

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8764 HOUSE RESOURCES

SJR

12

HOUSE COMMITTEE REPORT

4/10/95
Rules

(9) _____
Date Referred: March 22, 1995

FURTHER REFERRALS:

Date of Committee Action: 4/10/95

The RESOURCES Committee considered:

CSSJR 12(RES)

CS FOR SENATE JOINT RESOLUTION NO. 12(RES)

U.S. FOREST SERVICE PLAN

Relating to the United States Department of Agriculture, Forest Service; relating to the United States Department of Agriculture, Forest Service, strategic plan known as "Reinvention of the Forest Service"; and advocating that implementation of the plan be suspended pending Congressional review and consultation with local governments.

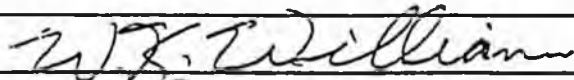
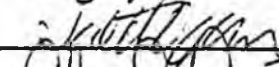



recommends it be replaced with the following committee substitute HCS CSSJR 12(RES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

zero fiscal note(s) _____ ^{senate} zero fiscal note(s) DWR, 2/14/95

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Willizms	✓			
	Ogan	✓			
	Austermen	✓			
	Kott	✓			
	Green	✓			
		(5)			

CO- CHAIR'S SIGNATURE 

9-LS0526G ✓
Luckhaupt
4/7/95

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 12(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

**Offered:
Referred:**

**Sponsor(s): SENATORS TAYLOR, Pearce
REPRESENTATIVE Williams**

A RESOLUTION

1 **Relating to the United States Department of Agriculture, Forest Service; relating**
2 **to the United States Department of Agriculture, Forest Service, strategic plan**
3 **known as "Reinvention of the Forest Service"; and advocating that implementation**
4 **of the plan be suspended pending Congressional review and consultation with local**
5 **governments.**

6 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **WHEREAS** the United States Department of Agriculture, Forest Service, has issued
8 a new strategic plan known as "Reinvention of the Forest Service"; and

9 **WHEREAS** this plan has far-reaching implications and was developed without
10 consultation with key elected leaders, including state governors, members of the United States
11 Congress, or community, tribal government, and the Alaska Native Claims Settlement Act
12 (ANCSA) corporate leaders in contradiction of President Clinton's Executive Order No. 12875
13 "Enhancing Intergovernmental Partnerships"; and

14 **WHEREAS** Vice-President Gore's "Report on Reinventing Government" was
15 developed with the promised intent of empowering local governments and decentralizing

1 decision-making power; and

2 **WHEREAS** the "Reinvention of the Forest Service" strategic plan approved by
3 Secretary of Agriculture Mike Espy, just before his resignation, eliminates the very foundation
4 of locally based authority that had the responsibility of working with states, local communities,
5 tribal governments, and ANCSA corporations and masks and diffuses decision-making
6 authority and withdraws it to Washington, D.C., making the Forest Service less responsive to
7 local concerns; and

8 **WHEREAS** moving the Alaska Region Forest Service office to Portland, Oregon, is
9 an example of the flawed science being used to define ecosystems and ecological boundaries;
10 and

11 **WHEREAS** the newly defined purpose of the Forest Service to promote the
12 sustainability of ecosystems without specifically retaining the traditional Forest Service
13 objective of promoting community stability has already created problems and crises for
14 hundreds of communities dependent upon the national forests and state and private forest
15 ecosystems; and

16 **WHEREAS** the new strategic plan has seemingly turned away from commitment
17 towards providing a continuous flow of renewable resources to meet the public need, as
18 directed in the Organic Act, Multiple-Use Sustained Yield Act of 1960, the National Forest
19 Management Act, and other Acts of the Congress; and

20 **WHEREAS**, under the new strategic plan, the Forest Service is more inclined to
21 present a nebulous plan for ecosystem management where resource yields are simply the
22 by-products of management, with no predictable flows or commitments to supply levels to
23 sustain human life;

24 **BE IT RESOLVED** that the Alaska State Legislature calls upon the newly designated
25 Secretary of Agriculture to suspend implementation of the reinvention project's strategic plan
26 approved by Secretary Espy to allow for Congressional review and for consultation with local
27 governments; and be it

28 **FURTHER RESOLVED** that the United States Department of Agriculture, Forest
29 Service, conduct true partnership meetings with states, communities, tribal governments, and
30 ANCSA corporations to develop a new strategic plan; and be it

31 **FURTHER RESOLVED** that the Forest Service acknowledge the United States

1 Department of Agriculture's legal obligations to rebuild, restore, and promote the economic
2 stability of forest dependent communities; and be it

3 **FURTHER RESOLVED** that, in keeping with federal law, timber commodities are
4 a primary not a residual value of forest management; and be it

5 **FURTHER RESOLVED** that the compensation and cost-of-living allowance of the
6 Secretary of Agriculture and the Chief and each Regional Forester of the Forest Service be
7 reflective of timber production; and be it

8 **FURTHER RESOLVED** that the United States Department of Agriculture, Forest
9 Service, through a true partnership with local communities, identify and implement strategies
10 for decentralizing decision making and empowering state and local governments to more
11 effectively manage forest ecosystems to assure community stability, improve service to the
12 public, and reduce government cost.

13 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
14 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
15 of the U.S. Senate; the Honorable Dan Glickman, Secretary of Agriculture; the Honorable
16 Bruce Babbitt, Secretary of the Interior; Jack Ward Thomas, Chief of the Forest Service, U.S.
17 Department of Agriculture; and to the Honorable Ted Stevens and the Honorable Frank
18 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of
19 the Alaska delegation in Congress.

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 4/5/95

PLACE: ROOM 124

SUBJECT OF MEETING:
SJR 12 - U.S. FOREST SERVICE
PLAN
PRESENTATION ON MENTAL HEALTH
TRUST LANDS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						Y	(N)	
Dave Thomas	mental health trust	3601 C Street Anchorage, AK		762-2690		Y	(N)	
*Steve Planchon	"	"	99503	"		Y	(N)	
Wayne Niwlls	Society of Am Foresters	9723 Trappers Ln Juneau, AK 99801		789-5405	same	Y	(N)	USFS Reinvetion
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg.

Mon., Wed., Fri.

Date: 4-5-95

Tape# 95-46 Joint _____

Time: 8:20 am/pm Time Adjourned: 9:15 am/pm

ROLL CALL:	PRES	ABS	TIME AR	<u>Amend.</u>	<u>Vote Bill</u>
Rep. Joe Green	_____	_____	_____	_____	_____
Rep. Bill Williams	<input checked="" type="checkbox"/>	_____	_____	<u>N</u>	_____
Rep. Scott Ogan	<input checked="" type="checkbox"/>	_____	_____	<u>N</u>	<u>Y</u>
Rep. Alan Austerman	<input checked="" type="checkbox"/>	_____	_____	<u>N</u>	_____
Rep. Ramona Barnes	_____	_____	_____	_____	_____
Rep. John Davies	_____	_____	<u>8:30</u> ^①	<u>Y</u>	<u>N</u>
Rep. Pete Kott	<input checked="" type="checkbox"/>	_____	_____	<u>N</u>	<u>Y</u>
Rep. Eileen MacLean	_____	_____	_____	_____	_____
Rep. Irene Nicholia	_____	_____	_____	_____	_____

4N-1X

Other Legislators Present _____

AGENDA:

Bill No.	Short Title	Action Taken
<u>SJR 12</u>	<u>U.S. FOREST SERVICE PLAN</u>	<u>HELD</u>
<u>Presentation on</u>	<u>Mental Health Trust Lands</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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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.

House Resources
4-5-95 8:20am
Tape #95-46
SJR12

Mary Pagenkopf

Alaska State Legislature

Chairman,
Judiciary Committee

Vice Chairman,
Transportation Committee

Member,
Resources Committee
Western Legislative Forestry Task Force



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax: (907) 465-3922

352 Front Street
Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

MEMORANDUM

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

FROM: Senator Robin L. Taylor *R.L.T.*

DATE: 3/1/95

REF: Hearing Request - SJR 12

Please consider this as my formal request for a hearing on Senate Joint Resolution 12 at your earliest convenience.

SJR 12 urges a halt in implementation of the so-called "Re-invention of the Forest Service" planning document and calls for consultation between the U.S. Forest Service and the states and communities impacted by this plan.

The "re-invention" plan, as approved by the Secretary of Agriculture, would shift the decision making process to Washington, D.C., despite the Clinton administration's policy of "partnerships" with state and local governments. The issue is much larger than the loss of the Alaska Region office.

Thank you for your consideration.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Alaska State Legislature



Senator Robin L. Taylor

State Capitol
6500 Alaska 99501-1282
907 465-3873
fax 907 465-3922
52 Front Street
Ketchikan, Alaska 99901
907 225-8088
fax 907 225-0713

Environment
Legislative Committee
Finance
Administration Committee
Health
Resources Committee
Alaska Legislative Executive Task Force

Sponsor Statement

Senate Joint Resolution No. 12

Before the House Special Committee
on World Trade and State-Federal Relations

March 21, 1995

Early in December, the U.S. Forest Service announced its Reinvention Plan. A copy of that half-inch thick document is on file in my office, for those who care to indulge in detail. Believe me, the devil is in the detail.

Briefly, this plan would centralize decision making in Washington D.C. Such a policy flies in the face of President Clinton's Executive Order No. 12875, which calls for "enhancing intergovernmental partnerships". It also puts lie to Vice-President Gore's "Report on Reinventing Government", with its stated goals of "empowering state and local governments" and "decentralizing decision-making power".

Under "Reinvention", regional forest supervisors and other front line leaders who now have decision-making authority would be replaced with four people "leadership" teams answerable only to the Chief of the Forest Service and the Secretary of Agriculture.

Gone is any pretense of involving local and state governments in USFS decisions. The plan goes so far as to consolidate the regional offices now located in Alaska and Montana to a central office in Oregon.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

Sponsor Statement -SJR 12

Page Two

SJR 12 calls for suspension of this plan and true partnership meetings with states, communities, and tribal governments. I have suggested a committee substitute which would add ANSCA corporations to that list. The goal would be the development of a new plan, one that would involve the affected entities up front. The "Reinvention" scheme goes far beyond the relocation of regional offices. If left to stand, it will mean a new era of Forest Service policy dictated from on high, without consulting the very people most impacted by those policies.

FISCAL NOTE

1

STATE OF ALASKA
1995 LEGISLATIVE SESSION

B Bill Version: SJR 12

(S) Publish Date: 2/14/95

Revision Date: Original

Dept Affected: Natural Resources

Title: Relating to the United States Department of

BRU: Resource Development

Agriculture, Forest Service;... strategic plan known as "Reinvention..."

Component: Forest Management & Development

Sponsor: Senator(s) Taylor, Pearce

Requestor: _____

Component Serial No. 435

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ None

POSITIONS

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 associated with implementation of this resolution.

Prepared by: Tom Boutin, Director Phone: 465-3379
 Division: Forestry Date: 9-Feb-95
 Approved by Commissioner: [Signature] Date: 2/9/95
 Agency: Natural Resources

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United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply to: 1200

Date: December 6, 1994

Subject: Forest Service Reinvention Plan

To: Forest Service Employees

Enclosed is the Summary of our reinvention report approved by Secretary Espy. This report is a strategic plan for creating the Forest Service of the future. It was developed in the spirit of President Clinton's National Performance Review with extensive participation of our employees and members of the public.

We have deliberately taken a comprehensive and thoroughgoing approach because of the extraordinary challenges faced by our Agency over the past several years. Our employees and stakeholders believe significant change in the way we do our business is necessary to enhance the confidence and trust of the people we serve.

We have electronically mailed a copy of the complete report to your unit's mailbox. It should soon be available for your use. Hard copies will be arriving soon to your unit by surface mail.

In January, we will conduct an interactive video conference to answer questions you may have about the report and our implementation strategies. We hope that you will take the opportunity to read the report between now and then. Further details on the conference will be forthcoming.

Reinvention is an evolutionary process that will continue over a prolonged period. As we phase in various aspects of reinvention, we will use every tool at our disposal to minimize impacts on Forest Service people. These tools include buyouts, retraining, retirements, attrition, transfers within and between agencies, and reassignments.

This is an exciting and challenging time for the Forest Service. We know you are already working hard to create the Forest Service of the future. We sincerely thank you for your efforts.

Keep it up!

/s/ Jack Ward Thomas

JACK WARD THOMAS
Chief

Enclosure

Forest Service Reinvention Executive Summary

Introduction

We believe significant change is needed in the way we do business in order to perform our duties in a manner that enhances the confidence and trust of the public. Because of the extraordinary challenges faced by our Agency over the past several years, we have deliberately taken a comprehensive and thorough approach to Forest Service reinvention. Our goal is to improve customer service and build the public's trust through improved efficiency and demonstrated competence.

Forest Service Reinvention Report

The newly released report, "Reinvention of the Forest Service: The Changes Begin," proposes a description of the Forest Service of the future and ways to bring it into being. The report is a strategic document. It was developed in the spirit of President Clinton's National Performance Review with extensive participation of Forest Service employees and members of the public. It does not attempt to provide solutions to site-specific resource issues. Nor does it, in general, prescribe sizes or structures of organizations below the regional level. Instead the report focuses on the purpose, outcomes, culture, structure, and work for the Agency. However, a number of specific actions have been, are being, and will be taken in support of the concepts described in the report. This summary addresses many of those actions as well as the broader plan for creating the Forest Service of the future.

A number of the changes described in the report are internally focused on improving how Agency employees work with each other. Others describe how we can work better with the people we serve. Employees will notice a dramatic difference in the organization. We hope those outside the Agency who rely on local offices for service will notice an improvement in that service and healthier forests and rangelands.

Following are the key elements of the Forest Service reinvention proposal. Clearly, some of the proposed actions will require close coordination and dialogue amongst the Administration, Congress, and the people we serve. We plan to forward more specific details about these proposals to Congress in January.

Purpose and Outcomes

The purpose of the Forest Service is to promote the sustainability of ecosystems and to provide excellent public service through conservation leadership. Our land ethic is to promote the sustainability of ecosystems by ensuring their health, diversity, and productivity. Our service ethic is to tell the truth, obey the law, work collaboratively, and use appropriate scientific information. The phrase "caring for the land and serving people" captures the Forest Service mission.

It follows that our desired outcomes are sustainable ecosystems and public service. Sustaining ecosystems, because they provide the foundation for all life, is our first priority. Public service, including high-quality customer service, is a partnership with society to meet people's needs for natural resources - uses, values, products, and services - within the bounds of ecosystem management.

Culture

True improvement begins inside an organization, crossing all internal and external boundaries. Internally, the Forest Service will recognize and build upon our multicultural, multidisciplinary composition. We will stress sensitivity to others as a primary feature of our culture. We will work in an innovative, creative, and people-oriented environment, often in teams. Collaborative processes will characterize our internal and external work relationships, and we will emphasize cooperation and reward teams and quality teamwork. Teamwork and shared leadership will be critical as employees help each other to balance career and personal needs. Lifelong learning will be a fundamental component of employee development in the Forest Service of the future.

Externally, we must gain the confidence of the people we serve - the American people. To be successful in our endeavors, we will need continuous guidance from the American public as to what works and what doesn't. We will become active members of the communities in which we live and work. We will also engage in greater levels of intra- and inter-agency cooperation. We must recognize that the Forest Service can learn a great deal from other land managers. We must also be willing and able to work across international boundaries to solve problems efficiently.

Structure, Roles, and Work of the Agency

The structure of the Forest Service will be designed around five broad program areas - National Forest System (NFS), Operations (OPS), Research and Development (R&D), State and Private Forestry (S&PF), and International Forestry (IF) and in the framework of a national office and seven regional offices (see figure 1). Regional offices will be located in Sacramento, CA; Portland, OR; Albuquerque, NM; Ogden, UT; Denver, CO; Milwaukee, WI; and Atlanta, GA. This is a reduction from the former organization of nine National Forest System regions, eight Research stations, and one State and Private Forestry area. Regional boundaries will be realigned to more closely follow natural ecological boundaries with the goal of improved coordination with the Natural Resources Conservation Service and other natural resource agencies resulting in healthier forests and rangelands. Where regional boundaries on state lines would split a NF, that entire forest will be assigned to one region or the other.

The boundaries shown in figure 1 imply several major changes in FS operations:

1. NFS, S&PF, and R&D all have the same regional boundaries. This means that individual Forests, S&PF units, and R&D units would be reorganized to conform to these boundaries.
2. The shifted boundary of the Southeastern Region, formerly the Southern Region, places Virginia in the Eastern Region and the entire states of Texas and Oklahoma in the Southwestern Region.
3. The former Rocky Mountain and Northern Regions, excluding Idaho, are combined into the Northern Plains Region.
4. The Intermountain Regional boundary shifts north and west to encompass the entire State of Idaho and Eastern Oregon and Washington.
5. The Alaska Region and the Pacific Northwest Region are merged.

Within the seven regions, the boundaries of proclaimed NFs and Grasslands will be retained, but they may be grouped into larger administrative units so a single unit may serve parts of several NFs, R&D units, S&PF units, etc., that share a common ecosystem or a common primary management issue. The work among units will be designed for the best ecosystem management and the highest level of public service at the lowest cost.

At the outset, organizational structure below the regional level will be left open to experimentation, learning, and adaptation to local circumstances. Regional leadership teams will work with units at local levels such as NFs, ranger districts, and R&D units to determine where consolidations and collocations are possible. As in the past, decisions will be made on a case-by-case basis and based on continued or improved high-quality public service and natural resource management, efficiency, and cost-effectiveness. Shared services will also be explored and implemented where feasible across unit boundaries and USDA organizational boundaries and, over time, across other governmental boundaries. Our intention is to continue our basic presence and points of contact at the local level.

To facilitate these changes, we will clarify the roles of each level of the Agency's organization (see figure 2). We will also restructure and streamline the Washington and regional offices to facilitate communications and work across functional boundaries (see figure 3).

In the Forest Service of the future, management will be primarily by teams. Teamwork at all levels will facilitate a streamlined approval process and eliminate excess layers of supervisors. The National Leadership Team will consist of the Chief, Associate Chief, and Deputy Chiefs for NFS, S&PF, OPS, R&D, and IF. Members of Regional Leadership Teams will be the Directors of NFS, S&PF, OPS, and R&D. Although their performance appraisals will emphasize teamwork, Regional Leadership Team members will report directly to the Deputy Chief in their program area.

Many services now delivered by in-house monopolies will be provided through "contracting in" to internal enterprises or teams. Individual units will decide what services they need and are willing to pay for and will contract directly with these enterprises. Contracting in will eliminate unnecessary duplication of skills throughout the Agency, and the option of choosing one

service provider over another will offer a powerful feedback mechanism to service providers. When competition and choice are not options, internal customer satisfaction surveys will be used to gauge the quality of services provided by monopoly enterprises.

Transformation Strategies

The Forest Service is such a large, geographically dispersed, and culturally diverse organization that employees must make an extra effort to be sure the Agency's goals are clear to everyone. To accomplish the objectives of our transformation strategies, we will:

- Ensure that all Forest Service employees understand the Agency's purpose and desired outcomes.
- Examine our current organizational culture to identify those elements that are fundamental to and support, and strengthen our Agency and those that must be eliminated or modified in the future.
- Implement the "Toward a Multicultural Organization" report.
- Provide flexible policies and options on flexitime and flexiplace, dependent care, and travel arrangements.
- Implement newly established standards of customer service that all employees will keep as a pledge to the American people. These standards, created in partnership with our customers, will adapt to the constantly changing needs of our society.
- Use every tool at our disposal to minimize impacts on Forest Service people to achieve desired staffing levels when fewer employees are required.
- Reengineer the Agency's business processes.
- Set standards for and base management decisions on results of monitoring. This will be done with the involvement of our partners.
- Emphasize integrated, cross-disciplinary teams at all levels and branches of the Forest Service organization.
- Seek budget reform and extend greater decisionmaking authority to local units in the development and execution of their budgets, emphasizing integration of budgets across Forest Service programs.
- Establish internal enterprise units to provide for-hire services to an internal market system of competition and choice, keeping needed expertise within the Agency, reducing inefficiency and waste, and eliminating duplication of skills and activities that do not efficiently support Forest Service objectives.
- Strengthen our partnership activities across all organizational, administrative, and functional boundaries.

The vision and transformation strategies contained in this report are the Forest Service's roadmap to the future. With commitment from our employees and support from the people we serve, the Forest Service will be well positioned to be a conservation leader for the 21st century.

Current and Ongoing Actions

Reinvention of the Forest Service is not a destination but a journey; it is an evolutionary process that will continue over a prolonged period. As we phase in various aspects of reinvention, we will use every tool at our disposal to minimize impacts on Forest Service people. These tools include buyouts, retraining, retirements, attrition, transfers within and between agencies, and reassignments.

Many actions consistent with this report have already been taken, while others within our authority will be implemented immediately. We will work closely with Congress on those proposals with which they are particularly concerned. We plan to provide details on these proposals to Congress in January.

Planned Organizational and Operational Changes

Following are key organizational and operational changes that will result from implementation of the proposed Reinvention Plan:

1. Employment in the Washington Office will be reduced by at least 10-20%. Functional staffs will be organized to facilitate interdisciplinary teamwork while retaining technical expertise and points of public contact. (A special team is working now on alternatives for restructuring the staff resources of the national office.) Employees whose work supports field activities will be assigned to appropriate field service locations. The Programs and Legislation Deputy Area will be eliminated and its functions distributed among other program areas. The Chief, Associate Chief, and five Deputy Chiefs will comprise the National Leadership Team to facilitate integration of programs and improve accountability.

Planned completion date for reorganization: September 30, 1995

Planned completion date for personnel reductions: September 30, 1996

2. Regional Offices will be reduced from 9 to 7 with a potential reduction of 300 employees and cost savings of \$17 million.

Planned implementation date: September 30, 1995

Planned completion date: September 30, 1996

3. Research Stations will be reduced from 8 to 7 with expected reduction of 25 employees and cost savings of \$1.5 million.

Planned implementation date: September 30, 1995

Planned completion date: September 30, 1996

4. Revised administrative boundaries will be shared by all Forest Service programs and will be more closely aligned with ecological boundaries. The Forest Service and the Natural Resources Conservation Service will establish common administrative boundaries.

Planned implementation date: September 30, 1995

Planned completion date: September 30, 1996

5. Leadership Teams will be established in each Region to facilitate integrated management and develop integrated budgets for the National Forest System, State and Private Forestry, Operations, and Research and Development programs.

Planned implementation date: September 30, 1995

Planned completion date: September 30, 1996

6. Forest Service and Natural Resources Conservation Service Regional Offices will be collocated. The Forest Service will maintain a presence in locations where Regional Offices are closed.

Planned completion date: September 30, 1996

Continuing Actions

We are continuing to move forward with the following actions that support Reinvention:

1. Administrative and Financial Management Consolidation: This USDA initiative will integrate and consolidate the administrative and financial functions of the Natural Resources Conservation Service and the Forest Service in order to reduce staffing and improve commonality of systems across the Department's Natural Resources and Environment Mission Area. Implementation is scheduled to begin on May 1, 1995.
2. GPRA: The Forest Service requested and was granted pilot status for implementation of the Government Performance and Results Act. Implementation of GPRA is key to improving accountability and reducing duplication in financial and accomplishment reporting. It provides meaningful, useful and reliable annual goals and corporate performance indicators for use in planning, budgeting, monitoring, performance evaluation, and reporting.
3. Budget Reform: We will continue to implement and seek to extend the budget reforms achieved in FY 95, which include: budget structure simplification, integrated funding of projects, and expanded reprogramming authority.
4. Bureau of Land Management and USDA Forest Service Personnel Exchanges: The FS and BLM will work together to promote the exchange of professional and managerial personnel through detail arrangements.
5. Project 615: A contract for information resources technology which will be critical to the Forest Service in addressing complex environmental

problems related to ecosystems management has been awarded. This technology will provide geographic information system capability which is essential for analyzing complex issues relating to management of natural resources.

6. Inventory: We will integrate our resource inventories and carry them out under the leadership of our research branch. We will work with the Natural Resources Conservation Service to share information and conduct joint inventories where appropriate.

7. Science/Policy coordination: We will intensify and institutionalize our collaboration between scientists and managers in the decision-making process.

8. International Forestry. We will complete development of a strategic plan for International Cooperation that reflects our vision of conservation leadership, involves the entire Agency, and builds on partnerships with other organizations.

Additional Implementing Actions

The following actions are being taken to implement our Reinvention Plan.

1. Customer Service - Customer service standards that all employees will strive to meet have been established and will be put in place in all offices.

2. Reengineering - A National Reengineering Design Team will be appointed to implement the Reengineering Transformation Strategy contained in our plan. This team will set the agenda and priorities for, and provide oversight to, the critical task of "rethinking and redesigning how we do work in the Forest Service."

3. New Performance Standards - Team work agreements will be established with the National and Regional Leadership Teams to address the outcomes of sustaining ecosystems and high-quality public service. These new straightforward work agreements will improve accountability and serve as models for all supervisors in the Forest Service.

4. Review System and Accountability - The Customer Service Team will redesign the Management Review System to focus on "Conditions of the Land" and "Customer Satisfaction." This redesigned system will be initiated this fiscal year and will be key to accountability for reinvention.

5. Enterprise Fund - We will explore the establishment of an enterprise fund that will provide start-up financing and incentives for innovative ideas such as creating competition for internal services. Funds will be awarded based on competition.

6. Person-in-job - A new position classification process will be established to allow in-place advancement of resource specialists based on growth in capability and expertise. This draws on the principles and

processes used in the classification and advancement of research scientists. Application to other types of specialists will be explored.

Recent Accomplishments

Examples of actions taken during the past two years that support Forest Service reinvention principles include the following:

1. Reduction in Staffing

Since our downsizing efforts began in October 1992, the Agency has reduced its work force by 4,163 permanent positions, from 35,358 to 31,195, (as of August 15, 1994). Adequate staffing will be maintained to assure skills critical to fulfilling the mission are available.

2. Organizational Restructuring

Since January 1993, the Agency has approved eight ranger district consolidations, seven of which have received approvals for office closings. The first four of these, as listed below, have been completed.

Cibola National Forest - Rita Blanca National Grasslands (Texline, TX) Office was closed and consolidated with the Kiowa National Grasslands Office (Clayton, NM).

Plumas National Forest - La Porte Ranger District Office (Challenge, CA) was closed and consolidated with the Oroville Ranger District Office (Oroville, CA).

Plumas National Forest - Greenville Ranger District Office (Greenville, CA) was closed and consolidated with the Quincy Ranger District Office (Blairsden, CA).

Mark Twain National Forest - Willow Springs Ranger District (Willow Springs, MO) was closed and consolidated with the Ava Ranger District Office (Ava, MO).

Plumas National Forest - Milford Ranger District Office (Milford, CA) will close and consolidate with the Beckwourth Ranger District Office (Blairsden, CA).

Francis Marion and Sumter National Forests - Edgefield and Long Cane Ranger Districts were consolidated. The Forest has received approval to close the Edgefield Ranger District Office (Edgefield, SC) and move to Long Cane Ranger District Office (Greenwood, SC). The date of this closing has not been determined.

Kootenai National Forest - The Libby Ranger District Office (Libby, MT) will be closed and consolidated with the Fisher River Ranger District Office (Libby, MT).

Lincoln National Forest - Cloudcroft (Cloudcroft, NM) and Mayhill (Mayhill, NM) Ranger Districts received approval for consolidation. Decisions on office closings are pending.

3. Collaborative Approaches and Sharing Administrative Services

Forest Service units have taken advantage of a number of collaborative opportunities to reduce costs. Examples include:

Region 2 - Streamlined the organization with a focus on the objectives of reinvention and ecosystem management; established shared expertise arrangements with other regions and agencies.

Region 3 - Work force was reduced by 11 percent over the past 3 years; timber and engineering staffs have implemented an aggressive shared services program between forests and regions, resulting in a consolidation of duties with salary and related savings.

Regions 1, 2, 3, and 4 are currently sharing forest management activities such as sales administration, sale contracts, and appraisals.

Region 4's Design Center is currently doing contract facilities design for other regions.

A team for environmental assessment and impact statement preparation is shared among Regions 1, 4, 6, and BLM in four states (Idaho/Montana and Oregon/Washington).

4. Collocation With Other Agencies

Presently, over 60 Forest Service units (about 6 percent), are collocated with other government agencies. Where opportunities exist, we continue to pursue collocation with other agencies as a means of streamlining, sharing resources, and saving rental costs. Examples include:

Region 1 - Beaverhead National Forest shares space with ASCS and SCS. The Jefferson Ranger District and the Deerlodge National Forest (Whitehall, MT) share space with ASCS, SCS and other government agencies.

Region 3 - In Santa Fe, NM, the National Park Service and the Santa Fe National Forest Supervisor's office are collocated.

The National Interagency Fire Center in Boise, ID, and the Minnesota Interagency Fire Center in Grand Rapids, MN, are outstanding examples of interagency cooperation and collocation. They include the Forest Service, BLM, Park Service, and the Fish and Wildlife Service.

Pacific Southwest Research Station - The Institute of Pacific Islands Forestry (IPIF) in Honolulu, HI, and the Hawaii Department of Forestry and Wildlife are collocated. The Forestry Research Laboratory in Hilo is collocated with the National Park Service office.

5. Technology (Integrated Information Systems)

Major business system technological changes are underway that will produce dramatic efficiencies and better service delivery. Examples include:

Major initiatives to fully automate and integrate Forest Service financial, payroll, and personnel systems internally and with the National Finance Center will provide a seamless automated interface between all functional components. This initiative will eliminate intermediate manual processes and reduce the time required to complete routine business processes.

JOHN A. SANDOR

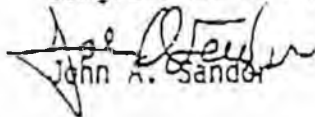
P.O. Box 21135
Juneau, Alaska 99802-1135

January 5, 1995
PHONE: (907) 586-2497
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MEMORANDUM

TO: U.S. Senator Ted Stevens (attention Duane Gibson)
U.S. Senator Frank Murkowski (attention Mike Flanagan)
Congressman Don Young (attention Lloyd Jones)

FROM:


John A. Sandor

SUBJECT: New U.S. Forest Service Strategic Plan

Enclosed is a paper: "ACTIONS NEEDED TO CORRECT THE SERIOUS FLAWS IN THE NEW STRATEGIC PLAN FOR THE FOREST SERVICE RECENTLY APPROVED BY USDA SECRETARY ESPY".

This paper was prepared by an ad hoc group of professional resource managers (many retired Forest Service employees) from various parts of the nation who advocate major improvements in the new Strategic Plan for the Forest Service.

We advocate all aspects of this Strategic Plan be put on hold until the new Secretary of Agriculture can review the plan. We also believe the Congress must have oversight of the major changes proposed. It is essential that Governors, State Legislatures and local communities also be partners in the development of any new Strategic Plan for the U.S. Forest Service, which has profound impacts on states and communities who are dependent upon the National Forests. It is imperative that the Forest Service have clearly defined decision-makers within the state who can work with the state, local communities and native corporations/villages, as forest plans are prepared and implemented.

The Northern Rocky Mountain Retirees Association is hosting a meeting on this important issue January 18 in Missoula, Montana. I and others will continue to work closely with this and other regional representatives from different parts of the country. We would like to offer our assistance in providing you and other Members of Congress with whatever information we can to make certain the Strategic Plan finally approved will meet the needs of states and communities dependent on the National Forests.

We are very encouraged by your new leadership roles in Congress.

Thank you.

Enclosure: Paper on the New Forest Service Strategic Plan

cc: Organizations and individuals reviewing the Forest Service Strategic Plan

cc: John Katz, Alaska Governor's Office, Washington, D.C.

PLAN FOR THE FOREST SERVICE RECENTLY APPROVED BY USDA SECRETARY ESPY

In various parts of the nation, Forest Service plans and programs have become embroiled in complex appeals and litigation. Forest management activities have been suspended for years. Communities have suffered from the loss of available timber. In some instances, even the harvest of insect/disease infested stands has been stopped, raising the risk of catastrophic fires from the build-up of fuels in unmanaged forests. People within and outside government have recognized the need to deal with these crises situations adversely impacting states and communities.

On December 6, 1994 memorandum to Forest Service employees, the Chief of the Forest Service reported that "the strategic plan for creating the Forest Service of the future" was approved by Secretary of Agriculture Espy. This strategic plan is described in a paper titled:

"REINVENTION OF THE
FOREST SERVICE;
The Changes Begin"
December 6, 1994

Surprisingly, this far-reaching "strategic plan" was developed without meaningful involvement of key elected leaders including State Governors/Members of the United States Congress or community and tribal government leaders adversely impacted by the consequences and serious problems stemming from the "changes" that have been approved by Secretary of Agriculture Espy shortly before his resignation. In one specific instance, the Governor of one impacted state, formally requested the opportunity to discuss the rumored organizational changes under consideration as early as August 26, 1994, but was denied that opportunity even as this proposal was being prepared for Secretary Espy's approval. 1/

This failure to consult and work closely with state, community and tribal governments is inconsistent with, if not in contradiction of President Clinton's Executive Order No. 12875 "ENHANCING INTERGOVERNMENTAL PARTNERSHIPS", which was signed by the President on October 26, 1993. 2/

Vice President Gore's "REPORT ON REINVENTING GOVERNMENT" was developed to create "a government that works better and costs less" by "Empowering States and Local Governments" and "Decentralizing Decisionmaking Power". 3/ However, the Forest Service reinvention strategic plan does not empower local governments or include them as true partners. In fact, the strategic plan approved by Secretary Espy eliminates the very foundation of local authority which had the responsibility of working with states, local communities and tribal governments. Regional foresters, Forest Supervisors and other line officers which were vested with such authorities are being replaced by "leadership teams" of four people. These leadership teams report to counter-part team leaders in Washington, D.C.. Local decisionmaking authorities are thus masked, diffused and withdrawn to Washington, D.C. where only the Chief of the Forest Service and Secretary of Agriculture can truly be held accountable for the policies, decisions and actions of these "leadership teams".

This very fundamental organization change eliminates the local decisionmaking authority and accountability controls that have been in place since the formation of the Forest Service. The USDA Forest Service "THE USE 800K - Regulations and Instructions for the Use of the National Forest Reserves", issued by the Secretary of Agriculture, July 1, 1906 describes in detail these local responsibility and accountability mechanisms. 4/ Gifford Pinchot's 1914 book, "THE TRAINING OF A FORESTER", described the specific responsibilities of these locally empowered administrators. 5/ The withdrawal and diffusion of local decisionmaking authority is already being implemented in some areas of the nation, which is certain to make Forest Service management less responsive to states, local communities and tribal governments.

Page 100-

The newly defined purpose of the Forest Service to promote the sustainability of ecosystems without specifically retaining the traditional Forest Service objective of promoting community stability has already created serious problems and crises for hundreds of communities dependent upon the National Forests and State and Private forest ecosystems. Communities and the people who live and depend on the forests are an integral part of ecosystems. The failure to adequately involve states, communities and tribal governments as true partners in the Forest Service Reinvention Project can be expected to create additional crises and problems for communities if the Strategic Plan approved by Secretary Espy is implemented in its present form.

The striking example of the flawed scientific basis for and definition of ecosystems and ecological boundaries is illustrated in the proposed realignment of Forest Service Regional Office boundaries. The Strategic Plan states that "Regional boundaries will be realigned to more closely follow natural, ecological boundaries..." Incredibly, the strategic plan announces the time-table for incorporating Alaska's diverse and unique forest ecosystems under the direction of a Forest Service "leadership team" headquartered in Portland, Oregon! None of Alaska's forest ecosystems are the same as those represented in the Pacific Northwest. As a matter of fact, many of Alaska's boreal forests are more closely related to the ecosystems of the Northern Lake States and adjacent Canadian provinces. Furthermore, the communities and tribal governments in Alaska are also not representative of any communities in the Pacific Northwest.

The history of the United States Forest Service in Alaska outlines the rationale for the establishment of a separate Alaska District (Region) Office in Alaska seventy five years ago in 1919. 6/ Both the ecological and socio-economic basis for that historic decision was apparently overlooked in the Reinvention Project process. Even more troubling, is the fact that Governor Walter J. Hickel's formal August 26, 1994 letter requesting the opportunity to discuss the rumored consolidation of Alaska under the Portland, Oregon office was also ignored. 7/ This oversight of elected leaders in the Reinvention Project was not an isolated example. United States Senator Max Baucus and other elected leaders from the State of Montana were not provided information explaining the rationale for closing the Missoula, Montana Regional Office. 7/

The failure to adequately consult with members of the U.S. Congress and the elected leaders in state governments may be responsible for the strategic plan's lack of consistency with a number of the principal federal laws that were enacted to guide Forest Service activities. As a result, the "strategic plan" for reorganization falls far short of a comprehensive plan for reorganization of the agency. The U.S. Congress has provided direction, through various laws, for the development of a national renewable resource program which "assures that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity..." (Reference: National Forest Management Act of 1976, Section 2 (2) (6)) 8/

This new strategic plan, and a number of policy decisions being applied in various parts of the nation, has seemingly turned away from any commitments toward providing a continuous dependable flow of renewable resources to meet the public's needs as directed by the Organic Act, Multiple-Use Sustained Yield Act of 1960, the NMFA and other Acts of Congress. Under the Forest Service's new direction, the agency is more inclined to present a rather nebulous plan for ecosystem management where resource yields, if any, are simply by products of management with no predictable flows or commitment to supply levels to sustain human life. 8/

If this apparent shift from the objectives outlined in the Forest Service's basic statutes was purposefully incorporated into the new strategic plan, then the mission of the Forest Service and the purposes of the National Forest needs review and re-examination by the Congress before the agency drifts to its own determination of what is best for the Nation.

What can be the point of a major reorganization of the Forest Service without close direction from the Congress as to mission and purpose for these public lands?

The strategic plan's shift to a centralization of authority, removing the opportunity for meaningful participation in resource management decisions by state and local interests is also not consistent with the agency's statutes, the President's E.O. 12875 or the Secretary of Agriculture's direction to increase the contacts and opportunities for local participation in the agency's activities. The U.S. Congress must surely have the opportunity to determine if such centralization is appropriate for the management of these public lands.

The practicability of implementation of this major reorganization and shift of objectives raises serious doubts as to whether the agency will be effective during the period of reorganization and removal of regional, state and forest-level decision-making authorities and accountability mechanisms. The strategic plan provides no insight as to how such major changes could take place with the "engine still running" to meet the needs of communities and people dependent on the forests. This could result in a protracted period when all available agency energies are directed internally while resource management and production to meet the nation's needs are neglected.

The above are a few examples of the expanding crises and problems stemming from the Forest Service's apparent shift away from its traditional commitment to community stability. The Strategic Plan approved by Secretary Espy will further weaken that commitment. These developments have led to a sharp decline in the morale of professional foresters and other resource managers, technicians and staff who have devoted their lives to the management of forest ecosystems in a true partnership with communities dependent upon the National Forests.

The failure to adequately involve Members of Congress, states, communities and tribal governments in the development of the Reinvention Project's Strategic Plan has led to a loss of trust in the Department of Agriculture's leadership. To help restore this trust, the following action program is suggested.

1. The newly designated Secretary of Agriculture should be asked to review and reconsider the Strategic Plan approved by Secretary Espy last month. The U.S. Congress must have an opportunity to review the plan's conformance to the agency's statutes and other Congressional direction before implementation.
2. The USDA/Forest Service should conduct true partnership meetings with States, communities and tribal governments and jointly develop a new Strategic Plan.
3. The USDA/Forest Service, through this partnership, should identify and implement strategies for "Decentralizing Decisionmaking" and "Empowering States and Local Governments" to more effectively manage forest ecosystems to assure community stability, improved service to the public and a reduction in government costs.

Finally, a Forest Service with state and community-based decisionmaking authority in partnership with empowered state and local governments, will work better and cost much less than that projected in the new Strategic Plan approved by Secretary Espy. Forest management models in various parts of the nation already protect the environment, improve forest health, reduce the risk of catastrophic fires and sustain the communities dependent upon those forests. 9/ The Forest Service must move forward with these objectives, and not be paralyzed by the consequences noted above.

1. Governor Walter J. Hickel's August 26, 1994 letter to Vice President Al Gore opposing the option of merging the Alaska Region of the Forest Service with the Portland, Oregon Regional Office; looks forward to discussing the proposal.
 2. President Clinton's Executive Order No. 12875, dated October 26, 1993, titled: "ENHANCING INTERGOVERNMENTAL PARTNERSHIPS"
 3. Vice President Al Gore "THE GORE REPORT ON REINVENTING GOVERNMENT";
page 35: "Empowering State and Local Governments"
page 69: "Decentralizing Decisionmaking Power"
September 7, 1993 Times Books Edition, Random House, Inc. 168pp
 4. James Wilson, Secretary of Agriculture, "THE USE BOOK - Regulations and Instructions for the Use National Forest Reserves"
Issued by the Secretary of Agriculture, July 1, 1906
The U.S. Government Printing Office, Washington, D.C. 203pp
 5. Gifford Pinchot, "THE TRAINING OF A FORESTER" by the first Chief of the USDA Forest Service; Pages 46-50 describes the responsibilities of the Forest Supervisor and related line positions which are responsible for the "protection, use and care" of the National Forests.
J. B. Lippincott Company, Philadelphia and London; 149pp
 6. Lawrence W. Rakestraw, "A HISTORY OF THE UNITED STATES FOREST SERVICE IN ALASKA" - A cooperative publication of the Alaska Historical Commission, Department of Education, State of Alaska; and the Alaska Region, United States Forest Service, Department of Agriculture with the assistance of the Alaska Historical Society. Anchorage, Alaska 1981 221pp
(Chapter 5, pages 83-116 includes a discussion of the establishment of the Alaska District (Region) Office in 1919)
 7. U.S. Senator Max Baucus' December 9, 1994 letter to Under Secretary of Agriculture James Lyons noting the unfortunate lack of information provided by the USDA explaining the rationale for the proposed actions. A listing of 18 questions regarding the Reinvention Project was sent to Mr. Lyons.
 8. USDA Forest Service Handbook No. 453, "THE PRINCIPAL LAWS RELATING TO FOREST SERVICE ACTIVITIES"
U.S. Government Printing Office, Washington, D.C. 591pp
 9. Effective forest management models are available in most regions of the nation. New models are also in development, such as those represented by the Sierra-Nevada Ecosystem Studies and the Plumas-Lassen National Forest management proposal.
- * NOTE: This draft paper (1/6/95) has been prepared by an ad hoc group of professional resource managers and public administrators (mostly retired U.S. Forest Service employees) from various parts of the nation who advocate major improvements in the new Strategic Plan for the Forest Service, approved by USDA Secretary Espy.

JOHN A. SANDOR

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Juneau, Alaska 99802-1135*

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January 12, 1995

M.J. (Jean) Hassell
Commissioner
Arizona State Land Department
1616 West Adams, Suite 329
Phoenix, Arizona 85007 FAX: (602) 542-2590

Dear ~~Commissioner~~ Hassell:

Thank you for sending Governor Fife Symington's Arizona Land Policy 2000 draft proposal and related information. The State of Arizona's "reinvention of government" strategy is an excellent proposal to break the gridlock that has paralyzed forest management in virtually all of the western states.

I was surprised to read that this strategy was formally presented to Secretary Babbitt (copy to Secretary Espy) as early as July 14, 1993 - yet this unique and promising strategy is not represented in the U.S. Forest Service's Strategic Plan approved by Secretary Espy last month. In fact, the new Forest Service Strategic Plan actually reduces decentralized decisionmaking in states and communities in favor of centralizing federal decisionmaking with the Chief of the Forest Service and Secretary of Agriculture personnel in Washington, D.C.

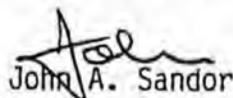
The State of Alaska, Montana and others have protested the approval of this new strategic plan without consultation of the elected leaders of our states. It appears your Governor and the Arizona Congressional Delegation were not informed and involved in the Forest Service's process of developing its new Strategic Plan.

Representatives of the Northern Rocky Mountain Retirees Association and others from Alaska, Idaho, etc. will be meeting in Missoula, Montana to consider a formal response to the new Forest Service Strategic Plan. A draft of a paper to be considered at that meeting is enclosed.

Please note the reference to Governor Symington's proposal in the paper. I believe the Governor's strategy is right on target, so will be recommending to the assembled group that we endorse that and other state/local government steps to bring decisionmaking authority to states and local governments. I hope this reference to the Governor's strategy is acceptable to your state.

Once again, I appreciated receiving this information, and the opportunity to again visit with you on crucial resource management issues that are so important to the people of our states.

Sincerest regards,


John A. Sandor

Enclosure: January 6, 1995 memo to the Alaska Congressional Delegation



STATE OF ARIZONA
EXECUTIVE OFFICE

FIFE SYMINGTON
Governor

May 19, 1994

The Honorable Bruce Babbitt
Secretary, Department of the Interior

The Honorable Mike Espy
Secretary, Department of Agriculture

Dear Secretary Babbitt, Secretary Espy:

On Wednesday, May 18, I addressed an assembly of public land "stakeholders" on the topic of creating a vision for public land management in Arizona. By design, this Forum was intended to provide state leaders with an opportunity to formulate a cohesive strategy for addressing land management challenges.

During the course of public discussion over issues, such as Rangeland Reform and Mining Law Reform, I have grown increasingly aware of the structural difficulties that prevent professional land managers from doing their jobs effectively. Some of these impediments are endemic to a democracy. Others, however, are the result of the evolution of the state and federal land agencies and their authorities. This evolution has not resulted in a rational design. In fact, my contention is that this structure is designed for gridlock.

Enclosed with this letter is a copy of the speech I delivered on Wednesday, as well as a proposal for correcting these structural deficiencies. As a result of this meeting, I expect some modifications in this proposal may be necessary before it is formally presented to you for review and response. However, I wanted to give you an opportunity to review the initial offering. It occurs to me that this kind of reorganization is consistent in many ways with some of your proposals for the development of state standards and guidelines in the latest version of Rangeland Reform.

The Honorable Bruce Babbitt
The Honorable Mike Espy
May 19, 1994
Page Two

This proposal is not an effort to "take over federal lands", to "gut the Endangered Species Act" or to, in any way, change the legal mandates that govern your operations. It is simply an attempt to bring management decisions out of the Courts and national political arena and back to ground level where it belongs.

My staff and I are prepared to meet with you at any time to address questions or concerns you may have with this proposal. In the near future, it may be valuable for us to sit down together and work through this matter in a very detailed way.

Sincerely,

A handwritten signature in black ink, appearing to read "Fife Symington". The signature is stylized and written in a cursive-like font.

Fife Symington
GOVERNOR

FS/jk

Enclosures

LAND POLICY 2000

delivered May 18, 1994

Flagstaff, Arizona

by Governor Fife Symington

I want to start off my remarks today with what may be a controversial statement. Bruce Babbitt is right. We do live in a NEW WEST. Our region has experienced very dramatic changes in our demographics, our culture and our economic base.

Secretary Babbitt thinks that means that there is a new political ethic in the West that supports protection of our natural beauty, and promotion of environmental values. Once again, I think he is right.

As I have traveled this state, I have met the rancher who has changed his grazing methods. He is working to protect riparian areas, to ensure that native grasses thrive, and to prevent his cattle from destroying the forage he needs for the future. He is also teaching others what he knows.

I have met the miner who prefers to live in a small community -- away from the bright and dangerous lights of the city. On weekends he takes the kids fishing in the stream that runs by the mine where he works.

I have met the environmental activist who put aside his preconceptions, and spent some time talking to his opponents. And he discovered that he and the rancher agreed about a lot of things.

And I have met the logger who has worked in Arizona's forests, and who has seen the devastation of the Dude Fire. He is trying to find a way to use timber management as a method to protect the big yellow belly pines and the wildlife. He wants to take out some of the smaller trees that natural fires would have eliminated safely before there got to be too many.

We are the
ones fighting
for change.
Above all, we
are fighting for
common
ground.

But Secretary Babbitt thinks these people are fighting to protect the status quo. I know that we are the ones fighting for change. Above all, we are fighting for common ground.

I don't mind a good fight, but I am tired of the way the public lands debate has been carried on.

What I propose that we begin to talk about today is a fundamentally different management structure for public lands in the West. Not an untested, unknown formula, but rather a method for enhancing the ability of individuals and governments to make affirmative decisions to carry out the activities we agree are necessary.

The fundamental test of legitimacy for any government is this: If it cannot function effectively, efficiently and with purpose, then it should not pretend to. It should not hinder the efforts of people to do good works. And today, it is doing just that.

The federal government should not hinder the efforts of people to do good works. And today, it is doing just that.

This is not a matter of doing battle with the federal government. I am not opposed to fighting battles where I believe it is appropriate. Battles can and should be fought when the federal government attempts to take on responsibilities it should not; or when it attempts to prevent states and communities carrying out their legitimate responsibilities and activities.

But my proposal today is not about fighting. It is about ideas. No battle is worth fighting unless you have an idea for a better way.

I believe the federal government does have a legitimate interest in the condition of our lands, and in ensuring its sustainability, and the utilization of these lands for a variety of purposes, including the protection of wildlife populations.

But there is a disconnect today between the federal interest in lands, and their ability to do what is necessary on behalf of those lands. Everyone is frustrated. Wildlife managers, hikers, miners, cattlemen, birders -- the sense of helplessness and concern is everywhere.

In 1992, the U.S. Forest Service was described as becoming "a Stalinesque bureaucracy that is contemptuous of fair play and the rule of law in a democracy." That complaint did not come from an out of work logger. It came from the Sierra Club Chair in Montana.

What is the state of public land management in Arizona today? We have a situation where important resource decisions are made outside of Arizona. Often, these are by individuals in regional offices whose interest is uniformity, not diversity. If our lands were uniform, then that structure would be rational.

Between these five agencies, four are managed within distinct jurisdictions. For example, the BLM and the Fish and Wildlife Service operate in the Department of Interior. But the Forest Service is in the Department of Agriculture.

2. The talent in federal and state agencies exists to undertake a change of this magnitude. This proposal requires a change in culture as much as structure. Without the personnel talent, structural change will have little effect.
3. In order to carry out this proposal, we must abide by all existing federal public laws and state statutes that mandate the utilization and protection of this states' natural resources. We are not looking here for an exemption from federal requirements. Instead, we hope to demonstrate that a new structure can more effectively manage these lands within the context of federal and state requirements.
4. The five agencies selected for this proposal have obvious redundancies and duplication. Other agencies may be considered for future inclusion, but these first five are the most logical to start with.
5. By placing the management structure in closer proximity to the residents that live here, we empower Arizonans to have a powerful impact on their own future, and the future of their children. Without this power, we become insulated from the consequences of our own actions.
6. Multiple use lands can and should be managed with an integrated ecosystem focus.
7. The flow of public funds should continue from the existing federal and state fund sources. Revenues from the land should accrue back to the appropriate jurisdiction.
8. By improving management process, and eliminating unnecessary structure, we enhance the availability of resources to perform the functions of management. Our preliminary estimates indicate a savings in personnel costs of ten to fifteen percent. Additional savings would be possible due to the potential consolidation of offices and the reduction of federal positions outside Arizona.

The new Arizona Resource Management Agency would consist of several important functions:

- A central office with zone and field offices throughout the state. I have a map to demonstrate a possible configuration.
- A Natural Resources Advisory Council, consisting of federal, state and public stakeholders to advise the agency director on policy matters.
- A Natural Resources Appeals Commission which would have quasi-judicial responsibilities to review decisions by the agency.

While each of those programs has problems unique to the subject, I am convinced that land management is in dire need of the same state autonomy.

It is a dramatic departure from the way public land management has developed over the last century. The controversies that have sparked the so-called "Sagebrush Rebellion" and the recent debates over mine reform and rangeland reform are symptoms of the underlying problem. The bitter arguments over public land policy are self-perpetuating and self-defeating. The constituency that is damaged directly by this gridlock on the public lands is the public.

I offer this idea as a starting point. Above all, we do need to establish common ground between competing and diverse interests. There is a lot of ground to cover.

The bitter arguments over public land policy are self-perpetuating and self-defeating.

Today, and in the weeks and months to come, your task is to analyze this proposal, and to suggest areas and ideas for its improvement and refinement. All such suggestions will be seriously considered.

If we do live in a New West, why should our institutions of government be restrained by traditional ways of thinking and doing. We need to unchain our citizens from the shackles of bureaucracy, and create a new order where the citizens have a voice, and an opportunity to shape the vision for the land in which they live.

* * * * *

SJR

27

HOUSE COMMITTEE REPORT

(9)

Date Referred: April 29, 1995

FURTHER REFERRALS:

Date of Committee Action: 5-3-95

The RESOURCES Committee considered:

CSSJR 27(RES)

CS FOR SENATE JOINT RESOLUTION NO. 27(RES)

ENDORISING FALLS CREEK HYDROPOWER PROJECT

Endorsing development of the Fall Creek hydroelectric project near Gustavus.

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

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Inter: _____

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) DNR 4-27-95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Pete Koop</i>			✓	
<i>(blank) (blank)</i>	✓			
<i>Joseph</i>	✓			
<i>Joseph</i>	✓			
<i>W.K. Williams</i>	✓			
<i>John N. Davis</i>			✓	

CHAIR'S SIGNATURE *Joseph*



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 480-5259 (FAX ALSO)
DURING SESSION:
STATE CAPITOL, JUNEAU, ALASKA 99801-1182 • (907) 485-3473 • FAX: (907) 483-3043

DISTRICT C

KODIAK ISLAND • RURAL SOUTHEAST • SOUTH KENAI PENINSULA

Sponsor's Statement

SJR 27

SJR 27 has been introduced to help address the long term energy needs of Gustavus and the Glacier Bay area. There is a stream and waterfall close to the town - Fall Creek - that lends itself to harnessing for power generation. It is located within the boundary of Glacier Bay National Park, and therefore it will take Congressional action to change the land designation. Our Congressional delegation in Washington plans to address this issue soon, and they have indicated that strong state endorsement would aid them.

At present, there are two separate diesel power-generating plants - one for the town, and one for Park Headquarters. Each requires the maintenance of a dock, distribution system, and storage tanks. Neither generating facility is adequate to meet the long term needs of the area.

Fall Creek has been identified as a site that could be developed to meet the needs of the growing community and Glacier Bay National Park with relatively small impact on the surrounding area. The hydropower project would result in significant cost savings to the state and lower power costs to the users, and I believe it is good public policy to encourage this type of development.

FISCAL NOTE

Bill Version: SJR 27
 (S) Publish Date: 4-27-95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources
 Title: Endorsing development of the Falls Creek BRU: Resource Development
hydropower project Component: Land Development
 Sponsor: Senator Zharoff
 Requestor: Senate Resources Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY95) cost: \$ None

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact associated with passage of this resolution.

Prepared by: Ron Swanson, Director Phone: 762-2692
 Division: Land Date: 25-Apr-95
 Approved by Commissioner: John Shively by Jim Bus Date: 4-25-95
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DIS For further distributio

LEGISLATIVE OFFICE Office

SJR

37

**ADMINISTRATIVE SERVICES
PERSONAL SERVICES DETAIL**

CURRENT YEAR FY 96							BUDGET YEAR FY 97			
CLASSIFICATION TITLE	PCN	RANGE	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY
1 EXECUTIVE DIRECTOR	2101	28	1	12	6,988	83,856	1	12	6,988	83,856
2 ADMINISTRATIVE ASSISTANT	2103,12	16	2	24	3,541	84,996	2	24	3,601	86,436
3 DEPUTY DIRECTOR	2102	23	1	12	5,084	61,008	1	12	5,270	63,240
4 ACCOUNTANT II	2105	16	1	12	3,785	45,420	1	12	3,785	45,420
5 ACCOUNTANT I	2106	14	1	12	3,057	36,684	1	12	3,057	36,684
6 ACCOUNTING TECHNICIAN	2107	12	1	12	2,565	30,780	1	12	2,565	30,780
7 DATA PROCESSING MANAGER	2301	24	1	12	6,502	78,024	1	12	6,502	78,024
8 ADMINISTRATIVE ASSISTANT	2302	14	1	12	2,652	31,824	1	12	2,405	28,860
9 SYSTEMS PROGRAMMER IV	2303	24	1	12	6,502	78,024	1	12	6,502	78,024
10 SYSTEMS PROGRAMMER III	2304,5	21	2	24	4,310	103,440	2	24	4,335	104,034
11 ANALYST/PROGRAMMER IV	2306,7	19	2	24	4,475	97,798	2	24	4,475	107,400
12 ANALYST/PROGRAMMER II	2308	17	1	12	3,761	45,132	1	12	3,761	45,132
13 ELECTRONICS TECHNICIAN	2310	17	1	12	3,761	45,132	1	12	3,902	46,824
14 ELECTRONICS TECH ASSISTANT	2311	14	1	12	3,057	36,684	1	12	3,172	38,064
15 TRAINING TECHNICIAN I	2312	13	1	12	2,746	32,952	1	12	2,846	34,152
16 TRAINING TECHNICIAN II	2313,09	14	2	24	2,869	68,009	2	24	3,093	74,242
17 TRAINING TECHNICIAN III	2314	17	1	12	3,761	45,132	1	12	3,761	45,132
18 BUILDING MANAGER	2401	21	1	12	5,496	65,952	1	12	5,496	65,952
19 MAINTENANCE WORKER	2402	16	1	12	3,785	45,420	1	12	2,945	35,340
20 SECRETARY	2403	12	1	12	2,259	27,108	1	12	2,405	28,860
21 MAINTENANCE FOREMAN	2404	17	1	12	4,048	48,576	1	12	4,048	48,576
22 SUPPLY OFFICER III	2501	18	1	12	3,394	40,728	1	12	3,516	42,192
23 SUPPLY OFFICER I	2502	14	1	12	3,057	36,684	1	12	3,057	36,684
24 MAIL CLERK	2503	10	1	12	2,259	27,108	1	12	2,259	27,108
25 MAINTENANCE WORKER/CUSTODIAN SUPV	2405	13	1	12	2,565	30,780	1	12	2,652	31,824
26 CUSTODIAN	2406,9	8	4	48	1,778	85,344	4	48	1,887	89,094
27 HUMAN RESOURCE MANAGER	2108	20	1	12	4,605	55,260	1	12	4,605	55,260
28 PERSONNEL ASSISTANT II	2109	16	1	12	3,057	36,684	1	12	3,156	37,872
29 PERSONNEL ASSISTANT I	2110	14	1	12	3,057	36,684	1	12	2,565	30,780
30 PERSONNEL TECHNICIAN	2111	12	1	12	2,259	27,108	1	12	2,259	27,108
31 PRINT SHOP MANAGER	2201	22	1	12	6,107	73,284	1	12	6,107	73,284
32 DUP SVCS SPECIALIST I	2203,5	17	3	36	4,054	145,944	3	36	4,054	145,944

C100 PERSONAL SERVICES

AGENCY Legislative Affairs Agency
 BRU Legislative Council
 COMPONENT Administrative Services

FY 97

Page 8 of 64 pages
 Date: 2-15-96

**ADMINISTRATIVE SERVICES
PERSONAL SERVICES DETAIL**

CURRENT YEAR FY 96							BUDGET YEAR FY 97			
CLASSIFICATION TITLE	PCN	RANGE	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY
33 ADMINISTRATIVE ASSISTANT	2602	12	1	12	2,751	33,012	1	12	2,854	34,248
34 TELECONFERENCE COORDINATOR	2603	15	1	12	3,399	40,788	1	12	3,399	40,788
35 INFORMATION & TELECONFERENCE MGR.	2601	21	1	12	4,605	55,260	1	12	4,750	57,000
36 REG INFORMATION OFF - ANCHORAGE	2604	17	1	12	4,048	48,576	1	12	4,048	48,576
37 LEGIS INFORM ASST - ANCHORAGE	2605	14	1	12	3,291	39,492	1	12	3,291	39,492
38 LEGIS INFORM ASST - ANCHORAGE	2606	12	1	12	2,751	33,012	1	12	2,751	33,012
39 INFORM & TELEC ASST MGR - FAIRBANKS	2607	18	1	12	4,310	51,720	1	12	4,442	53,304
40 LEGIS INFORM ASST - FAIRBANKS	2608	12	1	12	3,057	36,684	1	12	3,172	38,064
41 FIELD INFORMATION OFFICER - KENAI	2609	15	1	12	3,276	39,312	1	12	3,276	39,312
42 FIELD INFORMATION OFFICER - KETCHIKAN	2610	15	1	12	3,526	42,312	1	12	3,526	42,312
43 FIELD INFORMATION OFFICER - KODIAK	2611	15	1	12	3,648	43,776	1	12	3,648	43,776
44 FIELD INFORMATION OFFICER - MAT-SU	2612	17	1	12	4,182	50,184	1	12	4,182	50,184
45 FIELD INFORMATION OFFICER - SITKA	2613	15	1	12	3,521	42,252	1	12	3,521	42,252
46 FIELD INFORMATION OFFICER - KOTZEBUE	2614	15	1	12	4,310	51,720	1	12	4,310	51,720
47 FIELD INFORMATION OFFICER - NOME	2615	15	1	12	4,609	55,308	1	12	4,782	57,384
48 FIELD INFORMATION OFFICER - BETHEL	2616	15	1	12	4,155	49,860	1	12	4,310	51,720
49 FIELD INFORMATION OFFICER - BARROW	2617	16	1	12	4,928	59,136	1	12	5,113	61,356
TOTAL FULL TIME POSITIONS			58	696		2,559,962	58	696		2,586,682
50 TRAINING TECHNICIAN I	2315	13	1	6	2,405	14,430	1	6	2,405	14,430
51 CITATION SECRETARY	2104	12	1	6.5	2,405	15,633	1	6.5	2,405	15,633
52 DATA PROCESSING TECHNICIAN	2316	12	1	6	2,259	13,554	1	6	2,259	13,554
53 SUPPLY CLERK	2504-5	9	2	14	2,001	28,014	2	14	2,001	28,014
54 MAIL CLERK	2506	9	1	5	1,945	9,725	1	5	1,945	9,725
55 PRINT SHOP MAILROOM CLERK	2206	12	1	9	2,405	21,645	1	9	2,405	21,645
56 DOCUMENTS CLERK	2207-9	12	3	15	2,405	36,075	3	15	2,405	36,075
57 MACHINE OPERATOR	2210-12	15	3	15	2,945	44,175	3	15	2,945	44,175
58 COLLATOR	2213-15,17	12	4	22	2,405	52,910	4	22	2,405	52,910
59 2ND FLOOR COPIER OPERATOR	2216	12	1	5	2,405	12,025	1	5	2,405	12,025
60 LEGIS INFORM ASSISTANT - KENAI	2618	12	1	5	2,480	12,400	1	5	2,480	12,400

C100 PERSONAL SERVICES

AGENCY Legislative Affairs Agency

BRU Legislative Council

COMPONENT Administrative Services

FY 97

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Date: 2-15-96

**ADMINISTRATIVE SERVICES
PERSONAL SERVICES DETAIL**

CURRENT YEAR FY 96							BUDGET YEAR FY 97				
CLASSIFICATION/TITLE	PCN	RANGE	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY	
61	LEGIS INFORM ASSISTANT - MAT-SU	2619	12	1	5	2,652	13,260	1	5	2,652	13,260
62	FIELD INFORM OFFICER - DELTA JUNCTION	2620	15	1	6	3,762	22,572	1	6	3,762	22,572
63	FIELD INFORM OFFICER - PETERSBURG	2621	15	1	6	2,945	17,670	1	6	2,945	17,670
64	FIELD INFORM OFFICER - VALDEZ	2622	15	1	6	3,394	20,364	1	6	3,394	20,364
65	FIELD INFORM OFFICER - GLENNALLEN	2623	15	1	6	3,276	19,656	1	6	3,276	19,656
66	LEGIS INFORMATION ASST - JUNEAU	2624-26	12	3	15	2,282	34,225	3	15	2,327	34,905
67	LEGIS INFORMATION ASST - ANCHORAGE	2627	12	1	5	2,479	12,395	1	5	2,479	12,395
68	LEGIS INFORMATION ASST - FAIRBANKS	2628	12	1	5	2,945	14,725	1	5	2,945	14,725
69	LEGIS INFORMATION ASST - TOK	2629	15	1	6	3,276	19,656	1	6	3,276	19,656
70	LEGIS INFORMATION ASST - HOMER	2630	15	1	6	3,057	18,342	1	6	3,057	18,342
71	FIELD INFORM OFFICER - DILLINGHAM	2631	15	1	6	3,885	23,310	1	6	3,885	23,310
72	FIELD INFORM OFFICER - CORDOVA	2632	15	1	6	3,276	19,656	1	6	3,276	19,656
73	FIELD INFORM OFFICER - SEWARD	2633	15	1	6	3,057	18,342	1	6	3,057	18,342
74	MACHINE OPERATOR	2202	15	1	5.5	3,276	18,018	1	5.5	3,658	20,119
TOTAL PERMANENT PART TIME POSITIONS			35	198		532,777	35	198		535,558	
MAINTENANCE AND SUPPLY CASUAL LABOR POOL											
75	MAINTENANCE WORKER	2410	15		13	2,746	43,873		13	2,746	43,994
76	MAINTENANCE WORKER	2411	8		12	1,778	26,222		12	1,778	26,294
77	CUSTODIAN	2412	8		6	1,778	13,111		6	1,778	13,147
78	SUPPLY CLERK	2507	9		12	1,887	27,829		12	1,887	27,906
PERSONNEL CASUAL LABOR POOL											
79	TCUR GUIDE	2198	9		10	1,945	23,904		10	1,945	23,970

C100 PERSONAL SERVICES

AGENCY Legislative Affairs Agency
 BRU Legislative Council
 COMPONENT Administrative Services

FY 97

**LEGAL AND RESEARCH SERVICES
PERSONAL SERVICES DETAIL**

CURRENT YEAR FY 96							BUDGET YEAR FY 97				
CLASSIFICATION TITLE	PCN	RANGE	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY	# OF POS	# OF MOS	MONTHLY SALARY	ANNUAL SALARY	
1	LEGAL DIRECTOR	6101	26	1	12	7,246	86,952	1	12	7,246	86,952
2	ATTORNEY III	6102	23	1	12	6,082	72,984	1	12	6,082	72,984
3	ATTORNEY V - REVISOR	6103	25	1	12	6,497	77,964	1	12	6,497	77,964
4	ATTORNEY III	6104-6107	23	4	48	6,139	294,672	4	48	6,139	294,672
5	SPECIAL ASSISTANT	6108	20	1	12	4,957	59,484	1	12	4,957	59,484
6	LEGAL EDITOR	6109	20	1	12	4,957	59,484	1	12	4,957	59,484
7	ASSISTANT LEGAL EDITOR	6110	16	1	12	3,516	42,192	1	12	3,648	43,776
8	PARALEGAL ASSISTANT II	6111	15	1	12	3,526	42,312	1	12	3,526	42,312
9	LIBRARIAN	6113	17	1	12	3,902	46,824	1	12	4,048	48,576
10	LIBRARY ASSISTANT II	6114	13	1	12	2,953	35,436	1	12	3,064	36,768
TOTAL FULL TIME POSITIONS			13	156		818,304	13	156		822,972	
11	RESEARCH MANAGER	6150	21	1	10	4,155	41,550	1	10	4,310	43,100
12	LEGISLATIVE ANALYST	6151	16	1	10	2,945	29,450	1	10	3,057	30,570
13	LEGISLATIVE ANALYST	6152	17	1	8	3,902	31,216	1	8	3,902	31,216
14	LEGISLATIVE ANALYST	6153	17	1	9	3,761	33,849	1	9	3,761	33,849
15	LEGISLATIVE ANALYST	6154	17	1	7	3,516	24,612	1	7	3,637	25,459
16	ATTORNEY IV - ASST. REVISOR	6115	24	1	8	5,446	43,568	1	8	5,446	43,568
17	ATTORNEY III	6116	23	1	9	5,872	52,848	1	9	5,872	52,848
18	ATTORNEY III	6117	23	1	9	5,270	47,430	1	9	5,270	47,430
19	ENROLLER	6118-6121	15	4	20	3,276	65,520	4	20	3,276	65,520
20	SECRETARY	6123	12	1	9	2,652	23,868	1	9	2,652	23,868
21	SECRETARY	6112	12	1	10	2,751	27,510	1	10	2,751	27,510
22	ENROLLER	6122	15	1	5	2,945	14,725	1	5	2,945	14,725
23	SECRETARY	6124	14	1	6	2,746	16,476	1	6	2,746	16,476
24	MESSENGER	6125	10	1	5	2,064	10,320	1	5	2,064	10,320
TOTAL PART-TIME POSITIONS			17	125		462,942	17	125		466,459	

C100 PERSONAL SERVICES

AGENCY Legislative Affairs Agency
 BRU Legislative Council
 COMPONENT Legal and Research Services

FY 97

Alaska State Legislature

District Address

145 Main St. Loop; Suite 226
Kenai, Alaska 99611
(907) 283-2690 • Fax 283-9267



Session Address

State Capitol; Room 427
Juneau, AK 99801-1182
(907) 465-2828; fax 465-4779

Senator John Torgerson

SPONSOR STATEMENT

SJR 37 - Primary Manufacturing of Publicly Owned Timber

This resolution urges Congress to provide the authority necessary for the State of Alaska to regulate, restrict or prohibit the export of unprocessed logs from State Lands, Municipal Lands, and the University of Alaska Lands.

In 1984, the Supreme Court ruled that Alaska's Primary Manufacture laws were in conflict with the Commerce Clause of the United States Constitution, where the requirement of in-state manufacture placed an unauthorized restriction of the free trade between states.

In 1990, Congress adopted the Forest Resources Conservation and Shortage Relief Act, which in part authorized eleven Western States an exemption to the Commerce Clause. This exemption has led these states to restrict the purchase of timber to only entities that are operating within their borders.

Alaska was not included in this legislation, therefore authorizing other states to come to Alaska and purchase our raw materials and "export" them from Alaska to their own state. However, Alaska's manufacturers are restricted from going to any of the other states in search of raw timber to run our facilities.

When authorized by congress, primary manufacturing of our timber resources will create value added jobs within the State. We will be using our raw materials to provide jobs for Alaskans.

(JT: maj; SJR 37: 2/29/96)

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 1
Bill Version: SJR 37
(S) Publish Date: 3/12/96

Revision Date: Initial Dept. Affected: _____
 Title: Primary Manufacturing of Publicly BRU: _____
 w. Timber Component: _____
 Sponsor: Senator Torgerson
 Requester: Senate Resources Committee COMPONENT SERIAL NO. _____

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This resolution will have no fiscal impact on state departments.

Prepared by: Senate Resources Committee Phone: 465-4907
 Division: _____ Date: _____
 Approved by: Chairman, Senator Loren Leman Date: 3/7/96
 Agency: _____

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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BILL: SJR 37

SHORT TITLE: PRIMARY MFG OF PUBLICLY OWNED TIMBER

BILL VERSION:

SPONSOR(S): SENATOR(S) TORGERSON; REPRESENTATIVE(S) Navarre

CURRENT STATUS: (H) RES

STATUS DATE: 03/26/96

HEARING: (H) RES APR 17 08:00 AM CAPITOL 124 . TELECONFERENCE

TITLE: Urging the United States Congress to give an affirmative expression of approval to a policy authorizing the state to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska.

02/12/96	2381	(S)	READ THE FIRST TIME - REFERRAL(S)
02/12/96	2382	(S)	RESOURCES
03/12/96	2705	(S)	RES RPT 6DP
03/12/96	2705	(S)	ZERO FISCAL NOTE (S.RES)
03/25/96	2865	(S)	RULES RPT 2CAL 1NR 1OTHER 3/25/96
03/25/96	2883	(S)	READ THE SECOND TIME
03/25/96	2883	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/25/96	2883	(S)	READ THE THIRD TIME SJR 37
03/25/96	2883	(S)	PASSED Y20 N-
03/25/96	2886	(S)	TRANSMITTED TO (H)
03/26/96	3360	(H)	READ THE FIRST TIME - REFERRAL(S)
03/26/96	3360	(H)	RESOURCES
03/26/96	3381	(H)	CROSS SPONSOR(S): NAVARRE

SJR

38

U.S. Department of Energy Congressional Priorities for 1996

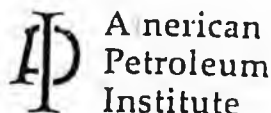
Dirk Forrister
Assistant Secretary for Congressional
and Intergovernmental Affairs
U.S. Department of Energy

Clearly one of the primary energy issues facing Congress this year is the debate over electric restructuring, although the outlook for completion of such legislation is far from certain. The U.S. Department of Energy will also be addressing its budget before the Congress in the coming weeks, impacting Department activities ranging from the fossil energy program to the national labs. Finally, the intersection of electric restructuring, Clean Air Act amendments and the debate over global climate change is sure to draw attention.

Toxic Release Inventory - One Size Does Not Fit All

Mark Rubin
Exploration and Production Environmental Coordinator
American Petroleum Institute

Upcoming U.S. Environmental Protection Agency (EPA) regulations could impose a major new reporting burden on the oil and gas exploration and production (E&P) industry. If covered by the expansion of the Toxic Release Inventory Program (TRI), thousands of E&P facilities encompassing over 40 percent of the oil and gas wells in the U.S. will have to report their discharges to air, water, land, and even underground oil and gas reservoirs. The result: significant costs to the E&P industry, misleading press reports, duplicative reporting, inefficient use of company resources -- and no environmental benefits.



Mark Rubin
Exploration and
Production Coordinator

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Tel 202-682-8057
Fax 202-682-8426
E-mail rubinm@api.org

TRI – One Size Does Not Fit All

Why Expanding the Toxic Release Inventory to the Oil and Gas Exploration and Production Industry Doesn't Make Sense

Upcoming U.S. Environmental Protection Agency (EPA) regulations could impose a major new reporting burden on the oil and gas exploration and production (E&P) industry. If covered by the expansion of the Toxic Release Inventory Program (TRI), thousands of E&P facilities encompassing over 40% of the oil and gas wells in the U.S. will have to report their discharges to air, water, land, and even underground oil and gas reservoirs. The result: significant costs to the E&P industry, misleading press reports, duplicative reporting, inefficient use of company resources -- and no environmental benefits.

What is TRI?

The Toxic Release Inventory is EPA's program for providing information to the public on releases of toxic chemicals into the environment. Each year, industries covered by the program must report releases of over 600 toxic chemicals. Most of these reported "releases" are safe, legal, permitted disposal, recycling, and air emissions.

Currently, only manufacturing facilities must report under TRI. However, during the next year, EPA may expand the program to cover a host of additional industries -- including E&P facilities.

Why E&P?

Last year, EPA prepared "profiles" of 25 industries not currently reporting under TRI to determine whether their releases warrant inclusion in the program. Based on these profiles, EPA has targeted 14 industries, including E&P, for the program expansion.

EPA's goal in expanding TRI to additional industries is to "provide the public with a more comprehensive picture of toxic releases." In the case of E&P, however, expansion will only give

the public an inaccurate impression of an industry that is already regulated according to the low risk posed by its operations.

One of the most misleading and inappropriate requirements for E&P facilities would be reporting underground injection as a "release" to the environment. Because produced water and associated wastestreams are injected thousands of feet below drinking water zones -- and usually into oil and gas reservoirs -- there is practically no potential for public exposure from these operations. In addition, because the vast majority of E&P facilities are in remote, rural areas -- or are far offshore -- they are miles from the nearest community. Reporting E&P releases, therefore, provides little, if any, environmental benefit.

EPA's profiles assume that "typical" releases for a given industry remain constant. This assumption is wrong for E&P operations, where the concentrations of chemicals in wastestreams change constantly. Because of this variability in the streams, the *only* way for E&P facilities to ensure accurate reports is for operators to perform regular, expensive wastestream tests. The accounting burden for collecting this virtually valueless data is huge.

EPA wants to expand the TRI program to give the public better information about toxic chemicals in their communities. The truth is, however, that E&P facilities have fundamentally different operations than the manufacturing facilities already covered by TRI. E&P facilities would be forced to spend a substantial amount of time and manpower trying to figure out how to make their operations "fit" into the TRI program. In short, TRI reporting just doesn't make sense for the E&P industry.

What Would Expansion to E&P Facilities Mean?

Expansion of the TRI program to E&P facilities would impose an expensive, unnecessary paperwork requirement on an already economically distressed industry.

Specifically, TRI expansion would result in a **costly reporting burden** for E&P facilities. According to a recent study by the American Petroleum Institute, the potential costs of such an expansion would be over \$200 million in the first

year alone. This money would be spent testing wastestreams, filling out forms, and figuring out how to report under an inappropriate program. Over 4,700 facilities, encompassing over 40% of the oil and gas wells in the U.S., would be subject to this unnecessary requirement. In addition, an independent study by the U.S. Department of Energy estimates that the costs could be even higher -- with impacts into the billions of dollars.

Tragically, companies would be spending this money to provide virtually *no* environmental benefit, since the remoteness of E&P facilities means that their "releases" pose minuscule risks to the public. In addition, because TRI reporting requirements would require a great deal of interpretation for the E&P industry, expansion could expose facilities to substantial liability for administrative errors in reporting. Penalties for such unintended violations could reach up to \$25,000 a day!

The potential to mislead the public is another negative result of E&P reporting under TRI. A recent *Bakersfield Californian* headline, "Elk Hills Tops Kern's List of Toxic Polluters," illustrates the kind of confusion and misinformation that results when the media take release data out of context. In this case, the U.S. Department of Energy's Naval Petroleum Reserve voluntarily reported release information from its Elk Hills production facility in Kern County, California.

At Elk Hills, 99% of the reported releases were strictly regulated underground injection. When the public and the press received the data about these releases, no one told them that the "pollution" from the facility was being injected into oil and gas reservoirs with no possibility of public exposure.

TRI expansion to the E&P industry also would divert company resources away from pollution prevention efforts toward expensive testing and release calculation activities. For example, in its second year of reporting, Elk Hills devoted additional resources to characterizing its variable product streams in order to do more accurate calculations that would show how low its releases really are. Had such recalculation not been necessary, this money could have been spent

on more productive environmental protection activities.

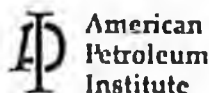
Proponents of expanded TRI reporting argue that public attention to the volumes and types of chemicals released into the environment provides an incentive for companies to prevent pollution. For E&P facilities, "release" reduction can only be achieved through reductions in the amount of oil and gas produced. The TRI program will create perverse incentives for E&P operators to eliminate so-called "releases" by shutting in oil and gas production wells.

Conclusion

At a time when Congress and the public favor relief for industry and the states from costly and bureaucratic reporting and recordkeeping requirements and when the Administration is encouraging "common sense" regulation, EPA is threatening to impose a needless, unreasonable burden on the domestic oil and gas production industry. Communities have the right to know about potential threats to their health and the environment. But there is *no* reason to mislead the public with confusing information on releases that pose virtually no threat.

Right-to-know laws should not be used as a right to mislead. The public has a right to expect that taxpayer money is going to protect human health and the environment against *real* threats. Held up to the lens of cost-effectiveness, environmental benefits, and appropriateness, EPA's proposed expansion of the TRI program to the E&P industry is not sound public policy.

If you would like further information on how TRI expansion could affect the E&P industry, please call Mark Rubin of the American Petroleum Institute at (202) 682-8057.



1220 L Street, Northwest
Washington, D.C. 20005-4070
202-682-8000

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103. FACILITY COVERAGE AMENDMENT; TOXIC CHEMICAL RELEASE REPORTING; COMMUNITY RIGHT-TO-KNOW

Agency: Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances

Priority: Other Significant

Legal Authority: 42 USC 11013; 42 USC 11023; 42 USC 11048; 42 USC 11076; EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The original Toxics Release Inventory (TRI) required reporting from facilities in Standard Industrial Classification (SIC) codes 20-39. These SIC codes cover manufacturing facilities only. This requirement was imposed under the Emergency Planning and Community Right-To-Know Act (EPCRA) section 313(b)(1)(A). The Environmental Protection Agency (EPA) is considering expanding this original list. EPCRA section 313(b)(1)(B) and (b)(2) provide the Administrator with the authority to add or delete SIC codes and the discretion to add particular facilities based on a broad set of factors. EPA is currently conducting analysis to determine which SIC codes (or portions thereof) should be considered for coverage in TRI. Facilities in a broad set of industries are under consideration, including but not limited to, electric utilities, waste management facilities, mining, oil and gas production, materials recovery and recycling, and some warehousing activities.

Statement of Need: TRI is the most complete and accessible source of information for the public on toxic chemical releases in communities across America. The intention of Congress was for TRI, and indeed all of EPCRA, to provide information to local communities. Communities need this information to better understand the nature of the releases at the local level. The intent of TRI has been to share information on releases with local communities to help in their assessments of the risks. This basic local empowerment is the cornerstone of the right-to-know program. Yet TRI collects data from only the manufacturing sector, and for only a subset of toxic chemicals that are introduced into the environment. Congress gave EPA the authority to expand TRI, both in terms of the chemicals reported and the facilities required to report, because it recognized that the American public has a right to know what is happening to the environment near their homes, schools, and businesses. Manufacturing facilities account for only a portion of the toxic chemicals released in the United States. EPA recognizes the reporting burden inherent in TRI, and is continuing to take every reasonable opportunity to reduce this burden. The industries under consideration for addition to TRI would conceivably add significantly to the data available to the public on toxic chemical releases. For this proposal, industries will be selected based on a number of factors including the importance of the releases to the community, the relative rank of release estimates, the relationship of activities in these industries to manufacturing, and the compatibility of these activities with current reporting requirements.

Alternatives: Although data on releases from many of the facilities under consideration can be found, there is no centralized, publicly available, comprehensive, easily understandable, or consistently collected source of information for the public on toxic chemical releases from facilities outside of manufacturing. EPA has examined all available data sources, including information reported under the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act, as well as other sections of EPCRA, State data collection programs, and available data provided by industry. EPA can find no information comparable to the data which TRI provides the American public. Consequently, there are only two alternatives to the expansion of TRI reporting requirements to cover additional facilities: voluntary reporting by facilities or a determination that any additional information TRI might collect from these facilities is of little or no value in terms of community right-to-know.

Anticipated Costs and Benefits: The anticipated costs of this action are unknown at present. The addition of facilities to TRI is intended to expand upon the past success of the program in enabling all interested parties to establish credible baselines and to set realistic goals over time. The information reported in TRI increases knowledge levels of pollutants released to the environment and pathways to exposure, improving scientific understanding of the health and environmental risks of toxic chemicals; allows the public to make informed decisions on where to work and live; enhances the ability of corporate lenders and purchasers to more accurately gauge a facility's potential liability; and assists Federal, State, and local authorities in making better decisions on acceptable levels of toxics in communities.

Risks: Manufacturing facilities, which are currently required to report to TRI, represent only a portion of the facilities that release toxic chemicals in the United States. Although what portion of releases these facilities represent is uncertain, the Congressional Office of Technology Assessment has estimated that the original chemical and facility coverage of TRI in 1987 resulted in data on only 5 percent of releases in the U.S. EPA believes that the public has a right to know about such releases and about what facilities are doing to manage wastes. The public can then use this data to evaluate potential risks from these facilities and to determine how to avoid these risks.

Timetable:

Action	Date	FR Cite
NPRM	03/00/96	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information : SAN No. 3034.

Agency Contact: Susan B. Hazen Environmental Protection Agency Office of Prevention, Pesticides, and Toxic Substances (7408) Washington DC 20460 Phone: 202 260-1024

RIN: 2070-AC71



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3419. CHEMICAL LIST EXPANSION; EMERGENCY PLANNING AND COMMUNITY RIGHT-TO- KNOW ACT SECTION 313

Agency: Environmental Protection Agency/Office of Prevention, Pesticides, and Toxic Substances

Priority: Other Significant

Legal Authority: 42 USC 11013; 42 USC 11023; 42 USC 11048; 42 USC 11076/EPCRA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: The original Toxics Release Inventory (TRI) chemical list consisted of 320 chemicals and chemical categories. In an effort to provide the public with a broader picture of chemicals that will have to submit information for the Toxics Release Inventory in their communities, EPA is expanding the original TRI chemical list. On January 12, 1994 (59 FR 1788), EPA published a proposed rule to add 313 chemicals and chemical categories to the TRI chemical list. Of the 313 chemicals and chemical categories proposed, there are approximately 160 pesticide active ingredients. The chemicals and chemical categories being proposed were selected from numerous other regulatory lists and meet the criteria for human health and environmental toxicity and in addition are extremely toxic to aquatic organisms, EPCRA section 313(d)(2). In addition, the chemicals passed a production volume screen to ensure that reports would be received if the substance is added to the TRI chemical list. Part of this activity included the review of 17 chemicals, previously described in RIN 2070-AC40, 16 of which are from a list of hazardous air pollutants subject to the requirements of the Clean Air Act Amendments of 1990, and one of which was considered for addition due to its extreme aquatic toxicity. Of these 17 chemicals, nine were included in the proposed rule. Linked to this rule is a possible small-source exemption that will provide some measure of relief to the reporting community. This exemption will allow facilities releasing small amounts of listed chemicals to be exempt from full TRI reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/12/94	59 FR 1788
Final Rule	11/30/94	59 FR 61432
Final Action Deferred Chemicals	03/00/96	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAN No. 3007.

Agency Contact: Susan B. Hazen, Environmental Protection Agency, Office of Prevention, Pesticides, and Toxic Substances, 401 M ST SW (7408), Washington, DC 20460 Phone: 202 260-1024

SJR

39



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Nat. Res. Comm.
COMMITTEE ON SJB#39 DATED _____
BILLSUBJECT COMMITTEE NAME

Rep Green

MAR 25 199

SIGNED

TESTIFIER

Quill May Sr.

POLAR MINING INC.

REPRESENTING (OPTIONAL)

9545 WOODRV. DR. FBK. AK. 99709

ADDRESS/PHONE NUMBER

(907-479-2493)

POLAR MINING INC

4545 Wood River Dr., Fairbanks, Alaska. 99709 Phone 907-455-4198, Fax 907-455-8245

Pamela Grefsrud
Water Quality Technical Services
Alaska Dept of Environmental Conservation
555 Cordova Str,
Anchorage, Alaska. 99501

March 19, 1996

RE: Comments on proposed revisions to Water Quality Standards Revision

Dear Ms. Grefsrud,

As a second generation Alaskan Placer Miner and President of Polar Mining Inc I am very concerned about the current water quality standards revision and their effects on our industry. Further I must protest the timing of the public comment period and would request these regulatory revisions be delayed.

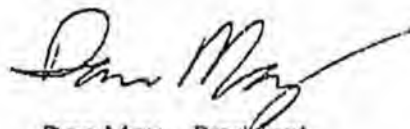
Whereas the current Alaska Placer Mining General Permit modifications proposed by EPA as a result of the Sierra Club lawsuit, and their effects on placer miners, have been contested by the Alaska Miners Association, the outcome of the Federal changes is unclear at this time. Since the Alaska DEC Water Quality Standards are inter-related with those of the EPA, I would request an extension of the Alaska DEC water standards revision process in order to first resolve the uncertainties arising from the EPA/Sierra Club lawsuit. Once the EPA General Permit issues are resolved we will need additional time to study the revisions in light of the Federal regulation outcome.

I would further request that if the EPA issues excessively restrictive regulations, as are currently proposed, the Alaska D.E.C. take a good look at what state regulations it could modify, or even implement, in order to allow and encourage the continuation of our industry. Our mining company strives to maintain its good reputation and has struggled to adapt to the many regulatory changes faced over the past 10 years. However there comes a point in which it will no longer be possible to comply with these unreasonable regulations, as in the current EPA proposal. To require a miner to discharge water with effluent limitations based on "drinking water" status while the natural receiving water is unfit for human consumption is absurd, superfluous, and lacks a scientific basis. From where I stand these proposed changes appear designed by environmental extremists with the purpose of eliminating placer mining in Alaska.

Over the past 10 years Polar Mining Inc. has provided year round jobs near Fairbanks and has a current work force of 43 employees. During that time this one mining company has produced in excess of 40 million dollars in new revenue which has turned over and over again in our community. Given the chance to continue our mining operations I see a 10-20 year future for our employees, just within a 20 mile radius of my hometown.

I applaud the Alaska State Legislature for passing an act allowing for a mineral exploration incentive credit, designed to stimulate and encourage mineral exploration and development, and to allow mining to play an increasing role in our states economy. Once the EPA/Sierra Club lawsuit is settled it will be time for the Alaska D.E.C. to implement reasonable regulatory standards that will both provide protection for our environment and allow for our mineral industry to survive and to grow again.

Sincerely,



Dan May, President



Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

SPONSOR STATEMENT

SJR 39: Relating to NPDES Permits for Placer Mining

Why must Alaska continue to be treated more stringently than other states with economic development? The Environmental Protection Agency, as a result of a negotiated lawsuit with the Sierra Club Legal Defense Fund, now proposes standards for dredge and recreational mining activities that are as strict as some standards set for large, commercial mining operations.

Despite its 30 percent budget reduction by Congress, EPA still manages to propose rulemakings and negotiate settlements which cost independent businesses time, money and effort for little environmental gain.

Alaska has a long, solid history of mineral production. As other regions of the U.S. have perhaps lost touch with the bounty of natural resources, the EPA should not subject Alaska to unscientific, burdensome reporting and permitting requirements at the whim of someone who has never had dirt under his or her fingernails.

Alaskans are for the wise use of our resources. We are far closer to our resources than some other areas of the United States where inhabitants enjoy the end product of mineral extraction, but have no concept of how their computer components were created.

We must continue to pressure the federal government to stop requesting information and permits that serve no useful purpose and to cease from imposing onerous restrictions such as 0.18 parts per billion arsenic levels for mining discharges - orders of magnitude less than what is required for drinking water.



* * * * MINERS ALERT * * * *

February 23, 1996

TO: Miners, Dredge Miners, Recreational Miners
SUBJECT: New NPDES General Permit for Alaska

Your immediate action is needed! If the Draft NPDES General Permit now out for public comment is accepted, most placer operations will be required to meet conditions that are nearly impossible. Under this GP all dredge mining in the state will be effectively eliminated or each will require an Individual Permit.

Background - In 1994 the EPA issued a General Permit (GP) for placer mining in Alaska. If you have an NPDES discharge permit it is likely that you have one of these GPs. SCLDF (Sierra Club Legal Defense Fund) sued EPA arguing, among other things, that the permit did not guarantee protection from metals in the discharge water. Rather than allow the Federal Court to dictate a solution, EPA and SCLDF reached a negotiated settlement. This Draft NPDES GP is the resulting settlement.

Your Action

1. You need to write EPA and tell them why you feel this Draft GP will not work. Send comments to: Tim Hamlin; U.S. EPA Region 10; 1200 Sixth Avenue SO-155; Seattle, Washington 98101. Comments must be received at EPA by March 18, 1996.
2. If possible, attend the Public Hearing to be held Tuesday, March 5, 1996, 5:30 p.m. to 11 p.m. at the BLM Northern District Office Building, Main Conference Room, 1150 University Ave., Fairbanks, AK.
3. Get a copy of the Draft GP from EPA at 222 W. 7th Avenue, Room 537 or call (907) 271-5083.

The following are some of the major problems with the Draft GP. You may wish to use these topics as part of your comment letter and/or public comments:

1. The Draft GP is a substantive change to the existing GP due to its impact on existing GP holders, expanded application to new operators and new reporting rules.
2. The Draft GP contains unrealistic restrictions: a) prohibits moving an outfall location during the mining season, and b) requires a minimum 1,000 ft. separation distance between dischargers having modified turbidity limits.
3. The 30Q10 flow limit is excessively restrictive. The 30Q10 formula was designed for another purpose and is not applicable here.
4. There is no scientific basis for requiring an arsenic level of 0.18 ppb as proposed in the GP. EPA Headquarters in Washington, D.C. does not support this level. EPA Headquarters has already approved arsenic levels of 50 ppb in at least 25 states whereas this GP requires 0.18 ppb. To impose this requirement only on Alaska placer mines is arbitrary and capricious.
5. The Draft GP includes reporting requirements for arsenic levels that are below detection. This is arbitrary and capricious and is in conflict with EPA Headquarters.
6. The Draft GP assumes "0" for background levels of arsenic and turbidity which is seldom the case. The current GP assumes actual background.
7. The reporting requirements would require the miner to report arsenic levels that cannot be measured and then charge him civilly and/or criminally if he reports finding arsenic.
8. The Draft GP is in conflict with and seeks to override state regulations which allow mixing zones.
9. The Draft GP will increase the number of Individual Permits and permit processing costs, rather than reducing permit processing costs which was the purpose of the GP.
10. Because of the stipulations in this GP regarding a) silt, and b) adjacent dredgers, all dredge mining in the state will now be required to have an NPDES Individual Permit.
11. This GP, for the first time ever, requires that all dredgers have an NPDES permit and stipulations of this GP are so onerous that no dredge miner will qualify for a GP. This will add between 1,000 and 2,000 new permittees, all of which will be forced to have an Individual Permit. All of which, because of their minimal impact, are not required to have any other permit. It is arbitrary and capricious to require this change without scientific basis and is a violation of due process.
12. The Fortymile River, and some other areas surrounded by "Wild & Scenic River" designations, are State-owned navigable waterways and not a Wild & Scenic River as envisioned in the Draft GP. It is arbitrary and capricious to require a different standard for this state river or any other river or stream unless there is scientific support and no such support has been offered.
13. EPA does not have the people to process the new GPs or the IPs that will be generated by this Draft GP. Also, there is not time for EPA to review all existing GPs, publish them, and still issue them in time for the upcoming mining season.

Please write immediately and ask that EPA: 1) withdraw from the settlement; 2) discard the Draft GP; 3) hold public hearings in each state of Region 10 (including at least two locations in Alaska) before any other Draft GP is included in a settlement agreement.

Steven C. Borell, P.E.
Executive Director

The Anchorage Times

Publisher: BILL J. ALLEN

"Believing in Alaskans, putting Alaska first"

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

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Gold rip-off

THE SCAM artists are at it again — and Alaska is the intended victim. The Clinton administration, in cahoots with environmental lawyers, is preparing to pull off another heist, and this time the target is Alaska gold.

As the result of an out-of-court settlement proposed between the Environmental Protection Agency and the American Rivers environmental group, the EPA has proposed regulations that threaten to wipe out small gold mining operations that use suction hoses to scoop up gravel and gold bits from river beds. Recreational dredge mining also is in peril.

The Alaska Miners Association says the regulations envisioned by the EPA are far stricter than those that apply in other states. For instance, no paperwork is required for suction dredge operators in California. By requiring small operators in Alaska to comply with the same permitting rules that apply to the larger, commercial operators, the net result will be to benefit businesses in other states at Alaska's expense.

But the impact would extend beyond commercial operations. Steve Herschbach, owner of Alaska Mining & Diving Supply, says the Gold Prospector's Association of America each year brings to Alaska thousands of visitors who hunt for gold. Once the EPA proposed regs go into effect, he says, these vacation prospectors will choose California and elsewhere.

The EPA held hearings in the state this past week on its regulations and, as expected, a number of Alaskans testified against them. The miners' association, however, isn't hopeful that the testimony alone will persuade EPA to change its mind. The miners are seeking help from the congressional delegation in Washington to use its clout to stop the regulatory rip-off. Gov. Tony Knowles may want to step in as well. After all, Alaska's constitutional right to regulate activities on its rivers will be usurped if the EPA rules take effect.

The technique used by the feds and environmentalists to give themselves the authority to deny the state its rights in this instance is a familiar one.

Two years ago, lawyers for American Rivers sued to halt what had been the accepted practice of exempting recreational miners from the extensive permitting requirement. Rather than fight it out before a judge, the EPA "settled" with the environmental lawyers by basically agreeing to their demands.

This technique of settling a lawsuit in the environmentalists' favor is played out often in Alaska. The Forest Service uses it routinely to block its own timber sales. The Park Service used it to shut down gold mines in Kantishna. Now the EPA is using it to squeeze out gold seekers from recreational activity on Alaska rivers.

The scam's not likely to end until Alaskans, together, get mad enough to stop it.



ALASKA MINERS ASSOCIATION, INC.

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

February 27, 1996

Honorable Michele Brown
Commissioner
Department of Environmental Conservation
410 Wiloughby Ave., Suite 105
Juneau, AK 99801-1795

RE: Placer Mining Settlement

Dear Commissioner Brown,

On behalf of the Alaska Miners Association I wish to thank DEC for its involvement during the negotiations between EPA and SCLDF over the SCLDF complaint against the NPDES General Permit for placer mining in Alaska. We are certain that the settlement would have been even more onerous had it not been for the role played by DEC.

We are still evaluating the Draft NPDES General Permit (Draft GP) but it is clear that this permit is totally un-workable for the miners holding the existing GP and for the large number of additional dredge operations that will now be required to have a permit for the first time. Your November 9, 1995 letter to EPA described DEC's position on some of the provisions that EPA was considering for inclusion in the Draft GP.

However, EPA did not incorporate your points as specified and furthermore, EPA made numerous other changes to the GP that surely were not brought to your attention. Regarding your specific points, the Draft GP does not give the miner the assurance that he will be able to get an Individual Permit (IP). He may request an IP but is not assured that EPA will issue one. This is contrary to your letter where you state "Our willingness to extend such assurances is based on EPA's commitment to process applications for individual NPDES permits from miners who may be unable or unwilling to operate under the revised permit." Your statement makes it clear that the choice was to be the miner's but the Draft GP makes no such guarantee.

There are also numerous other changes to the GP that DEC could not have known about and I will address just a few of these. One such change is that the Draft GP now requires all suction dredgers to have permits. Under the existing GP only a very few suction dredgers were required to have a permit (those with intake nozzles of greater than 8 inches diameter). The Draft GP requires that all dredgers have permits. Because of the way the Draft GP is written, dredgers will not qualify for a GP but each will need an Individual

Permit. Our estimate is that this will require between 1000 and 2000 new IPs.

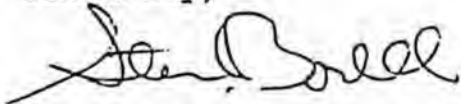
Another major change is that the Draft GP contains unrealistic restrictions. It prohibits moving an outfall location during the mining season. It also requires a minimum 1000 feet separation between dischargers having modified turbidity limits. These restrictions are at times operationally impossible to meet. There are many more and our comment letter to EPA will lay all of them out in detail.

However, the reason for this current letter is to request that DEC withdraw its letter of November 9, 1995 for the following reasons:

- 1) the Draft GP does not conform to the assumptions and objectives of your November 9 letter,
- 2) the Draft GP includes other substantial changes of tremendous adverse consequence to the industry that must not be endorsed by DEC,
- 3) the Draft GP is so unworkable DEC should retreat so they have no association with it, particularly in light of the fact that DEC is being asked to pay legal fees to plaintiffs.

Also, we request that DEC formally notify EPA that DEC will not certify the Draft GP should this permit be taken to final. We believe that it is only through such a notice that EPA will make the changes that are absolutely required for a General Permit for placer mining to be workable.

Sincerely,



Steven C. Borell, P.E.
Executive Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: SO-155

Re: Proposed Modified General Permit for Placer Miners

To Persons Covered under the Placer Miner General Permit for
Alaska:

The Environmental Protection Agency is proposing to modify the National Pollutant Discharge Elimination System (NPDES) General Permit for Alaska Placer Miners. EPA anticipates issuing a final modified general permit in early April, in time for the next mining season.

The EPA has scheduled a public hearing to occur on March 5, 1996 from 5:30 p.m. until 11:00 p.m. at the State of Alaska Department of Natural Resources Offices in Fairbanks, Alaska. A copy of the public notice of this hearing is enclosed.

Comments may be made at the hearing or may be mailed to EPA Region 10. Written comments must be received by March 15, 1996. Comments must be received by this date to be considered by the agency prior to final issuance of a modified general permit. Please include the name and address of the commenter and a concise statement of the precise basis of any comment and the relevant facts on which it is based. Written comments should be submitted to EPA at the above address to the attention of the Director, Office of Water, OW-134.


The proposal arises from a settlement agreement reached with Northern Alaska Environmental Center and American Rivers, who filed a petition for review of the existing permit with the Federal Ninth Circuit Court of Appeals. The proposed modification reflects EPA Region 10's effort to resolve the petitioner's concerns in a manner that would both protect the environment by assuring compliance with environmental laws and also preserve the ability of placer miners to pursue their livelihood. As proposed, the modified general permit would require submission on a new notice of intent by all those currently covered under the existing general permit. Please be prepared to supply that information promptly to facilitate EPA's efforts to make a determination about coverage prior to the coming mining season.

The proposed modifications include:

- changes in those who can be covered under the general permit. Miners operating on special-use waters, including Wild & Scenic Rivers, utilize hydraulic removal of overburden, or who operate suction dredges with intake hoses larger than eight inches would not be covered by the modified general permit but may apply for an individual NPDES permit. Also, suction dredgers with intake hoses less than four inches in size would be covered, subject to the exclusion that applies to special-use waters.
- limitations on the volume of effluent that a miner may discharge and changes in the method of determining site-specific turbidity limits. The change in the method generally will result in lower site-specific turbidity limits.
- an increase in monitoring frequency of turbidity and arsenic from once per season to once per month. Also, background monitoring for turbidity, if necessary at all, would be taken immediately above the miner's operations.
- a change in the arsenic limitation. Discharges to natural background would not be authorized in the general permit, only in an individual permit.
- new management practices for suction dredge operations.

EPA looks forward to hearing from you. If you have questions about the proposed modified general permit, please contact Tim Hamlin in Seattle, Washington, at (206) 781-0366.

Sincerely,


Robert R. Robichaud, Manager
NPDES Permits Unit

Enclosure

U.S. Environmental Protection Agency (EPA), Region 10
1200 Sixth Avenue, OW-134
Seattle, Washington 98101-3188
(206) 553-1214

NOTICE OF PROPOSED MODIFICATION OF A GENERAL NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO
DISCHARGE TO WATERS OF THE UNITED STATES,
and
NOTICE OF STATE CERTIFICATION.

Public Notice Issuance Date: January 31, 1995
Public Notice Expiration Date: March 15, 1996

1. Applicant

This proposal is to modify the general permit regulating placer mining activities in the State of Alaska. On May 31, 1994, EPA, Region 10 issued a general permit for discharges of wastewater from placer mines in Alaska.

If issued, the proposed modified permit would modify effluent limitations, standards, prohibitions and other conditions on wastewater discharges set forth in the Alaska placer miner general permit. These conditions are based on existing national effluent guidelines, state water quality standards and material contained in the administrative record. A description of the basis for the conditions and requirements of the proposed modified general permit, and especially of the basis for the proposed modifications, is given in the fact sheet.

2. Tentative Determination

The Region 10 Office of EPA has tentatively determined to modify the general permit. If the modified general permit is issued, applicants could obtain coverage under the modified permit by submitting a Notice of Intent (NOI) to be covered by it. To comply with the National Environmental Policy Act (NEPA), an Environmental Assessment (EA) had been completed previously in connection with the existing general permit. A Finding of no Significant Impact (FNSI) was issued in connection with that permit. The modified general permit would require that NEPA review be completed for new sources; an EA and/or an Environmental Impact Statement must be completed prior to a decision being made as to whether to grant coverage under the modified general permit.

3. State Certification

This Notice will also serve as Public Notice of the intent of the State of Alaska, Department of Environmental Conservation to consider certifying that the subject discharge will comply with the applicable provisions of Sections 208(e),

301, 302, 303, 306 and 307 of the Clean Water Act. The NPDES permit will not be issued until the certification requirements of Section 401 have been met.

4. Coastal Zone Management Program Consistency

This Notice will also serve as Public Notice that the State of Alaska Department of Government Coordination will be considering whether the subject discharge will comply with the State's Coastal Zone Management Program.

4. Public Comments

Persons wishing to comment on the tentative determinations contained in the proposed permits may do so, in writing, within 45 days of the date of this public notice. Comments must be received within this 45-day period to be considered in the formulation of final determinations regarding the application. All comments should include the name, address and telephone number of the commenter and a concise statement of the exact basis of any comment and the relevant facts upon which it is based. All written comments should be submitted to EPA at the above address to the attention of Director, Water Division.

A public hearing will be held in Fairbanks, Alaska on March 5, 1996 at the offices of State of Alaska, Department of Natural Resources, Division of Mining and Water Resources, 3700 Airport Way from 6:30 p.m. until 11:00 p.m.

Persons wishing to comment on State Certification should submit written comments within this 30-day period to the State of Alaska, Department of Environmental Conservation (ADEC) at one of the following addresses:

410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801-1795
610 University Avenue, Fairbanks, Alaska 99709
555 Cordova Street, Anchorage, Alaska 99501

5. Permit Documents

The proposed NPDES permit and other related documents are on file and may be inspected at the above EPA address any time between 8:30 a.m. and 4:00 p.m., Monday through Friday. Copies and other information may be requested by writing to the EPA at the above address to the attention of the Water Permits Section, or by calling (206) 553-1214. This material is also available from the EPA Alaska Operations Office, Room 537, Federal Building, 222 West 7th Avenue, #19, Anchorage, Alaska 99513. EPA Alaska Operations Office, 410 Willoughby Avenue, Suite 100, Juneau, Alaska 99801. Alaska Department of Environmental Conservation (ADEC), 610 University Avenue, Suite 350, Fairbanks, Alaska 99709.

To ensure effective communication with everyone, additional services can be made available to persons with disabilities by contacting an EPA representative. For those with impaired hearing or speech, please contact EPA's telecommunication device for the deaf (TDD) at (206) 553-1698.

Senator Drue Pearce
State Capitol
Room 111 Capitol
Juneau, AK 99801-1182

Dear Senator Drue Pearce,

I am writing because of proposed changes to the EPA General Permit for Placer Miners AKG-37-0000 that will have a significant impact on Alaskans and visitors to Alaska. The proposed changes discriminate against Alaskans and visitors to Alaska. The permit seeks to usurp State control of a local recreational activity.

I have a vested interest in this subject as a life-long resident of Alaska. For the past twenty years I have been an owner and operator of Alaska Mining & Diving Supply in Anchorage, as well as an avid outdoor enthusiast. One activity I have enjoyed since 1972 has been recreational gold dredging.

The permit as it currently exists covers small commercial mining operations. The EPA Region 10 office in Seattle now proposes to include small recreational suction dredges in this permit process. Until now, this recreational dredging has needed only a State Department of Fish & Game permit, and then only if dredging takes place on a salmon-bearing stream.

The requirements in the permit relating to dredging make it impossible to actually operate with the permit. The recreational dredger must choose between operating with this permit while violating its requirements, or filing a full-scale commercial mining permit to attempt to operate legally. This permit is not intended to govern a recreational activity and because of the onerous paperwork requirement, recreational suction dredging will cease to exist in Alaska. It is akin to asking all sport fishermen to undergo all the requirements for commercial fishing.

The issue of recreational dredging has been debated for years in California, and a full Environmental Impact Study on recreational dredging completed in 1994. The net effect of the study and debate has been to allow dredgers to operate with a simple State Fish & Game Permit which costs about \$30.00, with some extra fees for larger commercial style dredges. There are over 4000 permitted dredgers in California who provide over \$150,000.00 per year to the Fish & Game budget.

The proposed rules for Alaska are arbitrary and ignore the hard study and debate given the issue in California. Recreational dredging has been deemed a legitimate activity and to have little or no environmental impact in California, and is seen to contribute to the economy and tourism in California.

It is not proper for a federal agency to impose practices on any single State that are much more stringent than required in other States where the same activity occurs. This would be discriminatory to Alaskans, and to visitors to Alaska. It is also discriminatory to force regulation of one users group beyond what is required of others using the same resource. Dredgers share the streams with fishermen, river-rafters, and boaters, and these groups must conform to the same rules if they are put in force.

The proposed permit usurps the authority of the Alaska State Department of Fish & Game. It proposes requirements relating to fish and dredging that are far more stringent than any currently required in Alaska. The State of Alaska has long sought to retain its authority in matters relating to fisheries, and this permit will lead to growing EPA control over fisheries in Alaska. If the EPA is concerned about the impact a small number of recreational miners may have on fish, then the impact that tens of thousands of fishermen have on streambank erosion, disturbance of the stream-bottom environments and more will surely be next. The rules relating to recreational miners will be illegal unless applied to all stream users groups, not just one group to the exclusion of the others.

The proposed rules will have an impact on tourism in the State of Alaska. The State Division of Tourism has announced plans to make gold mining more visible in its advertising. Gold mining has proven to be an area of interest to Alaskan tourists. The Independence Mine in Hatcher Pass, Crow Creek Mine in Girdwood, the A-J Mine in Juneau, the Kennicott Mine in McCarthy and other sites are major tourist attractions. Tourists wish to experience the thrill of prospecting themselves. They flock to the beaches of Nome each year. The Gold Prospector's Association of America brings thousands of visitors to Alaska each year solely to look for gold. I personally have dealt with thousands at my store in the past twenty years who have come to Alaska for the summer to enjoy this recreational experience and touch the past.

The elimination of suction dredging will not eliminate all these visitors, but it will discourage many for whom dredging is a goal. They will look to other States which do not impose the same burden on dredgers. The main point is that this discouraging action is not needed and if done with a California style permit would generate income for the State of Alaska. The entire concept of recreational mining is a plus for tourism and the Alaska economy, and should be fostered for the vast potential it holds for the future.

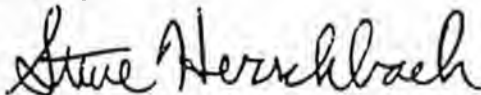
If these proposed rules do begin to be applied to fishermen, rafters, and others, the effect on tourism will be devastating.

Lastly, there will be the direct effect on businesses and their employees who cater to this market. Alaska Mining & Diving Supply is one such business. From a humble beginning as two Anchorage teenage kids selling recreational mining equipment it has grown to one of the nations largest retailers of outdoor recreational power products. We employ over 25 people and support their families. The impact on businesses such as mine ly arbitrary and discriminatory regulation is unwarranted.

The EPA is not even holding a public hearing in Anchorage. The enactment of these new rules is being rushed through with no attempt to notify the people it will impact most. The period for public comment ends March 15th, and so far the EPA is resisting attempts to hold a hearing in Anchorage because it would require them to extend the time required for public comment. They cite a need to have the new rules in effect before summer, but that is no reason to deny our citizens their right to due process.

I am enclosing information relating to this subject. I know the issue seems only to affect a relatively small number of recreational suction dredgers, but the potential threat to Alaskans by this proposed permit are subtle and widespread in nature. I strongly urge that the California regulations be used as a fair model for Alaska. No excess money need be spent to study an issue and formulate rules when a State with more dredgers and less area has done the work for us. The State of Alaska will be negligent if it ignores this threat to its sovereignty and its economic future. Thank you for taking the time to review this issue.

Sincerely,



Steve Herschbach, Owner
Alaska Mining & Diving Supply
3222 Commercial Drive
Anchorage, AK 99501
(907)277-1741

P.S. Please, if you can do nothing else on this issue, support our request for a public hearing in Anchorage. It is not proper that Alaska's largest population center be excluded from the public hearing process, especially when suction dredging is so popular in the Anchorage area.

Enclosure

POSITION PAPER ON SENATE JOINT RESOLUTION 39

The Alaska Legislature is contemplating passing a resolution urging EPA to rescind a settlement agreement that requires a revised Alaska General Placer NPDES Permit. As a member of the negotiating team, I would like to make the following observations about the settlement process, and the proposed/revised General Permit, and to urge the Alaska Legislature not to adopt Senate Joint Resolution 39.

- The EPA was in a weak legal position in defending its case before the court. If EPA loses in court, the court may require much more stringent standards that have been negotiated under the settlement agreement. For example: the appellants have asked that a complete set of metals (approximately 10 metals, not just arsenic as is the case in the settlement agreement) be required for testing; and, that the testing interval be once per week, as is required in NPDES permits for other mine discharges, rather than 3 times per year as required in the settlement agreement.
- The miner's chose not to intervene in the legal challenge to the General Permit when it was filed. In addition, they were offered an opportunity to comment on the settlement agreement when it was in its final stages, and declined. The appellants are still willing to hear substantive concerns from the miners even now, and to approach EPA about modifications in the settlement agreement if the changes requested will preserve the integrity of the settlement agreement.
- As is the case in most settlement negotiations, there were many compromises from all the participants (Northern Alaska Environmental Center & American Rivers, EPA, and the State). No one got "there way" in this settlement agreement.
- The arsenic level 0.18 parts per billion is not related to the settlement agreement. The permit arsenic level was not an issue discussed during the settlement negotiations. Moreover, if there is no settlement agreement, the arsenic standard for permits issued under the 1994 General Permit will still 0.18 parts per billion. This is an issue that is not relevant to the settlement agreement.
- Small suction dredges (less than 4") are now regulated under the General Permit, mainly to make sure operators know what Best Management Practices they should be utilizing.
- All dischargers, including small suction dredges, are required by the Clean Water Act to have an NPDES permit. Under the settlement agreement small suction dredges must apply (by mail) for a permit, and are obligated to abide by a set of simple Best Management Practices that EPA will send them. There is no monitoring or reporting requirement for small suction dredges.

- The public will now be allowed an opportunity to comment on permits and mixing zone authorizations issued under the General Permit.
- Mines using hydraulicking, or mines operating in sensitive areas, like Wild & Scenic Rivers and wilderness areas, are not covered under the General Permit, but must apply for a regular (individual) NPDES permit where the public will have an opportunity to comment on these as individual operations, rather than in a batch-comment process.
- EPA has agreed to conduct studies to quantify the effects of the discharges from large suction dredge operations (greater than 8"), and to analyze the quantities of metals being discharged from all placer operations, so that both miners and environmentalists will know whether these operations are causing metals pollution or damaging stream beds in Alaska.

If EPA rescinds their settlement agreement, they place themselves in a tenuous legal position, as evidenced by EPA's interest in a settlement. The Alaska placer miners place themselves in the position of having the court impose measurement requirements and permit restrictions that are much more severe than those reached during the compromises in the settlement agreement. Fine-tuning the terms of the settlement agreement, which EPA and the appellants have encouraged, is much more likely to produce a General Permit that is in the best interest of all parties, than would a potential court imposed change that would leave all involved dissatisfied.

David M. Chambers, Ph.D.
 Mining Analyst
 Sierra Club Legal Defense Fund

Post-It® Fax Note	7671	Date	3/19	# of pages	2
To	Bill / Sarah	From	David Chambers		
Co./Dept	AEL	Co.	SCLDF		
Phone #		Phone #	586-2751		
Fax #	463-3312	Fax #			

03/22/96

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

08:32:43

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:FBX

TCN:60578

SCHEDULED FOR:03/22/96 08:00 TO 10:00

FOR:FBX

PUBLIC HEARING

HOUSE RESOURCES

LOCATION: FAIRBANKS

✓ SJR 39	MR. JAMES	JOHNSON	<i>oppose</i>	<i>no</i>	<i>self</i>	<i>Environmentalist</i>	TESTIFY
✓ SJR 39	MR. CLARKE	MILNE	<i>(MILN)</i>	<i>yes</i>	<i>self</i>	<i>Environmentalist</i>	TESTIFY
✓ SJR 39	MR. GEORGE	LOUNSBURY		<i>yes</i>			TESTIFY
✓ SJR 39	MR. FRED	HEFLINGER					TESTIFY
✓ SJR 39	MR. ROGER	BURGGRAF					TESTIFY
✓ SJR 39	MS. <i>Walden</i> MIKE	DALTON		<i>yes</i>		<i>Environmentalist</i>	TESTIFY
✓ SJR 39	MR. HARRY	JENKINS				<i>Polar mining</i>	TESTIFY
	<i>Don</i>	<i>May</i>					

03/22/96 08:03:36

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
MESSAGE FROM: LIOCJEN IN ANCHORAGE

LTN1120
JNU

RE TCN: 60578 SCHEDULED FOR:03/22/96 08:00 TO 10:00
SPONSOR: HOUSE RESOURCES

PURPOSE: PUBLIC HEARING

✓ MESSAGE TEXT: OF1 STEVE BURELL IN CO TO T ON SJR 39

EX. Director
AK MINERC A-LOC

Favors

SSCR

1

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSHSCR 1

Title: Disapproving Executive Order 92

Dept. Affected Legislature

BRU: All

Sponsor: House Special Committee on Oil & Gas

Components: _____

Requestor: _____

Serial # _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS :

Full-Time	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 analysis

The estimated savings reflected in EO 92 will not be achieved in the manner proposed by the Governor.

Prepared by:

Jeffrey Logan

House Resources Committee

Jeffrey Logan

Date: 26-FEB-96

Phone:

Phone: 465-6547

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SSCR 1

Revision Date: Original Dept. Affected: _____
 Title: Disapproving EO 92 BRU: _____
 Component: _____
 Sponsor: Senate Resources
 Requester: _____ COMPONENT SERIAL NO. _____

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-

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The estimated savings reflected in EO 92 will not be achieved in the manner proposed by the Governor.

Prepared by: Annette Kretzer
 Division: Senate Resources Committee
 Approved by Commissioner: *Drew D. Lewis*
 Agency: Senator Loren Leman, Chairman

Phone: 465-4907
 Date: 2/26/96
 Date: _____

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(C) all dissolved or entrained minerals and gases that may be obtained from the material medium, but excluding hydrocarbon substances and helium;

(4) "geothermal system" means a stratum, pool, reservoir, or other geologic formation containing geothermal resources;

(5) "operator" means a person drilling, maintaining, operating, producing, or in control of a well;

(6) "owner" means a person who, by reason of an interest in real property, has the right to drill into, produce, and make use of geothermal resources;

(7) "waste" means an inefficient, excessive, or improper production, use, or dissipation of geothermal resources, including, but not limited to,

(A) drilling, transporting, or storage methods that cause or tend to cause unnecessary surface loss of geothermal resources;

(B) locating, spacing, drilling, equipping, operating, producing, or venting of a well in a manner that results or tends to result in reducing the ultimate economic recovery of geothermal resources;

(8) "well" means a well drilled, converted, or reactivated for the discovery, testing, production, or subsurface injection of geothermal resources. (§ 6 ch 175 SLA 1980; am § 43 ch 85 SLA 1988)

Cross references. — For additional definitions, see AS 41.99.900.

Chapter 07. Geological Survey.

[Repealed, § 2 ch 93 SLA 1972.]

Chapter 08. Geological and Geophysical Surveys.

Section

- 10. Division of geological and geophysical surveys
- 15. State geologist
- 17. Hydrological and seismic hazard data declared to be of public interest

Section

- 20. Powers and duties
- 30. Printing and distribution of reports
- 35. Regulations
- 40. Cooperation with other agencies

Collateral references. — 63A Am. Jur. 2d, Public Lands, §§ 48-53.
73A C.J.S., Public Lands, §§ 30-35.

Recovery for unauthorized exploration or survey. 67 ALR2d 444.

Sec. 41.08.010. Division of geological and geophysical surveys. There is established in the department a division of geological and geophysical surveys under the direction of the state geologist. (§ 1 ch 93 SLA 1972)

Sec. 41.08.015. State geologist. The commissioner shall appoint the state geologist, who must be qualified by education and experience to direct the activities of the division. (§ 1 ch 93 SLA 1972)

Sec. 41.08.017. Hydrological and seismic hazard data declared to be of public interest. (a) Systematic collection, recording, evaluation, and distribution of data on the quantity, location, and quality of water of the state in the ground, on the surface of the ground, or along the coasts, are in the public interest and necessary to the orderly domestic and industrial development of the state.

(b) Systematic collection, evaluation, archival, and distribution of geologic data and information on earthquakes, volcanic eruptions, and engineering geology and identification of potential seismic, volcanic, and other geological hazards throughout the state are in the public interest and necessary to orderly, safely, and cost-effective development in the state. (§ 1 ch 41 SLA 1977; am § 1 ch 101 SLA 1983; am § 3 ch 36 SLA 1987)

Sec. 41.08.020. Powers and duties. (a) The state geologist shall conduct geological and geophysical surveys to determine the potential of Alaskan land for production of metals, minerals, fuels, and geothermal resources; the locations and supplies of groundwater and construction materials; the potential geologic hazards to buildings, roads, bridges, and other installations and structures; and shall conduct such other surveys and investigations as will advance knowledge of the geology of the state. With the approval of the commissioner, the state geologist may acquire, by gift or purchase, geological and geophysical reports, surveys, and similar information.

(b) In addition, the division of geological and geophysical surveys shall:

(1) collect, record, evaluate, and distribute data on the quantity, quality, and location of underground, surface, and coastal water of the state;

(2) publish or have published data on the water of the state;

(3) require the filing with it of the results and findings of surveys of water quality, quantity, and location;

(4) require of water well contractors, the filing with it of basic water and aquifer data normally obtained, including but not limited to well location, estimated elevation, well driller's logs, pumping tests and flow measurements, and water quality determinations;

(5) accept and spend funds for the purposes of this section, AS 41.08.017, and 41.08.035 and enter into agreements with individuals, public or private agencies, communities, private industry, state agencies, and agencies of the federal government;

(6) collect, evaluate, and distribute geologic data on seismic events and engineering geology of the state;

(7) identify potential seismic hazards that might affect development in the state;

(8) inform public officials and industry about potential seismic hazards that might affect development in the state. (§ 1 ch 93 SLA 1972; am § 2 ch 41 SLA 1977; am § 7 ch 175 SLA 1980; am § 2 ch 101 SLA 1983; am § 4 ch 36 SLA 1987)

Cross references. — For declaration of sources, see § 1, ch. 175, SLA 1980, in the legislative policy on geothermal re- Temporary and Special Acts.

Sec. 41.08.025. Accounting and disposition of receipts. [Repealed, § 28 ch 90 SLA 1991. For current law, see AS 37.05.142 — 37.05.144.]

Sec. 41.08.030. Printing and distribution of reports. The state geologist shall print and publish an annual report and such other special and topical reports and maps as may be desirable for the benefit of the state, including the printing or reprinting of reports and maps made by other persons or agencies, where authorization to do so is obtained. Reports and maps may be sold and all money received from these sales shall be paid into the general fund. (§ 1 ch 93 SLA 1972)

Sec. 41.08.035. Regulations. The department may adopt regulations relating to and providing for the systematic collection, recording, and distribution of data on the water of the state. (§ 3 ch 41 SLA 1977)

Sec. 41.08.040. Cooperation with other agencies. The state geologist, with the consent of the commissioner, may enter into cooperative agreements with federal, state, and local governmental agencies to perform geological and geophysical surveys, studies, investigations, and services. (§ 1 ch 93 SLA 1972)

(9)

HOUSE COMMITTEE REPORT

Date RETURNED to Committee: February 21, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/27/96

The RESOURCES Committee considered:

HSCR 1

HOUSE SPECIAL CONCURRENT RESOLUTION NO. 1

DISAPPROVING EXECUTIVE ORDER 92

Disapproving Executive Order No. 92.

recommends it be replaced with the following committee substitute CS HSCR 1

the same title
 a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____


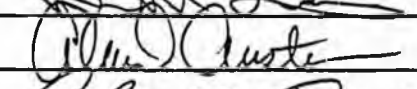
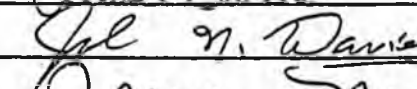
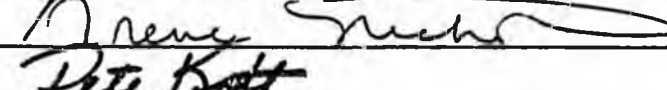
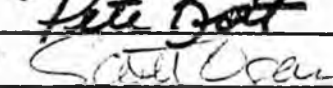
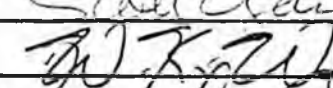
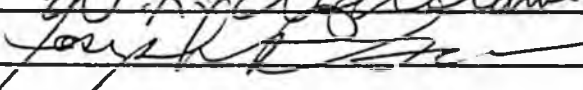

APPROVES PREVIOUS: (Dept/Date) _____

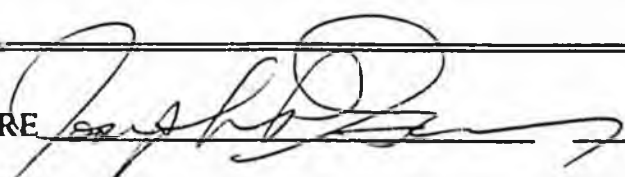
fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) Leg

zero fiscal note(s) DNR

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

CHAIR'S SIGNATURE 

2/5/96

(9)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 26, 1996

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/5/96

The RESOURCES Committee considered:

HSCR 1

HOUSE SPECIAL CONCURENT RESOLUTION NO. 1

DISAPPROVING EXECUTIVE ORDER 92

Disapproving Executive Order No. 92.

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

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

ADOPTS: _____ Letter of Intent

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

[] zero fiscal note(s) DNR [] zero fiscal note(s)

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Rows include signatures and names: Nicholia Williams, Green, Ogan, Austerman, Kott. Includes circled numbers 3 in DP and NR columns.

CO-CHAIR'S SIGNATURE [Signature] Green



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

House Special Committee On Oil & Gas

State Capitol
Juneau, AK 99801-1182

MEMORANDUM

DATE: February 2, 1996

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

FROM: Representative Norman Rokeberg, Chairman
House Special Committee on Oil & Gas

SUBJECT: Executive Order No. 92

A handwritten signature in dark ink, appearing to be "N. Rokeberg", written over the "FROM:" line of the memorandum.

Executive Order No. 92 consolidates the Division of Oil and Gas with the Division of Geological and Geophysical Surveys located within the Department of Natural Resources. The testimony before the House Special Committee on Oil & Gas indicated that there is no consensus regarding whether the consolidation outlined in Executive Order No. 92 is the correct configuration of the two divisions.

Remarks during public testimony indicates there are both good and bad consequences if the consolidation goes forward. As a result of committee testimony, the members of the committee voted to introduce a special resolution to oppose the consolidation in order to expedite the process and move the executive order to the appropriate authorized committee.

In addition we checked with Legislative Legal on the proper procedure for handling a resolution opposing an executive order. The legal memorandum we received stated that under Uniform Rule 21 joint standing committees must consider executive orders.

(7)

HOUSE COMMITTEE REPORT

Date Referred to Committee: January 8, 1996

FURTHER REFERRALS:

Resources
Finance

Date of Committee Action: 1/25/96

The HOUSE SPECIAL COMMITTEE ON OIL AND GAS Committee considered:

EO 92

EXECUTIVE ORDER NO. 92

Transferring duties in the Department of Natural Resources to consolidate the division of oil and gas and the division of geological and geophysical surveys into a division of oil, gas, and geology in that department.

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

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

ADOPTS: _____ Letter of Intent

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

[] zero fiscal note(s) _____ [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *[Signature]* 1-25-96

9-LS1576C

Cook

2/27/96

CS FOR HOUSE SPECIAL CONCURRENT RESOLUTION NO. 1(RES)**IN THE LEGISLATURE OF THE STATE OF ALASKA****NINETEENTH LEGISLATURE - SECOND SESSION****BY THE HOUSE RESOURCES COMMITTEE**

Offered:

Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON OIL AND GAS

A RESOLUTION

1 Disapproving Executive Order No. 92.

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

3 WHEREAS the governor, under authority of art. III, sec. 23, Constitution of the State
4 of Alaska, has proposed in Executive Order No. 92 to combine the functions of the division
5 of oil and gas and the division of geological and geophysical surveys into a division of oil,
6 gas, and geology; and

7 WHEREAS the Alaska State Legislature believes the functions of the division of
8 geological and geophysical surveys as outlined in AS 41.08.020 would be diluted in a
9 consolidation with the division of oil and gas; and

-10 WHEREAS certain efficiencies can be accomplished by incorporating the division of
-11 geological and geophysical surveys within the division of mining and water management; and

12 WHEREAS art. III, sec. 23, Constitution of the State of Alaska, provides that unless
13 disapproved within 60 days of a regular session by resolution concurred in by a majority of
14 the members of the legislature in joint session, an executive order becomes effective at a date
15 designated by the governor;

16 **BE IT RESOLVED** by the Alaska State Legislature that Executive Order No. 92 is
17 disapproved.

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**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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Mail Stop 3101*

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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
2-5-96 8:13am
HSCR 1*