

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 86/2

9411 HOUSE RESOURCES

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

### ALASKA PUBLIC UTILITIES COMMISSION

**TONY KNOWLES, GOVERNOR**

1016 WEST SIXTH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99501-1963  
PHONE: (907) 276-6222  
FAX: (907) 276-0160  
TTY: (907) 276-4333

March 12, 1998

Honorable Loren Leman  
Chairman  
Senate Labor & Commerce Committee

Via fax 465-3810

Ref: SB 330

Dear Senator Leman:

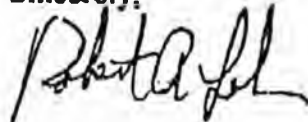
Thank you for asking the view of the Alaska Public Utilities Commission on SB 330 concerning underground locate standards. I have reviewed the bill and see no direct impact on the Commission. It does not mention the APUC. The bill adds a new section to AS 42.30, but as drafted the Department of Law advises us that the Commission lacks authority to enforce provisions in this chapter.

The Commission has not addressed the bill, except to estimate its fiscal impact as zero. It is not the case that the issue of underground locates is a low-priority item for the Commission. Rather, this bill focuses on the conduct of excavators, who lie beyond the scope of APUC authority over public utilities.

The Commission's responsibility to ensure safe, adequate and reliable utility service at just and reasonable rates would be enhanced by a system that encourages excavators to obtain reliable information concerning the location of underground facilities before they dig and penalizing them if they fail to do so.

Please let me know if you have any questions. Again, thanks for the opportunity to comment.

Sincerely,



Robert A. Lohr  
Executive Director

# Alaska Telephone Association

201 E. 56th, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
FAX (907) 562-3776

David Fauske  
President

James Rowe  
Executive Director

December 23, 1997

Doug Askerman  
Anchorage Home Builders Association, Inc.  
8301 Schoon Street, Suite 200  
Anchorage, AK 99518

Dear Mr. Askerman:

The enclosed state locate standards draft has been submitted to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. It's been circulated for comment and modification among a number of utilities and the Associated General Contractors of Alaska. I think it fairly spells out the responsibilities of all parties involved in locating and excavation of underground utilities.

Based on a Washington statute, this draft was initiated by the Alaska Telephone Association's Engineering and Planning Committee which, recognizing that there are stricter municipal standards, believed that a minimum statewide standard for locates would be beneficial for utilities, contractors and the public. As I'm sure you're aware, the telephone industry is experiencing new entities placing facilities in the ground. Timely and accurate locates will only become more important as the building continues.

I'd be pleased to hear any comments or suggestions you have regarding this draft and I expect the respective chairs of the committees, Sen. Loren Leman and Rep. Norman Rokeberg, would also welcome your thoughts. If you'd like to get together to discuss this, please call me at 563-4000.

Happy holidays.

Sincerely,



James Rowe

# Alaska Telephone Association

201 E. 56th, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
FAX (907) 562-3776

David Fauske  
President

James Rowe  
Executive Director

## State Underground Locate Standards

### Purpose of the Proposed Locate Legislation

The purpose of this proposed legislation is to provide an understanding of the standards and responsibilities of the locate and excavation of underground utilities throughout the state for utilities and contractors. Adherence to these standards will reduce damage to utilities, decrease outages to customers, promote safety for industry employees and the public, and serve the public interest.

With an ever increasing profusion of utilities being placed underground, the need for cooperation and coordination among contractors and utilities is escalating. This draft assigns accountability in a fair manner to facilitate efficient and safe construction and maintenance of utilities, minimize monetary loss and avoid hazardous conditions.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 330(RES)

- 1 Page 4, line 6: *yes*
- 2 Delete "; liability"
- 3 Page 4, lines 16 - 23:
- 4 Delete all material.
- 5 Reletter the following subsection accordingly.
- 6 Page 4, line 31:
- 7 Delete "civil actions"
- 8 Insert "injunctive relief"
- 9 Page 5, lines 8 - 14:
- 10 Delete all material.
- 11 Page 6, line 18:
- 12 Delete all material.
- 13 Renumber the following paragraphs accordingly.

# LOCATE CALL CENTER OF ALASKA

## OPERATING GUIDELINES

The Locate Call Center of Alaska and the utilities participating in this Call Center have established the following guidelines for operation:

1. All markings shall be in accordance with the American Public Works Association Uniform Color Codes of

**Red** electric power lines, conduit, cables and lighting cables.

**Yellow** gas, oil, steam, petroleum and gaseous materials.

**Orange** communication, alarm or signal lines, cables or conduit. (some local TV companies use pink)

**Blue** water, slurry and irrigation lines.

**Green** sewers and drain lines.

2. Some utilities choose to mark their lines using the following abbreviations:

S sanitary sewer	E electric power
ST storm sewer	TV television
W water	T telephone
G gas	POL petroleum oil line

3. A circle will be drawn around pedestals and poles to allow for any loops that might be buried. Hand digging is required within this circle.
4. Hand digging is required within 2 feet of either side of outside dimensions of the underground facility.
5. Clear, visible marks with white paint or staking may be used by the party requesting a locate to denote the area of excavation.
6. After a locate has been performed in an area, it is the responsibility of the party requesting the locate to reference or maintain the locate marks during the construction period. The utilities may charge for lines that need to be remarked.

7. Directions given for locating will be stated as north, south, east, or west, if possible.

8. Site meets are required by Anchorage Water & Wastewater and are available with other utilities, but must be requested at the time of the locate request. Site meets will be scheduled by each utility.

9. The standard locate time for each utility varies from 15-45 minutes of locating per site visit. Addition locating time per site visit may be requested, but must be scheduled in advance by each utility.

10. A utility shall provide a surface mark at the location requested, showing the location of its underground facilities within the excavation site on or before the time of excavation. Anchorage Municipal Ordinance requires the notification of excavation be at least two business days before excavation.

If a utility fails to provide a requested surface mark by the excavation date, the excavator may proceed. If the excavator reveals that a surface mark has been incorrectly provided, or if an

underground facility is found in an unmarked excavation site, the excavator may proceed but only in a manner which avoids damage to such underground facility and must immediately notify the affected utility. (AMO 26.90)

11. Anytime a utility is cut, pulled, or even scraped slightly, the excavator is to call the Locate Call Center and report the incident. The Locate Call Center will then give the excavator further information on reporting this damage. A facility may be damaged when contact is made even though external damage is not visible.
12. Even though a request is made for a specific utility locate, the Call Center will still notify all utilities in the area. The caller will be asked to explain why they requested only a specific utility.
13. If a party requests an emergency locate, states it meets the definition of threat to life and property, and must be located in less than the minimum of two business days required period, and the locator determines this was not so, there may be a charge for this locate.

14. If a short notice or urgent locate request is made (requesting a locate in less than the minimum two business days notification period), the utilities will be notified, but immediate response is not guaranteed. If the requestor is willing to pay the utility standard rates, and if the utility can provide the locate, the locate may be performed prior to the standard time requirements.

15. Lower priority will be given to any request for design purposes. Whenever possible, it is suggested that these requests be made during the "off" (winter) season.

.....

**THINK SAFETY,  
CALL FIRST !!!!**

**LOCATE CALL CENTER  
OF ALASKA**

.....



## **LOCATE CALL CENTER OF ALASKA, INC.**

**OPERATING  
GUIDELINES**

**BEFORE YOU DIG...**

**Call to Request an  
Underground Utility Locate!**

.....

**Anchorage Bowl Area  
278-3121**

**Statewide Toll Free  
800-478-3121**



Municipality of Anchorage

Rick Mystrom, Mayor



## Municipal Light & Power

1200 East First Avenue  
Anchorage, Alaska 99501-1685

Telephone: (907) 279-7671, Telecopiers: (907) 263-5804, 277-9272

10 March 1997

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

Dear Mr. Rowe,

ML&P is supportive of the Alaska Telephone Association's efforts to enact State legislation pertain to underground locates. When the Anchorage utilities initiated the formation of a One-Call within the Municipality in 1986 we opted for a municipal ordinance because we couldn't find a legislator willing to carry the banner to the legislature. ATA's attempt for state legislation is timely since there is a current movement for federal legislation that would dictate to states without such legislation.

The Locate Center of Alaska has worked out well for its 26 members which are primarily located in the Anchorage area, Kenai Peninsula, and Mananuska-Susinta Borough and some rural utilities. It has virtually eliminated dig-ins caused by excavators that didn't call for locates (historically the largest group of offenders).

Attached is ML&P's detailed analysis of ATA's proposed bill. The language of the proposed bill is in the left hand column and our suggested changes and comments in the right hand column. The portions of the text that is in bold in the right hand column emphasize the changes in intent from the proposed bill. Also attached is a copy of Anchorage's current ordinance.

It would be to ATA's advantage to obtain input from the Anchorage Area Utility Association; they worked closely with the Utility Contractors Association in gaining their support for the Anchorage ordinance.

Sincerely

Thomas R. Stahr  
General Manager

Attachments: ML&P Comments on proposed legislation

# ~~Alaska Telephone Association~~

4341 B Street, Suite 304  
Anchorage, AK 99503  
(907)563-4000  
FAX (907)562-3776

Duane C. Durand  
President

James Rowe  
Executive Director

February 3, 1997

Bob Yivisaker  
President  
Anchorage Area Utility Association  
P.O. Box 2929  
Palmer, AK 99645

Dear Mr. Yivisaker:

The Alaska Telephone Association is interested in establishing minimum statewide standards to reduce damages to underground facilities as well as above ground facilities; thereby promoting safety and protecting the public interest. To that end we have produced the enclosed draft legislation -- modeled after legislation in Washington -- and we would appreciate your review and comments.

Sincerely,

James Rowe

enc.

Alaska Telephone Association

**JAMES ROWE**  
Executive Director

201 E. 56th, Suite 114  
Anchorage, AK 99518

907-563-4000  
Fax 907-562-3776  
e-mail: jrowe@ptialaska.net

Telephone Association

201 E. 56th, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
FAX (907) 562-3776

**James Rowe**  
Executive Director

November 24, 1997

Kimberly Crisafulli  
ENSTAR  
3000 Spenard Road  
Anchorage, AK 99503

Dear Ms. Crisafulli:

Thank you for your help with the number of locates earlier today. I look forward to receiving your year end compilation when it is available.

Enclosed is a draft of the proposed locate legislation we expect to have introduced in January. It has been shared with utilities and contractors and I encourage widespread distribution. Over the past year I have made a number of changes in response to suggestions. I welcome your input.

Sincerely,



James Rowe

# ~~Alaska Telephone Association~~

201 E. 56th, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
FAX (907) 562-3776

David Fauska  
President

James Rowe  
Executive Director

December 23, 1997

Pat Wolfe  
Alaska Building Contractors  
720 W. 58th Avenue  
Anchorage, AK 99518

Dear Pat,

The enclosed state locate standards draft has been submitted to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. It's been circulated for comment and modification among a number of utilities and the Associated General Contractors of Alaska. I think it fairly spells out the responsibilities of all parties involved in locating and excavation of underground utilities.

Based on a Washington statute, this draft was initiated by the Alaska Telephone Association's Engineering and Planning Committee which, recognizing that there are stricter municipal standards, believed that a minimum statewide standard for locates would be beneficial for utilities, contractors and the public. As I'm sure you're aware, the telephone industry is experiencing new entities placing facilities in the ground. Timely and accurate locates will only become more important as the building continues.

I'd be pleased to hear any comments or suggestions you have regarding this draft and I expect the respective chairs of the committees, Sen. Loren Leman and Rep. Norman Rokeberg, would also welcome your thoughts. If you'd like to get together to discuss this, please call me at 563-4000.

Happy holidays.

Sincerely,



James Rowe

# Alaska Telephone Association

201 E. 56th, Suite 114  
Anchorage, AK 99518  
(907) 563-4000  
FAX (907) 562-3776

David Fauske  
President

James Rowe  
Executive Director

December 23, 1997

Henry Springer  
Executive Director  
Associated General Contractors of Alaska  
4041 B Street  
Anchorage, AK 99503

Dear Mr. Springer:

Last August I sent you a copy of the enclosed state locate standards draft and solicited your comments. After you distributed it, Ken Smith of Wire Communications and Electrical, Inc. called me with concern regarding the treble damages paragraph (page 7), but he didn't offer any suggestions. I'd think the "willful and malicious" intent that triggers the treble damages would be deemed a benefit by most contractors.

Since (other than Mr. Smith's comment) I've received no adverse reaction, I submitted it without change to the chairs of the Senate and House Labor and Commerce Committees for consideration for introduction during the next session. I think it fairly spells out the responsibilities of all parties involved in locating and excavation of underground utilities.

Based on a Washington statute, this draft was initiated by the Alaska Telephone Association's Engineering and Planning Committee which, recognizing that there are stricter municipal standards, believed that a minimum statewide standard for locates would be beneficial for utilities, contractors and the public. As I'm sure you're aware, the telephone industry is experiencing new entities placing facilities in the ground. Timely and accurate locates will only become more important as the building continues.

I'd still welcome any suggestions you have regarding this draft and I expect the respective chairs of the committees, Sen. Loren Leman and Rep. Norman Rokeberg, would also welcome your thoughts. If you'd like to get together to discuss this, please call me at 563-4000.

Happy holidays.

Sincerely,



James Rowe

**S B**

**3 4 1**

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SB341**

Revision Date: 12-Mar-98 Dept Affected: Natural Resources  
 Title: An Act relating to agricultural land; and BRU: Agricultural Development  
providing for an effective date. Component: Agricultural Development  
 Sponsor: Senate State Affairs Committee  
 Requestor: Senate Resources Component Serial No. #455

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

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES (Fund code)</b>	0.0	0.0	0.0	0.0	0.0	0.0

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	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	0	0	0	0	0	0

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

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

Prepared by: Robert Wells, Director *[Signature]* Phone: 745-7200  
 Division: Agriculture Date: 12-Mar-98  
 Approved by Commissioner: *[Signature]* Date: 3-12-98  
 Agency: Natural Resources

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# LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

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

## MEMORANDUM

March 13, 1998

**SUBJECT:** Sectional Summary of SB 341. (20-LS1679\A)

**TO:** Senator Lyda Green  
Attn: Janey Wineinger

**FROM:** Gerald P. Luckhaupt. *GPL*  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends §14(b), Ch. 14, SLA 1997, relating to agricultural land at Point McKenzie.

Section 2 of the bill provides an immediate effective date.

GPL:jdr  
98-162.jdr

# ALASKA STATE LEGISLATURE

1000  
500 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3371  
(907) 376-3157 Fax



Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6600  
Fax (907) 465-3805

**SENATOR LYDA GREEN**  
SENATE DISTRICT N

## Sponsor Statement

### Senate Bill 341

**“An Act relating to agricultural land; and providing for an effective date.”**

Senate Bill 341 will correct a technical error in the legal descriptions of Section 14(b), Ch 20, SLA 1997 passed in SB 109, last session.

The Matanuska-Susitna Borough acquired Tract 30 by patent from the State of Alaska under the Municipal Entitlement Act. The borough then classified the land as agriculture and then sold the agricultural rights of Tract 30 to a farmer in May, 1981. The Borough retained ownership of the development rights. The Alaska Revolving Loan Fund later acquired the agricultural rights in Tract 30 by foreclosure of its lien which the farmer had secured with the agricultural rights. The Borough still retains the development rights provided for under borough code.

Tract 30 is the only parcel designated in SB 109 that has a split title and borough agricultural rights. Passage of SB 341 will delete reference to Tract 30 in SB 109 and it will allow unclouded development rights for the Borough and will permit the sale of the agricultural rights by the Alaska Revolving Loan Fund to be finalized.

Senate Bill 341 is supported by the Department of Natural Resources, Division of Agriculture and the Matanuska-Susitna Borough.

[Senator\\_Lyda\\_Green@legis.state.ak.us](mailto:Senator_Lyda_Green@legis.state.ak.us)

Alexander Creek • Big Lake • Butte • Caswell • Chickaloon • Chulitna • Finger Lake • Goose Bay • Hatcher Pass • Houston  
Kuk • Kashwitna • Lake Louise • Lazy Mountain • Montana Creek • Nancy Lake • Nelchina • Palmer • Petersville • Point Mackenzie  
Sheep Mountain • Skwentna • Sunshine • Sutton • Talkeetna • Tral Lakes • Trapper Creek • Wasilla • Willow



# MATANUSKA-SUSITNA BOROUGH

Borough Manager

350 E. Dahlia Avenue, Palmer, Alaska 99645-6488

Phone (907) 745-9689 • FAX (907) 745-9845

March 11, 1998

State of Alaska Legislature  
Senate State Affairs Committee

The Honorable Lyda Green, Chair  
The Honorable Jerry Ward, Vice-Chair  
The Honorable Jerry Mackie, member  
The Honorable Mike Miller, member  
The Honorable Jim Duncan, member

RE: The Twentieth Legislature - Second Session  
Senate Bill 341 - An act relating to agricultural land

Dear Senators:

The Matanuska-Susitna Borough requests your support and passage of Senate Bill 341 now before you. This bill will correct a technical error in the legal descriptions of Section 14(b), Ch 20, SLA 1997 passed in Senate Bill 109 last session by deleting Tract 30. Tract 30 of ASLS 80-111 was included in the enumerated provision however, the condition of title for Tract 30 is very different from the other Tracts in ASLS 80-111 rightfully included in the bill.

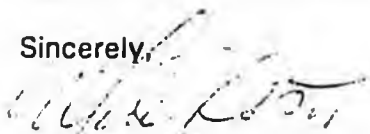
The Matanuska-Susitna Borough acquired Tract 30 by patent from the State of Alaska under the Municipal Entitlement Act. The borough then classified the land as agriculture (based on borough code) and then sold the agricultural rights of Tract 30 to a farmer in May, 1981. The borough retained ownership of the development rights (as defined in borough code, not state law). The Alaska Revolving Loan Fund (ARLF) later acquired the agricultural rights in Tract 30 by foreclosure of its lien(s) which the farmer had secured with the agricultural rights.

While the borough lost its ability to recover the agricultural rights, it still retains the development rights provided for under borough code, and has actively enforced the rights when needed during the agricultural development of this property.

It is important from an administrative and legal viewpoint that Tract 30 be deleted so the authority for the "development rights" is clearly retained by the borough and not clouded.

Your consideration of this matter is greatly appreciated.

Sincerely,

  
Michael J. Scott  
Borough Manager



10: FEB 18 98 17:54 NO.010 P.02

**MATANUSKA-SUSITNA BOROUGH**  
350 East Dahlia Avenue, Palmer, Alaska 99645-6488  
**LAND MANAGEMENT DIVISION**  
PHONE: (907) 745-4801 FAX: (907) 745-9876

February 17, 1998

Ms. Janie Wineinger, Legislative Aide  
Office of Senator Lyda Green  
State Capitol  
Juneau, AK 99801-1182

VIA FAX

RE: Request for technical amendment  
to correct legal description  
of affected Tracts in SB 109

Dear Ms. Wineinger:

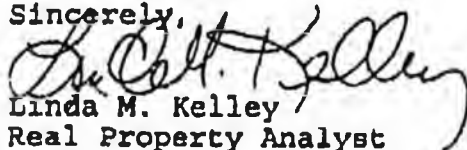
Recently the Matanuska-Susitna Borough became aware that Tract 30 of ASLS 80-111 was included in a provision of SB 109 when it passed last session. The Matanuska-Susitna Borough is requesting a technical amendment to delete Tract 30 from the legislation for the reasons which follow. A marked up copy of the legislation is attached which indicates the changes needed on pages 4 and 5.

The Matanuska-Susitna Borough has retained ownership of the "development rights" (as defined in borough code) in this tract. The Alaska Revolving Loan Fund (ARLF) acquired the "agricultural rights" (which the borough sold to Karen Lee in May, 1981) in this tract when ARLF foreclosed its lien(s) which Lee had secured with the "agricultural rights".

I have worked with the Palmer office of ARLF to contact various individuals within Division of Agriculture, Department of Natural Resources, and the Attorney General's office to seek a speedy remedy to the situation. The conclusion reached is that a technical amendment is the solution needed.

The Matanuska-Susitna Borough makes this request for a technical amendment as early as possible. Please call me at 907-745-9864 if additional information is needed.

Sincerely,

  
Linda M. Kelley  
Real Property Analyst

Enclosures

cc: ARLF  
Borough Manager

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

### DIVISION OF AGRICULTURE

**TONY KNOWLES, GOVERNOR**

CENTRAL OFFICE  
1800 GLENN HIGHWAY, STE 12  
PALMIR, ALASKA 99645  
PHONE: (907) 745-7200  
FAX: (907) 745-7112

PLANT MATERIALS CENTER  
HC02 BOX 7440  
PALMIR, ALASKA 99645-9706  
PHONE: (907) 745-4469  
FAX: (907) 746-1568

NORTHERN REGION OFFICE  
3700 AIRPORT WAY  
FAIRBANKS, ALASKA 99709-4697  
PHONE: (907) 451-2780  
FAX: (907) 451-2751

March 18, 1998

The Honorable Lyda Green, Chair  
Senate State Affairs Committee  
State Capitol, Room 125  
Juneau, AK 99801-1182

RE: Senate Bill 341 - An act relating to agricultural land

Dear Senator Green:

The Division of Agriculture would like to voice support for SB 341, currently before your committee. Tract 30, ASLS 80-111 was inadvertently included in SB 109 last session, and the proposed technical amendment to remove the parcel will solve the title problem for both the Mat-Su Borough and ARLF.

The Borough received patent from the State of Alaska to Tract 30 under the Municipal Entitlement Act in 1981. The Borough contributed this parcel to the Pt. MacKenzie Agricultural Project Sale held in 1981, and provided financing as well. The Borough recorded Conditions & Restrictions on this parcel restricting use to agricultural only, as defined by the borough. All "Non-Agricultural Surface Estate Interests" were retained by the Mat-Su Borough.

ARLF financed the development of Tract 30 and the loans were partially secured by a Deed of Trust on the property. The Borough subsequently subordinated its position to ARLF. In December, 1991, ARLF received a Trustee's Deed to the (borough) Agricultural Rights through Non-Judicial Foreclosure.

After considerable research and meetings held with the Land Management Division of the Borough, the Attorney General's Office and ARLF staff, it was determined that Tract 30 is the only parcel designated in SB 109 that has split title and borough agricultural rights.

Sen. Lyda Green  
March 18, 1998  
Page 2

The Division certainly supports SB 341 which deletes reference to Tract 30 in SB 109. It will allow unclouded development rights for the Mat-Su Borough and will permit the sale of the agricultural rights by ARLF to be finalized.

Sincerely,



Robert Wells  
Director

/dlh

cc: Sen. Rick Halford  
Sen. Loren Leman  
Sen. Bert Sharp  
Sen. Robin Taylor  
Sen. John Torgerson  
Sen. Georgianna Lincoln  
Michael J. Scott, Mat-Su Borough Manager

\*\*\*END\*\*\*

**SCR**

**2**



# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SCR 2(RES)

Revision Date 3/7/97 Dept. Affected \_\_\_\_\_  
 Title Management of wildlife resources BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Taylor \_\_\_\_\_  
 Requester \_\_\_\_\_ Component Serial No. \_\_\_\_\_

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

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES [ ]</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This resolution has no fiscal impact on state agencies.

Prepared by Senate Resources Committee  
 Division \_\_\_\_\_  
 Approved by Senator Lyda Green, Vice-Chair *Lyda Green*  
 Agency \_\_\_\_\_

Phone 465-4907  
 Date \_\_\_\_\_  
 Date 3/7/97

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# Alaska State Legislature

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*Member,*  
Resources Committee  
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Fax: (907) 465-3922

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

*Senator Robin L. Taylor*  
*Senate Majority Leader*

## MEMORANDUM

TO: Representative Scott Ogan, Chairman  
House Resources Committee

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

DATE: 15 January 1998

RE: SCR 2 Relating to management of Alaska's wildlife resources.

Request you schedule SCR 2 for hearing before the House Resources Committee at your earliest convenience.

SCR 2 is a simple resolution which calls on the administration to do everything possible to manage fish and wildlife resources on a biological basis for abundance while maintaining the constitutional mandate for management on a sustained yield basis. If the policies SCR 2 advocates were implemented, the State of Alaska would go a long way toward solving the subsistence dilemma.

A shortage of wildlife will not be solved by determining who may have a preference regarding harvest. An abundance of fish and wildlife for all Alaskans is the only practical solution to the subsistence impasse. Present policies only perpetuate shortages. An abundance of wildlife is what the people of Alaska need, want and demand. Plentiful populations are good for consumptive users, wildlife viewers, photographers and tourists.

Thank you for your consideration.

District A:

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

# Alaska State Legislature

Chairman,  
Judiciary Committee

Member,  
Resources Committee  
Rules Committee  
Committee on Committees



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

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

**Senator Robin L. Taylor**

## Sponsor Statement

### Senate Concurrent Resolution 2

SCR 2 is a simple resolution. If the policies it advocates were implemented, the State of Alaska would go a long way toward solving the subsistence dilemma by managing wildlife for abundance.

A shortage of wildlife will not be solved by determining who may have a preference regarding harvest. Our state constitution is very explicit on this issue. Article VIII, Section 3 states "*Wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use*".

Our constitution also mandates that fish and game resources be managed on the principle of sustained yield. The current administration has failed to implement an intensive management program that will ensure an abundance of wildlife. Attempting to manage complex wildlife populations by only addressing human use will not work. Alaskans currently harvest less than three percent of the harvestable surplus, an amount so small that it is statistically insignificant.

An abundance of fish and wildlife for all Alaskans is the only practical solution to the subsistence impasse. Present policies only perpetuate shortages. An abundance of wildlife is what the people of Alaska need, want and demand. Plentiful populations are good for consumptive users, wildlife viewers, photographers and tourists.

SCR 2 calls on the administration to do everything possible to implement management based on abundance.

District A:

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

**SCR**

**10**

# FISCAL NOTE

No. 1  
 Bill Version: SCR 10  
 (S) Publish Date: 4-26-97

**STATE OF ALASKA  
 1997 LEGISLATIVE SESSION**

Revision Date 4/9/97 Dept. Affected \_\_\_\_\_  
 Title Supporting use of furbearer resource BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Wilken Component Serial No. \_\_\_\_\_  
 Requester \_\_\_\_\_

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

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES [ ]</b>						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: 0.0

**POSITIONS**

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Full-time						
Part-time						
Temporary						

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

This resolution will have no fiscal impact on state agencies.

Prepared by Senate Resources Committee  
 Division *Rick Halford*  
 Approved by Senator Rick Halford, Chairman  
 Agency \_\_\_\_\_

Phone 465-4907  
 Date \_\_\_\_\_  
 Date 4/21/97

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## **ALASKA OUTDOOR COUNCIL, INC.**

P.O. Box 73902  
Fairbanks, AK 99707-3902  
907-455-4262 ph/FAX

January 2, 1997

U.S. Fish & Wildlife Service  
Division of Refuges  
Attention: Trapping Project  
4401 N. Fairfax Drive, Rm 670  
Arlington, VA 22203

To whom it may concern:

This letter responds to your solicitation of comments regarding the use of "animal traps" or "steel jaw leghold traps" in the National Wildlife Refuge System on behalf of the Alaska Outdoor Council.

The Council is a statewide Alaskan umbrella organization comprised of over 50 conservation - outdoor user clubs plus 1100 individual members with a total membership of about 12,000. The purposes of the Outdoor Council are to promote sound scientific fish and wildlife and habitat management, public access to public resources consistent with the Alaska state constitution, and ethical uses of these resources. As the official state association of the National Rifle Association, the Council also supports the individual right to keep and bear arms, and safe, ethical, legal firearm uses.

The Council advocates fishing, hunting, trapping and other outdoor activities. These activities are regularly challenged at local, state and federal government levels by various groups and individuals. The Council supports well regulated fish, wildlife and habitat uses, but opposes unsound and discriminatory laws. The Council categorically rejects arguments that fishing, hunting and trapping should be prohibited. Such arguments are not based on fact, reflect an unacceptable intolerance of others' values, and threaten the traditional values and lifestyles of fishers, hunters, trappers and many others.

Trapping furbearers is a way of life for thousands of Alaskans, and an important element of Alaskan lifestyles for thousands more. Trapping provides income for people living where jobs are scarce and for those who need supplementary income and are willing to work for it. Trapping provides furs widely used for practical Alaskan winter clothing. Trapping contributes to scientific management of wildlife resources.

The main kinds of "animal traps" used in Alaska are leghold traps, snares, and body-grip traps. Leghold traps are most common and are used for species ranging from weasels to wolves. Leghold traps are sometimes used for bears and other species by wildlife agencies for research, management, and depredation control.

Snares probably rank second in extent of use. The use of bodygrip traps is increasing, but is probably still third in the extent of uses.

Alaska contains 76 million acres of National Wildlife Refuge lands. That's about 85 % of the entire National Wildlife Refuge system acreage. Most federal refuges in Alaska were established by the Alaska National Interest Lands Conservation Act (ANILCA). The lands designated "refuge" in ANILCA were mostly those with important wildlife populations and habitats. All have supported trapping using steel traps, snares and home-made traps for up to 200 or more years. Historically, trapping intensity varied from highly commercialized with high harvests to limited personal use, depending on various social, political and economic factors.

None of that detracted from the suitability of these areas for Refuge designation by ANILCA. Indeed, the rallying cry was to preserve these pristine ecosystems..

Because the Alaskan refuges (85% of the entire refuge system) were designated on prime wildlife lands, they almost always surrounded numerous towns and villages. People of these towns and villages fish, hunt, trap and gather natural resources as part of their lifestyle and life support. They use steel traps, snares, bodygrip traps, guns, boats, snowgos, etc. People from larger towns also fish, hunt and trap on refuges--many of them trap as part of their livelihood and lifestyle, just as local people do.

There is no evidence that trapping as regulated over the last 40 to 50 years has caused ecological problems on any of the refuges. There is no reason to believe that traps as a capture tool will cause conservation problems in the future.

If future conservation problems arise it will be because ANILCA's "customary and traditional" language allows for fishing, hunting and trapping with no closed season and no bag limit under the rural subsistence priority, not because traps or any other particular tool or tolls are used.

There are not endangered species subject to trapping on refuges in Alaska--85 % of the entire federal refuge system.

Wildlife lives and dies by tooth and claw, disease and starvation. Big animals eat little animals. Prey is often eaten while still alive--bleeding, broken, disemboweled, struggling to escape while pieces are torn from its body, until it can struggle no more. Animals die lingering deaths if small game, mice, berries, moose, caribou or other foods are scarce. Beaver get frozen in, unable to reach their feed--or flooded out, drowning kits in spring. While some trapping techniques do cause physical trauma to trapped animals, trapping can scarcely be more inhumane than nature. In

general, trappers work to minimize physical damage to furbearers for two reasons: a) they wish to minimize physical trauma and suffering, and b) for economic and esthetic reasons, they wish to minimize damage to the furs they've worked hard to obtain.

In summary, there are no substantive reasons to categorically propose elimination or significant restriction of the use of traps on federal refuges, and certainly not on the 85% of the refuge system in Alaska.

Sincerely,



Richard H. Bishop  
Executive Director

P.S. Alaska is also affected by trapping practices on lower 48 refuges. Waterfowl populations that migrate between Alaska and the lower 48 can be severely impacted by high populations of skunk, raccoon, and other furbearing predators. There is no need to further discourage the trapping of these abundant predators on refuges.

**Taxpayers' money is being used to track and snare Alaska's wolves. And you thought taxes were killing you.**



*Still alive when found, this radio-collared wolf, from a family group inhabiting the Yukon-Charley Rivers National Preserve, spent at least three days caught by the foot and neck in a wire snare. The Wolf was lured by 4 dead caribou, caught in snares at this same sight.*

Two years ago, public opposition to any wolf control measure that puts wire nooses around wolves' legs and necks and leaves them in the snow to suffer slow, agonizing deaths, helped suspend Alaska's wolf control program.

Now, an intensive, privately organized wolf control program is underway on public lands - within the Yukon-Charley Rivers National Preserve and other areas of the forty-mile caribou range supported by your tax dollars, but without your knowledge or consent.

The National Park Service radio-collared wolves at taxpayer expense, then gave the frequencies to the Alaska Department of Fish and Game, enabling that agency to radio track the wolves regularly. ADF&G biologists then provided information about the wolves travel patterns - deduced from tracking them with radio collars - to wolf trappers.

Lured by the promise of a \$400 per wolf pelts bounty offered by the Alaska Trappers Association

and others, trappers have deployed hundreds of indiscriminate wire snares - barbaric devices which ensure prolonged suffering for the wolves, coyotes, foxes, lynx, caribou, and other animals caught in them. The "saturation snaring" - a disaster for entire ecosystems - is the land-based equivalent of driftnet fishing, which is now condemned worldwide.

To make matters worse, Alaska is the only state in the union that doesn't require trappers to check their snares and traps regularly. The wolf pictured above, as well as four caribou captured at the same snare sight, are some of the latest known victims of this outrage.

Please write to: The Honorable Tony Knowles, Governor of Alaska, P.O. Box 110001, Juneau, Alaska 99811 0001. Tell him you want an immediate closure to wolf snaring, trapping and hunting in the area of the private bounty and a halt to "saturation snaring" statewide.

YES, I AGREE WITH FRIENDS OF ANIMALS THAT WOLVES, CARIBOU AND OTHER ANIMALS SHOULD NOT BE VICTIMS OF BARBARIC SNARES AND LEGHOLD TRAPS. I WOULD LIKE TO JOIN AND RECEIVE FOA'S QUARTERLY MEMBERSHIP MAGAZINE, ACTION LINE, WHICH WILL KEEP ME UPDATED ON WHAT FOA IS DOING TO PROTECT WOLVES AND OTHER WILDLIFE IN ALASKA AND AROUND THE WORLD

ENCLOSED IS MY DONATION TO FRIENDS OF ANIMALS FOR \_\_\_\_\_ \$10 \_\_\_\_\_ \$25 \_\_\_\_\_ \$50 \_\_\_\_\_ \$100 \_\_\_\_\_ OTHER \_\_\_\_\_

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

FRIENDS OF ANIMALS (FOA) IS A NON-PROFIT MEMBERSHIP ORGANIZATION WHICH HAS BEEN PROTECTING ANIMALS FROM CRUELTY, ABUSE AND INSTITUTIONALIZED EXPLOITATION AROUND THE WORLD SINCE 1977

**Friends of Animals**   
777 POST ROAD, DARIEN, CT 06820

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			Merchandise Total =		

\*include 2nd color choice when ordering T-shirts and sweatshirts.

include  
and

SHIP TO: Total Enclosed = \$ \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

ORDERS We can no longer  
 be drawn on foreign banks.  
 MUST be in U.S. dollars.  
 Additional \$5.00 mailing  
 on all foreign orders.

MAIL ORDER WITH PAYMENT TO:  
 The Alaska Wildlife Alliance,  
 P.O. Box 202022, Anchorage, AK  
 99520-2022.



**Wolf  
Video**

The shocking video of Alaska's  
 wolves trapped in snares. Filmed in  
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 Alaska's governor to cancel the wolf-  
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 support Dr. Gordon Haber.

**A Great  
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Original, unedited version  
 (35 minutes): Only \$20



**ALASKA LAND ACREAGE SUMMARY  
DECEMBER 31, 1989**

	<u>Millions of Acres</u>	<u>% of Total</u>	
<b>Total Land Alaska</b> .....	<b>367.7</b>	<b>100.0%</b>	<i>mi<sup>2</sup></i> <i>576,531</i>
<b>State Land Entitlement</b> <sup>1</sup> .....	<b>105.8*</b>	<b>28.8%</b>	
Selected Land <sup>2</sup> (includes overselection).....	25.1		
Tentatively Approved <sup>2</sup> .....	49.8		
Patented <sup>2</sup> .....	35.1		
<b>Private Land Owned by Individuals</b> <sup>3</sup> .....	<b>5.0*</b>	<b>1.4%</b>	
<b>Native Corporation Land Entitlement</b> <sup>4</sup> .....	<b>43.7*</b>	<b>11.9%</b>	
Selected Land (includes overselection).....	35.0		
Interim Conveyed or Patented <sup>5</sup> .....	35.8		
<b>Total Federal Land</b> .....	<b>217.7*</b>	<b>59.2%</b>	
<b>National Park System</b> .....	<b>51.0**</b>	<b>(13.9%)</b>	
(Parks Acreage also within the National Wilderness Preservation System: 32.4) <sup>6</sup>			
Parks/Monuments Established Prior to 1980 <sup>7</sup> ---	7.5		
Parks/Monuments Established in ANILCA <sup>6</sup> .....	24.6		
Preserves Established in ANILCA <sup>6</sup> .....	18.9		
<b>U.S. Fish and Wildlife System</b> .....	<b>76.0**</b>	<b>(20.6%)</b>	
(Refuge Acreage also within the National Wilderness Preservation System: 18.6) <sup>6</sup>			
Refuges Established Prior to ANILCA <sup>8</sup> .....	22.3		
Refuges Established in ANILCA <sup>6</sup> .....	53.7		
<b>U.S. Forest System</b> .....	<b>23.2**</b>	<b>(6.3%)</b>	
(Forest Acreage also within the National Wilderness Preservation System: 5.4) <sup>6</sup>			
Forests Established Prior to ANILCA <sup>9</sup> .....	19.8		
Forests Established in ANILCA <sup>6</sup> .....	3.4		
<b>Bureau of Land Management</b> .....	<b>65.0**</b>	<b>(17.7%)</b>	
National Petroleum Reserve-Alaska .....	22.4		
Areas Established in ANILCA <sup>6</sup>			
Conservation & Recreation Areas .....	2.2		
Nat'l Wild & Scenic Rivers System .....	1.5		
Other Alaska Land (Public Domain) .....	38.9		
<b>Military Land</b> <sup>10</sup> .....	<b>2.5**</b>	<b>(0.7%)</b>	

**Note:** Because of unresolved overlaps between state and Native selections and various federal designations and because state entitlement land may be disposed of to private owners, the sum of subtotals exceeds the statewide total.

\*Figures add to statewide total.

\*\*Figures add to federal total.

**GARY WILKEN**

SENATOR  
Districts 29 & 30  
West Fairbanks

Senate Standing Committees

Chairman: Health, Education,  
and Social Services (HESS)  
Vice Chairman: Transportation  
Vice Chairman: Community and  
Regional Affairs

Special Committee

Member: Administrative Regulation Review



During Session:  
State Capitol, Room 510  
Juneau, Alaska 99801-1182  
(907) 465-3709 (v)  
(907) 465-4714 (f)  
[www: akrepublicans.org/wilken.htm](http://www.akrepublicans.org/wilken.htm)  
E-mail: Senator\_Gary\_Wilken@legis.state.ak.us

Interior:  
119 N. Cushman St., Room 213  
Fairbanks, Alaska 99701  
(907) 452-3421  
Fax (907) 452-3426

**MEMORANDUM**

**TO:** Representative Scott Ogan  
Co-Chair, House Resources Committee

**FROM:** Gary Wilken  
Senator, West Fairbanks

**DATE:** April 30, 1997

**RE:** Request for Committee Hearing for SCR 10  
"Supporting Use of Furbearer Resources"

---

Please schedule Senate Concurrent Resolution 10, "Supporting Use of Furbearer Resources" for a House Resources Committee Hearing at your earliest convenience.

SCR 10 calls for the Alaska Legislature's endorsement of continued harvest and use by Alaskans of the state's renewable furbearer resources consistent with the principles of sustained yield. I feel that this is important since trapping is a traditional Alaskan activity that promotes self-reliance and provides food, clothing and income for many of our residents.

I have attached a sponsor statement for SCR 10. Please contact my aide, Ms. Beth Hagevig, if you have any further questions in regards to this resolution.

Thank you.

A handwritten signature in cursive script that reads "Gary Wilken".

## GARY WILKEN

SENATOR  
Districts 29 & 30  
West Fairbanks

### Senate Standing Committees

Chairman: Health, Education,  
and Social Services (HESS)  
Vice Chairman: Transportation  
Vice Chairman: Community and  
Regional Affairs

### Special Committee

Member: Administrative Regulation Review



During Session:  
State Capitol, Room 510  
Juneau, Alaska 99801-1182  
(907) 465-3709 (v)  
(907) 465-4714 (f)  
[www: akRepublicans.org/wilken.htm](http://www.akRepublicans.org/wilken.htm)  
E-mail: [Senator\\_Gary\\_Wilken@legis.state.ak.us](mailto:Senator_Gary_Wilken@legis.state.ak.us)

Interior:  
119 N. Cushman St., Room 213  
Fairbanks, Alaska 99701  
(907) 452-3421  
Fax (907) 452-3426

## SPONSOR STATEMENT

### SCR 10 - Supporting Use of Furbearer Resources

Senate Concurrent Resolution 10 calls for the Alaska State Legislature's endorsement of continued harvest and use by Alaskans of the state's renewable furbearer resources, consistent with the principles of sustained yield.

There are some that feel trapping should no longer be allowed in our state. I strongly disagree and through this legislation I hope the Legislature will too.

We, in Alaska, are blessed with many renewable resources including abundant furbearer populations. Not only is trapping an important management tool for helping to maintain healthy furbearer populations, it is also a traditional activity for many Alaskans and helps promote self-reliance by providing income, food, and clothing. Trapping ties Alaska to its pioneer roots, and helps to keep alive the very values that built the forty-ninth state.

**SJR**

**8**

# Alaska State Legislature

## House Resources Committee

Co-Chair Scott Ogan  
(907) 465-3715  
FAX (907) 465-3265  
Capitol Building, Room 124  
Juneau, Alaska 99801



Co-Chair Bill  
Hudson  
(907) 465-6820  
FAX (907) 465-2273  
Committee  
Meetings  
T/Th 1 - 4 p.m.

Vice Chair: Beverly Masek,  
Representatives Ramona Barnes, Fred Dyson, Joe Green, Reggie Joule, Irene  
Nicholia, William Williams

### MEMORANDUM

TO: Members of the House Resources Committee  
FR: Co-Chair Scott Ogan  
DT: 2/25/97  
RE: HB 28 in today's hearing.

---

I ask that each member come prepared to discuss the nuances of HB 28 today. We have had two very informative hearings on this bill, and are now equipped to add to the foray our own impressions and concerns.

I will be assigning HB 28 to a subcommittee, but I want to have some discussion in our meeting before taking that action.

Thank you for your cooperation and hard work.

*Scott Ogan*

# Alaska State Legislature



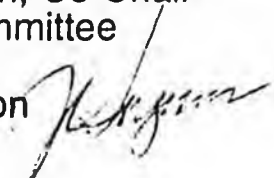
Committee Membership  
Senate Finance  
Senate Resources  
Senate Rules  
Legislative Budget & Audit

*Senator John Torgerson*

**District Address:**  
145 Main St. Loop; Ste. 226  
Kenai, AK 99611  
(907) 283-2690  
fax 283-9267

**Session Address:**  
State Capitol; Room 514  
Juneau, AK 99801-1182  
(907) 465-2828  
fax 465-4779

## MEMORANDUM

DATE: February 18, 1997  
TO: Representative Hudson, Co-Chair  
House Resources Committee  
FROM: Senator John Torgerson   
RE: SJR 8 Hearing

---

I respectfully request a hearing before the House Resources Committee on SJR 8, Primary Manufacturing of Publicly Owned Timber.

Attached find a sponsor statement for the resolution.

Thank you for your time and consideration.

SJR8:H(RES):2/18/97: mj

# Alaska State Legislature

## Committee Membership

Senate Finance  
Senate Resources  
Senate Rules  
Legislative Budget & Audit



*Senator John Torgerson*

**District Address:**  
145 Main St. Loop; Ste. 226  
Kenai, AK 99611  
(907) 283-2690  
fax 283-9267

**Session Address:**  
State Capitol; Room 514  
Juneau, AK 99801-1182  
(907) 465-2828  
fax 465-4779

## SPONSOR STATEMENT

### **SJR 8 - Primary Manufacturing of Publicly Owned Timber**

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

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

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

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

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

This resolution is the same as SJR 37, which was passed late in the 19th Legislative Session. I believe there is good reason to reinforce the Legislature's position on the issue and again submitting the resolution to the persons named in the body of the resolution.

**SJR**

**9**

# FISCAL NOTE

No. 1

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

Bill Version: SJR 9

(S) Publish Date: 2-11-97

Revision Date 1/29/97 Dept. Affected \_\_\_\_\_  
 Title Endorsing ANWR leasing BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Pearce \_\_\_\_\_  
 Requester Senate Resources Committee Component Serial No. \_\_\_\_\_

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

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES [ ]</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This resolution has no fiscal impact on state agencies

Prepared by Senate Resources Committee  
 Division \_\_\_\_\_  
 Approved by Senator Rick Halford, Chairman  
 Agency \_\_\_\_\_

Phone 485-4907  
 Date \_\_\_\_\_  
 Date 2/10/97

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# Alaska State Legislature

*Drue Pearce*  
716 West 4th Avenue, Suite 500  
Anchorage, AK 99501-2133  
(907) 258-8185  
Fax (907) 258-0226



**Drue Pearce**

*Drue Pearce*  
State Office  
Juneau, AK 99801-1127  
(907) 265-2111  
Fax (907) 265-2112

## Sponsor Statement For SJR 9

**SJR 9 encourages the United States Congress to pass legislation for oil and gas exploration, development, and production on the coastal plain of the Arctic National Wildlife Refuge.**

SJR 9 urges the United States Congress to pass legislation allowing access to the estimated 10,000,000,000 barrels of recoverable oil on the coastal plain of the Arctic National Wildlife Refuge (ANWR). This resolution is supported by the local residents of the coastal plain of the North Slope Borough and by a majority of Alaskans.

Development of the oil and gas resources in ANWR will help to offset declining oil revenues in Alaska and decreasing energy production nationwide. Considering that demand for crude oil rose in the United States by 2.5 percent in the past year, and that domestic production of oil continues to decline while import prices increase, the successful development of the resources in this region is of the utmost importance to all Americans.

Furthermore, the authors of this resolution express their resolve to conduct all oil and gas activities to the benefit of the state's work force and in a manner sensitive to the environment of the Arctic National Wildlife Refuge. Copies of this resolution will be sent to the Honorable President of the United States, Vice-President, Secretary of the Interior, and all current members of Congress.

TANANA CHIEFS CONFERENCE, INC.  
122 FIRST AVENUE  
FAIRBANKS, ALASKA 99701  
(907) 452-8251

Testimony to the  
Alaska State Senate on  
SJR 9 titled "Open ANWR to oil exploration"

We oppose the passage of this resolution and we urge that the resolution remain in committee for further discussion.

The resolution speaks to an oil development record of no adverse impact to wildlife populations. We clarify for the committees' benefit that no development has ever occurred directly within a calving ground of any caribou herd in Alaska. Prudhoe Bay was developed near the Central Caribou Herds' bull summering population but the calving ground was several miles away. Federal and state biologists have declared, after many years of scientific research, that the Porcupine Caribou Herd could be expected to lose about 10% of the herd population per year if development were to occur within the calving ground. They also concur that the migration route could be altered as a result of the development in ANWR.

Although we support oil and gas exploration, we do not support any efforts to explore within the calving grounds of the Porcupine Caribou Herd.

700 BAYVIEW HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-7000  
202-225-4831

DISTRICT OFFICE:  
SULLY PLACE  
170 7TH ST. S.  
RM. 727 BOX 100  
ST. PAUL, MN 55101  
612-224-4501

Congress of the United States  
House of Representatives  
Washington, DC 20515-2504

February 3, 1997

PROTECT AMERICA'S GREAT WILDERNESS  
COSPONSOR THE MORRIS K. UDALL WILDERNESS ACT

Dear Colleague:

I am writing to seek your support and cosponsorship of the Morris K. Udall Wilderness Act of 1997. This legislation will provide permanent protection of the 1.5 million acres of the Arctic National Wildlife Refuge (ANWR) coastal plain.

The Arctic Refuge coastal plain is a unique ecosystem, essential to the life of over 200 species of wildlife. As the tundra thaws each spring, the coastal plain comes alive with an extraordinary variety of flora and fauna. The wetland grasses, flowers and other plant life feed over 200 species of wildlife, including muskoxen, moose, wolves, arctic foxes, grizzly and polar bears.

The coastal plain is best known as the home of the 150,000 member Porcupine Caribou herd. The last of the free roaming herd in North America and one of the largest caribou herds in the world, the Porcupine herd migrates to the coastal plain for calving and post-calving each year. This landscape is 20th century window to the ice age, referred to as the North American Serengeti.

Currently oil and gas development in the Arctic National Wildlife Refuge is prohibited. That important prohibition inserted by Congressman Morris Udall is now under attack from a host of special interests seeking instant gratification at the expense of our children's natural legacy.

If active oil exploration and development are allowed, the special values of the fragile coastal plain will be lost forever. Any development would destroy this spectacular wilderness and jeopardize the survival of the caribou and other species.

Even if this refuge is opened to development, the amount of recoverable oil in the Arctic Refuge is questionable. A 1987 Department of Interior report optimistically forecast a one in five chance that the Arctic Refuge would yield economically recoverable amounts of oil. Other recent forecasts have significantly reduced the chances of oil recovery.

What is not questionable is the impact of opening the refuge. Active exploration and development, including gravel and ice road construction, spills and other disruptive activities, will guarantee ecological devastation.



**ARCTIC OIL RESERVE**  
**JOBS AND ENERGY**  
**FOR AMERICA**

4220 B Street, Suite 201  
Anchorage, AK 99503  
Phone: 907-563-2697  
Fax: (907) 562-4782  
<http://alaska.com/awr>

215 Maryland Avenue, N.W.  
Washington, D.C. 20002  
202-544-6355  
202-544-6655  
Fax: (202) 544-8763

**ARCTIC POWER**

Arctic Power is a grassroots, non-profit organization of Alaska citizens organized to promote oil exploration and production within the Coastal Plain of ANWR.

Arctic Power has secured more than 10,000 members since its inception in mid-1992 and is enrolling new members daily.

Arctic Power membership spans the economic spectrum - including miners, fishermen, loggers, tourism operators, transportation businesses, labor unions, banks, teachers, the legal community, retail firms, service industries, non-profit organizations, Alaska Native corporations, local elected officials, and many others. Interest groups represented on the Arctic Power board and through its membership are The Alaska Support Industry Alliance, the Alaska State Chamber of Commerce, the Resource Development Council, the Alaska Trucking Association, the Alaska Oil & Gas Association, the Anchorage Chamber of Commerce, the Alaska Miner's Association, and the Alaska Forest Association.

A statewide board oversees the activities of Arctic Power and includes representatives from Barrow to Ketchikan - all regions of the state are represented. The board of Arctic Power includes businesses from a variety of industry sectors, including but not limited to, law firms, trucking businesses, the visitor industry, media firms, Native corporations, oilfield service companies and public relations agencies.

The Alaska congressional delegation has endorsed Arctic Power and works closely with the board and staff of the organization. Arctic Power and the state of Alaska work together in their congressional outreach efforts in Washington, D.C.

**The organization is committed to securing congressional and presidential approval of legislation opening the Coastal Plain of ANWR to responsible oil development.**



**ARCTIC OIL RESERVE**  
**JOB AND ENERGY**  
**FOR AMERICA**

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Fax (202) 544-5765

February 6, 1997

Senator Drue Pearce  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Pearce,

Thank you for introducing Senate Joint Resolution 9 supporting oil and gas development on the Coastal Plain of ANWR. Arctic Power strongly supports this legislation and its speedy passage.

As you know, Since 1992 Arctic Power has been coordinating Alaska's efforts to gain congressional and presidential approval to open the Coastal Plain area of ANWR to oil and gas development. We work closely with Alaska's Congressional Delegation, the Governor's Office, the Alaska Legislature, business community and our individual membership base to maintain a positive debate on the issue. The passage of SJR 9 will reaffirm that Alaska's Legislature strongly supports Coastal Plain development.

The arguments supporting development in Coastal Plain have only strengthened over time. Today, the U.S. is more dependent on foreign oil - exceeding 52%, demand is up and our domestic production is continuing to fall. A recent Government Accounting Office report estimated that our imports of foreign oil could rise to over 80% by the year 2015. ANWR, considered the highest potential for discovery of a very large oil and gas field on the continent of North America by the U.S. Department of Interior, could change that decline in domestic production and lessen our reliance on foreign oil.

Alaska's Arctic development is conducted under the strictest environmental regulations and review in the world, emphasizing great care for the animals, people and physical environment. Alaska's North Slope operators have demonstrated the ability to safely produce oil and gas in the region utilizing the best in Arctic technology developed right here in Alaska.

Arctic Power appreciates the Legislature's continued help in working to open ANWR for development. Thanks again for introducing SJR 9 and assisting in its movement towards passage.

Best Regards,

Cam Toohey,  
Executive Director



## A CASE FOR OIL DEVELOPMENT IN ALASKA

### **ARCTIC OIL RESERVE JOBS AND ENERGY FOR AMERICA**

4220 B Street, Suite 211  
Anchorage, AK 99503  
Tel: 907-563-2697  
Fax: 907-562-6782  
http://alaska.com/anwr

203 Maryland Avenue, N.E.  
Washington, D.C. 20002  
Tel: 202-544-6755  
Tel: 202-544-6655  
Fax: 202-544-5763

- \* The U.S. imports over 50% of the nation's needed petroleum. These oil imports cost more than \$55.1 billion a year. These figures are rising and could exceed 67% imports by the year 2000.
- \* Beneath a 1.5 million acre tract on the North Slope of Alaska is estimated to be between 3 and 9 billion barrels of recoverable oil. This area is a specially designated area within the 19 million-acre Arctic National Wildlife Refuge (ANWR). Known as the "Coastal Plain", this area was designated by Congress in 1981 as requiring special study to determine its oil and gas potential and the effects of development on the environment. In 1987, the Department of Interior recommended development. Congressional authorization is required for the Coastal Plain to be open.
- \* Prudhoe Bay, located 60 miles to the west of ANWR, has been operating for nearly 20 years and has produced in excess of 10 billion barrels of oil during that time. It is among the most environmentally sensitive oil operations in the world. Present output at Prudhoe Bay has declined to 1.4 million barrels per day, and is continuing to decline.
- \* The Coastal Plain of ANWR is America's best bet for the discovery of another giant "Prudhoe Bay-sized" oil and gas field in North America. Many economic benefits would result:
  - The Coastal Plain could produce up to 1.5 million barrels per day for at least 25 years - nearly 25% of current daily U.S. production.
  - The U.S. would save \$14 billion per year in oil imports.
  - Between 250,000 and 735,000 jobs are estimated to be created by development of the Coastal Plain.
  - Federal revenues would be enhanced by billions of dollars from bonus bids, lease rentals, royalties, and taxes.
- \* Advancing technology has greatly reduced the "footprint" of Arctic oil development. If Prudhoe Bay were built today, the footprint would be 1,526 acres, 64% smaller.
- \* Oil and gas development and wildlife are successfully coexisting in Alaska's Arctic. For example, the Central Arctic caribou herd at Prudhoe Bay has grown from 3,000 to as high as 23,400 during the last 20 years.
- \* More than 75% of Alaskans favor exploration and production in ANWR.
- \* The Inupiat Eskimos who live in and near ANWR support onshore oil development on the Coastal Plain.



## "WHAT DEVELOPMENT OF ALASKA'S ARCTIC COASTAL PLAIN MEANS TO ALASKA"

### ARCTIC OIL RESERVE JOBS AND ENERGY FOR AMERICA

4200 B Street, Suite 201  
Anchorage, AK 99503  
Tel: 907-562-7777  
Fax: 907-562-7782  
<http://alaska.arco.com/awr>

200 Maryland Avenue NE  
Washington, D.C. 20002  
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1212/844-6666  
Fax: 202-544-7763

### Jobs

Jobs that could be created from Coastal Plain development in Alaska: **38,300 jobs**

examples: direct employment in oil exploration and production service, supplies and transportation sectors  
computer, environmental and local government employment

Number of direct petroleum industry jobs in Alaska: **12,893 jobs**

### Economic Impact

Dollars spent in Alaska from Prudhoe Bay development since 1980:  
(excludes payments to State of Alaska) **\$ 4.9 billion**

Alaska vendors doing business in AK oil fields: **over 1,500**

Alaska energy expenditures per capita ranks well over the national average!

### Petroleum Statistics

Daily consumption of motor gasoline in Alaska: **750,000 gallons**

Daily consumption of petroleum products in Alaska: **4.4 million gallons**

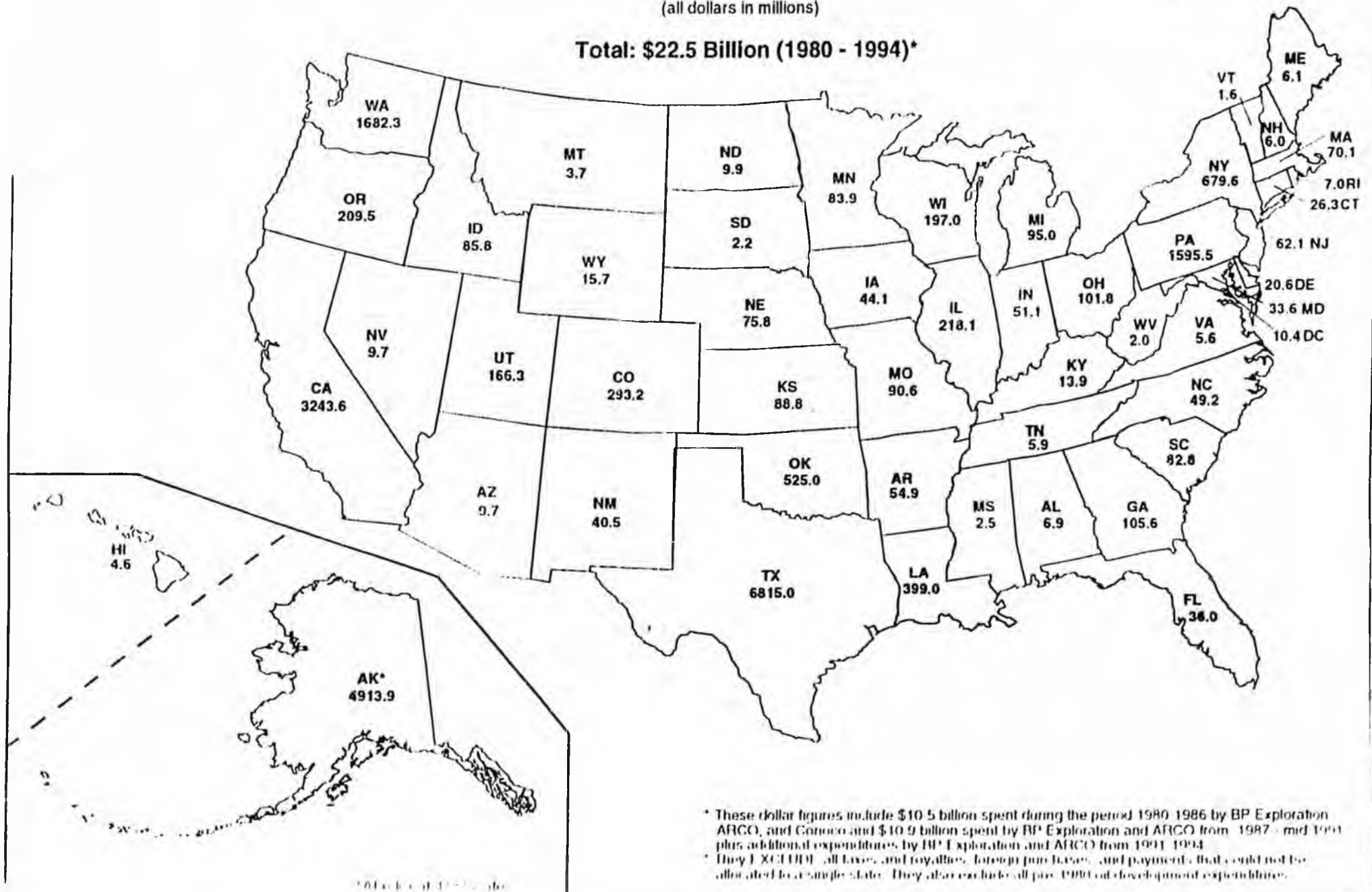
Daily production of oil products in Alaska:  
(25% of current U.S. domestic production) **61.6 million gallons**

Alaska's reliance on imported foreign oil **0 %**

# Dollars Spent in Each State for North Slope Oil Development

(all dollars in millions)

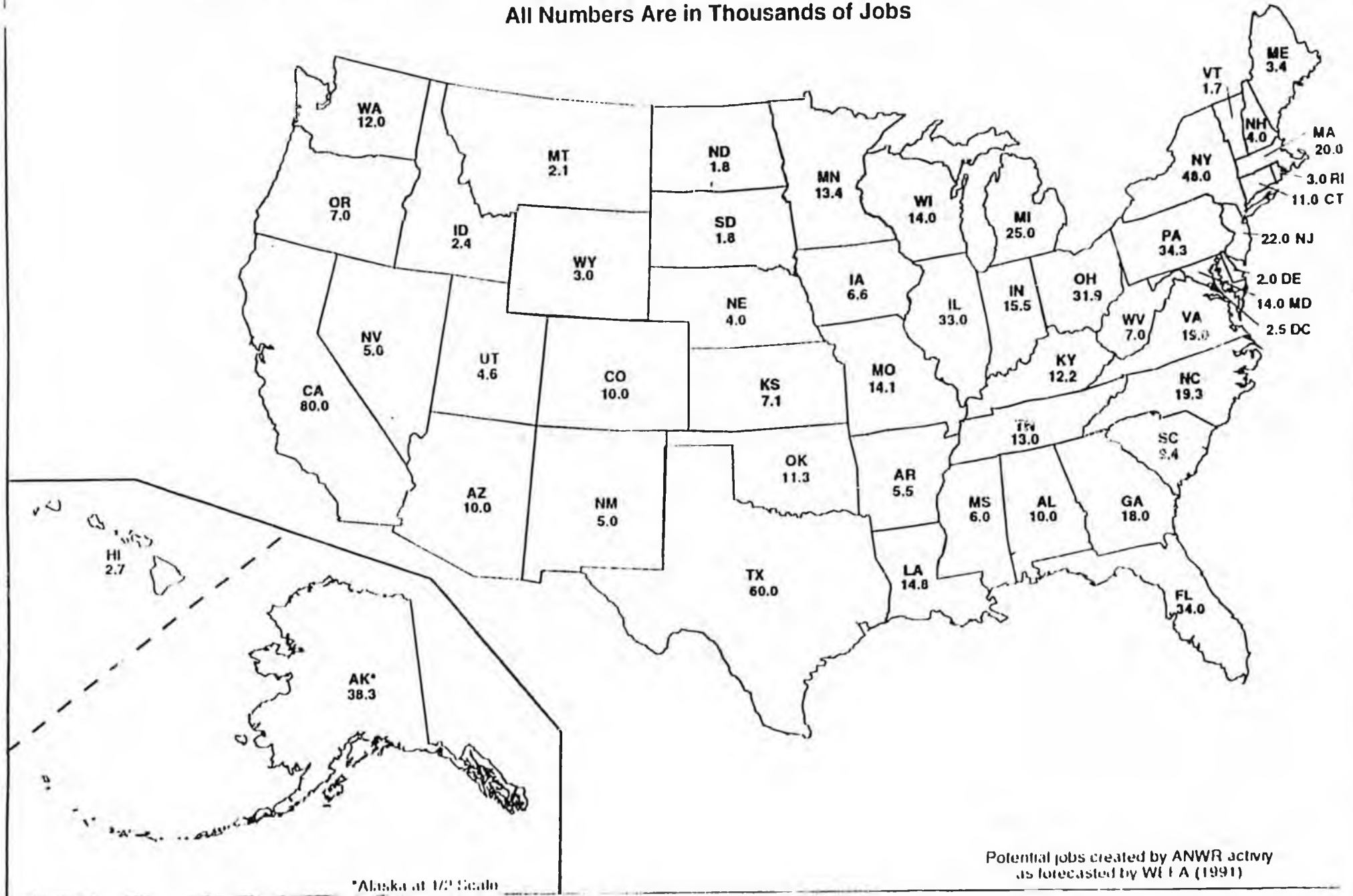
Total: \$22.5 Billion (1980 - 1994)\*



\* These dollar figures include \$10.5 billion spent during the period 1980-1986 by BP Exploration ARCO, and Conoco and \$10.9 billion spent by BP Exploration and ARCO from 1987 - mid 1994 plus additional expenditures by BP Exploration and ARCO from 1991-1994.  
 \* They EXCLUDE all taxes, and royalties, foreign purchases, and payments that could not be allocated to a single state. They also exclude all pre-1980 oil development expenditures.

# 735,000 Potential New Jobs if ANWR is Opened to Oil & Gas Leasing

All Numbers Are in Thousands of Jobs



**SJR**

**16**



# SENATOR LOREN LEMAN

Northwest Anchorage

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

## MEMO

TO: Representative Scott Ogan, Co-Chairman  
House Resources Committee

FROM: Senator Loren Lemman, Sponsor *Loren Lemman*

DATE: March 18, 1997

RE: Scheduling Senate Joint Resolution 16 - Re-authorization  
and reform of the Endangered Species Act

---

Please schedule at your earliest possible convenience, SJR 16, Re-authorization and Reform of the Endangered Species Act, for a hearing in the House Resources Committee.

The ESA was passed by Congress in 1973 and has been amended several times. The basic concept of the ESA is to prevent the extinction of species. It is unfortunate that examples of governmental abuse of power can be found alongside the successes of the ESA. SJR 16 recommends that the re-authorized Act assure partnership with the states and the protection of private property rights.

Attached is a copy of the sponsor statement and the resolution.



# SENATOR LOREN LEMAN

Northwest Anchorage

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

## Sponsor Statement SJR 16

"Relating to Re-authorization and Reform of the Endangered Species Act."

\*\*\*\*\*

Senate Joint Resolution 16 supports the efforts of our Congressional delegation, and other states, in reforming the Endangered Species Act (ESA).

The ESA was passed by Congress in 1973 and has been amended several times. The basic premise of the ESA is to prevent the extinction of species.

It is unfortunate that examples of governmental abuse of power can be found alongside the successes of the ESA. SJR 16 recommends that the re-authorized Act assure partnership with the states and protection of private property rights.

SJR 16 requests the re-authorized Act not include: 1) any expansion of federal authority; 2) implementation of the complicated Biodiversity Treaty; or 3) any new biological diversity reserve system.

Alaska has more to lose in this debate than most states because of our resource-based economy. Examples of the ESA invoked to halt economic activity include a lawsuit filed by Greenpeace to shut down the eastern Gulf of Alaska pollock fishery, and proposals by the U.S. Forest Service to list the Alexander Archipelago Wolf and the Queen Charlotte Goshawk as threatened.

**NOTICE FROM  
WESTERN STATES COALITION  
FROM THE OFFICE OF MET JOHNSON**

**Supreme Court Reverses ESA Case.** The Supreme Court ruled today that the Endangered Species Act allows people to sue even if they are challenging government actions that have caused them economic injury. The unanimous decision reversed the 9th Circuit's decision in Bennett vs. Plenart. Justice Scalia noted that the Endangered Species Act's citizen-suit provision does not favor environmentalists alone. The Court also recognized that a biological opinion issued by the Fish and Wildlife Service (FWS) on an action proposed by another Federal agency may be challenged in federal court by parties who would suffer economic injury from the FWS's findings.

The Supreme Court case stems from a lawsuit filed by a rancher and two irrigation districts in Klamath County. In order to preserve the Lost River and short-nosed sucker fish in Klamath Lake, the lake level was ordered to be maintained at an artificially high level. This meant less water for the irrigation districts, and subsequently, for the farmers and ranchers who relied on that water for their livelihoods. Lower courts had ruled that the plaintiffs, the rancher and irrigation districts, had no 'standing' to sue under the Endangered Species Act because they were not suing on behalf of a species. The Supreme Court overturned those decisions with their decision yesterday.

The quote from the unanimous opinion written by Justice Scalia: "The obvious purpose of the requirement that each agency 'use the best scientific and commercial data available' is to ensure that the ESA not be implemented haphazardly, on the basis of speculation or surmise. While this no doubt serves to advance the ESA's overall goal of species preservation, we think it readily apparent that another objective (if not indeed the primary one) is to avoid needless economic dislocation produced by agency officials zealously but unintelligently pursuing their environmental objectives."



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## TWENTIETH LEGISLATURE - FIRST SESSION

### SJR 16: relating to reauthorization and reform of the Endangered Species Act

The Alaska Environmental Lobby cannot support the recommended changes to the existing federal Endangered Species Act (ESA) called for in SJR 16. The Endangered Species Act was written not only to prevent species extinction, but also to allow for their recovery. SJR 16 recommends changes to the existing ESA that would severely hamper the recovery of many endangered species in the United States.

- **Abuse of Authority:** it is a sweeping generalization to suggest that the federal agencies have "often misused their authority" under the ESA; what are specific examples of this misuse by Fish and Wildlife Service or National Marine Fisheries Service that have occurred in Alaska?
- **Administrative Reforms:** to state that reforms have either not been implemented or have been wholly inadequate is inaccurate; almost every one of the reforms proposed by the Clinton administration in April, 1995, has been implemented, including policies on the role of state agencies, recreational fisheries, peer review, and recovery plan participation and implementation.
- **Listing requirements:** to call for stricter *scientific and quantitative* criteria for listing is simply a way of saying only empirical data can be used for judging a species' status. This position ignores the fact that modeling to estimate wildlife populations is an accepted scientific method, i.e. qualitative criteria is as valid as quantitative in many situations.

OVER



## Why Should We Save Species?

Congress passed the Endangered Species Act in 1973 because it recognized that animal and plant species "are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people," and that we have an obligation to protect them. Outlined below are just a few of the benefits that can be quantified; others are priceless. Our careless and needless extermination of species, however, is robbing us and future generations of this rich legacy.

### *Medicinal*

55% of the top 150 most prescribed drugs are either modeled on or synthesized from natural compounds derived from species. Not only do these species save lives, they contribute to a booming pharmaceutical industry worth over \$79 billion annually. Incredibly, 95% of known plant species have yet to be screened for their medicinal values.

- The Pacific yew, a slow-growing tree found in the ancient forests of the Pacific Northwest was historically considered a "trash" tree that was burned after clearcutting. Recently, a substance in its bark — taxol — was identified as one of the most promising treatments for ovarian and breast cancer.
- More than 3 million Americans suffering from heart disease would find their lives cut short without digitalis, a drug derived from the purple foxglove plant.

### *Agricultural*

Of the estimated 80,000 edible plants in the world, we depend upon only 20 species — such as wheat and corn — to provide 90% of the world's food. Wild relatives of these common crops provide an essential genetic reservoir from which new, stronger pest and disease-resistant strains are continually developed. Wild species also provide us with the means to develop new crops that can grow in marginal areas — such as areas that have poor soils or are drought stricken — to help solve the world hunger problem.

- In the 1970s, genetic material from a wild corn species in Mexico was used to stop a leaf fungus that had previously wiped out 15% of the U.S. corn crop.

### *Commercial*

Some wild species are harvested commercially, thus contributing directly to local and regional economies.

# CORRECTION

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



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska



# Alaska Environmental Lobby, Inc.

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OVER

- **Distinct Population Segments:** to eliminate this concept from the definition of "species" ignores the reality that geographically or genetically isolated populations exist that can require protection to ensure survival despite the existence of healthy populations in distant locales. This concept is important to Alaskans dependent on salmon to ensure the continued health of genetically distinct runs.
- **Cost of Recovery Implementation:** to ensure species recovery, a scientifically based recovery plan must be completed; to politicize these plans and limit them to the least costly may be advantageous for short-term monetary gain and political popularity, but may very likely fail to protect the species in the long term.

'Until Alaskans are provided specific examples of how the ESA is unduly burdensome for us to support, the Alaska Environmental Lobby cannot support the changes called for in this resolution. Short-term convenience and economic gain cannot compensate for the ultimate negative impacts on all our plant and animal species if the ESA is weakened.

Susan Schrader, Executive Director  
March 5, 1997



## Why Should We Save Species?

Congress passed the Endangered Species Act in 1973 because it recognized that animal and plant species "are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people," and that we have an obligation to protect them. Outlined below are just a few of the benefits that can be quantified; others are priceless. Our careless and needless extermination of species, however, is robbing us and future generations of this rich legacy.

### *Medicinal*

55% of the top 150 most prescribed drugs are either modeled on or synthesized from natural compounds derived from species. Not only do these species save lives, they contribute to a booming pharmaceutical industry worth over \$79 billion annually. Incredibly, 95% of known plant species have yet to be screened for their medicinal values.

- The Pacific yew, a slow-growing tree found in the ancient forests of the Pacific Northwest was historically considered a "trash" tree that was burned after clearcutting. Recently, a substance in its bark — taxol — was identified as one of the most promising treatments for ovarian and breast cancer.
- More than 3 million Americans suffering from heart disease would find their lives cut short without digitalis, a drug derived from the purple foxglove plant.

### *Agricultural*

Of the estimated 80,000 edible plants in the world, we depend upon only 20 species — such as wheat and corn — to provide 90% of the world's food. Wild relatives of these common crops provide an essential genetic reservoir from which new, stronger pest and disease-resistant strains are continually developed. Wild species also provide us with the means to develop new crops that can grow in marginal areas — such as areas that have poor soils or are drought stricken — to help solve the world hunger problem.

- In the 1970s, genetic material from a wild corn species in Mexico was used to stop a leaf fungus that had previously wiped out 15% of the U.S. corn crop.

### *Commercial*

Some wild species are harvested commercially, thus contributing directly to local and regional economies.

- Commercial and recreational salmon fishing provides 60,000 jobs and \$1 billion annually in personal income for the Pacific Northwest. It is also the center of the region's Native American culture. As salmon populations decline due to habitat degradation from dams, clearcutting, and overgrazing along streams, the fishing industry and its associated way of life are in trouble.
- Freshwater mussels -- which are harvested, cut into beads and used to stimulate pearl construction in oysters -- form the basis of a thriving industry that supports approximately 10,000 U.S. jobs and contributes over \$700 million to the U.S. economy annually. Unfortunately, 43% of the freshwater mussel species in North America are currently endangered or extinct.

### ***Ecological***

Species also make up the fabric of healthy ecosystems such as coastal estuaries, prairie grasslands, and ancient forests, upon which we depend to purify our air, clean our water, and supply us with food. When species become endangered, it is an indicator that the health of these vital ecosystems is beginning to unravel. The U.S. Fish and Wildlife Service estimates that losing one plant species can trigger the loss of up to 30 other insect, plant and higher animal species.

- The northern spotted owl, listed as threatened in 1990, is an indicator of the declining health of our Nation's ancient forests in the Pacific Northwest - home to over 100 other old-growth dependent species which are at risk due to decades of unsustainable forest management practices.
- Pollution off the coast of Florida is killing the coral reefs along the Florida Keys, which serve as habitat for hundreds of species of fish. Catches of commercial fish species have begun to decline, and the multi-million dollar tourism industry that depends on the quality of the environment is threatened.

### ***Aesthetic/Recreational***

Species and their ecosystems form the basis of our multibillion dollar, job-intensive tourism industry and supply essential recreational, spiritual and quality-of-life values as well.

- Each year over 108 million people in the United States participate in wildlife-related recreation including hunting, fishing, observing, feeding, or photographing wildlife.
- Over \$59 billion is spent each year by people in the United States on travel, lodging, equipment, and food, to go fishing, hunting and engage in non-consumptive wildlife recreation.

*These are just a few examples of what we may lose each time a species becomes extinct. Our national heritage of biological diversity is an invaluable and irreplaceable resource. Our quality of life and that of future generations depends upon our wise stewardship of this inheritance. Support endangered species by supporting a strong Endangered Species Act.*

**For more information, contact: John Kostyack, Counsel (202) 797-6878 [kostyack@nwl.org](mailto:kostyack@nwl.org)  
Sara Barth, Legislative Representative (202) 797-6668 [barth@nwl.org](mailto:barth@nwl.org)**



## NATURE'S PHARMACY HUMAN HEALTH DEPENDS ON THE RICH DIVERSITY OF LIFE

*Nature does nothing uselessly.*

— Aristotle, Politics, Book I, Chapter 2

*Human subtlety . . . will never devise an invention more beautiful, more simple, or more direct than does nature, because in her inventions nothing is lacking, and nothing is superfluous.*

— Leonardo da Vinci, The Notebooks (1508-1518), Vol I, Chapter 3

55% of the 150 most prescribed drugs are either modeled on or synthesized from natural compounds from different species of plants and animals. Not only do these species save lives, they also account for an annual \$40 billion pharmaceutical market worldwide. However, this vast, mostly untapped reservoir of natural medicinal substances is gravely threatened.

Human development accelerates the loss of species by as much as 1,000 times the natural extinction rate. Sixty-eight percent of the 250,000 species of the world's flowering plants are found in the world's tropical rain forests, which are being destroyed at an estimated worldwide annual rate of 41.7 million acres. Unfortunately, less than ten percent of known plant species have been screened for their medicinal values, and only one percent have been intensively investigated. Only a fraction of the estimated millions of species of invertebrate animal life have been classified, and most have not been studied. Sometimes the loss occurs so rapidly that even when medicinal values are discovered it is too late to save the species. Calanolide A, proved to be 100% effective in stopping the replication of HIV-1, a precursor to AIDS. The compound was derived from the leaves and twigs of a tree in the Malaysian rainforest. However, once the value of the tree had been discovered, the researchers returned to find that the original tree had been cut down and scientists have been unable to find another. Of course, not every plant or animal contains a miracle cure, but the truth is when a species becomes extinct, we simply don't know what we are losing.

Here are just a few of the medical benefits we've obtained from animal and plant species:

- More than three million Americans suffering from heart disease would find their lives cut short without digitalis, a drug derived from the purple foxglove plant.

- The rosy periwinkle, a wildflower from Madagascar whose habitat is being destroyed rapidly, supplies alkaloids contributing to the drugs vincristine and vinblastine, critical components in the treatment of childhood leukemia and Hodgkin's disease. These drugs, when used in conjunction with other cancer therapies, help children with acute lymphocytic leukemia achieve a 99 percent rate of remission, while sufferers of Hodgkin's disease achieve a remission rate of 80 percent (compared to 19 percent before the discovery of these compounds).
- The ancient horseshoe crab has a blood clotting system which produces proteins used to detect gram negative sepsis, a potentially life-threatening bacteria affecting over 10,000 people each year. These proteins are used by the food industry to test for bacteria in canned food, by the medical community for clinical testing of gram negative sepsis in humans, and by the pharmaceutical industry to test if products are free of toxins released from bacteria. The horseshoe crab is endangered in Japan due to coastal development and pollution, and wetland destruction and water pollution are threatening its populations in the U.S.
- Coral of the *porites* and *goniopora* species are now used in bone grafts to produce newly-mended bone that is as strong or stronger than the original. Because the porous structure of these corals is virtually identical to that of human bone, they are uniquely compatible with the human skeleton and the body does not reject them or cause the inflammation or infection which commonly occurs from human bone grafts. A study from 1989 to 1991 of 19 patients with fractures repaired by coral bone grafts, showed that all healed solidly, including those in the major weight-bearing bones of the leg.
- The bark of the Pacific yew tree, found in the ancient forests of the Pacific Northwest, is the source of taxol, a promising new drug used to treat ovarian and breast cancer. It is the only drug discovered in the last 15 years that is an active agent against a variety of cancers.

**Some possible future contributions:**

- The National Cancer Institute is now studying four plant compounds that provide effective protection against the replication of the HIV-1 and HIV-2 virus, the precursors to AIDS, in laboratory tests. One compound, Calanolide A, is derived from the leaves of the *Calophyllum lanigerum* tree, a compound which has proven effective in destroying the HIV virus without killing healthy cells. The original tree which yielded the sample was destroyed by clearcutting. Luckily, scientists have found related species from which costatolide is derived. Costatolide has also shown significant anti-HIV activity in laboratory testing. Other related compounds are currently being tested. Michellamine B, a compound from the leaves of a tropical vine in the rainforest of Cameroon, is active against both the HIV-1 and HIV-2 viruses. Conocurvone, a compound from a bush in Western Australia, and prostaalin, a compound from a Western Samoan tree are also active against HIV.

- A compound from soil bacteria called SP-PG (sulfated polysaccharide peptidoglycan) has proven to be exceptionally effective against Kaposi's Sarcoma, a skin cancer found commonly among people suffering from AIDS.
- The endangered desert pupfish, one of the tiniest vertebrates on Earth, is helping medical researchers learn more about the nature of kidney diseases in humans. Due to its exceptional capacity to handle salinity, the pupfish can endure some of the most extreme temperatures and saline water environments known to exist.
- The Houston toad, which is on the brink of extinction due to habitat loss, produces alkaloids that may prevent heart attacks and/or act as an anesthetic more powerful than morphine.
- The evening primrose, an entire group of plants consisting of 100 species worldwide including 60 in the U.S. (four of which are endangered), are a major source of gamma-linolenic acid (Vitamin F). Deficiency of this key nutrient may cause eczema, arterial disorders, arthritis, and multiple sclerosis. Oil from the evening primrose's seeds could play a vital role in helping to avoid those afflictions as well as schizophrenia, impotence, and alcoholic hangovers.

***For more information, contact:***

John Kostyack, Counsel (202) 797-8879 kostyack@mwf.org  
 Sara Barth, Legislative Representative (202) 797-6686 barth@mwf.org

**NOTES AND SOURCES**

1. Armstrong, Peter, Professor of Molecular and Cellular Biology, University of California at Davis, Telephone Interview, February 3, 1994.
2. Grever, Michael, "Drug Discovery and Development from Natural Sources: The National Cancer Institute Experience," Subcommittee on Environment and Natural Resources, Committee on Merchant Marine and Fisheries, U.S. House of Representatives, Washington D.C., November 9, 1993.
3. Kolata, Gina, "The Aura of a Miracle Fades From a Cancer Drug," *New York Times*, November 7, 1993, p. A1.
4. Myers, Norman, *The Striking Ark* (Elmsford, NY: Pergamon Press, 1979), p. 71.
5. Myers, Norman, *A Wealth of Wild Species*, p. 119. See also Elizabeth Pennisi, "Pharming Frogs", *Science News*, Vol 142, July 18, 1992, pp. 40-42, and Betsy Wagner, "Nature's Tropical Medical Chest", *U.S. News & World Report*, November 1, 1993, p. 77.

6. Nakamura, Shuji, et al, "Inhibition of development of Karpov's sarcoma-related lesions by a bacterial cell wall complex," *Science*, Vol 255, March 13, 1992, p. 1432.
7. Ramirez, Lyng-Hou, "Science: Corals Now Used In Bone Surgery," *Inter Press Service*, July 5, 1991. See also Elizabeth Rosenthal. "Dem Broken Bones: Coral is being used as a substitute for bone in reconstructive surgery. And it's proving to be better than the real thing," *Vancouver Sun*, August 10, 1991, pp. B5-6, B12.
8. Wilson, Edward O., *The Diversity of Life*, p. 280, and Edward O. Wilson, "The Current State of Biological Diversity", in *Biodiversity*, ed. Edward O. Wilson (Washington, D.C.: National Academy Press, 1988), p. 13.
9. World Resources Institute, *World Resources 1992-1993* (New York: Oxford University Press, 1992) p. 285.

# NATURE'S SUPERMARKET

## OUR FOOD SUPPLY DEPENDS ON THE RICH DIVERSITY OF LIFE

*The agricultural value of wild plant species is potentially limitless. Undiscovered species are valuable for cross-breeding with domesticated relatives to develop increased crop disease resistance and crop yields, naturally occurring pesticides, enhanced nutritional quality, and other natural resources. As the world's ecosystems continue to be destroyed, we cannot count the number of wild species with potential agricultural benefits that are lost.*

### *Some examples of agricultural contributions:*

- ☛ In the 1970s, genetic material from several wild corn species originating in Mexico were used to stop a corn blight which had previously wiped out 15% of the U.S. corn crop.<sup>1</sup>
- ☛ *Oryza nivara*, discovered in 1966, is the only one of 6,273 species of rice with the genes necessary to resist the grassy stunt virus, which devastated rice paddies throughout India and southeast Asia in the 1970s. A resistant hybrid created from the cross-breeding of *Oryza nivara* with the prevailing cultivated species is now grown in 110,000 square kilometers of Asian rice fields.<sup>2</sup>
- ☛ Genes resistant to coffee rust were found in several wild varieties of coffee growing in Ethiopia. These genes were bred into the South and Central American coffee crops just in time to prevent their destruction by coffee rust, a disease which previously devastated the coffee crops in Sri Lanka. Since Brazilian and most other South and Central American coffee plantations are descended from a single species originating in east Africa, they were especially vulnerable to this disease, which appeared in Brazil in 1970, spread quickly to Central America, and threatened to disrupt coffee-based economies. Unfortunately, over 80 percent of the African forest habitat which nurtures these wild varieties of coffee tree has been destroyed and the balance is severely threatened.<sup>3</sup>
- ☛ The wild maize species, *Zea diploperennis*, is the only maize possessing perennial growth and is resistant to almost all known corn diseases. Genes from this wild plant could boost corn production worldwide by the billions of dollars through year-round production. It was estimated to be only a week away from extinction when discovered by a Mexican college student.<sup>4</sup>



Working for the Nature of Tomorrow

**NATIONAL WILDLIFE FEDERATION**

1400 16th Street N.W.  
Washington, D.C. 20036-2266  
202-797-5900

(3/84)

- ☞ The winged bean of New Guinea is a veritable one-species supermarket. The entire plant is palatable: it has spinach-like leaves, its young pods are usable as green beans and have more protein than potatoes, its mature beans are like soybean and can be cooked or ground into flour or liquified into a coffee-like caffeine-free beverage. The plant grows at a phenomenal rate, reaching four meters in a few weeks. It also contains nitrogen-fixing nodules in its roots, so it needs little fertilizer and raises soil fertility for other crops.<sup>5</sup>
- ☞ Two West African plants, katemfe and the serendipity berry, produce substances 1,600 and 3,000 times sweeter respectively than sucrose.<sup>6</sup>
- ☞ Two species of potatoes, *Solanum demissum* and *Solanum acule*, produce sticky substances which trap predatory insects, which could reduce or negate the need for pesticides. *Solanum demissum* is a wild Mexican plant yielding genes resistant to bacterial wilt, two viruses, two races of nematodes, and the Colorado potato beetle. *Solanum acule* grows in Peru and Bolivia and can withstand frost and temperatures as low as -8 degrees C.<sup>7</sup>
- ☞ An endangered member of the mint family, *Andra frutescens*, is the source of a new compound shown to be powerfully repellent to insects.<sup>8</sup>
- ☞ African soapberries might save millions of dollars by helping to control the spread of the accidentally-introduced zebra mussel, an exotic species which is threatening the survival of native mussel species and clogging water-intake pipes in many American lakes.<sup>9</sup>

**FOR MORE INFORMATION, CONTACT THE FOLLOWING NWF SOURCES:**

Jim Irwin, Endangered Species Media Coordinator  
202-797-6828

Suzanne Jones, ESA Legislative Representative  
202-797-6666

**SJR**

**20**

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 1  
Bill Version: STR 20  
(S) Publish Date: 3/11/97

Revision Date 3/5/97 Dept. Affected \_\_\_\_\_  
Title Modify federal wetlands program for Alaska's needs BRU \_\_\_\_\_  
Sponsor Leman Component \_\_\_\_\_  
Requester \_\_\_\_\_ Component Serial No. \_\_\_\_\_

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

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES [ ]</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

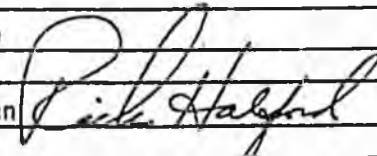
Estimate of any current year (FY97) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This resolution will have no fiscal impact on state departments.

Prepared by Senate Resources Committee  
Division \_\_\_\_\_  
Approved by Senator Rick Halford, Chairman   
Agency \_\_\_\_\_

Phone 465-4907  
Date \_\_\_\_\_  
Date 3/10/97

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# SENATOR LOREN LEMAN

Northwest Anchorage

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

## MEMO

TO: Representative Scott Ogan, Co-Chairman  
Representative Bill Hudson, Co-Chairman  
House Resources Committee

FROM: Senator Loren Lemman, Sponsor *Loren Lemman*

DATE: March 20, 1997

RE: Scheduling SJR 20 for Resources Committee

---

Please schedule at your earliest convenience SJR 20 for calendaring by the Resources Committee. SJR 20 supports legislation introduced by Senators Stevens and Murkowski and encourages Congress to amend the federal Clean Water Act.

A sponsor statement and back up are attached.



# SENATOR LOREN LEMAN

Northwest Anchorage

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

## SPONSOR STATEMENT SENATE JOINT RESOLUTION 20

SJR 20 encourages Congress to amend the federal Clean Water Act to:

a) continue existing activities related to airport safety, logging, mining, ice pads, roads, and snow removal without being determined to add to the "cumulative" loss of wetlands nationally;

b) provide flexibility in Alaska wetlands permitting by allowing the establishment of general permits for the discharge of dredged or fill material into disposal sites;

c) eliminate existing requirements to mitigate unavoidable impacts or to prove alternative sites do not exist;

d) require the U.S. Army Corps of Engineers to customize a permitting process for all lands in Alaska that does not include burdensome mitigation or avoidance requirements.

SJR 20 endorses the efforts of Senators Stevens and Murkowski to amend the Clean Water Act to modify the wetlands regulatory program through S. 49.

Despite the fact that Alaska has, since the 1700s maintained 99.5% of its wetlands - environmentalists have testified before this legislature and written in the National Wetlands Newsletter that Alaska is attempting to undermine the Clean Water Act in the name of development and oil and gas exploration. They claim that tourism will suffer. The rural villages in Alaska are the ones who suffer - 98% are surrounded by or are adjacent to wetlands and have no other option but to build schools, airstrips and basic community infrastructure over marshy areas. Alaska has 170,000,000 acres of wetlands, 88% of which are publicly owned. 60,000,000 of those wetlands are under some sort of federal protection (refuge, park, wilderness). Alaskans have proven we care about our environment and can develop a sustainable economy with minimal impacts. We need not carry the guilt of the rest of the nation. I urge you to support the resolution.

# ALASKA WETLANDS COALITION

121 W. Fireweed Lane, Suite 250 Anchorage, AK 99503

Phone: (907) 279-1783 Fax: 276-3887

## WETLANDS "LOSS" COMPARISON

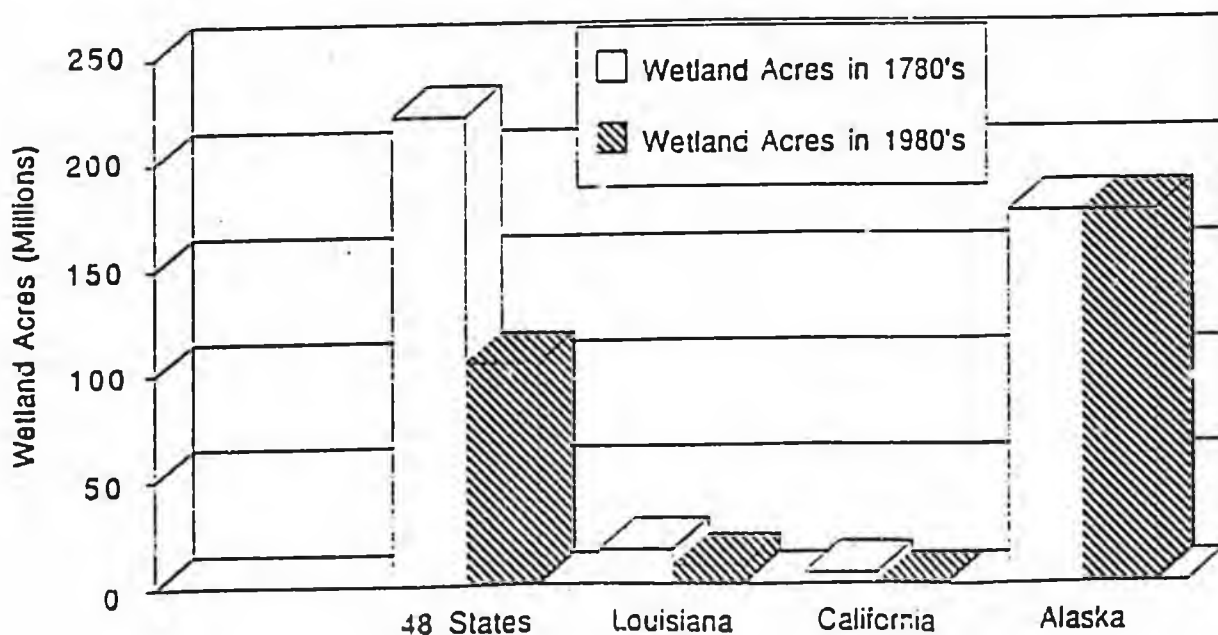
(Chart updated by the Alaska Wetlands Coalition, October 1995)

Louisiana	California	Alaska	48 States	
<b>Total Surface Acres</b>				
31,054,720	101,563,520	375,303,680	1,934,198,400	
<b>Wetland Acres</b>				
16,194,500	5,000,000	*174,883,900	221,129,638	Total Wetlands 1780's
8,784,200	454,000	174,683,900	104,374,314	Total Wetlands 1980's
7,410,300	4,546,000	200,000	116,755,324	Acres Lost Over 200 Years
<b>Percentage Wetlands</b>				
52.10%	4.90%	46.60%	11.40%	1780's Wetlands/Surface Area
28.30%	0.40%	46.50%	5.40%	1980's Wetlands/Surface Area
46%	91%	0.10%	53%	Percentage Lost Over 200 Years

According to U.S. Fish and Wildlife Service estimates, there were originally about 221 million acres of wetlands in the contiguous United States. By the 1980's, about 104 million acres (47%) remained. Therefore, wetlands reductions in the contiguous United States total about 117 million acres. (Data from Dahl, T.E. 1990. "Wetland Losses in the United States, 1780's to 1980's." U.S. Department of Interior, Fish and Wildlife Service, Washington, D.C.)

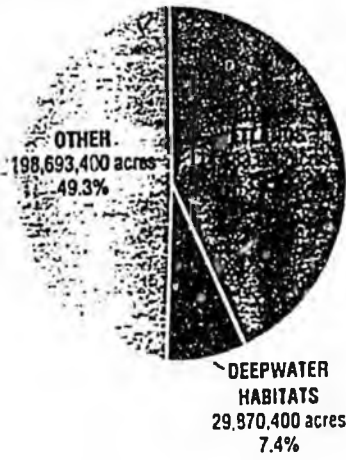
In Alaska, however, only about 200,000 (0.1%) of 174,883,900\* million acres of wetlands have been affected by development. (Data from Hall, Frayer, and Wilen 1994. "Status of Alaska Wetlands." U.S. Fish and Wildlife Service, Alaska Region.)

## WETLANDS "LOSS" COMPARISON



From States of Alaska  
 the period of 1974  
 1974

Figure 1  
 Alaska Wetlands and Deepwater Habitats



Figures 2, 3  
 Surface Area of Alaska and Lower 48 States

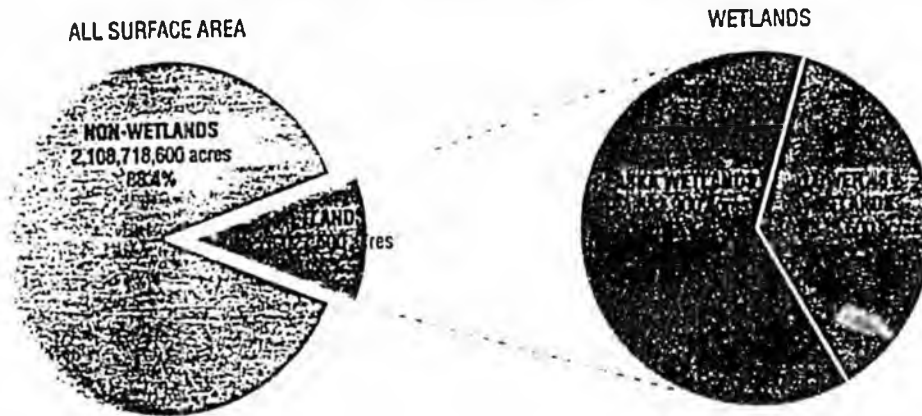
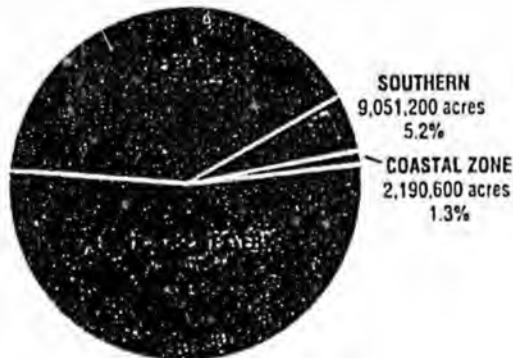


Figure 4  
 Distribution of Alaska Wetlands by Region



**TABLE 1: WETLAND LOSSES  
IN THE UNITED STATES  
1780'S TO 1980'S**

STATE	SURFACE AREA (ACRES)*			WETLANDS						
	LAND	WATER	TOTAL	ESTIMATES OF ORIGINAL WETLANDS CIRCA 1780'S		ESTIMATES OF EXISTING WETLANDS CIRCA 1980'S		%		
				SOURCE	% OF SURFACE AREA	SOURCE	% OF SURFACE AREA	% OF WETLANDS LOST		
AL	32,544,640	485,120	33,029,760	7,567,600	5	22.9%	3,783,800	5	11.5%	-50%
AZ	72,680,320	221,440	72,901,760	931,000	9	1.3%	600,000	10	0.8%	-36%
AR	33,392,000	194,560	33,586,560	9,848,600	11	29.0%	2,763,600	12	8.1%	-72%
CA	100,183,680	1,379,840	101,563,520	5,000,000	13, 14	4.9%	454,000	15, 16	0.4%	-91%
CO	66,428,800	289,920	66,718,720	2,000,000	17	3.0%	1,000,000	18	1.5%	-50%
CT	3,116,800	88,960	3,205,760	670,000	9	20.9%	172,500	19	5.4%	-74%
DE	1,268,480	48,000	1,316,480	479,785	20	36.4%	223,000	20	16.9%	-54%
FL	34,647,040	2,631,360	37,278,400	20,325,013	21, 22, 23	54.2%	11,038,300	24	29.5%	-46%
GA	37,246,080	434,560	37,680,640	6,843,200	11	18.2%	5,298,200	25	14.1%	-23%
ID	52,906,880	563,200	53,470,080	877,000	9	1.6%	385,700	10	0.7%	-56%
IL	35,761,280	334,720	36,096,000	8,212,000	27	22.8%	1,254,500	28	3.5%	-85%
IN	23,160,960	65,280	23,226,240	5,600,000	29	24.1%	750,633	30	3.2%	-87%
IA	35,867,520	158,080	36,025,600	4,000,000	31, 32	11.1%	421,900	31, 33	1.2%	-89%
KS	52,515,840	133,120	52,648,960	841,000	9	1.6%	435,400	10	0.8%	-48%
KY	25,504,640	348,160	25,852,800	1,566,000	34	6.1%	300,000	35	1.2%	-81%
LA	28,899,200	2,155,520	31,054,720	16,194,500	11	52.1%	8,784,200	36	28.3%	-46%
ME	19,797,120	1,460,480	21,257,600	6,460,000	37	30.4%	5,199,200	38	24.5%	-20%
MD	6,330,240	439,040	6,769,280	1,650,000	11	24.4%	440,000	39	6.5%	-73%
MA	5,013,120	271,360	5,284,480	818,000	37	15.5%	588,480	19	11.1%	-28%
MI	36,363,520	894,720	37,258,240	11,200,000	40	30.1%	5,583,400	10	15.0%	-50%
MN	50,744,960	3,038,560	53,783,520	15,070,000	11	28.0%	8,700,000	41	16.2%	-42%
MS	30,309,120	229,120	30,538,240	9,872,000	42	32.3%	4,067,000	12	13.3%	-59%
MO	44,189,440	409,600	44,599,040	4,844,000	11, 43	10.9%	643,000	44	1.4%	-87%
MT	93,183,920	982,400	94,166,320	1,147,000	9	1.2%	840,300	10	0.9%	-27%
NE	48,974,080	451,200	49,425,280	2,910,500	11	5.9%	1,905,500	10	3.9%	-35%
NV	70,328,960	410,640	70,739,600	487,350	45	0.7%	236,350	46	0.3%	-52%
NH	5,781,120	173,440	5,954,560	220,000	9	3.7%	200,000	47	3.4%	-9%
NJ	4,820,480	194,560	5,015,040	1,500,000	10	29.9%	915,960	48	18.3%	-39%
NM	77,724,800	141,440	77,866,240	720,000	9	0.9%	481,900	10	0.6%	-33%
NY	30,636,160	1,092,480	31,728,640	2,562,000	9, 49	8.1%	1,025,000	49	3.2%	-60%
NC	51,285,200	2,571,840	53,857,040	11,089,500	42	33.0%	5,689,500	12	10.9%	-49%
ND	44,330,200	886,400	45,216,600	4,927,500	50	10.9%	2,400,000	51	5.3%	-49%
OH	26,251,520	130,560	26,382,080	5,000,000	52	19.0%	482,800	10, 52	1.8%	-90%
OK	44,149,760	598,400	44,748,160	2,842,600	53, 54, 55	6.4%	949,700	53, 54, 55	2.1%	-67%
OR	61,573,760	494,080	62,067,840	2,262,000	9	3.6%	1,193,900	10	2.2%	-38%
PA	25,816,000	197,120	26,013,120	1,127,000	36	3.9%	499,014	39, 46	1.7%	-56%
RI	671,360	105,440	776,800	102,690	57	13.2%	65,154	58	8.4%	-37%
SC	19,379,200	490,000	19,869,200	6,414,000	42	32.3%	4,659,000	12	23.4%	-27%
SD	49,611,840	698,240	50,310,080	2,735,100	50	5.5%	1,780,000	51	3.0%	-35%
TN	26,474,240	561,920	27,036,160	1,937,000	42	7.2%	787,000	12	2.9%	-59%
TX	168,360,800	2,790,160	171,150,960	15,999,700	60	9.4%	7,612,412	61	4.4%	-52%
UT	52,723,840	1,622,400	54,346,240	802,000	62	1.5%	558,000	63, 64	1.0%	-30%
VT	5,935,360	214,400	6,149,760	341,000	65	5.5%	220,000	19	3.6%	-35%
VA	25,498,240	624,640	26,122,880	1,847,000	10	7.1%	1,074,613	39, 66	4.1%	-42%
WA	42,604,320	178,560	42,782,880	1,350,000	67	3.1%	938,000	67	2.1%	-31%
WV	15,413,760	62,080	15,475,840	134,000	68	0.9%	102,000	39	0.7%	-24%
WI	34,856,960	1,081,600	35,938,560	9,800,000	69	27.3%	5,331,392	70	14.8%	-46%
WY	62,259,840	405,120	62,664,960	2,000,000	10	3.2%	1,250,000	71	2.0%	-38%
<b>SUBTOTAL (CONTERMINOUS U.S.)</b>	<b>1,809,326,400</b>	<b>34,672,000</b>	<b>1,844,198,400</b>	<b>221,129,638</b>		<b>11%</b>	<b>104,374,314</b>	<b>5%</b>	<b>-55%</b>	
<b>ALASKA</b>	<b>462,516,480</b>	<b>12,787,200</b>	<b>475,303,680</b>	<b>170,200,000</b>	<b>11</b>	<b>45.5%</b>	<b>170,000,000</b>	<b>7, 8</b>	<b>45.3%</b>	<b>-0.1%</b>
<b>HAWAII</b>	<b>4,112,000</b>	<b>3,200</b>	<b>4,115,200</b>	<b>58,800</b>	<b>26</b>	<b>1.4%</b>	<b>51,800</b>	<b>16, 26</b>	<b>1.3%</b>	<b>-12%</b>
<b>TOTAL U.S.</b>	<b>2,266,144,880</b>	<b>47,462,400</b>	<b>2,313,617,280</b>	<b>391,388,438</b>			<b>274,426,114</b>	<b>11.9%</b>	<b>-30%</b>	

NOTE: Surface area - There are some discrepancies between the total surface area of states. These differences are probably due to shifting river channels forming state borders. The area given is that presented by the U.S. Geological Survey, National Atlas of the United States, 1970.

Wetland distribution and changes vary dramatically within states dependent on both geographical and/or land use patterns.

S 49 IS  
105th CONGRESS  
1st Session

To amend the wetlands regulatory program under the Federal Water Pollution Control Act to provide credit for the low wetlands loss rate in Alaska and recognize the significant extent of wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages.

IN THE SENATE OF THE UNITED STATES

January 21, 1997

Mr. STEVENS (for himself and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the wetlands regulatory program under the Federal Water Pollution Control Act to provide credit for the low wetlands loss rate in Alaska and recognize the significant extent of wetlands conservation in Alaska, to protect Alaskan property owners, and to ease the burden on overly regulated Alaskan cities, boroughs, municipalities, and villages.

[Italic->] Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [<-Italic]

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Alaska Wetlands Conservation Act'.  
SEC. 2. FINDINGS.

The Congress finds that--

(1) according to the United States Fish and Wildlife Service, approximately 170,200,000 acres of wetlands existed in Alaska in the 1780s and approximately 170,000,000 acres of wetlands exist now, representing a loss of less than one-tenth of 1 percent through human and natural processes;

(2) according to the United States Fish and Wildlife Service more than 221,000,000 acres of wetlands existed at the time of Colonial America in the area that is now the contiguous United States and that 117,000,000 of those acres, roughly 53 percent, have been filled, drained, or otherwise removed from wetland status;

(3) Alaska contains more wetlands than all of the other States combined;

(4) 98 percent of Alaska's wetlands are publicly owned, while only 26 percent of the wetlands in the 48 contiguous States are publicly owned;

(5) approximately 98 percent of all Alaskan communities, including 200 of the 209 remote villages in Alaska, are located in or adjacent to wetlands;

(6) approximately 62 percent of all federally designated wilderness lands, 70 percent of all Federal park lands, and 90 percent of all Federal refuge lands are located in Alaska, thus providing protection against use or degradation to approximately 60,000,000 acres of wetlands in Alaska;

(7) 104,000,000 acres of land were granted to the State of Alaska at statehood for purposes of economic development;

(8) approximately 43,000,000 acres of land were granted to Alaska Natives through regional and village corporations and Native allotments for their use and between 45 percent and 100 percent of each Native corporation's land is categorized as wetlands;

(9) development of basic community infrastructure in Alaska, where approximately 75 percent of the nonmountainous areas are wetlands, is often delayed and sometimes prevented by the existing wetlands regulatory program, with minimal identifiable

environmental benefit;

(10) the 1899 Rivers and Harbors Act formerly regulated disposition of dredge spoils in navigable waters, which did not include wetlands, to keep navigable waters free of impairments;

(11) the 1972 Federal Water Pollution Control Act, more commonly known as the Clean Water Act, formed the basis for a broad expansion of Federal jurisdiction over wetlands by modifying the definition of 'navigable waters' to include all 'waters of the United States';

(12) in 1975, a United States district court ordered the Army Corps of Engineers to publish revised regulations concerning the program to implement section 404 of the Clean Water Act, which expanded the scope of the program to include the discharge of dredged and fill material into wetlands;

(13) the wetlands regulatory program was expanded yet again by regulatory action to include isolated wetlands (wetlands that are not adjacent to navigable waters), and such an expansion formed the basis for burdensome intrusions on the property rights of Alaskans, Alaskan Native Corporations, and the State of Alaska;

(14) expansion of the wetlands regulatory program in this manner is beyond what the Congress intended when it passed the Clean Water Act and has placed unnecessary economic and administrative burdens on private property owners, small businesses, city governments, State governments, farmers, ranchers, and others, while providing negligible environmental benefits;

(15) for Alaska, a State with substantial conserved wetlands and less than 1 percent private, noncorporate land ownership, the burdens of the current wetlands regulatory program unnecessarily inhibit reasonable community growth and environmentally benign resource development;

(16) Alaska villages, municipalities, boroughs, city governments, and Native organizations are increasingly frustrated with the constraints of the wetlands regulatory program because it interferes with the location of community centers, airports, sanitation systems, roads, schools, industrial areas, and other critical community infrastructure;

(17) policies intended to achieve 'no net loss' of wetlands reflect a response to the 53 percent loss of the wetlands base in the 48 contiguous States, and do not take into account the large percentage of conserved wetlands in Alaska; and

(18) individual landowners in Alaska have lost up to 97 percent of their property value and Alaskan communities have lost a significant portion of their tax base due to wetlands regulations.

### SEC. 3. AMENDMENTS TO THE FEDERAL WATER POLLUTION CONTROL ACT.

(a) NATIONAL POLICY- Section 101(a) of the Federal Water Pollution Control Act (33 U.S.C. 1251(a)) is amended by--

(1) striking 'and' at the end of paragraph (6);

(2) striking the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new paragraphs:

(8) it is the national policy to (A) achieve a balance between wetlands conservation and adverse economic impacts on local, regional, and private economic interests, and (B) eliminate the regulatory taking of private property by the regulatory program authorized under section 404;

(9) it is the national policy to encourage localized wetlands planning (without mandating such planning and by providing funds to facilitate such planning), and to allow greater flexibility for the issuance of wetlands permits in States with substantial conserved wetlands; and

(10) it is the national policy that compensatory mitigation under section 404 for the development of wetlands in a State

with substantial conserved wetlands shall not be required, requested, or otherwise utilized to offset impacts to such wetlands.'

(b) DISCHARGE PERMITS- Section 404(b) of the Federal Water Pollution Control Act (33 U.S.C. 1344(b)) is amended by inserting after the period at the end the following new sentence:  
'Notwithstanding the preceding sentence, such guidelines with respect to disposal sites in any State with substantial conserved wetlands--

'(A) shall not require mitigation to compensate for wetlands loss and adverse impacts to wetlands;

'(B) may include reasonable requirements for the minimization of adverse impacts to wetlands; and

'(C) may include reasonable requirements for the avoidance of impacts, but may not require the permit applicant to establish that alternative sites do not exist.'

(c) GENERAL PERMITS- Section 404(e) of the Federal Water Pollution Control Act (33 U.S.C. 1344(e)) is amended by inserting at the end the following new paragraph:

'(3) Notwithstanding the requirements of paragraphs (1) and (2), at the request of a State with substantial conserved wetlands, the Secretary shall issue a general permit on a Statewide basis for any category of activities in such State. Any such permit shall apply to the discharge of dredged or fill material into disposal sites that are up to, at a minimum, 10 acres in size, and may not contain guidelines for disposal sites that are more stringent than the guidelines for such sites in that State under subsection (b).'

(d) NONPROHIBITED DISCHARGES- Section 404(f)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(f)(1)) is amended by--

(1) striking the comma at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

(2) adding at the end the following new subparagraph:

'(G) in a State with substantial conserved wetlands--

'(i) associated with airport safety (ground and air);

'(ii) for the construction and maintenance of log transfer facilities relating to log transportation activities;

'(iii) for the construction of tailings impoundments utilized for treatment facilities (as determined by the development document) for the mining subcategory for which the tailings impoundments are constructed; and

'(iv) for the construction of ice pads and ice roads and for the purposes of snow storage and removal.'

(e) DEFINITIONS- Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), as amended, is amended further by adding at the end the following new subsections:

'(u) DEFINITIONS- For purposes of this section--

'(1) the term 'conserved wetlands' means wetlands that are located in the National Park System, National Wildlife Refuge System, National Wilderness System, the Wild and Scenic River System, and other similar Federal conservation systems, as well as wetlands located in comparable types of conservation systems established under State or local authority;

'(2) the term 'economic base lands' means lands conveyed to, selected by, or owned by Alaska Native entities pursuant to the Alaska Native Claims Settlement Act Public Law 92-203), as amended, or the Alaska Native Allotment Act of 1906 (34 Stat. 197), as amended, and lands conveyed to, selected by, or owned by, the State of Alaska pursuant to the Alaska Statehood Act (Public Law 85-508), as amended; and

'(3) the term 'State with substantial conserved wetlands' means any State which--

'(A) contains at least 15 acres of conserved wetlands for each acre of wetlands filled, drained, or otherwise

converted within such State (based upon wetlands loss statistics reported in the 1990 United States Fish and Wildlife Service Wetlands Trends report to Congress entitled 'Wetlands Losses in the United States 1780's to 1980's'); or

(B) the Secretary of the Army determines has sufficient conserved wetlands to provide adequate wetlands conservation in such State, based on the policies set forth in this Act.

(v) ALASKA NATIVE AND STATE OF ALASKA LAND EXCEPTIONS-

(1) (A) Notwithstanding subsections (a) or (b), upon application by the holder of economic base lands, the Secretary shall issue a permit for the discharge of dredged or fill material into the navigable waters at a disposal site on such lands if such discharge complies with reasonable guidelines established by the Secretary under this subsection. The guidelines established by the Secretary under this subsection may be no more stringent than the guidelines established under subsection (b) for disposal sites in a State with substantial conserved wetlands, and must take into consideration the requirements of subparagraph (B).

(B) In considering the requirements otherwise applicable under subsections (a) and (b) for use in guidelines applicable to permits issued under this paragraph, the Secretary shall--

(i) balance the standards and policies of this Act against the obligations of the United States to allow economic base lands to be beneficially used to create and sustain economic activity;

(ii) with respect to Alaska Native lands, give substantial weight to the social and economic needs of Alaska Natives; and

(iii) consider the abundance and value of conserved wetlands in the State in which such economic base lands are found.

(2) The Secretary shall issue general permits under subsection (e) (1) for categories of activities on economic base lands relating to the development of rural Alaska community infrastructure (including water and sewer systems, airports, roads, communication sites, fuel storage sites, landfills, housing, hospitals, medical clinics, and schools) without determining whether or not such activities will cause only minimal adverse environmental effects when performed separately, or whether or not such activities will have only minimal cumulative adverse effects on the environment.

(3) The Secretary shall consult with and provide assistance to Alaska Natives (including Alaska Native Corporations) and the State of Alaska regarding promulgation and administration of policies and regulations under this section.'