

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10374 HOUSE RESOURCES

USCG – DEC memorandum of agreement

Following are excerpts from the memorandum of agreement between the U.S. Coast Guard and the Department of Environmental Conservation regarding oil spill prevention.

**MEMORANDUM OF AGREEMENT
ON
OIL AND HAZARDOUS SUBSTANCE POLLUTION PREVENTION AND RESPONSE
BETWEEN
THE COMMANDER, SEVENTEENTH COAST GUARD DISTRICT
AND
THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

WHEREAS, the United States Coast Guard and the State of Alaska share a common interest and responsibility for protecting the waters of Alaska and have determined that their cooperative response to large oil spills such as the EXXON VALDEZ oil spill has permitted the State and the Coast Guard to leverage available resources, which in turn has led to better protection of our environment; and

WHEREAS, the United States Coast Guard and the State of Alaska find efficiency in government is important to the public they serve and that entering into a Memorandum of Agreement that builds upon present close working relationships and identifies areas for expanded interaction will lead to increased protection of Alaska's marine environment at greater efficiency; and

WHEREAS, the authority for the USCG to enter into this Agreement can be found in 14 U.S.C. § 141.

WHEREAS, Congress enacted the Oil Pollution Act of 1990 (OPA 90) to protect the waters of the United States from oil pollution and to plan for the effective and immediate response in the event of an oil spill, and the President subsequently designated the Coast Guard as the Federal On-Scene Coordinator (FOSC) within the Alaska coastal zone; and

WHEREAS, Congress explicitly provided the provisions of OPA 90 do not: (1) preempt or affect the authority of any state to impose additional liability or requirements regarding oil discharges or other oil pollution within such a state or removal activities in connection with such a discharge; (2) affect the authority of any state to establish a fund to pay for oil pollution or the substantial threat of oil pollution costs or damages, or to require any person to contribute to such a fund; or (3) affect the authority of any state to impose any fine or penalty for violation of law relating to a discharge; and

...

VI

PREVENTION OF OIL SPILLS

- A. **Cooperative Implementation:** The Parties are coordinating their efforts to prevent oil spills in the marine environment.

To the extent permitted under applicable laws, the Parties agree to cooperate in the execution of their respective regulatory responsibilities to minimize duplication of effort. The Parties will also seek to identify opportunities for innovative implementation of vessel and facility prevention plans. Both Parties recognize the importance of encouraging cross training in each other's regulations and rules including the areas of inspection and response.

- B. **Vessel Inspections:** Each Party recognizes they may elect to independently exercise their respective examination responsibilities in accordance with applicable law, regulations and policies. The Coast Guard conducts inspection programs for the purpose of enforcing both international agreements and domestic law aboard United States and foreign-flagged vessels. The State has authority to conduct inspections for the purpose of ensuring compliance with state laws and regulations and can participate in joint examinations with federal agencies. Further, either Party may evaluate the inspection process and make recommendations for improvement or perform its own inspections in accordance with applicable laws.

1. The Parties agree to work together to avoid inconsistent requirements and to find ways to conduct vessel inspections in such a way that disruption to the industry is minimized and efficiency and safety maximized. To this end, the Parties will endeavor to exchange information and conduct joint inspections or may pursue agreements under which a single inspection may fulfill both state and federal requirements.
2. In implementing a State examination programs, the State agrees to avoid conflicts and unnecessary duplication in reviewing Federal inspection programs by on-going consultation with the Coast Guard.
3. Review of inspection records: The Parties each agree to make inspection records available to the other and to cooperatively review inspection results, subject to applicable laws, regulations, and procedures.
4. The State shall report recognized discrepancies in meeting the requirements of international agreements believed to exist aboard United States foreign-flagged vessels to the responsible Officer in Charge, Marine Inspection (OCMI).
5. Requirements in State Waters: The Parties will cooperate to establish consistent pollution prevention requirements, and to cooperatively monitor, examine and exchange information relative to those requirements, for vessels to operate in State waters.
6. The State will promptly inform the cognizant OCMI and the Coast Guard will promptly inform the ADEC Industry Preparedness and Pipeline Program's Marine Vessel Section Manager of any situation or circumstance relative to a vessel whose condition or equipment may significantly increase the potential for an unauthorized discharge or create an unusual or an unacceptable risk to public health and safety, or the safety of navigation. Both Parties also agree to ensure joint notification when an

initial report is received from Alyeska SERVS regarding any irregularity or indication of a problem which threatens a tanker or its cargo (including ballast water) as well as situations where a tanker leaves both the U.S. Coast Guard designated Prince William Sound and Valdez Arm traffic lanes (except when an outbound tanker leaved the lanes at the Hinchinbrook Entrance terminus).

7. Both Parties agree to share all applicable information obtained from their respective vessel inspections.

- C. **Vessel Screening:** The Coast Guard, under federal law, through the District Commander and the Captain of the Port (COTP), has the authority to regulate the entry of vessels into the COTP zone, including those determined to be a threat to the environment. The State may establish the means by which it can determine whether tank vessels entering the waters of the State pose a substantial risk of harm to the public health and safety and the environment.

When the State determined that a particular vessel or vessels pose a substantial risk, that determination will be forwarded to the cognizant Captain of the Port (COTP). The COTP shall consider that information in making a determination under federal law as to appropriate action to be taken, if any, including the possibility of denial of entry.

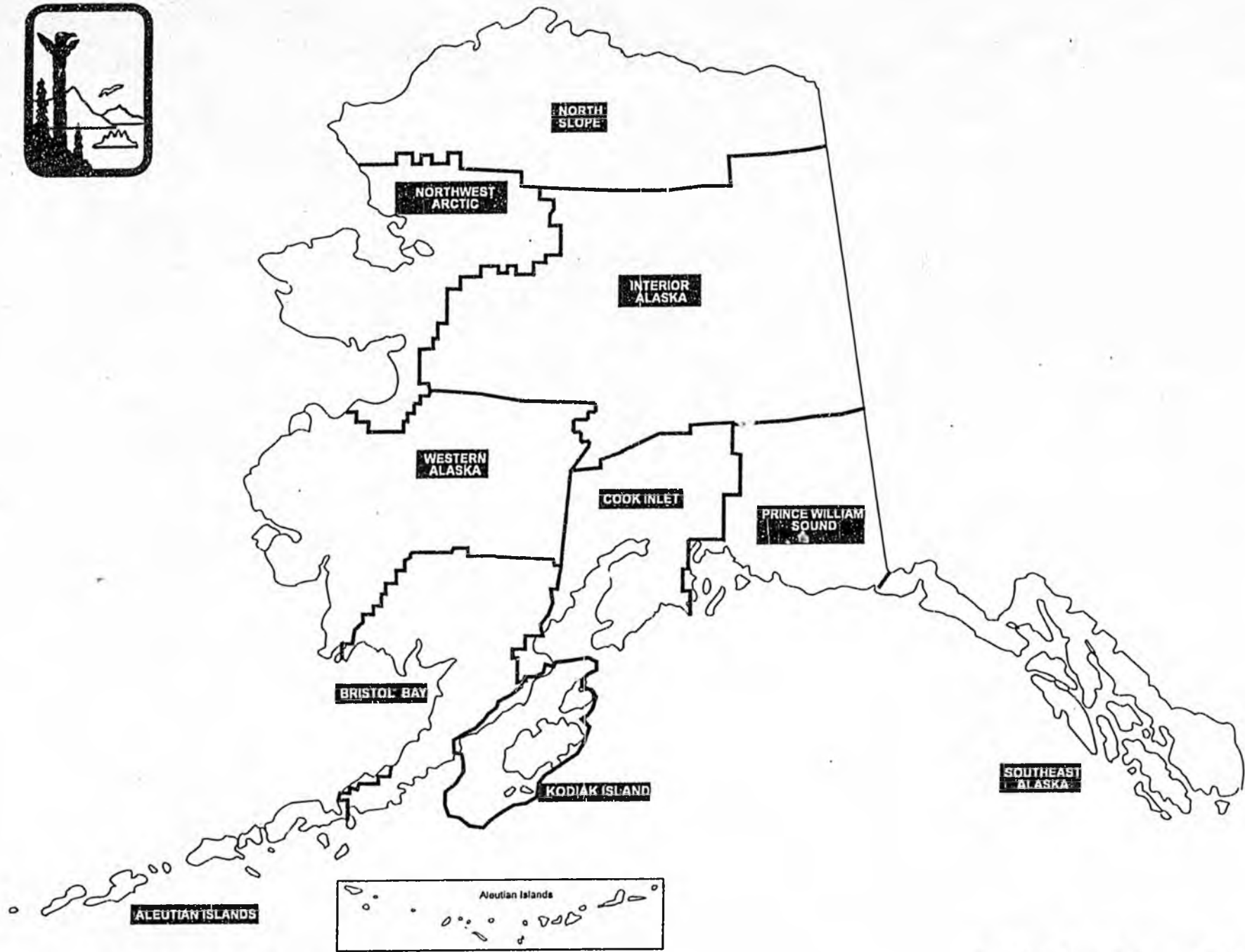
- D. **Tank Vessel Crewing:** The Coast Guard establishes and enforces requirements for crewing, competence, and documentation of personnel aboard vessels.

1. The Coast Guard will consult with the State, to the extent practicable, in its evaluation and implementation of additional requirements for crewing, training, and qualification requirements through the crewing standards process.

2. The parties agree to actively promote and coordinate research projects to identify human factors, which need to be regulated to prevent pollution incidents.

- E. **Tank Vessel Transfer Operations:** Monitoring tank vessel transfer operations have been identified as an effective pollution prevention action.

The Parties will cooperate to monitor transfer operations involving tank vessels (as well as cruise ships, fish processors, fishing vessels, etc.), including, but not limited to, dockside transfer at facilities, lightering and bunkering operations. Each party will advise the other of violations observed.



Map of DEC Oil Spill Regions

Equipment cost tables

I. Cleanup starter kit

Skimmer types	Fuel-water ratio	Liquid recovered to skim 300 bbls spilled fuel per day	Storage capacity needed to meet daily recovery	Cost of skimmer	Cost of storage capacity	Cost of cleanup starter kit
Weir	20% fuel, 80% water	1500 bbls	1500 bpd	\$50,000	\$ 300,000	\$ 350,000
Lori or Lamor	80% fuel, 20% water	360 bbls	360 bpd	\$60,000	\$ 100,000	\$ 160,000

II. Cleanup kit for RPS of 1500 bbls (Vessel capacity of 10,000 bbls)

Skimmer	No. of Skimmers	No. of 500 bbl Storage		Cost of skimmer	Cost of storage capacity	Cost of cleanup starter kit
Weir	1	3		\$50,000	\$ 300,000	\$ 350,000
Lori or Lamor	1	1		\$60,000	\$ 100,000	\$ 160,000

III. Cleanup kit for RPS of 3000 bbls (Vessel capacity of 20,000 bbls)

Skimmer	No. of Skimmers	No. of 500 bbl Storage		Cost of skimmers	Cost of storage capacity	Cost of cleanup starter kit
Weir	1	6		\$ 50,000	\$ 600,000	\$ 650,000
Lori or Lamor	1	2		\$ 60,000	\$ 200,000	\$ 260,000

IV. Cleanup kit for RPS of 6000 bbls (Vessel capacity of 30,000 bbls)

Skimmer	No. of Skimmers	No. of 500 bbl Storage		Cost of skimmers	Cost of storage capacity	Cost of cleanup starter kit
Weir	1	12		\$ 50,000	\$1,200,000	\$1,250,000
Lori or Lamor	1	3		\$ 60,000	\$ 300,000	\$ 360,000

HB

61

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1
 Bill Version: HB 61
 (H) Publish Date: 1/16/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Authority to issue grants BRU: Habitat
 Component: Special Projects
 Sponsor: Rules Committee
 Requester: Governor Component Number: 487

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 ()						
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Fiscal year funding is dependent upon successfully competing for federal grants for habitat restoration. Costs for administering a grant program from federal receipts will be funded by a portion of those federal receipts. This program will be administered by existing staff.

Prepared by: Ken Taylor Phone 465-4105
 Division: Habitat and Restoration Date/Time Jan. 5, 2001
 Approved by: Gordy Williams for Commissioner Frank Rue Date Jan. 5, 2001
 Agency: Department of Fish and Game

For distribution information, call the Governor's Legislative Office

The Boat Company
1730 M Street, N.W., Suite 204
Washington, D.C. 20036

Phone: (202) 338-8055
FAX: (202) 234-0745

To: The Honorable Beverly Masek
From: Michael A. McIntosh
Date: February 12, 2001
FAX #: (907) 465-4822

Number of Pages
Including Cover Sheet: 3

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House Resources
Additional Meeting Materials: 12 February, 01

1. HB-55 – **Most recent fiscal note** sent by DEC today at 11:55AM. Mary Siroky says this simply clarifies that the funds will come from 470 monies, and have no impact on the dollar amount.
2. Faxed **letter** re: HB55, The Boat Company, Washington , DC

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THE BOAT COMPANY

1730 M Street, NW, Suite 204
Washington, DC 20036
Phone (202) 338-8055 Fax (202) 234-0745
February 12, 2001

The Honorable Pete Kott
Chairman, Rules Committee
State of Alaska

Transmitted via FAX

Dear Representative Kott:

This letter addresses concerns we have re: HB 55.

First a note on ourselves. The Boat Company operates three small passenger vessels (carryin... capacity 12, 20 and 24 passengers) which run tours in Southeast Alaska during the summer season. I should add, we are an Alaskan corporation, have recently signed a lease to occupy a portion of the old pulp mill site in Sitka and are building warehouse and dock facilities which will enable us to move our boats plus maintenance and operation's departments there (hopefully by the end of the summer).

Two of our vessels are wooden-hulled, ex U.S. Navy minesweeps, the third a new aluminum-hulled vessel that is a look-alike for the first two.

The Task Force on Motorized Oil Transport outlines in its report to the legislature (Pg. 54) vessels which range in size from 6,500 to 77,500 gross tons and which carry 9,500 to 52,000 barrels of oil (400,000 to almost 2,200,000 gallons).

Tonnage, as you are no doubt aware, is a measure of volume not of weight. Specifically, 100 cubic feet of enclosed space equals 1 ton (has nothing to do with weight, displacement of water, etc., etc.).

Further, in the most simple terms, there are two forms of tonnage measurement, i.e., registered gross tons (International) and regulatory gross tons (U.S.A.).

Our vessels, several of which may be swept up in HB 55 (SB 16) carry 70 (in the smallest) to 280 (in the largest) barrels of oil (3,000 to 12,000 gallons) divided anywhere from 4 to 6 separate tanks. This is a small amount compared to the figures mentioned in the study/report.

We have attempted but, to-date, have been unable to learn the specific concern the legislature has regarding the size of potential spills it wanted (intended) to address, i.e., 5,000, 10,000, 20,000 barrels, etc.

However, if it was not the intent of the legislature to reach down to "the little guys", we would hope the legislature would consider adding to its current legislation something like "...400 registered gross tons carrying at least 500 barrels..." (or some other figure the legislature finds appropriate).

West Coast Corporate and Sales Office: 811 First Avenue, #466, Seattle, Washington 98104 Tel (206) 624-4242 Fax (206) 624-4141
Operations Office: 19623 Viking Avenue NW, Poulsbo, Washington 98370 Tel (360) 697-5454 Fax: (360) 697-4213

John →

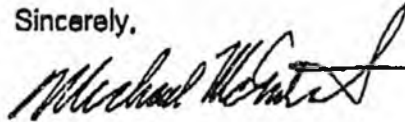
February 12, 2001
Page 2

In closing I would add that we believe Senator Murkowski, in his Federal legislation addressing problems of gray/black water discharges, recognized the inherent difficulties of using tonnage as a criteria and as a result, rather directed his attention to the number of passengers it carried, i.e., the cause of the size of the effluent discharged.

There are large vessels which carry small amounts of oil and small that carry large, so the issue is really what is the size of a potential spill the legislature wishes to address. Our suggested change is merely a reflection of the same, i.e., specifying the size of the potential discharge rather than the size (tonnage) of the vessel.

Thanks for your consideration.

Sincerely,



Michael A. McIntosh

MAM:osk

cc: The Honorable Vic Kohring, Chairman
Transportation Committee
The Honorable Beverly Masek, Co-Chairwoman
Resources Committee
The Honorable Eldon Mulder, Co-Chairman
Finance Committee
The Honorable Drew Scalzi, Co-Chairman
Resources Committee
The Honorable Bill Williams, Co-Chairman
Finance Committee

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 2001 ON

PRIVATE LANDS

Parcel Number	Owner	Project Types			Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Projected Project Cost
		ELP Walkways	Cabled Spruce Trees	Bio-engineered Bank		Restoration	Protection				
06330012	Allen	9	100	40	100' of riverfront, stairs to riverbed, reveg. 40' X 6'	40	100	\$1,500		\$1,500	\$3,000
13522015	Beall		152		288.4' on 2 parcels, widen gratewalk by 18", 60 feet	0	152	\$1,000		\$1,000	\$2,000
13501223	Branson	30			130' of riverfront, stairway to riverbed	0	30	\$3,300		\$3,300	\$6,600
05823019	Brook	36			119.5' of riverfront, grate 3' wide, upland stair, landing	0	36	\$1,700		\$1,700	\$3,400
06534015	Brumbaugh		160		160' of riverfront	0	160	\$400		\$400	\$800
05823018	Chan	36			144.4' of riverfront, grate 3' wide, upland stair, landing	0	36	\$1,700		\$1,700	\$3,400
06634016	Cordner, Mike	24	123		122.5' of riverfront, grate 5' wide	0	123	\$1,700		\$1,700	\$3,400
066-340-17	Cordner, Russ	36	130		139.4' of riverfront, grate 5' wide	0	130	\$2,200		\$2,200	\$4,400
05739030	Cukurs	30	60	40		40	90	\$6,100	\$6,100	\$6,100	\$18,300
05823027	Devereux	12	80		135.6' of riverfront, grate 3' wide, 10' gangway, f. dock	0	80	\$1,900		\$1,900	\$3,800
05537038	Henderson	38			115' of riverfront, grate 3' wide	0	38	\$1,700		\$1,700	\$3,400
06356012	Hill	40	100		124.9' of riverfront, floating dock, 10' ramp to ELPW	0	100	\$4,400		\$4,400	\$8,800
06015040/41	Holly	24	72		115.3 & 159.2' of riverfront, grate 6' wide	0	96	\$2,300		\$2,300	\$4,600
06034333	Huber	40			144' of riverfront, grate 4' wide	0	40	\$3,200		\$3,200	\$6,400
06627034	Jauron	15			153.6' of riverfront, grate 8' wide, fl. Dock & gangway	0	15	\$1,600		\$1,600	\$3,200
06034339	Kruger	40			156.8' of riverfront, grate 4' wide, upland stair/landing	0	40	\$2,800		\$2,800	\$5,600
05739028	Leonard	14	173		173.4' of riverfront, grate 8' wide, access gratewalk	0	173	\$4,200		\$4,200	\$8,400
13526224	Lindsey	36			145' of riverfront, Moose Range, stairs to riverbed	0	36	\$3,500		\$3,500	\$7,000
06634018/19	Medley	24	225		225' of riverfront on two parcels, grate 5' wide, 26' grate	0	225	\$1,850		\$1,850	\$3,700
06015045	Mulder	39			117' of riverfront, grate 6' wide, stairs to riverbed	0	39	\$3,800		\$3,800	\$7,600
06625033	Pawluk	22	66	20	66' of riverfront, grate 6' wide, brushlayering, jetty removal	20	66	\$4,000		\$4,000	\$8,000
05930146	Rohloff	5	145	15	grate 3' wide, brushlayering	15	145	\$4,400		\$4,400	\$8,800
06534029	Schaffer	10	120		121.4' of riverfront, grate 8' wide	0	120	\$3,000		\$3,000	\$6,000
06608004	Smola	48	200		209' of riverfront, 2 parcels, grate 5' wide, stair to riverbed	0	200	\$3,500		\$3,500	\$7,000
06508127	Stephenson	20	50		245' of riverfront, upland & riverbed stairs, grate 4' wide	0	50	\$2,800		\$2,800	\$5,600
5739024	Thompson	30			101' of riverfront, grate 4' wide, upland stairs	0	30	\$1,600		\$1,600	\$3,200
06501206	White	30			112' of riverfront, grate 3' wide, access gratewalk/landing	0	30	\$1,700		\$1,700	\$3,400
06317033	Zyskowski		408		408' of riverfront, upland fill/veg., upland rootwads	0	408	\$7,100		\$7,100	\$14,200
05767006	Abbott	APPLICANT NEVER RESPONDED TO AGENCY ATTEMPT TO CONTACT				0	0				\$0
05766036	Anderson	APPLICANT FAILED TO SUBMIT COMPLETED PROJECT PERMIT PACKET				0	0				\$0
5823025	Giroux	APPLICANT FAILED TO SUBMIT COMPLETED PROJECT PERMIT PACKET									
6511117	Ioanin	LANDOWNER REMOVED PROJECT FROM 50/50 CONSIDERATION									
5823024	King	APPLICANT FAILED TO SUBMIT COMPLETED PROJECT PERMIT PACKET									
04939052	Lowe	LANDOWNER SOLD PROPERTY. REMOVED FROM 50/50 CONSIDERATION				0	0				\$0
		688	2364	115	TOTAL FOR ALL PROJECTS	115	2788	\$78,950	\$6,100	\$78,950	\$164,000

ADF&G is working in cooperation with the USFWS to grant money to private landowners to provide, protect or restore fish habitat in the Kenai River. This administrative relationship is necessary because the ADF&G has not been granted grant authority from the legislature. The source for the ADF&G portion is from Senate Bill 183.

LAST REVISED	02/12/2001										
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DECISION MATRIX FOR SELECTING THE 2000 PROJECTS IN THE STATE/FEDERAL 50/50 COST SHARE PROGRAM ON PRIVATE LAND

Rating Values																							
Does Nothing	0																						
Poor	1																						
Fair	2		REMOVES	PROTECTS	BENEFIT	PROVIDES	REASONABLE	PROJECT	REASONABLE	STABILIZES	USES	BENEFITS											
Good	3		HARMFUL	NATURAL	TO	FISH	PROJECT	SUCCESS	PROJECT	PROJECT	MULTIPLE	ADJACENT											
Excellent	4		STRUCTURES	HABITAT	HABITAT	HABITAT	SOLUTION	POTENTIAL	COST	BANK	TECHNIQUE	PROPERTY											
WEIGHTING FACTOR			4	4	4	3	3	3	2	2	1	1											
PROJECTS SELECTED FOR INCLUSION IN THE PUBLIC LANDS JOINT FUNDING PROGRAM																							
PARCEL #	LANDOWNER	PROJECT COST	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	
05748302	Rodgers		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																				
06343011	Shook		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																				
05525710	Standish		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																				
06508227	Stuart		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																				
05748303	Van Lone		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																				
Last Revised on	02/10/2000																						

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1999 ON PRIVATE LANDS

Parcel Number	Owner	Project Types			Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Projected Project Cost
		ELP Walkways	Cabled Spruce Trees	Bio-engineered Bank		Restoration	Protection				
059-300-21	GEHRKE, ALLOUISE	48		160	180' each of live siltation and brush layer, two 24' walks, removal of 160 of creosote bulkhead	160	48	\$9,980	\$9,980	\$5,000	\$24,960
063-560-06	OSWALD, MAURY A.	13	13	13	13' of brush layering, 13 feet of wooden bulkhead removal	13	26	\$2,150		\$2,150	\$4,300
067-560-05	HITCHNER, R L	38	38	38	38' of brush layering, remove 38' of wooden bulkhead	38	38	\$6,150		\$6,150	\$12,300
055-011-17	DOONEY, DON		150			0	150	\$425		\$425	\$850
060-270-06	JOHNSON, CHRISTINA	30	50			0	50	\$4,500		\$4,500	\$9,000
060-270-07	CUSACK, LINDA	40	150		Plant 150' of bank with willow	0	190	\$5,550		\$5,550	\$11,100
068-011-06	FAULKNER, LOIS OR EARL	24		167	rootwad bank stabilization with brush layering	167	24	\$4,275		\$4,275	\$8,550
068-340-06	WILKINS-POON, BEVERLY	24	144		3'X5' access walk	0	168	\$1,850		\$1,850	\$3,700
060-150-20/21	WALTRIP, LARRY	63	45		remove 52' of wooden pallets, 45' of willow planting	0	108	\$4,950		\$4,950	\$9,900
057-390-21	LINDSTROM, GARY		40	70	45' brush layering, 25 feet of live siltation	70	40	\$4,250		\$4,250	\$8,500
060-150-55	BEISWENGER, ALAN	29	25	20	20' of brush layering, remove existing wooden walk	20	54	\$1,600		\$1,600	\$3,200
060-270-22	ISHAM, JAMES		140	140	140' of two layered vegetated coir log	140	140	\$3,500		\$3,500	\$7,000
135-281-12	PAUL, JOE AND JANICE	50			two 25'X4 walks	0	50	\$5,750		\$5,750	\$11,500
058-200-29	RYAN, KRISTIN		80	80	3'X30' access stair, 80' vegetated coir log, 150' planting	80	80	\$2,500		\$2,500	\$5,000
055-254-41	SCHLEHOFER, DEAN M.	20	40	20	20' brush layering, 4'X10' access walk	20	60	\$4,500		\$4,500	\$9,000
066-180-11	ROSE, DUANE	12	113			0	125	\$1,600		\$1,600	\$3,200
055-259-93	MEYER, ED & DIANNA					0	0	\$2,000		\$2,000	\$4,000
135-252-11	AVERY, JANE	24			100' of willow planting	0	24	\$2,000		\$2,000	\$4,000
065-190-17	CHILDRESS	30	75		planting 75' of bank with willow	0	105	\$2,000		\$2,000	\$4,000
066-100-48	THARP, RONALD	60	40		40' and 20' walk	0	100	\$3,750		\$3,750	\$7,500
135-260-04/05	GREEN, G. HAYDEN	30			20' and 10' walks	0	30	\$1,500		\$1,500	\$3,000
066-180-14	PARRISH, FRANK	24	139		remove a 20' wooden walkway	0	139	\$1,600		\$1,800	\$3,200
066-180-12	SELL, SCOTT & BARBARA	40	125		two 20'X3' walks	0	125	\$2,500		\$2,500	\$5,000
060-340-07	KRUGER, DALE	40			two 20'X4' ELP walks	0	40	\$2,000		\$2,000	\$4,000
060-270-21	ABERSOLD, VANCE W.		100	20	20' of vegetated coir log	20	100	\$1,000		\$1,000	\$2,000
060-240-05	BEALS, MIKE & MICHELLE	50			30' and 20' ELP walks, two 4'X25' access walks	0	50	\$2,000		\$2,000	\$4,000
060-470-09	DAIGLE, LEE		125		70'X6' planting of bank	0	125	\$2,000		\$2,000	\$4,000
119-020-43	ROMIG, HOWARD	50				0	50	\$2,150		\$2,150	\$4,300
066-121-21	GILL, KENNETH		60		26'X10' area of planting of willow	0	60	\$1,650		\$1,650	\$3,300
135-252-12	SEJNOHA, MARLIN	24			two 12'X4' walks	0	24	\$950		\$950	\$1,900
055-011-14/15/16	HALVERSON, VIRGINIA	20	20			0	40	\$950		\$950	\$1,900
057-390-16	DENNIS, DEHYRL	33	100	100	100' veg. Coir log, 100' drum removal, 16' access walk	100	133	\$9,100		\$9,100	\$18,200
059-350-01	RYHERD, CHRIS	58	162	20	brush layering, 3 sets stairs to riverbed	20	220	\$6,875		\$6,875	\$13,750
066-070-11	JESKE, ELMER	24	80		3-foot by 12-foot access walk	0	104	\$1,550		\$1,550	\$3,100
		898	2054	848	TOTAL FOR ALL PROJECTS	848	2820	\$109,105	\$9,980	\$104,125	\$223,210

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LAST REVISED 07/06/1999

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1998 ON PRIVATE LANDS

Parcel Number	Owner	Project Cost	Project Types								Detrimental Structures		Summary		
			ELP Walkways	Access walk/stair	Stairs to Riverbed	Cabled Spruce Trees	Live Siltation	Bank Reveg.	Vegetated Colr Log	Brush-Layered Bank	Structures Removed	Length Removed	Footage of Project Restoration	Protection	
059-300-12	Anderson, Carla	\$18,800	24			191	191					concrete footing	20	191	215
060-400-12	Benner, John	\$10,900	24	24	Y	40	60			40				100	88
066-011-08/14/	Bird, Elmer	\$12,000	24	24		917								0	965
065-050-03/04	Caffyn, William	\$2,800	20											0	20
085-140-38	Chan, Claire & Roger	\$16,800	20			132				112				112	152
085-012-07	Connors, Joseph	\$3,000	30	25		60		30						30	115
055-011-17	Dooney, Don	\$4,000		17		215				20				20	232
057-470-03	Ewing, Jim	\$13,400	32	4	Y (two)	45			60	20		tire/cement revetment	50	80	81
059-300-21	Gehrke Allouise	\$5,000					40			30		creosote bulkhead	10	70	0
055-259-47	Gunn, Billy J.	\$1,400		12								replaced walk surface		0	12
063-500-03	Hunsaker, Stuart and Joan	\$4,500	10				20	100						120	170
060-270-03	Isham, James	\$3,000							20					20	115
063-170-15	Jaynes, Gordon	\$3,100	20	12										0	32
135-220-11	Johnson, Kathleen	\$4,950	30			110								0	140
057-060-43	King, Jeff	\$4,500		24	Y (two)				100					100	24
057-070-11	Kristof, August F	\$8,200				298		200				replaced 7 stair surfaces		200	298
085-050-54	Lowe, William	\$5,800	38	50		100								0	186
058-230-14	Madison, Willis	\$3,900		24				20						20	24
065-111-18	Mosely, Paul	\$26,200								50		remove jetty, boathouse	80	50	0
060-310-03	Oftedal, Odin & Vidya	\$4,500	20		Y			20						20	20
066-220-03	Owens, James M.	\$3,100	24	24		150								0	198
063-500-12	Parnow, David	\$6,000	30	50		50								0	130
083-170-25	Paulsen, Davi I	\$7,300	30		Y	106		20						20	136
066-020-05	Peters, Richard	\$2,800	24			100								0	124
066-011-01	Risch, Ronald	\$3,800	24	14		130								0	188
083-170-11	Schave, James	\$4,800	24	25	Y	50								0	99
057-100-30	Shin, Thomas	\$10,400	30	20		60			20					20	110
135-230-28	Sullivan, Tom	\$5,000	36		Y									0	36
085-210-19	Watts, James	\$4,200	40					200						200	40
060-150-36	Williams, John	\$3,600				112				20				20	112
060-430-07	Yamaoka, Wesley	\$8,800	30	9										0	39
		\$215,350	582	358		3141	311	590	200	292			160	1393	4081

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Projects in bold are completed.

LAST REVISED 06/23/1998

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1997 ON PRIVATE LANDS

Parcel Number	Owner	Project Types				Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Projected Project Cost	Actual Cost	Actual		
		ELP Walkway	Cabled Spruce Trees	Bio-engineered Bank	Floating Dock		Restoration	Protection						ADF&G	USFWS	Applicant
06027018	Abersold	24	127	06		root wad, brush layering, spruce	96	161	\$9,260		\$8,280	\$18,500	\$32,600	\$8,260	\$0	\$24,360
06038007	Bail			20		vegetated colr log, 36' access gratewalk	20	36	\$2,260		\$2,260	\$4,600	\$4,604	\$2,260		\$2,264
06036019	Becker	30	76	50	Yes	rock jetty removal, brush layering	50	105	\$6,000		\$6,000	\$12,000	\$0			
06030020	Benedict	21	91	39	Yes	brush layering	39	112	\$2,760		\$2,760	\$5,600	\$5,620	\$2,760		\$2,770
06028017	Bonk	32	60			50' access gratewalk	142		\$0	\$6,660	\$6,660	\$13,100	\$14,064	\$6,660		\$7,604
06006106	Braden	42	42				84		\$850		\$850	\$1,700	\$3,607	\$850		\$2,767
06034336	Bucy	39	80			34' access gratewalk	163		\$4,060		\$4,060	\$8,100	\$8,326	\$4,060		\$4,276
06360014	Case	20				30' of ELP stairway, 30' of bank reveg	30	60	\$2,900		\$2,900	\$6,800	\$6,800	\$2,900		\$2,900
05525899	Cho	280	300	300		brush layering, 830' reveg, 24' of stairs	300	604	\$15,750	\$10,000	\$25,750	\$51,500	\$0			???
06060008	Chumley	30	70			30' access stairway	130		\$2,260		\$2,260	\$4,600	\$4,996	\$2,260		\$2,746
06034016	Chumley	40	60		Yes	40' access gratewalk	130		\$3,200		\$3,200	\$6,400	\$6,400	\$3,200		\$3,200
06020002	Colgan		80	20		vegetated colr log	20	80	\$600		\$600	\$1,000	\$922	\$600		\$422
06011116	Crites	24	36	94		40' jetty and riprap removal, brushlayering, walkway			\$10,400	\$9,000	\$3,800	\$13,000	\$22,947	\$10,400	\$9,000	\$3,647
05525900	Davidhizer	100	450	90		brush layering	90	550	\$0	\$6,500	\$6,500	\$17,000	\$0			???
06023023	Dennis	36				45' access gratewalk	80		\$2,600		\$2,600	\$5,000	\$5,470	\$2,600		\$2,970
06022002	Dubois	38		188	Yes	54' access gratewalk, remove crib wall	168	90	\$6,000	\$4,400	\$10,400	\$20,800	\$19,842	\$6,000	\$3,442	\$10,400
06020004	Gordon	40	200	40		brush layering	40	240	\$0	\$2,800	\$2,800	\$5,600	\$3,947	\$1,974		\$1,973
06706004	Haag		145			revegetation of the upper bank	145		\$1,650		\$1,650	\$3,300	\$5,600	\$1,650		\$3,650
06747014	Hager	46		98		50' revegetation, remove 98' of rip rap	128	46	\$12,600		\$12,600	\$26,200	\$26,196	\$12,600		\$12,596
05767007	Hanke	8		188	Yes	access stairs, remove 188' of rip rap	168	8	\$18,200		\$18,200	\$36,400	\$36,316	\$18,168		\$18,167
13619063	Hart	60					60		\$3,600		\$3,600	\$7,000	\$8,600	\$3,260		\$3,260
06034010	House	32	300			6' access ELP stairway	332		\$0	\$3,300	\$3,300	\$6,600	\$6,426	\$3,213		\$3,212
05023008	Kems	36	50	100		vegetated colr log, 35' ELP access stairs	50	136	\$4,750		\$4,750	\$9,500	\$0			
06768010	King			40		demonstration geotextile boat launch			\$0	\$2,360	\$2,360	\$4,700	\$4,466	\$0	\$2,491	\$1,976
06028022	Knorr		250		Yes	50' of reveg on upper bank		250	\$500		\$500	\$1,000	Project withdrawn by applicant			
06011113	Loeck			60		15' jetty removal, 50' brushlayering, walkway			\$13,400		\$600	\$13,900	\$13,663	\$13,363		\$600
06020021	Lowry	25	100	100		brush layering, 20' ELP access gratewalk	100	120	\$6,300		\$6,300	\$12,600	\$12,798	\$6,300		\$6,498
06019034	Lyons			60		root wad, remove 60' of rip rap	60		\$4,160	\$4,160	\$3,600	\$11,800	\$10,282	\$4,160	\$2,642	\$3,600
06026028	Mathews	6					6		\$160		\$160	\$300	\$371	\$160		\$221
06011114	Mosely	10	80			riverbed regrade, remove entrapment basin			\$3,400		\$2,200	\$5,800	\$4,947	\$3,400		\$1,647
06021006	Mumby					replace boardwalk surfaces with grate		126	\$1,860		\$1,860	\$3,700	\$6,330	\$1,860		\$3,480
06012301	Nelson	48				replace 10' deck with grate		68	\$3,260		\$3,260	\$6,600	\$6,307	\$2,663		\$2,663
06019036	Neuman			70		root wads, remove 70' of rip rap	70		\$4,160	\$4,160	\$3,600	\$11,800	\$10,083	\$4,160	\$2,413	\$3,600
06066018	Orr	20	80	20		brush layering, removal of 8' rock jetty	20	100	\$2,700		\$2,700	\$5,400	\$6,708	\$2,700		\$4,008
06030023	Owens	40		20		brush layering, replace deck surface	20	20	\$1,000		\$1,000	\$2,000	\$1,330	\$666		\$666
06023020	Piccard	42					42		\$0	\$800	\$800	\$1,600	\$1,811	\$800		\$811
06026028	Rainey	20				replace boardwalk surfaces with grate	20		\$200		\$200	\$400	\$367	\$183		\$184
11904008	Richardson		126				126		\$760		\$760	\$1,500	\$846	\$423		\$423
06041107	Rivenbark	24	166	166		rootwads, brush layering, 18' ELP stairs	166	166	\$3,000		\$3,000	\$6,000	\$7,762	\$3,000		\$4,762
06011112	Roesch					riverbed regrade, remove entrapment basin			\$826		\$826	\$1,650	\$1,648	\$824		\$824
06019074	Rumley		220	220	Yes	rootwad, brush layering, veg. colr log	220		\$6,600	\$6,600	\$11,000	\$22,000	\$20,448	\$6,600	\$2,666	\$12,392
06024120	Seanor	30	100			revegetation of 100' upper bank	100	130	\$0	\$2,800	\$2,800	\$5,600	\$6,016	\$0	\$2,800	\$6,216
06031001	Shackleton	32	100			vegetated colr log, 79' ELP access	100	111	\$8,700		\$8,700	\$13,400	\$13,600	\$8,700		\$7,200
06031012	Shackleton	25				23' of ELP access gratewalk		48	\$2,000		\$2,000	\$4,000	\$7,016	\$2,000		\$6,016
06031016	Shamburger	46	30			replace 16' of deck surfaces with grate		91	\$3,000		\$3,000	\$6,000	\$5,069	\$2,497		\$2,562
06030014	Simko	12	60	130		brush layering, 100' bulkhead removal	130	62	\$6,776	\$6,776	\$5,000	\$22,660	\$23,953	\$6,776	\$6,776	\$6,403
06023016	Sjoberg	24				replace 8' walkway surface with grate		32	\$960		\$960	\$1,900	\$2,250	\$960		\$1,300
05820028	Snlisarenko		75			80' of upper bank revegetation	155		\$600		\$600	\$1,200	\$0			
06034022	Solomon	36	60				66		\$2,900		\$2,900	\$5,800	\$5,687	\$2,900		\$3,087
06706006	Vaughn		200			upper bank revegetation	200		\$2,600		\$2,600	\$5,000	\$6,260	\$2,600		\$6,760
06006110	Wallin	40	140			upper bank revegetation	180		\$7,450		\$7,450	\$14,900	\$14,900	\$7,450		\$7,450
06767001	Wellbacher	48		240		brush layering, vegetated colr log, stairs	840	48	\$23,000	\$9,200	\$32,200	\$64,400	\$64,363	\$22,977	\$9,200	\$32,176
06023011	Wells	16		60		vegetated colr log, upper bank reveg	60	16	\$1,600	\$1,600	\$3,000	\$6,000	\$6,603	\$1,262	\$1,600	\$2,761
06020020	Wilkinson	16	30	30		brush layering	30	46	\$1,650		\$1,650	\$3,300	\$3,260	\$1,626		\$1,626
06034339	Wirin	39	80			30' ELP access gratewalk		149	\$4,950		\$4,950	\$9,900	\$11,000	\$4,950		\$6,050
		1551	4030	3087		TOTAL FOR ALL PROJECTS	3113	5847	\$225,450	\$83,775	\$257,175	\$568,400	\$501,435	\$199,456	\$53,343	\$248,637

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LAST REVISED 06/23/1998

KENAI RIVER RESTORATION, STABILIZATION AND PROTECTION PROJECTS FUNDED BY THE STATE/FEDERAL JOINT MATCHING FUNDS IN 1995 and 1996

Parcel Number	Owner	Project Types				Comments and Other Construction	Footage of Project		ADF&G	USFWS	Applicant	Project Cost	Actual Cost	ADF&G	USFWS	Applicant
		ELP Walkways	Cabled Spruce Trees	Bio-engineered Bank	Floating Dock		Restoration	Protection								
06040017	95 Bower			100			100	0		\$4,100	\$4,100	\$8,200	\$5,927		\$3,127	\$2,800
05525899	95 Cho	400		400			400	400		\$12,000	\$12,000	\$24,000	\$35,650		\$12,000	\$23,650
06040011	95 Karcz			60			60	0		\$4,500	\$4,500	\$9,000	\$14,230		\$4,230	\$9,992
05768010	95 Stewart		240	240	Yes		240	240		\$9,500	\$9,500	\$19,000	\$17,566		\$8,816	\$8,750
06007222/23	95 Bear	142					0	142	\$4,000	\$3,500	\$10,427	\$17,927	\$17,927	\$4,000	\$3,500	\$10,427
05747005	95 Boyer	55	100				0	155		\$890	\$890	\$1,780	\$2,220		\$890	\$1,330
06344009	95 Selfert	100					0	100	\$4,100		\$5,990	\$10,090	\$10,090	\$4,100		\$5,990
06344008	95 Stevison	100					0	100	\$3,749		\$3,759	\$7,508	\$7,508	\$3,749		\$3,759
06519030	Arsenault			60		Remove bulkheads, 60' veg crib	60	0	\$8,500	\$1,000	\$7,500	\$15,000	\$13,918	\$6,500	\$459	\$6,959
05820032	Bower	104		120	Yes		120	104	\$6,500	\$2,000	\$7,500	\$15,000	\$15,010	\$5,500	\$2,000	\$7,510
05767005	Bowman	45		110		Remove 122' of bulkhead + deck	110	45	\$8,400	\$2,000	\$10,400	\$20,800	\$23,890	\$8,400	\$2,000	\$13,490
05525899	Cho	400		400			400	400	\$25,000	\$28,000	\$53,000	\$106,000	\$83,000	\$25,000	\$28,000	\$30,000
05767002	Dawson			85			85	0	\$4,000		\$4,000	\$8,000	\$5,797	\$2,898		\$2,899
05820019	Cray		48	48			48	48	\$2,000		\$2,000	\$4,000	\$2,575	\$1,259		\$1,316
08036021	Flagg	30		30		+20 foot boardwalk	30	30	\$2,000		\$2,000	\$4,000	\$4,270	\$2,000		\$2,270
05767007	Hanke	115		145		Remove 145' of 55-gallon drums	145	115	\$17,200		\$17,200	\$34,400	\$33,385	\$11,892	\$5,000	\$16,893
06511117	IoanIn	20		70		Remove 70' of failed 1995 project	70	20	\$7,100	\$2,000	\$9,100	\$18,200	\$20,251	\$7,886	\$2,000	\$10,366
06027003	Isham	81	115	30		69' ELP stairway, 12' ELP landing	30	198	\$1,700		\$1,700	\$3,400	\$3,021	\$1,700		\$1,921
06602020	Linnell	47		50		32' ELPW, 15' access stairs	50	47	\$2,300		\$2,300	\$4,600	\$6,004	\$1,174	\$1,000	\$3,830
06356002	Lockner	150		150			150	150		\$7,000	\$11,000	\$18,000	\$19,541		\$7,000	\$12,541
04939017	Muhs			108		Tree boles and rootwads	108	0		\$2,000	\$4,000	\$8,000	\$5,527		\$2,000	\$3,527
06512301	Nelson			97		Remove 45' of bulkhead + 40' jett	97	0	\$6,000	\$1,000	\$7,000	\$14,000	\$14,080	\$6,000	\$1,000	\$7,080
04939018	Rainey			110		Tree boles and rootwads	110	0		\$2,000	\$6,000	\$8,000	\$5,898		\$2,000	\$3,898
04939019	Riddle			104		Tree boles and rootwads	104	0		\$2,000	\$6,000	\$8,000	\$5,898		\$2,000	\$3,898
04939020	Rolf			110		Tree boles and rootwads	110	0		\$2,000	\$6,000	\$8,000	\$4,478		\$2,000	\$2,478
06031012	Shackleton			200			200	0	\$5,000		\$5,000	\$10,000	\$8,980	\$4,490		\$4,490
06601105	Warner			170		Rootwads and cable spruce trees	170	6	\$4,700		\$4,700	\$9,400	\$3,053	\$1,526		\$1,527
06602019	Wisecarver	68		8		60' approach ELPW, 8' ELPW	8	68	\$3,600		\$3,600	\$7,200	\$7,480	\$3,600		\$3,880
05525032/33	Abood					1000 feet of signs	0	0		\$500	\$500	\$1,000	\$927		\$447	\$480
08022001	Bonney	65			Yes	50' ELPW, 15' ELP fishing deck	0	65	\$9,838		\$9,838	\$19,676	\$18,020	\$9,410		\$9,410
05537034	Campbell	48	40			24' approach ELPW, 24' ELPW w/cant.	0	88	\$1,500	\$1,500	\$3,000	\$6,000	\$5,961	\$1,487	\$1,500	\$2,974
05820030	Fay	20			Yes	Remove creosote dock	0	20	\$1,900		\$1,900	\$3,800	\$3,200	\$1,600		\$1,600
06635024	Harpring	69				15' jetty removal	0	69	\$1,500		\$1,500	\$3,000	\$3,827	\$1,500		\$2,327
06509106	Jacob	40				Trail relocation	0	40	\$1,900		\$1,900	\$3,800	\$3,849	\$1,900		\$1,949
06350002	Maddox	50				40' ELPW, 10' landing deck	0	50	\$4,000		\$4,000	\$8,000	\$8,035	\$4,000		\$4,035
06040013	Neville	62				50' approach ELPW, 12' ELPW cant.	0	62	\$5,400		\$5,400	\$10,800	\$10,584	\$5,292		\$5,292
06622023	Rumfelt	21			Yes	Remove 2 landing mat bulkhead, cabin	0	21	\$5,900		\$5,900	\$11,800	\$11,800	\$5,900		\$5,900
06331003	Stewart	25					0	25	\$1,600		\$1,600	\$3,200	\$3,048	\$1,524		\$1,524
06807005	Stirman	36	40				0	76	\$2,300		\$2,300	\$4,600	\$4,555	\$2,277		\$2,278
06022003	Wilton	40	40				0	80	\$1,000		\$1,000	\$2,000	\$1,283	\$783		\$520
		2333	623	3003		TOTAL FOR ALL PROJECTS	3003	2956	\$149,687	\$88,490	\$281,004	\$499,181	\$473,641	\$137,126	\$90,977	\$245,538
PROJECTS FAILED TO INITIATE PROJECT ACTIVITIES--PROJECT TERMINATED																
06039026	O'Brien	31					0	31	\$2,400		\$2,400	\$4,800	CANCELLED	\$2,400		\$2,400
06036028	Gibbons	31					0	31	\$2,400		\$2,400	\$4,800	CANCELLED	\$2,400		\$2,400
PROJECTS IN BOLD ARE COMPLETED																
LAST REVISED		01/13/1999														

DECISION MATRIX FOR SELECTING THE 2000 PROJECTS IN THE STATE/FEDERAL 50/50 COST SHARE PROGRAM ON PRIVATE LAND

Rating Values																						
Does Nothing	0																					
Poor	1																					
Fair	2																					
Good	3																					
Excellent	4																					
WEIGHTING FACTOR																						
			4		4		4		3		3		3		2		2		1		1	
PROJECTS SELECTED FOR INCLUSION IN THE PUBLIC LANDS JOINT FUNDING PROGRAM																						
PARCEL #	LANDOWNER	PROJECT COST	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR	R	WR
6358030	Evans	\$19,000	4	16	3	12	4	16	3	9	3	9	3	9		0	3	6	2	2	2	2
5529393	Meyer	\$5,000	3	12	2	8	3	12	3	9	3	9	3	9	3	6	3	6	2	2	0	0
06622013	Stangeland	\$5,000	2	8	2	8	3	12	3	9	3	9	3	9	3	6	3	6	2	2	0	0
06601102	Rice	\$4,146	2	8	2	8	3	12	3	9	3	9	3	9	3	6	2	4	2	2	1	1
06534014	Zizow	\$3,600	2	8	2	8	3	12	3	9	3	9	3	9	3	6	2	4	2	2	0	0
06027010	Schulmeister	\$4,000	0	0	4	16	3	12	3	9	3	9	3	9	3	6	2	4	1	1	0	0
05739023	Thompson	\$2,000	0	0	3	12	3	12	3	9	3	9	3	9	3	6	3	6	1	1	0	0
06508226	Myers	\$5,350	0	0	4	16	3	12	0	0	4	12	4	12	4	8	1	2	1	1	0	0
06350013	Redick	\$1,700	0	0	4	16	3	12	0	0	4	12	4	12	4	8	1	2	1	1	0	0
13522009	Moore	\$8,000	0	0	3	12	3	12	2	6	4	12	3	9	3	6	2	4	2	2	0	0
05823016	Llewellyn	\$3,600	0	0	4	16	3	12	1	3	3	9	4	12	4	8	1	2	1	1	0	0
13524302	Ferguson	\$4,500	0	0	2	8	3	12	3	9	3	9	3	9	3	6	2	4	2	2	2	2
06608015	Cayton	\$4,300	0	0	3	12	2	8	3	9	3	9	3	9	4	8	2	4	2	2	0	0
06015020	Waltrip	\$8,400	2	8	2	8	2	8	3	9	2	6	3	9	3	6	3	6	1	1	0	0
05763009	Daniels	\$8,300	1	4	2	8	2	8	3	9	3	9	3	9	2	4	3	6	2	2	2	2
13526202	Glassmaker	\$5,200	0	0	4	16	3	12	0	0	4	12	4	12	3	6	0	0	1	1	0	0
06047007	Carver	\$12,000	0	0	2	8	2	8	3	9	3	9	3	9	2	4	3	6	3	3	1	1
06356009	Hoback	\$9,600	0	0	2	8	2	8	3	9	3	9	3	9	3	6	3	6	2	2	0	0
05537009	Hunt	\$1,950	0	0	3	12	3	12	0	0	3	9	4	12	4	8	1	2	1	1	0	0
06036023	Mellon	\$8,700	0	0	3	12	3	12	2	6	3	9	2	6	2	4	3	6	1	1	0	0
05525335	Mortenson	\$7,400	0	0	2	8	2	8	3	9	3	9	3	9	2	4	3	6	2	2	0	0
06005109	Sabatino	\$7,200	0	0	2	8	3	12	3	9	2	6	2	6	3	6	2	4	2	2	0	0
06331011	Maddox	\$1,950	1	4	3	12	3	12	0	0	3	9	3	9	3	6	0	0	0	0	0	0
06519033	Kneaper	\$6,160	3	12	2	8	2	8	0	0	3	9	3	9	2	4	0	0	1	1	0	0
06025109	Leiber	\$31,500	0	0	0	0	3	12	3	9	2	6	3	9	1	2	4	8	3	3	1	1
		\$171,556																				
PROJECTS NOT SELECTED FOR THE PUBLIC LANDS JOINT FUNDING PROGRAM																						
05739030	Cukurs	\$16,000	APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																			
05748322	Dailey		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06316106	Dowler		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06606101	Foy		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																			
05748324	Gapinski		APPLICANT NON-RESPONSIVE TO AGENCIES ATTEMPT TO CONTACT																			
	Gunn		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06027001	Harris		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																			
05748323	Johnson		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
11906008	Lean		APPLICANT REMOVE NAME FROM 50/50 CONSIDERATION																			
06623014	Nischan		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			
06508228	Perzenka		APPLICANT DECEASED IN 1999																			
06612019	Richards		APPLICANT FAILED TO SUBMIT PROJECT PERMIT PACKET ONCE CONTACTED																			

Sectional Alalysis
Prepared by Breck Tostevin
Just received by fax

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Section-By-Section Analysis of CSHB 55(TRA)

Prepared by Breck Tostevin, Assistant Attorney General
Alaska Department of Law

Section 1 provides that "It is the intent of the legislature that the report of the Task Force on Motorized Oil Transport . . . , the documents the task force used in preparing the report, and the transcripts of the task force meetings be used by the Department of Environmental Conservation as the guidelines for drafting regulations to implement this legislation." This language is from the Task Force's proposed letter of intent found at page 38 of the Task Force Report. This letter of intent language was added to the bill by the House Transportation Committee.

Sections 2-4 amends AS 46.03.825 which limits the civil liability of oil spill response action contractors. The amendments add statutory references to the new oil discharge prevention and contingency plans for nontank vessels and railroad tank cars included in section 8 of this Act.

Section 5 amends the definition of "response action" to clarify that the existing response action contractor statutory limitations on civil liability in AS 46.03.825 extends to contractors providing "incident management team services" and "response plan facilitator services."

Section 6 amends AS 46.04.055(a) relating to proof of financial responsibility requirements for nontank vessels adopted by the 21st Legislature. Section 5 changes the wording of the applicability section from a "person may not cause or permit the operation of a nontank vessel" without approved financial responsibility to "a person may not operate a nontank vessel" without approved financial responsibility. This change was recommended by the Task Force to mirror the wording used in AS 46.04.040(c) applicable to tank vessels.

Sec. 7 extends the existing innocent passage exemptions in AS 46.04.055(c) to the requirement for nontank vessel contingency plans.

Sec. 8 adds new provisions requiring oil discharge prevention and contingency plans (contingency plans) for nontank vessels and railroad tank cars transporting oil in order to implement the response planning standards adopted by the 21st Legislature in AS 46.04.055(c).

Sec. 8(f) requires approved contingency plans for nontank vessels six months after the effective date of regulations adopted by DEC to implement the contingency plan requirements. Under Task Force recommendation No. 18, DEC will adopt regulations allowing for initial conditional approval of new contingency plans

submitted on time. Conditional approval will remain in effect until DEC has completed review of a plan. DEC will stagger the initial review process so that all nontank vessel contingency plans do not come up for review in the same year.

Sec. 8(g) sets forth content requirements for the new nontank vessel contingency plans. The contingency plans have three parts: vessel-specific information, a response plan, and a prevention plan certification stating that the nontank vessel for which the contingency plan approval is made complies with applicable federal and International Maritime Organization requirements. The response plan consists of 1) initial notification procedures in the event of a release or threatened release of oil, 2) a certification that the applicant is a member of, or has a contract with, an oil spill response organization that is an oil spill primary response action contractor with a response plan approved by the department as meeting the response planning standards for the maximum oil capacity of the nontank vessel and 3) a certification that the applicant for the nontank vessel contingency plan has contracted with an oil spill primary response action contractor to provide incident management team services in the event of a release or threatened release of oil from the nontank vessel.

Section 8(h) provides that in lieu of contracting with a primary response action contractor, an applicant can demonstrate to the department that it has its own response plan, equipment, personnel and resources, including incident management team resources, to meet the contingency plan requirements.

Section 8(i) applies the existing contingency plan provisions of AS 46.04.030(d)-(l), (n), (o), and (r) to nontank vessels, nontank vessel contingency plans, and to a person applying for and holding an approved nontank vessel contingency plan.

Section 8(j) and (k) apply to railroad tank cars transporting oil. Section (j) requires contingency plans for railroad tank cars transporting oil in order to implement the response planning standard in AS 46.04.055(e). Section (j) requires approved plans six months after the effective date of regulations adopted by DEC to implement these requirements.

Section 8(j) applies the existing contingency plan provisions of AS 46.04.030(d)-(l), (n), (o), and (r) to railroad tank cars, railroad tank car contingency plans, and to a person applying for and holding an approved nontank railroad tank car contingency plan.

Section 8(l) directs DEC to adopt implementing regulations.

Section 9 creates a new section authorizing DEC, in order to ensure compliance with this chapter relating to oil pollution control, to "at reasonable times and in a

safe manner, enter and examine" nentank vessels and trains, railroad tracks, associated facilities and railroad operations.

Section 10 requires that the lieutenant governor certify to the revisor of statutes the effective dates of DEC's implementing regulations.

Section 11 provides that the Act takes effect immediately.

House Bill 55

Larry Dietrick's Testimony

House Resources Committee

February 12, 2001

Introduction

Chairman and members of the committee, I am pleased to address you today on behalf of Commissioner Brown who was the Chair of the Task Force on Motorized Oil Transport. Commissioner Brown served on the Steering Committee of the Task Force along with Senator Drue Pearce and Representative Pete Kott. The Task Force included a 23 member cross section of the maritime industry, the Alaska Railroad and other interested parties.

Overview

The goal of this legislation is simple – protect Alaska's renewable resources and keep Alaska's waters the cleanest and most pristine in the world by including large sea-going marine nontank vessels and the Alaska Railroad in Alaska's safety net for oil spill prevention and response. In May of last year the 21st Legislature debated and passed Senate Bill 273 and Senate Concurrent Resolution 1 which commissioned the Task Force on Motorized Oil Transport to work out the details of how to implement oil spill contingency plans and achieve the response planning standard in a way that was acceptable to those who would be affected. The Task Force has completed the work directed by the Legislature and achieved unanimous consensus on legislation to

accomplish that. The consensus legislation is HB 55 which was developed by the Task Force and is predicated on no further amendments by the members.

To be more precise..... although the requirement for financial responsibility was made effective last year, the requirement to have an oil spill contingency plan and meet the response planning standard was not. Instead, the Legislature through SB 273 and Senate Concurrent Resolution 1 commissioned the Task Force to determine how to implement the response planning standards and provide opportunities for streamlined oil spill contingency plans. Those standards were set by the Legislature in SB 273 as the containment and control of 15% of the maximum oil capacity of a nontank vessel or train, within 48 hours and cleanup of the discharge within the shortest possible time, consistent with minimizing damage to the environment. Nontank vessels were defined as self-propelled vessels over 400 gross tons, not including tank vessels, oil barges or public vessels.

Task Force

Senate Concurrent Resolution 1 specified 23 members of the Task Force on Motorized Oil Transport. This served to ensure a diversity of viewpoints and adequate representation of all groups to be regulated. The members included representatives from the U. S. Coast Guard, the DEC, the Railroad, spill response cooperatives, the shipping industry, spot charter groups, the fishing industry, the Regional Citizens' Advisory Councils, and representatives from the crude oil industry and the refined oil distributors

and transporters. Many more persons, who were not appointed representatives, attended the work group sessions and formal task force meetings.

Task Force Meetings

The Task Force held eleven formal meetings over a five month period in which the members worked through legal and technical issues on prevention, contingency plans, and response planning standards. Three workgroups were created to address specific areas of concern.

Outcome

The recommendations of the Task Force are practical. They meet the requirements the Legislature established in last years' bill and include implementation measures that use a market-based economy approach to keep costs down. The recommendations are based on Alaska's existing oil spill response infrastructure and provide maximum flexibility for meeting the requirements. The work of the Task Force has already fostered private sector initiatives that significantly increase the resources that will be brought to bear on a spill. Alliances between ship agents, stevedoring companies and spill-response cooperatives are now being explored to meet response needs and a new Marine Exchange that covers all of Alaska is being created.

The members of the Task Force were extremely attentive to the proceedings and assimilated a tremendous amount of information during their tenure. All meetings were very well attended and the level of dialogue was frank, constructive and productive. After

careful and thorough consideration of all ideas and requests brought before them, they achieved a *unanimous* consensus to support 31 recommendations.

The Task Force also exhaustively reviewed the legal issues and meticulously identified what elements should be contained in regulation and what should be contained in statute. The bill you have before you is the end result of this detailed process and it is the Task Force's recommendation that it be adopted without amendment, recognizing that the legal nuances and details have all been agreed to and an enormous amount of effort has gone into its formation.

Overall, the bill is simple and straightforward in its approach. It fundamentally makes SB 273, passed by the Legislature last year, effective while including enabling language to support regulations detailing how it will be implemented. These regulations have effectively been negotiated through the Task Force proceedings, and will be drafted consistent with the recommendations contained in the report.

The cooperation between industry, state representatives and lawmakers to develop recommendations that are practical, reasonable and economic is a tribute to the Task Force members. The work provides a foundation for enhanced spill prevention and response preparedness thereby ensuring that our State resources and economy are adequately protected for future generations. In the end the Task Force has successfully completed the work requested by the Legislature and has produced, through unanimous consent, a report, HB 55 and recommendations for rulemaking that outline an acceptable

means by which they will participate in the states oil spill safety net. I am very pleased to have been a part of this process. Speaking for the Department of Environmental Conservation, I can say that we support the passage of HB 55 and offer our assistance as your deliberations move forward.

I would also like to acknowledge the significant time and costs invested by the Task Force members to participate in the process. The Task Force recommendations are in the interest of all Alaskans and will help protect Alaska's natural resources and make our spill response programs the best in the world.

I would at this time introduce Brian Rogers who was the Task Force Facilitator and Paul Fuhs who was the Task Force Technical Support Contractor. Mr. Breck Tostevin, Assistant Attorney General assigned to this bill is also available on teleconference. Mr. Rogers will now give you an overview of the Task Force Report and a sectional review of HB 55. Following that we are all available for questions.

Thank you for your time.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 55 (TRA)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Envir. Conservation
 Title: Oil Discharge Prevention: Nontank Vessels/RR BRU: Spill Prev. & Response
 Component: Industry Prep. and Pipeline
 Sponsor: Rules
 Requester: Transportation Component Number: 1922

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	59.7	232.5	232.5	119.4	119.4	119.4
Travel	3.5	14.0	14.0	7.0	7.0	7.0
Contractual	7.5	28.8	26.8	13.7	13.7	13.7
Supplies	0.4	1.8	1.8	0.8	0.8	0.8
Equipment	6.9	21.0	1.2	0.6	0.6	0.6
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	78.0	297.7	276.1	141.5	141.5	141.5

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1052 OHSRPRF - Prevention Account	78.0	297.7	276.1	141.5	141.5	141.5
TOTAL	78.0	297.7	276.1	141.5	141.5	141.5

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	1	2	2	2	2	2
Part-time	0	0	0	0	0	0
Temporary	0	2	2	0	0	0

ANALYSIS: (Attach a separate page if necessary)
 Funding is from the Oil and Hazardous Substance Release Prevention and Response Fund's Prevention Account.

Funding and staffing needs are based on the assumption that approximately 500 contingency plan applications covering more than 900 vessels and the Alaska Railroad will be submitted for approval under the new requirements. This is based on the number of financial responsibility applications that have been submitted by the same operators under existing law. It is assumed that the vast majority of reviews will be done under the "streamlined" process, but each operator has the option of submitting a more detailed individual plan to meet the requirements. Assuming about 480 streamlined applications and 20 individual plan reviews, staff will be reviewing approximately 500 plans every three years (165 plans per year), with corresponding drills and verifications at the facilities covered by the legislation on an annual basis. CONTINUED ON NEXT PAGE

Prepared by: Larry Dietrick Phone 465-5255
 Division: Spill Prevention and Response Date/Time 2/9/01 9:00 AM
 Approved by: Kurt Fredriksson Date 2/9/01
 Agency: DEC

For distribution information, call the Governor's Legislative Office



STATE OF ALASKA
DEPARTMENT
OF
ENVIRONMENTAL CONSERVATION



FACSIMILE TRANSMITTAL COVER SHEET

Department of Environmental Conservation
Division of Statewide Public Service
410 Willoughby Avenue, Suite 105
Juneau, Alaska 99801-1795

TRANSMITTAL DATE: _____

TO: Juniper Lukas Phone Number: _____

ATTN: _____ Fax Number: - 4882

FROM: Mary Susky PHE Phone Number: (907) 465-5350

Fax Number: (907) 465-5362

Fax Number: (907) 465-5164

Total Number of Pages, Including this Cover Sheet: _____

COMMENTS:

Alaska State Legislature

House of Representatives



Transportation Committee

Rep. Kohring, Chair
Rep. Masek, Vice-Chair
Rep. Kapsner
Rep. Kookesh
Rep. Ogan
Rep. Scalzi
Rep. Wilson

To: Representative Mulder, Chair
House Finance Committee
Representative William, Chair
House Finance Committee

From: Representative Kohring *AK*
Chair, House Transportation Committee

Date: February 7, 2001

Re: HB 55, Oil Discharge Prevention: Non-Tank Vessels/Railroad

Yesterday, the House Transportation Committee passed HB 55 out to the next committee of referral with the fiscal note prepared by the Department of Environmental Conservation. During the hearings, I expressed my concerns that more DEC employees would be hired and that the DEC budget would increase.

The fiscal note shows that the funding source is the Oil/Hazardous Fund. Legislative financial analysts provided fund balance projections for the next few years (attached). DEC concurred with the projections. The projections show the fund to be steadily decreasing. **However, the projections did not include the fiscal note impacts.** Therefore, the cost of HB 55 will cause the Fund to decrease at a faster rate.

I am requesting that the Finance Committee to reduce the Department of Environmental Conservation budget each year by amount equal to the annual expenses shown in the HB 55 fiscal note. This will result in a "net zero impact."

<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>
78.0	297.7	276.1	141.5	141.5	141.5

The purpose of keeping the SPAR budget at the same level is to ensure that the "470 Fund" remains healthy. It would be unfortunate if the 470 Fund would be depleted at a faster rate due to HB 55, inadvertently impacting other SPAR programs.

cc: House Transportation Committee Members

HB 01

TONY KNOWLES
GOVERNOR
governor@ gov.state.ak.us

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 12, 2001

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

To continue our efforts to protect and enhance Alaska's natural resources, I am transmitting this bill authorizing the commissioner of the Department of Fish and Game to award grants for habitat restoration activities.

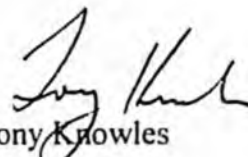
Under this bill, the commissioner would have express authority to directly award grants to restore and improve fish and wildlife habitats in Alaska. Current law necessitates the department to channel money through other agencies which causes delay and adds considerable administrative cost.

An increasing amount of federal funding is available to restore fish habitat and passage. We have many opportunities to use these funds, particularly in the more developed areas of the state. Many of these opportunities are found on private land on some of Alaska's most productive fish streams, such as the Kenai River.

Since the inception of the Kenai River 50/50 Cost Share project in 1995, the department has approved 160 projects to rehabilitate some 9,600 feet of riverbank and protect more than 15,700 feet of the Kenai River. But more money could have been directly targeted to these projects if we did not have to pay the U.S. Fish and Wildlife Service its 11 percent administrative cost for channeling these funds to the state. Direct grant authority for the department will eliminate the need to use the federal agency in this way.

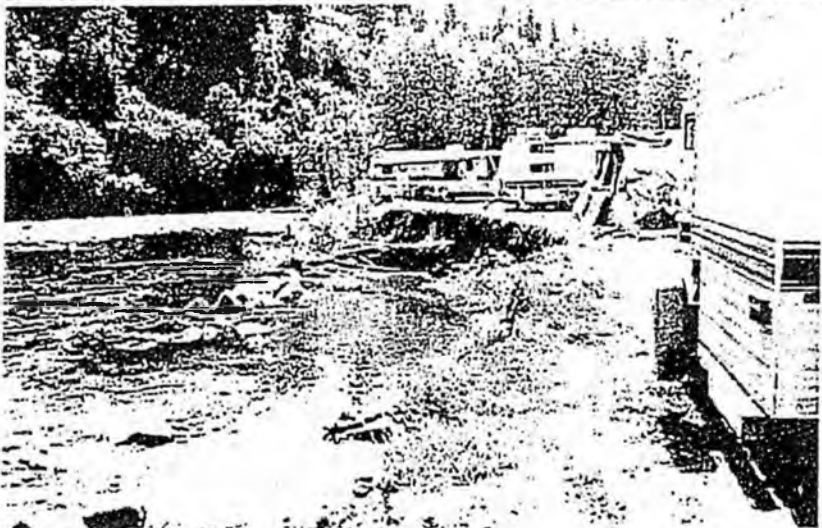
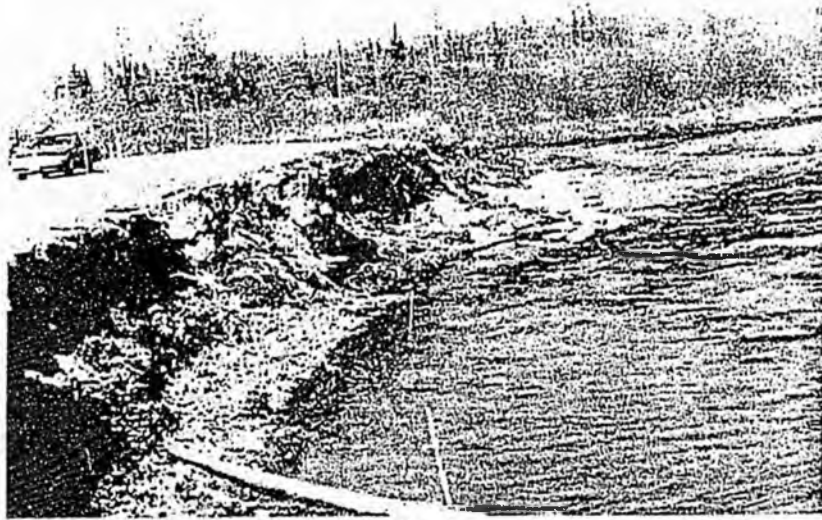
This legislation provides a more cost-effective way to continue efforts on private and public land to rehabilitate, improve, and protect Alaska's valuable fish and wildlife habitats. I urge your prompt and favorable action on this measure.

Sincerely,



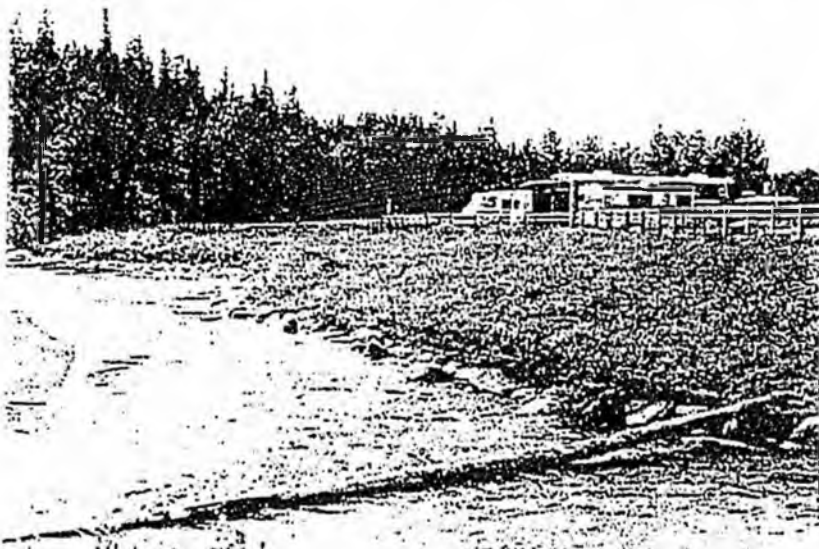
Tony Knowles
Governor

Deep Creek, Alaska



Pre-Project

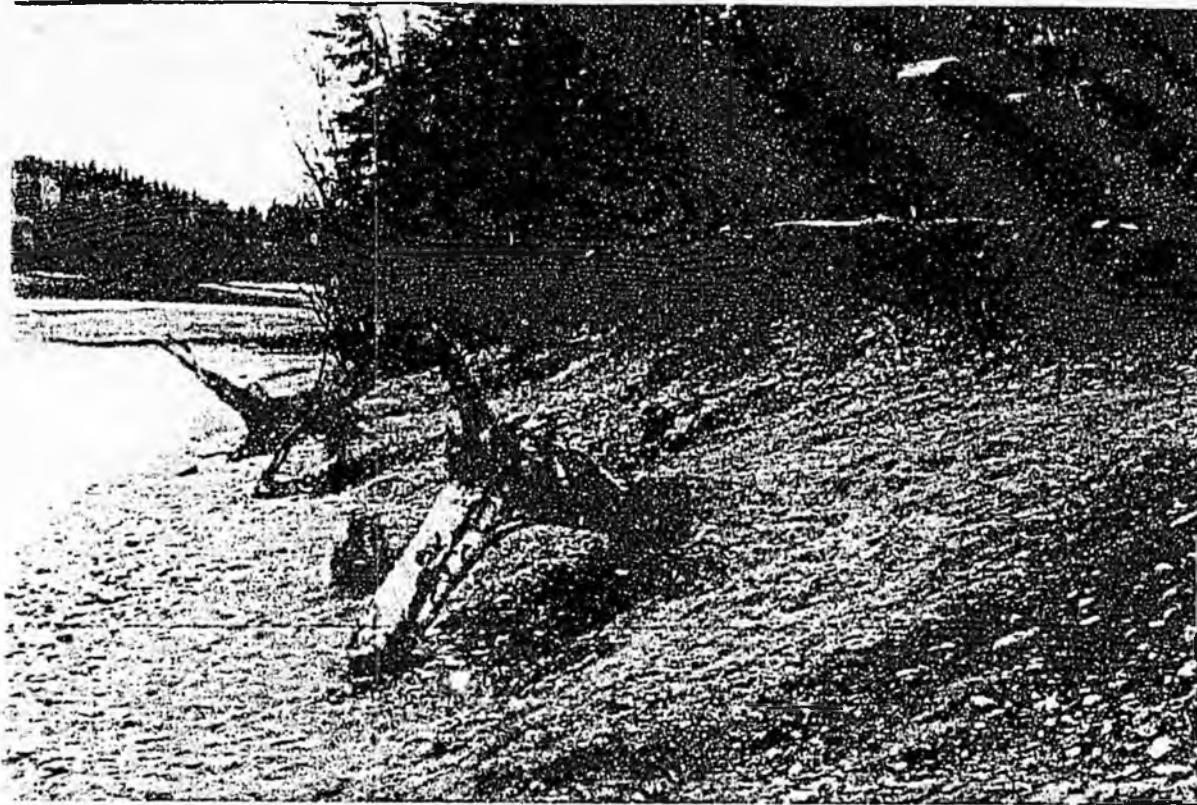
Pre-Project



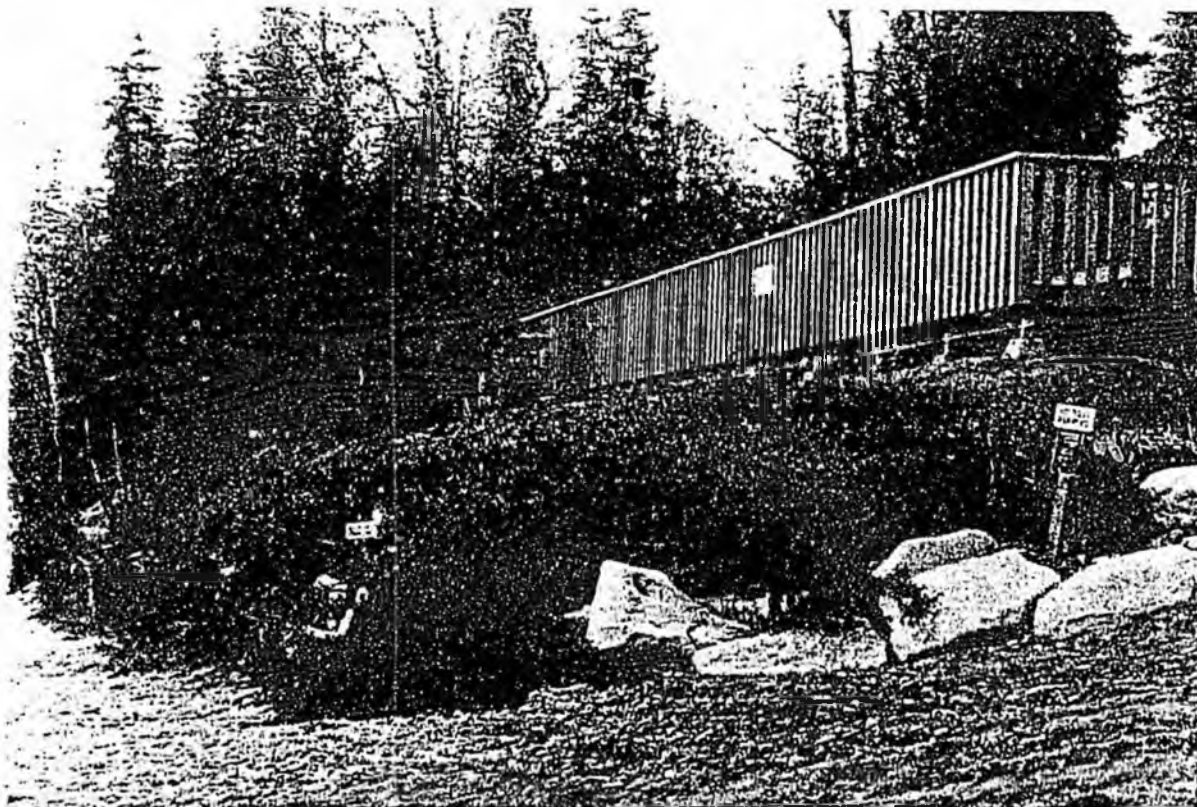
Post-Project

Post-Project

RIVERBEND CAMPGROUND

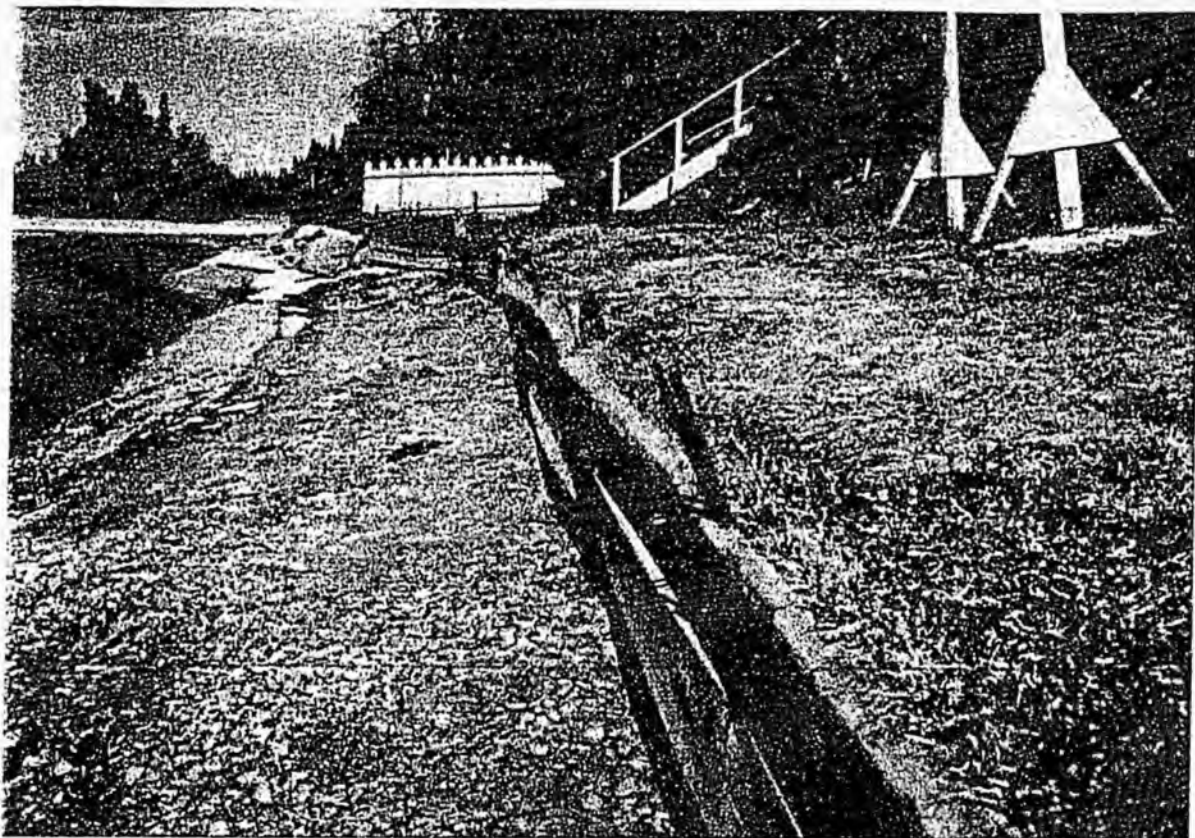


Riverbend project prior to bank rehabilitation (May 1995).

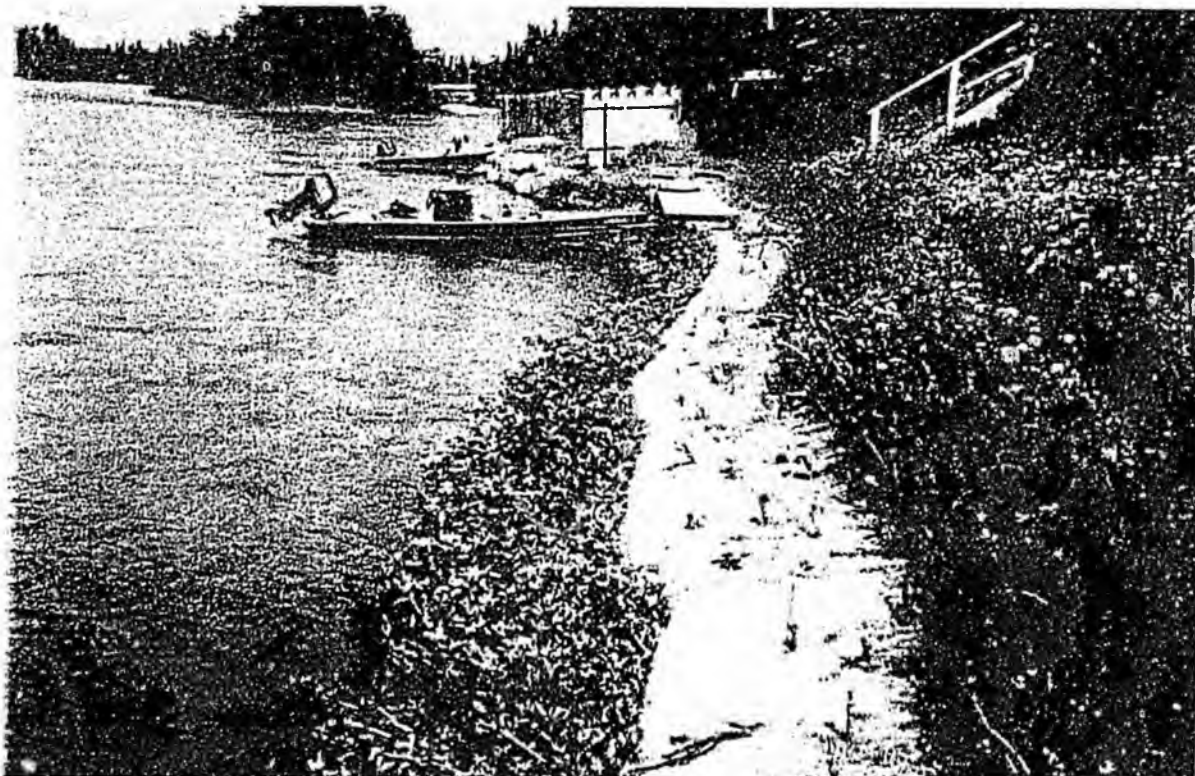


Riverbend project after bank rehabilitation (June 1995).

The Riverbend site was constructed in 1995 and replaced 400 feet of heavily impacted riverfront, that was devoid of riverbank vegetation and instream cover, with 400 feet of rootwad bank stabilization. The newly stabilized vegetated bank survived the flood waters of the fall of 1995, only 4 months after installation of the project.



Gerhke project before the rehabilitation project. (May 1999).



Gerhke project after rehabilitation project. (July 1999)

The Gerhke project was funded in 1999 and replaced 200 feet of dilapidated creosote bulkhead, that was detrimental to the production of juvenile salmon, with 200 feet of brush layered bank stabilization that provides bank complexity and overhanging vegetation.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Frank Rue Commissioner

Public Communications

P.O. Box 25526

Juneau, Alaska 99802-5526

Phone (907) 465-6166, Fax (907) 465-2332



News... For Immediate Release, July 31, 2000

Joint Press Release: Alaska Department of Fish and Game, USDA Forest Service, Environmental Protection Agency, Alaska Department of Environmental Conservation.

ADF&G Tongass Roads Report Released

Culverts Appear Inadequate for Fish Passage on Most Streams

The Alaska Department of Fish and Game (ADF&G) just released a report indicating that 66 percent of the culverts across salmon streams on the Tongass National Forest may be inadequate for fish passage. Eighty-five percent of the culverts across trout streams may also be inadequate.

Adequate fish passage requires that the weakest swimming fish present can pass both ways through the culvert at all flow levels. While some culverts may be complete barriers to both adults and juveniles, many may only restrict movement of juvenile fish during periods of high stream flow.

Ken Taylor, DF&G Director for the Habitat and Restoration Division, said that, "From my perspective, culverts may be restricting habitat use and therefore production of salmon and other fish. The Forest Service is taking action to address these problems, and we might have more fish after the problem culverts are fixed. We are trying to expand this effort to state and private roads in order to do everything we can to increase fish production in Southeast Alaska."

Tom Puchlerz, Forest Supervisor for the Tongass National Forest, said, "Fish and water quality are one of our highest priorities on the Tongass. We have spent over 2 million dollars to address this problem with culverts in the last couple of years and we have 1.5 million budgeted for culvert replacement next year. Coincidentally, restoring fish passage and water quality on the Tongass National Forest will provide construction jobs in rural Southeast Alaska. We appreciate the work of our cooperating agencies and collectively we hope to have these culverts corrected as soon as possible."

The report represents a 3-year cooperative effort between several state and federal agencies. Alaska's Fish and Game and Environmental Conservation Departments have been working with EPA and the Forest Service to identify and correct fish passage problems on the Tongass. Most of the roads in the Tongass Forest were evaluated during the multi-agency study, and evaluation of all roads will be completed next year.

-More-

While the 1997 Tongass National Forest Plan raised fish passage standards for culverts and other crossing structures, many of the culverts were installed under the old Tongass Forest Plan standards that did not include adequate provisions for juvenile fish.

"We look forward to working with the other agencies to finish the assessment next year, and to fixing the problem culverts over the next five to ten years," said Marcia Combes, EPA's Alaska Director. "Our mutual goal is to restore this important public resource and to ensure full compliance with the Clean Water Act."

Air and Water Quality Division Director for DEC, Tom Chapple, stated, "DEC is pleased to have been able to provide funds through a Clean Water Act grant for this important fish passage and water quality issue. Now that we know where the fish passage concerns are, efforts can be directed at restoring them. This effort is an outstanding example of state and federal cooperation in an area that affects all Alaskans."

Copies of the "Tongass Road Condition Survey Report" are available at the Alaska Department of Fish and Game Regional Office in Douglas. Reports will soon be available at state and Southeast community libraries and on the ADF&G website <http://www.state.ak.us/adfg/adfghome.htm>.

For more information contact:

Lana Flanders, ADF&G, 907-465-4287

Larry Meshew, Tongass NF, 907-228-6269

Chris Meade, EPA, 907-586-7622

###

EXECUTIVE SUMMARY

The Tongass Road and Stream Crossing Project and associated work were conducted by the USDA Forest Service (FS) and the Alaska Department of Fish and Game (ADF&G) over the past three years. ADF&G's participation was partially funded with funds from the State's federal grant under Section 319 of the Clean Water Act. This project evaluated fish passage and sources of sediment from non-point source pollution along 60% of the miles of permanent (system) roads on the Tongass National Forest in Southeast Alaska. The remaining 40% of the permanent roads, as well as all of the temporary roads, on the Tongass will have the road condition survey completed in 2001.

This comprehensive monitoring effort initially developed a protocol to collect and analyze data related to fish passage and non-point source pollution control. Then the FS and ADF&G jointly inspected all stream crossings and sources of sediment along 2153 miles roads. There were 273 anadromous fish stream culverts and 622 resident fish stream culverts evaluated for fish passage. Preliminary results indicate that 66 percent of the culverts across anadromous streams (FS' Class I streams) are assumed not to be adequate for fish passage (a total of 179 culverts). Eighty-five percent of the culverts across resident fish streams (FS' Class II streams that naturally do not support anadromous fish) are assumed not to be adequate for fish passage (a total of 531 culverts). Adequate fish passage requires that the weakest swimming fish present in a watershed can pass upstream and downstream through culverts at all flow levels when that species would be likely to pass the same point in the stream, absent the culvert. The above results rely heavily on assumptions regarding swimming capability of juvenile fish and estimated stream flow. While some culverts may be complete barriers to both adults or juveniles, many of the culverts on anadromous streams identified in this report as assumed not to be adequate for fish passage most likely only restrict the movement of juvenile salmonid fish.

Velocity is the most common cause of fish passage restriction in culverts. If a culvert is installed at too steep a gradient or the culvert width is significantly narrower than the streambed width, the water velocity will be increased within the culvert. Very slight changes in the slope of the culvert and the roughness of the substrate within the culvert may significantly change velocity and the ability of fish to pass through the culvert during all of the times of year when they normally move upstream or downstream. Other frequent causes of fish passage problems include perching of the culvert outlet above the water surface, blockage by excessive substrate or woody debris within the culvert and structural damage to the culvert. In most cases, multiple factors interact to restrict fish passage.

The resulting database will be used to maintain historical information on roads, identify existing and potential risks to fish habitat and passage, and prioritize and estimate the costs of needed road maintenance and fish habitat restoration. The FS has been using the data from this collaborative project to identify needed fish habitat restoration work. The data has already helped them obtain an additional \$500,000 in annual road maintenance funds for the Tongass for the past two years.



Alaska Salmonid Biodiversity Program

January 30, 2001

Regarding the Alaska Legislature's resolution to oppose inclusion of Alaska national forests in the Roadless Area Conservation rule: The Alaska Salmonid Biodiversity Program of Trout Unlimited urges that before demanding new forest roads, repair damage from the old.

Nationwide, roads are the greatest source of fish habitat loss in our national forests. The Forest Service estimates it would cost about \$8-10 billion to fix and properly maintain its badly-deteriorated-440,000-mile road system. The failure to pay the true costs of timber harvest sacrifices future fish production.

Alaska is the world's largest producer of wild salmon and the major reservoir of salmon genetic diversity. In contrast, nearly three quarters of the stocks in the Columbia River Basin have been extirpated or are at some level of risk. In the last 100 years, wild salmon abundance in the Pacific Northwest and California has declined 90 percent on average for all species! On the Pacific coast of the United States alone, salmon have been lost from 40 percent of their one-time range, and stocks are threatened or endangered in another 27 percent. Nonetheless, the status of Alaska's salmon—particularly the populations of the smaller stocks that are not significant to commercial fisheries—is relatively unknown. For instance, of the approximately 9,300 spawning aggregates that have been identified in Southeast Alaska (compared to a total of a mere 435 spawning aggregates for all of Washington), only 10 percent have sufficient data to analyze escapement trends—whether escapement has been increasing, stable, or declining.

In Alaska and the Pacific Northwest, salmon have been affected by logging roads, especially in areas of high rainfall: Water running off of poorly designed and poorly maintained forest roads into the streams causes siltation that smothers salmon-spawning areas and kills insect populations essential to salmon rearing. Runoff also increases stream velocity, which in turn erodes the stream banks, destroying natural stream channels, and raises water temperatures, all of which combine to diminish salmon production.

Road culverts in particular are a major threat to salmon in the Tongass National Forest. After several years, the Forest Service in cooperation with Alaska Department of Fish and Game completed the Tongass-wide fish passage assessment survey last year. The draft survey analysis tentatively concludes that nearly 82 percent of the culverts (244 of 301 culverts) in anadromous fish streams impede passage of juvenile salmon under certain conditions.

The decrease in salmon production due to loss of freshwater habitat is further compounded by poor ocean conditions. The ocean survival of many salmon populations is forecast to be significantly lower in the next two decades than during the last two because of the natural oscillation in sea surface temperature—exacerbated by global warming. Consequently, with a less productive ocean, the existing damage to spawning and rearing areas caused by forest roads could drive some salmon populations to extinction.

Extirpation or depletion of salmon populations could affect some subsistence fisheries. Recent litigation by tribes to force the State of Washington to fix culverts is indicative of the importance salmon-dependent communities place upon habitat restoration. By the State of Washington's own estimate, the economic return from fisheries resulting from fixing the culverts would far outpace the cost of the work.

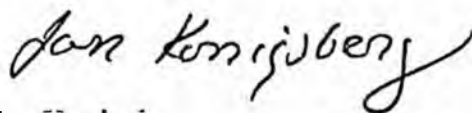
Similarly, the estimate for repairing the culverts in the Tongass is at least \$20 million.

This restoration would be an economic boon to Southeast Alaska, good for the environment and crucial to salmon production, upon which the long-term economy of the region depends. Therefore, before new roads are to be built, logic would dictate that the best thing for Southeast Alaska's economy and environment would be to repair the damage from the old roads.

The State of Alaska ought to be as eager to litigate to restore productive salmon habitat in the Tongass as it is to prevent the application of the roadless rule there. Those who advocate construction of new roads should pledge no expenditures for new roads until the existing ones are fixed. Moreover, if new forest roads were to be built, the State of Alaska should demand no net loss of habitat from road construction—just as British Columbia now requires.

Finally, for the record, Trout Unlimited supports the Forest Service's Roadless Conservation Policy. A poll by the Theodore Roosevelt Conservation Alliance—whose members include the Rocky Mountain Elk Foundation, Wildlife Forever, the Wildlife Management Institute, and Trout Unlimited—showed that 84 percent of hunters and 86 percent of anglers "supported efforts by sportsmen to keep the remaining roadless areas in national forests roadless."

Respectfully submitted,



Jan Konigsberg
Director

HB

63

22-GH1070C
Utermohle
3/7/01

CS FOR HOUSE BILL NO. 63(RES)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY THE HOUSE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic application for and issuance of licenses, permits, and tags**
2 **issued by the Department of Fish and Game; relating to violations regarding a license,**
3 **permit, or tag applied for or issued electronically; and providing for an effective date."**

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

5 *** Section 1.** AS 16.05.340 is amended by adding a new subsection to read:

6 (h) Notwithstanding (a) - (g) of this section, the commissioner may increase
7 the fees set out in this section by not more than \$3 to pay the fees and compensation
8 that are due under AS 16.05.390(h) to an agent who contracts under AS 16.05.380(b)
9 to provide services for the acceptance and processing of applications for and the
10 issuance of licenses, permits, or tags described in this section in electronic format.

11 *** Sec. 2.** AS 16.05.360 is amended by adding new subsections to read:

12 (c) Notwithstanding (a) of this section, the commissioner may establish a
13 system for accepting and processing applications for and issuing licenses, permits, or
14 tags in electronic format if

1 (1) before issuing licenses, permits, or tags in electronic format, the
2 commissioner

3 (A) obtains the concurrence of the commissioner of public
4 safety; and

5 (B) determines that issuance in electronic format is in the
6 state's best interest;

7 (2) the system requires

8 (A) the submission of the information required by the
9 commissioner under (a) of this section;

10 (B) that the applicant have a current and valid identification
11 card at the time of application and during the use of the license, permit, or tag
12 and provide in the application information regarding the identification card; for
13 purposes of this subparagraph, an identification card must bear the photograph
14 of the applicant to be valid;

15 (C) the agreement of the applicant to

16 (i) allow the commissioner or the commissioner's agent
17 to verify the information supplied on the application; and

18 (ii) carry an identification card as described in (B) of
19 this paragraph when the license, permit, or tag is being used and to
20 produce the card and any paper license, permit, or tag issued if
21 requested by a peace officer or by another person authorized by the
22 commissioner;

23 (D) that, if a paper license, permit, or tag is issued, the license,
24 permit, or tag be signed by the holder in order for the license, permit, or tag to
25 be valid;

26 (E) a notice on the application, and on the paper license,
27 permit, or tag if issued, that the provisions and penalties of AS 11.56.210 and
28 AS 16.05.420 apply to a false statement or material omission in the application
29 or on the paper license, permit, or tag if issued.

30 (d) The commissioner of fish and game and the Department of Public Safety
31 may adopt regulations to interpret or implement their respective duties in this section.

1 (e) In this section,

2 (1) "electronic" includes transmissions through the Internet, electronic
3 mail, a toll-free telephone number, or other means using telephone lines or
4 communications between electronic computing devices;

5 (2) "identification card" means a card issued by a state or federal
6 agency or other organization designated by the Department of Public Safety for the
7 purposes of identifying the holder of the card.

8 * **Sec. 3.** AS 16.05.380 is amended by adding a new subsection to read:

9 (b) In accordance with AS 36.30, the commissioner may enter into a contract
10 to provide for the acceptance and processing of applications for and the issuance of
11 licenses, permits, and tags in electronic format under AS 16.05.360.

12 * **Sec. 4.** AS 16.05.390 is amended by adding a new subsection to read:

13 (h) Notwithstanding (a) - (g) of this section, an agent who contracts with the
14 commissioner under AS 16.05.380(b) to accept applications and to issue licenses,
15 permits, and tags in electronic format and to collect related fees on behalf of the
16 department is entitled to only the fees and compensation set by the contract. The
17 terms of payment, transmittals, reports, and other matters regarding the agent shall be
18 established by the contract.

19 * **Sec. 5.** AS 16.05.420 is amended by adding new subsections to read:

20 (d) For purposes of this section, "application" includes statements or other
21 recorded information transmitted by an applicant in order to apply electronically for a
22 license, permit, or tag under AS 16.05.360.

23 (e) If requested by a peace officer or other person authorized by the
24 commissioner, a person who states that a license, permit, or tag was issued in
25 electronic format under AS 16.05.360 shall

26 (1) immediately produce a current and valid identification card as
27 required by AS 16.05.360; and

28 (2) provide complete and correct information to the officer or other
29 person about the status and validity of the license, permit, or tag that was issued in
30 electronic format.

31 * **Sec. 6.** AS 16.05.420(e), added by sec. 5 of this Act, takes effect on the date of the

1 determination by the commissioner of fish and game under AS 16.05.360(c)(1)(B), added by
2 sec. 2 of this Act, that issuance of certain licenses, permits, and tags in electronic format is in
3 the state's best interest. The commissioner of fish and game shall notify the revisor of statutes
4 and the lieutenant governor of the date of the determination.

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HOUSE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/16/01

Referred: House Special Committee on Fisheries, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to electronic application for and issuance of licenses, permits, and tags**
2 **issued by the Department of Fish and Game; relating to violations regarding a license,**
3 **permit, or tag applied for or issued electronically; and providing for an effective date."**

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

5 *** Section 1.** AS 16.05.340 is amended by adding a new subsection to read:

6 (h) Notwithstanding (a) - (g) of this section, the commissioner may increase
7 the fees set out in this section by not more than \$3 to cover any additional costs to the
8 department of contracting for the services to provide the application for and issuing of
9 licenses, permits, or tags described in this section in electronic format.

10 *** Sec. 2.** AS 16.05.360 is amended by adding new subsections to read:

11 (c) Notwithstanding (a) of this section, the commissioner may establish a
12 system for accepting and processing applications for and issuing licenses, permits, or
13 tags in electronic format if

14 (1) before issuing licenses, permits, or tags in electronic format, the

*Clarify that
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1 commissioner

2 (A) obtains the concurrence of the commissioner of public
3 safety; and

4 (B) determines that issuance in electronic format is in the
5 state's best interest;

6 (2) the system requires

7 (A) the submission of the information required by the
8 commissioner under (a) of this section;

9 (B) that the applicant have a current and valid identification
10 card at the time of application and during the use of the license, permit, or tag
11 and provide in the application information regarding the identification card; for
12 purposes of this subparagraph, an identification card must bear the photograph
13 of the applicant to be valid;

14 (C) the agreement of the applicant to

15 (i) allow the commissioner or the commissioner's agent
16 to verify the information supplied on the application; and

17 (ii) carry an identification card as described in (B) of
18 this paragraph when the license, permit, or tag is being used and to
19 produce the card and any paper license, permit, or tag issued if
20 requested by a peace officer or by another person authorized by the
21 commissioner;

22 (D) that, if a paper license, permit, or tag is issued, the license,
23 permit, or tag be signed by the holder in order for the license, permit, or tag to
24 be valid;

25 (E) a notice on the application, and on the paper license,
26 permit, or tag if issued, that the provisions and penalties of AS 11.56.210 and
27 AS 16.05.420 apply to a false statement or material omission in the application
28 or on the paper license, permit, or tag if issued.

29 (d) The commissioner of fish and game and the Department of Public Safety
30 may adopt regulations to interpret or implement their respective duties in this section.

31 (e) In this section,

1 (1) "electronic" includes transmissions through the Internet, electronic
2 mail, a toll-free telephone number, or other means using telephone lines or
3 communications between electronic computing devices;

4 (2) "identification card" means a card issued by a state or federal
5 agency or other organization designated by the Department of Public Safety for the
6 purposes of identifying the holder of the card.

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8 (b) In accordance with AS 36.30, the commissioner may enter into a contract
9 to provide for the acceptance and processing of applications for and the issuance of
10 licenses, permits, and tags in electronic format under AS 16.05.360.

11 * **Sec. 4.** AS 16.05.390 is amended by adding a new subsection to read:

12 (h) Notwithstanding (a) - (g) of this section, an agent selected by contract with
13 the commissioner under AS 16.05.380(b) to accept applications and to issue licenses,
14 permits, and tags in electronic format and to collect related fees on behalf of the
15 department is entitled to only the fees and compensation set by the contract. The
16 terms of payment, transmittals, reports, and other matters regarding the agent shall be
17 established by the contract.

18 * **Sec. 5.** AS 16.05.420 is amended by adding new subsections to read:

19 (d) For purposes of this section, "application" includes statements or other
20 recorded information transmitted by an applicant in order to apply electronically for a
21 license, permit, or tag under AS 16.05.360.

22 (e) If requested by a peace officer or other person authorized by the
23 commissioner, a person who states that a license, permit, or tag was issued in
24 electronic format under AS 16.05.360 shall

25 (1) immediately produce a current and valid identification card as
26 required by AS 16.05.360; and

27 (2) provide complete and correct information to the officer or other
28 person about the status and validity of the license, permit, or tag that was issued in
29 electronic format.

30 * **Sec. 6.** AS 16.05.420(e), enacted by sec. 5 of this Act, takes effect on the date of the
31 determination by the commissioner of fish and game under AS 16.05.360(c)(1)(B), enacted by

1 sec. 2 of this Act, that issuance of certain licenses, permits, and tags in electronic format is in
2 the state's best interest. The commissioner of fish and game shall notify the revisor of statutes
3 and the lieutenant governor of the date of the determination.

House Bill 63

Electronic Fish and Game Licensure

Sectional Analysis

HB-63 would allow vendors to sell Hunting and Fishing Licenses electronically. The Alaska Department of Fish and Game initiated an electronic format for the purchase of Hunting and Fishing Licenses in October 1999. The Department reports in item 3 of Section 69 of SB-281 PERFORMANCE MEASURES that during the first full year of this program it sold 8,414 licenses, tags and stamps, out of a total of 713,000 items sold, generating 3.2% of the Department's revenue. And that "With over 1,500 license vendors around the state, our Internet site quickly became the single largest 'store' (in terms of revenue) in only its first year of operation. The site has been well received by the public, and 2001 sales are expected to increase."

Section 1 of this bill would allow the Commissioner to charge up to \$3 in addition to the department's license fee to cover the cost of contracting with the vendor.

Section 2 allows the Commissioner to establish a system for this process.

Section 3 allows for the issuance of a license or tag to be made electronically. The Department currently accepts applications electronically, but issues licenses and tags through the mail. Several people who have obtained their licenses and tags this way report that they have only had to wait 2-3 days.

Section 4 ensures that the vendor may not collect fees greater than the cost incurred for their preparation for electronic sale.

Section 5 requires the licensee to produce valid identification if asked to do so by a peace officer or other person authorized by the Commissioner.

Section 6 allows the Commissioner to determine an effective date for the initiation of this process.

The Department is currently utilizing an electronic format for application of licensure that has generated public interest and revenue. Vendors are currently equipped to issue same day licenses in hard copy

Bill History/Action Display



BILL: HB 63

SHORT TITLE: ELECTRONIC FISH & GAME
LICENSURE

BILL VERSION:

SPONSOR(S): RLS BY REQUEST OF THE
GOVERNOR

CURRENT STATUS: (H) RES

STATUS DATE: 02/14/01

THEN FIN

HEARING: (H) RES Feb 21 1:00 PM CAPITOL 124

TITLE: "An Act relating to electronic application for and issuance of licenses, permits, and tags issued by the Department of Fish and Game; relating to violations regarding a license, permit, or tag applied for or issued electronically; and providing for an effective date."

[Full Text](#)

[Fiscal Notes](#)

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/16/01	0096	(H) READ THE FIRST TIME - REFERRALS
01/16/01	0096	(H) FSH, RES, FIN
01/16/01	0096	(H) FN 1: ZERO(DFG)
01/16/01	0096	(H) GOVERNOR'S TRANSMITTAL LETTER
02/14/01	0314	(H) FSH RPT 3DP 1NR
02/14/01	0314	(H) DP: COGHILL, SCALZI, WILSON; NR: DYSON
02/14/01	0314	(H) FN1: ZERO(DFG)
02/14/01	0314	(H) REFERRED TO RESOURCES

[Similar Subject Match](#) or [Exact Subject Match](#)

[DATA PROCESSING](#)
[FISH & GAME \(BOTH\)](#)
[LICENSING](#)

Bill Root:

[Display Bill Root](#)

**BASIS HAS BEEN RE-PROGRAMMED THIS YEAR
TO REPORT PROBLEMS WITH BASIS INQUIRY**

[Return to Basis Main Menu \(22 Legislature\)](#)

[Return to Legislature Home Page](#)

TONY KNOWLES
GOVERNOR
governor.a.gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

January 12, 2001

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:


Since the beginning of my Administration, state agencies have increasingly moved into the high technology age. It is now common for agencies to use electronic means to interact with the public, whether it be to renew a driver's license, check the status of a permanent fund dividend application, or offer up-to-the-minute election results.

The bill I transmit today is yet another effort by the state to make it easier for the public to conduct business with state government through electronic media. Building upon the Internet application process currently in place for applying for a fishing or hunting license, it will lay the groundwork for the state to eventually issue paperless licenses.

A process allowing fishers and hunters to apply for and receive licenses, permits, or tags electronically should reduce paperwork for the public and the state while building a better, more efficient system for license management. This expedited process will improve fish and wildlife law enforcement efforts by making the online license data file available immediately.

I urge your prompt and favorable action on this measure.

Sincerely,


Tony Knowles
Governor

HB 63





Alaska Department of
Fish and Game

Online Licensing and Drawing Permits

Welcome to the Alaska Department of Fish and Game's website. Please review the following instructions before purchasing your license/tag/stamp or applying for a permit online.

Best if viewed with Netscape or Internet Explorer 4.0 or above.

1 Please have the following information available:

- Valid  or  credit card and expiration date
- Valid mailing address
- Social Security Number In compliance with Federal Welfare Reform Act and AS 16.05.330(e) and AS 09.50.020(b)

2 Complete the online application.

3 If you are purchasing a license or tag:

- Allow 2 weeks for delivery
- Note: You cannot hunt, fish, or trap without a valid license in your possession.

Updated Information:

Please consult ADF&G [fishing regulations](#) and [hunting regulations](#) for information about big game tags, bag limits, closures, registrations permits, harvest tickets, guide requirements, and other information concerning the taking of game in Alaska.

Attention Permit Applicants

The online winter application period for drawing permits was November 1, 2000 through December 6, 2000. Applicants can find information concerning drawing permit results at the [Wildlife Conservation Information Management](#) home page.

[Click here to purchase online](#)

- [Winter Drawing Permit Information](#)
- [Licensing Frequently Asked Questions](#)

- [License Purchase Instructions](#)
- [General Licensing Information](#)
- [Hunting and Fishing License Prices](#)
- [Tag Prices](#)
- [Commercial Crewmember License Prices](#)

Any questions, problems, comments, or suggestions please [email us](#).

All information provided online, or through a vendor, **except** Social Security Number and credit card information is subject to public disclosure.



maintained by: licenseweb@fishgame.state.ak.us

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Last Revised August 21, 2000

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 63
 (H) Publish Date: 1/16/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title: Fish and Game electronic licensing BRU: Administration and Support
 Component: Administrative Services
 Sponsor: Rules Committee
 Requester: Governor Component Number: 479

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

POSITIONS

POSITIONS	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill provides for the electronic issuance of hunting and fishing licenses, tags and permits. This process is intended to be a convenience to the public and will complement the current paper system that will continue to be offered and account for the vast majority of sales. The state currently sells over 700,000 pieces of licensing stock annually, generating over \$20 million in revenue, and pays out approximately \$2 million in vendor compensation.

Any licenses sold by the state as a license vendor will result in the foregone vendor compensation remaining in the Fish and Game fund pending appropriation by the Legislature through the normal budget process. Any fees assessed by a vendor for providing electronic licenses are anticipated to be less than the amount currently paid out as vendor compensation. In the event that an electronic vendor, through a competitive solicitation process, charges more than the current allowance for vendor compensation, the bill allows for a fee of not more than \$3 to be assessed by the vendor.

Prepared by: Kevin Brooks Phone 465-5999
 Division: Administration Date/Time Jan. 5, 2001
 Approved by: Gordy Williams for Commissioner Frank Rue Date Jan. 5, 2001
 Agency: Department of Fish and Game

For distribution information, call the Governor's Legislative Office

HB

82

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB82
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Information/Data Mgmt.
 Component: Recorder's Office/UCC
 Component Number: 802

Revision Date/Time (Note if correction): _____
 Title: "An Act relating to agricultural facilities and operations as private nuisances...."
 Sponsor: Rep. Harris
 Requester: (H) JUD

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	19.2	19.2	19.2	19.2	19.2	19.2
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	19.2	19.2	19.2	19.2	19.2	19.2
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()	13.5	13.5	13.5	13.5	13.5	13.5

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	19.2	19.2	19.2	19.2	19.2	19.2
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	19.2	19.2	19.2	19.2	19.2	19.2

Estimate of any current year (FY2001) cost: none
 Check this box (X) if funding for this bill is included in the Governor's FY2002 budget proposal:

POSITIONS

Full-time						
Part-time	1	1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 82 includes a provision that would require a disclosure statement to be recorded in conjunction with conveyances of any interest in real property located within one mile of an agricultural facility. It places the burden on the person transferring the property to ensure that the disclosure is provided to the buyer and recorded with the conveyance document. This would serve to increase the recording volume throughout the state, but the actual volume increase cannot be ascertained at this time as there is no way of determining how many properties meet the criteria of being within one mile of an agricultural facility, and of them, how many might possibly be conveyed in any given year.

Prepared by: Sharon Young Phone 907-269-8882
 Division: Support Services Division Date/Time 29-Mar-01
 Approved by: Pat Pourchot Date 29-Mar-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)

Statewide, the Recorder's/UCC section records upwards of 30,000 deed transactions each year. For purposes of this fiscal note, it is assumed that 5 to 8 per cent of them might possibly fall within the scope of this bill, resulting in 1500 to 2400 additional recorded documents annually. This increase in volume would necessitate additional staffing equivalent to one half-time position. The additional revenue generated by the volume increase is not expected to be sufficient to cover the added staffing cost. Historic staffing levels have averaged approximately 4500 documents per full time employee annually. Volume for a half-time position would be 2250 documents. If each disclosure statement is two pages in length and is attached to an existing document, the revenues generated by 2250 such statements would be \$13,500 (2250 x 2 pages x \$3 per page). Therefore, the \$13,500 in new program receipts revenues would not offset the added personnel costs of \$19,200, and the difference of \$5,700 would have to come from existing general fund program receipt revenues that are collected above the regular appropriation level.

The bill also would amend AS 40.17.110 to indicate that if the document being recorded is a disclosure statement under AS 34.70.300, it must comply with the requirements of that section. Recorders do not monitor any documents for content, and all documents of any type are entitled to recordation if they meet minimum statutory recording requirements. DNR cannot determine if the addition to 40.17.110 is there for the purpose of documenting for the benefit of the user the other substantive legal requirements that such a document must meet in order to be valid, or whether it is intended to modify our basic recording requirements. If the provision is there as a modification of our recording requirements, the Recorder's/UCC section would strongly urge its removal. Recorders cannot police any types of documents for substantive legal validity.

Overall, HB 82 is not anticipated to have much impact on the Recorder's Office operations. The numbers utilized for purposes of this fiscal note are estimates only. Actual conveyances requiring the disclosure statements could vary significantly from those estimates.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 82
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Minerals, Land & Water Dev.
 Component: Land Sales /Muni Ent.
 Component Number: 2456

Revision Date/Time (Note if correction): _____
 Title: Agricultural Facilities and Operations
 Sponsor: Rep. HARRIS, James, Coghill, Whitaker, et.al.
 Requester: H JUD

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	25.0	25.0	25.0	25.0	25.0	25.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	25.0	25.0	25.0	25.0	25.0	25.0

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

CHANGE IN REVENUES ()	see note	see note	see note	see note	see note	see note
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	14.9	14.9	14.9	14.9	14.9	14.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
1153 Land Disposal Income Fund	10.1	10.1	10.1	10.1	10.1	10.1
TOTAL	25.0	25.0	25.0	25.0	25.0	25.0

Estimate of any current year (FY2001) cost: None
 Check this box if funding for this bill is included in the Governor's FY2002 budget proposal: []

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The disclosure requirement in Section 4 of the bill will add costs to all disposals of state land. Every time the state proposes to lease, sell, transfer, or exchange state land, DNR staff will need to determine the location of agricultural operations and facilities, map where they are, and figure out if the state disposal is within one mile. If the agricultural facility or operation is within one mile of a state land sale, DNR will need to factor the disclosure into the appraisal, include it in the brochure, sale contract, and deeds, and then record the disclosure. This will add several more steps every time the state disposes of land.
 The disclosure requirement applies to all "transfers of real property", including land sales, timber sales, oil and gas leases, municipal land transfers, and numerous other real property disposals by the state. The definitions of agricultural facility and operations are so broad as to include commercial greenhouses in Anchorage, and horse barns on the Anchorage Hillside.

Prepared by: Bob Loeffler Phone 269-8600
 Division: Mining, Land and Water Date/Time 04-Apr-01
 Approved by: Pat Pourchot Date 04-Apr-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SSHB 120
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Dept. of Public Safety
Title: National Crime Prevention & Privacy Compact BRU: Statewide Support
Sponsor: Representative Coghill Component: Criminal Records & ID
Requester: House Judiciary Component Number: 1190

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

DPS will amend regulations governing criminal record dissemination. This will be done with existing resources.

Prepared by: Kenneth Bischoff Phone 465-4336
Division: Administrative Services Date/Time 4/3/01 12:00 AM
Approved by: Commissioner Glenn G. Godfrey Date 4/3/01
Agency: Department of Public Safety

For distribution information, call the Governor's Legislative Office



ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 513, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sectional Analysis
Proposed CS for HB 82 (version "P")

Sec. 1 – amends current AS 09.45.235 [Actions Relating to Real Property] to protect agricultural facilities and agricultural operations from becoming “private nuisances” due to changing land uses in the area surrounding an existing agricultural operation. This section also clarifies the time at which an agricultural operation began and thus gained protection by the section. The CS deletes a requirement that the operation has to have been going for more than three years to gain protection. Finally, this section ties the protection to the fact that the operator has a valid farm conservation plan on file with the local soil and water conservation district.

Sec. 2 – adds “illegal” conduct of agricultural operations to the list of acts that are not covered by the protection afforded in AS 09.45.235(a).

Sec. 3 – amends the definition section of AS 09.45.235 to separate “agricultural facility” from “agricultural operation,” and provide further definitions of activities that fall under each of those headings.

Sec. 4 – amends AS 34.70 [Disclosures in Residential Real Property Transfers] to require that a disclosure statement, accompanying the transfer of real property, contain a provision that notifies transferees (buyers) of the real estate that they are responsible to determine if there is an agricultural facility or operation in the vicinity of the property they are buying.

Sec. 5 – amends AS 40.17 [Recording in Public Records] to clarify that documents recorded under the provision of Section 4 must comply with the requirements of that section.

Sec. 6 – applies the disclosure requirements of Sec. 4 and 5 to real estate contracts on property within one mile of an agricultural facility or operation. The CS changes “real property” to “residential or recreational property.”

Sec. 7 – gives instructions to the revisor of statutes.



ALASKA STATE LEGISLATURE
REPRESENTATIVE JOHN HARRIS
STATE CAPITOL 110, JUNEAU, ALASKA 99801-1182 (907) 465-4859

Sponsor Statement
Right-to-Farm Bill

The State of Alaska has invested millions of dollars in the development of its natural resources, both renewable and nonrenewable. Fishing, timber and agriculture are our basic renewable resources, and the Legislature has endeavored to enhance these for future generations. The Right-to-Farm bill seeks to protect and enhance Alaska's agricultural sector.

With the export of potatoes and carrots from Alaska, and the increasing local demand for fresh vegetables, hay, barley, milk, pork and beef, we can see agriculture "taking root and growing" in many diverse locations across the state. Yet, as the state's population grows and urban areas expand, we see a corresponding need to protect our interest in agriculture.

Many farmers have already had some experience with an encroachment on their right to farm. As urbanization swallows up farming areas, oftentimes the newcomers don't like the smells of agriculture – or the chemicals – or the sounds – or the animals.

The Right-to-Farm bill would add some protection to existing agriculture operations and put new property buyers on notice if the property they are acquiring is within one mile of a farm or agricultural operation. This also protects the new property owners through full disclosure that should keep them from getting into a situation that will become unpleasant to them later on.

People who move to the country need to know what they are getting into. And it appears that other areas of the nation – where urban sprawl is creating a bigger problem than we have experienced yet in Alaska – are taking action to protect existing agricultural operations and avoid unnecessary lawsuits.

The "Code of the West" is a small pamphlet adopted by many counties around the Western U.S. and distributed to prospective property buyers. It basically says that if you want to move to the peaceful countryside, you must be willing to accept that cows poop, hay balers make noise late into the night, farmers use chemicals, tractors drive slower than you do, and so forth. And most importantly that these activities were going on before you moved there, and will continue to go on after you arrive.

**SPONSOR
STATEMENT**

The Right-to-Farm bill takes the innovative approach of coupling a farmer's grandfathered right to continue his agricultural activities to the filing and maintaining of a farm conservation plan with the U.S.D.A. Soil and Water Conservation Service. Expansion of operations or other changes to the conservation plan would not necessarily be grandfathered in regard to existing rights of surrounding property owners.

Alaska has the opportunity to place protections in statute now – both for the farmers and the new property buyers – so that future agricultural operations will be able to supply the foodstuffs Alaskans will need.

Bill History/Action Display



BILL: HB 82

SHORT TITLE: FARM
OPERATIONS:DISCLOSURE/NUISANCES

BILL VERSION:

SPONSOR(S): REPRESENTATIVE(S)HARRIS, James,
Coghill, Whitaker, Masek, Ogan, Green, Meyer, Dyson

CURRENT STATUS: (H) RES

STATUS DATE: 04/06/01

HEARING: (H) RES Apr 09 1:00 PM CAPITOL 124

TITLE: "An Act relating to agricultural facilities and operations as private nuisances; and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation."

Full Text

No Fiscal Notes Available

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
01/19/01	<u>0130</u>	(H) READ THE FIRST TIME - REFERRALS
01/19/01	<u>0130</u>	(H) JUD, RES
01/22/01	<u>0147</u>	(H) COSPONSOR(S): GREEN
02/07/01	<u>0269</u>	(H) COSPONSOR(S): MEYER
03/20/01	<u>0670</u>	(H) COSPONSOR(S): DYSON
04/06/01		(H) JUD RPT CS(JUD) NT 5DP
04/06/01		(H) DP: KOOKESH, COGHILL, MEYER, JAMES,
04/06/01		(H) ROKEBERG
04/06/01		(H) FN1: (DNR)
04/06/01		(H) FN2: (DNR)
04/06/01		(H) REFERRED TO RESOURCES

Similar Subject Match or Exact Subject Match

AGRICULTURE

DISCLOSURE

FOOD

HATCHERIES

LAND

LIABILITY

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR



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DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE
1800 GLENN HIGHWAY, SUITE 12
PALMER, ALASKA 99645-6736
PHONE: (907) 745-7200
FAX: (907) 745-7112

X NORTHERN REGION OFFICE
3700 AIRPORT WAY
FAIRBANKS, ALASKA 99709-4699
PHONE: (907) 451-2780
FAX: (907) 451-2751

PLANT MATERIALS CENTER
HCO4 BOX 7440
PALMER, ALASKA 99645-9706
PHONE: (907) 746-4469
FAX: (907) 746-1568

February 23, 2001

Mr. Pete Fellman
Legislative Assistant
Representative John Harris
State Capitol 513
Juneau, AK 99801-1182

Dear Mr. Fellman:

Per your request, the requirements for State Farm Conservation Plans are provided below.

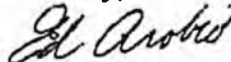
AS 38.05.321 (d)(1) is the statutory authority that allows the State to require Farm Conservation Plans for agricultural land that it sells. The State has used this authority in every State agricultural land sale and has required a Farm Conservation Plan for every parcel sold.

The information that is required in a State Farm Conservation Plan is outlined in 11 AAC 67.180. The Plan must include:

1. A map of the farm indicating:
 - a. The planned location of clearing and breaking of ground.
 - b. Planned location of windbreaks, farm pond and similar conservation measures and improvements.
2. Planned soil conservation measures.
3. A plan for burning any clearing debris, including any vegetation that has previously been chained-down.
4. All real property improvements must be depicted and described in the Plan.

If you need additional information, please feel free to contact this office.

Sincerely,



Ed Arobio
Regional Manager

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Editorials & Opinion : Thursday, May 27, 1999

Go east, young urbanite, but remember the Code



Susan Nielsen

I CAN picture it now. Husband and wife make one last trip to Pottery Barn before fleeing Seattle for the country life in Eastern Washington.

No more traffic, they exult. No more crowds jostling for space. Just think, honey, acres and acres of farmland dotted with the sweetest Holstein cows you've ever -

HEY! What's that smell?

The commissioners of Spokane County are so tired of newcomers' complaints about manure and other rural indelicacies that they've printed a 20-page booklet for newcomers. "Code of the West," it's called, a polite reminder for displaced yuppies that, yes indeed, s--t happens.

"This document is not intended to dissuade you from living in the country," the introduction says, "but it is important for you to know that life in the country is very different from life in the metropolitan area."

Cows smell. Neighbors hunt. Snow stays unplowed. Welcome to the rural West.

This humble booklet is getting nationwide attention, and for good reason. It's not just about things that go moo in the night, but a whole philosophy of governing. It reminds that government can't, and shouldn't, perfectly tailor your environment.

Spokane actually borrowed most of its Code of the West from Larimer County, Colo. The Code

ARTICLES

is a pointed tribute to the pioneers who led the United States' westward expansion. These people were "rugged individualists," it says, "bound by an unwritten code of conduct. The values of integrity and self-reliance guided their decisions, actions and interactions."

Translation: This ain't no latte stand, pardner.

The Code of the West

(<http://www.spokanecountv.org>) briskly outlines scenarios that could require rugged individualism. Most of them are self-inflicted. For example, if you build your house deep in the arid forest, like Goldilock's wee cabin, it might burn down in a forest fire. Build it next to a farm, and your nocturnal sheep-counting may be accompanied by the bleating of crop dusters.

Other highlights:

-- "The fact that you can drive to your property today does not necessarily guarantee that you, your guests or emergency vehicles can achieve that same level of access at all times."

(If you have to upgrade your SUV to a Humvee to get up your driveway, don't come crying to Spo-kane County.)

-- "It is very important to know what minerals may be located under the land and who owns them."

(If you're planning a garden party, first be sure Sen. Slade Gorton hasn't approved an open-pit mine under your patio.)

-- "Agriculture is an important business in Spokane County. If you choose to live among the farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agribusiness neighbors."

(Yes, the cows poop and the dust-clouds billow and the flies are bigger than ping-pong balls. The county didn't mislead you. Martha Stewart did.)

For people who grew up in rural areas, it is inconceivable that someone would have the gall to complain about manure. For them, an errant whiff of cow produces a curious surge of nostalgia. It prompts memories of the dozen glorious smells of a working farm: sawdust, compost, hay, unpasteurized milk, tractor oil.

It is inconceivable, and yet people do. From Spokane to Snohomish to Clark County, the suburbs built next to farms are stuffed full of people indignant that their neighbors are acting like animals! My all-time favorite is a Snohomish County resident who railed so bitterly against a crowing rooster that the rooster-owner was charged with disturbing the peace.

The rooster-owner requested a jury trial. The Marysville City Council hastily created a Small Farms Ordinance - a short version of the Code of the West.

The number of complaints against farmers in King County for dust, noise and smells have dwindled over the years, though the acreage of farmed land has stayed roughly the same since 1979.

No wonder. The dairy farms are rapidly turning into hobby farms, which are disarmingly easier on the senses. Such farms foster a false sense of rural life - no mess, no fuss and a QFC around the corner. All the more reason for rural counties to be, uh, proactive with their newcomers.

The asphalt roads of Seattle, Bellevue and surrounding areas are full of people dreaming of escape.

In rush hour today, at least two drivers trapped in the I-90 tunnel considered abandoning their cars in the idling traffic and walking stolidly along the shoulder until they reached dirt.

Tonight after dinner, at least one urban couple will dream of retirement in a place like Spokane County. There, they say, everything will be perfect.

No more traffic, they muse. No more stress or rude surprises. Just think, honey, acres and acres of farmland dotted with the sweetest Holstein cows you've ever seen.

Susan Nielsen's column appears on Thursdays.

So this is what people with
social lives have been doing.



Datebook
Entertainment Guide



Farm Conservation Plan in Perpetuity

The 1997 statutory revisions to state agricultural land law in AS 38.05.321(d)(1), based upon the authority of AS 41.10, ~~might be~~ ^{be} understood as evidencing legislative intent to extend the FCP requirement to the generic class "state agricultural landowner", regardless of any landowner's/purchaser's specific status. If so, then the cited regulations 11 AAC 67.177 and .180 should have been modified appropriately. They were not, so continue to identity the FCP document exclusively with original or successive purchasers of state agricultural parcels from the state. (See 11 AAC 67.177 "...the farm conservation plan will be required as a condition of sale." and "...before consummation of the sale." and 11 AAC 67.177(c) advising that purchaser's bid deposit becomes forfeit if/when purchaser fails to provide/submit FCP timely). The state lacks authority or practical means to so intervene in private real estate transactions between sellers and buyers of patented agricultural parcels.

The essential question:

Given the effective insulation of private land transactions from state control, does any of Alaska's extant law and regulation authorize and require perpetuation of the state Farm Conservation Plan as condition of agricultural land ownership for subsequent purchasers following issuance of patent? If yes, how shall such control be effected?

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Successful Farming
Feb, 2000

When good fences don't make good neighbors.(laws and legal cases that affect farmers)(Brief Article)

Author/s: Cheryl Tevis

It takes more than a good fence to separate nuisance issues

It's been one year since Iowa's Agricultural Area Law was declared unconstitutional in the case of Bormann v. Board of Supervisors for Kossuth County.

The landmark 7-0 decision stated that ag areas or zones "amounts to a commandeering of valuable property rights without compensating the owners and sacrificing those rights for the economic advantage of a few."

The case was appealed to the U.S. Supreme Court, which allowed the ruling to stand.

Farm organizations railed against the ruling, predicting the demise of right-to-farm laws in all 50 states. Rural neighbors gained hope that they would have more clout in the courts.

Today neither outcome prevails. Nuisance lawsuits have been filed in New York, Michigan, Utah, Kansas, Nebraska, and West Virginia.

Law upheld in Michigan

Last March, a judge upheld the constitutionality of the Michigan Right-to-Farm Act, ruling against neighbors fighting an expanded 4,000-head beef operation near Breckenridge.

"All evidence says that modern agriculture must grow to be competitive and economically viable," wrote Judge Randy Tahvonen. "The Stonemans' decision to consolidate and expand is financially prudent, financially sound and environmentally practical."

Under Michigan's act, Stoneman Cattle, Inc., operated by four brothers, adopted voluntary Generally Accepted Agricultural and Management Practices. The Stonemans were awarded \$77,338 in legal fees.

Legal authorities such as Neil Harl, Iowa State University, point out that this trial decision lacks the stature of Bormann, which was an appellate decision. The case has not been affirmed by an appeal.

Two neighbors in nearby Alganssee Township, Michigan, recently won a lawsuit against a hog producer, using a township zoning ordinance prohibiting creation of dust, noise, and odor that leaves property lines. Michigan's law requires farmers to comply with town-ship ordinances to gain protection.

As a result, House File 4777 and S. 205 have been introduced to stop township

ordinances from preempting state or federal laws.

Distinctions are important

"Iowa law offered blanket protection from nuisance lawsuits, but Michigan's protection is based on following Generally Accepted Agricultural Management Practices," says Jack Laurie, Michigan Farm Bureau president.

Iowa still has two other laws containing nuisance protection for live-stock producers. "It's still not known how the Bormann case will affect these laws," says Roger McEowen, associate professor of ag economics, Kansas State University.

He argues that right-to-farm laws, enacted in the late 1970s and early 1980s to protect farmers from objections to odor, dust or noise, differ.

The "taking" argument in Bormann is based on the Fifth Amendment, providing that property not be taken for public use without compensation.

"Right-to-farm laws likely do not create a property right to produce odors over adjacent property," McEowen says. "I don't feel that these laws are in jeopardy."

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Metro

Published Sunday, June 28, 1998

Effects of farm preservation law are uncertain

Statewire

MADISON, Wis. (AP) -- A new law to protect farms against urban sprawl will cause only a minor shift of property taxes to homes and other nonagricultural real estate, a researcher says.

Municipal officials argue the law's provisions for shielding suburban farms against tax increases will force homeowners and nonagricultural businesses to pay higher property taxes.

The critics, who are challenging the law in court, also contend it unfairly means higher taxes for farmland in northern Wisconsin while providing tax breaks for land speculators in urban areas.

A Circuit Court trial in Madison is scheduled in August.

However, Phillip Spranger, an author of a study by the Wisconsin Taxpayers Alliance, says the law evidently will do what the state Legislature intended by reducing farm taxes with a "fairly minor snift to other taxpayers."

The tax assessment law is similar to farm-preservation statutes in 48 other states. It requires assessors to calculate real estate taxes in accord with a property's use.

This protects agricultural land against assessments for market-value increases that are caused by the approach of subdivisions, industrial parks and other commercial development.

The assessment system is being phased in over a 10-year period. If it were fully in effect this year, taxes on nonagricultural property would rise 1.2 percent while assessed farmland values would decrease 43.3 percent, the study says.

Edward Huck, executive director of the Wisconsin Alliance of Cities and a critic of the law, says the 1.2 percent increase "translates into a lot of money."

The study's calculation of farmland tax increases in 11 northern counties is a shock, Huck said.

The report says Douglas County, whose biggest community is Superior, would have a 79 percent increase in farmland values and a 74.5 percent increase in property taxes while the levy on other properties would fall 0.4 percent.

Other counties that would experience higher farm taxes are Ashland, Bayfield, Burnett, Forest, Iron, Price, Rusk, Sawyer, Taylor and Washburn, it says.

A reason for higher farmland assessments may be the acreage has not been assessed at market value, Sprange said.

Milwaukee, Waukesha and Kenosha counties in the southeast would have large reductions in farm taxes.

Milwaukee County leads the state with a predicted decrease of 83 percent in property value and an 82.9 percent drop in farm taxes.

There would be no shift in tax burden, however, because the county already has little agricultural acreage remaining, the study says.

Southwestern counties would experience the greatest shift in tax burdens to nonfarm property, led by Lafayette County with an estimated 20.2 percent shift, followed by Iowa, Grant and Green counties.

" The shift is misleading, however, since these counties are heavily agricultural, " the report says.

While the law is designed to preserve farmland and suburban greenery, it doesn't prevent farmers from selling to developers if the price is right, Spranger said.

Farmers in Kenosha County, which borders the Illinois state line, sold land at an average \$6,665 an acre in 1996, he said. Farmland in Dane County, whose main city is Madison, sold for an average \$3,601 an acre.

" Just because farmers will be paying lower taxes doesn't mean it's going to remove pressure to sell to another use. " Spranger said. " The money is incentive alone to sell "

~~THE MONEY IS INSUFFICIENT TO USE.~~

State Revenue Secretary Cate Zeuske calculated in October that the law's assessment guidelines can ease property taxes for 89 percent of Wisconsin's cropland and pasture land.

Beginning in January 1996, the law froze the assessment of farmland at 1995 fair market value through 1997 and now reduces it gradually by 2009.

Assessments for an estimated 13.5 million acres are being geared to various factors including the type of crop, its average five-year price, the richness of the soil, management expenses and even the weather.


A lawsuit filed by municipalities was dismissed last June by the Wisconsin Supreme Court. The court ruled there was not enough information about the case to make a decision on it.


A new Circuit Court challenge was filed Sept. 24 in Madison by the Huck's group, the League of Wisconsin Municipalities, the mayors of Milwaukee, Manitowoc, Menasha and West Bend, and four owners of farmland in Columbia and La Crosse counties.

In addition to the assessment law, a measure the Legislature sent Gov. Tommy Thompson earlier this year eases what farms must pay when sewers are constructed past their acreage to subdivisions and other commercial developments.

When farms have no need of the service, assessments are deferred until the property is used for nonagricultural purposes.

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Preserve our farming roots

Growth is an unavoidable fact of life throughout the United States and Alaska. For residents of the Matanuska-Susitna Borough, growth seems even more difficult to avoid as we welcome more and more people who decide to make their homes here.

With even more people come more jobs and economic opportunities — in retail, services and construction. And with growth, we seem willing to accept certain sacrifices — such as the loss of open and wild space.

But frequently enough, with the loss of open space, comes the loss of agricultural lands. Throughout the Lower 48, farm land is being consumed by development at an alarming rate. The economic benefits of such development often mask the disappearance of farm lands, hiding the real tragedy of the loss of farms to the community.

One needs only to look at California's Santa Clara Valley — better known now as Silicon Valley. Once an important center for agriculture in the United States, Santa Clara Valley produced fruits, vegetables and wine for consumption throughout the country. Looking out over the valley from the Calaveras hills, one could see thousands of acres, miles and miles, of orchards, truck farms and vineyards.

In the 1970s, the almond orchards began to give way to microchip plants, and now agriculture is all but a memory.

Few would argue that the computer revolution hasn't been a boon to life in America, or more specifically, Alaska, but Californians made a huge sacrifice when they exchanged the Santa Clara Valley for Silicon Valley.

Here in the fastest-growing region of Alaska, we see subdivisions paving over our open space again, and developers eyeing the Matanuska Valley's farmlands as attractive sites for new houses.

Agriculture has played a critical role in the growth of the Valley. It was the lure of agriculture that inspired President Franklin Roosevelt to bring hundreds of farming families here in the 1930s as part of the Colony project.

Farming continues to be a substantial player in the economy of the Valley, although it was long ago outstripped by retail and construction. Farming, many might argue, continues to feed the soul of Mat-Su, literally and figuratively.

So, with that ideal in mind, we applaud the recent introduction of Senate Bill 60 by Sen. Lyda Green. SB 60 seeks to preserve farmland in Alaska, by granting grandfather rights to already existing agricultural facilities, and by providing a process for mitigating potential conflict between development and farming.

Taking note of the conflicts that have developed between new homeowners and already existing farms in much of the United States, SB 60 directs developers and anyone else selling real property to warn potential home buyers about their proximity to nearby farms in plain, unromanticized language.

Farming is a smelly, noisy, dirty business; for some reason, that seems to come as a great surprise to those who are moving next door to a farm for the first time. Lawsuits often develop, and often enough, it's the farmer — who was there first — who loses.

SB 60 will prevent those conflicts from taking place here in the Valley.

In the end, we all win as a result.

A couple of recent articles in the *Alaska Hospital Association* and the *Alaska Journal of Law and Medicine* continue with unjust and unconvincing rulings and the ranting pretends to be calling for some attention.

I speak of the dubious ruling and the ever-perpetuating Bess (Spectrum, 1/22) in shots at the hospital board.

I dismiss Bess' pretense that he is a doctor. I stab at directors allegedly deserved benefits for their adherence to his conclusion, agenda anyway.

He wrote, "We need to get out of hospital politics, seek a solution for all factions in the area [and] elect the community experienced people to the board."

Whatever does he mean by "community experienced people"? Obviously his end goal is to reject "faction" on the board. And quick, too, before he ruins everything by privatizing the association. Then he will avoid providing abortion.

Maybe this reasoning is obvious to the rest of the "community" are of precise abortion policy falls under the category of "abortion" (Hence, I argue the pro-life position).

I understand the frustration. I am sure Mr. Bess and his supporters would love to see this along with the pro-life board and in the community going to happen. And I've seen them, there is no "common ground" sought either.

What Bess and his followers

Chuck Ledge
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