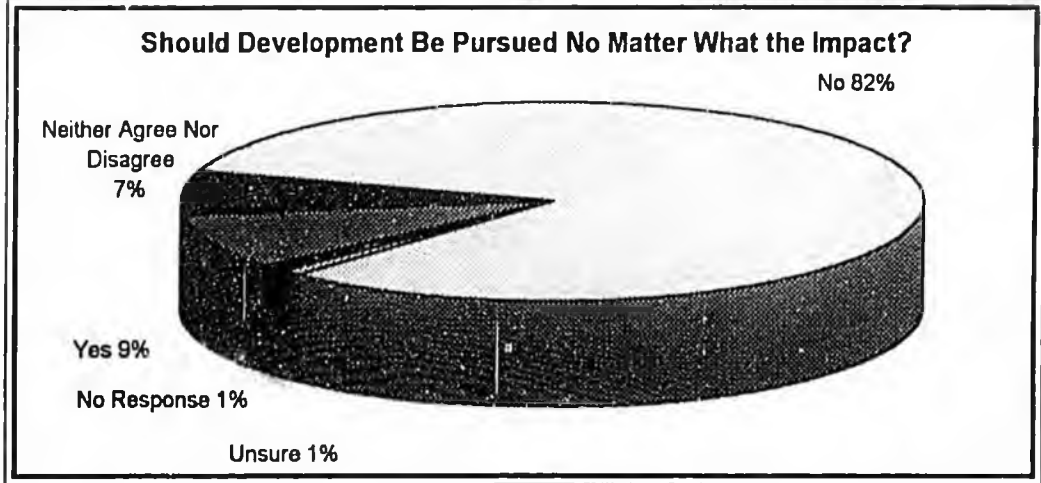
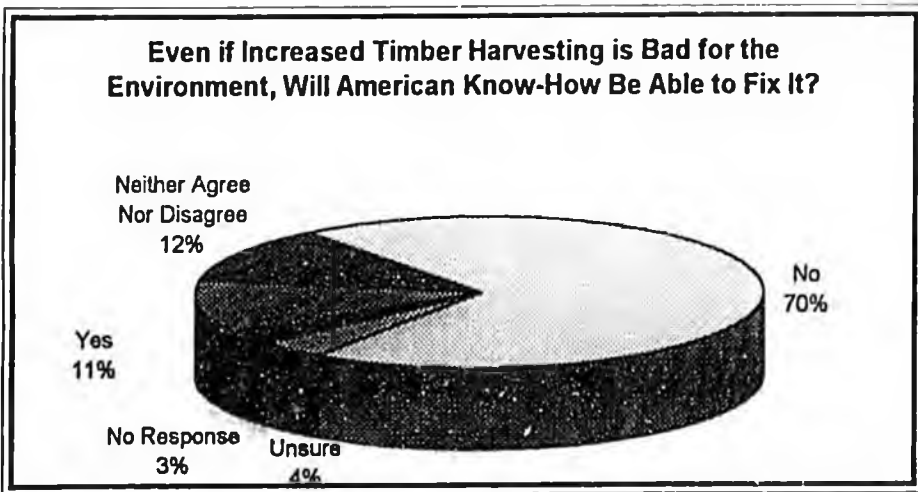
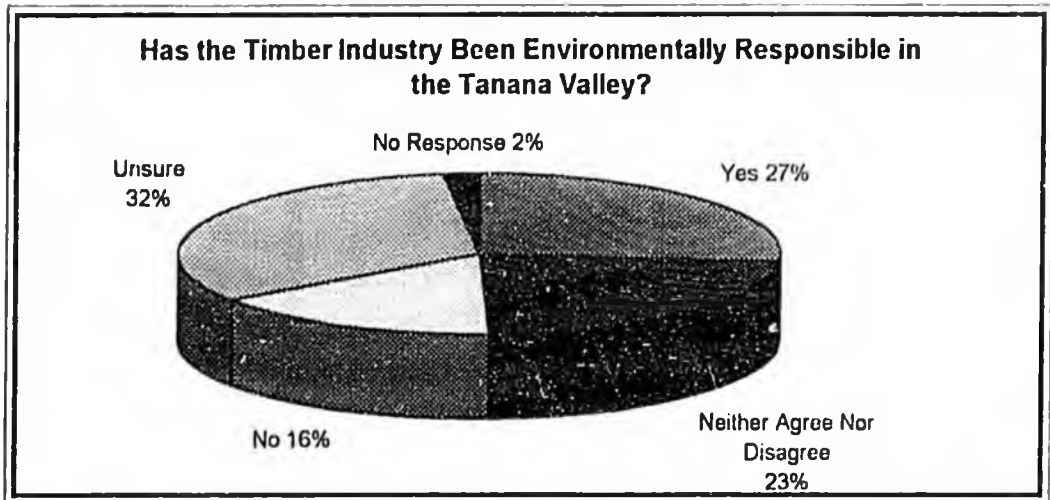
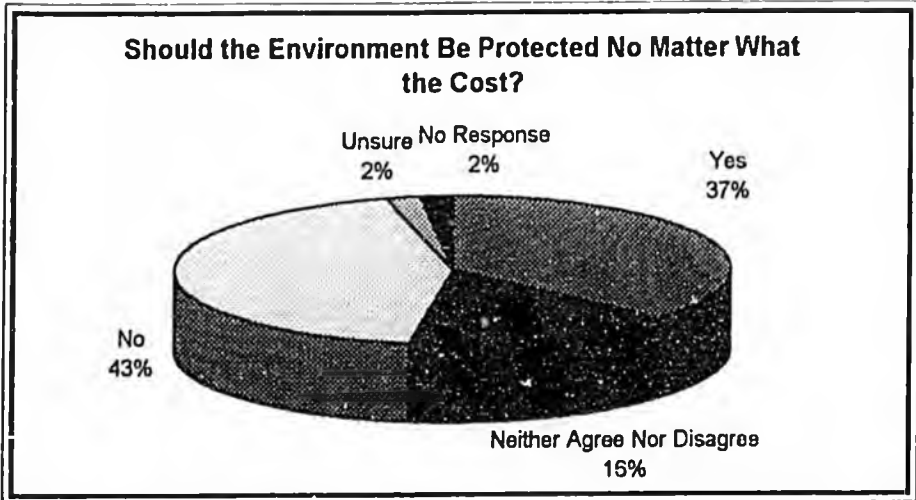
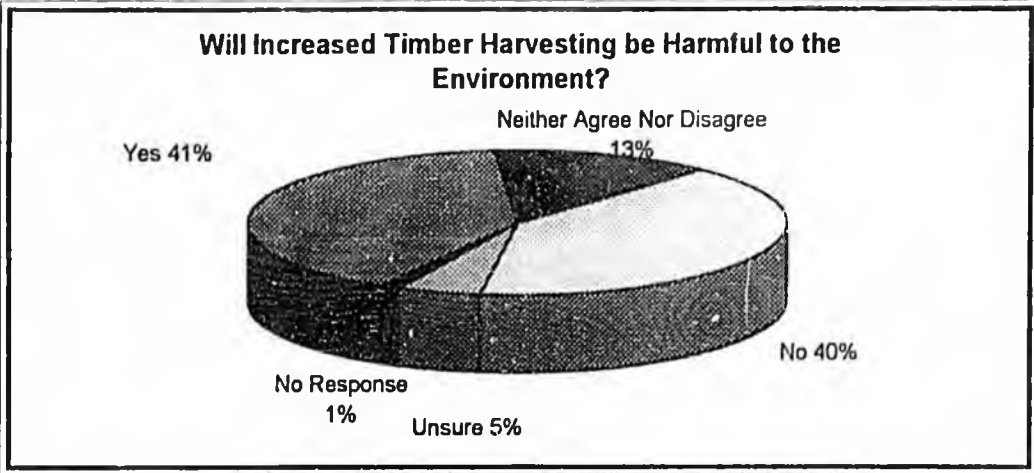


**ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672**

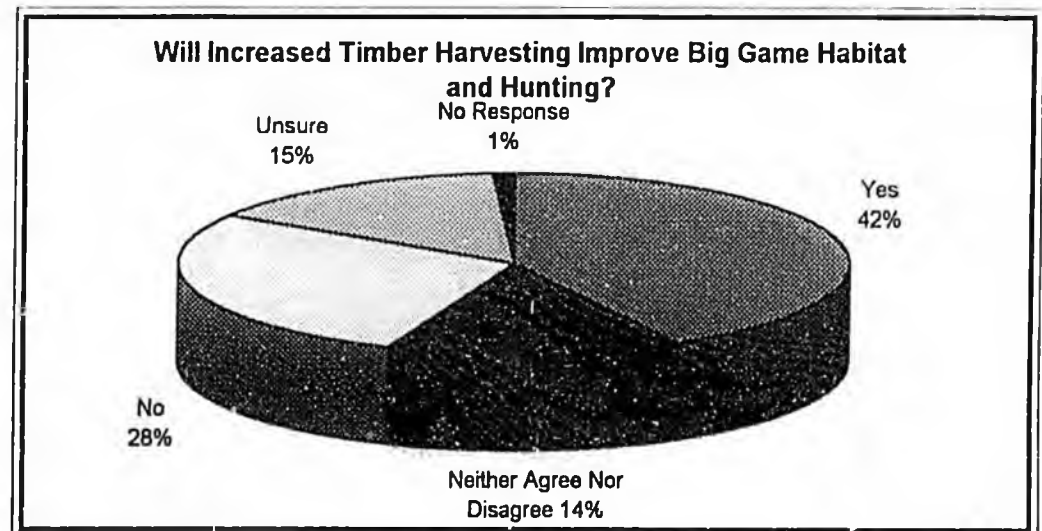
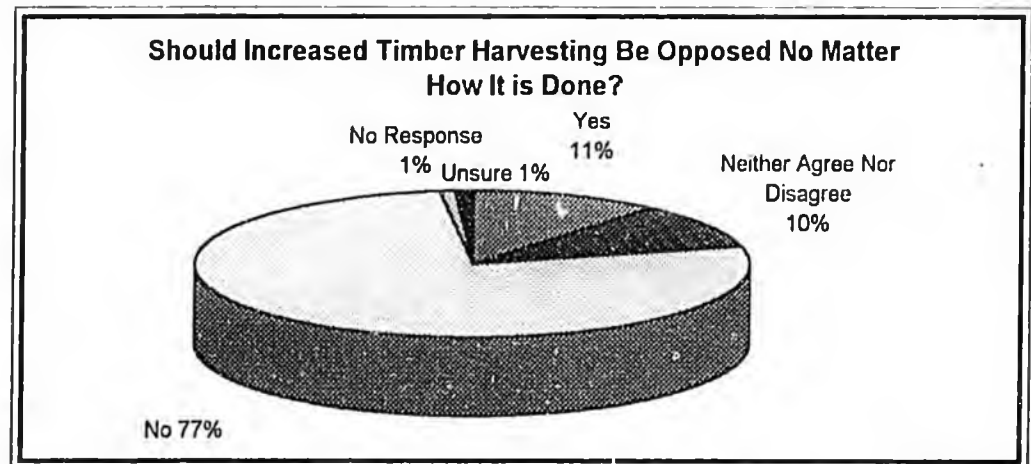
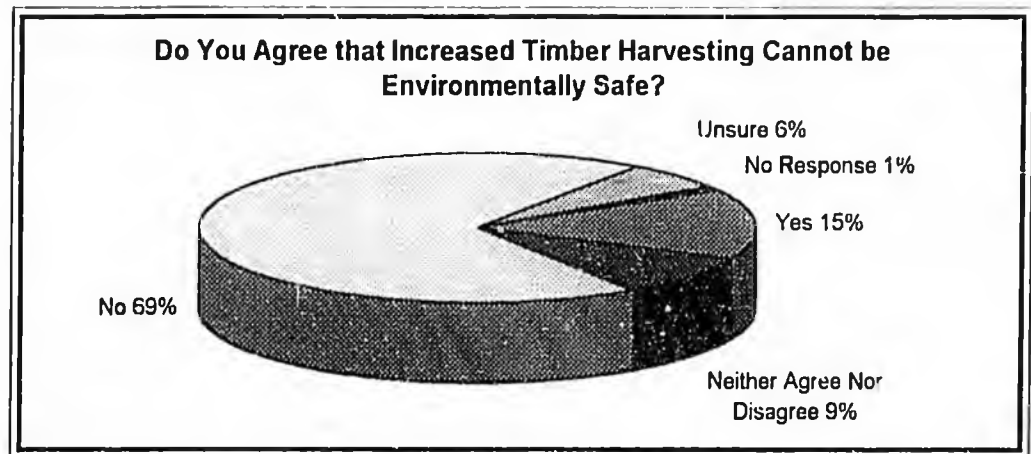
**8730 HOUSE RESOURCES**

**Questions**  
**Regarding the Environment**  
**and Timber Harvesting**  
**in the Tanana Valley**



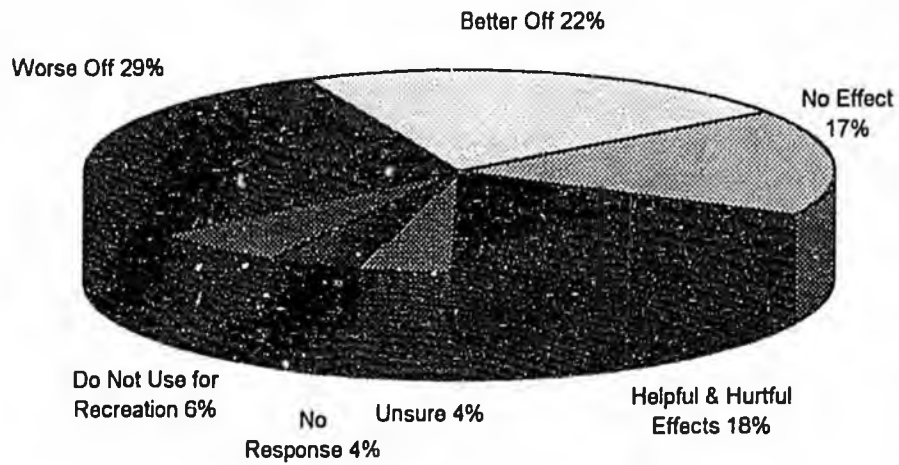
Graphs based on data from a random survey mailed to 1,584 voters in the Tanana Valley. UAF students prepared the study for the Fairbanks Industrial Development Corporation. Numbers may not be added to 100% due to rounding.

**Questions  
Regarding the Environment  
Continued**

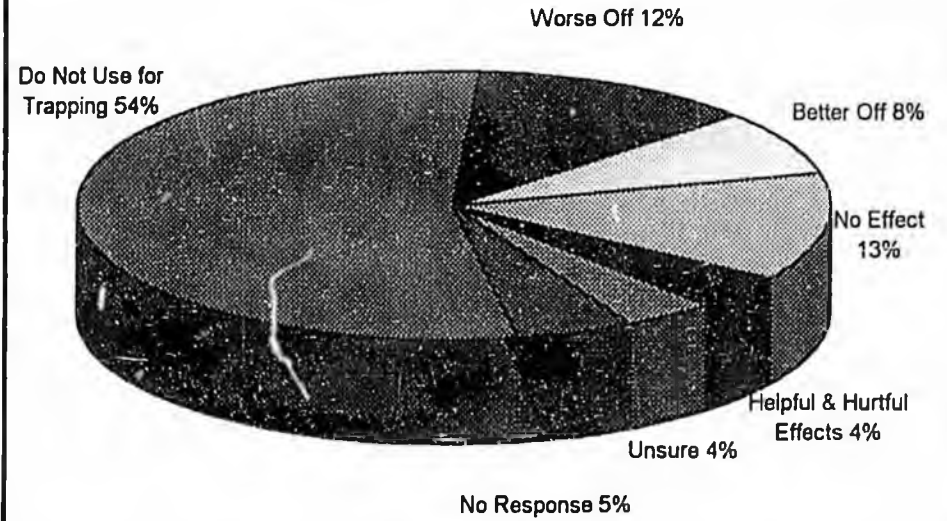


# Would Increased Timber Harvesting in the Tanana Valley Make You Better or Worse Off?

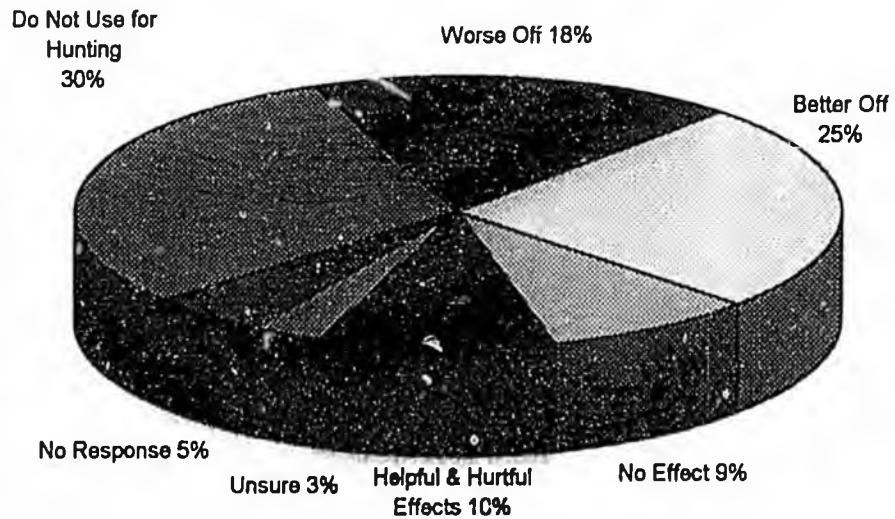
## Use Forest for Recreational Activities



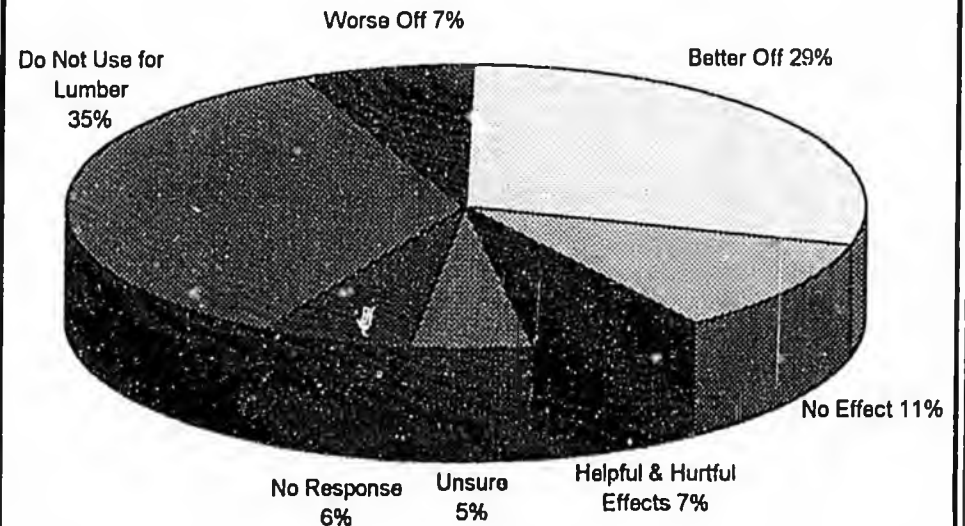
## Use Forest for Trapping



## Use Forest for Hunting

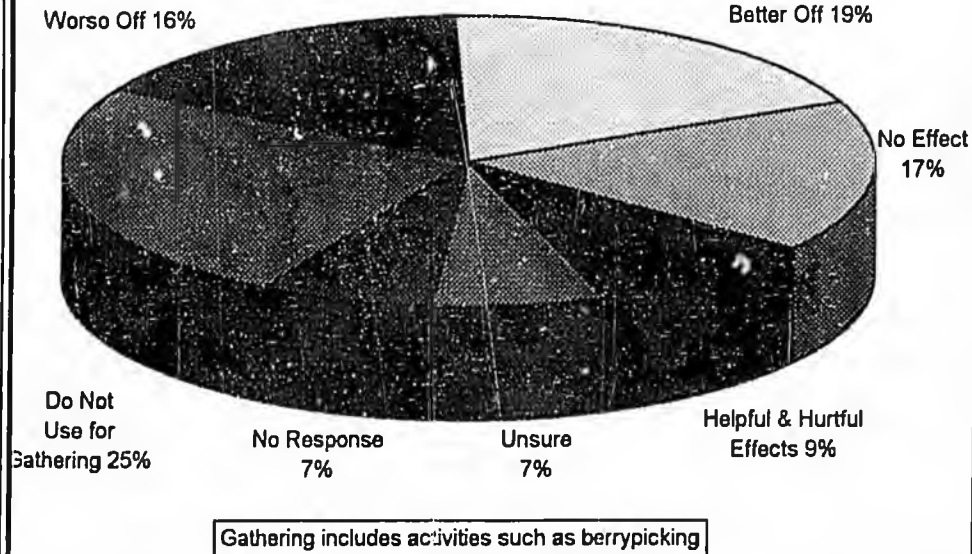


## Use Forest for Lumber

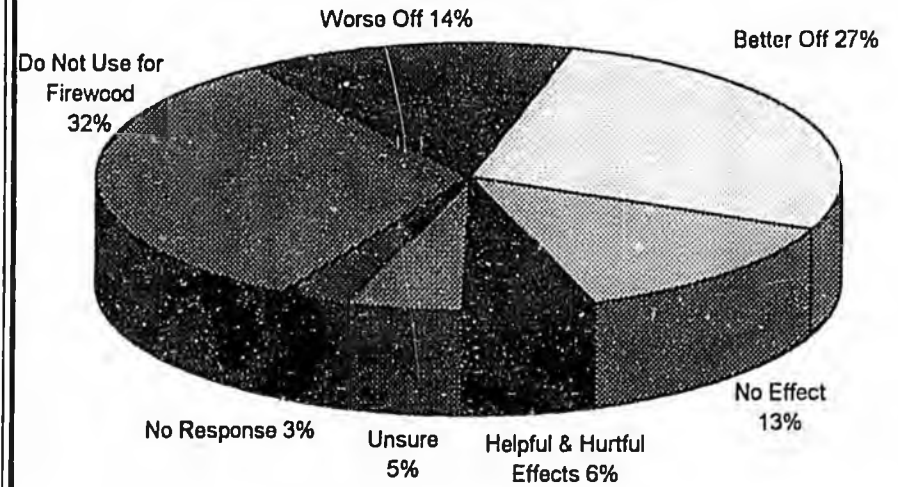


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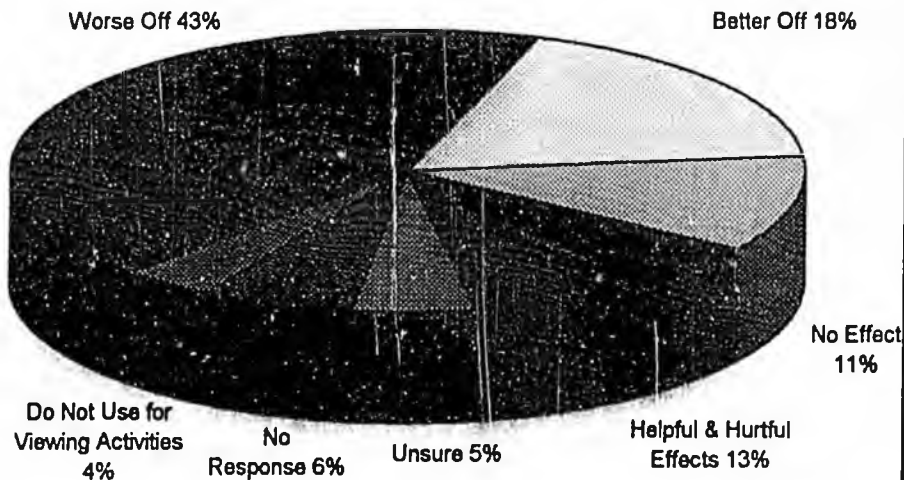
### Use Forest for Gathering Activities



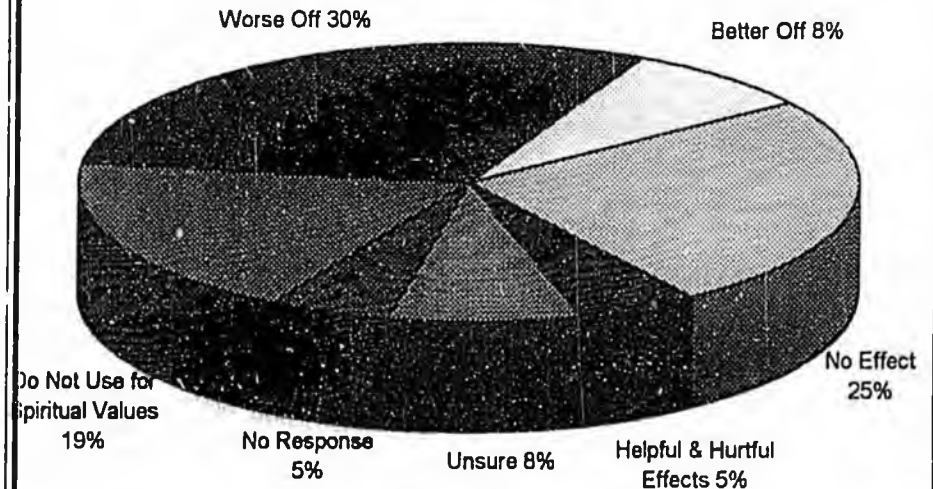
### Use Forest for Firewood



### Use Forest for Viewing



### Use Forest for Spiritual Values



Graphs based on data from a random survey of 1,584 voters in the Tanana Valley. 517 persons responded. UAF students prepared the study for the Fairbanks Industrial Development Corporation. Numbers may not add to 100% due to rounding.



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## MANAGEMENT AND SALE OF STATE TIMBER

Passage of HB 212 or HB 261 is inappropriate, ill-advised, short sighted and detrimental to the enhancement of the forest products industry in Alaska. These bills take the State backwards from the goal of improving our economic future and building strong communities.

### SUSTAINED YIELD

Alaskans depend on the resources of this State for our livelihood and our lifestyle. In Article VIII (Natural Resources) the State constitution provides for the development of resources "by making them available for maximum use consistent with the public interest." Article VIII, Section 4 provides that "Fish, forests, wildlife grasslands and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

HB 212 and HB 261 favor commercial timber harvest over all other uses of state forests, and require a high level of scientific proof before DNR may restrict commercial logging on state forest. This is in diametric opposition to the underlying principles of the Constitution that provides for sustained yield of renewable resources.

Changing the purpose of state forests from multiple use to timber production, making commercial logging the chief consideration in land use planning is irresponsible.

### ALASKA FOREST PRACTICES ACT

By the mid 80's it was clear that uniform and enforceable minimum standards for protecting fish habitat was essential for the long-term protection of Alaska's fisheries. Then Governor Cowper, seeking to mediate solutions that would protect the collective interests of the State, and retain a viable timber industry, appointed the Alaska Forest Practices Review Steering Committee.

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



To achieve an objective and balanced review, the review process included representatives of timber land owners, state agencies, and users of public resources affected by forest practices. The committee included equal representation from timber groups and non-timber groups.

This Committee developed the plan that is now referred to as the Forest Practices Act, and their final report is the "green book agreement".

The steering committee adopted five ground rules to guide their process. The final ground rule was "All parties agree to be an advocate for an agreed upon plan." The parties agreement was to the entire plan -- not to individual parts of it. Thus if the agreement is changed, the parties are not bound to continue their support.

**HB 212 and HB 261 propose major changes to the Alaska Forest Resources and Practices Act, AS 38.05.112-.113 & AS 41.17.010-.950 ("FPA") and the forest land planning provision in Alaska Statutes. These changes are unacceptable!**

Changes delete from the law the requirement for the State to consider interdisciplinary data on short, long term, and cumulative impacts of forest harvest activities on all forest resources. **This in essence prevents concerns over timber harvest impacts on salmon habitat, trap line habitat or other uses from being considered prior to a commercial sale of timber.**

#### **OUR SHARED FUTURE**

If we are lucky, history may show that Alaska learned from the mistakes of others. Today some of our wild salmon stocks are healthy, our water is clean enough in many parts of the State to meet the national standard, and our air is on most days is clean enough to breathe. It is only through good fortune and vastness that it is so.

- Oppose the devaluation of public resource for private gain without consideration of other users.
- Oppose behind doors negotiated contracts.
- Support Community input and notice.

James V. Drew  
4725 Villanova Drive  
Fairbanks, Alaska 99709-3220

TESTIMONY ON HB 212 AND HB 261, April 26, 1995, Fairbanks, Alaska

State forest land is a resource that can provide both economic and societal benefits in Alaska. Currently, however, sales of state-owned timber that create new wealth and jobs in Alaska are bogged down in excessive, time consuming, and costly procedures. HB 212 or HB 261 will remedy this deficiency. I recommend passage of this legislation

Modifications presented in Sec. 2. AS 38.05.112 (b) in HB 212 (page 1) are important because they simplify procedures and reduce the time and cost for preparing site-specific forest land use plans for individual timber sales. At the same time, the preparation of required, regional forest land use plans will provide determinations of immediate and long-term effects of individual and collective activities on the timber base and on other resources and uses that are now designated in AS 38.05.112 (b).

In Sec. 38.05.113 in HB 212, new text is as follows: The timber sale schedule must provide a timeline that identifies timber sales, their amounts, and their locations, and must be sufficient to provide the public and the forest products industry with a basis to comment on future sale offerings. I recommend deletion of the words, and must be sufficient. In the absence of a clear definition of sufficient, endless debate on what is sufficient could lead to continuing delays and increased costs to the state to administer timber sales.

Sec. 7. AS 41.17.200 of HB 212 (page 4) clearly defines the purpose of the state forest in Alaska, i.e., multiple use management. With 11 million acres of state land classified for parks and recreation, it is entirely reasonable to designate less than 2 million acres in the Tanana Valley State Forest for multiple use management emphasizing the production, utilization, and replenishment of timber resources while perpetuating personal, commercial, and other beneficial uses of the resources.

In my view, HB 212 could be improved by adding to it Section 1. AS 38.05.115 (a) as prepared for reenactment in HB 261 (page 1). In addition, HB 212 could be further improved by adding Section 6. AS 41.17.200 as amended in HB 261 (page 3). This addition would bring private-sector experience and judgment to forest management. If private-sector businesses are to produce the quantity and quality of wood products necessary to operate in a competitive market, they must have access to sufficient timber to make their enterprises cost effective.

I strongly recommend passage of HB 212 with the modifications suggested, or the passage of HB 261. If renewable timber resources are harvested on a sustained yield basis as proposed in this legislation, then values desired by nonconsumptive users are maintained.

TO: House Resource Committee, Attn. Bill Williams

DATE: April 26, 1995

FROM: Peter Shepherd, 1012 Galena St. Fairbanks, AK 99709

I support the basic intent of HB 212 and HB 261.

In my view these bills contain significant changes in language essential to management of timber resources in the Tanana Valley State Forest. The intent is to elevate the sustainable harvest as the best and most beneficial use, while assuring that other uses are properly prioritized. The reason for these changes are obvious and have arisen from industries and resource managements frustration with cumbersome law.

Interior forests are a product of disturbance. The lack of catastrophic events in past decades, mainly wild fire, has led to increasing decadence in forest stands and other habitats. Consequently, the biotic potential of the TVSF has declined. Professionally managed forest harvests can substitute for the absence of wildfire regimes and would result in earlier successional growth favorable to wildlife diversity and abundance, along with regrowth and replenishment of forests for the future.

My concern as a professional wildlife biologist is that with the current lack of wildfire, Interior forests are losing the capacity to sustain viable populations of many fauna. Forest practices can be utilized to emulate natural successional sequences which provide shelter and food for these species. Sound forest harvest practices should benefit many uses of the Tanana Valley state forest for perpetuity.

*Peter E. Shepherd*



## Northern Alaska Environmental Center

218 DRIVEWAY  
FAIRBANKS, ALASKA 99701  
(907) 452-5021

*Sylvia Wzrd*

House Resources Committee  
April 26, 1995

HB 212 & HB 261

The Northern Alaska Environmental Center opposes HB 212 and HB 261.

Founded in 1971, we represent 1,300 members and remain committed to the sustainable multiple use of forests on state lands and the perpetuation of those uses and values. We support logging as one of the legitimate uses of the forest, yet we believe that of the many potential and actual uses of multiple use state lands, large-scale logging remains one of the few which has the potential to utterly destroy other interests, values, and uses. HB 212 and HB 261 will only help Alaska repeat the past mistakes of other communities. Our community is not prepared to suffer from the consequences of ill-considered decisions leading us into the maw of large-scale export logging. We treasure this land and our outdoor lifestyles and intend to raise our families here. For these reasons, we know that you will carefully consider the consequences of allowing HB 212 and HB 261 to be enacted into law.

For our part, the Northern Center has actively monitored logging plans in the Interior since 1990 and have warily listened to proposals for increased logging in the slow-growing boreal forest. Alaska has long been used as a source for raw resources with little heed for the interests of residents. We recognize the faces on the other side of this debate: the robber barons of the 1950s are the timber barons of today. During the past 16 months as the environmental representative on the Tanana Valley State Forest Citizens' Advisory Committee, we have routinely advocated for other seats/interests which are often poorly represented at the table: subsistence, hunting, trapping, recreation, tourism, and the general public. The Northern Center strongly opposed SB 310 the day it was introduced and opposed it to the end. At the March 25 timber meeting in Fairbanks, we offered an alternative proposal to provide small operators with greater access to state timber without eliminating or circumventing the public notice and planning requirements (see our Community Woodlot Proposal, attached). In short, we have participated, challenged, and cooperated as we felt necessary and appropriate. Due to our



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If the true intent of HB 212 is to help small logging operations acquire wood to be used in local high value-added products, the Northern Center believes that this can be accomplished, without legislation, under the existing statutes with a few minor changes in the regulations. With this in mind we proposed the Community Woodlot Program at the March 25th meeting in Fairbanks. ~~The purpose of this~~ system of timber sales in the Tanana Valley State Forest. A copy of the proposal is enclosed.

217  
HB 261

HB 261 makes sweeping changes to Titles 38 and 41. The Northern Center strongly opposes this bill.

We object to the language in Section 1 which mandates consumptive use. Non-consumptive uses are equally important to the economy and character of the state of Alaska. Again, language in this section which limits public review and comment on timber sales is unacceptable.

Section 6 adds new language to Title 41 which essentially requires DNR to privatize the management of the state land. State land belongs to each and every individual in the state, and turning over the management to a few individuals, with a profit motive in mind, is not sound, sustainable resource management. Subsistence and sport hunters and fishermen all depend on and appreciate public lands.

We strongly oppose Section 7 which changes the purpose of the state forests from one of multiple use to timber management.

Sections 8, 9 and 10 when taken as a package set state land management back to the dark ages. These Sections gut any public involvement in forest planning and turn our state forests over to a few, who would remove all of the trees for profit with little or no return to the people of Alaska. Tourism and fishing are economically more important to the state, not to mention their importance to the quality of life to the people in this state. To remove any protection provided to these other values in the planning process is nothing short of foolish.

At a bare minimum, we would suggest that the committee ask the Department of Natural Resources and Fish and Game to prepare fiscal notes to reflect the costs of HB 212 and 261. Additionally, the amendments proposed by DNR in the House State Affairs Committee hearing of HB 212 should be carefully considered.

*proposal is to explore alternatives to the present system of timber sales in the TVSF.*

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska



## Northern Alaska Environmental Center

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FAIRBANKS, ALASKA 99701  
(907) 452-5021

*Sylvia Wzrk*

House Resources Committee  
April 26, 1995

HB 212 & HB 261

The Northern Alaska Environmental Center opposes HB 212 and HB 261.

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For our part, the Northern Center has actively monitored logging plans in the Interior since 1990 and have warily listened to proposals for increased logging in the slow-growing boreal forest. Alaska has long been used as a source for raw resources with little heed for the interests of residents. We recognize the faces on the other side of this debate: the robber barons of the 1950s are the timber barons of today. During the last 16 months as the environmental representative on the Tanana Valley State Forest Citizens' Advisory Committee, we have routinely advocated for other seats/interests which are often poorly represented at the table: subsistence, hunting, trapping, recreation, tourism, and the general public. The Northern Center strongly opposed SB 310 the day it was introduced and opposed it to the end. At the March 25 timber meeting in Fairbanks, we offered an alternative proposal to provide small operators with greater access to state timber without eliminating or circumventing the public notice and planning requirements (see our Community Woodlot Proposal, attached). In short, we have participated, challenged, and cooperated as we felt necessary and appropriate. Due to our



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involvement in and up-close understanding of the public debate over increased logging in the Interior, we feel completely justified in pointing out the dangers of HB 212 and HB 261 and confident in our analysis that these bills are neither necessary nor acceptable.

With its history of placer mining and the construction of the pipeline, the Interior is no stranger to industrial development or economic cycles. Yet, we will not willingly let our community get used. Most of the logs from the relatively small-scale existing logging operations have been directly shipped out of state in an unprocessed form. And if you listen carefully to the large volume logging proposals, you will find they offer nothing in the way of a ~~promise~~ <sup>of sustainable benefits for local employment or</sup> value-added in-state processing. The social, economic, and environmental costs of such operations are destructive and unacceptable to the vast majority of residents.

#### HB 212

HB 212 is touted as a "small loggers bill" by its sponsors, and although we agree that sections of the bill may help small operations, the overall effect of this legislation will be to open up forest land throughout the entire state to destructive large-scale logging.

We object to the provisions in HB 212 (Sec. 7) which change the primary purpose of the state forests from one of multiple use, where all interests have equal consideration in the planning, to timber production, where logging interests will have primary say in the management of our forest.

Additionally, the Northern Center opposes Section 2 and the last sentence of Section 9 of HB 212 which eliminate an important requirement that the state use the best available data to evaluate the cumulative effects of forestry activity on both trees and non-timber resources. These sections prevent concerns over impacts to salmon habitat from being addressed without complete scientific analysis. Without adequate funding for the Habitat Division of FISH AND GAME, and time to complete the research, this information will not be available. It would seem that this Legislature is unwilling to ensure that this necessary funding is available.

170 Our greatest concerns are contained in Sections 4 and 5 which expand the Department of Natural Resources' ability to offer timber sales of any size without the requirement that the sale be listed twice in the annual 5-year schedule of sales, thus reducing awareness of the sale and limiting public participation in the decision process.

If the true intent of HB 212 is to help small logging operations acquire wood to be used in local high value-added products, the Northern Center believes that this can be accomplished, without legislation, under the existing statutes with a few minor changes in the regulations. With this in mind we proposed the Community Woodlot Program at the March 25th meeting in Fairbanks. The purpose of this system of timber sales in the Tanana Valley State Forest. A copy of the proposal is enclosed.

*proposal is to explore alternatives to the present system of timber sales in the TVSF.*

217

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Section 6 adds new language to Title 41 which essentially requires DNR to privatize the management of the state land. State land belongs to each and every individual in the state, and turning over the management to a few individuals, with a profit motive in mind, is not sound, sustainable resource management. Subsistence and sport hunters and fishermen all depend on and appreciate public lands.

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Sections 8, 9 and 10 when taken as a package set state land management back to the dark ages. These Sections gut any public involvement in forest planning and turn our state forests over to a few, who would remove all of the trees for profit with little or no return to the people of Alaska. Tourism and fishing are economically more important to the state, not to mention their importance to the quality of life to the people in this state. To remove any protection provided to these other values in the planning process is nothing short of foolish.

At a bare minimum, we would suggest that the committee ask the Department of Natural Resources and Fish and Game to prepare fiscal notes to reflect the costs of HB 212 and 261. Additionally, the amendments proposed by DNR in the House State Affairs Committee hearing of HB 212 should be carefully considered.

At the present time there is broad opposition to large-scale logging operations in the state's forests, including commercial and subsistence fishers, small logging operators, Native interests, local residents and conservation groups. We must remember that both Titles 38 and 41 were products of a long-term consensus process, and to gut these statutes with special interest legislation is unacceptable to the people of Alaska.

We believe that the answer to any problem with the management of our state forest land does not lie in special interest legislation from Juneau, but in broad-based community planning efforts. We urge you to take a close look at the particulars of this forest debate, support an expanded planning process with meaningful public involvement, and oppose special interest timber legislation.

Thank you for the opportunity to testify before you today.

Dan Ritzman  
Boreal Forest Coordinator



**Alaska  
Wilderness  
Recreation &  
Tourism  
Association**

*Sustainable recreation and tourism for a quality future*

**P.O. Box 1353  
Valdez, AK 99686  
Phone: 907-835-4300  
Fax: 907.835.5679**

## **AWRTA TESTIMONY ON HB-212 AND HB 261**

**Testimony by: Ed Davis**

**Board Member, AWRTA, an industry trade group representing 241 business members**

**House Resources Committee Hearing**

**4/26/95**

### **1) RELATIVE SIZES OF FOREST-DEPENDENT INDUSTRIES**

The House Resources Committee should take a step back and use "fresh eyes" to re-evaluate the assumptions on which these bills are based. HB-212 and HB-261 both view the timber industry as the only public forest user with the ability to expand Alaska's economy and create economic opportunity. The reality is that the timber industry is neither the only nor the largest forest dependent industry in Alaska.

Alaska's tourism industry is larger than the forest products industry in terms of jobs created (15,200 jobs vs. 3,185 jobs), industry payroll (\$275 million vs. \$140 million) and economic value (\$600 million in-state visitor spending and \$900 million spent on travel to, from, and within Alaska vs. \$565 million in sales of forest product exports) according to "Alaska: Economy Performance Report 1994", State of Alaska, Department of Commerce and Economic Development. The sport/commercial salmon fishing industry also create a forest dependent industry which collectively is larger than timber.

*EMPHASIS ON CONSENSUS*

### **2) UNILATERAL REWRITE OF CONSENSUS AGREEMENTS**

Both bills propose to unilaterally repeal a consensus agreement that provides a statutory balance between competing users of Alaska's public forests. AWRTA president Nancy Lethcoe participated in a 3 year consensus building effort with five representatives of the forest products industry, five representatives of other forest users including tourism, fishing, recreation, and environmentalists, and five representatives from various government agencies.

Their efforts led to the 1990 amendments to the Forest Practices Act. The amendments articulate their vision for timber harvest on state lands. They wanted to avoid the divisive and bitter disputes that have plagued forest users and managers in the Pacific Northwest. They envisioned a responsible timber industry that would have wide spread support throughout the communities in which they are located. They sought agreement by consensus rather than a endless stream of bitter court decisions. Each group made substantive sacrifices to satisfy everyone affected.

A consensus group must be reconvened if this "consensus statute" is to be rewritten. Otherwise the result will be special interest legislation that will: a) hinder economic growth and diversification in Alaska by hurting the two largest forest dependent industries, and b) create conflict between various forest users.

### 3) HB-261: AN ATTEMPT TO TOP SB-310?

Given his record as a trickster, I was shocked when Rep. Vezey failed to inform the press that HB-261 was this year's April Fool's joke. My next best guess is that he's setting us up for next year when timber issues really start heating up. Come April, he plans to inform us that we're all a bunch of suckers. He'll scold the environmentalists and tell the timber industry "Sorry, you can't have your cake and eat it too". If all goes according to plan, the comic relief will provide political cover so that the other timber bills slip through. He hopes nobody will notice that the fox is still guarding the henhouse, even though HB-261 is dead.

Since this bill may not be a joke, it needs to be recognized as a misguided attempt to give the timber industry exclusive access to Alaska's public forests. It prohibits managing forests to sustain non-consumptive forest industries such as tourism and fishing, even though: 1) these industries are larger than than the timber industry, 2) they provide Alaska with a more diverse and sustainable economic base, 2) they are every bit as forest dependent as the timber industry, 3) they have equal rights for equal access to Alaska's public forests, and 4) they would be seriously hurt by HB-261.

### 4) DOES HB-212 BENEFIT SMALL TIMBER OPERATORS OR LARGE SCALE CLEARCUTTERS?

279 Only two provisions in this bill open major roadblocks that inhibit small state timber sales for local timber operators: (i.e., exempting 10 acre sales from the Forest Land Use Plans and the 5 year plan). We concur that the lack of small state timber sales is a problem, and that solutions should be on the table for serious discussion and implementation.

Most of the other major provisions in this bill are unnecessary for expanding small timber sales. Instead they weaken the public planning process and multiple use criteria on which tourism depends:

- a) HB 212 guts the statutory criteria granting all state forest users equal access.
- b) HB 212 requires expensive scientific studies to protect state forests when logging is incompatible with tourism. This is inappropriate, and it places the burden of proof on the wrong forest users:
  - 1) Scientific studies can't identify:
    - a) conflicts between clearcutting and tourism. Logging generates commercial rather than biological/scientific conflicts with tourism.
    - b) conflicts between clearcutting and recreation. Logging generates aesthetic rather than biological/scientific conflicts with recreational forest users.
  - 2) If any group is to be assigned the burden of proof regarding land use compatibility, it should be the consumptive forest users (i.e. the timber industry). Clearcutting consumes forest resources and irreversibly displaces non-consumptive forest users (i.e., tourism) for several generations. By contrast, multiple use can be abandoned at any time in forests managed for tourism, recreation, and habitat to allow logging.

- c) HB 212 eliminates requirements that forest land use plans evaluate the effects of logging on tourism and other forest uses,
- d) HB 212 allows the DNR commissioner to arbitrarily suspend multiple use on state forests,
- e) HB 212 makes timber harvest the primary use of state forests.
- f) HB 212 allows 500,000 BF (typically 100 to 250 acre) clearcuts without following the most informative and important public planning process, the "5 Year Plan". This is a loophole because any volume of timber could be sold by offering multiple sales, and
- g) HB 212 exempts "emergency" timber sales from the most informative and important public planning process, the "5 Year Plan". This also is a loophole since "emergency timber sales" are undefined and could be of any size.

## 5) MYTHS vs. REALITY

**MYTH 1:** Interior Alaska's forest products industry was not represented when the 1990 amendments to the Forest Practices Act were written.

**REALITY:** In some respects, Interior Alaska's forest products industry had more influence over the final language in the 1990 Amendments than did the original consensus team. Sen. Bettye Fahrenkamp presented the amendments which weakened the riparian requirements in forests north of the Alaska Range. According to DNR, these amendments were requested by timber industry representatives from interior Alaska, including a person who now works for Tanana Chiefs' forestry division. These changes were never agreed to by the consensus team which authored the 1990 amendments.

It would be more accurate to say that the timber industry representatives from Interior Alaska who played this role in unilaterally rewriting the 1990 Amendments to the Forest practices act did a very poor job of representing their colleagues, who run small scale timber operations. Because of this oversight, AWRTA feels that the goal of increasing the availability of small timber sales of up to 10 acres should be on the table for serious consideration.

**MYTH 2:** The original intent of authorizing legislation for the Tanana Valley State Forest was to provide a preference for timber harvest.

**REALITY:** Randy Rodgers, (a former aide to the late Sen. Bettye Fahrenkamp), and Fairbanks Rep. Niilo Koponen both played key roles in guiding the authorizing legislation for the Tanana Valley State Forest through the legislature. Both stated during last year's debate over SB-310 that the legislative intent was to grant equal access to all forest users.

**MYTH 3:** The Tanana Valley State Forest is unimportant for tourism and recreation since relatively few commercial backcountry permits are issued.

**REALITY:** Although backcountry permits provide useful information about commercial activities on state land, they are not a gauge for most of the activities that tourists undertake. Most non-commercial tourist activities do not require permits. The DNR's list of "Generally Allowed Uses on State Land"

AWRTA, P.O. Box 1353, Valdez, AK 99686

p. 4

indicates that permits are not required for sightseeing, flightseeing, hiking, backpacking, skiing, climbing; bicycling, dog sledding, horseback riding, snowmobiling, using A'TV's, flying, boating, hunting, trapping, and fishing. Most road bound tourists are forming their first impressions of Alaska while driving through either the Haines or Tanana Valley State Forests.

In 1985, there were 5.7 million user days on state lands within the Tanana Basin. The average visitor spent 1/3 of their time in the Tanana Basin doing activities associated with state land. Outdoor recreational opportunities are listed as the second most popular reason for residents' decisions to move to and remain in the Tanana Basin. (Source: 1987 Tanana Valley State Forest Resource Analysis)

**MYTH 4:** The Tanana Valley State Forest (TVSF) has 1.9 million acres of forests with 30 to 40 thousand board feet per acre.

**REALITY:** The Tanana Valley State Forest Resource Analysis (1984 inventory) shows that 40% of the total land base is either barren, water, scrubland, or black spruce. Only 191,000 acres in the TVSF can produce 20 cubic feet of wood per acre per year. (This is the traditional definition of a "commercial" forest).

Customers Alaska Birch Works  
192, 193, 194

# of ~~customers~~ Businesses

20

- Superior Hardwoods
- Kenn Pyne
- Custom Woodworking
- Valley Landscaping
- Worik Park Middle School
- Aurora Builders
- El Dorado Gold Camp
- Fairbanks Recreational Center
- Kentikna Road House
- Master Touch Manufacturing
- Red Miller

- US Fick + W. Willif
- BLA Glen Allen
- Bront Const.
- Showwater Const.
- Badger Wood Craft
- Weatherford Bowls
- Seim Custom Homes
- Original Alaska Birch Lyr. 2
- Alaska Correctional Industries
- State of AK DOT

105 individuals

- Randy Lewis 1
- Robin Coe
- Jim Smith
- Chuck Calender
- Tom Banattzen
- Larry Folgelson
- Karl Krulickie
- Paul Hommel
- Kerry Irons
- Jr. Boucher
- Henry Gorbouski
- Joe Cornwall
- Myron Tate
- Terrie Field Service
- Robert Drozda
- Peg Schaffhausen
- Goldstream Associates

R Floerchinger  
T Kerstein  
alex Chadyk  
Bob Trent  
Tom Ackleson  
J Irving  
J Hoegberg  
Mark Piggry  
Lou Chiosi  
Larry Mayo  
W Larson  
P Corty  
Robert Ammeritt  
Gwen Holdinger  
Scott Parcell  
Mike Emert  
Roger Kemper  
Gree Carlo  
Bob Nelson  
J Lisk  
Chuck Blassdell  
Cag Lee  
Dana Charles  
Jim Ross  
B Treadwell  
Byron Mallett  
Bill Coughlin  
Von Petts

James  
A. Peterson  
Toll Centerpieces  
Buck Powellski

D Carey VS  
Tim Adamsjack  
F Sturman  
John Michel  
Elliot Libman  
Jim Keck  
Lra Herman  
Brendan Kelley mill time only (stickus)  
M. Stator  
Walton  
John Gotely  
J Jeffords  
Lom Cox  
Mike Craft  
J Bevers mill time  
P Mayo  
C Franklin  
Andy Reynolds  
Bob Sifter  
Anthony Witworth  
Mike Hansen  
Ben Rogers mill time  
Robert Koenig  
C Crowley  
Kelvin Braddonson  
D. Mc Laron  
Mary Shields  
J. Rogers

Alvay Reed  
L Lamond  
W Pearson  
R Flanders  
T Steiner  
L List  
D Jenkins  
J Campbell  
L Millington  
H Ward  
Ruth Falger  
Russ Ensign  
Roger Weiss  
Steve Belmont  
Bob Christian  
B Wilson  
Kobie Productions  
Brent Luick  
Ingrid  
Larry Santoni  
Cliff Benshaw  
Elian Landon  
Dore Sinky  
R Saul  
L Larson  
J Murphy  
Roberts Wood Products  
Lucy Dell

To all members of House  
Resource Cmte & Rep John Davies  
HRES TELE. 4/26/95 8am-10am

Testimony on HB 212

April 26, 1995

Birch Pavelsky

6063 Reconstruction Rd.

Fairbanks, Alaska, 99709

My name is Birch Pavelsky, and I'm testifying for the Alaska Boreal Forest Council and myself. I'm a log house builder and carpenter and have made my living in those trades here since 1971.

Pages 1 and 2, Lines 13-2: This deletion closes the eyes of forest management to the damage one forest use may do to the others. Monitoring of forest use cannot be discarded without risking the loss of biological diversity and diversity of forest uses. Please reinstate the deletion.

Page 2, Lines 13-16: There is no proof that commercial timber harvest per se or 'related activities,' whatever they might be, maintain or enhance wildlife habitat. We ask that these lines be deleted.

Page 3, Lines 3-8: We dislike the erosion of economic and environmental analysis here. The local loggers I buy logs and lumber from need to know the Department of Natural Resources' long term plans, and the public needs information on which to base its comment on those plans. We want these lines kept in the statute.

Page 3, Lines 13-15: The terms "emergency" and "salvage" need defining. These lines open a huge loophole for timber sales of

any size to be exempt from Title 38, section 4. This seems unwise, and we ask for reinstatement of the original wording with the added definition of "emergency".

Page 3, Lines 16-23: Again, this erodes the public's opportunity to comment. I told Senator Frank last year that I felt SB 310 was "undemocratic". HB 212 has the same flaw. It cuts the community out of ~~the~~ participating in the management of its forest. Line 25 is more of the same - it reduces information the public needs.

Page 4, Lines 9-12 The assumption in these lines is that the State will gain increased benefits if timber production is emphasized over the many other uses of the forest. This has not been shown here or elsewhere. Perhaps a neutral cost-benefit <sup>analysis</sup> would support the assumption, perhaps not. In the meantime, let's keep our equal use forest.

Page 4, Lines 13-23 - We object to "primary purpose" as stated. "Fullest possible access" is not defined and should be so. This section gives the Commissioner the power to lock up the forest for single uses only, and assumes that human consumption should dictate management priorities. Small operators can be assisted without going to these extremes. We ask deletion.

Pages 4-5, Lines 31 and 1-9: These lines also create a favorite, overriding use, - timber production.

Page 3, Lines 20-28: We want these paragraphs retained, as they protect the multiple use nature of the forest and guarantee the public important inventory and management information.

Pages 3-4, Lines 29-1: The call for sealed bids again takes power away from the public and puts it in the commissioner's hands. Public oversight is healthy and essential to community forestry. Sealed bidding attracts large corporations. Why has this course of action been chosen?

Where has it been shown preferable to supporting smaller, local operators? What research is there that proves that sealed bids will benefit the State? Seeing none, we ask deletion of these lines.

Page 4, Section 7 - This seems to call for a more general, less detailed management plan. We want the original language and intent retained. The proposed language calling for timber production as the highest and best use of a management plan wounds the multiple use principle of the Forest Practices Act and should be removed.

Pages 4-5, Lines 31-1: This asserts that commercial timber harvest and "related activities" maintain and enhance wildlife habitat. This has not been proven, and in fact, the opposite may be true. Please delete these lines.

Page 5, Section 10 - We wish the sections mentioned be retained until good reason for their repeal comes forth.

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

Testimony on HB 261

April 26, 1995

Birch Pavelsky

6063 Reconstruction Rd.

Fairbanks, Alaska, 99709

Page 1, Lines 5 to line 1 (of p. 2): This version places far too much power in the office of commissioner. It assumes that human consumption is a priority and will most highly benefit the State. This is not proven for this generation and puts at great risk the needs and desires of future generations. Section 41.17.060 of the Forest Practices Act reads "... forest land shall be administered for the multiple use of the renewable and non-renewable resources... in the manner that best provides for the present needs and preserves the future options of the people of the state."

- This paragraph of HB 261 gives non-consumptive uses, like tourism and recreation a back seat and effectively subsidizes consumptive industries. It may well be foreclosing on the opportunities and benefits of non-consumptive industries and uses.

- The power to negotiate a sale without advertisement should not be granted to the commissioner. This is designed to favor high rollers in the industry and to further remove management from the eye of other agencies and the public.

~~Page 3, Lines 3-8: We request that the original wording of the statute be retained, as it protects the original, multiple-use intent of the State forest.~~

Page 3, Lines 20-28: We want these paragraphs retained, as they protect the multiple use nature of the forest and guarantee the public important inventory and management information.

- Pages 3-4, Lines 29-1: The call for sealed bids again takes power away from the public and puts it in the commissioner's hands. Public oversight is healthy and essential to community forestry. Sealed bidding attracts large corporations. Why has this course of action been chosen?

Where has it been shown preferable to supporting smaller, local operators? What research is there that proves that sealed bids will benefit the State? Seeing none, we ask deletion of these lines.

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Page 5, Section 10 - We wish the sections mentioned be retained until good reason for their repeal comes forth.

Page 5, Line 15 = This is a killing blow to the principle of multiple use forestry. AS 38.05.112d is there to promote and protect all forest uses, and we want it retained.

In summation, this bill needs a great deal of work. It is based on assumptions, not fact.

SHANNON MCARTY  
FAX # 907-465-3519  
5 PAGES TOTAL

FROM: DOUG BOWERS  
FAX # 907-832-5569

I AM A COMMERCIAL/ SUBSISTENCE FISHERMAN THAT LIVES 4 MILES DOWN RIVER FROM NENANA. WE ALSO OPERATE A MODEST LODGE OPERATION AT TOLOVANA, GUIDING FISHING CLIENTS IN THE SUMMER AND DOGSLED TRIPS IN THE WINTER. MY FAMILY'S ENTIRE EXISTENCE IS PROVIDED BY THE TANANA RIVER BASIN AND THE SURROUNDING COUNTRY. WE DEPEND HEAVILY ON THE SUBSISTENCE RESOURCES OF THE TANANA VALLEY.

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO COMMENT ON HOUSE BILLS 212 AND 261

**HB212**

**SEC 1:**

HOW MANY "SMALL SALES" IN ONE AREA? ARE THEY PLATTED CONTIGUOUSLY TO MAKE A 5000 ACRE SALE WITHOUT A SITE SPECIFIC LAND USE PLAN?

**SEC 2:**

HOW CAN YOU REMOVE CONSIDERATION OF "IMMEDIATE AND LONG TERM" EFFECTS FROM FOREST USES INCLUDING TIMBER HARVEST? IT WOULD SEEM THIS IS ONE OF THE MOST IMPORTANT MANAGEMENT TOOLS YOU HAVE.

**SEC 3:**

TO INCREASE THE QUANTITY AND QUALITY OF WILDLIFE HABITAT (I READ THAT AS MOOSE) - MORE HABITAT, MEANS MORE MOOSE. MORE MOOSE MEANS MORE WOLVES, THEN I GUESS THE ONLY THING WE CAN DO IS SHOOT MORE WOLVES.

**SEC 4:**

SEEMS TO REMOVE PUBLIC COMMENT FROM THE LONG TERM PLANNING PROCESS

**SEC 5:**

IT WOULD SEEM THAT TIMBER SALES COULD BE INTENTIONALLY BUNCHED TOGETHER AND THEREBY CREATING A LARGER TRACT THAT MAY BE MORE DIFFICULT TO MANAGE OR THAT MAY NOT EVEN BE COMPATIBLE OR ACCEPTABLE WITH A CURRENT LAND USE PLAN

**SEC 6:**

IT WOULD SEEM THERE IS NO PLAN OF OPERATION REQUIRED ON STATE FOREST LAND. SHOULDN'T THE STATE FOREST LAND BE INCLUDED IN THIS AMENDMENT AS WELL?

**SEC 7:**

THIS WOULD REMOVE THE MULTIPLE USE MANAGEMENT CONCEPT, ON WHICH THE PRINCIPLES OF THE STATE FORESTS WERE ESTABLISHED. THERE ARE TOO MANY OTHER USERS OF THE STATE FOREST SYSTEM TO SUDDENLY EXCLUDE THEM FROM THE MANAGEMENT PLAN.

SEC 9:

THE COMMISSIONER MAY ESTABLISH TRANSPORTATION CORRIDORS IN THE TANANA VALLEY STATE FOREST. WHERE, WHY AND HOW AND FOR WHOSE BENEFIT. (LET ME GUESS)

SEC 10:

THIS SECTION AS I READ IT IS GUTTING THE FOREST PRACTICES ACT. THE FOREST PRACTICES ACT MAY NOT BE PERFECT. IT IS AT LEAST A TOOL THAT WORKS AND WAS ESTABLISHED BY A CONSENSUS OF ALASKAN RESIDENTS, NOT JUST LOGGERS. TO ELIMINATE THE RIPARIAN STANDARDS IS UNCONSCIONABLE.

THE CHUM RUNS OF THE YUKON/TANANA RIVER DRAINAGES HAVE BEEN DECLINING FOR THE PAST 15 YEARS. THE FISHERMEN OF THESE RIVERS, PARTICULARLY THE TANANA, HAVE VOLUNTARILY GIVEN UP SOUTH COASTAL ALASKA IS WELL DOCUMENTED. THERE IS LOTS OF INFORMATION THAT HAS BEEN PUBLISHED ON THE EFFECTS OF CLEARCUTTING ON SALMON STREAMS IN OTHER AREAS, BUT NOTHING ON THE RIVERS OF THE INTERIOR OF ALASKA. IN FACT THE FOREST PRACTICES OF THE TONGASS NATIONAL FOREST AREN'T SUFFICIENT TO PROTECT THE SOUTHEAST ALASKA SALMON HABITAT. THIS WAS STATED IN A FOREST SERVICE REPORT THAT WAS PRESENTED TO CONGRESS ON THURSDAY. THE TANANA AND UPPER YUKON RIVERS SYSTEMS ARE THE SPAWNING GROUNDS FOR THE SALMON STOCKS FOR ALL OF WESTERN ALASKA. SOME STOCKS ARE CLOSE TO BEING ENDANGERED - THE TOKLAT RIVER IN PARTICULAR. CAN WE AFFORD ANY DAMAGE AT ALL TO THE SPAWNING AND REARING HABITAT OF THESE STOCKS THAT ARE ALREADY IN TROUBLE?? THE TANANAYUKON RIVER SYSTEM SUPPORTS 1500 FISHERMEN. MULTIPLY THAT TIMES 3.8 (MULTIPLIER FOR WIFE AND KIDS) AND YOU COME UP WITH 5700 PEOPLE DIRECTLY CONNECTED TO FISHING FROM THE BORDER TO THE COAST; THIS DOES NOT INCLUDE PROCESSORS, THE WAITRESS IN THE CAFE; THE GUY THAT SELLS BOATS, OUTBOARD MOTORS AND GASOLINE AND THE LIST GOES ON AND ON. DO YOU WANT TO BE RESPONSIBLE FOR AN IMPACT ON THIS GROUP OF PEOPLE ALL THE WAY TO THE MOUTH OF THE YUKON?? IT SAYS IN THE MANAGEMENT PLAN TO HAVE PUBLIC INPUT TO THE FOREST PLANS "PROXIMATE TO THE SALE AREA". WHAT ABOUT THE NEIGHBORS DOWN RIVER FROM THE SALE AREA?

THE STANDS OF FORESTS SHADE THE WINTER SNOWPACK AND ALLOWS FOR A CONTROLLED RUNOFF IN THE SPRING, AS WELL AS AN ABSORPTIVE CUSHION FOR HEAVY RAINFALL IN THE SUMMER. WHAT WILL BECOME OF OUR HOMES, BUSINESSES AND THE FISH RUNS (SPAWNED EGGS AND FRY) AS THEY ARE WASHED DOWN RIVER BY UNCONTROLLED RUNOFF?? WILL THE LOGGING COMPANIES BE RESPONSIBLE FOR THOSE COSTS? A FRIEND OF OURS LIVES IN COASTAL WASHINGTON NEAR THE THE NOOKSACK RIVER. IN YEARS PAST THE NOOKSACK FLOWED AT A STEADY RATE YEAR ROUND. NOW WITH CLEAR CUT LOGGING GOING ON NEAR THE HEADWATERS IT

*Fishing time is an effort to build these stocks*

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HB212

SEC 1:  
HOW MANY "SMALL SALES" IN ONE AREA? ARE THEY PLATTED CONTIGUOUSLY TO MAKE A 5000 ACRE SALE WITHOUT A SITE SPECIFIC LAND USE PLAN?

SEC 2:  
HOW CAN YOU REMOVE CONSIDERATION OF "IMMEDIATE AND LONG TERM" EFFECTS FROM FOREST USES INCLUDING TIMBER HARVEST? IT WOULD SEEM THIS IS ONE OF THE MOST IMPORTANT MANAGEMENT TOOLS YOU HAVE.

SEC 3:  
TO INCREASE THE QUANTITY AND QUALITY OF WILDLIFE HABITAT (I READ THAT AS MOOSE) - MORE HABITAT, MEANS MORE MOOSE. MORE MOOSE MEANS MORE WOLVES, THEN I GUESS THE ONLY THING WE CAN DO IS SHOOT MORE WOLVES.

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SEEMS TO REMOVE PUBLIC COMMENT FROM THE LONG TERM PLANNING PROCESS

SEC 5:  
IT WOULD SEEM THAT TIMBER SALES COULD BE INTENTIONALLY BUNCHED TOGETHER AND THEREBY CREATING A LARGER TRACT THAT MAY BE MORE DIFFICULT TO MANAGE OR THAT MAY NOT EVEN BE COMPATIBLE OR ACCEPTABLE WITH A CURRENT LAND USE PLAN

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IT WOULD SEEM THERE IS NO PLAN OF OPERATION REQUIRED ON STATE FOREST LAND. SHOULDN'T THE STATE FOREST LAND BE INCLUDED IN THIS AMENDMENT AS WELL?

SEC 7:  
THIS WOULD REMOVE THE MULTIPLE USE MANAGEMENT CONCEPT, ON WHICH THE PRINCIPLES OF THE STATE FORESTS WERE ESTABLISHED. THERE ARE TOO MANY OTHER USERS OF THE STATE FOREST SYSTEM TO SUDDENLY EXCLUDE THEM FROM THE MANAGEMENT PLAN.

SEO 8:  
FOREST CONSUMPTION AT THE HEAD OF THE LINE, WHAT ABOUT THE REST OF US ?

SEO 9:  
PUTS TIMBER TO THE HEAD OF THE LINE AGAIN. "UNLESS THE COMMISSIONER CAN FIND SCIENTIFIC DATA" ETC ETC. WHAT ABOUT ECONOMIC AND SOCIAL DATA? ARE THE REST OF US TAKING A BACK SEAT TO TIMBER HARVEST?

SEC 11:  
TIMBER TO THE HEAD OF THE LINE AGAIN, DOESN'T EVEN CONSIDER THE REST OF THE BUSINESSES IN THE STATE.

HB 261

SEC 1:  
IT WOULD SEEM HERE THAT THE INTENT OF THIS SECTION IS TO SKIRT ARTICLE VIII OF THE CONSTITUTION WHICH, TO MY UNDERSTANDING, IS TO PROVIDE FOR SUSTAINED USE AND DEVELOPMENT OF ALL THE RESOURCES OF THE STATE FOR THE BEST INTEREST OF ALL ALASKANS.

SEC 2:  
THE TERM "SUSTAINED YIELD" APPLIES TO ALL THE RESOURCE USES, NOT FOR THE MAXIMUM HARVEST OF TIMBER ALONE.

SEC 3:  
THIS DOESN'T ALLOW ANY OTHER TWO PARTY SALES FOR OTHER STATE RESOURCES (TIMBER ONLY) AND IT WOULD SEEM TO ALLOW FOR ABUSE BY COLLUSION OF TWO PARTIES TO OBTAIN ADJOINING TIMBER SALES.

SEC 4:  
SEEMS TO PROVIDE RIGHTS OF WAY TO THE TIMBER COMPANIES AND ALL OTHER USES DON'T HAVE TO BE CONSIDERED.

SEC 6:  
IF THIS ISN'T LETTING THE FOX LOOSE IN THE HEN HOUSE I DON'T KNOW WHAT IS. THIS IS PRIVATIZATION OF STATE LAND AND THE ULTIMATE LAND LOCK UP THAT BENEFIT ONLY A FEW. THESE ARE PUBLIC LANDS NOT TIMBER HARVEST LANDS TO THE EXCLUSION OF ALL OTHERS.

SEC 7:  
TO EXCLUDE UNITS OF A STATE FOREST IN THE MANAGEMENT PLAN IS NOT SOUND MANAGEMENT. THE SIZE OF OUR STATE FORESTS ALONE DON'T LEND THEMSELVES TO BE MANAGED ON A LARGE SCALE, GIVEN THE VARYING TERRAIN, WEATHER PATTERNS AND DISTANCES INVOLVED. THE PRIME OBJECT OF THE MANAGEMENT PLAN SHOULD BE THE HIGHEST AND BEST USES OF THE FOREST WHICH IS NOT EXCLUSIVELY TIMBER PRODUCTION.

SEC 8:  
DOESN'T INCLUDE ANYTHING ABOUT RECREATION OR TOURISM WHICH MAY BE THE SINGLE LARGEST PRIVATE SECTOR EMPLOYER IN THE TANANA RIVER VALLEY.

SEO 9:  
THE COMMISSIONER MAY ESTABLISH TRANSPORTATION CORRIDORS IN THE TANANA VALLEY STATE FOREST. WHERE, WHY AND HOW AND FOR WHOSE BENEFIT. (LET ME GUESS)

SEO 10:  
THIS SECTION AS I READ IT IS GUTTING THE FOREST PRACTICES ACT. THE FOREST PRACTICES ACT MAY NOT BE PERFECT, IT IS AT LEAST A TOOL THAT WORKS AND WAS ESTABLISHED BY A CONSENSUS OF ALASKAN RESIDENTS, NOT JUST LOGGERS. TO ELIMINATE THE RIPARIAN STANDARDS IS UNCONSCIONABLE.

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*Fishing time is an effort to build these stocks*

FLOODS WITH EVERY RAINFALL AND THE SALMON THAT USED TO COME THERE TO SPAWN ARE NO MORE.

90% OF THE FOOD CHAIN OF THE RIVER SYSTEM OCCURS WITHIN A COUPLE OF HUNDRED FEET OF THE RIVER AS WELL AS CONTROLLING THE WATER TEMPERATURE FOR EMERGING FISH HATCHLINGS. THE HEAD FORESTER FROM TANANA CHIEFS, CHRIS MAISCH, HAS TOLD ME IN PERSONAL CONVERSATION THAT BUFFER STRIPS MEAN NOTHING ALONG THE RIVER CORRIDORS BECAUSE "THE RIVER WILL TAKE IT ANYWAY". MAISCH SAID THAT THEY HAVE TRIED LEAVING BUFFER STRIPS AND IT SEEMS TO MAKE NO DIFFERENCE. HOW LONG HAVE THEY TRIED THIS? OVER WHAT PERIODS OF TIME? THEY HAVE ONLY BEEN DOCUMENTING THESE EFFECTS ALONG THE RIVER AND NOT IN THE SPAWNING AREAS FOR A SHORT TIME AND ON A VERY SMALL SCALE. WHAT EFFECT WILL IT HAVE ON THE REST OF US 2, 5, 10 YEARS FROM NOW? HOW MANY SALMON CYCLES FROM NOW? WITH ALL THE NEW ROADS AND PREVIOUSLY UNACCESSSED LANDS THAT THESE BILLS WOULD PROVIDE FOR, WHO WILL PAY FOR FISH & GAME PROTECTION TO PATROL THE INCREASED HUNTING AND FISHING PRESSURE ON LANDS THAT HAVE BEEN TRADITIONALLY HUNTED BY A FEW LOCAL RESIDENTS? WHAT PRESSURE WILL BE BROUGHT TO BEAR ON INDIGENOUS WILDLIFE AND FISH STOCKS? WE HAVE EXAMPLES OF THESE EFFECTS JUST OUTSIDE FAIRBANKS THAT ARE WELL DOCUMENTED. DEPT OF FISH & GAME HABITAT WILL BE REQUIRED TO LOOK AT THE LONG TERM EFFECTS OF LOGGING ON THE HABITAT AND AT A TIME WHEN THEIR BUDGET IS BEING CUT TO THE BONE. THIS IS NOT SOMETHING THAT CAN BE SUMMARIZED IN ONE REPORT ONE TIME. IT WILL TAKE YEARS OF MONITORING TO DO A PROPER EVALUATION. I AM TOLD THAT A CHIPPING PLANT REQUIRES GREEN LOGS FOR THEIR OPERATION YEAR ROUND. WILL DEPT. OF TRANSPORTATION BE ASKED TO UPGRADE LOGGING ROADS TO YEAR ROUND ACCESS? I HAVE ALSO BEEN TOLD THAT IT TAKES 500 TO 600 TRUCKLOADS PER DAY TO SUPPLY ONE OF THESE PLANTS. REMEMBER THE PIPELINE - AT THE PEAK OF CONSTRUCTION THERE WERE 350 TRUCKS A DAY LEAVING FOR THE SLOPE. REMEMBER THE ROAD DAMAGE WE HAD THEN? WHO WILL PAY FOR THESE SUBSIDIES TO THE TIMBER INDUSTRY? THE DEPT OF CONSERVATION WILL BE REQUIRED TO MONITOR THE WATER RUNOFF (CLEAN WATER ACT?) AND OTHER ENVIRONMENTAL CONCERNS. WILL THE TIMBER COMPANIES BE SUBSIDIZING THIS COST?? THE HIGHLY SKILLED LOGGERS OF TODAY WILL COME FROM OTHER PARTS OF THE COUNTRY. LOCAL RESIDENTS WILL BE COMPETING FOR UNSKILLED LABOR IN CHIPBOARD AND PLYWOOD PLANTS. THE SELF ESTEEM OF PEOPLE THAT ONCE PROVIDED FOR THEMSELVES WILL BE REDUCED DRAMATICALLY, REQUIRING INCREASED SOCIAL SERVICES THAT ARE ALREADY STRETCHED TO THE LIMIT. WILL THE TIMBER COMPANIES PICK UP THE TAB FOR THIS?? DO THE LOCAL NATIVE CORPORATIONS WANT TO COMPETE WITH OUTSIDERS FOR JOBS AND RESOURCES? DO WE WANT TO SELL OUR

NATURAL RESOURCES FOR LESS THAN MARKET VALUE? WILL THE LOGGING CORPORATIONS BE REQUIRED TO BE BONDED? I WOULD HOPE SO - EVEN USED CAR SALESMEN AND FISH PROCESSORS IN ALASKA ARE REQUIRED TO BE SIGNIFICANTLY BONDED. MY DAD ALWAYS TOLD ME THAT WHEN A MAN SPEAKS OF HIS HONOR, MAKE HIM PAY CASH. BONDING IS JUST GOOD BUSINESS PRACTICE AND IF THEY'RE SERIOUS AND SINCERE ABOUT DOING BUSINESS IN ALASKA WITH ALASKAN RESOURCES, THEN A BOND WON'T BE A DETERRENT TO THEIR OPERATION.

IT WOULD SEEM THAT WITH THESE BILLS THE LEGISLATURE IS SETTING ITSELF UP FOR MORE SUBSIDIZED INDUSTRY. REMEMBER DELTA BARLEY? POINT MCKENZIE? VALDEZ GRAIN TERMINAL? HOW MANY TIMES DOES IT TAKE FOR THE LEGISLATURE TO REALIZE THAT PRIVATE INDUSTRY WILL INVEST WHEN THE TIME IS RIGHT AND KEEP IN MIND THAT THEY NEED TO PLAY BY OUR RULES, AND WILL TOO, IF THEY WANT TO PLAY IN OUR GAME.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Resources-  
~~Resources~~  
(committee name)

committee on AB 261 + AB 212 dated \_\_\_\_\_  
(bill/subject)

SEWARD Honest products STATE OF AKT  
MILL CLOSED DUE TO LACK OF IN-STATE  
PRIMARY USE OR ADDED VALUE STATUS.  
PENNA PENN. Abundant with LOGS +  
LOGGING OPERATION, ALL THIS RAW PRODUCT  
BEING EXPORTED TO FOREIGN MARKETS & THE  
LOWER 48 MILLS. REASON LOGGING COMPANY  
WORKING WITH HOME TOWN LOWER 48 MILL  
BY-PASSING IN STATE MILLS - IN SHORT  
SUPPORT THE HOME TOWN GOOD-OLD BOYS

Signed: Bob Valdatta  
(Testifier)  
Representing AB 261 212 + State  
(Representing W Optional)  
PO Box 1247 Seward Alaska 9966  
(Address)  
907-224-5656  
(Phone No.)

**HB**

**265**

# Alaska State Legislature



Representative William K. Williams

## Committees:

House Resources  
Co-Chairman  
World Trade &  
State Federal Relations  
Transportation  
Rules  
Oil & Gas

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

In Ketchikan:  
352 Front Street  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-8546

## SPONSOR STATEMENT

Committee Substitute House Bill 265  
An Act relating to the export of live dungeness crab.

Committee Substitute for House Bill 265 is an economic development bill. I introduced this bill in response to constituents who are struggling to develop a live crab market in British Columbia. Currently, if you have established an out-of-state live dungeness market, you are required by law to ship your product through the air. Air transportation of live crab is tricky and in many cases cost prohibitive. As we all know, there are frequent weather and other delay problems associated with flying in Alaska. These problems don't particularly lend themselves to crab surviving the journey to the marketplace. Despite these obstacles, air transportation is the only way to get live crab to markets which are many miles away.

I have constituents who are trying to make inroads into the British Columbia live dungeness market. Requiring them to air freight their catch to either Prince Rupert or Seattle has a crippling effect on their ability to capture a place in the growing B.C. market.

Committee Substitute for House Bill 265 would remove the "air transportation only" restriction when shipping live dungeness crab out of state. The bill goes further by answering concerns about marine toxins, particularly PSP, by not allowing "surface transportation" to occur in areas where the Department of Environmental Conservation is requiring the testing of crab for marine toxins.

This requirement will address concerns for areas outside of Southeast Alaska. For instance, the Kodiak fishery tests "hot" nearly all the time requiring crab to be sectioned and the viscera removed. There are no other areas in the state where dungeness fisheries occur in any significance. There is a small fishery in the Port Moller area.

All the reporting requirements are in place for this fishery to occur. All the appropriate taxes will be paid and the catch statistics gathered. In your packets you will find a memorandum from the Legislative Research Agency on this subject.

This bill will allow fishermen to expand their markets. It will provide an opportunity for diversification and is a good economic development bill.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CS HB265(FSH)

Revision Date: 2/22/96 Dept. Affected: Fish and Game  
 Title: Export of dungeness crab BRU: CFMD  
 Component: Fisheries Management  
 Sponsor: Rep Williams  
 Requester: Houso Fisheries COMPONENT SERIAL NO. 1941

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>						

Estimate of any current year (FY96) cost: \$ 0

**POSITIONS**

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Paul Larson  
 Division: Commercial Fisheries Management and Development  
 Approved by Commissioner: Frank Rue  
 Agency: Fish and Game

Phone: 485-6120  
 Date: 2/22/96  
 Date: 2/22/96

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. CSHB 265 (FSH)

Revision Date: 22-Feb-96  
 Title: Export of Live Dungeness Crab  
 Sponsor: Rep. Williams  
 Requestor: Rep. Williams

Department Affected: Environmental Conservation  
 BRU: Environmental Health  
 Component: Seafood and Sanitation Inspections

COMPONENT SERIAL NO. 1936

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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&STRUCTURELS	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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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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
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) 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: Janice Adair  
 Division: Director, Division of Environmental Health

Phone: 907-269-7645  
 Date: 2/22/96

for/ Approved by Commissioner: *Lawrence*  
 Agency: Department of Environmental Conservation

Date: 2/23/96

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# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

**BILL NO.** HB 265

Revision Date: \_\_\_\_\_  
 Title: Export of Dungeness Crab  
 Sponsor: Rep. Williams  
 Requestor: (H) FSH

Department Affected: Environmental Conservation  
 BRU: Environmental Health  
 Component: Seafood/Sanitation Inspections

**COMPONENT SERIAL NO.** 1936

**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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**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/MHTLA	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
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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.)

HB 265 allows the shipment of Dungeness crab by any means of transportation such as truck, boat, air, etc.

Prepared by: Larry Jones  
 Division: Director, Division of Administrative Services

Phone: 465-5010  
 Date: 3/21/95

Approved by Commissioner: Larry Jones  
 Agency: Department of Environmental Conservation

Date: 3/24/95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 265

Revision Date: \_\_\_\_\_ Dept. Affect Fish and Game  
 Title: Export of Live Dungeness Crab BRU: CFMD  
 Component: Fisheries Management  
 Sponsor: Rep. Williams  
 Requester: House Special Committee on Fisheries COMPONENT SERIAL NO. 1941

**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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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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
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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: Bob Clasby  
 Division: CFMD  
 Approved by Commissioner: Franklin  
 Agency: \_\_\_\_\_

Phone: 465-4210  
 Date: 3/22/95  
 Date: 3-24-95

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# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

**DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF ENVIRONMENTAL HEALTH  
DIRECTOR'S OFFICE  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501**

Telephone: (907) 269-7644

Fax: (907) 269-7654

January 23, 1996

The Honorable Bill Williams  
House of Representatives  
Room 128, Capitol Building  
Juneau, Alaska 99801

Dear Representative Williams:

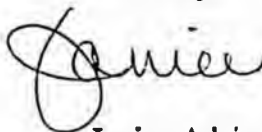
This letter is in response to your request that we provide you with a summary of DEC's recent actions relating to the testing of crab viscera for PSP.

In early October, 1995 our Food Safety Lab compiled the results of the viscera testing that had been conducted over the past 2 years. It was clear that during the winter months in Southeast and the Bering Sea, PSP is not a problem in crab viscera. We took that information to FDA for their concurrence. With it, we were able to suspend the winter PSP testing of crab viscera in these two areas. The testing is still required in and around Kodiak.

I've enclosed a copy of the press releases we issued on this topic. They outline the timelines for which the testing is not required as "winter" varies between the two areas. As you'll note, and I think it's important to point out, we will be doing "spot" monitoring to be sure the PSP levels aren't on the rise. If we find increases, the PSP testing requirement would be reinstated.

Please let me know if you have any questions.

Sincerely,



Janice Adair  
Director

JA/la (g:\ch\PSP.WILLIAMS)

Enclosures

cc: Michele Brown, Acting Commissioner  
Shari Kochman, Governor's Legislative Office

# DEC NEWS RELEASE

*Alaska Department of Environmental Conservation  
Environmental Health Division  
555 Cordova St. 5th Floor  
Anchorage, Alaska 99501  
Phone: (907) 269-7501 Fax: 269-7510*

November 3, 1995

Contact: Manny Soares or Mike Ostasz, DEC Anchorage

## CRAB MONITORING PROGRAM REVISED FOR SOUTHEAST ALASKA

Weekly sampling of Southeast Alaska commercial crab for paralytic shellfish poison (PSP) is no longer required of processors, following review of two years worth of lab data by the Department of Environmental Conservation.

"We can lift this requirement from processors for the time being, and will do periodic testing to ensure the levels remain low," said Janice Adair, Director of DEC's Division of Environmental Health. "If levels go back up, we will likely need to reinstate the weekly monitoring to ensure unsafe product isn't being sold." Adair said that the change applies to the crab fishery between October 1 - March 31.

Widespread testing of crab for PSP was initiated several years ago to meet federal requirements when the toxin was found in the viscera of commercially-caught crab. Testing will continue in other parts of the state where toxin levels remain high.

DEC reviewed the PSP data for crab from Southeast Alaska, for a two year period, to re-evaluate the appropriateness of the fall/winter monitoring requirement. This work by the Palmer Laboratory showed that levels now are and have been well within the action limits, with little or no detectable toxin.

The change in the monitoring program applies to all species of crab caught in Southeast Alaska, and allows the sale of crab with the viscera intact, in live or whole-cooked form.

###

crabPSP11/3/95.rel

Post-It™ brand fax transmittal memo 7671		# of pages	1	
To	MANNY S.		From	Jal
Co.			Co.	
Dept.			Phone #	
Fax #	269-7510		Fax #	

# DEC NEWS RE

Alaska Department of Environmental  
 Environmental Health Division  
 555 Cordova St. 5th Floor  
 Anchorage, Alaska 99501  
 Phone: (907) 269-7501 Fax: 269-7510

December 26, 1995

Contact: Mike Ostasz shellfish coordinator  
 (907) 269-7638 or  
 Manny Soares, manager, Seafood program  
 (907) 269-7640

## REVISED OPILIO TANNER CRAB MONITORING PROGRAM FOR BERING SEA

The Department of Environmental Conservation has announced that, effective immediately, weekly PSP crab sampling of Opilio Tanner crab from the Bering Sea is no longer required by seafood processors for the period of January 15, 1996, until the close of that fishery by the Alaska Department of Fish and Game.

According to Manny Soares, manager of DEC's seafood program, the agency has just completed review of Paralytic Shellfish Poison (PSP) data from a three year period for the Bering Sea crab to re-evaluate the winter monitoring requirement.

Soares said, "Evaluation of the PSP test result data from DEC's Palmer Laboratory for this time period has shown the levels are well within the action limits, with little or no detectable toxin. As a result, we've discontinued the weekly testing requirement but will test periodically to ensure the levels remain low."

The announcement applies to Opilio Tanner crab from the Bering Sea and allows the sale of crab with the viscera intact, live, or whole cooked form.

###

# Legislative Research Agency

Alaska State Legislature



130 Seward Street, Suite 218  
Juneau, Alaska 99801-2196

Phone: (907) 465-3991  
Fax: (907) 463-3351

March 30, 1995

## MEMORANDUM

TO: Representative Bill Williams

FROM: Linda Brooks *LB*  
Legislative Analyst

RE: **Live Crab Exports to Canada: Reporting Requirements**  
Research Request 95.171

You posed this question: if Alaska fishermen could deliver live crab to Canadian ports by boat, how would the volume of these sales be recorded? That is, are there reporting requirements that would allow U.S. authorities to know the extent of the trade?

Alaska fishermen who export crab must comply with four state reporting requirements, but the data collected from those reporting requirements would not reveal the volume of live crab being exported to Canada. It appears that information about the amount of Alaska crab exported to Canada could be obtainable from Canadian and U.S. Customs data.

### State Reporting Requirements

Alaska fishermen who sold crab directly from their boats to processors in Canadian ports would be classified as "catcher-exporters," and they would have to comply with four state reporting requirements:

- Intent to Operate Application
- Fish tickets
- Processors' annual reports
- Fisheries business license tax return

The fishermen would first file "Intent to Operate" applications with the Alaska Department of Fish and Game (ADF&G). They would also obtain Fisheries Business Licenses from the Alaska Department of Revenue. Fishermen could not begin to export crab until ADF&G approved their Intent to Operate applications. As a condition for approval, fishermen would have to provide

Representative Williams

March 30, 1995

Page 2

ADF&G with proof that they had met the Alaska Department of Revenue's surety bond and fisheries business license tax prepayment requirements.

After fishermen satisfied the Department of Revenue's requirements and obtained approval of their Intent to Operate applications, ADF&G would provide them with fish tickets. Fishermen would have to submit completed fish tickets for their catches to ADF&G before exporting any live crab (5 AAC 39.130). Fishermen would record on the tickets where they caught the crab, the number of pots used, and the number of pounds of crab sold on each ticket.

Fish tickets would be a continuous reporting requirement. Fishermen who directly exported crab would complete a fish ticket for each catch. Fishermen "catcher-exporters" also would face two annual reporting requirements: completion of an Alaska Commercial Operator's Annual Report and a Fisheries Business License Tax return. Both the report and the return would have to be filed by April 1st and would cover all activity from January to December of the preceding year. Fishermen "catcher-exporters" would record on the annual report the amount of crab caught by fishing area and would indicate the price received when sold. Tax forms for the fisheries business license tax would be obtained from the Alaska Department of Revenue, and fishermen "catcher-exporters" would be responsible for paying the tax due.

Nevertheless, while the fishermen "catcher-exporters" would have to comply with the different state reporting requirements, the data collected through these reporting requirements would not reveal the volume of live crab being exported by Alaska fishermen directly into Canadian ports. Fish tickets provide ADF&G with data on the amount of crab being harvested in various areas of the state so that biologists have the information necessary to manage the fishery. The fish tickets would quantify the amount of crab harvested, but they would not indicate the geographical destination of any crab that was exported and sold out-of-state. Likewise, annual processors' reports and business license tax returns would provide no information about the geographical destination of live crab exported from Alaska.

The State of Alaska would have both fiscal and fishery management interests in assuring that fishermen "catcher-exporters" complied with the state reporting requirements. Normally fish processors handle fish tickets, processors' annual reports, and fisheries business license taxes so that fishermen who sell their catches in Alaska are not personally involved in any of these reporting requirements. However, fishermen who act as "catcher-exporters" would be responsible themselves for initiating the reporting processes and complying with all requirements. Some "catcher-exporters" might evade compliance to avoid paying the fisheries business license tax; others might be unaware of the reporting requirements. Failure to submit fish tickets would nonetheless hamper ADF&G's ability to manage the fishery properly. Fish and Wildlife officers from the Alaska Department of Public Safety enforce the ADF&G fish ticket regulations, but fishermen "catcher-exporters" who failed to submit fish tickets would only face a \$3,000 fine for a first offense. In terms of fish tax revenues, the amount lost would depend on the number of "catcher-exporters" who failed to obtain licenses and to pay taxes. The Alaska Department of

Representative Williams  
March 30, 1995  
Page 3

Revenue enforces tax laws, but the penalty for first-time offenders who failed to obtain a fisheries business license would only be a \$5,000 dollar fine.

### **U.S. and Canadian Customs Data**

U.S. and Canadian Customs data offer the best hope for tracking the volume of live crab exported by Alaska fishermen into Canadian ports. The North American Free Trade Agreement has eliminated the requirement for fishermen to file export declarations, but import data are still kept. Bill Aberle, who works at the Alaska Center for International Business at the University of Alaska, explained that Canada and the United States exchange import data with each other. The United States relies upon Canadian import data to gauge the volume of U.S. exports into Canada. Mr. Aberle said that the Canadians' import data would be detailed enough to track the volume of Alaska dungeness crab received in Canadian ports. Because airports and seaports are tracked separately, it would also be possible to discern the amount of crab arriving by vessel. Mr. Aberle was only unsure of whether or not live crab could be differentiated from other types such as frozen crab.

Furthermore, while Alaska fishermen no longer need to file export declarations with U.S. Customs, they still have to stop en route to Canada at U.S. Customs. At U.S. Customs the fishermen "catcher-exporters" would obtain permits that allow them to conduct trade in foreign ports. Upon their return from Canada, the fishermen again would be required to stop at U.S. Customs. Alaska fishermen re-entering the state would have to file cargo declarations with U.S. Customs. Doug Harmon, port director for the U.S. Customs office in Ketchikan, said that for documentation purposes, they would generally ask fishermen to produce fish tickets for cargo that they might have sold in Canada. Although the Ketchikan U.S. Customs office does not track goods sold in Canada on a regular basis, Mr. Harmon thought that his office might be able to enter into an interagency law enforcement agreement with the Alaska Department of Revenue or the Alaska Department of Public Safety to ensure that fishermen "catcher-exporters" were complying with state reporting requirements for live crab that they sold in Canada. If Alaska officials wished to establish such an agreement, Mr. Harmon said they should contact Mr. Jensen or Mr. Blackmore in the U.S. Customs Enforcement Office in Anchorage.

Finally, in addition to customs data, Alaska fishermen who sold live crab in Prince Rupert would have to obtain permits from the Prince Rupert Fisheries and Oceans Office. A Canadian fisheries official said that each permit would describe the approximate weight of the product, who the product was sold to and its approximate value. The Canadian fisheries official thought his office might be able to share such information with the U.S. National Marine Fisheries Office, if U.S. officials requested information about the amount of Alaska dungeness crab being sold in Prince Rupert.

We hope this information is useful to you. Please do not hesitate to call if you have further questions.



641 SHAKES STREET, P.O. BOX 908, WRANGELL, ALASKA 99929

TEL. (907) 874-3346. FAX (907) 874-3035

FEBRUARY 23, 1996

Representative Bill Williams  
D. Saxman

Dear Sir:

We applaud house bill No. 265 regarding the export of live Dungeness Crab. As we set to gear up for the upcoming season we look forward to seeing this bill become law.

Thanks for your legislation, as it is ridiculous to limit processors by means of the fashion in which to ship their product.

Please let me know at what stage this bill is in, via return fax or call at the above number. All the best

M. Steven Bunes  
Assistant Plant Manager

M. STEVEN BUNESS  
*Assistant Plant Manager*

LEVI S. DOW  
*Plant Manager*



641 SHAKES STREET, P.O. BOX 908, WRANGELL, ALASKA, 99929

TEL. (907) 874-3346, RES: (907) 874-3902, FAX: (907) 874-3035



641 SHAKES STREET, P.O. BOX 908, WRANGELL, ALASKA, 99929

TEL. (907) 874-3346, RES: (907) 874-3458, FAX: (907) 874-3035

Don Munhoven  
F/V Blue Fin  
P. O. BOX 6335  
Ketchikan, Ak.  
99901  
(907-225-5328)

MAR 18 1995

Attn: Bill Williams.

We are in favor of lifting the ban of shipping live crab only via air freight  
in regards to Alaska Statue Sec. 16.10.240.

We know this creates unnecessary hardship on the fishermen and their  
markets and only financially benefits the airlines.

Lifting the ban would allow fishermen to create a better quality product  
and would create more jobs.

Thank-you,

Don Munhoven



3-17-95

**HB**

**279**

# HOUSE COMMITTEE REPORT

(9)

Date Referred: March 24, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 4/10/95

The RESOURCES Committee considered:

HB 279

HOUSE BILL NO. 279

MUNICIPAL RIVER HABITAT TAX CREDIT

"An Act relating to a municipal river habitat protection tax credit."

recommends it be replaced  
with the following committee substitute

CS HB 279 (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) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) f+G

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Nichols</i>			✓	
<i>Jim Davis</i>	X			
<i>Patricia</i>	X			
<i>Allen Crute</i>			✓	
<i>Kamona Barnes</i>			✓	
<i>Scott</i>	✓			
<i>W. J. Williams</i>	✓			
<i>Joseph</i>	✓			

CHAIR'S SIGNATURE

*Joseph*

DAVIES  
HB279

without regard to the percentage of the total  
protection or restoration that could be achieved  
by ideal improved measures.

# Alaska State Legislature

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



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

Representative Gary L. Davis

## SPONSOR STATEMENT

### HOUSE BILL 279

"An Act relating to a municipal river habitat protection tax credit".

This bill deletes the requirement that the Department of Fish and Game develop regulations to implement the tax credit provisions for habitat protection on the Kenai River.

The proposed language mandates that any proposed municipal ordinance developed to implement this law will include the regulatory aspects of the legislation. The ordinance must be approved by the Department of Fish and Game before it is adopted. Improvements that will qualify for tax credits will be included in the ordinance.

Fish and Game is also required to respond in writing to the municipality within 60 days of receipt of an ordinance by approving or giving the basis for disapproval

# Alaska State Legislature

Interim:  
P.O. Box 1287  
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Session:  
State Capitol  
Juneau, AK 99801  
(907) 465-2693

Representative Gary L. Davis

## HOUSE BILL 279

"An Act relating to a municipal river habitat protection tax credit".

### Sectional Analysis

Section 1: This section deletes language that requires that credits be certified by the Department of Fish and Game. A credit may be granted for an improvement that has been constructed in compliance with state and federal laws.

Section 2: This section adds subsection (d) establishing that a municipal ordinance is the vehicle for certification of the tax credits. The Commissioner of Fish and Game must approve or disapprove the ordinance within 60 days after receipt.

Section 3: This section repeals subsection (c) which required the Department of Fish and Game to establish regulations.

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB279

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: An Act relating to a municipal river habitat BRU: Habitat and Restoration  
protection tax credit Component: Habitat  
 Sponsor: Rep. G. Davis  
 Requester: Resources COMPONENT SERIAL NO. 486

**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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

HB257 amends AS 29.45.046(b) to eliminate existing requirements that the Alaska Department of Fish and Game prepare habitat tax credit regulation for the Kenai River, and that the department inspect projects to make sure that they meet the criteria. HB 257 adds a new requirement that the department review and approve the Kenai Peninsula Borough's tax credit ordinance within 60 days of receipt.

The department does not believe that review of the borough's tax credit ordinance will entail substantial cost to the department. Therefore a zero fiscal note is recommended.

Prepared by: Ellen Fritts, Acting Director  
 Division: Habitat and Restoration  
 Approved by Commissioner: *Frank...*  
 Agency: Fish and Game

Phone: 465-4105  
 Date: 3/31/95  
 Date: 4.6.95

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# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB279

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: An Act relating to a municipal river habitat BRU: Habitat and Restoration  
protection tax credit Component: Habitat  
 Sponsor: Rep. G. Davis  
 Requester: Resources COMPONENT SERIAL NO. 486

**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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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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						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

HB257 amends AS 29.45.046(b) to eliminate existing requirements that the Alaska Department of Fish and Game prepare habitat tax credit regulation for the Kenai River, and that the department inspect projects to make sure that they meet the criteria. HB 257 adds a new requirement that the department review and approve the Kenai Peninsula Borough's tax credit ordinance within 60 days of receipt.

The department does not believe that review of the borough's tax credit ordinance will entail substantial cost to the department. Therefore a zero fiscal note is recommended.

Prepared by: Ellen Fritts, Acting Director  
 Division: Habitat and Restoration  
 Approved by Commissioner: *[Signature]*  
 Agency: Fish and Game

Phone: 465-4105  
 Date: 3/31/95  
 Date: 4.6.95

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# DEPARTMENT OF FISH AND GAME POSITION PAPER

**BILL No:** HB279

**SPONSOR:** Representative Davis

**DIVISION:** Habitat and Restoration

**DEPARTMENT POSITION:** Support HB279 with sponsor clarification of Sec. 2. AS 29.45.046(d) intent.

HB279 deletes the existing AS 29.45.046(b) requirement that ADF&G prepare and adopt regulations for a fish habitat protection and restoration tax credit program for the Kenai River. It also eliminates the requirement that the department review each application and inspect and certify each project to determine if the project qualifies for a tax credit under the regulations. These are positive changes. Although a higher level of habitat protection would have been provided if the department could have developed regulations with criteria for projects which restore or protect fish habitat, and department habitat biologists had been able to review each project application, and inspect each completed project to insure that the project met the criteria for a tax credit, the department was never provided with staff or funding for either of these tasks.

HB279 adds a new section (d) which requires the Commissioner of ADF&G to review and approve draft Kenai River tax credit ordinances prepared by the Kenai Peninsula Borough Assembly within 60 days of receipt of the ordinance. It further requires the ADF&G to approve the ordinance "if the improvements for which a credit is authorized aid in protecting or restoring habitat as required under this section without regard to the scope of the protection or restoration that would be achieved by the improvements." The requirement that the ADF&G review and approve a draft ordinance to ensure that projects that receive tax credits truly provide a commensurate level of habitat protection and restoration seems like a reasonable cost-effective compromise between writing the tax credit regulations and inspecting each project, versus no participation. This amendment would provide department habitat and fisheries specialists with an opportunity to review the draft ordinance and determine if the taxes foregone by the borough as credits for habitat protection and restoration would actually buy a commensurate amount of habitat protection or restoration.

DEPARTMENT OF FISH AND GAME  
POSITION PAPER  
CONTINUATION PAGE FOR HB279

The intent of the section that requires the department to approve the ordinance "without regard to the scope of the protection or restoration that would be achieved by the improvement," is not clear. One interpretation would be that the department would be expected to approve the ordinance even if it believed that a type of very costly tax incentive project would only provide a small amount of habitat protection or restoration. Because it seems unlikely that this is what the bill sponsors intended, they may want to rewrite this section to clarify its intent.

COMMISSIONER'S SIGNATURE

Frank A.

DATE

9.6.95



# KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669  
PHONE (907) 262-4441

DON GILMAN  
MAYOR

April 6, 1995

The Honorable Joe Green, Co-Chairman  
The Honorable Bill Williams, Co-Chairman  
House Resources Committee  
State Capitol  
Juneau, AK 99801

Re: HB 279: Municipal River Habitat Tax Credit  
SB 147: Municipal River Habitat Tax Credit

Dear Sir:

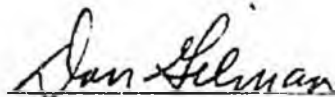
The Kenai Peninsula Borough supports the enactment of HB 279, and its companion Senate Bill 147. The Legislature in its last session enacted a provision for an optional tax credit for improvements that protected or restored habitat in the Kenai River. However, in order to implement the tax credit program protecting the Kenai River, regulations had to be adopted by the Alaska Department of Fish & Game defining improvements that qualified as being protective or restorative. This requirement for the adoption of regulations has delayed the process and complicated the matter. The intent of having the Alaska Department of Fish & Game adopt regulations was to bring expertise into the matter so that the credit would be granted only for protective or restorative improvements. Cities and boroughs generally do not have staff who can address those issues. At the same time, the legislation sought to insure that municipalities did not choose to grant credits under the guise of the improvement being a protective measure. We think the proposed change in these bills will accomplish the original objective of allowing municipalities to provide an incentive for protection of the Kenai River without the cumbersome process of the Alaska Department of Fish & Game having to adopt regulations.

The proposed changes would eliminate the regulations and allow a local government to define improvements and measures which it deems would be protective or restorative. The ordinance defining these eligible activities would be subject to review by the Commissioner of Alaska Department of Fish & Game. The Commissioner's review would be to determine that the eligible improvements in an ordinance were protective or restorative. It would allow the municipality to define the eligible improvements in its ordinance with oversight to insure that the program is limited to protective and restorative improvements. This allows the expertise of the Alaska Department of Fish & Game to be utilized by the municipality in

The Honorable Joe Green  
The Honorable Bill Williams  
April 6, 1995  
Page 2

crafting the ordinance and a final review by the Commissioner before the ordinance goes into effect. The Commissioner's involvement would not look at the extent of the credit or the choice of activities to be granted the credit other than to determine whether they were truly protective measures or not.

KENAI PENINSULA BOROUGH



Don Gilman, Mayor

DG:bl

cc: Representative M. Navarre  
Representative G. Davis  
Representative G. Phillips

TOTAL F.02

August 8, 1994

The Honorable Don Gilman  
Mayor  
Kenai Peninsula Borough  
144 North Binkley  
Soldotna, AK 99669-7599



Dear Mayor Gilman:

Thank you for your leadership in getting HB 306 passed by the legislature. This statute will provide an important tax incentive for private property owners to protect and restore valuable habitat that produces our Kenai River fisheries, which are so important to the economy of the Kenai Peninsula and the state.

As you know, the Kenai Peninsula Borough will have to develop a local ordinance, and the Alaska Department of Fish and Game (ADF&G) will need to develop regulations to implement this statute. The department would like to coordinate the development of these regulations with the borough. This will require that department staff work closely with borough staff to formulate criteria, forms, and procedures for this process. We will need to hold public workshops to get the landowners' perspective and acceptance and public hearings will be required to adopt the regulations. I anticipate that the development of good regulations will require considerable staff time.

Because of the downsizing of state government, ADF&G does not have funds for the senior staff person needed to begin development of these regulations at this time, however we are actively looking for funding to provide the necessary support for the HB 306 regulations and hope to begin full scale work soon. In the interim, the Habitat and Restoration Division, which has responsibility for the regulations plans to contact the borough in the near future to begin the scoping and background work for the project. Please let me know who in the borough we should contact to begin developing a coordinated approach to implementing HB 306.

Thank you for all your help on this and other Kenai River issues. We look forward to working with you on the successful implementation of the tax incentive program.

Sincerely,

A handwritten signature in cursive script that reads "Carl L. Rosier".

Carl L. Rosier  
Commissioner

**HB**

**296**

HOUSE RESOURCES COMMITTEE  
Roll Call and Members' Bill Votes

\* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 4-28-95

Tape# 95-60 Joint \_\_\_\_\_

Time: \_\_\_\_\_ 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	_____	_____	_____	_____	_____	_____	_____
Rep. Irene Nicholia	_____	_____	<u>8:17</u>	_____	_____	_____	_____

Other Legislators Present \_\_\_\_\_

AGENDA:

Bill No.	Short Title	Action Taken
_____	<u>Confirmation Hearing: Prof. Angason - Icelandic Board of Fisheries</u>	<u>Committee Report Forwarded</u>
<u>HB 911</u>	<u>Marine Parks Additions/Changes</u>	<u>Not heard</u>
<u>HB 296</u>	<u>State Authority Licenses &amp; Game</u>	<u>Held</u>
_____	_____	_____
_____	_____	_____

OTHER

\_\_\_\_\_  
\_\_\_\_\_

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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

4-28-95

Tape #95-60

HB 296

9-LS0949K ✓  
Utermohle  
4/27/95

**CS FOR HOUSE BILL NO. 296( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE VEZEY**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the authority of the State of Alaska over fish and game."**

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

3 **\* Section 1. AS 44.03 is amended by adding a new section to read:**

4           **Sec. 44.03.050. MANAGEMENT OF FISH AND GAME. (a) Fish and game**  
5 **resources within the boundaries of the State of Alaska are subject to the exclusive**  
6 **management jurisdiction of the state as exercised through the Department of Fish and**  
7 **Game, the Board of Fisheries, and the Board of Game under the laws of the state.**

8           **(b) Except as expressly provided under state law, a person, government**  
9 **agency, or municipality may not exercise authority over the management of fish or**  
10 **game in the state.**

11           **(c) If the federal government is ever found to have authority to manage a**  
12 **species of fish or game within the boundaries of the state, the state, as the sole legal**  
13 **entity under state law that is authorized to exercise authority over management of fish**  
14 **and game, is the only legal entity to which the federal government may transfer,**  
15 **delegate, surrender, or abandon its authority over management of that species of fish**

1 or game.

2 (d) Notwithstanding any other provision of law, a state agency or employee  
3 may not enforce or cooperate in the enforcement of a federal law that preempts or  
4 supersedes state management of fish and game, unless the federal law has been applied  
5 equally to all states or is the result of an international agreement. This subsection does  
6 not preclude the enactment, adoption, or enforcement of a state law that is substantially  
7 similar to a federal law that preempts or supersedes state management of fish and  
8 game.

9 (e) The attorney general shall enforce this section to the fullest possible extent  
10 allowed under law.

following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., secs. 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., secs. 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., secs. 221-228), as supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: *Provided*, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety calendar days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: *Provided*, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section (8) (a) of the Act of September 2, 1937, as amended (16 U.S.C., sec. 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., sec. 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea-otter skins made in accordance with the provisions of the Fur Seal Act of 1966. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1966, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands, and the

# Alaska State Legislature

## House of Representatives

Official Business



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

House Majority Leader

### *SPONSOR STATEMENT*

HB-296, "An Act relating to the authority of the State of Alaska over fish and game", would codify the primacy of the State of Alaska over the federal government on matters concerning the management of fish and game resources. It is a State's right enjoyed by 49 other states.

The power to manage fish and game was given to the State of Alaska as a condition of our becoming a state and as a condition of entry into the union. This power cannot be abridged or altered, except by mutual agreement of the people of the State of Alaska and the federal government.

This bill will give the State of Alaska a tool with which it can enforce the right of the state to manage its fish and game resources. The bill also provides that state funds cannot be used to implement or enforce federal fish and game regulations.

This bill will send a message to the Congress and people of the United States that the State of Alaska or an agency created by the state, will be the only one permitted to manage fish and game within the borders of the state of Alaska.

# HOUSE COMMITTEE REPORT

(5)  
 Date Referred: April 5, 1995 FURTHER REFERRALS: Resources

Date of Committee Action: 4/12/95

The HOUSE SPECIAL COMMITTEE ON FISHERIES Committee considered: HB 296

HOUSE BILL NO. 296 STATE AUTHORITY OVER FISH AND GAME

"An Act relating to the authority of the State of Alaska over fish and game."

It is the recommendation of the Fisheries Committee that the House Judiciary Committee be added as an additional referral and that the Attorney General's Office have an attorney

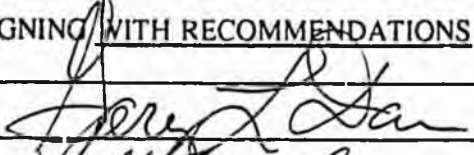
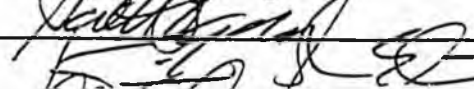
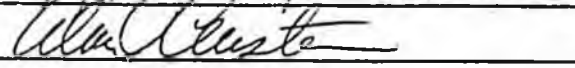

recommends it be replaced  the same title  
 with the following committee substitute  a new title

additional referral to JUDICIARY 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  4/12/95

Present at the House Resources Committee hearing.

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 296

Revision Date: \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: State authority over fish and game BRU: Administration and Support  
 Component: Commissioner's Office  
 Sponsor: Representative Vozey  
 Requester: House Fisheries COMPONENT SERIAL NO. 477

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

**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					
PART-TIME					
TEMPORARY					

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Geron Bruce Phone: 465-8143  
 Division: Commissioner's Office Date: 4/10/95  
 Approved by Commissioner: Frank Rue Date: 4/11/95  
 Agency: Fish and Game

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# Alaska State Legislature

## House of Representatives



Official Business

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

House Majority Leader

### *MEMORANDUM*

April 5, 1995

**TO:** Rep. Bill Williams, Co-Chairman, House Resources Committee

**FROM:** Rep. Al Vezey

**SUBJECT** Request for hearing, HB-296.

Please schedule HB-296 for hearing in your committee at your earliest convenience.

**HB**

**312**

CS FOR HOUSE BILL NO. 312(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES PHILLIPS, Toohey

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the date for a review of and a report on the current law  
 2 regarding subsistence use of fish and game and delaying the repeal of the current  
 3 law regarding subsistence use of fish and game; and providing for an effective  
 4 date."

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

6 \* Section 1. Section 9(a), ch. 1, SSSLA 1992, is amended to read:

7 (a) The legislature acknowledges and recognizes that this Act deals with a  
 8 subject of vital concern and that the subject merits review. Therefore, it is the intent  
 9 of the legislature that the operation of this Act and the regulations adopted under this  
 10 Act be fully reviewed by the governor no later than February 1, 1996 [JUNE 1,  
 11 1994].

12 \* Sec. 2. Section 9(d), ch. 1, SSSLA 1992, is amended to read:

13 (d) No later than February 1, 1996 [SEPTEMBER 1, 1994], the governor  
 14 shall provide a report to the legislature on the results of the review and proposed

1            recommendations for statutory amendments.

2        \* Sec. 3. Section 12, ch. 1, SSSLA 1992, is amended to read:

3                        Sec. 12. Sections 3 and 5 of this Act take effect October 1, 1996 [1995].

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

9-LS0909\M  
Utermohle  
4/27/95

**CS FOR HOUSE BILL NO. 312(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**NINETEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES PHILLIPS, Toohey**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act delaying the repeal of the current law regarding subsistence use of fish  
2 and game; and providing for an effective date."

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

4 \* **Section 1.** Section 12, ch. 1, SSSLA 1992, is amended to read:

5       Sec. 12. Sections 3 and 5 of this Act take effect October 1, 1996 [1995].

6 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

# HOUSE COMMITTEE REPORT

(9)  
Date Referred: April 19, 1995

FURTHER REFERRALS:

Date of Committee Action: 4-27-95

The RESOURCES Committee considered:

HB 312

HOUSE BILL NO. 312

EXTEND CURRENT SUBSISTENCE LAW

"An Act relating to subsistence use of fish and game."

recommends it be replaced with the following committee substitute CSHB312 (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) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Irene Nicholas</i>		X		
<i>Jon Stand</i>			X	
<i>Pete Holt</i>	✓			
<i>William</i>	✓			
<i>Blund</i>			✓	
<i>W.K. Williams</i>			✓	
<i>Barbara Barnes</i>			✓	
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE *W.K. Williams*

HOUSE RESOURCES COMMITTEE  
Roll Call and Members' Bill Votes

\* (indicates first public hearing)

Tues.

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 4-25-45

Topic: 95-55 Joint \_\_\_\_\_

Time: 9:37 (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	_____	_____	_____	_____	_____	_____	_____
Rep. Irene Nicholia	_____	_____	_____	_____	_____	_____	_____

Other Legislators Present \_\_\_\_\_

AGENDA:	Short Title	Action Taken
<u>SB147</u>	<u>Municipal River Habitat Tax Credit</u>	<u>H05 SB147 (RES) Out</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

OTHER \_\_\_\_\_