

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 86/2

8961 SENATE RESOURCES

9-LS0516F

Cook

3/6/95

CS FOR SENATE BILL NO. 56()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing the Department of Natural Resources to acquire land or
2 interests in land, including submerged or shore land, to a municipality to correct
3 errors or omissions of the municipality when inequitable detriment would result
4 to a person due to that person's reliance upon the errors or omissions of the
5 municipality; relating to conveyance of certain tide and submerged land to
6 municipalities; and providing for an effective date."

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

8 • Section 1. AS 38.05.035(b) is amended to read:

9 (b) The director may

10 (1) delegate the administrative duties, functions or powers imposed
11 upon the director to a responsible employee in the division;

12 (2) grant preference rights for the lease or purchase of state land
13 without competitive bid in order to correct errors or omissions of a state or federal

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administrative agency when inequitable detriment would otherwise result to a diligent claimant or applicant due to situations over which the claimant or applicant had no control; the exercise of this discretionary power operates only to divest the state of its title to or interests in land and may be exercised only

(A) with the express approval of the commissioner; and

(B) if the application for the preference right is filed with the director within three years from

(i) the occurrence of the error or omission;

(ii) the date of acquisition by the state of the land; or

(iii) the date of a court decision or settlement nullifying a disposal of state land;

(3) grant a preference right to a claimant who shows bona fide improvement of state land or of federal land subsequently acquired by the state and who has in good faith sought to obtain title to the land but who, through error or omission of others occurring within the three years before (A) the application for the preference right, (B) the date of acquisition by the state of the land, or (C) the date of a court decision or settlement nullifying a disposal of state land, has been denied title to it; upon a showing satisfactory to the commissioner, the claimant may lease or purchase the land at the price set on the date of original entry on the land or, if a price was not set at that time at a price determined by the director to fairly represent the value of unimproved land at the time the claim was established, but in no event less than the cost of administration including survey; the error or omission of a predecessor in interest or an agent, administrator, or executor which has clearly prejudiced the claimant may be the basis for granting a preference right;

(4) sell land by lottery for less than the appraised value when, in the judgment of the director, past scarcity of land suitable for private ownership in any particular area has resulted in unrealistic land values;

(5) when the director determines it is in the best interest of the state and will avoid injustice to a person or the heirs or devisees of a person, dispose of land, by direct negotiation to that person who presently uses and who used and made improvements to that land before January 3, 1959, or to the heirs or devisees of the

1 person: the amount paid for the land shall be its fair market value on the date that the
2 person first entered the land, as determined by the director; a parcel of land disposed
3 of under this paragraph shall be of a size consistent with the person's prior use, but
4 may not exceed five acres;

5 (6) dispose of an interest in land limited to use for agricultural purposes
6 by lottery;

7 (7) convey to an adjoining landowner for its fair market value a
8 remnant of land that the director considers unmanageable or a parcel of land created
9 by a highway right-of-way alignment or realignment, or a parcel created by the
10 vacation of a state-owned right-of-way if

11 (A) the director determines that it is in the best interests of the
12 state;

13 (B) the parcel does not exceed the minimum lot size under an
14 applicable zoning code; and

15 (C) the director and the platting authority having land use
16 planning jurisdiction agree that conveyance of the parcel to the adjoining
17 landowner will result in boundaries that are convenient for the use of the land
18 by the landowner and compatible with municipal land use plans;

19 (8) for good cause extend for up to 90 days the time for rental or
20 installment payments by a lessee or purchaser of state land under this chapter if
21 reasonable penalties and interest set by the director are paid;

22 (9) quitclaim land or an interest in land to the federal government on
23 a determination that the land or the interest in land was wrongfully or erroneously
24 conveyed by the federal government to the state;

25 (10) negotiate the sale or lease of state land at fair market value to a
26 person who acquired by contract, purchase, or lease rights to improvements on the land
27 from another state agency or who leased the land from another state agency;

28 (11) quitclaim land or an interest in land, including submerged or
29 shore land, to a municipality to correct errors or omissions of the municipality
30 when inequitable detriment would result to a person due to that person's reliance
31 on the errors or omissions of the municipality, the quitclaim shall be made on

such terms and conditions as the director considers appropriate except that, if the municipality has a remaining entitlement to land under AS 29.65, the land nr interest quitclaimed is counted against the municipality's remaining entitlement.

* Sec. 2. AS 38.05 is amended by adding a new section to read:

Sec. 38.05.825. CONVEYANCE OF TIDE AND SUBMERGED LAND TO MUNICIPALITIES. [a] Unless the commissioner finds that the public interest in retaining state ownership of the land clearly outweighs the municipality's interest in obtaining the land, the commissioner shall convey to a municipality tide or submerged land requested by the municipality that is occupied or suitable for occupation and development if the

(1) use of the land would not unreasonably interfere with navigation or public access;

(2) municipality has applied to the commissioner for conveyance of the land under this section;

(3) land is classified for waterfront development or for another use that is consistent or compatible with the use proposed by the municipality, or the proposed use of the land is consistent or compatible with a land use plan adopted by the municipality, the department, or the Alaska Coastal Policy Council; and

(4) land

(A) is required for the accomplishment of a public or private development approved by the municipality;

(B) is the subject of a lease from the state to the municipality;

or

(C) has been approved for lease to the municipality.

(b) The commissioner may not convey land under this section that has been designated by statute unless the commissioner determines that the proposed use is consistent or compatible with the purpose of the statutory designation. If land designated by statute is conveyed, uses of the land after conveyance are restricted to those es determined by the commissioner to be consistent or compatible with the purpose of the designation.

(c) Upon receipt of an application, the commissioner shall determine whether

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1 the requested conveyance meets the requirements of this section and issue a written
2 decision regarding that determination. Upon a determination that the requirements
3 have been met, the commissioner shall approve the conveyance of the land to the
4 municipality. After conveyance to the municipality is approved, the municipality has
5 management authority of the land and may convey the land by lease or sale. The cost
6 of the survey and all subdivision or other platting required for conveyance shall be
7 borne by the municipality.

8 (d) A conveyance under this section may contain only those restrictions
9 required by law, including AS 38.05.127 and (b) of this section. Land conveyed is
10 subject to the public trust doctrine that may be enforced by the state in a court of
11 competent jurisdiction. The municipality shall be required to ensure that reasonable
12 access to public waters is provided. Title to land conveyed under this section that is
13 retained by the municipality reverts to the state upon the dissolution of the
14 municipality.

15 (e) This section does not enlarge or diminish the general grant land entitlement
16 of a municipality under AS 29.65, nor is a conveyance under this section counted
17 against the municipality's general grant land entitlement.

18 • Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

#2

March 7, 1995

AMENDMENT

2-2
L. Johnston
fid

CSSB 56

By: Department of Fish and Game

Page 4, line 31

Insert: (c) Before land that is legislatively designated as a state game refuge, game sanctuary, or critical habitat area is conveyed under this section, the commissioner of the Department of Fish and Game shall concur that the proposed use is consistent or compatible with the purpose of the state game refuge, game sanctuary or critical habitat area.

Re-letter the remaining paragraphs in Section 2 of the bill.

March 6, 1995

Enrolled 3-2 (not entered)
AMENDMENT #1

OFFERED IN THE SENATE:
CS SB 56(RES)

BY: SENATOR LEMAN

Page 4, Lines 6-7:

DELETE: [Unless the commissioner finds that the public interest in retaining state ownership of the land clearly outweighs the municipality's interest in obtaining the land, t]

Insert: (a) The commissioner shall convey

not entered by 2011 12 15

ARTICLE VIII

NATURAL RESOURCES

At the time of the constitutional convention, Alaska had a slender economic base. Mining and fishing were the economic mainstays, and neither industry was robust. Proponents of statehood realized that the future of the state of Alaska depended upon the successful development of all its natural resources. Statehood bills pending in Congress indicated that the new state government would acquire an enormous amount of land from federal holdings, and it would assume responsibility for managing all fish and wildlife. Alaska's delegate to Congress, Bob Bartlett, devoted his keynote speech to the constitutional convention to the role of resource development in Alaska's future and to the ease with which the benefits of this development could be lost by careless management: ". . . fifty years from now, the people of Alaska may very well judge the product of this Convention not by the decisions taken upon issues like local government, apportionment, and the structure and powers of the three branches of government, but rather by the decision taken upon the vital issue of resources policy."

Delegate Bartlett and others urged constitutional defenses against freewheeling disposals of public resources and colonial-style exploitation that would contribute nothing to the growth and betterment of Alaska. Such abuses were common in the early history of resource management in the western states, and manifestations of them were visible in contemporary Alaska under the complacent management of federal bureaus. Thus, the convention delegates sought to enshrine in the state constitution the principle that the resources of Alaska must be managed for the long-run benefit of the people as a whole - that is, the resources of the state must be managed as a public trust. They did not attempt to write a resource code; rather, they sought to fix the general concept of the public interest firmly in the resource law and resource administration of the state, as well as in the consciousness of Alaskans, so it would not be subverted through the indifference or avarice of future generations.

In drafting this article, delegates were unable to refer to other state constitutions or the *Model State Constitution* for ideas and guidance, as none of them dealt with natural resource policy as broadly as the Alaskans thought necessary. At the time of Alaska's constitutional convention, only the proposed Hawaii constitution addressed natural resource policy in a separate article, and that only briefly. Other state constitutions, if they contained reference to resources at all, focused on specific matters of local relevance (irrigation and water rights in the western states, tidelands in Washington, reforestation

Article VIII

in Oregon, and so on). These state constitutions were, for the most part, written before modern principles of conservation and resource policy (sustained yield and multiple use, for example) were articulated. Thus, Alaska's natural resource article was a unique product of the 1956 convention, and it remains unique among the states, even though constitutional treatment of natural resource and environmental issues in other states has grown through amendment and revision in recent years.

Article VIII of Alaska's constitution clearly establishes that the natural resources of Alaska should be developed. Indeed, to the convention delegates, the very success of statehood hung in the balance. But while this article creates a strong presumption in favor of resource development, it will not abide that which is wasteful, biologically exhaustive, rooted in special privilege, narrowly selfish or contrary to the rights of others and the larger public interest.

With certain exceptions, this article allows the government to sell, lease or give away public land and resources, but it may do so only in accordance with constitutional and statutory guidelines, and all transactions must be in full public view. A governor or commissioner may not, for example, quietly sell to friends a favorite fishing spot, or secretly negotiate the lease of a state-owned coal field to a mining company.

Despite their philosophical aversion to the "give away" of public resources, the delegates were enamored with the long-established federal method of disposing of public mineral lands, which allows a person to obtain fee title to a metallic mineral deposit simply by filing a claim to it. Meanwhile, a draft article on natural resources prepared by consultants to the convention called for the state to retain in public ownership the subsurface title to all mineral lands and to lease the right to produce minerals from these lands. Congress was predisposed to the same idea, and in all likelihood was going to prohibit the state from transferring out of state ownership the mineral rights to land acquired from the federal government. Nonetheless, in the constitution the delegates opted for the existing federal system of obtaining full title to mineral lands "if not prohibited by Congress." As it happened, Congress forced on the state the leasing alternative and required the state to retain ownership of the minerals on its land.

Delegates debated at some length the organization of the executive agency to be charged with managing natural resources. There was vocal public support for a commission of fish and game to oversee the management of those resources (as there was support for the creation of a constitutional board of education to head the state department of education).

In the end, however, the delegates left the way open for a board to head a principal department but willed to the legislature the task of deciding when the use of an executive board was appropriate (see discussion of Article III, Section 25).

It is not surprising that controversies over resource management have been among the most bitter in Alaska's political history and that the courts have been called on frequently to decide the meaning of constitutional language in the context of these disputes. This is because natural resources loom so large in the lives of so many Alaskans, if not as a source of livelihood then as source of cherished recreation. It is also because the language of this article is general and often opaque. A major challenge of the resource management agencies has been to restrict access and establish priorities among competing user groups, which the constitution expects, without creating special privileges and exclusive rights, which the constitution abhors. The courts have had to determine when a management scheme reasonably allocates a scarce resource among those who use it ("beneficial users") and when it violates constitutional guarantees of common use and open access to the public (see commentary under Sections 3, 15 and 17 below).

Section 1. Statement of Policy

It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

This is an emphatic statement that the policy of the state is to encourage the development of its land and resources, but in a manner that recognizes the collective interests of the people as the owners of these lands and resources. The meaning of the phrase "consistent with the public interest" is found elsewhere in this article. For example, it means that the principles of conservation must govern resource management (Sections 2 and 4); that everyone should be treated equally by management rules, particularly rules adopted in the interests of conservation that limit the access of some groups to certain resources (Sections 3, 15, 16 and 17); and that the public must be notified of all disposals of public land and resources, which may occur only according to the terms of general laws (Sections 8, 9 and 10). While the delegates were firmly committed to resource development as the financial salvation of statehood, they were wary of rank profiteers and "boom and bust" enterprises. For example, two tenets among Alaskans were that corporate developments such as the Kennecott copper mines made no lasting contribution

Article VIII

to the territory, and that absentee owners of fish traps had unfair, exclusive rights of access to Alaska's salmon and were depleting the resource in their single-minded quest for profits.

Section 2. General Authority

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters, for the maximum benefit of its people.

This section is a broad grant of legislative authority to implement the policy enunciated in Section 1. [The original resource article of the Hawaii constitution written in 1950, began with a similar provision: "The legislature shall promote the conservation, development and utilization of agricultural resources, and fish, mineral, forest, water, land, game and other natural resources" (Article X, Section 1 of the 1950 constitution)]. In addition to utilization and development, conservation appears as an alternative of resource management. The delegates understood the term in its traditional sense of "wise use." The Alaska Supreme Court has said: "The terms 'conserving' and 'developing' both embody concepts of utilization of resources. 'Conserving' implies controlled utilization of a resource to prevent its exploitation, destruction or neglect. 'Developing' connotes management of a resource to make it available for use" (*Kenai Peninsula Fisherman's Co-op. Association v. State*, 628 P.2d 897, 1981).

Section 3. Common Use

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

This section, together with Sections 15 and 17, emphatically prohibits the state from granting to any person or group privileged or monopolistic access to a natural resource. This "anti-monopoly purpose" of the section, the Alaska Supreme Court has said, "was achieved by constitutionalizing common law principles imposing upon the state a public trust duty with regard to the management of fish, wildlife and waters" (*Owsichek v. State*, 763 P.2d 488, 1988). While it prohibits special privileges, the constitution also recognizes that proper resource management may require restricting the harvest of

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Section 6. State Public Domain

Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

The public domain is government-owned land that has not been set aside for special use and remains open for private settlement and development in accordance with public land laws. Thus, all lands, including tidelands and submerged state land beneath navigable rivers and inland bays, are in the public domain except for parcels explicitly withdrawn for a specific governmental purpose. The second sentence of this section is a general authorization for the legislature to select land in accordance with the statehood act (it was evident at the time that Congress would make a large grant of federal land to the new state) and to provide for the administration of state lands. It is technically unnecessary, as managing state lands is an inherent power of all state legislatures.

Section 7. Special Purpose Sites

The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

This language, like that of Section 5 and Section 6, is not necessary to authorize action which the legislature would otherwise be prevented from taking. However, it makes clear that special-purpose withdrawals are within the constitutional scheme of things even though development objectives are stressed in other sections. That is, this section prevents constitutional objections to such withdrawals on the grounds that they are incompatible with commercial development.

Alaska statute 38.04.070 authorizes withdrawals of land from the public domain for state forest and wildlife reserves, state parks (to protect areas with special recreational, scenic,

Article VIII

Section 9. Sales and Grants

Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

In addition to leasing, the legislature may sell or give away (by means of a grant) state-owned resources. "Interests therein" refers to specific uses of the land, such as agricultural uses, which may be sold without transferring full title. The second sentence of this section anticipated that Congress would prohibit the new state from conveying away the mineral rights to its land, and, in fact, Section 6(i) of the Alaska Statehood Act bars the state from selling or giving away mineral rights (the background of this provision is discussed at length in *State v. Lewis*, 559 P.2d 630, 1977; see also Section 11 below, and Article XII, Section 13). A condition of sale or grant of the surface use of land is that the state be allowed access to the subsurface (mineral) resources to which it retains ownership. Should the state ever exercise its right of access, it may not impair the owner's right to use the land and control trespass by others, and the state must compensate the owner for damages it may cause.

The Alaska Land Act, AS 38.05, implements this section by providing for the sale of land by auction, lottery and other methods.

Section 10. Public Notice

No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

This section requires the state, when disposing of state lands and resources as authorized by sections 8 and 9 above, to observe fixed legal procedures that protect the public's interest in these lands and resources. One such procedure is a formal announcement by

the state that it intends to sell, lease or grant a specific parcel before the transaction occurs. This requirement is a protection against fraud and administrative wrongdoing, and against concessions, sales and leases that may inadvertently confer special privileges in violation of Sections 3, 15 and 17. The Alaska Supreme Court underscored the significance of this provision (*Alyeska Ski Corporation v. Holdsworth*, 426 P.2d 1006, 1967). In that case, an unsuccessful bidder for a state lease complained of procedural irregularities in the award of the bid. The Department of Natural Resources rejected the complaint and asserted that the commissioner's decision in the matter was final, not subject to review by the courts. The court held otherwise, compelled by the "unequivocal constitutional mandate requiring that all leases of state lands are to be entered into in accordance with safeguards imposed by law." If the pertinent statutes and regulations were ambiguous regarding judicial review, the constitution was not, in the view of the court. The justices noted that Article VIII, Section 10 "reflects the framers' recognition of the importance of our land resources and of the concomitant necessity for observance of legal safeguards in the disposal or leasing of state lands" (*Alyeska Ski Corporation v. Holdsworth*).

In 1976 the voters turned down an amendment to this section which would have given the legislature veto power over all disposals of state-owned natural resources. The proposed amendment stemmed from legislative dissatisfaction with certain sales of state royalty oil that had been negotiated by the executive branch. At the time, many proponents of the amendment believed that its failure at the polls resulted from a biased summary of the proposition on the ballot, which was written by individuals in the executive branch who, they claimed, were opposed to the measure (see discussion of Article XIII, Section 1).



Sponsor Statement

SB 56

Current state statutes are working against second class cities and municipalities incorporated after April 1, 1964. To promote self sufficiency and economic development at the local level I am proposing to change current state statute Title 38.

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

SB 56 allows all municipalities, home rule, first and second class cities and boroughs to apply for tide and submerged land and to have them conveyed. There would be four conditions to meet in order for this to happen:

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

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



Sectional Analysis of SB 56

The following is a sectional analysis of SB 56 "An act relating to rights in certain tide and submerged land."

Section 1 amends AS 38.05 by adding a new section. Title 38 deals with "Public Lands", chapter 05 deals specifically with the "Alaska Land Act"

Subsection (a) sets out the four conditions that a municipality must meet before the commissioner shall convey tide or submerged land to the municipality. These are:

- (1) Lack of unreasonable interference with public access.
- (2) The municipality must have applied for land conveyance.
- (3) Land use must be compatible with the proposed use and land classification set by the municipality.
- (4) Need for the land development.

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

Subsection (c) states that if the commissioner has determined that an application for conveyance meets the appropriate standards, the commissioner shall convey the land to the municipality. This subsection also states that after approval by the commissioner, a municipality has responsibility of management and the right to lease or sell the land.

Subsection (d) limits the restrictions that the state can put on the land conveyed under this section and requires reasonable public access to public water. Any land that has been conveyed under this section reverts back to the state upon the dissolution of the municipality.

Subsection (e) states that land transferred under this section does not count against a municipality's general land grant.



February 3, 1995

TO: Senator Loren Leman

FROM: *Kevin C. Ritchie*
Kevin C. Ritchie
Executive Director

RE: SB 56 - Rights in certain tide and submerged land

The Alaska Municipal League supports SB 56, which would allow all Alaskan cities the right to select and receive title to state-owned tide and submerged lands within their municipal boundaries. In November 1994, AML members discussed this issue and passed Resolution 95-11 (copy enclosed) supporting the concept included in SB 56.

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

Attachment

JK/Leg95/hb20 126

Background

Resolution of the Alaska Municipal League

Resolution 95-11

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE URGING THE PASSAGE OF LEGISLATION REQUIRING THE CONVEYANCE TO CITIES AND BOROUGHES OF STATE TIDELANDS THAT ARE LEASED TO MUNICIPALITIES OR ARE NEEDED OR APPROPRIATE FOR DEVELOPMENT

WHEREAS, upon becoming a state, Alaska authorized all first class and home rule cities to receive all tidelands within their boundaries and these cities were required to reconvey to private persons only those tidelands to which such persons had a claim through their prior use and development of the tidelands; and

WHEREAS, the right to receive such tidelands was never extended to unified municipalities, second class cities, or to boroughs of any class, nor to any cities that reclassified as first class or home rule after April 1, 1964; and

WHEREAS, all coastal municipalities have similar needs for tidelands to give them the tools needed to encourage, control, and ensure responsible development of tidelands within their boundaries and to ensure that such development is consistent and coordinated with other developments and needs of the municipality; and

WHEREAS, the State of Alaska currently will convey an interest in tidelands to municipalities only through a lease; and

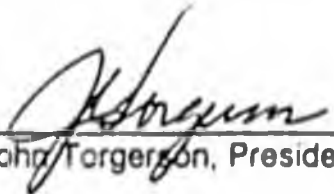
WHEREAS, obtaining a tidelands lease from the State of Alaska is a cumbersome, lengthy process and the leases often require the posting of a performance bond that costs the municipality more in annual premiums than the fair market annual rent for the tidelands, create an unnecessary ongoing relationship with the State with respect to the tidelands parcel, and impose other unreasonably burdensome requirements; and

WHEREAS, municipalities, as well as the State of Alaska, have a duty to ensure that the use of their lands, including tidelands, is in the public interest; and

WHEREAS, it would be equitable and in the public interest for the State of Alaska to convey to boroughs and to cities that have not received their tidelands under AS 38.05.820 (formerly AS 38.05.320) tidelands that are needed or have been identified as appropriate for public or private development; and

WHEREAS, HB 398, as it passed the Alaska House of Representatives during the Second Session of the Eighteenth Alaska Legislature, would have met these needs of municipalities;

NOW, THEREFORE, be it resolved that the Alaska Municipal League urges the Legislature and the Governor to pass either legislation substantially in the form of HB 398 as passed by the Alaska House of Representatives during the Second Session of the Eighteenth Legislature or other legislation requiring the expedited conveyance to municipalities of tidelands leased to municipalities and tidelands that are appropriate or needed for development.



John Torgerson, President

ATTEST



Kevin C. Ritchie, Executive Director

ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

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

February 7, 1995

Senator Loren Leman
Room 113
State Capitol
Juneau, AK 99801-1182

RE: Senate Bill 66

Dear Senator Leman:

While we have not discussed the costs of tideland leasing to municipalities, I thought it would be interesting to analyze what a typical tidelands lease costs a local government.

Attached is a table called "Tideland Lease Expense" which is based on the Aleutians East Borough's most recent tideland lease with DNR. It is a 20-year lease on 4.4 acres with a rate of \$1,100 annually - and may require reappraisal every 5 years. For simplicity's sake, I have taken the actual costs and extended them over the 20 years of the lease. I made no provision for inflation or any other increases. It is interesting to note that DNR receives only 19% of the total cost to the AEB if the lease is reappraised every five years and receives 22% of the annual cost if the lease is never reappraised.

I am also attaching a recent memo to the City of Akutan which outlines the steps needed to secure a tidelands lease. You can easily cross reference the fees to the steps outlined in the memo.

If this proves useful, please feel free to use it. If you have any questions, do not hesitate to call me.

Sincerely,



Robert S. Juettner
Administrator

RSJ:amn

Enclosures as indicated

cc: Annette Kreitzer

CLERK/PLANNER
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(907) 383-2898
(907) 383-3498 FAX

BOROUGH ADMINISTRATOR
1600 A STREET, SUITE 103

FINANCE DIRECTOR
P.O. BOX 48
KING COVE, ALASKA 99812
(907) 487-2368
(907) 487-2368 FAX

Background

Tideland Lease Expense

Category	Unit Cost	Recurring Cost	Prorated Cost 20 Years With 5 Year Re-appraisal	Prorated Cost 20 Years Without Re-appraisal
Application Fee	\$5,000	No	\$250	\$250
Survey Instructions	\$50	No	\$3	\$3
Survey Review	\$200	No	\$10	\$10
Tideland Survey	\$6,297	No	\$315	\$315
Appraisal Fee	\$5,000	Every five years	\$1,000	\$250
Appraisal Travel	\$1,172	Every five years	\$234	\$59
Lease Fee	\$1,100	Annually	\$1,100	\$1,100
Performance Bond	\$3,000	Annually	\$3,000	\$3,000
Annual Cost to Lessee			\$5,912	\$4,986
% of Annual Lease to Annual Cost			19%	22%

INTEROFFICE MEMO

To: Akutan Project Personnel
From: Terry P. Irwin P.L.S.
Date: February 1, 1995
Subject: Status of Alaska Tidelands near the Akutan Seaplane Ramp

Tidelands

The tidelands immediately adjoining the proposed seaplane ramp projects is presently designated ATS No. 781, it contains approximately 16.1 acres of property. The tidelands survey has never been completed.

A conversation with Mary Walters of DNR suggests the following facts:

- 1) The city appears to have an application on file with DNR to lease the tidelands, it's designation is ADL 224646, initiated on Nov. 23, 1988, for 17.2 acres??
- 2) To proceed with finalization of the tidelands lease, the following must take place:
 - a/ Create and submit a current development plan that notes any changes or deviations from the original plan. This development plan should also indicate proposed schedule
 - b/ Contact Coastal Zone with the new development plan and discuss whether or not a modification to the original application is needed. Fill out a new "Environmental Risk Questionnaire", and submit to DNR and DGC.
 - c/ Request survey instructions for the actual survey and monumentation of the ATS
 - d/ Perform the field survey per the state instructions.
 - e/ Request appraisal instructions from the State of Alaska.
 - f/ Select a state approved appraiser and have an appraisal performed.
 - g/ Complete final lease negotiations and pay a \$5000 bond to finalize lease.
- 3) Presently, DNR is severely understaffed due to financial cutbacks. For this reason an application for tidelands lease can take as much as two years to complete within the present first come first served basis. The applicant can chose to pay a fee of approximately \$5000 to DNR so that a single employee can be assigned their case for expediting. In this scenario a lease and plat can probably be completed in six months.

Status of Alaska Tidelands near the Akutan Seaplane Ramp

02/01/95 Page 2

- 4) If materials are going to be utilized for this project, a new materials sale contract may have to be negotiated, as the previous contract appears to have been closed in 1989.
- 5) Some additional thoughts and considerations that come to mind relative to this project:
- a/ A determination needs to be made as to who owns the uplands. If the applicant is the owner the permit/lease process will go a lot smoother than if the uplands is owned by a third party. The upland owner generally has first right to adjoining tidelands.
 - b/ If less area is needed the development plan and subsequent lease application might want to request less acreage, as the cost to lease tidelands has increased in the past few years. It can now typically run \$2000 plus or minus , per acre per year.
 - c/ The city might want to see if they can obtain the tidelands under municipal entitlement statutes, that way they would own the tidelands after the survey and wouldn't have to pay for appraisal, rent, bond, or the asbuilt survey after completion.

CC:

S B

6 3

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. Senate Bill 63

Revision Date: February 14, 1995
 Title: Alaska Sport Fishing Industry Marketing Council

Department: Commerce and Economic Development
 BRU: Tourism
 Component: Tourism Development

Sponsor: KELLY, Sharp
 Revisor: _____

COMPONENT SERIAL NO. _____ 1017

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	58.2	60.7	60.7	60.7	00	00
TRAVEL	51.1	53.3	53.3	53.3	00	00
CONTRACTUAL	1,039.3	1,064.9	1,064.9	1,064.9	00	00
SUPPLIES	1.4	1.4	1.4	1.4	00	00
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,150.0	1,200.3	1,200.3	1,200.3	00	00

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

CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts						
1003 GF Match						
1004 General Fund	1,100.0	1,150.0	1,150.0	1,150.0	00	00
1005 GF/Program Receipts	50.0	50.3	50.3	50.3	00	00
1006 GF/MHTIA						
Other						
TOTAL	1,150.0	1,200.3	1,200.3	1,200.3	00	00

Estimate of any current year (FY 95) cost: \$ _____ 00

POSITIONS

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME	1	1	1	1	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The administration of this program will require a staff person with marketing/advertising expertise to serve as liaison between the advertising agency, the council and the division.

See attached for further breakdown of expenditures.

Prepared by: Mary Pignatelli
 Division: Tourism
 Approved by Commissioner: William L. Kenney
 Agency: Commerce and Economic Development

Phone: 465-2012
 Date: February 14, 1995
 Date: 2/14/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 63

ANALYSIS (continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT Fiscal Note Calculations for

EXPENDITURES - FY 96 *

<u>Personal Services *</u>	PFT Development Specialist I	58,200 00
<u>Travel *</u>	19 council members @ \$800 per trip =	11,400 00
	4 meetings per year @ \$ 11,400 ea =	45,600 00
	staff level to council and other meetings	5,500 00
	TOTAL TRAVEL	51,100 00
 <u>Contractual *</u>		
Administration	Phone/fax/copying/fulfillment postage	12,000 00
Advertising/promotion contract		941,800 00
Research contract - additional funds needed		75,000 00
Trade Shows 3 @ \$ 3,500 per year		10,500 00
	TOTAL CONTRACTUAL	1,039,300 00
 <u>Supplies *</u>		
Stationery, supplies, etc		1,400 00
	TOTAL SUPPLIES	1,400 00
	TOTAL EXPENDITURES	1,150,000.00
 <u>FUND SOURCE - FY 96</u>		
General Fund	Approx 220,000 licences @ \$ 5 00 ea	1,100,000 00
GF/program Receipts	Sales from ad in sportfish brochure	50,000 00
	TOTAL FUND SOURCE	1,150,000.00

* FY 96 figures serve as the base. FY 97, 98, 99 figures reflect inflation rate per fiscal note instruction memo dated 1/20/95

Position Title Marketing Coordinator		No of Positions 1	Justification A Marketing Coordinator (Development Specialist I) is needed as staff support for the Alaska Sport Fish Industry Marketing Council. This position would serve as the liaison between the director, council and advertising/public relations firm. The position should have marketing and advertising expertise in order to advise the council members and division director regarding marketing strategies proposed by the advertising/public relations firm.
Time Status PFT	Staff Months 12.0	Range/Step 18A	
Bargaining Unit GGU	Location Juneau	Election District 99	
TYPE OF EXPENDITURE		AMOUNT	
Salary		42.0	
Benefits		16.2	
Premium Pay			
Other			
Personal Services		58.2	
Travel			
Contractual Services			
Supplies			
Equipment			
Total		58.2	
FUNDING SOURCE			
1002 Federal Receipts			
1003 GF Match			
1004 General Fund		58.2	
1005 GF Prog Receipts			
1007 IA Receipts			
1081 CIP Receipts			
Program/C#/Legislation			

**Request for
New Position**

AGENCY Commerce and Economic Development
 BRU Tourism
 COMPONENT Tourism Development #1017

page 1 of 1
Revised Date

FY 96

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

02/13/95

Position Information Inquiry/Update

08:13:57

Position: 08-08#013	Project: 0	Salary Costs: 41,988.00
Component: 08-71-05-05-01-00	Region: -	Benefits Costs: 16,178.49
Scenario: 2 FY: 96	COLA %= 0.000	Total Costs: 58,166.49

Actuals not available (Status: UNKNOWN) | Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for _0.0 months (total: 12.00)
0	Merit Date; use merit defaults? N (0.0 @ & 0.0 @)
	Class/Sched Prefix: 2 Schedule: 2A (actual:)
	Bargaining Unit: GG Range: 18 (actual:)
	Location Code: AWA Place: JUNEAU
	Job Class Code: P2286 Title: DEV SPEC I, OPTION A_____
	Seasonal Indic.: F Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00____ for _0.0 months & rate of 0.00____ for _0.0 months
 Hourly Rate: 0.00____ for _0.0 months Frozen at .s rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0_

RUST'S

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February 17, 1994

Senator Tim Kelly
State Capitol, Room 101
Juneau, AK 99801

FAX: 1-907-465-3822

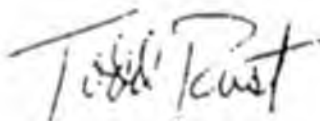
Dear Senator Kelly:

I am writing to you to express my support for Senate Bill No. 63/House Bill No. 147 which supports founding a sport fishing industry cooperative marketing program. This initiative, in my opinion, is long overdue and represents the first concerted effort of our industry to collectively promote and market itself.

As a small business operator who has been involved in providing sportfishing services for over thirty years, I realize the substantial economic importance of the sportfishing industry. Currently, the sportfishing industry brings millions of dollars to the Alaskan economy. This economic impact, due to the spending of locals and visitors alike, supports our restaurants, retail stores, tour companies, service industries, advertising agencies, hotels, etc. More importantly, to remain competitive as a world class sportfishing destination, we must actively market and plan for the future of the sportfishing industry. This cooperative marketing will be the core program of a unified organization promoting our important, growing industry.

I strongly urge you to support these upcoming bills which will ensure that Alaska's sportfishing industry continues to grow.

Sincerely,



Todd Rust



Air
Charter



Fishing

PO Box 190325, Anchorage, Alaska 99519

Support Letters

Cabins &
Lodges

544-2299



Rafting

Fax: (907) 248-0552



B & P's LODGE INC

FEBRUARY 20TH, 1995

FROM B&P LODGE INC.
4200 FLOAT PLANE DR.
ANCHORAGE, ALASKA 99502
TEL-243-5161 FAX 243-1711

DEAR SENATOR TIM KELLY

WE HERE AT B&P LODGE LOCATED ON UPPER FISH LAKE IN THE
MATANUSKA VALLEY WOULD LIKE TO LET YOU KNOW THAT WE FULLY
SUPPORT THE FOLLOWING BILLS.

WE FULLY SUPPORT SENATE BILL NO. 63 AND HOUSE BILL NO. 147
RELATING TO THE SUPPORT OF THE ALASKA SPORT FISHING INDUSTRY
MARKETING COUNCIL.

WE THINK IT WOULD BE IN THE LONG TERM BEST INTERESTS FOR
EVERYONE IN ALASKA TO SEE THESE BILLS PASS. THIS LETTER IS TO LET
YOU KNOW YOU HAVE OUR FULL SUPPORT HERE AT B & P LODGE.

BEST REGARDS

A handwritten signature in black ink, appearing to read "Jim Bern". The signature is written in a cursive style and is positioned above the printed name and title.

JIM BERN
VICE PRESIDENT B&P LODGE INC.



Susitna Valley Lodge Association

February 21, 1995

Senator Tim Kelly
State Capitol, Room 101
Juneau, AK 99801

By Facsimile: 465-3756

Dear Senator Kelly,

As president of the Susitna Valley Lodge Owners Association, I wish to voice our organization's strong support for Senate Bill No. 63: "An act relating to the Alaska sport fishing industry marketing council".

The Susitna Valley Lodge Owners Association is composed of the majority of sport fishing oriented lodges in the Susitna Valley. Our businesses very much need the support of a marketing tool such as Senate Bill No. 63. This legislation would provide an outlet for countless Alaskan businesses to benefit from representation in the sport fishing and tourism industry.

Thank you for your sponsorship of SB No. 63, we applaud your effort to improve tourism to the state of Alaska!

Sincerely,

Duke Bertke
President



**Chelatna
Lake Lodge Inc.**

February 16, 1995

Senator Loren Leman
State Capitol, 3101
Juneau, Alaska 99801

Dear Senator Leman,

As the Chairman of the newly founded *Alaska Sportfishing Industry Association* I would like to explain why Senate Bill No.63 "An act relating to the Alaska Sport Fishing Industry Marketing Council" is so important to our industry and to the state of Alaska.

Non-resident sport fishing brought in somewhere between 400 and 500 million dollars in revenue to the residents of the state of Alaska in 1994. With numbers like this there is no doubt that this industry is becoming an integral part of our economy. This is controllable, sustainable growth that if managed properly can bring benefits to Alaska for years to come.

Sport fishing is one of the main components of Alaskan tourism. It is imperative that we have an organization to nurture and direct its growth. SB-63 will provide the tools to cultivate this product properly.

I ask you to please consider the beneficial effects SB-63 will help to give the state of Alaska and its economy.

Sincerely,



Duke Bertke

Bristol Bay Lodge

Alaskan Angling



Since 1972

Route 1, Box 580

Ellensburg, WA 98926

(509) 964-2094

February 17, 1995

Senator Loren Leman
State Capitol
Juneau, AK 99801

Dear Senator Leman:

I would like to express support for Senate Bill No. 63
"An Act Relating to the Alaska Sport Fishing Industry
Marketing Council".

The Sport Fishing Industry in the state of Alaska has
contributed to the tourism industry and should not be
ignored as an enterprise within the state. Sport fishing
does bring millions of dollars of business into the state
every year. The benefits of which reach to all parts of
the state.

This legislation to create a Sport Fishing Marketing Council
is important to the industry because it will help to pro-
vide both support and diversity in marketing. This kind
of support for the sport fishing industry will help in
setting goals and preserving the fisheries for years to
come.

We all need to work together to wisely use and preserve
the resources of Alaska. This bill is one step in that
direction.

Sincerely,

Edna M. McCune

Edna M. McCune
Bristol Bay Lodge



**ALASKA
WILDLAND
ADVENTURES**

P.O. BOX 389 GIRDWOOD, AK 99587

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DIRECT: 907-783-2928

WITHIN ALASKA: 800-478-4100

DIRECT: 907-783-2928

FAX: 907-783-2130

DATE:

2/17/95

FAX

To: State Capitol Room 101

ATTENTION: Senator Tim Kelly

FROM: Kirk Hoessle, Pres.

TO FAX #: 1 907 465 3756

OF PAGES TRANSMITTED (INCLUDING THIS PAGE): (1)

PLEASE CALL A.W.A. UPON RECEIPT

YES NO

MESSAGES: Dear Mr Kelly - We own & operate Kenai River Sport Fishing
Lodge, Inc, and we support the idea of an Alaska Sport
Fishing Marketing Council, as introduced in Senate Bill #63.

Thanks,

Kirk Hoessle, Pres.



February 14, 1995

Senator Loren Leman
State Capitol, 3101
Juneau, Alaska 99801

Dear Senator Leman:

I would like to express my support for Senate Bill No. 63 "An act relating to the Alaska Sport Fishing Industry Marketing Council".

The Sport Fishing Industry has grown into a huge component of Alaska's tourism industry. Sport fishing in Alaska brings hundreds of millions of dollars into our state, and the distribution of this revenue is spread throughout the entire state to a large number of small businesses.

Alaska's Sport Fishing Industry competes on a global market. The choices for American anglers has grown tremendously over the last five years and competition from other countries continues to grow. An angler now chooses between quality fishing trips in Argentina, New Zealand, Chile, Russia, Mexico, Costa Rica, Belize, The Caribbean, Venezuela, Panama, Africa, Christmas Island, and Alaska. Each of these sport fishing travel destinations are highly publicized targeting American anglers.

Even though Alaska's Sport Fishing Industry has steadily grown over the last decade, the future growth and development of this industry is in danger. The recent regulatory restrictions in Southeast Alaska, Nushagak River Silver Salmon closures, Cook Inlet / Susitna Drainage King Salmon closures give our industry a black eye. Imagine traveling to Alaska for a dream trip and have the fishing season closed while on that trip. When the angling public hears about closures it makes them very skeptical about choosing Alaska as their fishing destination. Many will choose more stable fisheries in other countries.

The recently announced closure in some waters of the Susitna drainage affects all of the state. It's like the Exxon oil spill - people from the lower 48 thought the whole state was ruined by oil. Anglers hear that Alaska King Salmon are in trouble, it does not matter whether or not it is isolated, word spreads, rumors fly, Alaska gets a bad reputation. Like one can of tainted salmon, the entire commercial Salmon industry suffers.

page 2

February 14, 1995

Senator Loren Leman
State Capitol, 3101
Juneau, Alaska 99801

The creation of a Sport Fishing Marketing Council is important to our industry to provide the marketing support and diversity in marketing that does not occur today. A Sport Fishing Marketing Council can keep the sport fishing industry on an even keel into the future. Don't let salmon allocation between user groups blind you to the merits of this council.

It is time for the State to have foresight and recognize the current value of the sport fishing industry and allow us to help ourselves. The Sport Fishing Marketing Council will be self-funded, at least to generate an equal amount of funds as it would spend. We are not asking for a handout or government subsidy. On the contrary, after 21 years in this business, I am proud of the fact that the State of Alaska does not spend any money from the general fund to manage sport fishing here. In fact, fishing license sales and D.J. Federal funds pay for Fish & Game's Division of Sportfish.

Our industry is somewhat unique from the other industries in our state. We consist of many small entrepreneurs who work hands on in the summer months and spend the winters promoting and preparing for another summer. We do not have a group of larger corporations, like Princess Tours or Alaska Airlines, who can carry the political ball. Our operators find themselves in a constant struggle for survival and have traditionally not participated in politics because they are too busy operating and promoting and staying alive.

During my service on the Alaska State Board of Fisheries, I have had the privilege to meet and talk to many of the sport fishing operators throughout the State. At many Board of Fishery meetings, the sport fishing industries participation was very minimal, not because they did not care, they were busy struggling to survive. You won't hear from a lot of operators on the merits of this Marketing Council because they are all over the United States trying to sell Alaska. They are the front line ambassadors for the State. It's time to give them some help.

I am asking you to share our vision for the future, now is the time to act before our industry is affected. If I can answer any questions, please don't hesitate to call me.

Sincerely,



Bud Hodson
Owner/Operator
BH:kc

P.O. Box 220248
Anchorage, Alaska 99522



Phone: (907) 243-8450
Fax: (907) 248-3091

Memorandum State of Alaska Department of Fish and Game
SPORT FISH DIVISION

DATE: February 21, 1995 **PHONE:** (907) 465-6187

TO: Geron Bruce
Special Assistant to the Commissioner

FROM: John Burke *John*
Acting Director
Sport Fish-Juneau

SUBJECT: HB 147 and SB 63

In response to your question about loss of Federal Aid to Sport Fish Restoration Funds (\$9,996,650 in FY95) because of a potential diversion of license fees as an outcome of HB 147 or SB 63. I called Bill Martin, head of the Federal Aid Office of the USFWS in Anchorage, this morning. Bill said that what is proposed in HB 147 and SB 63 would constitute a diversion of funds. The issue is that the surcharge is clearly associated with license fees and is also intended as the funding source for the Alaska Sport Fishing Marketing Council under the Department of Commerce. Any fee connected with licensing an individual to sport fish must be used for the benefit of recreational anglers. The funds generated from such fees must be under the control of the Commissioner of the Department of Fish and Game.

It is sometimes difficult to understand the constraints on the use of the fish and game fund posed by both state statute and federal rules governing Federal Aid to Sport Fish Restoration Funds. I have attached a copy from 50 CFR Part 80 relating to the diversion of license fees and a short explanation we wrote to assist during this session.

I hope this is of assistance.

same State where legal residence is maintained.

(i) **Common horsepower.** Common horsepower is defined as any size motor that can be reasonably accommodated on the body of water slated for development.

(47 FR 22630, May 26, 1982, as amended at 50 FR 21448, May 24, 1985)

§ 80.3 Eligibility.

Participation in the benefits of the Acts is limited to State fish and wildlife agencies as specified below:

(a) **Federal Aid in Sport Fish Restoration**—Each of the 50 States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.

(b) **Federal Aid in Wildlife Restoration**—Each of the 50 States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands; except that the benefits afforded by section 4(h) of the Act relating to hunter education projects are limited to the 50 States.

(47 FR 22630, May 26, 1982, as amended at 50 FR 21448, May 24, 1985)

§ 80.3 Assent legislation.

A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and wildlife agency. Subsequent legislation which amends these state laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

§ 80.4 Diversion of license fees.

Revenues from license fees paid by hunters and fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency.

(a) Revenues from license fees paid by hunters and fishermen are any rev-

enues the State receives from the sale of licenses issued by the State conveying to a person the privilege to pursue or take wildlife or fish. For the purpose of this rule, revenue with respect to license sales by vendors, is considered to be the net income to the State after deducting reasonable vendor fees or similar amounts retained by sales agents. License revenues include income from:

(1) General or special licenses, permits, stamps, tags, access and recreation fees or other charges imposed by the State to hunt or fish for sport or recreation.

(2) Sale, lease, rental, or other granting of rights of real or personal property acquired or produced with license revenues. Real property includes, but is not limited to, lands, building, minerals, energy resources, timber, grazing, and animal products. Personal property includes, but is not limited to, equipment, vehicles, machine, tools, and annual crops.

(3) Interest, dividends, or other income earned on license revenues.

(4) Federal Aid project reimbursements to the States to the extent that license revenues originally funded the project for which the reimbursement is being made.

(b) For purposes of this rule, administration of the State fish and wildlife agency includes only those functions required to manage the fish and wildlife-oriented resources of the State for which the agency has authority under State law.

(c) A diversion of license fee revenues occurs when any portion of license revenues is used for any purpose other than the administration of the State fish and wildlife agency.

(d) If a diversion of license revenues occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until:

(1) Adequate legislative prohibitions are in place to prevent diversion of license revenues, and

(2) All license revenues or assets acquired with license revenues are restored, or an amount equal to license revenue diverted or current market value of assets diverted (whichever is greater) is returned and properly

available for use for the administration of the State fish and wildlife agency.

(e) Federal funds obligated for projects approved prior to the date a diversion is declared remain available for expenditure on such projects without regard to the intervening period of the State's ineligibility.

(64 FR 18300, Apr. 17, 1999)

§ 80.5 Eligible undertakings.

The following are eligible for funding under the Act:

(a) *Federal Aid in Wildlife Restoration Act* (1) Projects having as their purpose the restoration, conservation, management, and enhancement of wild birds and wild mammals, and the provision for public use of and benefits from these resources.

(2) Projects having as their purpose the education of hunters and archers in the skills, knowledge, and attitudes necessary to be a responsible hunter or archer.

(b) *Federal Aid in Sport Fish Restoration Act* (1) Projects having as their purpose the restoration, conservation, management, and enhancement of sport fish, and the provision for public use and benefits from these resources. Sport fish are limited to aquatic, gill-breathing, vertebrate animals, bearing paired fins, and having material value for sport or recreation.

(2) Additional funds resulting from expansion of the Sport Fish Restoration Program must be added to existing State fishery program funds available from traditional sources and not as a substitute therefor.

(47 FR 12639, May 28, 1982, as amended at 60 FR 21648, May 24, 1995)

§ 80.6 Prohibited activities.

The following are not eligible for funding under the Act, except when necessary for the accomplishment of project purposes as approved by the regional director.

(a) Law enforcement activities conducted by the State to enforce the fish and game regulations.

(b) Public relations activities conducted to promote the State fish and wildlife agency.

§ 80.7 Appeals.

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determination rests with the Secretary.

§ 80.8 Availability of funds.

Funds are available to a State for obligation or expenditure during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement is signed by the regional director.

§ 80.9 Notice of desire to participate.

Any State fish and wildlife agency desiring to avail itself of the benefits of the Act shall notify the Secretary within 90 days after it has received a certificate of apportionment of funds available to the State. Notification to the Secretary may be accomplished by either of the following methods. In either method, the document must be signed by a State official authorized to commit the State to participation under the Act(s).

(a) Submitting to the regional director within the 90-day period a letter stating the desire of the State to participate in the Act(s); or,

(b) Having an approved Application for Federal Assistance which contains plans for the use of Federal Aid funds during the period of the apportionment.

§ 80.10 Hunting and fishing license certificates.

(a) Information concerning the number of persons holding paid licenses to hunt and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished upon request of the Director by the fish and wildlife agency of each State on forms furnished by the Fish and Wildlife Service.

(b) This information shall be certified as accurate by the director of the State fish and wildlife agency. When requested by the Director, evidence

Sport Fish Division Funding Sources

There are two major funding sources for the Division of Sport Fish of the Department of Fish and Game; the state fish and game fund and the Federal Aid in Sport Fish Restoration Program (Dingell-Johnson/Wallop-Breaux). Each of these sources is derived directly from recreational anglers.

The Division also requests a small amount of program receipt authority for employee housing. State general funds are not included in the Division of Sport Fish operating budget.

The Fish and Game Fund:

- The portion of the fish and game fund used by Sport Fish Division is generated through the sale of sport fishing licenses and the king salmon stamp.
- The use of that portion of the fish and game fund derived from the sale of sport fishing licenses and the king salmon stamp is dedicated by A.S. 16.05.130(d) to those activities that directly benefit sport anglers.
- Fees from the sale of the king salmon stamp are a part of the fish and game fund. These additional funds are used to support a significant portion of the increasing expenses associated with the management, conservation, and allocation of king salmon directly associated with sport fishing.

Federal Aid in Sport Fish Restoration:

- These funds are generated by federal taxes on sport fishing equipment and fuel used in recreational boating.
- Alaska receives a full apportionment of these funds (the maximum available to any state) because of the size of the state.
- The state must contribute at least 25 percent of the total project cost for all projects funded with Dingell/Johnson-Wallop Breaux funds. The Division of Sport Fish uses fish and game funds to match these federal dollars.
- Generally these funds must be used to directly benefit recreational anglers. The actual requirements are more specific within the general requirement.

"Types of Projects That Are Allowed . . . Almost any type of sport fishery restoration, management, or enhancement project is permissible under the law. The standard criteria that Federal Aid uses to evaluate a project is that it must be substantial in "character and design" (Section 7, Federal Aid in Sport Fish Restoration Act). "Substantial in character" generally means that the state must demonstrate a substantial need to undertake a project. "Substantial in design" generally means that a project must be technically sound and competently designed. If a proposed project meets these criteria, and if it passes through an array of minor tests related to other federal laws, it is approvable for funding by the USFWS Division of Federal Aid.

Sport fisheries research and management activities, boating access development and maintenance, aquatic resource education projects, lake construction and maintenance, land acquisition (for sport fish access), technical assistance, planning, habitat enhancement, administration, and hatchery

construction are all allowable types of projects. Law enforcement and public relations are examples of project types which are not allowable. " From the Sport Fish Restoration Handbook, Third Edition.

- At least 12.5 percent of the state's annual Dingell/Johnson-Wallop Breaux apportionment must be used for boating access projects. This is reflected in the Division's annual CIP request.
- The use of Federal Aid in Sport Fish Restoration funds is carefully monitored by the USFWS Federal Aid Office in Anchorage through intensive proposal and reporting systems as well as frequent direct interaction with divisional staff.

Program Receipts:

- The Division of Sport Fish currently funds two hatcheries and expects to have a third hatchery transferred to our BRU in FY96. Because these facilities must be monitored around the clock some employees are required to live on-site. Under the terms of collective bargaining agreements, employees living in state housing are required to pay a monthly rental fee. This money is placed in a program receipt account and is used for necessary repairs and improvements on state housing units.

22 February 1995

page 1 of 2

Honorable Members of the Senate Resource Committee,

I am writing in support of Senate Bill No. 63

"An act relating to the Alaska Sport Fishing Industry Marketing
Council and a nonresident sport fishing license surcharge".

The businesses and entrepreneurs that make up the Alaska sport fishing industry desperately need this legislation.

In today's ever changing world marketplace Alaska is only one of many exciting sport fishing destinations. Many countries, state and provinces make a public showing of support for their sport fishing industry through advertising in periodicals, participating in sport shows, entertaining outdoor writers and television production companies, etc. To my knowledge, Alaska has no program dedicated solely to the advancement of Alaska as a sport fishing destination.

As a member of the Alaska sport fishing industry, I find it increasingly difficult to compete with the efforts of organized marketing groups.

The Alaska sport fishing industry needs an aggressive show of support from the State of Alaska. Statewide representation and participation with a board such as this legislation will create would inform the sport fishing public that Alaska thinks very highly of sport fishing and values not only the dollars sport fishing brings to the state but each and every fisherman and guide involved with the sport fishing industry.

Alaska is a very large place and many people do not understand that what occurs in Prince William Sound or Upper Cook Inlet or Southeastern has little if any impact on other areas of the state

P.O. BOX 870834 ♦ WASILLA, ALASKA 99687 ♦ 907/376-0502 ♦ Fax 907/373-5200

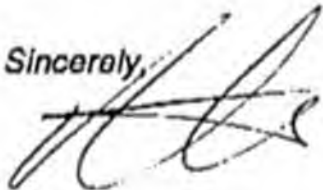
Northern Wilderness Adventures Inc.

An industry marketing council can be very helpful when it comes to dispelling myths about Alaska and countering the negative PR Alaska has received in the last five (5) years.

This legislation does not ask to spend any of our precious general fund. Unlike commercial fishing or tourism, it is self-funding, as is the entire Alaska Department of Sport Fishing budget to date.

This legislation does not disadvantage anyone or give preference to one group over another. There will be no victim as a result of the passage of this legislation. There will only be beneficiaries and the biggest beneficiary will be the State of Alaska as a result of economic input from a group of sport fishing enthusiasts that are going to spend their sport fishing time and dollars somewhere in the world. Why not Alaska?

Sincerely,



Nick Pierskalla

President, NWA, Inc.

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE

ALASKA STATE SENATE



SENATOR TIM KELLY

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3822
FAX (907) 465-3758

716 WEST 4TH, SUITE 400
ANCHORAGE, ALASKA 99501
(907) 258 8100
FAX (907) 258-4524

SB 63: An Act Creating the Alaska Sport Fishing Industry Marketing Council

SB 63 was crafted to enhance the State's sport fishing habitat and provide new fishing opportunities for hundreds of thousands of Alaskans and outside sport fishermen. It would help accomplish this by: 1) Increasing revenues into the Fish and Game Fund for sport fish research and management; and, 2) Creating a new, self-funded council to both promote Alaska as a sport fishing destination and inform anglers of the diversity of fishing experiences available.

Firstly, with regard to increased revenues, SB 63 would establish a \$5 fee on non-resident fishing licenses which would be deposited directly into the constitutionally established Fish and Game fund. This fund can only be utilized for fish and game research and management, which includes species and habitat restoration. State records indicate that in 1994 227,608 sport fishing licenses were sold to non-residents. This new non-resident fee would contribute an additional \$1.1 million into the Fish and Game Fund.

Secondly, SB 63 would establish the Sport Fishing Industry Marketing Council to implement a sport fishing marketing program. The Council and its marketing program would be funded through industry contributions and a general fund appropriation. (Since an additional \$1.1 million will be deposited into the Fish and Game Fund, the Legislature could reduce the Department's general fund by a portion of that amount and appropriate those monies to the Council.) Its membership would be appointed by both the Governor and Sport Fishing Industry Association.

Sport fishing in Alaska is a major industry worth hundreds of millions of dollars. Yet it receives little attention from the traditional marketing groups. Most businesses in the industry are small Alaskan businesses, and unable to launch marketing campaigns of their own. This Council would organize the industry and allow it to help itself.

SB 63 - AK Sport Fish Industry Marketing Council
Sponsor Statement
Page 2

There is some concern that certain sport fishing areas of the State are experiencing severe overcrowding which a Sport Fish Industry Marketing Council would only exacerbate. On the contrary, this Council would help alleviate these problems by informing Alaskans and tourists of the diversity and multitude of fishing opportunities available.

In fact, "combat fishing" has left many Alaskans and visitors disillusioned with the Alaskan fishing experience, often times to the detriment of repeat visits. This Council would provide the sport fishing industry with the tools to help the angler find more satisfying, less crowded streams and rivers, thus helping preserve both the fish habitat and resource as well as the unique fishing opportunities for which Alaska is famous.

MEMBER

ALASKA STATE SENATE

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE
EIGHTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3822
FAX (907) 465-3750

718 WEST 4TH, SUITE 400
ANCHORAGE, ALASKA 99501
(907) 258-8180
FAX (907) 258-4524

Sectional Description of SB 63

Establishing the Sport Fishing Industry Marketing Council

Sec. 1 AS 44.33.750 creates the Alaska Sport Fish Marketing Council and establishes it in the Department of Commerce and Economic Development.

AS 44.33.755 (a) directs the Commissioner to contract with a qualified trade association to jointly manage the council.

(b) establishes the board and sets qualifications for the board.

(c) requires the Director of the Division of Tourism to sign any contract or grant.

AS 44.33.760 (a) establishes the powers of the board to 1) adopt a logo, 2) adopt, amend, and repeal regulations relating to the internal operations of the board, 3) enter into agreements with other agencies, 4) cooperate with other organizations, 5) contract with private sector organizations, 6) receive money, 7) establish an office, 8) appear before public groups on behalf of the council, 9) buy, lease, and sell equipment, and lease real property, 10) appoint committees, 11) promote travel for sport fishing, 12) buy advertising, 13) sell advertising space.

b) Prohibits the board from hiring employees.

AS 44.33.765 (a) establishes the duties of the council as 1) conducting a marketing program, 2) implement plans to promote sport fishing, 3) submit an annual report, 4) provide quarterly reports of activities, 5) submit annual budget proposals, 6) advise the Director, 7) inform the legislature how money was spent.

(b) prohibits favoring a particular sport fishing business.

SB 63 Sectional Description

Page 2

AS 44.33.770 requires the council to submit their budget in accordance with the requirements of the Executive Budget Act, and to deposit all money received in the general fund.

AS 44.33.775 establishes the non-resident sport fishing license surcharge and directs the proceeds of the surcharge into the fish and game fund. Also allows the legislature to appropriate from the general fund to the council an amount equal to the deposit to the fish and game fund.

AS 44.33.780 defines "board", "commissioner", "council", "director", and "qualified trade association".

Sec. 2 clarifies AS 16.05.340(a)(7) non-resident license fees.

Sec. 3 clarifies AS 16.05.340(a)(8) non-resident license fees.

Sec. 4 clarifies AS 16.05.340(a)(10) non-resident license fees.

Sec. 5 includes the title of the council in AS 39.50.200(b).

Sec. 6 expands the duties of the Division of Tourism to include dealing with the council.



UNITED FISHERMEN OF ALASKA

February 22, 1995

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545

The Honorable Loren Leman, Chair
and Members of the Senate Resources Committee
Alaska State Senate
Capitol Office Building, Room 113
Juneau, Alaska 99801-1182

Subject: SB 63 relating to the Alaska Sport Fishing
Industry Marketing Council and a non-
resident sport fishing license surcharge

Dear Chairman Leman and Committee Members:

United Fishermen of Alaska (UFA) opposes Senate Bill 63.

UFA is not opposed to sports fishing activities in the state of Alaska. However, we do feel there is some concern on how this bill could affect the salmon resources of the state. Some of the high use river areas are already being used to the maximum and cannot handle an increase usage until solutions are found to correct habitat damage and sustained yield. I, myself, do not know to what extent we can access the available resources without the other user groups - personal use, subsistence, and commercial fishing - being affected.

UFA has many doubts about how the monies can be distributed out of the Fish and Game General Fund to a new Council.

SB 63 will impact the use of fisheries resources by bringing in more non-residents who will demand access to already fully utilized salmon resources. This will, in effect, limit the use of the resource by Alaskan residents.

United Fishermen of Alaska is aware that all industries want to grow, but we feel it is more important that all habitat is protected and that all Alaskan user groups are assured of the rights to their resources.

Sincerely,

Jerry McCune
Jerry McCune
President

cc: UFA Board of Directors

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trollers Association • Area K Seiners Association
Bering Sea Fishermen's Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Ketchikan Peninsula Fishermen's Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association
Seafood Producers Cooperative • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • Western Alesea Cooperative Marketing Association

SENATE RESOURCES COMMITTEE
STATE SENATE
FEBRUARY 22, 1995
TESTIMONY BY BEN ELLIS
EXECUTIVE DIRECTOR
KENAI RIVER SPORTFISHING, INC.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS BEN ELLIS. I LIVE IN SOLDOTNA AND AM SPEAKING TODAY AS THE EXECUTIVE DIRECTOR OF KENAI RIVER SPORTFISHING, INC. OUR NONPROFIT SPORTFISHING ASSOCIATION REPRESENTS MORE THAN 400 SPORT ANGLERS. I AM SPEAKING TODAY IN TENTATIVE SUPPORT FOR SENATE BILL 63.

ALASKA CONTAINS SOME OF THE WORLD'S BEST SPORT FISHING OPPORTUNITIES. IT IS ONLY RIGHT THAT THE STATE MARKET THIS POTENTIAL IN A CLEAR, CONCISE, ACCURATE AND LOGICAL MANNER.

WE BELIEVE IT IS FAIR TO SAY THAT REGARDLESS OF WHETHER YOU ARE A STRONG ADVOCATE FOR COMMERCIAL FISHERIES OR A STAUNCH SUPPORTER OF SPORT FISHING, WE ALL AGREE THAT THE STATE'S FISHERIES HAVE BEEN A CRITICAL PART OF ALASKA'S PAST AND WILL BE AN IMPORTANT ASPECT IN THE STATE'S FUTURE.

I THINK WE CAN ALSO AGREE THAT ALASKA'S FISHING FOOTPRINT IS CHANGING.

DEPRESSED PRICES FOR COMMERCIALLY CAUGHT FISH, OVERSEAS COMPETITION FROM PEN-REARED SALMON AND WANTON WASTE OF HUNDREDS OF THOUSANDS OF TONS OF INCIDENTAL BYCATCH EACH YEAR HAS SENT COMMERCIAL FISHING INTO A TAIL SPIN.

WHILE THE STATE'S GRIZZLED COMMERCIAL FISHING INDUSTRY IS FACING ONE OF THE TOUGHEST DECADES EVER, SPORT FISHING HAS GROWN

FROM A WET-BEHIND-THE-EARS TOE HEAD TO A FULL BLOW ADULT IN THE STATE'S ECONOMIC AND POLITICAL ARENA.

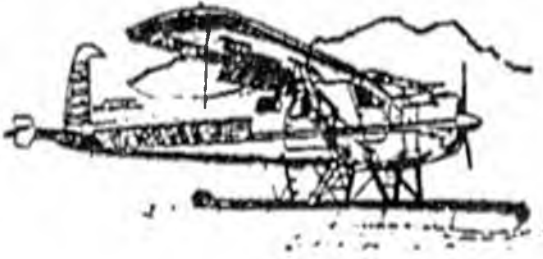
SPORTFISHING CONTINUES TO FUEL A GROWING TOURIST ECONOMY THAT ACCOUNTED FOR MORE THAN ONE BILLION DOLLARS.

IN A MEMO TO THE GOVERNOR'S FISHERIES TRANSITION TEAM, FORMER DEPUTY COMMISSION OF THE DEPARTMENT OF FISH AND GAME, CHARLES MEACHAM UNDERLINED THE POTENTIAL FOR SPORTFISHING ACROSS THE STATE.

"WE HAVE A GREAT CHALLENGE AHEAD IN TERMS OF HOW WE PROMOTE AND DEVELOP OUR FISHERIES." MEACHAM WROTE UNDER THE SUBHEADING SPORT FISHING INDUSTRY, "BUT ALASKA CONTAINS MORE THAN 40 PERCENT OF THE NATION'S SURFACE WATER RESOURCES. WHILE NOT ALL OF OUR LAKES AND STREAMS CONTAIN SPORT FISH RESOURCES, THERE ARE OVER 12,000 KNOWN ANADROMOUS FISH STREAMS WITH 120,000 TO 180,000 LINEAL MILES OF FRESH WATER. ALASKA ALSO HAS THOUSANDS AND THOUSANDS OF MILES OF COASTLINE AND ADJACENT MARINE WATERS, RICH WITH SPORT FISHING OPPORTUNITIES. WITH OVER HALF THE SPORT FISHING EFFORT PRESENTLY CONCENTRATED IN THE COOK INLET REGION, THERE IS SUBSTANTIAL AREA INTO WHICH THIS INDUSTRY CAN BE ENCOURAGED TO EXPAND."

THE NEED FOR MARKETING QUALITY SPORT FISHING EXPERIENCES WAS ALSO NOTED IN THE RECENT REPORT BY THE GOVERNOR'S FISHERIES TRANSITION TEAM.

FOR THE STATE'S SPORT FISHING INDUSTRY TO GROW AND BE PROPERLY MARKETED, IT IS IMPERATIVE TO PASS THIS BILL. SB63 WILL PROVIDE THE TOOL TO POLISH THIS JEWEL IN THE ROUGH CALLED ALASKA'S SPORT FISHING.



BILL MARTIN'S
FISH ALASKA
 INC.

2-21-95

SENATORS LOREN LEMAN - TIM KOLLY - JOE GREEN

REFERENCE PROPOSED SENATE BILL # 63

1. Thank you for your support and consideration of legislation that can help my industry
2. Its time Sport fishing be given its just consideration. THE STATES REPUTATION AND FINANCIAL BENEFIT FROM MY INDUSTRY IS UNCOUNTED AND UNFOLD.
3. My self and other sport fishers commercial operators in my circle support and favor SB 63. Its intent is long over due

Bill Martin

(907) 346-2595 • Fax (907) 346-3733 • Summer Lodge - (907) 842-2725

"The Royal Coachman Lodge" • "Wilderness Fishing Camps"

P.O. Box 18A7 • Anchorage, Alaska 99510

CLARION

PENINSULA



TUESDAY, FEBRUARY 21, 1995 Soldotna/Kenai, Alaska

50 cents newsstands/28 cents home c

FEB-21-95 THU 16:53

KPFA

Lawmakers float state sportfishing council

Plan nets some criticism that it would lure more anglers to the already crowded Kenai River

by TONY LEWIS
Clarion Peninsula

Two Anchorage lawmakers don't think the state is doing enough to attract anglers to Alaska and want to create a state-funded marketing council that would exclusively promote sport fishing.

Sen. Tim Kelly, R-East Anchorage, and Rep. Joe Green, R-South Anchorage, are sponsoring legislation that would create the

Council to lure more anglers to Alaska's waters.

The council would be funded indirectly by raising out-of-state fishing license fees.

"We've been successful at getting people up here, now we're trying to direct them into high-value activities like sport fishing," said Green in a press release.

Not everyone is taking the bait, though.

Kenai Peninsula Borough Assembly President Drew Scalzi

thinks the marketing efforts of the council would bring more anglers to the already crowded Kenai River. More fishing enthusiasts along the river's banks, he said, will lead to the destruction of critical habitat.

"It's just promote, promote, promote, and we'll deal with the habitat later," said Scalzi, who has led an effort by the borough to limit development along the Kenai River in an attempt to protect its long-term health.

Sen. Judy Salo, D-

Kenai/Anchorage, thinks the state does enough already to promote sportfishing. A new council designed to target sport fishing enthusiasts would likely duplicate the efforts of the Alaska Tourism Marketing Council, which received about \$6 million from the state last year.

She's also concerned about the environmental impacts of putting more people on the Kenai River.

"I personally don't think we should be out beating the drums for

more sport fishing on the river," Salo said.

But Sen. Kelly believes the council may be part of the answer to the Kenai's overcrowding problems. By promoting fishing in parts of the state that are not as well known as the Kenai River, Kelly thinks some of the pressure may be alleviated.

"This is not simply to bring more sport fishing to the Kenai River, it's to look at the state as a whole,"

See SPORTFISH, back page

...Sportfish

Continued from page 1

Kelly said. "Perhaps what would relieve the pressure on the Kenai River is developing more resources for people to fish."

Under the legislation, the new marketing council would be indirectly funded by money raised from a \$5 increase on all out-of-state fishing licenses.

Last year, 227,608 non-residents

bought fishing licenses in the state. Using that number, Green and Kelly figure their legislation would raise \$1.13 million.

Because money from fishing licenses is required to go to the Alaska Department of Fish and Game, the sport fishing marketing council can't be directly funded with that money.

But advocates of the legislation say the added license fees will free up money the Legislature gives to Fish and Game from the general fund.

Rep. Green said he does not know how much the new marketing council would cost to run. But, he said, some of the money from the higher license fees should go to more habitat protection efforts.

Green thinks the new council will help promote an industry that will enable the state to retain a healthy economy as the oil industry moves out.

"I believe, until I'm shown otherwise, that the highest and best use of our fish are with sport fishing

interests," he said.

Rep. Mike Navarre, D-Kenai, isn't supporting the bill, though. He thinks the state and the sport fishing industry already sufficiently market Alaska fishing.

In addition, Navarre and Rep. Gary Davis, R-Soldotna, are concerned that bringing more anglers to the state will create a need for more facilities and management of public resources. The state does not have the money to fund those extra responsibilities, the peninsula lawmakers said.

FAX NO. 907 262 2898

P. 02



Alchemist Inc.

March 1, 1995



Allen Austerman

907-665-4956

Dear Sir,

I am sorry it is even necessary to write this letter. This is in response to printed letters by various people and the sport fishing caucus pertaining to the Cook Inlet Sport Fishing group's claims of unfair treatment. It amazes me that these people actually believe their own rhetoric. They start by complaining about blame being laid on them for poor returns to the Deshka River starting in 1991. Their next statement blames Kodiak and Chignik for the decline of said escapement due to an expanded seine fishery. What pure crap! The number of commercial entry permits was set in the late seventies and has not significantly changed. The only user group to show a large increase in numbers is the sport fishing group in Cook Inlet. ADF&G records show that current management programs, in general, have shown a steady improvement in salmon production for the state (barring outside influences, like oil spills and late plankton blooms etc). This whole business with Cook Inlet is nothing more than greed and trying to focus the blame for its own problems somewhere else. While asserting that a large number of Kings caught in Kodiak were bound for Cook Inlet, they admit there is no proof for that allegation. Yet they want you to manage the fisheries based on their fears and accusations instead of on the experience and knowledge of the Alaska Department of Fish and Game regional managers. And if you won't do what they tell you to, you will be fired. Isn't that nice? How about a little reality check here?

It seems to me that all salmon have tails and they swim any where the currents, winds, and food sources take them. In their travels they may meet up with salmon from other areas and even other countries. A few may even travel with each other for a while. In fact, any salmon can, and probably does, transit any fishing area on its way home to spawn (Gee, how many of Kodiak's salmon are caught in other areas?). Anyway salmon have been traveling like this for millions of years.

Let me make a couple of points about the managing of our fisheries.

1 All commercial fishermen have entry permits and when delivering their fish all of the fish are counted and weighed by species. Makes it pretty easy to enforce rules and keep tabs on what is being caught

2 Please tell me how easy it is to monitor 220,000 ? plus sport fishermen who don't deliver the fish and thereby prove their catch is within legal limits on species, size, and or numbers. It makes management and enforcement virtually impossible'

Let's take an honest look at the reality of the two different user groups

With commercial gear type management, you get an accurate count of who, where, when, what kind and how much is caught. It makes management and enforcement possible

With sport fishing you don't have an accurate method of telling who, when, where, how much, or even if they have a license'. The probability for error, because of the easy access, egress and lack of controls, is unacceptably high. Their claims are nothing more than smoke and mirrors trying to focus attention elsewhere, rather than focusing on where and what the problems really are.

Sincerely,

Dave Mann

SC1K565450

Mr. Tom
428 Tower Rd

Ramiskoy

428

225-9225

Kotchikan

AK

99901

Distribution Affiliation Reg Voter

12

U

Date POM Sent

Constituency

Bill Number

Response

Subject

02/17/95

N

SB 63

Supports

SPECIFIC MARKETING OF THE SPORT FISHING INDUSTRY IS ESSENTIAL TO PROMOTE ALASKA AND TO BE COMPETITIVE WITH OTHER TRAVEL DESTINATIONS. IT IS IMPOSSIBLE FOR A SMALL CHARTER FISHING OPERATOR SUCH AS MYSELF TO COMPETE WITH

BRITISH COLUMBIA OPERATIONS THAT RECEIVE GOVERNMENT SUBSIDIES FOR ADVERTISING.

Mr. Tom
428 Tower Rd

Ramiskoy

428

225-9225

Ketchikan

AK

99901

Distribution Affiliation Reg Voter

12

U

Date POM Sent

Constituency

Bill Number

Response

Subject

02/17/95

N

SB 63

Supports

THE NON-RESIDENT SURCHARGE IS A REASONABLE FEE AND AN EXCELLENT MEANS OF EXACTING REVENUE TO SUPPORT THE MARKETING COUNCIL FROM THOSE PEOPLE THAT BENEFIT FROM THE HARVEST OF ALASKA'S FISHERY RESOURCES. ESSENTIALLY, THE

SURCHARGE IS AN APPROPRIATE USER FEE.



Alaska State Legislature

Please enter into the record my testimony to the Senate Resource Committee
committee name

committee on Senate Bill No. 63, dated February 3, 1995 (Feb. 22, 1995)
bill/subject:

I am strongly opposed to Senate Bill No. 63. I see no reason for creating another marketing council that would, essentially, duplicate the efforts of the Alaska State tourism Marketing Council and Division of Tourism. In addition to the State's tourism marketing programs, ample tourism marketing opportunities already exist with various local tourism marketing associations, local chambers of commerce, visitor centers and various trade associations.

With the habitat problems associated with current sport fishery use, it doesn't make sense to encourage more sport fishing tourism. We need to address the current problems of overcrowding on our productive rivers rather than exacerbate them. The Kenai River is a prime example of this problem. Because it is so well known, any sportfishing tourism marketing, although not directed to the River, will certainly draw more visitors and therefore more habitat damage. Please consider the cost to those of us who live here, both environmentally and financially.

In these times of diminishing revenues I find it totally irresponsible for our legislature to even consider subsidizing a marketing council that would benefit a limited group of businessmen. On page 5, line 18-21, SB 63 gives the legislature the authority to appropriate money equal to the amount generated by the non-resident license surcharge. This sounds like matching funds? How can you, in good conscience, even consider a bill like this? The tourism industry costs the state of Alaska approximately \$1.00 for every \$0.15 brought into the general fund. This is certainly not a sound business practice!

Finally, I must point out that increasing tourism to the state also vastly increases general revenue expenditures to pay for the additional facilities needed to accommodate them - i.e. parking, camping, roads, parks, waste removal, park rangers, ADF&G staff, police, etc. Please look at the total cost to the state when you consider subsidizing the sport fishing/lodge owners businesses. SB 63 is definitely not in the best interests of the state!

Signed: Peggy Moore PEGGY MOORE
Testifier

H.C. 2 Box 714R Kenilof, AK 99610

Representing (Optional)

(907) 263-5709

Address

Phone No.

02/22/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:53:10

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:ANC

TCN:50256 SCHEDULED FOR:02/22/95 15:30 TO 17:00

FOR:ANC

PUBLIC HEARING

SENATE RESOURCES

LOCATION: ANCHORAGE

✓ SB 69	PEGGY <i>Army</i>	GOODSTEIN	ARCO AF.	TESTIFY
✓ SB 69	RITA	VENTA	ANCH FIRE DEPT	OBSERVE
✓ SB 63	MAX	LOWE	REGAL ALASKAN	TESTIFY
✓ SB 63	FARLEY	DEAN		TESTIFY
✓ B 63	ED	SHARPE		TESTIFY

CHESTER WEGER
IS ALSO ON LINE
FOR SB 69

02/22/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
14:59:55 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SIT
TCN:50256 SCHEDULED FOR:02/22/95 15:30 TO 17:00 FOR:SIT
PUBLIC HEARING SENATE RESOURCES

LOCATION: SITKA
✓ SB 63 MR. BILL FOSTER SITKA CHARTER BOTESTIFY

02/22/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
16:49:40 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SOL
TCN:50256 SCHEDULED FOR:02/22/95 15:30 TO 17:00 FOR:SOL
PUBLIC HEARING SENATE RESOURCES

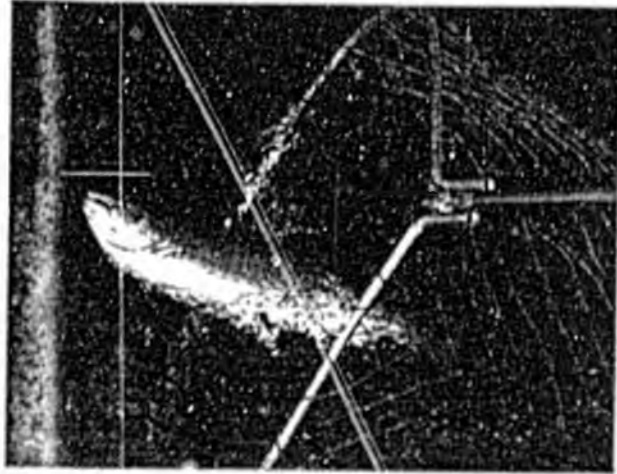
LOCATION: KEN/SOL REPLACES PREVIOUS LIST
✓ SB 63 MR. BEN ELLIS KR SPTFISH ASSOCTESTIFY
✓ SB 63 MR. PAUL DALE KING SALMON FUNDTESTIFY
✓ SB 63 MR. DON JOHNSON SELF TESTIFY
✓ SB 63 MR. ROD BERG SELF TESTIFY
✓ SB 63 MR. JOSEPH JOLLY UCIDA TESTIFY

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PUBLIC HEARING SENATE RESOURCES

LOCATION: PEDIK
✓ SB 63 MR. ERIC STIRRUP TESTIFY

THE FOLLOWING DOCUMENT
HAS NOT BEEN FILMED
BUT IS AVAILABLE IN THE
ORIGINAL FILE

Sport fishing in Alaska



Alaska is your angling dream come true...heart stopping runs of giant chinook salmon...iridescent grayling finning through clear streams... ancient rainbows the length of your arm... barn door halibut... exotic sheefish... all packaged in the most spectacular setting on earth.

To improve your chances of successfully fishing Alaska, you should decide what species you want to fish for, then learn when and where these fish can be found, and how to catch them. Or, decide which region you want to visit and learn which fish can be found in that area. Once you have narrowed down your plans we can help answer your specific questions about sport fishing opportunities.

This brochure is designed to provide some answers to the most commonly asked questions about sport fishing in Alaska and to help you begin planning for a successful sport fishing trip.

Where to begin

Alaska is a vast state. Even most long term residents have never seen or fished it all. To simplify our complex regulations, the Alaska Department of Fish and Game (ADF&G), Division of Sport Fish issues separate regulation books for five different sport fishing regions in Alaska. This map and the accompanying information discusses each of these five sport fishing regions. Each region and its accompanying information are indicated by the color of the map section, address box, and information panel below.

To receive the sport fish regulation summary for any one of the five sport fish regulatory regions, contact the appropriate Alaska Department of Fish and Game office listed at right. ➤



ADF&G Division of Sport Fish
Southeast-Yakutat
P.O. Box 240020
Douglas, AK 99824-0020

ADF&G Division of Sport Fish
Arctic-Yukon-Kuskokwim-Tanana
1300 College Rd.
Fairbanks, AK 99701-1599

For regulatory summaries of the remaining three regions, please address your inquiries to:

ADF&G Division of Sport Fish
333 Raspberry Rd.
Anchorage, AK 99518-1599

Please specify the region you are interested in.

Bristol Bay - Alaska Peninsula -
Aleutian Islands - Kodiak Island

Kenai Peninsula - Cook Inlet Salt water
Susitna - West Cook Inlet

Prince William Sound-Upper Copper/
Upper Susitna Rivers - Resurrection Bay



Kenai Peninsula-Cook Inlet and Susitna Drainages

More than half of Alaska residents live in this region. An outdoor enthusiast's dream of mountains, wild rivers, and placid lakes, the outcentral area also has the best developed road system in the state. This is a region where energetic travelers can discover Alaska for themselves.

Communities

Metropolitan Anchorage (Population 226,338) is the largest city in Alaska. It has Cook Inlet at its doorstep and the Chugach Mountains at its back yard. The more populated areas outside of Anchorage include Kenai (6,327), Soldotna (3,482), Homer (3,660), Palmer (2,866), and Wasilla (4,028). Other smaller communities in this region are too numerous to list.

Access

Anchorage serves as the hub of this region with rental cars, campers, guide services, charter flights, and outfitters available. Great fishing spots can be reached by plane, boat, or automobile from Anchorage or from the Alaska Highway via the Glenn or Parks Highway.



Angling Opportunities

Fish for halibut in Kachemak Bay and Cook Inlet, catch one of the world's largest king salmon from the Kenai River, charter for more fly-fishing on the waters for rainbow trout and grayling. You can even enjoy urban angling in downtown Anchorage!

Services

Full services are available in communities throughout the region. Air service from many towns provides access to the Interior.

Weather/What to wear

July temperatures range from the 60s along the coast to the 70s and 80s inland. There are low levels of precipitation throughout the region, but bring your rain gear for remote areas. Wear layers for the occasional cool day, and carry a light waterproof windbreaker.

Additional Information

Alaska Public Lands Information Center
163 W. Fourth Ave., Ste. 100
Anchorage, AK 99501
(907) 271-2737, FAX (907) 271-2743

Anchorage Convention and Visitors Bureau
1600 A Street, Suite 200
Anchorage, AK 99501
(907) 276-4115, FAX (907) 276-6559

Matanuska-Susitna Convention and Visitors Bureau
1100-1, Box 616/21
Palmer, AK 99645
(907) 746-9000, FAX (907) 746-2655

Kenai Peninsula Tourism Marketing Council
110 South Willow Street, Suite 103
Kenai, AK 99611
(907) 283-3850, FAX (907) 283-3855

Bristol Bay-Alaska Peninsula-Aleutian Islands-Kodiak Island

Alaska's Southwest is an angler's paradise. This region offers world class sport fisheries that are sampled by anglers from every country. Terrain varies from the grass lands of the Aleutians to the deep lakes and rivers of the Bristol Bay and Lake Iliamna areas. Other attractions include Katmai National Park and Preserve and McNeil River State Game Sanctuary.



Communities

The Kodiak Island Borough (population 13,309) includes the largest Coast Guard Station in the U.S., as well as several outlying villages. Dillingham (2,017), King Salmon (696), and Dutch Harbor/Unalaska (3,089) are the other major communities in this region where commercial fishing activity causes the summer population to swell.

Access

There are no connecting roads into this region. Scheduled or charter air service is available from Anchorage. State ferries operate year round to Kodiak from Seward and Homer, limited ferry service is available from Kodiak to communities along the Aleutian Chain. Charter service is available from many bush communities.

Angling Opportunities

From trophy rainbow trout to tremendous annual returns of all five species of Pacific salmon, the Southwest has it all! Some sport fisheries are road accessible from local communities, others require aircraft or boat.

Services

Fly-in lodges dot the Bristol Bay area. Most services can be found in major towns, fly-in charters and outfitters are widely available. Kodiak is a modern city with full services.

Weather/What to wear

The Bristol Bay area experiences little rainfall, but is frequently windy. It is quite rainy in Kodiak and the Aleutians with average July temperatures in the low 60s. Good rain gear or a water repellent wind breaker is essential. Layer for warmth.

Additional Information

Kodiak Island Convention and Visitors Bureau
100 Marine Way, Kodiak, AK 99615
(907) 486-4782, FAX (907) 486-6545

Dillingham Chamber of Commerce
P.O. Box 48, Dillingham, AK 99576
(907) 842-5115, FAX (907) 842-4097

U.S. Fish and Wildlife Service
Togiak National Wildlife Refuge
P.O. Box 27, Dillingham, AK 99576

U.S. Parks Service
Katmai National Park
P.O. Box 7, King Salmon, AK 99613

Arctic-Yukon-Kuskokwim-Tan

Interior Alaska, the Far North, and Western Alaska hold unique sport fishing opportunities and challenges. Remote waters still provide a wilderness experience, while roaded areas offer more accessible sport fishing fare. In this region, outdoor enthusiasts can take wilderness treks or float trips along Alaska's Wild and Scenic Rivers.

Communities

Fairbanks, Alaska's second largest city (population 77,720) is in the heart of Interior Alaska. Other Interior communities include Delta Junction (67), Galena (833), Nenana (393), Tok (935), and Eagle (168). Bethel (4,674), is the hub of Western Alaska and Barrow (3,469); America's farthest north city, the largest community in the Far North, with Nome (3,500) and Kotzebue (2,751) also being significant towns. There are many other village and small bush communities throughout the region.

Access

Air, rail, and a limited number of highways provide access to the Interior and its waters. More remote areas are accessible only by scheduled or charter air services. The Dalton Highway provides limited access to the Arctic.

Angling Opportunities

The waters of Interior, Western, and Northern Alaska are home to Sheefish, Arctic grayling, northern pike, burbot, rainbow trout, Dolly Varden lake trout, and Arctic char. Sport fishing for so is seasonal and very time/location specific.

Services

Much of the Interior's road system offers full services, facilities, however, are scarce along roads. Check your map and highway guide before beginning a road trip. Distances between towns are greater than you might expect! Campgrounds, hotels, guides, and outfitter services are available in the region's larger communities.

Weather/What to wear

Long summer days warm the Interior to average summer temperatures in the 70s, with temperatures frequently in the 80s and 90s. The Far North experiences considerably cooler weather, with average July temperatures in the 40s. Dress for warm summer days in the Interior, layer with outerwear for the Arctic and Western Alaska winter, ice fishing is popular along the Interior road system and requires full winter gear.

Additional Information

Fairbanks CVB Visitor Information Center, Log Cabin
550 First Ave.
Fairbanks, AK 99701
(907) 456-5774, FAX (907) 452-2867
1-800-327-5774

Alaska Public Lands Information Center
Suite 1-A
250 Cushman St.
Fairbanks, AK 99701
(907) 456-0527, (907) 456-0514

Nome Convention and Visitors Bureau
P.O. Box 240
Nome, AK 99764
(907) 443-5535, FAX (907) 443-5832

Alaska Public Lands Information Center
P.O. Box 39
Tok, AK 99780
(907) 843-2447, FAX (907) 843-5448

Tok Chamber of Commerce
Box 10
Tok, AK 99780
(907) 843-5447/843-5775, FAX 843-5655

Delta Junction Visitor Information Center
Box 987
Delta Junction, AK 99737
(907) 855-3664/855-5664, FAX (907) 855-4628

Southwest-Yakutat

Southwest Alaska is noted for its fjords, maritime climate, old growth forests, glaciers, and fishing! The Tongass National Forest and Glacier Bay National Park and Preserve are just two of the federally designated areas that are found in this wonderland of islands and mountains. The world famous Situk River is located in Yakutat.

Communities

Quaint old waterfront towns and Tlingit and Haida villages dot the region. The largest city is Juneau, Alaska's capital (population 26,751). Other major communities are Sitka (8,588), Ketchikan (13,828), Petersburg (3,207), Wrangell (2,479), Haines (1,238), Skagway (602), Craig (1,260), and Klawock (722).

Access

In this region, only Haines, Skagway, and Hyder can be reached by road; access to all other communities is by air or watercraft. The state ferry system operates passenger and vehicle transport between most communities. Well developed road systems exist near major communities and on Prince of Wales Island.

Angling opportunities

Marine and freshwater sport fishing opportunities abound. Roadside salmon fishing can be enjoyed near most towns and cities.

Services

Most population centers have full amenities as well as established charter boat and guide services. Air charter services provide excellent access to remote areas. U. S. Forest Service cabins can be reserved at a reasonable fee throughout the region.

Weather/What to wear

An average of 90 inches of rain falls on the Southwest-Yakutat region annually, with precipitation varying depending on location. Summer temperatures average 65 F. Waterproof jackets and pants are recommended. Wear layers of light clothing for warmth.



Additional Information

Southwest Alaska Tourism Council
P.O. Box 20710
Juneau, AK 99802-0710
(907) 586-4777, FAX (907) 463-4961

Haines Visitor Bureau P.O. Box 530 Haines, AK 99822 (907) 586-2230 FAX (907) 586-2194	Petersburg Visitor Information Center P.O. Box 641 Petersburg, AK 99831 (907) 772-3666 FAX (907) 772-6616	Wrangell Chamber of Commerce 1 Commercial Box 67 Wrangell, AK 99892 (907) 822-9911 FAX (907) 822-9911
Juneau Visitor Information Center 134 Third St. Juneau, AK 99801 (907) 586-2201 FAX (907) 586-2194	Valdez Convention and Visitors Bureau P.O. Box 1226 Valdez, AK 99686 (907) 747-1661 FAX (907) 747-1709	Skagway Convention and Visitors Bureau Box 811 Skagway, AK 99840 (907) 854-2054 FAX (907) 854-2151
Ketchikan Visitor Bureau 111 Front Street Ketchikan, AK 99901 (907) 225-6136 FAX (907) 225-6290 1-800-770-2220	Wrangell Convention and Visitors Bureau Box 811 Wrangell, AK 99892 (907) 854-2054 FAX (907) 854-2151	Valdez Convention and Visitors Bureau P.O. Box 1603 Valdez, AK 99686 (907) 835-2984, FAX (907) 835-4845

Prince William Sound- Upper Copper-Upper Susitna Rivers-Resurrection Bay

The four-mile-long face of the Columbia Glacier fronts on magnificent Prince William Sound. To the east, the fishing center of Cordova lies near the delta of the Copper River; to the west are Seward and Resurrection Bay. The Alaska Range and the Wrangell Mountains rim the Upper Susitna and Copper Rivers.

Communities

Valdez, often called "Little Switzerland," is the largest community in the region with a population of 4,068. The port of Valdez is the terminus of the Trans Alaska Pipeline. Other significant communities in this area are Seward (2,699), Cordova (2,110), Glennallen (451), Whittier (243), Talkeetna (250), and Chitina (49). Small communities and road houses can be found along the road system.



Access

Most communities can be reached by road from Anchorage or accessed from roads that link with the Alaska Highway. Jet service is available to Valdez and Cordova. The state ferry system connects Seward, Whittier, Valdez, and Cordova. Full charter and outfitter services are available in many areas.

Angling Opportunities

Resurrection Bay and Prince William Sound offer all saltwater species as well as exceptional remote freshwater sport fishing. Inland, roadside, and remote angling opportunities abound.

Services

Hotel or motel accommodations are available in most towns. Roadhouses and campgrounds are located throughout the area, and a limited number of U.S. Forest Service cabins can be rented in the Chugach National Forest. Air charter to remote areas as well as charter boat and guide services are widely available.

Weather/What to wear

In July temperatures range from the mid 70s inland to the mid 60s in coastal areas. Good rain gear is essential along the coast; inland you'll need to dress in layers with a water repellent windbreaker.

Additional Information

Cordova Chamber of Commerce
P.O. Box 99
Cordova, AK 99574
(907) 424-7260, FAX (907) 424-3899

Greater Copper Valley Chamber of Commerce
P.O. Box 449
Glennallen, AK 99568
(907) 822-5555, FAX (907) 822-5555

Seward Chamber of Commerce and Visitor Bureau
P.O. Box 749
Seward, AK 99664
(907) 224-3030/3037, FAX (907) 224-3151

Valdez Convention and Visitors Bureau
P.O. Box 1603
Valdez, AK 99686
(907) 835-2984, FAX (907) 835-4845

SB

69

FISCAL NOTE

MAR

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 69

Revision Date: _____
 Title: An Act relating to hazardous chemicals,
hazardous materials, and hazardous
 Sponsor: Senator Lehman
 Requestor: (S) Resources

Department Affected: Environmental
Conservation
 BRU: Spill Prevention and Response
 Component: Governmental Preparedness and Response

COMPONENT SERIAL NO. 1923

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
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	5.0	5.0	5.0	5.0	5.0	5.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	5.0	5.0	5.0	5.0	5.0	5.0
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

Mailing expenses to provide the reporting form and instructions to facilities in the state.

should be zero

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

Phone: 465-5010
 Date: 3/7/95

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

Date: 3/7/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO: SB 69

Revision Date: _____ Dept. Affected: Public Safety
 Title: Reporting of hazardous substances Fire Prevention
 Component: Fire Prevention Operations
 Sponsor: Senator Lemon
 Requestor: (S) Resources COMPONENT SERIAL NO. 0494

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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 (1039)	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
<small>Revenue Code</small>						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 95) impact: \$ _____

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.)
 Approximately \$1.0 in revenue to the general fund was collected in FY94 which represents cost recovery for hazardous materials placards provided to industry.
 No economic impact on industry is anticipated in as much as the program is simply being transferred to another agency and brought in line with federal law.
 The Division is currently revising regulations. Repeal of 13 AAC 54 could be incorporated in the regulations project at no additional cost if SB 69 is enacted this year.

Prepared By: Kenneth Lee Phone: 485-5622
 Division: Fire Prevention Date: 2/9/95
 Approved by Commissioner: Dee Smith Date: 2/21/95
 Agency: Ronald L. Otte, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 09

Revision Date: _____ Dept. Affected: Military and Veterans Affairs
 Title: An Act relating to hazardous chemical materials, A waste DRU: Alaska National Guard
 Component: Commissioner's Office
 Sponsor: Senator Leman
 Requestor: Senator Leman COMPONENT SERIAL NO. 414

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL	00	00	00	00	00	00
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	00	00	00	00	00	00
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	00	00	00	00	00	00
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
TOTAL	00	00	00	00	00	00

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

POSITIONS						
FULL TIME						
PART TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared by: Jeff Morrison, Director Phone: 465-4730
 Division: Administrative Support Services Division Date: 7/21/95
 Approved by Commissioner: [Signature] MG Jobe Losterbol Date: 2/21/95
 Agency: Military and Veterans Affairs

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SENATE FINANCE COMMITTEE REPORT

DATE: 3/20/95

FURTHER:

DATE TURNED INTO OFFICE: 2-6-96

The Finance Committee considered **SENATE BILL NO. 69**

"An Act relating to hazardous chemicals, hazardous materials, and hazardous waste."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS SB69 (Res)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical change
 - new: SCR _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Tom Pacy</i>		<i>Roll E. Tiller</i>	✓		
<i>Gene Thomas</i>	✓	<i>Janice Willey</i>	✓		
		<i>Fred P. Zhauff</i>	✓		
Co-Chair: <i>[Signature]</i>			✓		
Co-Chair: <i>Kirk Halford</i>			✓		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>DPS</i>	<i>2/5/96</i>	<i>0</i>	
<i>DMUA</i>	<i>2/5/96</i>	<i>0</i>	
<i>SFC/DEC</i>	<i>2/6/96</i>	<i>0</i>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Suite 520, Anchorage, AK 99501 (907) 258-8189 Session: State Capitol, Juneau, AK 99801 (907) 465-2095

February 22, 1996

Senator Fred Zharoff
Alaska State Capitol
Juneau, AK 99801

Dear Senator Zharoff:

In answer to questions raised by Mr. James Studley, Chair of the Alaska Local Emergency Planning Committee Association, I offer the following:

MR. STUDLEY: "(Senate Bill 69) is not enforceable, so what is the point? Way too many chemicals in thousands of locations with multiple combination of chemicals in the same locations. The U of A has 25,000 such chemicals in Fairbanks alone. ...reporting nightmare of this legislation."

REPLY: The "reporting nightmare" is mitigated with this legislation. All of the reporting requirements, with the exception of the Title 29 Municipal Placarding program (currently only in effect in Anchorage, so it doesn't affect Mr. Studley in Haines) are **FEDERAL REPORTING REQUIREMENTS**. Whether or not they are enforceable isn't the issue. These reporting requirements are **FEDERAL LAW**. SB 69 merely allows the use of **ONE** form for these **FEDERAL REPORTING REQUIREMENTS** and includes the **ANCHORAGE** placarding program, so that businesses in Anchorage can use only one form, also. Why the University of Alaska has established a placarding program of its own and incurred the costs associated with it, is a question for the University. Since neither the Fairbanks North Star Borough nor the city of Fairbanks have undertaken a Title 29 placarding program, the University is incurring the costs for a placarding program not required under local, state or federal law.

MR. STUDLEY: "What if the municipality decides not to adopt any notification procedures or enforcement of such placarding? How does this affect the people's right to know what might be inside the building for safety reasons. It was the intent of SARA Title III, 42 USC that the people should know what is behind the closed doors."

REPLY: First, municipalities are **NOT REQUIRED** to have a placarding program. But, if a municipality **CHOOSES** to do so, the municipality, not the state, determines "notification procedures" and under AS 29.35.510 conducts inspections, and establishes and imposes penalties. Why a municipality would go to the trouble of establishing a placarding program and not enforce it is beyond comprehension. But, that is a local decision. Remember that this is Title 29. When this state law to allow municipalities to placard buildings was passed in 1986, the legislative intent was to "ensure the safety of emergency response personnel ...and inform the public of the existence, location and dangers of hazardous materials and hazardous wastes." Mr. Studley's question seems to be a moot point as presented, but if he has additional information he would like to share with me, I'd be happy to talk with him and address further this question.

MR. STUDLEY: "What if there are EHS (Extremely Hazardous Substances) in private businesses outside a municipality? How will seafood processing plants outside city or borough limits use this legislation? For the most part they do not warn their employees about the dangers of EHS materials already."

REPLY: AS 29.35.500(g) states that a municipality may impose the reporting requirements for Title 29 placarding on "a business or government agency that handles hazardous chemicals, hazardous materials, or hazardous wastes outside of the boundaries of the municipality if a fire or other emergency involving the chemicals, materials, or wastes would be

(1) likely to adversely affect persons or property in the municipality; or

(2) responded to by emergency response personnel whose service area includes all or a part of the municipality.

A seafood processing plant outside city or borough limits would be able to use one form to report all hazardous chemicals, hazardous materials or hazardous wastes it currently reports.

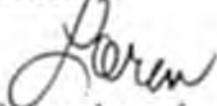
MR. STUDLEY: "How will this be paid for regarding the state placarding of itself, DOT, U of A? Who pays for the enforcement? What will it ultimately cost the state in additional mandates? I would ask the affected agencies for a cost breakdown and how much it will increase their placarding budget? Or are they exempt?"

REPLY: I have asked these questions, but for different reasons than Mr. Studley is raising. CURRENTLY, state agencies outside the limits of a municipality with a placarding program (again, only Anchorage has a Title 29 placarding program) must be placarded by the STATE FIRE MARSHALL'S OFFICE. State agencies are out of compliance with the law because the state fire marshall's office has placarded only 14 sites since 1987. SB 69 DOES NOT impose new reporting requirements. It removes the state fire marshall's reporting requirement and placarding program, and creates one form for the reporting required under OSHA, EPCRA and Anchorage's Title 29 program. There is NO FISCAL IMPACT regarding the state placarding its agencies outside of the municipality of Anchorage. If other municipalities start a placarding program, the state agencies within that municipality would have to add the cost of the placard into their budgets.

SB 69 in no way affects the current requirements of businesses to notify the public (through reporting to Local Emergency Planning Committees) or emergency response personnel (through reporting to local fire departments).

Mr. Studley is correct that this bill won't save the state money. It's intended to save BUSINESSES some time and effort in meeting federal and local reporting requirements, and to get rid of a state requirement that has never been effective, according to the testimony of the State Fire Marshall.

Sincerely,



Senator Loren Leman

LL/ak

Enc. CH 108 SLA 1986

cc: Mr. James Studley
via fax

CHAPTER 108

AN ACT ESTABLISHING REQUIREMENTS FOR WARNING PLACARDS; ESTABLISHING REQUIREMENTS AND LIMITING LIABILITY FOR MUNICIPAL REPORTING PROGRAMS FOR HAZARDOUS MATERIALS AND HAZARDOUS WASTE; AND PROVIDING FOR AN EFFECTIVE DATE.

(SCS CSHB 647 (Fin))

Be it enacted by the Legislature of the State of Alaska:

Section 1. LEGISLATIVE INTENT. It is the intent of the legislature, in adopting this Act, to

(1) ensure the safety of emergency response personnel who respond to fires and other emergencies involving hazardous materials and hazardous wastes, and to effectively contain these emergencies;

(2) permit the development of a chemical profile of municipalities in order to enable local elected officials and municipal agencies to initiate actions necessary to prevent damage to the public health and to property;

(3) protect the health and safety of residents of and visitors to Alaska; and

(4) inform the public of the existence, location, and dangers of hazardous materials and hazardous wastes.

Secs. 2—4. Permanent laws. See Table of Disposition of Acts.

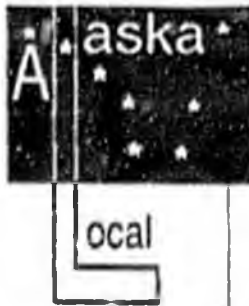
Sec. 5. This Act takes effect January 1, 1987.

Approved: June 7, 1986
Effective: January 1, 1987

CHAPTER 109

AN ACT RELATING TO THE REORGANIZATION OF PRIVATE DEBT AT A DELTA PROJECT.

(CSSB 349 (Fin))



Senator Fred Zharoff
Alaska State Legislature
Juneau, Alaska 99801

Fax (907) - 463-3043

Feb. 19, 1996

Attention: Sandy Burd

Honorable Senator Zharoff;

We appreciate the request for us to comment on SB 69. We believe the intent of this bill is sound. Save lives, keep it at the local government level, save money, reduce duplication of regulations. However there are some things that are very wrong with the bill that needs to be addressed.

1. It is not enforceable. So what is the point? Way to many chemicals in thousands of locations, with multiple combination of chemicals in the same locations. The U OF A has 25,000 such chemicals in Fairbanks alone. Call Mike Oden (474-5497) U OF A Risk Management Hazmat Division, he will give you an ear full on the reporting nightmare of this legislation.
2. What if the municipality decides not to adopt any notification procedures or enforcement of such placarding? How does this effect the peoples right to know what might be inside the building for safety reasons. It was the intent of SARA Title III, 42 USCS that the people should know what is behind the closed doors. (One argument is that the businesses file Tier II reports but who reads them other than the secretary that receives and records them). Sign removal is simply "Out of Site and Sign is Out of Mind".
3. What if there are Extremely Hazardous Substances (EHS) in private businesses outside a municipality. How will seafood processing plants outside city or borough limits use this legislation. For the most part they do not warn their employees about the dangerous of EHS materials already.
4. How will this be paid for regarding the state placarding of itself, DOT, U of A? Who pays for the enforcement? What will it ultimately cost the state in additional mandates. I would ask the effected agencies for a cost breakdown and how much it will increase their placarding budget? Or are they exempt?

Senator, the old law doesn't work and this attempt to straighten it out has ment but it won't work either. I don't think the state will save any money and the guy on the street will be the lonser no matter what. Send it back to committee.

Sincerely;

James Studley
James Studley
Chair

E
mergency

P
lanning

C
ommittee

association

Alutians East	Denali	Ketchikan	Northern SE	Prudhoe Bay
Alutians/Pribilof Is.	Fairbanks	Kodiak	NW Arctic	Sitka
Anchorage	Juneau	Lake & Peninsula Bor.	Petersburg	Southern SE
Copper Center	Kenai	Mal-Su	Wrangell	Yakutat

ANSWERS TO SUGGESTIONS RAISED BY LEPC ASSOCIATION
Regarding SB 69: Reporting of Hazardous Substances
Dated February 21, 1995

1) Keep the facilities responsible for placarding through state law.

A: Facilities have never been allowed by the state fire marshal's office to placard.

2) Give the authority to the local communities for enforcement, this could be part of the Tier Two reporting requirement and or notifications from the facilities.

A: Fire departments recognized by the state fire marshal already have enforcement authority under AS 18.70.090.

3) State Fire Marshal's office to enforce placarding if facilities do not comply.

A: The state fire marshal's office will not enforce placarding under this legislation. Enforcement would be a local issue, only for those communities choosing to have a placarding program.

4) Hold the facility responsible for all expenses of enforcement of the placarding law if they are not in compliance.

A: Current law allows municipalities to inspect and establish and impose penalties necessary to ensure compliance with reporting requirements. Current law also allows municipalities to impose "appropriate fees to fully or partially compensate for the cost of processing reports and administering inspections" for placarding (AS 29.35.510 and AS 29.35.520).

5) Exempt facilities out of a public fire response jurisdiction.

A: Facilities out of a public fire response jurisdiction would be exempt, because AS 29.35.500 applies to municipalities. So facilities outside of a municipality (public fire response) would be exempt from placarding.



Local

Honorable Loren Lemam
Alaska State Senator
Capitol Building
Juneau, Alaska 99801

February 21, 1995

Honorable Senator Lemam;

I would like to speak in favor of SB 69 and the intent of the proposed legislation.

Senate Bill 69's attempt to simplify the filing process and reduce the duplicate efforts of reporting requirements should be applauded. Recognizing the department of Public Safety's inability to enforce existing placarding laws because of lack of funding is also an important and valid consideration worthy of change, placing this in the local authority is certainly appealing as well. Local government should be placed in the position of regulating their own community.

However to remove a visible sign on a building (a placard) warning the public of potential danger (currently a state law) is inherently wrong and not in the best interest of public safety. I believe it also takes away from the basic intent of the "Community Right To Know Law" which allows the public to information warning of the Hazardous Substances that are inside the building.

In the interest of compromise I would like to offer the following suggestions:

1. Keep the facilities responsible for placarding through state law.
2. Give the authority to the local communities for enforcement, this could be part of the Tier Two reporting requirement and or notifications from the facilities.
3. State Fire Marshall's Office to enforce placarding if facilities do not comply.
4. Hold the facility responsible for all expenses of enforcement of the placarding law if they are not in compliance.
5. Exempt facilities out of a public fire response jurisdiction.

Public awareness and education is the only tool that has proven an effective for public safety. The principal ideas behind placarding were sound ideas, the current manner of enforcement and simplicity of reporting requirements and local involvement all need to be incorporated in this legislation to make it a sound and workable law.

Thank you again for your attention to such an important matter.

Sincerely;

James Studley
James Studley
Chair

Emergency

Planning

Committee

association

Aleutians East	Denali	Ketchikan	Northern SE	Prudhoe Bay
Aleutians/Pribilof Is.	Fairbanks	Kodiak	NW Archc	Sitka
Anchorage	Juneau	Lake & Peninsula Bor.	Petersburg	Southern SE
Copper Center	Kenai	Mat-Su	Wrangell	Yakutat

Sec. 18.70.090. Enforcement authority. The Department of Public Safety and the chief of each fire department recognized under regulations adopted by the Department of Public Safety, and their authorized representatives in their respective areas, may enforce the regulations adopted by the Department of Public Safety for the prevention of fire or for the protection of life and property against fire or panic. All state peace officers may assist the Department of Public Safety in the enforcement of AS 18.70.010 — 18.70.100, 18.70.310, and the regulations adopted under those sections. The authority conferred in AS 18.70.010 — 18.70.100 and 18.70.310 extends to the enforcement of the provisions of AS 11.46.400 — 11.46.430. (§ 9 ch 66 SLA 1955; am § 8 ch 117 SLA 1968; am § 20 ch 166 SLA 1978; am § 1 ch 120 SLA 1990)

Revisor's notes. — In 1991, two cross-references to AS 18.70.300 were deleted to reflect the renumbering of that section and the fact that the section is a definition that confers no authority.

Effect of amendments. — The 1990 amendment, effective June 15, 1990, de-

leted "city" before "fire department" and inserted "recognized under regulations adopted by the Department of Public Safety" in the first sentence; inserted "18.70.300 — 18.70.310" in the second and third sentences; and made a related grammatical change.

NOTES TO DECISIONS

City fire chief can enforce standards without delegation by state fire marshal. — The language of this section would indicate that the fire chief in each city can enforce state fire standards independently of any delegation by the state fire marshal's office. *State v. Jennings*, 555 P.2d 248 (Alaska 1976).

State not liable for city's negligence. — Where the state fire marshal's office, in accordance with its policy, had deferred to the city's fire prevention agency for the purposes of fire prevention and inspection within the city limits, and, thus, the state

fire marshal referred complaints about a hotel to the city fire marshal for action, and the city conducted inspection and initiated enforcement, there is no principal-agent relationship between the state and the city which would justify holding the state vicariously liable for the city's negligence. *State v. Jennings*, 555 P.2d 248 (Alaska 1976).

Common-law duty to take action concerning fire hazards after inspection. — See note to AS 18.70.010 *Adams v. State*, 555 P.2d 235 (Alaska 1976).

Collateral references. — Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions. 140 ALR 1048.

Destruction of building in emergency. 14 ALR2d 73.

Sec. 18.70.095. Smoke detection devices. (a) Smoke detection devices shall be installed and maintained in all dwelling units in the state. The devices shall be of a type and installed in a manner approved by the state fire marshal.

(b) In a dwelling unit occupied under the terms of a rental agreement or under a month-to-month tenancy,

19 PAGES + COVER

QRTK PROGRAM

ANCHORAGE FIRE

From: Rita A. Vesta

FAX: 465-3810

To: ANNETTE REITZER
GEN. LEMAY'S OFFICE.

3/16/95

**MUNICIPALITY OF ANCHORAGE
ANCHORAGE FIRE DEPARTMENT
COMMUNITY RIGHT-TO-KNOW PROGRAM**

LIST OF COMMON CHEMICALS

 The attached list of common chemicals includes some of the more frequently used chemicals. It is not intended to be considered all inclusive. Thousands of other chemicals may be considered hazardous under the Anchorage Municipal Code, Title 16. If you are in doubt about a chemical and are required by State DOSH to have an MSDS sheet for it, please include it on the Tier Two reporting form. The CRTK Inspector will determine if the chemical meets the criteria set forth by the Municipal Ordinance.

DOT HAZARD CLASSIFICATION TABLE

Exp A-EXPLOSIVE A	Exp B-EXPLOSIVE B	Exp C-EXPLOSIVE C
BA-BLASTING AGENT	FL-FLAMMABLE GAS	NFG-NON-FLAMMABLE GAS
PYRO-PYROTECHNIC	Pols A-POISON A	Pols B-POISON B
FL-FLAMMABLE LIQUID	RAD-RADIOACTIVE	Oxy-OXIDIZER
OP-ORGANIC PEROXIDE	ETI-ETIOLOGIC AGENT	Corr-CORROSIVE
IR-IRRITATING AGENT	W-WATER REACTIVE	FS-FLAMMABLE SOLID
CL-COMBUSTIBLE LIQUID	ORM-OTHER REGULATE MATERIAL	

*denotes Extremely Hazardous Substance (EHS)

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Acetaldehyde	FL	500 lbs.
Acetic Acid, Glacial	Corr	500 lbs.
Acetic Acid, Solution, >80%	Corr	500 lbs.
Acetic Acid, Solution, >10% but <80%	Corr	500 lbs.
Acetic Anhydride	Corr	500 lbs.
Acetone	FL	500 lbs.
*Acetone Cyanohydrin	Poison B	Any
Acetonitrile	FL	500 lbs.
Acetyl Bromide	Corr	500 lbs.
Acetyl Chloride	FL	100 lbs.
Acetylene	FG	500 lbs.
Acetylene Tetrabromide	Orm A	500 lbs.
Acid Mixture, Nitrating	Oxy, Corr	500 lbs.
Acrolein	FL, Pols	Any
Acrylamide	Pols B	Any
Acrylic Acid	Corr	500 lbs.
*Acrylonitrile	FL, Pols	Any
Adipic Acid	Orm E	500 lbs.
*Adiponitrile	Pols B	Any

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Air, Compressed	NFG	500 lbs.
Air, Cryogenic Liquid	NFG	500 lbs.
Alcohol, denatured	FL	500 lbs.
Aldicarb		100 lbs.
*Aldrin	Pols B	Any
*Allyl Alcohol	FL, Pols	Any
*Allylamine	FL	500 lbs.
Allyl Bromide	FL	500 lbs.
Allyl Chloride	FL	500 lbs.
Allyl Glycidyl Ether	FL	500 lbs.
Aluminum Chloride, Anhydrous	Corr	500 lbs.
*Aluminum Phosphide	FS	100 lbs.
2-Aminopyridine	Pols B	Any
4-Aminopyridine	Pols B	Any
Ammonia, Anhydrous	NFG	500 lbs.
Ammonia Solution with >44% Ammonia	NFG	500 lbs.
Ammonium Bifluoride, Solid	Corr	500 lbs.
Ammonium Bisulfite	Corr	500 lbs.
Ammonium Carbamate	Orm E	500 lbs.
Ammonium Carbonate	Orm A	500 lbs.
Ammonium Chloride	Orm E	500 lbs.
Ammonium Chromate	Orm E	500 lbs.
Ammonium Fluoroborate	Orm B	500 lbs.
Ammonium Fluoride	Orm B	500 lbs.
Ammonium Hydroxide	Corr	500 lbs.
Ammonium Metavanadate	Pols B	Any
Ammonium Nitrate	Oxy	500 lbs.
Ammonium Oxalate	Orm A	500 lbs.
Ammonium Perchlorate	Oxy	500 lbs.
Ammonium Silicofluoride	Orm B	500 lbs.
Ammonium Sulfamate	Orm E	500 lbs.
Ammonium Sulfide	FL	500 lbs.
Ammonium Sulfite	Orm E	500 lbs.
Ammonium Thiocyanate	Orm E	500 lbs.
Ammonium Thiosulfate	Orm E	500 lbs.
Amesco 365 Solvent		500 lbs.
Amyl acetate, all isomers	FL	500 lbs.
Amyl nitrate	FL	500 lbs.
Amylamine	FL	500 lbs.
*Aniline	Pols B	Any
O-Anisidine	Pols A, B	Any
P-Anisidine	Pols A, B	Any
Antimony Potassium Tartrate	Orm A	500 lbs.
Antimony Tribromide	Corr	500 lbs.

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Antimony Trichloride	Corr	500 lbs.
Antimony Trifluoride	Corr	500 lbs.
Antimony Trioxide	Orm E	500 lbs.
Argon, Compressed	NFG	500 lbs.
Arsenic Acid, Liquid	Pois B	Any
Arsenic Pentoxide	Pois B	Any
Arsenic Trichloride	Pois B	Any
Arsenic Trioxide	Pois B	Any
Arsenic Trisulfide	Pois B	Any
Arsenical Dust	Pois B	Any
Arsine	Pois A, FG	Any
Asbestos	Orm C	500 lbs.
Barium	W	Any
Barium Cyanide	Pois B	Any
Benzaldehyde	CL	500 lbs.
Benzene	FL	500 lbs.
Benzenesulfonyl Chloride	Corr	500 lbs.
Benzenesulfonyl Chloride	Corr	500 lbs.
Benzidine (and its' salts)		500 lbs.
Benzoic Acid	Orm E	500 lbs.
Benzonitrile	CL	500 lbs.
Benzotrichloride	Corr	500 lbs.
Benzo:trifluoride	FL	500 lbs.
*Benzoyl Chloride	Corr	500 lbs.
Benzoyl Peroxide	OP	500 lbs.
Benzyl Chloride	Corr	500 lbs.
Beryllium	Pois B	Any
Beryllium Chloride	Pois B	Any
Boron Tribromide	Corr	500 lbs.
*Boron Trichloride	Corr	500 lbs.
*Boron Trifluoride	NFG, Pois	Any
*Bromine	Corr	500 lbs.
Bromine Trifluoride	Oxy, Pois	Any
Bromochloromethane	Orm A	500 lbs.
Bromoforn	Pois B	Any
1-Bromophentane	FL	500 lbs.
Brucine	Pois B	Any
1,2-Bueldiene	FG	500 lbs.
Butane	FG	500 lbs.
Butenes	FG	500 lbs.
Butyl Acetate	FL	500 lbs.
Butyl Acrylate	FL	500 lbs.
Butyl Alcohol	FL	500 lbs.
Butyl Mercaptan	FL	500 lbs.

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Butyl Methacrylate	FL	500 lbs.
Butyl Methyl Ether	FL	500 lbs.
Butyl Peroxypivalate	OP	500 lbs.
Butyl Phosphoric Acid	Corr	500 lbs.
Butyl Phthalate	Orm E	500 lbs.
*Butyl Vinyl Ether	FL	500 lbs.
Butylamine, all isomers	FL	500 lbs.
Butylene	FG	500 lbs.
1,2-Butylene Oxide	FL	500 lbs.
O-Sec-Butylphenol, Liquid	Pols B	Any
P-Tert-Butyltoluene	Pols B, FL	Any
Butylaldehyde	FL	500 lbs.
Butyric Acid	Corr	500 lbs.
Butyronitrile	FL, Pols	Any
Cacodylic Acid	Pols B	Any
Calcium, Metal	FS, W	Any
*Calcium Arsenate	Pols B	Any
Calcium Arsenite	Pols B	Any
Calcium Carbide	FS, W	Any
Calcium Cyanamide	Orm C	500 lbs.
Calcium Cyanide	Pols B	Any
Calcium Dodecylbenzene Sulfonate	Orm E	500 lbs.
Calcium Hypochlorite	Oxy	500 lbs.
Calcium Hypochlorite, Dry	Oxy	500 lbs.
Calcium Oxide	Orm B	500 lbs.
Calcium Resinate	FS	Any
Calcium, Metal and Alloys, Pyrophoric	FS, W, Pyr.	Any
Camphor	FS	Any
Caprylol Peroxide	OP	500 lbs.
Captan	Orm E	500 lbs.
Carbaryl	Orm A	500 lbs.
*Carbofuran	Pols B	Any
Carbolic Acid	Pols B	Any
2-Carbomethoxy-1-Methyvinyl Dimethyl Phosphate	Pols B	Any
Carbon Dioxide	NFG	500 lbs.
Carbon Dioxide, Liquified	NFG	500 lbs.
Carbon Dioxide, Solid	Orm A	500 lbs.
*Carbon Disulfide	FL	500 lbs.
Carbon Monoxide	FG	500 lbs.
Carbon Monoxide, Cryogenic Liquid	FG	500 lbs.
Carbon Tetrabromide	Pols B	Any
Carbon Tetrachloride	Orm A	500 lbs.
Carbonyl Fluoride	Pols A	Any

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Cellosolve Acetate	CL	500 lbs.
Cellulose Nitrate	FS	Any
*Chlordane	FL	500 lbs.
*Chlorine	NFG, Pols	Any
Chlorine Dioxide	Oxy, W	500 lbs.
Chlorine Pentafluoride	Pols A, Oxy, Corr	Any
Chlorine Trifluoride	Pols, Oxy	Any
Chloroacetic Acid, Liquid	Corr	100 lbs.
Chloroacetic Acid, Solid	Corr	100 lbs.
*Chloroacetaldehyde	Pols B	Any
Chloroacetophenone (Alpha)	IR	500 lbs.
Chloroacetyl Chloride	Corr	500 lbs.
Chlorobenzene	FL	500 lbs.
*Chloroform	Orm A	500 lbs.
Chloromethyl Ethyl Ether	FL, Pols	Any
*Chloromethyl Methyl Ether	FL, W	100 lbs.
Chlorophenol, Liquid	Pols B	Any
2-Chlorophenol, Solid	Pols B	Any
Chloropicrin	Pols B	Any
Chloropicrin and Methyl Bromide Mixture	Pols B	Any
Chloropicrin and Methyl Chloride Mixture	Pols A	Any
Chloropicrin Mixture, Flammable	Pols B	Any
Chloroprene	FL	500 lbs.
3-Chloropropanol	Pols B	Any
Chlorotoluene	FL	500 lbs.
Chloropyrifos	Orm A	500 lbs.
Chromic Acetate	Orm E	500 lbs.
Chromic Acid, Solid	Oxy	500 lbs.
Chromic Acid, Solution	Corr	500 lbs.
Chromic Sulfate	Orm E	500 lbs.
Cobalt Napthenate	FS	Any
Cobaltous Bromide	Orm E	100 lbs.
Cobaltous Formate	Orm E	100 lbs.
Cobaltous Sulfamate	Orm E	100 lbs.
Copper Arsenite	Pols B	Any
Copper Chloride	Orm B	500 lbs.
Copper Cyanide	Pols B	Any
*Coumaphos	Pols B	Any
*Cresol, all isomers	Corr	500 lbs.
Cresylic Acid	Pols B	Any
*Crotonaldehyde	FL, Pols	Any
Cumene	CL, IR	500 lbs.
Cumene Hydroperoxide	OP	500 lbs.
Cupric Acetate	Orm E	500 lbs.

<u>CHEMICAL NAME</u>	<u>DGT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Cupric Sulfate	Orm E	500 lbs.
Cyanamide	Corr	500 lbs.
Cyanide or Cyanide Mixture, Dry	Pols B	Any
Cyanogen	Pols A	Any
*Cyanogen Bromide	Pols B	Any
Cyanogen Chloride	Pols A	Any
Cyanogen, Liquified	Pols A	Any
Cycloheptane	FL	500 lbs.
Cyclohexane	FL	500 lbs.
Cyclohexanone	FL	500 lbs.
Cyclohexene	FL	500 lbs.
Cyclohexylamine	FL, Corr	500 lbs.
*Cyclopentane	FL	500 lbs.
Cyclopropane	FG	500 lbs.
*Decaborane	FS, Pols	Any
Deuterium	FG	500 lbs.
Diacetyl Peroxide	FI, IR	500 lbs.
Diamylamine	Pols B, FL	Any
Diazinon	Orm A	500 lbs.
*Diborane	FG, Pols	Any
Dibromodifluoromethane	Orm A	500 lbs.
Dibromomethane	Pols B	Any
Dibutyl Ether	FL	500 lbs.
Di Isopropyl Ether	FL	500 lbs.
Dibutylamine	Pols B	Any
Dicamba	Orm E	500 lbs.
Dichlobenil	Orm E	500 lbs.
Dichlone	Orm E	500 lbs.
3, 4-Dichloroaniline	Pols B	Any
Dichlorobenzene, o-, Liquid	Orm A	500 lbs.
Dichlorobenzene, p-, Solid	Orm B	500 lbs.
Dichlorodifluoromethane (freon)	NFG	500 lbs.
1, 1-Dichloroethane (Ethylene Dichloride)	FL, IR	500 lbs.
Dichloromethane	Orm A	500 lbs.
2, 4-D (2, 4-Dichlorophenoxyacetic Acid)	Orm A	500 lbs.
2, 4-D Ester (2, 4-Dichlorophenoxyacetic Acid Ester)	Orm E	500 lbs.
Dichloropropanes	FL	500 lbs.
Dichloropropenes	FL	500 lbs.
2, 2-Dichloropropionic Acid	Corr	500 lbs.
*Dichlorovos	Pols B	Any
Dichlorosilane	FL, Pols A	Any
Dicyclopentadiene	FL	500 lbs.
Dieldrin	Orm A	500 lbs.
Diesel #1	CL	500 lbs.
Diesel #2	CL	500 lbs.

<u>CHEMICAL NAME</u>	<u>DOT</u>	<u>QUANTITY</u>
	<u>HAZARD CLASS</u>	<u>REPORTABLE</u>
Diethyl Aniline	Pois B	Any
Diethyl Cellosolve	CL	500 lbs.
Diethyl Ether	FL	500 lbs.
Diethyl Sulfate	Pois B	Any
Diethyl Sulfide	FL, Pois	Any
Diethyl Zinc	FL, Pyro	Any
Diethylamine	FL	500 lbs.
Diethylenetriamine	Corr	500 lbs.
Diethylketone	FL	500 lbs
Diethylzinc	Pyro	Any
2, 3-Dihydro-2, 2-Dimethyl-6-Benzofuranyl Methylcarbamate Diisobutyl Ketone	CL	500 lbs.
Diisopropyl Peroxydicarbonate	OP	500 lbs.
Diisopropylamine	FL	500 lbs.
Dimethyl Ether	FG	500 lbs.
*Dimethyl Sulfate	Corr	500 lbs.
*Dimethyl Sulfide	FL	100 lbs.
Dimethylamine	FG	500 lbs.
Dimethylamine Solution	FL	500 lbs.
N, N-Dimethylformamide	FL	500 lbs.
Dimethylhydrazine Symmetrical	FL, Pois	Any
Dimethylhydrazine Unsymmetrical	FL, Pois	Any
*Dinitro-O-Cresol	Pois B	Any
Dinitrobenzene Solution	Pois B	Any
M-Dinitrobenzene	Pois B	Any
Dinitrobenzenes, all isomers	Pois B	Any
Dinitrochlorobenzene	Pois B	Any
Dinitrophenolate, wet, with not less than 15% water	FS, Pois	Any
Dinitrophenols, Solution	Pois B	Any
Dinitrophenols, wet, with not less than 15% water	FS, Pois	Any
Dinitrotoluenes, all isomers	Corr E	500 lbs.
Dinitrotoluenes, Solid	Corr E	500 lbs.
P-Dioxane	FL	500 lbs.
Diphenylamine	IR	500 lbs.
Diphosgene	Pois A	Any
Dipropyl Ether	FL	500 lbs.
Dipropyl Ketone	FL	500 lbs.
Dipropylamine	FL	500 lbs.
Diquat	Corr E	500 lbs.
*Disulfoton	Pois B	Any
Divinyl Ether	FL	500 lbs.
Dodecylbenzenesulfonic Acid		500 lbs.

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
EDTA	Orm E	500 lbs.
*Endosulfan	Pois B	Any
*Endrin	Pois B	Any
*Epichlorohydrin	FL	500 lbs.
Ethane, Compressed	FG	500 lbs.
Ethane, Liquid (refrigerated)	FG	500 lbs.
Ethanolamine	Corr	500 lbs.
Ethyl Acetate	FL	500 lbs.
Ethyl Acrylate	FL	500 lbs.
Ethyl Alcohol	FL	500 lbs.
N-Ethyl Aniline	Pois B	Any
Ethyl Bromide	Pois B	Any
Ethyl Chloride	FL	500 lbs.
Ethyl Ether	FL	500 lbs.
Ethyl Formate	FL	500 lbs.
Ethyl Methacrylate	FL	500 lbs.
Ethyl Nitrite	FL	500 lbs.
Ethyl Silicate	CL	500 lbs.
Ethylamine	FG	500 lbs.
Ethylamine Solution	FL	500 lbs.
Ethylbenzene	FL	500 lbs.
Ethylene, Compressed	FG	500 lbs.
Ethylene Chlorohydrin	Pois B	Any
Ethylene, Cryogenic Liquid	FG	500 lbs.
Ethylene Dibromide	Orm A	500 lbs.
Ethylene Dichloride	FL	500 lbs.
Ethylene Glycol (anti freeze)	CL	500 lbs.
Ethylene Glycol Diethyl Ether	CL	500 lbs.
Ethylene Glycol Monobutyl Ether	Pois B, FL	Any
Ethylene Glycol Monoethyl Ether Acetate	CL	500 lbs.
Ethylene Glycol Monoethyl Ether	CL	500 lbs.
Ethylene Glycol Monomethyl Ether	CL	500 lbs.
Ethylene Glycol Monomethyl Ether Acetate	CL	500 lbs.
Ethylene Oxide,	Pois A, FG	Any
Ethylenediamine	FL, Corr	500 lbs.
Ethylenimine	FL, Corr	500 lbs.
Explosive, Class A, Generic	Exp A	Any
Explosive, Class A, Primer	Exp A	Any
Explosive, Class B, Generic	Exp B	Any
Explosive, Class C, Generic	Exp C	Any
Ferric Chloride	Orm B	500 lbs.
Ferric Sulfate	Orm E	500 lbs.
Ferrous Sulfate	Orm E	500 lbs.

<u>CHEMICAL NAME</u>	<u>DOT HAZARD CLASS</u>	<u>QUANTITY REPORTABLE</u>
Fluoboric Acid	Corr	500 lbs.
*Fluorine, Compressed	Pois A, Oxy	Any
*Fluorine, Cryogenic Liquid	Pois A, Oxy	Any
*Formaldehyde	CL	500 lbs.
Formic Acid	Corr	500 lbs.
Fulminate of Mercury	Exp A	Any
Fumaric Acid	Orm E	500 lbs.
*Furan	FL	500 lbs.
Furfural	CL	500 lbs.
Furfuryl Alcohol	CL	500 lbs.
Gasoline	FL	500 lbs.
Glutaraldehyde	Pois, FL	Any
Glycidaldehyde	Pois, FL	Any
Guthlon	Pois B	Any
Helium, Compressed	NFG	500 lbs.
Helium, Cryogenic Liquid	NFG	500 lbs.
Heptachlor	Orm E	500 lbs.
Heptachlor	Orm E	500 lbs.
N-Heptane	FL	500 lbs.
Hexachlorobenzene	Pois B	Any
Hexachlorobutadiene	Pois B	Any
*Hexachlorocyclopentadiene	Corr	500 lbs.
Hexachloroethane	Orm A	500 lbs.
Hexachlorophene	Pois B	Any
Hexafluoroacetone	Pois A	Any
Hexamethylene Diisocyanate	Pois B	Any
Hexane, All Isomers	FL	500 lbs.
Hexene	FL	500 lbs.
*Hydrazine, Anhydrous	Pois, FL	Any
*Hydrazine, Aqueous Solution <54% Hydrazine	Corr	500 lbs.
*Hydrazine, Aqueous Solution >64% Hydrazine	Pois, FL	NY
Hydrobromic Acid	Corr	500 lbs.
Hydrochloric Acid, Anhydrous	Corr	500 lbs.
*Hydrocyanic Acid	Pois A, FG	Any
*Hydrocyanic Acid, Aqueous Solution	Pois B	Any
Hydrofluoric and Sulfuric Acid Mixture	Corr	500 lbs.
Hydrofluoric Acid Solution	Corr	500 lbs.
Hydrofluosilicic Acid	Corr	500 lbs.
Hydrofluoric Acid, Anhydrous	Corr	500 lbs.
Hydrogen, Compressed	FG	500 lbs.
Hydrogen, Cryogenic Liquid	FG	500 lbs.
Hydrogen Bromide	NFG	500 lbs.

CHEMICAL NAME	DOT HAZARD CLASS	QUANTITY REPORTABLE
*Hydrogen Chloride (gas only)	Corr	500 lbs.
Hydrogen Chloride Solution	Corr	500 lbs.
Hydrogen Chloride, Liquid (refrigerated)	Corr	500 lbs.
Hydrogen Cyanide	Pois A, FG	Any
Hydrogen Cyanide, Absorbed	Pois B	Any
*Hydrogen Fluoride	Corr	100 lbs.
Hydrogen Fluoride Solution	Corr	500 lbs.
Hydrogen Iodide	NFG, Corr	500 lbs.
Hydrogen Iodide Solution	Corr	500 lbs.
Hydrogen Peroxide Solution with >20%, <52% Peroxide	Oxy	500 lbs.
*Hydrogen Peroxide, Stabilized, with >52% Peroxide	Oxy, Corr	500 lbs.
Hydrogen Peroxide Solution, with >8%, <20% Peroxide	Oxy	500 lbs.
*Hydrogen Sulfide	Pois, FG	Any
*Hydroquinone	Pois B	Any
Hypochlorite Solution, <5% Available Chlorine	Corr	500 lbs.
Iron Dextran		500 lbs.
*Iron Pentacarbonyl	Pois B, FL	Any
Isoamyl Alcohol	CL, Irr	500 lbs.
Isobutane or Isobutane Mixture	FG	500 lbs.
Isobutyl Acetate	FL	500 lbs.
Isobutyl Alcohol	FL	500 lbs.
Isobutyric Acid	Corr	500 lbs.
*Isophorone Diisocyanate	Pois B	Any
Isoprene	FL	500 lbs.
Isopropanol, Isopropyl Alcohol	FL	500 lbs.
Isopropanolamine Dodecylbenzenesulfonate		500 lbs.
Isopropyl Acetate	FL	500 lbs.
Isopropyl Alcohol	FL	500 lbs.
Isopropyl Ether	FL	500 lbs.
Isopropyl Formate	FL	500 lbs.
Isopropylamine	FL	500 lbs.
Kelthane	Om E	500 lbs.
Kepone	Om E	500 lbs.
Kerosene	CL	500 lbs.
*Lactonitrile	FL	500 lbs.

CHEMICAL NAME	DOT HAZARD CLASS	QUANTITY REPORTABLE
Lacquer Thinners	FL	500 lbs.
Lacquers	FL	500 lbs.
Lead Acetate	Orm D	500 lbs.
Lead Arsenate	Pols B	Any
Lead Chloride	Orm B	500 lbs.
Lead Fluoborate	Orm B	500 lbs.
Lead Fluoride	Orm B	500 lbs.
Lead Iodide	Orm E	500 lbs.
Lead Nitrate	Oxy	500 lbs.
Lead Stearate	Orm E	500 lbs.
Lead Sulfate	Corr	500 lbs.
Lead Sulfide	Orm E	500 lbs.
Lead Thiocyanate	Orm E	500 lbs.
*Lidane	Orm A	500 lbs.
Liquid Natural Gas	FG	500 lbs.
Liquid Petroleum Gas	FG	500 lbs.
*Lithium	FS, W	Any
Lithium Chromate	Orm E	100 lbs.
Lithium Hydride	FS, W	Any
Magnesium	FS, W	Any
Malathion	Orm A	500 lbs.
Maleic Acid	Orm A	500 lbs.
Maleic Anhydride	Orm A	500 lbs.
*Malononitrile	Pols B	Any
Manab	Pyro, W	Any
Mercaptodimethur	Orm A	500 lbs.
Mercuric Cyanide	Pols B	Any
Mercuric Nitrate	Oxy	500 lbs.
Mercuric Sulfate	Pols B	Any
Mercuric Thiocyanate	Pols B	Any
Mercurous Nitrate	Oxy	500 lbs.
Mercury Fulminate	Exp A	Any
Mesityl Oxide	FL	500 lbs.
Metasystox		500 lbs.
Methacrylic Acid	Corr	500 lbs.
Methane, Compressed	FG	500 lbs.
Methane, Cryogenic Liquid	FG	500 lbs.
Methanol	FL	500 lbs.
Methoxychlor	Orm E	500 lbs.
Methyl Acetate	FL	500 lbs.
Methyl Acrylate	FL	500 lbs.
Methyl Alcohol	FL	500 lbs.
*Methyl Bromide	Pols B	Any
Methyl Bromide and Ethylene Dibromide Mixture, Liquid	Pols B	Any