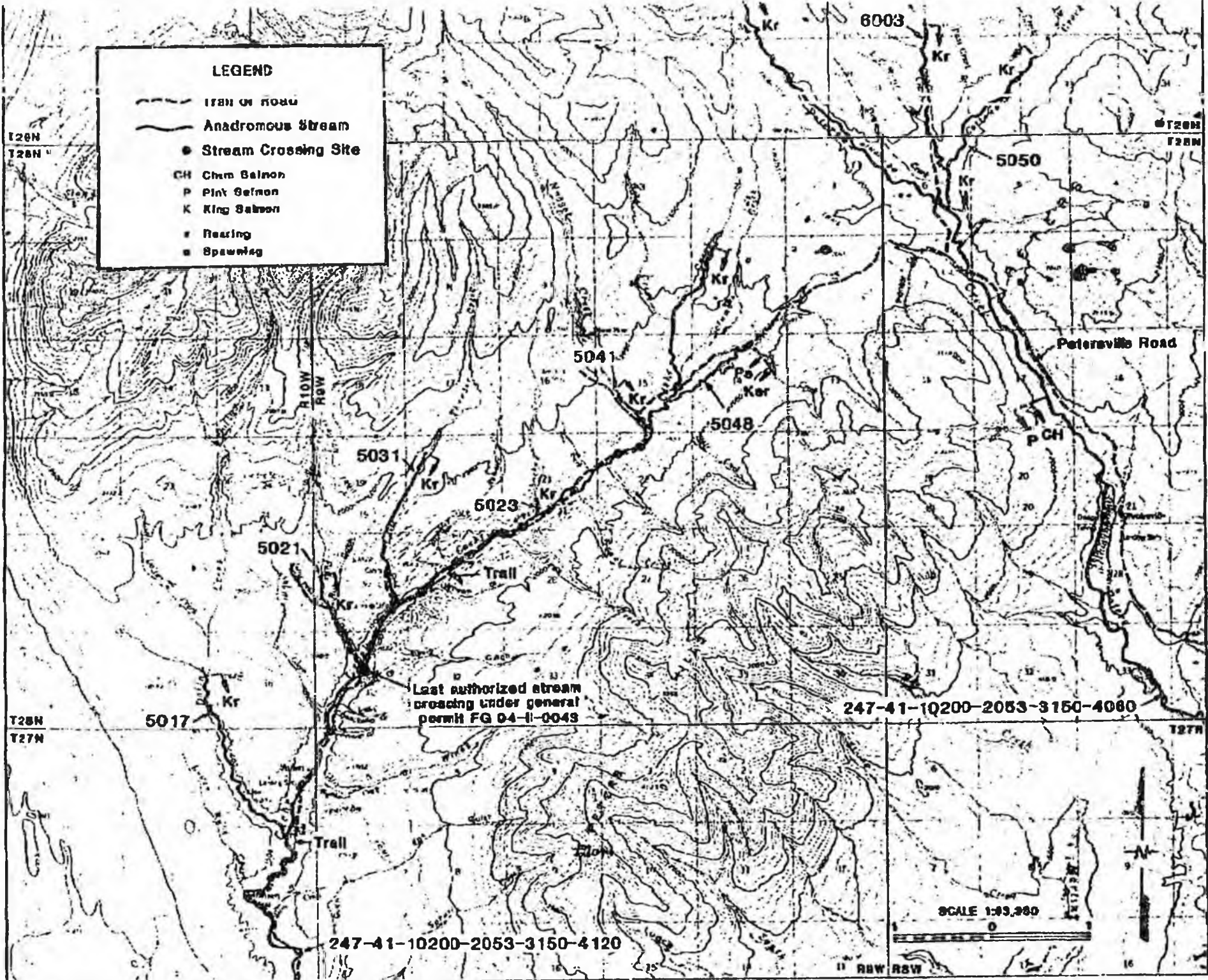
Enclosure

cc: R. Thompson, DNR/DL
J. Gallagher, DNR/DM
A. Samet, DNR/DL
P. Pinard, DEC
D. Webster, MSB
C. Whitmore, ADF&G
D. Kohler, COE
M. Kincaid, FWP

(19)

LEGEND

- TRAIL OR ROAD
- Anadromous Stream
- Stream Crossing Site
- CH Chin Salmon
- P Pink Salmon
- K King Salmon
- Rearing
- Spawning



247-41-10200-2053-3150-4120

247-41-10200-2053-3150-4080

SCALE 1:25,000

230 South Franklin
Room 307
Juneau, Alaska 99802

Notice of Waiver of Permit Requirement (FG-I-83-41)

Under Authority of AS 16.05.870, the Alaska Department of Fish and Game waives the requirements for obtaining a permit to cross the Klehini River (Stream number 115-32-10250-2023) with wheeled or tracked equipment provided the following conditions are met:

1. The crossing must occur at the 34 mile Porcupine Spur Road.
2. The crossing must occur during the period September 22 to October 15, 1983.
3. The equipment shall weigh no more than 18 tons (larger equipment will require individual permits).

This notice becomes effective September 22, 1983 and expires October 16, 1983, unless superseded by a subsequent announcement.

Dated: September 21, 1983
Don W. Collinsworth, Commissioner

Richard D. Reed

By: Richard D. Reed
Regional Supervisor
Habitat Division

cc: F.W.P. Haines
Ray Staska, ADFG, Haines
Mike Bethers, ADFG, Juneau
D. Henkins, ADEC, Juneau

RR:ror

In response to local needs for access across the upper Klehini River, the Alaska Department of Fish and Game has decided to issue the following permit waiver. It has been determined that if the fordings are discontinued prior to spring fry migration, the impacts upon the fishery resources will be minimal.

Notice of Waiver of Permit Requirement (FG-86-I(J)-42)

Under Authority of AS 16.05.870, the Alaska Department of Fish and Game waives the requirements for obtaining a permit to cross the Klehini River (Stream number 115-32-10250-2023), a designated anadromous fish stream, with wheeled or tracked equipment provided the following conditions are met:

1. The crossing must occur at the 34 mile Porcupine Spur Road within 50 yards of the flagged site.
2. The crossing must occur prior to April 15, 1987.
3. The equipment shall weigh no more than 12 tons (larger equipment will require individual permits).

This notice becomes effective immediately and expires April 15, 1987, unless superseded by a subsequent announcement.

Dated: September 18, 1986
Dennis D. Kelso, Deputy Commissioner

Janet E. Hall
By: Janet E. Hall
Area Habitat Biologist
Habitat Division

cc: Fish and Wildlife Protection, Haines
Ray Staska, ADFG, Haines
Mike Bethers, ADFG, Juneau
D. Henkins, ADEC, Juneau
L. Kruger, DNR, Juneau
R. Josephson, DNR, Haines
C. Denny, DNR, Juneau

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

SOUTHEAST REGIONAL OFFICE
HABITAT DIVISION

WALTER J. HICKEL, GOVERNOR

P.O. BOX 240020
DOUGLAS, ALASKA 99824-0020
PHONE: (907) 465-4290

September 28, 1992

FG92-I(J)-33

Clay Alderson, Superintendent
Klondike Gold Rush Historical Park
P.O. Box 517
Skagway, Alaska 99840

*- note see also permits
to James Skipper &
Raymond Hatcher (31 + 32)
also for fords downstream
J 10/28/92*

Dear Mr. Alderson:

RE: Fording of Nelson Creek
ADF&G Stream No. 115-34-2011
Township 27S, Range 59E, Section 34, C.R.M.
Dyea

Pursuant to AS 16.05.870(b) the Alaska Department of Fish and Game (ADF&G) has reviewed your proposed "general permit" for the public to ford Nelson Creek (slough) with personal vehicles.

Nelson Creek is specified as important for the migration, spawning, and rearing of anadromous fishes pursuant to AS 16.05.870(a). Your proposed fording area is important for passage of trout, salmon and Dolly Varden, and rearing fry may occupy the area year-round.

It is our usual practice to require that a bridge, culvert, or other suitable alternative to fording, be installed for routine access across fish bearing waters. If a ford were to be permitted, we would normally request that fording be confined to periods when no fish are present. However, we realize that unpermitted public access by fording Nelson Creek in the area you have requested may be decades old. We also appreciate your intent to comply with State law.

Therefore, though we predict that continued fording in this section of Nelson Creek is likely to degrade rearing habitats, permission for the public to ford Nelson Creek in this fish rearing area will be given for a limited time. However, as discussed with Park Ranger, Jeff Mow, ADFG will also require that the Park Service make plans to install a bridge or other crossing structure, to eliminate fording, as specified below.

In accordance with AS 16.05.870(d) approval is hereby given subject to the following stipulation:

1. Permission to ford this section of Nelson Creek shall be renewed annually. However, in order to eliminate fording of the stream and it's attendant risk to fish and their habitats, fording will not be allowed after July 20, 1994. You must therefore submit plans for construction of an access by bridge (or other suitable alternative) so that approval may be given, and alternative access may be constructed by that date. In-water construction would be confined to the period, May 15 - July 20.

For any activity which significantly deviates from the approved plan, the permittee shall notify the ADF&G and obtain written approval in the form of a permit amendment prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G; therefore, it is recommended that the ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870, AS 16.05.840, and 6 AAC 50. This permit must be retained on site during construction, and expires on July 20, 1993.

Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal or local. You are encouraged to contact the Juneau Permit Information and Referral Center, telephone 465-2615, if you are in doubt as to the need for obtaining other permits.

Pursuant to 6 AAC 80.010(b) the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Skagway Coastal District Program.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations.

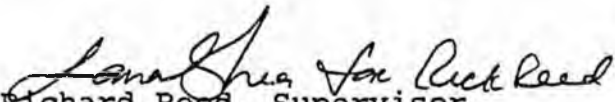
The Department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

The recipient of this permit (permittee) shall indemnify, save harmless, and defend the Department, its agents and its employees

from any and all claims or actions for injuries or damages sustained by any person of property arising directly or indirectly from permitted activities or the permittee performance under this permit. However, this provision has no effect, if, but only if, the sole proximate cause of the injury is the Department's negligence.

Sincerely,
Ron J. Somerville
Deputy Commissioner

By: 
Richard Reed, Supervisor
Habitat Division

cc: Fish and Wildlife Protection, Juneau
A. Pekovich, ADNR LAW, Juneau
ADFG Skagway Area Management Staff
EPA, FWS, NMFS, COE, USFS, NPS
Skagway Coastal District
Skagway City Police
J. Skipper, Skagway
R. Hatcher, Skagway

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

SOUTHEAST REGIONAL OFFICE
HABITAT AND RESTORATION DIVISION

file clust 2/
WALTER J. HICKEL, GOVERNOR

P.O. BOX 240020
DOUGLAS, ALASKA 99824-0020
PHONE: (907) 465-4290

February 7, 1994

FG94-I(J)-06

Clay Alderson, Superintendent
Klondike Gold Rush Historical Park
P.O. Box 517
Skagway, Alaska 99840

Dear Mr. Alderson:

RE: Fording of Nelson Creek
ADF&G Stream No. 115-34-2011
Township 27S, Range 59E, Section 34, C.R.M.
Dyea

Pursuant to AS 16.05.870(b) the Alaska Department of Fish and Game (ADF&G) has reviewed your proposed "general permit" for the public to ford Nelson Creek (slough) with personal vehicles.

Nelson Creek is specified as important for the migration, spawning, and rearing of anadromous fishes pursuant to AS 16.05.870(a). Your proposed fording area is important for passage of trout, salmon and Dolly Varden, and rearing fry may occupy the area year-round.

It is our usual practice to require that a bridge, culvert, or other suitable alternative to fording, be installed for routine access across fish bearing waters. If a ford were to be permitted, we would normally request that fording be confined to periods when no fish are present. However, we realize that you are now preparing designs and obtaining funding for constructing a bridge to replace this ford and that in the interim, fording will still be required.

Therefore, though we predict that continued fording in this section of Nelson Creek is likely to degrade rearing habitats, permission for the public to ford Nelson Creek in accordance with AS 16.05.870(d) is hereby given.

We appreciate your efforts to prepare plans for construction of an access by bridge. In-water construction would be confined to the period, May 15 - July 20.

For any activity which significantly deviates from the approved plan, the permittee shall notify the ADF&G and obtain written approval in the form of a permit amendment prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G; therefore, it is recommended that the ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870, AS 16.05.840, and 6 AAC 50. This permit must be retained on site during construction, and expires on December 31, 1995.

Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal or local. You are encouraged to contact the Juneau Permit Information and Referral Center, telephone 465-2615, if you are in doubt as to the need for obtaining other permits.

Pursuant to 6 AAC 80.010(b) the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Skagway Coastal District Program.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations.

The Department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

The recipient of this permit (permittee) shall indemnify, save harmless, and defend the Department, its agents and its employees from any and all claims or actions for injuries or damages sustained by any person of property arising directly or indirectly from permitted activities or the permittee performance under this permit. However, this provision has no effect, if, but only if, the sole proximate cause of the injury is the Department's negligence.

Sincerely,
Ron J. Somerville
Deputy Commissioner
Jol

By: *John Palmes*
John Palmes
Northern Southeast Area
Habitat Biologist

cc: Fish and Wildlife Protection, Juneau
A. Pekovich, ADNR LAW, Juneau
ADFG Skagway Area Management Staff
Skagway Coastal District
Skagway City Police

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF FISH AND GAME

SOUTHEAST REGIONAL OFFICE
HABITAT AND RESTORATION DIVISION

P.O. BOX 240020
DOUGLAS, ALASKA 99824-0020
PHONE: (907) 465-4290

January 24, 1994

Daniel Adams
P.O. Box 75
Yakutat, AK 99689

Dear Mr. Adams:

The Alaska Department of Fish and Game requests your help and advice concerning use of motorized vehicles in the Yakataga State Game Refuge.

The off-road use of wheeled or tracked vehicles on the refuge, including fording (driving across) of salmon streams and rivers, requires permits from this department: a Special Area Permit for activities on refuge lands, and a General Waterway/Waterbody Permit for stream crossings.

We have issued no permits for stream crossings or for off-road use of motorized vehicles on the refuge. Nevertheless, such illegal use on the Yakataga Refuge has now increased to the point that stream banks are being broken down and churned into mud which may then pollute salmon spawning areas. Water filled tracks now cover the landscape in swaths up to 50 yards wide in some areas. Disturbance to wildlife has also become a concern.

It is therefore necessary that we limit the off-road use of motorized vehicles on the refuge to designated areas and identify the best stream crossing locations to avoid or minimize damage to fish habitat.

If you would like to cross streams or use motorized vehicles on the Yakataga Refuge, you must apply for the required permit(s). We also need your suggestions about where the best stream crossings are and which trails are most appropriate. We are looking for stream crossings which entail the least amount of bank damage and disturbance to spawning gravels. Use of motorized vehicles should likewise be confined to areas where surface scaring and erosion can be minimized.

Laws against unpermitted fording of streams and use of off-road vehicles on the Yakataga Refuge will be enforced. Please complete

the appropriate applications (including Coastal Projects Questionnaire, copies enclosed) and suggestions for minimizing adverse impacts of off-road vehicle use in the Yakataga State Game Refuge to:

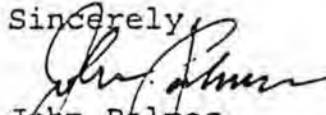
John Palmes
Alaska Department of Fish and Game
Habitat and Restoration Division
Box 240020
Douglas, Alaska 99824-0020

If you cannot provide all the information requested on the forms, just leave those lines blank. Most important is a map, sketch and description that allows us to understand what you want to do and where and when you want to do it. Please send your application materials by May 31, 1994 so that we can have time to visit the area during the spring and summer field season.

If you have any questions, please call Roy Nowlin in the Cordova office of the Alaska Department of Fish and Game (424-3215) or call me in Juneau (465-4288).

Thank you.

Sincerely,



John Palmes
Northern Southeast Area
Habitat Biologist

Enclosures: (Special Area Permit Appln., General Waterway/Waterbody (stream crossing) Permit appln., Yakataga State Game Refuge map)

The following individuals received a letter re. use of motorized vehicles in the Yakataga State Game Refuge dated January 24, 1994:

Daniel Adams
P.O. Box 75
Yakutat, AK 99689

Harold Gray
P.O. Box 13
Yakutat, AK 99689

Leon Phillips
7019 Crawford
Anchorage, AK 99502

Charles Allen
Alaska Expedition
Co.
P.O. Box 675
Cordova, AK 99574

Bert Hansen
P.O. Box 83
Yakutat, AK 99689

David Russell
P.O. Box 273
Yakutat, AK 99689

Eric Baker
2884 E. 42nd
Anchorage, AK
99508

Vernon Hansen
P.O. Box 106
Yakutat, AK 99689

Craig Swanson
P.O. Box 211
Yakutat, AK 99689

George Bogren
P.O. Box 392
Yakutat, AK 99689

Russell Hensler
#5 Scenic Place
Montesano, WA 98563

John Tucker
P.O. Box 2349
Cordova, AK 99574

Robert Bulard
P.O. Box 281
Yakutat, AK 99689

Michael Herder
P.O. Box 35
Yakutat, AK 99689

John Vale
P.O. Box 193
Yakutat, AK 99689

Richard Carr
P.O. Box 13162
Trapper Creek, AK
99683

Rick & Joy Karsunky
P.O. Box 331
Yakutat, AK 99689

James Wilson
P.O. Box 108
Ambler, AK 99786

George Davis
P.O. Box 214
Yakutat, AK 99689

Vern Kuder
P.O. Box 353
Cordova, AK 99574

George Davis
Alaska Gulf Coast
Adventures
1700 Forest Drive
Corbin, KY 40701

Ed & Evelyn Dierick
P.O. Box 311
Yakutat, AK 99689

Robert Lekanof
P.O. Box 306
Yakutat, AK 99689

Damien Long
P.O. Box 54
Yakutat, AK 99689

Greg Dierick
P.O. Box 421
Yakutat, AK 99689

Rick & Scott Newlun
P.O. Box 262
Yakutat, AK 99689

Sam Fejes
P.O. Box 111394
Anchorage, AK 99511

Ralph Nordt
1503 Walnut Ave
Hilltop, NJ 08012

Steve Rainey
Fishing and Flying
P.O. Box 2349
Cordova, AK 99574

Sam Magee
Alaska Wilderness
Outfitters
Box 1516
Cordova, AK 99574

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

WALTER J. HICKEL, GOVERNOR

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1500
PHONE: (907) 344-0341

AK-D

FISH HABITAT PERMIT FG 93-II-0061 (AMENDMENT I)

ISSUED: May 19, 1993
EXPIRES: May 1, 1994

Mr. Greg Bell
Valley Sawmill
6231 Old Seward Highway
Anchorage, Alaska 99517

awd

Dear Mr. Bell:

Re: Stream Crossings - Susitna River Channels
Stream No. 247-41-10200
Sections 34 and 35, T. 21 N., R. 5 W., S.M.
Sections 1-3, T. 20 N., R. 5 W., S.M.

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has reviewed your proposal to cross the Susitna River at the referenced location. You indicated in your verbal request on May 5, 1993 that you intend to cross at least three channels of the Susitna River with a Caterpillar D-5 to identify a winter access route to your timber sale area.

The Susitna River has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). In the vicinity of the proposed crossings the Susitna River supports habitat for chinook, coho, chum, and pink salmon for spawning, and by chinook, sockeye, and coho salmon for rearing. Adult salmon spawning in this area begins in mid to late July and extends through the late fall. The eggs deposited in the streambed do not emerge as free swimming fish until March, April, or May of the following year. Salmon eggs deposited in streambed gravel are extremely vulnerable to any type of disturbance and cannot withstand shock or pressure. In addition, sediment deposited on top of salmon spawning sites may suffocate and thereby kill eggs. For these reasons instream work in the Susitna River drainage is generally prohibited in salmon spawning and rearing areas except between May 15 and July 15. These stream crossings, if conducted in accordance with the stipulations in this permit, are not expected to adversely impact fish and wildlife resources or habitats.

In accordance with AS 16.05.870(d), project approval is hereby given subject to the following stipulations:

1. All open water stream crossings shall be completed during the period from May 15 through July 15 unless otherwise approved in writing by the ADF&G.
2. All stream crossings shall be made directly from bank to bank in a direction substantially perpendicular to the stream flow of the Susitna River. The number of crossings shall be the minimum necessary to complete the project.
3. Stream crossings shall be made at locations with gently or gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
4. Streambanks shall not be altered to facilitate equipment crossings or disturbed in any way. If streambanks are inadvertently disturbed by equipment crossing, they shall be immediately stabilized to prevent erosion.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of ADF&G. Therefore, it is recommended that ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. This permit must be retained on site during the stream crossings. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

Pursuant to 6 AAC 80.010 (b), the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Matanuska-Susitna Borough Coastal District Management Plan.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The

May 19, 1993

department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330 - 44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner

Steven W. Albert

By: Steven W. Albert
Habitat Biologist
Region II
Habitat and Restoration Division
(907) 267-2284

cc: R. Thompson, ADNR
G. Saupe', DEC
D. Webster, MSB
C. Whitmore, ADF&G
M. Kincaid, FWP
C. Gilleland, ADF&G
J. Eleazer, ADNR/DOF

DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

P.O. BOX 25526
JUNEAU ALASKA 99802-5526
PHONE: (907) 465-4105/4125
FAX: (907) 465-4759

April 29, 1993

Mr. Ted Smith
Matanuska-Susitna Borough Assembly
Box 1026
Willow, AK 99688

Dear Mr. *Ted* Smith:

I received a copy of your March 14 letter to Senator Mike Miller of the Senate Resources Committee regarding the Greg Bell violation at the Susitna River. It appears that your sources of information regarding this situation are not completely accurate nor have they related the entire story in its true context. I would like to address the following points of contention: 1) facts related to Mr. Bell's violation; 2) Alaska Department of Fish and Game (ADF&G) discretion regarding citations; 3) the historic nature and use of this site for stream crossings; and 4) the Commissioner's authority to issue general permits for stream crossings.

Mr. Bell's Violation

Mr. Bell was not cited because he accidentally broke through the ice while crossing the Susitna River slough on February 17. We do not know what events transpired on February 17. The truth of the matter is that he was cited for deliberately driving through the open water on February 18. Mr. Bell has already stated in a taped interview with Trooper Yoder (Fish and Wildlife Protection) that he had broken through the ice during the morning crossing on February 18 and kept on going to the other side. He did not report this as his permit required. Later that day upon returning to the crossing location, Mr. Bell, as he characterized it, made "a judgement call on his part" to cross through the open water knowing that his permit did not allow such a crossing. Mr. Bell said that he didn't think there were any fish or eggs present and that he thought that ADF&G would not have a problem with this.

ADF&G Peace Officer Title 16 Discretion

If Mr. Bell had simply broken through the ice he would not have been cited. We believe that the ADF&G staff biologist exercised proper discretion in issuing this citation. The biologist reviewed all of the facts presented by Mr. Bell, evaluated the onsite

Mr. Ted Smith

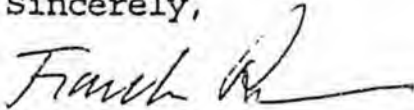
-3-

April 29, 1993

using landing mats or other means to reduce the pressure from his cat on the gravel. We will continue to work with Mr. Bell to get him access to his timber sale while maintaining the anadromous fish resources of the area.

We have already discussed most of your other concerns recently in our telephone conversations. I hope this clears up any misunderstandings that you may have had regarding the issuance of the citation to Mr. Bell.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Rue", with a long horizontal flourish extending to the right.

Frank Rue
Director

cc: Lance Trasky
Steve Albert

3/18/93

Attorney: Client
Privileged

BRIEF SUMMARY OF FACTS - GREG BELL VIOLATION

- * Mid January 1993 - Bell (Owner of Valley Sawmill) comes to ADF&G to discuss proposed crossing of side channels of the Susitna River to access a state timber sale that he had purchased three years ago that was about to expire. He said that various circumstances had prevented him from logging the area until now.
- * Albert advised him that a permit was required as per AS 16.05.870 and he would be limited to crossing over snow and ice. The permit specifically said that Mr. Bell could not operate in open water areas. All permit stip were reviewed in great detail and approved by Bell. Open water crossings were prohibited because the area near the crossing site provides chum and coho salmon spawning habitat. He was also warned that crossings in this particular area during Feb. or March can be risky.
- * Permit application received 1/29/93 and a permit issued on 2/2/93. Because Bell indicated that he was running out of time, Albert expedited Bell's permit and instead of taking a normal 3 weeks for permit issuance, took only 3 days.
- * 2/18/93 - ADF&G received several phone calls from local resident complaining that Bell was driving a D5 through the stream. Albert contacted Jim Eleazer of DOF to contact Bell onsite to prevent him from violating the law. Every possible effort was made to contact someone in the area to tell Mr. Bell not to cross in the open water.
- * 2/19/93 - FWP officer Yoder and Albert visit the site to investigate the potential violation and Bell admitted that he had crossed in open water and knew that it was not permitted. He said that he made a decision to cross because he didn't think fish or eggs were present and that he didn't think that Albert would mind even though his permit said not to operate in open water.
- * Later that afternoon Albert requested a meeting with Bell at the ADF&G office where a citation was issued
- * Bell said more than once during the interviews that DOF staff onsite approved the open water crossing and advised him that ADF&G biologists would have no problem with it. Even though DOF staff advised Mr. Bell to violate his permit, Mr. Bell still made the decision to cross. DOF clearly exceeded their authority in the field.
- * 3/1/93 - Wallingford and Eleazer meet with McKay and Albert to discuss Title 16 permitting.
- * 3/4/93 - Wallingford writes memo to D. Brown complaining about Title 16 permitting procedures and immediately faxes it to Bell
- * Subsequent to the violation ADF&G staff talked to Mr. Bell on several occasions and offered to work out some means of crossing the 50-foot slough such as the use of landing mats. Mr. Bell does not seem to be very interested in working out a way to cross the slough.
- * 3/8/93 - Bell writes letter to Sen. Leman complaining about Title 16 and ADF&G
- * 3/10/93 - Bell is arraigned at Palmer Court and pleads not guilty. Representation hearing set for 4/12/93 trial on 4/30/93

MEMORANDUM

State of Alaska

DEPARTMENT OF FISH & GAME

TO: Frank Rue
Director
Habitat and Restoration Division FILE NO.:
Department of Fish and Game

DATE: April 27, 1993

TELEPHONE NO.: 267-2342

SUBJECT: Greg Bell Violation

FROM: Lance L. Trasky
Regional Supervisor
Region II
Habitat and Restoration Division
Department of Fish and Game

During recent weeks Region II has received three disturbing pieces of correspondence related to the Greg Bell violation. They include Dave Wallingford's March 4 letter to Dean Brown (Attachment 1), Greg Bell's March 8 letter to Senator Loren Leman (Attachment 2), and Ted Smith's March 14 letter to Senator Mike Miller (Attachment 3). These three letters present an inaccurate and very biased account of the Greg Bell violation, and are apparently being used in a campaign to attempt to weaken the Anadromous Fish Act. We feel that it is very important to set the record straight about what occurred and why Mr. Bell was cited. We have also responded to each of the claims made in Mr. Wallingford's and Mr. Bell's letters (Attachments 4 and 5 respectively). Attachment 6 is a letter you sent to Mr. Smith to correct factual errors in his letter.

The facts surrounding this incident are simple. Mr. Bell had a three-year contract to cut cottonwood logs on the Delta Islands. On January 29 of the third year, Mr. Bell applied for a Title 16 permit to cross several sloughs of the Susitna River to access his timber. Mr. Bell proposed to cross the river at sites which had been used to access previous timber sales. Because of the late date, Mr. Bell's permit (Attachment 7) was quickly expedited to allow him to cross as soon as possible. His permit was issued on February 2, 1993, and the first stipulation specifically stipulated that he was not to cross in open water areas without written approval from the Alaska Department of Fish and Game (ADF&G) because of potential impacts to chum and coho salmon which spawn throughout the Delta Island area. On February 17, 1993, Mr. Bell moved his equipment to the crossing location. Mr. Strube, a Division of Forestry (DOF) employee, was on site at the time. We have been informed by Mr. Bell that during the morning of February 18 he crossed the slough. Mr. Bell apparently broke through the ice at that time, but continued on to conduct a reconnaissance of Mr. Bell's sale. Later that day, during their return trip from reconnaissance of the sale area, they drove the equipment through the open water

of the slough. Shortly thereafter at 2:20 p.m. on February 18, the department received a complaint from an irate resident who claimed that Mr. Bell was, "making a mess and driving through the stream." Department staff began preparations to visit the site the next day, and immediately called Mr. Strube's supervisor, Jim Eleazer of DOF and asked him to contact Mr. Bell or Mr. Strube by radio or in person and advise him not to drive through the open water of the slough. Mr. Eleazer informed us that he was unable to contact Mr. Strube by radio and there was not enough time to drive out to the crossing to prevent the violation. The next morning, Mr. Steve Albert, Habitat Biologist, and a state trooper went to the site. Mr. Bell was interviewed and he admitted driving through the open waters of the slough on February 18, even though his permit specifically prohibited that. We have recently been advised that another operator actually drove the vehicle. Mr. Bell stated that Mr. Strube said it was okay and that he didn't think it would do any harm. Based upon Mr. Bell's actions, his unwillingness to contact us when he knew he had a problem, and statements made to the Fish and Wildlife Protection officer, he was issued a citation. However, department staff informed Mr. Bell at that time and on several other occasions since the citation was issued that they were willing to permit Mr. Bell to cross the slough if he would use landing mats or any other means of reducing the ground pressure of the D5 Caterpillar on the streambed gravels. Since that time, Mr. Bell has not shown much interest in accessing his timber, and has indicated that he has another source of cottonwood logs to meet his needs.

We are most deeply disturbed by Mr. Wallingford's letter for three reasons. First, the majority of Mr. Wallingford's claims are not true; second, the primary purpose of the letter appears to be to undermine the state's effort to meet its statutory mandate to protect fish habitat on forest lands; and third, it attempts to draw attention away from the DOF employee's role in the violation. Mr. Bell used Mr. Wallingford's letter to ask Senator Loren Leman to change Title 16, and also provided a copy to the Anchorage Daily News, who published an article alleging that ADF&G was denying loggers access to their timber.

A simple review of Mr. Bell's permit (Attachment 7) demonstrates that Mr. Wallingford's claims are fallacious and some are outright fabrications. I will provide two examples here, but there are many more in our critique of his letter (Attachment 4). In his letter, Mr. Wallingford states "It is difficult to understand why ADF&G, at historic fords where traffic has already compacted gravel or impacted eggs would stipulate a bridge was necessary for limited access." Although, Mr. Wallingford's letter would lead the reader to believe that the ADF&G permit required Mr. Bell to put in a bridge, there is

no such stipulation in the permit! A copy of the permit is attached so you can read it for yourself (Attachment 7). Mr. Wallingford also makes a major issue out of the presence of the word "game" in AS 16.05.870 and says that, "without a challenge, ADF&G will attempt to expand their authority beyond the normal high water line within the river bed by reference to this section Title. I find this, at its best, harassment of the permittee by superficial permit crossing language, not necessary to protect the anadromous fish resources of the State." In spite of Mr. Wallingford's impassioned attack on this department's permit, not one of the five stipulations in Mr. Bell's permit mentions "game" or attempts to regulate anything above ordinary high water. The remainder of Mr. Wallingford's letter is pretty much the same.

The truth is that Mr. Wallingford and his staff are well aware that ADF&G has worked cooperatively with the timber industry and the DOF for many years to provide access to state and private timber sales and to meet our statutory mandate to protect fish habitat. We have worked hard to build a good working relationship with the industry and the DOF. The success of our efforts can be measured by the fact that hundreds of permits have been issued to the industry and thousands of acres of timber have been cut. Relatively few violations have occurred over the past 10 years. We have no idea what motivated Mr. Wallingford to write his letter, but his baseless attack on this department, our personnel, and our responsibility to prosecute violators of our statutes has been a major set back. His actions will require more work for our staff in administering this violation, sends the wrong message to a person who violates state law, and will hurt our relationship with the DOF. Mr. Wallingford's letter has received widespread distribution and though it can be easily documented that his claims are not true, the damage can not be easily repaired or forgotten. Therefore, we felt a need to specifically address inaccuracies and misleading statements made in Mr. Wallingford's, Mr. Bell's, and Mr. Smith's letters.

In spite of these attempts to inflame the timber industry and legislators against the department, we feel confident that they will soon realize that the claims made are untrue and groundless and that the department is conducting its business in the same even-handed manner that it always has. This is a simple case of someone who broke the law and got caught.

Although this attack was aimed at ADF&G, and at fish habitat protection statutes, we believe that Mr. Wallingford's letter, general attitude, and performance may have another negative effect. It is likely that the DOF's performance in this violation is bound to raise questions and concerns among

Frank Rue

-4-

April 27, 1993

commercial fishing, sportfishing, environmental, and other interest groups about the DOF's general attitude towards consideration of other resources on forest lands and their objectivity in enforcing provisions of the Forest Practices Act.

I request your assistance in contacting the DOF and the interested legislators to set the record straight. To assist, we have responded to the individual allegations of each letter (Attachments 4, 5, and 6). I would hope that quick action can be taken to undo the damage done by Mr. Wallingford's letter and to make sure that the DOF understands their obligation as public employees to uphold the law.

Attachments

cc: E. Albert, ADF&G

ATTACHMENT 4

ADF&G COMMENTS ON WALLINGFORD LETTER TO BROWN

The purpose of this attachment is to correct the factual lapses in the March 4, 1993 memorandum written by Mr. Dave Wallingford to Ms. Dean Brown that purports to summarize a meeting between Wallingford and Jim Eleazer of the Division of Forestry (DOF) and Steve Albert and Don McKay of the Habitat and Restoration Division (H&R).

PERMIT LANGUAGE

In this section of the memo, Mr. Wallingford "felt their (Ed: reference to ADF&G) choice of wording in a number of cases was misleading to the permittee and extended their permitting authority beyond what the law intended." This accusation is entirely false. Firstly, the permittee was not misled by the permit language and, in fact, had agreed to accept the stipulations prior to issuance of the permit. Before the permit was issued, Albert discussed in great detail with Mr. Bell what stipulations would be necessary to achieve this stream crossing without any adverse effects on anadromous fish habitat. At that time Albert asked Mr. Bell if any of the proposed stipulations appeared unreasonable and could lead to future compliance difficulties. Mr. Bell acknowledged his approval. Albert once again pointed out the importance of crossing on the snow and/or frozen material and not in the open water and told Mr. Bell to call ADF&G if he encountered any problems.

Secondly, the accusation that the Department was extending its permitting authority beyond the law through this permit is also entirely without basis of fact. The permit is consistent with the statutory mandates of AS 16.05.870-895. Mr. Wallingford's time could be spent more productively by focusing more on his forestry responsibilities than trying to present himself as an expert in the interpretation of another agency's statutes.

WILDLIFE LANGUAGE

We cannot understand how the issue of wildlife language relates to the issuance of Mr. Bell's stream crossing permit. As you can see Mr. Bell's permit does not mention wildlife habitat. At the meeting with DOF, Mr. Wallingford asked staff whether AS 16.05.870 allowed the Department to address wildlife habitat within the context of a Fish Habitat Permit. McKay answered affirmatively that statutory language in AS 16.05.870(d) references the proper protection of fish and game. However, Mr. Wallingford failed to mention that McKay also stated that the Department limits its authority pursuant to AS 16.05.870 to anadromous fish. It appears to us that Mr. Wallingford's action was misleading, intentional,

and inflammatory in its own right. Wildlife habitat was never discussed with Mr. Bell (permittee) because it was not an issue with respect to his permit.

In the next paragraph, Mr. Wallingford further demonstrates his lack of experience and knowledge with respect to AS 16 when he states in his memo that ". . . no Title 16 regulations exist to clarify the Statutes further." However, our Anadromous Waters Catalog is adopted as regulation, 5 AAC 95.010(a) and contains an explanation of permit requirements.

FORD SITES

It is important to note that the so-called ford site that Mr. Wallingford references has never been formally recognized or permitted as a ford. In addition, to the best of our knowledge, we have only issued one other permit for crossing at the ford site. That permit also prohibited crossing through the open waters of the slough. It is not designated as a ford site on any state or local road map or in the Susitna Area Plan. ADNR/DOF has never asked the ADF&G to issue general permits for any ford site. Mr. Wallingford expresses his personal opinion or belief that "historic use of a ford site where permits were issued to ford the crossing have no bearing on whether the next permit will allow the permittee to ford the stream at the established crossing." We review each project individually on its own merits. We certainly do not ignore what might have previously occurred at a proposed project location. However, we focus on what the applicant is presently proposing to do in the stream. If the work can be completed safely and without adverse effects on fish habitat, a Fish Habitat Permit is issued. Otherwise, we work with the applicant and attempt to seek alternative means for completing the project. Where there is a demonstrated public need for repeated crossings of an anadromous stream at a site where impacts to anadromous fish can be minimized, the Department can issue a general permit. A good example is the Petersville Road.

There appears to be an expectation by Mr. Wallingford that damage to the fish resource is acceptable and that risk should be shared among resource users. Our interpretation of AS 16.05.870 is that it is the responsibility of the Department to determine whether a stream crossing proposal affords proper protection of fish. Whenever activities are occurring in fish habitat, there is some risk to that resource. When we issue a permit to conduct activities in a fish stream, we attempt to minimize that risk. It is our experience that it is rarely if ever necessary to trade off one resource for another in crossing streams.

The statutes do not consider the economic values of individual fish species, although most Alaskans are aware of the value of salmon. The commissioner of ADF&G specifies waters important for the

spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). Those specified waters are adopted as regulation in 5 AAC 95.010(a). We are required by law to protect those waters. One fish species may represent a greater value to one segment of the population than another segment. We cannot, and do not, address those issues.

Wallingford states that "no determination of probability of fish presence is considered." Again, this remark is totally untrue. In Mr. Bell's case, as well as in all other project reviews, the presence or absence of fish and the likelihood of adverse impacts to fish habitat are the considerations in our evaluation of projects. The law requires the ADF&G to ensure that plans and specifications for activities in specified anadromous waters provide for the proper protection of fish and game.

In the second paragraph Mr. Wallingford refers to Stipulation 1 in Mr. Bell's permit where it states that "stream crossings shall be sited to utilize existing ford sites where they occur." He further alludes that this language "could lead one to believe they have a permit to ford at these sites." We do not understand what that statement means, in that the language is part of a stipulation to a permit for crossing at the fording site. When Mr. Bell initially approached Albert about the stream crossing permit and when he submitted his Fish Habitat Permit application, he indicated in both instances exactly where and which channels he wanted to cross to access his timber sale. Prior to this Albert did not know that these crossing locations were considered by some as recognized ford sites. Mr. Bell called them ford sites. Assuming that these locations had been previously used to cross the Susitna River, the intent of the language in Stipulation 1 was to direct Mr. Bell to cross only at these locations and to avoid placing other reaches of the river bed and banks, either upstream or downstream of the crossing location at risk to potential damage. There never was any intention to direct how or from where in the area above the ordinary high water (OHW) mark (so called "upland"), Mr. Bell could reach the crossing location. Mr. Bell showed the Department where he wanted to cross, described how he was planning to clear a parking area on the bank at the crossing location, and he was permitted to do exactly what he requested.

Mr. Wallingford further states that "it's difficult to understand why ADF&G, at historic fords where traffic has already compacted gravel or impacted eggs, would stipulate a bridge was necessary for limited access. This is an outright falsehood. There are no stipulations requiring installation of a bridge in Mr. Bell's permit (see attached). Mr. Wallingford's statement implies that this is a well-known crossing regularly used by hundreds of Alaskans engaged in daily commerce. In actuality it is a seasonally shallow spot that has provided occasional winter access to a portion of the Delta Islands where logging has occurred.

MITIGATION LANGUAGE

We agree with Mr. Wallingford's observation that the word "game " is included in the Title of AS 16.05.870. This word is also included in the language in subsection (d) where it suggests that the Department is responsible for the proper protection of fish and game within the stream channel below the OHW mark. This is a simple restatement of the statute. Contrary to Mr. Wallingford's suggestion, no attempt to extend departmental jurisdiction beyond the OHW mark is proposed or implied in this permit.

Mr. Wallingford's accusation that the Department will attempt to extend our jurisdictional authority beyond the OHW mark based on the statutory language, particularly the inclusion of the word "game" in subsection (d), is totally untrue. This language certainly does not constitute harassment of the permittee as Mr. Wallingford also asserted.

Mr. Wallingford seems to think that resource development is directly tied to and dependent upon the issuance of Fish Habitat Permits. We have been working with the timber industry in southcentral Alaska for many years. We challenge Mr. Wallingford to cite one instance where a timber operator has been denied a stream crossing permit. The Department has a good record of working with both big and small timber operators throughout the region. We have always been more than willing to attempt to resolve any stream crossing problems, oftentimes at great expense to the state, so that operators would be able to complete their projects on time, with minimal expenses, while simultaneously protecting fishery resources as directed by the statutes.

PROFESSIONALISM

The tone of Mr. Wallingford's memo seems to question our professionalism in this case. However, this whole situation might have been avoided if the DOF staff on site, in particular, Mr. Steve Strube had conducted themselves in a professional manner. A copy of Bell's Title 16 permit was sent to Mr. Eleazer (Strube's supervisor) at the DOF Big Lake office for their reference. When Mr. Bell was asked to show a copy of his stream crossing permit that is required to be kept onsite, he informed us that he did not have one but Mr. Strube did have a copy of the permit. Mr. Bell also stated that he had been advised by Mr. Strube to cross the stream with the blade down to remove snow from the ice surface. This was ostensibly done so the ice would freeze thicker, but this occurred during a spring thaw when daytime temperatures were near or above freezing. If Mr. Strube or Mr. Bell had read the permit, they would have noted that the crossing was to be made on "snow-packed or frozen surfaces of sufficient thickness . . . to support the weight bearing load of the vehicles."

Based on statements made by Mr. Bell to Fish and Wildlife Protection Trooper Yoder and comments to Albert, it appears that when Mr. Bell and Mr. Strube returned to the crossing site on Mr. Bell's D5 Caterpillar tractor and discovered the ice had broken up, Mr. Strube advised Mr. Bell that it would be permissible to cross back through the open water. Mr. Strube told Mr. Bell this even though Mr. Bell's permit specifically said that no open water crossings were allowed. Mr. Strube told Mr. Bell that another biologist in the past didn't consider it a problem. We do not believe this is a true statement or can be documented. However, Mr. Bell still made the final decision to cross because he didn't think there were fish or eggs present and he didn't think Albert would object to the crossing. Mr. Strube needs to be reminded that he works for the DOF as a forester whose job description and educational background do not qualify him to provide advise on fishery biology or interpret Fish and Game statutes. Mr. Strube and DOF clearly have exceeded their authority in the field. We strongly recommend that some action be taken to prevent this from occurring again.

In conclusion we believe that Mr. Wallingford has demonstrated complete ignorance and a lack of understanding the requirements of AS 16.05.870. His statements and motivation in writing this letter seems to be designed solely to focus attention away from Mr. Strube's complicity in Mr. Bell's violation of the Anadromous Fish Act, and to undermine the state's ability to protect the public interest in protecting anadromous fish streams.

MEMORANDUM

State of Alaska

TO: Steve Albert

FM: Dennis Gnath ADF&G/Habitat/Anchorage 267-2284

SUBJ: Greg Bell, Valley Sawmill DATE: February 24, 1993
Vehicle Stream Crossing

At your request, I met with Mr. Bell of Valley Sawmill on February 23, 1993 to assist him with a vehicle crossing of a side slough of the Susitna River. His proposed crossing would be accomplished using a D-5 dozer for the purpose of harvesting timber. Mr. Bell had attempted to cross at the proposed location during the previous week by removing the snow pack (in opposition to stipulation number one of Fish Habitat Permit FG 93-II-0061) and driving over the ice layer. Mr. Bell's equipment had broken through the ice, and he continued fording at this location by driving the D-5 dozer across the gravel substrate.

I surveyed the stream area Mr. Bell desired to ford and have the following observations and recommendations regarding his proposal:

1. The ice at the fording site is not of sufficient thickness to support the weight bearing load of the D-5 dozer.
2. Groundwater upwelling occurs immediately upstream and to a lesser degree downstream of the equipment ford. Combined with the suitable salmon spawning substrate observed and known chum salmon spawning in the area, I concluded that an open water crossing would impact chum spawning habitat.
3. I evaluated the area downstream of the previous crossing site. The equipment operator would have to negotiate a cut bank to access the frozen surface of the stream, and the ice beneath the snow pack would need to be of sufficient thickness to support the weight of the vehicle. I concluded that accessing the stream over the cut bank may cause streambank damage, and that the ice beneath the snow would not support the weight of the vehicle.
4. I checked the weather forecast before departing for the site inspection. The high temperature forecasted for that day was 38 degrees (F); with temperatures expected to reach 40 degrees for the next few days.

In conclusion, I was unable to locate an alternative crossing site; I recommended that the site of the previous crossing would not cause impacts to the streambanks; and that Mr. Bell should delay his plans to cross the Susitna River slough until cooler weather firms up the ice at that location. I have attached a copy of my "Field Inspection Report" for your file. If I can be of further assistance, please contact me.

Field Inspection Report

Date 2/23/93 Time 1100L

Location: (Logging unit/Road/Waterbody) Cottonwood Bypass SC-1428M
Susitna River (Stream No. 247-41-10200)
Section 1, T. 20 N., R. 5 W., S.M.

Operator/Contractor: Valley Sawmill / Greg Bell

Individuals present at time of inspection:

Name	Representing
Greg Bell	Valley Sawmill

Activity/Situation Observed: Fish Habitat Permit FG 93-II-0061 authorizes
vehicle stream crossings over snow-packed or frozen surfaces of
sufficient thickness to support the weight bearing load of the
vehicle(s) moving over them. Encountered warm, thawing conditions.
Recommended delaying crossing until cooler weather firms the
ice conditions

Pertinent Statutes/Regulations: AS 16.05.870

Recommended/Required Action (Specify): See above

By (date) _____ (if applicable)

Please note: This is not a final inspection report. It is intended to provide the operator/contractor with a notice of problems or concerns which require immediate attention. If necessary, a final inspection report will be issued at a subsequent date.

[Signature] Habitat Biol.
Fish and Game Representative/Title

[Signature]
Company Representative/Title

Attachment 5

ADF&G COMMENTS ON BELL LETTER TO LEMAN

Page 1, 3rd Paragraph

Bell estimated the water depth to be 1 foot and the width of the channel at 40 feet. Department staff estimated the water depth to be 1.5 to 2.0 feet and the width of the channel was estimated at 55 feet.

Page 1, 4th Paragraph

Bell complains that Fish Habitat Permits are nearly impossible to follow. Mr. Bell has no basis for making this statement. In FY 92 we issued 153 vehicle stream crossing permits statewide without any violations occurring. When permittees contact us when problems arise, we are usually able to work with permittees to develop feasible solutions that will allow them to complete the project. In FY92, statewide, we reviewed 1,462 Title 16 permit applications and issued 1,086 Fish Habitat and Special Area Permits. During the same period we administered approximately 25 violations, most of which involved failure to get permits.

Page 1, 6th Paragraph

Mr. Bell is complaining that it is a contradiction to require use of an existing crossing site and yet use snow ramps or bridges. Mr. Bell was directed to use the crossing site which had been previously used and to cross only at these locations to avoid placing other reaches of the river bed and bank, either upstream or downstream of the crossing location at risk to potential damage. The requirement to use snow ramps or snow bridges was included to prevent Mr. Bell's equipment from damaging the stream bed and banks. By requiring him to travel over the snow-covered ice, the intent was to reduce the ground-bearing pressure of the D5 bulldozer on stream gravels. The permit requirements are not contradictory as Mr. Bell suggests.

There is no truth to the assertion that Mr. Bell is "being singled out." We treat all applicants, applications, and violations consistently.

Page 1, Last Paragraph

Normally, the first paragraph of the permit is used to describe the project activity as proposed by the applicant. When Mr. Bell came into ADF&G to discuss his stream crossing project, he stated that he would be able to complete the crossings of all the channels without disturbing any of the vegetation or streambanks. He did mention that some vegetation (alder/willow?) would be crushed to clear out the parking area near the stream crossing location. I

informed him that action would be occurring outside of the stream channel and that ADF&G had no statutory authority to regulate what he did in that area.

Mr. Bell asks how he can use a crossing without disturbing the banks? Based on his description of the channel crossings needed to access the timber sale area, we included the language in Stipulation 2 that reads as follows: "Snow ramps or snow bridges shall be used to provide access across frozen rivers, streams, and lakes so as to preclude cutting, erosion, or degradation of their banks." At our pre-permit meeting, Mr. Bell described the shape of the other channels to be crossed as "box channels." We discussed the importance of using clean snow, "substantially free of soil and debris", to push into the channels to create ramps to protect the banks. This is a common practice in developing snow/ice roads. Over the years hundreds of other operators have used snow ramps and snow bridges to cross streams without any problems.

Page 2, 1st Paragraph

Mr. Bell states that after breaking through the ice into the stream, Mr. Strube assured Mr. Bell "that in the past the Alaska Fish and Game biologists have worked with the loggers concerning issues such as this and there had been no problems." Mr. Strube, as a state employee and supposedly having Bell's permit in hand, should not have advised Mr. Bell to break the law. He should have recognized his own limited statutory authority and advised Mr. Bell to contact ADF&G before crossing through open water. Residents of the area had no difficulty in rapidly reaching a phone to call ADF&G to complain about Mr. Bell's violation. Either Mr. Strube or Mr. Bell could have called or radioed ADF&G and avoided a violation. Mr. Strube clearly exceeded his authority and both he and Mr. Bell exercised poor judgement in making a decision to knowingly violate the law.

Page 2, 5th Paragraph

Mr. Bell raises the issue that ADF&G is "stating that there might be fish eggs in the gravel and that we might have hurt them." In our pre-permit meeting with Mr. Bell in the course of explaining why he needed a permit to cross the stream, we pointed out to him that this is a specified anadromous water body which meant that it had been specified by the commissioner of ADF&G as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). Operation of equipment in a specified waterbody requires prior authorization by the ADF&G. The purpose of the authorization is to ensure that spawning, rearing, or migration habitat is protected. In the permit we stated that "in the vicinity of the proposed crossings the Susitna River supports habitat for chinook, chum, and pink salmon for spawning, and by chinook, sockeye, and coho salmon for rearing."

Page 2. 6th Paragraph

Mr. Bell suggests that timber operators will have to go out of business because Title 16 is denying them access to timber. A review of ADF&G permitting statistics indicates that this is simply not true. The Department issues hundreds of permits to resource developers of all kinds each year without incident or violations. However, timber operators and the DOF need to plan for access! The Department has always been able to work with loggers to provide the access they need to timber and to protect fish habitat. Mr. Bell is ignoring the record and resorting to hyperbole to make some point.

Page 3. 5th Paragraph

Mr. Bell accuses the Department of not operating in good faith with DOF and goes on to say that his company is not working because of that breach of faith. When our staff contacted Mr. Bell to help him devise a way to get his equipment across the slough, he indicated that he was no longer interested. The truth is that Mr. Bell does not want to take responsibility for his own actions and is shifting the blame for his mistake on the Department. If DOF had been operating in good faith, used some of their "common sense" and followed their mandated responsibilities and authorities, the current situation might not have developed.

Page 3. Last Paragraph

Mr. Bell estimated the value of his state timber sale at \$150,000. We were informed by DOF that Mr. Bell apparently purchased an estimated 640,000 BF of timber for 10\$/1000 BF or \$6400. Which number most accurately describes the value of the sale? If the \$6400 worth of timber that Bell purchased from the state is actually worth \$150,000, then one begins to question DOF's judgement in giving away timber so cheaply and placing other valuable public resources at risk.

29 Mar 94

Representative Bill Williams, Chairman
House Resource Committee
PO BOX V
Juneau, AK 99811

Re: HB 286

Dear Representative Williams:

I attended the committee hearing today on House Bill 286 by teleconference from Anchorage. The purpose of this letter is to set the record straight regarding a statement made by Mr. Frank Rue, the ADF&G representative who misled the committee by testifying that I entered a slough of the Susitna River on the advice of another agency. When in fact I entered the slough legally under the authority of a Title 16 Permit issued by ADF&G. No other agency has the authority to permit stream crossings. It would seem to me that if I had entered the slough on the advice of another agency, which I did not, I should not have been cited.

In addition, Mr. Rue said ADF&G offered many times to work with me to cross the stream by going upstream or downstream. This is not true. A little time after I had been cited, I met with ADF&G Biologist Dennis Gnath. It appeared that about 75 feet downstream the ice was tick all the way across, and I wanted to cross there; however, Mr. Gnath said, "No," and I must stay within the corridor in which I was already established. A few days after that the weather turned warm and stayed that way.

I got an open water crossing permit on May 20th, but the water was approximately 8 feet above normal and the issuance of the permit was valueless to me.

Please consider this a request for the House Resource Committee to ask Mr. Frank Rue to name the agency and agent who allegedly advised me to enter the slough. Additionally, his "Official" account was tainted with usage of only part of the known happenings that led to this embarrassing misuse of justice by his agency. Relating only part of the truth is deceitful and fosters incompetence when used as a cover-up. I consider it a very serious matter when a ranking state official will intentionally mislead a Legislative Committee, and I believe the individual should be made accountable for his statement.

Most sincerely,

Greg Bell
Valley Sawmill, Anchorage 276-6769

Copy: Pat Ryan, Governor's Office
Duncan Fowler, Acting State Ombudsman
Troy Reinhart, AFA

Note: Please call for transmission confirmation. We consider this to be a very important matter. Thank you

1181100-1001
05/09/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01
13:42:52

CONF: 00578 DATE & TIME: 05/28/94 08:15 TO 10:00 STATUS:7 STATE: IN

*** ORDER SUMMARY ***

SPONSOR: BRS HOUSE RESOURCES

CHAIR: WILLIAM

PURPOSE: PUB PUBLIC HEARING

LEGISLATIVE

CONTACT: MARY McDONELL

TEL#: (907) 465-3715

CHARTING SITE: JUNEAU

CAPITOL

CAP124

SPONSOR REMARKS (PUR): TESTIMONY IS ALLOWED

3 MINUTE LIMIT

TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.

TOP REQUESTED ON 05/28/94 AND HAS 6 UPDATES

*** AGENDA ***

- 1 HR 286 ACTIVITIES IN ANADROMOUS FISH STREAMS
- 2 HR 436 STRICTNESS OF AIR QUALITY REGS

*** PARTICIPATING LISTS ***

ANC ANCHORAGE	715 W 4TH, #200	LOCATION STAFF
EUR CORDOVA	705 2ND STREET	LOCATION STAFF
FBY FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
JUN JUNEAU	CAPITOL	LOCATION STAFF
NAI NAIJU	135 F PARKS HWY.	LOCATION STAFF
STI SITKA	210 LAKE STREET	LOCATION STAFF
SOL BEPZOL	34824 KALITONSKY	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

PARTICIPANTS IN ANCHORAGE

ANC

REN

FULLS

KENAI RIVER SPOR TSEY, HB 286

2	PO BOX 1228		SOI DOTNA	AK 99669 (907)262-8588
	GREG	SELL		TSFY, HB 286
3	2048 LINDSEY DR		ANCHORAGE	AK 99517 (907)563-3436
	CARL	LONDON		TSFY, HB 286
4	6231 OLD SEWARD HWY		ANCHORAGE	AK 99518 (907)276-0560
	PAUL	MC LAUGHLIN		TSFY, HB 286
5	4916 LASTLE CRT		ANCHORAGE	AK 99508 (907)333-5485
	JOE	MEHRMAN		TSFY, HB 286
6	2527 VASSAR DR		ANCHORAGE	AK 99508 (907)276-6852
	JEFF	PARKER	ANCH F&G ADVIS	TSFY, HB 286
7	1207 HYDER		ANCHORAGE	AK 99507 (907)274-5418
	LANCE	TRÖSKE	F&G	OBSV, HB 286
	333 RASPBERRY RD		ANCHORAGE	AK 99507 (907)267-2341

PARTICIPANTS IN:CORDOVA			COR	
1 MR.	DORA	HAMPEURST	CDFU	TSFY, HB 286
	PO BOX 939		CORDOVA	AK 99574 (907)424-3447

PARTICIPANTS IN:FAIRBANKS			FBA	
1 MR.	PAUL	HEADLEE	TCC	TSFY, HB 286
	122 1ST AVE.		FAIRBANKS	AK 99701 (907)452-9251
2 MR.	FRED	PRATT		OBSV, ALL ITEMS
	PO BOX 7288		FAIRBANKS	AK 99707 (907)600-0000

PARTICIPANTS IN:JUNEAU			JNU	
1 REP	BILL	WILLIAMS		TSFY, ALL ITEMS
				AK (907)000-0000
2 REP	ELDON	MILDER		TSFY, ALL ITEMS

FTR100-RO1 LEGISLATIVE TELECONFERENCE NETWORK PAGE 02
 07/07/94 13:42:50
 TEN: 40578 DATE & TIME: 03/28/94 08:15 TO 10:00 STATUS:7 STATS. IN

PARTICIPANTS IN:JUNEAU			JNU	
3 REP	JEANNETTE	JAMES		AK (907)000-0000
				TSFY, ALL ITEMS
4 REP	JOE	GREEN		AK (907)000-0000
				TSFY, ALL ITEMS
5 REP	CON	BUNDE		AK (907)000-0000
				TSFY, ALL ITEMS
6 REP	BILL	HUDSON		AK (907)000-0000
				TSFY, ALL ITEMS
7 REP	DAVID	ZINDELSTEIN		AK (907)000-0000
				TSFY, ALL ITEMS
8 REP	PAI	DAMME		AK (907)000-0000
				TSFY, ALL ITEMS
9 REP	JOHN	DAVIES		AK (907)000-0000
				TSFY, ALL ITEMS
10	TO	OBSERVE		AK (907)000-0000
11	TO	OBSERVE		OBSV, ALL ITEMS
12	TO	OBSERVE		OBSV, ALL ITEMS
13	TO	OBSERVE		OBSV, ALL ITEMS
14	TO	OBSERVE		OBSV, ALL ITEMS
15	TO	OBSERVE		OBSV, ALL ITEMS
16	TO	OBSERVE		OBSV, ALL ITEMS
17	TO	OBSERVE		OBSV, ALL ITEMS
18	TO	OBSERVE		OBSV, ALL ITEMS
19	TO	OBSERVE		OBSV, ALL ITEMS
20	TO	OBSERVE		OBSV, ALL ITEMS
21	TO	OBSERVE		OBSV, ALL ITEMS
22	TO	OBSERVE		OBSV, ALL ITEMS
23	TO	OBSERVE		OBSV, ALL ITEMS
24	TO	OBSERVE		OBSV, ALL ITEMS

25	TO	OBSERVE	OBSV. ALL ITEMS
26	TO	OBSERVE	OBSV. ALL ITEMS
27	TO	OBSERVE	OBSV. ALL ITEMS
28	TO	OBSERVE	OBSV. ALL ITEMS
29	TO	TESTIFY	TSFY. ALL ITEMS
30	TO	TESTIFY	TSFY. ALL ITEMS
31	TO	TESTIFY	TSFY. ALL ITEMS
32	TO	TESTIFY	TSFY. ALL ITEMS
33	TO	TESTIFY	TSFY. ALL ITEMS
34	TO	TESTIFY	TSFY. ALL ITEMS
35	TO	TESTIFY	TSFY. ALL ITEMS
36	TO	TESTIFY	TSFY. ALL ITEMS

PARTICIPANTS IN: MATSU

1 MR.	TEO	SMITH	MAT	TSFY. HB 286
	PO BOX 1026		WILLOW	AK 99688 (907)495-6637
2 MR.	DAVE	CRUZ		TSFY. HB 286
	PO BOX 2027		WASILLA	AK 99645 (907)748-3144
3 MR.	STEVE	STRUBE		OBSV. HB 286
	PO BOX 521155		RIG LAKE	AK 99652 (907)892-7760

PARTICIPANTS IN: SITKA

1	DON	MULLER	SIT	TSFY. HB 436
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LTN100-R01
05/09/94

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 03
13:42:52

TCN: 40578 DATE & TIME: 03/28/94 09:15 TO 10:00 STATUS:7 STATS. IN

PARTICIPANTS IN: SITKA

BOX 1042	SITKA	AK 99835 (907)747-8808
----------	-------	------------------------

PARTICIPANTS IN: KEN/SOL

1 MR.	DAVID	ANDERSON	SELF	OBSV. HB 286
	PO BOX 1548		KENAI	AK 99611 (907)283-7125
2 MR.	DALE	BONDURANT	SELF	TSFY. HB 286
	HC1 BOX 1197		SOLDOTNA	AK 99669 (907)262-1691
3 MR.	ROBERT	BONDURANT	SELF	OBSV. HB 286
	HC1 BOX 1197		SOLDOTNA	AK 99669 (907)000-0000

PARTICIPANTS IN: VALDEZ

1 MR.	STAN	STEPHANS	VAL	TSFY. HB 436
	PO BOX 1297		VALDEZ	AK 99686 (907)835-4731
2 MS.	LEANN	FERRY		OBSV. HB 436
	PO BOX 633		VALDEZ	AK 99686 (907)835-5260
3 MR.	GREG	WILLIAMS	KCHU	OBSV. ALL ITEMS
	PO BOX 467		VALDEZ	AK 99686 (907)835-4667



HOUSE RESOURCES COMMITTEE

DATE: 3/28/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 286 - Activities In Anadromous Fish Streams
 HB 436 - Strictness of Air Quality Regs.

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						Y	N	
Michael Menge	DEC				5260	Y	N	HB 436
Frank Rue ✓	ADFG				4105	Y	N	HB 286
Kate Troll ✓	Southwest AK. Seiners.				787-5117	Ⓢ	N	HB 286
John George ✓	AOC	9515 MORAINNE WAY Juneau	99801	9140	9-0172	Ⓢ	N	HB 286
Jay McClure 9148	UFA				586 2820	Ⓢ	N	HB 286
Joseph Eisner Jr.	R-P Veery	State Capitol				Y	N	HB 436
Troy Reinhart ⁹⁵¹⁷	AFA	111 STEWART, #200	99901		225- 6114	Ⓢ	N	HB 286
Rick Hauber	PSPA	321 Highland Dr Juneau	99801		586- 6366	Ⓢ	N	HB 436
						Y	N	
						Y	N	
						Y	N	

HB

306

HOUSE COMMITTEE REPORT

(7) Date Referred: January 10, 1994 FURTHER REFERRALS: Finance

Date of Committee Action: 2/14/94

The RESOURCES Committee considered: HB 306

HOUSE BILL NO. 306 MUNICIPAL TAX CREDIT/HABITAT PROTECTION

"An Act relating to an optional municipal tax credit for costs of certain river habitat protection improvements."

RECOMMENDATIONS: the same title
 be replaced with CS HB 306 a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note Fish and Game zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i> Hudson	✓				
<i>John Carney</i> Carney	✓				
<i>John Green</i> Green	✓				
<i>David Alstein</i> Alstein	✓				
<i>W. Bunde</i> Bunde	✓				
<i>W.K. Williams</i> Williams	✓				

W.K. Williams
 CHAIRMAN'S SIGNATURE

8-LS09550
Cook
2/12/94

CS FOR HOUSE BILL NO. 306()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES G.DAVIS, Phillips, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an optional municipal tax credit for costs of certain river
2 habitat protection improvements."

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

4 * Section 1. AS 29.45 is amended by adding a new section to read:

5 Sec. 29.45.046. RIVER HABITAT PROTECTION TAX CREDIT. (a) A
6 municipality may by ordinance provide for a river habitat protection credit to be
7 applied to offset a portion of the property taxes due on land, or an interest in land
8 taxable under this chapter, upon which an improvement has been constructed that aids
9 in

10 (1) protecting the Kenai River or a tributary of the Kenai River from
11 degradation of fish habitat due to public or private use; or

12 (2) restoring riparian fish habitat along or in the Kenai River or a
13 tributary of the Kenai River that has been damaged by land use practices.

14 (b) The amount of a river habitat protection credit shall be based upon a

1 percentage of the verifiable costs of the improvement and may not exceed 50 percent
2 of the total amount of taxes levied upon the land or upon the taxable interest in the
3 land during a single tax year, but the credit may be granted for more than one year.
4 If the credit is granted for more than one year and the land or taxable interest in the
5 land is conveyed, the portion of the credit remaining is extinguished. The ordinance
6 may limit the availability of a credit to some, but not all types of improvements for
7 which a credit may be granted under this section and to some, but not all areas of the
8 municipality. A credit may only be granted for an improvement that has been
9 constructed in compliance with state and federal laws and certified by the Department
10 of Fish and Game under (c) of this section. A credit may not be granted for an
11 improvement

12 (1) required under state or federal law; or

13 (2) located more than 150 feet from the mean high tide line or ordinary
14 high water line; in this paragraph, "ordinary high water line" means that line on the
15 shore of the nontidal portion of a river or stream that reflects the highest level of water
16 during an ordinary year and is established by fluctuations of water and indicated by
17 physical characteristics such as a clear, natural line impressed on the bank, shelving,
18 changes in the character of soil, destruction of terrestrial vegetation, the presence of
19 litter and debris, or other appropriate means that consider the characteristics of the
20 surrounding area.

21 (c) The Department of Fish and Game shall by regulation establish criteria to
22 be used in determining whether an improvement is effective in accomplishing the
23 purposes listed in (a)(1) or (2) of this section. Upon application by the owner of land
24 or taxable interest in land, the department shall certify whether an improvement meets
25 the criteria established under this subsection. The department may require submission
26 of plans for approval before construction as a condition of certification.

Alaska State Legislature

Interim:
P.O. Box 1287
Soldotna, AK 99669
(907) 262-8414

Session:
State Capitol
Juneau, AK 99801
(907) 465-2693

Representative Gary L. Davis

SPONSOR STATEMENT

CS for House Bill 306

"An Act relating to an optional municipal tax credit for costs of certain river habitat protection improvements."

House Bill 306 will create a Municipal Tax Incentive Program (MTIP) to encourage private property owners to voluntarily protect important fishing habitat. Currently, under statute, it is not possible for local government to provide a property tax credit.

This piece of legislation will grant local municipalities the ability to designate certain tax incentives for improving certain anadromous riparian habitats. The habitats must be determined by the State to warrant special management. In order to be eligible for a tax credit, the constructed improvement must aid in protecting the Kenai River or a tributary of the Kenai River from degradation due to public or private use; or restoring riparian fish habitat in the Kenai River or a tributary of the Kenai River that has been damaged by land use practices or can be damaged without preventive measures.

Let it be noted, that the Kenai River Special Management Area (KRSMA) Advisory Board established under AS 41.21.510, supports HB 306. The KRSMA Advisory Board is appointed by the Commissioner of Natural Resources to develop and implement the Kenai River Special Management Area plan established in AS 41.21.502 (a).

The eligible improvements will be in compliance with state and federal laws and certified by the Department of Fish and Game as meeting the established criteria.

House Bill 306 sets parameters that allow local governments flexibility in determining their needs and interests, while protecting riparian habitats.

No local government is required to create a MTIP that is not wanted.

Municipal Tax Incentive Programs have proven effective in conserving riparian habitat elsewhere in the country. Once the MTIP proves effective on the Kenai River it may serve as a pilot project for other areas of the state.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 306 (RES)

Revision Date: 2/16/94
Title: Tax Credit for Kenai River
Habitat
Sponsor: Representative Gary Davis
Requestor: House Resources

Dept. Affected: Fish and Game
BRU: Habitat and Restoration
Component: Habitat

COMPONENT SERIAL NO. 486

Expenditures/Revenues

(Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE

(Thousar . of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/NIHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This legislation will mandate the creation of a new program. The implementation of this legislation will require the department to develop and adopt new regulations. The department will be responsible under these regulations to approve and certify improvements before they will qualify for the property tax credit from the Kenai Peninsula Borough. In an effort to be responsive to the need to control costs, the department is proposing to perform the new work required by this legislation without asking for additional funding. To do this will require the department to reprogram funding from ongoing activities. The result will be that some things that the department is currently doing will have to be foregone. Protection of irreplaceable chinook and coho rearing habitat is of such importance that the department is willing to undertake the necessary reprogramming to implement the legislation.

Prepared By: Frank Rue *Gene Bruce for*
Division: Habitat and Restoration
Approved by Commissioner: *[Signature]*
Agency: Alaska Department of Fish and Game

Phone: 465-4105
Date: February 16, 1994
Date: February 16, 1994

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 306

1994 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: Municipal tax credits for river habitat improvements BRU: Parks and Recreation Management
 Component: Parks Management
 Sponsor: Rep. Davis
 Requestor: Rep. Davis Component Serial No. 452

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact on DNR.

Prepared by: Gerald Gallagher Phone: 465-2400
 Division: Legislative Liason Date: Feb. 11, 1994
 Approved by Commissioner: _____ Date: Feb. 11, 1994
 Agency: Harry A. Noah
Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

DEPARTMENT OF FISH AND GAME
POSITION PAPER

BILL No: CSHB306

SPONSOR: Rep. Gary Davis and Gail Phillips


DIVISION: Habitat and Restoration

DEPARTMENT POSITION: Support.

The Kenai River and its tributaries support the largest recreational fishery in Alaska. The Kenai River is the largest contributor to the Cook Inlet commercial salmon fishery. Extensive shoreline development along the Kenai River will continue to have an adverse effect on salmon rearing unless done in a manner which avoids additional damage to productive streambank habitat and restores existing habitat. The intent of the legislature is to encourage landowners to protect fish habitat and restore damaged fish habitat.

The bill provides the statutory foundation for municipalities along the Kenai River to establish a tax incentive program to protect productive fish habitat and restore fish habitat damaged as a result of poor land use practices. A tax incentive program would help landowners protect, restore, or enhance damaged fish habitat to a more productive condition by reducing project costs. A municipal tax incentive program will help stop the loss of productive fish habitat and help control the cumulative effects of shoreline development on fish habitat. This program and other conservation efforts on the Kenai River will help maintain and enhance the economy of the Kenai Peninsula Borough and communities along the river.

COMMISSIONER'S SIGNATURE
1/23/94

 DATE 2/11/94

Alaska State Legislature

Interim:
P.O. Box 1287
Soldotna, AK 99669
(907) 262-8414

Session:
State Capitol
Juneau, AK 99801
(907) 465-2693

Representative Gary L. Davis

SECTIONAL ANALYSIS

CS for House Bill 306

"An Act relating to an optional municipal tax credit for costs of certain river habitat protection improvements."

Section 1 - Adds a new section to AS 29.45 (Municipal Taxation) that provides for a River Habitat Protection Credit for the Kenai River and its tributaries.

Section 1 (a) - This provision grants a municipality the authority to issue property tax credits for costs of certain river habitat protection improvements. It also explains the purposes of the habitat protection improvements.

Section 1 (b) - This provision explains the process to determine the portion of the improvement costs that will be credited towards the property tax. It also states requirements that the improvement must meet, as well as situations when the improvement would not be eligible for a credit.

Section 1 (c) - This provision directs the Department of Fish & Game to adopt regulations to accomplish the purposes of this section, as well as the duty to determine when an improvement meets the criteria established under this subsection.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 9, 1994

SUBJECT: Municipal tax treatment of conservation easements (HB 306)

TO: Representative Gary Davis

FROM: Tamara Brandt Cook
Director *TBC*

HB 306 establishes an optional municipal tax credit for certain improvements that protect or restore fish habitat based upon the costs of the improvements. I understand that there have been suggestions to expand the bill to provide a tax credit for conservation easements. You have asked me to explain municipal tax provisions that address conservation easements in current law.

AS 29.45.050(e) provides a fairly broad tax exemption for easements granted to a governmental body, which would include a local, state, or federal governmental entity.

(e) A municipality may by ordinance classify and exempt or partially exempt from taxation privately owned land, wet land and water areas for which a scenic, conservation, or public recreation use easement is granted to a governmental body. To be eligible for a tax exemption, or partial exemption, the easement must be in perpetuity. The easement is automatically terminated before an eminent domain taking of fee simple title or less than fee simple title to the property, so that the property owner is compensated at a rate that does not reflect the easement grant. The municipality may provide by ordinance that, if the area subject to the easement is sold, leased, or otherwise disposed of for uses incompatible with the easement or if the easement is conveyed to the owner of the property, the owner must pay to the municipality all or a portion of the amount of the tax exempted, with interest.

AS 29.45.062 directs local assessors to assess land that is subject to a conservation easement on the basis of full and true value for use consistent with the easement and not as though the land were free of the restriction. That is to say, if a conservation easement restricts the uses that may be made of the land, that land may

Representative Gary Davis
February 9, 1994
Page 2

well be worth less than it otherwise would be, and the statute makes it mandatory for an assessor to take this into account. Only easements created under the Uniform Conservation Easement Act qualify for this special assessment treatment. For purposes of that Act, "conservation easement" is defined quite broadly and includes easements that protect historical, architectural, archaeological or cultural aspects of property as well natural resources and uses of property for scenic, open space, or recreational purposes. (See AS 34.17.060)

TBC:lmb:gc
94-043.LMB

MEMORANDUM
KENAI PENINSULA BOROUGH
LEGAL DEPARTMENT

144 N. Binkley
Soldotna, AK 99669

Phone: (907) 262-8609
FAX: (907) 262-1892

To: House Resources Committee, Alaska Legislature
From: TRB Thomas R. Bcedeker, Borough Attorney
Date: February 11, 1994
Subject: HB 306

The Kenai Peninsula Borough administration supports adoption of an optional program for giving tax credits for improvements that protect or enhance river habitat as proposed by HB 306. Use of the river by large numbers of people can result in damaged habitat. We feel that a tax credit would provide an incentive to owners to include protective measures in their plans and more importantly give existing owners encouragement to take action to remedy problems with existing use. In working on legislation to accomplish this goal we felt several key issues should be addressed.

First, the streams for which the program could apply should be ones recognized as meriting special treatment or consideration whether because of a special nature or high use impact. These classes of streams should be ones recognized by the legislature. The Kenai River was designated as a special management area due to its importance for commercial and sport fishing and the damage being done from increased use of the resource.

Second, local governments do not have staff to determine what measures protect or enhance habitat so this should be left to the determination by the experts in the Dept. of Fish and Game.

Third, the eligible improvements should be limited to the area immediately adjacent to the stream.

Fourth, the credit should not be allowed where the improvement was made under an order to repair damage or correct a violation of law.

Fifth, the statute authorizing such a program should set limits and allow local governments flexibility to further restrict eligibility for the credit based on local conditions. Too often options allowed are "all or nothing" which more often than not means nothing is enacted locally.

Sixth, avoid setting up a complicated system of review and administration.

Limiting the credit to streams identified by the legislature as having a special status meriting

special protection does not imply other streams shouldn't be protected. However, local governments would be hard pressed to administer the program throughout the boundaries of an area the size of the Kenai Peninsula Borough as would the state in reviewing the improvements. Practical limitations require the program be limited or local governments will have an option they cannot properly handle. We wish to avoid another "good idea" that never gets off the ground because it was broadened to such a point it cannot be administered or that creates local controversy as to scope of application.

Issues of granting a credit for commercial improvements or for natural erosion control can be dealt with at the local level in considering whether to enact a local tax credit.

We wish to thank Representative Davis for presenting this bill and the Committee for its early consideration.

cc: Don Gilman, Mayor Kenai Peninsula Borough

RESOLUTION #94-1, February 10, 1994
A Resolution related to tax assessments on lands along the Kenai River

Introduction:

It is the mission of the Kenai River Special Management Area Advisory Board to assist the Department of Natural Resources in preserving and protecting the fish and wildlife habitat and resources on the Kenai River, and to promote the recreational opportunities on the river.

Whereas since the inception of the KRSMA in 1984, we have found that:

1. Protecting existing riparian river habitat in its natural state is extremely critical for the habitat needs of Kenai River fish; and
2. Valuable riparian habitat along the Kenai River is being subjected to more and more development pressure as private property is developed for commercial and private use; and
3. Encouraging river bank landowners to voluntarily protect the river banks and rehabilitate damaged riparian habitat lands is a high priority for restoring the full vitality of fish habitat on the Kenai River; and
4. Property tax assessment laws require that any improvements, even for rehabilitating damaged river banks, be taxed at their full and true value,

And Whereas Senate Bill 240 and House Bill 306 will allow municipalities to provide tax credits to offset the costs of certain Kenai River habitat protection improvements, so long as the improvements meet certain criteria established by the Department of Fish and Game,

Therefore be it resolved that the Kenai River Special Management Area Advisory Board encourages the Alaska Legislature to pass Senate Bill 240 and House Bill 306, as proposed for amendment in attached copy.

Adopted February 10, 1994 by the Kenai River Special Management Area Advisory Board.

Jim Richardson, Vice President, KRSMA Advisor Board



HOUSE RESOURCES COMMITTEE

SUBJECT OF MEETING:

SJR 40
HB 306

DATE: 2/14/94

PLACE: Capitol, Room 124

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Carol Bruce	ADFIG	Box 25526	99502		465-6143	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 306
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
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