

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10410 HOUSE RESOURCES

First Count herein has violated and continues to violate 33 U.S.C. §§1311(a) and/or 1323(a).

29. Order the Army to stop discharging munitions into the waters of the Eagle River, Eagle River Flats and/or the Knik Arm until such time as the Army obtains a permit authorizing the discharge from the EPA.

30. Declare that the Army's actions described in the First and Second Counts herein have violated and/or continue to violate 18 A.A.C. §070.10, Alaska Statutes §§46.03.710 and 46.03.100(a), and/or 33 U.S.C. §1323(a) and/or 42 U.S.C. §6961(a).

31. Issue appropriate injunctive relief prohibiting the Army from continuing to conduct the activities described in the First and Second Counts herein in violation of 18 A.A.C. §070.10, AS §§46.03.710 and 46.03.100(a) and/or 33 U.S.C. §1323(a) and/or 42 U.S.C. §6961(a).

32. Declare that the unexploded ordnance in, on, and/or under the lands and waters on Fort Richardson constitutes and contains "hazardous substances" and "pollutants or contaminants" as those terms are defined in CERCLA, 42 U.S.C. §§9601(17) and 9601(33).

33. Order the Army to commence and fully perform an RI/FS regarding unexploded ordnance on Fort Richardson.

34. Order the Army to pay the Plaintiffs' costs and attorneys fees as provided by statute, including 33 U.S.C. §1365(d) and 42 U.S. §§ 6972(e) and 9659(f).

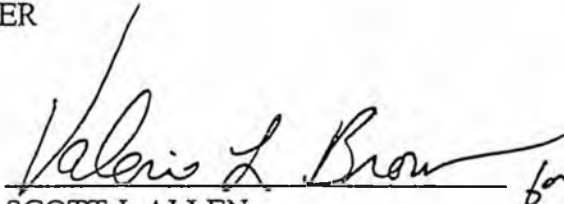
35. Order the Army to pay appropriate civil penalties as provided by 33 U.S.C. § 1319(d), 42 U.S. C. § 6928(g), 42 U.S.C. §§ 9609(a)(1)(E), 9609(b)(5), 9622(l), and/or 9659(c).

36. Issue other and further relief as the court deems just and proper.

Dated: April 12, 2002

COX & MOYER

By:


SCOTT J. ALLEN
Attorneys for Plaintiffs

For Rich Complaint.wpd

Rec'd cert mail 4/15/02

J. J. M.

RECEIVED
ATTORNEY GENERAL
02 APR 15 AM 11 09

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SUMMONS IN A CIVIL ACTION

Alaska Community Action On Toxics,
Cook Inlet Keeper, The Chickaloon
Village Traditional Council, Janet
Daniels, Richard Martin, and The
Military Toxics Project,

v.

United States Department Of The Army,
United States Department Of Defense,
and Donald Rumsfeld In His Official
Capacity As United States Secretary
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

TO: (Name & Address of Defendant)
Donald Rumsfeld
United States Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)
Valerie L. Brown
Trustees For Alaska
1026 W. 4th Ave., Ste. 201
Anchorage, AK 99501
Scott J. Allen
Cox & Moyer
703 Market St., Ste. 1800
San Francisco, CA 94103-2128

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken
against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court
within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

Carl Escalante
(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Alaska Community Action On Toxics,
Cook Inlet Keeper, The Chickaloon
Village Traditional Council, Janet
Daniels, Richard Martin, and The
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v.

United States Department Of The Army,
United States Department Of Defense,
and Donald Rumsfeld In His Official
Capacity As United States Secretary
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

TO: (Name & Address of Defendant)

Timothy M. Connelly, Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 23986, L'Enfant Plaza Station
Washington, DC 20026

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

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(M) SEAL
(B:) DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SUMMONS IN A CIVIL ACTION

Alaska Community Action On Toxics,
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United States Department Of The Army,
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and Donald Rumsfeld In His Official
Capacity As United States Secretary
Of Defense.

CASE NUMBER:

A 0 2 - 0 0 8 3 CV

T.O: (Name & Address of Delendant)

United States Dept. of the Army
Office of the Chief of Public Affairs
1500 Army Pentagon
Washington, DC 20310-1500

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Valerie L. Brown
Trustees For Alaska
1026 W. 4th Ave., Ste. 201
Anchorage, AK 99501

Scott J. Allen
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MICHAEL HALL

APR 12 2002

CLERK

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(BY) DEPUTY CLERK

CPM *SEARCHED*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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1000 Defense Pentagon
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within a reasonable period of time after service.

MICHAEL HALL

APR 12 2002

CLERK

DATE

CMI *SEAL*
(BY) DEPUTY CLERK



750 West Second Ave., Suite 109, Anchorage Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177
P.O. Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.acvoters.org

SB 356 am ~ General Permit for Water / Waste Disposal

TO: House Resources Committee Members

DATE: April 26, 2002

Alaska Conservation Voters (ACV) is a nonprofit organization dedicated to protecting Alaska's environment through public education and advocacy. Our 32 member organizations represent over 35,000 registered Alaskan voters. Our members, as most Alaskans, support strong laws that safeguard the quality of Alaska's waters. In an attempt to address industry's desire for permit streamlining and "regulatory efficiency," SB 356 goes too far. Because it is so broadly written as to invite abuse, we oppose SB 356.

Senate Bill 356 would allow the Department of Environmental Conservation (DEC) to exempt the disposal of any non-hazardous waste from the individual permit requirements in AS 46.03.100, by allowing use of a non-site specific general permit. Although DEC currently authorizes certain activities under a variety of existing general permits, this bill allows DEC to broaden the range of activities covered by general permits, thereby getting around what the law otherwise requires them to do: review the proposals on an individual basis and make sure the proposals are consistent with state water quality and solid waste law. Waste disposal via general permits is bad public policy because the disposal of waste under a general permit will not receive full site-specific attention of either the regulatory agencies or the public. The major problems with this legislation include:

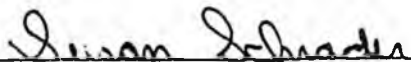
- **General permits force a "one-size fits all" on projects** – Section 3 of SB 356 allows DEC to issue a general permit "on a statewide, regional, or other geographical basis." In an effort to streamline the permitting process, DEC would not have to consider, for example, that solid waste disposal at a mine in the dry Interior is a different concern than disposal at a mine in Southeast Alaska. Unique attributes of a site could be easily disregarded.
- **Opportunity for public review is markedly limited** – All Alaskans, including adjacent property owners, Native Alaskans using an area for subsistence, or commercial fishermen concerned with protection of salmon habitat, would have very limited opportunities to find out about and comment upon projects seeking a general permit. While Section 5 of SB 356 does provide for public notice and comment *when a new general permit is being proposed*, Section 7 of the bill requires that public notice, via a posting on the Internet, be given *only* when DEC specifically authorizes a discharge under an existing general permit. For discharges that DEC chooses not to require authorizations, neither the public nor DEC will have a reliable method to find out about the discharges or their impacts.

OVER

- **This legislation introduces new, undefined, vague terms and phrases** –Section 3 uses the following that are undefined: “waste disposal,” “water disposal,” “similar in nature, and “minimal adverse environmental effects.” “Waste disposal” could refer to both solid and liquid waste; “water disposal” could refer to disposal of water generally, or to disposal of heated process or cooling water, or more generally to disposal *into* water. Does “similar in nature” mean similar in chemical composition, or a disposal of waste from similar sources, or a disposal from members of a similar industry? How minimal is “minimal”? Are “environmental effects” the same as “environmental impacts”? The overly-broad, imprecise language of this bill contributes to the bad public policy presented by SB 356.

Supporters defend this legislation by stating the bill only clarifies in statute DEC’s existing authority to write general permits. **However, SB 356 goes far beyond what is needed to achieve that goal.** With vague language and overly-broad provisions, this bill opens the door for abuse of the permitting process, an important safeguard of Alaska’s water quality.

We urge you to oppose SB 356.


Susan Schrader

SCR

1

FISCAL NOTE

State of Alaska
2001 Legislative Session

Bill Version: SCR 1
(S) Publish Date: 1/23/01

Revision Date: _____
Title: Avalanche Awareness Month
Sponsor: Senator Green
Requester: Senate Resources Committee

Dept. Affected All
BRU _____
Component _____
Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY02	FY03	FY04	FY05	FY06	FY07
Personal Services	0.0					
Travel	0.0					
Contractual	0.0					
Supplies	0.0					
Equipment	0.0					
Land & Structures	0.0					
Grants & Claims	0.0					
Miscellaneous	0.0					
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	0.0					
1003 GF Match	0.0					
1004 GF	0.0					
1005 GF/Program Receipts	0.0					
1037 GF/Mental Health	0.0					
1091 Designated Program Receipts	0.0					
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY00) costs: 0.0

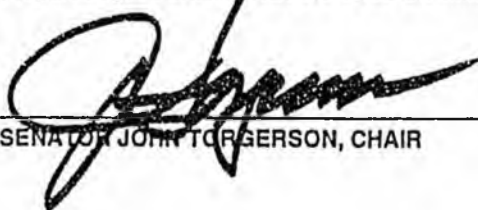
POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by: SENATE RESOURCES COMMITTEE


SENATOR JOHN TORGERSON, CHAIR

Date: 1-19-01
Phone: 465-2828

Bill History/Action Display



BILL: SCR 1 SHORT TITLE: AVALANCHE AWARENESS MONTH
 BILL VERSION: CSSCR 1(RLS)
 SPONSOR(S): GREEN
 CURRENT STATUS: (H) RES STATUS DATE: 01/26/01
 HEARING: (H) RES Feb 07 1:00 PM CAPITOL 124

TITLE: Relating to Avalanche Awareness Month.

[Full Text](#)

[Fiscal Notes](#)

[Committee Action with Bill History](#)

Jrn-Date	Jrn-Page	Action
01/16/01	0086	(S) READ THE FIRST TIME - REFERRALS
01/16/01	0086	(S) RES
01/23/01	0145	(S) RES RPT 5DP
01/23/01	0145	(S) DP: TORGERSON, TAYLOR, PEARCE, LINCOLN,
01/23/01	0145	(S) ELTON
01/23/01	0145	(S) FN1: ZERO(S.RES)
01/24/01	0170	(S) RLS TO CALENDAR W/CS 1/25 SAME TITLE
01/25/01	0170	(S) FN1: ZERO(S.RES)
01/25/01	0175	(S) READ THE SECOND TIME
01/25/01	0175	(S) RLS CS ADOPTED UNAN CONSENT
01/25/01	0175	(S) PASSED Y20 N- CSSCR 1(RLS)
01/25/01	0177	(S) TRANSMITTED TO (H)
01/26/01	0166	(H) READ THE FIRST TIME - REFERRALS
01/26/01	0166	(H) RES
01/26/01	0166	(H) REFERRED TO RESOURCES

Similar Subject Match or Exact Subject Match

- DISASTER
- PROCLAMATIONS
- PUBLIC SAFETY

Bill Root: [Display Bill Root](#)

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

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

22-LS0335J
Utermohle
1/31/01

HOUSE CS FOR CS FOR SENATE CONCURRENT RESOLUTION NO. 1(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR GREEN

A RESOLUTION

1 **Relating to Avalanche Awareness Month.**

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

3 **WHEREAS** Alaskans live, work, and play in and on the edge of the wilderness; and

4 **WHEREAS** the abundance and variety of the state's winter recreational opportunities
5 are unmatched in the United States; and

6 **WHEREAS** many of the state's popular winter recreation areas are subject to
7 avalanche danger; and

8 **WHEREAS** some Alaskans are not properly educated or equipped to recognize and
9 respond to avalanches; and

10 **WHEREAS** a number of Alaskans are killed each year by avalanches; and

11 **WHEREAS** education on the recognition of avalanche risks, response to avalanches,
12 and the use of appropriate equipment could reduce avalanche-related fatalities;

13 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
14 governor to proclaim the month of November 2001 as Avalanche Awareness Month; and be it

15 **FURTHER RESOLVED** that the Alaska State Legislature urges schools, community
16 groups, and other public and private agencies and individuals to observe Avalanche

1 Awareness Month with appropriate activities that increase the public's awareness of avalanche
2 dangers, how to respond to avalanches, and the use of appropriate equipment in avalanche
3 areas.

4 **COPIES** of this resolution shall be sent to the Honorable Tony Knowles, Governor; to
5 Aedene Arthur, Backcountry Avalanche Awareness and Response Team; to Doug Fesler and
6 Jill Fredston, co-directors, The Alaska Mountain Safety Center, Inc.; to Bill Glude, Southeast
7 Alaska Avalanche Center; to Colonel Randy Crawford, Director, Division of Alaska State
8 Troopers, Alaska Department of Public Safety; to the mayors, chiefs of police, and fire chiefs
9 of the Municipality of Anchorage, Fairbanks North Star Borough, Haines Borough, City and
10 Borough of Juneau, Ketchikan Gateway Borough, Matanuska-Susitna Borough, City and
11 Borough of Sitka, City of Cordova, City of Fairbanks, City of Haines, City of Palmer, City of
12 Petersburg, City of Seward, City of Skagway, City of Valdez, and City of Wasilla; to the
13 operators of the ski areas at Eaglecrest, Alyeska, Alpenglow, Hilltop, Cleary Summit, and
14 Cordova Ski Hill; and to legislative communication offices for statewide distribution.

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
(907) 465-3805 Fax

SENATOR LYDA GREEN
SENATE DISTRICT N

SPONSOR STATEMENT SCRI

Alaska is avalanche country. Each year Alaskans lose their lives as a result of avalanches. One of the worst years was 1999, when 14 people were killed by avalanches in Alaska. While often little or nothing can be done to prevent the occurrence of an avalanche, much can be done to prevent the loss of life from avalanches.

Senate Concurrent Resolution 1 would proclaim November 2001 as "Avalanche Awareness Month." This proclamation will raise public awareness of the hazards associated with avalanches, and the opportunities to participate in avalanche safety training at the beginning of the winter recreation season. It is hoped that public participation in avalanche safety programs will be increased and that this increased participation will result in saved lives during the winter.

The need for this resolution was brought to our attention by the Backcountry Avalanche Awareness Response Team (BAART).

SPONSOR
STATEMENT

RECEIVED

JAN 15 2001

Date: January 11, 2001
To: Senator Lyda Green
From: Mat Su Search and Rescue Council

On behalf of the many Alaskans whose lives have been affected by the public awareness and activities that resulted from November 2000 being named as Alaska Avalanche Awareness Month, we would like to thank you for your sponsorship of this item in the Legislature. Although one cannot enumerate the number of injuries and deaths that were prevented because of the publicity and activities connected with the efforts put forth during this month, we know that general public awareness and the attention of public agencies is much greater than it was before. While the death toll from Alaskan avalanches in 1999 numbered fourteen, five lives were lost in 2000 (one being a Cordova resident who was sitting in her living room, one being an Alaska State Employee who was working on clearing avalanche debris from the Seward Highway).

One of the goals of awareness efforts is to educate people about the life-saving necessity of basic avalanche gear (beacon, probe, and shovel). From feedback of companies that sell this gear, as well as discussions with the general public, we know that there are many more backcountry travelers carrying this gear than there has been in the past. For example, as reported in the Anchorage Daily News on January 3, 2001, beacons and shovels were part of a rescue when a skier was buried in an avalanche at Turnagain Pass in the same area where six lives were lost on March 15, 1999. (Please see attached copy of the article) For those of us who have lost loved ones in avalanches who were not successfully recovered while still living, there is some comfort in knowing that education (which includes search and rescue techniques), awareness, and carrying basic avalanche rescue gear is making a difference in other people's lives.

While the November 2000 Avalanche Awareness Month was successful in many ways, we feel we have just begun this important public awareness campaign to help prevent injuries and save Alaskan lives. Thus we would appreciate your support in asking the Legislature to declare November 2001 as Alaska Avalanche Awareness Month.

Thank you again for your support.
Members of the Mat Su Search and Rescue Council

Aedene L. Arthur - contact

SUPPORT
DOCS

Joe Westfall

W JOE WESTFALL CSP / ICCP

CO-FOUNDER:

ALASKA SNOW MACHINE SEARCH RESCUE & RECOVERY TEAM

MEMBER:

ALASKA MOUNTAIN RESCUE GROUP

Shala Westfall ASSRRT.

Patsy Coyne B.A.A.R.T.

Cleve J. Coyne B.A.A.R.T.

Wesley R. Coyne B.A.A.R.T.

Warren Implin Pioneer Ski Patrol - MSB Parks

Bill D'Angelo Mat-Su Motor Mishers

Bill Korman American Red Cross

W. J. Mackroth (Bill Mackroth) Mat-Su EMS

Chris Noake BAART

Don H. Noy AS7

Audini & Arthur BAART



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TOP ALASKA STORIES

Rescuers dig out 2nd body

EUREKA: Expert amazed anyone survived huge slide

By Lisa Demer
Anchorage Daily News

(Published February 5, 2001)

The avalanche that killed two snowmachiners Saturday south of Eureka Lodge was a massive slide that measured more than half a mile across where it broke away from the slope, two avalanche experts said Sunday.

Alaska State Troopers on Sunday identified the men killed as Scott Boland, 31, and Danny T. Hunka, 32, both of Anchorage. Searchers found Boland's body about 11:30 a.m. Sunday buried under 10 feet of snow, not far from where his snowmachine was dug out the day before. Hunka's body was found Saturday afternoon.

The two were riding in a group of seven snowmobilers. Another in the group, Richard Hanson, 28, ended up underneath his snowmachine but wasn't buried.

"It was a really big avalanche," said Doug Fesler, an avalanche expert who was at the scene Sunday. He estimated that the base measured three city blocks by three city blocks. Blocks of snow debris were 25 to 40 feet high. "It was really quite amazing that any of those guys survived."

The avalanche occurred near the east fork of the Matanuska River, about 80 miles east of Palmer.

Around noon Saturday, the riders headed up the slope single file. The snow near the top riders broke away under the weight of their machines, said Jill Fredston, an avalanche safety expert who led the search for the missing snowmachiner on Sunday.

"They knew it was a big slide. They were all running to try to get out of it," said Fredston, who runs the Alaska Mountain Safety Center with her husband, Fesler.

The fracture wrapped around the mountain, and Fesler estimated it to be 3,000 feet wide. The slab of hard-packed snow that broke away ranged

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from 18 inches to 15 feet thick and its average depth was 4 to 6 feet, Fesler said.

Underneath the hard pack was a shallow, weak layer of loose, granular snow common in the area. The pack hadn't bonded with the loose snow -- a prime avalanche condition.

The two who died were carried more than 1,000 feet down the slope. At least a couple of those who survived got off their machines and ran up a steep sidewall of the gully, Fredston said. Blocks of snow the size of motorcycles, Subarus and dump trucks tumbled by at about 50 mph, she said.

"These guys are not stupid guys. They are not fools," Fredston said. "They weren't trying to be reckless." Still the area had signs of danger: some natural avalanches and slopes wind-loaded with snow.

Conditions remain ripe for more avalanches, especially on the north end of the Chugach Range, Fredston and Fesler said.

"This instability will be with us until it melts in the springtime or when it comes down through avalanches," Fesler said.

About 70 regular rescue volunteers, plus some of the surviving snowmachiners, gathered at Eureka on Sunday to help, said Dan Hourihan, a state parks ranger who coordinated the base operations from Eureka Lodge for the Alaska Mountain Rescue Group.

Two Army National Guard helicopters ferried volunteers from the lodge. Others traveled the 25 miles by snowmachine in the zero-degree cold.

A trooper helicopter with Fesler and another volunteer aboard crashed around 10 a.m. Sunday near the search site. No one was hurt. Fesler said the flat light at that time of day made it almost impossible to distinguish the ground from the air, and a helicopter float caught the snow as it was trying to land. It flipped hard onto its right side. Fesler then climbed the slope to check for further avalanche danger.

Two search dogs, Chili and Bean, pointed rescuers to the area where Boland's body was found, Fredston said. Volunteers used 12-foot probes to find him.

Reporter Lisa Demer can be reached at ldemer@adn.com or 257-4390.

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Skier makes it through a wild ride

Anchorage Daily News 1/3/01

■ **RESCUE:** Deadly area remains a lure for outdoor recreationists.

By JON LITTLE
Anchorage Daily News

Rescuers dug a buried skier — bruised, cold but alive — from a snow slide in Turnagain Pass on Monday.

Alaska State Troopers identified the skier as Michael McKinney, 31, of Fairbanks.

"This guy is very, very lucky to have wound up coming out of this thing alive," said Doug Fesler, avalanche hazard consultant for the Alaska Mountain Safety Center.

Monday's slide was 100 to 300 yards wide and carried McKinney perhaps 1,000 feet down the steep slope, where it settled into a 15-foot-deep debris field, Fesler said.

The slide let go about 3 p.m. and ran down the same chute, on the west side of the Seward Highway, where a massive avalanche in March 1999

See Back Page, SLIDE

SLIDE: Fairbanks man survives deadly ride in Turnagain Pass

Continued from A-1

killed six snowmachiners, Fesler said. The place is nicknamed Aaron's Last Run, after Aaron Arthur, one of those victims.

Information about the accident was sketchy Tuesday because McKinney was out and OK by the time troopers arrived at the scene. No official report was filed. But it appears, from eyewitness accounts and the troopers, that McKinney and a buddy, whose name could not be confirmed, had parked their snowmachines and opted to ski and snowboard down the face. One of the people who found McKinney, snowmachiner

Chris Perez of Anchorage, was atop the ridge at the time. "They jumped over edge to go and that's when the mountain broke loose. It took the skier with it," he said.

The slide missed McKinney's partner. He told others that he lost sight of McKinney in the white-out blur of the avalanche, then boarded down the slope to find his friend. Perez said a child who had watched the slide from below flagged him down — along with his brother Tony and another snowmachiner who had all ridden down to help — and directed him to the avalanche pile.

McKinney and his partner were wearing electronic beacons. His partner had switched his beacon on to locate the missing skier when the others arrived, Perez said. The snowmachiners joined in the search. They spread out in a line and soon heard McKinney's voice rising from the snow. "He was saying 'Help me God, please save me, somebody find me,'" Perez said. "Just his mouth, was sticking out and his one hand."

The searcher dug him out of the hard, chunky debris with their avalanche shovels. "He was pretty bruised up, his ribs were bruised and scraped and his face was cut up. He was pretty scared, shaken," Perez said. McKinney was also cold and mildly hypothermic, so they got him into some warm clothes that he'd brought along in his backpack.

The notorious slide chute, a steep tundra slope, starts at 2,700 feet and descends to the 1,000-foot valley. It has a telltale convex bulb at its top, and avalanches such as Monday's frequently begin just below that point, Fesler said. As dangerous a spot as it is, the ridge is an attractive perch for snowmachiners and skiers. A snowmachine trail leads up to the top; from there, skiers can plunge into the bowl. "It's about the most dangerous thing you can do unless you know the stability of the snow," Fesler said. "If you don't, it's purely Russian roulette."

Fesler and troopers said that snowmachiners, snowboarders and skiers may not recognize the avalanche because of the abnormally low snow levels at lower elevations. "That's a huge problem right now, because there is a lot of snow up above 600 feet," said Trooper Sgt. Lee Oly in Girdwood.

Skier makes it through a wild ride

Anchorage Daily News 1/3/01

■ **RESCUE:** Deadly area remains a lure for outdoor recreationists.

By JON LITTLE
Anchorage Daily News

Rescuers dug a buried skier — bruised, cold but alive — from a snow slide in Turnagain Pass on Monday.

Alaska State Troopers identified the skier as Michael McKinney, 31, of Fairbanks.

"This guy is very, very lucky to have wound up coming out of this thing alive," said Doug Fesler, avalanche hazard consultant for the Alaska Mountain Safety Center.

Monday's slide was 100 to 300 yards wide and carried McKinney perhaps 1,000 feet down the steep slope, where it settled into a 15-foot-deep debris field, Fesler said.

The slide let go about 3 p.m. and ran down the same chute, on the west side of the Seward Highway, where a massive avalanche in March 1999

See Back Page, SLIDE

SLIDE: Fairbanks man survives deadly ride in Turnagain Pass

Continued from A-1

killed six snowmachiners, Fesler said. The place is nicknamed Aaron's Last Run, after Aaron Arthur, one of those victims.

Information about the accident was sketchy Tuesday because McKinney was out and OK by the time troopers arrived at the scene. No official report was filed. But it appears, from eyewitness accounts and the troopers, that McKinney and a buddy, whose name could not be confirmed, had parked their snowmachines and opted to ski and snowboard down the face.

One of the people who found McKinney, snowmachiner

Chris Perez of Anchorage, was atop the ridge at the time.

"They jumped over edge to go and that's when the mountain broke loose. It took the skier with it," he said.

The slide missed McKinney's partner. He told others that he lost sight of McKinney in the white-out blur of the avalanche, then boarded down the slope to find his friend.

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his ribs were bruised and scraped and his face was cut up. He was pretty scared, shaken," Perez said. McKinney was also cold and mildly hypothermic, so they got him into some warm clothes that he'd brought along in his backpack.

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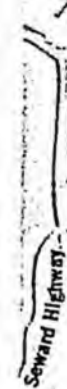
As dangerous a spot as it is, the ridge is an attractive perch for snowmachiners and skiers.

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"That's a huge problem right now, because there is a lot of snow up above 600 feet," said Trooper Sgt. Lee Oly in Girdwood.



Rep
Little

Alaska State Legislature

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



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

House Resources Committee

January 12, 2001

To: Suzi Lowell, Chief Clerk
Members House Resources Committee

From: Rep. Drew Scalzi, Co-Chair
Rep. Beverly Masek, Co-Chair

Please notice the following meeting:

Wednesday, February 7th – 1 to 3 PM
Resources Committee Room 124

Topic

Bill Hearings:

SCR-1, Avalanche Awareness Month, Senator Green
HJR-7, Urging U.S. Congress to open ANWR, Representative Masek

Please call our office if we may be of any assistance before the meeting.

Thank you.

BM:jj

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Southeast Alaska Avalanche Center

PO Box 22316, Juneau, Alaska 99802

(907)586-5606h & o / -5699 fax & o

e-mail: seakaval@alaska.net

web: www.avalanche.org

an educational nonprofit corporation

January 30, 2001

To whom it may concern,

With the introduction of SCR, the legislature is showing its commendable support of the effort to bring avalanche safety awareness to Alaskans who live, work, and recreate in areas where avalanche danger is high. Avalanches affect many Alaskans, including snowmachiners and other backcountry recreationist, subsistence hunters, highway workers and travelers, and some communities where houses and workplaces are exposed to avalanches. This resolution proclaims November 2001 to be Avalanche Awareness Month and urges schools, community groups, and other public and private agencies and individuals to observe Avalanche Awareness Month. We appreciate this effort and applaud you for taking this important step.

However, in the last paragraph, which states that copies of the resolution shall be sent to several avalanche groups, we feel that Alaskans would be better served by a slightly more inclusive list. There are many areas of state where avalanche danger is high, but it is impractical to include every community in the state. The key communities and recreation areas, though, where avalanches are or have been an issue of particular concern, should be listed. It is our recommendation that copies of the resolution also be sent to the mayors/police/fire chiefs of these areas (who are responsible for rescues) in the hopes they will disseminate this resolution.

Please consider adding these names to the last paragraph of SCR 1: Anchorage, Fairbanks, Mat-Su, Valdez, Cordova, Juneau, Ketchikan, Seward, Wasilla, Palmer, Haines, Skagway, Petersburg, and Sitka; also to the ski areas statewide: Eaglecrest, Aiyeska, Alpenglow, Hilltop, Cleary Summit, Cordova Ski Hill; and to the media. *Radio/TV/Newspapers.*

to legislative process for Statewide distribution

I sincerely appreciate your attention in this matter and hope these names can be added without too much trouble. Please do not hesitate to contact me if you have any questions or concerns.

thank you
Bill Glude
Bill Glude
SAAC Director
907-586-5606/-5699

to legislative committees for statewide distribution

Please put into C.S.

- if formal title = necessary use maj/min. Pres. Secretary

- sent to legal 1/30/01

Bill Text**BILL ID: SCR 1**

00 CS FOR SENATE CONCURRENT RESOLUTION NO. 1 (RLS)
01 Relating to Avalanche Awareness Month.
02 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:
03 WHEREAS Alaskans live, work, and play in and on the edge of the wilderness; a
04 WHEREAS the abundance and variety of the state's winter recreational oportur
05 are unmatched in the United States; and
06 WHEREAS many of the state's popular winter recreation areas are subject to
07 avalanche danger; and
08 WHEREAS some Alaskans are not properly educated or equipped to recognize and
09 respond to avalanches; and
10 WHEREAS a number of Alaskans are killed each year by avalanches; and
11 WHEREAS education on the recognition of avalanche risks, response to avalanch
12 and the use of appropriate equipment could reduce avalanche-related fatalities;
13 BE IT RESOLVED that the Alaska State Legislature respectfully requests the
14 governor to proclaim the month of November 2001 as Avalanche Awareness Mont.; and k
15 FURTHER RESOLVED that the Alaska State Legislature urges schools, community
16 groups, and other public and private agencies and individuals to observe Avalanche
01 Awareness Month with appropriate activities that increase the public's awareness of
02 dangers, how to respond to avalanches, and the use of appropriate equipment in aval
03 areas.
04 COPIES of this resolution shall be sent to the Honorable Tony Knowles, Govern
05 Aedene Arthur, Backcountry Avalanche Awareness and Response Team; to Doug Fesler ar
06 Jill Fredston, co-directors, The Alaska Mountain Safety Center, Inc.; to Bill Glude
07 Alaska Avalanche Center; and to Colonel Randy Crawford, Director, Division of Alask
08 Troopers, Alaska Department of Public Safety.

Bill Root: Display Bill Root

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

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

Joe,

Not to be a jerk, but...the resolution requests the Gov to proclaim November 2001 as "Avalanche Awareness Month." He proclaimed November 2000 "Avalanche Awareness Month" (see attached)...a question might be, "did we ask him to do this last year, or did he just do it?" And, "if we didn't pass this resolution, would he do it anyway?"

JL

STATE OF ALASKA



Proclamation by Tony Knowles, Governor

In 1999, 14 lives were lost in avalanches in Alaska and 2 more by early February 2000.

Educators, recreation groups, and concerned citizens are working towards educating Alaskans of all ages on avalanche awareness, safety measures, proper equipment and how to use it, and how to initiate immediate emergency response in avalanche situations.

In order to prevent accidents, people must be taught how to recognize potential hazards and how to make hazard evaluation and route selection decisions based upon data. This has been the emphasis of the Alaska Avalanche School, which during the past 17 years, has conducted over 350 intensive avalanche hazard evaluation and rescue technique workshops, investigated hundreds of avalanche accidents, and been involved in recovering the bodies of more than 20 victims.

November is an optimum time to emphasize awareness and safety, as this is when Alaskans' thoughts turn to winter activities.

NOW, THEREFORE, I, Tony Knowles, Governor of the State of Alaska, do hereby proclaim November 2000 as:

Avalanche Awareness Month

in Alaska, and encourage all citizens who travel in the backcountry to educate themselves on avalanche conditions and dangers. With such a potential for significant injury and death should anyone be caught in an avalanche, proper recognition and rescue skills must be a part of the overall knowledge base we maintain to keep us safe in avalanche prone areas.

DATED: March 20, 2000

[Proclamation Index](#)

SCR

28



SENATOR ALAN AUSTERMAN

Alaska State Legislature

Interim: 112 Mill Bay Road, Kodiak, Alaska 99615 (907) 486-8872 • Session: State Capitol, Juneau, Alaska 99801 (907) 465-2487
senator_alan_austerman@legis.state.ak.us

SPONSOR STATEMENT – SCR 28

“A resolution establishing the Joint Legislative Salmon Industry Task Force”

Alaska’s salmon industry has recently met with hard times due to a number of factors, from sharp increases in farmed salmon production to the strong U.S. dollar. The downturn in salmon prices is having direct negative impacts on our working families and our communities and is causing hardship throughout our state economy. State government revenues derived from taxation on the industry are also declining as a result, meaning fewer resources are available to fund state government. As leaders of this state, it is incumbent on both houses of the legislature to address this situation with the utmost urgency.

To that end, SCR 28 creates a Joint Legislative Salmon Industry Task Force to address those elements of the crisis that can be solved through governmental policy. After examining the numerous factors affecting various sectors of the industry, the task force will recommend specific means by which state government can assist the industry in the most efficient and effective ways possible. Furthermore, it will address those elements of the crisis that can best be solved through action in the private sector.

The Task Force will be composed of:

- Two members of the Senate
- Two members of the House of Representatives
- Nine members of the public who are involved in the commercial salmon industry
- A chairman and vice-chairman shall be appointed jointly by the Senate President and Speaker of the House.

The Task Force will submit a report of its findings to the legislature, including a long-term vision for the Alaska salmon industry, by January 31, 2003, and will be terminated on March 1, 2003.

Previous salmon summits organized in recent years have produced valuable suggestions, yet Alaska still lacks effective leadership for its salmon industry. This resolution is a major step the Legislature can take towards providing that leadership.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSSCR 28(RES)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title "Establishing the Joint Legislative BRU Legislative Council
Salmon Industry Task Force." Component Council and Subcommittees
Sponsor Senator Austerman
Requester Senate Finance Component No. 783

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	88.5					
Travel	110.0					
Contractual	276.0					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	475.0	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	475.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	475.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 25.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time	2					
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSCR 28(RES) establishes the Joint Legislative Salmon Industry Task Force to address those elements of the Alaska salmon industry crisis that can be solved through governmental policy, or by action on the part of the industry, and to develop a long-term vision for the Alaska salmon industry as a critical element of the State's economic future. The task force is composed of two members of the Senate, two members of the House, and nine public members who are involved in the commercial salmon industry appointed jointly by the Presiding Officers of the Legislature. The task force shall hire staff, contract for research, legal and economic services and prepare and present a report to the Legislature by January 31, 2003.

Prepared by: Karla Schofield, Deputy Director Phone _____
Division Administrative Services Date/Time 3/3/02 5:13 PM
Approved by: Pamela Varni, Executive Director Date 3/3/02
Agency Legislative Affairs Agency

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSSCR 28(RES)

ANALYSIS CONTINUATION

In FY02, \$25.0 will be needed to cover travel costs for Task Force Members to attend one organizational meeting in Juneau and one working meeting in Anchorage.

Personal Services

Beginning in FY03, the Task Force will be staffed by a 10 month Range 21, Legislative Assistant at a cost of \$63.3, and a 5 month Range 15 Secretary at a cost of \$ 25.2, for a total of \$88.5.

Travel

The task force will hold 7 meetings in FY03. Six meetings will be in Anchorage and one meeting will be in Juneau. For the purposes of calculating necessary travel and per diem expenses, 1 Legislative member is assumed to be from Anchorage, and all other members of the Task Force are from other locations. Airfare travel costs for each meeting are estimated at \$6.0. \$6.0 times 8 meetings = \$48.0. Three days of per diem are budgeted for each meeting. 12 task force members times 3 days times \$226 Anchorage per diem rate = \$8,136 times 7 Anchorage meetings = \$57.0. 9 public task force members times 3 days times \$174 Juneau per diem rate = \$5.0. Total per diem \$62.0 plus total travel \$48.0 = a total cost of \$110.0.

Contractual

The Task force will contract for legal services, economic services, research services and other consulting services the Task Force considers necessary - \$269.0
Postage for correspondence and mailing final report - \$1.0
Phone budget for Task Force members - \$2.5
Advertising for meeting notices - \$3.5
Teleconferencing services and printing services will be absorbed within existing budgets.

Supplies

Supplies for the Task Force - \$.5

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UNITED FISHERMEN OF ALASKA

March 31, 2002

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-flsh.org
www.ufa-flsh.org

Senator Ted Stevens
U.S. Senate
722 Hart Building
Washington, DC 20510-0201

Dear Senator *Ted* Stevens,

We would like to thank you for calling a summit to discuss the problems facing the Alaska salmon industry. Your leadership is crucial to helping the industry, state, and communities pull together to develop a strategy that will revitalize the salmon industry and Alaska communities.

While there are many challenges facing the industry, we are hopeful that this summit will help us focus on identifying and solving those problems that Alaska has some ability to influence in a realistic manner.

Our overarching goals in this process are to maintain sustainability of the resource; provide economic viability for harvesters, processors, and tendermen; and long-term stability for coastal and river communities.

UFA has invested considerable time discussing what needs to be done to revitalize the industry. In our view there are many things that must be done and there is no magic solution. The top two issues are fleet consolidation and marketing (including quality). Other issues that need to be addressed include transportation infrastructure, income tax structure (e.g. income averaging for fishermen), and reducing costs (such as electricity, fuel, and insurance). Our discussions show that solutions will have to be made on a region by region and fishery by fishery basis; and must involve all sectors of the industry and communities. There are some solutions we can act on in the near term with existing resources; however, other solutions will take longer and require resources that are not currently available.

We are confident that the summit will generate many possible solutions to the challenges facing the industry. We believe it is important that a viable mechanism be established to follow up on these ideas. We believe that the Joint Legislative Salmon Industry Task Force, being proposed by Senator Alan Austerman, would be an excellent vehicle to flesh out the proposals developed by the summit.

MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trappers Association • Alsea Processors Association • Bristol Bay Harvesters
Chignik Regional Aquaculture Association • Combined Area "M" Fishermen • Cook Inlet Aquaculture Association
Copper River Salmon Producers Association • Cordova District Fishermen United • Douglas Island Pink and Chum
Kona Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Puvion Range Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Regional Div. Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Div. Association • United Salmon Association • United Southeast Alaska Gillnetters

UFA
 (907) 586-2820
 March 29, 2002

Harvester Perspectives on Revitalizing the Alaska Salmon Industry
Prepared for Alaska Salmon Summit, 4 April 2002

ISSUE. The value of Alaska's commercial salmon harvest has declined significantly and is having severe socio-economic impacts in coastal Alaska.

PROBLEM. The declining value of Alaska salmon can be attributed to several factors including: (1) a flood of imported farmed salmon (in a product form that appeals to consumers: skinless boneless fillets); (2) the twelve year Japanese recession; (3) the decline in the value of the Yen; (4) rapid changes in customer preferences resulting in declining consumption of canned salmon product (affects pink and sockeye); (5) economic inefficiencies in the salmon fleet; (6) lack of funds to aggressively market Alaska salmon, (7) and inadequate infrastructure that drives up the cost of business and hinders new product development.

DISCUSSION. The seafood industry, especially salmon, has been the economic engine of much of coastal Alaska. In the past, the salmon industry has provided living wage jobs for Alaskans and fueled the economy; however, the decline in the number of permits being fished and the revenues received shows that this is no longer the case. Alaska salmon compete not only in the domestic protein market but also on the global market.

In many areas there are now more salmon permits than are needed to harvest the fish at a level that provides a decent living. Evidence for this is the large number of permits that are not fished and the continuing decline in ex-vessel price.

Farmed salmon from Norway, Chile, and Canada have affected Alaska salmon markets not only in the US but also in Japan and Europe. Funds are needed to aggressively market Alaska salmon and distinguish it from farmed product based on its inherent wild, natural, and sustainable attributes. The existing ASMI budget (\$5M in industry funds for all species) is a pittance compared to the \$40M+ used to market Norwegian farmed salmon in Europe alone.

Production and transportation costs are impediments to delivering raw and processed salmon at a competitive cost. Electric rates need to be decreased. Roads must be built. In other areas, airfields must be improved to allow larger, more cost effective, aircraft to operate. And marine transportation costs should be examined.

Harvesters believe that solutions involving economic efficiency (e.g. fleet reduction) need to be regional, voluntary and involve not only harvesters but processors, tendermen, and communities. The following considerations need to be addressed:

Effects on Other Regions

Effects on Individual Capitalization

Effects on Communities

Effects on quality

Effects on other Markets

Area-by-Area Consideration

Effects on Processors

Limited Entry Program

SCR

30

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SENATOR
BEN STEVENS
210 WEST BROADWAY
ANCHORAGE, AK
99501-2133
(907) 269-0700
FAX (907) 269-0321



SENATOR
SHARON STITCH
JUNEAU, AK
99901-4182
(907) 462-0993
FAX (907) 462-0352

Senate District of

Sponsor Statement for SCR 30 Alaska Salmon Day

Relating to declaring June 30, 2002 as Alaska Salmon Day

Alaska is the largest commercial wild salmon fishery in the world and employs more than 29,000 people. Nearly 95% of all commercially caught salmon in the United States are harvested in Alaska. In the last decade, state salmon harvests totaled more than \$4.5 billion, making salmon extremely vital to Alaska's economy.

For both visitors and Alaskans, the sport of salmon fishing is one of the most popular activities in the state. Last year, 448,438 resident and non-resident licenses were issued for sport fishing.

Beyond the importance of sport and commercial fishing, salmon has been a nutritional source for generations of Alaskans and is a large part of the state's heritage. Rich in Omega 3 oils, salmon is a healthy food that can help lower cholesterol and reduce the risk of heart disease.

Senate Concurrent Resolution 30 would proclaim June 30, 2002 as "Alaska Salmon Day." This proclamation will recognize the salmon industry as a huge part of all Alaskan's lives and raise public awareness of one of Alaska's most important industries by promoting and celebrating the catching and eating of salmon.



April 4, 2002

The Honorable Ben Stevens, Senator
Alaska State Senate
State Capitol
Juneau, Alaska 99811

Dear Senator Stevens:

The Alaska Seafood Marketing Institute (ASMI) welcomes the introduction of Senate Concurrent Resolution 30, by the Senate Labor and Commerce Committee, relating to the creation of Alaska Salmon Day. Passage of this legislation will support efforts to market Alaska salmon in the United States this summer.

Alaska Salmon Day will serve as a springboard for promotions of Alaska salmon, coming just in time for the biggest barbecue holiday of the year: Independence Day. The creation of Alaska Salmon Day will help grocery retailers generate customer excitement that will boost salmon sales throughout the summer season. It will also attract media attention, giving journalists and food editors a focal point for stories about Alaska's sustainable wild salmon. Alaska Salmon Day will support the ongoing public relations campaign to educate the American public to "Ask for Alaska" when they buy salmon: a campaign funded by Alaska salmon fishermen and the federal Economic Development Administration.

Dedication of this special day will provide Alaskans with an opportunity to celebrate the vital role played by salmon in Alaska's culture and economy. We strongly support the favorable consideration of this resolution and appreciate the efforts of the Alaska State Legislature to assist the many businesses that comprise the Alaska salmon industry.

Sincerely,

Barbara Bellinger

Executive Director

Alaska Seafood Marketing Institute

SJR

7

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


SENATE RESOURCES COMMITTEE

STATE CAPITOL, Room 427
JUNEAU, AK 99801-1182
Phone: (907) 465-4907
FAX: (907) 465-4779

35477 Kenai Spur Hwy.
Suite 101B
Soldotna, Ak 99669
Phone: (907) 260-3041
Fax: (907) 260-3044

MEMORANDUM

To: Rep. Beverly Masek, Co-Chair
Rep. Drew Scalzi, Co-Chair
House Resources Committee

From: Senator John Torgerson, Chair
Senate Resources Committee 

Date: February 20, 2001

Re: Hearing request for CS SJR 7(RES)
"Reinstate Wilderness Study Prohibition"

Please accept this memorandum as a request to schedule SJR 7 for a hearing in the House Resources Committee at your earliest convenience. The Senate Resources Committee introduced this resolution in an effort to encourage the President and the Secretary of the Interior to correct a last minute rescission by Interior Secretary Bruce Babbitt. On his way out the door, Secretary Babbitt rescinded a 20-year directive that protected Alaska's BLM land from wilderness review in compliance with ANILCA.

I have enclosed the following back-up information for your review and inclusion in the bill packets:

- CS SJR 7(RES)
- SJR 7
- Zero fiscal note
- Sponsor Statement
- Copy of ANILCA sections 1320 and 1326
- Copy of January 19, 2001 Anchorage Daily News Article

Thank you for your consideration of this request.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSJR 7(RES)
 (S) Publish Date: 9-Feb-01

Revision Date/Time (Note if correction): _____ Dept. Affected: None
 Title: Reinstate Wilderness Study Prohibition BRU: _____
 Sponsor: Resources Committee Component: _____
 Requester: Resources Committee Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

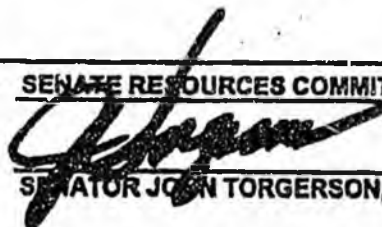
Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: SENATE RESOURCES COMMITTEE Phone: 465-2828

Senator:  Date: 2/9/01
SENATOR JOHN TORGERSON, CHAIR

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



STATE CAPITOL, Room 427
JUNEAU, AK 99801-1182
Phone: (907) 465-4907
FAX: (907) 465-4779

35477 Kenai Spur Hwy.
Suite 101B
Soldotna, Ak 99669
Phone: (907) 260-3041
Fax: (907) 260-3044

SENATE RESOURCES COMMITTEE

SPONSOR STATEMENT

CSSJR 7(RES)

"Reinstate Wilderness Study Prohibition"

In 1981, President Reagan's Secretary of the Interior issued a directive stating that BLM land in Alaska may not be considered for wilderness reviews as required by Section 603 of the Federal Land Planning and Management Act of 1976. The purpose of this directive was to comply with Congressional mandates in the Alaska National Interest Lands Conservation Act (ANILCA).

Sections 1320 and 1326 of ANILCA are often referred to as the "no more clauses" because they exempt Alaska from future federal wilderness designations and withdrawals exceeding 5,000 acres. ANILCA Section 1326 (b) states that no further studies of Federal lands in the State of Alaska shall be conducted for the purpose of establishing a conservation system unit, national recreation area, national conservation area, or for related or similar purposes.

Senate Joint Resolution 7 was introduced in response to Secretary of the Interior Bruce Babbitt's last-minute rescission of the 1981 directive. This rescission is disturbing for a variety of reasons. It is contrary to an Interior Department policy that has been an important tool for management and development of Alaska's resources for nearly 20 years. The rescission was done without public comment or consultation with Alaska. Finally, with the absence of this policy, BLM will be able to manage its roadless land in Alaska as de facto wilderness areas in the expectation that Congress will eventually enact approving legislation.

Sponsor

BUREAU OF LAND MANAGEMENT LAND REVIEWS

ic notice, public hearings, view, as to their suitability wilderness, all lands within s of the National Wildlife wilderness by this Act and

v, and the President shall of Representatives of his provisions of sections 3 (c) shall advise the Congress areas within seven years

strued as affecting the Park System or unit of ce with this Act or other until Congress provides tential recommendation n.

E PROGRAM

olicy set forth in the first e for the preservation of d antiquities of national ved August 21, 1935 (49 protect and interpret for resources and objects of and historic human use ka, the Secretary may, tion or Native Group, rtise to the applicant in r of cultural resources, sources is in the United available personnel to of buildings, facilities, nd personnel to train reservation, demonstra-

ETS

onstrued as limiting or ted States or— erning appropriation or ds within the State of

al or State jurisdiction, ter resources develop-

ling, except as specifi- applicable to the various develop or participate to exercise licensing or

SEC. 1320. Notwithstanding any other provision of law, section 603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under section 201 and section 202 of such Act and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law.

43 USC 1784.
43 USC 1782.
Recommendations to Congress.
43 USC 1711, 1712.

AUTHORIZATION FOR APPROPRIATION

SEC. 1321. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for fiscal years beginning after the fiscal year 1980. No authority to enter into contracts or to make payments or to expend previously appropriated funds under this Act shall be effective except to the extent or in such amounts as are provided in advance in appropriation Acts.

16 USC 3208.

EFFECT ON PRIOR WITHDRAWALS

SEC. 1322. (a) The withdrawals and reservations of the public lands made by Public Land Orders No. 5653 of November 16, 1978, 5654 of November 17, 1978, Public Land Orders numbered 5696 through 5711 inclusive of February 12, 1980, Federal Register Documents No. 34051, of December 5, 1978 and No. 79-17803 of June 8, 1979 and Proclamations No. 4611 through 4627, inclusive, of December 1, 1978, were promulgated to protect these lands from selection, appropriation, or disposition prior to the enactment of this Act. As to all lands not within the boundaries established by this Act of any conservation system unit, national conservation area, national recreation area, or national forest addition, the aforesaid withdrawals and reservations are hereby rescinded on the effective date of this Act, and such lands shall be managed by the Secretary pursuant to the Federal Land Policy and Management Act of 1976, or in the case of lands within a national forest, by the Secretary of Agriculture pursuant to the laws applicable to the national forests, unless otherwise specified by this Act. As to the Federal lands which are within the aforesaid boundaries, the aforesaid withdrawals and reservations are, on the effective date of this Act, hereby rescinded and superseded by the withdrawals and reservations made by this Act. Notwithstanding any provision to the contrary contained in any other law, the Federal lands within the aforesaid boundaries established by this Act shall not be deemed available for selection, appropriation, or disposition except as expressly provided by this Act.

16 USC 3209.

43 USC 1701 note.

(b) This section shall become effective upon the relinquishment by the State of Alaska of selections made on November 14, 1978, pursuant to the Alaska Statehood Act which are located within the boundaries of conservation system units, national conservation areas, national recreation areas, and forest additions, established, designated, or expanded by this Act.

48 USC note prec. 21.

ACCESS

Nonfederally
owned lands.
16 USC 3210.

SEC. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

YUKON FLATS NATIONAL WILDLIFE REFUGE AGRICULTURAL USE

16 USC 3211.

SEC. 1324. Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats National Wildlife Refuge pursuant to existing law. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law. Any such development permitted within the Yukon Flats National Wildlife Refuge shall be designed and conducted in such a manner as to minimize to the maximum extent possible any adverse effects of the natural values of the unit.

TERROR LAKE HYDROELECTRIC PROJECT IN KODIAK NATIONAL WILDLIFE REFUGE

16 USC 3212.

SEC. 1325. Nothing in this Act or the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) shall be construed as necessarily prohibiting or mandating the construction of the Terror Lake Hydroelectric Project within the Kodiak National Wildlife Refuge. The permissibility of such development shall be determined by the Secretary on a case-by-case basis under existing law.

FUTURE EXECUTIVE ACTIONS

16 USC 3213.

SEC. 1326. (a) No future executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

Publication in
Federal
Register;
notification of
Congress.

SEC. 1327. Nothing in additional requirement operation of the transp and approved by the Co Transportation Act of 1 imposing any limitation cerning such system.

PUBLI

SEC. 1328. (a)(1) Subj made pursuant to the A (44 Stat. 1364), May 14, Stat. 1097), which were within the time provide in Alaska that was ave statutes when such entr hundred and eightieth (except where provided subsection, or where tl adjusted pursuant to su approval pursuant to the the time the adjustment.

(2) Where an applicati unit of the National Par Refuge System, or a un System in the Tongass before the effective date land was not withdraw Native Claims Settleme land which has been pa which on or before th tentatively approved, pa Alaska pursuant to appl to section 11(a)(1)(A) of from those lands made the Act by any Native Vi 11(b) of such Act, parag of this section shall not cated pursuant to the re 1328(a)(1) hereof, the A other applicable law.

(3) Paragraph (1) of t apply and the applicat requirements of the Act on or before the one effective date of the Act.

(A) a Native Corp the Interior (the Se entitled to the land c withdrawn for sele Alaska Native Claim

(B) the State of stating that the land access to lands owne a political subdivisio thereon, or to a pu



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ALASKA

Babbitt rescinds directive on Alaska land

By Don Hunter
Anchorage Daily News

(Published January 19, 2001)

In one of his last official acts before the Clinton administration fades into history, Interior Secretary Bruce Babbitt on Thursday rescinded a 19-year-old directive that prevented the Bureau of Land Management from considering any of the agency's 80 million acres in Alaska for designation as wilderness.

Babbitt's maneuver apparently has little immediate effect. It would only allow BLM to review and consider recommending that some of its Alaska holdings be included the National Wilderness Preservation System. Only Congress can add land to the wilderness system.

Still, the rescission of a ban imposed by President Reagan's Interior Secretary James Watt in 1981 was welcomed by environmentalists and derided by Alaska Sen. Frank Murkowski.

"It's not surprising that on his way out the door, without public comment or state consultation, that Secretary Babbitt would attempt to overturn what had been settled department policy for nearly two decades," Murkowski said. He added that he hopes President-elect George W. Bush's administration will seek public comment on Babbitt's decision.

However, Deborah Williams of the Alaska Conservation Foundation said Babbitt's decision actually encourages more public discussion of whether some BLM land is best reserved as wilderness.

"BLM manages certain lands in Alaska that have premier wilderness values," Williams said. "Alaskans and all Americans should be able to

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consider major management options for our public lands to achieve the highest and best use of those lands." Dropping Watt's order, she said, "allows us to achieve the highest and best use of our public lands in Alaska."

Marilyn Helman, Babbitt's special assistant for Alaska, said Babbitt's move will allow BLM land to undergo the same "normal planning process" used by other Interior Department agencies to decide how public land should be designated.

In a two-page letter to the head of the BLM, Babbitt says Watt's directive "takes an unduly restrictive approach."

"Over the years since it was signed, interest in providing the legal protection of the Wilderness Act to suitable areas of the public land, including Alaska, has not abated," Babbitt said. The "BLM should not be arbitrarily foreclosed from considering such issues."

As an example, Babbitt said the BLM is conducting a management plan for land around the Colville River in northern Alaska. It is considering such issues as high concentrations of raptors that live in the bluffs above the river and the scenic, recreational and scientific resources in the area.

Babbitt visited the Colville in 1997 and spent part of a day watching hawks and falcons through binoculars along the river.

The agency should be able to consider wilderness values as well and would be able to do so after Watt's directive is revoked, he said in the letter.

Reporter Don Hunter can be reached at dhunter@adn.com or 257-4349.

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SJR

30

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1 CORRECTED
 Bill Version: SJR 30
 (S) Publish Date: 4/30/01

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: Highway Rights-of-Way in Federal Areas BRU: _____
 Sponsor: Transportation Committee Component: _____
 Requester: Rules Committee Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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

Prepared by: SENATE RULES Phone 465-4993

Senator: /s/ SENATOR PEARCE Date 4/27/01
Committee Chair

Alaska State Legislature

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



Representative Drew Scalzi
Co-Chair
State Capitol
Juneau, AK 99801-1182
(907) 465-6890
Fax: 465-3472
1-800-665-2689

House Resources Committee

Bill Summary

SJR 30 sends a message to the United States Forest Service and copies the message to other appropriate federal officials relating to the State's authority on state highways passing through Forest Service Lands.

The need for this action arises out of the Forest Service's current actions against citizens of the State in the Yakutat region. The Forest Service has attempted to assert authority over Forest Highway 10 in Yakutat. This highway was deeded to the State many years ago and the State has managed and maintained the roadbed for decades. Furthermore, the Forest Service is claiming that the boat launch at the Situk River is under their jurisdiction, when in fact it is plainly within the State right-of-way.

This resolution, along with a letter from the Senate President and the Speaker's office sends a clear message to state and federal officials that Alaska intends to preserve its sovereign rights, and its obligation to protect the rights and privileges of its citizens.

Alaska State Legislature



Senator Rick Halford
President of the Senate

Representative Brian Porter
Speaker of the House

during interim:
P.O. Box 670190
Chugiak, AK 99567-0190
voice: (907) 694-4958
fax: (907) 694-0549

during session:
State Capitol
Juneau, AK 99801-1182
voice: (907) 465-4958
fax: (907) 465-4928

during session:
State Capitol
Juneau, AK 99801-1182
voice: (907) 465-4930
fax: (907) 465-3834

during interim:
716 West 4th Avenue, Ste. 30
Anchorage, AK 99501-2133
voice: (907) 269-0155
fax: (907) 269-0154

April 28, 2001

Mr. Dale Bosworth
Chief
USDA Forest Service
Sidney R. Yates Federal Building
201 14th St. at Independence Ave., NW
Washington, DC 20250

Mr. Paul Forward
Acting Regional Forester
USDA Forest Service
P.O. Box 21628
Juneau, AK 99802

APR 30 2001

Dear Mr. Bosworth and Mr. Forward:

On behalf of the Senate and House majorities, we would like to address a growing conflict between your agency and the State of Alaska. We would also like to offer some suggestions and solutions that could benefit us all.

This correspondence is directed to a matter of considerable concern to the Alaska State Legislature. We are especially concerned about a growing number of attempts by federal agencies to preempt state management of its navigable waters. A case that clearly illustrates this problem involves the Yakutat District. Specifically, the Forest Service is attempting to indirectly control use of the Situk River, a navigable stream, by unilaterally, and in our opinion illegally, requiring commercial use permits for a highway and associated right-of-way facilities managed and maintained by the state. We are respectfully asking you to intercede in this issue and provide the policy guidance desperately needed to establish a more cooperative relationship with the State of Alaska over the management and use of its navigable waters and associated state resources.

Alaska is blessed with many unique areas that require special and innovative considerations by the various resource managing agencies. The Situk River is certainly one of them. It is obvious that the Forest Service agreed with state jurisdiction and

authority over the river when it entered into the Situk River Cooperative Agreement and the Situk River Interim Management Plan between the State, Forest Service, local municipality and local Native organization. To our knowledge, this Agreement and Plan are still in effect.

Although the Situk River drainage has its management peculiarities, it seems clear that the Forest Service has greatly over-extended its authorities in an attempt to usurp state navigable waters management responsibilities. The Forest Service is specifically trying to require permits or otherwise regulate the use of Highway 10, including the 9-mile boat launch. This highway was, however, transferred to the state via the 1967 and 1978 Highway Easements granted by the United States through the Department of Agriculture. These Easements cover the entirety of Highway 10, except that portion retained by the Native Corporation in Yakutat. The Forest Service has been officially notified by the State Department of Transportation and Public Facilities that the Forest Service does not have jurisdiction over the highway or right-of-way.

The Forest Service apparently relies on their manual to clarify their authority to prohibit or regulate commercial hauling. A close examination of the manual, however, specifically states the following:

“The Forest Service can no longer exercise control nor regulate the use of roads when under the jurisdiction of a public authority.”

In this particular instance, the Forest Service contends that the state does not regulate the boat launching facility and, thus, the Forest Service can require a commercial permit for use of the highway and boat launch. What the Service refuses to recognize, however, is that the boat launch lies exclusively within the boundaries of the right-of-way granted to the state. We question whether the Service has the legal authority to require a commercial permit for a facility operated and maintained by the state within a legal right-of-way granted by the federal government for these purposes.

Despite the particular nuances of this conflict, we are most concerned about the escalating conflicts between the federal and state governments over these types of issues. Here is an instance where the agencies had established an acceptable mechanism for developing a cooperative planning and management scheme for a very valuable river basin and its resources. The federal government, on the other hand, decides to exercise questionable jurisdiction over a facility located within a state right-of-way so that the Forest Service could unilaterally implement its own scheme for how a state river and state fish and wildlife resources should be managed.

It is not the purpose of this correspondence to attempt to tell the federal and state agencies what are the best uses for this area. We assume that many, if not most, of the management prescriptions that the Forest Service would propose for this river basin would be endorsed by the state agencies and the local people. However, the process for how we get there is probably as important as the final product. As stated previously, we respectfully request that the Forest Service reexamine its position in this case and use it

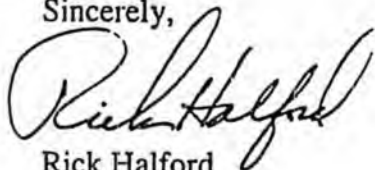
as a model for developing a cooperative approach with the state rather than one of confrontation.

We want to assure you that this is not just a Yakutat problem. The State of Alaska is already in court over the issue of pre-statehood withdrawals of navigable waters and submerged lands in southeast Alaska and similar battles lines are being drawn over navigable water jurisdiction and ownership of submerged lands on federal refuges and National Park lands elsewhere. In every case, the Alaska State Legislature is fully committed to using whatever means at our disposal to assure that our statehood entitlement and the State's sovereignty over its lands and waters are protected to the maximum extent possible.

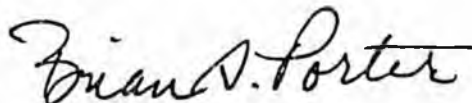
Although there will always be cases where we agree to disagree and a court decision is absolutely necessary, it is our honest opinion that much of this legal conflict can be avoided if we agree to respect the roles and basic jurisdictions of the federal and state governments and, where possible, develop cooperative planning and management systems that bypass the need for court intervention. From our standpoint, this case begs for that kind of effort and the application of a little common sense.

We appreciate the consideration of our recommendations and offer our offices in any way possible to facilitate a satisfactory resolution of this one issue and to develop a more cooperative process for resolving these kinds of jurisdictional and ownership disputes.

Sincerely,



Rick Halford
Senate President



Brian Porter
Speaker of the House