

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8448 SENATE RESOURCES

HB

398

CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF '98"

P. O. BOX 415 SKAGWAY, ALASKA 99840

(PHONE) 907-983-2297

(FAX) 907-983-2151

January 13, 1994

Representative Jerry Mackie
Room 602, Court
State Capitol
Juneau 99801-1182

Dear Jerry,

I would like to take this opportunity to request your assistance in supporting legislation which would correct a land use problem in Skagway.

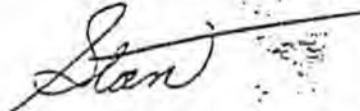
The details of the situation focus on a section of the community which was flooded by the Skagway River on a regular basis then protected by the construction of a dike approximately 50 years ago. The newly dried out land was subdivided as an extension of the existing street and lot grid and sold or used for community purposes.

The problem that has resulted today from these earlier efforts involves reluctance on the part of a title insurance company to provide coverage on a lot in the reclaimed zone.

Dave Gray has been working diligently with the city in arriving at a solution to this problem that will serve all parties well.

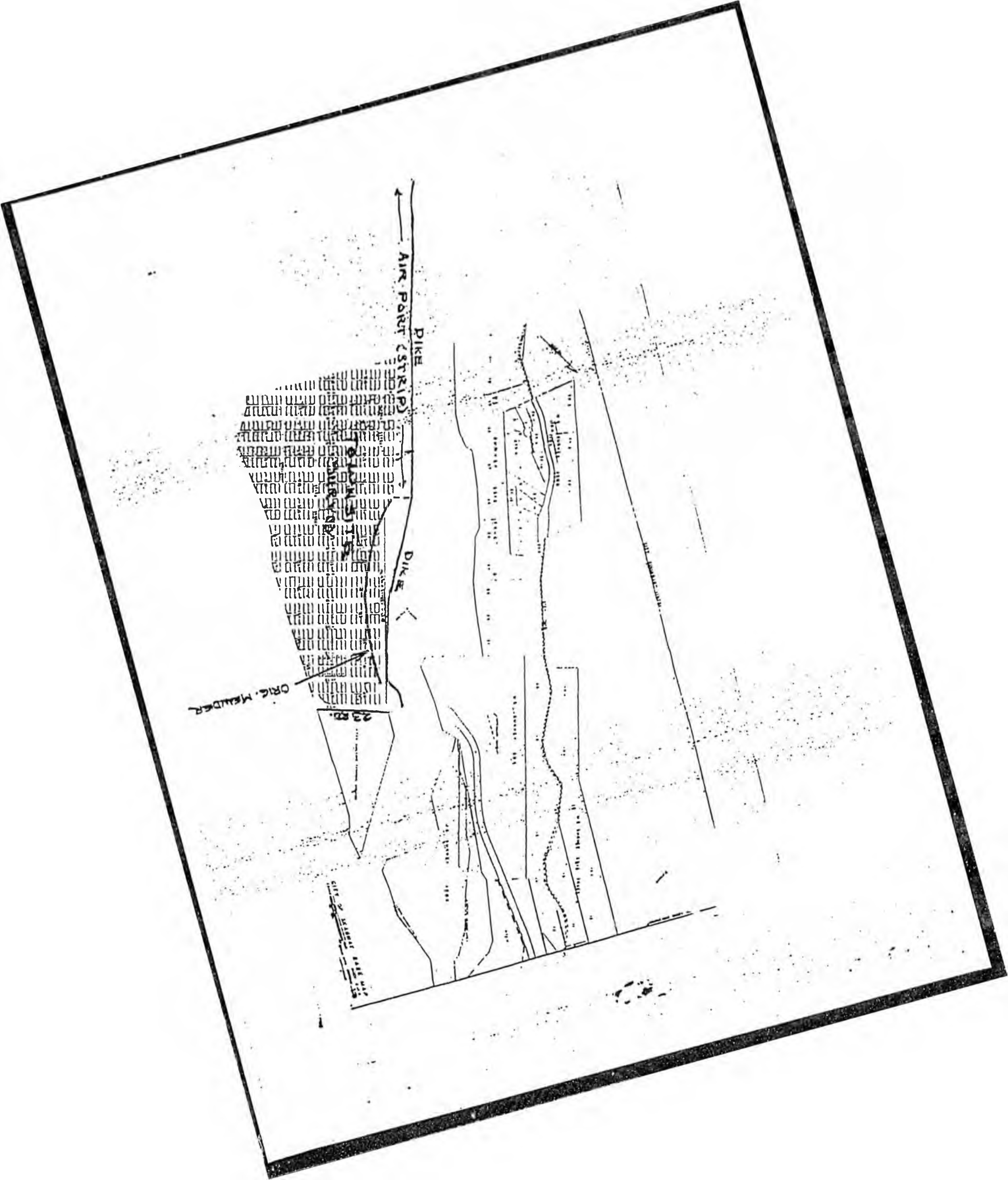
Your support will help bring resolution to a problem which cannot be solved in another way. Thank you for your help on this issue and I look forward to working with you on other matters of state or local concern.

Sincerely,



Stan Selmer
Mayor

cc: City Manager





217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907) 586-1325. Fax (907) 463-5480

January 31, 1994

TO: Representative Harley Olberg, Chair
and Members
House Committee on Community & Regional Affairs

FROM: Kent E. Swisher, Executive Director

RE: HB 398 - Rights in certain tide and submerged land

The Alaska Municipal League supports HB 398, which would allow all Alaskan cities the right to select and receive title to state-owned tide and submerged lands within their municipal boundaries. In November 1993, AML's members discussed this issue and passed Resolution 94-10 (copy enclosed) supporting the concept included in HB 398.

Present statutes limit the ability of municipalities to obtain ownership to tide and submerged lands within their boundaries, yet often these lands are among the most valuable for economic development purposes. AML and its members support making such lands available to all municipalities, as part of their municipal entitlement to state-owned land.

Enclosure

LEG94.hb398.131

ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

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

April 14, 1994

Senator Mike Miller, Chairman
Senate Resources Committee

By fax: 465-3883

RE: CS HB 398

Dear Senator Miller:

The Aleutians East Borough supports the passage of CS HB 398. As a coastal municipality which consists of approximately 50% tidelands and ocean, the Aleutians East Borough has focused on providing marine related infrastructure since 1988. Docks were built or enlarged in Akutan, False Pass, Cold Bay and King Cove and one is nearing construction in Nelson Lagoon. In each case, the Aleutians East Borough needed to get site control. In some cases - False Pass and Cold Bay - the Borough needed an ownership right from DNR so that it could issue G.O. Bonds for construction. However, the best DNR could do was to issue 55 year leases. While a 55 year lease satisfied the purchasers of the bonds, they (the leases) represent future potential problems for the Aleutians East Borough and DNR. For example, what will be the understanding or the interpretation of the lease terms in 2020? How will DNR oversee the leases with diminishing staff?

CS HB 398 is not a land grab. Rather it is an attempt by DNR to address a number of issues. It will clarify DNR's ability to dispose of tidelands in an equitable way. It will streamline its administrative process and make it consistent with DNR's staff level. It will provide equity among applicants for tidelands. CS HB 398 will not cancel nor diminish the public trust doctrine. Ideally, the Aleutians East Borough would prefer that public trust doctrine be explicitly defined at the time tidelands are transferred to a municipality. However, the Borough recognizes that like navigational servitude, the public trust doctrine evolves through the courts and is willing to abide with that evolution.

CLERK/PLANNER
P.O. BOX 349
SAND POINT, ALASKA 99061
(907) 383-2699
(907) 383-3498 FAX

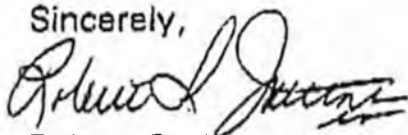
BOROUGH ADMINISTRATOR
1000 A STREET, SUITE 103
ANCHORAGE, ALASKA 99501-5148
(907) 274-7555
(907) 270-7588 FAX

FINANCE DIRECTOR
P.O. BOX 49
KING COVE, ALASKA 99812
(907) 487-2500
(907) 487-2388 FAX

Senator Mike Miller
Page Two

CS HB 398 is supported by DNR and a number of coastal municipalities. The Aleutians East Borough recommends passage of this bill without further amendment.

Sincerely,



Robert S. Juettner
Administrator

RSJ:emn

cc: Senator George Jacko

ALASKA STATE LEGISLATURE

Delta Junction Office
P.O. Box 1189
Delta Junction, AK 99737-1189
907-895-4236



White in Juneau:
State Capitol, Room 110
Juneau, AK 99801
907-465-4859

Representative Harley Olberg

Sectional Analysis of CSHB 398 (RES)

The following is a sectional analysis of CSHB 398(RES); "An Act relating to conveyance of certain land to municipalities."

Section 1 amends AS 38.05.035(b). Title 38 deals with "Public Lands," chapter 05 deals specifically with the "Alaska Land Act" and section 035 is entitled "Powers and duties of the director."

Section 1 allows the director of the division of lands of the Department of Natural Resources to quitclaim to a municipality land or an interest in land including submerged or shore land. The director would be authorized to make such a transfer in cases where a person has detrimentally relied upon an error made by the municipality.

If a municipality has any remaining entitlement land the land or interest in land transferred under this section would count against that remaining entitlement.

Section 2 amends AS 38.05 by adding a new section entitled "conveyance of tide and submerged land to municipalities."

Subsection (a) establishes the guidelines to be followed when a municipality requests the commissioner to transfer to the municipality tide or submerged land appropriate for development.

Subsection (b) states that land designated by the legislature may not be transferred unless the transfer is consistent with the legislative purpose behind the designation

Subsection (c) States that if the commissioner has determined that an application for conveyance meets the appropriate standards the commissioner shall transfer the land to the municipality. This subsection also states that after the commissioner has approved the application the municipality shall have control over the land.

Subsection (d) limits the restrictions that the state can put on the land conveyed under this section but there must be reasonable public access to the public waters. Any land that has been transferred under this section reverts back to the state upon the dissolution of the municipality.

Unlike the provisions established under section 1 of the Act (transfers to correct municipal errors) subsection (e) states that land transferred under this section does not count against a municipality's general land grant.

Section 3 repeals section 1 of this Act on January 1, 1998.

STATE OF ALASKA
DEPARTMENT OF COMMUNITY
& REGIONAL AFFAIRS

POSITION PAPER

Bill No.: CS HB 398(CRA)
Sponsor: Representative Olberg

DCRA FN: Zero
Position: Support

Title: An Act relating to rights in certain tide and submerged land.

Effects of the Bill

Section 1 permits the Director of the Division of Lands of the Department of Natural Resources (DNR) to quitclaim land "to a Municipality to correct errors or omissions of the municipality when inequitable detriment would result to a person due to that person's reliance on the errors or omission of the municipality... " Such conveyances are counted against any entitlement of the municipality under AS 29.65. Section 3 of the bill repeals this provision effective January 1, 1998.

Section 2 requires DNR to convey to a municipality tide or submerged land requested by a municipality that is "occupied or suitable for occupation and development" if four conditions are met. The four conditions relate to (1) lack of unreasonable interference or public access resulting for the proposed use of the land; (2) application for conveyance by the municipality; (3) compatibility of the proposed use and the land classification or land use plan for the area; and (4) need for the land for development. Land conveyed under the bill is subject to the public trust doctrine. Title to land conveyed under the bill would revert to the State if the municipality is dissolved. Conveyances of land under the bill would not affect the general land grant entitlement of a municipality provided by AS 29.65.

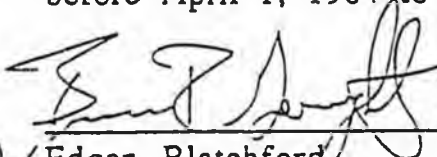
Comments

Except as noted, the Department of Community and Regional Affairs (DCRA) supports CS HB 398 (CRA) with the understanding that DNR has determined that the bill contains appropriate safeguards to preclude unwarranted, wholesale conveyance of tidelands and submerged lands. However, DCRA notes that the bill places no restriction on the relationship between the land to be conveyed and the municipality. Therefore, DCRA recommends that the bill be amended to require that the land to be conveyed be within or adjoining the boundaries of

DCRA Position Paper
CS HB 398(CRA)
Page 2
February 15, 1994

the municipality. Further, DCRA recommends that provisions be included to address competing requests for conveyance of land from a borough and a city within the borough.

Generally however, DCRA believes that the bill will promote economic development. In particular, it will benefit second class cities, unincorporated communities within organized boroughs, organized boroughs, and home rule and first class cities incorporated after April 1, 1964. The bill leaves in place AS 38.05.820(b) which entitles home rule and first class cities incorporated on or before April 1, 1964 to "all land seaward" of those cities.


for Edgar Blatchford
Commissioner

DEPUTY Commissioner

Feb 15, 1994
Date

Resolution of the Alaska Municipal League

Resolution No. 94-10

**A RESOLUTION AUTHORIZING THE SELECTION AND
CONVEYANCE OF STATE TIDE AND SUBMERGED LANDS
TO CITIES AND BOROUGHES IN ALASKA**

WHEREAS, pursuant to the Alaska Statehood Act, the State of Alaska received title to most of the tidelands offshore of the state land boundary, from the mean high tide to the three-mile limit; and

WHEREAS, current provisions of Alaska Statutes have authorized the conveyance of state-owned tide and submerged lands to a limited number of Alaska's communities, i.e., Home Rule and First Class Cities incorporated on or before April 1, 1964; and

WHEREAS, it is the policy of the Department of Natural Resources (DNR) to lease tidelands to municipalities only at full value if the municipality will be making what DNR believes is a commercial use of the tidelands; and

WHEREAS, boroughs never qualified for tidelands under the Tide and Submerged Lands Act; and

WHEREAS, DNR will not allow for municipal selection of tidelands under a municipality's land entitlement; and

WHEREAS, limitations on the ability of municipalities to obtain ownership to tide and submerged lands within their boundaries are arbitrary, unnecessary, and unreasonable and should be eliminated in order to enhance the economic future of all of Alaska's communities:

NOW, THEREFORE, BE IT RESOLVED by the Alaska Municipal League that the Alaska Legislature is respectfully encouraged to repeal the provisions of AS 38.05.820(b) as they limit the ability of Second Class Cities and Home Rule and First Class Cities incorporated after April 1, 1964, to obtain title from the state to tide and submerged lands within their municipal boundaries, notwithstanding a prior fulfillment of the municipality's land entitlement.

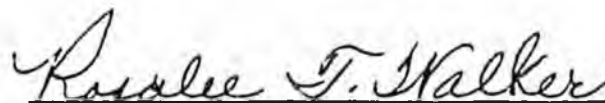
BE IT FURTHER RESOLVED the State of Alaska is urged to convey to each municipality all tidelands currently leased to the municipality and to convey tidelands to a municipality for which it has a lease application pending.

BE IT FURTHER RESOLVED the State of Alaska is urged to permit each borough to take up to 20 percent of its land entitlement in tidelands.

BE IT FURTHER RESOLVED that the Alaska Legislature is urged to take such action as may be necessary to implement the foregoing.

BE IT FURTHER RESOLVED that tidelands made available to municipalities shall include tidelands currently leased or permitted to third parties, subject to such leases or permits.

Adopted this 12th day of November 1993 in Soldotna, Alaska.


Rosalee T. Walker
Rosalee T. Walker, President

ATTEST:


Kent E. Swisher
Kent E. Swisher, Executive Director

HB 398

TB ✓

KB —

(file)

Mr. Chairman, members of the committee, I want to thank you for allowing me the opportunity to comment on CS HB 398. My name is Bob Juettner and for the past 2 1/2 I have served as the Administrator of the Aleutians East Borough. Before that, I served as the Administrator of the City of Sand Point for 3 1/2 years.

During the past six years, I have had numerous dealings with DNR on tidelands. I administered the Sand Point boat harbor which is located on a tidelands leases eventhough the City of Sand Point assumed ownership of the facilities from DOTPF. I have also negotiated tideland leases for docks built by the AEB in Cold Bay and False Pass and for the Sand Point airport project. As part of the King Cove dock project, I worked with the City of King Cove and DNR to have the Director's Line moved so that the City could transfer the tidelands to the AEB. The AEB also has an active file in the Div. of Land for a tidelands lease in Nelson Lagoon.

The AEB finds that tidelands are some of the most important lands within its boundary and urges the passage of CS HB 398 for two reasons. One, the AEB is actively involved in developing the transportation infrastructure, especially marine infrastructure within its boundaries. Because the AEB uses GO Bonding in most of its capital construction projects, it must have a fee simple interest or demonstrate a property right as close to fee simple ownership as possible. This is a result of the Hixson case in which the court ruled that the proceeds of GO Bonds can not be used on land not owned by the government which issues the bonds. To fulfill this requirement,

the AEB must have the ownership of tidelands or seek and receive long term 55 year leases.

The second reason the AEB supports CS HB 398 is the lack of conformity in tideland lease stipulations and follow up by DNR. Every tideland lease the AEB received in the last 2 1/2 years is different. The False Pass lease was as close to a fee simple transfer while the Cold Bay tidelands lease is the most onerous and complicated lease. Under the lease, DNR reserves the right to approve all agreement made by the AEB on the tract which contains the dock but does not stipulate when they will complete their review; DNR reserves the right to increase the annual rental fee based upon any changes in the development plan; finally, DNR required a \$100,000 performance bond for the 55 years! If this bond could be purchased, it would cost between 2 and 3% of the face value of the bond per year or 4 to 6 times the annual lease payment of \$500. However, the performance bond is insignificant given \$4.5M dock on the tidelands.

Passage of the CS HB 398 will accomplish several goals:

1. It will substantially reduce the time demand on DNR in the leasing of tidelands to municipalities and the monitoring of those leases. But more importantly, it will institute a practice consistent with the level of staff in DNR.
2. It will facilitate the development of needed infrastructure in Alaska.

3. It will guarantee the integrity of the Public Trust Doctrine on the tidelands.

ALASKA STATE LEGISLATURE

Delta Junction Office:
P.O. Box 1189
Delta Junction, AK 99737-1189
907-895-4236



While in session:
State Capitol, Room 110
Juneau, AK 99801
907-465-4859

Representative Harley Olberg

SPONSOR STATEMENT

CS HB 398 (RES)

At a time when the State of Alaska is mandating a greater measure of self-sufficiency on local governments and promoting economic development at the local level, current state statutes work against second class cities and municipality's incorporated after April 1, 1964.

In particular, Title 38 of Alaska Statutes fails to recognize second class cities and municipality's eligibilty to obtain tide and submerged lands despite the fact that home rule and first class cities incorporated prior to April 1 ,1964, have this right. The effect of this oversight places coastal second class cities and municipality's at a disadvantage as they pursue economic development along their waterfronts.

CS HB 398 (RES) allows for all municipalities, Home rule, First and Second class cities and boroughs to apply for tide and submerged land and to have them conveyed. There would be four conditions to meet in order for this to happen.

- (1) Lack of unreasonable interference with public access resulting from the proposed use of the land;
- (2) Application for conveyance by the municipality, with the municipality paying all cost;
- (3) Compatibility of the proposed use and the land classification or land use plan for the area;
- (4) Need for the land for development.

Land conveyed under this bill is subject to the public trust doctrine. Title to land conveyed under the bill would revert to the state if the municipality is dissolved. Conveyances of land under the bill would not affect the general land entitlement of a municipality provided by AS 29.65.

Section 1 permits the director of the division of lands to quitclaim land to a Municipality to correct errors or omissions of the municipality when inequitable detriment would result to a person due to that person's reliance on the errors or omissions of the municipality. Section 3 of this bill repeals Section 1 effective January 1 1998.

Alaska State Legislature

ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925

REPRESENTATIVE
JERRY MACKIE

PO BOX 795
CRAIG, ALASKA 99921
(907) 226-3008 OFFICE
(907) 826-2930 HOME

House of Representatives

CO-SPONSOR STATEMENT

ON

SSHB 398

I am cosponsoring SSHB 398 to correct a long standing land ownership problem in Skagway. Fifty years ago a dike was constructed along the Skagway River to protect the town from flooding. Over the years, the area between the original river bank and the dike has been reclaimed and subdivided by the city with lots sold and built upon (see attached map). Even the high school is located in the area.

The problem is that the city did not have clear title to this land from the start. Hence, the title for subsequent private property owners is also clouded. Not only are the owners' investments and improvements at risk, but bank financing for further improvements or sales is foreclosed.

In the past several years, the city and the Department of Natural Resources have unsuccessfully sought an administrative remedy for the problem. While current statute allows DNR administrative discretion in resolving land ownership errors and omissions for individual citizens [AS 38.05.035 (b)(2) and (b)(3)], there is no similar provision for errors and omissions of a municipality.

SSHB 398 would add such a provision. The new proposed subsection, AS 35.05.035 (b)(11), allows the director of the division of lands the discretion to quitclaim land to a municipality to correct past errors and omissions. The director may also set any terms or conditions that is deemed appropriate for the transaction. Furthermore, land title transferred to a municipality in this manner is counted against the municipality's general land grant entitlement from the state.

Section 3 provides a January 1, 1998 repeal of (b)(11). Thus the opportunity to correct municipal land ownership errors is limited to a three and one-half year period.

(9)

Date Referred: February 15, 1994

FURTHER REFERRALS:

Date of Committee Action: 2/23/94

The RESOURCES Committee considered:

HB 398

HOUSE BILL NO. 398

LAND CONVEYED TO & FROM MUNICIPALITIES

"An Act relating to rights in certain tide and submerged land."

RECOMMENDATIONS:

be replaced with CS HB 398 (RES)

the same title
 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 DNR 2/23/94

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i> Hudson	<input checked="" type="checkbox"/>				
<i>John Carney</i> Carney	<input checked="" type="checkbox"/>				
<i>Joe Green</i> Green	<input checked="" type="checkbox"/>				
<i>Therette James</i> James	<input checked="" type="checkbox"/>				
<i>David Finkelstein</i> Finkelstein	<input checked="" type="checkbox"/>				
<i>Joe Davies</i> Davies	<input checked="" type="checkbox"/>				
<i>John Mulder</i> Mulder	<input checked="" type="checkbox"/>				
<i>Bob Bunde</i> Bunde	<input checked="" type="checkbox"/>				
<i>W.F. Williams</i> Williams	<input checked="" type="checkbox"/>				

W.F. Williams
CHAIRMAN'S SIGNATURE

(7)

Date Referred: January 26, 1994

FURTHER REFERRALS:

Resources

Date of Committee Action: _____

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 398

HOUSE BILL NO. 398

RIGHTS IN TIDE AND SUBMERGED LAND

"An Act relating to rights in certain tide and submerged land."

RECOMMENDATIONS:

be replaced with C-S HB 398 the same title

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 DNR

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Tom Sanders</i>	<input checked="" type="checkbox"/>	<i>Ed Willis</i>		<input checked="" type="checkbox"/>	
<i>Bob Bunde</i>	<input checked="" type="checkbox"/>	<i>W.F. Williams</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Harley Olberg</i>	<input checked="" type="checkbox"/>				

Harley Olberg
CHAIRMAN'S SIGNATURE

SENATE COMMITTEE REPORT

DATE: 3/9/94

FURTHER: Resources

DATE TURNED INTO OFFICE: _____

CRA Committee considered CS FOR HOUSE BILL NO. 398(RES)

"An Act relating to conveyance of certain land to municipalities."

and recommends:

replace with SCS CS HB 398 (CRA)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DNR	2/11/94	0	F495

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS

Robert A. Lemaw

OTHER RECOMMENDATIONS:

Adrian L. Taylor No Rec.

Robert A. Lemaw No Rec.

 Chair: Signature and Recommendation

FISCAL NOTE

No. 1
 Bill Version: CSHB 398 (CRA)
 (H) Publish Date: 2/15/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL

Revision Date: 11-Feb-94 Dept Affected: Natural Resources
 Title: *An Act relating to conveyance of land to BRU: Resource Development
certain municipalities . . . Component: Land Development
 Sponsor: Rep. Olberg
 Requestor: House Resources Component Serial No. 431

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)
 See Attached

Changes in CSHB 398 (CRA) have no fiscal impact. This fiscal note is appropriate.
Shirley L. [Signature]
 date _____ Comte Aide (initial) _____

Prepared by: Ron Swanson Phone: 762-2692
 Division: Land Date: 11-Feb-94
 Approved by Commissioner: Harry A. Noah Date: 11-Feb-94
 Agency: Natural Resources

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

With the committee (House Community and Regional Affairs) substitute bill being adopted the fiscal impact to DNR is reduced. The bill now states that conveyances to municipalities will only occur where there is an existing lease, the land is classified for waterfront development and a project is planned. Thus, the amount of acreage that will be conveyed has been greatly reduced from the original bill that would have conveyed all tidelands and submerged land to certain municipalities within their boundaries.

Existing staff, that is presently issuing or maintaining leases on tidelands and shore lands, will be used instead for issuing these conveyances.

HEB

443

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99611-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to amend AS 16.05.815(d) to better protect the confidentiality of certain Department of Fish and Game records regarding the location of fish and wildlife. The existing language was enacted at the request of the Department of Fish and Game in 1990. However, as demonstrated by a recent court case, the existing language is subject to an interpretation not anticipated by the department.

An Anchorage superior court recently found that the current statute places the burden on the department to prove to the court that the particular request for those records poses a detriment to the fish or wildlife population. While a single specific request for records might not be overly burdensome, the cumulative effect of several such requests might cause a severe impact on the limited staff of the department. Existing AS 16.05.815(d) leaves the door open to record requests entirely unrelated to legitimate scientific research or management goals.

This bill will not disrupt critical scientific research and management efforts. Government agencies, both state and federal, sometimes need the information to complement or verify similar research studies or to further management and conservation responsibilities. This bill will leave the department with discretion to share the information with other government agencies that might have legitimate need for those records, as well as with researchers under contract with the state.

I urge your support of this important bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel
Governor

GOVERNOR HICKEL'S RADIO-TELEMETRY BILL (SB 277 & HB 443)

Governor Hickel has introduced legislation which will allow the Department of Fish and Game (ADF&G) to keep radio-frequency information confidential. It is in the state's best interest and essential for good wildlife management to keep this information confidential.

The release of radio-frequencies and other information that reveals the specific location of wildlife has the potential to: compromise ADF&G studies or approved research projects of authorized permittees through removal of animals from the wild, displacement of animals by disturbance, or alteration of their behavior; lead to disturbance of wildlife-sensitive locations (e.g., dens, breeding areas, rendezvous sites); facilitate harassment of ADF&G research and management programs by individuals or organizations that may oppose them; and lead to increased vulnerability of collared animals and associated animals to hunting or harassment by people.

AS 16.05.815 was amended in 1990 to allow ADF&G to keep frequencies of radio-collared animals confidential. Exact wording of the statute now reads, "the department shall keep confidential...when the knowledge may be detrimental to the fish or wildlife population, the records of the department concerning telemetry radio-frequencies of monitored species..." The use of the words "when the knowledge may be detrimental to the fish or wildlife populations" have caused a problem.

The department was sued in the summer of 1993 for refusing to release radio-frequency information on wolves to a private individual wishing to track the animals. We were required by the court to release the information because we could not prove that release of the information would be detrimental to the population. It will be nearly impossible to ever prove population level damages because only small numbers of animals are collared and damage or death to a few individuals would rarely damage the population.

This bill will allow these records to be kept confidential by removing the words, "When the knowledge may be detrimental to the fish and wildlife population." Present wording in AS 16.05.815 allows release of this information to state or federal agencies. This legislation adds the provision for the release of information if the requestor is under contract with the state to conduct research on a fish or wildlife population. This provision would allow ADF&G to cooperate on projects with University researchers and private consultants through cooperative agreements when such cooperation is mutually beneficial.

FISCAL NOTE

BILL NO.

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date _____
 Title Confidentiality of radio frequencies/
 tracking wildlife
 Sponsor _____
 Requestor: Governor

Dept. Affected: Department of Fish and Game
 BRU: Wildlife Conservation
 Component: Wildlife Conservation
 COMPONENT SERIAL NO. 0473

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	(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

Estimate of any current year (FY 94) cost: \$ None

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Geron Bruce
 Division: Commissioner's Office
 Approved by Commissioner: [Signature]
 Agency: Alaska Department of Fish and Game

Phone: 465-6143
 Date: 12/16/93
 Date: 12/16/93

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HB

446

THE WHITE HOUSE
WASHINGTON

November 18, 1993

The Honorable Walter J. Hickel
Governor of Alaska
Juneau, Alaska 99811-0001

Dear Wally:

As part of our efforts to forge a more responsible and coordinated intergovernmental relationship, it gave me great pleasure to sign Executive Order No. 12875 on October 26, 1993. This directive marks the beginning of our efforts to relieve state and local governments from the imposition of unfunded mandates, to increase the flexibility of federal programs, and to create a meaningful consultation process.

Under this executive order, federal agencies and departments are required to provide state and local governments with adequate funding to cover the cost of compliance with federal regulations. Otherwise, agencies must justify to the Office of Management and Budget the imposition of the mandate, including an account of the affected governmental entities' concerns. In addition, this order directs agencies to look favorably upon requests for waivers of federal statutory or regulatory requirements and compels them to issue timely decisions on such requests.

In conjunction with my recently issued executive order on Regulatory Planning and Review, Executive Order No. 12875 is a significant step toward building a more effective intergovernmental partnership. With your continued support for these critical efforts, we will achieve this goal.

Sincerely,

Bill Clinton

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NOV 24 1993

OFFICE OF
CONSERVATION
OFFICE



THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 26, 1991

EXECUTIVE ORDER
(#12875)

ENHANCING THE INTERGOVERNMENTAL PARTNERSHIP

The Federal Government is charged with protecting the health and safety, as well as promoting other national interests, of the American people. However, the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of State, local, and tribal governments. In addition, the cost, complexity, and delay in applying for and receiving waivers from Federal requirements in appropriate cases have hindered State, local, and tribal governments from tailoring Federal programs to meet the specific or unique needs of their communities. These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce the imposition of unfunded mandates upon State, local, and tribal governments; to streamline the application process for and increase the availability of waivers to State, local, and tribal governments; and to establish regular and meaningful consultation and collaboration with State, local, and tribal governments on Federal matters that significantly or uniquely affect their communities, it is hereby ordered as follows:

Section 1. Reduction of Unfunded Mandates. (a) To the extent feasible and permitted by law, no executive department or agency ("agency") shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless:

(1) funds necessary to pay the direct costs incurred by the State, local, or tribal government in complying with the mandate are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of regulations containing the proposed mandate, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate.

(b) Each agency shall develop an effective process to permit elected officials and other representatives of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

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(OVER)

GOVERNOR'S OFFICE

Sec. 2. Increasing Flexibility for State and Local Waivers. (a) Each agency shall review its waiver application process and take appropriate steps to streamline that process.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State, local, or tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State, local, and tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the fullest extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements of the programs that are discretionary and subject to waiver by the agency.

Sec. 3. Responsibility for Agency Implementation. The Chief Operating Officer of each agency shall be responsible for ensuring the implementation of and compliance with this order.

Sec. 4. Executive Order No. 12866. This order shall supplement but not supersede the requirements contained in Executive Order No. 12866 ("Regulatory Planning and Review").

Sec. 5. Scope. (a) Executive agency means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(b) Independent agencies are requested to comply with the provisions of this order.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. Effective Date. This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 26, 1993.

TO Theresa 3887
FR Marsh

HB 446

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to community agreements for environmental conservation purposes. The bill would provide the Department of Environmental Conservation with specific authority to enter into agreements with local governing bodies, Native regional corporations, Native village councils, other similar organizations, and, as appropriate, federal agencies, to jointly assess and prioritize local environmental needs and funding.

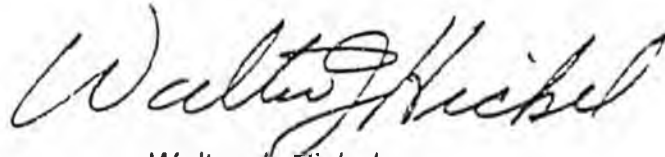
The bill amends the powers of the Department of Environmental Conservation found in AS 46.03.020 to expressly authorize the department to enter into community agreements to best allocate environmental resources. These community agreements have three basic components. First, the community agreement would provide for the joint assessment of environmental needs within a local community or region and the establishment of indicators to track progress in meeting those needs. Second, the parties to the agreement would jointly assess and prioritize those needs by comparative risk to human health and the environment. Third, the parties would work cooperatively to resolve those needs through delegation and cooperative management, to the extent allowable under the law, using local, state, and federal authorities and funding available to meet those identified environmental needs. The bill would allow a federal agency, such as the Environmental Protection Agency (EPA), to join as a party to the community agreement. Federal government participation would be voluntary and would not prevent the community agreement process from going forward. However, recent policy announcements by the EPA suggest that it may be interested in joining with the state and local communities in fashioning cost-effective cooperative solutions to the local environmental problems envisioned by these agreements.

The Honorable Ramona Barnes
February 4, 1994
Page 2

Alaska communities face "unfunded mandates" from the federal government that often exceed a community's financial capabilities. Prioritization is necessary. The information exchange and other activities contemplated by the bill would be structured in law and regulations, to meet legal requirements that may not presently be met.

Given the serious unmet environmental needs of the villages, local communities, and rural areas throughout our state, I urge prompt passage of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel". The signature is written in dark ink and is positioned centrally on the page, below the word "Sincerely,".

Walter J. Hickel
Governor

**GOVERNOR HICKEL'S
LOCAL ENVIRONMENTAL PRIORITIES
INITIATIVE
(HB 446)**

Governor Hickel's Local Environmental Priorities Initiative Bill provides communities, regions or organizations with a formal mechanism to identify and address environmental issues.

The legislation consolidates the Department of Environmental Conservation's (DEC) authorities in one place in order to provide legislative impetus to the department's efforts in addressing environmental needs at the local level.

Through a formal "Community Agreement" communities and the Department of Environmental Conservation jointly prioritized environmental needs on the basis of comparative risk. All environmental issues do not present the same risks to humans, ecosystems or the quality of life. Therefore, it is important that environmental risks be prioritized according to the risk they present to communities.

Additionally, through this legislation, communities and DEC would jointly assess the availability of funds to address federal and state environmental mandates. There are over 40 environmental programs dealing with environmental protection. A rural community located in the interior may have the administrative and financial capacity to deal with only three of these programs. Therefore, it makes sense for DEC and local communities to cooperatively prioritize environmental needs at the community or regional level in order to focus our limited resources on the most important issues.

Large communities are faced with the same environmental protection responsibilities as small rural communities. Communities in rural Alaska may have very different environmental needs than urban communities. Some communities have far fewer financial and technical resources to meet state and federal environmental mandates.

Through Community Agreements, DEC and local communities or regions of the state can focus their combined resources on issues that make the most sense in terms of highest risk and cost-effectiveness. A common ground can be developed between DEC and local communities in addressing environmental needs of a community.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER
410 WILLOUGHBY AVENUE, SUITE 105
JUNEAU, AK 99801-1795

Phone: (907) 465-5050
Fax: (907) 465-5070

April 7, 1994 Senate Community and Regional Affairs Committee Hearing
On House Bill 446 -- Environmental Conservation Agreements
Statement by John A. Sandor, Commissioner, Dept. of Environmental Conservation

Mr. Chairman, I appreciate this opportunity to testify before your committee. House Bill 446 was proposed by the Governor to provide firm authority to the Alaska Department of Environmental Conservation to enter into agreements with communities, organizations such as the Southeast Conference, and native corporations to address environmental problems.

We heard this bill in House Resources and in Community and Regional Affairs. It is an attractive piece of legislation because it offers communities and the state a way to sit down regularly, exchange information, set priorities and common goals before violations occur or enforcement action needs to be taken.

In recent months Alaska's communities have spoken out against unfunded mandates from the state and the federal government. I can think of no other arena where the requirements on Alaska's communities are as complex and burdensome as in over 40 programs for environmental protection: drinking water, sanitary landfills, wastewater, contaminated sites clean-up, underground storage tanks, clean air act requirements, stormwater requirements, and so forth. Sometimes it is too much for even our larger communities -- who can afford a large professional staff -- to handle all at once.

In every community the environmental problems are different. In every community, we need to set priorities. We don't need exemptions to environmental laws as much as we need a willing attitude on the part of the state and local governments to sit down, schedule priorities, and make sure we do "first things first" in a partnership approach.

I should stress that the agreements authorized by this legislation are voluntary. There is not a fiscal note attached, because this is intended to help organize the funds we spend, the work we do, the information we collect and distribute now to be done on a community based approach.

I urge each member of the committee to give this bill the consideration it deserves.

G:\COMM\COMM.JAS

FISCAL NOTE

No. 1
 Bill Version: HB 446
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

BILL NO. _____

Revision Date: 23-Dec-93
 Title: Community Agreements for
Environmental Conservation Purposes
 Sponsor: Rules Committee
 Requestor: Governor

Department Affected: Environmental
Conservation
 BRU: Division of Environmental Quality
 Component: EQ Progr. m Development

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING:

1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)
 Amends the powers of the Department to expressly authorize the department to enter into community agreements to best allocate environmental resources.

Prepared by: Robert Poe, Director
 Division: Division of Administrative Services

Phone: 465-5010
 Date: 12/23/93

Approved by Commissioner: John Sandor
 Agency: Department of Environmental Conservation

Date: 12/23/93

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

COMMITTEE COPY

HB

448

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

*The Honorable Ramona Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Speaker Barnes:

Under authority of art. III, sec. 18. of the Alaska Constitution, I am transmitting a bill relating to the waste and use of salmon and parts of salmon, and to permits for and operation of salmon hatcheries.

The bill would repeal and reenact AS 16.05.831 (waste of salmon) to authorize the commissioner of fish and game to issue permits to allow the removal and sale of eggs from hatchery-produced salmon and the discard of the salmon carcasses. The permits would allow this practice only for salmon that return to hatchery terminal and special harvest areas or remote sites from which hatchery smolt are released, and that are determined by the commissioner of fish and game to be unfit for human consumption. This is a practice that is prohibited by existing AS 16.05.831. It is anticipated that persons who would be authorized under such a permit are commercial fishermen who are participating in a designated terminal fishery and, perhaps, hatchery operators or fish processors.

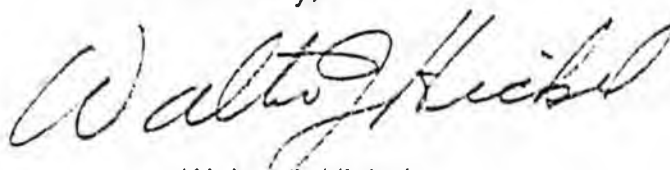
The language that appears in the bill as AS 16.05.831(b)(2), regarding permits authorizing "other uses of salmon," is currently contained in AS 16.05.831(b).

The bill also cures several problems in existing AS 16.05.831. Presently, that statute applies only to salmon that are "intended" for certain uses. Because that statute does not indicate whose intent is to be measured, this ambiguity can cause enforcement problems. Also, the specified uses are not meaningful because they cover every conceivable use of salmon. The bill's repeal and reenactment of AS 16.05.831 deletes this problematic language from the law.

The Honorable Ramona Barnes
February 4, 1994
Page 2

Because of present market conditions, it is important for the fishing industry and hatchery operators to be able to recover as much value as possible from salmon resources. The bill will contribute to this goal and, at the same time, will allow the state to more effectively enforce the statute on waste of salmon. For these reasons, I urge your prompt consideration and passage of the bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor

April 21, 1994

Senator Mike Miller, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Miller,

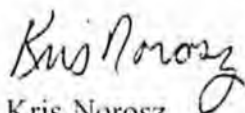
Although we support the concept of maximizing the value of salmon and avoiding the waste of surplus salmon roe, we are greatly concerned with the full implications of HB 448.

Alaska is well known for its strong wanton waste law and its support of full utilization of fishery resources. These positions have been instrumental in federal arenas to uphold Alaska's ability to manage and protect both nearshore and offshore fisheries. HB 448 would seriously erode Alaska's credibility. With the political battle over the reauthorization of the Magnuson Act looming, we cannot allow that to occur.

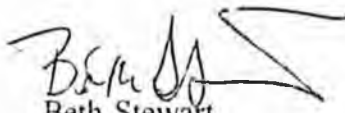
This bill would also allow hatcheries and processors to be held accountable to different standards. Making exceptions for one sector makes it very difficult not to allow the same exceptions for other sectors in the future. Clearly, this is not the time to begin the erosion of Alaska's wanton waste law.

Our objection to HB 448 is based on important fishery policy concerns, not on individual opinions regarding hatcheries. If it is the intent of the Legislature to provide assistance to the hatcheries, then perhaps passage of SB 251 (the fisheries enhancement and loan bill) would be more appropriate.

Sincerely,



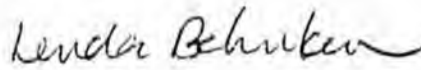
Kris Norosz
Petersburg Vessel Owners Assoc.



Beth Stewart
Aleutians East Borough



Arni Thomson
Alaska Crab Coalition



Linda Behnken
Alaska Longline Fishermen's Assoc.

FISCAL NOTE

No. 1
 Bill Version: HB 448
 (H) Publish Date: 2/4/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

BILL NO.

Revision Date: _____
 Title: Relating to the waste and use of salmon

 Sponsor: _____
 Requestor: Governor

Dept. Affected: Fish and Game
 BRU: Commercial Fisheries Management & Develop.
 Component: Fisheries Management

 COMPONENT SERIAL NO. 1941

Expenditures/Revenues (Thousands of Dollars)

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

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	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

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)

Prepared By: Bob Clashv
 Division: Commercial Fisheries Management and Dev.
 Approved by Commissioner: [Signature]
 Agency: Alaska Department of Fish and Game

Phone: 465-6120
 Date: January 10, 1994
 Date: January 10, 1994

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HB

462

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-3400
FACSIMILE: (907) 586-2954

Feb. 25, 1994

The Honorable Gene Therriault
Alaska House of Representatives
Capitol Building, Room 421
Juneau, Alaska 99801

Re: HB 462

Dear Representative Therriault:

The Department of Natural Resources supports HB 462, an Act which will bring Alaska Statute 27.10 specifying certain state requirements for federal mining claims in Alaska into conformity with the federal requirements. The federal requirements take precedent over any state requirements and update of this chapter will eliminate confusion and potential litigation among mining claimants.

Specifically, section 1 deletes an out of date provision that is in direct conflict with federal mining law. Although the existing language allows recording of location notices after 90 days but before the ground is staked by another locator, federal law no longer allows such late recording under any circumstances. This deletion conforms AS 27.10 to current federal requirements.

Section 2 adds language to clarify that should the federal requirements be changed by administrative action, the requirements of AS 27.10 are likewise affected. During the past year, the BLM by administrative action allowed federal miners to waive annual labor if an annual rent payment was made. However, this section of the statute created confusion in Alaska because miners were not sure if this was an act of law covered by AS 27.10.150(c). This change will end such confusion.

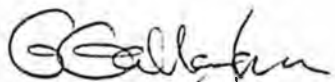
Section 3 deletes an out of date requirement for the recording of an annual labor affidavit within 6 months after the close of the annual labor year. Federal law requires such affidavits be recorded within 90 days of the close of the labor year. This deletion will again conform Alaska law to federal law.

Section 4 repeals the limitation on the size of association placer claims. This limitation is simply inconsistent with federal law.

Section 5 is necessary to be sure the changes made in Section 2 may be applied to those miners inadvertently caught in the conflicting state and federal laws in effect on August 31, 1993.

Please contact me if you have any questions.

Sincerely,


Gerald Gallagher
Director

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT
P.O. Box 55326
North Pole, Alaska 99705
(907) 488-0862

House District 33



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797

House Of Representatives

Sponsor Statement for HB 462
Mining Requirements: Recording/Labor/Size
by Rep. Gene Therriault
February 25, 1994

Title 27 deals with mining claims on federal land where the overriding authority rests with the federal laws and regulations. Much of the language contained in Title 27 dates back to territorial days when it was crafted to match the federal requirements in place at that time. However, over time these federal requirements have changed and unfortunately our state statutes have not kept pace and in many instances no longer conform. This lack of conformity is currently causing confusion and must be updated.

I have attached a letter of support from the Department of Natural Resources which identifies the specific problem that each section of HB 462 is designed to correct.



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 278-0347

April 12, 1994

Honorable Mike Miller
Chairman
Senate Resources Committee
State Capitol
Juneau, AK 99811

RE: HB-462, Aligning State Mining Law to Federal Law Changes

Dear Senator Miller,

The Alaska Miners Association wishes to go on record in support of House Bill 462 which will bring the state mining law into agreement with changes that have been made to the federal mining law over the past many years.

Some aspects of the state mining law deal with recording, maintaining of paperwork, rules for filing and re-staking of federal mining claims, etc. that no longer agree with the federal law. The changes proposed by HB-462 are needed to eliminate confusion and uncertainty that may otherwise develop between the federal mining law and the state law. The differences between state mining law and federal law may otherwise result in the inadvertent loss or invalidation of rights. It may also result in unnecessary litigation between mining claimants.

Some examples would include provisions that are allowed by state law but no longer have relevance. One example is the state limitation on the size of association placer claims. This type of claim is no longer allowed by the federal law and yet state law addresses the issue and could be a source of confusion to a miner that did not know the federal law had been changed. Another example is that state law requires recording an affidavit of annual labor within 6 months of the end of the labor year, whereas the federal law requires such affidavit be recorded within 90 days of the end of the labor year. The more restrictive federal law will prevail and the state requirement now only adds confusion. These provisions can be a serious pitfall when they have been superseded by a more restrictive federal law.

There is one additional section not included in the current bill that should also be changed. That section is AS 27.10.120 which should be eliminated. This section is no longer necessary or applicable and merely provides another potential stumbling block for the claim holder.

HB-462 will help remove one more item of uncertainty for those wishing to invest in mineral exploration and development in Alaska. We urge its passage.

If you have any questions regarding this bill please contact me.

Sincerely,

Steven C. Sorell, P.E.
Executive Director

cc: Representative Theriault

FISCAL NOTE

No. 1
 Bill Version: HB 462
 (H) Publish Date: 3/21/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL

Revision Date: Original Dept Affected: Natural Resources
 Title: "An Act repealing certain provisions of the laws, BRU: Resource Development
other than those in the Alaska Land Act, relating to recording..." Component: Mining Development
 Sponsor: Representative Theriault
 Requestor: Representative Theriault Component Serial No. 442

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: \$ None

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 bill provides modifications to state law as related to mining claim recording requirements, labor and improvement requirements, and use requirements, so that state law corresponds to recent changes in federal law.

Prepared by: Jerry Gallagher, Director Phone: 465-2400
 Division: Mining Date: 25-Feb-94
 Approved by Commissioner: Harry A. Noan Date: 25-Feb-94
 Agency: Natural Resources

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

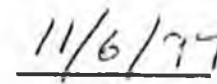


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HCR

16



MATANUSKA-SUSITNA BOROUGH

350 East Dahilla Avenue, Palmer, Alaska 99645-6488
BOROUGH MAYOR'S OFFICE • Phone 745-9682

March 16, 1993

RECEIVED

MAR 19 1993

Mr. Robert B. Stiles
President
R & D Ventures, Inc
1227 West 9th Avenue, Suite 201
Anchorage, AK 99501

D & R Ventures, Inc.
File No. _____

Dear Mr. Stiles;

On behalf of the Matanuska-Susitna Borough Assembly, I would like to applaud your association's efforts to develop an Alaska Coal Policy.

The long term development of the Alaska coal industry requires just such a foundation.

With the development of our own Wishbone Hill Mine coal deposits we understand how important the current Healy export contract is to Alaska's market position.

We believe that your association's efforts to protect this contract should be undertaken within a comprehensive strategy investment or subsidies could be used to protect the contract if they are implemented with clear sunset provisions and development and infrastructure plans that will make Alaska coal competitive in the world market place.

The emphasis on this concern in your coal policy raises the most concerns with us. If we can all work together for the better short and long term solutions, we will all succeed.

Of course, we believe Port MacKenzie development efforts provide this much needed long term solution.

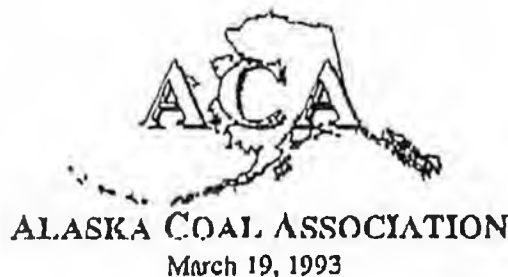
Again we applaud your efforts to create the necessary framework for coal development in Alaska.

Sincerely,

Ernest W. E. Munon
Borough Mayor

President: R. B. Stiles
1227 West 9th Ave, Suite 201
Anchorage, Alaska 99501
Tel. (907) 276-6868
Fax. (907) 276-2395

Secretary: Charles P. Boddy
122 First Avenue, Suite 302
Fairbanks, Alaska 99701
Tel. (907) 452-2625
Fax. (907) 451-6543



To: House Economic Task Force
From: R.B. Stiles, President, Alaska Coal Association
Subject: Support of Passage of HCR 16

The Alaska Coal Association membership expended considerable time and effort in the development of the draft Alaska Coal Policy we submitted for consideration to the House Economic Task Force. The Task Force clearly acted swiftly in redrafting the draft policy into HCR 16. The membership of the Alaska Coal Association appreciates and commends the work of the Task Force and wholeheartedly supports HCR 16.

I would like to note that prior to submittal of the draft policy, the Alaska Coal Association submitted the draft policy to and solicited comments from, the Alaska Miners Association, the Matanuska-Susitna Borough, the Kenai Economic Development District and the Alaska Departments of Commerce and Economic Development and Natural Resources. We believe that we included any substantive comments and suggestions we received in the draft. Given that HCR 16 includes all the major elements of the draft, we believe that HCR 16 also reflects those comments and suggestions.

Again, we thank the Task Force for the opportunity it provides to Alaska business and industry and look forward to adoption of HCR 16.

COOK INLET REGION, INC.

March 23, 1993

Representative Eileen MacLean
House of Representatives
State Capitol
Juneau, Alaska 99801-1182

Dear Representative MacLean:

On behalf of Cook Inlet Region, Inc. I would like to offer support for passage of HCR 16, the Alaska Coal Policy Resolution. The passage of this resolution will help send a message to potential investors of Alaska Coal that the State of Alaska is, in fact, interested in developing it's coal resources.

The House Economic Task Force has acted expeditiously in preparing an Alaska Coal Policy and we appreciate that effort. We look forward to the passage of HCR 16 in the House of Representatives.

Sincerely,

COOK INLET REGION, INC.



Gerald G. Booth
Vice President
Energy and Minerals

MAJOR INTERNATIONAL

705 West 6th Avenue, Suite 209

Anchorage, Alaska 99501

Phone: (907) 272-6773 Fax: (907) 274-1303

March 23, 1993

The Honorable Eileen Maclean
Chair, House Economic Task Force
P.O. Box V
Juneau, Alaska

Dear Representative Maclean:

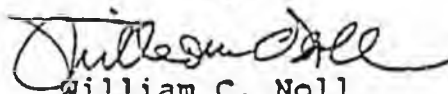
This letter is to voice strong support for HCR 16, a resolution relating to establishing the coal policy of the state.

We understand that HCR 16 might be scheduled for the House vote as early as sometime this week. We thank you very much for your creation and support of HCR 16. We hope that the resolution passes the House quickly and is passed over to the Senate for the same action.

Thank you also for your Mini-Economic Summit. It was a very good idea to give so many Alaskans a chance to let you know what they believe needs to be done to develop our state.

Thank you again. Please let me know if we can be of any assistance or answer any questions.

Respectfully,


William C. Noll
President

BELUGA COAL COMPANY

March 24, 1993

Via Facsimile (907) 463-3241

The Honorable Eileen MacLean
The House Economic Task Force
Room 507 State Capitol
Juneau, Alaska 99801-1182

Dear Congresswoman MacLean:

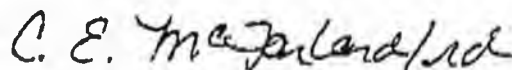
Alaska coal and coal products can supply a vast source of energy and chemical products to the world, particularly the Pacific Rim in the next several decades.

Now is the time to lay the groundwork to start putting the building blocks in place. An Alaska Coal Policy is the first step. It will set the policy stage for the kind of active support and direction the legislature and administration can provide to this important industry poised for growth.

Increased mined coal exports, Low Rank Coal Water Fuel (LRCWF), low or medium BTU gas, coal derived methanol, upgraded coal methanol slurry, coal based chemicals, and a source of energy for tidewater mineral reduction plants are just a few of the developments that Alaska coal can support.

I believe this is a pretty exciting picture for coal in the years ahead. Your task force is forward looking in helping establish an Alaska Coal Policy.

Sincerely,



C. E. McFarland
President and Chief Executive Officer

CEM:rd

cc: Roy M. Huhndorf
President and Chief Executive Officer
Cook Inlet Region, Inc.



Resource Development Council for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
Phone 907/276-0700 Fax 276-3887

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Becky L. Gay

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Senator Frank Markowski
Congressman Don Young

April 5, 1993

Representative Eileen MacLean
State Capitol
Juneau, AK 99801-1182

Dear Rep. MacLean:

The Resource Development Council is writing to express its support of HCR 16, the Alaska Coal Policy Resolution.

RDC is a private, non-profit, economic development organization representing Alaska's basic industries and local communities. Our membership includes individuals, native corporations, organized labor and small business.

RDC believes a strong coal industry is in the best interests of the state and its citizens. Alaska has enormous coal resources and the development of those resources should be encouraged by the state. Development would promote economic diversification, create new jobs and enhance the State's revenue stream. Development would also substantially enhance the gross state product while the export of Alaska coal would have a positive effect on the trade balance of the U.S.

A healthy Alaska coal industry depends in part on the perception among foreign and domestic buyers that the state supports coal development and stable royalty and taxation policies. The Alaska Coal Policy would be a useful and official statement clarifying the state's position on coal development.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.


Becky L. Gay
Executive Director

KENAI PENINSULA BOROUGH
ECONOMIC DEVELOPMENT DISTRICT

RESOLUTION 93-5

RECOGNIZING THE IMPORTANCE OF ALASKA'S COAL INDUSTRY AND ITS FUTURE DEVELOPMENT .

WHEREAS, the Kenai Peninsula Borough Economic Development District, Inc. (EDD) recognizes that a vibrant coal industry is a benefit to the State and the citizens of Alaska; and

WHEREAS, the EDD recognizes the economic benefit of the creation of year round coal industry jobs for Alaska residents; and

WHEREAS, the EDD recognizes a vibrant coal industry will greatly enhance the tax base and economic diversification with local government jurisdiction; and

WHEREAS, the EDD recognizes the need to support the expansion of existing infrastructure and the creation of new infrastructure that would foster development of a vibrant coal industry and benefit all Alaska.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE KENAI PENINSULA BOROUGH ECONOMIC DEVELOPMENT DISTRICT, INC. THAT

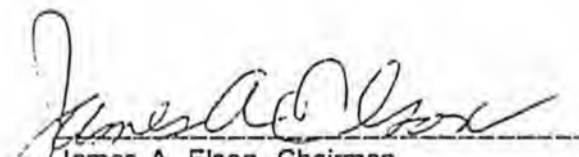
Section 1: The EDD calls upon the State of Alaska to adopt as official State policy, the fostering of development and expansion of its domestic and export coal industry.

Section 2: The EDD calls upon the State of Alaska to exercise all prudent and expeditious means to maintain and expand its current and future coal production and export market share.

Section 3: The EDD calls upon the State of Alaska to work diligently to identify and develop strategies to eliminate adverse effects of impediments to the growth of the Alaska coal industry.

Section 4: The resolution shall take effect immediately upon its adoption.

APPROVED BY THE BOARD OF DIRECTORS OF THE KENAI PENINSULA BOROUGH ECONOMIC DEVELOPMENT DISTRICT, INC., KENAI, ALASKA. THIS 18TH DAY OF March, 1993.


James A. Elson, Chairman

 3/19/93
ATTEST:

HCR 16: "A resolution establishing a coal policy for the State of Alaska."

The department strongly supports this resolution.

The State of Alaska has a requirement in its constitution to support the orderly development of its resources. This resolution supports that concept and is necessary to show the coal industry, both domestically and overseas, that Alaska is open for business and is interested in properly developing its vast coal reserves. The purpose of the coal policy is to assist the coal industry to compete against other coal producing areas who have consistently demonstrated government support of their export coal industry.

Currently, there is no document specifying the state's desire or lack of desire to have a viable coal industry. Industry participants are left to form their own opinions of Alaska's desire to have extractive resource development. Their opinions may be accurate or inaccurate; however, the scale of the business decisions involved in the coal industry require buyers and sellers of coal to minimize the risk of bad economic judgements. Without an adopted official policy from the State of Alaska, it is possible that other sources of supply will appear to have less risk and, hence, a better market position vis-a-vis Alaska coal.

Additionally, coal purchasers have been aware that major coal export in the near term are significantly impacted by mining and development problems associated with Mental Health Trust Lands. At a time when unprecedented growth is expected to occur in coal demand during the mid-90's, Alaska has the perception of being closed for business.

The Alaska Coal Policy speaks to numerous benefits and understandings regarding the benefits to Alaska for a thriving coal industry. It further establishes a framework for state actions that can be taken to assist the industry in coming years.

It is, therefore, good business for the State of Alaska to minimize possible lost coal sales by allowing purchasing managers to firmly understand that the policy of the state is supportive of the coal industry.


Paul Fuhs, Commissioner

3-19-93
Date

dgl152pp.ed

House Economic Task Force

Chair:

Rep. Eileen Panigeo MacLean

Vice-Chair:

Rep. Jeannette James

Members:

Rep. Bettye Davis

Rep. Joe Green



Rep. Bill Hudson

Rep. Jerry Mackie

State Capitol, Room 507

Juneau, AK 99801

Phone: (907) 465-4833

Fax: (907) 465-2278

Rep. Carl Moses

Rep. Al Vezey

Rep. Bill Williams

Sponsor Statement

HCR 16 - Establishing the coal policy of the state.

By the House Economic Task Force

The coal industry in Alaska suffers from a number of problems that we in the Legislature can help to solve. One of them is the image of the state as hostile territory for coal development. The Mental Health Lands issue has created the perception among foreign buyers that Alaska is not a coal state and that Alaska's coal resources will never reach market.

If we want the Alaskan coal industry to have a future, the state needs to begin to project a positive attitude. HCR 16 is a small but meaningful step the Legislature can take to establish Alaska's desire to promote coal development.

The House Economic Task Force drafted this resolution based on a coal policy that was recently passed by the Alaska Coal Association. If HCR 16 is approved by the Legislature, the Coal Association plans to publicize the state's support in industry journals throughout the world.

FISCAL NOTE

1

Bill version: HCR 16

(H) Publish Date: 3/24/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
Title: A RESOLUTION RELATING TO THE COAL
POLICY OF THE STATE

Department Affected: _____
BRU: _____
Component: _____

Sponsor: House Rules
Requestor: House Economic Task Force

COMPONENT SERIAL NO.

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: House State Affairs Phone: (907) 465-3719
Division: _____ Date: 3/20/93

Approved by Commissioner: AL VEZEY, CHAIRMAN HSTA
Agency: _____ Date: 3/20/93

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

COMMITTEE COPY -

HCR

18

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Construction Co.

Kathryn Thomas
AvtTech Services

Ross Thompson
Peak Oilfield Service Co.

STAFF

William Webb
General Manager

Barbara Webb
Administrative Assistant

LoRena Carlock
Communications
Assistant



THE ALLIANCE

4220 'B' Street, Suite 200 • Anchorage, Alaska 99503-5911
Phone (907) 563-2226 • Fax (907) 561-8870

In Support Of Senate Concurrent Resolution No. 5 by Senator Mike Miller and House Concurrent Resolution No. 18 by Representative Joe Green

Whereas the citizens of Alaska recognize the many contributions that federally-owned public land, whose magnificence and vastness comprise more than two-thirds of the state, have made to the heritage and well-being of all citizens; and

Federal public lands in Alaska total over 214 millions of acres and include some of the world's most spectacular scenic wonders. Millions of acres are devoted to national parks, preserves, refuges, forests and monuments. Enjoyment and use of these magnificent lands form the history and current economic base of Alaska's people.

Whereas this public land, which is open to all United States citizens, is an immensely valuable asset not only to the nation but to Alaska as well, contributing a vast spectrum of wealth to our society that benefits all citizens; and

Federally-owned public lands in Alaska produce substantial quantities of natural resources for the well being of our nation's economy. In 1990 public lands produced in Alaska about 944,500 thousands of board feet of timber as well as substantial quantities of industrial minerals (sand, gravel and building stone) and other minerals (gold, silver, zinc, lead, mercury, antimony, platinum, tin, tungsten, jade, soapstone, coal and peat).

Whereas the citizens of Alaska recognize the abundance of economic, recreational, and social advantages they enjoy because of the very presence of this land; and

Most Alaska residents have adapted their business, family and recreational activities to take advantage, directly or indirectly, of federally-owned public lands. Multiple use of public lands for the betterment of all is not a new trend in Alaska; it is our heritage and our hope for the future.

Whereas the citizens of Alaska also recognize the many contributions the use of public land has made not only to the state's rural communities, whose livelihoods often depend upon that use, but to all of Alaska's citizens as well, and

No segment of Alaska's population disproportionately uses public lands; urban as well as rural communities benefit from and depend on daily use of our federally-owned public lands.

Whereas the Alaska State Legislature recognizes particularly the contribution that public land has made to Alaska's fishing, mining, timber, oil and gas, and recreation industries, contributing substantially to state's economy by creating jobs for the working people of the state; and

Alaska's private sector economy is dominated by these industries; all of whom depend on access and use of federally-owned public lands for much of their activities.

INDUSTRY ALLIANCE

— BACKGROUND & SUPPORTING INFORMATION —

Whereas the citizens of Alaska acknowledge the need of the United States to sustain the many uses of federally-owned land while requiring a balance between those activities and the conservation of this invaluable resource;

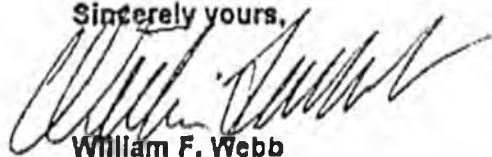
It is most important that the federal bureaucrats who have jurisdiction over these most important federally-owned public lands in Alaska recognize that our past, our present and our future depend on multiple use of these lands. Denial of access or use of Alaska's public lands by our citizens will result in major and negative changes in the lifestyle of most Alaska citizens.

BE IT RESOLVED by the Alaska State Legislature that to commemorate the many benefits the state's citizens derive from the use and enjoyment of the federally-owned public land of the state, it here by declares the week of May 9 - 15, 1993, to be Federal Public Land Week in Alaska.

This week will be used by several state and national nonprofit organizations to focus attention of federal officials and the public on the important role that use of public lands in the Western states plays in the lives of the citizens of Western states; especially Alaska, by providing economic and recreational opportunities.

The members of the Alaska Support Industry Alliance request your support of Senate Concurrent Resolution No. 5 and House Concurrent Resolution No. 18 naming May 9 - 15 Federal Public Land Week in Alaska.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'William F. Webb', written in a cursive style.

William F. Webb
General Manager

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 Udelhoven Oilfield
 System Services, Inc.

Vice President Policy
David Hugen
 Lynden, Inc.

Vice President Events
Sally Ann Carey
 Crowley Maritime
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Vice President Admin.
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Kathryn Thomas
 ArcTech Services

Ross Thompson
 Peak Oilfield Service Co.

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William Webb
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Barbara Webb
 Administrative Assistant

LoRena Carlock
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 Assistant



THE ALLIANCE

4220 'B' Street, Suite 200 • Anchorage, Alaska 99503-5911
 Phone (907) 563-2226 • Fax (907) 561-8870

RECEIVED
 MAR 11 1993
 Ans'd.....

March 8, 1993

The Honorable Mike Miller
 Alaska State Senate
 State Capitol; Mail Stop 3100
 Juneau, Alaska 99801-1182

RE: Resolution Designating Week Of May 10, 1993 As Public Lands Week In Alaska

Dear Senator Miller:

Members of The Alliance request that you sponsor a resolution in the Alaska Senate that will designate the week of May 10, 1993 as Public Lands Week in Alaska. We have enclosed proposed language for this resolution.

Our request is part of a coordinated effort to honor the week of May 10th as Public Lands Week in 15 Western States and is being led by our associates in the *Western States Public Lands Coalition*, also know as the grassroots organization - *People For The West*. The Alliance has worked with this organization for quite some time on ANWR, as have the Alaska Miners Association on mining issues and other Alaska nonprofit groups on other pro development issues. The Alliance absolutely supports their stated goals and hope that passage of this resolution in Alaska will help to educate President Clinton and his Administration's key decision makers about the need to use public lands in the West for private sector job creation. *People For The West*'s goals are as follows:

1. To Support the continued management of public lands for multiple use including agriculture, livestock grazing, mining, oil and gas production, recreation, timber and water development activities.
2. To provide a balance of environmental responsibility and economic benefit for all Americans.
3. To build community grassroots chapters to communicate the need and importance of continued multiple use of public lands to elected and appointed decision makers.
4. To foster an awareness of federal, state and local issues specific to public lands that confront communities, individuals, natural resource and related industries and local governments.

People for the West is coordinating rallies and meetings in many Western States during the week of May 10th. The Alliance and other Alaskan nonprofit organizations will work with *People for the West* to appropriately recognize Public Lands Week in Alaska. We will keep you and other government officials informed of our activities so that you can be a part of the effort. We believe it will be a great opportunity to position ANWR's importance to United States' job creation with other public lands issues, i.e. the devastating affect 12 1/2% mining royalties will have on Alaska jobs, without making ANWR the focal point of the debate.

We will greatly appreciate your support and timely sponsorship of this effort. Please let us know what other information or assistance you may need.

Sincerely yours,

William F. Webb
 General Manager

COPY

FISCAL NOTE

N^o 1

Bill Version: HCR 18

(H) Publish Date: 4/5/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
Title: Relating to Federal Public Land Withdrawals
Sponsor: Representative Joe Green
Requestor: Representative Joe Green

Department Affected: Legislative Affairs Agency
SFU: Legislative Council

Component: Session Expenses

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
OPERATING						
PERSONAL SERVICES	01	01	01	01	01	01
TRAVEL	01	01	01	01	01	01
CONTRACTUAL	01	01	01	01	01	01
SUPPLIES	01	01	01	01	01	01
EQUIPMENT	01	01	01	01	01	01
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	01	01	01	01	01	01
CAPITAL	01	01	01	01	01	01
REVENUE FUND SOURCE	01	01	01	01	01	01

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	01	01	01	01	01	01

POSITIONS:

FULL-TIME	01	01	01	01	01	01
PART-TIME	01	01		01	0	01
TEMPORARY	01	01		01	01	01

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stepps, Director
Division: Administrative Services

Pamela A. Stepps

Phone: 465-3850
Date: 4/2/93

Approved By: Warren W. Eide, Executive Director
Agency: Legislative Affairs Agency

Warren W. Eide

Date: 4/2/93

COMMITTEE COPY -
Distribution by: _____

FISCAL NOTE: LEG. COUNCIL

Affected Agency(ies): _____
Page 1 of 1

HCR

21



Dear Friend of the Environment,

The fate of America's Last Frontier -- the magnificent rough and scenic Alaskan wilderness -- is in the hands of powerful men who are threatening to destroy Alaska's precious wilds.

These men -- Governor Walter Hickel and his lieutenants -- are using their considerable political power to pursue policies that exploit priceless natural resources for short-term profit and irreparably harm the environment.

Hickel's land-use philosophy means huge government subsidies to benefit special interests by opening the Alaskan wilderness to development ... promoting oil drilling in the fragile coastal wetlands ... road building through the untouched wilderness ... overlogging old-growth trees in the national forests, and more.

To stop this reckless ravaging of America's last pristine frontier, the Sierra Club has launched an urgent nationwide campaign, the CAMPAIGN TO SAVE ALASKA'S WILDS.

And that's why I'm writing you --- to invite you to join me, and our more than half a million members in an extraordinary and unprecedented effort to stop the assault on Alaska's environment ... and to act quickly while we still have time.

You can help by taking TWO very SIMPLE STEPS right now:

- FIRST ... sign the enclosed Save Alaska's Wilds Statement of Affirmation, to record your name as one of many thousands who care deeply about preserving America's last untouched natural resource -- Alaska's Wilds. Return the statement to me so we can deliver a powerful grassroots message wherever we need to demonstrate that tens of thousands of ordinary Americans care strongly about Alaska's wilderness! And ...
- SECOND ... lend the strength of your support to the fight to save Alaska's wilderness by signing up today as a proud member of the Sierra Club. Just take a moment now to complete the membership form and mail it to me with your contribution -- a small investment in America's environmental future and your stake in preserving Alaska's precious wilds.

By becoming a Sierra Club member now -- as we focus our campaign on the Alaskan wilderness -- you'll help us achieve critically important legislative goals. You'll help us stop Governor Hickel and his cronies from carving up Alaska's wild lands for development by greedy special interests.

But time is running out! And we must act now! Even now as I

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SIERRA CLUB LETTER TO MEMBERSHIP

4109

write you ... the men who hold Alaska's future in their hands are plotting to dismantle the state's environmental protections.

THE PLOT TO CARVE UP ALASKA'S WILDS

The federal public land management statutes provide a loophole which allows existing rights-of-way -- even dusty wagon trails -- to preempt designating public land for wilderness protection. So, favoring development over preservation, Governor Hickel conceives of building 1,400 state roads, crisscrossing through vast expanses of pristine Alaskan interior, intersecting the wilderness to create new avenues of access for logging companies and other development.

Lieutenant Governor Jack Coghill, boasting of his state's plans for wilderness-destroying road-construction, declared:

"When I get done with the map of Alaska, I want it to look like someone threw a plate of spaghetti at it!"

Such reckless talk bespeaks an attitude of irresponsibility by high public officials. A frightening prospect for those of us -- like you and me -- who know that environmental choices are at a crossroads throughout the world today. We're near a point of no return -- and each environmental decision really counts.

SADLY ... the destruction Governor Hickel has set in motion is not temporary -- once the roads they brag about are bulldozed through, the Alaskan wilds will be wilderness no more. These roads will make Alaska's fragile tundra accessible and vulnerable to abuse. It will put prized herds of caribou and moose at risk and subsidize the exploitation of precious natural resources.

And the only way we can stop this exploitation of Alaska's wilds is to focus the glaring light of publicity on the culprits and mobilize all Americans on a national scale. Our campaign to SAVE ALASKA'S WILDS is designed to do just that.

We're appealing to Congress for stronger environmental protection laws. And we're sending a powerful, urgent message to President Clinton -- that he must protect the Alaskan wilderness.

That's why I'm writing you -- to urge you to join us in this effort. Because I know -- together -- we can stop this assault on Alaska's wildlife and wild lands, because we've won this kind of battle many times before.

AFTER ALL ... the Sierra Club -- working to protect the environment for more than 100 years -- is the oldest, largest and most respected environmental advocacy group in the nation today. And growing stronger as more and more caring people join.

Let me tell you how we helped stop Governor Hickel's barbaric plans to slaughter wolves in Alaska. Last year, without regard for scientific or conservation principles, Governor Hickel set in motion a plan to kill off wolves -- firing guns from airplanes and helicopters -- to reduce the population of wolf-predators,

and, in turn, increase the caribou and moose populations for the big-game hunters, and giving Alaska's tourist-centered economy a needed boost. (Tourism -- wolf-kill proponents note -- is the state's third largest industry, lagging behind only oil and commercial fishing in revenue to the state.)

"MACHINE-GUN" KELLYHOUSE IS HIS NAME!

Alaska's top conservation official, David Kellyhouse -- dubbed "Machine-gun" Kellyhouse for his choice of weapon for killing wolves -- revealed the wolf-kill plan was spurred more by his notion of what would bring in tourist dollars than by good game management principles. He boasted that the wolf-kill would "create a wildlife spectacle on a par with the major migrations in East Africa. Mom and Pop from Syracuse can come up here and see something that they can't see anywhere else on Earth!"

The Sierra Club went into high gear swiftly and, with other environmental groups, mobilized grassroots action and spread the word through major newspapers in the "lower 48" that Governor Hickel's "wolf management plan" must be stopped at once.

And, as in the past, we helped produce a massive public outcry in vigorous opposition to "Machine-gun" Kellyhouse's plan to slaughter wolves with weapons from the air.

Acknowledging pressure from the public and groups like the Sierra Club, Governor Hickel retreated when he was deluged with calls and letters from thousands of outraged citizens from all over the nation, announcing the plan was cancelled -- for now.

Without question, our efforts helped produce a major political defeat for Governor Hickel. The Sierra Club -- once again -- proved that when citizens unite and work together for environmental protection -- we make a difference every time!

That's why we're working hard right now at the federal level to extract from Congress the strongest environmental protection measures we can get -- to slow Wally Hickel down and save the Alaskan wilderness for the precious national heritage that it is.

FRAGILE COASTAL AREAS NOW AT RISK

Barely recovering from the Exxon-Valdez oil spill catastrophe, Alaska's coast is extremely vulnerable to environmental damage. And destruction of upland forest habitat by clear-cut logging would deliver a rapid "one-two punch" to many of the same species already hit hard by Exxon Valdez, including wild salmon, bald eagles, harlequin ducks, and marbled murrelets:

Many coastal areas in the oil-spill zone, most threatened by commercial development and logging, include private holdings that lie inside state and national parks and wildlife refuges.

And today, a poor economy is forcing many "private inholders" to log or subdivide their land, leading to a steady proliferation

of vacation cabins, fishing camps, and clear-cut logging in the middle of otherwise protected areas. To address this advancing problem, a plan is gaining momentum to use some of the Exxon Valdez oil spill settlement funds to buy and protect forest land and other wildlife habitat in coastal Alaska -- an excellent chance to turn the tragedy of the oil spill into the permanent preservation of an entire coastal ecosystem.

USING OIL-SPILL DOLLARS TO SAVE ALASKAN WILDS

With urgings from the Sierra Club and others, the need to use Exxon Valdez money for the purchase of these threatened lands was recognized by the state legislature last year in a bill that would have earmarked \$33 million for this purpose.

But Governor Hickel vetoed the bill, opening the door to clear-cut logging scheduled for this spring -- in an area with the most breathtaking scenic views on this planet.

Fortunately the Sierra Club and other conservation groups redoubled our efforts on this issue. Now, public opinion has once again turned the tide. Governor Hickel has again reversed himself and now supports the purchase and protection of private lands within the parks. (Frankly, I can't think of a better example of how we've brought powerful forces successfully to bear to win reversal or to overturn harmful policies.)

THE CAMPAIGN TO SAVE ALASKA'S WILDERNESS

The Sierra Club targeted the Alaskan wilderness as the focus of our efforts because there's no place else where the lines of battle are more clearly drawn.

In Alaska, we're up against, not only big oil, mining and timber, but the Governor, the Lieutenant Governor, and an entire congressional delegation as well.

It won't be an easy battle. We'll have to marshal all our resources to have a chance to succeed. That's why I'm asking you to join us. Because we need your support for victory.

Twelve years of hostility from the White House has nearly left our country in environmental shambles. But now that era has ended, and we look forward to helping President Clinton care for Alaska's wilderness at last.

We worked hard to elect Bill Clinton and Al Gore last year, and we can take credit for the important role we played in their victory. Now with a new administration and an enormous turnover in Congress, we hope for unprecedented opportunities to advance legislation to save the Alaskan wilds.

ALASKAN WILDERNESS LEGISLATION

As a major part of our Campaign to Save Alaska's Wilds, with your support and that of others like you, the Sierra Club is

promoting legislation to protect the Alaskan frontier.

- **National Land Management Policies.** When the Clinton administration reviews federal land management policies, one of the greatest challenges will be to reform policies affecting 130 million acres of National Interest Lands in Alaska -- the national parks, wildlife refuges, wild and scenic rivers, and national forest wilderness areas of Alaska established or enlarged by the Alaska National Interest Lands Conservation Act of 1980. The Sierra Club is ready to help formulate and guide new policy to permanently protect these precious areas.
- **The Arctic National Wildlife Refuge Act.** The wildlife-rich coastal plain of the Arctic National Wildlife Refuge remains *de facto* wilderness because Congress took no final action last year on bills which would have opened up this area to oil and gas leasing. In the new Congress we must fight to win permanent protection of this priceless but contested wilderness area.
- **The Exxon Valdez Fund.** A directive to allocate \$50 million of the oil-spill settlement funds to buy and protect land and timber rights failed to clear Congress last year. Now that goal can be achieved by President Clinton, whom we will urge to use the \$50 million to purchase critical wildlife habitat along the damaged Alaska coast -- to protect an entire ecosystem.
- **Alsek-Tatshenshini River Resolutions.** We are pressing the new administration for agreements with Canada to protect the Alsek-Tatshenshini River System in British Columbia and Alaska from damage by a huge copper mine. Acid pollution of the river system from the mine would gravely damage Alaska's scenic Glacier Bay National Park, which lies downstream.

You and I know there's a long reach between an ambitious legislative program and getting it passed through Congress. This year at least we'll be able to expect White House backing for most if not all of our legislative initiatives.

But the same powerful forces will be working hard in opposition -- the well-heeled, well-connected lobbyists -- big oil, big mining, big timber and all the rest of the special interests and the privileged who want to exploit the wilds.

And ... though we've won the White House, we are facing our toughest battles ever. We're in a fierce battle for the "leftovers" -- the last remaining public land left after reckless exploitation of our natural resources by special interests.

That's why we need your help. I'm hoping you'll join more than 575,000 other committed Americans who have chosen to stand up and join this fight.

We need two things from you to help us win:

- (1) Your signature on the enclosed Statement of Affirmation so I can present it to President Bill Clinton with all the

rest, to let him know you expect him to stand up to the special interests who would destroy the Alaskan wilds; and,

(2) Your completed membership reply form, along with your most generous membership contribution to help us win our Campaign to Save Alaska's Wilds.

As a member of the Sierra Club, you'll receive Sierra -- our highly acclaimed magazine devoted to environmental affairs.

You'll also receive membership in your local Sierra Club chapter where, if you choose, you will be able to meet other folks who share your devotion to the outdoors and conservation. You will be invited to join them in activities ranging from pleasure outings to effective, hard-hitting lobbying actions on environmental issues.

AND ... you'll be made automatically eligible for special discounts on a wide variety of publications, including Sierra Club's popular books and calendars with their spectacular, world-famous full-color photographs, as well as the chance to join us on exciting hiking and biking trips, and even world travel.

WHAT'S MORE ... as a way of saying "thank you" for your new membership, we also want to send you -- ABSOLUTELY FREE -- our new Sierra Club canvas bag ... the perfect alternative to paper or plastic bags, and sturdy enough to carry just about anything -- from heavy groceries to a stack of books -- and to go anywhere you need to go, from the office to the beach.

Nothing could honor us more than your decision to become one of us, as a new member of the Sierra Club, in the fight to save the last American frontier. Please take the two simple steps I asked of you -- today -- and help us win this urgent battle, the Campaign to Save Alaska's Wilds.

Sincerely,



Carl Pope,
Executive Director

P.S. Help us stop the destruction of what is still untouched land -- Alaska's wilds. Join the Sierra Club today ... and receive a special Sierra Club canvas grocery bag -- FREE!

National Chairman of the Board
Tony Ruckel

The Anchorage Times

Publisher: BILL J. ALLEN

"Believing in Alaskans, putting Alaska first

Editors: DENNIS FRADLEY, PAUL TENKINS, WILLIAM J. TOBIN

The Anchorage Times Commentary in this segment of the Anchorage Daily News does not represent the views of the Daily News; it is written and published under an agreement with former owners of The Times, in the interest of preserving a diversity of viewpoints in the community.

Bless our little helper

THANK GOODNESS for Carl Pope, a fellow committed to saving Alaska.

If it weren't for him, we Alaskans would have the place paved over in a heartbeat — "with roads crisscrossing through vast expanses of pristine Alaskan interior."

Our precious lands would be trampled and the wilderness — all our hundreds of thousands of square miles of it — would no longer exist, and "the Alaskan wilds will be wilderness no more."

Alaska is "near a point of no return," you see, but Mr. Pope wants "to focus the glaring light of publicity on the culprits" who want to destroy this state. The "culprits," of course, are Alaskans — Alaskans like Gov. Walter J. Hickel and "his lieutenants," who are "using their considerable political power to pursue policies that exploit priceless natural resources for short-term profit and irreparably harm the environment."

Holy smoke.

But fear not. Just send money, and good old Mr. Pope will take care of things. Send enough, and he'll send you a membership card in the Sierra Club and you'll "receive a special Sierra Club canvas grocery bag — FREE!"

WELL, AS YOU might suspect, Carl Pope is the executive director of the Sierra Club — and all of the above quotes are taken from his latest shameful national fund-raising letter.

Crying doom and gloom about Alaska's future continues to be one of the Sierra Club's most effective means of raking in more money from gullible Americans who read this outrageous garbage.

The Sierra Club has no conscience. Exaggeration and hyperbole are simply tools with which to squeeze more dollars from the good-hearted and uninformed.

We have read versions of this same letter, from the same Sierra Club, over and over and over again through the years.

The Sierra Club doesn't care that its protestations and accusations are largely hokey. And recipients of the letter in Kokomo and Bowling Green and Joplin don't know any better.

This letter, like others before it, is filled with baloney and more baloney. This time, the fund-raising effort is different only in that it announces the launching of "an urgent nationwide campaign, the CAMPAIGN TO SAVE ALASKA'S WILDS."

Incredibly, the Sierra Club — which probably should be examined for mail fraud for conducting a solicitation filled with misstatements and misrepresentations — once again casts itself as a sacred savior of the 49th State, to preserve it from those of us who live here.

Please send money, Mr. Pope says. Not to Alaska, of course. He doesn't live here. His address is in San Francisco, that pristine wilderness wonderland in northern California.

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

HOUSE APPROVES RESOLUTION RESPONDING TO SIERRA CLUB LETTER

4/26/93

FOR IMMEDIATE RELEASE

CONTACT: REP. GAIL PHILLIPS, 465-2689

By a margin of 31-8 the House Saturday approved a resolution (HCR 21) which criticizes a recent six page fundraising letter about Alaska and Alaskans circulated by the Sierra Club.

The letter outlines what Sierra Club Executive Director Carl Pope claims is a gross misuse of Alaska's public lands. It seeks funds to stop development in Alaska.

Said House Majority Leader Gail Phillips (R) Homer, "Nothing makes my blood boil faster or quicker than these kind of letters from national organizations that think that we in Alaska are too ignorant, too uncaring and too unsophisticated to take care of our own state and our own lands." Phillips is the prime sponsor of the measure. Said Phillips, "The arrogance of these organizations that think we don't love our land and want to take care our resources is beyond my comprehension."

"We need to maintain our independence up here," said Phillips. "We need to maintain our freedom and we need to be the ones in charge of our lands."

Speaking in support of Phillips' measure, Representative Joe Sitton (D) Fairbanks, said of the Sierra Club letter; "We will always collaborate in good faith, but by God when you get the lower 48 cleaned up, where you live, come up here and tell us how to do it... Until then just leave us the hell alone."

The resolution now goes to the Senate.

HOUSE PRESS RELEASES

Alaska State Legislature

House of Representatives



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Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

MAJORITY LEADER INTRODUCES RESOLUTION RESPONDING TO SIERRA CLUB LETTER

4/22/93

FOR IMMEDIATE RELEASE

CONTACT: REP. GAIL PHILLIPS, 465-2689

House Majority Leader Gail Phillips (R) Homer late today introduced a resolution sharply critical of a recent fundraising letter concerning Alaska circulated nationwide by the Sierra Club.

In the letter, Sierra Club Executive Director Carl Pope urges members to "Save Alaska's wilds". He says the fate of our state "is in the hands of powerful men who are threatening to destroy Alaska's precious wilds." The six page letter outlines what Pope says is a gross misuse of Alaska's public lands. The letter solicits funds to stop Governor Hickel and "his cronies from carving up Alaska's wild lands for development by greedy special interests."

Said Representative Phillips, "The piece of propaganda they sent out is so full of untruths and so defamatory we felt it was important for us, as a state legislature, to take a stand against their letter and take the opportunity to explain truthfully what we are doing with our wilderness lands and how we are responsibly developing our state."

"The Sierra Club letter," said Phillips, "portrays Alaskans in a very poor light. It lumps all of us into the category of uncaring, unprincipled, uncivilized human beings who are just here to rape, pillage and plunder our land. It says the Sierra Club, as the great "savior" of America and Alaska, has to come and take care of our lands because we are incapable of doing it ourselves."

Representative Phillips resolution notes that Alaska contains over 70 percent of the nation's federal parklands, and states that pending legislation would appropriate \$22 million to purchase inholdings in Kachemak Bay State Park. The resolution requests the cooperation of the Sierra Club in presenting the truth about our state and asks the club to avoid the use of sensationalism in its literature about Alaska in the future.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HCR 21

Revision Date: _____
Title: Relating to the correction of
misinformation about Alaska.
Sponsor: Representative Phillips
Requestor: Representative Phillips

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director
Division: Administrative Services

Pamela A. Stoops

Phone: 465-3850
Date: 4/23/93

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency

Warren W. Endicott

Date: 4/23/93

Distribution (by preparer): Leg

& Impacted Agency(ies).

FISCAL NOTE: LEG. AFFAIRS
AGENCY