ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672
9654 SENATE RESOURCES

269	Tanana - Allakaket - Bettles	8/7/96
270	Circle - Fort Yukon Trail	8/5/96
277	Chisana - Bonanza Trail (Chisana - Big Eldorado Creek	7/31/96
282	Island Bay - Salmon Creek Trail	8/12/96
284	Steele Creek - Franklin Trail	7/31/96
286	Fourth of July Creek Trail	7/8/96
287	Fort Gibbon - Kaltag	8/12/96
290	The Goat Trail	7/31/96
291	Telaquana Trail - Nondalton Trail	6/26/96
299	Kaltag - Solomon	8/26/96
304	Wilson CreekTrail	8/5/96
305	McClaren River Trail	7/31/96
317	Paimut Portage Trail	8/22/96
319	Platinm Creek Trail	7/24/96
321	Nabesna - Northway Trail	7/31/96
323	Scammon Bay-Hamilton - Kotlik Winter Trail	8/22/96
325	The Nizina - Chisana (Skolai) Trail	8/5/96
326	Goodnews - Arolik River	8/12/96
327	Tanunak to Umkumiut Trail	8/15/96
332	Togiak - Ungalikthluk Trail	8/12/96
335	Tuluksak - Kalskag	8/15/96
338	White RiverTrail	7/17/96
340	Lignite - Stampede Trail	7/8/96
341	Roosevelt - Kantishna Trail	7/17/96
342	Roosevelt - Glacier Trail	7/17/96
343	Kobi - Kantishna Trail	7/17/96
344	Lignite - Kantishna Trail	7/17/96
345	Kobi - McGrath (via Nikolai and Big River)	7/17/96
346	Nenana - Kantishna Trail	7/17/96
348	Spruce CreekTrail	7/17/96
361	Nizina - Chisana Glacier Trail	8/5/96
363	Tana River Trail	8/5/96
367	Kiwalik - Kotzebue	8/22/96
367	Portage Bay - Mt. Demian Oil Camp Trail	8/12/96
372	Nikolai Mine Trail	8/5/96
374	Nabesna River - Canadian Border	8/5/96
388	Merrill River - Stony River Trail	6/26/96
391	Ketchumstuk to Tanacross	8/26/96
394	Chignik Lagoon - Aniakchak River	7/17/96
397	Foster's Camp - Grass Valley Trail	8/7/96
400	Orange Hill Trail	7/31/96
405	King's Country Trail	7/31/96

406	Johnson River - Kinak Trail	8/22/96
414	El Dorado Slate Road	7/17/96
423	Ptarmigan Creek Trail	8/5/96
425	Managite Trail	7/17/96
427	Chikaloon River Trail	8/26/96
439	Nabesna - Chisana (Route 2)	8/5/96
446	Fort Yukon - Birch Creek Trail	8/12/96
455	Ungalik - Dime Landing	8/22/96
466	Nation River - Rampart Trail	7/17/96
470	Sepertine Hot Springs - Shismaref Trail	7/17/96
471	Teller-Shishmaref (west) Trail	7/17/96
472	Teller - Shishmaref (east) Trail	7/17/96
476	Circle = Cjhalyitsik - Yukon Border	8/12/96
477	Fort Yukon - Christian	8/12/96
478	Fort Yukon - Beaver	8/12/96
483	Copper Creek Trail	7/24/96
491	Rex - Roosevelt Trail	7/17/96
492	Glacier - Kantishna via Caribou Creek Trail	7/17/96
493	Quigley Ridge Trail	7/17/96
505	Nilumat Creek - Towak Mountain	8/22/96
506	Shageluk - Holikachuk	8/12/96
512	Willow Creek Trail	8/26/96
556	First Chance Creek across Glacier Creek - Horsefly Creek Trail	8/12/96
557	Dikeman - First Chance Creek Trail	8/15/96
560	Rampart House - Demarcation Point	8/26/96
618	Central - Deadwood Creek Trail	7/17/96
633	Valdez - Copper CenterTrail (aka Valdez Glacier Trail, Klutina Lake Road, Craig - Henwick Road)	7/17/96
634	Explorers Kenai RiverTrail	7/31/96
639	Noorvik - Selawik	8/12/96
669	Ninemile Point - Choris Peninsula Trail	8/22/96
707	Windy Creek Trail (near Cantwell)	7/17/96
730	Cripple Landing - Rennies Landing Trail	8/7/96
731	Cripple - North Fork Innoko River Trail	8/5/96
746	Tonsina Trail - Tonsina Lake to Richardson Highway	7/17/96
747	Norton Bay - McKinley Creek Trail	8/22/96
755	Koyuk - Bald Head Trail	8/22/96
758	Lake Minchumina - Kuskokwim River Trail	8/5/96
792	Boundary - Lassen Landing Strip Trail	8/5/96
808	Birch Creek - Portage Creek Trail	6/26/96
810	Boulder Creek Trail (near Central)	6/26/96
823	Graveyard Creek - Cagins Trail	7/17/96
825	Alfred Creek Trtail	8/15/96

840	Palisades Portage Trail	8/15/96	
844	Elliott Creek Trail	7/24/96	
870	Killeak Lake Trail	7/24/96	
879	Twin Lakes - Jackson Lake Trail	8/15/96	
881	Alexander's Village - Vehtenjerlo Lakes	8/15/96	
912	North Tractor Trail from Gordon - US Border		8/2696
913	Nuvagapak Point Landing Strip - Kogatpak River Trail		8/22/96
914	Poker (Pokok) Lagoon Southeast Trail	8/26/96	
916	Tamauariak River North - Camden Bay	8/26/96	
1065	Jack Wade - Boundary	8/5/96	
1137	Snettisham - Mines Trail	8/15/96	
1169	Treadwell Ditch Trail	8/15/96	
1176	Kanatak - Becharof Lake Road	8/12/96	
1232	Malaspina Glacier TRail	8/5/96	
1304	Horsveldt - Canadian Border	8/5/96	
1343	Nizina River - Dan Creek Road Trail	8/5/96	
1344	Sawmill Gulch Trail	8/5/96	
1345	Long Lake - Chitina River Trail	8/28/96	
1346	Glacier Creek Mines Trail	8/5/96	
1349	Kennicott Mine Trails	8/5/96	
1350	Kuskuland River - McDougall Creek Cabins Trail		8/5/96
1354	Nikolai Mine - Nizina River Trail	8/5/96	
1355	Kimball Pass Trail (Bernard Creek Trail)	7/17/96	
1365	Hurtle Creek Trail	7/24/96	
1372	Klutina Boat Landing Trail	8/5/96	
1374	Copper River Bluff Trail	8/5/96	
1380	Hudson Lake Trail	7/8/96	
1393	Copper River - Kotsina Connections Trail	7/8/96	
1395	Tiekel River - Klutina River	8/5/96	
1413	Tonsina Trail (Richardson Highway to Copper River)		7/17/96
1416	Chitina - Elliot Trail	7/17/96	
1467	Herning Trail	8/28/96	
1482	Homestake - Serpentine Hot Springs Trail	7/17/96	
1495	Akulurak - Kotlik with Spru to Kwiguk Trail		8/22/96
1567	Copper River Trail	8/5/96	
1571	Pass Creek Trail	7/31/96	
1584	Lick Creek Trail	7/31/96	
1586	Scotty Creek - High Cache Trail	7/31/96	
1588	Northway Airport - Jatahmund Lake	7/31/96	
1590	Gardiner Creek Trail	7/31/96	
1591	Deadman Lake Campground Road	7/31/96	
1592	Tanada Lodge - Copper Lake Drainage	8/5/96	

1608	Youngstown - Home Lake	8/22/96
1611	Bergman - Cathedral Mountain Trail (Allakaket - Bettles - Coldfood - Nolan Trail	8/5/96
1623	Wales - Shishmaref Coastal Winter Trail	7/17/96
1645	Nome Creek Mine - Steese Highway Trail	6/26/96
1646	Gordon - US Border Coastal Trail	8/26/96
1668	Mt. Drum Trail	8/5/96
1669	Strelna Creek - Rock Creek Trail	7/31/96
1670	Pass Creek Trail	7/31/96
1671	Kluvesna Creek - Clear Creek Loop	7/31/96
1672	Young Creek Loop Trail	8/12/96
1673	Sourdough Hill - Nizina RiverTrail	8/12/96
1675	Buck Creek Trail	8/12/96
1676	Manker Creek Trail	8/5/96
1677	Quartz Creek Trail	8/5/96
1684	Slatka Creek Trail	8/12/96
1685	Clear Creek Trail	8/5/96
1686	Porcupine Creek Trail	8/5/96
1687	Nugget Creek Trail	8/5/96
1689	Berg Creek TRail	8/5/96
1695	Roaring Creek Trail	8/12/96
1696	Dixie Pass Trail	8/5/96
1697	Copper Creek Trail	8/5/96
1699	East Fork Creek Trail	8/5/96
1699	Middle Fork Trail	8/5/96
1712	St. Anne Lake Trail	7/17/96
1717	Richardson Highway - Fish Lakes Trail	7/31/96
1737	Candle - Deering Trail	8/15/96
1738	Kotzebue - Nimiuk Point Trail	8/22/96
1790	Boulder Creek - Mills Creek	7/31/96
1791	Bellum's Crossing - Kotsina River Trail	7/17/96
1794	Bellum's Crossing - Chitina RiverTrail	7/17/96
1805	Chitina River - Sterlna Creek Trail	7/17/96
1844	Little Melozitna Hot Springs Trail	8/22/96
1845	Hutlinana Hot Springs Trail	8/5/96
1846	Melozitna Hot Springs Trail	8/5/96
1851	Keystone Trail	8/15/96

Nomination and Assertion, RS 2477 Rights-of-way

To and before the Bureau of Land Management, U.S. Department of Interior
Fairbanks, Alaska

Citation: RS 2477. Section 8 of the Act of July 26, 1866, Revised Statute 2477 (43 U.S.C. 932). Repealed October 21, 1976.

APPLICANT INFORMATION

(Attach additional pages if needed)

Name (print name) (signature)

Address

City State Zip code

Phone FAX #

Contact or Business Address City, State, Zip Telephone/FAX

*One of four members of RS 2477 committee, Alaska Outdoor Council. See attachment for additional names.

RS 2477 RIGHT-OF-WAY (ROW) INFORMATION

1) Location:

2) Name of Nominated Right-of-way: _____
State of Alaska RST # (if available) :_____

3) Date Asserted: _____

4) By Whom: List one or more names (also see above):
_____
_____
_____

5) Attached, RS 2477 ROW Historic Summary (Detailing construction dates, purpose of use, width etc).

6) Attached, Map scale 1:63,360

7) Attached, additional documentation (if applicable)

8) Witnesses to this assertion action:

_____

_____

9) Assertion received by:

_____
Name and Title

_____
Date

Certification Statement

I certify under penalty of perjury that the information contained herein is true and complete to the best of my knowledge.

Applicant signature (s):

_____

_____

_____

Notary: This certification was subscribed and sworn to or affirmed before me on
_____ day of_____, 19 ___.

at _____

Signature of notary:_____

My Commission expires _____

RS 2477 APPROPRIATIONS

AGENCY APPROPRIATION	TITLE	AMOUNT GF	Federal	Other	TOTAL
Natural Resources					
Ch. 79 SLA 1993, p. 18 l. 9	RS 2477 Assertion (CIP)	720.0			720.0
Ch. 4 FSSLA 1994, p. 11 l. 10	RS1477 Assertions and Mapping (CIP)	300.0			300.0
Ch 123 SLA 1996, p. 36 l .27	RS 2477 assertions/litigation support (CIP)	50.0			50.0
Law					
* Ch. 5 FSSLA 1992, p. 32, l. 15	Federal lawsuits (CIP)	1,200.0			1,200.0
* Ch. 4 FSSLA 1994, p. 6 l.23	Federal litigation continuation (CIP)	750.0			750.0
* Ch. 103 SLA 1995, p. 34, l. 30	Federal litigation/endangered species act, etc. (CIP)	900.0			900.0
Ch. 117 SLA 1996, p. 38, l.ll	Statehood defense (operating)	900.0			900.0
Fish & Game					
* Ch. 79 SLA 1993, p. 19, l. 10	Assert/protect state's rights to manage Alaska's resources (CIP)	300.0			300.0
Ch. 4 FSSLA 1994, p. 12, l. 7	Assert/protect state's rights	200.0		200.0	400.0
Ch. 103 SLA 1995, p. 40, l. 4	Assert and protect state's rights (CIP)	100.0		200.0	300.0
* Ch. 123 SLA 1996, p. 33, l. 23	Protection of access to lublic waters (CIP)		64.1	85.9	150.0
* Ch. 123 SLA 1996, p. 33, l. 29	ANILCA implementation/protection of state's rights related to navigable waters			200.0	200.0
TOTALS:		**5,420.0**	**64.1**	**685.9**	**6,170.0**

* Indicates possible funding for RS 2477-specific activity

Department of Natural Resources
RS2477 Appropriations

SLA93, CH79, P18, L9	720,000.00	AR 40169	CAPITAL
SLA94, CH4, P11, L10	300,000.00	AR 40219	CAPITAL
SLA96, CH123, P36, L27	50,000.00	AR 37922	OPERATING
total	$1,070,000.00		

Department of Natural Resources (cont.)			
		Appropriation	Appropriation Fund Sources
Allocations	Items	General Fund	Other Funds
Energy Basin Analysis (ED 99)	330,000	330,000	
ARS Royalty Oil Price Reopeners (ED 99)	100,000	100,000	
Prudhoe Bay Reservoir Models (ED 99)	100,000	100,000	
RS 2477 Assertion (ED 99)	720,000	720,000	
~~Mineral Lease Appraisal - Goodnews~~	~~100,000~~	~~100,000~~	~~GH~~
~~Bay, (ED 99)~~			~~GH~~
Chugach State Park - Park Watch Support (ED 99)	52,000	52,000	
Rabbit Lake/Flattop Trail (ED 99)	172,000	172,000	
Glen Alps Trailhead Completion (ED 99)	99,000	99,000	
McHugh Creek Improvement, Phase I (ED 99)	227,000	227,000	
Matanuska - Susitna Campground Improvements (ED 99)	200,000	200,000	
Kenai Campground Improvements (ED 99)	115,000	115,000	
Eagle River Access/Facilities (ED 99)	275,000	275,000	
Public Use and Volunteer Cabin Construction (ED 99)	60,000	60,000	
Chena River State Recreational Area Improvements (ED 99)	100,000	100,000	
• • • • • •	• • • • • •		
• • • • • • Department of Fish and Game • • • • • •			
• • • • • •	• • • • • •		
Vessels Major Maintenance (ED 99)	275,000	275,000	
Tag/Otolith Laboratory Relocation/ Expansion (ED 3)	500,000	500,000	
Crystal Lake Hatchery Water Recirculation System Construction (ED 2)	1,000,000	500,000	500,000

Department of Fish and Game (cont.)			
		Appropriation	Appropriation Fund Sources
Allocations	Items	General Fund	Other Funds
Waterfowl Conservation and Enhancement Program (ED 99)	620,000	620,000	
Toklat Chum Salmon Restoration (ED 99)	200,000	200,000	
Sport Fish Management and Enhancement (ED 99)	870,000		870,000
Assert and Protect the State's Right to Manage Alaska's Resources (ED 99)	300,000	300,000	
~~It is the intent of the legislature that $100,000 of this appropriation is for~~			~~GH~~
~~resource assert~~			~~GH~~
Peninsula/Aleutians Salmon - Sandy River Weir (ED 40)	97,000	97,000	
Peninsula/Aleutians Salmon - Sockeye/Coho Site Survey and Feasibility Studies (ED 40)	396,000	396,000	
Bristol Bay Salmon - Wood River smolt sonar project (ED 40)	55,000	55,000	
Bering Sea/Aleutians Crab - Adak Red and Brown Crab Survey (ED 40)	161,000	161,000	
Economic Study of Southcentral Fisheries (ED 99)	300,000		300,000
Southeast Bitter Crab Study (ED 99)	60,000	60,000	
Public Access Development (ED 99)	2,000,000	500,000	1,500,000
Statewide Facilities Maintenance/ Repair (ED 99)	650,000	650,000	
Major Equipment Replacement (ED 99)	100,000	100,000	
Dutch Harbor Employee Housing Purchase (ED 40)	500,000	500,000	
• • • • • •	• • • • • •		
• • • • • • Department of Public Safety • • • • • •			
• • • • • •	• • • • • •		
License Plates/Drivers Manuals/ Microfilm Equipment (ED 99)	524,000	524,000	

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INQ-AR:  APPROPRIATION INQUIRY                                  02/05/97

  APPROPRIATION NUMBER 40169      ACTIVE? YES                CREATING RSN 03273
               COA YEAR 1995    DATE START 07/01/93          UPDATE RSN 03431
              ORIG YEAR 1994
              TERM YEAR 1995
    DESCRIPTION SHORT: RS 2477 ASSERTION
     DESCRIPTION LONG: PRUDHOE BAY RESERVOIR MODELS
                       SEC 19 P. 18 L. 7
                       //
              BUDGET TYPE:  CAPITAL
   SESSION LAW REFERENCE:  9307901809
    LOGICAL LEVEL NUMBER:  50 - APPROPRIATIONS
  NEXT HIGHER LEVEL APPN:  36443 (2015) - CHAPTER 79 SLA 1993
     REPORTS TO APPN PGM:
     REPORTS TO APPN ORG:
            CONTROL TYPE:  T      BGT FUND: 11100 - GENERAL FUND
     REVENUE RECOGNITION?  YES    SPENDING APPROPRIATION?  YES
BUDGETING APPROPRIATION?  YES    CROSS STRUCTURE CNTRLS?  NO
 PHYSICAL LEVEL: 6           SEQUENCE: BEG 14264 END 14266
 FOR NEXT APPROPRIATION ENTER==> NUMBER _____ COA YEAR ____ TERM YEAR ____
PF1=MENU  5=BASE  6=LOWER LEVELS  7=TOTAL BALANCES  8=CROSS STRUC CTRLS
PF9=CONTROL APPNS  10=AUTH RDCODES  11=TANAB
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EXPEND AUTH BAL RPT, FY RRN:0029492 RSN:03774 12/12/96
APPROPRIATION EXPENDITURES BY ACCOUNT HISTORICAL
40169-95 RS 2477 ASSERTION ORIG:94 APPROPRIATIONS (T B S R) FN:11100
COA:1996

	ENTITY NUMBER - DESCRIPTION	AUTHORIZ	RESTRICT ENCUMBER	EXPEND	AVAILABL BALANCE
S**	70000 TOTAL EXPENDITURES	720000	0	720000	0
S**	72000 TRAVEL	6069	0	6069	0
S**	73000 OTHER SRVCS & CHARGE	688731	0	688731	0
S**	74000 SUPPLIES	8344	0	8344	0
S**	75000 CAPITAL OUTLAY	16856	0	16856	0

FOR NEXT SECTION ENTER==> NUMBER _____ YEAR ____ LEVEL LIMIT __
PF1=MENU PF6=RPT REQUEST MAINTENANCE

Department of Commerce and Economic Development (cont.)

	Allocations	Appropriation Items	General Fund	Other Funds
-/ Alaska Program (ED 99)		50,000	50,000	
Grants to Named Recipients (AS 37.05.316)				
Eagle-Eagle River Arctic Winter Games (ED 99)		250,000	250,000	
* * * * * *			* * * * * *	
* * * * * * Department of Military and Veterans Affairs			* * * * * *	
* * * * * *			* * * * * *	
Major Project Design (ED 99)		2,000,000		2,000,000
Army Guard Deferred Statewide Maintenance (ED 99)		400,000	400,000	
Army Guard Renewal and Replacement (ED 99)		100,000	100,000	
* * * * * *			* * * * * *	
* * * * * * Department of Natural Resources			* * * * * *	
* * * * * *			* * * * * *	
Contaminated Site Assessment/ Cleanup - Isabel Pass Camp (ED 35)		45,000		45,000
Multi-Mission Village Work Crews (ED 99)		500,000		500,000
~~the sense of the legislature that the department investigate the feasibility~~				
of training crews of inmates from the state correctional facilities to perform fire-				
~~fighting~~				
Fire Fighting Equipment Upgrade/ Replacement (ED 99)		50,000	50,000	
State Park System Emergency Repairs (ED 99)		50,000	50,000	
State Land Status/Inventory Database (ED 99)		125,000	125,000	
Geological Mineral Inventory (ED 99)		600,000	600,000	
Forest Resource Inventory (ED 99)		100,000	100,000	

Department of Natural Resources (cont.)

	Allocations	Appropriation Items	General Fund	Other Funds
National Historic Preservation Fund/Federal Grants Program (ED 99)		840,000		840,000
Land and Water Conservation Fund Federal Grants - Outdoor Recreation Facilities (ED 99)		500,000		500,000
RS 2477 Assertions and Mapping (ED 99)		300,000	300,000	
Statewide Parks Safe Drinking Water (ED 99)		72,500	72,500	
Recorder's Office Equipment (ED 99)		50,000	50,000	
State Land Acquisition Classification/Assessment (ED 99)		265,000	265,000	
Forest Practices Act Effectiveness Research (ED 99)		200,000	200,000	
* * * * * *			* * * * * *	
* * * * * * Department of Fish and Game			* * * * * *	
* * * * * *			* * * * * *	
Statewide Facilities Maintenance, Repair and Replacement (ED 99)		300,000	300,000	
Arctic-Yukon-Kuskokwim Salmon Fisheries Stock Assessment Equipment (ED 99)		300,000	300,000	
Alaska Peninsula Chum and Coho Salmon Stock Study/Equipment (ED 40)		150,000	150,000	
Fisheries Resource Assessment Vessels Maintenance (ED 99)		250,000	250,000	
Trail and Habitat Area Clearing/ Enhancement (ED 99)		350,000		350,000
Rural Fur Market Protection/ Development (ED 99)		200,000		200,000

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INQ-AR:  APPROPRIATION INQUIRY                                  02/05/97

 APPROPRIATION NUMBER 40219      ACTIVE? YES                CREATING RSN 03697
             COA YEAR 1997    DATE START 07/01/94             UPDATE RSN 03814
            ORIG YEAR 1995
            TERM YEAR 1997
   DESCRIPTION SHORT: RS2477 ASSERTIONS &
    DESCRIPTION LONG: LWCF - FEDERAL GRANTS - OUTDOOR
                      RECREATION FACILITIES
                      SEC. 10 P. 11 L. 7
           BUDGET TYPE:  CAPITAL
  SESSION LAW REFERENCE:  9400401110
   LOGICAL LEVEL NUMBER:  50 - APPROPRIATIONS
 NEXT HIGHER LEVEL APPN:  36440 (2015) - CHAPTER 4 FSSLA 1994
    REPORTS TO APPN PGM:
    REPORTS TO APPN ORG:
          CONTROL TYPE:  T      BGT FUND: 11100 - GENERAL FUND
   REVENUE RECOGNITION?  YES    SPENDING APPROPRIATION?  YES
BUDGETING APPROPRIATION?  YES    CROSS STRUCTURE CNTRLS?  NO
 PHYSICAL LEVEL: 6           SEQUENCE: BEG 14146 END 14148
 FOR NEXT APPROPRIATION ENTER==> NUMBER _____ COA YEAR ____ TERM YEAR ____
PF1=MENU  5=BASE  6=LOWER LEVELS  7=TOTAL BALANCES  8=CROSS STRUC CTRLS
PF9=CONTROL APPNS  10=AUTH RDCODES  11=TANAB
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EXPEND AUTH BAL RPT, FY RRN:0029492 RSN:03816 02/04/97
APPROPRIATION EXPENDITURES BY ACCOUNT
40219-97 RS2477 ASSERTIONS & ORIG:95 APPROPRIATIONS (T B S R) FN:11100
COA:1997

	ENTITY NUMBER - DESCRIPTION	AUTHORIZ	RESTRICT ENCUMBER	EXPEND-	AVAILABL BALANCE
S**	70000 TOTAL EXPENDITURES	300000	0	288629	11371
S**	72000 TRAVEL	2615	0	2917	302-
S**	73000 OTHER SRVCS & CHARGE	295849	0	284186	11663
S**	74000 SUPPLIES	1535	0	1525	10

FOR NEXT SECTION ENTER==> NUMBER _____ YEAR ____ LEVEL LIMIT __
PF1=MENU PF6=RPT REQUEST MAINTENANCE

[1,963,100]

(d) The sum of $3,605,800 is appropriated from the general fund to the Department of Law to pay the judgment in Roger Berger, d/b/a Frontier Financial Services v. State of Alaska, Department of Revenue (1AN-89-8710 CI) for the fiscal year ending June 30, 1996.

(e) The sum of $500,000 is appropriated from the general fund to the Department of Law, federal relations component, for litigation related to the protection of the state's jurisdiction and constitutional rights in issues related to accelerated navigable waters quiet title actions, and RS 2477 assertions and litigation for the fiscal years ending June 30, 1996, and 1997, as follows:

PURPOSE	APPROPRIATION
Accelerated navigable waters quiet title actions	$300,000
RS 2477 assertions and litigation	200,000

* Sec. 85. DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS. (a) The sum of $8,000,000 is appropriated from the general fund to the Department of Military and Veterans' Affairs for deposit in the military retirement trust fund (AS 26.05.228) for increased costs for national guard retirement for the fiscal year ending June 30, 1996.

(b) The sum of $1,557,300 is appropriated from the general fund to the disaster relief fund (AS 26.23.300) for costs associated with declared disasters.

* Sec. 86. DEPARTMENT OF NATURAL RESOURCES. (a) The sum of $5,258,600 is appropriated from the general fund to the Department of Natural Resources for fire suppression activities for the fiscal year ending June 30, 1996.

(b) The sum of $270,000 is appropriated from the general fund to the Department of Natural Resources for navigable waters assertions, accelerated navigable waters quiet title actions, conveyance monitoring, access protection, and protection of fish and wildlife management jurisdiction on navigable waters for the fiscal years ending June 30, 1996, and 1997.

(c) The sum of $50,000 is appropriated from the general fund to the Department of Natural Resources for RS 2477 assertions and RS 2477 litigation support for the fiscal years ending June 30, 1996, and 1997.

* Sec. 87. DEPARTMENT OF REVENUE. (a) The sum of $150,000 is appropriated from the corporate receipts of the Alaska Housing Finance Corporation to the Department of

Revenue, Alaska Housing Finance Corporation, to cover unanticipated lease costs for the fiscal year ending June 30, 1996.

(b) To change funding sources for the appropriations made to the Department of Revenue, Revenue Operations, and allocated to the Alaska State Pension Investment Board,

(1) sec. 49, ch. 94, SLA 1995, page 47, line 15, is amended to read

Benefits Systems Receipts	112,900
	[45,900]

(2) sec. 49, ch 94, SLA 1995, page 47, line 17, is amended to read

Public Employees	12,818,100
Retirement Trust Fund	[12,885,100]

(c) The sum of $103,800 is appropriated from the permanent fund dividend fund (AS 43.23.045) to the Department of Revenue to cover increased contractual services for the fiscal year ending June 30, 1996.

* Sec. 88. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES. The sum of $4,010,000 is appropriated to the Department of Transportation and Public Facilities for highway and bridge repair resulting from the southcentral flood disaster from the following sources:

General fund	$1,010,000
Federal receipts	3,000,000

~~* Sec. 89. LEGISLATIVE BUDGET AND AUDIT. The sum of $500,000 is appropriated from the general fund to the Legislative Budget and Audit Committee for a study that compares the salaries and benefits of state employees to the appropriate public and private markets in Alaska and the Pacific Northwest. The study, including the request for proposals, bid award, and final work product is to be overseen by a steering committee consisting of 5 equal members appointed by the legislature and governor.~~

* Sec. 90. MISCELLANEOUS CLAIMS. (a) The following amounts are appropriated from the general fund to the following departments to pay miscellaneous claims and stale-dated warrants for the fiscal year ending June 30, 1996:

DEPARTMENT	APPROPRIATION
Administration	$ 43,563
Community and Regional Affairs	468

```
INQ-AR:  APPROPRIATION INQUIRY                                  02/05/97

 APPROPRIATION NUMBER 37922      ACTIVE? YES                CREATING RSN 03653
             COA YEAR 1997    DATE START 07/01/95             UPDATE RSN 03814
            ORIG YEAR 1996
            TERM YEAR 1997
   DESCRIPTION SHORT: RS 2477 ASSERTIONS
    DESCRIPTION LONG: RS 2477 ASSERTIONS
                      SEC 86C, P36, L26
                      //
            BUDGET TYPE:  OPERATING
  SESSION LAW REFERENCE:
   LOGICAL LEVEL NUMBER:  50 - APPROPRIATIONS
 NEXT HIGHER LEVEL APPN:  36446 (1997) - SB136 SLA96 CH123
    REPORTS TO APPN PGM:
    REPORTS TO APPN ORG:
           CONTROL TYPE:  T       BGT FUND: 11100 - GENERAL FUND
   REVENUE RECOGNITION?  YES     SPENDING APPROPRIATION?  YES
BUDGETING APPROPRIATION?  YES     CROSS STRUCTURE CNTRLS?  YES
 PHYSICAL LEVEL: 6            SEQUENCE: BEG 1209  END 1209
 FOR NEXT APPROPRIATION ENTER==> NUMBER _____ COA YEAR ____ TERM YEAR ____
PF1=MENU  5=BASE  6=LOWER LEVELS  7=TOTAL BALANCES  8=CROSS STRUC CTRLS
PF9=CONTROL APPNS  10=AUTH RDCODES  11=TANAB
```

EXPEND AUTH BAL RPT, FY RRN:0029492 RSN:03816 02/04/97
APPROPRIATION EXPENDITURES BY ACCOUNT
37922-97 RS 2477 ASSERTIONS ORIG:96 APPROPRIATIONS (T B S R) FN:11100
COA:1997

	ENTITY NUMBER - DESCRIPTION	AUTHORIZ	RESTRICT ENCUMBER	EXPEND	AVAILABL BALANCE
S**	70000 TOTAL EXPENDITURES	50000	0	4153	45847
S**	71000 PERSONAL SERVICES	50000	0	4153	45847

FOR NEXT SECTION ENTER==> NUMBER _____ YEAR ____ LEVEL LIMIT __
PF1=MENU PF6=RPT REQUEST MAINTENANCE

WASHINGTON COUNTY
GARFIELD COUNTY
WASHINGTON COUNTY WATER CONSERVANCY DISTRICT
Office of Special Counsel for Environmental & Public Lands Issues
197 EAST TABERNACLE STREET ♦ ST. GEORGE, UTAH 84770

(801) 634-5752
FAX # (801) 634-5758

ANALYSIS OF INTERIM DEPARTMENTAL POLICY ON R.S. 2477 ISSUED JANUARY 22, 1997

On January 22, 1997, Secretary of the Interior Bruce Babbitt "revoked" the Department of Interior's prior policy regarding R.S. 2477 rights-of-way, which form the bulk of the rural transportation network in the western public lands states. The revoked policy (the "Hodel Policy"), set forth by Secretary Donald Hodel in December of 1988, was an attempt to reflect long-established law regarding these rights-of-way, which are typically owned and managed by state and local governmental entities. Because of its reasonable approximation to the law, the Hodel Policy encountered little opposition.

By contrast, the Babbitt memorandum attempts to set policy which is inconsistent with established law. However, the Babbitt memo cannot stand up to scrutiny, because the Secretary of Interior is not free to substitute his judgment for that of Congress by ignoring its statutes, nor can he properly set policy which contradicts established legal doctrines. The Babbitt memo is also insupportable because it attempts to set policy which is in violation of the current published regulations of the Department of Interior, which explicitly provide that if administration by the Department would diminish or reduce any rights conferred by the R.S. 2477 grant, the provisions of the grant apply. 43 C.F.R. § 2801.4. But the Babbitt memo sets forth an approach which is clearly designed to diminish or do away with rights conferred under R.S. 2477.

The Babbitt memo must be considered in light of the actions of Department of the Interior under this administration, which have been focused at undercutting the ability of states and counties to utilize and manage their transportation infrastructure, contrary to more than one-hundred years of Interior policy and court rulings. Interior has battled to revoke these rights-of-way in Congress, in the courts, and by way of attempted promulgation of departmental regulations. Due to substantial public interest in protecting these vital transportation links and in honoring established legal rights, those efforts have largely been unsuccessful. As the Babbitt memo states, Congress has prohibited Interior from giving effect to its proposed regulations regarding R.S. 2477 rights-of-way. While the memo asserts that it is not a rulemaking, in practical effect, it provides guidance to the Department which would implement the fundamental purposes of the proposed regulations and thereby constitutes a new effort to find a way to undercut established law by administrative fiat.

Some of the flaws in the position adopted in the Babbitt memo (also reflected in the Department's proposed rulemaking) are addressed briefly below.

No approval by the federal government has ever been required to exercise the rights granted under R.S. 2477. In fact, Interior regulations in place over the last half century stated, "No application should be filed under this act, as no action on the part of the Federal Government is necessary." Once a right-of-way was established, it became a property right of the holder. The treatment of these vested property rights as "claims" has no legal merit.

No federal statute has granted the Department of Interior the authority to regulate, adjudicate or otherwise interfere with the proper exercise of these rights. However, implicit in the Babbitt memo, and explicit in the Department's actions in Utah, is the

THE SECRETARY OF THE INTERIOR
WASHINGTON

RECEIVED
JAN 27 1997
Ans'd.....

JAN 22 1997

Memorandum

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

From: Secretary

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

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

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

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

Background

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

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No federal statute has granted the Department of Interior the authority to regulate, adjudicate or otherwise interfere with the proper exercise of these rights. However, implicit in the Babbitt memo, and explicit in the Department's actions in Utah, is the

threat that any exercise of the rights without prior judicial or Departmental approval will be met with harsh opposition by the Department, including the filing of burdensome and costly lawsuits.

The "approval" scheme reflected in *de facto* Departmental policy, now stated in the Babbitt memo, and as currently being carried out in Utah, is one of the most insidious aspects of Interior's attack. Justice Department attorneys, acting on behalf of the Department, have recently asserted in court that holders of R.S. 2477 rights-of-way can do nothing on these rights-of-way without prior authorization from the federal government. But, as the Babbitt memo declares, Department personnel have been instructed to offer no recognition of any R.S. 2477 right-of-way, no matter how clearly valid, unless the right-of-way holder gives evidence of a "demonstrated, compelling, and immediate need." Thus, Babbitt is creating (and has been implementing in Utah) a scenario where Department personnel say, in effect: "You can't exercise your right unless we acknowledge that it's valid (or you go to court to prove it), and we are prohibited from taking action to acknowledge its validity. Therefore, if you exercise your right, the United States may sue you." Obviously, the Department is picking and choosing which roads to sue on, targeting rural counties in Utah which have been unwilling to submit to these illegal policies.

The memorandum states that the agency will determine whether a right-of-way meets criteria concerning "withdrawals and reservations," "construction," and "highway." Given Interior's stated hostility toward existing law defining those terms, it should be expected that the criteria will be construed according to newly-created definitions reflected in the proposed regulations. Watch for Interior to decree a narrow definition of "construction" inconsistent with clear federal case law. Watch for Interior to attempt to invalidate many R.S. 2477 rights-of-way through its new definition of the term "highway," also inconsistent with federal court rulings.

Watch for Interior to disregard the thousands of legal interpretations concerning this grant offered by state courts, many of which have been relied upon by the federal courts. The memorandum asserts that state law will be applied only "to the extent that it is consistent with federal law." The problem with this statement is that, because federal law has adopted state law as the rule of decision for R.S. 2477, no federal law exists – for now. Therefore, for the Department to determine whether state law is "consistent with federal law" it must first make up the federal law.

The Babbitt memo sets forth an illegal policy, which will be carried by Departmental employees to state and local governments across the West as the only way to deal with R.S. 2477 rights-of-way. To the extent that these actions are successful in confusing and intimidating right-of-way holders, the Department will be successful in its ongoing attempt to defeat R.S. 2477 rights-of-way across the West.

THE SECRETARY OF THE INTERIOR
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Background

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rule concerning rights-of-way under section 2477 of the Revised Statutes." Pub. L. 104-134, § 110, 110 Stat. 1321-177 (1996). The Department's appropriation for fiscal year 1997 permits the publication of final regulations but says they shall not take effect unless "expressly authorized by an Act of Congress subsequent to the date of enactment of this Act." Pub. L. 104-208, § 108, 110 Stat. 3009 (1996).

I addressed the issue of whether the Department should continue to make determinations regarding R.S. 2477 claims in my May 28, 1993, letter to Congress transmitting the Department's Report: "Until final rules are effective, I have instructed the Bureau of Land Management to defer any processing of R.S. 2477 assertions except in cases where there is a demonstrated, compelling, and immediate need to make such determinations." This instruction is still in effect.

Revised Policy on R.S. 2477 Rights-of-way Determinations

Those making claims of the existence of valid R.S. 2477 rights-of-way continue to have the option of seeking to establish the validity of their claims in court. Nevertheless, it is possible that the Department may be asked, in advance of final rules taking effect, to make such determinations on the basis that such a demonstrated, compelling, and immediate need is claimed to exist. If so, until final rules are published and take effect, determinations regarding R.S. 2477 rights-of-way will be made by the Secretary of the Interior, in consultation with the appropriate Interior agency, according to the following policy:

1. Claims. An entity wishing the Secretary or any agencies of the Department of the Interior to make a determination whether an R.S. 2477 right-of-way exists shall file a written request with the Interior agency having jurisdiction over the lands underlying the asserted right-of-way, along with an explanation of why there is a compelling and immediate need for such a determination. The request should be accompanied by documents and maps that the entity wishes the agency to consider in making its recommendation to the Secretary. If, based on the information provided, the agency does not believe a compelling and immediate need for the determination exists, it should without further examination recommend the Secretary defer processing until final rules are effective.

2. Withdrawals and Reservations. The agency shall consult the public land records maintained by the Bureau of Land Management to determine the status of the lands over which the claimed right-of-way passes. If such lands were withdrawn, reserved, or otherwise unavailable pursuant to R.S. 2477 at the time that the highway giving rise to the claim of an R.S. 2477 right-of-way was allegedly constructed and remained unavailable through October 21, 1976, the agency will recommend the Secretary deny the claim.

3. Construction. If the lands were not withdrawn, reserved, or otherwise unavailable pursuant to R.S. 2477, the agency shall examine all available documents and maps and perform an on-site examination to determine whether construction on the alleged right-of-way had occurred prior to the repeal of R.S. 2477 on October 21, 1976. If the agency

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

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

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

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

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

Bruce Babbitt

OVERVIEW: DEPT. OF ENVIRON. CONSERVA-TION

Department of Environmental Conservation
Division of Air & Water Quality
Watershed Management

"WHO WE ARE & WHAT WE DO"

1996 REPORT

Prepared by the State of Alaska
Department of Environmental Conservation
Division of Air & Water Quality
January 1997

Table of Contents

Table of Contents (cont.)

Department of Environmental Conservation
Mission Statement

The mission of the Department of Environmental Conservation is to strengthen families and job opportunities through a cooperative stewardship with the citizens of Alaska that ensures protection of public health and the environment.

Division of Air & Water Quality
Mission Statement

To prevent, monitor, and control emissions into the air and water to protect the public health and the environment.

Alaska Watershed Approach

- The Alaska Watershed Approach is a process that encourages decision-making at the local level to more cost-effectively protect Alaska's water resources. The overall goal of the Watershed Approach is to improve resource management by offering a voluntary forum involving all interested stakeholders to address issues that affect water quality and quantity in a given local area or watershed.

- Benefits of this process include promoting watershed health, improving communications and public participation, promoting efficiency and cost-savings for agency decisions, setting priorities, generating "good data" to make good watershed decisions, and coordinated permitting.

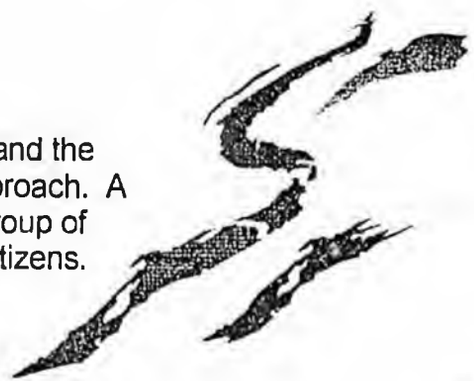
Why should we be interested in the Watershed Approach?

- Water resources are vitally important to Alaska. Many major industries in Alaska--fishing, seafood processing, tourism, mining, forestry, oil and gas--rely on the use of water resources to be successful, whether it is for uses such as fish habitat, recreation, scenery, drinking water, transporting logs, or discharging wastes. Competing uses of water resources are increasing in Alaska. Now, more than ever, there needs to be "grass-roots" efforts from the agencies, industry, Native groups, the environmental community, industry, and other interested public to address water resource issues through a coordinated effort.

- In Alaska, more than 50 waterbodies statewide are currently threatened from pollution caused by industrial activities, urban run-off, leaking landfills, and other sources. Without cooperative efforts the number of polluted waterbodies will likely continue to grow, causing risk to drinking water sources, fish habitat, and other uses of water. Our quality of life in Alaska is closely linked with the quality of our water.

Status of the Alaska Watershed Approach

- Beginning in Summer 1995, the Alaska Department of Environmental Conservation (ADEC) and the U.S. Environmental Protection Agency sponsored development of the Alaska Watershed Approach. A summary of this effort has recently been developed in partnership with a statewide working group of federal, state and local agencies; Native representatives; private organizations; and Alaska citizens.



Watershed Team Management

What is team management?

Team management focuses efforts of individuals working on a project towards accomplishing project goals and objectives. A team leader assigns activities to team members who perform special roles needed to successfully complete a project. The team is empowered to make decisions and bears responsibility for its decisions.

Why di' we adopt team management?

Are work teams in Government a good idea? Sure they are. They have proven successful for private corporations both in Japan and in the United States. Productivity and quality increased while profits soared. DEC began teaming in 1995. Since then, we have rolled other State agencies into our teams, our productivity has increased, and several major industrial projects have overcome environmental and permitting roadblocks.

Change is difficult. However, by moving to teams we are able to better address the changing needs of our "customers" by being more responsive, improving processes and creating a learning environment that is exciting for our employees. A team promotes cooperation as opposed to competition; where there is cooperation, there are winners.

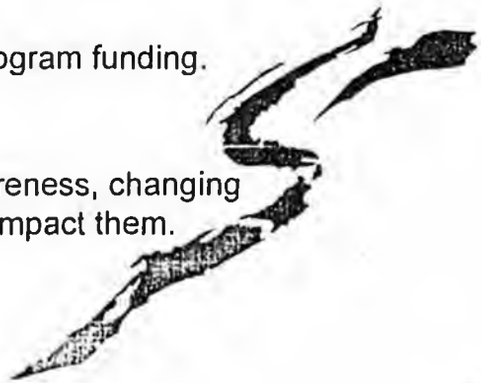
Communication among employees and other agencies is enhanced by removing barriers to communication and the decision-making process; responsibility and accountability rests with the team.

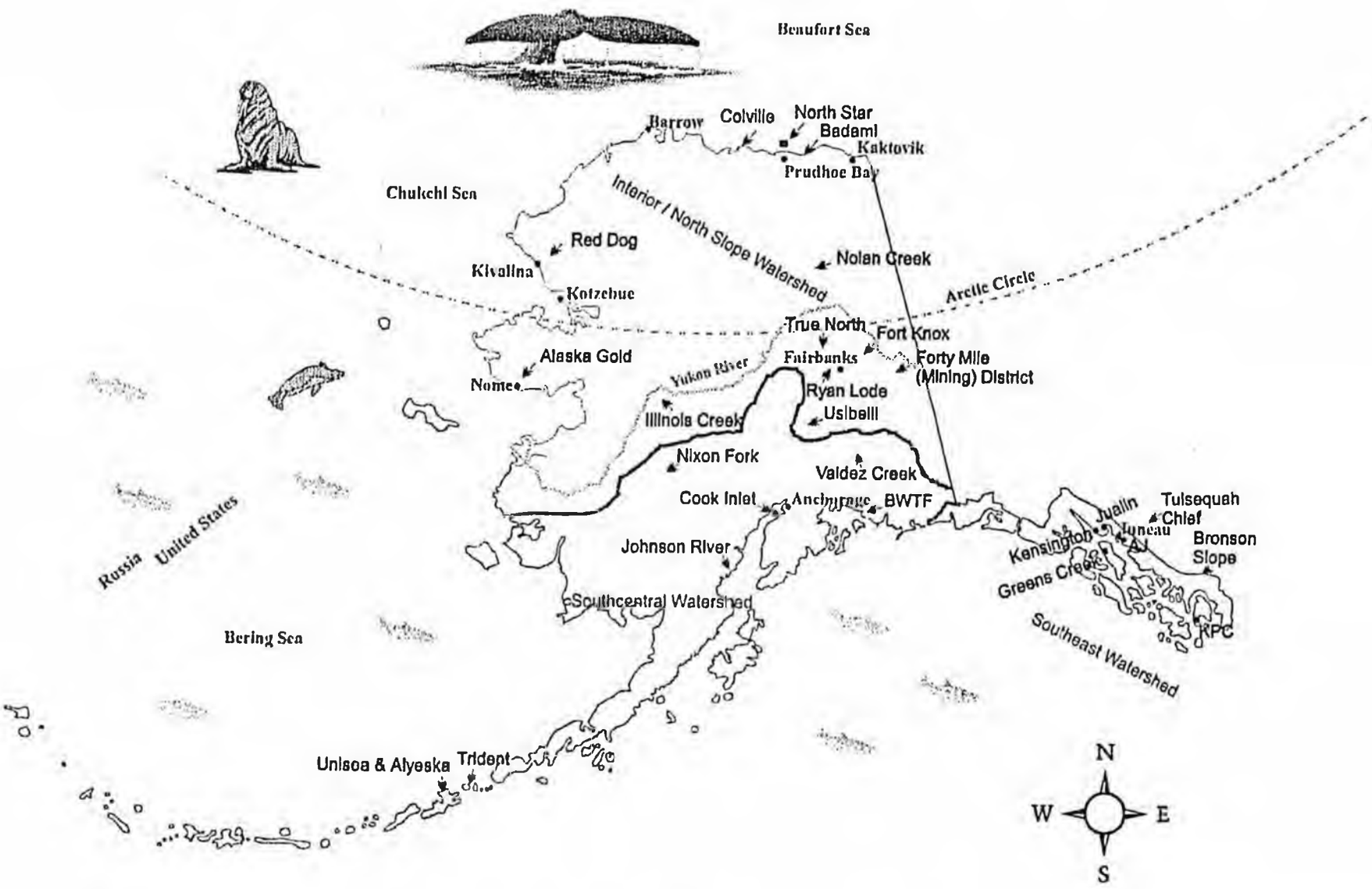
DEC serves a variety of "customers." These include major industrial corporations, privately owned companies, environmental groups, and Alaska citizens.

As a Government agency, we additionally have as "customers" the agencies who provide our program funding. These customers include federal grants, the Alaska Legislature, and the administration.

The needs of our customers are in a constant state of change based upon increased public awareness, changing laws and social parameters. Our customers are demanding more involvement in decisions that impact them.

Team management involves everyone.




Beaufort Sea
Barrow
Colville
North Star
Badami
Kaktovik
Prudhoe Bay
Chukchi Sea
Interior / North Slope Watershed
Red Dog
Nolan Creek
Kivalina
Kotzebue
Arctic Circle
True North
Fort Knox
Alaska Gold
Fairbanks
Forty Mile
(Mining) District
Nome
Yukon River
Ryan Lode
Illinois Creek
Usibelli
Nixon Fork
Valdez Creek
Cook Inlet
Anchorage
BWTF
Jualin
Tulsequah
Chief
Juneau
Kensington
Bronson
Slope
Greens Creek
Johnson River
Southcentral Watershed
Russia
United States
Bering Sea
Southeast Watershed
RPC
Unisea & Alyeska
Trident
N
W
E
S

Alaska

The following photographs and project descriptions represent a few of the types of activities and facilities permitted, regulated, and inspected by the team members of the Division of Air and Water Quality, Watershed Management Section. There are many other industrial facilities and watershed activities for which no team members have been assigned due to limited resources.

Statewide Watershed Programs

Alaska Coastal Management Program

Description of above photograph:

Map showing ACMP Coastal Districts.

Project Description:

Alaska's coastal areas provide safe harbors, homes, jobs, natural resources, a means of transportation, and sites for industry, commerce, and recreation. Many of these coastal resource uses are conflicting - pristine waters must be protected to assure strong fish and wildlife populations, but development is also needed to provide for our livelihoods. The mission of the Alaska Coastal Management Program is to build partnership and efficiency in striking a balance between conserving and developing coastal resources. The program assures that communities have a seat at the table with State and Federal regulators, to determine how their resources are utilized and protected, and provides a framework for coordinating speedy reviews of proposed projects.

Jobs and Families:

Many Alaskans live and work in the coastal areas. The major industries in Alaska - oil and gas development, forestry, fisheries, mining and tourism are all concentrated in coastal areas. Wise management of coastal resources is key to assuring sustainable industries, maintaining wild areas, and providing us and our children the opportunity to continue the quality of life that we now enjoy.

State Oversight and Regulatory Function:

The Alaska Coastal Management Program was established under the Federal Coastal Zone Management Act to allow the State and communities to develop coastal management programs to guide land use decisions and protect key resources. Significant projects or activities in the coastal areas must be determined to be "consistent" with State and local coastal management programs as a condition for being permitted. These "consistency determinations" often add conditions to permits so that a project does not conflict with other uses of the coastal area. The program is implemented through participation of all State resources agencies and coastal districts, with oversight by the Alaska Coastal Policy Council. The Division of Governmental Coordination (Office of the Governor) provides the lead in coordinating statewide project and permit reviews for all State agencies.

Accomplishments:

The Department reviewed and commented on approximately 400 projects to assure that they were consistent with State and community coastal management standards. Staff also provided technical assistance to coastal districts and reviewed proposed program updates to district plans for Unalaska and Hoonah. The ACMP underwent a thorough assessment this year to look for ways of streamlining the process, and to improve local district participation. The assessment resulted in 30 recommendations for improvements, which are in the process of being implemented.

CORRECTION

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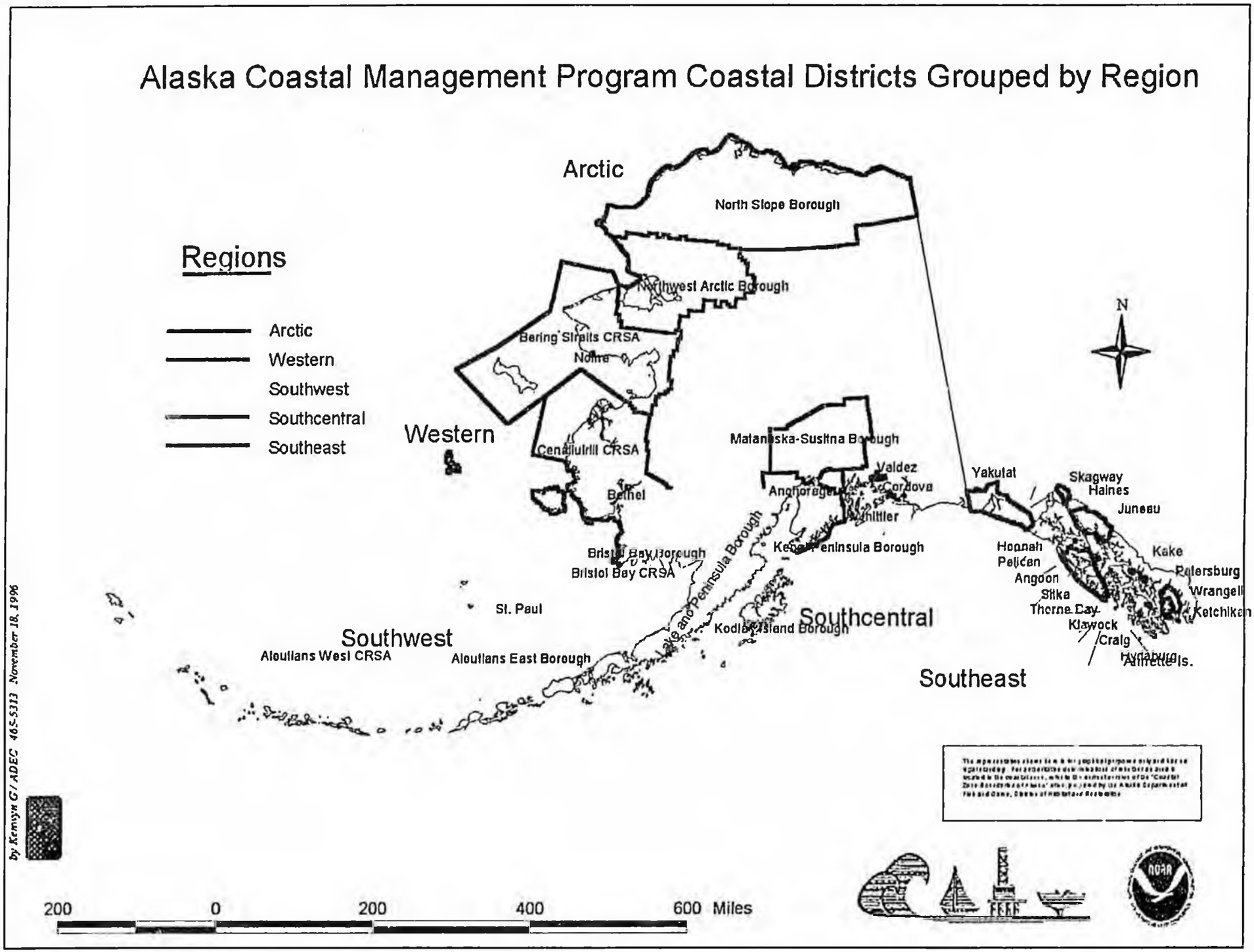
Statewide Watershed Programs

Alaska Coastal Management Program Coastal Districts Grouped by Region



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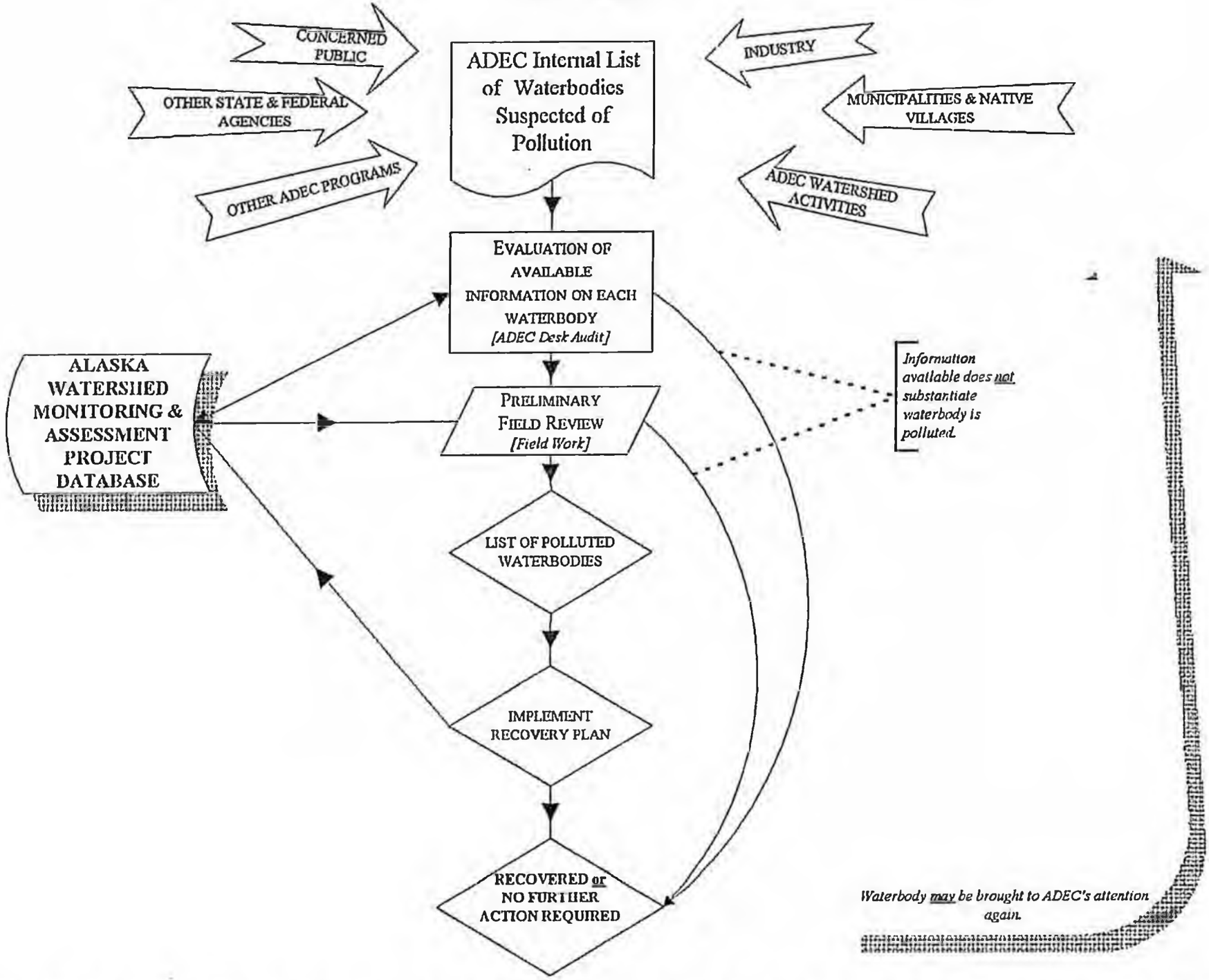
The Department reviewed and commented on approximately 400 projects to assure that they were consistent with State and community coastal management standards. Staff also provided technical assistance to coastal districts and reviewed proposed program updates to district plans for Unalaska and Hoonah. The ACMP underwent a thorough assessment this year to look for ways of streamlining the process, and to improve local district participation. The assessment resulted in 30 recommendations for improvements, which are in the process of being implemented.

HOW AWMAP SUPPORTS ALASKA'S WATERBODY ASSESSMENT PROCESS



Alaska Watershed Monitoring and Assessment Project

Description of above Photograph:

This graphic flow chart shows how the Alaska Watershed Monitoring and Assessment Project database supports the information needs of Alaska's waterbody assessment and recovery process.

Project Description:

The Alaska Watershed Monitoring and Assessment Project (AWMAP) is a statewide water quality monitoring database involving local, State and Federal agencies; industry; schools; University of Alaska; and other entities collecting water quality information. AWMAP identifies areas of the State where water quality monitoring occurs and the kind of information collected. The information management system is used by DEC for Alaska's waterbody assessment and recovery process, other State and Federal agencies and private Alaskan consulting firms.

Jobs and Families:

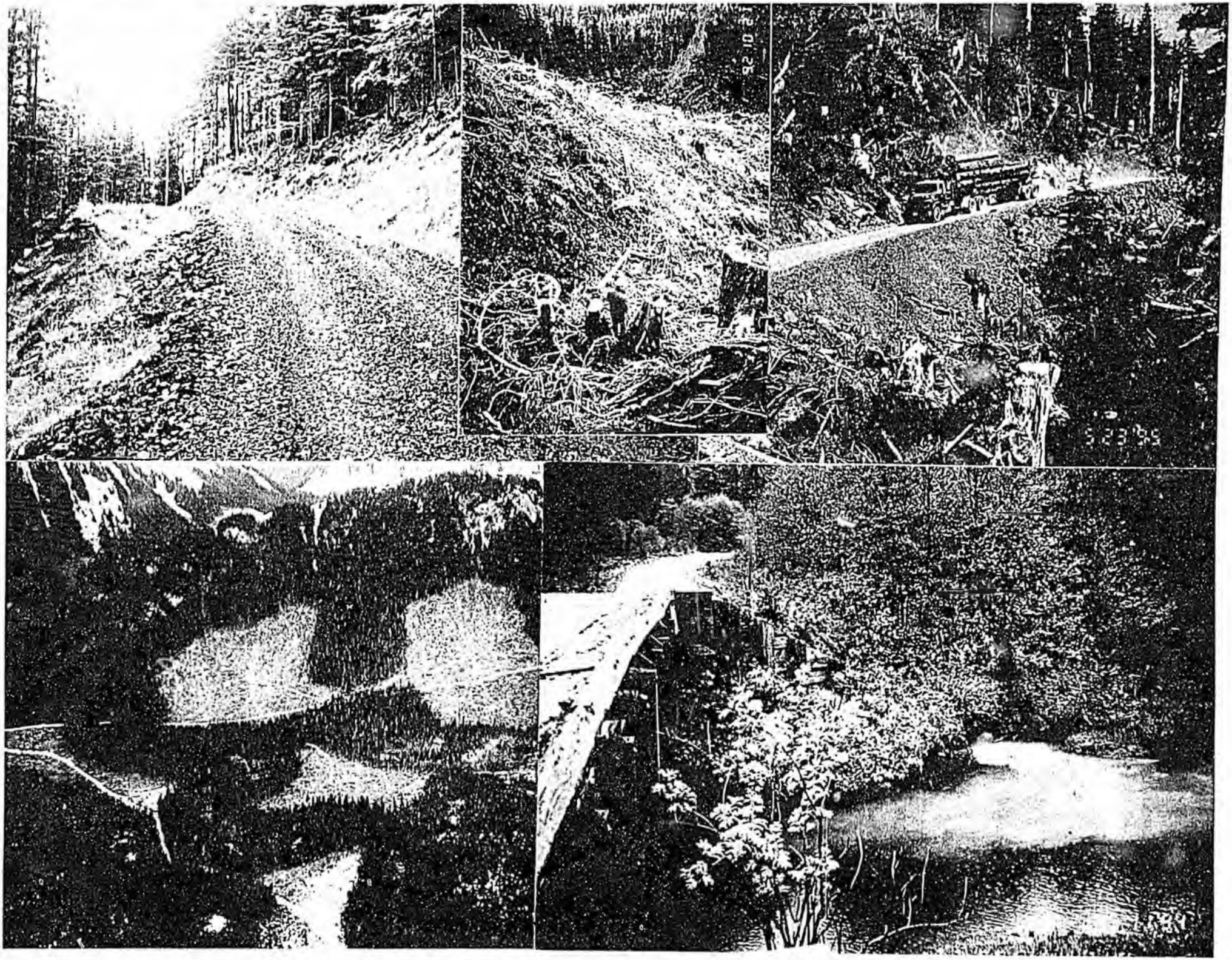
Effective monitoring of statewide water quality data puts existing information to work in solving water quality issues at the local level. The AWMAP database provides a convenient and readily available source of centralized water quality information on a variety of waterbodies throughout Alaska, which can expedite facility permitting. Collection activities include the use of modern communications and computer technologies which simultaneously support the development of an in-state high technology infrastructure.

State Oversight and Regulatory Function:

The AWMAP database serves permitters with a tool for readily available water quality information. It supports the preparation of a summary water quality report to EPA every two years under section 305(b) of the Clean Water Act. Additionally, it provides the State with a geographically-based strategic tool to identify high priority watersheds for resource targeting.

Accomplishments:

Developed the AWMAP water quality monitoring database where information is continually gathered from a variety of sources for entry to track who is collecting water quality monitoring information, where and what kind of information is collected; Prepared Final Draft AWMAP Report for EPA that identified gaps in water quality monitoring in Alaska; Prepared AWMAP Implementation Schedule for EPA to fully implement AWMAP Report findings; Contracted improvements to the AWMAP database to increase the utility of reports generated from database queries and make it easier to enter information.



Forest Practices

Description of above photographs:

Top Left:	Proper application of Best Management Practice (vegetation establishment) to stabilize erodible soil and control sediment runoff.
Top Middle:	Interagency forest practices inspection.
Top Right:	Log truck, Tongass National Forest.
Lower Left:	Logging units and riparian buffers on a salmon stream in Tongass National Forest.
Lower Right:	Sedimentation from a logging road into a salmon stream.

Project Description:

Forest Practices, including timber harvesting, road construction, and marine log transfer operations, can generate nonpoint source pollution. Major regulated pollutants resulting from these activities include sediment, turbidity, vegetative debris, and temperature. The DEC Forest Practices team represents the Department in the oversight of timber harvest operations and related activities on Federal, State, and private lands to ensure that nonpoint source pollution is minimized, and water quality and fish habitat are adequately protected through the proper application of Best Management Practices. (BMPs)

Jobs and Families:

The year-round economy of much of Alaska, especially the coastal forested regions, is largely dependent on the timber and commercial fishing industries. In Southeast Alaska alone, these industries support an estimated 7,000 direct and indirect jobs, contributing substantially to the region's economy. Both industries are inextricably linked, as the fishing industry is largely dependent upon the salmon that are produced in the abundant streams and lakes that exist throughout the coastal forests where timber harvesting occurs. Providing for responsible timber development while ensuring the protection of water quality and fish habitat is key to sustaining the jobs and families supported by the timber and fishing industries.

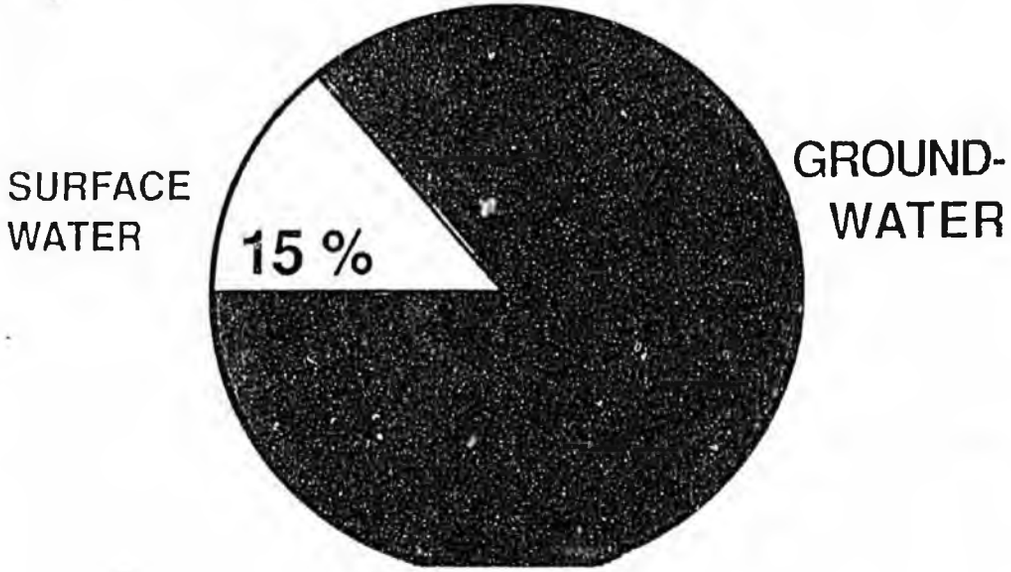
State Oversight and Regulatory Function:

The requirements of the Federal Clean Water Act, the Alaska Forest Resources and Practices Act and Regulations, and the Tongass Timber Reform Act form the basis for regulating timber harvest and road construction activities to ensure the maintenance of water quality. These statutory and regulatory requirements specify and require the proper application of BMPs to meet the State Water Quality Standards and to protect the designated uses of forested watersheds. BMPs are cost-effective techniques, applied during the planning and implementation of land-disturbing activities, that have been designed to minimize water quality degradation. To ensure the proper application of BMPs, Alaska maintains an interagency forest practices regulatory program that covers all land ownerships. Oversight of forest practices activities occurs through review of timber harvest plans and joint field inspections conducted by resource agency staff from the Alaska Departments of Natural Resources, Fish and Game, and Environmental Conservation. Key to the forest practices program is the cooperation from the forest products industry, State and Federal resource agencies, and other interest groups to help achieve forestry and water quality objectives.

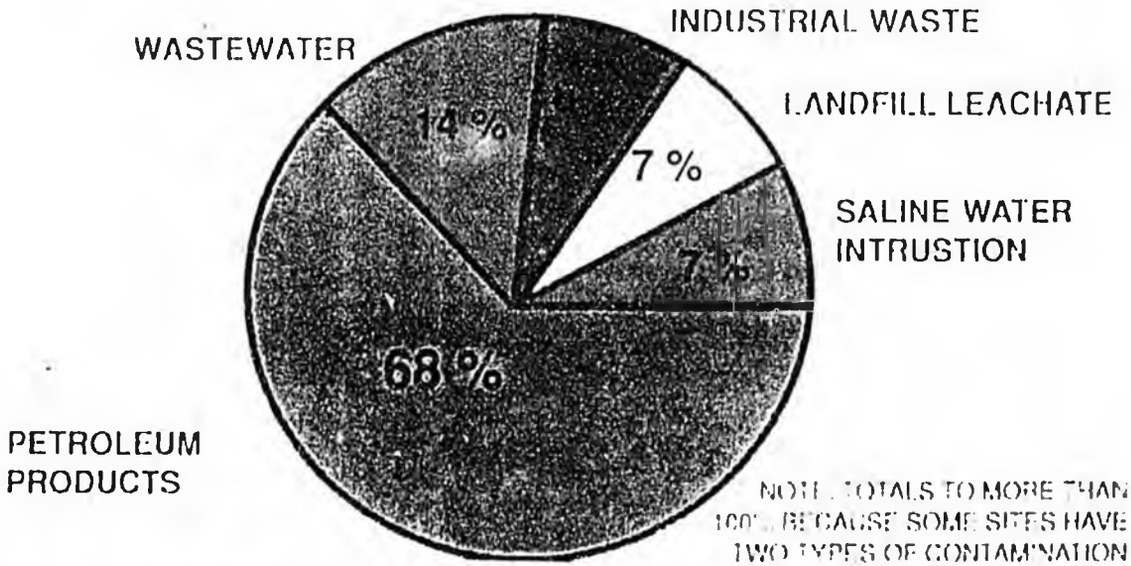
Accomplishments:

As a result of DEC's direct involvement with State and Federal resource agencies and the timber industry, logging operators and resource managers have become increasingly aware of the need to properly implement forestry BMPs for the protection of water quality. DEC has worked cooperatively with, and provided technical assistance to, both the U.S. Forest Service and the Department of Natural Resources in developing successful BMP implementation monitoring programs for Federal, State, and private lands. These programs are designed to assess the degree to which the BMPs are implemented and to identify areas where corrective measures are needed to prevent water quality degradation. In addition, DEC's review and participation in the planning process for major Federal timber sales has proven effective in modifying the projects to better ensure that water quality and fish habitat are protected during project implementation.

WATER SOURCE FOR PUBLIC WATER SYSTEMS



MAJOR TYPES OF GROUNDWATER CONTAMINATION IN ALASKA



NOTE: TOTALS TO MORE THAN 100% BECAUSE SOME SITES HAVE TWO TYPES OF CONTAMINATION

Ground Water Protection Program

Description of above photographs:

Top Left: Water source for public water systems -85% from ground water.

Bottom Right: Pie chart of major types of ground water contamination in Alaska.

Program Description:

The Alaska Department of Environmental Conservation's Ground Water Protection Program has a staff of one, and is fully funded by a grant from EPA through Section 106(b) of the Federal Clean Water Act. The objectives of the program are to create a Comprehensive State Ground Water Protection Plan; administer the ground water element of the State's Section 319 Clean Water Act (nonpoint source) grant; create an integrated - standardized State Ground Water Data Management Plan; assist DEC's Wellhead Protection Program; prepare the ground water portion of State's Section 305(b) of the Clean Water Act list of impaired and threatened water bodies; help implement the State's Pesticide Management Plan; and provide technical assistance and public outreach on ground water related issues.

Jobs and Families:

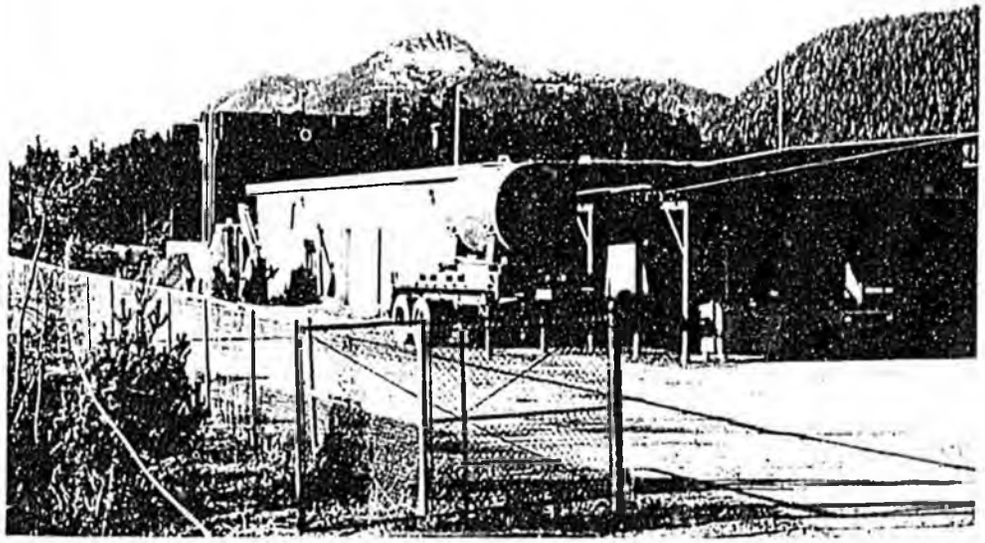
Of the 3,333 public drinking water systems in the State, 2,822 (85%) use ground water as a source (11/96). These figures do not account for all of the private or household drinking water systems, most of which use ground water. Alaskans have a reasonable expectation that their ground water is clean and safe to drink. While it is next to impossible to put a price on the value of Alaska's ground water resource, the costs of cleaning up contaminated ground water are high. A small amount of oil or other hazardous substance can contaminate many times its volume of ground water. Since ground water is not readily accessible, it is difficult and expensive to clean it up to the very low levels of contamination that are no longer considered to pose a health risk. It is much easier and cheaper to prevent ground water contamination than to clean up or replace a drinking water source that has become unusable as the result of contamination.

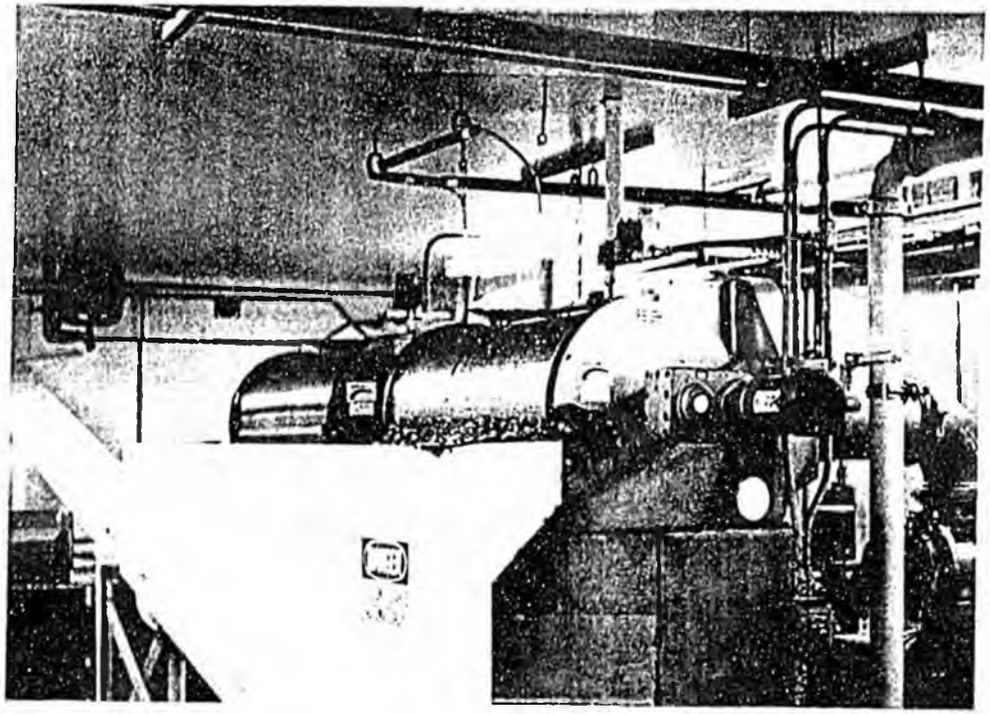
State Oversight and Regulatory Function:

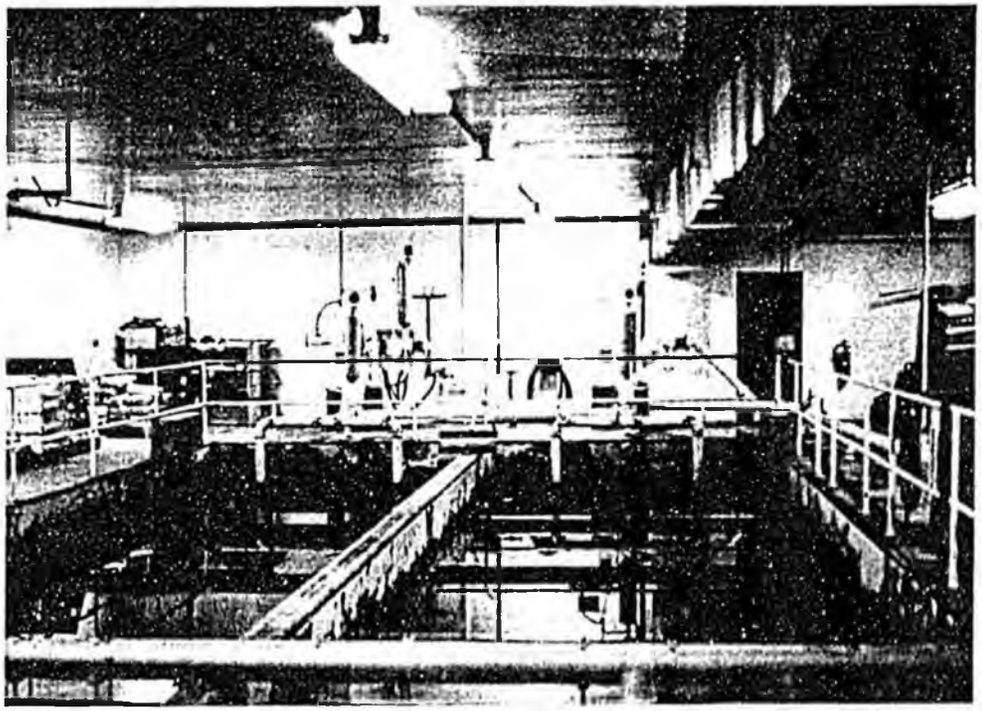
Ground water is regulated by many different programs within DEC and other State and Federal agencies. This leads to confusion as to what is required and by whom. One of the functions of a Comprehensive State Ground Water Protection Plan is to gather all of the requirements into one document to avoid this confusion, and correct conflicting or redundant requirements. The Safe Drinking Water Act Amendments of 1996 will require all public drinking water systems to formally assess the source of their water supply. These source water assessments will be data intensive. Having all of the ground water related data in an accessible format will greatly help in the preparation of drinking water source assessments. The DEC Ground Water Protection Program is not enforcement oriented. Its mission is to educate Alaska citizens as to the value and need to protect Alaska's ground water resource to ensure future generations will have access to safe and clean ground water.

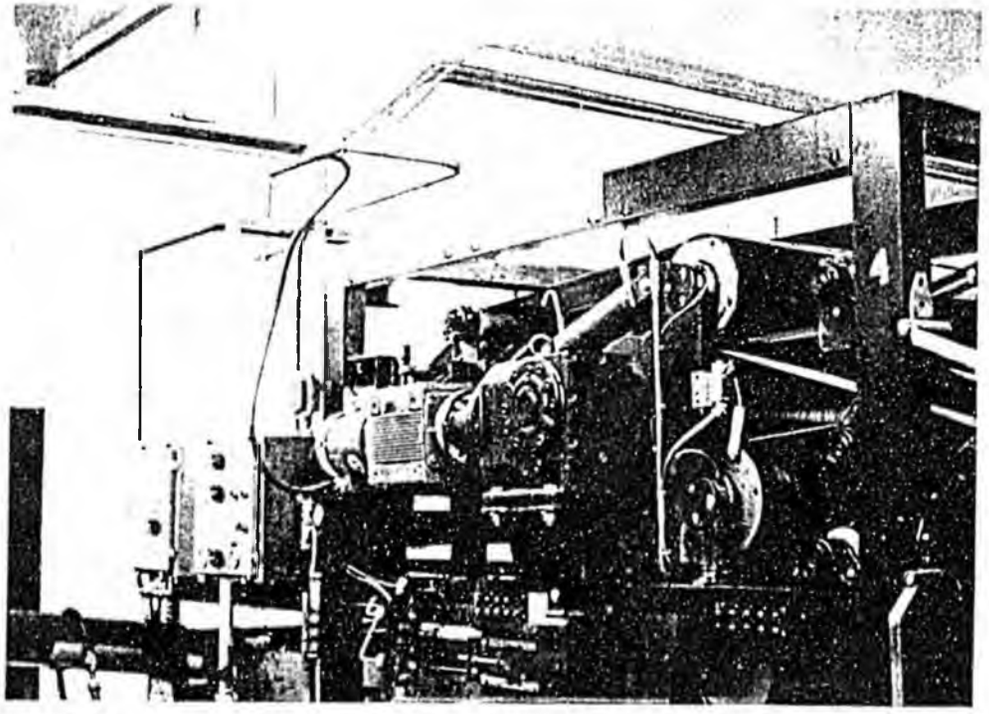
Accomplishments:

After being vacant for several months, this position was filled effective May 1, 1996. The following are the highlights of what has been done since May: Created draft versions of a Comprehensive State Ground Water Protection Plan for Alaska, a Ground Water Data Management Plan, an Action Plan, and a finalized version of a Summary Report (all required by EPA); Technical review of State and Federal regulatory and guidance changes related to ground water management (Alaska contaminated sites clean up regulations and associated guidance documents: EPA regulation changes as a result of the Safe Drinking Water Act Amendments; EPA's large capacity septic system guidance; administering nonpoint source grants (Municipality of Anchorage - Hillside Nitrate Study; McCarthy Area Council - Wellhead Protection; Alaska Cooperative Extension - Home*A*Syst Alaska specific wellhead protection program and materials; DAR -Fairbanks area aquifer vulnerability study). Also participated in the solicitation and selection of nonpoint source grant proposals for FY'97; assisting the DEC drinking water program in creating a wellhead protection program, and ongoing efforts in ground water data management, ground water quality criteria, pesticide management, and providing technical assistance.









Municipal Wastewater Treatment and Disposal Program

Description of above Photograph:

Top Left: Petersburg Wastewater Treatment Plant (primary treatment process).

Top Right: Rotary screens (0.4 inch mesh size for removing solids from sewage).

Bottom Left: Clarifiers and sludge pumps, (for settling and the transfer of solids).

Bottom Right: Belt filter sludge press, (for dewatering sludge prior to disposal).

This page represents an example of a municipal treatment system currently operating in Alaska.

Facility Description:

City of Petersburg Wastewater Treatment Plant. This wastewater treatment plant was recently reissued a NPDES permit which has been certified by the State of Alaska. The plant is currently permitted to treat domestic wastewater and discharge an average of 2.18 million gallons per day of primary treated wastewater to Frederick Sound. This facility is one of eight 301(h) waiver communities in the State of Alaska. The 301(h) waiver is a waiver from the EPA secondary treatment requirements. Some of the treatment processes and equipment used at this facility are: Flow meter; rotary screens, (0.4 inches); screenings conveyer; grit separator; grit dewatering escalator; primary clarifiers; sludge collectors; scum skimmers; sludge storage tanks; v notch weirs; effluent launders; screenings press; belt filter press; lime blender; various laboratory analytical equipment; a variety of pumps and valves; 15 lift stations; and a final outfall line and diffuser.

Jobs and Families:

The operation and maintenance of this facility provide full time jobs for 25 employees. The operating and maintenance budget was $420,000 in 1996. The Treatment Plant currently has 1,197 wastewater connections which serve approximately 3,300 individuals. The facility is well operated and the treated wastewater produced by this primary treatment facility is of good quality and results in protection of the environment and the public health of the 3,700 residents of Petersburg.

State Oversight and Regulatory Function:

DEC certified that the NPDES permit limitations were stringent enough that violations of the State of Alaska Water Quality Standards should not occur. Certification of the NPDES permit, in effect, allows the State of Alaska to adopt the NPDES permit and therefore a separate State of Alaska permit is not required. DEC worked with EPA and the community to create a larger, more accurate mixing zone for fecal coliform bacteria for this permit. Monitoring reports are routinely submitted to EPA and DEC, and facility inspections are conducted periodically.

Accomplishments:

For the time period July 1, 1995 to November 15, 1996 the Wastewater Treatment and Disposal team issued wastewater disposal permits or water quality certifications for NPDES permits for the following facilities: Johnson Store/ Elfin Cove; Rowan Bay Upland Camp; Neets Bay Hatchery; Polk Inlet Camp; Klawock/(Draft); Ketchikan Golf Associates; James Bride Subdivision/ Ketchikan; Abacus Minerals/Niblack Anchorage; Defense Fuels/Whittier; Talketna; Eielson Air Force Base; Harper Lodge; Point Barrow Long Range Radar Station; Kiana; Town and Country/Kenai; Don Turner Subdivision/Haines; Angoon; Portage Bay Land Camp; Coffman Cove; Victory Ministries/Palmer; Palmer Correctional; Chevek; Yukon Ventures; Rainbow Valley Mobile Home Park/Fairbanks; King Trucking/(Draft)/Fairbanks; Schlumberger Camp; Prudhoe Bay Hotel; North Slope Borough Service Area 10; Seward; Cordova; Juneau-Douglas Plant/Juneau; Petersburg; Sitka; Skagway.

Most of the permits that are being issued have authorized mixing zones to meet Water Quality Standards and monitoring requirements to assure compliance. Staff has also provided technical assistance to applicants, permittees, consultants and the general public on a daily basis. There are approximately 40 applications, permit modifications, and permit renewal requests that have been received since July 1996, and are pending action by the Department.

Nonpoint Source Pollution Control Program

Description of above photographs:

Top Left: Planting vegetation on exposed slopes as part of a comprehensive nonpoint source pollution control project in King Cove.

Top Right: Improperly functioning culvert on Juneau's Duck Creek presents a barrier to fish passage. Poorly constructed or maintained culverts also create stagnant, unhealthy conditions.

Center: Citizen volunteers collect benthic macro invertebrates ("bugs") in a stream to assist DEC in monitoring water quality. Small bottom-dwelling animals are easily affected by nonpoint source pollution and are good indicators of health of a stream.

Bottom Left: Stockpiling snow from roads and parking lots contains a variety of contaminants.

Bottom Right: Erosion is a common problem affecting urban area streams.

Program Description:

Most water pollution in Alaska comes from "nonpoint" sources such as: failing septic systems (bacteria and excess nutrients); rain water run-off from streets and parking lots (oil and trace metals); erosion from construction activities (sediments); poor logging practices (sediments and habitat destruction); and destruction of stream side habitats from building or trampling. The Nonpoint Source Pollution (NPS) Control Program provides technical and financial assistance to communities and agencies to restore polluted waterbodies, and to develop and implement programs to control sources of pollution. The program focuses on educating the public and industry about NPS pollution, and implementing Best Management Practices (BMPs) to prevent pollution.

Jobs and Families:

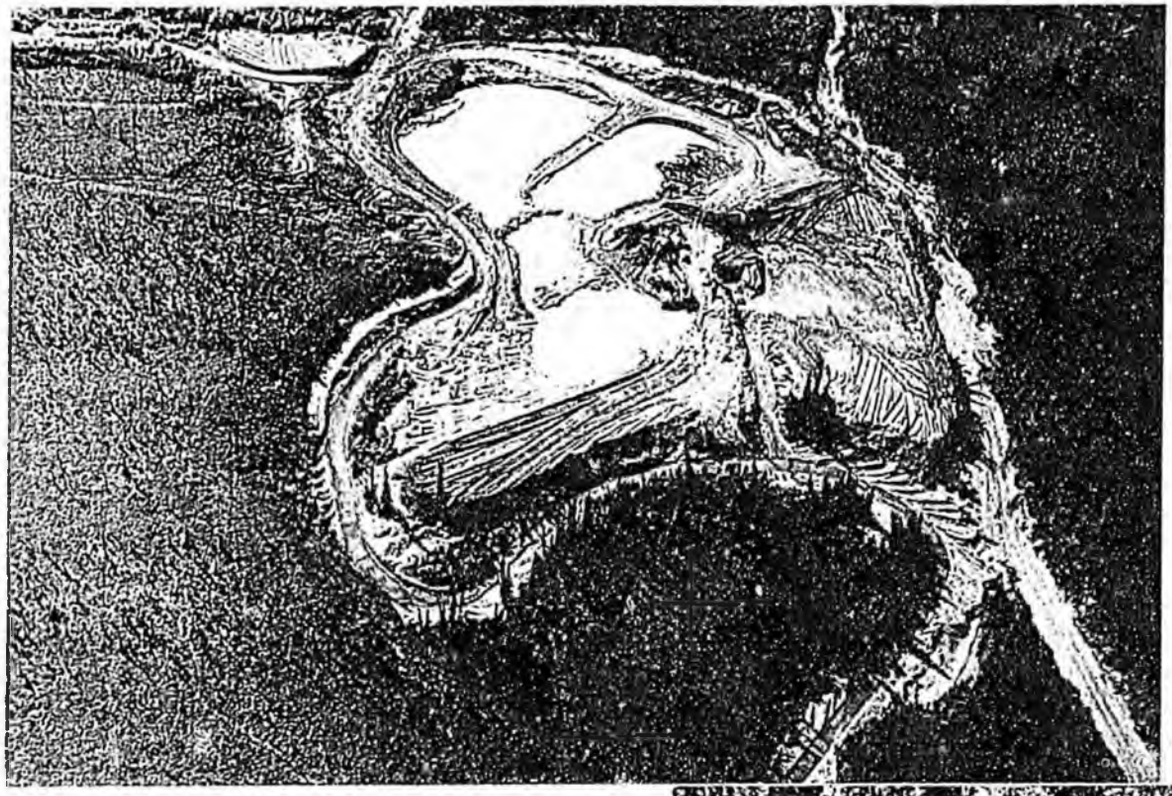
Our quality of life, as well as most jobs in Alaska depend on clean water and abundant fish and wildlife. Alaska is unique among the rest of the world, in possessing clean water and pristine habitat to support fisheries, tourism, and water-dependant recreational opportunities. As examples, fisheries and tourism are major contributors to Alaska's economy. Commercial fishing alone supports over 17,000 vessels which land approximately $1.4 billion worth of fish each year. Sport fishing provides over 4,000 jobs, with over $100 million spent on sport fishing related activities annually. Development pressure is having its effects on our water quality and fisheries resources. In 1996, 53 waterbodies were listed as being polluted from nonpoint sources. Many of these streams are no longer safe to fish, swim or drink. This pollution translates into loss of jobs, recreational opportunities, and threatens natural fish stocks, and public health.

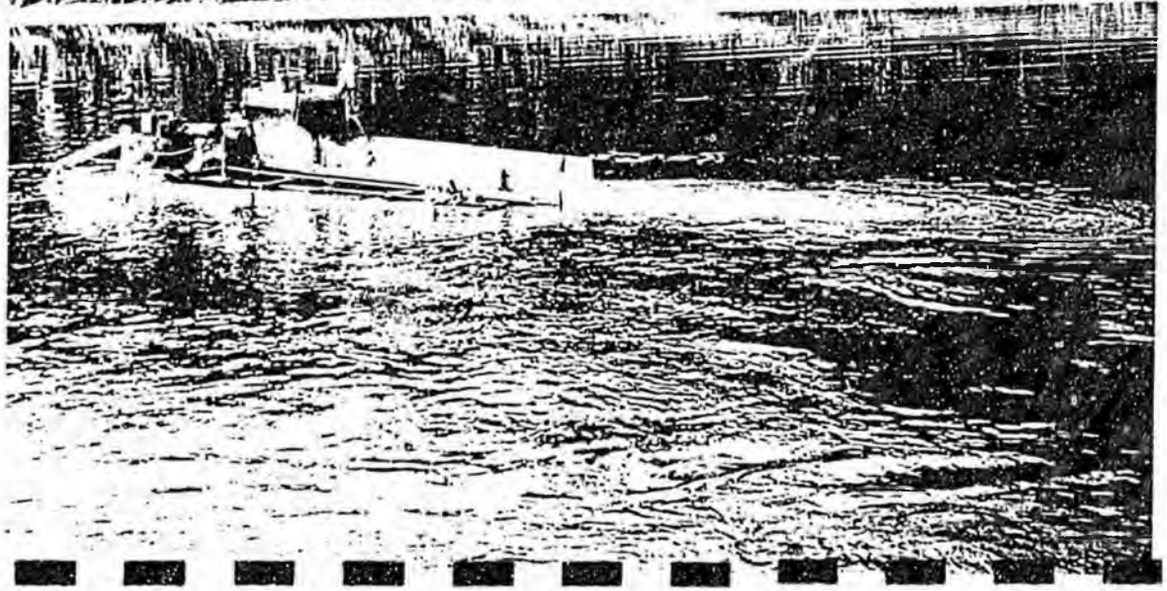
State Oversight and Regulatory Function:

Nonpoint source pollution is controlled through both regulatory and voluntary programs. Examples of regulatory controls include the regulation of logging operations, and review and approval of plans for roads. DEC staff provides technical assistance and oversight to local communities with regard to private septic systems, and the design and implement of nonpoint source pollution controls. In addition, DEC provides approximately $500,000 annually in grants through Section 319 of the Clean Water Act to communities for stream restoration, public education, monitoring, planning and other activities.

Accomplishments:

In 1996 DEC provided approximately $500,000 in grants and technical assistance for: restoration of water quality and fish habitat in Duck Creek, Juneau; public outreach to homeowners to protect their wells from contamination; a placer mining reclamation demonstration project; Anchorage Basin Watershed Project; streamside rehabilitation; development of a watershed protection approach for Alaska; a Watershed Stewardship Project in Anchorage; and restoration of Ophir Creek in Yakutat. In conjunction with other agencies, DEC also developed a draft *Alaska Coastal Clean Water Plan* to control NPS pollution in the coastal areas.





Placer Mining

Description of above photographs:

Top Left: A placer mine on Cherry Creek in the Fortymile Mining District (August 1996).

Bottom Right: A suction dredge operating in the Fortymile River (August 1996).

Project Description:

Placer deposits are defined as waterborne or glacial deposits of gravel or sand containing particles of gold or other precious minerals. Placer mines are usually located in a stream-side environment. The Alaska Department of Environmental Conservation regulates the waste water discharge and other environmental concerns related to placer mines. The primary tool used to regulate waste water discharges is the States' certification of the National Pollutant Discharge Elimination System (NPDES). There are more than 300 NPDES permitted placer mining facilities in the State. It is estimated that ½ to ⅔ (150 to 200) of the permitted facilities actively mined during the 1996 season. The mines range in size from operations that process 10 yards of material per hour to operations that process 250 yards per hour.

Jobs and Families:

The 1995 Alaska Mineral Industry Report indicates that mining, statewide, is believed to employ 3,406 people. Placer mining accounts for 975 employees from this total. Recreational placer mining, mostly in the form of suction dredgers, accounts for an additional 280 jobs. The 1995 Alaska Gold production value was $56.0 million; 1996 values are still being calculated. Indications are that 1996 numbers and values will be slightly down, with placer mining including suction dredgers accounting for more than 1,100 jobs, and gold production at $60.0 million.

State Oversight and Regulatory Function:

DEC Watershed Development staff work with the Placer Mining Industry and the U.S. EPA in developing NPDES wastewater discharge permits. DEC staff conducts compliance inspections and issue U.S. Army Corps of Engineers Section 401 water quality certifications for general and individual permits required at most placer mining operations.

Accomplishments:

The State issued its certification for three General Permits for mechanical, medium suction dredges, and small suction dredges on November 15, 1996. These permits will ensure protection of the environment while allowing most placer and suction dredge mines to operate without going through the individual permit process.

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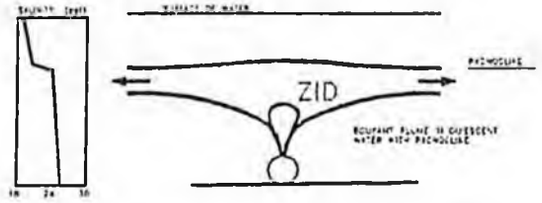

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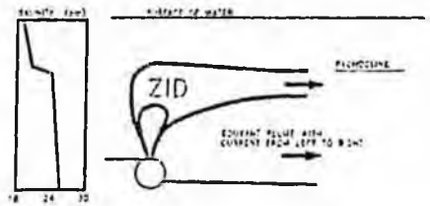

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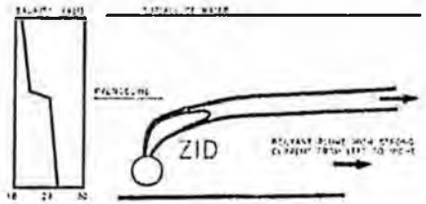

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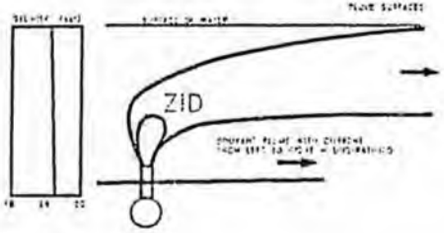

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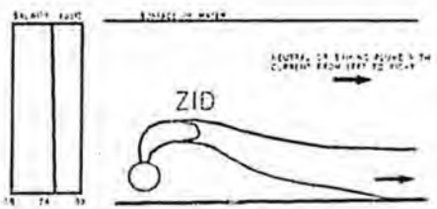

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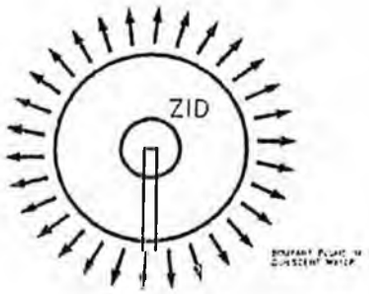

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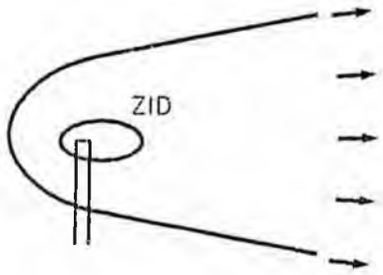

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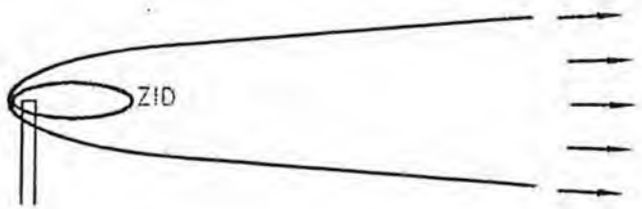


Science and Engineering Support Services Project

Description of above Photograph:

DEC uses EPA's PLUMES model and the CORMIX model for determining mixing zone sizes. The diagram shows a variety of effluent plume shapes as the effluent disperses. The shape, size and depth of the plume depend on such parameters as salinity, temperature, density of the effluent, receiving water currents, diffuser design and depth of the outfall. The type of model chosen depends on some of these characteristics.

Project Description:

The Science and Engineering Support Services Project includes scientists and engineers who provide technical services and specialized expertise to Department permitting staff, permittees and the public. Typical services include modeling the behavior of an effluent in the receiving water to design mixing zones and estimate dilutions to set permit effluent limits which will ensure that Water Quality Standards are met at the edge of the mixing zone (see Alyeska Ballast Water Treatment Facility, for example); reviewing proposed receiving water monitoring programs to ensure that an adequate quantity and quality of data will be gathered to measure compliance with Water Quality Standards; reviewing risk assessments of proposed discharges to ensure that human health and aquatic life are protected.

Jobs and Families:

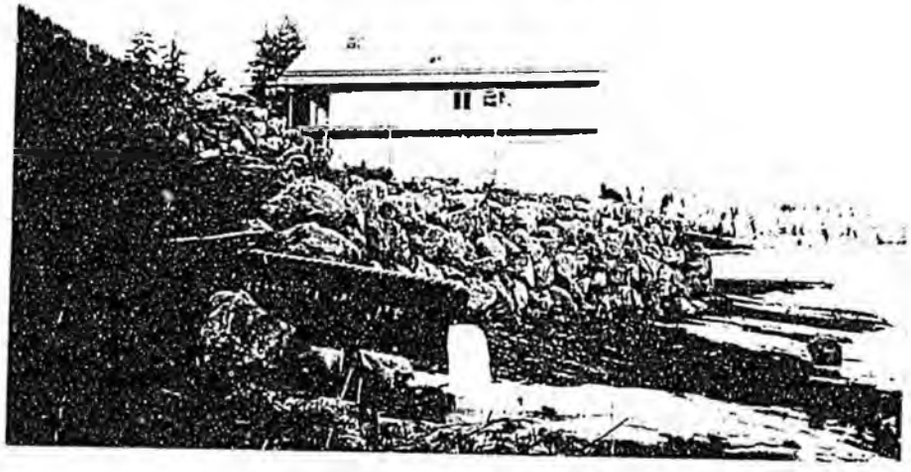
Most municipal and industrial wastewater permittees need mixing zones in order to make sewage and industrial wastewater producing projects economically feasible. Properly designed mixing zones ensure protection of public health and ecological integrity while, allowing economic development. Risk assessments and receiving water monitoring provide assurance that human health and the environment are protected.

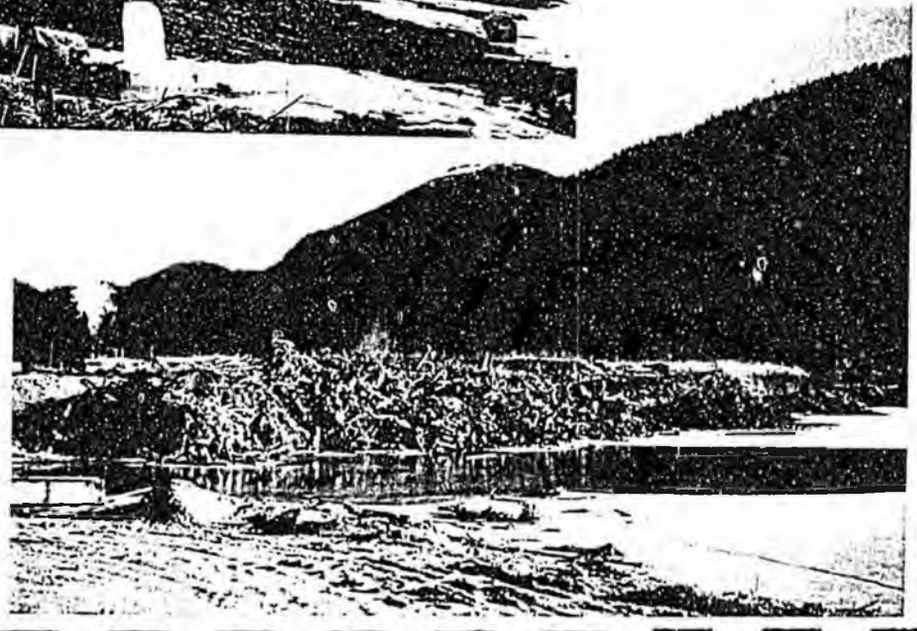
State Oversight and Regulatory Function:

Alaska Statutes (AS 46.03.010) declare that "It is the policy of the State to conserve, improve and protect its natural resources and environment and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well-being." Department permitting decisions can meet these goals only by applying the most applicable water quality standards and by the use or review of the latest mixing zone models being used by agencies and consultants. Complex, technical operations require specialized science and engineering, keeping current with present day modeling methods and risk assessment requirements.

Accomplishments:

Modeled wastewater discharges for the Alyeska Ballast Water Treatment Plant, Ketchikan Pulp Company, Cook Inlet oil platforms, Greens Creek Mine, and the municipal sewage treatment effluents at Petersburg and Skagway which have Federal waivers from the secondary sewage treatment requirement of the Federal Clean Water Act. Conducted Risk Analyses for the Ballast Water Treatment Plant and Ketchikan Pulp Company, evaluating chemical and toxicity data and ecological and human health risk assessment models and criteria. Experience from this process was used to develop draft guidelines for the use by permit writers and industry, and is currently being applied to the Greens Creek permit renewal, the AJ Mine, and other large facility permits. Staff is presently looking more closely at the modeling and mixing zone sizes for Petersburg and Skagway sewage treatment plant discharges as they relate to meeting effluent limits for Whole Effluent Toxicity (WET), and at Skagway, effluent limits for copper. This research may enable these communities to economically deal with potential permit violations, avoiding increased WET testing at approximately $3000 per sample and toxicity reduction studies.





Section 401 (Clean Water Act) Water Quality Certifications

Photographs of 401 Projects:

Top left: Unauthorized road excavation in forested wetlands that developed severe erosion.

Center: Residential fill that encroached on tidelands.

Bottom Right: Authorized placement of stumps and overburden as fill in a gravel pit, with eventual restoration.

Project Description:

Under Section 401 of the Federal Clean Water Act, any applicant for a Corps of Engineers Section 404 permit to ***excavate or place fill material in wetlands or waters*** is required to obtain a ***water quality certification*** from the State. The Corps cannot issue a 404 permit without the State certification or waiver. The Corps issues approximately 400 of these permits annually; DEC must certify or waive each case. The facilities receiving 404 permits and 401 certifications encompass every type of development statewide: residential, commercial, industrial, public, energy, and transportation, from housing and businesses, to major mines and oil and gas facilities, to schools, harbors, airports, and highways. The 401 program also applies to hydroelectric facilities licensed by the Federal Energy Regulatory Commission, of which roughly 12 now are in process. In addition, the 401 program evaluates roughly 300 other development projects annually, and provides comments and conditions to ACMP, reflecting the Department's regulatory authorities.

Jobs and Families:

As a Federal requirement, Section 401 certification is a cornerstone of development in the State. Given the extent of dependent industries and facilities, Section 401 certification is essential to the creation and maintenance of a very large number of jobs, and to economic security for families that results from jobs. Families enjoy a better quality of life from wetlands, lakes, streams, and oceans that improve water quality, protect drinking water resources, improve the aesthetic landscape, increase recreational opportunities, and provide fish and wildlife habitats. The 401 program has contributed to reduced wetlands loss; mitigation of impacts to wetlands, tidelands and waters; protection of wetlands functions and productivity; improved erosion control; and protection of water quality and habitat. Work with industry and the public tends to decrease development costs by reducing fill placement and facility footprints, and by reducing the need to repair or mitigate damage to property.

State Oversight and Regulatory Function:

The 401 program is a direct requirement of the Federal Clean Water Act. Any project that will excavate or place fill material in wetlands or navigable waters must receive a Section 404 permit from the U.S. Army Corps of Engineers, and a jointly-developed Section 401 water quality certification from DEC. The 401 certification provides "reasonable assurance" that a project will meet State Water Quality Standards, and may require Best Management Practices to be followed concerning fill materials, erosion control, drainage control, and habitat protection. The 401 certification is developed under the umbrella of the Alaska Coastal Management Program, which coordinates the development of all State permits that may be required, and also coordinates fully with Municipal Coastal District Programs. Approval of the 401 is essential to allow approximately 300 construction projects to go forward annually.

Accomplishments:

Issued 300 water quality certifications; reviewed and commented on 300 ACMP projects. Special projects included EPA general permit for log transfer facilities; COE single-family housing nationwide permit; COE Anchorage wetlands general permit; Federal/State agreement on highways 404/NEPA process merger; DEC wastewater general permits; DEC general permit for salmon carcass disposal; resolution of five 401 cases thru administrative appeal; formation of 401 program team; development and implementation of computer database tracking system; enhanced participation in ACMP interagency review process.

Statewide Hardrock Mining Program Routine Oversight

Description of above Photograph:

An exploration trench is used to determine mineral deposits at the True North Prospect, north of Fairbanks. The trench is designed to limit water impacts and to accommodate reclamation once sampling has been completed.

Facility Description:

The following mines and mineral deposits routinely need review and assistance by DEC: Donlin Creek, Nixon Fork, Alaska Gold's Nome property, Golden Zone, Liberty Bell, Usibelli Coal Mine, Red Devil, Golden Summit, True North, Marshal Dome, Ryan Lode, Grapefruit Rocks, Pogo Property, Delta Belt, Wishbone Hill, Jonesville, Jualin, Niblack, Tulsequah Chief, Bronson Slope, Red Mountain and Calder.

These sites include mineral deposits reaching final exploration and delineation activities, active mines, and mines that are going through reclamation. Regardless of the status of the projects listed, they all have the potential for large future expansion. They include deposits for coal, precious metals, limestone quarries and other metals. Some are located in Canada which have potential to affect Alaskan resources. These projects do not require the intense working relationship with companies to address the complex regulatory and technical issues of project development, but do require ongoing periodic communication and interaction.

Jobs and Families:

Hundreds of jobs depend on these projects, and potentially thousands more will result from development of the prospects pending in the State which are listed in the facility description above.

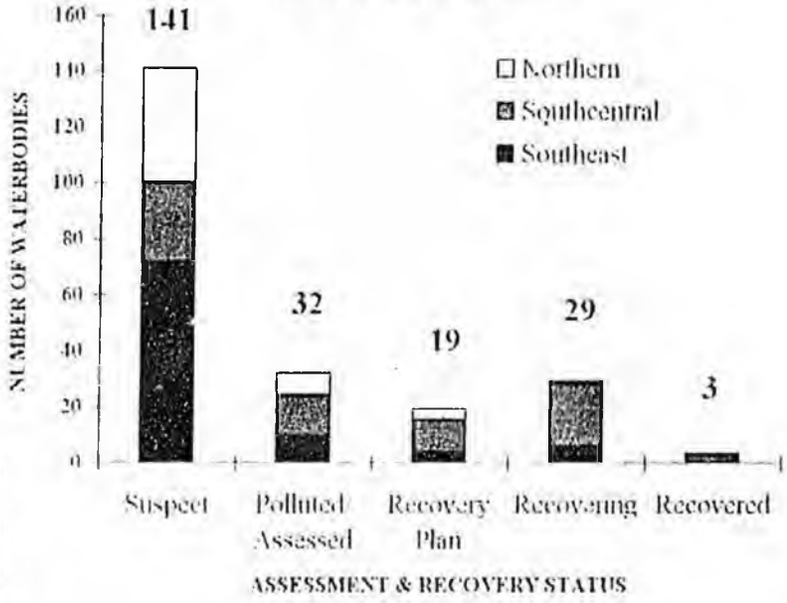
State Oversight and Regulatory Function:

A myriad of actions are needed for these projects including the development of watershed monitoring plans, providing prompt technical assistance for issues that develop in current mines, reviewing reclamation plans, inspections, and keeping current on changes and developments of projects.

Accomplishments:

Early and ongoing involvement by agencies in developing mines greatly reduces costs and the impact of regulatory issues on the projects. This assists companies in choosing approvable alternatives for development and prevents costly redesigns. At these stages of the projects agency involvement is low per project, with large returns in the reduction of overall workload for each of the projects. When all the projects are evaluated together there is a significant amount of effort needed. Because of the smaller effort needed for each individual project, funding agreements are not in place.

1996 STATUS OF ALASKA'S POLLUTED WATERS BY GEOGRAPHIC REGION



Waterbody Assessment and Recovery Program

Description of above Photograph:

Top: The center graphic reflects the 1996 status of polluted waterbodies in Alaska by geographic location.

Bottom Left: Nonpoint sources of sediment and turbidity are Alaska's largest threat to water quality.

Bottom Right: Clean Alaskan streams reflect the goal of water quality recovery and protection to maintain healthy waters that support viable fisheries.

Program Description:

The Waterbody Assessment and Recovery Program systematically identifies and assesses polluted waterbodies throughout Alaska and assures their eventual recovery. Watershed protection is promoted through local projects to develop and implement water quality assessments and recover polluted waters for their beneficial uses. In watersheds where point and nonpoint source pollution is a concern, technical assistance is provided and financial support is encouraged to implement local watershed activities. Periodic summary reports are prepared for both the Alaskan public and the Environmental Protection Agency (EPA).

Jobs and Families:

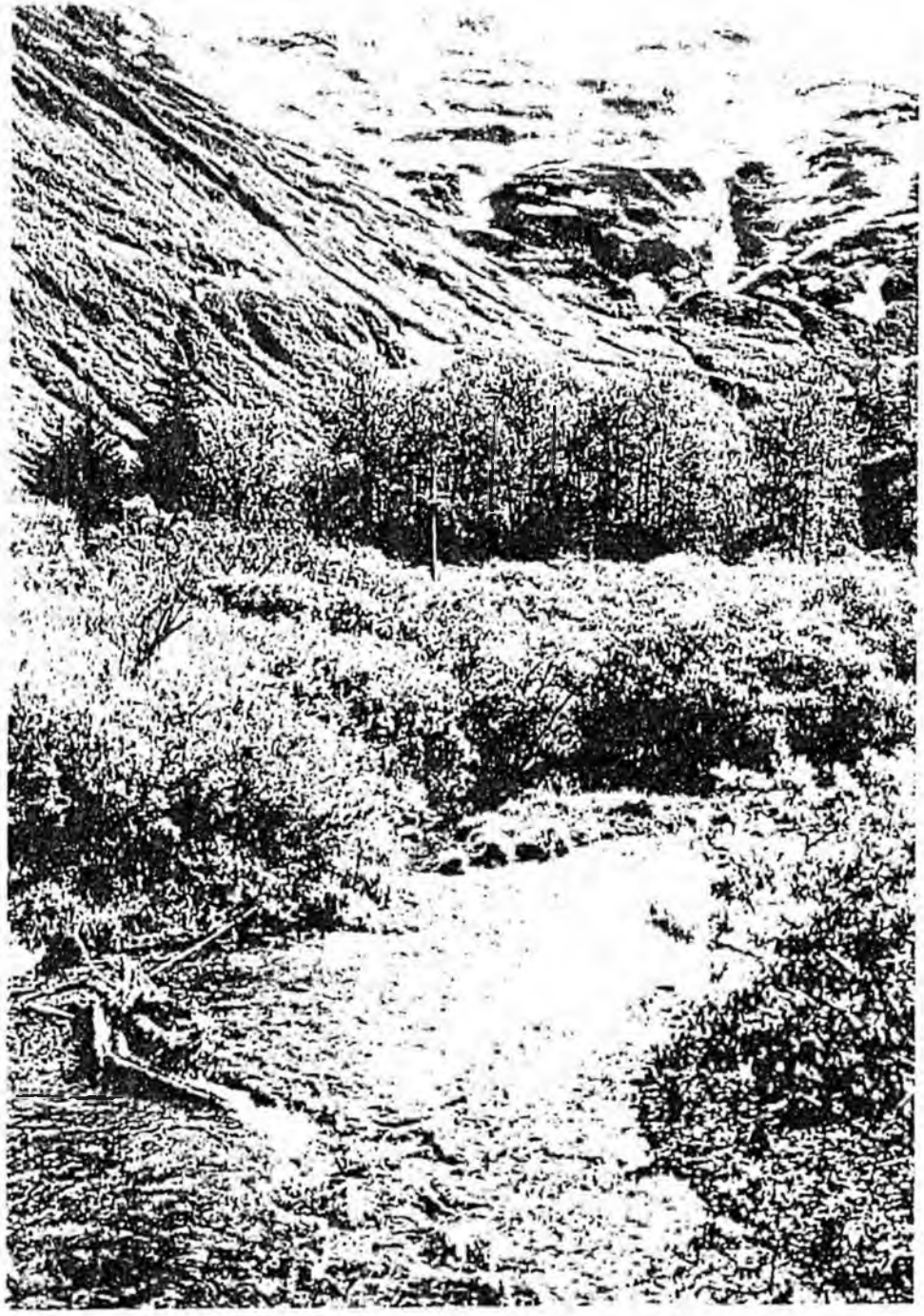
Clean waters supporting healthy salmon runs are important to residents, the fishing industry and tourism. Resource development in Alaska needs clean water to successfully achieve its full potential. If polluted waterbodies lack demonstrated progress toward recovery, Federal regulatory agencies tighten controls which increase the length of time required to permit a facility and increase operating costs. More stringent controls can lead to reduced profit margins which have a direct relationship to the number of jobs available. Reduced employment affects local economies, the integrity of Alaskan families and their quality of life. DEC Watershed staff work at the local level to encourage waterbody recovery and protect Alaska's waters.

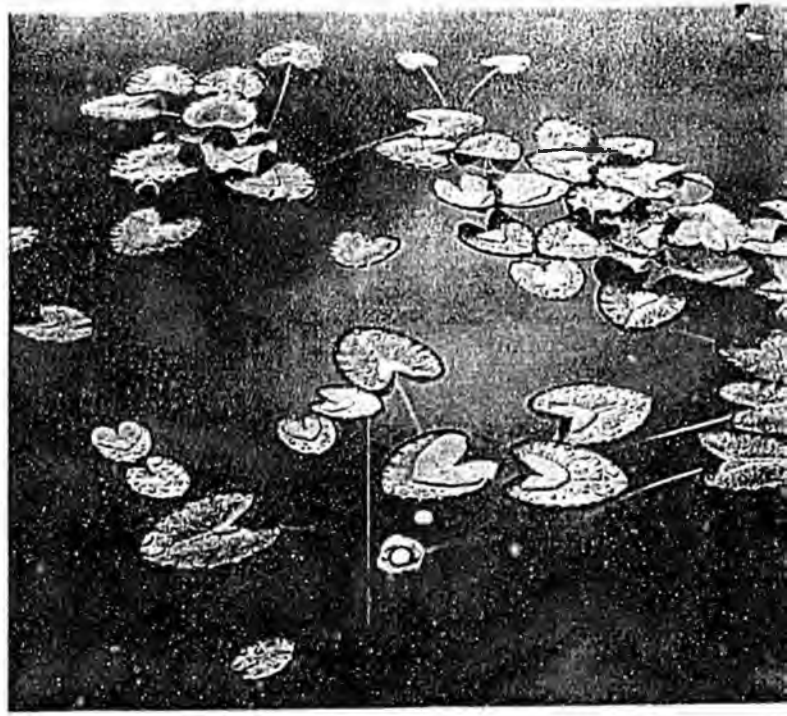
State Oversight and Regulatory Function:

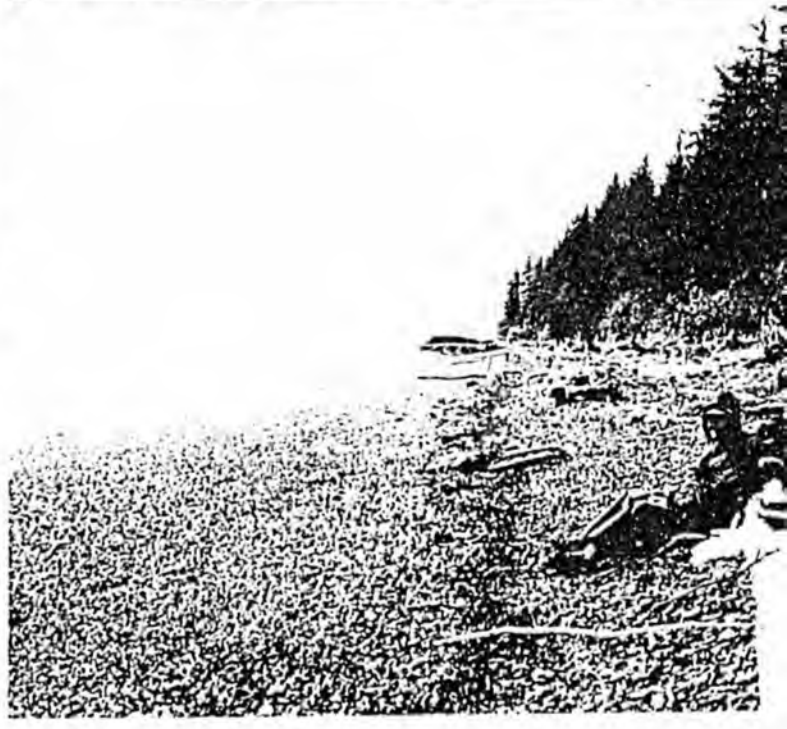
The State of Alaska is required under Section 305(b) of the Clean Water Act to prepare and submit a water quality summary report to the Environmental Protection Agency every two years. In addition, the Clean Water Act Section 303(d) requires States to identify surface waters that are polluted by point and nonpoint sources of pollution every two years. These polluted waters may require additional contro to meet State Water Quality Standards.

Accomplishments:

Developed a systematic process to evaluate, assess and recover waterbodies that assure widespread public involvement; Published Alaska's 1996 Water Quality Assessment Report; Submitted Alaska's biennial polluted waterbody list (303(d) list) to EPA; Adopted a watershed approach to resolve water quality problems at the local level; Scheduled action on all listed waterbodies during FY'97 to move them toward complete recovery.







Water Quality Standards Program

Description of above Photograph:

Top Left: A view of Sheep Creek Valley in Juneau.

Center: Unnamed lake along Mount Jumbo trail on Douglas Island.

Bottom Right: Beach along west side of Douglas Island.

Project Description:

The Alaska Water Quality Standards (WQS) provide the backbone for protection of Alaska's waters. The Standards consist of identifying designated uses for waterbodies in the State, identifying narrative and numeric water quality criteria that define the minimum acceptable conditions necessary to support each use. The Standards also contain an antidegradation provision to protect existing water quality. Most waterbodies in Alaska must be protected for fishable and swimmable uses.

Jobs and Families:

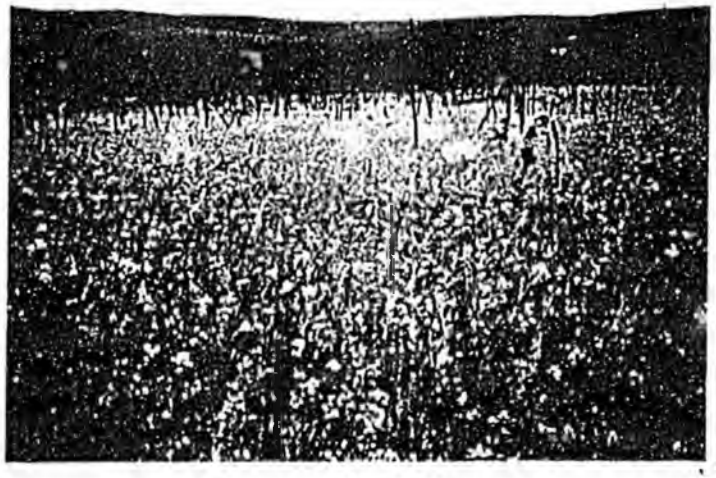
The Water Quality Standards program represents the cornerstone for reasonable protection of our water resources. The protection of water quality is important for maintaining the quality of life in Alaska and for maintaining the viability of industries that rely on clean water, such as fisheries, tourism, and water-dependent recreational opportunities. Industries that discharge wastewater into waters of the State also rely on Water Quality Standards which reasonably protect public health and the environment and are not unduly onerous or costly. A good Water Quality Standards Program saves industry's money, which in turn translates to jobs and quality of life.

State Oversight and Regulatory Function:

The Federal Clean Water Act requires States to develop Water Quality Standards regulations for waters of their State. The Department of Environmental Conservation is responsible for regulatory oversight of the Alaska Water Quality Standards, which are found in 18 AAC 70. These Standards are applied whenever it is necessary to determine whether water quality is being protected for a waterbody. Examples include wastewater permitting and ambient water quality monitoring.

Accomplishments:

Revised WQS regulations took effect on March 16, 1996 which revised language on antidegradation, treatment works, and the methodology for petroleum hydrocarbons; two staff studies were completed on total suspended solids and particulate hydrocarbons in July 1996. The Commissioner issued a decision document on these studies in November 1996; draft regulatory language for mixing zones went out for public review in January 1996 and again in November 1996. DEC expects to forward a final draft to Law in early 1997; a letter from the Commissioner to EPA Region 10 was sent in June 1996 requesting resolution of the questionable Federal arsenic numeric criteria which are now imposed on the State; WQS staff completed a paper on *Toxics and the Alaska Water Quality Standards* to educate DEC staff, industry, and the public on the history and status of toxics criteria in Alaska; DEC is working closely with EPA to remove Alaska from portions of the National Toxics Rule, which imposes Federal numeric criteria on Alaska waters. Action expected in early 1997.



Wetlands Program

Description of above Photograph:

Top Left: Soil probing in the Interior, Rapid Assessment Model.

Center: Reference site for Rapid Assessment Model.

Bottom Right: Southeast site work to develop local reference Rapid Bioassessment Protocols.

Project Description:

Alaska has more wetlands than the rest of the United States put together. Of Alaska's wetlands, only about 0.15% have been developed. Wetlands are vital to the economic, recreational, cultural and biological values of the State. Wetlands provide flood storage and control, fish and wildlife habitat, erosion control and water quality protection. Considering their abundance and the need for basic infrastructure development in Alaska, DEC is taking a fresh approach to wetlands management. DEC has initiated a cooperative effort between local, State, and Federal agencies, the private sector and the University of Alaska to develop a regionally based process which can provide a wetlands assessment in less than one day. This new approach is expected to be very helpful in permitting, planning and mitigation.

Jobs and Families:

Wetlands support the following jobs: Sport and Commercial Fishing; Flood control for homes; Tourism - Outdoor and Ecotourism; Hunting - Wildlife and Waterfowl; Drinking Water - Water Quality Protection.

State Oversight and Regulatory Function:

The objective of the Wetlands Program is to understand Alaska's wetlands so we know which wetlands can be developed and which wetlands should be preserved. The process DEC is currently developing uses regional conditions (for example permafrost) and is designed to be done in less than a day. This new methodology is Hydrogeomorphic Methodology or "HGM." HGM provides a process for determining how wetlands function, not what value society should put on them. After an HGM assessment of the function of the wetlands, then local, State, or Federal jurisdictions can better determine what to do with them. By improving our understanding and by taking into account local conditions, we can better decide which wetlands to develop and which to save in order to provide the basic infrastructure for our families and communities and their jobs that depend on developing or conserving wetlands.

Under the Federal Clean Water Act, any facility or activity that will place fill material in wetlands or navigable waters must receive a "Section 404" permit from the U.S. Army Corps of Engineers (COE), and a jointly-developed Section 401 water quality certification from DEC. The 401 certification may contain stipulations to protect water quality, and provide "reasonable assurance" that a project will meet Water Quality Standards. The COE national guidance published in August 1996, stated that 80% of the 404 permits will use the HGM assessment methodology by the year 2000. Also, the Natural Resource Conservation Service has decided to use HGM for their "minimal effects determination." The EPA and the U.S. Fish and Wildlife Service have also decided to participate in the development of HGM. By taking the lead in developing an HGM process, Alaska can better determine how wetlands will be developed.

Accomplishments:

State Policy on Wetlands: Organized and coordinated the State interagency Work Group on Wetlands, involving DNR, F&G, DGC, DOT, Commerce, and the Governor's Office in Washington, D.C. This group's job has been to respond to Federal legislation, coordinate grant proposals and discuss wetlands policy for the resource cabinet's consideration; **Draft Wetlands Guide Books For Assessing Wetlands:** Training and field work was conducted as part of developing an HGM guide book for assessing wetlands for Southeast and Interior Alaska. This was a significant undertaking involving approximately 75 experts from 15 different governmental, private and academic communities; **Report on Past Performance of Nationwide Permit 26:** Authored a comprehensive study on the issuances of Nationwide Permit 26 (NWP 26) over the past five years (which has become a valuable component of the five-year review of NWP 26 now in progress for the State of Alaska).

Interior / North Slope Watersheds

Alaska Water Watch

Alaska Stream Survey

Interior / North Slope Watersheds

Description of above photographs:

Top Right: Musher Ray Brooks, 1995.
Dog Waste Composting Project.

Center: Waterwatch Program Booklet Cover.

Top Left: 101 Mile Placer Mining District reclamation project at Eagle, Ptarmigan and Birch Creeks.

Bottom Left: Water quality sampling of the Clearwater River in Delta Junction.

Program Description:

The Interior/North Slope Watersheds Team is dedicated to working with local governments, agencies, industry, and the public to monitor, assess, protect and restore water quality and promote healthy watersheds through application of Best Management Practices. This voluntary, cooperative effort includes citizens, industry and resource agencies working together to identify watershed problems and solutions. Key activities include: inspections; technical assistance; permitting; monitoring water quality; oversight of restoration projects; completing waterbody assessment and recovery plans; and providing education to local governments, agencies, industry and the public in best management practices for healthy watersheds.

Jobs and Families:

Clean water makes dollars and sense. Waters supporting healthy salmon populations are important to residents, and the fisheries and tourism industries. Good water quality also benefits the resource extraction and development industries because there will be fewer restrictions for developers and less Federal EPA oversight of discharge and wetland fill permits. Less Federal EPA oversight and control translate to lower costs for the developer. The best way to have good water quality is to involve those with the most at stake; the people who live and work on a waterbody. They can protect, maintain or enhance these waters through voluntary implementation of Best Management Practices. This cooperative effort is much more cost effective, both in preventing pollution and cleaning up past mistakes, than government acting alone to assure water quality. Clean water results in safe drinking water and provides water recreation opportunities that promote family well-being.

State Oversight and Regulatory Function:

DEC was delegated the responsibility from EPA for Water Quality Standards and nonpoint source pollution control activities in Alaska. Ensuring water quality protection through periodic field assessment is a fundamental step to effective and responsive watershed management programs. The State, rather than EPA, is in the best position to ensure water quality through field evaluations and working with local community teams.

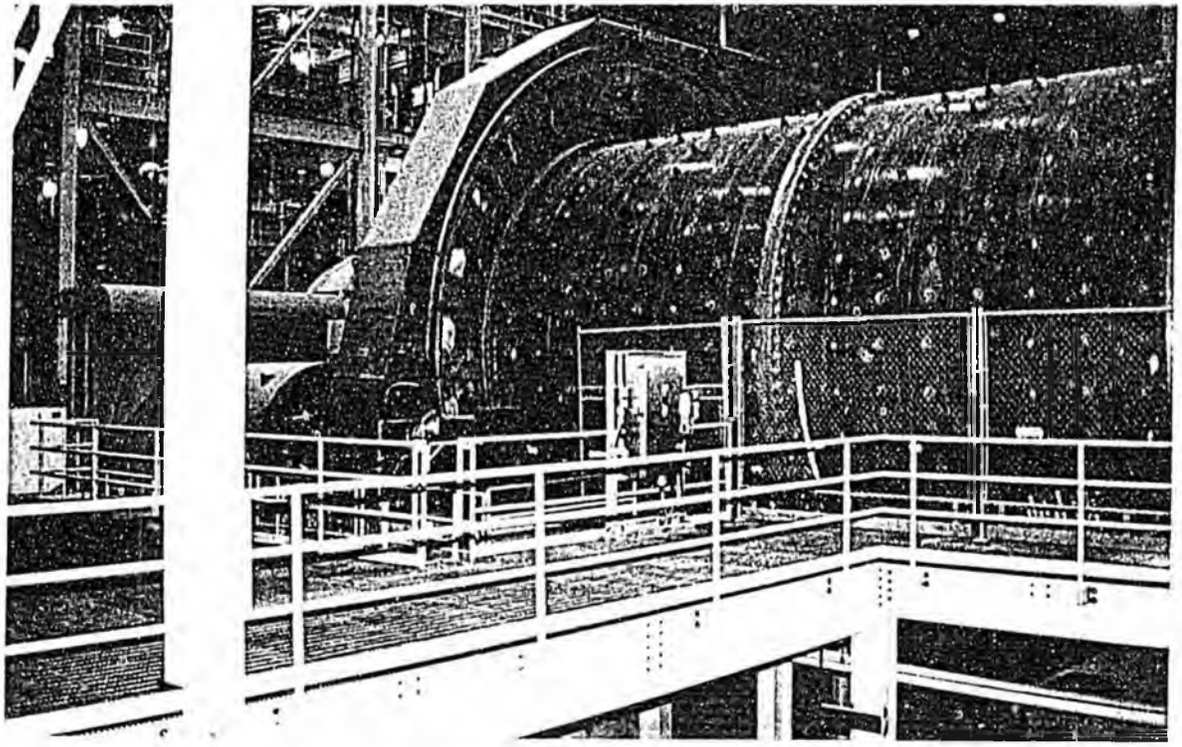
Accomplishments:

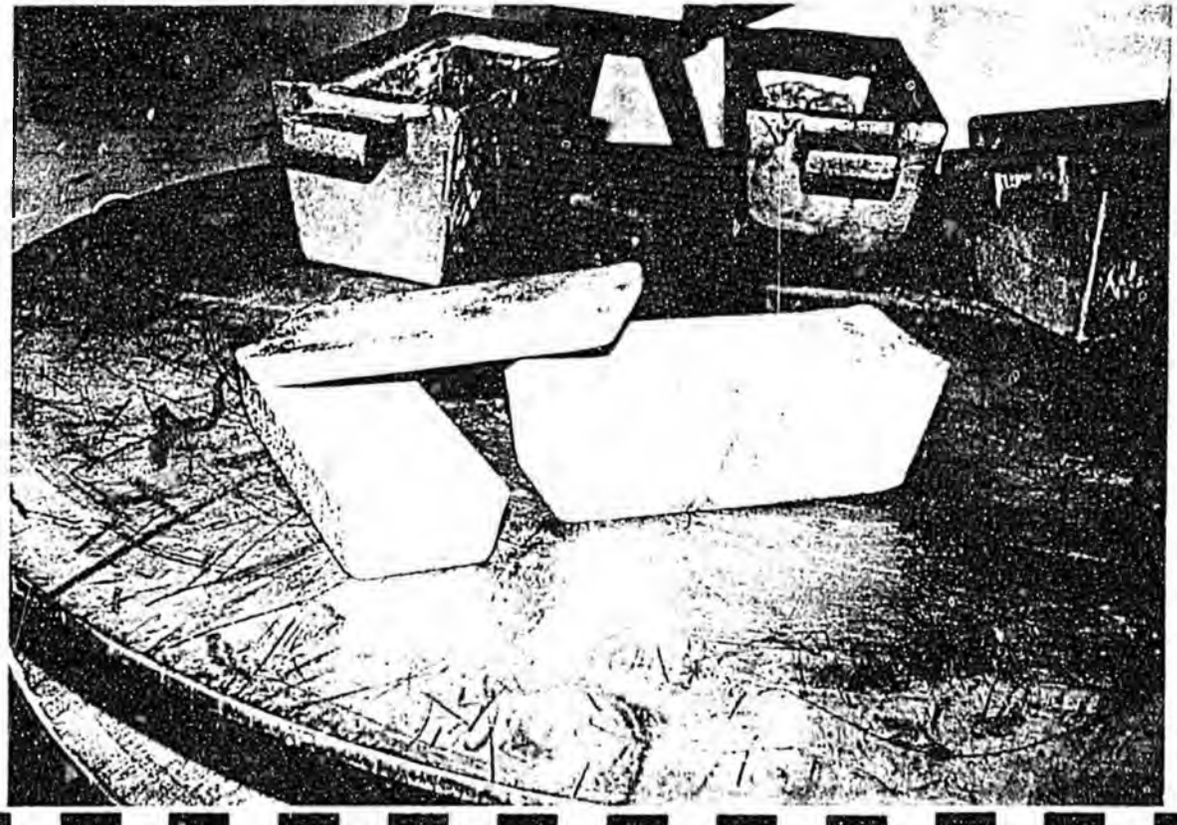
Dog mushing is Alaska's State Sport. Dog team owners deal with large amounts of waste each year. Proper waste management protects water quality as many dog yards are located on waterbodies for easy winter mushing access.

DEC initiated and leads an interagency placer mine reclamation grant for 101 Mile Steese Highway. The cooperative project is to reclaim Eagle, Ptarmigan, and Birch Creeks. Other projects in the Circle District are underway.

The Waterwatch in Schools Program educated Interior Alaska students how to do chemical and physical water quality sampling, interpret results, and learn about methods of preventing nonpoint source pollution. The program provides assistance for science fair projects, class lectures, and Environmental Science Camps.

DEC co-sponsors the Delta-Clearwater Watershed Rehabilitation Project. The Clearwater River is a spring-fed fishery that is protected by a wetland bog. The bog filters sediment from cleared areas that will be restabilized as a component of the project.





Fort Knox Mine

Description of above photographs:

Top Left: The ball mill which crushes ore-bearing rock using steel balls.

Bottom Right: Three gold bars, totaling 2,128.1 troy ounces, were poured Friday, December 20, 1996, at the Fort Knox Mine. The bars are worth approximately $800,000 at current prices.

Facility Description:

The Fort Knox Mine Project is a lode pit gold mine using vat cyanide leach to recover gold. The mine is located approximately 20 miles northeast of Fairbanks, in the upper headwaters of Fish Creek watershed. The ore pit will be one mile by one half mile by 1200 feet deep. Current reserves are 4.1 million ounces of gold, plus 2.7 million potential reserves. The project is nearing completion of a $350 million construction phase and is slated for full production in January 1997. An average of 36,000 tons of ore will be moved and processed a day, resulting in an average daily gold production of 1,000 ounces.

Jobs and Families:

Operation of the mine will employ 255 people for 12 years. Annual operating expenditures for labor, power, and support services are estimated at $76 million. The life expectancy of the Mine is 12 years or more.

State Oversight and Regulatory Function:

From the start of the proposed project, DEC has participated in the mine development team that included State and Federal agency people, mine representatives, and the public. A comprehensive permit has been developed that covers the disposal of spent tailings, the cyanide destruct circuit, wetlands, water monitoring and reclamation. A separate air quality permit was issued to address dust from the crusher, emissions from blasting, emissions from stationary sources, and road dust. The overall project design was evaluated to determine the effectiveness of the zero discharge wastewater design of the facility. Inspections have been ongoing for construction stormwater runoff and to substantiate quality control on construction of the tailings impoundment, the key element in managing spent detoxified ore.

Accomplishments:

Construction is complete and crushing of ore has begun. After final adjustments to the process are made, full gold production is expected to begin in January 1997. The first gold bar was poured on December 20, 1996. Ongoing review, monitoring and inspection of cyanide transportation and handling procedures have been performed by DEC to substantiate that spill prevention and cleanup capabilities are adequate.

Garrison Slough Joint Contamination Cleanup

Description of above photographs:

Top Left: Workers removing sediments in an area of PCB contamination in Garrison Slough.

Bottom Right: Some of the wastes removed from Garrison Slough during a remedial action designed to remove PCB contaminated sediments from Garrison Slough at Eielson Air Force Base.

Facility Description:

A Total Maximum Daily Load was developed to address nonpoint source loading of polychlorinated biphenyls (PCBs) in Garrison as part of Eielson Air Force Base's Record of Decision developed by the Department, EPA, and the U.S. Air Force. PCB contamination in Garrison Slough has resulted in elevated levels of PCBs in fish tissues in Garrison Slough.

Jobs and Families:

Garrison Slough is a waterbody that passes directly through the developed portion of Eielson Air Force Base. Designated beneficial uses include water contact recreation, and growth and propagation of fish, shellfish and other aquatic life and wildlife. Cleanup of this waterbody, along with institutional controls and continued monitoring, will allow these activities to continue in an environmentally safe manner.

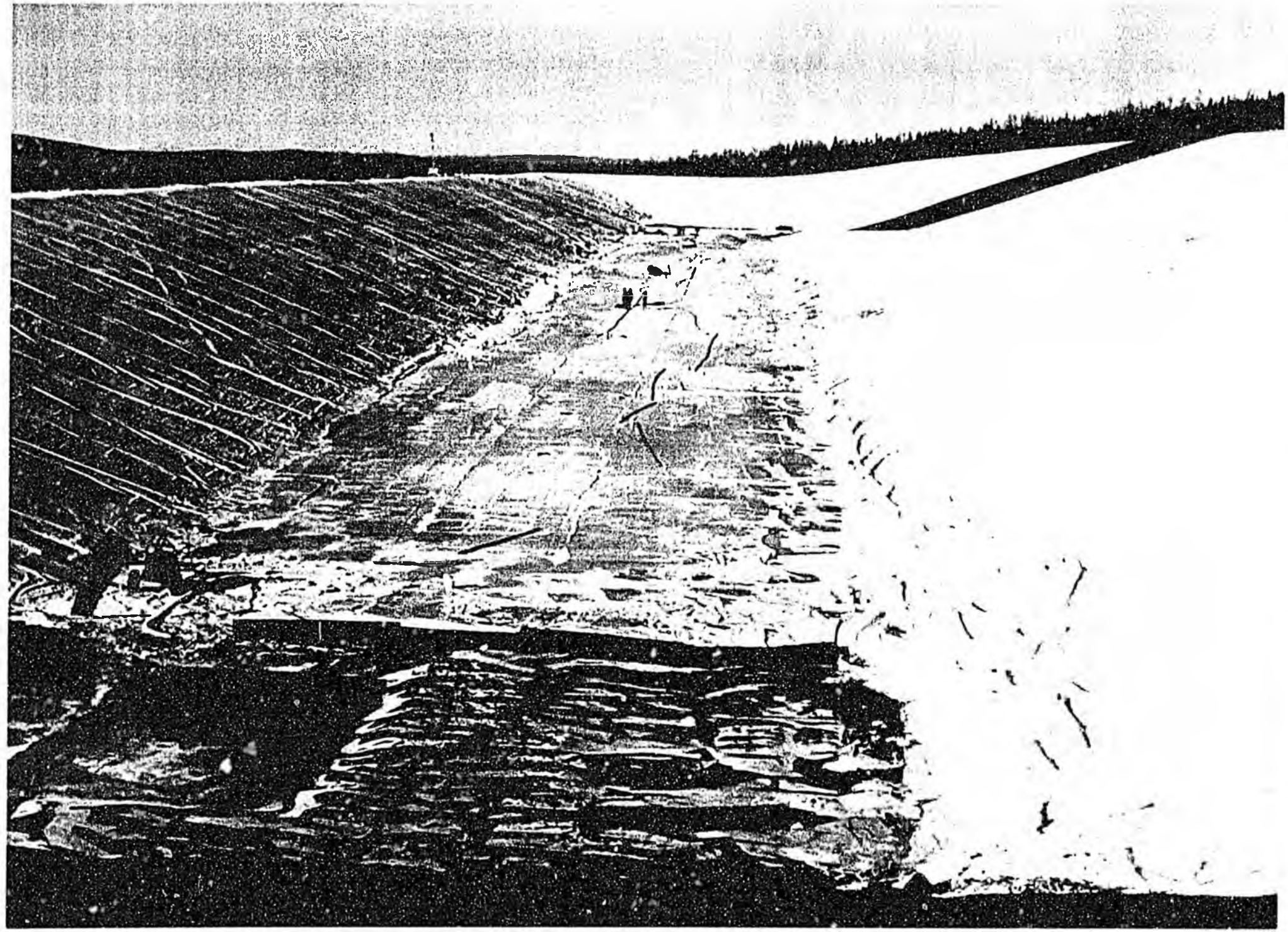
State Oversight and Regulatory Function:

The Federal Clean Water Act Section 303(d)(1)(A) requires states to submit to EPA every two years a list of waters which exceed Water quality Standards. Garrison Slough is on DEC's 1994/1996 303(d) list. The pollutant parameter of concern is PCBs. In addition, Eielson Air Force was placed on the National Priorities Listing for contamination with hazardous wastes. The impacts of contamination to Garrison Slough were evaluated through the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process with a risk assessment and an evaluation of alternatives, with a chosen remedy selection documented in a Record of Decision under CERCLA signed by the State of Alaska, the U.S. Air Force, and EPA.

Accomplishments:

Cleanup objectives in the Record of Decision are three-fold: Reduce the PCB levels in sediments so that concentrations in fish tissue will be reduced to acceptable risk levels; prevent people from eating PCB contaminated fish until PCB tissue concentrations are lowered to acceptable risk levels, and to restore and protect the designated beneficial uses for Garrison Slough.

These actions were begun during summer of 1996 with: fishing advisories posted along the slough; installation of a weir near the downstream edge of EAFB to prevent fish movement during dredging; and mechanical dredging of PCB contaminated sediments, which is expected to result in removal of 80% of PCB volume in the slough. Some dredging and monitoring/evaluation will continue next season. These actions address public health and environmental concerns regulated by both the Clean Water Act and CERCLA.



Illinois Creek Mine

Description of above photographs:

The "trough" is the first phase of the heap leach facility at the Illinois Creek Mine. The trough is approximately 1600 feet long, 450 feet wide and 30 feet deep. Two synthetic liners with a leak detection system between them are used to contain and control the cyanide leach solution. Once ore is placed in the trough, the pregnant solution, or gold bearing solution, will reside in the bottom where it will be protected from freezing temperatures and inaccessible to wildlife.

Facility Description:

The Illinois Creek Mine Project is an open pit mine using heap leach technology for gold extraction. Located midway between McGrath and Galena, it is providing job opportunities for residents from nearby communities.

Jobs and Families:

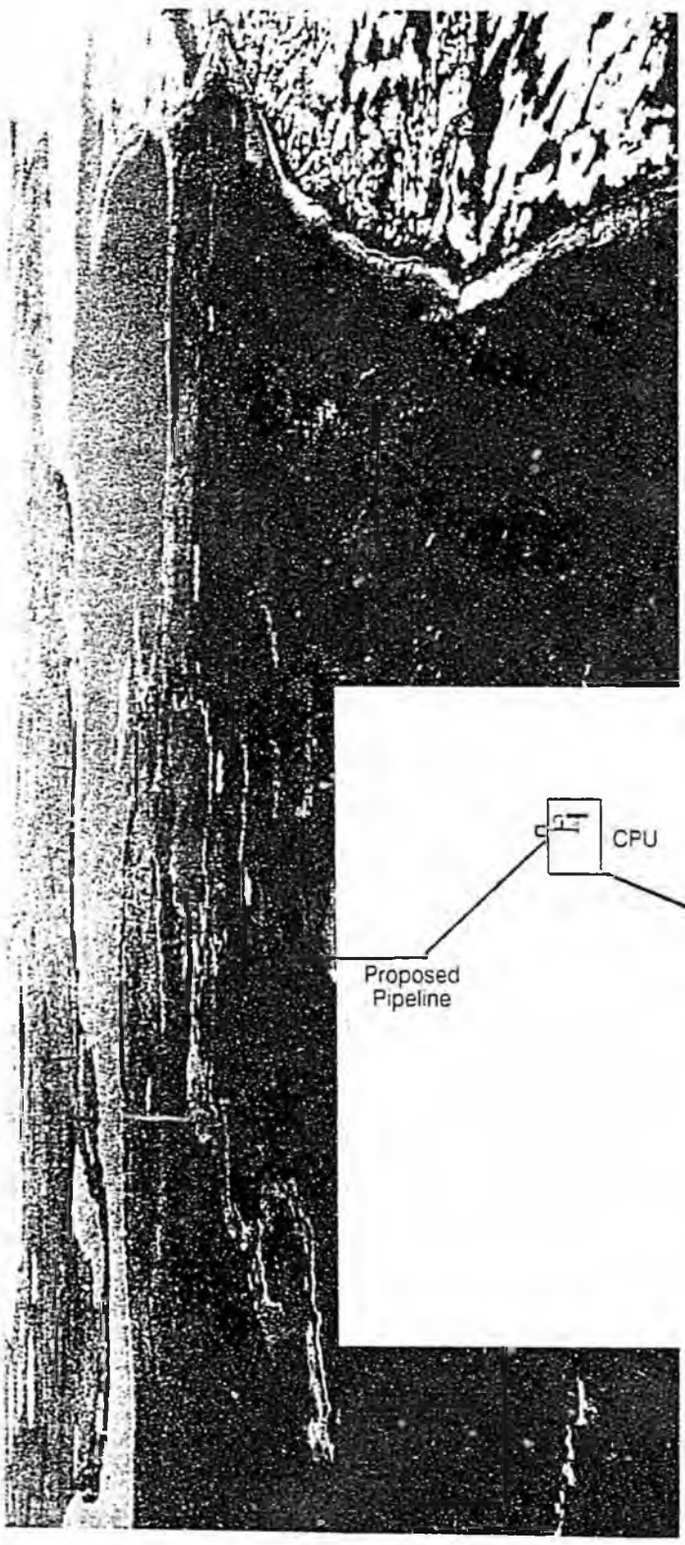
The Illinois Creek Mine has more than 500,000 ounces of gold reserves and will employ 100-110 people. The mine is in a part of the State with relatively low job opportunities, and so will provide a boost to the local economy. DEC heap leach experts will ensure the safe use of cyanide whilst enabling an increase in the volume of economically available gold reserves within the State, while still protecting the environment.

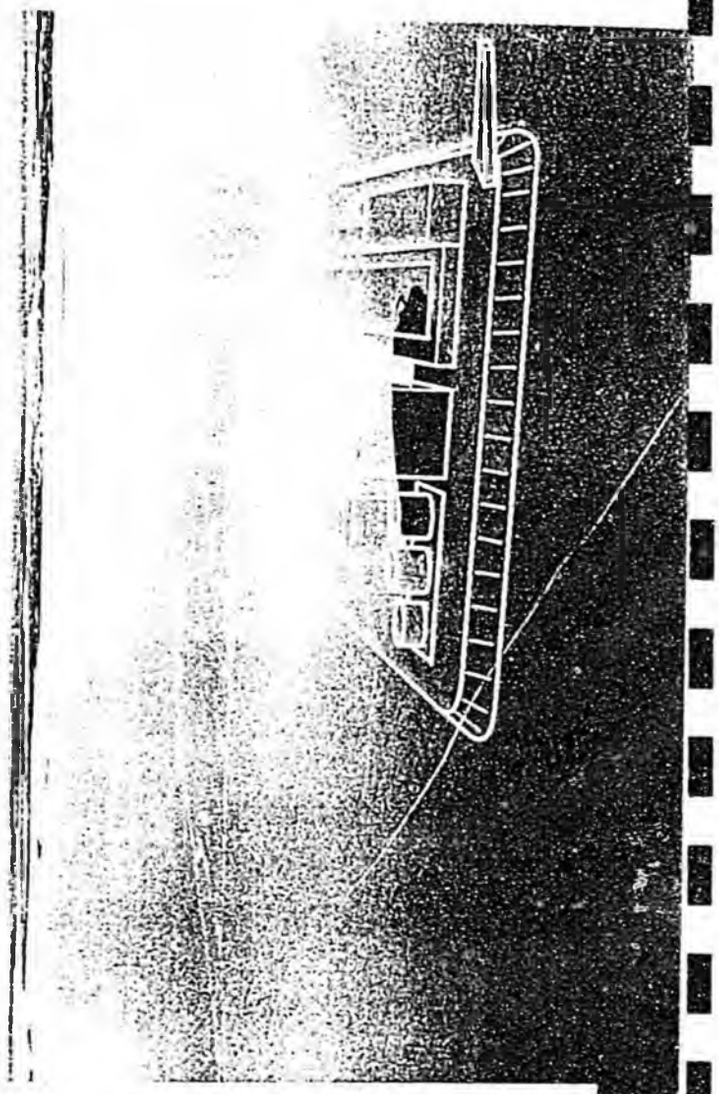
State Oversight and Regulatory Function:

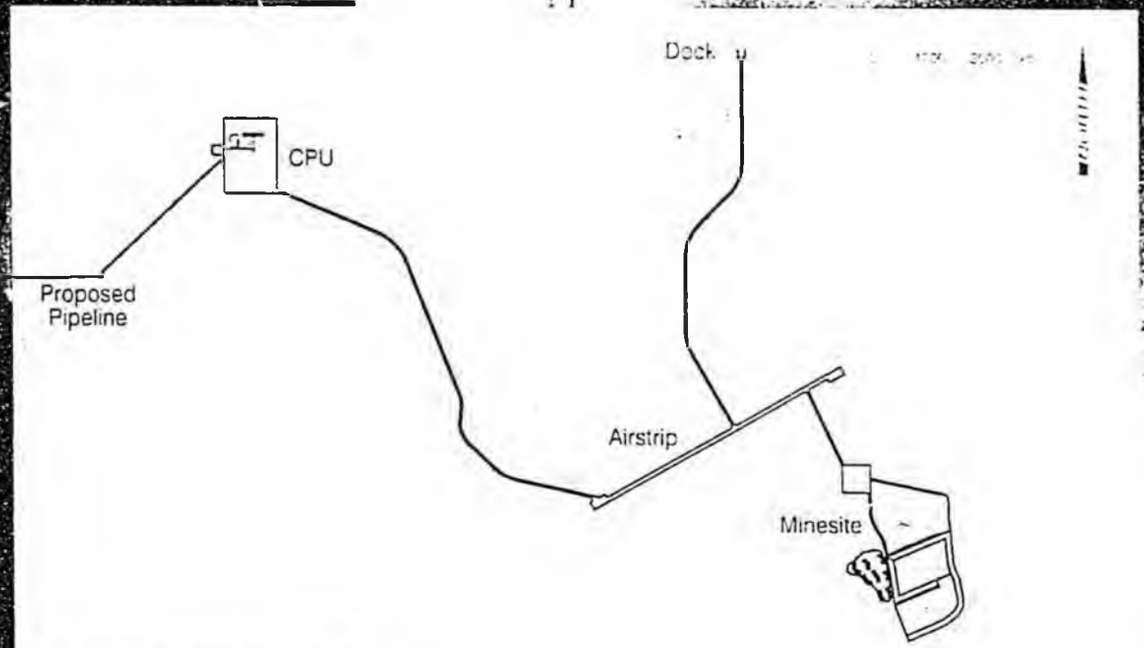
From project conception, DEC has participated in the mine development team that has included State and Federal agencies, mine representatives, and the public. Public meetings in local communities were held jointly by the company and the resource agencies. Permitting was coordinated with State and Federal agencies. Monitoring of construction and inspection of critical development milestones are conducted to assure safe and properly constructed facilities. Start up and operations will also be monitored to assure compliance with permits. Technical assistance will be provided as needed on the project.

Accomplishments:

State waste disposal permits were issued in June 1996. DEC participated on a State permitting team that issued permits in record time for a major development project. Construction of the process plant and the heap pad with placement of ore occurred over the summer construction season. Heap leaching is scheduled to begin by the spring of 1997.






Dock
CPU
Proposed
Pipeline
Airstrip
Minesite