

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8760 HOUSE RESOURCES

Representative Joe Green
April 19, 1996

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violations and to potential risks to public health and the environment. Equally radical would be the enactment of a new immunity law that would protect environmental violators from enforcement, and I share her opposition to new immunity provisions, as well.

The attorney-client privilege and work product doctrine already protect from disclosure certain materials that bear upon litigation, and courts and legislatures consistently have rejected efforts to extend those protections beyond their well-established boundaries. There is no demonstrated need for a new and much broader evidentiary privilege for environmental audits. Available information indicates that, as a matter of good business practice, an increasing number of firms are performing audits without any audit privilege. Surveys also indicate that strong environmental enforcement has served as a major incentive for companies to self-audit, as well as to comply with the law.

An evidentiary privilege for audits would impede law enforcement by allowing facts that are important to the protection of public health and the environment to be hidden from public view and from government officials; thus, it would inhibit the operation of the very engine that drives audit efforts. Both compliance with the law and corporate accountability are more likely to occur within the context of openness than in secrecy. In addition, a privilege would inhibit and even prevent employees of businesses that violate the law from coming forward to report their employers' transgressions, thereby cutting off a very valuable source of information needed for the protection of the public.

Moreover, a privilege statute would mire enforcement efforts in a tangle of litigation over the applicability and reach of the privilege and the scope of exemptions. Critical terms in the statute are broad or ill-defined, and there are no established definitions or standards for environmental audits. This added litigation would consume scarce judicial, prosecutorial and investigative resources. Underlying health and environmental problems could be left uncorrected and the public unprotected during the resulting delays.

An environmental audit privilege also would be highly susceptible to abuse. Many of our criminal cases involve defendants who make false statements to government officials to conceal their environmental violations, and it would be an easy matter for these defendants to label ordinary internal

Representative Joe Green

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communications after-the-fact as "audits" or "self-evaluations" and assert false claims of privilege simply to delay an investigation. They could use the privilege even to shield continuing violations and ongoing criminal conduct. The public would be justifiably upset if the government were prevented from obtaining information about a violation that led to widespread damage or serious injury because of a claim of audit privilege.

The creation of immunity for those who under certain circumstances "voluntarily" disclose their violations to the government would be equally unwise, having the potential to allow serious environmental violators to escape responsibility for their wrongdoing when, after the fact and after the damage has been done, they come forward and disclose their actions. An immunity provision would have the perverse effect of actively discouraging proactive environmental management, since companies and individuals could immunize themselves retroactively even after causing serious harm simply by initiating action to correct problems only prospectively. This is unconscionable in an area of law designed to protect the health and safety of the public, especially where the violations at issue may have endangered the public or resulted in long-term environmental harm. It would place law-abiding companies at a competitive disadvantage and is unparalleled in any other enforcement context.

Finally, as a positive alternative to the proposed legislation, a number of policies and a wide range of programs have been developed and implemented at the federal level to encourage and promote voluntary environmental auditing and compliance, without the need for a deleterious audit privilege or the unnecessary granting of blanket immunity. For example, the United States Environmental Protection Agency recently adopted and published a broad and comprehensive new policy on incentives for self-policing (including environmental auditing) to address exactly the concerns that have driven the proposed legislation here. The Department endorses and supports that policy, which is consistent with existing policies within the Department that already require that prosecutors take into account self-auditing, self-evaluation and voluntary disclosure as important mitigating factors in the exercise of criminal prosecutorial discretion. The Department further supports the use of the EPA policy, in conjunction with other applicable policies, in the settlement of civil environmental enforcement actions.

Taken together, the policies of both EPA and the Justice Department contain the right mix of strong enforcement for

Representative Joe Green

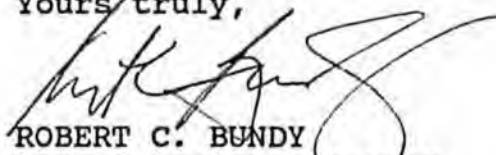
April 19, 1996

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wrongdoers and leniency for good actors to ensure continued protection of the public and of the nation's environment. I would be happy to arrange for representatives from EPA and the Department to share with you ways in which these policies and programs could be adapted for use in this state.

With all of these points in mind, it is clear that legislation of the type proposed is both anti-environment and anti-law enforcement. Without a demonstrated need for its enactment, it would disrupt law enforcement efforts, prolong litigation, place an enormous burden upon public resources, conceal truth, frustrate efforts to protect public health and the environment, and provide violators with an unfair economic advantage over their law-abiding competitors.

Yours truly,



ROBERT C. BUNDY
United States Attorney

RCB:kjm

cc: Senator Loren Leman

U.S. Department of Labor

**Occupational Safety and Health Administration
1111 Third Avenue, Suite 715
Seattle, Washington 98101-3212**

Telephone: (206) 553-5930
FAX: (206) 553-6499



Reply to the Attention of: STP 1-1/jrs

April 23, 1996

The Honorable Tom Cashen, Commissioner
Alaska Department of Labor
P.O. Box 21149
Juneau, AK 99802-1149

Dear Commissioner Cashen:

Per your request we have performed a preliminary review of Alaska Senate Bill 199 regarding privileges and immunities related to disclosure of certain self-audits. Based on this review, it appears that the Bill, as written, would substantially impact current enforcement of the state's occupational safety and health laws. It is our opinion that the provisions of the Bill would materially change the burden of proof for safety and health standards violations classified as willful, making it much more difficult to sustain a willful violation.

We might concur in a provision to disallow the state from citing retroactively violations that an employer finds, himself, in the course of an internal audit (a policy we believe might actually be in the interest of safety); but this legislation attempts to hold an employer immune and create a new privilege disallowing the state to use the employer's business records as evidence of knowing or intentional wrong doing when the state finds subsequent violations, a sort of corporate right against self-incrimination. We believe that, if enacted into law, this legislation could leave the Alaska occupational safety and health program in a situation in which it could be reasonably argued that the program is less effective than the federal program and subject to plan withdrawal proceedings.

Again, please be aware that this assessment is preliminary. We would be pleased to provide an in-depth review and legal analysis if you so desire; however, such an analysis would require significantly more time to complete.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard S. Terrill".

Richard S. Terrill
Acting Regional Administrator

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

PR 29 199

April 25, 1996

VIA FACSIMILE AND MAIL

Honorable Joe Green
Chairman, House Resources Committee
State of Alaska
State Capitol
Juneau, Alaska 99801-1182

Re: CSSB 199(FIN); An Act relating to environmental audits and health and safety audits to determine compliance with certain laws, permits, and regulations.

Dear Representative Green:

Yesterday, I testified before the House Resources Committee regarding CSSB 199(FIN). During my testimony, you requested that I submit a summary of my testimony in a letter because of time constraints.

As I explained in my testimony, I am concerned that CSSB 199(FIN) may compromise or even jeopardize Alaska's federally approved and federally funded OSHA program.

In order to understand how this bill may affect Alaska's OSHA program, it is important to understand the relationship between Alaska's OSHA program and the federal OSHA program.

In the mid-1970's, the U.S. Congress enacted the Occupational Safety and Health Act ("OSHA"). 29 U.S.C. § 650. Congress gave the U.S. Department of Labor the power to promulgate workplace safety standards. Congress also gave the U.S. Department of Labor the right to enter workplaces and conduct inspections. 29 U.S.C. § 657. In 29 U.S.C. § 657, Congress gave the U.S. Department of Labor the authority to subpoena persons and documents when it conducts inspections.

TONY KNOWLES, GOVERNOR

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ANCHORAGE, ALASKA 99501-1994
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100 CUSHMAN ST., SUITE 400
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Honorable Joe Green
Chairman, House Resources Committee
Our file: 661-96-0509

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In the Occupational Safety and Health Act, Congress also provided that the U.S. Department of Labor could approve a state OSHA plan so long as the state OSHA plan was as effective as federal OSHA. 29 U.S.C. § 667. There are about 26 federally approved state plans.

In 29 C.F.R. § 1952.240, the U.S. Department of Labor approved Alaska's state plan because it is as effective as the federal program. AS 18.60.030(5). Consequently, the U.S. Department of Labor oversees Alaska's state OSHA program and substantially funds the program.

CSSB 199(FIN), in my opinion, will make our state OSHA program less effective than the federal OSHA program in two ways.

First, CSSB 199(FIN) creates a privilege for "audits." The federal OSHA program has no such privilege. Currently, when the Alaska Department of Labor conducts its investigation, it, like the U.S. Department of Labor, can subpoena documents from an employer. AS 18.60.083. This bill will prevent the Alaska Department of Labor from subpoenaing audit information that the U.S. Department of Labor can subpoena. Documents, such as audits, can provide very important evidence, particularly in cases where an employer has willfully violated an OSHA regulation. AS 18.60.095(a). It is very difficult to prove an employer's state of mind; often the Alaska Department of Labor must weigh the employer's word against an employee's word. Under CSSB 199(FIN), the Department would not be able to obtain audit information which might demonstrate that the employer knew of the violation and knowingly chose not to correct the violation. In contrast, the U.S. Department of Labor could obtain this information during its inspection.

Second, CSSB 199(FIN) provides immunity in certain situations. The U.S. Department of Labor does not provide employers with immunity. Consequently, the U.S. Department of Labor could bring OSHA citations against employers, that the Alaska Department of Labor could not bring.

Of all of the states that have passed bills similar to CSSB 199(FIN), I am only aware of one state that has expanded the audit privilege/immunity beyond environmental audits. To my knowledge, only Texas has expanded the audit privilege/immunity to "health and safety audits." Texas does not have a federally approved state OSHA plan. Consequently, the U.S. Department of Labor conducts workplace safety inspections in Texas. Federal OSHA enforcement would not be affected by the Texas law.

Alaska would be the first state, which has a federally approved OSHA state plan, that passed a law expanding the audit


Honorable Joe Green
Chairman, House Resources Committee
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privilege/immunity to workplace safety inspections. Attached is a letter from the U.S. Department of Labor indicating that CSSB 199(FIN) may jeopardize Alaska's OSHA plan.

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By: 
Toby N. Steinberger
Assistant Attorney General

Enclosure

TNS:akb

cc: Senator Loren Leman
Honorable Commissioner Tom Cashen
Department of Labor
Patrick Pourchot, Legislative Director
Office of the Governor
Deborah Behr, Assistant Attorney General
Legislation & Regulations Section
Department of Law
Marie Sansone, Assistant Attorney General
Department of Law
Chrystal Smith, Legal Administrator
Department of Law

U.S. Department of Labor

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April 23, 1996

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We might concur in a provision to disallow the state from citing retroactively violations that an employer finds, himself, in the course of an internal audit (a policy we believe might actually be in the interest of safety); but this legislation attempts to hold an employer immune and create a new privilege disallowing the state to use the employer's business records as evidence of knowing or intentional wrong doing when the state finds subsequent violations, a sort of corporate right against self-incrimination. We believe that, if enacted into law, this legislation could leave the Alaska occupational safety and health program in a situation in which it could be reasonably argued that the program is less effective than the federal program and subject to plan withdrawal proceedings.

Again, please be aware that this assessment is preliminary. We would be pleased to provide an in-depth review and legal analysis if you so desire; however, such an analysis would require significantly more time to complete.

Sincerely,

Richard S. Terrill
Acting Regional Administrator



U.S. Department of Justice

United States Attorney
District of Alaska at Anchorage

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April 29, 1996

Senator Loren Leman
State of Alaska
State Capitol
Juneau, Alaska 99801

Re: CSSB 1999(FIN), April 23, 1996 Work Draft

Dear Senator Leman:

Thank you for your letter of April 23, 1996, responding to the points I made in my April 19, 1996, letter to Representative Joe Green regarding CSSB 199(FIN), April 23, 1996 Work Draft (hereinafter "SB 199").

I do not doubt your personal stake in environmental protection, nor the sincerity of your aims in introducing and pressing for the passage of SB 199. Your experience as an engineer made lead you to conclude that SB 199's incentives to encourage environmental self-auditing are worth the cost to enforcement programs. I do not question the sincerity of your beliefs. However, my 25 years of litigation experience, in the course of which I both prosecuted and defended environmental cases, causes me to stand by my conclusion that the effect of many of the provisions of SB 199 are both anti-environment and anti-enforcement.

You questioned whether SB 199's immunity provisions can reasonably be described as "radical" in light of the EPA's self-reporting policy. However, examination of the EPA policy reveals striking differences between it and SB 199:

1. The EPA policy creates no new evidentiary privilege. SB 199's provisions allow environmental violators to hide even serious, long-standing violations forever from public view. SB 199's creation of a corporate Fifth Amendment privilege, a notion uniformly rejected by every court that has considered the matter in our country's history, can be hardly be described as anything less than radical.

Senator Loren Leman
April 29, 1996
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2. As opposed to SB 199, EPA's policy does not create a legal entitlement for violators to dodge enforcement. The EPA policy is simply written notice of a long-standing policy (which I understand is consistent with Alaska Department of Law policies) that provides incentives for companies to self-report and correct, while allowing enforcers the flexibility to deal with the myriad factual situations which are encountered in the real world.

These differences are of critical importance. This is illustrated by the fact that EPA's self-reporting incentives are uniformly praised by enforcers such as the National District Attorneys Association (NDAA) and the National Association of Attorneys General (NAAG), while bills with privilege and immunity provisions like SB 199's are opposed by these same enforcers. NDAA and NAAG are nationwide organizations that reflect the views of those working directly in enforcement of environmental health and safety laws throughout the country. The reason NDAA and NAAG take this position: SB 199-type legislation provides a legal entitlement for violators to hide evidence of their actions and avoid answering for their behavior, while the EPA approach gives valuable incentives for self-audits, but retains flexibility to adjust the enforcement response to particular circumstances. The NDAA and NAAG can hardly be described as anti-business, yet these groups understand the realities of the enforcement of environmental and health and safety laws.

You stated our concerns about secrecy are misplaced, because the privilege provisions of the bill do not protect reports that are required to be made to an agency by law or regulation, nor do they preclude the testimony of a "whistleblower". However, that does not address a number of situations frequently encountered in environmental enforcement actions:

- 1. The situation, as recently encountered in a prosecution in this office, when a regulated company provides false reports;
- 2. A situation in which important evidence is contained in internal documents which are not a part of required reporting; and

Senator Loren Leman
April 29, 1996

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3. A situation in which documents are required to corroborate the testimony of the "whistleblower," whose credibility will certainly be vigorously attacked by the defense.

Just a few examples of information that agencies routinely use in enforcement proceedings that will be denied them if a self-audit privilege is enacted in Alaska, include: (1) internal memos, particularly reports of lower level employees on the scene; (2) ship logs; (3) equipment repair records; (4) shift reports; (5) computer information; and (6) instrument readings. All of these documents may be protected simply by providing regular notice to a regulating agency that audits are commencing; the notice may allow for an audit to go on for any length of time and cover virtually any subject, operation or facility. Virtually any document can easily be hidden under the guise of an appendix to a "health and safety audit," even if the information is not gathered by the company for the primary purpose of aiding the audit. Moreover, without information about the "privileged" documents, enforcement agencies will be crippled in any effort to overcome a claim of privilege.

Finally, you asked that the Department of Justice and the EPA become constructively involved in encouraging self-audits. They are. It has been a long-standing policy of the Department of Justice and the EPA to encourage self-audits. It is well known that companies that self-audit, report and correct can expect substantial benefits in any potential enforcement action. As you point out, EPA has a written policy of rewarding self-reporting with lenient treatment. So does the Justice Department. Since July, 1991, the Department of Justice has followed a guidance memorandum for prosecutors in situations that might include self-reporting, cooperation, auditing and correction of violations in various combinations. The basic message of the guidance is that good faith efforts by a violator should be among the factors taken into account in prosecutorial decision-making. Such efforts could, and often do, have a mitigating effect sufficient to convince prosecutors that a case should not be brought criminally and that civil penalties be substantially reduced or foregone altogether. Indeed, these policies have had the desired effect of increasing self-auditing. In a 1992 Arthur D. Little survey of Fortune 100 companies, 80 percent of the respondents planned to expand the scope of their audit programs in the near future.

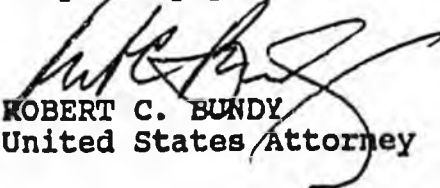
Senator Loren Leman

April 29, 1996

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I hope you will consider the above in the spirit of our common goal of increasing compliance with important environmental and health and safety laws in order to protect the public health and Alaska's priceless environmental resources. Thank you for this opportunity to comment.

Very truly yours,



ROBERT C. BUNDY
United States Attorney

RCB:kjm

cc: Representative Joe Green



U.S. Department of Justice

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April 29, 1996

Representative Alan Austerman
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Re: CSSB 199(FIN), April 23, 1996 Work Draft

Dear Representative Austerman:

I appreciate the opportunity to have testified before the House Resources Committee on CSSB 199(FIN), April 23, 1996 Work Draft (hereafter "SB 199"). During my testimony you asked an important question: Would SB 199 make it more or less difficult for the four seafood processors in your district to operate in compliance with the environmental laws?

I think SB 199 would have little effect on responsible processors. Already, companies operating seafood processing plants have a tremendous incentive to audit their environmental practices and correct any violations they find. The EPA and the U.S. Department of Justice have instituted policies providing substantial incentives for self-auditing and correction. EPA incentives include eliminating or substantially reducing the gravity component of civil penalties, and not recommending cases for criminal prosecution where specified conditions are met, to those who voluntarily self-disclose and promptly correct violations. In addition, the policy restates EPA's long-standing practice of not requesting voluntary audit reports to trigger enforcement investigations. EPA policy was developed in close consultation with the U.S. Department of Justice, States agencies, public interest groups and the regulated community and has been applied uniformly by the agency's enforcement programs.

The Department of Justice has issued a guidance memorandum for prosecutors in situations that might include self-reporting, cooperation, auditing and corrections to violations in various combinations. The basic message of the guidance is that good-faith efforts by a violator should be among the factors taken into account in prosecutorial decision-making. Such efforts often have

Representative Alan Austerman

April 29, 1996

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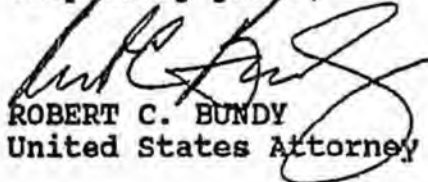
a mitigating effect sufficient to convince prosecutors that a case should not be brought.

The bottom line is, because of incentives already in place, self-audits are already conducted by a large and ever-increasing number of businesses, including seafood processors. SB 199 would not change that.

What SB 199 would change, however, is that it would create almost insurmountable difficulties in discovering and proceeding against processors that operate in a violation of important water, air quality, health or safety standards. Under the rubric of "health and safety audit," a violator would be able to cloak many of its operating documents from the scrutiny of regulators and the public. Without access to this important evidence, enforcement agencies and the public would be unable to establish the nature of the violation. Thus, even a serious, intentional, knowing or reckless violation would be immune from civil or criminal penalties for subjecting the community to potential or actual harm, even for continuous violations over a number of years.

The end result is simply that the conscientious processor, which takes the necessary steps to ensure an environmentally sound operation, will lose a competitive advantage to the unscrupulous operator who uses the immunity and secrecy provisions of SB 199 to avoid good faith compliance with the environmental laws.

Very truly yours,



ROBERT C. BUNDY
United States Attorney

RCB:kjm

cc: Representative Joe Green
Senator Loren Leman



U.S. Department of Justice

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April 29, 1996

Representative Bill Williams
State Capitol
Juneau, Alaska 99801-1182

Re: CSSB 199(FIN), April 23, 1996 Work Draft

Dear Representative Williams:

I appreciate the opportunity to have testified before the House Natural Resources Committee on CSSB 199(FIN); April 23, 1996 Work Draft (hereafter "SB 199"). During the course of my testimony, you asked an important question: Should we be punitive or corrective?

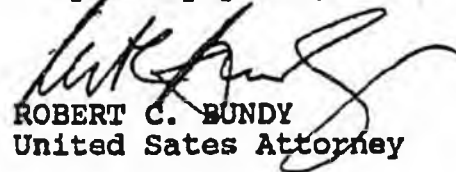
I believe your question implies that SB 199 encompasses a "corrective" approach, while current practices are "punitive." In fact, current practices are primarily corrective, while at the same time retaining the flexibility to apply punitive measures when those are necessary. SB 199, on the other hand, removes flexibility and increases the possibility that the worst violators will avoid detection or, if detected, avoid punishment for their unlawful actions. Thus, for many violators, SB 199 will be neither corrective nor punitive.

Current policies provide strong incentive for businesses to audit themselves and correct environmental, health and safety problems. It has long been the policy of both state and federal prosecutors to take a business's efforts to discover and correct problems into account in making enforcement decisions. Such decisions include whether to press criminal charges or file for civil penalties at all, and, if so, whether to seek nominal or substantial penalties. EPA and the U.S. Department of Justice have formal, written policies providing that self-examination and correction are important considerations in prosecutorial decision-making. These policies are well known in business communities. In 1992, Arthur D. Little's survey of Fortune 100 companies, reflected 80 per cent of the respondents plan to expand the scope of their audit programs in the near future. This survey was taken long before bills such as S.B. 199 were on the horizon. That is why SB 199 not needed.

Representative Bill Williams
April 26, 1996
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There is no doubt that current policies of State of Alaska and federal agencies are successfully utilizing the corrective approach, without sacrificing their ability to deal with chronic or trustworthy violators.

Very truly yours,



ROBERT C. BUNDY
United States Attorney

RCB:kjm

cc: Representative Joe Green
Senator Loren Leman

SB 144.1

Bill grants polluters a loophole

By STEVE RINEHART
Daily News reporter

Polluters could escape the law if they blew the whistle on themselves under a bill that has passed the state Senate and is moving toward passage in the final days of the Legislature.

Senate Resources Committee Chairman Loren Leman, the bill's main sponsor, described it as an effort to improve voluntary compliance with state environmental, health and safety laws. Companies that don't know whether they are obeying or breaking pollution laws are afraid to investigate, he said.

"They are afraid of what they might find," he said. The measure offers an incentive to companies to clean up their operations.

But the state attorney general's office and environmental regulators said it would cripple enforcement and give polluters a free ride.



Leman

Please see Back Page, POLLUTE

POLLUTE: Bill gives companies escape clause

Continued from Page A-1

"People who are out to cheat are the main beneficiaries," assistant attorney general Marie Sansone said at a House Resources subcommittee hearing on Monday. "This gives them a whole new way to hide."

The bill was still being amended on Monday. The version under consideration would allow companies to initiate what are called environmental audits, largely without fear of being prosecuted if they found themselves breaking the law.

A company could not use an audit to dodge a live investigation. It would have to begin its own review before government regulators found the violation themselves. It would have to report its findings promptly. And the company would have to work with authorities to correct the problem.

Prosecutors, the state Department of Environmental Conservation and environmental groups said companies could use the audits to keep damaging information out of court and out of public sight.

U.S. Attorney Robert Bundy, in a letter to Leman on Monday, warned that the bill would "allow violators to hide even serious, long-standing violations forever from public view." Prosecutors would be unable to gather key evidence, such as computer data and internal company reports, he said.

The Prince William Sound Regional Citizens Advisory Council, a watchdog group set up after the Exxon Valdez oil spill, said the bill gives polluters too much protection. It would invite abuse, the council said.

Sara Hannon, of the Alaska Environmental Lobby, said the measure is too broad and that even its sponsors cannot point to specific problems it would solve.

Leman said he did not have any particular examples of businesses that need the bill's protection. He said major industrial firms, such as BP or Arco Alaska Inc., employ experts to keep them within the law. But many small firms — such as fish processors, service stations or laundries — do not, and would benefit from his bill, he said.

Hannon disagreed, noting that similar bills across the country are being pushed by big business.

The New York Times reported recently that 18 states have passed environmental audit bills since 1993, many at the urging of the paper, chemical and waste-disposal industries. Leman said two more legislatures approved such measures this week, bringing the total to 20. Congress is considering a similar bill.

The Alaska Oil and Gas Association, a petroleum industry trade group, is supporting Leman's bill. Its representative, Mike Abbott, said companies should follow environmental laws, if for no other reason than because it makes good business sense, he said.

He said some are probably not. Like Leman, he said companies are afraid of getting into legal trouble if they find and document their own violations. He did not have any specific examples, either.

SB

230

Alaska State Legislature



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Fax (907) 258-0226

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Juneau, AK 99801-1182
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Fax (907) 465-3872

Drue Pearce
President of the Senate

Sponsor Statement SB-230 **“Legislative Approval to Restrict Traditional Recreational Uses”**

Senate Bill 230 was introduced to protect Alaskan’s right to access state land and water for recreational uses. In a time when the Federal Government continues to restrict and prohibit Alaskan’s access to many areas of the State, we, the state government, need to ensure that decisions to restrict access on land we control are made in a responsible, fair, and well represented process.

Alaskans are presently losing their right to traditional recreational use on some state land and park land without appropriate notification and justification. Citizens believe that the public comment process is not being fairly administered and all user groups are not being represented. In some instances, the management and authority to restrict and prohibit uses on state land are being transferred from the Division of Lands to the Division of Parks and Outdoor Recreation. Non-restricted areas of our state are being closed without proper oversight by the Legislature.

Decisions to deny access for recreational use, because of its importance, have always been made by our legislature, not by bureaucrats. The Constitution of the State of Alaska recognizes the importance of land closures and mandates that all closures over 640 acres must be legislatively designated. We must continue to recognize the importance of land closures and make necessary changes in the current process for restrictions and prohibitions in areas less than 640 acres.

A change in this process, SB-230 in its current form or other language that achieves our intent, would ensure that all Alaskans would have proper representation by their elected officials and restrictions and prohibitions on traditional recreational activity would need to be justified to the Legislature. Many areas of Alaska may need to be restricted to some or all recreational activity, but these important decisions need to be made at the legislative level, where the people have better access.

SB-230 is the People’s Access Bill

- Access to Lands.
- Access to Waters.
- Access to Government Policy.

Section four: Adds a section to the statute establishing Denali State Park specifying what constitutes an incompatible use.

Section five: Specifies that past regulations, and regulations being currently promulgated, concerning Denali State Park take effect only if they are consistent with the provisions of this Act. Past regulations not consistent with this Act are annulled.

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSSB230(RES)

1996 LEGISLATIVE SESSION

Revision Date: 26-Mar-96 Dept Affecte Natural Resources
 Title: An Act providing that state land, water, and BRU: Parks & Recreation Management
land and water may not be classified so as to preclude or ... Component: Parks Management
 Sponsor: Senator(s) Pearce, Frank, Green, Halford...
 Requestor: Senate Finance Component Serial No. 452

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	71.1	33.3	1.0	1.0	1.0	1.0
TRAVEL	4.2	1.8	0.0	0.0	0.0	0.0
CONTRACTUAL	20.0	10.0	0.0	0.0	0.0	0.0
SUPPLIES	10.5	5.5	0.0	0.0	0.0	0.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	105.8	50.6	1.0	1.0	1.0	1.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	105.8	50.6	1.0	1.0	1.0	1.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	105.8	50.6	1.0	1.0	1.0	1.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	1	1	0	0	0	0
PART-TIME	1	1	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This version of the fiscal note is to accompany the version of the bill that includes the additions to Chilkat State Park and deletes the section on weapons use. *CSSB-230(FIN) -KDE*

Personal Services for \$1.0 is needed each year to prepare the report on activities restricting traditional access for traditional recreational activities required for new section 41.21.020(a)(14).

Section 41.21.020(c) would require a rewrite of the Denali State Park Master Plan for a cost over 18 months of \$154.4. This rewrite would require a Natural Resource Officer II to be hired as the project manager (\$59.4) and a Natural Resource Officer I for six months (\$17.4). Remainder is for travel (\$6.0), contractual (\$30.0), supplies (\$16.0), and oversight by the Chief of Policy and Planning (\$25.6).

Prepared by: Jim Stratton, Director *Jim Stratton* Phone: 269-8700
 Division: Parks Date: 26-Mar-96
 Approved by Commissioner: *John Pearce* Date: 26-Mar-96
 Agency: Natural Resources



ALASKA OUTDOOR COUNCIL

4506 Robbie Rd.
JUNEAU, AK. 99801
(907) 463-3830

Mar. 20, 1996

MAR 20 1996

Senator Robin Taylor
Alaska State Legislature
Juneau, Ak. 99801

Dear Senator Taylor:

The Alaska Outdoor Council appreciates your continuing interest in promoting traditional wildlife management in Alaska. We support your efforts to create an impetus through legislation for the Alaska Department of Fish and Game to once again take up important management concerns for Alaska's consumptive users of fish and wildlife.

We believe SB 247, "An Act relating to the fish and game fund", is an important component in the effort to re-establish traditional management of fish and game here in Alaska. For the past fifteen years consumptive users have continually endured the onslaught of an uninformed vocal minority bent on eliminating hunting and trapping opportunities. Although the Alaska Outdoor Council has traditionally supported the Department's budget and has tried to maintain a working relationship with leadership and staff, our efforts were increasingly frustrated by an apparent shift within some levels to accommodate non-consumptive uses at the expense of consumptive uses. We realize that a significant portion of that policy shift has been, and continues to be at the direction of an unsympathetic Administration.

Although we recognize the use of our dollars for some projects which may not appear to readily benefit hunters, trappers, and fishermen do have some merit, the opposition who also benefits from those expenditures has never recognized the contribution outdoorsmen have made to their benefit, and for the most part continues to oppose projects and programs beneficial to wildlife and humans. It is for that reason we have become increasingly reluctant to have our money spent in those arenas.

The AOC is still more than willing to work with the Department and the Administration to resolve some of the areas of concern to consumptive users of our wildlife resources; however, we must see some movement toward those items which we feel are important. Traditional management of wildlife, including predator

management, an educational effort structured to enlighten a broader segment of the public about wildlife management and the role consumptive uses play therein, better efforts to communicate with the consumptive user public, and more judicious use of consumptive use dollars in arenas which may not appear to have a direct cost/benefit ratio.

At the moment the membership of the Alaska Outdoor Council is supporting the effort on the part of those legislators who wish to reduce the Department's budget. We would prefer to return to our traditional role of fully supporting their budget; however, until the Department and the Administration can produce tangible assurances that our concerns are being given serious consideration, backed up with appropriate action, we feel there aren't many alternatives for us right now. We remain hopeful continuing dialogs with Departmental leadership will prove productive and that we will once again be more closely involved in supporting their efforts. Recent discussions we have had with the Commissioner and Divisional heads leads us to believe they are genuinely interested in our concerns and would like to accommodate such to the best of their ability. Any movement in our direction would be welcomed, and would quite likely result in much improved relations.

The Alaska Outdoor Council believes legislation, such as SB 247, has become necessary to help define the ADF&G's primary role in wildlife management. More importantly, such legislation will provide the groundwork for moving Alaska back toward traditional wildlife management.

Once again, the members of the Alaska Outdoor Council would like you to know how appreciative we are for your efforts on our behalf. If there is anything we can do to further assist you in this important effort, please let us know.

Sincerely,



Eddie Grasser

cc: Sen. Loren Leman
Sen. Drue Pearce —
Sen. Steve Frank
Sen. Rick Halford
Sen. Georgianna Lincoln
Sen. Lyman Hoffman
Sen. Bert Sharp
Sen. Mike Miller

Karen Holt
P.O. Box 489
Talkeetna, Alaska 99676

March 13, 1996

To: Chairman Leman
for distribution to the members of the Senate Resource Committee

I am a Talkeetna resident who wholeheartedly supports SB 230.

There is a proposal to change the Alaska State Park Regulations as they effect aircraft use in Denali State Park that has been approved by Department of Natural Resources Commissioner John Shively, that is now under review by the Department of Law. This proposal will disallow aircraft landings on Byers Lake, Curry Ridge, and Kesugi Ridge.

Jim Stratton, Alaska State Parks Director told me in a meeting on February 23, 1996 that his decision to disallow aircraft access to Curry Ridge, Kesugi Ridge, and Byers Lake was for a social reason.

According to DNR there are (resident and non-resident) visitors to the State Parks who believe their experience is negated by motorized methods of transportation. It is because of these users who desire an exclusive non-motorized experience that this proposal is being considered.

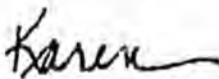
During the public comment period for this proposal, I question if Department of Natural Resources adequately considered the comments for the maximum use in the public interest as required by AS 41.21.019-20. Summary of public comment show 115 in favor and 181 opposed to the restrictions. Mr. Stratton explained to me it was his decision to exclude 139 opposed form letters from consideration. I understood all the "form letters" without a written comment were considered as one opposition. Upon my personal review of these "form letters" I saw well over one hundred personally signed letters that had used the same language, most were photocopies, and some were retyped with personal letterhead. With only a few exceptions, all letters had a return address, and many had phone numbers. I could look at these letters and see they were from an Alaskan resident, and it would not be too difficult to contact the individual. I think these people were unfairly considered as only one opposition in the public comment process. Additionally after thorough review of the 115 comments in favor of the restrictions, there were less than 75 that actually could be considered as supporting the aircraft restrictions, and not some other part of the proposal package. That is more than two to one against the aircraft restrictions.

This public comment shows there are many Alaskans who agree with me in my contention that Alaskan residents who choose to fly should not be restricted traditional access to their State recreational lands.

This manipulation of the public comment is a perfect example why the decision to restrict recreational access needs to be made at the legislative level, not by the bureaucrats.

As an Alaskan who is continually being faced with events that threaten the lifestyle I know and love, I applaud this legislation.

Sincerely,


Karen Holt



Alaska Airmen's Association
1515 E. 13th Avenue
Anchorage, AK 99501
907-272-1251

by FACSIMILE

March 13, 1996

Senator Drue Pearce
State Capitol Building, Room 111
Juneau, AK 99801-8102

RE: SB 230

Dear Senator Pearce:

This letter is in reference to the hearing to be held on March 13th regarding SB230 currently in the Senate Resource Committee. The Alaska Airmen's Association, Inc. would like entered into the record our position that we strongly support the proposed changes to the current law and specifically support the new subsections 2,3, and 4 of AS 41.21. We will have a representative, Mr. Jim Dodson, who is a board member of the association, at the teleconference this afternoon and will testify in favor of this legislation.

The Alaska Airmen's Association would like to thank you for the opportunity to submit this position statement.

Sincerely,

John Spalding
President



Anchorage Snowmobile Club
P.O. Box 232196
Anchorage, AK 99523-2196

Senate Resources Committee
State Capitol
Juneau, AK 99801-1182

Re: SB230, Version K

Dear Senators:

The Anchorage Snowmobile Club, with 700 members, appreciates the actions of the Alaska State Legislature to safeguard Alaskan's access to Alaskan lands.

We provided input to the original SB230 and we now support Version K as it is written. Thank you your efforts. We will track the progress of this bill through the Senate and the House with great interest and hope for a positive outcome.

Thank you,

A handwritten signature in black ink, appearing to read "Joe Gauna".

Joe Gauna

President

Written comments from Jim Stratton, Parks Director
Alaska State Park comments on CSSB230 (Resources CS)

We have worked closely with Senator Pearce's staff have no objections to several of the bills sections and continue to have concerns about section 3.

Section 1: Reporting requirements are reasonable and will have a minimal fiscal impact on the division as we prepare the annual report.

Section 2: We had initial concerns about the impact of this section on Chugach State Park, Kenai River Special Management Area and Pt. Bridget State Park where expansion of the park boundaries is allowed in enabling legislation. I now understand these areas will not be effected.

In review of those park units where no direction was given in enabling legislation, and where we assumed authority to expand park boundaries, we identify two park effected. As a result of this bill, two ILMA additions to Denali State Park will be disallowed and ILMA additions to Chilkat State Park, which occurred in 1977 and 1979, will be legislatively added to the park. These additions are needed to prevent default on 11 acres purchased for recreational purposes with federal grant monies from the Land and Water Conservation Fund. Land and Water money requires purchased land to be managed exclusively for recreation purposes. With these ILMAs were disallowed, the lands would revert back to general state land and lose their recreational exclusivity, placing the state in the position of having to replace those acres with similar acres purchased for recreational use elsewhere in the Haines area at 1996 prices. We estimate that appraisals and purchase price would have cost the state \$40.8. This small addition to Chilkat State Park alleviates any concern or potential problem with the feds for LWCF monies.

Section 3: We still object to this section and its redirecting the purposes for which Denali State Park was established. The current balance between motorized and non-motorized access will be tipped in favor of more motorized access. But given that is the intent of this bill, we have determined that this new direction on incompatible uses would require us to rewrite the management plan.

The current Denali State Park Master Plan is in its second version, having been

completed in 1989 by Dowl Engineers under contract at a cost of \$100.0. Expenses for state personnel involvement was additional. The first master plan was developed in 1975. When Denali State Park was created, there was no direction from the legislature that restricted Parks' ability to manage incompatible uses. Since that time, Parks has sought to manage Denali for both motorized and non-motorized access. The decisions on where these motorized and non-motorized areas are located within the park boundary were determined with significant public input during the master plan process.

In the 1989 revision, for example, we held three rounds of public meetings in Anchorage, Fairbanks, Talkeetna, and Palmer. At least 10 meetings of the Mat-Su Citizens Advisory Committee (all of which were advertised and open to the public) were spent discussing this plan. There were three opportunities for written public input. The 1989 plan is based on this extensive public involvement and on the fact that the enabling legislation did not direct Parks to consider any parameters in determining how to manage incompatible uses. It is safe to say that hundreds of people spent thousands of hours grappling with a range of park management issues. As such, areas are recommended in the existing plan for closure to motorized access...aircraft, air boats, and snowmachines. Regulations promulgated last fall are intended to implement the aircraft closures. This resulted in the controversy over closing Curry and Kesugi Ridge to aircraft landing. My understanding of the bill is that these proposed closures would not be considered "ample" or "reasonable" access by the bill sponsors, but this new language does allow Parks' to make some closures. Hence, Parks would need to reopen the discussion about where certain types of recreation can occur. Given the historical involvement of many recreational user groups in this discussion and the intensity of the debate over the recent proposed regulations, this will not be a quick and easy task nor one we can responsibly do without involving the public. It will require an 18 month planning process to fully include all user groups and provide ample opportunity for everyone to be heard. That is the basis for our fiscal note.

Section 3: recreational mining. State Parks has no definition of recreational mining. Division of Lands manages recreation mining sites and is developing a definition that includes 6 inch suction dredges. We feel strongly that suction dredges are not a compatible use with state park lands and waters. We have determined that gold panning is compatible and have a pending regulation to open Denali State Park to gold

panning. If the bill passes with the recreation mining language, we feel it would be confusing to the public to potentially have two definitions of recreational mining. Further, when developing a Parks definition, we would expect an argument to be put forth that Division of Lands definition should be used in the parks. We would urge the committee to change recreation mining to recreational gold panning or define recreational mining in this bill to be gold panning.



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

Testimony of Bill Perhach
Senate Resources Committee
March 13, 1996

SB 230 would seem to be tied to the current construction of Princess Tours' 160 room hotel and the introduction of the cruise ship package tour industry into Denali State Park. Princess Tours' subsequent request to DNR closing Blair Lake to fixed wing aircraft resulted in protests from aircraft operators. Those protests were the genesis of SB 230.

If SB 230 were designed to protect Alaskans and the general public from large commercial interests limiting access to state land...SB 230 would be difficult to fault. But this version of the bill (CS "K") goes far beyond that: in effect taking the management of state lands out of the hands of professional planners; remanding it back to the legislature.

Obviously there are problems with the current system-otherwise a situation like Blair Lake would not have occurred. But if you get a flat tire, would you fix it, or throw away the other three and drive on the rims?

Alaska's resource managers might be better insulated from the pressure of private interest groups-by all means-but not restricted in the execution of their professional duties.

3/13/96



LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

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

MEMORANDUM

March 13, 1996

SUBJECT: CSHB 447 (), DRAFT, DATED 2/12/96 and Intradepartmental Land Transfers (Work Order No. 9-LS1427G)

TO: Representative Beverly Masek
Attn: Dave Stancliff

FROM: Gerald P. Luckhaupt *GLP*
Legislative Counsel

Question Presented: Does the Department of Natural Resources have the authority to transfer land from the Division of Lands to the Division of Parks and Outdoor Recreation and solely by reason of that transfer remove that land from multiple purpose use and restrict all uses of the land except for uses that are subsequently found to be compatible?¹

Answer: I have not found any authority that would allow the Division of Lands to merely transfer land to the Division of Parks and Outdoor Recreation and that, solely by reason of that transfer, would result in the land being closed to all uses except for uses that are subsequently found to be compatible. The director of the division is given rather broad authority to manage, direct, and control state land. That authority must be exercised in a manner that is consistent with the statutes and the constitution. AS 38.05.295 allows the commissioner to classify state land as "parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of [AS 38.05] is maintained." The general intent of AS 38.05 is multiple use of state land. AS 38.05.300(a) provides that the commissioner may not classify an area of more than 640 acres of land as closed to multiple purpose use. If the commissioner wishes to designate state park land, it appears that the commissioner must classify that land as park land consistent with AS 38.05.300. The director of the Division of Lands could then transfer that land to the Division of Parks and Outdoor Recreation for management. To merely transfer land so that it magically becomes park land, without first classifying that land, does not appear to comply with the requirements set by the legislature.

¹This discussion is based upon the situation Dave presented to me that DNR transfers land from the Division of Lands to the Division of Parks and Outdoor Recreation without first classifying the land, and upon transfer, closes the land to all uses except those compatible uses that are then determined.

Representative Beverly Masek

March 13, 1996

Page 2

As to the designation of compatible uses on the land after its closure, AS 41.21.020(a) provides that land that is managed by the Division of Parks and Outdoor Recreation is subject to regulations adopted by the department and the designation of incompatible uses within the boundaries of state park and recreational areas. This process of designating incompatible uses appears to me to be fundamentally different than closing land to all uses and then designating compatible uses. The general fundamental thrust of the constitution and the statutes seems to be that land is open unless closed. The designation of compatible uses on land transferred to the division of parks and outdoor recreation in the manner you have described seems to me to be inconsistent with this authority.

GPL:klb

96-188.klb

ILMA's opened to uses otherwise prohibited by state park regulations.

1. Bernice Lake SRS	Powerboats	180 acres	* Closed June 1994
2. Bonnie Lake SRS	Powerboats	129 acres	
3. Chilkoot Trail	Firearms	866 acres	*2 ILMA's
4. Eagle Trail SRS	Firearms	280 acres	
5. Harding Lake SRA	Firearms	169 acres	
6. Johson Lake SRA	Aircraft	320 acres	
7. Kepler - Bradley SRA	Horses on trails	344 acres	
	boats with electric trolling motors		
8. Long Lake SRS	Aircraft	480 acres	
9. Lower Chatanika SRA	Firearms	400 acres	
10. Old Sitka SHS	Powerboats	59 acres	
11. Rocky Lake SRS	Aircraft	49 acres	
	Motroized boats excluding jet skiis, airboats and jet boats with inboard motors.		
12. Settlers Cove SRS	Powerboats	37 acres	
13. Summit Lake SRS	Snowmachines#	360 acres	

#Managed as open under Hatcher Pass East Management Area Agreement. Regs moving thru APA process opening area.

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Kenai/PWS Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Anchor River SRA	65068	08-22-1999	0**
	66155	01-13-2000	0**
Anchor River SRS	50059	05-22-1997	0**
Caines Head SRA	224263	indefinite	620
Centennial Lake SRS	221088	09-30-2010	97.98
Clam Gulch SRA	38244	04-18-1993	46.06
	220821	09-30-2010	283
	212217	requested	0**
Crooked Creek SRS	221151	09-30-2010	86.85
Deep Creek SRA	50074	08-15-1999	44.38
	204189	05-31-2006	0**
Johnson Lake SRA	37261	12-08-1992	0**
	42294	10-22-1999	107
	65720	01-06-2000	157.85
Cooper Landing, KRSMA	225157	indefinite	421
Kasilof River SRS	54288	05-22-1997	47.23
	65122	09-12-1999	0**
Upper Kasilof River SRA	221088	09-30-2010	281.02
Ninilchik SRA	40971	08-12-2005	0**
	56524	05-18-1997	0**
	65744	01-06-2000	12.35
Scout Lake, KRSMA	215450	08-24-2007	30
Stariski SRS	42295	01-14-1994	0**

Pending Actions - Proposed ILMAs

Stariski SRS (tidelands)	42396	Eagle Rock, KR	220733
Cohoe Beach	200758	North Cohoe Beach	no #
Kasilof River Mouth	223799	Lower Kasilof River	no #
Crooked Creek SRS	-issue ILMA for OSL 1092		

Total number of ILMAs 23
 Total acreage 2,234.72
 Average acreage per ILMA 97.16

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if special stipulation needs to be added.

VCB District, Mat-Su/VCB Area

* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Blueberry Lake SRS	50064	05-18-1997	0**
Dry Creek SRS	81245	09-13-2002	320**
Lake Louise SRA	65591 215412	10-22-1999 requested	0** 0**
Liberty Falls SRS	226236	indefinite	0**
Little Nelchina SRS	65296	06-20-2002	0**
Little Tonsina SRS	50057	05-22-1997	0**
Porcupine Creek SRS	65298	06-17-2001	0**
Squirrel Creek SRS	50056	06-12-2012	160
Valdez Glacier CG*	50052 55852	05-16-1997 05-25-1997	0** 45.92
Worthington Glacier SRS	50051	12-01-2001	0**

Pending Actions:

Porcupine Creek SRS

-will need land added by ILMA when land is issued to state from feds

Blueberry Lake SRS

- typo in amendment, correct when re-issued

Total number of ILMAs 12
 Total acreage 525.92
 Average acreage per ILMA 43.82

** acreage on general state land only, OSL & 507 land excluded from this number

Mat-Su/VCB Area totals

Total number of ILMAs 30
 Total acreage 3,590.59
 Average acreage per ILMA 119.69

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Southeast Area

* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Baranof Castle SHS	39213	07-08-1993	0**
Chilkoot Trail*	65587 103245	01-06-2000 07-02-2007	638 228
Grindall Island SMP	105755	indefinite	240
Halibut Point SRS	73659 75840	07-15-2002 10-27-2005	0** 17.76
Johnson Creek SRS	103850	12-15-2008	7.7
Juneau Trail System	65585	09-20-1999	0**
Mosquito Lake SRS	50070	11-15-1999	0**
Old Sitka SHP	39505 104586	07-31-1993 07-01-2017	0** 7.86
Pioneer Park SRS	104719	05-22-2011	0**
Portage Cove SRS	60165	04-23-1998	0**
Refuge Cove SRS	50073	01-06-2000	0**
Salmon River, Gustavus*	103836	11-14-2008	22.95
Settlers Cove SRS	103798	09-15-2008	37.5
Totem Bight SHP	65588 105607	07-08-2008 indefinite	0** 23.50
Totem Square, Sitka*	65586	03-27-2000	0**

Pending Actions:

Chilkoot Lake SRS

-in future, ILMA will need to be requested when land is approved for state patented by the feds.

Grindall Island SMP

-ILMA needs to be replaced by legislation

Juneau Trail System

-add easement to current ILMA

Total number of ILMAs	19
Total acreage	1223.27
Average acreage per ILMA	64.38

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if the special stipulation needs to be added.

Northern Area

* this unit managed by another agency

Park Unit Name	ILMA #	Expiration Date	Acreage
Big Delta SHP	414607	03-12-2017	3.39**
Birch Lake SRS	67058	12-01-2006	191
Chena River SRS	39240	01-09-1995	26.86
Lower Chatanika River SRA	56390	07-31-2008	400
Upper Chatanika River SRS	63136	02-19-1999	54**
Clearwater SRS	50054	05-25-1997	0**
Deadman Lake CG*	50069	06-17-2201	0**
Donnelly Creek SRS	50066	10-24-2029	42
Dry Creek Site	65667	03-12-2004	90
Eagle Trail SRS	50050	09-12-2016	280
Harding Lake SRA	39238	04-01-2005	168.96
Lake View CG*	50068	06-17-2001	0**
Moon Lake SRS	50067	06-17-2001	0**
Quartz Lake SRA	65463	06-11-2000	556.15
Salcha River SRS	65299	09-12-1999	0**
Tok River SRS	50053	06-17-2001	0**

Pending Actions:

- Delta SRS -issue ILMA, no number
- Fielding Lake SRS -issue pending ILMA 412741
- Birch Lake SRS -issue pending easement for lakeshore

- Donnelly Creek SRS -legal description error in ILMA amendment, have corrected when ILMA renewed

Total number of ILMAs 16
 Total acreage 1,812.36
 Average acreage per ILMA 113.27

** acreage on general state land only, OSL & 507 land excluded from this number

Alaska State Parks active ILMA list

February 2, 1996

When renewing an ILMA, check if special stipulation needs to be added.

Mat-Su District, Mat-Su/VCB Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Big Lake North SRS	42296	04-15-2010	0**
Big Lake South SRS	42296	04-15-2010	0**
Bonnie Lake SRS	42298 42397	01-14-1994 10-22-1999	30.72 98
Finger Lake SRS	65710	10-17-1999	0**
Denali SP	225371 225373	indefinite indefinite	620 600
Independence Mine SHP	223571	04-30-2011	490**
Kepler-Bradley Lakes SRA	210980	08-29-2010	49.57**
King Mountain SRS	42292	12-20-1993	0**
Long Lake SRS	50072	05-18-1997	479.72
Matanuska Glacier SRS	50063	05-22-1997	228.94
Moose Creek SRS	42300	12-20-1993 or indefinite?	0**
Nancy Lake SRS	37437	12-15-1992	35.59
Rocky Lake SRS	50071 67519	05-18-1997 indefinite	48.32 1
Summit Lake SRS	223584	04-30-2011	360
Wolf Lake SRS	216795 (P&C lease)	04-04-2029	22.81

Pending Actions:

Denali SP

- ILMA 225372 needs to be issued

Independence Mine

-land needs to be added to existing ILMA

Kepler-Bradley

-lakes & OSL 854 & 858 need to be added to existing ILMA or issued under new ILMA

Montana Creek

-ILMA 217793 is a duplication of mgt rts and needs to be closed

Nancy Lake SRA

-ILMAs 56936 & 57369 are duplications and can be closed

Total number of ILMAs

18

Total acreage

3,064.67

Average acreage per ILMA

170.25

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks active ILMA list

February 02, 1996

When renewing an ILMA, check if special stipulation needs to be added.

Chugach Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Bird Creek CG	226191	09-16-2018	31.38
California Creek TH	203859	06-01-2020	3.33
Comercial Dr	201134	08-24-2004	7
McHugh Creek parcel	225945	12-31-2002	0**

Pending Actions:

LDA needs to be updated to include additional parcels in various locations.

Total number of ILMAs 4
 Total acreage 41.71
 Average acreage per ILMA 10.42

** acreage on general state land only, OSL land excluded from this number

Kodiak Area

Park Unit Name	ILMA #	Expiration Date	Acreage
Fort Abercrombie SHP	39239	01-30-1994	182.72
Pasagshak River SRS	65396	02-25-2000	100
Woody Island SRS	215531	indefinte	72.71**

Pending Actions

Pasagshak River SRS -application in for addition to park by ILMA

Total number of ILMAs 3
 Total acreage 355.43
 Average acreage per ILMA 118.47

** acreage on general state land only, OSL land excluded from this number

Alaska State Parks ILMA & Acreage Information

Area	# of ILMAs	Total ILMA acreage	Average ILMA acreage
Northern	16	1,812.36	113.27
Mat-Su/VCR	30	3,590.59	119.69
Chugach	4	41.71	10.42
Kenai/PWS	23	2,234.72	97.16
Kodiak	3	355.43	118.47
Southeast	19	1,223.27	64.38
WT	0	0	0
<hr/>			
Grand Totals	95	9,258.08	97.45

DENALI STATE PARK MASTER PLAN



1989

DIVISION OF PARKS AND OUTDOOR RECREATION
ALASKA DEPARTMENT OF NATURAL RESOURCES



Alaska Department of
**NATURAL
RESOURCES**



Denali State Park

Park Boundary Modifications

Proposed boundary modifications are intended to protect small areas of a special nature, such as the Indian River area, and to protect the continuity of existing resources, such as the short stretch of the Tokositna River that is not in the park at this time. The proposed changes are illustrated in Figure 15 (page 73).

The proposed 100-foot buffer along the south shore of the Tokositna River is not intended to preclude the use of private property, but rather is to provide a small, vegetated, visual buffer along the river corridor and protect the river shore line from accelerated erosion related to development that could impact downstream areas inside the state park.

The proposed land exchange with the National Park Service is intended to shift boundaries to readily identifiable and enforceable natural features. This will avoid public confusion over the different regulations (state and federal) applicable to the two parks. It will also simplify the management responsibilities of the respective agencies.

Three separate areas of state-owned land are proposed for addition to the park, either through legislative designation or Interagency Land Management Assignment (ILMA).

Proposal	Management Objectives	Justification
<p>Southern boundary expansion to include Tokositna River. Approx. 330 acres.</p> <p>Legal description:</p> <p>T28N, R6W, S.M.,</p> <p>Sec. 6: state-owned land and water north of the right bank of the Tokositna River.</p> <p>T28N, R7W, S.M.,</p> <p>Sec. 1, 2: state-owned land and water north of the right bank of the Tokositna River.</p>	<p>Establish border along obvious natural feature. Conserve south shore of river with easement. Provide active management.</p>	<p>This small segment of the Tokositna River is the only part of the river not currently in state or national park. Inclusion of the land north of the river in park will preserve natural setting along river and permit active management and enforcement in this area.</p> <p>Designation of a 200' buffer easement effecting state-owned lands along south shore, managed by the Division of Land and Water Management, will create vegetative screen for river users. Land disposals and commercial timber harvest will be prohibited</p>
<p>Land exchange with National Park Service. Approx. 6,000 acres.</p>	<p>Make management jurisdiction easier for all parties, by defining park boundaries to follow rivers.</p>	<p>The National Park Service and Division have different regulations relative to hunting and other activities in the national and state parks. Will make use of physical boundaries that are easy to identify, thus clarifying jurisdiction and simplifying management.</p>

Proposal	Management Objectives	Justification
<p>East boundary expansion, adjacent to Indian River. Approx. 470 acres.</p> <p>Legal description:</p> <p>T31N, R2W, S.M.</p> <p>Sec. 4,8,9: state-owned land between the Indian River and the Alaska Railroad right-of-way.</p> <p>Sec. 16,17,20: state-owned land north and west of the Susitna River.</p>	<p>Create a more logical boundary. Provide active management and conserve natural resources in this area.</p>	<p>Provide active management to conserve important natural resources in the area, primarily spawning salmon. Inclusion of important buffer adjacent to the park.</p>
<p>South boundary expansion adjacent to Blair Lake. Approx. 360 acres.</p> <p>Legal description:</p> <p>T 28N, R5W, S.M.</p> <p>Sec. 2: waters of Blair Lake.</p> <p>Sec. 3: N1/2, waters of Blair Lake.</p>	<p>Incorporate into the park the small parcel of state land between existing boundary and Blair Lake.</p>	<p>Provide park management for important uplands and Blair Lake. Protect public access between the park and the lake.</p>

Land Acquisition

Denali State Park has a variety of large and small privately held properties within its boundaries. Acquisition of some inholdings or purchase of development rights should be pursued to help consolidate land ownership patterns and to avoid potential incompatibilities due to differing interests and objectives of the Division and private parties.

Proposal	Management Objectives	Justification
<p>Acquire inholdings at Byers Lake (10 acres).</p>	<p>Protect quiet, undeveloped nature of area. Provide active management.</p>	<p>Consolidate area as campground area. Inholdings are small, but development could have an adverse impact on the park and park experience currently enjoyed.</p>
<p>Acquire inholdings at Low Lake (7 acres).</p>	<p>Protect natural setting and viewshed integrity from High Lake area.</p>	<p>The north end of the park has a highly diverse environment. The viewshed integrity of the High Lake area is very important to the South Denali project.</p>

Summary of Public Comment
Alaska State Park Regulation Proposal, November 1995

The draft regulations cover four categories:

Statewide regulations concerning the park user fee system (11 AAC 5);

- * the increase in fees for overnight camping, cabins, and annual passes;
12 in favor - 34 opposed, excluding the 139 form letters
- * 10 persons expressed opposition to exempting contract managers from
having to honor the annual camping passes

The public feels proposed fee limits are too high and may price low income families out of being able to use their state parks. Their assumption is that with this new, higher authority, the state would quickly jump to the maximum level. We are at between \$6 and \$15 now. Some also objected to contract managers not having to honor annual passes. People fear that contract management will lead to less ranger presence and erode the value of their camping passes and discourage tourism to those areas managed by private contractor.

Final Regulations have been changed to reflect:

The maximum fee level for camping will drop from the proposed \$25 to \$20.

Regulations affecting public use of state parks related to camping and boating (11 AAC 12);

One comment received opposing having to permanently affix a camping pass decal to their vehicle.

Regulations pertaining to the use of weapons, vehicles, horses, and alcoholic beverages in certain units of the state park system (11 AAC 20);

- * the proposed restrictions on powerboats, aircraft and helicopters;
115 in favor - 42 opposed, excluding the 139 form letters

Numerous ecotourism business and conservation organizations favor the restrictions. The Alaska Wilderness Recreation and Tourism Association which represents over 250 such companies and the Alaska Center for the Environment are two examples. In opposition to the proposal are businesses like ERA Helicopters and Princess Tours (helicopter prohibition only). Groups such as the Alaska Air Carriers Association, RDC, and Alaska Visitors Association also oppose the aircraft restrictions.

The proposed restrictions launched an avalanche of form letters, most likely orchestrated by local snowmachine enthusiasts based on copies returned by out-of-state snowmachine organizations. They fear that the restrictions proposed for aircraft use would be the "first foot to fall" on a program to close areas in Denali State Park and Chugach State Park to the use of snowmachines. This fear is predicated on wide knowledge within the snowmachine community of a letter sent to state parks by the Chair of the Susitna Citizens Advisory Board on 9 February 1995 requesting that regulations be promulgated to implement the 1989 Denali State Park Master Plan. The plan recommends numerous restrictions on motorized uses. However, at this time, Parks is only proposing restrictions on the use of aircraft.

* the proposal to open more bike trails in Chugach State Park;
10 in favor - 31 opposed

Most opposition focused on opening the South Fork Rim Trail, and to a lesser extent, Near Point and the Middle Fork Loop.

Final Regulations have been changed to reflect:

The aircraft restrictions and helicopter prohibition should remain part of the proposals but modified to open an additional area to aircraft landing, gravel bars in Kachemak Bay State Park; to allow helicopters to land west of the Tokositna River by permit only. Based on oral and written testimony, public sentiment is roughly two to one in favor of the restrictions excluding the form letters. Some industry and user group opposition is expected.

The number of trails opened to bicycles in Chugach State Park will be reduced.

And boating methods and commercial uses of the Kenai River Special Management Area (11 AAC 20).

- * 6 persons opposed the six persons per boat regulation proposal for Kenai River Special Management Area (KRSMA) - added expense to rafting operations on the upper rivers
- * 5 persons commented in favor of the KRSMA regulation requiring boat rental businesses to be permitted.

The regulations proposed for the KRSMA will have a significant economic impact on several commercial businesses operating on the upper river. Some accommodation needs to be made to exempt those operators from the six person per boat proposal.

Final Regulations have been changed to reflect:

The KRSMA regulation limiting the maximum number of people allowed in a boat will be amended to exclude Kenai and Skilak Lakes.

Other recommended amendments to the draft proposal:

The powerboat restrictions proposed for public safety reasons at Southeast State Marine Parks will affect the landing of powerboats on the beach at Settlers Cove in Ketchikan. This proposal will be revised to only apply from May through September.

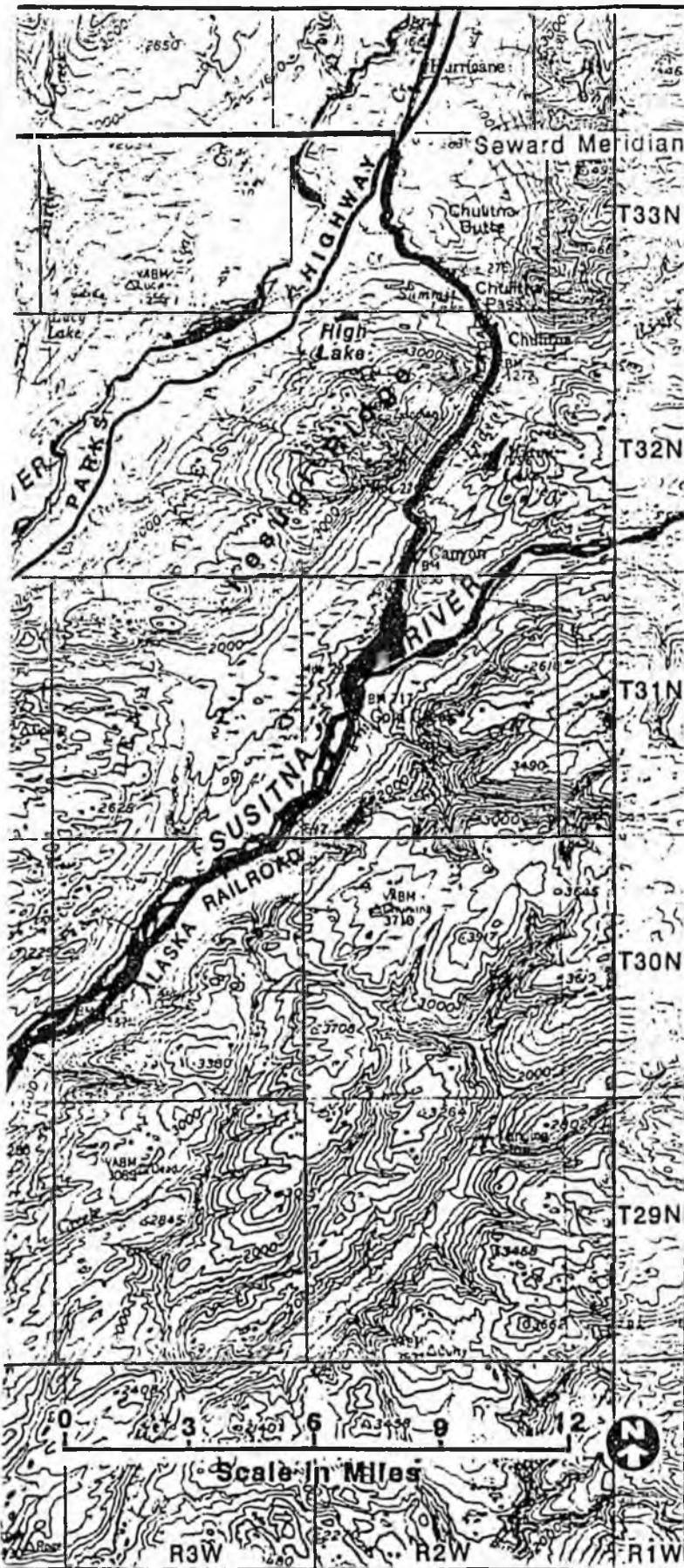

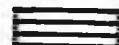



Figure 15

BOUNDARY MODIFICATIONS

To become:

-  State Park
-  National Park
-  River Bank Buffer



Alaska Department of
**NATURAL
RESOURCES**





ration that qualifies for a land conveyance under 43 U.S.C. 1613(h)(3), as amended, has filed a valid selection application with the United States under 43 U.S.C. 1601 — 1641, as amended, if the selection of the corporation or group has not been rejected or relinquished.

(c) Subsection (b) of this section may not be construed to limit the director in the exercise of authority granted by AS 38.05.035(a)(12). (§ 1 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 3 ch 96 SLA 1966; am § 14 ch 93 SLA 1984; am § 1 ch 47 SLA 1994)

Effect of amendments. — The 1994 amendment, effective May 24, 1994, added subsections (b) and (c).

Editor's notes. — Under § 3, ch. 47, SLA 1994, subsections (b) and (c) "are retroactive to April 14, 1966, and apply to locations made under AS 38.05.185 — 38.05.275 or in the manner described in AS 27.10 on and after that date."

Section 2, ch. 47, SLA 1994 provides: "Notwithstanding the exclusion of land

from the definition of 'state selected land' by AS 38.05.275(b), added by sec. 1 of this Act, a mining location that was made on that land under AS 38.05.185 — 38.05.275 or in the manner described in AS 27.10 on or after April 14, 1966, and before May 24, 1994 retains its validity, if any, if the selection of the land by all corporations or groups eligible to make a selection under 43 U.S.C. 1601 — 1641 is rejected or relinquished."

Article 11. Classification of Land.

Section

300. Classification of land

Sec. 38.05.300. Classification of land. (a) The commissioner shall classify for surface use land in areas considered necessary and proper. This section does not prevent reclassification of land where the public interest warrants reclassification, nor does it preclude multiple purpose use of land whenever different uses are compatible. If the area involved contains more than 640 contiguous acres, state land, water, or land and water area may not, except by act of the state legislature, (1) be closed to multiple purpose use, or (2) be otherwise classified by the commissioner so that mining, mineral entry or location, mineral prospecting, or mineral leasing is precluded or is designated an incompatible use, except when the classification is necessary for a land disposal or exchange or is for the development of utility or transportation corridors or projects or similar projects or infrastructure, or except as allowed under (c) of this section.

(b) [Repealed. § 35 ch 126 SLA 1994.]

(c) Notwithstanding (a)(2) of this section, if the commissioner considers it necessary and proper, the commissioner may provide by order for an interim classification that precludes, or designates as an incompatible use, mining, mineral entry or location, mineral prospecting, or mineral leasing. Within 10 days after the convening of each regular legislative session, the commissioner shall transmit to the legislature for consideration all the interim classification orders issued under this subsection during the preceding calendar year. Unless the legislature

approves by law an interim classification contained in an order transmitted under this subsection, that order expires on the 90th day of that legislative session or upon adjournment of that session, whichever occurs first. Approval by the legislature of an interim classification satisfies the requirement of (a) of this section for an act of the state legislature. (§ 1 art III ch 169 SLA 1959; am § 2 ch 31 SLA 1964; am §§ 33, 34 ch 85 SLA 1979; am § 40 ch 152 SLA 1984; am §§ 2, 3 ch 52 SLA 1993; am § 35 ch 126 SLA 1994)

Effect of amendments. — The 1993 amendment, effective September 1, 1993, rewrote subsection (a) and added subsection (c).

The 1994 amendment, effective July 1, 1994, repealed subsection (b), relating to the commissioner's annual written report describing the location of all classifica-

tions of state land made under subsection (a) of this section.

Editor's notes. — Section 4, ch. 52, SLA 1993 provides that paragraph (a)(2) and subsection (c) of this section "apply to classifications made after September 1, 1993."

Article 13. Miscellaneous Provisions.

Section	Section
800. (Repealed)	825. Conveyance of tide and submerged land to municipalities
801. Management of mental health trust land	860. Deposits
810. Public and charitable use	

Sec. 38.05.800. Reconstitution and administration of mental health land trust. [Repealed, § 39 ch 5 FSSLA 1994.]

Sec. 38.05.801. Management of mental health trust land.
 (a) Mental health trust land shall be managed consistent with the trust principles imposed on the state by the Alaska Mental Health Enabling Act, P.L. 84-830, 70 Stat. 709 (1956).

(b) Subject to (a) of this section, the department

(1) shall manage mental health trust land under those provisions of law applicable to other state land;

(2) may exchange other state land for mental health trust land under the procedures set out in AS 38.50; and

(3) may correct errors or omissions in the legal descriptions of mental health trust land.

(c) The commissioner shall adopt regulations under AS 44.62 (Administrative Procedure Act) to implement this section. The regulations adopted under this subsection must, at a minimum, address

(1) maintenance of the trust land base;

(2) management for the benefit of the trust;

(3) management for long-term sustained yield of products from the land; and

(4) management for multiple use of trust land. (§ 17 ch 5 FSSLA 1994)

history of use for commerce, recreation, or transportation. (§ 5 ch 181 SLA 1978; am § 7 ch 113 SLA 1981; am § 13 ch 152 SLA 1984)

Sec. 38.04.058. Restrictions on easement or right-of-way use. The director may, under terms agreed to in writing by a grantee, lessee, or interest holder of state land, restrict the use of an easement or right-of-way reserved under AS 38.04.050, 38.04.055 or other law in order to protect public safety or property. (§ 14 ch 152 SLA 1984)

Article 3. Inventory, Planning, and Classification.

Section	Section
60. Inventory	70. Management categories
65. Land use planning and classification	

Sec. 38.04.060. Inventory. (a) The commissioner shall prepare and maintain on a continuing basis an inventory of all state land and water and their resource and other values, giving priority to areas of potential settlement, economic development, and critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.

(b) The commissioner's inventory must include land and water under interagency assignment of land management authority and land and water proposed for such an assignment. That land and water must be reviewed at regular intervals to analyze current and proposed uses as these uses relate to alternative uses for all or part of the land and to determine the uses which best provide for the public interest.

(c) As funds and manpower are made available, the commissioner shall provide local and federal governments and major private landowners with data from the inventory for the purpose of planning and managing the uses of land in proximity to state land. (§ 5 ch 181 SLA 1978)

Sec. 38.04.065. Land use planning and classification. (a) Except as provided in (d) and (h) of this section, the commissioner shall, with local governmental and public involvement under AS 38.05.945, adopt, maintain, and, when appropriate, revise regional land use plans that provide for the use and management of state-owned land.

(b) In the adoption and revision of regional and site-specific land use plans, the commissioner shall

(1) use and observe the principles of multiple use and sustained yield:

(2) consider physical, economic, and social factors affecting the area and involve other agencies and the public in achieving a systematic interdisciplinary approach:

Sec. 38.05.290. Selection practice. (a) The selection of grant, lieu and indemnity land shall conform to this chapter and the policy, orders and regulations adopted by the commissioner. The commissioner shall give preference of selection to the land which will provide the maximum benefits to the people of the state.

(b) Consistent with the best interests of the state, in the selection of general grant land it is the policy of the state to make available the maximum land area from which municipalities may fulfill land entitlements under AS 29.65 or former AS 29.18.201 — 29.18.213. (§ 1 art XI ch 169 SLA 1959; am § 4 ch 180 SLA 1978; am § 58 ch 74 SLA 1985)

Effect of amendments. — The 1985 amendment inserted "AS 29.65 or former" near the end of subsection (b).
Collateral references. — 63A Am. Jur. 2d, Public Lands, §§ 113 to 121.

Article 10. Parks and Recreation Areas.

Section
 295. Parks and recreation areas

Sec. 38.05.295. Parks and recreation areas. The commissioner shall establish a policy and adopt regulations by which parks and recreation areas, including public scenic overlooks and cultural sites, shall be developed and managed in a manner that will best serve the interests of the people of the state. The commissioner may classify public land as parks, scenic overlooks, cultural sites and recreation areas as long as the general intent of this chapter is maintained. (§ 1 art XII ch 169 SLA 1959)

Collateral references. — 59 Am. Jur. 2d, Parks, Squares, and Playgrounds, § 1 et seq.; 63A Am. Jur. 2d, Public Lands, § 1 et seq.
 73A C.J.S., Public Lands, § 1 et seq.
Uses to which park property may be devoted; power of legislature or state officers. 18 ALR 1266; 63 ALR 484; 144 ALR 486.

Article 11. Classification of Land.

Section
 300. Classification of land
 321. Restriction on sale, lease or other disposal of agricultural land

Sec. 38.05.300. Classification of land. (a) The commissioner shall classify for surface use land in areas considered necessary and proper. This section does not prevent reclassification of land where the public interest warrants reclassification, nor does it preclude multiple purpose use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state

Collateral references. — 59 Am. Jur. 2d. Parks, Squares and Playgrounds. §§ 1-15; 63A Am. Jur. 2d. Public Lands. § 16.

81A C.J.S., States, §§ 138, 145-150. Statutes relating to establishment or administration of parks as encroachment on right of local self-government. 88 ALR 228.

Construction of highway through park as violation of use to which park property may be devoted. 60 ALR3d 581.

State's liability for personal injuries from criminal attacks in state park. 59 ALR4th 1236.

Sec. 41.21.010. Purpose. It is the purpose of AS 41.21.010 — 41.21.040 to foster the growth and development of a system of parks and recreational facilities and opportunities in the state, for the general health, welfare, education, and enjoyment of its citizens and for the attraction of visitors to the state. (§ 1 ch 158 SLA 1959)

Revisor's notes. — Formerly AS 41.20.010. Renumbered in 1983.

Sec. 41.21.020. Duties of Department of Natural Resources.
(a) The department shall

(1) develop a continuing plan for the conservation and maximum use in the public interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of the state;

(2) plan for and develop a system of state parks and recreational facilities, to be established as the legislature authorizes and directs;

(3) acquire by gift, purchase, or transfer from state or federal agencies, or from individuals, corporations, partnerships or associations, land necessary, suitable and proper for roadside, picnic, recreational, or park purposes;

(4) develop, manage, and maintain state parks and recreational areas;

(5) provide for the acquisition, care, management, supervision, improvement, development, extension, and maintenance of public recreational land, and make necessary arrangements, contracts, or commitments for the improvement and development of land acquired under AS 41.21.010 — 41.21.040; contracting for improvement and development under this paragraph is governed by AS 36.30 (State Procurement Code);

(6) adopt, in accordance with this section and AS 44.62 (Administrative Procedure Act), regulations governing the use and designating incompatible uses within the boundaries of state park and recreational areas to protect the property and to preserve the peace;

(7) cooperate with the United States and its agencies and local subdivisions of the state to secure the effective supervision, improvement, development, extension, and maintenance of state parks, state monuments, state historical areas, and state recreational areas, and secure agreements or contracts for the purpose of AS 41.21.010 — 41.21.040;

(8) encourage the organization of state public park and recreational activities in the local political subdivisions of the state;

(9) provide for consulting service designed to develop local park and recreation facilities and programs;

(10) provide clearinghouse services for other state agencies concerned with park and recreation matters;

(11) perform other duties as are prescribed by executive order or by law;

(12) maintain memorials to Alaska veterans located in state parks; and

(13) adopt, in accordance with AS 44.62 (Administrative Procedure Act), regulations governing the use of the Chena River State Recreation Area and designating incompatible uses within the boundaries of the Chena River State Recreation Area in accordance with AS 41.21.490.

(b) In adopting regulations under (a)(6) of this section, the department shall consider whether the use of dogs, horses, and other animals for packing gear, pulling sleds, or for other recreational use is a compatible use within a state park or recreational area.

(c) The department may accept cash and other donations from public or private sources to assist and support the department in carrying out the purposes of this chapter. (§ 2 ch 158 SLA 1959; am § 1 ch 233 SLA 1970; am § 3 ch 30 SLA 1981; am §§ 1, 2 ch 78 SLA 1981; am § 1 ch 16 SLA 1984; am § 40 ch 106 SLA 1986; am § 19 ch 2 FSSLA 1992; am § 74 ch 63 SLA 1993)

Revisor's notes. — Formerly AS 41.20.020. Renumbered in 1983. Paragraph (a)(13) was enacted as (a)(12) and renumbered in 1981. The present second sentence of AS 41.21.490 was enacted as a part of (a)(13) and transferred in 1981, with minor word changes in (a)(13) of this section. In 1984, "a compatible use" was substituted for "compatible" in subsection (b) to correct a manifest error in ch. 16, SLA 1984.

Cross references. — For power of the department of military affairs to construct memorials to veterans, see AS 44.35.030.

Effect of amendments. — The 1992

amendment, effective July 1, 1992, in subsection (a), substituted "develop, manage, and maintain" for "control, develop and maintain" in paragraph (4) and substituted "management" for "control" in paragraph (5).

The 1993 amendment, effective January 1, 1993, added subsection (c).

Editor's notes. — Section 87, ch. 63, S.L.A. 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Collateral references. — Use to which park property may be devoted. 18 ALR 1266; 63 ALR 484; 144 ALR 486.

Sec. 41.21.022. Discharge of firearms. The discharge of firearms during lawful hunting, trapping, and fishing is permitted within the boundaries of: (1) Caines Head State Recreation Area; (2) Chena River State Recreation Area; (3) Chugach State Park; (4) Denali State Park; (5) Kachemak Bay State Park; (6) Kachemak Bay State Wilderness Park; (7) Marine Parks established in AS 41.21.300 — 41.21.306; (8) Quartz Lake State Recreation Area; and (9) Wood-Tikchik State Park.

Sec. 41.21.143. Discharge of firearms. (Repealed. § 2 ch 126 SLA 1984.)

Sec. 41.21.150. Purpose of AS 41.21.150 — 41.21.152. The purpose of AS 41.21.150 — 41.21.152 is to restrict state-owned land and water described in AS 41.21.151 to use as a state park. Under AS 38.05.300, state land, water, or land and water containing more than 640 acres may be closed to multiple use only by act of the legislature. Because the area described in AS 41.21.151 exceeds 640 acres, AS 41.21.150 — 41.21.152 are intended to provide for the closing of the described land and water to multiple use in conformity with AS 38.05.300 and its designation as a special purpose area in accord with art. VIII, § 7 of the Constitution of the State of Alaska. (§ 2 ch 233 SLA 1970)

Revisor's notes. — Formerly AS 41.20.300. Renumbered in 1983.

Sec. 41.21.151. Denali State Park established. The state-owned land and water and that acquired in the future by the state lying within the parcels described in this section are designated as the Denali State Park. This land and water is reserved from all uses incompatible with its primary function as park area. Land covered by AS 41.21.150 — 41.21.152 is that within the following described parcels:

(1) Township 29N Range 6W, Range 5W, and that portion of Range 4W lying north and west of the Alaska Railroad right-of-way; Township 30N Range 5W and that portion of Range 3W and 4W lying north and west of the Alaska Railroad right-of-way; Township 31N Range 5W, Range 4W and that portion of Range 3W and Range 2W lying north and west of the Alaska Railroad right-of-way; Township 32N Range 4W, Range 3W and that portion of Range 2W lying north and west of the Alaska Railroad right-of-way; and Township 33N Range 4W, Range 3W and that portion of Range 2W lying west of the Alaska Railroad right-of-way, all in the Seward Meridian;

(2) Township 29N, Range 7W; Sections 1-27 and 34-36, Township 29N, Range 8W; containing approximately 42,240 acres, all in the Seward Meridian. (§ 2 ch 233 SLA 1970; am § 1 ch 135 SLA 1976)

Revisor's notes. — Formerly AS 41.20.310. Renumbered in 1983.

Cross references. — For authority of commission to adopt regulations designating incompatible uses, see AS

41.21.020(6); for legislative declaration that certain electrical transmission line is a compatible use in Denali State Park, see § 14, ch 118, SLA 1981.

SPEAKER	TAPE #	SIGNIFICANT INFORMATION
Ken Erickson	2423	SB 230 / Sponsor Statement
		Change Tape
Ken Erickson	1500	Making Sponsor Statement
	044	few weeks ago heard HB 447 now they stand alone
Green	59	Show us difference
Ken	65	HB 477 takes approach title 38
Barnes	89	oppose this bill / Our bill should be schedule
Green	110	modified because of potential
KE	134	this bill deals specifically with park lands and not private prop
Green	-	
Wustern	155	We discuss in title 38 / title 41
Barnes	172	other bill deals w/ everything except Chukkat / Denali
Ken Erickson	216	the two bills stand on own / Complaint
"	236	Sectional analysis
Green	322	Jim, do you have a prod
Scrutton	332	do mean in relation to
Ken Erickson	346	Section 4
Barnes	372	look at these bills & we think we introduced
Green	416	have a tendency to agree w/ you don't want a complaint
Barnes	442	understand motivations Sect 3 What about Sect 2.
Ken Erickson	461	the dept often transfers lands to park units -
Barnes	502	similar question Section 4

SB

240



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

SPONSOR STATEMENT

SENATE RESOURCES COMMITTEE

Senate Bill 240: Mining Bonding Pool

The Senate Resources Committee introduced SB 240 in response to recommendations by the Alaska Minerals Commission in its January 1996 report to the Legislature and Governor.

The Legislature in 1990 passed legislation to ensure reclamation during and after mining on state, federal, municipal and private lands and waters. In 1982, the Legislature passed a similar law regarding surface coal mining operations in Alaska.

The primary difference is that coal mining operations under AS 27.21.160 have been required to post a performance bond or surety that has been difficult for coal mine permit applicants to obtain.

Allowing surface coal mining owners and operators access to the state's bonding pool (AS 27.19.040(b)) will ensure reclamation bonding will be available for qualified Alaska developments and operations.

The testimony in the packet refers to the incorporation of a surface coal mining advisory commission in a House bill similar to SB 240. The Chairman chose not to include the creation of a new commission in SB 240, because of the cost and the likelihood that the issues raised can be addressed by the Alaska Minerals Commission.



Alaska State Legislature

Senate Resources Committee

State Capitol
Juneau AK 99801

Official Business

MEMORANDUM

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

FROM: Senator Loren Leman, Chairman
Senate Resources Committee

A handwritten signature in cursive script that reads "Loren Leman".

DATE: March 19, 1996

RE: SB 240: MINING BONDING POOL

Please schedule at your earliest convenience a hearing on Senate Bill 240: Mining/Bonding Pool. This legislation was introduced by the Senate Resources Committee at the request of the Alaska Minerals Commission. It is one of the Commission's recommendations to made in its January 1996 report to the Legislature.

SB 240 amends the Alaska Surface Coal Mining Control and Reclamation Act to explicitly allow coal operations to participate in the statewide bonding pool (AS 27.19.040(b)) in lieu of a performance bond under AS 2.21.160.

The bill was reported out of Resources with six do pass recommendations and passed the Senate February 14 with 19 yeas.

If you have questions regarding this legislation, please contact Senate Resources Committee Staff, Annette Kreitzer at 465-4907.

FISCAL NOTE

No. 1

Bill Version: SB240

(S) Publish Date: 2/7/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BIL

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act relating to the statewide bonding pool BRU: Resource Development
for the reclamation activities imposed on mining operations... Component: Mining Development
 Sponsor: Senate Resources
 Requestor: Senate Resources Component Serial No. 442

Expenditures/Revenues	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
	FY97	FY98	FY99	FY00	FY01	FY02
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 (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact anticipated with implementation of this legislation.

Prepared by: Jules Trivison, Director Phone: 269-8625
 Division: Mining and Water Date: 5-Feb-96
 Approved by Commissioner: [Signature] Date: 5-Feb-96
 Agency: Natural Resources



Charlie Boddy

Vice President Of Governmental Relations

January 31, 1996

Representative Tom Brice
Alaska State Legislature
Capitol Building - Room 3466
Juneau, Alaska 99801-1182

Subject: HB 439 State Bonding Pool Amendments

Dear Representative Brice:

Usibelli Coal Mine Incorporated (UCM) wishes to thank you and your staff for the attentive effort which resulted in the introduction of HB 439. Allowing surface coal mining owners and operators guaranteed access to the State's bonding pool, secures a new source of bonding for the reclamation programs required by certain regulatory agencies.

The Alaska Surface Coal Mining Control and Reclamation Act (ASCMCRA) of 1982 allows successful permit applicants various types of reclamation bonding as an option to insure successful reclamation of mined properties. Collateral, surety and self bonding mechanisms are provided for under the ASCMCRA statute (AS 27.21). Unfortunately, more than a decade after the passage of ASCMCRA, the self bonding regulations are not yet approved or available for use by coal mine permit applicants. Additionally, surety bonding companies have been disinclined to make bonding available in a state where only one coal mine is in production. The limitations forced upon our fledgling industry are quickly apparent, and other avenues for bonding are needed and appreciated.

HB 439 also addresses an earlier recommendation of the Mineral Commission to create a surface coal mining advisory commission. The commission will act as a liaison between the state legislature, administration, the federal Office of Surface Mining Reclamation and Enforcement (OSMRE), and the regulated community. The regulated community in this instance are those individuals or mining companies with a vested interest in state leases, private lands, or native lands.

USIBELLI COAL MINE, INC. ♦ 122 First Avenue - Suite 302 ♦ Fairbanks, Alaska 99701
Telephone 907-452-2625 ♦ Facsimile 907-451-6543

Although the current legislation directs the governor to make all nine of the appointments, the legislature may want to consider making a select number of appointments themselves. The legislature may also want to consider making the chairperson of the Senate and House Resource Committees ex-officio members of the proposed commission.

After comparing opinions with Bob Stiles, president of the Alaska Coal Association, we believe a two year life for the newly formed commission would be adequate. At the national level, Wyoming Representative Barbara Cubin has introduced special legislation (H.R. 2372) that will allow states such as Alaska, who have primacy to regulate surface coal mining, the ability to manage their state tailored program with diminished interference from the OSMRE.

One of the tasks the commission could work on clarifying would be the relationship of the state and federal agencies in applying the regulations developed for use in the coterminous United States, to the unique environment we experience here in Alaska. A documented study performed by the National Research Council pursuant to section 708 of PL 95-87 (the federal Surface Coal Mining Control and Reclamation Act of 1977) could also be reviewed and utilized to identify necessary changes to render the ASCMCRA more effective and workable on a regional basis. This 328 page investigation was authored by members selected from the National Academy of Sciences and the National Academy of Engineering. The undertaking was chaired by a distinguished Alaskan, Dr. Earl H. Beistline.

Arctic mining will always present numerous challenges and opportunities for those with the intestinal fortitude to participate in this segment of the Alaska economy. Your responsible efforts to assist our industry have always been appreciated. Thank you for preparing such forward thinking legislation. With best regards, I remain,
Sincerely,



Charlie Boddy

cc: The Honorable Loren Leman, Alaska State Senate
Steve Borell, AMA
Bob Stiles, ACA
Becky Gay, RDC

COAL ISSUES

FINDING: In 1990 the Alaska State Legislature passed into law a new statute to ensure reclamation occurred during and after mining on state, federal, municipal, and private land and water. In 1982 the Legislature passed a similar law regarding surface coal mining operations in Alaska. These two programs offer various reclamation bonding mechanisms to companies and individuals engaged in mining activities. A primary difference exists, however, in that coal mining operations are currently not able to participate in the State's bonding pool. A change in statute is advocated to allow for participation, if desired, of all mining companies and individuals in the State's bonding pool.

THE COMMISSION RECOMMENDS THAT:

9. *The Governor should direct the Commissioner of Natural Resources to prepare necessary changes to AS 27.19.010(c) and AS 27.19.040(b) to allow for the inclusion of all mining companies and individuals in the State of Alaska's reclamation bonding pool.*

REPORT OF THE

Alaska Minerals Commission



JANUARY 1996

COMMISSION RECOMMENDATIONS

- 9 *The Governor and Legislature should provide expanded budgetary and programmatic support to the Citizens Advisory Commission on Federal Areas.*

COASTAL ZONE MANAGEMENT

FINDING 10. Alaska Statute 46.40.040 lists the duties of the Coastal Policy Council (CPC). One duty is to identify and manage "Uses of State Concern." Alaska Statute 46.40.060 states that the CPC is to review and approve Coastal Management Programs, and to ensure that the programs do not arbitrarily or unreasonably restrict or exclude "Uses of State Concern." Alaska Statute 46.40.100 states that the Legislature shall approve guidelines and standards adopted by the CPC. The CPC has defined the "Uses of State Concern" by resolution.

COMMISSION RECOMMENDATIONS

- 10 *The Legislature should act on the resolution of the Coastal Policy Council which defines the "Uses of State Concern," and ensure that economic development opportunities, such as mining, be included in the guidelines and standards.*

COAL ISSUES

FINDING 11. In 1990, the Alaska State Legislature passed into law a new statute to ensure reclamation occurred during and after mining on state, federal, municipal, and private land and water. In 1982, the Legislature passed a similar law regarding surface coal mining operations in Alaska. These two programs offer various reclamation bonding mechanisms to companies and individuals engaged in mining activities. However, primary difference exists, in that, coal mining operations are currently not able to participate in the State's bonding pool. A change in statute is advocated to allow for participation, if desired, of all mining companies and individuals in the State's bonding pool.

COMMISSION RECOMMENDATIONS

- 11 *The Legislature should prepare necessary changes to ^{not necessary.} ~~AS 27.19.010(c)~~ and AS 27.19.040(b) to allow for the inclusion of all mining companies and individuals in the State of Alaska's reclamation bonding pool.*

EDUCATION AND RESEARCH

FINDING 12. The "Alaska Resource Kit: Minerals" which is being used in the statewide public school system, is an excellent program for educating Alaska's students in the issues and fundamentals of resource development. In the past, the program has been a cooperative effort between the Department of Education, which developed the curriculum and is responsible for its implementation, and the Alaska Mineral and Energy Resource Education Fund (AMEREF). AMEREF is an industry-supported organization which annually funds the production and replacement of the teaching materials and which partially funds the salary of a Mineral Specialist in the Department of Education who is responsible for providing teacher training and for implementing the program into the school system. This program has proven to be a success and reflects the cooperation that has existed during the ten years of the program's existence.

The State has recently reneged on its half of the funding for the salary of the Minerals Specialist. This program must not falter, as a broad-based resource education of Alaska's residents is needed to ensure an understanding of the resource needs of a modern society.

President: R. B. Stiles
711 H Street, Suite 600
Anchorage, Alaska 99501
Tel. (907) 276-6868
Fax. (907) 276-2395

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



ALASKA COAL ASSOCIATION

Representative Tom Brice
Alaska State Legislature
Capitol Building - Room 3466
Juneau, AK 99801-1182

Subject: HB 439 State Bonding Pool Amendments

Dear Representative Brice:

The Alaska Coal Association is in full support of HB 439.

As I am sure you are aware surface coal mining was never excluded from the state bonding pool and it was always intended that, after the state bonding pool had been in place for sometime, surface coal mining would be specifically included. Your bill clearly implements this intent.

The following is a summary listing of why we believe that passage of this bill would represent a win-win situation all-around:

- No western coal producer has ever defaulted on a reclamation bond. Thus, sureties would be consider low risk and as such may reduce the overall risk profile of the state pool.
- HB 439 would have no effect on the level of bonding required for surface coal mine reclamation. Surface coal mining related statutes and regulations require that the bond value's be directly related to the estimated cost of reclamation, as a result typical surface coal mine reclamation bonds are usually in the \$1,000's/acre
- Because of the typically higher reclamation bond values associated with surface coal mining the overall asset value of and income to the state pool would increase substantially with no increase in the risk profile.
- Finally as you are aware obtaining bonding for mine developments in Alaska is a difficult, costly and sometimes impossible proposition. This is as true for surface coal mining as for any other type mining. HB 439, by explicitly including surface coal mining, assures that reclamation bonding would be available for Alaska developments and operations.

The Alaska Coal Association appreciates you and your staffs efforts to introduce this legislation which implements recommendations of the Minerals Commission. We believe the addition of surface coal mining to the state pool will benefit the mining industry as a whole and thereby be a benefit to the state.

Respectfully

R. B. Stiles
President

cc: The Honorable Loren Leman, Alaska State Senate
Steve Borell, AMA
Charlie Boddy, Usibelli Coal Mine, Inc.
Becky Gay, RDC

Sec. 27.21.160. Performance bond. (a) Except as provided in (c) of this section, after an application for a permit has been approved and before the permit may be issued, the applicant must file with the commissioner, on a form prescribed and furnished by the commissioner, a performance bond payable to the State of Alaska and conditioned on faithful performance of the requirements of this chapter and the permit. The bond must cover the area of land within the permit area on which the applicant will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are initiated and conducted within the permit area, the permittee shall provide an additional bond or bonds to cover those increments in accordance with this section. The amount of the bond required for an area within the permit area shall be determined by the commissioner and shall reflect the probable difficulty of the reclamation considering the topography, geology, hydrology, revegetation potential, and similar factors relating to the area. The amount of the bond must be sufficient to assure the completion of the reclamation plan by the commissioner in the event of forfeiture and, for the entire permit area, may not be less than \$10,000.

(b) Liability under the bond must exist for the duration of the surface coal mining and reclamation operation and for the period of time of the permittee's responsibility under the performance standards established by regulation under AS 27.21.210. The bond shall be executed by the applicant and, except as provided in (d) of this section, a corporate surety licensed to do business in the state.

(c) An applicant may deposit with the commissioner cash, negotiable bonds of the United States or of the state, or negotiable certificates of deposit of a bank organized or transacting business in the United States to satisfy the requirements of (a) of this section if

(1) the value of the deposit is equal to or greater than the amount of the bond required under (a) of this section;

(2) liability under the deposit is for a period of time described in (b) of this section; and

(3) the deposit is made under the terms which, under (a) of this section, would apply to a performance bond.

(d) The commissioner may accept a bond executed by the applicant without separate surety if the applicant demonstrates to the satisfaction of the commissioner that the applicant has sufficient financial means for the purposes of the bond. The commissioner shall adopt regulations to implement this section.

(e) The commissioner shall maintain a deposit under (c) of this section in a separate escrow account and shall annually pay the interest accruing on the deposit to the permittee.

(f) The commissioner shall adjust the amount required under (a), (c), or (d) of this section and the terms of the acceptance of that amount if the commissioner determines there is good cause, including changes in affected land areas or in the probable cost of future reclamation, for the adjustment. (§ 1 ch 29 SLA 1982)

SB

247

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



Senator Robin L. Taylor

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3573
Fax: (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8058
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Senate Bill 247 Sponsor Statement

This legislation is precipitated by the Department of Fish and Game's policy of using funds raised through consumptive uses of fish and game for non consumptive purposes. It will ensure that this is not the case in the future. The bill provides for suits to be brought by individuals against the department and its employees for violation of its provisions.

This legislation will require the Department of Fish and Game to expend Fish and Game funds for consumptive uses for both sport hunting and fishing. These funds are collected from sportsmen through the purchase of licenses, stamps and tags. It is only proper that the funds provided by these individuals be used to benefit these users of the resource.

Here are the principle points of the bill:

1. Limit the use of fish and game funds to provide for intensive management of sport fish stocks and game populations for maximum sustained yield. It also provides for propagation, reintroduction, restocking, transplantation, manipulation of habitat, predator removal, hunter education, public access to sports fishing and hunting areas, and restoration of sport fish and game resources.
2. Direct benefits to the purchasers of licenses, stamps and tags that increase human harvests of sport fish and game. It would prohibit the expenditure of these funds for non-consumptive uses of sport fish and game.
3. Prohibit the use of these funds for the cost of personnel, administration, and certain kinds of construction projects.
4. Allow funding to continue for facilities that would be used solely for the propagation of sport fish or game for restocking, enhancement, or transplantation. And also continue funding of shooting ranges and facilities to improve public access to areas where consumptive uses of sports fish and game may occur.
5. Defines the terms "harvestable surplus", "high level of human harvest" and "intensive management" for purposes of section 3 of the bill.

6. Mandates that federal funds received by the state, under the federal aid to fish restoration program or the federal aid in wildlife restoration program, be used for consumptive use purposes except where federal law directs they be used otherwise.
7. The Department of Fish and Game must prepare an annual report on expenditures from the Fish and Game Fund to legislators.
8. Provides for the right to bring civil action in the courts to enforce the requirements of AS 16.05.130. If that party prevails in the action, the person is entitled to recover the full, true and actual costs of the litigation.
9. There are also court rule amendments which are necessary to implement the new AS 16.05.130(h) added in the bill.



ALASKA OUTDOOR COUNCIL

4506 Robbie Rd.
JUNEAU, AK. 99801
(907) 463-3830

Mar. 20, 1996

Senator Robin Taylor
Alaska State Legislature
Juneau, Ak. 99801

Dear Senator Taylor:

The Alaska Outdoor Council appreciates your continuing interest in promoting traditional wildlife management in Alaska. We support your efforts to create an impetus through legislation for the Alaska Department of Fish and Game to once again take up important management concerns for Alaska's consumptive users of fish and wildlife.

We believe SB 247, "An Act relating to the fish and game fund", is an important component in the effort to re-establish traditional management of fish and game here in Alaska. For the past fifteen years consumptive users have continually endured the onslaught of an uninformed vocal minority bent on eliminating hunting and trapping opportunities. Although the Alaska Outdoor Council has traditionally supported the Department's budget and has tried to maintain a working relationship with leadership and staff, our efforts were increasingly frustrated by an apparent shift within some levels to accommodate non-consumptive uses at the expense of consumptive uses. We realize that a significant portion of that policy shift has been, and continues to be at the direction of an unsympathetic Administration.

Although we recognize the use of our dollars for some projects which may not appear to readily benefit hunters, trappers, and fishermen do have some merit, the opposition who also benefits from those expenditures has never recognized the contribution outdoorsmen have made to their benefit, and for the most part continues to oppose projects and programs beneficial to wildlife and humans. It is for that reason we have become increasingly reluctant to have our money spent in those arenas.

The AOC is still more than willing to work with the Department and the Administration to resolve some of the areas of concern to consumptive users of our wildlife resources; however, we must see some movement toward those items which we feel are important. Traditional management of wildlife, including predator

management, an educational effort structured to enlighten a broader segment of the public about wildlife management and the role consumptive uses play therein, better efforts to communicate with the consumptive user public, and more judicious use of consumptive use dollars in arenas which may not appear to have a direct cost/benefit ratio.

At the moment the membership of the Alaska Outdoor Council is supporting the effort on the part of those legislators who wish to reduce the Department's budget. We would prefer to return to our traditional role of fully supporting their budget; however, until the Department and the Administration can produce tangible assurances that our concerns are being given serious consideration, backed up with appropriate action, we feel there aren't many alternatives for us right now. We remain hopeful continuing dialogs with Departmental leadership will prove productive and that we will once again be more closely involved in supporting their efforts. Recent discussions we have had with the Commissioner and Divisional heads leads us to believe they are genuinely interested in our concerns and would like to accommodate such to the best of their ability. Any movement in our direction would be welcomed, and would quite likely result in much improved relations.

The Alaska Outdoor Council believes legislation, such as SB 247, has become necessary to help define the ADF&G's primary role in wildlife management. More importantly, such legislation will provide the groundwork for moving Alaska back toward traditional wildlife management.

Once again, the members of the Alaska Outdoor Council would like you to know how appreciative we are for your efforts on our behalf. If there is anything we can do to further assist you in this important effort, please let us know.

Sincerely,



Eddie Grasser

cc: Sen. Loren Leman
Sen. Drue Pearce
Sen. Steve Frank
Sen. Rick Halford
Sen. Georgianna Lincoln
Sen. Lyman Hoffman
Sen. Bert Sharp
Sen. Mike Miller

MAR 27 1996



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
 committee name
 committee on SB 247, dated 3/20/96
 bill/subject

As a lifelong Alaskan and a comsumptive user of Fish and Game resources for more years than I care to admit to, I wish to express the strongest possible support for S.B. #247.

I think it is vitally important to use funds generated by sportsmens' and sportswomens' license fees, tags, and permits to directly benefit consumptive users.

I don't claim to be a legal expert, but from what I see in the State Constitution, it appears that the Department of Fish and Wildlife is mandated to manage fish and wildlife resources in a manner that provides the highest possible sustained yield for consumptive users.

From the projects and programs generated by administrative positions within the Department over the last few years, it would appear that this mandate has been subverted and in some cases deliberately ignored.

The passage of S.B. #247 would go a long way toward squelching these departures from that mandate. Respectfully,
 Signed: _____

Testifier

Lee A. Stoner
(Lee A. Stoner)

Representing (Optional)

940 Serrano Dr., Wasilla, Alaska 99654
 Address

Address

(907) 376 9488
 Phone No.

Phone No.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resources
committee name

committee on S.B. #247, dated March 20, 1996.
bill/subject

I am a housewife and mother of two married to a lifelong Alaskan who has provided our family with fish and game for years. I and my children have grown to prefer wild fish and game over domestic. I buy a license each year and each fall we have a family hunt to further the heritage of hunters.

I feel it is important that S.B. #247 be passed so that I and my family will be able to hunt and fish on a continuing basis.

Signed: Andra L. Stoner
Testifier

Representing (Optional)

940 Larsen Cir. Waiilla

Address

(907) 376-9488

Phone No.

To: Senator Taylor

Date: March 20, 1996

Subject: SB 247

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

I support SB 247 and would like to commend Senators Taylor and Sharp for their efforts on this bill.

It is indeed unfortunate that it has become necessary to promulgate law mandating the dispensing of fish and game funds. However, I have witnessed over a number of years the mounting influence of changing public values on the attitudes of the ADF&G leadership towards those who provide the operational revenues. It is unconscionable that the fish and game funds are being used in ways that subvert the interests of the paying hunting and trapping public.

In general, a non-contributing public, many who embrace a philosophy that rejects human consumptive use, are those most vocally demanding the Department reframe from intensive management programs. In all due respect to these opposing public values, ADF&G and the State Board of Game should still act within the framework established by Alaska constitutional law. I suggest that any concessions made to these demands are patently unconstitutional on the part of ADF&G and the Board of Game.

In my opinion there is no moral or legal reason that fish and game funds be used to decrease opportunities, promotion, and enhancement of traditional consumptive uses of renewable wildlife resources on a sustained yield basis. Until such a time that other sources of funding are provided by the non-consumptive public, present uses of the fish and game fund are justifiably assignable to those outlined in SB247.

Thank You.

Peter Shepherd
Peter Shepherd

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Dept.		Phone #	
Fax #		Fax #	

FISCAL NOTE

No. 8

Bill Version: CS SB 247(RLS)

(S) Publish Date: 4/10/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 4/9/96 Dept. Affected: Fish and Game
 Title: An Act relating to the fish and game fund BRU: Administration and Support
 Sponsor: Senators Taylor and Sharp Component: Administrative Services
 Requester: Senate Rules COMPONENT SERIAL NO. 479

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (1002)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
1002 Federal Receipts	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)	(977.5)
1003 GF Match						
1004 GF	977.5	977.5	977.5	977.5	977.5	977.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)						
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)

To maintain department services and programs at existing levels, general funds will be necessary to offset the decrease in federal funding.

Federal receipts are currently collected as indirect overhead to fund such items as accounting services, personnel and payroll services, budgeting services, procurement and contracting services, and data processing services.

Prepared by: Kevin Brooks Kevin Brooks, Director
 Division: Administration

Phone: 465-6091
 Date: 4/9/96

Approved by Commissioner: Gerard Bunn
 Agency: _____

Date: 4/9/96

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FISCAL NOTE

No. 9
 Bill Version: CS SB 247(CRS)
 (S) Publish Date: 4/10/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: 4/9/96 Dept. Affected: Fish and Game
 Title: Restrict Use of Fish & Game Fund BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Senator Taylor
 Requester: Senate Rules COMPONENT SERIAL NO. 473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	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						
1004 GF	2,060.4	2,060.4	2,060.4	2,060.4	2,060.4	2,060.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	(2,060.4)	(2,060.4)	(2,060.4)	(2,060.4)	(2,060.4)	(2,060.4)
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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)

Assumptions: (1) To maintain department services and programs at existing levels, General Funds will be provided to offset funding cuts in Fish & Game Fund revenues. (2) Federal Aid apportionments and license/tag revenues will remain constant for foreseeable future. (3) The regulatory process (\$713.3) and data processing programs (\$1,042.9) are assumed to directly benefit consumptive users and will continue to be funded by federal aid and Fish & Game Fund revenues.

Secs. 2 and 4 of the bill restrict use of Fish & Game Fund and Federal Aid funding for such programs as education, nongame, marine mammals management, sanctuary management, endangered species, law enforcement, and public information (\$2,060.4). To continue to provide these services, general funds would have to compensate for the loss of current revenue sources.

Prepared by: Diana Ground, Admin. Officer
 Division: Wildlife Conservation

Phone: 465-6194
 Date: 4/9/96

Approved by Commissioner: Geison Bruce
 Agency: Alaska Department of Fish and Game

Date: 4/9/96

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FISCAL NOTE

No. 10

Bill Version: CSSB247(RLS)

(S) Publish Date: 4/10/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 4/9/96 Dept. Affected: Fish and Game
 Title: Restrict use of fish & game fund BRU: Sport Fish
 Component: Sport Fish
 Sponsor: Senator Taylor
 Requester: Senate Rules COMPONENT SERIAL NO. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1002)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)
1003 GF Match						
1004 GF	3,016.2	3,016.2	3,016.2	3,016.2	3,016.2	3,016.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)
TOTAL	(69.5)	(69.5)	(69.5)	(69.5)	(69.5)	(69.5)

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)

See attached pages for assumptions made in fund source calculations. The \$69.5 net loss in FUND SOURCE is the result of lowered overhead costs paid to Division of Administration. These overhead costs are calculated based on the amount of Federal Funds expended by Division of Sport Fish. A reduction in ability to use Federal money is related to a direct reduction of overhead cost for the division.

With implementation of SB 247 the Division of Sport Fish will not be able to fully utilize available Federal funds and will be forced to revert \$1,211.4 of the \$8,397.7 available. This is shown in CHANGE IN REVENUES above. Since the State of Alaska receives the maximum allowable DJ/WB funding, other states have already been suggesting that funding formulas be changed to lower our share of DJ/WB money. By not fully utilizing this money it will supply those states more ammunition for that battle.

Prepared by: Kevin Delaney IRB for
 Division: Sport Fish
 Approved by Commissioner: Geron Bunn for
 Agency: Fish and Game

Phone: 465-4180
 Date: 4/9/96

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A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 247(RLS) am(efd fld)(ct rule fld)

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17 fishing, hunting, trapping, and related management"
- 18 Page 2, line 31:
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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

FISCAL NOTE

No. 10

Bill Version: CSSB247(RLS)

(S) Publish Date: 4/10/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Revision Date: 4/9/96 Dept. Affected: Fish and Game
 Title: Restrict use of fish & game fund BRU: Sport Fish
 Component: Sport Fish
 Sponsor: Senator Taylor
 Requester: Senate Rules COMPONENT SERIAL NO. 464

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 100	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1002)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)	(1,211.4)
1003 GF Match						
1004 GF	3,016.2	3,016.2	3,016.2	3,016.2	3,016.2	3,016.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Fish and Game Fund 1024)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)	(1,874.3)
TOTAL	(69.5)	(69.5)	(69.5)	(69.5)	(69.5)	(69.5)

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

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 Division: Sport Fish
 Approved by Commissioner: Geran Bruce for
 Agency: Fish and Game

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Assumptions used in analyzing SB 247.

- Division of Sport Fish will operate all projects at proposed FY 97 levels
- No Headquarters projects other than Access can receive funding from either the Fish and Game fund or Federal DJ/WB fund.
- Research and Technical Services (RTS) projects with the exception of Biometrics, Statewide Harvest Survey and 50% of the Information Management project can not be funded with either the Fish and Game fund or Federal DJ/WB funds.
- All hatchery projects and access projects can be funded with moneys from the Fish and Game fund and/or the Federal DJ/WB fund.
- Regional projects can be funded with Fish and Game funds and/or Federal DJ/WB funds with the exception of Bristol Bay Trout Studies and Karluk Steelhead Studies in Region II, 80% of the resident species projects in Region I, and 50% of the Chena Grayling Studies in Region III.
- All projects which can no longer be funded with Fish and Game funds and/or Federal DJ/WB funds would have to receive General Fund moneys.
- Division of Administration (ADF&G) receives 6% overhead on all federal money we expend. Currently this is paid with federal money, but from this point forward, would have to be paid using General Fund money.

Current FY 97 Funding Sources and Funding Sources With Senate Bill 247

FY 97 Sport Fish Projects		Current Funding Sources				Funding Sources With SB 247				
Project # / Title	Total S	F&G*	Fed*	Prog*	CIP*	F&G*	Fed*	Prog*	CIP*	GF*
54 Headquarters	1228.1	1113.3	99.9	15.0	0.0	0.0	0.0	15.0	0.0	1213.1
64 Boating Access	362.5	36.9	110.6	0.0	215.1	36.9	110.6	0.0	215.1	0.0
55 RTS	1865.1	1029.8	835.3	0.0	0.0	421.9	684.2	0.0	0.0	759.0
56 SE Supervision	1379.8	1379.8	0.0	0.0	0.0	1379.8	0.0	0.0	0.0	0.0
57 SE Salmon	1604.1	401.0	1203.1	0.0	0.0	401.0	1203.1	0.0	0.0	0.0
58 SE Resident Sp	498.9	124.7	374.2	0.0	0.0	24.9	74.8	0.0	0.0	399.2
64 SE Access	50.0	12.5	37.5	0.0	0.0	12.5	37.5	0.0	0.0	0.0
91 SE Hatcheries	1150.8	442.7	487.8	220.4	0.0	442.7	487.8	220.4	0.0	0.0
59 SC Supervision	2088.3	2037.5	50.8	0.0	0.0	2037.5	50.8	0.0	0.0	0.0
60 SC Salmon	2676.4	841.0	1835.4	0.0	0.0	841.0	1835.4	0.0	0.0	0.0
61 SC Resident Sp	507.4	126.8	380.5	0.0	0.0	85.1	255.2	0.0	0.0	167.1
62 SC Shellfish &	267.3	124.2	143.2	0.0	0.0	124.2	143.2	0.0	0.0	0.0
64 SC Access	97.4	24.4	73.1	0.0	0.0	24.4	73.1	0.0	0.0	0.0
90 SC Hatcheries	1607.0	392.8	1178.3	36.0	0.0	392.8	1178.3	36.0	0.0	0.0
69 IN Supervision	942.7	942.7	0.0	0.0	0.0	942.7	0.0	0.0	0.0	0.0
70 IN Salmon	124.1	31.0	93.1	0.0	0.0	31.0	93.1	0.0	0.0	0.0
71 IN Resident Sp	831.4	207.8	623.5	0.0	0.0	196.2	588.6	0.0	0.0	46.6
64 IN Access	32.5	8.1	24.4	0.0	0.0	8.1	24.4	0.0	0.0	0.0
92 IN Hatcheries	461.6	115.4	346.2	0.0	0.0	115.4	346.2	0.0	0.0	0.0
Total	17775.8	9392.4	7896.9	271.4	215.1	7518.1	7186.3	271.4	215.1	2585.0
Admin Ovrhead**			500.8							431.2
Grand Total	18276.6	9392.4	8397.7	271.4	215.1	7518.1	7186.3	271.4	215.1	3016.2

*F&G is the Fish and Game Fund; Fed is Federal Funds; Prog is Program Receipts; CIP is Capital Improvement Project Funds; GF is General Funds.

**Fees paid to Department of Fish and Game, Division of Administration for overhead related to federal funding.

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18 Page 2, line 31:

19 Delete "or"

- 1 Page 3, line 2, following "occur"
2 Insert "; or
3 (iv) educational programs, associated with designated areas,
4 that support sport fishing, hunting, trapping, and related management"
- 5 Page 3, line 26:
6 Delete "fish stocks and"
- 7 Page 4, line 1:
8 Delete "by increasing"
9 Insert "that may enhance"
- 10 Page 4, lines 1 - 2:
11 Delete ", increasing"
12 Insert "for purposes of increasing opportunities for"
- 13 Page 4, lines 2 - 4:
14 Delete ", or decreasing predation upon sport fish and game taken by purchasers of
15 sport fishing and hunting licenses and tags"
- 16 Page 4, line 11:
17 Delete "construction"
- 18 Page 4, line 15:
19 Delete "or"
- 20 Page 4, line 17, following "occur":
21 Insert "; or
22 (iv) educational programs, associated with designated areas, that
23 support sport fishing, hunting, trapping, and related management"
- 24 Page 5, lines 9 - 25:

1 Delete all material

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**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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FAX (907) 465-2029
Mail Stop 3101*

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

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

Mary Pagenkopf

*House Resources
5-3-96 8:05am
Tape #96-76
SB 247*