

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9410 HOUSE RESOURCES



SUPPORT FOR SENATE BILL NO. 35

I am an Alaskan resident in support of Senate Bill No. 35. I do not believe access to park lands or waterways should be restricted without approval of the State Legislature. By signing, I acknowledge that I have reviewed a copy of Senate Bill No. 35, as originally presented by it's authors:

DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
1	JOE HANSMEYER	2535 GLENKERRY DR ANCH. AK	333-0015	Joe Hansmeyer
2	Paul R Biscowitz	511 W 92 nd Ave Anch. AK	349-6450	Paul Biscowitz
3	Margery Waggood	9400 Victor Rd Anchorage Ak	951-349452	Margery Waggood
4	RW PAKE	3241 MACQUIS CIR ANCH	349-8896	RW Pake
5	Timothy R. Warrick	5300 Shoreline St. Anchorage Ak.	733-8814	Timothy R. Warrick
6	ANDY L. CHRISTENSEN	PO Box 24 Moose Pass AK	288-3132	Andy L. Christensen
7	LESLIE C. WITHERS	7101 SHOOKRESIN CIR. ANCH.	737-8366	Leslie C. Withers
8	Sheila R. Withers	7101 SHOOKRESIN CIR ANCH AK	337-5716	Sheila R. Withers
9	Grant R. Clark	4021 IONA Cir. Anchorage	344-6048	Grant R. Clark
10	DONALD S. ANTHON	Box 771914 Eagle River AK	694-7200	Donald S. Anthon
11	RICHARD PROVOLT	18600 DANNY DR. EAGLE RIVER	696-8546	Richard Provolt
12	Edith E Pense	612 Kim Pl Anchorage		Edith E. Pense
13	STEVEN D. HARGREAVE	13650 SUNSET WAY ANCHORAGE	345-7069	Steve Hargreave
14	DICK G FAST	P.O. Box 157 TALKEETNA AK	733-3278	Dick G. Fast
15	Bill Fast	3801 Barbara Dr Anch AK	243-8428	Bill Fast
16	Bonnie Fast	3807 Barbara Dr. Anch. AK	243-8428	Bonnie Fast
17	Karen Hargett	11319 Rebischeke ER AK	696-1759	Karen Hargett
18	MARGUERITE LEIS	3300 EVERGREEN ANCH	337-7482	Marguerite L. Leis
19	ADRIANSENSEN, DIANE	9333 Westlake ER AK	694-9445	Diane Adamsen
20	RJ ADAMS	7750 JAGUAR CIR ANCH.	748-9918	RJ Adams



SUPPORT FOR SENATE BILL NO. 35

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DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
2/1/97	YAN A PALMER	P.O. Box 872508 Wasilla AK	376-4177	Yan A Palmer
2-1-97	Charlie E. Robinson	18621 Roads End E.R. AK	694-3225	C.E. Robinson
2/1/97	J. RAN CANNY	P.O. Box 971845 Wasilla AK	376-0864	J. RAN CANNY
2/1/97	Robert Kaplan	6229 W. Marston Anchorage AK	248-2061	Robert Kaplan
2/1/97	Richard S. Bartlowitz	Box 229, Clam Gulch, AK 99585	262-9067	Richard S. Bartlowitz
2/1/97	MICHAEL W. DUNEAN	3636 T.A.K.A. Dr. Anchorage AK 99576	345-2517	Michael W. Dunean
2/1/97	Ernest Kirby	HCS Box 9964-C Palmer AK 99645	745-8682	Ernest Kirby
2-1-97	Kimberly Kirby	HCS Box 9964-C Palmer AK 99645	745-8682	Kimberly Kirby
2-1-97	Stella Richey	PO Box 772463 Eagle River AK 99577	688-0688	Stella Richey
2-1-97	Charles Richey	Box 772463 Eagle River 99577	688-0688	Charles Richey
2-1-97	Linda S. Werback	540 F. Park St Wasilla AK 99654	376-0130	Linda S. Werback
2-1-97	DAVID J RHEDEY	P.O. Box 520686 Big Lake, AK	897-9599	David J. Rhey
2-1-97	V. J. DRICUS	1777 S. Katukua Eagle River AK	684-3400	V. J. Dricus
2-1-97	ISTVAN E. TOTH	P.O. B. 112053, ANCHORAGE	345-3693	Istvan E. Toth
2-1-97	Jimmy Lutz	6160 H St SAFD	753-0500	Jimmy Lutz
2-1-97	Paul Rosine	19109 Anderson Dr Eagle River AK 99577	696-1060	Paul Rosine
2-1-97	PATRICK J. MILLS	PO Box 24345 Anchorage AK 99524	349-0706	Patrick J. Mills
2-1-97	TAMARA KAY ZEWER	2070 E. 7th Anchorage AK	249-0706	Tamara Kay Zewer
2-1-97	NITHEAVENER	PO Box 670449 Cheyenne AK		Nitheavener
2-1-97	Thomas A. Bailey	5324 Marina Dr Anchorage AK 99508	337-5305	Thomas A. Bailey



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	DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
1	2/1/97	Anthony P. Bond	18008 Meadow Crk Dr. AK	696-5477	Anthony P. Bond
2	2/1/97	Katy Hannon	18538 Berending Birch	688-7141	Katy Y. Hannon
3	2/1/97	Susan Bailey	5324 Marice Ct Anch AK	9337-5305	Susan Bailey
4	2/1/97	Barry A. Marsch	18334 CHINE CREEK CIR. E.P. AK	696-8013	Barry A. Marsch
5	2/1/97	JOANN GARDNER	4833 UPPER KOGRU DR	694-3012	Joann Gardner
6	2-1-97	ROBERT W. GARDNER	4833 UPPER KOGRU DR	694-3012	Robert W. Gardner
7	2/1/97	Barry J. Wilson	PO BOX 245931 ANCH. AK.	269-5526	Barry J. Wilson
8	2/1/97	DANIEL TAKANAK	2221 Muldoon Rd #625	337-6506	Daniel Takanak
9	2/1/97	Neal Cozla	Box 2071	486-3249	Neal Cozla
10	2/4/97	Chris Smith	5040 Remeter	345-9800	Chris Smith
11	2-1-97	Senya Rosetti	9311 Hiland ER AK	696-6819	Senya Rosetti
12	2/1/97	Bill Rosetti	9311 N. land ER AK	696-6819	Bill Rosetti
13	2/1/97	FRANK GAMBAL	1805 STANTON AVE ANCH, AK	583-3889	Frank Gambal
14	2/1/97	Ernest Johnson	7070 Baxter Terrace Cir.	338-6785	Ernest Johnson
15	2/1/97	FRESTON FARLEY	1103 Church Way	583-7354	Freston Farley
16	2/1/97	Margaret Ritzel	1103 Church Anch. AK	unlisted	Margaret Ritzel
17	2-1-97	Anne M. Stephens	8325 Wilcox Anch 99502	248-9726	Anne M. Stephens
18	2-1-97	VALDORA J. BRENNAN	P.O. Box 870490, Wasilla AK ⁹⁹⁶⁸⁷	907-376-6750	Valdora J. Brennan
19	2-1-97	Ron Moore	1381 W. Shoreline Dr.	376-5910	Ron Moore
20	2-1-97	Bobbie Houser	Po Box 620084 GUSIAK	688-6715	Bobbie Houser



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DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
2-1-97	JEANNE HESONEN	2520 BANBURY DR, ANCH	338-5184	<i>Jeanne Hesonen</i>
2-1-97	PAUL BARNETT	P.O. Box 48, Palmer, AK.	745-0972	<i>Paul Barnett</i>
2-1-97	Ken Johnson	PO BOX 670946 Chugiak AK	688 6091	<i>Ken Johnson</i>
2-1-97	John Bozinger	1470 Walkinaw WASKLA	376-147	<i>John Bozinger</i>
2-1-97	Cheryl Scarborough	1592 Williwaw Wasilla	376 2785	<i>Cheryl H. Scarborough</i>
2-1-97	JAMES SCHROEDER	625 Fir DR KENAI	987-4144	<i>James Schroeder</i>
2-1-97	William J. Barr	2310 Lake George Drive Anch. AK 99504	337-1752	<i>William J. Barr</i>
2-1-97	Robert T. Studebaker	P.O. BOX 2458 Kenai	262-7603	<i>Robert T. Studebaker</i>
2-1-97	Cheryl Studebaker	P.O. BOX 2458 Kenai	262-7603	<i>Cheryl Studebaker</i>
2-1-97	MARK MASOR	18306 TED RUIZ CIRCLE EAGLE RIVER, AK 99577	694-2817	<i>Mark Masor</i>
2-1-97	Alan Arima	601 Oxford Anchorage AK 99503	565-6080	<i>Alan Arima</i>
2-1-97	Rob Heckman	4301 Acute Circle Anch 99104	337-3366	<i>Rob Heckman</i>
2-1-97	Ueki Heaton	4117 Dorothy Anch 99104	243-6333	<i>Ueki Heaton</i>
2-1-97	Robert B. McLean Jr	2942 Leewood, A/A 99575	345-3887	<i>Robert B. McLean Jr</i>
2-1-97	Michelle C. Hopkins	523 Togiak #A AIA 503	561-8696	<i>Michelle C. Hopkins</i>
2-1-97	JUGA K. OLSEN	P.O. BOX 100681 Anch AK 99500	263-6806	<i>Juga K. Olsen</i>
2-1-97	Kim Beardsley	3737 Clay Prudhoe	248-5990	<i>Kim Beardsley</i>
	Melvin J. Jorgensen	1332 E. Marine Way	258-9711	<i>Melvin J. Jorgensen</i>
2-1-97	Paul Keith	18940 Third ST Eagle River AK	696-8720	<i>Paul Keith</i>
2-1-97	John K. ...	3300 ...	349-2440	<i>John K. ...</i>



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DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
1	2-2-97 Shirley E. Littleton	17025 Park Place Eagle River AK	894-8958	<i>Shirley E. Littleton</i>
2	2-2-97 Taina P Kulieva	P.O. Box 0775 R3 ER AK 99507	684-3466	<i>Taina P Kulieva</i>
3	2/2/97 Robert W. Martin #1	3321 EUREKA #11 ANCH AK	561-54069	<i>Robert W. Martin</i>
4	2/2/97 Corneil L. Johnson	6828 St. Ivo Pt Anch. AK	344-7694	<i>Corneil L. Johnson</i>
5	2/2/97 Del L. Clark	1910 State St Anch. AK	337-8101	<i>Del L. Clark</i>
6	2/2/97 Ronald C. Jacobs	13211 REEF Place, Anch. AK	345-5175	<i>Ronald C. Jacobs</i>
7	2-2-97 Michael Stunelle	Box 878845 WASILLA	592-7516	<i>Michael Stunelle</i>
8	2-2-97 Amanda M. Anderson	Mile 230 Park St Anch. AK	503-0055	<i>Amanda M. Anderson</i>
9	2/2/97 Danny Van Allen	4324 E 2nd Ave Anch AK	333-6774	<i>Danny Van Allen</i>
10	2/2/97 Don Horton	4805 Buckingham Way Anch AK	562-5705	<i>Don Horton</i>
11	2/2/97 Marnard S. Cobbley	3511 Baldwin Dr Anch AK	20 2450675	<i>Marnard S. Cobbley</i>
12	2/2/97 DAVID L. WHITE	P.O. Box 1026 Bethel AK		<i>David L. White</i>
13	2/2/97 Paul Bittner	3421 Crowsfoot Camp	344-4533	<i>Paul Bittner</i>
14	2/2/97 Anna Dickson	8511 Rickard Ave Anch AK	338-0011	<i>Anna Dickson</i>
15	2-2-97 David A. O'Brien	Box 2056 Cordova, AK 99574	424-3246	<i>David A. O'Brien</i>
16	2-2-97 Nancy O'Brien	Box 2056 Cordova AK 99574	424-7661	<i>Nancy O'Brien</i>
17	2-2-97 PATRICIA J. FORD	109 BUNNELL ST ANCH AK 99503	338-5237	<i>Patricia J. Ford</i>
18	2-2-97 FRANCIS M. Sherwood	1640 BRINT DR ANCH AK 99504	333-6228	<i>Francis M. Sherwood</i>
19	" KENNETH J. MURPHY	1941 WILKINSON ANCH AK 99507	563-7616	<i>Kenneth J. Murphy</i>
20	" CHRY FROTE	"	"	<i>Chry Frote</i>



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DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
2-1-97	Billy Houser	2522 Norton, Chesapeake VA	680-4132	Billy Houser
2-1-97	Christine Gutterby	1403 BOX 7090 Soldotna AK	2624912	Christine Gutterby
2-1-97	V. Melvanz	1530 Percipin Circle	376 2034	V. Melvanz
2-1-97	Jill	P.O. Box 871510	373-3164	Jill
2-1-97	Beverly Serrano	P.O. Box 871510 Wasilla, AK 99807	376-3484	Beverly Serrano
2-1-97	Michelle / CLIFF	6976 Westfield ST Anch AK	243-1625	Michelle / Cliff
2-1-97	JH Summers JR	534 Quicksilver Cir Palmer AK 99645	9454623	JH Summers
2-1-97	K. F. SUMMERS	534 Quicksilver Cir Palmer AK 99645	745-4123	K. F. Summers
2-1-97	J. Joseph	Box 230096 Anchorage	3450907	J. Joseph
2-1-97	Andy Siebert	521 Mellow PL Anch AK	337-6468	Andy Siebert
2-1-97	Paul Barnett	P.O. Box 48, Palmer, AK.	745-0972	Paul Barnett
2-1-97	Myron L McCumber	P.O. Box 1767 Palmer, AK	746-5467	Myron L McCumber
2-1-97	Norman M. McCumber	P.O. Box 1767 Palmer, AK.	746-5467	Norman M. McCumber
2-1-97	Mike Fratton	3104 W. 33rd Anch AK	245-7624	Mike Fratton
2/1/97	Sherry Lovett	8221 Majestic Dr Anch AK	338-4990	Sherry Lovett
2/1/97	Doreen Lovell	8221 Majestic Dr Anch AK	338-4990	Doreen Lovell
2-1-97	Kent Kelley	25418 Eagle River Rd E. R.	694-6768	Kent Kelley
2/1/97	Mike Dillington	8120 Imbler St Anch AK	3449675	Mike Dillington
2/1/97	Bill Hickey	1831 Bellevue Loop Anch.	344-5806	Bill Hickey
2/1/97	Lori McKinnon	11706 Ireland Cir E. R. 99577	1945043	Lori McKinnon



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	DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
1	2-1-97	Jennifer A Rosetti	2262 Outside Blvd North Pole ^{AK}	907-488-2981	Jennifer A Rosetti
2	1 Feb 97	Randall Aman	4633 Paul St Anchorage AK	582-7771	Randall Aman
3	2-1-97	John Palmatier	523 Toxicok Anch. Ak	561-4696	John Palmatier
4	2-1-97	Ray Kachitz	4535 E 4th Anch AK	333-4771	Ray Kachitz
5	2-1-97	Charles A. Goff	3130 Jerix Anch. Ak	337-6334	Charles A. Goff
6	2-1-97	David Byrd	8281 Longport St Anch	346-3689	David Byrd
7	2/1/97	Frank Huda	6324 Air Guard Rd Anch.	243-3216	Frank Huda
8	2-1-97	Andrew A. Brennan	PO Box 70490 Wasilla AK	376-6750	Andrew A. Brennan
9	2-1-97	DONALD R. PETRUCCI	PO BOX 9875 PALMER AK	745-6307	Donald R. Petrucci
10	2-1-97	Kathi L. Lester	P.O. Box 872896 Wasilla, AK	376-7787	Kathi L. Lester
11	2-1-97	Thomas T. LESTER	P O BOX 872896 WASILLA AK	376-7787	Thomas T. Lester
12	2-1-97	Joseph Ippolito	P.O. Box 3209 Palmer AK.	746-0578	Joseph Ippolito
13	2-1-97	JOHN P SUPPLE	P.O. BOX 3624 KENAI AK	283-3487	John P. Supple
14	2/1/97	Gay L. Gouss	1702 Nunaka Dr Anch AK	333-7703	Gay L. Gouss
15	2/1/97	MAY GOINGS	1702 Nunaka Dr Anch AK	333-7703	May Goings
16	2-1-97	GARY J. ROYNE	19229 SAMUEL CIR E/2 AK	696-6801	Gary J. Royne
17	2-1-97	Ken Johnson	PO BOX 670946 CHUGIAK AK	688-6091	Ken Johnson
18	2-1-77	Ronda Staebner	18713 Upper Skidway, Eagle Creek, Ak.	694-5151	Ronda Staebner
19	2-1-97	Emme B. ZINSE	1470 Will. Wain Way Wasilla	376-1470	Emme B. Zinse
20	2-1-97	Allen Thornhill	2111 West 49th - Anch 99517	248-4908	Allen Thornhill



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	DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
1	1 Feb 97	Charles G Hunt	27211 FALCON DR Chugiak	688-6832	Charles G Hunt
2	2-1-97	Ronald E Bailey	910 KATH PL ANCH 99504	333-6147	Ronald E Bailey
3	2-1-97	Teresa E Bailey	910 KATH PL ANCH 99504	333-6147	Teresa E Bailey
4	2/1/97	Richard E Dutton	14711 W. Lake Ridge Dr Eagle River AK 99577	694-1869	Richard E Dutton
5	2/1/97	Kendall Brewer	19718 Samokan Circle Eagle River AK 99577	694-2771	Kendall Brewer
6	2/1/97	FR. Beyovs	6130 E 41 st St Anch #1 Anch	333 0925	FR. Beyovs
7	2/1/97	John F. Bradford	12401 E. Sun Steward Rd Anch	746-2612	John F. Bradford
8	2/1/97	Bill Cheeseman	PO Box 67167501 Chugiak AK 99507	688-8085	Bill Cheeseman
9	2-1-97	Stephen Tatakis	8030 Little Dipper	337 3775	Stephen Tatakis
10	2-1-97	ROBERT G. DRAGNICK	6246 TRAYWON ST; ANCH, AK	345-7521	Robert G. Dragnick
11	2-1-97	LARRY G MONSEN	170 LAKE CIR ANCH AK 99508	337 3745	Larry G. Monsen
12	2-2-97	DAVID H. CURRAN	1001 BONIFACE LN ANCH 99504	337 5776	David H. Curran
13	2/2/97	JOSEPH KRUIFE	2726 TELEGRAPH DR	561-0429	Joseph Krufe
14	2/1/97	CAROL PALMER	PO Box 872508 Wasilla AK 99577	376 4177	Carol Palmer
15	2/1/97	LARRY L. PARKS	PO Box 712072 Eagle River	694-6529	Larry L. Parks
16	2/1/97	Bradley Scott	PO Box 231142 Anch 99523	349 7552	Bradley Scott
17	2/1/97	Bruce Stoner	44100 ZODIAC DR FINCH 99507	346 2215	Bruce Stoner
18	2/1/97	Emil A Bartolowits	Box 227 Clam Gulch AK	262-9063	Emil A. Bartolowits
19	2/1/97	Edward W Moran	2906 Dawson St Anch	562-9498	Edward W Moran
20	2/1/97	JAMES R. STANTON	395 Pearl Dr FBKS AK	188-7735	James R. Stanton



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2/1/97	L.R. Blackst	13115 Gulf Circle, Anch. AK 99515	264-3025	L.R. Blackst
2/1/97	JOHN AALTERMAN	20906 Chickadee Peterson	688-2175	John Alterman
6/1/97	DON THORSNESS	2315 LAISSAC	249 1819	Don Thorsness
2/1/97	BRIAN HOWES	7536 ISLAND DR.	327-3647	Brian Howes
2/1/97	SUZAN L. HARTLICH	3419 Museum Park 99517	243-8198	Suzan Hartlich
2/1/97	William L. Stanley	Box 403 Soldotna, AK	262-7125	William L. Stanley
2/1/97	Nate Pennington	7190 Broadway Palmer, AK	745-8228	Nate Pennington
2-1-97	Dennis L. Pennington	P.O. Box 521308 Big Lake	745 8228	Dennis L. Pennington
2-1-97	Steven C. Kraus	4671 Southpark Bluff Dr. Anchorage AK 99516	345-7521	Steven C. Kraus
2-1-97	DONALD W. CHARLTON	2032 BRANVILYN CIRCLE ANCHORAGE	345 3349	Donald W. Charlton
2-1-97	Don Goodston	9200 Biddy Wynn Dr	346-1083	Don Goodston
2/1/97	BART BIAS	1600 Vesha Cir	344 9919	Bart Bias
2/1/97	Royal Field	10501 Constitution Cir.	694-1679	Royal Field
2/1/97	TERRY K HYER	1342 ZENITHS	561-5543	Terry K. Hyer
2-1-97	DAVID GILROY	2807 Brookstone LP	349-4987	David Gilroy
2-1-97	Mike Kunder	6241 Newt Dr. Anch. AK	561-7176	Mike Kunder
2-1-97	KATHERINE S. PARSONS	6241 Newt Dr. Anch. AK	561-7776	Katherine S. Parsons
2-1-97	Don R. King	5770 Colbye Dr. Anch	238-5991	Don R. King
2-1-97	Donald P. McManis	Box 1613 Palmer, AK		Donald P. McManis
2/1/97	Matthew Wojtowicz	14729 Eagle A. Ver Rd. Eagle River	694-3530	Matthew Wojtowicz



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	DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
1	2/2/97	Hether Gilbert	750 Cope Industrial Way, Palmer, AK 99645	746-8800	<i>Hether Gilbert</i>
2					
3					
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1	2/2/97	CAROL F. Nethercutt	12321 Whittier W. Anch. AK 99517	694-7303	Carol F. Nethercutt
2	2/2/97	Phillip C. Petrie	24532 Teal Loop Chugiak AK 99567	688-1190	Phillip C. Petrie
3	2/2/97	ROBERT D. TRASKER	4771 MARKS JR Anch. 99507	346-3602	Robert D. Trasker
4	2-2-97	LAWRENCE GROVE	P.O. BOX 22253 ANCH AK 99522	248-6031	Lawrence Grove
5	2-2-97	BRENT DAVIES	2917 Cambridge Anch AK 99517	243-7311	Brent Davies
6	2/2/97	Vickie Sherburne	24807 Teal Loop Chugiak AK	688-0102	Vickie Sherburne
7	2-2-97	Benjamin E. Sherburne	In Box 62024 Chugiak AK 99567	688-0102	Benjamin E. Sherburne
8	2/2/97	Stephen Shortridge P.A.C.	PO Box 875564 Chesille AK 99689	373-3331	Stephen Shortridge
9	2/2/97	Gerald Pollock	3501 Eastwind Dr.	345-0555	Gerald Pollock
10	2/2/97	Elaine M. Pollock	3501 Eastwind Dr. Anch AK	345-0655	Elaine M. Pollock
11	2/2/97	Ernie Brandt	1807 Meadow - CA DR EA 99522	694-3645	Ernie Brandt
12	2/2/97	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
13	2/2/97	Rexford W. Martin	5308 Arctic Blvd. Anch. AK 99518	561-4884	Rexford W. Martin
14	2/2/97	TERRY A. BEONE	316 GARDENE CREVE ANCH. AK 99524	337-6835	Terry A. Beone
15	2/2/97	Terri Riedell	P.O. Box 91934 Anch AK	566-1832	Terri Riedell
16	2/2/97	AMANDA DICKER	8511 RIDGETOWN BLVD	338-0011	Amanda Dickers
17	2/2/97	Michelle Pearson	4107 E 6842	344-1394	Michelle Pearson
18	2-2-97	GEORGE POWELL	1409 E 21 ANCH	333-6872	George Powell
19					
20					



SUPPORT FOR SENATE BILL NO. 35

I am an Alaskan resident in support of Senate Bill No. 35. I do not believe access to park lands or waterways should be restricted without approval of the State Legislature. By signing, I acknowledge that I have reviewed a copy of Senate Bill No. 35, as originally presented by it's authors:

DATE	PRINTED LEGAL NAME	STREET ADDRESS, CITY, STATE	PHONE	SIGNATURE
2/2/97	Theresa A. Clark	1910 State St. Anch AK	337-8101	<i>Theresa A. Clark</i>
2-2-97	DAVID L Meyers	PO14241 PALMER AK	746 1056	<i>David L Meyers</i>
2-2-97	Steve J. Post	21308 Lowland Ave Eagle River	696-0845	<i>Steve J. Post</i>
2-2-97	James K Cusker	2948 Carriage Dr Anch	522-2948	<i>James K Cusker</i>
2-2-97	Don A. Weste	8330 DAGAN ST	243-2580	<i>Don A. Weste</i>
2/2/97	Kristina Nelson	PO Box 876747 Wasilla AK	892-7576	<i>Kristina Nelson</i>
2/2/97	Neil Cutter	4122 Coleridge Dr. Anch	243-4667	<i>Neil Cutter</i>
2/2/97	John Rchde Lewellyn	4350 AMBLER CIRCLE	337-8669	<i>John Rchde Lewellyn</i>
2/2/97	Gloria Jean Lewellyn	4350 AMBLER Circle	237-5669	<i>Gloria Jean Lewellyn</i>
2/2/97	Christina Fiedler	3511 Fralcher Dr	265-0675	<i>Christina Fiedler</i>
2/2/97	Timothy H Purdy	909 E 12 th APT J	272-9861	<i>Timothy H Purdy</i>
2/2/97	Timothy Beyer	2411 W. 79th Ave	243-0218	<i>Timothy Beyer</i>
2/2/97	DON SOMERS	3636 W 78	337-2744	<i>Don Somers</i>
2/2/97	CARY HILL	10270 JAMESTOWN DR "H" Anch	349-7275	<i>Cary Hill</i>
2/2/97	FRED R KING	9000 VERNON, Anchorage AK	349-2997	<i>Fred R King</i>
2/2/97	Lucille M. Powell	4909 E 24 th Anchorage AK	333-6872	<i>Lucille M. Powell</i>
2/2/97	DON SHREVEED	1640 BRINK DR, Anch, AK	235-6268	<i>Don Shreveed</i>
18				
19				
20				

SB

180

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB180(FIN)

Revision Date: 13-Mar-98
 Title: An Act Relating to State Rights-of-Way
 Sponsor: Senators Halford, Green, Leman ...
 Requestor: (S) FIN

Dept Affected: Natural Resources
 BRU: Resource Development
 Component: Land Development
 Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	48.6					
TRAVEL						
CONTRACTUAL	96.3					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	144.9	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF	144.9					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	144.9	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ none

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	4	0	0	0	0	0

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

Personal Services:

Requires two Natural Resource Technician II's (Range 12) @ 800 hours each = \$27.2
 and two Administrative Clerk II's (Range 8) @ 800 hours each = \$21.4

Contractual:

Copy costs for approx. 605 files = \$9.1
 Recording costs for approx. 585 files = \$87.2

Prepared by: Jane Angvik, Director *[Signature]* Phone: 907-269-8503
 Division: Land Date: 13-Mar-98
 Approved by Commissioner: John Shively *[Signature]* Date: 3-13-98
 Agency: Natural Resources



Official Business

Alaska State Legislature

Senate

Sponsor Statement

CSSB 180(FIN)

" An Act Relating to State Rights-of-way."

Revised Statute 2477 (R.S. 2477) was a right granted to the states by the United States Congress with the passage of the Mining Act of 1866. The purpose of this law was to provide for, and guarantee, the public's right to establish access across federal lands. Subsequent congressional action, and more than 100 years of case law, has recognized the state's authority to determine and define R.S. 2477 rights-of-way.

Although Congress repealed R.S. 2477 in 1976 with the adoption of the Federal Land Policy and Management Act, they specifically acknowledged the legal existence of R.S. 2477 rights-of-way established prior to the repeal. Current Federal Regulation explicitly provides that any rights conferred by the R.S. 2477 grant shall not be diminished. (43 CFR § 2801.4)

Last year the legislature passed SJR 13 with broad support reiterating their position regarding R.S. 2477 and making clear the objection to the United States Department of the Interior's new policy. Information that came forward during the committee process on SJR 13 as well as during the Joint Senate and House Resources Committee's overview of the issue supports the subsequent action being taken with Senate Bill 180.

SB 180, an Act relating to state rights-of-way, codifies 602 documented R.S. 2477 rights-of-way, requires them to be recorded and provides a process for, and limitations on, their vacation.

Beginning with the legislative appropriations in 1992 and 1993, which funded the research and compilation of historical information regarding R.S. 2477, the legislature has taken the lead in moving this issue forward. In undertaking those legislatively designated projects, the Department of Natural Resources (DNR) reviewed some 1,700 potential R.S. 2477 routes. This DNR review resulted in the identification of 602 rights-of-way that appear to qualify and can be supported with appropriate documentation. These 602 routes are published in the Historical Trails catalogue and incorporated into the state land administration system (LAS).

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958
Fax (907) 465-4928

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958
Fax (907) 634-0549

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

While the R.S. 2477 rights-of-way codified in this bill have already been accepted by public users and deemed supportable by the state, it is likely the federal government will dispute the state's ownership on some or all of these routes. Although the current federal administration is attempting to limit the state's rights regarding R.S. 2477 rights-of-way, over 100 years of case law on point recognizes state law as controlling on the issue. Codifying these routes in statute will strengthen the state's position for possible subsequent court action, and provide the affected land owners and general public clear notification that these R.S. 2477 rights-of-way are available for use.

R.S. 2477 rights-of-way are crucial to the future of our young and still largely undeveloped state. They are essential to provide surface travel to Alaska's many untapped mineral deposits and other natural resources, recreational areas and tourism opportunities, and access to and between Alaska's rural areas.

R.S. 2477 rights-of-way are an existing state right that we cannot allow to be "regulated away" by the federal bureaucracy. I urge your support of this legislation.

WHAT IS R.S. 2477?

- ◆ Revised Statutes 2477 (R.S. 2477) was a grant by Congress to the American public to establish access rights across the federal public lands. R.S. 2477, enacted in 1866, states that "the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."
- ◆ R.S. 2477 rights-of-way were created by the public or by state and local governments to provide public access across federal lands. All valid existing R.S. 2477 rights-of-way have been in existence since at least 1976, when the grant of R.S. 2477 was repealed. Many of these access routes have been used for over a century. Many are state highways. All are integral parts of the travel infrastructure that allows business people and other workers, search and rescue crews, law enforcement, hunters, campers, hikers, and all Americans to travel across the vast expanses of federal lands which dominate the West.
- ◆ R.S. 2477, like all easements, are property rights and are entitled to the same legal protection as any other property right.
- ◆ According to every court and administrative action which has directly addressed R.S. 2477 prior to now, state law provides the basis for determination of the existence and scope of R.S. 2477 rights-of-way.
- ◆ The scope of any R.S. 2477 right-of-way is defined by state law. Where state law has not established a specific scope, the common law of easements, also applied to these rights, defines the scope as that which is reasonable and necessary to provide safe travel for legitimate uses. Safety can only be provided by continued application of these state law standards.
- ◆ R.S. 2477 rights-of-way have been protected by every Congressional action taken for management of the public lands, including specifically the Federal Land Policy Management Act of 1976 (FLPMA), which repealed R.S. 2477.
- ◆ Federal regulatory authority over R.S. 2477 is limited by the obligation to honor the vested property right. Any action by Federal agencies to limit or divest these rights is contrary to established legal principles.
- ◆ The Department of Interior has published draft regulations purporting to provide a basis for administrative treatment of R.S. 2477 rights-of-way. These regulations would result in a substantial administrative reversal of long-established administrative policies, and would contravene established jurisprudence, moving a giant step toward elimination of historical rights of access to and across federal public lands.
- ◆ Settled methods of dealing with R.S. 2477 rights-of-way should not be changed. These rights-of-way were established by the public over a period of 110 years in reliance on the law and on administrative interpretations of the grant. Any change in these approaches would cause chaos in the many legal relationships which have been created on the basis of existing law. The regulations as proposed would also constitute an unfunded federal mandate by imposing new duties on state and local governments to protect their existing rights-of-way, while also imposing a new administrative burden on the federal agencies at taxpayer expense.



Resource Development Council for Alaska, Inc.

121 West Fireweed Lane, Suite 250, Anchorage, Alaska 99503-2035
(907) 276-0700 Fax: (907) 276-3887 e-mail: rdc@aonline.com

Founded 1975

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Kenneth J. Freeman

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- Gerald G. Booth, Vice President
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- Senator Ted Stevens
- Senator Frank Murkowski
- Congressman Don Young
- Governor Tony Knowles

January 21, 1998

Senator Rick Halford, Chairman
Senate Resources Committee
State Capitol
Juneau, AK 99801

Dear Senator Halford:

RE: Support for SB 180, relating to RS 2477 rights-of-way.

The Resource Development Council supports SB 180 and urges its passage. RDC has long supported actions to designate and settle historic RS 2477 rights-of-way across public lands in Alaska while respecting private property rights. RS 2477 remains one of the most useful access tools for Alaskans to cross federal lands, as historically done.

Throughout Alaska, people depend on RS 2477 routes for access to public and private land, and to the resources of that land. Over 560 potential rights-of-way have been documented around the state.

Alaska needs to protect its RS 2477 rights and RDC believes SB 180 will help accomplish that goal. SB 180 is needed to move the process along and ensure Alaska's historic rights of access are maintained.

Sincerely,

**RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.**

Ken Freeman
Ken Freeman
Executive Director

cc: Senator Mike Miller
Representative Bill Hudson
Representative Scott Ogan
Speaker Gail Phillips
Representative Pete Kott



MAY 05 1997
ALASKA OUTDOOR COUNCIL

211 4th St. #302A
Juneau, Ak. 99801
(907) 463-3830
FAX 586-6020

Senator Rick Halford
Alaska State Senate
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

5 May, 1997

Dear Senator Halford:

The Alaska Outdoor Council has reviewed Senate Bill 180, "An act relating to state rights-of-way" and very strongly supports it.

SB 180 takes a giant step forward in addressing the Outdoor Council's concerns about the loss of public access on public and potentially private lands through government antipathy and/or inaction. Assertion of RS 2477 rights-of-way is necessary because other provisions of law, particularly federal law, are too weak to reliably protect public access.

Sec.19.30.400 (c) is an essential part of the bill. It makes clear that the rights-of-way identified in the bill are not the end of the story. As you know, there are over a thousand additional trails that may qualify as RS 2477 rights-of-way and demand review.

The Council also recognizes the importance of Sec.19.30.410. The state's responsibility for providing public access under RS 2477 provisions must be institutionalized to preclude politically motivated backsliding.

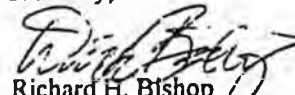
The protection of legal public access on and across federal lands is the "compelling need" which the Department of Interior claims is essential for its consideration of RS 2477's. These rights-of-way enable Alaskans to go about their daily lives. In most cases this simply means the use of trails, rather than modern highways, but the latter should not be arbitrarily excluded.

The protection of an RS 2477 should not be denied on the excuse that it is not part of a formal state transportation system plan. The law provides that public use of a route verifies it's RS 2477 eligibility. Public use is the practical evidence of logical access needs, even though use may be intermittent over time, or may change in nature.

The Council is also concerned about state access policy in general. It is not clear that providing for public access is given enough weight when considering other legal avenues, such as section line easements or identification and retention of 17(b) easements under ANSCA. The current uproar over public access to the Situk River near Yakutat dramatizes the need for the state to act in anticipation of obstacles to legitimate public access. But all of that is not directly related to SB 180.

The Alaska Outdoor Council sincerely appreciates your efforts to introduce SB 180, and unequivocally supports the bill.

Sincerely,


Richard H. Bishop
Executive Director
Alaska Outdoor Council

cc: Senator Miller
President of the Senate
Representative Phillips
Speaker of the House



P.O. Box 20761, Juneau, Alaska 99802

Phone/FAX (907) 789-2399

April 21, 1997

Senator Rick Halford
State Capitol
Juneau, AK 99801-1182

Dear Senator Halford:

The Territorial Sportsmen would like to go on record as strongly supporting SB 180, "An Act Relating to State Rights-of-Way."

Territorial Sportsmen, Inc. is a Juneau based sportsmen/conservation organization. Our organization has been in existence for over 50 years and is dedicated to good resource management and sound conservation principles. Our membership numbers over 1,500. The Territorial Sportsmen are committed to the protection of public access to public lands and supports the recognition and protection of RS 2477 rights-of-way.

We are fully aware of the legislature's long standing recognition of the importance of RS 2477 rights-of-way to the future of our state. Quite frankly, we are convinced that without the strong support, including funding, by the legislature, the volumes of material accumulated supporting the hundreds of legitimate RS 2477 rights-of-ways would not have been completed.

We are also aware of the potential litigation that may ensue from this type of proactive position by the state. Regardless, we consider legal confrontations with the federal government essential to producing long term access options for the state and, thus, we encourage the Legislature to proceed with this effort. We agree that codifying these routes will strengthen the state's position and provide reasonable notice to the general public.

In closing, we recognize that this list of routes covers the best documented rights-of-ways. We are hopeful that the legislature and the administration will continue to pursue documentation of the remaining routes for later assertion by the state.

Sincerely,

A handwritten signature in cursive script that reads "Ron Somerville".

Ron Somerville
President



JAN 26 1998

ALASKA MINERS ASSOCIATION, INC.

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

January 17, 1998

Honorable Rick Halford
Chairman, Senate Resources Committee
Capitol Building
Juneau, AK 99801

RE: Senate Bill 180, Relating to State Rights-of-Way

Dear Senator Halford,

Thank you for the opportunity to comment on your Senate Bill 180 which relates to Revised Statute 2477 rights-of-way. The Alaska Miners Association supports this bill and very much appreciates that you have addressed this important matter.

The Alaska Miners Association, its members and predecessors have been intimately involved in the issue of RS-2477 rights-of-way since before the days of the Klondike Gold Rush and up through the present time. By virtue of the U.S. Congress's grant known as RS-2477, the roads and trails established by the miners are now rights-of-way owned by the State of Alaska. SB-180 will help ensure that these rights are protected and that the necessary legal/technical steps are completed in a timely manner. Over the past several years the State and the public have worked hard to document usage of these roads and trails but there has remained uncertainty over precisely how they must be "accepted" or "asserted" to ensure that they remain State property. SB-180 should remove this uncertainty.

There is one area where you may wish to consider changes to SB-180. This involves "vacation of rights-of-way". It would be of value to give the Department of Natural Resources authority to (but not require) write regulations establishing the procedural steps required to vacate rights-of-way. This will be especially important where Native-owned or other private lands are invoked.

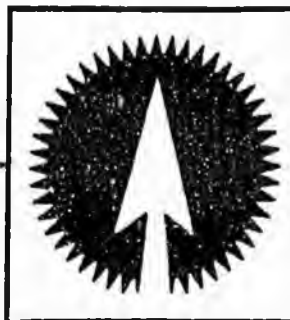
Thank you for the opportunity to comment on this important bill. Please contact me if you have any questions or if there is anything we can do to assist this legislation in become law.

Sincerely,

Steven C. Borell, P.E.
Executive Director

APR 28 1997

Alaska Forest Association, Inc.



111 STEDMAN SUITE 200
KETCHIKAN, ALASKA 99901-6599
Phone 907-225-6114
FAX 907-225-5920

April 25, 1997

Honorable Rick Halford
Alaska State Senate
State Capitol
Juneau, AK 99801

Dear Senator ~~Halford~~: *Rick*

Thank you for sharing with me SB 180, "An Act relating to rights-of-way." I agree with you that securing RS 2477 rights-of-way is critical to the future development of Alaska, and therefore must be pursued with vigor by Alaska's elected leadership. SB 180, as drafted, is an excellent move in that direction.

I see no better alternative to the approach you have taken in this bill, *viz.*, to specifically identify each accepted right-of-way within the state and require in statute the vigorous pursuit of the state's claim to these corridors. It is extremely important to prevent an arbitrary or politically motivated agency action from surrendering Alaskans' perpetual right to have access to the various parts of our state.

Finally, I think that your proposed AS 19.30.410 is a very important part of this bill. It is comparable to AS 38.05.300 which, you will recall, we rewrote in 1993 to assert the prerogative of the legislature to make the final call on major land use actions with respect to mining.

I thank you for introducing this legislation, and for the opportunity to comment on it. I hope this letter will do some small part toward helping SB 180 become law.

Sincerely,

Jack E. Phelps
Executive Director

afa\letters\2quart\hlf9704_ltr, April 25, 1997

Ed Ellis
P.O. Box 13443
Trapper Creek, Ak 99683

2/12/98

HONORABLE STATE SENATOR RICK HALFORD
Alaska State Senate

In Reference To Senate Bill 180

Dear Senator Halford,

I strongly support the passage of this bill.

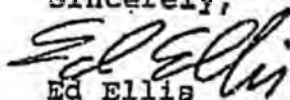
Our RS2477 rights-of-ways are the correct legal authority to provide access to our rural areas. It should be noted that this authority is now necessary, in addition to federal and private lands, for state lands also.

The element included under Sec. 19.30.140. (Vacation) is crucial to this bill. Recently the McDougal Road, an established RS2477 ROW that crosses entirely state multiple use lands, was removed from state status plats by the Division of Lands with no notification to the user public. This was followed by denial of permit to use said road by the division. In total the division actions are a de facto "vacation" of this important access.

I do feel that all codified RS2477 routes should be transferred to DOT. Or in the alternative, transferred when a legitimate request is made to construct a road upon the right-of-way. Currently, DNR has no expertise- nor wants to assist- in actual engineering- for a plan to build a useable access. Leaving one to deal with persons totally unfamiliar with proper construction. DOT would therefore be the proper agency to work with and result in a better access.

I look forward to the passage of SB 180.

Sincerely,



Ed Ellis



THE SECRETARY OF THE INTERIOR
WASHINGTON

JAN 22 1997

Memorandum

To: Assistant Secretary, Fish and Wildlife and Parks
Assistant Secretary, Land and Minerals Management
Assistant Secretary, Indian Affairs
Assistant Secretary, Water and Science

From: Secretary

Subject: Interim Departmental Policy on Revised Statute 2477 Grant of Right-of-Way for Public Highways; Revocation of December 7, 1988 Policy

Revised Statute 2477, which provided that "[t]he right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted," was repealed on October 21, 1976, by the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701 *et seq.* FLPMA did not terminate valid rights-of-way established under R.S. 2477 prior to its repeal. The existence and extent of valid rights-of-way previously established pursuant to R.S. 2477 remains an issue in some places.

States or local governments asserting that R.S. 2477 rights-of-way exist on federal lands can in appropriate situations file a lawsuit in federal court seeking to establish the validity of that assertion. In the alternative or in advance of filing such a lawsuit, the Department of the Interior may also be asked to give its views on such assertions.

On December 7, 1988, Secretary Hodel signed a memorandum that discussed his policy for making determinations whether the Department would recognize claims for rights-of-way under R.S. 2477. That policy was not promulgated according to rulemaking procedures and is not a rule. In fact, because the Department has not been making such determinations in recent years, that policy has not been carried out for several years. The purpose of this memo is to revoke the 1988 policy and establish a revised policy for carrying out any determinations the Department might be called upon to make regarding R.S. 2477.

Background

At the request of Congress, the Department submitted a Report to Congress on R.S. 2477 in June 1993. In accordance with that Report's recommendations, the Department determined that regulations should be written for R.S. 2477, and a Notice of Proposed Rulemaking was published in 1994. 59 Fed. Reg. 39,216 (August 1, 1994). Thereafter, Congress attached a provision to the Department's appropriation for fiscal year 1996 that prohibited using funds appropriated by that statute for "developing, promulgating, and thereafter implementing a

determines that construction did not occur, the agency will recommend the Secretary deny the claim.

4. **Highway.** The agency shall evaluate whether the alleged right-of-way constitutes a highway. A highway is a thoroughfare used prior to October 21, 1976, by the public for the passage of vehicles carrying people or goods from place to place. If the agency determines that the alleged right-of-way does not constitute a highway, the agency will recommend the Secretary deny the claim.

5. **Role of State Law.** In making its recommendations, the agency shall apply state law in effect on October 21, 1976, to the extent that it is consistent with federal law. The agency will in no case recommend approval of claims that do not comply with the requirements of applicable state law.

6. **Secretary's Determination.** The agency will make recommendations on the above-described issues to the Secretary. The Secretary will approve or disapprove those recommendations.

The December 7, 1988 policy, including attachment 1, is hereby revoked.



Bruce Babbitt

S B

236

FISCAL NOTE

No. 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL Bill Version: SB 236
 (S) Publish Date: 3/10/98

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act extending the termination date of the BRU: Statehood Defense
Citizens' Advisory Commission on Federal Areas in Alaska... Component: CACFA
 Sponsor: Senate Labor & Commerce
 Requestor: Senate Resources Component Serial No. #2225

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	76.0	76.0	76.0	76.0	76.0	76.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	6.0	6.0	6.0	6.0	6.0	6.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	93.0	93.0	93.0	93.0	93.0	93.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	93.0	93.0	93.0	93.0	93.0	93.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	93.0	93.0	93.0	93.0	93.0	93.0

Estimate of any current year (FY98) cost: \$ none

POSITIONS

FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Expenditures are necessary for the continued operation of the Citizens' Advisory Commission on Federal Areas. Personal services covers the Executive Director, a permanent full-time position, budgeted for 11.1 months per year. Travel costs cover travel and per diem for Commission members for 2 meetings per year and staff travel and per diem necessary to conduct Commission business. Other expenditures are necessary for the day to day operation of the Commission's Fairbanks office.

Prepared by: Stan Leaphart, Executive Director *Stan Leaphart* Phone: 451-2275
 Division: CACFA Date: 13-Feb-98
 Approved by Commissioner: *John King* Date: 2-13-98
 Agency: Natural Resources

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

Alaska State Legislature

Senate



Official Business

State Capitol
Juneau, AK. 99801-1182

Senate Labor & Commerce Committee

Sponsor Statement

SB 236: CITIZENS ADVISORY COM ON FED AREAS IN AK

The Citizens Advisory Commission on Federal Management Areas in Alaska was created in 1981. CS SB 236 (RES) extends the Commission another 5 years to June 30, 2003. Temporary legislation (Section 4, ch. 81, SLA 1981, as amended by sec. 1, ch.25, SLA 1988) created this commission, which will expire June 30, 1998.

This Commission does not have a wind-down year following its expiration. It ceases to exist after June 30, 1998, if not extended by the Legislature.

The Commission is tasked with the following duties:

- Evaluate federal management, operation, planning, development for consistency with federal law and congressional intent;
- Hold hearings on the impact of federal regulations and federal management decisions
- Make recommendations to state or federal land agencies
- Report annually to the Governor and the Legislature

The Senate Labor and Commerce Committee introduced the bill to ensure the extension could be considered by the Legislature.

SR 262 Extending CACFA

I testified in front of CACFA members early in the 90's on the Glacier Bay posters issue. At the time, I was impressed by the thoroughness of questions asked by committee members in their effort to achieve a greater understanding of the issues.

On this year's stakeholder meetings of the Glacier Bay Working Group, I have found that CACFA's participation has lent a much-needed perspective. Through an extensive interview process of Gilson residents over many preceding years, their perspective has been invaluable. They are also able to cite examples of similar developments elsewhere in the state, that ^{then} serve as a corroboration of some of our decisions.

Please continue funding of this working committee. Their advocacy can carry considerable weight in future testimony and they are looked at as being very evaluative before reaching a position or stand.

Debra Woodruff (907) 697-2243

Box 77

Skagway, Ak. 99829

→ (I stayed in Juneau an additional day in order to state my desire for continued funding of CACFA. (I hope this gets added to future comments).



LAWS OF ALASKA

1981

Source

Chapter No.

CSSSSB 36(R1s)

81

AN ACT

Establishing the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Permitted to become law without signature
Actual Effective Dates: Secs. 1 - 2 effective July 17, 1981.
Sec. 3 effective June 30, 1989

his Act lapse into the general fund on June 30,

and take effect immediately in accordance with AS 01.10.

AN ACT

Establishing the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date.

Section 1. AS 41 is amended by adding a new chapter to read:

CHAPTER 37. CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS IN ALASKA.

Sec. 41.37.010. CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS IN ALASKA. (a) The Citizens' Advisory Commission on Federal Areas in Alaska is established.

(b) The commission is a temporary advisory agency of the executive branch of the state but is not allocated to a principal department of the executive branch. In the exercise of its responsibilities, the commission shall consider the views of citizens of the state and officials of the state.

Sec. 41.37.020. MEMBERSHIP AND OFFICERS. (a) The commission is composed of 16 members appointed in accordance with this section.

(b) The membership of the commission shall represent each judicial district in the state.

(c) The governor shall appoint eight members of the commission.

(d) The speaker of the house of representatives shall appoint two members of the commission from the membership of the state house of representatives and two members who are residents of the state.

(e) The president of the senate shall appoint two members of the

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commission from the membership of the state senate and two members who are residents of the state.

(f) The commission shall select a presiding officer of the commission from its membership. The commission may elect other officers.

Sec. 41.37.030. QUALIFICATIONS OF MEMBERS. The members of the commission appointed by the governor under AS 41.37.020(c) and members appointed under AS 41.37.020(d) and (e) who are not members of the legislature shall be representative of the diversity of users and uses of federal land in the state.

Sec. 41.37.040. TERM OF MEMBERS OF THE COMMISSION. (a) A member of the commission appointed by the governor serves for a term of four years and until his successor is appointed and qualifies.

(b) A member of the commission appointed from the legislature serves for his term of office as a legislator.

(c) A member of the commission appointed by a member of the legislature serves for two years and until his successor is appointed and qualifies.

Sec. 41.37.050. REMOVAL OF A MEMBER. (a) A member of the commission may be removed by the appointing authority for cause after notice and hearing or after missing three consecutive meetings of the commission. The presiding officer of the commission shall inform the appointing authority if a member misses three consecutive meetings.

(b) After a member of the commission misses two consecutive meetings and before the third meeting, the secretary of the commission shall notify the member in writing that failure to attend the next meeting may result in the removal of the member. The failure of the secretary of the commission to notify a member under this subsection does not prevent the appointing authority from removing a member under (a) of this section.

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Sec. 41.37.060. COMPENSATION, EXPENSES, AND PER DIEM. (a) A member of the commission who is a legislator or a full-time employee of the state or of a municipality of the state shall suffer no loss of compensation from the state or a municipality of the state as a result of service to the commission.

(b) A member of the commission is entitled to travel expenses and per diem prescribed for state boards and commissions.

Sec. 41.37.070. STAFF OF THE COMMISSION. The commission may employ staff and contract for services relating to matters within its authority. Staff employed under this section are responsible to the commission.

Sec. 41.37.080. DUTIES OF THE COMMISSION. (a) The commission shall consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state.

(b) The commission shall consider, research, and hold hearings on the impact of federal regulations and federal management decisions on the people of the state.

(c) The commission may, after consideration of the public policy concerns under (a) and (b) of this section, make a recommendation on the concerns identified under (a) and (b) of this section to an agency of the state or to the agency of the United States which manages federal land in the state.

(d) The commission shall consider the views, research, and reports of advisory groups established by it under AS 41.37.090 as well as the views, research, and reports of individuals and other groups in the state.

(e) The commission shall establish internal procedures for the management of the responsibilities granted to it under this chapter.

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(f) The commission shall report annually to the governor and the legislature within the first 10 days of a regular legislative session.

(g) The commission shall cooperate with each department or agency of the state or with a state board or commission in the fulfillment of their duties.

Sec. 41.37.090. ADVISORY GROUPS OF THE COMMISSION. (a) The commission may establish advisory groups in the state.

(b) The commission shall invite nominations for the membership of the advisory groups and shall consider the nominations in making its appointments to the groups.

(c) The membership of each advisory group shall be broadly representative of individuals involved in activities affected by the establishment or management of units of federal land within the state.

Sec. 41.37.100. SUIT. The commission may request the attorney general to file suit against a federal official or agency if the commission determines that the federal official or agency is acting in violation of an Act of Congress, congressional intent, or the best interests of the State of Alaska.

Sec. 41.37.110. AGENCY COOPERATION. Each state department, agency, board, and commission shall cooperate with the commission in the fulfillment of the duties of the commission under AS 41.37.080.

Sec. 41.37.150. DEFINITION. In this chapter, "commission" means the Citizens' Advisory Commission on Federal Management Areas in Alaska.

* Sec. 2. The terms of the first members of the Citizens' Advisory Commission on Federal Management Areas in Alaska appointed by the governor under AS 41.37.020 as enacted in sec. 1 of this Act are as follows: two members shall be appointed for four-year terms, two members shall be appointed for three-year terms, two members shall be appointed for two-year terms, and two members shall be appointed for one-year terms. The governor

shall specify the term of office of each member appointed under this section.

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* Sec. 3. AS 41.37 is repealed.

* Sec. 4. Section 3 of this Act takes effect June 30, 1988.

* Sec. 5. Sections 1 and 2 of this Act take effect immediately in accordance with AS 01.10.070(c).

STATE OF ALASKA
Boards and Commissions

FEDERAL AREAS

BOARD: Citizens' Advisory Commission on Federal Areas in Alaska

BOARD IDENTIFICATION NUMBER: 036

DEPARTMENT: Department of Natural Resources

AUTHORITY: AS 41.37.010

STATUS: Active

TERM DATE: June 30, 1998

TERM: 4 years

DESCRIPTION: 16 members: 8 appointed by Governor, plus 8 legislative appointments. House Speaker appoints 2 representatives and 2 Alaskan residents (public members serve 2 years); Senate President appoints 2 senators and 2 Alaskan residents; commission selects chair; members who are not legislators represent the diversity of users and uses of federal land in Alaska; represent each judicial district.

FUNCTION: Researches/holds hearings on consistency with federal law and congressional intent on management, operation, planning, development and additions to federal management areas; considers views of the citizens, officials, and advisory groups.

CHAIR: Commission selects.

SPECIAL FACTS: May be removed for cause (includes missing 3 consecutive meetings); annual report to Governor/Legislature.

COMPENSATION: Standard Travel and Per Diem. No additional compensation.

MEETINGS: 2 times per year; 4 days maximum.

FOR FURTHER INFORMATION CONTACT: Stan Leaphart, Executive Director, Citizen's Advisory Commission on Federal Areas, 3700 Airport Way, Fairbanks, AK, 99709 4699, Phone: 907 451 2775, Fax: 907 451 2761

STATE OF ALASKA

Boards and Commissions

Membership Roster FEDERAL AREAS (036)

Member	Appointed	Reappointed	Term Exp.
Vacant Public			12/31/97
Del Ackels Public P.O. Box 61520 Fairbanks, AK 99706	05/02/83	07/15/91	12/31/94
Charles Bussell House Appointment/Public P.O. Box 91325 Anchorage, AK 99509	03/23/93	04/25/97	12/31/98
William E. Dam, Sr. Public 211 East Cook Avenue Anchorage, AK 99501	04/14/92	12/17/93	12/31/97
Grant Doyle House Appointment/Public P.O. Box 81183 Fairbanks, AK 99708	03/03/95	04/25/97	12/31/98
Don Finney Public P.O. Box 739 Ward Cove, AK 99828	03/01/93		12/31/96
Clarence E. Furbush Public HCO1 Box 6001 Palmer, AK 99645	07/15/91	12/31/92	12/31/96
Rick Halford Legislature/Senator Alaska State Senate State Capitol Juneau, AK 99801-1182			
Bill Hudson Legislature/Representative State Representative State Capitol Juneau, AK 99801-1182	04/25/97		
L. Jo King Public P.O. Box 169 Glenallen, AK 99588	04/14/92		12/31/95

STATE OF ALASKA
Boards and Commissions

Membership Roster
FEDERAL AREAS (036)

Member	Appointed	Reappointed	Term Exp.
Scott Ogan Legislature/Representative Alaska State Representative State Capitol Juneau, AK 99801-1182	04/25/97		
Steven B. Porter Public 122 First Avenue, Suite 102 Fairbanks, AK 99701	01/01/92		12/31/95
Arthur Robinson Public 35401 Kenai Spur Highway Soldotna, AK 99669-7698	07/15/91		12/31/94
Bert Sharp Legislature/Senator Alaska State Senator 119 North Cushman Street, Suite 201 Fairbanks, AK 99701	03/11/93		
Thyes Shaub Senate Appointment/Public 217 Second Street, Suite 206 Juneau, AK 99801	01/23/89	10/01/97	12/31/99
Kathleen A. Weeks Senate Appointment/Public Law Office of Kathleen A. Weeks 425 G Street, Suite 850 Anchorage, AK 99501	03/11/93	10/01/97	12/31/99

**STATE OF ALASKA
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS**



1997 ANNUAL REPORT

FEBRUARY 1998



Citizens' Advisory Commission on Federal Areas

3700 Airport Way
Fairbanks, Alaska 99709-4699
(907) 451-2775
Fax: 451-2761

INTRODUCTION

Since its creation, the Citizens' Advisory Commission on Federal Areas has worked extensively with public user groups to help them understand federal regulations and policies and to ensure that they have a voice in the development of those same regulations and policies. This report will outline the statutory mandates of the Commission and provide a brief overview of some of its activities during 1997. This document represents the Commission's annual report to the Governor and the Alaska State legislature as required by AS 41.37.080(f).

The Citizens' Advisory Commission on Federal Areas was established by the Alaska State Legislature in 1981 to provide assistance to the citizens of Alaska who are affected by the management of federal lands within the state. The need for the Commission arose primarily from the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. The ANILCA placed an additional 104 million acres of land in Alaska into federal conservation system units. It also delineated specific uses requirements and restrictions for those areas.

The changes in land status that resulted from the creation and expansion of conservation system units increased the potential for conflict between Alaskans' traditional uses of these federal lands and the various agency mandates in ANILCA and other federal statutes. Of the 239 million acres in Alaska which remain under Federal management, there are more than 150 million acres with conservation restrictions. In addition, there have been significant changes in the management directions for all Federal public lands throughout the country. Even lands with no specific statutory conservation restrictions are subject to a steadily increasing number of administrative designations and withdrawals that can result in reductions in public uses, including hunting, fishing, trapping, timber harvest, mineral extraction, grazing and other resource use opportunities on the Federal public lands.

The Commission, through its enabling legislation, is charged with determining the impact of Federal statutes, regulations and management decisions on the citizens of Alaska in order to minimize or resolve existing and potential conflicts. Through the development and maintenance of a good working relationship with the various Federal agencies, the Commission has been effective in assuring that land management decisions are consistent with both statutory language and Congressional intent, and in protecting the interests of Alaska's citizens.

Extension of the Commission's current termination date of June 30, 1998 is proposed in SB 236 and HB 346, now under consideration by the Legislature. Both proposals would extend the termination date for an additional ten years. Should no extension be authorized, the Commission will cease operations at the end of the current fiscal year.

DUTIES OF THE COMMISSION

The duties of the Citizens' Advisory Commission on Federal Areas are mandated in AS 41.37.080. These duties include:

- (a) "The commission shall consider, research and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development and additions to federal management areas in the state.
- (b) The commission shall consider research and hold hearings on the impact of federal regulations and federal management decisions on the people of the state.
- (c) The commission may, after consideration of the public policy concerns under (a) and (b) of this section, make a recommendation on the concerns under (a) and (b) of this section to an agency of the state or to the agency of the United States which manages federal land in the state.
- (d) The commission shall consider the views, research, and reports of advisory groups established by it under AS 41.37.090 as well as the views, research, and reports of individuals and other groups in the state.
- (e) The commission shall establish internal procedures for the management of the responsibilities granted to it under this chapter.
- (f) The commission shall report annually to the governor and the legislature within the first 10 days of the regular legislative session.
- (g) The commission shall cooperate with each department or agency of the state or with a state board or commission in the fulfillment of their duties.

To ensure that it meets its mandates and responsibilities under the law, the Commission has adopted the following goals and objectives statement.

- I. To provide a citizens' forum to facilitate improvement in intergovernmental relations regarding federal area management issues.
- II. To ensure that the impacts on Alaskans by federal area managers are minimized.
- III. To advocate for consistency, with the law, in the management of federal areas.
- IV. To circulate information to the public on federal area management.

To fulfill these goals, the Commission will perform the following functions:

The Commission will monitor federal agency planning, management activities and implementation efforts.

The Commission will review any proposed exchange of federal public lands.

Commission research and analysis of special projects mandated by ANILCA or other federal statutes will continue.

The Commission will become involved at the earliest stages of any planning effort for the conservation system units established or expanded by ANILCA.

Commission efforts to resolve conflicts between federal land managers and land users will be emphasized.

The Commission will work to assure that the best interests of the State of Alaska are brought into the decision making process.

The Commission will work with the congressional delegation and monitor proposed federal legislation and regulations that have an impact on the administration and management of federal lands in Alaska.

The Commission will continue to report to the Governor and the Legislature on any recommendations made on federal land management decisions that affect Alaskans.

Since beginning full time operations, the Commission has worked closely with both federal and state agencies and with individual and organizational contacts to thoroughly analyze issues before submitting comments and recommendations. In recent years, due to significant reductions in staff and budget for the Commission, staff has coordinated an increasing portion of its work with other state agency personnel. Through various cooperative efforts, primarily with the Division of Governmental Coordination, the Alaska Department of Fish and Game ANILCA Program, and the Department of Natural Resources, the Commission has remained effective in monitoring, analyzing and submitting recommendations on a wide array of federal land management proposals and initiatives. This team approach has worked to the benefit of the Commission and the other state agencies involved in implementation of ANILCA and other Federal land managing statutes.

Although the Commission's role is advisory, it has the authority under AS 41.37.100 to request the attorney general file suit against a federal agency or official if the Commission determines that the federal agency or official is "acting in violation of an Act of Congress, congressional intent, or the best interests of the State of Alaska."

COMPOSITION

The Commission is composed of sixteen members, eight appointed by the Governor and eight appointed by the Legislature. Current Commission officers are: Chairman, Ms. Thyas Shaub (Juneau) and Vice-Chairman, Mr. De' Ackels (Fairbanks). The Chairman, Vice-chairman and Sen. Rick Halford (Chugiak), Mr. Steve Porter Anchorage) and Mr. Don Finney (Ward Cove) comprise the Commission's Executive Committee. A full list of the members for 1997 is included at the end of this document.

STAFF

There is currently one staff position for the Commission: an executive director, Stan Leaphart. The office is located in the Department of Natural Resources Northern Regional Office, 3700 Airport Way, Fairbanks, AK 99709-4699. (907) 451-2775. FAX 451-2761.

COMMISSION ACTIVITIES

Activities for 1997 were divided between reviewing and commenting on federal agency planning documents and regulations, monitoring proposed federal legislation, and investigating citizens' complaints about federal agency actions. Commission staff also participated in a number of groups working to resolve various federal land management issues. This participation is discussed in greater detail later in this report.

Special effort is made to ensure maximum levels of public participation in agency management and policy decisions affecting the federal public lands in Alaska. This is accomplished through regular contact with individuals, organizations, and interest groups interested in or affected by land management decisions. Commission staff monitors the *Federal Register* on a daily basis and routinely provides other State agencies, organizations, interest groups and individuals with copies of notices and proposed or final regulations and policies. Commission files, with a 16 year collection of information and background material, have also become a useful resource for researching the implementation of ANILCA and other federal statutes affecting federal public lands in Alaska.

As a major part of its mandated duties, the Commission reviews and provides comments and recommendations on federal land management agency planning documents, policies and proposed regulations. In conducting its review, the Commission consults with affected user groups and land owners, as well as with interested groups and organizations and with other state and federal agencies.

In recent years, due to staff and budget reductions, the Commission has been unable to sponsor public meetings solely for gathering public input on specific issues. However, at each regular Commission meeting, opportunities are provided for members of the public to present their views and concerns on any matter concerning federal public land management. Staff also makes an effort on a regular basis to consult with representatives from a wide range of organizations and interest groups. Minutes of Commission meetings, as well as copies of all comments and recommendations made by the Commission are also available upon request.

Following is a brief overview and status report of a number of major issues in which the Commission was involved during the past year and which we are currently monitoring. The list does not include every issue or activity with which we have been involved. The reader is also reminded that what is presented here is only a brief summary of each. Commission members and staff are always available to provide more information or a more in depth explanation of any of the issues and activities outlined in this report.

REGULATORY AND POLICY ISSUES

National Park Service

Commercial Fishing Regulations- Glacier Bay National Park. This has become a perennial issue with which the Commission has been involved since 1982, our first year of operation. Commission members and staff have been involved with a number of different attempts to reach some equitable resolution to the commercial fishing issue within Glacier Bay National Park. The Commission's 1996 Annual Report outlines the effort that took place in 1995 and 1996. Some progress toward resolving the complicated issues was made, but the effort stalled in May 1996 when the National Park Service, who had organized the meetings, raised concerns about potential conflicts with the Federal Advisory Committee Act.

In April 1997 the agency withdrew draft regulations that were originally released in August 1991 and issued a new set of proposed regulations addressing commercial fishing within the boundaries of the park. The public review period remains open until May 15, 1998. As currently proposed, these regulations would close Glacier Bay proper to all commercial fishing, but would provide certain limited exemptions over a 15 year phase-out period. Commercial fishing in the park's marine waters outside Glacier Bay proper would be authorized, subject to reexamination at the end of 15 years. With respect to designated wilderness water within the park, all commercial fishing would be terminated. However, certain crab fishermen who are essential to an existing multi-agency research program being conducted in the Beardslee Islands area may be authorized under a special use permit to take crab for the remaining five to seven years of the project.

As part of the rulemaking effort, the NPS held public workshops in November and December 1997 to discuss the proposed regulations and the alternatives being examined in the draft environmental assessment. The workshops were designed to provide an opportunity for an informative exchange on the legal, policy and resource issues associated with commercial fishing in the park. In conjunction with the NPS sponsored workshops, the State has established a working group consisting of representatives from the fishing industry, regional and national environmental organizations, State resource agencies and this Commission.

The State working group has made progress toward resolution of this issue. However, a number of significant issues remain. These include: conditions under which fishing along the outer coast will continue; the role of the NPS and the State in the management of fisheries and fish resources; and the establishment of "no-take" marine reserve areas within the park. Additionally, the working group is preparing recommendations on S. 1064, the "Glacier Bay Management and Protection Act," to be presented at hearings before the U.S. Senate Committee on Energy and Natural Resources.

The Commission has been consistent in its support for the continuation of commercial fishing in Glacier Bay. We are committed to working with all parties involved in an effort to achieve a solution that is equitable for the industry, protects the resources within the bay and maintains the State of Alaska's ability to manage the fishery. We will continue to work with

the fishing industry, other State agencies, the National Park Service, and the Congressional delegation toward that goal.

U.S. Fish & Wildlife Service

Endangered Species Act. During 1997 there were an number of regulatory actions related to the Endangered Species Act (ESA). These actions ranged from proposed revisions to regulations and policies that affect the national ESA program to actions which directly affect species of animals (and activities) in Alaska. Following is a brief summary of some those proposals and actions.

Steller's Eider. On June 11, 1997 the U.S. Fish & Wildlife Service (FWS) issued final regulations (effective July 11) listing the Alaska breeding population of the Steller's eider as threatened under the Endangered Species Act. This action was based upon the agency's determination that there has been a substantial decrease in the species' nesting range in Alaska, a reduction in the number of Steller's eiders nesting in Alaska and the resulting increased vulnerability of the remaining breeding population to extirpation. The agency has determined that as a result of their low numbers and restricted breeding range, the Alaska breeding population is at risk from natural and human-caused factors. No critical habitat is being designated at this time.

The current breeding distribution of the Steller's eider encompasses the arctic coastal region in Alaska from Wainwright to Prudhoe Bay up to 90 kilometers (54 miles) inland, with the majority of the range of the species largely contained within the National Petroleum Reserve-Alaska (NPR-A). Historically, this species also nested in western Alaska (primarily the Yukon-Kuskokwim Delta), but is now virtually absent as a breeder from that area, as well as that portion of the North Slope east of Prudhoe Bay. The majority of the world's population nests in arctic Russia. The Russian population is not being listed.

Under the ESA, a species may be determined to be endangered or threatened due to one or more of the following five criteria: 1) *Present or threatened destruction, modification, or curtailment of its habitat or range;* 2) *Overutilization for commercial, recreational, scientific, or educational purposes;* 3) *Disease or predation;* 4) *The inadequacy of existing regulatory mechanisms;* and 5) *Other natural or manmade factors affecting its continued existence.* As with the Steller sea lion, the cause of the decline in the Steller's eider is unclear. The FWS has determined that as a result of their low numbers and restricted breeding range, the Alaska breeding population is at risk from both natural and human caused factors.

Section 7(a) of the ESA requires federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Consequently the FWS has indicated that it anticipates consultation with the U.S. Army Corps of Engineers and the U.S. Department of Transportation to avoid impacts to Steller's eiders from wetlands fill permitting and other activities on the North Slope. Consultation is also expected with the Bureau of

Land Management to identify potential impacts within NPR-A, the Mineral Management Service for oil and gas lease sales in the outer continental shelf and the National Marine Fisheries Service for commercial fishing regulations. In addition, development of a recovery plan for the Steller's eider will be initiated upon listing.

Alexander Archipelago Wolf & Queen Charlotte Goshawk.

During 1997 the FWS continued the rangewide status reviews for the Alexander Archipelago wolf and the Queen Charlotte goshawk. Initially, the FWS requested comments on its use of management guidelines, projected timber harvest levels and data from the 1979 Tongass Land Management Plan (TLMP) to prepare the status reviews for these two sub-species. Following the release of the revised Tongass Land Management Plan in mid-year, the FWS requested information, data, or comments on the status of the wolf and goshawk population in Southeast Alaska under the provisions of that plan. In September 1997, the agency released its determination that listing as threatened or endangered was not warranted for either species.

While use of the 1979 TLMP as the basis for determining the future status of the wolf and goshawk populations would have almost certainly resulted in listing under the ESA, listing was avoided under the revised 1997 TLMP. However, management actions under the new forest plan will result in a *de facto* listing, with similar consequences for any future resource development activity on the Tongass National Forest. These actions include designation of extensive habitat conservation areas for both the wolf and goshawk, old-growth reserves and other areas where no timber harvest will occur. Consultation between the Forest Service and the FWS on any management action that might adversely impact either species will also be required.

No Surprises Policy. The FWS and the National Marine Fisheries Service (NMFS) released proposed regulations that would codify the Endangered Species Act "No Surprises" policy that originally was issued by the two agencies in 1994. This policy is intended to provide regulatory assurances to the holder of an incidental take permit issued under sections 10(a) of the ESA that no additional land use restrictions or financial compensation will be required of the permit holder with respect to species adequately covered by the permit, even if unforeseen circumstances arise after the permit is issued indicating that additional mitigation is needed for a given species covered by a permit.

In amendments to the ESA enacted in 1982, Congress authorized FWS and NMFS to issue permits allowing the incidental take of listed species in the course of otherwise lawful activities, provided activities are conducted according to a conservation plan (or habitat conservation plan or HCP) designed to further the long-term conservation of the species and to avoid jeopardy to the continued existence of the species. Congress' intent was to "address the concerns of private landowners who are faced with having otherwise lawful actions not requiring Federal permits prevented by section 9 [ESA] prohibitions against taking..." (H.R. Rep. No. 835, 97th Congress)

The Commission's initial analysis indicated that both the policy and the proposed regulation changes will help to reduce the regulatory and financial burden of private landowners who may find threatened or endangered species on their property.

Steller Sea Lion. On May 5, 1997 the National Marine Fisheries Service (NMFS) issued a final rule reclassifying one segment of the Steller sea lion population from threatened to endangered status. Based on biological information collected since the species was first listed as threatened in 1990, the agency decided to reclassify the sea lion as two distinct population segments under the ESA. The population segment found west of 144°W longitude (a line near Cape Suckling) will be reclassified as endangered. The remainder of the sea lion population will remain listed as threatened.

As part of the 1990 listing action, there were a number of regulations adopted that were designed to protect the sea lion population. These included: 1) prohibiting the discharge of firearms at or near a sea lion; 2) designation of buffer zones around specific haulouts and rookeries; 3) designation of critical habitat and; 4) restrictions on fishing activities (both spatial and temporal). In addition, the NMFS has established quotas for the "take" of sea lions incidental to commercial fishing operations. According to the notice, the current negligible impact determination for these incidental takes may have to be reassessed. The agency is not proposing to designate any additional areas as critical habitat.

The effects of this change in classification from threatened to endangered is hard to predict as the agency has concluded that: "A final determination with respect to whether existing regulatory mechanisms are adequate is difficult to make, given the lack of a clear cause of the decline....However, in some cases, even after further study, it may be difficult or impossible to make definitive determinations about the adequacy of specific regulations because of the lack of understanding of all the mechanisms contributing to the decline or vulnerability of Steller sea lion populations."

Bureau of Land Management

Law Enforcement Regulations- Criminal. These proposed revisions to the BLM law enforcement regulations (43 CFR Part 9260) generated extensive nationwide controversy. Although the agency categorized the changes as simple "housekeeping" type revisions, many of the proposed revisions were much more substantive in nature. The Commission identified several new parts that attempted to extend the agency's management authority beyond that specifically allowed by statute, in spite of claims to the contrary. Additionally, we found other new parts that outlined authorities which do not appear in the existing regulations and which were the primary basis for the widespread concerns that the agency was proposing a significant expansion of its law enforcement authority.

For example, a key section stated that the regulations apply to "activities on or having a clear potential to affect water bodies on or adjacent to BLM lands." In its discussion of the proposed regulations BLM asserted that this statement was "not an attempt to establish ownership over those waters [on or adjacent to BLM lands], but an attempt to clarify BLM's

jurisdiction for protection of resources." In fact, the Commission argued, the BLM has no jurisdiction over waters or lands that are not in Federal ownership.

In addition, several sections of the proposed regulations did not reflect specific statutory guidance found in ANILCA for the management of federal public lands in Alaska. For example, various portions of proposed rules contained prohibitions or restrictions on access development of rights-of-way and associated facilities, camping, use of firearms, boats, and motor vehicles that were inconsistent with Alaskan specific regulations and policies. Other sections potentially would have created conflicts with State statutes and management programs on water use and water rights.

Due to the strong objections from the public, numerous public land user groups, as well as state and local governments, the BLM decided to withdraw the proposed revisions. While the Commission supported the concept of revising the existing regulations for the purposes of simplification, we strongly objected to the apparent attempts to expand the agency's authority beyond that allowed under existing statutes. No further revisions of these regulations have been proposed.

DEPARTMENT OF THE INTERIOR

Revised Statute 2477 Rights-of-way -Revised Interim Policy. This interim policy, issued in January 1997, repealed the 1988 Department Policy. In his memo outlining the interim policy, Secretary Babbitt pointed out that the Hodel policy "was not promulgated according to rulemaking procedures and is not a rule." While that statement is legally correct, the Hodel policy was developed after extensive consultation with Alaska and the other Western public lands states. The department chose to develop and adopt this new interim policy unilaterally, without any consultation from outside the DOI. It also maintained the 1993 moratorium on processing of RS2477 assertions, except in cases where there is a demonstrated, compelling need to make a determination. Further, it established a revised policy for carrying out any determinations that the DOI might be called upon to make regarding RS2477. As a practical matter, the Hodel policy had been inoperative since 1990 so the argument was made that little was lost by its repeal. However, the Commission identified several problem areas in this interim policy, both substantive and procedural. The Commission presented the following concerns to the Alaska State Senate Resources Committee in February 1997 during hearings on the RS2477 issue.

Following Interior's 1994 release of draft regulations on RS 2477, Congress attached provisions to the department's appropriation bill for FY 96 that prohibited use of funds for the promulgation, adoption and implementation of final regulations. The appropriations bill for FY 97 allowed publication of final regulations, but states that no regulations may become effective unless authorized by an act of Congress. That prohibition remains in effect for the current (FY 98) federal fiscal year. The 1997 interim policy appeared to be an effort to circumvent congressional intent in establishing the prohibition.

The interim policy recognized that anyone making a claim of the existence of an RS 2477 right-of-way continues to have the option of seeking validation of the claim in court. While

this remains true regardless of DOI policy, there was concern that this policy would negatively impact any future court action on an RS 2477 right-of-way. Any adverse decision on the part of a DOI agency would affect the outcome of any quiet title action, particularly since DOI would be a party to any action on a claim involving lands under its management authority.

The interim policy did provide for an entity to request the DOI to make a determination of validity in advance of adoption of final regulations if there is a "demonstrated, compelling and immediate need" for such determination. The policy contains no definition or explanation of what constitutes a "demonstrated, compelling and immediate need." If the department did not determine such a need existed a request would not be processed.

The Commission identified no problem with the requirement in the policy that lands must not have been withdrawn, reserved or otherwise unavailable pursuant to RS 2477 for a right-of-way to be established. This has long been a recognized and accepted requirement. In fact, in the State's RS 2477 project, extensive research was done to determine the status of lands at the time a right-of-way may have been established.

One of the major problems of the 1994 draft regulations was the definition of construction. The draft regulations would have required that in order to meet the definition of construction, intentional physical acts must have been performed with the achieved purpose of preparing a durable, observable physical modification of land and that the modification be suitable for highway traffic. Creation of a right-of-way by passage of vehicles or people (the so-called "public user" standard) would only be recognized if the right-of-way was subsequently maintained by acts that meet the requirements of construction. The interim policy maintained the same restrictive definition and criteria. The Commission pointed out that the courts have long recognized the validity of rights-of-way created through the passage of vehicles, pack animals and even foot traffic. Many trails still in use today in Alaska were created by simple public use.

As with the section on construction, the interim policy reflected the excessively narrow definition of highway proposed in the 1994 draft regulations. In order to meet the standard in the interim policy an RS 2477 would have to constitute a thoroughfare used prior to October 21, 1976 by the public for the passage of vehicles carrying people or goods from place to place. The Commission found that definition inconsistent with previous standards and, therefore, unacceptable.

In response to this interim policy, Senator Stevens proposed language in a supplemental appropriations bill addressing the issue of RS 2477 rights-of-way. Senator Stevens' proposal was designed to prevent unilateral change to existing policies and standards with respect to validating RS 2477 rights-of-way through the regulatory process. Subsequently, the proposal was removed from the appropriations bill under an agreement whereby the Department of the Interior would submit proposed legislation on the subject. In August 1997, Secretary Babbitt sent a draft proposal to Congress. As of the date of this report, no bill has been introduced.

PROJECTS AND STUDIES

Denali National Park- North Access Study. In 1995, the Commission endorsed a proposal for the private construction of a railroad into the northern portion of Denali Park and Preserve. In addition to specifically supporting the railroad the Commission also expressed its general support for the concept of a northern access route into the park.

In April 1996, Congress directed the National Park Service to conduct a feasibility study for a northern access route into Denali National Park and Preserve. The study was to be completed within one year, utilizing existing funds and taking into consideration the "viewpoints of all interested parties, including the tourism industry and the State of Alaska." (Public Law 104-134) Further the study was to be conducted solely by NPS planning personnel permanently assigned to Alaska in consultation with the Alaska Department of Transportation and Public Facilities.

In May 1996 a study group consisting of representatives from the National Park Service, Alaska Department of Natural Resources, Alaska Department of Fish and Game, Alaska Department of Transportation and Public Facilities, Office of the Governor- Division of Governmental Coordination and the Citizens' Advisory Commission on Federal Areas began the preparation of this northern access feasibility study. During a series of monthly meetings, issues were defined, information sources identified, and existing data was compiled. In addition, information was solicited from a wide range of interests, organizations and user groups to help determine the need and feasibility for an additional access route into the park.

The various alternatives examined ranged from a pioneer road, to a two-lane gravel road, to an all-season paved road and both a publicly and privately funded railroad into the Kantishna area of the park. While no specific alignment was defined, a general route corridor along the Stampede Road was identified. The estimated costs, permitting requirements and other compliance issues were outlined. For example, the report estimates that the cost of constructing an approximately 80 mile road from the existing George Parks Highway near Healy to the Wonder Lake/Kantishna area within Denali National Park would range from \$87 million for gravel and \$100 million for paved. The cost to construct a railroad of similar length and along the same general route would range from \$136 million to \$213 million. The report estimates that more than 247,000 people per year would use a northern access road.

The information in the report was initially conveyed to the public in three meetings held in Anchorage, Healy and Fairbanks in January 1997. A final report was prepared by the study group and submitted to the Department of the Interior in April 1997. That report was transmitted to Congress in October 1997.

Alaska Land Managers Forum- Permitting Work Group. During 1997, Commission staff continued its work with the Alaska Land Managers Permitting Work Group. This group consists of representatives from the Division of Governmental Coordination, Department of Commerce and Economic Development, Department of Natural Resources, Department of Fish and Game, U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service,

Bureau of Land Management, Alaska Visitors Association and the Alaska Wilderness Recreation and Tourism Association.

The work group is engaged in a cooperative effort to develop a streamlined permitting process for commercial visitor service providers operating on the public lands in Alaska. The Alaska Land Use Council first identified the need for some type of permit streamlining in the early 1980's. Since that time the issue has been raised at numerous conferences, symposiums and workshops involving the visitor service industry.

Progress by the work group has been good. In October an inter-agency guide, *Commercial Visitor Services in Alaska*, was released by the ALMF. This excellent and well-received publication provides guidelines for obtaining commercial visitor service permits and licenses on State, Federal and Native owned lands of Alaska. The working group is examining the potential for standardizing policies and procedures for liability insurance, issuing multi-year permits, developing standardized applications and reporting forms. Commission staff is currently analyzing all use report forms in an effort to develop a single reporting form that may satisfy the reporting needs of the various State and Federal land management agencies. Additionally, we will continue involvement with the work group's other efforts.

FEDERAL LEGISLATION

H.R. 901-American Land Sovereignty Protection Act. The Commission supported passage of H.R. 901, which would require Congressional approval of all future designations of areas as either Biosphere Reserves or World Heritage Sites. The Commission's following concerns about international land designations were presented to the Alaska House of Representatives State Affairs Committee during consideration of House Joint Resolution (HJR) 14.

"While we feel we still have a lot to learn about international land designations such as 'Biosphere Reserves' and 'World Heritage Sites' under the United Nations Scientific, Educational and Culture Organization (UNESCO), the Commission shares the growing concerns about these programs. We are particularly concerned about the effects of designation on the ability of the State of Alaska to exercise its management authorities over its natural resources, including fish and wildlife, as well as the potential impacts to private property interests either within or adjacent to areas designated under one of these programs.

The United Nations' Man and the Biosphere Program was created in 1968 and the World Heritage Convention in 1972. In the intervening years these programs have operated in relative obscurity, at least as far as the American public is concerned. In fact, previous UNESCO operational guidelines discouraged publicity about nomination of an area for designation with the following guidance:

'In all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned, State parties should refrain from giving undue publicity to the fact that a property has been nominated... pending the final decision to the Committee of the nomination in question. Participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site, but should not prejudice future decision-making by the committee.' (House Report 104-835, September 24, 1996)

This guidance has been revised in the most recent (February 1997) operational guidelines to state that: "Participation by local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site." No doubt this change was precipitated by recent adverse publicity about these programs.

In spite of the past policy of not publicizing nominations, events such as those surrounding the proposed New World Mine near Yellowstone National Park and continuing efforts to designate a Beringian Heritage International Park, have increased the public's awareness of these programs and their potential to affect local management prerogatives or resource development projects.

In another case, the proposal to develop the Windy Craggy copper mine near the mouth of the Tatchshini River in British Columbia provided the impetus for the Department of the Interior to nominate Glacier Bay National Park as a World Heritage Site in 1991. In its submission letter, Interior also "(n)oted environmental threats to the area posed by the patented mineral claims on the Brady Icefield, ten Native allotment claims inside the park [and] the existence of commercial fishing in Glacier Bay..." (Land Reborn: A History of Administration and Visitor Use in Glacier Bay National Park and Preserve, Theodore Catton, p. 270). One cannot help but wonder how these statements fit the program's guidelines to garner support by local fishermen and allotment owners for support of the nomination and "maintenance of the site." Glacier Bay's status as both a World Heritage Site and a Biosphere Reserve continues to be major factor in the continuing effort by the National Park Service and a number of environmental organizations to close the bay to commercial fishing activity.

There are 4 Biosphere Reserves in Alaska: Glacier Bay-Admiralty Island Biosphere Reserve, Denali National Park and Biosphere Reserve, Noatak National Preserve and the Aleutian Islands Unit of the Alaska Maritime National Wildlife Refuge. In addition, there are 8 World Heritage Sites in Alaska: Arctic National Wildlife Refuge, Denali National Park and Preserve, Gates of the Arctic National Park and Preserve, Katmai National Park, Wrangell-St. Elias National Park and Preserve, Glacier Bay National Park and Preserve, Cape Krusenstern Archeological District (Cape Krusenstern National Monument, and the Aleutian Island Unit of the Alaska Maritime National Wildlife Refuge. Six of these areas have been nominated for listing, with only Glacier Bay and Wrangell-St. Elias actually inscribed as World

Heritage Sites. In practice, there does not appear to be any distinction made between nominated and inscribed areas.

Although designation of an area as either a Biosphere Reserve or a World Heritage Site is not supposed to convey any regulatory powers over lands within the United States to UNESCO or other international entities, there are numerous examples of how designation influences management decisions by Federal agencies. This Commission also shares the concerns expressed by HJR 14 and H.R. 901 about the potential effect on private property rights and values on lands within or adjacent to designated areas and that administrative actions to designate lands pursuant to international agreements can conflict with congressional constitutional responsibilities and State sovereign capabilities.

While the full effect of designation is not readily apparent, this Commission believes that there is sufficient concern to justify approval by Congress, State or local government or affected private property owner, as appropriate. Again, we urge passage of HJR 14. The Commission will also be submitting a letter of support for H.R. 901.

H.R. 901 passed the U.S. House of Representatives in October 1997. It is awaiting action in the U.S. Senate. In the interim, no additional sites in the United States have been nominated for designation as either World Heritage Sites or Biosphere Reserves.

S. 268- National Parks Overflights Act of 1997. Commission staff analyzed this proposed legislation. The following analysis, which was provided to the State's Washington, D.C. office, identified many potential problems if the provisions of this proposal were applied to national park units in Alaska.

Staff recognized that excessive aircraft overflights could be intrusive for park visitors and hazardous in certain situations, as demonstrated by mid-air collisions over Grand Canyon National Park. At the same time, there is a clear recognition of the importance of aircraft use in Alaska, including their use within all conservation system units, written into ANILCA and its implementing regulations. That recognition and the ability of the public to continue its use of aircraft within national park units and the growth of the flightseeing industry could be seriously jeopardized by this legislation. This is due, in part, to the fact that the legislation appeared to have fairly vague and potentially arbitrary criteria which could form the basis for restricting aircraft uses based upon the perception of adverse effects or impacts on park resources. Additionally, we determined the proposed time requirements for submitting recommendations and plans to be unrealistic and would prevent adequate and meaningful public participation in the process.

The suggestion was made to add language to the bill stating: "Nothing in this Act is intended to affect the provisions of Section 1110 of the Alaska Interest Lands Conservation Act (16 USC 3170)." It was also suggested that reference to the regulations at 36 CFR Part 13 and 43 CFR Part 36 which outline the procedures necessary for implementing any restrictions on access into Alaskan park units be included.

What this proposed legislation failed to recognize is that sightseeing flights over a national park unit is one of the least damaging means of visiting the area. It requires no roads or trails and no structures or facilities within the park itself. Absent the deliberate low-level harassment of wildlife, the primary impact is to the experience of other park visitors. There are virtually no impacts to the wildlife, water, or vegetation resources. More importantly, for Alaska, the legislation simply did not recognize the importance of aircraft to the basic transportation infrastructure of this state, nor the serious effects that it could have for Alaskans.

It was also not clear from our analysis how the purposes of this legislation would interact with the recommendations that are to be made by the joint FAA/NPS National Parks Overflights Working Group. This group was formed in May 1997 and tasked with recommending proposed regulations that would define the process for reducing or preventing the adverse effects of commercial sightseeing flights over national park units. The group was to have completed its work by September 22, 1997. It is our understanding that this bill will be extensively modified, pending the working group's report.

H.R. 1420- the National Wildlife Refuge System Improvement Act of 1997. This bill was signed into law as Public Law 105-57 on October 9, 1997. This statute provides an organic act for the National Wildlife Refuge System, similar to those which exist for other public lands. Its principal focus is to establish the conservation mission of the refuge system, provide Congressional guidance for management of the system, provide a mechanism for unit-specific refuge planning, and give direction and procedures for making determinations regarding wildlife conservation and public uses of the system.

During consideration of this proposal, the Commission worked with other State agency personnel experienced with the implementation of ANILCA provisions with respect to the Alaskan units of the refuge system to provide comments and recommendations to the State's Congressional delegation. The result was a bill which protected the specific provisions found in ANILCA for management of the refuges in Alaska while providing guidance for the entire system.

The U.S. Fish and Wildlife Service recently announced their intention to develop new and revised policies pursuant to the Refuge Improvement Act. The Commission will work with the public, State agencies and the Service in this revision process to ensure that the new and revised policies are consistent with both the Refuge Improvement Act and ANILCA.

ADMINISTRATIVE ACTIONS

American Heritage Rivers Initiative. In the 1997 State of the Union Address, President Clinton announced that he had directed his cabinet to design an initiative to support communities in their efforts to "restore and protect America's rivers." To that end, the Council on Environmental Quality (CEQ) released for public review and comment a proposal for an American Heritage Rivers Initiative. This initiative was developed by an interagency task force which included the Departments of Agriculture, Commerce, Defense, Energy,

Interior, Justice, House and Urban Development, the Environmental Protection Agency, Advisory Council on Historic Preservation, Army Corps of Engineers and the National Endowment for the Humanities.

Under this program, the President would designate ten rivers as American Heritage Rivers in 1997. According to the notice, these designated rivers would receive special recognition and focused federal support and will "serve as models of the most innovative, economically successful and ecologically sustainable approaches to river restoration and protection for communities across the United States." This initiative proposed to assist communities through better use of existing programs and resources and coordinating the deliver of those services in a manner designed by the community, or "bottom-up." According to the CEQ, the initiative would create no new regulatory requirements for individuals or state and local governments.

During April and May, there were 10 meetings held around the country, during which the interagency team talked to communities and "interested parties" to establish criteria for river selection, to determine how rivers will be designated and to propose how the initiative will be implemented. There were no meetings held in Alaska. The initiative proposal was released on May 19, with a comment period of only 21 days. Both the initiative and the extremely short comment period were immediately protested by a number of organizations. Additionally, the Chairmen of 6 U.S. House Committees and Subcommittees wrote to CEQ Chair, Katie McGinty requesting an 90 day extension of the public comment period, and stating that they have "strong reservations about this unauthorized initiative and we are fully aware of the public outcry occurring over the *Federal Register* notice on this issue." In addition the Chairmen further stated that "this Committee has serious concerns about this initiative to designate specific areas for special Federal assistance without any authorization from Congress. Ironically, it would appear that CEQ has totally ignored the requirements of the National Environmental Policy Act of 1969 in undertaking this 'major Federal action'." The public comment was extended for an additional 90 days.

The Commission's review determined that the major deficiency of the proposal was its failure to explain adequately the need to create a new program in order to improve the manner in which federal agencies are supposed to conduct business. It was clear that, despite claims to the contrary, this initiative constituted a new federal program, not just a realignment of existing ones. We concluded that this proposal, complete with an interagency task force of a dozen different federal departments and agencies, assignment of a federal "river navigator," creation of so-called Performance-Based Organizations, and the stated objective to reinvent federal programs, would ultimately result in greater federal control over state and private properties and greater regulatory burdens. Additionally, by siphoning off agency personnel and resources to provide special recognition and focused federal support for newly designated heritage rivers, other programs and projects will necessarily suffer. The result would be poorer, not better, delivery of services.

The Commission pointed out that the Government Performance and Results Act (GPRA) of 1993 requires all federal agencies to submit a 5 year strategic plan and an annual performance plan to the Office of Management and Budget and Congress by September 30, 1997. In

passing GPRA, Congress intended to improve federal program effectiveness and public accountability by focusing on end results, service quality and customer satisfaction. We argued that if the real motivation behind the proposed American Heritage Rivers Initiative is simply to improve agency functions and provide better support to state and local governments by utilizing existing programs, it would be more appropriate to address ways of accomplishing those goals in the GPRA performance and strategic plans without the creation of a new federal program.

The Commission also found the proposed process for nomination of an American Heritage River to be highly suspect. The AHRI uses the term "river community" and states that it is self defined by the members of the community. Based upon this criteria and the discussion in the notice, it appeared that any group could define itself as a river community and submit a nomination to designate a river under the AHRI. While it is "highly recommended" that nominations for designation of a river be accompanied by letters of support from other members of the community, and a local mechanism that allow members of a community to comment on the nomination must be outlined, it was unclear how much community support is necessary for designation or what level of opposition would prevent designation. In spite of assurances to the contrary, we foresaw the possibility of designation of a river or river area over the objections of the local city, county, borough or state governments. We further recommended that, if this initiative was to be implemented, changes needed to be made to allow nominations only upon full approval by the legally recognized government(s) responsible for management of the nominated river or river area.

The Commission concluded that the proposed American Heritage Rivers Initiative was an unnecessary duplication of existing programs, which would do little to enhance the functions of those programs or the delivery of services. We strongly recommended against its adoption. In spite of considerable opposition throughout the country, primarily from the western states, the initiative was adopted. More than 200 nominations, none in Alaska, for AHRI designations are currently under consideration. No decision date has been announced.

CONCLUSION

The Alaska National Interest Lands Conservation Act passed in December 1980. In the intervening 17 years the level of federal land management planning, accompanied by regulation and policy development has been unprecedented. The impacts to the citizens of Alaska and their uses of the federal public lands have been considerable. The level of planning by federal agencies will remain high into the foreseeable future. As a general rule, federal land management plans are revised on a 10 to 15 year schedule. Federal agencies will soon begin revising many of the original ANILCA mandated plans for national park and wildlife refuge units. At the same time, numerous unit specific resource management plans, development concept plans, land protection plans and public use management plans continue to be released.

Problems and conflicts between federal land managers and public land users also continue. During 1997, Commission staff provided assistance to individuals having problems with access to private property within national park units and commercial visitor service activities on federal lands. Whenever possible, the staff will continue to provide similar assistance in 1998. Additionally, the

Commission remains committed to resolving the commercial fishing issue in Glacier Bay National Park.

If the statutory authorization for the Citizens' Advisory Commission on Federal Areas is extended, we will continue to advocate for maximum levels of public involvement in the planning and regulatory processes of all federal agencies and for the protection of customary and traditional uses of the federal public lands throughout Alaska. As competition for public resources increases, cooperation and understanding between user groups will be critical to successful management of these areas. At the same time, federal land management agencies must recognize the role of the public in their planning and regulatory efforts and the effects of their decisions on the citizens of Alaska. This Commission will strive to work toward these and other stated goals during 1998.

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Vacant

SB

250

FISCAL NOTE

No. 2
 Bill Version: CS9B 250 (FIN)
 (S) Publish Date: 3-13-98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: 3/12/98 Dept. Affected: Fish and Game
 Title: Management of Game BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Senator Sharp
 Requester: House Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Fiscal impact is impossible to predict without knowing what "regulations, management plans, and other management programs" the department may be required to implement.

Prepared by: Wayne Regelin, Director
 Division: Wildlife Conservation
 Approved by Commissioner: Carson Bruce
 Agency: Department of Fish and Game

Phone: 465-4190
 Date: 3/12/98

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SPONSOR STATEMENT

CSSB - 250(FIN)

BY: SENATOR BERT SHARP

In 1994, the Eighteenth Alaska State Legislature passed Senate Bill 77, legislation implementing intensive game management. Since that time, the Department of Fish and Game and The Board of Game have had difficulty interpreting and implementing this legislation.

Senate Bill 250, narrows down and defines legislative findings that provides for high levels of harvest for human consumption consistent with the sustained yield principle. It further states big game prey populations should be managed biologically. This is accomplished by amending AS 16.05.255(g) and adding a new definition for sustained yield.

The Board of Game is further instructed to establish harvest goal and seasons for managing big game prey populations to achieve a high level of human harvest. And the Commissioner by delegation of the Board shall cooperate and assist by implementing regulations, management plans and other programs to accomplish these goals.

To further assist the Board and the department, the bill contains definitions for harvestable surplus and high levels of human harvest. These are terms that are in existing law and it has become evident they beg for clear definition.

Thank you.

Passed w/ bill & FIN
Not adopted in RES

0-LS1352\HA.2
Utermohle
4/9/98

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE OGAN

TO: CSSB 250(FIN) am

1 Page 2, line 17, following "techniques"

2 Insert **": in this paragraph. "sustained yield" means the achievement and**
3 **maintenance of a high level of human harvest of an identified big game prey population**
4 **on an annual or periodic basis"**

5 Page 2, line 25:

6 Delete ";

7 Insert "."

8 Page 2, lines 26 - 28:

9 Delete all material.

LEGAL SERVICES

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Mail Stop 3101

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

MEMORANDUM

April 9, 1998

SUBJECT: Amendment to CSSB 250(FIN) am; definition of "sustained yield"
(Work Order No. 20-LS1352\HA.2)

TO: Representative Scott Ogan

FROM: George Utermohle
Legislative Counsel

Enclosed is an amendment (HA.2) to CSSB 250(FIN) am that you requested. This amendment removes an unnecessary ambiguity as to whether mammalian predators are subject to sustained yield management.

SB 250 adds a definition of "sustained yield" to AS 16.05.255(g) for the purposes of defining the term as it is used in the definition of "intensive management" in AS 16.05.255(g)(2) [see, sec. 3 of the bill].

"Sustained yield" is defined in the bill to mean "the achievement and maintenance in perpetuity of a high level of human harvest of game, other than mammalian predators, on annual or periodic basis." In this definition, mammalian predators are exempted from "sustained yield". This exemption from sustained yield management could be interpreted as either allowing harvests of mammalian predators at a rate higher than allowed under the sustained yield principle or preventing any harvest of mammalian predators. This ambiguity in the definition of "sustained yield" is not an issue in the current version of SB 250 because the term "sustained yield" is not used in AS 16.05.255 in any context relevant to the harvest of predators. However, the definition currently contained in the bill could become an issue in the future if AS 16.05.255 is amended to address sustained yield of predators.

To eliminate the issue of how mammalian predators may be addressed under sustained yield management, the enclosed amendment

(1) adds the definition of "sustained yield" to the definition of "intensive management" which is the only provision of AS 16.05.255 where the term "sustained yield" is used; and

(2) defines "sustained yield" only in reference to big game prey populations which is the only context in which the term "sustained yield" is used in the definition of "intensive management".

Representative Scott Ogan

April 9, 1998

Page 2

The approach taken by the amendment clearly and concisely defines "sustained yield" for the specific purpose for which the term is used in AS 16.05.255. The ambiguity regarding sustained yield management of mammalian predators is eliminated.

If I may be of further assistance, please advise.

GU:pl

98-084.plm

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MEMORANDUM

February 10, 1998

SUBJECT: Sectional Summary of SB 250; An Act relating to management of game and to the duties of the commissioner of fish and game. (SB 250)

TO: Senator Bert Sharp
Attn: Marilyn Wilson

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of SB 250; An Act relating to management of game and to the duties of the commissioner of fish and game.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill sets out the findings of the legislature regarding management of big game prey population in the state.

Section 2 of the bill amends the definition of "intensive management" for the purposes of AS 16.05.255.

Section 3 of the bill amends AS 16.05.255(g) by adding definitions of the terms "harvestable surplus", "high level of human harvest", and "sustained yield".

Section 4 of the bill adds a new subsection to AS 16.05.255 to require that the Board of Game establish population and harvest goals and seasons to manage big game prey populations to achieve a high level of human harvest.

Section 5 of the bill amends AS 16.05.270 to provide that if the Board of Game delegates responsibility to the commissioner of fish and game, the commissioner shall cooperate with and assist the board by implementing programs requested by the board.

GU:lmb
98-009.lmb

SB

262

FISCAL NOTE

No. 1
 Bill Version: CS SB 262 (RES)
 (S) Publish Date: 3/24/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Management of Hunting BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Senator Taylor
 Requester: Senate Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Ken Taylor, Deputy Director
 Division: Wildlife Conservation
 Approved by Commissioner: [Signature]
 Agency: Department Fish and Game

Phone: 464-4190
 Date: 2/20/98
 Date: 2/23/98

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Senator Robin L. Taylor
Senate Majority Leader

SPONSOR STATEMENT

SENATE BILL 262

Senate Bill 262 restricts the department from curtailing traditional access for hunting and trapping unless the specific means of access is causing biological harm to a game population in the area where the restriction is to apply; and, the recovery of the wildlife population requires the access restriction.

Alaska license holders are outraged by the department's adoption of a preservationist philosophy which opposes consumptive uses by restricting access. At the fall 1995 Board of Game meeting, the Department of Fish and Game urged the Board of Game to close 236 square miles to Alaska's hunters. The department's own biologists testified that there was no biological problem, no justification, nor actual conflict among user groups in the area. The department's director admitted that the only issue was one based solely on a misperception resulting from purposeful misinformation and disinformation promulgated by animal rights extremists.

The Board of Game is now politically compromised. It has developed a pattern of establishing "controlled use areas" which deny user group access without any biological justification. Currently there are 26 "Controlled Use Areas" in the state and these will effectively be grandfathered under this legislation. To get politics out of future wildlife management decisions, the legislature must require that all wildlife regulations be necessary and biologically justified.

District A:

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

Hunting Areas With Access Restrictions

Controlled Area	Eff. Date*	Restriction
Chichagof CUA (4) 5 AAC 92.540(1)	1989	closed to use of any motorized vehicle for brown bear hunting
Delta CUA (13B & 20A) 5 AAC 92.540(2)(A)	1971	closed to use of any motorized vehicle or pack animal for hunting from 8/5-25
Sourdough CUA (13B) 5 AAC 92.540(2)(B)	1971	closed to use of any motorized vehicle for hunting (except designated highways)
Clearwater Creek CUA (13B) 5 AAC 92.540(2)(C)	1971	closed to use of any motorized vehicle for hunting (except designated highways)
Tonsina CUA (13D) 5 AAC 92.540(2)(D)	1975	closed to use of any motorized vehicle or pack animal for hunting from 7/26-9/30
Glacier Mountain CUA (20B) 5 AAC 92.540(2)(E)	1971	closed to use of any motorized vehicle for hunting from 8/5-9/20 (except designated highways)
Wood River CUA (20A) 5 AAC 92.540(2)(F)	1976	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game
Macomb Plateau CUA (20D) 5 AAC 92.540(2)(G)	1974	closed to use of any motorized vehicle for hunting or transportation of game from 8/10-9/30 (except some aircraft)
Yanert CUA (20A) 5 AAC 92.540(2)(H)	1973	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game
Ladue River CUA (20B) 5 AAC 92.540(2)(I)	1994	closed to use of any motorized vehicle except aircraft for big game hunting and transportation of game (except designated highways)
Nenana CUA (20A & C) 5 AAC 92.540(2)(J)	1996	closed to use of airboats for hunting moose, transporting moose hunters or their gear
Kenai CUA (15A) 5 AAC 92.540(3)(A)	1982	closed to use of aircraft during moose season until 9/11 (except at airports)
Lower Kenai CUA (15C) 5 AAC 92.540(3)(B)	1985	closed to use of any motorized vehicle except aircraft or boat for hunting 9/11-14 and 9/17-20 (except designated highways)
Kalskag CUA (18) 5 AAC 92.540(4)	1977	closed to use of aircraft for hunting big game, transporting hunters or game (except from public airport)

*effective date of access restriction, not when the area was established

Controlled Use Area	Eff. Date*	Restriction
Upper Kuakokwim CUA (19D) 5 AAC 92.540(5)(A)	1981	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Hohitna-Hoholitna CUA (19A & B) 5 AAC 92.540(5)(B)	1992	closed to use of boats equipped with motors over 40hp for big game hunting, transporting hunters and game from 8/1-11/1
Koyukuk CUA (21 & 24) 5 AAC 92.540(6)(A)	1978	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Kanuti CUA (24) 5 AAC 92.540(6)(B)	1979	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Paradise CUA (21) 5 AAC 92.540(6)(C)	1977	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts (except from public airport)
Noatak CUA (23) 5 AAC 92.540(7)	1988	closed to use of aircraft for hunting big game, transporting hunters or game (except from public airport)
Upper Mulchatna CUA (17B) 5 AAC 92.540(8)	1990	closed to use of any motorized vehicle except aircraft or boat for hunting big game (except vehicle in camp)
GMU 26A CUA 5 AAC 92.540(9)	1990	closed to use of aircraft for hunting moose, transporting moose hunters or moose parts from 8/1-31 and 1/1-3/31 (except from public airport)
Naknek CUA (9C) 5 AAC 92.540(10)(A)	1991	closed to use of any motorized vehicle except aircraft, boat or snowmobile for hunting from 8/1-11/30 (except designated areas)
Izembek CUA (9B) 5 AAC 92.540(10)(B)	1993	closed to use of any motorized vehicle except boats for hunting, transporting hunters or game

*effective date of access restriction, not when the area was established

Management Areas	Eff. Date*	Restriction
Dalton Highway Corridor MA 5 AAC 92.530(7)	1987	no motorized vehicles, except aircraft, boats and licensed highway vehicles may be used to transport game or hunters
Minto Flats MA (20B) 5 AAC 92.530(8)	1995	aircraft and airboats may not be used for moose hunting or to transport moose, moose hunters or their equipment
Northwest Alaska Brown Bear MA 5 AAC 92.530(16)	1992	aircraft (except regularly scheduled flights) may not be used in any manner for brown bear <i>registration permit</i> hunts
Lake Louise MA (13A)**	1971 Repealed 1979	closed to use of any motorized vehicle for hunting and transportation of game (except designated roads)
Alaska Peninsula MA (9)**	1973 Repealed 1986	closed to use of any motorized vehicle for big game hunting (except boats and aircraft)
Lime Village MA (19A)	1985 Repealed 1986	closed to use of aircraft during moose season (except at airports)
West Chugach MA (14)**	1968 Repealed 1979	closed to motorized transport (except boats) for hunting (except established roads and public airports) from 8/1-11/30

*effective date of access restriction, not when the area was established

**although designated as "management areas" when they were established, if created now, these areas would be "controlled use areas."



ALASKA CENTER *for the* ENVIRONMENT

519 West 8th Avenue, Suite 201 • Anchorage, Alaska 99501
(907) 274-3621 • fax: 274-8733

April 23, 1998

House Resources Committee
Alaska State Legislature
State Capitol (MS 3100), Room 124
Juneau, AK 99801-1182

Re: SB 262

Dear Committee Members:

Since I will be unable to attend this afternoon's hearing on SB 262, we would like to submit this brief letter for your record. We oppose this bill.

One of the things that this bill does is severely restrict the ability of the Board of Game and the Department of Fish and Game to manage lands under its jurisdiction for non-motorized hunters and other recreationists and, incidentally but very importantly, to protect home and cabin owners from the loss of the quiet enjoyment of their private property. In this regard SB 262 is similar to three bills to which we have devoted a significant amount of time: HB 23 and SB 35 from last year, and this year's HB 168. All of these bills discriminate against the majority of Alaskans who do not use motorized recreational vehicles. Their effect will be felt most strongly on state lands, which are Alaska's most accessible and should be managed for a spectrum of recreational opportunities, not just one interest group.

We believe a majority of Alaskans would agree with us. For example, more than 50% of the respondents to DNR's recent Statewide Comprehensive Outdoor Recreation Plan (SCORP) said that recreational motorized vehicle noise adversely affected their outdoor recreational experience; more than 70% said that the state should designate more non-motorized trails.

This bill, however, goes way beyond just affecting motorized vehicle use and the impacts of that use on other users, wildlife, and habitat. It affects the Board of Game's authority to enact any regulation unless it's necessary for the biological management of game. The many types of traditional regulations strongly supported by the vast majority of Alaskans that would be prohibited by this bill have been ably outlined by the Department of Fish and Game. This bill would return game management in Alaska to the days of the 19th century, and will surely do nothing but harm the confidence of other Americans in our ability to responsibly manage our fish and wildlife. We strongly recommend that this bill not be moved out of committee.

Sincerely,

Cliff Eames
Issues Director

National Audubon Society



April 22, 1998

The Honorable Bill Hudson
The Honorable Scott Ogan
House Resources Committee
Juneau, AK

ALASKA STATE OFFICE
308 G Street, Suite 217
Anchorage, AK 99501
Tel: (907) 276-7034
Fax: (907) 276-5069

Dear Chairmen Hudson and Ogan:

On behalf of the Alaska Audubon Society and our 2,000 members with chapters in Juneau, Kodiak, Anchorage, and Fairbanks, I request that you not pass SB 262. This bill will reduce the ability of the Alaska Board of Game and the Alaska Department of Fish and Game to restrict the use of methods or means to access, take, or transport game unless there has been significant biological harm to a game population. This kind of statutory restriction will reduce the flexibility of the board and department in managing and conserving wildlife in Alaska. This will result in very reactive management requiring harm to be caused before action can be taken. This bill ties the hands of the board and department and will not serve the public interest in management of the state's wildlife resources.

A key part of this bill is the phrase "necessary for biological management of game." The Board of Game is responsible for allocation of wildlife resources for beneficial uses. This bill will restrict the board's ability to provide a diversity of hunting and wildlife recreation opportunities. Addressing such issues as quality of hunt, different kinds of hunts, and public safety generally fall outside of biological management. Nevertheless they are important issues. Many hunters desire a diversity of hunting opportunities and recognize the importance of hunter ethics and fair chase. For example, this bill would restrict the board's authority to prohibit shooting from a vehicle or vessel. These are issues of public safety, fair chase, and common sense. Hunting organizations like the Izaak Walton League, Boone and Crocket Club, and Ducks Unlimited have long recognized the importance of ethics and fair chase.

Hunting is part of the Alaska Heritage. Unfortunately, this legislation will alienate mainstream Alaskans from hunting. A recent survey found that 73% of Americans are accepting of hunting. However, 62% don't like hunters because of unethical behavior. This bill will further drive a wedge between hunters and nonhunters.

Another critical element of this bill is that it will force the department's conservation into an entirely reactive mode. The most successful and cost-effective conservation actions are proactive not reactive. The requirement that no restrictions can take place until the action has resulted in significant biological harm is clearly irresponsible. This defies common sense and would force the department to abrogate its conservation responsibilities. This bill will not serve the public interest in wildlife conservation and management. Please don't let this bill pass your committee.

Sincerely,

A handwritten signature in cursive script that reads "John W. Schoen".

John W. Schoen, Ph.D.
Executive Director

S B

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Senate Labor & Commerce Committee

Sponsor Statement

SB 330: Underground Locate Standards

Senate Bill 330 was introduced at the request of the Alaska Telephone Association to provide an understanding of the standards and responsibilities for locating and excavating underground facilities throughout the state for utilities and contractors. Requests for review were sent to:

- ARECA (Alaska Rural Electric Cooperative Association)
- AGC (Associated General Contractors)
- APUC (Alaska Public Utilities Commission)
- Anchorage Homebuilders Association

SB 330 amends AS 42.30 to set out responsibilities for excavators, construction project owners and underground facility owners when a locate is requested. It provides for a penalty if an excavator intentionally damages a located underground facility.

Currently, there are some national standards related to the issue of locating and uncovering underground utilities, but nothing as comprehensive as SB 330.

Senate Labor & Commerce Committee
Section by Section
CS SB 300(RES): Underground Facility Locates

Section 42.30.400:

Excavator gives notice to each underground facility operator and requests location of underground facility:

- at least two, but not more than 15 days before excavation (for other than remote/unstaffed location)
- at least 10, but not more than 20 days before excavation (for remote/unstaffed location)
- for emergency locates - immediate notification and request for prompt locate

If facility subscribes to one-call locate, excavator may call that number to give notice (for other than emergency locates).

Sec. 42.30.410:

Operator accepts requests to locate during regular business hours and keeps requests for one year.

Operator responds within two working days after receiving the request; as long as response happens before excavation.

Operator field marks its underground facilities with reasonable accuracy; or provides excavator with best information available about location.

If facilities cannot be field marked with reasonable accuracy, facility provides on-site assistance until excavator no longer needs assistance locating facility.

Field marks for facilities buried less than 10 feet:

located within 24 horizontal inches of the outside dimensions of the facility

Field marks for facilities buried greater than 10 feet:

located within 30 horizontal inches of the outside dimensions of the facility

Excavator must stop excavating if he discovers an underground facility not marked or inaccurately marked. Excavator not held liable for inadvertent damage in this case.

Facility has right to receive compensation in responding to a request received outside of minimum notice requirement.

Sec. 42.30.420

Construction project owner indicates in bid documents the existence of underground facilities.

Sec. 42.30.430

Excavator has duty to avoid damage to underground facilities.

Sec. 42.30.440

Penalty: \$50 - \$1,000/offense if contributes to damage of facility
Court may grant injunctive relief to facility operator under finding of threatened damage.

Sec. 42.30.450

Operator and excavator may waive requirements of this bill, but on a geographic area.

Sec. 42.30.460

Allows for notice to be given to operator of a facility if owner cannot be found.

Sec. 42.30.490

Definitions

LOCATE CALL CENTER OF ALASKA, INC.

2221 E. Northern Lights Blvd. Suite 136
Anchorage, Alaska 99508
(907) 279-1122 FAX (907) 278-0696

February 6, 1996

James Rowe
Executive Director
Alaska Telephone Association
4341 B Street, Suite 304
Anchorage, Alaska .99503

Dear Mr. Rowe:

Thank you for sending me the draft of the proposed underground utilities legislation.

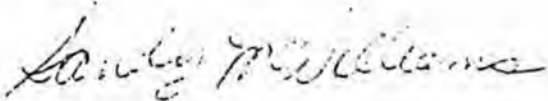
I am familiar with the Washington legislation and know it has been well received by the underground utility community in that state.

From a "one-call" standpoint, the only suggestion I have is to change the reference to a "one-number locator service" (on pages 3, 5, and 6) to a "one-number locate notification service." The Alaska one-call center (as with all other centers of this type) receive locate information and transmit this information to other entities who actually perform the locate. By calling this a "locator service" there may be some misunderstanding as to who is actually doing the locate.

The Anchorage Area Utility Association has discussed pursuing this type of legislation for years. Your organization is to be congratulated for taking the steps to move forward.

Please call me if I can be of further assistance

Sincerely,



Sandy McWilliams
President

