

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10405 HOUSE RESOURCES

New Diesel Fuel Regulations & Impact on Tribes and Rural Alaska

April 3, 2002

by Ron King



Alaska Department of Environmental Conservation

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Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Presentation Overview

- History
- Why are we here
- Options
- Pros and Cons
- Questions and Answers
- Closing Remarks

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Remember when...

- Cars switched from leaded gas to unleaded gas?

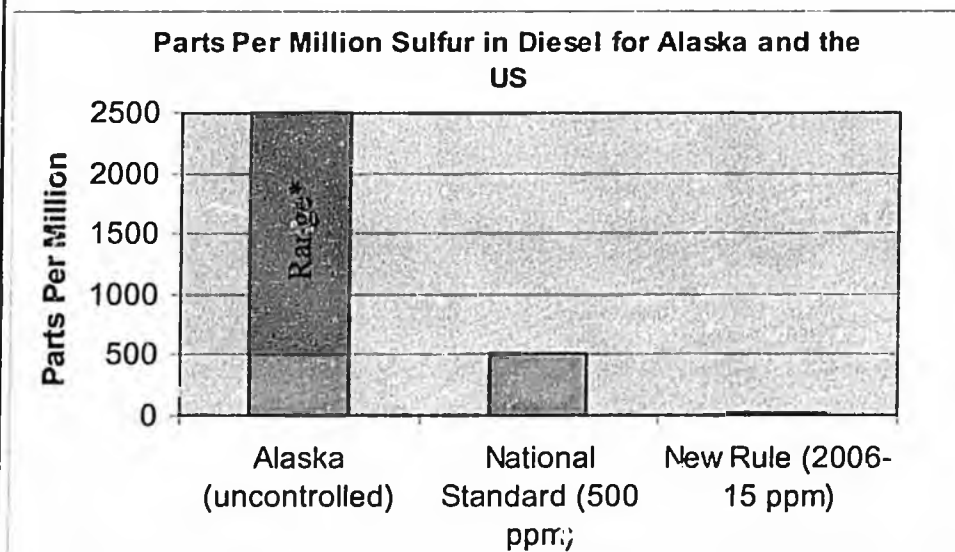
This time Alaska has a choice in how to implement a change!

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

History: The EPA Rule

- In 2001, EPA established a rule to reduce air pollution from large trucks and buses starting in 2007.
- New emission control equipment is required for model year 2007 diesel trucks.
- In 2006, diesel trucks and buses must start using diesel that has 15 parts per million (ppm) or less sulfur.
- We call this new fuel - ultra-low sulfur diesel.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan



* Based on available diesel fuel

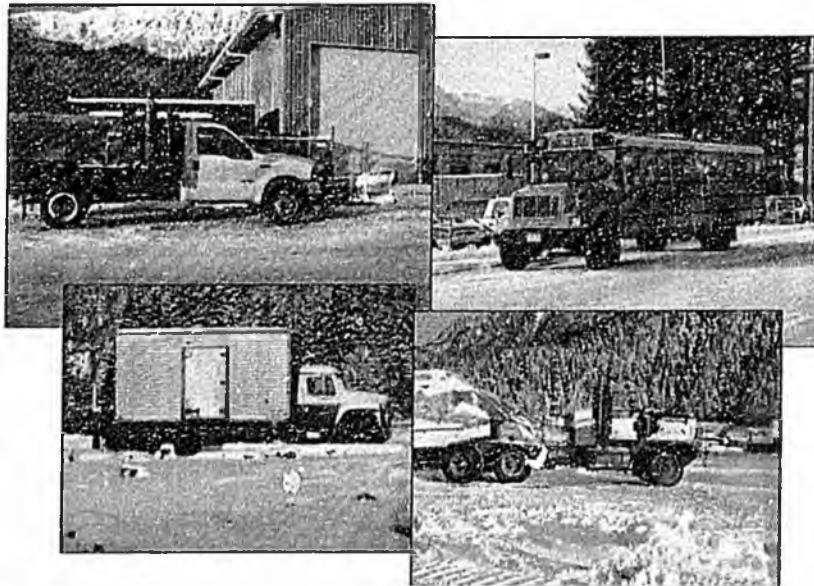
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History: Why is ultra-low sulfur diesel needed?

- New emission control equipment in model year 2007 diesel trucks will reduce air pollution.
- Sulfur is a contaminant found in diesel that can cause damage to these new emission controls.
- Use of ultra-low sulfur diesel is needed for correct operation of the new emission controls.
- Operators of 2007 heavy-duty diesel trucks must use ultra-low sulfur diesel or risk engine damage, loss of warranty, and federal penalties.

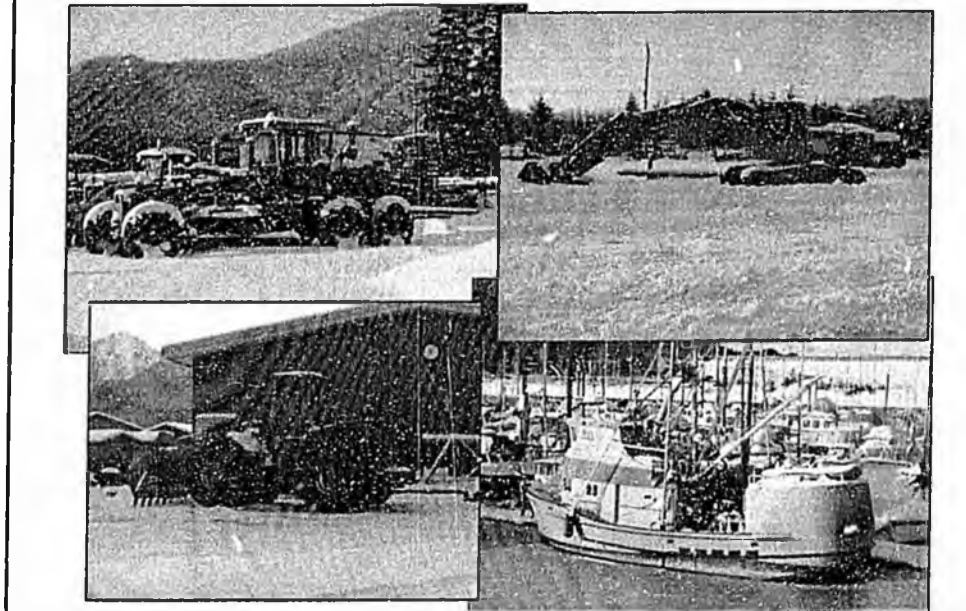
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Types of Vehicles Covered by the Rule



Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Types of Vehicles/Equipment NOT Covered by the Rule:



Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Why are we here today?

- The EPA is allowing Alaska to develop a different implementation plan
- We need your help
- We want to consult with and get recommendations from you on the best way to transition to ultra-low sulfur diesel fuel in tribal and rural Alaska.
- We want to provide information to you on the EPA rule

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Options

- National Plan
- Buy the 2007 or later diesel truck :
 - Buy the fuel for that truck
 - Buy the fuel for all the diesel vehicles
 - Buy the fuel for all diesel uses in the community
- Other options?

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Pros and Cons

- Air Quality
- Economic
- Distribution
- Truck Owner

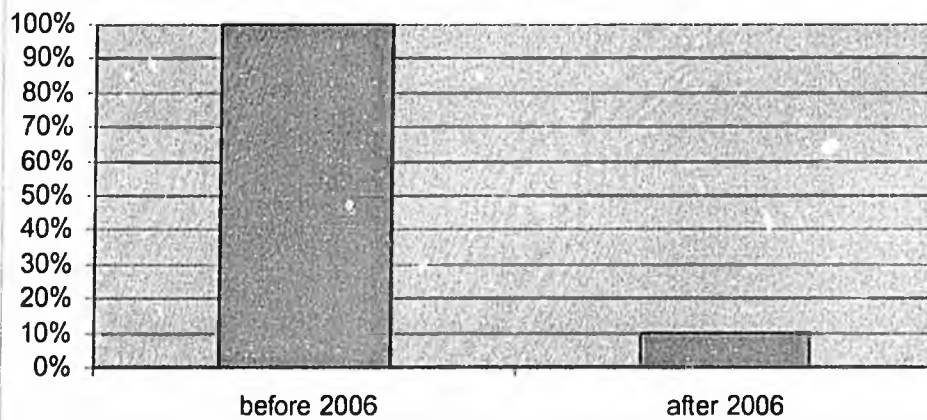
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Air Quality Impacts

- Using the new fuel will reduce air pollution from large trucks and buses.
- Air pollution may trigger asthma attacks, cause lung cancer, respiratory illness, or increased mortality.
- Air pollution can cause hazy skies.

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Percent Pollutant Reduction for Diesel Trucks and Buses



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Economic Impacts

- EPA estimates Ultra-low sulfur fuel may be \$0.05 per gallon more than the current cost of diesel in the Lower 48. In Alaska, this cost will probably be more.
- Costs to rural Alaska will likely be higher due to distribution challenges.
- Use of ultra-low sulfur diesel for uses such as home heating or power generation may increase costs to a community.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Distribution Impacts

- Transportation of fuel to rural Alaska poses unique challenges.
- May be difficult to find ultra-low sulfur diesel meeting arctic grade fuel requirements.
- Dual tank systems for separating ultra-low sulfur diesel from other fuels may be expensive.

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Truck Owner Impacts

- May be difficult to find ultra-low sulfur diesel meeting arctic grade fuel requirements.
- Operators of 2007 heavy-duty diesel trucks must use ultra-low sulfur diesel or risk engine damage, loss of warranty, and federal penalties.
- Use of ultra-low sulfur diesel in 2006 and older vehicles is not expected to cause problems.

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Communities We are Visiting

- | | |
|--------------|---------------------|
| • Kotzebue | January 28-29 |
| • Unalakleet | February 19-20 |
| • Nome | February 21-22 |
| • Barrow | February 25-26 |
| • Kodiak | February 28-March 1 |
| • Unalaska | March 4-5 |
| • Dillingham | ? |
| • Bethel | ? |

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

Questions?

Alaska Ultra-Low Sulfur Diesel Fuel Transition Plan

To Provide Comments or Get More Information Contact:

Clint Farr

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HJR

48

Sponsor Statement for HJR 48

Termination of Federal Land Withdrawals

"Relating to federal land withdrawals."

This House Joint Resolution encourages Congress to amend the public lands laws of the United States to provide a timely means of returning previously withdrawn public lands to fuller use.

Throughout much of the United States, especially the Western States and Alaska, the federal government has withdrawn land for various reasons. Withdrawn lands are then off limits to other selections and designations, e.g. State's right-of-way, State selection, mining claims, Native allotments, etc. Many federal withdrawals were for public purposes such as parks and refuges; others were withdrawn to give agencies the flexibility to consider proposed uses of the land; and still others have been withdrawn for seeming arbitrary political purposes. When federal land is withdrawn it is closed until the withdrawal is removed which in some instances requires an act of Congress. This creates the problem where land remains closed to entry even when the original purpose for the withdrawal has been accomplished or has lapsed.

In Alaska many of these federally withdrawn lands have been selected by the State of Alaska in accordance with the Alaska Statehood Act for transfer to become State-owned lands. Some of these lands in withdrawal status have high mineral potential. Other lands were selected for access corridors. In all cases, these State selected lands cannot be transferred, and Alaska loses opportunities.

HJR 48 requests that Congress amend our country's public lands laws so that the land withdrawals sunset in 10 years unless the agency responsible for managing the land provides Congress with a justification.

HJR 48 also requests that Congress require the federal land managing agencies to compile a comprehensive listing of the withdrawn lands under their jurisdictions to include (1) the exact geographical coordinates of the withdrawals, (2) the legal authority for the withdrawal, (3) the document establishing the withdrawal, and (4) the proposed disposition of the affected land and file a plan with Congress within one year defining how the withdrawals will be terminated. This requirement would extend to all agencies of the United States that manage public lands, as many departments and agencies are involved in land management, e.g. The Post Office, the Department of Agriculture, the Department of Defense, the Bureau of Land Management, the National Park Services, the Fish and Wildlife Service, etc.

The Alaska State Legislature urges Congress to amend the current public lands laws as HJR 48 provides.

Bill History/Action Display



BILL: HJR 48 SHORT TITLE:TERMINATION OF FED LAND WITHDRAWALS
 BILL VERSION:
 SPONSOR(S): RLS
 CURRENT STATUS: (H) RES STATUS DATE: 04/01/02
 HEARING: (H) RES Apr 08 1:00 PM CAPITOL 124 TELECONFERENCE

TITLE: Relating to federal land withdrawals.

No Fiscal Notes Available

Jrn-Date	Jrn-Page	Action
04/01/02	<u>2740</u>	(H) READ THE FIRST TIME - REFERRALS
04/01/02	<u>2740</u>	(H) RES
04/01/02	<u>2740</u>	(H) REFERRED TO RESOURCES
04/08/02	<u>Text</u>	(H) RES AT 1:00 PM CAPITOL 124

Similar Subject Match or Exact Subject Match
INTERGOVERNMENTAL RELATIONS
PUBLIC LAND
STATEHOOD ACT

Bill Root:

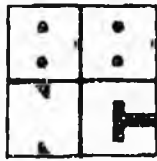


TO REPORT PROBLEMS WITH BASIS INQUIRY

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Bristol Bay Native Corporation

Enriching Our Native Way of Life

800 Cordova Street, Suite 200 / Anchorage, Alaska 99501-6299 / (907) 278-3602 / fax (907) 276-3924

VIA FACSIMILE: (907) 465-2819

April 8, 2002

Honorable Pete Kott
Alaska State House
Capitol Building
Juneau, Alaska 99801

Subject: Support for Joint Resolution 48, Relating to Federal Land Withdrawals

Dear Mr. Kott:

The Bristol Bay Native Corporation (BBNC) is one of the 12 regional corporations created by the Alaska Native Claims Settlement Act. BBNC is both a for-profit corporation and a quasi-social services organization. In addition to being tasked with paying increasingly larger dividends, we also are expected to create jobs for shareholders and to foster regional infrastructure development. Obsolete federal land withdrawals in our region are like a speed bump on our highway to economic prosperity.

A Canadian mining company was actively staking mining claims in the Bristol Bay region two years ago. When it came across a couple of archaic federal land withdrawals (PLO's 5179, 5180, and 5184, in particular), the company had no choice but to suspend its field activities. You are inherently aware that these withdrawals preclude any kind of economic development. We liken an obsolete withdrawal to a human appendix: it serves no purpose, but it has the potential to kill you. In our case, the PLO's mentioned above have already stifled staking activity in our region.

We believe that responsible development of our natural resources is a good thing. If we can get more staking and exploration activities in Alaska, we improve the chances of seeing another Red Dog or Fort Knox mine. Its high time that we restore many of the federally withdrawn land in Alaska back to the public domain so we can do our share to help Alaska's economy. It therefore follows that we whole-heartedly support the passage of House Joint Resolution No. 48.

Thank you for the opportunity to comment on this important legislation. If you have any questions, please call me at (907) 278-3602.

Sincerely,

Paul C. Roehl
Vice-President, Land & Resources



ALASKA MINERS ASSOCIATION, INC.

3305 Arctic #202, Anchorage Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9225 • www.alaskaminers.org

April 3, 2002

Honorable Pete Kott
Alaska State House
Capitol Building
Juneau, AK 99801

Re: House Joint Resolution 48, Relating to Federal Withdrawn Lands

Thank you for the opportunity to comment on House Joint Resolution 48 which requests that the Alaska Congressional Delegation introduce legislation that would require federal agencies to address the issue of obsolete federal land withdrawals.

All over Alaska, the western United States, and in fact, the United States as a whole, the agencies responsible for managing federal lands have at various times withdrawn parcels of varying size from entry, including entry under the general mining laws. Some of those withdrawals were to evaluate the lands for possible creation of parks or refuges. Other withdrawals were to give agencies the flexibility to consider other uses of the land. And other withdrawals may have been for political purposes.

Once in place, withdrawals are rarely removed, even if the purpose for the withdrawal no longer exists or the objective has been accomplished. On the contrary, a mishmash of withdrawal lands remain on the books. Although these withdrawals may have been "temporary", there is no provision in law for the leftover portions to be timely restored to public use.

Examples in Alaska of such temporary withdrawals include the TAPS pipeline corridor which withdrew a swath five or more miles wide across the state, pending resolution of the pipeline route. The excess withdrawal width was not terminated when construction was concluded, even though a one-mile wide corridor would be sufficient. Similarly, prior to ANILCA, a two mile wide corridor was withdrawn on each side of the Fortymile River for a wild and scenic river proposal. However, the final designation in ANILCA included only a one mile width. The remaining zone on each side of the river should have been restored to the public domain; however, the Bureau of Land Management has not done so. Hundreds of similar "temporary" withdrawals have been made across the country and little is being done to remove these encumbrances.

Many of the withdrawn lands in Alaska are covered by State selections as promised in accordance with the Alaska Statehood Act. Some of these lands have very high mineral potential and other lands are needed for access corridors. However, as long as the federal withdrawal remains in place, the land cannot be Tentatively Approved (TA'd) to the State.

We concur with HJR-48 that the first step is for the federal land managing agencies to compile a comprehensive listing of the withdrawn lands under their jurisdiction. This should include the legal

authority for the withdrawal, the document establishing the withdrawal, including the exact geographical coordinates of such withdrawal, and a map showing the parcel. There are so many withdrawals now in place that no one can readily tell where they all are or why they are there. The agencies would be required to provide this information and their plan for removal of the withdrawals that have not been removed by an Act of Congress and for which the purpose of the withdrawal no longer exists.

Also, the public lands laws of the United States should be changed so that withdrawals of public lands from entry, including entry under the mining laws of the United States, would terminate automatically if the withdrawals are not removed; unless the responsible land management agency provides Congress with a detailed justification for continuing the withdrawal and a proposed alternative date certain for its termination, such termination should occur without further legislative or administrative action on the later of either the tenth anniversary of the withdrawal or the tenth anniversary of the enactment of such a law,

Although agencies such as the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service are the entities which would be most directly affected by this legislation, it is noted that vast tracts of public lands are also managed by the Department of Defense, the Department of State and the U.S. Postal Service as well as other agencies; therefore, this initiative should not be focused on one or two federal Departments, but should extend to all agencies of the United States which manage federal public lands.

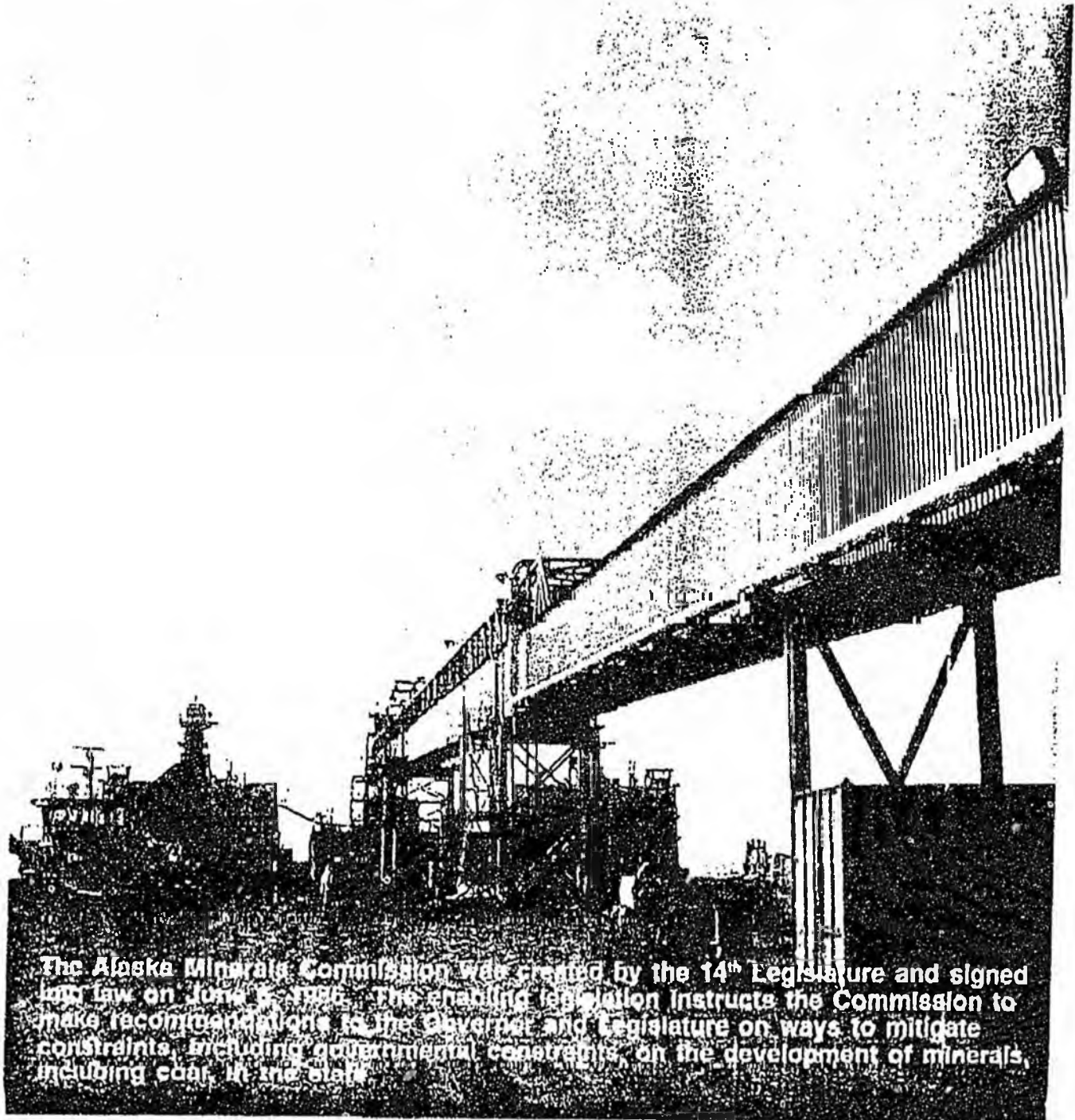
Thank you again for the opportunity to comment and we urge its passage at the earliest possible date.

Sincerely,



Steven C. Borell, P.E.
Executive Director

REPORT OF THE Alaska Minerals Commission



The Alaska Minerals Commission was created by the 14th Legislature and signed into law on June 5, 1966. The enabling legislation instructs the Commission to make recommendations to the Governor and Legislature on ways to mitigate constraints, including governmental constraints, on the development of minerals, including coal, in the state.

4.4) ACCESS AND INFRASTRUCTURE

The Governor and Legislature should encourage an efficient process for approval of permits for road, rail and powerline projects that would help develop Alaska's limited infrastructure. The Governor and the Legislature should ensure that after major projects work through a permitting process over an extensive period of time, there must be a rational way to bring closure to the process and issue a permit.

4.5) RESTRICTING THE USE OF MINERAL AIRSTRIPS

The Governor and the Legislature should direct the Division of Mining, Land & Water to amend the mining regulations so that when an airstrip is required for access to a specific mining operation, the Plan of Operations will allow the permit holder to restrict the use of the airstrip.

4.6) SCHOOL OF MINERAL ENGINEERING

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

PART B: FEDERAL ISSUES OF STATE CONCERN

1) DETAILED GEOLOGIC MAPPING

The Governor and Legislature should encourage the Congressional delegation to seek funding for the U.S. Geological Survey specifically for detailed mapping, including surficial and engineering, as well as bedrock geological mapping of the State of Alaska. Such funding should include cooperative programs between the University of Alaska, the Alaska Division of Geological & Geophysical Surveys and the U. S. Geological Survey.

* 2) RESOLUTION OF LINGERING WITHDRAWALS

The Governor and the Legislature should urge the Congressional Delegation to request an accounting of Congressional and Administrative withdrawals that no longer have any justification, and seek expedited agency review, transmittal to Congress, and Congressional action. Withdrawals that have the most immediate impact on other activity or commerce should be given priority.

3) ESSENTIAL FISH HABITAT

The Governor and Legislature should work with the Congressional Delegation to limit the authority of the National Marine Fisheries Service to marine waters, and leave management of anadromous fish within state waters to the Alaska Department of Fish & Game.

4) ANILCA PROVISIONS

The Governor and Legislature, through the Attorney General's office, the State's Washington office, and the Congressional Delegation should insist that the federal administration:

- a) Provide access across Conservation System Units (CSU) as required by Title XI of the Alaska National Interest Lands Conservation Act (ANILCA);
- b) Prohibit the creation of additional CSU lands in Alaska as required by Sections 101d and 1326b of ANILCA; and
- c) Exchange mineralized areas from existing CSU under the authority of Sections 103b and 1302h of ANILCA.



Issues of Concern to the Alaska Mining Industry for 2002

January 2002

It is the position of the Alaska Miners Association that:

FISCAL ISSUES

1. State Fiscal Policy - The Governor and Legislature provide effective funding for the minerals and permitting functions in the Department of Natural Resources, the Department of Community & Economic Development, and the Department of Environmental Conservation. That the State adopt a long range fiscal plan and a biannual budget cycle.

2. Annual Airborne Geophysical Mapping Program - The Legislature and the Governor continue the extremely effective program of State Investment in airborne geophysical mapping along with baseline water quality mapping.

3. Mineral Education - The Legislature continue to support the School of Mineral Engineering at UAF, and geoscience programs throughout UA at levels that will ensure continued accreditation, as well as the Delta Mine Training Center and the Mining and Petroleum Training Service (MAPTS).

4. AMEREF (Alaska Mineral & Energy Resources Education Fund) - The Legislature continue to support and fund the State's share of this program in the public schools.

LAND MANAGEMENT ISSUES

5. State Lands - The Governor and the Legislature support no net loss of multiple use policies and require that additions to any state parks, refuges, critical habitat areas, or other special restricted-use areas, or transfer of state land to federal ownership be made only if an equal acreage of other lands already having the same designation is released and the new area being designated is first evaluated for mineral potential.

6. Evaluation of State Land Selections - The Administration review and complete a new ranking of state-selected lands for transfer by the Bureau of Land

Management. Special emphasis must be given to high value resource lands and lands required for access rights of-way.

7. Land Transfers - Prior to any state land transfers to boroughs, land sales, or leases not required for resource development, require a detailed mineral evaluation, to include airborne geophysical survey, be completed to help ensure that mineralized lands or key access routes are not transferred.

8. New Federal Withdrawals - The Governor and Legislature oppose all new federal withdrawals, restrictions, roadless initiatives, Antiquities Act designations, etc. and fight vigorously against additional buffers or other restrictions to multiple use of federal lands in Alaska. The Alaska National Interest Lands Conservation Act (ANILCA) provides that "no more" federal land will be withdrawn for parks, preserves, monuments, wilderness designations, wild & scenic river designations, etc.

9. Lingering Federal Withdrawals - The State pursue removal of old federal withdrawals (where purpose for withdrawal has expired) which are blocking land transfers to the State.

10. Federal Land Use - The Governor oppose all attempts to further restrict multiple use and access as promised by ANILCA, e.g. roadless initiative, land plans, etc.

11. International Heritage & Biosphere Designations - The Governor vigorously oppose establishment of international parks, biosphere reserves, and world heritage sites, such as the Seward Peninsula, the Bering Sea, NPRA, and ANWR International designations would - 1) surrender partial sovereignty to the United Nations, and 2) forever eliminate access across the lands and waters (including existing federal conservation system units) for transportation, pipelines, powerlines, etc.

12. Federal Mining Law Issues - The Governor continue to oppose changes to federal law and regulations that would be adverse to Alaska miners.

ACCESS ISSUES

13. Roads, Railroads and Ports - The State: 1) develop new access roads and new railroads such as the Copper River Highway, 2) continue route selection for a railroad from the northwest Arctic to a deep water port on Norton Sound, and 3) support development of ports at Red Dog, Nome and elsewhere.

14. RS-2477 Rights-of-Way - The Governor and Legislature continue to systematically and aggressively pursue the rights of the State of Alaska regarding RS 2477 rights-of-way, both administratively and in the courts, and that the Legislature provide funding to ensure this is done. Without RS-2477s much of Alaska public lands will never have overland access.

15. Navigability - The Governor and Legislature continue to aggressively pursue the ownership of all navigable waters granted under the Statehood Act, including: quiet title to the North Fork and Mosquito Fork of the Fortymile River and the Black river; petitions for quiet title on all state waters where the federal government asserts reserved water rights or any management authority over navigable waters.

OTHER ISSUES

16. Non-Profit Foundation Money - Legislation be enacted to require reporting whenever funds from out of state 501(c)(3) foundations are given to Alaska non-profits, to include name of the non-profit, amounts and purpose for which the moneys are given.

17. Water Quality - The State continue to review and revise water quality standards to ensure: 1) they are scientifically and technically supportable, 2) they are developed using Alaska-specific criteria, and 3) they are sufficient to protect water quality and support

State implementation. That the State utilize third party contractors where possible while maintaining a core staff of State employees to manage the effort.

18. Air Quality - The State clarify and simplify the air quality regulations. That the State utilize third party contractors where possible while maintaining a core staff of State employees to manage the effort.

19. Flexible Work Schedules - Legislation be enacted to allow employees in all resource industries, not just the current 17 exemptions, the opportunity to work shifts longer than eight hours without the overtime requirement until 40 hours is worked in a single week.

20. Regulations - The State and local governments base regulations on sound science. That regulations be promulgated in a timely fashion.

21. Jones Act - Because Jones Act vessels for bulk mineral shipments are not available, the Governor and Legislature should petition Congress to amend the Jones Act to allow in state and interstate shipment of bulk mineral resources on non-Jones Act vessels.

22. Permitting - The Administration and Legislature continue to work toward reducing the cost and time for state agency decisions on proposed projects.

23. Airfield Liability - Legislation be enacted to limit the liability of persons who, in good faith, maintain or upgrade an airfield.

For further information on the above issues or for information regarding exploration and mining in Alaska please contact:

Steven C. Borell, P.E.
Executive Director
Alaska Miners Association, Inc.
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ALASKA STATE LEGISLATURE



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SENATOR LYDA GREEN
SENATE DISTRICT N

Sponsor Statement CS for SB 60 (JUD) am "The Right-to-Farm Bill"

The Right-to-Farm bill would add 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 ensure they are not unpleasantly surprised by farm activities after buying property close to an agricultural facility.

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. 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 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 continue providing Alaskan products while protecting the agricultural way of life.

Senator_Lyda_Green@legis.state.ak.us

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Sheep Mountain • Skwentna • Sunshine • Sutton • Talkeetna • Trail Lakes • Trapper Creek • Wasilla • Willow

ALASKA STATE LEGISLATURE



Interim:

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(907) 376-3157 Fax

Session:

State Capitol
Juneau, Alaska 99801-1152
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Fax (907) 465-3805

SENATOR LYDA GREEN

SENATE DISTRICT N

Sectional Analysis CS for SB 60 (JUD)

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

Senator_Lyda_Green@legis.state.ak.us

SECTIONAL

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Sheep Mountain • Skwentna • Sunshine • Sutton • Talkeetna • Trail Lakes • Trapper Creek • Wasilla • Willow

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

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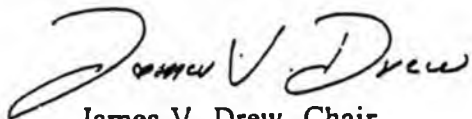
March 2, 2001

Dear Legislator:

At the Board of Agriculture and Conservation meeting on February 20, 2001, the board unanimously approved a resolution on agricultural legislation pending in the 22nd Alaska Legislature. The resolution supports, in concept, HB 82, "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;" and HB 128, "An Act relating to employment of certain minors in agriculture".

One of the principal functions of the newly created Board of Agriculture and Conservation (BAC) is to address issues affecting agriculture in Alaska. Therefore the BAC requests that the 22nd Alaska Legislature, after appropriate committee referral and review, support and approve HB 82 and HB 128. Thank you for your consideration.

Sincerely,



James V. Drew, Chair
Board of Agriculture and Conservation

B.A.C.

**Board of Agriculture & Conservation (BAC)
Resolution 2001-1**

**Resolution in Support of Agricultural Legislation Pending in the 22nd
Alaska Legislature**

Whereas one of the principal functions of the Board of Agriculture and Conservation (BAC) is to address issues affecting agriculture in Alaska; and

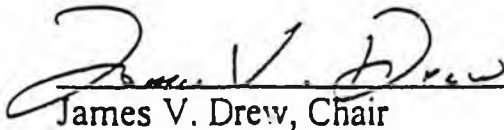
Whereas there is currently legislation pending before the 22nd Alaska Legislature which pertains to agriculture in Alaska; and

Whereas the Board of Agriculture and Conservation supports in concept HB 82 "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"; and

Whereas the Board of Agriculture and Conservation supports in concept HB 128 "An Act relating to employment of certain minors in agriculture";

Now therefore be it resolved that the Board of Agriculture and Conservation requests that the 22nd Alaska Legislature, after appropriate committee referral and review, support and approve HB 82 and HB 128.

Board of Agriculture and Conservation



James V. Drew, Chair

02-26-01
Date

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE
1800 GLENN HIGHWAY, SUITE 12
PALMER, ALASKA 99645-6738
PHONE: (907) 745-7200
FAX: (907) 745-7112

NORTHERN REGION OFFICE
3700 AIRPORT WAY
FAIRBANKS, ALASKA 99709-4899
PHONE: (907) 451-2780
FAX: (907) 451-2751

PLANT MATERIALS CENTER
HCO4 BOX 7440
PALMER, ALASKA 99645-9706
PHONE: (907) 745-4469
FAX: (907) 748-1568

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.

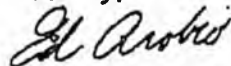
AS 38.05.321 (d)(1) is the statutory authority that allows the State to require Farm Conservation Plans for agricultural land that it sells. The State has used this authority in every State agricultural land sale and has required a Farm Conservation Plan for every parcel sold.

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

AROBIO

Adopted: 02/20/01

**MATANUSKA-SUSITNA BOROUGH ASSEMBLY
RESOLUTION NO. 01-007**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY IN SUPPORT OF HOUSE BILL 82, AN ACT RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS, AND TO DISCLOSURES IN TRANSFERS OF REAL PROPERTY LOCATED WITHIN ONE MILE OF AN AGRICULTURAL FACILITY OR AN AGRICULTURAL OPERATION.

WHEREAS, the legislature is considering House Bill 82 relating to agricultural facilities and operations, and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation; and

WHEREAS, the Matanuska-Susitna Borough has a long history of agricultural operations; and

WHEREAS, the majority of agricultural activities in the state take place in the Matanuska-Susitna Borough; and

WHEREAS, in 1999 over 57 percent of the value of agricultural production in the state came from the Matanuska-Susitna Borough; and

WHEREAS, the Matanuska-Susitna Borough is the fastest growing community in the state; and

WHEREAS, the majority of that growth is residential; and

WHEREAS, House Bill 82 proposes that prior to real property being transferred, notification will be provided indicating the property is within one mile of a defined agricultural facility or operation, and that the purchaser should be prepared to accept that the by-products and activities of agricultural facilities and

RESOLUTION

operations are a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

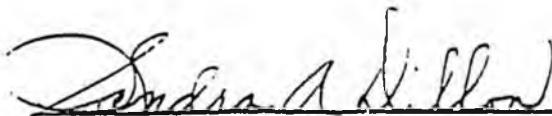
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly supports the adoption of House Bill 82.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of February, 2001.



TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

(SEAL)

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB60 (JUD)
 () 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: Sen. Green
 Requester: (S) 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	0.0	0.0	0.0	0.0	0.0	0.0
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 ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
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: none

Check this box (X) if funding for this bill is included in the Governor's FY2002 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The CS removes the requirement to record a disclosure at the Recorder's Office.

Prepared by: Sharon Young
 Division: Support Services Division
 Approved by: Pat Pourchot
 Agency: Natural Resources

Phone: 907-269-8882
 Date/Time: 29-Mar-01
 Date: 29-Mar-01

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

**STATE OF ALASKA
2001 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: CSSB 60 (JUD)
 () 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: Sen. GREEN
 Requester: S 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	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1153 Land Disposal Income Fund	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 CS removes the requirement to disclose agriculture facilities when selling State land.

Prepared by: Bob Loeffler Phone 269-8600
 Division: Mining, Land and Water Date/Time 28-Mar-01
 Approved by: Pat Pourchot Date 29-Mar-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax



Session:

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

SENATOR LYDA GREEN
SENATE DISTRICT N

Sponsor Statement CS for SB 60 (JUD) am "The Right-to-Farm Bill"

The Right-to-Farm bill would add 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 ensure they are not unpleasantly surprised by farm activities after buying property close to an agricultural facility.

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. 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 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 continue providing Alaskan products while protecting the agricultural way of life.

Senator_Lyda_Green@legis.state.ak.us

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

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax



Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6000
Fax (907) 465-3805

SENATOR LYDA GREEN
SENATE DISTRICT N

Sectional Analysis CS for SB 60 (JUD)

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

Senator_Lyda_Green@legis.state.ak.us

SECTIONAL

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

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

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FAX: (907) 451-2751

PLANT MATERIALS CENTER
HCC4 BOX 7440
PALMER, ALASKA 99645-9706
PHONE: (907) 745-4469
FAX: (907) 746-1568

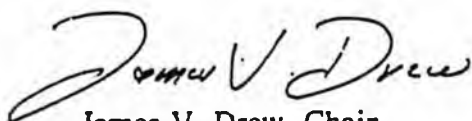
March 2, 2001

Dear Legislator:

At the Board of Agriculture and Conservation meeting on February 20, 2001, the board unanimously approved a resolution on agricultural legislation pending in the 22nd Alaska Legislature. The resolution supports, in concept, HB 82, "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;" and HB 128, "An Act relating to employment of certain minors in agriculture".

One of the principal functions of the newly created Board of Agriculture and Conservation (BAC) is to address issues affecting agriculture in Alaska. Therefore the BAC requests that the 22nd Alaska Legislature, after appropriate committee referral and review, support and approve HB 82 and HB 128. Thank you for your consideration.

Sincerely,



James V. Drew, Chair
Board of Agriculture and Conservation

B.A.C.

**Board of Agriculture & Conservation (BAC)
Resolution 2001-1**

**Resolution in Support of Agricultural Legislation Pending in the 22nd
Alaska Legislature**

Whereas one of the principal functions of the Board of Agriculture and Conservation (BAC) is to address issues affecting agriculture in Alaska; and

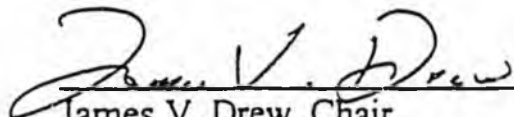
Whereas there is currently legislation pending before the 22nd Alaska Legislature which pertains to agriculture in Alaska; and

Whereas the Board of Agriculture and Conservation supports in concept HB 82 "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"; and

Whereas the Board of Agriculture and Conservation supports in concept HB 128 "An Act relating to employment of certain minors in agriculture";

Now therefore be it resolved that the Board of Agriculture and Conservation requests that the 22nd Alaska Legislature, after appropriate committee referral and review, support and approve HB 82 and HB 128.

Board of Agriculture and Conservation



James V. Drew, Chair

02 - 28 - 01
Date

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF AGRICULTURE

TONY KNOWLES, GOVERNOR

CENTRAL OFFICE
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PLANT MATERIALS CENTER
HCO4 BOX 7440
PALMER, ALASKA 99645-9706
PHONE: (907) 745-4469
FAX: (907) 748-1568

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.

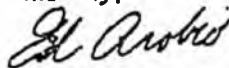
AS 38.05.321 (d)(1) is the statutory authority that allows the State to require Farm Conservation Plans for agricultural land that it sells. The State has used this authority in every State agricultural land sale and has required a Farm Conservation Plan for every parcel sold.

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

AROBIO

Adopted: 02/20/01

**MATANUSKA-SUSITNA BOROUGH ASSEMBLY
RESOLUTION NO. 01-007**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY IN SUPPORT OF HOUSE BILL 82, AN ACT RELATING TO AGRICULTURAL FACILITIES AND OPERATIONS, AND TO DISCLOSURES IN TRANSFERS OF REAL PROPERTY LOCATED WITHIN ONE MILE OF AN AGRICULTURAL FACILITY OR AN AGRICULTURAL OPERATION.

WHEREAS, the legislature is considering House Bill 82 relating to agricultural facilities and operations, and to disclosures in transfers of real property located within one mile of an agricultural facility or an agricultural operation; and

WHEREAS, the Matanuska-Susitna Borough has a long history of agricultural operations; and

WHEREAS, the majority of agricultural activities in the state take place in the Matanuska-Susitna Borough; and

WHEREAS, in 1999 over 57 percent of the value of agricultural production in the state came from the Matanuska-Susitna Borough; and

WHEREAS, the Matanuska-Susitna Borough is the fastest growing community in the state; and

WHEREAS, the majority of that growth is residential; and

WHEREAS, House Bill 82 proposes that prior to real property being transferred, notification will be provided indicating the property is within one mile of a defined agricultural facility or operation, and that the purchaser should be prepared to accept that the by-products and activities of agricultural facilities and

RESOLUTION

operations are a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector.

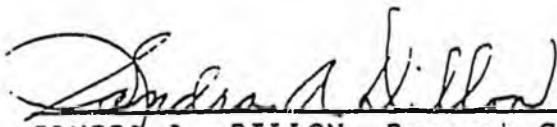
NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly supports the adoption of House Bill 82.

ADOPTED by the Matanuska-Susitna Borough Assembly this 20 day of February, 2001.



TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

(SEAL)

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB60 (JUD)
 () 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: Sen. Green
 Requester: (S) 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	0.0	0.0	0.0	0.0	0.0	0.0
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 ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
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: none

Check this box (X) if funding for this bill is included in the Governor's FY2002 budget proposal:

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The CS removes the requirement to record a disclosure at the Recorder's Office.

Prepared by: Sharon Young
 Division: Support Services Division
 Approved by: Pat Pourchot
 Agency: Natural Resources

Phone 907-269-8882
 Date/Time 29-Mar-01
 Date 29-Mar-01

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSSB 60 (JUD)
 () 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: Sen. GREEN
 Requester: S 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	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
1153 Land Disposal Income Fund	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 CS removes the requirement to disclose agriculture facilities when selling State land.

Prepared by: Bob Loeffler Phone 269-8600
 Division: Mining, Land and Water Date/Time 28-Mar-01
 Approved by: Pat Pourchot Date 29-Mar-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

SB

72

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSB 72 (RES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
Title: Take a Child Hunting Season BRU: Wildlife Conservation
Component: Wildlife Conservation
Sponsor: Senator Kelly
Requester: Senate Finance Committee Component Number: 473

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	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (1024)	0.0	0.0	0.0	0.0	0.0	0.0
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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 -- F&G Fund (1024)						
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	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)

Prepared by: Matt Robus, Deputy Director Phone 465-4190
Division: Wildlife Conservation Date/Time 2/15/01 12:00 AM
Approved by: Gordy Williams for Commissioner Frank Rue Date 02/16/2001
Agency: Alaska Department of Fish and Game

For distribution information, call the Governor's Legislative Office

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2327
Fax: (907) 465-5241



Interim:
119 N. Cushman
Fairbanks, AK 99701
Phone: (907) 456-8161

Senator Pete Kelly
District P

CSSB 72 (FIN)

“An Act relating to ‘take-a-child-hunting’ seasons for big game.”

SB 72 would allow the Board of Game to establish big game hunting seasons before the school year starts in the fall and before the regular hunting season begins for Alaskans. Currently, many children begin their school year before the start of hunting season and are unable to share the experience with their families. Under this legislation, families will have the opportunity to enjoy time together and learn important aspects of our hunting culture.

SB 72 requires the Board of Game to limit use of the “extended season” to children accompanied by a resident parent, stepparent, or legal resident guardian. The Board shall have authority in determining game units for implementation.

This legislation gives families the opportunity to learn the valuable lessons of self-sufficiency together.

Sponsor

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2327
Fax: (907) 465-5241



Interim:
119 N. Cushman
Fairbanks, AK 99701
Phone: (907) 456-8161

Senator Pete Kelly
District P

CSSB 72 (FIN) Sectional Analysis

Senate Bill 72 is amended by adding a new section to AS 16.05.255:

***Section 1. AS 16.05.255**

Under this section the Board of Game shall establish annual hunting seasons before school starts in the fall and before the regular hunting season begins to encourage Alaskan adults to take their children hunting for big game.

This language allows the Board of Game to determine the appropriate areas and length of seasons as well as the amount of time between the two openings.

Musk ox and bison are excluded in this section.

Only children accompanied by a resident parent, stepparent, or legal resident guardian are permitted to hunt during this "extended season." Adults in this section are individuals 21 years and older. A child is defined as not more than 17 years of age and not younger than 8 years of age.

Sec. Analysis

CSSB 72 (FIN)

AS 16.05.255 (New Subsection)

- The following changes adopted in the Senate Finance Committee on February 26, 2001.

Insert:

Page 1, Line 7

child accompanied by a

Delete:

Page 1, Line 7

[and]

Insert:

Page 1, Line 8-9

or a child accompanied by the child's resident parent,
resident stepparent, or resident legal guardian

Bill History/Action Display



BILL: SB 72

SHORT TITLE: TAKE A CHILD
HUNTING SEASON

BILL VERSION: CSSB 72(FIN)

SPONSOR(S): SENATOR(S) KELLY, Halford, Taylor, Green, Ward, Donley,
Leman, Austerman, Cowdery, Wilken, Therriault

CURRENT STATUS: TRANSMITTED TO (H)

STATUS DATE: 03/01/01

HEARING: (H) RES Mar 07 2:00 PM CAPITOL 124 <Pending Referral>

TITLE: "An Act relating to 'take-a-child-hunting' seasons for big game."

Full Text	Fiscal Notes	Amendments
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Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
02/06/01	<u>0288</u>	(S) READ THE FIRST TIME - REFERRALS
02/06/01	<u>0288</u>	(S) RES, FIN
02/07/01	<u>0301</u>	(S) COSPONSOR(S): WILKEN, THERRIAULT
02/13/01	<u>0354</u>	(S) RES RPT CS 3DP 3NR SAME TITLE
02/13/01	<u>0354</u>	(S) DP: TORGERSON, TAYLOR, KELLY;
02/13/01	<u>0354</u>	(S) NR: PEARCE, LINCOLN, ELTON
02/13/01	<u>0354</u>	(S) FN1: ZERO(DFG)
02/26/01	<u>0500</u>	(S) FIN RPT CS 7DP 2NR SAME TITLE
02/26/01	<u>0500</u>	(S) DP: DONLEY, KELLY, GREEN, AUSTERMAN,
02/26/01	<u>0500</u>	(S) WILKEN, WARD, LEMAN; NR: HOFFMAN, OLSON
02/26/01	<u>0500</u>	(S) FN1: ZERO(DFG)
02/28/01	<u>0535</u>	(S) RULES TO CALENDAR 2OR 2/28/01
02/28/01	<u>0539</u>	(S) READ THE SECOND TIME
02/28/01	<u>0539</u>	(S) FIN CS ADOPTED UNAN CONSENT
02/28/01	<u>0539</u>	(S) ADVANCED TO THIRD READING UNAN CONSENT
02/28/01	<u>0539</u>	(S) READ THE THIRD TIME CSSB 72(FIN)
02/28/01	<u>0539</u>	(S) PASSED Y16 N2 A1 E1
02/28/01	<u>0539</u>	(S) LINCOLN NOTICE OF RECONSIDERATION
03/01/01	<u>0560</u>	(S) RECON TAKEN UP - IN THIRD READING
03/01/01	<u>0560</u>	(S) RETURN TO SECOND FOR AM 1 UNAN CONSENT
03/01/01	<u>0561</u>	(S) AM NO 1 FAILED Y5 N10 E4 A1
03/01/01	<u>0561</u>	(S) AUTOMATICALLY IN THIRD READING
03/01/01	<u>0561</u>	(S) PASSED ON RECONSIDERATION Y14 N1 E4 A1
03/01/01	<u>0562</u>	(S) TRANSMITTED TO (H)
03/01/01	<u>0562</u>	(S) VERSION: CSSB 72(FIN)

Similar Subject Match or Exact Subject Match
FISH & GAME (GAME)
MINORS

Bill History

Alaska Outdoor Council

PO Box 73902
Fairbanks, AK 99707-3902
Tel./FAX: (907) 455-4AOC (4262)

February 7, 2001

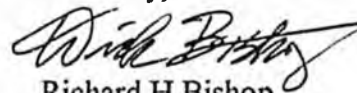
The Honorable Pete Kelly
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Thank you for introducing Senate Bill 72 (SB 72). This bill addresses a long-standing frustration among Alaskans who cherish Alaska's hunting heritage, and who wish to perpetuate that heritage among their families and friends.

There have been many discussions across Alaska about the importance of formal education, and probably just as many about the importance of passing on the traditions, values and skills associated with hunting. Choosing one of these important elements of a young person's opportunities for development over the other is an annual challenge and frustration. Unfortunately, it is often an "either/or" situation for most families, with the obligations of formal education taking precedence.

SB 72 offers an opportunity for the State of Alaska to help perpetuate its remarkable hunting heritage, which is shared by Alaskans across the State. On behalf of the Alaska Outdoor Council I am pleased to offer our support of SB 72. I look forward to working with you and your staff on the bill.

Sincerely,



Richard H. Bishop
Vice President

Letters

JUNEAU GUN CLUB
PO Box 32444
Juneau, AK 99803
(907) 789-9844

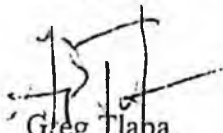
February 19, 2001

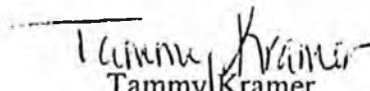
The Honorable Dave Donley
The Honorable Pete Kelly
The Honorable Lyda Green
The Honorable Loren Leman
The Honorable Gary Wilken
The Honorable Jerry Ward
The Honorable Donald Olson
Senate Finance Committee
Alaska Senate
State Capitol
Juneau, AK 99801


Dear Senators:

The Juneau Gun Club is a 170-member shooting club established in 1953. We have members who served in the US Armed Forces during WWII and members who are not yet old enough to purchase a hunting license. We strongly support SB72 as legislation that will continue the tradition of hunting and shooting in Alaska. Taking a young family member hunting is an affirmative answer to many of the difficult questions presented to parents today. All Alaskans need to share in the cultural traditions of hunting. There is nothing the Legislature can do that will better support strong family values than to promote families taking the younger generation hunting. Thank you for this legislation.

Sincerely,


Greg Tlapa
President


Tammy Kramer
Secretary


Tom Beutin
Treasurer

Cc: The Honorable Kim Elton, Senator

The Honorable Tony Knowles, Governor

February 18, 2001

The Honorable Pete Kelly
Co-Chair, Senate Finance Committee
Alaska Senate

The Honorable Dave Donley
Co-Chair, Senate Finance Committee
Alaska Senate
Capitol Building
Juneau, AK 99801

Dear Senators Kelly and Donley:

I strongly support the CS for SB72 although there is no way that I could personally take a dependent youth hunting. The future of the Alaskan way of life depends upon continuing the culture of hunting and fishing. When the ball games and video games of young people today have faded into memories, outdoor experiences with family will remain in individual minds as the topmost value passed from one generation to the next. Personalities are not shaped by 'hanging out' at the shopping mall but from lessons gained under the guidance of preceding generations. Kids need to go hunting, and game laws and school schedules should not interfere with this important part of our culture. I appreciate anything you do to ensure that all Alaskans share in this culture.

The fondest memories I have of growing up, and apart from work the most vivid memories, are from hunting with my father, grandfather and uncles. My grandfather, Napoleon Boutin, still sleeps with his Colt Officer's Target Model .38 under his pillow. That revolver has never been far from his side and I have seen him shoot all kinds of game with it. When I visit him I usually bring him salmon, fiddle strings and .38 ammo. At 104, he's not going to see too many more years but the memories of hunting with him will remain so long as I am alive. One of my uncles has the first rifle I ever owned, a .22 he gave me when I turned 7 years of age. The rifle I shot my first deer with a few years later is here with me in Juneau. Both my parents shot deer with it before it was given to me. The rifle I most often use in Alaska was given to me by my father when I lived in Haines.

It's now almost 30 years since I drove my truck out here. The changes I have seen in Alaska since then are much greater than any differences I found between the two states. SB72 would help Alaskans pass down the hunting culture and therefore should have the support of all Alaskans. Thank you for your time.

Best regards,

/S/

Tom Boutin
PO Box 35116
Juneau, AK 99803

Cc: The Honorable Donald Olson
Senate Finance Committee

The Honorable Kim Elton
State Senate

The Honorable Johnny Ellis
Senate Minority Leader

Subject: [Fwd: SB72]
Date: Mon, 12 Feb 2001 09:41:37 -0900
From: Pete Kelly <Senator_Pete_Kelly@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Kristopher Knauss <Kristopher_Knauss@Legis.state.ak.us>

Subject: SB72
Date: Fri, 9 Feb 2001 13:07:26 -0900
From: fsrak <fsrak@uaf.edu>
To: Senator_Pete_Kelly@legis.state.ak.us

Senator Kelly,
Thank-you for introducing this bill asking for early big game seasons. The conflict between these hunting seasons and school schedules have plagued hunters in Alaska for years. This is an excellent bill, and I do believe that it will benefit hunting households across the state!
Thank-you again,
Rebecca Kelleyhouse

Rebecca Kelleyhouse
Alaska Cooperative Fish and Wildlife Research Unit
209 Irving I, P.O. Box 757020
University of Alaska, Fairbanks
Fairbanks, AK 99775-7020
(907) 474-6688 office
(907) 474-6716 fax
fsrak@uaf.edu

Regulations Specific to Bowhunting

Bowhunting in Alaska

- Archery equipment can be used during any general open season. Special bowhunter certification is not required for these hunts.
- Bowhunter certification is required for any *big game* hunt restricted to “bow and arrow only” or “certified bowhunters only.”
- Alaska recognizes bowhunter certification cards from any state authorized program or the NBEF/IBEP card.
- Nonresidents applying for Archery only drawing permit hunts must enclose a photocopy of both sides of their card with their application.
- Alaska's bowhunter certification course requires passing a shooting skills course. Hunters with certification from another state or a NBEF/IBEP card do not have to pass Alaska's shooting skills test.
- Cross bows and other weapons are excluded from archery only hunts.

License Requirement:

You must be in possession of a resident or nonresident hunting license and appropriate harvest ticket, permit and metal locking tag. *No special archery license or stamp is required.*

Equipment Restrictions in Archery Only Hunts or Areas:

For all game, you may:

- NOT hunt with a crossbow;
- NOT hunt with a bow designed to shoot more than one arrow at a time;
- NOT hunt with expanding gas arrows;
- NOT hunt using chemicals or poisons or substances that temporarily incapacitate wildlife.

For all **BIG game**, you may:

1. NOT hunt big game with a long bow, recurve bow, or compound bow unless the bow is at least:
 - 40 pounds peak draw weight when hunting black-tailed deer, wolf, wolverine, black bear, Dall sheep, and caribou;
 - 50 pounds peak draw weight when hunting mountain goat, moose, elk, brown/grizzly bear, musk ox, and bison;
2. only use arrows tipped with a broadhead and is at least 20 inches in overall length and 300 grains in total weight
3. only use broadhead that is:
 - a fixed, replaceable or mechanical/retractable blade type broadhead when taking of black-tailed deer, wolf, wolverine, black bear, Dall sheep and caribou;
 - a fixed or replaceable blade type broadhead for the taking of mountain goat, moose, elk, brown/grizzly bear, musk ox and bison; and
 - not barbed.

- NOT use electronic devices or light attached to the bow, arrow, or arrowhead with the exception of a non-illuminating camera.
- NOT use scopes or other devices attached to the bow or arrow for optical enhancement.
- NOT use any mechanical device that anchors a nocked arrow at full or partial draw unaided by the bowhunter.

Bowhunter Education Requirements:

You may NOT hunt with long bow, recurve bow, or compound bow in any hunt or area restricting the taking of big game to archery only unless you have first successfully completed a department approved bow hunting education course (IBEP or equivalent).

You may NOT apply for drawing permit hunts restricting the taking of **big game** to archery only unless you have first successfully completed a department approved bow hunting education course (IBEP or equivalent).

Bowhunters wishing to hunt black bears over bait are required to complete an IBEP course if hunting in Game Management Units 7 and 14-16, and a department approved bear baiting course if registering in Game Management Units 7, 14A, 14B, 15, 16A, and 20B.

The department currently offers the International Bow Hunter Education Program (IBEP) course through volunteer instructors. The course includes a shooting proficiency test. Names of instructors and course dates are available at regional Fish and Game offices or from John Matthews, hunter education coordinator. More information about bow hunter education and the Anchorage area course schedule are on this website.

Definitions:

- **"bow"** means a longbow, recurve bow or compound bow; that is, a device for launching an arrow which derives its propulsive energy solely from the bending and recovery of two limbs. The device must be hand-held and hand-drawn by a single and direct pulling action of the bowstring by the shooter with the shooter's fingers or a hand-held or wrist-attached release aid. The energy used to propel the arrow may not be derived from hydraulic, pneumatic, explosive or mechanical devices, but may be derived from the mechanical advantage provided by wheels or cams so long as the available energy is stored in the bent limbs of the bow. No portion of the bow's riser (handle) or an attachment to the bow's riser may contact, support or guide the arrow from a point rearward of the bowstring when strung and at rest. "Bow" does not include a crossbow or any device which has a gun-type stock or incorporates any mechanism that holds the bowstring at partial or full draw without the shooter's muscle power.
- **"broadhead"** means an arrowhead with two or more sharp cutting edges having a minimum cutting diameter of not less than seven-eighths inch (7/8").
- **"bow peak draw weight"** means the peak poundage at which the bow is drawn through or held at full draw by the shooter at the shooter's draw length.
- **"mechanical or retractable broadhead"** means a broadhead with cutting edges that are retracted during flight and open upon impact to a minimum cutting diameter of not less than seven-eighths inch (7/8") and does not lock open after impact to create fixed barbs.
- **"barbed"** refers to an arrowhead with any fixed portion of the rear edge of the arrowhead forming an angle less than 90 degrees with the shaft when measured from the nock end of

the arrow.

Alaska's Special Bowhunting Opportunities				
Area	Unit	Permit Required	IBEP Required	Species/Conditions
Taku Inlet	1C	Yes	Yes	Mountain goat by registration permit
GMU 3	3	Yes	Yes	Elk by drawing permit
Portage Glacier Closed Area	7	No	No	Small game blunt-tipped arrows
Northeast Kodiak Island	8	No	Yes	Deer (November 1-14)
Nancy Lake State Recreation Area	14A	No	No	Big game, small game, fur animals
Palmer-Wasilla Management Area	14A	No	No	Big game, small game, fur animals
Finger Lake	14A	No	No	Waterfowl Flu-flu arrows only
GMU 14A, 14B	14A, 14B	No	Yes	Moose (August 10-17)
Anchorage Coastal Wildlife Refuge	14C	Yes	No	Small game
Fort Richardson Management Area	14C	Yes	Yes	Moose by drawing permit
Elmendorf AFB	14C	Yes	Yes	Moose by drawing permit
Anchorage Coastal Wildlife Refuge	14C	No	No	Small game
Birchwood Management Area	14C	Yes	Yes--> No-->	Moose by registration permit Small game
Eagle River Management Area	14C	Yes	Yes	Dall sheep (October 1-10)
Eklutna Lake Management Area	14C	Yes	Yes--> Yes--> Yes--> No-->	Moose by registration permit Dall sheep by drawing permit Black bear Small game
Remainder of GMU 14C	14C	Yes	Yes	Mountain goat by registration permit Dall sheep by drawing permit
Skilak Loop Management Area	15A	No	No	Small game

Captain Cook State Recreation Area	15A	No	No	Big game, small game, fur animals
Remainder of GMU 15A	15A	No	Yes	Moose (August 10-17)
Portion of GMU 15B	15B	No	Yes	Moose (August 10-17)
Dalton Highway Corridor Management Area	20, 24 25, 26B	No	Yes--> No-->	Big game Small game, fur animals
Healy-Lignite Management Area	20A	No	Yes--> No-->	Big game Small game, fur animals
Fairbanks Management Area	20B	Yes	Yes	Moose by drawing permit
Lost Lake Closed Area	20B	No	No	Big game

Check the [Alaska Hunting Regulations](#) and [Permit Hunt Supplements](#) for detailed information.



[Wildlife Conservation Home](#) | [Hunting Information Page](#) | [Top of Document](#)

Division Webmaster: wweb@fishgame.state.ak.us

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Last Modified Friday, October 13, 2000 10:23:03

RESTRICTED WEAPONS HUNTS

Bow and arrow or muzzleloaders may be used to hunt during any open season unless otherwise restricted.

"Certified bowhunters only" or "bow and arrow only" or "muzzleloader only" hunts or areas specifically exclude the use of other weapons including crossbows.

License requirement for all hunts: You must be in possession of a resident or nonresident hunting license and appropriate harvest ticket, permit and locking tag. **No special license or stamp is required.**

ARCHERY/BOW AND ARROW

Restrictions for all game in archery only areas: In any hunt or area specifically restricted to bow and arrow only, you may:

- NOT hunt with a crossbow
- NOT hunt with a bow designed to shoot more than one arrow at a time
- NOT hunt with expanding gas arrows
- NOT hunt using chemicals or poisons or substances that temporarily incapacitate wildlife

Equipment: You may:

- NOT hunt **big game** with a bow unless:
 - (a) the bow is at least:
 - (1) 40 pounds peak draw weight when hunting black-tailed deer, wolf, wolverine, black bear, Dall sheep, and caribou;
 - (2) 50 pounds peak draw weight when hunting mountain goat, moose, elk, brown/grizzly bear, musk ox, and bison;
 - (b) the arrow is tipped with a broadhead, at least 20 inches in overall length, and 300 grains in total weight;
 - (c) the broadhead is:
 - (1) a fixed, replaceable or mechanical/retractable blade type broadhead when taking of black-tailed deer, wolf, wolverine, black bear, Dall sheep and caribou;
 - (2) a fixed or replaceable blade type broadhead for the taking of mountain goat, moose, elk, brown/grizzly bear, musk ox and bison; and
 - (3) not barbed
- NOT use electronic devices or light attached to the bow, arrow, or arrowhead with the exception of a non-illuminating camera
- NOT use scopes or other devices attached to the bow or arrow for optical enhancement
- NOT use any mechanical device that anchors a nocked arrow at full or partial draw unaided by the bowhunter

BOWHUNTER EDUCATION REQUIREMENTS

You may:

- NOT hunt with a bow and arrow in any hunt or area restricting the taking of big game to archery only unless you have first successfully completed a department approved bow hunting education course (IBEP or equivalent).
- NOT apply for drawing permit hunts restricting the taking of big game to archery only unless you have first successfully completed a department approved bow hunting education course (IBEP or equivalent).

Bowhunters wishing to hunt black bears over bait are required to complete an IBEP course if hunting in Game Management Units 7 and 14-16, and a department approved bear baiting course if registering in Game Management Units 7, 14A, 14B, 15, 16A, and 20B.

The department currently offers the International Bowhunter Education Program (IBEP) course through volunteer instructors. The course includes a shooting proficiency test. Names of instructors and course dates are available at regional Fish and Game offices.

Definitions:

- "**bow**" means a longbow, recurve bow or compound bow; that is, a device for launching an arrow which derives its propulsive energy solely from the bending and recovery of two limbs. The device must be hand-held and hand-drawn by a single and direct pulling action of the bowstring by the shooter with the shooter's fingers or a hand-held or wrist-attached release aid. The energy used to propel the arrow may not be derived from hydraulic, pneumatic, explosive or mechanical devices, but may be derived from the mechanical advantage provided by wheels or cams so long as the available energy is stored in the bent limbs of the bow. No portion of the bow's riser (handle) or an attachment to the bow's riser may contact, support or guide the arrow from a point rearward of the bowstring when strung and at rest. "Bow" does not include a crossbow or any device which has a gun-type stock or incorporates any mechanism that holds the bowstring at partial or full draw without the shooter's muscle power;
- "**broadhead**" means an arrowhead with two or more sharp cutting edges having a minimum cutting diameter of seven eighths (7/8) inch;
- "**bow peak draw weight**" means the peak poundage at which the bow is drawn through or held at full draw by the shooter at the shooter's draw length;

- "mechanical or retractable broadhead" means a broadhead with cutting edges that are retracted during flight and open upon impact to a minimum cutting diameter of not less than seven-eighths inch (7/8") and does not lock open after impact to create fixed barbs;

- "barbed" refers to an arrowhead with any fixed portion of the rear edge of the arrowhead forming an angle less than 90 degrees with the shaft when measured from the nock end of the arrow;

MUZZLELOADER

You may:

- NOT use a muzzle-loading rifle for hunting brown/grizzly bear, black bear, moose, bison, elk, muskox, and mountain goat unless such a firearm is 54 caliber or larger, or at least 45 caliber and a 250 grain or larger elongated slug is used; and
- NOT use a muzzle-loading rifle equipped with a scope, during any permitted, registered, or special season hunt for muzzle-loading rifles only.

MUZZLELOADING EDUCATION REQUIREMENTS

You may:

- NOT hunt with a muzzleloader in any hunt or area restricting the taking of big game to muzzleloaders only unless you have successfully completed a department-approved hunter education course that includes ballistic limitations of muzzleloading weapons and a proficiency test with the weapon and hunting load to be used.

UNIT SPECIFIC HUNTS: See details listed under the appropriate Game Management Unit.

Unit 1C (portion of)

- bow and arrow - goat

Unit 3

- bow and arrow - elk

Unit 7

- Portage Glacier Closed Area - bow with blunt-tipped arrow, shotgun, slingshot, or falconry - small game

Unit 8

- bow and arrow or muzzleloader - deer

Unit 14A

- bow and arrow - moose
Palmer-Wasilla Management Area
- bow and arrow, black powder firearm, shotgun with slugs - big game
- bow and arrow, black powder firearm, shotgun, air rifle or falconry - small game, fur animals

Nancy Lake State Recreation Area

- no firearms - all game

Unit 14B

- bow and arrow - moose

Unit 14C

- bow and arrow - mountain goat, sheep
- Anchorage Coastal Wildlife Refuge - bow and arrow, shotgun, or falconry - small game
- Anchorage Management Area - bow and arrow, muzzleloader, or shotgun - moose
- air rifle with rifled barrel, bow and arrow (with blunts and other special small game points) and falconry - deleterious exotic wildlife.
- falconry - small game
- Birchwood Management Area - bow and arrow - moose, bow and arrow, shotgun or air rifle - small game
- air rifle with rifled barrel, bow and arrow (with blunts and other special small game points) and falconry - deleterious exotic wildlife.
- Fort Richardson Management Area - bow and arrow or muzzleloader - moose
- Elmendorf Air Force Base - bow and arrow - moose
- Eagle River Management Area - bow and arrow and muzzleloader - small game
- air rifle with rifled barrel, bow and arrow (with blunts and other special small game points) and falconry - deleterious exotic wildlife.

- Eklutna Lake Management Area - bow and arrow - moose, sheep, black bear, or small game

Unit 15A

- Skilak Loop Management Area - bow and arrow - small game
- bow and arrow - moose

Unit 15B (portion of)

- bow and arrow - moose

Units 20F, 24, 25A,D and 26B

- Dalton Highway Corridor Management Area - bow and arrow - big game, small game, or fur animals

Unit 20A

- Healy-Lignite Management Area - bow and arrow - big game, small game, or fur animals

Unit 20B

- Fairbanks Management Area - bow and arrow - moose
 - Lost Lake Closed Area no firearm - big game
-

Please add the following to your House Resources Committee packets for SB-72.

The sponsor has been working with the department, and has drafted language acceptable to the department in the attached Committee Substitute. This CS will need to be adopted today as a working document. I have highlighted the changes for you as they appear on Page 1. Lines 11-14.

This bill has come up twice before. Although it was not scheduled as today's first bill, some members have informed the Chair that they may need to leave the meeting briefly after 1:30pm today, and would not like to miss the vote. If the committee desires to hear this bill before the others today, the chair will need a motion by a member to do so, and let the record reflect that it is the will of the committee to adjust the agenda.

You will also find attached a letter of intent. This was requested at the last committee meeting, and provided by the sponsor. This document will also need to be adopted and moved today before it will be placed on record as the intent of the committee.

Please call X3715 if there is anything I can assist you with before today's meeting.

Thank you,

Jennifer

By Senator Pete Kelly

**LETTER OF INTENT
FOR
HOUSE CS FOR SENATE BILL 72 (RES)**

It is the intent that the Alaska State Legislature recommend the following submissions to the Alaska Board of Game for Senate Bill 72:

The extended hunting seasons have closure for at least three days prior to the regular hunting season.

Animals taken during this type of hunt must be counted against both the child's and the adult's bag limits.

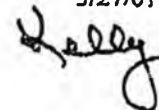
Prohibit establishing an extended season in areas where Tier II permits are issued to limit hunting pressure.

WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS0084T
Utermohle
3/27/01



HOUSE CS FOR CS FOR SENATE BILL NO. 72()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS KELLY, Halford, Taylor, Green, Ward, Donley, Leman, Austerman, Cowdery,
Wilken, Therriault

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to 'take-a-child-hunting' seasons for big game."**

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

3 *** Section 1. AS 16.05.255 is amended by adding a new subsection to read:**

4 (j) For the purpose of encouraging adults to take children hunting, the board
5 shall establish annual hunting seasons in appropriate areas of the state for big game,
6 other than bison and musk ox, that are open before schools start in the fall and before
7 regular hunting seasons begin. Only a resident child accompanied by a resident adult
8 or a child accompanied by the child's resident parent, resident stepparent, or resident
9 legal guardian may take big game in an area where a season established under this
10 subsection is in effect. The adult, parent, stepparent, or legal guardian who
11 accompanies the child may only assist the child in taking big game. A big game
12 animal taken under this subsection must be counted against the bag limits of both the
13 child and the adult, parent, stepparent, or legal guardian who accompanies the child.
14 In this subsection,

15 (1) "adult" means an individual who is 21 years of age or older;

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(2) "child" means an individual who is not more than 17 years of age
and not younger than eight years of age.

SB

76

THE
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Alaska State Legislature

SENATOR
GENE THERRIAULT

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Senate

While in session
State Capitol
Juneau, Alaska
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Senate District Q

SSSB 76\S

**"An Act relating to the Alaska Right-of-Way Leasing Act;
and providing for an effective date."**

Sponsor: Senator Gene Therriault

Sponsor Statement

Senate Bill 76 makes three important changes to the 1972 Alaska Right-of-Way Leasing Act, which gives the Department of Natural Resources the authority to lease state land for oil and gas pipelines.

First, SB 76 increases the maximum term of right-of-way lease renewals from the current 10 years to 30 years. Leases for several pipelines, including the Trans-Alaska Pipeline System, Endicott, Kuparuk, Oliktok and Milne Point all expire in May, 2004. SB 76 changes the length of terms for *renewals* only, not the length of the original lease term, so the renewal process for the pipelines with leases that expire in 2004 will proceed uninterrupted. The 30-year term for renewal is consistent with that of federal grants of right-of-way for oil and gas pipelines, and will result in significant savings of time and money to industry and the state. A section of the bill allows for existing leases to be amended, upon request, to incorporate the new provision for renewal periods of up to 30 years. The bill also places in statute a provision allowing for the extension of leases under their existing terms if the lessee has applied for renewal, but the terms of the lease are still under negotiation at the date of expiration. The language proposed in AS 38.35.110(b) states that the lease shall be continued until the commissioner issues a final determination on renewal.

Although current statutes give the commissioner leeway to extend a right-of-way lease or grant an *interim* lease pending finalization of a renewal determination, I believe the procedure for extending a lease pending renewal needs to be set out in statute. Although DNR believes it can adhere to a self-imposed deadline for renewing leases before they expire, I think such rationale injects unnecessary uncertainty into the renewal process.

Second, the bill amends the definition of "state land" for purposes of the right-of-way leasing act to include only land in which the interest owned by the state is sufficient to permit the state to lease it under the authority of the Department of Natural Resources.

Third, the bill requires lessees under new and renewed right-of-way leases to reimburse the state for costs associated with monitoring the operation, maintenance and termination of pipelines on state right-of-way leases. The bill requires the commissioner to use best efforts to reach agreement with the lessee on the cost reimbursement and to provide the lessee with an annual estimate of the projected costs and scope of the work.

Bill History/Action Display



BILL: SB 76

SHORT TITLE: RIGHT-OF-WAY LEASING ACT:
TERM & RENEWAL

BILL VERSION: SSSB 76

SPONSOR(S): SENATOR(S) THERRIAULT, Wilken, Kelly,
Green

REPRESENTATIVE(S) Harris

CURRENT STATUS: (H) O&G

STATUS DATE: 04/05/01

THEN RES

HEARING: (H) O&G Apr 10 5:00 PM CAPITOL 124

HEARING: (H) RES Apr 11 1:00 PM CAPITOL 124 <Pending Referral>

TITLE: "An Act relating to the Alaska Right-of-Way Leasing Act; and providing for an effective date."

 Full Text

 Fiscal Notes

Committee Action with Bill History

Jrn-Date	Jrn-Page	Action
02/07/01	<u>0301</u>	(S) READ THE FIRST TIME - REFERRALS
02/07/01	<u>0301</u>	(S) RES
03/29/01	<u>0859</u>	(S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
03/29/01	<u>0859</u>	(S) RES
04/03/01	<u>0919</u>	(S) RES RPT 3DP 2NR
04/03/01	<u>0919</u>	(S) DP: TORGERSON, PEARCE, HALFORD;
04/03/01	<u>0919</u>	(S) NR: LINCOLN, ELTON
04/03/01	<u>0919</u>	(S) FN1: INDETERMINATE(DNR)
04/04/01	<u>0932</u>	(S) RULES TO CALENDAR 4/4/01
04/04/01	<u>0943</u>	(S) READ THE SECOND TIME
04/04/01	<u>0943</u>	(S) ADVANCED TO THIRD READING UNAN CONSENT
04/04/01	<u>0943</u>	(S) READ THE THIRD TIME SSSB 76
04/04/01	<u>0943</u>	(S) PASSED Y19 N- E1
04/04/01	<u>0943</u>	(S) EFFECTIVE DATE(S) SAME AS PASSAGE
04/04/01	<u>0946</u>	(S) TRANSMITTED TO (H)
04/04/01	<u>0946</u>	(S) VERSION: SSSB 76
04/05/01	<u>0852</u>	(H) READ THE FIRST TIME - REFERRALS
04/05/01	<u>0852</u>	(H) O&G, RES
04/05/01	<u>0852</u>	(H) REFERRED TO O&G
04/05/01	<u>0870</u>	(H) CROSS SPONSOR(S): HARRIS

Similar Subject Match or Exact Subject Match

EASEMENTSLEASESOIL & GASPUBLIC LAND

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SSSB 76
 (S) Publish Date: 4/3/01
 Dept. Affected: Natural Resources
 BRU: Oil & Gas Development
 Component: Pipeline Coordinator
 Component Number: 1191

Revision Date/Time (Note if correction): _____
 Title: Right-of-Way Leasing Act: Term & Renewal
 Sponsor: Senators Therriault, Wilken, Kelly and Green
 Requester: (S) RES

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	*	*	*	*	*	*

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

FUND SOURCE (Thousands of Dollars)

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

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						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 Potential savings to the state from passage of Section 1 of SSSB 76 will begin to accrue in 2014. The right-of-way for TAPS and five pipelines on the North Slope expire in 2004. Without the passage of Section 1, renewals would then occur at least every 10 years. A portion of the cost of those renewal processes would pass to the state through tariffs. It is not possible to estimate the timing or magnitude of the savings.
 There are no fiscal impacts associated with Section 2 of SSSB 76.
 (continued on page 2)

Prepared by: Bill Britt Phone 271-4304
 Division: State Pipeline Coordinator's Office Date/Time 30-Mar-01
 Approved by: Pat Pourchot Date _____
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued) SSSB 76 #1

There are no fiscal impacts associated with Section 3 of SSSB 76. Section 3 will codify the status quo. At present, the requirement to reimburse the state for oversight of operations, maintenance, and termination exists within individual leases or through an agreement between a pipeline operator and the state. Passage of Section 3 will eliminate the need for the individual lease provisions and individual agreements. At present, the SPCO executes a memorandum of understanding, which includes summaries of work and budget projects, with each applicant and operator providing reimbursement. Section 3 will codify this process.

Failure to pass Section 4 of SSSB 76 could result in serious fiscal impacts to the state, although it is not possible to estimate the timing or magnitude. The existing language in the Right-of-Way Leasing Act could require a pipeline project proponent to obtain a right-of-way from the state over lands in which the state has insufficient interest to issue the right-of-way.

Sections 5 and 6 will have no fiscal impact.

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ALASKA STATE LEGISLATURE



Senator John Torgerson, Chair
Senator Drue Pearce, Vice Chair
Senator Rick Halford
Senator Pete Kelly
Senator Robin Taylor
Senator Kim Elton
Senator Georgianna Lincoln

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SENATE RESOURCES COMMITTEE

SB 77 SPONSOR STATEMENT "Net Profit Share Under/Overpayments"

In 1998, the Legislature enacted AS 38.05.135 (g), exempting the Department of Natural Resources from calculating interest on small over or underpayments of royalty if the interest is \$150 or less. The cost of calculating these small over/underpayments was more than the interest received or credit applied. Prior to 1998, DNR was calculating these small payments manually. For the 12 months prior to October 31, 2000, the State processed 1716 royalty filings where interest amounts were between a negative \$150 and a positive \$150. The net amount of these under/overpayments was a positive \$4,096.

The effort of calculating, processing and tracking interest for small under/overpayments was not cost effective for the oil companies or the State. With the advent of the State's new Oil and Gas Royalty Accounting System, all interest is calculated electronically. Also, most royalty payers are using main frame computer systems and sending their royalty reports electronically. The failure to repeal AS 38.05.135 (g), would require the Department and royalty payers to reprogram their computer systems to not compute under or overpayments of less than \$150.

The sophisticated computer systems used by the royalty payers and the State are now able to quickly compute the interest owed on even the smallest under or overpayment. All the royalty payments are automatically summed together and one wire transfer is used for payment. The repeal of AS 38.05.135 (g) will solve the problem of the administrative burden on the part of the royalty payers and the State to manually track very small amounts of interest. It is an unnecessary expense to reprogram computer systems to handle separate interest calculations for these small interest amounts, especially when a much easier option is available.



Sec. ~~38.05.135~~. Leasing generally; royalty and net profit share payments and interest.

(a) Except ~~as~~ otherwise provided, valuable mineral deposits in land belonging to the state shall be open to exploration, development, and the extraction of minerals. All land, together with tide, submerged, or shoreland, to which the state holds title to or to which the state may become entitled, may be obtained by permit or lease for the purpose of exploration, development, and the extraction of minerals. Except ~~as~~ specifically limited by ~~AS~~ 38.05.131 - 38.05.181, land may be withheld from lease application on a first-come, first-served basis, and offered only on a competitive bid basis when determined by the commissioner to be in the best interests of the state.

(b) When mineral land is to be leased, in addition to any other notice given, notice must also be given ~~as~~ provided in ~~AS~~ 38.05.945.

(c) Payment of a royalty or a net profit share payment to the state under a lease issued under ~~AS~~ 38.05.135 - 38.05.181 becomes due on the date and in the manner specified in the lease or in a regulation adopted by the commissioner.

(d) If a royalty or net profit share payment to which the state is entitled under ~~AS~~ 38.05.135 - 38.05.181 is not paid or is underpaid when it becomes due under (c) of this section, the unpaid amount of the royalty or net profit share payment bears interest in a calendar quarter at the rate of five percentage points above the annual rate charged member banks for advances by the 12th Federal Reserve District ~~as~~ of the first day of that calendar quarter, or at the annual rate of 11 percent, whichever is greater, compounded quarterly ~~as~~ of the last day of that quarter.

(e) If a royalty or net profit share payment to which the state is entitled under ~~AS~~ 38.05.135 - 38.05.181 is overpaid, interest at the rate and compounded in the manner provided in (d) of this section shall be allowed and paid on the overpayment. The interest allowance is subject to the following:

(1) if the state grants a credit against future payments for the overpayment, the state shall pay interest on the overpayment

(A) from the date that is the later of the date the overpayment was

(i) due; or

(ii) received;

(B) to the date that is the earlier of the date

(i) of notice to the lessee of the credit; or

(ii) on which the lessee actually takes the credit;

(2) if the state refunds the overpayment, the state shall pay interest on the overpayment

STATUTE

(A) from the date that is the later of the date the overpayment was

(i) due; or

(ii) received;

(B) to the date the state issues the refund.

(f) The issuance by the state and acceptance by a lessee of a credit or refund of an overpayment under (e) of this section does not affect any right of the state or lessee to claim an adjustment and interest on the overpayment.

⤵⤴ Notwithstanding (d) and (e) of this section, interest may not be paid on

(1) an underpayment of a royalty or net profit share due under this title if the amount of interest is \$150 or less and the underpayment is paid up within 60 days after the date upon which the payment was due under (c) of this section without regard to an extension of time for filing of the necessary royalty or net profit report; or

(2) an overpayment of a royalty or net profit share due under this title if the amount of interest is \$150 or less and the state issues a credit for or refund of the overpayment within 60 days after receipt of the overpayment.

Sec. 38.05.137. Leasing agreements.

The commissioner is authorized to enter into cooperative mineral leasing agreements with the United States regarding land which is the subject of a title dispute between federal and state authorities. Any such lease need not conform to the provisions of state law applicable to state leases issued under the authority of this chapter.

Sec. 38.05.140. Limitations.

(a) A person may not take or hold coal leases or permits during the life of coal leases on state land exceeding an aggregate of 46,080 acres, except that a person may apply for coal leases or permits for acreage in addition to 46,080 acres, not exceeding a total of 5,120 additional acres of state land. The additional area applied for shall be in multiples of 40 acres and the application shall contain a statement that the granting of a lease for additional land is necessary for the person to carry on business economically and is in the public interest. On the filing of the application, except as provided by AS 38.05.177(a)(2)(C), the coal deposits in the land covered by the application shall be temporarily set aside and withdrawn from all other forms of disposal provided under AS 38.05.135 - 38.05.181.

(b) The commissioner shall, after posting notice of the pending application in the local land office, conduct public hearings on the application for additional acreage. After public hearings, to the extent the commissioner finds to be in the public interest and necessary for the applicant in order to carry on business economically, the commissioner may, under regulations adopted by the commissioner, permit the person to take or hold coal leases or permits for an additional aggregate acreage of not more than 5,120 acres.

(c) A person may not take or hold at one time phosphate leases on state land exceeding in

bp



BP Exploration (Alaska) Inc.
900 East Benson Boulevard
P.O. Box 196612
Anchorage, Alaska 99519-6612
(907) 561-5111

February 8, 2001

Senator John Torgerson
State Capitol, Room 427
Juneau, AK 99801-1182

Re: Repeal of AS 38.05.135(g)

Senator Torgerson,

BP Exploration (Alaska) Inc. supports the proposal by the Department of Natural Resources (DNR) to repeal AS 38.05.135(g). This statute sets a floor at \$150 for interest to accrue on royalty and net-profit overpayments and underpayments; no interest is payable for any over/under-payments of \$150 or less.

The idea of setting a floor to avoid dealing with nominal over/under-payments seems reasonable at first, because it appears to save DNR and the oil and gas lessees the trouble of calculating interest when the changes are too inconsequential. However, in practice, this rule turns out to be more bother than it is worth for both DNR and the lessees. This is because the spreadsheet software that comes standard on personal computers currently allows for the calculation of interest with no additional effort, regardless of how small or large each particular over/under-payment happens to be. In fact, by creating the \$150 threshold, AS 38.05.135(g) actually makes it harder for lessees to comply (and for DOR to administer), whenever the spreadsheet software calculates an over/under-payment, the program has to be specially modified to see whether that over/under-payment is over \$150 or not, and to calculate and include the interest only when the adjustment is above this threshold. It would be significantly easier, in terms of lessee compliance and agency administration, to calculate the interest every time instead of only some of the time.

Because complete accuracy in accounting for interest can be achieved for less effort than with the present rule in AS 38.05.135(g), there is no reason for the less accurate rule to continue. We therefore hope you will give DNR's proposal to repeal AS 38.05.135(g) your favorable consideration and support. Please feel free to call me at (907) 564-4039 if you have any questions or wish to discuss this further.

Sincerely yours,

A handwritten signature in cursive script, reading "Geoffrey E. Stein", is written over a faint, dotted grid background.

Geoffrey E. Stein
Associate General Tax Counsel

GES:tw

LETTER

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 77
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Oil & Gas Development
 Component: Oil & Gas Development
 Component Number: 439

Revision Date/Time (Note if correction): _____
 Title: Nat Profit Share Under/Ovsrpayments
 Sponsor: Senator Torgerson
 Requester: Senate Resources

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 ()						
-------------------------------	--	--	--	--	--	--

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: none
 Check this box (X) 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)
 Approval of this Bill will result in savings of administrative time and resources for both the state and the oil and gas lessees. When oil and gas royalty reports were processed manually the interest waiver was justified from a time and resources standpoint. However, now that the reports are processed automatically, the reverse is true. Manual intervention and exception programming is currently required on a case-by-case basis in order to implement the interest waiver; not having to do this would streamline the process in Royalty Accounting. The original intent of AS 38.05.135(g) is no longer operative. The Bill sponsor statement correctly identifies the historical interest payment amounts that would be effected by repeal of AS 38.05.135(g).

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

Prepared by: William Van Dyke Phone 269-8786
 Division: Oil and Gas Date/Time 20-Feb-01
 Approved by: Pat Pourchot Date 20-Feb-01
 Agency: Natural Resources

For distribution information, call the Governor's Legislative Office