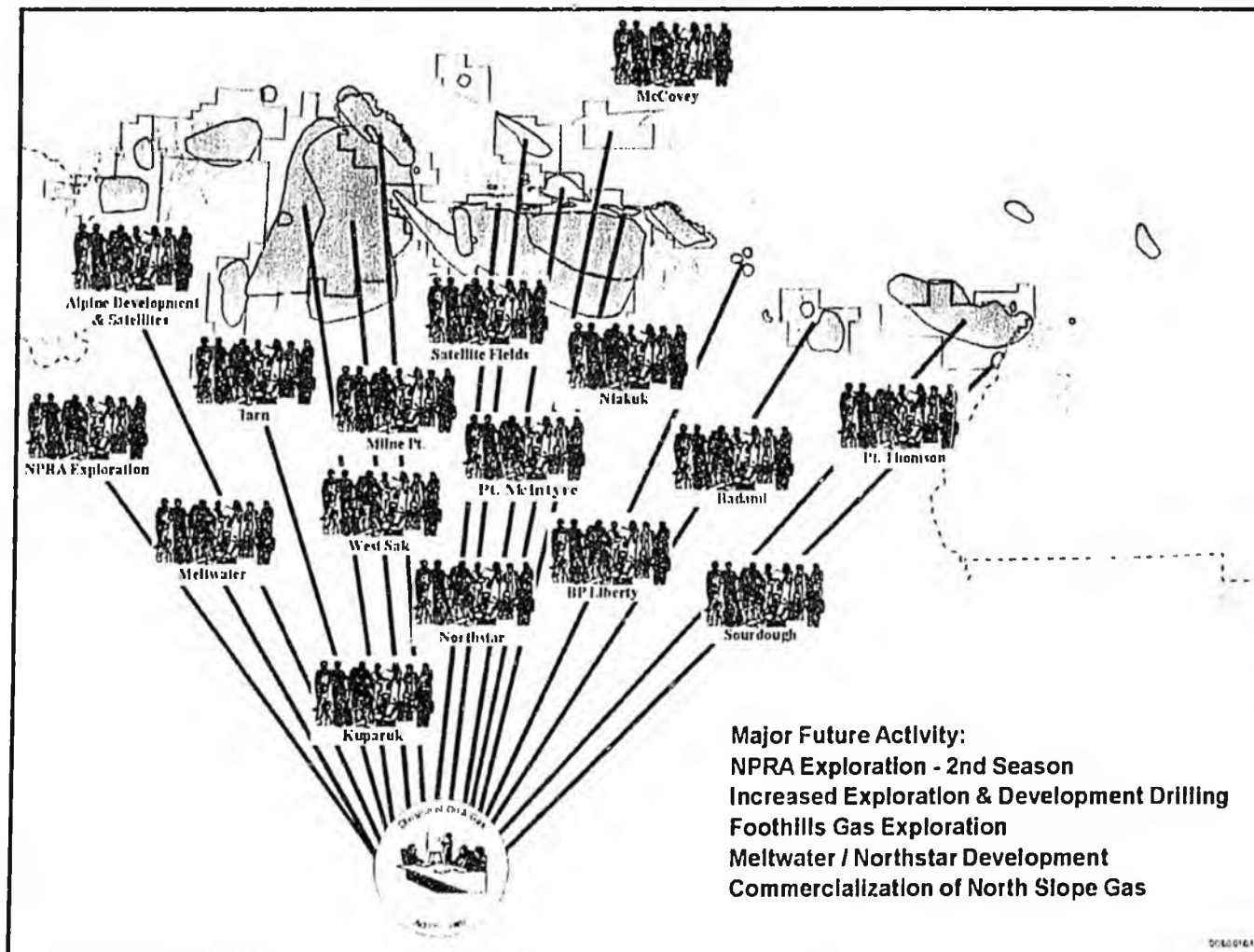


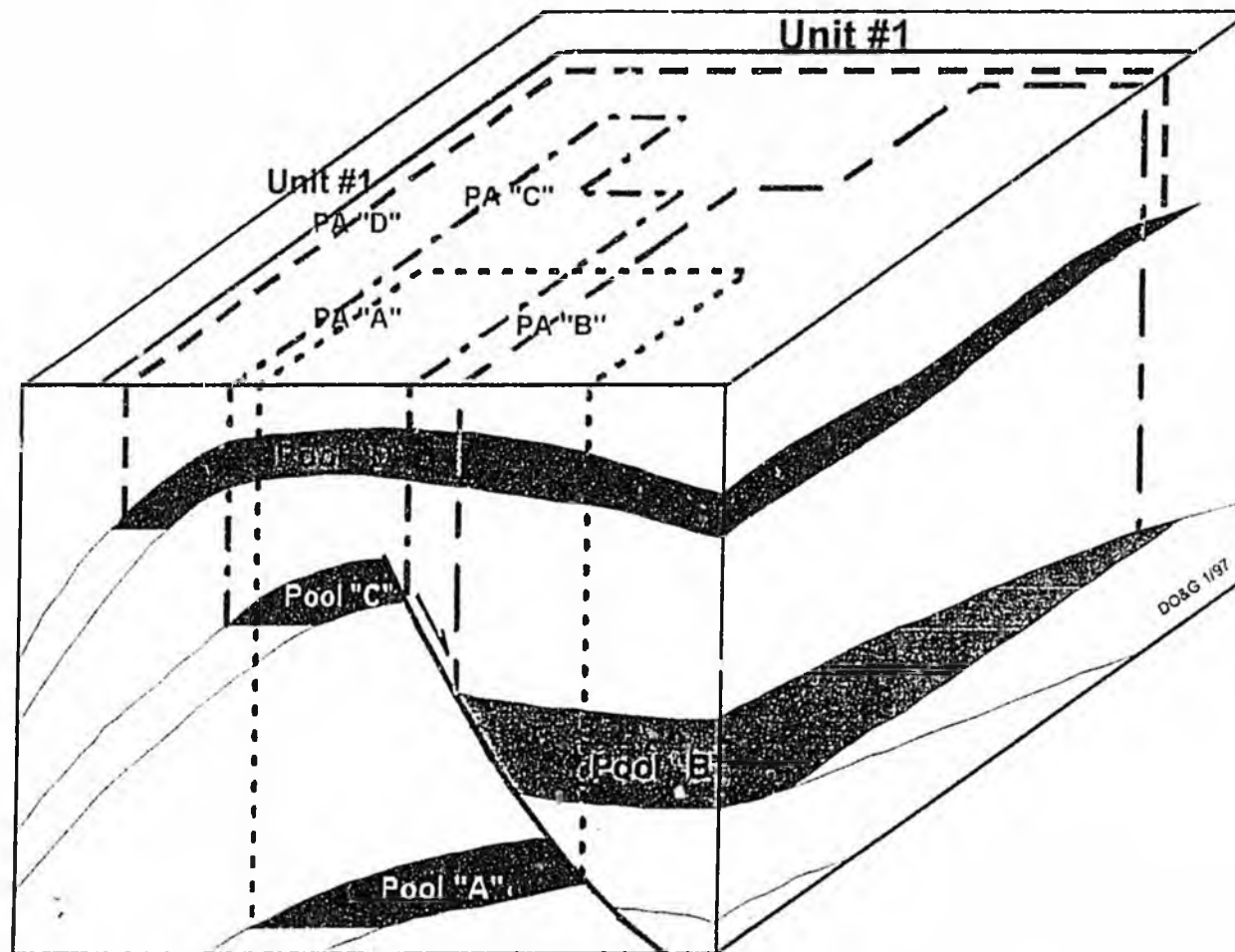
ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10367 HOUSE RESOURCES

# Invigorated Oil & Gas Industry Company Asset Teams Inundate Division



# Hypothetical Unit with 4 Pools & Four Participating Areas (PAs)



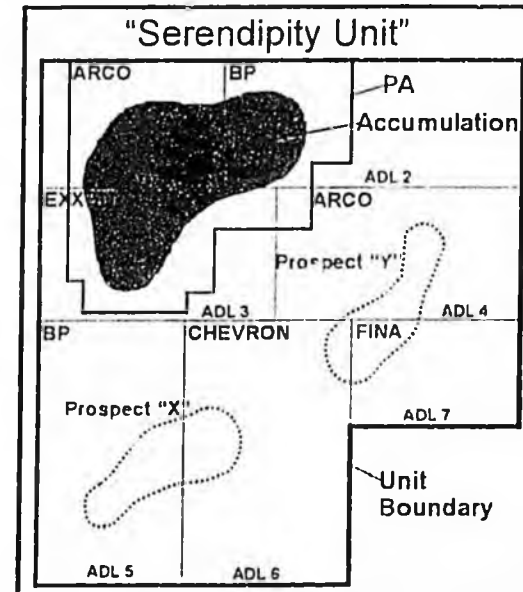
# What Are The Common Lease/Unit Administrative Actions?

**Unit -** Units are groups of leases; units are established to efficiently explore and develop the leases covering one or more potential hydrocarbon accumulations

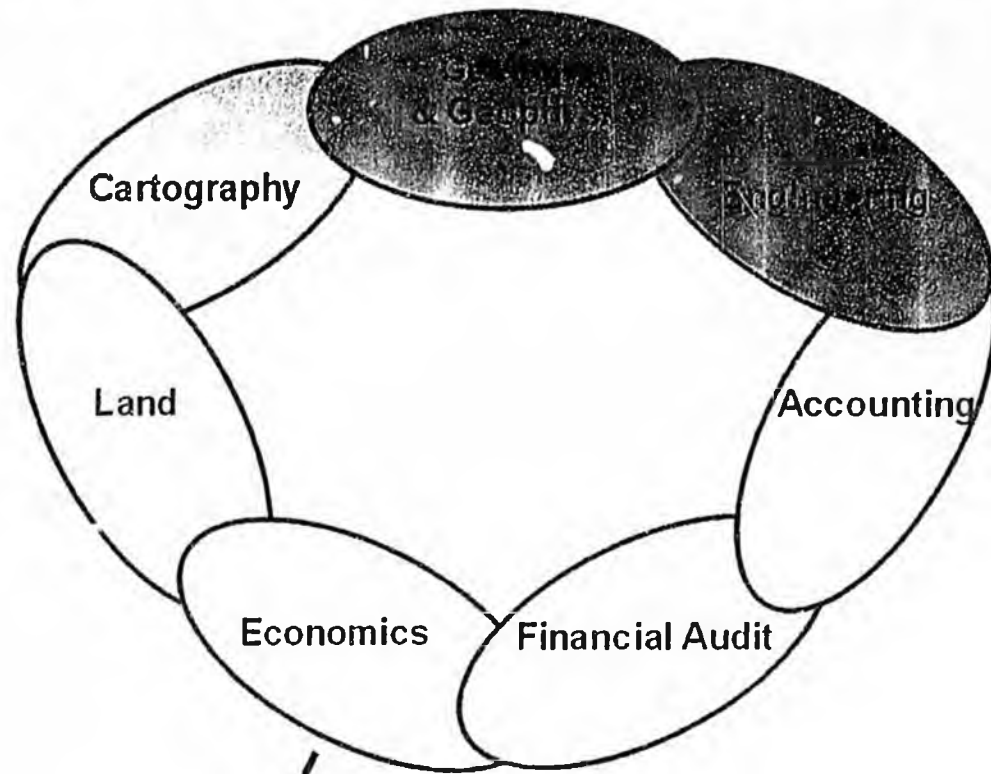
**Participating Area (PA) -** That portion of leases in a unit which cover a known or estimated accumulation and to which production is allocated via a unit agreement

**Units Actions:** Initial Formation  
 Technical Evaluations - Reservoir Extent, Paying Quantities  
 Negotiations - Unit Agreement  
 Work Commitments  
 Expansions  
 Contractions  
 Annual Plan of Exploration or Development

**Participating Areas:** Initial Formation  
 Technical Evaluations - Commerciality  
 Tract Allocation Factors  
 Field Costs/Processing Costs  
 Gas and Gas Liquids  
 Fluid Commingling  
 Facility Sharing  
 Well Test Allocation  
 Expansions  
 Contractions  
 Annual Plan of Development



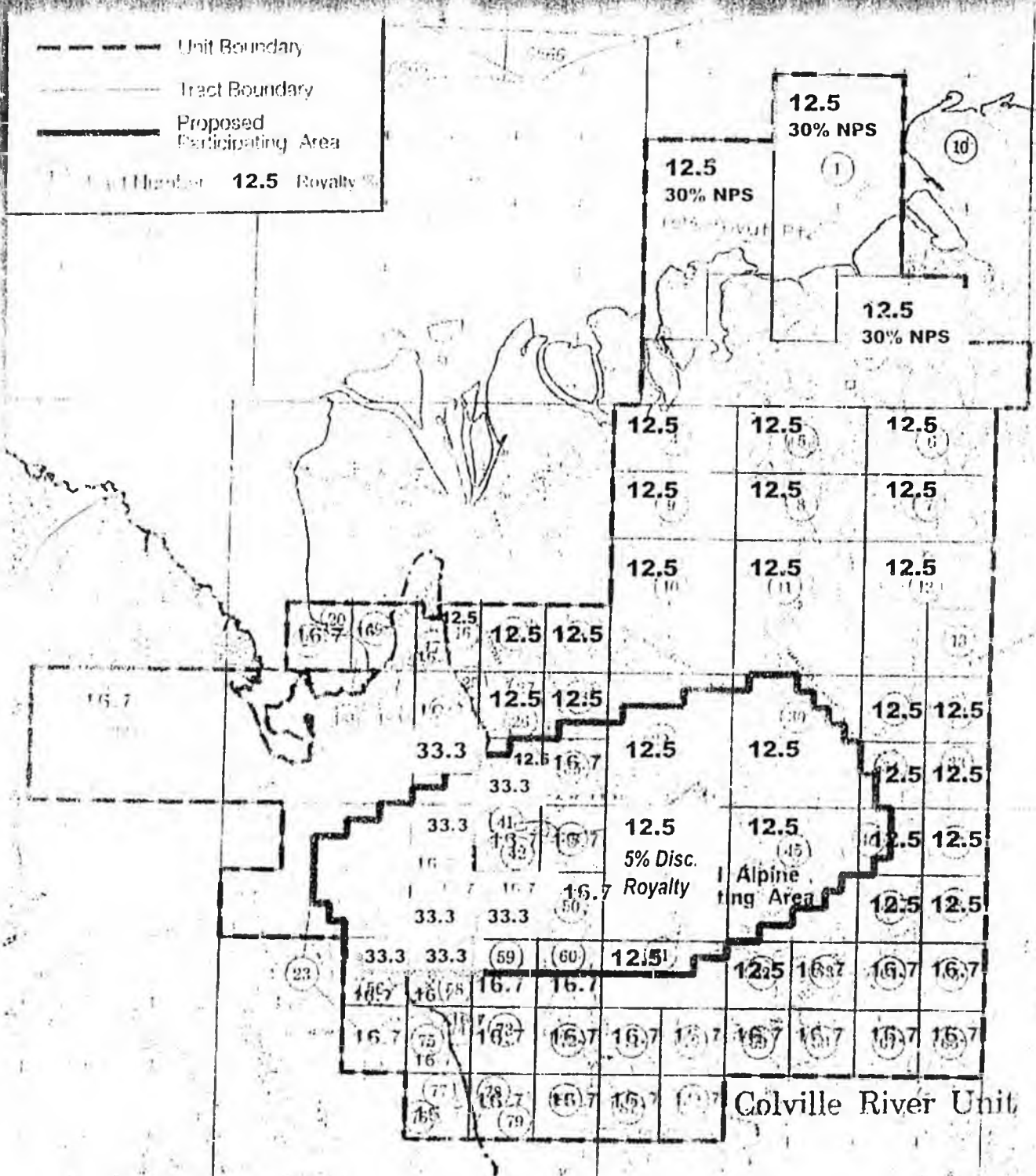
Division of Oil and Gas Organization Links Affect the Bottom Line



Oil and Gas Unit and Participating Area Decisions

→ **Royalty \$\$**

# Colville River Unit Royalty Rates and Lease Terms



# State-Federal Comparison Activity, Staffing and Budgets for Oil and Gas Agencies<sup>(1)</sup>

	<u>State DO&amp;G</u>	<u>Federal<sup>(2)</sup></u>
<b>Active Leases</b> . . . . .	<b>1,202</b>	<b>171</b>
<b>Active Units</b> . . . . .	<b>30</b>	<b>11</b>
<b>Producing Leases</b> . . . . .	<b>320</b>	<b>38<sup>(3)</sup></b>
<b>Annual Oil Production</b> . . .	<b>462.6 mmbbls</b>	<b>1.0 mmbbls<sup>(4)</sup></b>
<b>Number of Employees</b> . . . . .	<b>53</b>	<b>87<sup>(5)</sup></b>
<b>Annual Budget</b> . . . . .	<b>\$4.3</b>	<b>\$8.4 million</b>

(1) all figures based on 1999 data

(2) combines MMS and BLM; does not include federal royalty accounting group in Denver

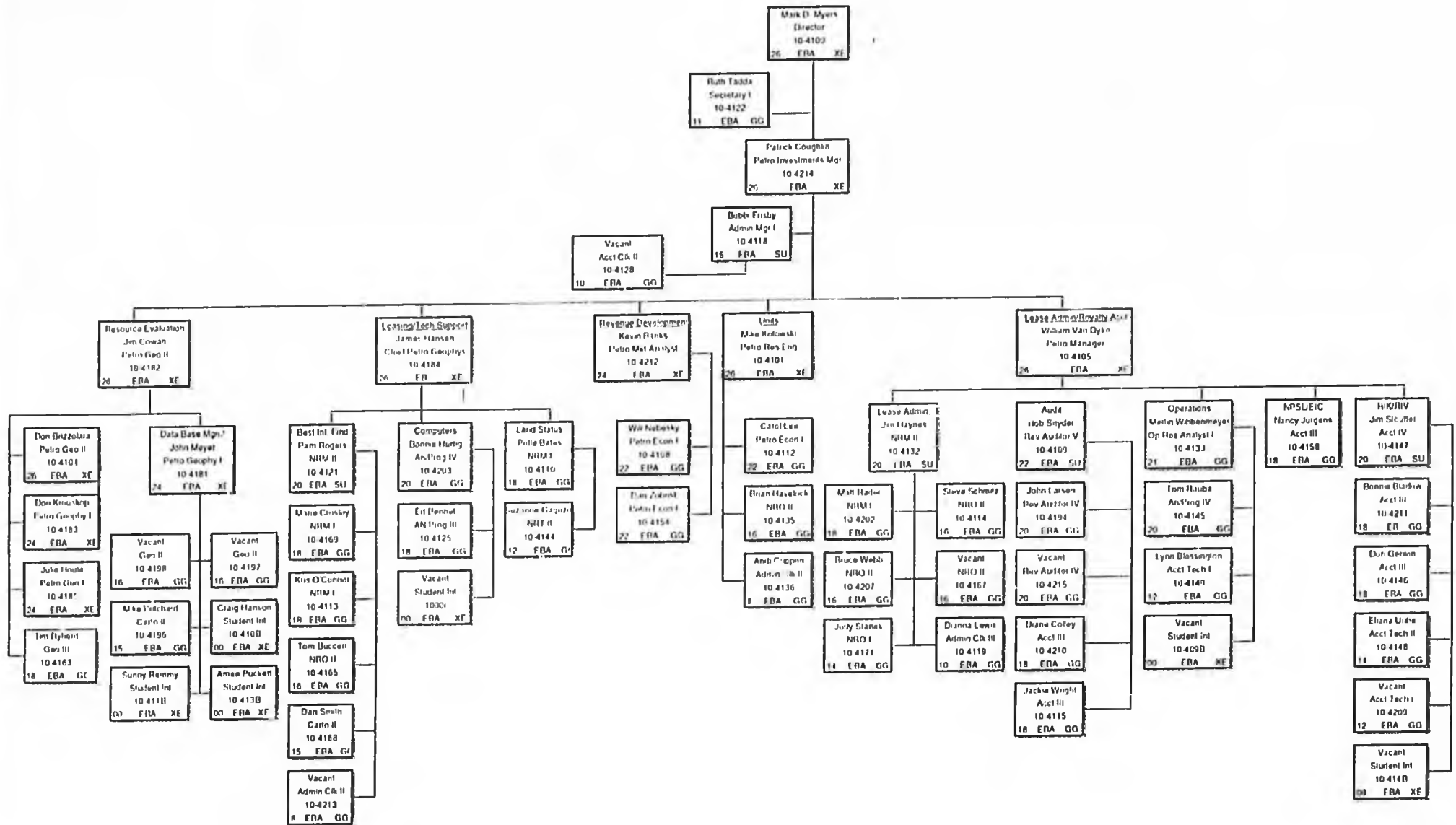
(3) all producing leases are in Cook Inlet, mostly gas production

(4) million barrels

(5) includes 80 MMS employees and 7 BLM employees

# DEPARTMENT OF NATURAL RESOURCES

## DIVISION OF OIL AND GAS



**MEMORANDUM**  
DEPARTMENT OF NATURAL RESOURCES

State of Alaska  
DIVISION OF OIL AND GAS

TO: Ken Boyd  
Director

DATE: January 8, 2001

FROM: Patrick J. Coughlin  
Deputy Director

TELEPHONE: 269-8800

SUBJECT: Salaries

The division's senior level managers and technical staff are grossly undercompensated relative to their peers in industry and government. This low salary level has been noted by the legislature's own consultants. For example, a KPMG salary survey conducted for LB&A examined the salaries of 92 state jobs. It concluded that only two job classifications, one of which was the geologist classification, were compensated below market range. The legislature's privatization study noted that the division's senior level employees appeared to be undercompensated. Industry and government data demonstrate the low level of compensation. In order to attract and keep qualified personnel, we need to pay competitive salaries and we are not.

The following table compares the salaries of various senior employees within the division with their counterparts in industry and the local MMS office. The table illustrates the problem.

Location	Position	Base Salary	Bonus/Cola	Total	%(under)
Alaska	Director	93,384	0	93,384	na
MMS	Regional Director	100,000	33,000	133,000	-42
Industry Av	Manager (+20 yrs)	112,921	34,616	139,535	-49
Alaska	Engineer (+20 yrs)	90,012	0	90,012	na
MMS	Engineer (+20 yrs)	85,774	28,305	114,079	-27
Industry Av	Engineer(+20 yrs)	97,035	34,616	131,651	-45
Alaska	Geologist (+20 yrs)	75,036	0	75,036	na
MMS	Geologist (+20 yrs)	72,586	23,953	96,539	-29
Industry Av	Geologist (+20 yrs)	106,600	34,616	141,216	-88
Alaska	Economist (+18 yrs)	75,036	0	75,036	na
MMS	Economist (+18 yrs)	85,774	28,305	114,079	-52
Industry Av	Not Available				

The MMS figures are exact. The industry engineer and management salary and bonus are based on 1998 SPE data. The industry geology salary is based on 1999 AAPG data. The bonus is estimated using SPE data. The industry average figures are conservative because they do not include Alaska Cola paid by the most oil companies.



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

William J. Carter

Signature of Camera Operator

10/14/2003

Date

Reprints

# Access on Alaska's Lands and Water related to public use and enjoyment of fish and wildlife



Overview of Access Provisions for Fish and Wildlife Managers

House Resources  
2/28/2001

Access Issues which we handle for ADF&G,  
noting only those we're covering today:

- ✘ ANCSA 17(b) site and trail easements across native corporation lands connecting public lands/waters
- ✘ RS 2477 trails and easements across federal, private, and state lands
- ✘ Public trust doctrine rights of access on waterways for boating, fishing, hunting, etc. regardless of ownership
  - ✘ ANILCA 1110(a) general public access on federal land
  - ✘ ANILCA 811 traditional subsistence access on federal land
  - ✘ other ANILCA access guarantees across federal land to state and private inholdings
  - ✘ ANILCA 905 Native allotments

## Access--

### *Why is it so important to ADF&G?*

- If you can't get there, you can't hunt, fish, trap, or otherwise use and enjoy our fish, wildlife, and water resources.




# Use of and Access to State Waters

(Navigable for “public use” under Public Trust Doctrine)


- Alaska Constitution Article 8, Sections 3, 13, 14, 15
- Alaska Statute (AS) 38.05.126
  - constitutional right to free access to, and use of, navigable or public water
  - state has full power and control over those waters
  - ownership of land adjacent to water does not grant an exclusive right of use
- AS 38.05.127
  - “to & along” waterway easements - state land transfers
- AS 38.05.128
  - no one may not obstruct or interfere with free passage

# Navigability for Public Use

 *If you can float a boat on it, you can use it!*

AS 38.05.965 “. . . Any water forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea or ocean, or any other waterbody within the territorial limits of the state subject to its jurisdiction, that is navigable in fact for any useful public purpose . . .”

- Commercial navigation, floating logs, landing and taking off of aircraft, and public boating, trapping, hunting, fishing or other public recreational purposes; portaging

 *If you are fishing in it, you can walk in it to fish!*

## ALASKA STATUTES

### 38.05.126. Navigable and public water.

- (a) The people of the state have a constitutional right to free access to and use of the navigable or public water of the state.
- (b) The state has full power and control of all of the navigable or public water of the state, both meandered and unmeandered, and the state holds and controls all navigable or public water in trust for the use of the people of the state.
- (c) Ownership of land bordering navigable or public water does not grant an exclusive right to the use of the water and a right of title to the land below the ordinary high water mark is subject to the rights of the people of the state to use and have access to the water for recreational purposes or other public purposes for which the water is used or capable of being used consistent with the public trust.
- (d) This section may not be construed to affect or abridge valid existing rights or create a right or privilege of the public to cross or enter private land.

### Sec. 38.05.127. Access to navigable or public water.

- (a) Before the sale, lease, grant, or other disposal of any interest in state land adjacent to a body of water or waterway, the commissioner shall,
  - (1) determine if the body of water or waterway is navigable water, public water, or neither;
  - (2) upon finding that the body of water or waterway is navigable or public water, provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the commissioner finds that regulating or limiting access is necessary for other beneficial uses or public purposes.
- (b) The department shall adopt regulations implementing this section.
- (c) Nothing in this section affects valid existing rights or limits in any way the constitutional right of the public to use and have free access to the navigable or public waters of the state.
- (d) Upon application by a municipality or an affected owner of land, the department may vacate, release, modify, or relocate an easement and right-of-way for public access to or along navigable or public waters reserved by the department in a patent issued under AS 29.65 or former AS 29.18, if the commissioner determines the action is consistent with the public interest.
- (e) The establishment of easements or rights-of-way for oil and gas and mineral leases under (a) of this section need not be made until the leases are ready to be developed.
- (f) Rights-of-way or easements to waterways established under (a)(2) of this section shall be established approximately once each mile unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses or public purposes.
- (g) The commissioner may exchange land under AS 38.50 to create access to public water of the state.

### Sec. 38.05.128. Obstructions to navigable water.

- (a) A person may not obstruct or interfere with the free passage or use by a person of any navigable water unless the obstruction or interference is
  - (1) authorized by a federal agency and a state agency;
  - (2) authorized under a federal or state law or permit;
  - (3) exempt under 33 U.S.C. 1344(f) (Clean Water Act);
  - (4) caused by the normal operation of freight barging that is otherwise consistent with law; or
  - (5) authorized by the commissioner after reasonable public notice.
- (b) An unauthorized obstruction or interference is a public nuisance and is subject to abatement. The cost of abatement shall be borne by the violator and is in addition to any penalty imposed by the court.
- (c) This section may not be construed to affect or abridge valid existing rights.
- (d) Free passage or use of any navigable water includes the right to use land below the ordinary high water mark to the extent reasonably necessary to use the navigable water consistent with the public trust.
- (e) Free passage or use of any navigable water includes the right to enter adjacent land above the ordinary high water mark as necessary to portage around obstacles or obstructions to travel on the water, provided
  - (1) entry is made without injury or damage to the land;
  - (2) entry is made in the least obtrusive manner possible;
  - (3) there is no reasonable alternative available to avoid the use of the adjacent land above the ordinary high water mark; and
  - (4) the navigable water is reentered immediately below the obstacle or obstruction at the nearest point where it is safe to do so.
- (f) A violation of (a) of this section is a class B misdemeanor.

## **Public Trust Doctrine**

**Alaska Constitution Article VIII, section 3 states:**

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

**Alaska Constitution Article VIII, section 13 states:**

All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

**Alaska Constitution Article VIII, section 14 states:**

Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

**Alaska Constitution Article VIII, section 15 provides, in pertinent part:**

No exclusive right of special privilege of fishery shall be created or authorized in the natural waters of the State...

**Alaska Statute 38.05.965(13) defined navigable waters:**

"navigable water" means any water of the state forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, strait, passage, canal, sea or ocean, or any other body of water or waterway within the territorial limits of the state or subject to its jurisdiction, that is navigable in fact for any useful public purpose, including but not limited to water suitable for commercial navigation, floating of logs, landing and takeoff of aircraft, and public boating, trapping, hunting waterfowl and aquatic animals, fishing, or other public recreational purposes;

**The Legislature further interpreted the constitutional protections for public use of the waters in an act relating to the navigable or public waters of the state, declaring in the preamble (85 SLA ch.82):**

- (a) The people of the state have a constitutional right to free access to the navigable or public waters of the state.
- (b) Subject to the federal navigational servitude, the state has full power and control of all of the navigable or public waters of the state both meandered and unmeandered, and it holds and controls all navigable or public waters in trust for the use of the people of the state.
- (c) Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purpose for which the water is used or capable of being used consistent with the public trust.
- (d) This Act may not be construed to affect or abridge valid existing rights or create any right or privilege of the public to cross or enter private land.

## Public Trust Doctrine

The Public Trust Doctrine provides that public trust lands, waters and living resources in a state are held by the state in trust for the benefit of all the people, and establishes the right of the public to fully utilize the public trust lands, waters, and resources for a wide variety of public uses. Each state has the authority and responsibility for managing these public trust assets to assure the public rights are upheld.

The Public Trust Doctrine applies whenever navigable waters or the lands beneath those waters are altered, developed, conveyed, or otherwise managed. It also applies whether the trust lands are publicly or privately owned. Public trust lands are generally those lands below navigable waters, with the upper boundary being the ordinary high water mark. Tidelands, shorelands of navigable lakes and rivers, as well as the land beneath oceans, lakes and rivers are usually considered public trust lands.

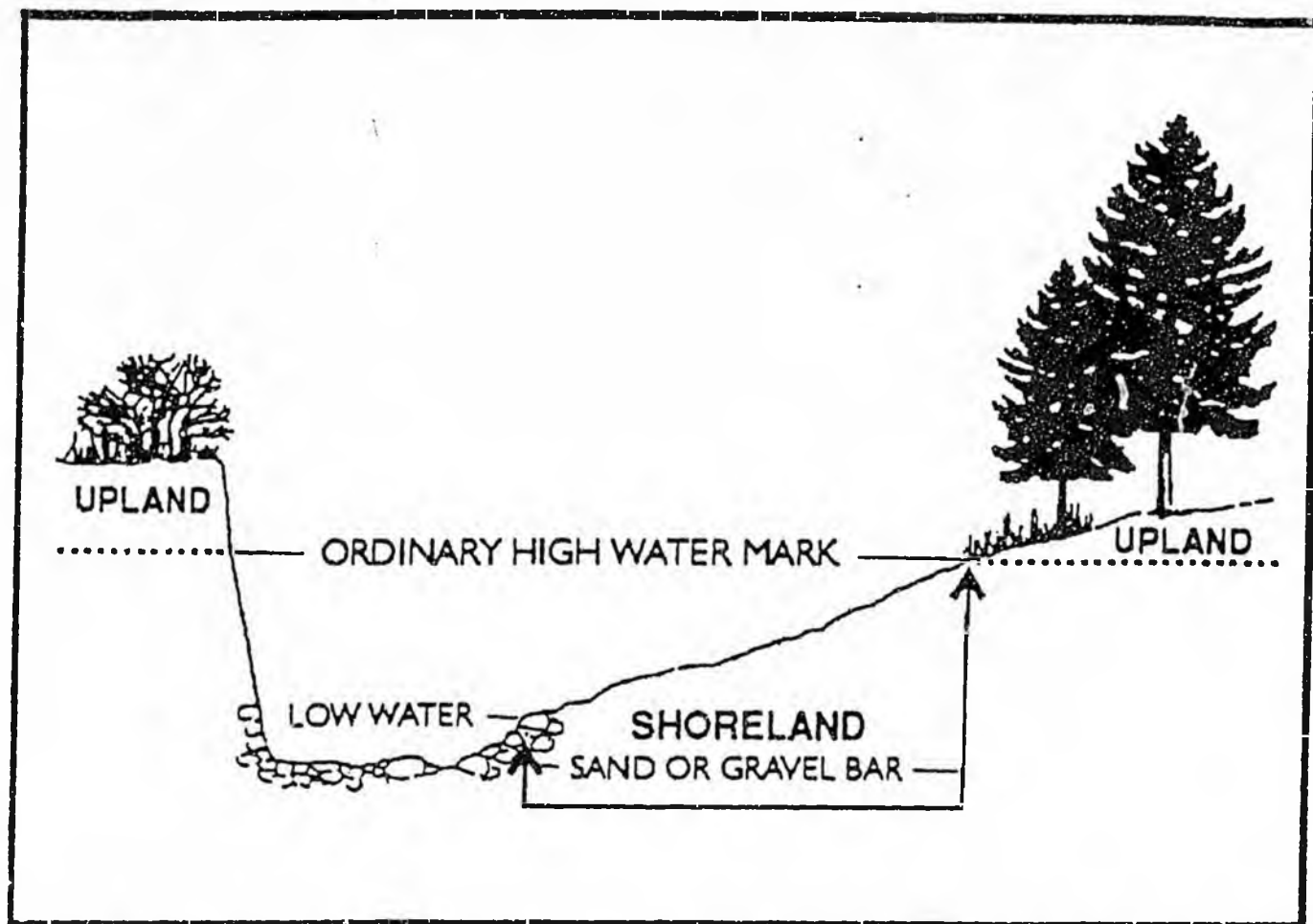
The Alaska Constitution contains numerous provisions embracing principles of the Public Trust Doctrine that require the state to exercise authority to ensure that the right of the public to use navigable waters for navigation, commerce, recreation, and related purposes is protected. In Alaska, the Public Trust Doctrine extends beyond those submerged lands in which the state holds title to include all waters that are navigable. The state's waters are themselves reserved to the people for common use.

The Alaska Constitution (Article VIII, sections 1, 2, 3, 6, 13, and 14) and Alaska Statutes (38.05.127 and 38.05.128) contain some of the provisions that are the legal basis for applying the Public Trust Doctrine in Alaska. In Alaska, this doctrine guarantees the public's right to engage in activities such as commerce, navigation, fishing, hunting, trapping, and swimming, while also providing for the protection of areas for ecological study.

The Alaska Constitution provides that "free access to the navigable or public waters of the state, as defined by the legislature, shall not be denied any citizen of the United States or resident of the state, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes." The Alaska Supreme Court has concluded "the provisions in article VIII [of the Constitution] were intended to permit the broadest possible access to and use of state waters by the general public." *Wernberg v State*, 516 P. 2d 1191, 1198-9 (Alaska 1973). The Alaska legislature has broadly defined the navigable and public waters available for public use in AS 38.05.965. Moreover, the legislature has endorsed a broad interpretation of the Public Trust Doctrine constitutionalized in article VIII in finding that:

Ownership of land bordering navigable or public waters does not grant an exclusive right to the use of the water and any rights of title to the land below the ordinary high water mark are subject to the rights of the people of the state to use and have access to the water for recreational purposes or any other public purposes for which the water is used or capable of being used consistent with the public trust. sec. 1, ch. 82, SLA 1985.

The legislature has also declared that the right to use state waters does not include the right to enter or trespass upon private lands. Nevertheless, with 99 percent of Alaska in public ownership at statehood, federal and state laws providing that the transfer of land to private parties also provide for public access to navigable waters have had broad effect. For instance, AS 38.05.127 implements the state constitutional guarantee of access to navigable waters under Article VIII, Section 14. Under the statute, the Commissioner of the Alaska Department of Natural Resources must "provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the Commissioner finds that regulating or eliminating access is necessary for other beneficial uses or public purposes."



## The "Ordinary High Water Mark"

The Ordinary High Water Mark can usually be identified by the vegetation line along the bank or shore, or by other distinctive signs. It is defined as the mark along the bank or shore where the presence and action of water are so common and usual as to leave a natural line impressed on the bank or shore. That line may be indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics.

# State of Alaska Navigability Programs

## Interagency Team

Protect the public rights associated with navigable waters, including the state's title to the submerged lands.

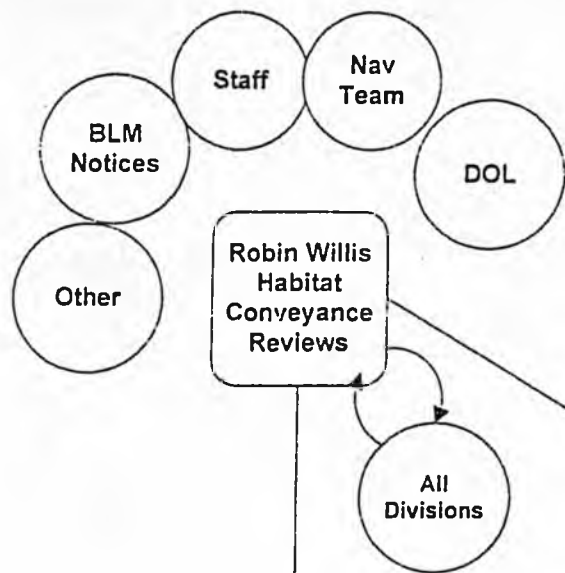
1. Identify the proper criteria for determining navigability in Alaska and gather sufficient information about the uses and physical characteristics of individual waterbodies so that accurate navigability determinations can be made when disputes arise.
2. Research and document public vs. private land disputes.
3. Answer public requests for navigability and public access information.
4. Monitor federal land conveyances and management programs to identify particular navigability disputes.
5. Seek cooperative resolution of navigability problems through negotiations and legislation.
6. Prepare for statewide navigability litigation.

## Fish and Game Program

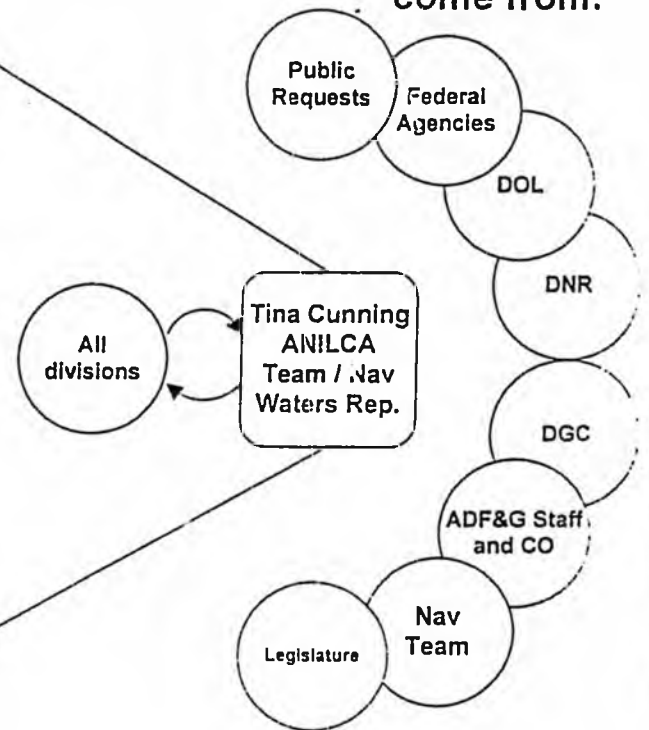
Protect the public rights associated with the enjoyment of fish and wildlife, including access across private land to public land and waters.

1. Research, document, and provide accurate information on access to and from waterways.
2. Research and document navigability statewide in preparation of future title claims.
3. Educate and train staff and public on navigability and Public Trust Doctrine.
4. Research private landowner rights vs. public rights of access across private land to public lands and waters.

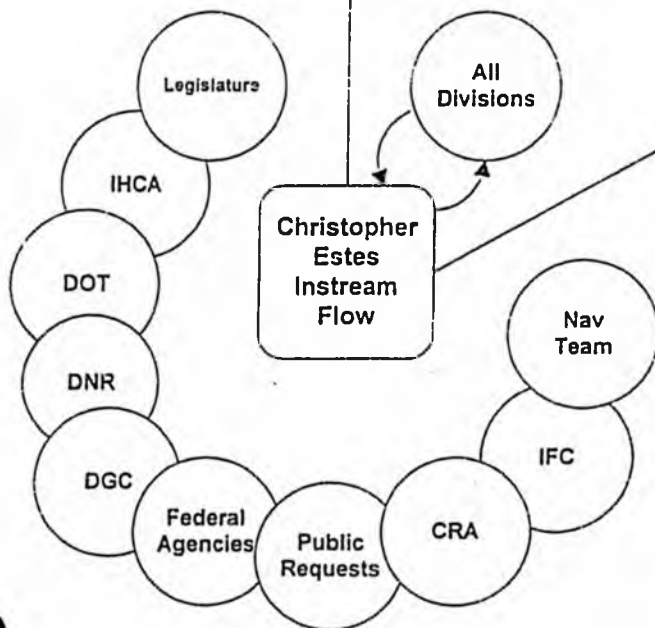
**Assignments  
come from:**



**Assignments  
come from:**



**Assignments  
come from:**



**Frequent  
communication  
assures networking  
with appropriate  
division's staff and  
expertise**

**Waterbody Use and Observation Questionnaire**

**Return mailing:**

**Attn: Kamie Simmons  
Navigable Waters Program  
Alaska Department of Fish and Game  
333 Raspberry Road  
Anchorage, AK 99518**

Date: \_\_\_\_\_

Full Name of Interviewee: \_\_\_\_\_

Signature of Interviewee: \_\_\_\_\_

Current Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

Waterbody Name: \_\_\_\_\_

U.S.G.S quadrangle map name, if known: \_\_\_\_\_

**PLEASE ATTACH ADDITIONAL PAPER OR INFORMATION TO BEST  
DESCRIBE YOUR EXPERIENCES**

A. Please describe the waterbody. Please be as specific as possible and include widths, depths, gradients, obstructions (artificial and natural), and seasonal water flows, i.e., lower dry periods, flood periods, and freeze up periods.

B. Have you ever used the waterbody?

- 1) How long have you been using the waterbody, and how often? Include months and years.
- 2) What sections of the waterbody are you most familiar with? Attach a map if necessary.
- 3) What types of activities have you conducted on the waterbody? Example fishing, hunting, boating, transportation, and guiding.

C. How do you access the waterbody?

- 1) Where do you actually enter the waterbody?
- 2) Where do you travel to?
- 3) Where do you take out at? List names of roads, trails, etc.
- 3) Are there more access points that you are familiar with but have not used?
- 4) If there are obstructions, is it possible to portage?

D. What type of craft do you use when you are on the waterbody?.

1) What is the size of the craft used?

2) What is the weight of the craft?

Less than 100 lbs      100-400 lbs      400-800      800-1000+ lbs.

3) What is the estimated weight of the gear and people transported?

Less than 100 lbs.      100-400 lbs      400-800      800-1000+ lbs.

4) What type of propulsion is used on the craft?

5) What is the largest size craft you have seen on this waterbody? Based on your experience, what is the largest craft this waterbody could support?

E. Have you observed other people on the waterbody? In what types of crafts? What activities?

1) Do you know of anyone who is paid to take people out in a boat on the waterbody as a guide?

2) Do you know of anyone that has used this waterbody but not actually seen them on the waterbody?

F. Please list any other contacts that would provide first hand accounts of use on this waterbody.

ANCSA Section 17(b)  
Public Access Easements

Robin Willis

Access Defense Program  
Habitat Division, Anchorage

267-2329

[robin\\_willis@fishgame.state.ak.us](mailto:robin_willis@fishgame.state.ak.us)

# ALASKA NATIVE CLAIMS SETTLEMENT ACT

PASSED ON DECEMBER 18, 1971

## CREATED ALASKA NATIVE TRUST

- \$462,500,000 from the U.S. Treasury
- \$500,000,000 from U.S. & STATE OF ALASKA under revenue sharing

## 44 million acres of land

- 12 Regions in state & a 13<sup>TH</sup> Region for non-residents (18 m. acres surface + 22 m. subsurface)
- 220+ Villages (22 m. surface acres)

Terms of selections ~ 1st round 12-18-74; 2nd round 12-18-75;  
3rd round for Regions 12-18-76

# ANCSA Sec. 17(b) Easements

## ESTABLISHED JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION (LUPC)

Sec. 17(b)(1) -

*"The Planning Commission shall identify public easements across lands selected by Village Corporations and the Regional Corporations and at periodic points along the courses of major waterways which are reasonably necessary to guarantee international treaty obligations, a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as the Planning Commission determines to be important."*

## ANCSA Sec. 17(b) Easements - cont.

- Section 17(b)(2) -

*"In identifying public easements the Planning Commission shall consult with appropriate State and Federal agencies, shall review proposed transportation plans, and shall receive and review statements and recommendations from interested organizations and individuals on the need for and proposed location of public easements . . . "*

## ANCSA Sec. 17(b) Easements - cont.

### EVOLUTION OF EASEMENT IDENTIFICATION

- The LUPC existed from 1971 to 1979
- 1979 - 1991, DNR Division of Land & Water assumed state's lead for identifying and negotiating for 17(b) easements.
- In 1991, ADF&G and other DNR divisions were requested to assume responsibility for identifying and protecting access interests.
- BLM continues to defer to DNR as the primary state authority

# HISTORY of 17(b) EASEMENTS

- 1975 ~ BLM began conveying lands
  - 1976 ~ first easement policy issued by the Secretary of the Interior:
    - 25' & 50' wide trails
    - 60' & 100' wide roads
    - One acre site easements
    - 25' wide continuous streamside & shoreline easement
  - 1976 ~ litigation filed opposing easement policy
  - 1977 ~ agreement to continue conveying land while litigation ongoing; Terms of agreement:
    - U. S. would terminate easements determined unlawful
    - Native corporations would donate easements determined lawful
- Approx. 110 conveyances issued pursuant to agreement

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## HISTORY of 17(b) EASEMENTS - cont.

- 1977 ~ Alaska District Court decision required termination of continuous streamside & shoreline easements.
  - To expedite conveyance process, the federal government (with state concurrence) agreed to conform the easements in stages.
    - Terminate unlawful easements immediately
    - Receive appropriate donations from corporations prior to patent

The termination requirement was applied to all conveyances, not just those party to the litigation.

- Nov 1978 ~ BLM issued new regulations
  - Easements only for access to public lands and major waterbodies
  - Recreational use on an easement (e. g., fishing) was prohibited

# 17(b) EASEMENT REGULATIONS

## General Requirements

- ① Reasonably necessary to guarantee access to publicly owned lands or major waterways and other public uses
- ② Primary standard for determining which easements are reasonably necessary shall be present existing use (i. e., use as of 12/18/76)
- ③ Absent present existing use, public easements can only be reserved -
  - To guarantee international treaty obligations
  - Where no reasonable alternative route or site exists
  - To provide access to isolated tracts of public land

## 17(b) Easement Regulations - cont.

- All public easements reserved shall be specific as to use, location, and size. *Standard sizes and uses may be varied only when justified by special circumstances.*
- A public easement shall be *terminated if it is not used for the purpose for which it was reserved by the date specified in the conveyance, if any, or by December 18, 2001.*
  - An easement may be terminated at any time if its retention is no longer needed for public use or governmental function
  - An easement shall not be terminated if it provides access to isolated public lands solely because of absence of proof of public use

# IMPORTANT ANCSA DEFINITIONS

- Major waterway – any river, stream, or lake which has a significant use in its liquid state by watercraft for access to publicly owned lands or between communities.
- Present existing use – use by either the general public (Native and/or non-Native) or by Federal, State, or municipal corporations on or before 12/18/76

## 17(b) EASEMENT DESCRIPTIONS- *Trails*

1976

VS

2000

- 25' wide trail – provide for foot travel, snow machines, dogsleds, horseback riding, small vehicles, and uses of a similar character.
  - 50' wide trail – provide for all terrain vehicles, track vehicles, 4-wheel drive vehicles, and uses of a similar character.
  - 60' wide road – accommodate local vehicular traffic and related uses.
  - 100' wide road – accommodate major traffic arteries or roads connecting communities or regions.
  - Coastline easement – provide for access along marine coastline, including deviation from the waterline due to topography or waterfront obstruction and to provide beaching of boats and floatplanes.
- 25' wide trail – accommodate travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs GVW)
  - 50' wide trail – accommodate travel by large all-terrain vehicles (more than 3,000 lbs GVW), track vehicles, and 4-wheel drive vehicles.
  - 60' wide existing road – accommodate travel by automobiles or trucks.
  - 100' wide proposed road – proposed road whose width can be reduced if after construction a lesser width is sufficient

## 17(b) EASEMENT DESCRIPTIONS - *Sites*

1976

VS

2000

- Campsites and boat and float plane pullout spaces – one acre located within a reasonable distance from water or linear access routes, with access to and from.
  - Provides for temporary camping through use of undeveloped sites; boat and float plane pullout areas, and sanitation facilities
- One acre site easements – reserved for aircraft landing or vehicle parking (e. g., aircraft, boats, ATV's cars, trucks), temporary camping, loading or unloading at a trail head, along an access route or waterway, or within a reasonable distance of a transportation route or waterway where there is a demonstrated need to provide for transportation to publicly owned lands or major waterways.
  - Temporary camping, loading or unloading shall be limited to 24 hours.
  - Reserved on the marine coastline only a periodic points were reasonably necessary to facilitate transportation on coastal waters

# ANCSA CONVEYANCE PROCESS

- 1 - Lands proposed for conveyance ~ reviewed by BLM District Office staff to identify tentative easement recommendations
- 2 - Easement recommendations ~ sent to state and other interested parties who are given opportunity to request additional easements
- 3 - BLM District Office staff review all recommendations received and prepare list of final easement recommendations for the State Office
- 4 - The BLM State Office issues **Decision to Issue Conveyance** that outlines all necessary easements and other terms and conditions

*The **Decision** is appealable - Anyone who can show a **TITLE** interest can appeal to the Interior Board of Land Appeals (IBLA).*

- 5 - If no appeal, then Interim Conveyance or Patent issued

## ANCSA 17(b) Easements; Seldovia example

9-63 State selected & received Tentative Approval

12-74 Seldovia Native Association (SNA) selects land

74/75 Easements work completed

9-75 & 3-77 Tentative

Approvals rejected

10-75 & 12-78 Lands

conveyed to SNA

(12-78 conveyance

subject to easement

conformance)

## ANCSA 17(b) Easements; Seldovia example - cont.

- 3-83 State QCDs inholdings on Seldovia Lake to SNA, reserving 25' wide public access trail to State land
- 12-83 Continuous shoreline easement terminated
- 1993 Lands patented to SNA, easements not conformed
- 1997 BLM and Community members attempt to mark and clear easements up Seldovia Valley, prevented by questions on location and uses
- 7-97 SNA requests termination of a majority of the easements accessing Seldovia Valley as they are "no longer needed for public use"
- 8-97 BLM responds to request, acknowledging need for easements
- 98 to Present BLM, State, SNA, City of Seldovia and others continue efforts to negotiate a reasonable settlement

# Questions that remain

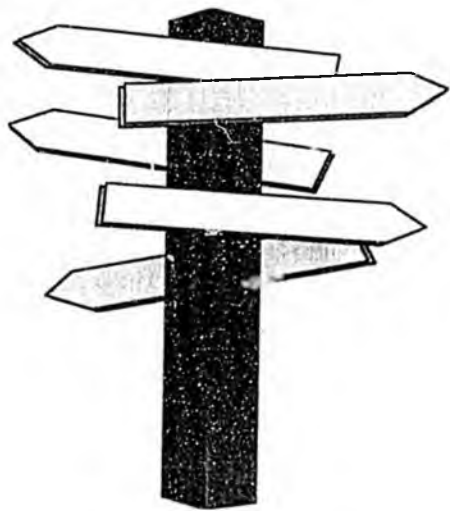
- Location of the easement reserved?
- Did the “*existing*” route refer to an historic route established by the CCC? does it qualify as an RS277?
- Are there valid section lines within these townships?
- Is Seldovia Lake state public waters to which access should be reserved?
- Can allowable uses on these trails be reduced to non-motorized and under what authority?
- Who should manage the easements since they access state land?
- Can motorized vehicles be used within the city’s designated watershed?
- What access, if any, is available through University land?

AND THE LIST GOES ON . . .

# Current Problems

- \* 2001 Easement Termination Project
  - \* Overselections
- \* Marking & Managing Easements (state participation?)
  - \* Allowable Uses

RS 2477  
trails & section line easements



Tina Cunning  
Commissioner's Office  
funded through Wildlife Division  
Anchorage, 267-2248  
tina\_cunning@fishgame.state.ak.us

## RS 2477 ~ trails & section line easements

The revised statute, passed in 1866, states in its entirety:

*“the right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”*

A RS 2477 right-of-way (ROW) could be established only over land owned by the federal government not otherwise restricted or reserved. “*Reserved*” means it was set aside as a national park, monument, forest, military reservation, or similar withdrawal. If the ROW grant predated the reservation, it remains a valid property right. RS 2477s are the responsibility of the respective states to assert and manage.

## RS 2477 ~ trails & section line easements - cont.

### Examples of “reserved”:

- *Entry dates* (for homesteads, headquarter sites, trade and manufacturing sites, etc.)
- *Location dates* (for unpatented and patented federal mining claims)
- *Occupancy dates* (for Native Allotments)
- EO's, PLO's, etc. that appear on the township's federal historical index and have effect of withdrawing land
- *Reservation dates* (for national parks and other withdrawals for specific purposes)

Width of Easements - If acceptance was by a public authority, width would be at the usual width for that type of highway:

- Between 1917 and 1949, 60' would apply.
  - After 1949, 100' width applies.
- If user-established, the trail is at a minimum width capable of containing the roadway

# RS 2477 ~ Trails & Section Lines Easements

- DOT-DNR 1993-1998 RS 2477 Project:
  - \$1.1 million over 5 years
  - 2000+ trails researched
  - 602 trails qualified as RS 2477 easements
  - Since then, 69 more identified as qualifying and 12 recommended to be “removed”
- 1998 State Legislation ~ The State of Alaska, through 19.100.010 (commonly referred to as SB 180), public use, expenditure of public funds for construction and other means, claims numerous rights-of-ways across federal land under RS 2477, including section line easements and rights-of-way identified in AS 19.30.400.
  - DNR required to annually report to Legislature:
    - (1) any trails for addition to Alaska Statute 19.30.400(d), and
    - (2) trails for removal due to lack of historical use or status of withdrawals of the public land, rendering it “reserved”.

[Only 3 identified for addition in 2000]

# RS 2477 ~ trails & section line easements cont.

Federal hurdles ~ Federal agencies frequently refuse to recognize RS 2477 trails, although do recognize section line easements.

The validity of all RS 2477 rights-of-way will be determined on a case by case basis. Although the DOI has attempted to define the terms of the grant through regulation, Congress mandated that no rules governing RS 2477 would be effective until specifically authorized by an act of Congress.

State hurdles ~ Ch 26 SLA recording requirement

~ Management questions--permitting

## RS 2477 ~ Trails & section line easements cont.

- RS 2477 trails and section line easements can be replaced by alternative public access only if compliance with Chapter 26 SLA 98, AS19.30.410.

*“Agencies of the state may not vacate a right-of-way acquired by the state under form 43 USC 932 unless (1) a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses;”*

- DNR is adopting revised regulations in two phases:  
administrative adjudication of assertions, eliminating “certification process” assertion of RSTs, identifying use permit and widths, and may propose legislation to change the “vacation” of easements process

# RS 2477 Current Problems

- \* 17(b) & RS 2477s overlap but width and use differences
- \* Status on Native lands, University lands, Mental Health, and crossing railroads
- \* Marking & managing section line easements between DOT & DNR (role of ADF&G?)
- \* Valid surveys of location
- \* Vacating
- \* Allowable Uses
- \* Municipal Authorities



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

*William J. Carter*

Signature of Camera Operator

10/14/2003

Date

# FISHERIES OVERVIEW

1/26/01

House RESOURCES Minutes

ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE  
January 17, 2001  
1:08 p.m.

COMMITTEE CALENDAR

ORGANIZATIONAL MEETING

TAPES

01-1, SIDE A

CALL TO ORDER

REPRESENTATIVE DREW SCALZI, Co-Chair, convened the House Resources Standing Committee meeting at 1:08 p.m.

PRESENT

Committee members present were Representatives Scalzi, Fate, Chenault, Stevens, Kapsner, and McGuire.

SUMMARY OF INFORMATION

CO-CHAIR SCALZI introduced the House Records secretary and staff for the co-chairs of the House Resources Standing Committee. He stated that Representative Masek and he would split the duties of the committee by various issues. He then asked the committee members to give a brief overview of their expectations for this year.

REPRESENTATIVE STEVENS stated that his interest lies in fisheries. He noted that he is a co-chair of the House Special Committee on Fisheries.

REPRESENTATIVE CHENAULT expressed his interest in fisheries and oil and gas issues.

REPRESENTATIVE MCGUIRE stated that all resource issues are of interest to her. Of particular importance were gas pipeline and fisheries issues.

REPRESENTATIVE FATE conveyed interest in oil and gas and the fish and game sustained yield concept in the state constitution.

REPRESENTATIVE KAPSNER mentioned that fisheries and oil and gas are of importance to her.

CO-CHAIR SCALZI discussed the upcoming agenda, including HJR 6 [which was passed out of the Transportation Committee 1/16/01 and will be brought to the Resources Committee].

#### ANNOUNCEMENTS

HJR 6 will be heard Wednesday, January 24, in committee. On February 6, there will be a joint meeting with the Senate Resources Committee for an overview of the mining industry. On January 26, there will be a joint meeting with the House Special Committee on Fisheries for an overview of the Alaska Department of Fish and Game.

#### COMMITTEE ACTION

The committee took no action.

#### ADJOURNMENT

CO-CHAIR SCALZI adjourned the House Resources Standing Committee meeting at 1:20 p.m.

NOTE: The meeting was recorded and handwritten log notes were taken. A copy of the tape(s) and log notes may be obtained by contacting the House Records Office at State Capitol, Room 3, Juneau, Alaska 99801 (mailing address), (907) 465-2214, and after adjournment of the second session of the Twenty-Second Alaska State Legislature this information may be obtained by contacting the Legislative Reference Library at (907) 465-3808.

Forwarded to  
Gordy  
1/16

Joint Resources/Fisheries Meeting  
Feb. 22, House Resources 1-3 PM

Proposed Questions

asked Katrina  
for other ?/  
members

Rep. Coahill

Guided sport limited entry question for "in river" fisheries  
Logistical studies of habitat; how they come about and how they interface  
w/other state agencies; history of law changes

Rep. Wilson

SE questions regarding funding research money for opening viable areas for  
shrimping, etc.; questions on area closure for chums

Rep. Green

Predictions on salmon runs such as Bristol Bay – are there spikes in trends or is a  
definite downtrend predicted?

Rep. Dyson

Identify what gaps of knowledge the department feels most critical and how  
plans to complete research to fill gaps.  
Clarify the test fishing done by the department which generates funding for the  
department and the legal and legislative directive that is being applied

Information on the imported species into Alaska via ballast discharge; individual  
stocking of fresh water lakes and monitoring by the department, concerns,  
remedies, penalties.

Pat,

Please forward these questions to  
Kevin Duffy + Gordy if they are the ones  
who will be attending. Ask that they  
please call me for clarification if  
needed.

Please explain that this is to be a  
very informal and introductory meeting only.

Thanks,  
Dun

# Alaska State Legislature

**Representative Beverly Masek**  
Co-Chair  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3715  
Fax: 465-4822  
1-800-505-2678



**Representative Drew Scalzi**  
Co-Chair  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-6890  
Fax: 465-4822  
1-800-665-2689

## House Resources Committee

**AGENDA – 1 PM**  
**January 26, 2001**

### **Joint Resources and Fisheries Committee Meeting** **Fisheries Overview**

- Call to Order
- Roll Call
  - Introduction and Department Overview: Frank Rue, Commissioner
  - Kevin Duffy, Deputy Commissioner
  - Doug Mecum, Director, Division of Commercial Fisheries
  - Mary Pete, Director, Division of Subsistence
  - Kelly Hepler, Director, Division of Sport Fish
  - Wayne Reglelin, Director, Division of Wildlife Conservation
  - Ken Taylor, Director, Division of Habitat and Restoration
- Adjournment
- Upcoming: Wednesday, January 31, AK Soil and Water Conservation  
Friday, February 2, status of statehood defense cases

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Resources/Fisheries Meeting  
Feb. 22, House Resources 1-3 PM

Proposed Questions Submitted to Rep. Scalzi by members prior to meeting.

Rep. Coahill

Guided sport limited entry question for "in river" fisheries

Logistical studies of habitat; how they come about and how they interface w/other state agencies; history of law changes

Rep. Wilson

SE questions regarding funding research money for opening viable areas for shrimping, etc.; questions on area closure for chums

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Clarify the test fishing done by the department which generates funding for the department and the legal and legislative directive that is being applied.

Information on the imported species into Alaska via ballast discharge; individual stocking of fresh water lakes and monitoring by the department, concerns, remedies, penalties

Rep. Kerttula

As we understand it, fishers are concerned with the department's change in the management of shrimp and dungeness crab in Southeast to a "guideline harvest levels or ranges" approach. Why the switch, and how will the department get the research data to support this approach?

With respect to commercial fisheries, what research is the department doing this year to support fisheries management decisions? How does the department prioritize research?

What is the department's position on the potential connection between Southeast and Prince William Sound hatchery chum salmon production and the decline in salmon returns in Western Alaska on the Yukon and Kuskokwim Rivers. Has the department presented its findings to the Alaska Board of Fish?

What is the current status of the proposed shellfish regulations proposed by the department. What is the status of the pending geoduck court cases?

**TEST FISH RECEIPTS POLICY  
DIVISION OF COMMERCIAL FISHERIES  
SOP CF-005**

**INTRODUCTION**

Within the budget of the Division of Commercial Fisheries is a funding source entitled Test Fish Receipts, commonly referred to as the Test Fish Fund. The Test Fish Fund is a Designated Program Receipts account that funds a variety of vital fisheries resource monitoring and assessment projects including salmon run strength, migratory timing, stock identification, catch sampling, and escapement enumeration projects, crab pot surveys, groundfish longline surveys, and herring and pollock hydro-acoustic surveys. Fish and shellfish taken during test fisheries or harvested under direct contracts, are sold, as authorized by AS 16.05.050(15) and the receipts deposited in the Test Fish Fund. The revenues generated from the sale of these fish and shellfish are then used to pay for the costs of the projects. The purpose of this policy is to document the history of the fund and establish policies for its use. A companion divisional standard operating procedure provides detailed instructions and guidelines to be followed by users and administrators of Test Fish Funds.

**BACKGROUND**

The Test Fish Fund was first established in the early 1960s. Prior to the inception of the fund, fish that were taken and killed during department resource assessment programs were returned to the water. The department and some of the public believed this was an unnecessary waste of valuable resources and that a system should be developed to curtail the waste. Concurrently, the department did not have adequate funds to carry out resource assessment projects that would provide important data for managing the fisheries. A method that would allow the department to sell fish and then utilize those proceeds to fund stock assessment projects was needed. The establishment of dedicated funds is prohibited by the Alaska Constitution. However, the department, through the Legislature, was able to institute a program receipts fund as a mechanism to finance the test fish program.

Program receipt funds allow an agency to charge for a service or sell a product, place the proceeds in a special account, and then draw upon that account to cover expenses of the program. Program receipts are part of a department's budget and must therefore be approved by the Legislature and the Governor. The Legislature sets the limit on the amount of money that may be expended from the fund and may place other limitations on the fund by expressing intent as to its use, limiting expenditures by line item, or specifying the sources of income for the fund. In the case of the Test Fish Fund, the Legislature has only set the expenditure limit for the fund; they have not expressed any other intent relative to the use of the fund.

Throughout the 1970's and early 1980's the Test Fish Fund was used primarily as a mechanism to help offset the cost of test fishing operations. Such projects primarily caught fish and shellfish in order to estimate abundance, collect age, size, and sex data, or tag animals for later recovery to better understand migration routes, run timing, harvest rates, etc.

Beginning in Fiscal Year 1988, the Alaska Legislature decided to expand use of the Test Fish Fund to pay for fishery management and research. The Legislature shifted General Fund projects over to Test Fish Funds in order to prevent cuts due to seriously declining oil revenues. At that time, the focus of the Test Fish Fund changed, and projects that did not involve actually catching fish as a means of stock assessment, were transferred to the Test Fish Fund. Examples of such projects are stock identification, catch sampling, salmon smolt enumeration, hydro-acoustic surveys, and aerial surveys. These projects were judged to be sufficiently important to justify the harvest and sale of fish in order to assure their continuation.

Absent legislative intent, the department has developed its own policies on operation of the Test Fish Fund. The policies have been expressed, either explicitly or implicitly, in various memoranda and personal conversations. The Test Fish Fund policy and companion standard operating procedures formally document the policies, procedures, and guidelines governing the use of the Test Fish Fund.

## POLICY

1. The following guidelines govern the use of the Test Fish Fund. All personnel using the fund must adhere to these guidelines, unless directed to do otherwise by the Director of the Division of Commercial Fisheries.
2. The Division recognizes that in conducting projects under the Test Fish Fund, fish are harvested that could otherwise be taken in common property fisheries. Therefore, all Test Fish Fund projects must be operated as efficiently as possible.
3. It is preferable to sell fish only when they are killed in the normal conduct of the project. However, there are projects for which no revenue would be generated under such a restriction. Therefore, this policy specifically allows generation of revenue by selling fish for the purpose of funding projects that would otherwise not be funded.
4. Test Fish Fund projects will generally fall into one of two categories:
  - a) CATEGORY 1: Projects that harvest enough fish or shellfish during their normal operation to generate revenues sufficient to pay for the entire cost of the project.
  - b) CATEGORY 2: Projects that will not harvest enough fish or shellfish during their

normal operation to generate revenues sufficient to pay for the entire cost of the project.

5. Operation of projects and sale of fish or shellfish for projects in these categories will be handled as follows:
  - a) **CATEGORY 1:** For projects in this category, it is not necessary to harvest fish in addition to those normally harvested during the conduct of the project. In these cases the department will ensure there is adequate public support for the project, that the project is operated in the most efficient manner possible, and that the highest possible value is received for the fish or shellfish sold.
  - b) **CATEGORY 2:** For projects in these categories, it will be necessary to harvest and sell fish or shellfish specifically for the purpose of generating revenue necessary to pay for all, or part of, the projects costs. In these cases the Director will review the project to determine if the project; 1) is important to the sustained yield management of the resource, 2) has substantial public support, and 3) there is no other practical means of funding the project. The need for and objectives of the project must be explained to the public and their support measured using existing structures such as local Fish and Game Advisory Committees and industry organizations using public meetings, surveys, or other similar means. Results of the public meetings and surveys will be presented to the Director who will approve or disapprove the program. The Department will operate the projects and manage the revenue generated in the most efficient manner possible. The department will also attempt to receive the highest possible value for the fish or shellfish sold.
6. As part of the department's budget, Test Fish Fund expenditures are approved by the Legislature and signed by the Governor. If, in spite of this, there is substantial industry opposition to a Test Fish Fund expenditure, the Department will bring the issue before the Board of Fisheries for discussion.
7. The Department will review projected test fish harvests relative to stock levels to ensure that the harvest does not significantly affect the reproductive potential, sustainability, or recovery of the stock.
8. Since the amount of fish taken to fund most projects is generally very low relative to the total biomass, those catches will not usually affect common property fishery harvest levels. However, for some fisheries, little or no information may exist in an area. In order to gain the information necessary (abundance estimates, basic biological information, and adequate management controls) to allow the development of the fishery on a sustained yield basis, it may be necessary to take a substantial portion of the allowable harvest to pay for management and research. In such cases it may be necessary to reduce common property

fishery harvest levels. The Director may allow the harvest of fish or shellfish in accordance with the guidelines listed in 5(b) above for Category 2 Test Fish Fund projects.

9. Proceeds from the fund should only be used to pay for costs directly associated with Test Fish Fund projects. These costs may include such items as personnel costs, personal service contracts, vessel or aircraft charters, scientific equipment and supplies, fishing gear and equipment, food, and fish wheel and set net site rentals or leases. This guideline has been adopted to minimize and hopefully eliminate the perception that the department is harvesting fish to generate funds for that part of its operational budget not directly related to Test Fish Fund projects.
10. For each fiscal year, the receipts and expenditures of the fund must balance and the expenditures may not exceed the level set by the Legislature. It is recognized that not every project's revenues and expenditures will balance because some Test Fish Fund projects generate surplus revenue and others show a deficit. Unless otherwise authorized in advance by the Director, the total sum of revenues for each Region and for the Division must be sufficient to offset the cost of the projects under the Test Fish Fund at the end of the fiscal year.
11. As a general rule, Test Fish Fund revenues are to be kept within the fishery that generates those revenues. The Director may, however, authorize the use of excess revenues from one project to offset expenditures in other Test Fish Fund projects within the management area that generated those revenues. Test fish revenues in excess of those needed to offset test fish expenditures within a management area will normally lapse into the General Fund, unless the Director determines that those revenues are needed to address other resource assessment needs within the region or division.
12. The priority use of fish or shellfish taken during Test Fish Funded projects is for stock assessment and other scientific research if necessary. During the sampling process, care should be taken to preserve the marketability of those fish to the extent practical. The second priority for the use of fish is for sale to cover project expenditures. When fish are available in excess of research and revenue needs and there is no readily available market for the fish, the fish may be donated to the general public to help meet subsistence needs, charitable institutions, and nonprofit organizations. The division will not be responsible for processing of such fish.
13. The division may authorize private organizations to operate assessment projects at their own expense. This may occur when the division lacks the general funds to operate the project and the project will not produce enough revenues to cover costs, or the project is not a high enough priority to operate as part of the division's program. Fish taken during the operation of such projects are the property of the state and will be sold in the name of the department. Revenues are to be deposited in the Test Fish Fund. Revenues generated by privately

operated assessment projects may be used to offset division expenses related to the project, such as monitoring and data analysis, or to reduce the need for additional harvests to pay for other Test Fish Fund projects. Revenues generated from privately operated assessment projects will not be returned to the operator to offset their expenditures unless approved by the Director, and then only for projects which meet all the criteria laid out in this policy.

APPROVED:

\_\_\_\_\_  
Robert D. M...um, Director  
Division of Commercial Fisheries

\_\_\_\_\_  
Date

**TEST FISH FUND  
STANDARD OPERATING PROCEDURES  
DIVISION OF COMMERCIAL FISHERIES  
SOP CF-006**

The following Standard Operating Procedures must be followed unless otherwise specified in writing by the Director of the Division of Commercial Fisheries.

1. The Director, or the Director's designee, shall act as administrator (Administrator) of the Test Fish Fund and must approve all allocations within the fund.
2. The Test Fish Fund Administrator will periodically review the fund's performance, and make whatever changes may be needed to both ensure the integrity of the fund and to meet statewide Test Fish Fund needs.
3. The Headquarters Administrative Manager, under the direction of the Administrator, shall establish accounting procedures for the Test Fish Fund, monitor the accounts, and provide reports of the fund's balance and activities when requested.
4. Regional Supervisors are responsible for the proper administration and accounting of Test Fish Fund projects under their jurisdiction. This includes all normal aspects of project review, approval, and reporting, as well as ensuring that proper administrative procedures are followed.
5. Each Regional Supervisor will provide semi-annual financial reports on Test Fish Fund projects to the Headquarters Administrative Manager, unless otherwise directed.
6. Each Regional Supervisor shall submit to the Administrator all Test Fish Fund budget requests for preparation of fiscal year budgets. The request shall include the project's description and justification along with staffing and line item allocations.
7. Each Regional Supervisor shall submit to the Administrator an annual summary of all Test Fish Fund projects for the region. This summary must include a description of all Test Fish Fund projects in the region including the location, timing, contact person, primary objective, details on catch and sales, expected receipts, and an authorization/expenditure history of the project if it has operated in the past. This report is to be made freely available to the public.
8. The Administrator will evaluate budget requests, prioritize those that are approved, and submit

to the Director for inclusion in the division's budget request.

9. Once the budget has passed the Legislature and signed by the Governor, allocations from the fund will be made. The Administrator shall notify each Regional Supervisor that the budget has been approved and what the allocations are for that fiscal year.
10. Once the allocations have been approved, Test Fish Fund projects can start. Preplanning, up to and including, the acceptance of bids, can be done before the allocations are approved. Contracts cannot be awarded (an encumbrance against the fund) until the allocations are approved.
11. All standard operating procedures, such as those dealing with bidding, contract awards, and vessel charters, must be adhered to. Pertinent SOPs and guidelines are included in the Test Fish Fund manual.
12. Project Leaders shall ensure that all sales of fish for Test Fish Fund projects comply with all applicable administrative guidelines.
13. Regional Supervisors are responsible for obtaining Test Fish Fund permit cards from the Commercial Fisheries Entry Commission. This is done directly with the Commercial Fisheries Entry Commission and is required for the sale of fish to processors and buyers. A separate card should be obtained for each project.
14. All fish caught during a test fish project immediately become the property of the state.
15. Project Leaders shall do all in their power to ensure that the highest quality product is delivered to the buyer and that the best price is obtained.
16. The Project Leader shall sell fish only to a licensed buyer and ensure that the buyer of the fish has all the required licenses and permits for his or her operation prior to any sale of fish.
17. The Project Leader shall obtain receipts for the sale of all fish. Fish tickets shall be used as the receipt and must be imprinted with the proper CFEC card, contain the species, number, and weight of the fish sold, the price paid, and be signed by the seller (department employee making the delivery) and the buyer. Payment should be by check made out to the state. Cash payments should be discouraged.
18. Records of all Test Fish Fund related documents must be maintained by the regional offices.

19. The Project Leader shall specify the manner and timing of payment and ensure all payments are made.
20. All FPO's issued for vessel charters must be submitted to the regional office. A copy of the vessel charter contract must be attached to the FPO.
21. Test Fish Fund revenues are credited to a fiscal year based on the delivery date on the fish ticket, except for post-season settlements that are treated as current-year revenues in the fiscal year received.

Approved:

\_\_\_\_\_  
Robert D. Mecum, Director  
Division of Commercial Fisheries

\_\_\_\_\_  
Date

# Alaska State Legislature

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## House Resources Committee

**AGENDA – 1 PM**  
**January 26, 2001**

### **Joint Resources and Fisheries Committee Meeting** **Fisheries Overview**

- Call to Order
- Roll Call
  - Introduction and Department Overview: Frank Rue, Commissioner
  - Kevin Duffy, Deputy Commissioner
  - Doug Mecum, Director, Division of Commercial Fisheries
  - Mary Pete, Director, Division of Subsistence
  - Kelly Hepler, Director, Division of Sport Fish
  - Wayne Reglelin, Director, Division of Wildlife Conservation
  - Ken Taylor, Director, Division of Habitat and Restoration
- Adjournment
- Upcoming: Wednesday, January 31, AK Soil and Water Conservation  
Friday, February 2, status of statehood defense cases

House RESOURCES Minutes

ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE  
January 17, 2001  
1:08 p.m.

COMMITTEE CALENDAR

ORGANIZATIONAL MEETING

TAPES

01-1, SIDE A

CALL TO ORDER

REPRESENTATIVE DREW SCALZI, Co-Chair, convened the House Resources Standing Committee meeting at 1:08 p.m.

PRESENT

Committee members present were Representatives Scalzi, Fate, Chenault, Stevens, Kapsner, and McGuire.

SUMMARY OF INFORMATION

CO-CHAIR SCALZI introduced the House Records secretary and staff for the co-chairs of the House Resources Standing Committee. He stated that Representative Masek and he would split the duties of the committee by various issues. He then asked the committee members to give a brief overview of their expectations for this year.

REPRESENTATIVE STEVENS stated that his interest lies in fisheries. He noted that he is a co-chair of the House Special Committee on Fisheries.

REPRESENTATIVE CHENAULT expressed his interest in fisheries and oil and gas issues.

REPRESENTATIVE MCGUIRE stated that all resource issues are of interest to her. Of particular importance were gas pipeline and fisheries issues.

REPRESENTATIVE FATE conveyed interest in oil and gas and the fish and game sustained yield concept in the state constitution.

REPRESENTATIVE KAPSNER mentioned that fisheries and oil and gas are of importance to her.

CO-CHAIR SCALZI discussed the upcoming agenda, including HJR 6 [which was passed out of the Transportation Committee 1/16/01 and will be brought to the Resources Committee].

#### ANNOUNCEMENTS

HJR 6 will be heard Wednesday, January 24, in committee. On February 6, there will be a joint meeting with the Senate Resources Committee for an overview of the mining industry. On January 26, there will be a joint meeting with the House Special Committee on Fisheries for an overview of the Alaska Department of Fish and Game.

#### COMMITTEE ACTION

The committee took no action.

#### ADJOURNMENT

CO-CHAIR SCALZI adjourned the House Resources Standing Committee meeting at 1:20 p.m.

NOTE: The meeting was recorded and handwritten log notes were taken. A copy of the tape(s) and log notes may be obtained by contacting the House Records Office at State Capitol, Room 3, Juneau, Alaska 99801 (mailing address), (907) 465-2214, and after adjournment of the second session of the Twenty-Second Alaska State Legislature this information may be obtained by contacting the Legislative Reference Library at (907) 465-3808.

Resources/Fisheries Meeting  
Feb. 22, House Resources 1-3 PM

Proposed Questions Submitted to Rep. Scalzi by members prior to meeting.

Rep. Coghill

Guided sport limited entry question for "in river" fisheries

Logistical studies of habitat; how they come about and how they interface w/other state agencies; history of law changes

Rep. Wilson

SE questions regarding funding research money for opening viable areas for shrimping, etc.; questions on area closure for chums

Rep. Green

Predictions on salmon runs such as Bristol Bay – are there spikes in trends or is a definite downtrend predicted?

Rep. Dyson

Identify what gaps of knowledge the department feels most critical and how plans to complete research to fill gaps.

Clarify the test fishing done by the department which generates funding for the department and the legal and legislative directive that is being applied.

Information on the imported species into Alaska via ballast discharge; individual stocking of fresh water lakes and monitoring by the department, concerns, remedies, penalties

Rep. Kerttula

As we understand it, fishers are concerned with the department's change in the management of shrimp and dungeness crab in Southeast to a "guideline harvest levels or ranges" approach. Why the switch, and how will the department get the research data to support this approach?

With respect to commercial fisheries, what research is the department doing this year to support fisheries management decisions? How does the department prioritize research?

What is the department's position on the potential connection between Southeast and Prince William Sound hatchery chum salmon production and the decline in salmon returns in Western Alaska on the Yukon and Kuskokwim Rivers. Has the department presented its findings to the Alaska Board of Fish?

What is the current status of the proposed shellfish regulations proposed by the department. What is the status of the pending geoduck court cases?