

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9673 SENATE RESOURCES

SB

204

SENATE COMMITTEE REPORT

DATE: 2/10/98

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Resources Committee considered SENATE BILL NO. 204

"An Act providing the commissioner of natural resources with the authority to make grants of state land to municipalities for the construction and operation of sport and recreational facilities and structures."

and recommends:

- be replaced with _____ CS SB 204 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

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

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Thomas J. Jernan</i>	✓	<i>Amendments</i>	✓		
<i>John T. ...</i>	✓				
<i>Bob ...</i>	✓				
<i>Sydney ...</i>	✓				
<i>Rich ...</i>					
CHAIR: <i>John T. ...</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 204(CRA)

Revision Date: 18-Feb-97 Dept Affected: Natural Resources
 Title: "...Grants of state land to municipalities for BRU: Resource Development
construction...of sport and recreational facilities...." Component: Land Development
 Sponsor: Sens. TAYLOR, Mackie
 Requestor: S RES Component Serial No. 431

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0

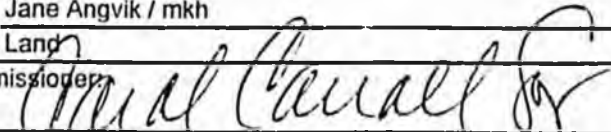
FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: \$ _____

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

No new fiscal impact is anticipated because the bill largely duplicates existing DNR authority under AS 38.05.810(a), assuming that its intent is to provide land for public recreation facilities rather than private facilities. Existing law also lets DNR waive the reverter clause if in the public interest (AS 38.05.810(g)). With a waiver, land granted under AS 38.05.810(a) can already be used as trading stock to acquire a private site. The bill's four-year construction deadline for grants under AS 38.05.810(j) is undesirable from a municipality's standpoint, and the exemption from counting against its entitlement is of no benefit if it has no entitlement left. (Nearly all cities that had entitlements have already satisfied them. Many boroughs still have unsatisfied entitlements, but they also have plenty of unrestricted sites to use for sports facilities.) Thus DNR assumes municipalities would continue to apply under AS 38.05.810(a) because it is less restrictive than this bill. DNR does not know of any municipalities that would likely take advantage of this bill.

Prepared by: Jane Angvik / mkh Phone: 907-269-8503
 Division: Land Date: 18-Feb-98
 Approved by Commissioner:  Date: 2/18/98
 Agency: Natural Resources

Alaska State Legislature

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Judiciary Committee

Member,
Resources Committee
Rules Committee
Committee on Committees



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Senator Robin L. Taylor
Senate Majority Leader

SPONSOR STATEMENT

SENATE BILL 204

Recreational and sports facilities in communities offer an alternative to crime and other undesirable activities. Our youth are too often left unattended after school, at night, and on weekends with little to do. If there are facilities to use, kids and adults as well are less likely to become involved in criminal activities. Senate Bill 204 proposes to give state land to municipalities for sports and recreational facilities.

This legislation will grant land to local governments but the grant will not count against the local government entitlement. This will make the development of sports and recreational facilities more economically feasible.

Senate Bill 204 is consistent with the intent of the Alaska Constitution:

Article VIII, Section 1, Statement of Policy:

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

Article VIII, Section 9, Sales and Grants:

"Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures."

The bill contains a reversionary provision which prohibits local governments from selling the land. The municipalities will, however, be allowed to trade the land for land that might be more suitable for a particular project.

District A:

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

FISCAL NOT

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
 Bill Version: CS SB 204 (CRA)
 (S) Publish Date: 2-10-98

Revision Date: _____ Dept Affected: Natural Resources
 Title: "...Grants of state land to municipalities for
construction...of sport and recreational facilities...." BRU: Resource Development
 Sponsor: Sen. Taylor Component: Land Development
 Requestor: S CRA Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY98) cost: \$ _____

POSITIONS

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated because the bill largely duplicates existing DNR authority. AS 38.05.810(a) already allows DNR to grant land to a municipality for public purposes, which would include a public recreation or sport facility, and AS 38.05.810(g) already requires DNR to retain a reversionary interest in the granted land. The bill's new authority, allowing the municipality to trade the former state land for other land, would probably not be used and therefore is not anticipated to have any fiscal impact. The reverter clause would attach to the land granted by DNR, not to other land the municipality swaps it for. Private landowners would probably not be willing to exchange their parcels for municipal land encumbered by a reverter clause, as the private landowners would lose title to their new land if the municipality's development plans fall through or are not executed on time.

Prepared by: Jane Angvik *[Signature]* Phone: 907-269-8503
 Division: Land Date: 6-Feb-98
 Approved by Commissioner: [Signature] Date: 2-6-98
 Agency: Natural Resources

SB

213

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/12/98

FURTHER: Finance

Date of 5-Day Notice: 2/12/98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/18/97

Resources Committee considered SENATE BILL NO. 213

"An Act extending the termination date of the Alaska Minerals Commission."

and recommends:

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

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

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Drew D. Leman</i>	✓				
<i>Christine Taylor</i>	✓				
<i>Lynne Green</i>	✓				
<i>Bert...</i>	✓				
CHAIR: <i>Rich Halford</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>DCED</i>	<i>2/13</i>	<i>X</i>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



SENATOR JIM DUNCAN
ALASKA STATE LEGISLATURE

Alaska State Senate

State Capitol • Room 119 • Juneau, Alaska 99801-1182 • (907) 465-4766 • Fax 465-4748

January 15, 1998

SPONSOR STATEMENT

**SB 213, Extending Terminal Date
Alaska Minerals Commission**

The State of Alaska has a wealth of mineral deposits and mines. The total value of the minerals industry increased 23% in 1996 alone, to a record \$1,029 million - the first time that the industry has exceeded the \$1 billion dollar mark in a single year. It is estimated that the total value of the industry will continue to grow with proper management.

The Alaska Minerals Commission is composed of 11 members who are experts in various aspects of the minerals industry. The Governor appoints five members and the President of the Senate and the Speaker of the House each appoint three members to the commission.

The Alaska Minerals Commission, established under the Department of Commerce and Economic Development, makes recommendations to the Governor and the Legislature concerning appropriate mineral development within the state. The Commission also makes recommendations on ways to mitigate governmental constraints on development.

The Alaska Minerals Commission is necessary to the continuing prosperity of the minerals industry. Presently, the Alaska Minerals Commission will be dissolved in January 1999. SB 213 extends the termination date of the Commission to February 1, 2004.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 213 | _____

Revision Date (Note if correction) _____	Dept. Affected <u>DCED</u>
Title <u>Extend the Alaska Minerals Commission</u>	BRU <u>Trade & Development</u>
	Component <u>Trade & Development</u>
Sponsor <u>Sen. Duncan</u>	
Requester <u>Senate Resources Committee</u>	Component Serial No. <u>2277</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Alaska Minerals Commission has annual expenditures of approximately \$6,700 for ongoing administrative costs, based on funds spent in FY97. The expenditures include travel, per diem, meeting expenses, preparation and printing of the annual report. The projected expenses are included in DCED's proposed FY99 operating budget.

Prepared by Karl Ohls
 Division Trade & Development
 Approved by Commissioner _____
 Agency Trade & Development

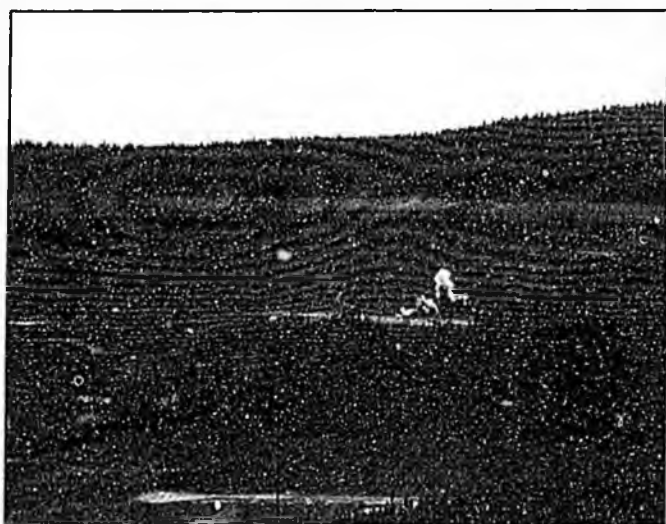
Phone 465-5467
 Date Feb. 13, 1998
 Date 2/12/98

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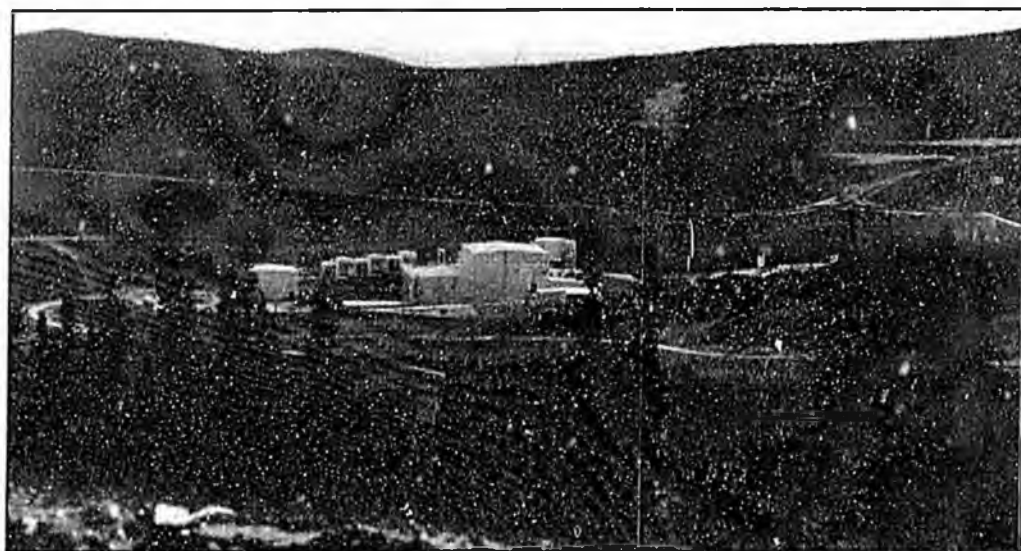
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REPORT OF THE

Alaska Minerals Commission



The Alaska Minerals Commission was created by the 14th Legislature and signed into law on June 6, 1986. The enabling legislation instructs the Commission to make recommendations to the Governor and Legislature on ways to mitigate constraints, including governmental constraints, on the development of minerals, including coal, in the state.



**JANUARY
1998**

ALASKA MINERALS COMMISSION

DECEMBER 1997

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FOREWORD

The Alaska Minerals Commission again wishes to thank the Governor and the Legislature for implementing several of our recommendations during 1997. Highlights include final resolution of the Mental Health Lands Trust issue, assertion of State's rights on an RS2477 right-of-way, efforts to establish 50 ppb as the appropriate water quality standard for arsenic, completion of a centralized, digitized, repository of navigability information, and continued funding for the very popular Airborne Geophysical Surveys, the Citizen's Advisory Commission of Federal Areas and the AMEREF program. Partly as a result of the responsive actions of the Governor and the Legislature over the last few years, the global mining industry presently considers Alaska a favorable place to do business and is demonstrating its growth potential.

The Alaska Minerals Commission was created by the 14th Legislature and signed into law on June 6, 1986. The enabling legislation instructs the Commission to make recommendations to the Governor and Legislature on ways to mitigate constraints, including governmental constraints, on the development of minerals, including coal, in the state.

The Commission has presented reports to the Governor and Legislature annually since January, 1987, and is authorized to do so until January, 1999. Commission members are appointed by the Governor, the President of the Senate, and the Speaker of the House. The current members include representatives of the placer, hard rock, and coal mining industries and come from diverse areas of the state.

During 1997, the Commission held meetings in Fairbanks and Anchorage, and several members met with the Governor, Commissioners of various departments, the President of the Senate, the Speaker of the House, and with legislative committees in Juneau. The recommendations in this report are the result of input at these meetings. All Commission meetings are open to the public, and members encourage comments from all interested parties at any time.

Following the list of recommendations in the executive summary, this report contains background information, or "findings," on each issue, followed by the related recommendation. These have been grouped into a Part A which deals with issues that are mainly State issues, and a Part B which are federal issues which affect the State and can be influenced by State participation.

On behalf of the members of the Commission, I would like to express our appreciation to those members of the public, to the Alaska Miners Association, the Resource Development Council, and to the many government agencies and private organizations that contributed to the preparation of the report. The Commission wishes to thank Commissioner William L. Hensley of the Department of Commerce and Economic Development and Karl Ohls, Dick Swainbank, and Al Clough of the Division of Trade and Development who have provided excellent administrative and professional support to the Commission. We regret the resignation of Al Clough, who has moved on to help close the A-J Mine, and wish him well in his new career.

Dr. Earl Beistline resigned from the Commission in April 1997, after having resigned his chairmanship, which he held from the inception of the Commission in 1986 until September 1996. All who worked with him recognize his guidance of the body, and many of the accomplishments of the Alaska Minerals Commission would not have been possible without his wisdom and tenacity. This issue of the report is a tribute to a truly dedicated Alaskan miner.

Irene Anderson
Chair

**ALASKA MINERALS COMMISSION
1998 REPORT TO THE GOVERNOR
AND ALASKA STATE LEGISLATURE**

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EXECUTIVE SUMMARY

Industry Overview

Alaska's mining industry experienced substantial growth during 1997 as both Fort Knox near Fairbanks and Illinois Creek near Galena matured from development operations into commercial production. Together, these two mines are expected to produce about 420,000 ounces of gold, worth approximately \$125 million, each year.

Greens Creek, west of Juneau, resumed full production in 1997, and a \$183 million expansion continued at the giant Red Dog zinc mine near Kotzebue. For the first time since startup in 1989, higher metals prices and successful operations occurred simultaneously, propelling Red Dog to solid profitability. The Nixon Fork mine near McGrath expanded its tailings impoundment to allow for continued production. Usibelli Coal Mine near Healy upgraded major earth-moving equipment. Together, these projects have created several hundred well paid private sector jobs, many of which are in rural areas. Placer mining continues to be a viable industry with permits issued to 210 operations in 1997.

The Kensington property north of Juneau obtained most permits necessary for construction, and exciting properties such as Niblack on Prince of Wales Island, True North near Fairbanks, Pogo near Big Delta, and Donlin Creek 80 miles southwest of McGrath will see substantial additional exploration to define potential ore bodies. With recent activity at the Nikolai prospect near Paxon, at the Rainbow Hill and Golden Zone near Cantwell and the Delta belt near Tok, these projects offer potential for additional jobs statewide.

The State Division of Geological & Geophysical Surveys contracted for airborne geophysical surveys of the Ruby-Poorman area and the Iron Creek area of the Talkeetna Mountains, all of which are highly mineralized, and it is hoped that these surveys will attract exploration investment in the coming year, as have the surveys of previous years.

Preliminary estimates of the value of the industry in 1997 are that there will be a modest increase over the \$1.03 billion achieved in 1996, with about \$51 million invested in exploration, \$152 million in development at Red Dog, Fort Knox, and Kensington, and the value of production estimated to be about \$885 million, for a \$1.09 billion total.

RECOMMENDATIONS

PART A: ISSUES REQUIRING STATE ACTION

USER FEES

- 1 (a) Long-term, the State needs to move toward paying for essential public services out of general fund revenue instead of assessing user fees at all levels of government. This will keep the budgetary process public, allow the public to establish priorities, and remove the inherent conflict of interest between efficient permit processing and agency hourly fees.
- (b) Short term, the Legislature should amend AS 41.46.025 to require public review and legislative approval of all fees affecting the mining industry. Proposed fees shall include a detailed schedule justifying the applicable direct costs of inspections, permit preparation and administration, plan review and approval, and other services provided by the department that are to be paid for by the proposed fee. In no event should the proposed fee exceed those costs reasonably necessary to cover the direct costs of the above.

GEOPHYSICAL AND GEOLOGIC MAPPING

- 2 The Governor and the Legislature should invest \$5 million per year (approximately 10% of what industry spent on exploration in 1997) for the next decade, preferably through foundation funding, in airborne geophysical surveys and complementary geological and geochemical surveys.

COASTAL ZONE MANAGEMENT

- 3 During any efforts to streamline the Coastal Zone Management Program, the Governor and Legislature should ensure that the following key provisions are incorporated:
 - (a) The jurisdiction of the coastal zone should be limited to those regions defined as wetlands, beaches, islands, waters under saline influence, transitional and intertidal areas, and not to include anadromous fish streams.
 - (b) There must only be a single notice, public comment, and appeal procedure, and
 - (c) The Department of Natural Resources should remain the lead agency for all mining related actions on a statewide basis, including within the coastal zone.

RECORDERS OFFICE TECHNOLOGY UPGRADE

- 4 The Governor and Legislature should pass portions of the House Bill No. 165 and Senate Bill No. 107 which provide funding for a comprehensive new recording/indexing/cashiering/imaging system for the State's Recording Offices.

DIMINUTIVE DISCHARGE

- 5 The Alaska Legislature should amend AS 46.03.100 to exempt mining waste rock from requiring a State Waste Disposal Permit, thereby ensuring correct interpretation of the existing regulation at 18 AAC 60.005(b)(8). The definition of mining waste rock shall include the presence of incidental materials, including residues from explosives, drilling fluids and cuttings, timber, and steel, that are an essential and unavoidable part of blasting. Discharges from waste rock shall remain subject to federal NPDES and stormwater regulations and State 401 Certification water discharge permit requirements as appropriate.

MIXING ZONES

- 6 The Governor should direct the Department of Environmental Conservation and the Department of Fish & Game to work with user groups to develop mixing zone regulations that will, in the departments discretion, authorize mixing zones in spawning areas if:
 - (a) the discharge is not reasonably anticipated to adversely affect the capacity of the area to support present or future spawning activities; or
 - (b) the discharge is reasonably anticipated to adversely affect the capacity of the area to support present and future spawning activities and the Department of Fish and Game has approved a plan to mitigate all reasonably anticipated adverse impacts.

NATURAL CONDITIONS

- 7 The Legislature should adopt a Statute to supplant the regulation at 18 AAC 70.025 to the effect: "If available evidence reasonably demonstrates that the natural condition of a body of water does not meet standards that would otherwise be applicable to the classification of the water, then the natural condition of the water shall constitute the applicable standard of quality."

BASELINE DATA

- 8 The Governor should direct the Department of Environmental Conservation to work with industry to develop priorities for basic research on topics important to Alaska, such as arsenic toxicity, total dissolved solids and pH, and to develop plans for funding this basic research.

NPDES PRIMACY

- 9 The Governor should direct the Alaska Department of Environmental Conservation (ADEC) to develop a plan for assuming primacy of the National Pollutant Discharge Elimination System (NPDES) program, and the Legislature should provide the necessary funding to ADEC to support this effort.

MARKETING ALASKA

- 10 The Governor and Legislature should provide adequate budgetary support to maintain the positions and programs of the Division of Trade and Development, the Division of Mining & Water Management, and the Division of Geological & Geophysical Surveys.

LEAD AGENCY

- 11 The Governor, by Executive Order, and the Legislature, by Resolution, should direct agencies such as the Department of Environmental Conservation, the Department of Fish & Game, and the Division of Governmental Coordination to confer with the mineral experts in the Department of Natural Resources before promulgating rules or regulations affecting mining as per A.S. 27.05.010(b).

FISCAL REQUIREMENTS

- 12 The Legislature should continue to provide funding for the Recorders Offices and the Division of Motor Vehicles offices statewide so that they can operate without reduction of services.

RS2477 ACCESS

- 13 The Legislature should fund a multi-year, multi-agency Capital Project of about \$300,000 annually for the Division of Land to work with the Department of Law and other agencies to aggressively pursue precedent-setting "quiet title" actions, and to preserve State's rights. The Governor should aggressively assert "quiet title" to the routes with the best documentation. Further the State should assert an access route pursuant to Title XI of the Alaska National Interest Lands Conservation Act to test the process and set a precedent.

NAVIGABILITY

- 14 The Legislature should make funding available to continue a centralized, systematic navigability program within the Department of Natural Resources. Additionally, funding should be made available to the Department of Law to support any "quiet title" actions necessary to secure ownership of submerged lands.

SCHOOL OF MINERAL ENGINEERING

- 15 The Governor and Legislature should provide adequate budgetary support to the UAF School of Mineral Engineering.

EDUCATION AND RESEARCH

- 16 The Governor and the Legislature should appropriate \$50,000 to the Division of Educational Support, Minerals and Energy Education Program, as the State's share of supporting the Alaska Mineral and Energy Resource Education Fund (AMEREF).

CITIZEN'S ADVISORY COMMISSION ON FEDERAL AREAS

- 17 The Governor and Legislature should extend the life of the Citizens Advisory Commission on Federal Areas for a further 5 years and provide expanded budgetary and programmatic support.

THE ALASKA MINERALS COMMISSION

- 18 The Governor and the Legislature should extend the term of the Alaska Minerals Commission and provide funding through February 1, 2004.

PART B: FEDERAL ISSUES OF STATE CONCERN

ANILCA PROVISIONS

- 19 The Governor and Legislature, through the Attorney General's office, the State's Washington office, and the Congressional Delegation should insist that the federal administration:
- (a) provide access across Conservation System Units (CSU) as required by Title XI of the Alaska National Interest Lands Conservation Act (ANILCA),
 - (b) prohibit the creation of additional CSU lands in Alaska as required by Sections 101d and 1326b of ANILCA, and
 - (c) exchange mineralized areas from existing CSU under the authority of Sections 103b and 1302h of ANILCA.

INTERNATIONAL PARKS IN ALASKA

- 20 The Governor and Legislature should continue to support legislation proposed by Alaska's Congressional Delegation that protects state's and private citizen's rights from imposition of World Heritage Sites, Biosphere Reserves, International Parks or other restrictive designations of federal lands without participation by affected citizens, local and state governments or Congress.

FINDINGS AND RECOMMENDATIONS

PART A: ISSUES REQUIRING STATE ACTION

USER FEES

FINDING 1. As State revenues decline, agencies with the authority to assess fees will predictably attempt to both increase and broaden the scope of those fees in an act of budgetary self-preservation. Unfortunately, this system provides no meaningful incentive for the agency to minimize these costs to the regulated community. There is an inherent conflict of interest in asking for timely permit reviews from agency personnel whose jobs depend upon hourly billings for the given review, and unlike the free market, the regulated community cannot take its business elsewhere.

Alaska cannot afford such an irresponsible process, especially when regulatory stability is a key element in marketing Alaska as an attractive and competitive place to do business. The citizens and businesses of Alaska deserve an open budgetary process that includes legislative oversight and that clearly details the relationship between user fees and agency expenditures.

COMMISSION RECOMMENDATIONS

- 1a** *Long-term, the State needs to move toward paying for essential public services out of general fund revenue instead of assessing user fees at all levels of government. This will keep the budgetary process public, allow the public to establish priorities, and remove the inherent conflict of interest between efficient permit processing and agency hourly fees.*
- 1b** *Short term, the Legislature should amend AS 44.46.025 to require public review and legislative approval of all fees affecting the mining industry. Proposed fees shall include a detailed schedule justifying the applicable direct costs of inspections, permit preparation and administration, plan review and approval, and other services provided by the department that are to be paid for by the proposed fee. In no event should the proposed fee exceed those costs reasonably necessary to cover the direct costs of the above.*

GEOPHYSICAL AND GEOLOGICAL MAPPING

FINDING 2. Since 1993, 12 state funded airborne geophysical surveys have covered about 5,000 square miles of the State of Alaska's 162,500 square mile land entitlement, at a total cost of about \$2.3 million.

One such survey in the Fairbanks district cost \$300,000, and since the results were released in 1995 the number of mining claims has doubled, and more than \$10 million has been spent exploring just the new claims. Further major investments are expected in the coming years. Information compiled by the Alaska Division of Mining & Water Management indicates that at least 65% of the \$35 million claimed by companies under the Exploration Incentives Credit are for Alaskan goods and services.

As a result of the airborne surveys, most of the Nome and Circle survey areas are now staked, and increased activity is reported in the Marley-Rampart, Yentna and Chulitna survey areas.

This increased activity was the intent of the surveys and will accelerate discovery of new Alaskan mines. However, with a landbase of 162,500 square miles, much of it chosen for its mineral potential, it will take the State of Alaska another 75 years to survey only 50% of its land endowment at the present rate of funding.

COMMISSION RECOMMENDATIONS

- 2** *The Governor and the Legislature should invest \$5 million per year (approximately 10% of what industry spent on exploration in 1997) for the next decade, preferably through foundation funding, in airborne geophysical surveys and complementary geological and geochemical surveys.*

COASTAL ZONE MANAGEMENT

FINDING 3. As presently implemented, the Coastal Zone Management program is not an efficient means of permitting necessary development activities in Alaska. The present jurisdiction of the "coastal zone" extends so far inland that an unnecessary level of bureaucracy is created in regions that have little to do with the marine environment.

In many cases the Coastal Management boundaries are many miles inland based on the Alaska Department of Fish & Game (ADF&G) boundary studies of the early 1980's which defined "zones of direct interaction" and "direct influence" that included transitional and intertidal areas; salt marshes and wetlands; islands; beaches; and water under tidal influence, **including areas where anadromous fish, such as salmon, migrate upstream to spawn.** These areas were mapped with the intent that Coastal Management Programs do detailed resource inventories in order to redefine coastal zone boundaries. In some cases, over a decade later, fish (trout and grayling) streams 85 miles from the coast are still within the coastal zone boundaries, with no studies done nor any changes made to the boundaries. The ADF&G and Department of Environmental Conservation already have authority to restrict uses of waterways (including waters that support anadromous fish) for resource development activities without this additional inland boundary.

The present Coastal Zone Management program creates a duplicative appeal process that allows the same issues to be challenged at two different stages of the process. This creates unnecessary delays and adds needless uncertainty during the permitting of any project. Both the Governor and the Legislature have recognized some of the shortcomings of the Coastal Zone Management programs, and have recommended various solutions. The key points that must be incorporated into any final solution are detailed below.

COMMISSION RECOMMENDATIONS

- 3** *During any efforts to streamline the Coastal Zone Management Program, the Governor and Legislature should ensure that the following key provisions are incorporated:*
- a** *The jurisdiction of the coastal zone should be limited to those regions defined as wetlands, beaches, islands, waters under saline influence, transitional and intertidal areas, and not to include anadromous fish streams.*
 - b** *There must only be a single notice, public comment, and appeal procedure, and*
 - c** *The Department of Natural Resources should remain the lead agency for all mining related actions on a statewide basis, including within the coastal zone.*

RECORDERS OFFICE TECHNOLOGY UPGRADE

FINDING 4. Modern technological improvements in imaging systems and computer systems make significant improvements in information management, search and retrieval, and document handling. In order for the Alaska Recorders Office to cost-effectively fulfill its function in government, an upgrade with state-of-the-art hardware, software and procedures is necessary. This upgrade will benefit all users

by providing faster service, more complete search results, and ease of obtaining copies of recorded documents. Access to the system by the World Wide Web is also a possibility further expanding the accessibility of recorded documents.

COMMISSION RECOMMENDATIONS

- 4 *The Governor and Legislature should pass portions of the House Bill No. 165 and Senate Bill No. 107 which provide funding for a comprehensive new recording/indexing/cashiering/imaging system for the State's Recording Offices.*

DIMINUTIVE DISCHARGE

FINDING 5. In order to access valuable ore, mining operations must drill, blast, excavate and stockpile large amounts of waste rock. This waste rock contains diminutive quantities of mining related materials such as steel, timbers, drill cuttings, and residues from explosives. Discharge from the waste rock stockpiles are regulated under the federal National Pollutant Discharge Elimination System, federal stormwater discharge regulations, and State of Alaska 401 Certification authority. In order to avoid duplicative permitting requirements, mine waste rock is specifically exempted under 18 AAC 60.005(b)(8) from requiring a State Solid Waste Disposal permit. Federal law also exempts mine waste rock from federal solid waste permitting requirements.

Recently, some state agencies have implied that, despite the specific exemption in state regulations, mine waste rock is not exempt from state solid waste permitting requirements if it contains small quantities of mining related materials. This misinterpretation is a flagrant abuse of governmental power, as it is impossible to break rock without some diminutive quantities of mining related materials remaining in the broken rock.

COMMISSION RECOMMENDATIONS

- 5 *The Alaska Legislature should amend AS 46.03.100 to exempt mining waste rock from requiring a State Waste Disposal Permit, thereby ensuring correct interpretation of the existing regulation at 18 AAC 60.005(b)(8). The definition of mining waste rock shall include the presence of incidental materials, including residues from explosives, drilling fluids and cuttings, timber, and steel, that are an essential and unavoidable part of blasting. Discharges from waste rock shall remain subject to federal NPDES and stormwater regulations and State 401 Certification water discharge permit requirements as appropriate.*

MIXING ZONES

FINDING 6. The water quality regulations that became effective in November contain a prohibition against mixing zones in anadromous or resident fish spawning areas. This strict prohibition precludes the ability to consider site specific conditions, such as the productivity of the spawning area compared to the potential benefit of a municipal waste treatment plant or industrial project that might require a mixing zone. Without any flexibility in the regulation, many projects that could significantly improve the health and welfare of people throughout Alaska may be precluded due to the widespread presence of spawning fish, including resident fish. Prior to promulgation of the latest mixing zone regulations, the Department of Environmental Conservation considered language that could have allowed such mixing zones if either the discharge had no adverse effect on spawning or all reasonably anticipated adverse impacts were mitigated to the satisfaction of the Department of Fish and Game. This type of discretionary flexibility needs to be incorporated in the regulations so that future projects that may be beneficial are not automatically prohibited.

COMMISSION RECOMMENDATIONS

- 6** *The Governor should direct the Department of Environmental Conservation and the Department of Fish & Game to work with user groups to develop mixing zone regulations that will, in the departments discretion, authorize mixing zones in spawning areas if:*
- a** *the discharge is not reasonably anticipated to adversely affect the capacity of the area to support present or future spawning activities; or*
 - b** *the discharge is reasonably anticipated to adversely affect the capacity of the area to support present and future spawning activities and the Department of Fish and Game has approved a plan to mitigate all reasonably anticipated adverse impacts.*

NATURAL CONDITIONS

FINDING 7. When a waterbody naturally exceeds the state water quality standard that would otherwise apply, the Clean Water Act provides that the States may develop site-specific water quality criteria. Unfortunately Alaska's water quality regulations at 18 AAC 70.025 are poorly written, and do not take advantage of this flexibility. Currently, natural conditions can be used to develop site-specific criteria as long as the water quality of the waterbody meets the standards before considering the natural condition. This is a circuitous argument that defies interpretation and precludes meaningful use of site-specific criteria.

COMMISSION RECOMMENDATIONS

- 7** *The Legislature should adopt a Statute to supplant the regulation at 18 AAC 70.025 to the effect: "If available evidence reasonably demonstrates that the natural condition of a body of water does not meet standards that would otherwise be applicable to the classification of the water, then the natural condition of the water shall constitute the applicable standard of quality."*

BASELINE DATA^o

FINDING 8. Water quality regulation in Alaska is growing increasingly complex. Often, the Department of Environmental Conservation is required to make decisions about water quality regulations without Alaska-specific data. Many Alaskans, including the Governor's Mining and Minerals Sector workgroup of the Marketing Alaska Program, recognize the need to develop sound environmental baseline information. This research should extend to development of appropriate aquatic life criteria for acute and chronic toxicity under Alaska conditions.

COMMISSION RECOMMENDATIONS

- 8** *The Governor should direct the Department of Environmental Conservation to work with industry to develop priorities for basic research on topics important to Alaska, such as arsenic toxicity, total dissolved solids and pH, and to develop plans for funding this basic research.*

NPDES PRIMACY

FINDING 9. Both industry and government desire to make the permitting process for mining operations in Alaska more efficient, accessible, predictable, and accountable. Other states provide a permitting and regulatory structure that is much closer to these goals than the present structure in Alaska. One key element in these other states, including Nevada, is that they have primacy over the National Pollutant Discharge Elimination System (NPDES) process.

Assuming primacy of the NPDES process in Alaska would achieve several objectives. First it would make the process more efficient by bringing several existing permits under the common control of the State. This should result in a time savings by allowing the major permits to be developed concurrently. Second, primacy would make the process more accessible for all involved, including the industry, the State, and the general public.

The financial burden of assuming primacy could be eased by providing for a phased assumption of the NPDES program. While there is an expense to assuming primacy, there is presently a high cost of permitting in Alaska, and an opportunity cost to the citizens of Alaska from the delaying of projects. So the question is not whether Alaska can afford to assume primacy, but whether Alaska can afford not to assume control of federally-mandated regulatory programs.

COMMISSION RECOMMENDATIONS

- 9 The Governor should direct the Alaska Department of Environmental Conservation (ADEC) to develop a plan for assuming primacy of the National Pollutant Discharge Elimination System (NPDES) program, and the Legislature should provide the necessary funding to ADEC to support this effort.*

MARKETING ALASKA

FINDING 10. The mining industry is one of the few economic sectors of the State economy which is expanding, due in part to the initiatives of the Legislature and the Governor. Many of these initiatives have been implemented by the Alaska Division of Trade and Development (DTD) working closely with the Division of Mining & Water Management (DMWM) and the Division of Geological & Geophysical Surveys (DGGs). These agencies, consistent with the recommendations of the Governor's Marketing Alaska Initiative, have been promoting the growth of Alaska's mineral industry by effectively marketing its potential and by providing a healthy regulatory and business climate for development.

The DMWM, through its large mine permitting process has demonstrated that mines such as Fort Knox and Illinois Creek can be permitted on State land in a timely and reasonable manner.

The DGGs provides the geologic mapping and airborne geophysical surveys needed by industry to conduct successful exploration programs. The annual Alaska's Mineral Industry Report, prepared jointly by DGGs and DTD, is widely regarded by industry as a valuable source of information.

The DTD promotes Alaska mining opportunities at professional meetings, researches mining issues for the Department and the Legislature, provides technical assistance to current and prospective Alaska mining companies, reviews state and federal regulatory issues affecting mining, and provides staff support for the Alaska Minerals Commission.

Past budget cuts have compromised the ability of these agencies to maintain their programs. For the State to further reduce the professional staff charged with mineral development would be a serious impediment to the continued expansion of the industry.

COMMISSION RECOMMENDATIONS

- 10** *The Governor and Legislature should provide adequate budgetary support to maintain the positions and programs of the Division of Trade and Development, the Division of Mining & Water Management, and the Division of Geological & Geophysical Surveys.*

LEAD AGENCY

FINDING 11. Alaska Statute 27.05.010(b) requires that state agencies consult with the mining experts of the Department of Natural Resources when these agencies take actions that affect exploration, development, or management of mineral resources. Several agencies impact mining by implementing plans, regulations and stipulations on operations.

COMMISSION RECOMMENDATIONS

- 11** *The Governor, by Executive Order, and the Legislature, by Resolution, should direct agencies such as the Department of Environmental Conservation, the Department of Fish & Game, and the Division of Governmental Coordination to confer with the mineral experts in the Department of Natural Resources before promulgating rules or regulations affecting mining as per A.S. 27.05.010(b).*

FISCAL REQUIREMENTS

FINDING 12. Many State Departments and Divisions are involved in mining-related activities.

Fourteen Recorders Offices that serve the 34 Recording Districts in the state are vital for the recordation of mining claim and prospecting site notices, for affidavits of annual labor and other mining-related documents. In recent years some offices have had to reduce the hours of service to the public.

The 19 offices of the Division of Motor Vehicles are important for issuance of Commercial Driver's Licenses, which are a requirement of some mining operations. Budget cuts could impact this public service.

COMMISSION RECOMMENDATIONS

- 12** *The Legislature should continue to provide funding for the Recorders Offices and the Division of Motor Vehicles offices statewide so that they can operate without reduction of services.*

RS2477 ACCESS

FINDING 13. RS2477 access corridors may provide the only certain access across, and within, the vast system of Conservation Systems Units (CSU) in Alaska other than the untested Title XI access provided for in the 1980 Alaska National Interest Lands Conservation Act (ANILCA).

Since 1993, The Alaska Division of Land has researched about 1,900 trails proposed as RS2477 rights-of-way. About 600 routes appear to qualify, about 250 need more information and the remainder may not

qualify due to circumstances such as lack of evidence, duplication of existing rights-of-way, or failure to meet the requirements of the RS2477 law.

Eleven of the approximately 600 qualified trails were selected as test cases, and were "certified" by the State under 11AAC51. The federal government was served with a "Notice of Intent to File" quiet title to these eleven RS2477 rights-of-way in mid -1995. The Department of Law, working with the Division of Land has evaluated these eleven to find three to five of those with the broadest potential for precedent-setting legal action. One of these, the Harrison Creek - Portage Creek Trail has been surveyed using Global Positioning System methods, and is due to go to court in late 1997.

This will be to file a "quiet title" action in court to determine the validity of the routes, but both the Department of Law and the Division of Land require funds for this legal effort.

COMMISSION RECOMMENDATIONS

- 13** *The Legislature should fund a multi-year, multi-agency Capital Project of about \$300,000 annually for the Division of Land to work with the Department of Law and other agencies to aggressively pursue precedent-setting "quiet title" actions, and to preserve State's rights. The Governor should aggressively assert "quiet title" to the routes with the best documentation. Further the State should assert an access route pursuant to Title XI of the Alaska National Interest Lands Conservation Act to test the process and set a precedent.*

NAVIGABILITY

FINDING 14. State ownership of the beds of navigable waters is an inherent attribute of State sovereignty protected by the United States Constitution. At Statehood in 1959, title to the beds of navigable waters in Alaska was vested in the newly-formed State.

In 1980, the State established a comprehensive navigability program within the Department of Natural Resources (DNR). This program was designed to respond to federal land conveyances and land management activities under the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and the Alaska National Interest Lands Conservation Act. The basic purpose of the program was to protect the public rights associated with navigable waters, including the State's title to the submerged lands. The program also included monitoring of federal land conveyance and management programs to identify navigability disputes, seeking cooperative resolution of navigability problems through negotiation and legislation, and preparing for navigability litigation.

On June 30, 1995 the Navigability section of the Division of Mining & Water Management was eliminated due to budget cuts. The navigability program was reinstated within the Division of Land in 1996 as a result of a special Legislative appropriation. As a result the Department of Natural Resources (DNR) has reestablished a central repository of navigability information to be used by land managers and the public. The special appropriation also enabled the DNR, the Department of Fish and Game, and the Department of Law to pursue assertions of State ownership of navigable waters.

COMMISSION RECOMMENDATIONS

- 14** *The Legislature should make funding available to continue a centralized, systematic navigability program within the Department of Natural Resources. Additionally, funding should be made available to the Department of Law to support any "quiet title" actions necessary to secure ownership of submerged lands.*

SCHOOL OF MINERAL ENGINEERING

FINDING 15. The University of Alaska Fairbanks' School of Mineral Engineering offers accredited degree programs for educating mining and geological engineers and conducts applied research through the Mineral Industry Research Laboratory.

These professional degree and research programs are vital to the continued development of the State's mineral industry, to the jobs and incomes of its residents, and to the public revenues used to support education and other public services.

COMMISSION RECOMMENDATIONS

- 15** *The Governor and Legislature should provide adequate budgetary support to the UAF School of Mineral Engineering.*

EDUCATION AND RESEARCH

FINDING 16. The "Alaska Resource Kit" which is being used in the statewide public school system, is an excellent program for educating Alaska's students in the issues and fundamentals of resource development. In the past the program has been a cooperative effort between the Department of Education, which developed the curriculum and is responsible for its implementation, and the Alaska Mineral and Energy Resource Education Fund (AMEREF). AMEREF is an industry supported organization which annually funds the production and replacement of the teaching materials and which partially funds the salary of a Specialist in the Department of Education who is responsible for providing teacher training and for implementing the program into the school system. This program has proven to be a success and reflects the cooperation that has existed during the 15 years of the program's existence.

This program must not falter, as a broad-based resource education of Alaska's students is needed to ensure an understanding of the resource needs of a modern society.

COMMISSION RECOMMENDATIONS

- 16** *The Governor and the Legislature should appropriate \$50,000 to the Division of Educational Support, Minerals and Energy Education Program, as the State's share of supporting the Alaska Mineral and Energy Resource Education Fund (AMEREF).*

CITIZEN'S ADVISORY COMMISSION ON FEDERAL AREAS

FINDING 17. The Citizens Advisory Commission of Federal Areas was established by the Alaska Legislature in 1981 shortly after the enactment of the Alaska National Interest Lands Conservation Act (ANILCA). The Commission is composed of 16 members, half of whom are appointed by the Governor and half by the Legislature, including four sitting legislators. The Commission analyzes federal legislation, regulations, and management decisions, determines the impact of these actions on Alaska's citizens, and makes recommendations to both State and Federal agencies for corrective actions to problems discovered. As federal regulations are finally developed, the case load is expanding.

Some accomplishments of the Commission include brokering an agreement with the Bureau of Land Management to allow free passage from the pipeline corridor to state and private lands beyond; securing inholder access within Denali National Park and Preserve (and other Conservation System Units); and helping secure funding for the ANILCA-mandated Alaska Mineral Resource Assessment Program (AMRAP).

COMMISSION RECOMMENDATIONS

- 17** *The Governor and Legislature should extend the life of the Citizens Advisory Commission on Federal Areas for a further 5 years and provide expanded budgetary and programmatic support.*

THE ALASKA MINERALS COMMISSION

FINDING 18. The Act creating the Alaska Minerals Commission is due to be repealed on February 1, 1999.

Several important pieces of legislation passed in recent years were based on recommendations by the Commission and include the Exploration Incentives Act; extending the workday at the face in underground mines; exempting minerals from in-situ taxation; creation of the reclamation bonding pool; and creating the airborne geophysical survey program. The latter program has generated more than \$10 million in exploration investment in the Fairbanks district alone, which by itself dwarfs the annual \$12,000 budget of the Alaska Minerals Commission.

COMMISSION RECOMMENDATIONS

- 18** *The Governor and the Legislature should extend the term of the Alaska Minerals Commission and provide funding through February 1, 2004.*

PART B: FEDERAL ISSUES OF STATE CONCERN

ANILCA PROVISIONS

FINDING 19. In order to assure passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, there were several sections included to protect preexisting rights. Several provisions would allow mineral development on or near otherwise withdrawn land. Title XI addressed access across the Conservation System Units (CSU). Sections 101d and 1326b assured that no more land in Alaska would be considered for new CSU or similar designations. Sections 103b and 1302h provided mechanisms for the Secretary of the Interior to adjust the boundaries of CSU or to exchange lands within them to exclude mineralized areas.

COMMISSION RECOMMENDATIONS

- 19** *The Governor and Legislature, through the Attorney General's office, the State's Washington office, and the Congressional Delegation should insist that the federal administration:*
- a** *provide access across Conservation System Units (CSU) as required by Title XI of the Alaska National Interest Lands Conservation Act (ANILCA),*
 - b** *prohibit the creation of additional CSU lands in Alaska as required by Sections 101d and 1326b of ANILCA, and*
 - c** *exchange mineralized areas from existing CSU under the authority of Sections 103b and 1302h of ANILCA.*

INTERNATIONAL PARKS IN ALASKA

FINDING 20. The 1st Session of the 20th Alaska State Legislature passed Legislative Resolve No. 31 supporting the "American Lands Sovereignty Protection Act" that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally-owned land of the United States.

The Act passed the U.S. House of Representatives on October 8, 1997 and reaffirms the power of Congress over international agreements; provides a process to designate lands for international agreements; protects state's powers from federal designation of lands not reserved to the federal government; and protects citizens from diminution or loss of individual rights, including real property rights, as a result of federal designation of lands for international agreements.

The United States Senate has before it the "Public Land Management Participation Act of 1997" (SB 691). This bill is to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the federal government. This would provide a process to include the public in hearings when the federal government or others nominate lands for National Monuments, World Heritage Sites, or Biosphere Reserves.

COMMISSION RECOMMENDATIONS

- 20** *The Governor and Legislature should continue to support legislation proposed by Alaska's Congressional Delegation that protects state's and private citizen's rights from imposition of World Heritage Sites, Biosphere Reserves, International Parks or other restrictive designations of federal lands without participation by affected citizens, local and state governments or Congress.*

APPENDIX A

Chapter 98
Session Laws of Alaska, 1986
As Amended by Chapter 71
Session Laws of Alaska, 1988

AN ACT

Relating to the Alaska Minerals Commission; and providing for an effective date.

Section 1. (a) The legislature finds that the minerals industries, including metallic minerals, industrial minerals, and hydrocarbons, have traditionally and continue to be the major source of wealth and income in the state.

(b) The legislature further finds that there are major constraints on the continued development of a diverse mineral industry in the state, including the Environmental Protection Agency's effluent guidelines, state water quality standards and improperly classified streams and rivers, restriction on surface access, complex and numerous permitting requirements, and limited access to minerals through mineral closing orders and restrictions on multiple use through state and federal land use plans.

Section 2. ALASKA MINERALS COMMISSION ESTABLISHED. (a) The Alaska Minerals Commission is established in the Department of Commerce and Economic Development.

(b) The Commission is composed of 11 members. The Commission shall be composed of individuals who have at least five years' experience in the various aspects of the minerals industries in the state. The Governor shall appoint five members of the Commission, one of whom must reside in a rural community. The President of the Senate shall appoint three members of the Commission. The Speaker of the House of Representatives shall appoint three members of the Commission. Each member serves at the pleasure of the appointing authority.

(c) The Commission shall make recommendations to the Governor and to the Legislature on ways to mitigate the constraints, including governmental constraints, on development of minerals, including coal, in the State.

(d) The Commission shall report its recommendations each year to the Governor and the Legislature during the first 10 days of the regular session of the Legislature.

Sec. 3. This Act is repealed February 1, 1994.*

Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c)

*Note: The Act was amended to extend the life of the Commission to February 1, 1999.

APPENDIX B

ALASKA MINERALS COMMISSION**STATEMENT OF PURPOSE**

The Alaska Minerals Commission was created by the 14th Legislature in Chapter 38 of the Session Laws of 1986 and was established to make recommendations to the Governor and to the Legislature on ways to mitigate constraints on the development of minerals in the State.

The minerals industry offers the greatest potential of any Alaska industry for expanding and diversifying the State's economic base; for increasing Statewide employment; and for generating new wealth to create businesses and provide revenues for State and local governments.

However, Alaska has a complex pattern of land ownership and management; has overlapping and uncertain regulatory requirements; has unique geographic, geologic and climatic conditions; and has an undeveloped transportation system.

To attract the capital necessary for the exploration and development of new mines; to ensure that mines can be developed feasibly and in a timely fashion; and to ensure that producing mines remain viable—constraints on the industry must be mitigated.

The Alaska Minerals Commission will prepare reports for the First and Second Sessions of the 15th Legislature and the First Session of the 16th Legislature, recommending to the Governor and to the Legislature the adoption of legislation and the implementation of administrative policy that will best accomplish the statement of policy found in Article VIII, of the Constitution of Alaska:

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

And the statement of policy found in the President's National Materials and Minerals Report to Congress of April 5, 1982:

“It is the policy of this administration to decrease America's mineral vulnerability by taking positive action that will promote our national security, help ensure a healthy and vigorous economy, create American jobs, and protect America's national resources and environment.”

The goals and recommendations of the Alaska Minerals Commission are to assure that the Legislature and the State administration endorse and promote development of a viable mining industry in the State.

APPENDIX C

MINERAL POLICY ACT

Sec. 44.99.110. Declaration of state mineral policy. The Legislature, acting under art. VIII, sec. 1 of the Constitution of the State of Alaska, in an effort to further the economic development of the state, to maintain a sound economy and stable employment, and to encourage responsible economic development within the state for the benefit of present and future generations through the proper conservation and development of the abundant mineral resources within the state, including metals, industrial minerals, and coal, declares as the mineral policy of the state that

(1) mineral exploration and development be given fair and equitable consideration with other resource use in the multiple use management of state land;

(2) mineral development be encouraged through reasonable and consistent non-duplicative regulations and administrative stipulations;

(3) mineral development and the entry into the marketplace of mineral products be considered in developing a statewide transportation infrastructure system;

(4) mineral development be encouraged through appropriate public information and education, scientific research, technical studies, and the University of Alaska program involvement;

(5) economic development with respect to the state mineral industry be encouraged with Pacific Rim nations (Sec.1 ch. 138 SLA 1988)

————— APPENDIX D —————

MINING - ALASKA'S GROWTH INDUSTRY FOR HIGH-QUALITY JOBS

The mining industry offers unparalleled potential for high-quality private sector employment throughout Alaska. A recent nationwide study completed by the U.S. Bureau of Labor Statistics entitled "Average Annual Pay by State and Industry, 1996" shows that the mining industry has the highest average annual pay of any private sector employment sector in the nation. These are the types of jobs that should be encouraged in Alaska, particularly since the mining industry has the potential to distribute these jobs throughout areas of rural Alaska with low private sector employment.

However, during public policy discussions regarding the jobs potential of the Alaska mining industry, the full breadth of the skill levels and educational requirements needed to properly conduct a modern, environmentally sound, mining operation is often not fully appreciated. This is especially relevant in the context of trying to maximize local hire.

In order to provide Alaska residents with the skills necessary to fill these jobs, the University of Alaska must maintain appropriate 4-year and vocational programs. If the industry is to grow while maximizing local hire, local education and training must be available.

A listing of professional job categories actually required to operate a mine, taken from Alaska's current operations, is depicted below:

4-YEAR DEGREE REQUIRED

- Accountant
- Chemist
- Computer Systems Specialist
- Controller
- Electrical Engineer
- Environmental Engineer
- Geological Engineer
- Geologist
- Human Resource Manager
- Hydrologist
- Metallurgical Engineer
- Mining Engineer
- Purchasing Agent

2-YEAR DEGREE OR ADVANCED VOCATIONAL-TECHNICAL TRAINING REQUIRED:

- Emergency Medical Technician
- Computer Technician
- Instrumentation Technician
- Mill Technician
- Surveyor

Note: Not included in the above lists are the skilled trades, i.e., underground miners, operators, drillers, millwrights, electricians, mechanics, welders, warehouse clerks, etc.

This publication was released by the Department of Commerce and Economic Development. Its purpose is to report the findings and recommendations of the Alaska Minerals Commission to the Governor and to the Legislature of Alaska. It was produced at a cost of \$.84 per copy and printed in Juneau, Alaska. This publication is required by Chapter 98, Session Laws of Alaska, as amended by Chapter 4, Session Laws of Alaska, 1993.



Carl, Thank for your service for Alaska Tony Knutson

S B

2 3 6

**SENATE COMMITTEE REFERRAL
First Committee of Referral**

DATE: 1/14/98

FURTHER: Finance

Date of 5-Day Notice: 2/12/98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/10/98

Resources Committee considered SENATE BILL NO 236

"An Act extending the termination date of the Citizens' Advisory Commission on Federal Areas in Alaska; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 236 (RES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Man Johnson</i>	✓				
<i>Scott Mack</i>	✓				
<i>John Greer</i>	✓				
<i>John A. Brown</i>	✓				
CHAIR: <i>Rich Hefford</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

DNR - STATEHOOD DEF	13 FEB 98		93.5

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB236(RES)

Revision Date: 9-Mar-98 Dept Affected: Natural Resources
 Title: An Act extending the termination date of the BRU: Statehood Defense
 Citizens' Advisory Commission on Federal Areas in Alaska... Component: CACFA
 Sponsor: Senate Labor & Commerce
 Requestor: Senate Finance Component Serial No. #2225

Expenditures/Revenues (Thousands of Dollars)

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	93.0	93.0	93.0	93.0	93.0	
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	93.0	93.0	93.0	93.0	93.0	0.0

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

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

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

The CSSB236(RES) version of the legislation extends the Commission through June 30, 2003.

Prepared by: Stan Leaphart, Executive Director Phone: 451-2275
 Division: CACFA Date: 9-Mar-98
 Approved by Commissioner: [Signature] Date: 3-9-98
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB236

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

Expenditures/Revenues (Thousands of Dollars)

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF	93.0	93.0	93.0	93.0	93.0	93.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	93.0	93.0	93.0	93.0	93.0	93.0

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

POSITIONS

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

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

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

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State Capitol
Juneau, AK 99801-1182

Senate Labor & Commerce Committee

Sponsor Statement

SB 236: CITIZENS ADVISORY COM ON FED AREAS IN AK

The Citizens Advisory Commission on Federal Management Areas in Alaska was created in 1981. SB 236 extends the Commission another 10 years to June 30, 2008. Temporary legislation (Section 4, ch. 81, SLA 1981, as amended by sec. 1, ch.25, SLA 1988) created this commission, which will expire June 30, 1998.

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


The Commission is tasked with the following duties:

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

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

**CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS
3700 AIRPORT WAY
FAIRBANKS, AK 99709
(907) 451-2775
FAX (907) 451-2761**

TO: Senate Resource Committee

FROM:  Stan Leaphart- Executive Director

DATE: February 20, 1998

SUBJECT: Activities of the Citizens' Advisory Commission on Federal Areas

In order to provide Resource Committee members with information which may be useful in your consideration of SB 236 "An Act extending the termination date of the Citizens' Advisory Commission on Federal Areas in Alaska," we have prepared the following brief overview of the Commission's functions and activities. Additional information about activities during the previous year can be found in the Commission's 1997 Annual Report.

Routine Activities

In its 1981 enabling legislation, the Commission is mandated to "consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state." To that end, the majority of the Commission's efforts are focused on the review and analysis of proposed federal regulations and policies; management plans of various types for the conservation system units in Alaska; and proposed federal legislation. Commission staff works closely with other state agencies in these efforts. In addition, Commission staff maintains regular contact with federal agency personnel at both the unit and regional/state office level in order to discuss issues of concern and identify existing or potential management problems.

Probably the most important of the Commission's responsibilities is ensuring the public is made aware of management issues and proposals that may impact their abilities to use federal public lands. This is accomplished primarily through contacts with various organizations and interests groups who, in turn, can inform their membership directly. The Commission also solicits input from these same organizations and groups to help with our analysis of issues and preparation of comments and recommendations. Commission members and staff regularly participate in federal agency sponsored public meetings and workshops.

A small, but important, part of staff duties involves working in an ombudsman's role to resolve problems between individuals and federal agencies regarding use of public lands. This includes helping to secure permits for access to private property, use and construction of

Senate Resources Committee
February 20, 1998

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cabins and temporary facilities, guiding and outfitting, and for conducting other activities on federal lands. While the Commission cannot offer legal assistance, problems can often be resolved by helping an individual through the administrative process or by meeting with a land manager and the individual to find a solution to the problem.

Current and Future Issues

Commercial Fishing in Glacier Bay National Park. Resolution of this issue continues to be one of the Commission's highest priorities. The Commission's 1997 Annual Report summarizes the most recent regulatory proposal by the National Park Service and the working group meetings held in November and December of last year. Since then, meetings were held on January 8-9 and on February 3-5. At those meetings considerable progress was made toward development of an acceptable compromise solution. While many points of disagreement remain and although legislation to implement a final solution will be necessary, there is optimism for success. An additional meeting is scheduled for mid-March to work on remaining details.

Chugach National Forest Plan Revision. The U.S. Forest Service is in the process of revising the forest plan for the Chugach National Forest. Major issues for this plan revision include: wild and scenic river recommendations, management of wilderness study areas, timber harvest, and recreation. The "scoping" phase of the revision process ended December 31. Alternatives that address issues of the forest plan are expected to be available for public comment sometime in Spring 1998, with a draft forest plan and environmental impact statement out by Fall 1998. Target completion date for a final plan is June 1999.

National Petroleum Reserve- Alaska Draft IAP/EIS. The Bureau of Land Management has released a draft Integrated Activity Plan and Environmental Impact Statement for the Northeast National Petroleum Reserve-Alaska(NPR-A). The document presents 5 alternatives for a land management plan for the 4.6 million acre planning area within NPR-A. The alternatives range from a status quo (no action or no leasing) alternative to one which would make the entire area available for oil and gas leasing. Additionally, various alternatives contain proposals for designation of "Special Areas" for geologic and biologic resources, recommendations to designate the Coville River under the Wild and Scenic Rivers Act and creation of a Bird Conservation Area under the Partners in Flight Program. Public comment period for the draft plan closes on March 12, 1998.

U.S. Fish & Wildlife Service CCP Revisions. Comprehensive Conservation Plans for the 16 National Wildlife Refuges in Alaska were prepared between 1982 and 1988. In 1998 the FWS will begin revising these 16 management plans. The first revision is scheduled for release in 1999, with the remaining 15 to be completed by 2007. This revision process will be critical, as many changes have occurred within these refuges since adoption of the original plans. These changes include: management of fish and game under the Federal Subsistence Management Program, management of big game hunting guides and outfitters, and extensive changes in land status and ownership.

SB 262 Extending CACFA

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

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

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

Debra Woodruff (907) 697-2243

Box 77

Sitka, AK. 99824

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

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
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**STATE OF ALASKA
CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS**



1997 ANNUAL REPORT

FEBRUARY 1998



Citizens' Advisory Commission on Federal Areas

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

INTRODUCTION

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

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

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

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

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

DUTIES OF THE COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPOSITION

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

STAFF

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

COMMISSION ACTIVITIES

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

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

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

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

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

REGULATORY AND POLICY ISSUES

National Park Service

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

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

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

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

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

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

U.S. Fish & Wildlife Service

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

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

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

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

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

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

Alexander Archipelago Wolf & Queen Charlotte Goshawk.

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

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

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

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

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

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

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

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

Bureau of Land Management

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

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

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

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

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

DEPARTMENT OF THE INTERIOR

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

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

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

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

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

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

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

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

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

PROJECTS AND STUDIES

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

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

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

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

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

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

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

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

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

FEDERAL LEGISLATION

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

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

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

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

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

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

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

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

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

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

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

H.R. 901 passed the U.S. House of Representatives in October 1997. It is awaiting action in the U.S. Senate. In the interim, not additional sites in the United States have been nominated for designation as either World Heritage Sites or Biosphere Reserves.

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

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

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

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

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

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

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

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

ADMINISTRATIVE ACTIONS

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

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LAWS OF ALASKA

1981

Source

Chapter No.

CSSSSB 36(R1s)

81

AN ACT

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

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Permitted to become law without signature
Actual Effective Dates: Secs. 1 - 2 effective July 17, 1981;
Sec. 3 effective June 30, 1988

his Act lapse into the general fund on June 30,

its effect immediately in accordance with AS 01.10.

AN ACT

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

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

CHAPTER 37. CITIZENS' ADVISORY COMMISSION

ON FEDERAL AREAS IN ALASKA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

11 (c) The membership of each advisory group shall be broadly repre-
12 sentative of individuals involved in activities affected by the estab-
13 lishment or management of units of federal land within the state.

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

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

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

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

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shall specify the term of office of each member appointed under this sec-
tion.

* Sec. 3. AS 41.37 is repealed.

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

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

STATE OF ALASKA
Boards and Commissions

FEDERAL AREAS

BOARD: Citizens' Advisory Commission on Federal Areas in Alaska

BOARD IDENTIFICATION NUMBER: 036

DEPARTMENT: Department of Natural Resources

AUTHORITY: AS 41.37.010

STATUS: Active

TERM DATE: June 30, 1998

TERM: 4 years

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

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

CHAIR: Commission selects.

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

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

MEETINGS: 2 times per year; 4 days maximum.

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

STATE OF ALASKA

Boards and Commissions

Membership Roster FEDERAL AREAS (036)

Member	Appointed	Reappointed	Term Exp.
Vacant Public			12/31/97
Del Ackels Public P.O. Box 61520 Fairbanks, AK 99706	05/02/83	07/15/91	12/31/94
Charles Bussell House Appointment/Public P.O. Box 91325 Anchorage, AK 99509	03/23/93	04/25/97	12/31/98
William E. Dam, Sr. Public 211 East Cook Avenue Anchorage, AK 99501	04/14/92	12/17/93	12/31/97
Grant Doyle House Appointment/Public P.O. Box 81183 Fairbanks, AK 99708	03/03/95	04/25/97	12/31/98
Don Finney Public P.O. Box 739 Ward Cove, AK 99828	03/01/93		12/31/96
Clarence E. Furbush Public HC01 Box 6001 Palmer, AK 99645	07/15/91	12/31/92	12/31/96
Rick Halford Legislature/Senator Alaska State Senate State Capitol Juneau, AK 99801-1182			
Bill Hudson Legislature/Representative State Representative State Capitol Juneau, AK 99801-1182	04/25/97		
L. Jo King Public P.O. Box 169 Glenallen, AK 99588	04/14/92		12/31/95

STATE OF ALASKA
Boards and Commissions

Membership Roster
FEDERAL AREAS (036)

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

STATEMENT OF WALT SHERIDAN ON S 236 BEFORE THE SENATE
RESOURCES COMMITTEE OF THE ALASKA STATE LEGISLATURE

March 9, 1998

Mr. Chairman, my name is Walt Sheridan and I am here to testify in support of enactment of Senate Bill No. 236.

Until a little over three years ago, I worked as the Alaska Lands Act Coordinator for the US Forest Service. Among my duties were serving as senior staff on the Alaska Land Use Council and also representing the agency before the Citizens Advisory Commission on Federal Areas.

I worked with the Commission from its inception. The Commission provides a unique service to the citizens of Alaska – a service not fully provided anywhere else in State Government.

One might legitimately question why, some 17 years after passage of ANILCA, should we continue a watchdog organization such as the Commission. The reason is this. Federal agencies have very short memories.

As you know, ANILCA is a very complicated piece of legislation and included many provisions that were intended to protect unique aspects of the Alaska lifestyle such as traditional uses of the public lands, access, and use of motorized equipment, to name just a few. Most of these uses are not allowed, or are highly restricted on the public lands

in the lower forty-eight and it is a continuing battle to maintain these uses as they were intended in the original ANILCA compromise. The Citizens Advisory Commission on Federal Areas does a remarkable job in keeping the Federal agencies true to the ANILCA compromises.

Federal agencies have very high turnover of personnel, rotating middle and top management in and out of Alaska from the lower forty-eight. These people come up here with little or no knowledge of ANILCA and a strong bias toward public land management as they have known it in their previous lower forty-eight assignments. Without constant vigil, the ANILCA guarantees to Alaska will be severely eroded or lost entirely. The Commission has been highly effective in protecting these guarantees to the people of Alaska and should be continued.

Thank you for this opportunity to testify.

SB

250

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/98

FURTHER: Finance

Date of 5-Day Notice: 2/5/98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/11/98

Resources Committee considered SENATE BILL NO. 250

"An Act relating to management of game and to the duties of the commissioner of fish and game."

and recommends:

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

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Miss Taylor</i>	<input checked="" type="checkbox"/>	<i>Amendment should be done in Res - not Fin</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Aren D. Lewis</i>	<input checked="" type="checkbox"/>				
<i>Lynne Green</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Keith Halford</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
<i>Fish-Wildlife Cons.</i>	<i>2/11</i>		<i>X</i>

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill



Official Business

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

State Capitol
Juneau, AK 99801

Chairman: Senator Rick Halford
Vice Chair: Senator Lyda Green
Senator Loren Lemman
Senator Bert Sharp
Senator Robin Taylor
Senator John Torgerson
Senator Georgianna Lincoln

AGENDA

3:30 to 5:00 p.m.

Wednesday, February 11, 1998

SB 250: Game management and commissioner's duties
Senator Sharp, sponsor

HB 17: DNR approve plats in unorganized boroughs
Representative James, sponsor

NEXT MEETING

Wednesday, February 18

ADJOURN

Alaska State Legislature

SENATOR
BERT SHARP
DISTRICT P
CO-CHAIRMAN
SENATE FINANCE COMMITTEE
MEMBER
RESOURCE COMMITTEE



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Senate

SPONSOR STATEMENT

SB - 250

BY: SENATOR BERT SHARP

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

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

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

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

Thank you.



REPRESENTING
GOLDEN HEART
OF ALASKA

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 250

Revision Date (Note if correction) _____	Dept. Affected: <u>Fish and Game</u>
Title <u>Management of Game</u>	BRU <u>Wildlife Conservation</u>
	Component <u>Wildlife Conservation</u>
Sponsor <u>Senator Sharp</u>	
Requester <u>Senate Resources</u>	Component Serial No. <u>473</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	200.0	200.0	200.0	200.0	200.0	200.0
Travel	20.0	20.0	20.0	20.0	20.0	20.0
Contractual	280.0	280.0	280.0	280.0	280.0	280.0
Supplies	60.0	60.0	60.0	60.0	60.0	60.0
Equipment	40.0	40.0	40.0	40.0	40.0	40.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	600.0	600.0	600.0	600.0	600.0	600.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other -- F&G Fund (1024)	600.0	600.0	600.0	600.0	600.0	600.0
TOTAL	600.0	600.0	600.0	600.0	600.0	600.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Sections. 4 & 5 of this bill would require the department to implement a 25% "harvestable surplus" management plan for *all* ungulate populations in the state. The department, in drafting this fiscal note, has assumed the bill sponsors mean for such a plan to be implemented only for specific populations identified in AS 16.05.255(e). If the sponsors actually intend the legislation to apply to all ungulate populations, the cost to the department will be multi-millions of dollars. Because Federal Aid funds cannot be used for wolf control and the operational costs would be so high, this funding would have to come from the General Fund, to prevent exhaustion of the Fish and Game Fund and the ability of the state to meet federal requirements for matching federal (Pittman-Robertson) funds.

Assumptions: (1) the bill will apply only to specific populations identified in by the board of game in AS 16.05.255(e), and (2) the department would limit intensive management to 4 such identified populations annually. The costs of *each* intensive management program is estimated at \$150.0/year, including 50.0 to extend existing seasonal positions, 70.0 in contractual costs (primarily air charter, equipment maintenance, misc. professional services), and 15.0 in supplies (for field activities, aircraft fuel, animal immobilization, etc.).

Prepared by <u>Wayne Regelin, Director</u> <i>W. Regelin</i>	Phone <u>465-4190</u>
Division <u>Wildlife Conservation</u>	Date <u>2/10/98</u>
Approved by Commissioner <u>Cecilia Bunn</u> <i>Cecilia Bunn</i>	Date <u>2/11/98</u>
Agency <u>Alaska Department of Fish and Game</u>	

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Juneau, Alaska 99801-2105

MEMORANDUM

February 10, 1998

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

TO: Senator Bert Sharp
Attn: Marilyn Wilson

FROM: George Utermohle *GU*
Legislative Counsel

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

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

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

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

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

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

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

GU:lmb
98-009.lmb

Alaska State Legislature

SENATOR
BERT SHARP

DISTRICT P

CO-CHAIRMAN
SENATE FINANCE COMMITTEE

MEMBER
RESOURCE COMMITTEE



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Senate

SECTIONAL ANALYSES

SB-250

BY: SENATOR BERT SHARP

Section 1. Defines Legislative Findings which states that providing for high levels of harvest for human consumptive use consistent with the sustained yield principle is the best use for game prey populations in most areas of the state and further states big game prey populations should be managed biologically.

Section 2. Amends the definition of "intensive management" to include for sustained yield through active management measures.

Section 3. AS 16.05.255(g) is amended to add new definition (5) "sustained yield".

Section 4. AS 16.05.270 is amended to add new subsection (h) which instructs the Board of Game to establish population and harvest goals and seasons for managing big game prey populations for the purpose of achieving a high level of human harvest.

Section 5. AS 16.05.270 is amended to add a new subsection (b) which states if a board delegates authority to the commissioner to act on its behalf, the commissioner shall cooperate and assist the board by implementing regulations, management plans and other programs as requested by the board.



REPRESENTING
GOLDEN HEART
OF ALASKA

SB

252

SENATE COMMITTEE REPORT

DATE: 3/23/98

FURTHER: Judiciary
Finance

DATE TURNED
IN TO OFFICE: 4/30/98

Resources Committee considered SENATE BILL NO. 252

"An Act relating to paternity establishment and child support; relating to the crimes of criminal nonsupport and aiding the nonpayment of child support; and amending Rule 37(b)(2)(D), Alaska Rules of Civil Procedure; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 252 (RES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Chair: Tom...</i>			X
		<i>...</i>			X
		<i>...</i>	✓		
		<i>...</i>			X
		<i>...</i>			✓
CHAIR:		CHAIR: <i>Rich Holford</i>			✓

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>1 Cat - FN</i>			
<i>1 F+H - FN</i>			
<i>Ketchikan</i>			

PREVIOUS FISCAL NOTE(S):*

#	Department	Date	Zero	Fiscal
<i>#1</i>	<i>Revenue</i>	<i>11/24/97</i>	✓	
<i>#2</i>	<i>Administrational / Public Defender</i>	<i>11/28/97</i>		***
<i>#3</i>	<i>Admin / Public Defender</i>	<i>11/28/97</i>	✓	
<i>#4</i>	<i>Admin / Meter Vehicles</i>	<i>12/1/97</i>	✓	

*Apply Review to CS

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 4

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SB252

(S) Publish Date: 1/22/98

Revision Date (Note if correction) _____	Dept. Affected <u>Administration</u>
Title <u>"An Act relating to paternity establishment and child support"</u>	BRU <u>Division of Motor Vehicles</u>
Sponsor <u>Rules Committee</u>	Component <u>Field Services</u>
Requester <u>Governor</u>	Component Serial No. <u>2150</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact anticipated.

Prepared by Juanita Hensley
Division Motor Vehicles

Approved by Mark Boyer, Commissioner
Agency Department of Administration

Phone 465-5648
Date 12/17/97

Date 12/17/97

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