

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8720 HOUSE RESOURCES

ALASKA MINERALS COMMISSION

1995 REPORT TO THE GOVERNOR AND ALASKA STATE LEGISLATURE

DIMINUTIVE DISCHARGES

FINDING: The Alaska Department of Environmental Conservation (ADEC) has recently begun selective enforcement on the mining industry of a regulation relating to disposal of nondomestic wastewater. This regulation applies to a broad spectrum of routine activities in Alaska which result in small discharges of solid or liquid waste, such as drilling, blasting, construction and earth excavations, and marine bilge-pumping. ADEC regulatory action is being conducted under 18 AAC 72.500, which states (in part) "a person who disposes of nondomestic wastewater into or onto land, surfacewater, or groundwater in Alaska must have a permit issued by the Department (ADEC) for that disposal." Regulations detailed through 72.500 are promulgated under AS 46.03.100, which specifies that both liquid and solid waste are to be regulated.

Clearly, this regulatory language is so broad as to include most outdoor activities in the State. The Department of Law has maintained that no exemptions are allowed and that ADEC must require a permit for all discharges, regardless of the source, type, or insignificance of the discharge. To date, ADEC has chosen only to require a permit for selected mineral drilling activities. This selective enforcement of a bad regulation is an example of government at its worst.

THE COMMISSION RECOMMENDS THAT:

- 14. The Alaska Legislature should amend AS 46.03.100 to exempt diminutive activities, including mineral drilling, certain construction activities, and marine bilge-pumping from requiring a Waste Disposal Permit. Specifically, mineral drilling in which the only discharges are ground-up rock, water, and biodegradable additives, (which are EPA approved for water-well drilling), should be exempted.*

NOTES TO DECISIONS

Quoted in *State v. Anderson*, 749 P.2d 1342 (Alaska 1988).

Sec. 46.03.100. Waste disposal permit. (a) A person who conducts an operation that results in the disposal of solid or liquid waste material or heated process or cooling water into the waters or onto the land of the state shall procure a permit from the department before disposing of the waste material or water. The permit shall be obtained for direct disposal and for disposal into publicly operated sewerage systems.

(b) A permit for disposal of a hazardous waste may not be issued under this section unless the applicant for the permit has furnished proof to the commissioner of financial ability to control the hazardous waste. Proof of financial responsibility may be demonstrated by self-insurance, insurance, surety, or guarantee, under regulations adopted by the department. Acceptance of proof of financial responsibility under this subsection expires

(1) one year from its issuance for self-insurance;

(2) on the effective date of a change in the surety bond, guarantee, or insurance agreement; or

(3) on the expiration or cancellation of the surety bond, guarantee, or insurance agreement.

(c) This section does not apply to a person discharging only domestic sewage into a sewerage system.

(d) This section does not apply to injection projects permitted under AS 31.05.030(h).

(e) A person who applies for a solid waste permit under this section shall demonstrate to the satisfaction of the commissioner that the applicant has reasonably considered all solid waste management options and that the permit would be consistent with the practices and priorities established under AS 46.06.021. (§ 3 ch 120 SLA 1971; am § 3 ch 220 SLA 1976; am § 9 ch 93 SLA 1981; am § 4 ch 91 SLA 1984; am § 3 ch 88 SLA 1990)

Revisor's notes. — Subsections (b) and (c) were formerly (c) and (b), respectively. Relettered in 1987.

Cross references. — For further requirements for persons submitting proof of financial ability under this section, see AS 46.03.833.

Effect of amendments. — The 1990 amendment added subsection (e).

Opinions of attorney general. — This section confers upon the Department of Environmental Conservation permit authority over dredge or fill activities, including residential subdivisions, within

wetlands, estuaries, and inland and coastal marshes periodically inundated by discernible bodies of fresh or salt water upland from the mean high tide line to the extent of the aquatic or salt water vegetation line. November 13, 1975 Op. Att'y Gen.

Dredge or fill activities in coastal and fresh water wetlands shoreward to the aquatic vegetation line do result in the disposal of solid waste material into the waters of the state within the meaning of this section and thus, to the extent that these activities are of a commercial or in-

(31) "oil and grease" means oil and grease as defined by the procedure used under 18 AAC 70.020(c);

(32) "pH" means the negative logarithm of the hydrogen-ion concentration, expressed as moles per liter: $\text{pH} = -\log_{10} (\text{H}^+)$;

(33) "point source" means a discernible, confined, and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged;

(34) "pollution" means the contamination or altering of state land or water in a manner that creates a nuisance or makes land or water unclean, noxious, impure, or unfit so that it is actually or potentially harmful, detrimental, or injurious to

(A) public health, safety, or welfare;

(B) domestic, commercial, industrial, or recreational use; or

(C) livestock, wildlife, or aquatic life;

(35) "residues" means floating solids, debris, sludge deposits, foam, scum, or any other material or substance remaining in a water body as a result of direct or nearby human activity;

(36) "secondary recreation" means recreation activities in which water use is incidental, accidental, or sensory; it includes fishing, boating, camping, hunting, hiking, and vacationing;

(37) "sediment" means solid material of organic or mineral origin that is transported by, suspended in, or deposited from water; it includes chemical and biochemical precipitates and organic material such as humus;

(38) "sheen" means an iridescent appearance on the water surface;

(39) "sodium adsorption ratio (SAR)" means the estimated degree to which sodium from a given water will be adsorbed in soil, as proposed by the U.S. Salinity Laboratory, U.S. Department of Agriculture, "Handbook 60"; it is expressed as the quotient of the sodium ion concentration and the square root of half the sum of the calcium and magnesium ion concentrations:

$$\frac{(\text{Na}^+)}{\frac{(\text{Ca}^{++}) + (\text{Mg}^{++})}{2}}$$

(40) "spawning" means the process of producing, emitting, or depositing eggs, sperm, seed, germ, larvae, young, or juveniles, especially in large numbers, by aquatic life;

(41) "thermocline" means a layer of water between a warmer, surface zone and a colder, deep-water zone in a thermally stratified body of water, in which water temperature decreases rapidly with depth;

Issue Paper

Minor Discharge and Disposal Regulatory Issues

A.H. Clough- DCED- DED

8 September, 1994

Background:

The Alaska Department of Environmental Conservation (ADEC) has recently changed how it regulates incidental discharges from mineral related drilling. This occurred during the spring of 1994 in response to AJ Mine opponents complaints to the SE Region of ADEC.

The crux of this regulatory issue is 18 AAC 72.500. This statute is under the nondomestic wastewater section of the Alaska Administrative Code. The code, under 18 AAC 72.500, cites restrictions on nondomestic wastewater disposal. It states; "A person who disposes of nondomestic wastewater into or onto land, surface water, or groundwater in Alaska must have a permit issued by the department (ADEC) for that disposal."

The Waste Disposal Permit process is provided under Sec. 46.03.100. Waste Disposal Permit; (a) "A person who conducts an operation that results in the disposal of a solid or liquid waste material or heated process or cooling water into the waters or onto the land of the state shall procure a permit from the department before disposing of the waste material or water. The permit shall be obtained for direct disposal and for disposal into publicly operated sewerage systems." It is important to note that under 46.03.100 both liquid and solid waste discharge and disposal is to be regulated.

Until these issues were raised by AJ mine opponents various activities which resulted in minor discharges of either solid or liquid waste were treated as insignificant by ADEC and ignored. Examples of such diminutive activities include; mineral drilling, marine bilge pumping, roadway construction and maintenance, along with other routine construction and maintenance activities.

The scope of these disposal issues were discussed in detail with ADEC in Juneau on several occasions. Participating in discussions were ADEC, the Department of Commerce and Economic Development (DCED), the Division of Governmental Coordination (DGC), and the Department of Law (DoL). The Department of Law maintained that under the statute (18 AAC 72.500) no diminutive exemption existed

and that ADEC must require a permit for all discharges, no matter how minor or insignificant. However, DoL allowed that a "0" discharge situation did not require a permit.

Thus far, the only activity which ADEC has chosen to enforce this statute on is drilling by mining companies. Furthermore, this requirement has only been selectively applied to Echo Bay Alaska's AJ project. Even more disturbing, contemporaneous with the development of this issue, at a construction site adjacent to the ADEC Juneau office significant drilling, blasting, pile driving, and other excavations which clearly had significant discharge and disposal of both liquid and solid waste were ongoing. The similarities of these activities to the mineral related drilling by Echo Bay was noted to ADEC. Nevertheless, no effort was made by ADEC personnel to require a permit for the adjacent construction activities. This selective enforcement of statute and regulation is an example of government at its worst. Such actions are against equal protection under the law doctrine and clearly contrary to good public policy. That such a duality of enforcement has developed readily demonstrates that something is fundamentally wrong with the strict application of the statute along with subordinate regulation and enforcement.

Mining companies, or others, may claim exemption from the statute and regulation by maintaining "0" discharge during drilling. However, total "0" discharge is likely rarely obtained; due to leaking of drill string joints, fluids lost during core retrieval and such. Further, it is doubtful that construction related excavations could be considered for a "0" discharge exemption from 18 AAC 72.500.

As indicated, this statute and regulation are not being applied to any other interest such as marine bilge pumps along with construction and maintenance activities. This is not just a mining issue. Clearly, any activity which results in the discharge of solid or liquid waste are at issue. The only statutory exemption is for domestic wastewater. It is not certain whether the domestic exemption would be applied to the drilling of domestic water wells or not.

Issue:

Various construction, mining related, marine related, and other routine activities clearly result in relatively small discharge and disposal of solid and liquid waste to land and/ or waters of the state. These waste fall into three main categories; either water (usually on-site derived with or without any suspended solids or additives), on-site derived soil, and on-site derived rock. Further, the clean fill material commonly used for various construction purposes represents a similar discharge/ disposal situation under the current statute. In

essence it is not possible to drill a hole, excavate a trench, or pump a bilge without some level of discharge and disposal. Such discharged and disposed materials are typically of locally derived natural materials, are non-toxic, and any additives are benign (for example, the common polymer additive used in mineral related drilling is approved by the US EPA for potable water well drilling). These diminutive discharge and disposal practices present no significant environmental hazard. In recognition of these situations such discharges and disposals have not previously been regulated.

Discussion:

The enforcement undertaken by ADEC on this issue is highly selective. SE Region indicated that unless a complaint is lodged, such as the case with the AJ Mine opponents, that ADEC will not go looking for compliance or violations; an arbitrary "don't ask- don't tell" type policy. This policy is clearly evident by the total disregard of the discharges related to the construction site adjacent to ADEC headquarters. Contemporaneous with the "don't ask- don't tell" policy ADEC indicated they would be investigating the development of a general permit or other similar mechanism to deal with the regulation of minor discharges. Work is apparently being done by ADEC on the development of a General Permit. However, neither DCED or industry representatives have been asked to participate in the GP development at this time. Therefore, the status of the General Permit project is unknown.

Clearly, the current selective enforcement policy of ADEC is not acceptable. Three viable options seem available concerning resolution of the discharge permit issue.

First, individual or project wide permits could be sought by mining companies (or any other activity which results in a discharge) as the need arises. This is not a workable situation. In addition to the time required by any applicant to apply for and receive such permits, the staff time, costs and commitment by ADEC could be much better utilized on more pressing issues. Requiring and enforcing such restrictions could effectively delay any and all activities which discharge. The "0" discharge argument could be advanced, but as already indicated actual "0" discharge is nearly impossible to attain in a field situation; especially in the case of any excavations.

Secondly, a general permit could be developed by ADEC and then used to allow diminutive activities. This represents an improvement over the project permitting but still requires development of the GP as well as a permitting process for diminutive activities. A GP may be a workable system but it still represents another layer of bureaucracy

and regulatory interference which is likely not necessary. As with individual and project wide permits, a GP still requires significant staff time and effort to regulate and enforce activities which clearly do not need such scrutiny. For these reasons a general permit approach is not favored. Nevertheless, the development and implementation of a general permit may be useful as an interim measure awaiting a statutory change.

Finally, statutory change could be granted to eliminate the problem. Such a statutory approach is the most desirable "fix" although it will undoubtedly require a concerted effort to move the necessary legislation through the Alaska legislature and the Governor. The statutory fix represents the best way to eliminate the problem. A statutory change would be envisioned to define diminutive activities along with allowable exemptions. This would eliminate the subjectiveness of the current system, not result in expanded or redirected bureaucracy thus responding in a positive manner to industry, government, and citizen needs. All this can be accomplished without adding additional bureaucracy and layers of permitting process. Finally, the statutory changes can clearly define activities which do require additional oversight as well as those which clearly do not.

Recommendations:

Pursuing a statutory change is the preferred course of action. A statutory change is recommended for several reasons. First of all, maintaining the status quo is simply not workable. It places any activity which requires a discharge/ disposal open to litigation by project opponents. The second option, that of a general permit, represents a great improvement over the current situation still requires a permitting process for insignificant activities and does not represent either a business, government, or public friendly system. The statutory change results in fixing the problem, allowing certainty of activities, and brings all the stake holders into the issue. Such statutory changes should be actively sought during the 19th Legislature.

**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WASTEWATER GENERAL PERMIT**

Permit No. 9540-DB001

Date Issued: _____

This general wastewater disposal permit applies to lands or waters of the state, including public and private lands and waters, and is issued for the disposal of wastewater from drilling operations which are determined to have minimal environmental impact and no perceived risk to human health. This general permit applies to wastewater disposal from operations such as mine drilling exploration, water well drilling and monitoring well drilling unless there are contaminants present in the effluent for which the monitoring well is being constructed.

This permit is not applicable for discharges to 1) waters listed by the state as impaired, where the impairment is wholly or partially caused by a pollutant contained within the proposed discharge, 2) to discharges from drilling operations for the oil or gas industries, or 3) to discharges from monitoring wells at contaminated sites.

This permit is subject to the conditions and stipulations contained in Appendices A and B, which are incorporated herein by reference. All disposals made under the authority of this permit, regardless of size, are subject to the conditions and stipulations contained herein.

The Department will require a person to apply for an individual disposal permit when it determines that the proposed disposal does not meet the conditions of this general permit, contributes to pollution, may cause an adverse impact on public health or water quality, or a change occurs in the availability of technology or practices for the control or abatement of pollutants contained in the disposal. Issues that the Department may consider when deciding whether to require an individual permit for a particular disposal include, but are not limited to: proximity of contaminated sites, proximity of drinking water sources, and potential changes in drinking water quality. Issuance of an individual disposal permit requires a 30 day Public Notice period and additional time for processing the application.

This permit is issued under provisions of Alaska Statute 46.03., Title 18 of the Alaska Administrative Code, as amended or revised, and other applicable state laws and regulations, including standards of the Alaska Coastal Management Program under 6 AAC 80.

This permit does not relieve the permittee of the responsibility of obtaining other required permits.

This permit is effective upon issuance and expires XXXXXXX or upon issuance of an amended general permit. It may be terminated, modified, or renewed in accordance with AS 46.03.120.

Jerry Imm, Director
Environmental Quality

APPENDIX A - SPECIFIC PERMIT CONDITIONS

I. NOTICE OF DISPOSAL

- A. Applicants wishing to conduct disposal activities under this permit must submit a Notice of Disposal to the appropriate regional office at least 30 days prior to the initiation of disposal activities, unless they are excluded under item I.B. of this permit.
- B. Applicants are automatically covered by this permit and will not need to submit a Notice of Disposal or receive written notification that they are covered provided they are:
1. not using drilling fluid additives,
 2. using water only as a drilling fluid,
 3. using National Sanitation Foundation (NSF) approved "Well Drilling Aids" (NSF Standard 60: Drinking Water Treatment Chemicals - Health Effects, 1988, available from the NSF, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, MI 48106, (313)769-8010, Telex: 753215, FAX (313)769-0109) or,
 4. discharging less than 500 gallons per acre per annum of drilling fluid wastes.
- C. Each Notice of Disposal submitted under I.A. must include the following information:
1. Applicant's name, position, company address and telephone number.
 2. Site map showing general location of discharge, any receiving waters and any downstream surface waters within 1/2 mile of the discharge.
 3. Information on any public water supply within 1 mile of the discharge point that is also within the same watershed as the discharge.
 4. Date of initial discharge, expected duration of discharge and average and maximum daily flow rates in gallons per day.
 5. For additives not approved by the National Sanitation Foundation provide the commercial name, the chemical constituents, the concentration at which the product will be used, the expected concentration in the discharge, any health advisories or narrative on product usage or care, and Material Safety Data Sheets.

I. NOTICE OF DISPOSAL (cont.)

6. For additives not approved by the National Sanitation Foundation provide information which shows that the material will not be toxic to aquatic or other life and shall meet all water quality criteria specified in 18 AAC 70 at the point of discharge, at a minimum of 25 feet from any fish bearing stream or at a specified distance from the point of discharge.
 7. Method and design of proposed treatment system if required to meet permit limitations identified in Part II below, and design of all wastewater conveyances, constructed or natural, for this drilling operation.
- D. For additives not approved by the National Sanitation Foundation, applicants must receive written approval from the Regional Administrator of the appropriate regional office, or their designee, before conducting disposal activities under this permit. The Department may, in its discretion, deny use of this permit or require a person to apply for an individual permit when the department determines the proposal does not meet the conditions of this general permit, contributes to pollution, causes an adverse impact on public health or water quality, or a change occurs in the availability of technology or practices for the control or abatement of pollutants contained in the disposal. The Department may waive the requirement to monitor for parameters listed in section III.A if either the pollutant does not or is not likely to exist in the effluent, or if the pollutant cannot be directly monitored against background levels.
- E. When additives not approved by the National Sanitation Foundation are used in the drilling process, the applicant must contact the Department of Fish and Game, Habitat and Restoration Division, two weeks prior to any discharge, if the discharged water will go directly or via storm drains to fish-bearing waters.

II. LIMITATIONS

- A. During the period beginning on the effective date of this permit and lasting through the expiration or termination date, the permittee is authorized to discharge wastewater as specified in this section.

II. LIMITATIONS (Continued)

- B. Wastewater discharged from drilling operations shall not exceed the following limitations where they enter waters of the state:

<u>Effluent Limitations</u>	<u>Maximum Value</u>
Turbidity	5 NTU's above background ¹
Total Aromatic Hydrocarbons	10 µg/L
Settleable Solids	0.2 mL/L ²

- C. The effluent pH shall be between 6.5 and 8.5 pH units or within 0.5 units of the receiving water pH at all times.
- D. The Department will in its discretion add limitations for those additives listed in part I.C of Section I., NOTICE OF DISPOSAL.
- E. The discharge shall not cause thermal or physical erosion.
- F. The discharge shall not create a thermal barrier to fish movement.
- G. The discharge shall not result in the exclusion of fish from aquatic habitat.
- H. The discharge shall not cause resuspension of sediments upon discharge into receiving waters.
- I. The discharge shall not cause a violation of the Alaska Water Quality Standards (18 AAC 70).

¹Applies to discharges to the waters of the state only. Not applicable to disposals which freeze upon discharge. Shall not have more than 10% increase in turbidity when the natural condition is more than 50 NTU, not to exceed a maximum increase of 15 NTU. Shall not exceed 5 NTU over natural conditions for all lake waters.

² When the discharge flow is greater than the receiving water flow, settleable solids shall have a maximum limitation of 0.1 ml/l.

III. MONITORING

- A. Permittees shall monitor the wastewater stream where it enters waters of the state in the following manner and at the minimum frequencies listed while the discharge is occurring:

<u>Effluent Characteristic</u>	<u>Sample Location</u>	<u>Minimum Frequency</u>	<u>Sample Type</u>
Total Flow	Effluent	Weekly	NA
Turbidity (NTU)	Effluent & Background ⁴	Daily ³	Grab
Total Aromatic Hydrocarbons	Effluent	Monthly ³	Grab
Settleable Solids	Effluent	Daily	Grab

- B. Samples and measurements taken as required shall be representative of the volume and nature of the monitored activity.
- C. Monitoring results shall be recorded and kept for a period of three years and shall be available for review by the agency during that period.

IV. MANAGEMENT PRACTICES

- A. The operator shall take whatever steps are appropriate to maintain the drilling operation in such a manner that the terms and conditions of this permit are met. This includes leaving the drilling site, including any settling ponds, in a condition that will not cause additional degradation to the receiving waters over those resulting from natural causes and to comply with abandonment procedures in 18 AAC 80 for any water test borings or wells.
- B. The operator shall maintain fuel handling and storage facilities in a manner which prevents the discharge of petroleum products into receiving waters.

V. RECORDS RETENTION

³A Minimum of one sample shall be taken.

⁴Turbidity values of effluent and receiving water shall be determined. One sample shall be taken at a point representative of the discharge prior to its entering the receiving water. A second sample shall be taken of the receiving water upstream of the discharge point, or in the case of receiving waters with low or no flow, prior to discharge, at a location representative of the receiving water. Both samples shall be taken during the same day within a reasonable time frame (i.e., within 20 minutes to one-half hour).

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, and calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained in Alaska for observation by the Department for three years. Upon request from the Department, the permittee shall submit certified copies of such records.

VI. NONCOMPLIANCE NOTIFICATION

- A. If, for any reason, the permittee does not comply with or will be unable to comply with any terms or conditions specified in this permit, the permittee shall report the noncompliance to the Department within 24 hours, or as soon as possible, of becoming aware of such conditions.
- B. A written follow-up report shall be sent to the appropriate Department office at the address below within seven days of the noncompliance event. The written report shall contain, but not be limited to:
1. Times and dates on which the event occurred, and if not corrected, the anticipated time the noncompliance is expected to continue.
 2. A detailed description of the event, including quantities and types of materials involved.
 3. Details of any actual or potential impact on the receiving environment or public health.
 4. Details of actions taken or to be taken to correct the causes of the event.
 5. Details of actions taken or to be taken to correct any damage resulting from the event.

Alaska Department of Environmental
Conservation
Northern Regional Office
Attn: Wastewater Section
610 University Ave.
Fairbanks, Alaska 99709-3643
(907) 451-2360
FAX: 451-2187

Alaska Department of Environmental
Conservation
Southeastern Regional Office
Attn: Wastewater Section
410 Willoughby Ave., Suite #105
Juneau, Alaska 99801
(907) 465-5350
FAX: 465-5362

Alaska Department of Environmental
Conservation
Southcentral Regional Office
Attn: Wastewater Section
3601 C Street, Suite #1334
Anchorage, Alaska 99503
(907) 563-6529
FAX: 562-4026

Alaska Department of Environmental
Conservation
Pipeline Corridor Regional Office
Attn: Wastewater Section
411 W 4th Ave., Suite #2-C
Anchorage, AK 99501
(907) 278-8594
FAX: 272-0690

VII. RESTRICTION OF PERMIT USE

The Department may prohibit or restrict use of this permit by a permittee because of noncompliance within this permit.

VIII. TRANSFER OF OWNERSHIP

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Environmental Administrator of the Department of Environmental Conservation at the address in Appendix A, Paragraph V of this permit.

APPENDIX B - GENERAL PERMIT CONDITIONS

I. ACCESS AND INSPECTION

The permittee shall allow the Commissioner or his/her representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

II. INFORMATION ACCESS

Except where protected from disclosure by applicable state or federal law, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the appropriate State of Alaska Department of Environmental Conservation Regional Office.

III. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall relieve the permittee from any potential civil or criminal liability for noncompliance with the permit or with applicable law.

IV. AVAILABILITY

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

V. ADVERSE IMPACT

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The permittee shall clean up and restore all areas adversely impacted by the noncompliance.

unseen
VI

CULTURAL OR PALEONTOLOGICAL RESOURCES

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources (907) 762-2622, is to be notified immediately.

VIII. OTHER LEGAL OBLIGATIONS

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state or federal agencies, and to comply with the requirements contained in any such permits. All activities conducted and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

IX. POLLUTION PREVENTION

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority options as outlined in AS 46.06.021:

- * waste source reduction,
- * recycling of waste,
- * waste treatment, and
- * waste disposal.

The permittee shall instruct personnel not to dispose of any wastes, including diesel, waste or spilled oil and solvents with drilling fluid wastes. These materials may be hazardous wastes and must be managed in compliance with 18 AAC 62..

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES

STATE OF ALASKA
DIVISION OF MINING AND
WATER MANAGEMENT

TO: Jerry Imm
Director
Environmental Quality

DATE: January 5, 1995

THRU: Jules Tilleston
Director

TELEPHONE NO.: 762-2109

FROM: M.W. Henning
Mine Permitting

SUBJECT: Comments on Wastewater
Disposal General Permit
No. 9540-DB001

Division of Mining and Water Management appreciates the opportunity to comment on the Draft Wastewater Disposal General Permit No. 9540-DB001 being promulgated for 19 AAC 72.500, which covers the disposal of nondomestic wastewater. The division is aware of the impetus for this permit stems from drilling activities being conducted by Echo Bay at the AJ Mine and is in response to mine opponents complaints to the SE Region office of ADEC.

Until these issues were raised in relation to the AJ Mine Development ADEC considered these discharges as insignificant and ignored them. Examples of activities include mineral exploration drilling, pumping of marine bilges, road construction and maintenance activities. Various activities related to construction, mining, marine, and other miscellaneous routine activities result in small discharges to the land and/or waters of the state. It is not possible to conduct most of these activities without some level of discharge and disposal. These materials are usually derived from natural materials, are non-toxic, and any additives are benign (for example, the common polymer additive used in mineral exploration drilling is approved by the EPA for potable water well drilling. These diminutive discharge and disposal practices present no significant environmental hazard. Because of this ADEC in the past has chosen not to regulate discharges from these activities.

In reviewing the draft permit many areas of concern have been identified, for example in the first paragraph of the General Permit the words "mineral exploration drilling" should be added before "mine drilling exploration." This might be a fine point, but they can be distinctly different operations. Might as well make it as broad as possible.

In IB four items listed were connected only by the word "or". Does this mean if only one of the criterion is met, but not the others an activity would still fall under the general permit.

IB3. This is a problem. Very few of the polymer additives commonly used in diamond drilling and water well drilling are on the NSF approved list. Most have Material Safety Data Sheets (MSDS) which document that they are non-toxic to life.

IIB,C. What is the precedent for these standards? Clean Water Act? No reference for the authority of these standards is cited.

IIIA. Could be a costly problem. First, what happens if the discharge never enters the waters of the state. Does the applicant still have to monitor the stream to prove it.? Second, because most of the polymers are not on the NSF list they are not listed in I. B. Therefore everyone would be required to go through this monitoring scheme.

There are many additional areas of concern within the draft permit that need to be scrutinized more thoroughly before this permit is issued. We strongly urge ADEC to consider extending the comment period to adequately allow industry and agencies the opportunity to address the issues.

MEMORANDUM

STATE OF ALASKA

Department of Commerce and Economic Development

Division of Economic Development

To: Jerry Imm
Director, Environmental Quality

From: Albert H. Clough
Economic Development

Subject: Wastewater General Permit

Date: 9 January, 1995

Thank you for the opportunity to provide input on this important issue.

First of all, we remain concerned that ADEC is confining this issue to mineral exploration drilling and choosing to ignore other activities which generate similar types and levels of discharges to lands and waters of the state. The Division of Economic Development has maintained throughout this process that all similar activities should be exempt from permit requirements. Nevertheless, if ADEC is going to single out one activity, such as mineral drilling, then all activities which generate similar discharges to lands and waters of the state should be required to undergo similar scrutiny and permit requirements.

Following are comments specific to the various sections of the ADEC Draft Wastewater General Permit (Permit No. 9540-DB001).

The requirement of a 30-day public notice period on an individual disposal permit is unreasonable. Such a requirement will effectively prohibit exploration drilling on a variety of programs throughout the State. It is commonplace for surface exploration to delineate drill targets throughout the exploration season. Such a 30-day notice placed upon a program late in a season could readily exceed the time available for normal summer exploration season activities. Further, the opened ended stipulation of "additional time for processing the application" is especially troubling. Should an individual disposal permit be required the notice and review time should not exceed 5 working days.

Appendix A- Specific Permit Conditions

I. Notice of Disposal

- A. As already indicated, this 30-day requirement is unreasonable.
- B. This section is unclear. Are all 4 stipulations required to be met in order to qualify for the General Permit, or only 1 of the stipulations? Is the National Sanitation Foundation the only authority to certify drilling additives; what about EPA approvals, or MSDS information which clearly shows the additive to be benign. Further, once an additive is approved for use by ADEC will this additive be added to the approved list so that subsequent applicants and ADEC will not have to duplicate the review and approval process. Finally, what is the basis for 500 gallons/ acre/ annum? If discharges are demonstrated to be benign and not contaminating receiving waters why is a annual volume restriction necessary?
- C. Disposal Notice. Item 4 needs to be revised to allow for flexibility. It is not reasonable to hold drilling or other minor discharges to an exact date or flow rate. The requirement should specify an estimated window of operations. Similarly, flow rates will be only an estimate until such time as actual drilling or excavation commences. Further, such flows likely will change through the drilling of the hole (most commonly decrease). Item 5, the approved additive list remains of great concern. As previously mentioned ADEC should check to see what EPA approvals may already exist as well as utilization of the information presented on the MSDS to grant approval.
- D. ADEC needs to check to verify what sort of pre-approvals are acknowledged through EPA procedures.

II. Limitations; no comment.

III. Monitoring:

This section specifies that wastewater will be monitored where it enters water of the state. Is it correct to presume that so long as discharges do not directly enter waters of the state that no monitoring is required? By way of process; in the vast majority of cases discharges from mineral related drilling are low volume, confined to the drill site area, and will readily percolate into the ground, therefore do not discharge into waters of the state. Should this be the case; these monitoring requirements and characteristic may be workable. However, if discharges confined at the drill site need such monitoring these parameters are unreasonable.

IV. Management Practices, no comment.

V. Records Retention:

The three year record retention requirement in Alaska is not workable. The company doing the work may not have an office in Alaska for one. To require the establishment of an office purely for the purposes of storing monitoring records is unreasonable. I would suggest that any records be required to be retained for the period of one year, with no location specified.

VI. Noncompliance notification, no comment.

VII. Restriction of permit use, no comment.

VIII. Transfer of ownership, no comment.

Appendix B- General Permit Conditions, no comment at this time.

Summary

This proposed General Permit has many problems. Comments presented in this memorandum are intended to highlight only some of the more significant concerns. The Department of Environmental Conservation is urged to solicit input from all affected parties prior to issuing this general permit. Finally, as already indicated, if ADEC feels compelled to move this permit process ahead then it needs to be inclusive and not just a punitive measure directed at the minerals drilling industry.



AMERICAN ARCTIC CO.

P.O. BOX 61618 • FAIRBANKS, ALASKA • 99706 • PHONE (907) 451-4350 • FAX (907) 451-4356

FEB 16 1995

February 7, 1995

Representative Bill Williams
Co-Chairman, House Resources Committee

Dear Mr. Williams,

I whole heartedly support H.B. 128. I am a drilling contractor in Fairbanks, Alaska and understand the negative implications of selective enforcement of A.S. 46.03.100. The matter of permitting drilling waste water discharge is of great concern to me and others in the drilling fraternity in Alaska. H.B. 128 will help limit a statute written to broadly.

Sincerely,

Rocky MacDonald

To: Jack Phelps
Fx: 1-907-465-3793

Fr: Blair Wondzell
Ph: 1-907-279-1433
Fl: COMHS129

Jack, as we discussed on the 16 th, I provide the following information.

Under the Federal 1974 Safe Drinking Water Act (SDWA), underground injection of fluids was divided into 5 classes: I. industrial and municipal waste; II. injection associated with oil & gas development; III. extraction mining; IV. hazardous or radioactive wastes; and, V. injection that does not fit in the other categories. The AOGCC obtained primary responsibility over Alaska's Class II injection wells on June 19, 1986.

The AOGCC regulates all Class II injection and disposal operations in Alaska under a Memorandum of Agreement (MOA) with EPA, Region X, dated January 29, 1986, revised, November 22, 1991. Fluids which can be disposed of are non-hazardous oil field wastes; paragraphs 9 and 11 of the revised MOA refer to 40 CFR Part 261 to define non-hazardous oil field wastes.

It would make our regulation of the annular pumping much easier if the same definition of "non-hazardous" fluids could be used as we are required to use for management of Alaska's Class II, UIC Program. The definition could reference either the MOA or 40 CFR, Part 261; we would prefer the MOA reference.

Jack we appreciate this opportunity to comment on these anticipated regulation changes. If I can provide additional information, please call me - 907-279-1433.

Blair Wondzell



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

February 24, 1995

Honorable William Williams
Co-Chairman
House Natural Resources Committee
State Capitol
Juneau, AK 99801-1182

RE: CSSH-128(RES), Drilling Wastes

Dear Representative Williams,

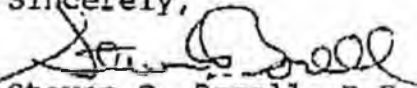
On behalf of the Alaska Miners Association I wish to go on record in support of House Bill 128 dealing with discharge of drilling and other incidental wastes. This issue is very important for exploration, construction, landscaping, and any other commercial activity that results in disturbance of the ground.

This bill will correct a technicality in the existing statute and maintain the status quo regarding minimal discharges. Without the changes proposed in this bill, a special additional permit is required for any commercial activity that causes a surface disturbance. This would include water well drilling, mineral exploration drilling, construction foundations, landscaping, ditching, trenching and similar activities.

This is a prime example of an area where requirements exist that add to the permitting burdens for industry without providing any benefit. This is also the type of item that Governor Knowles has indicated he wants to see corrected. There is no evidence that there is a problem with these discharges. The status quo has worked for years without harm to the environment and changing the statute as proposed in this bill will keep the current practice in place.

Thank you for sponsoring this bill and we urge its rapid passage so the affected activities will not need to obtain a permit for the immediate future exploration and construction season.

Sincerely,


Steven C. Borell, P.E.
Executive Director

cc: Governor Tony Knowles

February 24, 1995

Representative William K. Williams
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: CSSSHB-128

Dear Representative Williams:

I wish to go on record favoring CSSSHB-128. It benefits the State by clarifying the line of authority between the Alaska Oil & Gas Commission and the Department of Environmental Conservation. The apparent overlap between the two agencies has in the past resulted in some disagreement.

More importantly, it puts into law a logical and usual practice concerning the need for a permit for certain solid and liquid waste discharges.

Where such discharges are benign there should be no need for a permit. Unfortunately, the current law does not provide for an exception, and some individual State employees have required a permit. This bill, if enacted, should not only clarify the requirement, but would help advertise Alaska's invitation to explore for minerals and drill for water. Such industries would provide not only high paying jobs, but income to the State during the time oil revenues are falling.

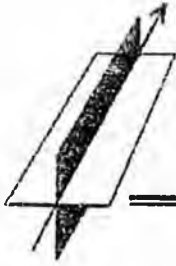
Again, I favor passage of CSSSEB-128, and thank you for introducing the original bill.

Sincerely,



George R. Schmidt
2356 Sonstrom Drive
Anchorage, Ak 99517

Phone: 1-907-243-0644



ON-LINE EXPLORATION SERVICES, INC.

11976 WILDERNESS DR. ANCHORAGE, AK 99516-2238
(907) 345-4815 (907) 345-1987 Fax

February 26, 1995

Rep. Bill Williams, Chairman
House Resources Committee
Alaska State Legislature
Juneau, Alaska 99801-1182

RE: HB 128

Dear Representative Williams:

Thank you for introducing HB 128. HB 128 will amend AS 46.03.100 to exempt certain activities associated with mineral exploration, well drilling or transportation from the requirements of obtaining a waste disposal permit. The activities listed in the bill create only minimal disturbances and are not a significant impact on the environment.

The State needs to encourage resource development, not require a permit for each stone overturned. Swift passage of the bill will affirm the State's commitment to encourage responsible resource development.

I wish to thank you and the Resource Committee for your efforts to ease unnecessary regulatory burdens and encourage the Committee's strong support for HB 128.

Sincerely,

Kevin P. Adler, P.E.
Vice President



ALASKA EARTH SCIENCES

February 27, 1995

Representative Bill Williams
Alaska State Legislature
State Capitol (MS 3100)
Juneau AK 99801-1182

Representative Williams,

I would like to express my support for House Bill No. 128, specifically the language which exempts mineral trenching and drilling from additional regulation. Certain language proposed as part of the Alaska DEC permit process would have provided unnecessarily burdensome controls over activities such as the discharge of minor flows of diamond-drill drilling water. Drill sizes and water flows are very small compared to oil and gas drilling, and in general mineral-drill discharge consists of water, rock dust, and heavily diluted drill additives which are environmentally benign.

As an active exploration geologist and a director of the Anchorage Branch of the Alaska Miners association, I will actively support regulations and procedures which will prevent, minimize, or reclaim unnecessary damage to the environment by mineral exploration or mining activities. I do, however, strongly object to overly complicated or burdensome regulation which serves no meaningful environmental purpose. In my opinion House Bill 128 forestalls potential regulation of this type.

Sincerely,

Toni K. Hinderman
Consulting Exploration Geologist

11341 Olive Lane, Anchorage, Alaska 99515

Phone: (907) 522-4864 Fax: (907) 349-3557

★ 1975 *Serving Alaska for 20 years* 1995 ★

Resource Development Council

for Alaska, Inc.

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

EXECUTIVE DIRECTOR

Becky L. Gay

1994-95 EXECUTIVE COMMITTEE:

David J. Parish, President
Elizabeth Rensar, Sr. Vice President
Scott L. Thorson, Vice President
Lyle Von Bergen, Secretary
Allen Birmingham, Treasurer
Jacob Adams
Cynthia Bailey
Gerald G. Booth
Kelly M. Campbell
James L. Cloud
John Forcaska
Mando Fry
Paul S. Givanovich
Uwe L. Gross
Roger C. Herrera
Dan H. Keck
Jerome M. Selby
John Sargeon
William A. Thomas
Mitch Usabelli
James D. Weeks

DIRECTORS

Wili Abratt
Irene A. Anderson
Sharon E. Anderson
Emilia Ballard
Richard F. Barnes
Mark Begich
William C. Behrke
R. G. Dick Brinkshaw
Herl I. Bishop
James E. Carmichael
Thomas Cook
Marilyn Crockett
Larry Daniels
James C. Dora
James V. Drew
Paula P. Eastay
Donald S. Follows
Scott Goldsmith
Arvid Hall
John L. Harns
Robert S. Hatfield, Jr.
Joseph R. Henri
Karen J. Hofstad
William L. Hopper
David W. Huxtable
Jim Jansen
John T. Kebley
John A. Lanham
Pete Loathard
Wayne Lewis
Dale R. Lindley
Robert W. Loeschner
Carl H. Mann
Howard McWilliams
H. Raymond Mesias
Clarence "Rocky" Miller
E. H. "Pete" Nelson
John K. Norman
Wilbur O. Olson
Jamin Parsons
Kenneth E. Peavyhouse
Kenneth R. Pottle
Stephen M. Reinberg
John A. L. Renze
Dan Rowley
Walt Schaefer
George R. Schmitt
Thyrs J. Shaub
Heinrich "Henry" Sommer
R.B. Sisk
Michael E. Sinne
Scott H. Thompson
Barry D. Thomson
Doug M. Webb
J.C. Winchold
George P. Wuerch

HONORARY DIRECTORS

Phil R. Holdsworth
William R. Wood

EX-OFFICIO MEMBERS

Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles

RDC Comments on HB 128 February 27, 1995

The Resource Development Council supports HB 128, "An Act relating to the disposal of wastes: giving the Alaska Oil and Gas Conservation Commission authority to regulate disposal in the annular space of an oil or gas well of drilling mud, cuttings, and nonhazardous drilling operation wastes, and exempting the disposal of those wastes from the requirement of a waste disposal permit issued by the Department of Environmental Conservation; and establishing an exemption from the requirement of obtaining a waste disposal permit from the Department of Environmental Conservation for certain activities that yield solid and liquid waste material discharges and cooling water discharges."

The Resource Development Council is a long-time proponent of providing a regulatory regime within the State of Alaska that ensures environmental protection while at the same time providing regulations that are realistic and necessary.

RDC supports HB 128, which would provide a general exemption for discharges which are incidental to activities such as mineral drilling and trenching, well drilling, or road and facility construction.

RDC is a statewide, membership-funded, non-profit, pro-development organization working on behalf of Alaska's basic industries, including oil and gas, mining, timber, fishing and tourism. RDC's membership includes the aforementioned industries, as well as the sectors which support those industries, such as construction, labor and other technical service providers, individuals, Native corporations, communities and a wide variety of Alaska interests.

Providing a general exemption for incidental discharges, not a point source, allows for environmental protection while reducing the regulatory burden on industries already complying with multiple regulatory and environmental permits and standards.

RDC comments on HB 128

February 24, 1995

Under existing law there are no provisions for an exemption regardless of how minimal or benign the deposit may be. Incidental discharge regulations may be administered inconsistently given changes in department personnel and political agendas. Providing the exemption in statute restores the status quo which has worked for years without harm to the environment and ensures that this exemption will not be at risk in the future.

It's important for the State to provide regulatory incentives to resource development activities. The industries which will be affected by this discharge exemption are vital to the economy of Alaska.

RDC believes HB 128 sends a refreshing message to Alaska's resource development community that the State of Alaska is cognizant of the burdensome nature and potential economic hardships environmental regulations can impose upon resource projects and to the private development sector in general.

RDC commends Representative Williams for a bill that makes good environmental, regulatory and economic sense. RDC hopes this bill is passed expeditiously by the Nineteenth Alaska State Legislature.

Thank you for the opportunity to submit comments on HB 128.

February 27, 1995

COOK INLET REGION, INC.

Honorable William K. Williams
Co-Chairman, House Resources Committee
State Capitol
Juneau, AK 99801-1182

VIA FAXCOM 907-465-3793

Dear Representative Williams:

I am writing to express my support for HB 128 which provides a statutory alternative to the General Permit (GP) for drilling wastes proposed by the Alaska Department of Environmental Conservation (ADEC). ADEC's proposed GP, which would selectively apply to the drilling industry, derives from the permitting requirements of AS 46.03.100 which requires a permit for any disposal of solid or liquid waste into the waters or onto the lands of the state. The proposed GP would create additional regulatory compliance burdens for drilling programs where no environmental problem has been shown to exist.

HB 128 adopts the reasonable approach of providing a general exemption for discharges which are incidental to drilling, trenching and construction activities and not directly discharged into waters of the state. It would remove the need for yet another permit that would do little, if anything, to protect the state's environment. By streamlining the permitting process, it would promote responsible resource development and would help ease the work load on state agencies charged with the administration of environmental permitting. HB 128 makes good sense for industry and government alike and I strongly support its passage.

Sincerely,

COOK INLET REGION, INC.


Thomas C. Crafford
Manager, Minerals and Coal

cc G. Booth
C. Marrs
L. Kimball

Mr. Kyle Brown
Discovery Drilling Inc.
Box 111165
Anchorage, Alaska 99511-1165

EB 2:3: 1995

February 20, 1995

Representative Williams
State Capitol
Juneau, Alaska 99801-1182

Dear Representative Williams,

I'm writing today to offer total support of pending HB 128. I feel that some background information is critical to understanding the value of this legislation.

Alaska Statute 46.03.100. states, in so many words, that all solid or liquid discharges to the lands or waters of the state shall procure a permit. This requirement has gone largely unenforced since its inception. Recently, pressure from a certain special interest group, has been brought to bear on A.D.E.C. to enforce this statute on a specific industry. This pressure brought into existence a proposed drilling wastewater permit (Permit No. 9540-DB001). The problems with this proposed permit are many;

- The proposed permit targets a specific industry and ignores all others.
- The proposed permit is not based on any specific hazard. It is in response to a political need.
- The proposed permit shows a blatant lack of any cost benefit analysis.
- The proposed permit is far more complicated, expensive and burdensome than what should be required for operations with, as the permit states, "minimal environmental impact and no perceived risk to human health".
- The permit is unnecessary in light of the fact that there are already laws in effect that prohibit any pollution of state lands or waters that are enforced.
- A.D.E.C. representatives have verbally stated that the only affected parties will be the targeted group and that other drilling concerns (water well drillers etc.) need not be concerned about enforcement.
- The statute is far too broad. All discharges are included without regard to their size, source or harmless nature.

As a drilling contractor, we would be adversely affected by this permit, however our clients (engineering firms) and their clients would suffer the most from the unnecessary time delays, paperwork, monitoring and lab costs required by this permit, as they are the ones who would ultimately have to deal with these issues.

The proposed permit is clearly not representative of responsible government policy. I feel that HB 128 goes a long way to addressing the overly broad nature of the statute and concurrently deals with A.D.E.C.'s need to respond to the special interest group in question.

Thank you very much for your time in this matter. Please contact me at your convenience if you have any questions or if I can help in some other way to help with this issue.

Very Truly Yours,



Kyle Brown
Discovery Drilling Inc.

February 27, 1995

To: Representative Bill Williams

From: Anita Williams

Anita Williams

Subject: Support for HB-128

I want to thank you for taking the steps to introduce HB-128 concerning drilling wastes. Government has become so encumbered with useless rules and regulations that it is difficult to concentrate on the important issues and problems. By sponsoring this bill you are making an important statement that government need to focus its energies on solving real problems, not making rules and regulations just because it can.

Thank you for your efforts. Keep up the good work.

Post-It® brand fax transmittal memo 7671		# of pages ▶ 1	
To <i>Bill Williams</i>	From <i>Anita Williams</i>		
Co. <i>State House</i>	Co.		
Dept.	Phone # <i>907-562-0709</i>		
Fax # <i>907-465-3793</i>	Fax # <i>907-563-7559</i>		



AMBLER EXPLORATION INC.
CONTRACT DRILLING & EXPLORATION SERVICES

1310 W. INTERNATIONAL AIRPORT ROAD, UNIT B
ANCHORAGE, ALASKA 99518

TEL (907) 662-6263
FAX (907) 662-0264

February 27, 1995

William K. "Bill" Williams
House District 1
State Of Alaska
P.O. Box 6374
Ketchikan, Alaska 99901

Re: HB-128 (Drilling Wastes)

This letter is to acknowledge our support for HB-128 which resolves the issue of discharge from drilling operations. I understand this was initially raised to penalize or target a single operation. Your perserverance in helping to legitimize the permitting and regulatory process is appreciated.

Industry's faith in Alaska is at a low ebb with investment dollars continuing to go overseas where a more temperate investment climate prevails. We need to send a message that Alaska is not adverse to development of our natural resources and that we need to foster such development if we are to continue to provide employment opportunities, social programs and an acceptable lifestyle.

Again, thank you for your assistance.

Sincerely,

AMBLER EXPLORATION, INC.


Howard J. Grey

Howard J. Grey
1927 West 13th Avenue
Anchorage AK 99501
(907) 272-2617

February 27, 1995

Via Fax 907-465-3793
1 Page to Transmit

William K. "Bill" Williams
House District 1
State of Alaska
PO Box 6374
Ketchikan AK 99901

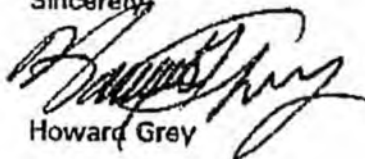
RE: HB-128 (Drilling Wastes)

Dear Representative Williams:

Thank you for introducing HB-128. This legislation will correct any misinterpretation with regard to permitting of drilling operations, for what amount to low volume discharges.

I appreciate your assistance in watching over the regulatory process.

Sincerely,



Howard Grey

HG:las



February 17, 1995

FEB 27 1995

Representative Bill Williams
Room 128
State Capitol
Juneau, AK 99811-1182

FEB 27 1995

Dear Representative Williams:

This letter is written to express our support of your proposed HB 128 establishing an exemption to the requirement of obtaining a waste disposal permit for certain activities, etc. The proposed draft regulations by the DEC that is obviously directed at exploration drilling; it is onerous, ridiculous, and would be nothing more than one more "road block" for miners and mining companies. Your proposed bill would fix this dilemma. I applaud your actions.

Yours truly,

Richard A. Hughes, P. E.
Project Manager



NANA REGIONAL WATER CORPORATION, INC.

101 E. BERTON BOULEVARD, ANCHORAGE, ALASKA 99501
TELEPHONE (907) 265-4100



February 28, 1995

Honorable William K. Williams
Co-Chairman House Resources Committee
State Capitol
Juneau, AK 99801

Dear Rep. Williams:

This letter is in express support from both NANA and its subsidiary NANA/Dynatec for HB 128. This is a very viable alternative to the proposed general permit for incidental wastes from drilling programs. The proposed general permit would create additional regulations for programs in which no environmental problems have been shown to exist. The ADEC has a lot of real problems with which to deal and should be allowed to channel their efforts into things such as safe water, sewage disposal and land fills in communities and villages.

Thank you for your time and effort in sponsoring HB-128. It is a very reasonable and responsible approach to solve the present dilemma.

Sincerely,

Anita Williams
Senior Geologist

cc J. Rense
J. Schaeffer

Post-Net Form for Transmittal (Form 7571)		Processed
To: William K. Williams	From: Anita Williams	
Co: State House	Co: NANA	
Dept:	Phone: 907-583-7079	
Fax: 707-465-3770	Fax: 707-465-7559	



Calista Corporation

601 W. 5th Avenue, Suite 200 • Anchorage, AK 99501-2225 • (907) 279-5516 • FACSIMILE (907) 272-5060

MAR 02 1995

February 28th, 1995

Representative Bill Williams
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK, 99801-1182

Representative Williams,

I support House Bill No. 128, specifically the language which exempts mineral trenching and drilling from additional regulation. Certain language proposed as part of the Alaska DEC permit process would have provided unnecessarily burdensome controls over activities such as the discharge of minor flows of diamond-drill circulation water. Drill sizes and water flows are very small compared to oil and gas drilling. Mineral-drill discharge consists of water, rock dust, and heavily diluted drill additives which are environmentally benign.

HB 128 adopts the reasonable approach of providing a general exemption for discharges which are incidental to drilling, trenching and construction activities and not directly discharged into waters of the state. It would remove the need for yet another permit that would do little, if anything, to protect the state's environment. By streamlining the permitting process, it would promote responsible resource development and would help ease the work load on state agencies charged with the administration of environmental permitting. HB 128 makes good sense for industry and government alike and I support its passage.

Sincerely,



Robert M. Retherford,
Senior Exploration Geologist

HB

141

B

HOUSE COMMITTEE REPORT

3/20/95 Rules

(9) Date Referred: March 1, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/20/95

The RESOURCES Committee considered:

HB 141

HOUSE BILL NO. 141

TERM OF FISH & GAME BOARD MEMBERS

"An Act relating to the appointment of members of the Board of Fisheries."

recommends it be replaced with the following committee substitute CS HB 141 (FSH) [X] the same title [] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date) [] fiscal note(s) [] fiscal note(s)

[] zero fiscal note(s) [X] zero fiscal note(s) ADF+G 3/1/95

Table with columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Rows include signatures and names: Davies, Williams, Ogden, Austermen, Kott, Green. Includes circled numbers 4 and 2.

CO- CHAIR'S SIGNATURE W.K. Williams

CS FOR HOUSE BILL NO. 141(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:
Referred:

Sponsor(s): REPRESENTATIVES AUSTERMAN, Grussendorf, Elton

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the appointment of members of the Board of Fisheries."

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

3 * Section 1. AS 16.05.221(c) is amended to read:

4 (c) Members of the [BOARD OF FISHERIES OR] Board of Game serve
5 staggered terms of three years and until a successor is appointed. An appointment to
6 fill a vacancy in the membership of the [BOARD OF FISHERIES OR] Board of Game
7 shall be made in the same manner as the original appointment and for the balance of
8 the unexpired term.

9 * Sec. 2. AS 16.05.221 is amended by adding a new subsection to read:

10 (d) Members of the Board of Fisheries serve staggered terms of three years
11 and until a successor is appointed and the successor's term begins. The terms of
12 members of the board begin on July 1. Notwithstanding AS 39.05.080(1), by April 1
13 of the calendar year in which the term expires, the governor shall appoint a person to
14 fill a vacancy on the board due to expiration of the term of a member of the board and
15 submit the name of the person to the legislature for confirmation. If a vacancy arises

1 on the board other than by the expiration of a term, the governor shall, within 30 days
2 after the vacancy arises, appoint a person to serve the balance of the unexpired term
3 and submit the name of the person to the legislature for confirmation. A person
4 appointed to fill the balance of an unexpired term shall serve on the board from the
5 date of appointment until the earlier of the expiration of the term or the failure of the
6 legislature to confirm the person under AS 39.05.080.

7 * Sec. 3. TRANSITION. Notwithstanding AS 16.05.221(d), added by sec. 2 of this Act,
8 the

9 (1) expiration date of the terms of the persons serving on the Board of
10 Fisheries on January 1, 1995, is January 31 of the calendar year in which the term expires;

11 (2) terms of persons appointed to the Board of Fisheries after January 1, 1995,
12 other than the terms of persons appointed to serve the balance of an unexpired term, begin
13 upon the expiration of the predecessor's term and expire three calendar years later on June 30.

03/15/95 50414 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:09:19 PARTICIPANT LIST (ALL PARTICIPANTS) BY:PSG
TCN:50394 SCHEDULED FOR:03/15/95 08:00 TO 10:00 FOR:PSG
PUBLIC HEARING HOUSE RESOURCES
LOCATION:PETERSBURG
HJR 25 MR. BARRY BRACKEN ADF&G
I MAY BE ABLE TO ANSWER QUESTIONS
OBSERVE

03/15/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:04:36 PARTICIPANT LIST (ALL PARTICIPANTS) BY:COR
TCN:50394 SCHEDULED FOR:03/15/95 08:00 TO 10:00 FOR:COR
PUBLIC HEARING HOUSE RESOURCES
LOCATION:CORDOVA
HB 141 MS. DORNE HAWKHURST ✓ CDFU TESTIFY
P.O. BOX 939 Cordova 99574 424-3447

03/15/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:23:14 PARTICIPANT LIST (ALL PARTICIPANTS) BY:KOD
TCN:50394 SCHEDULED FOR:03/15/95 08:00 TO 10:00 FOR:KOD
PUBLIC HEARING HOUSE RESOURCES
LOCATION:KODIAK
HB 141 MR. MIKE MARTIN ✓ TESTIFY
By 889 99615 345-0349

03/15/95 08:43:10 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU
RE TCN: 50394 SCHEDULED FOR:03/15/95 08:00 TO 10:00
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING
MESSAGE TEXT: MIM ROBINSON FOR HB 141 IN PORT ALEXANDER ✓

03/15/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

08:45:08

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KTN

TCN:50394 SCHEDULED FOR:03/15/95 08:00 TO 10:00

FOR:KTN

PUBLIC HEARING

HOUSE RESOURCES

LOCATION:KETCHIKAN

HJR 25 MR. ROYCE F. RANNIGER OBSERVE

HJR 25 MR. DONALD WESTLUND TESTIFY

HB 141 MR. DAVID BRAY TESTIFY

2729 Tongass Ave

225-2624

*pos ?
sump*

03/15/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

08:05:17

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:SIT

TCN:50394 SCHEDULED FOR:03/15/95 08:00 TO 10:00

FOR:SIT

PUBLIC HEARING

HOUSE RESOURCES

LOCATION:SITKA

HJR 25 DAN FALVEY ✓ ALFA TESTIFY

Box 6083

998357

747-8710

HJR 25 BETSY KNUTSON TESTIFY

2039 HPR

5091

HJR-25 DENNIS HICKS ✓ TESTIFY

726 Siginaka Way

3465

James Swift

Box 1725

3156

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 3-15-95

Tape# 95-33, 95-34 Joint _____

Time: 8:09 am/pm Time Adjourned: _____ am/pm

ROLL CALL:	PRES	ABS	TIME AR			
Rep. Joe Green	✓					
Rep. Bill Williams*	✓					
Rep. Scott Ogan ✓	✓					
Rep. Alan Austerman ✓	✓					
Rep. Ramona Barnes						
Rep. John Davies ✓	✓					
Rep. Pete Kott	✓					
Rep. Eileen MacLean ✓			<u>8:32</u>			
Rep. Irene Nicholia						

Other Legislators Present _____

AGENDA:

Bill No.	Short Title	Action Taken
<u>HJR 25</u>	<u>Ben Traveling In Eastern Gulf of Alaska</u>	<u>Passed CSS HJR 25 / RES 1</u>
<u>1123141</u>	<u>Term of Fish + Game Board Members</u>	<u>Udd</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

OTHER

NFFMC

LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Resources
3-15-95 8:09 am
Tape #95-33
HB 141

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 3/15/95

PLACE: ROOM 124

SUBJECT OF MEETING:
HJR 25 - Benthic Trawling In Eastern Gulf of Alaska
HB 141 - Terms of Fish + Game Board Members

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Jerry McCune	UFA	212 4th St SUITE 211 G.F.	99801		586 2820	(Y) N	HJR 25 CS HB 141
Geron Bruce	ADFG	Bx 25526 JUNCOA	99802		465-6143	(Y) N	ANSWER QUESTIONS HJR 25 HB 141
Sean Poddach	BRDA	PUB 21951 JUNCOA	99802		463492	(Y) N	HJR 25 CS HB 141
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



REPRESENTATIVE ALAN AUSTERMAN Alaska State Legislature

P.O. Box 2368, Kodiak, Alaska 99615 (907) 486-5930 • Session: State Capitol, Juneau, Alaska 99801 465-2487

SPONSOR STATEMENT

CSHB 141

CS House Bill 141 shifts the appointment and term dates of the Board of Fish members in an effort to depoliticize the confirmation process. The appointment date is moved closer to the confirmation date to help ensure that appointees are confirmed by the legislature prior to having participated at a Board of Fish meeting. Accordingly, the term date is moved from January 31 to July 1st. With CSHB 141, legislators will confirm an appointee based on qualifications, not voting record.

There are instances where changing the term cycle, as in CSHB 141, will not insulate Board of Fish appointees from the confirmation process: where a vacancy occurs before a term expires or the legislature has not confirmed an appointee of the Governor. In these cases, the Governor makes a new appointment within 30 days and those individuals serve on the board until possible confirmation during the next legislative session.

The transition to the new term cycle is addressed in Section 3 of CSHB 141. As presently written, CSHB 141 will extend the terms (to 3 years 5 months) of whichever members are appointed after January 1, 1995. Mr. Utermohle, our drafting attorney, advised against shortening the terms to 2 years, 5 months in this transitory period.

HB 141 brings forth one of the recommendations of the Governor's Transition Team on Fisheries. This group, which convened in Kodiak on January 5 and 6 of last year, was comprised of commercial, sport, and subsistence fishers.




Alaska State Legislature

House of Representatives
Special Committee on Fisheries

M E M O R A N D U M

TO: Representative Bill Williams, Co-Chairman
House Resources Committee

FROM: Representative Alan Austerman, Chairman 
House Special Committee on Fisheries

DATE: February 28, 1995

RE: CSHB 141 - "relating to the appointment of members of the
Board of Fisheries"

I respectfully request that a hearing for my bill, CSHB 141 (FSH), be scheduled at your earliest possible convenience.

My staff has already provided the referral file which includes backup and a fiscal note.

Your assistance with this matter is appreciated.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 141

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Terms of Fish and Game Board members BRU: Boards of Fisheries and Game
 Component: Board Services
 Sponsor: Rep. Austerman
 Requester: House Fisheries COMPONENT SERIAL NO. 482

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 EXPENDITURES						
----------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Geron Bruce (GB)
 Division: Commissioner's Office
 Approved by Commissioner: [Signature]
 Agency: _____

Phone: 485-8143
 Date: 5/12/95
 Date: 5.13.95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

HOUSE COMMITTEE REPORT

(5) Date Referred: February 1, 1995 FURTHER REFERRALS: Resources

Date of Committee Action: 2/27/95

The HOUSE SPECIAL COMMITTEE ON FISHERIES Committee considered: HB 141

HOUSE BILL NO. 141 TERM OF FISH & GAME BOARD MEMBERS

"An Act relating to the appointment of members of the Board of Fisheries."

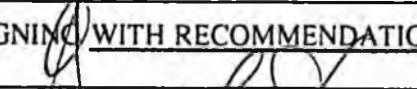



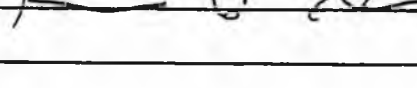
recommends it be replaced the same title
 with the following committee substitute CSHB 141 (FSH) a new title

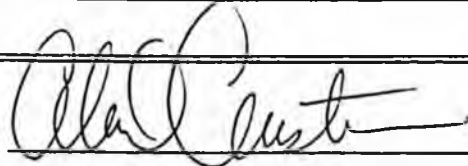
additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) ADFG zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	✓			
	✓			
	✓			
	✓			
	✓			

CHAIR'S SIGNATURE  2/27/95

ALASKA BOARD OF FISHERIES

MEETING SCHEDULE

The meeting cycle generally occurs between October through March. Thus, the cycle overlaps calendar years. All fisheries are considered when the regional area, shellfish species, or statewide regulations are before the board. The fisheries are: subsistence, sport, guided sport, personal use, and commercial fisheries.

NOTE: Statewide finfish and statewide shellfish regulations will not be taken up every meeting cycle. When setting the next meeting cycle, the board will determine whether to consider Statewide finfish or shellfish regulations for that meeting cycle.

Meeting Cycle: 1991/92 1994/95
Proposal Deadline: (04/10/91) (04/11/94)

Alaska Peninsula/Aleutian
Island Areas (All Finfish)

Bristol Bay Area (All Finfish)

Arctic-Yukon-Kuskokwim
Areas (All Finfish)

Statewide (All Finfish)

Meeting Cycle: 1992/93 1995/96
Proposal Deadline: (04/10/92) (04/10/95)

Cook Inlet Area (All Finfish)

Kodiak/Chignik Areas (All Finfish)

King & Tanner Crab (All Regions)

Meeting Cycle: 1993/94 1996/97
Proposal Deadline: (04/09/93) (04/10/96)

Southeast/Yakutat Areas (All Finfish)

Prince William Sound Area (All Finfish)

Dungeness Crab, Shrimp, and Miscellaneous
Shellfish (All Regions)

THE MEETING CYCLE REPEATS ITSELF WITH THE 1994/95 CYCLE BEING THE SAME AS THE 1991/92 CYCLE [WITH THE EXCEPTION OF THE STATEWIDE REGULATIONS]. This schedule was adopted November 9, 1990.

Fisheries

Alaska's fishery resources are critical to the local and statewide economies of the state and to the personal lives of Alaskans. Besides providing more jobs than any other resource or industry in the state, our fishery resources are central to the very sustenance and lifestyle of most Alaskans. Because fish play such a vital role in our lives, and because fisheries in Alaska are biologically complex, the management of this resource naturally generates widespread interest and debate.

RECOMMENDATIONS

BOARD OF FISHERIES

- Retain the basic structure of the existing Board of Fisheries (BOF).
 - Maintain a BOF comprised of lay citizens.
 - Ensure broad geographic interest and expertise by members so that the BOF represents the diversity of interests and regions of the state.
 - Provide that individual BOF seats should not be designated for specific interest groups.
- Consider whether to establish additional Boards, such as a separate BOF for management of groundfish and shellfish and/or separate regional Boards in addition to a statewide Board.
- Make statutory changes regarding BOF member terms in order to depoliticize the confirmation process.
 - Appoint full term BOF members during the first ten days of April, with confirmation by the end of the legislative session.
 - Seat newly confirmed BOF members on July 1 each year.
 - Provide for 3-year staggered terms as currently is done.
 - Fill vacancies for unexpired terms within 30 days.
- Fine tune the current process for reviewing BOF proposals.
 - Retain the current 3 year cycle for review of agenda topics.
 - Improve the agenda change and petition criteria and the process for out-of-cycle issues of importance.
- Reduce the number of proposals reviewed by the BOF by streamlining the proposal process. Consider methods to reduce the number of proposals taken up by the BOF, but do not restrict the public from offering proposals.
- Conduct BOF meetings more effectively through:
 - Management of testimony according to topic.
 - Making all proposal information available to the public 30 days before the meeting.
 - Strictly prohibiting personal advocacy by ADF&G employees at BOF meetings.
 - Increasing use of electronic bulletin boards for information about meetings.
- Consider moving the BOF administratively out of ADF&G and into the Governor's Office or another administrative unit.

STATE OF ALASKA - OFFICE OF THE GOVERNOR
Boards and Commissions Office

Membership Roster

(037) FISHERIES

Member	Appointed	Reappointed	Term Exp.
Trefon Angasan Public Bristol Bay Native Corporation P.O. Box 100220 Anchorage, AK 99510 Work Phone - (907) 278-3602 FAX - (907) 276-3924	01/31/92	02/09/95	01/31/98
Dick H. Bower, Sr. Public P.O. Box 3662 Soldotna, AK 99669 Home Phone - (907) 262-7132 FAX - (907) 262-7132	02/04/94		01/31/97
Larry Edfelt Public 1212 Pike Court Juneau, AK 99801 Home Phone - (907) 780-4780 FAX - (907) 463-3475	07/23/91	01/31/93	01/31/96
Larry J. Engel Public -- Vice-Chair P.O. Box 197 Palmer, AK 99645 Home Phone - (907) 745-4132	02/04/94		01/31/97
Dick Jacobsen Public P.O. Box 54 Sand Point, AK 99661 Home Phone - (907) 383-2042 FAX - (907) 383-5370	01/31/93		01/31/96
Frank Rue Commissioner/Fish and Game/ex officio secretary Acting Commissioner Department of Fish & Game P.O. Box 25526 Juneau, AK 99802-5526 Work Phone - (907) 465-4100	01/13/95		
Virgil L. Umphenour Public 2400 Davis Road Fairbanks, AK 99701 Work Phone - (907) 456-3885 FAX - (907) 456-3889	07/22/94		01/31/96
John R. White Public P.O. Box 190 Bethel, AK 99559	02/09/95		01/31/98



Alaska State Legislature

Please enter into the record my testimony to the Fisheries.
committee name

committee on #22 141, dated 15 MARCH, 95
bill/subject

I FAVOR this Bill, and any Bill which
will put the control of the Board
of Fish & Game back into the hands
of the people and not just ONE person
sitting in the governor's office.

Signed: STEPHEN J. ANDRICH SR.

Testifier

SELF / SPORT Fishing + Charters Fishing

Representing (Optional)

P.O. Box 3275 Ketchikan AK 99901

Address

907-225-3280 907-225-9800

Phone No.

HB

169

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 2/27/95

PLACE: ROOM 124

SUBJECT OF MEETING:

HB 169 - DNR IS LEAD AGENCY for Mining
HB 80 - ONE APPROVAL OF PLATS IN UNDERB. PARCELS
HB 170 - Intensive Mgt. of Game

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
NEIL MacKinnon	AK MINERALS COMMISSIONER	1114 GLACIER AVE JUNEAU, AK	99801	586 3092	586 1254	<input checked="" type="radio"/>	N	HB 169
Wayne Regelin	Dept Fish & Game	PO 25526 JUNEAU	99801	4654190		Y	N	HB 170
Ron Swanson	DNR	3601 C St Anch	99503		762 2690	<input checked="" type="radio"/>	N	HB 80
BOB STILES	DRVEN	711 H St #600 ANCH	99501	276-6868		<input checked="" type="radio"/>	N	HB 169
Charlie Green	AK Minerals Commission	PO Box 71805 Fbx AK 99707	99707	479-2489	452-2625	<input checked="" type="radio"/>	N	HB 169
Charlie Boddy	Us. Lelli Coal Mine	122 1st Ave Fbx, AK 99701	99701		2625 452	<input checked="" type="radio"/>	N	HB 169
Joel Bennett	Defenders of Wildlife	114 W. 6th St Juno	99801	586-1255		<input checked="" type="radio"/>	N	HB 170
Molly Sharma	AEL	Box 22151 JUNO	99802	4167-3316		<input checked="" type="radio"/>	N	HB 170
						Y	N	
						Y	N	
						Y	N	

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

SUBJECT OF MEETING:
HB 169
HB 80
HB 170

DATE: 2-27-95

PLACE: ROOM 124

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ <u>MARK COGHILL</u>	SELF	904 CALHOUN	99801	463-5153 582-4071	463-5153	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 170
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

02/27/95 09:50:51 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCFRA IN FAIRBANKS JNU

RE TCN: 50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: RALF SEEKINS HAS ADDITIONAL TEST - PLZ

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:15:44 PARTICIPANT LIST (ALL PARTICIPANTS) BY:GLN
TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:GLN
PUBLIC HEARING HOUSE RESOURCES
LOCATION:GLENNALLEN
HB 170 MR. FRED T. WILLIAMS TESTIFY

*left
before
testifying*

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:16:53 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:ANC
PUBLIC HEARING HOUSE RESOURCES
LOCATION:ANCHORAGE
HB 170 WARREN ✓ OLSON *5961 Crest Cir Anch 99516 346-1811* TESTIFY
HB 170 DAVID ✓ OLSON *same* TESTIFY

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 09:07:32 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
 TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:FBX

PUBLIC HEARING HOUSE RESOURCES

LOCATION: FAIRBANKS
 HB 170 MR. BILL HAGAR TESTIFY
 HB 170 MR. LYNN LEVENGOOD TESTIFY
 HB 170 MR. TOM SCARBOROUGH TESTIFY
 HB 170 MR. PETER SHEPHERD *biologist* TESTIFY
 HB 170 MR. RALPH SEEKINS TESTIFY

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 09:50:06 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
 TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:FBX

PUBLIC HEARING HOUSE RESOURCES

LOCATION: FAIRBANKS
 HB 170 MR. BILL HAGAR *431 Gaffney Rd 99701 452-6295* TESTIFY
 HB 170 MR. LYNN LEVENGOOD TESTIFY
 931 Vide Way 99712 457-3841
 HB 170 MR. TOM SCARBOROUGH TESTIFY
 1676 Taroten Dr. 99789 479-3412
 HB 170 MR. PETER SHEPHERD TESTIFY
 1012 Galena 99789 474-4685
 HB 170 MR. RALPH SEEKINS TESTIFY
 1625 Old Steese Hwy FBX 99701 452-1991
 HB 170 MR. GREG MACHACEK TESTIFY
 P.O. Box 56245 North Pole 99705 488-4534

(9)

Date Referred: February 8, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/27/95

The RESOURCES Committee considered:

HB 169

HOUSE BILL NO. 169

DEPT. NAT RES. IS LEAD AGENCY FOR MINING

"An Act defining the scope of the responsibility of the Department of Natural Resources for regulating the development of the mineral resources of the state."

recommends it be replaced with the following committee substitute CS HB 169 (RES) [] the same title [X] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date) [] fiscal note(s) [] fiscal note(s)

[X] zero fiscal note(s) DNR, DEC, GOV, F+G [] zero fiscal note(s)

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Contains handwritten signatures and checkmarks in the DP column.

CHAIR'S SIGNATURE [Handwritten Signature]

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

TO: Representative Joe Green, Co-Chair
Representative Bill Williams, Co-Chair
House Resources Committee

FROM: Representative Pete Kott

A handwritten signature in cursive script, appearing to read "Pete Kott".

FEB 16 1995

DATE: February 16, 1995

RE: HB 169

Please schedule HB 169 for a hearing in the House Resources Committee.

This legislation amends AS 27.05 to make the Department of Natural Resources the lead agency for regulations that affect the development or management of mineral resources.

By appointing a single department, the one that houses the Division of Mining & Water Management, as the coordinating agency for regulations that affect the management of mineral resources in Alaska, consistency of policy and regulatory interpretation should result. It should also simplify input and comment by private citizens during the regulation adoption process.

Thank you in advance for scheduling HB 169 for a hearing in the House Resources Committee.



Representative Pete Kott



9-LS0679F
Chenoweth
2/24/95

CS FOR HOUSE BILL NO. 169()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES KOTT, Williams, Kelly, MacLean

A BILL

FOR AN ACT ENTITLED

1 "An Act defining the scope of the responsibility of the Department of Natural
2 Resources for regulating the mineral resources of the state."

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

4 * Section 1. AS 27.05.010 is amended by adding a new subsection to read:

5 (b) The department is the lead agency for all matters relating to the exploration,
6 development, and management of mining, and, in its capacity as lead agency, shall
7 coordinate all regulatory matters concerning mineral resource exploration, development,
8 mining, and associated activities. Before a state agency takes action that may directly or
9 indirectly affect the exploration, development, or management of mineral resources, the
10 agency shall consult with and draw upon the mining expertise of the department.

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

SPONSOR STATEMENT HB 169

One of the toughest problems the Alaskan public faces when dealing with state government is knowing which agency to contact.

HB 169 would designate the Department of Natural Resources(DNR) as the lead agency for regulations dealing with mining development and regulation. Three and some times four agencies of the Executive Branch are involved in the regulation of mining. By designating DNR as the lead agency an individual who contacts the state in regard to mining will know to contact DNR and they will coordinate the interface with other state agencies. It should also mean that a single agency has complete knowledge of the program.

I urge your support for this legislation.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 169

Revision Date: _____
Title: ...responsibility of DNR for regulating
the development of mineral resources...
Sponsor: Rep Kott
Requestor: Hs (RES)

Department Affected: Environmental
Conservation
BRU: Administration
Component: Commissioner's Office

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 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

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 Receipt	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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Larry Jones *Lawrence Jones*
Division: Director, Information and Administrative Services

Phone: 465-5010
Date: 2/24/95

Approved by Commissioner: *Lawrence Jones*
Agency: Department of Environmental Conservation

Date: 2/24/95

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

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 169

Revision Date:	Dept. Affected: <u>Fish and Game</u>
Title: <u>Defining the scope of the responsibility of DNR for</u>	BRU: <u>Habitat and Restoration</u>
<u>regulating the development of the mineral resources of the state.</u>	Component: <u>Habitat</u>
Sponsor: <u>Rep.(s) Kott, Williams, Kelly, MacLean</u>	
Requester: <u>Resources</u>	COMPONENT SERIAL NO. <u>486</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 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 (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

If amended as proposed by ADF&G, the legislation simply confirms by law ADF&G's established practice of consulting with other state agencies prior to adopting, repealing, or modifying regulations. Traditionally, ADF&G also has consulted with other affected agencies and constituencies prior to adopting major policy revisions. Confirming this consultation by law will not increase ADF&G's fiscal costs.

If the intent of the legislation, however, is to require ADF&G to coordinate each and every permitting decision with the DNR prior to permit issuance, the department will incur additional time delays and staffing requirements. A revised fiscal note will need to be prepared once the intent of this legislation is clarified.

Prepared by: Ellen Fritts, Acting Director
 Division: Habitat and Restoration
 Approved by Commissioner: Geison Bruce for Frank Rue
 Agency: "

Phone: 465-4105
 Date: 2/23/95
 Date: 2/24/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 169

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Relating to the scope of responsibility of the Dept. of Natural Resources for regulating development of mineral resources BRU: Office of Management and Budget
 Sponsor: Representative Kott Component: Governmental Coordination
 Requester: _____ COMPONENT SERIAL NO. 18

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 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	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 Receipts	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

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Division of Governmental Coordination (DGC) coordinates the consistency review of projects that require federal permits or permits from 2 or more State agencies. If a proposed mining project required these type of permits, DGC would coordinate the State's consistency review. For mining projects, DGC routinely seeks the input from the Department of Natural Resources, as required by this bill. Current review procedures meet the intent of the bill, therefore DGC anticipates no fiscal impact.

Prepared by: Kerry Howard, Acting
 Division: Governmental Coordination

Phone: 465-3562
 Date: 2/24/95

Approved by Commissioner: [Signature]
 Agency: [Signature]

Date: 2/24/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB169

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act defining the scope of the responsibility of the BRU: Resource Development
 Department of Natural Resources for regulatingmineral resources... Component: Mining Development
 Sponsor: Representative(s) Kott, Williams
 Requestor: _____ Component Serial No. 442

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
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 (FY95) cost: \$ None

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
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)

There is no anticipated fiscal impact for the Department of Natural Resources with implementation of this legislation.

Prepared by: Jules Tileston, Director *[Signature]* Phone: 745-2165
 Division: Mining & Water Management Date: 16-Feb-95
 Approved by Commissioner: *[Signature]* Date: 2-16-95
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



INTERIM:
10928 EAGLE RIVER ROAD, SUITE 141
EAGLE RIVER, AK 99577
PHONE (907) 694-8944
FAX 694-8949

SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

SECTIONAL ANALYSIS HB 163 - 9-LS0679\A

- Section 1. Adds a new section to AS 27.05.010, the statutes defining the Department of Natural Resources' role in mining resource development and mining regulation. It designates the Department as the lead agency.



Representative Pete Kott





ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 98503 FAX: (907) 278-7997 Telephone: (907) 276-0347

February 24, 1995

Honorable Joe Green
Co-Chairman
House Natural Resources Committee
State Capitol
Juneau, AK 99801

RE: HB-169, DNR as Lead Agency

Dear Representative Green,

On behalf of the Alaska Miners Association I wish to go on record in support of House Bill 169 which would designate the Department of Natural Resources as the lead agency in mining projects.

House Bill 169 will insure that the Department of Natural Resources, the State's land management agency, will be the lead agency for "all matters relating to the development and regulation of mining". The DNR is the only department with the expertise to deal with the full range of issues that must be addressed for mining projects. This lead agency status will not affect the statutory authorities of other departments but will provide a single focal point for mining issues.

The permitting of the Fort Knox Mine is a prime example of how this lead agency approach can work. This was the first major mine to be permitted with a lead agency "project" approach and this greatly increased the efficiency of all the agencies involved. Everyone within the various state agencies, as well as within the industry, knew exactly where to go when they had questions. The DNR was able to bring the necessary mining, land, water, etc. expertise to the discussion as needed and in the most efficient manner.

The use of the DNR as lead agency will be of value to both the State and the industry. For the State it will result in lower costs and less confusion and duplication of effort for permitting or other work with mining projects. For the mining industry it will mean clearer lines of communication and less duplication of effort and a more orderly, and hopefully less time-consuming permitting process.

We urge passage of this bill.

Sincerely,

Steven C. Borell, P.E.
Executive Director

cc: Representative Pete Kott

DAVID E. ROGERS, ESQUIRE

211 FOURTH STREET, SUITE 108

P.O. BOX 33032

JUNEAU, ALASKA 99803

TELEPHONE (907) 586-1107

FAX (907) 586-1097

February 27, 1995

House Resources Committee
Capitol Building
Juneau, Alaska 99811

Dear Committee Members:

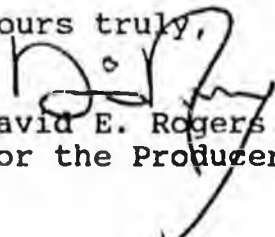
This letter is submitted on behalf of the Council of Alaska Producers (Producers Council) in conceptual support of HB 169. This bill, which was recommended by the Alaska Minerals Commission in its January 1995 Report, would designate the Department of Natural Resources as the "lead agency" in all "matters relating to the development and regulation of mining."

As you probably know, the permitting process for mining projects can be quite a challenge. It involves multiple agencies and is often extremely complicated, cumbersome and expensive. Based on the recent experience with the Fort Knox operation in Fairbanks, we believe that this commonsense idea of permanently establishing a single source for providing information and coordinating mining regulatory programs will result in a more manageable public process saving both the state and the regulated community precious time and money.

We understand and acknowledge that this is a procedural measure only; there is no intention to tinker with existing regulatory powers, duties or jurisdiction of other departments and agencies.

Our sincere thanks to bill sponsor Rep. Kott for introducing this legislation and to the House Resources Committee for giving it early attention.

Yours truly,


David E. Rogers
For the Producers Council

HB

170

H. USE COMMITTEE REPOF

3/15/95

(9)

Date Referred: February 10, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/10/95

The RESOURCES Committee considered:

HB 170

HOUSE BILL NO. 170

INTENSIVE MANAGEMENT OF GAME

"An Act relating to intensive management of identified big game prey populations."

recommends it be replaced with the following committee substitute CS HB 170 (RES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) FEG fiscal note(s) _____
 zero fiscal note(s) _____ zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Dau:ES		X		
<i>[Signature]</i>	Austerman		X	-	
<i>[Signature]</i>	Barnes	X			
<i>[Signature]</i>	Green	X			
<i>[Signature]</i>	Ogan			X	
<i>[Signature]</i>	Kott	X			
<i>[Signature]</i>	Nicholia		X		X
<i>[Signature]</i>	Maclean				

CO- CHAIR'S SIGNATURE *[Signature]*
 Green

9-LS0676G
Utermohle
3/3/95

CS FOR HOUSE BILL NO. 170()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

B /

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of game populations and to the powers and
2 duties of the commissioner of fish and game."

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

4 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that providing for high
5 levels of harvest for human consumptive use in accordance with the sustained yield principle
6 is the highest and best use of identified big game prey populations in most areas of the state
7 and that those identified big game prey populations should be managed accordingly.

8 * Sec. 2. AS 16.05.050 is amended by adding a new paragraph to read:
9 (20) to cooperate with and assist the Board of Fisheries and the Board
10 of Game by implementing regulations and management plans as requested by either
11 board.

12 * Sec. 3. AS 16.05.255(e) is amended to read:
13 (e) The Board of Game shall adopt regulations, consistent with the sustained
14 yield principle, to provide for intensive management programs to restore the

1 abundance or productivity of identified big game prey populations as necessary to
2 achieve human consumptive use goals of the board in an area where the board has
3 determined that

4 (1) consumptive use of the big game prey population is a preferred use;

5 (2) depletion of the big game prey population from historic high levels
6 or reduction of the productivity of the big game prey population has occurred and may
7 result, or has resulted, in a significant reduction in the allowable human harvest of
8 the population; and

9 (3) enhancement of abundance or productivity of the big game prey
10 population is feasibly achievable utilizing recognized and prudent active management
11 techniques.

12 * Sec. 4. AS 16.05.255(g)(2) is amended to read:

13 (2) "intensive management" means management of an identified big
14 game prey population to enhance, extend, and develop the population to maintain high
15 levels or provide for higher levels of human harvest, including control of predation and
16 prescribed or planned use of fire and other habitat improvement techniques, but not
17 including restrictions on methods or means of taking game, access to game, or
18 human harvest of game.

19 * Sec. 5. AS 16.05.255(g) is amended by adding new paragraphs to read:

20 (3) "harvestable surplus" means the estimated number of animals that
21 is equal to the approximate number of offspring born in a game population during the
22 year less the approximate number of animals in the population that die during the year
23 from all causes other than predation or human harvest;

24 (4) "high level of human harvest" means the harvest of one-third or
25 more of the harvestable surplus of a game population by humans;

26 (5) "sustained yield" means the achievement and maintenance in
27 perpetuity of a high level of human harvest of game on an annual or periodic basis.

28 * Sec. 6. AS 16.05.255 is amended by adding a new subsection to read:

29 (h) The board shall manage game populations for which human use is an
30 important use so as to provide at least one-half of the harvestable surplus for human
31 harvest.

1 * Sec. 7. AS 16.05.270 is amended to read:

2 Sec. 16.05.270. DELEGATION OF AUTHORITY TO COMMISSIONER. (a)

3 For the purpose of administering AS 16.05.251 and 16.05.255, each board may
4 delegate authority to the commissioner to act in its behalf.

5 (b) If a board delegates authority to the commissioner, the commissioner
6 shall cooperate with and assist the board by implementing regulations,
7 management plans, and intensive management programs as requested by the
8 board.

9 (c) If there is a conflict between the board and the commissioner on proposed
10 regulations, public hearings shall be held concerning the issues in question. If, after
11 the public hearings, the board and the commissioner continue to disagree, the issue
12 shall be certified in writing by the board and the commissioner to the governor who
13 shall make a decision. The decision of the governor is final.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 170

Revision Date: 3/14/95 Dept. Affected: Fish and Game
 Title: "An Act relating to intensive management of identified big game prey populations." BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Representative Kelly
 Requester: House Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0	150.0	155.8	162.6	169.7	177.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	150.0	155.8	162.6	169.7	177.1
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1024)	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 1024 Fish/Game	10.0	150.0	155.8	162.6	169.7	177.1
TOTAL	10.0	150.0	155.8	162.6	169.7	177.1

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Assumptions:

1. First year funding for development of implementation plan. In subsequent years operating expenditures will be used for predator control programs.
2. Operating expenditures will fund efforts in GMU 13, 19, and 20.
3. If additional big game prey populations are identified by the Board of Game, program costs will grow accordingly. All expenditures will come from reprogramming of existing revenues.

Prepared by: Wayne L. Regelin, Acting Director *WR*
 Division: Wildlife Conservation
 Approved by Commissioner: Frank Sawyer
 Agency: Alaska Department of Fish and Game

Phone: 465-4192
 Date: 3/14/95
 Date: 3-14-95

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

For further distribution information, call the Governor's Legislative Office

AMENDMENTS TO HB 170

Suggested by Alaska Department of Fish and Game
(Amendments to work draft version G)

Page 1, Section 3, 16.05.050 line 8-11: DELETE

Page 2, line 5 after "high levels" add the words "or set by management plans and accepted by the Board of Game"

Page 2, line 16-18: DELETE new language that is underlined and replace with the words "and regulation by humans."

Page 2, section 5, line 23: replace "or" with a comma, and add after harvest "or for herd growth"

Page 2, line 26-27: DELETE entire definition of sustained yield

Page 2, section 6 h, line 29: after "shall" insert the words "adopt goals to"

Page 3, line 9: strike the word "proposed" and replace with "implementation of"

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 3/10/95

Tape# 95-30, 95-32 Joint

Time: 8:10 am/pm Time Adjourned: _____ am/pm

ROLL CALL:	PRES	ABS	TIME AR	<i>Wind</i>	<i>Amend</i>	<i>Amend G.2</i>
Rep. Joe Green	✓			Y	N	Y
Rep. Bill Williams						
Rep. Scott Ogan	✓			Y	N	Y
Rep. Alan Austerman	✓			Y	N	Y
Rep. Ramona Barnes			8:30	X	N	Y
Rep. John Davies	✓			N	Y	N
Rep. Pete Kott			8:30	Y	N	Y
Rep. Eileen MacLean			9:10		Y	Y
Rep. Irene Nicholia			8:30	N	Y	N
				542N	5N3Y	2N6Y

Other Legislators Present _____

AGENDA:

Bill No.	Short Title	Action Taken
<u>HB 170</u>	<u>Intensive Mfg. of Game</u>	<u>CSHB 170 (RES)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

OTHER

LEGISLATIVE REFERENCE LIBRARY

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Resources
3-10-95 8:10am
Tape # 95-31
HB 170

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 3/10/95

PLACE: ROOM 124

SUBJECT OF MEETING:

HB 170 - Intensive
Management of Game

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Sara Hannah	A.E.L	Box 22151 Juneau	99801		463-3360	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 170
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
Richard Burley		1165 Coppet St. Juneau	99789	474-0186		<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 170(); Version G

1 Page 1, after line 7:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 16.05.020 is amended to read:

4 Sec. 16.05.020. FUNCTIONS OF COMMISSIONER. The commissioner shall

5 (1) supervise and control the department, and may appoint and employ
6 division heads, enforcement agents, and the technical, clerical, and other assistants
7 necessary for the general administration of the department:

8 (2) manage, protect, maintain, improve, and extend the fish, game and
9 aquatic plant resources of the state in the interest of the economy and general well-
10 being of the state:

11 (3) have necessary power to accomplish the foregoing including, but
12 not limited to, the power to delegate authority to subordinate officers and employees
13 of the department;

14 (4) cooperate with and assist the Board of Fisheries and the Board
15 of Game by implementing regulations as requested by either board."

16 Renumber the following bill sections accordingly.

Passed

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSHB 170(); Version G

- 1 Page 3, after line 13:
- 2 Insert a new bill section to read:
- 3 "* Sec. 8. AS 16.05.050(1) is repealed."

passed

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE WOGAN, ::

TO: CSHB 170(); version G

- 1 Page 2, line 5:
- 2 Delete "from historic high levels"

passed

passed

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KOTT

TO: CSHB 170(); version G

1 Page 1, line 14:

2 Delete "intensive"

3 Insert "active [INTENSIVE]"

4
5 Page 2, after line 11:

6 Insert a new bill section to read:

7 "* Sec. 4. AS 16.05.255(f) is amended to read:

8 (f) The Board of Game may not significantly reduce the taking of an
9 identified big game prey population by adopting regulations relating to restrictions on
10 harvest or access to the population, or to management of the population by customary
11 adjustments in seasons, bag limits, open and closed areas, methods and means, or by
12 other customary means authorized under (a) of this section, unless the board has
13 adopted regulations, or has scheduled for adoption at the next regularly scheduled
14 meeting of the board regulations, that provide for active [INTENSIVE] management
15 to increase the take of the population for human harvest consistent with (e) of this
16 section. This subsection does not apply if the board

17 (1) determines that active [INTENSIVE] management would be

18 (A) ineffective, based on scientific information;

19 (B) inappropriate due to land ownership patterns; or

20 (C) against the best interest of subsistence uses; or

21 (2) declares that a biological emergency exists and takes immediate
22 action to protect or maintain the big game prey population in conjunction with the
23 scheduling for adoption of those regulations that are necessary to implement (e) of
24 this section."

25
26 Renumber the following bill sections accordingly.